

CITY OF MONROE
ORDINANCE NO. 008/2022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, REPEALING MONROE MUNICIPAL CODE (“MMC”) CHAPTER 22.62, LARGE WIRELESS COMMUNICATION FACILITIES, AND REPLACING IT IN ITS ENTIRETY WITH A NEW CHAPTER 22.62, WIRELESS COMMUNICATION FACILITIES, AUTHORIZING AND ESTABLISHING NEW PERMITTING REGULATIONS AND AESTHETIC AND DESIGN STANDARDS FOR THE DEPLOYMENT OF WIRELESS COMMUNICATION FACILITIES; ADOPTING SUPPORTIVE FINDINGS; AMENDING MMC SECTIONS 22.12.010, 22.12.030, 22.12.050-22.12.070, 22.12.120, 22.12.130, 22.12.160, 22.12.190, 22.12.200, 22.12.210, AND 22.12.230 TO INCORPORATE UPDATED WIRELESS COMMUNICATION FACILITIES RELATED DEFINITIONS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in a constantly evolving industry, telecommunications providers are beginning to utilize a new type of technology commonly known as "small cell" facilities herein ("small wireless facilities") to implement higher bandwidths and increased demands for data; and

WHEREAS, the Federal Communications Commission ("FCC") has issued rules and regulations that limit local government's ability to regulate the deployment of small wireless facilities, but which allow local governments to adopt regulations affecting the aesthetics and design standards for small wireless facilities; and

WHEREAS, the FCC allows the City of Monroe ("City") to adopt aesthetic standards for deployment of small wireless facilities that will require utilization of a consolidated process emphasizing administrative review in order to comply with federal safe harbors or presumptively reasonable time limits for review; and

WHEREAS, the City has evaluated its existing wireless facilities regulations in Chapter 22.62 of the MMC and determined that changes are needed to address compliance with FCC regulations; and

WHEREAS, the City desires to amend the existing MMC Chapter 22.62 with new regulations that: (1) reaffirms the land use and zoning regulations for macro wireless facilities; (2) clarifies the application and review process for macro wireless facilities; (3) adopts land use and zoning regulations and design standards for small wireless facilities; (4) sets forth the application and approval process for small wireless facilities; and (5) updates regulations related to eligible facilities requests as prescribed by federal rules and regulations; and

WHEREAS, minor updates to MMC Chapter 22.12, Definitions, are needed to repeal outdated definitions related to wireless communication facilities, and ensure consistency with the new MMC Chapter 22.62, Wireless Communication Facilities; and

WHEREAS, upon timely notice, the City undertook a State Environmental Policy Act (SEPA) review of these wireless communication regulations and issued a SEPA Determination of Non-Significance for this non-project action on February 2, 2022; and

WHEREAS, the Washington State Department of Commerce was provided a Notice of Intent to Adopt the proposed regulations and the City received no comments on the same; and

WHEREAS, the proposed regulations went before the City of Monroe Planning Commission for review, discussion, and consideration. Upon timely notice, a public hearing was held before the Planning Commission on January 24, 2022 and subsequently the Planning Commission issued a recommendation that the City Council adopt the regulations as presented herein; and

WHEREAS, the City Council held a public hearing on February 22, 2022 to review the Planning Commission recommended draft ordinance; and

WHEREAS, based on careful consideration of the facts and law, including without limitation the public testimony received, the Planning Commission's recommendation dated January 24, 2022, the Agenda Bill dated February 22, 2022, and records and files with the office of the Department of Community Development, the Monroe City Council finds that the proposed amendments attached and incorporated herein should be approved as presented;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to establish permitting and aesthetic requirements and revisions for wireless communication facilities to be codified in the Monroe Municipal Code in response to the enactment of new regulations by the FCC.

Section 2. Findings of Fact. The Monroe City Council hereby adopts and incorporates the recitals set forth above as Findings of Fact justifying the development regulations adopted by this ordinance.

Section 3. Amendment of Chapter 22.12 MMC. Chapter 22.12 of the Monroe Municipal Code, Definitions is hereby amended as set forth in Exhibit A, attached and incorporated hereby this reference as if set forth in full.

Section 4. Repeal and Replace Chapter 22.62 MMC. Chapter 22.62 of the Monroe Municipal Code, Large Wireless Communication Facilities, is hereby repealed and replaced in its entirety with a new Chapter 22.62, Wireless Communication Facilities,

as set forth in Exhibit B, attached and incorporated hereby this reference as if set forth in full.

Section 5. Non-Substantive Editing Changes Authorized. The Mayor or designee is hereby authorized to make non-substantive editing changes to the amendments adopted by this ordinance to provide for consistency and clarity in formatting.

Section 6. Copy to Department of Commerce. Pursuant to RCW 36.70A.106, a complete and accurate copy of this ordinance shall be transmitted to the Department of Commerce within ten days of adoption.

Section 7. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 8. Effective Date. 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 days after passage and publication of an approved summary thereof consisting of the title.

ADOPTED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 8th day of March, 2022.

First Reading: 02/22/2022
Adopted: 03/08/2022
Published: 03/11/2022
Effective: 03/16/2022

CITY OF MONROE, WASHINGTON:


Geoffrey Thomas (Mar 9, 2022 13:55 PST)

Geoffrey Thomas, Mayor

ATTEST:

APPROVED AS TO FORM:


Jodi Wycoff (Mar 9, 2022 14:29 PST)
Jodi Wycoff, City Clerk


Zach Lell (Mar 9, 2022 11:00 PST)
J. Zachary Lell, City Attorney

Exhibit A

Section 1. MMC Section 22.12.010 is hereby amended by the removal of the following terms: “Antenna”, “Antenna height”, and “Antenna support structure”.

Section 2. MMC Section 22.12.030 is hereby amended by the removal of the following term: “Collocation”, “camouflaged”, and “COW”.

Section 3. MMC Section 22.12.050 is hereby amended by the removal of the following term: “Equipment enclosure”.

Section 4. MMC Section 22.12.060 is hereby amended by the removal of the following term: “FCC” or “Federal Communications Commission”.

Section 5. MMC Section 22.12.070 is hereby amended by the removal of the following term: “Grantee”.

Section 6. MMC Section 22.12.120 is hereby amended by the removal of the following term: “License”.

Section 7. MMC Section 22.12.130 is hereby amended by the removal of the following terms: “Modification” and “Mount”.

Section 8. MMC Section 22.12.160 is hereby amended by the removal of the following term: “Personal wireless services/facilities”.

Section 9: MMC Section 22.12.190 is hereby amended by the removal of the following terms: “Satellite Television Antenna”, and “Security Barrier”.

Section 10: MMC Section 22.12.200 is hereby amended by the removal of the following terms: “Telecommunication carrier”, “Telecommunication Service”, and “Telecommunication service provider” and “Tower”.

Section 11. MMC Section 22.12.210 is hereby amended by the removal of the following terms: “unlicensed wireless services” and “usable satellite signal”.

Section 12. MMC Section 22.12.230 is hereby amended by the removal of the following terms: “wireless communication facilities”, “wireless facility designs”, and wireless provider”.

Exhibit B

CHAPTER 22.62 WIRELESS COMMUNICATION FACILITIES (WCF)

Sections:

- 22.62.010 Purpose.**
- 22.62.020 Applicability.**
- 22.62.030 Definitions.**
- 22.62.040 General provisions.**
- 22.62.050 Macro facility application procedures.**
- 22.62.060 Macro facility review criteria.**
- 22.62.070 Macro facility permit requirements.**
- 22.62.080 Prioritized locations for macro facilities.**
- 22.62.090 Macro facility design and concealment standards.**
- 22.62.100 Eligible Facilities Requests.**
- 22.62.110 Small wireless facility application process.**
- 22.62.120 Small wireless facility application requirements.**
- 22.62.130 Small wireless facility application review procedures.**
- 22.62.140 Small wireless facility permit requirements.**
- 22.62.150 Small wireless facility permit – consolidated.**
- 22.62.160 Hierarchy for small wireless facilities.**
- 22.62.170 Design standards for small wireless facilities on decorative poles.**
- 22.62.180 Design and concealment standards for small wireless facilities.**
- 22.62.190 Design and concealment standards for small wireless facilities on new poles in the right-of-way or decorative poles or in City parks.**
- 22.62.200 Abandonment and Removal.**

22.62.010 Purpose.

The purpose of this chapter, in addition to implementing the general purposes of the Comprehensive Plan and development regulations, is to regulate the permitting, placement, construction, and modification of wireless communication facilities (WCFs), in order to protect the health, safety, and welfare of the public, while not unreasonably interfering with the development of a competitive wireless telecommunications marketplace within the City.

