

CITY OF POCATELLO
STUDY SESSION AGENDA

May 12, 2016 · 9:00 AM
Council Chambers | 911 N 7th Avenue

1. ROLL CALL

2. JAPANESE SISTER CITIES SUBCOMMITTEE UPDATE

Representatives from the Japanese Sister Cities Subcommittee will discuss the Subcommittee's goals and projects, as well as Council's policies and expectations.

3. NOP PARK/WATKINS SOFTBALL COMPLEX—30TH ANNIVERSARY CELEBRATION PROJECTS

Parks and Recreation staff will be present to review a proposal received from local resident Lucas Berg, requesting permission to implement three projects at the NOP Park – Watkins Softball Complex in recognition and celebration of the rich history associated with the facility, and in conjunction with a scheduled 30th Anniversary Celebration Tournament on June 25, 2016.

(Pertinent information attached.)

Documents: [AGENDA-ITEM3.PDF](#)

4. WIRELESS COMMUNICATION FACILITY ORDINANCE AMENDMENT

Planning and Development Services staff will be present to provide a synopsis concerning amendments to Municipal Code Section 15.42, Wireless Telecommunication Towers and Facilities. Many of which are based upon federal legislation better known as the Spectrum Act.

(Pertinent information attached.)

Documents: [AGENDA-ITEM4.PDF](#)

5. POWER COUNTY HIGHWAY DISTRICT APPORTIONMENT CORRECTION FOR FISCAL YEAR 2015 AND PARTIAL FISCAL YEAR 2016

Sharee Sprague, Power County Clerk (mailing address: 543 Bannock Avenue, American Falls, ID 83211) will present information to the Council regarding the Power County Highway District apportionment correction for Fiscal Year 2015 and partial Fiscal Year 2016.

AGENDA

ITEM

NO. 3



Date: May 12, 2016

TO: Mayor Blad and Council Members

From: John Banks, Parks & Recreation Director

**RE: NOP Park/Watkins Softball Complex –
30th Anniversary Celebration Requests**

Parks & Recreation Department Staff has received a request from Lucas Berg to host a 30th Anniversary Celebration and Tournament Event at the NOP Park Watkins Softball Complex on Saturday, June 25th, 2016.

In conjunction with the 30th Anniversary Celebration and Tournament Events, Mr. Berg would also like to request permission to implement the following three projects at the facility, in recognition and celebration of the history associated with the NOP Park Watkins Softball Complex:

- 1) Fabricate and install a "Tribute to the Park" graphic, to be mounted on the south wall of the current Blue field scorekeeper/restroom building. The piece would be approx. 5 ft. wide by 6 ft. tall, and professionally produced by SignUp Signs & Graphics in Pocatello. The image on the graphic would be an aerial view of the park in grey scale, which would be touched up to look like 1986, with the story of how the park came to be written over the top of the picture. The top of the sign would include the original "rainbow logo" that still exists on the boxcar in parking lot, and shaped to fit the rainbow.
- 2) Fabricate and install an 18" baseball shaped sign on the left-center field fence of the current Red field. The first ever home run in the NOP Park Watkins Softball Complex was hit on the Red field by Mr. Gary Berg during the PSSA facility opening tournament in April, 1986. The sign would commemorate this historic event by being placed in the exact location where the first home run ball cleared the fence, and would also include a brief description of why it is placed there.
- 3) Dedicate the current Blue field to Mr. Charlie Perkins. Mr. Perkins was one of the original founding members of the Pocatello Slowpitch Softball Association (P.S.S.A.). We would like to fabricate and install a 12"x 24" metal sign on the 3rd base side of the backstop, near the scorekeeper booth/bathroom building. Mr. Perkins has passed away, however, his daughter Brandi Zahn is very active participant in the current softball community, and is very touched and pleased at the possibility of keeping her father's memory alive at Watkins Park as a founding member of PSSA. The Blue field

was also the location of the last game that Mr. Perkins played prior to his passing a few years ago. If permission is granted by Council, field sign would read:

CHARLES EDWIN PERKINS VI MEMORIAL FIELD
FOUNDING MEMBER OF POCA TELLO SLOWPITCH SOFTBALL ASSOCIATION

All 3 of the projects requested, as well as maintenance of the improvements, would be paid for with private funding, and at no cost to the City.

Staff is supportive of the requests, and feels that the projects would help to recognize and celebrate the rich history associated with the NOP Park Watkins Softball Complex for the community.

AGENDA

ITEM

NO. 4

EXECUTIVE SUMMARY SYNOPSIS**Significant additions/changes to proposed WCF Ordinance**

The City's ordinance divides WCF permits into three (3) categories: Type 1, Type 2, and Type 3.

Type 1 WCF permit/application would apply only to collocations that meet the definition of "Eligible Facilities" under the Spectrum Act and would provide a streamlined review by City staff.

Type 2 WCF permit/application would apply to collocations that do not fit within the Spectrum Act. These types of WCF projects would typically involve towers on private property where the height of the tower is proposed to increase by more than ten percent (10%), towers in public Right-Of-Ways proposed to be increased by 10-feet or more or projects that will be adding more than 4 cabinets. Staff also proposes that roof mounted antenna & support system for Omni-directional antenna's not exceeding 10-feet above the highest portion of the roof be processed as a Type 2 permit. Placement of Distributed Antenna Systems (DAS) and Small Cells would be a Type 2 permit and may be approved administratively in any zoning district.

The Type 3 permit/application shall be required for siting of any new WCF that is not a collocation subject to Type 1 or 2. The ordinance grants the City the most discretion over applications for new towers or roof mounted exceeding 10-feet in height. Staff is proposing to eliminate the WCF Special Permit to simply require application of a Conditional Use Permit. The reason for this is that once a facility is permitted in gains "Eligible Facility" status and will be permitted to increase by right under the Spectrum Act. A public hearing would be held before the Planning & Zoning Commission whom would render a decision with appeal being made to the City Council. Section 15.42.050 provides an easy-to-follow process outlining; (i) the type of wireless facility; (ii) timeline for City review; and (iii) type of permit required.

A major amendment being proposed from the current ordinance can be found under Section 15.42.090 Zoning Districts & Land Use. The change moves from priority order as outlined in the existing ordinance to Uses Permitted = P; Conditional Use Permit = C; Restricted = R; and Not Permitted = N.

The proposed ordinance also codifies numerous definitions, processing time for the three (3) different permit Types, encourages collocation of antennas, DAS and Small Cells where/when possible.

EXECUTIVE SUMMARY

To: The Honorable Mayor Blad and Pocatello City Council

From: Matthew G. Lewis, Planning Division Manager

Date: Council study session held on May 12, 2016

RE: Code Section 15.42 Wireless Communication Facilities (WCF) Amendments

RECOMMENDATION

Staff recommends that the City Council adopt a modified Ordinance replacing Chapter 15.42 (Wireless Telecommunications Towers and Facilities), of the Pocatello Municipal Code with the enactment of a new Chapter 15.42 pertaining to the siting and permitting of Wireless Communication Facilities (attached). The proposed additions are underlined with existing text crossed (~~crossed~~) out.

BACKGROUND

Wireless Communication Facilities (WCF), are regulated by federal, state and local laws. Federal law significantly limits the City's ability to regulate WCFs. Under federal law, a local agency's decisions cannot prohibit the provision of wireless service or unreasonably discriminate among wireless service providers. Additionally, based on the Telecommunications Act of 1996, the City may not regulate the placement, construction or modification of wireless communication facilities on the basis of the environmental effects of Radio Frequency (RF) emissions, so long as facilities comply with the Federal Communication Commissions (FCC) regulations concerning such emissions.

The Spectrum Act

The latest law governing WCF's was adopted in 2012 as part of the 2012 Middle Class Tax Act. Said federal legislation contained Section 6409, better known as the Spectrum Act, and codified at 47 U.S.C 1455. The Spectrum Act was intended to facilitate the telecommunication industry's rapid deployment of wireless infrastructure by requiring local governments to approve any application that seeks to modify an existing wireless telecommunication facility that does not substantially alter the existing facility.

The Spectrum Act states that a local government cannot deny and shall approve an Eligible Facility Request, but provides no guidance as to the required process or time limits in which a local government has to act. As a result, the FCC recently promulgated rules which include necessary definitions, processing requirements, timelines and remedies for applications that seek to modify an existing WCF in accordance with the Spectrum Act.

As noted above, Section 6409 provides that the City, *“may not deny, and shall approve any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.”*

(47 U.S.C. 1455(a)(1).) Section 6409 defines **“Eligible Facilities Request”** as *“any request for modification of an existing wireless tower or base station that involves;*

- (a) collocation of new transmission equipment;
- (b) removal of transmission equipment; or
- (c) replacement of transmission equipment.”

(47 U.S.C. 1455(a)(2).)The statute does not define any other terms, most importantly **“substantially change”** nor does it explain the process the City may use to evaluate whether an application qualifies for federal protection under this section.

On December 17, 2014, the FCC adopted regulations implementing Section 6409, codified at 47 C.F.R 1.40001, taking effect on April 9, 2015. In summary, the rules define terms that are not defined in the Spectrum Act, including “eligible support structure”, “existing”, substantially change” and “wireless tower”. It is the intent of these definitions to provide clarity as to which types of projects are covered by the Spectrum Act. The rules also state that an applicant has the right to assert in writing that a project is covered by the Spectrum Act.

If the project falls within the definition of an “Eligible Facilities Request”, the City must act on it within 60 days from the date of application is submitted, unless the City determines the request is not covered by the Spectrum Act. The 60 day time frame may be tolled by the City for incomplete applications, within 30 days of submittal (see proposed Section 15.42.060). The timeframe begins again when the applicant re-submits material and the City then has 10 days to respond. Failure of the City to act within the allowed timeframe results in the automatic approval of the pending application.

To comply with the Spectrum Act and the FCC rules, Planning & Development Services Staff has prepared an updated ordinance. Most of the current ordinance has been eliminated. The proposal establishes a straightforward permitting process for WCF modification requests covered under the Spectrum Act. Said ordinance also codifies other processing time rules (referred to as “Shot Clock”) and provides clarification when needed.

PROPOSED ORDINANCE CHAPTER 15.42

The City’s ordinance divides WCF permits into three (3) categories: Type 1, Type 2, and Type 3.

Type 1 WCF permit/application would apply only to collocations that meet the definition of “Eligible Facilities” under the Spectrum Act and would provide a streamlined review by City staff.

