



A G E N D A

PLANNING COMMISSION

Connie Coleman-Lacadie • Don Daniels
Nancy Hudson-Echols • Ryan Pearson
James Guerrero • Paul Wagemann
Christopher Webber

Regular Meeting
Wednesday, August 21, 2019
City Hall Council Chambers at 6:30 PM
6000 Main Street SW, Lakewood, Washington

1. **Call to Order**
2. **Roll Call**
3. **Approval of Minutes from August 7, 2019**
4. **Agenda Updates**
5. **Public Comments**
(Each person will be allowed 3 minutes to speak, to a total of 15 minutes per topic. Groups with a designated speaker may have a total of 10 minutes to speak.)
6. **Public Hearings**
 - None
7. **New Business**
 - Area-wide Zoning Map Amendment of parcels from OSR2 to OSR1 under Permit Process IV of LMC 18A.02.502 and 18A.02.560
8. **Unfinished Business**
 - Lakewood Municipal Development Code (Title 18A) Update discussion
9. **Report from Council Liaison**
 - Mr. Mike Brandstetter
10. **Reports from Commission Members & Staff**
 - Written Communications
 - Future Agenda Topics
 - Area-Wide Planning / Land Use Updates
 - Other

Enclosures

1. Draft Meeting Minutes from August 7, 2019
2. Staff Report on Area-Wide Zoning Map Amendment
3. Staff Report on Lakewood Municipal Development Code Update

Members Only

Please email kdevereaux@cityoflakewood.us or call Karen Devereaux at 253.983.7767 no later than Tuesday at noon, August 20, 2019 if you are unable to attend. Thank you.



**PLANNING COMMISSION
REGULAR MEETING MINUTES
August 7, 2019
City Hall Council Chambers
6000 Main Street SW
Lakewood, WA 98499**

Call to Order

Ms. Connie Coleman-Lacadie, Presiding Officer, called the meeting to order at 6:30 p.m.

Roll Call

Planning Commission Members Present: Connie Coleman-Lacadie, Christopher Webber, Ryan Pearson, Paul Wagemann, Nancy Hudson-Echols and James Guerrero

Planning Commission Members Excused: Don Daniels

Commission Members Absent: None

Staff Present: Tiffany Speir, Special Projects Planning Manager; and Karen Devereaux, Administrative Assistant

Council Liaison: Councilmember Mr. Michael Brandstetter

Approval of Minutes

The minutes of the meeting held on June 5, 2019 were approved as written by voice vote M/S/C Wagemann/Webber. The motion passed unanimously, 6-0.

Agenda Updates

None

Public Comments

Kimberly Allen, Wireless Policy Group on behalf of Verizon Wireless, spoke in favor of the commission taking on this new code and her support of the changes staff is proposing. Ms. Allen added she will be in attendance at the future meetings to answer any questions regarding wireless deployment of 5G within the City.

Gregg Busch, Wireless Policy Group on behalf of AT& T, thanked the commission for their work on these code amendments noting he anticipates submitting further comments in the future with suggestions for changes.

Unfinished Business

Small Cell Wireless Facilities

Ms. Emily Miner, Ogden Murphy Wallace Law Offices, provided information on the recent Federal Communications Commission ruling of upgrade for 5G wireless infrastructure. Discussion covered components of small cells with several picture examples of designs currently used around the country, FCC aesthetics regulations and standards, a suggestion of templates for franchise or lease agreements and associated use permits along with explanations around the shorter 60/90 day time limits for jurisdictions to process the required applications. Ms. Miner responded to commissioner's questions.

Lakewood Municipal Development Code (Title 18A) Update Discussion

Ms. Tiffany Speir provided a thorough review of the scope of the updates. Each section was discussed with focus on the substantive changes. Commissioners were provided a list of amendments for each section with directions where to review proposed language changes or research topics.

Ms. Speir reiterated the next steps for commissioners to reviewing the code in preparation for an August 21 discussion with staff focused on commissioners' questions, and then hold a public hearing on September 4, prior to making recommendation to City Council in late September or early October. Council is currently scheduled to begin consideration in October and take action in November.

Public Hearings

None

New Business

None

Report from Council Liaison

Councilmember Mr. Mike Brandstetter was not in attendance; No updates were provided.

Reports from Commission Members and Staff

City Council Actions

None

Written Communications

None

Future Agenda Topics

None

Area-Wide Planning / Land Use Updates

None

Next Regular Meeting: August 21, 2019 at 6:30 p.m. in Council Chambers

Meeting Adjourned at 7:54 p.m.

Don Daniels, Chair
Planning Commission 08/21/2019

Karen Devereaux, Recording Secretary
Planning Commission 08/21/2019



TO: Planning Commission

FROM: Tiffany Speir, Planning Manager, Special Projects

DATE: August 21, 2019

SUBJECT: Process IV Area-Wide Zoning Map Amendment of Six Parcels from OSR2 to OSR1

ATTACHMENT: Draft Zoning Map Amendment Application

DISCUSSION

Considering the environmental constraints on the parcels in question, and to better reflect the current and desired use of the subject property and surrounding properties, the City of Lakewood is initiating an application to rezone 6 parcels from the Open Space and Recreation 2 (OSR2) zone to the Open Space and Recreation 1 (OSR1) zone on the Fort Steilacoom Golf Course, north of the Western State Hospital Campus. No land use redesignation of any of the parcels is needed. A draft of the Zoning Map Amendment Application is attached.

The City will present specific information required by the Lakewood Municipal Code to the Planning Commission prior to a public hearing to be held on September 4 for this application; included herein is a higher level introduction.

Action	Application Review Process	Parcels	Owner
Zoning Map Amendment (OSR 2 to OSR 1)	Process IV	1. 0220294023	PC Parks
		2. 0220283013	PC Parks
		3. 0220283027	State of WA
		4. 0220283026	State of WA
		5. 0220321007	State of WA DNR
		6. A portion of 0220321022	State of WA

The three maps included below highlight the parcels in question.

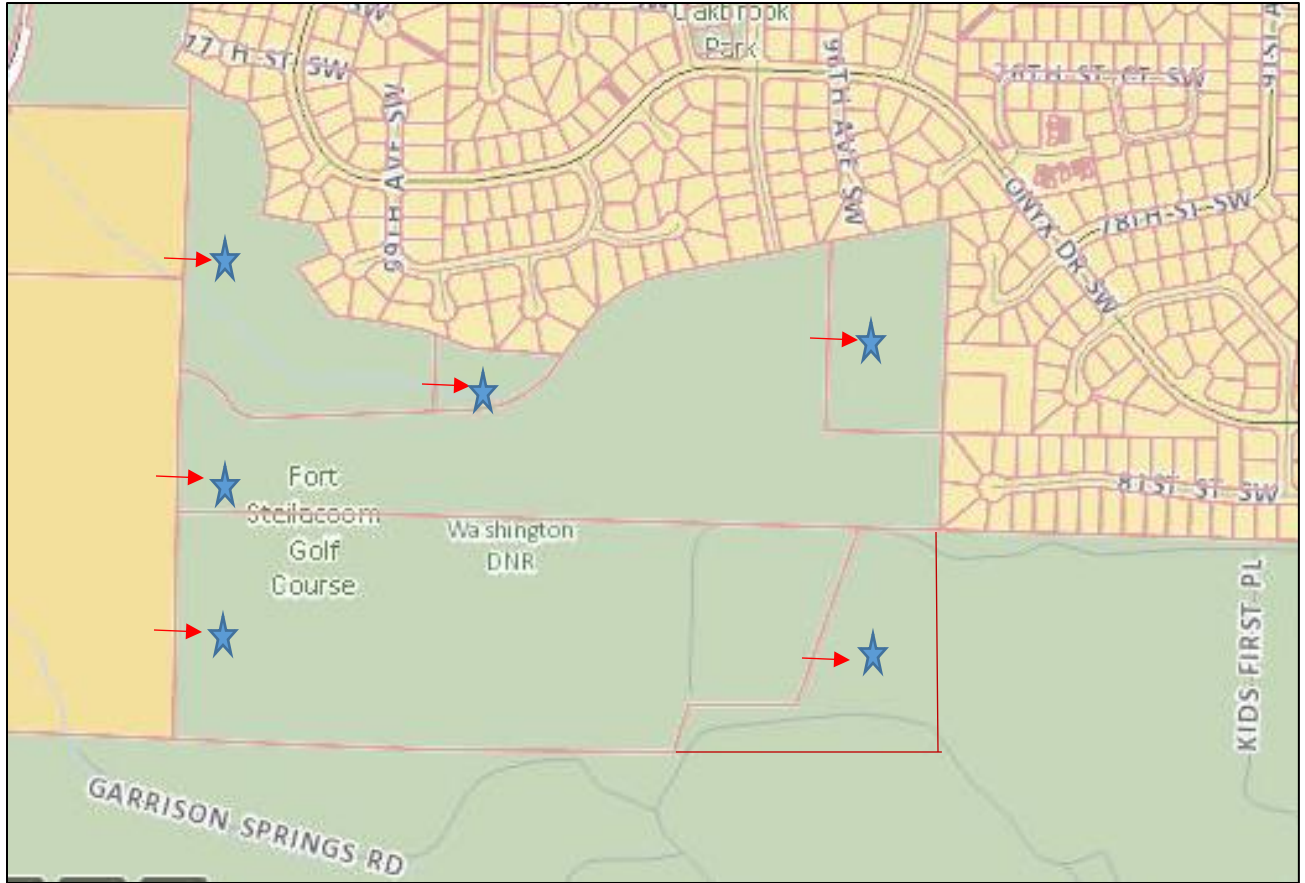




Table 1 below distinguishes the permitted, administrative and conditional uses in OSR1 and OSR2. Generally speaking, OSR1 is a more “passive” open space and recreational zone than OSR2 (i.e., higher intensity outdoor recreational uses and transportation uses are allowed in OSR2 than OSR1, and several uses are administratively or conditionally allowed in OSR2 that are not allowed in OSR1 (i.e., Community and Cultural Services, Amusement and Recreation, Funeral Services, and Lodging) as highlighted in the table below.)

Table 1

Use	Zone	
	OSR1	OSR2
Permitted	1. Outdoor Recreation (Level 1/2)	1. Outdoor Recreation (Level 1/2)
	2. Residential Accessory Uses	2. Public Maintenance Facilities (Level 1)
	3. Civic Accessory Uses	3. Transportation (Level 1)
		4. Communication Facilities (Level 1)
		5. Electrical Facilities (Level 1)
		6. Stormwater Facilities (Level 1)
		7. Residential Accessory Uses
		8. Civic Accessory Uses

	OSR1	OSR2
Administrative	1. Public Maintenance Facilities (Level 1)	1. Community and Cultural Services (Level 1)
	2. Transportation (Level 1)	2. Outdoor Recreation (Level 3)
	3. Communication Facilities (Level 1)	3. Public Maintenance Facilities (Level 2)
	4. Electrical Facilities (Level 1)	4. Transportation (Level 2)
	5. Natural Gas Facilities (Level 1)	5. Communication Facilities (Level 2)
	6. Sewage Collection Facilities	6. Electrical Facilities (Level 2)
	7. Stormwater Facilities (Level 1/2)	7. Natural Gas Facilities (Level 1)
	8. Water Supply Facilities (Level 1)	8. Sewage Collection Facilities
		9. Stormwater Facilities (Level 2)
		10. Water Supply Facilities (Level 1)
	OSR1	OSR2
Conditional	1. Outdoor Recreation (Level 3/4)	1. Community and Cultural Services (Level 2)
	2. Transportation (Level 2)	2. Outdoor Recreation (Level 4)
	3. Communication Facilities (Level 2)	3. Pipelines
	4. Electrical Facilities (Level 2)	4. Stormwater Facilities (Level 3)
	5. Pipelines	5. Amusement and Recreation (Level 2/3/4)
	6. Stormwater Facilities (Level 3)	6. Funeral Services (Level 3)
		7. Lodging (Level 2)

Descriptions of the use levels highlighted in the table above that are variously allowed or prohibited in the OSR1 and OSR2 zones are included below.

Excerpts from LMC 18A.20 Land Use Types and Levels

Amusement and Recreation. Establishments or places of **business** primarily engaged in the provision of sports, entertainment, or recreational services to the general public or members, which may or may not include Eating and Drinking Establishment Commercial **use types** in conjunction, but where eating and drinking is clearly secondary to a primary Amusement and Recreation Commercial **use type**, and which do not otherwise constitute Sexually Oriented Business Commercial **use types**. Examples include video **arcades**; teen clubs; dance halls; athletic clubs; indoor swimming pools; billiard parlors; bowling **alleys**; ice or roller **skating rinks**; indoor and drive-in movie theaters; outdoor recreational equipment rental, including marine-related; mini-golf and indoor or outdoor driving ranges that are not located in conjunction with a golf course; enclosed sports arenas or stadiums; amusement parks; and gambling establishments or activities such as cardrooms, enhanced cardrooms (“mini-casinos”), bingo parlors, off-track betting, or similar gambling activities, subject to appropriate state licensure; specifically excluding Lottery and pull tabs. Such **uses** may include facilities or activities clearly incidental and secondary to the primary **use** which provide functions typical of a “pro shop” in conjunction with the primary **use**.

Level 1: Indoor facilities not exceeding five thousand (5,000) gross square feet and/or outdoor facilities of less than thirty-five thousand (35,000) square feet, without alcohol sales.

Level 2: Indoor facilities of between five thousand (5,000) and thirty thousand (30,000) gross square feet and/or outdoor facilities of between thirty-five thousand (35,000) and eighty-seven thousand, one hundred twenty (87,120) gross square feet (two acres), without alcohol sales.

Level 3: Indoor facilities of up to thirty thousand (30,000) gross square feet with up to five thousand (5,000) gross square feet of enclosed outdoor facilities, with or without alcohol sales.

Level 4: Indoor facilities exceeding thirty thousand (30,000) gross square feet and/or outdoor facilities exceeding five thousand (5,000) gross square feet, with or without alcohol sales.

Community and Cultural Services. Establishments primarily engaged in the provision of services that are strongly associated with community, social, or public importance. Examples include libraries, museums, art galleries, senior centers, community centers, performing arts theaters, and community clubs and organizations.

Level 1: Establishments which do not exceed five thousand (5,000) gross square feet.

Level 2: Establishments of between five thousand (5,000) and twenty thousand (20,000) gross square feet.

Level 3: Establishments which are larger than twenty thousand (20,000) gross square feet.

Funeral Services. Funeral facilities such as preparation and display facilities, funeral chapels, crematories, and affiliated offices.

Level 1: Mortuaries, including affiliated funeral chapels and offices.

Level 2: Crematories, including affiliated funeral chapels and offices, subject to state air quality standards and intensity limits when situated within the military-related zoning districts.

Level 3: Cemeteries, which may include Level 1 and Level 2 uses.

Lodging. Establishments that provide transitory lodging services, subject to appropriate state and local licensure.

Level 1: Bed and breakfast, subject to the requirements of LMC 18A.70.900.

Level 2: Camping and recreational vehicle parks where a tract of land under single ownership or unified control is developed with individual sites for rent and containing roads and utilities to accommodate recreational vehicles or tent camping for vacation or other similar short stay purposes, subject to design standards set forth in LMC 18A.70.500. This use does not include the rental of recreational vehicles or manufactured home parks.

Level 3: Hotels and motels, or other transient lodging facilities not listed herein, containing a single building or a group of detached or semi-detached buildings containing guest rooms or self-contained suites, with parking provided on the site for the use of those staying in the rooms or suites, which is or are designed and used for the accommodation of transient travelers.

Outdoor Recreation. Recreational areas and recreation facilities which primarily are owned or operated by public or non-profit entities for the use and enjoyment of the general public. Examples include neighborhood parks, community parks, regional parks, waterfront parks, open space, arboretums, small or special landscaped areas, community and “pea patch” gardens, fairgrounds, zoos, and swimming pools. In some cases, such areas and facilities may be incidental to private development, such as open space set-asides necessary for environmental mitigation and children’s play areas (“tot lots”) within a subdivision; are intended to be principally used by a finite group; and may constitute private property.

Level 1: Natural open space and passive recreation. Protected open space areas in a natural state, together with low-impact passive recreational facilities including single-track hiking trails, beaches, viewing areas, interpretive signage, and fences.

Level 2: Neighborhood-scale active recreation and limited accessory structures. Parks, playgrounds, arboretums, and community gardens two (2) acres or less in size; open sports fields two (2) acres or less in size, with no spectator seating; improved trail systems; paved multi-use areas and bridle trails within defined park areas; ranger stations; public restrooms; playground equipment; sports equipment, including swimming pools, for neighborhood use; and picnic tables and shelters.

Level 3: Parks and playgrounds from two (2) to twenty (20) acres in size; multi-use linear trails; open sports fields with unenclosed seating for up to four hundred (400) spectators; swimming pools for community or regional use; public and private outdoor recreational facilities such as golf courses and associated driving ranges, equestrian clubs, and marinas; and arboretums and community gardens more than two (2) acres in size.

Level 4: Parks and playgrounds over twenty (20) acres in size, open sports fields with unenclosed seating for more than four hundred (400) spectators, and regional recreational facilities.

Transportation. The provision of public or semi-public transportation services. Examples include parking garages, park-and-ride lots, commercial parking lots, bus shelters, bus stations, bus transfer centers, passenger rail stations, ferry docks, and other types of public and quasi-public transportation facilities.

Level 1: Transportation uses serving neighborhoods, such as bus shelters.

Level 2: Transportation uses serving communities and regions, such as passenger rail and bus stations; parking facilities, including park-and-rides; and weigh stations.

Level 3: Commercial parking lots, structures, and satellite lots providing short-term parking for operational vehicles.

Level 4: Taxi, shuttle, and bus “barns” and yards, and motor pool facilities. May include usable and/or scrap tire piles of up to a total of two hundred (200) tires as an accessory use.

Level 5: Airports, heliports, landing fields or waterways, and ferry docks.

