

1. Agenda

Documents:

[PC AGENDA 1-7-2019.PDF](#)

2. Meeting Materials

Documents:

[CAMBRIDGE PLACE.PDF](#)

[MINUTES OF DECEMBER 10, 2018.PDF](#)

[PLANNING COMMISSION PACKET 1-7-2019.PDF](#)

[STANWOOD SCHMITT PRELIMINARY PLAT.PDF](#)

[WIRELESS COMMUNICATION FACILITY AND SMALL CELL CODE.PDF](#)



PLANNING COMMISSION AGENDA

Monday January 7, 2019 – 6:30PM
Stanwood Fire Station (8117 267th Pl NW)

1. Call to Order
2. Roll Call/Chair & Vice Chair Elections
3. Public Requests and Comments
4. Minutes of December 10, 2018
5. New Business
 - **Public Hearing** - Wireless Communication Facility & Small Cell Code
 - **Public Meeting** – Stanwood Schmitt Preliminary Plat
 - **Public Meeting** – Cambridge Place
6. Old Business
7. Miscellaneous Business
8. Public Comments
9. Recent Council Action on Commission Items
10. Upcoming Items
11. Adjourn

For information about this agenda, contact the Community Development Department at 360-629-2181 ext. 5211.

SPECIAL ACCOMMODATIONS: The City of Stanwood strives to provide accessible meetings for people with disabilities. Please contact the Planning Commission Clerk at 360-629-2181 ext. 5211 two business days prior to the meeting.



MEMORANDUM

City of Stanwood
10220 270th St NW
Stanwood, WA 98292
360-629-2181

COMMUNITY DEVELOPMENT DEPARTMENT

TO: PLANNING COMMISSION

FROM: Amy Rusko, Senior Planner

SUBJECT: Public Meeting – Cambridge Place

DATE: January 7, 2019

ATTACHMENT: A. Narrative
B. Site Plans

Request:

The applicant is requesting major site development approval for a mixed use building on lot 9 of an existing shopping center. The proposed project will construct a four-story, mixed-use facility that includes leasing offices, a fitness center, lounge area, elevator and secured access for tenant use. The first floor will consist of 100 self-storage units and the second to fourth floors will provide 45 residential units varying in size and mix.

Procedural Information:

The project as proposed is considered a Major Site Development and will be processed as a Type II permit application. The process requires public notice in the paper, posting the site, and mailing to every property owner within 300-feet. Proper notification has occurred. The Community Development Director will render a decision on this project once all code requirements have been met.

Stanwood Municipal Code 17.80.033 states the community development department shall apprise the planning commission of the general intent of a project of this type and collect comments from commission members. These comments will be considered by the Community Development Director prior to issuing a decision.

Project Details:

The property is designated and zoned General Commercial (GC) and Mixed Use Overlay (MXO) in the Comprehensive Plan and in the Zoning Code. The project is located on Lot 9 of the Lindstrom Binding Site Plan in the uptown area of the city, east of the 72nd Avenue and 265th Street intersection. The parcel is approximately 1.9 acres (82,764 square feet) in size.

The application was submitted on November 26, 2018 and deemed to be complete. The Notice of Application and Notice of Public Meeting was published in the newspaper, posted at sites and mailed on December 11, 2018. The Notice of Application comment period ended on December 26, 2018.

Public Comments:

To date the project has received no public comments.

LOT 9

WRITTEN STATEMENT

November 14, 2018

The lot 9 project site is located in an existing shopping center district that includes a cinema, retail stores and a large condominium complex with structured parking, retail and residential units.

The lot 9 project is a four-story, mixed-use facility that includes leasing offices, a fitness center, lounge area, elevator and secured access for tenant use, a large first floor 100 self storage unit business and 45 residential units varying in size and mix. The building is located next to the cinema (to the south) and adjacent to a single story retail building (to the north).

Since visibility is limited to this site, a strong pedestrian walkway is proposed from the NE corner of the existing multifamily structure along the west side of the cinema to a small pocket park. The path then crosses the shopping center drive aisle and terminates at the front door of the Lot 9 project. Flagpoles with colorful flags will be located along this pathway to celebrate it and enhance the pedestrian experience.

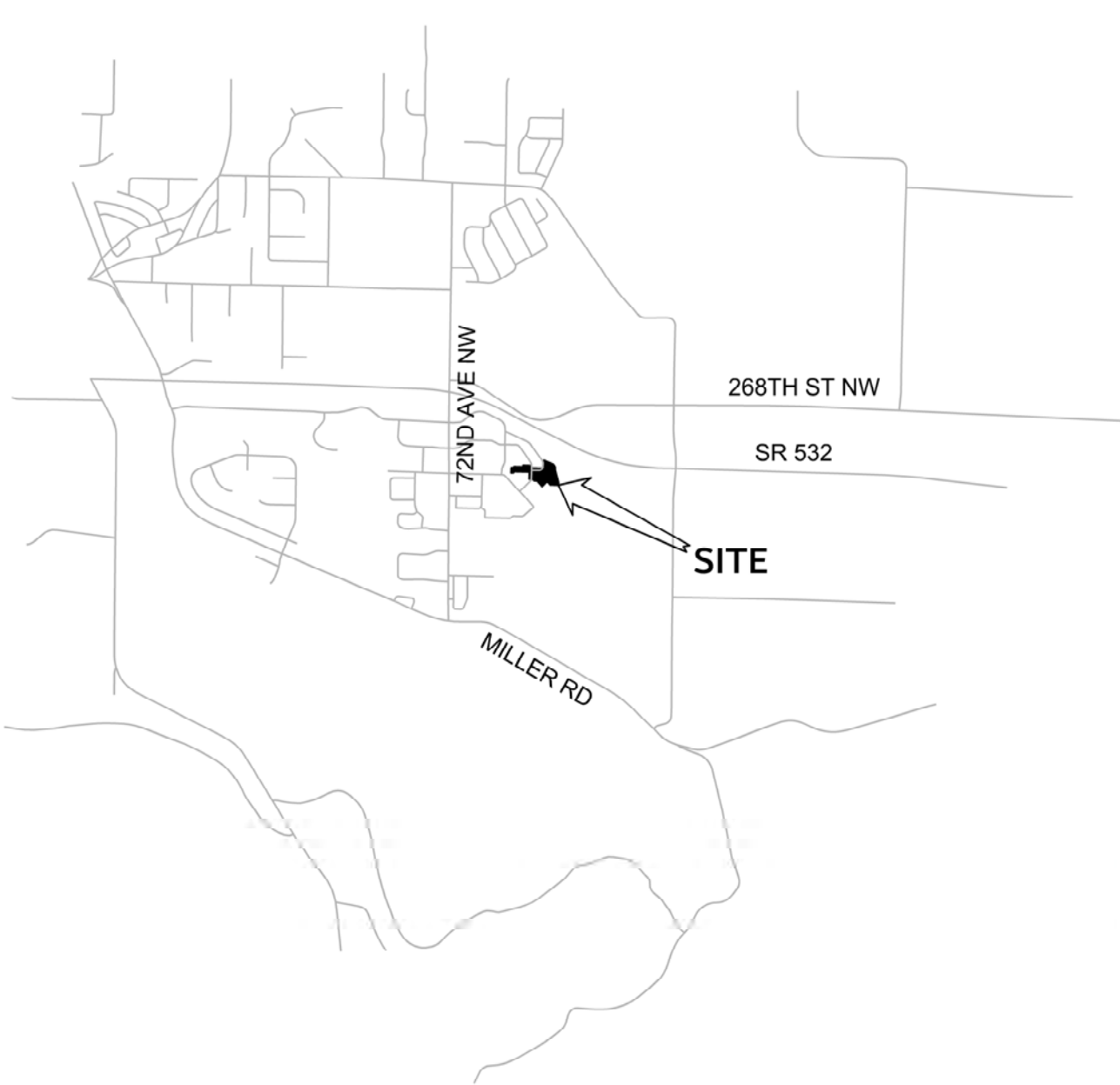
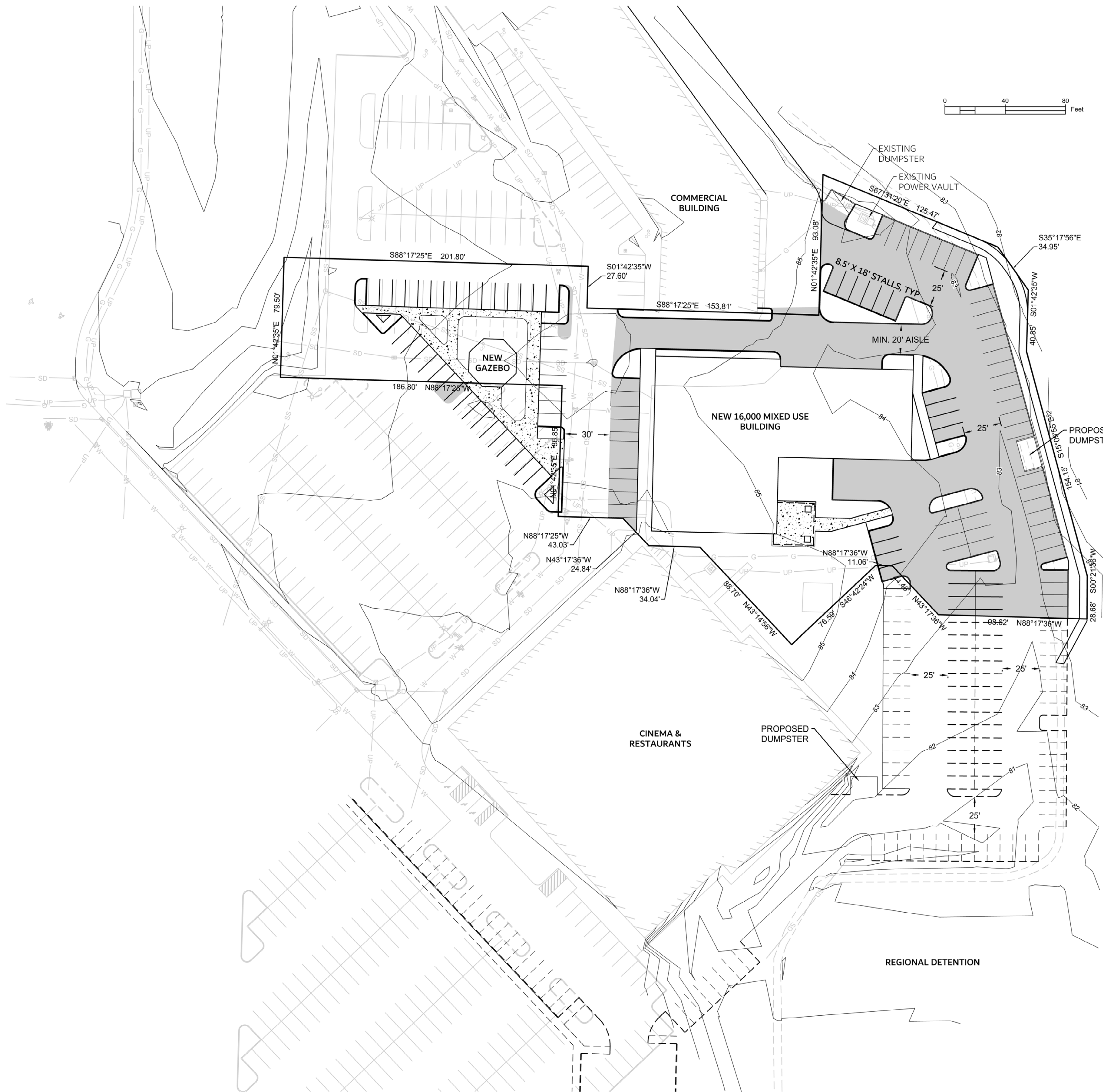
The loading dock for the self-storage units is on the east side of the building, visible only to the rear of the cinema. Tenants will have access to the building from both the east and west entrances. Ample parking will be available all around the building.

