

RESOLUTION NO. 2019-24

A Resolution amending the fee schedule to adopt fees for small wireless facilities within the public right-of-way.

RECITALS:

The City of McMinnville has adopted procedures and standards for review of small wireless facilities within the public right-of-way; and

The FCC's September 26, 2018 ruling provides guidance on fees and authorizes presumptive fees and "make ready" cost recovery; and

It is in the best interest of the City of McMinnville to adopt fees for the costs associated with regulating small wireless facilities; and

Chapter 3.18 of the City Code provides for the City to establish non-recurring fees, recurring fees, and cost recovery for small wireless facilities within the public right-of-way.

NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF MCMINNVILLE RESOLVES AS FOLLOWS:

Section 1. The fees attached as Exhibit A are hereby adopted.

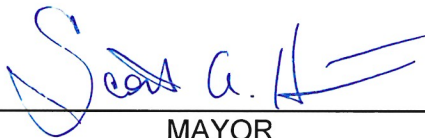
Section 2. This Resolution shall take effect immediately upon passage.

Passed by the Council this 9th day of April, 2019 by the following votes:

Ayes: Drabkin, Garvin, Geary, Menke, Peralta, Stassens

Nays: _____

Approved this 9th day of April, 2019.



MAYOR

Approved as to form:



CITY ATTORNEY

**Fee Schedule Amendment
Fees for Small Wireless Facilities within the Public Right-of-Way**

The fee schedule is amended to include the following “presumptive fees” for Small Wireless Facilities within the public right-of-way, consistent with the presumptive fees authorized by the FCC’s September 26, 2018 ruling.*

Initial Non-Recurring Fee: \$500 for a single up-front application that includes up to five Small Wireless Facilities with an additional \$100 for each Small Wireless Facility beyond five.

Annual Recurring Fee: \$270 per facility per year for all recurring fees, including any applicable right-of-way access fee or fee for attachment to municipally-owned structures in the right-of-way.

“Make Ready” Cost Recovery: Recovery of any specific costs incurred by the City caused by the attacher for work within the right-of-way and/or to enable the siting of a Small Wireless Facility on a municipally-owned structure in the right-of-way.

If applicable law authorizes Small Wireless Facilities within a public utility easement, these fees are also authorized for Small Wireless Facilities located within a public utility easement.

*The FCC’s September 26, 2018 ruling authorizes the City Council to adopt higher fees than the above “presumptive fees” upon showing that the fees are:

- A reasonable approximation of costs,
- Those costs themselves are reasonable,
- They are non-discriminatory

The City may further amend this fee schedule by resolution upon a determination that higher fees are in the best interest of the public, upon findings the fees are consistent with the above-noted items.

NOTE: *These fees are specific to the City of McMinnville, and are separate from any applicable fees of any other separate pole owner, power provider, or right-of-way owner which may also apply.*