This chapter provides permitting and review regulations as well as aesthetic, design and concealment procedures for the construction of WCFs both inside and outside the public right-of-

way. These provisions are intended to provide standards to assist in minimizing the potential impacts associated with wireless communication facilities and to encourage creative approaches in their location and construction. It also provides siting options at appropriate locations within the City to support existing communications technologies, to adapt to new technologies as needed, and to minimize associated safety hazards and visual impacts. The siting of wireless communication facilities on existing buildings and structures, collocation of facilities on a single support structure and visual mitigation strategies are encouraged to preserve neighborhood aesthetics and reduce visual clutter in the City.

22.62.020 Applicability.

The placement of any WCF in any location within the City is subject to the provisions of this chapter.

A. Any person who desires to place any WCF within the boundaries of the City must apply to the City for the appropriate WCF permit.

B. Lease Required. In addition to the requirement of obtaining the appropriate WCF permit, if all or a portion of the WCF will be located upon a City-owned structure, or upon non-right-of-way property, which is either City owned or City-leased, the applicant shall be required to enter into a lease agreement with the City for the use of the City property.

C. Franchise Required. In addition to the requirement of obtaining the appropriate WCF permit, if all or a portion of the WCF will be located within the City's right-of-way, the applicant shall be required to enter into a franchise agreement, consistent with MMC Chapter 5.54, with the City for the use of the city's right-of- way.

22.62.030 Definitions.

See Chapter 22.12 MMC for additional definitions for terms used in this chapter.

For the purpose of this chapter, except when a different definition is required by MMC 22.62.100, Eligible Facilities Requests, the following terms are defined as follows:

ADA: Means the Americans with Disabilities Act (42 U.S.C. § 12101).

Antenna(s): Means an apparatus designed for the purpose of emitting radio frequency (RF) radiation, to be operated or operating from a fixed location pursuant to FCC authorization for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term "antenna" does not include an unintentional radiator, mobile station, or device authorized under [47 CFR Part 17](#).

Antenna equipment: consistent with 47 CFR 1.1320(d), means equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the antenna, and, when collocated on a structure, is mounted or installed at the same time as such antenna.

Antenna facility: Means an antenna and associated antenna equipment.

Collocation: Means:

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

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

Concealment: means a wireless service facility that is disguised, hidden, or integrated with an existing structure that is not a monopole or tower, or a wireless service facility that is placed within an existing or proposed structure, or new structure, tower, or mount within trees so as to be significantly screened from view.

Director: Means the Community Development Director or designee.

Decorative pole(s): Any pole that is uniquely found in a particular neighborhood in the City that adds to the aesthetic of the streetscape of that neighborhood and is specified in a City-adopted plan.

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

FCC or Federal Communications Commission: The federal administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers on a national level.

Macro facility: A wireless communication facility that generally provides radio frequency coverage for personal wireless services over a larger geographic area. Generally, macro facilities 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 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.

Permittee: Means a person who has applied for and been issued a wireless communication facility permit pursuant to this chapter.

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

Poles: Utility poles, light poles or other types of poles, used primarily to support electrical wires, telephone wires, television cable, lighting, or guide posts; or are constructed for the sole purpose of supporting a WCF, but specifically excludes traffic signal poles.

Satellite dish antenna(s): A type of antenna(s) and supporting structure consisting of a solid, open mesh, or bar configured reflective surface used to receive and/or transmit radio frequency communication signals. Such an apparatus is typically in the shape of a shallow dish or cone.

Small wireless facility: Is defined consistent with “small wireless facilities,” as set forth in 47 CFR § 1.6002(l).

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

Telecommunications service: shall be defined in accordance with RCW 35.99.010.

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

deployed in a permanent manner, and do not have a permanent foundation. These facilities are for:

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

Tower: Any structure built for the sole or primary purpose of supporting any FCC licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services, including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services such as microwave backhaul, and the associated site.

Traffic Signal Poles: Means a pole that supports equipment used for controlling traffic, including but not limited to traffic lights, rapid flashing beacons, speed radar, and school zone flashers.

Transmission equipment: Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and back-up power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Unified enclosure: Means a small wireless facility providing concealment of antennas and equipment within a single enclosure.

Wireless communication facility (WCF): Any unstaffed facility for the transmission and/or reception of radio frequency (RF) signals through electromagnetic energy usually consisting of an equipment shelter or cabinet, a support tower or other structures used to achieve the necessary elevation, and the transmission and reception devices or antenna.

22.62.040 General Provisions.

- A. WCFs shall not be considered nor regulated as essential public facilities.
- B. WCFs are prohibited on buildings which are designated as solely residential except for those structures that contain three or more attached dwelling units.
- C. Macro facilities, as defined in MMC 22.62.030, are permitted uses in every zone of the City but still require a macro facility permit pursuant to MMC 22.62.050.
- D. Small wireless facilities, as defined in MMC 22.62.030, are permitted uses throughout the City but still require a small wireless facility permit pursuant to MMC 22.62.110. Small wireless facilities located within the public right-of-way also require a valid franchise.
- E. The following WCF are exempt from the provisions of this chapter and shall be permitted in all zoning districts without having to obtain land use permits:
 - 1. Routine maintenance, replacement, or repair of WCF or related equipment, excluding structural work or changes in height, type, or dimensions of towers or base stations; provided, that compliance with the standards of this chapter are maintained and a right-of-way use permit is obtained if the WCF is located in the right-of-way;

2. Emergency repair or maintenance of a WCF, provided a building permit application is filed for the emergency repair or maintenance of a WCF within seven (7) working days after such emergency activity is started;
 3. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC;
 4. Antennas and related equipment that are being stored, shipped, or displayed for sale;
 5. Radar systems for military and civilian communication and navigation;
 6. Temporary wireless communication facilities subject to the requirements of a temporary use permit pursuant to MMC Chapter 22.60, Temporary Uses;
 7. Licensed amateur (ham) radio stations;
 8. Satellite dish antennas less than two meters in diameter, including direct to home satellite services, when operated as a secondary or accessory use of a property; and
 9. Governmentally operated wireless communication devices for public safety radio systems, Ham radio and business radio systems.
- F. Lattice towers and guyed wire towers are prohibited in all zoning districts within the city.
- G. The design standards established herein are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would effectively prohibit the applicant from providing a wireless service, alternative forms of concealment or deployment may be permitted which provide similar or greater protections from negative visual impacts to the streetscape.

22.62.050 Macro Facility Permit Procedures.

A. Permits and Approvals Required.

1. Macro Facility Permit. A macro facility permit is required for any macro facility unless specifically exempted.
2. Associated Permit(s) and Checklist(s). The applicant shall attach all associated required permit applications including but not limited to applications required under MMC 12.36, and applications or check lists required under the City's Critical Areas, Shoreline or SEPA ordinances.
3. Completeness. An application for a macro facility is not complete until the applicant has submitted all the applicable items required by MMC 22.62.020 and, to the extent relevant, has submitted all the applicable items in MMC 22.62.050(B) and the City has confirmed that the application is complete.

