



## AGENDA

### Planning Commission

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6:30 PM - Thursday, October 1, 2020

City Hall Council Chambers, Sammamish, WA

Page

Estimated  
Time

#### CALL TO ORDER

6:30 pm

#### MEETING ACCESSIBILITY

Pursuant to the Governor's emergency Proclamation 20-25, the City is unable to provide an in-person location for the public to listen to the virtual Planning Commission meeting this evening. Meetings are still accessible to the public and public comment is able to be submitted.

To View Live:

- City Website: [www.sammamish.us/tv21](http://www.sammamish.us/tv21)
- Comcast Channel 21 (within Sammamish only)

To View Later: Meeting videos are available the day after the meeting:

- City Website: [www.sammamish.us/tv21](http://www.sammamish.us/tv21)
- YouTube:  
[www.youtube.com/channel/UCouPgQz1MSudhAdgiriLC8A](http://www.youtube.com/channel/UCouPgQz1MSudhAdgiriLC8A)
- Comcast Channel 21 (within Sammamish only)

#### ROLL CALL

#### APPROVAL OF AGENDA

#### APPROVAL OF THE MINUTES

4 - 5

1. July 16, 2020 Regular Meeting  
[View Minutes](#)

#### PUBLIC COMMENT - NON AGENDA

Pursuant to the Governor's emergency Proclamation 20-25, the City



*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, it must be submitted or emailed by 5pm the day of the meeting to Jackie Montañana at [JMontanana@sammamish.us](mailto:JMontanana@sammamish.us). Please be aware that Planning Commission meetings are videotaped and available to the public.*

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

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

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

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

**Draft**



## MINUTES

### Planning Commission

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6:30 PM - July 16, 2020

City Hall Council Chambers, Sammamish, WA

**Commissioners Present:**

Chair Mark Baughman, Planning Commissioner, Position 6  
Karthik Seetharaman, Planning Commissioner, Position 1  
Mike Bresko, Planning Commissioner, Position 2  
Josh Amato, Planning Commissioner, Position 4  
Vice-Chair Rituja Indapure, Planning Commissioner, Position 7

**Commissioners Absent:**

Mark Lewis, Planning Commissioner, Position 3  
Larry Crandall, Planning Commissioner, Position 5

**Staff Present:**

Director of Community Development David Pyle  
Deputy Director of Community Development Kellye Hilde  
Planning Manager Miryam Laytner  
Transportation Planner Doug McIntyre  
Assistant City Attorney Lisa Marshall  
Office Assistant Jaclyn Montanana

**CALL TO ORDER**

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Chair Baughman called the Sammamish Planning Commission meeting to order at 6:35 PM.

**ROLL CALL**

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Roll was called.

**APPROVAL OF AGENDA**

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**Motion to approve the July 16, 2020 agenda as distributed.**

Motion carried with no objections.

**APPROVAL OF THE MINUTES**

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**Motion to approve the March 5, 2020 minutes as distributed.**

Motion carried with no objections.

**Draft**

**PUBLIC COMMENT - NON AGENDA**

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Mary Wictor - 408 208th Ave NE Sammamish, WA 98074  
Topic: Feedback for public comment process and meeting minutes

**NEW BUSINESS**

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Overview of City's Approach to Compliance with the Growth Management Hearings Board Remand in Gerend v. Sammamish

Doug McIntyre, Transportation Planner, gave a presentation along with Lisa Marshall, City Attorney.

**PUBLIC COMMENT - AGENDA**

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Mary Wictor - 408 208th Ave NE Sammamish, WA 98074  
Topic: Growth Management Remand and Compliance Overview

**ADJOURNMENT**

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

Meeting adjourned at 8:15 pm.

# Agenda Bill

Planning Commission Regular Meeting  
October 01, 2020



<b>SUBJECT:</b>	Development Regulation Updates - Phase Two	
<b>DATE SUBMITTED:</b>	September 22, 2020	
<b>DEPARTMENT:</b>	Community Development	
<b>NEEDED FROM COMMISSION:</b>	<input type="checkbox"/> Action <input checked="" type="checkbox"/> Direction <input type="checkbox"/> Informational	
<b>RECOMMENDATION:</b>	Review and provide feedback to the scope of work for the Development Regulations Update Phase Two project in preparation for the October 6, 2020 joint meeting with the City Council.	
<b>EXHIBITS:</b>	<a href="#">Exhibit 1 - Community Advisory Group List</a> <a href="#">Exhibit 2 - Project Charter and Ground Rules</a>	
<b>BUDGET:</b>		
Total dollar amount		<input type="checkbox"/> <b>Approved in budget</b>
Fund(s)		<input type="checkbox"/> <b>Budget reallocation required</b>
		<input checked="" type="checkbox"/> <b>No budgetary impact</b>
<b>WORK PLAN FOCUS AREAS:</b>		
<input type="checkbox"/> Transportation	<input type="checkbox"/> Community Safety	
<input type="checkbox"/> Communication & Engagement	<input checked="" type="checkbox"/> Community Livability	
<input checked="" type="checkbox"/> High Performing Government	<input type="checkbox"/> Culture & Recreation	
<input checked="" type="checkbox"/> Environmental Health & Protection	<input type="checkbox"/> Financial Sustainability	

**NEEDED FROM COMMISSION:**

Should the Planning Commission recommend the proposed scope of work for the Development Regulations Update Phase Two project to the City Council? (Note: Final draft scope of work for Council consideration at joint PC/CC meeting on October 6, 2020 to be published on October 2, 2020 following Planning Commission review on October 1, 2020.)

**KEY FACTS AND INFORMATION SUMMARY:**

**Summary Statement**

On August 11, 2020 the City Council approved a contract with Framework to develop Phase Two updates to the City’s development regulations. Upon the City Council approval, the City signed the contract and a kickoff meeting took a place with participation of internal stakeholders and our consultant. During the kickoff meeting the project scope and schedule, a draft public engagement plan, and deliverables were discussed.

As part of the public engagement plan, the City of Sammamish has established a 13-member Community Advisory Group (CAG) consisting of residents, developers, and design professionals to provide input and feedback on the Phase Two updates to the City's development regulations. See Community Advisory Group list - Exhibit 1.

### **Community Advisory Group Interviews**

To facilitate the first meeting of the CAG, and to help identify problem statements and desired outcomes, each CAG member was interviewed individually for approximately 30 minutes prior to the first meeting. Interviews were held by the project team and twelve of the thirteen advisory group members were interviewed. The following questions were used to guide the discussion during the stakeholder interviews. The CAG is anticipated to meet at least four times over the duration of this project, further interview or survey of group members may also be considered to ensure adequate opportunity for feedback from CAG members is available.

1. What do you see as the biggest issues and challenges with recent residential development in Sammamish? If you are familiar with the City's development regulations, please describe what you see as the biggest problems with current regulations?
2. What do you see as the best solutions to improve the quality of residential development in Sammamish? How might these be addressed in new development regulations?
3. Do you have any examples of development from other cities that you think could serve as a model for Sammamish?
4. Please share any other input you may have for the project.

Themes from the interviews highlight key issues and challenges with current regulations and provide opportunities for improvement in Phase Two of the development regulation updates. Interview theme included:

1. Compliance with and enforcement of existing regulations is a challenge.
2. Environmental sustainability is a core value but not always achieved in development.
3. New subdivisions are not consistent with Sammamish's character.
4. There is a need for predictability and flexibility with regulations for developers and citizens alike.
5. Sammamish is a desirable place to live and attractive for growth, we need to keep it desirable and not sacrifice it for the sake of growth.
6. Infrastructure has not kept pace with growth and coordination is a challenge.

### **First Community Advisory Group Meeting**

On September 15, 2020 the Community Advisory Group met as a group and reviewed the scope of work and project schedule, group charter and ground rules (Exhibit 2), and a draft of the themes from the interviews. Highlights from the first CAG meeting are listed below. Video recording of the group meeting is available [here](#).

### General Feedback

1. Add "compaction" to the code – especially during COVID people are parking their cars on parts of their property other than driveway such as on top of tree roots.
2. Additional requirements will add to cost of developing properties, how to provide for low-income / attainable housing being built.

### Theme 1: Compliance and enforcement regulations

- The more restrictive ordinances are people tend to ignore / go around them.
- How do we ensure the approved plan is followed by the builders, what is the level of flexibility and who should decide?
- Pay more attention to a construction management plan prior to approval of the plan.
- Developers are willing to pay fines to do what they want to do – should penalties be stiffer for ignoring rules, will stiffer penalties be a deterrent?
- Design team cannot predict how the contractor will behave.
- Should off-site staging be required?
- The plan is the key, if a plan is well thought out then the execution will be successful.
- If a site is having multiple issues, the city should shut it down, what code changes need to be made to make this happen?
- Builders need to work closely with neighbors to negotiate issues as they come up.
- What is the purpose of the pre-construction meeting and how can it be improved to avoid future problems?
- Engaging the impacted neighborhood should be done by the design team as part of planning/design process.
- Add restrictions for equipment that is too old and leaking fluid or causing noise and air pollution.
- Conditions on a property (tree retention, impervious surfaces, steep slope, critical areas) should be recorded thoroughly with King County records and be easily found with a records search so people know the limits of what is allowed on the property before it is purchased.
- Code for city streets should match requirements for private developments - private streets and development on private streets should be held to the same standard as public streets, including the street structure (base).
- Limit the number of current projects to what the city can monitor.
- Add a city contact onto the permit posted at the site so if there is a problem, people know who to call.

