



AGENDA

Planning Commission

6:30 PM - Thursday, February 6, 2020

City Hall Council Chambers, Sammamish, WA

Page		Estimated Time
	CALL TO ORDER	6:30 pm
	ROLL CALL	
	APPROVAL OF AGENDA	
	APPROVAL OF THE MINUTES	
3 - 4	1. January 16, 2020 Regular Meeting View Minutes	
	PUBLIC COMMENT - NON AGENDA <i>3 minutes per person / 5 minutes if representing an organization</i>	
	NEW BUSINESS	
	2. Election of Chair/Vice Chair Position	
	OLD BUSINESS	
5 - 90	3. Public Hearing and Deliberation - Wireless Communication Facilities Code Rewrite View Agenda Item	
	ADJOURNMENT	8:30 pm
	LONG TERM CALENDAR	
91	4. View Long Term Calendar	

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. 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

6:30 PM - January 16, 2020

City Hall Council Chambers, Sammamish, WA

Commissioners Present:

Chair Mark Baughman, Planning Commissioner, Position 6
Vice-Chair Eric Brooks, Planning Commissioner, Position 1
Larry Crandall, Planning Commissioner, Position 5
Josh Amato, Planning Commissioner, Position 4
Mark Lewis, Planning Commissioner, Position 3
Roisin O'Farrell, Planning Commissioner, Position 2

Commissioners Absent:

Rituja Indapure, Planning Commissioner, Position 7

Staff Present:

Deputy Director of Community Development Kellye Hilde
Principal Planner Dennis Osborn
Senior Management Analyst Miryam Laytner
Office Assistant Jaclyn Montanana

CALL TO ORDER

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

ROLL CALL

Roll was called.

APPROVAL OF AGENDA

Vice-Chair Eric Brooks moved to reverse the order of the agenda items.

Motion carried with no objections.

APPROVAL OF THE MINUTES

Motion to approve the December 12, 2019 minutes as distributed.

Motion carried with no objections.

Draft

PUBLIC COMMENT - NON AGENDA

No public comment.

NEW BUSINESS

Community Development Public Engagement Project

Senior Management Analyst, Miryam Laytner, gave a presentation regarding an upcoming Community Development Public Engagement Project.

OLD BUSINESS

Wireless Communication Facilities Code Rewrite

Principal Planner, Dennis Osborn, gave a presentation regarding the Wireless Communication Facilities Code Rewrite.

PUBLIC COMMENT - AGENDA

Blakely Rickett - 3206 263rd Ct. SE, Sammamish WA, 98075

Topic: Wireless Communication Facilities Code Rewrite

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

Topic: Community Development Public Engagement Project

Greggory Busch representing AT&T

Topic: Wireless Communication Facilities Code Rewrite

Gregor Gadbaw representing Verizon

Topic: Wireless Communication Facilities Code Rewrite

ADJOURNMENT

Vice-Chair Eric Brooks moved to adjourn at 7:40pm.

LONG TERM CALENDAR

Agenda Bill

Planning Commission Regular Meeting
February 06, 2020



SUBJECT:	Public Hearing and Deliberation - Wireless Communication Facilities Code Rewrite	
DATE SUBMITTED:	January 31, 2020	
DEPARTMENT:	Community Development	
NEEDED FROM COMMISSION:	<input checked="" type="checkbox"/> Action <input type="checkbox"/> Direction <input type="checkbox"/> Informational	
RECOMMENDATION:	Complete the Public Hearing and make a recommendation to City Council on amendments to the municipal code as it relates to Wireless Cell Facilities Chapter 21A.56	
EXHIBITS:	Exhibit 1 Summary of Changes Exhibit 2 Draft Code with Edits Exhibit 3 Draft Code clean version	
BUDGET:		
Total dollar amount	N/A	<input type="checkbox"/> Approved in budget
Fund(s)	N/A	<input type="checkbox"/> Budget reallocation required
		<input checked="" type="checkbox"/> No budgetary impact
WORK PLAN FOCUS AREAS:		
<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 by the Federal Communication Commission (FCC), and in an effort to update the City’s WCF rules to respond to industry changes, the staff 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 attorney and AHBL consulting, have developed a draft of Chapter 21A.56 and have presented it to Planning Commission on 9/5/19, 10/17/19, 12/12/19 and 1/16/20. Since the last Planning Commission work session on January 16, 2020, staff have taken several steps to address feedback provided by the Planning Commission and wireless service providers as well as review for clarification edits.

Review of Issues The following issues were addressed in response to feedback from the 1/16/20 Planning Commission meeting:

- Edits and clarification by providers and staff
- Franchise process change from 150 to 120 days to match FCC rule
- Edited Table B & C to match narrative and clarify
- Added clear language regarding illustrations (box text)
- Signage edited to deal with Reed v Gilbert Supreme Court case

Public Hearing

On February 6, 2020, the Planning Commission will complete the Public Hearing. Following the Public Hearing, the Planning Commission will make a motion, deliberate, and vote on a recommendation to City Council to amend the municipal code, add chapter 21A.56, repeal 21A.55, repeal parts of 21A.15 Definitions, 21A.20 Permitted uses, and 21B TC Land Uses. Please note that comment bubbles in the margins of draft code (Exhibit 2) include references to the track comments matrix (Exhibit 1). These are changes incorporated since the January 16, 2020 meeting. There is also a clean copy of the draft (Exhibit 3).

Recommendation

Move to recommend to City Council the approval of amendments to the municipal code as drafted in Exhibit 3 of the February 6, 2020 packet materials, and repeal to 21A.55, repeal parts of 21A.15 Definitions, repeal parts of 21A.20 Permitted uses, and 21B TC Land Uses.

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.

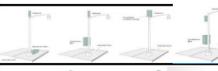
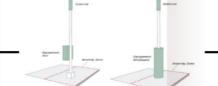
- Policy UT.4.5 Increase bandwidth of telecommunication services to enhance service to Sammamish residents.

Public Questions - Connect Sammamish Website			
Question		Answer	Comment Number
Who owns the streetlights in our neighborhoods? I can think of several possible candidates... the HOA, City of Sammamish, PSE or another entity?		Thank you for taking the time to ask your question. Most street lights in the City are owned by Home Owners Associations. However, there are instances where the City or a utility provider may own the street lights. If you are in a Home Owners Association, chances are the street lights are owned by your HOA. To verify, check with your HOA. You may also see on your electric bill an apportionment for paying part of the electric bill for a street light that may be owned by your HOA.	
Is there a map of where current towers, both big and small, are?		Thank you for your question! While the City does not have a map showing the current locations of large or small cell deployment mapped, it is currently in the process of developing this map. However, this mapping effort will not coincide with the update of the telecommunication code, which is under a different, tighter, timeline in order to gain compliance with required Federal Communication Commission (FCC) rules. The City does not have data (e.g. plans or maps) on private companies' future deployment of wireless facilities, as that data is proprietary. Let us know if you have any other questions or concerns.	
Can the city set height requirements for small cell technology? Example 25 feet off the ground as a minimum height for wireless signal. Some people's bodies are more sensitive so if they are going to be difficult to spot (being hidden behind signs), it would be best to put as much space as reasonable between people and the signal.		Thanks for your question, Aime. The good news is that, in general, telecommunication providers like to have their small cell towers between 30 and 50 feet off the ground for the signal to be able to reach the next small cell tower. That being said, the Federal Communications Commission (FCC) has adopted regulations that limit the local regulations a City can adopt and apply to a telecommunication provider, but we will investigate this further to determine if setting a minimum height would be allowed.	
What impact will the code rewrite have on citizens?		In the near-term, there will be minimal impact, but as wireless providers start to deploy their small cell networks, we will see faster data speeds and fewer gaps in coverage. Eventually, you will see small cells dispersed city-wide. In addition, there could be development of more macro towers, which are the backbone of the wireless networks.	
Questions from HOA meeting		Answer	
Is the HOA list up to date		Staff said it is a work in progress -The City is working on updating	
Instead of a monopole can the HOA require a light pole where it would not impact dark sky neighborhoods		Yes, the City should look at this clarification and note Dark Sky neighborhoods	

PC 1-16-20 Comments				
Section	Change	Note	Staff comment	Comment Number
21A.56.130 (2.7)	<p>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.</p>	<p>PC requested calling out this language in a more conspicuous manner</p>	<p>This is in a text box above the first set of illustrations</p>	<p>1</p>

Public Comments PC 1-16-20		
Comment	Note	Staff comment
Requesting to look at minimum distance between Macro		Collocation first should address this
Wants Macro only in Commercial		FCC rule not allow
Wants macro only in Commercial and a set distance from an R zone		Fcc rule preempts

