

RESOLUTION NO. 19-03

**A RESOLUTION TO ESTABLISH SMALL CELL MANAGEMENT AND DEPLOYMENT
STANDARDS FOR ATTACHMENTS WITHIN THE CITY OF OREGON CITY
RIGHTS-OF-WAY**

WHEREAS, the City of Oregon City has statutory and constitutional authority to manage its Rights-of-Way ("ROW") in accordance with Oregon Revised Statutes 221.510 Municipal Regulation of Telecommunication Carriers; and

WHEREAS, on November 6, 2013, the City enacted Ordinance No. 13-1014 which established Chapter 13.34 of the Oregon City Municipal Code, Utility Facilities in Public Rights-of-Way, and exercised the City's authority to manage and to secure compensation to the City and its residents for utility use of the ROW; and

WHEREAS, on January 14, 2019, the regulatory rulings of the Federal Communication Commission became effective regarding the City's authority to regulate Small Cell facilities in the ROW; providing guidance on certain state and local non-fee requirements including aesthetic and underground requirements. FCC concludes aesthetics are not pre-emptive if (1) reasonable, (2) no more burdensome than those applied to other types of infrastructure deployments, and (3) published in advance.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1: Pursuant to ORS 221.510 and the Federal Communication Commission regulatory rulings, the City of Oregon City hereby adopts Small Cell Design and Construction Standard Guidelines for the Public Rights-of-Way attached as Exhibit A. These standards establish reasonable, nonburdensome, and published standards for the deployment and management of Small Cells within the Public Rights-of-Way.

Section 2: This resolution shall be in effect upon adoption by the City Commission.

Approved and adopted at a regular meeting of the City Commission held on the 20th day of February 2019.

Dan Holiday, Mayor

Attested to this 20th day of February 2019:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney