

# Planning Commission – Study Session

January 27, 2022 at 6 PM

Zoom

## Wireless Communication Facilities

Stacy Clauson  
Community Planner II



City of Blaine Community Development Services

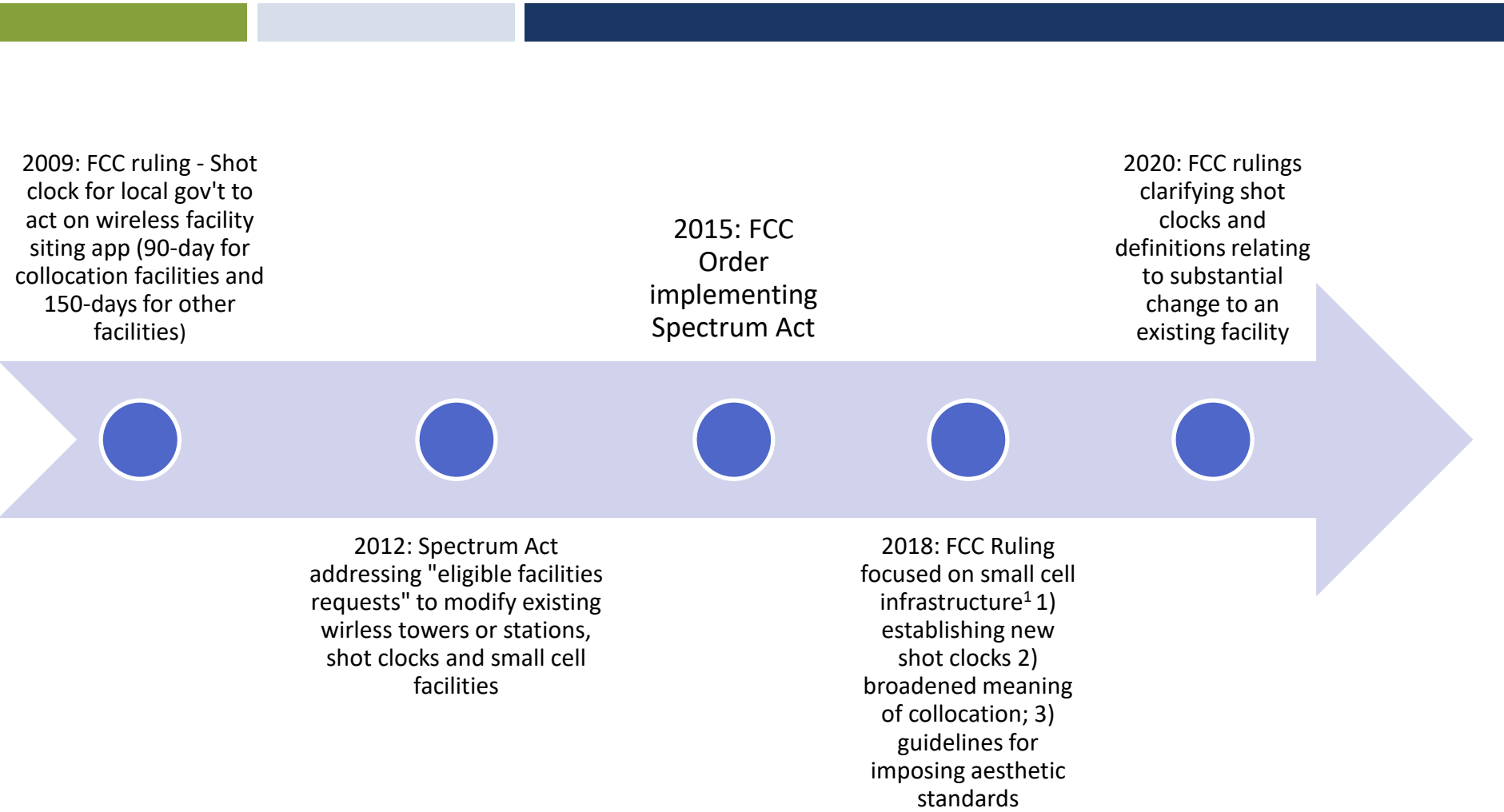
# Text Amendments

Item	Applicant	Proposal	Notes	Schedule
Work Program approved by City Council pursuant to Resolutions 1843-21				
5	City	Amend Title 17 to identify the Hearing Examiner as the appropriate review authority for quasi-judicial land use decisions.	Required to comply with RCW 35A.63.110 (Code cities).	2021 Q2 – 2021 Q3
6	City	Update Sign Code contained in Chapter 17.122 BMC.	Required to respond to the Supreme Court judicial review findings	2021 Q3 – 2021 Q4
7	City	Amend Wireless Facility Regulations contained in BMC 17.106.030.		2021 Q3 – 2021 Q4
8	City	Amend Binding Site Plan provisions contained in Chapter 17.64 BMC	Required to bring the current provisions into consistency with RCW 58.17.035.	2021 Q4 – 2022 Q1

