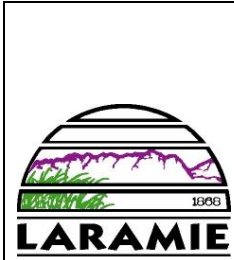


CITY OF LARAMIE COUNCIL REGULAR MEETING January 19, 2021



Agenda Item: Orig. Ordinance - 1st Reading

Title: Original Ordinance No. 2018 amending Title 15.14.130 Wireless Communication Towers of Laramie Municipal Code of the City of Laramie

Recommended Council MOTION:

Move to approve Original Ordinance No. 2018 as recommended by the Planning Commission, on first reading, in accordance with findings of fact and conclusions of law.

Administrative or Policy Goal:

Under Section 15.04.050.A the City Manager's Office shall have the authority to review and make recommendations to the appropriate decision making authority for Text Amendments. Under Section 15.06.060.A states the purpose of a text amendment is for the purpose not to relieve particular hardships nor to confer special privileges or rights on any person, but rather to make adjustments to the text of this code that are necessary in light of changed conditions, changes in the comprehensive plan, public policy, or that are necessary to advance the general welfare of the city. As well, under Section 15.02.050 states that this code should be regularly reviewed, evaluated and amended, if necessary, based on private and city economic conditions, vision for the community, changing planning and zoning principles, frequent difficulty in implementing or enforcing any specific standard(s), or changes in the state, federal or case law.

Background:

Small Cell facilities are an emerging technology in the wireless networking world. In the past, the industry relied on larger towers with an extended range. Now the industry is transitioning to a technology that allows for high transmission speeds but as a lower range and without the towers. Because of the reduced range, more wireless antennas (i.e. more equipment) are needed to provide the coverage and speeds desired. In addition, more antennas are needed to be able to provide service around buildings and other impediments that cannot be transmitted through. This technology is especially critical to the deployment of 5G technology, which is essential to economic and cellular service growth for the region and communities.

In order to ensure that these new technologies are properly cited and consider design and aesthetic impacts on communities regulations related to small cell facilities is being considered. In order to draft this technical code update, the City hired River Oaks Communications Corporation (Bob Duchen-VP) to provide an ordinance that could be tailored to Laramie's specific needs and existing code. River Oaks Communications has extensive knowledge in the area of small cell- wireless codes and has conducted similar work in surrounding communities such as Cheyenne, Cody, Pinedale and Casper, template ordinances for Nebraska and New Mexico cities and consulting work in 38 other states. River Oaks has also produced a draft model ordinance for WAM, which could be used by varying size communities to put in a basic level of regulatory control if desired.

The ordinance being considered with this text amendment amends the portions of the existing LMC 15.14.130 which deals with Wireless Communication Towers, as well as adds additional sections of code to the end of LMC 15.14.130 to specifically address Small Wireless Facilities. In the existing sections of LMC 15.14.130 a summary of the changes include (Ordinance Sections 1 – 18):

- Basic editorial items and clean-up.
- Terminology changes throughout the existing sections of code to be move current with commonly used terms.
- Removal of a reference to the “Electronic Industries Association” which no longer exists.
- A Change to the setback requirement for towers going from 75% to 100% to ensure that no tower falls on an adjacent property.

In addition to the changes to the existing sections of code, new sections are being added to the end of the existing LMC 15.14.130. A summary of the changes that will be found in sections 15.14.130.M – 15.14.130.EE include (Ordinance Section 19 – Attachment A):

- A purpose and definitions section is added related to Small Wireless Facilities.
- Standards related to access and installation within rights-of-way is provided. Additions include how they are allowed, responsibilities, maintenance requirements, permitting and collocations.
- When this section of code is applicable and what facilities are exempt from the provisions of this section of code. Key exemptions include, tv dishes, ham radio, emergency installations due to a state of emergency, local internet providers and their equipment and fixed wireless broadband services.
- Where the facilities are allowed (all zoning districts).
- Noise study requirements if in or within 200 feet of a residential zoning district.
- Design requirements related to aspects such as color, lighting, landscaping, site development standards, stealth designs and screening standards.
- Public notice requirements if new or replacement poles are installed, or if a Variance or appeals request is made.
- Prohibition of signs on the poles or installations.
- Visual impact considerations for residential and downtown zoning districts.
- Standards for building mounted facilities.
- Height requirements for mounted arrays on existing structures. (15 feet above the structure; if more is needed a Conditional Use Permit is required that includes more standards for review.)
- Requirements for associated equipment needed in association with the antenna or array.
- Safety requirements such as traffic control, required locates, street closure permits and right-of-way obstruction permits.
- Additional Variance standards when a Variance is requested.
- Ability for the City to have an independent technical review if needed, especially in the event a Conditional Use Permit is requested.
- Inspection standards.

