



MEMO TO: Members of the City Council

FROM: Mayor John Marchione

DATE: April 16, 2019

SUBJECT: Adoption of an Ordinance Amending the Redmond Zoning Code per the Federal Communications Commission Order

I. RECOMMENDED ACTION

Adopt amendments to the Redmond Zoning Code (RZC) for consistency with Federal Communications Commission (FCC) Order preempting local authority to regulate small cell deployment.

II. DEPARTMENT CONTACTS

Erika Vandenbrande, Director, Planning and Community Development	425-556-2457
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III. DESCRIPTION/BACKGROUND

Amendments to the Redmond Zoning Code (RZC), currently before Council for final approval, respond to the 2018 FCC Order that became effective in January 2019. These amendments build on updates to the RZC that were previously adopted by Council in 2018 in response to the Spectrum Act of 2014.

Proposed 2019 Small Cell Amendments to the RZC

The 2018 FCC Order requires changes to both the Redmond Municipal Code Chapter 12.14 and the RZC. Both regulatory documents have different amendment procedures that have been in process simultaneously with internal coordination since January 2019. The RZC amendments, presented here, represent one half of the revisions necessary to bring the City into Federal compliance. Amendments needed to the Redmond Municipal Code (RMC) do not require Planning Commission review or recommendation. These amendments address agreements, user fees, and rent collected for leasing of City poles for small cell facilities and are being presented to Council as a separate topic at the April 16 Regular Business meeting.

The RZC amendments, as recommended by the City’s legal counsel and Planning Commission, are presented in Attachment A to this memo and listed under “Final Reports” on the Planning Commission’s web page.

The RZC amendments have been confirmed for consistency with:

- Other portions of the RZC, and with Comprehensive Plan policies including:
 - Promoting a wide range of telecommunication options (UT-83);
 - Addressing the siting, distribution, and visual impact of telecommunications requirements (UT-87); and
 - Promoting access to advanced and affordable communications technology (UT-88).
- FCC regulations 47 CFR Part 1 including Section C. Other State and Local Requirements that Govern Small Facilities Deployment addresses aesthetics, ensuring the following:
 - Amendments are reasonable and no more burdensome than those in place for similar types of deployments; and
 - Amendments prevent setting forth actions, processes, codes, fees, or an effective prohibition that materially inhibits small wireless facility deployment.

The RZC amendments build on previously approved updates to the RZC.

- The previous amendments responded to the October 14, 2014, Spectrum Act 6409(a), United States Code 47 U.S.C §1455(a) including permit review timeframes (shot clocks), regulations for temporary wireless communications facilities and new technologies, and collocation of wireless facilities. The City Council approved Ordinance No. 2919 in April 2018, amending the RZC to create permanent regulations governing Wireless Communication Facilities. Current amendments preserve the wireless deployment updates that were adopted last year and do not affect the shot clock timeframes established in 2018 in response to prior FCC rules.

IV. PREVIOUS DISCUSSIONS HELD

Milestones	Schedule (2019)
Planning Commission – review, public hearing, and recommendation	February 20, 27, and March 13
City Council’s Planning and Public Works Committee of the Whole	March 12
City Council – Staff report	April 2
City Council – Council action current	April 16

V. IMPACT

A. Service/Delivery:

The amendments to the Redmond Zoning Code respond to the FCC's Order that went into effect in January 2019 and propose minor changes to ensure consistency with the ruling related to deployment of small cell technologies.

B. Fiscal Note:

Amendments to the RZC are not expected to create new fiscal impacts. Amended code sections will be administered with current staff resources in the Planning Department consistent with adopted cost recovery goals.

VI. ALTERNATIVES TO STAFF RECOMMENDATION

The City Council may choose to:

A. Adopt the amendments.

Staff is recommending adoption of the amendments as proposed which will allow wireless providers to continue uninterrupted implementation of 4G and 5G investment in Redmond. This will benefit not only current but future residents and businesses throughout the community.

B. Adopt the amendments with modifications.

Amendments required by the FCC Order were required to be in place by April 15, 2019. Requesting modifications at this time would have the same effect as would delaying adoption.

C. Delay adoption.

Staff have been collaborating with wireless providers and legal counsel to craft amendments that respond to the FCC Order in a way that appropriately balances ease of deployment consistent with the FCC preemption and the City vision to maintain the character of neighborhoods and protect City infrastructure. Providers are anticipating adoption of the RZC amendments on April 16, and delays could slow anticipated deployment and associated access to state of the art technologies desired by residents and businesses. A delay would prevent the City of Redmond from complying with the FCC Order consistent with federal timelines for adoption of new local regulations.

D. Not adopt the amendments.

This option would be inconsistent with the Redmond Comprehensive plan, would put the City of Redmond out of Federal compliance, negatively impact wireless coordination with Redmond staff for 4G & 5G implementation, and negatively impact all residents and businesses within Redmond.

VII. TIME CONSTRAINTS

The City's legal counsel advises that amendments and procedures be completed before April 15, 2019, or as soon thereafter as is reasonably possible, to be in compliance with the FCC Order.

VIII. LIST OF ATTACHMENTS

Attachment A: Ordinance

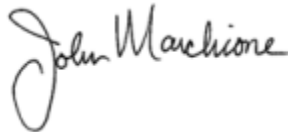
Attachment B: Ordinance Language

Attachment C: Planning Commission's March 13, 2019 Report and Exhibits

Attachment D: Council Issue Matrix



Erika Vandenbrande, Director of Planning and Community Development



Approved for Agenda _____

John Marchione, Mayor