

Supplemental Aesthetic Standards for Personal Wireless Communication Facilities Sited in Public Rights-of-Way

April 15, 2019

Douglas County Personal Wireless Communication Facility Design Standards:

The County has adopted regulations for personal wireless communication facilities as set forth in Section 27A – Personal Wireless Communication Facility Design Standards, of the Douglas County Zoning Resolution. Section 27A sets forth the intent of the regulations, general policies, and specific approval and design standards. Section 27A establishes important aesthetic principals and standards which continue to apply to all personal wireless facilities that are subject to the Douglas County Zoning Resolution, including small cell and other facilities to be sited within County-owned rights-of-way, and as further subject to applicable state and federal law.

The introduction to Section 27A summarizes the intent and importance of the County's aesthetic standards:

“To provide design standards for personal wireless communication facilities to ensure their compatibility with the surrounding development and compliance with the Douglas County Comprehensive Master Plan. Successful site design will result in facilities that blend with existing and projected uses and preserve the environmental and aesthetic qualities of Douglas County. The unique and diverse landscapes of the County are among its most valuable assets. Protecting these assets will require that location and design of personal wireless communication facilities be sensitive to, and in scale and harmony with, the character of the community.”

Aesthetic-based approval standards require, among other things, that all personal wireless communication facilities, including small cell and other wireless facilities within the public right-of-way, to:

- *Be architecturally and visually (color, bulk, mass, size) compatible with surrounding buildings, structures, vegetation, or uses in the area, or those principal uses permitted by the underlying zone district;*
- *Be designed to be compatible with surrounding uses and not dominate the landscape;*
- *Be designed to not be a dominant feature on a ridgeline; and*
- *Preserve or enhance existing vegetation with minimal site disturbance.*

The County's aesthetic standards set forth in Section 27A anticipate the camouflaging of personal wireless facilities as flagpoles, light poles, utility poles or similar structures, if such facilities are compatible with the surrounding landscape features or uses.

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A recent ruling from the Federal Communications Commission (FCC) requires, among other things, that aesthetic requirements used by local governments in evaluating proposed wireless facilities be published in advance. The ruling provided local governments until April 15, 2019 to establish and publish aesthetic requirements consistent with the ruling. Douglas County will continue to apply applicable aesthetic requirements in Section 27A of the Douglas County Zoning Resolution to land use applications for personal wireless communication facilities.

*In addition to the requirements of Section 27A, the following supplemental standards shall be applied to personal wireless communication facilities, including small cell facilities, **that are proposed to be sited within the public rights-of-way**. It is the County's intent to incorporate the published supplemental standards into the Douglas County Zoning Resolution through formal amendment shortly.*

A. Siting Hierarchy

To avoid visual clutter and maximize the joint use of existing vertical infrastructure in the public rights-of-way, the County has established colocation and siting preferences for personal wireless communication facilities ("wireless facilities"). The order of preference shall be:

1. Colocation on or modifications to existing wireless facilities within the right-of-way.
2. Attachments to or camouflaged replacements of existing street lights, utility poles, or other utility infrastructure within the right-of-way.
3. Attached to or as camouflaged replacements of existing Douglas County-owned traffic signal infrastructure.
4. Stand-alone wireless facilities constructed as stealth light pole, utility pole, or other utility infrastructure.

B. Design Standards

Wireless facilities should be visually compatible with existing and normally-anticipated vertical structures, such as stealth street lights and utility poles, within the right-of-way. Wireless facilities proposed within the public rights-of-way shall comply with each of the following requirements:

1. All antennas and other equipment shall be concealed entirely within the wireless facility pole. Minor attachments may be allowed if it is determined the visual impact would be minimal and otherwise support a more compatible facility design. Any ground mounted equipment shall be installed in an underground vault.