The exterior design is a NW craftsman with a strong, 3-story entry canopy towering over visitors. This signature element is necessary to highlight the residential nature of the project amidst the sea of parking and commercial space. The articulation of the facade is highlighted by numerous elements such as; bay window elements, shadow boxes, knee-braces and trellises. The first floor exterior material will be load-bearing split-faced concrete masonry units (CMU). There will be a couple of large storefront window displays marketing the self-storage unit business.

The upper floors will have a mix of Hardie-board with reveals and Hardie-plank siding. There will be standing-seam metal shed roofs over the bay window elements and metal coping at the top of the Hardie-board material.

The colors will be northwest shades and appropriate for the area. We are anticipating that the bay window locations will be painted an accent color that will work with the field color of the Hardie-plank siding.

SECTION 29, TOWNSHIP 32 NORTH, RANGE 4 EAST, W.M.



VICINITY MAP
SCALE 1" = 2000'

LEGAL DESCRIPTION

NEW LOT 9 PER THE CITY OF STANWOOD BOUNDARY LINE
ADJUSTMENT RECORDED UNDER AUDITOR'S FILE NUMBER 9803125003,
RECORDS OF SNOHOMISH COUNTY, STATE OF WASHINGTON.

SITE DATA

SITE ADDRESS:	7000 BLOCK 265TH ST. NW, STANWOOD, WA 98292
TAX PARCEL NUMBER:	320429-002-04-00
EXISTING ZONING:	GC-MXO (GENERAL COMMERCIAL WITH MIXED USE OVERLAY)
PROPOSED ZONING:	GC-MXO (GENERAL COMMERCIAL WITH MIXED USE OVERLAY)
LAND USE CLASSIFICATION:	MIXED USE
GROSS SITE AREA:	82,890 SF (1.9 AC)
NUMBER OF LOTS PROPOSED:	1
SQUARE FOOTAGE OF COMMERCIAL:	-
WATER SOURCE:	CITY OF STANWOOD
SEWAGE DISPOSAL:	CITY OF STANWOOD
FIRE DISTRICT:	NORTH COUNTY FIRE DISTRICT
SCHOOL DISTRICT:	STANWOOD-CAMANO SCHOOL DISTRICT #401

ENGINEER
DAVID HARMSEN, PE
HARMSEN AND ASSOCIATES, INC
125 EAST MAIN STREET, SUITE 104
MONROE, WA 98272
(360) 794-7811

SURVEYOR
DOUG SLAGER
HARMSEN AND ASSOCIATES, INC
125 EAST MAIN STREET, SUITE 104
MONROE, WA 98272
(360) 794-7811

OWNER/APPLICANT/CONTACT
SCOTT WAMMACK
C/O GRANDVIEW HOMES
PO BOX 159
ARLINGTON, WA 98223
(360) 435-7171

REVISIONS

ENGINEERS
SURVEYORS
HARMSEN & ASSOCIATES, INC
(360) 794-7811
(206) 343-5903
FAX: (360) 805-9732

125 EAST MAIN STREET, SUITE 104
P.O. BOX 516
MONROE, WA 98272

CAMBRIDGE PLACE
7000 BLOCK 265TH ST. NW
STANWOOD, WA 98292

SITE DEVELOPMENT
SITE PLAN

DATE: 11-09-2018

JOB #: 18-382



Know what's below.
Call before you dig.

C1.0



PLANTING LEGEND

Trees Symbol	Num 15	Species <i>Acer circinatum</i>	Common Name Vine Maple
		Species <i>Acer rubrum</i> 'Karpick'	Karpick Red Maple
		Species <i>Betula nigra</i>	River birch
		Species <i>Fagus sylvatica</i> 'Purple Fountain'	Beech 'Purple Fountain'
		Species <i>Fraxinus americana</i> 'Junginger'	Autumn Purple Ash
		Species <i>Gleditsia triacanthos inermis</i>	
		Species <i>Parrotia persica</i> 'Ruby Vase'	Ruby Vase Ironwood
		Species <i>Pyrus calleryana</i> 'Chanticleer'	Flowering Pear 'Chanticleer'
Conifer Symbol	Num 11	Species <i>Chamaecyparis nootkatensis</i> 'Green Arrow'	Common Name Weeping Alaska Cedar
		Species <i>Pseudotsuga menziesii</i>	Douglas fir
Shrubs Symbol	Num 19	Species <i>Berberis thunbergii</i> 'Crimson Pygmy'	Common Name Dwarf Purple-leaf Barberry
		Species <i>Calluna vulgaris</i>	Scotch heather
		Species <i>Chamaecyparis obtusa</i> 'Nana Gracilis'	Dwarf Hinoki cypress
		Species <i>Cornus alba</i> 'Variegata'	Variegated Redtwig
		Species <i>Cornus stolonifera</i> 'Kelsey'	Red Osier Dogwood 'Kelsey'
		Species <i>Forsythia</i> 'Fiesta'	Variegated Forsythia
		Species <i>Gaultheria shallon</i>	Salal
		Species <i>Hebe</i> 'Autumn Glory'	Shrubby Veronica 'Autumn Glory'
		Species <i>Hydrangea macrophylla</i> 'Bailmer'	Endless Summer Hydrangea
		Species <i>Mahonia repens</i>	Creeping Mahonia
		Species <i>Nandina domestica</i> 'Moon Bay'	Dwarf Heavenly Bamboo
		Species <i>Physocarpus opulifolius</i> 'Diabolo'	Ninebark 'Diabolo'
		Species <i>Pieris japonica</i> 'Cavatine'	Cavatine Pieris
		Species <i>Prunus laurocerasus</i> 'Otto Luyken'	Cherry Laurel 'Otto Luyken'
		Species <i>Rhododendron</i> 'Ramapo'	Rhododendron 'Ramapo'
		Species <i>Rhododendron</i> PJM	Compact Rhododendron
		Species <i>Rhododendron</i> Sp. (large)	Rhody (mature width > 8')
		Species <i>Viburnum davidii</i>	David's Viburnum
		Species <i>Viburnum plicatum</i> 'Watanabe'	Doublefile Viburnum
Perennials Symbol	Num 15	Species <i>Bergenia cordifolia</i> 'Purpurea'	Common Name Elephant's Ears 'Purpurea'
		Species <i>Carex fortunei</i> 'Frosted Curls'	Frosted Curls Carex
		Species <i>Helictotrichon sempervirens</i>	Blue Oat Grass
		Species <i>Hemerocallis</i> 'Stella de Oro'	Daylily 'Stella de Oro'
		Species <i>Pennisetum alopecuroides</i> 'Little Bunny'	Dwarf Fountain Grass
		Species <i>Polystichum munitum</i>	Sword Fern
		Species <i>Sedum</i> 'Purple Emperor'	Purple Emperor Sedum
Groundcover Symbol	Num 460	Species <i>Arctostaphylos uva-ursi</i>	Common Name Kinnikinnick



PUBLIC GAZEBO
(NO SCALE)

GENERAL NOTES

1.

ALL WORK SHALL BE PERFORMED BY PERSONS FAMILIAR WITH THIS KIND OF WORK AND UNDER THE SUPERVISION OF A QUALIFIED FOREMAN.
2.

ALL PLANT MATERIAL SIZES AND QUALITY TO CONFORM TO AMERICAN ASSOC. OF NURSERYMEN, AMERICAN STANDARD FOR NURSERY STOCK, MOST RECENT PUBLISHED.
3.

PLANT LOCATIONS ON THE PLANS ARE DIAGRAMMATIC AND MAY BE SUBJECT TO ADJUSTMENT IN THE FIELD BY THE LANDSCAPE CONTRACTOR.
4.

ALL PLANT MATERIAL SHALL BE OF NURSERY STOCK AND SHALL BE OF THE TYPE, SIZE AND CONDITION SPECIFIED. THE PLANT MATERIAL SHALL EXHIBIT NORMAL HABITS OF GROWTH FOR THE SPECIES, SHALL HAVE BUDS INTACT AND SHALL BE FREE OF DISEASE, INSECTS, SCARS, BRUISES, BREAKS, SEED AND WEED ROOTS.
5.

SEE NOTES THIS SHEET FOR TOPSOIL DEPTH AND SPECIFICATION.
6.

MEDIUM BARK MULCH IS TO BE INSTALLED AT ALL NEW PLANTING AREAS WITH A MINIMUM OF 2 INCHES.
7.

ALL LANDSCAPE AREAS SHALL HAVE PLANTING BACKFILL AMENDED WITH A TRANSPLANT AMENDMENT (SUPERTHRIVE OR EQUAL) APPLIED AT MANUFACTURES RECOMMENDED RATE.
8.

LANDSCAPE CONTRACTOR SHALL VERIFY LOCATION OF ALL SITE UTILITIES PRIOR TO LANDSCAPE IMPLEMENTATION. PLANT LOCATIONS MAY BE ADJUSTED TO AVOID CONFLICT.
9.

LANDSCAPE CONTRACTOR SHALL TAKE NECESSARY PRECAUTIONS TO PROTECT EXISTING SITE IMPROVEMENTS, PAVING, WALLS, AND UNDERGROUND UTILITIES. DAMAGE SHALL BE REPAIRED TO THE OWNER'S SATISFACTION AND AT NO ADDITIONAL COST.
10.

PLANT COUNT IS FOR THE CONTRACTOR'S CONVENIENCE; IF THERE IS A DISCREPANCY, THE PLAN SHALL GOVERN. ACTUAL PLANT QUANTITIES TO BE DETERMINED BY REQUIRED PLANT SPACING.
11.

ALL AREAS TO BE PLANTED WITH GROUNDCOVER ARE INDICATED ON THE PLAN WITH A HATCH PATTERN. SEE PLANT LIST FOR PLANT TYPE, SIZE, AND SPACING.
12.

SUBSTITUTION OF PLANT VARIETIES DUE TO LACK OF AVAILABILITY SUBJECT TO APPROVAL BY THE OWNERS REPRESENTATIVE AND CITY.
13.

ALL DIMENSIONS ARE ASSUMED TO BE PARALLEL OR PERPENDICULAR UNLESS OTHERWISE NOTED.
14.

ALL SOIL GRADES TO BE A MINIMUM SIX INCHES BELOW ADJACENT FINISH FLOOR ELEVATIONS UNLESS NOTED OTHERWISE ALL GRADES ADJACENT TO A BUILDING SHALL HAVE A MAXIMUM SLOPE OF 5% 3' FROM FOUNDATION.
15.

ALL GRADES, DIMENSIONS AND EXISTING CONDITIONS SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT.
16.