Verizon 1-16 PC Comments				
Section	Change	Note	Staff comment	Comment Number
The comments without section citation came from a letter from Verizon on 1-16-20	21A.56.130: The basic intent of the code is to exempt most SWF's in the ROW and on HOA property from zoning. The exemption provision in 21A.56.070, however, requires compliance with all SWF		The design standards are to insure the facilities being installed minimizes aesthetic impacts	
	(1) Clarification is needed that pole mounted equipment is allowed and that cabling internal to the pole is not required for wood poles;		Language states conduit if cant be internal	
	(2) Delete requirement that all SWF's meet the locational hierarchy where the exemption language removes exempt SWF's from meeting that and other land use criteria.		Staff was going to propose same - Modify language	
	(3) Request removal of all illustrations proposed in this draft. They do not accurately represent the designs that will be deployed in Sammamish (no exposed 5G antennas, pole diameter too small for		Code calls out illustrative but is design to insure aesthetic issues that providers typically can create	
	(4) 600 foot separation requirement is too large for 5G millimeter wave antennas. Request 250 feet.		1000 feet is millimeter wave length	
	(5) Remove prohibition against placing SWF's in setback areas. New SWF poles in the ROW would probably be in a setback area for the adjacent building(s), as would new poles on HOA property where the		In ROW no setback, also franchise will address	
	(6) Standards requires flush mounting where feasible but its not clear whether infeasibility would require a variance that would disqualify most SWF's from being exempt from land use, because		Pole owner and public works standards is the deference language that will dictate flush or not and what offsets	
	(7) Clarify that equipment set off from the pole is 28 inches from the face of the pole to the back of the equipment cabinet.		This is a max offset - deference will go to public works standards for ROW cases	
	Design typical pictured are not workable and do not reflect 4G/5G deployments. The equipment boxes shown are much lower than they would typically be placed on the pole. Because the technology		Design pics cannot be to scale, or are they deemed to be standards. These are aesthetic design issues. Specific will rest.	
	The code contains a prohibition on any any WCFs in parks, even where there are existing poles or could be camouflaged as a tree or other object to blend in with the surroundings. As more and more		Council can lease if they choose	
	21A.56.040 requires application of the stricter standards if there is a conflict between the wireless chapter and the rest of the code. The wording should omit the word "stricter", and require application of		Keep - same issues with T Mobile	
Verizon 1-16 PC Comments				
	21.56.110(1)(a) requires an applicant for a new macro facility to build a multiple room equipment shelter to house future collocation. There is no way to know who may wish to collocate in the future and		Where feasible - this may work in a plaza setting	
	21A.56.110(4)(a) and 5(g) requires collocation for all SWF except for 5G. There are no feasible multiprovider collocation options for 4G or 5G SWF's yet, except in the densest urban areas. Verizon requests		Collocation is called out even in FCC rules	
	21A.56.110(4)(b-d) require that more desirable locations within 1000 feet be ruled out before siting in a less desirable location. The range of a SWF antenna is 250-1000 feet, depending on topography		The comment itself states that the range of an antenna is 1,000 feet	
	The 90 foot height restriction for macro facilities is unrealistic, given the tree height in Sammamish. It also rules out collocation by an additional macro carrier.		Function for the variance	
	Macro design standards in 21A.56.130 require all antennas to be concealed. This is neither feasible or desirable for a monopole design as it would add a huge amount of bulk to the design. Verizon		I believe this is the current requirement in the City	
Following comments from marked up draft				
21A.56.035(2)	(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	The city has 60/90 days to approve a franchise agreement under the shot clock for SWF's.	Used existing code language	
21A.56.035(5)	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 stricter	Requires application of the stricter standards if there is a conflict between the wireless chapter and the rest of the code. The wording should omit the word	Current language allows Director apply stricter language within the proposed Title	
21A.56.060(18)	"Multiple Compartment Building"	This term is never used in the body of the code.	Covered in Section 21A.56.130(12)(a)(iv).	
21A.56.040(26)	(18). "Small Wireless Facility Pole" means a new or replacement pole supporting Small Wireless Facilities that is:	Removing this language makes this inconsistent with the FCC definition of SWF at FN. 9- "Small Wireless Facilities," as used herein and	Language was not removed	
21A.56.110(2)(b)	(a). For non-residential zones; The network provider must provide the designated official with documentation that establishes that it considered	The inability to obtain a lease is not technical in nature but is often a reason for not collocating on an existing structure. The site acquisition consultant	States "unavailable" so this would satisfy concern and is subject to 3rd party review is not mandatory language. So if	
21A.56.110(4)(a)	J). 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	There are no feasible multi-provider collocation options for 4G or 5G SWF's yet, except in the densest urban areas like the Las Vegas Strip.	FCC calls out collocation	
21A.56.110(4)(b)(c) &(d)	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 250 feet of	The range of a SWF antenna is 250-1000 feet, depending on topography and technology. Applicants should not have to consider locations	1,000 feet is range for millimeter, farther for other frequencies	
21A.56.110 Table C	•Table C Tier 2: A new tower or pole within public right-of-way •A new tower or pole along private streets	SWF's are not attached to towers. These facilities are classified as Tier 1 in the previous column.	Staff was going to review	
21A.56.120(4)	(Last sentence). Variances require additional processing time by the City, which may exceed presumptively reasonable time periods set forth in	This language does not protect the city from legal risk for failing to meet the shot clock.	Keep	
Verizon 1-16 PC Comments				
21A.56.130(1)(d)	(d). Ground-mounted and pole mounted equipment is required unless the applicant shows clear and convincing evidence that the equipment must be underground.	This is the standard of proof used in land use review.	The standard to underground rests with an applicant requests per the language "applicant shows"	
21A.56.130(2.1)(b)	(a). Wireless only poles or new street light pole may be used if no attachment is feasible to an existing utility/light pole. Equipment may be	This is not a design standard. It is also inconsistent with the exemption provision which requires design consistent with this section but does not impose the	It is design - especially for an HOA neighborhood	
21A.56.130(2.2)(b)	(b). The general design criteria for Small Wireless Facilities are depicted in graphics and illustrations contained within this section.	The illustrations are not consistent with these design standards and should be removed from the code.	Discussed already	
21A.56.130(2.2)(d)	(c). 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	The range of a 5G millimeter wave antenna can be as little as 250 feet depending on terrain and topography.	1,000 feet as called out by providers	
21A.56.130(2.3)	(2.3) Small Wireless Facility Design	This section heading is already used above		

21A.56.130(2.3)(f)	(a). New and replacement Small Wireless Facility poles shall not exceed height established in 21A.56.060 (26) (including antenna). A variance	There are no feasible multi-provider collocation options for either 4G or 5G facilities in any but the densest urban areas.	States no collocation for 5G. New wave length being used for 5G at lower than MM frequency	
21A.56.130(g)	Small Wireless Facilities shall be designed to allow for collocation except for 5G antennas which are incompatible to collocation.	There are no feasible multi-provider collocation options for either 4G or 5G facilities in any but the densest urban areas.	See above	
21A.56.130(2.3)(i)	(a). New poles shall not be located within front or side yard building setback areas. New poles shall be located outside of any required	New SWF poles in the ROW would probably be in a setback area for the adjacent building(s), as would new poles on HOA property where the privately	No setback in ROW - franchise issue anyway . Also covered in 21A.56.110 (e).	
21A.56.130(2.4)	Satellite Dish Antennas	These facilities should have their own section for design requirements to eliminate confusion.	Carried over from existing code	
21A.56.130(2.4)(b)	Antennas associated with installation on existing or replaced wireless support structures must be located within the amenity zone, if	Wood poles do not allow interior cabling or wiring.	Allows for conduit	
21A.56.130(2.4)(d)	Mountings and satellite dishes shall be no taller than the minimum required for obtaining an obstruction-free reception window.	See previous comment about satellite dish antennas.	Carried over from existing code	
21A.56.130(2.4)(h)	(h). To the extent technically feasible, antennas shall be flush mounted. The protrusion of the antenna shall be in compliance with the pole owner and Public Works standards if applicable. If	Flush mounting antennas is not feasible. Does this mean that a variance will be required?	To the extent feasible is the language and offsets rest with pole owner and/or PW standards	
21A.56.130(2.5)	(2.5) Small Wireless Facility Cabinet, Shroud, Meter, and Similar Equipment Design Standards	This section is duplicative. All of these requirements are found elsewhere in the code.	Keep	
21A.56.130(2.5)(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		Keep	
21A.56.130(2.5)(c)	The back of the equipment cabinets may not extend more than 28" from the surface of the pole		add	1
Verizon 1-16 PC Comments				
21A.56.130(2.7)	(2.7) Small Wireless Facility Design Examples:	These examples are not representative of actual deployments and will be misleading to the public. Designs are also changing rapidly. Any illustrations	The design standards are to insure the facilities being installed minimizes aesthetic impacts	
21A.56.130(2.7)(ii)	21A.56.130 (2.7) These are illustrations Verizon is commenting on	These do not depict 4G/5G combination deployments and the diameter is unrealistically slim if all cabling and wiring is to be internal to the pole.	The design standards are to insure the facilities being installed minimizes aesthetic impacts	
21A.56.130(2.7)(iii)		These designs do not depict the 5G panel antennas that would need to be exposed.	The design standards are to insure the facilities being installed minimizes aesthetic impacts	
21A.56.130(ii)	If NO curb, gutter, or sidewalk is present, then the amenity zone will be behind the edge of asphalt and inclusive of any	This provision is worded differently than 2.5 Q above for the same concept.	Keep as shown	
21A.56.130(3.2)(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	This is too low to clear the tall tree height in Sammamish. It also rules out collocation by an additional macro carrier.	Keep as shown	
21A.56.130(3.2)(f)	Designed to allow for collocation.	This is infeasible with a 90 foot height cap.	FCC recognizes	
21A.56.130(3.3)(ii)	Equipment enclosures that are not located underground shall be landscaped or fenced so as not be visible from public views.	These shelters cannot be made invisible.	Does not say must be invisible	
21A.56.130(3.3)(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	There is no way to know who may wish to collocate in the future and what their equipment needs would be. It is also not permissible for the first provider to	Discussed above	
21A.56.130(3.4) (a)	(a) All macro antennas shall be concealed. Concealed facade mounted attached antennas shall comply with the	This is neither feasible or desirable for a monopole design as it would add a huge amount of bulk to the design.	Then the technical report that could be provided would say as much and would allow the deviation	
21A.56.160 (last sentence)	Appeals may require additional processing time by the City, which may exceed presumptively reasonable time periods set forth in federal rules.	This language will not insulate the city from risk of legal action for failing to meet a shot clock.	Keep	