Theme 3: New subdivisions are not consistent with Sammamish’s character

- Arterial setbacks and broader landscape requirements should be included along arterials.
- Vegetation and landscaping can, and should, be used as an alternative to fences.
- Storm retention should have vegetation requirements and there should be a way to provide incentive for the builder to do a better job designing storm facilities.
- Use volunteer programs to help maintain landscaping along public ROW.
- Landscaping should not interfere with utilities and other public facilities.

Theme 4: Need for predictability and flexibility with regulations

- Cannot be a “one-size-fits-all” regulation – the director or an outside company can clarify definitions and should have discretion over rules.
- Public Works should be included in this process to ensure we find a way to improve flexibility of Public Works standards.
- Provide examples on how other cities to address flexibility in development regulations.

Theme 5 & 6: Sammamish is attractive for growth / Infrastructure has not kept pace with growth and coordination is a challenge

- One of the reasons Sammamish is desirable is because it is rural -need to find a way to maintain that character.
- Sewer has not kept pace with growth, getting it into existing neighborhoods is expensive and challenging – how to make this an easier process in the future.
- Allow better communication with the water/sewer districts – developers should not deviate from water/sewer districts’ master plans without permission.

### Setting Scope of Work

Themes identified during the CAG interviews and first meeting align with Phase Two code topics discussed during the [February 20, 2020](#) Planning Commission meeting and the [March 3, 2020](#) City Council meeting. These themes also align with other docket requests received as part of the 2020 docket process that are recommended to be included with this update as opposed to docketed for addition to the future work plan. Following the September 15, 2020 CAG meeting, the project team is assembling the range of issues that will make up the final proposed scope of work for Planning Commission and City Council consideration. Sources used in setting the draft scope of work include:

- List of code conflicts/code problems developed by staff resulting from code application.
- List of problems identified in Phase One that were not included with Phase One work.
- Problems that were identified as needing cleanup following implementation of Phase One.
- Problems identified by the CAG.
- 2020 docket items that are best addressed with Phase Two as opposed to being docketed individually.

**The final proposed scope of work will first be presented to the Planning Commission at their October 1, 2020 meeting where the Commission will be asked to review the list of problem statements and confirm appropriateness of the range of issues included.** Following the Commission meeting, the project team will update the final proposed scope of work to include any revisions by the Commission and publish the final list on October 2, 2020 for consideration at the October 6, 2020 joint Planning Commission/City Council meeting.

### Next Steps

On October 6, 2020 the Commission will hold a joint meeting with the City Council where the scope of work and problem statements will be discussed. Following City Council confirmation of the scope of work, and with direction given to the Planning Commission, the project team will begin developing code amendment concepts followed by code language. With feedback from the CAG and stakeholders, staff will advance preliminary code changes to the Commission in a series of workshops followed by initiation of Council discussions. The concepts and language would be refined by working with the CAG and the Planning Commission. Final concepts and draft code language would be then forwarded on recommendation of the Planning Commission to the City Council for further refinement and approval.

This process utilizes a continual feedback loop between the Planning Commission, Staff, and the City Council to keep the Council up-to-date on the status of the project and the concepts and code amendments being considered.

**Development Regulation Updates Phase Two  
Community Advisory Group List**

Category	Members	Statement of Interest
Residents	<b>Leslie Lardie</b>	I have been a Sammamish resident for over 23 years and have had to work around nine family home construction projects on our private road. Four out of the nine sites were done by reliable developers that worked with the residents in our area to minimize undo property damage and emotional stress. The other five sites led to multiple infractions and personal damage to our property. Unfortunately, during these projects the city could do little to help us, the private homeowner, make the builders/developers accountable for the damage they caused. With my years of experience dealing with project builder/developer and financier, plus City Staff, I would like to be on this committee to provide a voice for the private home owner and help identify issues and work on responsible solutions to building development in environmentally sensitive and private road locations in The City of Sammamish.
	<b>Mary Johnson</b>	Sammamish is rapidly changing before our eyes as the built environment replaces the natural environment. Balancing the needs of both—providing housing and livability for residents while reducing environmental impact and preserving habitat—is a key development challenge. I’ve noticed that the outcome of the development process is sometimes falling short of the desired environmental goals. Development regulations can and should be improved. Establishing a citizen advisory committee is a positive step in including community voices in this plan. As part of this committee, I will work to contribute and listen to ideas and achieve desired outcomes. I care about what Sammamish looks like and want to help shape the character—both natural and built—of the community.
	<b>Mark Cross</b>	I am very interested in supporting the effort to improve the City’s development regulations. I would like to assist in creating codes that accomplish the goals and objectives set by the City and that can be easily taught, communicated and administered.  I have a BA in Urban Planning from the University of Washington and am now retired from a career administering zoning codes and development regulations in the Puget Sound region at both the City and County levels of government. As a 32-year resident I have been committed to helping Sammamish become a great City in which to live. I worked on incorporating Sammamish as a City and have served as a City Council member and Mayor.
	<b>Mary Wictor</b>	I am strongly interested in improving development regulations for Sammamish. Extensive research has been required to speak, present, or provide written inputs at hundreds of City Council and Commission meetings since 3/2015. Improved stormwater regulations have been adopted, plus code amendments initiated or influenced through my participation—including formal docket items. Our City needs to identify and better protect “sensitive” environmentally Critical Areas along western slopes of the Sammamish plateau. I have a B.S. in Computer Science with years of experience writing, testing, fixing, updating, and reviewing code so it can be understood, used well, and

**Development Regulation Updates Phase II  
Community Advisory Group List**

		maintained. Getting feedback early is of vital importance; I look forward to being part of a team working on issues and for better outcomes.
	<b>Larry LeSueur</b>	I am a 28-year Sammamish resident, since the City’s incorporation. I have witnessed rapid development growth without corresponding infrastructure support. I have invested time, money, and effort to address recent development taking advantage the City’s existing code and Water Districts policy to the detriment of my local neighborhood. I have vocally opposed legal maneuvering by developers to exploit loopholes in codes and policy that result in their profit taking funded from taxpayer’s pockets. Despite outrage at these schemes, I am pro-development if it is responsible, balancing needs of existing residences, and provides for the City’s financial and growth needs. I would advocate for better systems, resources, and policies to allow City staff create policy and ensure enforcement allowing punitive measures.
<b>Board and Commission Applicant</b>	<b>Jun Qiu</b>	I am very interested in volunteering for the Sammamish Phase II Development Regulations Advisory Committee. I was trained with solid theory and practices principles of city planning. I had profound knowledge in collecting, analyzing, and presenting city planning data. I mastered effective research skills such as field investigations and surveys. I am strong in planning technical skills such as GIS, and Intelligent Transportation System. In Sammamish, currently, there are many concerns that should be better addressed, such as environment protection, sustainable development, water resources preservation, and traffic management. I believe the goal of planning is to develop harmony relationships with municipalities, community stakeholders, regulatory bodies, contractors, property owners, and etc. And I am ready to help to achieve this goal. Thanks.
<b>Master Builders</b>	<b>Todd Levitt</b>  Murray Franklyn	Murray Franklyn has been building new homes in Sammamish for over 30 years. We consider ourselves as much a part of the community as anyone else. We have a vast amount of experience over those 30+ years in understanding what buyers are looking for when wanting to live in Sammamish along with a good historical understanding of the various code changes that have taken place over the last 10 years and the impacts they have had on site plan designs. We believe it is important for this committee to have multiple perspectives when looking at these potential development regulation changes and having a builder rep from Murray Franklyn should be important to the city to ensure multiple voices are heard and understood to help shape any changes to the development code council will ultimately consider. I hope we can have a seat at the table since we have every intention to build another 30 years in the great city of Sammamish.
<b>Local and Small Builders</b>	<b>Dan Buchser</b>  MacPherson Construction	I would be interested in serving on the Advisory Committee to provide feedback on updating the development regulations. I represent a local residential design/build company who has built several homes, mostly waterfront, in the Sammamish area over the past 30 years. We currently have 4-5 projects in permitting or under construction in Sammamish. Additionally, I was invited by David Pyle in 2018 to sit on a panel for the previous regulation updates and think I could provide some helpful feedback and perspective from the applicant and owner side.

