

**ORDINANCE NO. 4141**

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING AN INTERIM ZONING ORDINANCE TO AMEND CHAPTER 20.50 OF THE EDMONDS COMMUNITY DEVELOPMENT CODE, ENTITLED “WIRELESS COMMUNICATION FACILITIES,” DECLARING AN EMERGENCY NECESSITATING IMMEDIATE ADOPTION AND EFFECTIVENESS OF THIS INTERIM ZONING ORDINANCE.

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WHEREAS, in the Telecommunications Act of 1996 (the 1996 Act), Congress enacted sweeping new provisions intended to facilitate the deployment of telecommunications infrastructure; and

WHEREAS, several provisions of the 1996 Act speak directly to Congress’s determination that certain state and local regulations are unlawful; and

WHEREAS, Section 253(a) provides that “[n]o State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service;” and

WHEREAS, Congress specified in Section 332(c)(7) that “[t]he regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof—(I) shall not unreasonably discriminate among providers of functionally equivalent services; and (II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services;” and

WHEREAS, Section 332(c)(7) generally preserves state and local authority over the “placement, construction, and modification of personal wireless service facilities” but with certain limitations; and

WHEREAS, the Federal Communications Commission (FCC) has authority to interpret Sections 253 and 332 of the 1996 Act to further elucidate what types of state and local legal requirements run afoul of the statutory parameters Congress has established; and

WHEREAS, America is preparing to transition to the next generation of wireless services, known as 5G; and

WHEREAS, in preparing for that transition, and to improve existing deficits in their 4G networks, wireless providers have been increasingly looking to densify their networks with new small cell deployments that have antennas often no larger than a small backpack; and

WHEREAS, the challenge for the city's policymakers is that the deployment of these small cell networks will look different than the 3G and 4G deployments of the past, which often involved the construction of large cell towers; and

WHEREAS, to support advanced 4G or 5G offerings, wireless providers must build out small cells at a faster pace and at a far greater density of deployment than before; and

WHEREAS, to meet rapidly increasing demand for wireless services and prepare our national infrastructure for 5G, wireless providers must deploy infrastructure at significantly more locations using these new, small cell facilities; and

WHEREAS, on September 27, 2018, in the context of the forthcoming small cell deployment, the FCC found it necessary and appropriate to exercise its authority to interpret the 1996 Act and clarify the preemptive scope that Congress intended by issuing its Declaratory Ruling and Third Report and Order ("FCC Order"); and

WHEREAS, the FCC asserts that its Order is part of a national strategy to promote the timely buildout of this new infrastructure across the country by eliminating regulatory impediments that unnecessarily add delays and costs to bringing advanced wireless services to the public; and

WHEREAS, the FCC Order still recognizes that certain reasonable aesthetic considerations do not run afoul of Sections 253 and 332; and

WHEREAS, the regulations contained herein are intended to, among other things, (1) ensure that the design, appearance, and other features of wireless facilities are compatible with nearby land uses; (2) manage the public right-of-way so as to ensure traffic safety and coordinate various uses; and (3) protect the integrity of the city's historic, cultural, and scenic resources and the quality of life of Edmonds' citizens; and

WHEREAS, the FCC Order states that “aesthetics requirements are not preempted if they are (1) reasonable, (2) no more burdensome than those applied to other types of infrastructure deployments, and (3) objective and published in advance;”

WHEREAS, the FCC Order states that “aesthetic requirements that are reasonable in that they are technically feasible and reasonably directed to avoiding or remedying the intangible public harm of unsightly or out-of-character deployments are also permissible;” and

WHEREAS, the FCC has given cities until April 14, 2019 to have adopted and published its aesthetic regulations; and

WHEREAS, the city council finds that these regulations promote the small cell deployment in a manner that also balances the needs of the community while mitigating the potential negative impacts of that deployment; and

WHEREAS, the City Council acknowledges that the growing use of smart phones and other personal devices has created a substantial need for wireless data transmission, including in single-family neighborhoods; and

WHEREAS, the City Council is the steward of the public right-of-way which will probably host some of the forthcoming small cell facilities; and

WHEREAS, as steward of the public right-of-way, the City Council must consider the various competing uses of the public right-of-way, which is already crowded with various wet and dry utilities both above and below ground, to say nothing of its transportation uses; and

WHEREAS, the City Council recognizes that not all utilities are similarly situated: some (like water and sewer) can only function below ground; some (like wireless antennas) can only function above ground; some (like wireline utilities) require the kind of continuity that can only be provided if they are located in the public right-of-way; and some (like wireless facilities), because they transit radio frequencies, are less reliant than wireline utilities on the continuity provided by the public right-of-way; and

WHEREAS, in light of the different needs of the various utilities, and in light of the limited available space in the right-of-way, the City Council intends to prioritize and preserve the right-of-way for those utilities that most need it; and

WHEREAS, the City Council deems it to be in the public interest to incorporate the FCC guidelines and provide for the streamlined review of applications and greater flexibility in siting wireless communications facilities, including small cell facilities, within the City, and at the same time to further the protection of the public environment through the adoption of small cell design standards, concealment techniques and dispersion requirements; and

WHEREAS, over the next many years, the deployment of small cell facilities in the numbers contemplated by the FCC is likely to have a cumulative negative visual impact upon the City, which threatens to lower the quality of life of the Edmonds citizens; and

WHEREAS, the aesthetic regulations and dispersion requirements contained in this ordinance are intended to mitigate some of that negative visual impact; and

WHEREAS, the dispersion requirement is intended to ensure that the negative visual impact is spread evenly throughout the City, and, in so doing, make it less noticeable than it would be if it was concentrated in certain small cell hot spots containing multiple wireless facilities in close proximity; and

WHEREAS, it is common for cities to adopt interim regulations when amending their codes to address new technology; and

WHEREAS, pursuant to RCW 36.70A.390, this interim ordinance may be adopted on an emergency basis without first holding a public hearing; and

WHEREAS, notwithstanding that authority, the city council held a public hearing on February 5, 2019; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 20.50 of the Edmonds Community Development Code, entitled “Wireless Communication Facilities,” is hereby amended to read as set forth in **Attachment A** hereto, which is incorporated herein as if set forth in full (new text is shown in underline; deleted text is shown in ~~strikethrough~~).

Section 2. Sunset. This interim ordinance shall remain in effect for 180 days from the effective date or until it is replaced with another ordinance adopting permanent regulations, after which point it shall have no further effect.


Section 3. Emergency Declaration. The city council hereby declares that an emergency exists necessitating that this ordinance take effect immediately upon passage by a majority vote plus one of the whole membership of the council, and that the same is not subject to a referendum (RCW 35A.12.130). Without an immediate adoption of this interim zoning ordinance, wireless providers could attempt to have new small cell applications processed pursuant to regulations that were not intended to apply to such facilities. Therefore, this interim regulation must be imposed as an emergency measure to protect the public health, safety and welfare by ensuring that the status of such previously filed applications is addressed herein.

Section 4. Severability. If any section, subsection, clause, sentence, or phrase of this ordinance should be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. Effective Date. This ordinance shall take effect and be in full force and effect immediately upon passage, as set forth in Section 3, as long as it is approved by a majority plus one of the entire membership of the council, as required by RCW 35A.12.130. If it is not adopted by a majority plus one of the entire membership of the council, then the language declaring an emergency shall be disregarded, in which case, this ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

Section 6. Adoption of Findings. The city council hereby adopts as findings of fact in support of the adoption of this ordinance the “whereas” clauses above.

APPROVED:

  
MAYOR DAVE EARLING

ATTEST/AUTHENTICATED:

  
CITY CLERK, SCOTT PASSEY

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY   
JEFF TARADAY

FILED WITH THE CITY CLERK:	February 8, 2019
PASSED BY THE CITY COUNCIL:	February 12, 2019
PUBLISHED:	February 15, 2019
EFFECTIVE DATE:	February 20, 2019
ORDINANCE NO.:	4141

**SUMMARY OF ORDINANCE NO. 4141**

of the City of Edmonds, Washington

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On the 12<sup>th</sup> day of February, 2019, the City Council of the City of Edmonds, passed Ordinance No. 4141. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING AN INTERIM ZONING ORDINANCE TO AMEND CHAPTER 20.50 OF THE EDMONDS COMMUNITY DEVELOPMENT CODE, ENTITLED "WIRELESS COMMUNICATION FACILITIES," DECLARING AN EMERGENCY NECESSITATING IMMEDIATE ADOPTION AND EFFECTIVENESS OF THIS INTERIM ZONING ORDINANCE.

The full text of this Ordinance will be mailed upon request.

DATED this 13<sup>th</sup> day of February, 2019.

  
CITY CLERK, SCOTT PASSEY

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## ATTACHMENT A

### Chapter 20.50

### WIRELESS COMMUNICATION FACILITIES

#### Sections:

- 20.50.010 Purpose.
- 20.50.020 Applicability.
- 20.50.030 Exemptions.
- 20.50.040 Prohibitions.
- 20.50.050 General macro facility siting criteria and design considerations.
- 20.50.060 ~~Permit requirements.~~ Permits and shot clocks.
- 20.50.070 Application requirements.
- 20.50.080 ~~Review time frames.~~ Eligible facilities requests.
- 20.50.090 New building-mounted macro wireless communication facility standards.
- 20.50.100 New structure-mounted macro wireless communication facilities standards.
- 20.50.110 New monopole-mounted macro wireless facility standards.
- 20.50.120 Temporary facilities.
- 20.50.130 ~~Modification.~~ Small wireless standards (small cell).
- 20.50.140 Abandonment or discontinuation of use.
- 20.50.150 Maintenance.
- 20.50.160 Definitions.