APPLICATION REVIEW PROCESS

This action is considered an “area-wide zoning map amendment” and is handled under Permit Application Process IV as described in Lakewood Municipal Code sections 18A.02.502 and .560:

Excerpts from LMC 18A.02.502: Process IV Permit Application	
Permit	Area-Wide Zoning Map amendments
Impacts	Potential significant effect on some persons or broad impact on a number of persons
Notice & Comment	In addition to applicant, others affected invited to present initial information
Recommendation	Planning Commission
Decision-Making Body	City Council
Appeal	Superior Court

Under the Process IV permit review described in 18A.02.560, the Planning Commission holds a public hearing on Process IV applications and provides a recommendation with findings related to applicable criteria to the City Council:

- the Community Development Director shall schedule a **public hearing** before the Planning Commission;
- the public hearing shall be conducted pursuant to LMC 18A.02.720. At the public hearing, City staff, the applicant, and interested persons may present information relevant to the **criteria and standards** pertinent to the proposal, given reasons why the application should or should not be approved or proposing modifications and the reasons the person believes the modifications are necessary for approval;

- if criteria are involved, the Planning Commission shall make a **finding** for each of the applicable criteria, including whether the proposal conforms to goals and policies found in the Comprehensive Plan;
- a written staff report and the Planning Commission **recommendation** shall be submitted to the City Council;
- the City Council may conduct a public meeting or a public hearing on the proposal, at its discretion, pursuant to LMC 18A.02.420;
- to the extent that a finding of fact is required, the City Council shall make a finding for each of the applicable criteria and in doing so may sustain or reverse a finding of the Planning Commission;
- the City Council may delete, add or modify any of the provisions pertaining to the proposal or attach certain conditions beyond those warranted for compliance with standards in granting an approval if the City Council determines the conditions are appropriate to fulfill the criteria for approval; and
- the City Council shall make its decision after information from the hearing has been received. The decision shall become effective by passage of an ordinance.

The criteria referenced above to be addressed by the Planning Commission for an area-wide zoning map amendment are as follows:

1. The proposed amendment is consistent with the Comprehensive Plan.
2. The proposed amendment and subsequent development of the site would be compatible with development in the vicinity.
3. The proposed amendment will not unduly burden the transportation system in the vicinity of the property with significant adverse impacts which cannot be mitigated.
4. The proposed amendment will not unduly burden the public services and facilities serving the property with significant adverse impacts which cannot be mitigated.
5. The proposed amendment will not adversely impact the public health, safety, and general welfare of the citizens of the city.
6. The entire range of permitted uses in the requested zoning classification is more appropriate than the entire range of permitted uses in the existing zoning classification, regardless of any representations made by the petitioner as to the intended use of the subject property.
7. Circumstances have changed substantially since the establishment of the current zoning map or zoning district to warrant the proposed amendment.
8. The negative impacts of the proposed change on the surrounding neighborhood and area are largely outweighed by the advantages to the city and community in general, other than those to the individual petitioner.



Comprehensive Plan/Zoning Map Amendment Application

6000 Main St. SW, Lakewood, WA 98499
Phone: (253) 512-2261

Application Fees:

Comp Plan Map Amendment.....\$850.00
Zoning Map Amendment.....\$850.00
Plus SEPA Checklist...Add'nl.....\$480.00
Technology Fee: \$26.60

# Copies Required:	Description of Required Documents:	Required:
1	Map Amendment Fee	A
1	SEPA Environmental Checklist Application	A
1	Description of Proposal	A
1	Comprehensive Plan Map Amendment Criteria	A
1	Zoning Map Amendment Criteria	M

A=Always required

M=May be required



**COMPREHENSIVE PLAN/ZONING MAP
AMENDMENT APPLICATION**

APPLICATION #: _____ **RECEIPT #:** _____
OFFICE USE ONLY OFFICE USE ONLY

ADDRESS/LOCATION: _____

ASSESSOR'S TAX PARCEL(S) NUMBER: _____

APPLICANT: (mandatory)

Name: _____ Daytime Phone: _____

Mailing Address: _____ E-mail: _____

City/State/Zip: _____ Fax Number: _____

Signature: _____

PROPERTY OWNER 1: (mandatory if different from applicant)

Name: _____ Daytime Phone: _____

Mailing Address: _____ E-mail: _____

City/State/Zip: _____ Signature: _____

PROPERTY OWNER 2: (if more than two property owners attach additional info/signature sheets)

Name: _____ Daytime Phone: _____

Mailing Address: _____ E-mail: _____

City/State/Zip: _____ Signature: _____

We, the above signed property owners certify that the above information is true and correct to the best of our knowledge and under penalty of perjury, each state that we are all of the legal owners of the property described above and designate the following party to act as our agent with respect to this application:

AGENT / CONSULTANT / ATTORNEY: Same as applicant above; OR

Name: _____ Daytime Phone: _____

Mailing Address: _____ E-mail: _____

City/State/Zip: _____ Fax Number : _____

OFFICE USE ONLY:

DATE APPLICATION RECEIVED: _____ RECEIVED BY: _____

INSTRUCTIONS FOR COMPREHENSIVE PLAN/ZONING MAP AMENDMENTS

Amendments to the City’s Future Land-Use Map and/or zoning map will be considered by the Planning Commission (PC) after staff review/recommendations and a public hearing. The PC will then make a recommendation to the City Council, which will approve or deny each proposed amendment. Under state law, amendments can only be considered once each calendar year, and all of the proposed amendments for the year must be considered concurrently in order to assess their cumulative impact.

This process has an application deadline established each calendar year. All requested information must be provided and fees fully paid by that deadline, or the application may be returned as incomplete and may not proceed until a subsequent amendment cycle. An environmental checklist must also be completed and submitted in conjunction with this application. If both text and map amendments are being sought, one checklist may be prepared to address both.

DESCRIPTION OF PROPOSAL:

	<u>CURRENT DESIGNATION</u>	<u>REQUESTED DESIGNATION</u>
FUTURE LAND-USE MAP:		
ZONING MAP:		

FOR COMPREHENSIVE PLAN MAP AMENDMENTS, PLEASE ADDRESS THE FOLLOWING AMENDMENT CRITERIA. Please read the criteria below (underlined and in this font) and, on one or more separate pages, answer the questions accompanying them:

1. A detailed statement of what is proposed to be changed and why. What changes are you requesting, and what is the reason or rationale for them?
2. A statement of anticipated impacts of the change, including geographic area affected and issues presented. What impact will the requested change have on the area surrounding the site(s)?
3. A demonstration of why the existing comprehensive plan guidance should not continue or is no longer relevant. What about the current comprehensive plan designation is inappropriate, incorrect, or no longer relevant that would dictate the requested amendment?
4. A statement of how the proposed amendment complies with the state Growth Management Act’s goals and specific requirements. Please review the requirements of RCW 36.70A, available online at <<http://apps.leg.wa.gov/RCW/default.aspx?cite=36.70A>>. How will the proposed amendment comply with this law?

5. A statement of how the proposed amendment complies with the Countywide Planning Policies. Please review the Pierce County Countywide Planning Policies, available online at <<http://www.piercecountywa.org/pc/abtus/ourorg/pcrc/index.htm>>. How will the proposed amendment comply with these policies?
6. Identification of any changes to zoning or development regulations, other plans, or capital improvement programs that will be necessary to support the change, together with identification of funding sources if capital change is involved. If the proposed amendment involves rezoning, you must concurrently request a rezone, identify what zoning district is being requested, and go on to answer the additional questions below. If the requested amendment would result in changes to any other City plans or budgeting, please identify how and, if money is involved, where the funding will come from.

FOR ZONING MAP AMENDMENTS, PLEASE ADDITIONALLY ADDRESS THE FOLLOWING AMENDMENT CRITERIA. The City Council cannot approve zoning amendments unless all of these criteria are met. Please read the criteria below (underlined and in this font) and, on one or more separate pages, answer the questions accompanying them:

1. The proposed amendment is consistent with the comprehensive plan. How will your proposed amendment conform with what is envisioned for the future for the site or area, as expressed in the comprehensive plan?
2. The proposed amendment and subsequent development of the site would be compatible with development in the vicinity. What level and type of development currently exists in the area? If approved, how would development of the property under the new zoning be consistent with the existing development?
3. The proposed amendment will not unduly burden the transportation system in the vicinity of the property with significant adverse impacts which cannot be mitigated. If the amendment is approved, how would subsequent development affect traffic in the area? Can you insure that any negative impacts will be mitigated? How?
4. The proposed amendment will not unduly burden the public services and facilities serving the property with significant adverse impacts which cannot be mitigated. If the amendment is approved, how would subsequent development affect the demand on public services and facilities such as utilities, emergency services, schools, etc.? Can you insure that any negative impacts will be mitigated? How?
5. The proposed amendment will not adversely impact the public health, safety, and general welfare of the citizens of the city. If approved, how would the amendment affect the public health, safety, or general welfare?

6. The entire range of permitted uses in the requested zoning classification is more appropriate than the entire range of permitted uses in the existing zoning classification, regardless of any representations made by the petitioner as to the intended use of the subject property. Disregarding of any specific development that might be envisioned for the property following any proposed rezoning, discuss all the various uses that would be allowed under the requested zoning; how would they fit better with the area than the uses that are allowed under the current zoning?
7. Circumstances have changed substantially since the establishment of the current zoning map or zoning district to warrant the proposed amendment. What has changed since the zoning was established that makes this requested amendment necessary?
8. The negative impacts of the proposed change on the surrounding neighborhood and area are largely outweighed by the advantages to the city and community in general, other than those to the individual petitioner. Disregarding any benefit to the specific property owner or developer, how will your proposal benefit the community as a whole? How will it outweigh any negative impacts of the change that is proposed?



TO: Planning Commission

FROM: Tiffany Speir, Planning Manager, Special Projects

DATE: August 21, 2019

SUBJECT: Lakewood Municipal Development Code Update

ATTACHMENTS: Draft amendments to proposed Chapters 18A.40, 18A.10, 18A.20, and 18A.95 (Attachments A-D)

On August 7, the Planning Commission received a summary of the areas in Lakewood Municipal Code (LMC) Titles 3, 12, 17 and 18A proposed for amendment as part of a comprehensive update to the City’s Land Use and Development Code. The Commission also received tables clarifying where substantive versus technical/organizational changes to the LMC were proposed to assist them in reviewing the materials. A reference table is also included below.

Potential amendments to Chapter 18A.40, Land Uses and Interpretation Tables (**Attachment A**), Chapter 18A.10, Basic Provisions (**Attachment B**), Chapter 18A.20, Administration (**Attachment C**) and Chapter 18A.95, Wireless Service Facilities (**Attachment D**), are attached hereto that are based on comments received by stakeholders since August 7. *(Possible changes to Attachment A’s language is pending a meeting with stakeholders that will occur after this package is provided to the Commission, so will be presented on August 21.)*

Additional edits to the entire amendment package are likely before the September 4 public hearing based on Planning Commission input as well as internal CEDD review.

Summary of Substantive Code Changes in LMC 3.80 and new LMC Title 18A
3.80 Substantive Changes? Yes If Yes, What?
New chapter with consolidation of existing language from LMC Titles 12 & 17 into Chapter 3.80 (Financial Guarantees)
18A.10 Substantive Changes? Yes If Yes, What?
New sections re Military Influence Area (.135) and Housing Reasonable Accommodation (.175)
Measurements (Fractions) – City will round density calculations up at .5+ (.060)
18A.20 Substantive Changes? Yes If Yes, What?
Vesting removed from LMC and analyzed case by case
New language re application resubmittals (.060)

New language re approval and appeal authorities (.070)
New language re transfer of development rights (.140)
New language re nonconforming uses (.200 - .299)
Conditional uses and change of zoning (.258)
New standard of review for Hearing Examiner appeals (.410)
Appeals to City Council removed (.440)
18A.30 Substantive Changes? Yes If Yes, What?
Comprehensive Plan procedures new (.010 - .050)
Codification of current administrative procedure (.410 - .520)
Site Specific Rezone procedures (.670 - .690)
Transitory Accommodations needs review per state law if to be adopted (.770 - .830)
Minor variances eliminated
Addition of unusual uses sections (.900 - .910)
18A.40 Substantive Changes? Yes If Yes, What?
Administrative uses eliminated – now conditional uses
Agricultural Uses (.030)
Changes to allowed Industrial and Manufacturing uses (.040)
Eating & drinking drive through facilities conditions for approval (.050)
Lodging (.090)
Mobile Home Regulations (.110)
Reduced parking requirements for ADUs near transit facilities (.110)
Special Needs Housing (.120)
FAR, other new regulations per 2015 JBLM AICUZ (.130)
18A.50 Substantive Changes? Yes If Yes, What?
Removal of old Riparian Overlay requirements (addressed in SMP (Ordinance 711) & Floodplain Regulations (18A.50.080))
18A.60 Substantive Changes? Yes If Yes, What?
Floor Area Ratio (FAR) used per 2015 AICUZ in military districts (.040)
Outdoor Lighting Code (.095)
Gated residential subdivision section new (.150)
18A.70 Substantive Changes? Yes If Yes, What?
New language re Tree Fund (.330)
18A.80 Substantive Changes? Yes If Yes, What?
Entire Chapter language is new (.005 - .060)

ATTACHMENT A*

**Sections of code highlighted in yellow below (related to uses allowed in the Industrial Business Park zone) may be amended prior to the August 21st Planning Commission meeting pending a meeting with Stakeholders.*

Draft 18A.40.040 Commercial and Industrial Uses

A. Commercial and Industrial Land Use Table.

	Zoning Classifications																					
	R1	R2	R3	R4	M R1	M R2	M F1	M F2	M F3	M F3 (1)	A R C	N C1	N C2	T O C	C B D	C1	C2	C3	I B P	I1	I2	P I
Accessory retail or services	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	P	
Artisan shop	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	
Auto and vehicle sales/rental	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	P	P	-	-	-	-	
Auto parts sales	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	P	-	-	-	-	
Bank, financial services	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	-	-	-	-	
Brewery – production B(1)*	-	-	-	-	-	-	-	-	-	P	-	-	C	C	C	P	C	-	-	-	-	
Building and landscape materials sales	-	-	-	-	-	-	-	-	C	-	-	P	P	-	P	P	P	-	-	-	-	
Building contractor, light	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	C	P	P	-
Building contractor, heavy	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	C	C	-
Business support service	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	P	-	-	-	-	
Catering service	-	-	-	-	-	-	-	-	-	P	C	P	P	P	P	C	P	-	-	-	-	
Cemetery, mausoleum, columbarium	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-

	Zoning Classifications																					
	R1	R2	R3	R4	M R1	M R2	M F1	M F2	M F3	M F3 (1)	A R C	N C1	N C2	T O C	C B D	C1	C2	C3	I B P	I1	I2	P I
Club, lodge, private meeting hall	-	-	C	-	-	-	-	-	C	C	C	P	P	P	P	-	C	-	-	-	-	-
Commercial recreation facility – indoor	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	C	C	-	C
Commercial recreation facility – outdoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-
Community center	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	-	-	-	-	C
Construction/heavy equipment sales and rental	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	C	-
Convenience store	-	-	-	-	-	-	-	-	-	P	-	P	P	C	C	C	P	-	-	-	-	-
Equipment rental	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	-	-	P	-	-
Fuel dealer	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	-	-
Furniture/fixtures manufacturing, cabinet shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	C	P	P	-
Furniture, furnishings, appliance/equipment store	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	-	-	-	-	-
Gas station	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	-
General retail	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	-	P	-	-	-	-	-
Golf course, country club	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Grocery store, large	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	P	-	-	-	-	-
Grocery store, small	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	P	-	-	-	-	-
Handcraft industries, small-scale manufacturing	-	-	-	-	-	-	-	-	-	-	-	C	P	P	P	P	C	-	-	P	-	-

	Zoning Classifications																					
	R1	R2	R3	R4	M R1	M R2	M F1	M F2	M F3	M F3 (1)	A R C	N C1	N C2	T O C	C B D	C1	C2	C3	I B P	I1	I2	P I
Health/fitness facility, commercial	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-
Health/fitness facility, quasi-public	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	C	-	-	P
Kennel, animal boarding B(2)	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	P	C	-	C	P	-	-
Laundry, dry cleaning plant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	C	-	-
Library, museum	-	-	-	-	-	-	-	-	-	-	-	P	P	C	P	-	C	-	-	-	-	-
Live/work and work/live units	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	C	C	-	C	C	-	-
Maintenance service, client site services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P	-
Mixed use	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	-	-	-
Mobile home, RV, and boat sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-
Mortuary, funeral homes and parlors	-	-	-	-	-	-	-	-	-	P	-	-	P	-	P	-	P	-	-	-	-	-
Office – business services	-	-	-	-	-	-	-	-	-	P	P	P	P	C	P	P	P	-	-	-	-	-
Office – processing	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-	-	C	-	-	-
Office – professional	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	C	P	-	C	-	-	-
Outdoor storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	C	P	P	-
Personal services	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	P	-	-	-	-	-
Personal services – restricted	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-
Petroleum product storage and distribution	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-
Places of assembly	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	p

	Zoning Classifications																					
	R1	R2	R3	R4	M R1	M R2	M F1	M F2	M F3	M F3 (1)	A R C	N C1	N C2	T O C	C B D	C1	C2	C3	I B P	I1	I2	P I
Printing and publishing	-	-	-	-	-	-	-	-	-	-	-	C	P	P	P	P	P	-	P	P	-	-
Produce stand	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	-	-
Recycling facility – processing facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	C	C
Repair service—equipment, large appliances	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	-	-	C	P	P
Research and development	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-
Scrap and dismantling yards	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C
Second hand store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-
Shelter, animal B(3), B(4)	-	-	-	-	-	-	-	-	-	-	-	P	P	-	C	P	C	-	-	-	P	C
Shopping center	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	C	P	-	-	-	-	-
Social service organization	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	C	-	-	-	-	-
Solid waste transfer station	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	C	P
Small craft distillery (2)	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	C	-
Sports and active recreation facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	C
Storage - personal storage facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-
Studio—art, dance, martial arts, music, etc.	-	-	-	-	-	-	-	-	-	-	-	P	P	C	P	-	P	-	-	-	-	-
Swap meet	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-
Theater, auditorium	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	-	-

	Zoning Classifications																						
	R1	R2	R3	R4	M1	M2	M1	M2	M3	M3(1)	ARC	NC1	NC2	TOC	CB	C1	C2	C3	IBP	I1	I2	PI	
Veterinary clinic B(3)	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P	-	-	P	-	C	
Vehicle services – major repair/body work	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	P	C	-	-	-	P	P	-
Vehicle services – minor maintenance/repair	-	-	-	-	-	-	-	-	-	-	-	C	P	P	P	P	P	-	-	-	-	-	-
Vehicle storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	P	-
Warehouse	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	-	-
Warehouse retail	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	P	-	-	-
Wholesaling and distribution	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	-	-
Wildlife preserve or sanctuary	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P
Wine production facility B(2)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Accessory commercial B(5)																							
Accessory industrial B(6)																							
P:	Blank squares for last 2 above = prohibited per 18A.40.020(B)? If not, what to put here to clarify what a “secondary permitted residential use” is?																						
	Permitted Use C: Conditional Use “-“: Not allowed																						
	*Numbers in parentheses reference use-specific development and operating conditions under subsection B of this section.																						

