



# Planning Commission Meeting Agenda

Puyallup City Council Chambers

333 South Meridian, Puyallup

Wednesday, February 27, 2019

6:30 PM

ROLL CALL

APPROVAL OF THE AGENDA

## 1. PUBLIC HEARINGS

### 1.a Small Cell Code Amendments Public Hearing

[Small Cell PMC 20.59\\_Staff Report\\_Public Hearing 2019.pdf](#)

[Small Cell Draft Code Amendments - PC Public Hearing 2.27.2019.pdf](#)

## 2. OTHER COMMISSION BUSINESS

ADJOURNMENT

The City Council Chambers is wheelchair accessible. Those needing assistance with hearing devices should contact the City Clerk's Office (253-841-5480) the Friday preceding the meeting.



## Planning Commission Agenda Item Report

Submitted by: Rachael Brown

Submitting Department: Development Services

Meeting Date: 2/27/2019

### **Subject:**

Small Cell Code Amendments Public Hearing

### **Presenter:**

Rachael Brown | Assistant Planner | [RNBrown@ci.puyallup.wa.us](mailto:RNBrown@ci.puyallup.wa.us) | (253) 770.3363

### **Recommendation:**

Hold a public hearing on proposed amendments to PMC Sec. 20.59 (Wireless Communications) related to Small Cell Wireless Facilities and make a recommendation on the amendments to City Council

### **Background:**

The City is proposing draft text amendments to PMC Sec. 20.59 (Wireless Communications), relating to the siting and design of small cell wireless facilities in and outside of the public rights-of-way. Small cell facilities are cellular antennas less than 3 cubic feet in volume, and their support equipment, which are usually attached to existing structures such as utility poles and street lights. As noted in recent Planning Commission meetings on this topic, the City adopted a new code section (PMC 20.59.050 Small Cell Facilities) in June of 2018 to regulate small cells in and outside of the right-of-way. Since adoption of that new code, the Federal Communications Commission (FCC) has issued new rules further limiting the authority of cities and other local jurisdictions in their regulation of small cell facilities. As a result, the recently adopted code section must be updated to conform with the FCC's more-recent order.

Please see the attached staff report for a more detailed background on the new draft code amendments and the staff recommendation. The Public Hearing draft of these amendments is also attached. As contained therein, staff has made a few further minor changes to the draft code iteration presented to the Commission during their January 23rd meeting. The attached copy displays all proposed text changes (including those added since the last Commission meeting on this topic) in strikeout/underline format. On February 27, 2019, the Planning Commission will hold a public hearing and take public testimony on these amendments; it is anticipated that the Commission will deliberate and forward a recommendation to City Council following the public hearing

### **Council Direction:**

### **Fiscal Impacts:**

## **ATTACHMENTS**

- [Small Cell PMC 20.59\\_Staff Report\\_Public Hearing 2019.pdf](#)



# CITY OF PUYALLUP

## Development Services

333 South Meridian

Puyallup WA 98371

To: Planning Commission  
From: Rachael Brown | Planning Division | [rnbrown@ci.puyallup.wa.us](mailto:rnbrown@ci.puyallup.wa.us)  
Re: **Small Cell Code Amendments (PMC sec. 20.59)– Public Hearing**  
Date: Tuesday, February 19, 2019  
(Public Hearing date: February 27, 2019)

## INTRODUCTION

City staff regularly interacts with telecommunication carriers (e.g. Verizon, AT&T, etc.) regarding the placement of antennas and related equipment on property throughout the City. Such wireless facilities are regulated under the City Zoning code, Puyallup Municipal Code Sec. 20.59 Wireless Communications. Separately, the City uses franchise agreements to coordinate the placement of telecommunication equipment within City rights-of-way, generally involving sub-surface conduits or above-ground electrical lines.

Given changes in wireless technology and new Federal provisions, we expect a rapid surge in petitions from private wireless carriers to install "small cell" wireless facilities both within public rights-of-way and on private property. This will involve the placement of small antennas and associated support equipment (such as electric meters, battery backups, and other devices) on utility poles and/or light standards within public rights-of-way, which is an emerging technology not anticipated in our current franchise agreements or City Municipal Code. Puyallup is currently a member of a multi-City consortium in the region which is doing advance work on this issue, including coordinating with major wireless providers, in order to set-up local standards to allow the pending implementation of this new technology while also safeguarding local right-of-way priorities.

The Planning Commission unanimously forwarded a recommendation to adopt a new section of PMC 20.59 addressing this new small cell technology in late 2017- early 2018. This new section, PMC 20.59.050, established standards and procedures for handling requests from private wireless carriers to site smaller-scale telecommunications facilities on light and utility poles, principally in rights-of-way. This new section was adopted by the Puyallup City Council in June 2018. Since adoption of this new section, the Federal Communications Commission (FCC) has issued a new rule and order which further restricts the ability of local codes and standards to regulate Small Cell wireless facilities. Because of this latest FCC order, Puyallup - like other local jurisdictions throughout the state & nation - now needs to review and further amend our recently-adopted code standards to ensure that we are compliant with these latest Federal rules.

Over the course of two meetings, the Commission has been introduced to draft code revisions which amend the small cell wireless section to be compliant with these new FCC rules. Minor changes are also proposed which clarify language, procedures, and design standards throughout the wireless facilities chapter.

## MUNICIPAL CODE AMENDMENTS

### DESCRIPTION

The proposed public hearing draft revisions to PMC 20.59 Wireless Communications, which are under consideration at this 2/27/19 hearing, primarily consist of minor changes to PMC Sec. 20.59.050 *Small Cell Facilities* that exclusively regulates the placement and external physical characteristics of small cellular wireless antennas and associated equipment and wiring (collectively called 'small cell facilities') both in and outside of the right-of-way.

Small Cell Code Amendments PMC 20.59 | Planning Commission Staff Report

February 19, 2019

Staff's intention in undertaking this revision of the wireless code was to limit changes to those required by the new FCC Order, integrate lessons learned from the last year of wireless code amendments in other city's, and incorporate industry suggested revisions where appropriate. Two wireless providers, AT&T and Crown Castle (a national cell tower company), have reviewed the draft code and offered comments. Staff has integrated some of those comments and suggested changes into this current draft, including simplification of the City's franchise process from City Council approval to an administrative approval process. In reviewing the industry comments and determining which to accept and include, staff referred to the policy direction given by the Planning Commission and City Council in the 2018 review and adoption of the new small cell section.

The design standards for small cell facilities remain largely unchanged and continue to reduce the visual impact of clusters of wires, large equipment boxes, and antennas by encouraging equipment to be internalized within metal poles and limiting the size of equipment externally attached to wooden poles. Added requirements for small cells in residential zones encourage consideration of other possible sites before impacting the view from a residential structure.

The siting of these facilities is completely unchanged in this new iteration. Small cell facilities still cannot be placed on traffic signal poles, ornamental street lights (such as the green street lamps along Meridian), or on single-family structures (in single-family residential (RS) zones). The code continues to encourage sites on existing utility poles or buildings to be considered before proposing the installation of a new pole in the right-of-way. If a new pole is proposed then the applicant must obtain an Administrative Conditional Use Permit (ACUP). Notice for small cells being proposed in residential (R) or mixed use (MX) zones will also continue to be provided on the City's website with a link to the application materials (including maps of where the small cells will be placed) and contact info for the applicant so that they can answer citizen inquiries.

