



Planning Commission Meeting Agenda

Puyallup City Council Chambers

333 South Meridian, Puyallup

Wednesday, January 24, 2018

6:30 PM

ROLL CALL

APPROVAL OF THE AGENDA

WORKSESSION TOPICS

Small Cell Wireless - Introduction of draft code text

[Puyallup, Draft Small Cell Wireless revisions to PMC Sec. 20.59, 01-18-18.pdf](#)

OTHER COMMISSION BUSINESS

CITIZEN COMMENTS - Time permitting and addressing items on the agenda

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: Tom Utterback

Submitting Department: Development Services

Meeting Date: 1/24/2018

Subject:

Small Cell Wireless - Introduction of draft code text

Presenter:

Tom Utterback/Rachael Brown

Recommendation:

Receive a staff presentation on Small Cell Wireless Facilities and provide input on policy questions related to the draft code standards

Background:

On 12/13/17, staff provided the Planning Commission an introductory briefing on "Small Cell Wireless" facilities, which refers to smaller-scale antenna-support equipment used by wireless service providers. As opposed to "macro" facilities, which are larger/higher wireless antennas often mounted to towers and buildings, small cell facilities can be placed on smaller/lower platforms such as utility poles and light standards within street rights-of-way. Given an expected increase in the demand for small cell facilities within Puyallup rights-of-way, City staff - in concert with attorneys with a multi-city consortium on this topic - are proposing new code standards intended to facilitate the growing deployment of this technology while still protecting City right-of-way priorities.

On January 24th, staff is presenting draft code standards for initial Planning Commission review, consisting of new text amendments to the existing PMC Sec. 20.59 (Wireless Communications), which currently mostly addresses macro facilities. This draft code text, which has already been initially reviewed by several private wireless providers (with comments from those providers incorporated herein), was primarily drafted by Elana Zana, outside legal counsel for the consortium. Ms. Zana, along with City staff, will be present on January 24th to initially review this material for the Commission. In the attached draft copy, there are two portions of code with new/revised text: those terms which are highlighted on pgs. 1-3 in Sec. 20.59.005 (Definitions), and all of the proposed text under new Sec. 20.59.050 (Small Cell Code Facilities), beginning on pg. 13. In summary, the draft code proposes new standards for:

- updated code definitions to address the unique small-cell attributes.
- procedures for a new "small cell permit" under which City staff would administratively review these proposals. These small cell permits are tied to associated City franchise agreements (which any private carrier must have to operate in City rights-of-way) and right-of-way use permits. These procedures outline the application submittal requirements and the steps in the City review process - which is heavily affected by corresponding mandated Federal statutes.
- standards for the placement of antennas and support equipment on both "utility poles" (i.e.

wooden poles owned by PSE which may or may not contain street lights) and "light poles" (i.e. metal standards owned by the City). This code will address the maximum size, # and design of antenna equipment to be mounted on existing poles, including situations where a provider proposes to install new right-of-way poles either to replace an existing pole or where no suitable pole currently exists. It also addresses small cell proposals for poles and similar platforms outside of rights-of-way.

On January 24th, staff anticipates initial Commission review/input on the draft code text. We expect to bring this topic back for further discussion at the subsequent February 7th session, with a public hearing to follow on February 28th. As noted on December 13th, the City is trying to expeditiously codify these standards by late March, in the event that the State Legislature adopts pre-emptive standards for these. Among the policy questions we intend to raise on January 24th are:

- o should the City's green ornamental poles, used for street lights in select downtown locations, be under consideration for (vs. excluded from) antenna placement under this code?
- o should providers be encouraged to seek public input on their small cell permit plans?
- o direction is desired on proposed size limits for possibly increasing the diameter of standard poles in a replacement pole scenario.
- o some carriers are expressing initial concern with a draft standard which would potentially allow the City to consider the cumulative visual effect of existing pole-mounted antennas in a particular area when determining whether further antennas should be approved in that vicinity.
- o whether, in certain instances, alternative small cell configurations should be allowed upon a finding that the proposal provides "equal or better" aesthetic treatment than the base code design standards.