B. Operating and development conditions

1. Within that portion of the MF 3 zoning district located within the Lakewood Station District as designated in the comprehensive plan, and solely in conjunction with multifamily use, four or more units, the following standards shall be required:

(1) The commercial use is only permitted on the ground floor of the development.

(2) A minimum ratio of four (4) square feet of multifamily use to one (1) square foot of commercial use.

2. Breweries, small craft distilleries, and wineries may contain retail outlets.

3. The portion of the building or structure in which animals are treated, trained, or kept shall be soundproofed. Kennels, catteries, animal obedience schools, animal shelters, and veterinary clinics shall be operated in accordance with LMC Title 6, Animals, and LMC Chapter 18A.40.030, Agricultural Uses.

4. Animal shelters owned, maintained or operated by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization whose primary mission is the protection and welfare of animals may sell goods and products that enhance the health and comfort of the animals adopted.

5. Commercial accessory uses are secondary permitted residential uses and include the following:

a. Professional offices incidental to the primary use.

b. Outdoor storage areas and yards:

(1) Outdoor storage areas and yards shall be paved with asphalt or concrete, including contractor storage yards and areas where vehicles or heavy equipment will be parked, stored, or regularly maneuvered. Areas where unattached trailers; shipping containers; vehicles without engines, transmissions, oil and/or gasoline tanks; or where other inert materials or items are stored may be exempted from paving requirements at the discretion of the director where it is determined that such storage does not pose a soil contamination hazard. A hydrogeological assessment per the [CityCity](#)'s critical areas regulations may be required to assist the director in making this determination.

(2) No hazardous materials shall be stored or utilized in storage areas, except as permitted under the International Fire Code and any conditions of site development required by the [CityCity](#).

(3) All storage areas shall be screened and fenced pursuant to LMC Section 18A.70.040(A)(3) and LMC Section 18A.70.140(A)(7.)

c. Antennae and satellite dishes for private telecommunication services

d. Facilities used in on-site grounds maintenance.

e. On-site soil reclamation treatment in accordance with state regulations.

f. Retaining walls, freestanding walls, and fences.

g. Accessory Caretaker's Dwelling (ACD), subject to the following provisions:

(1) One (1) ACD per commercial or industrial site is permitted within all commercial and industrial zones within the ~~city~~City.

(2) An ACD may be established in a new or existing commercial or industrial building by creating the living quarters within or as an addition to the building, or as a detached structure from the principal structure.

(3) The ACD, as well as the main structure, must meet all applicable setbacks, lot coverage, and building height requirements.

(4) The design and size of an ACD shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.

(5) The size of an ACD contained within or attached to a commercial or industrial building shall be limited to one thousand, two hundred (1,200) square feet. The size of a detached ACD shall be limited to no more than one thousand (1,000) square feet.

(6) A minimum of one (1) off-street parking space shall be required for the ACD, in addition to off-street parking required for the primary use(s) on-site, pursuant to LMC Section 18A.80.030(F), zoning district parking requirements.

(7) A building permit shall be obtained for all ACDs prior to construction and/or occupancy of the ACD.

h. Shipping containers, and semi-truck trailers may be kept in conjunction with commercial, industrial and transportation use types only where the placement and or use of the vessel is typically integral to the use type, and properly screened areas for storage and maintenance of such vessels is shown on the site plans for the facility. For existing facilities, areas for storage of shipping containers and semi-truck trailers, etc. may be approved by the director.

6. Industrial accessory uses are secondary permitted residential uses and include the following:

a. Professional offices incidental to the primary use.

b. Outdoor storage areas and yards:

(1) Outdoor storage areas and yards shall be paved with asphalt or concrete, including contractor storage yards and areas where vehicles or heavy equipment will be parked, stored, or regularly maneuvered. Areas where unattached trailers; shipping containers; vehicles without engines, transmissions, oil and/or gasoline tanks; or where other inert materials or items are stored may be exempted from paving requirements at the discretion of the director where it is determined that such storage does not pose a soil contamination hazard. A hydrogeological assessment per the CityCity's critical areas regulations may be required to assist the director in making this determination.

(2) No hazardous materials shall be stored or utilized in storage areas, except as permitted under the International Fire Code and any conditions of site development required by the CityCity.

(3) All storage areas shall be screened and fenced pursuant to LMC Section 18A.70.040(3) and LMC Section 18A.70.140(A)(7.)

c. Antennae and satellite dishes for private telecommunication services.

d. Incidental hazardous materials storage or use, subject to applicable federal and state regulations.

d. Facilities used in on-site grounds maintenance.

e. On-site soil reclamation treatment in accordance with state regulations.

f. Retaining walls, freestanding walls, and fences.

g. Accessory caretaker's dwelling, subject to the following provisions:

- (1) One (1) ACD per commercial or industrial site is permitted within all commercial and industrial zones within the ~~city~~City.
- (2) An ACD may be established in a new or existing commercial or industrial building by creating the living quarters within or as an addition to the building, or as a detached structure from the principal structure.
- (3) The ACD, as well as the main structure, must meet all applicable setbacks, lot coverage, and building height requirements.
- (4) The design and size of an ACD shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.
- (5) The size of an ACD contained within or attached to a commercial or industrial building shall be limited to one thousand, two hundred (1,200) square feet. The size of a detached ACD shall be limited to no more than one thousand (1,000) square feet.
- (6) A minimum of one (1) off-street parking space shall be required for the ACD, in addition to off-street parking required for the primary use(s) on-site, pursuant to LMC Section 18A.80.030(F), zoning district parking requirements.
- (7) A building permit shall be obtained for all ACDs prior to construction and/or occupancy of the ACD.

h. Railroad cars, shipping containers, and semi-truck trailers may be kept in conjunction with commercial, industrial and transportation use types only where the placement and or use of the vessel is typically integral to the use type, and properly screened areas for storage and maintenance of such vessels is shown on the site plans for the facility. For existing facilities, areas for storage of shipping containers and semi-truck trailers, etc. may be approved by the director.

18A.40.050 Eating and Drinking Establishments.

A. Eating and Drinking Establishments Land Use Table.

Eating and drinking establishments land uses	Zoning Classifications																				
	R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I1	I2	PI
Bar/tavern B(1)*	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	P	-	-	-	-
Brewery - brew pub	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P				
Mobile food vending facility B(2)	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P
Night club	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	C	C	-	-	-	-
Restaurant, café, coffee shop – counter ordering	-	-	-	-	-	-	-	-	-	-	P	P	P	P	C	P	P	-	-	-	-
Restaurant, café, coffee shop – drive-through services B(3)	-	-	-	-	-	-	-	-	-	-	C	C	C	C	C	C	C	-	-	-	-
Restaurant, café, coffee shop –table service	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	-
Restaurant, café, coffee shop – outdoor dining B(4)	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	-
Restaurant, café, coffee shop – serving alcohol	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	-
Tasting room	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	-
Vendor stand B(5)	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P	P	-	-	-	-
P: Permitted Use C: Conditional Use “-“: Not allowed *Numbers in parentheses reference use-specific development and operating conditions under subsection B of this section.																					

B. Development and operating conditions

1. Bars and taverns may include brewing equipment.
2. Vendor carts and trucks shall be subject to the following conditions:
 - a. Carts may be placed on public sidewalks, provided a public area use permit is obtained, a minimum sidewalk width of five feet measured to the street side of the sidewalk shall be kept clear for pedestrians, and visibility at driveways, street intersections, store entrances and display windows shall not be obscured;

- b. If a cart or truck is to be situated on private property, written permission shall be obtained from the legal owner of such property on which the cart is situated;
- c. Inasmuch as possible, carts or trucks shall not be located in required parking areas;
- d. Carts or trucks shall not be located in landscaping areas;
- e. Carts shall be limited to one every 300 lineal feet or, when placed within a building, one cart per building;
- f. Carts or trucks shall be removed at night, or, when carts are placed within a building, they shall be covered or secured;
- g. Carts shall be no larger than a size which can be maneuvered by one person on foot, and in no case shall cover an area larger than 25 square feet;
- h. The vendor shall comply with all applicable state and county health regulations. Evidence of compliance and a current city of Lakewood business license must be conspicuously posted on the vendor truck or cart;
- i. Vendor carts within a building shall be located in a manner that is consistent with International Building and Fire Code requirements for exiting, corridor width, and other requirements;
- j. Vendor trucks shall be no larger than eight feet wide by 30 feet long, exclusive of temporary canopies which may be extended over the service side when parked;
- k. Vendor trucks may be placed on public property and streets, provided a right-of-way permit is obtained, adequate lane width is maintained, adequate sidewalk space is available for the service side of the truck, and visibility at driveways, street intersections, store entrances and display windows is not obscured. (Note: a right of way permit is not required for private streets, but other requirements of this subsection apply);
- l. The city may place additional restrictions, including limits on duration and frequency, for right of way permits for vendor trucks;
- m. Vendor trucks shall not be placed in a public area closer than 100 feet from any existing eating establishment, unless the legal owner of the eating establishment provides written permission to be within 100 feet of the eating establishment.

3. Drive-through facilities standards are intended to allow for such facilities while reducing the negative impacts they may create. The specific purposes of these standards are to: reduce noise, lighting, exhaust, and visual impacts on abutting uses, particularly residential uses; promote safer and more efficient on-site vehicular and pedestrian circulation; and minimize conflicts between queued vehicles and traffic on adjacent streets. These standards are in addition to other development standards applicable under this chapter or other chapters of the LMC, and shall apply to not only new development but also the addition of drive-through facilities to existing developments and the relocation or redevelopment of existing drive-through facilities.

Drive-through facilities are not a right; conditions such as size, configuration, or location of the site or existing structures may make it inappropriate to establish a drive-through on a specific property. A drive-through facility may be denied even if it is otherwise allowed in the zoning district.

- a. Drive-through points of customer service and stacking spaces should not be located along facades of buildings that face a right-of-way. If a drive-through cannot be located on any other portion of the site, then it shall be visually screened from the street by landscaping and/or architectural element, or combination thereof, provided such elements reflect the primary building and provide appropriate screening.
- b. Stacking spaces should be physically separated from the parking lot, sidewalk, and pedestrian areas by landscaping and curbing, an architectural element, or combination thereof, provided such elements reflect the primary building and provide appropriate separation.
- c. Drive-through speakers or amplified music shall not be audible off-site.
- d. Hours of operation may be limited as determined necessary by the City to achieve compatibility with surrounding land uses.
- e. A bypass lane to escape the stacking spaces is suggested for all drive-through facilities, especially high-volume facilities.
- f. Stacking spaces/drive-through window facility: A stacking space shall be an area measuring eight (8) feet by twenty (20) feet with direct forward access to a service window of a drive-through facility. Individual spaces within the lane may not be delineated with pavement markings. Stacking lanes may not be located within required driveway, internal circulation drive or parking aisle widths, and may not interfere with site circulation.

(1) Requirements: Uses providing drive-up or drive-through services shall provide vehicle stacking spaces as follows:

Minimum Required Stacking Spaces/Drive-Through Window Facility			
Drive-Through Use	One Window	Two Windows	Three + Windows
Drive-Through Food/Beverage Service	5 stacking spaces	4 stacking spaces per window	3 stacking spaces per window
Drive-Through Bank/Financial Institution, Business Service, or Other Drive-Through Use Not Listed	4 stacking spaces	3 stacking spaces per window	2 stacking spaces per window

(2) Parking credit: Credit towards minimum parking requirements should be given for each drive-through station. One-third (1/3) parking credit should be given for each stacking space, provided that the terms related to the provision and design of stacking space are met. For example, two (2) drive-through windows with three (3) stacking spaces each equals six (6); six (6) divided by one-third (1/3) equals two (2) parking spaces credited to the total parking requirement, as established on the table of Off-Street Parking Standards in LMC Section 18A.80.030.

(3) Administrative adjustment: Exceptions to this requirement may be permitted if an applicant can document that less than the required minimum stacking spaces would be ample during prime operating hours of the development.

g. Vehicular entrances and exits shall not be located so as to cause congestion on any public street or right-of-way. The queuing lane shall be situated so that any overflow shall not spill out onto public streets or major circulation routes of any parking lot. Drive-through uses shall not be approved with ingress or egress driveways within 300 feet of a signalized intersection operating with a Level of Service D, E, or F unless a traffic analysis acceptable to the Public Works Department demonstrates that vehicles entering or leaving the site will not impair the efficiency or operation of the intersection.

i. When located in a shopping center or other multiple tenant development, drive-through facilities shall provide sufficient queuing space to handle peak business demands and shall not in any way obstruct the normal circulation pattern of the shopping center.

4. Outdoor seating, tables, umbrellas and other appurtenances of outdoor dining may be placed on public sidewalks, provided a minimum sidewalk width of five feet measured to the street side of the sidewalk shall be kept clear for pedestrians.

5. Vendor stands shall be considered permanent structures and shall meet all requirements for such structures. Vendor spaces placed within an existing building shall meet all International Building Code requirements and shall not exceed 1,000

square feet in total area, including product preparation and seating areas. Vendors shall comply with all applicable state and county health regulations. Evidence of compliance must be conspicuously posted on the vendor stand or space.

1. Vendors are subject to the design standards listed in LMC Section 18A.70.050(K).

18A.40.060 Essential Public Facilities.

A. Essential Public Facilities Land Use Table.

	Zoning Classifications																							
	R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I	O S R 1	O S R 2	
Airport (Seaplane) B(1)*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	
Community and technical colleges, colleges and universities B(1), B(2)	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-	-	-	C	-	-	C	-	-
Correctional facilities B(1),B(2)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-
Electrical transmission lines of higher voltage than 115 kV, in existing corridors of such transmission lines	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Electrical transmission lines of higher voltage than 115 kV, in new corridors B(1), B(2)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Group Home	<i>See Section 18A.40.120 Special needs housing</i>																							
In-Patient Facility Including but not Limited to Substance Abuse Facility B(1), B(2)	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-	C	-	-	-	C	-	-	
Intercity High-Speed Ground Transportation B(1)	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	P	-	-	-	C	
Intercity Passenger Rail Service B(1)	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	P	-	-	-	C	
Interstate Highway "I-5" B(1)	-	-	P	-	-	-	P	-	-	-	-	P	P	-	P	P	-	-	-	-	-	P	P	
Mental Health Facility B(1)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	
Military Installation B(1)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Minimum Security	-	-	-	C	C	C	C	C	C	C	C	C	C	C	-	-	-	-	-	-	C	-	-	

	Zoning Classifications																							
	R1	R2	R3	R4	MR1	MR2	MF1	MF2	MF3	ARC	NC1	NC2	TOC	CB D	C1	C2	C3	IBP	I1	I2	PI	OSR1	OSR2	
Institution B(1), B(2)																								
Secure Community Transition Facility (SCTFs) B(1), B(2), B(3)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-	-	-
Solid Waste Transfer Station B(1), B(2)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	C	C	-	-	-	-	-
Sound Transit Facility B(1)	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	P	-	-	-	C	
Sound Transit Railroad Right-of-Way B(1)	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	-	-	P	-	-	-	P	
Transit Bus, Train, or Other High Capacity Vehicle Bases B(1)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Washington State Highway 512 B(1)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-	-	-	
Work/Training Release Facility B(1), B(2)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-	-	

P: Permitted Use C: Conditional Use “-“: Not allowed
 *Numbers in parentheses reference use-specific development and operating conditions under subsection B of this section.

B. Development and Operating Conditions

1. RCW 36.70A.200 requires cities to include in their comprehensive plans a process for identifying and siting essential public facilities (EPFs). EPFs are described in the Growth Management Act (GMA) as those facilities which are typically difficult to site, but are needed to support orderly growth and delivery of services. The GMA states that no local comprehensive plan or development regulation may preclude the siting of essential public facilities.