# Regulatory Framework – Federal Law

- Telecommunications Act of 1996
  - 47 U.S.C. Section 332(c)(7)
    - Regulations (1) "shall not unreasonably discriminate among providers" and (2) "shall not prohibit or have the effect of prohibiting the provision of personal wireless services."
  - 47 U.S.C. Section 253(a)
    - No local government regulation "may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service."
- Middle Class Tax Relief Act (Section 6409(a) of the Spectrum Act)(47 U.S.C. Section 1455(a))
  - Preempts local discretion over certain collocations and modifications to existing wireless sites
- FCC Regulations
  - Interprets federal statutes; carries the force of law

# Timeline of changes in federal law



# FCC Order - Objectives



- Facilitate/streamline review of applications to deploy wireless telecommunications equipment on existing infrastructure.
- Facilitate/streamline implementation of small cell deployment
- Ensure timely decisions on WCF applications
- Limits state and local regulation of small wireless infrastructure and associated fees for use of the rights of way

# What is Needed?

Type	Description
Definitions and Standards	<p>New sections needed to respond to concepts established in the FCC orders, including:</p> <ul style="list-style-type: none"> <li>• Small wireless facilities (as opposed to traditional macrofacility infrastructure);</li> <li>• Collocation, and</li> <li>• Eligible facility modifications.</li> </ul>
Review Processes and Timelines	New sections needed to respond to shot clock requirements.
Submittal Requirements	More detailed application submittal requirements to aid in meeting shot clocks.
Aesthetic Standards	Review of existing aesthetic guidelines to ensure that the provisions are technically feasible and reasonably directed at remedying aesthetic harms.

Limited discretion: must comply with federal standards

More discretion, but cannot have effect of prohibiting

# New Terms

## **Small Wireless:** [47 CFR § 1.6002](#)

- Small Wireless Facility
- Collocation (includes attachment antennas/equipment to existing poles, structures, and infrastructure in the public right-of-way, whether it currently holds such equipment or not)

## **Eligible Facilities Modification:** [47 CFR § 1.6100](#)

- Substantial change
- Collocation (narrower focus - modifications to existing wireless sites)

## **Review Timelines:** [47 CFR § 1.6003](#)

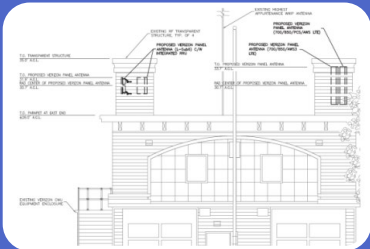
- Shot clocks
  - Tolling
  - Batching

# Eligible Facilities Modification



## Eligible Facility Modification

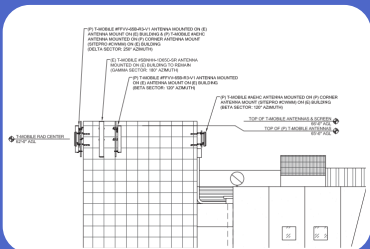
- Modification of existing tower or base station that does not substantially change physical dimensions:
- Collocation of new equipment;
- Removal of equipment; or
- Replacement of equipment.



## Support structure must be existing

### Eligible Support Structure:

- Rooftop
- Towers
- Other structures supporting existing wireless facilities



Must be reviewed within 60 days of applicant seeking approval under the provisions

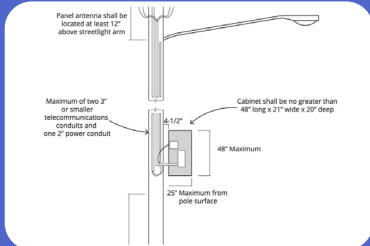


# Eligible Facilities Modification

## What qualifies as “Substantial Change”?

Substantial Change Criteria	Towers Outside of ROW	Other Support Structures & ROW
Height	20 feet or 10 percent	10 feet or 10 percent
Width	20 feet or tower width	6 feet
Equipment Cabinets	4 maximum	None if no ground cabinets; otherwise same, plus volumetric limits (10 percent)
Excavation	Within the leased or owned area, or within 30 feet	Same, but further restricted to proximity to other ground equipment
Concealment	Cannot “defeat” the concealment elements	
Compliance with Prior Permit Conditions	Must comply with prior conditions except where only non-compliance meets FCC thresholds on height, width, cabinets or excavation	

