



## AGENDA

### Planning Commission Special Meeting

6:30 PM - Thursday, December 12, 2019

City Hall Council Chambers, Sammamish, WA

Page		Estimated Time
	<b>CALL TO ORDER</b>	<b>6:30 pm</b>
	<b>ROLL CALL</b>	
	<b>APPROVAL OF AGENDA</b>	
	<b>APPROVAL OF MINUTES</b>	
3 - 4	1. November 7, 2019 Meeting Minutes <a href="#">View Minutes</a>	
	<b>PUBLIC COMMENT - NON AGENDA</b>	<b>6:35 pm</b>
	<i>3 minutes per person / 5 minutes if representing an organization</i>	
	<b>OLD BUSINESS</b>	<b>6:45 pm</b>
5 - 45	2. <b>Workshop:</b> Wireless/Small Cell Technology Regulation Update <a href="#">View Agenda Item</a>	
	<b>NEW BUSINESS</b>	
	<b>PUBLIC COMMENT - AGENDA</b>	<b>8:15 pm</b>
	<i>7 minutes per person</i>	
	<b>ADJOURNMENT</b>	<b>8:30 pm</b>
	<b>LONG TERM CALENDAR</b>	
46	<a href="#">View Calendar</a>	

**Note:** This is an opportunity for the public to address the Planning Commission. For non-agenda items, three (3) minutes are granted per person, or five (5) minutes if representing the official position of a recognized community organization. Seven (7) minutes are granted per person for agenda items.

If you are submitting written material, please supply 8 copies (7 for Planning Commission; 1 for the record). If you would like to show a video or PowerPoint, it must be submitted or emailed by 5pm the day of the meeting to Jackie Montañana at [JMontanana@sammamish.us](mailto:JMontanana@sammamish.us). Please be aware that Planning Commission meetings are videotaped and available to the public.

The City of Sammamish Planning Commission is appointed and is the advisory board to the City Council on the preparation and amendment of land use plans and implementing ordinances such as zoning. Planning Commissioners are selected to represent all areas of the City and as many "walks of life" as possible. The actions of the Planning Commission are not final decisions; they are in the form of recommendations to City Council who must ultimately make the final decision.

**THE COMMISSION MAY ADD OR TAKE ACTIONS ON ITEMS NOT LISTED ON THIS AGENDA.**

Planning Commission meetings are wheelchair accessible. American Sign Language (ASL) interpretation is available upon request.

Please phone (425) 295-0500 at least 48 hours in advance. Assisted Listening Devices are also available upon request.

**Draft**



## MINUTES

### Planning Commission

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**6:30 PM - November 7, 2019**

City Hall Council Chambers, Sammamish, WA

**Commissioners Present:**

Vice-Chair Eric Brooks, Planning Commissioner, Position 1  
Larry Crandall, Planning Commissioner, Position 5  
Josh Amato, Planning Commissioner, Position 4  
Roisin O'Farrell, Planning Commissioner, Position 2  
Rituja Indapure, Planning Commissioner, Position 7

**Commissioners Absent:**

Chair Mark Baughman, Planning Commissioner, Position 6  
Mark Lewis, Planning Commissioner, Position 3

**Staff Present:**

Interim Director of Community Development David Pyle  
Planning Manager Kellye Hilde  
Transportation Planner Doug McIntyre  
Senior Management Analyst Miryam Laytner  
Management Analyst Sara Estiri  
Office Assistant Jaclyn Montanana

**CALL TO ORDER**

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Vice Chair Brooks called the Sammamish Planning Commission meeting to order at 6:30 PM.

**ROLL CALL**

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Roll was called.

**APPROVAL OF AGENDA**

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**Motion to approve the agenda for November 7, 2019 as distributed.**

Motion carried with no objections.

**APPROVAL OF THE MINUTES**

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**Motion to approve the October 17, 2019 minutes as distributed.**

Motion carried with no objections.

**PUBLIC COMMENT - NON AGENDA**

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**Draft**

No public comment.

**OLD BUSINESS**

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**2020 Comprehensive Plan and Sammamish Municipal Code Development Regulations Docket Requests**

Miryam Laytner, Senior Management Analyst, and Sara Estiri, Management Analyst, gave a presentation regarding the 2020 Comprehensive Plan and Sammamish Municipal Code Development Regulations Docket Requests.

**PUBLIC COMMENT - AGENDA**

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Paul Stickney - 22626 NE Inglewood Hill Rd Sammamish, WA 98074

Topic: 2020 Comprehensive Plan and Sammamish Municipal Code Development Regulations Docket Requests

Mary Wictor - 408 208th Ave NE Sammamish, WA 98074

Topic: 2020 Comprehensive Plan and Sammamish Municipal Code Development Regulations Docket Requests

**MOTION: Larry Crandall moved to moved to recommend to City Council the approval of the 2020 docket requests as presented by staff at the November 7, 2019 Public Hearing. Rituja Indapure seconded. Motion carried unanimously 5-0 with Chair Mark Baughman and Mark Lewis absent.**

**ADJOURNMENT**

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**MOTION: Larry Crandall moved to adjourn. Rituja Indapure seconded. Motion carried unanimously 5-0 with Chair Mark Baughman and Mark Lewis absent.**

Adjourned at 7:37 P.M.

**LONG TERM CALENDAR**

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# Agenda Bill

Planning Commission Regular Meeting  
December 12, 2019



<b>SUBJECT:</b>	Wireless Communication Facilities Code Rewrite	
<b>DATE SUBMITTED:</b>	December 06, 2019	
<b>DEPARTMENT:</b>	Community Development	
<b>NEEDED FROM COMMISSION:</b>	<input type="checkbox"/> Action <input type="checkbox"/> Direction <input checked="" type="checkbox"/> Informational	
<b>RECOMMENDATION:</b>	Does the revised language in the proposed new Chapter 21A.56 SMC - Wireless Communication Facilities (WCF) adequately regulate siting criteria, design standards, permitting, and deployment of WCF throughout the city? Review and provide direction to staff on edits and changes of draft telecommunication code. If Commission is ready, set for January 16, 2020 Public Hearing.	
<b>EXHIBITS:</b>	<a href="#">1. Exhibit 1 - Summary of Changes</a> <a href="#">2. Exhibit 2 - Draft Wireless Communications Code</a>	
<b>BUDGET:</b>		
Total dollar amount	N/A	<input type="checkbox"/> <b>Approved in budget</b>
Fund(s)	N/A	<input type="checkbox"/> <b>Budget reallocation required</b>
		<input checked="" type="checkbox"/> <b>No budgetary impact</b>
<b>WORK PLAN FOCUS AREAS:</b>		
<input type="checkbox"/> Transportation	<input type="checkbox"/> Community Safety	
<input type="checkbox"/> Communication & Engagement	<input type="checkbox"/> Community Livability	
<input checked="" type="checkbox"/> High Performing Government	<input type="checkbox"/> Culture & Recreation	
<input type="checkbox"/> Environmental Health & Protection	<input type="checkbox"/> Financial Sustainability	

**NEEDED FROM COMMISSION:**

Does the language in the proposed new Chapter 21A.56 SMC - Wireless Communication Facilities (WCF) adequately regulate siting criteria, design standards, permitting, and deployment of WCF throughout the city?

**KEY FACTS AND INFORMATION SUMMARY:**

Summary Statement

In response to changes in Federal requirements, and in an effort to update the City's WCF rules to respond to industry changes, the Department of Community Development is proposing a new Chapter 21A.56 SMC to replace Chapter 21A.55 SMC which regulates the siting, design, and deployment of WCF throughout the city.

### **Background**

Staff, in collaboration with the City Attorney and AHBL consulting, have developed a draft of Chapter 21A.56 and have presented it to Planning Commission on 9/5/19 and 10/17/19. Since the last Planning Commission work session staff have taken several steps to address feedback provided by the Planning Commission and wireless service providers.

### **Internal Review Meeting**

An internal interest group meeting with Public Works, Parks, the City Attorney, and AHBL was held. The following issues were addressed:

- Small wireless facilities can now be connected to City poles via a franchise agreement.
- Wireless facilities will not be allowed in City owned parks.

### **Meeting with Wireless Service Providers**

Staff hosted a three-and-a-half-hour meeting with wireless service providers to discuss their feedback and concerns with the draft chapter. Representatives from AT&T, Verizon, and T-Mobile were present along with City Staff and the City Attorney. The following issues were addressed:

- Several technical edits were made to the draft with all parties in agreement.
- Providers raised concerns over language in the Variance Section, Noticing Section, Design Section (primarily Verizon), and Tier System (primarily T-Mobile). Verizon and T-Mobile said they would provide the City with draft language for those sections as an example of language they would prefer. No language was provided to the City by an agreed upon deadline. The providers did provide sample technical illustrations which are better suited as part of Public Works Design Standards as opposed to aesthetic design criteria.
- As a result of the meeting, there was agreement on minor technical edits. Staff did add more aesthetic design illustrations created by staff. Additional key Changes:
  - Defined Franchise and added a Franchise process section
  - Private streets now listed under Table B
  - Noting variance can go beyond shot clock
  - Added 21A.56.095 for noticing to break that out for clarity
  - Corrected height for small wireless facility
  - Construction notice required for small wireless facility
  - Defined adjacent for small wireless facility notice.
  - All changes to the draft chapter have been tracked by AHBL in an amendment matrix (Attachment 1).

### **Home Owners Association Meeting**

Staff sent invitations to the City's 60 registered Home Owners Associations inviting them to an informational question and answer session to discuss how the new WCF chapter and deployment of WCF could affect them.

- 6 representatives from Home Owners Associations attended the meeting.

**Work Session**

The purpose of the December 12, 2019 work session is to review the changes made to the draft of Chapter 21A.56 SMC since the last Planning Commission work session in anticipation of the January 16, 2020 Public Hearing. Staff will present changes to the Commission and ask for feedback.

**FINANCIAL IMPACT:**

N/A

**OTHER ALTERNATIVES CONSIDERED:**

N/A

**RELATED CITY GOALS, POLICIES, AND MASTER PLANS:**

Comprehensive Plan Goals and Policies

Goal UT.1 Ensure development and the maintenance of all utilities at levels of service adequate to accommodate existing and projected growth.

- Policy UT.1.2 Utilize franchise agreements with private utility providers and interlocal agreements with public utility providers as a means to protect and advance adopted City goals and policies.

Goal UT.2 Support coordination with service providers to minimize cost and service disruption.

- Policy UT.2.2 Promote co-location of new public and private utility distribution facilities aboveground and in underground shared trenches.

Goal UT.3 Encourage placement, siting and design of utilities to support community character and promote uninterrupted service.

- Policy UT.3.3 Minimize the visual impacts of telecommunications facilities and towers in the community.

Goal UT.4 Facilitate citywide utility services that are consistent, reliable, equitable, competitive, and financially sustainable.

- Policy UT.4.3 Support the provision of high-quality telecommunication services in both current and emergent technologies throughout the community.
- Policy UT.4.4 Coordinate with non-City-owned utilities to ensure that energy and telecommunications resources are available to support the proposed land use plan.
- Policy UT.4.5 Increase bandwidth of telecommunication services to enhance service to Sammamish residents.

