

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: Cell Towers

Meeting Date: November 9, 2015
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: A
Staff Contact: Steve Nystrom
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ISSUE STATEMENT

This work session is an opportunity for the City Council to discuss a memo from the City Attorney's office concerning cell tower regulations.

BACKGROUND

This item is a follow-up to the work session the council previously held to discuss cell towers. That work session focused on the City's regulations, federal telecommunications standards and regulations of other select cities. At the conclusion of that work session, the council asked whether there was anything more the City could do, particularly within residential areas. The City Attorney offered to discuss this matter with the City's telecommunications consultant in Washington D.C. Based on his feedback, the City Attorney's office provided additional research and prepared a memo discussing those findings. Planning staff and legal counsel will be available at the work session to discuss this memo further.

While Eugene's ordinance has generally achieved the primary goal of minimizing the construction of new towers on residential lands (none built to date), there has been more recent interest from a couple of cell providers to locate a few towers in residential areas. As staff understands it, the cell providers have established the majority of their cell tower networks. However, a few pockets of poor service remain. It is this circumstance that has prompted the council to discuss whether there is more the City can do to regulate new towers in residential areas (primarily the R-1, Low-Density Residential zone).

As was discussed at the previous work session, the Federal Telecommunications Act stipulates the extent to which a local government may regulate telecommunication facilities. One of the key provisions of this federal act states that local government regulations may not prohibit, or "have the effect of prohibiting," the provision of personal wireless services. The City was successful in prohibiting cell towers in all residential zones except R-1 when it first adopted its ordinance. Given that the R-1 zoning district comprises the majority of land in the City, it was not legally possible to prohibit new towers in this zone as well.

Given these circumstances, the City Attorney's memo attempts to identify other possible actions

the City could consider. These suggestions generally include measures requiring cell providers to provide further analysis and justification that a proposed tower is necessary in the R-1 zone, and that all reasonable design alternatives have been considered. The memo also discusses other efforts underway by staff to encourage the use of emerging technologies which could help reduce visual impacts to neighborhoods.

Staff would note that while there currently is no capacity to undertake a code amendment process at this time, the City has begun a process of identifying potential amendments such as this which can be prioritized by the council in the future, as staff resources become available.

COUNCIL OPTIONS

This matter is before the City Council as a discussion item. No action is required.

CITY MANAGER'S RECOMMENDATION

No recommendation is necessary as this is a discussion item.

SUGGESTED MOTION

None.

ATTACHMENTS

A. Memo from City Attorney

FOR MORE INFORMATION

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