B. Macro Facility Permit Procedure.

1. Pre-application Meeting. A pre-application meeting is encouraged prior to submitting an application for a macro facility. The purpose of a pre-application meeting is to discuss the nature of the proposed macro facility, and to review applicable plans, policies, and regulations.
2. Application and Contents. The following information, along with the required fee as established by the City's fee resolution, which may be amended from time to time, shall be provided by all applicants for a macro facility permit:

- a. The name, address, phone number and authorized signature on behalf of the applicant;
- b. If the proposed site or structure is not owned by the City, the name, address and phone number of the owner and a signed document or lease confirming that the applicant has the owner's permission to apply for permits to construct the macro facility on the proposed site or structure;
- c. A statement identifying the nature and operation of the macro facility;
- d. A vicinity sketch showing the relationship of the proposed use to existing streets, structures and surrounding land uses, and the location of any nearby bodies of water, wetlands, critical areas or other significant natural or manmade features;
- e. Construction drawings as well as a plan of the proposed use showing proposed streets, structures, land uses, open spaces, parking areas, fencing, pedestrian paths and trails, buffers, and landscaping, along with text identifying the proposed use(s) of each structure or area included on the plan;
- f. Photo simulations of the proposed macro facility from public rights-of-way, public properties and affected residentially zoned properties. Photo simulations must include all cable, conduit and/or ground-mounted equipment necessary for and intended for use in the deployment regardless of whether the additional facilities are to be constructed by a third party;
- g. A sworn affidavit signed by an RF engineer with knowledge of the proposed project affirming that the macro facility will be compliant with all FCC and other governmental regulations in connection with human exposure to radio frequency emissions for every frequency at which the facility will operate. If facilities which generate RF radiation necessary to the macro facility are to be provided by a third party, then the permit shall be conditioned on an RF certification showing the cumulative impact of the RF emissions on the entire installation;
- h. Information necessary to demonstrate the applicant's compliance with FCC rules, regulations and requirements which are applicable to the proposed macro facility;
- i. If not proposing a collocation, then sufficient documentation showing that the applicant has made a reasonable attempt to find a collocation site acceptable to engineering standards and that co-locating was not feasible or that it posed a physical problem;
- j. If proposing to locate in a residential zone, evidence demonstrating that the proposed facility cannot be located outside the residential zone;
- k. Evidence demonstrating compliance with applicable provisions of MMC Chapter 22.54, Airport Compatibility, to demonstrate that the proposed WCF is not located within the airport's restricted airspace;
- l. Information sufficient to establish compliance with MMC 22.62.070 and MMC 22.62.080;
- m. A current city of Monroe business licenses and insurance requirements, as listed in Title 5 MMC, Business Regulations; and
- n. Such additional information as deemed necessary by the Director for proper review of the application, and which is sufficient to enable the Director to make a fully informed decision pursuant to the requirements of this chapter.

3. Public Notice. Wireless communication facility permits shall follow the applicable noticing requirements in MMC 22.84.050, Public Notice Requirements.
4. Decision. The Director may approve, deny, or conditionally approve all or any portion of the sites proposed in the macro facility permit application.
5. Third Party Review. The Director shall route applications to consultants as the Director determines necessary. All actual, reasonable costs of consultant review shall be billed to the applicant.
6. Withdrawal. Any applicant may withdraw an application at any time, provided the withdrawal is in writing and signed by all persons who signed the original application or their successors in interest. When a withdrawal is received, the application shall be deemed null and void. If such withdrawal occurs prior to the Director's decision, then reimbursement of fees submitted with said application shall be prorated to withhold the amount of city costs incurred in processing the application prior to the time of withdrawal. If such withdrawal is not accomplished prior to the Director's decision, no portion of the fee will be refunded.

22.62.060 Macro facility review criteria.

No application for a macro facility may be approved unless all of the following criteria are satisfied:

- A. The proposed use will be served by adequate public facilities including roads, water, and fire protection.
- B. The proposed use will not be materially detrimental to uses or property in the immediate vicinity of the subject property, and will not materially disturb persons in the use and enjoyment of their property.
- C. If proposing to locate on city-owned property outside of a park, the macro facility must comply with the following requirements:
 - i. The facilities will not interfere with the purpose for which the city-owned property is intended; and
 - ii. The facilities will have no significant adverse impact on surrounding private property.
- D. If proposing to locate a new macro facility in a City Park, the applicant must first demonstrate that prohibiting the siting of the macro facility in the City Park would effectively prohibit their ability to provide telecommunications service in the City.
- E. The proposed use will not be materially detrimental to the public health, safety and welfare.
- F. The proposed use complies with this chapter and all other provisions of this code.
- G. The director shall review the application for conformance with the following criteria:
 1. Compliance with prioritized locations pursuant to MMC 22.62.080.
 2. Compliance with design standards pursuant to MMC 22.62.090.

22.62.070 Macro facility permit requirements.

- A. The permittee shall comply with all of the requirements within the macro facility permit.

- B. The permittee shall allow collocation of proposed macro facilities on the permittees' site, unless the permittee demonstrates that collocation will impair the technical operation of the existing macro facilities to a substantial degree.
- C. The permittee shall notify the City of any sale, transfer, assignment of a macro facility within sixty (60) days of such event.
- D. All installations of macro facilities shall comply with any governing construction or electrical code including the National Electrical Safety Code, the National Electric Code or state electrical code, as applicable.
- E. A macro facility permit issued under this chapter must be substantially implemented within 24 months from the date of final approval or the permit shall expire. The permittee may request one (1) extension to be limited to twelve (12) months, if the applicant cannot construct the macro facility within the original 12-month period.
- F. Site safety and maintenance. The permittee shall maintain the macro facilities in safe and working condition. The permittee shall be responsible for the removal of any graffiti or other vandalism and shall keep the site neat and orderly, including but not limited to following any maintenance or modifications on the site.

22.62.080 Prioritized locations for macro facilities.

- A. Macro facilities shall be located in the following prioritized order of preference:
 1. Collocated with existing macro facility(ies) or another existing public facility/utility (i.e. existing or replacement utility pole or an existing tower) in the industrial, public facility, and commercial zoning districts.
 2. Collocated with existing macro facility(ies) in other zones.
 3. Collocated on other existing or replacement structures in the industrial, public facility and commercial zoning districts.
 4. Collocated on existing or replacement structures in Mixed Use - Medical zoning district.
 5. Collocated on existing or replacement structures in Mixed Use-Neighborhood, Mixed Use-General, Open Space, and residential zones where the structure is not used for residential uses (e.g. religious facility or public facility(i.e. existing or replacement utility pole).
 6. New tower proposed in a nonresidential (Industrial, Commercial, Mixed Use, Open Space, or Public Facility) zone district where the sole purpose is for WCFs. Said structure shall be the minimum height necessary to serve the target area and in no event may exceed the height requirements established by MMC 22.62.090; however, the structure shall be designed to allow extensions to accommodate the future collocation of additional antennas and support equipment. Further, the tower structure shall comply with the setback requirements of the commercial or business zone districts, as applicable. In no case shall the antenna be of a height that requires illumination by the Federal Aviation Administration (FAA).
 7. New tower proposed in a residential zone district, where the sole purpose is for WCFs, but only if the proposed structure is no higher than the minimum height necessary to serve the target area and in no event may exceed the height requirements established by MMC 22.62.090; however, the tower shall be designed to allow extensions to accommodate the future collocation of additional antennas and support equipment. In no case shall the antenna be of a height that requires illumination by the FAA.
- B. Siting priority on public property.

1. The following entities in descending order will be given priority to locate on city-owned property:
 - a. City of Monroe;
 - b. Public safety agencies, including law enforcement, fire and ambulance services, which are not part of the city of Monroe and private entities with a public safety agreement with the city of Monroe;
 - c. Other governmental entities, for uses that are not related to public safety; and
 - d. Entities providing commercial wireless services.

22.62.090 Macro Facility Design and Concealment Standards.

All macro facilities shall be constructed and installed according to the following standards:

- A. Separation Distance. In all residential and commercial districts, towers shall be separated by a distance equal to or greater than one thousand three hundred twenty linear feet (one-quarter mile), unless the applicant can demonstrate such requirement is infeasible.
- B. Setbacks. Macro facilities and associated equipment enclosures shall not be located within any setback areas on private or public property.
- C. Height.

Zone	Permitted Height
1. Single-family residential (R4, R7, and R15), multifamily residential (R25) 2. mixed use [mixed use – general (MG), mixed use – medical (MM)] 3. mixed use – neighborhood (MN)]	Towers shall not exceed 85 feet
All other zones	Towers shall not exceed 85 feet, unless collocation is provided for, in which case the facility shall not exceed 100 feet.