**Development Regulation Updates Phase II  
Community Advisory Group List**

<p align="center"><b>Local Architect and Builder</b></p>	<p><b>Bob Sorensen</b>  Sorensen/Architecture, LLC</p>	<p>I am Bob Sorensen, Architect. I have been practicing residential Architecture in the City of Sammamish for more than 15 years and have lived in my Sammamish home for more than 40 years. I have seen dozens of projects through the permitting process over the years and have become increasingly frustrated with the process. I have met personally with Planners, Plans reviewers, Department heads, City Managers and City Council members to express my concerns and to advocate for exactly this type of advisory committee. It would be my great pleasure work with fellow Architects &amp; Builders, City Council and staff to serve the citizens (and future citizens) of Sammamish in this manner, and to hopefully streamline the process for all involved.</p>
<p align="center"><b>Counterpart Agencies</b></p>	<p><b>Lynn Schneider</b>  Public Health - Seattle and King County</p>	<p>I am happy to join the meetings when water and wastewater issues are on the agenda or if the permitting process is being discussed. Unfortunately, we are spread so thin at the moment that I am not able to commit to join for all the meetings.</p>
	<p><b>Jay Regenstreif</b>  Sammamish Plateau Water</p>	<p>I am interested in joining the development regulation update Advisory Committee as a representative of Sammamish Plateau Water &amp; Sewer District. The District's interest in these regulations is to ensure consideration of all infrastructure needs, including those elements not directly controlled by the City. The impact of development and stormwater regulations on the groundwater aquifers that are part of the area's water supply is of particular interest to the District. Alignment of different code sections, such as LID requirements and CARA protections is an important goal. Another regulatory area where the District has a vested interest is in ensuring clarity and consistency of when sewer service connection is required versus allowing new or continued use of septic systems.</p>
<p align="center"><b>Engineers</b></p>	<p><b>Christian Nichols</b>  PACE Engineers</p>	<p>My interest in volunteering for this advisory committee stems from my work in the site development engineering industry as I have worked to design projects subject to the various city codes and standards within Washington. Over the past two years I have gained experience as a Contract Review Engineer for the City of Kenmore and the City of Newcastle; these experiences have allowed me to learn more about City process, code, and standards. Some City codes are easy to navigate and informative while others have portions of code difficult to navigate or understand; I would like the opportunity to learn from this process and contribute towards the goal of making portions of the City of Sammamish code more cohesive, current, and understandable. This opportunity will be educational to see the process of code updates and understand the work and collaboration it takes to make those changes. Given my engineering background in designing subdivisions and other developments, I will be able to provide the perspective of those who work to comply with the more engineering-specific portions of the code along with other related aspects.</p>

**Development Regulation Updates Phase II  
Community Advisory Group List**

	<b>Brett Pudists</b>  BLUELINE Group	If you need input from a civil engineer, I'd like to participate. An advisory committee comprised of a diverse group of stakeholders allows for thoughtful code provisions to be developed that strikes a balance between the various interests.
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*Department of Community Development*

801 228<sup>th</sup> Avenue SE ■ Sammamish, WA 98075 ■ phone: 425-295-0500 ■ fax: 295-295-0600 ■ web: www.sammamish.us

**Community Advisory Group Charter and Ground Rules  
Development Regulation Updates Phase Two**

**Purpose**

The City of Sammamish is beginning a process for a second phase of updates to the City’s development regulations. This effort builds upon the Phase I development regulation updates that were recently completed. As part of the Phase II development regulation process the City desires to create an advisory committee with representatives from key stakeholder groups including residents, board and commissions applicants, master builders, local and small builders, architect, and engineers. The purpose of the committee is to provide input to the City including staff, the Planning Commission, and ultimately the City Council as the final decision-maker on the regulation updates.

**Role of the Committee**

The stakeholder advisory committee will serve the following role in the Phase II development regulation updates:

1. The committee will serve in an advisory capacity to the Planning Commission and City Council
2. The committee will review and provide input early in the process on the project scope, schedule, and desired outcomes
3. Committee members will participate in one-on-one interviews with city staff and consultants at the beginning of the process to provide initial input
4. The committee will not provide formal recommendations or vote on issues. The committee is intended to serve as a forum for input from various stakeholder groups. Committee members may submit individual written comments during the project.

**Rules of Procedure and Meetings**

The following rules of procedure and guidance on meetings are hereby established for the stakeholder advisory committee:

1. It is anticipated the committee will meet at least five (5) times during the project. Additional meetings may be added as needed. Meetings may be held online but will be available to the public.
2. The committee shall adopt procedural rules governing the transaction of its business. The rules shall include provisions for the date, time and place of regular meeting of the committee.
3. The committee will appoint a chairperson and vice chairperson the first meeting through nominations and voting by a majority of the committee membership

4. The chairperson will run the committee meetings following Roberts Rules of Order. The vice chairperson will run the meetings in the absence of the vice chairperson
5. Provisions shall be made for maintaining minutes of commission meetings and records of all commission reports, conclusions and recommendations.
6. The rules of the commission shall provide that all commission meetings shall be open to the public and that notice of meetings shall comply with the Washington Open Public Meetings Act, to the extent proceedings of the commission are governed by such Act.
7. The procedures shall address receipt and processing of citizen proposals and requests. Each meeting shall include at least one opportunity for public comment.

# Agenda Bill

Planning Commission Regular Meeting  
 October 01, 2020



<b>SUBJECT:</b>	Wireless Communication Facilities Code Rewrite														
<b>DATE SUBMITTED:</b>	September 25, 2020														
<b>DEPARTMENT:</b>	Community Development														
<b>NEEDED FROM COUNCIL:</b>	<input type="checkbox"/> Action <input checked="" type="checkbox"/> Direction <input type="checkbox"/> Informational														
<b>RECOMMENDATION:</b>	Provide direction on what actions or amendments should be made to the draft Wireless Communication Facilities Chapter 21A.56 Sammamish Municipal Code (SMC).														
<b>EXHIBITS:</b>	<a href="#">Exhibit 1 - Draft SMC 21A.56 - WCF</a> <a href="#">Exhibit 2 - Draft Design Standards</a> <a href="#">Exhibit 3 - FCC Order Overview</a> <a href="#">Exhibit 4 - Code Testing AHBL Review</a> <a href="#">Exhibit 5 - WCF Example Flow Charts</a>														
<b>BUDGET:</b>	<table border="0"> <tr> <td>Total dollar amount</td> <td>N/A</td> <td><input type="checkbox"/></td> <td><b>Approved in budget</b></td> </tr> <tr> <td>Fund(s)</td> <td>N/A</td> <td><input type="checkbox"/></td> <td><b>Budget reallocation required</b></td> </tr> <tr> <td></td> <td></td> <td><input checked="" type="checkbox"/></td> <td><b>No budgetary impact</b></td> </tr> </table>			Total dollar amount	N/A	<input type="checkbox"/>	<b>Approved in budget</b>	Fund(s)	N/A	<input type="checkbox"/>	<b>Budget reallocation required</b>			<input checked="" type="checkbox"/>	<b>No budgetary impact</b>
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<input type="checkbox"/> Environmental Health & Protection	<input type="checkbox"/> Financial Sustainability														

**NEEDED FROM COUNCIL:**  
 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 requirements by the Federal Communication Commission (FCC), and in an effort to update the City’s Wireless Communication Facilities (WCF) rules to respond to industry changes, staff is proposing a new Chapter 21A.56 SMC (Exhibit 1) to replace Chapter 21A.55 SMC, which regulates the siting, design, and deployment of WCF throughout the city.

## Background

In early 2019, the FCC issued a declaratory ruling which directs local jurisdictions to promote the adoption of fifth generation (5G) wireless services by expediting deployment of small cell networks nation-wide. Jurisdictions must be cautious about regulating, establishing permitting review timelines, setting fees, and creating design requirements because they could be seen as violating the FCC order. Please see Exhibit 2 for a brief memo from staff describing the FCC orders.

5G is deployed using a network of small cell facilities which integrate into the existing wireless network that is currently comprised of macro cells commonly known as cell towers. 5G technology is anticipated to greatly boost network capacity, data speeds, and expand broadband access. Additionally, once deployed, the 5G network will support and supplement internet provision as more families rely on working and learning from home as a result of COVID-19.

In the summer of 2019, the City, working with the city attorney and our land-use consultant AHBL, began developing Chapter 21A.56 SMC. This new chapter consolidates all of the City's wireless regulations while also addressing the changes in the regulatory environment and accounting for new technology used by wireless service providers. City staff presented a draft of Chapter 21A.56 SMC to the Planning Commission on [September 5, 2019](#), [October 17, 2019](#), [December 12, 2019](#), and [January 16, 2020](#) and received a letter of recommendation to the City Council on [February 6, 2020](#).

The chapter was initially set to go to City Council on April 4, 2020, but because of the COVID-19 outbreak and the suspension of the Open Public Meetings Act, it was pushed to the fall of 2020. As COVID-19 has required many families to work and learn from home, the community's need for fast and reliable internet access has drastically increased. During the pause in the legislative review process, staff, working with legal counsel and AHBL, reviewed the draft and decided additional changes were needed to enhance the functionality and usability of the new Chapter. The improvements to functionality and usability will reduce staff processing time and allow for efficient permitting of wireless facilities within the City. These changes are summarized below.

## Changes to Draft Chapter 21A.56

**Shortened Chapter:** The original draft chapter was 35 pages long and contained redundancies and inconsistencies that made it hard to follow and use. This included:

- Removal of *SMC 21A.56.035 Franchise Agreements* - Franchise Agreements are regulated in other chapters of the SMC so this section is not necessary to include.
- Removal of Pre-Application Requirements – These requirements created barriers in adhering to the FCC mandated shot clocks.
- Removal of *SMC 21A.56.130 Design Guidelines* – These guidelines have been replaced by a stand-alone *Wireless Communication Facility Standards* document which will provide more flexibility to change the design standards as federal regulations continue to change (Exhibit 3). This document will be adopted by reference in Chapter 21A.56 SMC and function similarly to the Public Works Standards.

