



PLANNING AND DEVELOPMENT SERVICES

MAYOR: Lauren McLean | INTERIM DIRECTOR: Kelcey Stewart

July 30, 2021

Re: Wireless Communication Facilities Ordinance / Request for Comment / ZOA21-00004

Dear Neighborhood Association representatives, partner public agencies, and other interested parties:

The City of Boise has drafted an ordinance to address the technological advancements of wireless communication facilities (WCF) and ensure compliance with the Federal Communications Commission (FCC) and the Telecommunications Act of 1996. The City is considering the following changes to the Development Code:

1. General Updates

- a. Establish standard requirements (do not violate other laws and codes – ADA compliance, traffic control operations, etc.)
- b. Establish a precedence to save trees and defer to City Forester for best practices
- c. Update definitions broadly to ensure technology advancements do not require immediate amendments
- d. Establish new review processes for the types of proposals (*see below*)


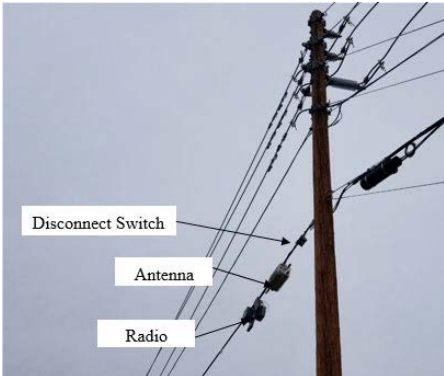
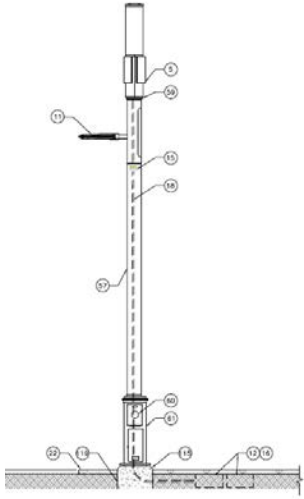

Proposal	Current Process	Proposed Process*
Attached Facility	Administrative Review by Staff	Allowed (No review by Staff)
New Freestanding Facility (25-45' tall poles)	Prohibited in Open Land & Residential Zones / Conditional Use in All Other Zones	Allowed in All Zones with Administrative Review by Staff
New Freestanding Facility (60-100' tall poles)	Prohibited in Open Land & Residential Zones / Conditional Use in All Other Zones	No Change

*All proposals still require standard reviews by the Building Dept or ACHD or Idaho Power.

2. Defining Attached Facilities

- a. Establish size (no greater than 15 cubic feet)
- b. Introduce regulations for Strand Mounted Facilities (*image below*)
- c. Allow replacement of existing pole for structural/technology purposes if height isn't increased above the base height of the zone.
- d. Continue to allow and encourage facilities on rooftops, side of buildings, built into architectural features, etc.

Examples of Wireless Communication Facilities

Attached Facility	Free Standing Facility	
	(25-45' tall poles)	(60-100' tall poles)
 <p>Attached to Streetlight, but could also be attached to a building, rooftop, etc.</p>  <p>Attached to Power Lines (aka Strand Mounted)</p>		

3. Standards for Freestanding Facilities

- a. Macro-Sites (60-100' tall poles)
 - i. No changes except increasing the distance from 500 feet to 1,000 feet between poles
- b. Micro-Sites (25-45' tall poles)
 - i. Establish design criteria which include separation distances, standards for placement of the pole and ground equipment, setbacks from an inhabited structure, and allow new poles to be dual purpose (for example, the facility plus a streetlight)
 - ii. Establish allowances for replacing existing poles to ensure facilities are in the same location, do not increase the height above the base height of the zone, etc.

We would like input to ensure our approach is consistent with the vision of the larger community. If you could take time to review the draft ordinance and share any comments or concerns you might have, it would be greatly appreciated. You can view the draft ordinance within the attached documents. Feedback can be provided online at: <https://www.cityofboise.org/departments/planning-and-development-services/planning-and-zoning/proposed-development-project-feedback/>. Please note the Planning Team is available to meet in person to discuss these potential changes.



Comments and questions should be directed to Céline Acord at (208) 608-7083 or cacord@cityofboise.org referencing the permit number ZOA21-00004. Please provide your feedback no later than 5:00 p.m. on September 3, 2021.

