

MONROE PLANNING COMMISSION

Regular Meeting
May 11, 2020, 7:00 P.M.

Zoom - Online Meeting Platform
Join Here: <https://zoom.us/j/85324589874>
Call in: (253) 215-8782 Meeting ID: 853-2458-9874

Commission Chair: Bridgette Tuttle
Commissioners: Jay Bull, Vice Chair; Kyle Fisher
Steve Jensen; Mike Stanger; Dionne Miller; and Liz Nugent

AGENDA

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

NONE

PUBLIC HEARING

NONE

OLD BUSINESS

1. Proposed Amendment to Chapter 14.01 MMC, Flood Hazard Area Regulation
2. Wireless Communication Facilities (WCF) Code Amendments

Documents:

[OB1-Floodplain Regulations.pdf](#)

[OB2-WirelessCommunicationFacilities.pdf](#)

NEW BUSINESS

1. Presentation from Denise Johns, Parks Department Senior Planner, for RCO grant

Documents:

[NB1-AB-North Hill Acquisition.pdf](#)

DISCUSSION BY COMMISSIONERS AND STAFF

ADJOURNMENT

THE PLANNING COMMISSION MAY ADD AND/OR TAKE ACTION ON OTHER ITEMS NOT LISTED ON THIS AGENDA

Accommodations for people with disabilities will be provided upon request.
Please contact City Hall at 360-794-7400 and allow one-week advanced notice.



MONROE PLANNING COMMISSION

SUBJECT:	<i>Proposed Amendments to Chapter 14.01 MMC, Flood Hazard Area Regulations</i>
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DATE:	DEPT:	CONTACT:	PRESENTER:	ITEM:
05/11/2020	Community Development	Anita Marrero	Anita Marrero	Old Business # 1

Discussion: 03/09/2020, 04/13/2020, 05/11/2020
Public Hearing: 04/27/2020

Attachments: 1. Planning Commission Recommendation

REQUESTED ACTION:

Move that the Planning Commission **ADOPT** these Findings of Fact and Conclusions of Law, **AUTHORIZE** the Planning Commission Chair to sign the Findings on behalf of the Commission, and recommend that the Monroe City Council **APPROVE** the proposed amendments to Chapter 14.01 MMC, Flood Hazard Area Regulations.

POLICY CONSIDERATIONS

On March 24, 2020, Governor Jay Inslee issued Proclamation 20-28, relating to the Open Public Meetings Act and Public Records Act; the proclamation restricted the ability of public agencies to take action to only those actions that are necessary and routine, or to respond to the COVID-19 outbreak and public health emergency. The proclamation was effective through April 23, 2020 and subsequently extended through May 31, 2020.

This subject matter is both necessary and routine as FEMA does not have the authority to postpone the effective dates of the maps. These dates are set by legislation and federal regulation. This process is routine, as amendments to the municipal code are subject to the requirements and standards of Chapter 36.70A RCW, the Washington State Growth Management Act, and conducted through an established procedure specified in Chapter 22.84 MMC, Permit Processing.

On December 19, 2019, the Federal Emergency Management Agency (FEMA) sent the City correspondence relating to the new Snohomish countywide Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) that will become effective for the City of Monroe on June 19, 2020. In the FEMA correspondence, it was noted that:

It must be emphasized that all the standards specified in Paragraph 60.3(d) of the NFIP regulations must be enacted in a legally enforceable document. This includes the adoption of the effective FIRM and FIS report to which the regulations apply and the modifications made by this map revision.

The City is required to adopt both the updated FIRMs and to update the flood damage prevention ordinance, within six (6) months of the issuance of the Letter of Final Determination, in order to remain in good standing with the National Flood Insurance Program (NFIP).

DESCRIPTION/BACKGROUND

Close to 300 towns, cities, counties, and tribes within the State of Washington participate in the National Flood Insurance Program (NFIP). As a condition of participation in the NFIP, communities are required to adopt and enforce a flood hazard reduction ordinance that meets the minimum requirements of the NFIP.

NFIP is a national program that provides affordable insurance and also encourages communities to adopt and enforce flood damage prevention regulations. While participation is voluntary, the City's participation in the NFIP program allows the City, property owners, businesses, and renters in flood-prone areas to obtain insurance and disaster assistance. Monroe has been a NFIP community since 1987.

Communities that adopt higher standards under the Community Rating System (CRS) are also able to benefit from reduced flood insurance premiums. The City has been a participant of CRS since 1991. Monroe has a Class 5 rating which entitles residents in Special Flood Hazard Areas (SFHAs) to a 25 percent discount on their flood insurance premiums and those outside the SFHAs are entitled to a 5 percent discount.

FISCAL IMPACT

N/A

TIME CONSTRAINTS

The code and FIRM's must be adopted by June 19, 2020 as a condition of continued eligibility in the National Flood Insurance Program (NFIP).



CITY OF MONROE
FINDINGS OF FACT AND CONCLUSIONS OF LAW
Planning Commission Recommendation

A. GENERAL APPLICATION INFORMATION

File Number(s):	CA2020-01 (associated with SEPA2020-03)
Project Summary:	Proposed amendments to Chapter 14.01 MMC, Flood Hazard Area Regulations, as required by the Federal Emergency Management Agency (FEMA).
Applicant:	City of Monroe
Location:	City-wide properties located in the special flood hazard areas. The City of Monroe is approximately 14 miles east of the City of Everett on US Route 2 and 22 miles north of the City of Seattle on State Route 522.
Public Hearing Date and Location:	Monday, April 27, 2020, at 7:00 PM via Zoom Virtual Meeting Platform
Staff Contact:	Anita Marrero, Senior Planner City of Monroe 806 West Main Street Monroe, WA 98272 (360) 863-4513 amarrero@monroewa.gov

B. BACKGROUND AND DESCRIPTION OF PROPOSAL

The City of Monroe is proposing text amendments to Chapter 14.01 of the Monroe Municipal Code (MMC), Flood Hazard Area Regulations, as required by the Federal Emergency Management Agency (FEMA). The City is required to adopt both the updated Flood Insurance Rate Maps (FIRMs) and to update the flood damage prevention ordinance in order to remain in good standing with the National Flood Insurance Program (NFIP). This is a nonproject action.

C. REVIEW PROCESS

1. Overview

MMC Table 22.84.060(B)(1): Project Permit Types, designates code amendments as Type IV project permits. Type IV permits require that the Planning Commission review the proposal and make a recommendation to the final decision authority, which is the City Council. The City is proposing amendments to Chapter 14.01 MMC, Flood Hazard Area Regulations, as required by the Federal Emergency Management Agency (FEMA). Therefore, a Planning Commission public hearing and recommendation to the City Council is required. The required public hearing in front of the Planning Commission was held on April 27, 2020.

Following the close of the public hearing, the Planning Commission will forward a recommendation to the City Council. According to MMC 22.84.030(D)(2), the Planning Commission shall make a written recommendation to the City Council regarding Type IV actions

at the close of their final public hearing or at their next scheduled meeting. The written recommendation to the City Council shall be one of the following:

- a. Recommendation for additional time and/or resources on the application;
- b. Recommendation of approval of the legislative action;
- c. Recommendation of approval of the legislative action with modifications; or
- d. Recommendation of denial of the legislative action.

No earlier than May 12, 2020, the City Council will hold a first reading to consider the Commission's recommendation. Per MMC Table 22.84.060(B)(2), Decision-Making and Appeal Authorities, the City Council is the City's final decision authority on the proposed code amendments. The decision may be appealed subject to the judicial appeal provisions in MMC 22.84.080(D), Judicial Appeals.

2. Public Notification and Comments

- a. **Department of Commerce:** The proposed amendments were transmitted to the Washington State Department of Commerce for state agency review, in accordance with RCW 36.70A.106, on March 9, 2020. Expedited review (14 days rather than 60 days) was requested.
- b. **Notice of Public Hearing:** Notice of Public Hearing was provided in accordance with MMC 22.84.050(C) by posting the notice at City Hall and the Monroe Library, and publishing the notice in the Everett Daily Herald on April 17, 2020.

3. State Environmental Policy Act (SEPA) Review

Pursuant to WAC 197-11-704, the proposal is classified as a nonproject action under the State Environmental Policy Act. Nonproject actions involve "decisions on policies, plans, or programs," which includes the adoption of zoning ordinances [WAC 197-11-704(b)(ii)]. A SEPA Determination of Non-Significance (DNS) was issued on the proposed code amendments on March 7, 2020. The public comment and appeal periods for the DNS ended at 5:00 PM on March 21, 2020. No comments or appeals were received.

4. Public Hearing

The public hearing on this matter was held in front of the Planning Commission on April 27, 2020 at 7:00 PM via Zoom Virtual Meeting Platform. No written comments were received prior to the public hearing.

D. FINDINGS OF FACT AND CONCLUSIONS OF LAW

Pursuant to MMC 22.72.040(E), Decision Criteria, an amendment to the unified development regulations shall not be granted unless the applicant demonstrates that all of the following criteria are met:

1. The proposed amendment to the development regulations is consistent with the policies and provisions of the Monroe comprehensive plan;
2. The amendment complies with all other applicable criteria and standards of the Monroe Municipal Code and is consistent with the purpose of this Title;
3. The subject property is suitable for development in conformance with the development regulations applicable under the proposed zoning district;
4. The proposed amendment advances the public interest of the community;
5. The amendment does not adversely affect public health, safety, or welfare; and
6. The amendment is warranted because of changed circumstances, error, or a demonstrated need for additional property in the proposed zoning district, when applicable.
7. In addition to those criteria in MMC 22.72.040(E)(1-6), amendments to the official zoning map (rezones) shall also meet all of the following criteria:
 - a. The amendment is consistent with the future land use map set out in the Monroe comprehensive plan;

- b. The amendment is compatible with the uses and zoning of the adjacent properties;
- c. The proposed reclassification does not constitute a “spot” zone;
- d. Adequate public facilities and services are likely to be available to serve the development allowed by the proposed zone;
- e. The potential adverse environmental impacts of the types of development allowed by the proposed zone have been identified and can be mitigated taking into account all applicable regulations, or, the unmitigated impacts are acceptable; and
- f. The proposed reclassification is an extension of an existing zone, or a logical transition between zones.

