



## MEDINA CITY COUNCIL

Monday, May 08, 2023

**5:00 PM – REGULAR MEETING**

### AGENDA

#### VISION STATEMENT

Medina is a family-friendly, diverse and inclusive community on the shores of Lake Washington. With parks and open spaces, Medina is a quiet and safe small city, with active and highly-engaged residents. Medina honors its heritage while preserving its natural environment and resources for current and future generations.

#### MISSION STATEMENT

Ensure efficient delivery of quality public services, act as responsible stewards of Medina's financial and natural resources, celebrate diversity, leverage local talent, and promote the safety, health, and quality of life of those who live, work, and play in Medina.



# MEDINA, WASHINGTON

## MEDINA CITY COUNCIL REGULAR MEETING

Hybrid - Virtual/In-Person  
Monday, May 08, 2023 – 5:00 PM

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### AGENDA

**MAYOR** | Jessica Rossman

**DEPUTY MAYOR** | Randy Reeves

**COUNCIL MEMBERS** | Cynthia F. Adkins, Jennifer Garone, Harini Gokul, Mac Johnston, Bob Zook

**CITY MANAGER** | Stephen R. Burns

**CITY ATTORNEY** | Scott Missall

**CITY CLERK** | Aimee Kellerman

#### Virtual Meeting Participation

The Medina City Council has moved to hybrid meetings, offering both in-person and online meeting participation. In accordance with the direction from Governor Inslee, masking and social distancing will be optional for those participating in person. Individuals who are participating online and wish to speak live must register their request with the City Clerk at 425.233.6411 or email [akellerman@medina-wa.gov](mailto:akellerman@medina-wa.gov) and leave a message before 2PM on the day of the May 8th Council meeting. Please reference Public Comments for May 8th Council Meeting on your correspondence. The City Clerk will call on you by name or telephone number when it is your turn to speak. You will be allotted 3 minutes for your comment and will be asked to stop when you reach the 3 minute limit. The city will also accept written comments. Any written comments must be submitted by 2 PM on the day of the May 8th Council meeting to the City Clerk at [akellerman@medina-wa.gov](mailto:akellerman@medina-wa.gov).

#### [Join Zoom Meeting](#)

Meeting ID: 832 5227 3105

Passcode: 589036

One tap mobile

+12532158782,,83252273105# US (Tacoma)

#### 1. REGULAR MEETING - CALL TO ORDER / ROLL CALL

Council Members Adkins, Garone, Gokul, Johnston, Reeves, Rossman and Zook

#### 2. APPROVAL OF MEETING AGENDA

#### 3. PUBLIC COMMENT PERIOD

Individuals wishing to speak live during the Virtual City Council meeting will need to register their request with the City Clerk at 425.233.6411 or email [akellerman@medina-wa.gov](mailto:akellerman@medina-wa.gov) and leave a message **before 2PM** on the day of the May 8th Council meeting.

Please reference Public Comments for May 8th Council Meeting on your correspondence. The City Clerk will call on you by name or telephone number when it is your turn to speak. You will be allotted 3 minutes for your comment and will be asked to stop when you reach the 3 minute limit.

#### 4. **PRESENTATIONS**

- 4.1 Reports and announcements from Park Board, Planning Commission, Emergency Preparedness, and City Council.

Time Estimate: 10 minutes

#### 5. **CITY MANAGER'S REPORT**

Time Estimate: 20 minutes

Police, Development Services, Finance, Central Services, Public Works, City Attorney

[5.1a](#) City Manager Monthly Report

[5.1b](#) Police Monthly Report

[5.1c](#) Development Services Monthly Report

[5.1d](#) Finance Monthly Report

[5.1e](#) Central Services Monthly Report

[5.1f](#) Public Works Monthly Report

#### 6. **CONSENT AGENDA**

Time Estimate: 5 minutes

Consent agenda items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a Councilmember or City staff requests the Council to remove an item from the consent agenda.

- [6.1](#) April 2023 - Check Register  
**Recommendation:** Approve.  
**Staff Contact:** Ryan Wagner, Finance Director

- [6.2](#) Draft Meeting Minutes of:  
a) April 10, 2023; and  
b) April 24, 2023.  
**Recommendation:** Adopt minutes.  
**Staff Contact:** Aimee Kellerman, CMC, City Clerk

- [6.3](#) Proclamation recognizing "National Police Week" and Peace Officer Memorial Day"  
**Recommendation:** Approve.  
**Staff Contact:** Jeffrey R. Sass, Chief of Police

- [6.4](#) Public Defender Contract for Court  
**Recommendation:** Approve.  
**Staff Contact:** Jeffrey R. Sass, Chief of Police

7. **LEGISLATIVE HEARING**

None.

8. **PUBLIC HEARING**

None.

9. **CITY BUSINESS**

- [9.1](#) Park Use Permit Pilot Program  
**Recommendation:** Approve Proposed Pilot Program  
**Staff Contacts:** Stephen R. Burns, City Manager and Aimee Kellerman, CMC, City Clerk

Time Estimate: 15 minutes

- [9.2](#) Comprehensive Plan Update  
**Recommendation:** Discussion item only; no action needed.  
**Staff Contact:** Stephanie Keyser, Planning Manager

Time Estimate: 20 minutes

- [9.3](#) New Housing Legislation  
**Recommendation:** N/A  
**Staff Contact:** Stephanie Keyser, Planning Manager

Time Estimate: 20 minutes

- [9.4](#) Small Wireless Facility Permit Process  
**Recommendation:** Discussion item only; no action needed.  
**Staff Contact(s):** Emily Romanenko, Assistant City Attorney and Steve Wilcox, Development Services Director

Time Estimate: 30 minutes

10. **REQUESTS FOR FUTURE AGENDA ITEMS AND COUNCIL ROUND TABLE**

11. **PUBLIC COMMENT**

Comment period is limited to 10 minutes. Speaker comments limited to one minute per person.

**12. EXECUTIVE SESSION**

RCW 42.30.110 (1)(i)

To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

**13. ADJOURNMENT**

Next meeting Joint City Council and Planning Commission Meeting: May 22, 2023 at 5 PM.

## ADDITIONAL INFORMATION

Public documents related to items on the open session portion of this agenda, which are distributed to the City Council less than 72 hours prior to the meeting, shall be available for public inspection at the time the documents are distributed to the Council. Documents are available for inspection at the City Clerk's office located in Medina City Hall.

The agenda items are accessible on the City's website at [www.medina-wa.gov](http://www.medina-wa.gov) on Thursdays or Fridays prior to the Regular City Council Meeting.

In compliance with the Americans with Disabilities Act, if you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the City Clerk's Office at (425) 233-6410 at least 48 hours prior to the meeting.

## UPCOMING MEETINGS AND EVENTS

Thursday, May 11, 2023 – Open House – Gas Leaf Blowers (5:00 PM – 6:30 PM)

Monday, May 15, 2023 - Park Board Meeting (5:00 PM)

Monday, May 22, 2023 - City Council Meeting (5:00 PM)

Tuesday, May 23, 2023 - Planning Commission Regular Meeting (6:00 PM)

**Monday, May 29, 2023 - Memorial Day – City Hall Closed**

Monday, June 12, 2023 - City Council Meeting (5:00 PM)

Monday, June 26, 2023 - City Council Meeting (5:00 PM)

Tuesday, June 27, 2023 - Planning Commission Regular Meeting (6:00 PM)

**Tuesday, July 4, 2023 - Independence Day - City Hall Closed**

Monday, July 10, 2023 - City Council Meeting (5:00 PM)

Monday, July 17, 2023 - Park Board Meeting (5:00 PM)

Monday, July 24, 2023 - City Council Meeting (5:00 PM)

Tuesday, July 26, 2023 - Planning Commission Regular Meeting (6:00 PM)

Wednesday, August 9, 2023 – Emergency Preparedness Meeting (4:00 PM)

Monday, August 14, 2023 - City Council Meeting - **Dark No Meeting**

Monday, August 28, 2023 - City Council Meeting - **Dark No Meeting**

**Monday, September 4, 2023 - Labor Day - City Hall Closed**

Monday, September 11, 2023 - City Council Meeting (5:00 PM)

Monday, September 18, 2023 - Park Board Meeting (5:00 PM)

Monday, September 25, 2023 - City Council Meeting (5:00 PM)

Tuesday, September 26, 2023 - Planning Commission Regular Meeting (6:00 PM)

Monday, October 9, 2023 - City Council Meeting (5:00 PM)

Monday, October 23, 2023 - City Council Meeting (5:00 PM)

Tuesday, October 24, 2023 - Planning Commission Regular Meeting (6:00 PM)

**Friday, November 10, 2023 - Veterans Day - City Hall Closed**

Monday, November 13, 2023 - City Council Meeting (5:00 PM)

Monday, November 20, 2023 - Park Board Meeting (5:00 PM)

**Thursday, November 23, 2023 - Thanksgiving Holiday - City Hall Closed**

**Friday, November 24, 2023 - Day After Thanksgiving Holiday - City Hall Closed**

Monday, November 27, 2023 - City Council Meeting (5:00 PM)

Monday, December 11, 2023 - City Council Meeting (5:00 PM)

Wednesday, December 13, 2023 – Emergency Preparedness Meeting (4:00 PM)

**Monday, December 25, 2023 - Christmas Day - City Hall Closed**

**CERTIFICATION OF POSTING AGENDA**

The agenda for Monday, May 8, 2023 Regular Meeting of the Medina City Council was posted and available for review on Friday, May 5, 2023 at City Hall of the City of Medina, 501 Evergreen Point Road, Medina, WA 98039. The agenda is also available on the city website at [www.medina-wa.gov](http://www.medina-wa.gov).



# CITY OF MEDINA

501 EVERGREEN POINT ROAD | PO BOX 144 | MEDINA WA 98039-0144  
TELEPHONE 425-233-6400 | www.medina-wa.gov

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**Date:** May 8, 2023

**To:** Honorable Mayor and City Council

**From:** Stephen R. Burns, City Manager

**Subject:** City Manager Report

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- State Route 520 Expansion Joint - The University of Washington completed their final work on the Phase 2 joint noise mitigation study in January 2023. WSDOT and UW prepared a proposal for funding Phase 3 study to further research the long-term durability of their product. The funding was presented to the Legislature for Phase 3 but was not included in the final 2023 Washington State Transportation Budget. Staff is working with lobbyists and legislators to work to get it included in the 2024 Supplemental budget.
- The City Council has identified six goals and priorities for staff to work on in 2023. Below are the goals and status update.
  - Create a clear timeline and protocols for Council projects to include no new code without an enforcement plan.
    - *City staff is working on this with a tentative timeline to report back to Council in the Fall of 2023.*
  - Strategy for creative revenue sources, relook at fine structure and compare or calibrate with other cities.
    - *Development Services Director Steve Wilcox provided an update to the City Council on February 27 covering short-term and long-term budget outlook and stabilization for Development Services. Looking forward, one item we will continue to monitor is the fee schedule to ensure it accurately reflects cost recovery.*
  - Implement a full HR system that covers employee lifecycle.
    - *Finance/HR Director Ryan Wagner has implemented the first phase of implementing a full-service Human Resources program that will standardize Medina employment requirements. The first phase was moving the city staff from paper timesheets to a fully automated payroll software solution through ADP. The city went live with this solution on May 1, 2023. The Finance department will continue the buildout of phase 2 for the Human Resources piece that includes hiring, onboarding, and managing HR compliance. City staff estimates that this will be ready to come to Council in the Summer 2023.*



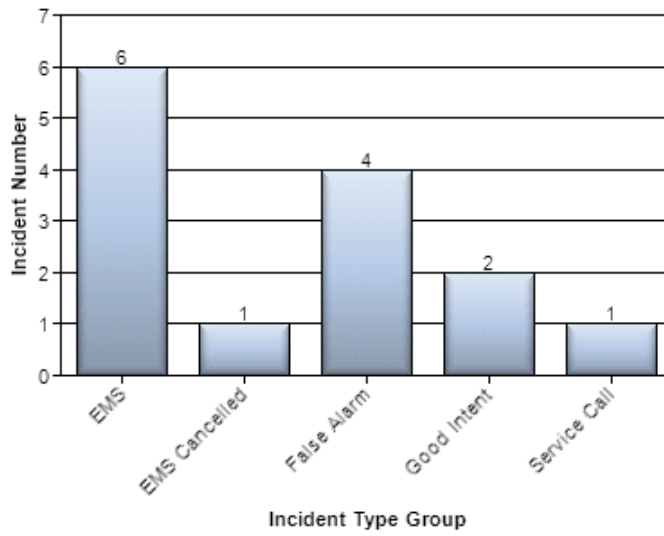
- Add each department's business lines and service levels on the website.
  - *Central Services Director Aimee Kellerman is working with staff to include business lines and service levels on the city website. In addition, the city staff is working to improve the search capabilities of the city website. Each department director has been busy revising their written business lines and service levels from 2019. The department's business lines, and service levels will be on each department's web page by mid-May.*
  
- Research and develop a plan for undergrounding utilities; and
  - *Public Works Director Ryan Osada provided an update to the Council at the April 24 City Council Meeting. Staff will create a web page about undergrounding utilities with updated FAQ's as directed by Council. This page is expected to be live by the end of May or first week of June.*
  
- Research available options for reducing ghost homes.
  - *City Attorney Scott Missall is researching options and will be providing a brief to Council in the Fall of 2023.*
  
- Gas-Powered Leaf Blower Education Plan – City staff has created an education and resource page on the city's website. This page includes an introduction to what Medina is looking into, FAQs, and links to other cities that have banned or are considering a ban on gas-powered leaf blowers. This is part of the education and outreach regarding gas-powered leaf blowers that the Council directed to staff. City staff will be holding an Open House at City Hall on May 11, 2023, from 5pm to 6:30pm. Councilmember Gokul and I have created a survey, which will go out city wide the week of May 15 to get feedback regarding residents' opinion about gas-powered leaf blower restrictions.
  
- Bellevue Fire Report – See Attached.
  
- 2023 City Council Calendar – See Attached.

20180807 - Contract Cities Incident Types

Date: Friday, May 5, 2023  
Time: 10:59:57 AM

Incident Date between 2023-03-01 and 2023-04-01  
City equal to Medina

Incident Type Group	Incident Count
EMS	6
EMS Cancelled	1
False Alarm	4
Good Intent	2
Service Call	1

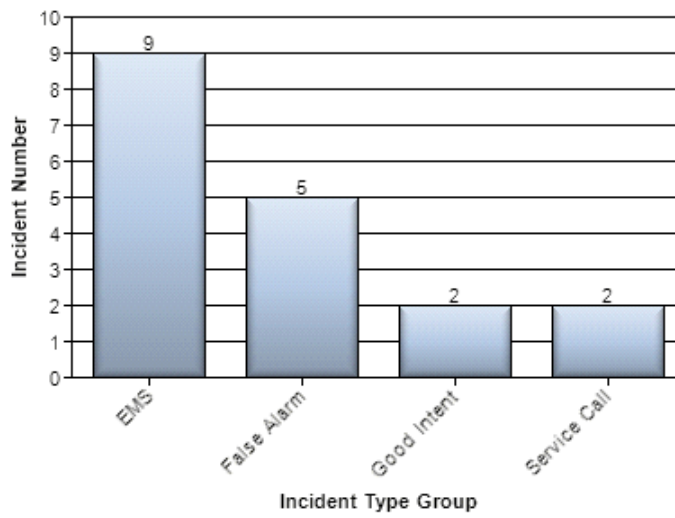


20180807 - Contract Cities Incident Types

Date: Friday, May 5, 2023  
Time: 11:03:33 AM

Incident Date between 2023-04-01 and 2023-05-01  
City equal to Medina

Incident Type Group	Incident Count
EMS	9
False Alarm	5
Good Intent	2
Service Call	2





**MEDINA CITY COUNCIL**  
 2023 AGENDA/ACTION CALENDAR  
 Meetings scheduled for 5:00 pm, online (unless noticed otherwise).

**JANUARY 9, City Council Regular Meeting, 5:00 pm**

Item Type	Topic	Staff Contact	Recommendation	Council Action	Legal Notice
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Presentation	SR520 Build It Faster by Carl Stixrood and John Hutchins - SR520 Working Group - 15 Minutes	Burns		Completed	
Consent Agenda	December 2022, Check Register			Approved	
Consent Agenda	DRAFT CC Minutes 12/12/2022			Adopted	
Consent Agenda	Resolution Supporting Mercer Island Marine Patrol Funding			Adopted Res. No. 429	
Legislative Hearing	Ordinance Approving New Solicitation and Permitting Regulations	Sass		Adopted Ord. No.1018	Legal Notice in Seattle Times 12/24/2022
Public Hearing					
City Business	Comp Plan Update	Keyser		Completed	
City Business	Gas-Powered Leaf Blower Education and Outreach Plan	Burns		Completed	
City Business	Park Use Permit Pilot Program	Burns/Kellerman		Approved	

**JANUARY 23, City Council Regular Meeting, 5:00 pm**

Item Type	Topic	Staff Contact	Recommendation	Council Action	Legal Notice
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Presentation					
Presentation					
Consent Agenda					
Consent Agenda					
Consent Agenda					
Legislative Hearing					
Public Hearing					
Public Hearing					
City Business	City Arborist Presentation and Discussion	Wilcox	Discussion and direction	Completed	
City Business	Tree Management Code Amendments	Wilcox	Approve	Approved	

<b>FEBRUARY 13, City Council Regular Meeting, 5:00 pm</b>					
<b>Item Type</b>	<b>Topic</b>	<b>Staff Contact</b>	<b>Recommendation</b>	<b>Council Action</b>	<b>Legal Notice</b>
Presentation					
Presentation	Professional Excellence Award Presentations - Medina Police Department	Sass		completed	
Consent Agenda	January and 13th Month Check Register			approved	
Consent Agenda	PB Minutes 11/21/2022			received	
Consent Agenda	PC Minutes 11/15/2022			received	
Consent Agenda	CC Minutes 1/9/2023 , 1/23/2023			adopted	
Consent Agenda	Flock Contract for License Plate Reader Cameras - Tentative	Sass		approved	
Consent Agenda					
Legislative Hearing					
Public Hearing					
City Business	Comp Plan Public Participation Resolution	Keyser		adopted	
City Business	Comp Plan Update	Keyser		completed	
City Business	Ordinance Amending MMC Chapter 2.24 Parks and Recreation Board and MMC Chapter 2.28 Planning Commission to Allow for Hybrid Meetings and Clarify the Number of Parks and Recreation Board Meetings	Osada/Nations		adopted	
Executive Session	RCW 42.30.110(1)(i) Potential Litigation			completed	
<b>FEBRUARY 27, City Council Regular Meeting, 5:00 pm</b>					
<b>Item Type</b>	<b>Topic</b>	<b>Staff Contact</b>	<b>Recommendation</b>	<b>Council Action</b>	<b>Legal Notice</b>
Presentation	None				
Consent Agenda	None				
Consent Agenda	None				
Legislative Hearing	None				
Public Hearing	None				
City Business	Development Services Enterprise Budget Discussion	Wilcox	Discussion/Direction	completed	
City Business	Pending Legislative Session Bills	Keyser	Discussion/Direction	completed	

<b>MARCH 13, City Council Regular Meeting, 5:00 pm</b>					
<b>Item Type</b>	<b>Topic</b>	<b>Staff Contact</b>	<b>Recommendation</b>	<b>Council Action</b>	<b>Legal Notice</b>
Presentation	SR-520 Noise Abatement Project Update by University of Washington Professor of Mechanical Engineering, Per Reinhall - 30 Minutes	Burns		N/A	
Presentation	Professional Excellence Award Presentation - Medina Police Department	Sass		Moved to 5/8	
Consent Agenda	February Check Register			Approved	
Consent Agenda	PC Minutes			Approved	
Consent Agenda	DRAFT CC Minutes			Approved	
Legislative Hearing	None			N/A	
Public Hearing	None			N/A	
City Business	Comp Plan Update	Keyser		None	
City Business	OGCC Street Vacation Update	Keyser/Romanenko		Moved to 4/10	
City Business	Gas-Powered Leaf Blower Update	Burns		Moved to 4/10	
<b>MARCH 27, City Council Regular Meeting, 5:00 pm - CANCELLED</b>					
<b>Item Type</b>	<b>Topic</b>	<b>Staff Contact</b>	<b>Recommendation</b>	<b>Council Action</b>	<b>Legal Notice</b>
<b>APRIL 10, City Council Regular Meeting, 5:00 pm</b>					
<b>Item Type</b>	<b>Topic</b>	<b>Staff Contact</b>	<b>Recommendation</b>	<b>Council Action</b>	<b>Legal Notice</b>
Presentation	None			None	
Consent Agenda	March Check Register		Approve	Approved	
Consent Agenda	PB Minutes - January 23			Approved	
Consent Agenda	PC Minutes		Approve	Approved	
Consent Agenda	DRAFT CC Minutes		Approve	Approved	
Consent Agenda	Proclamation in Recognition of Municipal Clerks Week - Apr 30 - May 6		Approve	Approved	
Consent Agenda	2023 ARCH Work Program and Budget	Burns	Approve	Approved	
Consent Agenda	Contract Approval with BVC, Inc., for city-wide crack seal project	Osada	Approve	Approved	
Legislative Hearing	None			None	
Public Hearing	None			None	

City Business	Comp Plan Update	Keyser	None	None	
City Business	Housing Action Plan	Keyser		None	
City Business	OGCC Street Vacation Update	Keyser/Romanenko		Legislative hearing scheduled for 6/12/2023	
City Business	Gas-Powered Leaf Blower Update	Burns		None	
City Business	Park Use Pilot Program	Burns/Kellerman	Approve	Moved to 5/8	
Executive Session	Potential Litigation 42.30.110(1)(i)				

**APRIL 24, City Council Regular Meeting, 5:00 pm**

Item Type	Topic	Staff Contact	Recommendation	Council Action	Legal Notice
Presentation	None			None	
Consent Agenda	None			None	
Legislative Hearing	None			None	
Public Hearing	None			None	
City Business	Undergrounding Utilities Presentation	Osada	Discussion/Direction	None	
City Business	Funding Stormwater Replacement Options	Wagner	Discussion/Direction	Moving Forward	
City Business	Resolution Setting Public Hearing - OGCC Street Vacation	Keyser/Missall	Adopt Resolution	Approved	

**MAY 8, City Council Regular Meeting, 5:00 pm**

Item Type	Topic	Staff Contact	Recommendation	Council Action	Legal Notice
Presentation					
Consent Agenda	April Check Register		Approve		
Consent Agenda	DRAFT CC Minutes of 4/10 & 4/24		Adopt		
Consent Agenda	National Police Week and Peace Officer Day Proclamation		Approve		
Legislative Hearing	None				
Public Hearing	None				
City Business	Comp Plan Update	Keyser	Discussion only		
City Business	New Housing Legislation	Keyser	Discussion only		
City Business	Park Use Pilot Program	Burns/Kellerman	Approve		
City Business	Small Wireless Facility Permit Process	Romanenko	Discussion only		

**MAY 22, City Council Regular Meeting, 5:00 pm**

Item Type	Topic	Staff Contact	Recommendation	Council Action	Legal Notice
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Presentation					
Presentation					
Presentation					
Presentation					
Consent Agenda					
Consent Agenda					
Consent Agenda					
Consent Agenda					
Consent Agenda					
Consent Agenda					
Consent Agenda					
Legislative Hearing					
Public Hearing					
Public Hearing					
City Business					
City Business					
City Business					

**JUNE 12, City Council Regular Meeting, 5:00 pm**

Item Type	Topic	Staff Contact	Recommendation	Council Action	Legal Notice
Presentation	Professional Excellence Award Presentation - Medina Police Department	Sass			
Presentation					
Presentation					
Presentation					
Consent Agenda					
Consent Agenda					
Consent Agenda					
Consent Agenda					
Consent Agenda					
Consent Agenda					
Consent Agenda					
Consent Agenda					
Legislative Hearing	OGCC Street Vacation Petition	Keyser/Missall			
Public Hearing	Housing Action Plan	Keyser			
Public Hearing	Six-Year CIP/TIP-Non-TIP	Osada			
City Business	Comp Plan Update	Keyser			
City Business	T-Mobile Small Wireless Facility Site License Agreement	Romanenko			



City Business					
<b>JUNE 26, City Council Regular Meeting, 5:00 pm - CANCELLED</b>					
<b>Item Type</b>	<b>Topic</b>	<b>Staff Contact</b>	<b>Recommendation</b>	<b>Council Action</b>	<b>Legal Notice</b>
Presentation					
Presentation					
Presentation					
Consent Agenda					
Consent Agenda					
Consent Agenda					
Consent Agenda					
Consent Agenda					
Legislative Hearing					
Public Hearing					
Public Hearing					
City Business					
City Business					
City Business					



## MEDINA POLICE DEPARTMENT

**DATE:** May 8, 2023  
**TO:** Stephen R. Burns, City Manager  
**FROM:** Jeffrey R. Sass, Chief of Police  
**RE:** Police Department Update – April 2023

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The following is a summary highlighting some of the Medina Police Department activity in April 2023.

### **Follow up:**

Nothing to report.

**ACCESS Audit:** The Medina Police Department successfully passed its A Central Computerized Enforcement Service System (ACCESS) audit. The process involved a one-day onsite visit. Office Manager Barbara Marxer is the Medina Terminal ACCESS Coordinator and responsible for ensuring all personnel comply with strict state and national standards for training, technical security, and auditing. ACCESS provides telecommunications linkage to law enforcement and other criminal justice agencies. It provides a means for agencies to query multiple state and national databases to include systems provided by the Department of Corrections, Department of Licensing, Parks, the Washington Crime Information Center (WACIC), and the Washington State Identification Section (WASIS).

**Criminal Justice Information Services Audit:** The Medina Police Department successfully passed its Criminal Justice Information Services (CJIS) audit. The audit confirms that the Medina Police Department is handling sensitive and confidential information correctly.

The Washington State Patrol is required to audit the technical security for all Criminal Justice Agencies (CJA) and Non-Criminal Justice Agencies (NCJA) who receive Criminal Justice Information (CJI)/Criminal History Record Information (CHRI), once every three years. All standards originate from the CJIS Security Policy which provides CJA's and NCJA's with a minimum set of security requirements for access to FBI CJIS Division systems and information to protect and safeguard CJI or CHRI. This minimum standard of security requirements ensures continuity of information protection. The essential premise of the CJIS Security Policy is to provide the appropriate controls to protect CJI/CHRI, from creation through dissemination, whether at rest or in transit.

**National League of Young Men:** On Sunday, April 23<sup>rd</sup>, Officer James Martin talked to the National League of Young Men High Schoolers. Officer Martin discussed with the young men traffic safety, new licenses and restrictions DUI laws, and the consequences of driving under the influence of drugs and alcohol as well as using a cell phone while driving. Officer Martin also talked about the dangers of fentanyl and the new street drug tranquilizer. There were approximately twenty young men between 15-16 years of age.

Medina Police Department  
April 2023

**Shredder/Drug Take Back/E-Recycling Day:** On Saturday, April 15<sup>th</sup>, Medina Police Department held a Shredder/Drug-Take-Back/E-Recycle Day at Medina Park. The event was very successful. Approximately 4200 pounds of documents were shredded, over 35 lbs. of drugs were collected, and an unknown amount of electronics were recycled. It was a good turnout. Appreciation goes out to Police Office Manager Barbara Marxer, Police Administrative Specialist Sunita Hall, Sergeant Eric Anderson, Officers Brady Halverson, and Christopher Hadland.



**Marine Patrol:**

Nothing to report.



**MEDINA POLICE DEPARTMENT**  
*Jeff Sass, Chief of Police*  
**MONTHLY SUMMARY**  
**APRIL 2023**



**FELONY CRIMES**

**Mail Theft** **2023-00001689** **04/03/2023**

A resident in the 3400 block of Evergreen Point Road contacted the Police Department for a report of mail theft. The victim did not have a locking mailbox and stated that a piece of mail containing a check was stolen. No further leads.

**Fraud** **2023-00001756** **04/07/2023**

A resident contacted the Police Department for a fraud report. The victim discovered that an AT&T account had been opened fraudulently in their name earlier in the year. No monetary loss.

**Mail Theft** **2023-00001899** **04/11/2023**

A Police Officer was dispatched to the 3300 blk of Evergreen Point Road for a theft report. The locking mailbox was pried open and a package containing clothing was stolen. The approximate value of the package is \$100. No further leads.

**MISDEMEANOR CRIMES**

**Trespass** **2023-00001754** **04/07/2023**

A Police Officer was dispatched to the 1800 block of 73<sup>rd</sup> Ave NE for a report of a subject trespassing on the property. The subject was contacted, and a Notice of Trespass letter was issued to the subject.

**Trespass** **2023-00001767** **04/08/2023**

A Police Officer was dispatched to the 1800 block of 73<sup>rd</sup> Ave NE for a report of a subject trespassing on the property. The subject had been previously given a written warning to not return to the property but returned, violating the terms of the trespass warning letter. The subject was arrested for criminal trespass in the second degree.

**Theft** **2023-00002102** **04/29/2023**

A Police Officer was dispatched to the 1200 block of Evergreen Point Road for a theft report. The resident reported that their front license plate was missing from their vehicle. Unknown if it was stolen. No suspects at this time.



# MEDINA POLICE DEPARTMENT

Jeffrey R. Sass, Chief of Police

City of Medina



## April 2023 - Monthly Report

CRIMES	Current Month	YTD 2023	YTD 2022	Year-End 2022
Burglary	0	1	4	10
Vehicle Prowl	0	1	3	4
Vehicle Theft	0	2	3	7
Theft (mail & all other)	4	12	4	10
ID Theft/Fraud	1	5	4	16
Malicious Mischief (Vandalism)	2	8	2	5
Domestic Violence/Violation of No Contact Order	0	3	2	5
Disturbance, Harassment & Non-DV Assault	0	4	3	19
<b>TOTAL CRIMES</b>	<b>7</b>	<b>36</b>	<b>25</b>	<b>76</b>

COMMUNITY POLICING				
Drug Violations - Referrals to Treatment	0	0	0	1
Community Assists	10	63	37	139
House Watch Checks	53	272	208	595
School Zone	7	72	83	216
Mental Health	3	10	8	39
<b>TOTAL ENFORCEMENT</b>	<b>73</b>	<b>417</b>	<b>336</b>	<b>990</b>

TRAFFIC				
Collisions				
Injury	0	2	0	2
Non-Injury	0	6	3	6
Non-Reportable	0	0	0	1
Traffic Stops				
Citations/Infractions/Parking	14	71	117	250
Warnings	115	701	492	1426
<b>TOTAL TRAFFIC</b>	<b>129</b>	<b>780</b>	<b>612</b>	<b>1685</b>

CALLS FOR SERVICE				
Animal Complaints	3	13	11	46
Residential Alarms	18	74	74	255
Missing Person	0	2	1	5
Suspicious Activity/Area Check	28	70	74	219
Medical Call/Assist Fire Department	1	4	14	29
Juvenile (underage party, substance use, etc.)	0	0	1	7
<b>TOTAL SERVICE</b>	<b>50</b>	<b>163</b>	<b>175</b>	<b>561</b>

*\*This report does not include all calls for service handled by Medina Police Officers. It is meant to be an overview of general calls for service within the specified reporting period.*



**MEDINA POLICE DEPARTMENT**  
*Jeffrey R. Sass, Chief of Police*  
**MONTHLY SUMMARY**  
**APRIL 2023**



**FELONY CRIMES**

<b>Theft</b>	<b>2023-00002106</b>	<b>04/30/2023</b>
<p>A resident contacted the Police Department to report several items missing from their residence. There were no signs of forced entry, and the resident believes that someone who had access to their residence while they were out of town likely stole the items. Police are actively investigating.</p>		

**MISDEMEANOR CRIMES**

**Nothing to report.**



# MEDINA POLICE DEPARTMENT

Jeffrey R. Sass, Chief of Police

Town of Hunts Point



## April 2023- Monthly Report

CRIMES	Current Month	YTD 2023	YTD 2022	Year-End 2022
Burglary	0	0	0	1
Vehicle Prowl	0	0	0	0
Vehicle Theft	0	0	0	0
Theft (mail & all other)	1	1	1	4
ID Theft/Fraud	0	2	0	2
Malicious Mischief (Vandalism)	0	1	0	2
Domestic Violence/Violation of No Contact Order	0	1	0	1
Disturbance, Harassment & Non-DV Assault	0	1	2	5
<b>TOTAL CRIMES</b>	<b>1</b>	<b>6</b>	<b>3</b>	<b>15</b>

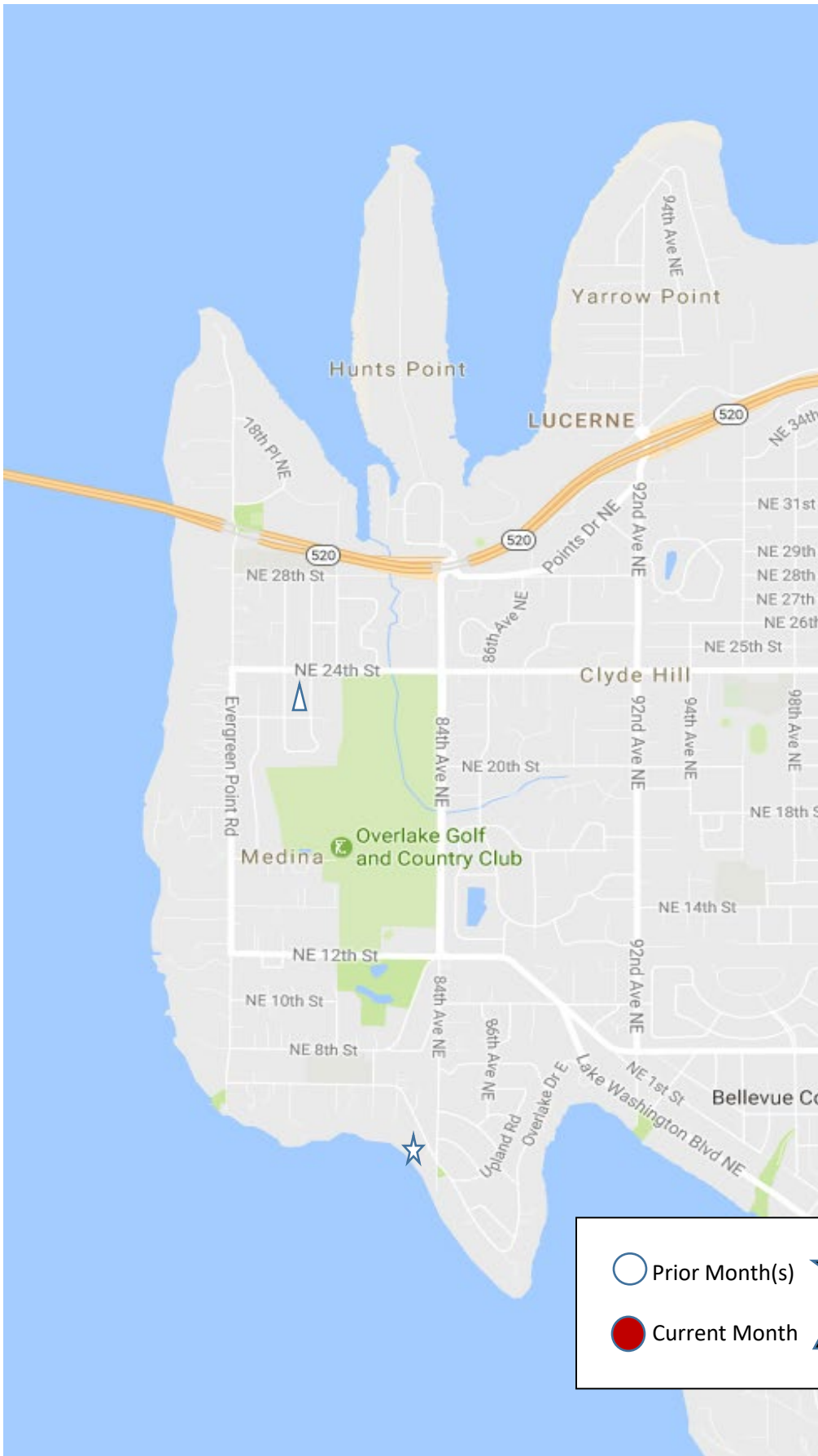
COMMUNITY POLICING	Current Month	YTD 2023	YTD 2022	Year-End 2022
Drug Violations - Referrals to Treatment	0	0	0	0
Community Assists	3	7	2	17
House Watch Checks	7	16	25	60
Mental Health	0	1	2	11
<b>TOTAL ENFORCEMENT</b>	<b>10</b>	<b>24</b>	<b>29</b>	<b>88</b>

TRAFFIC	Current Month	YTD 2023	YTD 2022	Year-End 2022
Collisions				
Injury	0	0	0	0
Non-Injury	0	0	0	1
Non-Reportable	0	0	0	1
				0
Traffic Stops	0	0		0
Citations/Infractions/Parking	4	27	36	82
Warnings	26	165	83	289
<b>TOTAL TRAFFIC</b>	<b>30</b>	<b>192</b>	<b>119</b>	<b>373</b>

CALLS FOR SERVICE	Current Month	YTD 2023	YTD 2022	Year-End 2022
Animal Complaints	0	2	1	4
Residential Alarms	2	9	9	32
Missing Person	0	0	0	0
Suspicious Activity/Area Check	0	2	5	23
Medical Call/Assist Fire Department	0	0	3	5
Juvenile (underage party, substance use, etc.)	0	1	0	1
<b>TOTAL SERVICE</b>	<b>2</b>	<b>14</b>	<b>18</b>	<b>65</b>

*\*This report does not include all calls for service handled by Medina Police Officers. It is meant to be an overview of general calls for service within the specified reporting period.*

# 2023 Burglaries & Vehicle Prowls Medina & Hunts Point







# CITY OF MEDINA

501 EVERGREEN POINT ROAD | PO BOX 144 | MEDINA WA 98039-0144  
 TELEPHONE 425-233-6400 | www.medina-wa.gov

**Date:** May 8, 2023  
**To:** Honorable Mayor and City Council  
**Via:** Stephen R. Burns, City Manager  
**From:** Steven R. Wilcox, Development Services Department Director  
**Subject:** Development Services Department Monthly Report

## Permit Activity

At the current pace of building permit applications, we would be on-target for what was anticipated for 2023 for permit valuation. Development Services does remain behind 2022 permit valuation by over 30%.

The first quarter financial data provided by our Finance Department staff shows that expenses are very accurate as budgeted. Revenues are slightly behind, but likely to be further off budget by mid-year. Some of our first quarter 2023 revenue is a continuation of permit application fees that were collected from 2022 permit applications.

Because the first 4-months of a calendar year are typically some of the busiest for permitting, it would be unusual for a correction in volume to occur that would greatly improve our current financial outlook, but it is possible.

This month we have 4-Construction Activity Permit Open Houses scheduled. Two of these open houses are associated with 2022 permit applications, and two are 2023 applications.

## Planning Commission

By Stephanie Keyser

Planning Commission held a public hearing on the Housing Action Plan at their May 2<sup>nd</sup> Special Meeting. Four members of the public were present (three in person and one online). The Commissioners have asked for an opportunity to edit and provide written comments on the Housing Action Plan prior to voting on it at their Special Meeting on May 24<sup>th</sup>.

## T-Mobile Informational Meeting

T-Mobile conducted an "Informational Meeting" on April 26<sup>th</sup> at Medina City Hall. The meeting was well attended. T-Mobile and their representatives seemed to have prepared well to answer resident questions.

Included in this report is the notice distribution list that T-Mobile provided to the City in compliance with MMC 15.14.030(F), as well as the comments T-Mobile collected during the

Informational Meeting. As previously noted, the informational meeting was for the public's information and was not a hearing nor part of the land use appeal process.

The distribution list font is difficult to read as well as some of the hand-written comments. Please let me know if I can send you a copy of the distribution list and comments by email which should be easier to read. [swilcox@medina-wa.gov](mailto:swilcox@medina-wa.gov)

The T-Mobile building permit application for a new "Small Wireless Facility" located within the public right of way on 84<sup>th</sup> Ave. NE adjacent to 247 84<sup>th</sup> Ave. NE is under review. The facility essentially consists of a new tower, an underground equipment vault, and underground cable between the two structures. The reviews are being conducted within the Development Services Department using staff and consultants under application number B-23-001.

Our consultants are currently reviewing the building permit application for compliance with our Tree Management Code, Grading and Drainage, and Building Code. A separate review for compliance with our Small Wireless Facility Code Chapter 15.14 is the Development Services Directors responsibility.

Once T-Mobile has hired a contractor a Medina issued Right of Way permit will be needed to address use of 84<sup>th</sup> Ave. NE during construction and reconstruction of any altered city owned property.

The permits will not allow for any work on private property. Any need for use of private property use will be a private agreement outside of Medina's permitting.

### **King County Wastewater Pump Station Maintenance Project**

We are waiting for King County to choose a contractor. Without a contractor King County does not have details needed to complete notifications to residents affected by the July 2023 project.

The work is anticipated to be started early July and last 2-4 weeks with significant disruption of nearby residents due to outdoors temporary pumps, and one full night of trucking and work. More information to come as we know it.

### **Tree Code Enforcement**

The most significant and disturbing matter we have had in some time is the illegal cutting of two trees within the public right of way adjacent to 227 Upland Road.

With assistance of a nearby neighbor who took photos of the tree removal company trucks we are now able to pursue this matter. We do not have evidence as to the property owner who hired the tree removal company.

Unfortunately, the 31" Fir and 28" Cedar are destroyed. Medina will need to remove the remains of the two trees, but will leave the stumps due to property damage that could occur. Cost of the removals will be the responsibility of the tree removal company.

Please see the two reports provided by our arborists to see other activity we were involved with in April.

### **Permit Tracking and Public Portal**

As previously mentioned, we are exploring the possibility of replacing our permit tracking software including our public portal. Medina staff member Rebecca Bennet is on the Steering Committee for this project.

This City of Bellevue lead project is developing slowly. There are many local jurisdictions involved with this effort. Costs have not been determined but will be divided in some manner among the number of participants.

A more detailed explanation of this will be provided to Council as the details of the project become available.

## April 2023 Permit Applications Received

Permit Type	Submitted Date	Permit Number	Total Valuation	Address
B-ADD/ALT	04/12/2023	B-23-029	\$40,000.00	7842 NE 14TH ST
B-ADD/ALT	04/12/2023	B-23-030	\$950,000.00	525 OVERLAKE DR E
B-ADD/ALT	04/13/2023	B-23-032	\$4,831.00	7600 NE 16TH ST
<b>TOTAL B-ADD/ALT:</b>	<b>3</b>		<b>\$994,831.00</b>	
B-DEM	04/04/2023	D-23-003		2438 79TH AVE NE
B-DEM	04/04/2023	D-23-004		3655 EVERGREEN POINT RD
B-DEM	04/04/2023	D-23-005		3655 EVERGREEN POINT RD
B-DEM	04/28/2023	D-23-006		2213 EVERGREEN POINT RD
B-DEM	04/30/2023	D-23-007		2626 EVERGREEN POINT RD
<b>TOTAL B-DEM:</b>	<b>5</b>		<b>\$0.00</b>	
B-FENCE	04/13/2023	B-23-034	\$13,960.00	1800 77TH AVE NE
B-FENCE	04/05/2023	B-23-026	\$25,000.00	2426 80TH AVE NE
B-FENCE	04/24/2023	B-23-035	\$10,899.00	7808 NE 12TH ST
B-FENCE	04/07/2023	B-23-028	\$2,500.00	7720 NE 24TH ST
B-FENCE	04/13/2023	B-23-033	\$13,960.00	1686 77TH AVE NE

B-FENCE	04/26/2023	B-23-037	\$10,000.00	2039 77TH AVE NE
B-FENCE	04/26/2023	B-23-036	\$22,000.00	7613 OVERLAKE DR W
<b>TOTAL B-FENCE:</b>	<b>7</b>		<b>\$98,319.00</b>	
B-GAS	04/05/2023	G-23-004		2426 80TH AVE NE
B-GAS	04/14/2023	G-23-005		3430 EVERGREEN POINT RD
<b>TOTAL B-GAS:</b>	<b>2</b>		<b>\$0.00</b>	
B-MECHANICAL	04/06/2023	M-23-022		945 88TH AVE NE
B-MECHANICAL	04/05/2023	M-23-021		2522 MEDINA CIR
B-MECHANICAL	04/05/2023	M-23-020		2426 80TH AVE NE
B-MECHANICAL	04/07/2023	M-23-023		8000 NE 16TH ST
B-MECHANICAL	04/14/2023	M-23-024		3430 Evergreen Point Rd
B-MECHANICAL	04/27/2023	M-23-025		1555 77TH PL NE
B-MECHANICAL	04/30/2023	M-23-026		2626 EVERGREEN POINT RD
<b>TOTAL B-MECHANICAL:</b>	<b>7</b>		<b>\$0.00</b>	
B-PLUMBING	04/04/2023	P-23-013		2426 80TH AVE NE
B-PLUMBING	04/10/2023	P-23-014		2005 EVERGREEN POINT RD

B-PLUMBING	04/24/2023	P-23-015		7664 NE 14TH ST
B-PLUMBING	04/30/2023	P-23-016		2626 EVERGREEN POINT RD
<b>TOTAL B-PLUMBING:</b>	<b>4</b>		<b>\$0.00</b>	
B-SFR	04/13/2023	B-23-031	\$950,000.00	116 OVERLAKE DR E
B-SFR	04/01/2023	B-23-024	\$1,000,000.00	3655 EVERGREEN POINT RD
B-SFR	04/03/2023	B-23-025	\$1,800,000.00	2438 79TH AVE NE
B-SFR	04/28/2023	B-23-038	\$4,500,000.00	2213 EVERGREEN POINT RD
B-SFR	04/28/2023	B-23-039	\$4,150,000.00	7409 RAMBLING LN
<b>TOTAL B-SFR:</b>	<b>5</b>		<b>\$12,400,000.00</b>	
B-WALL	04/06/2023	B-23-027	\$7,000.00	945 88TH AVE NE
<b>TOTAL B-WALL:</b>	<b>1</b>		<b>\$7,000.00</b>	
CAP - CONSTRUCTION ACTIVITY PERMIT	04/04/2023	CAP-23-011		2438 79TH AVE NE
CAP - CONSTRUCTION ACTIVITY PERMIT	04/05/2023	CAP-23-013		8875 OVERLAKE DR W
CAP - CONSTRUCTION ACTIVITY PERMIT	04/04/2023	CAP-23-012		3655 EVERGREEN POINT RD
CAP - CONSTRUCTION ACTIVITY PERMIT	04/12/2023	CAP-23-014		525 OVERLAKE DR E
CAP - CONSTRUCTION ACTIVITY PERMIT	04/13/2023	CAP-23-015		7842 NE 14TH ST

CAP - CONSTRUCTION ACTIVITY PERMIT	04/13/2023	CAP-23-016		2247 EVERGREEN POINT RD
CAP - CONSTRUCTION ACTIVITY PERMIT	04/17/2023	CAP-23-017		116 OVERLAKE DR E
CAP - CONSTRUCTION ACTIVITY PERMIT	04/28/2023	CAP-23-018		7409 RAMBLING LN
CAP - CONSTRUCTION ACTIVITY PERMIT	04/30/2023	CAP-23-019		2626 EVERGREEN POINT RD
<b>TOTAL CAP - CONSTRUCTION ACTIVITY PERMIT:</b>	<b>9</b>		<b>\$0.00</b>	
ENG-GRADING/DRAINAGE	04/01/2023	ENG-GD-23-007		3655 EVERGREEN POINT RD
ENG-GRADING/DRAINAGE	04/03/2023	ENG-GD-23-008		2438 79TH AVE NE
ENG-GRADING/DRAINAGE	04/17/2023	ENG-GD-23-010		116 OVERLAKE DR E
ENG-GRADING/DRAINAGE	04/12/2023	ENG-GD-23-009		525 OVERLAKE DR E
ENG-GRADING/DRAINAGE	04/28/2023	ENG-GD-23-011		2036 EVERGREEN POINT RD
ENG-GRADING/DRAINAGE	04/28/2023	ENG-GD-23-012		7409 RAMBLING LN
ENG-GRADING/DRAINAGE	04/30/2023	ENG-GD-23-013		2626 EVERGREEN POINT RD
<b>TOTAL ENG-GRADING/DRAINAGE:</b>	<b>7</b>		<b>\$0.00</b>	
PW-RIGHT OF WAY	04/20/2023	PW-ROW-23-024		84th Ave NE INT NE 26th St
PW-RIGHT OF WAY	04/03/2023	PW-ROW-23-021		8345 NE 24th St
PW-RIGHT OF WAY	04/05/2023	PW-ROW-23-022		550 OVERLAKE DR E

PW-RIGHT OF WAY	04/17/2023	PW-ROW-23-023		1636 73RD AVE NE
PW-RIGHT OF WAY	04/21/2023	PW-ROW-23-025		2604 79TH AVE NE
<b>TOTAL PW-RIGHT OF WAY:</b>	<b>5</b>		<b>\$0.00</b>	
TREE-ADMIN ROW TREE REMOVAL	04/30/2023	TREE-23-022		2626 EVERGREEN POINT RD
<b>TOTAL TREE-ADMIN ROW TREE REMOVAL:</b>	<b>1</b>		<b>\$0.00</b>	
TREE-PERFORMANCE	04/03/2023	TREE-23-016		2438 79TH AVE NE
TREE-PERFORMANCE	04/24/2023	TREE-23-019		8240 NE 26TH ST
TREE-PERFORMANCE	04/29/2023	TREE-23-021		2221 78TH AVE NE
<b>TOTAL TREE-PERFORMANCE:</b>	<b>3</b>		<b>\$0.00</b>	
TREE-WITH BUILDING/DEVELOPMENT	04/01/2023	TREE-23-015		3655 EVERGREEN POINT RD
TREE-WITH BUILDING/DEVELOPMENT	04/17/2023	TREE-23-018		116 OVERLAKE DR E
TREE-WITH BUILDING/DEVELOPMENT	04/12/2023	TREE-23-017		525 OVERLAKE DR E
TREE-WITH BUILDING/DEVELOPMENT	04/28/2023	TREE-23-020		7409 RAMBLING LN
<b>TOTAL TREE-WITH BUILDING/DEVELOPMENT:</b>	<b>4</b>		<b>\$0.00</b>	
<b>Total # of Permits</b>	<b>63</b>		<b>\$13,500,150.00</b>	





## April 2023 Issued Permits

<b>Construction Value:</b>	<b>April 2023</b>	<b>April 2022</b>	<b>2023 YTM</b>	<b>2022 YTM</b>	<b>Difference</b>
Accessory Structure	-	-	-	\$70,000.00	(\$70,000.00)
Addition / Alteration	\$3,948,773.53	\$1,108,916.62	\$8,953,375.53	\$2,489,007.62	\$6,464,367.91
Fence / Wall	\$67,899.00	\$10,200.00	\$119,259.00	\$88,700.00	\$30,559.00
New Construction	-	\$5,664,000.00	\$3,100,492.00	\$15,217,837.00	(\$12,117,345.00)
Repair / Replace	-	-	-	-	\$0.00
Wireless Comm. Facility	-	-	-	\$70,000.00	(\$70,000.00)
<b>Total Value:</b>	<b>\$4,016,672.53</b>	<b>\$6,783,116.62</b>	<b>\$12,173,126.53</b>	<b>\$17,935,544.62</b>	<b>(\$5,762,418.09)</b>
<b>Permits Issued:</b>	<b>April 2023</b>	<b>April 2022</b>	<b>2023 YTM</b>	<b>2022 YTM</b>	<b>Difference</b>
New Construction	-	2	2	6	(4)
Permit Extension	2	4	18	15	3
Accessory Structure	-	-	-	1	(1)
Addition / Alteration	3	5	10	8	2
Construction Activity Permit	2	2	9	10	(1)
Demolition	-	-	2	5	(3)
Fence / Wall	4	2	8	5	3
Grading / Drainage	1	2	7	7	0
Mechanical	6	14	29	45	(16)
Other - Moving	-	-	-	-	0
Plumbing / Gas	5	5	16	20	(4)
Repair / Replace	-	-	-	-	0
Reroof	-	-	-	-	0
Right of Way Use	6	7	23	30	(7)
Tree Mitigation	1	3	15	22	(7)
Wireless Comm. Facility	-	-	-	1	(1)
<b>Total Permits:</b>	<b>30</b>	<b>46</b>	<b>139</b>	<b>175</b>	<b>(36)</b>
<b>Inspections:</b>	<b>April 2023</b>	<b>April 2022</b>	<b>2023 YTM</b>	<b>2022 YTM</b>	<b>Difference</b>
Building	50	114	246	378	(132)
Engineering/Other	8	22	62	84	(22)
	3	6	15	23	(8)
Tree	8	4	35	25	10
<b>Total Inspections:</b>	<b>69</b>	<b>146</b>	<b>358</b>	<b>510</b>	<b>(152)</b>

# T Mobile

## SIGN-IN SHEET

T-Mobile's Open House, April 26, 2023  
 Proposed project in the City of Medina Right of Way

NAME	ADDRESS
Ken Pyle	8416 Midland Rd.
Pat Post	8404 Midland Rd.
Paul Post	" "
John Abel	304 Upland Rd
Sam Eastern	8445 Midland Rd.
Joy Stewart	8462 Ridge Rd
BEA THORN	8710 OVERLAKE DR WEST MEDINA
Bob Book	2547 Medina Cir Medina 98089
Gretchen Stengel	3221 EPR - Medina, 98039
Alice Ryder	8422 Ridge Rd.
Dexter Cai	8431 Ridge Rd.
KARIM ALIBHAI	420 84th AVE NE
Jessica Rossman	7814 NE 14th St
Wiley Woodman	401 Upland Rd
Martha Woodman	401 Upland Rd
JOHN BREWKE	8436 MIDLAND ROAD
BOB MUZZAY	1661 7th Ave
Cynthia Adkins	3204 EPR Medina
Steven Brayer	7660 NE 14th Medina

# T Mobile

## SIGN-IN SHEET

T-Mobile's Open House, April 26, 2023  
Proposed project in the City of Medina Right of Way

NAME	ADDRESS
<i>[Handwritten signature]</i>	8439 Ridge Rd. Medina, WA 98039
<i>[Handwritten signature]</i>	"
Ed Freedman	8411 Midland Rd 98039
MATTION Wong	214 84th AVE NE 98039
Jody Estes	T-Mobile
Holly Camp	T-Mobile
Dennis Burgess	T-Mobile
Tim Halinski	T-Mobile
Tamie Kellogg	
Gary Abrahams	TAEC
Burb Chaney	TAEC
Steve Wilcox	City of Medina City Manager

# T Mobile

## COMMENT SHEET

T-Mobile's Open House, April 26, 2023  
Proposed project in the City of Medina Right of Way

- PLEASE PROVIDE A MAP OF COVERAGE ISSUES / GOALS
- PLEASE SHOW AREAS IN RIGHT OF WAY THAT WERE CONSIDERED TO LOCATE UNDERGROUND VAULTS.
- PLEASE SHOW COVERAGE GOALS BEING ACCOMPLISHED USING 2 SMALLER / SHORTER ANTENNAS
- PLEASE SHOW ANTENNAS THAT IMPACT FEWER LOTS IN THE VIEW PRESERVATION AREA KNOWN AS THE MEDINA HEIGHTS OVERLAY.
- MEDINA HEIGHTS OVERLAY LOTS ARE UNDERSY BURDENED BECAUSE STRUCTURES ARE HELD LOWER TO A 20 FT STANDARD VS 25 FT IN OPEN AREAS
- GOING NORTH ON 84th FOR THE ANTENNA PROGRESS MORE HEIGHT & COVERAGE AND ALSO IMPACTS FEWER VIEWS
- AN ANTENNA PLACED AT OR NEAR MEDINA ELEVANTINE WOULD MITIGATE HOW CLOSE THE VIEW IMPACT IS TO VIEW LOTS, LESS IN YOUR FACE IMPACT.

JOHN BREWSTER

Name

206-227-7990

Date

04/26/23

- WANT BEST IN CLASS TECHNOLOGY CAN BE USED TO SHOWING THE SIZE & HEIGHT AND ALSO INTRODUCE BETTER SOLUTIONS?

- PLEASE PROVIDE ~~ALTERNATIVES~~ A MAP OF ALL <sup>TOWER</sup> ~~POLE~~ LOCATIONS WHICH MEET 100%, 90%, 80%, 70% OF YOUR GOAL ON SEPARATE SHEETS
- WHAT OPTIONS OPEN UP IF PSE WAS TO <sup>& OTHER PROVIDERS</sup> MOVE EQUIPMENT & MAKE ACCOMMODATIONS?
- WHAT WOULD BE DIFFERENT IF THE ST THOMAS OR OTHER ANTENNAS WERE RAISED 5, 10, 15 FT?
- WHAT POLE LOCATIONS IMPACT THE FEWEST VIEWS?
- WHAT WOULD BE LESS IMPACTFUL IF T-MOBILE SPENT 25%, 50%, 100%, 200% MORE ON THE INFRASTRUCTURE THAT IS PROPOSED.
- WHAT NEW TECHNOLOGY IS ANTICIPATED IN THE NEXT 24 MONTHS WHICH WOULD MITIGATE IMPACT.
- PLEASE PROVIDE ACCESS TO T-MOBILE INTERNAL STUDIES OF ALTERNATIVES & DOCUMENTS VIA CLOUD STORAGE FILES.
- IS T-MOBILE WILLING TO WANT TO GATHER & SHARE MORE INFO WITH THE PUBLIC? VOLUNTARILY?
- CAN OTHER PROVIDERS CO-LOCATE ON THE POLE?

# T Mobile

## COMMENT SHEET

T-Mobile's Open House, April 26, 2023  
Proposed project in the City of Medina Right of Way

do not want install  
of tower

why should T-Mobile  
get to build this cell tower  
if it's only for T-Mobile

FORMAT:

Someone should have gotten up  
and spoke.

NOT ENOUGH STRUCTURE W/ FORMAT.  
WANTED TO HAVE SOMEONE FROM  
COMMUNITY SPEAK.

Joy Stewart

Name

4/26/2023

Date

8860  
Ridge Rd

# T Mobile

## COMMENT SHEET

T-Mobile's Open House, April 26, 2023  
Proposed project in the City of Medina Right of Way

1. No one could answer how many current T-Mobile customers will be helped by this pole.
  2. Our property value will be greatly reduced by this pole - it is right in our view.
  3. No one knows how much noise will be generated by the "tower". Our house may be negatively affected by vibrations from the equipment.
  4. We have height restrictions on our house & all of Medina Heights. This is not fair to inflict such an eyesore on the neighborhood.
- Directing farmst use great!!

Pat Pat

4-26-2023

Name

Date



COMMENT SHEET

T-Mobile's Open House, April 26, 2023  
Proposed project in the City of Medina Right of Way

I AM VERY EXCITED TO BE ABLE TO  
GET HIGH SPEED (WIRELESS) INTERNET IF  
I WILL GET INTERNET.

MY WIRELESS COVERAGE IS SPOTTY

MY INTERNET IS TERRIBLE

MY JOB REQUIRES INTERNET & WIRELESS  
(CONSISTENTLY (MEDICAL))

KARIM ALIBHAI  
Name 420 84<sup>th</sup> AVE NE

4/26/23  
Date





COMMENT SHEET

T-Mobile's Open House, April 26, 2023  
Proposed project in the City of Medina Right of Way

Please don't put it in our Beautiful Property

After talk with many people in neibore  
is really no point to put pole in this  
area, so ugly and server nothing for us.

Scott H

\_\_\_\_\_

Name

Date

# T Mobile

## COMMENT SHEET

T-Mobile's Open House, April 26, 2023  
 Proposed project in the City of Medina Right of Way

Concerns:

1. Noise from equipment in lot - does noise levels (DB vs Frequency) meet Federal Reg's
2. Radiation level - not sure 100 ft from the proposed location
3. Location - some another pole up SA at higher elevation could be built lower and have lower view obstructions
4. Antenna Design - a cylindrical fiberglass antenna like @ St Thomas Church Pool would be less objectionable for views

PAUL PAIT P.E.

4/24/23

Name

*Paul Pait*

Date

# T Mobile

## COMMENT SHEET

T-Mobile's Open House, April 26, 2023  
Proposed project in the City of Medina Right of Way

I'm a T-Mobile user. Never had problem with my reception as of now. Don't see any reason for a new cell tower for the community here. The tower extending 55 feet / or about 20ft above the current utility post would be ugly and totally devalue the properties of the neighborhood. I'm against the location of the tower.

8431 Ridge Rd.

Dexter Lai

4/26/2023

Name

Date

# T Mobile

## COMMENT SHEET

T-Mobile's Open House, April 26, 2023  
Proposed project in the City of Medina Right of Way

Deke Woodman 401 UPLAND Rd No!  
Marthe Woodman " " " NO!

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Deke Woodman

4-26-2023

Name

Date



COMMENT SHEET

T-Mobile's Open House, April 26, 2023  
Proposed project in the City of Medina Right of Way

You need to consider sites that  
do NOT block views

James Elmer

4/25/23

Name

Date

# T Mobile

## COMMENT SHEET

T-Mobile's Open House, April 26, 2023  
Proposed project in the City of Medina Right of Way

T-Mobile Customer  
go for it!

Existing  
gap on coverage:  
Bad

Evergreen Pt. Rd  
100 yds of 12th  
up to stop sign  
(DEAD ZONE) BARB PHOTO

Bob Murray  
Name

4/26/23  
Date



COMMENT SHEET

T-Mobile's Open House, April 26, 2023  
Proposed project in the City of Medina Right of Way

NO PO4

Lined area for handwritten comments.

MATTIEN WONG

4/26/2023

Name

Date

- Good for Improvement  
of signals.

- Need to cover/

cosmetic

~~Let's~~



Steven Bayes  
7660 NE 14th Street

## Comments

• Proposed pole is aesthetically unpleasing and will impair vistas

• Medina is currently assessing opportunities to underground some utility poles — why not underground the proposed pole and replace with just what is needed for cell service? That could be a four tree at a smaller height.

# T-MOBILE DISTRIBUTION LIST AND MAP

ParcelID	OwnerNameLabelFormat	SiteAddr	SiteCity	SiteZIP	SiteState	OwnerAddr	OwnerCityNm	OwnerState	OwnerZIP	AssImpPrvVal	AssdLandVal	AssdTiVal	Acres	BldgSqt	LotSqt
2018700110	Robert & Laura Weingaertner	8223 Overlake Dr W	Medina	98039	WA	8223 Overlake Dr W	Medina	WA	98039	\$617,000.00	\$1,925,000.00	\$2,542,000.00	0.1888	2480	8225
2018700115	Xiao Tu & Wu Jingbo	8232 Overlake Dr W	Medina	98039	WA	8232 Overlake Dr W	Medina	WA	98039	\$582,000.00	\$3,004,000.00	\$3,586,000.00	0.4521	3250	19695
2018700117	Dawson Yee	8232 Overlake Dr W	Medina	98039	WA	8232 Overlake Dr W	Medina	WA	98039	\$536,000.00	\$2,747,000.00	\$3,285,000.00	0.3593	2580	13651
2018700120	Kevin & Angela Dallas	417 84th Ave NE	Medina	98039	WA	427 84th Ave NE	Medina	WA	98039	\$111,000.00	\$2,594,000.00	\$2,695,000.00	0.273	3020	11893
2018700125	Ouxiang Chen & Mia Tianyi	417 84th Ave NE	Medina	98039	WA	417 84th Ave NE	Medina	WA	98039	\$724,000.00	\$2,778,000.00	\$3,452,000.00	0.2482	3210	10812
2018700130	Cole Loren Fletcher Jr -rev	8226 Overlake Dr W	Medina	98039	WA	8226 Overlake Dr W	Medina	WA	98039	\$111,000.00	\$2,687,000.00	\$2,798,000.00	0.3401	3100	14813
2018700136	Eva & Yurdumian Wasielewski	8224 Overlake Dr W	Medina	98039	WA	PO Box 311 #31102781	Medham	NI	07945	\$2,792,000.00	\$3,326,000.00	\$5,118,000.00	0.2385	3850	10300
2018700141	Overlakes223 LLC	8223 Overlake Dr W	Medina	98039	WA	8223 Overlake Dr W	Medina	WA	98039	\$476,000.00	\$2,383,000.00	\$2,859,000.00	0.2516	2870	10960
2018700160	Weiguang Feng & Du Tianhong	511 82nd Ave NE	Medina	98039	WA	511 82nd Ave NE	Medina	WA	98039	\$2,179,000.00	\$2,257,000.00	\$4,976,000.00	0.2181	4960	9502
2018700165	Johnson Joint Trust	8233 Overlake Dr W	Medina	98039	WA	8233 Overlake Dr W	Medina	WA	98039	\$1,963,100.00	\$2,359,000.00	\$4,322,100.00	0.2449	3270	10668
2018700170	Weirhong Huang	8300 Overlake Dr W	Medina	98039	WA	8300 Overlake Dr W	Medina	WA	98039	\$1,000.00	\$2,743,000.00	\$2,744,000.00	0.3583	3280	15606
2018700175	Richard & Leila Stevenson	8214 Overlake Dr W	Medina	98039	WA	PO Box 72	Medina	WA	98039	\$470,000.00	\$2,687,000.00	\$3,157,000.00	0.3401	4180	14813
2018700180	Post Mairs Inc	415 84th Ave NE	Medina	98039	WA	415 84th Ave NE	Medina	WA	98039	\$1,530,000.00	\$2,728,000.00	\$4,258,000.00	0.2482	3820	10812
2018700185	George Ko & Jackie Myung	411 84th Ave NE	Medina	98039	WA	13434 NE 47th St	Bellevue	WA	98005	\$773,000.00	\$2,728,000.00	\$3,501,000.00	0.2482	3540	10812
2018700195	Lorelei & Whiel U	405 84th Ave NE	Medina	98039	WA	405 84th Ave NE	Medina	WA	98039	\$601,000.00	\$3,118,000.00	\$3,719,000.00	0.3475	4070	15137
2018700196	Lorelei Mock	8336 Overlake Dr W	Medina	98039	WA	8336 Overlake Dr W	Medina	WA	98039	\$903,000.00	\$2,599,000.00	\$2,902,000.00	0.2454	3340	10688
2018700211	Lorelei Wa LLC	321 82nd Ave NE	Medina	98039	WA	P O Box 463	Medina	WA	98039	\$10,929,000.00	\$17,617,000.00	\$28,546,000.00	2.8612	7700	124636
2018700220	Sherrie & Kim Michael	8105 NE 5th St	Medina	98039	WA	8105 NE 5th St	Medina	WA	98039	\$1,000.00	\$18,185,000.00	\$18,186,000.00	1.0606	7510	46200
2018700235	Nico Sebastian LLC	8305 Overlake Dr W	Medina	98039	WA	8305 Overlake Dr W	Medina	WA	98039	\$1,426,000.00	\$9,470,000.00	\$10,896,000.00	0.6559	4660	27700
2018700240	Aprina Trust	8315 Overlake Dr W	Medina	98039	WA	1100 Bellevue Way NE Ste 8a-#158	Bellevue	WA	98004	\$8,292,000.00	\$24,761,000.00	\$33,053,000.00	1.312	13850	57150
2018700246	Medina Concord LLC	8335 Overlake Dr W	Medina	98039	WA	PO Box 332	Medina	WA	98009	\$11,718,000.00	\$18,489,000.00	\$30,207,000.00	0.7346	12530	32000
2018700270	Charles Simonyi	101 84th Ave NE	Medina	98039	WA	PO Box 43	Bellevue	WA	98009	\$1,000.00	\$17,982,000.00	\$17,983,000.00	0.4522	4120	19698
2018700274	Simonyi, Charles - trustee	111 84th Ave NE	Medina	98039	WA	111 84th Ave NE	Medina	WA	98009	\$44,798,000.00	\$47,848,000.00	\$92,646,000.00	1.6236	36295	79437
2018700275	William Blazey	255 84th Ave NE	Medina	98039	WA	8338 Overlake Dr W	Medina	WA	98039	\$438,000.00	\$4,285,000.00	\$4,415,000.00	0.2268	3670	9881
54247000220	Mohammad & Maryam Baghai	843 86th Ave NE	Medina	98039	WA	8436 NE 7th St	Medina-Heights	WA	98039	\$1,000.00	\$3,900,000.00	\$3,901,000.00	0.3719	2740	16200
54247000232	Karim & Alicia Alibhai	420 84th Ave NE	Medina	98039	WA	420 84th Ave NE	Medina	WA	98039	\$2,633,000.00	\$2,694,000.00	\$5,327,000.00	0.2694	4140	11737
54247000235	Greg Olson	508 84th Ave NE	Medina	98039	WA	508 84th Ave NE	Bellevue	WA	98004	\$1,000.00	\$1,893,000.00	\$1,894,000.00	0.3673	3060	18000
5424700240	Sammi & Phorebe Law	600 84th Ave NE	Medina	98039	WA	600 84th Ave NE	Medina	WA	98039	\$462,000.00	\$4,285,000.00	\$4,767,000.00	0.5949	4480	25912
6447300005	Charles Simonyi	110 84th Ave NE	Medina	98039	WA	PO Box 43	Bellevue	WA	98009	\$1,471,000.00	\$3,707,000.00	\$5,178,000.00	0.4879	4520	21251
6447300010	Charles & Yvonne Pigott	8223 Midland Rd	Medina	98039	WA	8723 Overlake Dr	Medina	WA	98039	\$0.00	\$4,101,000.00	\$4,101,000.00	0.423	0	18426
6447300080	William & Jennifer Pollard	8423 Midland Rd	Medina	98039	WA	8423 Midland Rd	Medina	WA	98039	\$1,831,000.00	\$3,053,000.00	\$4,884,000.00	0.2966	4230	12920
6447300130	William Barbara P Living Trust	8435 Midland Rd	Medina	98039	WA	8435 Midland Rd	Medina	WA	98039	\$1,697,000.00	\$3,496,000.00	\$5,193,000.00	0.2828	4230	12320
6447300135	Jeffrey & Amy Roberts	8445 Midland Rd	Medina	98039	WA	8445 Midland Rd	Medina	WA	98039	\$1,370,000.00	\$3,525,000.00	\$4,895,000.00	0.2889	3340	12585
6447300140	Michael & Suzanne Eberhard	8457 Midland Rd	Medina	98039	WA	8457 Midland Rd	Medina	WA	98039	\$1,009,000.00	\$3,255,000.00	\$4,264,000.00	0.2358	3880	10270
6447300145	Steven & Kathleen-Trees Smith	8467 Midland Rd	Medina	98039	WA	8467 Midland Rd	Medina	WA	98039	\$1,000.00	\$3,179,000.00	\$3,980,000.00	0.3918	3740	17067
6447300155	Charles & Lisa Simonyi	8426 Overlake Dr W	Medina	98039	WA	110 84th Ave NE	Medina	WA	98039	\$1,808,000.00	\$3,923,000.00	\$5,761,000.00	0.5929	1820	25828
6447300155	Steven Wells	8414 Overlake Dr W	Medina	98039	WA	8414 Overlake Dr W	Medina	WA	98039	\$2,284,000.00	\$3,229,000.00	\$5,513,000.00	0.341	5050	14852
6447300220	Heldi Seidelhuber	200 84th Ave NE	Medina	98039	WA	29235 SE 208th St	Maple Valley	WA	98038	\$2,949,000.00	\$2,949,000.00	\$3,198,000.00	0.3378	2650	14716
6447300225	Matthew Wong	214 84th Ave NE	Medina	98039	WA	214 84th Ave NE	Bellevue	WA	98004	\$342,000.00	\$2,961,000.00	\$3,303,000.00	0.2745	3780	11956
6447300230	William Barbara P Living Trust	8411 Midland Rd	Medina	98039	WA	8411 Midland Rd	Bellevue	WA	98039	\$1,000.00	\$3,455,000.00	\$3,456,000.00	0.4048	2570	17633
6447300335	Jeffrey & Amy Roberts	322 84th Ave NE	Medina	98039	WA	322 84th Ave NE	Medina	WA	98039	\$806,000.00	\$3,463,000.00	\$4,269,000.00	0.5155	3860	22454
6447300340	Michael & Suzanne Eberhard	8425 Ridge Rd	Medina	98039	WA	8425 Ridge Rd	Medina	WA	98039	\$1,585,000.00	\$3,014,000.00	\$4,599,000.00	0.2869	6590	12496
6447300345	Dershahun & Chunwan Lai	8431 Ridge Rd	Medina	98039	WA	8431 Ridge Rd	Medina	WA	98040	\$2,585,000.00	\$3,333,000.00	\$5,918,000.00	0.2507	5930	10920
6447300350	Kuo Huang & Hua Yu	8439 Ridge Rd	Medina	98039	WA	8439 Ridge Rd	Medina	WA	98039	\$1,651,000.00	\$2,857,000.00	\$4,508,000.00	0.2507	4030	10920
6447300355	Joseph & Wei Lee	8447 NE 4th St	Medina	98039	WA	8447 NE Ridge Rd	Medina	WA	98039	\$894,000.00	\$3,648,000.00	\$4,542,000.00	0.3152	4080	13728
6447300360	Medina Wells Nursery LLC	8455 Ridge Rd	Medina	98039	WA	405 El Camino Real #364	Menlo Park	CA	94025	\$1,682,000.00	\$3,355,000.00	\$5,037,000.00	0.2545	3480	11088
6447300365	James & Carmen Noblitt	8461 NE 4th St	Medina	98039	WA	8461 Ridge Rd	Medina	WA	98039	\$1,000.00	\$2,896,000.00	\$2,897,000.00	0.2598	2910	11316
6447300370	Anthony Futrell & Lael Erickson	8469 NE 4th St	Medina	98039	WA	8469 Ridge Rd	Bellevue	WA	98004	\$302,000.00	\$2,649,000.00	\$2,951,000.00	0.2584	3060	11256
6447300390	Peter & Martha Woodman	8460 Midland Rd	Medina	98039	WA	401 Unpland Rd	Medina	WA	98039	\$1,000.00	\$2,497,000.00	\$2,498,000.00	0.2828	1500	12320
6447300395	Robert Veith	8444 Midland Rd	Medina	98039	WA	8444 Midland Rd	Medina	WA	98039	\$1,326,000.00	\$2,528,000.00	\$3,854,000.00	0.2922	3640	12728
6447300400	David Cutler & Bebo Gridler	8448 Midland Rd	Medina	98039	WA	8448 Midland Rd	Medina	WA	98039	\$3,218,000.00	\$3,533,000.00	\$6,771,000.00	0.2949	5750	17248
6447300205	Dana & John Brekke	8436 Midland Rd	Medina	98039	WA	8436 Midland Rd	Medina	WA	98039	\$799,000.00	\$3,021,000.00	\$3,820,000.00	0.3588	2890	15631
6447300215	Riese Suspension LLC	8430 Midland Rd	Medina	98039	WA	15127 NE 24th St Pmb 77	Redmond	WA	98052	\$1,000.00	\$2,788,000.00	\$2,789,000.00	0.2941	2000	12810
6447300215	Riese Susan Trust	8432 Midland Rd	Medina	98039	WA	8432 Midland Rd	Medina	WA	98039	\$2,670,000.00	\$3,155,000.00	\$5,825,000.00	0.3217	5930	14034
6447300220	Kenneth Pyla	8416 Midland Rd	Medina	98039	WA	8416 Midland Rd	Medina	WA	98039	\$273,000.00	\$3,189,000.00	\$3,462,000.00	0.3306	4140	14400
6447300225	Paul & Patricia Patt	8404 Midland Rd	Medina	98039	WA	8404 Midland Rd	Medina	WA	98039	\$363,000.00	\$3,188,000.00	\$3,551,000.00	0.4114	2740	17919
6447300270	Lianxiao Zhu & Xiaohua Ma	8400 NE 4th St	Medina	98039	WA	8400 Ridge Rd	Medina	WA	98039	\$2,901,000.00	\$3,944,000.00	\$6,845,000.00	0.5884	5270	25632
6447300275	James & Alice Ryder	8422 Ridge Rd	Medina	98039	WA	8422 Ridge Rd	Medina	WA	98039	\$1,973,000.00	\$3,880,000.00	\$5,853,000.00	0.3673	4970	16000
6447300380	Ping Xu	8424 Ridge Rd	Medina	98039	WA	8424 Ridge Rd	Medina	WA	98039	\$1,373,000.00	\$4,435,000.00	\$5,808,000.00	0.3673	4230	16000
6447300285	Janna Annett	425 86th Ave NE	Medina	98039	WA	425 86th Ave NE	Medina	WA	98039	\$3,523,000.00	\$3,266,000.00	\$6,789,000.00	0.4389	6540	19120
6447300290	Marshall Axtai														



This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.



## April Code Enforcement Report

Case Number	Case Type	Assigned To	Address	Case Text
CC-2023-071	TREE INVESTIGATION	Rob Kilmer / Andy Crossett	227 UPLAND RD	<p>Description: Observed significant trees (2) having been cut without a permit.</p> <p>Action Taken: Issued Stop Work Order. Opened code enforcement case with City Arborist.</p> <p>4/25/23 Received information from resident regarding identity of workers who removed the trees. Directed resident to Police Chief.</p>
CC-2023-072	REFUSE BINS	Rob Kilmer	7661 NE 14TH ST	<p>Description: Observed four refuse bins along right-of-way. Each bin already had notices attached from a previous week.</p> <p>Action Taken: Mailed formal letter to homeowner.</p> <p>4/27/23 Letter Returned as undeliverable. -- Will hand-deliver new letter to house.</p>
CC-2023-073	GENERAL	Rob Kilmer	2860 Evergreen Point Road	<p>Description: Observed two vehicles parked on sidewalk at the 520 lid.</p> <p>Action Taken: Spoke with owners of vehicles and determined an accident had occurred and State Patrol was on their way. Asked the three involved people if they were okay or if they required any assistance. Brought the accident to the attention of Officer Bell so that he was aware of it. No further action taken.</p>
CC-2023-074	GENERAL	Rob Kilmer	8711 NE 4TH ST	<p>Description: Observed work vehicles blocking roadway</p> <p>Action Taken: Spoke to workers and homeowner. Workers moved vehicles out of the roadway.</p>
CC-2023-075	CAP VIOLATION	Rob Kilmer	2426 80TH AVE NE	<p>Description: Two construction related vehicles observed along right-of-way due to issues with excavating and hauling.</p> <p>Action Taken: Project Agent warned that a Stop Work Order would be issued if not immediately resolved.</p>
CC-2023-076	TREE INVESTIGATION	Rob Kilmer	1000 82ND AVE NE	<p>Description: Received report of tree cutting in the back yard of a house along 82nd.</p> <p>Action Taken: Investigated and determined that this work is permitted under TREE-23-005. No further action taken.</p>
CC-2023-077	GENERAL	Rob Kilmer	NE 18th & EPR	<p>Description: Observed survey crew blocking one lane of roadway without proper traffic control in place.</p> <p>Action Taken: Spoke to workers, spoke to their supervisor, and required that they leave until they were equipped with the proper traffic control for blocking one lane.</p>

CC-2023-078	SIGN VIOLATION	Rob Kilmer	Evergreen Pt Rd & NE 8th St	<p>Description: Observed commercial advertising flyer (Cascade Pressure Washing) attached to utility pole.</p> <p>Action Taken: Removed flyer, contacted company to inform them of sign rules in Medina.</p>
CC-2023-079	GENERAL	Rob Kilmer	1041 84TH AVE NE	<p>Description: Received report of construction related equipment parked along right-of-way.</p> <p>Action Taken: Investigated. Equipment was removed from right-of-way by rental company.</p>
CC-2023-080	GENERAL	Rob Kilmer	7664 NE 14TH ST	<p>Description: Observed potential demolition activity, with a large construction dumpster in property's driveway.</p> <p>Action Taken: Spoke with resident and determined that all work was superficial in nature. Discussed what potential work would require permits. No further action taken.</p>
CC-2023-081	REFUSE BINS	Rob Kilmer	7661 NE 14TH ST	<p>Description: Four refuse bins observed along Right-of-Way</p> <p>Action Taken: Wrote second letter to property.</p>
CC-2023-082	REFUSE BINS	Rob Kilmer	1201 EVERGREEN POINT RD	<p>Description: Observed two refuse bins in right-of-way</p> <p>Action Taken: Attached reminder notices to bins.</p>
CC-2023-083	REFUSE BINS	Rob Kilmer	1150 76TH AVE NE	<p>Description: Observed two refuse bins in right-of-way</p> <p>Action Taken: Attached reminder notices to bins.</p>
CC-2023-084	GENERAL	Rob Kilmer	8106 OVERLAKE DR W	<p>Description: Observed multiple vehicles parked along right-of-way that were apparently related to un-permitted construction work.</p> <p>Action Taken: Spoke with project manager about the scope of work and observed that only superficial updates were being performed. Discussed work that would require a permit, work hours, and parking rules. Observed all vehicles in right-of-way being moved to appropriate locations.</p>
CC-2023-085	STOP WORK ORDER	Rob Kilmer	2036 EVERGREEN POINT RD	<p>Description: Work initiated that will require a permit.</p> <p>Action Taken: Stop Work Order issued. An application is to be submitted before the SWO is lifted.</p>

CC-2023-086	TREE INVESTIGATION	Rob Kilmer	8226 OVERLAKE DR W	<p>Description: Received concern regarding tree work taking place.</p> <p>Action Taken: Investigated and determined that the work only involved normal pruning activities. No further action taken.</p>
CC-2023-087	GENERAL	Rob Kilmer	80th Ave NE & NE 14th St.	<p>Description: Received report of a clogged catch basin in right-of-way.</p> <p>Action Taken: Determined that a catch basin filter bag had been left in drain and was filled with soil/debris. Removed filter bag and disposed of it with help from Public Works department.</p>
CC-2023-088	SIGN VIOLATION	Rob Kilmer	802 EVERGREEN POINT RD	<p>Description: Observed two commercial real estate signs not in compliance with the sign code.</p> <p>Action Taken: Spoke with the real estate agent. They agreed to have the two signs removed and to put up one sign in conformance with the MMC requirements.</p>

## Development Project Tree Permit Activity Report

April 2023  
By Sean Dugan

Permit Type	Address	Inspection date	# Trees Removed	Tree Size (inches)	*Supplemental Required	Description
<b>April 2023 - Tree Code Consultant Monthly Report</b>						
<b>Development Project - Permitted Tree Removal</b>						
TREE-WITH BUILDING/DEVELOPMENT	7747 Overlake Dr.W				8 required 25 proposed	Final revision after multiple changes. Evaluation of tree permits provided, whci concludes that 8 supplemental trees are required to be compliant. 25 are proposed to be installed
TREE-WITH BUILDING/DEVELOPMENT	8718 Overlake Dr. W		6	15, 13, 13, 13, 11, 8	0	Approve removal of 6 trees
TREE-WITH BUILDING/DEVELOPMENT	8875 Overlake Drive W		3	21, 14, 11	0	Approved removal of 3 trees
TREE-WITH BUILDING/DEVELOPMENT	7645 NE 12th St		22	*	24	Tree Diamaters * 36, 34, 23, 21, 20, 20, 15, 14, 13, 13, 12, 12, 11, 11, 11, 11, 11, 9, 8, 8, 7
TREE-WITH BUILDING/DEVELOPMENT	2005 Evergreen Point Rd		3	11, 6, 6	0	Approved revision
TREE-WITH BUILDING/DEVELOPMENT	8425 Ridge Rd		1	24	2	Remove tree for below ground utilities, no viable alternative approach to retain tree
* Size meets minimum standards outlined in 16.52.100.A.1.						



8718 Overlake Dr. W. - Deodar cedar tree and Pacific madrone tree in yellow ellipse are approved for removal. Douglas-fir tree indicated with red arrow is currently in review for removal from the ROW.



8718 Overlake Dr. W. - Two small cherry trees will need to be removed for a retaining wall



8875 Overlake Dr. W. – Cherry tree with internal decay will be removed along with two trees located within the proposed building footprint. No supplemental trees required.





7645 NE 12<sup>th</sup> St. - Legacy tree approved for removal. Thirteen trees will be planted as mitigation for the Legacy tree.



7645 NE 12<sup>th</sup> St. - Additional trees in the rear property approved for removal. A total of 22 trees will be removed with 11 new trees proposed as mitigation.



2005 Evergreen Point Rd. – Three poplar trees approved for removal. No mitigation required.



8425 Ridge Rd. – Evergreen tree approved for removal. Two trees will be installed as mitigation.

**Non-Development Tree Permit Activity Report  
April 2023  
By Andy Crossett**

Non-Development Tree Permit Activity Report					
Permit Type	Address	# Trees Removed	Removed Tree (Size)	Supplemental Required	Description
Dead tree	3215 Evergreen Point Road	1 Western red cedar, 1 red alder	21", 7"	N/A	Confirmed both trees are 100% dead.
Tree Performance	7939 Overlake Dr West	2 white pines	20", 21"	N/A	Unhealthy trees. No replacement required as the site met tree unit requirements.
ROW tree	8443 NE 7TH ST 98039	N/A	N/A	N/A	Resident would like to remove ROW oak tree. Does not meet code requirements for removal.
Dead ROW tree	7939 Overlake Dr West	1 dead red alder, 1 cottonwood, and 3 red alders	16" – 30"	N/A	Met with resident to confirm dead tree. Moderate risk. Requested to remove additional trees. Trees are in a critical area. Discussing options with Steve W.
Tree Restoration - Shoreline trees	2617 Evergreen Point Road	5 Leyland cypress	10 – 24"	Revegetation Plan	Nonsignificant Leyland hedge requested to be removed and replaced. Within shoreline setbacks. Tree restoration permit and revegetation plan required.
Illegal ROW tree removal	227 Upland Road (adjacent)	1 Douglas fir, 1 western red cedar	31", 28"	N/A	Trees were illegally cut in ROW. ~40' snag was left with rope hanging in tree. Likely view related.