Sincerely,



Céline Acord
Manager, Current Planning & Subdivisions
Boise City Planning and Development Services



11-06-04: PUBLIC/INSTITUTIONAL USE STANDARDS

2. Communication Uses:

A. Wireless Communication Facilities: This section establishes standards for the placement of wireless communication facilities (WCF's) to minimize aesthetic impacts by regulating the height, location, site characteristics, and design. It shall apply to the placement of all new WCF's and the expansion or alteration of existing WCF's.

- 1) **General Requirements.** Facilities shall not:
 - a) Create adverse noise from generators or other accessory equipment.
 - b) Create access or grading problems.
 - c) Interfere with the safe operation of traffic control equipment.
 - d) Interfere with sight lines or clear zones for transportation or pedestrians.
 - e) Violate any applicable laws, codes, or regulations.
 - f) The removal of private trees or branches requires proof of acknowledgement of the private property owner. The removal of public trees is strongly discouraged. Result in the loss, displacement, or significant damage to a tree shall be determined by the City Forester. WCF's that will disturb a tree shall comply with [Section 11-7-05.2\(B\)\(8\)](#) and [11-07-05.2\(F\)](#) and any other applicable ordinance or manual, and the applicant shall:
 - i. Contact Boise City Forestry.
 - ii. Utilize a tree service licensed by the City of Boise.
 - iii. Mitigation may be required ([Section 7-2-14](#)).
- 2) **Application Not Required.** Subject to the design standards in Boise City Code Section 11-06-04.A(6), an application shall not be required for:
 - a) routine maintenance;
 - b) the replacement of a facility or antenna with another facility or antenna of equal or lesser size or height; or
 - c) the installation, placement, maintenance, operation, or replacement of strand-mounted micro wireless facilities between existing utility poles; or
 - d) the installation of an attached Wireless Communication Facility as defined in [Section 11-06-04.2\(A\)\(6\)](#).
- 3) **Use Allowances and Applications.** The WCF use allowances and application requirements are identified in [Table 11-06.3](#), below.

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Table 11-06.3: Wireless Communication Facilities - Allowed, Conditional and Prohibited Uses by Zoning District

A = Allowed, A = Administrative Review, C = Conditional Use Permit*

Zoning Category	Attached Wireless Communication Facility	Freestanding Wireless Communication Facility	
		Monopole/Structure Less than Base Height of zone	Monopole/Structure Greater than base height of zone
Residential Districts (A-1, A-2, R-1A, R-1B, R-1C, R-1M, R-2, R-3,)	A	A*	Prohibited within A, R-1 and R-2 zones
Commercial/ Office and Industrial Districts (R-O, N-O, L-O, C-1, C-2, C-3, C-4, C-5, P-C, U, HS, M-1, M-2, M-4, T-1 & T-2)			Conditional in R-3
			C

- 4) Site Development Standards for Freestanding Wireless Communication Facilities Greater than Base Height of Zone:** The following shall apply to freestanding WCF's above the base zone height per [Table 11-06.3](#).
- a) **Setbacks:** Support towers that do not exceed the height limit of the zone must meet setback, landscaping and screening requirements. Support towers that exceed the height limit of the zone shall be set back from all property lines as required by that zone or by 1 foot for every 10 feet of total tower height, whichever is greater. For a WCF located within 300 feet of a residential zone or use, the minimum distance from the tower base to the nearest existing residential structure or building setback line shall not be less than the height of the tower.
 - b) **Separation:** No closer than 1,000 feet to another freestanding WCF.
 - c) **Height:** The height measurement of a WCF shall include the height of the structure including antenna attachments. WCF's exceeding the height limit of the zone may only be allowed by Conditional Use Permit as indicated in [Table 11-06.3](#).
 - d) **Equipment Facilities:** All equipment shelters, cabinets, or on-ground ancillary equipment shall meet setback requirements.
 - e) **Screening and Landscaping:** Tower facilities shall include a landscape buffer. The buffer shall consist of a landscape strip at least 4-feet wide outside the perimeter of the compound. A minimum of 50 percent of the plant materials shall be of an evergreen variety. The Director may reduce or waive landscaping requirements where the visual impact of the facility is minimal.