Page #	Section	Change	Suggested by	Note
		Abbreviate "wireless communication facilities" to WCF globally		
3	21A.56.035	Added section for Franchise Agreements	City	
3	21A.56.040	The Director shall apply the <u>provisions of this Chapter</u> . <del>more restrictive process in terms of type of application, process and design criteria.</del>	AT&T	
4	21A.56.060(9)	Remove "and is preferred" from definition of Completely Concealed Facility	AT&T	
5	21A.56.060(13)	Update definition of "Equipment Enclosures" to clarify what items are excluded from an equipment enclosure		Added 28 cubic feet maximum for equipment enclosures in 21A.56.130(12)(g)
5	21A.56.060(5)	Add Definition for "Franchise Agreement"	City	
6	21A.56.060(18)	(17). Small Wireless Facility pole: A new or replacement pole supporting small wireless facilities that is <del>(1) mounted on structures 50 feet or less, including antenna, or (2) mounted on structures no more than 10% taller than adjacent poles or structures, or (3) do not extend existing structures on which located to height of more than 50 feet or 10%, whichever is greater, no taller than 50 feet in height including antenna and equipment or ten percent taller than the adjacent poles or structures, whichever is greater.</del>	AT&T; Verizon	Change made based on FCC rules
		Change term "micro cell" to "small wireless" globally		
6	21A.56.060(23)	Add Definition for "Radio Frequency"	City	
7	21A.56.060(29)	Structure height: Means a pole/tower shall be measured from the average existing grade of land prior to any cuts and fills or other disturbances associated with the proposed project to the highest point of the structure. <del>or roof. The average existing grade shall be determined by first delineating the smallest square or rectangle that can enclose the structure/pole or building and then averaging the existing grade elevations taken at the midpoint of each side of the square or rectangle;</del>	AT&T	
	21A.56.060(33)	Delete definition of "Utility support structure"	AT&T	Use "pole" throughout code
8	21A.56.060(36)	Add definition for "Unified Enclosure"	Verizon	Definition provided by Verizon, we want to use this term more consistently in code
8	21A.56.070(1)(a)	Small wireless Facilities shall not be located on a city-owned light pole, traffic light, on parks property, or on any City-owned asset located on public property, <u>unless the design, and connection of telecommunication antenna and equipment to a city owned poles is approved pursuant a franchise agreement</u>	Planning Commission	WCF still not allowed on a city-owned pole, however, it will be determined with a franchise agreement. Change made in multiple locations in code.
	21A.56.070(c)	Remove reference to "design standards document"		
10	21A.56.090	Changed to clarify that Type 1 and Type 2 permits comply with procedures of SMC 20.05.020. Remove any references to appeal process as this is stated in 21A.56. 160. Reordered and reorganized section for better readability,	City	
11	21.56.090(5)	(a). A single permit may be used for multiple Small wireless facilities. <del>Per FCC guidelines, batch applications for multiple Small wireless facilities on existing or replacement structures must be reviewed within 60 days and new structures must be reviewed within 90 days.</del> If the sites within the consolidated permit application have differing review timelines, the longer timeline will apply to review of the consolidated grouping of sites.  (c). The City may approve or deny individual wireless facilities in a batched application <u>even if under a single permit.</u>		The deleted sentence is duplicative of the review timelines in the table. The third sentence is the main point of this section.
12	21A.56.095	Added new language for notification to be based on facility type rather than Land Use Procedure, and added requirements for what goes into a notice. Notification requirements was given its own section.	Plannign Commission; T-Mobile; AT&T	
12	Table A	Remove language for height restriction as it is stated elsewhere: "New tower or structure mounted <del>for structure, shall meet underlying zone height restriction"</del>		
12	Table A	Change short clock for New small cell facility on replacement pole from 90 days to 60 days	Verizon	
12	Table A	Update shot clock for New and collocation completely concealed WCF: " <u>New Macro 150 days Collocated Macro 90 Days Micro-SWF 60 days (using existing structure) SWF 90 days (using new structure)</u> "	Planning Commission; AT&T	

Page #	Section	Change	Suggested by	Note
12	Table A, Footnote 3 21A.56.110	<del>When a WCF is structure mounted, the City should review the underlying land use permit of that structure. If the design or location of the WCF conflict with the underlying land use permit, the City may consider amending the land use permit. May require an amendment to the land use permit for the structure (determined at encouraged pre-application meeting).</del> Change from Siting "heirarchy" to Siting "criteria"	City	AHBL updated language for clarity that this is not a requirement.
14	21A.56.110(1)	<del>Macro Cell locations: These guidelines encourage applicants to consider existing poles and other potential support structures prior to installing any new poles to reduce congestion in the public right-of-way. All applicable design, construction, and location standards will be considered when reviewing applications for new Small wireless facilities installed on existing poles or other potential wireless support structures in the public right-of-way.</del>		Sentence relates to small cell so it should be removed.
14	21A.56.110 (1)(a)	Added "to the extent feasible" for aligning poles in ROW	Planning Commission	
14	21A.56.110 (1)(c)	<del>All new facilities and/or equipment and other related improvements must be setback at least 100 feet from public street intersections per AASHTO. The location of new facilities and/or equipment shall not obstruct motorists' sightlines or pedestrian access. Poles located near an intersection must be compliant with setback(s) as prescribed within the adopted Public Works standards</del>	AT&T; City	Language changed per Andrew Zagars in Public Works. This change made in other sections of code as necessary.
14	21A.56.110 (1)(g)	New poles shall not be located in any zoning setback area on private and public property, as established for each zoning designation in SMC 21A.25. This shall not apply to new poles in the Right-of-Way <u>or along private streets.</u>	AT&T	
14	21A.56.110 (2)	<del>If feasible, all macro cell facilities must be located in Tier 1 locations. criteria must be met for all WCF.</del>	AT&T	
15	21A.56.110 (2)(c)	If the request was granted but the network provider contends it still cannot locate at that location for other reasons, the network provider must provide the designated official with a detailed explanation of why the collocation is not technically feasible <u>or otherwise not possible</u> , subject to third party review.		
	21A.56.110 (2)(e)	<del>(e). For new poles, the network provider must provide the designated official with a wireless only pole design that meets the design criteria contained within SMC 21A.56.130 (16) and any adopted public works standard design guidelines if pole is in the right of way.</del>		Remove section, this doesn't belong in siting criteria for macro and is already stated in small cell section
	21A.56.110 (3)(a)	<del>(a). These guidelines encourage applicants to consider existing poles and other potential support structures prior to installing any new poles to reduce congestion in the public right of way. All applicable design, construction, and location standards will be considered when reviewing applications for new Small wireless facilities installed on existing poles or other potential wireless support structures in the public right of way.</del>	AT&T	Remove as it is duplicative of the section above it.
17	21A.56.110 (3)(d)	<del>The City will not arbitrate any disputes between HOAs and applicants. If any portion of the privately-owned structure is on private property, the applicant must first obtain all applicable zoning and building permits prior to submittal.</del>	City	
18	21A.56.110 (5) (a)	<del>Applications for 5G facilities do not need demonstrate that collocation is infeasible. For all other facilities, ...</del>	City	In response to provider comments to exclude the "collocation" option for small cell, City would like to retain as it may be feasible in certain situations, such as 3G, 4G
19	21A.56.120	Variance process has been rewritten	Planning Commission; City	

Page #	Section	Change	Suggested by	Note
20	21A.56.130	1. General Applicability  (a) The following illustrations are examples of Small wireless deployments. All drawings are for illustrative purposes only. <u>The narrative within the design standards and public works standards and technical details shall apply and control. Where conflict may exist between this chapter and the public works standards, the public works standards shall control</u> .  (b) Pole locations shall not impede parking and pedestrian use and must comply with ADA standards where a pole creates a restriction in sidewalk width.	Planning Commission	Added general applicability section to design guidelines and moved many items over.
21	21A.56.130(1)(f)	<del>Where there is no room for cabinets in public ROW, they shall be located on private property, ideally behind fences. Cabinets should be placed as far as from the public street as possible and ideally behind existing fences.</del>	City	
20	21A.56.130(1)(c)	<del>Offsets from pole shall be compliant with structure owner. In no case shall equipment or conduit be more than 4 inches from a pole.</del>	Verizon	Took out dimensional requirement as it may conflict with a utility provider's requirements.
21	21A.56.130(1)(g)	<del>(b). Pole mounted equipment is strongly discouraged. However, many poles are owned by Home Owners Associations and each may prefer different connections. Given this, when pole-mounted equipment is either permitted or required by an HOA, the equipment must be concealed within a single shroud or cabinet and must contain all the equipment associated with the facility other than the antennas and antenna equipment, including but limited to, the electric meter and disconnect switch. For metal poles, all cables and conduits associated with the equipment must be concealed from view routed directly through the tapered metal pole and be underground between the pole and the ground-mounted cabinet. Wood poles must use conduit to conceal cables and wires from view.</del>	T-Mobile; AT&T	
22	21A.56.130(4)(a)(i)	Wireless only poles may only be used if no attachment is feasible to an existing utility/light pole. <u>Equipment may be located within the pole and/or underground.</u>	AT&T	Undergrounding is not always feasible - change language to allow for both within pole and underground on wireless only poles
21	21A.56.130(4)(c)	New poles can only be constructed when the applicant can demonstrate with <del>clear and convincing</del> <u>substantial evidence</u> (verified by the City technical consultant) that using an existing or replacement structure is not technically feasible or not available.	Verizon	
21	21A.56.130(4)(e)	If the location has an improved sidewalk, <u>All new facilities and/or equipment and other related improvements must be placed within the amenity zone and location shall meet public works standards.</u> <del>If conflict arises with this code and public works standards, the public works standards will dictate. (See Amenity Zone Figure)</del>	AT&T; Verizon	
21	21A.56.130(4)(g)	(g). In residential zoning districts, small cell facilities shall be located where the shared property line between two residential parcels intersects the public right-of-way <u>or private street</u> , unless such location would <del>prohibit or have the effect of prohibiting</del> <u>materially inhibit the operator's applicant's ability to deliver wireless service</u> in the area.	Verizon	
22	21A.56.130(5)(b)	(b) Poles in the right of way shall match surrounding utility poles and or light structures in terms of <u>design and color.</u>		This was moved from the marco pole design criteria to small wireless pole design criteria
22	21A.56.130(5)(d)	Setbacks from property lines shall be maximized where practical, <u>except for locations within rights-of-way or private streets.</u>		
23	21A.56.130(5)(e)	Wireless only poles shall be painted in a color that best allows them to blend into the surroundings. The use of powder-coat black, grays, blues, greens and browns are appropriate; <del>however, each case will be evaluated individually and approved by the designated official.</del> No Poles shall be unfinished or unpainted unless all-natural wood material pole. Below are examples of colors that are preferred by the City; <del>however, different</del> <u>Different variations, colors, and shades may be used where they are contextually appropriate with the surrounding area; each case will be evaluated individually and approved by the designated official.</u>	City	City wanted more flexibility in the use of preferred colors for certain situations
	21A.56.130(10)(i)	<del>(i). No tower shall be over 50 feet.</del>	AT&T	Removed this sentence as it is covered in section (e)