The most significant changes to the code include:

#### **Policy Changes – as required by new FCC rule**

1. Courts will now review municipal codes regulating small cells by considering whether the city code causes “effective prohibition” or “whether the ordinance materially inhibits or limits the ability of any competitor or potential competitor to compete in a fair and balanced legal and regulatory environment.”
  - a. Language added to code describing City's intent to not ‘effectively prohibit’ fair and balanced competition among wireless carriers (pg. 20 of draft code)
2. Aesthetic controls which include aesthetic review criteria that are “more burdensome than those the state or locality apply to similar infrastructure deployments are not permissible”
3. New definition of ‘co-location’ now includes any existing structure and does not have to be a structure with an existing wireless antenna attached to it.
  - a. Definition of ‘co-location’ changed to reflect new rule (small cell draft code pg. 2)
4. Slight alteration to definition of small cell including an increase in the allowed size of the primary equipment cabinet from 17 cubic ft 28 cubic ft.
  - a. Definition of ‘small cell’ changed to reflect new rule (small cell draft code pg. 3)
  - b. Conduit for electrical wires now included in calculation of ‘equipment enclosure’ (pg. 21)

#### **Administrative Changes required by FCC rule**

5. Removal of requirement for pre-application meeting
  - a. Pre-app is now ‘encouraged’ (small cell draft code pg. 18)
6. Lowered City fees and leases for ROW use
7. Reduction in allowed time to process permits (‘shot clocks’)
8. Removal of cap of 20 sites per application batch

- a. Batch can now be an unlimited number of cells per application (pg. 16)
- 9. Removed expedited review process since the required shot clocks make the review already expedited. (Small cell draft code pg. 19)

#### **Other code changes – code changes included but not required by FCC order**

- 10. Removal of requirement to record co-location cost split agreement with Pierce County.
  - a. Agreement is still required, but recordation is not. (pg. 11)
- 11. Residential zone re-consideration requirement. Section added to encourage applicants to consider all other options before placing an additional small cell antenna in front of a residentially zoned property. (pg. 16)
- 12. Addition of option to simply provide written confirmation that the utility pole will be able to support the additional load of a small cell rather than an engineer's seal (pg. 16)
  - a. Suggested by Crown Castle (a national cell tower company)
- 13. Clarification of submittal documents required for small cell application and small cell permit process. (pg. 15-21)
- 14. Clarification of process for allowing modifications to small cells (pg. 21)
- 15. Addition of requirement to install small cell facility within 12 months of permit issuance and turn on the antenna within 3 months of installation. (pg. 20)
  - a. AT&T suggested in their comments that we make this change from 6 months in draft code presented to Planning Commission to 12 months.
- 16. Clarification that total antenna volume per pole is not to exceed 12ft<sup>3</sup>. Still no limit on # of antennas per pole. (pg. 22)
- 17. Addition of requirement for replacement wooden poles to be within 25% of the diameter of the original pole base. Same requirement that is already in place for replacement metal poles. (pg. 24)
- 18. Definition section changes, deletions, and addition to provide clarity to the code (pg. 1-4)
- 19. Other minor changes added throughout code to clarify processes and procedures, ensure consistency throughout the code, and move sections to their logical locations.

#### **PLANNING COMMISSION REVIEW**

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During their review of the draft code on January 23<sup>rd</sup>, 2019, the Commission had few comments beyond clarifying questions about the draft code and decided to move forward with a Public Hearing. The consensus among commissioners was that the draft code contained minor changes and was consistent with their previous policy direction given during their 2018 review of the wireless code and subsequent adoption by City Council.

#### **PUBLIC COMMENT**

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As described above, AT &T and Crown Castle offered comments and suggested revisions to the drafts. Some of their suggested changes were added to the attached draft code if they were consistent with the policy direction previously given by the Commission and City Council. Examples of some of the rejected comments included requests to allow small cells on ornamental poles, remove requirements for as-builts, increase the allowed % increase in the diameter of replacement pole, and increase the allowed gap between the pole and equipment mounted to it.

#### **ANALYSIS**

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PMC 20.91.010 sets forth the decision criteria that governs city-initiated zoning code amendments:

Any action amending this title shall be principally based upon the consistency of such amendment with the goals, objectives and policies of the comprehensive plan

*U-13.1 Private utility facilities shall be located where they generally correspond with the type of surrounding land uses with regard to the size of exposed apparatuses and the production of audible noise.*

The recommended code changes seek to accommodate the city's current and future telecommunications demand while still reducing the visual impact of the exposed small cell apparatuses attached to structures in and outside of the right of way.

*U-14.1 Coordinate joint usage of street rights-of-way for public and private utilities.*

The code amendments seek to provide a more stream-lined process for coordinating the deployment of telecommunications facilities in the rights-of-way. It ensures that telecommunications infrastructure can be built while safeguarding the safety and aesthetics of the right-of-way

*LU-33.2 Establish siting criteria to encourage location of services near transit hubs, protect surrounding uses and mitigate impacts of any specific facility to the neighborhood and the City.*

Additional criteria for siting and design of small cell facilities ensures that the location and external characteristics of facilities will be compatible with the neighborhoods and right-of-way by reducing the visual impacts of the facilities.

## SEPA

A non-project action Determination of Non-Significance (DNS) was issued in 2018 for the addition of the new Small Cell code section and associated amendments to the Wireless Communications chapter. Staff is preparing an updated SEPA determination for these proposed changes to the Wireless Communications chapter and the newly adopted Small Cell code section.

## STAFF RECOMMENDATION

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Staff finds that the proposed amendments to Puyallup Municipal Code 20.59 sufficiently meet the criteria for amendment. Staff recommends that the Planning Commission forward recommendations to City Council.

## ATTACHMENTS

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1. Planning Commission Public Hearing draft, proposed amendments to PMC 20.59.

Note: the attached draft contains strike-out/underline of all amendments proposed to the existing PMC 20.59

## Chapter 20.59 WIRELESS COMMUNICATIONS

### Sections:

- 20.59.001 Scope and purpose.
- 20.59.005 Words and phrases defined.
- 20.59.010 Wireless communication facilities in RS, RM and CMX zones.
- 20.59.020 Wireless communication facilities in OP, C, M, FAIR and PF zones.
- 20.59.040 Performance standards.
- 20.59.050 Small Cell Facilities.

#### **20.59.001 Scope and purpose.**

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In addition to the general purposes of the comprehensive plan and the zoning ordinance, this chapter is included to provide for a wide range of locations and options for wireless communication providers and users while minimizing the visually obtrusive characteristics associated with wireless communication facilities, and to encourage creative approaches in location, construction and treatment of such facilities in a manner which reduces the associated adverse visual and aesthetic impacts on the community. (Ord. 2507 § 11, 1997).

#### **20.59.005 Words and phrases defined.**

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- (1) "Accessory antenna device" means an antenna including, but not limited to, test, mobile and global positioning (GPS) antennas, which are less than 12 inches in height or width, excluding the support structure.

~~(2) "Antenna" means any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.~~

(2) "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 Part 15 of Title 47 of the Code of Federal Regulations. Types of antenna(s) include, but are not limited to:

- (a) "Directional antenna" (also known as "panel" antenna) means an antenna which transmits and receives radio frequency signals in a specific directional pattern of less than 360 degrees.



- (b) "Omni-directional antenna" (also known as a "whip" antenna) means an antenna which transmits and receives radio frequency signals in a 360-degree radial pattern.
- (c) "Parabolic antenna" (also known as a "dish" antenna) means an antenna which is a bowl-shaped device for the reception and/or transmission of radio frequency communication signals in a specific directional pattern.
- (d) "Stealth antenna" means an antenna installed inside a nonantenna structure, or camouflaged to appear as a nonantenna structure.
- (e) "Canister antenna" means an antenna installed inside a canister.
- (3) "Applicant" shall mean and refer to the person, and such person's successor in interest, owning and/or operating the facility proposed in an application.
- (4) "Co-location" shall mean (1) mounting or installing an antenna facility on a pre-existing structure, and/or (2) modifying a structure for the purpose of mounting or installing an antenna facility on that structure.
- (5) (4)"Director" is the Development Services Director.
- (6) "Disrepair," as used in this chapter, refers to a facility or structure which has become so damaged or deteriorated on account of age, the elements, wear and tear, or other cause, that it has become a threat to public safety or would constitute a public nuisance as defined in the Puyallup Municipal Code.
- (7) (5)"Equipment shelter or cabinet" means a room, cabinet or building used to house equipment for utility or service providers.
- (8) (6)"Facility"," for the purposes of this chapter, means an unstaffed site containing structural improvements for the transmission and reception of low-power radio signals consisting of antennas, support structure, equipment shelter or cabinet, or related equipment.
- (7) "Facility location" may include placement of facilities in one or more of the following manners:
- (a) "Attached facility" means a facility that is affixed to an existing structure such as a building or water tower, and is not considered a component of the attached wireless communication facility.
- (b) "Co-location facility" means a single support structure such as a building, monopole or lattice tower to which more than one wireless communications provider mounts equipment.
- (9) (c) "Freestanding facility" means a facility which includes a separate support structure, including but not limited to monopoles, lattice towers, wood poles or guyed towers, used primarily for the purposes of supporting personal wireless services.
- (10)(8)"Light Pole" means a pole with a light source attached to it, used primarily for lighting streets, parking areas, parks or pedestrian paths.