- D. Towers shall be designed utilizing the narrowest dimensions possible, and in no instance shall it extend further, as measured horizontally, from the centerline of the tower, than a distance of 20 feet.
- E. Landscaping. Towers shall be screened using a Type I Planting buffer with a minimum width of five feet around the compound's perimeter, in accordance with the requirements contained in MMC 22.46.040(A), Type I Planting – Solid Screen. Trees with significant height and fullness upon maturity may also be used to visually screen a tower from adjacent residences and rights-of-way.
- F. Lighting. Except as specifically requested by the Federal Aviation Administration (FAA), and/or the FCC, WCFs shall not be illuminated, except equipment shelters and compounds may use lighting for security reasons as long as the light is shielded downward to remain within the boundaries of the site.
- G. Macro Facilities Attached to Buildings. In addition to complying with the other applicable design requirements in this section MMC 22.62.080, macro facilities attached to existing buildings shall conform to the following requirements:

1. Attached antennas may exceed the height limitation by 15 feet so long as they are affixed to the side of an existing building or mounted on the rooftop of the building and architecturally blend with the building.
2. Buildings that are nonconforming with respect to height may be used, provided the antennas do not exceed a height of 15 feet above the existing structure. Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.
4. The interruption of architectural lines or horizontal or vertical reveals is discouraged.
5. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if they complement the architecture of the existing building.
6. The smallest mounting brackets necessary shall be used, in order to provide the smallest offset from the building.
7. Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas. Exposed cabling/wiring is prohibited.
8. If the aesthetic impacts cannot be mitigated by placement and color solutions, the WCF can be required to be screened.

H. Utility Pole Attachments. If proposing to locate on a replacement utility pole, the height of the replacement pole shall not exceed 15 feet taller than the existing pole, unless an additional height increase is required for vertical separation and such height extension is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.

I. Stealth Concealment Techniques. All macro facilities shall employ concealment techniques in their design, construction, and maintenance and reduce the WCF's aesthetic impacts to the maximum extent feasible. These designs shall be labeled "stealth concealment techniques" and may include the following:

1. Nonreflective coloring, approved by the Director, which blends into the nearby surroundings of the WCF so as to minimize the visual impact of the support structure or antennas.
2. Located in such a manner that, to the extent feasible, existing trees and/or buildings and other structures on the site are used to screen the WCF from view from rights-of-way and residences; provided, however, that all WCF shall be designed in a manner which minimizes the need for removal of existing trees.
3. Designed to resemble an object other than a WCF which is already present in the local environment, such as a tree or a streetlight.
4. Colors or materials that match the underlying support structure.
5. Other examples of concealment techniques include, but are not limited to, the use of innovative site design techniques, existing or new vegetation and landscaping, other surface treatments, alternative antenna configuration and/or selection, utilization of antenna support structures designed to resemble trees, and any other practice which screens the WCF from observation from roadways, residences, and other properties or otherwise has the effect of reducing the aesthetic impacts associated with the WCF.

J. Noise. Macro facilities shall not produce noise in excess of the applicable noise standards regulated by MMC 6.04.055, Public Nuisances, and Chapter 173-60 WAC, Maximum

Environmental Noise Levels, except for in emergency situations requiring the use of a backup generator, where the noise standards may be exceeded on a temporary basis.

K. Collocation. It is the city's policy to minimize the number of towers and to encourage the collocation of more than one carrier's macro facility on a single support structure as well as construct and site facilities with a view towards sharing the site and structure with other utilities. All towers that exceed 85 feet in height shall be designed to accommodate two or more WCF. Nothing in this section shall prohibit the owner of an existing facility from charging a reasonable fee for collocation of other communication facilities.

L. The Director shall consider the cumulative visual effects of macro facilities mounted on existing structures and/or located on a given permitted site in determining whether the additional permits can be granted so as to not adversely affect the visual character of the city.

M. Equipment Enclosures.

1. Equipment enclosures shall be the minimum size necessary for its intended purpose. Equipment enclosures shall be located within buildings or placed underground, unless applicant can demonstrate that such placement is technically infeasible. When they cannot be located in buildings or placed underground, equipment enclosures shall be screened. Alternate methods for screening may include the use of building or parapet walls, sight-obscuring fencing and/or landscaping. If landscaping screening is used, the applicant must comply with the Type I Planting buffer with a minimum width of five feet around the enclosure, in accordance with the requirements contained in MMC 22.46.040(A), Type I Planting – Solid Screen.

2. Ground-mounted equipment in the right-of-way is prohibited, unless such facilities are placed underground, or the applicant can demonstrate that such placement is technically infeasible.

3. Generators located in the right-of-way are prohibited.

4. All equipment shelters, cabinets, or other on-the-ground ancillary equipment shall meet the setback requirements of the zone in which it is located.

N. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would unreasonably impair the function of the technology chosen by the applicant, alternative forms of concealment or deployment may be permitted which provide similar or greater protections of the streetscape.

22.62.100 Eligible Facilities Requests.

Eligible facilities requests shall be reviewed pursuant to this subsection.

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

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

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

- b. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and back-up power supplies, and comparable equipment, regardless of technological configuration

- (including distributed antenna systems (“DAS”) and small wireless facilities).
- c. Any structure other than a tower that, at the time the relevant application is filed (with jurisdiction) under this section, supports or houses equipment described in subsections (A)(1)(a) and (b) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.
 - d. The term does not include any structure that, at the time the relevant application is filed with the City under this section, does not support or house equipment described in subsections (A)(1)(a) and (b) of this section.
2. “Collocation”: The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes.
 3. “Eligible Facilities Request”: Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:
 - a. Collocation of new transmission equipment;
 - b. Removal of transmission equipment; or
 - c. Replacement of transmission equipment.
 4. “Eligible support structure”: Any tower or base station as defined in this section; provided, that it is existing at the time the relevant application is filed with the City.
 5. “Existing”: A constructed tower or base station 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. The current boundaries of a site are the boundaries that existed as of the date that the original support structure or a modification to that structure was last reviewed and approved by a State or local government, if the approval of the modification occurred prior to the Spectrum Act or otherwise outside of the Section 6409(a) process.
 6. “Substantial change”: A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:
 - a. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten (10) percent or by the height of one (1) additional antenna with separation from the nearest existing antenna, not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten (10) percent or more than ten (10) feet, whichever is greater.
 - i. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings’ rooftops; in other circumstances, changes in height should be

measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

- ii. The separation of antennas is measured by the distance from the top of the existing antennas to the bottom of the new antennas.
- b. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than ten (10) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;
- c. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; or, for towers in the public streets and base stations, it involves installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten (10) percent larger in height or overall volume than any other ground cabinets associated with the structure;
- d. It entails any excavation or deployment outside the current site, except that, for towers other than towers in the public rights-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the 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.

7. "Tower": Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul and the associated site.

8. "Transmission equipment": Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

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

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

D. Time Frame for Review. Within sixty days of the date on which an applicant submits an application seeking approval under this chapter, the Director shall approve the application unless it determines that the application is not covered by this MMC section 22.62.090.

E. Tolling of the Time Frame for Review. The sixty-day review period begins to run when the application is filed with the City, and may be tolled only by mutual agreement by the 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 shall provide written notice to the applicant within thirty days of receipt of the application, clearly and specifically delineating all missing documents and/or information required in the application.

2. The time frame for review begins running again when the applicant makes a supplemental submission in response to the city's notice of incompleteness.

3. Following a supplemental submission, the Director will notify the applicant within ten days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this subsection. Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

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

G. Failure to Act. In the event the 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 shall be deemed granted. The deemed grant of the eligible facilities request 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.

22.62.110 Small wireless facility application process.

The City and applicant for a franchise and other permits associated with the deployment of small wireless facilities face challenges in coordinating applicable legislative and administrative processes under the FCC regulations. Accordingly, in order to manage its City in a thoughtful manner which balances the need to accommodate new and evolving technologies with the preservation of the natural and aesthetic environment of the City, the City of Monroe has adopted this administrative process for the deployment of small wireless facilities.

A. Permit Required. Small Wireless Facility Permit. A small wireless facility permit is required for any small wireless facility unless specifically exempted.

B. Completeness. An application for a small wireless facility is not complete until the applicant has submitted all the applicable items required by MMC 22.62.120 and, to the extent relevant, has submitted all the applicable items in MMC 22.62.110(C) and the City has confirmed that the application is complete. Grantees with a valid franchise for small wireless facilities may apply for a small wireless permit for the initial or additional placement of small wireless facilities at any time subject to the commencement of a new completeness review time period for permit processing.

C. Application Components. The Director is authorized to establish franchise and other application forms to gather the information required by these ordinances from applicants.