2. Excepting for existing electrical transmission lines of higher voltage than 115 kV and military installations, essential public facilities shall require a conditional use permit. In addition to the regular conditional use permit review criteria, the following shall apply:

a. Documentation of need. Project sponsors must demonstrate the need for their proposed EPFs. Included in the analysis of need should be the projected service population, an inventory of existing and planned

comparable facilities and projected demand for this type of essential public facility.

b. Consistency with sponsor's plans. The proposed project should be consistent with the sponsor's own long-range plans for facilities and operations.

c. Consistency with other plans. The proposal must demonstrate the relationship of the project to local, regional and state plans. The proposal should be consistent with the comprehensive plan and other adopted plans of the prospective host community. In evaluating this consistency, consideration shall be given to urban growth area designations and critical area designations, population and employment holding capacities and targets, and the land use, capital facilities and utilities elements of these adopted plans.

d. Relationship of service area to population. With the exception of linear transmission facilities, the facility's service area population should include a significant share of the host community's population, and the proposed site should be able to reasonably serve its overall service area population.

e. Minimum site requirements. Sponsors shall submit documentation showing the minimum siting requirements for the proposed facility. Site requirements may be determined by the following factors: minimum size of the facility, access, support facilities, topography, geology, and mitigation needs. The sponsor shall also identify future expansion needs of the facility.

f. Alternative site selection. The project sponsor shall search for and investigate alternative sites before submitting a proposal for siting review. The proposal shall indicate whether any alternative sites have been identified that meet the minimum site requirements of the facility. The sponsor's site selection methodology will also be reviewed. Where a proposal involves expansion of an existing facility, the documentation shall indicate why relocation of the facility to another site would be infeasible.

g. Distribution of essential public facilities. In considering a proposal, the city shall examine the overall distribution of essential public facilities within greater Pierce County to avoid placing an undue burden on any one community.

h. Public participation. Sponsors shall encourage local public participation in the development of the proposal, including mitigation measures. Sponsors shall conduct local outreach efforts with early notification to prospective neighbors to inform them about the project and to engage local residents in site planning and mitigation design prior to the

initiation of formal hearings. The sponsor's efforts in this regard shall be evaluated.

i. Consistency with local land use regulations. The proposed facility shall conform to local land use and zoning regulations that are consistent with the applicable county-wide planning policies. Compliance with other applicable local regulations shall also be required.

j. Compatibility with surrounding land uses. The sponsor's documentation shall demonstrate that the site, as developed for the proposed project, will be compatible with surrounding land uses.

k. Proposed impact mitigation. The proposal must include adequate and appropriate mitigation measures for the impacted area(s) and community(ies). Mitigation measures may include, but are not limited to, natural features that will be preserved or created to serve as buffers, other site design elements used in the development plan, and/or operational or other programmatic measures contained in the proposal. The proposed measures shall be adequate to substantially reduce or compensate for anticipated adverse impacts on the local environment.

3. Additional Siting Criteria for SCTFs.

a. In no case shall a secure community transition facility (SCTF) be sited adjacent to, immediately across a street or parking lot from, or within the line-of-sight of risk potential activities or facilities in existence at the time a site is listed for consideration. Line-of-sight has been estimated to be 600 feet from a risk potential activity or facility, which distance has been determined to be the maximum distance at which it is possible to reasonably visually distinguish and recognize individuals. Through the conditional use process, line-of-sight may be considered to be less than 600 feet if the applicant can demonstrate that visual barriers exist or can be created which would reduce the line-of-sight to less than 600 feet.

b. The site or building shall meet all of the security requirements of RCW 71.09.285.

c. No SCTF may be located within 600 feet of any residentially zoned property.

18A.40.070 Government Services, General.

A. Government Services, General

	Zoning Classifications																				
	R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I
City, county, special district, state, and federal offices	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	P	P	C	C	-	P
Fire stations	P	P	P	P	C	C	C	C	C	-	P	P	P	P	P	P	P	C			P
Maintenance shops and vehicle and equipment parking and storage areas for general government services B(1)*	-	-	-	-	-	-	-	-	-	-	-	-	-	p	C	-	C	P	P	P	P
Police stations, including temporary holding cells B(2)	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	P
Post offices	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	-	P
P: Permitted Use C: Conditional Use “-“: Not allowed *Numbers in parentheses reference use-specific development and operating conditions under subsection B of this section.																					

B. Development and operating conditions.

1. a. Service and car wash bay openings shall be oriented away from residential uses or screened from such uses by a combination of fencing and landscaping. Where a service or car wash bay opening would be oriented towards an abutting R-zoned property, noise shall be reduced by means of an intervening building or buildings, freestanding walls, doors or other devices for enclosing the car wash, or other methods determined by the Community Development Director to be effective for reducing noise. In any case, noise shall be controlled so as to comply with LMC Chapter 8.36, Noise Control.
- b. Storage of vehicles and equipment shall be located behind buildings or screened from adjacent streets and properties by a combination of fencing and landscaping.
2. Temporary holding cells may include overnight stays.

18A.40.080 Health and Social Services.

A. Health and Social Services Land Use Table.

	R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I	O S R 1	O S R 2
Day care center in existing and new schools B(2)*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-
Day care center in existing or new churches B(2)	C	C	C	C	-	-	-	-	-	-	-	C	-	-	-	C	C	-	-	-	-	-	-
Day care center providing care for children and/or adult relatives of owners or renters of dwelling units located on the same site B(2), B(3)	-	-	-	-	P	P	P	P	P	-	-	C	P	P	-	-	-	-	-	-	-	-	-
Day care center providing care for children and/or adult relatives of employees of a separate business establishment located on the same site B(2), B(3)	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	C	-	-	C	-	-
Day care center, independent B(2)	-	-	-	-	-	-	-	-	-	C	-	P	P	P	-	-	-	-	-	-	C	-	-
Human service agency offices	-	-	-	-	-	-	-	-	-	C	P	P	P	P	-	P	P	C	-	-	-	-	-
Medical service - clinic, urgent care	-	-	-	-	-	-	-	-	-	-	-	P	C	P	-	P	P	-	-	-	-	-	-
Medical service - doctor office	-	-	-	-	-	-	-	-	-	C	P	P	-	P	-	P	P	-	-	-	-	-	-
Medical service – hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	C	-	-
Medical service - integrated medical health center	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	C	-	-	-	C	-	-
Medical service – lab	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	C	C	-	-	-	C	-	-
Pharmacy	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	-	-	-	-	-	-
Preschool/nursery school	C	C	C	C	-	-	C	C	C	-	C	P	P	P	-	C	C	C	-	-	C	-	-
P: Permitted Use C: Conditional Use “-“: Not allowed *Numbers in parentheses reference use-specific development and operating conditions under subsection B of this section.																							

B. Development and operating conditions

1. Family day care, adult family homes and other health and social services which are residential in nature are regulated under LMC Section 18A.40.110 Residential Uses.
2. Includes adult and child day care, subject to all state licensing requirements.
3. Day care centers providing care for children and/or adult relatives of owners or renters of dwelling units located on the same site, and day care centers providing care for children and/or adult relatives of employees of a separate business establishment located on the same site, shall be given the following allowances to encourage development of such uses:
 - a. Such day care centers shall not be required to provide parking for the day care use in addition to parking required for the primary business or the dwelling units; and
 - b. Such day care centers may provide care for children and/or adults other than those related to employees of the on-site business or the owners or renters of the on-site dwelling units.

18A.40.150 Utilities

A. Utilities.

	Zoning Classifications																						
	R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I	O S R 1	O S R 2
Electrical distribution lines, pipes, and support poles, transformers, and related facilities, not including substations B(1)*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Electrical distribution substations B(2)	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C
Electrical transmission lines of 115 kV or less and support poles B(3)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Electric vehicle battery charging stations B(7)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C
Natural gas conveyance facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Potable water conveyance facilities B(5)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C
Potable water storage facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Storm water collection and conveyance facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Storm water detention/retention facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Telecommunications earth receiving stations (satellite dishes) B(4)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C
Telecommunications lines, pipes, support poles and related facilities, not including earth receiving stations, personal wireless service, transmission/receiving/relay facilities, or switching facilities B(1)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Telecommunications switching facilities	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C
Telecommunications transmission/receiving/relay facilities B(2)	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C
Waste water conveyance facilities B(5)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C
Wireless Service facilities (WSFs) B(6)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C

		Zoning Classifications																						
		R 1	R 2	R 3	R 4	M 1	M 2	M 1	M 2	M 3	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I	O S R 1	O S R 2
P: Permitted Use C: Conditional Use “-“ Not allowed *Numbers in parentheses reference use-specific development and operating conditions under subsection B of this section.																								

B. Development and Operating Conditions.

1. Electrical and telecommunications service lines on individual properties shall be placed underground in conjunction with new development or any construction activity which increases floor area, or, in the case of a remodel which does not increase floor area, has a valuation amounting to more than 50 percent of the assessed value of the structure being remodeled, according to the records of the Pierce County Assessor.
2.
 - a. Electrical substations and telecommunications towers, antennas and switching stations shall be designed so as to be compatible with surrounding development, through placement, architectural features, landscaping, and other measures, except that WCFs shall be regulated in accordance with LMC 18A.95, Wireless Service Facilities.
 - b. Amateur radio antennas shall be allowed at heights no greater than those minimally sufficient to accommodate amateur service communications, in accordance with FCC regulations. Persons desiring to erect such antennas shall submit documentation indicating the height which meets this requirement. Such antennas shall be required to comply with the requirements of the Washington State Building Code, including the seismic and wind resistance provisions of the code, and to obtain a building permit.
3. Support poles for transmission lines shall be designed so as to minimize adverse aesthetic impacts. Electrical transmission lines over 115 kV are classified as essential public facilities, and are regulated under LMC Section 18A.40.150.
4. Telecommunications earth receiving stations (satellite dish antennas) over two feet in diameter shall be screened from view from neighboring properties by location, berming, fences, walls, landscaping, or a combination of these techniques; provided, however, that no screening shall be required which would prevent reception of satellite signals.
5. Aboveground water conveyance facilities and waste water conveyance facilities shall require a conditional use permit.

6. WSFs shall be regulated in accordance with LMC 18A.95.
7. Electric vehicle charging stations are permitted as an accessory use to any permitted primary use and shall count towards the required number of parking spaces for said primary use.

ATTACHMENT B

CHAPTER 18A.10 – ADMINISTRATION

18A.10.180 Definitions.

“Antenna” means

- ~~any exterior apparatus designed for telephonic, radio, data, Internet, or television communications through the sending and/or receiving of electromagnetic waves, and includes equipment attached to a tower or building for the purpose of providing telecommunications services; and-~~
- an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to FCC authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under 47 CFR Part 15.

~~“Antenna” means an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to FCC authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under 47 CFR Part 15.~~

“Applicant” means:

- ~~any person who makes an application to the City of Lakewood for a development permit; and~~
- any person or corporation who makes an application to the City for a wireless service facility permit.

~~“Applicant” means any person or corporation submitting an application for a small wireless facility permit.~~

~~“Continuing eCare rRetirement Ceommunity” means an entity that agrees to provide continuing care to a resident under a residency agreement a residential community for the elderly which operates under a single ownership on a contractual basis and offers a range of living arrangements which may include independent living, assisted living, and/or skilled nursing care, along with a variety of common amenities and ancillary services; subject to all applicable federal, state, and/or local licensure.. “Continuing care retirement community” does not include an assisted living facility licensed under Chapter 18.20 RCW that does not directly, or through a contractual arrangement with a separately owned and incorporated skilled nursing facility, offer or provide services under Chapter 74.42 RCW.~~

~~“Continuing Care Retirement Community” means a residential community for the elderly which operates under a single ownership on a contractual basis and offers a range of living arrangements which may include independent living, assisted living, and/or skilled nursing~~

~~care, along with a variety of common amenities and ancillary services; subject to all applicable federal, state, and/or local licensure.~~

~~“Director” means the Community and Economic Development Director or their designee.~~

~~“Director” means the Community Development Director or his/her designee.~~

“Eligible Facilities Requests”

The following definitions A. through I. shall apply to “Eligible Facilities Requests” only as described in this LMC Section 18A.95.130:

A. “Base Station” means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. “Base station” includes, without limitation:

1. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems (DAS) and small-cell networks).
3. Any structure other than a tower that, at the time the relevant application is filed with the city under this section, supports or houses equipment described in subsections (A)(1) and (2) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support. The term does not include any structure that, at the time the relevant application is filed with the city under this section, does not support or house equipment described in subsections (A)(1) and (2) of this section.

B. “Collocation” means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

C. “Eligible Facilities Request” means any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

1. Collocation of new transmission equipment;
2. Removal of transmission equipment; or

3. Replacement of transmission equipment.

D. “Eligible Support Structure” means any tower or base station as defined in this section; provided, that it is existing at the time the relevant application is filed with the city under this section.

E. “Existing” in terms of a constructed tower or base station means it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process; provided, that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this section.

F. “Site”, for towers other than towers in the public rights-of-way, means the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

G. “Substantial Change” means a modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

1. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten (10) percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10 percent or more than 10 feet, whichever is greater;

2. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten (10) percent larger in height or overall volume than any other ground cabinets associated with the structure;

4. It entails any excavation or deployment outside the current site;

5. It would defeat the concealment elements of the eligible support structure; or

6. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment; provided, however, that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified in subsections (g)(i) through (iv) of this section.

~~“Person” means any individual, association, firm, partnership, corporation, business trust, estate, joint venture, society, joint stock company, organization, state, all political subdivisions of a state, governmental subdivision of agency, or legal entity either public or private, or any agents, and assigns of such individual, association, firm, partnership, corporation, business trust, estate, joint venture, society, joint stock company, organization, state, all political subdivisions of a state, governmental subdivision of agency, or legal entity.~~

~~“Person” means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision of agency or any other legal or commercial entity.~~

~~“Structure” means~~

- ~~- a combination of materials constructed or erected which has permanent location on the ground or attached to something having permanent location on the ground, not to include fences less than six feet high, or paved areas, but which does include a gas or liquid storage tank that is principally above ground; and-~~
- ~~- a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of telecommunication service (whether on its own or comingled with other types of services).~~

~~“Structure” means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of telecommunication service (whether on its own or comingled with other types of services).~~

All other text of proposed 18A.10.180 (Definitions) remains as presented in the 8/7/19 Planning Commission packet.

ATTACHMENT C

Chapter 18A.20 – ADMINISTRATION

18A.20.050 Complete Permit Applications, Notice and Time Periods.

A. Determination of complete application. An application shall be deemed complete by the City when it meets the City's procedural submission requirements and is sufficient for continued processing even though additional information may be required. An application shall not be deemed complete unless it is accompanied by the appropriate application fee and includes all information specifically required as listed at LMC Section 18A.20.030, including the signature of the property owner(s) or an authorized representative thereof.

B. Notice of completeness. The Department shall provide a written notice within twenty-eight (28) days of the date of receipt of any application stating whether the application is complete, and identifying any other governmental agencies known to have jurisdiction over the proposal; or if not complete, setting forth any deficiency of the application, and specifying a date upon which the application will be null and void if any deficiencies have not been corrected.

Upon receipt of any required additional information, the Department shall notify the applicant within fourteen (14) days whether the application is now complete or what additional information is necessary.

Should the Department fail to provide a timely notice that an application is incomplete, the application shall be deemed vested as if complete on the 29th day after submittal.

C. Provision of additional information. Any information necessary to complete or to supplement an application must be submitted within six (6) months of the date of the notice describing such deficiency. The Department shall specify the date upon which the application will be null and void in any requests for supplemental information or studies. Should such information not be timely received, the application shall be null and void on the said date. Upon failure of the applicant to cure any deficiency by timely completing an application, fifty (50) percent of the application fee(s) submitted with the incomplete application shall be refunded.

D. Weekends and holidays. Regardless of whether any period is a minimum or maximum, when any permit review, notice or decision time limit of this Title terminates upon a weekend or City holiday, such time limit shall automatically be extended to the first following non-holiday weekday.

E. Review Period. The review and processing of project permit applications shall result in a decision being rendered within time limits set forth below.

F. Notice of Delayed Decision. If the City is unable to issue its final decision within the time limits listed below, the City will provide written notice of this fact to the applicant.

The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of a final decision.

G. Request for Timeline. Where no time limit is specified, upon written request the City will provide an estimated time of review.

H. Application Time Limits.

PLANNING APPLICATION TYPE	TIME LIMIT
Site-Specific Rezones (also see LMC Chapter 18A.20, Part IV) [Update per Council Action]	180-days
Environmental Review (SEPA Checklist and Assessment)	90-days
Environmental Impact Statement (draft)	365-days
Short Plats	90-days
Land Use Approval	120-days
Preliminary Plat (10 or more lots)	120-days
Planned Development District	120-days
Final Plat	120-days
Conditional Use Permit	120-days
Variance	120-days
Shoreline Substantial Development Permit	120-days
Shoreline Exemption	90-days
Small Cell Wireless <u>Service Facility</u> Permit	Per <u>Chapter 18A.95 Ord. 703</u>
Time Extension or Modification	90-days
Boundary Line Adjustment	90-days
Appeal to Hearing Examiner	90-days
ENGINEERING PERMIT APPLICATION TYPE	TIME LIMIT
Site Development Permit	90 days
BUILDING PERMIT APPLICATION TYPE	TIME LIMIT
New Single-family Residential	60-days
Residential Addition/Remodel	60-days
New Multifamily	120-days
New Commercial	120-days
Commercial Addition/Remodel	120-days

I. Time Limit Exceptions. The time limits set forth above do not include:

1. Up to the first twenty-eight (28) days after receipt of an application

during which the City determines whether the application is complete.

2. Any period during which the applicant has been requested by the City to correct plans, perform studies or provide additional information requested by the City.
3. If the City determines that the additional information submitted to the City by the applicant under Subsection (2) above is insufficient, the City shall notify the applicant of the deficiencies and the procedures of Subsection (2) shall apply as if a new request for information has been made.
4. Any appeal period. Decisions regarding appeals shall be issued by the Examiner within 90 days of receipt of an appeal.
5. Any extension of time mutually agreed upon by the applicant and the City.
6. The time required to prepare and issue a final EIS in accordance with the State Environmental Policy Act.

18A.20.070 Approval and Appeal Authorities.

The project review process for an application or a permit may include review and approval by one or more of the following processes:

A. Department Staff. Individual staff shall have the authority to review and approve, deny, modify, or conditionally approve, among others, the following actions and/or permits:

1. Accessory buildings;
2. Accessory dwelling units;
3. Administrative nonconforming determinations;
4. Area-wide rezones;
5. Binding site plans;
6. Boundary line adjustments;
7. Building permits and other construction permits exempt from the State Environmental Policy Act;
8. Certificates of occupancy;
9. Cottage housing developments;
10. Demolition permits;
11. Design review;
12. Environmental determinations;
13. Home occupation permits;
14. Land use modifications;
15. Landscape plan review and approvals;
16. Lot line adjustments;
17. Manufactured/mobile home permits;

18. Minor modifications to final planned development districts (PDD);
19. Occupancy permits;
20. Parking variances;
21. Preliminary and final short plats (creating 2-9 lots);
22. Reasonable accommodation;
23. Sign permits;
24. Site-specific rezones;
- ~~25. Small cell wireless permits;~~
256. Temporary use permits;
267. Time extensions;
278. Tree plans;
289. Shoreline exemptions;
2930. Shoreline substantial development permits;
301. Site development permits;
312. Wireless service facilities permits;
323. Zoning certifications;
334. Zoning boundary determinations; and
345. Interpretations of codes and regulations applicable to Title 18A.