Council Direction:

Receive a staff presentation on Small Cell Wireless Facilities and provide input on policy questions related to the draft code standards

Fiscal Impacts:

ATTACHMENTS

- [Puyallup, Draft Small Cell Wireless revisions to PMC Sec. 20.59, 01-18-18.pdf](#)

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.

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.

- (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.
 - (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) "Director" is the Development Services Director.
- (5) "Equipment shelter or cabinet" means a room, cabinet or building used to house equipment for utility or service providers.
- (6) "Facility" 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.
 - (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.
- (8) "Light Pole" means a pole used primarily for lighting streets, parking areas, parks or pedestrian paths.
- (9) "Ornamental Pole" means a City-owned decorative pole, which may provide lighting.
- (10) "Personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.
- (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:
 - (a) Each antenna is located inside an antenna enclosure of 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
 - (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, telecomm demarcation box, ground-based enclosures, battery backup power systems, grounding equipment, power transfer switch, and cutoff switch.
- (13) "Small cell network" shall mean and refer to a collection of interrelated small cell facilities designed to deliver personal wireless services.

- (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.
- (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).
- (16) "Unified Enclosure" shall mean a small cell facility providing concealment of antennas and equipment within a single enclosure.
- (17) "Utility Poles" shall mean a wooden pole designated and used primarily for the support of electrical wires, telephone wires or television cable.
- (18) "Wireless Communication Facilities" means facilities used for personal wireless services.

20.59.010 Wireless communication facilities in RS, RM and CMX 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:

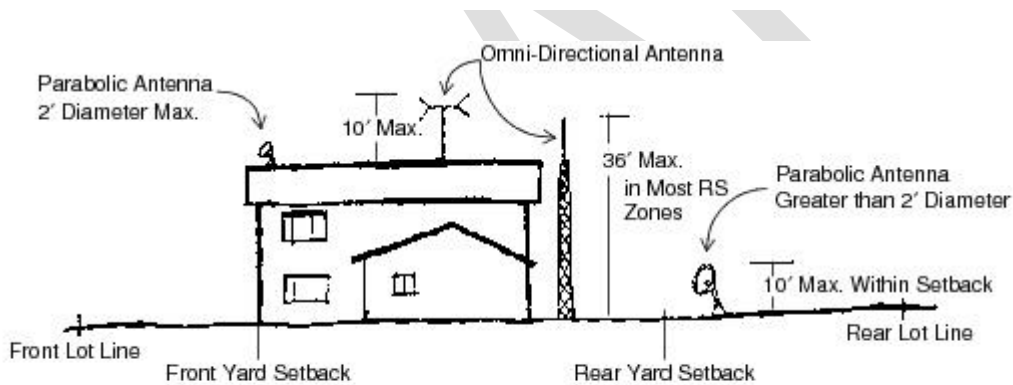
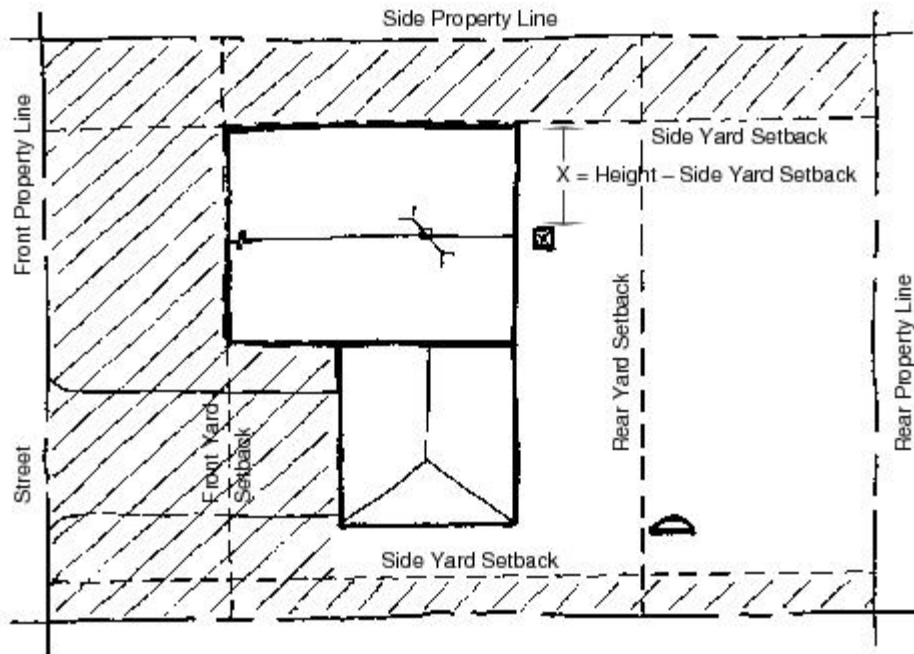
(a) The antenna and support structure shall be subject to the maximum building height for the corresponding zone in which it is located as set forth in PMC [20.20.020](#)(9) for RS-zoned property, PMC [20.25.020](#)(8) for RM-zoned property and Chapter [20.31](#)PMC (building form standards, maximum specified height) for CMX-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, RM and CMX Zones