~~(11)(9)~~ “Ornamental Pole” means a ~~City-owned~~ city-owned decorative pole, which may provide lighting and which are described in the ~~City-city~~ Standards for Public Works Engineering and Construction Manual.

~~(12)(10)~~ “Personal wireless services” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

~~(13)(11)~~ “Related equipment” means all equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, radio, cable, conduit and connectors.

~~(12) “Small cell facility” shall mean and refer to a personal wireless services facility that meets both of the following qualifications:~~

~~(14) “Small cell facilities” are small wireless facilities that meet each of the following conditions:~~

~~(a) The facilities:~~

~~(i) Are mounted on structures 50 feet or less in height including their antennas; or~~

~~(ii) Are mounted on structures no more than 10 percent taller than other adjacent structures; or~~

~~(iii) Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;~~

~~(b) (a) Each antenna is located inside an antenna enclosure of Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and;~~

~~(c) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume; and~~

~~(d) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards as specified by the FCC.~~

~~(b) Primary equipment enclosures are no larger than 17 cubic feet in volume. The following associated equipment may be located outside the primary equipment enclosure and, if so located, are not included in the calculation of equipment volume: electric meter, concealment, telecom demarcation box, ground-based enclosures, battery backup power systems, grounding equipment, power transfer switch, and cutoff switch.~~

~~(15)(13)~~ “Small cell network” shall mean and refer to a collection of interrelated small cell facilities designed to deliver personal wireless services.

(16) "Structure", for the purposes of this section, 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 personal wireless service (whether on its own or comingled with other types of services).

(17)(14) "Traffic Signal Poles" means a pole that supports equipment used for controlling traffic, including but not limited to traffic lights, rapid flashing beacons, speed radar, and school zone flashers.

(18)(15) "Transmission tower (support structure)" means a freestanding structure, other than a building, on which communication devices are mounted. Support structure types include, but are not limited to, monopoles, lattice towers, wood poles or guyed towers.

(a) "Guyed tower" means a support structure, consisting of metal cross strips or bars, which is steadied by wire guys in a radial pattern around the tower.

(b) "Lattice tower" means a support structure consisting of metal cross strips or bars to support antennas and related equipment.

(c) "Monopole" means a facility consisting of a single, pole support structure. (Ord. 2507 § 11, 1997).

(19)(16) "Unified Enclosure" shall mean a small cell facility providing concealment of antennas and equipment within a single enclosure.

(20)(17) "Utility Poles" shall mean a ~~wooden pole designated structure designed~~ and used primarily for the support of electrical wires, telephone wires ~~or~~, television cable, traffic signals, or lighting for streets, parking areas, or pedestrian paths.

(21)(18) "Wireless Communication Facilities" means facilities used for personal wireless services.

#### **20.59.010 Wireless communication facilities in RS and RM zones.**

Wireless communication facilities, not including small cell facilities, permitted as principal or accessory uses are subject to the provisions of this chapter and the following requirements:

(1) Accessory antenna devices, parabolic antennas two feet in diameter or less, omni-directional antennas less than six feet in length, directional antennas five feet or less in height with a combined surface area of not more than 580 square inches as viewed from any one point, and stealth antennas are permitted subject to the performance standards set forth in PMC [20.59.040](#) and subject to meeting the following criteria:

(a) The antenna is attached to an existing structure;

(b) The antenna does not extend more than 10 feet above the top of the structure; and

(c) The related equipment is not located in the right-of-way.

(2) Freestanding parabolic antennas greater than two feet in diameter and associated support structure are subject to the performance standards set forth in PMC [20.59.040](#) and subject to meeting the following criteria:

(a) The antenna and associated support structure are not located within any required landscaped setbacks, front or side yard setback, or in the area located between the front setback line and the front of the building; and

(b) The antenna and associated support structure does not extend more than 10 feet above the adjoining grade.

(3) Attached or freestanding antennas and associated support structures which are not specifically permitted under subsection (1) or (2) of this section or which exceed the associated criteria shall comply with the following requirements:

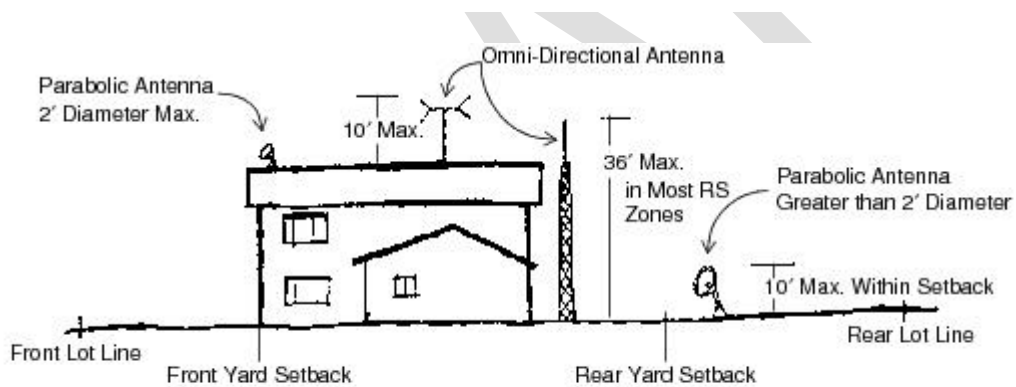
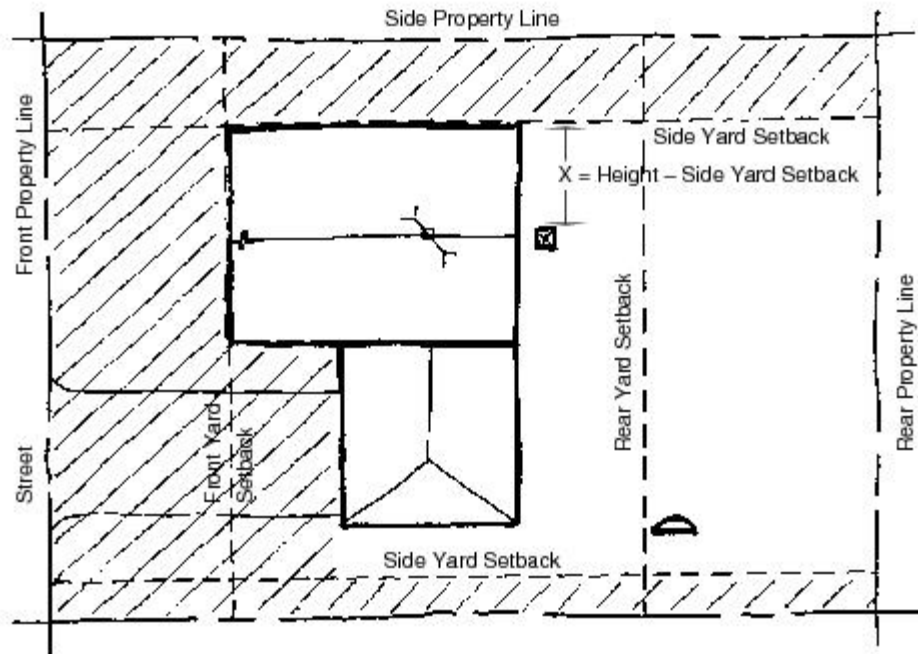
(a) The antenna and support structure shall be subject to the maximum building height for the corresponding zone in which it is located as set forth in PMC [20.20.020](#)(9) for RS-zoned property, PMC [20.25.020](#)(8) for RM-zoned property; said height restriction shall not be subject to granting of a variance;

(b) The antenna and associated support structure shall not be located within any required landscaped setback, front or side yard setback, or in the area located between the front setback line and the front of the building;

(c) The antenna and associated structure shall comply with required building setbacks and shall be set back from the required side yard setback an additional one foot for each foot of height over 10 feet;

(d) The antenna and associated structure shall comply with the performance standards set forth in PMC [20.59.040](#); and

(e) No more than one freestanding support structure shall be permitted per lot. (Ord. 2954 § 16, 2010; Ord. 2507 § 11, 1997).



Note: Only one freestanding antenna structure permitted per lot.