7939 Overlake Dr West – Unhealthy tree removal.



7939 Overlake Dr West – Unhealthy tree removal.



227 Upland Road – Illegal ROW tree removal.











## CITY OF MEDINA

501 EVERGREEN POINT ROAD | PO BOX 144 | MEDINA WA 98039-0144  
TELEPHONE 425-233-6400 | [www.medina-wa.gov](http://www.medina-wa.gov)

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**Date:** May 8th, 2023  
**To:** Honorable Mayor and City Council  
**Via:** Stephen R. Burns, City Manager  
**From:** Ryan Wagner, Finance & HR Director  
**Subject:** April 2023 Financial Report

The April 2023 Reporting includes:

- April AP Check Register Activity Detail
- Key Revenue and Expenditures in April 2023
- Potential Budget Amendment Items for 2023
- April 2023 Financial Report
- April 2023 Cash Position Report
- April 2023 REET Report

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### Key Revenue from April of 2023

- \$1.1M in property tax revenue
- \$145K in retail sales and use tax.
- \$31K in investment earnings
- \$135k in March REET (paid out in April) please see attached report

### Key Expenditures from April of 2023

- \$399K City of Bellevue – Fire protection services 1<sup>st</sup> payment
- \$31K Gray and Osborne – Engineering consulting
- \$27K TIG – April IT Services and computer replacements
- \$21K City of Bellevue – ARCH public housing services
- \$13K Ogden Murphy Wallace – March legal services

### Budget Amendment Items

- 20K for WCIA 2023 bill, good faith estimate was understated by Finance Director

### Potential Amendment Items

- \$10K for outgoing Council celebration and end of year banquet

- \$25K for potential arborist fee study (already presented to council in Jan 23)
- \$40K for Body Cameras for our PD, potential Q4 expense
- \$30K for a Development Services fee study, (Feb second meeting discussion)
- \$50K for potential Overlay projects (high estimate per PW Director)

April 2023 Financial Report

	APRIL ACTUAL	APRIL YTD ACTUAL	2023 ANNUAL BUDGET	% of Budget Total	REMAINING BUDGET
<b>General Fund</b>					
Property Tax	\$1,102,324	\$1,715,038	\$4,318,656	39.71%	\$2,603,618
Sales Tax	\$144,823	\$603,767	\$1,870,785	32.27%	\$1,267,018
Affordable & Sup. Housing	\$0	\$1,281	\$0	--	(\$1,281)
Criminal Justice	\$7,660	\$34,230	\$98,782	34.65%	\$64,552
B & O Tax: Utility & Franchise Fee	\$13,045	\$322,789	\$897,637	35.96%	\$574,848
Leasehold Excise Tax	\$0	\$0	\$6,589	0.00%	\$6,589
General Government (includes Hunts Point)	\$6,547	\$102,697	\$441,401	23.27%	\$338,704
Passports, General Licenses & Permits	\$437	\$1,429	\$6,050	23.62%	\$4,621
Fines, Penalties, Traffic Infr.	\$1,558	\$4,307	\$18,000	23.93%	\$13,693
Misc. Invest. Facility Leases	\$21,091	\$94,479	\$160,869	58.73%	\$66,390
Disposition of Capital Assets	\$101	\$18,288	\$0	--	(\$18,288)
<b>General Fund Total</b>	<b>\$1,297,587</b>	<b>\$2,898,304</b>	<b>\$7,818,769</b>	<b>37.07%</b>	<b>\$4,920,465</b>
<b>Development Services Fund Total</b>	<b>\$137,240</b>	<b>\$382,929</b>	<b>\$1,007,538</b>	<b>38.01%</b>	<b>\$624,608.51</b>
Development Services Fund Transfers In from GF	\$0	\$0	\$0	--	\$0.00
<b>Street Fund Total</b>	<b>\$3,621</b>	<b>\$16,929</b>	<b>\$135,166</b>	<b>12.52%</b>	<b>\$90,446</b>
Street Fund Transfers In	\$42,917	\$171,684	\$515,000	33.34%	\$200,764
<b>Tree Fund Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$3,075</b>	<b>0.00%</b>	<b>\$3,075</b>
<b>Capital Fund Total</b>	<b>\$91,678</b>	<b>\$609,405</b>	<b>\$1,253,264</b>	<b>48.63%</b>	<b>\$643,859</b>
<b>Levy Stabilization Fund Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>--</b>	<b>\$0</b>
Levy Fund Transfers In GF	\$41,667	\$166,667	\$500,000	33.33%	\$333,333
<b>NonRevenue Trust Funds Total</b>	<b>\$1,207</b>	<b>\$3,395</b>	<b>\$0</b>	<b>--</b>	<b>(\$3,395)</b>
<b>Master Investments Total</b>	<b>\$0</b>	<b>\$2,000,000</b>	<b>\$0</b>	<b>--</b>	<b>(\$2,000,000)</b>
<b>Total (All Funds)</b>	<b>\$1,531,333</b>	<b>\$5,910,962</b>	<b>\$10,217,812</b>	<b>57.85%</b>	<b>\$4,306,850</b>
Total (All Funds) Transfers In	\$84,583	\$338,351	\$1,015,000	33.34%	\$676,649

EXPENDITURES:	APRIL ACTUAL	APRIL YTD ACTUAL	2023 ANNUAL BUDGET	% of Budget Total	REMAINING BUDGET
<b>General Fund</b>					
Legislative	\$6	\$4,095	\$70,500	5.81%	\$66,405
Municipal Court	\$4,547	\$13,172	\$62,000	21.25%	\$48,828
Executive	\$23,423	\$90,187	\$281,185	32.07%	\$190,998
Finance	\$21,769	\$350,738	\$568,879	61.65%	\$218,141
Legal	\$13,727	\$63,725	\$327,200	19.48%	\$263,475
Central Services	\$94,168	\$397,228	\$1,261,218	31.50%	\$863,991
Police Operations	\$185,015	\$881,059	\$2,669,889	33.00%	\$1,788,830
Fire & Medical Aid	\$398,894	\$398,894	\$827,788	48.19%	\$428,894
Public Housing, Environmental & Mental Health Fees	\$21,156	\$29,611	\$42,058	70.41%	\$12,447
Recreational Services	\$148	\$148	\$48,500	0.31%	\$48,352
Parks	\$42,337	\$186,630	\$605,610	30.82%	\$418,980
<b>General Fund Subtotal</b>	<b>\$805,191</b>	<b>\$2,415,487</b>	<b>\$6,764,827</b>	<b>35.71%</b>	<b>\$4,349,340</b>
General Fund Transfers Out	\$78,333	\$313,351	\$940,000	33.34%	\$626,649
<b>General Fund Total</b>	<b>\$883,524</b>	<b>\$2,728,838</b>	<b>\$7,704,827</b>	<b>35.42%</b>	<b>\$4,975,989</b>
<b>Development Services Fund Total</b>	<b>\$73,503</b>	<b>\$409,323</b>	<b>\$1,013,297</b>	<b>40.40%</b>	<b>\$603,974</b>
<b>City Street Fund Total</b>	<b>\$50,240</b>	<b>\$167,968</b>	<b>\$629,167</b>	<b>26.70%</b>	<b>\$461,199</b>
<b>Tree Fund Total</b>	<b>\$54</b>	<b>\$54</b>	<b>\$40,000</b>	<b>0.13%</b>	<b>\$39,946</b>
<b>Capital Fund Total</b>	<b>\$30,079</b>	<b>\$49,551</b>	<b>\$1,090,000</b>	<b>4.55%</b>	<b>\$1,040,449</b>
Capital Fund Transfers Out	\$6,250	\$25,000	\$75,000	33.33%	\$50,000
<b>NonRevenue Trust Funds Total</b>	<b>\$139</b>	<b>\$558</b>	<b>\$0</b>	<b>0.00%</b>	<b>(\$558)</b>
<b>Master Investments Total</b>	<b>\$193,795</b>	<b>\$1,834,969</b>	<b>\$0</b>	<b>0.00%</b>	<b>(\$1,834,969)</b>
<b>Total (All Funds)</b>	<b>\$1,152,999</b>	<b>\$4,877,910</b>	<b>\$9,537,291</b>	<b>51.15%</b>	<b>\$4,659,381</b>
Total (All Funds) Transfers Out	\$84,583	\$338,351	\$1,015,000	33.34%	\$676,649

April 2023 Cash Position Report

<u>2023 Cash Balance, 3/31/2023</u>		<u>2023 Cash Balance, 4/30/2023</u>	
<u>TOTAL CASH &amp; INVESTMENTS</u>		<u>TOTAL CASH &amp; INVESTMENTS</u>	
<u>Period Ending: 03/31/2023</u>		<u>Period Ending: 04/30/2023</u>	
WA ST INV POOL	\$ 7,587,642	WA ST INV POOL	\$ 7,781,437
OTHER INVESTMENTS*	4,150,000	OTHER INVESTMENTS*	4,150,000
CHECKING	<u>793,882</u>	CHECKING	<u>1,687,144</u>
	\$ 12,531,524		\$ 13,618,581
		Outstanding Checks	<u>\$597,200.16</u>
			<u>\$ 13,021,381</u>

\*Bond maturity dates:

New Bond 3.5 Year  
4% annual yield



\$500K bond (Mar 2020)	3/25/2025
\$1M bond (Aug 2020)	8/5/2024
<b>\$1.15M bond (Jan 2023)</b>	<b>6/30/2026</b>
\$1M bond (June 2022)	5/31/2023
\$500K bond (June 2022)	12/31/2025



King County Recorder's Office  
 201 S. Jackson St., Ste 204  
 Seattle, WA 98104  
 (206) 477-6620

King County

Monthly REET Distr

AGENDA ITEM 5.1d

From 4/1/2023 to 4/30/2023  
 Print Date: 5/1/2023 12:51 PM  
 Jurisdiction: MEDINA

Excise Tax Number	Recorded Date	Conveyance Doc	Sale Date	Taxable Selling Price	Address	CIP 1	CIP 2	CIP 1 INT	CIP 2 INT	COUNTY	Total Local	Jurisdiction	Tax Amount	Tax Exempt
Jurisdiction: MEDINA														
3232370	4/6/2023	WARRANTY DEED	04/04/2023	4,750,000.00	8457 Midland Road , Medina, WA 98039	11,756.25	11,756.25	0.00	0.00	1,687.98	25,200.48	MEDINA	135,325.00	N
		Grantor: SCHROTH, GEORGE T		Grantee: DAVIS, BLAKE B				Parcel ID: 6447300096		Instrument: 20230406000360				
3233569	4/17/2023	WARRANTY DEED	04/15/2023	16,518,888.00	3267 Evergreen Point Road Medina WA, 98039	40,884.25	40,884.25	0.00	0.00	6,866.28	88,634.78	MEDINA	547,236.08	N
		Grantor: EVGP 3267 LLC,		Grantee: ROYCE, RON				Parcel ID: 2425049278		Instrument: 20230417000662				
3233743	4/18/2023	WARRANTY DEED	04/13/2023	1,650,000.00	8024 Northeast 8th Street Medina WA, 98039	4,083.75	4,083.75	0.00	0.00	368.66	8,536.16	MEDINA	30,262.50	N
		Grantor: ITKIN, GREG		Grantee: 8024 LLC,				Parcel ID: 2525049098		Instrument: 20230418000487				
3235102	4/28/2023	WARRANTY DEED	04/27/2023	4,399,999.00	8612 NE 10th Street , Medina, WA 98039	10,890.00	10,890.00	0.00	0.00	1,533.96	23,313.96	MEDINA	123,074.96	N
		Grantor: HOU, LIJUAN		Grantee: OU, JUNBIAO				Parcel ID: 2540700170		Instrument: 20230428000240				
<b>MEDINA Subtotal:</b>				<b>27,318,887.00</b>		<b>67,614.25</b>	<b>67,614.25</b>	<b>0.00</b>	<b>0.00</b>	<b>10,456.88</b>	<b>145,685.38</b>		<b>835,898.54</b>	
<b>Count:</b>	<b>4</b>		<b>Report Totals:</b>	<b>27,318,887.00</b>		<b>67,614.25</b>	<b>67,614.25</b>	<b>0.00</b>	<b>0.00</b>	<b>10,456.88</b>	<b>145,685.38</b>		<b>835,898.54</b>	



# CITY OF MEDINA

501 EVERGREEN POINT ROAD | PO BOX 144 | MEDINA WA 98039-0144  
 TELEPHONE 425-233-6400 | www.medina-wa.gov

**Date:** May 8, 2023  
**To:** Honorable Mayor and City Council  
**Via:** Stephen R. Burns, City Manager  
**From:** Aimee Kellerman, City Clerk  
**Subject:** Central Services Department Monthly Report

## APRIL AND MAY PUBLIC MEETINGS AND EVENTS

<b>Event</b>	<b>Date</b>	<b>Time</b>	<b>Location</b>
Open House – Gas-Powered Leaf Blowers	May 11	5:00 pm – 6:30 pm	City Hall – Council Chambers
Park Board Meeting	May 15	5:00 pm	In-Person/Online
Joint City Council and Planning Commission Meeting	May 22	5:00 pm	In-Person/Online
Planning Commission Meeting – <b>CANCELLED</b>	May 23		
Memorial Day – <b>City Hall Closed</b>	May 29		
City Council Meeting	Jun 12	5:00 pm	In-Person/Online
City Council Meeting - <b>CANCELLED</b>	Jun 26		
Planning Commission Meeting	Jun 27	6:00 pm	In-Person/Online

*Meetings are publicly noticed on the City’s three official notice boards, City website, and via GovDelivery. Occasionally notices require publication in the City’s official newspaper, The Seattle Times. Public meetings scheduled after publication of this report can be found on the City’s website.*

## COMMUNICATION TO OUR COMMUNITY

**E-Notice Program:** During the month of April, the City issued 32 bulletins amounting to a total of 191,506 bulletins delivered to subscribers; approximately 16.6% were opened. See **Attachment**.

As of April 30, the city had 14,818 subscribers (change in total subscribers **+140**), with a combined total of 134,270 subscriptions (change in total subscriptions **+1,260**).

## RECORDS REQUESTS

For March and April, 27 public records requests have been received by Central Services. See **Attachment 2**.

ATTACHMENT 1

	<b>Bulletins Developed</b>	<b>Total Recipients</b>	<b>Total Delivered</b>	<b>Unique Email Opens</b>	<b>Unique Email Open Rate</b>	<b>Wireless Recipients</b>
Comparisons:						
April, 2023	32	213,523	191,506	20,444	16.60%	81,637
March, 2023	21	129,439	115,951	11,878	15.90%	49,669
January, 2023	30	192,287	172,943	23,109	19.90%	68,940
December, 2022	33	223,587	202,268	25,975	19.00%	78,584
November, 2022	24	128,822	116,286	14,221	17.90%	44,131
October, 2022	28	131,830	119,181	15,287	18.10%	41,173
September, 2022	18	71,635	64,845	8,554	18.20%	21,385
August, 2022	13	65,817	60,494	8,916	19.90%	18,579
July, 2022	17	66,926	61,741	8,809	18.5%	16,757
June, 2022	38	170,001	156,176	17,192	15.00%	48,346
May, 2022	21	93,246	86,088	9,650	14.8%	24,298
April, 2022	31	166,938	154,946	17,108	14.70%	45,327
March, 2022	21	108,426	100,766	11,437	15.00%	28,354
February, 2022	17	48,354	44,691	4,260	11.80%	10,350
<b>Date Sent</b>	<b>Top 10 Most Read Bulletins During April</b>			<b>Emails Opened</b>	<b>Email Open Rate</b>	
04/06/2023 10:42 AM PDT	E-lert - SAVE THE DATE - Shredder Day Saturday, April 15, 2023, from 9am to 12 Noon!			1,766	18%	
04/11/2023 12:01 PM PDT	Community Bulletin - Boating Season			2,186	20%	
04/13/2023 02:03 PM PDT	E-lert - See you there! Shredder Day Saturday, April 15, 2023, from 9am to 12 Noon			1,532	17%	
04/17/2023 09:00 AM PDT	NOTICE OF PROJECT - Bellevue Utilities - Lake Washington Wastewater Lake Line Management Plan (LWWLL)			1,408	17%	
04/20/2023 10:55 AM PDT	Potential Quorum Notice - Park Board Weeding Event - April 24, 2023			1,257	16%	
04/21/2023 01:48 PM PDT	OPEN HOUSE - April 26 - Proposed New Wireless Facility in Medina			1,341	16%	
04/24/2023 09:01 AM PDT	OPEN HOUSE - April 26 - Proposed New Wireless Facility in Medina			1,178	15%	
04/26/2023 04:24 PM PDT	Community Bulletin - Open Police Officer Position			2,119	21%	
04/27/2023 02:38 PM PDT	Community Bulletin - SR-520 Nighttime Closures			2,048	20%	
04/28/2023 08:00 AM PDT	Proclamation - Professional Municipal Clerks Week - April 30 through May 6, 2023			1,615	18%	

**ATTACHMENT 2**

501 EVERGREEN POINT ROAD • P.O. BOX 144 • MEDINA, WA 98039-0144  
TELEPHONE (425) 233-6400 • FAX (425) 451-8197 • [www.medina-wa.gov](http://www.medina-wa.gov)

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DATE: May 8, 2023  
TO: Mayor and City Council  
From: Aimee Kellerman, City Clerk  
Subject: March and April 2023, Public Records Request Tracking

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In March and April 2023, Central Services staff received **27** new public records requests and **2** ongoing requests. These requests required approximately **52 hours** of Central Services staff time and **.3 hours** of consulting time with the City Attorney. The overall March and April cost, which includes staff hourly rate plus benefits and City Attorney fees is approximately **\$4,565**.

In addition, the police department receives public records requests specific to police business that require records research and information distribution. In March and April 2023, the Police Department received **45** new records requests. These requests required approximately **6 hours** of staff time and **0 hours** of consulting time with the City Attorney. The overall March and April cost, which includes staff hourly rate plus benefits, is approximately **\$435**. The requests are from outside law enforcement agencies, insurance carriers, the public and persons involved in the incidents.

# March and April 2023 Monthly PRR Report

Run Date: 05/03/2023 3:10 PM

Assigned Dept	Create Date	Reference No	Request Type	Required Completion Date	Summary	Customer Full Name	PRR - Type of Records Requested	Public Record Desired	Assigned Staff
Central Services	3/1/2023	<a href="#">P002678-030123</a>	Public Records Request	3/10/2023	Public Records Request	Consultant JIM FOPPIANO	Building	1. Site plan for proposed sub-division for 2213 Evergreen Point Road. 2. Current Building Permit(s) filed for 2213 Evergreen Point Road.	Dawn Nations
Central Services	3/1/2023	<a href="#">P002679-030123</a>	Public Records Request	3/10/2023	Public Records Request	MR Daniel Pence	Building	611 Evergreen Point Road Building Plans	Dawn Nations
Central Services	3/1/2023	<a href="#">P002680-030123</a>	Public Records Request	3/13/2023	Public Records Request	Laura Bolin	Building	Building plans for Permit App: CAP-22-032. 2439 78th Ave NE, Medina, WA. 98039. Specifically we would like to view the plans to see if there are externally located cooling units or generators.	Dawn Nations
Central Services	3/3/2023	<a href="#">P002683-030323</a>	Public Records Request	3/14/2023	Public Records Request	Sam Cunningham	Building	Building and electrical permits for 2627 78th Ave NE for personal use of the owners (wiring security cameras, audio, etc.)	Dawn Nations
Central Services	3/7/2023	<a href="#">P002688-030723</a>	Public Records Request	3/24/2023	Public Records Request	Sharon Wong	Building	Building, Land, Utility Map and any related info for parcels 3025300271 and 3025300270	Dawn Nations
Central Services	3/10/2023	<a href="#">P002692-031023</a>	Public Records Request	3/21/2023	Public Records Request	Braden Mineer	Building	Requesting a report of all issued and pending building permits for residential & commercial properties from 02/01/2023 to 02/28/2023. Report to include if possible: permit number, issue date, site addresses, valuation of project, description of work, contractor information and owner name. If a report is unavailable, then copies of the original permits would be more than adequate.	Dawn Nations
Central Services	3/14/2023	<a href="#">P002695-031423</a>	Public Records Request	3/23/2023	Public Records Request	Grant Gibbs	Building	Building plans for 8467 Midland Road New House plans, structures and elevations. Site plan. House is currently under construction/New home	Dawn Nations
Central Services	3/15/2023	<a href="#">P002696-031523</a>	Public Records Request	3/24/2023	Public Records Request	Jennifer Garone	Development Services	Hi. I'd like to do a public records request for the tree permit and all associated documents as requested in 2023 by the residents or representatives at 2841 Evergreen Point Rd. Thanks	Dawn Nations



Central Services	3/21/2023	<a href="#">P002704-032123</a>	Public Records Request	4/10/2023	Public Records Request	Shihong Ni	Building	I would like to see documents related to property address at 1024 82nd Ave ne Medina For building permit B-17-074	Dawn Nations
Central Services	3/27/2023	<a href="#">P002707-032723</a>	Public Records Request	4/5/2023	Public Records Request	David Yee	Public Works	Speed records from the digital speed sign in the eastbound 7900 block of 24th Ave NE on 3/20/2023 between 12:33 pm and 12:37 pm	Dawn Nations
Central Services	3/28/2023	<a href="#">P002712-032823</a>	Public Records Request	5/5/2023	Public Records Request	Alexandra Yerigan Funk	Development Services	All permits issued to Chavez Landscaping for work done in May 2022 along NE 10th Street adjacent to 8632 NE 10th Street in Medina. All applications and requests for the permits identified in response to the above request. All permits issued to Verizon for work done in May 2022 along NE 10th Street adjacent to 8632 NE 10th Street in Medina. All applications and requests for the permits identified in response to the above request. All records, documents and other materials reflecting or relating to insurance coverage for work done by Chavez Landscaping or Verizon pursuant to the permits identified in response to the requests above. All reports, files, notes, correspondence, documents, photographs, videos and other materials related to the City's investigation into a sewer backup that occurred at the residence of Dan and Lauren Lazar at 8632 NE 10th Street in Medina sometime between May 22 - May 24, 2022. All reports, files, notes, correspondence, documents, photographs, videos and other materials related to any subsequent work the City conducted related to the sewer backup that occurred at the residence of Dan and Lauren Lazar at 8632 NE 10th Street in Medina. All permits issued since January 1, 2020 for work on or affecting the sewer system in front of the home located at 8632 NE 10th Street in Medina, Washington.	Aimee Kellerman
Central Services	4/3/2023	<a href="#">P002715-040323</a>	Public Records Request	4/12/2023	Public Records Request	David McCourt	Building	1800 77th Ave NE / B-20-056 / 1525 79th PI NE / B-21-111 444 Overlake Dr. E / B-20-008 500 86th Ave NE / B-21-131 Thanks! David Assessments	Aimee Kellerman

Central Services	4/3/2023	<a href="#">P002717-040323</a>	Public Records Request	4/13/2023	Public Records Request	Marsha Parker	Building	Revised plan for “cafe house” structure with height and setback measurements for: 1525 79th PI NE Medina, WA 98039	Aimee Kellerman
Central Services	4/4/2023	<a href="#">P002720-040423</a>	Public Records Request	4/14/2023	Public Records Request	David McCourt	Building	3430 Evergreen Pt RD / B-21-059 3436 Evergreen Pt RD / B-21-066 Thanks! David Assessments	Aimee Kellerman
Central Services	4/5/2023	<a href="#">P002721-040523</a>	Public Records Request	4/14/2023	Public Records Request	Rob de Clerk	Building	We are working on a drainage plan for a new home with a shared driveway and utility easements, and trying to understand the existing infrastructure on the lots. Could we please request the drainage plan (or full permit set if that is easier/quicker) for the home next door? The address of that home is 3455 Evergreen Point Rd. The building permit was B-13-109 The engineering/drainage permit was ENG-GD-13-034	Aimee Kellerman
Central Services	4/6/2023	<a href="#">P002723-040623</a>	Public Records Request	4/18/2023	Public Records Request	Zion Napier	Building	Permits for the existing pier and boat lifts at 1455 Evergreen Point Rd Medina, WA 98039.	Dawn Nations
Central Services	4/11/2023	<a href="#">P002729-041123</a>	Public Records Request	4/20/2023	Public Records Request	Braden Mineer	Building	Requesting a report of all issued and pending building permits for residential & commercial properties from 6/1/2022 to 6/30/2022. Report to include if possible: permit number, issue date, site addresses, valuation of project, description of work, contractor information and owner name. If a report is unavailable, then copies of the original permits would be more than adequate.	Dawn Nations
Central Services	4/11/2023	<a href="#">P002731-041123</a>	Public Records Request	4/20/2023	Public Records Request	Grant Gibbs	Building	8637 NE 6th Street. Building Plans	Dawn Nations
Central Services	4/17/2023	<a href="#">P002734-041723</a>	Public Records Request	4/26/2023	Public Records Request	David McCourt	Building	8024 NE 4th St / B-20-048 2039 77th Ave NE / B-21-086 7617 NE 24th St / B-21-113 Thanks! David Assessments	Aimee Kellerman
Central Services	4/17/2023	<a href="#">P002735-041723</a>	Public Records Request	4/26/2023	Public Records Request	Ryan Packer	Central Services	Recording of Medina city council meeting from April 10 2023. This request can be considered fulfilled if the recording of the meeting is posted to the meetings page of the City of Medina website.	Aimee Kellerman

Central Services	4/18/2023	<a href="#">P002736-041823</a>	Public Records Request	4/27/2023	Public Records Request	Building	Hi there, I would like to request the architectural plans for 2438 80th Ave NE, Medina. Thank you! Allie Hall w/Tere & Team Foster @ Compass (Real Estate)	Dawn Nations
Central Services	4/18/2023	<a href="#">P002738-041823</a>	Public Records Request	4/27/2023	Public Records Request	julie cechony Building	Building permit information for 3605 Evergreen Point Road, Medina WA 98039	Dawn Nations
Central Services	4/18/2023	<a href="#">P002739-041823</a>	Public Records Request	4/27/2023	Public Records Request	Alan Montgomery Building	Building Plans - 3605 Evergreen Point Road. CAP-22-036	Dawn Nations
Central Services	4/21/2023	<a href="#">P002744-042123</a>	Public Records Request	5/2/2023	Public Records Request	Project Manager Michiel Moore Building	Requesting any information or records related to a pre-existing oil tank that has been on the property (decommissioned or not). Pertaining to property address: 3450 Evergreen Point Road Medina, WA 98039 KC Assessor Parcel ID #: 242504-9134 Thank you, Michiel Moore	Dawn Nations
Central Services	4/24/2023	<a href="#">P002748-042423</a>	Public Records Request	5/3/2023	Public Records Request	Alan Montgomery Building	Site Map of 3605 Evergreen Point Road plans.	Aimee Kellerman
Central Services	4/26/2023	<a href="#">P002751-042623</a>	Public Records Request	4/26/2023	Public Records Request	Alexandra Der Development Services	I am working on the AC Water Main Replacement 2023 Phase 2 project for the City of Bellevue (project manager is Paige Young) that has two project sites within City of Medina (see below relative locations). Would you be able to provide any geotechnical test pit data and boring logs that have been completed surrounding the following sites: Site A - Evergreen Point Rd from NE 24th St to NE 18th St, NE 18th St, Rambling Lane, 74th PI NE, 73rd PI NE, and 73rd Ave NE (see highlighted route)Site C - South of Overlake Dr W along 84th Ave NE (see highlighted route) Emails with more details attached.	Dawn Nations
Central Services	4/27/2023	<a href="#">P002752-042723</a>	Public Records Request	5/8/2023	Public Records Request	Rob de Clerk Building	Hi, I made a previous request for drainage plans from a building permit in Medina. I was sent the permit records, but not the storm drainage plan itself. Please could I be sent the drainage plan for the building permit associated with 3455 Evergreen Point Rd. The building permit was B-13-109 The engineering/drainage permit was ENG-GD-13-034 Thank you.	Dawn Nations



# CITY OF MEDINA

501 EVERGREEN POINT ROAD | PO BOX 144 | MEDINA WA 98039-0144  
TELEPHONE 425-233-6400 | www.medina-wa.gov

**Date:** May 8, 2023  
**To:** Honorable Mayor and City Council  
**Via:** Stephen R. Burns, City Manager  
**From:** Ryan Osada, Public Works Director  
**Subject:** Public Works Monthly Report

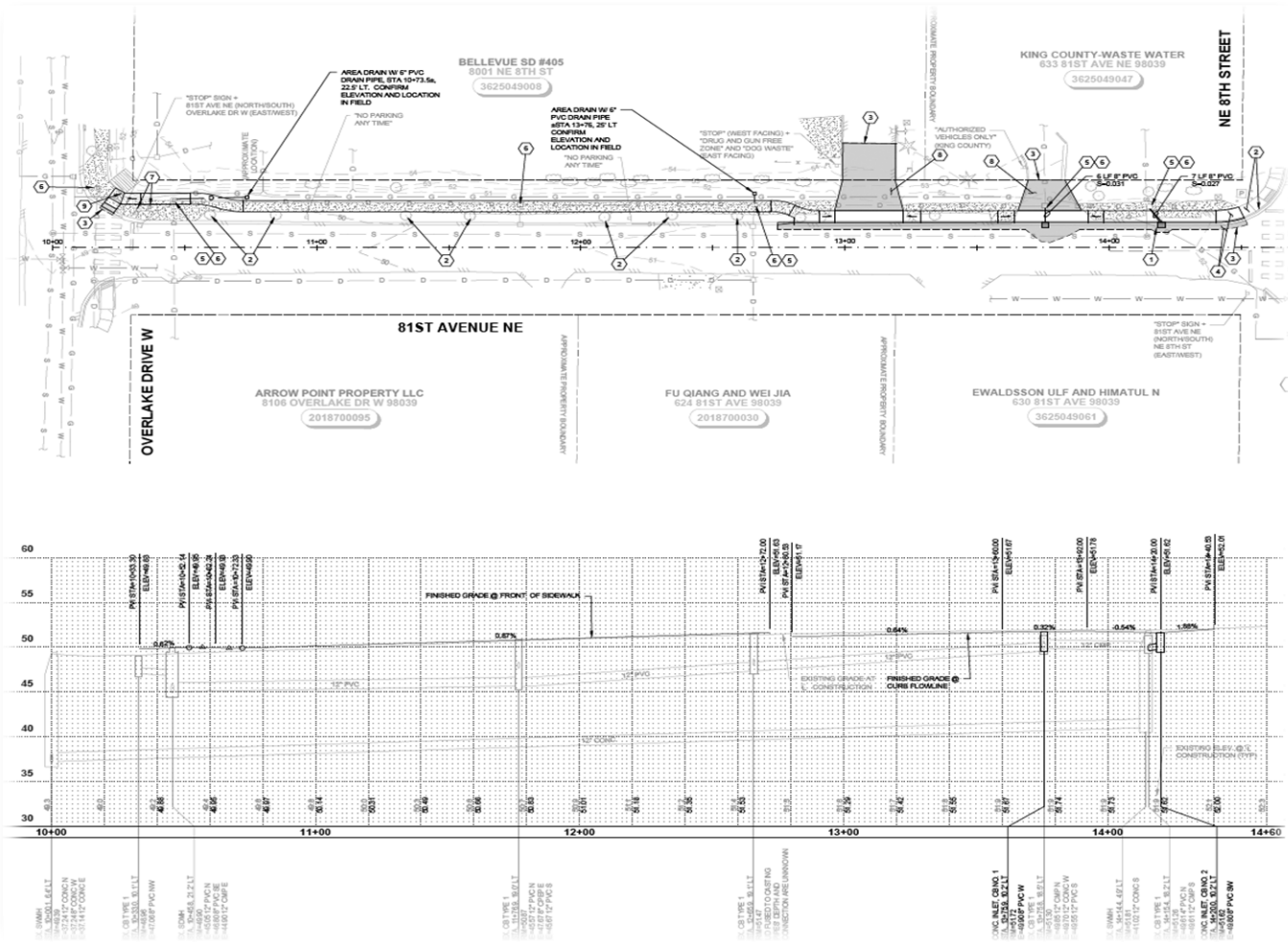
- 1. **LAKE WASHINGTON WASTEWATER LAKE LINE** – City of Bellevue recently held an online open house and gave a brief overview of the existing lake line and its history. The main focus of the open house was to highlight future Lake Line Management. They also discussed replacement options and potential impacts on homeowners and the environment. The current schedule is to complete the management plan by early 2024.

## How is Bellevue Utilities involved?

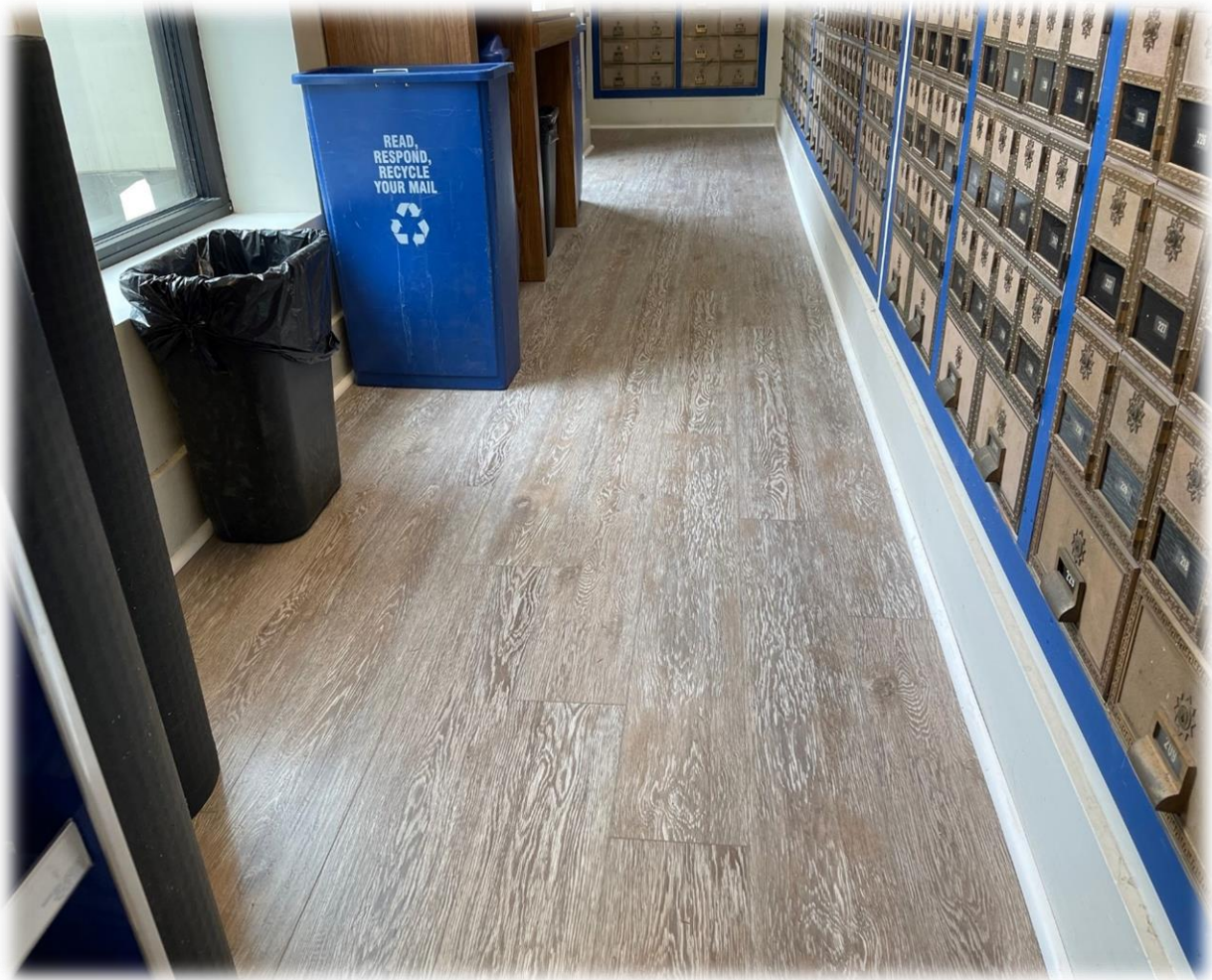
Bellevue Utilities manages 14.6 miles of lake lines, including 23 pump stations, serving more than 1,000 properties in Bellevue and neighboring communities



- TIB\_MEDINA ELEMENTARY SIDEWALK PHASE 1** – This TIB funded project will install new concrete sidewalks along the west side of 81<sup>st</sup> Ave NE, adjacent to Medina Elementary School. The sidewalk will provide improved access to the school and necessary ADA updates. Final drawings and specifications have been approved by both the city and TIB. We are scheduled to advertise next week with bids due by the end of May.

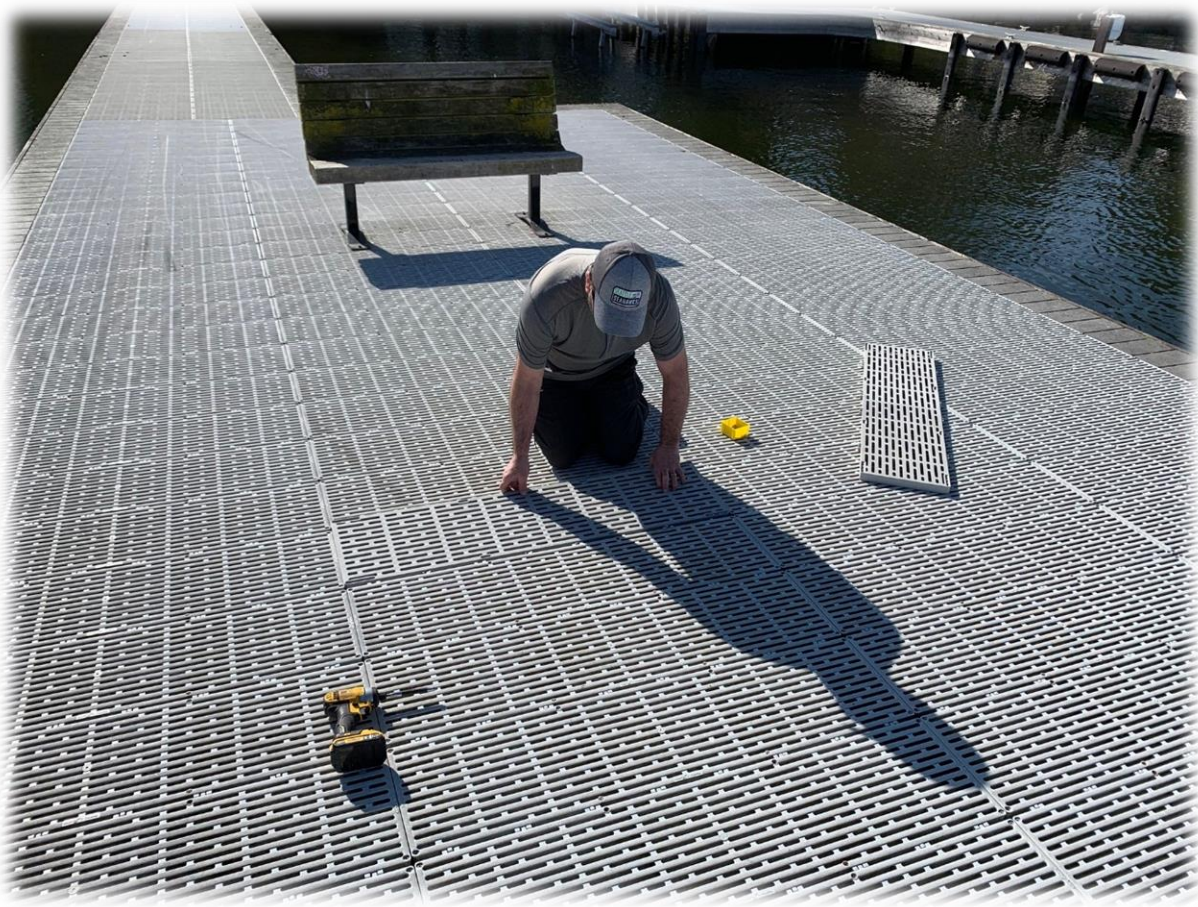


3. **POST OFFICE FLOOR** – After researching local contractors, the Public Works department decided to install the new flooring with city staff. This allowed phasing of the project and reduced overall costs. Public works was able to repair the sub-floor issues near both entry doors and installed a durable laminate floor.



4. **MAINTENANCE** – Storm system scoping is becoming more common for the public works crew. The city currently owns a 200-foot pipe scoping tool which allows us to evaluate short runs of storm pipe as needed. As the warmer weather approaches, public works can focus on the parks, beaches, and docks. Over the last several years, the city has seen a significant increase in visitors especially at the beach and Medina Park.







## 5. PROJECT UPDATES -

**Upland Road Overlay** – in design with KCDOT

**86<sup>th</sup> Ave NE Overlay** – in design with KCDOT

**2023 Crack Seal** – contractor has been selected

**Medina Elementary Sidewalks\_81<sup>st</sup> Ave NE** – advertisement in May

**Medina Park Pathway Improvements\_West** – design

**2023 Upland Road Stormwater Improvements** – in design

**City Hall Carpet Replacement** – soliciting bids

**Post Office Floor Replacement** – complete

**2023 Hazardous Tree Removal** – summer

**Citywide Stormwater System Mapping & Evaluation** – G&O has completed most of the mapping. We are currently working on scoping and mapping the storm infrastructure that is located on several private properties.

**NE 12th Street Sidewalk Improvements & Undergrounding** – advertisement in May

**2022 City Hall Balcony Improvements Balcony** – advertisement in May

**77<sup>TH</sup> Ave NE Sidewalk & Curb Ramp Imp.** – reevaluating scope of work

**2017 Medina Beach Park Tree Replanting** – Phase III tree planting.

**2015 Medina Park Stormwater Pond Imp.** – Dredging is tentatively planned for summer of 2024

Account Code	2023 Budget	2023 PROPOSED PROJECT LIST	START DATE	DURATION	GRANT FUNDS	TOTAL COST	CITY COST
<b>CAPITAL STREETS:</b>		<b>STREETS:</b>					
307 000 000 595 30 63 01	\$ 120,000.00	Upland Road Overlay	Sep-23	4 weeks	\$ 231,660.00	\$ 257,400.00	\$ 25,740.00
		86th Ave NE _ Ridge Rd, NE 5th, NE 6th	Sep-23	1 week	\$ -	\$ 90,000.00	\$ 90,000.00
		2023 Maintenance Project _ Crack Seal	Jun-23	1 week	\$ 83,250.00	\$ 92,500.00	\$ 9,250.00
<b>CAPITAL SIDEWALK:</b>		<b>SIDEWALK:</b>					
307 000 000 595 30 63 10	\$ 520,000.00	Medina Elementary School Sidewalks Ph 1 _ NE 8th St to Overlake Dr W	Aug-23	4 weeks	\$ 102,800.00	\$ 121,050.00	\$ 18,250.00
		NE 12th Street Sidewalk Improvements & Undergrounding	Sep-23	8 weeks	\$ -	\$ 390,000.00	\$ 390,000.00
<b>CAPITAL PARKS:</b>		<b>PARKS:</b>					
307 000 000 594 76 63 20	\$ 50,000.00	Medina Park Irrigation & Pathway Improvements _ West	Jul-23	3 weeks	\$ 50,000.00	\$ 50,000.00	\$ -
		Medina Beach Park Tree Planting	Apr-23	2 days	\$ -	\$ 5,000.00	\$ 5,000.00
<b>CAPITAL STORMWATER:</b>		<b>STORMWATER:</b>					
307.000 000 595 30 63 02	\$ 200,000.00	2023 Localized Improvements <i>*Upland Road</i>	Jul-23	TBD	\$ 200,000.00	\$ 200,000.00	\$ -
		Citywide Stormwater System Mapping & Evaluation	2023	TBD	\$ -	\$ 10,000.00	\$ 10,000.00
<b>CAPITAL BUILDING:</b>		<b>BUILDING:</b>					
307 000 000 594 18 60 00	\$ 200,000.00	City Hall Balcony Improvements	Jul-23	3 weeks	\$ -	\$ 90,000.00	\$ 90,000.00
		City Hall Security Door	2023	TBD	\$ -	\$ 5,000.00	\$ 5,000.00
		City Hall Carpet Replacement	2023	TBD	\$ -	\$ 20,000.00	\$ 20,000.00
		Post Office Floor Replacement	2023	2 weeks	\$ -	\$ 5,000.00	\$ 5,000.00
<b>TREE FUND:</b>		<b>OTHER:</b>					
103 000 000 558 60 49 10	\$ 30,000.00	2023 Hazardous Tree Removal	Summer 2022	2 weeks	\$ -	\$ 25,000.00	\$ 25,000.00
<i>*UPDATED 4/25/2023</i>							
<b>TOTALS</b>	\$ 1,120,000.00	UNBUDGETED GRANT REVENUE		<b>TOTALS</b>	\$ 667,710.00	\$ 1,360,950.00	\$ 693,240.00

April 2023 Check Register

Vendor	Invoice Number	Expense Notes	Invoice Amount	Check Number	Check Date	Account Number	Account Description
8X8, Inc.	3796421	CH Phones	\$913.82	64641	4/26/2023	001-000-000-518-80-41-50	Technical Services, Software Services
			<b>\$913.82</b>				
911 Supply Inc	INV-2-27369	PD Uniforms/Supplies	\$73.75	64582	4/11/2023	001-000-000-521-20-22-00	Uniforms
911 Supply Inc	INV-2-27368	PD Uniforms/Supplies	\$52.83	64582	4/11/2023	001-000-000-521-20-22-00	Uniforms
911 Supply Inc	INV-2-27370	PD Uniforms/Supplies	\$39.60	64582	4/11/2023	001-000-000-521-20-22-00	Uniforms
			<b>\$166.18</b>				
Alexander Gow Fire Equipment Co.	12466630	Fire Alarm Panel Replacement	\$12,191.37	64642	4/26/2023	001-000-000-518-30-48-00	Repairs/maint-City Hall Bldg
			<b>\$12,191.37</b>				
AutoNation Chrysler, Jeep, Dodge Bellevue	319793	Maintenance Car #26	\$187.93	64583	4/11/2023	001-000-000-521-20-48-10	Repairs & Maint-Automobiles
			<b>\$187.93</b>				
Avidex	101168	Council Chambers Annual Contract	\$4,183.80	64643	4/26/2023	001-000-000-518-80-48-00	Repairs & Maint., Annual Software Maint.
			<b>\$4,183.80</b>				
Bellevue City Treasurer - Water	Service from 12/29/2022 to 3/11/2023 (8401 Overlake Dr W)	Viewpoint Water (Irrigation)	\$72.80	64584	4/11/2023	001-000-000-576-80-47-00	Utilities
Bellevue City Treasurer - Water	Service from 1/25/2023 to 3/29/2023 (1078 Lake Washington Blvd NE)	Irrigation LW Bnd Islands	\$99.81	64644	4/26/2023	001-000-000-576-80-47-00	Utilities
			<b>\$172.61</b>				
Bellevue, City of	45329	Customer Number 40698	\$1,500.00	64585	4/11/2023	001-000-000-521-20-41-41	Bellevue CARE program
Bellevue, City of	45274	Medina Fire Protection Services	\$398,894.00	64645	4/26/2023	001-000-000-522-20-41-00	Fire Control Services
Bellevue, City of	45265	ARCH 2023	\$21,155.95	64645	4/26/2023	001-000-000-551-10-40-00	Public Housing Services - ARCH
			<b>\$421,649.95</b>				
Bennett, David	Bennett Advance Deposit Return for DEP00030	Bennett Advance Deposit Return for DEP00030	\$273.30	64635	4/18/2023	401-000-000-582-10-00-02	Refund of DS Adv Deposits
			<b>\$273.30</b>				
Blue to Gold, LLC	MEDINAPD-021523-OD-EM	PD Training	\$801.00	64586	4/11/2023	001-000-000-521-20-43-00	Travel & Training
			<b>\$801.00</b>				
BlueLine Group LLC, The	25711	Housing Action Plan	\$1,250.00	64646	4/26/2023	401-000-000-558-60-41-01	Planning Consultant
BlueLine Group LLC, The	25733	Zoning Code Reviews for Building Permits	\$765.00	64646	4/26/2023	401-000-000-558-60-41-01	Planning Consultant
			<b>\$2,015.00</b>				
BRC Acoustics & Audiovisual Design	27046	Sound Test Consultant	\$1,327.38	64647	4/26/2023	401-000-000-558-60-41-08	Sound Testing Consultant
			<b>\$1,327.38</b>				
Buenavista Services, Inc	10566	Janitorial Services at CH and Post Office	\$2,037.75	64587	4/11/2023	001-000-000-518-30-48-00	Repairs/maint-City Hall Bldg
Buenavista Services, Inc	10565	Janitorial Services at Park Restroom	\$1,158.62	64587	4/11/2023	001-000-000-518-30-48-00	Repairs/maint-City Hall Bldg
			<b>\$3,196.37</b>				
Car Wash Enterprises	March 2023	PD Car Wash	\$24.00	64648	4/26/2023	001-000-000-521-20-32-00	Vehicle Expenses-Gas, Car Wash
			<b>\$24.00</b>				
Carquest Auto Parts Stores	2417-532632	Hydraulic Fluid for Automotive Lift	\$163.53	64588	4/11/2023	101-000-000-542-30-48-00	Equipment Maintenance
			<b>\$163.53</b>				
Centurylink	Charges from Apr 07 to May 07	CH/CC Terminal	\$178.38	64649	4/26/2023	001-000-000-518-10-42-00	Postage/Telephone
Centurylink	Charges from Mar 17 to Apr 17, 2023	PD Phones/Fax	\$256.10	64589	4/11/2023	001-000-000-521-20-42-00	Communications (phone,Pages)
Centurylink	Charges from Jan 28 to Feb 14, 2023	PD Emergency Line	\$15.23	64589	4/11/2023	001-000-000-521-20-42-00	Communications (phone,Pages)
			<b>\$449.71</b>				
Comcast	Services from Mar 16 to Apr 15, 2023	NE 12th St Camera	\$500.72	64590	4/11/2023	001-000-000-521-20-48-20	Repairs & Maint- HW/SW Maint Cameras
Comcast	Services from Apr 7 to May 6, 2023	700 LWB NE Camera	\$265.87	64590	4/11/2023	001-000-000-521-20-48-20	Repairs & Maint- HW/SW Maint Cameras
Comcast	Services from Apr 16 to May 15, 2023 (8300 NE 24th St)	NE 24th St Camera	\$245.36	64650	4/26/2023	001-000-000-521-20-48-20	Repairs & Maint- HW/SW Maint Cameras
Comcast	Services from Apr 16 to May 15, 2023 (8300 NE 12th St)	NE 12th St Camera	\$255.36	64650	4/26/2023	001-000-000-521-20-48-20	Repairs & Maint- HW/SW Maint Cameras
Comcast	Services from Mar 25 to Apr 24, 2023	Internet Services PW Shop	\$20.00	64590	4/11/2023	001-000-000-576-80-42-00	Telephone/postage
			<b>\$1,287.31</b>				
Crystal And Sierra Springs-Admin	11037150 032523	CH Drinking Water	\$103.63	64629	4/11/2023	001-000-000-518-10-31-00	Office And Operating Supplies
Crystal And Sierra Springs-Admin	11037150 042223	CH Drinking Water	\$119.03	64651	4/26/2023	001-000-000-518-10-31-00	Office And Operating Supplies
			<b>\$222.66</b>				
Crystal And Sierra Springs-PW	5291929 032523	Drinking Water Medina Shop	\$51.49	64592	4/11/2023	001-000-000-576-80-31-00	Operating Supplies
			<b>\$51.49</b>				
CWA Consultants	23-068	Building Code Plan Review Services	\$330.00	64594	4/11/2023	401-000-000-558-60-41-00	Professional Services
			<b>\$330.00</b>				
Davidson-Macri Sweeping, Inc.	229308	Street Sweeping	\$6,101.63	64652	4/26/2023	101-000-000-542-67-41-00	Street Cleaning
			<b>\$6,101.63</b>				
Eastside Public Safety Communications	11116	April 2023 Radio Access Fees	\$530.25	64595	4/11/2023	001-000-000-521-20-41-20	Dispatch-EPSCA
			<b>\$530.25</b>				
FCI - Custom Police Vehicles	14921	Lease MPD Car #30 and #31	\$1,837.11	64596	4/11/2023	001-000-000-594-21-70-00	Police Vehicle Lease, Principal Cost
FCI - Custom Police Vehicles	14920	Lease MPD Car #29	\$1,037.55	64596	4/11/2023	001-000-000-594-21-70-00	Police Vehicle Lease, Principal Cost
FCI - Custom Police Vehicles	14918	Lease MPD Car #27	\$730.88	64596	4/11/2023	001-000-000-594-21-70-00	Police Vehicle Lease, Principal Cost
FCI - Custom Police Vehicles	14919	Lease MPD Car #28	\$856.27	64596	4/11/2023	001-000-000-594-21-70-00	Police Vehicle Lease, Principal Cost
FCI - Custom Police Vehicles	14922	Lease MPD Car #26	\$815.90	64596	4/11/2023	001-000-000-594-21-70-00	Police Vehicle Lease, Principal Cost
FCI - Custom Police Vehicles	14971	Lease MPD Car #29	\$1,041.88	64653	4/26/2023	001-000-000-594-21-70-00	Police Vehicle Lease, Principal Cost
FCI - Custom Police Vehicles	14970	Lease MPD Car #28	\$859.84	64653	4/26/2023	001-000-000-594-21-70-00	Police Vehicle Lease, Principal Cost
FCI - Custom Police Vehicles	14972	Interest PD Vehicle	\$1,846.30	64653	4/26/2023	001-000-000-594-21-70-00	Police Vehicle Lease, Principal Cost
FCI - Custom Police Vehicles	14969	Lease MPD Car #27	\$733.93	64653	4/26/2023	001-000-000-594-21-70-00	Police Vehicle Lease, Principal Cost
FCI - Custom Police Vehicles	14973	Lease MPD Car #26	\$819.30	64653	4/26/2023	001-000-000-594-21-70-00	Police Vehicle Lease, Principal Cost
FCI - Custom Police Vehicles	14918	Interest PD Car #27	\$208.24	64596	4/11/2023	001-000-000-594-21-80-00	Police Vehicle Lease, Interest Cost
FCI - Custom Police Vehicles	14922	Interest PD Car #26	\$177.82	64596	4/11/2023	001-000-000-594-21-80-00	Police Vehicle Lease, Interest Cost
FCI - Custom Police Vehicles	14919	Interest PD Car #28	\$224.81	64596	4/11/2023	001-000-000-594-21-80-00	Police Vehicle Lease, Interest Cost

FCI - Custom Police Vehicles	14921	Interest PD Car #30 and #31	\$867.69	64596	4/11/2023	001-000-000-594-21-80-00	Police Vehicle Lease, Interest Cost	
FCI - Custom Police Vehicles	14920	Interest PD Car #29	\$331.41	64596	4/11/2023	001-000-000-594-21-80-00	Police Vehicle Lease, Interest Cost	
FCI - Custom Police Vehicles	14973	Interest PD Vehicle	\$174.42	64653	4/26/2023	001-000-000-594-21-80-00	Police Vehicle Lease, Interest Cost	
FCI - Custom Police Vehicles	14971	Interest PD Vehicle	\$327.08	64653	4/26/2023	001-000-000-594-21-80-00	Police Vehicle Lease, Interest Cost	
FCI - Custom Police Vehicles	14970	Interest PD Vehicle	\$221.24	64653	4/26/2023	001-000-000-594-21-80-00	Police Vehicle Lease, Interest Cost	
FCI - Custom Police Vehicles	14972	Lease MPD Car #30 and #31	\$858.50	64653	4/26/2023	001-000-000-594-21-80-00	Police Vehicle Lease, Interest Cost	
FCI - Custom Police Vehicles	14969	Interest PD Vehicle	\$205.19	64653	4/26/2023	001-000-000-594-21-80-00	Police Vehicle Lease, Interest Cost	
			<b>\$14,175.36</b>					
Gempler's Inc.	CS0004649999	PW Uniforms	\$319.26	64654	4/26/2023	001-000-000-576-80-22-00	Uniforms	
			<b>\$319.26</b>					
Gray & Osborne, Inc.	17/20597.00	NPDES Compliance Services	\$472.95	64655	4/26/2023	101-000-000-542-30-41-03	NPDES Grant	
Gray & Osborne, Inc.	16/20597.00	NPDES Compliance Services	\$1,297.94	64655	4/26/2023	101-000-000-542-30-41-03	NPDES Grant	
Gray & Osborne, Inc.	24/21441.00	2101 NE 12th Street Pedestrian Improvements	\$5,589.71	64655	4/26/2023	307-000-000-595-30-63-01	Street Improvements, Overlays	
Gray & Osborne, Inc.	23/21441.00	2101 NE 12th Street Pedestrian Improvements	\$2,378.68	64655	4/26/2023	307-000-000-595-30-63-01	Street Improvements, Overlays	
Gray & Osborne, Inc.	2/23439.00	Crack Sealing	\$738.94	64655	4/26/2023	307-000-000-595-30-63-01	Street Improvements, Overlays	
Gray & Osborne, Inc.	3/23439.00	Crack Sealing	\$941.79	64655	4/26/2023	307-000-000-595-30-63-01	Street Improvements, Overlays	
Gray & Osborne, Inc.	1/23449.00	TIB - Medina Elementary School Sidewalk	\$1,208.88	64655	4/26/2023	307-000-000-595-30-63-10	Sidewalk Improvements	
Gray & Osborne, Inc.	2/23449.00	TIB - Medina Elementary School Sidewalk	\$14,037.74	64655	4/26/2023	307-000-000-595-30-63-10	Sidewalk Improvements	
Gray & Osborne, Inc.	6/22427.01	Grading and Drainage Engineer Services	\$287.02	64655	4/26/2023	401-000-000-558-60-41-07	Engineering Consultant	
Gray & Osborne, Inc.	2/22427.27	Grading and Drainage Engineer Services	\$67.86	64655	4/26/2023	401-000-000-558-60-41-07	Engineering Consultant	
Gray & Osborne, Inc.	8/20425.22	Grading and Drainage Engineer Services	\$67.86	64655	4/26/2023	401-000-000-558-60-41-07	Engineering Consultant	
Gray & Osborne, Inc.	1/22427.25	Grading and Drainage Engineer Services	\$271.42	64655	4/26/2023	401-000-000-558-60-41-07	Engineering Consultant	
Gray & Osborne, Inc.	6/21427.28	Grading and Drainage Engineer Services	\$506.19	64655	4/26/2023	401-000-000-558-60-41-07	Engineering Consultant	
Gray & Osborne, Inc.	5/22427.17	Grading and Drainage Engineer Services	\$219.17	64655	4/26/2023	401-000-000-558-60-41-07	Engineering Consultant	
Gray & Osborne, Inc.	20/20425.16	Grading and Drainage Engineer Services	\$219.17	64655	4/26/2023	401-000-000-558-60-41-07	Engineering Consultant	
Gray & Osborne, Inc.	2/22427.30	Grading and Drainage Engineer Services	\$230.30	64655	4/26/2023	401-000-000-558-60-41-07	Engineering Consultant	
Gray & Osborne, Inc.	1/22427.31	Grading and Drainage Engineer Services	\$203.57	64655	4/26/2023	401-000-000-558-60-41-07	Engineering Consultant	
Gray & Osborne, Inc.	3/23427.00	Grading and Drainage Engineer Services	\$271.42	64655	4/26/2023	401-000-000-558-60-41-07	Engineering Consultant	
Gray & Osborne, Inc.	1/23427.02	Grading and Drainage Engineer Services	\$203.57	64655	4/26/2023	401-000-000-558-60-41-07	Engineering Consultant	
Gray & Osborne, Inc.	1/22427.28	Grading and Drainage Engineer Services	\$773.14	64655	4/26/2023	401-000-000-558-60-41-07	Engineering Consultant	
Gray & Osborne, Inc.	9/22427.05	Grading and Drainage Engineer Services	\$517.81	64655	4/26/2023	401-000-000-558-60-41-07	Engineering Consultant	
Gray & Osborne, Inc.	10/21427.18	Grading and Drainage Engineer Services	\$219.17	64655	4/26/2023	401-000-000-558-60-41-07	Engineering Consultant	
Gray & Osborne, Inc.	1/22427.29	Grading and Drainage Engineer Services	\$501.72	64655	4/26/2023	401-000-000-558-60-41-07	Engineering Consultant	
			<b>\$31,225.82</b>					
Herc Equipment Rental Corporation	33568902-001	PW Shop Electrician Lift	\$541.70	64597	4/11/2023	101-000-000-542-30-45-00	Machine/Facility Rental	
			<b>\$541.70</b>					
Hermanson Company, LLP	8037136		\$4,264.21	64656	4/26/2023	307-000-000-594-18-60-00	Building Improvements	
			<b>\$4,264.21</b>					
Home Depot Credit Services	March 2023 Shop Supplies	March 2023 Shop Supplies	\$173.03	64617	4/11/2023	001-000-000-576-80-31-00	Operating Supplies	
Home Depot Credit Services	April 2023 Graffiti Remover	April 2023 Graffiti Remover	\$193.32	64657	4/26/2023	001-000-000-576-80-31-00	Operating Supplies	
Home Depot Credit Services	March 2023 Wiper Fluid	March 2023 Wiper Fluid	\$17.48	64617	4/11/2023	101-000-000-542-30-31-00	Operating & Maintenance Supplies	
Home Depot Credit Services	April 2023 Barrels for Mulching Roadsides	April 2023 Barrels for Mulching Roadsides	\$140.80	64657	4/26/2023	101-000-000-542-30-31-00	Operating & Maintenance Supplies	
Home Depot Credit Services	March 2023 Post Office Flooring (2)	Post Office Flooring	\$65.97	64617	4/11/2023	307-000-000-594-18-60-00	Building Improvements	
			<b>\$590.60</b>					
Horticultural Elements, Inc.	7480	84th Ave NE Median Maintenance April 2023	\$4,943.49	64658	4/26/2023	101-000-000-542-30-41-00	Professional Services	
			<b>\$4,943.49</b>					
JR Mailing Services, Inc.	23847	HAP Post Card Flyer	\$783.20	64618	4/11/2023	001-000-000-518-10-49-30	Postcard, Public Information	
			<b>\$783.20</b>					
KC Office of Finance	11013459	KC INET	\$375.00	64659	4/26/2023	001-000-000-518-80-41-50	Technical Services, Software Services	
			<b>\$375.00</b>					
King County Treasury	2023 King County RE Tax	RE Tax	\$282.63	64637	4/24/2023	001-000-000-576-80-49-01	Misc-Property Tax	
			<b>\$282.63</b>					
Kirkland Municipal Court	MAR23MED	February 2023 Filing Fees	\$546.98	64619	4/11/2023	001-000-000-512-50-40-10	Municipal Court-Traffic/NonTrf	
			<b>\$546.98</b>					
Konica Minolta Premier Finance	79682815	PW Printer	\$96.36		EFT Payment 5/3/2023	4/30/2023	001-000-000-518-10-31-00	Office And Operating Supplies
Konica Minolta Premier Finance	79505920	PD Copier	\$264.96		EFT Payment 5/3/2023	4/30/2023	001-000-000-521-20-45-00	Equipment-Lease & Rentals
			<b>\$361.32</b>					
L.N. Curtis & Sons	INV687935*	Uniform - Gidlof	\$142.21	64630	4/18/2023	001-000-000-521-20-22-00	Uniforms	
			<b>\$142.21</b>					
LexisNexis Risk Management - Account 1011660	1011660-20230228	Investigating Tool	\$116.81	64620	4/11/2023	001-000-000-521-20-41-00	Professional Services	
LexisNexis Risk Management - Account 1011660	1011660-20230331	Investigating Tool	\$233.62	64660	4/26/2023	001-000-000-521-20-41-00	Professional Services	
			<b>\$350.43</b>					
Martin, David	Martin Advance Deposit Return for DEP00029	Advance Deposit Return for DEP00029	\$177.53	64631	4/18/2023	401-000-000-582-10-00-02	Refund of DS Adv Deposits	
			<b>\$177.53</b>					
Message Watcher, LLC	51828	Web/Email/SM Archiving	\$240.20	64621	4/11/2023	001-000-000-518-80-41-50	Technical Services, Software Services	
			<b>\$240.20</b>					
Moberly & Roberts, PLLC	1094*	Prosecution Services	\$4,000.00	64622	4/11/2023	001-000-000-512-50-41-10	Prosecuting Attorney	
			<b>\$4,000.00</b>					
Navia Benefit Solutions	10638419	2023 Navia Deposit	\$1,000.00	64623	4/11/2023	001-000-000-514-20-49-10	Miscellaneous	
Navia Benefit Solutions	10683709	March 2023 Navia Fees	\$100.00	64623	4/11/2023	001-000-000-514-20-49-10	Miscellaneous	
			<b>\$1,100.00</b>					
Ogden Murphy Wallace	874689	City Attorney Services	\$1,190.00	64661	4/26/2023	001-000-000-515-41-40-00	City Attorney	

Ogden Murphy Wallace	874683	City Attorney Services	\$392.00	64661	4/26/2023	001-000-000-515-41-40-00	City Attorney
Ogden Murphy Wallace	874690	City Attorney Services	\$392.00	64661	4/26/2023	001-000-000-515-41-40-00	City Attorney
Ogden Murphy Wallace	874686	City Attorney Services	\$2,363.00	64661	4/26/2023	001-000-000-515-41-40-00	City Attorney
Ogden Murphy Wallace	874691	City Attorney Services	\$130.00	64661	4/26/2023	001-000-000-515-41-40-00	City Attorney
Ogden Murphy Wallace	874685	City Attorney Services	\$2,077.00	64661	4/26/2023	001-000-000-515-41-40-00	City Attorney
Ogden Murphy Wallace	874684	City Attorney Services	\$6,113.00	64661	4/26/2023	001-000-000-515-41-40-00	City Attorney
Ogden Murphy Wallace	874688	City Attorney Services	\$56.00	64661	4/26/2023	001-000-000-515-41-40-00	City Attorney
Ogden Murphy Wallace	874687	City Attorney Services	\$514.00	64661	4/26/2023	001-000-000-515-41-40-00	City Attorney
			<b>\$13,227.00</b>				
Pacific Topsoils, Inc.	2-01111994-01	Topsoil for Park	\$392.08	64624	4/11/2023	001-000-000-576-80-31-00	Operating Supplies
			<b>\$392.08</b>				
Pitney Bowes Global Financial Services LLC	3317260280	Postage Meter Lease	\$443.07	64662	4/26/2023	001-000-000-518-10-31-00	Office And Operating Supplies
			<b>\$443.07</b>				
Pitney Bowes Reserve Account, The	April 2023 Postage Meter Refill	April 2023 Postage Meter Refill	\$3,000.00	64663	4/26/2023	001-000-000-518-10-31-00	Office And Operating Supplies
			<b>\$3,000.00</b>				
Pro-shred	62570	CH Shredding	\$55.66	64664	4/26/2023	001-000-000-518-10-41-00	Professional Services
Pro-shred	62202	CH Shredding	\$55.66	64664	4/26/2023	001-000-000-518-10-41-00	Professional Services
Pro-shred	62633	Community Shredding Day	\$1,800.00	64664	4/26/2023	001-000-000-521-20-49-60	Crime Prevention/Public Educ
			<b>\$1,911.32</b>				
Pro-Vac LLC	166021	CB Cleaning	\$2,006.57	64632	4/18/2023	101-000-000-542-40-41-00	Storm Drain Maintenance
			<b>\$2,006.57</b>				
Public Safety Testing, Inc.	2023-281	Q1 2023 Dues	\$151.00	64625	4/11/2023	001-000-000-521-20-41-50	Recruitment-Background
			<b>\$151.00</b>				
Puget Sound Energy	Service for 2/18/2023 - 3/21/2023 (501 Evergreen Point Rd)	CH Utilities	\$1,946.78	64626	4/11/2023	001-000-000-518-10-47-00	Utility Serv-Elec,Water,Waste
Puget Sound Energy	Service for 2/18/2023 - 3/21/2023 (1050 82nd Ave NE)	82nd Ave NE Camera	\$35.48	64626	4/11/2023	001-000-000-521-20-48-20	Repairs & Maint- HW/SW Maint Cameras
Puget Sound Energy	Service for 2/22/2023 - 3/22/2023 (8670 NE 10th St)	NE 10th St Camera	\$36.77	64626	4/11/2023	001-000-000-521-20-48-20	Repairs & Maint- HW/SW Maint Cameras
Puget Sound Energy	Service for 2/22/2023 - 3/22/2023 (740 Overlake Dr E)	ODE Camera	\$25.34	64626	4/11/2023	001-000-000-521-20-48-20	Repairs & Maint- HW/SW Maint Cameras
Puget Sound Energy	Service for 2/17/2023 - 3/21/2023 (1000 80th Ave NE)	Medina Park/Shop Power	\$515.07	64626	4/11/2023	001-000-000-576-80-47-00	Utilities
Puget Sound Energy	Service for 2/21/2023 - 3/22/2023 (84th Ave NE #PKNG)	Street Light Power Viewpoint Parking	\$16.11	64626	4/11/2023	101-000-000-542-63-41-00	Street Light Utilities
Puget Sound Energy	For Service 3/3/2023 - 4/3/2023 (515 Evergreen Point Rd)	Street Lights 515 EPR	\$31.94	64665	4/26/2023	101-000-000-542-63-41-00	Street Light Utilities
Puget Sound Energy	For Service 3/3/2023 - 4/3/2023 (TIB LED Conversion)	Street Lights	\$1,813.82	64665	4/26/2023	101-000-000-542-63-41-00	Street Light Utilities
Puget Sound Energy	For Service 3/3/2023 - 4/3/2023 (77th Ave NE & 79th Ave NE)	Street Lights 77th & 79th	\$118.92	64665	4/26/2023	101-000-000-542-63-41-00	Street Light Utilities
Puget Sound Energy	For Service 3/3/2023 - 4/3/2023 (80th Ave NE & NE 10th St)	Street Lights 80th & 10th	\$12.90	64665	4/26/2023	101-000-000-542-63-41-00	Street Light Utilities
			<b>\$4,553.13</b>				
Republic Services, Inc. dba Rabanco, Ltd.	0172-009190902	PW Dumpster Service	\$499.81	64633	4/18/2023	001-000-000-576-80-41-04	Professional Services-Misc
Republic Services, Inc. dba Rabanco, Ltd.	0172-009234637	Yard Waste Dumpsters	\$20.96	64636	4/18/2023	001-000-000-576-80-47-00	Utilities
			<b>\$520.77</b>				
Sanitary & Maintenance Supply	2304804	Janitorial Supplies (City Hall)	\$422.61	64627	4/11/2023	001-000-000-518-30-48-00	Repairs/maint-City Hall Bldg
			<b>\$422.61</b>				
Sherwood Appraisals	File 23-MSV	Street Vacation Request Appraisal	\$3,000.00	64628	4/11/2023	401-000-000-558-60-41-00	Professional Services
			<b>\$3,000.00</b>				
SHI International Corp	B16657474	Azure Overages	\$649.94	64666	4/26/2023	001-000-000-518-80-41-50	Technical Services, Software Services
			<b>\$649.94</b>				
Sinegal, McGill Suzanne	Sinegal Advance Deposit Return for DEP00038	Sinegal Advance Deposit Return for DEP00038	\$590.00	64634	4/18/2023	401-000-000-582-10-00-02	Refund of DS Adv Deposits
			<b>\$590.00</b>				
Sound View Strategies, LLC	2896	SR520 Consultant	\$3,000.00	64610	4/11/2023	001-000-000-513-10-41-00	Professional Services
			<b>\$3,000.00</b>				
Spot-On Print & Design	58312	Newsletter & Mailing	\$649.59	64667	4/26/2023	001-000-000-518-10-42-00	Postage/Telephone
Spot-On Print & Design	58265	Housing Action Plan Open House Mailing	\$587.93	64611	4/11/2023	001-000-000-518-10-49-30	Postcard, Public information
			<b>\$1,237.52</b>				
Staples Business Advantage	3534766268	PD Office Supplies	\$35.00	64612	4/11/2023	001-000-000-521-20-31-00	Office Supplies
Staples Business Advantage	3534766267	PD Office Supplies	\$105.92	64612	4/11/2023	001-000-000-521-20-31-00	Office Supplies
Staples Business Advantage	3535769049	PD Office Supplies	\$187.52	64668	4/26/2023	001-000-000-521-20-31-00	Office Supplies
			<b>\$328.44</b>				
Statewide Security	215776	Quarterly Fire Alarm Monitoring	\$749.78	64669	4/26/2023	001-000-000-518-30-48-00	Repairs/maint-City Hall Bldg
			<b>\$749.78</b>				
Stewart MacNichols Harmell, Inc., PS	February 2023 for Public Defender Services	Public Defender Contract	\$250.00	64613	4/11/2023	001-000-000-515-91-40-00	Public Defender
Stewart MacNichols Harmell, Inc., PS	March 2023 Public Defender Services	March 2023 Public Defender Services	\$250.00	64670	4/26/2023	001-000-000-515-91-40-00	Public Defender
			<b>\$500.00</b>				
TIG Technology Integration Group	62214	IT Managed Services	\$11,931.70	64671	4/26/2023	001-000-000-518-80-41-50	Technical Services, Software Services
TIG Technology Integration Group	5506377	Duo Software	\$29.73	64671	4/26/2023	001-000-000-518-80-41-50	Technical Services, Software Services
TIG Technology Integration Group	5504566	VEEAM Software - Annual	\$2,603.87	64671	4/26/2023	001-000-000-518-80-48-00	Repairs & Maint., Annual Software Maint.
TIG Technology Integration Group	5503640	Computer Replacements ISC/FIN/PW	\$9,939.83	64614	4/11/2023	001-000-000-594-14-64-00	City Hall IT HW/SW >\$5K Capital Outlay
TIG Technology Integration Group	62214	IT Services	\$2,198.70	64671	4/26/2023	401-000-000-518-80-41-50	Technical Services, Software Services
			<b>\$26,703.83</b>				
Tiki Car Wash	2245*	PD Car Washes March 2023	\$101.61	64672	4/26/2023	001-000-000-521-20-32-00	Vehicle Expenses-Gas, Car Wash
Tiki Car Wash	2243	PD Car Washes February 2023	\$83.14	64672	4/26/2023	001-000-000-521-20-32-00	Vehicle Expenses-Gas, Car Wash
			<b>\$184.75</b>				
Tree Frog LLC	1668*	Arborist - Non Development	\$525.00	64673	4/26/2023	401-000-000-558-60-41-50	Landscape Consultant
			<b>\$525.00</b>				
Tree Solutions, Inc.	35762 through 35737	Arborist Development Tree Code Services	\$7,600.00	64615	4/11/2023	401-000-000-558-60-41-50	Landscape Consultant
			<b>\$7,600.00</b>				

US Bank	April 2023 JE #2078 Bank Fees	April 2023 Bank Fees	\$168.28	20100967-April 2023 Bank	4/30/2023	001-000-000-514-20-49-10	Miscellaneous
US Bank	April 2023 JE #2078 Bank Fees	April 2023 Bank Fees	\$2,177.59	20100967-April 2023 Bank	4/30/2023	401-000-000-558-60-49-10	Miscellaneous
US Bank	April 2023 Burns CC Statement	Training - Accessory Dwelling Units	\$35.00	EFT Payment 5/3/2023	4/30/2023	001-000-000-513-10-43-00	Travel & Training
US Bank	April 2023 Wagner CC Statement	Transfer of Title	\$13.65	EFT Payment 5/3/2023	4/30/2023	001-000-000-514-20-49-10	Miscellaneous
US Bank	April 2023 Nations CC Statement	Office Supplies - Noise Cancelling Headphones for T. Brady	\$24.18	EFT Payment 5/3/2023	4/30/2023	001-000-000-518-10-31-00	Office And Operating Supplies
US Bank	April 2023 Nations CC Statement	Credit for Lodging - Room Canceled for Training	(\$184.16)	EFT Payment 5/3/2023	4/30/2023	001-000-000-518-10-43-00	Travel & Training
US Bank	April 2023 Nations CC Statement	Cancellation Fee for Last Minute Cancellation for Lodging	\$38.26	EFT Payment 5/3/2023	4/30/2023	001-000-000-518-10-43-00	Travel & Training
US Bank	April 2023 Kellerman CC Statement	Public Storage	\$947.00	EFT Payment 5/3/2023	4/30/2023	001-000-000-518-30-45-00	Facility Rental
US Bank	April 2023 Kellerman CC Statement	Public Storage	\$947.00	EFT Payment 5/3/2023	4/30/2023	001-000-000-518-30-45-00	Facility Rental
US Bank	April 2023 Kellerman CC Statement	Web Services for Internet Logs	\$0.29	EFT Payment 5/3/2023	4/30/2023	001-000-000-518-80-41-50	Technical Services, Software Services
US Bank	April 2023 Kellerman CC Statement	Web Services for Internet Logs	\$0.31	EFT Payment 5/3/2023	4/30/2023	001-000-000-518-80-41-50	Technical Services, Software Services
US Bank	April 2023 Gidlof CC Statement	PD Uniforms	\$253.23	EFT Payment 5/3/2023	4/30/2023	001-000-000-521-20-22-00	Uniforms
US Bank	April 2023 Gidlof CC Statement	Swiffer Wetjet	\$12.76	EFT Payment 5/3/2023	4/30/2023	001-000-000-521-20-31-00	Office Supplies
US Bank	April 2023 Gidlof CC Statement	Logitech Mouse	\$51.01	EFT Payment 5/3/2023	4/30/2023	001-000-000-521-20-31-00	Office Supplies
US Bank	April 2023 Gidlof CC Statement	Office Supplies	\$58.32	EFT Payment 5/3/2023	4/30/2023	001-000-000-521-20-31-00	Office Supplies
US Bank	April 2023 Gidlof CC Statement	IT Supplies	\$38.23	EFT Payment 5/3/2023	4/30/2023	001-000-000-521-20-31-01	IT HW,SW Off Equip <\$5K
US Bank	April 2023 Anderson CC Statement	Road Safety Flares	\$181.65	EFT Payment 5/3/2023	4/30/2023	001-000-000-521-20-31-40	Police Operating Supplies
US Bank	April 2023 Anderson CC Statement	Ammo/Range	\$515.20	EFT Payment 5/3/2023	4/30/2023	001-000-000-521-20-31-60	Ammo/Range (Targets, etc)
US Bank	April 2023 Gidlof CC Statement	Eastside Chiefs	\$19.45	EFT Payment 5/3/2023	4/30/2023	001-000-000-521-20-43-00	Travel & Training
US Bank	April 2023 Gidlof CC Statement	Eastside Chiefs	\$528.43	EFT Payment 5/3/2023	4/30/2023	001-000-000-521-20-43-00	Travel & Training
US Bank	April 2023 Sass CC Statement	Lodging for Northwest Leadership	\$542.88	EFT Payment 5/3/2023	4/30/2023	001-000-000-521-20-43-00	Travel & Training
US Bank	April 2023 Crickmore CC Statement	Trail Cameras	\$140.92	EFT Payment 5/3/2023	4/30/2023	001-000-000-576-80-31-00	Operating Supplies
US Bank	April 2023 Crickmore CC Statement	Replacement Shop Heater	\$247.60	EFT Payment 5/3/2023	4/30/2023	001-000-000-576-80-31-00	Operating Supplies
US Bank	April 2023 Crickmore CC Statement	Exmark Mower Blades	\$91.69	EFT Payment 5/3/2023	4/30/2023	001-000-000-576-80-31-00	Operating Supplies
US Bank	April 2023 Crickmore CC Statement	Lake Lane Dock Repair	\$475.63	EFT Payment 5/3/2023	4/30/2023	001-000-000-576-80-31-00	Operating Supplies
US Bank	April 2023 Osada CC Statement	Arbor Day Seedlings	\$173.96	EFT Payment 5/3/2023	4/30/2023	001-000-000-576-80-31-00	Operating Supplies
US Bank	April 2023 Crickmore CC Statement	Fertilizer Spreader Parts	\$21.35	EFT Payment 5/3/2023	4/30/2023	001-000-000-576-80-31-00	Operating Supplies
US Bank	April 2023 Crickmore CC Statement	SD Card for Trail Camers	\$9.18	EFT Payment 5/3/2023	4/30/2023	001-000-000-576-80-31-00	Operating Supplies
US Bank	April 2023 Crickmore CC Statement	Uniforms	\$362.23	EFT Payment 5/3/2023	4/30/2023	101-000-000-542-30-22-00	Uniforms
US Bank	April 2023 Crickmore CC Statement	Uniforms	\$99.09	EFT Payment 5/3/2023	4/30/2023	101-000-000-542-30-22-00	Uniforms
US Bank	April 2023 Crickmore CC Statement	Uniforms	\$319.26	EFT Payment 5/3/2023	4/30/2023	101-000-000-542-30-22-00	Uniforms
US Bank	April 2023 Crickmore CC Statement	Uniforms	\$88.08	EFT Payment 5/3/2023	4/30/2023	101-000-000-542-30-22-00	Uniforms
US Bank	April 2023 Crickmore CC Statement	Shop Towels	\$100.59	EFT Payment 5/3/2023	4/30/2023	101-000-000-542-30-31-00	Operating & Maintenance Supplies
US Bank	April 2023 Crickmore CC Statement	Compressor Drain Kit	\$16.38	EFT Payment 5/3/2023	4/30/2023	101-000-000-542-30-31-00	Operating & Maintenance Supplies
US Bank	April 2023 Crickmore CC Statement	Shop Towels & Dispensers	\$51.34	EFT Payment 5/3/2023	4/30/2023	101-000-000-542-30-31-00	Operating & Maintenance Supplies
US Bank	April 2023 Crickmore CC Statement	Tarps for Equipment	\$140.88	EFT Payment 5/3/2023	4/30/2023	101-000-000-542-30-31-00	Operating & Maintenance Supplies
US Bank	April 2023 Crickmore CC Statement	Compressor Anti Vibration Pads	\$30.28	EFT Payment 5/3/2023	4/30/2023	101-000-000-542-30-31-00	Operating & Maintenance Supplies
US Bank	April 2023 Crickmore CC Statement	Safety Glasses	\$133.20	EFT Payment 5/3/2023	4/30/2023	101-000-000-542-30-35-00	Small Tools/minor Equipment
US Bank	April 2023 Burns CC Statement	PW - Lift Accessory Kit	\$2,850.00	EFT Payment 5/3/2023	4/30/2023	101-000-000-542-70-40-00	Street Irrigation Utilities
US Bank	April 2023 Burns CC Statement	PW - Lift Accessory Kit Shipping Cost	\$617.60	EFT Payment 5/3/2023	4/30/2023	101-000-000-542-70-40-00	Street Irrigation Utilities
US Bank	April 2023 Wilcox CC Statement	Memberships and Accreditation Maintenance: AICP, APA, WA	\$780.00	EFT Payment 5/3/2023	4/30/2023	401-000-000-558-60-49-00	Dues, Subscriptions, Memberships
US Bank	April 2023 Wilcox CC Statement	Regular and Certified Mail for Code Enforcement	\$8.13	EFT Payment 5/3/2023	4/30/2023	401-000-000-558-60-49-10	Miscellaneous
US Bank	April 2023 Wilcox CC Statement	Regular and Certified Mail for Code Enforcement	\$8.13	EFT Payment 5/3/2023	4/30/2023	401-000-000-558-60-49-10	Miscellaneous
			<b>\$13,134.08</b>				
US Bank Voyager Fleet Sys.	April 2023 Voyager Fleet Payment	PD Fuel	\$2,294.84	EFT Payment 5/3/2023	4/30/2023	001-000-000-521-20-32-00	Vehicle Expenses-Gas, Car Wash
			<b>\$2,294.84</b>				
Utilities Underground Location Ctr	3030182	Utility Locate Services	\$81.27	64674	4/26/2023	101-000-000-542-30-47-00	Utility Services
			<b>\$81.27</b>				
WA ST Dept of Licensing	April 2023 CPL Receipts	April 2023 CPL Receipts	\$126.00	20100967-April 2023 CPL	4/30/2023	631-000-000-589-30-01-00	Dept Of Lic-Gun Permit
			<b>\$126.00</b>				
WA ST Dept of Retirement Systems	1556329	2022 Old Age & Survivors Insurance	\$25.00	64675	4/26/2023	001-000-000-514-20-49-00	Misc-Dues,Subscriptions
			<b>\$25.00</b>				
WA ST Dept of Revenue	2023 Annual Combined Excise Tax Return	2023 Annual Combined Excise Tax Return	\$6.22	EFT Payment 5/3/2023	4/30/2023	001-000-000-511-60-49-00	Miscellaneous
WA ST Dept of Revenue	2023 Annual Combined Excise Tax Return	2023 Annual Combined Excise Tax Return	\$135.85	EFT Payment 5/3/2023	4/30/2023	001-000-000-518-10-41-00	Professional Services
WA ST Dept of Revenue	2023 Annual Combined Excise Tax Return	2023 Annual Combined Excise Tax Return	\$30.30	EFT Payment 5/3/2023	4/30/2023	001-000-000-521-20-22-00	Uniforms
WA ST Dept of Revenue	2023 Annual Combined Excise Tax Return	2023 Annual Combined Excise Tax Return	\$345.69	EFT Payment 5/3/2023	4/30/2023	001-000-000-521-20-31-01	IT HW,SW Off Equip <\$5K
WA ST Dept of Revenue	2023 Annual Combined Excise Tax Return	2023 Annual Combined Excise Tax Return	\$92.49	EFT Payment 5/3/2023	4/30/2023	001-000-000-521-20-31-40	Police Operating Supplies
WA ST Dept of Revenue	2023 Annual Combined Excise Tax Return	2023 Annual Combined Excise Tax Return	\$126.25	EFT Payment 5/3/2023	4/30/2023	001-000-000-521-20-31-60	Ammo/Range (Targets, etc)
WA ST Dept of Revenue	2023 Annual Combined Excise Tax Return	2023 Annual Combined Excise Tax Return	\$196.95	EFT Payment 5/3/2023	4/30/2023	001-000-000-521-20-41-00	Professional Services
WA ST Dept of Revenue	2023 Annual Combined Excise Tax Return	2023 Annual Combined Excise Tax Return	\$148.28	EFT Payment 5/3/2023	4/30/2023	001-000-000-571-00-30-00	Uniforms - Lifeguards
WA ST Dept of Revenue	2023 Annual Combined Excise Tax Return	2023 Annual Combined Excise Tax Return	\$975.07	EFT Payment 5/3/2023	4/30/2023	001-000-000-576-80-31-00	Operating Supplies
WA ST Dept of Revenue	2023 Annual Combined Excise Tax Return	2023 Annual Combined Excise Tax Return	\$53.53	EFT Payment 5/3/2023	4/30/2023	103-000-000-558-60-49-10	Miscellaneous-Tree Replacement
WA ST Dept of Revenue	2023 Annual Combined Excise Tax Return	2023 Annual Combined Excise Tax Return	\$852.94	EFT Payment 5/3/2023	4/30/2023	307-000-000-595-30-63-02	Storm Sewer Improvements
			<b>\$2,963.57</b>				
WA ST Dept of Transportation	FB91017009231	PW Fuel	\$97.93	64676	4/26/2023	001-000-000-576-80-32-00	Vehicle Fuel & Lube
WA ST Dept of Transportation	FB91017009231	Building Inspections Vehicle	\$65.98	64676	4/26/2023	401-000-000-558-60-32-00	Vehicle Expenses - Gas, Oil, Maint.
			<b>\$163.91</b>				
Washington Law Enforcement Information and	2690	2023 WAPRO Records Conference - Marxer	\$400.00	64677	4/26/2023	001-000-000-521-20-43-00	Travel & Training
			<b>\$400.00</b>				
Washington State Patrol	04-04-2023	CPL Background	\$13.25	64616	4/11/2023	631-000-000-589-30-02-00	WA ST Patrol-Gun-Fbi
			<b>\$13.25</b>				
Willard's Pest Control	405232	CH Pest Services	\$214.79	64678	4/26/2023	001-000-000-518-30-48-00	Repairs/maint-City Hall Bldg

**Grand Total**

Payroll	April 2023 Payroll	Payroll		<u>\$214.79</u>				
Payroll	April 2023 Payroll	Payroll	\$20,181.03	<u>\$611,672.75</u>	<b>AP Total</b>	4/30/2023	001-000-000-513-10-11-00	Salaries, Wages & Benefits
Payroll	April 2023 Payroll	Payroll	\$22,029.51			4/30/2023	001-000-000-514-20-11-00	Salaries, Wages & Benefits
Payroll	April 2023 Payroll	Payroll	\$36,478.55			4/30/2023	001-000-000-518-10-11-00	Salaries, Wages & Benefits
Payroll	April 2023 Payroll	Payroll	\$156,731.79			4/30/2023	001-000-000-521-20-11-00	Salaries, Wages & Benefits
Payroll	April 2023 Payroll	Payroll	\$37,345.05			4/30/2023	001-000-000-576-80-11-00	Salaries, Wages & Benefits
Payroll	April 2023 Payroll	Payroll	\$30,770.11			4/30/2023	101-000-000-542-30-11-00	Salaries, Wages & Benefits
Payroll	April 2023 Payroll	Payroll	\$48,217.91			4/30/2023	401-000-000-558-60-11-00	Salaries, Wages & Benefits
			<u>\$351,753.95</u>		<b>Payroll Total</b>			
			<u>\$963,426.70</u>		<b>Grand Total</b>			



# MEDINA, WASHINGTON

## MEDINA CITY COUNCIL REGULAR MEETING

Hybrid - Virtual/In-Person  
Monday, April 10, 2023 – 5:00 PM

### MINUTES

#### 1. REGULAR MEETING - CALL TO ORDER / ROLL CALL

Mayor Rossman called the regular meeting to order in the Medina Council Chambers at 5:01p.m.

#### PRESENT

Mayor Jessica Rossman  
Deputy Mayor Randy Reeves  
Councilmember Cynthia Adkins  
Councilmember Jennifer Garone  
Councilmember Bob Zook

#### ABSENT

Councilmember Harini Gokul  
Councilmember Mac Johnston

#### STAFF

Burns, Sass, Wagner, Nations

#### 2. APPROVAL OF MEETING AGENDA

Mayor Rossman proposed to amend the meeting agenda as follows:

#### CITY BUSINESS:

- Agenda Item 9.4 was removed and will be added to a future meeting.

**ACTION:** By consensus, the meeting agenda was amended as proposed.

#### 3. PUBLIC COMMENT PERIOD

Mayor Rossman opened the public comment period. The following individuals addressed the Council:

- Rebecca Johnston's email was read into the record. She expressed concerns regarding gas powered leaf blowers and the impact on the residents/environment. She expressed her support for the council's efforts in this manner.



- Alexander Kruse addressed the council regarding allowing use of floatplane moorage on the city's private docks. He will send a follow-up email to the council with stats and data to support his proposal.

With no other comments, Mayor Rossman closed the public comment period.

#### **4. PRESENTATIONS**

- 4.1 Reports and announcements from Park Board, Planning Commission, Emergency Preparedness, and City Council.

Planning Commission will combine their report later in the meeting with another agenda item.

Emergency Preparedness Chair Rosalie Gann invited the council to the next meeting on Wednesday, April 12, 2023 from 4:00 to 5:30 at City Hall.

No report from Park Board.

#### **5. CITY MANAGER'S REPORT**

City Manager Steve Burns reported the staff reports are in written form and will not be given verbally due to the absence of staff at this meeting. City Manager Burns will address the council later in the meeting regarding his report topics. Council asked questions and staff responded.

#### **6. CONSENT AGENDA**

**ACTION:** Motion Reeves second Zook and carried by a 5:0 (Gokul and Johnston absent) vote; Council approved the Consent Agenda as presented.

- 6.1 March 2023 - Check Register

**Recommendation:** Approve.

**Staff Contact:** Ryan Wagner, Finance Director

- 6.2 Park Board Meeting Minutes of January 23, 2023

**Recommendation:** Receive and file.

**Staff Contact:** Dawn Nations, Deputy City Clerk

- 6.3 Planning Commission Meeting Minutes of February 28, 2023

**Recommendation:** Receive and file.

**Staff Contact:** Stephanie Keyser, AICP, Planning Manager

- 6.4 Draft Meeting Minutes of March 13, 2023

**Recommendation:** Adopt minutes.

**Staff Contact:** Aimee Kellerman, CMC, City Clerk

- 6.5 Proclamation in Recognition of Municipal Clerks Week April 30 to May 6, 2023

**Recommendation:** Approve.

**Staff Contact:** Aimee Kellerman, CMC, City Clerk

- 6.6 2023 ARCH Work Program and Budget  
**Recommendation:** Approve.  
**Staff Contact:** Steven R. Burns, City Manager
- 6.7 Contract Approval with BVC, Inc. for 2023 City-Wide Crack Seal Maintenance  
**Staff Contact:** Ryan Osada, Public Works Director  
**Staff Recommendation:** Approve.

7. **LEGISLATIVE HEARING**

None.

8. **PUBLIC HEARING**

None.

9. **CITY BUSINESS**

- 9.1 Comprehensive Plan Update  
**Recommendation:** Discussion item only; no action needed.  
**Staff Contact:** Stephanie Keyser, Planning Manager

Planning Manager Stephanie Keyser gave a brief update on the schedule on completing the comprehensive plan update. She will be asking the council for direction at the May meeting for planning commission to update the housing element and implementation of regulations for housing bills that are coming up. Planning Commission discussed the schedule at the last meeting and are in support of the schedule and having additional meeting to stay on track. Council discussed, asked questions and staff responded.

**ACTION:** Discussion item only; no action taken. Council directed staff to schedule a Development Services meeting to discuss housing element and come up with a process/timeline.

- 9.2 Housing Action Plan (HAP) - Draft  
**Recommendation:** N/A  
**Staff Contact:** Stephanie Keyser, Planning Manager

Mayor Rossman gave an overview of the housing action plan. Planning Manager Stephanie Keyser gave a brief update on the grant funding and overview of the definition of the housing action plan and strategies on amending the comprehensive plan. There will be an open house on April 20th and Planning Commission is having a public hearing on May 2nd. Council was asked to schedule a second public hearing and possible adoption by a resolution of the Housing Action Plan at the June 12th council meeting; to comply with the grant funding. This will need to be adopted by June 30, 2023 to comply. Council discussed, asked questions and staff responded.

**ACTION:** Discussion item only; no action taken. Council will direct questions to the Planning Manger to gather for a committee meeting discussion. Council asked for the Housing Action Plan draft to me revised before presented at the open house.

## 9.3 Gas-Powered Leaf Blowers Education and Outreach Update

**Recommendation:** Discussion and direction.

**Staff Contact:** Stephen R. Burns, City Manager

City Manager Steve Burns gave a brief update on the education page on the City's website. The information was addressed in the city newsletter and other city noticing platforms. There will be an open house on May 11<sup>th</sup> to answer questions and gather feedback from the community. The City will send out a survey to the residents after the open house. Council discussed, asked questions and staff responded.

**ACTION:** Discussion item only; no action taken.

## 9.4 Park Use Permit Pilot Program

**Recommendation:** Approve Proposed Pilot Program

**Staff Contacts:** Stephen R. Burns, City Manager and Aimee Kellerman, CMC, City Clerk

**ACTION:** This item was removed from the agenda.

**10. REQUESTS FOR FUTURE AGENDA ITEMS AND COUNCIL ROUND TABLE**

Council asked City Manager Burns to do brief research regarding the reason behind why float planes are not allowed in Medina. He will report back to the council at a later date.

**11. PUBLIC COMMENT**

Mayor Rossman opened the public comment period.

- Alexander Kruse gave additional comments on float planes. He will do research on the history and report back to the council. He also commented on housing issues.

With no other comments, Mayor Rossman closed the public comment period.

At this time (6:15 p.m.), Council took a brief recess.

The full Council reconvened and moved into Executive Session at 6:31 p.m. for an estimated time of 90 minutes.

**12. EXECUTIVE SESSION**

ES-1: RCW 42.30.110 (1)(i)

To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency; and

ES-2: RCW 42.30.110 (b)

To consider the minimum price at which real estate by lease or purchased when public knowledge regarding such consideration would cause a likelihood of increased price.

Council adjourned the Executive Session back into the regular meeting at 7:55 p.m.

**ACTION:** No action was taken following the Executive Session.

13. **ADJOURNMENT**

By consensus, Council adjourned at 7:56 PM.

Meeting Minutes taken by Dawn Nations, Deputy City Clerk

DRAFT



# MEDINA, WASHINGTON

## MEDINA CITY COUNCIL REGULAR MEETING

Hybrid - Virtual/In-Person  
Monday, April 24, 2023 – 5:00 PM

### MINUTES

#### 1. REGULAR MEETING - CALL TO ORDER / ROLL CALL

Mayor Rossman called the regular meeting to order in the Medina Council Chambers at 5:02 p.m.

#### PRESENT

Mayor Jessica Rossman  
Deputy Mayor Randy Reeves  
Councilmember Cynthia Adkins (online)  
Councilmember Jennifer Garone  
Councilmember Mac Johnston  
Councilmember Bob Zook

#### ABSENT

Councilmember Harini Gokul

#### STAFF PRESENT

Burns, Missall, Wagner, Osada, Wilcox, Sass, Keyser, and Kellerman

#### 2. APPROVAL OF MEETING AGENDA

**ACTION:** By consensus, Council approved the meeting agenda as presented.

#### 3. PUBLIC COMMENT PERIOD

Mayor Rossman opened the public comment period. The following individuals addressed the Council:

- City Clerk Aimee Kellerman referred Council to an email regarding Overlake Golf and Country Club Street Vacation Petition from M3 Sweatt.
- Alexander Kruse commented on his proposal to allow the permitted use of floatplane moorage on the city's private docks.
- Matt Larson introduced himself to Council as one of the city's contact liaison for Puget Sound Energy.

With no further comments, Mayor Rossman closed the public comment period.

4. **CITY MANAGER'S REPORT**

None.

5. **PRESENTATIONS**

None.

6. **CONSENT AGENDA**

None.

7. **LEGISLATIVE HEARING**

None.

8. **PUBLIC HEARING**

None.

9. **CITY BUSINESS**

- 9.1 City-Wide Undergrounding Project  
**Staff Contact:** Ryan Osada, Public Works Director  
**Staff Recommendation:** Discussion and direction.

Director of Public Works Ryan Osada gave a presentation on undergrounding utilities in Medina. The undergrounding service conversion if approved would run in three phases at approximately 15 months each. Additional items to be considered are: trenching, surface restoration, engineering, management, and easements.

**ACTION:** Discussion item only; no action taken. Council requested that staff create an informational page on the city's website with updated FAQ's.