Type 2 WCF permit/application would apply to collocations that do not fit within the Spectrum Act. These types of WCF projects would typically involve towers on private property where the height of the tower is proposed to increase by more than ten percent (10%), towers in public Right-Of-Ways proposed to be increased by 10-feet or more or projects that will be adding more than 4 cabinets. Staff also proposes that roof mounted antenna & support system for Omni-directional antenna's not exceeding 10-feet above the highest portion of the roof be processed as a Type 2 permit. Placement of Distributed Antenna Systems (DAS) and Small Cells would be a Type 2 permit and may be approved administratively in any zoning district.

The Type 3 permit/application shall be required for siting of any new WCF that is not a collocation subject to Type 1 or 2. The ordinance grants the City the most discretion over applications for new towers or roof mounted exceeding 10-feet in height. Staff is proposing to eliminate the WCF Special Permit to simply require application of a Conditional Use Permit. The reason for this is that once a facility is permitted in gains "Eligible Facility" status and will be permitted to increase by right under the Spectrum Act. A public hearing would be held before the Planning & Zoning Commission whom would render a decision with appeal being made to the City Council. Section 15.42.050 provides an easy-to-follow process outlining; **(i)** the type of wireless facility; **(ii)** timeline for City review; and **(iii)** type of permit required.

A major amendment being proposed from the current ordinance can be found under Section 15.42.090 Zoning Districts & Land Use. The change moves from priority order as outlined in the existing ordinance to Uses Permitted = P; Conditional Use Permit = C; Restricted = R; and Not Permitted = N.

The proposed ordinance also codifies numerous definitions, processing time for the three (3) different permit Types, encourages collocation of antennas, DAS and Small Cells where/when possible.

Staff has provided photos of the different types of technology.

Attachments:

Draft Ordinance with additions and existing text crossed out

Draft Ordinance

Photos

Chapter 15.42 WIRELESS COMMUNICATION FACILITIES

15.42.010 FINDINGS

15.42.020 PURPOSES

15.42.030 DEFINITIONS

APPLICANT: Any person who applies for a ~~tower development~~ Wireless Communication Facility permit.

APPLICATION: The process by which the owner of a parcel of land within the city submits a request to develop, construct, build, modify, or erect a tower upon such parcel of land. Application includes all written documentation, verbal statements, and representations, in whatever form or forum, made by an applicant to the city concerning such a request.

Base Station: means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this chapter or any equipment associated with a tower.

1. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
2. The term includes, but is not limited to, radio receivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small-cell networks).
3. The term includes any structure other than a tower that, at the time the relevant application is filed with the City under this section, supports or houses equipment described under (1)-(2) above that been reviewed and approved by the City.

BUILDING: Any permanent structure built for the shelter or enclosure of person, animals, chattels or property of any kind, which is permanently affixed to the land and which has one or more floors and a roof.

CARRIER: A company that provides wireless services.

CONDITIONAL USE PERMIT: Conditional uses are uses that are allowed within a zoning district provided that certain standards (or "conditions") are met that will enhance the compatibility of the proposed use with other surrounding uses. Often conditional uses are unique and their effect on the surrounding environment cannot be determined in advance of a specific proposal for a particular location. Application for a conditional use permit affords the city an opportunity to review the location, design, configuration, and potential impact of the proposed use on surrounding land uses

COLLOCATION: ~~The use of a single support system on the ground by more than one carrier (vertical collocation) and/or several support systems on an existing building or structure by more than one carrier.~~

COLLOCATION: Means “the mounting or installation of transmission equipment on an existing support structure for the purpose of transmitting and/or receiving signals for communications purposes.

CONCEALMENT: The act of hiding something or preventing it from being known.

DISTRIBUTED ANTENNA SYSTEM or “DAS”: means a network consisting of transceiver equipment at a central hub site to support multiple antenna locations throughout the desired coverage area.

EIA: The Electronic Industries Association.

ELIGIBLE FACILITIES REQUEST: Means any request for modification of an existing Tower or Base Station that, within the meaning of the Spectrum Act, does not substantially change the physical dimensions of that Tower or Base Station, and involves (a) Collocation of new Transmission Equipment, (b) the removal of Transmission Equipment, or (c) the replacement of Transmission Equipment.

ELIGIBLE SUPPORT STRUCTURE: Means any Tower or Base Station that exists at the time the application is filed with the City.

EQUIPMENT ENCLOSURE: A small enclosed structure, shelter, cabinet, box, or vault at the base of the support system within which are housed batteries and electrical equipment.

FAA: The Federal Aviation Administration.

FCC: The Federal Communications Commission or successor agency.

FACADE ATTACHED ANTENNA: Any antenna directly attached or affixed to the elevation of a building, tank, tower, or other structure.

~~FREESTANDING TOWER: A tower not physically attached to a building or structure. The tower is attached to the ground by a foundation.~~

FULLY AUTOMATED WCF: A WCF with no on site personnel required for its daily operation.

GUYWIRE: Diagonal cables utilized to tie towers to the ground or other surfaces.

~~LATTICE TOWER: A support structure that consists of a network of crossed metal braces, forming a tower that is usually triangular or square in cross section.~~

LICENSED CARRIER: A company authorized by the FCC.

NONAUTOMATED WCF: A WCF with onsite personnel.

~~NONRESIDENTIAL STRUCTURE: A building or structure not constructed for residential purposes.~~

OMNIDIRECTIONAL (WHIP) ANTENNA: An omnidirectional antenna is a wireless transmitting or receiving antenna that radiates or intercepts Radio-Frequency (RF) electromagnetic fields equally well in all horizontal directions in a flat, two-dimensional geometric plan.

OWNER: Any person with fee title or a long term (exceeding 10 years) leasehold to any parcel of land within the city who desires to develop, or construct, build, modify, or erect a tower upon such parcel of land.

PERSON: Any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.

PHOTOSIMULATION: Computer generated photographs, renderings combining existing subject adjacent property conditions and improvements with proposed improvements.

PLANNING COVERAGE MAP: A map, maps, or plan on which are marked the service areas of other WCF sites operated by the applicant. The planning coverage map shall be considered exempt from disclosure pursuant to Idaho Code section 9-340(D) or as subsequently amended.

PUBLIC RIGHT OF WAY: Includes all public streets and utility easements owned by or dedicated to, the city of Pocatello, or other public entity.

RESIDENTIAL STRUCTURE: A building utilized exclusively for short or long term residential purposes.

REPLACEMENT: Only refers to the replacement of transmission equipment, not the replacement of an existing wireless tower or the support structure on which base station equipment is located.

SERVICE AREA: Contained areas within which a wireless communication facility is able to transmit clear signals, generally circular in form.

SITE: (for towers outside the Right-Of-Way): Are defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site. (For other towers and all base stations) "Site" is restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

SMALL CELLS: Means compact wireless base stations containing their own transceiver equipment and function like cells in a mobile network but provide a smaller coverage area than traditional macrocells. Small cells will meet the two parameters in subsections (a) and (b) below. For purposes of these definitions, volume is a measure of the exterior displacement, not the interior volume of the enclosures. Antennas or equipment concealed from public view in or behind an otherwise approved structure or concealment are not included in calculating volume.

(a) **Small Cell Antenna:** Each antenna shall be no more than three (3) cubic feet in volume.

(b) **Small Cell Equipment:** Each equipment enclosure shall be no larger than seventeen (17) cubic feet in volume. Associated conduit, mounting bracket or extension arm, electric meter, concealment, telecommunications demarcation box, ground-based enclosures, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch may be located outside the primary equipment enclosure(s) and are not included in the calculation of equipment volume.

SPECTRUM ACT: Means Section 6409(a) of the Middle Class Tax Relief Act and Job Creation Act, 47 U.S.C. ss 1455(a) (providing, in part, "... a State or Local government may not deny, and shall approve, any Eligible Facilities Request for a modification of any existing wireless Tower or Base Station that does not substantially change the physical dimensions of such Tower or Base Station.")

STEALTH DESIGN: Any wireless telecommunications facility which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof mounted antennas, antennas integrated into architectural elements, and towers designed to look other than like a tower such as light poles, power poles, and trees. The term stealth does not necessarily exclude the use of camouflaged lattice, guyed, or monopole tower designs. Means technology that minimizes the visual impact of wireless communication facilities by camouflaging, disguising, screening, and/or blending into the surrounding environment. Examples of stealth design include but are not limited to towers disguised as trees, flagpoles, bell towers, and architecturally screened roof-mounted antennas.

SUBSTANTIAL CHANGES: Means, in the context of an Eligible Support Structure, a modification of an existing Tower or Base Station where any of the following criteria is met:

(iii) Type 1: For any Eligible Support Structure:

- (a) It involves the installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; or
- (b) It entails any excavation or deployment outside of the current site of the Tower or Base Station; or
- (c) The proposed modification would cause the concealment/camouflage elements of the Tower or Base Station to be defeated; or
- (d) The proposed modification would not comply with the conditions associated with the prior siting approval of construction or modification of the Tower or Base Station, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new exaction that does not exceed the corresponding thresholds in this section.

(ii) Type 2: For a Tower located in the public rights-of-way and for all Base Stations:

- (a) The height of the Tower or Base Station is increased by more than ten (10) percent or ten (10) feet, whichever is greater.
- (b) There is added an appurtenance to the body of that structure that would protrude from the edge of that structure by more than six (6) feet; or
- (c) It involves the installation of ground cabinets that are more than ten (10) percent larger in height or overall volume than any other ground cabinets associated with the structure; or
- (d) It involves the installation of any new equipment cabinets on the ground if there is no pre-existing ground cabinet associated with that structure.

(iii) Type 3: For a Tower NOT located in the public rights-of-way:

- (a) The height of the Tower is increased by (i) more than ten (10) percent, or (ii) by the height of one additional Antenna array with separation from the nearest existing Antenna not to exceed twenty (20) feet, whichever is greater; or

- (b) There is added an appurtenance to the body of the Tower that would protrude from the edge of the Tower by (i) more than twenty (20) feet, or (ii) more than the width of the Tower at the level of the appurtenance, whichever is greater.

~~TOWER: A self-supporting lattice, guyed, or monopole structure constructed from grade which supports telecommunications facilities. The term tower shall not include amateur radio operators' equipment, as licensed by the FCC.~~

TOWER: Includes any structure built for the sole or primary purpose of supporting any Wireless Communication Facility.