1. Franchise. If any portion of the applicant's facilities are to be located in the City's right-of-way, the applicant shall apply for, and receive approval of, a franchise, consistent with the requirements in Chapter 5.54 MMC. An application for a franchise may be submitted concurrently with an application for small wireless facility permit(s).
2. Small Wireless Facility Permits. The applicant shall submit a small wireless facility permit application and associated components as required by MMC 22.62.110. Prior to the issuance of the small wireless facility permit, the applicant shall pay the permit fee as set forth in the fee schedule which may be amended by City Council from time to time, or the actual costs incurred by the City in reviewing such permit application. If the applicant desires to locate outside the rights-of-way, or has already obtained a franchise to deploy inside the rights-of-way, the applicant may apply directly for a small wireless facility permit.
3. Associated Application(s) and Checklist(s). Any application for a small wireless permit which contains an element which is not categorically exempt from SEPA review shall simultaneously apply under Chapter 43.21C RCW and MMC 22.78. Further, any application proposing small wireless facilities in a shoreline area (pursuant to MMC 22.82) or a critical area (pursuant to MMC 22.80) shall indicate why the application is exempt or comply with the review processes in such codes. Applications for small wireless facilities in design zones or for new poles shall comply with the requirements in MMC 22.62.180.
4. Leases. An applicant who desires to attach a small wireless facility to any structure owned by the City shall include an application for a lease as a component of its application. Leases for the use of public property, structures, or facilities shall be submitted to the City Council for approval.

22.62.120 Small wireless facility application requirements.

The following information shall be provided by all applicants for a small wireless permit:

- A. The application shall provide specific locational information including GIS coordinates of all proposed small wireless facilities and specify where the small wireless facilities will utilize existing, replacement or new poles, towers, existing buildings and/or other structures. Ground mounted equipment, conduit, junction boxes and fiber and electrical connections necessary for and intended for use in the deployment shall also be specified regardless of whether the additional facilities are to be constructed by the applicant or leased from a third party. Detailed schematics and visual renderings of the small wireless facilities, including engineering and design standards, shall be provided by the applicant. The application shall have sufficient detail to identify:
 1. The location of overhead and underground public utility, telecommunication, cable, water, adjacent lighting, sewer drainage and other lines and equipment within 100 feet of the proposed project area (which the project area shall include the location of the fiber source and power source). Further, the applicant shall include all existing and proposed improvements related to the proposed location, including but not limited to

poles, driveways, ADA ramps, equipment cabinets, street trees and structures within 100 feet of the proposed project area;

2. The specific trees, structures, improvements, facilities, lines and equipment, and obstructions, if any, that applicant proposes to temporarily or permanently remove or relocate and a landscape plan for protecting, trimming, removing, replacing, and restoring any trees or areas to be disturbed during construction.
 3. Compliance with the siting and aesthetic requirements of MMC 22.62.170 and MMC 22.62.180, as applicable.
 4. The applicant must show written approval from the owner of any pole or structure for the installation of its small wireless facilities on such pole or structure. To extent that the pole or structure is not owned by the property owner, the applicant shall demonstrate in writing that they have authority from the property owner to obtain permits to install the small wireless facility on the pole or structure. Such written approval shall include approval of the specific pole, engineering and design standards from the pole owner, unless the pole owner is the City. Submission of the lease agreement between the owner and the applicant is not required. For City-owned poles or structures, the applicant must obtain a lease from the City prior to or concurrent with the small wireless permit application and must submit as part of the application the information required in the lease for the City to evaluate the usage of a specific pole.
 5. If the application is for a new or a replacement light pole, then the applicant must provide a photometric analysis.
- B. The applicant can batch multiple small wireless facility sites in one application. The applicant is encouraged to batch the small wireless facility sites within an application in a contiguous service area.
- C. Any application for a small wireless facility located in the right-of-way adjacent to a parcel zoned for residential use shall demonstrate that it has considered the following:
1. Whether the proposed small wireless facility could be located on a street corner rather than in the middle of a block.
 2. Whether a small wireless facility is currently installed on an existing pole in front of the same residential parcel. If a small wireless facility exists, then the applicant must demonstrate that no technically feasible alternative location exists which is not in front of the same residential parcel.
 3. Whether the proposed small wireless facility can be screened from residential view by choosing a pole location that is not directly in front of a window or views.
- D. The applicant shall submit a sworn affidavit signed by an RF Engineer with knowledge of the proposed project affirming that the small wireless facilities will be compliant with all FCC and other governmental regulations in connection with human exposure to radio frequency emissions for every frequency at which the small wireless facility will operate. If facilities which generate RF radiation necessary to the small wireless facility are to be provided by a third party, then the small wireless permit shall be conditioned on an RF Certification showing the cumulative impact of the RF emissions on the entire installation. The applicant may provide

one emissions report for the entire small wireless deployment if the applicant is using the same small wireless facility configuration for all installations within that batch or may submit one emissions report for each subgroup installation identified in the batch.

- E. The applicant shall provide proof of FCC and other regulatory approvals required to provide the service(s) or utilize the technologies sought to be installed, to the extent applicable.
- F. A professional engineer licensed by the State of Washington shall certify in writing, over his or her seal, that both construction plans and final construction of the small wireless facilities and structure or pole and foundation are designed to reasonably withstand wind and seismic loads as established by the International Building Code. The building official may accept alternative forms of the structural approval if the review and calculations are conducted by another agency, such as the pole owner.
- G. The small wireless facility permit shall include those elements that are typically contained in the right-of-way disturbance permit pursuant to MMC 12.36, including a traffic control plan, to allow the applicant to proceed with the build-out of the small wireless facilities.
- H. Recognizing that small wireless facility technology is rapidly evolving, the City is authorized to adopt and publish standards for the structural safety of City-owned structures and to formulate and publish application questions for use when an applicant seeks to attach to City-owned structures.

22.62.130 Small wireless facility application review procedure.

- A. The following provisions relate to review of applications for a small wireless facility permit:
 - 1. In any zone, upon application for a small wireless permit, the City will permit small wireless deployment on existing or replacement utility poles conforming to the City's generally applicable development and design and concealment standards.
 - 2. Vertical clearance shall be reviewed by the Director to ensure that the small wireless facilities will not pose a hazard to other users of the right-of-way.
 - 3. Replacement poles and new poles shall comply with the Americans with Disabilities Act (ADA), City construction and sidewalk clearance standards, traffic warrants, city ordinances, and state and federal statutes and regulations in order to provide a clear and safe passage within the right-of-way. Further, the location of any replacement pole or new pole must: be physically possible, cannot obstruct vehicular or pedestrian traffic or the clear zone, not interfere with utility or safety fixtures (e.g., fire hydrants, traffic control devices), and not adversely affect the public welfare, health, or safety.
 - 4. No equipment shall be operated so as to produce noise in violation of MMC 6.04.055, Public Nuisances, and Chapter 173-60 WAC, Maximum Environmental Noise Levels.
 - 5. Small wireless facilities may not encroach onto or over private property or property outside of the right-of-way without the property owner's express written consent.
- B. Eligible Facilities Requests. Small wireless facility may be expanded pursuant to an eligible facility request under MMC 22.62.090 so long as the expansion:
 - 1. does not defeat concealment elements specifically designated as stealth techniques,
 - 2. incorporates the aesthetic elements required as conditions of approval set forth in the original small wireless facility approval in a manner consistent with the rights granted an eligible facility, and

3. does not exceed the conditions of a small wireless facility as defined by 47 CFR 1.6002(l).

C. **Review of Facilities.** Review of the site locations proposed by the applicant shall be governed by the provisions of 47 USC 253 and 47 USC 332 and other applicable statutes, regulations and case law. Applicants for franchises and small wireless facility permits shall be treated in a competitively neutral and non-discriminatory manner with other service providers, utilizing supporting infrastructure which is functionally equivalent, that is, service providers whose facilities are similarly situated in terms of structure, placement, or cumulative impacts. Small wireless facility permit review under this Chapter shall neither prohibit nor have the effect of prohibiting the ability of an applicant to provide telecommunications services.

D. **Withdrawal.** Any applicant may withdraw an application submitted at any time, provided the withdrawal is in writing and signed by all persons who signed the original application or their successors in interest. When a withdrawal is received, the application shall be deemed null and void. If such withdrawal occurs prior to the Director's decision, then reimbursement of fees submitted in association with said application shall be prorated to withhold the amount of City costs incurred in processing the application prior to time of withdrawal. If such withdrawal is not accomplished prior to the Director's decision, there shall be no refund of all or any portion of such fee.