- 9.2 Funding Stormwater Replacement Options  
**Recommendation:** Discussion and direction.  
**Staff Contact:** Ryan Wagner, Director of Finance and HR

Director of Finance and HR, Ryan Wagner gave Council options for funding the stormwater infrastructure in Medina. The three options provided are: funding stormwater internally using capital reserves, stormwater fee through King County, or a combination of options 1 and 2. Council discussed, asked questions, and staff responded.

**ACTION:** Discussion item only; no action taken. Council directed staff to move forward with option 1 using capital reserves. Staff will come back to Council during the 2024 budget discussion with a proposal.

- 9.3 Resolution Setting Legislative Hearing – OGCC Street Vacation  
**Recommendation:** Adopt Resolution No. 432  
**Staff Contacts:** Scott Missall, City Attorney and Stephanie Keyser, AICP, Planning Manager

City Attorney Scott Missall gave an update on the Overlake Golf and Country Club street vacation petition. Council asked questions and staff responded.

**ACTION:** Motion Reeves second Garone; Council adopted Resolution No. 432 by a 4:2 (Adkins and Zook dissented) (Gokul absent) vote.

**10. REQUESTS FOR FUTURE AGENDA ITEMS AND COUNCIL ROUND TABLE**

None.

**11. PUBLIC COMMENT**

Mayor Rossman opened the public comment period. There were no speakers. Subsequently, public comment was closed.

**12. ADJOURNMENT**

By consensus, Council adjourned the regular meeting at 6:56 p.m.

DRAFT



# MEDINA, WASHINGTON

## AGENDA BILL

Monday, May 8th, 2023

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**Subject:** Proclamation recognizing “National Police Week” and Peace Officer Memorial Day”

**Category:** Consent

**Staff Contact:** Jeffrey R. Sass, Chief of Police

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### **Summary**

In 1962 the Congress and the President of the United States signed a proclamation which designated May 15 as “Peace Officer Memorial Day” and the week in which that date falls as “Police Week.”

This proclamation will recognize the week of May 9 – 15, 2021 as “National Police Week” and May 15 as “Peace Officer Memorial Day” in the City of Medina.

### **Attachment(s)**

Proclamation recognizing “National Police Week” and “Peace Officer Memorial Day”

**Budget/Fiscal Impact:** None

**Recommendation:** Approve.

**City Manager Approval:** N/A

**Proposed Council Motion:** N/A





City of Medina, Washington  
**PROCLAMATION**

**NATIONAL POLICE WEEK AND PEACE OFFICER MEMORIAL DAY**

**WHEREAS**, In 1962 the Congress and the President of the United States signed a proclamation which designated May 15 as “*Peace Officer Memorial Day*” and the week in which that date falls as “*Police Week*”; and

**WHEREAS**, members of law enforcement recognize their duty to serve the citizens of the City of Medina by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

**WHEREAS**, during Law Enforcement Week, and throughout the year, the Medina City Council recognizes and appreciates the critical contributions and sacrifices made by members of law enforcement at all levels, and honors their courage and dedication;

**WHEREAS**, the dedicated men and women of the Medina Police Department provide this vital public service day and night enforcing the law, safeguarding the lives and property, rights and freedom of every community member,

**NOW, THEREFORE**, I, Jessica Rossman, Mayor of the City of Medina, Washington, and on behalf of the City Council, do hereby proclaim the City’s recognition and appreciation of our law enforcement officers, past and present, by designating the week of May 14<sup>th</sup> and 20<sup>th</sup>, 2023 as

***NATIONAL POLICE WEEK***

in recognition of the service given by these men and women who stand guard to preserve the rights and security of all citizens.

**Further**, the City Council calls upon the citizens of Medina to observe May 15, 2023, as

***PEACE OFFICER’S MEMORIAL DAY***

in honor of those fallen law enforcement officers and those who became disabled in the performance of their duty and recognize and offer our respect to the survivors of our fallen heroes.

---

*Jessica Rossman, Mayor – City of Medina*



# MEDINA, WASHINGTON

## AGENDA BILL

Monday, May 8, 2023

---

**Subject:** Public Defender Contract for Court

**Category:** Consent

**Staff Contact:** Jeffrey R. Sass, Chief of Police

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### **Summary**

The current public defender is no longer being offered as an option through the Kirkland Court. The old contract was outdated, and prices have increased since 2019 when last updated. The proposed new contract is for Valley Defenders, PLLC.

### **Attachment(s)**

Public Defense Contract

**Budget/Fiscal Impact:** Approximately \$250 per month

**Recommendation:** Approve.

**City Manager Approval:**

**Proposed Council Motion:** Approve

## PUBLIC DEFENSE CONTRACT

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THIS CONTRACT ("Contract") is entered into by and between the City of Medina, a municipal corporation, ("City,") and Valley Defenders, PLLC ("Contractor.")

1. Scope of Services and Warranty. In cases assigned by the City of Medina through the Kirkland Municipal Court, Contractor will provide indigent defense services related to cases as defined herein and in accordance with the standards in RCW 10.101.030 adopted by the City of Medina. Contractor warrants that every attorney employed by Contractor to perform services under this Contract has read and is fully familiar with Washington Supreme Court standards and the standards adopted by the City ("Standards"). Compliance with these Standards goes to the essence of this Contract. Contractor, and every attorney performing services under this Contract, have knowledge of the Standards, will comply with the Standards, and shall certify compliance as needed with Kirkland Municipal Court. Contractor shall provide legal representation for each defendant in connection with assigned cases. If Contractor is counsel of record for an individual who is jailed on a City matter, Contractor shall be available to appear in court before such individual has been in custody for 24 hours; except that, this provision does not require the Contractor to be available to appear in Court on Saturdays, Sundays, or City holidays. Contractor may withdraw upon completion of the case or the Contract as allowed by the Rules of Professional Conduct.
  - A. Contractor, at the earliest possible time following appointment (within three days if the defendant is in custody) shall review with the Defendant the elements of the offense, the presumption of innocence, the prosecutor's burden to prove each element beyond a reasonable doubt, the right to a jury trial, the right to a speedy trial, the right to present a defense, the maximum penalties, any mandatory minimum penalties, that it is solely the client's decision to enter a plea of guilty or proceed to trial, and any other witness or investigative issues.
  - B. Contractor, at the initial meeting, shall also assess the client's ability to understand English and need for an interpreter, competency, literacy, and citizenship and/or immigration issues. Additionally, Contractor shall provide contact information for the Contractor to the client and check for conflicts.
  - C. Contractor will provide training and supervision in accordance with City and Washington State Bar Association Standards to every attorney employed by Contractor to perform services under this Contract.

2. Applicant Screening. Determination of indecency for eligibility for appointed counsel under this Contract shall be determined by a screening process established by the City. Kirkland Municipal Court shall be responsible for handling the screening process. Should Contractor determine the defendant is not eligible for assigned counsel, Contractor shall withdraw from the case and so advise the Court and the City of the withdrawal and the reason therefor, subject to Contractor's professional duties under the Rules of Professional Conduct.
3. Associated Counsel. Contractor may arrange for other attorneys to perform services under this Contract at Contractor's expense. Contractor may delegate the authority to perform Contract services to an attorney who is licensed to practice law before the courts of record for the State of Washington, unless City objects to services by that attorney. In any event, Contractor shall be responsible for overseeing and approving services performed by other attorneys. Contractor must immediately report to the City any change affecting the maintenance of his or her membership in good standing of the Washington State Bar Association.
4. Proof of Professional Liability Insurance. Contractor will, at Contractor's sole expense, obtain and maintain during the life of this Contract, a policy of comprehensive general liability and professional liability insurance. Said policy shall have limits of not less than One Million Dollars (\$1,000,000) per occurrence and be placed with an insurer authorized to do business in the State of Washington. Certificates issued by the insurance carrier showing such insurance to be in force shall be filed with the City not less than ten days following signing of this Contract.
5. Indemnification.
  - A. Contractor shall defend, indemnify and hold the City, its elected officials, officers and employees harmless from any and all claims, losses or liability, including attorney's fees, whatsoever arising out of Contractor's performance of obligations pursuant to this Contract, including but not limited to claims arising by reason of accident, injury or death caused to persons or property of any kind occurring by the fault or neglect of the Contractor, his agents, associates or employees, or occurring without the fault or neglect of the City.
  - B. With respect to the performance of this Agreement and as to claims against the City, its officers, agents and employees, Contractor expressly waives its immunity under Title 51 of the Revised Code of Washington, the Industrial Insurance Act, for injuries to its employees, and agrees that the obligation to indemnify, defend and hold harmless provided for in this paragraph extends to any claim brought by or on behalf of any employee of Contractor. This waiver is mutually negotiated by the parties. This paragraph shall not apply to any damage resulting from the sole negligence of the City, its agents, and employees. To the extent any of the damages covered by this paragraph were caused by or resulted from the concurrent negligence of the City, its agents or employees, this obligation to indemnify, defend and hold harmless is valid and

enforceable only to the extent of the negligence of the Contractor, its officers, agents and employees.

6. Base Compensation.

- A. The City shall pay Contractor for services rendered under this Contract the sum of \$750 per month, to include up to one appointment, and \$400 for each additional case per month; \$100 per review hearing scheduled, \$500 for jury trials, and \$750 per case appealed to the Superior Court. All fees shall be paid to the Contractor within 30 days of the invoice being provided to the City. Contractor shall submit an invoice quarterly.
- B. Except as expressly provided in Section 7, the cost of all infrastructure, administrative support and systems as well as standard overhead services necessary to comply with established standards is included in the base payment provided in Section 6.A. above.
- C. For all purposes under this Contract, an assigned "case" shall mean a group of criminal charges related to a single incident filed against a defendant, from the time of screening for eligibility through trial, sentencing, post-trial appearances, appeals to the Superior Court, and any subsequent review hearings, if necessary. A "case" shall not include temporary or provisional appointments at arraignments or in-custody hearings, appointments by a court at a court hearing for that one court hearing only, and also shall not include pre-filing representation provided to a suspect who is under investigation for a violation of RON 46.61.502 through .504.

7. Payments in Addition to the Base Compensation. The City shall pay for the following case expenses when reasonably incurred and approved by the Municipal Court from funds available for that purpose:

- A. The City shall provide to Contractor, at no cost to Contractor or the defendant, one copy of all discoverable material concerning the case. Such material shall include, where relevant, a copy of the abstract of the defendant's driving record.
- B. Non-routine case expenses requested by Contractor and preauthorized by order of the Kirkland Municipal Court. Unless the services are performed by Contractor's staff or subcontractors, non-routine expenses include, but are not limited to:
  - i. medical and psychiatric evaluations;
  - ii. expert witness fees and expenses;
  - iii. interpreters for languages not commonly spoken in the City or interpreter services other than attorney/client communication utilizing CTS Language Link unless otherwise approved;

- iv. polygraph, forensic and other scientific tests;
  - v. computerized legal research;
  - vi. investigation expenses; and
  - vii. any other non-routine expenses the Municipal Court finds necessary and proper for the investigation, preparation, and presentation of a case.
- C. Lay witness fees and mileage incurred in bringing defense witnesses to court.
- D. The cost of providing one copy of the client's case file upon client's or client's appellate, post-conviction relief or habeas corpus attorney's request, or at the request of counsel appointed to represent the client when the client has been granted a new trial.
- E. The cost of making copies of direct appeal transcripts for representation in post-conviction relief cases. Contractor is limited to no more than two copies.
- F. Medical, school, birth, Department of Motor Vehicles, and other similar records and 911 and emergency communication recordings and logs, up to the cost of \$75 for an individual item, unless additional funds are approved by the court.
- G. The cost for the service of a subpoena.
8. No Assignment or Subcontracts. No assignment or transfer of this Contract or any interest in this Contract shall be made by either of the parties without prior written consent.
9. Contractor Conflict. In the event the representation of the defendant hereunder raises a conflict of interest such that the Contractor cannot represent the defendant, the defendant shall be referred back to the City for further assignment.
10. Term of this Contract. Contractor shall provide legal representation for assigned defendants under this Contract through December 31, 2023. The Contract may be extended for additional one-year periods at the City's discretion.
11. Termination.
- A. For Cause. Either party may terminate this Contract in the event the other party fails to perform its obligations as described in this Contract and if such failure has not been corrected to the reasonable satisfaction of the first party in a timely manner after notice of breach has been provided to the second party.
  - B. For Reasons Beyond the Control of Parties. Either party may terminate this Contract without recourse by the other where performance is rendered impossible or impracticable for reasons beyond such party's reasonable control, such as, but not limited to, acts of nature; war or warlike operations; civil commotion; riot; labor dispute, including strike, walkout or lockout; sabotage,

or superior governmental regulation or control. Notice of termination pursuant to this subsection shall be given as far in advance as is reasonable.

C. Without Cause. Either party may terminate this Contract at any time without cause upon giving the non-terminating party not less than ninety (90) days prior written notice.

D. In the event of termination of this Agreement and to the extent the client can be adequately represented, the case shall be transferred to the new service provider as efficiently and practicably as possible, and within the guidelines and restrictions of the Rules of Professional Conduct.

12. Amendment. No modification or amendment of the provisions of this Contract shall be effective unless in writing and signed by authorized representatives of the parties hereto.

13. Entire Agreement. This Contract contains the entire agreement between the parties and may not be enlarged, modified or altered except in writing, signed by the parties and endorsed hereon.

DATED this \_\_\_\_ day, \_\_\_\_\_ of 2023.

CITY OF MEDINA

\_\_\_\_\_

\_\_\_\_\_

By \_\_\_\_\_

By \_\_\_\_\_

Title. \_\_\_\_\_

Title \_\_\_\_\_

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# MEDINA, WASHINGTON

## AGENDA BILL

Monday, April 10, 2023

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**Subject:** Park Use Permit Pilot Program

**Category:** City Council Business – Discussion

**Staff Contacts:** Stephen R. Burns, City Manager and Aimee Kellerman, CMC, City Clerk

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### **Summary**

The city processes two types of permits for events in Medina. A Special Event permit for groups of 50 or more and a Park Use permit for groups of 49 or less. In July 2019, City Council directed then City Manager, Michael Sauerwein to update the Special Events permit ordinance to include full cost recovery, including disposal of large volumes of garbage as well as personnel costs.

In review of both the Special Event permit and Park Use permit, staff is proposing to keep the two permits divided and start a one-year pilot program with the Park Use permit. The city receives a relatively small number of requests to reserve either the picnic shelter at Medina Park or a picnic table at Medina Beach Park including the picnic table by the south dock.

At the January 9, 2023 City Council meeting, Council directed staff to revise the first proposal with locations to be determined at both Medina Park and Medina Beach Park, create a map to mark reservable tables, review and revise fee structure for both residents and non-resident.

The updated proposal for the pilot program would run from May 13, 2023, through September 30, 2023, allowing for two picnic tables at Medina Beach Park and the picnic shelter at Medina Park to be reservable each day.

Reservation rules would include a \$50.00 non-refundable deposit for residents and a \$100.00 non-refundable deposit for non-residents at Medina Beach Park and a \$100 non-refundable deposit for residents and a \$200 non-refundable deposit for non-residents for the Medina Park picnic shelter.

A minimum of one hour is required for a reservation with an hourly fee of \$35 an hour for residents and \$70 an hour for non-residents with a time limit of three-hours per reservation at Medina Beach Park. A minimum of one hour is required for a reservation with an hourly fee \$50 for residents and \$100 for non-residents for the Medina Park picnic shelter with a maximum time limit of three hours.

Other rules will include requiring reservation requests of at least 7 days advance but not more than 45 days for residents and not more than 30 days for non-residents.

Having a limited reservation system and a structured process in place for our park use, allows staff to better manage park use, recover costs for staff time, and manage the wear and tear of our parks, picnic tables and shelter. In addition, having time limits on reservations allows for other park patrons to have use of the picnic tables.



Lastly, applicants would be required to provide a parking plan for additional parking beyond the Medina City Hall parking lot if needed.

This pilot program meets and supports the Council's priorities 3, 4, and 5.

Council Priorities:

1. Financial Stability and Accountability
2. Quality Infrastructure
3. Efficient and Effective Government
4. Public Safety and Health
5. Neighborhood Character

**Attachments:**

- Proposed Park Reservation Rules and fees
- Maps of Medina Beach Park showing picnic tables and Medina Park picnic shelter
- Comparable cities parks use

**Budget/Fiscal Impact:** TBD

**Recommendation:** Approve Proposed Pilot Program

**City Manager Approval:**



**Proposed Council Motion:** "I move to approve staff's recommendation to start a Park Use Pilot Program as proposed and report back to Council at the October 2023 City Council meeting."

**Time Estimate:** 15 minutes

## PARK RESERVATION/USE FEES

Park Facility Reservation/Use Fees and Deposits:

(1) Park Facility Reservation/Use Fees and Deposits. Charges for use the City of Medina Parks picnic tables, covered shelter, and open space areas shall be as follow:

Facility	Non-refundable Deposit	Hourly Fee - Resident	Hourly Fee - Non-Resident
Medina Park Gazebo/Shade Structure	\$100.00/resident \$200.00/non-resident	\$50.00	\$100.00
Medina Beach Park Picnic Table	\$50.00/resident \$100/non-resident	\$35.00	\$70.00

The applicable fee and deposit shall be required per area or facility reserved.

Minimum of one hour required for reservation.

Medina Beach Park Small Picnic Tables: Maximum party size is 12 people.

Medina Park Gazebo/Shade Structure: Maximum party size 30

**Guidelines and Park Rules:**

- Picnic area space is for groups of \*50 people or less, with no additional equipment or activities utilized.
- Picnic area reservations have a time limit of three (3) hours per reservation; each space is available from 8am – 5pm.
- Picnic area reservations must be made at least seven days in advance of the desired date. (Reservations cannot be made less than seven days. Non reserved areas are first come, first served).
- Alcohol, vehicles, and public sales are prohibited at picnic areas.

**Renter’s Responsibility:**

Main Contact must attend the event and assumes responsibility for all activities conducted, including, but not limited to:

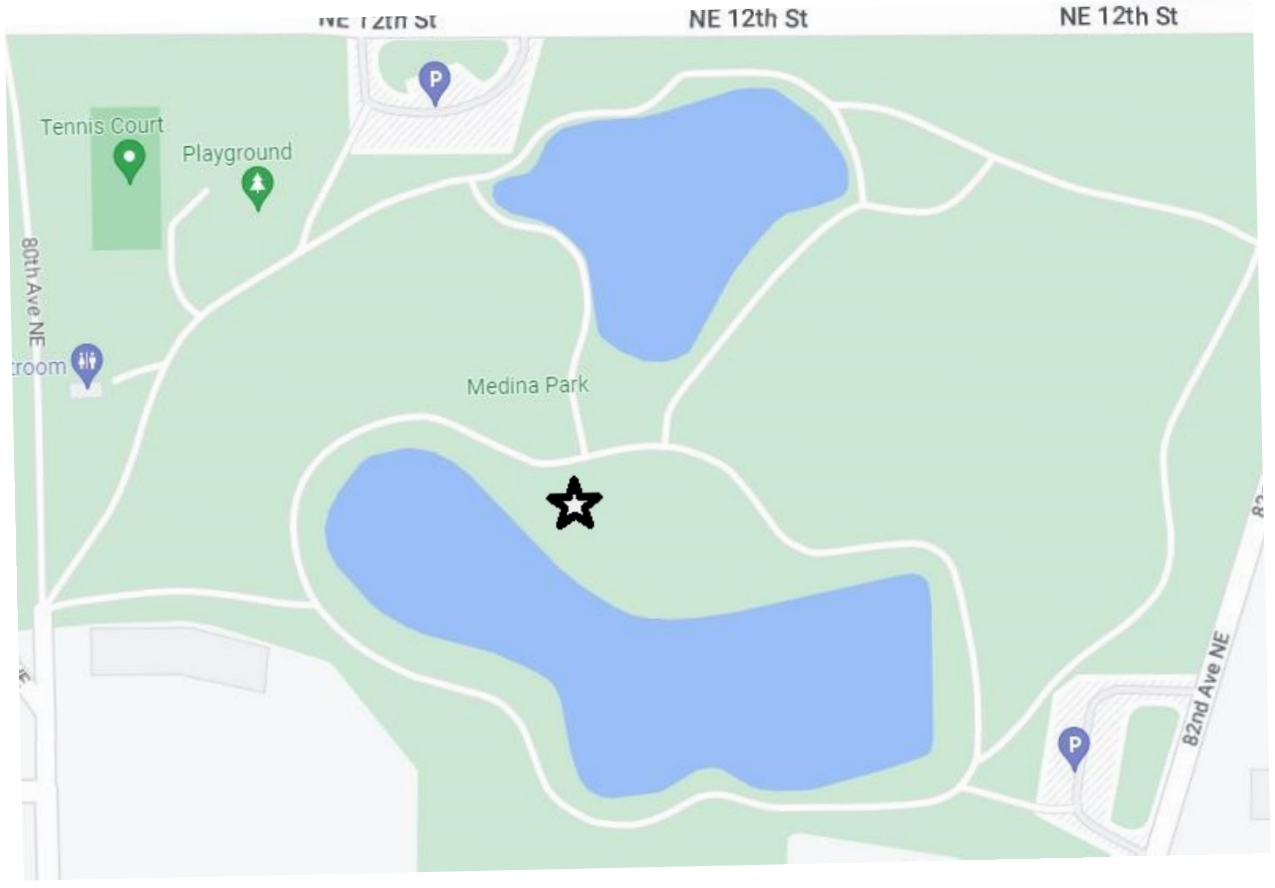
- Provide supervision and control to prevent injury or damage.
- Pick up all litter and place all garbage in trash receptacles or remove from park.
- Clean tables and benches to make area presentable for the next group.
- Provide security to maintain order.
- Ensure everyone attending event is following City Codes and Policies.

**Parking:**

Parking is limited and available on a first-come, first-served basis. An alternative parking plan may be required by staff.

**\*For groups 50 or more people, click here [Special Events Permit](#)**





## Park Reservation Facilities – Local Area

### MERCER ISLAND

#### Picnic Area Information:

- Luther Burbank Park has three picnic areas available for reservation (A, B, and C). None of these spaces are covered by a shelter; all spaces include picnic tables and at least one charcoal grill.
- Aubrey Davis Park has one picnic shelter available for reservation.
- Fees: Each picnic area is \$175 per day.

#### Aubrey Davis Picnic Shelter - \$175.00/Daily (50 ppl max)

- 30'x25' covered shelter
- 3 grills
- Drinking fountain
- 1 20-amp electrical outlet

#### Luther Burbank Picnic Area - \$175.00/Daily (50 ppl max)

- Grills
- Picnic tables

#### Guidelines and Park Rules:

- Picnic area space is for groups of \*50 people or less, with no additional equipment or activities utilized.
- Picnic area reservations are full-day only; each space is available from 8am – 8pm.
- Picnic area reservations must be made at least seven days in advance of the desired date. (Reservations cannot be made less than seven days. Non reserved areas are first come, first served).
- Alcohol, vehicles, and public sales are prohibited at picnic areas.

### REDMOND

City of Redmond picnic shelters are available to rent from April through September each year.

Smallest maximum occupancy is 35 ppl with maximum occupancy at 75 ppl.

#### Picnic Shelter Fees:

- Resident Rate \$180/daily – 09:00 to sunset
- Non-Resident \$214/daily – 09:00 to sunset

**KIRKLAND**

The city of Kirkland has several park locations with various fees for both resident and non-resident fees.

**Picnic Areas/Shelters Fees and Hours**

Hours:

- Half Day (9 AM to 2 PM or 3 PM to 9 PM)
- All Day (9 AM to 9 PM)

Location	Half Day		All Day	
	Resident	Non-Resident	Resident	Non-Resident
132nd Square Picnic Shelter	\$100	\$120	\$190	\$230
Crestwoods Picnic Area	\$175	\$210	\$300	\$360
Edith Moulton Picnic Shelter	\$100	\$120	\$190	\$230
Everest Picnic Shelter	\$100	\$120	\$190	\$230
Houghton Picnic Area	\$85	\$100	\$160	\$190
Juanita Beach Picnic Shelter 1	\$120	\$145	\$230	\$275
Juanita Beach Picnic Shelter 2	\$120	\$145	\$230	\$275
Juanita Beach Picnic Shelters 1 & 2	\$230	\$275	\$450	\$540
North Rose Hill Woodlands Shelter	\$40	\$48	\$75	\$90
OO Denny Picnic Area	\$85	\$100	\$160	\$190
OO Denny Picnic Shelter	\$120	\$145	\$230	\$275
Rose Hill Meadows Shelter	\$40	\$48	\$75	\$90
Rotary Central Station Shelter	\$40	\$48	\$75	\$90
Waverly Beach Picnic Shelter	\$85	\$100	\$160	\$190

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**BOTHELL**

The city of Bothell has two locations for picnic shelter rentals with fees for both resident and non-resident.

Large shelter (max capacity 60) Locations: Blyth Park, Cedar Grove Park

- Half Day: 8am - 2pm OR 3pm - 9pm
- Full Day: 8am - 9pm
- Resident: \$100 half day or \$200 full day
- Non-Resident: \$150 half day or \$300 full day

Small shelter (max capacity 25) Locations: Blyth Park, Centennial Park

- Half Day: 8am-2pm OR 3pm-9pm
- Full Day: 8am-9pm
- Residents: \$50 half day or \$100 full day
- Non-Residents: \$100 half day or \$200 full day

**Comprehensive Plan Update**  
**NO ATTACHMENTS FOR AGENDA ITEM 9.2**





# MEDINA, WASHINGTON

## AGENDA BILL

Monday, May 8, 2023

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**Subject:** New Housing Legislation

**Category:** Discussion

**Staff Contact:** Stephanie Keyser, Planning Manager

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### **Summary**

Two of the bills that passed the 2023 Legislative Session will require amendments to Medina's development regulations by June 30, 2025. E2SHB 1110 requires allowing at least 2 dwellings per lot on all lots and EHB 1337 requires allowing at least 2 accessory dwelling units (ADUs) per lot.

**Attachment(s)** E2SHB 1110

EHB 1337

**Budget/Fiscal Impact:** N/A

**Recommendation:** N/A

**City Manager Approval:**

**Proposed Council Motion:** N/A

Time Estimate: 20 minutes

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**ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1110**


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AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

**State of Washington                      68th Legislature                      2023 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Bateman, Barkis, Reed, Taylor, Riccelli, Berry, Fitzgibbon, Peterson, Duerr, Lekanoff, Alvarado, Street, Ryu, Ramel, Cortes, Doglio, Macri, Mena, Gregerson, Thai, Bergquist, Farivar, Wylie, Stonier, Pollet, Santos, Fosse, and Ormsby)

READ FIRST TIME 02/24/23.

1            AN ACT Relating to creating more homes for Washington by  
 2 increasing middle housing in areas traditionally dedicated to single-  
 3 family detached housing; amending RCW 36.70A.030, 36.70A.280,  
 4 43.21C.495, and 43.21C.450; adding new sections to chapter 36.70A  
 5 RCW; adding a new section to chapter 64.34 RCW; adding a new section  
 6 to chapter 64.32 RCW; adding a new section to chapter 64.38 RCW;  
 7 adding a new section to chapter 64.90 RCW; and creating new sections.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

9            NEW SECTION.    **Sec. 1.** The legislature finds that Washington is  
 10 facing an unprecedented housing crisis for its current population and  
 11 a lack of housing choices, and is not likely to meet the  
 12 affordability goals for future populations. In order to meet the goal  
 13 of 1,000,000 new homes by 2044, and enhanced quality of life and  
 14 environmental protection, innovative housing policies will need to be  
 15 adopted.

16            Increasing housing options that are more affordable to various  
 17 income levels is critical to achieving the state's housing goals,  
 18 including those codified by the legislature under chapter 254, Laws  
 19 of 2021.

20            There is continued need for the development of housing at all  
 21 income levels, including middle housing that will provide a wider

1 variety of housing options and configurations to allow Washingtonians  
2 to live near where they work.

3 Homes developed at higher densities are more affordable by design  
4 for Washington residents both in their construction and reduced  
5 household energy and transportation costs.

6 While creating more housing options, it is essential for cities  
7 to identify areas at higher risk of displacement and establish  
8 antidisplacement policies as required in Engrossed Second Substitute  
9 House Bill No. 1220 (chapter 254, Laws of 2021).

10 The state has made historic investments in subsidized affordable  
11 housing through the housing trust fund, yet even with these historic  
12 investments, the magnitude of the housing shortage requires both  
13 public and private investment.

14 In addition to addressing the housing shortage, allowing more  
15 housing options in areas already served by urban infrastructure will  
16 reduce the pressure to develop natural and working lands, support key  
17 strategies for climate change, food security, and Puget Sound  
18 recovery, and save taxpayers and ratepayers money.

19 **Sec. 2.** RCW 36.70A.030 and 2021 c 254 s 6 are each amended to  
20 read as follows:

21 Unless the context clearly requires otherwise, the definitions in  
22 this section apply throughout this chapter.

23 (1) "Administrative design review" means a development permit  
24 process whereby an application is reviewed, approved, or denied by  
25 the planning director or the planning director's designee based  
26 solely on objective design and development standards without a public  
27 predecision hearing, unless such review is otherwise required by  
28 state or federal law, or the structure is a designated landmark or  
29 historic district established under a local preservation ordinance. A  
30 city may utilize public meetings, hearings, or voluntary review  
31 boards to consider, recommend, or approve requests for variances from  
32 locally established design review standards.

33 (2) "Adopt a comprehensive land use plan" means to enact a new  
34 comprehensive land use plan or to update an existing comprehensive  
35 land use plan.

36 ((+2)) (3) "Affordable housing" means, unless the context  
37 clearly indicates otherwise, residential housing whose monthly costs,  
38 including utilities other than telephone, do not exceed thirty  
39 percent of the monthly income of a household whose income is:

1 (a) For rental housing, sixty percent of the median household  
 2 income adjusted for household size, for the county where the  
 3 household is located, as reported by the United States department of  
 4 housing and urban development; or

5 (b) For owner-occupied housing, eighty percent of the median  
 6 household income adjusted for household size, for the county where  
 7 the household is located, as reported by the United States department  
 8 of housing and urban development.

9 ~~((3))~~ (4) "Agricultural land" means land primarily devoted to  
 10 the commercial production of horticultural, viticultural,  
 11 floricultural, dairy, apiary, vegetable, or animal products or of  
 12 berries, grain, hay, straw, turf, seed, Christmas trees not subject  
 13 to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish  
 14 in upland hatcheries, or livestock, and that has long-term commercial  
 15 significance for agricultural production.

16 ~~((4))~~ (5) "City" means any city or town, including a code city.

17 ~~((5))~~ (6) "Comprehensive land use plan," "comprehensive plan,"  
 18 or "plan" means a generalized coordinated land use policy statement  
 19 of the governing body of a county or city that is adopted pursuant to  
 20 this chapter.

21 ~~((6))~~ (7) "Cottage housing" means residential units on a lot  
 22 with a common open space that either: (a) Is owned in common; or (b)  
 23 has units owned as condominium units with property owned in common  
 24 and a minimum of 20 percent of the lot size as open space.

25 (8) "Courtyard apartments" means up to four attached dwelling  
 26 units arranged on two or three sides of a yard or court.

27 (9) "Critical areas" include the following areas and ecosystems:  
 28 (a) Wetlands; (b) areas with a critical recharging effect on aquifers  
 29 used for potable water; (c) fish and wildlife habitat conservation  
 30 areas; (d) frequently flooded areas; and (e) geologically hazardous  
 31 areas. "Fish and wildlife habitat conservation areas" does not  
 32 include such artificial features or constructs as irrigation delivery  
 33 systems, irrigation infrastructure, irrigation canals, or drainage  
 34 ditches that lie within the boundaries of and are maintained by a  
 35 port district or an irrigation district or company.

36 ~~((7))~~ (10) "Department" means the department of commerce.

37 ~~((8))~~ (11) "Development regulations" or "regulation" means the  
 38 controls placed on development or land use activities by a county or  
 39 city, including, but not limited to, zoning ordinances, critical  
 40 areas ordinances, shoreline master programs, official controls

1 planned unit development ordinances, subdivision ordinances, and  
2 binding site plan ordinances together with any amendments thereto. A  
3 development regulation does not include a decision to approve a  
4 project permit application, as defined in RCW 36.70B.020, even though  
5 the decision may be expressed in a resolution or ordinance of the  
6 legislative body of the county or city.

7 ~~((9))~~ (12) "Emergency housing" means temporary indoor  
8 accommodations for individuals or families who are homeless or at  
9 imminent risk of becoming homeless that is intended to address the  
10 basic health, food, clothing, and personal hygiene needs of  
11 individuals or families. Emergency housing may or may not require  
12 occupants to enter into a lease or an occupancy agreement.

13 ~~((10))~~ (13) "Emergency shelter" means a facility that provides  
14 a temporary shelter for individuals or families who are currently  
15 homeless. Emergency shelter may not require occupants to enter into a  
16 lease or an occupancy agreement. Emergency shelter facilities may  
17 include day and warming centers that do not provide overnight  
18 accommodations.

19 ~~((11))~~ (14) "Extremely low-income household" means a single  
20 person, family, or unrelated persons living together whose adjusted  
21 income is at or below thirty percent of the median household income  
22 adjusted for household size, for the county where the household is  
23 located, as reported by the United States department of housing and  
24 urban development.

25 ~~((12))~~ (15) "Forestland" means land primarily devoted to  
26 growing trees for long-term commercial timber production on land that  
27 can be economically and practically managed for such production,  
28 including Christmas trees subject to the excise tax imposed under RCW  
29 84.33.100 through 84.33.140, and that has long-term commercial  
30 significance. In determining whether forestland is primarily devoted  
31 to growing trees for long-term commercial timber production on land  
32 that can be economically and practically managed for such production,  
33 the following factors shall be considered: (a) The proximity of the  
34 land to urban, suburban, and rural settlements; (b) surrounding  
35 parcel size and the compatibility and intensity of adjacent and  
36 nearby land uses; (c) long-term local economic conditions that affect  
37 the ability to manage for timber production; and (d) the availability  
38 of public facilities and services conducive to conversion of  
39 forestland to other uses.

1        ~~((13))~~ (16) "Freight rail dependent uses" means buildings and  
 2 other infrastructure that are used in the fabrication, processing,  
 3 storage, and transport of goods where the use is dependent on and  
 4 makes use of an adjacent short line railroad. Such facilities are  
 5 both urban and rural development for purposes of this chapter.  
 6 "Freight rail dependent uses" does not include buildings and other  
 7 infrastructure that are used in the fabrication, processing, storage,  
 8 and transport of coal, liquefied natural gas, or "crude oil" as  
 9 defined in RCW 90.56.010.

10        ~~((14))~~ (17) "Geologically hazardous areas" means areas that  
 11 because of their susceptibility to erosion, sliding, earthquake, or  
 12 other geological events, are not suited to the siting of commercial,  
 13 residential, or industrial development consistent with public health  
 14 or safety concerns.

15        ~~((15))~~ (18) "Long-term commercial significance" includes the  
 16 growing capacity, productivity, and soil composition of the land for  
 17 long-term commercial production, in consideration with the land's  
 18 proximity to population areas, and the possibility of more intense  
 19 uses of the land.

20        ~~((16))~~ (19) "Low-income household" means a single person,  
 21 family, or unrelated persons living together whose adjusted income is  
 22 at or below eighty percent of the median household income adjusted  
 23 for household size, for the county where the household is located, as  
 24 reported by the United States department of housing and urban  
 25 development.

26        ~~((17))~~ (20) "Major transit stop" means:

27        (a) A stop on a high capacity transportation system funded or  
 28 expanded under the provisions of chapter 81.104 RCW;

29        (b) Commuter rail stops;

30        (c) Stops on rail or fixed guideway systems; or

31        (d) Stops on bus rapid transit routes.

32        (21) "Middle housing" means buildings that are compatible in  
 33 scale, form, and character with single-family houses and contain two  
 34 or more attached, stacked, or clustered homes including duplexes,  
 35 triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked  
 36 flats, courtyard apartments, and cottage housing.

37        (22) "Minerals" include gravel, sand, and valuable metallic  
 38 substances.

39        ~~((18))~~ (23) "Moderate-income household" means a single person,  
 40 family, or unrelated persons living together whose adjusted income is

1 at or below 120 percent of the median household income adjusted for  
 2 household size, for the county where the household is located, as  
 3 reported by the United States department of housing and urban  
 4 development.

5 ~~((19))~~ (24) "Permanent supportive housing" is subsidized,  
 6 leased housing with no limit on length of stay that prioritizes  
 7 people who need comprehensive support services to retain tenancy and  
 8 utilizes admissions practices designed to use lower barriers to entry  
 9 than would be typical for other subsidized or unsubsidized rental  
 10 housing, especially related to rental history, criminal history, and  
 11 personal behaviors. Permanent supportive housing is paired with on-  
 12 site or off-site voluntary services designed to support a person  
 13 living with a complex and disabling behavioral health or physical  
 14 health condition who was experiencing homelessness or was at imminent  
 15 risk of homelessness prior to moving into housing to retain their  
 16 housing and be a successful tenant in a housing arrangement, improve  
 17 the resident's health status, and connect the resident of the housing  
 18 with community-based health care, treatment, or employment services.  
 19 Permanent supportive housing is subject to all of the rights and  
 20 responsibilities defined in chapter 59.18 RCW.

21 ~~((20))~~ (25) "Public facilities" include streets, roads,  
 22 highways, sidewalks, street and road lighting systems, traffic  
 23 signals, domestic water systems, storm and sanitary sewer systems,  
 24 parks and recreational facilities, and schools.

25 ~~((21))~~ (26) "Public services" include fire protection and  
 26 suppression, law enforcement, public health, education, recreation,  
 27 environmental protection, and other governmental services.

28 ~~((22))~~ (27) "Recreational land" means land so designated under  
 29 RCW 36.70A.1701 and that, immediately prior to this designation, was  
 30 designated as agricultural land of long-term commercial significance  
 31 under RCW 36.70A.170. Recreational land must have playing fields and  
 32 supporting facilities existing before July 1, 2004, for sports played  
 33 on grass playing fields.

34 ~~((23))~~ (28) "Rural character" refers to the patterns of land  
 35 use and development established by a county in the rural element of  
 36 its comprehensive plan:

37 (a) In which open space, the natural landscape, and vegetation  
 38 predominate over the built environment;

39 (b) That foster traditional rural lifestyles, rural-based  
 40 economies, and opportunities to both live and work in rural areas;

1 (c) That provide visual landscapes that are traditionally found  
2 in rural areas and communities;

3 (d) That are compatible with the use of the land by wildlife and  
4 for fish and wildlife habitat;

5 (e) That reduce the inappropriate conversion of undeveloped land  
6 into sprawling, low-density development;

7 (f) That generally do not require the extension of urban  
8 governmental services; and

9 (g) That are consistent with the protection of natural surface  
10 water flows and groundwater and surface water recharge and discharge  
11 areas.

12 ~~((24))~~ (29) "Rural development" refers to development outside  
13 the urban growth area and outside agricultural, forest, and mineral  
14 resource lands designated pursuant to RCW 36.70A.170. Rural  
15 development can consist of a variety of uses and residential  
16 densities, including clustered residential development, at levels  
17 that are consistent with the preservation of rural character and the  
18 requirements of the rural element. Rural development does not refer  
19 to agriculture or forestry activities that may be conducted in rural  
20 areas.

21 ~~((25))~~ (30) "Rural governmental services" or "rural services"  
22 include those public services and public facilities historically and  
23 typically delivered at an intensity usually found in rural areas, and  
24 may include domestic water systems~~((7))~~ and fire and police  
25 protection services~~((, transportation and public transit services,~~  
26 ~~and other public utilities))~~ associated with rural development and  
27 normally not associated with urban areas. Rural services do not  
28 include storm or sanitary sewers, except as otherwise authorized by  
29 RCW 36.70A.110(4).

30 ~~((26))~~ (31) "Short line railroad" means those railroad lines  
31 designated class II or class III by the United States surface  
32 transportation board.

33 ~~((27))~~ (32) "Single-family zones" means those zones where  
34 single-family detached housing is the predominant land use.

35 (33) "Stacked flat" means dwelling units in a residential  
36 building of no more than three stories on a residential zoned lot in  
37 which each floor may be separately rented or owned.

38 (34) "Townhouses" means buildings that contain three or more  
39 attached single-family dwelling units that extend from foundation to  
40 roof and that have a yard or public way on not less than two sides.



1        (35) "Urban governmental services" or "urban services" include  
2 those public services and public facilities at an intensity  
3 historically and typically provided in cities, specifically including  
4 storm and sanitary sewer systems, domestic water systems, street  
5 cleaning services, fire and police protection services, public  
6 transit services, and other public utilities associated with urban  
7 areas and normally not associated with rural areas.

8        ~~((28))~~ (36) "Urban growth" refers to growth that makes  
9 intensive use of land for the location of buildings, structures, and  
10 impermeable surfaces to such a degree as to be incompatible with the  
11 primary use of land for the production of food, other agricultural  
12 products, or fiber, or the extraction of mineral resources, rural  
13 uses, rural development, and natural resource lands designated  
14 pursuant to RCW 36.70A.170. A pattern of more intensive rural  
15 development, as provided in RCW 36.70A.070(5)(d), is not urban  
16 growth. When allowed to spread over wide areas, urban growth  
17 typically requires urban governmental services. "Characterized by  
18 urban growth" refers to land having urban growth located on it, or to  
19 land located in relationship to an area with urban growth on it as to  
20 be appropriate for urban growth.

21        ~~((29))~~ (37) "Urban growth areas" means those areas designated  
22 by a county pursuant to RCW 36.70A.110.

23        ~~((30))~~ (38) "Very low-income household" means a single person,  
24 family, or unrelated persons living together whose adjusted income is  
25 at or below fifty percent of the median household income adjusted for  
26 household size, for the county where the household is located, as  
27 reported by the United States department of housing and urban  
28 development.

29        ~~((31))~~ (39) "Wetland" or "wetlands" means areas that are  
30 inundated or saturated by surface water or groundwater at a frequency  
31 and duration sufficient to support, and that under normal  
32 circumstances do support, a prevalence of vegetation typically  
33 adapted for life in saturated soil conditions. Wetlands generally  
34 include swamps, marshes, bogs, and similar areas. Wetlands do not  
35 include those artificial wetlands intentionally created from  
36 nonwetland sites, including, but not limited to, irrigation and  
37 drainage ditches, grass-lined swales, canals, detention facilities,  
38 wastewater treatment facilities, farm ponds, and landscape amenities,  
39 or those wetlands created after July 1, 1990, that were  
40 unintentionally created as a result of the construction of a road

1 street, or highway. Wetlands may include those artificial wetlands  
2 intentionally created from nonwetland areas created to mitigate  
3 conversion of wetlands.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A  
5 RCW to read as follows:

6 (1) Except as provided in subsection (4) of this section, any  
7 city that is required or chooses to plan under RCW 36.70A.040 must  
8 provide by ordinance and incorporate into its development  
9 regulations, zoning regulations, and other official controls,  
10 authorization for the following:

11 (a) For cities with a population of at least 25,000 but less than  
12 75,000 based on office of financial management population estimates:

13 (i) The development of at least two units per lot on all lots  
14 zoned predominantly for residential use, unless zoning permitting  
15 higher densities or intensities applies;

16 (ii) The development of at least four units per lot on all lots  
17 zoned predominantly for residential use, unless zoning permitting  
18 higher densities or intensities applies, within one-quarter mile  
19 walking distance of a major transit stop; and

20 (iii) The development of at least four units per lot on all lots  
21 zoned predominantly for residential use, unless zoning permitting  
22 higher densities or intensities applies, if at least one unit is  
23 affordable housing.

24 (b) For cities with a population of at least 75,000 based on  
25 office of financial management population estimates:

26 (i) The development of at least four units per lot on all lots  
27 zoned predominantly for residential use, unless zoning permitting  
28 higher densities or intensities applies;

29 (ii) The development of at least six units per lot on all lots  
30 zoned predominantly for residential use, unless zoning permitting  
31 higher densities or intensities applies, within one-quarter mile  
32 walking distance of a major transit stop; and

33 (iii) The development of at least six units per lot on all lots  
34 zoned predominantly for residential use, unless zoning permitting  
35 higher densities or intensities applies, if at least two units are  
36 affordable housing.

37 (c) For cities with a population of less than 25,000, that are  
38 within a contiguous urban growth area with the largest city in a  
39 county with a population of more than 275,000, based on office of

1 financial management population estimates the development of at least  
2 two units per lot on all lots zoned predominantly for residential  
3 use, unless zoning permitting higher densities or intensities  
4 applies.

5 (2) (a) To qualify for the additional units allowed under  
6 subsection (1) of this section, the applicant must commit to renting  
7 or selling the required number of units as affordable housing. The  
8 units must be maintained as affordable for a term of at least 50  
9 years, and the property must satisfy that commitment and all required  
10 affordability and income eligibility conditions adopted by the local  
11 government under this chapter. A city must require the applicant to  
12 record a covenant or deed restriction that ensures the continuing  
13 rental of units subject to these affordability requirements  
14 consistent with the conditions in chapter 84.14 RCW for a period of  
15 no less than 50 years. The covenant or deed restriction must also  
16 address criteria and policies to maintain public benefit if the  
17 property is converted to a use other than which continues to provide  
18 for permanently affordable housing.

19 (b) The units dedicated as affordable must be provided in a range  
20 of sizes comparable to other units in the development. To the extent  
21 practicable, the number of bedrooms in affordable units must be in  
22 the same proportion as the number of bedrooms in units within the  
23 entire development. The affordable units must generally be  
24 distributed throughout the development and have substantially the  
25 same functionality as the other units in the development.

26 (c) If a city has enacted a program under RCW 36.70A.540, the  
27 terms of that program govern to the extent they vary from the  
28 requirements of this subsection.

29 (3) If a city has enacted a program under RCW 36.70A.540,  
30 subsection (1) of this section does not preclude the city from  
31 requiring any development, including development described in  
32 subsection (1) of this section, to provide affordable housing, either  
33 on-site or through an in-lieu payment, nor limit the city's ability  
34 to expand such a program or modify its requirements.

35 (4) (a) As an alternative to the density requirements in  
36 subsection (1) of this section, a city may implement the density  
37 requirements in subsection (1) of this section for at least 75  
38 percent of lots in the city that are primarily dedicated to single-  
39 family detached housing units.

1 (b) The 25 percent of lots for which the requirements of  
2 subsection (1) of this section are not implemented must include but  
3 are not limited to:

4 (i) Any areas within the city for which the department has  
5 certified an extension of the implementation timelines under section  
6 5 of this act due to the risk of displacement;

7 (ii) Any areas within the city for which the department has  
8 certified an extension of the implementation timelines under section  
9 7 of this act due to a lack of infrastructure capacity;

10 (iii) Any lots designated with critical areas or their buffers  
11 that are exempt from the density requirements as provided in  
12 subsection (8) of this section;

13 (iv) Any portion of a city within a one-mile radius of a  
14 commercial airport with at least 9,000,000 annual enplanements that  
15 is exempt from the parking requirements under subsection (7)(b) of  
16 this section; and

17 (v) Any areas subject to sea level rise, increased flooding,  
18 susceptible to wildfires, or geological hazards over the next 100  
19 years.

20 (c) Unless identified as at higher risk of displacement under RCW  
21 36.70A.070(2)(g), the 25 percent of lots for which the requirements  
22 of subsection (1) of this section are not implemented may not  
23 include:

24 (i) Any areas for which the exclusion would further racially  
25 disparate impacts or result in zoning with a discriminatory effect;

26 (ii) Any areas within one-half mile walking distance of a major  
27 transit stop; or

28 (iii) Any areas historically covered by a covenant or deed  
29 restriction excluding racial minorities from owning property or  
30 living in the area, as known to the city at the time of each  
31 comprehensive plan update.

32 (5) A city must allow at least six of the nine types of middle  
33 housing to achieve the unit density required in subsection (1) of  
34 this section. A city may allow accessory dwelling units to achieve  
35 the unit density required in subsection (1) of this section. Cities  
36 are not required to allow accessory dwelling units or middle housing  
37 types beyond the density requirements in subsection (1) of this  
38 section. A city must also allow zero lot line short subdivision where  
39 the number of lots created is equal to the unit density required in  
40 subsection (1) of this section.

1 (6) Any city subject to the requirements of this section:

2 (a) If applying design review for middle housing, only  
3 administrative design review shall be required;

4 (b) Except as provided in (a) of this subsection, shall not  
5 require through development regulations any standards for middle  
6 housing that are more restrictive than those required for detached  
7 single-family residences, but may apply any objective development  
8 regulations that are required for detached single-family residences,  
9 including, but not limited to, set-back, lot coverage, stormwater,  
10 clearing, and tree canopy and retention requirements to ensure  
11 compliance with existing ordinances intended to protect critical  
12 areas and public health and safety;

13 (c) Shall apply to middle housing the same development permit and  
14 environmental review processes that apply to detached single-family  
15 residences, unless otherwise required by state law including, but not  
16 limited to, shoreline regulations under chapter 90.58 RCW, building  
17 codes under chapter 19.27 RCW, energy codes under chapter 19.27A RCW,  
18 or electrical codes under chapter 19.28 RCW;

19 (d) Shall not require off-street parking as a condition of  
20 permitting development of middle housing within one-half mile walking  
21 distance of a major transit stop;

22 (e) Shall not require more than one off-street parking space per  
23 unit as a condition of permitting development of middle housing on  
24 lots smaller than 6,000 square feet before any zero lot line  
25 subdivisions or lot splits;

26 (f) Shall not require more than two off-street parking spaces per  
27 unit as a condition of permitting development of middle housing on  
28 lots greater than 6,000 square feet before any zero lot line  
29 subdivisions or lot splits; and

30 (g) Are not required to achieve the per unit density under this  
31 act on lots after subdivision below 1,000 square feet unless the city  
32 chooses to enact smaller allowable lot sizes.

33 (7) The provisions of subsection (6)(d) through (f) of this  
34 section do not apply:

35 (a) If a local government submits to the department an empirical  
36 study prepared by a credentialed transportation or land use planning  
37 expert that clearly demonstrates, and the department finds and  
38 certifies, that the application of the parking limitations of  
39 subsection (6)(d) through (f) of this section for middle housing will  
40 be significantly less safe for vehicle drivers or passengers

1 pedestrians, or bicyclists than if the jurisdiction's parking  
2 requirements were applied to the same location for the same number of  
3 detached houses. The department must develop guidance to assist  
4 cities on items to include in the study; or

5 (b) To portions of cities within a one-mile radius of a  
6 commercial airport in Washington with at least 9,000,000 annual  
7 enplanements.

8 (8) The provisions of this section do not apply to:

9 (a) Lots designated with critical areas designated under RCW  
10 36.70A.170 or their buffers as required by RCW 36.70A.170;

11 (b) A watershed serving a reservoir for potable water if that  
12 watershed is or was listed, as of the effective date of this section,  
13 as impaired or threatened under section 303(d) of the federal clean  
14 water act (33 U.S.C. Sec. 1313(d)); or

15 (c) Lots that have been designated urban separators by countywide  
16 planning policies as of the effective date of this section.

17 (9) Nothing in this section prohibits a city from permitting  
18 detached single-family residences.

19 (10) Nothing in this section requires a city to issue a building  
20 permit if other federal, state, and local requirements for a building  
21 permit are not met.

22 (11) A city must comply with the requirements of this section on  
23 the latter of:

24 (a) Six months after its next periodic comprehensive plan update  
25 required under RCW 36.70A.130 if the city meets the population  
26 threshold based on the 2020 office of financial management population  
27 data; or

28 (b) 12 months after their next implementation progress report  
29 required under RCW 36.70A.130 after a determination by the office of  
30 financial management that the city has reached a population threshold  
31 established under this section.

32 (12) A city complying with this section and not granted a  
33 timeline extension under section 7 of this act does not have to  
34 update its capital facilities plan element required by RCW  
35 36.70A.070(3) to accommodate the increased housing required by this  
36 act until the first periodic comprehensive plan update required for  
37 the city under RCW 36.70A.130(5) that occurs on or after June 30,  
38 2034.

1        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 36.70A  
2    RCW to read as follows:

3        (1) (a) The department is directed to provide technical assistance  
4    to cities as they implement the requirements under section 3 of this  
5    act.

6        (b) The department shall prioritize such technical assistance to  
7    cities demonstrating the greatest need.

8        (2) (a) The department shall publish model middle housing  
9    ordinances no later than six months following the effective date of  
10   this section.

11       (b) In any city subject to section 3 of this act that has not  
12   passed ordinances, regulations, or other official controls within the  
13   time frames provided under section 3(11) of this act, the model  
14   ordinance supersedes, preempts, and invalidates local development  
15   regulations until the city takes all actions necessary to implement  
16   section 3 of this act.

17       (3) (a) The department is directed to establish a process by which  
18   cities implementing the requirements of section 3 of this act may  
19   seek approval of alternative local action necessary to meet the  
20   requirements of this act.

21       (b) The department may approve actions under this section for  
22   cities that have, by January 1, 2023, adopted a comprehensive plan  
23   that is substantially similar to the requirements of this act and  
24   have adopted, or within one year of the effective date of this  
25   section adopts, permanent development regulations that are  
26   substantially similar to the requirements of this act. In determining  
27   whether a city's adopted comprehensive plan and permanent development  
28   regulations are substantially similar, the department must find as  
29   substantially similar plans and regulations that:

30       (i) Result in an overall increase in housing units allowed in  
31   single-family zones that is at least 75 percent of the increase in  
32   housing units allowed in single-family zones if the specific  
33   provisions of this act were adopted;

34       (ii) Allow for middle housing throughout the city, rather than  
35   just in targeted locations; and

36       (iii) Allow for additional density near major transit stops, and  
37   for projects that incorporate dedicated affordable housing.

38       (c) The department may also approve actions under this section  
39   for cities that have, by January 1, 2023, adopted a comprehensive  
40   plan or development regulations that have significantly reduced or

1 eliminated residentially zoned areas that are predominantly single  
 2 family. The department must find that a city's actions are  
 3 substantially similar to the requirements of this act if they have  
 4 adopted, or within one year of the effective date of this section  
 5 adopts, permanent development regulations that:

6 (i) Result in an overall increase in housing units allowed in  
 7 single-family zones that is at least 75 percent of the increase in  
 8 housing units allowed in single-family zones if the specific  
 9 provisions of this act were adopted;

10 (ii) Allow for middle housing throughout the city, rather than  
 11 just in targeted locations; and

12 (iii) Allow for additional density near major transit stops, and  
 13 for projects that incorporate dedicated affordable housing.

14 (d) The department may determine that a comprehensive plan and  
 15 development regulations that do not meet these criteria are otherwise  
 16 substantially similar to the requirements of this act if the city can  
 17 clearly demonstrate that the regulations adopted will allow for a  
 18 greater increase in middle housing production within single family  
 19 zones than would be allowed through implementation of section 3 of  
 20 this act.

21 (e) Any local actions approved by the department pursuant to (a)  
 22 of this subsection to implement the requirements under section 3 of  
 23 this act are exempt from appeals under this chapter and chapter  
 24 43.21C RCW.

25 (f) The department's final decision to approve or reject actions  
 26 by cities implementing section 3 of this act may be appealed to the  
 27 growth management hearings board by filing a petition as provided in  
 28 RCW 36.70A.290.

29 (4) The department may issue guidance for local jurisdictions to  
 30 ensure that the levels of middle housing zoning under this act can be  
 31 integrated with the methods used by cities to calculate zoning  
 32 densities and intensities in local zoning and development  
 33 regulations.

34 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.70A  
 35 RCW to read as follows:

36 Any city choosing the alternative density requirements in section  
 37 3(4) of this act may apply to the department for, and the department  
 38 may certify, an extension for areas at risk of displacement as  
 39 determined by the antidisplacement analysis that a jurisdiction is



1 required to complete under RCW 36.70A.070(2). The city must create a  
 2 plan for implementing antidisplacement policies by their next  
 3 implementation progress report required by RCW 36.70A.130(9). The  
 4 department may certify one further extension based on evidence of  
 5 significant ongoing displacement risk in the impacted area.

6 **Sec. 6.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to  
 7 read as follows:

8 (1) The growth management hearings board shall hear and determine  
 9 only those petitions alleging either:

10 (a) That, except as provided otherwise by this subsection, a  
 11 state agency, county, or city planning under this chapter is not in  
 12 compliance with the requirements of this chapter, chapter 90.58 RCW  
 13 as it relates to the adoption of shoreline master programs or  
 14 amendments thereto, or chapter 43.21C RCW as it relates to plans,  
 15 development regulations, or amendments, adopted under RCW 36.70A.040  
 16 or chapter 90.58 RCW. Nothing in this subsection authorizes the board  
 17 to hear petitions alleging noncompliance with RCW 36.70A.5801;

18 (b) That the twenty-year growth management planning population  
 19 projections adopted by the office of financial management pursuant to  
 20 RCW 43.62.035 should be adjusted;

21 (c) That the approval of a work plan adopted under RCW  
 22 36.70A.735(1)(a) is not in compliance with the requirements of the  
 23 program established under RCW 36.70A.710;

24 (d) That regulations adopted under RCW 36.70A.735(1)(b) are not  
 25 regionally applicable and cannot be adopted, wholly or partially, by  
 26 another jurisdiction; ((~~or~~))

27 (e) That a department certification under RCW 36.70A.735(1)(c) is  
 28 erroneous; or

29 (f) That the department's final decision to approve or reject  
 30 actions by a city implementing section 3 of this act is clearly  
 31 erroneous.

32 (2) A petition may be filed only by: (a) The state, or a county  
 33 or city that plans under this chapter; (b) a person who has  
 34 participated orally or in writing before the county or city regarding  
 35 the matter on which a review is being requested; (c) a person who is  
 36 certified by the governor within sixty days of filing the request  
 37 with the board; or (d) a person qualified pursuant to RCW 34.05.530.

38 (3) For purposes of this section "person" means any individual,  
 39 partnership, corporation, association, state agency, governmental

1 subdivision or unit thereof, or public or private organization or  
2 entity of any character.

3 (4) To establish participation standing under subsection (2)(b)  
4 of this section, a person must show that his or her participation  
5 before the county or city was reasonably related to the person's  
6 issue as presented to the board.

7 (5) When considering a possible adjustment to a growth management  
8 planning population projection prepared by the office of financial  
9 management, the board shall consider the implications of any such  
10 adjustment to the population forecast for the entire state.

11 The rationale for any adjustment that is adopted by the board  
12 must be documented and filed with the office of financial management  
13 within ten working days after adoption.

14 If adjusted by the board, a county growth management planning  
15 population projection shall only be used for the planning purposes  
16 set forth in this chapter and shall be known as the "board adjusted  
17 population projection." None of these changes shall affect the  
18 official state and county population forecasts prepared by the office  
19 of financial management, which shall continue to be used for state  
20 budget and planning purposes.

21 NEW SECTION. **Sec. 7.** A new section is added to chapter 36.70A  
22 RCW to read as follows:

23 (1) Any city choosing the alternative density requirements in  
24 section 3(4) of this act may apply to the department for, and the  
25 department may certify, an extension of the implementation timelines  
26 established under section 3(11) of this act.

27 (2) An extension certified under this section may be applied only  
28 to specific areas where a city can demonstrate that water, sewer,  
29 stormwater, transportation infrastructure, including facilities and  
30 transit services, or fire protection services lack capacity to  
31 accommodate the density required in section 3 of this act, and the  
32 city has:

33 (a) Included one or more improvements, as needed, within its  
34 capital facilities plan to adequately increase capacity; or

35 (b) Identified which special district is responsible for  
36 providing the necessary infrastructure if the infrastructure is  
37 provided by a special purpose district.

38 (3) If an extension of the implementation timelines is requested  
39 due to lack of water supply from the city or the purveyors who serve

1 water within the city, the department's evaluation of the extension  
2 must be based on the applicable water system plans in effect and  
3 approved by the department of health. Water system plan updates  
4 initiated after the effective date of this section must include  
5 consideration of water supply requirements for middle housing types.

6 (4) An extension granted under this section remains in effect  
7 until the earliest of:

8 (a) The infrastructure is improved to accommodate the capacity;

9 (b) The city's deadline to complete its next periodic  
10 comprehensive plan update under RCW 36.70A.130; or

11 (c) The city's deadline to complete its implementation progress  
12 report to the department as required under RCW 36.70A.130(9).

13 (5) A city that has received an extension under this section may  
14 reapply for any needed extension with its next periodic comprehensive  
15 plan update under RCW 36.70A.130 or its implementation progress  
16 report to the department under RCW 36.70A.130(9). The application for  
17 an additional extension must include a list of infrastructure  
18 improvements necessary to meet the capacity required in section 3 of  
19 this act. Such additional extension must only be to address  
20 infrastructure deficiency that a city is not reasonably able to  
21 address within the first extension.

22 (6) The department may establish by rule any standards or  
23 procedures necessary to implement this section.

24 (7) The department must provide the legislature with a list of  
25 projects identified in a city's capital facilities plan that were the  
26 basis for the extension under this section, including planning level  
27 estimates. Additionally, the city must contact special purpose  
28 districts to identify additional projects associated with extensions  
29 under this section.

30 (8) A city granted an extension for a specific area must allow  
31 development as provided under section 3 of this act if the developer  
32 commits to providing the necessary water, sewer, or stormwater  
33 infrastructure.

34 (9) If an area zoned predominantly for residential use is  
35 currently served only by private wells, group B water systems or  
36 group A water systems with less than 50 connections, or a city or  
37 water providers within the city do not have an adequate water supply  
38 or available connections to serve the zoning increase required under  
39 section 3 of this act, the city may limit the areas subject to the  
40 requirements under section 3 of this act to match current water

1 availability. Nothing in this act affects or modifies the  
 2 responsibilities of cities to plan for or provide urban governmental  
 3 services as defined in RCW 36.70A.030 or affordable housing as  
 4 required by RCW 36.70A.070.

5 (10) No city shall approve a building permit for housing under  
 6 section 3 of this act without compliance with the adequate water  
 7 supply requirements of RCW 19.27.097.

8 (11) If an area zoned predominantly for residential use is  
 9 currently served only by on-site sewage systems, development may be  
 10 limited to two units per lot, until either the landowner or local  
 11 government provides sewer service or demonstrates a sewer system will  
 12 serve the development at the time of construction. Nothing in this  
 13 act affects or modifies the responsibilities of cities to plan for or  
 14 provide urban governmental services as defined in RCW 36.70A.030.

15 **Sec. 8.** RCW 43.21C.495 and 2022 c 246 s 3 are each amended to  
 16 read as follows:

17 (1) Adoption of ordinances, development regulations and  
 18 amendments to such regulations, and other nonproject actions taken by  
 19 a city to implement: The actions specified in section 2, chapter 246,  
 20 Laws of 2022 unless the adoption of such ordinances, development  
 21 regulations and amendments to such regulations, or other nonproject  
 22 actions has a probable significant adverse impact on fish habitat;  
 23 and the increased residential building capacity actions identified in  
 24 RCW 36.70A.600(1), with the exception of the action specified in RCW  
 25 36.70A.600(1)(f), are not subject to administrative or judicial  
 26 appeals under this chapter.

27 (2) Amendments to development regulations and other nonproject  
 28 actions taken by a city to implement the requirements under section 3  
 29 of this act pursuant to section 4(3)(b) of this act are not subject  
 30 to administrative or judicial appeals under this chapter.

31 **Sec. 9.** RCW 43.21C.450 and 2012 1st sp.s. c 1 s 307 are each  
 32 amended to read as follows:

33 The following nonproject actions are categorically exempt from  
 34 the requirements of this chapter:

35 (1) Amendments to development regulations that are required to  
 36 ensure consistency with an adopted comprehensive plan pursuant to RCW  
 37 36.70A.040, where the comprehensive plan was previously subjected to  
 38 environmental review pursuant to this chapter and the impact

1 associated with the proposed regulation were specifically addressed  
2 in the prior environmental review;

3 (2) Amendments to development regulations that are required to  
4 ensure consistency with a shoreline master program approved pursuant  
5 to RCW 90.58.090, where the shoreline master program was previously  
6 subjected to environmental review pursuant to this chapter and the  
7 impacts associated with the proposed regulation were specifically  
8 addressed in the prior environmental review;

9 (3) Amendments to development regulations that, upon  
10 implementation of a project action, will provide increased  
11 environmental protection, limited to the following:

12 (a) Increased protections for critical areas, such as enhanced  
13 buffers or setbacks;

14 (b) Increased vegetation retention or decreased impervious  
15 surface areas in shoreline jurisdiction; and

16 (c) Increased vegetation retention or decreased impervious  
17 surface areas in critical areas;

18 (4) Amendments to technical codes adopted by a county, city, or  
19 town to ensure consistency with minimum standards contained in state  
20 law, including the following:

21 (a) Building codes required by chapter 19.27 RCW;

22 (b) Energy codes required by chapter 19.27A RCW; and

23 (c) Electrical codes required by chapter 19.28 RCW.

24 (5) Amendments to development regulations to remove requirements  
25 for parking from development proposed to fill in an urban growth area  
26 designated according to RCW 36.70A.110.

27 NEW SECTION. Sec. 10. A new section is added to chapter 64.34  
28 RCW to read as follows:

29 A declaration created after the effective date of this section  
30 and applicable to an area within a city subject to the middle housing  
31 requirements in section 3 of this act may not actively or effectively  
32 prohibit the construction, development, or use of additional housing  
33 units as required in section 3 of this act.

34 NEW SECTION. Sec. 11. A new section is added to chapter 64.32  
35 RCW to read as follows:

36 A declaration created after the effective date of this section  
37 and applicable to an association of apartment owners located within  
38 an area of a city subject to the middle housing requirements i

1 section 3 of this act may not actively or effectively prohibit the  
2 construction, development, or use of additional housing units as  
3 required in section 3 of this act.

4 NEW SECTION. **Sec. 12.** A new section is added to chapter 64.38  
5 RCW to read as follows:

6 Governing documents of associations within cities subject to the  
7 middle housing requirements in section 3 of this act that are created  
8 after the effective date of this section may not actively or  
9 effectively prohibit the construction, development, or use of  
10 additional housing units as required in section 3 of this act.

11 NEW SECTION. **Sec. 13.** A new section is added to chapter 64.90  
12 RCW to read as follows:

13 Declarations and governing documents of a common interest  
14 community within cities subject to the middle housing requirements in  
15 section 3 of this act that are created after the effective date of  
16 this section may not actively or effectively prohibit the  
17 construction, development, or use of additional housing units as  
18 required in section 3 of this act.

19 NEW SECTION. **Sec. 14.** The department of commerce may establish  
20 by rule any standards or procedures necessary to implement sections 2  
21 through 7 of this act.

22 NEW SECTION. **Sec. 15.** If specific funding for the purposes of  
23 this act, referencing this act by bill or chapter number, is not  
24 provided by June 30, 2023, in the omnibus appropriations act, this  
25 act is null and void.

--- END ---

CERTIFICATION OF ENROLLMENT

**ENGROSSED HOUSE BILL 1337**

68th Legislature  
2023 Regular Session

Passed by the House April 14, 2023  
Yeas 85 Nays 11

\_\_\_\_\_  
**Speaker of the House of  
Representatives**

Passed by the Senate April 6, 2023  
Yeas 39 Nays 7

\_\_\_\_\_  
**President of the Senate**

Approved

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1337** as passed by the House of Representatives and the Senate on the dates hereon set forth.

\_\_\_\_\_  
**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**ENGROSSED HOUSE BILL 1337**


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AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

**State of Washington                      68th Legislature                      2023 Regular Session**

**By** Representatives Gregerson, Barkis, Berry, Christian, Duerr, Fitzgibbon, Taylor, Ramel, Reeves, Simmons, Walen, Graham, Bateman, Reed, Lekanoff, Doglio, Tharinger, Cortes, Macri, and Stonier

Read first time 01/16/23. Referred to Committee on Housing.

1            AN ACT Relating to expanding housing options by easing barriers  
 2 to the construction and use of accessory dwelling units; amending RCW  
 3 36.70A.696, 43.21C.495, and 36.70A.280; adding new sections to  
 4 chapter 36.70A RCW; adding a new section to chapter 64.34 RCW; adding  
 5 a new section to chapter 64.32 RCW; adding a new section to chapter  
 6 64.38 RCW; adding a new section to chapter 64.90 RCW; creating a new  
 7 section; and repealing RCW 35.63.210, 35A.63.230, 36.70A.400,  
 8 36.70.677, and 43.63A.215.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

10            NEW SECTION.    **Sec. 1.**    (1) The legislature makes the following  
 11 findings:

12            (a) Washington state is experiencing a housing affordability  
 13 crisis. Many communities across the state are in need of more housing  
 14 for renters across the income spectrum.

15            (b) Many cities dedicate the majority of residentially zoned land  
 16 to single detached houses that are increasingly financially out of  
 17 reach for many households. Due to their smaller size, accessory  
 18 dwelling units can provide a more affordable housing option in those  
 19 single-family zones.

20            (c) Localities can start to correct for historic economic and  
 21 racial exclusion in single-family zones by opening up these



1 neighborhoods to more diverse housing types, including accessory  
 2 dwelling units, that provide lower cost homes. Increasing housing  
 3 options in expensive, high-opportunity neighborhoods will give more  
 4 families access to schools, parks, and other public amenities  
 5 otherwise accessible to only the wealthy.

6 (d) Accessory dwelling units are frequently rented below market  
 7 rate, providing additional affordable housing options for renters.

8 (e) Accessory dwelling units can also help to provide housing for  
 9 very low-income households. More than 10 percent of accessory  
 10 dwelling units in some areas are occupied by tenants who pay no rent  
 11 at all; among these tenants are grandparents, adult children, family  
 12 members with disabilities, friends going through life transitions,  
 13 and community members in need. Accessory dwelling units meet the  
 14 needs of these people who might otherwise require subsidized housing  
 15 space and resources.

16 (f) Accessory dwelling units can meet the needs of Washington's  
 17 growing senior population, making it possible for this population to  
 18 age in their communities by offering senior-friendly housing, which  
 19 prioritizes physical accessibility, in walkable communities near  
 20 amenities essential to successful aging in place, including transit  
 21 and grocery stores, without requiring costly renovations of existing  
 22 housing stock.

23 (g) Homeowners who add an accessory dwelling unit may benefit  
 24 from added income and an increased sense of security.

25 (h) Accessory dwelling units provide environmental benefits. On  
 26 average they are more energy efficient than single detached houses,  
 27 and they incentivize adaptive reuse of existing homes and materials.

28 (i) Siting accessory dwelling units near transit hubs, employment  
 29 centers, and public amenities can help to reduce greenhouse gas  
 30 emissions by increasing walkability, shortening household commutes,  
 31 and curtailing sprawl.

32 (2) The legislature intends to promote and encourage the creation  
 33 of accessory dwelling units as a means to address the need for  
 34 additional affordable housing options.

35 **Sec. 2.** RCW 36.70A.696 and 2021 c 306 s 2 are each amended to  
 36 read as follows:

37 The definitions in this section apply throughout RCW 36.70A.697  
 38 (~~and~~), 36.70A.698, and sections 3 and 4 of this act unless the  
 39 context clearly requires otherwise.

1 (1) "Accessory dwelling unit" means a dwelling unit located on  
 2 the same lot as a single-family housing unit, duplex, triplex,  
 3 townhome, or other housing unit.

4 (2) "Attached accessory dwelling unit" means an accessory  
 5 dwelling unit located within or attached to a single-family housing  
 6 unit, duplex, triplex, townhome, or other housing unit.

7 (3) "City" means any city, code city, and town located in a  
 8 county planning under RCW 36.70A.040.

9 (4) "County" means any county planning under RCW 36.70A.040.

10 (5) "Detached accessory dwelling unit" means an accessory  
 11 dwelling unit that consists partly or entirely of a building that is  
 12 separate and detached from a single-family housing unit, duplex,  
 13 triplex, townhome, or other housing unit and is on the same property.

14 (6) "Dwelling unit" means a residential living unit that provides  
 15 complete independent living facilities for one or more persons and  
 16 that includes permanent provisions for living, sleeping, eating,  
 17 cooking, and sanitation.

18 (7) "Gross floor area" means the interior habitable area of a  
 19 dwelling unit including basements and attics but not including a  
 20 garage or accessory structure.

21 (8) "Major transit stop" means:

22 (a) A stop on a high capacity transportation system funded or  
 23 expanded under the provisions of chapter 81.104 RCW;

24 (b) Commuter rail stops;

25 (c) Stops on rail or fixed guideway systems, including  
 26 transitways;

27 (d) Stops on bus rapid transit routes or routes that run on high  
 28 occupancy vehicle lanes; or

29 (e) Stops for a bus or other transit mode providing actual fixed  
 30 route service at intervals of at least fifteen minutes for at least  
 31 five hours during the peak hours of operation on weekdays.

32 ((+8)) (9) "Owner" means any person who has at least 50 percent  
 33 ownership in a property on which an accessory dwelling unit is  
 34 located.

35 ((+9)) (10) "Principal unit" means the single-family housing  
 36 unit, duplex, triplex, townhome, or other housing unit located on the  
 37 same lot as an accessory dwelling unit.

38 (11) "Short-term rental" means a lodging use, that is not a hotel  
 39 or motel or bed and breakfast, in which a dwelling unit, or portion

1 thereof, is offered or provided to a guest by a short-term rental  
2 operator for a fee for fewer than 30 consecutive nights.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A  
4 RCW to read as follows:

5 (1) (a) Cities and counties planning under this chapter must adopt  
6 or amend by ordinance, and incorporate into their development  
7 regulations, zoning regulations, and other official controls the  
8 requirements of this section and of section 4 of this act, to take  
9 effect six months after the jurisdiction's next periodic  
10 comprehensive plan update required under RCW 36.70A.130.

11 (b) In any city or county that has not adopted or amended  
12 ordinances, regulations, or other official controls as required under  
13 this section, the requirements of this section and section 4 of this  
14 act supersede, preempt, and invalidate any conflicting local  
15 development regulations.

16 (2) Ordinances, development regulations, and other official  
17 controls adopted or amended pursuant to this section and section 4 of  
18 this act must only apply in the portions of towns, cities, and  
19 counties that are within urban growth areas designated under this  
20 chapter.

21 (3) Any action taken by a city or county to comply with the  
22 requirements of this section or section 4 of this act is not subject  
23 to legal challenge under this chapter or chapter 43.21C RCW.

24 (4) Nothing in this section or section 4 of this act requires or  
25 authorizes a city or county to authorize the construction of an  
26 accessory dwelling unit in a location where development is restricted  
27 under other laws, rules, or ordinances as a result of physical  
28 proximity to on-site sewage system infrastructure, critical areas, or  
29 other unsuitable physical characteristics of a property.

30 (5) Nothing in this section or in section 4 of this act prohibits  
31 a city or county from:

32 (a) Restricting the use of accessory dwelling units for short-  
33 term rentals;

34 (b) Applying public health, safety, building code, and  
35 environmental permitting requirements to an accessory dwelling unit  
36 that would be applicable to the principal unit, including regulations  
37 to protect ground and surface waters from on-site wastewater;

38 (c) Applying generally applicable development regulations to the  
39 construction of an accessory unit, except when the application of

1 such regulations would be contrary to this section or to section 4 of  
2 this act;

3 (d) Prohibiting the construction of accessory dwelling units on  
4 lots that are not connected to or served by public sewers; or

5 (e) Prohibiting or restricting the construction of accessory  
6 dwelling units in residential zones with a density of one dwelling  
7 unit per acre or less that are within areas designated as wetlands,  
8 fish and wildlife habitats, flood plains, or geologically hazardous  
9 areas.

10 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70A  
11 RCW to read as follows:

12 (1) In addition to ordinances, development regulations, and other  
13 official controls adopted or amended to comply with this section and  
14 section 3 of this act, a city or county must comply with all of the  
15 following policies:

16 (a) The city or county may not assess impact fees on the  
17 construction of accessory dwelling units that are greater than 50  
18 percent of the impact fees that would be imposed on the principal  
19 unit;

20 (b) The city or county may not require the owner of a lot on  
21 which there is an accessory dwelling unit to reside in or occupy the  
22 accessory dwelling unit or another housing unit on the same lot;

23 (c) The city or county must allow at least two accessory dwelling  
24 units on all lots that are located in all zoning districts within an  
25 urban growth area that allow for single-family homes in the following  
26 configurations:

27 (i) One attached accessory dwelling unit and one detached  
28 accessory dwelling unit;

29 (ii) Two attached accessory dwelling units; or

30 (iii) Two detached accessory dwelling units, which may be  
31 comprised of either one or two detached structures;

32 (d) The city or county must permit accessory dwelling units in  
33 structures detached from the principal unit;

34 (e) The city or county must allow an accessory dwelling unit on  
35 any lot that meets the minimum lot size required for the principal  
36 unit;

37 (f) The city or county may not establish a maximum gross floor  
38 area requirement for accessory dwelling units that is less than 1,000  
39 square feet;

1 (g) The city or county may not establish roof height limits on an  
2 accessory dwelling unit of less than 24 feet, unless the height  
3 limitation that applies to the principal unit is less than 24 feet,  
4 in which case a city or county may not impose roof height limitation  
5 on accessory dwelling units that is less than the height limitation  
6 that applies to the principal unit;

7 (h) A city or county may not impose setback requirements, yard  
8 coverage limits, tree retention mandates, restrictions on entry door  
9 locations, aesthetic requirements, or requirements for design review  
10 for accessory dwelling units that are more restrictive than those for  
11 principal units;

12 (i) A city or county must allow detached accessory dwelling units  
13 to be sited at a lot line if the lot line abuts a public alley,  
14 unless the city or county routinely plows snow on the public alley;

15 (j) A city or county must allow accessory dwelling units to be  
16 converted from existing structures, including but not limited to  
17 detached garages, even if they violate current code requirements for  
18 setbacks or lot coverage;

19 (k) A city or county may not prohibit the sale or other  
20 conveyance of a condominium unit independently of a principal unit  
21 solely on the grounds that the condominium unit was originally built  
22 as an accessory dwelling unit; and

23 (l) A city or county may not require public street improvements  
24 as a condition of permitting accessory dwelling units.

25 (2)(a) A city or county subject to the requirements of this  
26 section may not:

27 (i) Require off-street parking as a condition of permitting  
28 development of accessory dwelling units within one-half mile walking  
29 distance of a major transit stop;

30 (ii) Require more than one off-street parking space per unit as a  
31 condition of permitting development of accessory dwelling units on  
32 lots smaller than 6,000 square feet before any zero lot line  
33 subdivisions or lot splits; and

34 (iii) Require more than two off-street parking spaces per unit as  
35 a condition of permitting development of accessory dwelling units on  
36 lots greater than 6,000 square feet before any zero lot line  
37 subdivisions or lot splits.

38 (b) The provisions of (a) of this subsection do not apply:

39 (i) If a local government submits to the department an empirical  
40 study prepared by a credentialed transportation or land use planning

1 expert that clearly demonstrates, and the department finds and  
 2 certifies, that the application of the parking limitations of (a) of  
 3 this subsection for accessory dwelling units will be significantly  
 4 less safe for vehicle drivers or passengers, pedestrians, or  
 5 bicyclists than if the jurisdiction's parking requirements were  
 6 applied to the same location for the same number of detached houses.  
 7 The department must develop guidance to assist cities and counties on  
 8 items to include in the study; or

9 (ii) To portions of cities within a one mile radius of a  
 10 commercial airport in Washington with at least 9,000,000 annual  
 11 enplanements.

12 (3) When regulating accessory dwelling units, cities and counties  
 13 may impose a limit of two accessory dwelling units, in addition to  
 14 the principal unit, on a residential lot of 2,000 square feet or  
 15 less.

16 (4) The provisions of this section do not apply to lots  
 17 designated with critical areas or their buffers as designated in RCW  
 18 36.70A.060, or to a watershed serving a reservoir for potable water  
 19 if that watershed is or was listed, as of the effective date of this  
 20 section, as impaired or threatened under section 303(d) of the  
 21 federal clean water act (33 U.S.C. Sec. 1313(d)).

22 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.70A  
 23 RCW to read as follows:

24 To encourage the use of accessory dwelling units for long-term  
 25 housing, cities and counties may adopt ordinances, development  
 26 regulations, and other official controls which waive or defer fees,  
 27 including impact fees, defer the payment of taxes, or waive specific  
 28 regulations. Cities and counties may only offer such reduced or  
 29 deferred fees, deferred taxes, waivers, or other incentives for the  
 30 development or construction of accessory dwelling units if:

31 (1) The units are located within an urban growth area; and

32 (2) The units are subject to a program adopted by the city or  
 33 county with effective binding commitments or covenants that the units  
 34 will be primarily utilized for long-term housing consistent with the  
 35 public purpose for this authorization.

36 **Sec. 6.** RCW 43.21C.495 and 2022 c 246 s 3 are each amended to  
 37 read as follows:

1        (1) Adoption of ordinances, development regulations and  
 2 amendments to such regulations, and other nonproject actions taken by  
 3 a city to implement: The actions specified in section 2, chapter 246,  
 4 Laws of 2022 unless the adoption of such ordinances, development  
 5 regulations and amendments to such regulations, or other nonproject  
 6 actions has a probable significant adverse impact on fish habitat;  
 7 and the increased residential building capacity actions identified in  
 8 RCW 36.70A.600(1), with the exception of the action specified in RCW  
 9 36.70A.600(1)(f), are not subject to administrative or judicial  
 10 appeals under this chapter.

11        (2) Adoption of ordinances, development regulations and  
 12 amendments to such regulations, and other nonproject actions taken by  
 13 a city or county consistent with the requirements of sections 3 and 4  
 14 of this act are not subject to administrative or judicial appeals  
 15 under this chapter.

16        **Sec. 7.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to  
 17 read as follows:

18        (1) The growth management hearings board shall hear and determine  
 19 only those petitions alleging either:

20        (a) That, except as provided otherwise by this subsection, a  
 21 state agency, county, or city planning under this chapter is not in  
 22 compliance with the requirements of this chapter, chapter 90.58 RCW  
 23 as it relates to the adoption of shoreline master programs or  
 24 amendments thereto, or chapter 43.21C RCW as it relates to plans,  
 25 development regulations, or amendments, adopted under RCW 36.70A.040  
 26 or chapter 90.58 RCW. Nothing in this subsection authorizes the board  
 27 to hear petitions alleging noncompliance ((with RCW 36.70A.5801))  
 28 based on a city or county's actions taken to implement the  
 29 requirements of sections 3 and 4 of this act within an urban growth  
 30 area;

31        (b) That the ((twenty-)) 20-year growth management planning  
 32 population projections adopted by the office of financial management  
 33 pursuant to RCW 43.62.035 should be adjusted;

34        (c) That the approval of a work plan adopted under RCW  
 35 36.70A.735(1)(a) is not in compliance with the requirements of the  
 36 program established under RCW 36.70A.710;

37        (d) That regulations adopted under RCW 36.70A.735(1)(b) are not  
 38 regionally applicable and cannot be adopted, wholly or partially, by  
 39 another jurisdiction; or

1 (e) That a department certification under RCW 36.70A.735(1)(c) is  
2 erroneous.

3 (2) A petition may be filed only by: (a) The state, or a county  
4 or city that plans under this chapter; (b) a person who has  
5 participated orally or in writing before the county or city regarding  
6 the matter on which a review is being requested; (c) a person who is  
7 certified by the governor within (~~sixty~~) 60 days of filing the  
8 request with the board; or (d) a person qualified pursuant to RCW  
9 34.05.530.

10 (3) For purposes of this section "person" means any individual,  
11 partnership, corporation, association, state agency, governmental  
12 subdivision or unit thereof, or public or private organization or  
13 entity of any character.

14 (4) To establish participation standing under subsection (2)(b)  
15 of this section, a person must show that his or her participation  
16 before the county or city was reasonably related to the person's  
17 issue as presented to the board.

18 (5) When considering a possible adjustment to a growth management  
19 planning population projection prepared by the office of financial  
20 management, the board shall consider the implications of any such  
21 adjustment to the population forecast for the entire state.

22 The rationale for any adjustment that is adopted by the board  
23 must be documented and filed with the office of financial management  
24 within ten working days after adoption.

25 If adjusted by the board, a county growth management planning  
26 population projection shall only be used for the planning purposes  
27 set forth in this chapter and shall be known as the "board adjusted  
28 population projection." None of these changes shall affect the  
29 official state and county population forecasts prepared by the office  
30 of financial management, which shall continue to be used for state  
31 budget and planning purposes.

32 NEW SECTION. **Sec. 8.** A new section is added to chapter 36.70A  
33 RCW to read as follows:

34 (1) By December 31, 2023, the department must revise its  
35 recommendations for encouraging accessory dwelling units to include  
36 the provisions of sections 3 and 4 of this act.

37 (2) During each comprehensive plan review required by RCW  
38 36.70A.130, the department must review local government comprehensive  
39 plans and development regulations for compliance with sections 3 and



1 4 of this act and the department's recommendations under subsection  
2 (1) of this section.

3 NEW SECTION. **Sec. 9.** A new section is added to chapter 64.34  
4 RCW to read as follows:

5 (1) Except a declaration created to protect public health and  
6 safety, and ground and surface waters from on-site wastewater, a  
7 declaration created after the effective date of this section and  
8 applicable to a property located within an urban growth area may not  
9 impose any restriction or prohibition on the construction,  
10 development, or use on a lot of an accessory dwelling unit that the  
11 city or county in which the urban growth area is located would be  
12 prohibited from imposing under section 4 of this act.

13 (2) For the purposes of this section, "urban growth area" has the  
14 same meaning as in RCW 36.70A.030.

15 (3) A city or county issuing a permit for the construction of an  
16 accessory dwelling unit may not be held civilly liable on the basis  
17 that the construction of the accessory dwelling unit would violate a  
18 restrictive covenant or deed restriction.

19 NEW SECTION. **Sec. 10.** A new section is added to chapter 64.32  
20 RCW to read as follows:

21 (1) Except a declaration created to protect public health and  
22 safety, and ground and surface waters from on-site wastewater, a  
23 declaration created after the effective date of this section and  
24 applicable to a property located within an urban growth area may not  
25 impose any restriction or prohibition on the construction,  
26 development, or use on a lot of an accessory dwelling unit that the  
27 city or county in which the urban growth area is located would be  
28 prohibited from imposing under section 4 of this act.

29 (2) For the purposes of this section, "urban growth area" has the  
30 same meaning as in RCW 36.70A.030.

31 (3) A city or county issuing a permit for the construction of an  
32 accessory dwelling unit may not be held civilly liable on the basis  
33 that the construction of the accessory dwelling unit would violate a  
34 restrictive covenant or deed restriction.

35 NEW SECTION. **Sec. 11.** A new section is added to chapter 64.38  
36 RCW to read as follows:

1 (1) Except governing documents of associations created to protect  
 2 public health and safety, and ground and surface waters from on-site  
 3 wastewater, governing documents of associations created after the  
 4 effective date of this section and applicable to a property located  
 5 within an urban growth area may not impose any restriction or  
 6 prohibition on the construction, development, or use on a lot of an  
 7 accessory dwelling unit that the city or county in which the urban  
 8 growth area is located would be prohibited from imposing under  
 9 section 4 of this act.

10 (2) For the purposes of this section, "urban growth area" has the  
 11 same meaning as in RCW 36.70A.030.

12 (3) A city or county issuing a permit for the construction of an  
 13 accessory dwelling unit may not be held civilly liable on the basis  
 14 that the construction of the accessory dwelling unit would violate a  
 15 restrictive covenant or deed restriction.

16 NEW SECTION. **Sec. 12.** A new section is added to chapter 64.90  
 17 RCW to read as follows:

18 (1) Except declarations and governing documents of common  
 19 interest communities created to protect public health and safety, and  
 20 ground and surface waters from on-site wastewater, declarations and  
 21 governing documents of common interest communities created after the  
 22 effective date of this section and applicable to a property located  
 23 within an urban growth area may not impose any restriction or  
 24 prohibition on the construction, development, or use on a lot of an  
 25 accessory dwelling unit that the city or county in which the urban  
 26 growth area is located would be prohibited from imposing under  
 27 section 4 of this act.

28 (2) For the purposes of this section, "urban growth area" has the  
 29 same meaning as in RCW 36.70A.030.

30 (3) A city or county issuing a permit for the construction of an  
 31 accessory dwelling unit may not be held civilly liable on the basis  
 32 that the construction of the accessory dwelling unit would violate a  
 33 restrictive covenant or deed restriction.

34 NEW SECTION. **Sec. 13.** The following acts or parts of acts are  
 35 each repealed:

- 36 (1) RCW 35.63.210 (Accessory apartments) and 1993 c 478 s 8;
- 37 (2) RCW 35A.63.230 (Accessory apartments) and 1993 c 478 s 9;
- 38 (3) RCW 36.70A.400 (Accessory apartments) and 1993 c 478 s 11;

1 (4) RCW 36.70.677 (Accessory apartments) and 1993 c 478 s 10; and  
2 (5) RCW 43.63A.215 (Accessory apartments—Development and  
3 placement—Local governments) and 1993 c 478 s 7.

--- **END** ---



# MEDINA, WASHINGTON

## AGENDA BILL

May 8, 2023

**Subject:** Small Wireless Facility Permit Process

**Category:** Presentation and Discussion

**Staff Contact(s):** Emily Romanenko, Assistant City Attorney and Steve Wilcox, Development Services Director

### **Summary**

This presentation is in follow up to the April 26, 2023, memorandum<sup>1</sup> which outlined the small wireless facility (“SWF”) permit process. This presentation and discussion will review the SWF permit process and address additional questions received regarding T-Mobile’s proposed SWF.

The additional questions received can be summarized as follows: (1) how T-Mobile’s proposed application intersects with the 2017 litigation regarding the T-Mobile macro facility at Fairweather Park, (2) whether this facility meets the definition of a SWF as defined by the FCC regulations, and (3) what specific aesthetic requirements apply to T-Mobile’s proposed SWF.

#### **1. 2017 Litigation**

The 2017 Litigation involved a T-Mobile macro facility, which was an approximately 80-foot cell tower originally located in the WSDOT Park and Ride. T-Mobile proposed to relocate the macro facility within Fairweather Park. This proposal triggered the need for several land use permit applications. These permit applications were reviewed under the Medina Municipal Code (“MMC”) and applicable Federal Communication Commission (“FCC”) regulations in place at time. The permit decisions were appealed by Medina residents, the case subsequently went through the administrative appeal process and eventually to Federal District Court. Documentation regarding the 2017 case can be found at this [link](#).

The current T-Mobile application is for a SWF as opposed to the macro facility at issue in 2017. Because the technology is different, different regulations apply. As noted in the April 26, 2023 memorandum, the FCC issued a [2018 Declaratory Ruling and Third Report and Order](#) (“2018 FCC Order) on September 27, 2018 to streamline the way cities could regulate SWF and require SWF to be permitted; effectively reducing cities’ regulatory authority to reviewing SWF for objective and reasonable aesthetic standards. The 2018 FCC Order triggered the need for local municipalities to review and revise, and adopt new regulations regarding deployment of SWF. Medina undertook that review process in 2018/2019 and those regulations (located in MMC chapter [15.14](#) and MMC chapter [16.38](#)) govern T-Mobile’s proposed deployment of the SWF. Thus, because T-Mobile is deploying a different type of technology (SWF) with their current

<sup>1</sup> This memorandum was sent to Council previously and has now been included in the May 8<sup>th</sup> Council packet materials.

proposal, which is regulated differently by federal and local law, the prior litigation is not applicable.

## **2. Definition of SWF**

SWF are defined by cross reference in MMC [15.02.020](#) to [47 CFR § 1.6002\(l\)](#). 47 CFR § 1.6002(l) states as follows:

(l) Small wireless facilities are facilities that meet each of the following conditions:

(1) The facilities -

(i) Are mounted on [structures](#) 50 feet or less in height including their [antennas](#) as defined in [§ 1.1320\(d\)](#); or

(ii) Are mounted on [structures](#) no more than 10 percent taller than other adjacent [structures](#); or

(iii) 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;

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

(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;

(4) The facilities do not require [antenna structure](#) registration under [part 17](#) of this chapter;

(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 safety standards specified in [§ 1.1307\(b\)](#).

As part of the review process for T-Mobile's application, City staff are working closely with consultants to ensure that the proposal does not exceed the height limits, nor the volumetric limits, set forth in the federal regulations. As you can see, the FCC has made the height limits extremely ambiguous as the height can be measured in one of three ways. Despite these limitations created by the FCC, City staff will review the current application in detail to ensure that it meets this definition and will not approve the application unless it does meet the definition and the aesthetic requirements in MMC chapter 16.38.