TRANSMISSION EQUIPMENT: Means "any equipment that facilitates transmission for any Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas and other relevant equipment associated with and necessary to their operation, including coaxial or fiber-optic cable, and regular and backup power supply"

UTILITY SUPPORT STRUCTURE POLE: A telephone, electric, or cable television pole located in a street right-of-way. Means utility poles or utility towers supporting electrical, telephone, cable or other similar facilities; street light standards; pedestrian light standards; traffic light structures and traffic sign structures.

~~WATERWAY: A channel, natural or manmade, through which water runs.~~

~~WHIP ANTENNA: See definition of Antenna: Omnidirectional (Whip) Antenna.~~

~~WIRELESS TELECOMMUNICATIONS FACILITY (WCF): Any facility that transmits and/or receives electromagnetic signals, including antennas, microwave dishes, parabolic antennas, directional antennas and other types of equipment for the transmission or reception of such signals, towers or similar structures supporting the equipment, equipment buildings, shelters, cabinets, parking area, and other accessory development. However, telecommunications facilities shall not include any satellite earth station antenna two meters (2 m) in diameter or less which is located in an area zoned industrial or commercial; or any satellite earth station antenna one meter (1 m) or less in diameter, regardless of zoning category. (Ord. 2662, 2001)~~

15.42.040 TYPES OF WCF PERMITS REQUIRED

- (1) A Type 1 WCF Permit shall be required for an "Eligible Facilities Request" which includes:
 - (a) Collocation of new transmission equipment;
 - (b) The removal of transmission equipment;
 - (c) The replacement of transmission equipment.

- (2) A Type 2 WCF Permit shall be required for:
 - (a) Any modification of an Eligible Support Structure, including the collocation of new equipment, that Substantially Changes the physical dimensions of the Eligible Support Structure on which it is mounted or;
 - (b) Any collocation not eligible for a Type 1 Permit or;
 - (c) Any roof mounted with antenna & support system for an antenna not exceeding 10-feet above the highest portion of the roof or;
 - (d) Placement of Distributed Antenna Systems (DAS) and Small Cells.

(e) A new tower located in the public Right-Of-Way

(3) A Type 3 Permit shall be required for siting of any new WCF tower that is not a collocation subject to a Type 1 or 2 WCF Permit as outlined in this section.

15.42.050: WIRELESS FACILITY PERMIT PROCESS

<u>Type of Wireless Facility</u>	<u>Timeline for City review (per Federal Law)</u>	<u>Deemed Granted (per Federal Law)</u>	<u>Type of Permit Required</u>
<u>Collocations or modifications/ replacement of wireless transmission equipment at an existing wireless tower or base station that do not "substantially change the physical dimensions of the existing wireless tower or base station" Section 6409(a) facilities</u>	<u>*60-days after the application is submitted</u> <u>*Can be extended by mutual agreement</u>	YES	Type 1 WCF Permit * Administrative review & Approval by Planning & Development Services Director and/or his/her designee
<u>* Other collocations that "substantially change the physical dimensions of the existing wireless tower or base station"</u> <u>* roof mounted not to exceed 10-feet above the highest portion of the roof</u> <u>*Distributed Antenna Systems & Small Cells</u>	<u>90 day review after application submitted</u>	NO	* Type 2 WCF Permit Required (1) Roof mounted (2) DAS & Small Cell Systems (3) Utility Mounted
<u>New tower (NOT in public Right-Of-Way</u> <u>*roof mounted exceeding 10-feet above the highest portion of the roof</u>	<u>150 days after application submitted</u>	NO	* Type 3 WCF Permit – Conditional Use Permit required.

- (1) Roof mounted less than 10-feet above roof line is permitted via administrative review.
- (2) DAS & Small Cell are permitted in ANY zoning district.
- (3) Utility Support Structure: Permitted not to exceed 75-feet from grade to top

15.42.050: WCF APPLICATION REGULATIONS

- (1) The applicant must identify whether the application is for an "Eligible Facilities Request" subject to the Spectrum Act, and if so, provide a detailed explanation as to why the application qualifies as an Eligible Facilities.
- (2) The applicant shall complete the appropriate application form for a Type 1, Type 2, or Type 3 WCF with all pertinent information included. Any of the applications may be amended from time to time.
- (3) The applicant shall include appropriate signatures and payment of the application fee as prescribed by the adopted Municipal Fee schedule.

15.42.060: PERMIT REVIEW TIME PERIODS

- (1) City Review of Application Materials: The timeframe for review of an application shall begin to run when the application is submitted, but shall be tolled if the City finds the application incomplete and requests that the applicant submit additional information to complete the application. Such requests shall be made within 30 days of submission of the application. After submission of additional information, the City will notify the applicant within 10 days of this submission if the additional information failed to complete the application.
- (2) Type 1 Processing Time: For Type 1 Collocations, the City will act on the WCF application together with any other City permits required for a proposed WCF modification, within 60 days, adjusted for any tolling due to requests for additional information or mutually agreed upon extensions of time.
 - (i) If the City determines that the application does not qualify as a Type 1 Eligible Facilities Request, the City will notify the applicant of such determination in writing and will process the application as a Type 2 WCF application.
 - (ii) To the extent federal law provides a "deemed granted" remedy for Type 1 WCF application(s) not timely acted upon by the City, no such application shall be deemed granted until the Applicant provides notice to the City, in writing, that the application has been deemed granted after the time period in (2) above as expired.
 - (iii) Any deemed Type 1 WCF application shall be subject to following conditions:
 - (a) The approval of a WCF Type 1 permit shall be subject to the conditions of approval of the underlying permit, except as may be preempted by the Spectrum Act.
 - (b) The proposed project shall be built in compliance with the approved plans on file with the City of Pocatello.
- (3) Type 2 Processing Time: For Type 2 WCF Permits, the City will act on the application within 90 days, adjusted for any tolling due to requests for additional information or mutually agreed upon extensions of time.
- (4) Type 3 Processing Time: For Tier 3 WCF Permits, the City will act on the application within 150 days, adjusted for any tolling due to requests for additional information or mutually agreed upon extensions of time.
- (5) Denial of Application: In the event that the City denies a WCF application, the City will notify the applicant of the denial in writing outlining the reasons for the denial.

15.42.070 COLLOCATION OF ANTENNAS, DAS, & SMALL CELLS

- A. To the extent possible not otherwise covered by Section 15.42.040 (1) "Eligible Facilities Requests", collocation and new WCF antenna arrays are permitted in all zoning districts via

administrative approval provided that the antenna array or roof mounted antenna is not more than 10-feet above the structure.

- B. A Type 1 Application with applicable fees shall be submitted.
- C. If any support structure must be constructed to achieve the needed elevation or if the attachment adds more than 10-feet above the existing structure or roof line, the proposal is subject to a Type 2 review and application. The limitation to 10-feet applies to cumulative increases and any previously approved additions to height made under this section must be included in said measurement.
- D. Any equipment shelter, cabinet or ancillary equipment are subject to building setbacks as required in the underlying zone (Title 17).
- E. Applicable Building, Mechanical, and Electrical Permits are required as determined by the Building Official.
- F. Distributed Antenna Systems and Small Cells:
 - 1. Distributed Antenna Systems (DAS) and Small Cells are permitted in all zoning districts.
 - 2. DAS and Small Cells are subject to approval via administrative review only unless installation requires the construction of a new utility support structure or building. Type II review is required when the applicant proposes new utility support structure or building.
 - 3. Multiple Site DAS and Small Cells
 - a. A single permit may be used for multiple distributed antennas that are part of a larger overall DAS network.
 - b. A single permit may be used for multiple small cells spaced to provide wireless coverage in a contiguous area.

15.42.080 TOWER SHARING, COLLOCATION, PREFERRED TOWER LOCATIONS and STANDARDS

- A. Tower sharing and Collocation: New WCF facilities shall, to the maximum extent feasible, collocate on existing towers or other structures of a similar height to avoid construction of new towers, unless precluded by zoning constraints such as height, structural limitations, inability to obtain authorization by the owner of an alternate location, or where an alternate location will not meet the service coverage objectives of the applicant.
- B. New Towers: Applications for a new tower must address all existing towers or structures of a similar height within ½ mile of the proposed site as follows:
 - 1. By providing evidence that a request was made to co-locate on the existing tower or other structure, with no success or;
 - 2. By showing that locating on the existing tower or other structure is infeasible with a detailed written explanation detailing why a new tower is required.
- C. **Tower Height:** Towers are exempt from the maximum height restrictions of the districts where located.
- D. **Tower Setback, base station and/or accessory facilities:** Setbacks are required based on the underlying zoning as measured from property lines to the base of the tower. Setback requirements may be modified so that a tower can be placed so as to reduce its visual impact, e.g., adjacent to trees which may partially hide the tower.

- E. Separation: Towers shall be separated from all residentially zoned lands by a minimum of one hundred & fifty feet (150').
- F. Lighting: Facility lighting shall be designed so as to meet but not exceed minimum requirements for security, safety or FAA regulations. Lighting of antennas or support structures shall be prohibited unless required by the FAA. All lighting shall be designed so as to avoid glare and minimize illumination on adjacent properties and shall comply with all city regulations.
- G. Idaho Code 54-1227 Easements and lease agreements: The boundaries of easements and lease areas for cell towers need to be monumented and a record of survey filed with the County.
- H. A modification substantially changes the physical dimensions of a tower or base station if it meets any of the following:
1. For towers outside of public rights-of-way ("ROW"), it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater;
 2. For towers in the ROW and all base stations, it increases the height of the tower or base station by more than 10% or 10 feet, whichever is greater;
 3. For towers outside the ROW, it protrudes from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater;
 4. For towers in the ROW and all base stations, it protrudes from the edge of the structure more than 6 feet;
 5. It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;
 6. It entails any excavation or deployment outside of the current site of the tower or base station;
 7. It would defeat the existing concealment/camouflage elements of the tower or base station; or
 8. It does not comply with conditions associated with the locality's prior zoning approval of construction or modification of the tower or base station, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding "substantial change" thresholds.