E. **Supplemental Information.** If the requested supplemental information is not submitted by the applicant within ninety (90) days of notice by the Director, the application file shall be closed, unless an extension period has been approved by the Director.

F. **Final Decision.** The Director shall review and make a determination on all applications to site small wireless facilities, consistent with this chapter as well as other applicable code provisions and the siting and design standards in the MMC 22.62.150 through 22.62.180. The Director's decision shall be final. Denial of one or more wireless facility locations within a submission described in subsection (A)(2)(c) of this section shall not be the sole basis for denial of other locations or applicant's entire application for wireless facilities.

22.62.140 Small wireless facility permit requirements.

- A. The permittee shall comply with all of the requirements within the small wireless permit.
- B. **Governing construction or electrical code.** All installations of small wireless facilities shall comply with any governing construction or electrical code including the National Electrical Safety Code, the National Electric Code or state electrical code, as applicable.
- C. **Electrical connection.** The permittee is responsible for providing or arranging for electricity to small wireless facilities. Any third party utility providing such electricity shall obtain a Franchise from the City prior to operating in the rights-of-way.
- D. **Transport/telecommunications connection.** The permittee is responsible for providing transport connectivity (i.e. fiber) to small wireless facilities. Any third party utility providing such transport connectivity shall obtain a Franchise from the City prior to operating in the rights-of-way.
- E. **Post-Construction as-builts.** Upon request, the permittee shall provide the City with as-builts of the small wireless facilities within thirty (30) days after construction of the small wireless facility, demonstrating compliance with the permit and site photographs.

- F. Permit time limit. Construction of the small wireless facility must be completed within twelve (12) months after the approval date by the City. The permittee may request one (1) extension to be limited to six (6) months, if the permittee cannot construct the small wireless facility within the original twelve (12) month period.
- G. Site safety and maintenance. The permittee must maintain the small wireless facilities in safe and working condition. The permittee shall be responsible for the removal of any graffiti or other vandalism and shall keep the site neat and orderly, including but not limited to following any maintenance or modifications on the site.
- H. Operational activity. The grantee shall commence operation of the small wireless facility no later than six (6) months after installation and may request one (1) extension for an additional six (6) month period if grantee can show that such operational activity is delayed due to inability to connect to electrical or backhaul facilities.
- I. Modifications. If a grantee desires to make a modification to an existing small wireless facility, including but not limited to expanding or changing the antenna type, increasing the equipment enclosure, placing additional pole-mounted or ground-mounted equipment, or modifying the concealment elements, then the applicant shall apply for a small wireless facility permit.
- J. Exceptions to modifications. A small wireless facility permit shall not be required for routine maintenance and repair of a small wireless facility within the rights-of-way, or the replacement of an antenna or equipment of similar size, weight, and height, provided that such replacement does not defeat the concealment elements, designated as stealth techniques, used in the original deployment of the small wireless facility, does not impact the structural integrity of the pole, and does not require pole replacement. Further, a small wireless facility permit shall not be required for replacing equipment within the equipment enclosure or reconfiguration of fiber or power to the small wireless facility. A right-of-way disturbance permit(s) may be required for such routine maintenance, repair or replacement consistent with MMC 12.36.

22.62.150 Small wireless facility permit – Consolidated.

- A. The issuance of a small wireless permit grants authority to construct small wireless facilities in the rights-of-way in a consolidated manner to allow the applicant, in most situations, to avoid the need to seek duplicative approval by both the public works and the development services department. The issuance of a small wireless facility permit shall be governed by the time limits established by federal law for small wireless facilities.
- B. The general standards applicable to the use of the rights-of-way described in MMC 12.36 shall apply to all small wireless facility permits.

22.62.160 Hierarchy for small wireless facilities.

The City's preference is for the applicant to deploy small wireless facilities on non-decorative poles. If a non-decorative pole exists within 150 feet of a decorative pole proposed for SWF installation, the applicant shall utilize the non-decorative light pole unless the applicant can demonstrate, to the satisfaction of the Director, that the small wireless facility cannot be located on the non-decorative light pole.

22.62.170 Design standards for small wireless facilities on decorative poles.

Notwithstanding anything to the contrary in this Chapter, an applicant may not deploy small wireless facilities on Decorative Pole(s) or replace a Decorative Pole with a new Decorative Pole unless the applicant can demonstrate that the requirements of MMC 22.62.190 have been met.

22.62.180 Design and concealment standards for small wireless facilities.

A. General Provisions.

1. In the event power is later undergrounded in an area where small wireless communication facilities are located above ground on utility poles supporting such power lines, the small wireless communication facilities shall be removed and may be replaced with a facility meeting the design standards for new poles in MMC 22.62.190.
2. Except for electrical meters, ground mounted equipment in the right-of-way is prohibited, unless the applicant can demonstrate that pole mounted, completely concealed within the pole, or undergrounded equipment is technically infeasible. If ground mounted equipment is necessary, then the applicant shall submit a concealment element plan. Generators located in the right-of-way are prohibited.
3. Small wireless facilities are not permitted on traffic signal poles unless denial of the siting could be a prohibition or effective prohibition of the applicant's ability to provide telecommunications service in violation of 47 USC §§ 253 and 332.
4. Replacement poles and new poles shall comply with the ADA, City construction and sidewalk clearance standards, city ordinance, and state and federal laws and regulations in order to provide a clear and safe passage within the right-of-way. Further, the location of any replacement or new pole shall: be physically possible, comply with applicable traffic warrants, not interfere with utility or safety fixtures (e.g., fire hydrants, traffic control devices), and not adversely affect the public welfare, health or safety.
5. Replacement poles shall be located no more than five (5) feet from the existing pole with the requirement to remove the abandoned pole, unless the applicant can demonstrate that they require a location up to ten (10) feet from the existing pole.
6. No signage, message or identification other than the manufacturer's identification or identification required by governing law is allowed to be portrayed on any antenna or equipment enclosure or on the pole. Any permitted signage shall be located either on the equipment enclosures or in the location required by law and be of the minimum size necessary to achieve the intended or required purpose (no larger than 4x6 inches unless required by law); provided that, signs are permitted as stealth concealment element techniques where appropriate.
7. Antennas and related equipment shall not be illuminated except for security reasons, required by a federal or state authority, or unless approved as part of a concealment element plan.
8. Side arm mounts for antennas or equipment shall be the minimum extension necessary and the inside edge of the antenna may be no more than twelve (12) inches from the surface of the pole.
9. The preferred location of a small wireless facility on a pole is the location with the least visual impact.
10. Antennas, equipment enclosures, and ancillary equipment, conduit and cable, shall not dominate the structure or pole upon which they are attached.
11. Except for locations in the right-of-way, small wireless facilities are prohibited on any property containing a residential use in the residential zones; provided that where small wireless facilities are intended to be located more than 400 feet from a right-of-way and within an access easement over residential property, the location may be allowed if:

- a. the applicant affirms that they have received an access easement from property owner to locate the facility in the desired location; and
- b. the property owner where the facility will be installed has authority to grant such permission to locate the facility and related equipment at the designated location pursuant to the terms of the access easement; and
- c. that the installation is allowed by, and consistent with, the access easement; and
- d. that such installation will not frustrate the purpose of the easement or create any access or safety issue, and
- e. shall be in compliance with all land use regulations such as, but not limited to, setback requirements.

12. The City may consider the cumulative visual effects of small wireless facilities mounted on poles within the right-of-way when assessing proposed siting locations so as to not adversely affect the visual character of the City. This provision shall not be applied to limit the number of permits issued when no alternative sites are reasonably available nor to impose a technological requirement on the applicant.

13. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would unreasonably impair the function of the technology chosen by the applicant, alternative forms of concealment or deployment may be permitted which provide similar or greater protections of the streetscape.

B. Small wireless facilities attached to existing, or replacement non-wooden poles located inside or outside the right-of-way shall conform to the following design criteria:

1. Upon adoption of a city standard small wireless facility pole design(s) within the City's Engineering, Design, and Construction Manual, an applicant shall first consider using or modifying the standard pole design to accommodate its small wireless facility without substantially changing the outward visual and aesthetic character of the design. The applicant, upon a showing that use or modification of the standard pole design is either technically or physically infeasible, or that the modified pole design will not comply with the city's ADA, sidewalk clearance requirements and/or would violate electrical or other safety standards, may deviate from the adopted standard pole design and use the design standards as further described in MMC 22.62.180(B).