T-Mobile 1-16 PC Comments			
Section	Change	Staff comment	Comment Number
21A.56.020 (3)	21A.56.020 Goals(3) – Please adopt T-Mobile’s previously recommended change. Proportionality goals must be technically feasible and achievable.	Add Tech feasible. This would allow explanation for something out of "scale"	1
21A.56.020 (6)	21A.56.020 Goals(6) – Please adopt T-Mobile’s previously recommended change. The staff draft wording implies that wireless uses of the public ROW do not serve a public purpose, which is not correct.	Just points out that ROW not exclusive to providers	
21A.56.040	21A.56.040 – Recommend the last clause of this sentence read “the most restrictive provisions of this Chapter shall govern except where such provisions would have the effect of prohibiting wireless service.”	keep as is - FCC states cant prohibit	
21A.56.060(9)	21A.56.060(9) – Recommend revising the first clause to replace the concept of “total integration” with a standard that is based on technical feasibility. “Total integration” implies invisibility, which is not possible in most instances.	maybe delete total??	2
21A.56.060(17)	21A.56.060(17) – the proposed definition of “macro cell facility pole” is somewhat circular, being reliant on the definition of “small wireless facility”; as previously commented, it is recommended to put the height limit in Table A rather than in the definition.	Small has 3 height options so the reference is needed for minimum.	
21A.56.060(26)(3)	21A.56.060(26)(3) – this proposed definition is confusing, recommend revising it to read “(3) <u>does not extend the existing structure on which the facility is proposed to be located to a height of more than 50 feet or by more than 10% over the existing structure height, whichever is greater.</u> ”	The definition used is from FCC	
21A.56.060(30)	21A.56.060(30) – Please adopt T-Mobile’s previously recommended change. Using the word “mount” twice in this definition of a ‘structure mounted facility’ is circular (currently reads “including any mounting apparatus that is mounted on the roof” etc.). Revise to read “including any mounting apparatus that is placed on the roof” etc.	“mounting apparatus” is used described any apparatus used to mount the WCF	
21A.56.110	Regarding 21A.56.110, T-Mobile continues to have the same concern expressed previously regarding the “tier” hierarchies of Table B and Table C and the accompanying multi-step feasibility criteria showing that is demanded by this section for both macro and SWF facilities. Prohibiting wireless facilities in the ROW in lower density residential zones would be a significant policy change within the city, and would inevitably result in a material number of variance applications. Revisiting this policy choice is recommended.	Review	
21A.56.130(1)(d)	21A.56.130(1)(d) – Recommend this read “Ground-mounted <u>or</u> pole-mounted equipment is required. . . . “	should be "or"	3
21A.56.060(23)	Recommend Wikipedia definition of radio frequency: "Radio frequency (RF) is the oscillation rate of an alternating electric current or voltage or of a magnetic, electric or electromagnetic field or mechanical system in the frequency range from around 20 kHz to around 300 GHz. This is roughly between the upper limit of audio frequencies and the lower limit of infrared frequencies;[1][2] these are the frequencies at which energy from an oscillating current can radiate off a conductor into space as radio waves. Different sources specify different upper and lower bounds for the frequency range."	Current definition mentions non-ionizing which I think is important	

AT&T 1-16 PC Comments			
Section	Change	Note	Staff comment
21A.56.060(4)	<p>“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. Provided that, if there is no curb gutter and sidewalk, the amenity zone will begin at the edge of the pavement and include any existing landscaping and utility improvements in the right-of-way or adjacent to a private street. Notwithstanding the foregoing, in the event that existing utility poles are placed outside of an amenity zone as defined herein, such as when utility poles are aligned at the back of the sidewalk, "amenity zone" shall be interpreted to allow locations with this existing placement.</p>		21A.56.130(2.5)(p) already covers what AT&T is addressing and 21A.56.130(1)(h)
21A.56.130(1)(c)	Concerns about flush mount requirements on utility poles not viable		21A.56.130(1)(c) .130(2.5)(a) .130(2.5)(d) addresses-up to pole owner & PW stds.
Table B & C	Concern about Table B & C- 1,000 contact to large an area		1,000 is what code currently has - Tech feasible
21A.56.130(3.9)	Noise standards maybe to broad - set db level: Maybe tie to WAC 173.60		From current city code. Chapter 8.15 is where the 75 feet came from

Staff 1-16 PC Comments

Section	Change	Note
21A.56.030	No person shall place, construct, reconstruct, or modify a WCF within the City without the necessary permit(s), 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.	clarifies
21A.56.035	(1). Within 90 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 or denied.	120 for franchise
	(2). 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, 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. Within 120 days after receiving a complete application, the City Council shall take final action on such application.	Franchises not conditioned
21A.56.035 (4)	Any person/entity 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 5 year term, file a renewal application with the Public Works Director, or other person designated by the city manager.	clarifies
21A.56.060	(13). “Equipment Enclosure(s)” means the 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.	Sometimes not built by provider so deleted

Staff 1-16 PC Comments

Section	Change	Note
21A.56.060	(5). Franchise Agreement” means a contract between a city and a public or private utility or telecommunications company who needs or desires use of the public rights-of-way (ROW) to deliver its services or to locate facilities. Cities enter into franchises with private companies and with other public agencies -- granting them the right to use the public ROW for installation, maintenance, and repair of their facilities; typically underground pipes and conduits or above-ground cables and lights on poles. Occasionally, the facilities in the ROW are wireless antennas or equipment cabinets that are part of a telecommunications network.	Clarifying language throughout this paragraph
21A.56.060	(26B) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of “antenna” in 47 CFR § 1.1320(d)), is no more than three (3) cubic feet in volume;	Clarifies – meets FCC
21A.56.060	(33)(b). Large scale community events limited to the duration of the event, plus ten (10) days prior to the event and 10 days after; or	clarifies
21A.56.060	(33)(c). Emergency communications equipment to be used in anticipation of and during a declared public emergency or emergency exercise as declared by Emergency Management.	clarifies
	Staff	
21A.56.070	(1). New or existing Small Wireless Facilities within the public right-of-way or on private streets 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. The applicant(s) do not need to satisfy criteria under 21A.56.110(4) An exemption for Small Wireless Facilities must meet all of the applicable criteria set forth below:	Staff added – This clarifies the intent that is touched upon in other parts of the code, but did not directly state

Staff 1-16 PC Comments

Section	Change	Note
21A.56.070(1)(a)	(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 or lease; and	could be a lease
21A.56.110(1)(d)	Macro Cell Facilities are prohibited on city-owned structures or property (unless granted in a Franchise agreement or lease approved by City Council). Macro Cell Facilities shall not be permitted on city-owned structures or property through a variance request.	clarifies
21A.56.110	(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 subsections (a) through (d) below.	clarifies
Table B	edits in marked up draft	
Table C	edits in marked up draft	
21A.56.120(2)	(a). The applicant can demonstrate through technical analysis, subject to review by city consultant, that there is no other location that works is technically feasible that would meet the height -dimension requirements and;	better language
21A.56.130(1)(j)	(a). The City shall defer to the Home Owners Association (HOA) preferred design concepts for deployment on existing or replacement light poles or mono pole where the poles are owned by the HOA and/or on a private street.	This is staff added. This clarifies other parts of the codes intent.

