



**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND**

**AB 5637
December 3, 2019
Public Hearing**

AGENDA BILL INFORMATION

TITLE:	AB 5637: 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. 19-22 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:	Evan Maxim, Director of Community Planning and Development
COUNCIL LIAISON:	n/a
EXHIBITS:	<ol style="list-style-type: none"> 1. Ordinance No. 19C-02 2. Ordinance No. 19-22
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

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.

Ordinance No. 19C-02 will expire on January 14, 2020, unless extended by the City Council following a public hearing.

On November 20, 2019, the Planning Commission initiated their work on a recommendation for “permanent” standards regulating small cell facilities. The Planning Commission has developed a recommended scope for the proposed update, which staff anticipates will be reviewed by the City Council in January or February of 2020. Once the City Council has confirmed the scope of the proposed update, the Planning Commission will begin their work reviewing draft standards and regulations for adoption by the City Council in mid-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. 19-22, extending the Interim Design and Concealment Standards for Small Cell Facilities deployment established under Ordinance No. 19C-02.