



CITY OF SNOHOMISH

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NOTICE OF REGULAR MEETING

PLANNING COMMISSION

In the
George Gilbertson Boardroom
Snohomish School District Resource Center
1601 Avenue D

WEDNESDAY
February 3, 2016
6:00 p.m.

- 6:00 1. **CALL TO ORDER** – Roll Call
- 6:05 2. **APPROVE** the minutes of the January 6, 2016 regular meeting (*P. 1*)
- 6:10 3. **CITIZEN COMMENTS** on items not on the agenda
- 6:20 4. **PUBLIC HEARING** – Wireless Communications Facility Regulations (*P.5*)
- 7:30 5. **DISCUSSION ITEM** – Planning Commission Work Plan for 2016 (*P.29*)
- 9:00 6. **ADJOURN**

NEXT MEETING: The next regular meeting is **Wednesday, March 2, 2016**, at 6:00 p.m. in the George Gilbertson Boardroom, Snohomish School District Resource Center, 1601 Avenue D.

AGENDA ITEM 2

**CITY OF SNOHOMISH
REGULAR MEETING OF THE PLANNING COMMISSION
MEETING MINUTES
January 6, 2016**

1. CALL TO ORDER: The regular meeting of the Planning Commission was called to order by Chair Scott at 6:03 p.m. in the George Gilbertson Boardroom, 1601 Avenue D. The assemblage joined in the flag salute and roll was taken.

PLANNING COMMISSION

MEMBERS PRESENT:

Gordon Cole
Hank Eskridge
Laura Scott
Steve Dana
Terry Lippincott

STAFF:

Owen Dennison, Planning Director
Katie Hoole, Permit Coordinator

MEMBERS ABSENT:

Christine Wakefield Nichols
Van Tormohlen

2. ELECT Chair and Vice Chair for 2016

The floor was opened to nominations for 2016 Planning Commission Chair and Vice Chair. Mr. Cole nominated Ms. Scott for Chair and Mr. Dana seconded. Mr. Cole nominated Mr. Eskridge for Vice Chair. The nominations passed 5-0.

3. APPROVE the minutes of the December 2, 2015, regular meeting

Mr. Cole confirmed the revision to SMC 14.242.050(4)(a) was accurately reflected in the minutes and could be further discussed at tonight's meeting.

Ms. Lippincott moved to approve the December 2, 2015, minutes as written; Mr. Dana seconded, and the motion was approved, 5-0.

4. CITIZEN COMMENTS on items not on the agenda

There were no citizen comments on items not on the agenda.

5. DISCUSSION ITEM – Wireless Communication Facility Regulations

Mr. Dennison provided written comments from Commissioner Wakefield Nichols who was unable to attend tonight's meeting; the complexity of the ordinance was her primary concern. Mr. Dennison explained that one problem with regulation in general is it is intended to cover the universe of potential situations, and the more it is simplified, the greater the potential for unaddressed circumstances. When trying to incorporate as many situations as possible, it gets bulky and complex. Wireless communications code is further complicated by the incorporation

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of the required federal requirements.

Mr. Dana would rather have an ordinance that is too complex than one with exploitable loopholes, and Mr. Cole said it was likely technology will be so fast-changing that soon there will be an entirely different way of doing business and the whole ordinance would be rendered moot.

Mr. Dennison reviewed the additions and changes made to the proposed regulations for wireless communications facility (WCF) following discussion at the last Planning Commission meeting and direction from legal counsel.

Mr. Eskridge asked if there was a limit to the number of collocations allowed on a pole; Mr. Dennison said collocations are limited by pole height, the minimum elevation below which the services would not function, and the required minimum separation between carriers.

Mr. Cole asked what the “standard number” was in 14.242.020(L)(3)(b) and what constituted an “excavation” as mentioned in 14.242.020(L)(4)(a); Mr. Dennison said he wasn’t sure because the language all came from the FCC standards. Mr. Cole was not interested in adjusting FCC language.

Mr. Eskridge asked what “deployment” meant in 14.242.020(L)(4)(a), and Mr. Dennison explained that the FCC referred to any installation of new equipment as a deployment.

Mr. Cole questioned the prohibition of new monopoles in unopened rights of way in SMC 14.242.040. Mr. Dennison said unopened right of way would seem to be readily available, but the future use of the property would be unknown. Mr. Cole suggested a cancellation clause in the lease indicating the City had a right to issue a one-year notice to vacate. He doesn’t think use of unopened rights of way should be prohibited.

Mr. Dennison confirmed Commissioners’ agreement and SMC 14.242.040(B) was revised to read, “Unless demonstrated to be necessary and without effective alternative, new monopoles are prohibited within the boundaries of the Historic District.”

The number references (1-4) in SMC 14.242.050 were changed to letters (A-D) and the word “with” in SMC 14.242.050 (A)(6) was changed to “within.”

Mr. Cole did not think Washington State licensed RF engineers; Mr. Dennison agreed that “professional electrical engineer” would work.

There was discussion at the previous Planning Commission meeting of establishing a category within the siting hierarchy in SMC 14.242.050 for all publically owned land. Mr. Dennison was concerned that doing so would substitute process for preference; as a result, section SMC 14.242.070 was proposed, requiring a public hearing prior to City Council approval of any sale, lease, or other use of City-owned sites outside of the right of way for a WCF. This idea was reviewed by the City Attorney who could find no particular issue with it.

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In SMC 14.242.050(D)(2), Mr. Cole would like to remove “non-recreational” tracts, a restriction which conversely means WCFs cannot be located in recreational tracts; this section could say if the WCF can be screened within a recreational tract, it would be allowed. If it doesn’t interfere with any current or potential park use, and the visual impact is addressed, what’s the problem?

Mr. Eskridge and Ms. Lippincott asked for confirmation that this section specifically addressed new monopolies. Mr. Dennison said it was intended for when no other reasonable alternative exists in the higher categories of the preference hierarchy; since everything else is pretty much covered, this category is essentially monopolies by default.

Commissioners agreed to remove “non-recreational” from SMC 14.242.050(D)(2).

Two small typos in section 14.242.060 and one in 14.242.160 would be corrected in the next draft of the standards.

Mr. Cole moved to recommend approval of the corrections today and to direct staff to schedule a public hearing. Mr. Dana seconded and the Planning Commission concurred.