The following **Findings of Fact** have been made about the proposed code amendments, and the resulting **Conclusions of Law** were established from the Findings of Fact:

1. The proposed amendment to the development regulations is consistent with the policies and provisions of the Monroe comprehensive plan.

- a. **Findings of Fact:** The adopted 2015 – 2035 Monroe Comprehensive Plan contains applicable goals and policies, as shown below.

Policy/Action Item Number	Policy/Action Item Text
P.010	Manage land use development to reduce downstream urban flooding.
P.011	Require special site plan review of proposed development in geological and flood hazard areas. Evaluate alternative development options where determined necessary.
P.021	Participate in the National Flood Insurance Program Community Rating System.
P.042	Consider flood control strategies that preserve full function and do not negatively impact adjacent properties when evaluating development proposals.

- b. **Conclusions of Law:** The Planning Commission concludes the proposed amendment to the development regulations is consistent with policies and provisions of the Monroe comprehensive plan.

2. The amendment complies with all other applicable criteria and standards of the Monroe Municipal Code and is consistent with the purpose of this Title.

- a. **Findings of Fact:** The proposed amendments would modify the flood hazard area regulations to meet the minimum federal and state regulation requirements that must be contained in local flood regulations. Section 1612.4 of the 2015 International Building Code (IBC) and Section 1612.2 of the 2018 International Building Code incorporate the design and construction standards of ASCE 24 published by the American Society of Civil Engineers. ASCE 24-14 tables 1-1, 2-1, 4-1, and 6-1 contain specific building elevation requirements which exceed minimum NFIP standards.
- b. **Conclusions of Law:** The Planning Commission concludes the amendment complies with all other applicable criteria and standards of the Monroe Municipal Code and is consistent with the purpose of this Title.

3. The subject property is suitable for development in conformance with the development regulations applicable under the proposed zoning district.

- a. **Findings of Fact:** The proposal is not site-specific. This criterion does not apply.
- b. **Conclusions of Law:** The proposal is not site-specific. This criterion does not apply.

4. The proposed amendment advances the public interest of the community.

- a. **Findings of Fact:** The proposed amendments would advance the public interest of the

community by allowing the City to remain in good standing with the National Flood Insurance Program (NFIP). The City's participation in the NFIP program allows the City, property owners, businesses, and renters in flood-prone areas to obtain insurance and disaster assistance.

- b. **Conclusions of Law:** The Planning Commission concludes the proposed amendment advances the public interest of the community.

5. The amendment does not adversely affect public health, safety, or welfare.

- a. **Findings of Fact:** The proposed amendments incorporate required changes as mandated by FEMA. The implementation of the NFIP is of paramount importance to ensure that the safety and welfare of the residents of Monroe and their properties are protected. It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize the public and private losses due to flood conditions in specific areas by participating in and maintaining eligibility for flood insurance and disaster relief.

- b. **Conclusions of Law:** The Planning Commission concludes the amendment does not adversely affect public health, safety, or welfare.

6. The amendment is warranted because of changed circumstances, error, or a demonstrated need for additional property in the proposed zoning district, when applicable.

- a. **Findings of Fact:** The proposal to amend MMC 14.01 is warranted because of changed circumstances. On December 19, 2019, the Federal Emergency Management Agency (FEMA) sent the City correspondence relating to the new Snohomish countywide Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) that will become effective for the City of Monroe on June 19, 2020. The City is required to adopt both the updated FIRMs and to update the flood damage prevention ordinance, within six (6) months of the issuance of the Letter of Final Determination, in order to remain in good standing with the NFIP.

- b. **Conclusions of Law:** The Planning Commission concludes the amendment is warranted because of changed circumstances, error, or a demonstrated need for additional property in the proposed zoning district, when applicable.

7. In addition to those criteria in MMC 22.72.040(E)(1-6), amendments to the official zoning map (rezones) shall also meet all of the following criteria:

- a. *The amendment is consistent with the future land use map set out in the Monroe comprehensive plan;*
- b. *The amendment is compatible with the uses and zoning of the adjacent properties;*
- c. *The proposed reclassification does not constitute a "spot" zone;*
- d. *Adequate public facilities and services are likely to be available to serve the development allowed by the proposed zone;*
- e. *The potential adverse environmental impacts of the types of development allowed by the proposed zone have been identified and can be mitigated taking into account all applicable regulations, or, the unmitigated impacts are acceptable; and*
- f. *The proposed reclassification is an extension of an existing zone, or a logical transition between zones.*

- i. **Findings of Fact:** The proposal does not include an amendment to the official zoning map. This criterion does not apply.

- ii. **Conclusions of Law:** The proposal does not include an amendment to the official zoning map. This criterion does not apply.

E. PLANNING COMMISSION RECOMMENDATION

Based on the analysis and findings included herein, the Planning Commission recommends the following:

Move that the Planning Commission **ADOPT** these Findings of Fact and Conclusions of Law, **AUTHORIZE** the Planning Commission Chair to sign the Findings on behalf of the Commission, and recommend that the Monroe City Council **APPROVE** the proposed amendments to Chapter 14.01 MMC, Flood Hazard Area Regulations.

Bridgette Tuttle, Planning Commission Chair

Date



MONROE PLANNING COMMISSION

SUBJECT:	DISCUSSION – Wireless Communication Facilities (WCF) Code Amendments
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DATE:	DEPT:	CONTACT:	PRESENTER:	ITEM:
05/11/2020	Community Development	Anita Marrero	Anita Marrero	Old Business # 2

Discussion: 04/22/2019, 05/13/2019, 06/10/2019, 06/24/2019, 07/08/2019, 05/11/2020

Public Hearing:

Attachments: 1. DRAFT WCF Code

REQUESTED ACTION: No action required. Discussion only. Planning Commission to ask questions, if any.

POLICY CONSIDERATIONS

On March 24, 2020, Governor Jay Inslee issued Proclamation 20-28, relating to the Open Public Meetings Act and Public Records Act; the proclamation restricted the ability of public agencies to take action to only those actions that are necessary and routine, or to respond to the COVID-19 outbreak and public health emergency. The proclamation was effective through April 23, 2020 and subsequently extended through May 31, 2020.

This subject matter is both necessary and routine as the FCC order became effective on January 14, 2019, which makes the current wireless communication facilities ordinance noncompliant. This process is routine, as amendments to the municipal code are subject to the requirements and standards of Chapter 36.70A RCW, the Washington State Growth Management Act, and conducted through an established procedure specified in Chapter 22.84 MMC, Permit Processing.

In September 2018 the Federal Communications Commission (FCC) issued a Declaratory Ruling and Order, *FCC 18-133: Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment* (“Order”), intended to facilitate and streamline implementation of small cell deployment infrastructure. The FCC Order requires amendments to the City’s municipal code. The amendments primarily pertain to, but not exclusively, small cell technology. The FCC Order became effective on January 14, 2019. The Order curtails several aspects of the authority of localities to regulate wireless communication facilities, especially small cells. The Order has two main parts:

1. A new set of regulations that governs shot clocks and other limited aspects of the rollout of small wireless facilities ("small cells"); and
2. A declaratory ruling that does not enact any new regulations, but is the FCC's interpretation of how the provisions of a previous FCC order that limit state or local regulations that "effectively prohibit" the provision of wireless services [Sections 253 and 332(c)(7) of the Communications Act] should be applied. The declaratory ruling portion of the order adopts the position that a local government need only “materially inhibit” a particular small wireless facility deployment in order for its action to constitute an "effective prohibition." The declaratory ruling also provides guidance on fees that local governments may charge,

and on how they may regulate ancillary rollout issues, such as tower spacing, equipment design, and other aesthetic concerns.

The FCC Order essentially makes it easier for private companies to take local governments to court if they believe municipal policies are effectively prohibiting network investment. To comply with this order, the City is proposing a new code chapter to regulate small wireless facilities as well as updating the current WCF code, MMC 22.62 Large Wireless Communication Facilities.

DESCRIPTION/BACKGROUND

The tremendous growth in personal wireless services has created an increased demand for new wireless antennas and equipment. It is expected that carriers will continue to roll out new facilities in Monroe to accommodate the rapidly growing need for increased capacity and speed. Wireless telecommunications facilities (WCF) are regulated by federal, state, and local laws. Federal law significantly limits the City's ability to regulate WCFs. Under federal law, a local agency's decisions cannot have the effect of prohibiting the provision of wireless service or unreasonably discriminating among wireless service providers. Also, under federal law, the City may not regulate the placement, construction, or modification of wireless communications facilities on the basis of the environmental effects of radio frequency (RF) emissions, so long as the facilities comply with the Federal Communications Commission (FCC) regulations concerning such emissions. Despite federal limitations, cities historically have retained ability to regulate aesthetic issues related to telecommunications facilities, including factors such as height and property line setbacks. However, federal law developments continue to erode that ability.

The latest federal law governing WCFs was adopted in 2012 as part of the 2012 Middle Class Tax Relief and Job Creation Act. This federal legislation contained Section 6409, now referred to as the Spectrum Act, and codified at 47 U.S.C. § 1455. The Spectrum Act was intended to facilitate the telecommunication industry's rapid deployment of wireless infrastructure by requiring local governments to approve any application that seeks to modify an existing wireless telecommunication facility that does not substantially alter the existing facility.

