



BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

AB 5787
December 1, 2020
Public Hearing

AGENDA BILL INFORMATION

TITLE:	AB 5787: Interim Ordinance Design and Concealment Standards for Small Cell Facilities Deployment	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed:
RECOMMENDED ACTION:	Conduct public hearing and adopt Ordinance No. 20-28 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

DEPARTMENT:	Community Planning and Development
STAFF:	Jeff Thomas, Interim Director of Community Planning and Development
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Ordinance No. 19C-02 2. Ordinance No. 20-28
CITY COUNCIL PRIORITY:	3. Support the Leadership Team's Work Plan

AMOUNT OF EXPENDITURE	\$ n/a
AMOUNT BUDGETED	\$ n/a
APPROPRIATION REQUIRED	\$ n/a

SUMMARY

Ordinance No. 20-28 will extend the Interim Design and Concealment Standards for Small Cell Facilities deployment established under Ordinance No. 19C-02, which expires on January 12, 2021, unless extended by the City Council following the public hearing. 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 be renewed for another six-month period. Development of permanent regulations is included in the Community Planning and Development (CPD) Department's 2021 work plan.

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 comments 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. Here is a summary of subsequent actions taken by the City Council:

- On June 18, 2019, the City Council (see [AB 5565](#)) held a public hearing and passed Ordinance No. 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 No. 19-22, which extended Ordinance No. 19C-02 through July 13, 2020.
- On June 16, 2020, the City Council (see [AB 5707](#)) held a public hearing and adopted Ordinance No. 20-11, which extended Ordinance No. 19C-02 through January 12, 2021.

Ordinance No. 19C-02 will expire on January 12, 2021 unless extended by the City Council, following a public hearing.

NEXT STEPS

At the end of 2019, the Planning Commission developed a recommended scope for the proposed update to the small cells facilities development regulations, which was reviewed and approved by the City Council on January 21, 2020 (see [AB 5652](#)). This work was suspended in response to the COVID-19 pandemic and is now scheduled to commence as part of the 2021 CPD work program.

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. 20-28, extending the Interim Design and Concealment Standards for Small Cell Facilities deployment established under Ordinance No. 19C-02.