



Planning Commission Staff Report

To: Planning Commission
 From: Planning Staff
 Report Date: November 29, 2016
 Meeting Date: December 6, 2016
 Item: Public Hearing on amending Sandpoint City Code, Title 9, creating a new *Chapter 15: Telecommunication Facilities*

General Information

Requested Actions:	Take public testimony regarding the Telecommunication Facilities draft ordinance and forward a recommendation on to the Sandpoint City Council
Included in Staff Report:	<ol style="list-style-type: none"> 1. Overview 2. Legislative Public Hearing Procedures 3. Relevant comprehensive plan policies 4. Telecommunications Act Municipal Authority Summary 5. Motion for Proposed Decision
Attachments:	<ol style="list-style-type: none"> 1. Draft telecommunications facilities ordinance (tracked changes) 2. Draft telecommunications facilities ordinance (clean) 3. July 5th, 2016, October 18th, 2016 and November 1st, 2016 minutes regarding discussion of telecommunication towers

1. Overview:

Following several workshops by the Planning Commission, City Staff has drafted a new ordinance to address the placement, standards and process of new telecommunication facilities. The placement and construction of future telecommunications facilities should reflect Sandpoint’s comprehensive plan goals and policies. The attached draft ordinance aims to specifically address minimizing the number of antenna towers throughout the community, encouraging co-location of telecommunication facilities, encouraging the use of existing buildings and light or utility poles, ensuring that

telecommunication facilities are located and designed to minimize visual impact on the surroundings, and ensuring that the City adheres to the rules and regulations in the Telecommunications Act of 1996. Following the continued discussion at the November 1st Planning and Zoning Commission meeting, staff has made various edits to the draft ordinance for review (see attached in both clean form and with latest changes tracked).

At their August 10th meeting, the City Council adopted a six-month moratorium on all permits for telecommunication towers in order for the city to properly address them within land use codes.

2. Legislative Public Hearing Procedures:

Staff has followed the notice procedures applicable to zoning amendments as noted under Idaho Code §67-6511 and Sandpoint City Code Title 9, Chapter 9.

Order of Public Hearing

1. Explanation of subject of the hearing by city staff.
2. Opening of the public hearing in which the public may provide testimony. Questions should be asked of the person testifying before leaving the podium. Those wishing to testify are required to fill a sign-up sheet, which will be provided by the City. The order for those providing testimony should be as follows:
 - a. In favor
 - b. Neutral
 - c. Opposed
3. Close the public hearing
4. Commission deliberates

3. Relevant Comprehensive Plan Policies:

- Goal CD-1: Historic Town, Policy A: Ensure that all commercial, single and multi-family development respect the town's unique historic character, in architecture, density and in site planning.
- Goal H-2: Existing Neighborhoods, Policy B: Create street environments that would be appropriate for historic single-family neighborhoods.
- Goal T-5: Airport, Policy C: Provide for safe air navigation by approving appropriate safeguards to ensure that airport operations are conducted in a safe efficient manner.
- Goal PS-3: Education, Policy A: Consider impacts on the school district when considering land use decisions.
- Goal PS-1: Public Services, Policy C: Arrange land uses and public services systems to make them as efficient as practicable.
- Goal E-4: Downtown Revitalization, Policy G: Encourage preservation of historic buildings.

4. Municipal Authority to Regulate Telecommunication Facilities per the Telecommunications Act of 1996:

Although municipalities retain the right to adequately address issues relating to the placement, construction, and modification of wireless communication facilities, there are certain limitations.

Cities:

- cannot adopt regulations based on RF emissions or that which is the prevue of the FCC
- cannot unreasonably discriminate among providers of functionally equivalent services,
- cannot regulate those providers in a manner that prohibits or has the effect of prohibiting the provision of telecommunications services or personal wireless services,
- must act on applications within a reasonable time, and
- must document denial of an application in writing supported by “substantial evidence”

5. Motion for Proposed Decision:

“I move that the Sandpoint Planning Commission make a recommendation to the Sandpoint City Council to (APPROVE/DENY) the proposed amendment to Sandpoint City Code, Title 9 creating a new *Chapter 15: Telecommunication Facilities* as presented and attached with this report [with the following amendments (as applicable)]:

The reasons for this recommendation are as follows:

1. Staff has followed the notice procedures applicable to zoning amendments as noted under Idaho Code §67-6511 and Sandpoint City Code Title 9, Chapter 9.
2. The proposed ordinance is in accordance with the policies set forth in the adopted City of Sandpoint Comprehensive Plan.
3. The proposed ordinance is within the bounds of municipal authority granted by the Telecommunications Act of 1996.