Mr. Dana asked about the status of the surplussing of the ten-acre site that was the location of the former County shop. Mr. Dennison said there were ongoing issues with the plume from a laundromat on an adjacent property, but he thought the County had requested closure of the voluntary compliance agreement with DOE. County staff has discussed the potentials of a sale vs. lease of the property. However, there has been minimal interaction with the City. This site would be an appropriate subject for a visioning exercise to determine what the City wanted to see happen there long-term and to maximize the use of the site. It is prime property; Avenue D is currently a ribbon of development without an identifiable center.

Mr. Cole recommended care when discussing the “planning” for the area. Planning for anything other than expanding opportunities would be making a mistake. Planning for restraint, such as “you have to put a hotel here,” excludes potential for the site and opportunities are lost.

Mr. Dana suggested there was potential for a zoning designation at the site similar to the Pilchuck District; Mr. Cole would recommend sticking with the more flexible parts, rather than the more restrictive sections of the Pilchuck District standards.

6. ADJOURN

at 7:19 p.m.

Approved this 3rd day of February, 2016

By: _____
Commissioner Laura Scott, Chair

AGENDA ITEM 2

PUBLIC HEARING 4

Date: February 3, 2016
To: Planning Commission
From: Owen Dennison, Planning Director
Subject: **Wireless Communications Facility Regulations Public Hearing**

This agenda item provides a public hearing on proposed amendments to Title 14 SMC to replace the City's current regulations for wireless communications facilities (WCFs) in Chapter 14.207 SMC with a new Chapter 14.242 SMC. The Planning Commission has discussed versions of the draft WCF regulations over the past four months and has received prior comment from citizens.

The City's wireless regulations have not been updated for about nine years and are little changed from those adopted in 1998. Wireless facilities are currently regulated as *communications facility-major* and *communications facility-minor*. In general, a new monopole is a *communications facility-major*, and antennas mounted on buildings or extending from utility poles are *communications facilities-minor*. The former are conditional uses where allowed and the latter are permitted uses where allowed, except in the Historic Business designation where they are conditional uses. However, apart from the limited guidance of the conditional use criteria in Chapter 14.65 SMC, current regulations do not specifically limit the height, location, or design of new wireless facilities or require consideration of other, less prominent facility types.

The City's authority to regulate WCFs is limited to some degree by federal statutes and Federal Communications Commission (FCC) rules. According to 47 U.S. Code § 332(c)(7), a local jurisdiction may not "unreasonably discriminate among providers of functionally equivalent services" or "prohibit or have the effect of prohibiting the provision of personal wireless services". Local governments may not regulate wireless facilities on the basis of the environmental effects of radio frequency emissions to the extent the facilities comply with the FCC's regulations. Local governments must also act on requests to place, construct or modify a WCF "within a reasonable period of time". This reasonable period has been interpreted by the FCC as 90 days for a collocation on an existing WCF support structure, and 150 days to decide an application for a new WCF.

Congress also included provisions in the Middle Class Tax Relief and Job Creation Act of 2012 stating that local governments "may not deny and shall approve" modifications to existing cell towers that do not substantially change the physical dimensions of the tower or base station. The FCC determined that 60 days is a reasonable period of time for this review, as the reviewing agency would have no choice but to approve such an "eligible facility". Failure to issue an approval within this period means the application is "deemed granted".

Except by mutual agreement of the applicant and local government, the only action that may stop or "toll" the prescribed review timeframe, typically referred to as the "shot clock", is a determination that the application is not complete and additional information is required for review. However, any request for additional information may only occur within the first 30 days after the date on which the application was initially filed. Current regulations do not refer to the shot clock timeframes, nor do they distinguish between eligible facilities, i.e., non-substantial

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collocation, removal, or replacement of equipment, and other, more substantial changes to an existing WCF. Proposed Chapter 14.242 SMC incorporates the shot clock timeframes—60-day, 90-day, and 150-day—as separate permit types or “tiers” for purposes of processing applications.

In addition to addressing the statutory requirements for processing times, the draft regulations are intended to minimize the visual impact of new WCFs by incorporating a hierarchy of preferences for location and form. The highest preference is for WCFs:

- entirely concealed within a building;
- architecturally incorporated on the exterior of an upper floor;
- extending no more than 12 feet above an existing utility pole;
- collocated on an existing monopole;
- on an existing electrical transmission tower;
- on a water tower; or
- as a new “canister” style monopole within the Business Park or Industrial zones.

An applicant would need to justify why the more preferred forms and locations above will not meet the facility’s functional requirements as part of an application for a location or design lower on the preference hierarchy. Due to the federal preemption on applying regulations that would have the effect of prohibiting WCFs, the hierarchy provides a variety of potential types and locations. At the lowest level, i.e., the least preferred, are new monopoles in rights-of-way adjacent to residential zones, where they would be limited to 60 feet in height and require a wood support structure to mimic a standard utility pole; in a nonbuilding tract of a subdivision, where 80 percent of the height of the structure must be screened by existing vegetation; on publicly-owned land three acres or larger; and in the Commercial, Mixed Use, or Pilchuck District zones where they must be set back from rights-of-way and adjacent residential zones. To reduce the potential for challenge on the grounds these regulations deny a wireless carrier the opportunity to provide service, the proposed chapter includes an ability to obtain an exception from the standards. The exception would require justification that the exception is the minimum necessary to address the carrier’s functional needs.

Review processes for all permits are either administrative, which are decided by City staff, or quasi-judicial, which are decided by the City’s independent Hearing Examiner following a public hearing. All Tier 1 and Tier 2 WCF permits, i.e., applications for collocation on an existing WCF structure, would be administrative. Among Tier 3 permits, i.e., new monopoles or facilities located on existing buildings or other non-WCF structures, only those on the lowest preference hierarchy level would be subject to Hearing Examiner review; all others would be reviewed administratively.

The proposed regulations also provide development standards, which would be applied to proposals based on the permit type. For instance, a non-substantial collocation on an existing cell tower (Tier 1) would be subject to requirements to screen the base station and minimize the facility’s visibility from off-site locations. A new tower or a WCF on a support structure not specifically designed for a WCF (Tier 3) would be subject to the full range of design standards to promote visual compatibility.

Other proposed provisions include specified conditions of approval, options for professional third-party review, public notice requirements, and removal of facilities no longer in use. To address concerns regarding use of public lands for new facilities, the proposal would require a

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public hearing before the City Council can act on the sale, lease, or other use of City-owned property for a WCF.

