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# CITY OF MERCER ISLAND

## COMMUNITY PLANNING & DEVELOPMENT

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## PLANNING COMMISSION

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**To:** Planning Commission  
**From:** Alison Van Gorp, CPD Deputy Director  
**Date:** April 9, 2021  
**RE:** ZTR19-004 Wireless Code Update

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### SUMMARY

The proposed code amendment amends MICC 19.06, updating the code sections related to wireless communications and small cell regulations and adopting permanent regulations that are consistent with recent updates to federal regulations.

### BACKGROUND

At the March 17 Planning Commission meeting city staff and contract attorney Eileen Keiffer provided an overview of the areas of code where revisions are proposed. The Commission had the opportunity to ask questions and provide initial input. Staff have integrated this initial guidance into the attached draft code amendment.

Please take a close look at the design and concealment standards in MICC 19.06.075, including the noise standards in MICC 19.06.075(A)(2). Staff would appreciate detailed feedback on this section, since it is the area where the city is not pre-empted by federal regulations and we have the ability to make adjustments to how we regulate these aspects of wireless facility design. In our experience industry representatives have been circumspect about how technology may evolve in the coming years. Without specificity around how future wireless equipment will be designed, local jurisdictions have not yet been able to test different regulatory tools in this arena. As such, we have drafted the standards to provide flexibility on a site-by-site basis. In the coming years, as we see additional deployment of 4G and 5G technology, the City may choose to further modify these standards once the wireless technology/designs are more established.

At the April 21 meeting, the Planning Commission will hold a Public Hearing on the draft wireless code amendment. The Commission may choose to keep the public hearing open to receive additional public input at the May meeting. After the public hearing, staff will provide an overview of the draft code amendment and address any questions from the Commission. The Commission should begin discussion of the draft code amendment and provide feedback to staff, including any revisions the Commission would like to make.

### NEXT STEPS

Staff will incorporate the Commission's feedback into an updated draft code amendment. Final deliberation on this amendment and a recommendation are planned for the May 19 meeting. It is anticipated that the

Planning Commission's recommendation would be transmitted to City Council for review in the June-July timeframe.

#### **ATTACHMENTS**

1. Draft amendment to MICC 19.06