#### **20.50.010 Purpose.**

A. The purpose of this chapter is to regulate the placement, construction, ~~and~~ modification and appearance of wireless communication facilities, in order to protect the health, safety and welfare of the public, while not unreasonably interfering with the deployment ~~development~~ of the competitive wireless communication facilities throughout telecommunications marketplace ~~in the city~~. The purpose of this chapter may be achieved through adherence to the following objectives:

1. Protect residential areas and land uses from potential adverse impacts that wireless communication facilities might create, including but not limited to negative impacts on aesthetics, environmentally sensitive areas, historically significant locations, flight corridors, and health and safety of persons and property;
2. Establishment of clear and nondiscriminatory local regulations concerning wireless communication facilities ~~telecommunications providers~~ and services that are consistent with federal and state laws and regulations ~~pertaining to telecommunications providers~~;
3. Encourage providers of wireless communication facilities to locate facilities, to the



extent ~~feasible~~possible, in areas where the adverse impact on the public health, safety and welfare ~~community~~ is minimal;

4. For macro facilities, encourage~~Encourage~~ the location of those wireless communication facilities in nonresidential areas and allow macro ~~wireless communication~~ facilities in residential areas only when necessary to meet functional requirements of the communication~~telecommunications~~ industry as defined by the Federal Communications Commission;

5. Minimize the total number of macro ~~wireless communication~~ facilities in residential areas;

6. Encourage and, where legally permissible, require cooperation between competitors and, as a primary option, joint use of new and existing towers, tower sites and suitable structures to the greatest extent possible, where doing so would significantly reduce or eliminate additional~~in order to reduce cumulative~~ negative impact on the city;

7. Ensure wireless communication facilities are configured in a way that minimizes the adverse visual impact of the facilities, as viewed from different vantage points, through careful design, landscape screening, minimal impact siting options and camouflaging techniques, dispersion of unscreened features to lessen the visual impact upon any one location, and through assessment of technology, current location options, siting, future available locations, innovative siting techniques and siting possibilities beyond the jurisdictional boundaries of the city;

8. Enable wireless communication companies to enter into lease agreements with the city to use city property for the placement of wireless facilities, where consistent with other public needs, as a means to generate revenue for the city;

9. Balance the City's intent to minimize the adverse impacts of wireless communication facilities with~~Enhance~~ the ability of the providers of communication~~telecommunications~~ services to deploy~~provide~~ such services to the community quickly, effectively and efficiently;

10. Provide for the prompt removal of wireless communication facilities that are abandoned or no longer inspected for safety concerns and building code compliance, and provide a mechanism for the city to cause these abandoned wireless communication facilities to be removed as necessary to protect the citizens from imminent harm and danger;

11. Avoid potential damage to people and adjacent properties from tower failure and falling equipment, through strict compliance with state building and electrical codes; and

12. Disperse the adverse impacts of small cell facilities as evenly as possible throughout the community, especially when joint use does not eliminate additional visual impact.~~Provide a means for public input on wireless communication facility placement, construction and modification.~~

B. In furtherance of these objectives, the city shall give due consideration to the zoning code,

existing land uses, and environmentally sensitive areas when approving sites for the location of wireless communication facilities~~towers and antennas~~.

C. These objectives were developed to protect the public health, safety and welfare, to protect property values, and to minimize and disperse visual impact, while furthering the development of enhanced communication~~telecommunications~~ services in the city. These objectives were designed to comply with the Telecommunications Act of 1996 and its implementing regulations. The provisions of this chapter are not intended to and any ambiguities herein shall not be interpreted in such a manner that would materially inhibit to prohibit or to have the deployment effect of prohibiting personal wireless communication facilities~~services~~. This chapter shall not be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent ~~personal wireless~~ facilities~~services~~.

D. To the extent that any provision of this chapter ~~is inconsistent~~ or conflicts with any other city ordinance, this chapter shall control. Otherwise, this chapter shall be construed consistently with the other provisions and regulations of the city.

E. In reviewing any application to place, construct or modify wireless communication facilities, the city shall act within federally required time periods~~a reasonable period of time after an application for a permit is duly filed, taking into account the nature and scope of the application~~. Any decision to deny an application shall be in writing, supported by substantial evidence contained in a written record. The city shall approve, approve with conditions, or deny the application in accordance with this title, this chapter, the adopted Edmonds comprehensive plan, and other applicable ordinances and regulations.

F. ~~Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 provided the wireless industry with additional flexibility regarding modification of existing wireless telecommunication facilities. Specifically, the city may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of the tower or base station. An eligible facilities request includes any request for modification of an existing wireless tower or base station that involves: co-location of new transmission equipment; removal of transmission equipment; or replacement of transmission equipment. Any changes proposed to nonconforming wireless communication facilities must meet the criteria in ECDC 17.40.020(J). [Ord. 3961 § 1, 2014; Ord. 3845 § 2 (Att. A), 2011].~~

#### **20.50.020 Applicability.**

A. Except as provided herein, all wireless communication facilities shall comply with the provisions of this chapter. The standards and process requirements of this chapter supersede all other review process, setback, height or landscaping requirements of the Edmonds Community Development Code (ECDC).

B. Environmental. All proposed installations are subject to a threshold determination under the State Environmental Policy Act (SEPA) according to Chapter 20.15A ECDC unless categorically exempt pursuant to WAC 197-11-800. All proposals are subject to the critical areas requirements in Title 23 ECDC and the shoreline master program in Title 24 ECDC

C. Master Permit Agreement Needed.

1. Consistent with chapter 35.99 RCW, any person, corporation or entity that proposes to locate any portion of a wireless communication facility within the city right-of-way must have a valid fully executed master permit with the city before submitting applications for right-of-way construction permits.

2. Wireless providers interested in obtaining a master permit must apply as follows to have a complete application:

a. make application in writing to the city attorney c/o the city clerk's office;

b. submit a proposed master permit form, PROVIDED THAT, this requirement shall no longer apply in the event that the city council has adopted a standard master permit template;

c. submit three valid fully executed master permits that the provider has with other cities in Washington state, PROVIDED THAT, this requirement shall be excused to the extent that the provider does not have sufficient valid master permits in other jurisdictions to meet that requirement;

d. submit a map or maps showing provider's current coverage area within the City of Edmonds, distinguishing different types of coverage available (e.g. 3G, 4G, 5G) in various areas of the city, if such distinctions are applicable;

e. submit a map showing provider's existing macro and small cell facilities within the City of Edmonds;

f. submit a map showing provider's proposed new macro and small cell facilities within the City of Edmonds over the first two years of the master permit;

g. submit a map showing provider's existing fiber connections within the City of Edmonds, whether those connection are owned by the provider or a third party;

h. submit a map showing provider's proposed fiber connections within the City of Edmonds over the first two years of the master permit, whether those connection are owned by the provider or a third party.

3. After receipt of a complete application, the city attorney and wireless provider shall negotiate the terms of the master permit until they have agreed on terms that can be recommended to the city council for final approval. If the city attorney and wireless provider have not been able to reach agreement on the recommended terms of a master permit within 120 days of the date the complete application was submitted, the wireless provider may submit the provider's proposed master permit form to the council president directly and request that the provider's proposed master permit be added to a forthcoming city council agenda for consideration. The city council shall conduct a public hearing on the proposed master permit, including any renewal.

4. The final decision on any proposed master permit shall be subject to legislative discretion of the city council and the ordinance authorizing the master permit must be approved by a

majority of the full council. Any denial of a proposed master permit must be supported by substantial evidence contained in a written record.

5. Any prior adoption by the city council of a master permit template, as contemplated in subsection C.2.b, above, is merely intended to facilitate future master permit negotiations and should in no way be seen as limiting the city council's legislative discretion to approve or reject a similar master permit that has come before the city council for action.

6. Master permit terms shall not exceed five years. Master permits shall require the City to be indemnified by the provider and that indemnification shall be support by insurance that names the City as an additional insured.

D. Right-of-Way Construction Permit. A right-of-way construction permit is required prior to performing any work within the city right-of-way pursuant to ECDC Title 18.~~For existing sites only, to the extent feasible, additional antennas and equipment shall maintain the appearance intended by the original facility, including, but not limited to, color, screening, landscaping, camouflage, concealment techniques, mounting configuration, or architectural treatment.~~ [Ord. 3961 § 1, 2014; Ord. 3845 § 2 (Att. A), 2011].

#### **20.50.030 Exemptions.**

The following are exemptions from the provisions of this chapter:

- A. Radar systems for military and civilian communication and navigation.
- B. Handheld, mobile, marine and portable radio transmitters and/or receivers.
- C. Satellite antennas, including direct to home satellite services, and those regulated in ECDC [16.20.050\(D\)](#).
- D. Licensed amateur (ham) radio stations and citizen band stations as regulated in ECDC [16.20.050](#) (E).
- E. Earth station antenna(s) one meter or less in diameter and located in any zone.
- F. Earth station antenna(s) two meters or less in diameter and located in the business and commercial zones.
- G. Subject to compliance with all other applicable standards of this chapter, a building permit and/or right-of-way permit application need not be filed for emergency repair or maintenance of a facility until five business days after the completion of such emergency activity. [Ord. 3961 § 1, 2014; Ord. 3845 § 2 (Att. A), 2011].

#### **20.50.040 Prohibitions.**

- A. The following wireless communication facilities are prohibited in Edmonds:
  - 1. Guyed towers.
  - 2. Lattice towers.
- B. Monopoles are prohibited in the following locations:

1. All residential zones (single-family (SF) and multifamily (MF));
2. Downtown waterfront activity center;
3. Public (P) and open space (OS) zoned parcels; and
4. Within the city rights-of-way. [Ord. 3961 § 1, 2014; Ord. 3845 § 2 (Att. A), 2011].

**20.50.050 General macro facility siting criteria and design considerations.**

A. The city of Edmonds encourages wireless communication providers to use existing sites or more frequent, less noticeable sites instead of attempting to provide coverage through use of taller towers. To that end, applicants shall consider the following priority of preferred locations for wireless communication facilities:

1. Co-location, without an increase in the height of the building, pole or structure upon which the facility would be located;
2. Co-location, where additional height is necessary above existing building, pole, or structure;
3. A replacement pole or structure for an existing one;
4. A new pole or structure altogether.

B. Co-location shall be encouraged for all wireless communication facility applications and is implemented through less complex permit procedures.

1. To the greatest extent technically feasible, applicants for new monopole facilities shall be required to build mounts capable of accommodating at least one other carrier.
2. Any wireless communication facility that requires a conditional use permit (CUP) under the provisions of this chapter shall be separated by a minimum of 500 feet from any other facility requiring a CUP, unless the submitted engineering information clearly indicates that the requested site is needed in order to provide coverage for the particular provider and other siting options have been analyzed and proven infeasible.

C. Noise. Any facility that requires a generator or other device which will create noise audible beyond the boundaries of the site must demonstrate compliance with Chapter [5.30](#) ECC, Noise Abatement and Control. A noise report, prepared by an acoustical engineer, shall be submitted with any application to construct and operate a wireless communication facility that will have a generator or similar device. The city may require that the report be reviewed by a third party expert at the expense of the applicant.

D. Business License Requirement. Any person, corporation or entity that operates a wireless communication facility within the city shall have a valid business license issued annually by the city. Any person, corporation or other business entity which owns a monopole also is required to obtain a business license on an annual basis.

E. Signage. Only safety signs or those mandated by a government entity with jurisdiction may be located on wireless communication facilities. No other types of signs are permitted on

wireless communication facilities.

F. Any application must demonstrate that there is sufficient space for temporary parking for regular maintenance of the proposed facility.

G. Finish. A monopole may be constructed of laminated wood, fiberglass, steel, or similar material. The pole shall be a neutral color so as to reduce its visual obtrusiveness, subject to any applicable standards of the FAA or FCC.

H. Design. The design of all buildings and ancillary structures shall use materials, colors, textures, screening and landscaping that will blend the facilities with the natural setting and built environment.

I. Color. All antennas and ancillary facilities located on buildings or structures other than monopoles shall be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and ancillary facilities as visually unobtrusive as possible.

J. Lighting. Monopoles shall not be artificially lighted unless required by the FAA, FCC or other government entity with jurisdiction. If lighting is required and alternative lighting options are permitted, the city shall review the lighting alternatives and approve the design that would cause the least disturbance to the surrounding area. No strobe lighting of any type is permitted on any monopole. If FAA guidelines would require a strobe, the location shall be denied unless no other site or combination of sites would provide adequate coverage in accord with FCC requirements.