B. Director. Pursuant to LMC Chapter 18A.30 Part V, Land Use Review and Approval, the Director shall have the authority to conduct pre-submission conferences and to grant, conditionally grant, deny, or modify, land use approvals regarding projects for which a public hearing is not required, and to extend the period of approval for land use approval granted by the Director or by the Hearing Examiner.

C. Lakewood Hearing Examiner. Lakewood Hearing Examiner shall have the authority vested pursuant to LMC Chapter 1.36.

D. The City Environmental Review Officer shall administer the State Environmental Policy Act (SEPA), LMC Title 14, Environmental Rules and Procedures, and LMC Title 14A, Critical Areas.

E. Shoreline Permit Review Process. See City of Lakewood Shoreline Master Program, Ordinance No. 590 or as amended hereafter.

F. Subdivision Review Process. See LMC Title 17.

18A.20.400 Specific Appeal Procedures.

A. Administrative Decision. Administrative decisions regarding the approval or denial of the following applications or determinations/interpretations may be appealed to the Hearing Examiner within fourteen (14) days, or twenty-one (21) days if issued with a SEPA threshold determination including a comment period, of the final staff decision using procedures outlined below and in LMC Chapter 1.36.

1. All Administrative Interpretations/Determinations

2. Boundary Line Adjustments
3. Home Occupation Permits
4. Preliminary Short Plats
5. Preliminary SEPA Threshold Determination (EIS required)
6. Shoreline Exemptions and staff-level substantial development permits
7. Sign Permits
8. Site-Specific Rezones
- ~~Small cell wireless permits~~
- ~~109~~ Variances
- ~~101~~. Building permits
- ~~112~~. Engineering permits
- ~~123~~. Application or interpretations of the International Building Code
- ~~134~~. Application or interpretations of the International Fire Code
- ~~145~~. Application or interpretations of the Uniform Code for the Abatement of Dangerous Buildings
- ~~156~~. Land Use (Director) decisions
- ~~167~~. Appeals of Drainage Manual Administrator decisions

B. Wireless Service Facilities Permits. Wireless Service Facilities Permits are administratively approved by the Director. Such decisions are appealable directly to the Pierce County Superior Court.

C. SEPA.

1. The City establishes the following administrative appeal procedures under RCW 43.21C.075 and WAC 197-11-680:

a. Any agency or person may appeal the City's conditioning, lack of conditioning or denial of an action pursuant to WAC Chapter 197-11. All such appeals shall be made to the Hearing Examiner and must be filed within seven (7) days after the comment period before the threshold decision has expired. This appeal and any other appeal of a land use action shall be considered together.

b. The following threshold decisions or actions are subject to timely appeal.

i. Determination of Significance. Appeal of a determination of significance (DS) or a claim of error for failure to issue a DS may only be appealed to the Hearing Examiner within that fourteen (14) day period immediately following issuance of such initial determination.

ii. Determination of Nonsignificance or Mitigated Determination of Nonsignificance. Conditions of approval and the lack of specific conditions may be appealed to the Hearing Examiner within seven (7) calendar days after the SEPA comment period expires.

iii. Environmental Impact Statement (EIS) Adequacy. A challenge to a determination of adequacy of a Final EIS may be heard by the Hearing Examiner in conjunction with any appeal or hearing regarding the associated project permit. Where no hearing is associated with the proposed action, an appeal of the determination of adequacy must be filed within fourteen (14) days after the thirty (30) day comment period has expired.

iv. Denial of a proposed action. Any denial of a project or non-project action using SEPA policies and rules may be appealed to the Hearing Examiner within seven (7) days following the final administrative decision.

c. For any appeal under this subsection the City shall keep a record of the appeal proceedings, which shall consist of the following:

- i. Findings and conclusions; and
- ii. Testimony under oath; and
- iii. A taped or written transcript.

d. Any procedural determination by the City's responsible official shall carry substantial weight in any appeal proceeding.

2. The City shall give official notice under WAC 197-11-680 whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal.

DE. Land use approval.

1. The Director's decisions may be appealed to the Hearing Examiner by any aggrieved or affected parties. All appeals shall be filed in writing with the Department within fourteen (14) days of the date of the decision being appealed. Where combined with an environmental threshold determination, such appeal period shall be extended to twenty-one (21) days.

2. The Department shall send written notification of receipt of the appeal to the applicant and to all appropriate City departments prior to the date the Hearing Examiner will consider the matter.

1. Any action taken by the Hearing Examiner which upholds, modifies or reverses a decision by the Director shall be final.

2. Site-Specific Zoning Map amendments are appealed to the City Council per LMC 1.38.280 (C).

E. Building and fire permit appeals. For building or fire code appeals, the Hearing Examiner is authorized to appoint a master, an individual with appropriate professional experience and technical expertise, to hear such appeals and to prepare findings and conclusions for issuance by the Hearing Examiner.

*All other text of proposed Chapter 18A.20 remains as presented in the 8/7/19
Planning Commission packet.*

ATTACHMENT D

CHAPTER 18A.95 - WIRELESS SERVICE FACILITIES

18A.95.005	Definitions
Part I	General
18A.95.010	Purpose
18A.95.020	Applicability
18A.95.040	General provisions
18A.95.050	Controlling provision
Part II	Macro Facilities
18A.95.060	Application requirements
18A.95.070	Procedure for macro facility permit
18A.95.080	Review criteria
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18A.95.100	General siting and design requirements
18A.95.110	Structure-mounted macro facility design requirements
18A.95.120	Tower siting and design requirements
18A.95.130	Collocation
Part III	Eligible Facilities Requests
18A.95.140	Purpose
18A.95.160	Application and review
Part IV	Small Wireless Facilities
18A.95.170	Application requirements
18A.95.180	Review criteria
18A.95.190	Permit requirements
18A.95.200	Modifications to small wireless facilities
18A.95.210	Consolidated permit
18A.95.220	Design Zones
18A.95.230	Small wireless facility design requirements
18A.95.240	Priority of location for small wireless facilities
18A.95.250	New Poles for small wireless facilities and placement of pedestrian poles in Design Zones

18A.2950.005 Definitions.

See 18A.10.180 for definitions relevant to this Chapter.

Part I General

18A.95.010 Purpose.

The purpose of this chapter is to regulate the placement, construction and modification of wireless communication facilities, in order to protect the health, safety and welfare of the

public, while not unreasonably interfering with the development of the competitive wireless telecommunication marketplace in the [cityCity](#). Among the purposes included are to:

- A. Minimize potential adverse visual, aesthetic, and safety impacts of all wireless communication facilities.
- B. Establish objective standards for the placement of wireless communication facilities.
- C. Ensure that such standards allow competition and do not unreasonably discriminate among providers of functionally equivalent services.
- D. Encourage the design of such wireless communication facilities to be aesthetically and architecturally compatible with the surrounding built and natural environments where possible.
- E. Encourage the collocation or attachment of wireless communication facilities on existing support structures to help minimize the total number and impact of such structures throughout the community.

18.95.020 Applicability.

The placement of any wireless services facility in any location within the [cityCity](#) is subject to the provisions of this chapter except those specifically exempted under LMC Section 18A.95.040.

- A. Permit Required. Any person holding a license from the FCC to provide wireless services who desires to place any wireless service facility within the boundaries of the [cityCity](#) must apply to the [cityCity](#) for the appropriate wireless service facility permit.
- C. Lease Required. In addition to the requirement of obtaining the appropriate wireless services facility permit, if all or a portion of the wireless service facility will be located upon a [cityCity](#)-owned structure, or upon non-right-of-way property which is either [cityCity](#)-owned or [cityCity](#)-leased, the applicant shall be required to enter into a lease agreement with the [cityCity](#) for the use of the [cityCity](#) property.
- D. Franchise Required. In addition to the requirement of obtaining the appropriate wireless communication facility permit, if all or a portion of the wireless communication facility will be located within the [cityCity](#)'s right-of-way, the applicant shall be required to enter into a franchise agreement with the [cityCity](#) for the use of the [cityCity](#)'s right-of-way.
- E. Nonconforming structure or use. Wireless service facilities existing before April 28, 1998, or those with permits issued by the [cityCity](#) after April 28, 1998, but prior to the effective date of this title, which do not meet the requirements of this section shall be allowed to continue as they presently exist, but shall be considered nonconforming uses for the purposes of this title and subject to LMC 18A.20.835 as applicable.

18A.95.040 General Provisions.

- A. Wireless service facilities shall not be considered nor regulated as essential public facilities.

B. Wireless service facilities located outside the public right-of-way may be either a primary or secondary use. A different use of an existing structure on the same lot shall not preclude the installation of a wireless communication facility.

C. A small wireless facility, as defined in LMC 18A.95.030, located within the public right-of-way pursuant to a valid franchise are ~~outright~~-permitted uses in every zone of the ~~city~~City, but still require a small wireless facility permit pursuant to LMC 18A.95.190.

D. Macro facilities, as defined in LMC 18A.95.030 are permitted uses in every zone of the ~~City~~City, but still require a macro facility permit pursuant to LMC 18A.95.060.

E. The following wireless communication facilities shall be exempt from the requirement to obtain land use permits:

1. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC.
2. Antennae and related equipment no more than three (3) feet in height that are being stored, shipped, or displayed for sale.
3. Amateur radio station operators or receive-only antennae.
4. Home satellite services, including satellite dish antennae less than six and one-half (6 1/2) feet in diameter and direct-to-home satellite services, when used as an accessory use of the property.
5. Public safety wireless services facilities and equipment, including the regional 911 system, radar systems for military and civilian communication and navigation, and wireless radio utilized for temporary emergency communications in the event of a disaster.
6. A mobile transmission facility or other temporary wireless service facility temporarily placed on a site for a period of thirty (30) days or less, unless an administrative use permit is obtained for an additional period or unless the ~~city~~City has declared an area-wide emergency.
7. Emergency or routine maintenance and repair of an existing wireless service facility and related equipment, excluding structural work or changes in height or dimensions of antennae, towers, or buildings, provided that compliance with the standards herein is maintained.
8. Wireless service facilities installed on properties that are subject to the Chambers Creek Properties Joint Procedural Use Agreement, which shall instead be regulated to the terms and conditions of the interlocal agreement and design standards adopted thereunder, as administered by the ~~City~~City of University Place pursuant to interlocal agreement. If, at some point, the interlocal agreement is

abandoned or terminated, such uses on the Lakewood portion of the Chambers Creek Properties shall once again be subject to the requirements set forth herein; provided, that any existing uses which do not meet these standards shall be considered to be and shall be regulated as nonconforming.

F. Non-use or abandonment.

1. Abandonment.

(i) The owner or operator of any abandoned wireless service facility shall notify the ~~City~~City of Lakewood, in writing, at least thirty (30) days prior to the date of discontinuation of operation or abandonment of a wireless service facility. In the event that a licensed carrier fails to give notice, the facility shall be considered abandoned upon the ~~city~~City's discovery of discontinuation of operation or upon a determination by the ~~city~~City of the date abandoned, and subsequent notice of the ~~city~~City's determination of abandoned status to the WSF owner and/or operator.

(ii) Except as provided in LMC Section 18A.95.040(F)(1)(3), an owner or operator shall have ninety (90) days from the date of abandonment within which to reactivate the use of the facility or transfer the facility to another provider who makes actual use of the facility.

(iii) If abandonment occurs due to the relocation of an antenna to a lower point on the antenna support structure, a reduction in the effective radiated power of the antenna or a reduction in the number of transmissions from the antennae, then the operator of the tower shall have six (6) months from the date of effective abandonment to collocate another service on the tower. If another service provider is not added to the tower, then the operator shall dismantle and remove, within thirty (30) days, that portion of the tower which resulted from a collocation height increment and/or exceeds the minimum height required to function satisfactorily. ~~city~~City approval for that portion of the tower shall automatically expire two hundred ten (210) days from the date of abandonment if the collocation is not completed or upon completion of the dismantlement and removal of that portion of the tower that is no longer being utilized, whichever comes first.

(iv) Except as provided in this section, changes which are made to wireless communication facilities that do not diminish their essential role in providing a total system shall not constitute abandonment. However, in the event that there is a physical reduction in height of substantially all of the providers' towers in the ~~city~~City or surrounding area, then all of the towers within the ~~city~~City shall similarly be reduced in height.

2. Dismantlement and Removal of Facility. If the abandoned wireless service facility, including all accessory structures, antenna, foundation, and other associated

appurtenances are not removed within the required time period, the cityCity may remove the wireless service facility and all associated development at the provider's expense. If there are two (2) or more providers collocating on a facility, this provision shall not become effective until all providers cease using the facility, except as provided in LMC 18A.95.040(F)(1)(iii).

3. Except as provided in LMC 18A.95.040(F)(1)(iii), cityCity approval for the facility shall automatically expire ninety (90) days from the date of abandonment if the wireless service facility is not reactivated or upon completion of the dismantlement and removal of the wireless service facility, whichever comes first.

4. Security and Lien. Prior to the commencement of demolition, each applicant shall post sufficient security in the form of a cash guarantee or assignment of funds in a form acceptable to the cityCity, cashier's check, or cash, to cover the estimated cost of demolition or removal of the tower and support structures, including complete site restoration. If, for any reason, the posted funds are not adequate to cover the cost of removal, then the cityCity may charge the facility owner or operator with the cityCity's total cost incurred in removing the abandoned structures. If the owner or operator fails to make full payment within thirty (30) calendar days, then the amount remaining unpaid shall become a lien on the facility property.

18A.95.050 Controlling Provisions.

To the extent that any provision of this chapter is inconsistent or conflicts with any other cityCity ordinance, this chapter shall control. Otherwise, this chapter shall be construed consistently with the other provisions and regulations of the cityCity.

Part II Macro Facilities

18.A.95.060 Application Requirements.

A. A pre-application meeting is encouraged prior to submitting an application for a wireless ~~communications services~~ facility permit.

B. Applications for a macro facility shall be filed with the Director on forms prescribed by the cityCity. All applications shall be accompanied by a filing fee and other applicable fees as required by the Lakewood Master Fee Schedule. Each application shall contain the following:

1. The name, address, phone number and authorized signature on behalf of the applicant;
2. If the proposed site is not owned by the cityCity, the name, address and phone number of the owner and a signed document or lease confirming that the applicant has the owner's permission to construct the macro facility;
3. A statement identifying the nature and operation of the macro facility;

4. A vicinity sketch showing the relationship of the proposed use to existing streets, structures and surrounding land uses, and the location of any nearby bodies of water, wetlands, critical areas or other significant natural or manmade features;
5. A plan of the proposed use showing proposed streets, structures, land uses, open spaces, parking areas, fencing, pedestrian paths and trails, buffers, and landscaping, along with text identifying the proposed use(s) of each structure or area included on the plan;
6. Information necessary to demonstrate the applicant's compliance with FCC rules, regulations and requirements which are applicable to the proposed macro facility;
7. An explanation of the technical need for the macro facility, this may include but is not limited to capacity or coverage requirements;
8. If not proposing a co-location, then documentation showing that the applicant has made a reasonable attempt to find a co-location site acceptable to engineering standards and that co-locating was not technically feasible or that it posed a physical problem; and
9. Inventory of existing sites. Each applicant for a tower shall provide an inventory of its existing WSF sites that are within the jurisdiction of the cityCity and within one (1) mile of its borders, including specific information about the location, height, and design of each facility; and
10. Such additional information as deemed necessary by the Director for proper review of the application, and which is sufficient to enable the Director to make a fully informed decision pursuant to the requirements of this chapter.

18A.95.070 Procedure for macro facilities permit.

- A. **Application.** Upon receipt of a complete application for a macro facility, application shall be processed administratively. In addition to the administrative use permit, additional permits including, but not limited to, a building permit, zoning certification, site development permit and if applicable, a right-of-way permit is required prior to site development and construction.
- B. **Review.** The Director shall review the application for conformance with the application requirements and review criteria listed in this section to determine whether the application is consistent with this chapter.
- C. **Decision.** A permit may be granted, granted with conditions pursuant to this chapter and the code, or denied. Any condition reasonably required to enable the proposed use to meet the standards of this chapter and code may be imposed. If no reasonable condition(s)

can be imposed that ensure the application meets such requirements, the application shall be denied. The Director's decision is final and appealable to Pierce County Superior Court.

D. Conditions. Conditions imposed under this chapter shall constitute permanent regulations on the exercise of the approved use. Each permit issued by the cityCity shall be conditioned to:

1. Require the permittee to allow collocation of proposed macro facilities on the permittees' site, unless the permittee demonstrates that collocation will substantially impair the technical operation of the existing macro facilities to a substantial degree.
2. Require the permittee to maintain the macro facility in a state of good repair and to maintain or replace, if necessary, vegetation and landscaping required as a condition of approving the permit.
3. Require the permittee to notify the cityCity of any sale, transfer, assignment of a site or a macro facility within sixty (60) days of such event.
4. Require the permittee to comply with the provisions of this title and all other applicable cityCity ordinances and rules and regulations.

18A.95.080 Review criteria for macro facilities.

No application for a macro facility may be approved unless all of the following criteria are satisfied:

- A. The proposed use will be served by adequate public facilities including roads, water, and fire protection.
- B. The proposed use will not be materially detrimental to uses or property in the immediate vicinity of the subject property, and will not materially disturb persons in the use and enjoyment of their property.
- C. The proposed use will not be materially detrimental to the public health, safety and welfare.
- D. The proposed use is in accord with the comprehensive plan.
- E. The proposed use complies with this chapter and all other provisions of this code.
- F. The Director shall review the application for conformance with the following criteria:
 1. Compliance with prioritized locations pursuant to LMC 18A.95.090.
 2. Compliance with design standards pursuant to LMC 18A.95.100, .110, .120 as applicable.

18A.95.090 Priority of locations for macro facilities.