As the Spectrum Act did not contain specific definitions, the implementation of this Section has been open to interpretation by each local government. Furthermore, while the Act states that a local government cannot deny and shall approve an eligible facility request, it provides no guidance as to the required process or time limits in which a local government has to act. As a result, the FCC promulgated rules and standards, which include necessary definitions, processing requirements, timelines, and remedies for applications that seek to modify an existing wireless telecommunication facility in accordance with the Spectrum Act. The FCC's procedural rules went into effect on April 9, 2015. However, these standards do not provide for small cell facilities.

With the evolution of wireless technology, providers are relying on a combination of both traditional, larger cell tower equipment that can carry signals and data over a greater geographic range and newer small wireless facility technology (4G and 5G service) to increase capacity. Small cell wireless facilities feature equipment that is smaller and more densely sited than macro wireless facilities and are primarily located in the right-of-way. 5G equipment is comprised of an antenna less than 3 cubic feet, an equipment box (similar to the size of a brief case), and wiring, or "fiber". Small cell wireless facilities must be less than 50 feet tall. Typically, small cell facilities are attached to utility poles or light/traffic poles within public rights-of-way. To address small wireless facilities, the Federal Communications Commission (FCC) recently issued a declaratory ruling and third report and order (FCC 18-133) regarding municipal regulation of "small wireless facilities," which became effective on January 14, 2019. The FCC Order placed limitations on local governments to regulate size and location of small wireless facilities equipment.

The City's existing regulations, as well as those within the proposed Unified Development regulations (Title 22), address the traditional deployment of larger wireless facilities, which mainly include separate, standalone cell towers and other large facilities added to the tops of existing

structures, such as buildings or utility poles. Based on the evolution of technology and the recent FCC Order, changes to the code are needed to define how the City regulates the deployment of small wireless facilities. To achieve compliance with the Order, staff has drafted a new code chapter to address small wireless facilities, and is bringing it forward to the Planning Commission for review and discussion.

FISCAL IMPACT

N/A

TIME CONSTRAINTS

The FCC Order became effective on January 14, 2019.

**CHAPTER 22.62
WIRELESS COMMUNICATION FACILITIES (WCF)**

Sections:

22.62.010	Purpose.
22.62.020	Definitions.
22.62.030	General Provisions.
22.62.040	Macro Cell Facilities.
22.62.050	Eligible Facilities Requests.
22.62.060	Small Wireless Facilities.
22.62.070	Obsolescence and Removal.

22.62.010 Purpose.

In order to implement the purposes and policy set forth in the city's comprehensive plan, this chapter provides design and review procedures for wireless communication facilities. These provisions are intended to provide standards to assist in minimizing the potential impacts associated with wireless communication facilities and to encourage creative approaches in their location and construction. The City shall make every reasonable effort, consistent with any applicable provisions of state and federal law, and the preservation of the City's health, safety, and aesthetic environment, to comply with the federal presumptively reasonable time periods for review of facilities for the deployment of small wireless facilities to the fullest extent possible.

22.62.020 Definitions.

For the purpose of this chapter, except when a different definition is required by MMC [22.62.050](#), Eligible Facilities Requests, the following terms are defined as follows:

Amateur radio tower: A tower with antenna(s) which transmit and receive noncommercial communication signals, and is defined as an amateur radio tower by the Federal Communications Commission. Guy wires for amateur radio antenna(s) are considered part of the structure for the purposes of meeting development standards.

Antenna(s): Means an apparatus designed for the purpose of emitting radio frequency (RF) radiation, to be operated or operating from a fixed location pursuant to Commission 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 17](#).

Antenna array: A single or group of antenna elements and associated mounting hardware, cables, or other appurtenances that may share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

Antenna equipment: Means 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.

Antenna facility: Means an antenna and associated antenna equipment.

Collocation: Means:

- A. Mounting or installing an antenna facility on a preexisting structure; and/or
- B. Modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

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

Completely concealed facility: A WCF where: (A) the antennas, mounting apparatus, and any associated equipment are fully recessed/concealed from all sides with a structure that achieves total integration with the existing building or structure; and (B) all cable is routed internally or completely screened from view; and (C) the associated equipment is completely within the building or structure, placed in an underground vault, or is within another element such as a bench, mail box, kiosk, etc.

Decorative poles: Any pole that is uniquely found in a particular neighborhood in the City that adds to the aesthetic of the streetscape of that neighborhood and is specified in a City-adopted plan. Examples include, but are not limited to: Issaquah Highlands, Talus, Olde Town, and Central Issaquah.

Equipment enclosures: Includes the wireless service provider’s specific enclosure used to house transmission equipment other than antennas, usually located within and including cabinets, shelters, pedestals, or other similar enclosures used to contain electronic equipment for said purpose. This may include cabinets attached to a pole.

Large satellite dish: Any satellite dish antenna(s) whose diameter is greater than four (4) feet. (See “Satellite dish antenna(s).”)

Macro cell facility: A large wireless communication facility that provides radio frequency coverage served by a high power cellular system. Generally, macro cell antennas are mounted on ground-based towers, rooftops and other existing structures, at a height that provides a clear view over the surrounding buildings and terrain. Macro cell facilities typically contain antennas that are greater than three (3) cubic feet per antenna and typically cover large geographic areas with relatively high capacity and are capable of hosting multiple wireless service providers.

Network node: Equipment at a fixed location enabling wireless communications between user equipment and a communications network.

Network provider: Network provider means:

- A. A wireless service provider; or
- B. A person that does not provide wireless services and that is not an electric utility or the City but builds or installs on behalf of a wireless service provider:
 - 1. Network nodes; or
 - 2. Node support towers or any other structure that supports or is capable of supporting a network node.

Personal wireless services: Means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by Federal laws and regulations.

Poles: 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.

Satellite dish antenna(s): 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.

Small satellite dish: Any satellite dish antenna(s) that has a diameter less than or equal to four (4) feet.

Small wireless facility: Has the same meaning as defined in [47 CFR 1.6002](#).

Small wireless network: A collection of interrelated small wireless facilities designed to deliver personal wireless services.

Structure: Means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or commingled with other types of services).

Structure mounted facility: A structure or building that can accommodate a wireless communication facility that is mounted on the roof or facade of the structure or building. The term does not encompass a tower or any equipment associated with a tower or a utility pole, light pole, traffic signal pole or miscellaneous pole.

Temporary wireless communication facility: Facilities that are composed of antennas and a mast mounted on a truck (also known as a cell on wheels, or "COW"), antennas mounted on sleds or rooftops, or ballast mount temporary poles. These facilities are for a limited period of time, are not deployed in a permanent manner, and do not have a permanent foundation. These facilities are for:

- A. The reconstruction of a permanent WCF and limited to a duration of twelve (12) months from the date of approval unless an extension is requested at least thirty (30) days prior to the expiration date; or
- B. Large scale events are limited to the duration of the event, plus ten (10) days prior to the event and ten (10) days after; or
- C. Emergency communications equipment in anticipation of and during a declared public emergency or emergency exercise.

Tower: 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.

Transmission equipment: 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.

Wireless communication facility (WCF): 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.

22.62.030 General Provisions.

- A. Applicable Development. The regulations, requirements, and standards contained in MMC Chapter 22.62, Wireless Communication Facilities, shall apply to:
1. New large wireless communication facilities;
 2. New small wireless communication facilities; and
 3. Modifications to and/or collocation with existing wireless communication facilities.
- B. Exemptions. The following are exempt from the provisions of this chapter and shall be permitted in all zoning districts:
1. Routine maintenance, replacement, or repair of wireless communication facilities or related equipment, excluding structural work or changes in height, type, or dimensions of towers or base stations; provided, that compliance with the standards of this chapter are maintained;
 2. Emergency repair or maintenance of a wireless communication facility, provided a building permit application is filed for the emergency repair or maintenance of a wireless communication facility within seven (7) working days after such emergency activity is started;
 3. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC;
 4. Antennas and related equipment that are being stored, shipped, or displayed for sale;
 5. Radar systems for military and civilian communication and navigation;
 6. Nonpermanent, temporary wireless communication facilities subject to the requirements of a temporary use permit pursuant to MMC Chapter 22.60, Temporary Uses;
 7. Licensed amateur (ham) radio stations; and
 8. Satellite dish antennas less than two meters in diameter, including direct to home satellite services, when operated as a secondary or accessory use of a property.
- C. Prohibitions. The following wireless communication support structures are prohibited in all zoning districts within the city:
1. Lattice towers
 2. Guyed wire towers

22.62.040 Macro Facilities.

A. Macro Facilities. Large wireless facilities (“macrofacilities”) are defined as any wireless communications facility that is not a small wireless facility or eligible facilities requests. Generally, large wireless antennas are mounted on ground-based towers, rooftops, and other existing structures at a height that provides a clear view over the surrounding buildings and terrain. Large wireless facilities typically contain antennas that cover large geographic areas with relatively high capacity and may be capable of hosting multiple wireless service providers.