Following this public hearing on draft Ordinance 2301, the Planning Commission will deliberate and make a recommendation to the City Council on how to proceed. The City Council is currently scheduled to hold a second public hearing on February 16.

RECOMMENDATION: That the Planning Commission ACCEPT public comment and RECOMMEND the City Council adopt Ordinance 2301 as written or as amended.

ATTACHMENT: Draft Ordinance 2301

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Public Review Draft
February 3, 2016

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE 2301

AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON, AMENDING THE CITY'S DEVELOPMENT CODE, AS SET FORTH IN TITLE 14 OF THE SNOHOMISH MUNICIPAL CODE, BY ADDING A NEW CHAPTER 14.242, "WIRELESS COMMUNICATIONS FACILITIES" RELATING TO STANDARDS FOR REVIEW OF WIRELESS COMMUNICATIONS FACILITY PROPOSALS; BY AMENDING CHAPTER 14.100 SMC RELATING TO DEFINITIONS OF PLANNING TERMS; BY AMENDING CHAPTER 14.207 SMC RELATING TO PERMITTED USES; AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE

WHEREAS, the City has adopted a Land Use Development Code as Title 14 of the Snohomish Municipal Code ("Development Code") to implement the Comprehensive Plan and to ensure compatible and rational land development and land use in all portions of the City; and

WHEREAS, the Development Code identifies processes for review of land use applications and conditions under which land uses may be approved; and

WHEREAS, the City's regulations applicable to wireless communications facilities are determined to be no longer consistent with the community's expectations; and

WHEREAS, the City Council affirms it is in the community's interest to allow and encourage investment in communications infrastructure in the City to provide adequate wireless services to City residents, businesses, and visitors; and

WHEREAS, since the current wireless communications facility regulations were last amended, federal regulations and court decisions, wireless technologies, and consumer demand have reshaped the environment within which wireless communication facilities are permitted and regulated; and

WHEREAS, through the Federal Communication Commission's rules, the federal government has mandated strict timeframes for review of applicants for new and modified wireless communication facilities; and

WHEREAS, the City Council has determined that certain land use and development contexts are more sensitive than others to visual impacts related to new wireless communication facilities; and

WHEREAS, the community has articulated preferences for the form and location of new wireless communications facilities; and

WHEREAS, on February 3, 2016, a public hearing on the proposed amendments was held before the Planning Commission and all persons wishing to be heard were heard; and

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WHEREAS, following the public hearing, the Planning Commission evaluated issues related to the amendments; and

WHEREAS, consistent with SMC 14.15.090, the Planning Commission made findings and issued a recommendation to the City Council regarding the proposed amendments in which the Planning Commission found that the proposed amendments are internally consistent with the Comprehensive Plan, the Growth Management Act, and the State Environmental Policy Act, and are in the interest of the public health, safety, and welfare of Snohomish residents, and

WHEREAS, the Planning Commission recommends that the City Council adopt the proposed Development Code amendments; and

WHEREAS, pursuant to SMC 14.15.070 and RCW 36.70A.106, the City has notified the Washington State Department of Commerce of the City's intent to adopt the proposed amendments to the City's Development Code; and

WHEREAS, acting as the City of Snohomish SEPA Responsible Official, the City Planning Director reviewed the proposed amendments and issued a Determination of Non-significance (DNS); and

WHEREAS, on _____, 2016, a public hearing on the proposed amendments was held by the City Council, and all persons wishing to be heard were heard;

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

Section 1. Adoption of Planning Commission Findings and Recommendation. The Planning Commission findings are hereby adopted and incorporated by reference, including but not limited to the findings that the Development Code amendments adopted by this Ordinance are:

- a. Internally consistent with the City of Snohomish Comprehensive Plan;
- b. Consistent with the Washington State Growth Management Act;
- c. Consistent with the Washington State Environmental Policy Act (Chapter 43.21C RCW); and
- d. In the interest of the public health, safety, and welfare of Snohomish residents.

Section 2. Amendment of Chapter 14.05 SMC. Title 14 of the Snohomish Municipal Code is hereby amended by adding a new Chapter 14.242, as provided with this Ordinance as Exhibit A.

Section 3. Amendment of Chapter 14.100 SMC. SMC Section 14.100.020 is hereby amended with deleted terms and definitions as set forth in the attached **Exhibit B** and is incorporated herein by this reference.

Section 4. Amendment of Chapter 14.207 SMC. SMC Sections 14.207.120, 14.207.125, and 14.207.150 are hereby amended to deleted land uses and associated conditions set forth in the attached **Exhibit C** and are incorporated herein by this reference.

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Section 5. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.

Section 6. Effective Date. This ordinance shall be effective five days after adoption and publication by summary.

ADOPTED by the City Council and **APPROVED** by the Mayor this ____ day of _____, 2016.

CITY OF SNOHOMISH

By _____
KAREN GUZAK, MAYOR

ATTEST:

APPROVED AS TO FORM:

By _____
PAT ADAMS, CITY CLERK

By _____
GRANT K. WEED, CITY ATTORNEY

Date of Publication: _____

Effective Date (5 days after publication): _____

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EXHIBIT A

Chapter 14.242 WIRELESS COMMUNICATIONS FACILITIES

Sections

14.242.010	Purpose
14.242.020	Definitions
14.242.030	Applicability and Exemptions
14.242.040	Prohibitions
14.242.050	Siting Hierarchy
14.242.060	Exception from the Standards.
14.242.070	Types of WCF Permits Required
14.242.080	WCF Application Requirements
14.242.090	Public notice
14.242.100	Permit Review (“Shot Clock”) Time Periods
14.242.110	Tier 1 WCF Permit Process and Findings
14.242.120	Tier 2 WCF Permit Process and Findings
14.242.130	Tier 3 WCF Permit Process and Findings
14.242.140	Development Standards
14.242.150	Conditions of Approval
14.242.160	Public Notice
14.242.170	Third Party Technical Review
14.242.180	Removal of Abandoned Equipment
14.242.190	Revocation

14.242.010 Purpose.

The purpose of this chapter is to accommodate wireless communication facilities (WCFs) in a manner that preserves the visual and aesthetic landscape and character of the City and minimizes adverse impacts to residents. These regulations are intended to provide all purveyors of wireless services an equal opportunity to serve the community in accordance with federal law.