## **3. Aesthetic Requirements – MMC chapter 16.38 (Small Wireless Facilities)**

As mentioned above, after the 2018 FCC SWF Order was issued, the City undertook a comprehensive review of its wireless regulations to ensure existing regulations complied with the

FCC order and to adopt new regulations as applicable to ensure compliance with the changes in federal law. The materials related to the City's legislative process of that review are included in the Council packet.

T-Mobile's specific application is for a SWF on a wood pole owned by Puget Sound Energy ("PSE"). Accordingly, the wooden pole design and concealment standards in MMC [16.38.070\(B\)](#) apply to their facility. Additionally, the general regulations in MMC [16.38.070\(E\)](#) also apply. As mentioned above, staff are still reviewing the application to ensure compliance with these aesthetic standards are met and will not approve the application until all regulations are complied with.

#### **4. Future Considerations**

If desired, the Council could direct City staff to undertake a review of the SWF aesthetic standards and consider adopting a unified pole design standard for both wooden poles and metal poles. Since PSE owns most of the poles in the City, City staff would need to work closely with PSE and the carriers to ensure that the unified pole designs are compatible both from a structural integrity standpoint for PSE and a technology standpoint from the carriers.

Additionally, while the City is currently unable to regulate SWF or macro facilities on the basis of health or environmental considerations, the Council could consider passing a resolution asking the FCC to update studies on the potential health risks of wireless facilities. Portland, Oregon adopted such a [resolution](#) that could be used as a starting point.

#### **Attachment(s):**

Attachment 1: December 11, 2018 Planning Commission Power Point

Attachment 2: January 14, 2019 Council Packet

Attachment 3: February 25, 2019 Joint Council/Planning Commission Packet and Power Point

Attachment 4: May 13, 2019 Memorandum and Power Point

Attachment 5: July 8, 2019 Council Packet

Attachment 6: April 1, 2021 T-Mobile Pre-application materials

Attachment 7: April 26, 2023 Memorandum on Small Wireless Facility Permit Process

**Budget/Fiscal Impact:** N/A

**Recommendation:** N/A

**City Manager Approval:** N/A

**Proposed Council Motion:** N/A

**Time Estimate:** 30 minutes

# City of Medina Planning Commission

## Small Wireless Facility Presentation



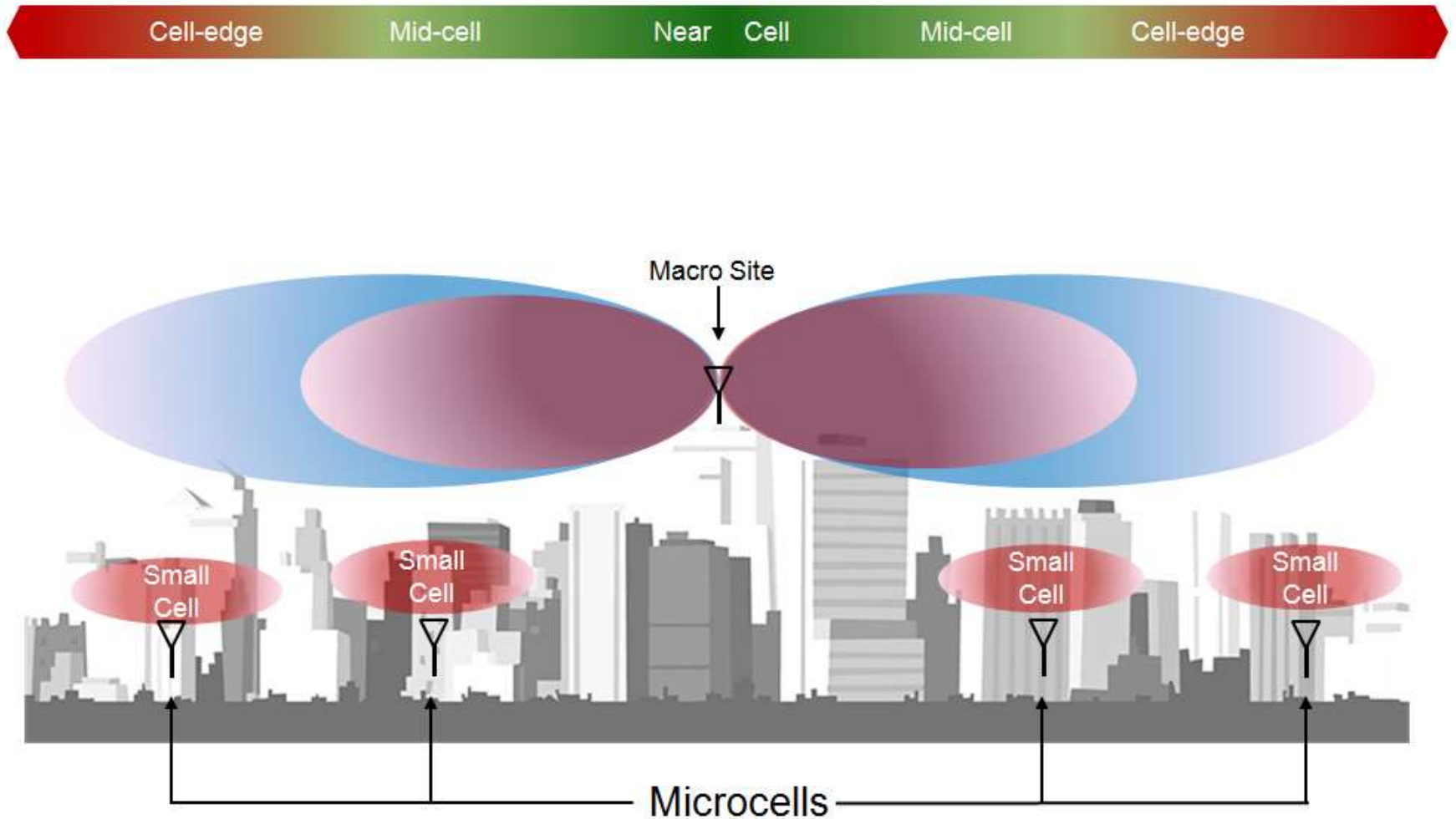
Daniel Kenny – Emily Miner  
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206-447-7000  
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[eminer@omwlaw.com](mailto:eminer@omwlaw.com)

# Why Small Cells? aka Small Wireless Facilities

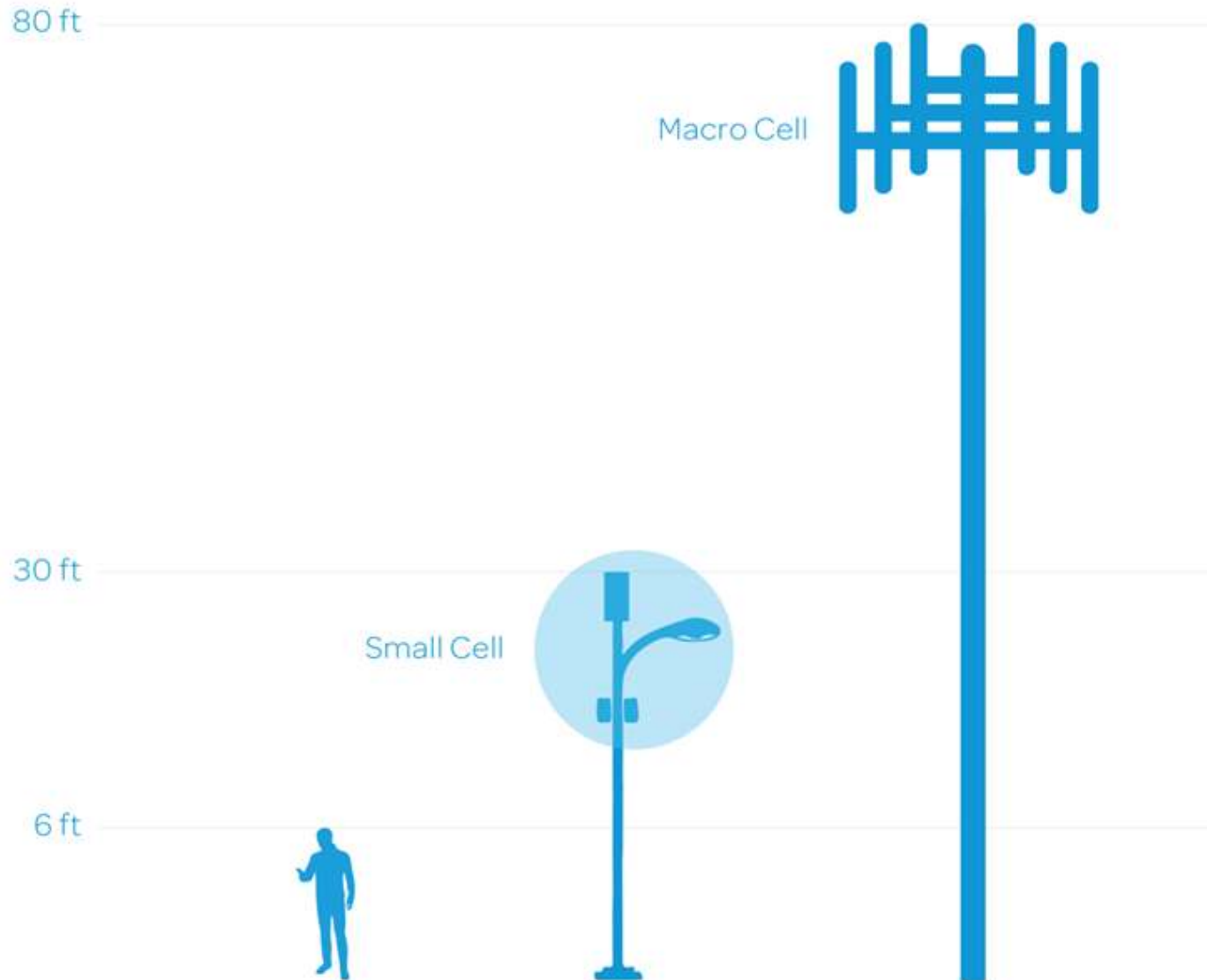




# Macro vs Small Cell



# Small Wireless Facilities



This slide depicts a graphical representation of small cells and macro cells. The actual equipment, size and design may vary.

# Components of Small Wireless Facilities

Each antenna associated with the deployment should be no more than three (3) cubic feet in volume.



# Components of Small Wireless Facilities

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, should be no more than 28 cubic feet in volume.

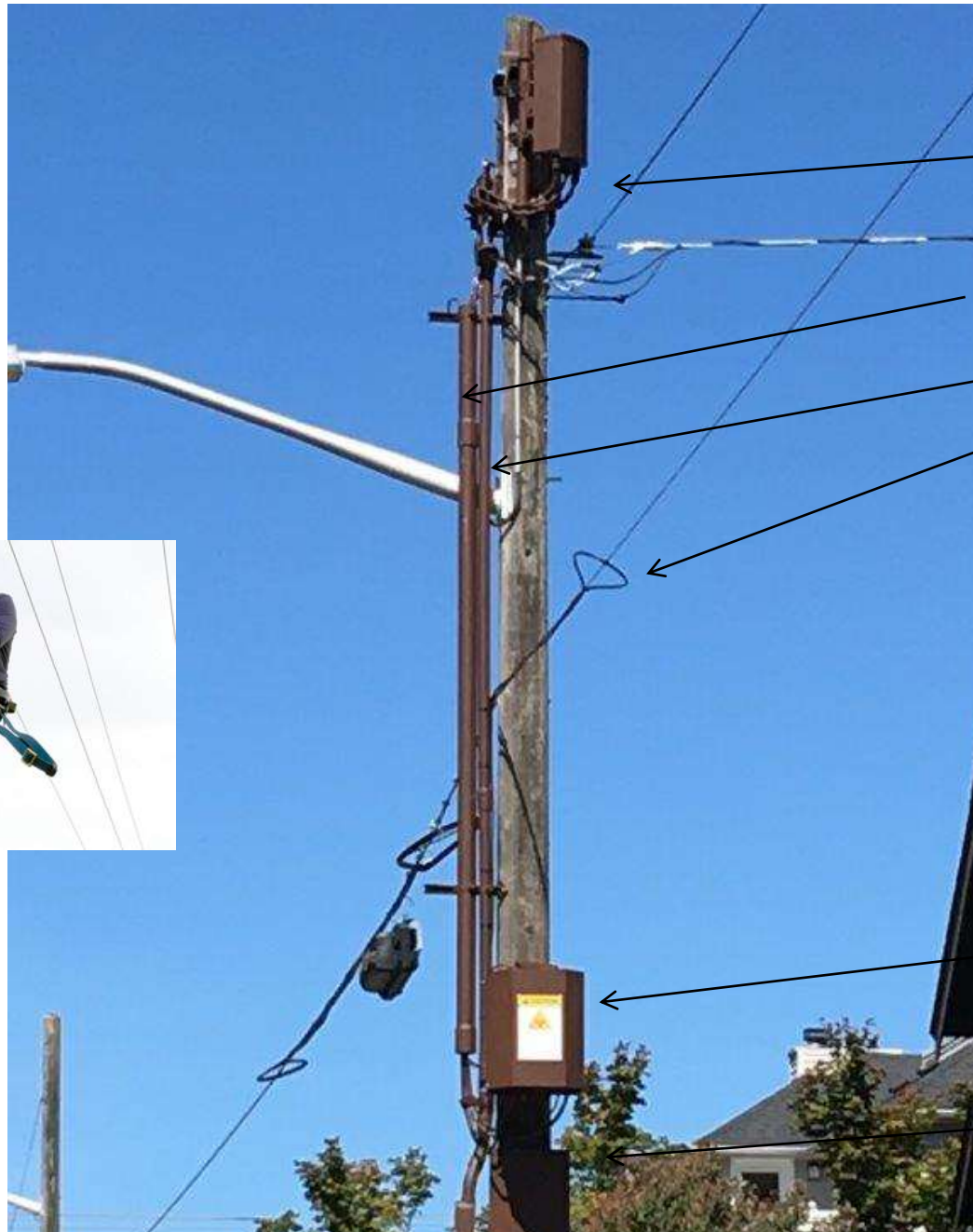


# Components of Small Cells

Wireless equipment associated with the structure:

- Primary Equipment Enclosure (Radios, termination box, etc.)
- Electric meter
- Demarcation box
- Battery back-up
- Power transfer switch
- Concealment
- Ground based enclosure
- Grounding equipment
- Cut-off switch
- Necessary Power & Fiber Lines

# Anatomy of a Small Cell



Antenna

Fiber & Coax Conduit

Power Conduit

New Fiber Service

Radios and Fiber Termination Box in a concealed shroud

Power Disconnect



# Small Cells on Wooden Utility Poles



PROPOSED

# Small Cells on Light Poles





# Proposed Verizon Deployment for PSE Light Pole in Kirkland



# State and Federal Changes

Washington State has considered state law changes related to small cell. Nothing has passed. Unknown if it will be brought up again next session and whether anything will pass.

The FCC just published a Declaratory Ruling and Third Report and Order that will impact the City's new code. This has an effective date of Jan. 14, 2019, unless there is a stay.

# Potential New Code

- OMW, in conjunction with staff, will be preparing draft code that will position the City to review and approve small wireless facility applications.
  - Important to note – review timeline is 60 days for collocation/existing pole – 90 days for small cell on new structure. This is FAST.
  - This includes all “action on applications seeking authorization for deployments...”
    - Franchises, small cell applications, permitting, etc.
  
- The draft will include Aesthetic Standards
  - Not preempted if:
    - Reasonable
    - No more burdensome than those applied to other (similar) types of infrastructure deployments
    - Objective and published in advance (180 days from publication of the order)



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[eminer@omwlaw.com](mailto:eminer@omwlaw.com)

OGDEN MURPHY WALLACE  
OMWLAW.COM

**Medina City Council Regular Meeting  
Monday, January 14, 2019**

**AGENDA ITEM 4.5 / 7.2**

**AGENDA BILL**

<b>Subject:</b> CELL TOWER REGULATIONS – CODE AMENDMENTS			
<b>Category:</b>	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Public Hearing
	<input type="checkbox"/> City Council Business	<input type="checkbox"/> Resolution	<input type="checkbox"/> Other – Discussion
<b>Prepared By:</b> Emily Miner, Assistant City Attorney			

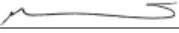
**Summary:**

The Federal Communications Commission (FCC) recently handed down a Declaratory Ruling regarding local municipalities authority to regulate the deployment of small wireless facilities. This Ruling will go into effect on January 14, 2019.

The Ruling was challenged in court by local governments but the request for a stay was denied, so to ensure the City complies with the new FCC regulations, we have drafted two separate ordinances. One updates MMC Title 19 to create regulations for processing applications for small wireless facilities and one updates MMC Title 20 to outline zoning and aesthetic requirements for small wireless facilities.

**Attachments:**

1. Ordinance No. 967
2. Ordinance No. 968

<b>Budget/Fiscal Impact:</b>	
<b>Staff Recommendation:</b>	Approval
<b>City Manager Approval:</b>	
<b>Proposed Council Motion:</b>	I move to approve Ordinance No. 967 Wireless Franchise Updates as presented and declaring an emergency.  I move to approve Ordinance No. 968 Wireless Zoning Update as presented and declaring an emergency.

## ATTACHMENT 1

## Ordinance No. 967

## MEDINA CITY COUNCIL

**AN ORDINANCE OF THE CITY OF MEDINA, WASHINGTON, AMENDING TITLE 19 OF THE MEDINA MUNICIPAL CODE TO ADD A NEW CHAPTER 19.14 TITLED SMALL WIRELESS DEPLOYMENTS WHICH WILL GOVERN THE DEPLOYMENT OF SMALL WIRELESS FACILITIES; AMENDING MMC SECTION 19.02.020 TO REVISE DEFINITIONS PERTAINING TO SMALL WIRELESS FACILITIES; AMENDING MMC SECTION 19.02 TO ADD NEW SECTION 19.02.140 AUTHORIZING ISSUANCE OF SMALL WIRELESS FACILITY PERMITS; ADOPTING FINDINGS IN SUPPORT OF THE FOREGOING; DECLARING A PUBLIC EMERGENCY; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE**

**WHEREAS**, the Federal Communications Commission (FCC) recently adopted a Declaratory Ruling, Order and Regulation (Ruling), and which Ruling imposes limitations on the processing and review of all permits associated with the deployment of small wireless facilities, including setting presumptive safe harbor review periods for the consideration of such facilities; and

**WHEREAS**, such regulations effectively require the City of Medina (City) to have small wireless standards and procedures in place on or before January 14, 2019; and

**WHEREAS**, poles within the public rights-of-way have been identified by the FCC as a primary resource for the deployment of small wireless facilities which are intended to increase the density and accessibility of radio frequency signals employed by smart phones and other wireless devices; and

**WHEREAS**, the City Council deems it to be in the public interest to revise, update, and add to its franchising requirements to deal specifically with small wireless facilities to be located in the City's rights-of-way, and to do so in conjunction with revisions and additions to the zoning code;

**WHEREAS**, contemporaneously with the consideration of this ordinance, the City Council enacted amendments to MMC Title 20 by amending MMC chapter 20.37 and adopting a new MMC chapter 20.38 authorizing and establishing aesthetic standards for the deployment of small wireless facilities;

**WHEREAS**, the City Council finds that the existence of the FCC regulations requires the enactment of administrative procedures and processes to comply with the new presumptive federal safe harbors on or before January 14, 2019; and

**WHEREAS**, the City is authorized by RCW 35A.12.130 to expeditiously adopt ordinances due to a public emergency for the protection of the public peace, safety, or health; and

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**WHEREAS**, the potential conflict between existing City review timelines and the presumptive safe harbor review times under the new FCC regulations creates an emergency; and

**WHEREAS**, the City Council finds that adopting the franchising and application regulations set forth here are necessary for the immediate preservation of the public peace, health or safety;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, DOES ORDAIN AS FOLLOWS:**

**Section 1. Purpose.** The purpose of this ordinance is to adopt and establish revisions to the City's Telecommunications Code in response to the FCC Ruling restricting the City's ability to regulate the deployment of small wireless facilities.

**Section 2. Findings.** The City Council adopts its findings above and further finds that this ordinance is necessary, in conjunction with Ordinance No. \_\_, to address potential applications for small wireless facilities within the presumptive safe harbor review periods prescribed by the FCC Ruling. As such, a public emergency exists requiring that this ordinance take effect immediately upon passage.

**Section 3. Amendment to MMC 19.02.020.** The Medina Municipal Code Section 19.02.020 is hereby amended as follows:

The following words and phrases shall have the following meanings, unless the context of the sentence in which they are used shall indicate otherwise:

"Affiliate" means a person who (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with another person;

"Applicant" means any person or entity that applies for any authorization, franchise, lease, or permit pursuant to this title;

"Cable Act" means the Cable Communications Policy Act of 1984 and the Cable Television Consumer Protection and Competition Act of 1992;

"Cable facilities" means equipment and wiring used to transmit audio and video signals to subscribers;

"Cable operator" means a telecommunications carrier providing or offering to provide "cable service" within the city as that term is defined in the Cable Act;

"Cable service," for the purpose of this title, shall have the same meaning provided by the Cable Act;

"Cable system" means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service and other service to subscribers;

"City" means the city of Medina, Washington;

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“City property” means and includes all real property owned by the city, other than public streets and utility easements as those terms are defined herein, and all property held in a proprietary capacity by the city, which are not subject to right-of-way licensing and franchising;

“Council” means the city council of the city of Medina, Washington acting in its official capacity;

“Data communication” means:

1. The transmission of encoded information, or
2. The transmission of data from one point to another;

“Director” means the Public Works Director or his/her designee;

“Emergency” means a condition of imminent danger to the health, safety, and welfare of property or persons located within the city including, without limitation, damage to persons or property from natural consequences, such as storms, earthquakes, riots or wars;

“Excess capacity” means the volume or capacity in any existing or future duct, conduit, manhole, handhole or other utility facility within the public way that is or will be available for use for additional telecommunications facilities;

“FCC” or “Federal Communications Commission” means the federal administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers on a national level;

“Fiber optics” means the technology of guiding and projecting light for use as a communications medium;

“Franchise” shall mean the initial authorization, or renewal thereof, approved by an ordinance of the city, which authorizes the franchisee to construct, install, operate, or maintain telecommunications facilities in, under, over, or across rights-of-way of the city and to also provide telecommunications service to persons or areas in the city;

“Franchisee” means the person, firm or corporation to whom or which a franchise, as defined in this section, is granted by the council under this title and the lawful successor, transferee or assignee of said person, firm or corporation subject to such conditions as may be defined in this title;

“Grantee” means the person, firm or corporation to whom or which a franchise, as defined in this section, is granted by the council under this Chapter and the lawful successor, transferee or assignee of such person, firm or corporation;

“Grantor” means the City of Medina acting through its City Council;

“Light Pole” means a pole owned by the City and used primarily for light streets, parking areas, parks or pedestrian paths;

“Open video system” or “OVS” refers to a facility consisting of a set of transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service, which is provided to multiple subscribers within a community, and which the Federal



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Communications Commission or its successors has certified as compliant with Part 76 of its rules, 47 C.F.R., Part 76, as amended from time-to-time;

“Operator” means the person, firm or corporation to whom a franchise is granted pursuant to the provisions of this title;

“Overhead facilities” means utility poles, utility facilities and telecommunications facilities located above the surface of the ground, including the underground supports and foundations for such facilities;

“Person” means and includes corporations, companies, associations, joint stock companies or associations, firms, partnerships, limited liability companies and individuals and includes their lessors, trustees and receivers;

“Property of franchisee” means all property owned, installed or used by a franchisee in the conduct of its business in the city under the authority of a franchise granted pursuant to this title;

“Proposal” means the response, by an individual or organization, to a request by the city regarding the provision of cable services; or an unsolicited plan submitted by an individual or organization seeking to provide cable services in the city;

“Right-of-way” means land acquired or dedicated for public roads and streets, but does not include state highways or land dedicated for roads, streets and highways not opened and not improved for motor vehicle use by the public;

“Service provider”: Is defined consistently with RCW 35.99.010(6). Service provider shall include those infrastructure companies that provide telecommunications services or equipment to enable the deployment of personal wireless services;

“Small wireless” and “small wireless facility” shall have the same meaning as a “small wireless facility” as set forth in 47 CFR 1.6002;

“State” means the state of Washington;

“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 comingled with other types of services);

“Surplus space” means that portion of the usable space on a utility pole which has the necessary clearance from other pole users, as required by the federal or state orders and regulations, to allow its use by a telecommunications carrier for a pole attachment;

“Telecommunications carrier” means and includes every person that directly or indirectly owns, controls, operates or manages plant, equipment or property within the city, used or to be used for the purpose of offering telecommunications service;

“Telecommunications facilities” means the plant, equipment and property, including but not limited to, cables, wires, conduits, ducts, pedestals, antennas, electronics and other appurtenances used or to be used to transmit, receive, distribute, provide or offer wireline or wireless telecommunications services;

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“Telecommunications provider” means and includes every person who provides telecommunications services over telecommunications facilities without any ownership or management control of the facilities;

“Telecommunications service” means the providing or offering for rent, sale or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium;

“Telecommunications system” see “telecommunications facilities”;

“Traffic Signal Poles” means a pole that supports equipment used for controlling traffic, including but not limited to traffic lights, rapid flashing beacons, speed radar, and school zone flashers;

“Underground facilities” means utility and telecommunications facilities located under the surface of the ground, excluding the underground foundations or supports for overhead facilities;

“Universal service” means a level of and definition of telecommunications services as the term is defined by the FCC through its authority granted pursuant to Section 254 of the Act;

“Usable space” means the total distance between the top of a utility pole and the lowest possible attachment point that provides the minimum allowable vertical clearance as specified in any federal or state orders and regulations;

“Utility facilities” means the plant, equipment and property, including but not limited to the poles, pipes, mains, conduits, ducts, cables, wires, plant and equipment located under, on or above the surface of the ground within the rights-of-way of the city and used or to be used for the purpose of providing utility or telecommunications services-;

“Utility Pole” means a wooden pole designated and used primarily for the support of electrical wires, telephone wires or television cable;

“Washington Utilities and Transportation Commission” or “WUTC” means the state administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services, and providers in the state of Washington to the extent prescribed by law;

“Wireline” means services provided using a physically tangible means of transmission, including without limitation wire or cable, and the apparatus used for such transmission.

**Section 4.** Amendment to MMC 19.02 – Adoption of New Section 19.02.140. Chapter 19.02 of the Medina Municipal Code is hereby amended by the addition of a new section 19.02.140 Small Wireless Facility Permit Required to provide in its entirety as follows:

19.02.140 Small Wireless Facility Permit Required.

Except as otherwise provided herein, any telecommunications carrier who desires to construct, install, operate, maintain or otherwise locate a small wireless facility, as defined in chapter 19.02.020, in, under, over or across any public way of the city or on any public structure for the purposes of providing

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telecommunication services to persons and areas in or outside the city shall first obtain a small cell permit pursuant to Chapter 19.14 MMC and 20.38. MMC.

**Section 5.** Amendment of Title 19 – Adoption of New Chapter 19.14. Title 19 of the Medina Municipal Code is hereby amended by the addition of a new chapter 19.14 Small Wireless Deployment and is hereby enacted as follows:

**Chapter 19.14  
Small Wireless Deployment**

**Sections:**

- 19.14.010 Application Process.
- 19.14.020 Small wireless permit application.
- 19.14.030 Review process.
- 19.14.040 Permit requirements
- 19.14.050 Modifications to small wireless facilities.
- 19.14.060 Consolidated Permit.

**19.14.010 Application Process.**

Overview. In order to manage its rights-of-way in a thoughtful manner which balances the need to accommodate new and evolving technologies with the preservation of the natural and aesthetic environment of the City, the City of Medina has adopted this administrative process for the deployment of small wireless facilities. The City and applicant for a franchise and other permits associated with the deployment of small wireless facilities face challenges in coordinating applicable legislative and administrative processes under the Federal Communications Commission (FCC) regulations. A franchise for the use of the City’s right-of-way is a contract which requires approval by the City Council. The small wireless permits are issued by the Director. Applicants are encouraged and expected to provide all related applications in one submittal, unless they have already obtained a franchise.

Application Process. The Director is authorized to establish franchise and other application forms to gather the information required by these ordinances from applicants and to determine the completeness of the application process as provided herein. The application shall include Parts A, B, and C as described below.

Franchise. The process typically begins with and depends upon approval of a franchise for the use of the public right-of-way to deploy small wireless facilities if any portion of the applicant’s facilities are to be located in the right-of-way. A complete application for a franchise is designated as Part A. An applicant with a franchise for the deployment of small wireless facilities in the City may proceed to directly apply for a small wireless facility permit and related approvals (Parts B and C).

Small Wireless Facility Permits. Part B of the application requires specification of the small wireless facility components and locations as further required in the small wireless permit application described in Section 19.14.020.

Associated Permit(s). Part C of the application shall attach all associated permits requirements including but not limited to permits required under MMC 19.12, and

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applications or check lists required under the Critical Areas, Shoreline or SEPA ordinances. Applicants for deployment of small wireless facilities in City Design Zones or for new poles shall also comply with the requirements in Chapter 20.38.070.

Leases. An applicant who desires to attach a small wireless facility to any utility pole or light pole owned by the City shall include an application for a lease as a component of its application. The Director is authorized to approve leases in the form approved for general use by the City Council for any utility pole or light pole in the right-of-way. Leases for the use of other public property, structures or facilities shall be submitted to the City Council for approval.

**19.14.020 Small Wireless Permit Application.**

The following information shall be provided by all applicants for a small wireless permit:

A. The application shall provide specific locational information including GIS coordinates of all proposed small wireless facilities and specify where the small wireless facilities will utilize existing, replacement or new poles, towers, existing buildings and/or other structures. Ground mounted equipment, conduit, junction boxes and fiber and electrical connections necessary for and intended for use in the deployment shall also be specified regardless of whether the additional facilities are to be constructed by the applicant or leased from a third party. Detailed schematics and visual renderings of the small wireless facilities, including engineering and design standards, shall be provided by the applicant. The application shall have sufficient detail to identify:

The location of overhead and underground public utility, telecommunication, cable, water, sewer drainage and other lines and equipment in the rights-of-way along the proposed route;

The specific trees, structures, facilities, lines and equipment, and obstructions, if any, that applicant proposes to temporarily or permanently remove or relocate and a landscape plan for protecting, trimming, removing, replacing, and restoring any trees or areas to be disturbed during construction.

All existing 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.

The construction drawings shall also include the applicant's plan for electric and fiber utilities, all conduits, cables, wires, handholes, junctions, meters, disconnect switches, emergency backup cabinets, and any other ancillary equipment or construction necessary to construct the small wireless facility.

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.

Compliance with the aesthetic requirements of Chapter 20.38.060.

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The applicant must show written approval from the owner of any pole or structure for the installation of its small wireless facilities on such pole or structure. To extent that the pole or structure is not owned by the property owner, the applicant shall demonstrate in writing that they have authority from the property owner to install the small wireless facility on the pole or structure. Such written approval shall include approval of the specific pole, engineering and design standards, as well as assurances that the specific pole can withstand wind and seismic loads, from the pole owner, unless the pole owner is the City. Submission of the lease agreement between the owner and the applicant is not required. For city-owned poles or structures, the applicant must obtain a lease from the City prior to or concurrent with the small wireless permit application and must submit as part of the application the information required in the lease for the City to evaluate the usage of a specific pole.

The applicant can batch multiple small wireless facility sites in one application. The applicant is encouraged to batch the small wireless facility sites within an application in a contiguous service area.

Any application for a small wireless facility located in the right-of-way adjacent to a parcel zoned for residential use shall demonstrate that it has considered the following:

Whether the proposed small wireless facility could be located on a street corner rather than in the middle of a block.

Whether a small wireless facility is currently installed on an existing pole in front of the same residential parcel. If a small wireless facility exists, then the applicant must demonstrate that no technically feasible alternative location exists which is not in front of the same residential parcel.

Whether the proposed small wireless facility can be screened from residential view by choosing a pole location that is not directly in front of a window or views.

Any application for a small wireless permit which contains an element which is not exempt from SEPA review shall simultaneously apply under Chapter 43.21C RCW and Chapter 18.04. Further, any application proposing small wireless facilities in Shoreline Management Zones (pursuant to MMC 20.6) or in Critical Areas (pursuant to MMC 20.50) must indicate that the application is exempt or comply with the review processes in such codes.

The applicant shall submit a sworn affidavit signed by an RF Engineer with knowledge of the proposed project affirming that the small wireless facilities will be compliant with all FCC and other governmental regulations in connection with human exposure to radio frequency emissions for every frequency at which the Small Wireless facility will operate. If facilities which generate RF radiation necessary to the Small Wireless facility are to be provided by a third party, then the small wireless 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 small wireless deployment if the applicant is using the same small wireless facility configuration for all installations within that batch or may submit one emissions report for each subgroup installation identified in the batch.

The applicant shall provide proof of FCC and other regulatory approvals required to provide the service(s) or utilize the technologies sought to be installed.

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A professional engineer licensed by the State of Washington shall certify in writing, over his or her seal, that both construction plans and final construction of the small wireless facilities and structure or pole and foundation are designed to reasonably withstand wind and seismic loads as established by the International Building Code.

A traffic control plan as required by MMC 19.12.

The applicant shall endeavor to use the quietest equipment possible and shall state the noise levels of all equipment utilized.

Pursuant to MMC 19.14.040(F), applicants shall include documentation that demonstrates that there is a licensed provider of wireless services contractually committed to using the proposed small wireless facility at the requested location.

Recognizing that small wireless facility technology is rapidly evolving, the Director is authorized to adopt and publish standards for the technological and structural safety of City-owned structures and to formulate and publish application questions for use when an applicant seeks to attach to City-owned structures.

**19.14.030 Review Process.**

A. Review. The following provisions relate to review of applications for a small wireless facility permit.

In any zone, upon application for a small wireless permit, the City will permit small wireless deployment on existing or replacement utility poles conforming to the City's generally applicable development and design standard adopted pursuant to Chapter 20.38.060 except as provided in subsection B below.

Vertical clearance shall be reviewed by the Director to ensure that the small wireless facilities will not pose a hazard to other users of the rights-of-ways.

Replacement poles and new poles shall comply with the Americans with Disabilities Act (ADA), City construction and sidewalk clearance standards, traffic warrants, city ordinances, and state and federal statutes and regulations in order to provide a clear and safe passage within the rights-of-way. Further, the location of any replacement pole or new pole must: be physically possible, cannot obstruct vehicular or pedestrian traffic or the clear zone, not interfere with utility or safety fixtures (e.g., fire hydrants, traffic control devices), and not adversely affect the public welfare, health, or safety.

No equipment shall be operated so as to produce noise in violation of Chapter 8.06 MMC.

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.

Development Services Department. Small wireless facilities on existing infrastructure shall be reviewed and approved by the Director. Small wireless facilities deployment in areas designated as Design Zones pursuant to Chapter 20.38.050, as well as new non-City owned poles, or

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replacement poles deviating from the pole design standards adopted pursuant to Chapter 20.38.060, are subject to review by the Hearing Examiner.

**Eligible Facilities Requests.** The design approved in a small wireless facility permit shall be considered concealment elements and such facilities may only be expanded upon an Eligible Facilities Request described in Chapter 20.38.080 when the modification does not defeat the concealment elements of the small wireless facility.

**Review of Facilities.** Review of the site locations proposed by the applicant shall be governed by the provisions of 47 USC 253 and 47 USC 332 and other applicable statutes, regulations and case law. Applicants for franchises and the small wireless facility permits shall be treated in a competitively neutral and non-discriminatory 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. Small wireless facility permit review under this Chapter shall neither prohibit nor have the effect of prohibiting the ability of an applicant to provide telecommunications services.

**Collaborative Review.** The Director may require the applicant to produce a representative to collaboratively review application materials with City staff up to one time per week during the course of the City's review. The required applicant representative may include an engineer and/or a siting specialist with sufficient understanding of the project to knowledgeably address questions or concerns the City may have on the application. The City must provide seven (7) days' notice to applicant of the date, time, location, anticipated scope of review, and requested participants for the meeting.

**Final Decision.** Consistent with this Chapter as well as other applicable code provisions including but not limited to MMC 20.38.060, the Director or his/her designee shall review an application to site small wireless facilities, with the exception of new poles in the rights-of-way which is governed by MMC 20.38.070, for completeness and notify the Applicant consistent with the requirements of federal and state law.

**Public Comment.** The City shall provide notice of a complete application for a small wireless facility permit on the City's website with a link to the application. The notice shall include an email contact and telephone number for the applicant to answer citizen inquiries. The applicant shall notice and hold at least one (1) informational meeting for the public within 30 days of filing the complete application. These informational meetings are for the public's information and are neither hearings nor part of any land use appeal process.

**Withdrawal.** Any applicant may withdraw an application submitted pursuant to 19.14.020 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 Director's decision, then reimbursement of fees submitted in association with said application shall be prorated to withhold the amount of City costs incurred in processing the application prior to time of withdrawal. If such withdrawal is not accomplished prior to the Director's decision, there shall be no refund of all or any portion of such fee.

**Supplemental Information.** Failure of an applicant to provide additional information as requested pursuant to 19.14.020 by the Director within sixty (60) days of notice by the Director

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shall be deemed a denial of that application, unless an extension period has been approved by the Director.

**19.14.040 Permit Requirements**

A. The grantee of any permit shall comply with all of the requirements within the small wireless permit.

Small wireless facilities installed pursuant to a small wireless facility permit may proceed to install the approved small wireless facilities without the need for an additional right-of-way use permit if construction is commenced within thirty (30) days of approval by providing email or written notice to the Director. Facilities approved in a small wireless permit in which installation has not commenced within thirty (30) days of the approval of a small wireless facility permit shall apply for and be issued a right-of-way use permit to install such small wireless facilities in accordance with the standard requirements of the City for use of the right-of-way.

Post-Construction As-Builts. Within sixty (60) days after construction of the small wireless facility, the grantee shall provide the City with as-builts of the small wireless facilities demonstrating compliance with the permit and site photographs.

Permit Time Limit. Construction of the small wireless facility must be completed within six (6) months after the approval date by the City. The grantee may request one (1) extension to be limited to three (3) months, if the applicant cannot construct the small wireless facility within the original six (6) month period.

Site Safety and Maintenance. The grantee must maintain the small wireless facilities in safe and working condition. The grantee shall be responsible for the removal of any graffiti or other vandalism and shall keep the site neat and orderly, including but not limited to following any maintenance or modifications on the site.

Operational Activity. The grantee shall include documentation that demonstrates that there is a licensed provider of wireless services contractually committed to using the proposed small wireless facility at the requested location.

**19.14.050 Modifications to small wireless facilities**

A. If a grantee desires to make a modification to an existing small wireless facility, including but not limited to expanding or changing the antenna type, increasing the equipment enclosure, placing additional pole-mounted or ground-mounted equipment, or modifying the concealment elements, then the applicant shall apply for a small wireless facility permit.

A small wireless facility permit shall not be required for routine maintenance and repair of a small wireless facility within the rights-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 small wireless facility, does not impact the structural integrity of the pole, and does not require pole replacement. Further, a small wireless facility permit shall not be required for replacing equipment within the equipment



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enclosure or reconfiguration of fiber or power to the small wireless facility. Right-of-way use permits may be required for such routine maintenance, repair or replacement consistent with 19.04 MC.

**19.14.060 Consolidated Permit**

A. The issuance of a small wireless permit grants authority to construct small wireless facilities in the rights-of-way in a consolidated manner to allow the applicant, in most situations, to avoid the need to seek duplicative approval by both the public works and the development services department. If the applicant requires a new franchise to utilize the right-of-way, the franchise approval shall be consolidated with the small wireless facility permit review if requested by the applicant. As an exercise of police powers pursuant to RCW 35.99.040(2), the small wireless facility permit is not a right-of-way use permit, but instead a consolidated public works and land use permit and the issuance of a small wireless facility permit shall be governed by the time limits established by federal law for small wireless facilities.

To the extent they do not conflict with the requirements of this chapter, the general standards applicable to the use of the rights-of-way described in 19.04 and 19.06 MMC shall apply to all small wireless facility permits.

**Section 6. Severability.** If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

**Section 7. Corrections.** The City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 8. Effective Date.** Based upon the findings set forth above, the City Council hereby declares a public emergency requiring this ordinance to take effect immediately. This ordinance shall accordingly be in full force and effect immediately upon passage  
 PASSED by the majority plus one of the City Council of the City of Medina this 14<sup>th</sup> day of January 2019 and signed in authentication of its passage this 14<sup>th</sup> day of January 2019.

\_\_\_\_\_  
 Cynthia Adkins, Mayor

Approved as to form:

Attest:

\_\_\_\_\_  
 Scott Missall, City Attorney

\_\_\_\_\_  
 Aimee Kellerman, City Clerk

## ATTACHMENT 2

## Ordinance No. 968

## MEDINA CITY COUNCIL

**AN ORDINANCE OF THE CITY OF MEDINA, WASHINGTON, ADOPTING INTERIM LAND USE REGULATIONS AND OFFICIAL CONTROLS PURSUANT TO RCW 35A.63.220 AND RCW 36.70A.390; AMENDING TITLE 20 OF THE MEDINA MUNICIPAL CODE TO ADD A NEW CHAPTER 20.38 AUTHORIZING AND ESTABLISHING STANDARDS FOR THE DEPLOYMENT OF SMALL WIRELESS FACILITIES; ADOPTING FINDINGS IN SUPPORT OF THE FOREGOING; REQUIRING A POST-ADOPTION PUBLIC HEARING ON THE FOREGOING; PROVIDING FOR SEVERABILITY; DECLARING A PUBLIC EMERGENCY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE**

**WHEREAS**, the Federal Communications Commission (FCC) recently adopted a Declaratory Ruling, Order and Regulation (Ruling), and which Ruling imposes limitations on the processing and review of all permits associated with the deployment of small wireless facilities, including setting presumptive safe harbor review periods for the consideration of such facilities; and

**WHEREAS**, such regulations effectively require the City of Medina (City) to have small wireless standards and procedures in place on or before January 14, 2019; and

**WHEREAS**, such interim standards will protect the City and meet FCC requirements while regaining the ability to adopt additional aesthetic standards on or before January 14, 2019 with the ability to adopt additional aesthetic standards on or before April 14, 2019; and

**WHEREAS**, contemporaneous with the consideration of this ordinance, the City Council enacted amendments to its existing franchise code provisions MMC Chapter 19.02 and adopted a new MMC Chapter 19.14 in order to provide for the deployment of small wireless facilities; and

**WHEREAS**, the aesthetic design and concealment standards that govern deployment of small wireless facilities on private property, as well as within the public right-of-way, will be included in MMC Chapter 20.38;

**WHEREAS**, separately, federal law and regulation sets time limits on the processing of applications for eligible facility requests to expand existing structures which do not substantially change the height or profile of the structures used to collocate wireless communications facilities, and which regulations will also become part of Chapter 20.38; and

**WHEREAS**, the FCC Ruling allows the City to adopt aesthetic standards for such deployments that will require utilization of a consolidated process emphasizing administrative review in order to comply with federal safe harbors or presumptively reasonable time limits for review; and

**WHEREAS**, the City Council finds that the existence of the FCC regulations requires the enactment of administrative procedures and processes to comply with the new presumptive federal safe harbors on or before January 14, 2019; and

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**WHEREAS**, the potential conflict between existing City review timelines and the presumptive safe harbor review times under the new FCC regulations creates a time sensitive emergency; and

**WHEREAS**, the City is authorized by state law, including RCW 36.70A.390 and RCW 35A.63.220, to expeditiously adopt interim zoning ordinances due to a public emergency for the protection of the public peace, safety, or health while permanent regulations are developed, vetted and processed through the City's standard legislative procedure's; and

**WHEREAS**, the City Council finds that the use of the interim zoning ordinance will allow the City to meet the January 14, 2019 deadline while providing a meaningful opportunity for its citizens to provide input regarding design, concealment and other aesthetic standards within the longer timeframe permitted by use of an interim zoning ordinance; and

**WHEREAS**, the City Council finds that adopting interim zoning regulations as set forth herein for up to six (6) months is necessary for the immediate preservation of the public peace, health or safety;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, DOES ORDAIN AS FOLLOWS:**

**Section 1. Purpose.** The purpose of this ordinance is to adopt and establish interim aesthetic requirements and revisions to the City's wireless communications facilities code provisions in response to the FCC Ruling for a period of six (6) months, or until such earlier time as permanent regulations may be adopted.

**Section 2. Findings.** The City Council adopts its findings above and further finds that this ordinance is necessary, in conjunction with Ordinance No. 967, to address potential applications for small wireless facilities within the presumptive safe harbor review periods prescribed by the FCC Ruling. As such, a public emergency exists requiring that this ordinance take effect immediately upon passage.

**Section 3. Amendment to MMC 20.37.030(A).** The Medina Municipal Code Section 20.37.030(A) regarding applicability of Chapter 20.37, Wireless Communication Facilities is hereby amended as follows:

A. The provisions of this chapter shall apply to all new and expansion and/or alteration of wireless communication facilities located within the boundaries of the city, except for the following:

1. Those facilities used for the primary purpose of public safety by a public agency, such as police, and 911 communications systems;
2. Incidental use of a support structure exempts under subsection (A)(1) of this section by nonpublic entities for the attachment of antennas and ancillary facilities;
3. Wireless radio utilized for emergency communications in the event of a disaster;
4. An antenna that is designed to receive television broadcast signals;
5. An antenna for receiving and sending of amateur radio devices or HAM radios

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- provided the criteria in MMC 20.37.040 are satisfied;
- 6. An antenna that is one meter or less in diameter or diagonal measurement, which is designed to receive direct broadcast satellite services, including direct-to-home satellite services and those subject to MMC 20.32.060;
- 7. An antenna that is one meter or less in diameter or diagonal measurement, which is designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services;
- 8. A small wireless communications facility that is permitted under MMC 19.14.020 and is subject to MMC 20.38.

**SECTION 4.** Amendment of Title 20 MMC – Adoption of New Chapter 20.38. Title 20 of the Medina Municipal Code is hereby amended by the addition of a new chapter 20.38 Small Wireless Facilities and is hereby enacted as follows:

**Chapter 20.38  
SMALL WIRELESS FACILITIES**

**Sections:**

- 20.38.010 Purpose.
- 20.38.020 Definitions.
- 20.38.030 General provisions.
- 20.38.040 Application requirements for small wireless facilities.
- 20.38.050 Design Zones for small wireless facilities.
- 20.38.060 Design and concealment standards for small wireless deployments.
- 20.38.070 New poles in the rights-of-way for small wireless facilities and installations in a Design Zone.
- 20.38.080 Eligible facilities request.
- 20.38.090 Testing of small wireless facilities required.
- 20.38.100 Appeals.

**20.38.010 Purpose.**

The purpose of this chapter is to set forth the regulations for the placement, development, permitting, and removal of small wireless facilities. Among the purposes included are to:

Minimize potential adverse visual, aesthetic, and safety impacts of small wireless facilities.

Establish objective standards for the placement of small wireless facilities.

Ensure that such standards allow competition and do not unreasonably discriminate among providers of functionally equivalent services.

Encourage the design of such small wireless facilities to be aesthetically and architecturally compatible with the surrounding built and natural environments where possible.

Encourage the collocation or attachment of small wireless facilities on existing support structures to help minimize the total number and impact of such structures throughout the community.

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F. Protect the public health, safety and welfare.

### **20.38.020 Definitions.**

See Chapter 19.02.020 MMC for additional definitions for terms utilized in this Chapter.

A. "Antenna" means any exterior apparatus designed for telephonic, radio, data, Internet or other communications through the sending and/or receiving of radio frequency signals including, but not limited to, equipment attached to a tower, utility pole, building or other structure for the purpose of providing wireless services.

"Co-location" means (1) mounting or installing an antenna facility on a pre-existing structure, and/or (2) 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.

"Small wireless facility" has the same meaning as defined in 47 CFR 1.6002.

"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 comingled with other types of services).

"Transmission equipment" means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services included, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

"Unified enclosure" means a small wireless facility providing concealment of antennas and equipment within a single enclosure.

"Utility pole" means a wooden structure designed and used primarily for the support of electrical wires, telephone wires, television cable, traffic signals, or lighting for streets, parking areas, or pedestrian paths.

### **20.38.030 General provisions.**

A. Small wireless facilities shall not be considered nor regulated as essential public facilities.

Small wireless facilities located outside of the public rights-of-way may be either a primary or a secondary use. A different use of an existing structure on the same lot shall not preclude the installation of a small wireless facility.

Small wireless facilities located within the public right-of-way pursuant to a valid franchise are permitted uses in every zone of the City but still require a small wireless facility permit pursuant to MMC 19.02.140.

**ATTACHMENT 2****20.38.040 Application requirements for small wireless facilities.**

Any application for a small wireless facility both inside and outside of the right-of-way shall comply with the application requirements for a small wireless facility permit described in Chapter 19.14.020.

**20.38.050 Design Zones for small wireless facilities**

A. The following zones are designated as Design Zones for the purpose of siting small wireless facilities: Medina Park located at 7789 NW 12<sup>th</sup> Street, Medina Beach Park located at 501 Evergreen Point Road, and Fairweather Nature Preserve (also referred to as Fairweather Nature Preserve and Park) located at 2857 Evergreen Point Road, Viewpoint Park located at Overlake Drive West and 84<sup>th</sup> Avenue NE, and Lake Lane Park located in the 3300 block of 78<sup>th</sup> Place NE.

Any applicant who desires to place a small wireless facility in a Design Zone must first establish that the applicant cannot locate the small wireless facility outside of the Design Zone. Applications for small wireless facilities in a Design Zone may be approved if the applicant demonstrates that due to technical infeasibility the applicant cannot locate the proposed small wireless facility on an existing or replacement pole within 500 feet of the proposed site and outside of the Design Zone.

Applications for small wireless facilities within Design Zones are subject to approval by the Hearing Examiner and must comply with a concealment element design described in Chapter 20.38.070 below.

**20.38.060 Design and concealment standards for small wireless deployments.**

Small wireless facility deployments whether permitted in the right-of way under Chapter 19.14 MMC or permitted in accordance with this chapter shall conform to the following design standards:

A. Small wireless facilities attached to existing or replacement non-wooden light poles and other non-wooden poles in the right-of-way or non-wooden poles outside of the right-of-way shall conform to the following design criteria:

Enclosure Location and Dimensions. The applicant shall minimize to the extent possible the antenna and equipment space use the smallest amount of enclosure possible to fit the necessary equipment. The antennas and equipment shall be located using the following methods in priority order:

Concealed completely within the pole or pole base. Antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) shall be fully concealed within the pole, unless such concealment is otherwise technically infeasible, or is incompatible with the pole design. If within the pole base, the base shall meet the ADA requirements and not impact the pedestrian access route.

Located on a pole. If located on a pole, antennas and associated equipment enclosures must be camouflaged to appear as an integral part of the pole or flush

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mounted to the pole, meaning no more than six (6) inches off of the pole, and the equipment enclosure and all other wireless equipment associated with the shall be the minimum size necessary for the intended purpose. The equipment enclosure and all other wireless equipment associated with the pole (including interior conduit), including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole, may not exceed twenty-eight (28) cubic feet. If the equipment enclosure is permitted on the exterior of the pole, the applicant is required to place the equipment enclosure behind any banners or road signs that may be on the pole, provided that such location does not interfere with the operation of the banners or signs. The furthest point of any antenna or equipment enclosure may not extend more than twenty (20) inches from the face of the pole.

Underground in a utility vault. If located underground, the access lid to the equipment enclosure shall be located outside the footprint of any pedestrian curb ramp and shall have a nonskid surface meeting ADA requirement if located within an existing pedestrian access route.

On private property. If located on private property, the applicant shall submit a copy of an executed easement or lease agreement with the private property owner prior to the small wireless facility permit issuance.

An antenna on top of an existing pole may not extend more than six (6) feet above the height of the existing pole and the diameter may not exceed sixteen (16) inches, measured at the top of the pole, unless the applicant can demonstrate that more space is needed. The antennas shall be integrated into the pole design so that it appears as a continuation of the original pole, including colored or painted to match the pole, and shall be shrouded or screened to blend with the pole except for canister antennas which shall not require screening. All cabling and mounting hardware/brackets from the bottom of the antenna to the top of the pole shall be fully concealed and integrated with the pole.

Any replacement pole shall substantially conform to the design of the pole it is replacing or the neighboring pole design standards utilized within the contiguous right-of-way.

The height of any replacement pole may not extend more than ten (10) feet above the height of the existing pole or the minimum additional height necessary; provided that the height of the replacement pole cannot be extended further by additional antenna height.

The diameter of a replacement pole shall comply with the City's setback and sidewalk clearance requirements and shall, to the extent technically feasible, not be more than a 25% increase of the existing non-wooden pole measured at the base of the pole, unless additional diameter is needed in order to conceal equipment within the base of the pole, and shall comply with the requirements in subsection E(4) below.

The use of the pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

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All equipment that can be located underground shall be located underground if technically feasible.

Wooden pole design standards. Small wireless facilities located on wooden poles shall conform to the following design criteria:

The wooden pole at the proposed location 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 ten (10) feet taller than the existing pole, unless a further height increase is required and confirmed in writing by the pole owner and that such height extension is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.

A pole extender may be used instead of replacing an existing pole but may not increase the height of the existing pole by more than ten (10) feet, unless a further height increase is required and confirmed in writing by the pole owner and that such height increase is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities. A "pole extender" as used herein is an object affixed between the pole and the antenna for the purpose of increasing the height of the antenna above the pole. The pole extender shall be painted to approximately match the color of the pole and shall substantially match the diameter of the pole measured at the top of the pole.

Replacement wooden poles must either match the approximate color and materials of the replaced pole or shall be the standard new wooden pole used by the pole owner in the City.

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 wooden pole on which they are attached.

Antennas shall not be mounted more than twelve (12) inches from the surface of the wooden pole.

Antennas should be placed in an effort to minimize visual clutter and obtrusiveness. Multiple antennas are permitted on a wooden pole provided that each antenna enclosure shall not be more than three (3) cubic feet in volume.

A canister antenna may be mounted on top of an existing wooden pole, which may not exceed the height requirements described in subsection B(1) above. A canister antenna mounted on the top of a wooden pole shall not exceed sixteen (16) inches, measured at the top of the pole, 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 twelve (12) inches from the surface of the wooden pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the wooden pole.



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The furthest point of any antenna or equipment enclosure may not extend more than twenty (20) inches from the face of the pole.

An omni-directional antenna may be mounted on the top of an existing wooden pole, provided such antenna is no more than four (4) feet in height 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.

All related equipment, including but not limited to ancillary equipment, radios, cables, associated shrouding, microwaves, and conduit which are mounted on wooden poles shall not be mounted more than six (6) inches from the surface of the pole, unless a further distance is technically required, and is confirmed in writing by the pole owner.

Equipment for small wireless facilities must be attached to the wooden pole, unless otherwise permitted to be ground mounted pursuant to subsection (E)(1). The equipment must be placed in the smallest enclosure possible for the intended purpose. The equipment enclosure and all other wireless equipment associated with the utility pole, including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole, may not exceed twenty-eight (28) cubic feet. Multiple equipment enclosures may be acceptable if designed to more closely integrate with the pole design and does not cumulatively exceed twenty-eight (28) cubic feet. The applicant is encouraged to place the equipment enclosure behind any banners or road signs that may be on the pole, provided that such location does not interfere with the operation of the banners or signs.

An applicant who desires to enclose both its antennas and equipment within one unified enclosure may do so, provided that such enclosure is the minimum size necessary for its intended purpose and the enclosure and all other wireless equipment associated with the pole, including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole does not exceed twenty-eight (28) cubic feet. The unified enclosure may not be placed more than six (6) inches from the surface of the pole, unless a further distance is required and confirmed in writing by the pole owner. To the extent possible, the unified enclosure shall be placed so as to appear as an integrated part of the pole or behind banners or signs, provided that such location does not interfere with the operation of the banners or signs.

The visual effect of the small wireless facility on all other aspects of the appearance of the wooden pole shall be minimized to the greatest extent possible.

The use of the wooden pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

The diameter of a replacement pole shall comply with the City's setback and sidewalk clearance requirements and shall not be more than a 25% increase of the existing utility pole measured at the base of the pole.

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All cables and wires shall be routed through conduit along the outside of the pole. The outside conduit shall be colored or painted to match the pole. The number of conduit shall be minimized to the number technically necessary to accommodate the small wireless.

Small wireless facilities attached to existing buildings, shall conform to the following design criteria:

Small wireless facilities may be mounted to the sides of a building if the antennas do not interrupt the building's architectural theme.

The interruption of architectural lines or horizontal or vertical reveals is discouraged.

New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if it complements the architecture of the existing building.

Small wireless facilities shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building.

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.

Small wireless facilities shall be painted and textured to match the adjacent building surfaces.

Small wireless facilities mounted on cables strung between existing utility poles shall conform to the following standards.

Each strand mounted facility shall not exceed three (3) cubic feet in volume;

Only one strand mounted facility is permitted per cable between any two existing poles;

The strand mounted devices shall be placed as close as possible to the nearest utility pole, in no event more than five (5) feet from the pole unless a greater instance technically necessary or is required by the pole owner for safety clearance;

No strand mounted device shall be located in or above the portion of the roadway open to vehicular traffic;

Ground mounted equipment to accommodate a shared mounted facility is not permitted except when placed in pre-existing equipment cabinets; and

Pole mounted equipment shall comply with the requirements of subsections A and B above.

Such strand mounted devices must be installed to cause the least visual impact, be outside the view of a single family residence, and without excess exterior cabling or wires (other than the original strand).

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Strand mounted facilities are prohibited on non-wooden poles.

**General requirements.**

Ground mounted equipment in the rights of way is prohibited, unless such facilities are placed under ground or the applicant can demonstrate that pole mounted or undergrounded equipment is technically infeasible. If ground mounted equipment is necessary, then the applicant shall submit a concealment element plan. Generators located in the rights of way are prohibited.

No equipment shall be operated so as to produce noise in violation of Chapter 8.06 MMC.

Small wireless facilities are not permitted on traffic signal poles unless denial of the siting could be a prohibition or effective prohibition of the applicant's ability to provide telecommunications service in violation of 47 USC §§ 253 and 332.

Replacement poles and new poles shall comply with the Americans with Disabilities Act (ADA), City construction and sidewalk clearance standards, city ordinance, and state and federal laws and regulations in order to provide a clear and safe passage within the rights-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 the public welfare, health or safety.

Replacement poles shall be located as near as possible to the existing pole with the requirement to remove the abandoned pole.

No signage, message or identification other than the manufacturer's identification or identification required by governing law is allowed to be portrayed on any antenna or equipment enclosure. Any permitted signage shall be located on the equipment enclosures and be of the minimum amount possible to achieve the intended purpose (no larger than 4x6 inches); provided that, signs are permitted as concealment element techniques where appropriate.

Antennas and related equipment shall not be illuminated except for security reasons, required by a federal or state authority, or unless approved as part of a concealment element plan. As feasible, lighting must be shielded to prevent direct glare and should not be directed towards nearby properties.

Side arm mounts for antennas or equipment must be the minimum extension necessary and for wooden poles may be no more than twelve (12) inches off the pole and for non-wooden poles no more than six (6) inches off the pole.

The preferred location of a small wireless facility on a pole is the location with the least visible impact.

Antennas, equipment enclosures, and ancillary equipment, conduit and cable, shall not dominate the structure or pole upon which they are attached.

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Except for locations in the right-of-way, small wireless facilities are not permitted on any property containing a residential use in the residential zones.

The City may consider the cumulative visual effects of small wireless facilities mounted on poles within the rights-of-way in when assessing proposed siting locations so as to not adversely affect the visual character of the City. This provision shall not be applied to limit the number of permits issued when no alternative sites are reasonably available nor to impose a technological requirement on the applicant.

These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would unreasonably impair the function of the technology chosen by the applicant, alternative forms of concealment or deployment may be permitted which provide similar or greater protections from negative visual impacts to the streetscape.

**20.38.070 New poles in the rights-of-way for small wireless facilities or installations in Design Zone.**

- A. New poles within the rights-of-way are only permitted if the applicant can establish that:

The proposed small wireless facility cannot be located on an existing utility pole or light pole, electrical transmission tower or on a site outside of the public rights of way such as a public park, public property, building, transmission tower or in or on a non-residential use in a residential zone whether by roof or panel-mount or separate structure;

The proposed small wireless facility receives approval for a concealment element design, as described in MMC 20.38.070(C) below;

The proposed small wireless facility also complies with Shoreline Management Act, and SEPA, if applicable; and

Any new pole shall be installed at the point closest to the side property line so as to not impact the property's view; and

No new poles shall be located in a critical area or associated buffer required by the City's Critical Areas Management ordinance (Title 20.50MC), except when determined to be exempt pursuant to said ordinance.

All equipment that can be located underground shall be located underground if technically feasible.

An application for a new pole is subject to a review and decision by the Hearing Examiner.

The concealment element design shall include the design of the screening, fencing or other concealment technology for a tower, pole, or equipment structure, and all related transmission equipment or facilities associated with the proposed small wireless facility, including but not limited to fiber and power connections.

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The concealment element design should seek to minimize the visual obtrusiveness of the small wireless facility. The proposed pole or structure should have similar designs to existing neighboring poles in the rights of way, including similar height to the extent technically feasible. If the proposed small wireless facility is placed on a replacement pole in a Design Zone, then the replacement pole shall be of the same general design as the pole it is replacing, unless the development services department otherwise approves a variation due to aesthetic or safety concerns. Any concealment element design for a small wireless facility on a decorative pole should attempt to mimic the design of such pole and integrate the small wireless facility into the design of the decorative pole. Other concealment methods include, but are not limited to, integrating the installation with architectural features or building design components, utilization of coverings or concealment devices of similar material, color, and texture - or the appearance thereof - as the surface against which the installation will be seen or on which it will be installed, landscape design, or other camouflage strategies appropriate for the type of installation. Applicants are required to utilize designs in which all conduit and wirelines are installed internally in the structure. Further, applicant designs should, to the extent technically possible, comply with the generally applicable design standards adopted pursuant to MMC 20.38.060.

If the Director has already approved a concealment element design either for the applicant or another small wireless facility along the same public right-of-way or for the same pole type, then the applicant shall utilize a substantially similar concealment element design, unless it can show that such concealment element design is not physically or technologically feasible, or that such deployment would undermine the generally applicable design standards.

Even if an alternative location is established pursuant to 20.38.070(A)(1) the Director may determine that a new pole in the right-of-way is in fact a superior alternative based on the impact to the City, the concealment element design, the City's Comprehensive Plan and the added benefits to the community.

Prior to the issuance of a permit to construct a new pole or ground mounted equipment in the right-of-way, the applicant must obtain a site-specific agreement from the City to locate such new pole or ground mounted equipment. This requirement also applies to replacement poles that are higher than the replaced pole, and the overall height of the replacement pole and the proposed small wireless facility is more than sixty (60) feet.

These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would unreasonably impair the function of the technology chosen by the applicant, alternative forms of concealment or deployment may be permitted which provide similar or greater protections of the street scape.

**20.38.080 Eligible Facilities Request**

A. Definitions. The following definitions shall apply to Eligible Facilities Requests only as described in this Section 20.38.080.

“Base Station”: A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications

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network. The term does not encompass a tower as defined herein nor any equipment associated with a tower. Base Station includes, without limitation:

Equipment associated with wireless communications services as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small wireless networks).

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 subparagraph (i) and (ii) above 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.

The term does not include any structure that, at the time the Eligible Facilities Request application is filed with the City, does not support or house equipment described in subparagraph (1)(a) and (1)(b) above.

"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.

"Eligible Facilities Request": 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.

"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.

"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.

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

For towers other than towers in the public rights-of-way, it increases the height of

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the tower by more than 10% or by the height of one 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 10% or more than ten (10) feet, whichever is greater;

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 twenty (20) 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;

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 cabinets; or, for towers in the public rights-of-way and Base Stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

It entails any excavation or deployment outside the current site;

It would defeat the concealment elements of the eligible support structure; or

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 non-compliant only in a manner that would not exceed the thresholds identified above.

“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 and fixed 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 backup 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.

Application. The Director shall prepare and make publicly available an application form used 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.

Qualification as an Eligible Facilities Request. Upon receipt of an application for an Eligible Facilities Request, the Director shall review such application to determine whether the

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application qualifies as an Eligible Facilities Request.

**Timeframe for Review.** Within sixty (60) days of the date on which an applicant submits an Eligible Facilities Request application, the Director shall approve the application unless it determines that the application is not covered by this Section 20.38.080.

**Tolling of the Time Frame for Review.** The sixty (60) day review period begins to run when the application is filed and may be tolled only by mutual agreement by the Director and the applicant or in cases where the Director determines that the application is incomplete. The timeframe for review of an Eligible Facilities Request is not tolled by a moratorium on the review of applications.

To toll the timeframe for incompleteness, the Director shall provide written notice to the applicant within thirty (30) days of receipt of the application, clearly and specifically delineating all missing documents or information required in the application.

The timeframe for review begins running again when the applicant makes a supplemental submission in response to the Director's notice of incompleteness.

Following a supplemental submission, the Director will notify the applicant within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this sub-section. Second or subsequent notice of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

**Determination That Application Is Not an Eligible Facilities Request.** If the Director determines that the applicant's request does not qualify as an Eligible Facilities Request, the Director shall deny the application.

**Failure to Act.** In the event the Director fails to approve or deny a request for an Eligible Facilities Request within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the Director in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

**20.38.090 Testing of small wireless facilities required.**

Each permitted small wireless facility permit holder shall conduct annual tests, at the permit holder's expense, necessary to establish the level of radio frequency radiation created by the small wireless facility. The purpose of this testing is to ensure that the radio frequency radiation is in compliance with the FCC's regulations and standards.



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A. The annual testing is in addition to the test required pursuant to MMC 19.14.020(F). Thereafter, the permit holder shall test the small wireless facility every April to measure the radio frequency radiation created by the small wireless communication facilities to ensure compliance with the FCC's regulations and standards.

All such tests required by this section shall be performed by a licensed electrical engineer, or by a person with equivalent capabilities approved by the City Engineer.

Copies of each and every radio frequency radiation test shall be submitted to the City Engineer on the first day of the month following the month in which the test is performed. Such test results shall be certified by a licensed electrical engineer. No renewal of a permit or lease shall be granted unless the permit holder submits the test results to the City prior to the City's consideration of the renewal application.

If at any time the radio frequency radiation test shows that the radio frequency radiation emanating from the small wireless facility exceeds the standards established by the FCC, the permit holder shall immediately disconnect the small wireless facility and notify the City Engineer. The small wireless facility shall not be reconnected until the permit holder demonstrates that corrections have been completed to reduce the radio frequency radiation to levels permitted by the FCC.

**20.38.100 Appeals**

Small wireless facilities permit decisions or Eligible Facilities Requests decisions made by the Director are final decisions appealable to the Hearing Examiner within thirty (30) days of such decision. However, decisions on request for new poles for the siting of small wireless facilities as outlined in MMC 20.38.070 or for installations in Design Zones as outlined in MMC 20.38.050, are determined by the Hearing Examiner. Such decisions by the Hearing Examiner are final and appealable to King County Superior Court within thirty (30) days of such decision. The timely filing of an appeal of a wireless communication facility permit decision shall stay the effective date of the decision until such time as the appeal is concluded or withdrawn.

**Section 5. Public Hearing.** The City Clerk is hereby authorized and directed to schedule a public hearing on the interim regulations set forth in this ordinance and to provide notice of said hearing in accordance with applicable standards and procedures. Said hearing shall be held no later than 60 days after the date of adoption hereof. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council may adopt additional legislative findings in support of this ordinance at the conclusion of said hearing.

**Section 6. Corrections.** The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 7. Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

**ATTACHMENT 2**

**Section 8. Declaration of Emergency; Effective Date; Sunset.** Based upon the findings set forth above, the City Council hereby declares a public emergency requiring this ordinance to take effect immediately. This ordinance shall accordingly be in full force and effect immediately upon passage and shall remain effective for a period of six months unless terminated earlier or subsequently extended by the City Council. PROVIDED, that the City Council may, in its sole discretion, renew the interim zoning regulations set forth herein for one or more six (6) month periods in accordance with state law.

PASSED by the majority plus one of the City Council of the City of Medina this 14<sup>th</sup> day of January 2019 and signed in authentication of its passage this 14<sup>th</sup> day of January 2019.

\_\_\_\_\_  
Cynthia Adkins, Mayor

Approved as to form:

Attest:

\_\_\_\_\_  
Scott Missall, City Attorney

\_\_\_\_\_  
Aimee Kellerman, City Clerk



# MEDINA, WASHINGTON

MEDINA CITY COUNCIL / PLANNING  
 COMMISSION MEETING AGENDA  
 Medina City Hall, Council Chambers  
 501 Evergreen Point Road, Medina  
 Monday, February 25, 2019  
 5:30 PM

**MAYOR**  
 CYNTHIA F. ADKINS

**CITY MANAGER**  
 MICHAEL SAUERWEIN

**DEPUTY MAYOR**  
 JESSICA ROSSMAN

**CITY ATTORNEY**  
 SCOTT MISSALL

**COUNCIL MEMBERS**  
 ROGER FREY  
 JENNIFER GARONE  
 DAVID LEE  
 ALEX MORCOS  
 SHEREE WEN

**CITY CLERK**  
 AIMEE KELLERMAN

## AGENDA

Page

### 1. STUDY SESSION - CALL TO ORDER / ROLL CALL

Council Members Adkins, Frey, Garone, Lee, Morcos, Rossman and Wen

Planning Commissioners, Langworthy, Nelson, Preston, Reeves, Schubring, Smith and Truitt

### 2. STUDY SESSION

- 3 - 15 2.1 Planning Commission Work Plan and Calendar
- 2.2 Cell Tower Regulations Discussion
- 2.3 Open Round Table Discussion:
  - City Council Meeting Start Time

### 3. ADJOURNMENT

Next regular meeting: Monday, March 11, 2019; 6:30 PM

**ADDITIONAL INFORMATION**

The study session is the forum used by Council to review forthcoming programs of the City, to receive progress reports on current issues, or to receive similar information from the City Manager and others. All discussions and conclusions held during a workshop are of an informal nature. Generally, final action is not taken while in a study session unless delayed action may result in adverse consequences. Additionally, there is no public comment at a study session.

In compliance with the Americans with Disabilities Act, if you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the City Clerk's Office at (425) 233-6410 at least 48 hours prior to the meeting.

**CERTIFICATION OF POSTING OF AGENDA**

I, Aimee Kellerman, City Clerk for the City of Medina, declare that the foregoing agenda for the Monday, February 25, 2019 Special Joint Meeting of the Medina City Council and Planning Commission was posted and available for review on Thursday, February 21, 2019 at City Hall of the City of Medina, 501 Evergreen Point Road, Medina, WA 98039. The agenda is also available on the city website at [www.medina-wa.gov](http://www.medina-wa.gov).

Signed Thursday, February 21, 2019 at Medina, Washington.

*Aimee Kellerman*

Aimee Kellerman, CMC, City Clerk

100

OVERVIEW

TASK	ORIGIN/RANKING	% Complete	Start	End
<b>POLICIES, PLANS &amp; REGULATIONS</b>				
Periodic review of Shoreline Master Program (WA law)	Staff/	1%	January	<b>Due June 30, 2019</b>
City-initiated Comprehensive Plan Update (WA law)	Staff/			Next update due 2023
<b>MISC CODE AMENDMENTS / ANALYSIS</b>				
Review/revise Wireless Communication Code (Fed law changes)	Staff, City attorney, Council/		January	<b>Due July 14, 2019</b>
Consider Deleting Verification Step of Original Grade	Staff/			
Consider expanding allowances for matching non-conforming height	Staff/			
Review Floor Area Ratio/minimum landscaping requirements	Staff/			
Review residential development policy re: "wedding cake" houses	PC, CC/			
Look at critical areas	PC, CC/			
Analysis and strategic review of commuter parking	PC, CC/			
Review Redmond's additional unit policy	PC, CC/			
<b>UPDATE KEY DEVELOPMENT REGULATIONS</b>				
Review/revise site plan review process	Staff/			
Update Construction Mitigation Plan Code	Staff, PC, CC/		February	
<b>ENVIRONMENTAL STEWARDSHIP/SUSTAINABILITY</b>				
Canopy Assessment/Tree Code Amendments	PC, CC/			
Sustainability Regulations	Staff, PC, CC/			

**Notes:**

- This gives an overview of the PC work program over the next two and a half years
- It gives the option to include percentage completed
- We can include an on-track indicator
- The "origin" column can be used to give the context i.e city council request and/or give the ranking
- The idea of the accompanying worksheets is to pick the top two highest ranking topics and identify subtasks and a timeline
- We need to give each topic a ranking and the length of time we think it should take

Item	Description	Requests to Staff	Outside experts/ consultants needed	Deliverable	Timing and budget notes:
Periodic review of Shoreline Master Program	This task involves updating the shoreline master program, which manages shoreline resources and development in Medina, to comply with the Shoreline Management Act, State shoreline master program guidelines, and best practices for shoreline protection. Update to ensure consistency between the shoreline master program and the rest of the Medina Code.	Staff: Please check on when next update required by law and apprise PC and CC. CC to discuss and provide feedback to PC re next steps.	Yes; The Watershed Co. will facilitate the review.	Update SMP to be compliant with changes in the laws, rules and applicable updated guidance that has been adopted between 2007 and 2017. PC to send recommendation to CC on adopting update beginning 2Q 2019 to meet deadline.	<b>Update is due June 30, 2019; the City received a \$10,000 grant from DOE to hire a consultant to help facilitate the review.</b>
City-initiated Comprehensive Plan Update (WA law)	This task involves undertaking a broad review of the Comprehensive Plan to determine if the goals and policies still reflect community values and to incorporate streetscape amendments developed in 2012.	Staff: Please check on when next update required by law and apprise PC and CC. CC to discuss and provide feedback to PC re next steps.	Yes	The initial deliverable would be a priority list of the goals and policies that should be updated. After delivery of the initial output, CC and PC would collaboratively agree on next steps, which may include community workshops.	Next mandated update will be due in 2023. Suggested anticipated start date will be in 2021.
Review/revise Wireless Communication Code	Working within the parameters of the new FCC rules governing the modification of existing wireless communication facilities, recommend revisions that allow Medina to reasonably regulate, to the extent permitted by Washington and federal law, the installation, operation, collocation, modification and removal of wireless facilities (including small cells) in Medina, in order to help protect the health, safety and welfare of community, including general design and aesthetic standards and requirements.	Staff: PC and CC to discuss at February 2019 work session	This will be completed with the City Attorney's assistance	The deliverable would be the legislative process for adopting land use amendments including holding public hearings, obtaining input from Dept. of Commerce, and providing for a SEPA review. The code will likely evolve from what was initially adopted January 14th.	<b>The City has six months to go through the legislative process for the Code amendments with a deadline of July 2019</b>
Consider Deleting Verification Step of Original Grade	This task involves the consideration of removing the second step for determining original grade and accepting assumption of original grade as the final original grade determination.	Staff: Please research matter, and staff memo to PC with recommendation at PC's _____ 2019 meeting.	No	Recommendation from PC to CC on whether to keep/delete original grade provisions.	
Consider expanding allowances for matching non-conforming height	This task involves the consideration of expanding allowances for matching nonconforming height. This can be achieved by either extending the availability of minor deviations to lots greater than 16,000 square feet, or allowing existing buildings to match existing rooflines regardless of their conforming/ nonconforming status.	Staff: Please collect and provide data to PC re whether this is still an issue (e.g., what's the problem we are trying to solve?), or whether the problems are different under current residential building environment. For example, would expanding allowances encourage remodel of existing homes, to help preserve existing housing stock. Staff to present data to PC.	No	Recommendation from PC to CC on whether to expand allowances, and, if so, recommended approach. CC can either instruct staff to prepare draft Code, or can request that PC work with staff on draft Code.	
Review Floor Area Ratio/minimum landscaping requirements	This task involves review of best practices in region regarding lot coverage, building bulk, etc. Consider whether to change from structural coverage standard to Floor Area Ratio standard. This would incorporate 2016 work item looking at structural coverage based on height. Also consider whether to change maximum impervious surface standard to a minimum landscaping standard.	On hold until Planner on-board at City	No	The initial deliverable from PC to CC would be high-level recommendations. CC, in consultation with PC, would then set next steps in developing detailed Code provisions.	

Review residential development policy re: "wedding cake" houses	This is a topic that came out of the May 2018 Joint Study Session with a suggestion to review the Mercer Island policy. This is a task that could be combined with reviewing the possibility of the city moving to a FAR standard. However, a change to the code like this would require multiple public participation sessions, including public hearings, open houses, and community roundtable discussions.	Staff:	No	Recommendation from PC to CC to adopt code changes.	
Look at critical areas	This is a topic that came out of the May 2018 Joint Study Session.	Staff:	Yes	TBD after CC/PC discussion	
Analysis and strategic review of commuter parking	This is a topic that came out of the May 2018 Joint Study Session.	Staff:	Yes	TBD after CC/PC discussion	
Review Redmond's additional unit policy	This is a topic that came out of the May 2018 Joint Study Session. This is possibly something that could be included as an update to the Housing portion of the Comp Plan update that I suggest the City begin in 2021.	Staff:		TBD after CC/PC discussion	
Review/revise site plan review process	Currently, the site plan review process is mandatory for construction, expansion, or alteration of large lots, lots that are larger than neighboring lots, or smaller lots seeking relief from setbacks to preserve significant trees. This task will involve a review of best practices and a consideration of whether to delete SPR process as mandatory requirement and instead offer this process as an alternative means for modifying dimensional standards where good design principles are applied	Staff: As a part of CMP discussion, convene joint CC/PC meeting in _____ for policy discussion and consideration of site plan and design reviews, ideas for maintaining current housing stock (vs. tear-down/new build), etc.	No	TBD after CC/PC discussion	
Update Construction Mitigation Plan Code	This task involves reviewing and updating the construction mitigation plan code provisions, including process, procedures and criteria, based on observations made and public input received, in order to better protect health, safety and welfare of community while providing more certainty and clarity for the development community and increasing effectiveness and enforceability. Focus on the why (what are the goal of CMPs?), as well as on simplification, efficiency, economical use of time and money, uniformity, and consistency. Ensure CMP requirements are being transferred to work site (perhaps using a one-page cover listing critical items in CMP, like Mercer Island)	Staff: Together with CC/PC, please convene joint CC/PC meeting in 3Q 2018 for policy discussion (goals of CMPs, etc.) Include broader policy discussion of residential development code, including purpose of CMP, consideration of site plan and design reviews, ideas for maintaining current housing stock (vs. tear-down/new build), etc. And, Steve Wilcox and City Planner to review best practices from sister cities (including Mercer Island) and, when ready, solicit input from and convene focus group(s), including City staff (and consultants), PC and CC members, residents, people from industry, for up to three (3) roundtable discussion(s) re what's not working, what is working, recommended changes, etc., to CMP. Begin work in 3Q and hold roundtable discussions in 3Q and 4Q 2018. Staff recommendation to PC in 1Q or 2Q 2019, which could include a list or outline of Code changes, new documents, new processes, etc.	No	The initial deliverable from PC to CC is a list or outline of recommendations. CC will review and possibly revise and revert to PC in ___Q 2019 with request.	<b>Staff would like this update to happen as reasonably fast as possible in order to remove CMP's from PC</b>

<p>Canopy Assessment/Tree Code Amendments</p>	<p>The City's tree canopy continues to be a primary feature of Medina. This task will evaluate how the current tree code is working, and whether there are revisions that would be appropriate in order to better protect the City's tree canopy while increasing ease of use/calculation for residents and providing more certainty for the development community. This task probably requires a tree canopy assessment. Tree canopy assessments provide communities with a sense of the geographic shape and overall health of the tree canopy, and trends in tree canopies over time. The City has collected aerial imagery and analyzed the data at X-yr intervals (most recently in ___ and ___) to track tree canopy gain/loss and gauge the effectiveness of code requirements in protecting trees. This task may involve a review of best practices, and should consider whether Medina can leverage the recent tree-canopy data and work from Hunts Point. Also, include completion of urban forestry management manual (and consider leveraging Clyde Hill UFM manual).</p>	<p>Staff: Please ask Tom Early to present to PC in ___ his opinion on how the current tree code is working. City Manager to obtain estimates for tree-canopy assessment (and to check with Hunts Point re their vendor/pricing), and present data to CC by _____. If expense approved, assessment of tree canopy to be delivered to CC and PC (target date by ____). Planner to make recommendation to PC re urban forestry management manual.</p>	<p>Yes</p>	<p>Based on assessment of tree canopy, deliver to CC, in list or outline form, preliminary recommendations, which would be used by CC, in consultation with PC, to set next steps in developing detailed Code provisions. Also, make recommendation to CC re urban forestry management manual.</p>	
<p>Sustainability Regulations</p>	<p>This task involves a review of best practices across the region in establishing green building codes and other sustainability standards, and a recommendation on which would be appropriate for Medina, in order to ensure more environmentally-sound development in Medina and support local government climate and sustainability actions.</p>	<p>Staff: Identify experts who can give overview of universe of green-building codes and other sustainability standards, focusing on highest impact/best actions for Medina. (Randy Reeves and Jessica Rossman to pass along names of possible vendors to Mike/Steve.) 3Q or 4Q 20__ expert to present to PC with high-level recommendations that are appropriate for Medina.</p>	<p>Yes</p>	<p>The initial deliverable from PC to CC would be high-level recommendations that Medina should pursue. That list would be used by CC, in consultation with PC, to set next steps in developing detailed Code provisions.</p>	



TASK	RANKING	START	END
<b>SMP Update</b>			<b>Due June 30, 2019</b>
Sub Tasks			
<ul style="list-style-type: none"> <li>1. Watershed to provide schedule of work</li> <li>2. Public participation/hearing requirement</li> <li>3. Draft changes</li> </ul>			
<b>Wireless Code Update</b>			<b>Due July</b>
Sub Tasks			
<ul style="list-style-type: none"> <li>1. PC and CC to discuss at February study session</li> </ul>			
<b>CMP Update</b>			<b>As soon as reasonably possible</b>
Sub Tasks			



**PLANNING COMMISSION**

2019 AGENDA/ACTION CALENDAR

*Meetings scheduled for 6:00 pm, at City hall (unless noticed otherwise).*

**JANUARY 22, Planning Commission Regular Meeting; 6:00 pm**

Item Type	Topic	Presenter	PC Action
Legislative			
Legislative			
Minutes	Draft Planning Commission Minutes		
Workplan	Discussion of Small Cell Deployment	Emily Miner	None Required
Workplan			
Sub-task			
Review Calendar			

**FEBRUARY 26, Planning Commission Regular Meeting; 6:00 pm**

Item Type	Topic	Presenter	PC Action
Legislative			
Legislative			
Minutes	Draft 1/22/19 PC Minutes		
Workplan			
Workplan			
Sub-task			
Review Calendar			

**MARCH 26, Planning Commission Regular Meeting; 6:00 pm**

Item Type	Topic	Presenter	PC Action
Legislative			
Legislative			
Minutes	Draft 2/26/19 PC Minutes		
Workplan			
Workplan			
Sub-task			

Review Calendar			
<b>APRIL 23, Planning Commission Regular Meeting; 6:00 pm</b>			
<b>Item Type</b>	<b>Topic</b>	<b>Presenter</b>	<b>PC Action</b>
Legislative			
Legislative			
Minutes	Draft 3/26/ PC Minutes		
Workplan			
Workplan			
Sub-task			
Review Calendar			
<b>MAY 28, Planning Commission Regular Meeting; 6:00 pm</b>			
<b>Item Type</b>	<b>Topic</b>	<b>Presenter</b>	<b>PC Action</b>
Legislative			
Legislative			
Minutes	Draft 4/23/19 PC Minutes		
Workplan	SMP Update		
Workplan			
Sub-task	Prepare report to City Council to meet June 30, 2019 adoption deadline	Keyser	Complete Task
Review Calendar			
<b>JUNE 25, Planning Commission Regular Meeting; 6:00 pm</b>			
<b>Item Type</b>	<b>Topic</b>	<b>Presenter</b>	<b>PC Action</b>
Legislative			
Legislative			
Minutes	Draft 5/28/19 PC Minutes		
Workplan	Wireless Code Update	Emily Miner	
Workplan			
Sub-task	Prepare report to City Council to meet July 14, 2019 deadline		Complete Task
Review Calendar			

<b>JULY 23, Planning Commission Regular Meeting; 6:00 pm</b>			
<b>Item Type</b>	<b>Topic</b>	<b>Presenter</b>	<b>PC Action</b>
Legislative			
Legislative			
Minutes	Draft 6/25/19 PC Minutes		
Workplan			
Workplan			
Sub-task			
Review Calendar			
<b>AUGUST 27, Planning Commission Regular Meeting; 6:00 pm</b>			
<b>Item Type</b>	<b>Topic</b>	<b>Presenter</b>	<b>PC Action</b>
Legislative			
Legislative			
Minutes	Draft 7/23/19 PC Minutes		
Workplan			
Workplan			
Sub-task			
Review Calendar			
<b>SEPTEMBER 24, Planning Commission Regular Meeting; 6:00 pm</b>			
<b>Item Type</b>	<b>Topic</b>	<b>Presenter</b>	<b>PC Action</b>
Legislative			
Legislative			
Minutes	Draft 8/27/19 PC Minutes		
Workplan			
Workplan			
Sub-task			
Review Calendar			

**OCTOBER 22, Planning Commission Regular Meeting; 6:00 pm**

Item Type	Topic	Presenter	PC Action
Legislative			
Legislative			
Minutes	Draft 9/24/19 PC Minutes		
Workplan			
Workplan			
Sub-task			
Review Calendar			

**NOVEMBER 26, Planning Commission Regular Meeting; 6:00 pm**

Item Type	Topic	Presenter	PC Action
Legislative			
Legislative			
Minutes	Draft 10/22/19 PC Minutes		
Workplan			
Workplan			
Sub-task			
Review Calendar			

**DECEMBER 24, Planning Commission Regular Meeting; 6:00 pm**

Item Type	Topic	Presenter	PC Action
Legislative			
Legislative			
Minutes	Draft 11/26/19 PC Minutes		
Workplan			
Workplan			
Sub-task			
Review Calendar			



**PLANNING COMMISSION**

2020 AGENDA/ACTION CALENDAR

*Meetings scheduled for 6:00 pm, at City hall (unless noticed otherwise).*

**JANUARY 28, Planning Commission Regular Meeting; 6:00 pm**

Item Type	Topic	Presenter	PC Action
Legislative			
Legislative			
Minutes	Draft Planning Commission Minutes		
Workplan			
Workplan			
Sub-task			
Review Calendar			

**FEBRUARY 25, Planning Commission Regular Meeting; 6:00 pm**

Item Type	Topic	Presenter	PC Action
Legislative			
Legislative			
Minutes			
Workplan			
Workplan			
Sub-task			
Review Calendar			

**MARCH 24, Planning Commission Regular Meeting; 6:00 pm**

Item Type	Topic	Presenter	PC Action
Legislative			
Legislative			
Minutes			
Workplan			
Workplan			
Sub-task			

Review Calendar			
<b>APRIL 28, Planning Commission Regular Meeting; 6:00 pm</b>			
<b>Item Type</b>	<b>Topic</b>	<b>Presenter</b>	<b>PC Action</b>
Legislative			
Legislative			
Minutes			
Workplan			
Workplan			
Sub-task			
Review Calendar			
<b>MAY 26, Planning Commission Regular Meeting; 6:00 pm</b>			
<b>Item Type</b>	<b>Topic</b>	<b>Presenter</b>	<b>PC Action</b>
Legislative			
Legislative			
Minutes			
Workplan			
Workplan			
Sub-task			
Review Calendar			
<b>JUNE 23, Planning Commission Regular Meeting; 6:00 pm</b>			
<b>Item Type</b>	<b>Topic</b>	<b>Presenter</b>	<b>PC Action</b>
Legislative			
Legislative			
Minutes			
Workplan			
Workplan			
Sub-task			
Review Calendar			

**JULY 28, Planning Commission Regular Meeting; 6:00 pm**

Item Type	Topic	Presenter	PC Action
Legislative			
Legislative			
Minutes			
Workplan			
Workplan			
Sub-task			
Review Calendar			

**AUGUST 25, Planning Commission Regular Meeting; 6:00 pm**

Item Type	Topic	Presenter	PC Action
Legislative			
Legislative			
Minutes			
Workplan			
Workplan			
Sub-task			
Review Calendar			

**SEPTEMBER 22, Planning Commission Regular Meeting; 6:00 pm**

Item Type	Topic	Presenter	PC Action
Legislative			
Legislative			
Minutes			
Workplan			
Workplan			
Sub-task			
Review Calendar			

**OCTOBER 27, Planning Commission Regular Meeting; 6:00 pm**



Item Type	Topic	Presenter	PC Action
Legislative			
Legislative			
Minutes			
Workplan			
Workplan			
Sub-task			
Review Calendar			

**NOVEMBER 24, Planning Commission Regular Meeting; 6:00 pm**

Item Type	Topic	Presenter	PC Action
Legislative			
Legislative			
Minutes			
Workplan			
Workplan			
Sub-task			
Review Calendar			

**DECEMBER 22, Planning Commission Regular Meeting; 6:00 pm**

Item Type	Topic	Presenter	PC Action
Legislative			
Legislative			
Minutes			
Workplan			
Workplan			
Sub-task			
Review Calendar			

# City of Medina Wireless Code Revisions Joint Study Session

Elana Zana

Emily Miner

Ogden Murphy Wallace

# Agenda

- Obtain feedback regarding wireless code
  - Aesthetic and Design Standards
  - Decision-making process
- Determine who will hold planning review meetings
  - City Council
  - Planning Commission
- Timeline of Code Amendment Process
  - Overview of next steps
- Questions

# Policy Decision Number One: Location or Structure Preference?

- The City could create a preference for either location of the small cell or a structure preference
  - Location: 84<sup>th</sup>, Evergreen point road, etc.
  - Structural: new light standards, existing wooden poles, etc.
- Considerations
  - Cannot dictate, only encourage one or the other type of preference
  - Locational preference would consolidate small cell in certain areas but could leave residents without 5G

- Location Hierarchy (POLICY DECISION NUMBER ONE)
- 84th Ave NE
- Evergreen Point Road
- Conditional Use Process v. Outright Permitted Use
- Structure Preference
- Existing wooden poles or structures
- New metal poles
- New METAL light standards
- Decision-making process
- Community Development Director
- Hearing Examiner
- City Council

# Locational Hierarchy

- Option to encourage location of SWF in certain areas of the City by making the permitting process for those areas easier
  - In certain areas, SWF would be an outright permitted use
  - In other areas, SWF would require a conditional use permit
- Locational Preference options
  - Along 84<sup>th</sup> Ave NE
  - Along Evergreen Point Road
  - At intersections only
  - Design Zones
- Considerations
  - May cause concern for neighbors adjacent to the area
  - Limits effect of SWF on Citywide aesthetic
  - Could streamline permitting process

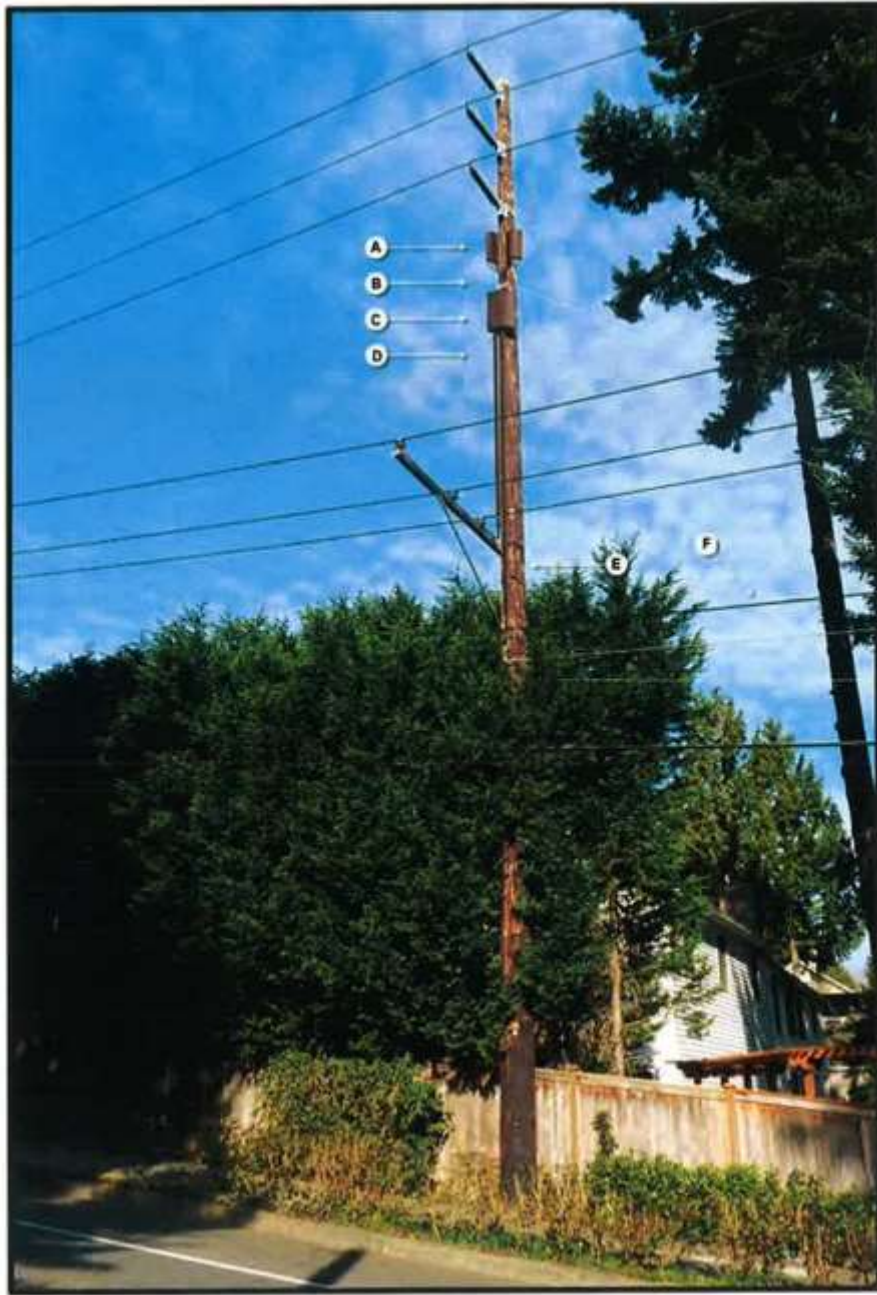




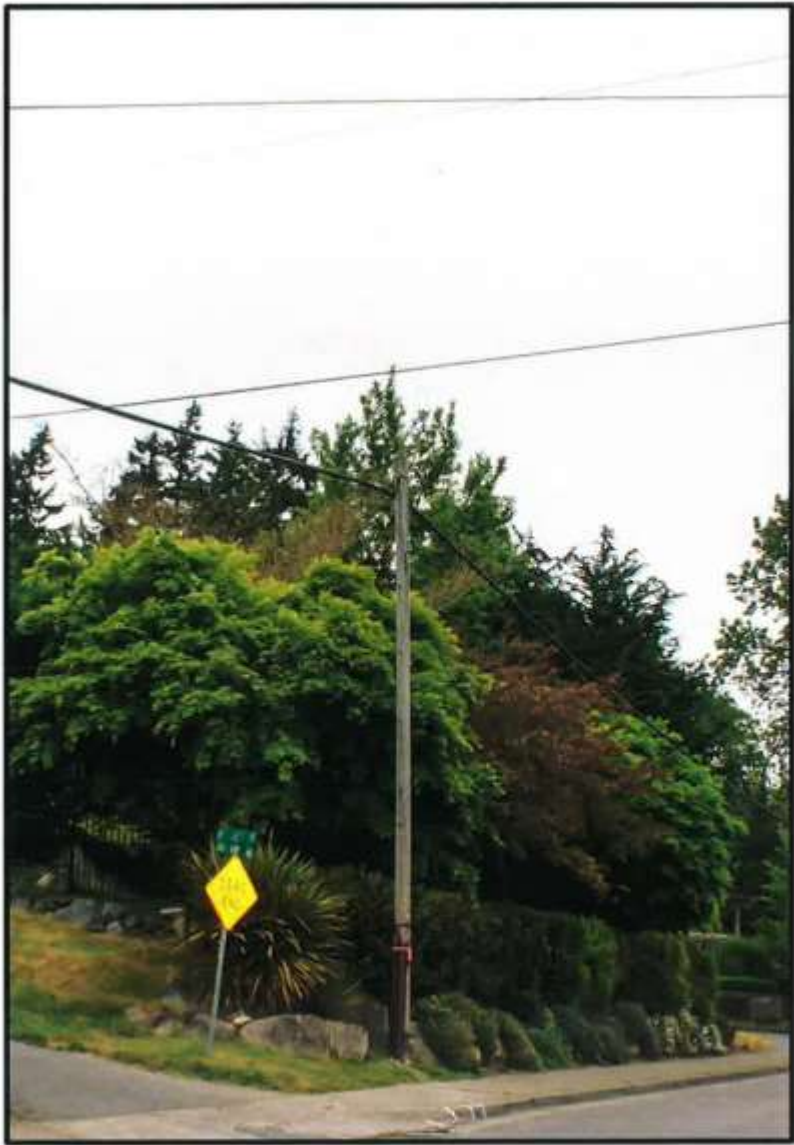


# Structure Preference

- The City can encourage certain pole or structure types
- Structure options include:
  - Existing wooden poles
  - Existing buildings
  - New light poles
  - New metal poles
    - INDUSTRY WOULD PREFER POLES TO NOWHERE
- Considerations
  - Existing wooden poles or buildings likely mean least visual disruption to City's current aesthetic
  - New metal poles or light poles would cause greater visual disruption

















# Decision Making and Appeal Process

- Review timelines still need to comply with presumptively reasonable review periods set out in FCC Order
  - Need to revise appeal process to ensure all permit decisions are appealed to Superior Court rather than through an administrative appeal process
- Decision-maker depends on whether the City wants a locational hierarchy or a structure preference
- To encourage either a locational hierarchy or structure preference, a streamlined permit review period should be offered
  - Example: Applications for SWF in the encourage location or on the preferred structure type are reviewed only by the Director
  - Example: Applications for SWF in other locations such as in a Design Zone or for preferred poles are reviewed by the hearing examiner and might require additional concealment standards or mitigation measures

# Timeline of Code Amendment Process

- February 25<sup>th</sup>
  - Joint Study Session
- March-May
  - Staff and CC or PC will work through iterative process to further revise code
- May
  - Staff will prepare code for Department of Commerce and organize public outreach for SEPA review
- June
  - Staff will incorporate any comments from DOC and SEPA
  - Incorporate any needed revisions with franchise code
  - PC or CC will hold public hearing to solicit public comment
- July
  - Option to hold additional, final public hearing
  - Adoption of final wireless code amendments by July 15, 2019

# Questions?



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OMWLAW.COM

**M E M O R A N D U M**

DATE: May 13, 2019  
 TO: Honorable Mayor and Medina City Council  
 FROM: Emily Miner, Assistant City Attorney  
 RE: Wireless Code Updates

This memorandum summarizes the revisions to the City’s wireless communications facility code based on feedback received over the last several council and staff meetings.