B. Priority of locations.

The order of priorities for locating new personal wireless service facilities shall be as follows:

1. Place antennas and towers on appropriate rights-of-way and existing structures, such as buildings, towers, and water towers in the industrial and commercial zoning districts.
2. Place antennas and towers in districts zoned Professional Office, Public Open Space and Limited Open Space.
3. Place antennas and towers in Residential zoning districts.
 - a. An applicant that wishes to locate a new antenna support structure in a residential zone shall demonstrate that a diligent effort has been made to locate the proposed communications facilities on a government facility, a private institutional structure, or other appropriate existing structures within a nonresidential zone, and that due to valid considerations including physical constraints, and economic or technological feasibility,

- no appropriate location is available.
- b. Applicants are required to demonstrate: (i) that they have contacted the owners of structures in excess of thirty feet within a one-quarter mile radius of the site proposed and which from a location standpoint could provide part of a network for transmission of signals; (ii) have asked for permission to install the antenna on those structures; and (iii) were denied for reasons other than the ability or refusal of the applicant to pay a market rate for use of the alternative structures.
 - c. The information submitted by the applicant shall include (i) a map of the area to be served by the tower or antenna, (ii) its relationship to other cell sites in the applicant's network, and (iii) an evaluation of existing buildings taller than 30 feet, within one-quarter mile of the proposed tower or antenna which from a location standpoint could provide part of a network to provide transmission of signals.
- C. Siting priority on public property.
1. Where public property is sought to be utilized by an applicant, priority for the use of city-owned land for wireless antennas and towers will be given to the following entities in descending order:
 - a. City of Monroe;
 - b. Public safety agencies, including law enforcement, fire and ambulance services, which are not part of the city of Monroe and private entities with a public safety agreement with the city of Monroe;
 - c. Other governmental entities, for uses that are not related to public safety; and
 - d. Entities providing licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), data, internet, paging, and similar services that are marketed to the general public.
 2. Minimum Requirements. The placement of personal wireless service facilities on city-owned property must comply with the following requirements:
 - a. The facilities will not interfere with the purpose for which the city-owned property is intended;
 - b. The facilities will have no significant adverse impact on surrounding private property;
 - c. The applicant shall obtain adequate liability insurance naming the city as loss payee and commit to a lease agreement that includes equitable compensation for the use of public land and other necessary provisions and safeguards. The city shall establish fees after considering comparable rates in other cities, potential expenses, risks to the city, and other appropriate factors;
 - d. The applicant will submit a letter of credit, performance bond, or other security acceptable to the city to cover the costs of removing the facilities;
 - e. The lease shall provide that the applicant must agree that in the case of a declared emergency or documented threat to public health, safety or welfare and following reasonable notice the city may require the applicant to remove the facilities at the applicant's expense. Telecommunication facilities serving essential government services and other government agencies shall have priority over other users.
 - f. The applicant must reimburse the city for any related costs that the city incurs because of the presence of the applicant's facilities;
 - g. The applicant must obtain all necessary land use approvals; and
 - h. The applicant must cooperate with the city's objective to encourage co-locations and thus limit the number of cell sites requested.
 3. Special Requirements for Parks. The use of city-owned parks for personal wireless service facilities brings with it special concerns due to the unique nature of these sites. The placement of personal wireless service facilities in a park will be allowed only when the following additional requirements are met:
 - a. The park board has reviewed and made a recommendation regarding proposed personal wireless service facilities to be located in the park and this recommendation must be forwarded to the city council for consideration;
 - b. In no case shall personal wireless service facilities be allowed in designated critical areas

- (except aquifer recharge areas) unless they are co-located on existing facilities;
- c. Before personal wireless service facilities may be located in public parks, visual impacts and disruption of normal public use shall be mitigated;
 - d. Personal wireless service facilities may be located in public parks that are adjacent to an existing commercial or industrial zone;
 - e. Personal wireless service facilities may be located in park maintenance facilities.
3. Separation Distance. In all residential and commercial districts, large_WCF's shall be separated by a distance equal to or greater than one thousand three hundred twenty linear feet (one-quarter mile), except when the applicant demonstrates that collocation upon the nearby WCF is not feasible pursuant to MMC 22.62.030(G). WCF's that are collocated upon a single support structure shall count as a single WCF for the purposes of this subsection.
- C. Freestanding Large Wireless Facilities. Large wireless facilities attached to freestanding support structures, as described in MMC 22.62.050(B)(1)(a), shall conform to the following requirements:
1. All freestanding support structures, including monopoles and towers, that exceed 85 feet in height shall be designed to accommodate two or more wireless communications facilities.
 2. Antennas not exceeding 15 feet in height which extend above the freestanding support structure shall not be calculated as part of the height of the wireless communications support structure.
 3. Freestanding support structures, antennas, and antenna arrays, together with any associated antenna mount, shall be designed utilizing the narrowest dimensions possible, and in no instance shall they extend further, as measured horizontally, from the centerline of the monopole than a distance of 15 feet.
 4. Collocation on an existing freestanding support structure shall be encouraged.
 5. The equipment shelter or cabinet used to house radio electronics equipment and the associated cabling connecting the equipment or cabinet to the freestanding support structure shall be concealed, camouflaged, or placed underground.
- D. Attached Large Wireless Facilities. Large wireless facilities attached to existing buildings, as described in MMC 22.62.050(B)(1)(b), shall conform to the following requirements:
1. Attached antennas may exceed the height limitation by 15 feet so long as they are affixed to the side of an existing building or mounted on the rooftop of the building and architecturally blend with the building.
 2. Buildings that are nonconforming with respect to height may be used, provided the antenna's do not exceed a height of 15 feet above the existing structure. Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.
 3. Attached wireless facilities shall be placed in a location, which is as unobtrusive as possible consistent with the proper functioning of the WCF.
 4. The interruption of architectural lines or horizontal or vertical reveals is discouraged.
 5. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if they complement the architecture of the existing building.
 6. Wireless facilities shall utilize the smallest mounting brackets necessary, in order to provide the smallest offset from the building.
 7. Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas. Exposed cabling/wiring is prohibited.
 8. The applicant must provide approval from the building owner, including consent that the wireless design meets the building owner's design requirements.
 9. If the aesthetic impacts cannot be mitigated by placement and color solutions, the WCF can be required to be screened.

Wireless communication facilities are permitted subject to this chapter and shall all applicable standards contained herein, as well as the following:

A. Land Use.

1. Wireless communication facilities are permitted in all zones.

2. Wireless communication facilities shall not be allowed on buildings which are designated as solely residential in use, except for those structures that contain three or more attached dwelling units.

B. Separation Distance. In all residential and commercial districts, large WCF's shall be separated by a distance equal to or greater than one thousand three hundred twenty linear feet (one-quarter mile), except when the applicant demonstrates that collocation upon the nearby WCF is not feasible pursuant to MMC 22.62.030(G). WCF's that are collocated upon a single support structure shall count as a single WCF for the purposes of this subsection.

C. Setbacks. When located outside of rights-of-way, WCF's reviewed under this section shall not be located within any required setback areas; provided, however, the setback requirement for underground facilities shall be a minimum of five feet from any property line, except where:

1. Large WCF's that exceed forty-five feet in height shall be set back from any lot line five feet more than that specified in the individual zone for every ten feet, or fraction thereof, over forty-five feet of height.

2. The required setback, as listed above, may be reduced by the zoning administrator if the applicant can demonstrate to the zoning administrator's satisfaction that the reduced setback would result in a greater natural vegetative screening of the WCF than would have been provided by meeting the WCF development regulations.

3. All equipment shelters, cabinets, or other on-the-ground ancillary equipment shall meet the setback requirements of the zone in which located, except that the rear setback requirement may be reduced to five feet if the structure meets all other standards.

D. Height. In the open space [limited open space (LS) and parks (P)], single-family residential (R4, R7, and R15), multifamily residential (R25), and mixed use [mixed use – general (MG), mixed use – medical (MM), and mixed use – neighborhood (MN)] zoning districts, the maximum combined height limit shall be sixty feet. In commercial [downtown commercial (DC), general commercial (GC), industrial transition (IT), tourist commercial (TC), and the North Kelsey/Tjerne Place overlay (NK/TP-O)], industrial [general industrial (GI), light industrial (LI), shoreline industrial (SI), and the Fryelands Commercial overlay (FC-O)], and public facilities [institutional (IN) and transportation (TR)] zoning districts and overlays, the combined height of the WCF and any support structure shall not exceed eighty-five feet, except when collocation is specifically provided for, the combined height shall not exceed one hundred feet. Utility poles and streetlights may be exempted under MMC 22.62.090, Deviations, from the height limitation at the discretion of the zoning administrator and public works director.

E. Landscaping. WCF support structures, towers, and base stations shall be screened using a Type I Planting buffer with a minimum width of five feet around the compound's perimeter, in accordance with the requirements contained in MMC 22.46.040(A), Type I Planting – Solid Screen. Trees with significant height and fullness upon maturity shall also be used to visually screen the tower from adjacent properties. These provisions shall not apply to small wireless facilities located in the right-of-way.

F. Lighting. Except as specifically requested by the Federal Aviation Administration (FAA), and/or the Federal Communication Commission (FCC), WCF's shall not be illuminated, except equipment shelters and compounds may use lighting for security reasons as long as the light is shielded downward to remain within the boundaries of the site.

G. Concealment Technology. All WCF's shall employ concealment technology in their design, construction, and maintenance and reduce the WCF's aesthetic impacts to the maximum extent possible. Such concealment technology shall include, at a minimum, the following:

1. All WCF's and antennas shall be a nonreflective color, approved by the zoning administrator, which blends into the nearby surroundings of the WCF so as to minimize the visual impact of the support structure or antennas.

2. New WCF's shall be located in such a manner that, to the extent feasible, existing trees and/or buildings and other structures on the site are used to screen the WCF from view from roadways, residences, and other properties; provided, however, that all WCF's shall be designed in a manner which minimizes the need for removal of existing trees.

3. To the maximum extent feasible, WCF's shall be designed to resemble an object other than a WCF which is already present in the local environment, such as a tree or a streetlight.

4. Concealment under this subsection may include the use of colors or materials to blend into the building materials from which a structure is constructed. Examples of concealment technology include, but are not limited to, the use of innovative site design techniques, existing or new vegetation and landscaping, paint and other surface treatments, alternative antenna configuration and/or selection, utilization of antenna support structures designed to resemble trees, and any other practice which screens the WCF from observation from roadways, residences, and other properties or otherwise has the effect of reducing the aesthetic impacts associated with the WCF.