20.59.020 Wireless communication facilities in OP, C, M, FAIR 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, M, FAIR and PF Zones. The following facilities are permitted as accessory uses in OP, C, M, FAIR 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, omnidirectional 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, omnidirectional 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;

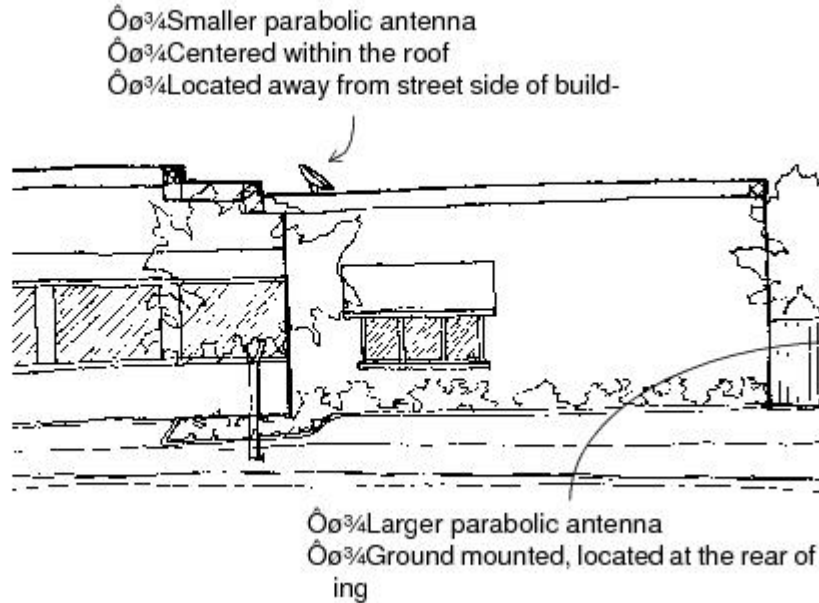
(c) Freestanding parabolic antennas and associated support structures shall be subject to the following criteria:

(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 [20.35.035](#)(1) in M zones, PMC [20.37.020](#)(2) in FAIR zones and

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



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

(2) Facilities as a Permitted Use in OP, C, M, FAIR and PF Zones. The following facilities are permitted as a primary use in an OP, C, M, FAIR 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, omnidirectional 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, omnidirectional 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:

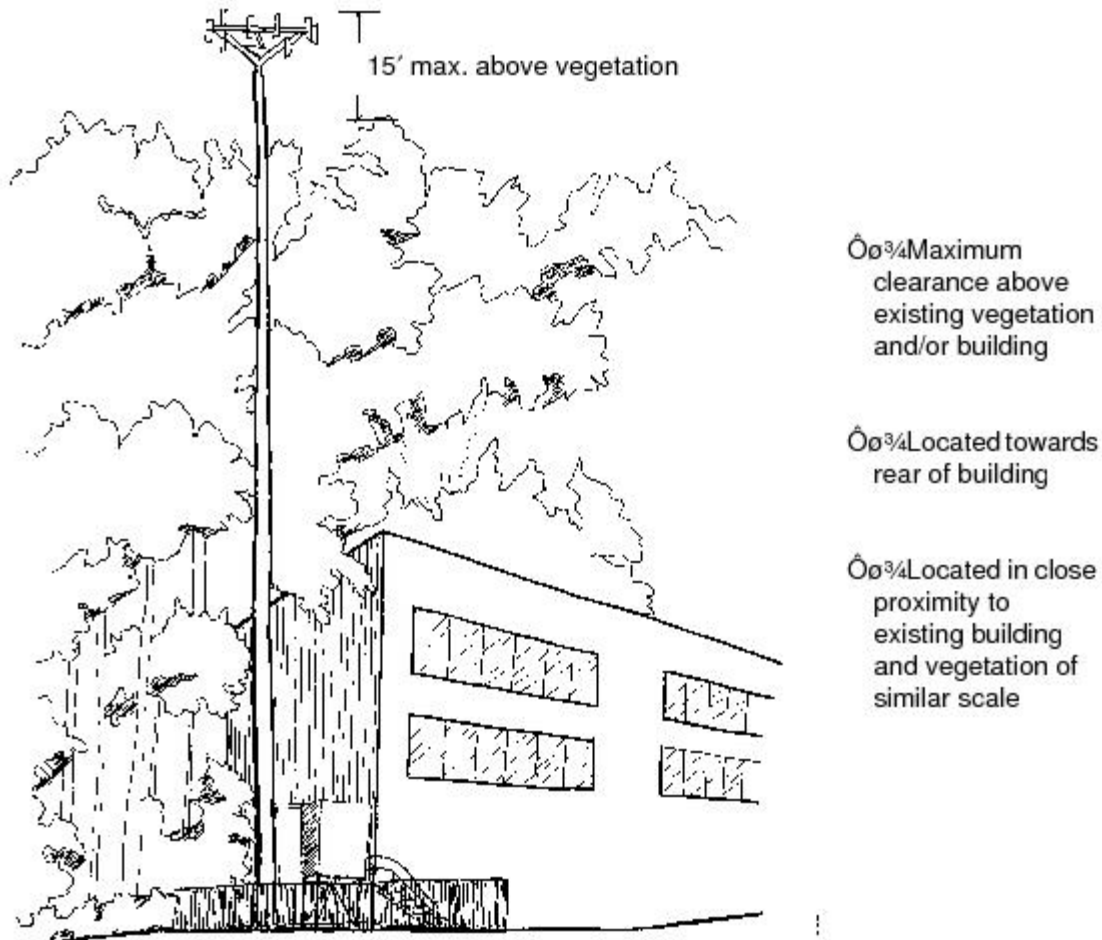
(i) The antenna and associated support structure are not located within any required landscaping, front or side yard setback, or in the area located between the front setback line and the front of the building;

(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, M, FAIR 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, M, FAIR 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, associated structures and placement shall be evaluated, based on available technologies, for approval and use in the following order of preference:

- (a) Stealth antennas;
- (b) Attached facilities, only when subsection (1)(a) cannot be reasonably accomplished;
- (c) Co-location facilities, 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:

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

- (i) Refusal of the tower owner to provide space at a fair rate of compensation; or,
- (ii) The existing tower 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 other service providers. 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, 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, RM and CMX 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 is 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, RM, MED and MX 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. NEW SECTION

In order to manage its right-of-way and the proliferation of small cell technology within the 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, 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.** An applicant is responsible for obtaining a franchise if the proposed small cell network is 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.
- (2) **Application.** Applicants shall apply using the 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.
 - (b) The application shall provide specific locational information including GIS coordinates of all facilities, and specify whether and where small cell facilities are to be located on existing utility poles including city-owned light standards, or will utilize replacement utility poles, new poles, towers, existing buildings

and/or other structures. Conduit and/or ground-mounted equipment 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, including photo simulations, of the small cell facilities shall be provided by the applicant.

- (c) The applicant must show that it has an underlying lease right from the owner of 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.
- (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.
- (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.
- (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.
- (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.

(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.

(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.