**Background Information**

In the fall of 2018, the Federal Communication Commission (FCC) adopted new rules regulating how cities process applications for small wireless communication facilities. The FCC Order was published in October 2018 and went into effect on January 14, 2019. The City adopted interim regulations in order to come into compliance with the new FCC rules. This gave the City six months to work through its regular legislative process with regards to amending its code to address the new requirements in the FCC Order.

The following table summarizes the changes council has requested and corresponding updates in the code.

<b>Requested Change</b>	<b>Corresponding Code Change</b>
<b>1</b> Encourage 5G technology	MMC 20.38.070(A)(2)(a) and 20.38.070(B)(11)
<b>2</b> Update notice and informational meeting requirements	19.14.030(F)
<b>3</b> Create an initial build out plan requirement	MMC 19.14.020(J)
<b>4</b> Develop a hierarchy of pole material, based on location	MMC 20.38.050
<b>5</b> Reduce equipment enclosure size	MMC 20.38.070(A)(2)(a) and 20.38.070(B)(11)
<b>6</b> Design Guidelines	Internal staff document
<b>7</b> Discussion of Fee Schedule	Internal staff document

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Additional revisions beyond the requested changes above were required to bring the Code into compliance with the FCC Order and to clarify certain provisions. In addition, industry provided feedback (see attachment) that we incorporated to a certain extent. The following tables outlines those changes.

**Amendments to MMC 19.14 – Small wireless communication facility deployment and MMC 19.02.020 - Definitions (Attachment A and B)**

<b>Section</b>	<b>Title</b>	<b>Proposed Amendment</b>
<b>MMC 19.02.020</b>	Definitions	Updated definitions to reflect new terms in FCC Order and real-world conditions in the City.
<b>MMC 19.14.010</b>	Application Process	Updated the application process to clarify what permits are required and to encourage consolidated permits for review.
<b>MMC 19.14.020</b>	Small Wireless Permit Application	Added additional application requirements including an initial build out plan.
<b>MMC 19.14.030</b>	Review Process	Revised the public notice and informational meeting requirement. Also clarified that all decisions will be made by the Director.
<b>MMC 19.14.040</b>	Permit Requirements	Updated requirements to extend permit time limits and operational activity requirement.
<b>MMC 19.14.050</b>	Modifications	Added a requirement that when equipment is modified, new RF testing is required.
<b>MMC 19.14.070</b>	Annual inspection for small wireless facility required	Pulled this requirement from 20.38 and put it in 19.14 because it fit better with application requirements rather than design requirements. Revised to make it an annual inspection rather than testing.
<b>MMC 19.14.080</b>	Appeals	Revised appeal process to go straight to superior court with no administrative hearing process.
<b>MMC 19.14.090</b>	Removal of abandoned small wireless facilities	Developed new section for abandoned facilities.

MMC 19.14 is the new chapter we developed to outline the requirements and process for small wireless facility applications. We strengthened the application requirements by requiring an initial build out plan, updated the review criteria to include requirements for the notice and public information meeting, and moved and revised the testing of small wireless facilities section from MMC 20.38 to MMC 19.14. We moved the section because it fits better with the application requirements. We revised the section based on feedback from industry; as written now, new testing is only required when a modification occurs or if the provider changes something that would require a new test under the FCC regulations. If no modifications occur, an annual inspection along with a written report is required. We also moved the

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appeals section from MMC 20.38 to MMC 19.14 because it is a procedural provision rather than a design provision. Finally, we added a provision to process abandoned facilities.

Section	Title	Proposed Amendment
<b>MMC 20.12.040</b>	“C” Definitions	Removed “coverage gap” definition.
<b>MMC 20.12.200</b>	“S” Definitions	Removed “significant gap in coverage” definition.

Section	Title	Proposed Amendment
<b>MMC 20.37.030</b>	Applicability	Add subsection (C) to refer readers to 19.02.020 MMC for additional definitions for terms utilized in the Chapter.
<b>MMC 20.37.070</b>	Site requirements for macro towers – outside the city rights-of-way	Removed reference to “significant gap in coverage” test and replaced with “effective prohibition” test
<b>MMC 20.37.080</b>	Site requirements for macro towers – inside the city rights-of-way	Removed reference to “significant gap in coverage” test and replaced with “effective prohibition” test
<b>MMC 20.37.120(E) and (F)</b>	Nonadministrative special use permit required	Removed and replaced sections with new MMC 20.37.190.
<b>MMC 20.37.130(C)</b>	Application submittal requirements	This section referred to a test that is no longer valid under the FCC Order.
<b>MMC 20.37.140</b>	Requirement to demonstrate need for facility	This section referred to a test that is no longer valid under the FCC Order.
<b>MMC 20.37.190</b>	Eligible Facilities Requests	Replaces parts of the existing MMC 20.37.120 to comply with FCC Order. Moved from 20.38 because it generally pertains to macro facilities only.

**MMC 20.12 – Definitions and MMC 20.80 – Project Permit Review Procedures (Attachment C)**

There were some miscellaneous code revisions that were required to be removed in order to fully integrate and update the Code as it related to wireless communication facilities. These changes included removing definitions in MMC 20.12 that pertained to the “gap in coverage” test.

**Amendments to MMC 20.37 – Wireless Communication Facilities (Attachment C)**

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In MMC 20.37 relates to design and zoning requirements for macro facilities. The proposed amendments are intended to address changes the FCC Order made regarding how macro facility applications are processed. These changes included no longer using the “gap in coverage” test and outlining specific requirements for eligible facilities requests (these are requests related to modifying existing facilities).

**Amendments to MMC 20.38 (Attachment D)**

<b>Section</b>	<b>Title</b>	<b>Proposed Amendment</b>
<b>MMC 20.38.010</b>	Purpose	Updated purpose section to reflect goals for the code.
<b>MMC 20.38.020</b>	Definitions	Consolidated definitions in MMC 19.02.
<b>MMC 20.38.040</b>	Applicability	Clarified what this code applies to and the types of permits required.
<b>MMC 20.38.050</b>	Hierarchy for small wireless facility placement	Created a hierarchy for placement of small wireless facilities within the city.
<b>MMC 20.38.060</b>	Design zones for small wireless facilities	Revise decision maker process to have Director make decision.
<b>MMC 20.38.070</b>	Design and Concealment standards	Created an option for standardize metal pole designs and created a preference for small equipment enclosures.
<b>MMC 20.38.080(A)</b>	New Poles	Added language regarding “access easements” to address the private lanes.
<b>MMC 20.38.080(B)</b>	New Poles	Revise decision maker process to have Director make decision.

MMC 20.38 is the new chapter we created to address design and zoning requirements for small wireless facilities. The proposed amendments are intended to address the changes the FCC Order made to how the City reviews and processes small wireless facility applications. While the initial interim regulations laid the foundation, there were aspects of the code that we wanted to tighten and clarify, as well as incorporate changes requested by council.

These changes included creating a preferred placement hierarchy for deployment of small wireless facilities, developing an optional standardized metal pole design for new metal poles, reducing the permitted size of equipment on the pole, adding requirements related to private lanes, and revising the decision-making authority for new poles. While we had initially discussed a four cubic foot requirement for the equipment box, feedback with the industry indicated that was not feasible with the current technology. In addition, allowing for a larger equipment box will encourage carriers towards 5G technology, which was a desire indicated by council. Finally, fifteen cubic feet was the permitted size of

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the equipment box for the roll out of small wireless facilities in Bellevue, so this requirement also follows the surrounding jurisdictions.

**Process for Adoption**

The process and schedule for adoption of the wireless code amendments is as follows:

<b>Step</b>	<b>Status</b>
<b>1</b> Draft interim regulations	Complete
<b>2</b> Adopt interim regulations	Complete
<b>3</b> Meet with council and commission to review interim regulations	In Process
<b>4</b> Amend interim regulations	In Process
<b>5</b> GMA review process	May-June 2019
<b>6</b> Public hearing and adoption process	Due July 15, 2019

The City is required to follow the process set forth in MMC 20.81 to consider the design and concealment related code amendments under MMC 20.38. At least one public hearing is required to be held prior to the City Council acting on an amendment per MMC 20.81.040. The City has decided to hold two public hearings: one on May 13, 2019 and one at the July 8, 2019 council meeting to solicit citizen input. Informal public comments are accepted throughout the iterative review process; to date, no comments have been received. Formal public review and comments will be solicited regarding MMC Title 20 changes, in accordance with GMA public-participation plan.

The City is also reviewing updates to MMC 19.14, however, because those are not considered land use amendments, Title 20 requirements for code amendments do not apply. Accordingly, these amendments will not be going through the GMA review process, but the City still welcomes public comment on these amendments.

Because the City adopted the zoning amendments on an interim basis, it is required to adopt the permanent regulations by July 15, 2019. There is an option to extend the interim regulations for another six (6) months but staff does not believe that option is needed at this time.



**Chapter 19.02.020  
Definitions**

1. Amendment to MMC 19.02.020. Medina Municipal Code Section 19.02.020 is hereby amended by the addition of the following definitions:

The following words and phrases shall have the following meanings, unless the context of the sentence in which they are used shall indicate otherwise:

“Access Easement” means any lane, road, avenue, driveway, etc. that is shared among one or more residents and dedicated for private ingress and egress purposes in a legal document which is recorded with King County Property Records;

“Affiliate” means a person who (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with another person;

“Antenna” means an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to FCC authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under 47 CFR Part 15.

“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.

“Applicant” means any person or entity that applies for any authorization, franchise, lease, or permit pursuant to this title.

~~“Applicant” means any person or corporation submitting an application for a small wireless facility permit.~~

**Commented [MP1]:** This is duplicative with the broader definition immediately above.

“Cable Act” means the Cable Communications Policy Act of 1984 and the Cable Television Consumer Protection and Competition Act of 1992;

“Cable facilities” means equipment and wiring used to transmit audio and video signals to subscribers;

“Cable operator” means a telecommunications carrier providing or offering to provide “cable service” within the city as that term is defined in the Cable Act;

“Cable service,” for the purpose of this title, shall have the same meaning provided by the Cable Act;

“Cable system” means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service and other service to subscribers;

“City” means the city of Medina, Washington;

“City property” means and includes all real property owned by the city, other than public streets and utility easements as those terms are defined herein, and all property held in a proprietary capacity by the city, which are not subject to right-of-way licensing and franchising;

“Collocation” means (1) mounting or installing an antenna facility on a pre-existing structure, and/or (2) 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 installing of transmission equipment on an eligible support structure for the purposes of transmitting and/or receiving radio frequency signals for communications purposes;

Commented [MP2]: Probably not necessary as it is defined for EFRs in the applicable section – 20.37.190.

“Council” means the city council of the city of Medina, Washington acting in its official capacity;

~~“Data communication” means:~~

Commented [MP3]: This is never used.

~~1. The transmission of encoded information, or~~

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~~2. The transmission of data from one point to another;~~

“Director” means the Development Services Director or his/her designee;

“Emergency” means a condition of imminent danger to the health, safety, and welfare of property or persons located within the city including, without limitation, damage to persons or property from natural consequences, such as storms, earthquakes, riots or wars;

“Excess capacity” means the volume or capacity in any existing or future duct, conduit, manhole, handhole or other utility facility within the public way that is or will be available for use for additional telecommunications facilities;

“FCC” or “Federal Communications Commission” means the federal administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers on a national level;

“Fiber optics” means the technology of guiding and projecting light for use as a communications medium;

“Franchise” shall mean the initial authorization, or renewal thereof, approved by an ordinance of the city, which authorizes the franchisee to construct, install, operate, or maintain telecommunications facilities in, under, over, or across rights-of-way of the city ~~and to also provide telecommunications service to persons or areas in the city;~~

“Franchisee” means the person, firm or corporation to whom or which a franchise, as defined in this section, is granted by the council under this title and the lawful successor, transferee or assignee of said person, firm or corporation subject to such conditions as may be defined in this title;

“Grantor” means the City of Medina acting through its City Council;

“Open video system” or “OVS” refers to a facility consisting of a set of transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service, which is provided to multiple subscribers within a community, and which the Federal Communications Commission or its successors has certified as compliant with Part 76 of its rules, 47 C.F.R., Part 76, as amended from time-to-time;

“Operator” means the person, firm or corporation to whom a franchise is granted pursuant to the provisions of this title;

“Overhead facilities” means utility poles, utility facilities and telecommunications facilities located above the surface of the ground, including the underground supports and foundations for such facilities;

“Person” means and includes corporations, companies, associations, joint stock companies or associations, firms, partnerships, limited liability companies and individuals and includes their lessors, trustees and receivers;

“Property of franchisee” means all property owned, installed or used by a franchisee in the conduct of its business in the city under the authority of a franchise granted pursuant to this title;

“Proposal” means the response, by an individual or organization, to a request by the city regarding the provision of cable services; or an unsolicited plan submitted by an individual or organization seeking to provide cable services in the city;

“Public right-of-way” or “right-of-way” means land acquired or dedicated for public roads and streets but does not include:

1. ~~State highways;~~
2. Land dedicated for road, streets, and highways not opened and not improved for motor vehicle use by the public;
3. Structures, including poles and conduits, located within the right-of-way;
4. Federally granted trust lands or forest board trust lands;
5. Lands owned or managed by the state parks and recreation commission; or
6. Federally granted railroad rights-of-way acquired under 43 U.S.C. Sec 912 and related provisions of federal law that are not open for motor vehicle use.

**Commented [MP4]:** Is this what the City intends for all purposes? I understand that the state highway through Medina is a preferred location for small wireless facilities. Perhaps it is appropriate when addressing the need for franchise agreements, but not for small wireless permits under Chapter 19.14. Suggest deleting “state highways” as an exclusion and clarifying elsewhere as needed.

“Service provider”: is defined consistently with RCW 35.99.010(6). Service provider shall include those infrastructure companies that provide telecommunications services or equipment to enable the deployment of telecommunication services;

~~“Small wireless” and “small wireless facility” shall have the same meaning as a “small wireless facility” as set forth in 47 CFR 1.6002(j);~~

**Commented [MP5]:** Suggest restating the FCC definition here for ease of reference.

“State” means the state of Washington;

“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 telecommunication service (whether on its own or comingled with other types of services);

“Surplus space” means that portion of the usable space on a utility pole which has the necessary clearance from other pole users, as required by the federal or state orders and regulations, to allow its use by a telecommunications carrier for a pole attachment;

“Telecommunications carrier” means and includes every person that directly or indirectly owns, controls, operates or manages plant, equipment or property within the city, used or to be used for the purpose of offering telecommunications service;

“Telecommunications facilities” means the plant, equipment and property, including but not limited to, cables, wires, conduits, ducts, pedestals, antennas, electronics and other appurtenances used or to be used to transmit, receive, distribute, provide or offer wireline or wireless telecommunications services;

“Telecommunications provider” means and includes every person who provides telecommunications services over telecommunications facilities without any ownership or management control of the facilities;

“Telecommunications service” means the providing or offering for rent, sale or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium;

“Telecommunications system” see “telecommunications facilities”;

“Traffic Signal Poles” means a pole that supports equipment used for controlling traffic, including but not limited to traffic lights, rapid flashing beacons, speed radar, and school zone flashers;

“Transmission equipment” means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup 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.

“Underground facilities” means utility and telecommunications facilities located under the surface of the ground, excluding the underground foundations or supports for overhead facilities;

“Unified enclosure” means a small wireless facility providing concealment of antennas and equipment within a single enclosure.

“Universal service” means a level of and definition of telecommunications services as the term is defined by the FCC through its authority granted pursuant to Section 254 of the Act;

“Usable space” means the total distance between the top of a utility pole and the lowest possible attachment point that provides the minimum allowable vertical clearance as specified in any federal or state orders and regulations;

“Utility facilities” means the plant, equipment and property, including but not limited to the poles, pipes, mains, conduits, ducts, cables, wires, plant and equipment located under, on or above the surface of the ground within the rights-of-way of the city and used or to be used for the purpose of providing utility or telecommunications services-;

“Utility Pole” means a structure designed and used primarily for the support of electrical wires, telephone wires, television cable, traffic signals, or lighting for streets, parking areas, or pedestrian paths;

“Washington Utilities and Transportation Commission” or “WUTC” means the state administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services, and providers in the state of Washington to the extent prescribed by law;

“Wireline” means services provided using a physically tangible means of transmission, including without limitation wire or cable, and the apparatus used for such transmission.

DRAFT

**Chapter 19.14**  
**Small Wireless Facility Deployment**

**Sections:**

19.14.010	Application Process.
19.14.020	Small Wireless Permit Applications.
19.14.030	Review Process.
19.14.040	Permit Requirements.
19.14.050	Modifications.
19.14.060	Consolidated Permit.
19.14.070	Testing of Small Wireless Facility Required.
19.14.080	Appeals.
19.14.090	Removal of abandoned small wireless facilities.

**19.14.010 Application Process.**

A. Any application for a small wireless facility both inside and outside of the right-of-way shall comply with the application requirements for a small wireless facility permit described in this chapter. For small wireless facilities inside the city right-of-way, the applicant must also comply with the requirements pursuant to MMC Chapter 19.02.

B. Consistent with MMC 19.14.060 all permits, leases, and right-of-way use authorizations necessary for the deployment of small wireless facilities and, if applicable an application for franchise, shall be consolidated for review and a decision rendered ~~to the full extent feasible consistent with~~ in the ~~presumptively~~ timeframes established ~~by~~ within federal and state law. Applicants are allowed to apply for franchises or leases independently of an application for a small wireless facility permit.

C. ~~The City and applicant for a franchise and other permits associated with the deployment of small wireless facilities face challenges in coordinating applicable legislative and administrative processes under the Federal Communications Commission (FCC) regulations. Accordingly, i~~ In order to manage its rights-of-way in a thoughtful manner which balances the need to accommodate new and evolving technologies with the preservation of the natural and aesthetic environment of the City, the City of Medina has adopted this administrative process for the deployment of small wireless facilities. Applicants are encouraged and expected to provide all related applications listed in subsection (D) for each facility in one submittal, unless they have already obtained a franchise or lease.

D. The Director is authorized to establish franchise and other application forms to gather the information required by these ordinances from applicants and to determine the completeness of ~~the an~~ application ~~process~~ as provided herein.

1. **Franchise.** The process typically begins with and depends upon approval of a franchise for the use of ~~the public city~~ right-of-way to deploy small wireless facilities if any portion of the applicant's facilities are to be located in city ~~the~~ right-of-way. An applicant with a franchise for the deployment of small wireless facilities in the City may proceed to directly apply for a small wireless facility permit and related approvals. An applicant at its option may utilize phased deployment.

**Commented [MP6]:** How will the City meet shot clocks in processing a franchise agreement?

2. **Small Wireless Facility Permits.** The application requires specification of the small wireless facility components and locations as further required in the small wireless permit application described in Section 19.14.020. Prior to the issuance of a small wireless facility permit, the applicant shall pay a permit fee in an amount as determined by the City Council and adopted by resolution, which must be a reasonable approximation of the actual, objectively reasonable costs incurred by the City in reviewing such permit application, and no higher than the fees charged to similarly-situated competitors for similar situations.

**Commented [MP7]:** Does the City have a draft fee resolution for review?

3. **Associated Permit(s).** The applicant shall attach all associated, required permit ~~applications requirements~~ including but not limited to ~~permits applications~~ required under MMC 19.12, and applications or check lists required under the Critical Areas, Shoreline or SEPA ordinances. Applicants for deployment of small wireless facilities in City Design Zones or for new poles shall also comply with the requirements in MMC 20.38.070.

**Commented [MP8]:** Suggest changing the HE process incorporated therein due to inability to practically meet FCC shot clocks.

4. **Leases.** An applicant who desires to attach a small wireless facility to any structure owned by the City shall include an application for a lease as a component of its application. Leases for the use of other public property, structures or facilities shall be submitted to the City Council for approval.

**Commented [MP9]:** How will this process meet shot clocks?

**19.14.020 Small wireless facility permit application.**

The following information shall be provided by all applicants for a small wireless permit:

A. The application shall provide specific locational information including GIS coordinates of all proposed small wireless facilities and specify where the small wireless facilities will utilize existing, replacement or new poles, towers, existing buildings and/or other structures. Ground mounted equipment, conduit, junction boxes and fiber and electrical connections necessary for and intended for use in the deployment shall also be specified ~~regardless of whether the additional facilities are to be constructed by the applicant or leased from a third party as detailed below.~~ Detailed schematics and visual renderings of the small wireless facilities, including engineering and design standards, shall be provided by the applicant. The application shall have sufficient detail to identify:

1. The location of overhead and underground public utility, telecommunication, cable, water, adjacent lighting sewer drainage and other lines and equipment, to the extent applicable, within 50 feet of the proposed project area ~~(which the project area shall include the location of the fiber source and power source).~~ Underground utility locations are only relevant, and only need be shown, to the extent that the small wireless facility will connect to them or applicant will be trenching/excavating in that location. Further, the applicant shall include all existing and proposed improvements related to the proposed location, including but not limited to poles, driveways, ADA ramps, equipment

**Commented [MP10]:** Underground utility locations are only relevant to the extent that the small wireless facility will connect to them or applicant will be trenching/excavating in that location.

cabinets, street trees and structures, to the extent applicable, within 50 feet from the proposed project area.

2. The specific trees, structures, facilities, lines and equipment, and obstructions, if any, that applicant proposes to temporarily or permanently remove or relocate and a landscape plan for protecting, trimming, removing, replacing, and restoring any trees or areas to be disturbed during construction.

3. The construction drawings shall also include the applicant's plan for electric and fiber utilities, all conduits, cables, wires, handholes, junctions, meters, disconnect switches, emergency backup cabinets, and any other ancillary equipment or construction necessary to construct the small wireless facility, to the extent to which the applicant is responsible for installing such electric and fiber utilities, conduits, cables, and related improvements. Where another party is responsible for installing such electric and fiber utilities, conduits, cables, and related improvements, applicant's construction drawings will include such utilities to the extent known at the time of application, but at a minimum applicant must indicate how it expects to obtain fiber and electric service to the small wireless facility.

4. Compliance with the aesthetic requirements of MMC 20.38.070.

B. The applicant must show written approval from the owner of any pole or structure for the installation of its small wireless facilities on such pole or structure. For locations outside of the public right-of-way, to extent that the pole or structure is not owned by the property owner, the applicant shall demonstrate in writing that they have authority from the property owner to install the small wireless facility on the pole or structure. ~~Such written approval shall include approval of the specific structure, engineering and design standards, as well as assurances that the specific structure can withstand all required loads, including wind and seismic loads, from the structure owner, unless the structure owner is the City.~~ Submission of the lease agreement between the owner and the applicant is not required. For city-owned poles or structures, the applicant must obtain a lease from the City prior to or concurrent with the small wireless facility permit application and must submit as part of the application the information required in the lease for the City to evaluate the usage of a specific pole or structure.

**Commented [MP11]:** The structural assurance is covered by subsection H, below.

C. The applicant can batch multiple small wireless facility sites in one application. The applicant is encouraged to batch ~~the~~ small wireless facility sites when they are proposed for approval at the same time and are within an application in a contiguous service area or use the same design.

D. Any application for a small wireless facility located in the right-of-way adjacent to a parcel zoned for residential use shall demonstrate that it has considered the following:

1. ~~Whether the proposed small wireless facility could be located on a street corner rather than in the middle of a block.~~

**Commented [MP12]:** Locations will largely depend on where existing poles are already located. This appears to prefer a new pole on a street corner.

2. Whether a small wireless facility is currently installed on an existing pole in front of the same residential parcel. If a small wireless facility exists, then the applicant must demonstrate that no technically feasible alternative location exists which is not in front of the same residential parcel.



3. Whether the proposed small wireless facility can be screened from residential view by choosing a pole location that is not directly in front of a window or views.

E. Any application for a small wireless facility permit which contains an element which is not exempt from SEPA review shall simultaneously apply under Chapter 43.21C RCW and MMC Chapter 18.04. Further, any application proposing small wireless facilities in Shoreline Management Zones (pursuant to MMC 20.6) or in Critical Areas (pursuant to MMC 20.50) must indicate that the application is exempt or comply with the review processes in such codes.

F. The applicant shall submit a sworn affidavit signed by an RF Engineer with knowledge of the proposed project affirming that the small wireless facilities will be compliant with all FCC and other governmental regulations in connection with human exposure to radio frequency emissions for every frequency at which the small wireless facility will operate. If facilities which generate RF radiation necessary to the small wireless facility are to be provided by a third party, then the small wireless 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 small wireless facility deployment if the applicant is using the same small wireless facility configuration for all installations within that batch or may submit one emissions report for each subgroup installation identified in the batch.

G. The applicant shall provide proof of FCC license and other regulatory approvals required to provide the service(s) or utilize the technologies sought to be installed.

H. A professional engineer licensed by the State of Washington shall certify in writing, over his or her seal, that the construction plans and final construction of the small wireless facilities and structure or pole and foundation are designed to reasonably withstand wind and seismic loads, or in the case of a utility owned structure, written confirmation that the structure owner is exempt from the International Building Code and -pole will support complete its own structural analysis for the additional loads.

I. Applicant materials required for a building permit and/or a right of way permit, to the extent applicable.

~~J. A network facility plan that includes the applicant's plan for deployment of small wireless facilities in the City of Medina. Information shall include the following:~~

~~1. A written description of the type of technology and type of consumer services the carrier will provide to its customers.~~

~~2. An inventory list of the applicant's sites and equipment location, including existing, approved, proposed or pending, and planned.~~

~~3. A 500-scale map (1 inch equals 500 feet) of the City depicting the geographic location and boundaries of the scope of coverage area for each small wireless facility proposed by the applicant, and with the location of the applicant's existing facilities identified as well as the location of all other existing small wireless facilities and macro facilities within the City.~~

K. Recognizing that small wireless facility technology is rapidly evolving, the Director is authorized to adopt and publish standards for the ~~technological and~~ structural safety of City-

**Commented [MP13]:** Applicant will not share network plans as described in this subsection – this is proprietary information and has no relationship to whether the proposed small wireless facility complies with applicable codes. Further, this requirement is contrary to federal law. See *XO Missouri, Inc. v. City of Maryland Heights*, 256 F.Supp.2d 987 (E.D. Mo. 2003).

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owned structures and to formulate and publish application questions for use when an applicant seeks to attach to City-owned structures.

L. ~~Such other information as the Director,~~ in his/her discretion, shall deem appropriate to effectively evaluate the application based on technical, engineering, and aesthetic considerations.

**Commented [MP14]:** Needs to be published in advance, as well as be reasonable, no more burdensome than those applied to other types of infrastructure, and objective.

**19.14.030 Review Process.**

A. Review. The following provisions relate to review of applications for a small wireless facility permit.

1. In any zone, upon application for a small wireless permit, the City will permit small wireless deployment on existing or replacement utility poles ~~or other structures~~ conforming to the City's generally applicable development and design standards adopted pursuant to Chapter 20.38.060.

2. ~~If applicable,~~ vertical clearance shall be reviewed by the Director to ensure that the small wireless facilities will not pose a hazard to other users of the ~~rights-of-ways~~.

**Commented [MP15]:** This Chapter authorizes locations outside of the ROW, so not all of these factors are applicable.

3. ~~If applicable,~~ replacement poles and new poles shall comply with the Americans with Disabilities Act (ADA), City construction and sidewalk clearance standards, traffic warrants, city ordinances, and state and federal statutes and regulations in order to provide a clear and safe passage within the rights-of-way. Further, the location of any replacement pole or new pole must: be physically possible, cannot obstruct vehicular or pedestrian traffic or the clear zone, not interfere with utility or safety fixtures (e.g., fire hydrants, traffic control devices), and not adversely affect the public welfare, health, or safety.

4. No equipment shall be operated so as to produce noise in violation of Chapter 8.06 MMC.

5. 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.

B. Final Decision. Small wireless facilities on existing or replacement ~~infrastructure-utility poles or other structures~~ shall be reviewed and approved by the Director. The Director's decision is final. Small wireless facilities deployment in areas designated as Design Zones pursuant to Chapter 20.38.050, as well as new non-City owned poles, and replacement poles deviating from the pole design standards adopted pursuant to Chapter 20.38.060, are subject to a written recommendation and approval or denial by the Hearing Examiner. The Hearing Examiner's decision is final.

**Commented [MP16]:** Suggest the City use an administrative process so it can meet shot clocks.

C. Eligible Facilities Requests. The design approved in a small wireless facility permit shall be considered concealment elements and such facilities may only be expanded upon an Eligible Facilities Request described in Chapter 20.37.190 when the modification does not defeat the concealment elements of the small wireless facility.

D. **Review of Facilities.** Review of the site locations proposed by the applicant shall be governed by the provisions of 47 USC 253 and 47 USC 332 and other applicable statutes, regulations and case law. Applicants for franchises and the small wireless facility permits shall be treated in a competitively neutral and non-discriminatory 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. Small wireless facility permit review under this Chapter shall neither prohibit nor have the effect of prohibiting the ability of an applicant to provide telecommunications services.

E. **Collaborative Review.** The Director may require the applicant to produce a representative to collaboratively review application materials with City staff ~~up to one time per week during the course of the City's review prior to the 10<sup>th</sup> day after submittal of the application.~~ The required applicant representative ~~may will include be an engineer and/or a siting specialist~~ with sufficient understanding of the project to knowledgeably address questions or concerns the City may have on the application. The City must provide seven (7) days' notice to applicant of the date, time, location, anticipated scope of review, and requested participants for the meeting.

**Commented [MP17]:** For this to be a meaningful meeting, suggest an intake meeting or scheduling a meeting prior to the 10-day deadline for the City to issue a completeness notification. With that timing, the City still has the opportunity to request items for fully complete status.  
**Formatted:** Superscript

F. **Public Notice and Informational Meeting Requirement** Within 15 days of submission of a ~~complete~~ application, the applicant shall provide written notification of any proposed above-ground installation and the date, time, and place for the informational meeting to all owners of property within five hundred (500) feet of the proposed location as part of the permit submittal.

**Commented [MP18]:** Suggest deleting this subsection F. How will this process be completed within the applicable shot clocks? Further, notice and a meeting for every small wireless facility is excessive.  
 Suggest the City adopt a construction notice process similar to Seattle instead of this process.

1. The notice shall include a description of the proposed installation, including the proposed dimensions, design, color, type of facility, proposed location, ~~identification of alternative locations that would meet project objectives,~~ and the date of the informational meeting. In lieu of providing all of this information as part of the notice, the applicant may produce a webpage containing this information and direct residents to its location.

**Commented [MP19]:** Does the 15 days start after completeness confirmed by City?  
**Commented [MP20]:**

- 2. A rendering of the proposed facility shall be included in the notification.
- 3. The applicant shall provide the City with a distribution list of property owners and a copy of the materials distributed.
- 2. The applicant shall hold an informational meeting for the public within 30 days of submission of a complete application. These informational meetings are for the public's information and are neither hearings nor part of any land use appeal process.

G. **Withdrawal.** Any applicant may withdraw an application submitted pursuant to 19.14.020 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 Director's decision, then reimbursement of fees submitted in association with said application shall be prorated to withhold the amount of City costs incurred in processing the application prior to time of withdrawal. If such withdrawal is not accomplished prior to the Director's decision, there shall be no refund of all or any portion of such fee.

H. **Supplemental Information.** Failure of an applicant to provide additional information as requested pursuant to 19.14.020 by the Director within ~~ninesixty~~ (960) days of notice by the Director shall be deemed a denial of that application, unless an extension period has been approved by the Director.

**19.14.040 Permit Requirements.**

- A. The permit holder shall comply with all of the requirements within the small wireless permit.
- B. Post-Construction As-Built. Upon request by the City, ~~w~~Within sixty (60) days after construction of the small wireless facility, the permit holder shall provide the City with as-builts of the small wireless facilities demonstrating compliance with the permit and site photographs.
- C. Permit Time Limit. Construction of the small wireless facility must be completed within twelve (12) months after the approval date by the City. The permit holder may request one (1) extension to be limited to six (6) months, if the permit holder cannot construct the small wireless facility within the original twelve (12) month period.
- D. Site Safety and Maintenance. The permit holder must maintain the small wireless facilities in safe and working condition. The permit holder shall be responsible for the removal of any graffiti or other vandalism on or to the facility and shall keep the site neat and orderly, including but not limited to following any maintenance or modifications on the site.
- E. Operational Activity. The permit holder shall commence operation of the small wireless facility no later than ~~six-twelve (12)~~ months after installation.

**19.14.050 Modifications to small wireless facilities**

- A. If a small wireless facility permit holder desires to make a modification to an existing small wireless facility, including but not limited to expanding or changing the antenna type, increasing the equipment enclosure, placing additional pole-mounted or ground-mounted equipment, or modifying the concealment elements, then the applicant shall apply for a small wireless facility permit or eligible facilities ~~requires-request~~ as may be required by MMC 20.37.190.
- B. A small wireless facility permit shall not be required for routine maintenance and repair of a small wireless facility within the rights-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 small wireless facility, does not impact the structural integrity of the pole, and does not require pole replacement. Further, a small wireless facility permit shall not be required for replacing equipment within the equipment enclosure or reconfiguration of fiber or power to the small wireless facility. Right-of-way use permits may be required for such routine maintenance, repair or replacement consistent with 19.04 MC.

**19.14.060 Consolidated Permit**

- A. The issuance of a small wireless facility permit grants authority to construct small wireless facilities in the rights-of-way in a consolidated manner to allow the applicant, in most situations, to avoid the need to seek duplicative approval by both the public works and the development services department. If the applicant requires a new franchise to utilize the city right-of-way, the franchise approval shall be consolidated with the small wireless facility permit

review if requested by the applicant. As an exercise of police powers pursuant to RCW 35.99.040(2), the small wireless facility permit is not a right-of-way use permit, but instead a consolidated public works and land use permit and the issuance of a small wireless facility permit shall be governed by the time limits established by federal law for small wireless facilities.

B. The general standards applicable to the use of the city's rights-of-way described in 19.04 and 19.06 MMC shall apply to all small wireless facility permits.

**19.14.070 Testing of Small Wireless Facilities Required.**

~~A. Each permitted small wireless facility permit holder shall conduct annual tests, at the permit holder's expense, necessary to establish the level of radio frequency radiation created by the small wireless facility. The purpose of this testing is to validate that the radio frequency radiation is in compliance with the FCC's regulations and standards.~~

**Commented [MP21]:** Annual RF testing and reporting requirements are excessive.  
**Formatted:** Justified, Level 1, Widow/Orphan control

~~B. The permit holder shall test the small wireless facility annually to measure the radio frequency radiation created by the small wireless communication facilities to ensure compliance with the FCC's regulations and standards.~~

**Formatted:** Justified, Widow/Orphan control

~~C. All such tests required by this section shall be performed and certified by a licensed electrical engineer, or by a person with equivalent capabilities approved by the City Engineer.~~

~~D. Copies of each and every radio frequency radiation test shall be submitted to the City Engineer on the first day of the month following the month in which the test is performed.~~

~~E. If at any time a radio frequency radiation test shows that the radio frequency radiation emanating from a small wireless facility exceeds the standards established by the FCC, the permit holder shall immediately notify the City and shall take any and all action to remediate the problem as required by the FCC. The small wireless facility shall not be reconnected until the permit holder demonstrates compliance with the FCC requirements.~~

**19.14.080 Appeals.**

Small wireless facilities permit decisions including decisions made by the Director or the Hearing Examiner are not subject to administrative appeal and are final decisions appealable to the King County Superior Court or federal court. Applicant may proceed forward with a permitted project that has been appealed at applicant's own risk and subject to any subsequent court decision that may impact applicant's ability to install such facilities.

**Commented [MP22]:** There isn't sufficient time within a shot clock period to process an administrative appeal. Suggest expressly stating that no such appeals are allowed. Otherwise, this section seems to be ambiguous enough to allow an appeal of a Director decision to the Hearing Examiner.

**Commented [MP23]:** See comments above regarding Hearing Examiner.

**19.14.090 Removal of abandoned small wireless facilities.**

A. Any small wireless facility that, after the initial operation of the facility, is not used for the purpose for which it was intended at the time of filing the application for a continuous period of twelve (12) months shall be considered abandoned.

B. The wireless telecommunication carrier of such abandoned small wireless facility shall remove the same within 90 days of receipt of a notice from the City notifying the owner or operator of such abandonment.

C. Whenever a facility is abandoned or ceases operation, the entire facility shall be removed, including, but not limited to, all antennas, antenna supports, feeder lines, base stations, electronic equipment, and the pole upon which the small wireless facility is located, unless the pole is owned and used by a utility or the City determines that such pole shall remain.

D. Failure to remove such an abandoned facility shall result in declaring the small wireless facility a public nuisance. If there are two or more users of a single pole, then this section shall not become effective until all users cease using the pole.

DRAFT

**Chapter 20.12  
Definitions**

1. Amendment to MMC 20.12.040. Medina Municipal Code Section 20.12.040 is hereby amended by the removal of the definition for "coverage gap":

~~"Coverage gap" means a geographic area where a telecommunication carrier has a significant gap in service coverage.~~

2. Amendment to MMC 20.12.200. Medina Municipal Code Section 20.12.200 is hereby amended by the removal of the definition for "significant gap in service coverage":

~~"Significant gap in service coverage" means a large geographical service area in which a large number of remote user subscribers are unable to connect or maintain a connection to the national telephone network through a telecommunication carrier's wireless communication network. A "dead spot" (defined as small areas within a service area where the field strength is lower than the minimum level for reliable service) does not constitute a significant gap in services.~~

**Chapter 20.37  
Wireless Communication Facilities**

1. Amendment to MMC 20.37. The Medina Municipal Code Section 20.37.030 regarding applicability is hereby amended by the addition of section (c) as follows:

C. See Chapter 19.02.020 MMC for additional definitions for terms utilized in this Chapter.

2. Amendment to MMC 20.37. The Medina Municipal Code Section 20.37.060(A)(1) regarding location of wireless communication facilities is hereby amended as follows:

1. ~~These~~ The southeast portions of Fairweather Nature Preserve which ~~are~~ is nonforested and adjacent to the state highway right-of-way;

3. Amendment to MMC 20.37. The Medina Municipal Code Section 20.37.~~120~~(E) and (F) regarding exceptions to the requirement for a nonadministrative special use permit are hereby repealed in their entirety.

4. Amendment to MMC 20.37. Medina Municipal Code Section 20.37.130(C) is hereby repealed in its entirety.

5. Amendment to MMC 20.37. Medina Municipal Code Section 20.37.140 is hereby repealed in its entirety.

6. Amendment to MMC 20.37. Medina Municipal Code Chapter 20.37 is hereby amended by the addition of 20.37.190 – Eligible facilities request, as follows:

**Commented [MP1]:** What about other uses of "gap" in Chapter 20.37? References to a significant gap in Sections 20.37.070 and -.080 should be replaced with the materially inhibit test.

**Commented [MP2]:** Section 20.37.030 should also be amended to except small wireless facilities from this chapter and refer to Chapter 20.38.

**Commented [MP3]:** Routine maintenance, repair, and replacement should continue to be exempt from a special use permit. This language could be moved to the Applicability section – as a new subsection in 20.37.030(A).

**20.37.190 Eligible facilities request**

A. Definitions. The following definitions shall apply to Eligible Facilities Requests only as described in this Section 20.37.190.

B.

1. "Base Station": 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 backup 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 subparagraph (i) and (ii) above 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 Eligible Facilities Request application is filed with the City, does not support or house equipment described in subparagraph (1)(a) and (1)(b) above.
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 Facilities Request": Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:
  - a. Collocation of new transmission equipment;
  - b. Removal of transmission equipment; or
  - c. Replacement of transmission equipment.
4. "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.
5. "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.

6. "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 10% or by the height of one 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 10% or more than ten (10) feet, whichever is greater;
- 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 twenty (20) 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 cabinets; or, for towers in the public rights-of-way and Base Stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% 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 non-compliant only in a manner that would not exceed the thresholds identified above.

7. "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 and fixed wireless services such as microwave backhaul and the associated site.

8. "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 backup 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.

B. Application. The Director shall prepare and make publicly available an application form used 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. Qualification as an Eligible Facilities Request. Upon receipt of an application for an Eligible Facilities Request, the Director shall review such application to determine whether the application qualifies as an Eligible Facilities Request.

D. Timeframe for Review. Within sixty (60) days of the date on which an applicant submits an Eligible Facilities Request application, the Director shall approve the application unless it determines that the application is not covered by this Section 20.379.19000.

E. Tolling of the Time Frame for Review. The sixty (60) day review period begins to run when the application is filed and may be tolled only by mutual agreement by the Director and the applicant or in cases where the Director determines that the application is incomplete. The timeframe for review of an Eligible Facilities Request is not tolled by a moratorium on the review of applications.

1. To toll the timeframe for incompleteness, the Director shall provide written notice to the applicant within thirty (30) days of receipt of the application, clearly and specifically delineating all missing documents or information required in the application.

2. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the Director's notice of incompleteness.

3. Following a supplemental submission, the Director will notify the applicant within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this subsection. Second or subsequent notice 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 Director determines that the applicant's request does not qualify as an Eligible Facilities Request, the Director shall deny the application.

G. Failure to Act. In the event the Director fails to approve or deny a request for an Eligible Facilities Request within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the Director in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

**Chapter 20.38  
SMALL WIRELESS FACILITIES**

**Sections:**

20.38.010	Purpose.
20.38.020	Definitions.
20.38.030	General provisions.
20.38.040	Applicability.
20.38.050	Hierarchy for small wireless facility placement.
20.38.060	Design Zones for small wireless facilities.
20.38.070	Design and concealment standards for small wireless deployments.
20.38.080	New poles for small wireless facilities or for deployments in Design Zones.

**20.38.010 Purpose.**

The purpose of this chapter is to set forth the regulations for the placement, development, permitting, and removal of small wireless facilities. Among the purposes included are to:

- A. Ensure that residents receive the best technology possible while siting the technology in a respectful and thoughtful manner.
- B. Minimize potential adverse visual, aesthetic, and safety impacts of small wireless facilities.
- C. Establish objective standards for the placement of small wireless facilities.
- E. Ensure that such standards allow competition and do not unreasonably discriminate among providers of functionally equivalent services.
- D. Provide clear and predictable permitting requirements for network providers and the community.
- E. Encourage the design of such small wireless facilities to be aesthetically and architecturally compatible with the surrounding built and natural environments where possible.
- F. Provide an opportunity for residents and interested parties to provide comment on the proposed location and design of new small wireless facilities;
- G. Encourage the collocation or attachment of small wireless facilities on existing support structures to help minimize the total number and impact of such structures throughout the community.
- H. Protect the public health, safety and welfare.

**20.38.020 Definitions.**

See Chapter 19.02.020 MMC for definitions of terms utilized in this Chapter.

**20.38.030 General provisions.**

~~C.~~ A. Small wireless facilities shall not be considered nor regulated as essential public facilities.

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B. Small wireless facilities located outside of the public rights-of-way may be either a primary or a secondary use. A different use of an existing structure on the same lot shall not preclude the installation of a small wireless facility.

Commented [MP4]: Does Medina regulate uses this way? It doesn't appear that it does.

C. Small wireless facilities located within the public right-of-way pursuant to a valid franchise ~~or agreement with the Washington State Department of Transportation~~ are permitted ~~uses in every zone of the City but still require a small wireless facility permit pursuant to MMC 19.02.140.~~

Commented [MP5]: This is redundant. Permit required immediately below - .040.B.2.

**20.38.040 Applicability.**

A. Applicability. The placement of any small wireless facility in any location within the city is subject to the provisions of this chapter.

B. Permit Required. Any application for a small wireless facility both inside and outside the right-of-way shall comply with the application requirements for small wireless facility permit described in MMC 19.14.020.

C. Lease Required. In addition to the requirement of obtaining a small wireless facility permit, if all or a portion of the small wireless facility will be located upon a city-owned structure, or upon non-right-of-way property, which is either city-owned or city-leased, the applicant shall be required to enter into a lease agreement with the City for the use of the city property.

D. Franchise Required. In addition to the requirement of obtaining a small wireless facility permit, if all or a portion of the small wireless facility will be located within the city's right-of-way, the applicant shall be required to enter into a franchise agreement, consistent with MMC Chapter 19.02.140, with the City for the use of the city's right-of-way and comply with the requirements pursuant to MMC Title 19.

**20.38.050 Hierarchy for small wireless facility placement.**

A. The City's preference is for applicants to deploy small wireless facilities as follows:

1. On existing or replacement wooden poles.

~~2. If an applicant would like to place a new metal pole, it should be placed along 84<sup>th</sup> Avenue between NE 12<sup>th</sup> Street and NE 28<sup>th</sup> Street.~~

Commented [MP6]: This is far too limiting.

3. If an applicant would like to place a pole in an undergrounded area, any new or replacement pole shall substantially conform to the design of the pole it is replacing or the neighboring pole designs ~~standards~~ utilized within the contiguous right-of-way (or the City's new preferred standard pole design, if applicable) and comply with the concealment standards in MMC 20.38.0780.

**20.38.060 Design Zones for small wireless facilities.**

A. The following zones are designated as Design Zones for the purpose of siting small wireless facilities:

1. Medina Park located at 7789 NW 12<sup>th</sup> Street;
2. Medina Beach Park located at 501 Evergreen Point Road;
3. Fairweather Nature Preserve (also referred to as Fairweather Nature Preserve and Park) located at 2857 Evergreen Point Road;
4. Viewpoint Park located at Overlake Drive West and 84<sup>th</sup> Avenue NE;
5. Lake Lane Park located in the 3300 block of 78<sup>th</sup> Place NE.

B. Any applicant who desires to place a small wireless facility in a Design Zone must first establish that the applicant cannot locate the small wireless facility outside of the Design Zone. Applications for small wireless facilities in a Design Zone may be approved if the applicant demonstrates that due to technical infeasibility the applicant cannot locate the proposed small wireless facility on an existing or replacement pole within 500 feet of the proposed site and outside of the Design Zone.

C. Applications for small wireless facilities within Design Zones must comply with a concealment element design described in Chapter 20.38.080. Such applications are subject to a written recommendation by the Director and approval or denial by the Hearing Examiner.

Commented [MP7]: Suggest an administrative process so shot clocks may be met.

**20.38.070 Design and concealment standards for small wireless deployments.**

Small wireless facilities whether permitted inside or outside the right-of-way shall conform to the following design standards.

A. Small wireless facilities attached to existing or replacement non-wooden light poles or utility poles in the right-of-way or non-wooden light poles or utility poles outside of the right-of-way shall conform to the following design criteria:

1. Upon adoption of a city standard small wireless facility pole design(s) within the City's Standards, Specifics and Details Manual, the applicant shall utilize such pole design or may request modifications to the standard pole design to accommodate its small cell facility without substantially changing the outward visual and aesthetic character of the design. The applicant, upon a showing that use or modification of the standard pole design is either technically or physically infeasible, or that the modified pole design will not comply with the city's ADA ~~or~~ sidewalk clearance requirements and/or would violate electrical or other safety standards, may deviate from the adopted standard pole design and use the design standards as adopted in this subsection A.
2. The applicant shall minimize to the extent ~~possible-feasible~~ the antenna and equipment space and shall use the smallest amount of enclosure possible to fit the necessary equipment and allow reasonable expansion for future frequencies and/or

Commented [MP8]: What is the expected timing for this?

technologies. The antennas and equipment ~~location~~ shall be located in the following priority order, to the extent technically feasible:

(a) Located on a pole ~~if the total equipment enclosure is less than four-fifteen (154) cubic feet.~~ If located on a pole, antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) must be camouflaged to appear as an integral part of the pole or flush mounted to the pole, meaning for antennas no more than twelve (12) inches off of the pole and for associated equipment no more than six (6) inches off the pole, and must be the minimum size necessary for the intended purpose, not to exceed the volumetric dimensions of small wireless facilities. If the equipment enclosure is permitted on the exterior of the pole, the applicant is required to place the equipment enclosure behind any banners or road signs that may be on the pole, provided that such location does not interfere with the operation of the banners or signs or the equipment itself. The applicant may ~~propose to install~~ a side mounted canister antenna, so long as the inside edge of the antenna is no more than six (6) 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.

**Commented [MP9]:** AT&T's smallest equipment cabinet that it is using in this region is larger than this. 15 cu feet is consistent with Bellevue's standards.

~~(b) (b) — Concealed completely within the pole or pole base. Antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) may be fully concealed within the pole, unless such concealment is otherwise technically infeasible, or is incompatible with the pole design. The diameter of the pole shall comply with the City's sidewalk clearance requirements and shall, to the extent technically feasible, not be more than a twenty (20) inches measured at the base of the pole, unless additional diameter is needed in order to conceal equipment within the base of the pole. The pole shall comply with the requirements in subsection E.4 below.~~

**Commented [MP10]:** Suggest move up from (c).  
**Formatted:** Outline numbered + Level: 3 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1"

~~(c) Located underground. Underground in a utility vault if the total equipment enclosure is four (4) or more cubic feet.~~ If located underground, the access lid to the equipment enclosure shall be located outside the footprint of any pedestrian curb ramp and shall have a nonskid surface meeting ADA requirement if located within an existing pedestrian access route. In no event shall the equipment enclosure and all other wireless equipment associated with the ~~pole small wireless facility~~ (including but not limited to conduit), including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole exceed twenty-eight (28) cubic feet.

**Commented [MP11]:** This seems misplaced.

~~(c) — Concealed completely within the pole or pole base. Antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) shall be fully concealed within the pole, unless such concealment is otherwise technically infeasible, or is incompatible with the pole design. The diameter of the pole shall comply with the City's setback and sidewalk clearance requirements and shall, to the extent technically feasible, not be more than a twenty (20) inches measured at the base of the pole, unless additional diameter is needed in order to conceal equipment within the base of the pole. The pole shall comply with the requirements in subsection E.4 below~~

(d) On private property. If located on private property, the applicant shall

submit a copy of a letter of authority from the private property owner prior to the small wireless facility permit issuance.

(e) Applicant may obtain approval of a lower-ranked priority pursuant to Subsection E(13) when compliance with the location priorities: (a) is not technically feasible; (b) impedes the effective operation of the small wireless facility; (c) impairs a desired network performance objective; or (d) otherwise materially inhibits or limits the provision of wireless service. The city may also approve a lower-ranked priority when it finds the applicant's proposed design provides equivalent or superior aesthetic value when compared to strict compliance with these priorities.

2. An antenna on top of an existing pole may not extend more than six (6) feet above the height of the existing pole and the diameter may not exceed sixteen (16) inches, measured at the top of the pole, unless the applicant can demonstrate that more space is needed. The antennas shall be integrated into the pole design so that it appears as a continuation of the original pole, including colored or painted to match the pole to the extent technically feasible, and shall be shrouded or screened to blend with the pole except for canister antennas and 5G antennas which shall not require screening. All cabling and mounting hardware/brackets from the bottom of the antenna to the top of the pole shall be fully concealed to the extent feasible and integrated with the pole.

3. Any replacement pole shall substantially conform to the design of the pole it is replacing or the neighboring pole design standards utilized within the contiguous right-of-way (or the City's new preferred standard pole design, if applicable). Any replacement pole shall be placed as close to the original pole as feasible, but no more than five (5) feet from the existing pole location.

4. The height of any replacement pole and associated antennas may not extend more than ten (10) feet above the height of the existing pole or the minimum additional height necessary; provided that the height of the replacement pole cannot be extended further by additional antenna height.

5. The use of the pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

B. Wooden pole design standards. Small wireless facilities located on wooden poles shall conform to the following design criteria:

1. The wooden pole at the proposed location 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 ten (10) feet taller than the existing

pole ~~or the height allowed by the definition of small wireless facility in MMC 19.02.020, whichever is greater~~, unless a further height increase is required and confirmed in writing by the pole owner and that such height extension is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.

2. A pole extender may be used instead of replacing an existing pole but may not increase the height of the existing pole by more than ten (10) feet, ~~or the height allowed by the definition of small wireless facility in MMC 19.02.020, whichever is greater~~ unless a further height increase is required and confirmed in writing by the pole owner and that such height increase is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.

(a) A "pole extender" as used herein is an object affixed between the pole and the antenna for the purpose of increasing the height of the antenna above the pole. The pole extender shall be painted to approximately match the color of the pole and shall substantially match the diameter of the pole measured at the top of the pole.

3. Replacement wooden poles must either ~~appear to match or be compatible with~~ the approximate color and materials of the replaced pole or shall be the standard new wooden pole used by the pole owner in the City.

4. ~~To the extent technically feasible, a~~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 wooden pole on which they are attached.

5. Antennas shall not be mounted more than twelve (12) inches from the surface of the wooden pole.

6. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness. Multiple antennas are permitted on a wooden pole provided that each antenna ~~enclosure~~ shall not be more than three (3) cubic feet in volume.

7. A canister antenna may be mounted on top of an existing ~~or replacement~~ wooden pole, which may not exceed the height requirements described in subsection B(1) above. A canister antenna mounted on the top of a wooden pole shall not exceed sixteen (16) inches, measured at the top of the pole, 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 to install~~ a side mounted canister antenna, so long as the inside edge of the antenna is no more than twelve (12) inches from the surface of the wooden pole. ~~To the extent technically feasible, a~~All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the wooden pole.

8. ~~The furthest point of any antenna or equipment enclosure may not extend more than twenty eight (28) inches from the face of the pole.~~ Any equipment or antenna enclosures must meet WSDOT height clearance requirements.

9. An omni-directional antenna may be mounted on the top of an existing wooden pole, provided such antenna is no more than four (4) feet in height 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. To the extent technically feasible, aAll cables shall be concealed within the sleeve between the bottom of the antenna and the mounting bracket.

10. All related equipment, including but not limited to ancillary equipment, radios, cables, associated shrouding, microwaves, and conduit which are mounted on wooden poles shall not be mounted more than six (6) inches from the surface of the pole, unless a further distance is technically required, ~~and is confirmed in writing by the pole owner.~~

11. The applicant shall minimize to the extent possible the antenna and equipment space and shall use the smallest amount of enclosure possible to fit the necessary equipment and allow reasonable expansion for future frequencies and/or technologies. The antennas and equipment location shall be located in the following manner:

(a) ~~Located on a pole if the total equipment enclosure is less than four-fifteen (154) cubic feet.~~ If located on a pole, antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) must be camouflaged to appear as an integral part of the pole or flush mounted to the pole, meaning for antennas no more than twelve (12) inches off of the pole and for associated equipment no more than six (6) inches off the pole, and must be the minimum size necessary for the intended purpose, not to exceed the volumetric dimensions of small wireless facilities. If the equipment enclosure is permitted on the exterior of the pole, the applicant is required to place the equipment enclosure behind any banners or road signs that may be on the pole, provided that such location does not interfere with the operation of the banners or signs or the equipment itself. The applicant may propose a side mounted canister antenna, so long as the inside edge of the antenna is no more than ~~six-twelve (126)~~ inches from the surface of the pole. To the extent technically feasible, aAll cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the pole.

Commented [MP12]: See comments above.

(b) ~~Located U~~nderground ~~in a utility vault if the total equipment enclosure is four (4) or more cubic feet.~~ If located underground, the access lid to the equipment enclosure shall be located outside the footprint of any pedestrian curb ramp and shall have a nonskid surface meeting ADA requirement if located within an existing pedestrian access route. ~~In no event shall the equipment enclosure and all other wireless equipment associated with the pole (including but not limited to conduit), including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole exceed twenty-eight (28) cubic feet.~~

Commented [MP13]: See comment above that this seems misplaced.

~~(c) On private property. If located on private property, the applicant shall submit a copy of a letter of authority from the private property owner prior to the small wireless facility permit issuance.~~

~~(d) Applicant may obtain approval of a lower-ranked priority pursuant to Subsection E(13) when compliance with the location priorities: (a) is not technically feasible; (b) impedes the effective operation of the small wireless facility; (c) impairs a desired network performance objective; or (d) otherwise~~

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materially inhibits or limits the provision of wireless service. The city may also approve a lower-ranked priority when it finds the applicant's proposed design provides equivalent or superior aesthetic value when compared to strict compliance with these priorities.

~~13. The visual effect of the small wireless facility on all other aspects of the appearance of the wooden pole shall be minimized to the greatest extent possible.~~

Commented [MP14]: Standards must be objective.

~~14. The use of the wooden pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.~~

15. The diameter of a replacement pole shall comply with the City's ~~setback and~~ sidewalk clearance requirements and shall not be more than a 25% increase of the existing utility pole measured at the base of the pole.

16. All cables and wires shall be routed through conduit along the outside of the pole. The outside conduit shall be colored or painted to match ~~or be compatible with~~ the pole ~~or other equipment on the pole~~. The number of conduit shall be minimized to the number technically necessary to accommodate the small wireless.

C. Small wireless facilities attached to existing buildings, shall conform to the following design criteria:

1. ~~Small wireless facilities may be mounted to the sides of a building if the antennas do not interrupt the building's architectural theme.~~
2. ~~The interruption of architectural lines or horizontal or vertical reveals is discouraged.~~
3. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if it complements the architecture of the existing building.
4. ~~To the extent technically feasible, s~~Small wireless facilities shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building.
5. ~~To the extent technically feasible, s~~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.
6. ~~To the extent technically feasible, s~~Small wireless facilities shall be painted and textured to match the adjacent building surfaces, unless otherwise technically infeasible.
7. ~~To the extent technically feasible, s~~Small wireless facilities must meet the height requirement of the underlying zoning district.

8. Feed lines and coaxial cables shall be located below the parapet of the rooftop ~~or otherwise concealed from view.~~

9. If a cabinet enclosure cannot be located within the building where the ~~small~~ wireless ~~communication~~ facilities will be located, then the City's first preference is for the wireless telecommunication carrier to locate the equipment on the roof of the building. If the equipment can be screened by placing the equipment below the parapet walls, no additional screening is required. If screening is required, the proposed screening must be consistent with the existing building in terms of color, design, architectural style, and material. If the cabinet equipment cannot be located on the roof or within the building then it shall be located underground consistent with subsection E(1).

D. Small wireless facilities mounted on cables strung between existing utility poles shall conform to the following standards.

1. Each strand mounted facility shall not exceed four (4) cubic feet in volume.

2. Only ~~one two~~ strand mounted facilities ~~are~~ permitted per cable between any two existing poles.

3. The strand mounted devices shall be placed as close as possible to the nearest utility pole, in no event more than five (5) feet from the pole unless a greater instance technically necessary or is required by the pole owner for safety clearance;

4. No strand mounted device shall be located in or above the portion of the roadway open to vehicular traffic.

5. Ground mounted equipment to accommodate a shared mounted facility is not permitted except when placed in pre-existing equipment cabinets ~~or required by a third-party service provider (such as an electric meter).~~

6. Pole mounted equipment shall comply with the requirements of subsections A and B above.

7. Such strand mounted devices must be installed ~~to cause the least visual impact, be outside the view of a single family residence, and~~ without excess exterior cabling or wires (other than the original strand).

8. Strand mounted facilities are prohibited on non-wooden poles, unless the existing pole has pre-existing communication wirelines.

E. General requirements.

1. Ground mounted equipment in the rights of way is prohibited, unless such facilities are placed under ground or the applicant can demonstrate that pole mounted or undergrounded equipment is technically infeasible. If ground mounted equipment is necessary, then the applicant shall submit a concealment element plan. Generators located in the rights of way are prohibited.

2. No equipment shall be operated so as to produce noise in violation of Chapter

## 8.06 MMC.

3. Small wireless facilities are not permitted on traffic signal poles unless denial of the siting could be a prohibition or effective prohibition of the applicant's ability to provide telecommunications service in violation of 47 USC §§ 253 and 332.

4. Replacement poles and new poles shall comply with the Americans with Disabilities Act (ADA), City construction and sidewalk clearance standards, city ordinance, and state and federal laws and regulations in order to provide a clear and safe passage within the rights-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 the public welfare, health or safety.

5. ~~To the extent feasible, r~~ Replacement poles shall be located no more than five (5) feet from the existing pole with the requirement to remove the abandoned pole.

6. No signage, message or identification other than the manufacturer's identification, ~~or safety signage required by applicable law, regulations and safety standards, and identifying information required by governing law~~ is allowed ~~to be portrayed~~ on any antenna or equipment enclosure. Any permitted signage shall be located on the equipment enclosures ~~or as otherwise required by law~~ and be of the minimum amount possible to achieve the intended purpose (no larger than ~~4x6 inches needed to meet applicable law, regulations, and standards~~); provided that, signs are permitted as concealment element techniques where appropriate.

7. Antennas and related equipment shall not be illuminated except for security reasons, required by a federal or state authority, or unless approved as part of a concealment element plan.

8. Side arm mounts for antennas or equipment must be the minimum extension necessary and for wooden poles may be no more than twelve (12) inches off the pole and for non-wooden poles no more than six (6) inches off the pole.

~~9. The preferred location of a small wireless facility on a pole is the location with the least visible impact.~~

10. ~~Antennas, equipment enclosures, and ancillary equipment, conduit and cable, shall not dominate the structure or pole upon which they are attached.~~ Antennas, equipment enclosures, and ancillary equipment, conduit and cable is encouraged to be integrated within the pole when technically feasible.

11. Except for locations in the right-of-way or within access easements on private property within property owner permission, small wireless facilities are not permitted on any property containing a residential use in the residential zones.

12. ~~The City may consider the cumulative visual effects of small wireless facilities mounted on poles within the rights-of-way in when assessing proposed siting locations so as to not adversely affect the visual character of the City. This provision shall not be applied to limit the number of permits issued when no alternative sites are reasonably~~

~~available nor to impose a technological requirement on the applicant.~~

13. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would effectively prohibit the applicant from providing a wireless service, alternative forms of concealment or deployment may be permitted which provide similar or greater protections from negative visual impacts to the streetscape.

**20.38.080 New poles for small wireless facilities or for deployments in Design Zones.**

A. New poles or structures for small wireless facilities or for installations of small wireless facilities in a Design Zone are only permitted if the applicant can establish that:

1. The proposed small wireless facility cannot be located on an existing utility pole or light pole ~~or~~; electrical transmission tower ~~or on a site outside of the public rights-of-way or access easement such as public property, a building, a transmission tower, or in or on a non-residential use in a residential zone whether by roof or panel mount or separate structure;~~
2. The proposed small wireless facility complies with the applicable requirements of MMC 20.38.070(E);
3. The proposed small wireless facility receives approval for a concealment element design, as described in MMC 20.38.080(C) below;
4. For access easements, the property owner has given written permission for the placement of a new pole within the access easement in such a manner so as to not frustrate the purpose of the easement or create any access or safety issue and shall be in compliance with all land use regulations such as, but not limited to, setback requirements;
5. The proposed small wireless facility also complies with Shoreline Management Act, and SEPA, if applicable; and
6. Any new pole shall be installed ~~at the point closest~~ as close as is feasible to the side property line so as to ~~not minimize impacts on~~ the property's view; and
7. No new poles shall be located in a critical area or associated buffer required by the City's Critical Areas Management ordinance (Title 20.50MC), except when determined to be exempt pursuant to said ordinance.

B. An application for a new pole or deployment in a Design Zone is subject to written recommendation by the Director, ~~and approval or denial by the Hearing Examiner,~~

Commented [MP15]: See comments above.

C. The concealment element design shall include the design of the screening, fencing or other concealment technology for a tower, pole, or equipment structure, and all related transmission equipment or facilities associated with the proposed small wireless facility, including but not limited to fiber and power connections.

1. The concealment element design should seek to minimize the visual obtrusiveness of the small wireless facility. The proposed pole or structure should have similar designs to existing neighboring poles in the rights of way, including similar height to the extent technically feasible. If the proposed small wireless facility is placed on a replacement pole in a Design Zone, then the replacement pole shall be of the same general design as the pole it is replacing, unless the development services department otherwise approves a variation due to aesthetic or safety concerns. Any concealment element design for a small wireless facility on a decorative pole should attempt to mimic the design of such pole and integrate the small wireless facility into the design of the decorative pole. Other concealment methods include, but are not limited to, integrating the installation with architectural features or building design components, utilization of coverings or concealment devices of similar material, color, and texture - or the appearance thereof - as the surface against which the installation will be seen or on which it will be installed, landscape design, or other camouflage strategies appropriate for the type of installation. Applicants are required to utilize designs in which all conduit and wires are installed internally in the structure, to the extent technically feasible.

2. If the Director or Hearing Examiner has already approved a concealment element design either for the applicant or another small wireless facility along the same public right-of-way, if applicable, or for the same pole type, then the applicant shall utilize a substantially similar concealment element design, unless it can show that such concealment element design is not physically or technologically feasible, or that such deployment would undermine the generally applicable design standards.

**Commented [MP16]:** This code allows new poles for SWF either inside or outside of the ROW.

D. Even if an alternative location is established pursuant to 20.38.080(A)(1) the Hearing Examiner may determine that a new pole in the right-of-way is in fact a superior alternative based on the impact to the City, the concealment element design, the City's Comprehensive Plan and the added benefits to the community.

E. Prior to the issuance of a permit to construct a new pole or ground mounted equipment in the right-of-way, the applicant must obtain a site-specific agreement from the City to locate such new pole or ground mounted equipment. This requirement also applies to replacement poles when the replacement is necessary for the installation or attachment of small wireless facilities, the replacement structure is higher than the replaced structure, and the overall height of the replacement structure and the small wireless facility is more than sixty (60) feet.

F. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would effectively prohibit the applicant from providing a wireless service, alternative forms of concealment or deployment may be permitted which provide similar or greater protections from negative visual impacts to the streetscape.

**From:** [Emily F. Miner](#)  
**To:** [Aimee Kellerman](#)  
**Subject:** FW: City of Medina Code  
**Date:** Thursday, May 9, 2019 1:20:06 PM

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[Emily F. Miner](#) | Associate Attorney

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**From:** Emily F. Miner  
**Sent:** Monday, May 6, 2019 1:54 PM  
**To:** Stephanie Keyser <[skeyser@medina-wa.gov](mailto:skeyser@medina-wa.gov)>; Steve Wilcox <[swilcox@medina-wa.gov](mailto:swilcox@medina-wa.gov)>; Ryan Osada <[rosada@medina-wa.gov](mailto:rosada@medina-wa.gov)>; Michael Sauerwein <[msauerwein@medina-wa.gov](mailto:msauerwein@medina-wa.gov)>  
**Subject:** FW: City of Medina Code

And these are the comments from Crown Castle.

[Emily F. Miner](#) | Associate Attorney

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**From:** Putt, Kathy <[Kathy.Putt@crowncastle.com](mailto:Kathy.Putt@crowncastle.com)>  
**Sent:** Monday, April 29, 2019 2:42 PM  
**To:** Emily F. Miner <[eminer@omwlaw.com](mailto:eminer@omwlaw.com)>  
**Cc:** Gasser, Timothy <[Timothy.Gasser@crowncastle.com](mailto:Timothy.Gasser@crowncastle.com)>; Watson, Chelsea <[Chelsea.Watson@crowncastle.com](mailto:Chelsea.Watson@crowncastle.com)>  
**Subject:** RE: City of Medina Code

Emily, thank you for the opportunity to review the attached changes. Please find our concerns below:

[Chapter 19.02.020, Definitions](#) – there seems to be an extra “applicant” definition embedded in the definition of Antenna. Since there is an additional definition for applicant below, I recommend you combine them or at least reconcile.

19.14.020 I – Please confirm that building permit materials would only be required if facility is located outside of the ROW.

19.14.020 J – All three subsections go above and beyond what’s needed to actually process a SWF permit application in the ROW. We aren’t a carrier so we won’t be providing service to customers. We can provide information relative to what’s being proposed, but to require information regarding all other facilities in the City is ridiculous. Please modify to reflect requirements more consistent with a ROW application.

20.37.190 E 1 – Not compliant with the FCC Order’s 10-day application completeness check.

20.38.070 A 1 - Typo in third line “mall cell”.

20.38.070 A 2 a & b and B 11(a) – only allows attachment to poles if total enclosure is < 4 cu. ft. This limit essentially precludes anything to be attached to the outside of a pole except for 1 antenna. We can’t vault the equipment – is ground mount an option?

20.38.070 A 2 (c) - 20” diameter for pole base mounted equipment seems small.

20.38.070 A 4 – FCC allows poles to extend 10’ taller or 15%, whichever is greater.

-  
20.38.070 B 15 - 25% limit to diameter increase for replacement wood poles may not always be achievable.

20.38.070 D 4 - No valid justification for this restriction, so long as WSDOT required clearances above travelled way are met.

20.38.070 E 1 - Repeat of vaulting requirement.

20.38.070 F 1 - Subjective requirement. Who determines when a piece of equipment “dominates” a structure.

Thank you – any questions, please don’t hesitate to reach out.  
Kathy Putt

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**From:** Emily F. Miner <[eminer@omwlaw.com](mailto:eminer@omwlaw.com)>

**Sent:** Monday, April 22, 2019 12:18 PM

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**Cc:** Steve Wilcox <[swilcox@medina-wa.gov](mailto:swilcox@medina-wa.gov)>; Michael Sauerwein <[msauerwein@medina-wa.gov](mailto:msauerwein@medina-wa.gov)>

**Subject:** City of Medina Code

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greetings,

The City of Medina is revising its small wireless code. We would appreciate your comments and feedback on the code. Please respond by April 29<sup>th</sup>. The City Council will continue its discussion on this topic with a public hearing at its May 13<sup>th</sup> Council meeting.

Please let me know if you have any questions.

Best,

[Emily F. Miner](#) | Associate Attorney

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**Chapter 19.02.020**  
**Definitions**

1. Amendment to MMC 19.02.020. Medina Municipal Code Section 19.02.020 is hereby amended by the addition of the following definitions:

The following words and phrases shall have the following meanings, unless the context of the sentence in which they are used shall indicate otherwise:

“Access Easement” means any lane, road, avenue, driveway, etc. that is shared among one or more residents and dedicated for private ingress and egress purposes in a legal document which is recorded with King County Property Records;

“Affiliate” means a person who (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with another person;

“Antenna” means an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to FCC authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under 47 CFR Part 15. “Applicant” means any person or entity that applies for any authorization, franchise, lease, or permit pursuant to this title;

“Applicant” means any person or corporation submitting an application for a small wireless facility permit.

“Cable Act” means the Cable Communications Policy Act of 1984 and the Cable Television Consumer Protection and Competition Act of 1992;

“Cable facilities” means equipment and wiring used to transmit audio and video signals to subscribers;

“Cable operator” means a telecommunications carrier providing or offering to provide “cable service” within the city as that term is defined in the Cable Act;

“Cable service,” for the purpose of this title, shall have the same meaning provided by the Cable Act;

“Cable system” means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service and other service to subscribers;

“City” means the city of Medina, Washington;

“City property” means and includes all real property owned by the city, other than public streets and utility easements as those terms are defined herein, and all property held in a proprietary capacity by the city, which are not subject to right-of-way licensing and franchising;

“Collocation” means (1) mounting or installing an antenna facility on a pre-existing structure, and/or (2) 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 installing of transmission equipment on an eligible support structure for the purposes of transmitting and/or receiving radio frequency signals for communications purposes;

“Council” means the city council of the city of Medina, Washington acting in its official capacity;

“Data communication” means:

1. The transmission of encoded information, or
2. The transmission of data from one point to another;

“Director” means the Development Services Director or his/her designee;

“Emergency” means a condition of imminent danger to the health, safety, and welfare of property or persons located within the city including, without limitation, damage to persons or property from natural consequences, such as storms, earthquakes, riots or wars;

“Excess capacity” means the volume or capacity in any existing or future duct, conduit, manhole, handhole or other utility facility within the public way that is or will be available for use for additional telecommunications facilities;

“FCC” or “Federal Communications Commission” means the federal administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers on a national level;

“Fiber optics” means the technology of guiding and projecting light for use as a communications medium;

“Franchise” shall mean the initial authorization, or renewal thereof, approved by an ordinance of the city, which authorizes the franchisee to construct, install, operate, or maintain telecommunications facilities in, under, over, or across rights-of-way of the city and to also provide telecommunications service to persons or areas in the city;

“Franchisee” means the person, firm or corporation to whom or which a franchise, as defined in this section, is granted by the council under this title and the lawful successor, transferee or assignee of said person, firm or corporation subject to such conditions as may be defined in this title;

“Grantor” means the City of Medina acting through its City Council;

“Open video system” or “OVS” refers to a facility consisting of a set of transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service, which is provided to multiple subscribers within a community, and which the Federal Communications Commission or its successors has certified as compliant with Part 76 of its rules, 47 C.F.R., Part 76, as amended from time-to-time;

“Operator” means the person, firm or corporation to whom a franchise is granted pursuant to the provisions of this title;

“Overhead facilities” means utility poles, utility facilities and telecommunications facilities located above the surface of the ground, including the underground supports and foundations for such facilities;

“Person” means and includes corporations, companies, associations, joint stock companies or associations, firms, partnerships, limited liability companies and individuals and includes their lessors, trustees and receivers;

“Property of franchisee” means all property owned, installed or used by a franchisee in the conduct of its business in the city under the authority of a franchise granted pursuant to this title;

“Proposal” means the response, by an individual or organization, to a request by the city regarding the provision of cable services; or an unsolicited plan submitted by an individual or organization seeking to provide cable services in the city;

“Public right-of-way” or “right-of-way” means land acquired or dedicated for public roads and streets but does not include:

1. State highways;
2. Land dedicated for road, streets, and highways not opened and not improved for motor vehicle use by the public;
3. Structures, including poles and conduits, located within the right-of-way;
4. Federally granted trust lands or forest board trust lands;
5. Lands owned or managed by the state parks and recreation commission; or
6. Federally granted railroad rights-of-way acquired under 43 U.S.C. Sec 912 and related provisions of federal law that are not open for motor vehicle use.

“Service provider”: is defined consistently with RCW 35.99.010(6). Service provider shall include those infrastructure companies that provide telecommunications services or equipment to enable the deployment of telecommunication services;

“Small wireless” and “small wireless facility” shall have the same meaning as a “small wireless facility” as set forth in 47 CFR 1.6002;

“State” means the state of Washington;

“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 telecommunication service (whether on its own or comingled with other types of services);

“Surplus space” means that portion of the usable space on a utility pole which has the necessary clearance from other pole users, as required by the federal or state orders and regulations, to allow its use by a telecommunications carrier for a pole attachment;

“Telecommunications carrier” means and includes every person that directly or indirectly owns, controls, operates or manages plant, equipment or property within the city, used or to be used for the purpose of offering telecommunications service;

“Telecommunications facilities” means the plant, equipment and property, including but not limited to, cables, wires, conduits, ducts, pedestals, antennas, electronics and other

appurtenances used or to be used to transmit, receive, distribute, provide or offer wireline or wireless telecommunications services;

“Telecommunications provider” means and includes every person who provides telecommunications services over telecommunications facilities without any ownership or management control of the facilities;

“Telecommunications service” means the providing or offering for rent, sale or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium;

“Telecommunications system” see “telecommunications facilities”;

“Traffic Signal Poles” means a pole that supports equipment used for controlling traffic, including but not limited to traffic lights, rapid flashing beacons, speed radar, and school zone flashers;

“Transmission equipment” means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup 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.

“Underground facilities” means utility and telecommunications facilities located under the surface of the ground, excluding the underground foundations or supports for overhead facilities;

“Unified enclosure” means a small wireless facility providing concealment of antennas and equipment within a single enclosure.

“Universal service” means a level of and definition of telecommunications services as the term is defined by the FCC through its authority granted pursuant to Section 254 of the Act;

“Usable space” means the total distance between the top of a utility pole and the lowest possible attachment point that provides the minimum allowable vertical clearance as specified in any federal or state orders and regulations;

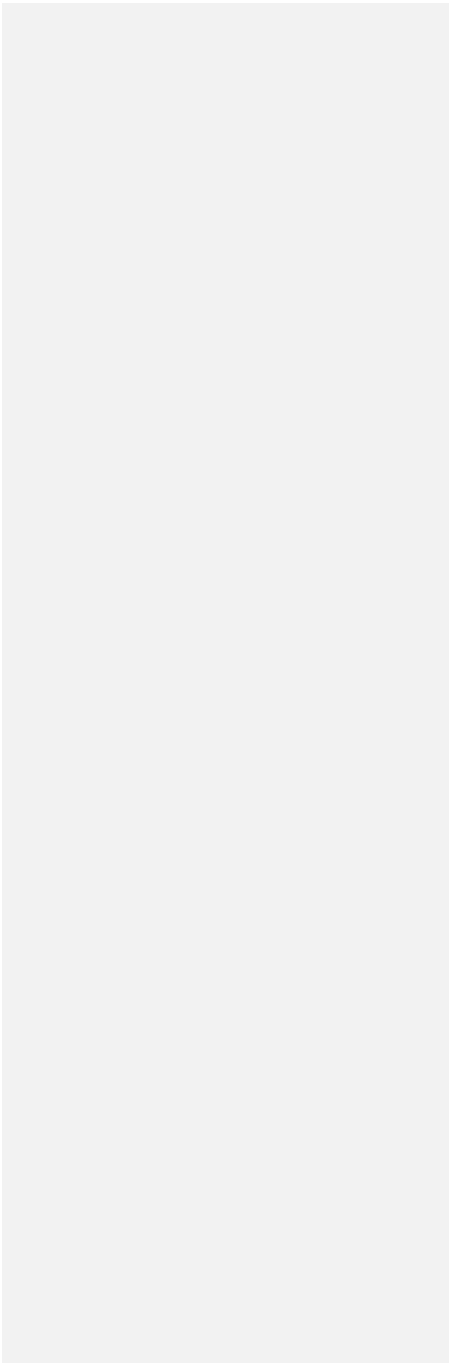
“Utility facilities” means the plant, equipment and property, including but not limited to the poles, pipes, mains, conduits, ducts, cables, wires, plant and equipment located under, on or above the surface of the ground within the rights-of-way of the city and used or to be used for the purpose of providing utility or telecommunications services-;

“Utility Pole” means a structure designed and used primarily for the support of electrical wires, telephone wires, television cable, traffic signals, or lighting for streets, parking areas, or pedestrian paths;

“Washington Utilities and Transportation Commission” or “WUTC” means the state administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services, and providers in the state of Washington to the extent prescribed by law;

"Wireline" means services provided using a physically tangible means of transmission, including without limitation wire or cable, and the apparatus used for such transmission.

DRAFT



**Chapter 19.14  
Small Wireless Facility Deployment**

**Sections:**

19.14.010	Application Process.
19.14.020	Small Wireless Permit Applications.
19.14.030	Review Process.
19.14.040	Permit Requirements.
19.14.050	Modifications.
19.14.060	Consolidated Permit.
19.14.070	Testing of Small Wireless Facility Required.
19.14.080	Appeals.
19.14.090	Removal of abandoned small wireless facilities.

**19.14.010 Application Process.**

A. Any application for a small wireless facility both inside and outside of the right-of-way shall comply with the application requirements for a small wireless facility permit described in this chapter. For small wireless facilities inside the right-of-way, the applicant must also comply with the requirements pursuant to MMC Chapter 19.02.

B. Consistent with MMC 19.14.060 all permits, leases, and right-of-way use authorizations necessary for the deployment of small wireless facilities and, if applicable an application for franchise, shall be consolidated for review and a decision rendered to the full extent feasible consistent within the presumptively timeframes established within federal and state law. Applicants are allowed to apply for franchises or leases independently of an application for a small wireless facility permit.

C. The City and applicant for a franchise and other permits associated with the deployment of small wireless facilities face challenges in coordinating applicable legislative and administrative processes under the Federal Communications Commission (FCC) regulations. Accordingly, in order to manage its rights-of-way in a thoughtful manner which balances the need to accommodate new and evolving technologies with the preservation of the natural and aesthetic environment of the City, the City of Medina has adopted this administrative process for the deployment of small wireless facilities. Applicants are encouraged and expected to provide all related applications in one submittal, unless they have already obtained a franchise or lease.

D. The Director is authorized to establish franchise and other application forms to gather the information required by these ordinances from applicants and to determine the completeness of the application process as provided herein.

1. Franchise. The process typically begins with and depends upon approval of a franchise for the use of the public right-of-way to deploy small wireless facilities if any portion of the applicant's facilities are to be located in the right-of-way. An applicant with a franchise for the deployment of small wireless facilities in the City may proceed to directly apply for a small wireless facility permit and related approvals. An applicant at its option may utilize phased deployment.

2. Small Wireless Facility Permits. The application requires specification of the small wireless facility components and locations as further required in the small wireless permit application described in Section 19.14.020. Prior to the issuance of a small wireless facility permit, the applicant shall pay a permit fee in an amount as determined by the City Council and adopted by resolution, or the actual costs incurred by the City in reviewing such permit application.

3. Associated Permit(s). The applicant shall attach all associated permits requirements including but not limited to permits required under MMC 19.12, and applications or check lists required under the Critical Areas, Shoreline or SEPA ordinances. Applicants for deployment of small wireless facilities in City Design Zones or for new poles shall also comply with the requirements in MMC 20.38.070.

4. Leases. An applicant who desires to attach a small wireless facility to any structure owned by the City shall include an application for a lease as a component of its application. Leases for the use of other public property, structures or facilities shall be submitted to the City Council for approval.

**19.14.020 Small wireless facility permit application.**

The following information shall be provided by all applicants for a small wireless permit:

A. The application shall provide specific locational information including GIS coordinates of all proposed small wireless facilities and specify where the small wireless facilities will utilize existing, replacement or new poles, towers, existing buildings and/or other structures. Ground mounted equipment, conduit, junction boxes and fiber and electrical connections necessary for and intended for use in the deployment shall also be specified regardless of whether the additional facilities are to be constructed by the applicant or leased from a third party. Detailed schematics and visual renderings of the small wireless facilities, including engineering and design standards, shall be provided by the applicant. The application shall have sufficient detail to identify:

1. [The location of overhead and underground public utility, telecommunication, cable, water, adjacent lighting sewer drainage and other lines and equipment within 50 feet of the proposed project area (which the project area shall include the location of the fiber source and power source). Further, the applicant shall include 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 50 feet from the proposed project area.
2. The specific trees, structures, facilities, lines and equipment, and obstructions, if any, that applicant proposes to temporarily or permanently remove or relocate and a landscape plan for protecting, trimming, removing, replacing, and restoring any trees or areas to be disturbed during construction.
3. The construction drawings shall also include the applicant's plan for electric and fiber utilities, all conduits, cables, wires, handholes, junctions, meters, disconnect switches, emergency backup cabinets, and any other ancillary equipment or construction necessary to construct the small wireless facility, to the extent to which the applicant is

Commented [KA1]: How is "project area" defined?



responsible for installing such electric and fiber utilities, conduits, cables, and related improvements. Where another party is responsible for installing such electric and fiber utilities, conduits, cables, and related improvements, applicant's construction drawings will include such utilities to the extent known at the time of application, but at a minimum applicant must indicate how it expects to obtain fiber and electric service to the small wireless facility.

4. Compliance with the aesthetic requirements of MMC 20.38.070.

B. The applicant must show written approval from the owner of any pole or structure for the installation of its small wireless facilities on such pole or structure. To extent that the pole or structure is not owned by the property owner, the applicant shall demonstrate in writing that they have authority from the property owner to install the small wireless facility on the pole or structure. Such written approval shall include approval of the specific structure, engineering and design standards, as well as assurances that the specific structure can withstand all required loads, including wind and seismic loads, from the structure owner, unless the structure owner is the City. Submission of the lease agreement between the owner and the applicant is not required. For city-owned poles or structures, the applicant must obtain a lease from the City prior to or concurrent with the small wireless facility permit application and must submit as part of the application the information required in the lease for the City to evaluate the usage of a specific pole or structure.

C. The applicant can batch multiple small wireless facility sites in one application. The applicant is encouraged to batch the small wireless facility sites within an application in a contiguous service area.

D. Any application for a small wireless facility located in the right-of-way adjacent to a parcel zoned for residential use shall demonstrate that it has considered the following:

1. Whether the proposed small wireless facility could be located on a street corner rather than in the middle of a block.
2. Whether a small wireless facility is currently installed on an existing pole in front of the same residential parcel. If a small wireless facility exists, then the applicant must demonstrate that no technically feasible alternative location exists which is not in front of the same residential parcel.
3. Whether the proposed small wireless facility can be screened from residential view by choosing a pole location that is not directly in front of a window or views.

E. Any application for a small wireless facility permit which contains an element which is not exempt from SEPA review shall simultaneously apply under Chapter 43.21C RCW and Chapter 18.04. Further, any application proposing small wireless facilities in Shoreline Management Zones (pursuant to MMC 20.6) or in Critical Areas (pursuant to MMC 20.50) must indicate that the application is exempt or comply with the review processes in such codes.

F. The applicant shall submit a sworn affidavit signed by an RF Engineer with knowledge of the proposed project affirming that the small wireless facilities will be compliant with all FCC and other governmental regulations in connection with human exposure to radio frequency emissions for every frequency at which the small wireless facility will operate. If facilities which

generate RF radiation necessary to the small wireless facility are to be provided by a third party, then the small wireless 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 small wireless facility deployment if the applicant is using the same small wireless facility configuration for all installations within that batch or may submit one emissions report for each subgroup installation identified in the batch.