### Example of Wireless Communication Facilities Located in RS and RM Zones

#### 20.59.020 Wireless communication facilities in OP, C, MX, M, FAIR, MED and PF zones.

Wireless communication facilities, not including small cell facilities, permitted as principal or accessory uses, or by conditional use permit, are subject to the provisions of this chapter and the following requirements:

(1) Facilities as an Accessory Use in OP, C, MX, M, FAIR, MED and PF Zones. The following facilities are permitted as accessory uses in OP, C, MX, M, FAIR, MED or PF zones subject to compliance with the performance standards set forth in PMC [20.59.040](#) and the following requirements:

(a) Attached accessory antenna devices, parabolic antennas two feet or less in diameter, omni-directional antennas six feet or less in length, directional antennas five feet or less in height with a combined surface area of not more than 580 square inches as viewed from any one point, and stealth antennas, and not extending more than 15 feet above the roof surface of the structure, provided that the related equipment is not located in the right-of-way;

(b) Attached parabolic antennas greater than two feet in diameter, omni-directional antennas greater than six feet in length, and directional antennas greater than five feet in height with a combined surface area of more than 580 square inches as viewed from any one point shall also comply with the following requirements:

(i) The antenna and associated support structure shall be set back two feet from any exterior building wall for every one foot of height measured from the surface of the roof, except when incorporated as an architectural feature of the building or screened from view from any public right-of-way or residential zone;

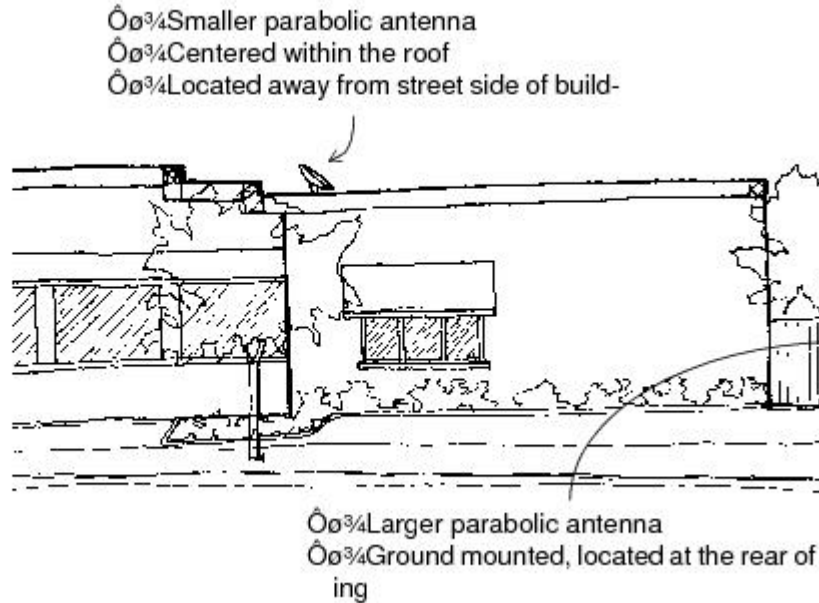
(c) Freestanding parabolic antennas and associated support structures shall be subject to the following criteria:

(i) The antenna and associated support structure are not located within any required landscaping, front or side yard setback, or in the area located between the front setback line and the front of the building;

(ii) The antenna and associated support structure does not extend more than 10 feet above the adjoining grade; and

(iii) The antenna and associated support structure is screened from view from any public right-of-way or residential zone in accordance with the screening requirements for exterior mechanical devices set forth in PMC [20.28.045](#)(1) in OP zones, PMC [20.30.045](#)(1) in C zones, PMC [20.31.040](#)(1) in MX zones, PMC [20.35.035](#)(1) in M zones, PMC [20.37.020](#)(2) in FAIR zones, PMC [20.43.045](#)(1) in

MED zones and PMC [20.44.045](#)(1) in PF zones.



#### Example of Parabolic Antenna Size, Placement, and Screening in OP, C, MX, M, FAIR, MED and PF Zones

(2) Facilities as a Permitted Use in OP, C, MX, M, FAIR, MED and PF Zones. The following facilities are permitted as a primary use in an OP, C, MX, M, FAIR, MED and PF zone subject to compliance with the performance standards set forth in PMC [20.59.040](#) and the following requirements:

(a) Attached accessory antenna devices, parabolic antennas two feet or less in diameter, omni-directional antennas six feet or less in length, and directional antennas five feet or less in height with a combined surface area of not more than 580 square inches as viewed from any one point, and stealth antennas, and not extending more than 15 feet above the roof surface of the structure, provided that the related equipment is not located in the right-of-way;

(b) Attached parabolic antennas greater than two feet in diameter, omni-directional antennas greater than six feet in length, directional antennas greater than five feet in height with a combined surface area of more than 580 square inches as viewed from any one point, and stealth antennas shall also comply with the following requirements:

(i) The antenna and associated support structure shall be set back two feet from any exterior building wall for every one foot of height measured from the surface of the roof, except when incorporated as an architectural feature of the building or screened from view from any public right-of-way or residential zone;

(c) Freestanding antennas and associated support structures shall be subject to the following criteria:

(i) The antenna and associated support structure are not located within any required landscaping, front or side yard setback, or in the area located between the front setback line and the front of the building;

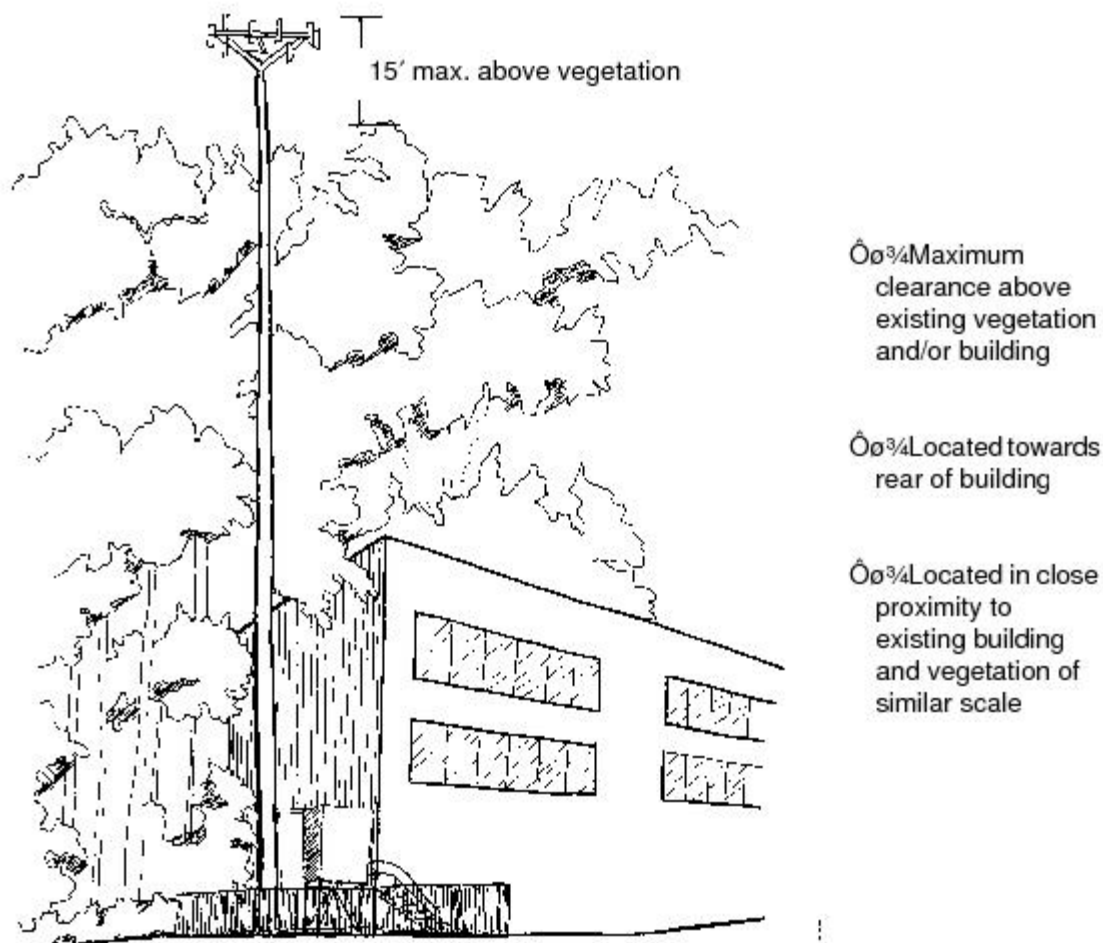
(ii) The antenna and associated support structure complies with the maximum building height provisions and corresponding setbacks for buildings in the zone in which the antenna and structure are located, except as follows:

(A) If the associated support structure can be screened from view from public rights-of-way and residential zones by existing buildings or vegetation as determined by the Director or designee, the corresponding setback may be reduced; and

(iii) The equipment shelter or cabinet is screened from view from any public right-of-way or residential zone in accordance with the screening requirements for exterior mechanical devices set forth in PMC [20.35.035](#).

