



**MEMO TO:** Planning and Public Works Committee of the Whole

**FROM:** Scott Reynolds, Planner

**DATE:** March 12, 2019

**SUBJECT:** Amendments to Redmond Zoning Code per FCC ruling

**I. PURPOSE** ☐ For Info Only ☐ Potential Agenda Item ☒ Scheduled for Council Action

**II. RECOMMENDATION**

Advance the Planning Commission's recommendation to amend the Redmond Zoning Code (RZC) for consistency with Federal Communications Commission (FCC) Order preempting local authority to regulate small cell deployment.

**III. DEPARTMENT CONTACTS**

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**IV. DESCRIPTION/BACKGROUND**

On March 20, Staff anticipates that the Planning Commission will complete its recommendation for amendments to the Redmond Zoning Code (RZC) Wireless Communications Facilities regulations. The amendments respond to the FCC Order preempting local authority to regulate small cell deployment, and include permit review timelines ("shot clocks"), minor aesthetic standards, and clarification of definitions.

City Council approved Ord. 2919 in April 2018, amending the RZC to create permanent regulations governing Wireless Communication Facilities. A new 2018 FCC's Order went into effect in January 2019 and contains regulations governing deployment of Fourth Generation (4G) and Fifth Generation (5G) mobile communication system infrastructure that require local governments to comply with new federal standards.

The FCC Order requires changes within both the Redmond Municipal Code Chapter 12.14 and the Redmond Zoning Code. Both regulation documents have different amendment procedures that have been in process simultaneously with internal coordination since January 2019. The Redmond Zoning Code, presented here, is one half of the revisions to bring the City into Federal compliance. Amendments needed to the

Redmond Municipal Code do not require Planning Commission review or recommendation and at this time are scheduled for Council consideration in April.

#### **A. Analysis**

The amendments, as recommended by the City's legal counsel, are currently being reviewed by the Planning Commission and 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
  - Prevent setting forth actions, processes, codes, fees, or an effective prohibition that materially inhibits small wireless facility deployment.
- For consistency with the FCC's ruling, staff proposes the following schedule:

<b>Milestones</b>	<b>Schedule</b>
Community Engagement – notice of public hearing, outreach to parties of record, and notice of City Council's intent to take action ( <i>RZC 21.76.080 Notices</i> )	<i>On Going</i>
Technical Committee -- review and recommendation	February 14
Planning Commission – review, public hearing, and recommendation	February 20, 27, March 13 & 20
P2W Committee of the Whole	March 12
City Council – Introduction	April 2
City Council – Study	April 9
City Council –Decision	May 7

#### **V. TIME CONSTRAINTS**

- The City's legal counsel advises that amendments and procedures be completed before April 15, 2019 to be in compliance with the FCC Order.

#### **VI. LIST OF ATTACHMENTS**

- a. FCC Fact Sheet – Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment: Declaratory Ruling and Third Report and Order; WT Docket No. 17-79; WC Docket No. 17-84 (*published September 5, 2018*)
- b. Presentation slides