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- f) **Color and Placement:** To the greatest extent possible, WCF's shall use materials, colors, textures, screening and landscaping that blend the facilities to the natural setting and the built environment. Any antennas and supporting equipment installed on a structure other than a tower shall use colors that are similar to the supporting structure and render the antennas and related equipment as unobtrusive as possible.
 - g) **Lighting and Security:** Unless required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC), WCF's shall not be lighted. Equipment shelters may use security lighting that is compatible with the surrounding neighborhood and confined to the boundaries of the site. Where a WCF is required to meet FAA paint or lighting regulations, the distance between the WCF and any residential zone or use or any historic district shall not be less than 1/4 mile.
 - h) **Advertising:** No advertising or display shall be located on any antenna or support structure.
 - i) **Discontinuation of Use:** Any WCF that is no longer in use shall be reported immediately by the property owner or service provider to the Director. Discontinued facilities shall be removed within 6 months and the site restored to its pre-existing condition.
 - j) **Gateway Streets:** Lattice towers and WCF poles that exceed the base zone height limit are prohibited within 100 feet of:
 - i. Capitol Boulevard.
 - ii. Vista Avenue from I-84 to Capitol Boulevard.
 - iii. Broadway Avenue from I-84 to Warm Springs Avenue.
 - iv. State Street from the State Capitol to State Highway 55.
 - v. Myrtle Street.
 - vi. Front Street.
 - vii. Federal Way from Capitol Boulevard to Bergeson Street.
 - viii. Warm Springs Avenue.
 - ix. Park Center Boulevard.
- 5) **Site Development Standards for Freestanding Wireless Communication Facility Less than Base Height of Zone:** The following shall apply to freestanding WCF's less the base zone height per [Table 11-06.3](#):
- a) **Design Criteria:** The WCF complies with the WCF design standards in [Section 11-06-05.2\(A\)\(6\)\(a\), General Criteria](#).
 - b) **Separation:** A freestanding WCF shall be no closer than 500 feet to another freestanding WCF.
 - c) **Dual Purpose:** The pole shall allow for a Boise City Public Works approved streetlight or co-location of another WCF provider or utility service.
 - d) **Ground Equipment:** All equipment not installed on or inside the pole shall be located underground, flush to the ground, within 3 feet of the utility pole.
 - e) **Placement:** The freestanding WCF shall not interfere with clear vision triangles or pedestrian access.

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- f) **Setbacks:** In residential zoning districts, freestanding WCFs shall be no closer than 20 feet to an inhabited dwelling.
 - g) **Options to Co-locate:** The applicant shall demonstrate that all appropriate co-location options (including publicly owned utility poles, privately owned structures, poles, rooftops and poles within easements) within a 500-foot radius are technically incompatible for co-location.
- 6) **Design Standards for Attached Wireless Communication Facilities:** The following shall apply to attached WCF's per [Table 11-06.3](#):
- a) **General Criteria**
 - i. The total volume of antennas on one structure shall not exceed fifteen (15) cubic feet.
 - ii. No antenna shall extend horizontally more than 20 inches past the outermost mounting point (where the mounting hardware connects to the antenna).
 - iii. Antennas and associated equipment enclosures not fully concealed within a pole must be camouflaged to appear as an integral part of the pole or be mounted as close to the pole as feasible and must be reasonably related in size to the intended purpose of the facility and reasonable expansion for future frequencies and/or technologies, not to exceed the volumetric requirements otherwise required in this ordinance. Conduit and fiber must be fully concealed within the pole.
 - iv. Antennas and antenna equipment shall not be illuminated except as required by municipal, federal, or state authority or as incidental to deployment on a streetlight.
 - b) **Strand-Mounted Wireless Facilities**

Strand-mounted facilities shall comply with the following:

 - i. Each strand-mounted antenna shall not exceed 3 cubic feet in volume;
 - ii. No more than 2 strand mounted antennas between any two existing poles;
 - iii. Strand-mounted devices shall be placed as close as possible to the nearest pole and in no event more than 5 feet from the pole unless a greater distance is required by the pole owner; and
 - iv. No strand-mounted device will be located in or above the portion of the roadway open to vehicular traffic. Strand-mounted devices must be installed with the minimum excess exterior cabling or wires to meet the technological needs of the facility.
 - c) **Replacement**
 - i. The centerpoint of the replacement pole shall be located no more than 2 feet away from the centerpoint of the original pole.
 - ii. Construction of the replacement pole entails no new ground disturbance within a 2-foot radius outside previously disturbed

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areas, including disturbance associated with temporary support of utility, communications, or related transmission lines.