H. Noise. No equipment shall be operated at a WCF so as to produce noise in excess of the applicable noise standards regulated by MMC 6.04.055, Public Nuisances, and Chapter 173-60 WAC, Maximum Environmental Noise Levels, except for in emergency situations requiring the use of a backup generator, where the noise standards may be exceeded on a temporary basis. Air conditioning and ventilation equipment associated with the ancillary equipment of the WCF shall be designed and configured in a manner so that noise impacts on adjacent properties with residential uses are minimized to the maximum extent practicable through the use of baffling and/or other noise attenuation techniques and that the noise levels generated by the ancillary equipment otherwise comply with applicable noise regulations adopted by the city. In descending order, preference shall be given to the following configurations of air conditioning and ventilation equipment: (a) orientation toward properties with nonresidential uses; (b) orientation toward streets; and (c) orientation toward the furthest residential use.

I. Collocation. It is the policy of the city to minimize the number of WCF's and to encourage the collocation of more than one carrier's WCF's on a single support structure. Except for small wireless facilities, a proposed WCF shall collocate with an existing WCF site unless the applicant can demonstrate to the city's satisfaction that such collocation is not feasible due to radio interference, usable signal, other engineering reason, property owner's refusal to lease property, or zoning restriction. The city also encourages WCF applicants to construct and site facilities with a view toward sharing sites and structures with other utilities, and accommodating the future collocation of other future WCF's. Nothing in this section shall prohibit the owner of an existing facility from charging a reasonable fee for collocation of other communication facilities.

J. Maintenance. All WCF's shall be maintained in good and safe condition and in a manner that complies with all applicable federal, state, and local requirements.

K. Radio Frequency Emissions. All applicants shall demonstrate compliance with all applicable FCC regulations regarding the radio-frequency emissions of WCF's.

L. Use of City Right-of-Way. Any wireless communication carrier who desires to construct, install, operate, maintain, or otherwise locate WCF's in, under, over, or across any public right-of-way of the city for the purpose of providing wireless services shall obtain permission from the city, and enter into a franchise agreement and/or obtain applicable permits authorizing use of the city right-of-way.

M. Airport Compatibility. Wireless communication facilities are subject to the applicable provisions of MMC Chapter 22.54, Airport Compatibility, to ensure that the facilities are not located within the airport's restricted airspace.

N. Visual Impact. Antennas, equipment enclosures, and ancillary equipment, conduits and cables shall not dominate the structure or pole upon which they are attached.

O. Equipment Shelters and Cabinets.

1. An equipment shelter for a WCF shall be the minimum size necessary for its intended purpose.
2. Where multiple wireless communication facilities are proposed to be located in close proximity, WCF equipment may be required to be consolidated in one equipment housing structure.
3. Ground-mounted equipment in the right-of-way is prohibited, unless such facilities are placed underground, or the applicant can demonstrate that pole-mounted equipment and undergrounding are technically infeasible.
4. Generators located in the right-of-way are prohibited.
5. All equipment shelters, cabinets, or other on-the-ground ancillary equipment shall meet the setback requirements of the zone in which it is located.
6. Equipment shelters and cabinets and other on-the-ground ancillary equipment shall be screened using a Type I Planting buffer with a minimum width of five feet around the enclosure, in accordance with the requirements contained in MMC 22.46.040(A), Type I Planting – Solid Screen.

A. Review Process.

1. Permits and Approvals Required.

- a. Wireless Communication Facility Permit. A wireless communication facility permit is required for any wireless communication facility unless specifically exempted.
- b. Building Permit. A building permit is required for any wireless communication facility unless specifically exempted.
- c. Right-of-Way Disturbance Permit. A right-of-way disturbance permit is required for any wireless communication facility located within public rights-of-way unless specifically exempted.

B. Wireless Communication Facility Permit.

1. Pre-application Meeting. A pre-application meeting is encouraged prior to submitting an application for a wireless communication facility. The purpose of a pre-application meeting is to discuss the nature of the proposed deployment of telecommunications facilities, and to review applicable plans, policies, and regulations.
2. Application and Contents. An application for a wireless communication facility permit shall be made according to the submittal requirements in MMC Chapter 22.84, Permit Processing, on forms prescribed by the city, and shall include the fee established by the current fee resolution. All wireless communication facility permit applications submitted in accordance with this Title shall include the information set forth in MMC 22.84.040(D), Project Permit Applications and in the following section. No application shall be deemed complete, nor accepted by the city, until all information set forth below has been submitted:
 - a. The specific locational information for all proposed facilities, and specify whether and where wireless facilities are to be located on existing poles, or will utilize replacement poles, new poles, towers, existing buildings, and/or other structures. The applicant may submit multiple sites in one wireless communication facility permit application for processing at the same time. The applicant is encouraged to batch small wireless facilities in a single application within a contiguous service area and with similar pole types and designs.
 - b. To the extent known, show conduit and fiber service necessary for and intended for use in the deployment regardless of whether the additional facilities are to be constructed by the applicant or leased from a third party.
 - c. Provide detailed schematics and visual renderings of the wireless facilities
 - d. If the site location includes a replacement light pole, then the applicant must submit a photometric analysis of the roadway and sidewalk 150 feet upstream and downstream of the existing light. Lighting levels are subject to the approval of the zoning administrator and must meet current city standards.
 - e. Provide written approval of the owner of any pole, structure, or building for the installation of its wireless communication facilities on such pole, structure, or building. For facilities to be placed on poles, such written approval shall include approval of the specific pole's engineering, including assurances that the specific pole can with stand wind and seismic loads. For city-owned poles or structures, the applicant must obtain a master lease agreement from the city, and submit a draft site agreement or addendum specific to each proposed pole location on a form prepared by the city.
 - f. The applicant shall specify any element of a deployment that qualifies as an eligible facilities request.
 - g. Any application for a wireless communication facility permit that contains an element that is not exempt from review under the State Environmental Policy Act (Chapter 22.78 MMC), the Critical Areas Ordinance (Chapter 22.80 MMC), or Shoreline Management (Chapter 22.82 MMC) shall simultaneously apply under the applicable MMC when necessary.
 - h. The general standards applicable to the use of the right-of-way, as described in Title 12 MMC, Streets and Sidewalks, and within this Title shall apply to all wireless communication facility permits for locations within the right-of-way.
 - i. Vertical clearance shall be demonstrated by means of a design stamped by a Washington-licensed professional engineer attesting to adequate clearances to ensure that the wireless facilities will not pose a hazard to other users of the rights-of-way.

- j. The applicant shall submit a sworn affidavit, signed by an appropriately qualified professional with experience in RF emissions and with knowledge of the proposed project, affirming that the wireless deployment will be compliant with all FCC and other governmental regulations related to human exposure to radio frequency emissions for every frequency at which the wireless facility will operate. If facilities necessary to the wireless facility are to be provided by a third party, the wireless communication facility permit shall be conditioned on an RF certification showing the cumulative impact of the RF emissions on the entire installation. The applicant may provide one emissions report for the entire wireless deployment if the applicant is using the same wireless facility configuration for all installations within that batch, or may submit one emissions report for each subgroup installation identified in the batch.
- k. Submit proof of FCC and other regulatory approvals required to provide the service(s) or utilize the technologies sought to be installed.
- l. Construction drawings submitted by the applicant shall depict all existing and proposed improvements related to the proposed location, including but not limited to poles, driveways, ADA ramps, equipment cabinets, street trees, and structures within 250 feet from the proposed site(s). The construction drawings shall also include the applicant's plan for electric and fiber utilities, all conduits, cables, wires, hand holes, junctions, meters, disconnect switches and any other ancillary equipment or construction necessary to construct the wireless facility.
- m. The application must contain a copy of the contractor's and all subcontractors' state licensing and bonding compliance and current city of Monroe business licenses and insurance requirements, as listed in Title 5 MMC, Business Regulations and Licensing, and Title 12 MMC, Streets and Sidewalks.
- n. Such other information as the zoning administrator or public works director deems appropriate.
3. Permit Type. Except for where otherwise specified, applications for wireless communication facility permits shall follow the procedures for a Type I permit review, pursuant to MMC Chapter 22.84.030, Types of Project Permits.
4. Public Notice. Wireless communication facility permits shall be subject to all applicable noticing requirements in MMC 22.84.050, Public Notice Requirements.
5. Public Hearing. Pursuant to MMC Table 22.84.060(B)(2): Decision Making and Appeal Authorities, a public hearing is not required for wireless communication facility permit applications.
6. Decision. The zoning administrator may approve, deny, or conditionally approve all or any portion of the sites proposed in the wireless communication facility permit application. Denial of one or more wireless facility locations within a submission described in subsection (A)(2)(c) of this section shall not be the sole basis for denial of other locations or applicant's entire application for wireless facilities.
7. Third Party Review. The zoning administrator or their designee shall route project permit applications to consultants as the zoning administrator determines necessary. All costs of consultant review shall be billed to the project applicant.
8. Withdrawal. Any applicant may withdraw an application at any time, provided the withdrawal is in writing and signed by all persons who signed the original application or their successors in interest. When a withdrawal is received, the application shall be deemed null and void. If such withdrawal occurs prior to the zoning administrator's decision, then reimbursement of fees submitted with said application shall be prorated to withhold the amount of city costs incurred in processing the application prior to the time of withdrawal. If such withdrawal is not accomplished prior to the zoning administrator's decision, no portion of the fee will be refunded.
9. Permit for Modifications and Collocations to Wireless Facilities. Modifications to and/or collocations with existing wireless facilities shall conform to the following requirements:
- a. Permit Required. Unless otherwise exempted pursuant to MMC 22.62.020(B), if an applicant desires to make modifications to wireless facilities, including but not limited to expanding or changing the antenna type, increasing the equipment enclosure size, placing additional pole-mounted or ground-mounted equipment, or modifying the concealment elements, then the applicant shall apply for a wireless communication facility permit.

b. Permit Not Required. A wireless communication facility permit shall not be required for routine maintenance and repair of a wireless facility within the right-of-way, or the replacement of an antenna or equipment of similar size, weight, and height; provided, that such replacement does not defeat the concealment elements used in the original deployment of the wireless facility and does not impact the structural integrity of the pole. Further, a wireless communication facility permit shall not be required for replacing equipment within the equipment enclosure or reconfiguration of fiber or power to the wireless facilities. A right-of-way disturbance permit may be required for such routine maintenance, repair, or replacement.