K. Advertising. No advertising is permitted at wireless communication facility sites or on any ancillary structure or facilities equipment enclosure.

L. Equipment Enclosure. Each applicant shall use the smallest equipment enclosure practical to contain the required equipment and a reserve for required co-location.

M. Radio Frequency Emissions Compliance. The applicant shall demonstrate that the project will not result in levels of radio frequency emissions that exceed FCC standards, including FCC Office of Engineering Technology (OET) Bulletin 65, Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields, as amended. Additionally, if the director determines the wireless communication facility, as constructed, may emit radio frequency emissions that are likely to exceed Federal Communications Commission uncontrolled/general population standards in the FCC Office of Engineering Technology (OET) Bulletin 65, Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields, as amended, in areas accessible by the general population, the director may require post-installation testing to determine whether to require further mitigation of radio frequency emissions. The cost of any such testing and mitigation shall be borne by the applicant.

N. Landscaping and Screening.

1. The visual impacts of wireless communication facilities should be mitigated and softened through landscaping or other screening materials at the base of a monopole,

facility equipment compound, equipment enclosures and ancillary structures. If the antenna is mounted flush on an existing building, or camouflaged as part of the building and other equipment is housed inside an existing structure, no landscaping is required. The director or his designee may reduce or waive the standards for those sides of the wireless communication facility that are not in public view, when a combination of existing vegetation, topography, walls, decorative fences or other

features achieve the same degree of screening as the required landscaping; in locations where the visual impact of the facility would be minimal; and in those locations where large wooded lots not capable of subdivision and natural growth around the property perimeter provide a sufficient buffer.

2. Landscaping shall be installed on the outside of fences in accordance with Chapter [20.13](#) ECDC. Existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or as a supplement to landscaping or screening requirements. The following requirements apply:

- a. Type I landscaping shall be placed around the perimeter of the equipment cabinet enclosure, except that a maximum 10-foot portion of the fence may remain without landscaping in order to provide access to the enclosure.
- b. Landscaping area shall be a minimum of five feet in width around the perimeter of the enclosure.
- c. Vegetation selected should be native and drought tolerant.
- d. Landscaping shall be located so as not to create sight distance hazards or conflicts with other surrounding utilities.

3. When landscaping is used, the applicant shall submit a landscaping bond pursuant to ECDC [20.13.040](#).

4. The use of chain link, plastic, vinyl or wire fencing is prohibited. Ornamental metal or wood fencing materials are preferred. [Ord. 3961 § 1, 2014; Ord. 3845 § 2 (Att. A), 2011].

#### **20.50.060 Permits and Shot Clocks ~~Permit requirements.~~**

A. No person may place, construct, reconstruct, ~~modify~~ or ~~operate~~ ~~modify~~ a wireless communication facility subject to this chapter without first having in place a master permit agreement pursuant to ECDC 20.50.020.C and a permit issued in accordance with this chapter. Except as otherwise provided herein, the requirements of this chapter are in addition to the applicable requirements of this title and ECDC Title [18](#). Any wires, cables, conduit or equipment associated with a wireless communication facility shall be subject to the requirements of chapter 18.05 ECDC, unless wireless facilities are expressly exempted from a provision of chapter 18.05 ECDC or the context necessitates that a provision of chapter 18.05 ECDC not apply to wireless facilities

B. Applications will be reviewed based on the type of wireless communication facilities requested to be permitted. Each wireless communication facility requires the appropriate type of project permit review, as shown in Table ~~A20.50.060(B)(1)~~. In the event of uncertainty on

the type of a wireless facility, the director shall have the authority to determine what permits are required for the proposed facility. ~~The conditional use permit types referenced are described in Chapter 20.01 ECDC.~~

**Table 20.50.060(B)(1) – Permit Requirements for Wireless Communication Facilities**

Type of Wireless Communication Facility	Permits Required		
	Building Permit	Conditional Use Permit (CUP)	Right-of-Way Permit
Building-mounted facilities or facilities co-located on an existing structure or monopole	X	-	X (as-applicable)
New structure-mounted facilities involving structure replacement to obtain additional height	X (as-applicable)	X (Type II)	X (as-applicable)
New monopole facilities (pole complies with height requirement of the underlying zone in ECDC Title 16)	X	-	X (as-applicable)
New monopole facilities (pole exceeds maximum height of zone in ECDC Title 16)			

**Table A**

<u>Request</u>	<u>Location</u>	<u>Building Permit Required</u>	<u>Right-of-Way (ROW) Permit Required</u>	<u>FCC Shot Clocks for Permit Review</u>
<u>Eligible facilities request</u>	<u>Existing approved WCF</u>	<u>Yes, if on private property</u>	<u>Yes, if in ROW</u>	<u>60 days</u>
<u>New macro facility</u>	<u>Collocation</u>	<u>Yes, if any elements on private property</u>	<u>Yes, if any elements in the ROW</u>	<u>90 days</u>



**Table A**

<u>Request</u>	<u>Location</u>	<u>Building Permit Required</u>	<u>Right-of-Way (ROW) Permit Required</u>	<u>FCC Shot Clocks for Permit Review</u>
<u>New macro facility</u>	<u>New structure or monopole</u>	<u>Yes, if any elements on private property</u>	<u>Yes, if any elements in the ROW</u>	<u>150 days</u>
<u>New small cell facility</u>	<u>Collocation</u>	<u>Yes, if on private property</u>	<u>Yes, if any elements in the ROW</u>	<u>60 days</u>
<u>New small cell facility</u>	<u>New structure or freestanding small cell pole</u>	<u>Yes, if any elements on private property</u>	<u>Yes, if any elements in the ROW</u>	<u>90 days</u>
<u>Temporary facility</u>	<u>Varies</u>	<u>Yes, if any elements on private property</u>	<u>Yes, if any elements in the ROW</u>	<u>Standard permit quotes</u>

**C. Timelines.****1. Macro cell.**

The application review period begins when all required application materials have been received and fees paid. If the City determines that the application is incomplete and provides notice to the applicant within thirty (30) calendar days of the date of application, the clock stops. The clock restarts when the City receives the applicant's supplemental submission in response to the City's notice of incompleteness. For subsequent determinations of incompleteness, the clock tolls (pauses) if the City provides written notice within ten (10) days that a supplemental submission did not provide the requested information.

**2. Small cell.**

The application review period begins when all required application materials have been

received and fees paid. If the City determines that the application is incomplete and provides notice to the applicant within ten (10) calendar days of the date of application, the clock stops. The clock resets to zero (0) when the City receives the applicant's supplemental submission in response to the City's notice of incompleteness. For subsequent determinations of incompleteness, the clock tolls (pauses) if the City provides written notice within ten (10) days that a supplemental submission did not provide the requested information.

D. Batched small cell applications.

If an applicant is applying for a small wireless network in a contiguous service area, up to 15 small wireless facilities may be batched into one application, PROVIDED THAT the application fee shall still be calculated as if the applications were submitted separately. The director or his/her designee may approve, deny or conditionally approve all or any portion of the small wireless facilities proposed in the application. The denial of one or more small wireless facility locations within one submission shall not be the sole basis for a denial of other locations or the entire batched application for small wireless facilities. Should an applicant file a single application for a batch that includes both collocated and new structures for small wireless facilities, the longer 90-day shot clock shall apply to ensure the City has adequate time to review the new construction sites.

~~E.~~ Any application submitted pursuant to this chapter for projects located on public or private property shall be reviewed and evaluated by the director, or his designee. The director of public works or his/her designee shall review all proposed wireless communication facilities that are located partially or fully within the city rights-of-way. Regardless of whether the director or the director of public works or their respective designees are reviewing the application, all applications will be reviewed and evaluated pursuant to the provisions of this chapter.

~~D.~~F. All applications for wireless communication facilities shall be reviewed for compliance with the applicable design standards by the director or his/her designee.

~~E.~~G. The applicant is responsible for obtaining all other permits from any other appropriate governing body with jurisdiction (i.e., Washington State Department of Labor and Industries, Federal Aviation Administration, etc.).

~~F.~~H. No provision of this chapter shall be interpreted to allow the installation of a wireless communication facility which minimizes parking, landscaping or other site development standards established by the Edmonds Community Development Code.

~~G.~~I. Wireless communication facilities that are governed under this chapter shall not be eligible for variances under Chapter [20.85](#) ECDC. Any request to deviate from this chapter shall be based solely on the exceptions set forth in this chapter.

~~H.~~J. Third Party Review. Applicants may use various methodologies and analyses, including geographically based computer software, to determine the specific technical parameters of the services to be provided utilizing the proposed wireless communication facilities, such as expected coverage area, antenna configuration, capacity, and topographic constraints that

affect signal paths. In certain instances, a third party expert may be needed to review the engineering and technical data submitted by an applicant for a permit. The city may at its discretion require third party engineering and technical review as part of a permitting process. The costs of the technical third party review shall be borne by the applicant.

1. The selection of the third party expert is at the discretion of the city. The third party expert review is intended to address interference and public safety issues and be a site-specific review of engineering and technical aspects of the proposed wireless communication facilities and/or a review of the applicants' methodology and equipment used, and is not intended to be a subjective review of the site which was selected by an applicant. Based on the results of the expert review, the city may require changes to the proposal. The third party review shall address the following:

- a. The accuracy and completeness of submissions;
- b. The applicability of analysis techniques and methodologies;
- c. The validity of conclusions reached;
- d. The viability of other site or sites in the city for the use intended by the applicant; and
- e. Any specific engineering or technical issues designated by the city.

~~J.K.~~ Any decision by the director or the director of public works shall be given substantial deference in any appeal of a decision by the city to either approve, approve with conditions, or deny any application for a wireless communication facility.

~~J.L.~~ Notwithstanding other remedies that may be available under federal law, failure of the City to issue permits within or otherwise comply with the FCC shot clock requirements does not provide a "deemed" grant of approval for macro or small wireless facilities. No work may occur until the permit issues. No alterations or changes shall be made to plans approved by the director, director of public works, or hearing examiner without the approval of the city.

~~K.M.~~ Co-location of additional antennas on permitted nonconforming monopoles is not considered to increase the nonconformity of the structure and is therefore allowed; provided, no increase to the height of a nonconforming monopole is allowed. [Ord. 3961 § 1, 2014; Ord. 3845 § 2 (Att. A), 2011].