The ~~city~~City's priorities for the location of wireless service facilities shall be located in the following prioritized order of preference:

- A. Collocation with existing macro facility(ies) or another existing public facility/utility facility (i.e., existing or replacement utility pole or an existing monopole/tower).
- B. Collocation on existing buildings and structures located in nonresidential zones.
- C. Collocation on existing buildings and structures in residential zones not used for residential use (e.g., religious facility or public facility).
- D. New monopole structure where the sole purpose is for wireless communication facilities; i.e., monopole or other type of tower, located in the following order of priority:
 1. Locate macro facilities in the IBP, I1, and I2 zoning districts.
 2. Locate macro facilities in the C1 and C2 zoning districts.
 3. Locate macro facilities on non-residential property in the CBD, TOC, and PI zoning districts.
 4. Locate macro facilities on non-residential property in the NC1 and NC2 zoning districts.
 6. Locate macro facilities in the C3 zoning district.
 7. Locate macro facilities on non-residential property in the OSR1 and OSR2 zoning districts.
 8. Locate macro facilities on non-residential property in the MF1, MF2, MF3, and ARC zoning districts.
 9. Locate macro facilities on residential property in the CBD, TOC, PI, NC1, NC2, OSR1, OSR2, and ARC zoning districts.
 10. Locate macro facilities on residential property in MF1, MF2, and MF3 zoning districts.
 11. Antennae and new towers shall not be located in single-family residential zoning districts, except as allowed above, unless the applicant demonstrates that all other possible locations, collocations and wireless technologies cannot be modified to function within their grid system.

New monopole structures pursuant to LMC 18A.95.090(D) shall be the minimum height necessary to serve the target area; however, the structure shall be designed to allow extensions to accommodate the future collocation of additional antennas and support

equipment. Further, the monopole structure shall comply with the setback requirements of the commercial or business zone districts, as applicable. In no case shall the antenna be of a height that requires illumination by the Federal Aviation Administration (FAA).

18A.95.100 General siting and design requirements for macro facilities.

The location and design of macro facilities shall consider the impacts, including visual, of the facility on the surrounding neighborhood. All macro facilities shall conform with the following siting and design requirements as applicable.

A. Siting. Any applicant who proposes to construct a new macro facility shall demonstrate, that the proposed facility is located at the least obtrusive and the most appropriate site available. Facilities shall be placed in locations where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening and shall be designed to minimize any significant adverse impact on residential property.

C. Development. Development and construction of the site shall preserve the existing character of the site as much as possible. Existing vegetation should be preserved. When existing vegetation cannot be preserved, vegetation shall be improved by landscaping. Disturbance of the existing topography of the site shall be minimized.

D. Design. Facilities shall be architecturally compatible with the surrounding buildings and land uses in the zoning district and screened or otherwise integrated, through location and design, to blend in with the existing characteristics of the site.

E. FCC licensure. The cityCity will only process macro facility permit applications upon a satisfactory showing of proof that the applicant is a FCC-licensed telecommunications provider or that the applicant has agreements with a FCC-licensed telecommunications provider for use or lease of the facility.

F. Compliance with other laws. Macro facility service providers shall demonstrate compliance with FCC and FAA rules and regulations and all other applicable federal, state, and local laws, rules and regulations, including FAA and U.S. Air Force airspace maximum height criteria. Failure to maintain compliance with applicable standards and regulations shall constitute grounds for the cityCity to remove a provider's facilities at the provider's expense.

G. Lot size. For purposes of determining whether the installation of a macro facility complies with district development regulations including, but not limited to, setback requirements, lot-coverage requirements, and other development requirements, the dimensions of the entire lot shall control, even though the macro facility may be located on leased parcel within that lot.

H. Height. Except as allowed by LMC Section 18A.95.130, Collocation, and LMC section 18A.95.120 (H), Tower Siting, no macro facility may exceed one hundred (100) feet

in height. Further, the applicant must demonstrate, by engineering evidence satisfactory to the cityCity, that the height requested is the minimum height necessary.

I. Security fencing. Macro facilities shall be enclosed by security fencing not less than six (6) feet in height, constructed of masonry, solid wood or coated chain link with matching colored slats, designed to blend with the character of the existing neighborhood provided, however, that the Community Development Director or, where applicable, the Hearing Examiner may waive these requirements as appropriate. Access to the macro facility shall be through a locked gate, and there shall be a universal key box at any such gates.

J. Landscaping. Macro facilities shall be landscaped as follows:

1. Macro facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the macro facility compound. The cityCity may also require any combination of existing vegetation, topography, walls, decorative fences or other features, in addition to landscaping, necessary to achieve the desired level of screening of the site. If the antenna is mounted flush on an existing building, and other equipment is housed inside an existing structure, landscaping may not be required. Landscaping is not required for facilities mounted on rooftops or on the top of other structures; however, other methods of screening may be required to be utilized.

2. Screening. The visual impacts of a macro facility shall be mitigated through landscaping or other screening materials at the base of a facility and/or compound. Landscaping shall be installed on the outside of fences. Further, existing vegetation shall be preserved to the maximum extent possible and may be used as a substitute for or as a supplement to landscaping requirements. The following landscaping and buffering shall be required around the perimeter of the compound:

(i) Evergreen trees, a minimum of twelve (12) feet tall at planting, shall be planted in two (2) rows around the perimeter of the fence. The trees shall be planted so that the trees are staggered in the rows to provide maximum screening and are located no further apart than fifteen (15) feet on center.

(ii) A row of bushes at least thirty (30) inches high at planting and which is capable of growing into a continuous hedge to at least forty eight (48) inches in height within two (2) years shall be planted no more than four (4) feet on center, in front of the tree line referenced above.

(iii) Groundcover shall be planted such that it will completely cover the soil within the landscape area within eighteen (18) months of planting, generally one (1) gallon size plants planted no more than eighteen (18) inches on center.

3. In the event that landscaping is not maintained at the level required herein or as required in any ~~administrative use or~~ conditional use permit, the ~~city~~City may, after giving thirty (30) days' advance written notice, establish and/or maintain the landscaping and bill both the owner and lessee of the site for such costs until such costs are paid in full.

L. Aesthetics. Macro facilities shall meet the following requirements:

1. Unless a different color is required by the FCC or FAA, a macro facility shall be painted a neutral color generally matching the surroundings or background to minimize its visual obtrusiveness.

2. At a macro facility site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend into the existing natural and constructed environment.

M. View corridors. Due consideration shall be given so that macro facilities do not obstruct or significantly diminish views of Mt. Rainier, Puget Sound, the Olympic Mountains or other scenic vistas.

N. Required parking. Off-street parking shall be determined by the Director ~~or designee~~. The amount of parking required to be provided shall be dependent on whether the cell site is fully automated, partially automated, or is not automated.

O. Lighting. If lighting is required for any macro facility, then the lighting shall be of a type to cause the least disturbance to the surrounding area and which shall not cause glare skyward or beyond the property line. **Exterior lighting shall comply with LMC 18A.60.095.**

P. Measurement. For purposes of measurement, macro facility setbacks and separation distances shall be calculated and applied irrespective of jurisdictional boundaries.

R. Signs. No signs shall be allowed on antennae or towers, **unless required by governing law. Any permitted signage shall be of the minimum amount possible to achieve the intended purpose.**

S. Noise. Macro facilities shall not produce noise in excess of limitations set forth in LMC Chapter 8.36

TS. Backhaul providers. Backhaul providers shall be identified at the time of right-of-way (ROW) Permit application and as a condition of ROW permit approval, and shall obtain and maintain all necessary approvals to operate as such, including holding necessary franchises, permits, and certificates. The method of providing backhaul, either wired or wireless, shall be identified.

UF. Safety inspections. Each owner and/or service provider shall conduct all safety inspections in accordance with the EIA and FCC standards.

VU. Equipment structures. Ground-level equipment, buildings, and the tower base shall be screened from public view. All such structures shall be considered primary structures, not accessory structures, for the purposes of development regulations. The standards for the equipment buildings are as follows:

1. The maximum floor area shall be three hundred (300) square feet, and the maximum height shall be twelve (12) feet, unless the applicant demonstrates that the macro facility and/or proposed collocation will require additional space or height to function within the provider's local network. The **cityCity** may, at its sole discretion, approve multiple equipment structures or one (1) or more larger structures if it will result in a more aesthetically pleasing structure and/or site design or will further other public policy objectives.
2. The equipment building shall be located no more than fifty (50) feet from the tower or antenna, except under unique and unusual circumstances demonstrated by the applicant to the **cityCity**'s satisfaction or for other public policy considerations.
3. Ground level buildings shall be screened from view by landscape plantings, fencing, or other appropriate means, as specified in this title or other **cityCity** ordinances or regulations.
4. A macro facility, including equipment buildings, antennae, and related equipment, shall occupy no more than twenty-five (25) percent of the total roof area of the building on which the macro facility is mounted. The **cityCity** may, at its sole discretion, increase the percentage of building coverage allowed, if collocation is achieved and an adequate screening structure is used.
5. Equipment buildings mounted on a roof shall be completely screened from view by materials that are consistent and compatible with the design, color, and materials of the building. Equipment for roof-mounted antenna may also be located within the building on which the antenna is mounted.
6. If located in residential zones, equipment buildings shall be designed so as to conform in appearance with nearby residential buildings and equipment structures shall comply with the setback requirements of the zoning district.

18A.95.110 Structure-mounted macro facility siting and design requirements.

A macro facility mounted on and/or extending above a structure shall be subject to the following:

- A. The antenna shall be architecturally compatible, to the maximum extent feasible, with the building and/or wall on which it is mounted, and shall be designed and located so as to minimize adverse aesthetic impact.

1. The antenna may be mounted on a wall of an existing building if it is mounted as flush to the wall as is technically possible and does not project further above the top of the wall on which it is mounted beyond that height necessary to fulfill the function of that site within the local network system.
2. The antenna may be mounted on a building roof if the ~~city~~City finds that it is not technically possible or aesthetically desirable to mount the antenna on a wall.
3. The antenna shall be constructed, painted, or fully screened to match, as closely as possible, the color and texture of the building and/or wall on which it is mounted.
4. No portion of the antenna or base station shall exceed the height limitations set forth in this section.

B. If an equipment shelter is present, the structure shall be architecturally and visually compatible with surrounding existing buildings, structures, vegetation, and uses in terms of color, size, and bulk. Such facilities will be considered architecturally and visually compatible if they blend with the surrounding buildings in architectural character and color and are camouflaged to disguise the facility.

C. The maximum height of a utility pole extension shall be determined by the ~~city~~City engineer and Director. The pole extension shall be designed such that the height of the utility pole is the minimum additional height necessary to support the antenna and the diameter of the utility pole required to support the antenna is not increased more than twenty (20) percent of the existing utility pole.

D. An antenna attached to the roof or sides of a building at least thirty (30) feet in height, or on an existing tower, a water tank, or a similar structure, must be either:

1. An omnidirectional or whip antenna no more than seven (7) inches in diameter and extending no more than sixteen (16) feet above the structure to which it is attached.
2. A panel antenna no more than two (2) feet wide and six (6) feet long, extending no more than ten (10) feet above the structure to which it is attached.

18A.95.120 Tower siting and design requirements.

A. Setbacks. All towers, support structures and accessory buildings must satisfy the minimum setback requirements for the zoning district in which they are located, except under the following conditions:

1. Tower setback. A tower's setback shall be measured from the base of the tower to the property line of the parcel on which it is located. In the MF1, MF2, MF3, MR1, MR2, R1, R2, R3, and R4 zoning districts, where permitted, and on property abutting or adjacent to such districts, towers shall be set back from any property line in or abutting a residential zone a distance equal to one hundred (100)

percent of tower height as measured from ground level, except for unusual geographic limitations or other public policy considerations, as determined at the [cityCity](#)'s sole discretion.

2. In all other zones, towers shall comply with a minimum setback of fifteen (15) feet from all property lines.

3. Right-of-way setback exception. The setback requirement may be waived if the antenna and antenna support structure are located in the public right-of-way.

B. Support systems setbacks. All guy wires, anchors, and other support structures must be located within the buildable area of the lot and not within the front, rear, or side yard setbacks or within the landscape screening buffer area and which shall be located no closer than fifteen (15) feet to any property line.

C. Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, then the lighting must be of the type to cause the least disturbance to the surrounding area and shall not cause glare skyward or beyond the property line. Furthermore, dual mode lighting shall be requested from the FAA when residential uses are located within five hundred (500) feet of the tower. Exterior lighting shall comply with LMC 18A.60.095.

D. Monopole construction required. All towers shall be of a tapering monopole construction unless the provider can demonstrate that another type of tower would cause less impact to the surrounding property than a tapering monopole structure and/or would otherwise further the purposes and goals of this section.

E. Building and safety standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is constructed and maintained in compliance with applicable [cityCity](#) building codes and EIA standards, as amended.

G. Antenna and support structure safety. The tower or antenna and its support structure shall be designed to withstand, at a minimum, a wind force of one hundred (100) miles per hour and one-half (1/2) inch of ice without the use of supporting guy wires. The applicant shall demonstrate that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice, or other debris or interference. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.

H. Site selection and tower height. Towers shall be located to minimize their number, height, and visual impacts on the surrounding area in accordance with the following policies:

1. Tower height shall not exceed one hundred (100) feet in height except under the following conditions:

a. Collocation of two (2) or more service providers allows for additional height by using collocation height increment provisions.

b. A single service provider who desires a tower exceeding one hundred (100) feet shall first~~stea~~n demonstrate that they cannot build a shorter tower due to technical infeasibility and shall demonstrate that, ~~via the conditional use permit criteria and~~ all other applicable criteria in this section and this title are met, ~~that a tower greater than one hundred (100) feet in height is necessary to provide service within its provider system.~~

2. The height of a tower shall have the least visual impact feasible and the height shall be no greater than necessary to achieve service area requirements and to provide for potential collocation; and

3. The owner or service provider has demonstrated that the tower site selected provides, to the greatest extent feasible, the least visual impact on residential areas. This shall include an analysis of the potential impacts from other vantage points in the area to illustrate that the selected site and design provides the best opportunity to minimize the visual impact of the proposed facility.

4. The tower shall be sited to minimize solitary or prominent visibility when viewed from surrounding areas, especially residential areas. The facility shall be camouflaged to the maximum extent feasible.

I. Screening. Towers shall be significantly screened to the extent that it does not result in significant signal degradation. If there are no trees to provide screening, the site shall utilize significant camouflage or other design/construction methods satisfactory to the cityCity, so as to provide compatible aesthetics on and around the site, to the fullest extent reasonably possible.

J. Separation distances between towers. Separation distances between towers shall be measured between the proposed tower and pre-existing towers. Measurement shall be from base of tower to base of tower, excluding pad, footing or foundation. The separation distances shall be measured by drawing or following a straight line between the nearest point on the base of the existing tower and the proposed tower base, pursuant to a site plan of the proposed tower. The separation distances shall be listed in linear feet. Separation distances between towers shall be one thousand five hundred (1,500) linear feet, except when both towers are lattice or guyed towers, then the separation distance shall be five thousand (5,000) linear feet, or one (1) of the towers is a monopole is less than one hundred (100) feet in height, then the separation distance shall be one thousand (1,000) linear feet; or, if the cityCity designates areas where multiple towers can be located in closer proximity. The Director or Hearing Examiner, as applicable, may reduce tower separation distance requirements if written findings are made that the provider has demonstrated that the purposes and goals of this section or this title would be better served in doing so. However, the development of multiple tower locations on one (1) or more sites in close proximity,

often referred to as “antenna farms,” are specifically prohibited, unless such a site has been so designated by the ~~City~~City Council.

K. Collocation priority. Collocation of antennae by more than one (1) provider on existing towers is preferred to the construction of new towers. New facilities shall be designed to accommodate collocation, unless the applicant demonstrates why such design is not feasible for technical reasons.

18A.95.130 Collocation.

To minimize adverse visual impacts associated with the proliferation of towers, collocation of macro facilities on existing or new towers is promoted and encouraged as follows:

A. To reduce the number of antenna support structures needed in the ~~city~~City in the future, new proposed support structures shall be designed to accommodate antennae for more than one user, unless the applicant demonstrates why such design is not feasible for technical reasons.

B. Proposed facilities shall collocate onto existing towers wherever reasonably feasible. A new or additional administrative use or conditional use permit approval, as appropriate, is not required when a new service provider is added to an existing tower without modification or reconstruction of the tower. However, requirements for any and all other permits, licenses, leases, or franchise conditions must be satisfied, and the collocation must be accomplished in a manner consistent with the policies, siting and design criteria, and landscape and screening provisions contained in this section, as well as any applicable requirements of the original administrative use or conditional use permit and building permit.

C. An existing tower may be modified or rebuilt to a taller height to accommodate collocation of an additional antenna without a new or additional administrative use or conditional use permit, as appropriate, and without additional distance separation, provided that:

1. The tower shall be of the same tower type as the existing tower, or of a less obtrusive design, such as a monopole.
2. The additional antenna shall be of a similar type as those on the existing tower;
3. The tower, if reconstructed, is placed on its existing site within fifty (50) feet of its existing location.
4. The tower conforms to or can be modified to conform to the applicable design and development standards in this section.
5. The tower is not located within a single-family or multifamily residential zone. A tower may not be increased in height without a new or additional administrative use or conditional use permit, as appropriate, in these zones.

D. The [cityCity](#) may deny an application to construct new facilities if the applicant has not demonstrated by substantial evidence that a diligent effort has been made to collocate the facilities.

E. Collocation height increments. Collocated wireless service facilities are eligible for additional height allowances if collocation occurs according to certain height and usage criteria.

1. To qualify for collocation height increments, the minimum required number of service providers must either be co-applicants and/or have valid lease agreements with the applicant for collocation, at the time of application. However, space reserved for future collocations may qualify for a maximum of one (1) additional service provider for the purpose of height increments, when at least two (2) providers have already located facilities on the tower or have valid lease agreements for such location. Additional height resulting from a height increment shall not require an additional distance separation.

2. In cases of space reservation, a first right-of-refusal, which is either executed or maintained while the provider's facilities and services are in use, to lease the area at the base of the tower and/or mount for other providers will meet the reservation requirement. The site plan shall reserve area for other providers' equipment near the base of the applicant's tower.