Staff 1-16 PC Comments

Section	Change	Note
21A.56.130(2.1)(b)	Wireless only poles or new street light pole may be used if no attachment to an existing utility/light pole is not feasible. Equipment may be located on the pole or above ground or a unified enclosure. The decision of the type of pole will rest with HOA or City if in ROW or on HOA owned property	clarifies
21A.56.130(2.2)b)	(b). The general design criteria for Small Wireless Facilities are depicted in graphics and illustrations contained within this section.	duplicative
21A.56.130(2.2)©	(a). 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 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.	Clarifies
21A.56.130(2.6)©	(a). No signage of any type larger than one square foot_ shall be placed on any poles, antenna or aboveground equipment.	Reed v Gilbert US Supreme Court content issue
21A.56.130(3.8)	(a). Signage of any type larger than _one square foot_ shall not be displayed on any WCF.	Supreme court case-content base signage regulation not allowed

Staff 1-16 PC Comments

Section	Change	Note
21A.56.140((3)	(1). 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 responsible party for such costs until such costs are paid in full.	clarifies
21A.56.140(c)	(a). Should a WCF or its related equipment become vandalized by graffiti, the network provider shall, within 14 calendar days, either remove the graffiti or repaint the structure.	clarifies both c & d
21A.56.140(d)	(a). All macro and small wireless poles shall contain a tag clearly visible and legible that identifies the owner and operator of the pole along with an emergency contact number for the pole owner. This does not apply to a provider leasing a pole from another entity like Puget Sound Energy.	clarifies both c & d

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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 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 WCFs on the community by establishing standards for location, structural integrity, and compatibility;
- (2). Encourage the location and collocation of wireless communication antennae~~s~~ on existing nonmunicipal structures;
- (3). Ensure that wireless facility antennae and supporting mechanical equipment are proportionate in scale and design, [as technically feasible](#), to other elements of the built environment;
- (4). Ensure that equipment does not become a barrier or impediment to pedestrians, drivers, 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 the necessary permit(s), 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.

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21A.56.035 Franchise Agreement.

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

- (1). Franchise agreements shall follow the format and details prescribed by the City of Sammamish;
- (2). Within 120-90 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. Within 120 days after receiving a complete application, the City Council shall take final action on such application.
- (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.

Commented [D03]: 120 days to match fcc rule

Commented [D04]: Franchises not conditioned

Any person entity 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 5 year term, file a renewal application with the ~~transportation director~~ Public Works Director, or other person designated by the city manager.

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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 stricter 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.

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 that is 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 whether or not there is an existing antenna on the 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
 - (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 the Federal Communications Commission.
- (15). “Franchise Agreement” means a contract between a city and a public or private utility or telecommunications provider company who needs or desires use of the public rights-of-way (ROWs) to deliver its services or to locate facilities. 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. Occasionally, 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 taller than the height of a small wireless facility. Generally, Macro Cell Facility antennas are mounted on ground-based

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Commented [D08]: Clarifying language throughout this paragraph

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 a small wireless facility but no taller than 90 feet in height, including antenna and equipment.
- (18). "Multiple Compartment Building" means a single building with single access point; however, internal to building are multiple secure access points to each individual provider's equipment within the building.
- (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 a new or replacement pole supporting Small Wireless Facilities that is:
 - A) The facilities:

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- (1) Are mounted on support structures 50 feet or less, including antenna; or
- (2) Mounted on support structures no more than 10% taller than adjacent poles or support structures; or
- (a). (3) Does not extend existing ~~support~~ structures on which located to height of more than 50 feet or 10%, whichever is greater.

(B) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of “antenna” in [47 CFR § 1.1320\(d\)](#)), is no more than [three \(3\)](#) cubic feet in volume;

Commented [D09]: Clarifies – meets FCC

(C) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;

(D) The facilities do not require antenna structure registration under part 17 of this chapter;

(E) The facilities are not located on Tribal lands, as defined under [36 CFR 800.16\(x\)](#); and

(F) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in [§ 1.1307\(b\)](#).

- (27). “Small Wireless Network” means a collection of interrelated Small Wireless Facilities designed to deliver personal wireless services.
- (28). “Small Satellite Dish” means any satellite dish antenna(s) that has a diameter less than or equal to 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 12 months from the date of approval unless an extension is requested at least 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 10 days after; or
- (c). Emergency communications equipment **to be used** in anticipation of and during a declared public emergency or emergency exercise as declared by Emergency Management.

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- (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, 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 Pole" means a new pole that is installed for the sole purpose of providing a mounting for a WCF.
- (39). "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 or on private streets 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. [The applicant\(s\) do not need to satisfy criteria under 21A.56.110\(d\)](#). 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 to a franchise agreement [or lease](#); 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
 - (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.

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- (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 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 [Ch. 16.20](#), or SMC [Ch. 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 WCFs 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 agreement, but any such permit will be conditioned on approval of the franchise agreement by the City Council prior to construction or deployment of the WCF.
- (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 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 10 calendar days and specifically identifies the information the applicant failed to supply in response to its initial request.
- (5). Batch Permits/Consolidated Permit:
 - (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.

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Table A: Types of Facilities and Required Permits

WCF Type	Structure	Land Use Permit Required	Shot Clock
UHF/VHF antenna higher than 10' above roofline	Building	Type 1	N/A
Large satellite dish antenna	Building or ground mounted	Type 1	N/A
Amateur radio towers	Building or ground mounted	Type 1	N/A
Temporary wireless communication facility not covered by SMC 21A.56.070 (5)	Varies	Type 1	N/A
New Macro Cell Facility	New tower or structure mounted	Type 2	150 days
New Macro Cell Facility	Existing structure	Type 2	90 days
New Small Wireless Facility	Existing pole/structure	Type 1 ²	60 days
New Small Wireless Facility	Replacement pole ¹	Type 1 ²	60 days
New Small Wireless Facility	New pole or tower/structure	Type 1	90 days
New or collocated completely concealed WCF (both Macro and Small Wireless Facilities)	Structure mounted	Type 1 ³	New Macro - 150 days Collocated Macro - 90 Days SWF - 60 days (using existing structure) SWF - 90 days (using new structure)
Collocation of new antennas; new ground mounted equipment enclosures on previously approved structures	Existing structure, pole or tower	Type 1	Macro 90 days SWF 60 days
Eligible Facility Request	Existing	Exempt	60 days
Right of Way Permit – Type C	N/A	N/A	30 days

¹ 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)

² Except as exempted by SMC 21A.56.070.

³ When a WCF is structure mounted, the provider 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 provider may consider requesting, via the permit holder, 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 do not require application notification. However, construction notice for work in the right-of-way shall be required via mail. The notice shall be provided no later than two weeks prior to any construction or land use alteration. The content of the construction notice shall be pursuant to the Public Works Standards. Area of construction noticing shall be consistent with [SMC 21A.56.095\(2\)](#).
- (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). Macro 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 [Ch. 20.05](#). There is no public comment associated with this proposal."
 - (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 and/or 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 of the technical information. 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). 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.
 - (b). 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, then 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 and Right of way permits prior to submittal.
 - (c). 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.
 - (d). Macro Cell Facilities are prohibited on city-owned structures or property (unless granted in a Franchise agreement or lease approved by City Council). Macro Cell Facilities shall not be permitted on city-owned structures or property through a variance request.
 - (e). 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

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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~~ subsections (a) through (d) below.

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

Table B: Macro Cell Facilities		
Tier 1	Tier 2	Variance
<ul style="list-style-type: none"> Collocate with existing WCF NB, CB, O and TC-A through TC-E zoned private property that is new or replacement -Non residential zone building or structure mounted new or replacement Within public right-of-way on existing poles/structures exclusive of any ROW in R zones Along private streets on an existing or replacement support structure exclusive of any private roads in R zones 	<ul style="list-style-type: none"> R-12 and R-18 zoned private property new or replacement Within public right-of-way on a new tower or pole exclusive of R1-R8 zones Private street easements on a new tower or pole exclusive of any R 1-R8 zones R-1 through R-8 zoned property improved with non-residential legally conforming uses (e.g. churches, schools, etc.) new or replacement 	<ul style="list-style-type: none"> Other locations not listed in Tier 1 or Tier 2

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- (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). New poles in the right-of-way shall only be permitted with a valid City franchise agreement.
 - (b). 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.