(3) Facilities as a Conditional Use in OP, C, MX, M, FAIR, MED and PF Zones. Freestanding antennas and associated support structures which exceed the maximum permitted building height, or encroach within required setbacks for the zone in which the antenna and structure are located except as permitted in subsection (2)(c)(ii)(A) of this section, or are not able to comply with one or more of the performance standards set forth in PMC [20.59.040](#) are only allowed upon issuance of a valid conditional use permit pursuant to Chapter [20.80](#) PMC. (Ord. 2954 § 17, 2010; Ord. 2528 §§ 1, 2, 1997; Ord. 2507 § 11, 1997).





#### Example of Freestanding Monopoles/Towers in OP, C, MX, M FAIR, MED and PF Zones

#### 20.59.040 Performance standards.

The following special requirements and performance standards shall apply to any wireless communication structure or facility, except small cell facilities:

(1) Facility Preference. Proposed antennas, and associated equipment and structures and placement shall be evaluated for approval and use in the following order of preference:

- (a) Stealth ~~antennas~~ antenna;
- (b) ~~Attached facilities~~ Attachment of the proposed antennas and associated equipment to an existing structure, which does not include a monopole or freestanding facility, only when subsection (1)(a) cannot be reasonably accomplished;

(c) ~~Co-location facilities~~ Attachment of the proposed antennas and associated equipment to an existing structure, which already holds one or more wireless communication facility and may include a monopole or freestanding facility, only when subsection (1)(a) or (1)(b) cannot be reasonably accomplished;

(d) Freestanding facilities which extend no more than 15 feet above adjacent existing vegetation or structures, only when subsections (1)(a), (1)(b) or (1)(c) cannot be reasonably accomplished; or

(e) Freestanding facilities which extend more than 15 feet above adjacent existing vegetation or structures, only when subsections (1)(a) through (1)(d) cannot be reasonably accomplished.

If the applicant chooses to construct new freestanding facilities, the burden of proof shall be on the applicant to show a facility of a higher order of preference cannot reasonably be accommodated on the same or other properties. The city reserves the right to retain a qualified consultant at the applicant's expense, to review the supporting documentation for accuracy;

(2) Co-Location. Shared use of support structures and other associated facilities by multiple parties is encouraged. Prior to city approval of any new freestanding ~~transmission tower~~ facility:

(a) The applicant shall provide proof of inability to locate on an existing tower facilities structure in the immediate vicinity due to the following:

(i) Refusal of the ~~tower-structure~~ owner to provide space at a fair rate of compensation; or,

(ii) The existing ~~tower-structure~~ location or configuration is incompatible with the applicant's system.

(b) The applicant shall provide proof of notification and an offer of ~~co-location~~ opportunities ~~to-for~~ other service providers to locate on the freestanding facility. As a condition of city approval of any new freestanding transmission towers, the applicant shall comply with the following requirements:

(i) The applicant shall agree to sign ~~and record with the Pierce County auditor's office~~, a legally binding agreement limiting any co-location costs assessed to other carriers to

a pro rata share of the ground lease, site acquisition cost, design, capital costs for construction of the tower including associated permitting costs, and reasonable maintenance, repair and replacement costs; and

(ii) The applicant shall size, design and construct the transmission tower and related equipment to accommodate future ~~co-location~~ attachment by other wireless communication facilities, and shall ensure the availability of adequate space to accommodate associated equipment shelters/cabinets;

(3) Critical Areas. No antenna shall be located in a critical area or associated buffer required by the city's environmentally critical areas management ordinance (Chapter [21.06](#) PMC), except when determined to be exempt pursuant to Article IV of said ordinance;

(4) State and Federal Preemption. Federal law prohibits consideration of environmental effects of radio frequency emissions to the extent that the proposed facilities comply with the Federal Communications Commission regulations concerning emissions. All other city regulations shall apply unless specifically preempted by state or federal authority;

(5) Visual Impacts. Wireless communication facilities shall be located and installed in such a manner so as to minimize the visual impact on the skyline and surrounding area in the following manner:

(a) Antennas may not extend more than 10 feet in RS and RM zones and 15 feet in all other zones, above their supporting structure, monopole, lattice tower, building or other structure, or surrounding vegetation;

(b) Site location and development shall preserve the pre-existing character of the surrounding buildings, land use and the zone district to the extent possible, while maintaining the function of the communications equipment. Wireless communication facilities shall be integrated through location, siting and design to blend in with the existing characteristics of the site through application of the following measures:

(i) Existing on-site vegetation shall be preserved insofar as possible or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area;

(ii) Location of facilities close to structures or vegetation of a similar height;

(iii) Location of facilities toward the center of the site, and location of roof-mounted facilities toward the interior area of the roof, in order to minimize view from adjacent properties and rights-of-way;

(iv) Location of facilities within interior side and rear yards; and

(v) Incorporation of the antenna, associated support structure and equipment shelter as a building element or architectural feature;

(c) Related equipment facilities used to house wireless communications equipment shall be located within buildings or placed underground when possible. When they cannot be located in buildings or placed underground, equipment shelters or cabinets shall be screened. Alternate methods for screening may include the use of building or parapet walls, sight-obscuring fencing and/or landscaping, screen walls or equipment enclosures; and

(d) Wireless communication facilities and related equipment facilities shall be of neutral colors such as white, gray, blue, black or green, or similar in building color in the case of facilities incorporated as part of the features of a building, unless specifically required to be painted another color by a federal or state authority. Wooden poles are not required to be painted;

(6) Signage. No signage, message or identification other than the manufacturer's identification and FCC required notices are allowed to be portrayed on any antenna, and permitted identification shall not exceed 10 percent of the surface area, and no signage or advertising shall be allowed above the height of the perimeter fencing except for the manufacturer's identification described above;

(7) Lighting and Security. Wireless communication facilities shall not be illuminated except for security reasons or unless required by a federal or state authority. Building-mounted lighting and aerial-mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source. Ground-mounted floodlighting or light projecting above the horizontal plane is prohibited between midnight and sunrise. All lighting, unless required by the Federal Aviation Authority (FAA) or other federal or state authority, shall be shielded so that the direct illumination is confined to the property boundaries of the light source;

(8) Noise. No equipment shall be operated so as to produce noise in violation of Chapter [6.16](#) PMC (Noise Control);

(9) Minor Modifications. Minor modifications to existing wireless communication facilities, including the installation of additional antenna(s), for which a valid conditional use permit exists (if one was required previously), may be approved by the Director or designee, provided it is determined there is minimal or no change in the visual appearance and said modifications comply with the performance standards set forth in this chapter.

~~(a) Co-location on Existing Wireless Communication Facilities. In all zones except RS and RM an increase in height related to an existing, lawfully permitted wireless communication facility may be permitted administratively if such addition of height would not increase the existing height of such facility by more than 10 percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater. All other performance standards set forth in this chapter shall apply to such co-location height extension proposals, including the facility preference requirements of subsection (1) of this section and the visual impacts standards of subsection (5)(a) of this section;~~

(10) Abandonment or Obsolescence. Any wireless communication facility shall be removed by the facility owner or authorized agent within six months of the date it ceases to be operational or if the facility falls into disrepair. ~~"Disrepair," as used in this section, refers to a facility or structure which has become so damaged or deteriorated on account of age, the elements, wear and tear, or other cause, that it has become a threat to public safety or would constitute a public nuisance as defined in the Puyallup Municipal Code.~~ (Ord. 3073 § 31, 2014; Ord. 2954 § 18, 2010; Ord. 2507 § 11, 1997).

#### **20.59.050 Small Cell Facilities.**

In order to manage its right-of-way and the proliferation of small cell technology within the ~~City~~ city in a thoughtful manner which balances the need to accommodate new and evolving technologies with the preservation of the natural and aesthetic environment of the city while complying with the requirements of state and federal law, the city has adopted this process for the deployment of small cell technology. Small cell facilities are permitted in all zoning districts in the ~~City~~ city, subject to the following special requirements and performance standards. PMC 20.59.040 shall not apply to small cell facilities. The application and records process described in Chapter 20.11 PMC shall not apply to the processing of small cell permit applications.