22.62.050 Eligible Facilities Requests.

Eligible facilities requests shall be reviewed pursuant to this subsection. An eligible facilities request is defined by 47 CFR § 1.6100(b)(3) as any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving collocation of new transmission equipment, removal of transmission equipment, or replacement of transmission equipment.

A. Definitions. The following definitions shall apply to eligible facilities requests only as described in this section and shall not apply throughout this chapter.

1. Base station is a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein nor any equipment associated with a tower.

Base station includes, without limitation:

- a. Equipment associated with wireless communications services as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- b. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and back-up power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems (“DAS”) and small wireless networks).
- c. Any structure other than a tower that, at the time the relevant application is filed (with jurisdiction) under this section, supports or houses equipment described in subsections (A)(1)(a) and (b) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.
- d. The term does not include any structure that, at the time the relevant application is filed with the City under this section, does not support or house equipment described in subsections (A)(1)(a) and (b) of this section.

2. Collocation. The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes.

3. Eligible support structure. Any tower or base station as defined in this section; provided, that it is existing at the time the relevant application is filed with the City.

4. Existing. A constructed tower or base station is existing if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process; provided, that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

5. Substantial change: A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

- a. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten (10) percent or by the height of one (1) additional antenna array with separation from the nearest existing antenna, not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten (10) percent or more than ten (10) feet, whichever is greater.
 - i. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings’ rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved

appurtenances and any modifications that were approved prior to the passage of the Spectrum Act;

- b. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than ten (10) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;
- c. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; or, for towers in the public streets and base stations, it involves installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten (10) percent larger in height or overall volume than any other ground cabinets associated with the structure;
- d. It entails any excavation or deployment outside the current site;
- e. It would defeat the concealment elements of the eligible support structure; or
- f. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment; provided, however, that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified above.

B. Application. The zoning administrator shall prepare and make publicly available an application form which shall be limited to the information necessary for the city to consider whether an application is an eligible facilities request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.

C. Type of Review. Upon receipt of an application for an eligible facilities request pursuant to this chapter, the zoning administrator shall review such application to determine whether the application qualifies as an eligible facilities request.

D. Time Frame for Review. Within sixty days of the date on which an applicant submits an application seeking approval under this chapter, the zoning administrator shall approve the application unless it determines that the application is not covered by this section.

E. Tolling of the Time Frame for Review. The sixty-day review period begins to run when the application is filed with the City, and may be tolled only by mutual agreement by the zoning administrator and the applicant, or in cases where the zoning administrator determines that the application is incomplete. The time frame for review of an eligible facilities request is not tolled by a moratorium on the review of applications.

1. To toll the time frame for incompleteness, the zoning administrator shall provide written notice to the applicant within thirty days of receipt of the application, clearly and specifically delineating all missing documents and/or information required in the application.
2. The time frame for review begins running again when the applicant makes a supplemental submission in response to the city's notice of incompleteness.
3. Following a supplemental submission, the zoning administrator will notify the applicant within ten days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this subsection. Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

F. Determination That Application Is Not an Eligible Facilities Request. If the zoning administrator determines that the applicant's request does not qualify as an eligible facilities request, the zoning administrator shall deny the application. In the alternative, to the extent additional information is necessary, the zoning administrator may request such information from the applicant to evaluate the application under other provisions of this chapter and applicable law.

G. Failure to Act. In the event the zoning administrator fails to approve or deny a request for an eligible facilities request within the time frame for review (accounting for any tolling), the request shall be

deemed granted. The deemed grant of the eligible facilities request does not become effective until the applicant notifies the zoning administrator in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

H. Remedies. Both the applicant(s) and the city may bring claims related to Section 6409(a) of the Spectrum Act to any court of competent jurisdiction.

22.62.060 Small Wireless Facilities.

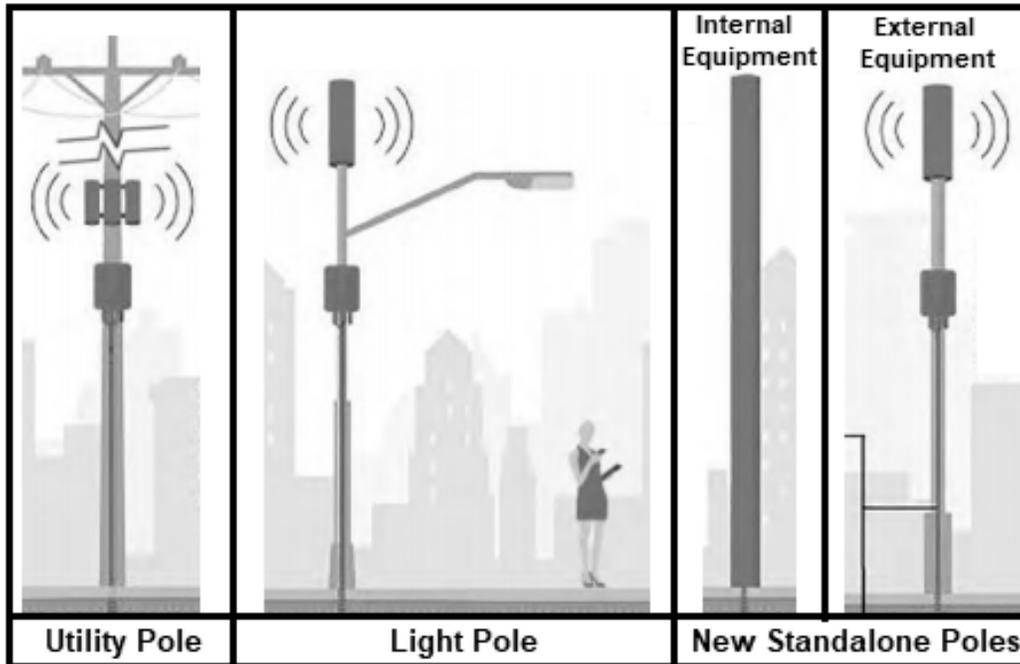
A. Small Wireless Facilities. Small wireless facilities, as consistent with 47 CFR § 1.6002(l), are defined as those facilities that meet each of the following conditions:

1. The facilities:
 - a. Are mounted on structures 50 feet or less in height including their antennas, as defined in 47 CFR § 1.1320(d); or
 - b. Are mounted on structures no more than 10 percent taller than adjacent structures; or
 - c. Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater; and
2. 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 cubic feet in volume; and
3. 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
4. The facilities do not require antenna structure registration under 47 CFR Part 17; and
5. The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and
6. The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable FCC safety standards specified in 47 CFR § 1.1307(b).

B. General Provisions.

1. Siting of Small Wireless Facilities. Small wireless facilities are permitted both within and outside of the right-of-way in all zones, provided they meet the requirements of this chapter and have been issued all applicable permits. Small wireless facilities include the following:
 - a. New small facilities attached to existing, new, or replacement utility or light poles;
 - b. New standalone poles with internal or external equipment;
 - c. New small facilities attached to existing buildings; and
 - d. Modifications to and/or collocations on existing small wireless facilities.

Figure 22.62.040: Poles Permitted as Support Structures for Small Wireless Facilities



2. Signage and Identification. No signage, message, or identification other than the manufacturer's identification is allowed to be portrayed on any antenna, and any such signage on equipment enclosures shall be of the minimum amount possible to achieve the intended purpose; provided, that signs are permitted as concealment techniques where appropriate. Safety signage is allowed, as required by applicable laws and regulations.
3. Lighting. Antennas and related equipment shall not be illuminated except as required by a federal or state authority, or unless approved as part of a light standard.
4. Encroachment. Small wireless facilities may not encroach onto or over private property or property outside of the right-of-way without the property owner's express written consent.

C. Small Wireless Facilities Attached to Pole Facilities. Any small wireless facility attached to a pole, as described in MMC 22.62.040(B)(1)(a-d), shall conform to the following requirements:

1. New standalone poles for small wireless facilities shall not exceed the maximum height of the zoning district in which it is located or fifty feet, whichever is greater.
2. An existing pole at the proposed location of the small wireless facility may be replaced with a taller pole for the purpose of accommodating a small wireless facility; provided, that the replacement pole shall not exceed a height that is a maximum of 10 feet taller than the existing pole or the height allowed by MMC 22.62.040(C)(1), whichever is greater, unless a further height increase is required and confirmed in writing by the pole owner, and such height extension is the minimum extension necessary to provide sufficient separation and/or clearance from electrical and wireline facilities.
3. A "pole extender," which is an object affixed between the pole and the antenna for the purpose of increasing the height of the antenna above the pole, may be used instead of replacing an existing utility or light pole, pursuant to the following conditions:
 - a. A pole extender shall not increase the height of the existing pole by more than 10 feet or the height allowed by MMC 22.62.040(C)(1), whichever is greater, unless a further height increase is required and confirmed in writing by the pole owner.
 - b. Such height extension proposed is the minimum extension necessary to provide sufficient separation and/or clearance from electrical and wireline facilities.
 - c. The pole extender shall be painted to approximately match the color of the pole.
 - d. The pole extender shall substantially match the diameter of the pole measured at the top of the pole.