- (c). 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.
 - (d). 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 or lease.
 - (e). 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 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, and is 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 1000 feet of the proposed location. This documentation must outline the reasons why such nonresidential properties are infeasible, and is subject to third party review.
 - (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 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, and is 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 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, and is 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 and any adopted public works standard design guidelines, and is subject to third party review.

Table C: Small Wireless Facilities

Tier 1	Tier 2	Variance
<ul style="list-style-type: none"> • Collocate with existing WCF except 5G • Within public right-of-way on an existing or replacement support structure (not otherwise exempt) • NB, CB, O and TC-A through TC-E zoned private property, <u>exclusive of public right of way that is</u> • Building or structure mounted <u>new or replacement</u> 	<ul style="list-style-type: none"> • R-12 and R-18 zoned property • A new tower or pole within public right-of-way • A new tower or pole along private streets • R-1 through R-8 zoned property improved with non-residential legally conforming uses (e.g. churches, schools, etc.) 	<ul style="list-style-type: none"> • <u>R-1 through R-8 zoned property, except for non-residential, legally conforming uses in residential zones (e.g. churches, schools, etc.)</u> • Other locations not listed in Tier 1 or Tier 2

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21A.56.120 Variances

Variances 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-is technically feasible 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. Variances are considered to be exceptional to the ordinary processing under this Chapter (including the many exemptions). Variances 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-

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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 and consistent with Public Works standards when applicable.

- (d). Ground-mounted ~~and~~ or pole mounted equipment is required unless the applicant shows clear and convincing evidence that the equipment must be underground.
- (e). Ground-mounted equipment shall incorporate concealment elements outlined in Section 21A.56.130(7) 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.
- (h). 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.
- (i). 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. A unified enclosure compliant with Section 21A.56.130 and Section 21A.56.060(9) is allowed.
- ~~(+)(i).~~ The City shall defer to the Home Owners Association (HOA) preferred design concepts for deployment on existing or replacement light poles or mono pole where the poles are owned by the HOA and/or on a private street.

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(2). Small Cell Design

- (a). Completely Concealed Facility is allowed where all equipment and antenna are encased atop/within a pole, or on the pole where the top of the concealed facility does not extend above the top of a tower, streetlight, or wireless only pole.

(2.1) Wireless Only or Street Light Pole Between Street Lights

- (a). To the extent feasible, a new or replaced pole shall be placed equidistance between light standards if the placement location contains more than one light standard in the deployment block/location. The City or HOA may require a street light in lieu of a wireless only pole for locations in ROW or on HOA owned property.
- (b). Wireless only poles or new street light pole may be used if no attachment ~~is feasible to~~ an existing utility/light pole ~~is not feasible~~. Equipment may be located on the pole or above ground or a unified enclosure. The decision of the type of pole will rest with HOA or City if in ROW or on HOA owned property

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(2.2) General Small Wireless Facility Standards

- (a). All Small Wireless Facilities and support structures shall conform with/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.~~

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~~(c).~~(b). 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 together subject to approval of a variance.

~~(d).~~(c). 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.

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~~(e).~~(d). 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 in violation of public works standards.

~~(f).~~(e). 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. The deviation needs to be supported with documentation provided by an RF engineer and is subject to review by a third party.

~~(e)~~-(f). 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.

(2.3) 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). ~~Shall~~ 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-except~~ all-natural wood material poles. 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 heights established in SMC 21A.56.060 (26) (including antenna). 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.
- (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, if possible.
- (i). 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.

(2.4) Small Wireless Facility and Satellite Dish Antennas – Antenna Design Standards

- (a). Antennas are prohibited on city-owned poles and facilities unless the design and connection of telecommunication antenna and equipment to city-owned poles are approved pursuant to a franchise agreement (ROW) or lease (for city property other than ROW).
- (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). Mountings and satellite dishes shall be no taller than the minimum required for obtaining an obstruction-free reception window.
- (e). 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.
- (f). Where an antenna is to be mounted on a building 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.
- (g). 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 but not be limited to: equipment enclosure, location of antenna and equipment on the pole, painting to match the pole, or any combination of these measures.

- (h). To the extent technically feasible, antennas shall be flush mounted. The protrusion of the antenna shall be in compliance with the pole owner and Public Works standards if applicable. If contained in a canister, the canister may have a diameter no more than 30% larger than the diameter of the support structure, and the antennas shall be painted or colored to match or be compatible with the support structure. Painting of the antenna shall not apply to a 5G antenna.
- (i). 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).

(2.5) 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. Equipment mounted on a pole shall comply with the requirements of the pole owner and/or Public Works Standards.
- (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 surface 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, and grounding equipment.

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- (g). 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 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.
- (h). 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.
- (i). Ground Mounted equipment cabinets 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:



- (j). 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 and compliant with Public Works standards if in ROW or HOA requirements if on HOA owned property.
- (k). 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.

- (l). 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.
- (m). 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.
- (n). 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 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.
- (o). 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.
- (p). If there is no curb, gutter and sidewalk, the amenity zone will begin at the edge of the pavement. If there is existing landscaping within the right-of-way, the HOA may require the provider to install equipment on pole. All disturbances of landscaping in ROW shall be the minimum necessary to install WCF. Any disturbed landscaping shall be replaced around the installed WCF.
- (q). Installation of new poles shall be on the same side of the street as existing poles.

(2.6) Small Wireless Facility Building Mounted Equipment Design Standards

- (a). Where Small 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). ~~Advertising: No provider advertising signage of any type larger than one square foot shall be placed on any poles, antenna or aboveground equipment. Small identification tags or numbering is allowed.~~

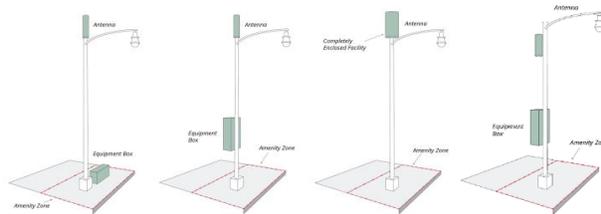
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(2.7) Small Wireless Facility Design Examples:

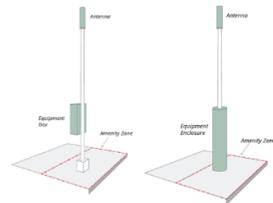
- (a). Antenna and Equipment Location/Design:
 - (i). Existing or Replacement Light Standard:

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.

Commented [DO25]: Added Per PC 12-12- meeting comment 1 PC tab 1-16

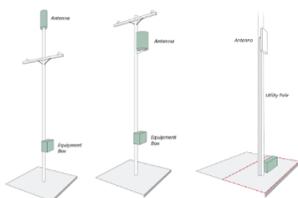


- (ii). Wireless Only Pole:



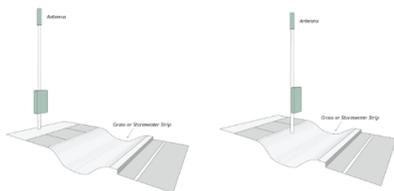
- (iii). Utility Pole:

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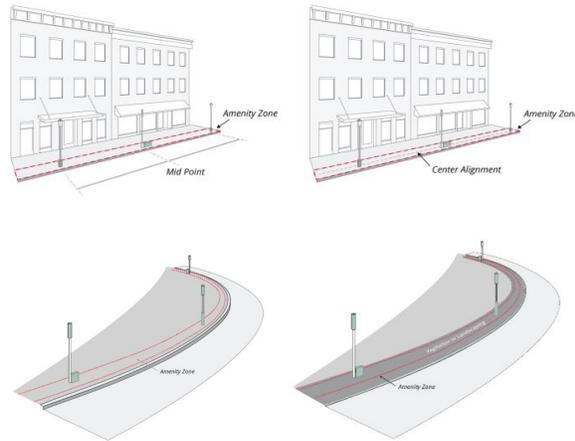


(b). Facility Placement Within Right-of-Way:

(i). In front of or behind sidewalk:



(ii). Alignment with other poles:



If NO curb, gutter, or sidewalk is present, then the amenity zone will be behind the edge of asphalt and inclusive of any landscaping in the right-of-way

(3). Macro Cell Facility Standards

(3.1) 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 building 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 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.

- (d). To the extent feasible, the centerline of any new pole must be aligned with the centerlines of existing poles on the same street segment. Alternate locations will be considered where there is conflict with overhead utility lines and facilities.
- (e). Poles located near an intersection must be compliant with setback(s) as prescribed within the City's adopted Public Works Standards.
- (f). No coiled cable or wire shall be left on a pole.

(3.2) 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.
- (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. Otherwise, conduit must be used for wiring
- (h). Cannot be located on City-owned property without City review and lease or franchise, if applicable.