**Created a More User-Friendly Chapter:** In addition to cutting down the length, staff also reorganized the structure of the chapter to make it easier for staff, applicants, and the public to understand and use. Staff grouped permitting procedures for small wireless facilities and macro facilities into their own sections. Additionally, a land-use table in Section SMC 21A.56.070 has been added to clarify the type of

wireless facility is permitted in the different zones and the permitting procedures that accompany the different facility types.

**Code Testing and Flow Charts**

To ensure the language of draft Chapter 21A.56 SMC produces the intended citing and permitting outcomes, staff developed 13 use case scenarios to be tested by one of AHBL’s planning staff (Exhibit 4). The scenarios included permit applications for both macro and small wireless facilities. AHBL found the draft chapter to be easy to follow and that the code language and permitting processes worked as intended. AHBL recommended minor changes to further improve and clarify the permitting process which staff have incorporated into the draft.

Additionally, AHBL has developed flow charts which describe the different permitting paths within the chapter (Exhibit 5). These flow provide an easy way to communicate and understand the functionality of the draft chapter.

**What is Next?**

On October 1, 2020, staff will present a draft of Chapter 21A.56 SMC to the Planning Commission. A Planning Commission public hearing will be held November 5, 2020 and staff will ask for a Letter of Recommendation for Chapter 21A.56 SMC to the City Council. Chapter 21A.56 SMC is scheduled to go to City Council in the fall on 2020 and winter of 2021.

**FINANCIAL IMPACT:**

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

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.

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

**Sections:**

- 21A.56.010 Purpose.
- 21A.56.020 Goals.
- 21A.56.030 Applicability.
- 21A.56.040 Conflict.
- 21A.56.050 Fees.
- 21A.56.060 Definitions.
- 21A.56.070 Permit – Required.
- 21A.56.080 Permit – Exemptions.
- 21A.56.090 Permit – Types and timelines.
- 21A.56.095 Application Notice Requirements
- 21A.56.100 Small Wireless Facilities.
- 21A.56.110 Macro Cell Facilities.
- 21A.56.120 Third Party Review.
- 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 City Staff 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; and
- (2). Facilitating fair and consistent design, siting, and deployment by providing a clear and predictable permit process for network providers and the community; and

- (3). Utilizing design and concealment concepts consistent with and complementary of colors and textures found in the natural and built environment; and
- (4). Protecting the use and purpose of the public right-of-way to ensure a safe driving and pedestrian environment; and
- (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; and
- (6). Upholding the goals and policies of the Comprehensive Plan; and
- (7). Establishing clear regulations for the siting, design, maintenance, and operation of WCF consistent with state and federal regulations; and
- (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; and
- (2). Encourage the location and collocation of wireless communication antennae on existing nonmunicipal structures; and
- (3). Ensure that wireless facility antennas and supporting mechanical equipment are proportionate in scale and design, as technically feasible, to other elements of the built environment; and
- (4). Ensure that equipment does not become a barrier or impediment to pedestrians, drivers, and cyclists; and
- (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; and
- (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.56.040 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 for review pursuant to this Chapter shall be established by the City and if applicable, shall be consistent with the safe harbor provisions established by the FCC (as may be amended from time to time). 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). "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.
- (2). "Amateur Radio (ham) 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.
- (3). "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.
- (4). "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.
- (5). "Antenna Facility" means an antenna and associated antenna equipment.
- (6). "Base Station" means a structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a

communications network. The term does not encompass a tower as defined in this chapter or any equipment associated with a tower.

- (a). The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
  - (b). The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small cell networks).
  - (c). The term includes any structure other than a tower that, at the time the relevant application is filed with the city under this section, supports or houses equipment described in subsection (6)(a)-(b) above that has been reviewed and approved under the applicable zoning or siting process, or under either State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
  - (d). The term does not include any structure that, at the time the relevant application is filed with the City under this Chapter, does not support or house equipment described in subsection (6)(a)-(b) above.
- (7). "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.

- (8). "Director" means Community Development Director or designee.
- (9). "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 (as provided in 47 CFR § 1.6100), involving:
  - (a). Collocation of new transmission equipment; or
  - (b). Removal of transmission equipment; or
  - (c). Replacement of transmission equipment.

- (10). "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. The term does not include relatively small electronic components that have protective housing, such as remote radio units, radio transceivers, amplifiers, or transceivers mounted behind antennas.
- (11). "FCC" means the Federal Communications Commission.
- (12). "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.
- (13). "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.
- (14). "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.
- (15). "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.
- (16). "Personal Wireless Services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by Federal laws and regulations.
- (17). "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.
- (18). "Public Works Standards" means the Sammamish 2016 Public Works Standards, as they exist now or are hereafter amended.

- (19). "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.
- (20). "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.
- (21). "Satellite Dish, Large" means any satellite dish antenna(s) whose diameter is greater than four (4) feet. (See Satellite Dish Antenna(s)).
- (22). "Small Wireless Facility " means a facility that is:
- a) Mounted on support structures 50 feet or less, including antenna; or
  - b) Mounted on support structures no more than 10% taller than adjacent poles or support structures; or
  - c) Does not extend existing support structures on which the facility is located to height of more than 50 feet or 10%, whichever is greater.
- And:
- d) 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; and
  - e) 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; and
  - f) The facilities do not require antenna structure registration under part 17 of this chapter; and
  - g) The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and
  - h) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR § 1.1307(b).
- (23). "Small Satellite Dish" means any satellite dish antenna(s) that has a diameter less than or equal to 4 feet.
- (24). "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.

- (25). "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.
- (26). "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 to support Antennas and associated Antenna Equipment for the provision of personal wireless service (whether on its own or commingled with other types of services).
- (27). "Technically Feasible" means capable of being accomplished based on existing technology compatible with an applicant's existing network.
- (28). "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.
- (29). "Tower" means any structure built for the sole or primary purpose of supporting any FCC licensed or authorized 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.
- (30). "Transmission Equipment" means equipment that facilitates transmission for any FCC-licensed or authorized 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.
- (31). "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.

- (32). "Wireless Pole" means a new pole that is installed for the sole purpose of providing a mounting for a WCF.
- (33). "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 WCF Uses**

- (1). The land use tables in this chapter determine whether a specific WCF use is allowed in a zone district. The zone district is located on the vertical column and the specific use is located on the horizontal row of these tables.
- (2). In the case where a proposed WCF does not fall into one of the WCF types listed in Table A, an application for a conditional use permit shall be required pursuant to SMC 21A.56.100(2)(b) or SMC 21A.56.110(2)(b).

**Table A: Table of WCF Land Uses**

KEY:

- P: Permitted Use<sup>1</sup>
- C: Conditional Use
- X: Prohibited

WCF Land Use	R-1 to R-8	R-12 to R18	NB	CB	O	TCA-E	Right-of-Way <sup>2</sup>
Amateur Radio (Ham) Tower	P	P	P	P	P	P	X
Eligible Facilities Request	P	P	P	P	P	P	P
Macro Cell Facility, Building mounted	C <sup>3</sup>	C	P	P	P	P	N/A
Macro Cell Facility, Collocated with existing WCF	P	P	P	P	P	P	P
Macro Cell Facility, Freestanding, collocated on existing support structure	C <sup>3</sup>	C	P	P	P	P	P <sup>4</sup>
Macro Cell Facility, Freestanding, new support structure	C <sup>3</sup>	C	P	P	P	P	C <sup>5</sup>
Macro Cell Facility, not otherwise listed <sup>6</sup>	C	C	C	C	C	C	C
Satellite Dish, Large	P	P	P	P	P	P	X

Satellite Dish, Small	P	P	P	P	P	P	X
Small Wireless Facility, Building mounted	p <sup>1</sup>	N/A					
Small Wireless Facility, Collocated with existing WCF <sup>1</sup>	P	P	P	P	P	P	P
Small Wireless Facility, Freestanding, collocated on existing support structure	C	C	p <sup>1</sup>				
Small Wireless Facility, Freestanding, new support structure	C	C	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	P
Small Wireless Facility, not otherwise listed	C	C	C	C	C	C	C
Small Wireless Facility, SEPA non-exempt	C	C	C	C	C	C	C
VHF and UHF Receive-Only Television Antenna(s).	P	P	P	P	P	P	X
WCF, Temporary <sup>7</sup>	P	P	P	P	P	P	P
Wireless Communication Facility (WCF), not otherwise listed	C	C	C	C	C	C	C

<sup>1</sup> Facilities shown as permitted within this table are subject to the permitting requirements contained in this chapter. Such facilities may be exempt from receiving a wireless use permit, may be required to obtain an Expedited Wireless Use Permit, or may be required to obtain a Standard Wireless Use Permit pursuant to this Chapter. Further, facilities shown as permitted within this table may require building permits, shoreline permits, or other permits as the Sammamish Municipal Code may require.

<sup>2</sup> A franchise agreement and right-of-way use permit shall be required for WCFs siting in the right-of-way instead of a land use permit.

<sup>3</sup> Macro Cell Facilities in zones R-1 through R-8 may only be permitted on parcels with permitted, non-residential land uses (such as churches or schools).

<sup>4</sup> Exclusive of right-of-way adjacent to R-1 through R-18 zones.