2. The applicant shall minimize to the extent possible the antenna and equipment space and shall use the smallest enclosure technically necessary to fit the equipment and antennas. The antennas and equipment shall be located using the following methods:

- a. Concealed completely within the pole or pole base. Antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) shall be fully concealed within the pole, unless such concealment is otherwise technically infeasible, or is incompatible with the pole design. If within the pole base, the base shall meet the ADA requirements and not impact the pedestrian access route. In addition, if the equipment enclosure is concealed completely within the pole or pole base, the equipment enclosure may not exceed twenty-eight (28) cubic feet.

- b. Underground in a utility vault. If located underground, the access lid to the equipment enclosure shall be located outside the footprint of any pedestrian curb ramp and shall have a nonskid surface meeting ADA requirement if located within an existing

pedestrian access route. In addition, the associated equipment enclosures may not exceed twenty-eight (28) cubic feet.

c. Located on a pole. Antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) shall conform to the following:

i. The antenna(s) shall be placed as close to the surface of the pole as possible, meaning that the interior edge may not be more than twelve (12) inches off the surface of the pole, and only if such distance is necessary for antenna tilt and/or technical need. Each antenna may not exceed three (3) cubic feet in volume.

ii. The equipment shall be placed as close to the surface of the pole as possible, but may not be more than six (6) inches off the surface of the pole. The equipment must be placed in the smallest enclosure possible for the technical need of the small wireless facility. The equipment enclosure and all other wireless equipment associated with the utility pole, including wireless equipment associated with the antenna (including conduit) and any pre-existing associated equipment on the pole, may not exceed twenty-eight (28) cubic feet. Multiple equipment enclosures may be acceptable if designed to more closely integrate with the pole design and does not cumulatively exceed twenty-eight (28) cubic feet. The applicant is encouraged to place the equipment enclosure behind any banners or road signs that may be on the pole, provided that such location does not interfere with the operation of the banners or signs, or the operation of the small wireless facility.

iii. A unified enclosure housing both antenna and equipment shall be placed as close to the surface of the pole as possible, but the interior edge of the unified antenna and equipment enclosure shall not extend more than twelve (12) inches off the pole if necessary for antenna tilt and/or technical need. The unified antenna and equipment enclosure shall be the smallest size technically necessary, but shall not exceed the dimensional requirements of subsection (B)(2)(c)(ii) above.

iv. To the extent possible, the equipment enclosures shall be placed so as to appear as an integrated part of the pole or behind banners or signs, provided that such location does not interfere with the operation of the banners or signs, or the operation of the small wireless facility.

v. The applicant may place a side mounted canister antenna, so long as the inside edge of the antenna is no more than six (6) inches from the surface of the pole.

d. On private property. If located on private property, the applicant shall provide documentation establishing the lease or easement right and permission of the property owner to locate the small wireless facility on the private property. In addition, the associated equipment enclosures may not exceed twenty-eight (28) cubic feet.

3. The furthest point of any equipment enclosure may not extend more than twenty-eight (28) inches from the face of the pole. Any equipment or antenna enclosures shall meet WSDOT height clearance requirements. Applicants are encouraged to place the equipment enclosure as close to the antennas as physically and technically possible, unless such placement would cause a greater aesthetic impact.

4. All conduit, cables, wires and fiber shall be routed internally in the non-wooden pole. Full concealment of all conduit, cables, wires and fiber is required within mounting brackets, shrouds, canisters or sleeves if attaching to exterior antennas or equipment.

5. An antenna on top of an existing pole may not extend more than six (6) feet above the height of the existing pole and the diameter may not exceed sixteen (16) inches, measured at the top of the pole, unless the applicant can demonstrate that more space is technically necessary. The antennas and any extension shall be integrated into the pole design so that it appears as a continuation of the original pole, including colored or painted to match the pole, and shall be shrouded or screened to blend with the pole. 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.

6. Any replacement pole shall substantially conform to the design of the pole it is replacing or the neighboring pole design standards utilized within the contiguous right-of-way.

7. The height of any replacement pole may not extend more than ten (10) feet above the height of the existing pole or the minimum additional height necessary, whichever is less; provided that the height of the replacement pole cannot be extended further by additional antenna height.

8. The diameter of a replacement pole shall comply with the City's setback and sidewalk clearance requirements and shall, to the extent technically feasible, not be more than a 25% increase of the existing non-wooden pole measured at the base of the pole, unless additional diameter is needed in order to conceal equipment within the pole and shall comply with the requirements in MMC 22.62.180(A)(4).

9. The use of the pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

C. Wooden pole design standards. Small wireless facilities attached to wooden utility poles located inside or outside the right-of-way, and in public easements, shall conform to the following design criteria:

1. The wooden pole at the proposed location may be replaced with a taller pole for the purpose of accommodating a small wireless facility; provided, that the replacement pole shall not exceed a height that is a maximum of ten (10) feet taller than the existing pole, unless a further height increase is required and confirmed in writing by the pole owner and that such height extension is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.

2. A pole extender may be used instead of replacing an existing pole but may not increase the height of the existing pole by more than ten (10) feet, unless a further height increase is required and confirmed in writing by the pole owner and that such height increase is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities. A "pole extender" as used herein is an object affixed between the pole and the antenna for the purpose of increasing the height of the antenna above the pole. The pole extender shall be painted to approximately match the color of the pole and shall substantially match the diameter of the pole measured at the top of the pole.

3. Replacement wooden poles shall either match the approximate color and materials of the replaced pole or shall be the standard new wooden pole used by the pole owner in the City.

4. Antennas, equipment enclosures, and all ancillary equipment, boxes and conduit shall be colored or painted to match the approximate color of the surface of the wooden pole on which they are attached.
5. The interior edge of an antenna shall not be mounted more than twelve (12) inches from the surface of the wooden pole.
6. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness. Multiple antennas are permitted on a wooden pole provided that each antenna shall not be more than three (3) cubic feet in volume.
7. A canister antenna may be mounted on top of an existing wooden pole, which may not exceed the height requirements described in subsection B(1) above. A canister antenna mounted on the top of a wooden pole shall not exceed sixteen (16) inches in diameter, measured at the top of the pole, and shall be colored or painted to match the pole. The canister antenna shall be placed to look as if it is an extension of the pole. In the alternative, the applicant may propose a side mounted canister antenna, so long as the inside edge of the antenna is no more than twelve (12) inches from the surface of the wooden pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the wooden pole.
8. The furthest point of any antenna or equipment enclosure may not extend more than twenty-eight (28) inches from the face of the pole. Any equipment or antenna enclosures shall meet WSDOT height clearance requirements. Applicants are encouraged to place the equipment enclosure as close to the antennas as physically and technically possible, unless such placement would cause a greater aesthetic impact.
9. An omni-directional antenna may be mounted on the top of an existing wooden pole, provided such antenna is no more than four (4) feet in height and is mounted directly on the top of a pole or attached to a sleeve made to look like the exterior of the pole as close to the top of the pole as technically feasible. All cables shall be concealed within the sleeve between the bottom of the antenna and the mounting bracket.
10. All related equipment, including but not limited to ancillary equipment, radios, cables, associated shrouding, microwaves, and conduit which are mounted on wooden poles shall not be mounted more than six (6) inches from the surface of the pole, unless a further distance is technically required, and is confirmed in writing by the pole owner.
11. Equipment for small wireless facilities shall be attached to the wooden pole, unless otherwise permitted to be ground mounted pursuant to MMC 22.62.170(A)(2). The equipment must be placed in the smallest enclosure possible for the intended purpose. The equipment enclosure and all other wireless equipment associated with the utility pole, including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole, may not exceed twenty-eight (28) cubic feet. Multiple equipment enclosures may be acceptable if designed to more closely integrate with the pole design and does not cumulatively exceed twenty-eight (28) cubic feet. The applicant is encouraged to place the equipment enclosure behind any banners or road signs that may be on the pole, provided that such location does not interfere with the operation of the banners or signs, or the small wireless facility.
12. A unified enclosure housing both antenna and equipment may be utilized and shall be placed as close to the surface of the pole as possible, but the interior edge of the unified antenna and equipment enclosure shall not extend more than twelve (12) inches off the pole if necessary for antenna tilt and/or technical need. The unified enclosure shall be the smallest size technically necessary, but shall not exceed the dimensional requirements of MMC

22.62.170(C)(11) above. To the extent possible, the unified enclosure shall be placed so as to appear as an integrated part of the pole or behind banners or signs, provided that such location does not interfere with the operation of the small wireless facility or operations of the banners or signs.

