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"Where Minnesota History Begins"

## MEMO

**Date:** November 15, 2017  
**Re:** Planning Commission/Board of Adjustment Report  
**From:** Ben Oleson, Zoning Administrator

Dear Mayor and City Council,

The Planning Commission/Board of Adjustment held its regular meeting on November 13, 2017. The Commission held two public hearings - one regarding regulations for the placement of small wireless facilities and support structures in public rights-of-way and the other regarding regulations for the placement of small wireless facilities and support structures on private property.

The Planning Commission/Board of Adjustment has recommended approval of both proposed amendments.

### AGENDA ITEM #1

**Application:** Amendment to City Code, Chapters 7.07 (Right of Way Regulation). The purpose of the amendment is to modify City regulations consistent with changes adopted in May 2017 by the state legislature to MN Statutes 237 regarding "small wireless facilities" and "wireless support structures" located within the public right-of-way. The proposed changes would specify construction and locational requirements, permitting procedures, fees and exemptions to the regulations.

**Applicant:** City of Little Falls Planning Commission

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#### Background Information:

- Proposal:** The proposal is to amend the city's regulations regarding use of the public right of way to allow for "small cell" technology equipment to be installed. The ordinance is necessitated both by recent changes to state law regarding the placement of "small wireless facilities" and "wireless support structures" in the right of way and also due to the increasing proliferation and need for such facilities to serve the demand for wireless services.

The state law changes essentially allow such facilities as permitted uses in the right of way, but allow for municipalities to adopt requirements regarding procedures of approval (particularly when the right of way is adjacent to or within residential or historic districts), fees for the placement of such facilities and other items. The state law will become effective January 1, 2018.

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**Planning Commission Recommendation:** The Planning Commission has recommended approval of the proposed amendments, with changes recommended by Staff during the hearing, on a unanimous 6-0 vote (Kleinschmidt absent). The proposed changes are identified in the enclosed resolution.

## AGENDA ITEM #2

**Application:** Amendment to City Code, Chapters 11.02 (Definitions), 11.05 (Zoning Districts and Map) and 11.10 (Communications Towers). The purpose of the amendments are to clarify the regulation of “small wireless facilities” and “wireless support structures” within the City and distinguish such improvements from those regulated by Section 11.10 (Communications Towers). The proposed changes would specify construction and locational requirements, permitting procedures and exemptions to the regulations.

**Applicant:** City of Little Falls Planning Commission

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### Background Information:

- Proposal:** The proposal is to amend the city’s regulations regarding use of private land for “small cell” technology equipment to be installed. The ordinance is intended to clarify how “small cell” technology will be regulated – as opposed to “large cell” technology that was the focus of Section 11.30 (Communications Towers) when it was adopted by the City more than 8 years ago.

Small cell technology is technology that allows cell phone companies to provide coverage to “gaps” in their service area and/or to help reduce congestion on the larger towers in areas experiencing heavy use of data. In many cases, the equipment is placed within public right of way, but in other instances it is necessitated on private property.

The recent state law changes (see previous agenda item) affect only the placement of this technology on public right of way; it does not address how cities should handle the technology on private property. The proposed ordinances would clarify how these private property installations would be handled.

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**Planning Commission Recommendation:** The Planning Commission has recommended approval of the proposed amendments, with changes recommended by Staff during the hearing, on a unanimous 6-0 vote (Kleinschmidt absent). The proposed changes are identified in the enclosed resolution.

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If you have any questions, please feel free to contact me. I can be reached by phone at (888) 439-9793 or by email at [oleson@hometownplanning.com](mailto:oleson@hometownplanning.com).