<sup>5</sup> Exclusive of right-of-way adjacent to R-1 through R-8 zones.

<sup>6</sup> Subject to the criteria contained in SMC 21A.56.110(c).

<sup>7</sup> Temporary WCFs operating in excess of 30 days must obtain a wireless use permit.

**21A.56.080 Permit – Exemptions.**

Certain wireless communication facilities are exempt from land use review; however, the provisions of this section do not preclude applicable requirements for building, electrical, or right-of-way permits.

- (1). Eligible Facilities Requests. 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 (or as hereafter amended or recodified) shall not be required to obtain a land use permit and shall be permitted upon the issuance of the applicable permit(s) prior to deployment, installation, or construction. An application for an Eligible Facilities Request exemption letter shall provide information as required by the Director necessary to establish that the proposal qualifies as an Eligible Facilities Request and If a proposal would substantially change the physical dimensions of a Tower or Base Station, as defined in 47 CFR § 1.6100, or otherwise does not qualify as an Eligible Facilities Request, the Director shall deny issuing an exemption letter and the Applicant shall apply for such other WCF permit as required pursuant to this Chapter.
- (2). 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. VHF/UHF antenna(s) that are permitted outright shall be restricted to a height limit of no more than 10 feet above the existing or proposed roof.
- (3). Small Satellite Dish Antenna(s). Small dish antenna(s) in all zones shall not be required to obtain a land use permit in accordance with the Federal Telecommunications Act. Installation must comply with any applicable provisions of the City building code.
- (4). 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 obtain a wireless use permit.
- (5). Amateur Radio Facilities. Amateur Radio (ham) Towers are exempt from land use permits under this Chapter and shall be permitted by right in all zones, pursuant to the FCC Order entitled *Amateur Radio Preemption*, 101 FCC 2nd 952 (1985). Any height restrictions applicable to Amateur Radio (ham) Towers may be waived by the Director upon a showing by the applicant that the proposed Amateur Radio (ham) Tower is the minimum necessary for the facility to function as proposed.

**21A.56.090 Wireless Use Permits – Types and timelines.**

- (1). Unless exempt, no WCF shall hereafter be erected, re-erected, constructed, or altered unless the appropriate wireless use permit for the same has been issued by the City pursuant to this Chapter. Further, some proposed WCF may also require other permitting, such as: shoreline permits, building permit, electrical permit, and/or right-of-way use permit (as applicable).

- (2). Types of Permits. Unless otherwise specified in this chapter, all permits shall comply with procedures of SMC 20.05.020.
  - (a). Exempt facilities. As indicated within SMC 21A.56.080 above, exempt facilities shall not require a land use permit pursuant to this chapter. The WCF shall comply with all other applicable standards contained within this Chapter.
  - (b). Expedited Wireless Use Permits. Where indicated by this Chapter, an Expedited Wireless Use Permit shall be required. An Expedited Wireless Use permit is a Type 1 permit pursuant to SMC 20.05.020. Expedited Wireless Use Permits implicate lower levels of review time due to proposals' strict adherence with the provisions of this Chapter and the lack of the need for discretionary review by the Director.
  - (c). Standard Wireless Use Permits. Where indicated by this Chapter, a Standard Wireless Use Permit shall be required. A Standard Wireless Use Permit is a Type 1 permit pursuant to SMC 20.05.020. Standard Wireless Use Permits are those anticipated to require average review time and/or some elements of discretionary review by the Director.
  - (d). Conditional Use Permits. Conditional use permits are required where indicated in SMC 21A.070, Table A or where otherwise provided by this Chapter. See SMC 21A.110.040 for decision criteria for conditional use permits. A conditional use permit is a Type 2 permit pursuant to SMC 20.05.020.
- (3). Separate permits shall be required for each individual WCF installation. 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.
- (4). Franchise agreements are required for all WCF and/or equipment in the right-of-way.
- (5). A Type C right-of-way utility permit and franchise agreement is required for WCFs located in the public rights-of-way in accordance with SMC 14A.30.050 instead of the land use permits described in subsection (2) above. The City Engineer or designee may process ROW permit applications for WCF permits concurrently with an application for a franchise agreement, but any such ROW permit will be conditioned on approval of the franchise agreement by the City Council prior to construction or deployment of the WCF.
- (6). 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 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, it is exempt from land use review pursuant to SMC

21A.56.080 and only building, electrical and/or right-of way-permits may be required, if applicable.

- (7). 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.
- (8). 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. (or as hereafter amended). The City will make best efforts to meet such federally established shot clocks.

**21A.56.095 Application Notice Requirements**

- (1). Applications for Expedited Wireless Use Permits or Standard Wireless Use Permits for Small Wireless Facilities: Applications for Expedited Wireless Use Permits or Standard Wireless Use Permits for Small Wireless Facilities do not require application notification to surrounding property owners. However, the applicant shall provide construction notice for work in the right-of-way 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). Applications for Conditional Use Permits for Small Wireless Facilities: The applicant 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 applicant shall provide written notification of any application for 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 Macro Cell Facilities requiring a Conditional Use Permit, the notice shall include information required of a Type II procedure stated in SMC 20.05.060(4).
  - (c). Email and phone number of a project contact.
  - (d). 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). The applicant shall be responsible for making notification pursuant to this Section within 14 days of the Department’s determination that the application is complete.
- (6). This Section shall not apply to Eligible Facilities Requests.

**21A.56.100 Small Wireless Facilities**

- (1). General.
  - (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.
  - (f). A new Small Wireless Facility may not be within 350’ of an existing Small Wireless Facility, unless a conditional use permit has been applied for and approved. **However, this restriction shall not apply if the new Small Wireless Facility would be within 350’ of an existing Small Wireless Facility because the proposal is to collocate the new Small Wireless Facility with the existing Small Wireless Facility.**
  - (g). For new poles in the right-of-way, the network provider must provide the Director or designee with a wireless-only pole (or light standard) design that meets the design criteria contained within the Wireless Facility Design Standards and any adopted public works standard design guidelines, and is subject to third party review.
  - (h). For a non-city owned structure in the public right-of-way onto which an applicant or network provider proposes to attach a Small Wireless 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.

(2). Review Process.

(a). Expedited Wireless Use Permit (Type 1 Review).

(i). Standards. Small Wireless Facilities that meet all of the applicable criteria set forth below qualify for processing pursuant to an Expedited Wireless Use Permit:

1. Small Wireless Facilities to be attached to an existing or replacement support structure or a building. (Such structure may be removed and replaced with a new support structure so long as the replacement 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)); or
2. Small Wireless Facilities to utilize a new pole or support structure to be located in the NB, CB, O, and TCA-E zones; and
3. The proposal is compliant with the Wireless Facility Design Standards; and
4. An application proposing attachment to poles owned by a homeowners association (HOA) shall submit with the application(s) a signed affidavit of approval from the HOA authorizing attachment 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.

(b). Standard Wireless Use Permit (Type 1 Review).

Small Wireless Facilities that otherwise meet the standards set forth in subsection (2)(a)(i) above, but that require minor deviations from the Wireless Facility Design Standards, shall instead generally be processed pursuant to the Standard Wireless Use Permit process under this Subsection (2)(b), unless the proposed small wireless facility requires a Conditional Use Permit pursuant to the Table contained in SMC 21A.56.070, above.

(c). Conditional Use Permit (Type 2 Review).

Small Wireless Facilities that require a Conditional Use Permit per the Table contained in SMC 21A.56.070 above shall be processed according to the Conditional Use Permit process under this Subsection (2)(c). Further, any Small Wireless Facilities that trigger SEPA review (which is a Type 2 land use decision) shall be processed under this Subsection (2)(c).

- (i). A conditional use permit may be granted by the Director if the applicant demonstrates the following:
  - 1. The proposed facility cannot be sited pursuant to Subsections (2)(a) or (2)(b) above while meeting network deployment objectives (if applicable); and
  - 2. Collocation on a nearby facility is infeasible and/or will not meet network deployment objectives; and
  - 3. The applicant can demonstrate through technical analysis, subject to third party review, that it is technically infeasible to meet the City's Wireless Facilities Design Standards and;
  - 4. The applicant can demonstrate that the SWF can still meet all other design elements of the City's Wireless Facilities Design Standards other than the standard(s) that are technically infeasible.
- (ii). Conditional Use Permits for Small Wireless Facilities require additional processing time by the City, which may exceed presumptively reasonable time periods set forth in federal rules.

**21A.56.110 Macro Cell Facilities.**

- (1). General.
  - (a). 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.
  - (b). 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.
  - (c). Macro Cell Facilities are prohibited on city-owned structures or property (unless allowed pursuant to a Franchise agreement or lease approved by City Council).
  - (d). 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.

(e). Macro Cell Facilities shall be compliant with the Wireless Facility Design Standards.

(2). Review Process.

(a). Standard Wireless Use Permit (Type 1 Review).

(i). The following Macro Cell Facilities may be permitted with a Standard Wireless Use Permit:

1. Macro Cell Facilities collocating with an existing WCF.
2. Macro Cell Facilities located on NB, CB, O and TC-A through TC-E zoned private property.
3. Macro Cell Facilities mounted or attached to a building in a non-residential zone.
4. Macro Cell Facilities located within public right-of-way on existing poles/structures not currently housing a WCF, exclusive of right-of-way adjacent to R zones.
5. Macro Cell Facilities along private streets on an existing or replacement support structure exclusive of any private roads in R zones.