- iii. The pole does not exceed the height of the zone, except as otherwise authorized under this code; and
 - iv. Has an appearance consistent with the quality and appearance of the original pole.
- d) **Exceptions.** The design standards shall not apply to the extent that the facilities comply with any of the following:
- i. Antennae located entirely within approved signage, including antennae placed within the sign face or attached to a support structure so long as the design is such that the antennae is effectively unnoticeable. Such antennae may not be placed on a non-conforming sign.
 - ii. Flush mounted, color coordinated panels on existing buildings where equipment is not visible above the roof line. All equipment shelters, cabinets or other accessory structures shall be located within the building utilized for the antennae, or on the ground located outside of any required setbacks, required landscaping or parking spaces.
 - iii. Antennae built into architectural features or which appear to be architectural features themselves, added to existing structures (such as chimneys, cupolas, dormers, bell towers, steeples, water tanks, stadium lights, utility poles, and other similar features) where the zoning height limit for such architectural features is not exceeded.
 - iv. Co-location on existing facilities where the height of the existing structure or pole does not increase over the maximum height of the base zone, unless conditionally approved.
 - v. Installations which are located far from any prospective viewer and in such a way as to have a backdrop of terrain which obscures the antennae as to make it visibly unobtrusive and effectively unnoticeable; or
 - vi. Antennas that appear to be natural features indigenous to the site and which are located in proximity to the features they are imitating so that they blend in and do not stand out visually.
 - vii. An applicant may seek Director approval to deviate from applicable site and design standards to the extent that compliance with the standard: (i) is not technically feasible; (ii) impedes the effective operation of the WCF; (iii) conflicts with other applicable laws or requirements governing the WCF; or (v) otherwise materially inhibits or limits the provision of wireless service.

- 7) **Eligible Facilities Request:** Upon receipt of an Eligible Facilities Request, the Director shall review such application to determine whether the application so qualifies. The Director shall issue an approval if the application qualifies.

11-12-02.1: DEFINITIONS OF USE CATEGORIES AND USE TYPES

K. Communication Uses: Communication uses transmit analog or digital voice or communications information between or among points using electromagnetic signals via antennas, microwave dishes, and similar structures. Supporting equipment includes buildings, shelters, cabinets, towers, electrical equipment, parking areas, and other accessory development. Specific use types include, but are not limited to:

Antenna: An apparatus designed for the purpose of emitting radiofrequency (RF) signals, to be operated or operating from a fixed location for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under 47 C.F.R. Part 15.

Antenna Equipment: The equipment, switches, wiring, cabling, power sources, shelters, or cabinets associated with an antenna, located at the same fixed location as the antenna, and, when co-located on a structure, is added to a structure at the same time as such antenna.

Broadcasting or Recording Studio: A building or portion of a building used as a place for radio or television broadcasting or recording but without a transmission tower.

Eligible Facilities Request: An application for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station pursuant to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, as interpreted by the Federal Communications Commission.

Lattice Tower: A self-supporting, multiple sided, open steel frame structure used to support telecommunications equipment.

Monopole: A support structure that consists of a single pole sunk into the ground and/or attached to a foundation.

Strand-Mounted Facility: An attached wireless communication facility installed upon a cable strand in coordination with a utility provider.

Structure: A pole, tower, base station, or structure, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless services (whether on its own or comingled with other types of service).

Transmission Tower: A structure in a fixed location used as an antenna or to support antennas for the primary purpose of transmitting and/or receiving electronic signals. This definition includes nonresidential broadcast, communication, transmission, and similar towers, either freestanding or attached to an adjacent broadcasting or transmitting facility.

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Wireless Communications Facility (WCF): An unstaffed facility for the transmission and reception of radio or microwave signals used for commercial communications or providing personal wireless services as defined in the Federal Telecommunications Act of 1996 that includes Federal Communications Commission licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed. A WCF is composed of two or more of the following components:

- A. Antenna;
- B. Support structure;
- C. Equipment enclosure;
- D. Security barrier.

Wireless Communication Facility, Attached (Attached WCF): An antenna array attached to an existing or replaced structure without exceeding the base height of the zone. Such structures shall include but are not limited to utility poles, signs, steeples, cupolas, water towers, and antennas attached to the exterior façade of a building.

Wireless Communication Facility, Freestanding (Freestanding WCF): A WCF that includes a new support structure or otherwise is not an Attached WCF as defined in this section.