To be clear, the proposed ordinance does not prohibit the installation of these facilities, nor is that the desire of the ordinance. The ordinance will protect the community from visual clutter and help aid it in the review of applications, and the covering of costs related to permit requests that will be received. The technology associated with small wireless facilities is essential infrastructure and will be needed for future economic growth within the community.

Finally, River Oaks Communications as part of their contract has developed a Master License Agreement to be used between wireless companies and the City of Laramie, a tolling agreement that allows for time extensions to the FCC “shot clocks” and a “shot clock” document that can be used by staff as a guide for properly following federal timing requirements.

Planning Commission:

Planning Commission postponed action on TA-19-02 at their September 28, 2020 meeting. The Planning Commission postponed action so more information could be provided related to the National League of Cities Model Code (attached) and to have further discussion with local business owners (attached November 23, 2020 memo explains these items).

Planning Commission recommended approval of TA-19-02 at the November 23, 2020 meeting with a vote of Aye: 5. Nay: 1. Abstained: 1.

The Planning Commission Staff report is attached, which also includes the above mentioned memo provided at the November 23, 2020 meeting. The Planning Commission staff report has not been modified however the draft code presented to Planning Commission has been removed to eliminate confusion due to changes recommended by the Planning Commission and the attached proposed draft. The Ordinance attached is the recommended draft of Planning Commission and Staff.

Both these meetings can be listened to or watched at the following link [here](#).

Recommended Amendment:

Following consideration by the Planning Commission at their November 23, 2020 meeting, AT&T requested a meeting with Staff and the consultant related to one section within the draft code. Within section 15.14.130.P.1.d.(i) and (ii), AT&T pointed out that this section may cause additional and unnecessary processes related to locating on existing or other franchisee poles within the ROW. In conversations, with AT&T and River Oaks, we believe these two sections are not needed and we are properly protected under the franchise agreements in place with these owners. Based on this discussion staff recommends that Council consider the following amendment:

Move to amend Section 15.14.130.P.1.d by deleting the words "...and may be installed:" and section (i) and (ii).

This motion will remove any conflicting language and should not have affect on administration of Master License Agreements or other aspects of this code.

Legal/Statutory Authority:

- Laramie Municipal Code: Title 15 (Unified Development Code)
 - Wyoming State Statutes Title 15 Cities and Towns, Article 5 Planning
 - Wyoming State Statutes Title 15 Cities and Towns, Article 6 Zoning
 - Laramie Comprehensive Plan
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Budget/Fiscal Information:

\$7,825 Regulation (Original Agreement)

\$3,620 License agreement (Original Agreement)

\$1,055 Travel if needed (Original Agreement)

\$4000 (Amendment Amount)

EXPENSE

Proposed Project Cost.

Project Budget	Amount	Funds
Project Cost	\$16,500.00	River Oaks Communications Corporation Agreement
Loans on Project		
Grants for Project		
Other/Outside Projects		
City's Amount	\$16,500.00	
Contingency 0%	\$0.00	
Total Amount	\$16,500.00	

Responsible Staff:

Todd Feezer, Assistant City Manager,
721-5304

Derek Teini, Planning Manager,
721-5245

Future dates are subject to change

Advertised	
Public Hearing (PH) Held	February 2, 2021
PH Advertised	January 16, 2021
Introduction/1 st Reading	January 19, 2021
2 nd Reading	February 2, 2021
3 rd Reading	February 16, 2021

Attachments:

- Proposed Ordinance No. 2018 & Attachment A
- Planning Commission Staff Report (September 28, 2020)
- Planning Commission Memo (November 23, 2020)
- National League of Cities Model Code
- National League of Cities Model Code Comparison Draft
- AT&T Comment Letter
- Visionary Comment Letter
- Glass Comments