(3.3) 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.
- (i). Tree removal shall be regulated by the City's tree ordinance, SMC Chapter 21A.37.
 - (ii). All ground mounted equipment, except as allowed pursuant to this section 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 8 feet of Type II landscaping pursuant to Chapter 21A.35 SMC along any lot line abutting a residential zone or around the fence line whichever is applicable;
 - (B). In residential zones and the abutting rights-of-way or around the fence line whichever is applicable, 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;
 - (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.

(3.4) Macro Antenna

- (a) All macro antennas shall be concealed. Concealed attached antennas shall comply with the following requirements:

(b) Concealed antennas shall reflect the visual characteristics of the structure to which they are attached and shall be designed to architecturally match the facade, roof, wall, or structure on which they are affixed so that they blend with the existing structural design, color, and texture. This shall include the use of colors and materials, as appropriate. When located on structures such as buildings or water towers, the placement of the antennas on the structure shall reflect the following order of priority in order to minimize visual impact:

- (i) A location as close as possible to the center of the structure; and
- (ii) Along the outer edges or side-mounted; provided, that in this instance, additional means such as screens should be considered and may be required by the department on a case-by-case basis; and
- (iii) When located on the outer edge or side-mounted, be placed on the portion of the structure less likely to be seen from adjacent lands containing, in descending order of priority: existing residences, public parks and open spaces, and public roadways;

(c) Feed lines shall be contained within a principal building or encased and the encasement painted to blend and match the design, color, and texture of the facade, roof, wall, or structure to which they are affixed.

(3.5) 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 be the standard applied.

- (b). Equipment enclosures shall be subject to the setback requirements of the zone in which they are located.
- (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.

(3.6) Macro Cell Facility Design Examples



Acceptable



Acceptable



Unacceptable



Unacceptable

(3.7) WCF 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. No lighting of any type shall infringe on any home or neighborhood that has dark sky

protection provisions. In any case, no lighting shall exceed or violate the lighting standards established in 21A.30.230

(3.8) WCF Signage

- (a). ~~Commercial messages~~ Signage of any type larger than one square foot 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, except for 21A.56.130 (3.8) (b~~
- (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 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.

Commented [D026]: Supreme court case- content base signage regulation not allowed

(3.9) WCF 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. Any audible sound being produced that can be heard beyond 75 feet from the cell location will be required to eliminate the sound or utilize an acoustic baffling system that would comply with the Sammamish Municipal Code.

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~~ responsible party for such costs until such costs are paid in full.

Commented [D027]: clarifies

- (4). A wireless communication facility shall be removed by the facility owner within 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 ninety (90) days if resuming operation of the facility is expected. The designated official, at their sole discretion, may extend the time for a period not to exceed 6 months upon written request by the owner. The 6 month extension is only for facilities that are expected to be operational again within the 6 month time frame.
- (a). If the network provider requires the removal or relocation of a WCF or related ground equipment at its own discretion, it shall, within 14 days prior to any work, notify the designated official in writing. A relocation will fall under the requirements of SMC 21A.56.090.
 - (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 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-become~~ vandalized by graffiti, the network provider shall, within 14 calendar days, either remove the graffiti or repaint the structure.
 - (d). All macro and micro-small wireless poles shall contain a tag clearly visible and legible that identifies the owner and operator of the pole along with an emergency contact number for the pole owner. This does not apply to a provider leasing a pole from another entity like Puget Sound Energy.

Commented [D028]: clarifies both c & d

21A.56.150 Interference.

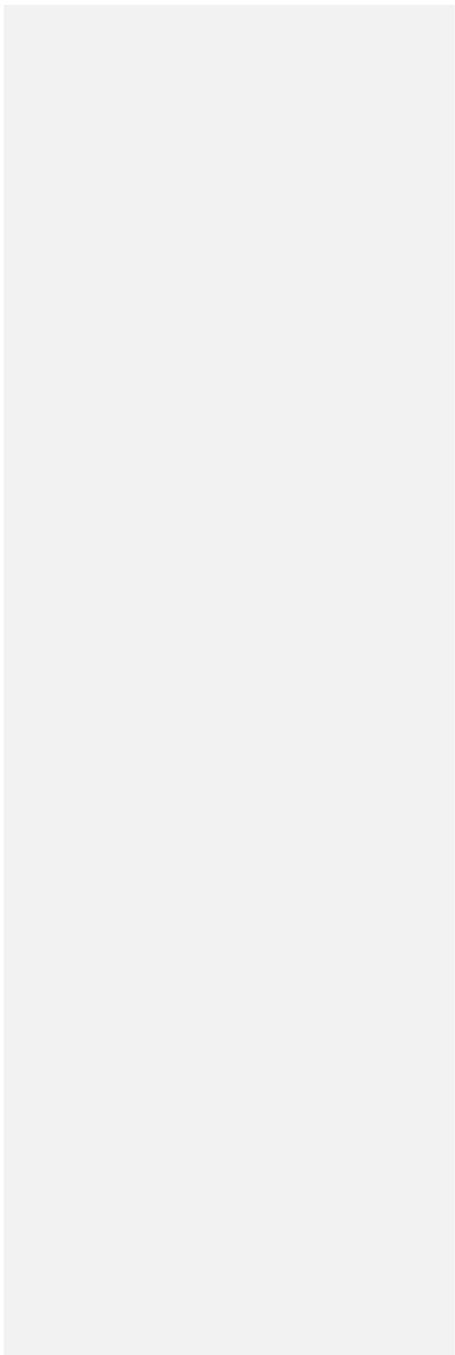
Interference among WCF and between WCF and other equipment shall be governed by federal law and the FCC's rules and regulations with respect to radio frequency interference.

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

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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.



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;

Plan Development//PC Hearing

- (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 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 WCFs 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, as technically feasible, to other elements of the built environment;
- (4). Ensure that equipment does not become a barrier or impediment to pedestrians, drivers, 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.

21A.56.030 Applicability.

No person shall place, construct, reconstruct, or modify a WCF within the City without the necessary permit(s), 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 network provider who desires to occupy or otherwise use city right-of-way for the purpose of providing telecommunications/wireless services and shall comply with the following:

- (1). Franchise agreements shall follow the format and details prescribed by the City of Sammamish;
- (2). Within 90 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 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, 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. Within 120 days after receiving a complete application, the City Council shall take final action on such application.
- (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.

Any person/entity 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 5 year term, file a renewal application with the Public Works 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 stricter 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.

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 that is 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 whether or not there is an existing antenna on the 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 integration with the existing building or structure; and

- (b). All cable is routed internally, encased in conduit, or completely screened from view; and
- (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 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 the Federal Communications Commission.
- (15). “Franchise Agreement” means a contract between a city and a public or private utility or telecommunications company who needs or desires use of the public rights-of-way (ROW) to deliver its services or to locate facilities. Cities enter into franchises with private companies and with other public agencies -- granting them the right to use the public ROW for installation, maintenance, and repair of their facilities; typically underground pipes and conduits or above-ground cables and lights on poles. Occasionally, the facilities in the ROW are wireless antennas or equipment cabinets that are part of a telecommunications network.
- (16). “Macro Cell Facility” means a large wireless communication facility taller than the height of a small wireless facility. 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 a small wireless facility but no taller than 90 feet in height, including antennae and equipment.
- (18). "Multiple Compartment Building" means a single building with single access point; however, internal to building are multiple secure access points to each individual provider's equipment within the building.
- (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 a new or replacement pole supporting Small Wireless Facilities that is:
 - A) The facilities:
 - (1) Are mounted on support structures 50 feet or less, including antenna; or
 - (2) Mounted on support structures no more than 10% taller than adjacent poles or support structures; or