- (1) **Franchise Master Permit.** An applicant is responsible for obtaining a ~~franchise master permit~~ if the proposed small cell ~~network is facilities are~~ located within the rights-of-way. Administrative review of a small cell permit may occur in parallel with the ~~franchise process; provided, however, that the small cell permit will not be issued until the applicant is granted a franchise by the city council master permit approval process; provided, however, that the small cell permit will not be issued until the applicant receives a master permit as approved by the City Engineer.~~
- (2) **Lease.** An applicant is responsible for obtaining a lease agreement if the proposed small cell facilities are located on city-owned infrastructure. Administrative review of a small cell permit may occur in parallel with the lease process; provided, however, that the small cell permit will not be issued until the applicant is granted a lease by the Public Works Director.
- (3) **(2) Application.** Applicants shall apply ~~using the for a~~ small cell permit ~~application form~~ and submit a fee deposit commensurate with the estimated administrative costs of processing the small cell permit application. The fee deposit level shall be set by the Director.
- ~~(a) The applicant shall provide a map identifying the geographic boundaries for the small cell deployment.~~
- ~~(a) (b)~~ The application shall provide specific locational information including GIS coordinates of all facilities, ~~and specify whether and where proposed~~ small cell facilities ~~are to be located on existing poles, or and specify whether the small cell facilities~~ will utilize ~~existing, replacement poles, or~~ new poles, towers, existing buildings and/or other structures. ~~Conduit and/or ground-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. 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 the applicant must indicate how it expects to obtain fiber and electric service to the small cell facility. Detailed schematics and visual renderings, ~~including photo simulations, of the small cell facilities, including engineering and design drawings,~~ shall be provided by the applicant. The ~~applicant must show that it has an underlying lease right or other authorization from the owner of (c) the pole or structure for the installation of its small cell facilities on such pole or structure. For city-owned poles or structures, the applicant must obtain a lease agreement from the city.~~ application shall have sufficient detail to identify:
- (i) The type and location (horizontally and vertically) of all existing utilities (electrical, communication, cable, water, sewer, stormwater, etc.) within 50 feet of the proposed

- project area (which the project area shall include the location of the proposed fiber source and power source).
- (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) All existing improvements related to the proposed location, including but not limited to poles, driveways, ADA ramps, equipment cabinets, street trees and structures within 50 feet from the proposed site.
- (iv) Compliance with the aesthetic requirements of this Section 20.59.050.
- (b) The applicant must show written approval from the owner of any pole or structure for the installation of its small cell facilities on such pole or structure. Such written approval shall include approval of the specific pole, engineering and design standards from the pole owner, unless the pole owner is the city. Submission of the lease agreement between the owner and the applicant is not required. For city-owned poles or structures, the applicant must obtain a lease from the city prior to or concurrent with the small cell facility permit application and must submit as part of the application the information required in the lease for the city to evaluate the usage of a specific pole.
- (c) If the application is for a new pole or a replacement light pole, then the applicant must provide a photometric analysis.
- (d) The applicant can batch multiple small wireless facility sites in one application. The applicant is encouraged to batch the small wireless facility sites within an application in a contiguous service area.
- (e) Any application for a small cell facility located in the right-of-way adjacent to a parcel zoned for residential use shall demonstrate that it has considered the following:
- (i) Whether a small cell facility is currently installed on an existing pole in front of the same residential parcel. If a small cell 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 cell facility can be screened from residential view by choosing a pole location that is not directly in front of a window or views.

- ~~(d) Up to twenty (20) sites may be specified in one small cell permit application for processing. The Director may allow up to five (5) additional sites in one application in order to consider small cell facility sites within one contiguous service area in one application.~~
- ~~(e) If more than one application for a small cell permit is submitted by an applicant, they shall be considered in the order received. If multiple applications are submitted on the same date, the applicant shall indicate which application should be considered first.~~
- ~~(i) Any element of a deployment which qualifies as an eligible facilities request shall be specifically designated by the applicant and may be addressed separately by the Director in order to comply with the requirements in Chapter 20.59A PMC.~~
- ~~(f) The Director may approve, deny or conditionally approve all or any portion of the sites proposed in the small cell permit application. The denial of one or more small cell facility locations within a submission described in subsection (d) above shall not be the sole basis for a denial of other locations or the entire application for small cell facilities.~~
- (f) (g) Any application for a small cell permit which contains an element which is not exempt from SEPA review shall simultaneously apply under Chapter 43.21C RCW and Chapter 21.04 PMC. Further, any application proposing small cell facilities in Shoreline Management Zones (pursuant to the city's Shoreline Management Program) or in Critical Areas (pursuant to PMC Chapter 21.06) must indicate that the application is exempt or comply with the review processes in such codes.
- (g) (h) The applicant shall submit a sworn affidavit signed by an RF engineer with knowledge of the proposed project affirming that the small cell deployment 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 cell facility will operate. If additional transmission facilities necessary to the small cell facility, such as microwave backhaul, are to be provided by a third party, then the small cell permit shall be conditioned on an RF certification showing the cumulative impact of the RF emissions of the entire installation. The applicant may provide one emissions report for the entire small cell deployment if the applicant is using the same small cell facility configuration for all installations within that batch, or may submit one emissions report for each subgroup installation identified in the batch.
- (h) (i) The applicant shall provide proof of FCC and other regulatory approvals required to provide the service(s) or utilize the technologies sought to be installed.
- (i) A professional engineer licensed by the State of Washington shall certify in writing, over his or her seal, that both construction plans and final construction of the small cell facilities and



structure or pole and foundation are designed to reasonably withstand wind and seismic loads, or in the case of a utility owned structure, written confirmation that the pole will support the additional loads.

(j) Applications filed under this title shall be numbered consecutively in the order of their filing, and shall become a part of the official records of the city. Copies of all notices, application materials, staff reports, and actions shall state the file number and be filed with the application.

(k) Applicants shall submit a traffic control plan and information for right of way obstruction permit.

(l) Recognizing that small cell facility technology is rapidly evolving, the Director is authorized to adopt and publish standards for the technological and structural safety of city-owned structures and to formulate and publish application questions for use when an applicant seeks to attach to city-owned structures.

(4) (3) Application Review.

~~(a) Within 30 calendar days after receiving a small cell permit application, the Director shall mail, email, or provide in person a written determination to the applicant stating either:~~

~~(i) The application is complete; or~~

~~(ii) The application is incomplete and stating what is necessary to make the application complete, referencing the code provision, ordinance, application instruction or otherwise stated public procedure.~~

~~The Director shall notify the applicant within ten (10) days whether the supplemental information did not provide the information identified in the original notice delineating the missing information.~~

~~(b) The written determination shall also identify other agencies of local, state or federal governments that may have jurisdiction over some aspect of the application.~~

~~(c) An application shall be deemed complete if the Director does not provide a written determination to the applicant that the application is incomplete as provided in subsection (3)(a)(ii) of this section.~~

~~(d) The notice of final decision on a small cell permit application shall be issued consistent with any time period requirements established by state or federal law.~~

(a) A pre-application meeting is encouraged prior to submitting an application for a small cell permit. The purpose of a pre-application meeting is to discuss the nature of the proposed deployment of the small cell network, review process and schedule, and applicable plans, policies and regulations.

(b) The city shall make reasonable efforts to issue the small cell permit in a time period that adheres to the presumptively reasonable periods of time set by the FCC and also consistent with

any conflicting provisions of state or federal law, and the preservation of the city's health, safety and aesthetic environment.

(c) The Director may approve, deny or conditionally approve all or any portion of the sites proposed in the small cell permit application. The denial of one or more small cell facility locations within a batched submission shall not be the sole basis for a denial of other locations or the entire application for small cell facilities.

(d) ~~(e)~~ Any applicant may withdraw an application 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 proper 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 city costs incurred in processing the application prior to time of withdrawal. These city costs shall be based upon a determination by the Director of the total hours expended in project review from the time of project application to time of withdrawal, utilizing an hourly dollar amount for staff time as established by resolution. 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.

(e) ~~(f)~~ Any applicant may revise an application. Such revision shall be deemed to supersede the prior application documents. If such revision is significant enough to require a revised administrative review, the Director may assess another application fee equal to the amount required to review that application

(f) ~~(g)~~ Failure of an applicant to provide additional information as requested pursuant to subsection ~~(3)(a)(ii)~~ within sixty (60) days of notice by the Director shall be deemed a withdrawal of that application, unless an extension period has been approved by the Director.