AUTOMATED IRRIGATION SYSTEM WILL BE PROVIDED.
17.

BASEMAP PROVIDED BY HARMSEN ASSOCIATES.



Mixed Use - Stanwood WA

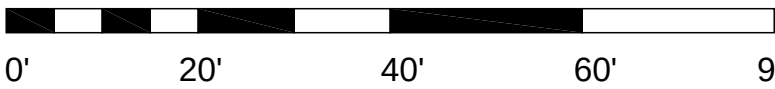
Conceptual Landscape Plan

Prepared for:

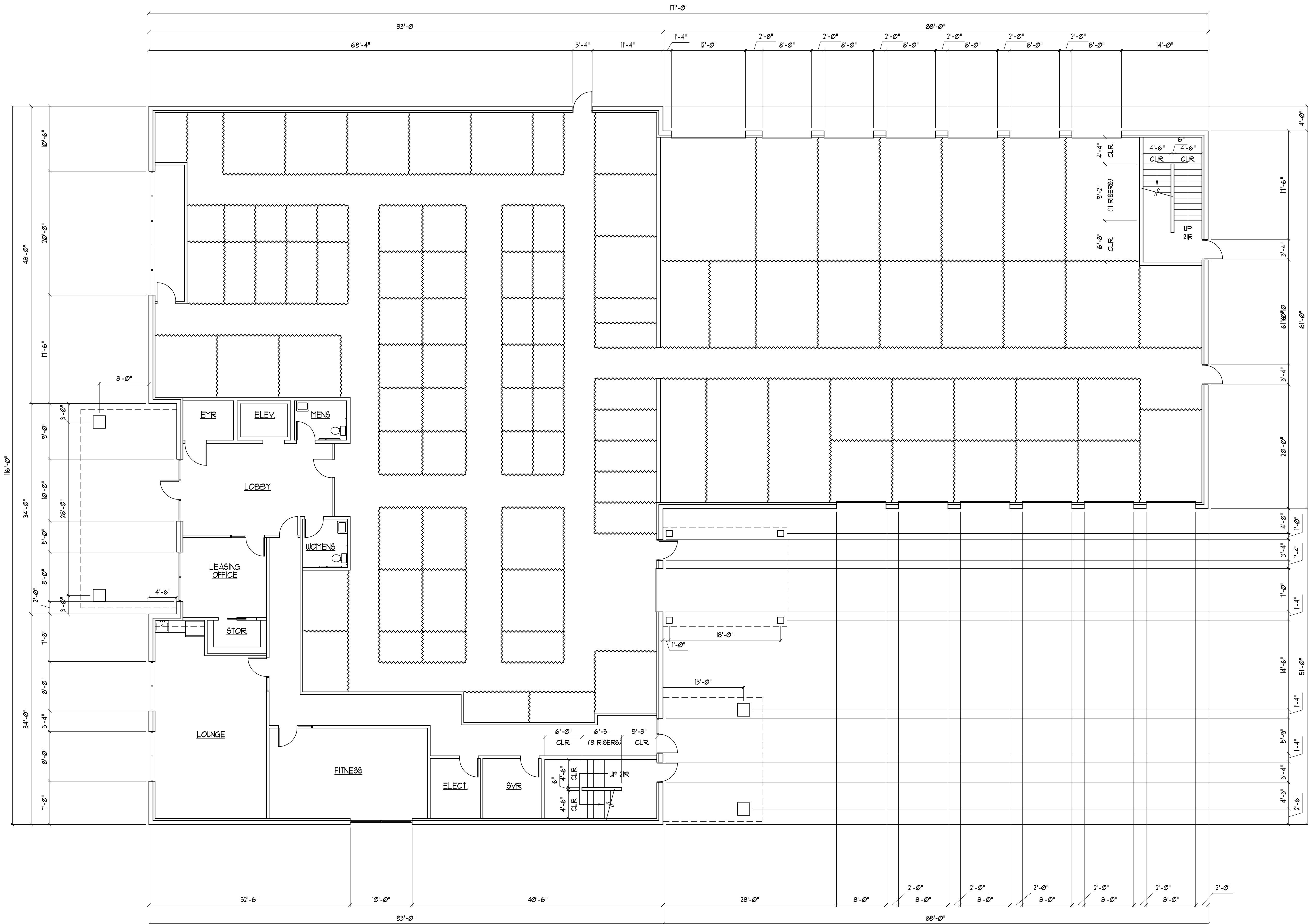
Grandview Homes
PO Box 159
Arlington, WA 98223
p. 360.435.7171

Prepared by:

eccosDesign
Landscape Architecture and Planning
Mount Vernon, WA 99273
p. 360.419.7400
f. 800.508.2017

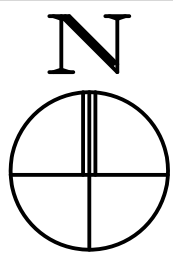


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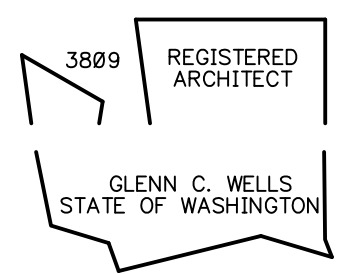
FIRST FLOOR PLAN

SCALE: 1/8"=1'-0"



GLENN C WELLS, A.I.A.

324 WEST BAY DRIVE SUITE 102 OLYMPIA, WA 98502
(360) 352-4553

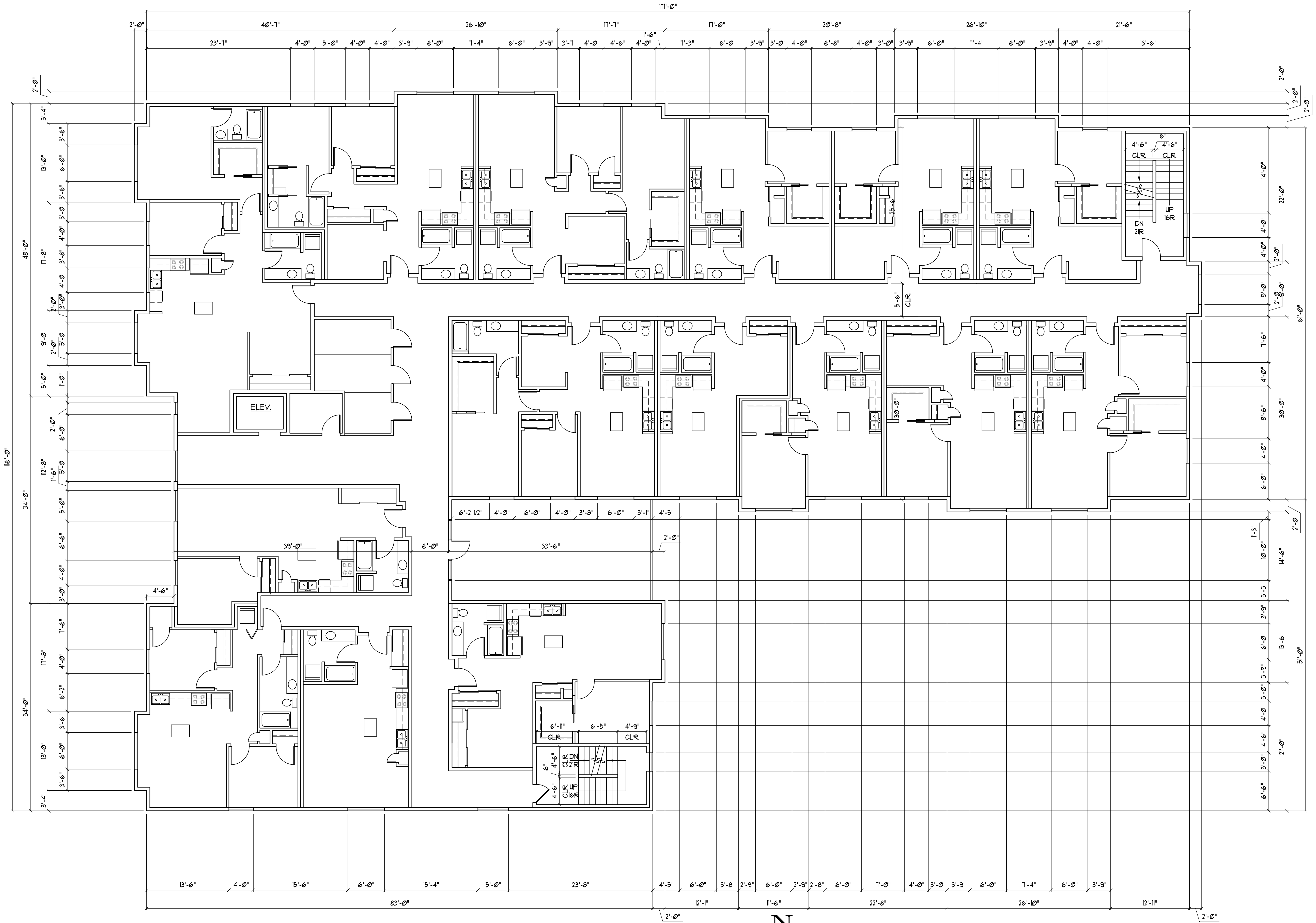


date: 11-01-18
drawn: R.C.T.
checked: G.C.W.

city issue:	
revisions:	

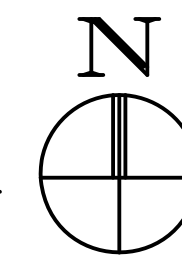
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FIRST FLOOR PLAN LOT 9 MIXED-USE BUILDING - STANWOOD, WASHINGTON	A1.0

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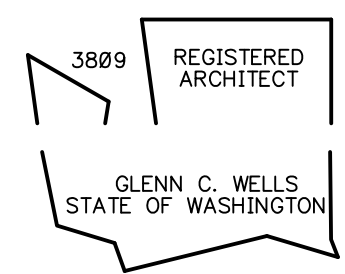
SECOND FLOOR PLAN

SCALE: 1/8"=1'-0"



GLENN C WELLS, A.I.A.