#### **20.50.070 Application requirements.**

~~In addition to the requirements of ECDC 20.02.002, and those associated with the permit types referenced in ECDC 20.50.060, the~~ The following information must be submitted as part of a complete application for a wireless communication facility permit in the city of Edmonds:

- A. Project description including a design narrative, technology description, and co-location analysis indicating the alternative locations and technologies considered;
- B. Existing wireless coverage map overlaid on a current aerial photo showing provider's

existing facilities and wireless coverage in the area;

C. Proposed wireless coverage map overlaid on a current aerial photo showing provider's wireless coverage with the proposed facility;

D. Site information on scaled plans, including:

1. Site plan;
2. Elevation drawings;
3. Utility plan showing existing utilities, proposed facility location, and undergrounding~~Undergrounding details, as applicable;~~
4. Screening, camouflaging or landscaping plan and cost estimate (produced in accordance with Chapter [20.13](#) ECDC), as appropriate;

E. Photos and photo simulations showing the existing appearance of the site and appearance of the proposed installation from nearby public viewpoints;

F. Noise report (per ECDC [20.50.050](#)(C)), if applicable;

G. Radio Frequency (RF) emissions standards. The applicant shall provide the certification of an RF engineer with knowledge of the proposed development that the small cell network will comply with RF standards adopted by the Federal Communications Commission (FCC). The City recognizes that the Federal Telecommunications Act of 1996 gives the FCC sole jurisdiction in the field of regulation of RF emissions and wireless facilities that meet FCC standards shall not be conditioned or denied on the basis of RF impacts.~~Radio frequency emissions report for the proposed facility, which shall not be reviewed further by the city;~~

H. For small cell deployments, the following additional documentation shall be provided as initial justification for the proposed location pursuant to the site preference criteria set forth in ECDC 20.50.130.A, as applicable:

1. For installations proposed for Location Preference #2:

- a. A copy of the offer letter, certified mail receipts, and affidavit from applicant stating that no property owners fronting on the same right-of-way within 150 lineal feet of each proposed small wireless facility location accepted offers to locate the small wireless facility on an existing building; or
- b. An engineering and technical analysis by an engineering data certified Washington licensed engineer stating it is technically infeasible to locate the small wireless facility on an existing building fronting on the same right-of-way within 150 lineal feet of each proposed small wireless facility location.

2. For installations proposed for Location Preference #3:

- a. Documentation as required in H.1 above; and
- b. A copy of the offer letter, certified mail receipts, and affidavit from applicant stating that no property owners fronting on the same right-of-way within 150 lineal feet of each proposed small wireless facility location accepted offers to locate a freestanding small cell along the property frontage.

3. For installations proposed for Location Preference #4:
  - a. Documentation as required in H.1 and H.2 above; and
  - b. Evidence that no street light poles exist within 150 lineal feet of each proposed small wireless facility location, as measured along the right-of-way line; or
  - c. Written documentation from the pole owner denying the request to install the small wireless facility on any existing street light poles located within 150 lineal feet of each small wireless facility location, as measured along the right-of-way.
4. For installations proposed for Location Preference #5:
  - a. Documentation as required in H.1, H.2, and H.3 above; and
  - b. Evidence that the design standards for a freestanding small cell in the right-of-way could not be met; and
  - c. Confirmation by the director of public works that a new street light was not determined to be needed or could not be located within 150 lineal feet of the proposed small wireless facility location, as measured along the right-of-way.
5. For installations proposed for Location Preference #6:
  - a. Documentation as required in H.1, H.2, H.3, and H.4 above; and
  - b. Evidence that no single-phase power poles exist within 150 lineal feet of each proposed small wireless facility location, as measured along the right-of-way line; or
  - c. Written documentation from the pole owner denying the request to install the small wireless facility on any existing single-phase power poles located within 150 lineal feet of each proposed small wireless facility location, as measured along the right-of-way.
6. For installations proposed for Location Preference #7:
  - a. Documentation as required in H.1, H.2, H.3, H.4, and H.5 above; and
  - b. Evidence that no transmission power poles exist within 150 lineal feet of each proposed small wireless facility location, measured along the right-of-way; or
  - c. Written documentation from the pole owner denying the request to install the small wireless facility on any existing transmission power poles located within 150 lineal feet of each proposed small wireless facility location, as measured along the right-of-way.

H.I. Any other documentation deemed necessary by the director in order to issue a decision. [Ord. 3961 § 1, 2014; Ord. 3845 § 2 (Att. A), 2011].

**20.50.080 Eligible facilities requests. ~~Review time frames.~~**

This section implements section 6409 of the Spectrum Act (codified at 47 U.S.C. 1455), which requires the City of Edmonds to approve any eligible facilities request for a modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station.

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

1. Base Station is a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein nor any equipment associated with a tower. Base station includes, without limitation:

a. Equipment associated with wireless communications services as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

b. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and back-up power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems (“DAS”) and small cell networks).

c. Any structure other than a tower that, at the time the relevant application is filed (with jurisdiction) under this section, supports or houses equipment described in subsections (A)(1)(a) and (b) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

The term does not include any structure that, at the time the relevant application is filed with the City under this section, does not support or house equipment described in subsections (A)(1)(a) and (b) of this section.

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

3. Eligible Facilities Request. Any request for modification of an existing tower or base station that does not substantially increase 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. Site. For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements

currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

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

a. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten (10) percent or by the height of one (1) additional antenna array with separation from the nearest existing antenna, not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten (10) percent or more than ten (10) feet, whichever is greater.

(1) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act;

b. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than ten (10) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;

c. For any eligible support structure, it involves installation of more than one (1) new equipment cabinet for the technology involved; or, for towers in the public streets and base stations, it involves installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten (10) percent larger in height or overall volume than any other ground cabinets associated with the structure;

d. It entails any excavation or deployment outside the current site;

e. It would defeat the concealment elements of the eligible support structure; or

f. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment; provided, however, that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified above.

B. Qualification as an Eligible Facilities Request. Upon receipt of an application for an eligible facilities request, the Director will review the application to determine whether it qualifies as an eligible facilities request.

C. Time Frame for Review. Within sixty (60) days of the date on which a network provider submits an eligible facilities request application, the Director must approve the application unless it determines that the application is not covered by this section.

D. Tolling of the Time Frame for Review. The sixty (60) day review period begins to run when the application is submitted, 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 time frame for review of an eligible facilities request is not tolled by a moratorium on the review of applications.

1. To toll the time frame for incompleteness, the Director must 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 time frame 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 time frame 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.

E. 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 must deny the application.

F. Failure to Act. In the event the Director fails to approve or deny a request for an eligible facilities request within the time frame for review (accounting for any tolling), the request is 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.

G. To the extent feasible, additional antennas and equipment shall maintain the appearance intended by the original facility, including, but not limited to, color, screening, landscaping, camouflage, concealment techniques, mounting configuration, or architectural treatment.

~~A. Co-Located Facilities (Building and Structure Mounted).~~

~~1. For new or replacement wireless antennas mounted on existing structures requiring a building or engineering permit, the city shall issue a final decision on the project within 90 days of the date the application is determined to be complete. The city shall have 30 days from the date of filing to determine whether the application is complete; if deemed incomplete, the city shall inform the applicant in writing of the documentation needed to make the application complete. The city shall have 14 days from the receipt of the additional information to issue a letter of completeness, or request additional information.~~



~~as appropriate. Such decision shall be final and appealable only to superior court under the Land Use Permit Act.~~

~~2. The 90 day time period for a decision may be extended by mutual written agreement of the city and the applicant if circumstances warrant.~~

~~3. For purposes of this section, "co-located facilities" includes any of the following types of facilities:~~

~~a. Facilities that are mounted or installed on an existing monopole, building or structure; or~~

~~b. Facilities that do not involve a substantial increase in the size of a monopole. For purposes of this section, "substantial increase in the size of a monopole" means:~~

~~i. The mounting of the proposed antenna on the monopole would increase the existing height of the monopole by more than 10 percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; provided, however, that the mounting of the proposed antenna may exceed the size limits set forth in this subsection if necessary to avoid interference with existing antennas;~~

~~ii. The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter;~~

~~iii. The mounting of the proposed antenna would involve adding an appurtenance to the body of the monopole that would protrude from the edge of the tower more than 20~~

~~feet, or more than the width of the monopole at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this subsection if necessary to shelter the antenna from inclement weather or to connect the antenna to the monopole via cable; or~~

~~iv. The mounting of the proposed antenna would involve excavation outside the current monopole site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site; or~~

~~c. Facilities that are a part of a distributed antenna system; provided, that the distributed antenna system connects to an existing tower or antenna.~~

~~B.A. New Monopoles. Wireless communication facilities requiring a Type III B conditional use permit shall meet the requirements of Chapter 20.05 ECDC. [Ord. 3961 § 1, 2014; Ord. 3845 § 2 (Att. A), 2011].~~

#### **20.50.090 New building-mounted macro wireless communication facility standards.**

A. Generally. Wireless communication facilities located on the roof or on the side of the

building shall be grouped together, integrated to the maximum possible degree with the building design, placed toward the center of the roof and/or thoroughly screened from residential building views and from public views using radio frequency-transparent panels. Building-mounted wireless communication facilities shall be painted with nonreflective colors to match the existing surface where the antennas are mounted.

B. Height. The following requirements shall apply:

1. Downtown Waterfront/Activity Center (As Identified in the Edmonds Comprehensive Plan). For buildings at, or which exceed, the height limit of the underlying zone, antennas shall be flush-mounted and no portion of the antenna may extend above the building on which it is mounted. For buildings below the height limit, antennas may be built to the maximum height of the zone provided they are screened consistent with the existing building in terms of color, architectural style and material. Flush-mounted antennas may encroach into a required setback or into the city right-of-way if a right-of-way use agreement is established with the city. Antennas shall not project into the right-of-way by more than two feet and shall provide a minimum clearance height of 20 feet over any pedestrian or vehicular right-of-way.

2. Outside the Downtown/Waterfront Activity Center. The maximum height of building-mounted facilities and equipment shall not exceed nine feet above the top of the roof on which the facility is located. This standard applies to all buildings regardless of whether they are at or above the maximum height of the underlying zone. Such antennas must be well integrated with the existing structure or designed to look like common rooftop structures such as chimneys, vents and stovepipes.

C. Equipment Enclosure. Equipment enclosures for building-mounted wireless communication facilities shall first be located within the building on which the facility is located. If an equipment enclosure within the building is reasonably unavailable, then an equipment enclosure may be incorporated into the roof design provided the enclosure meets the height requirement for the zone. If the equipment can be screened by placing the equipment below existing parapet walls, no additional screening is required. If screening is required, then the screening must be consistent with the existing building in terms of color, architectural style and material. Finally, if there is no other choice but to locate the equipment enclosure on the ground, the equipment must be enclosed within an accessory structure which meets the setbacks of the underlying zone and be screened in accordance with ECDC [20.50.050\(N\)](#).

D. Feed Lines and Coaxial Cables. Feed lines and cables should be located below the parapet of the rooftop, if present. If the feed lines and cables are visible from a public right-of-way or adjacent property, they must be painted to match the color scheme of the building.



### **Acceptable Building-Mounted WCF**



### **Unacceptable Building-Mounted WCF**

[Ord. 3961 § 1, 2014; Ord. 3845 § 2 (Att. A), 2011].

#### **20.50.100 New structure-mounted macro wireless communication facilities standards.**

A. Generally. Wireless communication facilities located on structures other than buildings, such as utility poles, light poles, flag poles, transformers, and/or tanks, shall be designed to blend with these structures and be mounted on them in an inconspicuous manner.

