

RESOLUTUION NO. 2024-07
A RESOLUTION TO ESTABLISH DESIGN STANDARDS FOR SMALL WIRELESS FACILITIES IN THE RIGHTS-OF-WAY IN THE CITY OF ASHLAND

WHEREAS, the City of Ashland has adopted Title 16 establishing standards for telecommunications facilities, including small wireless facilities, in the rights-of-way to provide for the permitting process and mutual obligations of the city and the permittee for placement and operation of telecommunications facilities; and

WHEREAS, the City desires to balance the benefits from small wireless infrastructure with its aesthetic impact on the community in order to mitigate or avoid adverse visual impacts, encourage the deployment of infrastructure consistent with the surrounding built and natural environment, and preserve the City's historic and environmental resources to the extent feasible; and

WHEREAS, the Federal Communications Commission has found that small wireless facilities have unique characteristics relative to other types of telecommunications facilities and requires local governments to have reasonable, published design standards applicable to small wireless facilities; and WHEREAS, such design controls are best established through resolution that allows for a more responsive process by which to make prompt and immediate changes to design specifications, restrictions and allowances on small wireless facilities given the likely advent of changes in laws and technology in this area of telecommunications.

THEREFORE, COMES NOW THE COUNCIL FOR THE CITY OF ASHLAND DOES RESOLVE AS FOLLOWS:

1. The City hereby adopts the design standards for small wireless facilities deployed in the rights-of-way in the City attached hereto as Exhibit A.
2. This resolution is effective upon adoption.

This resolution was duly PASSED and ADOPTED this ___ day of _____ 2024, and takes effect upon signing by the Mayor.

Alissa Kolodzinski, City Recorder

SIGNED and APPROVED this ___ day of _____ 2024.

Tonya Graham, Mayor

Reviewed as to form:

Douglas M. McGearry, Acting City Attorney

EXHIBIT A

Small Wireless Facility Design Standards For City Rights-of-Way

A. Definitions. Definitions for these design standards are those provided in AMC Chapter 16.04.040.

B. Application of Standards.

- a. These design standards are in addition to, and in no way alter or amend, the standards and requirements established in AMC Title 16. In the event of a conflict between these design standards and the standards and requirements established in AMC Title 16, the latter shall control.
- b. These design standards are subject to all rules and requirements of the Electric Department applicable to attachments of small wireless facilities to City-owned poles. In the event of a conflict between these design standards and any Electric Department rule or requirement, the latter shall control.

C. General Requirements.

- a. Ground-mounted equipment in the right-of-way is discouraged, unless the applicant can demonstrate that pole-mounted equipment is not technically feasible, or the electric utility requires placement of equipment on the ground (such as an electric meter). If ground mounted equipment is necessary, then the applicant shall conceal the equipment in a cabinet, in street furniture or with landscaping.
- b. Antennas must be mounted in a manner that minimizes visual impacts, which may include flush-mounting and camouflaging, as directed by the City. All antennas and associated mounting equipment, hardware, cables or other connectors must be completely concealed within an opaque antenna shroud or radome. The antenna shroud or radome must be painted a flat, non-reflective color to match the underlying support structure.
- c. Replacement poles, new poles and all antenna equipment shall comply with the Americans with Disabilities Act (“ADA”), city construction and sidewalk clearance standards and city, state and federal laws and regulations in order to provide a clear and safe passage within, through and across the right-of-way. Further, the location of any replacement pole, new pole, and/or antenna equipment must comply with applicable traffic requirements, not interfere with utility or safety fixtures (e.g., fire hydrants, traffic control devices), and not adversely affect public health, safety or welfare.
- d. Replacement poles shall be located as near as feasible to the existing pole. The abandoned pole must be removed within ten business days.
- e. Any replacement pole shall substantially conform to the material and design of the existing pole or adjacent poles located within the contiguous right-of-way unless a different design is requested and approved pursuant to Section H and the permit issued by the City pursuant to AMC Section 16.12.
- f. No advertising, branding or other signage is allowed unless lawfully permitted and approved by the Public Works Director as a concealment technique or as follows:
 - i. Safety signage as required by applicable laws, regulations, and standards; and,
 - ii. Identifying information and 24-hour emergency telephone number (such as the telephone number for the operator’s network operations center) on wireless equipment in an area that is visible.
- g. The total volume of multiple antennas on one structure shall not exceed fifteen (15) cubic feet, unless additional antenna volume is requested and approved pursuant to Section I.
- h. Antennas and antenna equipment shall not be illuminated except as required by municipal, federal or state law or regulation.
- i. Small wireless facilities may not displace any existing street tree or landscape features unless in compliance with the Ashland Municipal Code and Land Use Code, and at minimum: (a) such displaced street tree or landscaping is replaced with trees and landscape approved under the City’s Recommended Street Tree List and as further regulated under AMC 13.16 , and (b) the applicant submits and adheres to a landscape maintenance plan or agrees to pay an appropriate in-lieu fee for the