- A. This chapter is intended to further the following objectives:
1. To establish procedural requirements and substantive criteria applicable to approval or denial of applications to modify existing WCFs or to locate and construct new WCFs in compliance with all applicable law.
 2. To minimize the adverse aesthetic impacts associated with WCFs through appropriate design and siting.
 3. To encourage the use of Distributed Antenna Systems (DAS) and other small cell systems that use components that are a small fraction of the size of macrocell deployments, and can be installed with little or no impact on utility support structures, buildings, and other existing structures.
 4. To encourage WCFs to locate on utility poles within the public right-of-way where a location in a residential area is necessary to meet the functional requirements of the telecommunication industry as defined by the Federal Communications Commission.

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5. To foster networks of telecommunications facilities that provide adequate wireless communication coverage to customers within the City and serve as an effective part of the City's emergency response network.
 6. To ensure that decisions are made in a timely, consistent and competitively neutral manner.
- B. To further these objectives, the City shall give due consideration to the zoning code, existing land uses, and environmentally and culturally and historically sensitive areas when approving sites for the location of communication towers and antennas.
- C. These objectives are intended to protect the public health, safety, and welfare, to protect property values, and to minimize visual impacts, while furthering the development of enhanced telecommunications services in the City. These objectives were designed to comply with the Telecommunications Act of 1996. The provisions of this chapter are not intended to and shall not be interpreted to prohibit or have the effect of prohibiting personal wireless services. This chapter shall not be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent wireless communication services.
- D. To the extent that any provision of this chapter is inconsistent or conflicts with any other City ordinance, this chapter shall control. Otherwise, this chapter shall be construed consistently with the other provisions and regulations of the City.

14.242.020 Definitions.

The following abbreviations, phrases, terms and words shall have the meanings assigned in the section or, as appropriate, in Chapter 14.100 SMC, as amended, unless the context indicates otherwise. Words that are not defined in this section or elsewhere in this title shall have the meanings set forth in Chapter 5 of Title 47 of the United States Code, Part 1 of Title 47 of the Code of Federal Regulations, and, if not defined therein, their common and ordinary meaning.

- A. "Antenna" means a specific device, the surface of which is used to transmit and/or receive radio-frequency signals, microwave signals, or other signals transmitted to or from other antennas for commercial purposes.
- B. "Base station" means 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 include a tower, as defined herein, or any equipment associated with a tower. Base station includes, without limitation,
1. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
 2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small-cell networks).
 3. Any structure other than a tower that, at the time the relevant application is filed with the City, under this section, supports or houses equipment described in paragraphs 1-2 above that has been reviewed and approved by the City.

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- C. “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 communication purposes.
- D. “Distributed Antenna System” or “DAS” means a network consisting of transceiver equipment at a central hub site to support multiple antenna locations throughout the designed coverage area.
- E. “Eligible facilities request” means any request for modification of an existing tower or base station that, within the meaning of the Spectrum Act, does not substantially change the physical dimensions of that tower or base station, and involves (a) the collocation of new transmission equipment, (b) the removal of transmission equipment, or (c) the replacement of transmission equipment.
- F. “Eligible support structure” means any tower or base station that exists at the time the application is filed with the City.
- G. “FCC” means the Federal Communications Commission or successor agency.
- H. “Monopole” means a style of free-standing antenna support structure consisting of a single shaft usually composed of two or more hollow sections that are attached to a foundation on the ground. This type of antenna support structure is designed to support itself without the use of guy wires or other stabilization devices.
- I. “Project” means a WCF for which a permit is required by the City.
- J. “RF” means radio frequency on the radio spectrum.
- K. “Spectrum Act” means Section 6409(a) of the Middle Class Tax Relief Act and Job Creation Act, 42 U.S.C. §1344(a) (providing, in part, “...a State or local government may not deny, and shall approve, any eligible facilities request for a modification of any existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.”).
- L. “Substantially change” means, in the context of an eligible support structure, a modification of an existing tower or base station where any of the following criteria is met:
 - 1. For a tower located outside of public rights-of-way:
 - a. The height of the tower is increased by more than twenty feet or by more than ten percent, whichever is greater; or
 - b. There is added an appurtenance to the body of the tower that would protrude from the edge of the tower by more than twenty feet or more than the width of the tower structure at the level of the appurtenance, whichever is greater.
 - 2. For a tower located in the public rights-of-way and for all base stations:

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- a. The height of the tower is increased by more than ten percent or ten feet, whichever is greater; or
- b. There is added an appurtenance to the body of that structure that would protrude from edge of the tower by more than six feet; or
3. For all base stations:
 - a. The height of the base station is increased by more than ten percent or ten feet, whichever is greater; or
 - b. It involves the installation of more than the standard number of new equipment cabinets for the technology involved, but not more than for four cabinets.
4. For either a tower or a base station:
 - a. There is entailed in the proposed modification any excavation or deployment outside the current site of the tower or base station; or
 - b. The proposed modification would cause the concealment or camouflage elements of the tower or base station to be defeated; or
 - c. It does not comply with conditions associated with the prior approval of the tower or base station unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding “substantial change” thresholds.
5. To measure changes in height for the purposes of this section, the baseline is:
 - a. For deployments that are or will be separated horizontally, measured from the original support structure;
 - b. For all others, measured from the dimensions of the tower or base station, inclusive of the originally approved appurtenances and any modifications that were approved by the City or Snohomish County, in the case of annexed facilities, prior to February 22, 2012.
 - c. To measure changes for the purposes of this section, the baseline is the dimensions that were approved by the City or Snohomish County, in the case of annexed facilities, prior to February 22, 2012.

M. “Tower” means any structure built for the sole or primary purpose of supporting any FCC-licensed or FCC-authorized antenna, including any structure that is constructed for wireless communication service. This term does not include base station.

N. “Temporary WCF” means a nonpermanent WCF installed on a short-term basis, for the purpose of evaluating the technical feasibility of a particular site for placement of a WCF, for providing news coverage of a limited event, or for providing emergency communications during a natural disaster or other emergencies that may threaten the public health, safety and welfare.

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O. “Transmission equipment” means equipment that facilitates transmission of any FCC-licensed or FCC-authorized wireless communication service.

P. “Wireless communications facility” or “WCF” means any antenna, associated equipment, base station, small cell system, tower, and/or transmission equipment.

Q. “Wireless communications service” means, without limitation, all FCC-licensed backhaul and other fixed wireless services, broadcast, private, and public safety communication services, and unlicensed wireless services.