15.42.090 ZONING DISTRICTS & LAND USE:

P = Permitted C = Conditional Use Permit R= Restricted N=Not Permitted

Zoning Category	Eligible Facilities	Substantial Changes	DAS & Small Cells	Roof Mounted < 10-feet	Roof Mounted > 10-feet	Utility Support Structure	New Tower IN Public ROW	New Tower NOT in Public ROW
ALL Residential Districts	<u>P</u>	<u>C</u>	<u>P</u>	<u>P₂</u>	<u>N</u>	<u>P₃</u>	<u>N</u>	<u>C₄</u>
Mixed- Use Districts (1)	<u>P</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>P₃</u>	<u>N</u>	<u>N</u>
ALL Commercial Districts	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P₃</u>	<u>N</u>	<u>C₅</u>
Research/Business Park	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P₃</u>	<u>N</u>	<u>C₅</u>
Designated Historic Districts	<u>R₁</u>	<u>R₁</u>	<u>R₁</u>	<u>R₁</u>	<u>R₁</u>	<u>R₁</u>	<u>N</u>	<u>R₁</u>
Industrial	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>P</u>

(1) Mixed Use Districts that do not have a residential component

R1 See Section 15.42.100 including exclusions

P2 Stealth design is required

P3 (a) Height not to exceed 75-feet from grade to top of the structure; (b) Review and approval required from utility owner

C4 Stealth design required; City owned property only with a public hearing before the City Council

C5 Stealth design required;

15.42.100 GENERAL REGULATIONS

- ~~A. Application Required: No person shall build, erect, use or modify a Wireless Telecommunications Facility (hereinafter WCF) upon any parcel of land within any zoning district unless: 1) a complete application to do so has been filed with the planning and development services department, and 2) approval in the form of a WCF permit has been received from the appropriate body, subject to the provisions set out in this chapter. All WCFs are prohibited from interference with city and public safety communication systems and/or area television or radio broadcasts. Applications must be accompanied by the appropriate fee as set by resolution of the city council.~~
- ~~B. Anchor Restrictions: Guywires may only be used to anchor an antenna, antenna array, or support structure to an existing building to which the antenna, antenna array, or support structure is attached.~~
- ~~C. Freestanding Facilities (Type 3) Restricted: In residential zoning districts freestanding WCFs, including towers, are prohibited. Freestanding WCFs are also prohibited within one hundred fifty feet (150') of any residentially zoned parcel, regardless of the underlying zoning district on which the WCF might be located. WCFs attached to utility poles or facade attached to nonresidential buildings are allowed by administrative staff permit subject to application procedures set out in this chapter and a twenty one (21) day notice and comment period requirement, and subject to the standards set out in this chapter, including those set out in section 15.42.180 of this chapter.~~
- ~~A. Special Permit Conditional Use Permit: In nonresidential zones tower A Conditional Use Permit is required for any new tower WCFs are permitted by means of an approved special WCF Conditional Use Permit regardless of the underlying zoning. Other WCFs are permitted subject to the provisions of this chapter.~~
- A. Certificate of Appropriateness: Applications submitted for a WCF permit within nationally recognized historic district or within the 250 of the boundary of a historic district, must be

reviewed by the Pocatello Historic Preservation Commission accompanied by a Certificate of Appropriateness which is provided to the State Historic Preservation Office. from the appropriate review board or commission of the city.

EXCLUSIONS:

- (1) There is an exclusion from FCC National Historic Preservation Act (NHPC) review for collocations on existing utility structures including utility poles and electric transmission towers. Note: This exclusion only applies where the deployment meets specified size limitations and involves no new ground disturbance;
- (2) The exclusion only applies to collocations on utility structures where historic preservation review is currently required under existing rules solely because the structures are more than 45 years old.
- (3) Collocations on buildings and other non-tower structures exclusions permitted with following conditions:
 - a. There must be an existing antenna on the building or structure;
 - b. One of several criteria to mitigate antenna visibility must be satisfied;
 - c. The new antenna must comply with all zoning conditions and historic preservation conditions applicable to existing antennas in the same vicinity that directly mitigate or prevent adverse visual effects, such as camouflage requirements; and
 - d. The deployment must involve no new ground disturbance.

B. All WCFs shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the WCFs governed by this chapter shall bring said WCFs into compliance with the revised standards and regulations within six (6) months of the effective date of the revised standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring WCFs into compliance with such revised standards and regulations shall constitute grounds for the removal of the WCF at the owner's expense upon fifteen (15) days' written notice via normal first class mail. (Ord. 2662, 2001). Compliance with the Spectrum Act (Section 6409(a) enacted as part of the Middle Class Tax Relief and Job Creation Act of 2012, shall be adhered to.

C. Only one WCF shall be permitted on any one utility pole. The antenna shall be either fully concealed within the utility pole or camouflaged to appear to be an integral part of the utility pole. An antenna not flush mounted on the side of the utility pole shall be centered on the top of the utility pole to which it is attached and utilize stealth design.

F. Exceptions:

- ~~1. The city council may approve a lease agreement or right of way use permit which allows a tower to be placed on city owned property in any zoning district within the city limits, without special WCF permit procedures being required, after a public hearing on the matter, if the council deems it to be in the best interests of the city.~~
- ~~2. The planning and zoning commission may approve an application for a tower in a residential zone with a special WCF permit upon a satisfactory showing that applicant's coverage requirements necessitate location within that zone, and that the WCF can meet or exceed standards set out in this chapter. "Satisfactory showing" shall include certification from a qualified engineer as to the coverage requirements and insufficiency of other zoning districts to provide the same, and that a tower facility, rather than another WCF support system, is necessary. The applicant shall be responsible for all costs for professional services to provide information deemed necessary by the~~

commission in order to reach its decision. Appeal from the decision may be made to the city council, provided the request is submitted, in writing, to the city clerk within ten (10) days following the issuance of the decision. (Ord. 2846 § 4, 2008; Ord. 2662, 2001)

~~15.42.050: SITING AND FACILITY PRIORITIES~~

~~A. Based on potential aesthetic impact and subject to other restrictions set out in this chapter, the order of preference for approval of facility type is as follows: roof attached, facade attached, utility pole attached, and freestanding tower.~~

~~B. WCFs shall be located in the following priority order:~~

- ~~1. Collocation on an existing tower, structure or building. The applicant shall have the burden of proving that there are no feasible existing structures upon which to collocate as described below.~~
- ~~2. On city owned property.~~
- ~~3. In areas where the existing topography, vegetation, buildings, and other structures provide the greatest amount of screening.~~
- ~~4. On other nonresidential buildings or vacant nonresidentially zoned land.~~
- ~~5. In residential districts (nontower facilities only) subject to restrictions in this chapter. (Ord. 2662, 2001)~~

~~15.42.060: COLLOCATION REQUIRED:~~

~~A. No new tower shall be permitted unless the tower is designed and built to be able to support another carrier's WCF comparable in weight, size, and surface area to the telecommunications facilities installed on said tower by the applicant. No new tower shall be permitted unless the applicant provides evidence of the failure of applicant's good faith effort to install or collocate the applicant's telecommunications facilities on city owned towers or usable antenna support structures or on towers located on property leased from the city located within a one-half ($\frac{1}{2}$) mile radius of the proposed tower site, including good faith efforts to negotiate lease rights, to no avail or evidence of the following:~~

- ~~1. Lack of existing towers or structures located within the geographic area required to meet the applicant's engineering requirements;~~
- ~~2. Insufficiency of design of existing towers or structures to meet applicant's engineering requirements as shown in the master development plan;~~
- ~~3. Insufficiency of existing towers or structures to support the proposed antenna and related equipment;~~
- ~~4. That the applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna; and/or~~

~~5. The fees, costs of contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for share are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.~~

~~B. Collocation requests shall require only an administrative review and staff approval under the terms of the application procedures set out below. (Ord. 2662, 2001)~~

~~15.42.070: APPLICATIONS:~~   **NOTE: See 15.42.050 Left generic not as detailed as this section.**

~~A. Applications shall be submitted to the city's planning and development services department for review.~~

~~1. Nonresidential Districts: For permits requested in nonresidential districts for WCFs collocating on an existing structure, for WCFs attached to utility poles, or for WCFs whose installation on utility poles requires replacement of existing poles with poles no taller than seventy five feet (75'), the department is hereby authorized to issue an administrative permit upon its review and approval of an application submitted as set forth herein.~~

~~2. Residential Districts: For permits requested in residential districts for facade attached WCFs or other permitted WCFs, in addition to the application and supporting documentation required herein, the applicant shall provide the department with mailing labels for owners of real property within a three hundred foot (300') radius of the proposed WCF location. The department shall mail notices to said property owners informing them of the application, the proposed permit issuance date, and their right to submit written comments or protests regarding the application, provided that said comments are submitted within twenty one (21) days of the date of said notice. For protests to be considered, there must be an allegation of facts, which, if accurate, show that the WCF will not or cannot substantially comply with the standards set out in this chapter, including the special WCF permit standards.~~

~~a. If no written protests are received before the proposed issuance date, the department may issue the permit, subject to the provisions of this chapter.~~

~~b. In the event the department approves a permit, if timely written protests have been received, the owners who submitted written protests shall be given written notice of the approval and their opportunity to appeal in writing to the department, within ten (10) days of the date of the notice. If an appeal is filed, the department shall notify the applicant of the appeal, set a date before the planning and zoning commission for its consideration and notify the applicant, any party having submitted comments, and the property owners described above, of the date, time, and place of the hearing. The department shall prepare a staff report and forward the written comments and protests and all information it gathers to the commission, along with the original application for consideration of the commission. The commission shall conduct the hearing, analyze information, and issue written findings and a decision regarding issuance of the permit. The commission may apply conditions which it deems necessary to protect the health, safety, and welfare of the citizens of the city in the event it decides to issue or uphold the issuance of the permit. Any aggrieved party who appeared in person or in writing before the department or the commission may file a written appeal with the city clerk within ten (10) days of the decision for hearing before the city council at the next available regular city council meeting. The city council shall review the record of the hearing below and the written appeal and may accept, reject, or modify the decision. The city council may apply conditions which it deems necessary to protect the health, safety, and welfare of the citizens of the city in the event it decides to issue or uphold the issuance of the permit.~~

B. Applications for Type 2 & Type 3 must contain the following information:

1. Name, address, and telephone number of the applicant, any coapplicants, and any authorized agents for the applicant and/or coapplicants. Written authorization bearing original signature(s) of the applicant and/or coapplicants shall be provided for any agent representing the applicant/coapplicants in this process. The applicant or coapplicant must be a licensed carrier and provide proof thereof with the application. The application must contain original signatures of the applicant and all coapplicants.
2. A complete legal description of the subject property.
3. A site plan drawn to a scale of no less than one inch equals twenty feet (1" = 20') specifying the following, provided that the city may waive any or all of the following for WCFs attached to existing structures:
 - a. Location, type, and height of the proposed WCF, including setback measurements.
 - b. On-site structures, land uses, and zoning.
 - c. Circulation information including adjacent roadways, ingress and egress from the roadways, parking, pedestrian circulation and access.
 - d. Fences, signs, exterior lighting and storm drainage.
 - e. Property lines with dimensions, adjacent land uses, structures and zoning.
 - f. Information demonstrating compliance with the standards of this chapter.
 - g. Existing watercourses, utility lines, easements, deed restrictions, and any built or natural features restricting the use of the subject property.
 - h. North arrow, scale, and legend.
4. A landscaping plan (unless the WCF is to be attached to an existing building and all equipment is located within or on the building) drawn to the same scale as the site plan, clearly depicting all existing landscaping/vegetation and whether it will be removed or retained; all proposed landscaping complete with size, location and species of vegetation; specific depiction and notation of any features necessary to comply with the screening standards of this chapter.
5. Elevation drawing of before and after photographs/drawings simulating and specifying the location and height of the antennas, support structures, equipment enclosure(s) and other accessory uses, fences and signs.
6. Elevations of proposed aboveground equipment enclosures.
7. A planning coverage map and/or maps on which are marked the service area of the facility for which application is being made and all applicant's WCF sites operating within the city limits and in the area of city impact as defined in the Idaho Code. The map shall be drawn to a scale of no less than one inch equals five hundred feet (1" = 500').
8. Photosimulations of the proposed WCF from affected residential properties and public rights of way.