4. Antennas, equipment enclosures, and all ancillary equipment, boxes, and conduit shall be colored or painted to match the approximate color of the surface of the pole on which they are attached, to the extent technically feasible.
5. Panel antennas shall not exceed three cubic feet in volume and shall not be mounted more than 12 inches from the surface of the pole unless additional distance is required by the pole owner.
6. A canister antenna may be mounted on top of an existing or replacement pole, which must not exceed the height requirements described in subsection (C)(1) of this section. A canister antenna mounted on the top of a pole shall not exceed the diameter of the pole by more than 12 inches or be more than a total of 16 inches in diameter, whichever is greater, and shall be colored or painted to match the pole. The canister antenna must be placed to look as if it is an extension of the pole. In the alternative, the applicant may propose a side-mounted canister antenna, so long as the inside edge of the antenna is no more than 12 inches from the surface of the pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the pole, to the extent technically feasible.
7. An omni-directional antenna may be mounted on the top of an existing or replacement pole, which may not exceed the height requirements described in subsection (C)(1) of this section, provided such antenna is no more than three cubic feet in volume and is mounted directly on the top of a pole or attached to a sleeve made to look like the exterior of the pole as close to the top of the pole as technically feasible. All cables shall be concealed within the sleeve between the bottom of the antenna and the mounting bracket, to the extent technically feasible.
8. All cables and conduit shall be routed internally or through conduit along the outside of the pole. The outside conduit shall be colored or painted to match the pole. The number of conduits shall be minimized to the number technically necessary to accommodate the small wireless facility.
9. The diameter of a replacement pole shall comply with the city's sidewalk clearance requirements and shall, to the extent technically feasible, not be more than a 25 percent increase of the existing pole measured at the base of the pole unless additional diameter is needed to conceal equipment at the base of the pole. Glulam poles are specifically prohibited.
10. Replacement poles and new poles shall comply with the Americans with Disabilities Act (ADA), city construction and sidewalk clearance standards, and city, state, and federal laws and regulations in order to provide a clear and safe passage within the right-of-way. Further, the location of any replacement or new pole must be physically possible, comply with applicable traffic warrants, not interfere with utility or safety fixtures (e.g., fire hydrants, traffic control devices), and not adversely affect public health, safety, or welfare.
11. Replacement poles shall be located as near as possible to the existing pole with the requirement to remove the abandoned pole.
12. Any replacement pole shall substantially conform to the design of the pole it is replacing.
13. Small wireless facilities shall not be placed on traffic signal poles.
14. Side arm mounts for antennas or equipment must be the minimum extension necessary, but in any case no more than 12 inches off of the pole.
15. Upon replacement of a pole upon which a small wireless facility exists, the small wireless facility owner must transfer its infrastructure to such new pole within 90 days of notice from the pole owner to transfer the small wireless facility, or such extended period of time as approved by the pole owner.
16. Except for locations in the right-of-way, small wireless facilities are not permitted on any property containing a residential use or that is located in a residential zone.
17. All related equipment, including, but not limited to, ancillary equipment, radios, cables, associated shrouding, disconnect boxes, meters, microwaves, and conduit, which is mounted on poles shall not be mounted more than six inches from the surface of the pole, unless a further distance is required and confirmed in writing by the pole owner.
18. Equipment for small wireless facilities must be attached to the pole unless otherwise permitted to be ground-mounted by the zoning administrator. The equipment must be placed in the smallest enclosure(s) possible for the intended purpose and to provide for reasonable expansion for future frequencies and/or technologies. The equipment enclosure and all other wireless equipment associated with the pole, including wireless equipment associated with the antenna and any preexisting associated equipment on the pole, may not exceed 28 cubic feet. Multiple equipment

enclosures may be acceptable if designed to more closely integrate with the pole design; provided, that said multiple enclosures must not cumulatively exceed 28 cubic feet.

D. Small Wireless Facilities Attached to Buildings. Small wireless facilities attached to existing buildings, as described in MMC 22.62.040(B)(1)(e), shall conform to the following requirements:

1. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if they complement the architecture of the existing building.
2. Small wireless facilities shall utilize the smallest mounting brackets necessary, in order to provide the smallest offset from the building.
3. To the extent technically feasible, skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas. Exposed cabling/wiring is prohibited.
4. To the extent technically feasible, small wireless facilities shall be painted and textured to match the adjacent building surfaces.
5. The applicant must provide approval from the building owner, including consent that the small wireless design meets the building owner's design requirements.

E. Franchise for Small Wireless Facility Deployment in the Right-of-Way. Service providers who seek to utilize the public right-of-way for small wireless facility deployment in order to provide wireless communication, data transmission, or other related services must have a valid franchise to provide the specific service seeking to utilize the right-of-way, and a wireless communication facility permit to deploy the technology. Entities with franchises who wish to utilize a small wireless facility deployment to upgrade or expand their existing services shall utilize the processes set forth in this section, including use of wireless communication facility permits, to deploy their technology. An applicant may apply for a wireless communication facility permit in parallel to obtaining a franchise; however, no wireless communication facility permit will be effective until a fully executed franchise becomes effective.

1. Franchise Grant. It is unlawful to engage in or commence construction, operation, or maintenance of a small wireless facility in the city right-of-way without a franchise issued under this section. The city council may, by ordinance, issue a nonexclusive franchise to construct, operate, and maintain small wireless facilities within the city to any person or entity, whether operating under an existing franchise or not, which complies with the applicable terms and conditions of this chapter; and provided, that such person or entity also agrees to comply with all of the provisions of the franchise. However, this shall not be deemed to require the grant of a franchise to any particular person or entity.
2. Purpose. A franchise granted by the city under the provisions of this section shall:
 - a. Permit the franchisee to engage in the business of operating a small wireless network and providing wireless service within the city;
 - b. Permit the franchisee to erect, install, construct, repair, reconstruct, replace, and retain antennas, wires, cables, related electronic equipment, conduits, and other property in connection with the operation of the wireless facilities in, on, over, under, upon, along, and across rights-of-way within the city; and
 - c. Set forth the obligations of the franchisee under the franchise.
3. Nonexclusive Franchise. Any franchise granted pursuant to this chapter shall be nonexclusive and not preclude the city from granting other or future franchises or permits.
4. Application and Contents. An applicant for an initial franchise shall submit to the city a written application on a form provided by the city, at the time and place specified by the city for accepting applications, and accompanied by the designated application fee. In the event such costs exceed the application fee, the applicant shall pay the difference to the city within thirty days following receipt of an itemized statement of such costs. Conversely, if such costs are less than the application fee, the city shall refund the difference to the applicant. At a minimum, an application for an initial franchise for a small wireless facility network shall contain:
 - a. A statement as to the proposed franchise and information relating to the characteristics and location of the initially proposed small wireless facility network;
 - b. A resume of prior history of the applicant, including the expertise of the applicant in the wireless communication field;

- c. Information demonstrating the applicant's legal, technical and financial ability to construct and operate the proposed small wireless facility network;
 - d. A proposed construction and service schedule;
 - e. Any other reasonable information that the city may request.
5. Additional Information. The city shall be allowed the opportunity to ask relevant follow-up questions and obtain further information from any source. A refusal by an applicant to cooperate or provide requested information is sufficient grounds for the city to deny an application.
6. Public Hearing. Upon receipt of an application for an initial franchise and after obtaining any additional information, a public hearing shall be scheduled to allow for the submittal of public comment. At the hearing, the city council shall receive public comment regarding the following:
 - a. Whether the public will benefit from granting a franchise to the applicant;
 - b. Whether the applicant appears to have adequate legal, financial and technical qualifications and capabilities to build, operate and maintain a small wireless facility network in the city;
 - c. Whether the applicant has any conflicting interests, either financial or commercial, that will be contrary to the interests of the city;
 - d. Whether the applicant will comply with all of the terms and conditions placed upon a franchisee by the franchise, this chapter and other lawfully applicable local laws and regulations; and
 - e. Whether the applicant will comply with all relevant federal and state laws and regulations pertaining to the construction, operation, and maintenance of the small wireless facility network.
7. Review of Facilities. Review of the site locations proposed by the applicant shall be governed by the provisions of 47USC 253 and 332 and other applicable statutes, regulations and case law. Applicants for franchises and wireless communication facility permits shall be treated in a competitively neutral and nondiscriminatory manner with other service providers utilizing supporting infrastructure which is functionally equivalent; that is, service providers whose facilities are similarly situated in terms of structure, placement, or cumulative impacts. Wireless communication facility permit review under this chapter shall neither prohibit, nor have the effect of prohibiting, the ability of an applicant to provide wireless services.
8. Decision. Within the time frame prescribed by applicable law, the city council shall decide whether to grant a franchise and on what conditions. The city council's decision shall be based upon the application, any additional information submitted by the applicant or obtained by the city from any source, and public comments given. The city council may grant one or more franchises or may decline to grant any franchise, subject to applicable laws.
9. Duration. The term of any franchise, and all rights, privileges, obligations, and restrictions pertaining thereto, shall be specified in the franchise. The effective date of any franchise shall be as specified in the franchise.
10. Police Powers. In accepting any franchise, the franchisee acknowledges that its rights thereunder are subject to the police powers of the city to adopt and enforce ordinances necessary for the health, safety and welfare of the public, and it agrees to comply with all applicable laws enacted by the city pursuant to such power.
11. Use of Rights-of-Way. For the purposes of operating and maintaining a small wireless facility in the city, a franchisee may place and maintain within the rights-of-way such property and equipment as are necessary and appurtenant to the operation of the small wireless facility. Prior to construction in rights-of-way, the franchisee shall procure all necessary permits, pay all applicable fees in connection therewith, and comply with all applicable laws, regulations, resolutions, and ordinances.
12. Pole or Conduit Agreements. No franchise shall relieve franchisee of any of its obligations involved in obtaining pole or conduit agreements from any department of the city, any utility company, or from others maintaining facilities in the rights-of-way.
13. Taxes. Nothing in this chapter shall limit the franchisee's obligation to pay applicable local, state and federal taxes.
14. Other Authorizations. Franchisee shall comply with and obtain, at its own expense, all permits, licenses and other authorizations required by federal, state and local laws, rules, regulations and applicable resolutions and ordinances which are now existing or hereafter lawfully adopted.