14.242.030 Applicability and Exemptions.

The provisions of this chapter shall apply to all applications for new and expanded/altered wireless communication facilities located within the boundaries of the City except the following, which shall be permitted in all land use designations unless otherwise regulated by Title 14 SMC:

- A. Systems for military and government communication and navigation.
- B. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the Federal Communications Commission (FCC).
- C. Hand-held, mobile marine and portable radio transmitters and/or receivers.
- D. Two-way radio used for temporary or emergency services’ communications.
- E. Federally licensed amateur (ham) radio stations and citizen band stations, provided that:
 - 1. No portion of the tower or antenna exceeds the height limits of the applicable land use designation;
 - 2. The tower shall be located a distance equal to or greater than its height from any existing residential structure located on an adjacent parcel;
 - 3. Towers shall not be used for commercial purposes; and
 - 4. All towers shall meet all applicable state and federal statutes, rules, and regulations, including obtaining a building permit from the City, if applicable.
- F. Receive-only television and satellite dish antennas as an accessory use.
- G. A temporary WCF.

14.242.040 Prohibitions.

- A. The following new wireless communication facilities are prohibited:
 - 1. Guyed towers.
 - 2. Lattice towers.

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B. Unless demonstrated to be necessary and without effective alternative, new monopoles are prohibited within the boundaries of the Historic District.

14.242.050 Siting Hierarchy.

Siting of antennas or support structures shall adhere to the siting hierarchy of this section. The order of preference ranking for antennas or antenna support structures, from highest to lowest, shall be A to D. Except where a WCF among preference ranking A types is proposed, the applicant shall file relevant information including but not limited to an analysis and affidavit by a registered professional electrical engineer licensed in the State of Washington demonstrating that, despite diligent efforts to adhere to the established hierarchy within the geographic search area, higher ranking options are not technically feasible or not justified given the location of the proposed wireless communications facility and the need to cover significant gaps in network coverage.

A. A WCF that is:

1. Concealed entirely within a non-residential building
2. Incorporated into the exterior architecture of an existing building above the first floor to match the building's design.
3. Designed with no antenna extending more than 12 feet above a utility pole or structure other than a building constructed for a non-WCF purpose upon which it is mounted.
4. Located on an existing monopole or lattice structure in compliance with all original conditions of approval.
5. Located on a high-voltage transmission tower within a transmission right-of-way and outside a public street right-of-way.
6. A new monopole-style WCF with antennas in a canister located within the Business Park or Industrial designation.
7. Located on a City water tower.
8. Except as otherwise listed, any alternative not visible, and not anticipated to become visible, from any off-site location.
9. Determined to be consistent with the purpose of this subsection and resulting in an equivalent or lower visual impact than the WCF alternatives in this subsection due to incorporation of technologies not in common use as of the date of this ordinance.

B. A WCF that is:

1. Located on a new or existing utility pole within a City right-of-way and extending no more than 25 feet above the existing pole height and having no antenna or other equipment extending more than 3 feet from the exterior of the pole on which it is mounted.
2. Located on the flat roof of an existing non-residential building in a commercial or industrial designation and extending no more than 20 feet above the existing roof, provided the WCF is no closer to the edge of the roof than the height of the WCF.

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C. A WCF that is:

1. Located on City land where vegetation removal is the minimum necessary to allow installation and maintenance of the facilities, and where vegetation adjacent to the WCF location screens 80 percent of the height of the WCF where visible from off-site locations.
2. Located on a new or existing utility pole within a City minor arterial and extending no more than 40 feet above the existing pole height and having no antenna or other equipment extending more than 3 feet from the exterior of the pole on which it is mounted.

D. WCF not meeting any of the options in A through C above when no reasonable alternative exists, where the facility height is demonstrated to be the lowest necessary to meet functional requirements, and when consistent with the following provisions:

1. In developed street rights-of-way adjacent to residential designations where located on wood support structures a maximum of 60 feet in height.
2. On non-building tracts within residential designations where vegetation removal is the minimum necessary to allow installation and maintenance of the facilities, and where vegetation adjacent to the WCF screens 80 percent of the height of the WCF from off-site locations.
3. On publicly owned lands of three acres or larger and located to minimize visibility from and impacts to adjacent properties.
4. Commercial, Mixed Use, and Pilchuck District designations, only where located on properties without residential uses and set back at least 20 feet from the front property line. The support structure shall be set back a distance equal to the height of the support structure from any residential designation.

14.242.060 Exception from the Standards.

Except as otherwise provided in this chapter, no WCF shall be used or developed contrary to any applicable development standard unless an exception has been granted pursuant to this section. These provisions apply exclusively to WCFs and are in lieu of the generally applicable variance provisions in Chapter 14.70 SMC.

A. A WCF exception is a Type 6 permit process.

B. Submittal Requirements. In addition to the submittal requirements for the WCF permit application, an application for a WCF exception shall include:

1. A written statement demonstrating how the exception would meet the criteria.
2. A site plan that includes:
 - a. A description of the proposed facility's design and dimensions, as it would appear with and without the exception.

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- b. Elevations showing all components of the WCF as it would appear with and without the exception.
 - c. Color simulations of the wireless communication facility after construction demonstrating compatibility with the vicinity, as it would appear with and without the exception.
- C. Criteria. An application for a WCF exception shall be granted if the following criteria are met:
- 1. The exception is consistent with the purpose of the development standard for which the exception is sought.
 - 2. Based on a visual analysis, the design minimizes the visual impacts to residential designations, the Historic District, and public places, including street rights-of-way through mitigating measures, including, but not limited to, building heights, design, bulk, color, and landscaping.
 - 3. The applicant demonstrates the following:
 - a. A significant gap in the coverage, capacity, or technologies of the service network exists such that users are regularly unable to connect to the service network, or are regularly unable to maintain a connection, or are unable to achieve reliable wireless coverage within a building.
 - b. The gap in coverage or connectivity can only be filled through an exception to one or more of the standards of this chapter; and
 - c. The exception requested is narrowly tailored to fill the service gap such that the wireless communication facility conforms to this chapter's objectives and standards to the greatest extent possible.
 - 4. Except as otherwise provided in this chapter, for a new tower proposed to be located within or adjacent to a residential designation, the applicant must also demonstrate that the manner in which it proposes to fill the significant gap in coverage, connectivity, capacity, or technologies of the service network is the least visually intrusive to the surrounding community and the most consistent with the standards in this chapter.