Page #	Section	Change	Suggested by	Note
23	21A.56.130(6)(c )	<del>(c). The maximum dimensions for panel style antennas shall be 30" high and 12" wide. The maximum dimensions for canister style antennas shall be 30" high and 16" in diameter. The maximum size of any small wireless antenna shall not exceed 3 cubic feet.</del>		The code Verizon referenced is correct (47 CFR §6002(1)(2). As calculated the canister style antenna requirement would be less than what the FCC order allows. The panel style antenna is not clear as it only denotes height and width (not depth). The updated language leaves the height for canister style antennas up to the provider and the depth/height of panel style antennas up to the provider if the City's main goal is ensuring these do not extend horizontally from the pole in excess.
	21A.56.130(11)(d)	<del>(d). Antennas that overhang the roadway or sidewalks are not allowed due to concerns for public safety.</del>	Verizon	Conflicts with amenity zone
24	21A.56.130(6)(h)	(i). Due to the different antenna deployments from different providers, A antenna and related equipment shall be placed and treated to present the least possible visual impact to the public.	AT&T	
24	21A.56.130(6)(j)	<del>A full contained package containing antenna and all equipment mounted on a pole (existing or new) shall measure no more than 40 inches high and 15 inches wide by 15 inches deep. (j). A unified enclosure containing antennas and all equipment mounted on a pole shall adhere to the maximum sizes as required by 47 CFR § 1.6002(l)(3).</del>		Look to updated "full contained package" to "unified enclosure" throughout, and also make consistent with maximum sizes in 47 CFR § 6002(1)(3), . Definition for unified enclosure also added.
24	21A.56.130(7)(a)	In no case shall equipment or conduit be more than <del>4 6</del> inches from a pole <u>unless required by the pole owner, in the case of utility owned poles.</u>	Planning Commission	For Small wireless capbinet - Increased from 4 inches to 6 inches as this may be needed for some providers.
25	21A.56.130(7)(b)	(b). Pole mounted equipment is <u>permitted</u> . <del>However, Many</del> poles are owned by Home Owners Associations and each may prefer different connections. Given this, when pole-mounted equipment is either permitted or required, the equipment must be concealed within a single shroud or cabinet and must contain all the equipment associated with the facility other than <del>the antenna including but limited to</del> the electric meter and disconnect switch. All cables and conduits associated with the equipment must be concealed from view, <u>by routing directly through the tapered metal pole and be underground between the pole and the ground mounted cabinet.</u> Wood poles must use conduit to conceal cables and wires from view.		
25	21A.56.130(7)(c )	(c). Equipment cabinets may not extend more than <del>24"</del> <u>28"</u> from the back of the <del>antenna face of the pole. No overhead cables, for electric or otherwise, shall be permitted.</del>		
25	21A.56.130(7)(d)	(d). Standoff mounts for any equipment <del>may not exceed 4"</del> <u>shall be compliant with pole owner standards.</u>		
25	21A.56.130(7)(f)	(f). <del>Unless required to be within an environmentally controlled underground vault, g</del> Ground mounted equipment is <u>required unless the applicant shows clear and convincing evidence that the equipment must be pole-mounted. Increased costs alone shall be presumed to be an insufficient reason.</u> <u>permitted.</u> Equipment cabinets shall not exceed 28 squarecubic feet exclusive of electric meter, demarcation box, battery back-up, power transfer switch, concealment, cutoff switch, grounding equipment.		
25	21A.56.130(7)(i)	(h). The applicant is required to <del>incorporate ambient noise suppression measures and/or to place the equipment in locations less likely to impact adjacent residences or businesses to ensure compliance.</del> <u>comply with all applicable noise regulations.</u>		Avoid conflicts with city's noise ordinance
	21A.56.130(12)(l)	(l). The provider shall not have above ground equipment in the right of way, unless demonstrate through technical analysis, it is the only way to deploy the equipment. <del>Equipment. Deployment of equipment in the right of way shall follow the prescribed deployment:</del> 1- Underground Equipment — acceptable; 2- Above ground equipment — Allowed only if technical analysis requires; 3- Pole mounted — Allowed only if above ground and underground can is not technically feasible.	City	city Deletion

Page #	Section	Change	Suggested by	Note
26	21A.56.130(7)(m)	<del>(n). Where located in the right of way, if a property or business owner objects to a proposed installation adjacent to his or her property, the designated official may require the network provider to identify at least one (1) feasible alternate location, if possible, subject to compliance with these guidelines. (m). Where located in the right-of-way and subject to permitting and franchise requirements, equipment shall only be installed where equipment will not interfere with existing or future City uses of the right-of-way; the rights of private property owners; other utility fixtures and services; water hydrants or mains; wastewater systems; traffic control devices; or any other service or facility (existing or planned) that benefits the City or the health, safety, or welfare of its residents. Further, ground equipment must comply with ADA and sidewalk clearance requirements.</del>	Verizon	FCC does not allow alternatives analysis
26	21A.56.130(7)(o)	(p). Equipment installations shall not be placed in front of the primary entrance to a residence or any business or at any other location where it would unduly interfere with the operation of a business, including blocking <del>views safe passage to</del> of the entrance, <del>signage or display windows.</del>	AT&T	
	21A.56.130(7)(s)	<del>(s). Small Wireless Facilities equipment shall be: 1) mounted on the support structure with no one dimension of the equipment exceeding 40 inches, or 2) located on the ground screened pursuant to SMC 21A.56.130 (t).</del>	Verizon	Don't want to restrict dimension
27	21A.56.130(8)(b)	(b). All antennas, <del>except 5G antennas</del> , shall be fully concealed within a structure that is architecturally compatible with the existing building. Roof top additions shall be concealed on all sides.	Verizon	
28	21A.56.130(9)(a)(i)	Existing or Replacement Light Standard: <del>(Acceptable ONLY if underground or above ground is technically unfeasible — excludes fully contained pole mount)</del>	City	
28	21A.56.130(9)(a)(ii)	Change term from "monopole" design to "wireless only" design		
28	21A.56.130(12)(e)	(a). New towers shall not exceed 90 feet in height. Replacement towers and collocation on an existing tower shall not increase the height of the existing structure by <del>more than ten percent or twenty feet, whichever is greater greater than permitted under the definition of "substantial change" contained at 47 CFR 1.16100(b)(7).</del>	City	
28	21A.56.130(12)(a)	(a). <del>Base Station</del> Equipment enclosures.	Verizon	Verizon left long comment about base stations, changed to "equipment enclosure" in many sections of code.
29	21A.56.130(12)(b)(i)	<del>Tree removal: No evergreen tree 8 inches or greater in diameter or deciduous tree 12 inches or greater in diameter shall be removed. Tree removal shall be regulated by the City's tree ordinance, SMC Chapter 21A.37.</del>	City	
29	21A.56.130(13)(a)	(a). Antenna support structures outside of the right-of-way or private streets shall have a setback <del>from property lines</del> of 10 feet from any property line and 50 feet or one foot setback for every one foot in height of the structure, or alternatively, in towers engineered with breakpoint technology, the height <del>from the engineered break point to the top of the structure,</del> from any residentially zoned property. Whichever of these standards provides the greatest setback <del>from these standards</del> shall apply.	Verizon	
30	21A.56.130(15)(a)	Except as specifically required by the FCC or FAA, WCFs shall not be illuminated, <del>except. Any such lighting for security purposes that is compatible with the surrounding neighborhood. Any lighting required by the FAA or FCC must be the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable to minimize the potential attraction to migratory birds. Dual lighting standards (white blinking light in daylight and red blinking light at dusk and nighttime) are required and strobe light standards are prohibited unless required. The lights shall be oriented so as not to project directly onto surrounding residential property and be consistent with FAA and/or FCC requirements, as applicable.</del>	City	
31	21A.56.130(17)(a)	Amended to reference city noise ordinance	Planning Commission	Avoid conflicts with city's noise ordinance
32	21A.56.150	Removed majority of Interference Section in favor of simply referencing FCC rules	City	

Page #	Section	Change	Suggested by	Note
34	21A.56.160	<p>The Director's decision on a Type 1 land use permit issued under this chapter is final, and any appeal must be made to King County Superior Court or federal court, as applicable. Type 2 land use permit approved by the Director is subject to appeal to the Hearing Examiner in accordance with SMC Title 20. Exemptions under 21A.56 are not subject to appeal. <u>Appeals are considered to be exceptional to the ordinary processing under this Chapter. Appeals may warrant additional processing time by the City, which may exceed presumptively reasonable time periods set forth in federal rules.</u></p>		<p>This was added based on City suggestion and mirrors language added to variance section – City to review.</p>

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**Chapter 21A.56**  
**WIRELESS COMMUNICATION FACILITIES**

**Sections:**

- 21A.56.010 Purpose.
- 21A.56.020 Goals.
- 21A.56.030 Applicability.
- 21A.56.035 Franchise.
- 21A.56.040 Conflict.
- 21A.56.050 Fees.
- 21A.56.060 Definitions.
- 21A.56.070 Permit – Exemptions.
- 21A.56.080 Permit – Required.
- 21A.56.090 Permit – Types and timelines.
- 21A.56.095 Application Notice Requirements
- 21A.56.100 Third party review
- 21A.56.110 Siting criteria.
- 21A.56.120 Variances
- 21A.56.130 Design Requirements:
- 21A.56.140 Installation, inspection, and maintenance.
- 21A.56.150 Interference.
- 21A.56.160 Appeals.

**21A.56.010 Purpose.**

The purpose of this chapter of the municipal code is to allow the deployment of wireless communication facilities (WCF) and provide WCF service to Sammamish residents while not compromising public health, safety, welfare and the visual and aesthetic beauty of Sammamish. This code is designed to serve as a local regulatory tool assisting service providers, citizens, and regulators in navigating the federally preemptive regulatory field of the WCF industry. This shall be done by:

- (1). Interpreting the code to protect the visual and natural environmental beauty of the City of Sammamish;

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- (2). Facilitating fair and consistent design, siting, and deployment by providing a clear and predictable permit process for network providers and the community;
- (3). Utilizing design and concealment concepts consistent with and complementary of colors and textures found in the natural and built environment;
- (4). Protecting the use and purpose of the public right-of-way to ensure a safe driving and pedestrian environment;
- (5). Providing an administrative review process to ensure that deployment of WCF are evaluated and administered in a fair and timely manner in accordance with other City goals and policies;
- (6). Upholding the goals and policies of the Comprehensive Plan;
- (7). Establishing clear regulations for the siting, design, maintenance and operation of WCF consistent with State and Federal regulations;
- (8). Accommodating the growing need and demand for wireless communication services, and;
- (9). Meeting the requirements of Federal Communications Commission (FCC) rules.

**21A.56.020 Goals.**

The goals of this chapter are to:

- (1). Minimize visual, safety, aesthetic, and environmental impacts of WCF on the community by establishing standards for location, structural integrity, and compatibility;
- (2). Encourage the location and collocation of wireless communication antennae on existing nonmunicipal structures;
- (3). Ensure that wireless facility antennae and supporting mechanical equipment are proportionate in scale and design to other elements of the built environment;
- (4). Ensure that equipment does not become a barrier or impediment to pedestrians and cyclists;
- (5). Provide an opportunity for residents and interested parties to provide comment on the proposed location and design of new towers and poles, when appropriate;
- (6). Minimize the impact to public purpose of the public rights-of-way. Wireless facility use by WCF providers or their subcontractors is not an exclusive or priority use within the public right-of-way; and
- (7). Ensure regulations are fair and accommodate the maximum number of users.

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**21A.56.030 Applicability.**

No person shall place, construct, reconstruct or modify a WCF within the City without a permit, except as provided by this chapter. The director or designee shall have authority to approve, condition, or deny a WCF as prescribed in the Sammamish municipal code.