(b). Conditional Use Permit (Type 2 Review).

(i). Macro Cell Facilities that cannot be sited pursuant to Subsection (2)(a) above or that require a Conditional Use Permit pursuant to Table A in SMC 21A.56.070 shall be processed pursuant to the Conditional Use Permit process under this Subsection (2)(b). A conditional use permit may be granted by the Director if the applicant demonstrates the following:

1. Wireless Use locations pursuant to Subsection 2(a) and SMC 21A.56.070, Table A, will not meet network deployment objectives; and
2. Collocation on a nearby facility is infeasible and/or will not meet network deployment objectives.

(ii). Applicants shall submit technical analysis to support the conditional use permit request.

(iii). A Conditional Use Permit may also be used to allow a deviation from the dimensional standards required by this Chapter or the Wireless Facility Design Standards, pursuant to the following criteria:

1. 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 dimensional requirements and;
  2. The applicant can demonstrate through technical analysis, subject to review by city consultant, the dimensional requirements of the structure does not allow the cell site to function and;
  3. Demonstrate that the conditional use permit can still meet all other design elements of this chapter and/or the Wireless Facilities Design Standards and public works standards if on public right-of-way.
- (iv). Further, Macro Cell Facilities that cannot be sited pursuant to Subsection (2)(a) must meet the following infeasibility criteria:
1. 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.
  2. 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.
  3. 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.

4. 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.

- (v). Conditional use permits require additional processing time by the City, which may exceed presumptively reasonable time periods set forth in federal rules.

**21A.56.120 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 conditional use permit 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.56.130 Design Requirements:**

- (1). Design requirements for Wireless Communication Facilities can be found in the “Wireless Facility Design Standards”.
- (2). Wireless Facility Design Standards may be modified by a franchise agreement between the applicant and the City.

**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, the Wireless Facility Design Standards 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.
  - (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.56.140 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.

### Draft Wireless Facility Design Standards:

The requirements set forth in this section shall apply to the location and design of all WCFs governed by this section as specified below; provided, however, that the City may approve alternative designs subject to a Wireless Use Permit or Conditional Use Permit if it determines that the goals of this section are better served thereby. To that end, WCFs shall be designed and located to minimize the impact on the surrounding neighborhood and to maintain the character and appearance of the City, consistent with other provisions of this Code.

1. Camouflage/Concealment: All WCFs and any transmission equipment shall, to the extent possible, use camouflage design techniques including, but not limited to the use of materials, colors, textures, screening, undergrounding, landscaping, or other design options that will blend the WCF into the surrounding natural setting and built environment. Design, materials and colors of WCFs shall be compatible with the surrounding environment. Designs shall be compatible with structures and vegetation on the same parcel and adjacent parcels.
  - (a) Camouflage design may be of heightened importance where findings of particular sensitivity are made (e.g., proximity to historic or aesthetically significant structures, views, and/or community features). In such instances where WCFs are located in areas of high visibility, they shall (where possible) be designed (e.g., placed underground, depressed, or located behind earth berms) to minimize their profile.
  - (b) The camouflage design may include the use of alternative tower structures should the Community Development Director determine that such design meets the intent of this Code and the community is better served thereby.
  - (c) All WCFs, such as antennas, vaults, equipment rooms, equipment enclosures, and tower structures shall be constructed out of non-reflective materials (visible exterior surfaces only).
2. Hazardous Materials: No hazardous materials shall be permitted in association with WCFs, except those necessary for the operations of the WCF and only in accordance with all applicable laws governing such materials.
3. Lighting: WCFs shall not be artificially lighted, unless required by the FAA or other applicable governmental authority, or the WCF is mounted on a light pole or other similar structure primarily used for lighting purposes. If lighting is required, the City may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare and light falling onto nearby properties, particularly residences.
4. Landscaping And Fencing Requirements:

(a) WCFs shall be sited in a manner that does not reduce the landscaped areas for the other principal uses on the parcel, below Code standards.

(b) WCFs shall be landscaped with a buffer of plant materials that effectively screen the view of the WCF from adjacent residential property. The standard buffer shall consist of the front, side, and rear landscaped setback on the perimeter of the site.

(c) In locations where the visual impact of the WCF would be minimal, the landscaping requirement may be reduced or waived altogether by the Director or assigned designee.

(d) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as WCFs sited on large, wooded lots, natural growth around the site perimeter may be sufficient to buffer.

5. Additional Design Requirements: Additional design requirements shall be applicable to the various types of WCFs as specified below:

(a) Base Stations: If an antenna is installed on a structure other than a tower, such as a base station (including, but not limited to the antennas and accessory equipment) it shall be of a neutral, non-reflective color that is identical to, or closely compatible with, the color of the supporting structure, or uses other camouflage/concealment design techniques so as to make the antenna and related facilities as visually unobtrusive as possible, including for example, without limitation, painting the antennas and equipment to match the structure.

(b) Alternative Tower Structures And Small Wireless Facilities: Alternative tower structures shall be designed and constructed to look like a building, facility, or structure typically found in the area and shall:

(1) With respect to its pole-mounted components, be located on or within an existing utility pole serving another utility; or

(2) Be camouflaged/concealed consistent with other existing natural or man-made features in the right-of-way near the location where the alternative tower structure will be located; or

(3) With respect to its pole components, be located on or within a new utility pole where other utility distribution lines are aerial, if there are no reasonable alternatives, and the applicant is authorized to construct the new utility pole; or

(4) To the extent reasonably feasible, be consistent with the size and shape of the pole-mounted equipment installed by communications companies on utility poles near the alternative tower structure;

(5) Be sized to minimize the negative aesthetic impacts to the right-of-way;

(6) Be designed such that antenna installations on traffic signal standards are placed in a manner so that the size, appearance, and function of the signal will not be considerably altered;

(7) Require that any ground-mounted equipment shall be located in a manner necessary to address both public safety and aesthetic concerns in the reasonable discretion of the Director; and

(8) Not alter vehicular circulation or parking within the right-of-way or impede vehicular, bicycle, or pedestrian access or visibility along the right-of-way. The alternative tower structure must comply with the Americans With Disabilities Act and every other local, State, and Federal law and regulations. No alternative tower structure may be located or maintained in a manner that causes unreasonable interference. Unreasonable interference means any use of the right-of-way that disrupts or interferes with its use by the City, the general public, or other person authorized to use or be present upon the right-of-way, when there exists an alternative that would result in less disruption or interference. Unreasonable interference includes any use of the right-of-way that disrupts vehicular or pedestrian traffic, any interference with public utilities, and any other activity that will present a hazard to public health, safety, or welfare.

(c) Towers:

(1) Towers shall either maintain a galvanized steel finish, or, subject to any applicable FAA standards, be painted a neutral color so as to reduce visual obtrusiveness as determined by the City;

(2) Tower structures should use existing land forms, vegetation, and structures to aid in screening the facility from view or blending in with the surrounding built and natural environment;

(3) Monopole support structures shall taper from the base to the tip;

(4) All towers, excluding alternative tower structures in the right-of-way, shall be enclosed by security fencing or wall at least six feet (6') in height and shall also be equipped with an appropriate anti-climbing device.

(d) Related Accessory Equipment: Accessory equipment for all WCFs shall meet the following requirements:

(1) All buildings, shelter, cabinets, and other accessory components shall be grouped as closely as technically possible;

(2) The total footprint coverage area of the WCF's accessory equipment shall not exceed three hundred fifty (350) square feet;

(3) No related accessory equipment or accessory structure shall exceed twelve feet (12') in height;

(4) Accessory equipment, including but not limited to remote radio units, shall be located out of sight whenever possible by locating behind parapet walls or within equipment enclosures. Where such alternate locations are not available, the accessory equipment shall be camouflaged or concealed.



*Department of Community Development*

801 228<sup>th</sup> Avenue SE ■ Sammamish, WA 98075 ■ phone: 425-295-0500 ■ fax: 295-295-0600 ■ web: www.sammamish.us

**Date:** September 24, 2020

**To:** City of Sammamish City Council and Planning Commission

**From:** Evan Fischer – Management Analyst, Department of Community Development

**Re:** Overview of FCC Small Cell Orders

This memo serves as a high-level overview of the 2018 FCC *Small Cell Order* and the 2020 FCC *5G Upgrade Order*.

**2018 Small Cell Order**

In late 2018, the FCC promulgated a declaratory order designed to effectuate the deployment of small cell (small wireless) facilities. The order provided a standard definition of small wireless facilities, replaced the previous legal test to determine whether city land use ordinances violated state law thus increasing the likelihood of federal preemption, severely limited fees and costs that cities could charge with respect to small wireless facilities, and placed restrictions on cities’ aesthetic regulations. It also established new permitting deadlines (shot clocks) designed to expedite review of small wireless facility applications. The order was met with many legal challenges but generally survived judicial scrutiny relatively unscathed. In August of 2020, a three-judge panel of the U.S. Ninth Circuit Court of Appeals largely upheld the 2018 Small Cell Order, with the exception of a limited remands of portions of the Small Cell Order relating to local governments’ aesthetic regulations.