G. The applicant shall provide proof of FCC and other regulatory approvals required to provide the service(s) or utilize the technologies sought to be installed.

H. A professional engineer licensed by the State of Washington shall certify in writing, over his or her seal, that the construction plans and final construction of the small wireless facilities and structure or pole and foundation are designed to reasonably withstand wind and seismic loads, or in the case of a utility owned structure, written confirmation that the pole will support the additional loads.

I. Applicant materials required for a building permit and a right of way permit.

J. ~~A network facility plan that includes the applicant's plan for deployment of small wireless facilities in the City of Medina. Information shall include the following:~~

~~1. A written description of the type of technology and type of consumer services the carrier will provide to its customers.~~

~~2. An inventory list of the applicant's sites and equipment location, including existing, approved, proposed or pending, and planned.~~

~~3. A 500-scale map (1 inch equals 500 feet) of the City depicting the geographic location and boundaries of the scope of coverage area for each small wireless facility proposed by the applicant, and with the location of the applicant's existing facilities identified as well as the location of all other existing small wireless facilities and macro facilities within the City.~~

**Commented [KA2]:** Development of the wireless network is based on customer need and is not subject to long term planning. The locations required for future facilities are based on a number of factors and data that is proprietary. The FCC Order does not permit a city to regulate the type of technology or services a provider may deploy. Verizon requests that this section be deleted.

**Commented [KA3]:** SWFs are typically deployed to add capacity, not coverage, which does not show up on a typical coverage map. The coverage area for macro sites has been deleted from MMC 20.37 and SWF requirements should not be more stringent than those required for macros.

K. Recognizing that small wireless facility technology is rapidly evolving, the Director is authorized to adopt and publish standards for the technological and structural safety of City-owned structures and to formulate and publish application questions for use when an applicant seeks to attach to City-owned structures.

L. Such other information as the Director, in his/her discretion, shall deem appropriate to effectively evaluate the application based on technical, engineering, and aesthetic considerations.

**19.14.030 Review Process.**

A. Review. The following provisions relate to review of applications for a small wireless facility permit.

1. In any zone, upon application for a small wireless permit, the City will permit small wireless deployment on existing or replacement utility poles conforming to the

City's generally applicable development and design standard adopted pursuant to Chapter 20.38.060.

2. Vertical clearance shall be reviewed by the Director to ensure that the small wireless facilities will not pose a hazard to other users of the rights-of-ways.

3. Replacement poles and new poles shall comply with the Americans with Disabilities Act (ADA), City construction and sidewalk clearance standards, traffic warrants, city ordinances, and state and federal statutes and regulations in order to provide a clear and safe passage within the rights-of-way. Further, the location of any replacement pole or new pole must: be physically possible, cannot obstruct vehicular or pedestrian traffic or the clear zone, not interfere with utility or safety fixtures (e.g., fire hydrants, traffic control devices), and not adversely affect the public welfare, health, or safety.

4. No equipment shall be operated so as to produce noise in violation of Chapter 8.06 MMC.

5. 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.

B. Final Decision. Small wireless facilities on existing or replacement infrastructure shall be reviewed and approved by the Director. The Director's decision is final. Small wireless facilities deployment in areas designated as Design Zones pursuant to Chapter 20.38.050, as well as new non-City owned poles, and replacement poles deviating from the pole design standards adopted pursuant to Chapter 20.38.060, are subject to a written recommendation and approval or denial by the Hearing Examiner. The Hearing Examiner's decision is final.

**Commented [KA4]:** The Hearing Examiner process in Medina cannot be completed within 60 or 90 days due to the notice and hearing time lines. Verizon suggests that all SWF applications be subject to administrative review, with a higher level of scrutiny for new poles and design district deployment.

C. Eligible Facilities Requests. The design approved in a small wireless facility permit shall be considered concealment elements and such facilities may only be expanded upon an Eligible Facilities Request described in Chapter 20.37.190 when the modification does not defeat the concealment elements of the small wireless facility.

D. Review of Facilities. Review of the site locations proposed by the applicant shall be governed by the provisions of 47 USC 253 and 47 USC 332 and other applicable statutes, regulations and case law. Applicants for franchises and the small wireless facility permits shall be treated in a competitively neutral and non-discriminatory 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. Small wireless facility permit review under this Chapter shall neither prohibit nor have the effect of prohibiting the ability of an applicant to provide telecommunications services.

E. Collaborative Review. The Director may ~~require request~~ the applicant to produce a representative to collaboratively review application materials with City staff up to one time per week during the course of the City's review. The ~~required~~ applicant representative may include an engineer and/or a siting specialist with sufficient understanding of the project to knowledgeably address questions or concerns the City may have on the application. The City must provide seven (7) days' notice to applicant of the date, time, location, anticipated scope of review, and requested participants for the meeting.

**Commented [KA5]:** This is not required for other land use applications and is not required for similar infrastructure in the right of way. The FCC Order requires that the regulations for SWFs in the ROW be no more burdensome than those imposed on similar infrastructure in the ROW. To the extent that this process is not required of other ROW users, like PSE, it cannot be required for SWFs. That said, Verizon is committed to working with the city collaboratively and will address staff's requests for information in a timely fashion.

F. ~~Public Notice and Informational Meeting Requirement. Within 15 days of submission of a complete application, the applicant shall provide written notification of any proposed above-ground installation and the date, time, and place for the informational meeting to all owners of property within five hundred (500) feet of the proposed location as part of the permit submittal.~~

**Commented [KA6]:** See previous comment. This requirement is also excessive in the 500 foot radius relative to the small visual impact of SWFs.

~~1. The notice shall include a description of the proposed installation, including the proposed dimensions, design, color, type of facility, proposed location, identification of alternative locations that would meet project objectives, and the date of the informational meeting. In lieu of providing all of this information as part of the notice, the applicant may produce a webpage containing this information and direct residents to its location.~~

~~2. A rendering of the proposed facility shall be included in the notification.~~

~~3. The applicant shall provide the City with a distribution list of property owners and a copy of the materials distributed.~~

~~2. The applicant shall hold an informational meeting for the public within 30 days of submission of a complete application. These informational meetings are for the public's information and are neither hearings nor part of any land use appeal process.~~

G. **Withdrawal.** Any applicant may withdraw an application submitted pursuant to 19.14.020 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 Director's decision, then reimbursement of fees submitted in association with said application shall be prorated to withhold the amount of City costs incurred in processing the application prior to time of withdrawal. If such withdrawal is not accomplished prior to the Director's decision, there shall be no refund of all or any portion of such fee.

H. **Supplemental Information.** Failure of an applicant to provide additional information as requested pursuant to 19.14.020 by the Director within sixty (60) days of notice by the Director shall be deemed a denial of that application, unless an extension period has been approved by the Director.

**19.14.040 Permit Requirements.**

A. The permit holder shall comply with all of the requirements within the small wireless permit.

B. **Post-Construction As-Builts.** Within sixty (60) days after construction of the small wireless facility, the permit holder shall provide the City with as-builts of the small wireless facilities demonstrating compliance with the permit and site photographs.

C. **Permit Time Limit.** Construction of the small wireless facility must be completed within twelve (12) months after the approval date by the City. The permit holder may request one (1) extension to be limited to six (6) months, if the permit holder cannot construct the small wireless facility within the original twelve (12) month period.

D. **Site Safety and Maintenance.** The permit holder must maintain the small wireless facilities in safe and working condition. The permit holder shall be responsible for the removal

of any graffiti or other vandalism and shall keep the site neat and orderly, including but not limited to following any maintenance or modifications on the site.

E. Operational Activity. The permit holder shall commence operation of the small wireless facility no later than six (6) months after installation.

**19.14.050 Modifications to small wireless facilities**

A. If a small wireless facility permit holder desires to make a modification to an existing small wireless facility, including but not limited to expanding or changing the antenna type, increasing the equipment enclosure, placing additional pole-mounted or ground-mounted equipment, or modifying the concealment elements, then the applicant shall apply for a small wireless facility permit or eligible facilities requires as may be required by MMC 20.37.190.

B. A small wireless facility permit shall not be required for routine maintenance and repair of a small wireless facility within the rights-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 small wireless facility, does not impact the structural integrity of the pole, and does not require pole replacement. Further, a small wireless facility permit shall not be required for replacing equipment within the equipment enclosure or reconfiguration of fiber or power to the small wireless facility. Right-of-way use permits may be required for such routine maintenance, repair or replacement consistent with 19.04 MC.

**19.14.060 Consolidated Permit**

A. The issuance of a small wireless facility permit grants authority to construct small wireless facilities in the rights-of-way in a consolidated manner to allow the applicant, in most situations, to avoid the need to seek duplicative approval by both the public works and the development services department. If the applicant requires a new franchise to utilize the right-of-way, the franchise approval shall be consolidated with the small wireless facility permit review if requested by the applicant. As an exercise of police powers pursuant to RCW 35.99.040(2), the small wireless facility permit is not a right-of-way use permit, but instead a consolidated public works and land use permit and the issuance of a small wireless facility permit shall be governed by the time limits established by federal law for small wireless facilities.

B. The general standards applicable to the use of the rights-of-way described in 19.04 and 19.06 MMC shall apply to all small wireless facility permits.

**19.14.070 Testing of Small Wireless Facilities Required.**

A. Each permitted small wireless facility permit holder shall conduct ~~annual~~ tests, at the permit holder's expense, necessary to establish the level of radio frequency radiation created by the small wireless facility when a site is modified. The purpose of this testing is to validate that the radio frequency radiation is in compliance with the FCC's regulations and standards.

B. ~~The permit holder shall test the small wireless facility annually to measure the radio frequency radiation created by the small wireless communication facilities to ensure compliance with the FCC's regulations and standards.~~

**Commented [KA7]:** Small wireless facilities operate at a small fraction of the FCC limits for RF exposure and a small fraction of the output from macro facilities. To the extent that the site continues to deploy the original equipment and antennas, there is no reason that the RF output would change and no need for annual testing. This proposed annual testing is also more stringent than that required for macro facilities with higher RF output. Verizon suggests that this requirement be changed to require testing upon site modification.

**Commented [KA8]:** This requirement is already covered in Section A.

**BC.** All such tests required by this section shall be performed and certified by a licensed electrical engineer, or by a person with equivalent capabilities approved by the City Engineer.

D. Copies of each and every radio frequency radiation test shall be submitted to the City Engineer on the first day of the month following the month in which the test is performed.

E. If at any time a radio frequency radiation test shows that the radio frequency radiation emanating from a small wireless facility exceeds the standards established by the FCC, the permit holder shall immediately notify the City and shall take any and all action to remediate the problem as required by the FCC. The small wireless facility shall not be reconnected until the permit holder demonstrates compliance with the FCC requirements.

**19.14.080 Appeals.**

Small wireless facilities permit decisions including decisions made by the Director or the Hearing Examiner are final decisions appealable to the King County Superior Court. Applicant may proceed forward with a permitted project that has been appealed at applicant's own risk and subject to any subsequent court decision that may impact applicant's ability to install such facilities.

**19.14.090 Removal of abandoned small wireless facilities.**

A. Any small wireless facility that, after the initial operation of the facility, is not used for the purpose for which it was intended at the time of filing the application for a continuous period of 12 months shall be considered abandoned.

B. The wireless telecommunication carrier of such abandoned small wireless facility shall remove the same within 90 days of receipt of a notice from the City notifying the owner or operator of such abandonment.

C. Whenever a facility is abandoned or ceases operation, the entire facility shall be removed, including, but not limited to, all antennas, antenna supports, feeder lines, base stations, electronic equipment, and the pole upon which the small wireless facility is located, unless the City determines that such pole shall remain.

D. Failure to remove such an abandoned facility shall result in declaring the small wireless facility a public nuisance. If there are two or more users of a single pole, then this section shall not become effective until all users cease using the pole.

**Chapter 20.12  
Definitions**

1. Amendment to MMC 20.12.040. Medina Municipal Code Section 20.12.040 is hereby amended by the removal of the definition for "coverage gap":

~~"Coverage gap" means a geographic area where a telecommunication carrier has a significant gap in service coverage.~~

2. Amendment to MMC 20.12.200. Medina Municipal Code Section 20.12.200 is hereby amended by the removal of the definition for "significant gap in service coverage":

~~"Significant gap in service coverage" means a large geographical service area in which a large number of remote user subscribers are unable to connect or maintain a connection to the national telephone network through a telecommunication carrier's wireless communication network. A "dead spot" (defined as small areas within a service area where the field strength is lower than the minimum level for reliable service) does not constitute a significant gap in services.~~

**Chapter 20.37  
Wireless Communication Facilities**

1. Amendment to MMC 20.37. The Medina Municipal Code Section 20.37.030 regarding applicability is hereby amended by the addition of section (c) as follows:

C. See Chapter 19.02.020 MMC for additional definitions for terms utilized in this Chapter.

2. Amendment to MMC 20.37. The Medina Municipal Code Section 20.37.060(A)(1) regarding location of wireless communication facilities is hereby amended as follows:

1. ~~These~~ The southeast portions of Fairweather Nature Preserve which ~~are~~ is nonforested and adjacent to the state highway right-of-way;

3. Amendment to MMC 20.37. The Medina Municipal Code Section 20.37.120(E) and (F) regarding exceptions to the requirement for a nonadministrative special use permit are hereby repealed in their entirety.

4. Amendment to MMC 20.37. Medina Municipal Code Section 20.37.130(C) is hereby repealed in its entirety.

5. Amendment to MMC 20.37. Medina Municipal Code Section 20.37.140 is hereby repealed in its entirety.

6. Amendment to MMC 20.37. Medina Municipal Code Chapter 20.37 is hereby amended by the addition of 20.37.190 – Eligible facilities request, as follows:

**20.37.190 Eligible facilities request**

A. Definitions. The following definitions shall apply to Eligible Facilities Requests only as described in this Section 20.37.190.

B.

1. "Base Station": 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 backup 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 subparagraph (i) and (ii) above 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 Eligible Facilities Request application is filed with the City, does not support or house equipment described in subparagraph (1)(a) and (1)(b) above.
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 Facilities Request": Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:
  - a. Collocation of new transmission equipment;
  - b. Removal of transmission equipment; or
  - c. Replacement of transmission equipment.
4. "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.
5. "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.

6. "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 10% or by the height of one 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 10% or more than ten (10) feet, whichever is greater;
- 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 twenty (20) 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 cabinets; or, for towers in the public rights-of-way and Base Stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% 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 non-compliant only in a manner that would not exceed the thresholds identified above.

7. "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 and fixed wireless services such as microwave backhaul and the associated site.

8. "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 backup 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.

B. Application. The Director shall prepare and make publicly available an application form used 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. Qualification as an Eligible Facilities Request. Upon receipt of an application for an Eligible Facilities Request, the Director shall review such application to determine whether the application qualifies as an Eligible Facilities Request.

D. Timeframe for Review. Within sixty (60) days of the date on which an applicant submits an Eligible Facilities Request application, the Director shall approve the application unless it determines that the application is not covered by this Section 20.38.080.

E. Tolling of the Time Frame for Review. The sixty (60) day review period begins to run when the application is filed and may be tolled only by mutual agreement by the Director and the applicant or in cases where the Director determines that the application is incomplete. The timeframe for review of an Eligible Facilities Request is not tolled by a moratorium on the review of applications.

1. To toll the timeframe for incompleteness, the Director shall provide written notice to the applicant within thirty (30) days of receipt of the application, clearly and specifically delineating all missing documents or information required in the application.

2. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the Director's notice of incompleteness.

3. Following a supplemental submission, the Director will notify the applicant within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this subsection. Second or subsequent notice 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 Director determines that the applicant's request does not qualify as an Eligible Facilities Request, the Director shall deny the application.

G. Failure to Act. In the event the Director fails to approve or deny a request for an Eligible Facilities Request within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the Director in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

**Chapter 20.38  
SMALL WIRELESS FACILITIES**

**Sections:**

20.38.010	Purpose.
20.38.020	Definitions.
20.38.030	General provisions.
20.38.040	Applicability.
20.38.050	Hierarchy for small wireless facility placement.
20.38.060	Design Zones for small wireless facilities.
20.38.070	Design and concealment standards for small wireless deployments.
20.38.080	New poles for small wireless facilities or for deployments in Design Zones.

**20.38.010 Purpose.**

The purpose of this chapter is to set forth the regulations for the placement, development, permitting, and removal of small wireless facilities. Among the purposes included are to:

- A. Ensure that residents receive the best technology possible while siting the technology in a respectful and thoughtful manner.
- B. Minimize potential adverse visual, aesthetic, and safety impacts of small wireless facilities.
- C. Establish objective standards for the placement of small wireless facilities.
- E. Ensure that such standards allow competition and do not unreasonably discriminate among providers of functionally equivalent services.
- D. Provide clear and predictable permitting requirements for network providers and the community.
- E. Encourage the design of such small wireless facilities to be aesthetically and architecturally compatible with the surrounding built and natural environments where possible.
- F. Provide an opportunity for residents and interested parties to provide comment on the proposed location and design of new small wireless facilities;
- G. Encourage the collocation or attachment of small wireless facilities on existing support structures to help minimize the total number and impact of such structures throughout the community.
- H. Protect the public health, safety and welfare.

**20.38.020 Definitions.**

See Chapter 19.02.020 MMC for definitions of terms utilized in this Chapter.

**20.38.030 General provisions.**

C. Small wireless facilities shall not be considered nor regulated as essential public facilities.

B. Small wireless facilities located outside of the public rights-of-way may be either a primary or a secondary use. A different use of an existing structure on the same lot shall not preclude the installation of a small wireless facility.

C. Small wireless facilities located within the public right-of-way pursuant to a valid franchise are permitted uses in every zone of the City but still require a small wireless facility permit pursuant to MMC 19.02.140.

**20.38.040 Applicability.**

A. Applicability. The placement of any small wireless facility in any location within the city is subject to the provisions of this chapter.

B. Permit Required. Any application for a small wireless facility both inside and outside the right-of-way shall comply with the application requirements for small wireless facility permit described in MMC 19.14.020.

C. Lease Required. In addition to the requirement of obtaining a small wireless facility permit, if all or a portion of the small wireless facility will be located upon a city-owned structure, or upon non-right-of-way property, which is either city-owned or city-leased, the applicant shall be required to enter into a lease agreement with the City for the use of the city property.

D. Franchise Required. In addition to the requirement of obtaining a small wireless facility permit, if all or a portion of the small wireless facility will be located within the city's right-of-way, the applicant shall be required to enter into a franchise agreement, consistent with MMC Chapter 19.02.140, with the City for the use of the city's right-of-way and comply with the requirements pursuant to MMC Title 19.

**20.38.050 Hierarchy for small wireless facility placement.**

A. The City's preference is for applicants to deploy small wireless facilities as follows:

1. On existing or replacement wooden poles.
2. If an applicant would like to place a new metal pole, it should be placed along 84<sup>th</sup> Avenue between NE 12<sup>th</sup> Street and NE 28<sup>th</sup> Street.
3. If an applicant would like to place a pole in an undergrounded area, any new or replacement pole shall substantially conform to the design of the pole it is replacing or the neighboring pole design standards utilized within the contiguous right-of-way and comply with the concealment standards in MMC 20.38.080.

**20.38.060 Design Zones for small wireless facilities.**

A. The following zones are designated as Design Zones for the purpose of siting small wireless facilities:

1. Medina Park located at 7789 NW 12<sup>th</sup> Street;
2. Medina Beach Park located at 501 Evergreen Point Road;
3. Fairweather Nature Preserve (also referred to as Fairweather Nature Preserve and Park) located at 2857 Evergreen Point Road;
4. Viewpoint Park located at Overlake Drive West and 84<sup>th</sup> Avenue NE;
5. Lake Lane Park located in the 3300 block of 78<sup>th</sup> Place NE.

B. Any applicant who desires to place a small wireless facility in a Design Zone must first establish that the applicant cannot locate the small wireless facility outside of the Design Zone. Applications for small wireless facilities in a Design Zone may be approved if the applicant demonstrates that due to technical infeasibility the applicant cannot locate the proposed small wireless facility on an existing or replacement pole within 500 feet of the proposed site and outside of the Design Zone.

C. Applications for small wireless facilities within Design Zones must comply with a concealment element design described in Chapter 20.38.080. Such applications are subject to ~~approval or denial~~ ~~written recommendation~~ by the Director, ~~and approval or denial by the Hearing Examiner.~~

**Commented [KA1]:** There is insufficient time under the 60 and 90 day shot clocks to use the hearing examiner process, and the determination of technical infeasibility does not require the expertise of the examiner.

**20.38.070 Design and concealment standards for small wireless deployments.**

Small wireless facilities whether permitted inside or outside the right-of-way shall conform to the following design standards.

A. Small wireless facilities attached to existing or replacement non-wooden light poles or utility poles in the right-of-way or non-wooden light poles or utility poles outside of the right-of-way shall conform to the following design criteria:

1. Upon adoption of a city standard small wireless facility pole design(s) within the City's Standards, Specifics and Details Manual, the applicant shall utilize such pole design or may request modifications to the standard pole design to accommodate its small cell facility without substantially changing the outward visual and aesthetic character of the design. The applicant, upon a showing that use or modification of the standard pole design is either technically or physically infeasible, or that the modified pole design will not comply with the city's ADA, sidewalk clearance requirements and/or would violate electrical or other safety standards, may deviate from the adopted standard pole design and use the design standards as adopted in this subsection A.
2. The applicant shall minimize to the extent possible the antenna and equipment

space and shall use the smallest amount of enclosure possible to fit the necessary equipment. The antennas and equipment location shall be located in the following priority order:

- (a) Located on a pole. ~~if the total equipment enclosure is less than four (4) cubic feet.~~ If located on a pole, antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) must be camouflaged to appear as an integral part of the pole or flush mounted to the pole, meaning for antennas no more than twelve (12) inches off of the pole and for associated equipment no more than six (6) inches off the pole, and must be the minimum size necessary for the intended purpose, not to exceed the volumetric dimensions of small wireless facilities. If the equipment enclosure is permitted on the exterior of the pole, the applicant is required to place the equipment enclosure behind any banners or road signs that may be on the pole, provided that such location does not interfere with the operation of the banners or signs or the equipment itself. The applicant may propose a side mounted canister antenna, so long as the inside edge of the antenna is no more than six (6) 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.
- (b) ~~Underground in a utility vault if the total equipment enclosure is four (4) or more cubic feet. If located underground, the access lid to the equipment enclosure shall be located outside the footprint of any pedestrian curb ramp and shall have a nonskid surface meeting ADA requirements if located within an existing pedestrian access route. In no event shall the equipment enclosure and all other wireless equipment associated with the pole (including but not limited to conduit), including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole exceed twenty-eight (28) cubic feet.~~
- (c) Concealed completely within the pole or pole base. Antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) shall be fully concealed within the pole, unless such concealment is otherwise technically infeasible, or is incompatible with the pole design. The diameter of the pole shall comply with the City's setback and sidewalk clearance requirements and shall, to the extent technically feasible, not be more than a twenty (20) inches measured at the base of the pole, unless additional diameter is needed in order to conceal equipment within the base of the pole. The pole shall comply with the requirements in subsection E.4 below
- (d) On private property. If located on private property, the applicant shall submit a copy of a letter of authority from the private property owner prior to the small wireless facility permit issuance.

**Commented [KA2]:** The FCC definition of SWF allows 28 cubic feet of equipment per pole. All SWF deployments will require more than 4 CF of equipment per pole so this effectively prohibits placement on the pole.

**Commented [KA3]:** It is not technically feasible to underground SWF equipment in this rainy region due to moisture. The equipment for a SWF produces heat which requires a ventilated vault, which allows moisture to enter. The moisture corrodes the sensitive radio equipment and is not technically feasible. Undergrounding generally is also not required for other similar infrastructure in the ROW. This subsection violates the FCC's requirement that SWF regulation be no more burdensome than that required for similar infrastructure in the ROW. Verizon requests that the requirement to underground be removed and that the cumulative equipment volume on a pole reflect the Order's allowance of 28 cubic feet.

2. An antenna on top of an existing pole may not extend more than six (6) feet above the height of the existing pole and the diameter may not exceed sixteen (16) inches, measured at the top of the pole, unless the applicant can demonstrate that more space is needed. The antennas shall be integrated into the pole design so that it appears as a continuation of the original pole, including colored or painted to match the pole, and shall be shrouded or screened to blend with the pole except for canister antennas which shall not require screening. All cabling and mounting hardware/brackets

from the bottom of the antenna to the top of the pole shall be fully concealed and integrated with the pole.

3. Any replacement pole shall substantially conform to the design of the pole it is replacing or the neighboring pole design standards utilized within the contiguous right-of-way. Any replacement pole shall be placed as close to the original pole as possible, but no more than five (5) feet from the existing pole location.

4. The height of any replacement pole may not extend more than ten (10) feet above the height of the existing pole or the minimum additional height necessary; provided that the height of the replacement pole cannot be extended further by additional antenna height.

5. The use of the pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

B. Wooden pole design standards. Small wireless facilities located on wooden poles shall conform to the following design criteria:

1. The wooden pole at the proposed location 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 ten (10) feet taller than the existing pole, unless a further height increase is required and confirmed in writing by the pole owner and that such height extension is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.

2. A pole extender may be used instead of replacing an existing pole but may not increase the height of the existing pole by more than ten (10) feet, unless a further height increase is required and confirmed in writing by the pole owner and that such height increase is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.

(a) A "pole extender" as used herein is an object affixed between the pole and the antenna for the purpose of increasing the height of the antenna above the pole. The pole extender shall be painted to approximately match the color of the pole and shall substantially match the diameter of the pole measured at the top of the pole.

3. Replacement wooden poles must either match the approximate color and materials of the replaced pole or shall be the standard new wooden pole used by the pole owner in the City.

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 wooden pole on which they are attached.

5. Antennas shall not be mounted more than twelve (12) inches from the surface of

the wooden pole.

6. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness. Multiple antennas are permitted on a wooden pole provided that each antenna enclosure shall not be more than three (3) cubic feet in volume.
7. A canister antenna may be mounted on top of an existing wooden pole, which may not exceed the height requirements described in subsection B(1) above. A canister antenna mounted on the top of a wooden pole shall not exceed sixteen (16) inches, measured at the top of the pole, 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 twelve (12) inches from the surface of the wooden pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the wooden pole.
8. The furthest point of any antenna or equipment enclosure may not extend more than twenty-eight (28) inches from the face of the pole. Any equipment or antenna enclosures must meet WSDOT height clearance requirements.
9. An omni-directional antenna may be mounted on the top of an existing wooden pole, provided such antenna is no more than four (4) feet in height 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.
10. All related equipment, including but not limited to ancillary equipment, radios, cables, associated shrouding, microwaves, and conduit which are mounted on wooden poles shall not be mounted more than six (6) inches from the surface of the pole, unless a further distance is technically required, and is confirmed in writing by the pole owner.
11. The applicant shall minimize to the extent possible the antenna and equipment space and shall use the smallest amount of enclosure possible to fit the necessary equipment. The antennas and equipment location shall be located in the following manner:

- (a) Located on a pole, ~~if the total equipment enclosure is less than four (4) cubic feet.~~ If located on a pole, antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) must be camouflaged to appear as an integral part of the pole or flush mounted to the pole, meaning for antennas no more than twelve (12) inches off of the pole and for associated equipment no more than six (6) inches off the pole, and must be the minimum size necessary for the intended purpose, not to exceed the volumetric dimensions of small wireless facilities. If the equipment enclosure is permitted on the exterior of the pole, the applicant is required to place the equipment enclosure behind any banners or road signs that may be on the pole, provided that such location does not interfere with the operation of the banners or signs or the equipment itself. The applicant may propose a side mounted canister antenna, so long as the inside edge of the antenna is no more than six (6) inches from the surface of the pole. All cables shall be concealed either within the

Commented [KA4]: See previous comment.



canister antenna or within a sleeve between the antenna and the pole.

(b) ~~Underground in a utility vault if the total equipment enclosure is four (4) or more cubic feet. If located underground, the access lid to the equipment enclosure shall be located outside the footprint of any pedestrian curb ramp and shall have a nonskid surface meeting ADA requirement if located within an existing pedestrian access route.~~ In no event shall the equipment enclosure and all other wireless equipment associated with the pole (including but not limited to conduit), including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole exceed twenty-eight (28) cubic feet.

Commented [KA5]: See comment to 20.38.070(A).

13. The visual effect of the small wireless facility on all other aspects of the appearance of the wooden pole shall be minimized to the greatest extent possible.

14. The use of the wooden pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

15. The diameter of a replacement pole shall comply with the City's setback and sidewalk clearance requirements and shall not be more than a 25% increase of the existing utility pole measured at the base of the pole.

16. All cables and wires shall be routed through conduit along the outside of the pole. The outside conduit shall be colored or painted to match the pole. The number of conduit shall be minimized to the number technically necessary to accommodate the small wireless.

C. Small wireless facilities attached to existing buildings, shall conform to the following design criteria:

1. Small wireless facilities may be mounted to the sides of a building if the antennas do not interrupt the building's architectural theme.
2. The interruption of architectural lines or horizontal or vertical reveals is discouraged.
3. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if it complements the architecture of the existing building.
4. Small wireless facilities shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building.
5. 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.
6. Small wireless facilities shall be painted and textured to match the adjacent

building surfaces, unless otherwise technically infeasible.

7. Small wireless facilities must meet the height requirement of the underlying zoning district.

8. Feed lines and coaxial cables shall be located below the parapet of the rooftop.

9. If a cabinet enclosure cannot be located within the building where the wireless communication facilities will be located, then the City's first preference is for the wireless telecommunication carrier to locate the equipment on the roof of the building. If the equipment can be screened by placing the equipment below the parapet walls, no additional screening is required. If screening is required, the proposed screening must be consistent with the existing building in terms of color, design, architectural style, and material. If the cabinet equipment cannot be located on the roof or within the building then it shall be located underground consistent with subsection E(1).

D. Small wireless facilities mounted on cables strung between existing utility poles shall conform to the following standards.

1. Each strand mounted facility shall not exceed four (4) cubic feet in volume.

2. Only one strand mounted facility is permitted per cable between any two existing poles.

3. The strand mounted devices shall be placed as close as possible to the nearest utility pole, in no event more than five (5) feet from the pole unless a greater instance technically necessary or is required by the pole owner for safety clearance;

4. No strand mounted device shall be located in or above the portion of the roadway open to vehicular traffic.

5. Ground mounted equipment to accommodate a shared mounted facility is not permitted except when placed in pre-existing equipment cabinets.

6. Pole mounted equipment shall comply with the requirements of subsections A and B above.

7. Such strand mounted devices must be installed to cause the least visual impact, be outside the view of a single family residence, and without excess exterior cabling or wires (other than the original strand).

8. Strand mounted facilities are prohibited on non-wooden poles, unless the existing pole has pre-existing communication wirelines.

E. General requirements.

1. Ground mounted equipment in the rights of way is prohibited, unless such facilities are placed under ground or the applicant can demonstrate that pole mounted or undergrounded equipment is technically infeasible. If ground mounted equipment is necessary, then the applicant shall submit a concealment element plan. Generators

located in the rights of way are prohibited.

2. No equipment shall be operated so as to produce noise in violation of Chapter 8.06 MMC.
3. Small wireless facilities are not permitted on traffic signal poles unless denial of the siting could be a prohibition or effective prohibition of the applicant's ability to provide telecommunications service in violation of 47 USC §§ 253 and 332.
4. Replacement poles and new poles shall comply with the Americans with Disabilities Act (ADA), City construction and sidewalk clearance standards, city ordinance, and state and federal laws and regulations in order to provide a clear and safe passage within the rights-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 the public welfare, health or safety.
5. Replacement poles shall be located no more than five (5) feet from the existing pole with the requirement to remove the abandoned pole.
6. No signage, message or identification other than the manufacturer's identification or identification required by governing law is allowed to be portrayed on any antenna or equipment enclosure. Any permitted signage shall be located on the equipment enclosures and be of the minimum amount possible to achieve the intended purpose (no larger than 4x6 inches); provided that, signs are permitted as concealment element techniques where appropriate.
7. Antennas and related equipment shall not be illuminated except for security reasons, required by a federal or state authority, or unless approved as part of a concealment element plan.
8. Side arm mounts for antennas or equipment must be the minimum extension necessary and for wooden poles may be no more than twelve (12) inches off the pole and for non-wooden poles no more than six (6) inches off the pole.
9. The preferred location of a small wireless facility on a pole is the location with the least visible impact.
10. Antennas, equipment enclosures, and ancillary equipment, conduit and cable, shall not dominate the structure or pole upon which they are attached. Antennas, equipment enclosures, and ancillary equipment, conduit and cable is encouraged to be integrated within the pole when technically feasible.
11. Except for locations in the right-of-way or within access easements on private property within property owner permission, small wireless facilities are not permitted on any property containing a residential use in the residential zones.
12. The City may consider the cumulative visual effects of small wireless facilities mounted on poles within the rights-of-way in when assessing proposed siting locations so as to not adversely affect the visual character of the City. This provision shall not be

applied to limit the number of permits issued when no alternative sites are reasonably available nor to impose a technological requirement on the applicant.

13. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would effectively prohibit the applicant from providing a wireless service, alternative forms of concealment or deployment may be permitted which provide similar or greater protections from negative visual impacts to the streetscape.

**20.38.080 New poles for small wireless facilities or for deployments in Design Zones.**

A. New poles or structures for small wireless facilities or for installations of small wireless facilities in a Design Zone are only permitted if the applicant can establish that:

1. The proposed small wireless facility cannot be located on an existing utility pole or light pole, electrical transmission tower or on a site outside of the public rights-of-way or access easement such as public property, a building, a transmission tower, or in or on a non-residential use in a residential zone whether by roof or panel-mount or separate structure;
2. The proposed small wireless facility complies with the applicable requirements of MMC 20.38.070(E);
3. The proposed small wireless facility receives approval for a concealment element design, as described in MMC 20.38.080(C) below;
4. For access easements, the property owner has given written permission for the placement of a new pole within the access easement in such a manner so as to not frustrate the purpose of the easement or create any access or safety issue and shall be in compliance with all land use regulations such as, but not limited to, setback requirements;
5. The proposed small wireless facility also complies with Shoreline Management Act, and SEPA, if applicable; and
6. Any new pole shall be installed at the point closest to the side property line so as to not impact the property's view; and
7. No new poles shall be located in a critical area or associated buffer required by the City's Critical Areas Management ordinance (Title 20.50MC), except when determined to be exempt pursuant to said ordinance.

B. ~~An application for a new pole or deployment in a Design Zone is subject to written recommendation approval or denial by the Director, and approval or denial by the Hearing Examiner.~~

**Commented [KA6]:** The Hearing Examiner process is too lengthy to be completed within the 60 or 90 day shotlocks.

C. The concealment element design shall include the design of the screening, fencing or other concealment technology for a tower, pole, or equipment structure, and all related transmission equipment or facilities associated with the proposed small wireless facility,

including but not limited to fiber and power connections.

1. The concealment element design should seek to minimize the visual obtrusiveness of the small wireless facility. The proposed pole or structure should have similar designs to existing neighboring poles in the rights of way, including similar height to the extent technically feasible. If the proposed small wireless facility is placed on a replacement pole in a Design Zone, then the replacement pole shall be of the same general design as the pole it is replacing, unless the development services department otherwise approves a variation due to aesthetic or safety concerns. Any concealment element design for a small wireless facility on a decorative pole should attempt to mimic the design of such pole and integrate the small wireless facility into the design of the decorative pole. Other concealment methods include, but are not limited to, integrating the installation with architectural features or building design components, utilization of coverings or concealment devices of similar material, color, and texture - or the appearance thereof - as the surface against which the installation will be seen or on which it will be installed, landscape design, or other camouflage strategies appropriate for the type of installation. Applicants are required to utilize designs in which all conduit and wirelines are installed internally in the structure.

2. If the Director ~~or Hearing Examiner~~ has already approved a concealment element design either for the applicant or another small wireless facility along the same public right-of-way or for the same pole type, then the applicant shall utilize a substantially similar concealment element design, unless it can show that such concealment element design is not physically or technologically feasible, or that such deployment would undermine the generally applicable design standards.

D. Even if an alternative location is established pursuant to 20.38.080(A)(1) the ~~Hearing Examiner~~ ~~Director~~ may determine that a new pole in the right-of-way is in fact a superior alternative based on the impact to the City, the concealment element design, the City's Comprehensive Plan and the added benefits to the community.

E. Prior to the issuance of a permit to construct a new pole or ground mounted equipment in the right-of-way, the applicant must obtain a site-specific agreement from the City to locate such new pole or ground mounted equipment. This requirement also applies to replacement poles when the replacement is necessary for the installation or attachment of small wireless facilities, the replacement structure is higher than the replaced structure, and the overall height of the replacement structure and the small wireless facility is more than sixty (60) feet.

F. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would effectively prohibit the applicant from providing a wireless service, alternative forms of concealment or deployment may be permitted which provide similar or greater protections from negative visual impacts to the streetscape.

## ATTACHMENT A

### Chapter 19.02.020 Definitions

The following words and phrases shall have the following meanings, unless the context of the sentence in which they are used shall indicate otherwise:

“Access Easement” means any lane, road, avenue, driveway, etc. that is shared among one or more residents and dedicated for private ingress and egress purposes in a legal document which is recorded with King County Property Records;

“Affiliate” means a person who (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with another person;

“Antenna” means an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to FCC authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under 47 CFR Part 15.

“Applicant” means any person or entity that applies for any authorization, franchise, lease, or permit pursuant to this title;

“Cable Act” means the Cable Communications Policy Act of 1984 and the Cable Television Consumer Protection and Competition Act of 1992;

“Cable facilities” means equipment and wiring used to transmit audio and video signals to subscribers;

“Cable operator” means a telecommunications carrier providing or offering to provide “cable service” within the city as that term is defined in the Cable Act;

“Cable service,” for the purpose of this title, shall have the same meaning provided by the Cable Act;

“Cable system” means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service and other service to subscribers;

“City” means the city of Medina, Washington;

“City property” means and includes all real property owned by the city, other than public streets and utility easements as those terms are defined herein, and all property held in a proprietary capacity by the city, which are not subject to right-of-way licensing and franchising;

“Collocation” means (1) mounting or installing an antenna facility on a pre-existing structure, and/or (2) 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 installing of transmission equipment on an eligible support structure for the purposes of transmitting and/or receiving radio frequency signals for communications purposes;

“Council” means the city council of the city of Medina, Washington acting in its official capacity;

“Data communication” means:

1. ~~The transmission of encoded information, or~~
2. ~~The transmission of data from one point to another;~~

“Director” means the Development Services Director or his/her designee;

“Emergency” means a condition of imminent danger to the health, safety, and welfare of property or persons located within the city including, without limitation, damage to persons or property from natural consequences, such as storms, earthquakes, riots or wars;

“Excess capacity” means the volume or capacity in any existing or future duct, conduit, manhole, handhole or other utility facility within the public way that is or will be available for use for additional telecommunications facilities;

“FCC” or “Federal Communications Commission” means the federal administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers on a national level;

“Fiber optics” means the technology of guiding and projecting light for use as a communications medium;

“Franchise” shall mean the initial authorization, or renewal thereof, approved by an ordinance of the city, which authorizes the franchisee to construct, install, operate, or maintain telecommunications facilities in, under, over, or across rights-of-way of the city ~~and to also provide telecommunications service to persons or areas in the city;~~

“Franchisee” means the person, firm or corporation to whom or which a franchise, as defined in this section, is granted by the council under this title and the lawful successor, transferee or assignee of said person, firm or corporation subject to such conditions as may be defined in this title;

“Grantee” means the person, firm or corporation to whom or which a franchise, as defined in this section, is granted by the council under this chapter and the lawful successor, transferee or assignee of such person, firm or corporation;

“Grantor” means the City of Medina acting through its City Council;

~~“Light Pole” means a pole owned by the City and used primarily for light streets, parking areas, parks or pedestrian paths;~~

“Open video system” or “OVS” refers to a facility consisting of a set of transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service, which is provided to multiple subscribers within a community, and which the Federal Communications Commission or its successors has certified as compliant with Part 76 of its rules, 47 C.F.R., Part 76, as amended from time-to-time;

“Operator” means the person, firm or corporation to whom a franchise is granted pursuant to the provisions of this title;

“Overhead facilities” means utility poles, utility facilities and telecommunications facilities located above the surface of the ground, including the underground supports and foundations for such facilities;

“Person” means and includes corporations, companies, associations, joint stock companies or associations, firms, partnerships, limited liability companies and individuals and includes their lessors, trustees and receivers;

“Property of franchisee” means all property owned, installed or used by a franchisee in the conduct of its business in the city under the authority of a franchise granted pursuant to this title;

“Proposal” means the response, by an individual or organization, to a request by the city regarding the provision of cable services; or an unsolicited plan submitted by an individual or organization seeking to provide cable services in the city;

~~“Right-of-way”~~ Public right-of-way or “right-of-way” means land acquired or dedicated for public roads and streets, but does not include state highways or land;

1. Land dedicated for roads, streets, and highways not opened and not improved for motor vehicle use by the public;
2. Structures, including poles and conduits, located within the right-of-way;
3. Federally granted trust lands or forest board trust lands;
5. Lands owned or managed by the state parks and recreation commission; or
6. Federally granted railroad rights-of-way acquired under 43 U.S.C. Sec 912 and related provisions of federal law that are not open for motor vehicle use.

“Service provider”: ~~is~~ is defined consistently with RCW 35.99.010(6). Service provider shall include those infrastructure companies that provide telecommunications services or equipment to enable the deployment of personal wireless telecommunication services;

“Small wireless” and “small wireless facility” shall have the same meaning as a “small wireless facility” as set forth in 47 CFR 1.6002(l);

“State” means the state of Washington;

“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 telecommunication service (whether on its own or comingled with other types of services);

“Surplus space” means that portion of the usable space on a utility pole which has the necessary clearance from other pole users, as required by the federal or state orders and regulations, to allow its use by a telecommunications carrier for a pole attachment;



“Telecommunications carrier” means and includes every person that directly or indirectly owns, controls, operates or manages plant, equipment or property within the city, used or to be used for the purpose of offering telecommunications service;

“Telecommunications facilities” means the plant, equipment and property, including but not limited to, cables, wires, conduits, ducts, pedestals, antennas, electronics and other appurtenances used or to be used to transmit, receive, distribute, provide or offer wireline or wireless telecommunications services;

“Telecommunications provider” means and includes every person who provides telecommunications services over telecommunications facilities without any ownership or management control of the facilities;

“Telecommunications service” means the providing or offering for rent, sale or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium;

“Telecommunications system” see “telecommunications facilities”;

“Traffic Signal Poles” means a pole that supports equipment used for controlling traffic, including but not limited to traffic lights, rapid flashing beacons, speed radar, and school zone flashers;

“Transmission equipment” means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup 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.

“Underground facilities” means utility and telecommunications facilities located under the surface of the ground, excluding the underground foundations or supports for overhead facilities;

“Unified enclosure” means a small wireless facility providing concealment of antennas and equipment within a single enclosure.

“Universal service” means a level of and definition of telecommunications services as the term is defined by the FCC through its authority granted pursuant to Section 254 of the Act;

“Usable space” means the total distance between the top of a utility pole and the lowest possible attachment point that provides the minimum allowable vertical clearance as specified in any federal or state orders and regulations;

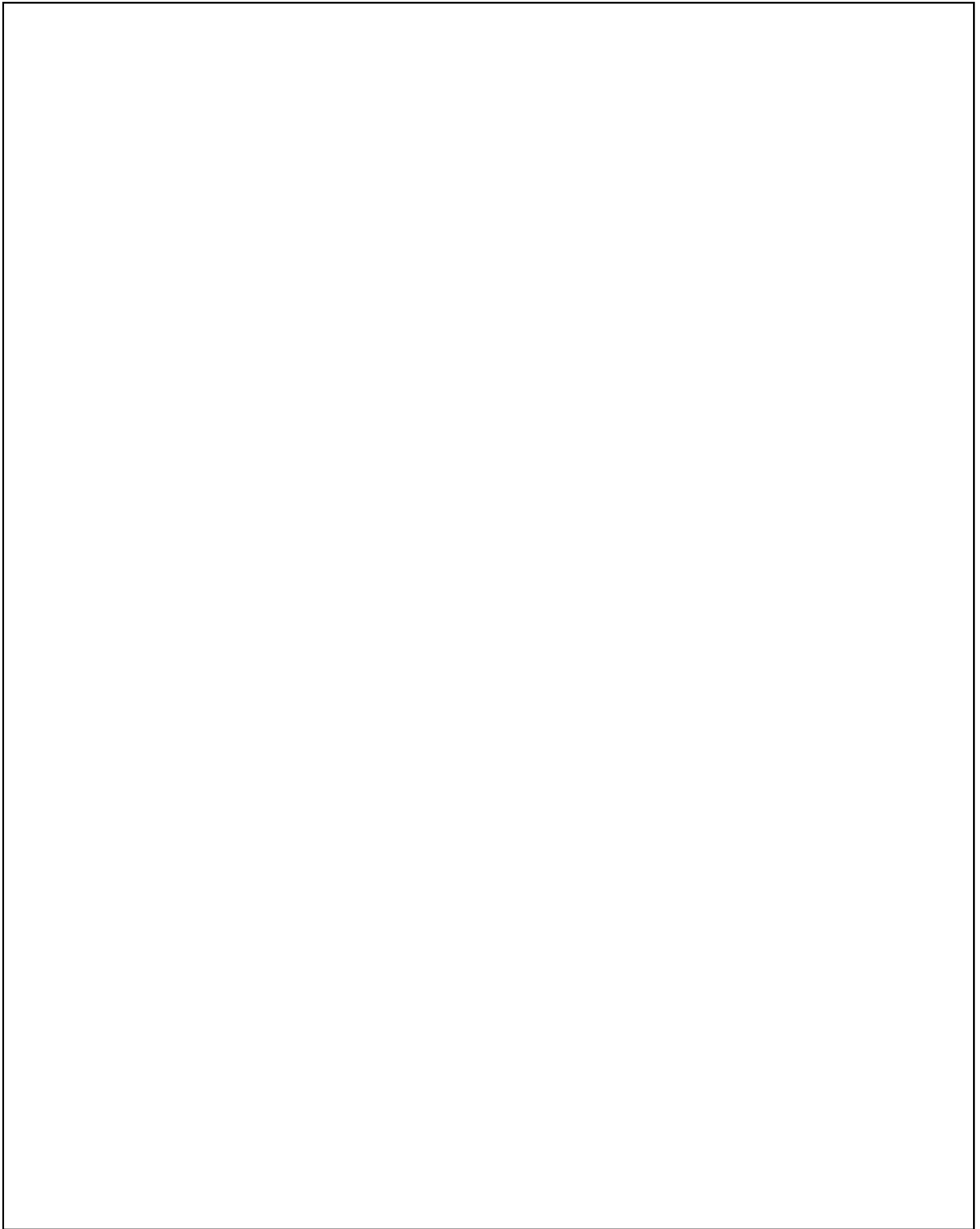
“Utility facilities” means the plant, equipment and property, including but not limited to the poles, pipes, mains, conduits, ducts, cables, wires, plant and equipment located under, on or above the surface of the ground within the rights-of-way of the city and used or to be used for the purpose of providing utility or telecommunications services-;

“Utility Pole” means a structure designed and used primarily for the support of electrical wires, telephone wires, television cable, traffic signals, or lighting for streets, parking areas, or pedestrian paths;

“Washington Utilities and Transportation Commission” or “WUTC” means the state administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services, and providers in the state of Washington to the extent prescribed by law;

“Wireline” means services provided using a physically tangible means of transmission, including without limitation wire or cable, and the apparatus used for such transmission.

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## ATTACHMENT B

### Chapter 19.14 Small Wireless Facility Deployment

**Sections:**

19.14.010	Application Process.
19.14.020	Small <del>wireless permit application</del> <u>Wireless Permit Applications.</u>
19.14.030	Review <del>process</del> <u>Process.</u>
19.14.040	Permit <del>requirements</del> <u>Requirements.</u>
19.14.050	Modifications to small wireless facilities.
19.14.060	Consolidated Permit.
19.14.070	<u>Annual inspection for small wireless facilities required.</u>
<del>19.14.080</del>	<del>Appeals.</del>
<del>19.14.090</del>	<del>Removal of abandoned small wireless facilities.</del>

**19.14.010 Application Process.**

A. Any application for a small wireless facility both inside and outside of the city's right-of-way shall comply with the application requirements for a small wireless facility permit described in this chapter. For small wireless facilities inside the city right-of-way, the applicant must also comply with the requirements pursuant to MMC Chapter 19.02.

B. Consistent with MMC 19.14.060 all permits, and leases necessary for the deployment of small wireless facilities and, if applicable an application for franchise, shall be consolidated for review and a decision rendered to the full extent feasible consistent within the presumptively timeframes established within federal and state law. Applicants are allowed to apply for franchises or leases independently of an application for a small wireless facility permit.

A. Overview. In-C. The City and applicant for a franchise and other permits associated with the deployment of small wireless facilities face challenges in coordinating applicable legislative and administrative processes under the Federal Communications Commission (FCC) regulations. Accordingly, in order to manage its rights-of-way in a thoughtful manner which balances the need to accommodate new and evolving technologies with the preservation of the natural and aesthetic environment of the City, the City of Medina has adopted this administrative process for the deployment of small wireless facilities. The City and applicant for a franchise and other permits associated with the deployment of small wireless facilities face challenges in coordinating applicable legislative and administrative processes under the Federal Communications Commission (FCC) regulations. A franchise for the use of the City's right-of-way is a contract which requires approval by the City Council. The small wireless permits are issued by the Director. Applicants are encouraged and expected to provide all related applications listed in subsection (D) for each facility in one submittal, unless they have already obtained a franchise or lease.

B. Application Process D. The Director is authorized to establish franchise and other application forms to gather the information required by these ordinances from applicants and to

determine the completeness of the an application process as provided herein. ~~The application shall include Parts A, B, and C as described below.~~

1. Franchise. The process typically begins with and depends upon approval of a franchise for the use of the ~~public-city~~ right-of-way to deploy small wireless facilities if any portion of the applicant's facilities are to be located in the city right-of-way. ~~A complete application for a franchise is designated as Part A. An applicant with a franchise for the deployment of small wireless facilities in the City may proceed to directly apply for a small wireless facility permit and related approvals (Parts B and C). An applicant at its option may utilize phased deployment.~~

2. Small Wireless Facility Permits. ~~Part B of the~~ The application requires specification of the small wireless facility components and locations as further required in the small wireless permit application described in Section 19.14.020. Prior to the issuance of a small wireless facility permit, the applicant shall pay a permit fee in an amount as determined by the City Council and adopted by resolution, or the actual costs incurred by the City in reviewing such permit application.

3. Associated Permit(s). ~~Part C of the application~~ The applicant shall attach all associated ~~permits requirements required permit applications~~ including but not limited to ~~permits applications~~ required under MMC 19.12, and applications or check lists required under the Critical Areas, Shoreline or SEPA ordinances. Applicants for deployment of small wireless facilities in City Design Zones or for new poles shall also comply with the requirements in ~~Chapter 20.38.070~~ MMC 20.38.080.

4. Leases. An applicant who desires to attach a small wireless facility to any ~~utility pole or light pole structure~~ owned by the City shall include an application for a lease as a component of its application. ~~The Director is authorized to approve leases in the form approved for general use by the City Council for any utility pole or light pole in the right-of-way.~~ Leases for the use of other public property, structures or facilities shall be submitted to the City Council for approval.

**19.14.020 Small Wireless Permit Application** wireless facility permit application.

The following information shall be provided by all applicants for a small wireless permit:

A. The application shall provide specific locational information including GIS coordinates of all proposed small wireless facilities and specify where the small wireless facilities will utilize existing, replacement or new poles, towers, existing buildings and/or other structures. Ground mounted equipment, conduit, junction boxes and fiber and electrical connections necessary for and intended for use in the deployment shall also be specified regardless of whether the additional facilities are to be constructed by the applicant or leased from a third party. Detailed schematics and visual renderings of the small wireless facilities, including engineering and design standards, shall be provided by the applicant. The application shall have sufficient detail to identify:

1. The location of overhead and underground public utility, telecommunication, cable, water, adjacent lighting sewer drainage and other lines and equipment ~~in the rights-of-way along the proposed route;~~ within 50 feet of the proposed project area (which

the project area shall include the location of the fiber source and power source). Further, the applicant shall include 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 50 feet from the proposed project area.

2. The specific trees, structures, facilities, lines and equipment, and obstructions, if any, that applicant proposes to temporarily or permanently remove or relocate and a landscape plan for protecting, trimming, removing, replacing, and restoring any trees or areas to be disturbed during construction.

~~3. All existing 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.~~

~~4.~~ 43. The construction drawings shall also include the applicant's plan for electric and fiber utilities, all conduits, cables, wires, handholes, junctions, meters, disconnect switches, emergency backup cabinets, and any other ancillary equipment or construction necessary to construct the small wireless facility. to the extent to which the applicant is responsible for installing such electric and fiber utilities, conduits, cables, and related improvements. Where another party is responsible for installing such electric and fiber utilities, conduits, cables, and related improvements, applicant's construction drawings will include such utilities to the extent known at the time of application, but at a minimum applicant must indicate how it expects to obtain fiber and electric service to the small wireless facility.

~~5. 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.~~

~~54. Compliance with the aesthetic requirements of Chapter 20.38.060 MMC 20.38.070 or with MMC 20.38.080 as applicable.~~

B. The applicant must show written approval from the owner of any pole or structure for the installation of its small wireless facilities on such pole or structure. ~~To~~ For locations outside the city right-of-way, to extent that the pole or structure is not owned by the property owner, the applicant shall demonstrate in writing that they have authority from the property owner to install the small wireless facility on the pole or structure. ~~Such written approval shall include approval of the specific pole, engineering and design standards, as well as assurances that the specific pole can withstand wind and seismic loads, from the pole owner, unless the pole owner is the City.~~ Submission of the lease agreement between the owner and the applicant is not required. For city-owned poles or structures, the applicant must obtain a lease from the City prior to or concurrent with the small wireless facility permit application and must submit as part of the application the information required in the lease for the City to evaluate the usage of a specific pole or structure.

C. The applicant can batch multiple small wireless facility sites in one application. The applicant is encouraged to batch the small wireless facility sites ~~within an application~~ when they are proposed for approval at the same time and are in a contiguous service area or use the same design.

D. Any application for a small wireless facility located in the city right-of-way adjacent to a parcel zoned for residential use shall demonstrate that it has considered the following:

~~1. Whether the proposed small wireless facility could be located on a street corner rather than in the middle of a block.~~

21. Whether a small wireless facility is currently installed on an existing pole in front of the same residential parcel. If a small wireless facility exists, then the applicant must demonstrate that no technically feasible alternative location exists which is not in front of the same residential parcel.

32. Whether the proposed small wireless facility can be screened from residential view by choosing a pole location that is not directly in front of a window or views.

E. Any application for a small wireless facility permit which contains an element which is not exempt from SEPA review shall simultaneously apply under Chapter 43.21C RCW and Chapter MMC 18.04. Further, any application proposing small wireless facilities in Shoreline Management Zones (pursuant to MMC ~~20.620.60~~) or in Critical Areas (pursuant to MMC 20.50) must indicate that the application is exempt or comply with the review processes in such codes.

F. The applicant shall submit a sworn affidavit signed by an RF Engineer with knowledge of the proposed project affirming that the small wireless facilities will be compliant with all FCC and other governmental regulations in connection with human exposure to radio frequency emissions for every frequency at which the ~~Small Wireless-small wireless~~ facility will operate. If facilities which generate RF radiation necessary to the ~~Small Wireless-small wireless~~ facility are to be provided by a third party, then the small wireless 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 small wireless facility deployment if the applicant is using the same small wireless facility configuration for all installations within that batch or may submit one emissions report for each subgroup installation identified in the batch.

G. The applicant shall provide proof of FCC license and other regulatory approvals required to provide the service(s) or utilize the technologies sought to be installed.

H. A professional engineer licensed by the State of Washington shall certify in writing, over his or her seal, that ~~both the~~ construction plans and final construction of the small wireless facilities and structure or pole and foundation are designed to reasonably withstand required loads as well as wind and seismic loads ~~as established by the International Building Code. - or in the case of a utility owned structure, written confirmation that the pole will support the additional loads.~~

I. Applicant materials required for a building permit and a right of way permit to the extent applicable.

~~I. A traffic control plan as required by MMC 19.12.~~

~~J. The applicant shall endeavor to use the quietest equipment possible and shall state the noise levels of all equipment utilized.~~

~~K.~~ Pursuant to MMC 19.14.040(F), applicants shall include documentation that demonstrates that there is a licensed provider of wireless services contractually committed to using the proposed small wireless facility at the requested location.

J. An initial build out plan as of the date of the application that includes the applicant's proposed plan for deployment of small wireless facilities in the City of Medina. The city's preference is for the applicant to provide a two (2) year proposed build out plan. The initial build out plan shall include the following:

1. A list of the actual and proposed locations of the applicant's small wireless facilities.

2. A 500-scale map (1 inch equals 500 feet) of the City depicting the geographic location and boundaries of the actual and proposed locations of the applicant's small wireless facilities.

~~K.~~ Recognizing that small wireless facility technology is rapidly evolving, the Director is authorized to adopt and publish standards for the technological and structural safety of City-owned structures and to formulate and publish application questions for use when an applicant seeks to attach to City-owned structures.

L. Such other information as the Director, in his/her discretion, shall deem appropriate to effectively evaluate the application based on technical, engineering, and aesthetic considerations.

#### **19.14.030 Review Process.**

A. Review. The following provisions relate to review of applications for a small wireless facility permit.

1. In any zone, upon application for a small wireless permit, the City will permit small wireless deployment on existing or replacement utility poles or other structures conforming to the City's generally applicable development and design ~~standard standards~~ adopted pursuant to Chapter ~~20.38.060~~ except as provided in subsection B below 20.38.070.

2. Vertical clearance shall be reviewed by the Director to ensure that the small wireless facilities will not pose a hazard to other users of the rights-of-ways.

3. Replacement poles and new poles shall comply with the Americans with Disabilities Act (ADA), City construction and sidewalk clearance standards, traffic warrants, city ordinances, and state and federal statutes and regulations in order to provide a clear and safe passage within the rights-of-way. Further, the location of any replacement pole or new pole must: be physically possible, cannot obstruct vehicular or pedestrian traffic or the clear zone, not interfere with utility or safety fixtures (e.g., fire hydrants, traffic control devices), and not adversely affect the public welfare, health, or safety.

4. No equipment shall be operated so as to produce noise in violation of Chapter 8.06 MMC.



5. 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.

~~6B. Development Services Department Final Decision. Small wireless facilities on existing, replacement, or new infrastructure shall be reviewed and approved by the Director. Small wireless facilities deployment in areas designated as Design Zones pursuant to Chapter 20.38.050, as well as new non-City owned poles, or replacement poles deviating from the pole design standards adopted pursuant to Chapter 20.38.060, are subject to review by the Hearing Examiner. The Director's decision is final.~~

~~7C. Eligible Facilities Requests. The design approved in a small wireless facility permit shall be considered concealment elements and such facilities may only be expanded upon an Eligible Facilities Request described in Chapter 20.38.080-20.37.190 when the modification does not defeat the concealment elements of the small wireless facility.~~

~~8D. Review of Facilities. Review of the site locations proposed by the applicant shall be governed by the provisions of 47 USC 253 and 47 USC 332 and other applicable statutes, regulations and case law. Applicants for franchises and the small wireless facility permits shall be treated in a competitively neutral and non-discriminatory 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. Small wireless facility permit review under this Chapter shall neither prohibit nor have the effect of prohibiting the ability of an applicant to provide telecommunications services.~~

~~9E. Collaborative Review. The Director may require request the applicant to produce a representative to collaboratively review application materials with City staff up to one time per week during the course of the City's review on an as needed basis. The required applicant representative may include an engineer and/or a siting specialist with sufficient understanding of the project to knowledgeably address questions or concerns the City may have on the application. The City must provide seven (7) days' notice to applicant of the date, time, location, anticipated scope of review, and requested participants for the meeting.~~

~~10. Final Decision. Consistent with this Chapter as well as other applicable code provisions including but not limited to MMC 20.38.060, the Director or his/her designee shall review an application to site small wireless facilities, with the exception of new poles in the rights-of-way which is governed by MMC 20.38.070, for completeness and notify the Applicant consistent with the requirements of federal and state law.~~

F. Public Notice and Informational Meeting Requirement. Within 15 days of submission of a complete application, the applicant shall provide written notification for each application, or batch applications to all property owners within five hundred (500) feet of the proposed location(s) and notice of the informational meeting, as part of the permit submittal. Only one informational meeting per application or batched application is required. The notice shall include the following:

1. The date, and time for the informational meeting. All informational meetings shall be held at Medina City Hall with at least one City staff member present.

2. A description of the proposed installation, including the proposed dimensions, design, color, type of facility, proposed location, identification of alternative locations that would meet project objectives, and the date of the informational meeting. In lieu of providing all of this information as part of the notice, the applicant may produce a webpage containing this information and direct residents to its location.

3. A rendering of the proposed facility shall be included in the notification.

4. The applicant shall provide the City with a distribution list of property owners and a copy of the materials distributed.

~~11. Public Comment. The City shall provide notice of a complete application for a small wireless facility permit on the City's website with a link to the application. The notice shall include an email contact and telephone number for the applicant to answer citizen inquiries. The applicant shall notice and hold at least one (1) the informational meeting for the public within 30 days of filing the submission of a complete application. These informational meetings are for the public's information and are neither hearings nor part of any land use appeal process.~~

~~12G. Withdrawal. Any applicant may withdraw an application submitted pursuant to 19.14.020 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 Director's decision, then reimbursement of fees submitted in association with said application shall be prorated to withhold the amount of City costs incurred in processing the application prior to time of withdrawal. If such withdrawal is not accomplished prior to the Director's decision, there shall be no refund of all or any portion of such fee.~~

~~13H. Supplemental Information. Failure of an applicant to provide additional information as requested pursuant to 19.14.020 by the Director within sixty (60) days of notice by the Director shall be deemed a denial of that application, unless an extension period has been approved by the Director.~~

#### **19.14.040 Permit Requirements.**

~~A. The grantee of any permit holder shall comply with all of the requirements within the small wireless permit.~~

~~B. Small wireless facilities installed pursuant to a small wireless facility permit may proceed to install the approved small wireless facilities without the need for an additional right-of-way use permit if construction is commenced within thirty (30) days of approval by providing email or written notice to the Director. Facilities approved in a small wireless permit in which installation has not commenced within thirty (30) days of the approval of a small wireless facility permit shall apply for and be issued a right-of-way use permit to install such small wireless facilities in accordance with the standard requirements of the City for use of the right-of-way.~~

~~CB. Post-Construction As-Builts. Within sixty (60) days after construction of the small wireless facility, the grantee permit holder shall provide the City with as-builts of the small wireless facilities demonstrating compliance with the permit and site photographs.~~

~~DC.~~ Permit Time Limit. Construction of the small wireless facility must be completed within ~~six (6) twelve (12)~~ months after the approval date by the City. The ~~grantee permit holder~~ may request one (1) extension to be limited to ~~three six (36)~~ months, if the ~~applicant permit holder~~ cannot construct the small wireless facility within the original ~~six twelve (612)~~ month period.

~~ED.~~ Site Safety and Maintenance. The ~~grantee permit holder~~ must maintain the small wireless facilities in safe and working condition. The ~~grantee permit holder~~ shall be responsible for the removal of any graffiti or other vandalism and shall keep the site neat and orderly, including but not limited to following any maintenance or modifications on the site.

~~F.~~ Operational Activity. The ~~grantee~~ shall include documentation that demonstrates that ~~there is a licensed provider of wireless services contractually committed to using the proposed small wireless facility at the requested location.~~

E. Operational Activity. The permit holder shall commence operation of the small wireless facility no later than six (6) months after installation.

#### **19.14.050 Modifications to small wireless facilities**

A. If a ~~grantee small wireless facility permit holder~~ desires to make a modification to an existing small wireless facility, including but not limited to expanding or changing the antenna type, increasing the equipment enclosure, placing additional pole-mounted or ground-mounted equipment, or modifying the concealment elements, then the applicant shall apply for a small wireless facility permit or eligible facilities request as may be required by MMC 20.37.190.

B. Each small wireless facility permit holder shall conduct new RF emissions testing upon modification of a permitted small wireless facility or if the FCC requires a new NIER report for the activity being undertaken. The purpose of this test is to validate that the radio frequency radiation is in compliance with the FCC's regulations and standards.

1. All such tests required by this section shall be performed and certified by a licensed electrical engineer, or by a person with equivalent capabilities approved by the City Engineer.

2. Copies of each and every radio frequency radiation test shall be submitted to the City Engineer on the first day of the month following the month in which the test is performed.

3. If at any time a radio frequency radiation test shows that the radio frequency radiation emanating from a small wireless facility exceeds the standards established by the FCC, the permit holder shall immediately notify the City and shall take any and all action to remediate the problem as required by the FCC. The small wireless facility shall not be reconnected until the permit holder demonstrates compliance with the FCC requirements.

B. A small wireless facility permit shall not be required for routine maintenance and repair of a small wireless facility within the rights-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 small wireless facility, does not impact the structural integrity of the pole, and does not require pole replacement. Further, a small wireless facility permit shall not be required for replacing equipment within the equipment enclosure or reconfiguration of fiber or power to the small wireless facility. Right-of-way use permits may be required for such routine maintenance, repair or replacement consistent with 19.04 MC.

#### **19.14.060 Consolidated Permit**

A. The issuance of a small wireless facility permit grants authority to construct small wireless facilities in the rights-of-way in a consolidated manner to allow the applicant, in most situations, to avoid the need to seek duplicative approval by both the public works and the development services department. If the applicant requires a new franchise to utilize the city right-of-way, the franchise approval shall be consolidated with the small wireless facility permit review if requested by the applicant. As an exercise of police powers pursuant to RCW 35.99.040(2), the small wireless facility permit is not a right-of-way use permit, but instead a consolidated public works and land use permit and the issuance of a small wireless facility permit shall be governed by the time limits established by federal law for small wireless facilities.

B. ~~To the extent they do not conflict with the requirements of this chapter, the~~ The general standards applicable to the use of the rights-of-way described in ~~19.04 and 19.06-MMC~~ Title 19 shall apply to all small wireless facility permits.

#### **19.14.070 Annual inspection for small wireless facilities required.**

Each grantee shall conduct an annual inspection of its facilities located within the City, at the grantee's expense, and draft a written report of its inspection for submission to the City Engineer. If upon inspection any problems are discovered, the report shall include a proposed fix or correction action plan.

#### **19.14.080 Appeals.**

Small wireless facilities permit decisions are final decisions appealable to the King County Superior Court. Applicant may proceed forward with a permitted project that has been appealed at applicant's own risk and subject to any subsequent court decision that may impact applicant's ability to install such facilities.

#### **19.14.090 Removal of abandoned small wireless facilities.**

A. Any small wireless facility that, after the initial operation of the facility, is not used for the purpose for which it was intended at the time of filing the application for a continuous period of twelve (12) months shall be considered abandoned.

B. The wireless telecommunication carrier of such abandoned small wireless facility shall remove the same within 90 days of receipt of a notice from the City notifying the owner or operator of such abandonment.

C. Whenever a facility is abandoned or ceases operation, the entire facility shall be

removed, including, but not limited to, all antennas, antenna supports, feeder lines, base stations, electronic equipment, and the pole upon which the small wireless facility is located, unless the City determines that such pole shall remain.

D. Failure to remove such an abandoned facility shall result in declaring the small wireless facility a public nuisance. If there are two or more users of a single pole, then this section shall not become effective until all users cease using the pole.

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## ATTACHMENT C

### Chapter 20.12 Definitions

1. Amendment to MMC 20.12.040. Medina Municipal Code Section 20.12.040 is hereby amended by the removal of the definition for “coverage gap”:

~~“Coverage gap” means a geographic area where a telecommunication carrier has a significant gap in service coverage.~~

2. Amendment to MMC 20.12.200. Medina Municipal Code Section 20.12.200 is hereby amended by the removal of the definition for “significant gap in service coverage”:

~~“Significant gap in service coverage” means a large geographical service area in which a large number of remote user subscribers are unable to connect or maintain a connection to the national telephone network through a telecommunication carrier’s wireless communication network. A “dead spot” (defined as small areas within a service area where the field strength is lower than the minimum level for reliable service) does not constitute a significant gap in services.~~

### Chapter 20.37 Wireless Communication Facilities

1. Amendment to MMC 20.37. The Medina Municipal Code Section 20.37.030 hereby amended as follow by the addition of the following provision:

A. The provisions of this chapter shall apply to all new and expansion and/or alteration of wireless communication facilities located within the boundaries of the city, except for the following:

1. Those facilities used for the primary purpose of public safety by a public agency, such as police, and 911 communications systems;
2. Incidental use of a support structure exempts under subsection (A)(1) of this section by nonpublic entities for the attachment of antennas and ancillary facilities;
3. Wireless radio utilized for emergency communications in the event of a disaster;
4. An antenna that is designed to receive television broadcast signals;
5. An antenna for receiving and sending of amateur radio devices or HAM radios provided the criteria in MMC 20.37.040 are satisfied;
6. An antenna that is one meter or less in diameter or diagonal measurement, which is designed to receive direct broadcast satellite services, including direct-to-home satellite services and those subject to MMC 20.32.060;
7. An antenna that is one meter or less in diameter or diagonal measurement, which is designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services-;

8. Small wireless facilities as defined in MMC 19.02.020, and which are subject to MMC. 20.38; and

9. Routine maintenance, repair, and replacement of telecommunication facilities that does not substantially change, as defined in MMC 20.37.190(A)(6), the eligible support structure.

2. Amendment to MMC 20.37. The Medina Municipal Code Section 20.37.030 is hereby amended by the addition of section (C) as follows:

C. See Chapter 19.02.020 MMC for additional definitions for terms utilized in this Chapter.

3. Amendment to MMC 20.37. The Medina Municipal Code Section 20.37.070(B)(3)(b) is here by amended as follows:

The increase in height is the minimum necessary to avoid prohibiting or having the effect of prohibiting the provisions of personal wireless services a significant gap in service coverage on the SR 520 floating bridge;

4. Amendment to MMC 20.37. The Medina Municipal Code Section 20.37.080(B)(1) is hereby amended as follows:

Either the increase in height is established by the applicant as the minimum necessary to avoid prohibiting or having the effect of prohibiting the provisions of personal wireless services within the City eliminate a significant gap in service coverage, or the increase in height is established by the applicant as the minimum necessary to separate components of the wireless communication facility from the electrical primary lines;

5. Amendment to MMC 20.37. The Medina Municipal Code Section 20.37.080(C)(6) is hereby amended as follows:

6. The hearing examiner may approve deviations from the standards in subsections (B), (C)(3), (4) and (5), and (E) of this section under a nonadministrative special use permit provided the applicant can demonstrate the deviation will satisfy the following criteria:

a. Without the deviation, the telecommunications provider would be effectively prohibited from providing telecommunication service to the City; There exists an actual (not theoretical) significant gap in service coverage;

b. The proposed deviation ~~will be~~ is designed and located ~~to remove the significant gap in service coverage in a manner that is,~~ in consideration of the values, objectives, and regulations set forth in this chapter, including subsection (C)(2) of this section, the zoning code, and the comprehensive plan, the least intrusive upon the surrounding area;

c. The granting of the deviation will not be detrimental to the public welfare;

d. ~~The proposed least intrusive deviation is the minimum deviation necessary to resolve the significant gap in service coverage;~~

e. No other less intrusive and feasible, alternative technologies, existing support structures, or alternative sites are available that do not prohibit or have the effect of prohibiting the provisions of personal wireless services, will allow the applicant to resolve the significant gap in service coverage without a deviation from the standard.

6. Amendment to MMC 20.37. The Medina Municipal Code Section 20.37.120(E) and (F) regarding exceptions to the requirement for a nonadministrative special use permit are hereby repealed in their entirety.
7. Amendment to MMC 20.37. Medina Municipal Code Section 20.37.130(C) is hereby repealed in its entirety.
8. Amendment to MMC 20.37. Medina Municipal Code Section 20.37.140 is hereby repealed in its entirety.
9. Amendment to MMC 20.37. Medina Municipal Code Chapter 20.37 is hereby amended by the addition of 20.37.190 – Eligible facilities request, as follows:

**20.37.190 Eligible facilities request**

A. Definitions. The following definitions shall apply to Eligible Facilities Requests only as described in this Section 20.37.190.

1. “Base Station”: 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 backup 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 subparagraph (i) and (ii) above 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 Eligible Facilities Request application is filed with the City, does not support or house equipment described in subparagraph (1)(a) and (1)(b) above.



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 Facilities Request”: Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

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

4. “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.

5. “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.

6. “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 10% or by the height of one 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 10% or more than ten (10) feet, whichever is greater;
- 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 twenty (20) 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 cabinets; or, for towers in the public rights-of-way and Base Stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% 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 non-compliant only in a manner that would not exceed the thresholds identified above.

7. "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 and fixes wireless services such as microwave backhaul and the associated site.

8. "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 backup 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.

B. Application. The Director shall prepare and make publicly available an application form used 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. Qualification as an Eligible Facilities Request. Upon receipt of an application for an Eligible Facilities Request, the Director shall review such application to determine whether the application qualifies as an Eligible Facilities Request.

D. Timeframe for Review. Within sixty (60) days of the date on which an applicant submits an Eligible Facilities Request application, the Director shall approve the application unless it determines that the application is not covered by this Section 20.38.080.

E. Tolling of the Time Frame for Review. The sixty (60) day review period begins to run when the application is filed and may be tolled only by mutual agreement by the Director and the applicant or in cases where the Director determines that the application is incomplete. The timeframe for review of an Eligible Facilities Request is not tolled by a moratorium on the review of applications.

1. To toll the timeframe for incompleteness, the Director shall provide written notice to the applicant within thirty (30) days of receipt of the application, clearly and specifically delineating all missing documents or information required in the application.

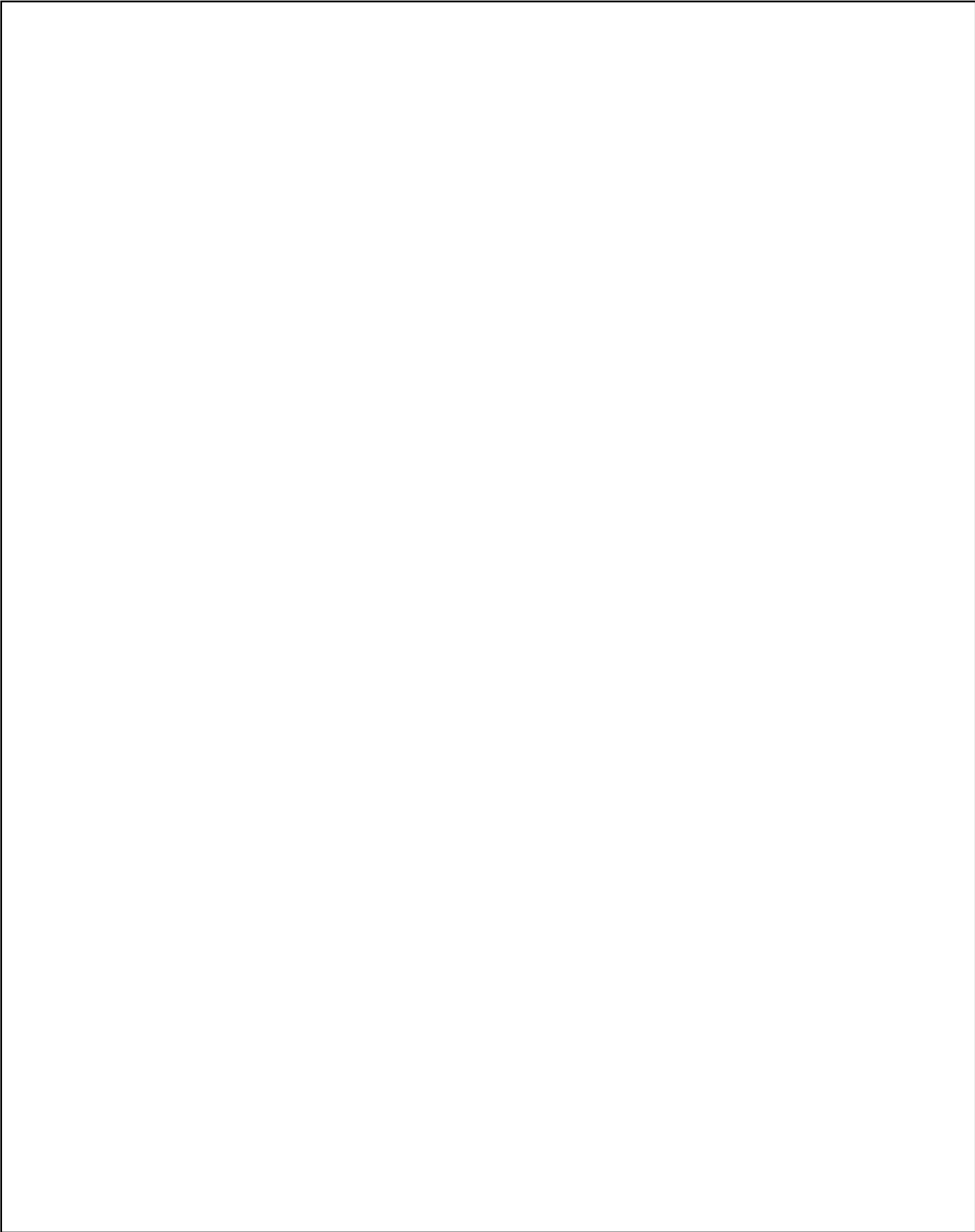
2. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the Director's notice of incompleteness.

3. Following a supplemental submission, the Director will notify the applicant within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case

of second or subsequent notices pursuant to the procedures identified in this subsection. Second or subsequent notice 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 Director determines that the applicant's request does not qualify as an Eligible Facilities Request, the Director shall deny the application.

G. Failure to Act. In the event the Director fails to approve or deny a request for an Eligible Facilities Request within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the Director in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.



## ATTACHMENT D

### Chapter 20.38 SMALL WIRELESS FACILITIES

#### **Sections:**

<u>20.38.010</u>	<u>Purpose.</u>
<u>20.38.020</u>	<u>Definitions.</u>
<u>20.38.030</u>	<u>General provisions.</u>
<u>20.38.040</u>	<u>Applicability.</u>
<u>20.38.050</u>	<u>Hierarchy for small wireless facility placement.</u>
<u>20.38.060</u>	<u>Design Zones for small wireless facilities.</u>
<u>20.38.070</u>	<u>Design and concealment standards for small wireless deployments.</u>
<u>20.38.080</u>	<u>New poles in the rights-of-way for small wireless facilities or installations for deployments in Design Zones.</u>
<del>20.38.080</del>	<del>Eligible facilities request.</del>
<del>20.38.090</del>	<del>Testing of small wireless facilities required.</del>
<del>20.38.100</del>	<del>Appeals.</del>

#### **20.38.010 Purpose.**

The purpose of this chapter is to set forth the regulations for the placement, development, permitting, and removal of small wireless facilities. Among the purposes included are to:

- A. Ensure that residents receive the best technology possible while siting the technology in a respectful and thoughtful manner.
- AB. Minimize potential adverse visual, aesthetic, and safety impacts of small wireless facilities.
- BC. Establish objective standards for the placement of small wireless facilities.
- CE. Ensure that such standards allow competition and do not unreasonably discriminate among providers of functionally equivalent services.
- D. Provide clear and predictable permitting requirements for network providers and the community.
- DE. Encourage the design of such small wireless facilities to be aesthetically and architecturally compatible with the surrounding built and natural environments where possible.
- F. Provide an opportunity for residents and interested parties to provide comment on the proposed location and design of new small wireless facilities;
- EG. Encourage the collocation or attachment of small wireless facilities on existing support structures to help minimize the total number and impact of such structures throughout the community.

FH. Protect the public health, safety and welfare.

#### **20.38.020 Definitions.**

See Chapter 19.02.020 MMC for ~~additional definitions for~~ of terms utilized in this Chapter.

~~A. —“Antenna” means any exterior apparatus designed for telephonic, radio, data, Internet or other communications through the sending and/or receiving of radio frequency signals including, but not limited to, equipment attached to a tower, utility pole, building or other structure for the purpose of providing wireless services.~~

~~B. —“Co-location” means (1) mounting or installing an antenna facility on a pre-existing structure, and/or (2) 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.~~

~~C. —“Small wireless facility” has the same meaning as defined in 47 CFR 1.6002.~~

~~D. —“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 comingled with other types of services).~~

~~E. —“Transmission equipment” means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services included, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.~~

~~F. —“Unified enclosure” means a small wireless facility providing concealment of antennas and equipment within a single enclosure.~~

~~G. —“Utility pole” means a structure designed and used primarily for the support of electrical wires, telephone wires, television cable, traffic signals, or lighting for streets, parking areas, or pedestrian paths.~~

#### **20.38.030 General provisions.**

~~A.~~ A. Small wireless facilities shall not be considered nor regulated as essential public facilities.

B. Small wireless facilities located outside of the public rights-of-way ~~may be either a primary or a secondary use~~ are permitted subject to a valid small wireless facility permit. A different use of an existing structure on the same lot shall not preclude the installation of a small wireless facility.

C. Small wireless facilities located within the ~~public city~~ public city right-of-way pursuant to a valid franchise are permitted uses in every zone of the ~~City but still require a small wireless facility~~

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permit pursuant to MMC 19.02.140.~~city.~~

**20.38.040 Applicability.**

A. Applicability. The placement of any small wireless facility in any location within the city is subject to the provisions of this chapter.

B. Permit Required. Any application for a small wireless facility both inside and outside of the city right-of-way shall comply with the application requirements for a small wireless facility permit described in ~~Chapter~~ MMC 19.14.020.

C. Lease Required. In addition to the requirement of obtaining a small wireless facility permit, if all or a portion of the small wireless facility will be located upon a city-owned structure, or upon non-right-of-way property, which is either city-owned or city-leased, the applicant shall be required to enter into a lease agreement with the City for the use of the city property.

D. Franchise Required. In addition to the requirement of obtaining a small wireless facility permit, if all or a portion of the small wireless facility will be located within the city's right-of-way, the applicant shall be required to enter into a franchise agreement, consistent with MMC Chapter 19.02.140, with the City for the use of the city's right-of-way and comply with the requirements pursuant to MMC Title 19.

**20.38.050 Hierarchy for small wireless facility placement.**

A. The City's preference is for applicants to deploy small wireless facilities as follows:

1. On existing or replacement wooden poles.
2. If an applicant would like to place a new metal pole, it should be placed along 84<sup>th</sup> Avenue between NE 12<sup>th</sup> Street and NE 28<sup>th</sup> Street.
3. If an applicant would like to place a pole in an undergrounded area, any new or replacement pole shall substantially conform to the design of the pole it is replacing or the neighboring pole designs utilized within the contiguous right-of-way (or the City's preferred standard pole design, if applicable) and comply with the concealment standards in MMC 20.38.070.

**20.38.060 Design Zones for small wireless facilities.**

A. The following zones are designated as Design Zones for the purpose of siting small wireless facilities: ~~Medina Park located at 7789 NW 12<sup>th</sup> Street,~~

1. Medina Park located at 7789 NW 12<sup>th</sup> Street;
2. Medina Beach Park located at 501 Evergreen Point Road, ~~and;~~
3. Fairweather Nature Preserve (also referred to as Fairweather Nature Preserve and Park) located at 2857 Evergreen Point Road, ~~;~~
4. Viewpoint Park located at Overlake Drive West and 84<sup>th</sup> Avenue NE, ~~and;~~

City of Medina, Draft of MMC Title 20

A.5. Lake Lane Park located in the 3300 block of 78<sup>th</sup> Place NE.

B. Any applicant who desires to place a small wireless facility in a Design Zone must first establish that the applicant cannot locate the small wireless facility outside of the Design Zone. Applications for small wireless facilities in a Design Zone may be approved if the applicant demonstrates that due to technical infeasibility the applicant cannot locate the proposed small wireless facility on an existing or replacement pole within 500 feet of the proposed site and outside of the Design Zone.

C. Applications for small wireless facilities within Design Zones ~~are subject to approval by the Hearing Examiner and~~ must comply with a concealment element design described in Chapter ~~20.38.070 below.~~ 20.38.080. Such applications are subject to review and approval or denial by the Director.

**20.38.06020.38.070 Design and concealment standards for small wireless deployments.**

Small wireless facility ~~deployments~~ facilities whether permitted in the right-of-way under Chapter 19.14 MMC ~~or permitted in accordance with this chapter~~ inside or outside the city right-of-way shall conform to the following design standards:-2

A. Small wireless facilities attached to existing or replacement non-wooden light poles ~~and other non-wooden poles in the right-of-way or non-wooden poles outside of the~~ or utility poles inside or outside the city right-of-way shall conform to the following design criteria:

1. Upon adoption of a city standard small wireless facility pole design(s) within the City's Standards, Specifics and Details Manual, the applicant shall utilize such pole design or may request modifications to the standard pole design to accommodate its small cell facility without substantially changing the outward visual and aesthetic character of the design. The applicant, upon a showing that use or modification of the standard pole design is either technically or physically infeasible, or that the modified pole design will not comply with the city's ADA, or sidewalk clearance requirements and/or would violate electrical or other safety standards, may deviate from the adopted standard pole design and use the design standards as adopted in this subsection A.

2. ~~Enclosure Location and Dimensions~~ The antennas and equipment shall be located using the following methods in priority order: ~~b.~~ Located on a pole. If located on a pole, antennas and associated equipment enclosures must be camouflaged to appear as an integral part of the pole or flush mounted to the pole, meaning no more than six (6) inches off of the pole, and shall be the minimum size necessary for the intended purpose. ~~The equipment enclosure and all other wireless equipment associated with the pole.~~ The applicant shall minimize to the extent possible the antenna and equipment space and shall use the smallest amount of enclosure possible to fit the necessary equipment. In no event shall the equipment enclosure and all other wireless equipment associated with the small wireless facility (including but not limited to conduit), including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole-exceed twenty-eight (28) cubic feet. Up to fifteen 15 cubic feet of equipment is allowed on the pole. Any equipment exceeding the fifteen 15 cubic feet allowance shall be installed underground. The follow design criteria shall apply as applicable depending on the location of the antenna and equipment:



(a) Located on a pole. If located on a pole, antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) must be camouflaged to appear as an integral part of the pole or flush mounted to the pole, meaning for antennas no more than twelve (12) inches off of the pole and for associated equipment no more than six (6) inches off the pole, and must be the minimum size necessary for the intended purpose, not to exceed the volumetric dimensions of small wireless facilities. If the equipment enclosure is permitted on the exterior of the pole, the applicant is required to place the equipment enclosure behind any banners or road signs that may be on the pole, provided that such location does not interfere with the operation of the banners or signs. The furthest point of any antenna or equipment enclosure may not extend more than twenty (20) inches from the face of the pole, or the equipment itself. The applicant may install a side mounted canister antenna, so long as the inside edge of the antenna is no more than six (6) 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.

(b) Concealed completely within the pole or pole base. Antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) shall be fully concealed within the pole, unless such concealment is otherwise technically infeasible, or is incompatible with the pole design. The diameter of the pole shall comply with the City's setback and sidewalk clearance requirements and shall, to the extent technically feasible, not be more than a twenty (20) inches measured at the base of the pole, unless additional diameter is needed in order to conceal equipment within the base of the pole. The pole shall comply with the requirements in subsection E.4 below

e.(c) Underground in a utility vault. If located underground, the access lid to the equipment enclosure shall be located outside the footprint of any pedestrian curb ramp and shall have a nonskid surface meeting ADA requirement if located within an existing pedestrian access route.

(d) On private property. If located on private property, the applicant shall submit a copy of an executed easement or lease agreement with a letter of authority from the private property owner prior to the small wireless facility permit issuance.

2. An antenna on top of an existing pole may not extend more than six (6) feet above the height of the existing pole and the diameter may not exceed sixteen (16) inches, measured at the top of the pole, unless the applicant can demonstrate that more space is needed. The antennas shall be integrated into the pole design so that it appears as a continuation of the original pole, including colored or painted to match the pole, and shall be shrouded or screened to blend with the pole except for canister antennas and 5G antennas which shall not require screening. All cabling and mounting hardware/brackets from the bottom of the antenna to the top of the pole shall be fully concealed and integrated with the pole.

3. Any replacement pole shall substantially conform to the design of the pole it is replacing or the neighboring pole design standards utilized within the contiguous right-of-way, or the City's new preferred standard pole design if applicable, and conform to the

applicable requirements in subsection E below.

4. The height of any replacement pole and associated antennas may not extend more than ten (10) feet above the height of the existing pole or the minimum additional height necessary; provided that the height of the replacement pole cannot be extended further by additional antenna height.

~~5. The diameter of a replacement pole shall comply with the City's setback and sidewalk clearance requirements and shall, to the extent technically feasible, not be more than a 25% increase of the existing non-wooden pole measured at the base of the pole, unless additional diameter is needed in order to conceal equipment within the base of the pole, and shall comply with the requirements in subsection E(4) below.~~

~~6. The use of the pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.~~

~~7. All equipment that can be located underground shall be located underground if technically feasible.~~

5. The use of the pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

B. Wooden pole design standards. Small wireless facilities located on wooden poles inside or outside the city right-of-way shall conform to the following design criteria:

1. The wooden pole at the proposed location 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 ten (10) feet taller than the existing pole, unless a further height increase is required and confirmed in writing by the pole owner and that such height extension is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.

2. A pole extender may be used instead of replacing an existing pole but may not increase the height of the existing pole by more than ten (10) feet, unless a further height increase is required and confirmed in writing by the pole owner and that such height increase is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.

(a) A "pole extender" as used herein is an object affixed between the pole and the antenna for the purpose of increasing the height of the antenna above the pole. The pole extender shall be painted to approximately match the color of the pole and shall substantially match the diameter of the pole measured at the top of the pole.

3. Replacement wooden poles must either match the approximate color and materials of the replaced pole or shall be the standard new wooden pole used by the pole owner in the City, and in addition shall conform to the applicable requirements in subsection E below.
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 wooden pole on which they are attached.
5. Antennas shall not be mounted more than twelve (12) inches from the surface of the wooden pole.
6. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness. Multiple antennas are permitted on a wooden pole provided that each antenna ~~enclosure~~ shall not be more than three (3) cubic feet in volume.
7. A canister antenna may be mounted on top of an existing or replacement wooden pole, which may not exceed the height requirements described in subsection B(1) above. A canister antenna mounted on the top of a wooden pole shall not exceed sixteen (16) inches, measured at the top of the pole, 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~~ install a side mounted canister antenna, so long as the inside edge of the antenna is no more than twelve (12) inches from the surface of the wooden pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the wooden pole.
8. The furthest point of any antenna or equipment enclosure may not extend more than twenty ~~eight (2028)~~ inches from the face of the pole. Any equipment or antenna enclosures must meet WSDOT height clearance requirements.
9. An omni-directional antenna may be mounted on the top of an existing wooden pole, provided such antenna is no more than four (4) feet in height 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.
10. All related equipment, including but not limited to ancillary equipment, radios, cables, associated shrouding, microwaves, and conduit which are mounted on wooden poles shall not be mounted more than six (6) inches from the surface of the pole, unless a further distance is technically required, and is confirmed in writing by the pole owner.
11. ~~Equipment for small wireless facilities must be attached to the wooden pole, unless otherwise permitted to be ground mounted pursuant to subsection (E)(1). The equipment must be placed in the smallest enclosure possible for the intended purpose. The~~ The applicant shall minimize to the extent possible the antenna and equipment space and shall use the smallest amount of enclosure possible to fit the necessary equipment. In no event shall the equipment enclosure and all other wireless equipment associated with the utility poles small wireless facility (including but not limited to conduit), including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole, ~~may not~~ exceed twenty-eight (28) cubic feet. Multiple

~~equipment enclosures may be acceptable if designed to more closely integrate with the pole design and does not cumulatively exceed twenty-eight (28) cubic feet. The applicant is encouraged~~ Up to fifteen 15 cubic feet of equipment is allowed on the pole. Any equipment exceeding the fifteen 15 cubic feet allowance shall be installed underground. The follow design criteria shall apply as applicable depending on the location of the antenna and equipment:

(a) Located on a pole. If located on a pole, antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) must be camouflaged to appear as an integral part of the pole or flush mounted to the pole, meaning for antennas no more than twelve (12) inches off of the pole and for associated equipment no more than twelve (12) inches off the pole if necessary for tilt, and must be the minimum size necessary for the intended purpose, not to exceed the volumetric dimensions of small wireless facilities. If the equipment enclosure is permitted on the exterior of the pole, the applicant is required to place the equipment enclosure behind any banners or road signs that may be on the pole, provided that such location does not interfere with the operation of the banners or signs, or the equipment itself. The applicant may install a side mounted canister antenna, so long as the inside edge of the antenna is no more than six (6) 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.