324 WEST BAY DRIVE SUITE 102 OLYMPIA, WA 98502
(360) 352-4553



date: 11-01-18
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revisions:

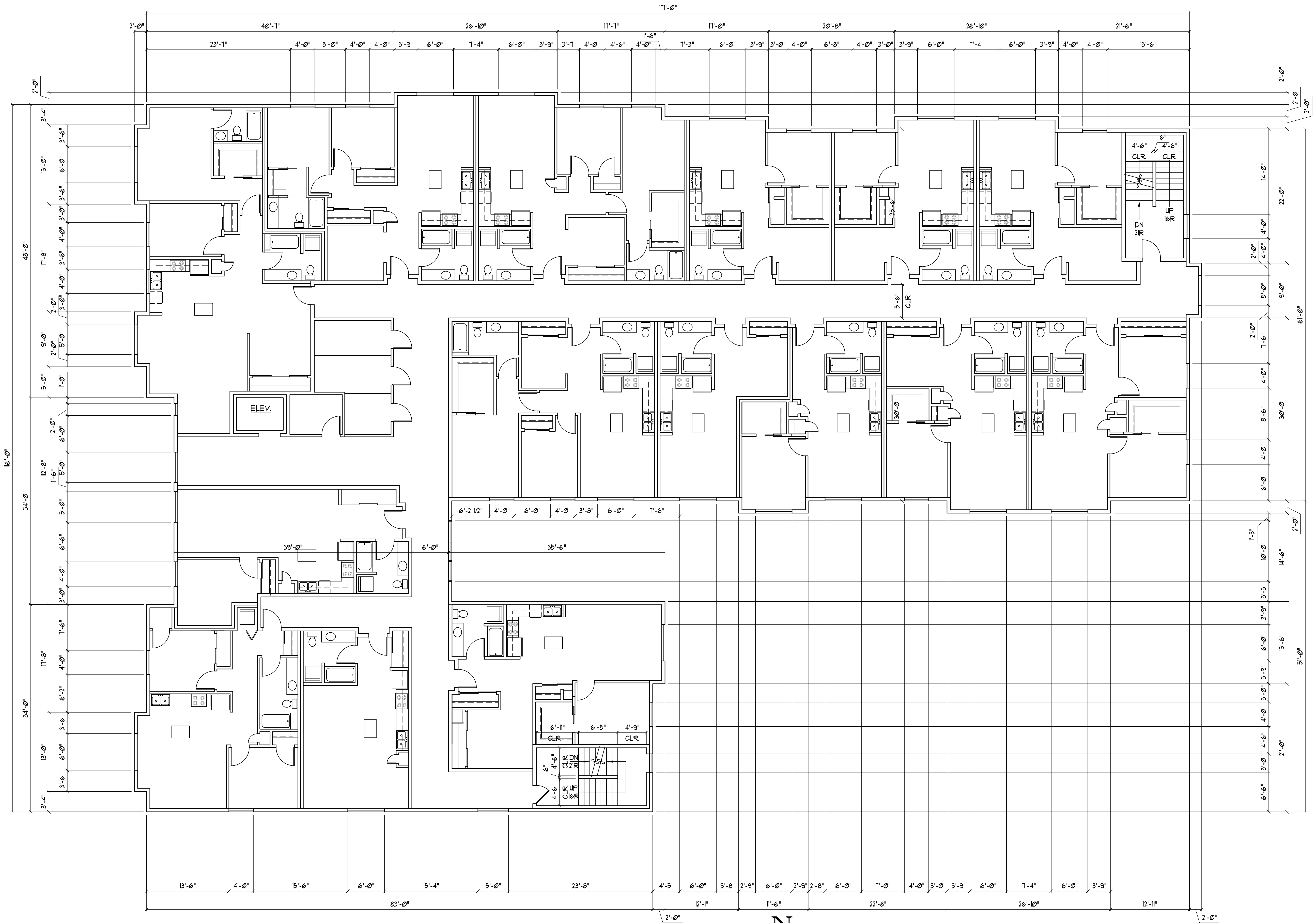
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SECOND FLOOR PLAN
LOT 9 MIXED-USE BUILDING
-
STANWOOD, WASHINGTON

sheet no.

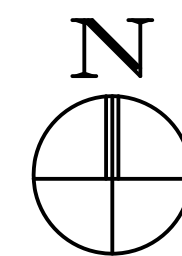
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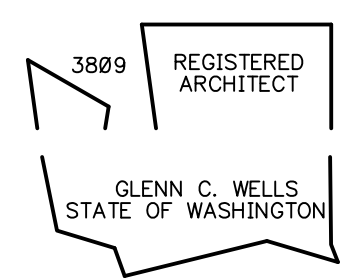
THIRD FLOOR PLAN

SCALE: 1/8"=1'-0"



GLENN C WELLS, A.I.A.

324 WEST BAY DRIVE SUITE 102 OLYMPIA, WA 98502
(360) 352-4553



date: 11-01-18
drawn: R.C.T.
checked: G.C.W.

city issue: .

revisions:

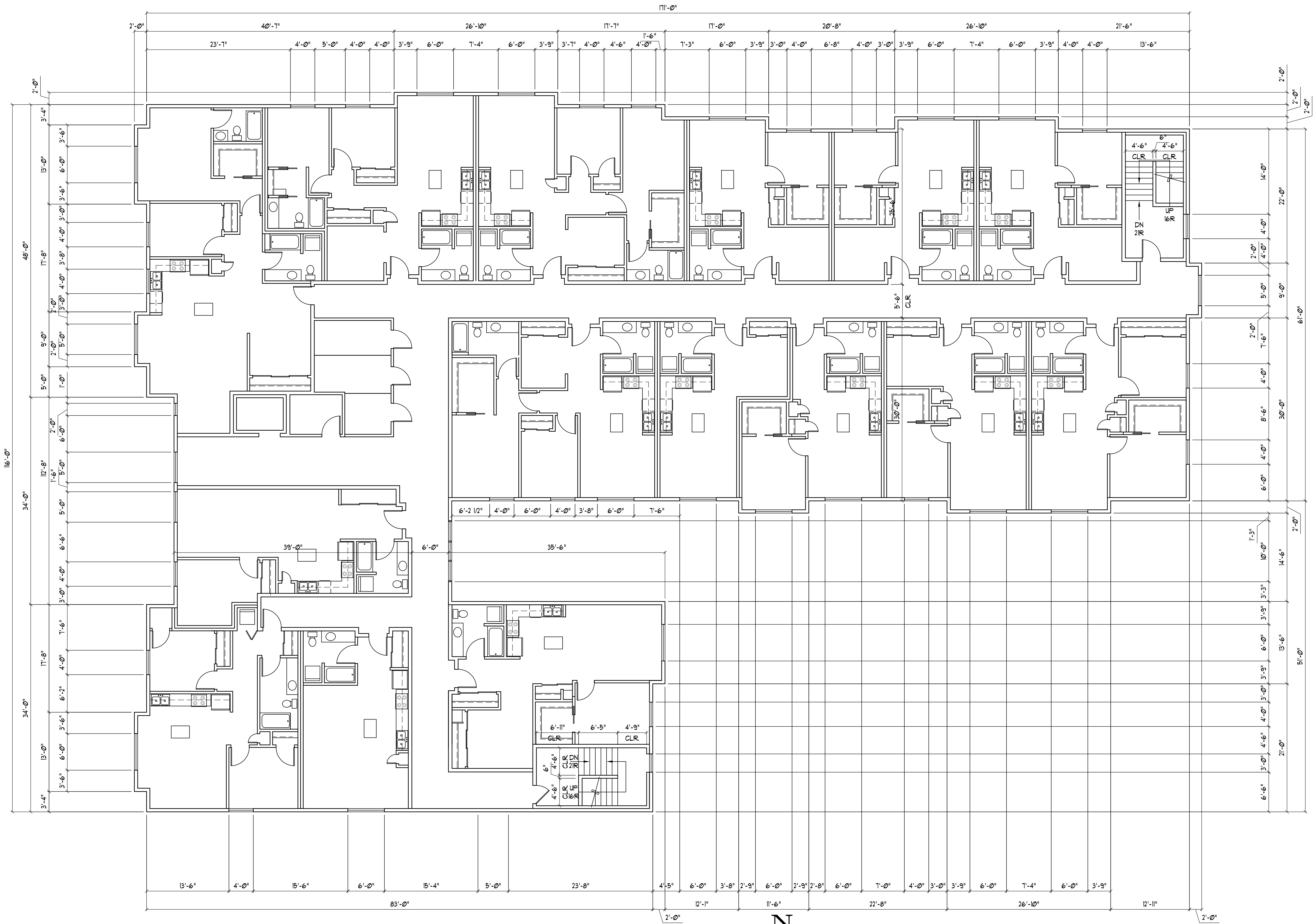
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THIRD FLOOR PLAN
LOT 9 MIXED-USE BUILDING
—
STANWOOD, WASHINGTON

sheet no.

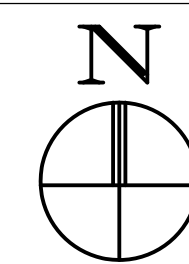
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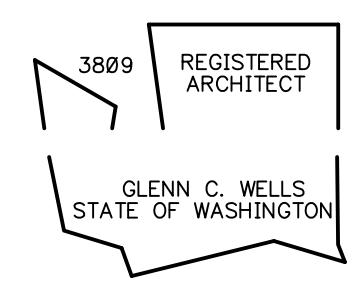


FOURTH FLOOR PLAN

SCALE: 1/8"=1'-0"



GLENN C WELLS, A.I.A.
324 WEST BAY DRIVE SUITE 102 OLYMPIA, WA 98502
(360) 352-4553



date: 11-01-18
drawn: R.C.T.
checked: G.C.W.

city issue:	
revisions:	

title:	sheet no.
FOURTH FLOOR PLAN LOT 9 MIXED-USE BUILDING - STANWOOD, WASHINGTON	A4.0



SOUTH ELEVATION
SCALE: 1/8"=1'-0"



EAST ELEVATION
SCALE: 1/8"=1'-0"



WEST ELEVATION
SCALE: 1/8"=1'-0"



NORTH ELEVATION
SCALE: 1/8"=1'-0"



GLENN C WELLS, A.I.A.

324 WEST BAY DRIVE SUITE 102 OLYMPIA, WA 98502

(360) 352-4553

3689

REGISTERED
ARCHITECT

GLENN C. WELLS
STATE OF WASHINGTON

date: 11-01-18

drawn:

checked: G.C.W.

city issue: .

revisions:

title:	sheet no.
ELEVATIONS LOT 9 MIXED-USE BUILDING - STANWOOD, WASHINGTON	A6.0



STANWOOD PLANNING COMMISSION MINUTES

December 10, 2018

Call to Order

Chair Utgard called the meeting to order at 6:31PM with the following Commissioners present: Steve Shepro, Lance Dennis, Sid Roberts, Darren Robb and Marcus Metz. Commissioner Heagle was excused. Staff present; Community Development Director Patricia Love and Senior Planner Amy Rusko. Known public in attendance: Peggy Wendell.

No Public Requests or Comments

Minutes

The minutes of the November 13, 2018 meeting were approved as presented.

New Business

Wireless Communication Facility & Small Cell Code Amendment Discussion

Community Development Director, Patricia Love presented the draft code amendments that combine the city's existing wireless communication facility regulations with new small cell deployment regulations and franchise requirements. The existing code chapters 17.154, Wireless Communication Facilities and 17.156, Eligible Facility Modifications will be repealed and the new chapters to the Stanwood Municipal Code will be:

- Chapter 17.200, Eligible Facility Modification and Wireless Communication Devices
- Chapter 17.205, Eligible Facility Modifications
- Chapter 17.210, Regulation of Wireless Communication Facility Franchise

Commissioner discussion included: right of way permitting, relay stations, height restrictions, aesthetics of the infrastructure and design requirements, existing antennas, the differences between the typical monopole towers and small cell technology, franchise agreements, co-location between different or multiple companies, FCC regulations, timelines of permit reviews, decorative poles, screening or concealing antennas and hardware, underground vaults or ground mounted equipment, stealth installation plan, grid system as an alternative to locating on main streets, separation distances between small cell facilities, and the demand for better wireless coverage.

Miscellaneous Business

- Coordinate to get the Commissioner's emails up and running. Bring new passwords and instructions on how to access at the next meeting.