maintenance costs.

- j. A power cutoff switch must be installed on each pole or structure to which a small wireless facility capable of emitting RF energy is attached. The City will ensure that authorized field personnel provide a 24-hour advance notice to the designated point of contact for the licensee or franchisee when a power-down or power cutoff is required.
 - i. Notwithstanding the previous sentence in the event of an unexpected power outage, an unplanned power cutoff, or an emergency situation, the power-down will be executed with as much advance notice as practical. If circumstances require, City employees and contractors may perform the power-down by operating the power disconnect switch without prior notice to the licensee or franchisee. The City will notify the licensee or franchisee as soon as possible in such cases. Power will be restored promptly once it can be done safely.

D. Small Wireless Facilities Attached to Wooden Poles and Non-Wooden Poles with Overhead Lines. Small wireless facilities located on wooden utility poles and non-wooden utility poles with overhead lines shall conform to the following design criteria unless a deviation is requested and approved pursuant to Section I:

- a. Proposed antenna and related equipment shall meet:
 - i. The City's design standards for small wireless facilities.
 - ii. The pole owner requirements; and
 - iii. National Electric Safety Code ("NESC") and National Electric Code ("NEC") standards.
- b. The pole at the proposed location may be replaced with a taller pole or extended for the purpose of accommodating a small wireless facility; provided that the height increase of the replacement or extended pole, together with any small wireless facility, is the minimum necessary to provide sufficient separation and/or clearance from electrical and wireline facilities, but may not exceed 40 feet in height or 10 percent taller than adjacent poles, whichever is less, except in the case of an eligible facilities request or as otherwise required by applicable law. Such replacement poles may either match the approximate color and materials of the replaced pole or shall be the standard new pole used by the pole owner in the city.
- c. Antennas, equipment enclosures, and all ancillary equipment, boxes, and conduit shall match the approximate material and design of the surface of the pole or existing equipment on which they are attached, or adjacent poles located within the contiguous right-of-way. Near matches may be permitted by the City when options are limited by technical feasibility considerations, such as when high-frequency antennas cannot be placed within an opaque shroud but could be wrapped with a tinted film.
- d. Antennas which are mounted on poles shall be mounted above the pole, as close to the top of pole as technically feasible and allowed by the pole owner.
- e. Antennas may not exceed the diameter of the pole on which they are attached, or 16 inches in diameter, whichever is greater.
- f. Antenna equipment for small wireless facilities must be attached to the pole, unless otherwise required by the pole owner or permitted to be ground-mounted pursuant to subsection (B)(a) above. The equipment must be placed in an enclosure reasonably related in size to the intended purpose of the facility.
- g. All cables and wiring shall be covered by conduits and cabinets. The number of conduits shall be minimized.

E. Small Wireless Facilities Attached to Non-Wooden Light Poles and Non-Wooden Utility Poles without Overhead Utility Lines. Small wireless facilities attached to existing or replacement non-wooden light poles and non-wooden utility poles without overhead lines shall conform to the following design criteria unless a deviation is requested and approved pursuant to Section I:

- a. The antennas must be camouflaged to appear as an integral part of the pole or be mounted as close to the top of pole as feasible within a single, canister style shroud or radome that tapers to the pole.
- b. For replacement poles, all equipment (excluding disconnect switches), conduit and

fiber must be fully concealed within the pole. For existing poles for which concealing equipment within the pole is not technically feasible, the equipment must be camouflaged to appear as an integral part of the pole or be mounted as close to the pole as feasible, and the applicant must place the equipment enclosure(s) behind any decorations, banners or signs that may be on the pole. Conduit and fiber must be fully concealed within the pole.