14.242.070 City-Owned WCF Sites.

Except within rights-of-way, sale, lease or other use of City-owned lands for a WCF shall be subject to City Council approval following a public hearing. Public review of such sales, lease, or other use by the City Council is not subject to the permit review timeframes in SMC

14.242.080. Through its review, the City Council may deny a request to use City-owned land or, if approved, may require conditions in excess of this chapter.

14.242.080 Types of WCF Permits Required.

A WCF permit shall be required prior to the construction or installation of each new or modified WCF other than a temporary WCF as defined herein. A WCF permit is required in addition to

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any land use, building, or right-of-way use permit or approval to which the proposal is subject under this title.

A. A Tier 1 WCF Permit shall be required for an eligible facilities request, as defined in this chapter.

B. A Tier 2 WCF Permit shall be required for:

1. Any modification of an eligible support structure, including the collocation of new equipment, that substantially changes the physical dimensions of the eligible support structure on which it is mounted; or

2. Any collocation not eligible for a Tier 1 WCF Permit.

C. A Tier 3 WCF Permit shall be required for the siting of any WCF that is not a collocation subject to a Tier 1 or 2 WCF Permit.

14.242.090 WCF Application Requirements.

All applications for a WCF Permit shall contain the following items:

A. The applicant shall specify in writing the classification of the proposal on the siting preference hierarchy in SMC 14.242.050. Except applications for any WCF Permit are consistent with a siting preference ranking A WCF type, a justification for a lower ranking shall be provided.

B. The applicant shall specify in writing whether the applicant believes the application is for an eligible facilities request subject to the Spectrum Act, and if so, provide a detailed written explanation as to why the applicant believes that the application qualifies as an eligible facilities request.

C. The applicant shall submit a land use application form, as may be amended from time to time.

D. The applicant shall submit a complete and signed application checklist available from the City, including all information required by the application checklist.

E. The applicant shall remit fees as prescribed in the adopted fee schedule.

F. The application shall be accompanied by all applicable permit applications with required application materials for each separate permit required by the City for the proposed WCF.

G. For Tier 3 WCF Permits, the plans shall include a scaled depiction of the maximum permitted increase in the physical dimensions of the proposed project that would be permitted by the Spectrum Act, using the proposed project as a baseline.

H. The application submittal shall include such requirements as may be, from time to time, required by the City Planner, as publicly stated in the application checklist.

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14.242.100 Permit Review (“Shot Clock”) Time Periods.

A. City review of application materials. The timeframe for review of an application shall begin to run when the application is submitted, but shall be “tolled”, meaning temporarily suspended, if the City finds the application incomplete and provides notice of incompleteness that delineates the missing information in writing. Such requests shall be made within 30 days of submittal of the application. After submittal of all additional information included on the notice(s), the City will notify the applicant within 10 days of this submittal if the additional information failed to complete the application. If the City makes a determination pursuant to SMC 14.242.080B1 that the application submitted as a Tier 1 eligible facilities request should be processed as a Tier 2 or Tier 3 WCF Permit, then the Tier 2 or Tier 3 processing time, as applicable, shall begin to run when the City issues this decision.

B. Tier 1 WCF Permit processing time. For Tier 1 WCF Permit applications, the City will act on the WCF application, together with any other City permits required for a WCF modification, within 60 days, adjusted for any tolling due to requests for additional information or mutually agreed extensions of time.

1. If the City determines that the application does not qualify as a Tier 1 eligible facilities request, the City will notify the applicant of that determination in writing and will process the application as a Tier 2 or Tier 3 WCF permit application, as applicable.
2. To the extent federal law provides a “deemed granted” remedy for Tier 1 WCF Permit applications not timely acted upon by the City, no such application shall be deemed granted until the applicant provides notice to the City, in writing, that the application has been deemed granted after the time period provided in Section B above has expired.
3. Any Tier 1 WCF Permit application that the City grants or that is deemed granted by operation of federal law shall be subject to all requirements of Section 14.242.120C and E and 14.242.130A through F.

C. Tier 2 processing time. For Tier 2 WCF Permit applications, the City will act on the application within 90 days, adjusted for any tolling due to requests for additional information or mutually agreed upon extensions of time.

D. Tier 3 processing time. For Tier 3 WCF Permit applications, the City will act on the application within 150 days, adjusted for any tolling due to requests for additional information or mutually agreed upon extensions of time.

E. Denial of application. If the City denies a WCF application, the City will notify the applicant of the denial and the reasons for the denial, in writing.

14.242.110 Tier 1 WCF Permit Process and Findings.

A. A Tier 1 WCF Permit shall be reviewed by the City Planner, whose decision shall be final and shall not be appealable pursuant to Chapter 14.75 SMC.

B. The City Planner shall grant a Tier 1 WCF Permit provided that the City Planner finds that the applicant proposes an eligible facilities request.

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- C. The City Planner shall impose the following conditions on the grant of a Tier 1 WCF Permit:
1. The proposed collocation or modification shall not defeat any existing concealment elements of the support structure and
 2. The proposed WCF shall comply with the development standards in SMC 14.242.120C and E and the conditions of approval in SMC 14.242.130.

14.242.120 Tier 2 WCF Permit Process and Findings.

A. A Tier 2 WCF Permit shall be reviewed by the City Planner, whose decision shall be appealable to the Hearing Examiner pursuant to Chapter 14.75 SMC.

B. The Hearing Examiner, on appeal, shall grant a Tier 2 WCF Permit subject to findings the proposed WCF complies with the development standards in SMC 14.242.120 and the conditions of approval in SMC 14.242.130 and that the justification under SMC 14.242.050A and B contain sufficient engineering analysis to justify the proposal according to the siting preference hierarchy.

14.242.130 Tier 3 WCF Permit Process and Findings.

A. A Tier 3 WCF Permit classified as a Type D on the siting preference hierarchy in SMC 14.242.050 shall be reviewed by the Hearing Examiner as a conditional use permit. All other Tier 3 WCF Permits shall be reviewed by the City Planner. Approval shall be subject to findings of compliance with the development standards in SMC 14.242.120, the conditions of approval in SMC 14.242.130, and the conditional use approval criteria in SMC 14.65.020B, and that the justification under SMC 14.242.050 contains sufficient engineering analysis to justify the proposal according to the siting preference hierarchy

B. The City Planner and Hearing Examiner decisions shall be appealable according to the provisions of Chapter 14.75 SMC.

14.242.140 Development Standards.

Except as otherwise provided in this chapter, a proposed WCF project shall comply with the following standards:

A. The WCF project shall utilize the smallest footprint possible consistent with its functional service requirements.

B. The WCF project shall be designed to minimize the overall height, mass, and size of the base station.

C. The base station shall be screened from public view.

D. The WCF project shall be architecturally compatible with the existing site to the extent possible.

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E. An antenna, base station, or tower shall be designed to minimize its visibility from off-site locations. Concealment, screening, and other techniques may be used to blend the facilities with the visual character of the surrounding area.