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

14. The small wireless facility shall be considered a secondary use to the primary use of the utility pole. If the primary use of a utility pole serving as the host site for a small wireless facility becomes unnecessary, the utility pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

15. The diameter of a replacement pole shall comply with the requirements listed in MMC 22.62.180(A)(4) above or the pole owner's standard pole size.

16. All cables and wires shall be routed through conduit along the outside of the pole. The outside conduit shall be colored or painted to match the pole. The number of conduits shall be minimized to the number technically necessary to accommodate the small wireless facility.

D. Small Wireless Facilities Attached to Buildings. Small wireless facilities attached to existing buildings shall conform to the following requirements:

1. Small wireless facilities may be mounted to the sides of a building if the antennas do not interrupt the building's architectural theme.

2. The interruption of architectural lines or horizontal or vertical reveals is discouraged.

3. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if they complement the architecture of the existing building.

4. Small wireless facilities shall utilize the smallest mounting brackets necessary, in order to provide the smallest offset from the building.

5. Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas. Exposed cabling/wiring is prohibited.

6. Small wireless facilities shall be colored, painted and textured to match the adjacent building surfaces.

7. The applicant must provide approval from the building owner, including consent that the small wireless design meets the building owner's design requirements.

8. Small wireless facilities must meet the height requirement of the underlying zoning district.

9. Feed lines and coaxial cables shall be located below the parapet of the rooftop or otherwise concealed from view.

10. If an equipment enclosure cannot be located within the building where the small wireless facilities will be located, then the City's first preference is for the wireless telecommunication provider to locate the equipment on the roof of the building. If the equipment can be screened by placing the equipment below the parapet walls, no additional screening is required. If screening is required, the proposed screening must be consistent with the existing building in terms of color, design, architectural style, and material. If the equipment enclosure cannot be located on the roof or within the building, then it shall be located underground consistent with MMC 22.62.180(A)(2).

E. Small wireless facilities attached to cables. Small wireless facilities mounted on cables strung between existing utility poles inside the right-of-way shall conform to the following standards:

1. Each strand mounted facility shall not exceed three (3) cubic feet in volume;
2. Only one strand mounted facility is permitted per cable between any two existing poles;
3. The pole must be able to support the necessary load requirements of the strand mounted facility;
4. The strand mounted devices shall be placed as close as possible to the nearest utility pole, in no event more than five (5) feet from the pole unless a greater distance is technically necessary or is required by the pole owner for safety clearance;
5. No strand mounted device shall be located in or above the portion of the roadway open to vehicular traffic;
6. Ground mounted equipment to accommodate a shared mounted facility is not permitted except when placed in pre-existing equipment cabinets or required by a third-party service provider, such as the electric utility; and
7. Pole mounted equipment shall comply with the requirements of MMC 22.62.180(E)(1) and (2) above.
8. Such strand mounted devices shall be installed to cause the least visual impact and without excess exterior cabling or wires (other than the original strand).
9. Strand mounted facilities are prohibited on non-wooden poles, unless the existing pole has pre-existing communication wirelines.

22.62.190 Design and concealment standards for small wireless facilities on new poles in the right-of-way or on decorative poles or in City parks and the downtown historic district.

A. New poles within the right-of-way or for installations on a Decorative Pole or in a City Park or in the downtown historic district are only permitted if the applicant can establish that:

1. The proposed small wireless facility cannot be located on an existing utility pole or light pole, electrical transmission tower or on a site outside of the public right-of-way or a park such as public property, building, transmission tower or separate structure;
2. The proposed small wireless facility complies with the applicable requirements of MMC 22.62.180(A);
3. The proposed small wireless facility receives approval for a concealment element design, as described in MMC 22.62.190(C) below;
4. The proposed small wireless facility complies with SEPA, if applicable; and
5. No new poles shall be located in a critical area or associated buffer required by the City's Critical Areas Management ordinance (MMC Chapter 22.80), except when determined to be exempt pursuant to said ordinance.

B. An application for a new pole or installation on a Decorative Pole or in a City park is subject to review and approval or denial by the Director.

C. The concealment element design shall include the design of the screening, fencing or other concealment techniques for a tower, pole, or equipment structure, and all related

transmission equipment or facilities associated with the proposed small wireless facility, including but not limited to signal and power connections.

1. If the applicant desires to place the small wireless facility on a Decorative Pole, and the City has created a small wireless facility standard for such type of Decorative Pole in the Standard Specification and Details, then the applicant is encouraged to first consider using the Decorative Pole design adopted for small wireless facilities from the Standard Specification and Details. The applicant, upon a showing that using the Standard Decorative Pole design is either technically or physically infeasible, or that a modified pole design will not comply with the City's ADA, or sidewalk clearance requirements and/or would violate electrical or other safety standards, may deviate from the adopted standard Decorative Pole design and propose a concealment element design consistent with subsection 2 below.
2. If the Director has already approved a concealment element design either for the applicant or another small wireless facility along the same public right-of-way or for the same pole type, then the applicant shall utilize a substantially similar concealment element design, unless it can show that such concealment element design is not physically or technically feasible, or that such deployment would undermine the generally applicable design standards, in such case, the applicant shall propose a concealment element design consistent with subsection 3 below.
3. The concealment element design should seek to minimize the visual obtrusiveness of the small wireless facility. The proposed pole or structure should have similar designs to existing neighboring poles in the right-of-way, including similar height to the extent technically feasible. If the proposed small wireless facility is placed on a replacement pole, then the replacement pole shall be of the same general design as the pole it is replacing. Any concealment element design for a small wireless facility should attempt to mimic the design of such pole and integrate the small wireless facility into the design of the pole. Other concealment methods include, but are not limited to, integrating the installation with architectural features or building design components, utilization of coverings or concealment devices of similar material, color, and texture - or the appearance thereof - as the surface against which the installation will be seen or on which it will be installed, landscape design, or other camouflage strategies appropriate for the type of installation. Applicants are required to utilize designs in which all conduit and wires are installed internally in the structure, to the extent technically feasible.

D. Even if an alternative location is established pursuant to subsection MMC 22.62.190(A)(1), the Director may determine that a new pole in the right-of-way is in fact a superior alternative based on the impact to the City, the concealment element design, the City's Comprehensive Plan and the added benefits to the community.

E. Prior to the issuance of a permit to construct a new pole or ground mounted equipment in the right-of-way (other than an electric meter or other third-party service equipment), the applicant must obtain a site-specific agreement from the City to locate such new pole or ground mounted equipment. This requirement also applies to replacement poles when the replacement is necessary for the installation or attachment of small cell facilities, the replacement structure is higher than the replaced structure, and the overall height of the replacement structure and the small cell facility is more than sixty (60) feet.

22.62.200 Abandonment and Removal.

A. A WCF shall be removed by the facility owner within six (6) months of the date it ceases to be operational or if the WCF falls into disrepair. Disrepair includes structural features, paint, landscaping, or general lack of maintenance which could result in safety or visual impacts. Whenever a WCF ceases operation or falls into disrepair as provided in this section and as determined by either the designated official or the WCF provider, the entire WCF shall be removed, including but not limited to all antennas, antenna supports, feeder lines, equipment enclosures, equipment, conduit, and the concrete pad upon which the structure is located. The WCF provider may apply for an extension of time within those six (6) months if resuming operation of the facility is expected. The Director, at her/his sole discretion, may extend the time for a period not to exceed six (6) months upon written request by the WCF provider.

B. Removal upon Undergrounding. A WCF must be removed at no expense to the City if collocated on an electrical system facility or utility support structure that is subsequently undergrounded; provided that equipment that needs to remain aerial to function shall be permitted to relocate to a new pole in accordance with MMC 22.62.190.

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

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

Monroe Wireless Code Update Chapter 22.62 - Final

Final Audit Report

2022-03-09

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