



## BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

**AB 5707**  
**June 16, 2020**  
**Public Hearing**

### AGENDA BILL INFORMATION

<b>TITLE:</b>	AB 5707: Interim Ordinance Design and Concealment Standards for Small Cell Facilities Deployment	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed:
<b>RECOMMENDED ACTION:</b>	Conduct public hearing and adopt Ordinance No. 20-11 extending the Interim Design and Concealment Standards for Small Cell Facilities deployment established under Ordinance No. 19C-02.	<input type="checkbox"/> Motion <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution

<b>DEPARTMENT:</b>	Community Planning and Development
<b>STAFF:</b>	Evan Maxim, Director of Community Planning and Development
<b>COUNCIL LIAISON:</b>	n/a
<b>EXHIBITS:</b>	1. Ordinance No. 19C-02 2. Ordinance No. 20-11
<b>CITY COUNCIL PRIORITY:</b>	3. Support the Leadership Team's Work Plan

<b>AMOUNT OF EXPENDITURE</b>	\$ n/a
<b>AMOUNT BUDGETED</b>	\$ n/a
<b>APPROPRIATION REQUIRED</b>	\$ n/a

### SUMMARY

Ordinance No. 20-11 will extend the Interim Design and Concealment Standards for Small Cell Facilities deployment established under Ordinance No. 19C-02, which expires on July 13, 2020, unless extended by the City Council following a public hearing.

### BACKGROUND

On January 15, 2019, the City Council unanimously passed Emergency Ordinance No. 19C-02 (see Exhibit 1), establishing Interim Design and Concealment Standards for Small Cell Facilities deployments. The emergency ordinance was adopted in response to the Federal Communications Commission's (FCC) issuance of a "Declaratory Ruling and Third Report and Order" ("New Rules") related to the deployment of small cell facilities, which became effective January 14, 2019. The New Rules resulted in significant changes to the approach the City must use to regulate small cell deployment, which were described in [AB 5526](#).

On March 5, 2019, the City Council (see [AB 5538](#)) conducted a public hearing in compliance with RCW 35A.63.220 and 36.70A.390. Public testimony included verbal comments from representatives of Crown Castle and Verizon, and written comment from members of the Mercer Island community.

Interim regulations expire 6 months after adoption, unless extended by the City Council following an additional public hearing. On June 18, 2019, the City Council (see [AB 5565](#)) held a public hearing and passed Ordinance 19-10, which extended Ordinance No. 19C-02 through January 14, 2020. On December 3, 2019, the City Council (see [AB 5637](#)) held a public hearing and passed Ordinance 19-22, which extended Ordinance No. 19C-02 through July 13, 2020.

Ordinance No. 19C-02 will expire on July 13, 2020, unless extended by the City Council, following a public hearing.

On November 20, 2019, the Planning Commission developed a recommended scope for the proposed update, which was reviewed and approved by the City Council on January 21, 2020 (see [AB 5652](#)). The Planning Commission was scheduled to begin review of permanent small cell facilities development regulations in March 2020; this work was suspended in response to the COVID-19 pandemic. Staff does not anticipate that the Planning Commission can complete their work in 2020.

Until permanent design and concealment standards are adopted, staff recommends that the effective period of the Interim Design and Concealment Standards for Deployment of Small Cell Facilities adopted by Ordinance No. 19C-02 be renewed for another six-month period.

## **RECOMMENDATION**

1. Conduct public hearing and consider public testimony.
2. Suspend the City Council Rules of Procedure 6.3, requiring a second reading of an ordinance.
3. Adopt Ordinance No. 20-11, extending the Interim Design and Concealment Standards for Small Cell Facilities deployment established under Ordinance No. 19C-02.