No Additional Public Comments

Recent Council Action on Commission Items

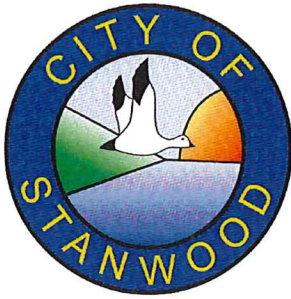
Upcoming Items

- Wireless Communication Facility & Small Cell Code Public Hearing at the Planning Commission Special Meeting on January 7, 2019. City Council Meeting on January 10, 2019.

Adjourn

The meeting adjourned at 7:55 PM.

Amy Rusko, City of Stanwood



**PLANNING COMMISSION
AGENDA**
Monday January 7, 2019 – 6:30PM
Stanwood Fire Station (8117 267th Pl NW)

1. Call to Order
2. Roll Call/Chair & Vice Chair Elections
3. Public Requests and Comments
4. Minutes of December 10, 2018 4-1
5. New Business
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 - **Public Meeting** – Cambridge Place 5-117
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11. Adjourn

For information about this agenda, contact the Community Development Department at 360-629-2181 ext. 5211.

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Upcoming Items

- Wireless Communication Facility & Small Cell Code Public Hearing at the Planning Commission Special Meeting on January 7, 2019. City Council Meeting on January 10, 2019.

Adjourn

The meeting adjourned at 7:55 PM.

Amy Rusko, City of Stanwood



MEMORANDUM

City of Stanwood
10220 270th St NW
Stanwood, WA 98292
360-629-4577

COMMUNITY DEVELOPMENT DEPARTMENT

TO: PLANNING COMMISSION / CITY COUNCIL

FROM: Patricia Love, Community Development Director

SUBJECT: Wireless Communications Facilities / Small Cell Code Amendment

DATE: January 7, 2019

ATTACHMENT: A. Proposed Draft Code Amendment

Issue:

The issue before the Planning Commission and City Council is to review code changes to adopt performance standards for development of wireless communication facilities and small cell facilities.

Please note that this staff report includes both recommendations and motions for the Planning Commission and City Council due to the timing constraints imposed by the FCC's January 14 adoption deadline.

Summary:

The Federal Communications Commission (FCC) recently released new rules for wireless communication facilities and small cell deployment. The intent of the regulations is to streamline the permitting processes across the country. Cities and Counties are required to update their development and franchise regulations by January 14, 2019. The City of Stanwood has initiated a code amendment to update development regulations and franchise procedures for wireless communication facilities and small cell deployment consistent with federal law.

Staff Recommendation:

Attached for your review and consideration is the proposed revised draft wireless communication facilities and small cell code amendment. Staff recommends that the Planning Commission:

1. Open the Public Hearing
2. Receive the Staff Presentation and Ask Questions (if any)
3. Take Public Testimony and Ask Questions (if any)
4. Deliberate or Ask Any Additional Questions of Staff
5. Close the Public Hearing
6. Recommend / approve the draft code amendment and findings of fact and conclusions as presented or with amendments.

Planning Commission Options:

- 1) Recommend approval of the proposed edits to Title 17, Zoning to the Stanwood City Council adopting performance standards for development of wireless communication and small cell facilities to City Council.
- 2) Recommend alternative language to the proposed edits to Title 17 and direct staff to include those recommendations in the staff presentation to the City Council.
- 3) Recommend denial of the proposed Title 17 zoning amendments to the City Council.

City Council Options:

- 1) Approve Ordinance 1469, adopting performance standards for development of wireless communication and small cell facilities in the City of Stanwood.
- 2) Deny Ordinance 1469 adopting proposed Title 17 zoning amendments and send back to the Planning Commission for further consideration.

Background:

The Federal Communications Commission (FCC) recently released new rules for wireless communication facilities and small cell deployment. The intent of the regulations is to streamline the permitting processes across the country. Cities and Counties are required to update their development and franchise regulations by January 14, 2019.

Currently the City has a “cell tower” code, but it is out of date as it relates to the “small cell” technology and federal regulations. Typically, small cells are attached to utility poles or light/traffic poles within the rights-of-way. The purpose of the small cells is to augment capacity for data traffic in dense areas and are typically 25-45 feet in height, rather than tall macro towers that extend beyond 75 feet.

The draft code amendment combines the city’s existing wireless communication facility regulations with new small cell deployment regulations and franchise requirements into four new chapters of the Stanwood Municipal Code:

- Chapter 17.200, Eligible Facility Modification and Wireless Communication Devices

- Chapter 17.205, Eligible Facility Modifications
- Chapter 17.210, Regulation of Wireless Communication Facility Franchise
- Chapter 17.220; Wireless Communication Facilities (WCF) Attached and Detached

In conjunction with merging existing city wireless communication facilities codes with the new small wireless facilities requirements, the following Stanwood Municipal Code chapters will be repealed:

- Chapter 17.154, Wireless Communication Facilities
- Chapter 17.156, Eligible Facility Modifications

Small Wireless Facility Amendments

- **Caps all fees** related to small wireless facilities (SWF) at “a reasonable approximation of the state or local governments’ actual and reasonable costs.” Small cell fees will be included in the update to the City’s fee resolution.
- **Preempts aesthetics requirements** for SWF unless they are (1) reasonable; (2) no more burdensome than those applied to other types of infrastructure deployments; (3) objective; and (4) published in advance.

The draft ordinance includes new design and development standards:

- Includes examples of acceptable and unacceptable designs for telephone and light poles
 - Requires placement in a manner not to impeded pedestrian traffic
 - Located in street amenity zone with pedestrian, tree, and utility clearance
 - Placement outside of the sight distance triangle
 - Requires a 250 foot separation distance; exception if located on light poles
 - Includes location standards prohibiting poles to be placed in front of doors, windows, or access ways
- **Imposes shot clocks** of 60 days for SWF added to existing structures (regardless of whether the structure already supports a SWF) and 90 days for SWF using a new structure.
 - Existing shot clocks for non-SWF deployments remain in place: 90 days for collocation on an existing structure; 150 days for deployment on a new structure.
 - Both the new and existing shot clocks apply to “any approval that a siting authority must issue under applicable law prior to deployment.” This includes zoning approvals and building permits, and may also include license or franchise agreements to access the rights of way, leases for use of municipal poles or property in the rights of way, electric permits and road closure permits, among others.
 - For SWF, shot clocks are reset, not just tolled, if the siting authority notifies the applicant within 10 days after submission that the application is incomplete. For subsequent determinations of incompleteness, the shot clock would toll—not reset—if the siting authority provides written notice within 10

days that the supplemental submission did not provide the requested information.

- For non-SWF, shot clocks begin to run when an application is first submitted, and can be paused—not reset—if the siting authority notifies the applicant within 30 days that the application is incomplete. For subsequent determinations of incompleteness, the process is the same as described above for SWF.
 - Failure to act within the new small wireless facility shot clock constitutes a presumptive violation of the Communications Act and applicants may seek expedited injunctive relief in court within 30 days of a local government missing a shot clock deadline. There is no “deemed granted” remedy.
- **Defines SWF** as, among other things:
 - Facilities
 - mounted on structures 50 feet or less in height including their antennas; or
 - mounted on structures no more than 10 percent taller than other adjacent structures; or
 - that 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.
 - Each antenna associated with the deployment, excluding associated antenna equipment, is no more than 3 cubic feet in volume;
 - 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.
 - **Does not grandfather** existing agreements or state small cell bills or other state laws, which may be preempted to the extent they conflict with the Ruling and Order.

Permit Review Process:

Identifies permitting processes: Administrative or Conditional Use Permit

- Minor Facilities – Currently a Permitted Use
- Co-Located Facilities – Currently a Permitted Use
- Single Facilities – Currently a Permitted Use
- Towers – Currently a Condition Use Permit
- Guy and Lattice Towers - Prohibited
- Small Cell – Added as a Permitted Use

Review Timelines (already adopted with WCF code):

Federal law has the following specific timelines for permit review:

Permit / Approval	Mandated Period	Review
Eligible Facilities Request – A letter to the city requesting that a permit be reviewed as a facility modification – not as a new facility	60 Days	
Eligible Co-locations on Existing Facilities	90 Days	
New Wireless Communications	150 Days	
Determination of Permit Completeness	30 Days	
Determination of Permit Completeness – 2nd submittal and beyond	10 Days plus no new items can be added that were not listed in the first review	

Failure to Act:

If the City doesn't meet the timeframes listed above, then the application is "deemed granted".

Appeals / Claims:

Both the City and the Applicant can bring claims in court according to federal law.

Major and Minor Modifications:

A significant area of concern to the cell company providers is what is considered a major or minor modification to an existing facility. Major modifications are equivalent to new permits while minor modifications can usually be permitted administratively more quickly. Federal law is mandating what constitutes a major or minor modification.

Performance Standards:

City code already addresses the following development / performance standards for siting telecommunication facilities. These standards generally address cell towers, attached facilities and the associated land cabinet equipment. The following sections were added to the new wireless communication facilities codes:

Separation Distance	Concealment Technology	Maintenance
Setbacks	Noise	Electronic Emissions
Height	Colocation	Exception Use of City right of
Landscaping	Abandonment	Way
Lighting		

Financial Impact:

There are no direct financial impacts to the City except the staff time to review any subsequent permit applications.

COMMITTEE RECOMMENDATION

This item was brought to the Community Development Committee on December 13, 2018. The CDC acknowledged the tight timeframe needed to adopt the ordinance in order to meet the FCC's deadline and agreed to one meeting for the first, second and final reading of the ordinance. It was also noted that after the regulations are adopted, the City could go back and update the code if needed when the time constraints are not in place.

Planning Commission Recommended Motions:

I MOVE TO RECOMMEND APPROVAL OF THE WIRELESS COMMUNICATIONS AND SMALL CELL FACILITIES CODE AMENDMENT TO THE STANWOOD CITY COUNCIL.

I MOVE TO RECOMMEND APPROVAL OF THE FINDINGS OF FACT AND CONCLUSIONS FOR THE WIRELESS COMMUNICATIONS AND SMALL CELL FACILITIES CODE AMENDMENT TO THE STANWOOD CITY COUNCIL.

These motions can be amended to add any proposed amendments as discussed at the public hearing and during deliberations.

City Council Recommended Motions:

I MOVE TO APPROVE THE FIRST AND SECOND READING AND FINAL ADOPTION OF ORDINANCE 1469 AND THE ATTACHED FINDINGS OF FACT AND CONCLUSIONS:

REPEALING CHAPTERS:

- 17.154, Wireless Communication Facilities
- 17.156, Eligible Facility Modifications

AND ADOPTING NEW CHAPTERS:

- 17.200, Eligible Facility Modification and Wireless Communication Devices
- 17.205, Eligible Facility Modifications
- 17.210, Regulation of Wireless Communication Facility Franchise
- 17.220; Wireless Communication Facilities (WCF) Attached and Detached



City of Stanwood Findings of Fact and Conclusions of Law Planning Commission Recommendation

A. GENERAL INFORMATION

File Number(s): 2018-0421

Project Summary: Wireless Communication Facilities / Small Cell Code Amendment

Applicant: City of Stanwood

Location: City of Stanwood

Public Hearing Date: January 7, 2019

Staff Contact: Patricia Love, Community Development Director

B. BACKGROUND AND DESCRIPTION OF PROPOSAL

The Federal Communications Commission (FCC) recently released new rules for wireless communication facilities and small cell deployment. The intent of the regulations is to streamline the permitting processes across the country. Cities and Counties are required to update their development and franchise regulations by January 14, 2019. The City of Stanwood has initiated a code amendment to update development regulations and franchise procedures for wireless communication facilities and small cell deployment consistent with federal law.