2. For other than the pole base, the maximum diameter of the vertical wireless facility shall not exceed 20 inches. Any antenna shroud at the top of the wireless facility shall not exceed the adjoining pole diameter by more than 4 inches.
3. Spacing between vertical wireless facilities shall be as follows:
 - a. No less than 400 feet on any one side of an arterial roadway as classified by *Douglas County Roadway Design and Construction Standards*, as amended.
 - b. No less than 300 feet on any one side of a collector or local roadway as classified by the *Douglas County Roadway Design and Construction Standards*.
 - c. Minimum spacing requirements may be reduced if an applicant can demonstrate that an existing pattern of street lights or other vertical infrastructure exists along the entire length of the roadway and that the applicant's proposed spacing is consistent with that pattern.
 - d. For any particular wireless facility, deviations from these spacing standards may be permitted if the applicant can demonstrate that the location would lessen the visual impact to adjacent properties as noted in #4 below.
4. To minimize impacts on individual residential lots, wireless facilities should be sited at the intersection of the right-of-way boundary and shared side or rear lot lines, adjacent to nonresidential tracts or subdivision entrances, or in close proximity to existing mail box or utility box clusters.
5. Architectural style, pole diameter, height, color, and materials of the wireless facility shall be consistent with other existing or planned vertical infrastructure within the right-of-way.
6. For wireless facilities sited within a local road right-of-way and adjacent to single family residential uses, the following standards shall apply:
 - a. Pole height shall not exceed 24 feet; and
 - b. Maximum pole diameter, except as may be proportionally wider at the base, shall not exceed 12 inches; and
 - c. Where street lights or other vertical infrastructure exist within the same right-of-way or immediately surrounding neighborhood, pole height and diameter may be sized to match.
7. Applicants are strongly encouraged to meet with abutting property owners, homeowners' associations, and metropolitan districts in the vicinity of the proposed wireless facility or wireless facility network to discuss design and placement options prior to and during the application process.

8. Applicants are strongly encouraged to develop community-specific wireless facility designs which consider the unique characteristics of the rights-of-way and abutting land uses for individual neighborhoods within the County.

c. Other Standards:

For purposes of clarification, the following safety-related standards from the *Roadway Design and Construction Standards* apply to all wireless facilities located in the public rights-of-way and may impact wireless facility siting and design.

1. No wireless facility shall be sited where sight-distances or vehicular and pedestrian travel would be impeded. See Figure 4-15, Intersection and Driveway Sight Distance.
2. When sited in the public right-of-way, minimum setbacks between the wireless facility and the flow line of the curb and any existing or future sidewalk must meet the *Roadway Design and Construction Standards*. See Detail SS-1, Typical Sign Placement Detail; Detail SS-4, Typical Locations - Stop Signs and Yield Signs; and Section 3.9, Requirements for Landscaping Plans within County ROW:
 - a. For local road right-of-way – 6 feet from flow line, 2 feet from sidewalk or planned sidewalk
 - b. For collector road right-of-way – 10 feet from flow line, 2 feet from sidewalk or planned sidewalk
 - c. For arterial road right-of-way – 10 feet from flow line, 2 feet from sidewalk or planned sidewalk
 - d. Setbacks are applicable to any portion of the facility, including projections within 10 feet vertically of ground level.

D. Administrative Waiver of Design Standard(s):

1. Any one or more of the design standards applicable to wireless facilities may be waived by the Director of Douglas County's Department of Community Development upon written application by the wireless facility applicant, specifying the design standard or standards for which waiver is sought, and demonstrating for each such standard all of the following waiver criteria:
 - a. The design standard prohibits or has the effect of prohibiting service through the wireless facility at the particular location for which approval is sought because the design standard will not allow the technology to function at that location; and
 - b. There is no existing nearby alternate structure for collocation or attachment that will provide the technological functionality and which otherwise meets the design standard sought to be waived; and

- c. There is no existing nearby alternate location upon which a compliant structure could be constructed that will provide the technological functionality, with an equivalent or greater degree of service in comparison to the original location, and which otherwise meets the design standard sought to be waived; and
 - d. The proposed variance from the design standard represents a reasonable and best approximation of the particular standard sought to be waived; and
 - e. The proposed variance from the design standard does not constitute or create any public safety, health or welfare concern.
2. Any approval for waiver of a design standard shall be issued in writing by the Director of Douglas County's Department of Community Development.
3. If any design standard or standards are waived for a particular wireless facility pursuant to the foregoing procedures, the wireless facility must nevertheless comply with all applicable design standards that were not expressly approved in writing for waiver.