

# City of Medina Wireless Communications Code



OGDEN  
MURPHY  
WALLACE  
ATTORNEYS

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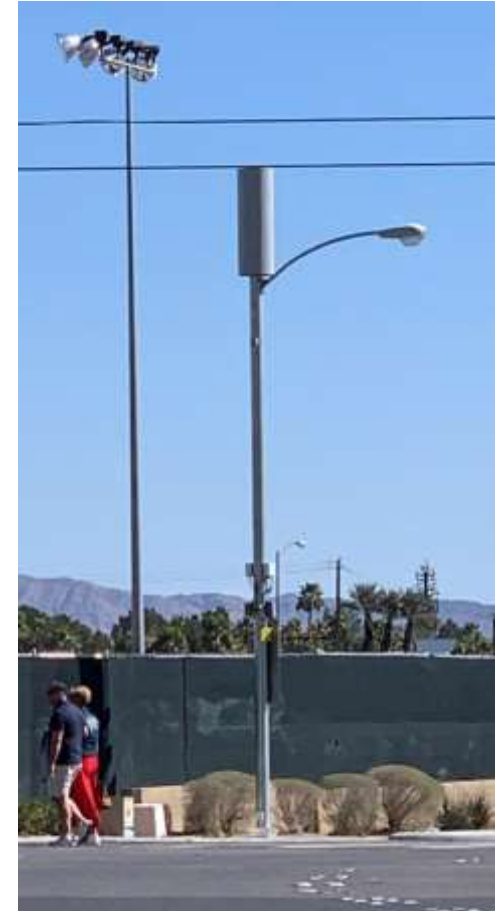
# Why are we here?

- Upcoming changes in technology
  - Small cells work for both 4G and 5G
  - Current build-out & designs are for 4G
  - 5G operates at a different frequency and will use the millimeter wave portion of the spectrum
    - May need to modify design criteria in the future due to changes in technology
    - Will need additional antennas
- FCC Order
  - Effective January 14, 2019



# Process Overview

- Use of OMW template code
  - Tailored for Medina
  - Discussions with City Staff and Council
  - Update MMC Titles 19 and 20
- Request input from Carriers
  - Crown Castle
  - Verizon
  - AT&T
- Council review and feedback
- SEPA & GMA Review
  - For MMC Title 20 Changes



# Council Feedback

Requested Change	Corresponding Code Change
1 Encourage 5G technology	MMC 20.38.070(A)(2)(a) and 20.38.070(B)(11)
2 Update notice and informational meeting requirements	19.14.030(F)
3 Create an initial build out plan requirement	MMC 19.14.020(J)
4 Develop a hierarchy of pole material, based on location	MMC 20.38.050
5 Reduce equipment enclosure size	MMC 20.38.070(A)(2)(a) and 20.38.070(B)(11)
6 Design Manual	Internal staff document
7 Discussion of Fee Schedule	Internal staff document

# Ordinance Process – Next Steps

Step	Status
1 Draft interim regulations	Complete
2 Adopt interim regulations	Complete
3 Meet with council to review interim regulations	In Process
4 Amend interim regulations	In Process
5 GMA review process	May-June 2019
6 Public hearing and adoption process	Due July 14, 2019

# Carrier Feedback

Concern	Addressed
1 Revise “network facility plan” requirement	Replaced with “initial buildout plan” 19.14.020(J)
2 Revise decision maker for new poles and poles in design zones	Replaced hearing examiner decision with Director decision
3 Revise collaborative review requirement	Updated to reflect an “as needed basis” rather than “once per week” 19.14.030(E)
4 Remove public notice and informational meeting requirement	Clarified the noticing and meeting requirements 19.14.030(F)
5 Remove annual testing of facilities requirement	Replaced with “annual inspection” and testing upon modification 19.14.070 and 19.14.050
6 Increase equipment enclosure size	Increased to Bellevue standards 20.38.070(A)(2)(a) and 20.38.070(B)(11)

# Proposed Amendments - MMC Title 19

Section	Title	Proposed Amendment
<b>MMC 19.02.020</b>	Definitions	Updated definitions to reflect new terms in FCC Order
<b>MMC 19.14.010</b>	Application Process	Updated the application process to clarify what permits are required and to encourage consolidated permits for review
<b>MMC 19.14.020</b>	Small Wireless Permit Application	Added additional application requirements including an initial build out plan.
<b>MMC 19.14.030</b>	Review Process	Revised the public notice and informational meeting requirement; made Director final decision-maker
<b>MMC 19.14.040</b>	Permit Requirements	Updated requirements to extend permit time limits and operational activity requirement
<b>MMC 19.14.070</b>	Testing of small wireless facility required	Moved this requirement from 20.38 to 19.14; revised to have an annual inspection and testing upon modifications
<b>MMC 19.14.080</b>	Appeals	Moved this section from 20.38 to 19.14; revised appeal process to go straight to superior court with no administrative hearing process
<b>MMC 19.14.090</b>	Removal of abandoned small wireless facilities	Developed new section for abandoned facilities

# Proposed Amendments – MMC 20.37

Section	Title	Proposed Amendment
<b>MMC 20.37.030</b>	Applicability	Add subsection (C) to refer readers to 19.02.020 MMC for additional definitions for terms utilized in the chapter and also clarified what facilities are excluded from the chapter
<b>MMC 20.37.070 and 20.37.080</b>	Site requirements for macro towers	Removed reference to “significant gap in coverage test” and replaced with “effective prohibition” test
<b>MMC 20.37.120(E) and (F)</b>	Nonadministrative special use permit required	Removed and replaced sections with new MMC 20.37.190
<b>MMC 20.37.130(C)</b>	Application submittal requirements	Removed reference to significant gap in coverage test
<b>MMC 20.37.140</b>	Requirement to demonstrate need for facility	Removed reference to significant gap in coverage test
<b>MMC 20.37.190</b>	Eligible Facilities Requests	Replaces old test for EFRs; moved from 20.38 because it generally pertains to macro facilities



# Proposed Amendments – MMC 20.38

Section	Title	Proposed Amendment
<b>MMC 20.38.010</b>	Purpose	Updated purpose section to reflect goals for the code
<b>MMC 20.38.020</b>	Definitions	Consolidated definitions in MMC 19.02
<b>MMC 20.38.040</b>	Applicability	Clarified what this code applies to and the types of permits required
<b>MMC 20.38.050</b>	Hierarchy for small wireless facility placement	Created a hierarchy for placement of small wireless facilities within the city
<b>MMC 20.38.070</b>	Design and Concealment standards	Created an option for standardize metal pole designs; developed a hierarchy of equipment placement based on equipment size; increased equipment enclosure size
<b>MMC 20.38.080(A)</b>	New Poles	Added language regarding “access easements” to address private lanes
<b>MMC 20.38.080(B)</b>	New Poles	Replaced hearing examiner decision with Director decision

15 cubic



# MMC 20.38.070(A) – Nonwooden Poles





# MMC 20.38.070(B) – Wooden Poles



# Fees

- Municipalities are now restricted to a reasonable approximate of objectively reasonable costs
  - Applicable to all fees paid to the municipality (ROW use fees, street closure fees, administrative costs, etc.)
  - Safe harbor thresholds (if you are under this amount the fee is presumptively safe)
    - \$500 for first five applications
    - \$100 for each additional application
    - \$1,000 for new pole
    - \$270 for recurring fees
- Could also do an actual accounting of costs



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# Verizon Sample

