

RESOLUTION NO. 11348

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE ADOPTING A POLICY REGULATING SMALL WIRELESS TELECOMMUNICATIONS FACILITIES AND RELATED STRUCTURES IN THE PUBLIC RIGHTS-OF-WAY.

WHEREAS, pursuant to California Constitution, Article XI, section 7, Government Code section 37100 and other applicable law, the City Council of the City of Orange may make and enforce within its limits all local, police, sanitary and other ordinances, resolutions and other regulations not in conflict with general laws; and

WHEREAS, California Public Utilities Code §7901 grants telephone corporations a statewide franchise to deploy telecommunications facilities in the public rights-of-way to the extent the deployment does not interfere with the public rights-of-way, while Section 7901.1 allows a city to exercise reasonable control as to the time, place and manner in which its rights-of-way are accessed; and

WHEREAS, Chapter 12.64 of the Orange Municipal Code (OMC) regulates encroachments by above- and below-ground facilities, in the public rights-of-way; and

WHEREAS, OMC Section 12.64.020 defines “facility” as including telecommunications facilities, of which small wireless facilities are a subset; and

WHEREAS, significant changes in federal laws have occurred, affecting the extent to which a city can exercise control over telecommunications facilities and other related infrastructures, including the imposition of strict timelines for processing applications for small wireless facilities, preemption of city consideration of the health effects of said facilities, and restrictions on city regulation of said facilities unless the regulations are reasonable, no more burdensome than those imposed on other infrastructure deployments, objective and published in advance; and

WHEREAS, the City has developed a policy that establishes reasonable, uniform and comprehensive standards and procedures for small wireless facilities and related infrastructure deployment in the public rights-of-way consistent with and to the extent permitted under federal and state law.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Orange hereby:

- a) Finds that the recitals set forth above are true and correct and provide a legally sufficient basis for the actions taken in this Resolution.
- b) Approves and adopts the Small Wireless Facility Policy attached hereto.

- c) Finds that pursuant to California Environmental Quality Act (“CEQA”) Guidelines §15378 and California Public Resources Code §21065, this Resolution is not a “project” because its adoption is not an activity that has the potential for a direct physical change or reasonably foreseeable indirect physical change in the environment and there is no possibility that this project will have a significant impact on the physical environment.

ADOPTED this ____ day of _____, 2021.

Mark A. Murphy, Mayor, City of Orange

ATTEST:

Pamela Coleman, City Clerk, City of Orange

I, Pamela Coleman, City Clerk of the City of Orange, California, do hereby certify that the foregoing Resolution was duly and regularly adopted by the City Council of the City of Orange at a regular meeting thereof held on the ____ day of _____ 2021, by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:

Pamela Coleman, City Clerk, City of Orange