3. The additional height increment allowed for two (2) or more providers is thirty (30) feet above the base height. The additional height increment allowed for three (3) or more providers is fifty (50) feet above the base height and, for four (4) or more providers, is seventy (70) feet above the base height.

F. No macro facility service provider or lessee or agent thereof shall fail to cooperate in good faith to accommodate collocation with competitors. If a dispute arises about the feasibility of collocating, the Community Development Director may require a third party technical study, at the expense of either or both parties, to resolve the dispute.

Article III Eligible Facility Requests

18A.95.140 Purpose.

This chapter implements Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 ("Spectrum Act"), as interpreted by the Federal Communications Commission's ("FCC" or "Commission") Acceleration of Broadband Deployment Report and Order, which requires a state or local government to approve any eligible facilities request for a modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station.

18A.95.160 Application and review.

A. Application. The [cityCity](#) shall prepare and make publicly available an application form which shall be limited to the information necessary for the [cityCity](#) to consider

whether an application is an eligible facilities request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.

B. Type of Review. Upon receipt of an application for an eligible facility request pursuant to this chapter, the ~~City~~City shall review such application to determine whether the application so qualifies.

C. Time Frame for Review. Within sixty (60) days of the date on which an applicant submits an application seeking approval under this chapter, the ~~City~~City shall approve the application unless it determines that the application is not covered by this chapter.

D. Tolling of the Time Frame for Review. The sixty (60)-day review period begins to run when the application is filed, and may be tolled only by mutual agreement by the ~~City~~City and the applicant, or in cases where it is determined that the application is incomplete. The time frame for review is not tolled by a moratorium on the review of applications.

1. To toll the time frame for incompleteness, the ~~city~~City must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application.

2. The time frame for review begins running again when the applicant makes a supplemental submission in response to jurisdiction's notice of incompleteness.

3. Following a supplemental submission, the ~~city~~City will notify the applicant within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this subsection (D). Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

E. Interaction with Section 332(c)(7). If the ~~city~~City determines that the applicant's request is not covered by Section 6409(a) as delineated under this chapter, the federally presumptively reasonable time frame under Section 332(c)(7) will begin to run from the issuance of the ~~city~~City's decision that the application is not a covered request. To the extent such information is necessary, the ~~city~~City may request additional information from the applicant to evaluate the application under Section 332(c)(7)10, pursuant to the limitations applicable to other Section 332(c)(7) reviews.

F. Failure to Act. In the event the ~~city~~City fails to approve or deny a request seeking approval under this chapter within the time frame for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

G. Remedies. Applicants and the ~~city~~City may bring claims related to Section 6409(a) to any court of competent jurisdiction.

Article IV. Small Wireless Facilities

18A.95.170 Application requirements.

A. Applicability. Any application for a small wireless facility both inside and outside of the right-of-way shall comply with the application requirements for a small wireless facility permit described in this Chapter. For small wireless facilities within the right-of-way, the applicant shall also ~~obtain a franchise from the City and~~ comply with the requirements pursuant to LMC Chapters 12.07 and 12.08. Small wireless permits are issued by the Director.

B. Consolidated Permits. All permits, leases, and franchises necessary for the deployment of small wireless facilities shall be consolidated for review and a decision rendered to the full extent feasible within the presumptively reasonable time periods established by federal law. Applicants are allowed to apply for franchises or leases independently of an application for a small wireless permit.

C. Pre-Application meeting. A pre-application meeting is encouraged prior to submitting an application for a wireless ~~communications services~~ facility permit.

D. Application Process. The Director is authorized to establish franchise and other application forms to gather the information required by these ordinances from applicants and to determine the completeness of the application process as provided herein.

1. Franchise. The process typically begins with and depends upon approval of a franchise for the use of the public right-of-way to deploy small wireless facilities if any portion of the applicant's facilities are to be located in the right-of-way, consistent with the requirements in LMC Chapters 12.07 and 12.08. An applicant with a franchise for the deployment of small wireless facilities in the ~~city~~City may proceed to directly apply for a small wireless facility permit and related approvals. An applicant may utilize phased ~~development~~deployment.

2. Small Wireless Facility Permits. The application requires specification of the small wireless facility components and locations as further required in the small wireless permit application described in subsection E below. Prior to the issuance of a small wireless facility permit, the applicant shall pay a permit fee as set forth in the Lakewood Master Fee Schedule.

3. Associated Permit(s). The applicant shall attach all associated permits requirements such as applications or check lists required under the Critical Areas, Shoreline or SEPA ordinances. Applications for deployment of small wireless facilities in Design Zones or on Pedestrian Poles or for new poles shall comply with the requirements in LMC 18A.95.250.

4. Leases. An applicant who desires to attach a small wireless facility on any utility pole or light pole owned by the ~~city~~City shall include an application for a lease as a component of its application. Leases for the use of utility poles, ~~or~~ light poles shall be received and reviewed by the Director. Leases for the use of all, ~~or~~ other public property, structures or facilities shall be submitted to the ~~City~~City Council for approval.

E. Small Wireless Permit Application. The following information shall be provided by all applicants for a small wireless permit.

1. The application shall provide specific locational information including GIS coordinates of all proposed small wireless facilities and specify where the small wireless facilities will utilize existing, replacement or new poles, towers, existing buildings and/or other structures. Ground mounted equipment, conduit, junction boxes and fiber and electrical connections necessary for and intended for use in the deployment shall also be specified regardless of whether the additional facilities are to be constructed by the applicant or leased from a third party. Detailed schematics and visual renderings of the small wireless facilities, including engineering and design standards, shall be provided by the applicant. The application shall have sufficient detail to identify:

(i) The location of overhead and underground public utilities, telecommunication, cable, water, adjacent lighting, sewer drainage and other lines and equipment within fifty (500) feet of the proposed project area (which the project area shall include the location of the fiber source and power source). Further, the applicant shall include all existing and proposed improvements related to the proposed location, including but not limited to poles, driveways, ADA ramps, equipment cabinets, street trees and structures within 50 feet of the proposed project area.

(ii) The specific trees, structures, improvements, facilities, lines and equipment, and obstructions, if any, that applicant proposes to temporarily or permanently remove or relocate and a landscape plan for protecting, trimming, removing, replacing, and restoring any trees or areas to be disturbed during construction.

(iii) The construction drawings shall also include the applicant's plan for electric and fiber utilities, all conduits, cables, wires, handholes, junctions, meters, disconnect switches and any other ancillary equipment or construction necessary to construct the small cell facility, to the extent to which the applicant is responsible for installing such electric and fiber utilities, conduits, cables, and related improvements. Where another party is responsible for installing such electric and fiber utilities, conduits, cables, and related improvements, applicant's construction drawings will include such utilities to the extent known at the time of application, but at a minimum

applicant must indicate how it expects to obtain fiber and electric service to the small cell facility.

(iv) If the site location includes a new replacement light pole, then the applicant must submit a photometric analysis of the roadway and sidewalk within 150 feet of the existing light.

(v) Compliance with the aesthetic requirements of LMC 18A.95.230, or 18A.95.250 as applicable.

2. The applicant must show written approval from the owner of any pole or structure for the installation of its small wireless facilities on such pole or structure. Such written approval shall include approval of the specific pole, engineering and design standards, as well as assurances that the specific pole can withstand wind and seismic loads, from the pole owner, unless the pole owner is the cityCity. Submission of the lease agreement between the owner and the applicant is not required. For cityCity-owned poles or structures, the applicant must obtain a lease from the cityCity prior to or concurrent with the small wireless permit application and must submit as part of the application the information required in the lease for the cityCity to evaluate the usage of a specific pole.

3. The applicant is encouraged to batch the small wireless facility sites within an application in a contiguous service area.

4. Any application for a small wireless facility located in the right-of-way adjacent to a parcel zoned for residential use shall demonstrate that the applicant has evaluated the following:

(i) Whether a small wireless facility is currently installed on an existing pole in front of the same residential parcel. If a small wireless facility exists, then the applicant must demonstrate that no technically feasible alternative location exists which is not in front of the same residential parcel.

(ii) Whether the proposed small wireless facility can be screened from residential view by choosing a pole location that is not directly in front of a window or views. The applicant must demonstrate that no technically feasible alternative location exists which is not directly in front of a window or views.

5. Any application for a small wireless permit which contains an element which is not exempt from SEPA review shall simultaneously apply under Chapter 43.21C RCW and LMC Chapter 18A.20. Further, any application proposing small wireless facilities in Critical Areas (pursuant to LMC Title 14) must indicate that the application is exempt or comply with the review processes in such codes.

6. The applicant shall submit a sworn affidavit signed by an RF engineer with knowledge of the proposed project affirming that the small wireless facilities will be compliant with all FCC and other governmental regulations in connection with human exposure to radio frequency emissions for every frequency at which the small wireless facility will operate. If facilities which generate RF radiation necessary to the small wireless facility are to be provided by a third party, then the small wireless permit shall be conditioned on an RF certification showing the cumulative impact of the RF emissions on the entire installation. The applicant may provide one emissions report for the entire small wireless deployment if the applicant is using the same small wireless facility configuration for all installations within that batch or may submit one emissions report for each subgroup installation identified in the batch.
7. The applicant shall provide proof of FCC or other regulatory approvals required to provide the service(s) or utilize the technologies sought to be installed.
8. A professional engineer licensed by the State of Washington shall certify in writing, over his or her seal, that construction plans of the small wireless facilities and structure or pole and foundation are designed to reasonably withstand wind and seismic loads.
9. A right-of-way use permit as required by LMC Chapters 12.07 and 12.08.
10. Proof of a valid Lakewood Business License.
11. Recognizing that small wireless facility technology is rapidly evolving, the Director is authorized to adopt and publish standards for the technological and structural safety of ~~city~~City-owned structures and to formulate and publish application questions for use when an applicant seeks to attach to ~~city~~City-owned structures.
12. Such other information as the Director, in his/her discretion, shall deem appropriate to effectively evaluate the application based on technical, engineering and aesthetic considerations.

18A.95.180 Review criteria.

A. Review. The following provisions, as applicable, relate to review of applications for a small wireless facility permit.

1. The ~~city~~City will review the permit application to determine compliance with this ~~c~~Chapter.
2. Vertical clearance shall be reviewed by the Director to ensure that the small wireless facilities will not pose a hazard to other users of the right-of-way.
3. Replacement poles and new poles shall comply with the Americans with Disabilities Act (ADA), ~~City~~City construction and sidewalk clearance standards,

traffic warrants, cityCity ordinances, and state and federal statutes and regulations in order to provide a clear and safe passage within the right-of-way. Further, the location of any replacement pole or new pole must: be physically possible, cannot obstruct vehicular or pedestrian traffic or the clear zone, not interfere with utility or safety fixtures (e.g., fire hydrants, traffic control devices), and not adversely affect the public welfare, health, or safety.

4. No equipment shall be operated so as to produce noise in violation of LMC Chapter 8.36.

5. Small wireless facilities may not encroach onto or over private property or property outside of the right-of-way without the property owner's express written consent.

B. Community Development Services Department. All small wireless facility deployment applications shall be reviewed by the Director. The Director's decision shall be final and is appealable to Pierce County Superior Court.

CD. Eligible Facilities Requests. The design approved in a small wireless facility permit shall be considered concealment elements and such facilities may only be expanded upon submittal of an Eligible Facilities Request described in LMC 18A.95.1670, when the modification does not defeat the concealment elements of the small wireless facility.

DE. Review of Facilities. Review of the site locations proposed by the applicant shall be governed by the provisions of 47 USC 253 and 47 USC 332 and other applicable statutes, regulations and case law. Applicants for franchises and the small wireless facility permits shall be treated in a competitively neutral and non-discriminatory manner with other service providers, utilizing supporting infrastructure which is functionally equivalent, that is, service providers whose facilities are similarly situated in terms of structure, placement, or cumulative impacts. Small wireless facility permit review under this Chapter shall neither prohibit nor have the effect of prohibiting the ability of an applicant to provide telecommunications services.

EF. Withdrawal. Any applicant may withdraw an application submitted at any time, provided the withdrawal is in writing and signed by all persons who signed the original application or their successors in interest. When a withdrawal is received, the application shall be deemed null and void. If such withdrawal occurs prior to the Director's decision, then reimbursement of fees submitted in association with said application shall be prorated to withhold the amount of cityCity costs incurred in processing the application prior to time of withdrawal. If such withdrawal is not accomplished prior to the Director's decision, there shall be no refund of all or any portion of such fee.

FG. Supplemental Information. Failure of an applicant to provide supplemental information as requested by the Director within sixty (60) days of notice by the Director

shall be deemed a denial of that application, unless an extension period has been approved by the Director.

18A.95.190 Permit requirements.

A. The grantee of any permit shall comply with all of the requirements within the small wireless permit.

B. Post-Construction As-Builts. Within thirty (30) days after construction of the small wireless facility, the grantee shall provide the cityCity with as-builts of the small wireless facilities demonstrating compliance with the permit and site photographs.

C. Permit Time Limit. Construction of the small wireless facility must be completed within six (6) months after the approval date by the cityCity. The grantee may request one (1) extension prior to the expiration date which is limited to an additional (6) months, if the applicant cannot construct the small wireless facility within the original six (6) month period. The permit shall be deemed abandoned and the facilities removed as provided in 18A.95.040 LMC if the small wireless facility is not activated within six (6) months of construction.

D. Site Safety and Maintenance. The grantee must maintain the small wireless facilities in safe and working condition. The grantee shall be responsible for the removal of any graffiti or other vandalism and shall keep the site neat and orderly, including but not limited to following any maintenance or modifications on the site.

E. Operational activity. Grantee shall commence operation no later than six (6) months after installation. The Grantee may request one (1) 6 month extension if operation is delayed due to Grantee's inability to connect to electrical or backhaul.

18A.95.200 Modifications.

A. If a grantee desires to make a modification to an existing small wireless facility, including but not limited to expanding or changing the antenna type, increasing the equipment enclosure, placing additional pole-mounted or ground-mounted equipment, or modifying the concealment elements, then the applicant shall apply for a small wireless facility permit.

B. A small wireless facility permit shall not be required for routine maintenance and repair of a small wireless facility within the right-of-way, or the replacement of an antenna or equipment of similar size, weight, and height, provided that such replacement does not defeat the concealment elements used in the original deployment of the small wireless facility, does not impact the structural integrity of the pole, and does not require pole replacement. Further, a small wireless facility permit shall not be required for replacing equipment within the equipment enclosure or reconfiguration of fiber or power to the small wireless facility. Right-of-way use permits may be required for such routine maintenance, repair or replacement consistent with LMC Chapters 12.07 and 12.08.

18A.95.210 Consolidated permit.

A. The issuance of a small wireless permit grants authority to construct small wireless facilities in the right-of-way in a consolidated manner to allow the applicant, in most situations, to avoid the need to seek duplicative approval by both the public works and the development services divisions. If the applicant requires a new franchise to utilize the right-of-way, the franchise approval may be consolidated with the small wireless facility permit review if requested by the applicant. As an exercise of police powers pursuant to RCW 35.99.040(2), the small wireless facility permit is not a right-of-way use permit, but instead a consolidated public works and land use permit and the issuance of a small wireless facility permit shall be governed by the time limits established by federal law for small wireless facilities.

B. To the extent they do not conflict with the requirements of this chapter, the general standards applicable to the use of the right-of-way described in LMC Chapters 12.07 and 12.08 shall apply to all small wireless facility permits.

18A.95.220 Design Zones for small wireless facilities and deployments on Pedestrian Poles.

A. The following zones are designated as Design Zones for the purpose of siting small wireless facilities.

1. All cityCity-owned parks within the cityCity.
2. All Urban Design Focus Area District as defined in Lakewood Comprehensive Plan Chapter 4, Urban Design and Community Character.

B. The City discourages the use of Pedestrian Poles for small wireless facilities that would have a negative aesthetic impact to the City's streetscape.

C. Any applicant who desires to place a small wireless facility in a Design Zone must first demonstrate that the applicant cannot locate the small wireless facility outside of the Design Zone. Applications for new small wireless facilities in a Design Zone may be approved if the applicant demonstrates that due to technical infeasibility the applicant cannot locate the proposed small wireless facility on an existing or replacement pole within 500 feet of the proposed site and outside of the Design Zone.

DE. Applications for small wireless facilities within Design Zones or on Pedestrian Poles are subject to approval by the Director and must comply with a concealment element design described in LMC 18A.95.250.

18A.95.230 Small wireless facility design requirements.

A. The following provisions establish design and concealment standards for small wireless facilities. These standards shall also apply to distributed antenna systems (“DAS”) when externally installed. Throughout this Section, unless context clearly provides otherwise, the term “small cell facilities” refers to small wireless facilities, small cell facilities, microcells, small cell networks, and DAS.

B. Small wireless facilities attached to existing or replacement non-wooden light poles and other non-wooden poles in the right-of-way or non-wooden poles outside of the right-of-way shall conform to the following design criteria:

1. Upon adoption of a [cityCity](#) standard small wireless facility pole design(s) within the Design and Construction Standards, an applicant is encouraged to first consider using or modifying the standard pole design to accommodate its small wireless facility without substantially changing the outward visual and aesthetic character of the design. The applicant, upon a showing that use or modification of the standard pole design is either technically or physically infeasible, or that the modified pole design will not comply with the [cityCity](#)'s ADA, sidewalk clearance requirements and/or would violate electrical or other safety standards, may deviate from the adopted standard pole design and use the design standards as adopted in this subsection B.

2. The applicant shall minimize to the extent possible the antenna and equipment space and shall use the smallest amount of enclosure possible to fit the necessary equipment. The antennas and equipment shall be located using one of the following methods:

(a) Concealed completely within the pole or pole base. Antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) shall be fully concealed within the pole, unless such concealment is otherwise technically infeasible, or is incompatible with the pole design. If within the pole base, the base shall meet the ADA requirements and not impact the pedestrian access route.

