



AB5889:

Wireless Code Amendment

June 15, 2021

Code Amendment Process



Recommended Code Amendment

- Ordinance No. 21C-12 amends MICC 19.06, 19.15 & 19.16
 - Repeals interim wireless communication and small cell regulations
 - Adopts permanent regulations that:
 - Update language and definitions to comply with latest federal regulations
 - Add provisions for ham radio antennas
 - Clarify requirements for undergrounding wires and equipment
 - Add clarity and more objective standards to for regulating noise, design and concealment of small wireless facilities



Noise, Design and Concealment

- Preference for hollow poles that conceal equipment and cabling
- Requires noiseless facilities when feasible
- Replacement poles must be ADA compliant, and sidewalks/paving must be restored
- Equipment must be color matched to pole/building
- Must utilize smallest feasible antennas and equipment



“Feasible”

- Defined term used throughout MICC Title 19.

Feasible: An action that is required to achieve project approval, such as a design requirement, development condition, mitigation, or preservation requirement, and that meets all of the following conditions:

1. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results.
2. The action provides a reasonable likelihood of achieving its intended purpose; and
3. The action does not physically preclude achieving the project’s primary intended legal use. In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action’s infeasibility, the reviewing agency may weigh the action’s relative public costs and public benefits, considered in the short- and long-term time frames.



Additional Revision Recommended

- Inadvertently omitted one of the PC's recommended revisions from the draft ordinance
- Recommend revising MICC 19.06.075(B)(6) as follows:

7. For facilities collocated with nonwireless uses, the use of the pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed, unless a permit is obtained pursuant to MICC 19.06.070, including new review under this section MICC 19.06.075.



Planning Commission Recommendation

- Planning Commission conducted a detailed review of the proposed code amendment
- PC made a unanimous recommendation that the City Council approve the code amendment



Apparent Error in Code

- 19.06.040 Wireless communications
 - A. *Town Center, Commercial/Office, Business and Planned Business Zones.*
 1. *Permitted Use.* Attached [wireless communications facilities](#) (WCFs) are permitted in the Town Center, commercial/office, business and planned business zones. WCFs with support structures are permitted in the commercial/office and planned business zone districts, and are not permitted in the Town Center district.



Apparent Error in Code – Staff Rec

- 19.06.040 Wireless communications
 - A. *Town Center, Commercial/Office, Business and Planned Business Zones.*
 1. *Permitted Use.* Attached [wireless communications facilities](#) (WCFs) are permitted in the Town Center, commercial/office, business and planned business zones. WCFs with support structures are permitted in the commercial/office, [business](#) and planned business zone districts, and are not permitted in the Town Center district.



Council Comments/Questions

- Response matrix to Mayor Wong's questions
- Other Questions?



Recommended Motion

- Move to direct staff to revise the draft code amendment as discussed and schedule second reading for July 6