1. Wireless communication facilities located on structures within unzoned city rights-of-way adjacent to single-family residential (RS) zones shall satisfy the following requirement:

a. No metal pole or tower shall be used within the right-of-way adjacent to a single-family zoned neighborhood unless required in order to comply with the provisions of the State Electrical Code. Wooden poles of height and type generally in use in the surrounding residential neighborhood shall be used unless prohibited by the State Electrical Code.

2. Wireless communication facilities located on structures shall be painted with nonreflective colors in a scheme that blends with the underlying structure.

B. Height.

1. The maximum height of structure-mounted wireless communication facilities shall not

exceed the maximum height specified for each structure or zoning district (rights-of-way are unzoned); provided the wireless communication facility may extend up to six feet above the top of the structure on which the wireless communication facility is installed. Antennas and related equipment shall be mounted as close as practicable to the structure.

2. Only one extension is permitted per structure.

3. If installed on an electrical transmission or distribution pole, a maximum 15-foot vertical separation is required from the height of the existing power lines at the site (prior to any pole replacement) to the bottom of the antenna. This vertical separation is intended to allow wireless carriers to comply with the electrical utility's requirements for separation between their transmission lines and the carrier's antennas.

C. Equipment Enclosure. Equipment enclosures shall first be located underground. If the enclosure is within the right-of-way, the enclosure shall be underground. If there is no other feasible option but to locate the equipment enclosure above ground on private property, the equipment must be enclosed within an accessory structure which meets the setbacks of the underlying zone and be screened in accordance with ECDC [20.50.050\(N\)](#).

D. Feed Lines and Coaxial Cable. Feed lines and cables must be painted to closely match the color scheme of the structure which supports the antennas.

E. Only wireless communication providers with a valid right-of-way use agreement shall be eligible to apply for a right-of-way construction permit, which shall be required prior to installation of facilities within the city right-of-way and be in addition to other permits specified in this chapter.



**Acceptable Structure-Mounted WCF**



#### **Unacceptable Structure-Mounted WCF**

[Ord. 3961 § 1, 2014; Ord. 3845 § 2 (Att. A), 2011].

#### **20.50.110 New monopole-mounted macro wireless facility standards.**

A. To the greatest extent technically feasible, applicants for new monopole facilities must build mounts capable of accommodating at least one additional carrier.

B. No part of a monopole, antennas or antenna equipment may exceed the maximum height of the zone where the facility is located.

C. Monopoles must be completely shrouded. All antennas, equipment and cables must be concealed.

D. All monopole facilities must conform to the following site development standards:

1. To the greatest extent possible, monopole facilities shall be located where existing trees, existing structures and other existing site features camouflage these facilities.

2. Existing mature vegetation should be retained to the greatest possible degree in order to help conceal the facility.

3. Equipment Enclosure. The first preference is for the equipment enclosure to be located underground. If the enclosure is within the right-of-way, the enclosure must be underground. If there is no other choice but to locate the equipment enclosure on the ground, the equipment must be enclosed within an accessory structure which meets the setbacks of the underlying zone and be screened in accordance with ECDC 20.50.050(N).

~~A. New monopoles are not permitted within the city unless the applicant has demonstrated that:~~

- ~~1. Coverage Objective. There exists a gap in service and the proposed wireless communication facility will eliminate such gap in service; and~~
- ~~2. Alternatives. No existing structure, building, or other feasible site or sites, or other alternative technologies not requiring a new monopole in the city, can accommodate the applicant's proposed wireless communication facility; and~~
- ~~3. Least Intrusive. The proposed new wireless communication facility is designed and located to remove the gap in service in a manner that is, in consideration of the values, objectives and regulations set forth in this chapter, this title, and the comprehensive plan, the least intrusive upon the surrounding area.~~



**Acceptable Monopole WCF**



**Acceptable Monopole WCF (Possible Co-Location Opportunity)**



## Unacceptable ~~Acceptable~~ Monopole WCF

~~B. All monopole facilities shall conform to the following site development standards:~~

- ~~1. To the greatest extent possible, monopole facilities shall be located where existing trees, existing structures and other existing site features camouflage these facilities.~~
- ~~2. Existing mature vegetation should be retained to the greatest possible degree in order to help conceal the facility.~~
- ~~3. Equipment Enclosure. The first preference is for the equipment enclosure to be located underground. If the enclosure is within the right of way, the enclosure must be underground. If there is no other choice but to locate the equipment enclosure on the ground, the equipment must be enclosed within an accessory structure which meets the setbacks of the underlying zone and be screened in accordance with ECDC 20.50.050(N).~~
- ~~4. Feed Lines and Coaxial Cables. Feed lines and cables must be painted to closely match the color scheme of the structure which supports the antennas.~~

~~C. Review Criteria. The hearing examiner shall review an application for a new monopole exceeding the maximum height of the zone as a Type III-B conditional use permit (per Chapter 20.05 ECDC), and shall determine whether or not each of the above standards is met. Examples of evidence demonstrating the Type III-B conditional use permit requirements include, but are not limited to, the following:~~

- ~~1. That the monopole height is the minimum necessary in order to achieve the coverage objective;~~
- ~~2. That no existing monopoles, structures or alternative site(s) are located within the geographic area that meet the applicant's engineering requirements to fulfill its coverage objective (regardless of the geographical boundaries of the city);~~
- ~~3. That existing monopoles or structures are not of a sufficient height or could not feasibly be extended to a sufficient height to meet the applicant's engineering requirements to meet its coverage objective;~~
- ~~4. That existing structures or monopoles do not have sufficient structural strength to support the applicant's proposed antenna and ancillary facilities;~~
- ~~5. That the applicant's proposed antenna would cause electromagnetic interference with antennas on the existing monopoles or structures, or the antennas on existing structures would cause interference with the applicant's proposed antenna;~~
- ~~6. That an alternative technology that does not require the use of a new monopole is unsuitable. Costs of alternative technology that exceed new monopole or antenna development shall not be presumed to render the technology unsuitable; and~~
- ~~7. The applicant demonstrates other limiting factors that render existing monopoles and structures or other sites or alternative technologies unsuitable. Engineering and technological evidence must be provided and certified by a registered professional~~



engineer and clearly demonstrate the evidence required.

~~D. Zoning Setback Exceptions.~~

~~1. Generally, wireless communication facilities placed on private property must meet setbacks identified in ECDC Title 16. However, in some circumstances, allowing modifications to setbacks may better achieve the goal of this section of concealing such facilities from view.~~

~~2. The director or hearing examiner, depending on the type of application, may approve modifications to be made to setbacks when:~~

~~a. An applicant for a wireless communication facility can demonstrate that placing the facility on certain portions of a property will provide better screening and aesthetic considerations than provided under the existing setback requirements; or~~

~~b. The modification will aid in retaining open space and trees on the site; or~~

~~c. The proposed location allows for the wireless communication facility to be located a greater distance from residentially zoned properties.~~

~~3. This zoning setback modification cannot be used to waive/modify any setback required under the State Building Code or Fire Code.~~

~~4.1. \_\_\_\_\_ A request for a setback exception shall be made at the time the initial application is submitted. [Ord. 3961 § 1, 2014; Ord. 3845 § 2 (Att. A), 2011].~~

**20.50.120 Temporary facilities.**

A. The installation of a “cell-on-wheels” or COWs and the installation site shall comply with all applicable laws, statutes, requirements, rules, regulations, and codes, including, but not limited to, the Uniform Fire Prevention and Building Code and National Electric Code.

B. All COWs and related appurtenances shall be completely removed from the installation site within 30 days of the date of the end of the emergency as determined by the mayor. [Ord. 3961 § 1, 2014; Ord. 3845 § 2 (Att. A), 2011].

**20.50.130 Small wireless standards and approval process. ~~Modification.~~**

Unlike macro facilities which are intended to provide cell coverage over large areas, the goal of a small wireless deployment is to provide additional capacity in localized areas, including residential neighborhoods, using smaller antennas and equipment. The intent of this section is to describe the City’s location preferences for small cell deployments and provide appropriate design standards to ensure that the negative visual impacts of wireless facilities are minimized and the City’s long-term goal of utility undergrounding is not frustrated.

A. Permitted locations.

The City of Edmonds prefers the use of zoned property rather than the public right-of-way for small wireless facilities. In this way, existing buildings will be used where feasible and individual landowners may gain some financial benefit from the widespread visual intrusion of wireless

deployments into their neighborhoods. Installation on existing building structures will also minimize the negative visual impact of additional wires, antennas and equipment that may otherwise be placed on existing utility poles. However, it is understood that a multi-node deployment may not be able to be located entirely on zoned properties because some property owners within the desired small cell deployment area may not want to participate or because of technological factors. In that instance, a mix of zoned property and right-of-way locations may be used.

1. Small cell attachments to buildings are permitted in any zone and are not subject to the dispersion requirement below.
2. Dispersion Requirement: No two small wireless facilities shall be located within 300 lineal feet of each other as measured along the right-of-way line.
3. Installations in the Downtown Business district (BD) zones shall be limited to building attachments or through the replacement or new installation of a Sternberg street light designed to contain a small wireless facility.

B. Location hierarchy.

Wireless providers shall attempt to site their small cell facilities pursuant to the following siting preferences (in descending order starting with the most preferred):

1. Outside the Right-of-Way

a. Location Preference #1 - On an existing building.

1) Roof-mounted.

a) Small cell facilities may be built to the maximum height of the underlying zone (or use the height exception in Sub (c) below) provided they are screened consistent with the existing building in terms of color, architectural style and materials.

b) Such facilities must be completely concealed and well integrated with the existing structure or designed and located to look like common rooftop elements such as chimneys, elevator penthouses or screened HVAC equipment.

c) Height exception. The maximum height for a small wireless facility above the underlying zone maximum is 3 feet with a maximum footprint of 12 sq. ft. in horizontal section.

2) Façade-mounted.

a) Small cell antennas may be mounted to the side of a building if they do not interrupt and are integrated with the building's architectural theme.

b) New architectural features such as columns, pilasters, corbels, or similar ornamentation that conceals the antennas should be used if it complements the architecture of the existing building.

c) If concealment is not possible, the antennas must be camouflaged. The smallest feasible mounting brackets must be used and the antennas must be painted and textured to match the adjacent building surfaces.

d) Facade-mounted antennas may encroach into a required setback or into the city right-of-way. Antennas may not project into the right-of-way more than twelve (12) inches and shall provide a minimum clearance height of 20 feet over any pedestrian or vehicular right-of-way.

e) All other equipment must be located within the building, screened by an existing parapet, or completely concealed and well integrated with the existing structure or designed and located to look like common rooftop elements such as chimneys, elevator penthouses or screened HVAC equipment. Exposed cabling/wiring is prohibited.

f) Height exception. Antennas may be located on buildings that are nonconforming for height provided that they are constructed to be no taller than the adjacent façade or an existing parapet. Equipment may be located on a roof behind a parapet that is nonconforming for height. Vertical expansion of the height nonconformity is prohibited.

#### b. Location Preference #2 - Freestanding small cell

The specifications provided in this section are for installations on zoned property only, except as otherwise noted in ECDC 20.50.130.B.2.b. The accompanying diagram shows a typical pole and its elements.