- ~~9. All information set out in the collocation requirement section of this chapter related to efforts at collocating facilities and all documentation necessary to show good faith efforts to comply with the siting and facility priority section of this chapter.~~
- ~~10. A description of the support structure or building upon which the WCF is proposed to be located, and the technical reasons for the design and configuration of the WCF.~~
- ~~11. A signed statement by the applicant certifying that any proposed tower can accommodate collocation of additional antennas and that the applicant shall enter into agreements for collocation with other providers.~~
- ~~12. A signed statement that the applicant agrees to remove the WCF and equipment within ninety (90) days after the site's use is discontinued; and that the WCF shall be designed and erected so as to comply with all EIA standards and applicable federal, state, and city laws and regulations, including FAA regulations.~~
- ~~13. Certification that usage of the WCF will not interfere with other adjacent or neighboring transmission or reception functions.~~
- ~~14. Proof that the applicant is licensed with the FCC.~~
- ~~15. A completed right of way use permit application if the WCF is to be located within a public right of way if not on an existing utility pole.~~
- ~~16. The applicant must attach a copy of correspondence from the owner of the land and/or building on which the WCF is to be located, acknowledging the owner's approval of the use of the property for a WCF, the applicant's ability to enter into leases with other providers for collocation, and specifying the party responsible for removal of the WCF and attendant equipment within ninety (90) days of discontinuance of its use. (Ord. 2846 § 4, 2008; Ord. 2662, 2001)~~

~~15.42.080: HEIGHT STANDARDS:~~

- ~~A. A roof attached WCF shall not exceed ten feet (10') above the highest portion of the roof membrane. The antenna and support system for whip antennas shall not exceed ten feet (10') above the highest portion of that roof, including parapet walls.~~
- ~~B. A facade attached WCF shall not extend higher than ten feet (10') above the facade to which it is attached.~~
- ~~C. A utility pole attached WCF may extend fifteen feet (15') above the height of the existing utility pole; provided, however, that the maximum height from grade to top of the entire structure may not exceed seventy five feet (75').~~
- ~~D. Towers are exempt from the maximum height restrictions of the districts where located. Tower height shall be measured from grade and shall include the tower structure itself, the base pad, and any other telecommunications facilities attached thereto which extend more than twenty feet (20') over the top of the tower structure itself. Tower height shall be set as a condition of the special WCF permit. (Ord. 2662, 2001)~~

~~15.42.090: SETBACK STANDARDS:~~

No freestanding WCFs or equipment enclosures shall be located between the face of a structure and a public street, bikeway, park, or residential development, except for approved facade attached WCFs. In addition to the foregoing prohibition and the setback standards established for individual zoning districts, the following regulations shall apply:

A. Utility pole attached WCF: None.

B. Facade attached WCF: Maximum projection shall be eighteen inches (18").

C. Roof attached WCF: The setback from the edge of the building shall be equal to the height of the antenna and support system as measured from the roof membrane.

D. Tower:

1. All towers up to one hundred feet (100') in height shall be set back on all sides a distance equal to the underlying setback requirement in the applicable zoning district.

2. Towers in excess of one hundred feet (100') in height shall be set back one additional foot per each foot of tower height in excess of one hundred feet (100'). Setback requirements may be modified, as provided herein in "criteria for site plan development modifications", so that a tower can be placed so as to reduce its visual impact, e.g., adjacent to trees which may partially hide the tower.

3. Towers shall be separated from all residentially zoned lands by a minimum of two hundred feet (200') or one hundred ninety five percent (195%) of the height of the proposed tower, whichever is greater.

E. Equipment enclosures: In accordance with the underlying zoning district. (Ord. 2662, 2004)

15.42.100: ENVIRONMENTAL STANDARDS:

A. WCFs shall be prohibited in wetlands, and may be prohibited in wetland buffer areas to minimize disturbance to the buffer areas.

B. No hazardous waste shall be discharged on the site of any WCF. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least one hundred ten percent (110%) of the volume of the hazardous materials stored or used on site.

C. Stormwater runoff shall be contained on site. Drainage plans and calculations must be submitted and approved.

D. Applicants locating WCFs within any floodplain shall comply with any additional placement standards required by the regulations for that area. (Ord. 2662, 2004)

15.42.110: LIGHTING AND SIGNAGE STANDARDS:

A. Facility lighting shall be designed so as to meet but not exceed minimum requirements for security, safety or FAA regulations. Lighting of antennas or support structures shall be prohibited unless required by the FAA. All lighting shall be designed so as to avoid glare and minimize illumination on adjacent properties and shall comply with all city regulations.

~~B. Signs shall be limited to those needed to identify the telephone number(s) to contact in an emergency, public safety warnings, certifications or other required seals. These signs shall also comply with the requirements of the city's sign-code regulations. (Ord. 2662, 2001)~~

~~15.42.120: PARKING:~~

~~If the WCF is nonautomated, sufficient off street parking must be provided to accommodate the maximum number of employees on site at any one time. (Ord. 2662, 2001)~~

~~15.42.130: ACCESS:~~

~~In addition to ingress and egress requirements of the uniform building code, ANSI, and such others as may be adopted by the city, access to and from WCFs and equipment shall be regulated as follows:~~

- ~~A. No WCF or equipment shall be located in any required parking, maneuvering or vehicle/pedestrian circulation area such that it interferes with, or in any way impairs, the intent or functionality of the original design.~~
- ~~B. The WCF shall be secured from access by the general public but access for emergency services must be ensured. (Ord. 2662, 2001)~~

~~15.42.100: WCF; FACADE ATTACHED AND UTILITY POLE ATTACHED STANDARDS:~~

~~A. Facade Attached WCFs: Equipment enclosures shall be attached to the facade or roof of the support structure or placed or located underground if site conditions permit. Otherwise, equipment enclosures shall comply with applicable design standards set out below.~~

~~B. Utility Pole Attached WCF:~~

- ~~1. Attachment: Only one WCF shall be permitted on any one utility pole. The antenna shall be equal to or less than six feet (6') in height, including the support system, if any. Surface area of an antenna shall not exceed five hundred eighty (580) square inches. The antenna shall be either fully concealed within the utility pole or camouflaged to appear to be an integral part of the utility pole. An antenna not flush mounted on the side of the utility pole shall be centered on the top of the utility pole to which it is attached and utilize stealth design.~~
- ~~2. Utility Separation: In the event that a utility located upon the utility pole requires vertical separation between its utility facilities and the antenna so attached, the antenna may be raised by a support system or pole change out to accommodate the separation requirement to an elevation not exceeding an additional fifteen feet (15') or the required separation, whichever is less. Any such support shall not be greater in diameter than the existing utility pole and shall be designed to blend into the colors and textures of the existing utility pole.~~
- ~~3. Equipment Enclosures: No equipment enclosure may exceed six (6) cubic feet in volume. An underground equipment enclosure may be connected to an aboveground enclosure for a combined total volume of no greater than twelve (12) cubic feet. No single dimension of any aboveground equipment enclosure shall exceed three feet (3') and the structure shall be situated so as to minimize its visual impact, including screening with evergreen landscaping.~~

4. ~~Utility Relocation: In the event utilities located on a utility pole are relocated underground, the WCF shall be relocated underground or to another location pursuant to the requirements of this chapter. (Ord. 2662, 2001)~~

~~15.42.150: SPECIAL USE WCF PERMIT:~~

~~The planning and zoning commission may approve a special use WCF permit, after public hearing, upon a satisfactory showing that the proposal has met the standards and conditions set out in this chapter. The commission may establish conditions as it deems necessary to preserve the health, safety, and welfare of the public. Any substantial or significant change or addition to a special permit shall require a new permit application. (Ord. 2846 § 4, 2008; Ord. 2662, 2001)~~

~~15.42.100: SPECIAL USE WCF PERMIT CONDITIONAL USE PERMIT~~

~~PROCEDURES:~~

~~Conditional Use Permit procedures shall be followed as outlined under Municipal Code Title 17.~~

~~15.42.110: SPECIAL USE WCF CONDITIONAL USE PERMIT~~

~~STANDARDS:~~

- ~~A. **Application:** A CUP application shall be filed with the Planning & Development Services Department and include all fees outlined on the application.~~
- ~~B. **Burden of Proof:** The burden of proof that the proposed conditional use complies with all criteria as listed below. The applicant must their case with substantial and competent evidence.~~
- ~~C. **Criteria for Review:** The hearing body Planning & Zoning Commission shall review the facts and circumstances of each proposal in terms of the following standards and determine whether there is adequate evidence showing that the requested use at the proposed location:~~
 - ~~1. Is conditionally permitted within the subject land use district and complies with all of the applicable provisions of this code unless modified through the CUP process;~~
 - ~~2. Is consistent with the goals and policies of the comprehensive plan of the city;~~
 - ~~3. Conditions may by be placed that resulting in the use being more compatible with existing and permitted land uses within the general area;~~
 - ~~4. Could be adequately served by public facilities and services such as thoroughfares, transportation facilities, police and fire protection, drainage, refuse disposal, water/sewer and schools, to ensure that the proposed use would not be detrimental to public health, safety, and welfare;~~
 - ~~5. Would not adversely affect the environment to a greater degree than had a use permitted outright by the ordinance been established;~~
 - ~~6. Would not be detrimental to the public interests, health, safety, or welfare of the city in its proposed location, size, design, and operating characteristics.~~

