

ORDINANCE No. 182846

Adopt street priorities and form for wireless applications for siting private wireless facilities in City right-of-way (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Expansion of wireless services and users is increasing rapidly. Today in the United States over 80% of households now have a wireless phone, and wireless phones outnumber wireline phones by a margin of about two to one. According to federal statistics, , there are more U.S. households that only have a wireless phone than households that only have a traditional wireline phone. Portland's wireless penetration rates appear to be slightly higher than the national average.
2. Wireless telecommunications providers use city rights-of-way to site facilities for the delivery, conveyance, and transmission of wireless telecommunications, for the enhancement of the health, welfare, and general economic well-being of the city and its citizens. Initially the wireless providers tended to place their facilities on utility poles in larger and busier streets.
3. In 2002, Council approved Resolution No. 36089, adopting a template for wireless right-of-way agreements. The Council adopted this template to promote the orderly use of city right of way by wireless providers and ensure they were all treated similarly. From 2003 through 2006 the wireless providers and the city negotiated individual wireless right-of-way agreements, which Council approved by ordinance.
4. Because of increasing wireless usage and demand, there is a growing need for antennas and other facilities in residential areas. There are fewer siting options in residential areas, so staff and industry anticipate that there will be increased requests for facilities in those areas. Siting in residential areas can result in conflicts with neighbors.
5. In response to these emerging problems, City staff worked to develop new and refined terms and conditions for the wireless agreements to protect neighborhoods while ensuring the provision of adequate wireless services. To facilitate wireless facility planning and siting, staff has developed a wireless application form, and a map of all city streets indicating their priority for wireless facility siting. The general public and wireless industry have been notified of the form and map, and a series of public and industry meetings were held. Staff recommends that the Council approve the application form and the siting map as formal, binding City policies.

NOW THEREFORE, The Council directs:

- a. The street priorities on the maps attached to this Ordinance as Exhibit A, or on such other maps as may be created to facilitate street identification and planning, are adopted to guide the City in reviewing applications for wireless facility siting and pole replacements in the city right-of-way.
- b. The Office of Cable Communications and Franchise Management (OCCFM) is directed to establish and administer the wireless facility site-specific application checklist that is identical or substantially similar to the form attached to this ordinance as Exhibit B. OCCFM may make minor changes to the checklist, such as correcting typographical errors, reorganize the checklist, provide clarifications, or change Internet hyperlinks. However, any material changes to the checklist must be brought back for Council review and approval by ordinance.
- c. Consistent with PCC Chapter 1.07, this ordinance and the attached exhibits constitute binding city policy applicable to current wireless providers using the city right-of-way, and to applicants for new and renewed wireless right-of-way agreements with the City.
- d. This ordinance shall become effective on July 1, 2009.

Passed by the Council: May 27, 2009

LaVonne Griffin-Valade
Auditor of the City of Portland
By /s/ Emily Matasar

Prepared by: Commissioner Amanda Fritz
DSoloos/BEWalters
May 12, 2009

Deputy

BACKING SHEET INFORMATION

AGENDA NO. 676, 731-2009

ACTION TAKEN: MAY 20 2009 PASSED TO SECOND READING MAY 27 2009 9:30 A.M.

ORDINANCE/RESOLUTION/COUNCIL DOCUMENT NO. 182846

COMMISSIONERS VOTED AS FOLLOWS:		
	YEAS	NAYS
1. FRITZ	X	
2. FISH	X	
3. SALTZMAN	X	
4. LEONARD	X	
ADAMS	===	===