(b) Located on a pole. If located on a pole, antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) must be camouflaged to appear as an integral part of the pole or flush mounted to the pole, meaning for antennas no more than twelve (12) inches off of the pole and for associated equipment no more than six (6) inches off the pole, and must be the minimum size necessary for the intended purpose, not to exceed the volumetric dimensions of small wireless facilities. The equipment enclosure and all other wireless equipment associated with the pole (including but not limited to conduit), including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole, may not exceed twenty-eight (28) cubic feet. If the equipment enclosure is permitted on the exterior of the pole, the applicant is required to place the equipment enclosure behind any banners or road signs that may be on the pole, provided that such location does not interfere with the operation of the banners or signs. The applicant may propose a side mounted canister

antenna, so long as the inside edge of the antenna is no more than six (6) inches from the surface of the pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the pole.

(c) Underground in a utility vault. If located underground, the access lid to the equipment enclosure shall be located outside the footprint of any pedestrian curb ramp and shall have a nonskid surface meeting ADA requirement if located within an existing pedestrian access route.

(d) On private property. If located on private property, the applicant shall submit a copy of a letter of authority from the private property owner prior to the small wireless facility permit issuance.

3. The furthest point of any equipment enclosure may not extend more than twenty-eight (28) inches from the face of the pole. Any equipment or antenna enclosures must meet WSDOT height clearance requirements.

4. All conduit, cables, wires and fiber must be routed internally in the non-wooden pole. Full concealment of all conduit, cables, wires and fiber is required within mounting brackets, shrouds, canisters or sleeves if attaching to exterior antennas or equipment.

5. An antenna on top of an existing pole may not extend more than six (6) feet above the height of the existing pole and the diameter may not exceed sixteen (16) inches, measured at the top of the pole, unless the applicant can demonstrate that more space is technically needed. The antennas shall be integrated into the pole design so that it appears as a continuation of the original pole, including colored or painted to match the pole, and shall be shrouded or screened to blend with the pole except for canister antennas which shall not require screening. All cabling and mounting hardware/brackets from the bottom of the antenna to the top of the pole shall be fully concealed and integrated with the pole.

6. Any replacement pole shall substantially conform to the design of the pole it is replacing or the neighboring pole design standards utilized within the contiguous right-of-way. Any replacement pole shall be placed as close to the original pole as possible, but no more than five (5) feet from the existing pole location.

7. The height of any replacement pole may not extend more than six (6) feet above the height of the existing pole or the minimum additional height technically necessary; provided that the height of the replacement pole cannot be extended further by additional antenna height.

8. The diameter of a replacement pole shall comply with the ~~city~~City's setback and sidewalk clearance requirements and shall, to the extent technically feasible, not be more than a twenty (20) inches measured at the base of the pole, unless additional diameter is needed in order to conceal equipment within the base of the pole and

shall comply with the requirements in LMC 18A.95.250(F)(4).

9. The use of the pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

B. Wooden pole design standards. Small wireless facilities located on wooden poles shall conform to the following design criteria:

1. The wooden pole at the proposed location may be replaced with a taller pole for the purpose of accommodating a small wireless facility; provided, that the replacement pole shall not exceed a height that is a maximum of ten (10) feet taller than the existing pole, unless a further height increase is required and confirmed in writing by the pole owner and that such height extension is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.

2. A pole extender may be used instead of replacing an existing pole but may not increase the height of the existing pole by more than ten (10) feet, unless a further height increase is required and confirmed in writing by the pole owner and that such height increase is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities. A “pole extender” as used herein is an object affixed between the pole and the antenna for the purpose of increasing the height of the antenna above the pole. The pole extender shall be painted to approximately match the color of the pole and shall substantially match the diameter of the pole measured at the top of the pole.

3. Replacement wooden poles must either match the approximate color and materials of the replaced pole or shall be the standard new wooden pole used by the pole owner in the ~~city~~City.

4. Antennas, equipment enclosures, and all ancillary equipment, boxes and conduit shall be colored or painted to match the approximate color of the surface of the wooden pole on which they are attached.

5. Antennas shall not be mounted more than twelve (12) inches from the surface of the wooden pole.

6. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness. Multiple antennas are permitted on a wooden pole provided that each antenna enclosure shall not be more than three (3) cubic feet in volume.

7. A canister antenna may be mounted on top of an existing wooden pole, which may not exceed the height requirements described in LMC 18A.95.250(C)(1).

A canister antenna mounted on the top of a wooden pole shall not exceed sixteen (16) inches, measured at the top of the pole, and shall be colored or painted to match the pole. The canister antenna must be placed to look as if it is an extension of the pole. In the alternative, the applicant may propose a side mounted canister antenna, so long as the inside edge of the antenna is no more than twelve (12) inches from the surface of the wooden pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the wooden pole.

8. The furthest point of any antenna or equipment enclosure may not extend more than twenty-eight (28) inches from the face of the pole. Any equipment or antenna enclosures must meet WSDOT height clearance requirements.

9. An omni-directional antenna may be mounted on the top of an existing wooden pole, provided such antenna is no more than four (4) feet in height and is mounted directly on the top of a pole or attached to a sleeve made to look like the exterior of the pole as close to the top of the pole as technically feasible. All cables shall be concealed within the sleeve between the bottom of the antenna and the mounting bracket.

10. All related equipment, including but not limited to ancillary equipment, radios, cables, associated shrouding, microwaves, and conduit which are mounted on wooden poles shall not be mounted more than six (6) inches from the surface of the pole, unless a further distance is technically required, and is confirmed in writing by the pole owner.

11. Equipment for small wireless facilities must be attached to the wooden pole, unless otherwise permitted to be ground mounted pursuant to LMC 18A.95.250(F)(1). The equipment must be placed in the smallest enclosure possible for the intended purpose. The equipment enclosure and all other wireless equipment associated with the utility pole, including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole, may not exceed twenty-eight (28) cubic feet. Multiple equipment enclosures may be acceptable if designed to more closely integrate with the pole design and does not cumulatively exceed twenty-eight (28) cubic feet. The applicant is encouraged to place the equipment enclosure behind any banners or road signs that may be on the pole, provided that such location does not interfere with the operation of the banners or signs.

12. An applicant who desires to enclose both its antennas and equipment within one unified enclosure may do so, provided that such enclosure is the minimum size necessary for its intended purpose and the enclosure and all other wireless equipment associated with the pole, including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole does not exceed twenty-eight (28) cubic feet. The unified enclosure may not be placed more than twelve (12) inches from the surface of the pole. To the extent possible, the unified enclosure shall be placed so as to appear as an integrated part of the pole or behind banners or signs,

provided that such location does not interfere with the operation of the banners or signs.

13. The visual effect of the small wireless facility on all other aspects of the appearance of the wooden pole shall be minimized to the greatest extent possible.

14. The use of the wooden pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

15. The diameter of a replacement pole shall comply with the ~~City~~City's setback and sidewalk clearance requirements and shall not be more than a twenty-five percent (25%) increase of the existing utility pole measured at the base of the pole.

16. All cables and wires shall be routed through conduit along the outside of the pole. The outside conduit shall be colored or painted to match the pole. The number of conduit shall be minimized to the number technically necessary to accommodate the small wireless facility.

C. Small wireless facilities attached to existing buildings, shall conform to the following design criteria:

1. Small wireless facilities may be mounted to the sides of a building if the antennas do not interrupt the building's architectural theme.

2. The interruption of architectural lines or horizontal or vertical reveals is discouraged.

3. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if it complements the architecture of the existing building.

4. Small wireless facilities shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building.

5. Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas. Exposed cabling/wiring is prohibited.

6. Small wireless facilities shall be colored, painted and textured to match the adjacent building surfaces, unless otherwise technically infeasible.

7. Small wireless facilities must meet the height requirement of the underlying zoning district.

8. Feed lines and coaxial cables shall be located below the parapet of the rooftop.

9. If a cabinet enclosure cannot be located within the building where the wireless ~~communication service~~ facilities will be located, then the ~~city~~City's first preference is for the wireless telecommunication carrier to locate the equipment on the roof of the building. If the equipment can be screened by placing the equipment below the parapet walls, no additional screening is required. If screening is required, the proposed screening must be consistent with the existing building in terms of color, design, architectural style, and material. If the cabinet equipment cannot be located on the roof or within the building then it shall be located underground consistent with subsection F(1).

D. Small wireless facilities mounted on cables strung between existing utility poles shall conform to the following standards:

1. Each strand mounted facility shall not exceed three (3) cubic feet in volume;
2. Only one strand mounted facility is permitted between any two existing poles;
3. The strand mounted devices shall be placed as close as possible to the nearest utility pole, in no event more than five (5) feet from the pole unless a greater distance is technically necessary or is required by the pole owner for safety clearance;
4. No strand mounted device shall be located in or above the portion of the roadway open to vehicular traffic;
5. Ground mounted equipment to accommodate a shared mounted facility is not permitted except when placed in pre-existing equipment cabinets; and
6. Pole mounted equipment shall comply with the requirements of subsections A and B above.
7. Such strand mounted devices must be installed to cause the least visual impact and without excess exterior cabling or wires (other than the original strand).
8. Strand mounted facilities are only permitted on poles that have existing overhead wirelines.

F. General requirements.

1. Ground mounted equipment in the rights of way is prohibited, unless such facilities are placed under ground or the applicant can demonstrate that pole mounted or undergrounded equipment is technically infeasible. If ground mounted

equipment is necessary, then the applicant shall submit a concealment element plan. Generators located in the rights-of-way are prohibited.

2. No equipment shall be operated so as to produce noise in violation of Chapter 8.36 LMC.

3. Small wireless facilities are not permitted on traffic signal poles unless denial of the siting could be a prohibition or effective prohibition of the applicant's ability to provide telecommunications service in violation of 47 USC §§ 253 and 332.

4. Replacement poles and new poles shall comply with the Americans with Disabilities Act (ADA), ~~CityCity~~ construction and sidewalk clearance standards, ~~cityCity~~ ordinance, and state and federal laws and regulations in order to provide a clear and safe passage within the rights-of-way. Further, the location of any replacement or new pole must: be physically possible, comply with applicable traffic warrants, not interfere with utility or safety fixtures (e.g., fire hydrants, traffic control devices), and not adversely affect the public welfare, health or safety.

6. Replacement poles shall be located as near as possible to the existing pole with the requirement to remove the abandoned pole.

7. No signage, message or identification other than the manufacturer's identification or identification required by governing law is allowed to be portrayed on any antenna or equipment enclosure. Any permitted signage shall be located on the equipment enclosures and be of the minimum amount possible to achieve the intended purpose (no larger than 4x6 inches); provided that, signs are permitted as concealment element techniques where appropriate.

8. Antennas and related equipment shall not be illuminated except for security reasons, required by a federal or state authority, or unless approved as part of a concealment element plan.

9. Side arm mounts for antennas or equipment must be the minimum extension necessary and the inside edge of the antenna may be no more than twelve (12) inches from the surface of the pole.

10. The preferred location of a small wireless facility on a pole is the location with the least visible impact.

11. Antennas, equipment enclosures, and ancillary equipment, conduit and cable, shall not dominate the structure or pole upon which they are attached.

12. Except for locations in the right-of-way, small wireless facilities are not permitted on any property containing a residential use in the residential zones.

13. The ~~city~~City may consider the cumulative visual effects of small wireless facilities mounted on poles within the rights-of-way in when assessing proposed siting locations so as to not adversely affect the visual character of the ~~city~~City. This provision shall not be applied to limit the number of permits issued when no alternative sites are reasonably available nor to impose a technological requirement on the applicant.

14. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would unreasonably impair the function of the technology chosen by the applicant, alternative forms of concealment or deployment may be permitted which provide similar or greater protections from negative visual impacts to the streetscape.

G. Parking Lot Lighting: Small wireless facilities are permitted as attachments to or replacements of existing parking lot light fixtures. The design of the parking lot light fixture shall be in accordance with LMC 18A.50.231-(A)(-5) and 5.32.090; provided, that a pole extender up to four feet (4') in height may be utilized. Exterior lighting shall comply with LMC 18A.60.095.

18A.95.240 Priority of siting location

Small wireless facilities shall be located in the following prioritized order of preference:

A. Located on utility poles within the right-of-way: collocated on public water towers or existing ~~wireless service facilities (WSF)~~ towers; or located on other public and/or non-residential buildings in commercial and industrial zoning districts.

B. Located on utility poles within the right-of-way; collocated on public water towers or existing WSF towers; or located on other public or non-residential buildings in all zoning districts.

C. Locate new facilities in the IBP, I1, and I2 zoning districts.

D. Locate new facilities in the C1 and C2 zoning districts.

E. Locate new facilities on non-residential property in the CBD, TOC, and PI zoning districts.

F. Locate new facilities on non-residential property in the NC1 and NC2 zoning districts.

G. Locate new facilities in the C3 zoning district.

H. Locate new facilities on non-residential property in the OSR1 and OSR2 zoning districts.

- I. Locate new facilities on non-residential property in the MF1, MF2, MF3, and ARC zoning districts.
- J. Locate new facilities on residential property in the CBD, TOC, PI, NC1, NC2, OSR1, OSR2, and ARC zoning districts.
- K. Locate new facilities on residential property in MF1, MF2, and MF3 zoning districts.
- L. All new small wireless facilities are subject to the requirements in LMC 18A.95.250.

18A.95.250 Design requirements for new poles for small wireless facilities, ~~deployments and placement of pedestrian poles in the~~ Design Zones, and ~~deployments on Pedestrian Poles.~~

A. New poles for small wireless facilities ~~or in the right of way, for~~ placement on a ~~Ppedestrian Ppole, or for deployments~~ in the Design Zones are only permitted if the applicant can establish that:

1. The proposed small wireless facility cannot be located on an existing utility pole or light pole, electrical transmission tower or on a site outside of the public rights of way such as public property, building, transmission tower or in or on a non-residential use in a residential zone whether by roof or panel-mount or separate structure;
2. The proposed small wireless facility complies with the applicable requirements of LMC 18A.95.230(F).
3. The proposed small wireless facility receives approval for a concealment element design, as described in LMC 18A.95.250(B);
4. The proposed small wireless facility also complies with Shoreline Management Act, and SEPA, if applicable; and
5. The proposed small wireless facility complies with the locational priority pursuant to LMC 18A.95.240.
6. No new poles shall be located in a critical area or associated buffer required by LMC Title 14, except when determined to be exempt pursuant to LMC Title 14.

B. An application for a new pole in the right-of-way of for installation on a Pedestrian Pole or in a Design Zone is subject to review and approval by the Director.

B.C. The concealment element design shall include the design of the screening, fencing or other concealment technology for a tower, pole, or equipment structure, and all related

transmission equipment or facilities associated with the proposed small wireless facility, including but not limited to fiber and power connections.

1. If the applicant desires to place the small wireless facility on a Pedestrian Pole, and the city has created a small wireless facility standard for such type of Pedestrian Pole in the Standard Specification and Details, then the applicant is encouraged to first consider using the Pedestrian Pole design adopted for small wireless facilities from the Standard Specification and Details. The applicant, upon a showing that using the standard Pedestrian Pole design is either technically or physically infeasible, or that a modified pole design will not comply with the city's ADA, or sidewalk clearance requirements and/or would violate electrical or other safety standards, may deviate from the adopted standard Pedestrian Pole design and propose a concealment element design consistent with subsection 2 below.

~~1.2.~~ The concealment element design should seek to minimize the visual obtrusiveness of the small wireless facility. The proposed pole or structure should have similar designs to existing neighboring poles in the rights-of-way, including similar height to the extent technically feasible. If the proposed small wireless facility is placed on a replacement pole in a Design Zone, then the replacement pole shall be of the same general design as the pole it is replacing, unless the development services department otherwise approves a variation due to aesthetic or safety concerns. Any concealment element design for a small wireless facility should attempt to mimic the design of such pole and integrate the small wireless facility into the design of the pole. Other concealment methods include, but are not limited to, integrating the installation with architectural features or building design components, utilization of coverings or concealment devices of similar material, color, and texture - or the appearance thereof - as the surface against which the installation will be seen or on which it will be installed, landscape design, or other camouflage strategies appropriate for the type of installation. Applicants are required to utilize designs in which all conduit and wirelines are installed internally in the structure. ~~Further, applicant designs should, to the extent technically and physically possible, comply with the generally applicable design standards adopted pursuant to LMC 18A.95.230.~~

~~2.3.~~ In situations where interior concealment is not possible for the equipment enclosures, the equipment enclosures shall be concealed in underground vaults, if either telecommunication or electrical utilities are underground. If this is not technologically feasible, or other telecommunication or electrical utilities are not underground, equipment cabinets shall next be located in dual use street furniture conforming to the design district's adopted standards such as a refuse container or street bench which incorporates an equipment enclosure. If use of dual purpose street furniture is not technically feasible, the equipment enclosure shall be mounted as described in the relevant section of LMC 18A.95.230.

~~3.4.~~ If the Director has already approved a concealment element design either for the applicant or another small wireless facility along the same public right-of-way or

for the same pole type, then the applicant shall utilize a substantially similar concealment element design, unless it can show that such concealment element design is not physically or technologically feasible, or that such deployment would undermine the generally applicable design standards.

C. Even if an alternative location is established pursuant to LMC 18A.95.270(B)(1), the Director may determine that a new pole in the right-of-way is in fact a superior alternative based on the impact to the cityCity, the concealment element design, the cityCity's Comprehensive Plan and the added benefits to the community.

D. Meters and fiber optic connections.

1. Independent power and communication sources required. Small wireless facilities located on cityCity-owned wireless support structures may not use the same power or communication source providing power and/or communication for the existing facility original to the purposes of the support structure. The independent power source must be contained within a separate conduit inside the support structure. The applicant shall coordinate, establish, maintain and pay for all power and communication connections with private utilities.

2. A line drop (no electrical meter enclosure) shall be utilized whenever possible. If this is not possible, use the narrowest electrical meter and disconnect available.

E. Prior to the issuance of a permit to construct a new pole or ground mounted equipment in the right-of-way, the applicant must obtain a site-specific agreement from the cityCity to locate such new pole or ground mounted equipment. The requirement also applies to the placement of replacement poles when the replacement is necessary for the installation or attachment of the small wireless facility, the replacement structure is higher than the replaced structure, and the overall height of the replacement structure and the wireless facility is more than sixty (60) feet.

F. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would unreasonably impair the function of the technology chosen by the applicant, alternative forms of concealment or deployment may be permitted which provide similar or greater protections of the street scape.