E. Authority to Grant: The hearing body may approve, approve with conditions, or deny an application for a conditional use permit. The hearing body may impose any conditions necessary to accomplish the following:

1. Minimize potential adverse impacts on other developments and surrounding land use through the following:

- a. Increased landscaping;
- b. Screening & buffering;
- c. Use of materials;
- d. Colors to blend in with the use surroundings;
- e. Concealment requirements;
- f. Increased setbacks beyond that required in the underlying zoning;
- g. Engineering reports including those consisting of noise, smoke, odor, vibration, or illumination;
- h. Increased requirements for lighting and associated shielding;
- i. Geological and environmental reports as needed

2. Control the sequence and timing of development;

3. Control the duration of the construction period;

4. Require mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction;

5. Require that studies addressing demographic, economic, fiscal, traffic, engineering, geologic, and environmental concerns be conducted prior to granting approval;

~~10. Screening as deemed necessary~~

~~A. The WCF should not create an unreasonable hardship upon surrounding property owners.~~

~~B. The WCF should not unduly disrupt pedestrian, vehicular, or air travel.~~

~~C. The WCF should not adversely affect public utilities, public parks or the natural environment to a greater degree than uses permitted outright in the zoning district.~~

~~D. The placement of the WCF should be consistent with the purposes set forth in this chapter.~~

~~E. The WCF should be designed to be compatible in appearance and layout with adjacent uses.~~

~~F. The WCF should be designed so as to minimize any adverse effects on adjoining land. (Ord. 2662, 2001)~~

~~15.42.180: SPECIAL USE WCFs; TOWER DESIGN STANDARDS:~~

~~A. Hazard Assessment: Applicant must supply written, technical evidence from a qualified engineer(s) acceptable to the city fire department and the city building official that the proposed site of the tower or telecommunications facilities does not pose a risk of explosion, fire, or other~~

danger to life or property due to its proximity to volatile, flammable, explosive, or hazardous materials such as LP gas, propane, gasoline, natural gas, or corrosive or other dangerous chemicals.

~~B. Setbacks: Setback requirements for a tower shall be measured from the base of the tower to the property line of the parcel of land on which it is located. Setback requirements may be modified so that a tower can be placed so as to reduce its visual impact, e.g., adjacent to trees which may partially hide the tower.~~

~~C. Structural Requirements: All towers must be designed and certified by an engineer to be structurally sound and, at minimum, be in conformance with the uniform building code and any other standards outlined in this chapter. All towers in operation shall be affixed to land.~~

~~D. Separation Or Buffer Requirements: For the purpose of this section, the separation distances between towers shall be measured by drawing or following a straight line between the base of the existing or approved structure and the proposed base, pursuant to a site plan of the proposed tower, drawn to scale. Tower separation distances from residentially zoned lands shall be measured from the base of a tower to the closest point of residentially zoned property. The minimum tower separation distances from residentially zoned land and from other towers shall be calculated and applied irrespective of city jurisdictional boundaries.~~

~~1. Towers shall be separated from all residentially zoned lands by a minimum of one hundred fifty feet (150') or a distance equal to one hundred percent (100%) of the height of the proposed tower, whichever is greater.~~

~~2. Proposed towers must meet the following minimum separation requirements from existing towers or towers which have a development permit but are not yet constructed at the time a development permit is granted pursuant to this code:~~

~~a. Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed, by a minimum of three hundred feet (300').~~

~~b. Self-supporting lattice or guyed tower structures shall be separated from all other self-supporting or guyed towers by a minimum of nine hundred feet (900').~~

~~c. Self-supporting lattice or guyed tower structures shall be separated from all monopole towers by a minimum of three hundred feet (300').~~

~~E. Illumination: Towers shall not be artificially lighted except as required by the federal aviation administration (FAA).~~

~~F. Exterior Finish: Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, as approved by the planning and zoning commission.~~

~~G. Landscaping: All landscaping on a parcel of land containing towers, antenna support structures, or telecommunications facilities shall be in accordance with the applicable landscaping requirements in the zoning district where the tower, antenna support structure, or telecommunications facilities are located. The city may require landscaping in excess of the requirements in this code in order to enhance compatibility with adjacent land uses.~~

H. Access: All Pocatello fire department and uniform fire code standards regarding emergency vehicle access must be complied with, unless waived by the city.

I. Stealth Design: All towers not located in an industrial zoning district shall be of stealth design unless an exception is granted by the city council. (Ord. 2846 § 4, 2008; Ord. 2662, 2001)

~~15.42.190: COMPLIANCE WITH FEDERAL REGULATIONS:~~

NOTE: This section moved to General Regulations

~~All WCFs shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the WCFs governed by this chapter shall bring said WCFs into compliance with the revised standards and regulations within six (6) months of the effective date of the revised standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring WCFs into compliance with such revised standards and regulations shall constitute grounds for the removal of the WCF at the owner's expense upon fifteen (15) days' written notice via normal first class mail. (Ord. 2662, 2001). Compliance with the Spectrum Act (Section 6409(a) enacted as part of the Middle Class Tax Relief and Job Creation Act of 2012, shall be adhered to.~~

15.42.120: EXEMPT FACILITIES:

The following are exempt from this chapter:

- A. FCC licensed amateur (ham) radio facilities;
- B. Satellite earth stations, dishes and/or antennas used for private television reception not exceeding one (1) meter in diameter;
- C. A government owned WCF installed upon the declaration of a state of emergency by federal, state or local government, or by Resolution of public necessity by the City Council. Such facility shall comply with all federal and state requirements. The WCF shall be exempt from the provisions of this chapter for up to one (1) week after the duration of the state of emergency;
- D. A temporary, commercial WCF installed for providing coverage of a special event such as news coverage of sporting event. The WCF shall be exempt from the provisions of this chapter for up to one (1) week before and after the duration of the special event;
- E. Eligible Facilities Requests as defined under the Spectrum Act.

15.42.130: MAINTENANCE:

- A. Each permittee shall maintain its WCF in a good and safe condition, preserving the original appearance and concealment, disguise or screening elements incorporated into the design at the time of approval and in a manner which complies with all applicable federal, state, and local requirements. Such maintenance shall include, but not be limited to, such items as painting, repair of equipment, and maintenance of landscaping. If the permittee fails to maintain the facility, the city may undertake the maintenance at the expense of the permittee or terminate the permit, and remove the WCF at owner's expense, at its sole option upon fifteen (15) days' written notice via normal first class mail.

B. Tower owners shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public. Tower owners shall install and maintain towers, telecommunications facilities, wires, cables, fixtures, and other equipment in substantial compliance with the requirements of the national electrical safety code and all FCC, state, and local regulations, and in such manner that will not interfere with the use of other property. All towers, telecommunications facilities, and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person. All maintenance or construction of towers, telecommunications facilities, or antenna support structures shall be performed by city and state licensed maintenance and construction personnel. All tower owners shall maintain the towers in compliance with current RF emission standards of the FCC.

If, upon inspection, the city concludes that the tower fails to comply with such codes or standards and constitutes a danger to person or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring the tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days constitutes grounds for the removal of the tower at the owner's expense upon fifteen (15) days' written notice via normal first class mail.

In the event that the use of a tower is discontinued by the tower owner, the tower owner shall provide written notice to the city of its intent to discontinue use and the date when the use shall be discontinued and the tower removed from the premises. (Ord. 2662, 2001)

15.42.140: MODIFICATIONS:

- A. Permit: A new permit must be obtained prior to any proposed change or addition to any WCF, provided that routine maintenance or replacement of any portion of the WCF with identical equipment in conformance with this chapter shall not require application for a new permit.
- B. Existing Uses: All WCFs existing on the date of passage of the ordinance codified herein shall be allowed to continue their operation as they presently exist, subject to the terms of this chapter relating to abandonment or discontinuance of use. Routine maintenance shall be permitted, but construction involving the replacement of support structure apparatus, antennas, or any exterior alteration C. Exception: Emergency service WCFs may obtain a waiver from the city council if required for preserving the public health and safety. Issuance of the waiver shall require a public hearing and a finding on the part of the council that the modifications cannot comply without undue burden on the citizens of the city. (Ord. 2662, 2001)

15.42.150: ABANDONMENT OR DISCONTINUATION OF USE:

- A. Construction or activation of a WCF shall commence within ninety (90) days of approval of the WCF permit or the permit shall be null and void. A ninety (90) day written extension approval may be granted by the planning and development services department due to weather conditions or other extenuating circumstances beyond the control of the applicant as determined by the planning and development services department, after written request by the permittee.
- B. At such time that a licensed carrier plans to abandon or discontinue operation of a WCF, the carrier shall notify the city by first class U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to

abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the WCF shall be considered abandoned, effective the day of discontinuance.