15. Rules and Regulations of the City. The right and power is reserved by the city to promulgate such additional rules and regulations as it may find necessary in the exercise of its lawful police powers and in furtherance of the terms and conditions of a franchise and this chapter, and as permitted by applicable state and federal law. In the event of a conflict between a franchise and this chapter, the franchise shall govern.
16. Delegation of Powers. Any right or power of the city may be delegated by the city to any officer, employee, department or board of the city, or to such other person or entity as the city may designate to act on its behalf.
17. Technical Standards. Franchisee shall construct, install, operate, and maintain its wireless facilities in a manner consistent with all applicable federal, state and local laws and regulations, FCC technical standards and the franchise.
18. Construction Standards.
- a. All facilities constructed or operated under this chapter shall be installed and maintained at such places in or upon such rights-of-way and public places as shall not interfere with the free passage of traffic, and shall conform to federal standards, state requirements, and city regulations.
 - b. The franchisee shall be subject to any and all requirements established by the city with regard to the placement of franchisee's facilities and equipment located in the rights-of-way and on other public property.
19. Street Cut or Repair. The franchisee shall guarantee the durability and structural integrity of any street cut or repair made by it or its agents which is necessary for the construction, installation, operation, repair, or maintenance of franchisee's facilities, provided that no action by an unrelated third party materially affects the integrity of franchisee's street cut or repair. Franchisee shall repair or replace, at no expense to the city, any failed street cut or repair which was completed by franchisee or franchisee's agent(s).
20. Safety Requirements. The franchisee shall, at all times, install, maintain and use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage or injuries to the public. In furtherance thereof, the franchisee must comply with the city's traffic control requirements, including, for example, but without limitation, the use of signal devices, warning signs, and flaggers when appropriate. All of franchisee's structures, cables, lines, equipment, and connections in, over, under, and upon the rights-of-way and public ways or other places in the franchise area, wherever situated or located, shall at all times be kept and maintained in a safe condition.
21. Permit requirements.
- a. Post-Construction As-Builts. Within 30 days after construction of the small wireless facility, the permittee shall provide the city with as-builts and site photographs of the small wireless facility demonstrating compliance with the permit.
 - b. Permit Time Limit. Construction of the small wireless facility must be completed within six months after the approval date by the city. The permittee may request one extension to be limited to three months, if the applicant cannot construct the small wireless facility within the original six-month period. Failure to complete construction as required by this section shall result in expiration of the permit.
 - c. Site Safety and Maintenance. The permittee must maintain the small wireless facilities in a safe and working condition. The permittee shall be responsible for removal of any graffiti or other vandalism, and shall keep the site neat and orderly at all times, including but not limited to the time period immediately following maintenance or modifications on the site.
 - d. Additional Permit Requirements. The permittee must comply with such additional permit requirements as directed by the zoning administrator or public works director, which are of general applicability for usage of the right-of-way.
22. Reimbursement. To the extent allowed by applicable law, the city may require a franchisee to reimburse the city for the city's reasonable processing and review expenses in connection with a sale or transfer of a franchise or a change in control of a franchise or franchisee. In connection with the foregoing, the city will send franchisee an itemized description of all such charges, and franchisee shall pay such amount within thirty days after the receipt of such description.

23. Franchise Renewal. Franchise renewals shall be conducted in accordance with applicable law. The city and franchisee, by mutual consent, may enter into renewal negotiations at any time during the term of a franchise.

24. Franchise Revocation. Any franchise granted by the city may be revoked during the period of such franchise, as provided in the franchise, subject to the procedural requirements provided for therein. A failure by the franchisee to comply with any of the material provisions of this chapter shall be deemed a violation of the city code.

22.62.070 Obsolescence and Removal.

A. A wireless communication facility shall be removed by the facility owner within six (6) months of the date it ceases to be operational or if the facility falls into disrepair. Disrepair includes structural features, paint, landscaping, or general lack of maintenance which could result in safety or visual impacts.

Whenever a wireless communications facility ceases operation or falls into disrepair as provided in this section and as determined by either the designated official or the network provider, the entire wireless communications facility shall be removed, including but not limited to all antennas, antenna supports, feeder lines, equipment enclosures, equipment, conduit, and the concrete pad upon which the structure is located. The facility owner may apply for an extension of time within those six (6) months if resuming operation of the facility is expected. The designated official, at his sole discretion, may extend the time for a period not to exceed six (6) months upon written request by the owner.

B. Removal upon Undergrounding. A WCF must be removed at no expense to the City if collocated on an electrical system facility or utility support structure that is subsequently undergrounded.

C. Abandonment. In the event that a licensed carrier fails to give notice, the facility shall be considered abandoned upon the City's discovery of discontinuation of operation. Upon such abandonment, the provider shall have 60 days or additional period of time determined in the reasonable discretion of the City within which to:

1. Reactivate the use of the facility or transfer the facility to another provider who makes actual use of the facility; or
2. In the event that abandonment as defined in this chapter occurs due to relocation of an antenna at a lower point on the antenna support structure, reduction in the effective radiated power of the antenna or reduction in the number of transmissions from the antennas, the operator of the tower shall have six months from the date of effective abandonment to co-locate another service on the tower. If another service provider is not added to the tower, then the operator shall promptly dismantle and remove the portion of the tower that exceeds the minimum height required to function satisfactorily. Notwithstanding the foregoing, changes which are made to personal wireless facilities which do not diminish their essential role in providing a total system shall not constitute abandonment. However, in the event that there is a physical reduction in height of substantially all of the providers towers in the city or surrounding area then all of the towers within the city shall similarly be reduced in height.
3. Dismantle and remove facility. If the tower, antenna, foundation, and facility are not removed within the sixty-day time period or additional period of time allowed by the city, the city may remove such tower, antenna, foundation, and related facility at the provider's expense. If there are two or more providers co-locating on a facility, except as provided for in the paragraph above, this provision shall not become effective until all providers cease using the facility.
4. At the earlier of sixty days from the date of abandonment without reactivating or upon completion of dismantling and removal, city approval for the facility shall automatically expire.



MONROE PLANNING COMMISSION

SUBJECT:	Letter Supporting a North Hill area Acquisition for a Public Park
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DATE:	DEPT:	CONTACT:	PRESENTER:	ITEM:
05/11/2020	Parks	Denise Johns	Denise Johns	NB #1

Discussion: 05/11/2020

Attachments: 1. Draft Letter of Support

REQUESTED ACTION: Authorize the Planning Commission Chair to Sign a Letter Supporting a North Hill area Acquisition for a Public Park

POLICY CONSIDERATIONS

Acquiring land for a new neighborhood park in Monroe's North Hill area is included as a major goal and objective in the City's adopted 2020 Budget and is a priority project in the City's Capital Improvement Plan (CIP). Once acquired, the land will become a new neighborhood park serving Monroe's growing North Hill area residents fulfilling the City's level-of-service goals. Park land acquisition has been identified in the City's Parks Recreation and Open Space Plans, Capital Improvement Plans since 2007.

The Planning Commission policy question is whether supporting the City's grant application in 2020 to acquire the 'North Hill Area Park Site' fulfills policies supporting the following City's Goals: Goal 2 'Manage Monroe's environment and natural resources, supporting the health, safety, welfare, recreational needs and economic well-being of current and future generations'. Goal 7: Provide parks and civic facilities, recreational opportunities, and arts and cultural activities on pace with need, growth and long-term objectives.

DESCRIPTION/BACKGROUND

Staff is preparing a grant application to Washington State Conservation Office (RCO), Washington Wildlife and Recreation Program (WWRP) Local Parks Program. The grant requested amount proposed is \$1,000,000, the program's maximum. The grant will provide partial funding to acquire approximately 5 acres of an existing 8.2 acre parcel from a private party. The parcel is located in the North Hill area of Monroe.

FISCAL IMPACT

Funding has yet to be identified for the purchase. The City intends to acquire the land using grants and other City financing. If successful in its grant effort and prior to City's acceptance of RCO funding, staff will return to City Council with alternative funding recommendations. Once the property is acquired, the City will incur additional costs in future years related to the neighborhood park's planning, design, construction, and maintenance.

TIME CONSTRAINTS

The letter of support will be included with the City's grant submittal, due June 1, 2020.



May 11, 2020

Mayor Geoffrey Thomas
806 West Main Street
Monroe, WA 98272

Subject: Recreation and Conservation Office Grant Application
Project: 20-1288 ACQ. Monroe North Hill Park Site

Dear Mayor Thomas,

The City of Monroe's Planning Commission would like to express our support for the City's efforts to purchase five acres in the North Hill area of Monroe. The property is intended to be developed into a neighborhood park, which is very much needed in this growing residential area. As one of the last large land parcels available, suitable, and accessible in the North Hill area of Monroe, we are excited to see the property developed for public recreation use. Currently, our new residents surrounding the site have to travel by car to reach the closest public recreation area.

Parkland acquisition in Monroe's North Hill area has been identified in several City park planning documents over the years, yet unattainable until now. Currently the property acquisition represents a major goal and objective in the City's current 5-Year Strategic Plan and is a priority project in the City's 2020 Parks 6-year Capital Improvement Plan. For many years comprehensive plans and public surveys have recognized this critical gap in the 'level-of-service' for public recreational access in this area and community members supported the vision for a North Hill neighborhood park.

Thank you for continuing to strive to improve the health and well-being of our community and protect our environment by providing vibrant, accessible, sustainably-designed parks.

Sincerely,

Bridgette Tuttle
Planning Commission Chair