(b) Located Underground. If located underground, the access lid to the equipment enclosure shall be located outside the footprint of any pedestrian curb ramp and shall have a nonskid surface meeting ADA requirement if located within an existing pedestrian access route.

(c) Located on private property. If located on private property, the applicant shall submit a copy of a letter of authority from the private property owner prior to the small wireless facility permit issuance.

~~12. An applicant who desires to enclose both its antennas and equipment within one unified enclosure may do so, provided that such enclosure is the minimum size necessary for its intended purpose and the enclosure and all other wireless equipment associated with the pole, including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole does not exceed twenty-eight (28) cubic feet. The unified enclosure may not be placed more than six (6) inches from the surface of the pole, unless a further distance is required and confirmed in writing by the pole owner. To the extent possible, the unified enclosure shall be placed so as to appear as an integrated part of the pole or behind banners or signs, provided that such location does not interfere with the operation of the banners or signs.~~

13. The visual effect of the small wireless facility on all other aspects of the appearance of the wooden pole shall be minimized to the greatest extent possible.

14. The use of the wooden pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the

small wireless facility and all associated equipment shall be removed.

15. The diameter of a replacement pole shall comply with the City's setback and sidewalk clearance requirements and shall not be more than a 25% increase of the existing utility pole measured at the base of the pole.

16. All cables and wires shall be routed through conduit along the outside of the pole. The outside conduit shall be colored or painted to match the pole. The number of conduit shall be minimized to the number technically necessary to accommodate the small wireless.

C. Small wireless facilities attached to existing buildings, shall conform to the following design criteria:

1. Small wireless facilities may be mounted to the sides of a building if the antennas do not interrupt the building's architectural theme.

2. The interruption of architectural lines or horizontal or vertical reveals is discouraged.

3. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if it complements the architecture of the existing building.

4. Small wireless facilities shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building.

5. 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.

6. Small wireless facilities shall be painted and textured to match the adjacent building surfaces, unless otherwise technically infeasible.

7. Small wireless facilities must meet the height requirement of the underlying zoning district.

8. Feed lines and coaxial cables shall be located below the parapet of the rooftop or otherwise concealed from view.

9. If a cabinet enclosure cannot be located within the building where the small wireless facilities will be located, then the City's first preference is for the wireless telecommunication carrier to locate the equipment on the roof of the building. If the equipment can be screened by placing the equipment below the parapet walls, no additional screening is required. If screening is required, the proposed screening must be consistent with the existing building in terms of color, design, architectural style, and material. If the cabinet equipment cannot be located on the roof or within the building then it shall be located underground consistent with subsection E(1).

D. Small wireless facilities mounted on cables strung between existing utility poles shall

conform to the following standards.

1. Each strand mounted facility shall not exceed ~~three-four~~ (34) cubic feet in volume;~~;~~<sub>±</sub>
2. Only one strand mounted facility is permitted per cable between any two existing poles;~~;~~<sub>±</sub>
3. The pole must be able to support the necessary load requirements of the strand mounted facility.
34. The strand mounted devices shall be placed as close as possible to the nearest utility pole, in no event more than five (5) feet from the pole unless a greater instance technically necessary or is required by the pole owner for safety clearance;
45. No strand mounted device shall be located in or above the portion of the roadway open to vehicular traffic;~~;~~<sub>±</sub>
56. Ground mounted equipment to accommodate a shared mounted facility is not permitted except when placed in pre-existing equipment cabinets;~~and~~<sub>±</sub>
67. Pole mounted equipment shall comply with the requirements of subsections A and B above.
78. Such strand mounted devices must be installed to cause the least visual impact, be outside the view of a single family residence, and without excess exterior cabling or wires (other than the original strand).
89. Strand mounted facilities are prohibited on non-wooden poles, unless the existing pole has pre-existing communication wirelines.

E. General requirements.

1. Ground mounted equipment in the rights of way is prohibited, unless such facilities are placed under ground or the applicant can demonstrate that pole mounted or undergrounded equipment is technically infeasible. If ground mounted equipment is necessary, then the applicant shall submit a concealment element plan. Generators located in the rights of way are prohibited.
2. No equipment shall be operated so as to produce noise in violation of Chapter 8.06 MMC.
3. Small wireless facilities are not permitted on traffic signal poles unless denial of the siting could be a prohibition or effective prohibition of the applicant's ability to provide telecommunications service in violation of 47 USC §§ 253 and 332.
4. Replacement poles and new poles shall comply with the Americans with Disabilities Act (ADA), City construction and sidewalk clearance standards, city ordinance, and state and federal laws and regulations in order to provide a clear and safe passage within the rights-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 the public welfare, health or safety.

5. Replacement poles shall be located ~~as near as possible to~~ no more than five (5) feet from the existing pole with the requirement to remove the abandoned pole.
6. No signage, message or identification other than the manufacturer's identification or identification required by governing law is allowed to be portrayed on any antenna or equipment enclosure. Any permitted signage shall be located on the equipment enclosures or as otherwise required by law and be of the minimum amount possible to achieve the intended purpose ~~(no larger than 4x6 inches)~~ needed to meet applicable law, regulations, and standards; provided that, signs are permitted as concealment element techniques where appropriate.
7. Antennas and related equipment shall not be illuminated except for security reasons, required by a federal or state authority, or unless approved as part of a concealment element plan. ~~As feasible, lighting must be shielded to prevent direct glare and should not be directed towards nearby properties.~~
8. Side arm mounts for antennas or equipment must be the minimum extension necessary and for wooden poles may be no more than twelve (12) inches off the pole and for non-wooden poles no more than six (6) inches off the pole.
9. The preferred location of a small wireless facility on a pole is the location with the least visible impact.
10. Antennas, equipment enclosures, and ancillary equipment, conduit and cable, shall not dominate the structure or pole upon which they are attached. Antennas, equipment enclosures, and ancillary equipment, conduit and cable is encouraged to be integrated within the pole when technically feasible.
11. Except for locations in the city right-of-way or within access easements on private property within property owner permission, small wireless facilities are not permitted on any property containing a residential use in the residential zones.
12. The City may consider the cumulative visual effects of small wireless facilities mounted on poles within the rights-of-way in when assessing proposed siting locations so as to not adversely affect the visual character of the City. This provision shall not be applied to limit the number of permits issued when no alternative sites are reasonably available nor to impose a technological requirement on the applicant.
13. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would ~~unreasonably impair the function of the technology chosen by~~ effectively prohibit the applicant from providing a wireless service, alternative forms of concealment or deployment may be permitted which provide similar or greater protections from negative visual impacts to the streetscape.

**20.38.070~~20.38.080~~ New poles in the rights-of-way for small wireless facilities or installations for deployments in Design Zones.**

A. ~~New poles within the rights-of-way or structures for small wireless facilities or for installations of small wireless facilities in a Design Zone~~ are only permitted if the applicant can establish that:

1. ~~The proposed small wireless facility cannot be located on an existing utility pole or light pole, electrical transmission tower or on a site outside of the public rights-of-way-of-way or access easement such as a public park, public property, a building, a transmission tower, or in or on a non-residential use in a residential zone whether by roof or panel-mount or separate structure;~~

2. ~~The proposed small wireless facility complies with the applicable requirements of MMC 20.38.070(E);~~

23. ~~The proposed small wireless facility receives approval for a concealment element design, as described in MMC 20.38.070(C)~~20.38.080(C) below;

4. ~~For access easements, the property owner has given written permission for the placement of a new pole within the access easement in such a manner so as to not frustrate the purpose of the easement or create any access or safety issue and shall be in compliance with all land use regulations such as, but not limited to, setback requirements;~~

35. ~~The proposed small wireless facility also complies with Shoreline Management Act, and SEPA, if applicable; and~~

46. ~~Any new pole shall be installed at the point closest to the side property line so as to not impact the property's view; and~~

57. ~~No new poles shall be located in a critical area or associated buffer required by the City's Critical Areas Management ordinance (Title 20.50 MMC 20.50 MMC), except when determined to be exempt pursuant to said ordinance.~~

6. ~~All equipment that can be located underground shall be located underground if technically feasible.~~

B. ~~An application for a new pole or deployment in a Design Zone is subject to a review and decision approval or denial by the Hearing Examiner/Director.~~

C. ~~The concealment element design shall include the design of the screening, fencing or other concealment technology for a tower, pole, or equipment structure, and all related transmission equipment or facilities associated with the proposed small wireless facility, including but not limited to fiber and power connections.~~

1. ~~The concealment element design should seek to minimize the visual obtrusiveness of the small wireless facility. The proposed pole or structure should have similar designs to existing neighboring poles in the rights of way, including similar height to the extent technically feasible. If the proposed small wireless facility is placed on a~~



replacement pole in a Design Zone, then the replacement pole shall be of the same general design as the pole it is replacing, unless the development services department otherwise approves a variation due to aesthetic or safety concerns. Any concealment element design for a small wireless facility on a decorative pole should attempt to mimic the design of such pole and integrate the small wireless facility into the design of the decorative pole. Other concealment methods include, but are not limited to, integrating the installation with architectural features or building design components, utilization of coverings or concealment devices of similar material, color, and texture - or the appearance thereof - as the surface against which the installation will be seen or on which it will be installed, landscape design, or other camouflage strategies appropriate for the type of installation. Applicants are required to utilize designs in which all conduit and wirelines are installed internally in the structure. ~~Further, applicant designs should, to the extent technically possible, comply with the generally applicable design standards adopted pursuant to MMC 20.38.060.~~

2. If the Director has already approved a concealment element design either for the applicant or another small wireless facility along the same public city right-of-way ~~if applicable~~, or for the same pole type, then the applicant shall utilize a substantially similar concealment element design, unless it can show that such concealment element design is not physically or technologically feasible, or that such deployment would undermine the generally applicable design standards.

D. Even if an alternative location is established pursuant to ~~20.38.070(A)~~(120.38.080(A)(1)) the Director may determine that a new pole in the ~~right-of-way~~ is in fact a superior alternative based on the impact to the City, the concealment element design, the City's Comprehensive Plan and the added benefits to the community.

E. Prior to the issuance of a permit to construct a new pole or ground mounted equipment in the city right-of-way, the applicant must obtain a site-specific agreement from the City to locate such new pole or ground mounted equipment. This requirement also applies to replacement poles ~~that are when the replacement is necessary for the installation or attachment of small wireless facilities, the replacement structure is~~ higher than the replaced ~~pole structure~~, and the overall height of the replacement ~~pole structure~~ and the ~~proposed~~ small wireless facility is more than sixty (60) feet.

F. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would ~~unreasonably impair the function of the technology chosen by~~ effectively prohibit the applicant from providing a wireless service, alternative forms of concealment or deployment may be permitted which provide similar or greater protections ~~of the street scape~~ from negative visual impacts to the streetscape.

#### **20.38.080 — Eligible Facilities Request**

A. ~~Definitions.~~ The following definitions shall apply to Eligible Facilities Requests only as described in this Section 20.38.080.

~~1. "Base Station": 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 backup 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 subparagraph (i) and (ii) above 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 Eligible Facilities Request application is filed with the City, does not support or house equipment described in subparagraph (1)(a) and (1)(b) above.

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 Facilities Request”: Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

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

4. “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.

5. “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.

6. “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 10% or by the height of one 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 10% or more than ten (10) feet, whichever is greater;~~

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 twenty (20) 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 cabinets; or, for towers in the public rights of way and Base Stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% 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 non-compliant only in a manner that would not exceed the thresholds identified above.~~

~~7. "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 and fixed wireless services such as microwave backhaul and the associated site.~~

~~8. "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 backup 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.~~

~~B. Application. The Director shall prepare and make publicly available an application form used 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.~~

City of Medina, Draft of MMC Title 20

~~C. — Qualification as an Eligible Facilities Request. Upon receipt of an application for an Eligible Facilities Request, the Director shall review such application to determine whether the application qualifies as an Eligible Facilities Request.~~

~~D. — Timeframe for Review. Within sixty (60) days of the date on which an applicant submits an Eligible Facilities Request application, the Director shall approve the application unless it determines that the application is not covered by this Section 20.38.080.~~

~~E. — Tolling of the Time Frame for Review. The sixty (60) day review period begins to run when the application is filed and may be tolled only by mutual agreement by the Director and the applicant or in cases where the Director determines that the application is incomplete. The timeframe for review of an Eligible Facilities Request is not tolled by a moratorium on the review of applications.~~

~~1. — To toll the timeframe for incompleteness, the Director shall provide written notice to the applicant within thirty (30) days of receipt of the application, clearly and specifically delineating all missing documents or information required in the application.~~

~~2. — The timeframe for review begins running again when the applicant makes a supplemental submission in response to the Director's notice of incompleteness.~~

~~3. — Following a supplemental submission, the Director will notify the applicant within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this subsection. Second or subsequent notice 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 Director determines that the applicant's request does not qualify as an Eligible Facilities Request, the Director shall deny the application.~~

~~G. — Failure to Act. In the event the Director fails to approve or deny a request for an Eligible Facilities Request within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the Director in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.~~

**20.38.090 — Testing of small wireless facilities required.**

~~A. — Each permitted small wireless facility permit holder shall conduct annual tests, at the permit holder's expense, necessary to establish the level of radio frequency radiation created by the small wireless facility. The purpose of this testing is to ensure that the radio frequency radiation is in compliance with the FCC's regulations and standards.~~

~~B. — The annual testing is in addition to the test required pursuant to MMC 19.14.020(F). Thereafter, the permit holder shall test the small wireless facility every April to measure the radio frequency radiation created by the small wireless communication facilities to ensure compliance with the FCC's regulations and standards.~~

~~C. — All such tests required by this section shall be performed by a licensed electrical engineer, or by a person with equivalent capabilities approved by the City Engineer.~~

~~D. — Copies of each and every radio frequency radiation test shall be submitted to the City Engineer on the first day of the month following the month in which the test is performed. Such test results shall be certified by a licensed electrical engineer. No renewal of a permit or lease shall be granted unless the permit holder submits the test results to the City prior to the City's consideration of the renewal application.~~

~~E. — If at any time the radio frequency radiation test shows that the radio frequency radiation emanating from the small wireless facility exceeds the standards established by the FCC, the permit holder shall immediately disconnect the small wireless facility and notify the City Engineer. The small wireless facility shall not be reconnected until the permit holder demonstrates that corrections have been completed to reduce the radio frequency radiation to levels permitted by the FCC.~~

#### **20.38.100 — Appeals**

~~Small wireless facilities permit decisions or Eligible Facilities Requests decisions made by the Director are final decisions appealable to the Hearing Examiner within thirty (30) days of such decision. However, decisions on request for new poles for the siting of small wireless facilities as outlined in MMC 20.38.070 or for installations in Design Zones as outlined in MMC 20.38.050, are determined by the Hearing Examiner. Such decisions by the Hearing Examiner are final and appealable to King County Superior Court within thirty (30) days of such decision. The timely filing of an appeal of a wireless communication facility permit decision shall stay the effective date of the decision until such time as the appeal is concluded or withdrawn.~~

# City of Medina Wireless Communications Code



OGDEN  
MURPHY  
WALLACE  
ATTORNEYS

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# Why are we here?

- Upcoming changes in technology
  - Small cells work for both 4G and 5G
  - Current build-out & designs are for 4G
  - 5G operates at a different frequency and will use the millimeter wave portion of the spectrum
    - May need to modify design criteria in the future due to changes in technology
    - Will need additional antennas
- FCC Order
  - Effective January 14, 2019



# Process Overview

- Use of OMW template code
  - Tailored for Medina
  - Discussions with City Staff and Council
  - Update MMC Titles 19 and 20
- Request input from Carriers
  - Crown Castle
  - Verizon
  - AT&T
- Council review and feedback
- SEPA & GMA Review
  - For MMC Title 20 Changes





# Council Feedback

Requested Change	Corresponding Code Change
1 Encourage 5G technology	MMC 20.38.070(A)(2)(a) and 20.38.070(B)(11)
2 Update notice and informational meeting requirements	19.14.030(F)
3 Create an initial build out plan requirement	MMC 19.14.020(J)
4 Develop a hierarchy of pole material, based on location	MMC 20.38.050
5 Reduce equipment enclosure size	MMC 20.38.070(A)(2)(a) and 20.38.070(B)(11)
6 Design Manual	Internal staff document
7 Discussion of Fee Schedule	Internal staff document

# Ordinance Process – Next Steps

Step	Status
1 Draft interim regulations	Complete
2 Adopt interim regulations	Complete
3 Meet with council to review interim regulations	In Process
4 Amend interim regulations	In Process
5 GMA review process	May-June 2019
6 Public hearing and adoption process	Due July 14, 2019

# Carrier Feedback

Concern	Addressed
1 Revise “network facility plan” requirement	Replaced with “initial buildout plan” 19.14.020(J)
2 Revise decision maker for new poles and poles in design zones	Replaced hearing examiner decision with Director decision
3 Revise collaborative review requirement	Updated to reflect an “as needed basis” rather than “once per week” 19.14.030(E)
4 Remove public notice and informational meeting requirement	Clarified the noticing and meeting requirements 19.14.030(F)
5 Remove annual testing of facilities requirement	Replaced with “annual inspection” and testing upon modification 19.14.070 and 19.14.050
6 Increase equipment enclosure size	Increased to Bellevue standards 20.38.070(A)(2)(a) and 20.38.070(B)(11)

# Proposed Amendments - MMC Title 19

Section	Title	Proposed Amendment
<b>MMC 19.02.020</b>	Definitions	Updated definitions to reflect new terms in FCC Order
<b>MMC 19.14.010</b>	Application Process	Updated the application process to clarify what permits are required and to encourage consolidated permits for review
<b>MMC 19.14.020</b>	Small Wireless Permit Application	Added additional application requirements including an initial build out plan.
<b>MMC 19.14.030</b>	Review Process	Revised the public notice and informational meeting requirement; made Director final decision-maker
<b>MMC 19.14.040</b>	Permit Requirements	Updated requirements to extend permit time limits and operational activity requirement
<b>MMC 19.14.070</b>	Testing of small wireless facility required	Moved this requirement from 20.38 to 19.14; revised to have an annual inspection and testing upon modifications
<b>MMC 19.14.080</b>	Appeals	Moved this section from 20.38 to 19.14; revised appeal process to go straight to superior court with no administrative hearing process
<b>MMC 19.14.090</b>	Removal of abandoned small wireless facilities	Developed new section for abandoned facilities

# Proposed Amendments – MMC 20.37

Section	Title	Proposed Amendment
<b>MMC 20.37.030</b>	Applicability	Add subsection (C) to refer readers to 19.02.020 MMC for additional definitions for terms utilized in the chapter and also clarified what facilities are excluded from the chapter
<b>MMC 20.37.070 and 20.37.080</b>	Site requirements for macro towers	Removed reference to “significant gap in coverage test” and replaced with “effective prohibition” test
<b>MMC 20.37.120(E) and (F)</b>	Nonadministrative special use permit required	Removed and replaced sections with new MMC 20.37.190
<b>MMC 20.37.130(C)</b>	Application submittal requirements	Removed reference to significant gap in coverage test
<b>MMC 20.37.140</b>	Requirement to demonstrate need for facility	Removed reference to significant gap in coverage test
<b>MMC 20.37.190</b>	Eligible Facilities Requests	Replaces old test for EFRs; moved from 20.38 because it generally pertains to macro facilities

# Proposed Amendments – MMC 20.38

Section	Title	Proposed Amendment
<b>MMC 20.38.010</b>	Purpose	Updated purpose section to reflect goals for the code
<b>MMC 20.38.020</b>	Definitions	Consolidated definitions in MMC 19.02
<b>MMC 20.38.040</b>	Applicability	Clarified what this code applies to and the types of permits required
<b>MMC 20.38.050</b>	Hierarchy for small wireless facility placement	Created a hierarchy for placement of small wireless facilities within the city
<b>MMC 20.38.070</b>	Design and Concealment standards	Created an option for standardize metal pole designs; developed a hierarchy of equipment placement based on equipment size; increased equipment enclosure size
<b>MMC 20.38.080(A)</b>	New Poles	Added language regarding “access easements” to address private lanes
<b>MMC 20.38.080(B)</b>	New Poles	Replaced hearing examiner decision with Director decision

15 cubic



# MMC 20.38.070(A) – Nonwooden Poles



External Equipment

Internal Equipment





# MMC 20.38.070(B) – Wooden Poles



# Fees

- Municipalities are now restricted to a reasonable approximate of objectively reasonable costs
  - Applicable to all fees paid to the municipality (ROW use fees, street closure fees, administrative costs, etc.)
  - Safe harbor thresholds (if you are under this amount the fee is presumptively safe)
    - \$500 for first five applications
    - \$100 for each additional application
    - \$1,000 for new pole
    - \$270 for recurring fees
- Could also do an actual accounting of costs



# Ordinance Process - Next Steps

Step	Status
1 Draft interim regulations	Complete
2 Adopt interim regulations	Complete
3 Meet with council to review interim regulations	In Process
4 Amend interim regulations	In Process
5 GMA review process	May-June 2019
6 Public hearing and adoption process	Due July 14, 2019





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# Verizon Sample





**Medina City Council Regular Meeting  
Monday July 8, 2019**

**AGENDA ITEM 6.1**

**AGENDA BILL**

<b>Subject:</b>	<b><i>Public Hearing on Wireless Communication Facilities Code Amendments</i></b>		
<b>Category:</b>	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Public Hearing
	<input type="checkbox"/> City Council Business	<input type="checkbox"/> Resolution	<input type="checkbox"/> Other – Discussion
<b>Prepared By:</b>	Emily Miner, Assistant City Attorney		

**Summary:**

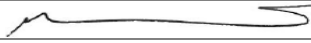
City staff have prepared draft amendments to the Medina Municipal Code regulating wireless communication facilities. The impetus for these code amendments stems from the Federal Communication Commission’s Order that went into effect on January 14, 2019. The FCC Order issued new rules regarding cities’ ability to regulate the deployment of small wireless facilities.

The Council adopted interim regulations on January 14, 2019 and has spent the last six months revising and refining the interim regulations. The Council has reviewed and provided feedback on the code over the course of three meetings. In addition, the Council has held two public hearings to solicit and receive input from both citizens and the industry. Staff have revised the code based on the feedback received from these meetings. Accordingly, included in the attachments here is final version of the code. Adoption of the code will conclude the official code amendment process.

Future steps beyond the code adoption include the development of internal administrative documents for additional technical standards, collaborative meetings with the other Points Communities to develop uniform design ideas, and a close watch of the litigation at the Ninth Circuit as the legal challenge of the FCC Order continues.

**Attachments:**

1. Staff Report – Wireless Communication Facilities Code Update
2. Comment letter from Washington Department of Transportation
3. Ordinance No. 974
4. Ordinance No. 975

<b>Budget/Fiscal Impact:</b>	N/A
<b>Staff Recommendation:</b>	Approval
<b>City Manager Approval:</b>	
<b>Proposed Council Motion:</b>	Approve Ordinance No. 974 and Ordinance No. 975 as presented.

{EFM1965859.DOC;1/05708.000009/ }

**AGENDA ITEM 6.1  
ATTACHMENT 1****M E M O R A N D U M**

DATE: July 8, 2019  
TO: Honorable Mayor and Medina City Council  
FROM: Emily Miner, Assistant City Attorney  
RE: Wireless Communication Facilities Code Amendments

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In the fall of 2018, the Federal Communication Commission (FCC) adopted new rules regarding how cities can regulate the deployment of small wireless communication facilities in their communities. The FCC Order went into effect on January 14, 2019. In response, the City adopted interim regulations in order to comply with the new FCC Order and protect the City in the event it received an application to deploy small wireless facilities. This gave the Council six months to work through its regular legislative process to further modify and tailor the interim regulations.

Over the last six months, Council has met three times to review the revised code amendments, and has held two public hearings to solicit and receive public comment. Staff also met with citizens and industry experts to obtain feedback on the proposed code. On May 13, 2019, the Council reviewed a draft ordinance that incorporated the comments from the industry. Council requested some changes during the May 13, 2019 meeting and those have been made and are noted in red in the ordinances attached. Staff will also highlight these revisions during the staff presentation. The rest of the code is unchanged since the May 13, 2019 meeting.

In addition to receiving input from the Council, citizens, and industry experts, the code also underwent the required Growth Management Act review, including receiving approval from the Department of Commerce ("DOC"). One comment was received during the DOC review from the Washington State Department of Transportation, which has been addressed. In addition, the code underwent the required State Environmental Policy Act review. A determination of non-significance was issued, and no comments or appeals were received.

Accordingly, staff recommends approval of the code amendments as presented.

**AGENDA ITEM 6.1  
ATTACHMENT 2**

**Emily F. Miner**

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**From:** Stephanie Keyser <skeyser@medina-wa.gov>  
**Sent:** Thursday, June 13, 2019 7:37 AM  
**To:** Emily F. Miner  
**Subject:** FW: WSDOT comments on Medina small cell wireless code update, Commerce ID # 2019-S-268  
**Attachments:** Picture (Device Independent Bitmap) 1.jpg

Good Morning Emily,

Please see WSDOT's comment below!

Stephanie

-----Original Message-----

**From:** Bolotin, Leah <BolotiL@wsdot.wa.gov>  
**Sent:** Thursday, June 13, 2019 7:35 AM  
**To:** Stephanie Keyser <skeyser@medina-wa.gov>  
**Cc:** Wright, Patrick <WrightP@wsdot.wa.gov>  
**Subject:** WSDOT comments on Medina small cell wireless code update, Commerce ID #2019-S-268

Hi Stephanie,

Thank you for the opportunity to review Medina's code update. WSDOT has reviewed the proposed amendments to Medina Municipal Code Titles 19 and 20 - Wireless Code. The WSDOT Aviation Office is asking all jurisdictions to add the following text to their wireless communications code:

Any proposed communication tower or Small Wireless Facility requires analysis by the FAA to ensure that the structure does not emit incompatible frequencies that could impact air navigation or air navigation facilities. This is accomplished by submitting an FAA Form 7460-1 for analysis by the FAA. Additionally, an FAA Form 7460-1 is required for proposed construction of any facility that can impede the operations of an airport or national airspace as required by 14 CFR Part 77 <<https://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=61302bd90d79271a583474ad2f9dcd7e&rgn=div5&view=text&node=14:2.0.1.2.9&idno=14>>.

Please forward questions regarding the above suggested text to WSDOT Aviation & Emergency Services Planner Patrick Wright at WrightP@wsdot.wa.gov or 360-709-8019.

Thank you,  
Leah

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Leah Bolotin, AICP  
Senior Planner  
WSDOT Management of Mobility Division  
206-440-5057  
WSDOT Planning Resources <<http://www.wsdot.wa.gov/planning/community/GMA.htm>>

**AGENDA ITEM 6.1  
ATTACHMENT 3**

**Ordinance No. 974**

**AN ORDINANCE OF THE CITY OF MEDINA, WASHINGTON CONCERNING APPLICATION REQUIREMENTS FOR SMALL WIRELESS FACILITIES; AMENDING MMC SECTION 19.02.020; REPEALING AND REPLACING IN FULL MMC CHAPTER 19.14; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

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**WHEREAS**, the Federal Communications Commission ("FCC") recently adopted a Declaratory Ruling and Third Report and Order 18-133 ("FCC Order") governing small wireless facilities, which imposes limitations on the processing and review of all permits associated with the deployment of small wireless facilities, including setting presumptive review periods for the consideration of such facilities; and

**WHEREAS**, poles within the public rights-of-way have been identified by the FCC as a primary resource for the deployment of small wireless facilities which are intended to increase the density and accessibility of radio frequency signals employed by smart phones and other wireless devices; and

**WHEREAS**, the FCC Order allows the City to adopt standards for the deployment of small wireless facilities that will require utilization of a consolidated process emphasizing administrative review in order to comply with federal presumptively reasonable time limits for review; and

**WHEREAS**, the City Council finds that the existence of the federal regulations requires the enactment of administrative procedures and processes which can comply with the FCC Order; and

**WHEREAS**, on January 8, 2019, the Council adopted permitting regulations for small wireless facilities pursuant to Ordinance No. 967 and simultaneously adopted Ordinance No. 968 which established interim aesthetic regulations and official controls for small wireless facilities; and

**WHEREAS**, over the last six months, the City Council held three Council meetings, and two public hearings to solicit and receive public testimony regarding these wireless code amendments; and

**WHEREAS**, contemporaneously with the consideration of this Ordinance, the City Council considered and enacted amendments to MMC Title 20 by adopting a new Chapter 20.38 authorizing and establishing permanent aesthetic standards for the deployment of small wireless facilities pursuant to Ordinance No. 975 and

**WHEREAS**, the City Council finds that adopting the revised applications requirements related to small wireless facilities as set forth in the sections below will further the public's health, safety, and welfare.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, DOES ORDAIN AS FOLLOWS:

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**Section 1. Findings.** The City Council adopts the recitals above and further finds that this ordinance is necessary, in conjunction with Ordinance No. 975, to address potential applications for small wireless facilities within the presumptive safe harbor review periods prescribed by the FCC Order.

**Section 2. Amendment to MMC 19.02.020.** The Medina Municipal Code Section 19.02.020 is hereby amended as follows:

The following words and phrases shall have the following meanings, unless the context of the sentence in which they are used shall indicate otherwise:

“Access Easement” means any lane, road, avenue, driveway, etc. that is shared among one or more residents and dedicated for private ingress and egress purposes in a legal document which is recorded with King County Property Records;

“Affiliate” means a person who (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with another person;

“Antenna” means an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to FCC authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under 47 CFR Part 15;

“Applicant” means any person or entity that applies for any authorization, franchise, lease, or permit pursuant to this title;

“Cable Act” means the Cable Communications Policy Act of 1984 and the Cable Television Consumer Protection and Competition Act of 1992;

“Cable facilities” means equipment and wiring used to transmit audio and video signals to subscribers;

“Cable operator” means a telecommunications carrier providing or offering to provide “cable service” within the city as that term is defined in the Cable Act;

“Cable service,” for the purpose of this title, shall have the same meaning provided by the Cable Act;

“Cable system” means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service and other service to subscribers;

“City” means the city of Medina, Washington;

“City property” means and includes all real property owned by the city, other than public streets and utility easements as those terms are defined herein, and all property held in a proprietary capacity by the city, which are not subject to right-of-way licensing and franchising;

“Collocation” means (1) mounting or installing an antenna facility on a pre-existing structure, and/or (2) 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

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ATTACHMENT 3**

the mounting or installing of transmission equipment on an eligible support structure for the purposes of transmitting and/or receiving radio frequency signals for communications purposes;

“Council” means the city council of the city of Medina, Washington acting in its official capacity;

~~“Data communication” means:~~

- ~~1. The transmission of encoded information, or~~
- ~~2. The transmission of data from one point to another;~~

“Director” means the Development Services Director or his/her designee;

“Emergency” means a condition of imminent danger to the health, safety, and welfare of property or persons located within the city including, without limitation, damage to persons or property from natural consequences, such as storms, earthquakes, riots or wars;

“Excess capacity” means the volume or capacity in any existing or future duct, conduit, manhole, handhole or other utility facility within the public way that is or will be available for use for additional telecommunications facilities;

“FCC” or “Federal Communications Commission” means the federal administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers on a national level;

“Fiber optics” means the technology of guiding and projecting light for use as a communications medium;

“Franchise” shall mean the initial authorization, or renewal thereof, approved by an ordinance of the city, which authorizes the franchisee to construct, install, operate, or maintain telecommunications facilities in, under, over, or across rights-of-way of the city ~~and to also provide telecommunications service to persons or areas in the city;~~

“Franchisee” means the person, firm or corporation to whom or which a franchise, as defined in this section, is granted by the council under this title and the lawful successor, transferee or assignee of said person, firm or corporation subject to such conditions as may be defined in this title;

“Grantee” means the person, firm or corporation to whom or which a franchise, as defined in this section, is granted by the council under this chapter and the lawful successor, transferee or assignee of such person, firm or corporation;

“Grantor” means the City of Medina acting through its City Council;

~~“Light pole” means a pole owned by the city and used primarily for light streets, parking areas, parks or pedestrian paths;~~

“Open video system” or “OVS” refers to a facility consisting of a set of transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service, which is provided to multiple subscribers within a community, and which the Federal Communications Commission or its successors has certified as compliant with Part 76 of its rules, 47 C.F.R., Part 76, as amended from time-to-time;

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“Operator” means the person, firm or corporation to whom a franchise is granted pursuant to the provisions of this title;

“Overhead facilities” means utility poles, utility facilities and telecommunications facilities located above the surface of the ground, including the underground supports and foundations for such facilities;

“Person” means and includes corporations, companies, associations, joint stock companies or associations, firms, partnerships, limited liability companies and individuals and includes their lessors, trustees and receivers;

“Property of franchisee” means all property owned, installed or used by a franchisee in the conduct of its business in the city under the authority of a franchise granted pursuant to this title;

“Proposal” means the response, by an individual or organization, to a request by the city regarding the provision of cable services; or an unsolicited plan submitted by an individual or organization seeking to provide cable services in the city;

“Public right-of-way” or “right-of-way” means land acquired or dedicated for public roads and streets but does not include:

1. Land dedicated for road, streets, and highways not opened and not improved for motor vehicle use by the public;
2. Structures, including poles and conduits, located within the right-of-way;
3. Federally granted trust lands or forest board trust lands;
5. Lands owned or managed by the state parks and recreation commission; or
6. Federally granted railroad rights-of-way acquired under 43 U.S.C. Sec 912 and related provisions of federal law that are not open for motor vehicle use.

~~“Right of way” means land acquired or dedicated for public roads and streets, but does not include state highways or land dedicated for roads, streets and highways not opened and not improved for motor vehicle use by the public;~~

“Service provider”: is defined consistently with RCW 35.99.010(6). Service provider shall include those infrastructure companies that provide telecommunications services or equipment to enable the deployment of telecommunication services;

“Small wireless” and “small wireless facility” shall have the same meaning as a “small wireless facility” as set forth in 47 CFR 1.6002(l);

“State” means the state of Washington;

“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 telecommunication service (whether on its own or comingled with other types of services);

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“Surplus space” means that portion of the usable space on a utility pole which has the necessary clearance from other pole users, as required by the federal or state orders and regulations, to allow its use by a telecommunications carrier for a pole attachment;

“Telecommunications carrier” means and includes every person that directly or indirectly owns, controls, operates or manages plant, equipment or property within the city, used or to be used for the purpose of offering telecommunications service;

“Telecommunications facilities” means the plant, equipment and property, including but not limited to, cables, wires, conduits, ducts, pedestals, antennas, electronics and other appurtenances used or to be used to transmit, receive, distribute, provide or offer wireline or wireless telecommunications services;

“Telecommunications provider” means and includes every person who provides telecommunications services over telecommunications facilities without any ownership or management control of the facilities;

“Telecommunications service” means the providing or offering for rent, sale or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium;

“Telecommunications system” see “telecommunications facilities”;

“Traffic Signal Poles” means a pole that supports equipment used for controlling traffic, including but not limited to traffic lights, rapid flashing beacons, speed radar, and school zone flashers;

“Transmission equipment” means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup 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;

“Underground facilities” means utility and telecommunications facilities located under the surface of the ground, excluding the underground foundations or supports for overhead facilities;

“Unified enclosure” means a small wireless facility providing concealment of antennas and equipment within a single enclosure;

“Universal service” means a level of and definition of telecommunications services as the term is defined by the FCC through its authority granted pursuant to Section 254 of the Act;

“Usable space” means the total distance between the top of a utility pole and the lowest possible attachment point that provides the minimum allowable vertical clearance as specified in any federal or state orders and regulations;

“Utility facilities” means the plant, equipment and property, including but not limited to the poles, pipes, mains, conduits, ducts, cables, wires, plant and equipment located under, on or above



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the surface of the ground within the rights-of-way of the city and used or to be used for the purpose of providing utility or telecommunications services;

“Utility Pole” means a structure designed and used primarily for the support of electrical wires, telephone wires, television cable, traffic signals, or lighting for streets, parking areas, or pedestrian paths;

“Washington Utilities and Transportation Commission” or “WUTC” means the state administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services, and providers in the state of Washington to the extent prescribed by law;

“Wireline” means services provided using a physically tangible means of transmission, including without limitation wire or cable, and the apparatus used for such transmission.

**Section 3.** Amendment to MMC Chapter 19.14. MMC Chapter 19.14 – Small Wireless Deployment is hereby repealed and replaced in its entirety as follows:

**MMC 19.14 – Small Wireless Facility Deployment**

**Sections:**

19.14.010	Application process.
19.14.020	Small wireless facility permit applications.
19.14.030	Review process.
19.14.040	Permit requirements.
19.14.050	Modifications.
19.14.060	Consolidated permit.
19.14.070	Annual inspection required.
19.14.080	Appeals.
19.14.090	Removal of abandoned facilities.

**19.14.010 Application process.**

A. Any application for a small wireless facility both inside and outside of the city’s right-of-way shall comply with the application requirements for a small wireless facility permit described in this chapter. For small wireless facilities inside the city right-of-way, the applicant must also comply with the requirements pursuant to MMC 19.12.

B. Consistent with MMC 19.14.060 all permits, and leases necessary for the deployment of small wireless facilities and, if applicable an application for franchise, shall be consolidated for review and a decision rendered to the full extent feasible consistent within the presumptive timeframes established within federal and state law. Applicants are allowed to apply for franchises or leases independently of an application for a small wireless facility permit.

C. The City and applicant for a franchise and other permits associated with the deployment of small wireless facilities face challenges in coordinating applicable legislative and administrative processes under the Federal Communications Commission (FCC) regulations. Accordingly, in order to manage its rights-of-way in a thoughtful manner which balances the need to accommodate new and evolving technologies with the preservation of the natural and aesthetic environment of the City, the City of Medina has adopted this administrative process for

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the deployment of small wireless facilities. Applicants are encouraged and expected to provide all related applications listed in subsection (D) for each facility in one submittal, unless they have already obtained a franchise or lease.

D. The Director is authorized to establish franchise and other application forms to gather the information required by these ordinances from applicants and to determine the completeness of an application as provided herein.

1. Franchise. The process typically begins with and depends upon approval of a franchise for the use of the city right-of-way to deploy small wireless facilities if any portion of the applicant's facilities are to be located in the City right-of-way. An applicant with a franchise for the deployment of small wireless facilities in the City may apply directly for a small wireless facility permit and related approvals. An applicant at its option may utilize phased deployment.

2. Small Wireless Facility Permits. The application requires specification of the small wireless facility components and locations as further required in the small wireless permit application described in MMC 19.14.020. Prior to the issuance of a small wireless facility permit, the applicant shall pay a permit fee in an amount as determined by the City Council and adopted by resolution, or the actual costs incurred by the City in reviewing such permit application.

3. Associated Permit(s). The applicant shall attach all associated required permit applications including but not limited to applications required under MMC 19.12, and applications or check lists required under the City's Critical Areas, Shoreline or SEPA ordinances. Applicants for deployment of small wireless facilities in City Design Zones or for new poles shall also comply with the requirements in MMC 20.38.080.

4. Leases. An applicant who desires to attach a small wireless facility to any structure owned by the City shall include an application for a lease as a component of its application. Leases for the use of public property, structures, or facilities shall be submitted to the City Council for approval.

**19.14.020 Small wireless facility permit application.**

The following information shall be provided by all applicants for a small wireless facility permit:

A. The application shall provide specific locational information including GIS coordinates of all proposed small wireless facilities and specify where the small wireless facilities will utilize existing, replacement or new poles, towers, existing buildings and/or other structures. Ground mounted equipment, conduit, junction boxes and fiber and electrical connections necessary for and intended for use in the deployment shall also be specified regardless of whether the additional facilities are to be constructed by the applicant or leased from a third party. Detailed schematics and visual renderings of the small wireless facilities, including engineering and design standards, shall be provided by the applicant. The application shall have sufficient detail to identify:

1. The location of overhead and underground public utility, telecommunication, cable, water, adjacent lighting, sewer drainage and other lines and equipment within 50

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feet of the proposed project area (which the project area shall include the location of the fiber source and power source). Further, the applicant shall include 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 50 feet from the proposed project area.

2. The specific trees, structures, facilities, lines and equipment, and obstructions, if any, that the applicant proposes to temporarily or permanently remove or relocate and a landscape plan for protecting, trimming, removing, replacing, and restoring any trees or areas to be disturbed during construction.

3. The construction drawings shall also include the applicant's plan for electric and fiber utilities, all conduits, cables, wires, handholes, junctions, meters, disconnect switches, emergency backup cabinets, and any other ancillary equipment or construction necessary to construct the small wireless facility, to the extent to which the applicant is responsible for installing such electric and fiber utilities, conduits, cables, and related improvements. Where another party is responsible for installing such electric and fiber utilities, conduits, cables, and related improvements, applicant's construction drawings shall include such utilities to the extent known at the time of application, but at a minimum applicant must indicate how it expects to obtain fiber and electric service to the small wireless facility.

4. Compliance with the aesthetic requirements of MMC 20.38.070 or with MMC 20.38.080 as applicable.

B. The applicant must show written approval from the owner of any pole or structure for the installation of its small wireless facilities on such pole or structure. For locations outside the city right-of-way, to extent that the pole or structure is not owned by the property owner, the applicant shall demonstrate in writing that they have authority from the property owner to install the small wireless facility on the pole or structure. Submission of the lease agreement between the owner and the applicant is not required. For city-owned poles or structures, the applicant must obtain a lease from the City prior to or concurrent with the small wireless facility permit application and must submit as part of the application the information required in the lease for the City to evaluate the usage of a specific pole or structure.

C. The applicant can batch multiple small wireless facility sites in one application. The applicant is encouraged to batch small wireless facility sites when they are proposed for approval at the same time and are in a contiguous service area or use the same design.

D. Any application for a small wireless facility located in the city right-of-way adjacent to a parcel zoned for residential use shall demonstrate that it has considered the following:

1. Whether a small wireless facility is currently installed on an existing pole in front of the same residential parcel. If a small wireless facility exists, then the applicant shall demonstrate that no technically feasible alternative location exists which is not in front of the same residential parcel.

2. Whether the proposed small wireless facility can be screened from residential view by choosing a pole location that is not directly in front of a window or views.

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E. Any application for a small wireless facility permit which contains an element which is not exempt from SEPA review shall simultaneously apply under Chapter 43.21C RCW and Chapter MMC 18.04. Further, any application proposing small wireless facilities in Shoreline Management Zones (pursuant to MMC 20.60) or in Critical Areas (pursuant to MMC 20.50) must indicate that the application is exempt or comply with the review processes in such codes.

F. The applicant shall submit a sworn affidavit signed by an RF Engineer with knowledge of the proposed project affirming that the small wireless facilities will be compliant with all FCC and other governmental regulations in connection with human exposure to radio frequency emissions for every frequency at which the small wireless facility will operate. If facilities which generate RF radiation necessary to the small wireless facility are to be provided by a third party, then the small wireless 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 small wireless facility deployment if the applicant is using the same small wireless facility configuration for all installations within that batch or may submit one emissions report for each subgroup installation identified in the batch.

G. The applicant shall provide proof of FCC license and other regulatory approvals required to provide the service(s) or utilize the technologies sought to be installed.

H. A professional engineer licensed by the State of Washington shall certify in writing, over his or her seal, that the construction plans and final construction of the small wireless facilities and structure or pole and foundation are designed to reasonably withstand required loads as well as wind and seismic loads, or in the case of a utility owned structure, written confirmation that the pole will support the additional loads.

I. Applicant materials required for a building permit and a right of way permit to the extent applicable.

J. An initial build out plan as of the date of the application that includes the applicant's proposed plan for deployment of small wireless facilities within the City. The city's preference is for the applicant to provide a two (2) year proposed build out plan. The initial build out plan shall include the following:

1. A list of the actual and proposed locations of the applicant's small wireless facilities.
2. A 500-scale map (1 inch equals 500 feet) of the City depicting the geographic location and boundaries of the actual and proposed locations of the applicant's small wireless facilities.

K. Recognizing that small wireless facility technology is rapidly evolving, the Director is authorized to adopt and publish standards for the technological and structural safety of City-owned structures and to formulate and publish application questions for use when an applicant seeks to attach to City-owned structures.

L. Such other information as the Director, in his/her discretion, shall deem appropriate to effectively evaluate the application based on technical, engineering, and aesthetic considerations.

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ATTACHMENT 3****19.14.030 Review process.**

A. Review. The following provisions relate to review of applications for a small wireless facility permit.

1. In any zone, upon application for a small wireless facility permit, the City will permit small wireless facility on existing or replacement utility poles or other structures conforming to the City's generally applicable development and design standards adopted pursuant to MMC 20.38.070.

2. Vertical clearance shall be reviewed by the Director to ensure that the small wireless facilities will not pose a hazard to other users of the rights-of-ways.

3. Replacement poles and new poles shall comply with the Americans with Disabilities Act (ADA), City construction and sidewalk clearance standards, traffic warrants, city ordinances, and state and federal statutes and regulations in order to provide a clear and safe passage within the rights-of-way. Further, the location of any replacement pole or new pole must: be physically possible, cannot obstruct vehicular or pedestrian traffic or the clear zone, not interfere with utility or safety fixtures (e.g., fire hydrants, traffic control devices), and not adversely affect the public welfare, health, or safety.

4. No equipment shall be operated so as to produce noise in violation of Chapter 8.06 MMC.

5. 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.

B. Final Decision. Small wireless facilities on existing replacement, or new infrastructure shall be reviewed and approved by the Director. The Director's decision is final.

C. Eligible Facilities Requests. The design approved in a small wireless facility permit shall be considered concealment elements and such facilities may only be expanded upon an Eligible Facilities Request described in MMC 20.37.190 when the modification does not defeat the concealment elements of the small wireless facility.

D. Review of Facilities. Review of the site locations proposed by the applicant shall be governed by the provisions of 47 USC §253 and 47 USC §332 and other applicable statutes, regulations and case law. Applicants for franchises and the small wireless facility permits shall be treated in a competitively neutral and non-discriminatory 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. Small wireless facility permit review under this Chapter shall neither prohibit nor have the effect of prohibiting the ability of an applicant to provide telecommunications services.

E. Collaborative Review. **The Director may request the applicant produce a representative to collaboratively review application materials with City staff on an as needed basis or at least once per week during the course of the City's review.** The required applicant representative may include an engineer and/or a siting specialist with sufficient understanding of the project to

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knowledgeably address questions or concerns the City may have on the application. The City must provide seven (7) days' notice to applicant of the date, time, location, anticipated scope of review, and requested participants for the meeting.

F. **Public Notice and Informational Meeting Requirement.** Within 15 days of submission of a complete application, the applicant shall provide written notification for each application, or batch applications to all property owners within five hundred (500) feet of the proposed location(s) and notice of the informational meeting, as part of the permit submittal. Only one informational meeting per application or batched application is required. The notice shall include the following:

1. The date, and time for the informational meeting. All informational meetings shall be held at Medina City Hall with at least one City staff member present.
2. A description of the proposed installation, including the proposed dimensions, design, color, type of facility, proposed location, identification of alternative locations that would meet project objectives, and the date of the informational meeting. In lieu of providing all of this information as part of the notice, the applicant may produce a webpage containing this information and direct residents to its location.
3. A rendering of the proposed facility shall be included in the notification.
4. The applicant shall provide the City with a distribution list of property owners and a copy of the materials distributed.

The applicant shall hold the informational meeting for the public within 30 days of submission of a complete application. These informational meetings are for the public's information and are neither hearings nor part of any land use appeal process.

G. **Withdrawal.** Any applicant may withdraw an application submitted pursuant to MMC 19.14.020 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 Director's decision, then reimbursement of fees submitted in association with said application shall be prorated to withhold the amount of City costs incurred in processing the application prior to time of withdrawal. If such withdrawal is not accomplished prior to the Director's decision, there shall be no refund of all or any portion of such fee.

H. **Supplemental Information.** Failure of an applicant to provide additional information as requested pursuant to MMC 19.14.020 by the Director within sixty (60) days of notice by the Director shall be deemed a denial of that application, unless an extension period has been approved by the Director.

**19.14.040 Permit requirements.**

A. The permit holder shall comply with all of the requirements within the small wireless permit.

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B. Post-Construction As-Builts. Within sixty (60) days after construction of the small wireless facility, the permit holder shall provide the City with as-builts of the small wireless facilities demonstrating compliance with the permit and site photographs.

C. Permit Time Limit. Construction of the small wireless facility must be completed within twelve (12) months after the approval date by the City. The permit holder may request one (1) extension to be limited to six (6) months, if the permit holder cannot construct the small wireless facility within the original twelve (12) month period.

D. Site Safety and Maintenance. The permit holder must maintain the small wireless facilities in safe and working condition. The permit holder shall be responsible for the removal of any graffiti or other vandalism and shall keep the site neat and orderly, including but not limited to following any maintenance or modifications on the site.

E. Operational Activity. The permit holder shall commence operation of the small wireless facility no later than six (6) months after installation. **The permit holder may request one (1) extension to be limited to six months if the permit holder can show that such operational activity is delayed due to factors outside the control of the permit holder.**

F. **Security. Security of the small wireless facility is an integral component of operation. The applicant shall comply with any federal order regarding the security of its telecommunications network.**

**19.14.050 Modifications.**

A. If a small wireless facility permit holder desires to make a modification to an existing small wireless facility, including but not limited to expanding or changing the antenna type, increasing the equipment enclosure, placing additional pole-mounted or ground-mounted equipment, or modifying the concealment elements, the applicant shall apply for a small wireless facility permit or eligible facilities request as may be required by MMC 20.37.190.

B. Each small wireless facility permit holder shall conduct new RF emissions testing upon modification of a permitted small wireless facility or if the FCC requires a new NIER report for the activity undertaken. The purpose of this test is to validate that the RF emissions are in compliance with the FCC's regulations and standards.

1. All such tests required by this section shall be performed and certified by a licensed electrical engineer, or by a person with equivalent capabilities approved by the City Engineer.
2. Copies of each and every RF emissions test shall be submitted to the City Engineer on the first day of the month following the month in which the test is performed.

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3. If at any time a RF emissions test shows that the RF emissions emanating from a small wireless facility exceeds the standards established by the FCC, the permit holder shall immediately notify the City and shall take any and all action to remediate the problem as required by the FCC. The small wireless facility shall not be reconnected until the permit holder demonstrates compliance with the FCC requirements.

C. A small wireless facility permit shall not be required for routine maintenance and repair of a small wireless facility within the rights-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 small wireless facility, does not impact the structural integrity of the pole, and does not require pole replacement. Further, a small wireless facility permit shall not be required for replacing equipment within the equipment enclosure or reconfiguration of fiber or power to the small wireless facility. Right-of-way use permits may be required for such routine maintenance, repair or replacement consistent with 19.12 MMC.

**19.14.060 Consolidated Permit**

A. The issuance of a small wireless facility permit grants authority to construct small wireless facilities in the rights-of-way in a consolidated manner to allow the applicant, in most situations, to avoid the need to seek duplicative approval by both the public works and the development services department. If the applicant requires a new franchise to utilize the city right-of-way, the franchise approval shall be consolidated with the small wireless facility permit review if requested by the applicant. As an exercise of police powers pursuant to RCW 35.99.040(2), the small wireless facility permit is not a right-of-way use permit, but instead a consolidated public works and land use permit and the City will endeavor to issue small wireless facility permit within the presumptively reasonable time limits established by federal law for small wireless facilities.

B. The general standards applicable to the use of the rights-of-way described in MMC Title 19 shall apply to all small wireless facility permits.

**19.14.070 Annual inspection for small wireless facilities required.**

Each grantee shall conduct an annual inspection of its facilities located within the City, at the grantee's expense, and complete a written report of its inspection for submission to the City Engineer. **The report shall indicate whether the facility is operational and whether it is operating.** In addition, if the inspection reveals any problems, the report shall include a proposed fix or correction action plan.

**19.14.080 Appeals.**

Small wireless facilities permit decisions are final decisions appealable to the King County Superior Court. Applicant may proceed forward with a permitted project that has been appealed at applicant's own risk and subject to any subsequent court decision that may impact applicant's ability to install such facilities.

**19.14.090 Removal of abandoned small wireless facilities.**



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A. Any small wireless facility that, after the initial operation of the facility, is not used for the purpose for which it was intended at the time of filing the application for a continuous period of twelve (12) months shall be considered abandoned.

B. The telecommunication carrier of such abandoned small wireless facility shall remove the same within 90 days of receipt of a notice from the City notifying the owner or operator of such abandonment.

C. Whenever a facility is abandoned or ceases operation, the entire facility shall be removed, including, but not limited to, all antennas, antenna supports, feeder lines, base stations, electronic equipment, and the pole upon which the small wireless facility is located, unless the City determines that such pole shall remain. Failure to remove such an abandoned facility shall result in declaring the small wireless facility a public nuisance. **If there are two or more users of a single pole, then this subsection (C) shall not become effective until all users cease using the pole.**

**Section 4. Severability.** If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

**Section 5. Corrections.** The City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 6. Effective Date.** This ordinance shall be in full force and effective five (5) days from the passage and published in accordance with law.

Passed by the City Council of the City of Medina and approved by the Mayor this 8th day of July, 2019.

\_\_\_\_\_  
Cynthia Adkins, Mayor

Attested to by:

Approved as to form:

\_\_\_\_\_  
Aimee Kellerman, City Clerk

\_\_\_\_\_  
Scott Missall, City Attorney

PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO.: / AB

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**Ordinance No. 975  
AN ORDINANCE OF THE CITY OF MEDINA, WASHINGTON CONCERNING WIRELESS  
COMMUNICATION FACILITIES; AMENDING MMC CHAPTERS 20.12 AND 20.37;  
ESTABLISHING A NEW CHAPTER MMC 20.38 RELATED TO DESIGN STANDARDS FOR  
SMALL WIRELESS FACILITIES; PROVIDING FOR SEVERABILITY;  
AND ESTABLISHING AN EFFECTIVE DATE.**

---

**WHEREAS**, the Federal Communications Commission (“FCC”) recently adopted a Declaratory Ruling and Third Report and Order 18-133 (“FCC Order”) governing small wireless facilities, which imposes limitations on the processing of all permits associated with the deployment of small wireless facilities and requires the City of Medina (“City”) to adopt aesthetic standards for such deployments; and

**WHEREAS**, federal law and regulation establishes both substantive and procedural limitations, upon local government application and development requirements applicable to proposals for modification to an existing antenna support structure or an existing base station, known as “eligible facility requests”; and

**WHEREAS**, the City Council finds that the existence of the federal regulations requires the adoption and implementation permanent local development and zoning regulations and review procedures that are consistent with federal laws and regulations on wireless communication facilities, including small wireless facilities and eligible facility requests; and

**WHEREAS**, on January 8, 2019, pursuant to Ordinance No. 968, the City Council adopted interim land use regulations and official controls pursuant to RCW 36.70A.390 and RCW 35.63.200 relating to small wireless regulations; and

**WHEREAS**, simultaneously with the adoption of Ordinance No. 968, the City Council adopted initial permitting procedures for small wireless facilities pursuant to Ordinance No. 967; and

**WHEREAS**, over the last six months, the City Council has held three council meetings, two public hearings, and received staff recommendations regarding revisions of the interim land use regulations and officials controls as well as the permitting procedures for small wireless facilities; and

**WHEREAS**, concurrently with the consideration of this Ordinance, the City Council considered and enacted amendments to MMC Title 19 by adopting revised permitting procedures for small wireless facilities pursuant to Ordinance 974; and

**WHEREAS**, the City Council desires to adopt the permanent land use regulations and controls set forth in the sections below.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY MEDINA, WASHINGTON DOES ORDAIN AS FOLLOWS:

**Section 1. Findings.** The City Council hereby makes the following findings:

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1. This ordinance amending the City's municipal code adopting regulations related to wireless communication facilities imposes restrictions necessary to protect public health and safety, while not unreasonably discriminating among providers of functionally equivalent services nor having an effect of prohibiting personal wireless services within the City.
2. These proposed regulations were properly sent to the Washington State Department of Commerce for expedited review on June 11, 2019 as required by the Growth Management Act and received approval on June 25, 2019.
3. The City issued a SEPA threshold Determination of Non-Significance for the proposed regulations on June 13, 2019 and the comment and appeal period for the Determination of Non-significance expired on June 27, 2019 with no comments received or appeals filed.
4. Public hearings to solicit and receive citizen comment were held on May 13, 2019 and July 9, 2019.
5. The requirements of MMC 20.81.040 for land use code amendments have been met.
6. As required by MMC 20.81.080, the adoption and amendment of codes in the following sections are consistent with the Medina Comprehensive Plan, serve to advance the public health, safety and welfare, and advances the public interest of the community.
7. The above recitals are adopted as additional findings in support of this ordinance.

**Section 2.** Amendment to MMC 20.12.040. Medina Municipal Code Section 20.12.040 is hereby amended by the removal of the definition for "coverage gap".

**Section 3.** Amendment to MMC 20.12.200. Medina Municipal Code Section 20.12.200 is hereby amended by the removal of the definition for "significant gap in service coverage".

**Section 4.** Amendment to MMC 20.37.030(A). The Medina Municipal Code Section 20.37.030(A) is hereby amended as follow by the addition of the following provision:

A. The provisions of this chapter shall apply to all new and expansion and/or alteration of wireless communication facilities located within the boundaries of the city, except for the following:

1. Those facilities used for the primary purpose of public safety by a public agency, such as police, and 911 communications systems;
2. Incidental use of a support structure exempts under subsection (A)(1) of this section by nonpublic entities for the attachment of antennas and ancillary facilities;
3. Wireless radio utilized for emergency communications in the event of a disaster;
4. An antenna that is designed to receive television broadcast signals;
5. An antenna for receiving and sending of amateur radio devices or HAM radios provided the criteria in MMC 20.37.040 are satisfied;
6. An antenna that is one meter or less in diameter or diagonal measurement, which is designed to receive direct broadcast satellite services, including direct-to-home satellite services and those subject to MMC 20.32.060;
7. An antenna that is one meter or less in diameter or diagonal measurement, which is designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services;

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8. Small wireless facilities as defined in MMC 19.02.020, and which are subject to Chapter 20.38 MMC; and

9. Routine maintenance, repair, and replacement of telecommunication facilities that does not substantially change, as defined in MMC 20.37.190(A)(6), the eligible support structure, and which are subject to MMC 20.37.190.

**Section 5.** Amendment to MMC 20.37.030. The Medina Municipal Code Section 20.37.030 is hereby amended by the addition of section (C) as follows:

C. See Chapter 19.02.020 MMC for additional definitions for terms utilized in this Chapter.

**Section 6.** Amendment to MMC 20.37.070. The Medina Municipal Code Section 20.37.070(B)(3)(b) is here by amended as follows:

The increase in height is the minimum necessary to avoid prohibiting or having the effect of prohibiting the provisions of personal wireless services a significant gap in service coverage on the SR 520 floating bridge;

**Section 7.** Amendment to MMC 20.37.080(B). The Medina Municipal Code Section 20.37.080(B)(1) is hereby amended as follows:

Either the increase in height is established by the applicant as the minimum necessary to avoid prohibiting or having the effect of prohibiting the provisions of personal wireless services within the City eliminate a significant gap in service coverage, or the increase in height is established by the applicant as the minimum necessary to separate components of the wireless communication facility from the electrical primary lines;

**Section 8.** Amendment to MMC 20.37.080(C). The Medina Municipal Code Section 20.37.080(C)(6) is hereby amended as follows:

6. The hearing examiner may approve deviations from the standards in subsections (B), (C)(3), (4) and (5), and (E) of this section under a nonadministrative special use permit provided the applicant can demonstrate the deviation will satisfy the following criteria:

a. Without the deviation, the telecommunications provider would be prohibited from providing telecommunication service to the City; There exists an actual (not theoretical) significant gap in service coverage;

b. The proposed deviation ~~will be~~ is designed and located ~~to remove the significant gap in service coverage in a manner that is,~~ in consideration of the values, objectives, and regulations set forth in this chapter, including subsection (C)(2) of this section, the zoning code, and the comprehensive plan, the least intrusive upon the surrounding area;

c. The granting of the deviation will not be detrimental to the public welfare;

d. ~~The proposed least intrusive deviation is the minimum deviation necessary to resolve the significant gap in service coverage;~~

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e. No other less intrusive and feasible, alternative technologies, existing support structures, or alternative sites are available that do not prohibit or have the effect of prohibiting the provisions of personal wireless services will allow the applicant to resolve the significant gap in service coverage without a deviation from the standard.

**Section 9.** Amendment to MMC 20.37.120. The Medina Municipal Code Sections 20.37.120(E) and (F) regarding exceptions to the requirement for a nonadministrative special use permit are hereby repealed in their entirety.

**Section 10.** Amendment to MMC 20.37.130. Medina Municipal Code Section 20.37.130(C) is hereby repealed in its entirety.

**Section 11.** Amendment to MMC 20.37.140. Medina Municipal Code Section 20.37.140 is hereby repealed in its entirety.

**Section 12.** Amendment to MMC 20.37. Medina Municipal Code Chapter 20.37 is hereby amended by the addition of new Section 20.37.190 – Eligible Facilities Requests:

A. Definitions. The following definitions shall apply to Eligible Facilities Requests only as described in this Section 20.37.190.

1. “Base Station”: 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 backup 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 subparagraph (i) and (ii) above 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 Eligible Facilities Request application is filed with the City, does not support or house equipment described in subparagraph (1)(a) and (1)(b) above.
2. “Collocation”: The mounting or installation of transmission equipment on an

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eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes.

3. "Eligible Facilities Request": Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

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

4. "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.

5. "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.

6. "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 10% or by the height of one 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 10% or more than ten (10) feet, whichever is greater;
- 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 twenty (20) 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 cabinets; or, for towers in the public rights-of-way and Base Stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% 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

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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 non-compliant only in a manner that would not exceed the thresholds identified above.

7. "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 and fixed wireless services such as microwave backhaul and the associated site.

8. "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 backup 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.

B. Application. The Director shall prepare and make publicly available an application form used 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. Qualification as an Eligible Facilities Request. Upon receipt of an application for an Eligible Facilities Request, the Director shall review such application to determine whether the application qualifies as an Eligible Facilities Request.

D. Timeframe for Review. Within sixty (60) days of the date on which an applicant submits an Eligible Facilities Request application, the Director shall approve the application unless it determines that the application is not covered by this Section 20.38.080.

E. Tolling of the Time Frame for Review. The sixty (60) day review period begins to run when the application is filed and may be tolled only by mutual agreement by the Director and the applicant or in cases where the Director determines that the application is incomplete. The timeframe for review of an Eligible Facilities Request is not tolled by a moratorium on the review of applications.

1. To toll the timeframe for incompleteness, the Director shall provide written notice to the applicant within thirty (30) days of receipt of the application, clearly and specifically delineating all missing documents or information required in the application.

2. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the Director's notice of incompleteness.

3. Following a supplemental submission, the Director will notify the applicant within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this sub-

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section. Second or subsequent notice 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 Director determines that the applicant’s request does not qualify as an Eligible Facilities Request, the Director shall deny the application.

G. Failure to Act. In the event the Director fails to approve or deny a request for an Eligible Facilities Request within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the Director in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

**Section 13.** Amendment to MMC Title 20. Medina Municipal Code Title 20 is here by amended as follows by the addition of new Chapter 20.38 – Small Wireless Facilities:

**Sections:**

- 20.38.010 Purpose.
- 20.38.020 Definitions.
- 20.38.030 General provisions.
- 20.38.040 Applicability.
- 20.38.050 Hierarchy for small wireless facility placement.
- 20.38.060 Design Zones for small wireless facilities.
- 20.38.070 Design and concealment standards for small wireless facility deployments.
- 20.38.080 New poles for small wireless facilities in the right-of-way or for deployments in Design Zones.

**20.38.010 Purpose.**

The purpose of this chapter is to set forth the regulations for the placement and development of small wireless facilities. Among the purposes included are to:

- A. Ensure that residents receive the best technology possible while siting the technology in a respectful and thoughtful manner.
- B. Minimize potential adverse visual, aesthetic, and safety impacts of small wireless facilities.
- C. Establish objective standards for the placement of small wireless facilities.
- E. Ensure that such standards allow competition and do not unreasonably discriminate among providers of functionally equivalent services.
- D. Provide clear and predictable permitting requirements for service providers and the community.
- E. Encourage the design of such small wireless facilities to be aesthetically and architecturally compatible with the surrounding built and natural environments where possible.



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F. Provide an opportunity for residents and interested parties to provide comment on the proposed location and design of new small wireless facilities;

G. Encourage the collocation or attachment of small wireless facilities on existing support structures to help minimize the total number and impact of such structures throughout the community.

H. Protect the public health, safety and welfare.

**20.38.020 Definitions.**

See Chapter 19.02.020 MMC for definitions of terms utilized in this Chapter.

**20.38.030 General provisions.**

A. Small wireless facilities shall not be considered nor regulated as essential public facilities.

B. Small wireless facilities located outside of the city rights-of-way are permitted subject to a valid small wireless facility permit. A different use of an existing structure on the same lot shall not preclude the installation of a small wireless facility.

C. Small wireless facilities located within the city right-of-way pursuant to a valid franchise are permitted uses in every zone of the city.

**20.38.040 Applicability.**

A. Applicability. The placement of any small wireless facility in any location within the city is subject to the provisions of this chapter.

B. Permit Required. Any application for a small wireless facility both inside and outside the city right-of-way shall comply with the application requirements for small wireless facility permit described in MMC 19.14.020

C. Franchise Required. In addition to the requirement of obtaining a small wireless facility permit, if all or a portion of the small wireless facility will be located within the city's right-of-way, the applicant shall be required to enter into a franchise agreement, consistent with MMC 19.02.140, with the City for the use of the city's right-of-way and comply with the requirements pursuant to MMC Title 19.

D. Lease Required. In addition to the requirement of obtaining a small wireless facility permit, if all or a portion of the small wireless facility will be located upon a city-owned structure, or upon non-right-of-way property, which is either city-owned or city-leased, the applicant shall be required to enter into a lease agreement with the City for the use of the city property.

**20.38.050 Hierarchy for small wireless facility placement.**

A. The City's preference is for applicants to deploy small wireless facilities as follows:

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1. On existing or replacement wooden poles.
2. If an applicant would like to place a new metal pole, it should be placed along 84<sup>th</sup> Avenue between NE 12<sup>th</sup> Street and NE 28<sup>th</sup> Street.
3. If an applicant would like to place a pole in an undergrounded area, any new or replacement pole shall substantially conform to the design of the pole it is replacing or the neighboring pole designs utilized within the contiguous right-of-way (or the City's preferred standard pole design, if applicable) and comply with the concealment standards in MMC 20.38.070.

**20.38.060 Design Zones for small wireless facilities.**

A. The following zones are designated as Design Zones for the purpose of siting small wireless facilities:

1. Medina Park located at 7789 NW 12<sup>th</sup> Street;
2. Medina Beach Park located at 501 Evergreen Point Road;
3. Fairweather Nature Preserve (also referred to as Fairweather Nature Preserve and Park) located at 2857 Evergreen Point Road;
4. Viewpoint Park located at Overlake Drive West and 84<sup>th</sup> Avenue NE;
5. Lake Lane Park located in the 3300 block of 78<sup>th</sup> Place NE.

B. Any applicant who desires to place a small wireless facility in a Design Zone must first establish that the applicant cannot locate the small wireless facility outside of the Design Zone. Applications for small wireless facilities in a Design Zone may be approved if the applicant demonstrates that due to technical infeasibility the applicant cannot locate the proposed small wireless facility on an existing or replacement pole within 500 feet of the proposed site and outside of the Design Zone.

C. Applications for small wireless facilities within Design Zones must comply with a concealment element design described in MMC 20.38.080. Such applications are subject to review and approval or denial by the Director.

**20.38.070 Design and concealment standards for small wireless facility deployments.**

Small wireless facilities whether permitted inside or outside the city right-of-way shall conform to the following design standards.

A. Small wireless facilities attached to existing or replacement non-wooden light poles or utility poles inside or outside the city right-of-way shall conform to the following design criteria:

1. Upon adoption of a city standard small wireless facility pole design(s) within the City's Standards, Specifics and Details Manual, the applicant shall utilize such pole design or may request modifications to the standard pole design to accommodate its small wireless facility without substantially changing the outward visual and aesthetic

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character of the design. The applicant, upon a showing that use or modification of the standard pole design is either technically or physically infeasible, or that the modified pole design will not comply with the city's ADA, or sidewalk clearance requirements and/or would violate electrical or other safety standards, may deviate from the adopted standard pole design and use the design standards as adopted in this subsection A.

2. The applicant shall minimize to the extent possible the antenna and equipment space and shall use the smallest amount of enclosure possible to fit the necessary equipment. In no event shall the equipment enclosure and all other wireless equipment associated with the small wireless facility (including but not limited to conduit), including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole exceed twenty-eight (28) cubic feet. **An equipment enclosure up to fifteen (15) cubic feet, excluding the antenna, is allowed on the exterior of the pole. Any equipment enclosures exceeding the fifteen (15) cubic feet allowance shall be installed within the pole or underground.** The following design criteria shall apply as applicable depending on the location of the antenna and equipment:

(a) Located on a pole. If located on a pole, antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) must be camouflaged to appear as an integral part of the pole or flush mounted to the pole, meaning for antennas no more than twelve (12) inches off of the pole and for associated equipment no more than six (6) inches off the pole, and must be the minimum size necessary for the intended purpose, not to exceed the volumetric dimensions of small wireless facilities. If the equipment enclosure is permitted on the exterior of the pole, the applicant is required to place the equipment enclosure behind any banners or road signs that may be on the pole, provided that such location does not interfere with the operation of the banners or signs or the equipment itself. The applicant may install a side mounted canister antenna, so long as the inside edge of the antenna is no more than six (6) 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.

(b) Concealed completely within the pole or pole base. Antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) shall be fully concealed within the pole, unless such concealment is otherwise technically infeasible, or is incompatible with the pole design. The diameter of the pole shall comply with the City's setback and sidewalk clearance requirements and shall, to the extent technically feasible, not be more than a twenty (20) inches measured at the base of the pole, unless additional diameter is needed in order to conceal equipment within the base of the pole. The pole shall comply with the requirements in subsection E(4) below

(c) Underground in a utility vault. If located underground, the access lid to the equipment enclosure shall be located outside the footprint of any pedestrian curb ramp and shall have a nonskid surface meeting ADA requirement if located within an existing pedestrian access route.

(d) On private property. If located on private property, the applicant shall submit a copy of a letter of authority from the private property owner prior to the

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small wireless facility permit issuance.

2. An antenna on top of an existing pole may not extend more than six (6) feet above the height of the existing pole and the diameter may not exceed sixteen (16) inches, measured at the top of the pole, unless the applicant can demonstrate that more space is needed. The antennas shall be integrated into the pole design so that it appears as a continuation of the original pole, including colored or painted to match the pole, and shall be shrouded or screened to blend with the pole except for canister antennas and 5G antennas which shall not require screening. All cabling and mounting hardware/brackets from the bottom of the antenna to the top of the pole shall be fully concealed and integrated with the pole.
  3. Any replacement pole shall substantially conform to the design of the pole it is replacing or the neighboring pole design standards utilized within the contiguous right-of-way, or the City's new preferred standard pole design if applicable, and conform to the applicable requirements in subsection E below.
  4. The height of any replacement pole and associated antennas may not extend more than ten (10) feet above the height of the existing pole or the minimum additional height necessary; provided that the height of the replacement pole cannot be extended further by additional antenna height.
  5. The use of the pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.
- B. Wooden pole design standards. Small wireless facilities located on wooden poles inside or outside the city right-of-way shall conform to the following design criteria:
1. The wooden pole at the proposed location 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 ten (10) feet taller than the existing pole, unless a further height increase is required and confirmed in writing by the pole owner and that such height extension is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.
  2. A pole extender may be used instead of replacing an existing pole but may not increase the height of the existing pole by more than ten (10) feet, unless a further height increase is required and confirmed in writing by the pole owner and that such height increase is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.
    - (a) A "pole extender" as used herein is an object affixed between the pole and the antenna for the purpose of increasing the height of the antenna above the pole. The pole extender shall be painted to approximately match the color of the pole and shall substantially match the diameter of the pole measured at the top of the pole.

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3. Replacement wooden poles must either match the approximate color and materials of the replaced pole or shall be the standard new wooden pole used by the pole owner in the City, and in addition shall conform to the applicable requirements in subsection E below.
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 wooden pole on which they are attached.
5. Antennas shall not be mounted more than twelve (12) inches from the surface of the wooden pole.
6. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness. Multiple antennas are permitted on a wooden pole provided that each antenna shall not be more than three (3) cubic feet in volume.
7. A canister antenna may be mounted on top of an existing or replacement wooden pole, which may not exceed the height requirements described in subsection B(1) above. A canister antenna mounted on the top of a wooden pole shall not exceed sixteen (16) inches, measured at the top of the pole, 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 install a side mounted canister antenna, so long as the inside edge of the antenna is no more than twelve (12) inches from the surface of the wooden pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the wooden pole.
8. The furthest point of any antenna or equipment enclosure may not extend more than twenty-eight (28) inches from the face of the pole. Any equipment or antenna enclosures must meet WSDOT height clearance requirements.
9. An omni-directional antenna may be mounted on the top of an existing wooden pole, provided such antenna is no more than four (4) feet in height 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.
10. All related equipment, including but not limited to ancillary equipment, radios, cables, associated shrouding, microwaves, and conduit which are mounted on wooden poles shall not be mounted more than six (6) inches from the surface of the pole, unless a further distance is technically required, and is confirmed in writing by the pole owner.
11. The applicant shall minimize to the extent possible the antenna and equipment space and shall use the smallest amount of enclosure possible to fit the necessary equipment. In no event shall the equipment enclosure and all other wireless equipment associated with the small wireless facility (including but not limited to conduit), including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole exceed twenty-eight (28) cubic feet. **An equipment enclosure up to fifteen (15) cubic feet, excluding the antenna, is allowed on the exterior of the pole. Any equipment enclosures exceeding the fifteen (15) cubic feet allowance shall be installed underground.** The follow design criteria shall apply as applicable depending on

**AGENDA ITEM 6.1  
ATTACHMENT 4**

the location of the antenna and equipment:

(a) Located on a pole. If located on a pole, antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) must be camouflaged to appear as an integral part of the pole or flush mounted to the pole, meaning for antennas no more than twelve (12) inches off of the pole and for associated equipment no more than twelve (12) inches off the pole if necessary for tilt, and must be the minimum size necessary for the intended purpose, not to exceed the volumetric dimensions of small wireless facilities. If the equipment enclosure is permitted on the exterior of the pole, the applicant is required to place the equipment enclosure behind any banners or road signs that may be on the pole, provided that such location does not interfere with the operation of the banners or signs or the equipment itself. The applicant may install a side mounted canister antenna, so long as the inside edge of the antenna is no more than six (6) 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.

(b) Located Underground. If located underground, the access lid to the equipment enclosure shall be located outside the footprint of any pedestrian curb ramp and shall have a nonskid surface meeting ADA requirement if located within an existing pedestrian access route.

(c) Located on private property. If located on private property, the applicant shall submit a copy of a letter of authority from the private property owner prior to the small wireless facility permit issuance.

13. The visual effect of the small wireless facility on all other aspects of the appearance of the wooden pole shall be minimized to the greatest extent possible.

14. The use of the wooden pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

15. The diameter of a replacement pole shall comply with the City's setback and sidewalk clearance requirements and shall not be more than a 25% increase of the existing utility pole measured at the base of the pole.

16. All cables and wires shall be routed through conduit along the outside of the pole. The outside conduit shall be colored or painted to match the pole. The number of conduit shall be minimized to the number technically necessary to accommodate the small wireless facility.

C. Small wireless facilities attached to existing buildings, shall conform to the following design criteria:

1. Small wireless facilities may be mounted to the sides of a building if the antennas do not interrupt the building's architectural theme.

**AGENDA ITEM 6.1  
ATTACHMENT 4**

2. The interruption of architectural lines or horizontal or vertical reveals is discouraged.
  3. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if it complements the architecture of the existing building.
  4. Small wireless facilities shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building.
  5. 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.
  6. Small wireless facilities shall be painted and textured to match the adjacent building surfaces, unless otherwise technically infeasible.
  7. Small wireless facilities must meet the height requirement of the underlying zoning district.
  8. Feed lines and coaxial cables shall be located below the parapet of the rooftop or otherwise concealed from view.
  9. If a cabinet enclosure cannot be located within the building where the small wireless facilities will be located, then the City's first preference is for the wireless telecommunication carrier to locate the equipment on the roof of the building. If the equipment can be screened by placing the equipment below the parapet walls, no additional screening is required. If screening is required, the proposed screening must be consistent with the existing building in terms of color, design, architectural style, and material. If the cabinet equipment cannot be located on the roof or within the building, then it shall be located underground consistent with subsection E(1).
- D. Small wireless facilities mounted on cables strung between existing utility poles shall conform to the following standards.
1. Each strand mounted facility shall not exceed four (4) cubic feet in volume.
  2. Only one strand mounted facility is permitted per cable between any two existing poles.
  3. The pole must be able to support the necessary load requirements of the strand mounted facility.
  4. The strand mounted devices shall be placed as close as possible to the nearest utility pole, in no event more than five (5) feet from the pole unless a greater instance technically necessary or is required by the pole owner for safety clearance;
  5. No strand mounted device shall be located in or above the portion of the roadway open to vehicular traffic.

**AGENDA ITEM 6.1  
ATTACHMENT 4**

6. Ground mounted equipment to accommodate a shared mounted facility is not permitted except when placed in pre-existing equipment cabinets.
7. Pole mounted equipment shall comply with the requirements of subsections A and B above.
8. Such strand mounted devices must be installed to cause the least visual impact, be outside the view of a single family residence, and without excess exterior cabling or wires (other than the original strand).
9. Strand mounted facilities are prohibited on non-wooden poles, unless the existing pole has pre-existing communication wirelines.

**E. General requirements.**

1. Ground mounted equipment in the rights-of-way is prohibited, unless such facilities are placed under ground or the applicant can demonstrate that pole mounted or undergrounded equipment is technically infeasible. If ground mounted equipment is necessary, then the applicant shall submit a concealment element plan. Generators located in the rights-of-way are prohibited.
2. No equipment shall be operated so as to produce noise in violation of Chapter 8.06 MMC.
3. Small wireless facilities are not permitted on traffic signal poles unless denial of the siting could be a prohibition or effective prohibition of the applicant's ability to provide telecommunications service in violation of 47 USC §§ 253 and 332.
4. Replacement poles and new poles shall comply with the Americans with Disabilities Act (ADA), City construction and sidewalk clearance standards, city ordinance, and state and federal laws and regulations in order to provide a clear and safe passage within the rights-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 the public welfare, health, or safety.
5. Replacement poles shall be located no more than five (5) feet from the existing pole with the requirement to remove the abandoned pole.
6. No signage, message or identification other than the manufacturer's identification or identification required by governing law is allowed to be portrayed on any antenna or equipment enclosure. Any permitted signage shall be located on the equipment enclosures or as otherwise required by law and be of the minimum amount possible to achieve the intended purpose needed to meet applicable law, regulations, and standards; provided that, signs are permitted as concealment element techniques where appropriate.
7. Antennas and related equipment shall not be illuminated except for security reasons, required by a federal or state authority, or unless approved as part of a concealment element plan.



**AGENDA ITEM 6.1  
ATTACHMENT 4**

8. Side arm mounts for antennas or equipment must be the minimum extension necessary and for wooden poles may be no more than twelve (12) inches off the pole and for non-wooden poles no more than six (6) inches off the pole.
9. The preferred location of a small wireless facility on a pole is the location with the least visible impact.
10. Antennas, equipment enclosures, and ancillary equipment, conduit and cable, shall not dominate the structure or pole upon which they are attached. Antennas, equipment enclosures, and ancillary equipment, conduit and cable is encouraged to be integrated within the pole when technically feasible.
11. Except for locations in the city right-of-way or within access easements on private property within property owner permission, small wireless facilities are not permitted on any property containing a residential use in the residential zones.
12. The City may consider the cumulative visual effects of small wireless facilities mounted on poles within the rights-of-way in when assessing proposed siting locations so as to not adversely affect the visual character of the City. This provision shall not be applied to limit the number of permits issued when no alternative sites are reasonably available nor to impose a technological requirement on the applicant.
13. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would effectively prohibit the applicant from providing a wireless service, alternative forms of concealment or deployment may be permitted which provide similar or greater protections from negative visual impacts to the streetscape.

**20.38.080 New poles for small wireless facilities in the right-of-way or for deployments in Design Zones.**

- A. New poles or structures for small wireless facilities or for installations of small wireless facilities in a Design Zone are only permitted if the applicant can establish that:
  1. The proposed small wireless facility cannot be located on an existing utility pole or light pole, electrical transmission tower or on a site outside of the public rights-of-way or access easement such as public property, a building, a transmission tower, or in or on a non-residential use in a residential zone whether by roof or panel-mount or separate structure;
  2. The proposed small wireless facility complies with the applicable requirements of MMC 20.38.070(E);
  3. The proposed small wireless facility receives approval for a concealment element design, as described in MMC 20.38.080(C) below;
  4. For access easements, the property owner(s) has given written permission for the placement of a new pole within the access easement in such a manner so as to not frustrate the purpose of the easement or create any access or safety issue and shall be

**AGENDA ITEM 6.1  
ATTACHMENT 4**

in compliance with all land use regulations such as, but not limited to, setback requirements;

5. The proposed small wireless facility also complies with Shoreline Management Act, and SEPA, if applicable; and

6. Any new pole shall be installed at the point closest to the side property line so as to not impact the property's view; and

7. No new poles shall be located in a critical area or associated buffer required by the City's Critical Areas Management ordinance (Title 20.50 MMC), except when determined to be exempt pursuant to said ordinance.

B. An application for a new pole or deployment in a Design Zone is subject to review and approval or denial by the Director.

C. The concealment element design shall include the design of the screening, fencing or other concealment technology for a tower, pole, or equipment structure, and all related transmission equipment or facilities associated with the proposed small wireless facility, including but not limited to fiber and power connections.

1. The concealment element design should seek to minimize the visual obtrusiveness of the small wireless facility. The proposed pole or structure should have similar designs to existing neighboring poles in the rights of way, including similar height to the extent technically feasible. If the proposed small wireless facility is placed on a replacement pole in a Design Zone, then the replacement pole shall be of the same general design as the pole it is replacing, unless the development services department otherwise approves a variation due to aesthetic or safety concerns. Any concealment element design for a small wireless facility on a decorative pole should attempt to mimic the design of such pole and integrate the small wireless facility into the design of the decorative pole. Other concealment methods include, but are not limited to, integrating the installation with architectural features or building design components, utilization of coverings or concealment devices of similar material, color, and texture - or the appearance thereof - as the surface against which the installation will be seen or on which it will be installed, landscape design, or other camouflage strategies appropriate for the type of installation. Applicants are required to utilize designs in which all conduit and wirelines are installed internally in the structure when technically feasible.

2. If the Director has already approved a concealment element design either for the applicant or another small wireless facility along the same city right-of-way, if applicable, or for the same pole type, then the applicant shall utilize a substantially similar concealment element design, unless it can show that such concealment element design is not physically or technologically feasible, or that such deployment would undermine the generally applicable design standards.

D. Even if an alternative location is established pursuant to MMC 20.38.080(A)(1) the Director may determine that a new pole is in fact a superior alternative based on the impact to the City, the concealment element design, the City's Comprehensive Plan and the added benefits to the community.

**AGENDA ITEM 6.1  
ATTACHMENT 4**

E. Prior to the issuance of a permit to construct a new pole or ground mounted equipment in the city right-of-way, the applicant must obtain a site-specific agreement from the City to locate such new pole or ground mounted equipment. This requirement also applies to replacement poles when the replacement is necessary for the installation or attachment of small wireless facilities, the replacement structure is higher than the replaced structure, and the overall height of the replacement structure and the small wireless facility is more than sixty (60) feet.

F. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would effectively prohibit the applicant from providing a wireless service, alternative forms of concealment or deployment may be permitted which provide similar or greater protections from negative visual impacts to the streetscape.

**Section 14. Severability.** If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

**Section 15. Corrections.** The City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 16. Effective Date.** This ordinance shall be in full force and effective five (5) days from the passage and published in accordance with law.

Passed by the City Council of the City of Medina and approved by the Mayor this 8th day of July, 2019.

\_\_\_\_\_  
Cynthia Adkins, Mayor

Attested to by:

Approved as to form:

\_\_\_\_\_  
Aimee Kellerman, City Clerk

\_\_\_\_\_  
Scott Missall, City Attorney

PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO.: / AB

Gary Abrahams  
 For T-Mobile USA, Inc.  
 PO Box 2006  
 Bellevue, WA 98009  
 206-349-4279 [Gary@GMAnetworkservices.com](mailto:Gary@GMAnetworkservices.com)

**VIA EMAIL**

April 1, 2021

Mr. Ryan Osada  
 Director, Public Works  
 City of Medina  
 501 Evergreen Pt. Road  
 Medina, WA 98039

**RE: Planning for T-Mobile wireless communication facility in City of Medina ROW  
 Adjacent to 247-84<sup>th</sup> Ave. NE, Medina  
 Utilize PSE pole for antennas and locate equipment in an underground vault  
 T-Mobile Site ID: SE02025C, Eastland – PSE – Utility  
 Submittal of Pre-application Materials**

Dear Mr. Osada,

T-Mobile is planning for a wireless communication facility in Medina to be located approximately at 84<sup>th</sup> Ave. NE and Overland Drive West. The plan includes installing an underground vault in the ROW on 84<sup>th</sup> Avenue NE, just north of Overland Drive West. Additionally, T-Mobile plans to utilize a Puget Sound Energy utility pole in the ROW at 84<sup>th</sup> Avenue NE and Midland Road.

T-Mobile continues to have a significant coverage gap in the City of Medina that its existing sites are not able to cover. To reach the residential areas at 84<sup>th</sup> Avenue NE and Overland Drive West, the proposed site is essential to closing a portion of this gap extending coverage to its customers.

I have attached the following documentation for your review and for discussion during the pre-application meeting:

- Preliminary project plans reflecting the proposed vault location and PSE pole location to be utilized for the antennas;
- Preliminary concept photo simulations of the before and after of the PSE pole;
- Propagation maps evidencing the need for the coverage in this area

Please let me know if you have any questions. We will look forward to further discussions on April 7<sup>th</sup>.

Thank you,

Gary Abrahams  
 For T-Mobile USA  
 206-349-4279  
 Contracted through TAEC

## Preliminary project plans



**PROJECT INFORMATION:**

**EASTLAND PSE  
SE02025C**  
  
NEAREST TO 247 84TH AVE NE  
MEDINA, WA 98039

**ISSUED FOR:**

**REVISION HISTORY:**

NO.	DATE:	DESCRIPTION:	CHK. BY:
2	3/31/2021	REVISED PER REDLINES	BJT
1	3/23/2021	ISSUED DESIGN REVIEW	BJT

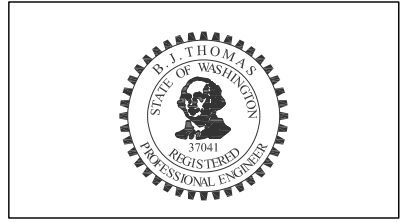
**PLANS PREPARED BY:**

**B. J. THOMAS, P.E.**  
**7607 80TH AVE NE**  
**MARYSVILLE, WA 98270**  
**206-851-1106**

**DRAWN BY:                      CHK. BY:**

**JL                                      BJ**

**LICENSURE:**



**DRAWING INFORMATION:**

DO NOT SCALE DRAWINGS. CONTRACTOR MUST VERIFY ALL DIMENSIONS AND ADVISE CONSULTANTS OF ANY ERRORS AND OMISSIONS. ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED BY THE LATEST REVISION. THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN WHICH IS RELATED TO NAMED CLIENT IS STRICTLY PROHIBITED.