**2020 5G Upgrade Order**

In June of this year, the FCC adopted another declaratory order and opened a rulemaking in order to speed the deployment of 5G technology (“5G Upgrade Order.”) The 5G Upgrade Order clarified existing rules requiring expedited permitting and mandatory approval for certain types of telecommunications upgrades and smaller scale installments (“Eligible Facilities Requests”). For example, the 5G Upgrade Order tightened the application of the Eligible Facilities Requests permitting shot clocks, effectively eliminating many pre-application requirements. It also tightened the application of the height increase threshold for Eligible Facilities Requests and loosened the application of previously required concealment elements. The 5G Upgrade Order continues the current direction from the FCC that local governments expedite and streamline wireless facility permitting in order to allow more swift deployment of 5G technology.

**Permitting Examples for Beta Testing**

**Macro Facilities:**

Facility Type	Location
Install antennas on PSE utility pole that will increase height by 10 feet.	SE 20 <sup>th</sup> and 212 <sup>th</sup> Ave SE
<p><i>Notes:</i> A freestanding Macro Cell Facility collocated on an existing support structure in the right-of-way adjacent to an R-1 to R-8 zone is not allowed.</p> <p>The applicant could apply for a Conditional Use Permit if the proposal meets the following:</p> <ul style="list-style-type: none"> <li>• It receives a Franchise agreement or lease approved by City Council if it is on City owned land;</li> <li>• It remains less than 90 feet in height; and</li> <li>• It meets all of the Conditional Use Permit criteria.</li> </ul> <p>The applicant must demonstrate that the proposal meets SMC 21A.56.110(2)(b)(i) which includes a requirement to document that collocation on an existing WCF is infeasible. It appears there is an existing communications tower on the same parcel and to the south.</p>	
Add antennas to utility structure that already has antennas without any increase in height and with 50 Kw generator.	EFR Station 82 1851 228 <sup>th</sup> Ave Ne.
<p><i>Notes:</i> The proposal falls under the category of an Eligible Facilities Request and is permitted in an R-4 zone on an existing base station with approval by the Director of an Eligible Facilities Request exemption letter.</p>	
New antenna attached to sports field light – not to increase height.	Skyline Highschool
<p><i>Notes:</i> A Conditional Use Permit is required for collocation on an existing support structure in an R-1 zone on a non-residential building. As part of the Conditional Use Permit, the applicant must demonstrate it is infeasible to locate the proposal elsewhere per the conditions required by SMC 21A.56.110.(2)(b).</p>	
Antenna mounted on new tower. Tower shall be 75’.	Heritage Hills Park Parcel: 7504101700 Address: 22236 NE 25th Way Sammamish 98074
<p><i>Notes:</i> A Conditional Use Permit is required for a Macro Cell Facility on a new support structure in an R-4 zone if a privately owned park is considered a permitted, non-residential land use. The applicant will be required to provide technical documentation that supports the infeasibility criteria of SMC 21A.56.110.(2)(b).</p> <p>Also, a SEPA review is required for the construction of a wireless service tower in a residential zone.</p>	

Antenna mounted on new tower. Tower must be 110 ft tall to get above trees	Deerfield Sports Park. Parcel: 1939100670 Address: 229th Ave NE Sammamish, WA 98074
<p><i>Notes:</i> By definition, a Macro Cell Facility Pole must not exceed 90 feet in height. This project would require a Conditional Use Permit to deviate from the dimensional standards of this chapter. As part of the Conditional Use Permit, the applicant must demonstrate it is infeasible to locate the proposal elsewhere per the conditions required by SMC 21A.56.110.(2)(b). The applicant would also be required to demonstrate through technical analysis that the dimensional requirements of the structure (height limit of 90 feet) would not allow the cell site to function.</p>	
Replace existing 35 foot tall PSE power pole with new 120 foot tall glulam pole for new macro facility antenna and including ground based equipment cabinet (above ground)	Located in ROW in front of parcel 8644200500.
<p><i>Notes:</i> By definition, a Macro Cell Facility Pole must not exceed 90 feet in height. In addition, a freestanding Macro Cell Facility collocated on an existing support structure in the right-of-way adjacent to an R-1 to R-8 zone is not allowed. This project would require a Conditional Use Permit to deviate from the siting and dimensional standards of this chapter. As part of the Conditional Use Permit, the applicant must demonstrate it is infeasible to locate the proposal elsewhere per the conditions required by SMC 21A.56.110.(2)(b). The applicant would also be required to demonstrate through technical analysis that the dimensional requirements of the structure (height limit of 90 feet) would not allow the cell site to function.</p>	
Replacement antenna for existing WCF on PSE pole.	EFR Station 82 1851 228 <sup>th</sup> Ave Ne.
<p><i>Notes:</i> The definition of an Eligible Facilities Request includes the modification of an existing tower or base station by replacement of transmission equipment. The applicant can apply for an Eligible Facilities Request exemption letter.</p>	

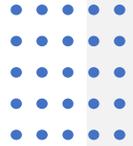
**Small Wireless Facilities:**

Facility Type	Location
New antenna in canister to be sited on PSE utility Pole. Canister < 3 cubic feet.	NE 8 <sup>th</sup> and 233 <sup>rd</sup> Ave NE.
<p><i>Notes:</i> The City may permit a proposal for a freestanding, Small Wireless Facility, collocated on an existing support structure in the right-of-way. The applicant will need to apply for a conditional use permit if the proposal is within 350' of an existing Small Wireless Facility. A franchise agreement and right-of-way use permit is required for WCFs siting in the right-of-way. The applicant may apply for an</p>	

Expedited Wireless Use Permit if a conditional use permit is not required and the proposal is compliant with the Wireless Facility Design Standards.	
New antenna to be housed in replacement light pole.	228 <sup>th</sup> – Outside of City Hall
<p><i>Notes:</i> The applicant would need to provide documentation that the antenna is no more than 3 cubic feet, the light pole will meet the height requirements listed in the definition of a Small Wireless Facility, and there is not another Small Wireless Facility within 350' of the proposed location. It is unclear whether the proposal will occur in the right-of-way or on City property.</p> <p>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 pole or facility is approved pursuant a Franchise Agreement or lease.</p>	
New antenna mounted to building – Bank of America. Extending 6 feet above roofline.	Issaquah Pine Lake Rd SE
<p><i>Notes:</i> Since collocation means, "Mounting or installing an antenna facility on a preexisting structure whether or not there is an existing antenna on the structure," it is unclear whether the proposal is considered a <i>Small Wireless Facility, Building mounted or Small Wireless Facility, Freestanding, collocated on existing support structure</i>. The land use designation does not really matter in this case since the proposal occurs on a property in the CB zoning district.</p> <p>The applicant may apply for an Expedited Wireless Use Permit and document that all other requirements of the chapter are met (height limits, greater than 350 feet from existing small wireless facility, design requirements, etc.).</p>	
10 new monopoles	NE 25 <sup>th</sup> Way Summer Ridge Subdivision.
<p><i>Notes:</i> A SEPA review is required for the construction of a wireless service tower in a residential zone. A Conditional Use Permit is required for a Small Wireless Facility, SEPA non-exempt when located in the R-4 zoning district. However, per SMC 21A.56.100(1)(f): A new Small Wireless Facility may not be within 350' of an existing Small Wireless Facility, unless a conditional use permit has been applied for and approved. It is unclear the spacing of the monopoles, but a conditional use permit may be required if they are spaced closer than 350' to each other.</p>	
New antenna mounted to building – Bank of America. Antenna fully concealed and painted to match building façade.	Issaquah Pine Lake Rd SE

<p><i>Notes:</i> Since collocation means, “Mounting or installing an antenna facility on a preexisting structure whether or not there is an existing antenna on the structure,” it is unclear whether the proposal is considered a <i>Small Wireless Facility, Building mounted</i> or <i>Small Wireless Facility, Freestanding, collocated on existing support structure</i>. The land use designation does not really matter in this case since the proposal occurs on a property in the CB zoning district.</p> <p>The applicant may apply for an Expedited Wireless Use Permit and document that all other requirements of the chapter are met (height limits, required setbacks, greater than 350 feet from existing small wireless facility, design requirements, etc.).</p>	
<p>New small wireless antennas around perimeter of Skyline High School.</p>	<p>Skyline Highschool</p>
<p><i>Notes:</i> We are unsure if the antennas are mounted on the perimeter of the building or the site.</p> <p>If the perimeter of the building, an expedited Wireless Use Permit is required for a building mounted Small Wireless Facility. However, per SMC 21A.56.100(1)(f): A new Small Wireless Facility may not be within 350’ of an existing Small Wireless Facility, unless a conditional use permit has been applied for and approved. A question exists of how the City will permit the antennas, if the applications are filed at the same time and no existing Small Wireless Facilities exist on the site (but would once one of the applications is approved).</p> <p>If the perimeter of the site, the previous code section still applies, as well as SMC 21A.56.100(1)(e), which precludes siting of new poles within any zoning setback area. We believe a conditional use permit would likely be required to site the antennas, either to deviate from the spacing requirement or locating in the setback. The applicant must demonstrate that the proposal meets SMC 21A.56.100(2)(c).</p>	

Temporary small wireless facility on roof of Sahalee County Club Clubhouse for two weeks during PGA tournament.	Sahalee Country Club
<i>Notes:</i> A temporary small wireless facility is permitted in all zones up to 30 days and is exempt from land use review.	