F. A building-mounted antenna, base station, or tower shall be architecturally compatible with the existing building on which the equipment is attached.

G. Any WCF project in the Historic District, except when subject to an eligible facilities request, shall be reviewed by the Design Review Board and a recommendation issued for the project record.

H. Except where proposed within a public right-of-way, a new support structure shall be set back from the street frontage to the extent possible.

I. Where aviation safety beacon lights are required, red is preferred over white. Where applicable, applicants shall identify the type of lighting proposed and provide a justification for the use of white lights over red lights.

14.242.150 Conditions of Approval.

In addition to any other conditions of approval permitted under federal and state law and this code that the decision authority deems appropriate or required under this chapter, all WCF projects approved under this chapter, whether approved or deemed granted by operation of law, shall be subject to the following conditions of approval:

A. Permit conditions. The grant or approval of a WCF Tier 1 Permit shall be subject to the conditions of approval of the underlying permit, except as may be preempted by the Spectrum Act.

B. As-built plans. The applicant shall submit to the City Planner an as-built set of plans and photographs depicting the entire WCF as modified, including all transmission equipment and all utilities, within 90 days after the completion of construction.

C. The applicant shall hire a radio engineer licensed by the State of Washington to measure actual radio frequency emission of the WCF and determine if it meets FCC's standards. A report, certified by the engineer, of all calculations, required measurements, and the engineer's findings with respect to compliance with the FCC's radio frequency emission standards shall be submitted to the City Planner within one year of commencement of operation.

D. Indemnification. To the extent permitted by law, the applicant shall indemnify and hold harmless the City, its City Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside or void, any permit or approval authorized hereby for the project, including (without limitation) reimbursing the City for its actual attorneys' fees and costs incurred in defense of the litigation. The City may, in its sole discretion and at the applicant's expense, elect to defend any such action with attorneys of its own choice.

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E. Compliance with applicable laws. The applicant shall comply with all applicable provisions of this Code, any permit issued under this Code, and all other applicable federal, state, and local laws including, without limitation, all building codes, electrical code, and other public safety requirements. Any failure by the City to enforce compliance with any applicable laws shall not relieve any applicant of its obligations under this code, any permit issued under this code, or all other applicable laws and regulations.

F. Compliance with approved plans. The proposed project shall be built in compliance with the approved plans on file with the City.

14.242.160 Third Party Technical Review.

Although the City intends for City staff to review administrative matters to the extent feasible, the City may retain the services of an independent, RF technical expert to provide technical evaluation of permit applications for WCFs. The selection of the third party expert is at the discretion of the City. The applicant shall pay the cost for any independent consultant fees, along with applicable overhead recovery, through a deposit, estimated by the City, paid within 10 days of the City's request. When the City requests such payment, the application shall be deemed incomplete for purposes of application processing timelines. In the event such costs and fees do not exceed the initial deposit amount, the City shall refund any unused portion within thirty days after the final permit is released or, if no final permit is released, within thirty days after the City receives a written request from the applicant. If the costs and fees exceed the deposit amount, then the applicant shall pay the difference to the City before the permit is issued. The third party expert review is intended to address interference and public safety issues and be a site-specific review of engineering and technical aspects of the proposed wireless communication facilities and/or a review of the applicants' methodology and equipment used, and is not intended to be a subjective review of the site which was selected by an applicant. Based on the results of the expert review, the City may require changes to the proposal. The third party review may include, but is not limited to, the following:

- A. The technical accuracy and completeness of submittals;
- B. The applicability of analysis techniques and methodologies;
- C. The validity of conclusions reached by the applicant;
- D. The viability of other site or sites in the City for the use intended by the applicant;
- E. Whether the WCF complies with the applicable approval criteria set forth in this chapter; and
- F. Any specific engineering or technical issues identified by the City.

14.242.170 Public Notice.

Public notice of WCF applications shall be in accordance with the provisions of SMC 14.55.040. Notice of WCF applications shall be provided as follows:

- A. SEPA-exempt Tier 1 and Tier 2 permits shall be exempt from notice requirements.

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B. Notice of application shall be issued for Tier 3 permits for WCFs listed as Type C or Type D on the preference hierarchy in SMC 14.242.050A.

C. Public notice shall be in accordance with SMC 14.55.040 except that notice shall be mailed to owners of properties within a minimum radius equal to five times the height of the proposed facility, but in no case less than 300 feet.

14.242.180 Removal of Abandoned Equipment.

A WCF (Tier 1, Tier2, or Tier 3) or a component of that WCF that ceases to be in use for more than 90 days shall be considered abandoned and shall be removed by the applicant, wireless communications service provider, or property owner within 180 days of the cessation of the use of the WCF. This presumption may be rebutted by a showing that such WCF is an auxiliary back-up or emergency utility or device not subject to regular use or that the WCF is otherwise not abandoned. If the WCF is not removed within the prescribed time period and within 90 days written notice from the City, the City may remove the WCF at the owner of the property's expense or at the owner of the WCF's expense, including all costs and attorney's fees. If there are two or more wireless communications providers collocated on a single support structure, this provision shall not become effective until all providers cease using the WCF for a continuous period of 90 days.

14.242.190 Revocation.

The City Planner may revoke any WCF Permit if the permit holder fails to comply with any condition of the permit. The City Planner's decision to revoke a permit shall be appealable pursuant to Chapter 14.75 SMC.