- C. The carrier shall remove the WCF no later than ninety (90) days after the date of abandonment or discontinuation, properly dispose of all waste materials from the site in accordance with local and state solid waste disposal regulations, and restore the location to its before use state, landscaping and grading excepted. Removal shall include, but not be limited to, removal of antennas, support structures, equipment enclosures and security barriers from the subject property.
- D. If a carrier fails to remove a WCF in accordance with this section, the city may cause the facility to be removed and all expenses of removal, disposal, and restoration shall be paid by the owner of the land where the facility is located. (Ord. 2662, 2001)

15.42.160: SEVERABILITY:  

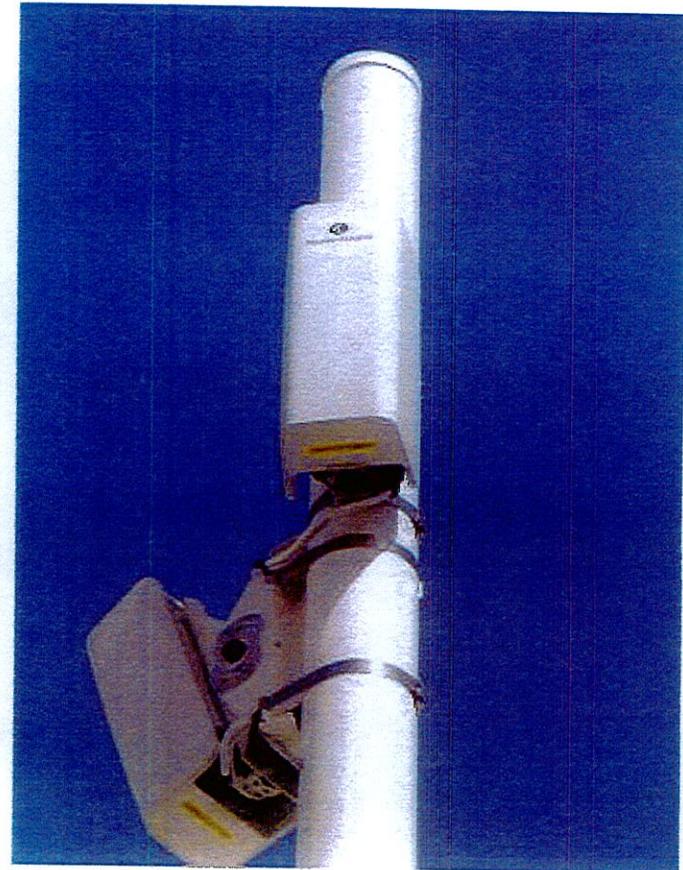
If any clause, section, or other part of this chapter shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this chapter shall not be affected thereby, but shall remain in full force and effect. (Ord. 2662, 2001)

15.42.170: REPEALER:  

All resolutions, ordinances or parts of ordinances in conflict herewith are hereby repealed. (Ord. 2662, 2001)

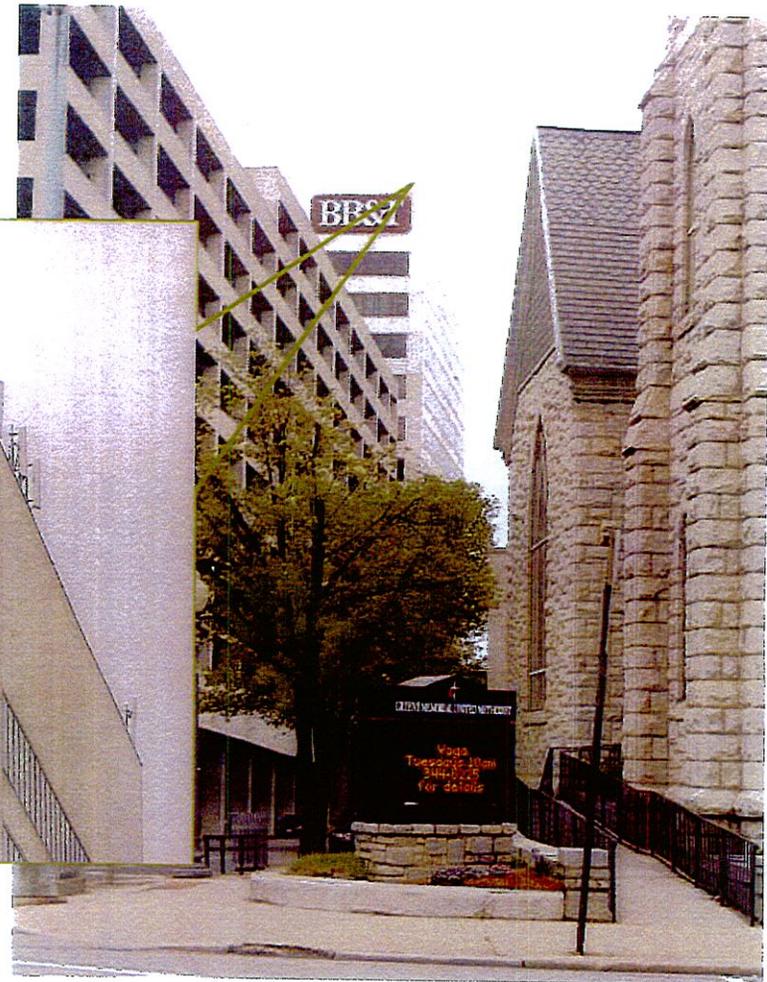
Technology

- Small Cell Systems



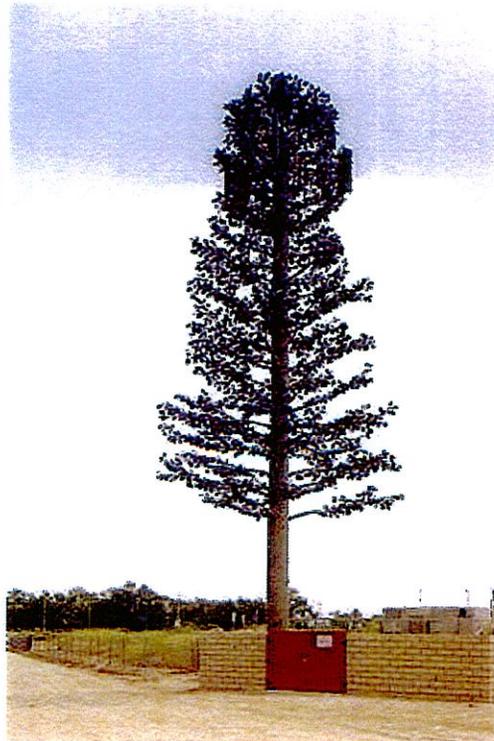
Technology

- Macrocell Systems
 - Host support structures
 - Building Mounted



Technology

- Macrocell Systems
 - Freestanding support structures
 - Stealth (Disguise)



Technology

- Macrocell Systems
 - Host support structures
 - Stealth (Concealment)



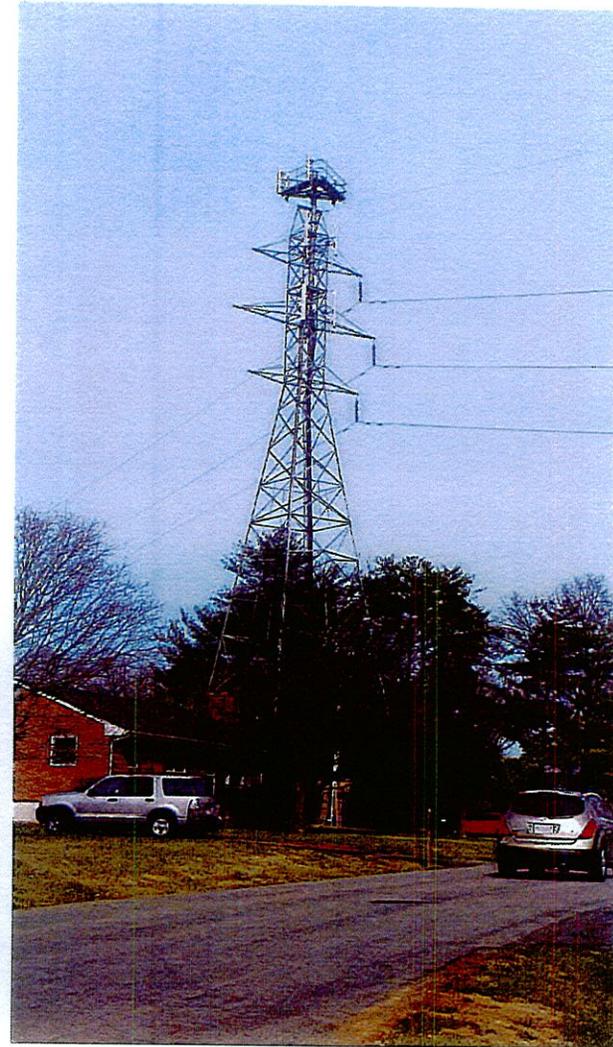
Technology

- Macrocell Systems
 - Host support structures
 - Stealth (Camouflage)



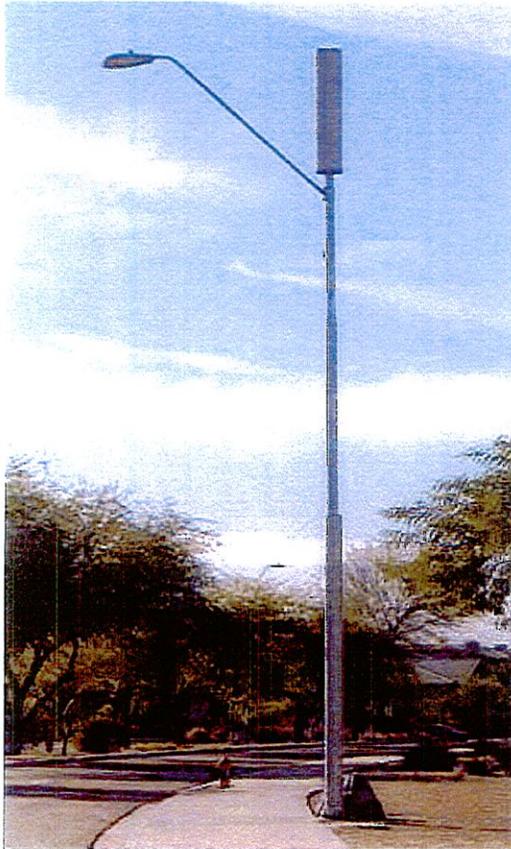
Technology

- Macrocell Systems
 - Host support structures
 - Utility Infrastructure



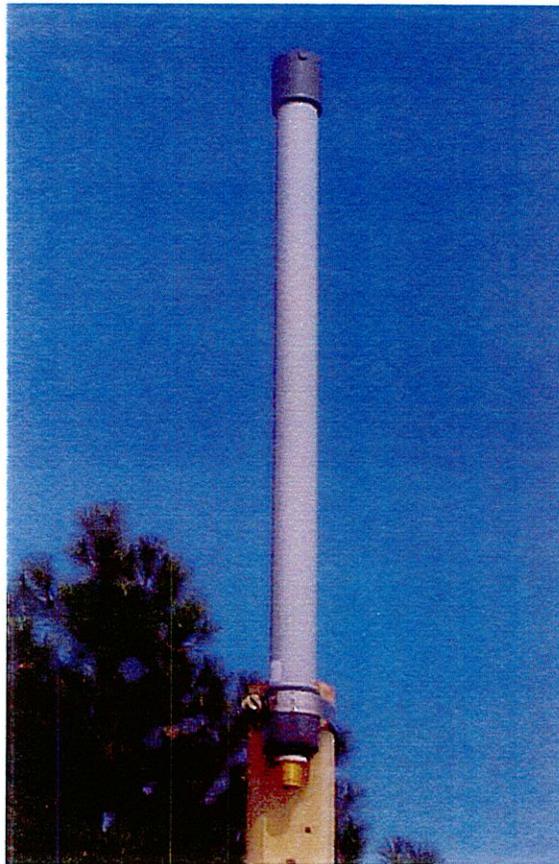
Technology

- Distributed Antenna Systems (DAS)