# Small Wireless Facilities



Must meet dimensional standards



Pertains to both private property and public right-of-way  
Public Works Department administers right-of-way permits/franchises



Must be reviewed within 60 days if collocated on existing structure, 90 days if new structure

# Small Wireless Facilities

## What qualifies?

Criteria	Standard
Height	<ol style="list-style-type: none"><li>1) Mounted on structure 50' or less (including antennas),</li><li>2) No more than 10% taller than adjacent structures; or</li><li>3) Do not extend height of structure to a height of more than 50 feet or by more than 10%, whichever is greater</li></ol>
Antenna Size	3 cubic feet (each)
Equipment Cabinets	28 cubic feet maximum (total)

# Shot clocks

Facility Type	Shot Clock Period
Eligible Facilities Modification	60 days
Collocate a Small Wireless Facility using an existing structure	60 days
Collocate a facility other than a Small Wireless Facility using an existing structure	90 days
Deploy a Small Wireless Facility using a new structure	90 days
Deploy a facility other than a Small Wireless Facility using a new structure	150 days

Section	Description
<b>BMC 17.107.010 - Purpose</b>	Amend the purpose statement as needed to address the additional federal legislation that addresses regulation of wireless communication facilities.
<b>BMC 17.107.020 - Definitions</b>	Add a definitions section.
<b>BMC 17.107.030 - Applicability</b>	Add a new Applicability section that outlines permit(s) required for different installation types, including proposed installations within the right-of-way and outside of the right-of-way. This section also addresses non-conforming structures.
<b>BMC 17.107.040 - Exemptions</b>	Add a new Exemptions section addressing proposed development exempt from obtaining a permit under this section.
<b>BMC 17.107.050 - Review and approval process</b>	Add a new section for review and approval processes. This new section must respond to the “shot clocks” that have been established under FCC declarations.
<b>BMC 17.107.060 - Submittal requirements.</b>	Add a new section outlining submittal requirements.
<b>BMC 17.107.070 - Macrofacility Regulations</b>	Section devoted to macrofacilities. These are the large wireless communication facilities that the City’s current codes have primarily addressed, and therefore this section contains much of the carryover language from the existing BMC <a href="#">17.106.030</a>
<b>BMC 17.107.080 - Eligible Facility Modification Regulations</b>	Add a new section addressing eligible facility modifications.
<b>BMC 17.107.090 - Small Wireless Facilities Regulations</b>	Add a new section addressing small cell facilities.
<b>BMC 17.107.100 - Equipment facilities</b>	Carry forward existing provisions on equipment structures, with changes, as needed to comply with FCC orders.
<b>BMC 17.107.110 - Additional Requirements Applying to All Wireless Telecommunication Facilities</b>	Carry forward existing provision, except provisions that have been moved to a new section or eliminated due to inconsistency with FCC orders (e.g., provisions about placement on utility poles).
<b>BMC 17.107.120 - Lapse of Approval</b>	New section addressing lapse of approval
<b>BMC 17.107.130 - Appeals.</b>	New section addressing appeals

# Schedule (estimated)

ACTIVITY	JANUARY	FEBRUARY	MARCH	APRIL
Planning Commission Study Session (S)	1/27/2022 (S)			
Commerce Review		02/03/2022 to 04/04/2022		
SEPA Issuance and Appeal Period		02/03/2022 to 02/17/2022		
Publish Notice of Availability and Planning Commission Public Hearing		Send to newspaper on 02/24/2022 publish on 02/28/2022		
Transmit Staff Report and Attachments to the Planning Commission			03/03/2022	
Planning Commission Public Hearing (PH)			03/10/2022 (PH)	
Planning Commission Deliberation			03/24/2022	
Transmit RFCA; Draft ORD; and Amendments to the City Council				04/08/2022
City Council Deliberations and Potential Adoption of Amendments				04/11/2022 (S)
Send Notice of Adoption to Commerce				04/21/2022

# City of Blaine Planning Commission

City website:

[www.ci.blaine.wa.us](http://www.ci.blaine.wa.us)

**For Additional Information:**

**Call Stacy Clauson at 360-332-8311**

**Email to [sclauson@cityofblaine.com](mailto:sclauson@cityofblaine.com)**

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