- c. Any replacement pole shall substantially conform to the material and design of the existing pole or adjacent poles located within the contiguous right-of-way unless a different design is requested and approved pursuant to Section H.
 - d. The height of any replacement pole may not extend more than 10 feet above the height of the existing pole or be 10 percent taller than adjacent poles, whichever is less.
- F. New Poles.** Small wireless facilities may be attached to new poles that are not replacement poles under sections D or E, installed by the wireless provider, subject to the following criteria:
- a. Antennas, antenna equipment and associated equipment enclosures (excluding disconnect switches), conduit and fiber shall be fully concealed within the structure.
 - b. All new poles and pole-mounted antennas and equipment shall substantially conform to the material and design of adjacent poles located within the contiguous right-of-way unless a different design is requested and approved pursuant to Section H. If there are no existing light poles in the adjacent right-of-way, any new light poles shall conform to the city's Street Light Standards.
 - c. New poles shall be no more than forty (40) feet in height or 10 percent taller than adjacent poles, whichever is less, unless additional height is requested and approved pursuant to Section H.
 - d. Wireless providers shall install small wireless facilities on existing or replacement poles instead of installing new poles, unless the wireless provider can document that installation on an existing or replacement pole is not technically feasible or otherwise not possible (due to a pole owner's denial of authorization, safety considerations, or other reasons acceptable to the Public Works Director).
- G. Residential, Special and Historic District Requirements.**
- a. *Residential Zones and Special Districts:* Small wireless facilities and poles to support collocation of small wireless facilities deployed in Residential Zones and/or Special Districts identified in the Land Use Ordinance shall be compatible with the existing integrity of those Zones and Districts, and shall have a similar appearance, including material and design elements, to other poles in the rights-of-way within these areas.
 - b. *Historic District:* Small wireless facilities and poles to support collocation of small wireless facilities shall not be located in Historic Districts unless the Public Works Director determines in his or her sole discretion that the facility or pole is compatible with the existing integrity of the Historic District and shall have a similar appearance, including material and design elements, to other poles in the rights-of-way within the Historic District.
- H. Strand Mounted Equipment.** Strand mounted small wireless facilities are permitted, subject to the following criteria:
- a. Each strand mounted antenna shall not exceed 3 cubic feet in volume, unless a deviation is requested and approved pursuant to Section I.
 - b. Only 2 strand mounted antennas are permitted between any two existing poles.
 - c. Strand mounted devices shall be placed as close as possible to the nearest pole and in no event more than five feet from the pole.
 - d. No strand mounted device will be located in or above the portion of the roadway open to vehicular traffic.
 - e. Strand mounted devices must be installed with the minimum excess exterior cabling or wires (other than original strand) to meet the technological needs of the facility.
- I. Deviation from Design Standards.**
- a. An applicant may obtain a deviation from these design standards if compliance with the standard: (a) is not technically feasible; (b) directly conflicts with written pole owner requirements; or (c) otherwise prohibits or effectively prohibits the provision of personal wireless service in violation of the Telecommunications Act of 1996.

- b. When requests for deviation are sought under subsections (I)(1)(a)-(c), the request must be narrowly tailored to minimize deviation from the requirements of these design standards, and the Public Works Director must find that there is no feasible alternative location or design that complies with these standards and the applicant's proposed design provides similar aesthetic value when compared to strict compliance with these standards.
- c. Public Works Director may also allow for a deviation from these standards when it finds the applicant's proposed design provides equivalent or superior aesthetic value when compared to strict compliance with these standards.
- d. The small wireless facility design approved under this Section I must meet the conditions of 47 C.F.R. Sec. 1.6002(1).
- e. Public Works Director will review and may approve a request for deviation to the minimum extent required to address the applicant's needs or facilitate a superior design.