C. CODE AMENDMENT CRITERIA

The city may approve or approve with modifications amendments to the text of the zoning code if:

(a) The purpose and desired effect of the proposed zoning code amendment are consistent with the Stanwood Municipal Code;

Currently the City has a "cell tower" code, but it is out of date as it relates to the "small cell" technology and federal regulations. Typically, small cells are attached to utility poles or light/traffic poles within the rights-of-way. The purpose of the small cells is to augment capacity for data traffic in dense areas and are typically 25-45 feet in height, rather than tall macro towers that extend beyond 75 feet.

The draft code amendment combines the city's existing wireless communication facility regulations with new small cell deployment regulations and franchise requirements into four new chapters of the Stanwood Municipal Code:

- Chapter 17.200, Eligible Facility Modification and Wireless Communication Devices
- Chapter 17.205, Eligible Facility Modifications
- Chapter 17.210, Regulation of Wireless Communication Facility Franchise
- Chapter 17.220; Wireless Communication Facilities (WCF) Attached and Detached

In conjunction with merging existing city wireless communication facilities codes with the new small wireless facilities requirements, the following Stanwood Municipal Code chapters will be repealed:

- Chapter 17.154, Wireless Communication Facilities
- Chapter 17.156, Eligible Facility Modifications

(b) There is a positive relationship to the public health, safety and welfare of the community; and

The Federal Communications Commission (FCC) recently released new rules for wireless communication facilities and small cell deployment. The intent of the regulations is to streamline the permitting processes across the country. Cities and Counties are required to update their development and franchise regulations by January 14, 2019.

(c) The proposed amendment is consistent with the Stanwood Comprehensive Plan.

Stanwood's Comprehensive Plan notes that cellular phone service is currently available in the City from numerous providers. Providing future cellular service to Stanwood does not present a problem because Stanwood is relatively small in area and only a few cell sites are needed to service the area. There is also a large selection of undeveloped parcels within the City limit and in the adjacent lands from which future cell sites could be chosen. The City strictly regulates cellular towers and encourages the co-location of cellular facilities. (2015 Comprehensive Plan pg UAAT-6&7)

UTG-5: Encourage improvements to utility facilities that are environmentally responsible, aesthetically acceptable to the community and safe for nearby inhabitants.

UTP 5.4 – Require landscaping of utility facilities to minimize adverse aesthetic impacts on the surround areas.

EDP-6.1: Ensure that City licensing and permitting procedures and development regulations are coherent, fair, and expeditious.

EDP 6.2: coordinate with other government entities to eliminate duplication of efforts where specialized industry requirements call for the inspection by government agencies.

D. FINDINGS OF FACT

1. It is necessary and beneficial for the health, safety and welfare of the community to update the zoning regulations for development of small cell, microcell, and distributed antenna systems telecommunications facilities.
2. It is important to accommodate the growing need and demand for telecommunications services while protecting the character of the City of Stanwood and its neighborhoods.
3. There is a need to establish standards for location, aesthetics and compatibility for small cell, microcell, and distributed antenna systems communication structures, facilities, and uses.
4. It is necessary to encourage the location and collocation of small cell facilities, microcells, and distributed antenna systems on existing buildings and structures in order to reduce the need for new towers, thereby minimizing visual clutter, public safety impacts, and effects upon the natural environment, as well as to encourage concealed technologies.
5. There is a need to encourage the availability of affordable, high- speed internet and cellular telephone access for businesses and residents, acknowledging that a growing number of businesses are conducted in whole or in part from homes and/ or on- the-go, that increasingly education incorporates on- line learning necessitating good home internet connections for students and faculty, and that government participation and emergency service to the general public are enhanced by fast and reliable cellular and home internet connectivity.
6. There have been recent changes to the mandates of the Telecommunications Act of 1996, the Middle Class Tax Relief and Job Creation Act of 2012, and other applicable federal and state laws and rules promulgated by the Federal Communication Commission that require the City of Stanwood to update its wireless regulations.
7. Stanwood's 2015 – 2035 Comprehensive Plan directly addresses the need to provide necessary utilities and community compatibility issues:
 - UTG-5: Encourage improvements to utility facilities that are environmentally responsible, aesthetically acceptable to the community and safe for nearby inhabitants.
 - UTP 5.4 – Require landscaping of utility facilities to minimize adverse aesthetic impacts on the surround areas.

- EDP-6.1: Ensure that City licensing and permitting procedures and development regulations are coherent, fair, and expeditious.
 - EDP 6.2: coordinate with other government entities to eliminate duplication of efforts where specialized industry requirements call for the inspection by government agencies.
8. A mechanism for the zoning and permitting of small cell, microcells, and distributed antenna systems telecommunication uses and an update of existing zoning provisions for other kinds of telecommunication uses is in the best interest of the citizens of the City of Stanwood.
 9. Pursuant to RCW 36.70A. 106, on November 30, 2018 the City notified the State of Washington of its intent to adopt amendments to its development regulations.
 10. The Planning Commission held a public hearing on January 7, 2019 considered all relevant matters, and heard all parties in support or opposition, and subsequently forwarded a recommendation to the City Council.
 11. The City of Stanwood SEPA Responsible Official reviewed the amendments and issued a Determination of Non-significance (DNS) on December 4, 2018.
 12. The code amendment was circulated for public review on November 30, 2018. No comments were received on the amendment.
 13. The City Council Community Development Committee reviewed the proposed amendments set forth in this Ordinance at their December 20, 2018 meeting.
 14. Pursuant to RCW 36.70A.106, the City has notified the Washington State Department of Commerce of the City's intent to adopt the proposed amendments to the zoning code.
 15. Staff prepared a report summarizing the proposed code amendment. This report is part of the public record and was presented to the Planning Commission at the public hearing on January 7, 2019 for their consideration.

E. CONCLUSIONS OF LAW

1. The City of Stanwood has authority under RCW Title 35A, to adopt plans and regulations related to development and operations within the City of Stanwood.
2. SMC section 17.155.030 requires that the Planning Commission review and make recommendations to the Stanwood City Council regarding code amendments to Title 17, Zoning.

3. Planning Commission briefings to discuss the proposed code amendment were held on August 13, September 24, October 8, and December 17, 2018.
16. On December 18, 2018, the public hearing notice was printed in the Stanwood Camano News as required by law that a public hearing was to be held by the Planning Commission and all persons wishing to provide public input concerning the proposed amendments set forth in this Ordinance were heard.
4. SEPA review was conducted on the proposal and a Determination of Nonsignificance (DNS) was issued on December 4, 2018 under WAC 197-11-340(2). No appeals of the SEPA determination were filed.
5. The proposal is consistent with the Comprehensive Plan and meets the requirements and intent of the Plan, including Utility Goal 5, Utility Policy 5.4, and Economic Development Policies 6.1 and 6.2.
6. The proposal is beneficial to the public health, safety and welfare and is in the public interest by providing reliable cellular service to the community while maintaining community character.
7. After considering staff comments and public testimony the Stanwood Planning Commission determined the draft code amendment is consistent with the Comprehensive Plan and should be adopted.

F. STAFF RECOMMENDATION

Move that the Planning Commission **ADOPT** the Findings of Fact and Conclusions of Law contained herein and **AUTHORIZE** the Planning Commission Chair to sign the Findings on behalf of the Commission and recommend that the Stanwood City Council **APPROVE** the proposed amendments to Chapter 17 of the Stanwood Municipal Code.

Dated this 7th of January 2019.

Linda Utgard, Planning Commission Chair
City of Stanwood

CITY OF STANWOOD

WASHINGTON

ORDINANCE NO. 1469

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, AMENDING PORTIONS OF STANWOOD MUNICIPAL CODE TITLE 17 ENTITLED ZONING AND RELATING TO WIRELESS COMMUNICATION FACILITIES AND SMALL CELL FACILITIES BY REPEALING CHAPTER 17.154 WIRELESS COMMUNICATION FACILITIES AND CHAPTER 17.56 ELIGIBLE FACILITY MODIFICATIONS; ADOPTING NEW CHAPTERS 17.200 PURPOSE AND DEFINITIONS, CHAPTER 17.205 ELIGIBLE FACILITY MODIFICATION AND WIRELESS COMMUNICATION DEVICES, CHAPTER 210, ELIGIBLE FACILITY MODIFICATIONS AND CHAPTER 220 WIRELESS COMMUNICATION FACILITIES ATTACHED AND DETACHED; AND AMENDING CHAPTER 17.30 PERMITTED LAND USES AND CHAPTER 17.81A, TYPES OF LAND USE REVIEW; AND ESTABLISHING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, it is necessary and beneficial for the health, safety and welfare of the community to update the zoning regulations for development of small cell, microcell, and distributed antenna systems telecommunications facilities; and

WHEREAS, it is important to accommodate the growing need and demand for telecommunications services while protecting the character of the City of Stanwood and its neighborhoods; and

WHEREAS, there is a need to establish standards for location, aesthetics and compatibility for small cell, microcell, and distributed antenna systems communication structures, facilities, and uses; and

WHEREAS, it is necessary to encourage the location and collocation of small cell facilities, microcells, and distributed antenna systems on existing buildings and structures in order to reduce the need for new towers, thereby minimizing visual clutter, public safety impacts, and effects upon the natural environment, as well as to encourage concealed technologies; and

WHEREAS, there is a need to encourage the availability of affordable, high- speed internet and cellular telephone access for businesses and residents, acknowledging that a growing number of businesses are conducted in whole or in part from homes and/ or on- the-go, that increasingly education incorporates on- line learning necessitating good home internet connections for students and faculty, and that government participation and emergency service to the general public are enhanced by fast and reliable cellular and home internet connectivity; and

WHEREAS, there have been recent changes to the mandates of the Telecommunications Act of 1996, the Middle Class Tax Relief and Job Creation Act of 2012, and other applicable

federal and state laws and rules promulgated by the Federal Communication Commission that require the City of Stanwood to update its wireless regulations; and

WHEREAS, a mechanism for the zoning and permitting of small cell, microcells, and distributed antenna systems telecommunication uses and an update of existing zoning provisions for other kinds of telecommunication uses is in the best interest of the citizens of the City of Stanwood; and

WHEREAS, this matter was duly referred to and was considered by the Planning Commission; and

WHEREAS, pursuant to RCW 36.70A. 106, on November 30, 2018 the City notified the State of Washington of its intent to adopt amendments to its development regulations; and

WHEREAS, the Planning Commission held a public hearing on January 7, 2019 considered all relevant matters, and heard all parties in support or opposition, and subsequently forwarded a recommendation to the City Council;

WHEREAS, the City of Stanwood SEPA Responsible Official reviewed the amendments and issued a Determination of Non-significance (DNS) on December 4, 2018; and

WHEREAS, a SEPA DNS was issued on December 4, 2019; and

WHEREAS, on December 18, 2018, the public hearing notice was printed in the Stanwood Camano News as required by law that a public hearing was to be held by the Planning Commission and all persons wishing to provide public input concerning the proposed amendments set forth in this Ordinance were heard; and

WHEREAS, the City Council Community Development Committee reviewed the proposed amendments set forth in this Ordinance at their December 20, 2018 meeting; and

WHEREAS, the City Council reviewed the recommendation of the Planning Commission at their January 10, 2019 regular meeting and accepted public comment; and

WHEREAS, pursuant to RCW 36.70A.106, the City has notified the Washington State Department of Commerce of the City's intent to adopt the proposed amendments to the zoning code; and

WHEREAS, the City Council has determined that it is in the best interest of the City and in the interest of the public health, safety and welfare of the City and its citizens to amend Title 17 relating to wireless communication facilities, as further set forth in this Ordinance;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Repeal of SMC 17.154 entitled Wireless Communication Facilities. Chapter 17.154, Wireless Communication Facilities, is hereby repealed in its entirety.