##### 1) Dimensional requirements

a) A freestanding small cell may not exceed 30 feet in height measured from the top of the foundation to the top of the antenna.

b) The equipment cabinet must be between 16 and 20 inches in diameter.

c) The upper pole must be scaled to 0.5 to 0.75 times the size of the equipment cabinet with a preferred 10 inch minimum outer diameter. The pole diameter

must be scaled so that no flat, horizontal surface larger than 1.5 inches exists between the equipment cabinet and upper pole.

d) The cantenna must have a maximum outer diameter of 14 inches and be tapered to transition from the upper pole. The cantenna may not exceed 5 feet 8 inches in height.

2) Appearance requirements

a) The same pole aesthetic must be used along adjacent blocks to maintain a cohesive appearance.

b) All small cell carrier equipment must be housed internal to the equipment cabinet or hidden within the cantenna. The cantenna, upper pole and equipment cabinet must be the same color, unless otherwise approved by the Director.

c) All hardware connections shall be hidden from view.

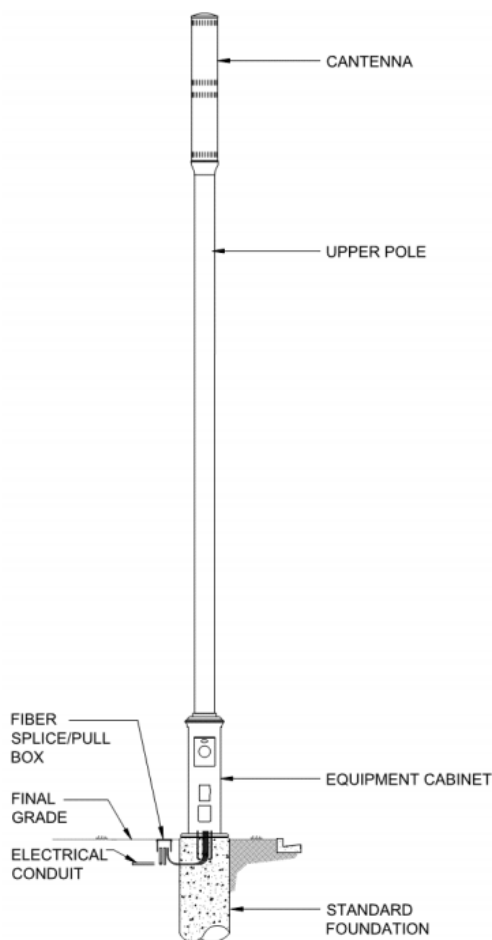
d) No equipment may be attached to the outside of the pole.

e) The freestanding small cell must be served by underground power and fiber, if fiber is to be connected.

f) May provide space for future collocation by another provider inside the same freestanding small cell pole facilities.

3) Placement requirements. Freestanding small cells shall be located as follows:

a) Located such that they in no way impede, obstruct, or hinder the usual pedestrian or vehicular travel, affect public safety, or violate applicable law.



- b) Within 5 feet of the street property line (right-of-way) and within 5 feet of a side property line.
- c) Outside the downtown business district (BD) zones.
- d) So as not to be located along the frontage of a Historic building, deemed historic on a federal, state, or local level.
- e) So as not to significantly create a new obstruction to property sight lines.
- f) In alignment with existing trees, utility poles, and streetlights.
- g) With appropriate clearance from existing utilities.
- h) On the same side of the street as existing power lines, regardless of whether power is underground or overhead;
- i) No two freestanding small cell poles may be located within 300 lineal feet of each other as measured along the right-of-way line.

## 2. Within the right-of-way

### a. Location Preference #3 – Existing/replaced hollow street light pole or utility pole:

- 1) Combination small cell and streetlight pole should be located where an existing streetlight pole can be utilized or removed and replaced with a pole that allows for small cell installation in the same location.
- 2) Pole design shall match the aesthetics of existing streetlights installed adjacent to the pole.
- 3) Where a Sternberg street light exists in the downtown business district (BD) zones, replacement shall be Sternberg model, designed to contain a small wireless facility.

4) The small cell components shall be sized to be visually pleasing. For a combination pole to be considered visually pleasing, the transition between the equipment cabinet and upper pole should be considered. A decorative transition shall be installed over the equipment cabinet upper bolts, or decorative base cover shall be installed to match the equipment cabinet size.

5) The upper pole shall be scaled at 0.5 to 0.75 the size of the equipment cabinet, with a 10-inch minimum outer diameter. All hardware connections shall be hidden from view. No horizontal flat spaces greater than 1.5 inches shall exist on the equipment cabinet to prevent cups, trash, and other objects from being placed on the equipment cabinet.

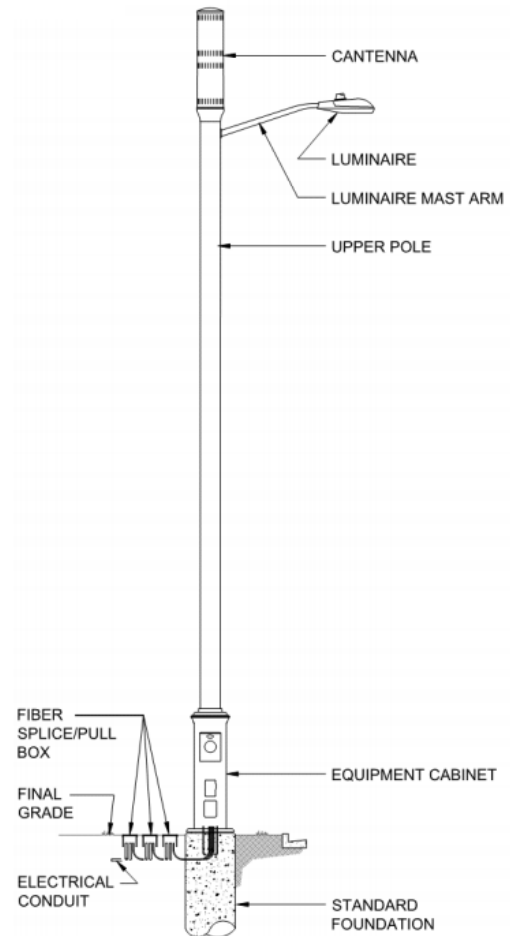
6) An internal divider shall separate electrical wiring and fiber, per the pole owner.

7) Weatherproof grommets shall be integrated in the pole design to allow cable to exit the pole, for external shrouds, without water seeping into the pole.

8) For installations on existing street lights, the antenna shall either be fully concealed within the pole or placed on top of the pole. A cantenna 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 the diameter of the top of the pole by more than two (2) inches. 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. 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.

9) Street light pole shall be located as follows:

a. In a manner that does not impede, obstruct, or hinder pedestrian or vehicular travel.



- b. In alignment with existing trees, utility poles, and streetlights.
- c. Within the street amenity zone wherever possible.
- d. Equal distance between trees when possible, with a minimum of 15-foot separation such that no proposed disturbance shall occur within the critical root zone of any tree.
- e. With appropriate clearance from existing utilities.
- f. Outside 30-foot clear sight triangle (for base cabinets equal to or greater than 18-inches in diameter) at intersection corners.
- g. 10-feet away from the intersection of an alley with a street.

10) All conduit, cables, wires and fiber must be routed internally in the light pole.

b. Location Preference #4 - Freestanding small cell or new street light

1) Freestanding Small Cell.

- a) Refer to subsection 20.50.130.B.1.b for dimensional and appearance standards.
- b) Placement requirements. Freestanding small cells shall be located in compliance with the following:
  - i. Located such that they in no way impede, obstruct, or hinder the usual pedestrian or vehicular travel, affect public safety, obstruct the legal access to or use of the public ROW, violate applicable law, violate or conflict with public ROW design standards, specifications, or design district requirements, violate the Federal Americans with Disabilities Act of 1990, or in any way create a risk to public health, safety, or welfare.
  - ii. Outside the downtown business district (BD) zones.
  - iii. So as not to be located along the frontage of a Historic building, deemed historic on a federal, state, or local level.
  - iv. So as not to significantly create a new obstruction to property sight lines.

- v. In alignment with existing trees, utility poles, and streetlights.
  - vi. Within the street amenity zone wherever possible.
  - vii. Equal distance between trees when possible, with a minimum of 15-foot separation such that no proposed disturbance shall occur within the critical root zone of any tree.
  - viii. With appropriate clearance from existing utilities.
  - ix. Outside 30-foot clear sight triangle (for base cabinets equal to or greater than 18-inches in diameter) at intersection corners.
  - x. 10-feet away from the intersection of an alley with a street.
  - xi. On the same side of the street as existing power lines, regardless of whether power is underground or overhead;
  - xii. No two freestanding small cell poles may be located within 300 lineal feet of each other as measured along the right-of-way line.
- 2) New Street Light. The replacement street light pole requirements are also applicable to the new street light option, except that a street light would be incorporated into the design of the facility. In addition, the following applies:
- a) A street light shall not be installed unless it has been identified by the director of public works that a street light is necessary at the location in which the small cell facility is proposed. A street light may be required to be installed instead of a free standing pole.
  - b) In the downtown business district (BD) zones, new street lights shall be Sternberg model, designed to contain a small wireless facility.
  - c) The antenna height, including antenna radio equipment, conduit or wires, brackets, transition shroud, and all other hardware required for a complete installation – from the top of the mast arm connection to the top of the antenna – shall not exceed five (5) feet.



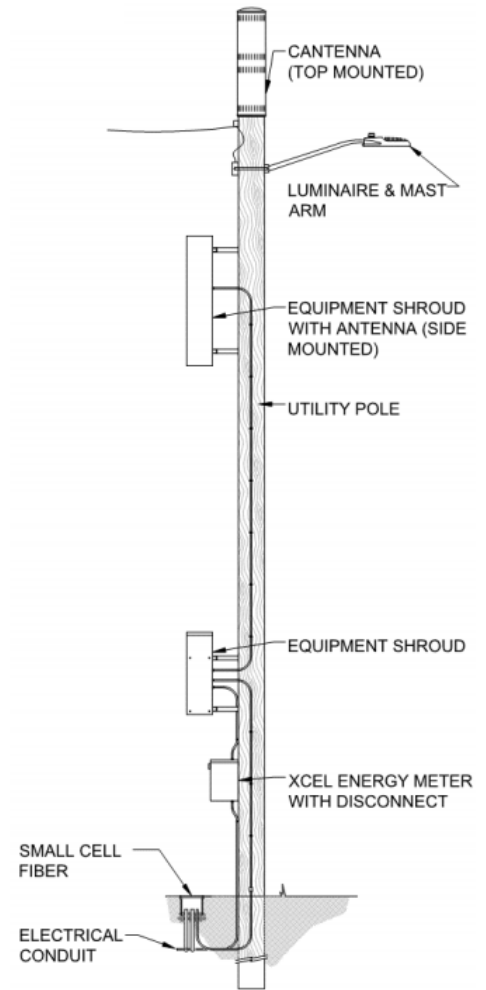
c. Location Preference #5 - Existing single-phase power pole (installation on top of pole):

1. A cantenna may not extend more than six (6) feet above the height of the existing pole and the diameter may not exceed the diameter of the pole by more than two (2) 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. All cabling and mounting hardware/brackets from the bottom of the antenna to the top of the pole shall be fully concealed.

