



Item 11 B: Small Wireless Facilities Ordinance

TOWN COUNCIL MEETING
MARCH 24, 2021

Current Town Regulations Relating to Small Wireless Facilities

- ▶ Small Cell Site Permit required pursuant to MMC 18.144.035.
- ▶ Application must meet development standards in MMC 18.144.035(A).
- ▶ Applicant must follow procedural standards in MMC 18.144.035(B).

Key Areas of Review for Potential Amendments

Developmental Standards

- Location Preferences- add, delete, modify existing standards;
- Aesthetic and Landscaping requirements- add, delete, modify existing standards;
- Noise- potentially add standards; and
- Radiofrequency monitoring and insurance requirements- potentially add standards.

Procedural Standards

- Public Notice-potentially add standards; and
- Use of technical consultants and licensed engineers in review process-potentially add standards.

Process for Review

- ▶ Undertake a comparison of other jurisdictions' regulations in identified areas of review;
- ▶ Determine potential revisions that could be made to MMC section 8.144.035 (A) and (B);
- ▶ Consider current applicable law; and
- ▶ Prepare draft ordinance making revisions to MMC section 8.144.035(A) and (B).

Timeline

- ▶ 60 days to finalize draft ordinance
- ▶ Meet with various stakeholders for input on specific issues
- ▶ Proposed ordinance presented to the Planning Commission in May/June 2021
- ▶ Proposed ordinance presented to the Council in June/July 2021

Budget

- ▶ \$7,000 to \$10,000 estimated legal costs to draft ordinance
- ▶ Additional estimate of \$10,000 for meeting attendance, reviewing and responding to community and Councilmember concerns and other work relating to ordinance
- ▶ Total projected legal costs to revise the Town's Small Cell Wireless Facilities ordinance is estimated at up to \$20,000

Suggestions for Further Discussion

Local Telecommunications expert could provide:

- ▶ Additional layer of advice on the proposed amendments;
- ▶ Independent technical expertise; and
- ▶ Insight into current regulatory environment.

Town Attorney's Office recommends Harriett A. Steiner of Best, Best and Krieger ("BB&K").

Recommended Actions:

- ▶ Discuss the Process to Amend the Town's Small Cell Wireless Facilities Regulations Within Section 8.144.035 of Chapter 8.144, "Wireless Communications Facilities, Satellite Dishes and Miscellaneous Antennas" and Provide Direction to Staff on the following:
 - ▶ Key Areas of Review/Process;
 - ▶ Timeline;
 - ▶ Retaining Harriett Steiner of BB&K.
- ▶ Move to Adopt Resolution Appropriating \$20,000 from General Fund Reserves for Legal Fees Associated with an Amendment to the Town's Small Cell Wireless Facilities Ordinance