**21A.56.035 Franchise Agreement.**

A Franchise Agreement shall be required of any telecommunications carrier or provider who desires to occupy or otherwise use city right-of-way for the purpose of providing telecommunications services and shall comply with the following:

- (1). Franchise Agreements shall follow the format and details prescribed by the City of Sammamish;
- (2). Within 120 days after receiving a complete application the city engineer, or other person designated by the city manager, shall issue a written recommendation to the city council recommending that such application be approved, approved with conditions, or denied.
- (3). The city council shall, after considering the director’s recommendation and all other materials submitted to the council, determine based on the criteria set forth in the Franchise Agreement whether to approve the application, approve the application with conditions, deny the application or direct staff to bring back further information for the council’s consideration. The city council may adopt written procedures to assist the council in its consideration of such applications.
- (4). No authorization shall be deemed to have been approved or granted hereunder until the applicant and the city have executed a written Franchise Agreement consistent with the council’s authorization and no construction may begin without the issuance by the city of a right-of-way use permit.
- (5). Any person who desires to renew its authorization under a Franchise Agreement for an additional five-year term shall, not more than 120 days nor less than 90 days before expiration of the initial five-year term, file a renewal application with the transportation director, or other person designated by the city manager.

**21A.56.040 Conflict.**

When any provision of any other chapter of the Sammamish Municipal Code conflicts with this chapter or when the provisions of this chapter are in conflict, the Director shall apply the provisions of this Chapter.

**21A.56.050 Fees.**

Fees shall be as established by the safe harbor provisions provided by the FCC or as amended. Any additional time or cost shall be billed on a per hour rate as established by adopted City of Sammamish fee schedule to cover staff time or required professional services to assist in review of an application.

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**21A.56.060 Definitions.**

For the purpose of this chapter, the following terms are defined as follows:

- (1). "AASHTO" means American Association of State of Highway and Transportation Officials.
- (2). "Affidavit" means a written statement of facts, sworn to and signed by a deponent before a notary public or some other authority having the power to witness an oath.
- (3). "Amateur Radio Tower" means a tower with antenna(s) which transmit and receive noncommercial communication signals and is defined as an amateur radio tower by the FCC. Guy wires for amateur radio antenna(s) are considered part of the structure for the purposes of meeting development standards.
- (4). "Amenity Zone" means the area that is 33% the width of a sidewalk measured from the edge of the curb back into the sidewalk and parallels the length of the sidewalk.
- (5). "Antenna(s)" means an apparatus designed for the purpose of emitting radio frequencies (RF), to be operated or operating from a fixed location pursuant to FCC authorization for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term "antenna" does not include an unintentional radiator, mobile station, or device authorized under 47 CFR Part 15.
- (6). "Antenna Equipment" means base equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the antenna, and, when collocated on a structure, is mounted or installed at the same time as such antenna.
- (7). "Antenna Facility" means an antenna and associated antenna equipment.
- (8). "Collocation" means:
  - (a). Mounting or installing an antenna facility on a preexisting structure; and/or
  - (b). Modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

Provided, that, for purposes of eligible facilities requests, "collocation" means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

- (9). "Completely Concealed Facility" means a WCF where:
  - (a). The antennas, mounting apparatus, and any associated equipment are fully recessed/concealed from all sides with a structure that achieves or facilitates total integration with the existing building or structure; and
  - (b). All cable is routed internally, encased in conduit, or completely screened from view; and

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- (c). The associated equipment is completely within the building or structure, placed in an underground vault, or is within another element such as a bench, mail box, kiosk, etc.

A “unified enclosure” providing concealment of both antennas and equipment within a single enclosure is included within the definition of completely concealed facility.

- (10). “Decorative Poles” means any pole that is uniquely found in a neighborhood in the City that adds to the aesthetic of the streetscape of that neighborhood or is specified in a City-adopted plan or regulation.
- (11). “Director” means Community Development Director or designee.
- (12). “Eligible Facilities Request” means any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:
  - (a). Collocation of new transmission equipment; or
  - (b). Removal of transmission equipment; or
  - (c). Replacement of transmission equipment.
- (13). “Equipment Enclosure(s)” means the wireless service provider’s specific enclosure used to house transmission equipment other than antennas, usually located within and including cabinets, shelters, pedestals, or other similar enclosures used to contain electronic equipment for said purpose. This may include cabinets attached underground, adjacent to or on a pole.
- (14). “FCC” means Federal Communications Commission.
- (15). “Franchise Agreement” means a contract between a city and a public or private utility provider who needs the public rights-of-way (ROWs) to deliver its services. Cities enter into franchises with private companies and with other public agencies -- granting them the right to use the public ROWs for installation, maintenance, and repair of their facilities, typically underground pipes and conduits or above-ground cables and lights on poles. Sometimes the facilities in the ROWs are wireless antennas or equipment cabinets that are part of a telecommunications network
- (16). “Macro Cell Facility” means a large wireless communication facility provides radio frequency coverage served by a high-power cellular system. A Macro Cell Facility provides primary radio coverage for cellular networks. Generally, Macro Cell Facility antennas are mounted on ground-based towers, rooftops and other support structures. Macro Cell Facilities typically cover larger geographic areas with relatively high capacity and are capable of hosting multiple wireless service providers.
- (17). “Macro Cell Facility Pole” means a pole that is taller than 50 feet but no taller than 90 feet in height including antenna and equipment.

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- (18). “Small Wireless Facility Pole” means a new or replacement pole supporting Small Wireless Facilities that is:
  - (a). Mounted on support structures 50 feet or less, including antenna; or
  - (b). Mounted on support structures no more than 10% taller than adjacent poles or support structures; or
  - (c). Does not extend existing support structures on which located to height of more than 50 feet or 10%, whichever is greater.
- (19). “Network Provider” means:
  - (a). A wireless service provider; or
  - (b). A person or business that does not provide wireless services but builds, installs, or maintains facilities on behalf of a wireless service provider
- (20). “Personal Wireless Services” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by Federal laws and regulations.
- (21). “Pole(s)” means utility poles, light poles or other types of poles, used primarily to support electrical wires, telephone wires, television cable, lighting, or guide posts; or are constructed for the sole purpose of supporting a WCF.
- (22). “Public Works Standards” means the Sammamish 2016 Public Works Standards, as they exist now or are hereafter amended.
- (23). “Radio Frequency (RF)” means the number of times the current from a given source of non-ionizing electromagnetic radiation changes from a maximum positive level through a maximum negative level and back to a maximum positive level in one second; measured in cycles per second or hertz.
- (24). “Satellite Dish Antenna(s)” means a type of antenna(s) and supporting structure consisting of a solid, open mesh, or bar configured reflective surface used to receive and/or transmit radio frequency communication signals. Such an apparatus is typically in the shape of a shallow dish or cone.
- (25). “Satellite Dish, Large” means any satellite dish antenna(s) whose diameter is greater than four (4) feet. (See Satellite Dish Antenna(s)).
- (26). “Small Wireless Facility” means the same meaning as defined in 47 CFR §1.6002.
- (27). “Small Wireless Network” means a collection of interrelated Small Wireless Facilities designed to deliver personal wireless services.

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- (28). "Small Satellite Dish" means any satellite dish antenna(s) that has a diameter less than or equal to four (4) feet.
- (29). "Structure Height" means a pole/tower shall be measured from the average existing grade of land prior to any cuts and fills or other disturbances associated with the proposed project to the highest point of the structure.
- (30). "Structure Mounted Facility" means wireless communication facility, including any mounting apparatus that is mounted on the roof or façade or other element of the structure or building. The term does not encompass a tower or any equipment serving with a tower or a utility pole, light pole, traffic signal pole or miscellaneous pole.
- (31). "Support Structure" means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or commingled with other types of services).
- (32). "Technically Feasible" means capable of being accomplished based on existing technology compatible with an applicant's existing network.
- (33). "Temporary Wireless Communication Facility" means facilities that are composed of antennas and a mast mounted on a truck (also known as a cell on wheels, or "COW"), antennas mounted on sleds or rooftops, or ballast mount temporary poles. These facilities are for a limited period of time, are not deployed in a permanent manner, and do not have a permanent foundation. These facilities are for:
  - (a). The reconstruction of a permanent WCF and limited to a duration of twelve (12) months from the date of approval unless an extension is requested at least thirty (30) days prior to the expiration date; or
  - (b). Large scale community events are limited to the duration of the event, plus ten (10) days prior to the event and ten (10) days after; or
  - (c). Emergency communications equipment in anticipation of and during a declared public emergency or emergency exercise as declared by Emergency Management.
- (34). "Tower" means any structure built for the sole or primary purpose of supporting any antennas and their associated facilities, including structures that are constructed for wireless communications services, including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services such as microwave backhaul, and the associated site.
- (35). "Transmission Equipment" means equipment that facilitates transmission for wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and back-up power supply. The term includes equipment associated with wireless communications services including, but not limited to, private,

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broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

- (36). “Unified Enclosure” means a Small Wireless Facility providing concealment of antennas and equipment within a single enclosure.
- (37). “Wireless Communication Facility (WCF)” means any unstaffed facility for the transmission and/or reception of radio frequency (RF) signals through electromagnetic energy usually consisting of an equipment shelter or cabinet, a support tower or other structures used to achieve the necessary elevation, and the transmission and reception devices or antenna.
- (38). “Wireless Service Provider (WSP)” means a company that offers services to users of wireless devices (i.e. handheld computers and telephones) through radio frequency (RF) signals rather than through end-to-end wire communication.

**21A.56.070 Permit – Exemptions.**

Certain wireless communication facilities are exempt from land use review; however, prior to deployment or construction they shall obtain a letter of exemption from the City when the following requirements are met. Provisions of this section do not preclude applicable requirements for building, electrical, or right-of-way permits.

- (1). New or existing Small Wireless Facilities within the public right-of-way are exempt from a land use permit; however, a right-of-way use permit, Franchise Agreement, building permit, electrical permit and/or SEPA compliance may be required. The provider/applicant will need to obtain a letter of exemption from the City prior to installation/construction. An exemption for Small Wireless Facilities must meet all of the applicable criteria set forth below:
  - (a). Small Wireless Facilities shall not be located on a city-owned light pole, traffic light, or on any city-owned asset located on public property, unless the design, and connection of telecommunication antenna and equipment to a city-owned asset is approved pursuant a franchise agreement; and
  - (b). WCF of any type are prohibited within city-owned parks; and
  - (c). The Small Wireless Facility shall be attached to an existing or replacement support structure. Such structure may be removed and replaced with a new support structure so long as the replacement structure meets design requirements within SMC 21A.56.130, and is located within 10 feet of the existing structure (measured from the center point of the existing structure to the center point of the replacement structure); and
  - (d). The proposal is compliant with SMC 21A.56.130 Design Requirements; and
  - (e). An application or a set of batched application(s) containing a request for a variance shall not be eligible to be exempt under this section; and

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- (f). An application or batched application connecting to poles owned by a Home Owners Association (HOA) shall submit with the application(s) a signed affidavit of approval from the HOA authorizing connection to the HOA poles/structures. The signed affidavit must be signed by the authorized agent of the HOA and be on a form supplied by the City.
- (2). Eligible Facilities Request. An eligible facility request meeting the definition of an “eligible facilities request” pursuant to Section 6409(a) of the Middle-Class Tax Relief and Job Creation Act of 2012 and 47 CFR 1.6100 shall be permitted upon the issuance of a wireless exemption letter prior to deployment or construction. An application for an eligible facilities request shall provide information as required by the Director. For the purpose of reviewing an eligible facilities request, the definitions and procedures of 47 CFR 1.1.6100 shall control and supersede any contrary definitions or procedures of this chapter.
- (3). VHF and UHF Receive-Only Television Antenna(s). VHF and UHF receive-only antenna(s) shall not be required to obtain a land use permit. Exempt VHF/UHF antenna(s) shall be restricted to a height limit of no more than ten (10) feet above the existing or proposed roof.
- (4). Small Satellite Dish Antenna(s). Small dish antenna(s) in all zones shall be exempt from obtaining a land use permit approval in accordance with the Federal Telecommunications Act. Installation must comply with any applicable provisions of the City building code.
- (5). Temporary WCF for emergency communications equipment in anticipation of and during a declared public emergency or emergency exercise, and any other temporary WCF not operating for a duration of more than 30 days. Temporary WCF operating more than 30 days must be permitted pursuant to a Type 1 procedure.