**DRAWING TITLE:**

**OVERALL  
SITE PLAN**

**DRAWING NUMBER:**

**A-1** 390

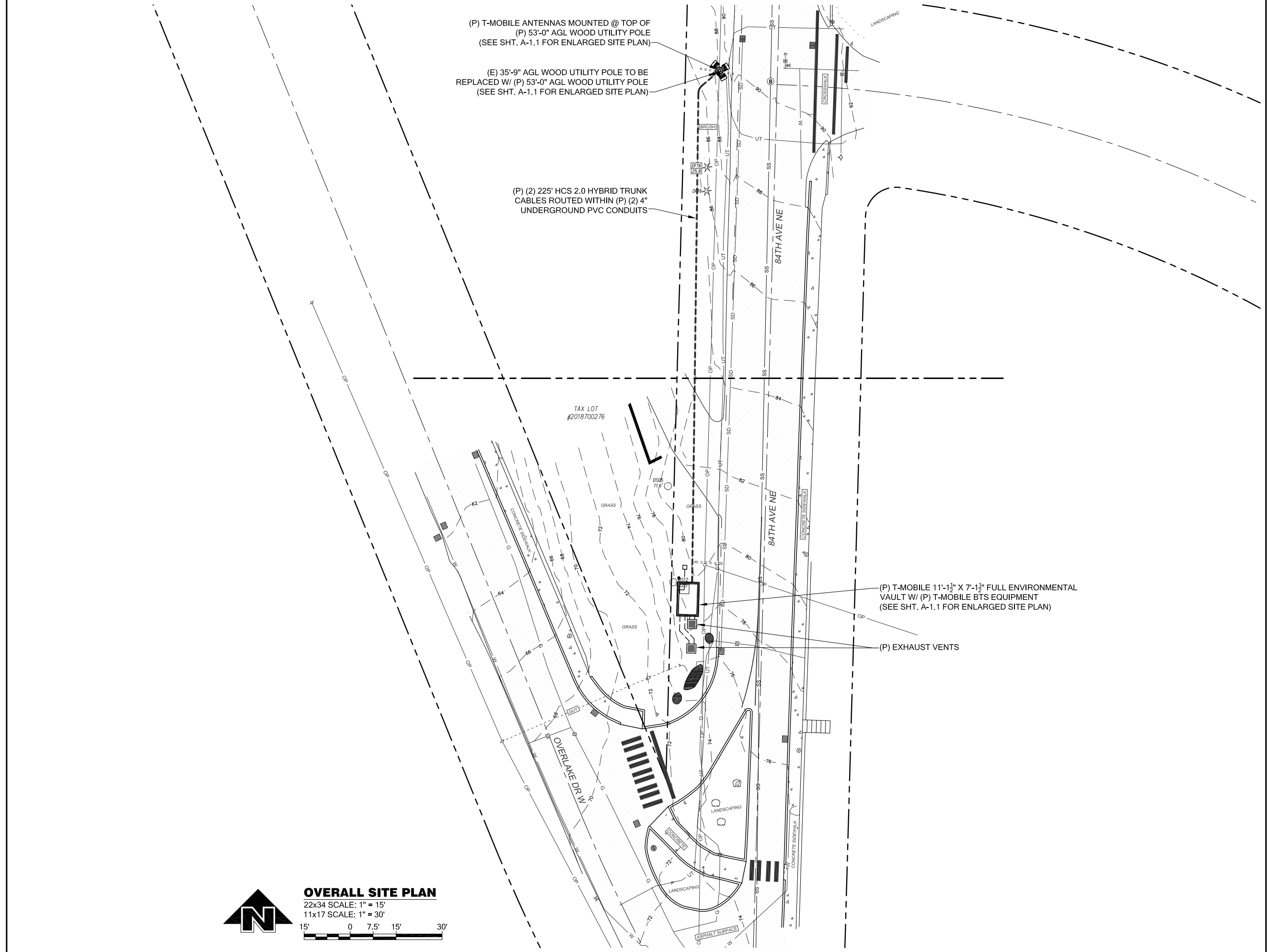
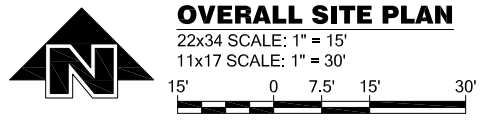
(P) T-MOBILE ANTENNAS MOUNTED @ TOP OF  
(P) 53'-0" AGL WOOD UTILITY POLE  
(SEE SHT. A-1.1 FOR ENLARGED SITE PLAN)

(E) 35'-9" AGL WOOD UTILITY POLE TO BE  
REPLACED W/ (P) 53'-0" AGL WOOD UTILITY POLE  
(SEE SHT. A-1.1 FOR ENLARGED SITE PLAN)

(P) (2) 225' HCS 2.0 HYBRID TRUNK  
CABLES ROUTED WITHIN (P) (2) 4"  
UNDERGROUND PVC CONDUITS

(P) T-MOBILE 11'-1 1/2" X 7'-1 1/2" FULL ENVIRONMENTAL  
VAULT W/ (P) T-MOBILE BTS EQUIPMENT  
(SEE SHT. A-1.1 FOR ENLARGED SITE PLAN)

(P) EXHAUST VENTS





**PROJECT INFORMATION:**

**EASTLAND PSE  
SE02025C**  
NEAREST TO 247 84TH AVE NE  
MEDINA, WA 98039

**ISSUED FOR:**

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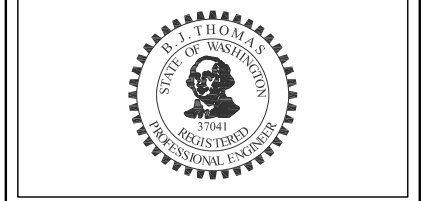
**PLANS PREPARED BY:**

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7607 80TH AVE NE  
MARYSVILLE, WA 98270  
206-851-1106

**DRAWN BY:                      CHK. BY:**

**JL    BJ**

**LICENSURE:**



**DRAWING INFORMATION:**

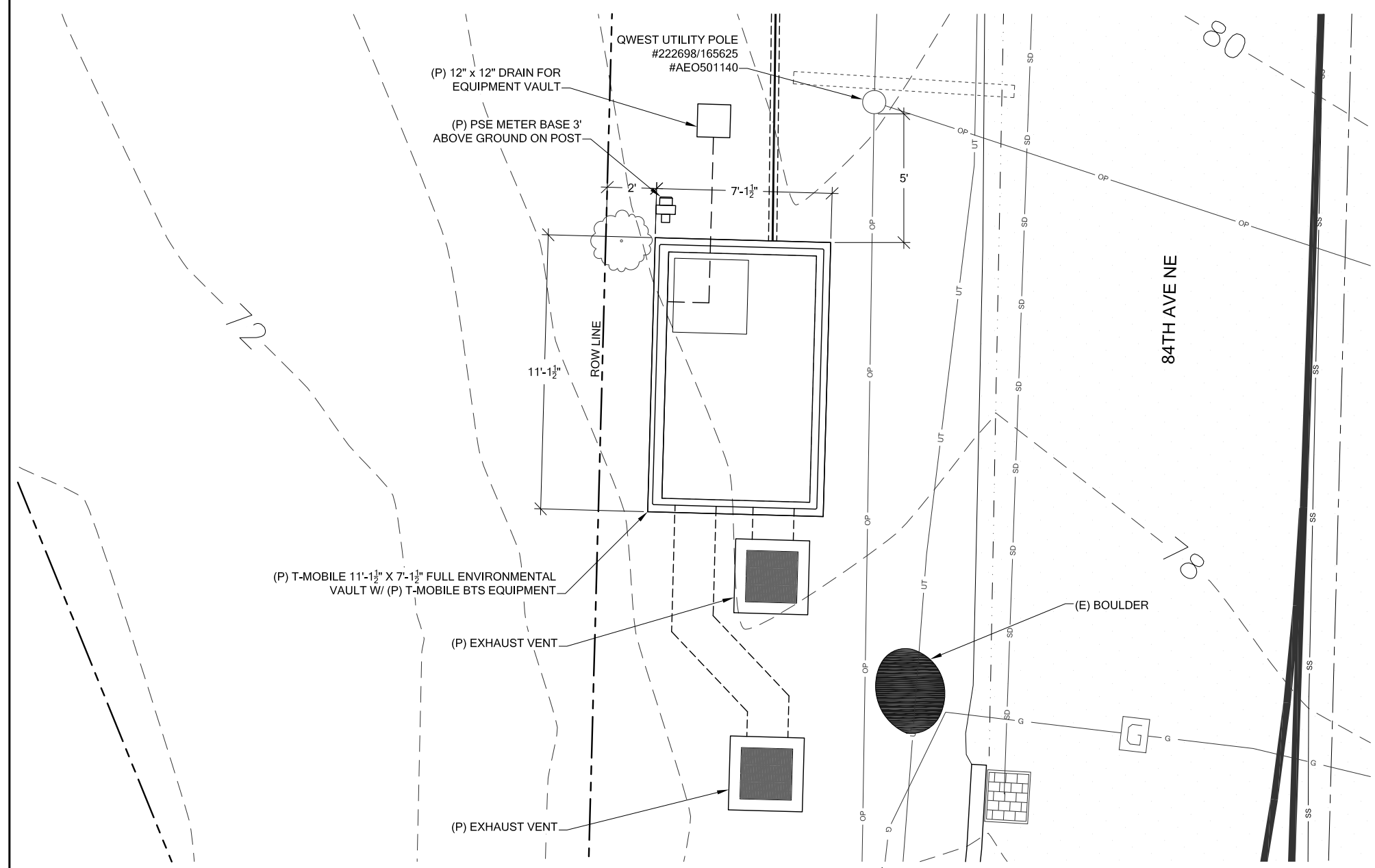
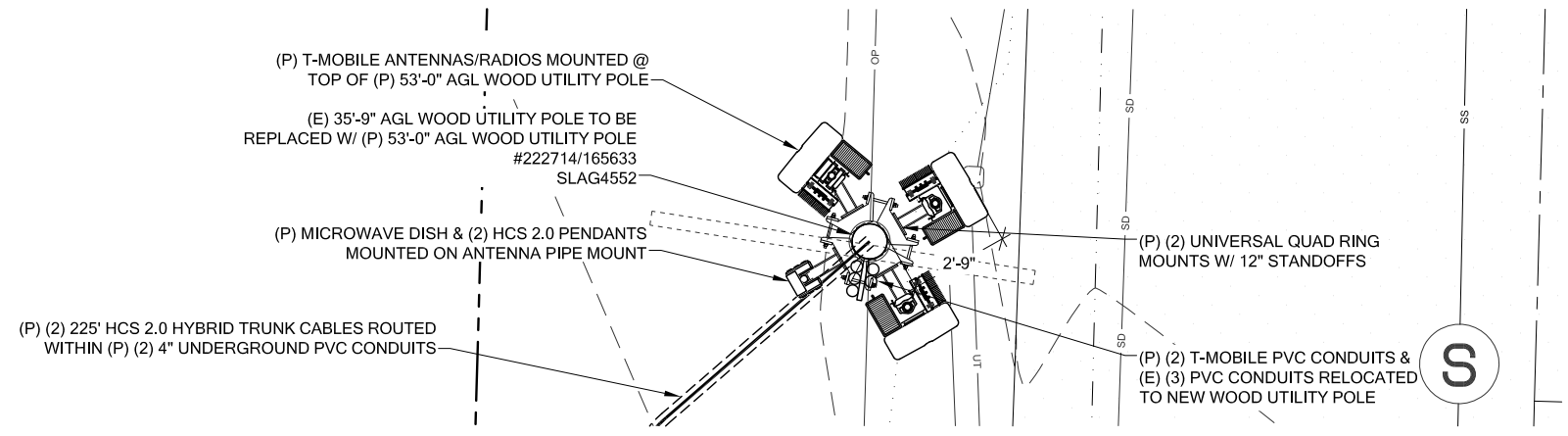
DO NOT SCALE DRAWINGS. CONTRACTOR MUST VERIFY ALL DIMENSIONS AND ADVISE CONSULTANTS OF ANY ERRORS AND OMISSIONS. ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED BY THE LATEST REVISION. THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN WHICH IS RELATED TO NAMED CLIENT IS STRICTLY PROHIBITED.

**DRAWING TITLE:**

**ENLARGED  
SITE PLAN**

**DRAWING NUMBER:**

**A-1.1** 391



**ENLARGED SITE PLAN**  
22x34 SCALE: 1/4" = 1'  
11x17 SCALE: 1/8" = 1'



**PROJECT INFORMATION:**

**EASTLAND PSE  
SE02025C**  
NEAREST TO 247 84TH AVE NE  
MEDINA, WA 98039

**ISSUED FOR:**

**REVISION HISTORY:**

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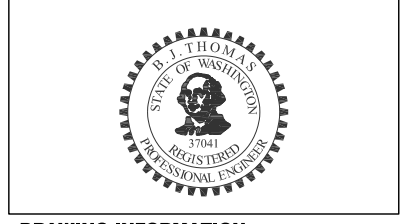
**PLANS PREPARED BY:**

**B. J. THOMAS, P.E.**  
7607 80TH AVE NE  
MARYSVILLE, WA 98270  
206-851-1106

**DRAWN BY: CHK. BY:**

JL BJ

**LICENSURE:**



**DRAWING INFORMATION:**

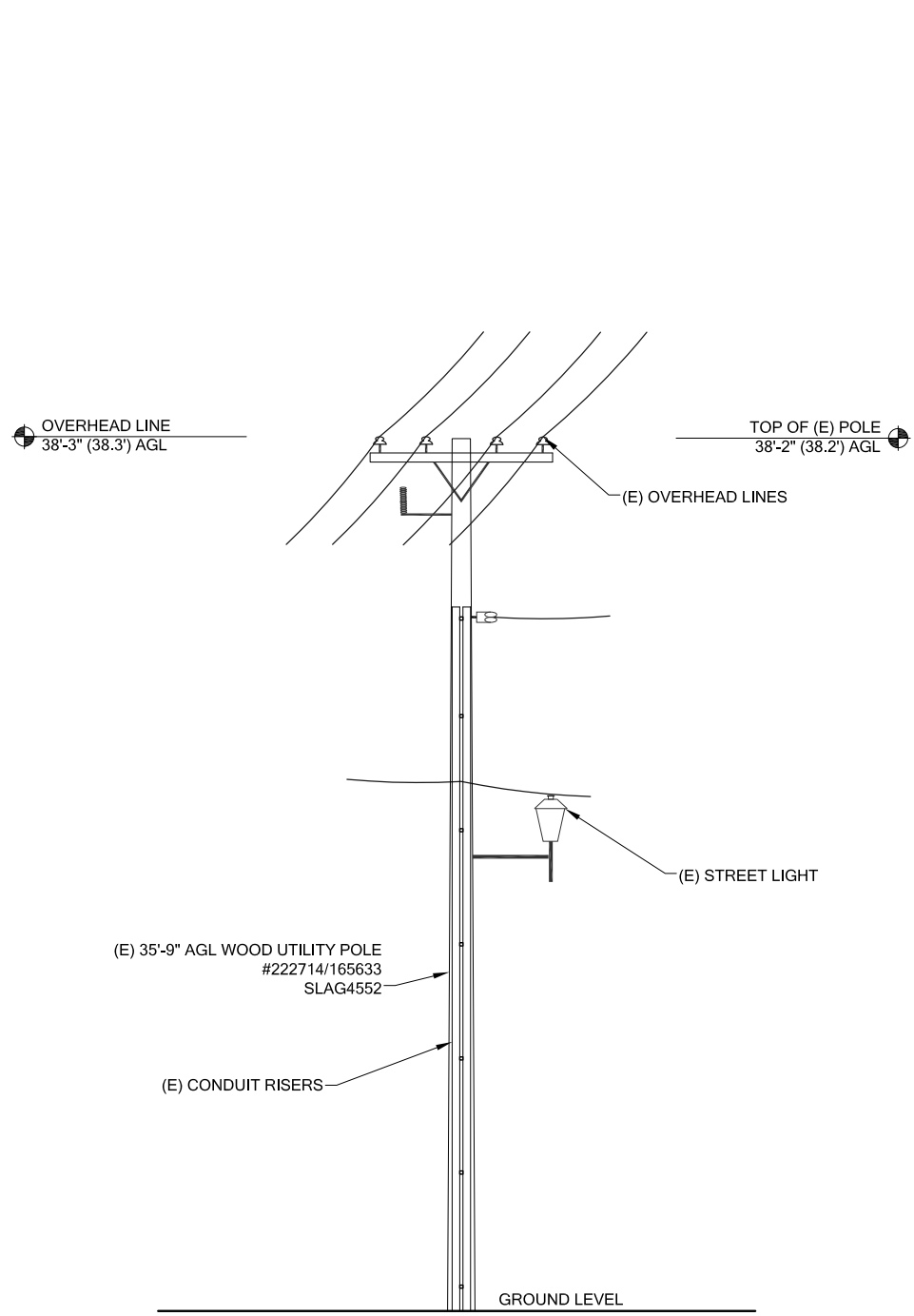
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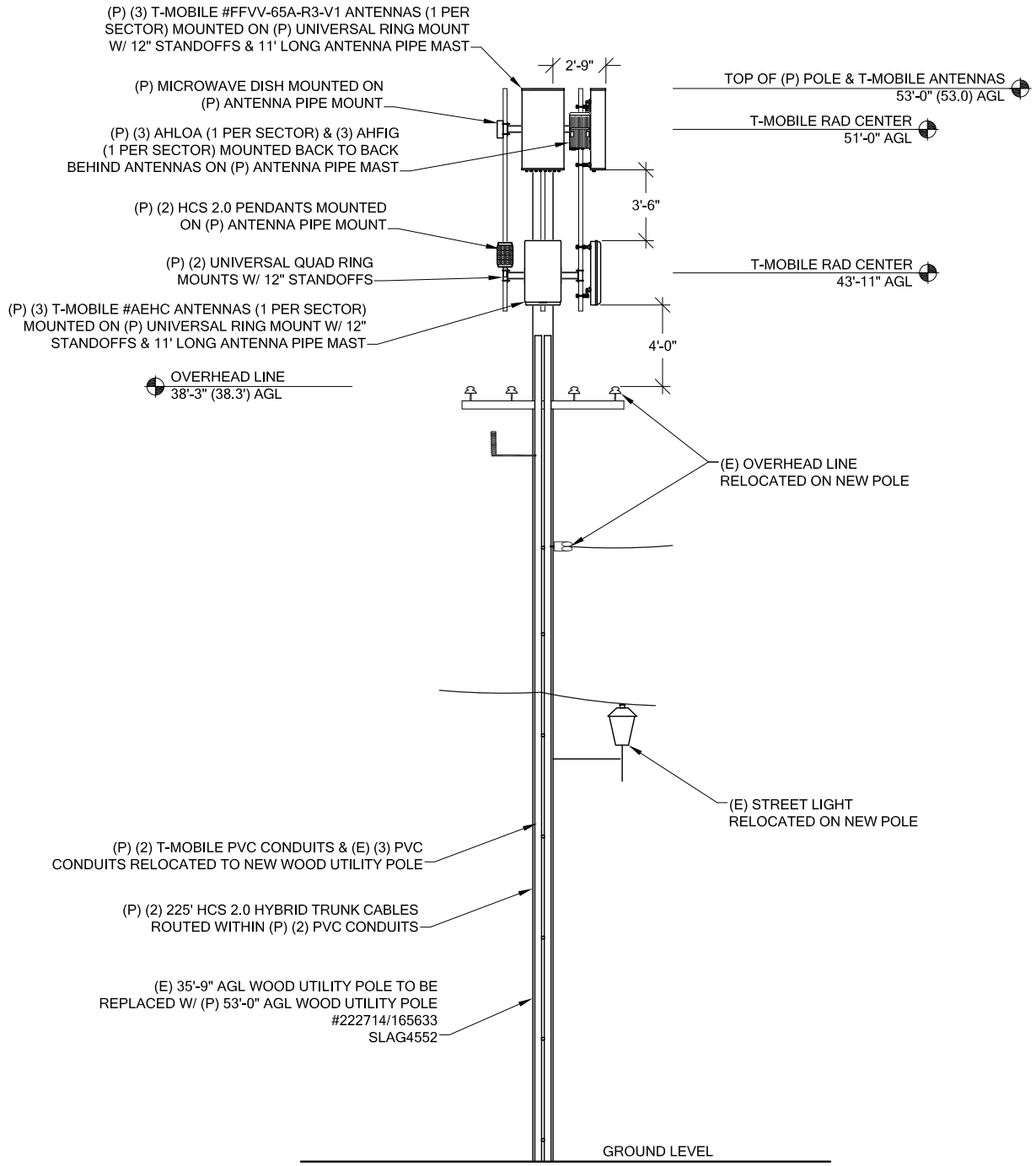
**SITE  
ELEVATION**

**DRAWING NUMBER:**

**A-2** 392



**1 EXISTING SOUTH ELEVATION**  
A-2 SCALE: NTS



**2 PROPOSED SOUTH ELEVATION**  
A-2 SCALE: NTS





PROJECT INFORMATION:

**EASTLAND PSE  
SE02025C**

NEAREST TO 247 84TH AVE NE  
MEDINA, WA 98039

ISSUED FOR:

REVISION HISTORY:

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PLANS PREPARED BY:

**B. J. THOMAS, P.E.**  
7607 80TH AVE NE  
MARYSVILLE, WA 98270  
206-851-1106

DRAWN BY: CHK. BY:

JL BJ

LICENSURE:



DRAWING INFORMATION:

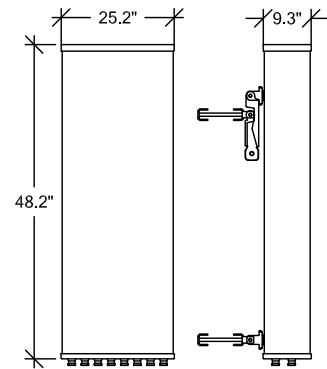
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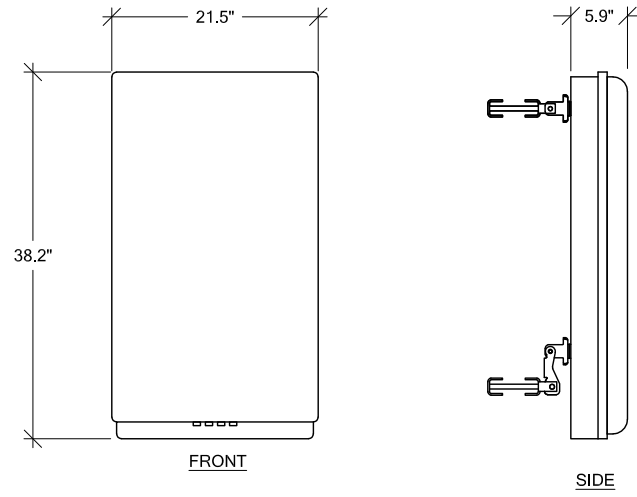
**GENERAL DETAILS**

DRAWING NUMBER:

**A-3**

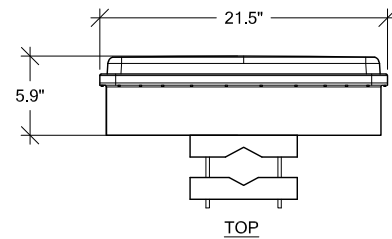


MANUFACTURER: NOKIA  
MODEL: AEHC  
WEIGHT: 108 LBS  
DIMENSIONS: 38.2" x 21.5" x 5.9"



COMMSCOPE ANTENNA DATA				
MECHANICAL SPECIFICATIONS				
PART NUMBER	HEIGHT	WIDTH	DEPTH	WEIGHT
FFVV-65A-R2-V1	48.2 in	25.2 in	9.3 in	73.2 lbs
CONNECTORS	STANDARD MOUNTING HARDWARE			
(8) 7-16 DIN	INCLUDED			
ELECTRICAL SPECIFICATIONS				
FREQUENCY	POLARIZATION	GAIN	AZIMUTH B.W.	
617-2360 MHz	±45°	15.8-19.6 dBi	55° - 67°	
	VSWR	MAX INPUT POWER	ELEVATION B.W.	
	<1.5:1	300 WATTS	4.4° - 10.2°	

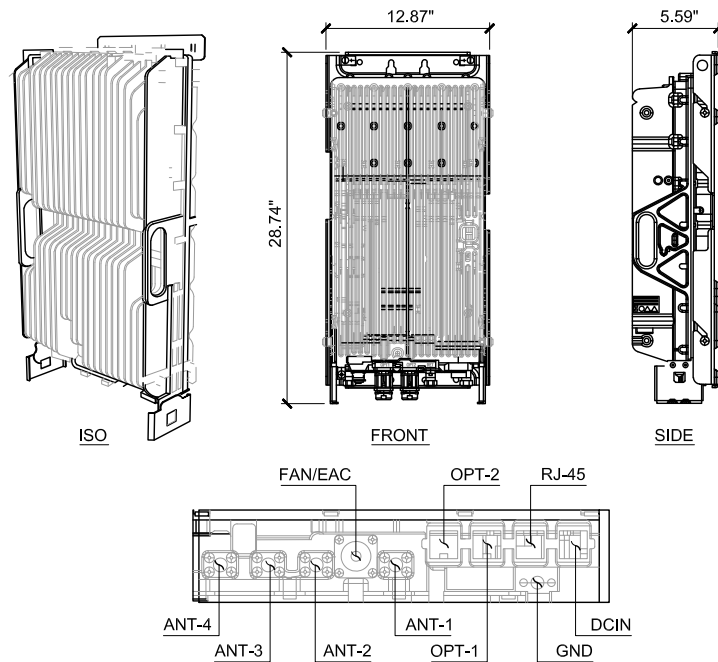
1 **FFVV-65A-R2-V1 ANTENNA DETAIL**  
A-3 SCALE: NTS



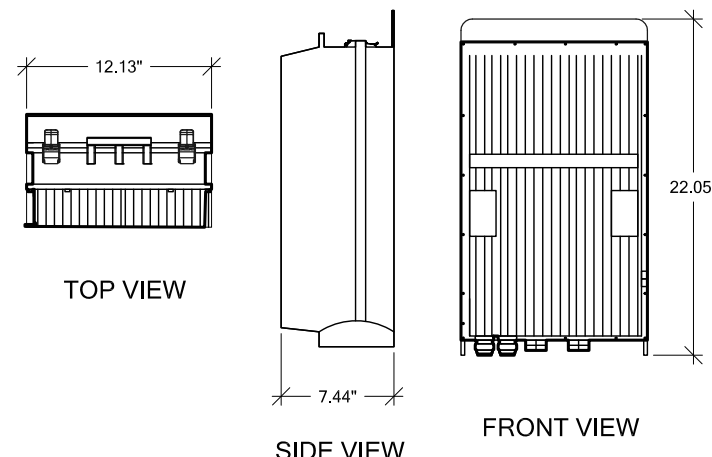
2 **AEHC DETAIL**  
A-3 SCALE: NTS

MANUFACTURER: NOKIA  
MODEL: AHFIG  
WEIGHT: 70.5 LBS  
DIMENSION (LxWxD) w/ COVER: 28.74" x 12.87" x 5.59"

MANUFACTURER: NWS  
MODEL: TBD  
DIMENSION (HxWxD): 10.2" x 16.0" x 3.2"  
WEIGHT: 8.76LBS  
MOUNTING KIT: PROVIDED

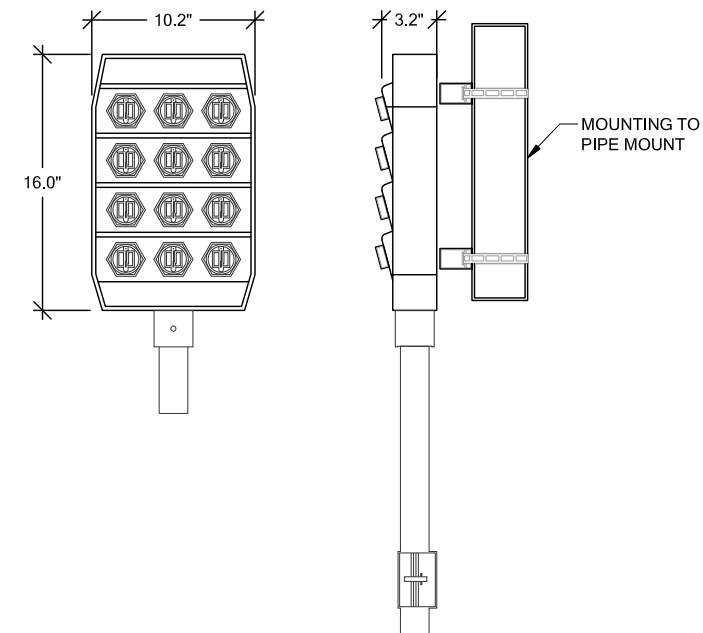


RADIO MODULE FOR 600/700MHz RRH  
MANUFACTURER: NOKIA  
MODEL: AHLOA  
NET WEIGHT: 83.78 LBS  
DIMENSION (LxWxD): 22.05" x 12.13" x 7.44"



4 **AHLOA DETAIL**  
A-3 SCALE: NTS

3 **AHFIG DETAIL**  
A-3 SCALE: NTS



5 **HCS 2.0 PENDANT DETAIL**  
A-3 SCALE: NTS



# IBR Intelligent Backhaul Radio



## IBR 1300 Series Compact Carrier Class Radio & Switch Fast and Economical Urban Connectivity Anywhere

At 1.6 Gbps and 8x 10x4 inches, the highly compact IBR 1300 is the fastest, smallest and most versatile 5GHz radio available. The IBR 1300 delivers higher performance by enabling the full radio spectrum to be available at all times to both the transmit and receive channels, while at the same retaining very low latency. This innovative use of FDD (Frequency Division Duplex) transmission dramatically cuts installation time through immediate alignment of the radio link and further advances Fastback's Extreme Interference Protection (XIP) for more connections in more locations.



In addition, beamforming technology on both transmit and receive channels improves reliability for high density, large scale deployments. And the IBR 1300 is the only radio in its class that can operate using integrated AC power when no other source is available, ideal for small cell deployments in city centers and urban locations using street furniture.

### Ease of Deployment Redefined

The discrete form factor and other advances enable the ultimate freedom of location for mounting on any tower, building or street asset anywhere backhaul is required to support carrier grade backhaul service or enterprise connectivity. During installation, an immediate IBR 1300 link can always be achieved without "swapping ends" and incurring the related cost. This simplifies installation, troubleshooting, configuration and cuts the cost of deployment spares in half. The wide azimuthal and vertical apertures of the IBR make installation and operation simple, with quick and uncomplicated alignment.

### Wireless Extension of Existing Network Architecture

- Fiber performance in any line of sight (AnyLOS)<sup>1</sup>
- Scalable in capacity: 1.6 Gbps at 500m range (NLOS) and 2km range (LOS), 900 Mbps at 3km range (LOS), 300 Mbps at 13km range (LOS)<sup>1</sup>
- <400 μsec latency
- Compact design: 200mm width, 260mm height, 90mm depth
- UNI, NTE-Demarc, SLA on a light pole, monitor, manage and deliver an SLA to any location
- Mounts anywhere: light poles, buildings, strand
- Ruggedized, outdoor device: IP66
- Power over Ethernet, or integrated AC power
- Interference Mitigation: Extreme Interference Protection (XIP)<sup>1</sup> technology
- Auto Alignment: Auto discovery & synchronization via innovative antenna system
- Carrier Ethernet services:
  - Transport full layer 2
  - SLA assurance via full-featured QAM capability
  - Timing & Synchronization over NLOS link: Packet-based timing over wireless, distributed 1588v2 transparent dock
  - Network synchronization support in any location
  - Service uptime: carrier-grade physical link and network layer redundancy
  - Security: service protection and reliability

### Intelligent Backhaul Radio 1300 Series

#### Specifications

Specifications	IBR
<b>RADIO</b>	
Speed and Range	Typical: Scalable up to 1.6 Gbps at 500m range (NLOS) and 2km range (LOS), 900 Mbps at 3km range (LOS), 300Mbps at 13km range (LOS) <sup>1</sup>
Latency	Typical: <400μsec
Frequency bands	FDD (no A or B side) operation across all 5 GHz UNII bands
Antenna Beamwidth	20 degrees, steerable over 40 degrees
ERP	FCC Up to +42 dBm
Adaptive Rate Modulation	Supported via proprietary adaptive algorithms
Interference Mitigation	Supported via proprietary avoidance and cancellation algorithms
Diversity	Supported via proprietary antenna array signal processing
Security	AES-256 OTA Encryption
<b>SWITCH</b>	
Carrier Ethernet Features	Y.1731 and 802.1ag OAM, Q in Q, RFC 2544 reflection, QoS, Broadcast / Unknown / Multicast (BUM) filter, Configurable latency per queue
Interfaces	1 x CoE (CoE, 1 x CoE (SFP or CoE), 1 ALOS radio interface (see above)
QoS	802.1p and DSCP classification, strict priority scheduling, WRR scheduling
Timing	1588v2 Transparent Clock
Management	HTTP, ssh, Telnet, SNMP v2c & v3, IPv6, Dying Gasp
Dimensions (W x H x D)	200mm width, 260mm height, 90mm depth
Weight	4 kg
Power Input	IBR-1300 PoE IBR-1301: 90-240 VAC
Temperature	-40C to +60C operating -55C to +85C storage

Certifications	IBR
Radiated	FCC Part 15, IC RSS-247, EN 301 893
Safety	UL/cUL (UL60950-1, UL60950-22), CE Mark EN 60950-1, EN 60950-22, EN 55022, EN 55024, EN 62311
EMC/EMI	FCC Part 15 Class B, EN 301 489
Environmental	IP66

<sup>1</sup> Range and throughput performance based on FCC operation

**About Fastback Networks**  
Fastback Networks was founded with a vision to deliver innovative technology for the mobile infrastructure of the future. Fastback solutions enable network operators to expand and enhance services, and private networks to secure, monitor and manage operations via high capacity data connectivity. With insights derived from the collective team's experience building leading edge radio and data networking solutions, Fastback Networks looks at the challenges of 4G/5G/LTE deployment with fresh eyes and better ideas, and develops transformational mobile backhaul solutions that enable the acceleration of the mobile future. Fastback Networks is a privately held company funded by Business Growth Fund, Foundation Capital, Granite Ventures, Harmony Partners, Juniper Networks Junos Innovation Fund, and Matrix Partners. More information is available at [www.fastbacknetworks.com](http://www.fastbacknetworks.com).



Fastback, Intelligent Wireless Transport, Intelligent Backhaul Radio, Any Line of Sight (AnyLOS), and XIP are registered trademarks or trademarks of Fastback Networks. Copyright 09/2016

1 MICROWAVE DISH DETAIL  
A-4 SCALE: NTS

#### PROJECT INFORMATION:

**EASTLAND PSE  
SE02025C**  
NEAREST TO 247 84TH AVE NE  
MEDINA, WA 98039

#### ISSUED FOR:

#### REVISION HISTORY:

NO.	DATE:	DESCRIPTION:	CHK. BY:
2	3/31/2021	REVISED PER REDLINES	BJT
1	3/23/2021	ISSUED DESIGN REVIEW	BJT

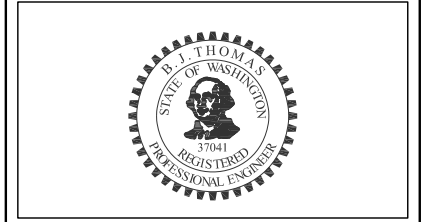
#### PLANS PREPARED BY:

**B. J. THOMAS, P.E.**  
**7607 80TH AVE NE**  
**MARYSVILLE, WA 98270**  
**206-851-1106**

#### DRAWN BY: CHK. BY:

JL BJ

#### LICENSURE:



#### DRAWING INFORMATION:

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#### DRAWING TITLE:

**GENERAL DETAILS**

#### DRAWING NUMBER:

**A-4** 394



**PROJECT INFORMATION:**

**EASTLAND PSE  
SE02025C**

NEAREST TO 247 84TH AVE NE  
MEDINA, WA 98039

**ISSUED FOR:**

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**DRAWN BY: CHK. BY:**

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**DRAWING TITLE:**

**VAULT DETAILS**

**DRAWING NUMBER:**

**V-1**

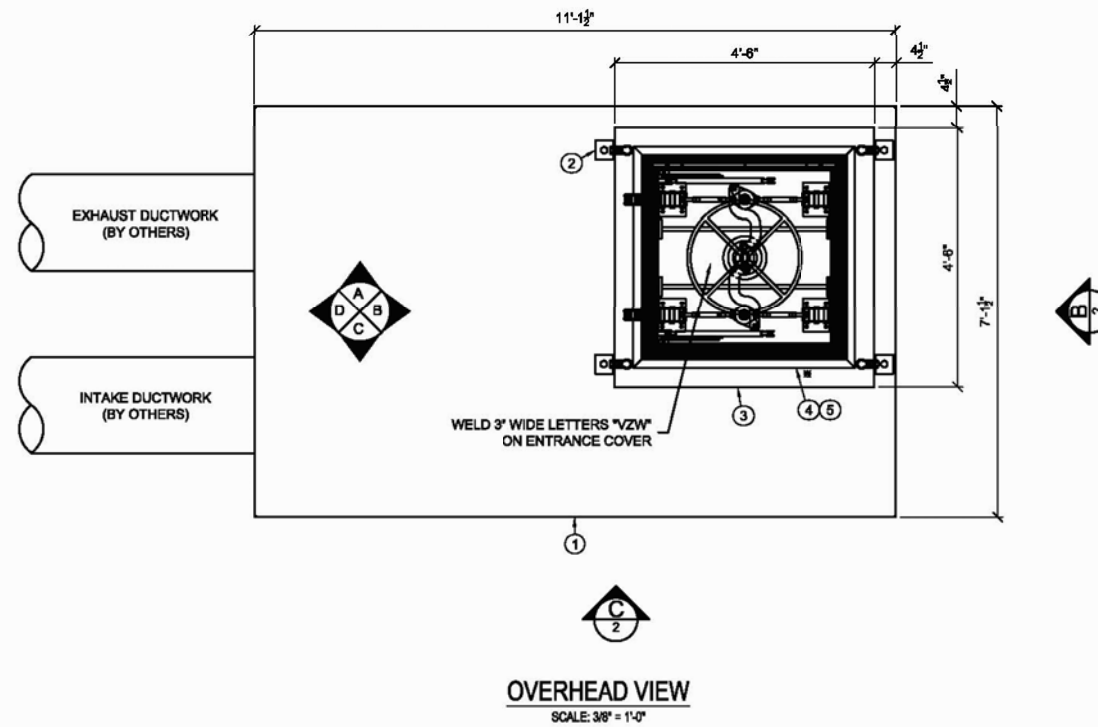
ITEM QTY	NAME	NOTE
1 1	CEMH 610 DOGHOUSE	FLOOD TIGHT HATCH
2 4	LEVEL PLATE BRACKET	FOR SLAB TOP (L BRACKET 4"x8"x1/4")
3 1	CEMH SLAB TOP	FLOOD TIGHT HATCH
4 1	CEMH ENTRANCE COVER	FLOOD TIGHT HATCH 36" x 36" CLEAR OPENING
5 1	DR CORE	SPECIAL VERIZON CORE AND KEYS

**SHEET INDEX:**

VZ_CEMH610-12JMCFT-1:	OVERHEAD VIEW
VZ_CEMH610-12JMCFT-2:	EXTERIOR ELEVATIONS
VZ_CEMH610-12JMCFT-3:	CEILING PLAN VIEWS
VZ_CEMH610-12JMCFT-4:	FLOOR PLAN VIEWS
VZ_CEMH610-12JMCFT-5:	INTERIOR ELEVATION "A"
VZ_CEMH610-12JMCFT-6:	INTERIOR ELEVATION "B"
VZ_CEMH610-12JMCFT-7:	INTERIOR ELEVATION "C"
VZ_CEMH610-12JMCFT-8:	INTERIOR ELEVATION "D"
VZ_CEMH610-12JMCFT-9:	ONE-LINE & PANEL SCHEDULE
VZ_CEMH610-12JMCFT-10:	DETAIL SHEET 1
VZ_CEMH610-12JMCFT-11:	DETAIL SHEET 2
VZ_CEMH610-12JMCFT-12:	DETAIL SHEET 3
VZ_CEMH610-12JMCFT-13:	DETAIL SHEET 4

**SITE NAME:**

DA VINCI



**OVERHEAD VIEW**  
SCALE: 3/8" = 1'-0"

**STRUCTURAL NOTES:**

**SPECIFICATIONS:**

DESIGN: ACI 318-11 BUILDING CODE  
LOADING: ASTM C-857 "MINIMUM STRUCTURAL DESIGN LOADING FOR UNDERGROUND PRECAST CONCRETE UTILITY STRUCTURES"

**MATERIALS:**

CONCRETE: ASTM C150 TYPE II & V LOW ALKALI CEMENT  
28-DAY COMPRESSIVE STRENGTH F'C = 7000 PSI  
F'C = 5000 PSI TOP SLAB  
REBAR: ASTM A615 GRADE 60  
WWR: ASTM A1064 GRADE 65

**DESIGN LOADS:**

LIVE LOAD: AASHTO HS20-44 WITH UP TO 30% IMPACT  
80 PSF LATERAL LIVE LOAD SURCHARGE  
300 PSF EQUIPMENT/PEDESTRIAN

**SEISMIC:**

S<sub>s</sub> = 2.8  
40 PCF LATERAL PRESSURE  
8" SOIL COVER

**SOIL:**

WATER TABLE 5'-0" BELOW GRADE  
120 PCF SOIL DENSITY  
65 PCF LATERAL SOIL PRESSURE ABOVE WATER TABLE  
90 PCF LATERAL SOIL PRESSURE BELOW WATER TABLE

**GENERAL NOTES:**

- ALL JOINTS SHALL BE SEALED USING CONSEAL CS-440.
- ALL ELECTRICAL COMPONENTS ARE UL LISTED.
- ALL MECHANICAL COMPONENTS ARE LISTED.
- ALL PLUMBING COMPONENTS ARE LISTED & MINIMUM PLUMBING PIPE SIZE IS 3/4".

**EXTERIOR FINISH:**

BLACK EMULSION WATER-PROOF  
CM7007

**INTERIOR FINISH:**

FLOOR: SMOOTH UNFINISHED CONCRETE  
WALLS: SMOOTH WHITE PAINT  
CEILING: SMOOTH WHITE PAINT  
DOGHOUSE: SMOOTH WHITE PAINT

**CEMH WEIGHT**

Top & Doghouse: 42,500 lbs  
Base: 22,500 lbs

- DENOTES EXTERIOR ELEVATION VIEW OF VAULT
- DENOTES INTERIOR WALL ELEVATION VIEW IN VAULT



PROJECT INFORMATION:

**EASTLAND PSE  
SE02025C**  
NEAREST TO 247 84TH AVE NE  
MEDINA, WA 98039

ISSUED FOR:

REVISION HISTORY:

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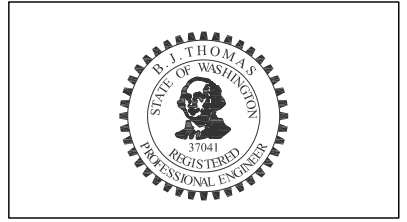
PLANS PREPARED BY:

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206-851-1106

DRAWN BY: CHK. BY:

JL BJ

LICENSURE:



DRAWING INFORMATION:

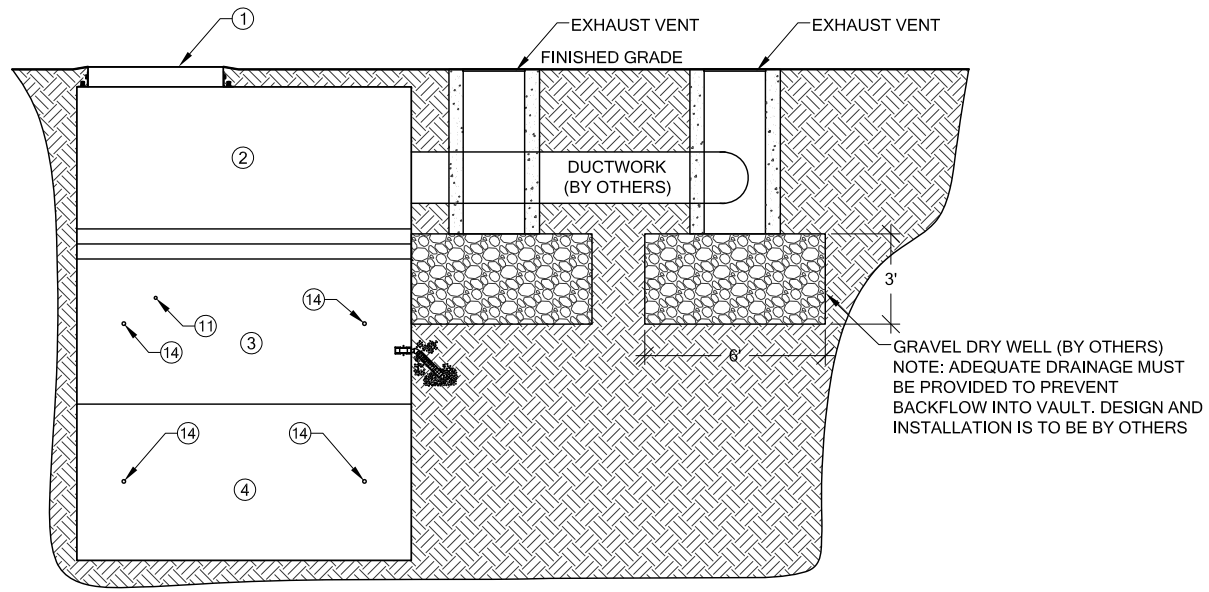
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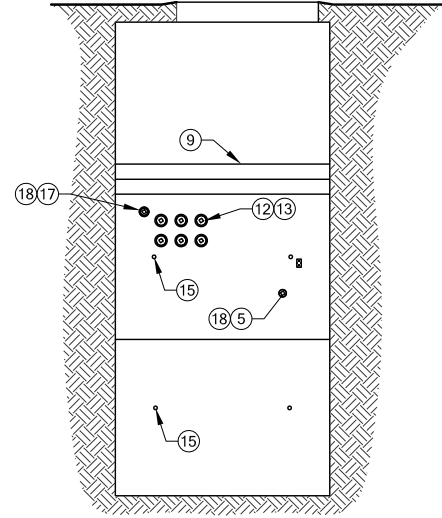
**VAULT DETAILS**

DRAWING NUMBER:

**V-2** 396

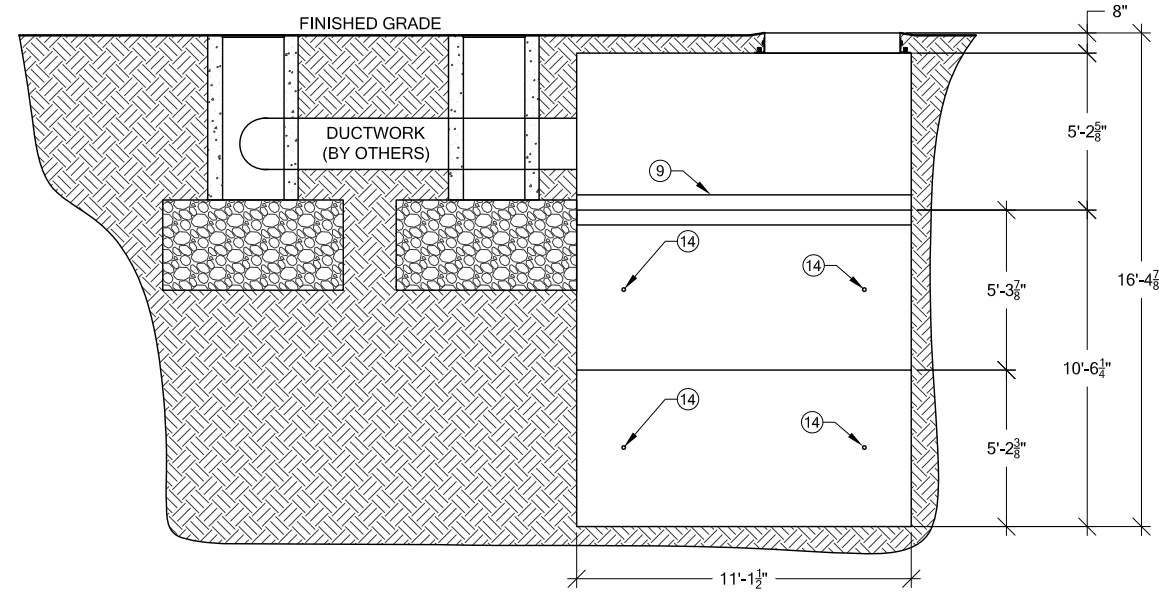


EXTERIOR ELEVATION VIEW "A"  
SCALE: NTS

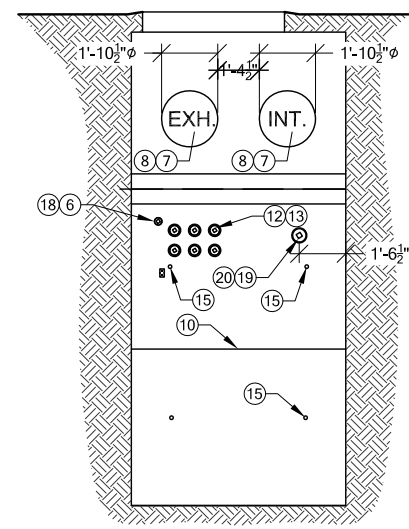


EXTERIOR ELEVATION VIEW "B"  
SCALE: NTS

ITEM	QTY	NAME	NOTE
1	1	CEMH SLABTOP	FLOOD TIGHT HATCH
2	1	CEMH DOGHOUSE	FLOOD TIGHT DOGHOUSE
3	1	CEMH 610 TOP	VERIZON TOP
4	1	CEMH 610 BASE	VERIZON BASE
5	1	3" THREADED COUPLING ASSEMBLY	ELECTRICAL ENTRANCE
6	1	3" THREADED COUPLING ASSEMBLY	(OPTIONAL ELECTRICAL ENTRANCE)
7	2	LINK SEAL	SHIP LOOSE
8	2	INSULATION	INLET & OUTLET OF HVAC UNITS
9	50	12" JOINT WRAP - CS212	WRAPS AROUND DOGHOUSE JOINT
10	40	GASKET 1.5"	SHIP LOOSE
11	1	1-1/4" COUPLING ASSEMBLY	SUMP DISCHARGE
12	12	5" INT./4" EXT. THREADED COUPLING	SEE DETAIL SHEET #4
13	12	4" THREADED PLUG	APPLY RECTO SEAL
14	8	1-1/2" COIL INSERT	LIFTING INSERTS
15	8	1-1/2" COIL INSERT	TIE DOWN INSERTS
16	2	VENT STACKS	SUPPLIED & INSTALLED BY OTHERS
17	1	3" THREADED COUPLING ASSEMBLY	TELCO ENTRANCE
18	3	3" THREADED PLUG	APPLY RECTO SEAL
19	2	6" THREADED COUPLING	FOR DC FAN
20	1	6" THREADED PLUG	APPLY RECTO SEAL



EXTERIOR ELEVATION VIEW "C"  
SCALE: NTS



EXTERIOR ELEVATION VIEW "D"  
SCALE: NTS



Technology Associates



DUNCANSON  
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145 SW 155th Street, Suite 102  
Seattle, Washington 98166  
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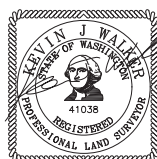
SITE  
**SE02025C**  
**EASTLAND PSE**  
NEAR 247 84TH AVE NE  
MEDINA, WA 98039  
KING COUNTY

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FLD. CREW:	CR/DC
FLD. BOOK:	565/8
DRAWN BY:	LAC
JOB #:	01808.1726
DATE:	03/09/21

**REVISIONS**

DATE	DESCRIPTION	BY
03/19/21	REVISED POLE LOCATION ADDITIONAL TOPO	LAC



SHEET TITLE  
**EXISTING SITE SURVEY**  
**SEC 36, TWP 25 N, RNG 4 E, WM**

SHEET NUMBER  
**SV1** 397

**LATITUDE/LONGITUDE POSITION**

COORDINATE DATA AT CENTER OF SUBJECT UTILITY POLE:  
NAD 83  
LAT - 47°36'50.73" N NAVD 88  
LONG - 122°13'41.42" W ELEV. = 88.5 FEET  
  
LAT - 47.614092° N  
LONG - 122.228172° W



BENCHMARK IS BASED ON WSRN PUGET SOUND REFERENCE NETWORK.

ELEVATION DERIVED USING GPS. ACCURACY MEETS OR EXCEEDS 1A STANDARDS AS DEFINED ON THE FAA ASAC INFORMATION SHEET 91:003.

**NOTES**

- 1) THE SUBJECT POLE LIES ENTIRELY WITHIN THE RIGHT-OF-WAY OF 84TH AVE NE.
- 2) FIELD WORK CONDUCTED IN MARCH, 2021.
- 3) BASIS OF BEARING: WASHINGTON STATE PLANE COORDINATE SYSTEM, NORTH ZONE (NAD83).
- 4) UNDERGROUND UTILITIES SHOWN HEREON, IF ANY, WERE DELINEATED FROM SURFACE EVIDENCE AND/OR UTILITY COMPANY RECORDS. CRITICAL LOCATIONS SHOULD BE VERIFIED PRIOR TO DESIGN AND CONSTRUCTION.
- 5) FEMA DESIGNATION: MAP NOT PRINTED.

**LEGAL DESCRIPTION**

SUBJECT POLE LIES ENTIRELY WITHIN THE RIGHT-OF-WAY OF 84TH AVE NE.

**EASEMENTS**

THE FOLLOWING EASEMENTS FROM THE REFERENCED TITLE REPORT CONTAIN SUFFICIENT INFORMATION TO BE DEPICTED ON THE PLAN. OTHER EASEMENTS OR ENCUMBRANCES, IF ANY, MAY AFFECT THE PROPERTY, BUT LACK SUFFICIENT INFORMATION TO BE SHOWN.

\* SUBJECT POLE LIES ENTIRELY WITHIN THE RIGHT-OF-WAY OF 84TH AVE NE.

**LEGEND**

- SUBJECT BOUNDARY LINE
- RIGHT-OF-WAY CENTERLINE
- RIGHT-OF-WAY LINE
- ADJACENT BOUNDARY LINE
- SECTIONAL BREAKDOWN LINE
- DP --- OVERHEAD POWER LINE
- UP --- BURIED POWER LINE
- G --- BURIED GAS LINE
- OT --- OVERHEAD TELEPHONE LINE
- UT --- BURIED TELEPHONE LINE
- W --- BURIED WATER LINE
- SS --- BURIED SANITARY SEWER
- SD --- BURIED STORM DRAIN
- --- DITCH LINE/FLOW LINE
- ROCK RETAINING WALL
- VEGETATION LINE
- CHAIN LINK FENCE
- WOOD FENCE
- X --- BARBED WIRE/WIRE FENCE
- △ TRANSFORMER
- ⊗ LIGHT STANDARD
- ⊠ POWER VAULT
- ⊞ UTILITY BOX
- ⊙ UTILITY POLE
- ← POLE GUY WIRE
- ⊞ GAS VALVE
- ⊞ GAS METER
- ⊞ TELEPHONE VAULT
- ⊞ TEL. MANHOLE
- ⊞ TELEPHONE RISER
- ⊙ FIRE HYDRANT
- ⊞ GATE VALVE
- ⊞ WATER METER
- ⊞ FIRE STAND PIPE
- ⊞ IRRIGATION CONTROL
- ⊞ CATCH BASIN, TYPE I
- ⊞ CATCH BASIN, TYPE II
- ⊞ SIGN
- ⊞ BOLLARD
- ⊞ MAIL BOX
- ⊞ SPOT ELEVATION

**TREE LEGEND**

- DECIDUOUS TREE
- AL=ALDER
  - MP=MAPLE
  - DS=DECIDUOUS
  - MA=MADRONA
  - OK=OAK
  - CH=CHERRY
- EVERGREEN TREE
- CE=CEDAR
  - DF=DOUGLAS FIR
  - HE=HEMLOCK
  - PI=PINE
  - EVG=EVERGREEN
- NOTE: TREE DRIP LINES ARE NOT TO SCALE. TREE SYMBOLS REFERENCE TRUNK LOCATION ONLY. TRUNK DIAMETERS WERE APPROXIMATED AT 3.5' TO 4' ABOVE GROUND LEVEL. TREES SHOWN ARE FOR REFERENCE ONLY AND OTHER TREES AND VEGETATION MAY EXIST.

**SITE INFORMATION**

TAX LOT NUMBER N/A  
SITE ADDRESS NEAREST TO 247 84TH AVE NE  
MEDINA, WA 98039  
SITE CONTACT  
PHONE NUMBER  
ZONING N/A  
TOTAL LOT AREA TO BE DETERMINED  
PROJECT AREA TO BE DETERMINED

**SURVEY REFERENCE**

1. QUIT CLAIM DEED PER A.F. NO. 20101221000119, RECORDS OF KING COUNTY.
2. RECORD OF SURVEY PER A.F. NO. 197701049012, RECORDS OF KING COUNTY.
3. PLAT OF MEDINA HEIGHTS RECORDED IN VOL. 21 OF PLATS AT PAGE 54, RECORDS OF KING COUNTY.
4. PLAT OF OVERLAKE ADDITION RECORDED IN VOL. 21 OF PLATS AT PAGE 52, RECORDS OF KING COUNTY.

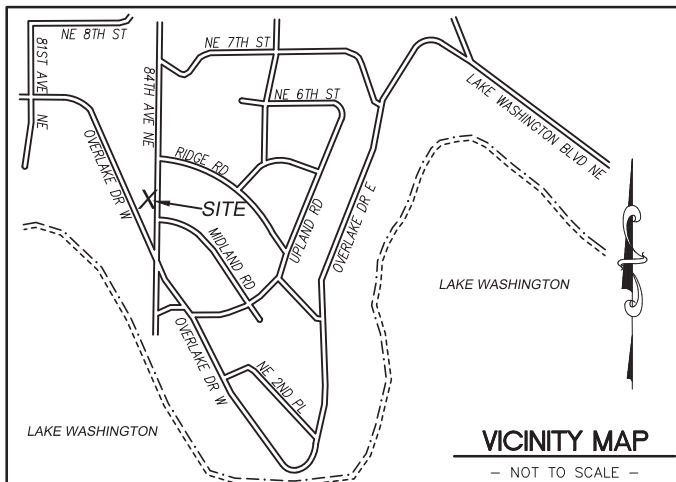
**BOUNDARY DISCLAIMER**

THIS PLAN DOES NOT REPRESENT A BOUNDARY SURVEY. SUBJECT AND ADJACENT PROPERTY LINES ARE DEPICTED USING FIELD-FOUND EVIDENCE AND RECORD INFORMATION.

**CAUTION!**

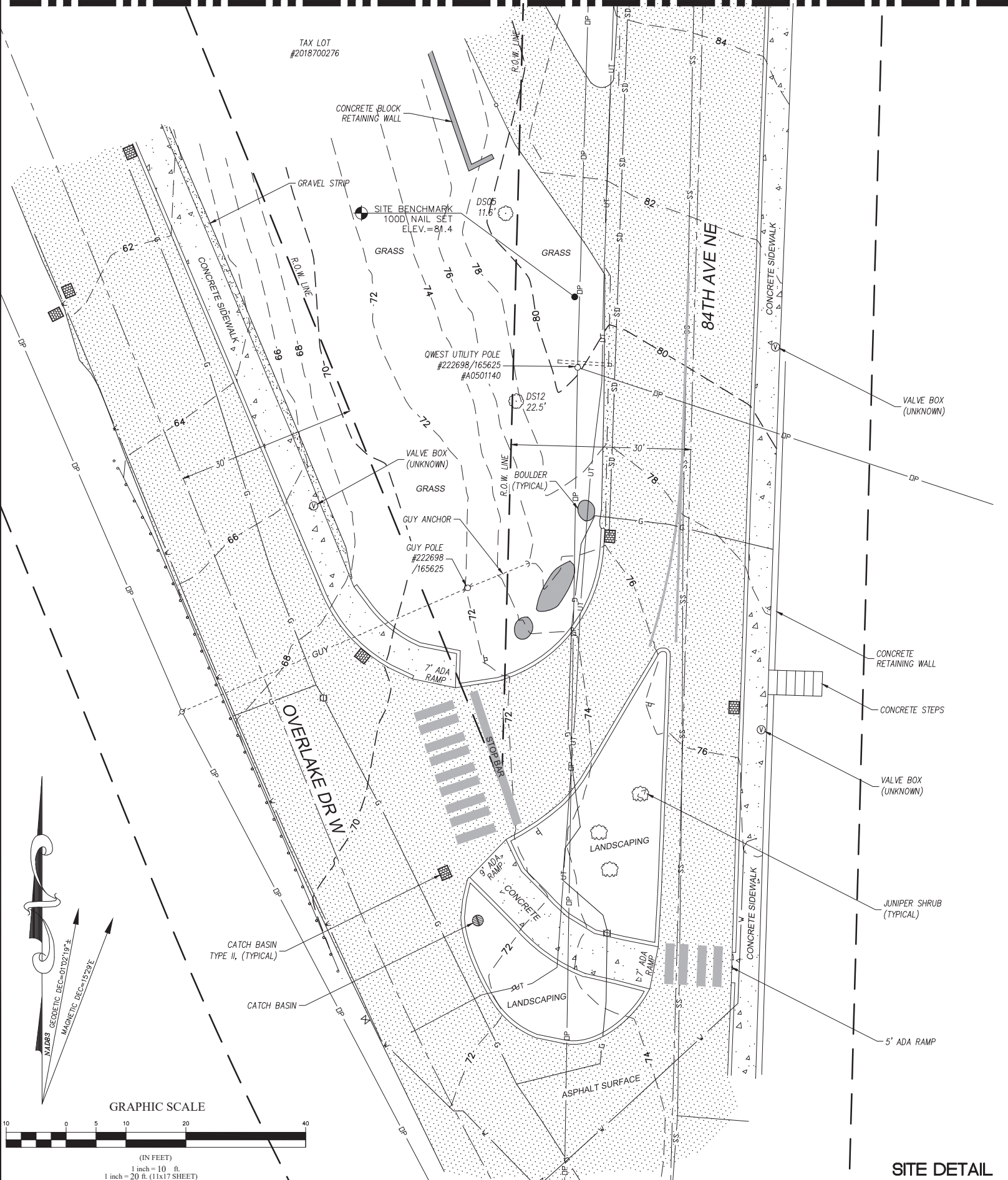
UNDERGROUND UTILITIES EXIST IN THE AREA AND UTILITY INFORMATION SHOWN MAY BE INCOMPLETE. STATE LAW REQUIRES THAT CONTRACTOR CONTACT THE ONE-CALL UTILITY LOCATE SERVICE AT LEAST 48 HOURS BEFORE STARTING ANY CONSTRUCTION.

1-800-424-5555

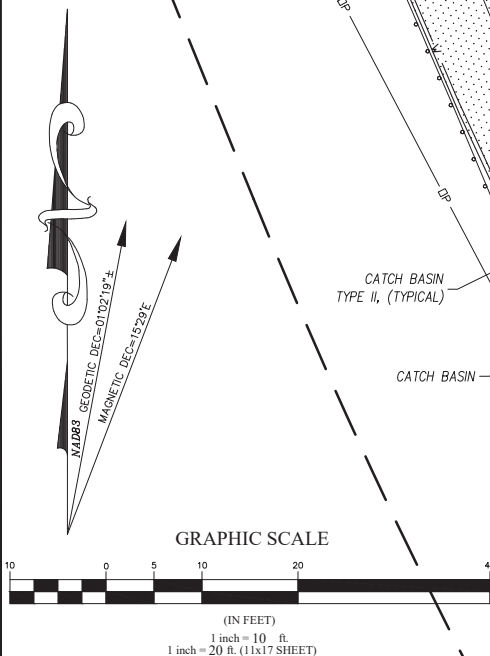


VICINITY MAP  
- NOT TO SCALE -

**MATCHLINE SEE SV2**



SITE DETAIL



GRAPHIC SCALE

1 inch = 10 ft.  
1 inch = 20 ft. (11x17 SHEET)



**DUNCANSON**  
Company, Inc.

145 SW 155th Street, Suite 102  
Seattle, Washington 98166  
Phone 206.244.4141  
Fax 206.244.4455

SITE

**SE02025C**  
**EASTLAND PSE**

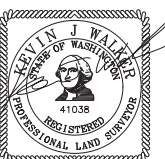
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FLD. BOOK:	565/8
DRAWN BY:	LAC
JOB #:	01808.1726
DATE:	03/09/21

**REVISIONS**

DATE	DESCRIPTION	BY
03/19/21	REVISED POLE LOCATION ADDITIONAL TOPO	LAC



3/22/21

SHEET TITLE  
**EXISTING SITE SURVEY**  
**SEC 36, TWP 25 N, R1G 4 E, WM**

SHEET NUMBER  
**SV2** 398

**LATITUDE/LONGITUDE POSITION**

COORDINATE DATA AT CENTER OF SUBJECT UTILITY POLE:  
NAD 83  
LAT - 47°36'50.73" N NAVD 88  
LONG - 122°13'41.42" W ELEV. = 88.5 FEET  
  
LAT - 47.614092° N  
LONG - 122.228172° W



BENCHMARK IS BASED ON WSRN PUGET SOUND REFERENCE NETWORK.  
  
ELEVATION DERIVED USING GPS. ACCURACY MEETS OR EXCEEDS 1A STANDARDS AS DEFINED ON THE FAA ASAC INFORMATION SHEET 91:003.

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- 5) FEMA DESIGNATION: MAP NOT PRINTED.

**LEGAL DESCRIPTION**

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**LEGEND**

- SUBJECT BOUNDARY LINE
- - - - - RIGHT-OF-WAY CENTERLINE
- - - - - RIGHT-OF-WAY LINE
- - - - - ADJACENT BOUNDARY LINE
- - - - - SECTIONAL BREAKDOWN LINE
- DP --- OVERHEAD POWER LINE
- UP --- BURIED POWER LINE
- G --- BURIED GAS LINE
- OT --- OVERHEAD TELEPHONE LINE
- UT --- BURIED TELEPHONE LINE
- W --- BURIED WATER LINE
- SS --- BURIED SANITARY SEWER
- SD --- BURIED STORM DRAIN
- - - - - DITCH LINE/FLOW LINE
- ROCK RETAINING WALL
- VEGETATION LINE
- CHAIN LINK FENCE
- WOOD FENCE
- X --- BARBED WIRE/WIRE FENCE
- △ TRANSFORMER
- ⊗ LIGHT STANDARD
- ⊠ POWER VAULT
- ⊞ UTILITY BOX
- ⊙ UTILITY POLE
- ← POLE GUY WIRE
- ⊞ GAS VALVE
- ⊞ GAS METER
- ⊞ TELEPHONE VAULT
- ⊞ TEL. MANHOLE
- ⊞ TELEPHONE RISER
- ⊞ FIRE HYDRANT
- ⊞ GATE VALVE
- ⊞ WATER METER
- ⊞ FIRE STAND PIPE
- ⊞ CATCH BASIN, TYPE I
- ⊞ CATCH BASIN, TYPE II
- ⊞ SIGN
- ⊞ BOLLARD
- ⊞ MAIL BOX
- ⊞ SPOT ELEVATION

**TREE LEGEND**

- DECIDUOUS TREE
- AL=ALDER
  - MP=MAPLE
  - DS=DECIDUOUS
  - MA=MADRONA
  - OK=OAK
  - CH=CHERRY
- EVERGREEN TREE
- CE=CEDAR
  - DF=DOUGLAS FIR
  - HE=HEMLOCK
  - PI=PINE
  - EVG=EVERGREEN
- NOTE: TREE DRIP LINES ARE NOT TO SCALE. TREE SYMBOLS REFERENCE TRUNK LOCATION ONLY. TRUNK DIAMETERS WERE APPROXIMATED AT 3.5' TO 4' ABOVE GROUND LEVEL. TREES SHOWN ARE FOR REFERENCE ONLY AND OTHER TREES AND VEGETATION MAY EXIST.

**SITE INFORMATION**

TAX LOT NUMBER N/A  
SITE ADDRESS NEAREST TO 247 84TH AVE NE  
MEDINA, WA 98039  
SITE CONTACT  
PHONE NUMBER  
ZONING N/A  
TOTAL LOT AREA TO BE DETERMINED  
PROJECT AREA TO BE DETERMINED

**SURVEY REFERENCE**

1. QUIT CLAIM DEED PER A.F. NO. 20101221000119, RECORDS OF KING COUNTY.
2. RECORD OF SURVEY PER A.F. NO. 197701049012, RECORDS OF KING COUNTY.
3. PLAT OF MEDINA HEIGHTS RECORDED IN VOL. 21 OF PLATS AT PAGE 54, RECORDS OF KING COUNTY.
4. PLAT OF OVERLAKE ADDITION RECORDED IN VOL. 21 OF PLATS AT PAGE 52, RECORDS OF KING COUNTY.

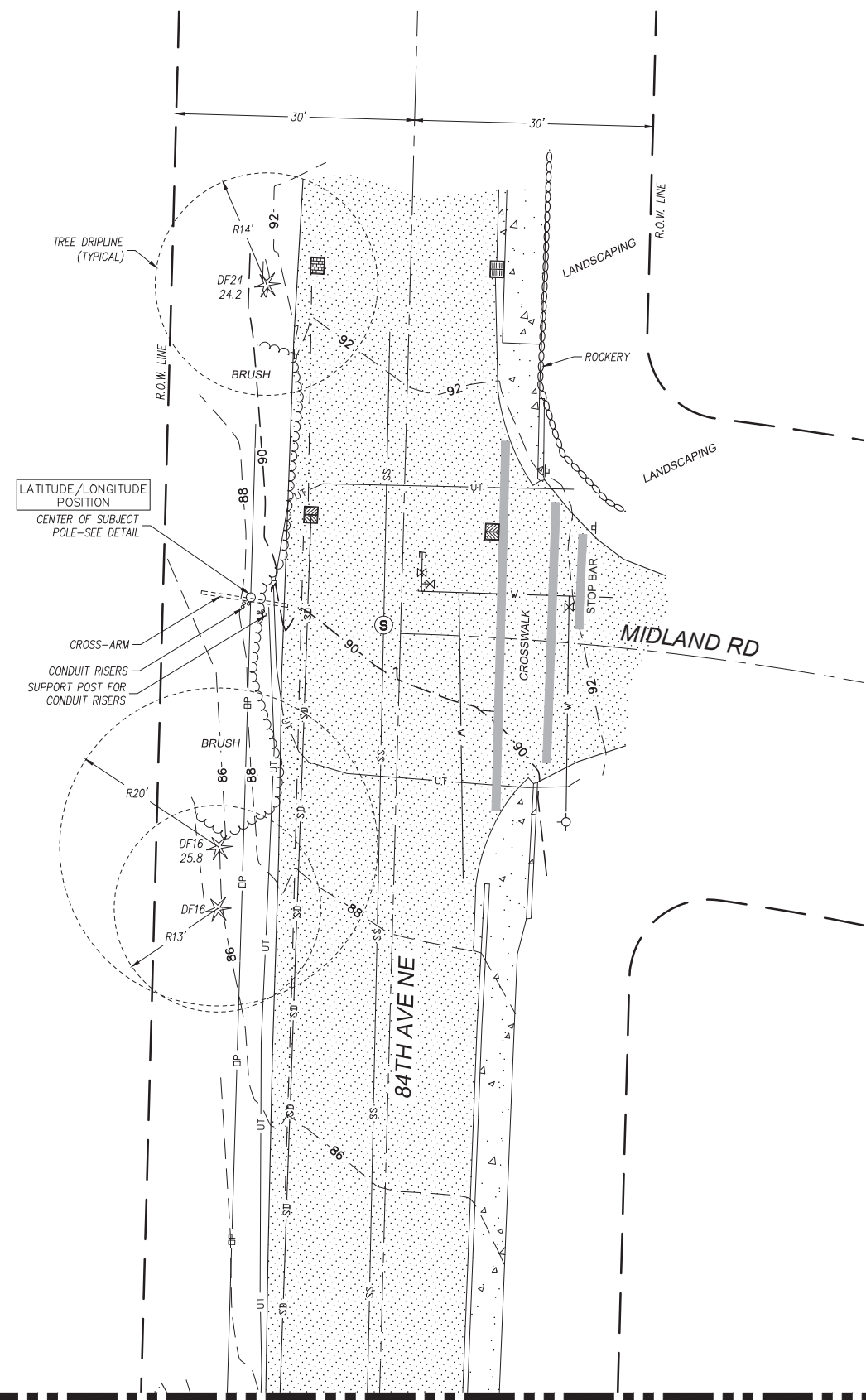
**BOUNDARY DISCLAIMER**

THIS PLAN DOES NOT REPRESENT A BOUNDARY SURVEY. SUBJECT AND ADJACENT PROPERTY LINES ARE DEPICTED USING FIELD-FOUNDED EVIDENCE AND RECORD INFORMATION.

**CAUTION!**

UNDERGROUND UTILITIES EXIST IN THE AREA AND UTILITY INFORMATION SHOWN MAY BE INCOMPLETE. STATE LAW REQUIRES THAT CONTRACTOR CONTACT THE ONE-CALL UTILITY LOCATE SERVICE AT LEAST 48 HOURS BEFORE STARTING ANY CONSTRUCTION.

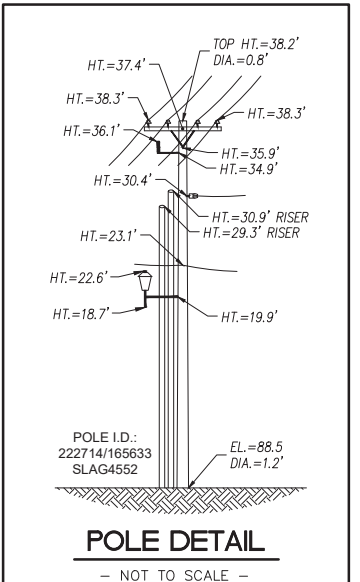
**1-800-424-5555**



LATITUDE/LONGITUDE POSITION  
CENTER OF SUBJECT POLE-SEE DETAIL

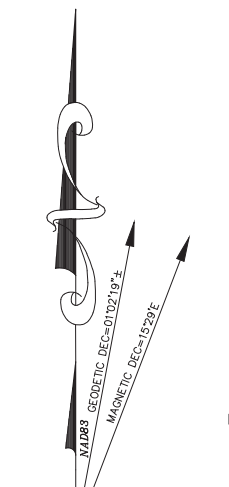
MATCHLINE SEE SV1

**SITE DETAIL**

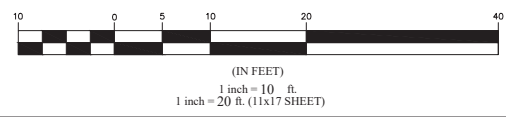


**POLE DETAIL**

- NOT TO SCALE -



**GRAPHIC SCALE**





## **Preliminary concept photo simulations**

EASTLAND/PSE  
SE02025C  
247 84TH AVE NE  
BELLEVUE, WA 98039  
LAT 47.614092 LONG -122.228172

**T-Mobile**  
19807 NORTH CREEK PKWY N  
BOTHELL, WA 98011  
OFFICE (425) 398-7600

Legend:

-  Location of proposed utility pole
-  # Direction and location of photograph.

84th Ave NE

1

Midland Rd

2

Midland Rd

84th Ave NE

84th Ave NE

3

Photographic Simulation Locator

Not to Scale

255

8338

247

Overlake Dr W





EASTLAND/PSE  
SE02025C  
247 84TH AVE NE  
BELLEVUE, WA 98039

EXISTING #1

AGENDA ITEM 9.4



19807 NORTH CREEK PKWY N  
BOTHELL, WA 98011  
OFFICE (425) 398-7600



FROM 84TH AVE NE LOOKING SOUTH

EASTLAND/PSE  
SE02025C  
247 84TH AVE NE  
BELLEVUE, WA 98039

PROPOSED #1

AGENDA ITEM 9.4



19807 NORTH CREEK PKWY N  
BOTHELL, WA 98011  
OFFICE (425) 398-7600



FROM 84TH AVE NE LOOKING SOUTH

EASTLAND/PSE  
SE02025C  
247 84TH AVE NE  
BELLEVUE, WA 98039

EXISTING #2

AGENDA ITEM 9.4  
**T-Mobile**

19807 NORTH CREEK PKWY N  
BOTHELL, WA 98011  
OFFICE (425) 398-7600



FROM MIDLAND RD LOOKING WEST

EASTLAND/PSE  
SE02025C  
247 84TH AVE NE  
BELLEVUE, WA 98039

PROPOSED #2

AGENDA ITEM 9.4  
**T-Mobile**

19807 NORTH CREEK PKWY N  
BOTHELL, WA 98011  
OFFICE (425) 398-7600



FROM MIDLAND RD LOOKING WEST

EASTLAND/PSE  
SE02025C  
247 84TH AVE NE  
BELLEVUE, WA 98039

EXISTING #3

**T**...MOORE  
AGENDA ITEM 9.4  
19807 NORTH CREEK PKWY N  
BOTHELL, WA 98011  
OFFICE (425) 398-7600



FROM 84TH AVE NE LOOKING NORTH

EASTLAND/PSE  
SE02025C  
247 84TH AVE NE  
BELLEVUE, WA 98039

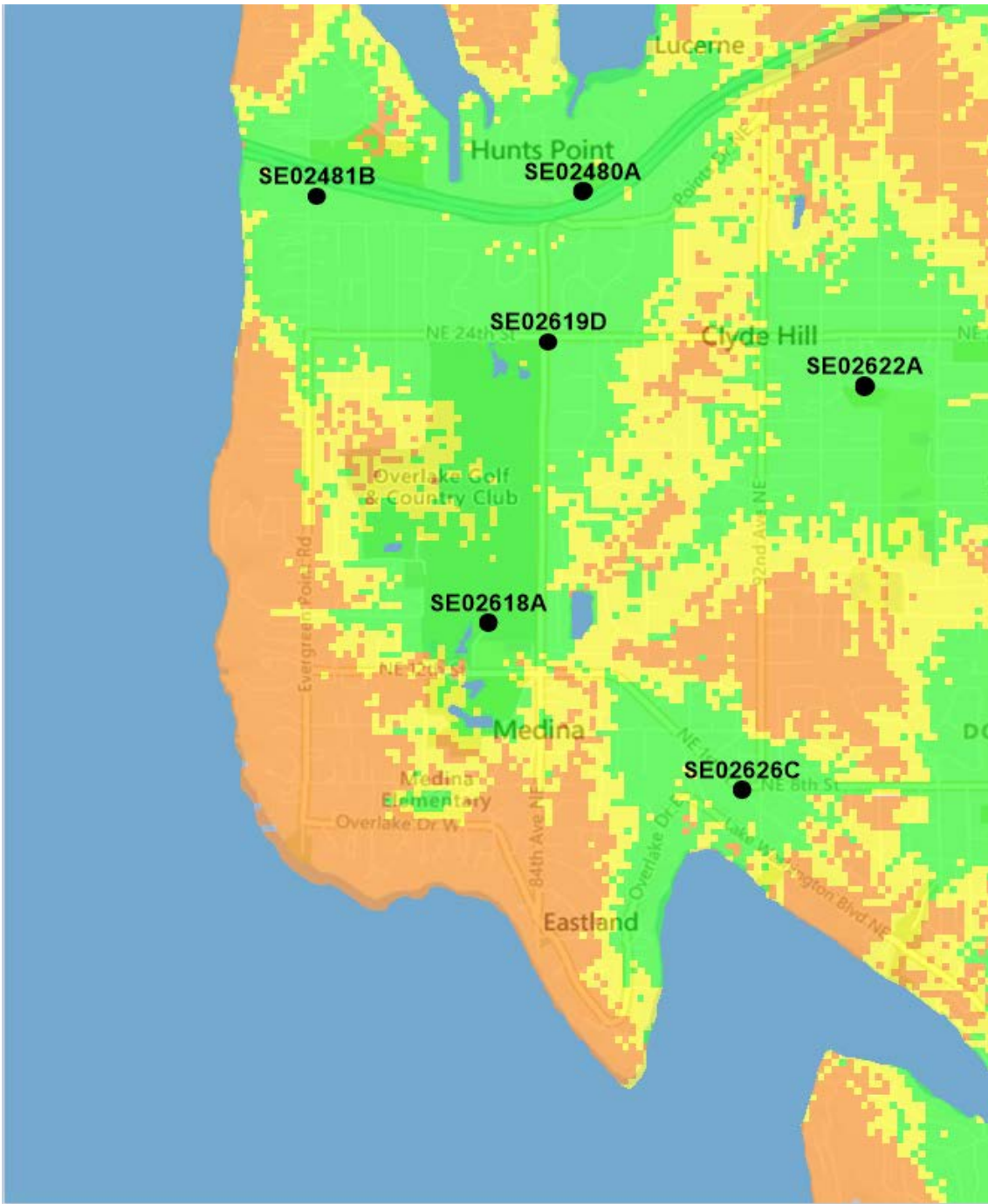
PROPOSED #3

**T**...MOBILE  
AGENDA ITEM 9.4  
19807 NORTH CREEK PKWY N  
BOTHELL, WA 98011  
OFFICE (425) 398-7600

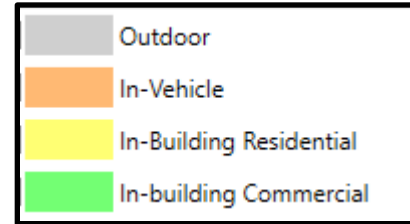


FROM 84TH AVE NE LOOKING NORTH

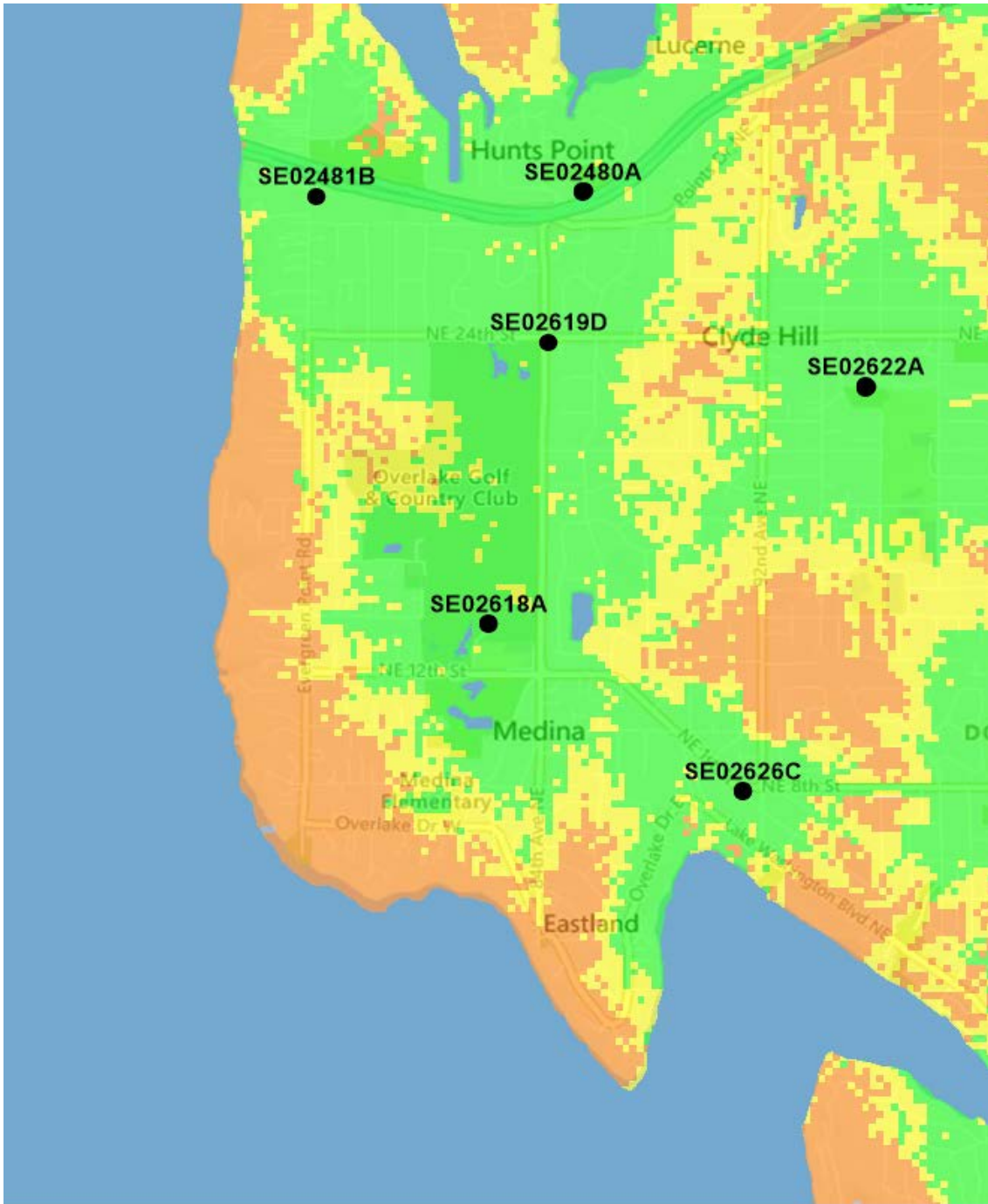
# Propagation maps



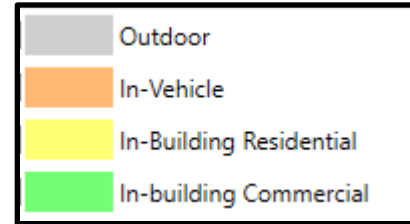
- T-Mobile On Air Sites
- Showing LTE AWS Coverage
- SE02618A with current RC = 32 feet

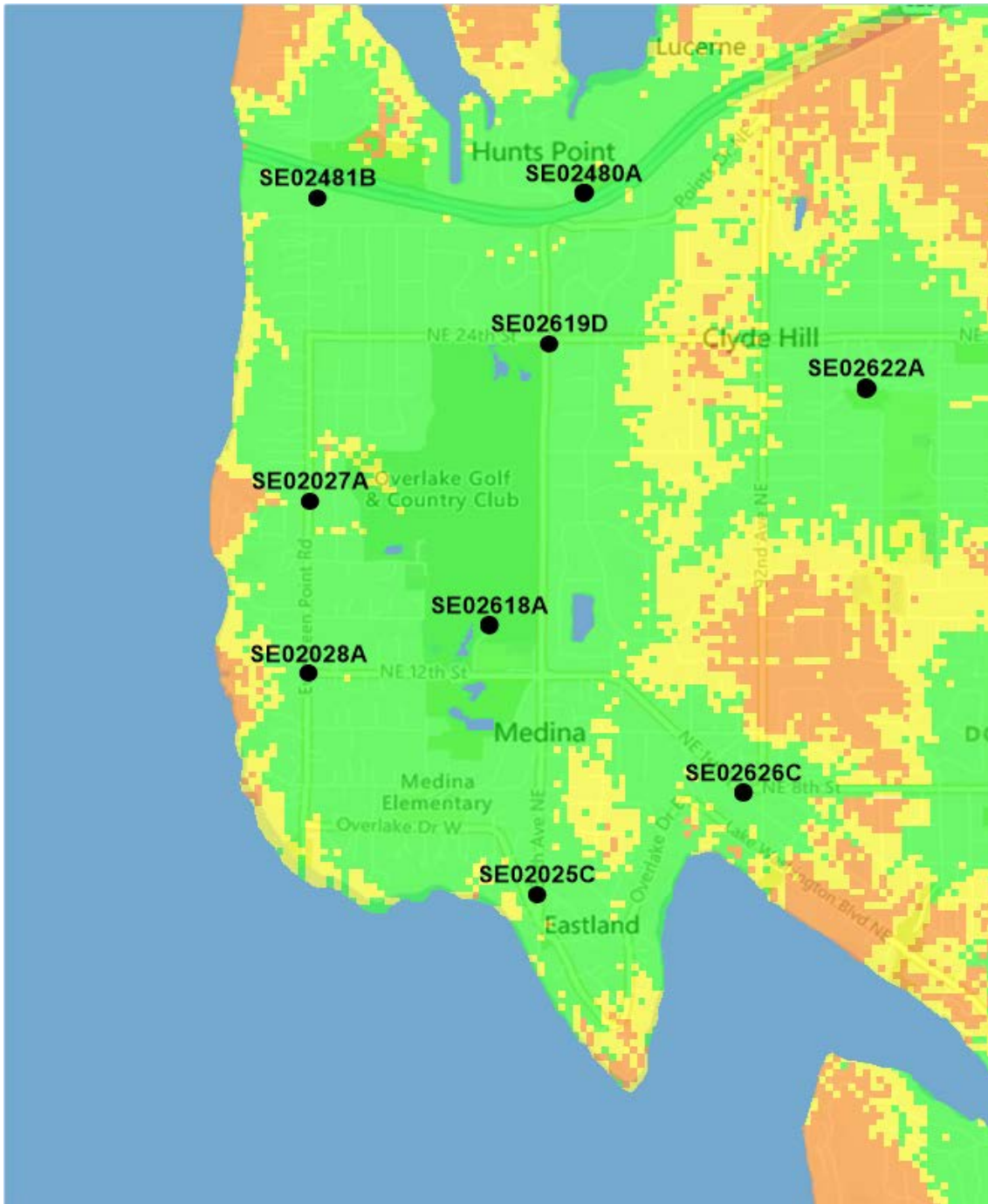




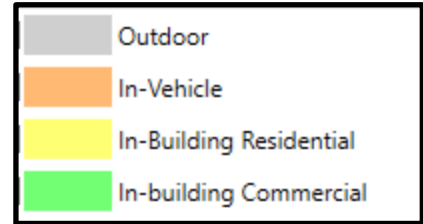


- T-Mobile On Air Sites
- Showing LTE AWS Coverage
- SE02618A with NEW RC = 51 feet





- T-Mobile On Air Sites
- Showing LTE AWS Coverage
- SE02618A with NEW RC = 51 feet
- Includes:
  - SE02025C
  - SE02027A
  - SE02028A





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SEATTLE, WA 98164-2008

T 206.447.7000  
F 206.447.0215

OMWLAW.COM

## MEMORANDUM

DATE: April 26, 2023  
TO: Medina City Council  
FROM: Emily Romanenko – Assistant City Attorney  
RE: Small Wireless Facility Permit Overview

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The purpose of this memorandum is to: (1) address the scope of the City's ability to regulate the deployment of small wireless facilities ("SWF"), (2) provide an overview of the SWF permit process, and (3) provide an update on the status of T-Mobile's SWF permit application.

### **I. City's Ability to Regulate SWF**

By way of background, SWF are cellular installations meant to supplement existing 4G networks and to facilitate the rollout of future 5G networks. These installations are significantly smaller than existing macro installations and are/will be located closer to the end user. This means that small wireless installations will be focused on the rights-of-way and adjacent areas.

In 2018, the Federal Communications Commission ("FCC") had issued a range of new rules that governed how the City is allowed to regulate SWF. Under these new rules, cities are prohibited from restricting the placement of SWF within the right-of-way; however, cities can adopt objective aesthetic and safety standards that are prescriptively applied. This means that if the applicant meets the adopted standards, the permit must be approved. Additionally, the FCC established presumptively reasonable permit review timelines ("shot clocks") within which wireless permits needed to be reviewed. During the winter of 2018, the City undertook a review and update of its wireless facilities code to ensure compliance with the 2018 FCC regulations.

As part of its wireless code update, the City Council reviewed and approved aesthetic and safety standards that would ensure the safety of the residents while staying within the parameters of what the FCC allows cities to regulate. Thus, while the City cannot regulate the choice of technology used (meaning we cannot ask the applicant to use a different type of antenna that is less obtrusive or site the SWF in a different location), the City can, and did, adopt reasonable aesthetic and safety requirements, including limiting the height of associated antennas and/or replacement poles, and requiring concealment elements. Design and concealment regulations can be found in MMC 16.38.070 and include standards for deployment on non-wooden light or utility poles, wooden light or utility poles, and strand mounted facilities. However, because the design standards cannot materially inhibit or have the effect of materially inhibiting the deployment of SWF, if the applicant states that additional height is necessary to meet other regulations (for example clearance between power lines), the applicant can increase the height of the pole or antenna

to the minimum additional height necessary to meet those other regulations. FCC [18-133A1](#), para. 37, [47 U.S.C. § 253\(a\)](#) and [47 U.S.C § 332\(c\)\(7\)](#).

The City is also preempted from regulating SWF based on health and environmental concerns. [47 U.S.C § 332\(c\)\(7\)\(B\)\(iv\)](#). In 1996 and 1997, the FCC issued guidelines for use in evaluating environmental effects of radio frequency (“RF”) emissions from cellular towers. The guidelines established maximum permitted exposure (“MPE”) limits established by the Congressionally chartered National Council on Radiation Protection. Those guidelines still stand today, and SWF applicants are only required to ensure that their facilities meet the federally established MPE limits; as long as they do, they can deploy the facilities. To ensure the SWF deployed within the City meet these federal standards, the City requires applicants to submit a sworn affidavit signed by an RF engineer with knowledge of the proposed project affirming that the proposed SWF will be compliant with all FCC and other governmental regulations in connection with human exposure to RF emissions for every frequency at which the SWF operates. MMC 15.14.020(F).

## II. SWF Permit Process

To deploy SWF within the City’s rights-of-way, the Medina Municipal Code (“MMC”) requires an applicant to obtain the following agreements and permits:

- A franchise agreement. The purpose of this agreement is to govern the applicant’s access to the City’s right-of-way. It is an “umbrella” agreement that contains provisions including insurance and indemnification requirements, permitting requirements, restoration requirements, and bonding requirements. Franchise agreements are approved legislatively by City Council. MMC 15.14.010(D)(1) and MMC 15.06.030.
- A SWF permit. This is a consolidated building permit that includes the construction plans, design standards, electrical and mechanical plans, and all the other permitting aspects that are typically included in a building permit. This consolidated permit grants the applicant the right to install their facilities on an existing or replacement pole in the right-of-way. SWF permits are approved administratively based on a prescriptive review of the code by the Development Services Director in conjunction with the Public Works Director. MMC 15.14.010(D)(2) and MMC 15.14.030(B).
- A site-specific license agreement. This agreement regulates the exact placement of new stand-alone equipment in the right-of-way. This agreement is used if the applicant wants to place any equipment on anything other than an existing, or replacement pole, in the right-of-way. As an example, an the applicant wanted to locate a new pole or place an underground vault in the right-of-way, they would need to obtain a site-specific license agreement. Site-specific license agreements are approved legislatively by City Council. MMC 15.14.010(D)(4).

- Other permits. Depending on the scope of the proposal, as determined through review of the small wireless facilities permit, other permits may also be required such as a right-of-way permit, grading and drainage permit, or a SEPA checklist. These types of permits are administratively approved by the Development Services Director in conjunction with the Public Works Director. MMC 15.14.010(D)(3).

Additionally, while not part of the permit review process, MMC 15.14.040(F) requires the applicant to hold an open house style meeting for the purposes of providing notice of the project to residents and providing an opportunity for residents to ask questions about the project. These meetings are for the public's information and are neither hearings nor part of any land use appeal process.

### **III. T-Mobile SWF Application**

In 2021, T-Mobile proposed, through a pre-application meeting, to deploy SWF within the City. T-Mobile first applied for a franchise and, after the negotiation process, City Council approved a franchise with T-Mobile in September 2022, pursuant to Ordinance No. 1013. Upon receiving their approved franchise, T-Mobile then applied for a SWF permit to site a SWF on an existing utility pole at the corner of 84<sup>th</sup> Ave NE and Midland Road, and a site-specific license agreement to locate an underground vault in the right-of-way. City staff are currently reviewing the small wireless facilities permit and the site-specific agreement is scheduled to come to Council in May. Additionally, as required by MMC 15.14.040(F), T-Mobile is now scheduled to hold their open house today, April 26, 2023. As next steps, City Council will review and vote on the site-license agreement while City staff finish reviewing the SWF permit and any other associated permits.