2. Equipment enclosures and all ancillary equipment and boxes shall be colored or painted to match the color of the surface of the wooden pole in which they are attached. All related equipment 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.

3. 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 color of the surface of the wooden pole. The number of conduit shall be minimized to the number technically necessary to accommodate a small cell and shall not increase the number of conduit on an existing pole to more than 2 conduit.

4. The visual effect of the small cell facility on all other aspects of the appearance of the wooden pole shall be minimized to the greatest extent possible.



5. A wooden pole in a proposed location may be replaced with a taller pole for the purpose of accommodating a small cell facility; provided, that the height of any replacement pole may not exceed fifty (50) feet to the top of the antenna.
6. The replacement pole shall comply with the City's sidewalk clearance requirements and ADA requirements.
7. The use of the pole for the siting of a small cell 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 cell facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small cell facility and the small cell facility and all associated equipment shall be removed.

d. Location Preference #6 - Existing transmission power pole (installation in communication space):

1. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness. Only one antenna is permitted on each wooden pole.

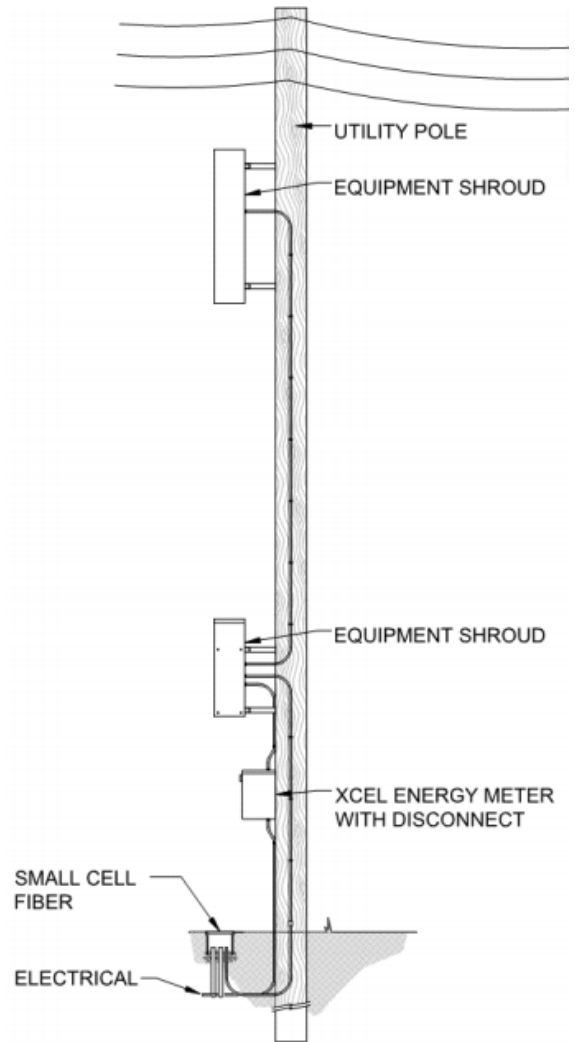
2. The inside edge of a side mounted canister antenna/equipment shroud shall project no more than twelve (12) inches from the surface of the wooden pole.

3. Antennas and equipment located within a unified enclosure shall not exceed four (4) cubic feet. 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. The unified enclosure may not be placed more than six (6) inches from the surface of the pole, unless a further distance is technically required and confirmed in writing by the pole owner.

4. Equipment enclosures and all ancillary equipment and boxes shall be colored or painted to match the color of the surface of the wooden pole in which they are attached. All related equipment 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.

5. 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 color of the surface of the wooden pole. The number of conduit shall be minimized to the number technically necessary to accommodate a small cell and shall not increase the number of conduit on an existing pole to more than 2 conduit.

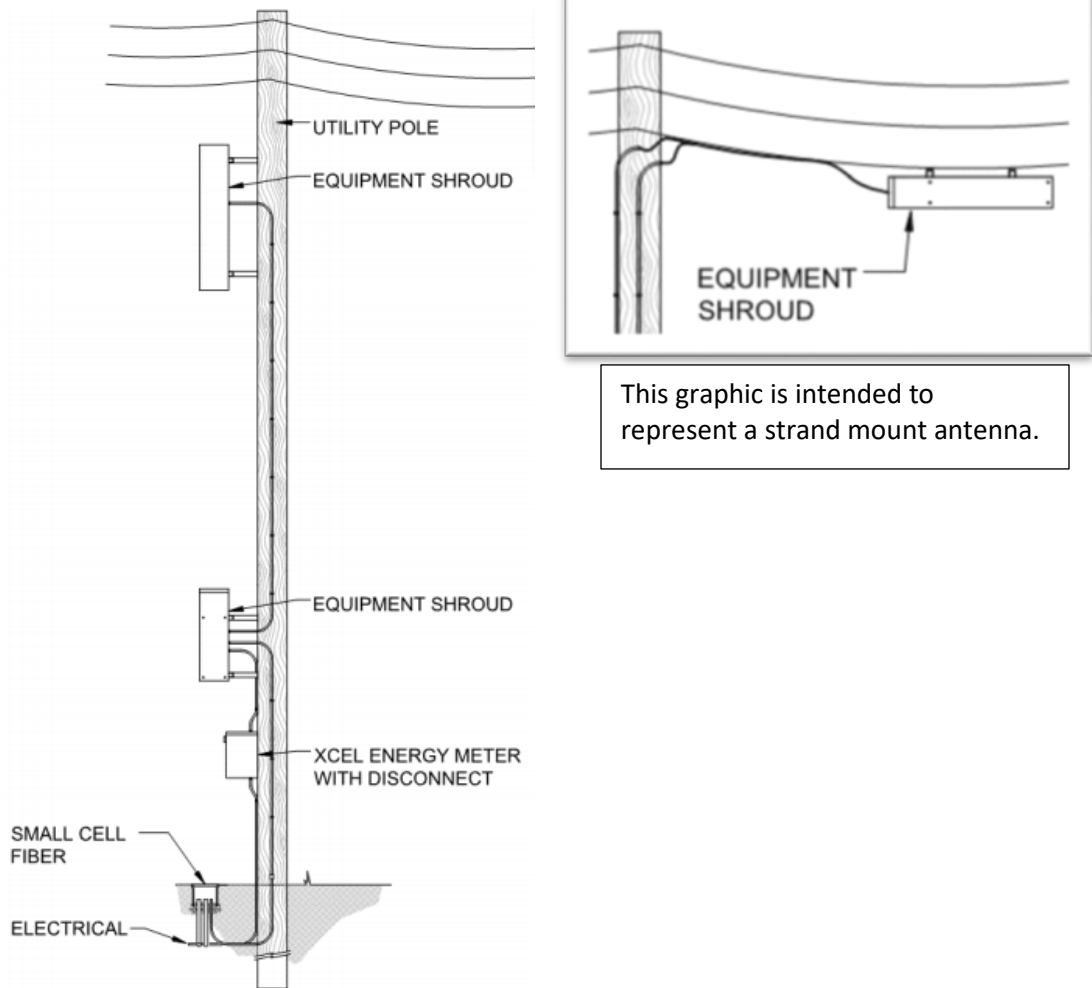
6. The visual effect of the small cell facility on all other aspects of the appearance of the wooden pole shall be minimized to the greatest extent possible.



7. A wooden pole in a proposed location may be replaced with a taller pole for the purpose of accommodating a small cell facility; provided, that the height of any replacement pole may not extend more than ten (10) feet above the height of the existing pole, 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.
8. The replacement pole shall comply with the City's sidewalk clearance requirements and ADA requirements.
9. The use of the pole for the siting of a small cell 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 cell facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small cell facility and the small cell facility and all associated equipment shall be removed.

e. Location Preference #7 - Strand-mounted.

Small cell facilities mounted on cables strung between existing utility poles shall conform to the following standards:



- a) Each strand mounted antenna shall not exceed one (1) cubic feet in volume.
- b) Only one strand mounted facility is permitted between any two existing poles.
- c) The strand mounted devices shall be placed as close as possible to the nearest utility pole, in no event more than five feet from the pole unless a greater distance is technically necessary or required for safety clearance and confirmed in writing by the pole owner.
- d) No strand mounted device shall be located in or above the portion of the roadway open to vehicular traffic.

- e) No strand mounted devices shall be installed on poles with mounted streetlights.
- f) Ground mounted equipment to accommodate such strand mounted facilities is not permitted, except when placed in pre-existing equipment cabinets, underground or on zoned property.
- g) Pole mounted equipment shall meet the requirements of subsections (4), (5) and (6) of subsection (d) above.
- h) Such strand mounted devices must be installed to cause the least visual impact and with the minimum excess exterior cabling or wires (other than the original strand) necessary to meet the technological needs of the facility.

### C. Location Preference Criteria.

The following criteria shall be reviewed and responded to by the applicant, as applicable, for each proposed small wireless node location. A proposed small wireless facility location shall only be allowed in a lower ranking location as provided in the location hierarchy in subsection B above, if the applicant can demonstrate that all higher ranking locations are infeasible. The following criteria shall be responded to as a minimum submittal requirement.

#### 1. Siting outside the right-of-way:

- a. Engineering and technical analyses outlining technical parameters of the services to be provided, specifically addressing infeasibility of a given location when a node is not proposed to be located outside the right-of-way. Analyses shall be thorough and provide sufficient information to allow for a Third Party Review consistent with 20.50.060.J.
- b. Applicant/wireless provider must contact all property owners within 150 lineal feet, measured along the right-of-way, in either direction of a proposed small wireless facility location with an offer letter describing the scope of the anticipated deployment, proposed form of easement, the FCC-approved rental amount of \$270 per year, or an amount equal to the per pole annual fee charged by PUD, whichever is greater, and the means to accept the offer if the landowner is interested in siting an individual node on his/her property. The offer letter shall be sent via certified mail, shall contain a preaddressed postage paid return envelope, and allow for a minimum 2-week response time. Two separate attempts shall be made by the applicant/wireless provider to make contact with the property owner. If private property owners do not respond by accepting offers, the applicant/wireless provider shall provide an affidavit to the City stating that no offers to locate nodes outside the right-of-way were accepted. This

criteria shall be responded to when it is technically feasible to locate a small wireless facility outside the right-of-way.

2. Siting within the right-of-way:

In circumstances where it is not technically feasible to locate the particular small wireless facility anywhere on zoned property, the applicant/wireless provider shall provide an explanation of the technical difficulty in sufficient detail to be peer reviewed.

D. Small wireless facility general standards.

1. Ground mounted equipment in the rights-of-way is prohibited, unless such facilities are placed underground or the applicant can demonstrate that pole mounted or undergrounded equipment is technically infeasible. If ground mounted equipment is necessary, then the applicant must submit a concealment 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 5.30 ECC.

3. Replacement poles, new poles, and all equipment shall comply with the Americans with Disabilities Act ("ADA"), city construction and sidewalk clearance standards, and state and federal regulations in order to provide a clear and safe passage within the rights-of-way.