Section 2. Repeal of SMC 17.156 entitled Eligible Facility Modifications. Chapter 17.156, Eligible Facility Modifications, is hereby repealed in its entirety.

Section 3. SMC 17.30, Permitted Land Uses Amended. Chapter 17.30, Permitted Land Uses, of the Stanwood Municipal Code is hereby amended to read as set forth in Attachment A, by reference as though fully set forth herein.

Section 3. SMC 17.81A, Procedures Amended. Chapter 17.81A, Procedures, of the Stanwood Municipal Code is hereby amended to read as set forth in Attachment B, by reference as though fully set forth herein.

Section 4. Adoption of new Chapter 17. 200, Eligible Facility Modification and Wireless Communication Devices. New Stanwood Municipal Code Chapter 17. 200, Eligible Facility Modification and Wireless Communication Devices, is hereby adopted to read as set forth in Attachment C, incorporated by reference as though fully set forth herein.

Section 5. Adoption of new Chapter 17. 205, Eligible Facility Modifications. New Stanwood Municipal Code Chapter 17. 205, Eligible Facility Modifications, is hereby adopted to read as set forth in Attachment D, incorporated by reference as though fully set forth herein.

Section 6. Adoption of new Chapter 17. 210, Regulation of Wireless Communication Facility Franchises. New Stanwood Municipal Code Chapter 17. 210, Regulation of Wireless Communication Facility Franchises, is hereby adopted to read as set forth in Attachment E, incorporated by reference as though fully set forth herein.

Section 7. Adoption of new Chapter 17. 220, Wireless Communication Facilities (WCF) Attached and Detached. New Stanwood Municipal Code Chapter 17. 220, Wireless Communication Facilities (WCF) Attached and Detached, is hereby adopted to read as set forth in Attachment F, incorporated by reference as though fully set forth herein.

Section 8. Findings of Fact and Conclusions. In support of the amendment approved in this Ordinance the Stanwood City Council adopts the Findings of Fact and Conclusions attached hereto as Attachment G and incorporated herein by reference and the analysis contained in the Staff Report on the amendments.

Section 9. Severability. The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 10. Authority to Make Necessary Corrections. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's clerical errors, references, ordinance numbers, section/subsection numbers and any references thereto.

Section 11. Conflict. In the event that there is a conflict between the provision of this Ordinance and any other City ordinance, the provision of this Ordinance shall control.

Section 12. Effective Date. This Ordinance shall take effect from and after five (5) days after its passage and publication as required by law.

PASSED AND APPROVED by the Stanwood City Council this 10th day of January 2019.

CITY OF STANWOOD

Leonard Kelley, Mayor

ATTEST:

By: _____
David Hammond, City Clerk

APPROVED AS TO FORM:

By: _____
Grant Weed, City Attorney

Date of Publication: _____

Effective Date: _____

Attachment A
Amended SMC Chapter 17.30 Permitted Land Uses

Chapter 17.30
Permitted Land Uses

17.30.040 Zoning Use Table.

KEY:

Blank = Not Permitted	AE0 = Adult Entertainment Overlay
AC = Accessory Use	HO = Historic Overlay
ADC = Administrative Conditional Use	TO = Transit Overlay
C = Conditional Use	MPO = Master Plan Overlay
P = Permitted Use	MXO = Mixed Use Overlay

Wireless Communication Facilities	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	TN	MB-I ²⁰	MB-II	NB	GC	LI	GI
Co-located PWCA	P46	P46	P46	P46	P46	P46	P46	P46	P46	P46	P46	P46
Minor facilities	P47	P47	P47	P47	P47	P47	P47	P47	P47	P47	P47	P47
Single PWCA	P48	P48	P48	P48	P48	P48	P48	P48	P48	P48	P48	P48
<u>Monopole Towers</u>	C45	C45	C45	C45	C45	C45	C45	C45	C45	C45	C45	C45
<u>Guy and Lattice Towers</u>												
<u>Small Cell Facilities</u>	<u>P48a</u>	<u>P48a</u>	<u>P48a</u>	<u>P48a</u>	<u>P48a</u>	<u>P48a</u>	<u>P48a</u>	<u>P48a</u>	<u>P48a</u>	<u>P48a</u>	<u>P48a</u>	<u>P48a</u>

17.30.050 Zoning use conditions.

(45) Monopole towers only are permitted. Guy and lattice towers are prohibited. Limited to locations on properties with existing public use, except in the general commercial and general industrial zones subject to a conditional use permit, and subject to the wireless communications facilities standards in Chapter ~~17.220~~ 17.154 SMC.

(46) Subject to the wireless communications facilities standards in Chapter ~~17.220~~ 17.154 SMC.

(47) Minor facilities are limited to co-location on an existing monopole and are subject to the wireless communications facilities standards in Chapter ~~17.220~~ 17.154 SMC.

(48) Limited to one personal wireless communications facility (WCF) on existing light standards and power poles within the public right-of-way and subject to the wireless communications facilities standards in Chapter ~~17.220~~ 17.154 SMC.

(48a) All Small Wireless Communication Facilities shall be subject to the requirements of Chapters 17.200, 17.205, and 17.210.

Attachment B
Amended SMC Chapter 17.81A, Procedures

Chapter 17.81A
Procedures

Table 17.81A-I: Classification of Permits and Decisions

Type of Application	Public Comment/Notice Period	Pre- Application Meeting	Public Meeting/Recommendation	Open Record Hearing	Decision	Open Record Appeal	Closed Record Appeal	Non- City or Judicial Appeal
Type I:								
Administrative site development permit, grading permit, sign permit	No	No	No	No	CDD	HE	No	Yes
Home occupation permit	No	No	No	No	CDD	HE	No	Yes
Accessory dwelling unit	No	No	No	No	CDD	HE	No	Yes
Parcel combination	No	No	No	No	CDD	HE	No	Yes

Table 17.81A-I: Classification of Permits and Decisions

Type of Application	Public Comment/Notice Period	Pre-Application Meeting	Public Meeting/Recommendation	Open Record Hearing	Decision	Open Record Appeal	Closed Record Appeal	Non-City or Judicial Appeal
Manufactured housing infill	No	No	No	No	CDD	HE	No	Yes
Boundary line adjustment	No	No	No	No	CDD	HE	No	Yes
Administrative interpretation	No	No	No	No	CDD	HE	No	Yes
Encroachment permit	No	No	No	No	CDD/CE	HE	No	Yes
Floodplain development permit	No	No	No	No	CDD	HE	No	Yes
<u>Small Cell WCF: Co-located WCF; Minor Modifications</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>CDD</u>	<u>HE</u>	<u>No</u>	<u>Yes</u>
Administrative decision, modification, adjustment to standards	No	No	No	No	CE	HE	No	Yes
Type II:								
Variance (including flood hazard variance)*	14-day NOA or NOH	No	No	No	CDD*	HE	No	Yes
Administrative conditional use	15-day NOA	No	No	No	CDD	HE	No	Yes

Table 17.81A-I: Classification of Permits and Decisions

Type of Application	Public Comment/Notice Period	Pre-Application Meeting	Public Meeting/Recommendation	Open Record Hearing	Decision	Open Record Appeal	Closed Record Appeal	Non-City or Judicial Appeal
Sensitive area reasonable use allowance*	15-day NOA or NOH	No	No	No	CDD*	HE	No	Yes
Short plat	15-day NOA	CDD and CE	No	No	CDD and PWD	HE	No	Yes
Binding site plan	10-day NOA	CDD and CE	No	No	CDD	HE	No	Yes
Major site development permit	15-day NOA	CDD	Yes	No	CDD	HE	No	Yes
Shoreline substantial development permit	30-day NOA 15-day NOH	No	No	No	CDD	HE	No	Yes
Waiver of forest practices moratorium for single-family residence	15-day NOA	No	No	No	CDD	No	No	No
SEPA determination	14 days (post determination)	No	No	No	CDD	HE	No	Yes
Concurrency evaluation	None	No	No	No	CE	HE	No	No
Right-to-farm registration	14-day posted notice of application	No	No	No	CDD	HE	No	No

Table 17.81A-I: Classification of Permits and Decisions

Type of Application	Public Comment/Notice Period	Pre-Application Meeting	Public Meeting/Recommendation	Open Record Hearing	Decision	Open Record Appeal	Closed Record Appeal	Non-City or Judicial Appeal
Type III:								
Conditional use permit	15-day NOA 10-day NOH	No	No	HE	HE	No	No	Yes
Preliminary plat	15-day NOA 10-day NOH	CDD; CE	PC	HE	HE	No	No	Yes
PRD	15-day NOA 10-day NOH	CDD	PC	HE	HE	No	No	Yes
Shoreline CUP	30-day NOA plus 15-day NOH	No	No	HE	HE	No	No	Yes
Shoreline variance	30-day NOA plus 15-day NOH	No	No	HE	HE	No	No	Yes
Waiver of forest practices moratorium for non-single-family residence	15-day NOH	No	No	HE	HE	No	No	No
<u>WCF: Monopole</u>	<u>15-day NOH</u>	<u>CDD</u>	<u>PC</u>	<u>HE</u>	<u>HE</u>	<u>No</u>	<u>No</u>	<u>Yes</u>
<u>WCF: Small Cell Architectural Design Deviation Request</u>	<u>15-day NOH</u>	<u>CDD</u>	<u>PC</u>	<u>HE</u>	<u>HE</u>	<u>No</u>	<u>No</u>	<u>Yes</u>

Table 17.81A-I: Classification of Permits and Decisions

Type of Application	Public Comment/Notice Period	Pre- Application Meeting	Public Meeting/Recommendation	Open Record Hearing	Decision	Open Record Appeal	Closed Record Appeal	Non- City or Judicial Appeal
Major site development permit with public comments	15-day NOA 10-day NOH	CDD; CE	PC	HE	HE	No	No	Yes
Type IV:								
Development agreement	10-day NOH	No	No	HE	HE recommendation CC decision	No	No	Yes
Type V:								
Comprehensive plan amendment	NOA 10-day NOH	None	Yes	PC++	PC recommendation** 10-day NOH	No	No	Yes
Development regulations amendments	10-day NOH	None	No	PC++	PC recommendation** CC decision**	No	No	Yes
Annexation	15-day NOA 10-day NOH	CDD, CE	No	CC/SCBRB	CC/SCBRB	No	No	Yes
Final plat	No	No	No	No	CC	No	No	Yes
Right-of-way vacation	10-day NOH	CE	No	CC	CC Committee recommendation CC decision	No	No	Yes

Table 17.81A-I: Classification of Permits and Decisions

Type of Application	Public Comment/Notice Period	Pre- Application Meeting	Public Meeting/Recommendation	Open Record Hearing	Decision	Open Record Appeal	Closed Record Appeal	Non- City or Judicial Appeal
Zoning map amendment	10-day NOH	CDD	No	PC	CC	No	No	Yes
CC City Council		CE City Engineer			PC Planning Commission.			
HE Hearing Examiner		CDD Community Development Director			SCBRB Snohomish County Boundary Review Board			
NOH Notice of Hearing (per SMC 17.81A.260)		NOA Notice of Application (per SMC 17.81B.225)			PWD Public Works Director			

* The community development director shall have the option of referring the application to the hearing examiner for a public hearing and decision. In this case, an appeal of the hearing examiner's decision shall be heard in a closed record appeal as a judicial appeal.