(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.

(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

- (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.
- (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. The applicant is encouraged to host informational meetings for the public regarding the deployment; notice of such meetings will be on the city's website. These meetings are for the public's information and are neither hearings nor part of any land use appeal process.
- (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.
- (b) The Director shall use the criteria listed in this Section 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.
- (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 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.
- (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.
- (f) Appeal to Superior Court. A final decision by the Director may be appealed to Superior Court.
- (5) **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) Each antenna enclosure shall not be more than three (3) cubic feet in volume with a total volume of nine (9) cubic feet, unless additional volume is technically necessary which in such cases the total volume may not exceed twelve (12) cubic feet.
 - (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 an existing 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 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 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)(a). The equipment must be placed in the smallest enclosure possible for the intended purpose. The equipment enclosure may not exceed seventeen (17) cubic feet. Multiple equipment enclosures may be acceptable if designed to more closely integrate with the pole design and does not cumulatively exceed seventeen (17) 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.
- (j) An applicant who desires to enclose its antennas and equipment within a 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 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.
- (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.
- (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.

(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.

(n) . Glulam poles are specifically prohibited.

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

(6) **Small Cell Facilities Attached to Light Poles.** Small cell facilities attached to existing or replacement light poles and non-wooden poles in the right of way or poles within parking lots shall conform to the following design criteria:

(a) Antennas and the associated equipment enclosures, conduit and fiber 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 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.

(b) Any replacement pole shall substantially conform to the existing neighboring pole design standards utilized within the contiguous right-of-way.

(c) The height of any replacement pole may not extend more than ten (10) feet above the height of the existing pole.

(d) The diameter of a replacement pole shall comply with the 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)(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.

(e) 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, 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 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.

- (f) 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.

(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.

(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 undergrounded equipment is technically infeasible. If ground mounted equipment is necessary, then the applicant shall submit a concealment element design, as described in subsection (9)(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, except if permitted pursuant to subsection (9) below.

- (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.
- (h) The design criteria as applicable to small cell facilities described herein shall be considered concealment elements and such small cell facilities may only be expanded upon an eligible facilities request described in Chapter 20.59A PMC, when the modification does not defeat the concealment elements of the facility.
- (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.
- (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)(c).
- (k) Side arm mounts for antennas or equipment are prohibited.
- (l) 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.
- (m) The preferred location of a small cell facility on a pole is the location with the least visible impact.
- (n) Antennas, equipment enclosures, and ancillary equipment, conduit and cable, shall not dominate the building or pole upon which they are attached.
- (o) The City may consider the cumulative visual effects of small cells mounted on poles within the rights-of-way in determining whether additional permits may be granted so as to not adversely affect the visual character of the City.

(9) New Poles in the Rights-of-Way and Usage of Ornamental Poles for Small Cell Facilities.

- (a) New poles within the rights-of-way and usage of ornamental poles are only permitted if the applicant can establish that:
- (i) The proposed wireless communications facility cannot be located on an existing utility pole, 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 wireless communications facility receives approval for a concealment element design, as described in subsection (c);
 - (iii) The proposed wireless communications facility also complies with shoreline and SEPA, if applicable; and
 - (iv) No new poles 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;
- (b) The applicant shall show that the proposed small cell facility cannot be located on an existing structure or as an alternative type of wireless communications facility due to valid considerations including physical constraints and technological feasibility. The information submitted by the applicant shall include a map of the area to be served by the facility, field-strength test data (a drive test) of existing coverage or capacity quality within the area to be served by the facility, its relationship to other sites in the applicant's network (within and outside of Puyallup city limits), and, an evaluation of available land, buildings and appropriate structures within one-quarter mile of the proposed site.
- (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.

- (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 feasible, or that such deployment would overwhelm the pole design.

- (d) Upon a showing of alternative locations pursuant to subsections (9)(a)(i) and (9)(b), the Director may determine that a new pole in the right-of-way or usage of an ornamental pole is in fact a superior alternative based on the concealment element design, the 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 higher than the replaced pole, and the overall height of the replacement pole and the proposed wireless communications facility is more than sixty (60) feet.