(g) ~~(h)~~ If the applicant includes small cell facility locations within a residential or mixed use zone, the Director shall provide notice of a complete application for a small cell permit on the city's website with a link to the small cell permit application. The notice shall include an email contact and telephone number for the applicant to answer citizen inquiries.

~~(i) The Director, at his/her option, may allow an applicant to opt for expedited review. Absent such a request, the city will process applications on a first-come, first-served basis. An applicant requesting expedited review may select a third party consultant from a list established by the city through requests for qualifications or may propose an independent reviewing entity for review by the city. Such entity shall be engaged pursuant to a third-party contract. The applicant shall be responsible for paying all~~

~~costs incurred in the expedited review process. Nothing herein shall be deemed to require an applicant to utilize expedited review.~~

**~~(4) Administrative Review Process.~~**

~~(a) A pre-application meeting is required prior to submitting an application for a small cell permit. The purpose of a pre-application meeting is to discuss the nature of the proposed deployment of the small cell network, review process and schedule, and applicable plans, policies and regulations. Upon written request from the applicant, the Director may waive the pre-application meeting.~~

(h) ~~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 master permits, leases and the small cell 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 cell facility permit review under this Chapter shall neither prohibit nor have the effect of prohibiting the ability of an applicant to provide telecommunications services.~~

(i) ~~(b)~~ The Director shall use the criteria listed ~~in this Section below~~ when deciding upon the application. In addition, the Director may approve the application only if:

- ~~(i) It is consistent with PMC 20.59.050 and the Comprehensive Plan; and~~
- ~~(ii) It is consistent with the purpose and intent of the zone in which the site is located; and~~
- ~~(iii) It is consistent with the public health, safety and welfare.~~

(j) ~~(c)~~ The Director shall approve, approve with conditions or modifications, or deny an application. The Director shall include any conditions to ensure consistency with ~~City-city~~ zoning and utility regulations, and may include mitigation measures proposed under SEPA, if applicable. The applicant carries the burden of proof that a preponderance of the evidence supports approval of the application or approval with conditions or modifications.

~~(d) The Director shall distribute a written report supporting the decision and if approved shall issue the small cell permit. The report shall contain all of the following:~~

- ~~(i) The Director's decision;~~
- ~~(ii) Any conditions included as part of the decision; and~~
- ~~(iii) Information regarding how the applicant can request a reconsideration of the Director's decision.~~

(k) ~~(e)~~ Administrative review decisions (and any reconsideration of that decision) and SEPA threshold determinations are final decisions, effective on the day issued. The Director's decision is the city's final decision on the application and is not subject to administrative appeals.

(l) ~~(f)~~ Appeal to Superior Court. A final decision by the Director may be appealed to Superior Court.

(5) Permit Requirements.

(a) The grantee of any permit shall comply with all of the requirements within the small cell permit.

(b) Construction of the small cell facility must be completed within twelve (12) months after the approval date by the city. The grantee may request one (1) extension to be limited to six (6) months, if the applicant cannot construct the small cell facility within the original twelve (12) month period.

(c) Within thirty (30) days after construction of the small cell facility, the grantee shall provide the city with as-builts of the small cell facilities demonstrating compliance with the permit and site photographs.

(d) The grantee shall commence operation of the small cell facility no later than three (3) months after installation.

(e) The grantee must maintain the small cell 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.

(f) Modification to small cell facilities.

(i) If a grantee desires to make a modification to an existing small cell 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 new small cell permit.

(ii) A small cell permit shall not be required for routine maintenance and repair of a small cell facility, 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 cell facility, does not impact the structural integrity of the pole, and does not require pole replacement. As used in this section "similar size, weight, and height" shall mean no more than a 10% increase in any dimension. Further, a small cell facility permit shall not be required for replacing equipment within the equipment enclosure or reconfiguration of fiber or power to the small cell facility. Right-of-way use permits may be required for such routine maintenance, repair or replacement consistent with Title 11 PMC.

(g) Consolidated Permit

- (i) The issuance of a small cell permit for proposed facilities in the rights-of-way grants authority to construct small cell facilities in the rights-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 department. If the applicant requires a new master permit to utilize the right-of-way, the master permit approval may be consolidated with the small cell facility permit review if requested by the applicant. As an exercise of police powers pursuant to RCW 35.99.040(2), the small cell facility permit is not a right-of-way use permit, but instead a consolidated public works and land use permit and the city shall make every reasonable effort consistent with any conflicting provisions of state or federal law, and the preservation of the city's health, safety and aesthetic environment to comply with the federal presumptively reasonable time periods when issuing the small cell permit.
- (ii) The general standards applicable to the use of the rights-of-way described in Title 11 PMC shall apply to all small cell facility permits located in the right-of-way.

**(6) ~~(5)~~Wooden Utility Pole Design Standards.** Small cell facilities located on wooden utility poles shall conform to the following design criteria:

- (a) The utility pole at the proposed location may be replaced with a taller pole for the purpose of accommodating a small cell 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. Replacement wooden utility poles may either match the approximate color and materials of the replaced pole or shall be the standard new wooden utility pole used by the pole owner in the city.
- (b) 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. 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. A "pole extender" as used herein is an object affixed between the utility pole and the antenna for the purpose of increasing the height of the antenna above the pole.

- (c) 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 utility pole on which they are attached.
- (d) Multiple antennas are permitted on a utility pole provided that each antenna enclosure shall not be more than three (3) cubic feet in volume, with a cumulative total antenna volume not to exceed ~~nine (9) cubic feet, unless additional volume is technically necessary which in such cases the total volume may not exceed~~ twelve (12) cubic feet. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness.
- (e) Panel antennas shall not be mounted more than twelve (12) inches from the surface of the utility pole.
- (f) A canister antenna may be mounted on top of a utility pole, which may not exceed the height requirements described in subsection 5(a) above. A canister antenna mounted on the top of a utility pole shall not exceed the diameter of the pole by more than twelve (12) 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~~ install 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 utility pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the utility pole.
- (g) An omni-directional antenna may be mounted on the top of an existing utility 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.
- (h) All related equipment, including but not limited to ancillary equipment, radios, cables, associated shrouding, microwaves, and conduit which are mounted on utility 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.
- (i) Equipment for small cell facilities must be attached to the utility pole, unless otherwise permitted to be ground mounted pursuant to subsection ~~(8)(a9)(a)~~. The equipment must be placed in the smallest enclosure possible for the intended purpose. The equipment enclosure ~~may not exceed seventeen (17)~~ and all other wireless equipment associated with the utility pole (including but not limited any conduit, disconnect switches and meters), 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 all associated equipment does not cumulatively exceed ~~seventeen (17)~~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, if such ~~banners or~~ road signs are allowed by the pole owner and city code, provided that such location does not interfere with the operation of the road signs or the small cell facility.

- (j) An applicant who desires to enclose both its antennas and equipment within ~~a Unified Enclosure~~ one unified enclosure may do so, provided that such ~~Unified Enclosure does not exceed four (4)~~ cubic feet. ~~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. The Unified Enclosure enclosure is the minimum size necessary for its intended purpose and the enclosure and all other wireless equipment associated with the pole, (including but not limited any conduit, disconnect switches and meters), 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 six (6) inches from the surface of the pole, unless a further distance is ~~technically~~ required and confirmed in writing by the pole owner. To the extent possible, the unified enclosure shall be placed so as to appear as an integrated part of the pole or behind road signs, provided that such location does not interfere with the operation of the road signs or the small cell facility.
- (k) Any equipment or antenna enclosures must meet WSDOT height clearance requirements.
- (l) ~~(k)~~ The visual effect of the small cell facility on all other aspects of the appearance of the utility pole shall be minimized to the greatest extent possible.
- (m) ~~(l)~~ The use of the utility pole for the siting of a small cell facility shall be considered secondary to the primary function of the utility pole. If the primary function of a utility pole serving as the host site for a small cell facility becomes unnecessary, the utility pole shall not be retained for the sole purpose of accommodating the small cell facility and the small cell facility and all associated equipment shall be removed.
- (n) ~~(m)~~ 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 cell.
- (o) The diameter of a replacement pole shall comply with the city's setback and sidewalk clearance requirements and shall not be more than a 25% increase of the existing utility pole measured at the base of the pole.



(p) ~~(h)~~ Glulam poles are specifically prohibited.

(q) ~~(g)~~ There is no collocation requirement for small cell facilities located on utility poles.