**21A.56.080 Permit – Required.**

- (1). Unless exempted under SMC 21A.56.070, SMC 16.20, or SMC 14A.30, no WCF shall hereafter be erected, re-erected, constructed, or altered except as provided by this chapter and a land use, building permit, electrical permit, and/or right-of-way permit for the same has been issued by the City.
- (2). Separate permits shall be required for each individual WCF installation, except as allowed consistent with SMC 21A.56.090(5).
- (3). Franchise Agreements are required for all WCF and/or equipment in the right-of-way.
- (4). A Type C right-of-way utility permit is required for WCF located in the public rights-of-way in accordance with SMC 14A.30.050. The City Engineer or designee may process ROW permit applications for WCF permits concurrently with an application for a franchise, but any such permit will be conditioned on approval of the franchise by the City Council prior to construction or deployment of the WCF.

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- (5). If a network provider desires to make a modification to an existing, permitted WCF, including but not limited to expanding or changing the antenna type, increasing the equipment enclosure, placing additional pole mounted or ground mounted equipment, or modifying the concealment elements, prior to deployment or construction of the modification the network provider shall apply for a permit under this chapter, unless the modification qualifies as an eligible facilities request, in which case an exemption letter is required pursuant to SMC 21A.56.070.
- (6). All applications shall be submitted using the City’s published submittal requirements. The submittal requirements are available on the City’s webpage; or from the City’s Permit Center.

**21A.56.090 Permit – Types and timelines.**

- (1). Unless exempted under SMC 21A.56.070, all WCF deployments, installations, and alterations require a land use permit.
- (2). The type of permit required is based on Table A below. Unless otherwise specified in this chapter, Type 1 and Type 2 permits shall comply with procedures of SMC 20.05.020.
- (3). In the case where a WCF does not fall into one of the WCF types listed in Table A, an application for a variance shall be required pursuant to SMC 21A.56.120.
- (4). Shot Clocks:
  - (a). All wireless communications facilities authorizations and permits are subject to the Federal review timelines (“shot clocks”) as described in 47 CFR Section 1.6001 et seq.
  - (b). The permit application review period begins to run when application materials have been submitted and payment has been received. The clock shall stop should the City determine that the application is materially incomplete and, within the applicable FCC time period (10 or 30 days), provides notice to the network provider with clear and specific identification of the missing documents or information and the specific rule or regulation creating the obligation to submit such documents or information. The clock for the application review period may also be stopped by mutual agreement of the designated official and network provider. The shot clock for Small Wireless Facilities restarts at zero (0) when the City is in receipt of network provider’s supplemental submission in response to the City’s initial notice of incompleteness. The review period may be tolled upon an additional determination of incompleteness if the City provides its request for supplemental information within ten (10) calendar days and specifically identifies the information the applicant failed to supply in response to its initial request.
- (5). Batch Permits/Consolidated Permit:

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- (a). A single permit may be used for multiple Small Wireless Facilities. If the sites within the consolidated permit application have differing review timelines, the longer timeline will apply to review of the consolidated grouping of sites.
  - (b). A network provider may elect to apply for a land use permit and a building/electrical permit as a consolidated application. The network provider acknowledges the building permit submittal is an at-risk permit and is dependent upon receiving and approving the land use permit.
  - (c). The City may approve or deny individual wireless facilities in a batched application even if under a single permit.
- (6). A pre-application meeting is encouraged prior to applying for a WCF. The purpose of the pre-application meeting is to discuss the nature of the proposed deployment, review process and schedule, and applicable plans, policies and regulations. If a provider selects a pre-application meeting, the provider agrees to waive the pre-application meeting as part of the shot clock. If the provider does not agree to waive the shot clock as part of the pre-application, then a pre-application meeting will not be offered.

**Table A: Types of Facilities and Required Permits**

WCF Type	Structure	Land Use Permit Required	Shot Clock
<b>UHF/VHF antenna higher than 10' above roofline</b>	Building	Type 1	N/A
<b>Large satellite dish antenna</b>	Building or ground mounted	Type 1	N/A
<b>Amateur radio towers</b>	Building or ground mounted	Type 1	N/A
<b>Temporary wireless communication facility not covered by SMC 21A.56.070 (5)</b>	Varies	Type 1	N/A
<b>New Macro Cell Facility</b>	New tower or structure mounted	Type 2	150 days
<b>New Macro Cell Facility</b>	Existing structure	Type 2	90 days
<b>New Small Wireless Facility</b>	Existing pole/structure	Type 1 <sup>2</sup>	60 days
<b>New Small Wireless Facility</b>	Replacement pole <sup>1</sup>	Type 1 <sup>2</sup>	60 days
<b>New Small Wireless Facility</b>	New pole or tower/structure	Type 1	90 days
<b>New or collocated completely concealed WCF (both Macro and Small Wireless)</b>	Structure mounted	Type 1 <sup>3</sup>	New Macro - 150 days Collocated Macro - 90 Days SWF - 60 days (using existing structure)

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<b>Facilities)</b>			SWF - 90 days (using new structure)
<b>Collocation of new antennas; new ground mounted equipment enclosures on previously approved structures</b>	Existing structure, pole or tower	Type 1	Macro 90 days SWF 60 days
<b>Eligible Facility Request</b>	Existing	Exempt	60 days
<b>Right of Way Permit – Type C</b>	N/A	N/A	30 days

<sup>1</sup>An existing pole may be removed and replaced with a new pole so long as the design requirements of SMC 21A.56.130 (8)(9) are met, and the new structure is located within 10 feet of the existing structure (measured from the center point of the existing structure to the center point of the replacement structure)

<sup>2</sup> Except as exempted by SMC 21A.56.070.

<sup>3</sup> When a WCF is structure mounted, the City should review the underlying land use permit of that structure. If the design or location of the WCF conflict with the underlying land use permit, the City may consider amending the land use permit.

**21A.56.095 Application Notice Requirements**

- (1). Exempt WCF: Wireless Communication Facilities that are exempt from land use review pursuant to SMC 21A.56.070 does not require application notification. However, construction notice for work in the right-of-way shall be required pursuant to the Public Works Standards.
- (2). Non-Exempt Small Wireless Facilities: The network provider shall provide written notification of proposed pole mounted or aboveground installation of equipment to all immediately adjacent/adjoining property owners. Adjacent is inclusive of a pole in the right of way and the two closest parcels on the same side of the street as the pole location as well as the two lots closest to the pole location across the street/ROW.
- (3). Marco Cell Facilities: The network provider shall provide written notification of any proposed equipment/structure installation to all owners of property within 1,000 feet of the proposed location.
- (4). Where notification is required, written notification shall include at a minimum:
  - (a). Description of the WCF including the proposed dimensions, design, color, type of facility, a rendering of the proposed facility, and proposed location. In lieu of providing all of this information as part of the notice, the applicant may produce a webpage containing this information and direct residents to its location.
  - (b). For non-exempt Small Wireless Facilities, the notice shall state “Small Wireless Facilities consistent with the requirements in SMC 21A.56 are administrative decisions in accordance with SMC 20.05. There is no public comment associated with this proposal.”

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- (c). For Macro Cell Facilities, the notice shall include information required of a Type II procedure stated in SMC 20.05.060(4).
  - (d). Email and phone number of a project contact.
  - (e). The network provider shall provide the City with a distribution list of property owners, a map of properties receiving notification, a copy of the materials distributed, and an affidavit of mailing.
- (5). Required notification shall be made by the network provider in advance of submittal of permit applications to the City.

**21A.56.100 Third party review**

If technical documentation is required to demonstrate feasibility or inability to meet the siting criteria, any aspects of the technical requirements of this code, or when a variance from this code is requested, the City may retain a third-party qualified consultant at the applicant's expense to review the supporting documentation for content and accuracy. Reasonable expenses related to required third party review shall be billed to the permit applicant or network provider as part of the permit review process. A permit shall not be issued until all permit processing costs incurred and billed have been paid.

**21A.56.110 Siting criteria.**

- (1). Macro Cell Facility Locations: These guidelines encourage applicants to consider existing poles and other potential support structures prior to installing any new poles to reduce congestion in the public right-of-way and/or visual clutter.
  - (a). To the extent feasible, the centerline of any new pole must be aligned with the centerlines of existing poles on the same sidewalk or street segment. See SMC 21A.56.130(9). Alternate locations will be considered where there is conflict with overhead utility lines and facilities.
  - (b). New poles in the right-of-way shall only be permitted with a valid City franchise agreement, whether installed by network provider or a third party on behalf of a network provider.
  - (c). Poles located near an intersection must be compliant with setback(s) as prescribed within the City's adopted Public Works Standards.
  - (d). For a non-city owned structure in the public right-of-way onto which an applicant or network provider proposes to attach a Macro Cell Facility, if the owner of the structure requires more restrictive standards than those in this chapter, the more restrictive standards shall apply. If any portion of the privately-owned structure is on private property, prior to installation the applicant must first obtain all applicable zoning and building/electrical permits prior to submittal.

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- (e). Wireless Communication Facilities in the City’s Shoreline Jurisdiction or critical areas are subject to review as provided in Title 25 SMC, Shoreline Management, SMC 21A.50, Environmentally Critical Areas, and SMC 20.15 State Environmental Policy Act Procedures, as applicable.
  - (f). Macro Cell Facilities are prohibited on city-owned structures (unless granted in a Franchise Agreement). Macro Cell Facilities shall not be permitted on city-owned structures through a variance request.
  - (g). New poles shall not be located in any zoning setback area on private and public property, as established for each zoning designation in SMC 21A.25. This shall not apply to new poles in the right-of-way or along private streets.
- (2). Macro Cell Facility Location Criteria: Macro Cell Facilities shall be allowed in accordance with location criteria established in Table B below. If feasible, all Macro Cell Facilities must be located in Tier 1 locations. The locations within each tier in Table B are not listed in any preferred order. Tier 2 locations may only be considered if the network provider demonstrates that a Tier 1 location is not feasible in accordance with feasibility criteria established in items (a) through (d) below.
- (a). For collocation with existing WCF, the network provider must provide the designated official with documentation that establishes that it contacted the owner of each facility that currently houses a Macro Cell Facility located within one thousand (1,000) feet of the proposed location and that owner has denied the network provider’s request to collocate. If the request was granted but the network provider contends it still cannot locate at that location for other reasons, the network provider must provide the designated official with a detailed explanation of why the collocation is not technically feasible or otherwise not possible, subject to third party review.
  - (b). For non-residential zones, the network provider must provide the designated official with documentation that establishes that it considered locations within those nonresidential zones located within one thousand (1,000) feet of the proposed location. This documentation must be completed and certified by a communications engineer outlining the reasons which must be technical in nature why such locations within nonresidential zones are not technically feasible, not possible, or unavailable, subject to third party review.
  - (c). For building or structure mounted WCF, the network provider must provide the designated official with documentation that establishes that it contacted the owner of each (nonresidential) structure located within one thousand (1,000) feet of the proposed location which is sufficient height to accommodate a Macro Cell Facility and that structure owner denied the network provider’s request to place its facilities on that structure. If the request was granted but the network provider contends it still cannot locate at that location for other reasons, the network provider must provide the

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designated official with a detailed explanation of why such location is not technically feasible or otherwise not possible, subject to third party review.