- (a). (3) Does not extend existing ~~support~~ structures on which located to height of more than 50 feet or 10%, whichever is greater.
- (B)** Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of “antenna” in 47 CFR § 1.1320(d)), is no more than three (3) cubic feet in volume;
- (C)** All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
- (D)** The facilities do not require antenna structure registration under part 17 of this chapter;
- (E)** The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and
- (F)** The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in § 1.1307(b).
- (27). “Small Wireless Network” means a collection of interrelated Small Wireless Facilities designed to deliver personal wireless services.
- (28). “Small Satellite Dish” means any satellite dish antenna(s) that has a diameter less than or equal to 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 12 months from the date of approval unless an extension is requested at least 30 days prior to the expiration date; or
 - (b). Large scale community events limited to the duration of the event, plus ten (10) days prior to the event and 10 days after; or
 - (c). Emergency communications equipment to be used 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, 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 Pole" means a new pole that is installed for the sole purpose of providing a mounting for a WCF.
- (39). "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 or on private streets 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. The applicant(s) do not need to satisfy criteria under 21A.56.110(4) 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 or lease; 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
 - (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 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 Ch. 16.20, or SMC Ch. 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 WCFs 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 agreement, but any such permit will be conditioned on approval of the franchise agreement by the City Council prior to construction or deployment of the WCF.
- (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 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 10 calendar days and specifically identifies the information the applicant failed to supply in response to its initial request.
- (5). Batch Permits/Consolidated Permit:
 - (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
UHF/VHF antenna higher than 10' above roofline	Building	Type 1	N/A
Large satellite dish antenna	Building or ground mounted	Type 1	N/A
Amateur radio towers	Building or ground mounted	Type 1	N/A
Temporary wireless communication facility not covered by SMC 21A.56.070 (5)	Varies	Type 1	N/A
New Macro Cell Facility	New tower or structure mounted	Type 2	150 days
New Macro Cell Facility	Existing structure	Type 2	90 days
New Small Wireless Facility	Existing pole/structure	Type 1 ²	60 days
New Small Wireless Facility	Replacement pole ¹	Type 1 ²	60 days
New Small Wireless Facility	New pole or tower/structure	Type 1	90 days
New or collocated completely concealed WCF (both Macro and Small Wireless Facilities)	Structure mounted	Type 1 ³	New Macro - 150 days Collocated Macro - 90 Days SWF - 60 days (using existing structure) SWF - 90 days (using new structure)
Collocation of new antennas; new ground mounted equipment enclosures on previously approved structures	Existing structure, pole or tower	Type 1	Macro 90 days SWF 60 days
Eligible Facility Request	Existing	Exempt	60 days
Right of Way Permit – Type C	N/A	N/A	30 days

¹ 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)

² Except as exempted by SMC 21A.56.070.

³. When a WCF is structure mounted, the provider 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 provider may consider requesting, via the permit holder, 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 do not require application notification. However, construction notice for work in the right-of-way shall be required via mail. The notice shall be provided no later than two weeks prior to any construction or land use alteration. The content of the construction notice shall be pursuant to the Public Works Standards. Area of construction noticing shall be consistent with SMC 21A.56.095(2).
- (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). Macro 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 Ch. 20.05. There is no public comment associated with this proposal.”
 - (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 and/or 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 of the technical information. 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). 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.
 - (b). 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, then 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 and Right of way permits prior to submittal.
 - (c). 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.
 - (d). Macro Cell Facilities are prohibited on city-owned structures or property (unless granted in a Franchise agreement or lease approved by City Council). Macro Cell Facilities shall not be permitted on city-owned structures or property through a variance request.
 - (e). 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 subsections (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 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, and is 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 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, and is 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 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 designated official with a detailed explanation of why such location is not technically feasible or otherwise not possible, and is 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 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, and is subject to third party review.

Table B: Macro Cell Facilities		
Tier 1	Tier 2	Variance
<ul style="list-style-type: none"> • Collocate with existing WCF • NB, CB, O and TC-A through TC-new or replacement • Non residential zone building or structure mounted new or replacement • Within public right-of-way on existing poles/structures exclusive of any ROW in R zones • Along private streets on an existing or replacement support structure exclusive of any private roads in R zones 	<ul style="list-style-type: none"> • R-12 and R-18 zoned private property new or replacement • Within public right-of-way on a new tower or pole exclusive of R1-R8 zones • Private street easements on a new tower or pole exclusive of any R 1-R8 zones • R-1 through R-8 zoned property improved with non-residential legally conforming uses (e.g. churches, schools, etc.) new or replacement 	<ul style="list-style-type: none"> • Other locations not listed in Tier 1 or Tier 2

- (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). New poles in the right-of-way shall only be permitted with a valid City franchise agreement.
 - (b). 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.
 - (c). 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.

- (d). 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 or lease.
 - (e). 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 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, and is 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 1000 feet of the proposed location. This documentation must outline the reasons why such nonresidential properties are infeasible, and is subject to third party review.
 - (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 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, and is 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 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, and is 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 and any adopted public works standard design guidelines, and is subject to third party review.

Table C: Small Wireless Facilities		
Tier 1	Tier 2	Variance
<ul style="list-style-type: none"> • Collocate with existing WCF except 5G • Within public right-of-way on an existing or replacement support structure (not otherwise exempt) • NB, CB, O and TC-A through TC-E zoned private property, • Building or structure mounted new or replacement 	<ul style="list-style-type: none"> • R-12 and R-18 zoned property • A new tower or pole within public right-of-way • A new tower or pole along private streets • R-1 through R-8 zoned property improved with non-residential legally conforming uses (e.g. churches, schools, etc.) 	<ul style="list-style-type: none"> • Other locations not listed in Tier 1 or Tier 2

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 is technically feasible 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. Variances are considered to be exceptional to the ordinary processing under this Chapter (including the many exemptions). Variances require additional processing time by the City, which may exceed presumptively reasonable time periods set forth in federal rules.

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 and consistent with Public Works standards when applicable.
 - (d). Ground-mounted or pole mounted equipment is required unless the applicant shows clear and convincing evidence that the equipment must be underground.

- (e). Ground-mounted equipment shall incorporate concealment elements outlined in Section 21A.56.130(7) 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.
- (h). 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.
- (i). 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. A unified enclosure compliant with Section 21A.56.130 and Section 21A.56.060(9) is allowed.
- (j). The City shall defer to the Home Owners Association (HOA) preferred design concepts for deployment on existing or replacement light poles or mono pole where the poles are owned by the HOA and/or on a private street.

(2). Small Cell Design

- (a). Completely Concealed Facility is allowed where all equipment and antenna are encased atop/within a pole, or on the pole where the top of the concealed facility does not extend above the top of a tower, streetlight, or wireless only pole.

(2.1) Wireless Only or Street Light Pole Between Street Lights

- (a). To the extent feasible, a new or replaced pole shall be placed equidistance between light standards if the placement location contains more than one light standard in the deployment block/location. The City or HOA may require a street light in lieu of a wireless only pole for locations in ROW or on HOA owned property.

- (b). Wireless only poles or new street light pole may be used if no attachment an existing utility/light pole is not feasible. Equipment may be located on the pole or above ground or a unified enclosure. The decision of the type of pole will rest with HOA or City if in ROW or on HOA owned property

(2.2) General Small Wireless Facility Standards

- (a). All Small Wireless Facilities and support structures shall conform with/meet the location standards as found in SMC 21A.56.110.
- (b). 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 together subject to approval of a variance.
- (c). 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 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.
- (d). 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 in violation of public works standards.
- (e). 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. The deviation needs to be supported with documentation provided by an RF engineer and is subject to review by a third party.
- (f). 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.

(2.3) 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). Shall 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 except all-natural wood material poles. 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 heights established in SMC 21A.56.060 (26) (including antenna). 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.
- (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, if possible.

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.

(2.4) Small Wireless Facility and Satellite Dish Antennas – Antenna Design Standards

- (a). Antennas are prohibited on city-owned poles and facilities unless the design and connection of telecommunication antenna and equipment to city-owned poles are approved pursuant to a franchise agreement (ROW) or lease (for city property other than ROW).
- (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). Mountings and satellite dishes shall be no taller than the minimum required for obtaining an obstruction-free reception window.
- (e). 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.
- (f). Where an antenna is to be mounted on a building 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.
- (g). 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 but not be limited to: equipment enclosure, location of antenna and equipment on the pole, painting to match the pole, or any combination of these measures.
- (h). To the extent technically feasible, antennas shall be flush mounted. The protrusion of the antenna shall be in compliance with the pole owner and Public Works standards if applicable. If contained in a canister, the canister may have a diameter no more than 30% larger than the diameter of the support structure, and the antennas shall be painted or colored to match or be compatible with the support structure. Painting of the antenna shall not apply to a 5G antenna.
- (i). 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).

(2.5) 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. Equipment mounted on a pole shall comply with the requirements of the pole owner and/or Public Works Standards.
- (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 surface 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, and grounding equipment.
- (g). 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 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.
- (h). 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.
- (i). Ground Mounted equipment cabinets 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:



- (j). 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 and compliant with Public Works standards if in ROW or HOA requirements if on HOA owned property.
- (k). 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.
- (l). 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.
- (m). 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.
- (n). 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 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.
- (o). 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.
- (p). If there is no curb, gutter and sidewalk, the amenity zone will begin at the edge of the pavement. If there is existing landscaping within the right-of-way, the HOA may require the provider to install equipment on pole. All disturbances of landscaping in ROW shall be the minimum necessary to install WCF. Any disturbed landscaping shall be replaced around the installed WCF.
- (q). Installation of new poles shall be on the same side of the street as existing poles.