(7) ~~(6)~~ **Small Cell Facilities Attached to Light Poles and Other Non-Wooden Poles.** Small cell facilities attached to existing or replacement non-wooden light poles and other non-wooden poles in the right of way or poles outside of the right of way shall conform to the following design criteria:

- (a) Antennas and the associated equipment enclosures shall be fully concealed within the pole, unless such concealment is otherwise technically infeasible or is incompatible with the pole design, then the antennas and associated equipment enclosures must be camouflaged to appear as an integral part of the pole or flush mounted (no more than six inches off the pole) to the pole in a manner that integrates the equipment enclosure into the design of the pole and minimizes clutter and visual impact. If the equipment enclosure is permitted on the exterior of the pole, 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 visibility of the signs or the operation of the small cell facility. For purposes of this section, “incompatible with the pole design” may include a demonstration by the applicant that the visual impact to the pole or the streetscape would be reduced by placing the antennas and equipment exterior to the pole.
- (b) All conduit, cables, wires and fiber must be routed internally in the light 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.
- (c) 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.
- (d) The height of any replacement pole may not extend more than ten (10) feet above the height of the existing pole.
- (e) The diameter of a replacement pole shall comply with the ~~City's~~ city's setback and sidewalk clearance requirements, shall not be more than a 25% increase in the diameter of the existing pole measured at the base of the pole, and shall comply with the requirements in subsection ~~(8)(e9)(e)~~ below. ~~If additional diameter is needed in order to conceal equipment within the base of the pole, then the applicant shall propose a concealment element design consistent with subsection (9)(c) below.~~
  - (i) If additional diameter is needed in order to conceal equipment or conduit within the base of the pole, then the applicant shall propose a concealment element design consistent with subsection (10)(c) below.



- (f) 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 the diameter of the pole by more than twelve (12) inches, measured at the top of the pole, unless the applicant can demonstrate that more space is 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.

(g) ~~(g)~~ Any equipment or antenna enclosures must meet WSDOT height clearance requirements.

- (h) ~~(g)~~ The use of the light pole for the siting of a small cell facility shall be considered secondary to the primary function of the light pole. If the primary function of a light pole serving as the host site for a small cell facility becomes unnecessary, the light pole shall not be retained for the sole purpose of accommodating the small cell facility and the small cell facility and all associated equipment shall be removed.

(8) ~~(7)~~ **Small Cell Facilities Attached to Existing Buildings.** Small cell facilities attached to existing buildings, shall conform to the following design criteria:

- (a) Small cell facilities may be mounted to the sides of a building if the antennas do not interrupt the building's architectural theme.
- (b) The interruption of architectural lines or horizontal or vertical reveals is discouraged.
- (c) 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.
- (d) Small cells shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building.
- (e) 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.
- (f) Small cell facilities shall be painted and textured to match the adjacent building surfaces.

(9) ~~(8)~~ **General Requirements.**

- (a) Ground mounted equipment in the rights of way is prohibited, unless such facilities are placed underground or the applicant can demonstrate that pole mounted or underground equipment is technically infeasible. If the applicant builds an underground vault it should design such vault to allow for co-location of additional equipment. If ground mounted equipment is necessary, then the applicant shall submit a concealment element design, as described in subsection ~~(9)(c)~~ (10)(c). Generators located in the rights of way are prohibited.

- (b) No equipment shall be operated so as to produce noise in violation of Chapter 6.16 PMC (Noise Control)
- (c) Small cell facilities are not permitted on traffic signal poles.
- (d) Small cell facilities are not permitted on ornamental poles, which are described in the City-city Standards for Public Works Engineering and Construction Manual.
- (e) Replacement poles and new poles shall comply with the American with Disabilities Act (ADA), city construction and sidewalk clearance standards, and state and federal regulations in order to provide a clear and safe passage within the rights-of-way.
- (f) Replacement poles shall be located as near as possible to the existing pole with the requirement to remove the abandoned pole.
- ~~(g) A small cell permit shall not be required for routine maintenance and repair of a small cell facility within the rights-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 cell facility and does not impact the structural integrity of the pole. Right-of-way use permits may be required for such routine maintenance, repair or replacement.~~
- (g) ~~(h)~~ The design criteria as applicable to small cell facilities described herein shall be considered concealment elements and such small cell The design approved in a small cell permit shall be considered concealment elements and such facilities may only be expanded upon an eligible facilities request Eligible Facilities Request described in Chapter 20.59A PMC, when the modification does not defeat the concealment elements of the small cell facility.
- (h) ~~(i)~~ 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, and any such signage on equipment enclosures shall be of the minimum amount possible to achieve the intended purpose; provided that, signs are permitted as concealment element techniques where appropriate.
- (i) ~~(j)~~ 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 design, as described in subsection ~~(9)(e10)(c)~~.
- (j) ~~(k)~~ Side arm mounts for ~~antennas or equipment are prohibited. enclosures are prohibited. Further,~~ antennas placed on side arm mounts must comply with the requirements in 20.59.050(6)(f) above, and may not be placed on any pre-existing side-arm mount that extend over the vehicular portion of the rights of way.

(k) ~~(h)~~ Any small cell facility shall be removed by the facility owner or authorized agent within six months of the date it ceases to be operational or if the facility falls into disrepair. "Disrepair," as used in this section, refers to a facility or structure which has become so damaged or deteriorated on account of age, the elements, wear and tear, or other cause, that it has become a threat to public safety or would constitute a public nuisance as defined in the Puyallup Municipal Code.

(l) ~~(m)~~ The preferred location of a small cell facility on a pole is the location with the least visible impact.

(m) ~~(n)~~ Antennas, equipment enclosures, and ancillary equipment, conduit and cable, shall not dominate the building or pole upon which they are attached.

(n) ~~(o)~~ The ~~City-city~~ may consider the cumulative visual effects of small cells mounted on poles within the rights-of-way when assessing proposed siting locations so as to not adversely affect the visual character of the ~~Citycity~~.

(o) ~~(p)~~ Small cell facilities are not permitted on any property containing a residential use in the RS zone.

(p) Small cell 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.

(q) The design standards in this Section 20.59.050 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, nor prohibits or has the effect of prohibiting the provision of personal wireless services.

**(10)~~(9)~~ New Poles in the Rights-of-Way for Small Cell Facilities.**

(a) New poles within the rights-of-way are only permitted if the applicant can establish that:

(i) The proposed small cell 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 a public park, 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;

(ii) The proposed small cell facility complies with the general design requirements in subsection (9) above.

(iii) ~~(ii)~~ ~~The proposed wireless communications~~ The proposed small cell facility receives approval for a concealment element design, as described in subsection (c);

(iv) ~~(iii)~~ The proposed ~~wireless communications~~ small cell facility also complies with shoreline and SEPA, if applicable; and

(v) ~~(iv)~~ No new poles shall be located in a critical area or associated buffer required by the ~~City's~~ city's environmentally critical areas management ordinance (Chapter 21.06 PMC), except when determined to be exempt pursuant to Article IV of said ordinance.

(b) An application for a new pole in the right-of-way is subject to administrative conditional use permit review pursuant to Chapter 20.81 PMC.

(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 wireless communications facility, including but not limited to fiber and power connections.

(i) The concealment element design should seek to minimize the visual obtrusiveness of wireless communications facility installations. The proposed pole or structure should have similar designs to existing neighboring poles in the rights of way, including to the extent technically feasible similar height. 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 or otherwise integrated into the design of the structure. Further, applicant designs should, to the extent technically possible, comply with the generally applicable design standards adopted pursuant to subsection (7) above.

(ii) If the Director has already approved a concealment element design either for the applicant or another wireless communications 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~~ technically feasible, or that such deployment would overwhelm the pole design.

- (d) Even if an alternative location is established pursuant to subsection ~~(9)(a)(i10)(a)(i)~~, the Director may determine, pursuant to an administrative conditional use permit, that a new pole in the right-of-way is in fact a superior alternative based on the impact to the ~~City~~ city, the concealment element design, the ~~City's~~ city's Comprehensive Plan and the added benefits to the community.
- (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 city to locate such new pole or ground mounted equipment. This requirement also applies to replacement poles ~~that are~~ when the replacement is necessary for the installation or attachment of small cell facilities, the replacement structure is higher than the replaced ~~pole~~ structure, and the overall height of the replacement ~~pole~~ structure and the ~~proposed wireless communications small cell~~ facility is more than sixty (60) feet.