- (d). For existing or replacement support structures within the public right-of-way, the network provider or designee must provide the designated official with documentation that establishes that it contacted the owner of each existing pole (non-city-owned) within one thousand (1000) feet of the proposed location and that the pole owner denied the network provider’s request to place its facilities on that pole. If the request was granted by the pole owner but the network provider believes it cannot locate at that location for other reasons, the network provider must provide the designated official with a detailed explanation of those reasons which must be technical in nature, subject to third party review.

<b>Tier 1</b>	<b>Tier 2</b>	<b>Variance</b>
<ul style="list-style-type: none"> <li>• Collocate with existing WCF</li> <li>• NB, CB, O and TC-A through TC-E zoned property</li> <li>• Building or structure mounted</li> <li>• Within public right-of-way or along private streets on an existing or replacement support structure exclusive of any ROW in R zones</li> </ul>	<ul style="list-style-type: none"> <li>• R-12 and R-18 zoned property</li> <li>• Within public right-of-way or along private streets on a new tower or pole</li> <li>• R-1 through R-8 zoned property improved with non-residential legally conforming uses (e.g. churches, schools, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>• R-1 through R-8 zoned property, except for non-residential, legally conforming uses in residential zones (e.g. churches, schools, etc.)</li> <li>• Other locations not listed in Tier 1 or Tier 2</li> </ul>

- (3). Small Wireless Facility Locations: These guidelines encourage applicants to consider existing poles and other potential support structures prior to installing any new poles to reduce congestion in the public right-of-way. All applicable design, construction, and location standards will be considered when reviewing applications for new Small Wireless Facilities installed on existing poles or other potential wireless support structures in the public right-of-way.
  - (a). The centerline of any new pole must be aligned with the centerlines of existing poles on the same sidewalk or street segment. Alternate locations will be considered where there is conflict with overhead utility lines and facilities.
  - (b). New poles in the right-of-way shall only be permitted with a valid City franchise agreement.

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- (c). Poles located near an intersection must be compliant with setback(s) as prescribed within the City’s adopted Public Works standards. The location cannot obstruct motorists’ sightlines or pedestrian access.
  - (d). The City will not arbitrate any disputes between HOAs or other third parties and applicants. If any portion of the privately-owned structure is on private property, the applicant must first obtain all applicable permissions from the private property owner prior to submittal for any City permits, or approvals.
  - (e). Wireless Communication Facilities in the City’s Shoreline Jurisdiction or critical areas are subject to review as provided in Title 25 SMC, Shoreline Management, SMC 21A.50, Environmentally Critical Areas, and SMC 20.15 State Environmental Policy Act Procedures, as applicable.
  - (f). A Small Wireless Facility is prohibited on city-owned poles or facilities unless the design, and connection of telecommunication antenna and equipment to a city owned poles or facilities are approved pursuant a Franchise Agreement.
  - (g). New poles shall not be located in any zoning setback area on private and public property, as established for each zoning designation in SMC 21A.25. This shall not apply to new poles in the right-of-way or along private streets.
- (4). Small Wireless Location Criteria: Unless exempted by SMC 21A.56.070, the network provider shall consider the established preferences and shall comply with the “Tier 1” criteria, if feasible. The locations within each tier in Table C are not listed in any preferred order. Tier 2 locations may only be considered if the network provider demonstrates that a Tier 1 location is not feasible in accordance with feasibility criteria established in items (a) through (e) below.
- (a). Collocate with Existing WCF: Applications for 5G facilities do not need to demonstrate that collocation is infeasible. For all other facilities, the network provider must provide the designated official with documentation establishing that it contacted the owner of each facility that currently houses a WCF located within one thousand (1000) feet of the proposed location and that owner has denied the network provider’s request to collocate. If the request was granted but the network provider contends it still cannot locate at that location for other reasons, the network provider must provide the designated official with a detailed explanation of those reasons, subject to third party review.
  - (b). NB, CB, O and TC-A through TC-E Zoned Property: Network provider must provide the designated official with documentation that establishes that it considered all properties within nonresidential zones within one thousand (1000) feet of the proposed location. This documentation must outline the reasons why such nonresidential properties are infeasible, subject to third party review.

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- (c). Building or Structure Mounted: Network provider must provide the designated official with documentation that establishes that it contacted the owner of each building or structure (except buildings or structures listed as discouraged or prohibited) located within one thousand (1000) feet of the proposed location and that structure owner denied the network provider’s request to place its facilities on that structure. If the request was granted by the structure owner but the network provider contends it cannot locate at that location for other reasons, the network provider must provide the designated official with a detailed explanation of those reasons which must be technical in nature, subject to third party review.
- (d). Existing or Replacement Poles within Public Rights-of-Way (not otherwise exempt): Network provider must provide the designated official with documentation that establishes that it contacted the owner of each existing pole (non-City-owned) within one thousand (1000) feet of the proposed location and that pole owner denied the network provider’s request to place its facilities on that pole. If the request was granted by the pole owner but the network provider contends it cannot locate at that location for other reasons, the network provider must provide the designated official with a detailed explanation of those reasons which must be technical in nature, subject to third party review.
- (e). New Poles: Network provider must provide the designated official with a wireless-only pole (or light standard) design that meets the design criteria contained within SMC 21A.56.130(9) and any adopted public works standard design guidelines, subject to third party review.

Table C: Small Wireless Facilities		
Tier 1	Tier 2	Variance
<ul style="list-style-type: none"> <li>• Collocate with existing WCF</li> <li>• Within public right-of-way on an existing or replacement support structure (not otherwise exempt)</li> <li>• Building or structure mounted</li> <li>• NB, CB, O and TC-A through TC-E zoned property, exclusive of public right-of-way</li> <li>• New poles within public right-of-way</li> <li>• On poles and/or property owned by a</li> </ul>	<ul style="list-style-type: none"> <li>• R-12 and R-18 zoned property</li> <li>• Within public right-of-way or along private streets on a new tower or pole</li> <li>• R-1 through R-8 zoned property improved with non-residential legally conforming uses (e.g. churches, schools, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>• R-1 through R-8 zoned property, except for non-residential, legally conforming uses in residential zones (e.g. churches, schools, etc.)</li> <li>• Other locations not listed in Tier 1 or Tier 2</li> </ul>

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homeowner's  
 association in  
 residential zones.

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**21A.56.120 Variances**

Variations from the terms of this chapter may be granted by the Director because of unique circumstances, including, but not limited to: topography, location, or surroundings. A WCF variance is categorized as a Type 2 land use application and shall be subject to the criteria below. Applicants shall submit technical analysis to support the variance request.

- (1). A variance from the siting criteria in SMC 21A.56.110 may be granted by the Director if the applicant demonstrates the following:
  - (a). Tier 1 or Tier 2 siting will not meet network deployment objectives;
  - (b). Collocation on a nearby facility is infeasible and/or will not meet network deployment objectives; or
  - (c). All other options under Tier 1 and Tier 2 were exhausted without ability to site the facility and/or array.
  
- (2). A variance from the dimensional standards required by this Chapter may be granted by the Director if:
  - (a). The applicant can demonstrate through technical analysis, subject to review by city consultant, that there is no other location that works that would meet the height - dimension requirements and
  - (b). The applicant can demonstrate through technical analysis, subject to review by city consultant, the height restriction of the structure does not allow the cell site to function and
  - (c). Demonstrate that the height - dimensional variance can still meet all other design elements of this chapter and public works standards if on public right-of-way.
  
- (3). When relief from standards is needed, the variance application must be submitted at the time of the primary WCF application in order to be considered a complete application.
  
- (4). Applicants are highly encouraged to make use of the exemption categories, and Type I and Type II permitting processes provided under this chapter, rather than seeking variances. Variations are considered to be exceptional to the ordinary processing under this Chapter (including the many exemptions). Variations require additional processing time by the City, which may exceed presumptively reasonable time periods set forth in federal rules.

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**21A.56.130 Design Requirements:**

- (1). General Applicability
  - (a). Illustrations contained within this section are examples of WCF deployments. All drawings and images are for illustrative purposes only. The narrative within the design standards and Public Works Standards and technical details shall apply and control. Where conflict may exist between this chapter and the Public Works Standards, the Public Works Standards shall control.
  - (b). WCF locations shall not impede parking and pedestrian use and must comply with ADA standards where a WCF creates a restriction in sidewalk width.
  - (c). All pole-mounted equipment must be installed as flush to the pole as possible, using stainless steel banding straps. Through-bolting or use of lag bolts is prohibited. All pole-mounted equipment shall be located as close together as possible and on the same side of the pole. Offsets from pole shall be compliant with structure owner.
  - (d). Unless required to be within an environmentally controlled underground vault, ground-mounted equipment is required unless the applicant shows clear and convincing evidence that the equipment must be pole-mounted.
  - (e). Ground-mounted equipment shall incorporate concealment elements into the proposed design.
  - (f). Ground-mounted equipment must be concealed within a single shroud or cabinet and must contain all the equipment associated with the facility other than the antenna including but not limited to, the electric meter and disconnect switch. All cables and conduits associated with the equipment must be concealed from view and be underground between the pole and the ground mounted cabinet. Where there is no room for cabinets in the public ROW, they shall be located on private property, ideally behind fences.
  - (g). Pole-mounted equipment must be concealed within a single shroud or cabinet and must contain all the equipment associated with the facility other than the antennas and antenna equipment, including but limited to, the electric meter and disconnect switch. For metal poles, all cables and conduits associated with the equipment must be concealed from view. Wood poles must use conduit to conceal cables and wires from view.
- (2). Completely Concealed Facility
  - (a). All equipment and antenna are encased atop a tower, streetlight, or wireless only pole.
- (3). Wireless Only Pole Between Street Lights

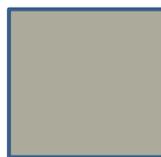
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- (a). To the extent feasible, a new or replaced pole shall be placed equidistance between light standard if the placement location contains more than one light standard in the deployment block/location.
- (4). General Small Wireless Facility Standards
- (a). All Small Wireless Facilities and support structures shall conform/meet the location standards as found in SMC 21A.56.110.
  - (b). The general design criteria for Small Wireless Facilities are depicted in graphics and illustrations contained within this section.
  - (c). New Small Wireless Facilities shall be placed on existing or replacement support structures whenever feasible in order to minimize the number of poles within the right-of-way. New poles can only be constructed when the applicant can demonstrate with substantial evidence (verified by the technical review) that using an existing or replacement structure is not technically feasible or not available.
  - (d). Placement of wireless only poles shall be a minimum of 600 feet apart and at least 100 feet from another provider to minimize the hazard of multiple poles adjacent to the roadway unless the applicant can demonstrate with substantial evidence that it is not technically feasible. Placement of Small Wireless Facilities may be closer subject to approval of a variance.
  - (e). If the location has an improved sidewalk, all new facilities and/or equipment and other related improvements must be placed within the amenity zone to the extent feasible and location shall meet the requirements within the City's adopted public works standards. If a conflict arises between this code and the City's adopted public works standards, the public works standards will control.
  - (f). Poles or structures located near an intersection must be compliant with setback(s) as prescribed within the adopted Public Works standards. The location cannot obstruct motorists' sightlines or pedestrian access.
  - (g). In residential zoning districts, Small Wireless Facilities shall be located where the shared property line between two residential parcels intersects the public right-of-way or private street, unless such location would materially inhibit the applicant's ability to deliver service in the area.
  - (h). Any and all attachments to an HOA owned utility/light pole shall require a signed affidavit from the HOA authorizing provider use of the HOA poles. This is required at the time of application.
  - (i). Wireless only poles may only be used if no attachment is feasible to an existing utility/light pole. Equipment may be located within the pole and/or underground.