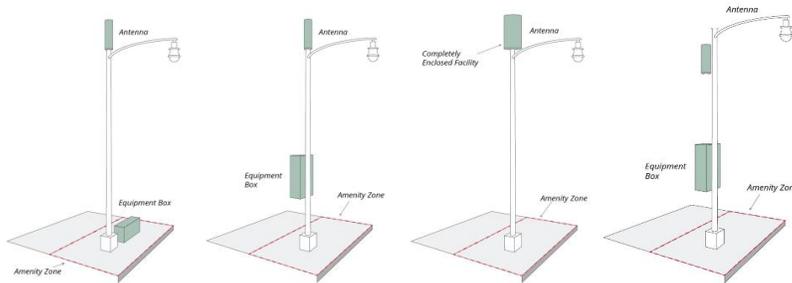
(2.6) Small Wireless Facility Building Mounted Equipment Design Standards

- (a). Where Small 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). No signage of any type larger than one square foot_ shall be placed on any poles, antenna or aboveground equipment.

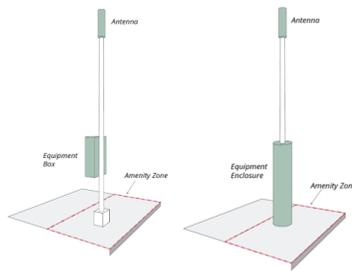
(2.7) Small Wireless Facility Design Examples:

- (a). Antenna and Equipment Location/Design:
 - (i). Existing or Replacement Light Standard:

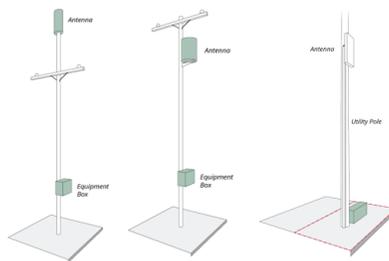
Illustrations contained within this section are examples of WCF deployments. All drawings and images are for illustrative purposes only. The narrative within the design standards and Public Works Standards and technical details shall apply and control. Where conflict may exist between this chapter and the Public Works Standards, the Public Works Standards shall control.



(ii). Wireless Only Pole:

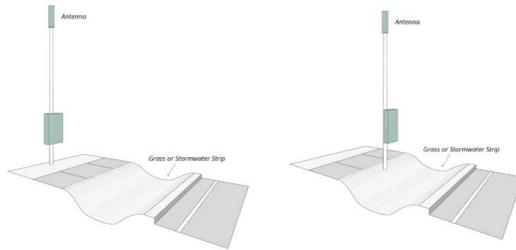


(iii). Utility Pole:

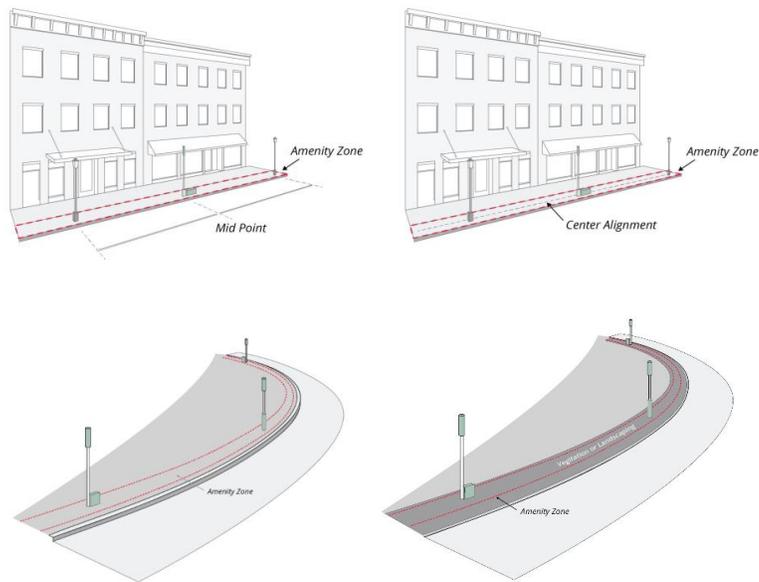


(b). Facility Placement Within Right-of-Way:

(i). In front of or behind sidewalk:



(ii). Alignment with other poles:



If NO curb, gutter, or sidewalk is present, then the amenity zone will be behind the edge of asphalt and inclusive of any landscaping in the right-of-way

(3). Macro Cell Facility Standards

(3.1) 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 building 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 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.
- (d). To the extent feasible, the centerline of any new pole must be aligned with the centerlines of existing poles on the same street segment. Alternate locations will be considered where there is conflict with overhead utility lines and facilities.
- (e). Poles located near an intersection must be compliant with setback(s) as prescribed within the City's adopted Public Works Standards.
- (f). No coiled cable or wire shall be left on a pole.

(3.2) 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.
- (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. Otherwise, conduit must be used for wiring
- (h). Cannot be located on City-owned property without City review and lease or franchise, if applicable.

(3.3) 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.
 - (i). Tree removal shall be regulated by the City’s tree ordinance, SMC Chapter 21A.37.
 - (ii). All ground mounted equipment, except as allowed pursuant to this section 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 8 feet of Type II landscaping pursuant to Chapter 21A.35 SMC along any lot line abutting a residential zone or around the fence line whichever is applicable;
 - (B). In residential zones and the abutting rights-of-way or around the fence line whichever is applicable, 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;
 - (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.

(3.4) Macro Antenna

- (a) All macro antennas shall be concealed. Concealed attached antennas shall comply with the following requirements:
 - (b) Concealed antennas shall reflect the visual characteristics of the structure to which they are attached and shall be designed to architecturally match the facade, roof, wall, or structure on which they are affixed so that they blend with the existing structural design, color, and texture. This shall include the use of colors and materials, as appropriate. When located on structures such as buildings or water towers, the placement of the antennas on the structure shall reflect the following order of priority in order to minimize visual impact:
 - (i) A location as close as possible to the center of the structure; and

(ii) Along the outer edges or side-mounted; provided, that in this instance, additional means such as screens should be considered and may be required by the department on a case-by-case basis; and

(iii) When located on the outer edge or side-mounted, be placed on the portion of the structure less likely to be seen from adjacent lands containing, in descending order of priority: existing residences, public parks and open spaces, and public roadways;

(c) Feed lines shall be contained within a principal building or encased and the encasement painted to blend and match the design, color, and texture of the facade, roof, wall, or structure to which they are affixed.

(3.5) 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 be the standard applied.
- (b). Equipment enclosures shall be subject to the setback requirements of the zone in which they are located.
- (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.

(3.6) Macro Cell Facility Design Examples



Acceptable



Acceptable



Unacceptable



Unacceptable

(3.7) WCF 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. No lighting of any type shall infringe on any home or neighborhood that has dark sky protection provisions. In any case, no lighting shall exceed or violate the lighting standards established in 21A.30.230

(3.8) WCF Signage

- (a). Signage of any type larger than one square foot shall not be displayed on any WCF except for 21A.56.130 (3.8) (b).
- (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 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.

(3.9) WCF 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. Any audible sound being produced that can be heard beyond 75 feet from the cell location will be required to eliminate the sound or utilize an acoustic baffling system that would comply with the Sammamish Municipal Code.

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 responsible party for such costs until such costs are paid in full.
- (4). A wireless communication facility shall be removed by the facility owner within 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 ninety (90) days if resuming operation of the facility is expected. The designated official, at their sole discretion, may extend the time for a period not to exceed 6 months upon written request by the owner. The 6 month extension is only for facilities that are expected to be operational again within the 6 month time frame.
 - (a). If the network provider requires the removal or relocation of a WCF or related ground equipment at its own discretion, it shall, within 14 days prior to any work, notify the designated official in writing. A relocation will fall under the requirements of SMC 21A.56.090.
 - (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 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 become vandalized by graffiti, the network provider shall, within 14 calendar days, either remove the graffiti or repaint the structure.

- (d). All macro and small wireless poles shall contain a tag clearly visible and legible that identifies the owner and operator of the pole along with an emergency contact number for the pole owner. This does not apply to a provider leasing a pole from another entity like Puget Sound Energy.

21A.56.150 Interference.

Interference among WCF and 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
February 6	6:30 PM	Regular Meeting	Planning Commission David Pyle Dennis Osborn	Election of Chair/Vice Chair Positions Public Hearing/Deliberation: Wireless/Small Cell Technology Regulation Update
February 20	6:30 PM	Regular Meeting	David Pyle	Presentation: Phase II Development Regulations Update
March 5	6:30 PM	Regular Meeting	Kellye Hilde Evan Fischer	Presentation: UFMP Implementation Strategies
March 19	6:30 PM	Regular Meeting	David Pyle	Work Session: Phase II Development Regulations Update