4. Replacement poles shall be located as near as possible to the existing pole with the requirement to remove the abandoned pole.

5. The design criteria as applicable to small cell facilities described herein shall be considered concealment elements and such small cell facilities may only be expanded upon through an eligible facilities request described in Section 20.50.080 ECDC, when the modification does not defeat the concealment elements of the facility.

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, and any such signage on equipment enclosures shall be of the minimum amount possible to achieve the intended purpose; provided, that signs are permitted as concealment techniques where appropriate.

7. Antennas and related equipment may 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 are prohibited.

9. Facilities must be located and designed to not obstruct or significantly diminish views of Puget Sound or the Cascade or Olympic Mountains from public streets and public property.

10. Antennas, equipment enclosures, and ancillary equipment, conduit, and cable, shall not dominate the building or pole upon which they are attached.

11. The city may consider the cumulative visual effects of small cells mounted on poles within the rights-of-way when assessing proposed siting locations so as to not adversely

affect the visual character of the city. This provision shall neither be applied to limit the number of permits issued when no alternative sites are reasonably available nor to impose a technological requirement on the service provider.

12. ADA compliance required. In areas of the city in which utility lines have been undergrounded (undergrounded areas) and where necessary to permit full use of the public right-of-way by pedestrians, bicycles and other users, all ground-mounted equipment must be undergrounded in a vault meeting the city's construction standards to the extent feasible. The location of ground-mounted equipment (to the extent undergrounding such equipment is not technologically feasible), a replacement pole and/or any new pole shall comply with the Americans with Disabilities Act ("ADA"), city construction standards, and state and federal regulations in order to provide a clear and safe passage within the public right-of-way.

~~The applicant and/or co-applicant may apply to alter the terms of a conditional use permit (CUP) by modifying specific features of the wireless communication facility. Such modifications must be submitted to the city as a new CUP application. [Ord. 3961 § 1, 2014; Ord. 3845 § 2 (Att. A), 2011].~~

#### **20.50.140 Abandonment or discontinuation of use.**

A. At such time that a licensed carrier plans to abandon or discontinue operation of a wireless communication facility, such carrier will notify the director by certified U.S. Mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations.

B. In the event that a licensed carrier fails to give such notice, the wireless communication facility shall be considered abandoned upon the discovery of such discontinuation of operations.

C. Within 90 days from the date of abandonment or discontinuation of use, the carrier shall physically remove the wireless communication facility. "Physically remove" shall include, but not be limited to:

1. Removal of antennas, mounts or racks, the equipment enclosure, screening, cabling and the like from the subject property.
2. Transportation of the materials removed to a repository outside of the city.
3. Restoration of the wireless communication facility site to its pre-permit condition, except that any landscaping provided by the wireless communication facility operator may remain in place.
4. If a carrier fails to remove a wireless communication facility in accordance with this section, the city shall have the authority to enter the subject property and physically remove the facility. Costs for removal of the wireless communication facility shall be charged to the wireless communication facility owner or operator in the event the city removes the facility. [Ord. 3961 § 1, 2014; Ord. 3845 § 2 (Att. A), 2011].



#### **20.50.150 Maintenance.**

A. The applicant shall maintain the wireless facility ~~WCF~~ to standards that may be imposed by the city by ordinance or through ~~at the time of granting a permit condition~~. Such maintenance shall include, but not be limited to, repair of damaged shrouds or enclosures, painting, structural integrity, and landscaping.

B. In the event the applicant fails to maintain the facility, the city of Edmonds may undertake enforcement action as allowed by existing codes and regulations. [Ord. 3961 § 1, 2014; Ord. 3845 § 2 (Att. A), 2011].

#### **20.50.160 Definitions.**

A. Antenna(s). Any apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to Commission authorization, for the provision of personal wireless service and any commingled information services. "Antenna" means a device used to capture an incoming and/or to transmit an outgoing radio frequency signal. Antennas include, but are not limited to, the following types: omni-directional (or "whip"), directional (or "panel"), parabolic (or "dish"), and ancillary antennas (antennas not directly used to provide wireless communication services).

B. "Cell-on-wheels (COW)" are used to provide temporary service, usually for special events, before the installation of a permanent wireless site, or in emergencies.

C. "Co-llocation" means the mounting or installation of an antenna on an existing tower, building or structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes, whether or not there is an existing antenna on the structure.

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

E. "Distributed antenna system (DAS)" is a network of spatially separated antenna sites connected to a common source that provides wireless service within a discrete geographic area or structure.

F. Equipment. Any 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.

G. "Freestanding small cell pole" is a freestanding structure which consists of a single vertical pole, fixed into the ground and/or attached to a foundation built for the sole purpose of supporting small wireless antennas and associated equipment.

H. "Guyed tower" means a monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

~~F.~~I. “Lattice tower” is a wireless communication support structure which consists of metal crossed strips or bars to support antennas and related equipment.

J. “Licensed carrier” is a company authorized by the Federal Communications Commission to build and operate a commercial mobile radio services system.

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

~~L.~~ “Monopole” means a freestanding structure which consists of a single vertical pole, fixed into the ground and/or attached to a foundation with no guy wires built for the sole or primary purpose of supporting ~~macro~~~~FCC-licensed~~ antennas and their associated ~~equipment~~~~facilities~~. ~~Antenna(s) may be externally mounted (visible antenna) or internally mounted (no visible antennas).~~

~~H.~~M. Poles. Utility poles, light poles or other types of poles, used primarily to support electrical wires, telephone wires, television cable, lighting, or guide posts; or are constructed for the sole purpose of supporting a WCF.

~~I.~~N. “Satellite earth station antenna” includes any antenna in any zoning district that:

1. Is designed to receive direct broadcast satellite service, including direct-to-home satellite services, and that is one meter or less in diameter;
2. Is two meters or less in diameter in areas where commercial or industrial uses are generally permitted;
3. Is designed to receive programming services by means of multi-point distribution services, instructional television fixed services, and local multi-point distribution services, that is one meter or less in diameter or diagonal measurement; and
4. Is designed to receive television broadcast signals.

~~O.~~ Small wireless facility (or small cell node). A wireless facility that meets each of the following conditions:

1. The facilities:
  - a. Are mounted on structures 50 feet or less in height including their antennas, or
  - b. Are mounted on structures no more than 10 percent taller than other adjacent structures, or
  - c. Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
2. Each antenna associated with the deployment, excluding antenna equipment, is not

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 FCC rule;

5. The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified by FCC rule.

~~J.~~

~~K.P.~~ “Unlicensed wireless services” means the offering of ~~communications~~ ~~telecommunications~~ services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct- to-home satellite services.

~~L.Q.~~ “Wireless communication facility (WCF)” means an unstaffed facility for the transmission and reception of radio or microwave signals used for commercial communications. A WCF provides services which include cellular phone, personal communication services, other mobile radio services, and any other service provided by wireless common carriers licensed by the Federal Communications Commission (FCC). WCFs are composed of two or more of the following components:

1. Antenna;
2. Mount;
3. Equipment enclosure;
4. Security barrier.

~~M.R.~~ “Wireless communication facility (WCF), building-mounted” means a wireless communication facility mounted to the roof, wall or chimney of a building. Also, those antennas mounted on existing monopoles.

~~N.S.~~ “Wireless communication facility (WCF), camouflaged” means a wireless communication facility that is disguised, hidden, or integrated with an existing structure that is not a monopole, guyed or lattice tower, or placed within an existing or proposed structure.

~~O.T.~~ “Wireless communication facility (WCF), equipment enclosure” means a small structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning and emergency generators.

~~P.U.~~ “Wireless communication facility (WCF), monopole” means a wireless communication facility not attached to a structure or building and not exempted from regulation under [EADC 20.50.030](#). Does not include co-location of a facility on an existing monopole, utility pole, light pole, or flag pole.

~~Q.V.~~ “Wireless communication facility (WCF), related equipment” is all equipment

ancillary to a wireless communication facility such as coaxial cable, GPS receivers, conduit and connectors.

R.W. “Wireless communication facility (WCF), structure-mounted” means a wireless communication facility located on structures other than buildings, such as light poles, utility poles, flag poles, transformers, and/or tanks.

~~S.X.~~ “Wireless communication services” means any personal wireless services as defined in the Federal Telecommunications Act of 1996, including federally licensed wireless communications telecommunications—services consisting of cellular services, personal communications services (PCS), specialized mobile radio services (SMR), enhanced specialized mobile radio services (ESMR), paging, and similar services that currently exist or that may be developed in the future. [Ord. 3961 § 1, 2014; Ord. 3845 § 2 (Att. A), 2011].

# Everett Daily Herald

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FEB 19 2019

EDMONDS CITY CLERK

## Affidavit of Publication

State of Washington }  
County of Snohomish } ss

Dicy Sheppard being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH844972 ORDINANCES 4140-4144 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 02/15/2019 and ending on 02/15/2019 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$77.40.

Dicy Sheppard

Subscribed and sworn before me on this

15<sup>th</sup> day of February,  
2019

Diana L. Beaver



Notary Public in and for the State of Washington.

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EDMONDS CITY CLERK

ORDINANCE SUMMARY

of the City of Edmonds, Washington  
On the 12th day of February, 2019, the City Council of the City of Edmonds, passed the following Ordinances, the summaries of said ordinances consisting of titles are provided as follows:

ORDINANCE NO. 4140

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, RELATING TO RESIDENTIAL UNITS IN THE BD ZONES, PERMANENTLY ELIMINATING AN EXEMPTION FROM PARKING REQUIREMENTS FOR BUILDINGS WITH A FOOTPRINT LESS THAN 4800 SF.

ORDINANCE NO. 4141

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING AN INTERIM ZONING ORDINANCE TO AMEND CHAPTER 20.50 OF THE EDMONDS COMMUNITY DEVELOPMENT CODE, ENTITLED "WIRELESS COMMUNICATION FACILITIES," DECLARING AN EMERGENCY NECESSITATING IMMEDIATE ADOPTION AND EFFECTIVENESS OF THIS INTERIM ZONING ORDINANCE.

ORDINANCE NO. 4142

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, EXTENDING THE PROHIBITION OF THE INSTALLATION OF STYRENE-BUTADIENE RUBBER (ALSO KNOWN AS SBR OR "CRUMB RUBBER") ON PUBLICLY-OWNED ATHLETIC FIELDS WITHIN THE CITY OF EDMONDS FOR AN ADDITIONAL SIX MONTHS.

ORDINANCE NO. 4143

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, VACATING A PORTION OF EXCELSIOR PLACE THAT ABUTS AND LIES NORTH OF THE PROPERTY ADDRESSED AT 19511 94TH PLACE WEST AS SET FORTH IN THE RESOLUTION OF INTENT NO. 1419, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

ORDINANCE NO. 4144

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING ORDINANCE NO. 4136 AS A RESULT OF UNANTICIPATED TRANSFERS AND EXPENDITURES OF VARIOUS FUNDS, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of these Ordinances will be mailed upon request.

DATED this 13th day of February, 2019.

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