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EXHIBIT B

14.100.020 Definitions.

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~~((**Communication facility — major** means a structural and/or freestanding tower facility for transmission and reception of UHF and VHF television signals, commercial FM or AM radio signals, or cellular radio signals. Large (over 6 feet diameter) microwave and satellite transmission dish assemblies are included in this description.))~~

~~((**Communication facility — minor** means communication antennas mounted on buildings, low power FM radio signals for short range use, and cellular radio antennas mounted on existing power poles or replacement poles and not adding more than fifteen feet to the original height of such poles.))~~

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EXHIBIT C

14.207.120 Regional Land Use Table.

Land Use	Open Space	Public Park	Urban Horticulture	Single Family Residential	Low Density Residential	Medium Density Residential	High Density Residential	Commercial	Neighborhood Business	Historic Business District	Business Park	Industrial	Airport Industry	Mixed Use
Regional land uses														
Airport/heliport													p	
College/university								p		p	p	p	p	p
((Communication facility — major))		((e4,5))	((e4))	((e4))	((e4))	((e4))	((e4))	((e4))		((e4))	((e4))	((e4))	((e4))	
Jail								p3						
Landing field													p	
Municipal water production												p		
Non-hydroelectric generation facility												p		
Public agency animal control facility												p		
Public agency training facility												p2		
School bus base											p	p		
Stadium/arena		c						p						
Transfer station												c		
Transit bus base												c		
Transit park and ride lot								p			p		p	p
Wastewater treatment facility												p		
<u>Wireless Communication Facilities (see Ch. 14.242 SMC)</u>														
Zoo/wildlife exhibit		c	p1											

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14.207.125 Regional Land Uses: Regulations.

1. For arboretum -- see Recreational/ Cultural Land Use Table.

2. Except outdoor shooting ranges.

3. Twenty-four (24) hour holding cells as part of City Police Department.

~~((4. Major communication facilities are permitted on existing utility towers where the new facility will not exceed the height of the existing tower. In all other instances, a conditional use permit is required. (Ord. 2092, 2006))~~

~~((5. Major communication facilities shall not interfere with use of the property for recreational purposes.))~~

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14.207.150 Essential Public Facility Regulations.

Land Use	Open Space	Public Park	Urban Horticulture	Single Family Residential	Low Density Residential	Medium Density Residential	High Density Residential	Commercial	Neighborhood Business	Historic Business District	Business Park	Industrial	Airport Industry	Mixed Use
Essential Public Facilities														
Airport													p	
((Communication facility major))												((e))		
Earth station												c		
Energy resource recovery facility												c		
Hazardous waste storage & recycling												c		
Natural gas/electrical power generating facility												p		
Transfer station												c		
Work release facility												c		

DISCUSSION ITEM 5

Date: February 3, 2016
To: Planning Commission
From: Owen Dennison, Planning Director
Subject: **Planning Commission Work Plan for 2016**

This agenda item provides for the Planning Commission's discussion of its work plan for 2016. The Planning Commission has not had a formal work program for about four years. The years from 2012 through 2015 were occupied with review of the Comprehensive Plan and several high-profile code amendments directed by the City Council. As the Commission's work on the Comprehensive Plan is complete, it is appropriate to review the potential work items identified for this year.

The attachment includes a fairly long list of potential code amendments, clearly more than staff and the Planning Commission have capacity for over the remainder of the year. The higher priority items are those mandated by the state and those required for compliance with case law, including completion of the Shoreline Master Program update, low impact development amendments, deferral of impact fees, and certain sign code amendments.

Staff would appreciate comment from the Planning Commission on other potential priority work items not currently listed.

RECOMMENDATION: None.

ATTACHMENT: Proposed 2016 Planning Commission Work Plan

DISCUSSION ITEM 5

Planning Commission Work Plan for 2016

Project	Expected Outcome	Status/Notes
First Priority		
1.1 Wireless communication facility code amendments	Proposed policy amendments as a preliminary step toward the mandated 2015 Comprehensive Plan update.	This item is included as a note, as the work appears to be primarily complete, subject to City Council review and adoption
1.2 2016 Comprehensive Plan Amendments	Recommendations to the City Council on docketed 2016 amendments, if any.	With a submittal deadline of March 31, no applications have been received to date.
1.3 Title 14 SMC Cleanup	Complete	This item is included as a note, as the work appears to be primarily complete, subject to City Council review and adoption
1.4 Shoreline Master Program (SMP) update	Update to current SMP for compliance with current state requirements.	This work effort started in 2009 and progressed through the end of 2011. The prior Planning Director believed the amendments were ready for final review by DOE and adoption by the City Council. Current City staff and DOE staff do not share this assessment.
1.5 Low Impact Development (LID) amendments to Title 14 SMC	Facilitating use of LID techniques	The City is required to adopt the 2012 DOE Stormwater Management Manual for Western Washington by the end of the year. The 2012 Manual requires consideration of LID techniques before approval of standard detention and conveyance. Amendments to Title 14 SMC may be necessary to allow broader implementation of LID. Staff is currently working with a stormwater consultant to on a preliminary evaluation of potential areas of amendment to Title 14 SMC.
1.6 Community-based theater amendments to Title 14 SMC.	Recommendation to the City Council	This item was initially discussed by the Planning Commission in August 2015 as a potential future work item.
1.7 Sign code amendments	Lower opportunity for challenge to City regulations	This item relates to a U.S. Supreme Court ruling that appears to limit the extent of permissible "content-based" sign regulation. Also, a provision will be proposed to allow an exemption from sign standards where application would place a substantial burden on religious exercise.

- continued -

DISCUSSION ITEM 5

Planning Commission Work Plan for 20162
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Project	Expected Outcome	Status/Notes
1.8 Airport compatibility amendments to Title 14 SMC	Promoting safety for aircraft in the vicinity of Harvey Field	This item would provide for notice on title for new residential development that occurs in the flight path of Harvey Field. Other amendments to promote land use compatibility with the airport may be considered.
1.9 Deferral of impact fees	Compliance with state law	State law will require that jurisdictions allow deferral of impact fees for new residential construction starting in September 2016.
1.10 Review of code amendments directed by the City Council		Review of potential amendments as directed by the City Council from time to time.
Second Priority		Work items below unlikely under current staff resources.
2.1 Redevelopment concept for Sno. Co. Public Works Yard	Subarea policies and regulations for the SCPWY	
2.2 Rezone & planning for properties around perimeter of Pilchuck District	Change in land use designation, based upon property owner input. Repeal of Mixed Use Designation.	
2.3 Code amendment - site plan approval	More effective permitting processes.	
2.4 Code amendment - landscaping code clean-up	More effective permitting processes.	
2.5 Code amendment - neighborhood commercial	Review of existing regulations for small-scale commercial land uses and identification of potential implementation sites.	
2.6 10-year preliminary plat effective term	Consistency with state law	