



## BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

**AB 5889**  
**June 15, 2021**  
**Regular Business**

### AGENDA BILL INFORMATION

<b>TITLE:</b>	AB 5889: Wireless Communications / Small Cell City Code Amendment (ZTR19-004)	<input type="checkbox"/> Discussion Only
<b>RECOMMENDED ACTION:</b>	Review Ordinance No. 21C-12, amending Chapters 19.06, 19.15, and 19.16 to revise standards and communications facilities, and set second reading for July 6, 2021.	<input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
<b>DEPARTMENT:</b>	Community Planning and Development	
<b>STAFF:</b>	Jeff Thomas, Interim Director Alison Van Gorp, Deputy Director Daniel Hubbell, Planning Commission Chair Eileen Keiffer, Madrona Law Group	
<b>COUNCIL LIAISON:</b>	n/a	
<b>EXHIBITS:</b>	1. Planning Commission Staff Memos dated March 17, April 9, and May 13 2. Planning Commission Recommendation 3. Ordinance No. 21C-12	
<b>CITY COUNCIL PRIORITY:</b>	n/a	

### SUMMARY

The Planning Commission recommends approving the proposed code amendment to repeal the existing interim wireless communications and small cell regulations contained in Mercer Island City Code (MICC) [19.06](#) and replace with permanent regulations.

### BACKGROUND

This code amendment was brought forward by city staff as a part of the annual docket submittal process in the fall of 2020, and the City Council later added it to the final docket. The proposed code amendment amends [MICC 19.06](#) updating the code sections related to wireless communications and small cell regulations. The City has had interim regulations in place since early 2019, and this update is intended to adopt permanent regulations that are consistent with recent changes to federal regulations and that are responsive to modern cellular technology and facilities. The proposed amendment repeals the existing interim regulations, and replaces them with updated permanent regulations including provisions to:

- Update language and definitions to comply with the latest regulatory developments;
- Add provisions allowing for amateur radio facilities (ham radio antennas);
- Clarify requirements for undergrounding of wires and equipment; and
- Add clarity and more objective standards to provisions related to regulating noise, design, and concealment of small wireless facilities.

City staff followed the procedures in MICC [19.15.230](#) and [19.15.260](#) related to the review of code amendment proposals that have been placed on the final docket by the City Council. On March 17, 2021, public notice was provided for the public hearing scheduled on April 21, 2021. Public notice was provided in the newspaper and the weekly permit bulletin. A SEPA determination of non-significance was issued by staff on April 7, 2021. Staff memos (three in total) were prepared in advance of each Planning Commission meeting summarizing the proposal and providing a staff recommendation as provided in Exhibit 1.

On March 17, 2021, the Planning Commission reviewed the proposed code amendment during a public meeting. On April 21, 2021, the Planning Commission held a public hearing on the revised amendment. The Public hearing was continued to the May 19 meeting. Following the hearing on April 21, the Planning Commission requested further revisions to the proposed amendment. The Planning Commission held their final review of the proposed amendment on May 19, 2021. During this meeting, the Planning Commission completed and closed the public hearing, then deliberated on the draft code amendment, agreeing to several additional revisions. Finally, by a unanimous vote the Planning Commission recommended the City Council approve the proposed amendment as revised. The Planning Commission's May 21 recommendation is attached as Exhibit 2. The recommended code amendment is included in Exhibit 3 as Ordinance No. 21C-12.

Please note: The Planning Commission reviewed draft code amendment language that used the existing interim regulations as a starting point. Thus, the version included in the Commission's recommendation (Exhibit 2) used redlines to show the recommended revisions to the interim regulations. Ordinance No. 21C-12 includes an updated version that includes a full redline of the code as it existed prior to the adoption of the interim regulations in 2019. This is necessary so that when the interim regulations are repealed, all the code revisions (inclusive of those already included the interim regulations and those now recommended by the Planning Commission) are incorporated into the code amendment to be adopted by City Council.

#### **NEXT STEPS**

The City Council will review the proposed code amendment at the June 15 meeting and schedule the second reading and adoption for July 6. If approved on July 6, the code amendment would take effect 5 days after publication by the City Clerk.

#### **RECOMMENDATION**

Review Ordinance No. 21C-12, amending Chapters 19.06, 19.15, and 19.16 to revise standards and communications facilities, and set second reading for July 6, 2021.