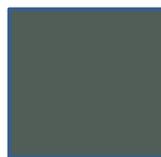
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(5). Small Wireless Facility Design

- (a). Shall be integrated through location and design to blend in with the existing characteristics of the site.
- (b). Poles and/or structures in the right of way shall match surrounding utility poles and or light structures in terms of design and color.
- (c). Preserve existing on-site vegetation and minimize disturbance of the existing topography to the greatest extent possible, unless such disturbance would result in less visual impact of the site to the surrounding area.
- (d). Be designed and placed on the site in a manner that takes the maximum advantage of existing trees, mature vegetation, and structures as to use existing site features to screen as much of the total facility as feasible, and/or use existing site features as a background so that the facility blends into the background with increased sight distances. Setbacks from property lines shall be maximized where practical, except for locations within rights-of-way or private streets.
- (e). Wireless only poles shall be painted or colored in a color that best allows them to blend into the surroundings. The use of powder-coat black, grays, blues, greens and browns are appropriate. No poles shall be unfinished or unpainted unless all-natural wood material pole. Below are examples of colors that are preferred by the City. Different variations, colors, and shades may be used where they are contextually appropriate with the surrounding area; each case will be evaluated individually and approved by the designated official. The paints are samples from existing poles in the City. If there are existing poles in the City that do not have a paint sample shown below, the paint applied shall match as close as possible to the existing poles in the deployment area. All paints shall be powder coated paint application.



Gray



Green



Tan/Brown



Black

- (f). New Small Wireless Facility poles shall not exceed 50 feet in height (including antenna), or more than ten percent of the adjacent pole/structure height, whichever is greater. Replacement poles and collocation on an existing tower shall not increase the height of the existing structure by more than ten percent. A variance does not apply to Small Wireless Facilities that exceed these height requirements; Small Wireless Facilities that exceed these height requirements are considered Macro Cell Facilities.

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- (g). Small Wireless Facilities shall be designed to allow for collocation except for 5G antennas which are incompatible to collocation.
  - (h). Small Wireless Facilities shall be designed to allow conduit and cabling to be internal to the pole, as feasible.
  - (i). Small Wireless Facilities may not be located on city-owned property without City review and lease and franchise agreement (if applicable).
- (6). Small Wireless Facility and Satellite Dish Antennas – Antenna Design Standards
- (a). Antenna is prohibited on city-owned poles and facilities unless the design and connection of telecommunication antenna and equipment to city-owned poles is approved pursuant to a franchise agreement.
  - (b). Antennas associated with installation on existing or replaced wireless support structures must be located within the amenity zone and have concealed cable connections, antenna mount, and other hardware.
  - (c). The maximum size of any small wireless antenna shall not exceed 3 cubic feet.
  - (d). New poles shall not be located within front or side yard building setback areas. New poles shall be located outside of any required landscaped area and preferably located in service areas or other less visible locations.
  - (e). Mountings and satellite dishes shall be no taller than the minimum required for obtaining an obstruction-free reception window.
  - (f). Construction plans and final construction of the mounting bases of all large satellite dish antenna(s) shall be approved as part of the permit issuance.
  - (g). Where an antenna is to be mounted on a structure, flush-mounted antennas must be used where feasible. Where flush-mounted antennas cannot be used, the combined antenna(s) and all associated equipment and required screening shall not extend more than 10% above the existing or adjacent structures.
  - (h). Due to the different antenna deployments from different providers, antenna and related equipment shall be placed and treated to present the least possible visual impact to the public. Treatments shall include equipment enclosure, location of antenna and equipment on the pole, painting to match the pole, or any combination of these measures.
  - (i). To the extent technically feasible, antennas shall be flush mounted within six inches of the support structure or contained in a canister has a diameter no more than 30% larger than the diameter of the support structure, and the antennas shall be painted or

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colored to match or be compatible with the support structure. Painting of the antenna shall not apply to a 5G antenna.

- (j). A unified enclosure containing antennas and all equipment mounted on a pole shall adhere to the maximum sizes as required by 47 CFR § 1.6002(l)(3).
- (7). Small Wireless Facility Cabinet, Shroud, Meter, and Similar Equipment Design Standards
- (a). All pole mounted equipment must be installed as flush to the pole as possible, using stainless steel banding straps. Through-bolting or use of lag bolts is prohibited. To the extent feasible, all pole mounted equipment shall be located as close together as possible and on the same side of the pole. In no case shall equipment or conduit be more than 6 inches from a pole unless required by the pole owner, in the case of utility owned poles.
  - (b). Pole mounted equipment is permitted. Many poles are owned by Home Owners Associations and each may prefer different connections. Given this, when pole-mounted equipment is either permitted or required, the equipment must be concealed within a single shroud or cabinet and must contain all the equipment associated with the facility other than the electric meter and disconnect switch. All cables and conduits associated with the equipment must be concealed from view, by routing directly through the metal pole. Wood poles must use conduit to conceal cables and wires from view.
  - (c). Equipment cabinets may not extend more than 28" from the back of the pole.
  - (d). Standoff mounts for any equipment shall be compliant with pole owner standards.
  - (e). Equipment in an environmentally controlled underground vault may be allowed in some areas where technologically feasible and appropriate for the location. Equipment shall be placed underground if required by Public Works for ROW installations or HOA controlled installations.
  - (f). Ground mounted equipment is permitted. Equipment cabinets shall not exceed 28 cubic feet exclusive of electric meter, demarcation box, battery back-up, power transfer switch, concealment, cutoff switch, grounding equipment.
  - (g). Ground mounted equipment shall incorporate concealment elements into the proposed design.
  - (h). Ground-mounted equipment must be concealed within a single shroud or cabinet and must contain all the equipment associated with the facility other than the antenna including but limited to, the electric meter and disconnect switch. All cables and conduits associated with the equipment must be concealed from view and be

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underground between the pole and the ground mounted cabinet. Cabinets should be placed as far as from the public street as possible and ideally behind existing fences.

- (i). The applicant is required to comply with all applicable noise regulations.
- (j). Color for all equipment and similar devices shall be dark green, black, or another color that matches or is compatible with the existing or replacement pole. The colors must be consistent with other cabinet and pole colors in the general area. All coats shall be powder coated.
- (k). Equipment may be decorated upon approval from the Arts Commission; in addition, equipment may be concealed by means of city approved kiosks, trash receptacles or other approved stealth techniques that match existing city deployment of city amenities. An example of WCF equipment shrouded in art is provided below for illustrative purposes:

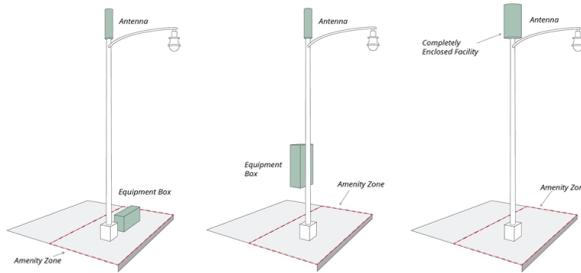


- (l). Pole mounted equipment shall be located on the least-visible from the street-facing side of the pole and as high up on the pole as is feasible.
- (m). Where located in the right-of-way and subject to permitting and franchise requirements, equipment shall only be installed where equipment will not interfere with existing or future City uses of the right-of-way, the rights of private property owners, other utility fixtures and services, water hydrants or mains, wastewater systems, traffic control devices, or any other service or facility (existing or planned) that benefits the City or the health, safety, or welfare of its residents. Further, ground equipment must comply with ADA and sidewalk clearance requirements.
- (n). Where located in the right-of-way, ground equipment shall serve as a public amenity, where feasible. Network providers shall work with the designated official to conceal equipment. Benches, kiosks, wayfinding, planters, etc., could all be considered as public amenities. Public art approved by Art Commission shall be allowed on above ground equipment boxes.

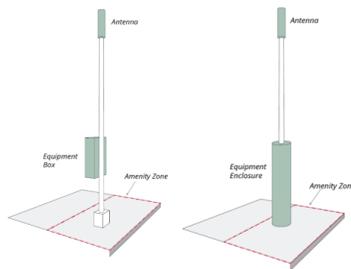
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- (o). Equipment installations shall not be placed in front of the primary entrance to a residence or any business or at any other location where it would unduly interfere with the operation of a business, including blocking safe passage to the entrance.
  - (p). Screening (Outside of Right-of-Way):
    - (i). Where feasible, ground equipment shall be placed in an underground vault, or shall be incorporated into the base of the antenna structure.
    - (ii). Aboveground equipment cabinets not undergrounded or incorporated into a pole base shall be screened with landscaping, street furniture and/or artistically vinyl wrapped, as determined by the designated official.
    - (iii). Fencing, if desired, shall be no taller than six (6) feet, decorative and complementary in design to the antenna structure. Chain-link fencing and barbed wire shall not be allowed.
    - (iv). Anti-graffiti finishes shall be applied to all solid fences, walls and gates.
  - (q). Proposed equipment shall not be located where it effectively reduces the amount of on-street parking or interferes with access to meters, fire hydrants, or other objects of street hardware in the right-of-way.
- (8). Small Wireless Facility Building Mounted Equipment Design Standards
- (a). Where Wireless Facilities are mounted to a building, they should be located so as not to be visible from the street, public open space, parking areas, and from the ground level of adjacent properties, to the extent feasible.
  - (b). All antennas, except 5G antennas, shall be fully concealed within a structure that is architecturally compatible with the existing building. Roof top additions shall be concealed on all sides.
  - (c). Lighting: No lighting shall be allowed with the permitting of WCF unless otherwise approved as a new light standard; or as may be required by the Federal Aviation Administration (FAA).
  - (d). Advertising: No provider advertising shall be placed on any poles, antenna or aboveground equipment. Small identification tags or numbering is allowed.
- (9). Small Wireless Facility Design Examples:
- (a). Antenna and Equipment Location/Design:
    - (i). Existing or Replacement Light Standard:

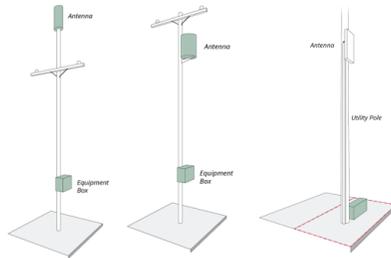
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(ii). Wireless Only Pole:

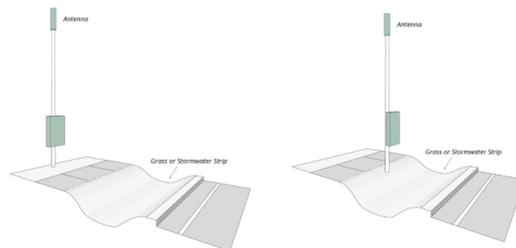


(iii). Utility Pole:



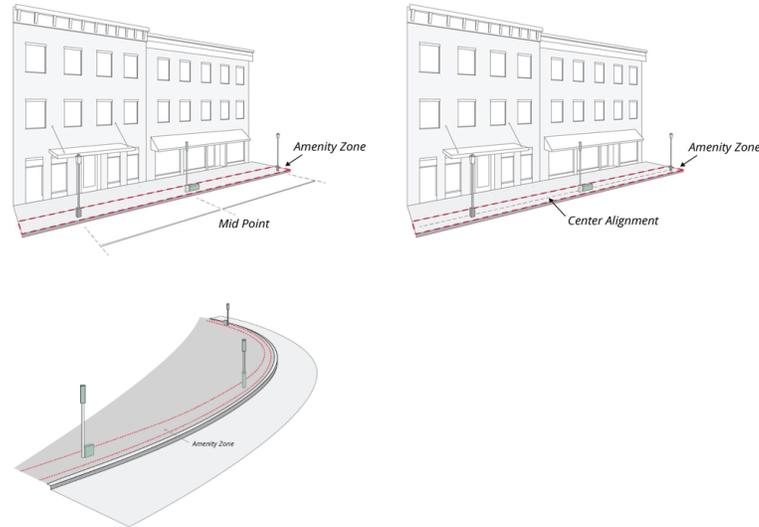
(b). Facility Placement Within Right-of-Way:

(i). In front of or behind sidewalk:



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(ii). Alignment with other poles:



(10). General Macro Cell Facility Standards

- (a). Wireless communication facilities shall be designed to blend with existing surroundings to the extent feasible. This should be achieved through the use of compatible colors and materials, and alternative site placement to allow the use of topography, existing vegetation or other structures to screen the proposed facility.
- (b). Where an antenna is to be mounted on a structure, flush-mounted antennas must be used where feasible. Where flush-mounted antennas cannot be used, the combined antenna(s) and all associated equipment and required screening shall not extend more than fifteen (15) feet above the existing or proposed top of roof line or top of structure.
- (c). Antennas and related equipment shall be placed and treated to present the least possible visual impact to the public. Treatments include equipment enclosure, location of antennas and equipment on the pole, painting to match the pole, or any combination of these measures.

(11). Macro Cell Facility Design Standards

- (a). Be integrated through location and design to blend in with the existing characteristics of the site.
- (b). Preserve existing on-site vegetation and minimize disturbance of the existing topography to the greatest extent possible, unless such disturbance would result in less visual impact of the site to the surrounding area.

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- (c). Be designed and placed on the site in a manner that takes the maximum advantage of existing trees, mature vegetation, and structures, and other site features to screen as much of the total facility as possible, and/or use existing site features as a background so that the facility blends into the background with increased sight distances. Setbacks from property lines shall be maximized where practical.
  - (d). Towers shall be painted in a color that best allows them to blend into the surroundings. The use of grays, blues, greens and browns are appropriate; however, each case will be evaluated individually and approved by the designated official.
  - (e). New towers shall not exceed 90 feet in height. Replacement towers and collocation on an existing tower shall not increase the height of the existing structure by greater than permitted under the definition of “substantial change” contained at 47 CFR 1.16100(b)(7).
  - (f). Designed to allow for collocation.
  - (g). Designed to allow conduit and cabling to be internal to the pole, if feasible.
  - (h). Cannot be located on City-owned property without City review and lease and franchise, if applicable.
- (12). Macro Cell Facility Equipment and Landscaping Standards
- (a). Equipment enclosures.
    - (i). Equipment enclosures and ancillary structures shall be subject to the setbacks of the underlying zoning district.
    - (ii). Equipment enclosures that are not located underground shall not be visible from public views.
    - (iii). New concealed equipment enclosures and ancillary structures shall be designed to complement or match adjacent structures and landscapes. Specific design considerations such as architectural designs, height, scale, color, and texture should be designed to blend with existing surroundings to the extent feasible.
    - (iv). Where feasible, one building with multiple compartments shall be constructed to serve the total number of anticipated collocation tenants. If the applicant can demonstrate that one building is not feasible or practical due to site design or other constraints, then a master site plan shall be provided to demonstrate how all potential equipment enclosures and ancillary structures will be accommodated within the vicinity of the WCF.
  - (b). Landscaping and Fencing Requirements.

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- (i). Tree removal shall be regulated by the City’s tree ordinance, SMC Chapter 21A.37.
- (ii). Except as allowed pursuant to this section, all ground-mounted equipment enclosures shall be enclosed with a fence. In all residential zones, or a facility abutting a residential zone, or in any zone when the equipment enclosure adjoins a public right-of-way, the fence shall be opaque and made of wood, brick, or masonry. All fencing shall be subject to SMC 21A.30.190.
- (iii). All equipment enclosures shall have perimeter landscaping as follows:
  - (A). In the NB, CB, O or TC zones and the abutting rights-of-way, the equipment enclosures shall be landscaped with eight feet of Type II landscaping pursuant to Chapter 21A.35 SMC along any lot line abutting a residential zone;
  - (B). In residential zones and the abutting rights-of-way, the equipment enclosure shall be landscaped with 10 feet of Type I landscaping pursuant to Chapter 21A.35 SMC;
  - (C). Any landscaping required shall be placed outside of the fence; and
  - (D). Landscaping provisions may be modified in accordance with Chapter 21A.35 SMC.
- (iv). If an applicant is able to demonstrate to the Director that compliance with the applicable fencing and landscaping requirements will pose an unreasonable risk to the public health or safety, the fencing and landscaping requirements may be altered to the extent reasonably necessary to address the demonstrated risk to public health or safety or waived if no reasonable alternatives exist.

(13). Setback Requirements

- (a). Antenna support structures outside of the right-of-way or on private streets shall have a setback of 10 feet from any property line. In addition, any support structure over 50 feet shall increase setback one foot for every one foot in height of the structure over 50 feet. Alternatively, in towers engineered with breakpoint technology, the height from the engineered break point to the top of the structure would be the distance for the setback from any residentially zoned property. Whichever of these standards provides the greatest setback shall apply.
- (b). Equipment enclosures shall be subject to the setback requirements of the zone in which they are located.

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- (c). The department shall consider the following criteria and give substantial consideration to on-site location and setback flexibility. These are authorized when reviewing applications for new antenna support structures. The following shall be considered:
  - (i). Whether existing trees and vegetation can be preserved in such a manner that would most effectively screen the proposed tower from residences on adjacent properties;
  - (ii). Whether there are any natural landforms, such as hills or other topographic breaks, that can be utilized to screen the tower from adjacent residences; and
  - (iii). Whether the applicant has utilized a tower design that reduces the silhouette of the portion of the tower extending above the height of surrounding trees.

(14). Macro Cell Facility Design Examples



Acceptable



Acceptable



Unacceptable



Unacceptable

(15). Lighting Standards

- (a). Except as specifically required by the FCC or FAA, a WCF shall not be illuminated. Any such lighting shall be consistent with FAA and/or FCC requirements, as applicable.

(16). Signage

- (a). Commercial messages shall not be displayed on any WCF. The only signage that is permitted upon an antenna support structure, equipment enclosure, or fence shall be informational and for the purpose of identifying the antenna support structure (such as ASR registration number), as well as the name of the party responsible for the operation and maintenance of the facility, its current address and telephone number, security or safety signs, and property manager signs (if applicable). Notwithstanding the foregoing, safety signage is allowed as required by applicable laws, regulations, and standards.
- (b). If more than 220 voltage is necessary for the operation of the facility and is present in a ground grid or in the antenna support structure, signs located every 20 feet and

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attached to the fence or wall shall display in large, bold, high-contrast letters (minimum letter height of four inches) the following: HIGH VOLTAGE – DANGER.

(17). Sounds

- (a). Maximum permissible sound levels to intrude into the real property of another person from a WCF shall not exceed the levels permitted by the City’s noise ordinance pursuant to Chapter 8.15 of the SMC.

**21A.56.140 Installation, inspection, and maintenance.**

- (1). All installations shall be in compliance with the issued permit(s).
- (2). Following construction, the City shall inspect the WCF installation. Any construction performed out of compliance with the approved permit shall be promptly corrected by the applicant following receipt of notification by the City. Failure to bring the construction into compliance with the permit may result in forfeiture of any applicable franchise guarantees for work within the right-of-way, forfeiture of any deposits for facilities located on City properties, and code enforcement penalties and fines, as applicable and as authorized by the SMC, as determined by the designated official.
- (3). The applicant shall maintain facilities including any required concealment or screening. The applicant shall replace any plants required by this chapter or approved or required as part of the permit approval that are unhealthy or dead. In the event that screening is not maintained at the required level, the City, after giving 30 days advance written notice to the provider, may maintain or establish the screening and bill both the landowner and provider for such costs until such costs are paid in full.
- (4). A wireless communication facility shall be removed by the facility owner within ninety (90) days of the date it permanently ceases to be operational or if the facility falls into disrepair. Disrepair includes structural features, paint, landscaping, or general lack of maintenance which could result in safety or visual impacts. Whenever a wireless communications facility ceases operation or falls into disrepair as provided in this section and as determined by either the designated official or the network provider, the entire wireless communications facility shall be removed, including but not limited to all antennas, antenna supports, feeder lines, equipment enclosures, equipment, conduit, and the concrete pad upon which the structure is located. The facility owner may apply for an extension of time within those six (6) months if resuming operation of the facility is expected. The designated official, at his sole discretion, may extend the time for a period not to exceed six (6) months upon written request by the owner.
  - (a). If the network provider requires the removal or relocation of a WCF or related ground equipment at its own discretion, it shall, within fourteen (14) days prior to any work, notify the designated official in writing. A relocation will fall under the requirements of SMC 21A.56.090.

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- (b). Should the designated official determine a permitted WCF or related equipment has become a danger to the public health, safety, welfare, or City property, the network provider shall within twenty-four (24) hours remove or secure their facilities to the satisfaction of the designated official at their sole expense.
- (c). Should a WCF or its related equipment get vandalized by graffiti, the network provider shall, within fourteen (14) calendar days, either remove the graffiti or repaint the structure.

**21A.56.150 Interference.**

Interference between WCF and other equipment shall be governed by federal law and the FCC’s rules and regulations with respect to radio frequency interference.

**21A.56.160 Appeals.**

The Director’s decision on a Type 1 land use permit issued under this chapter is final, and any appeal must be made to King County Superior Court or federal court, as applicable. Type 2 land use permits approved by the Director is subject to appeal to the Hearing Examiner in accordance with SMC Title 20. Exemptions under SMC 21A.56.070 are not subject to appeal. Appeals are considered to be exceptional to the ordinary processing requirements under this Chapter. Appeals may require additional processing time by the City, which may exceed presumptively reasonable time periods set forth in federal rules.

## PLANNING COMMISSION AGENDA CALENDAR

Date	Time	Type	Staff	Topics
<b>December 5</b>	6:30 PM	Regular Meeting	Evan Fischer Kellye Hilde	Presentation: Planning Commission 2019 Year in Review/2020 Year in Advance
<b>December 12</b>	6:30 PM	Special Meeting	David Pyle Dennis Osborn	Workshop: Wireless/Small Cell Technology Regulation Update
<b>December 19</b>	Cancelled	Regular Meeting		
<b>January 2</b>	Cancelled	Regular Meeting		
<b>January 16</b>	6:30 PM	Regular Meeting	Kellye Hilde Dennis Osborn	Public Hearing/Deliberation: Wireless/Small Cell Technology Regulation Update