# WCF Permit Process

## Flow Charts

# Scenario: Mounting a SWF to the Bank of America building



Identify use and zone:

SWF, Building mounted in CB zone



Permitted Use<sup>1</sup>  
<sup>1</sup> Subject to permitting requirements

Complies with:

(1) General Requirements



(2)(a)(i) Expedited Wireless Use Permit Requirements

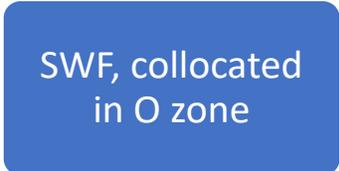


Bank of America on Issaquah-Pine Lake Road

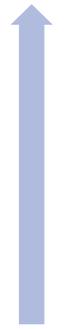
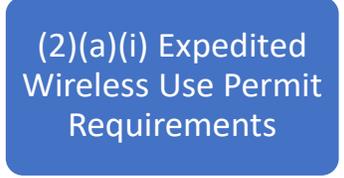
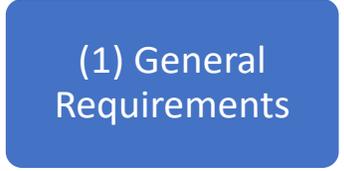
# Scenario: Freestanding SWF collocated on existing pole in the O zone.



Identify use and zone:



Check compliance with:



Existing poles along 228th Ave in O zone.

# Scenario: A new SWF to be sited on a PSE utility pole



Identify use and zone:

SWF, collocated with existing WCF in the ROW



Permitted Use<sup>1</sup>  
<sup>1</sup> Subject to permitting requirements

Complies with:

(1) General Requirements



(2)(a)(i) Expedited Wireless Use Permit Requirements

\*A franchise agreement and right-of-way use permit are required for WCFs siting in the right-of-way.



Small cell antenna

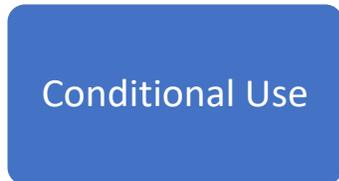
Power supply

Example of utility pole with added small cell antenna and power supply in Ballard, WA.

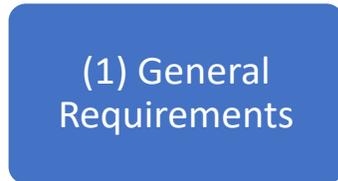
# Scenario: Freestanding SWF on new pole in the R-8 zone



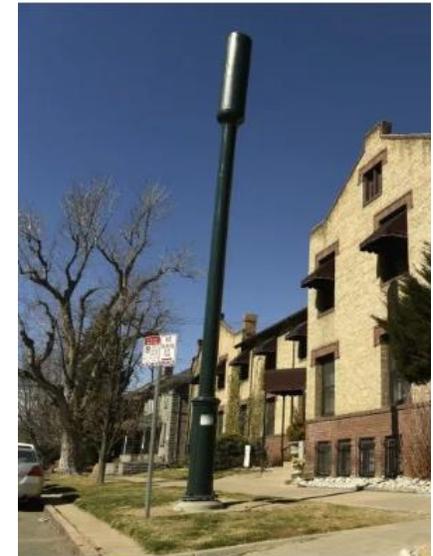
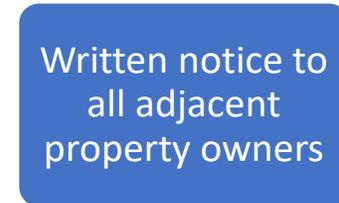
Identify use and zone:



Check compliance with:



SWF CUP:

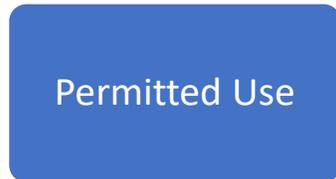
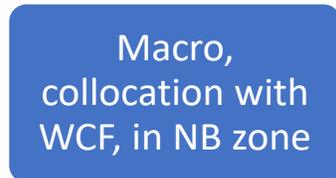


Example wireless only pole

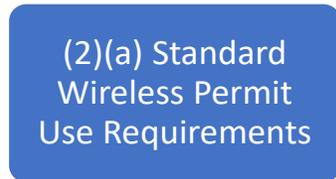
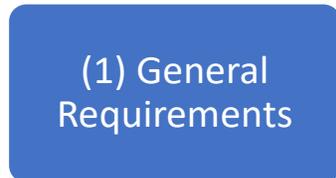
# Scenario: Macro cell facility, collocated with existing WCF



Identify use and zone:



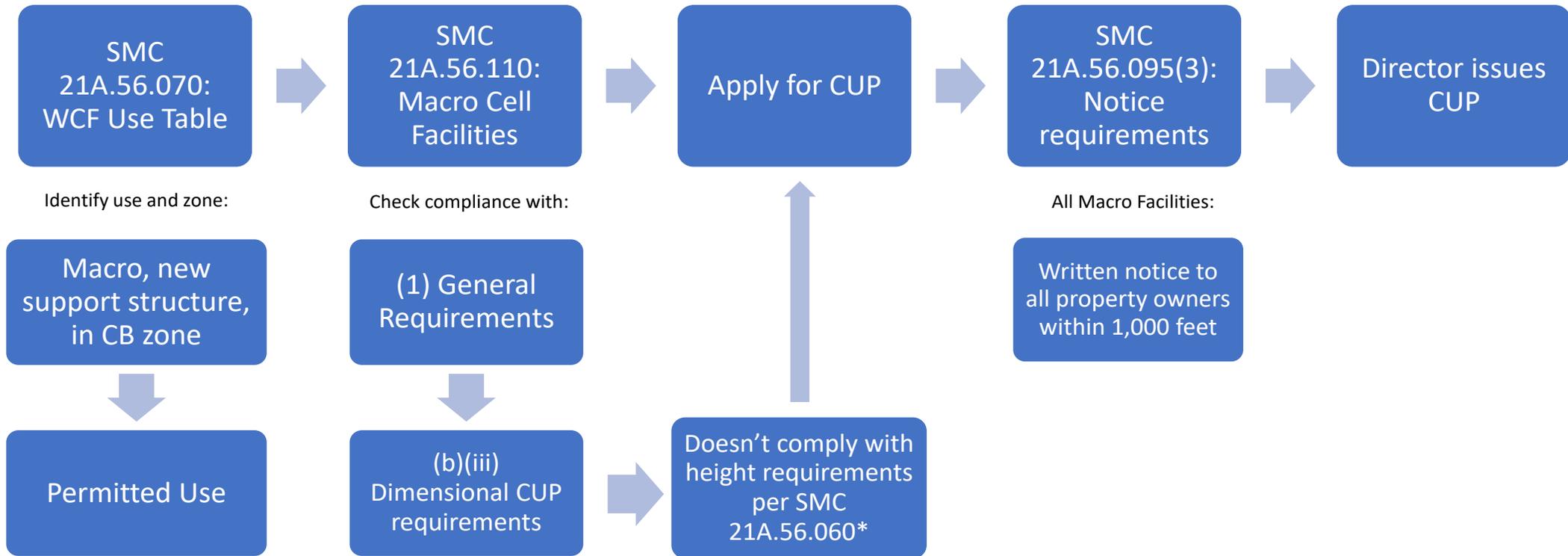
Check compliance with:



All Macro Facilities:



# Scenario: Macro cell facility on new tower that is 110 feet tall to get above the trees in the CB zone



\*Macro Facility Pole is defined as: a pole that is taller than a Small Wireless Facility but no taller than 90 feet in height, including antennae and equipment

# Scenario: Replacement antenna for existing WCF on PSE Pole



“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 (as provided in 47 CFR § 1.6100), involving:

- a. Collocation of new transmission equipment; or
- b. Removal of transmission equipment; or
- c. Replacement of transmission equipment.

Eligible Facilities Request

Permitted Use

## PLANNING COMMISSION AGENDA CALENDAR

Date	Time	Type	Staff	Topics
<b>October 1</b>	6:30 PM	Regular Meeting	David Pyle Evan Fischer  David Pyle Sara Estiri	Work Session: Wireless/Small Cell Technology Regulation Update  Work Session: Phase II Development Regulations Update – Scope of Work
<b>October 6</b>	5:00 PM	Special Joint Meeting W/City Council	Miryam Laytner Evan Fischer  David Pyle Sara Estiri  David Pyle Miryam Laytner  David Pyle Kellye Hilde Lindsay Ozbolt	Work Session: Proposed 2021 Comprehensive Plan and Sammamish Municipal Code Development Regulations Docket Requests  Work Session: Phase II Development Regulations Update  Work Session: Urban Growth Capacity Study Update  Work Session: Town Center Updates
<b>October 15</b>	6:30 PM	Cancelled		
<b>November 5</b>	6:30 PM	Regular Meeting	Miryam Laytner Evan Fischer  David Pyle Evan Fischer	Public Hearing/Deliberation: 2021 Comprehensive Plan Amendments – Docket Requests  Public Hearing/Deliberation: Wireless Communication Regulation Update