Technology

- Antennas
 - Omni-Directional Antenna (Whip)

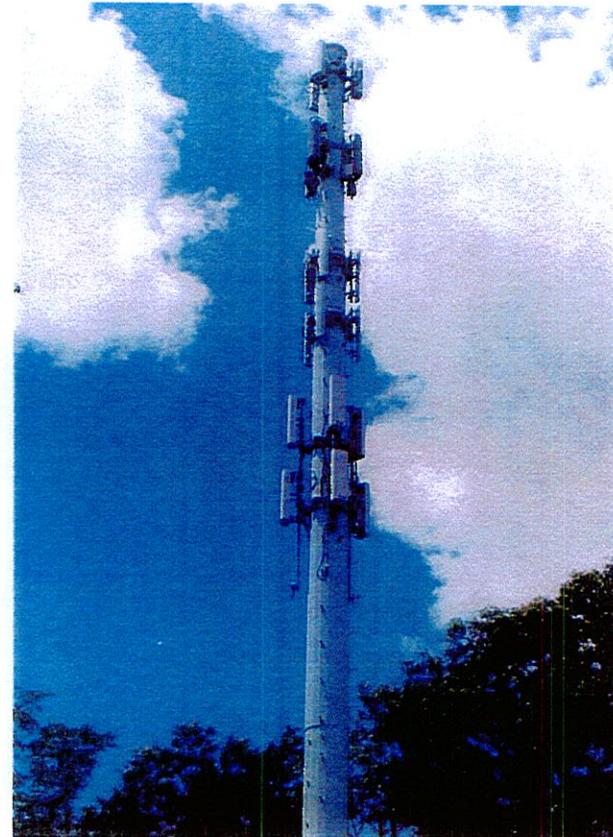


Technology

- Antennas
 - Sector Antenna (Panel)



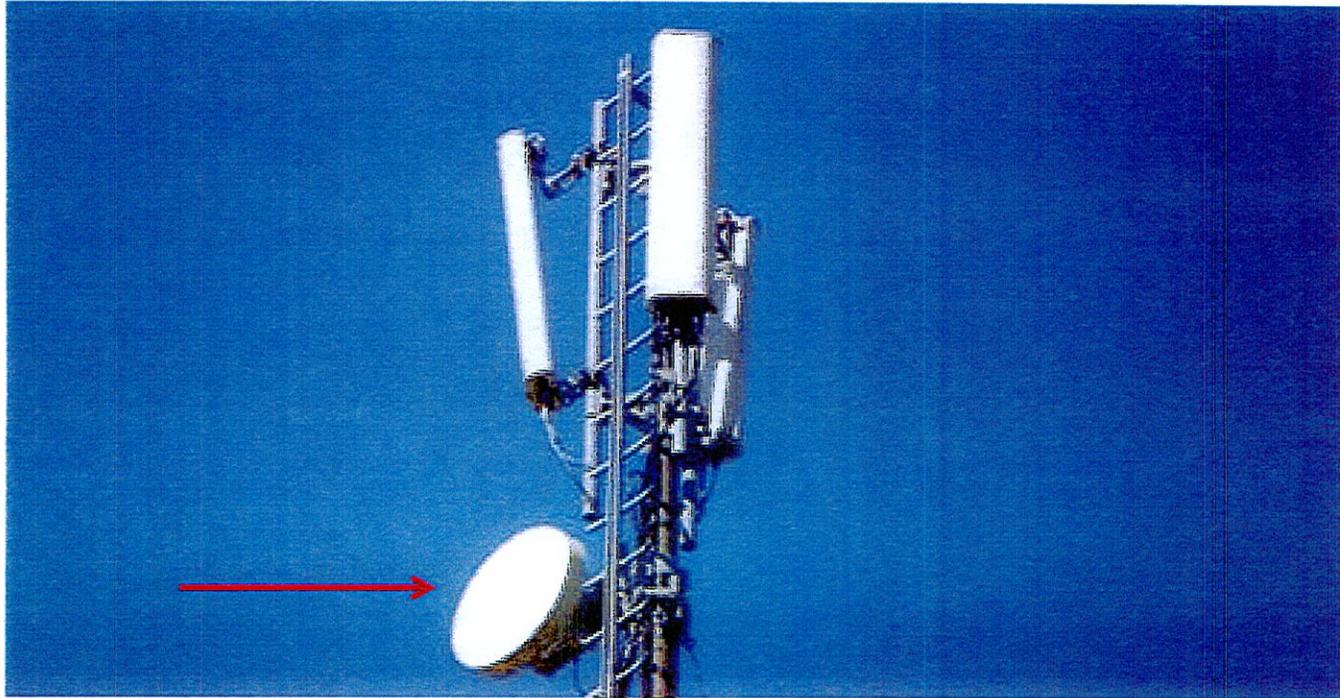
Distributed
Antenna
Array



Flush-
Mounted
Antenna
Array

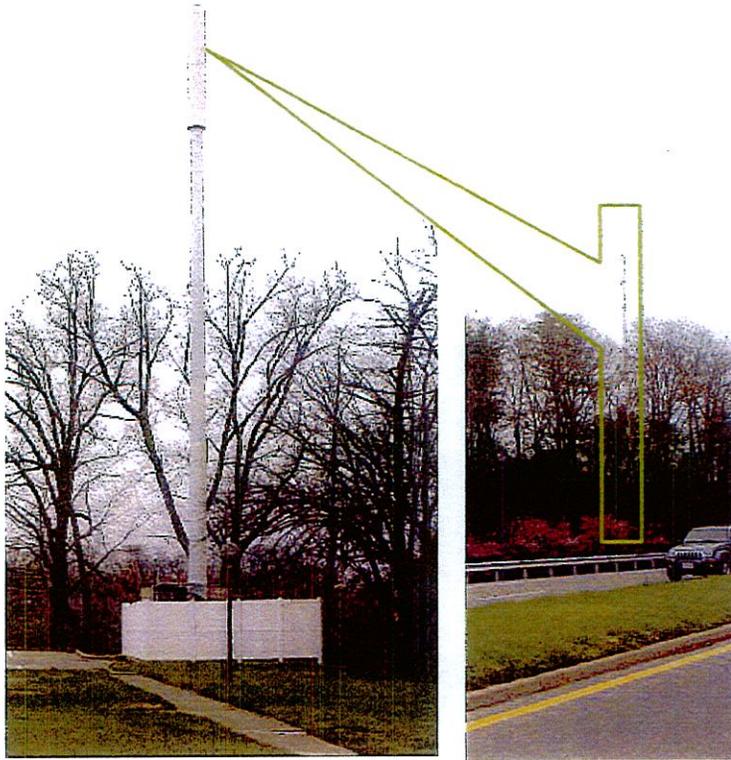
Technology

- Antennas
 - Dish Antenna



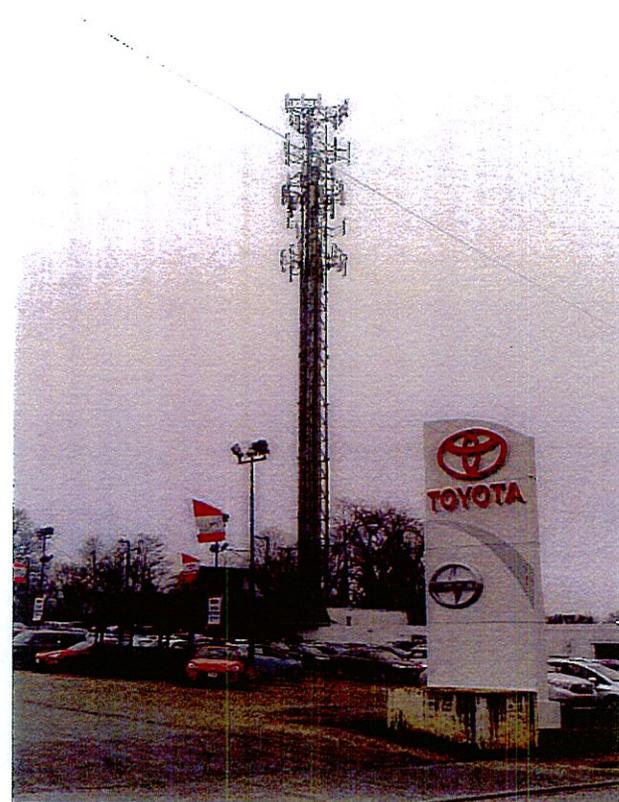
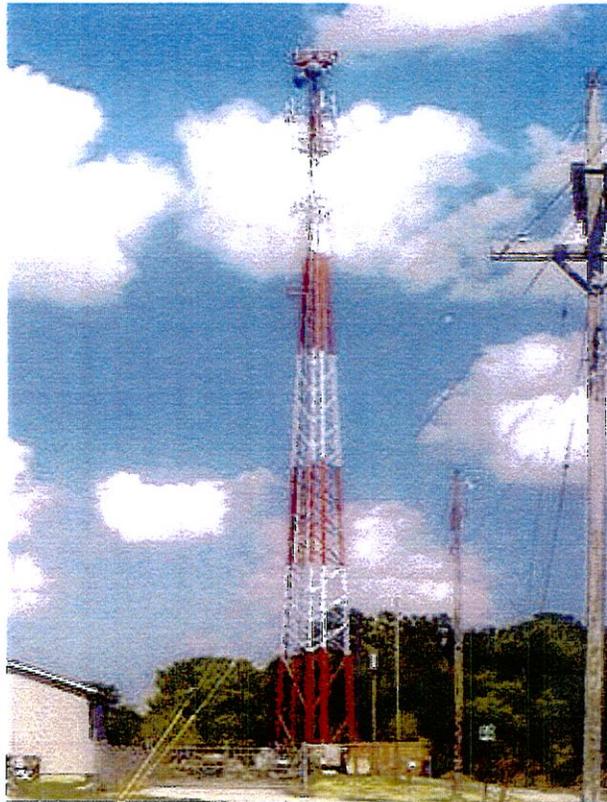
Technology

- Macrocell Systems
 - Freestanding support structures
 - Monopole



Technology

- Macrocell Systems
 - Freestanding support structures
 - Lattice



Technology

- Macrocell Systems
 - Freestanding support structures
 - Guyed Wire