** Either the planning commission or the city council may opt to hold one or more workshops or joint workshops on an application.

++ The city council may opt to hold the required public hearing(s).

(5) Associated Land Use Determinations. Associated land use determinations are decisions that need to be made as part of another land use action or permit review, as set forth in Table 17.81A-II. Each type of determination has a separate review process determined by the community development director or public works director.

Attachment C

Adoption of New Chapter 17. 200, Eligible Facility Modification and Wireless Communication Devices

Chapter 17.200

Eligible Facility Modifications and Wireless Communication Devices

Sections:

17.200.005 Purpose

17.200.010 Definitions

17.200.005 Purpose

The purpose of chapters 17.200, 17.205, 17.210, and 17.220 is to provide specific regulations for the placement, construction, modification and removal of WCF. Pursuant to the guidelines of Section 704 of the Federal Telecommunications Act of 1996, 47 USC, Chapter 5, Subchapter III, Part I, Section 332(c)(7) and other applicable city, state and federal rules, regulations, and guidelines, the provisions of this chapter are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting the provision of wireless services, nor shall the provisions of this chapter be applied in such a manner as to unreasonably discriminate among providers of functionally equivalent wireless services.

1. The goals of these chapters is to:
 - a. Encourage the location of towers in nonresidential areas and to minimize the total number of tall towers throughout the City;
 - b. Encourage the joint use of existing tower sites;

- c. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the impact on the City is minimal;
 - d. Encourage users of towers and antennas to configure them in a way that minimizes the visual impact of the towers and antennas;
 - e. Strongly encourage the providers of wireless services to use concealment technology;
 - f. Provide standards for the siting of WCF and other wireless communications facilities (such as television and AM/FM radio towers);
 - g. Facilitate the ability of the providers of wireless services to provide such services throughout the City quickly, effectively and efficiently; and
 - h. Prioritize the location of WCF on existing structures such as ballfield lights, transmission towers, utility poles or similar structures, particularly when located on public property.
2. Accordingly, the City Council finds that the promulgation of these chapters is warranted and necessary to:
- a. Manage the location of towers and antennas in the City;
 - b. Protect residential areas and other land uses from potential adverse impacts of towers and antennas;
 - c. Minimize visual impacts of towers and antennas through careful design, siting, landscaping, screening, innovative camouflaging techniques and concealment technology;
 - d. Accommodate the growing need for towers and antennas;
 - e. Promote and encourage shared use and co-location on existing towers as a desirable option rather than construction of additional single-use towers; and
 - f. Avoid potential damage to adjacent properties through engineering and proper siting of WCF.

17.200.010 Definitions

The following definitions shall apply in the interpretation and enforcement of this chapters 17.205, 17.210, 17.220 unless the context clearly requires otherwise. Any term or phrase not defined herein shall have the meaning that is given to that term or phrase in Chapter 17.20 SMC. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The word "shall" is always mandatory and not merely directory and the word "may" is always discretionary. References to governmental entities (whether persons or entities) refer to those entities or their successors in authority. If specific provisions of law, regulation or rule referred to herein be renumbered or amended, then the reference shall be read to refer to the renumbered or amended provision.

(1) "Approval authority" is the public official, or designee, who has authority under the Stanwood Municipal Code to administratively issue project permit approvals.

(2) "Applicant" shall mean and refer to the person, and such person's successor in interest, owning and/or operating the transmission equipment proposed in an eligible facilities modification application to be collocated, removed or replaced.

(3) "Authorized person" is the person, employees, agents, consultants, and contractors, authorized in writing by applicant to complete and submit an eligible facilities modification application on behalf of applicant and who is authorized to receive any notices on behalf of applicant of any action taken by the city regarding the application.

(4) "Base station" shall mean and refer to the structure or equipment at a fixed location that enables wireless communications licensed or authorized by the FCC, between user equipment and a communications network. The term does not encompass a tower as defined in this chapter or any equipment associated with a tower.

(a) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(b) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small cell networks).

(c) The term includes any structure other than a tower that, at the time an eligible facilities modification application is filed with the city under this chapter, supports or houses equipment described in subsections (4) (a) and (b) of this section, and that has been reviewed and approved under the applicable zoning or siting process, or under another state, county or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

(d) The term does not include any structure that, at the time a completed eligible facilities modification application is filed with the city under this section, does not support or house equipment described in subsections (4) (a) and (b) of this section.

(5) "City" shall mean and refer to the city of Stanwood.

(6) "City code" shall mean and refer to the codified ordinances of the city.

(7) "Collocation" shall mean and refer when more than one wireless communications provider mounts equipment on a single support structure (e.g., structure, monopole, lattice tower). The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes.

(8) "Conceal" or "concealment elements" are transmission facilities designed to look like some feature other than a wireless tower or base station or which minimizes the visual impact of an antenna by use of non-reflective materials, appropriate colors and/or a concealment canister..

(9) "Deemed approved" shall mean and refer to an eligible facilities modification application that has been deemed approved upon the city's failure to act, and has become effective, as provided pursuant to the FCC eligible facilities request rules.

(10) "Eligible facilities modification application" or "application" shall, unless the context clearly requires otherwise, mean and refer to a written document submitted to the city pursuant to this chapter for review and approval of a proposed facilities modification.

(11) "Eligible facilities modification" shall mean and refer to any proposed facilities modification that has been determined pursuant to the provisions of this chapter to be subject to this chapter and which does not result in a substantial change in the physical dimensions of an eligible support structure, tower or base structure involving:

- (a) Collocation of new transmission equipment;
- (b) Removal of transmission equipment; or
- (c) Replacement of transmission equipment.

(12) "Eligible facilities modification permit" or "permit" shall, unless the context clearly requires otherwise, mean and refer to a written document issued by the approval authority pursuant to this chapter approving an eligible facilities modification application.

(13) "Eligible support structure" shall mean and refer to any existing tower or base station as defined in this chapter; provided, that it is in existence at the time the eligible facilities modification application is filed with the city under this chapter.

(14) "Existing" shall, for purpose of this chapter and as applied to a tower or base station, mean and refer to a constructed tower or base station that has been reviewed and approved under the applicable zoning or siting process of the city, or under another state, county or local regulatory review process; provided, that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

(14.5) "Microcells" means a wireless communication facility consisting of an antenna that is either: (i) Four feet in height and with an area of not more than five hundred eighty square inches; or (ii) if a tubular antenna, no more than four inches in diameter and no more than six feet in length in accord with RCW 80.36.375.

(14.6) "Minor facility" means a wireless communication facility consisting of up to three antennas, each of which is either: (i) Four feet in height and with an area of not more than five hundred eighty square inches; or (ii) if a tubular antenna, no more than four inches in diameter and no more than six feet in length; and the associated equipment cabinet that is six feet or less in height and no more than forty-eight square feet in floor area.

(15) "Proposed facilities modification" shall mean and refer to a proposal submitted by an applicant to modify an eligible support structure which the applicant asserts is subject to review under Section 6409 of the Spectrum Act, and involving:

- (a) Collocation of new transmission equipment;

(b) Removal of transmission equipment; or

(c) Replacement of transmission equipment.

(16) "FCC" shall mean and refer to the Federal Communications Commission or its successor.

(17) "FCC eligible facilities request rules" shall mean and refer to 47 CFR Part 1 (Part 1 – Practice and Procedure), Subpart CC, Section 1.40001, as established pursuant to its report and order in In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59; FCC 14-153, or as may be thereafter amended.

(17.5) "Service provider" is defined in accord with RCW 35.99.010(6). Service provider shall include those infrastructure companies that provide telecommunications services or equipment to enable the deployment of personal wireless services.

(18) "Site" shall, for towers other than towers in the public rights-of-way, mean and refer to the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, shall mean and be further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

(19) "Small cell facility" shall mean and refer to a personal wireless services facility that meets each of the following conditions:

(1) The facilities—

(i) are mounted on structures 50 feet or less in height including their antennas

as defined in section 1.1320(d), 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;

- (2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in section 1.1320(d)), is no more than three cubic feet in volume.
- (3) 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.
- (20) "Small cell network" shall mean and refer to a collection of interrelated small cell facilities designed to deliver personal wireless services as further defined in RCW 80.36.375.
- (21) "Spectrum Act" shall mean and refer to the "Middle Class Tax Relief and Job Creation Act of 2012" (Public Law 112-96; codified at 47 U.S.C. 1455(a)).
- (22) "Substantial change criteria" shall mean and refer to the criteria set forth in SMC 17.205.090.
- (22.5) "Telecommunications service" is defined in accord with RCW 35.99.010(7).
- (23) "Transmission equipment" is equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associates with wireless communications services including, but not limited to, private, broadcast and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- (24) "Tower" is any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixes wireless services such as microwave backhaul and the associated site.
- (25) "Undergrounded areas": Public Rights-of-Way in which wireline utilities have been located or relocated underground.

(26) "Utility pole" is a structure designed and used primarily for the support of electrical wires, telephone wires, television cable, traffic signals, or lighting for streets, parking areas, or pedestrian paths.

Attachment D
Adoption of New Chapter 17. 205, Eligible Facility Modifications

Chapter 17.205
ELIGIBLE FACILITY MODIFICATIONS

Sections:

- 17.205.010 Title.
- 17.205.020 Adoption of findings and conclusions.
- 17.205.030 Purpose and intent.
- 17.205.040 Definitions.
- 17.205.050 Applicability – Relationship to other rules and regulations.
- 17.205.060 Permit classification.
- 17.205.070 Application submittal requirements – Determination of completeness.
- 17.205.080 Review of application – Approval.
- 17.205.090 Substantial change criteria.
- 17.205.100 Nonconforming structure – Termination.
- 17.205.110 Enforcement – Violation.

17.205.010 Title.

This chapter shall be known and referred to as the “Eligible Facilities Modification Code” or “EFM Code.” Unless the context indicates otherwise, a reference herein to “this code” or “this chapter” shall mean and refer to the eligible facilities modification code.

17.205.020 Adoption of findings and conclusions.

The recitals set forth in the ordinance adopting this code are adopted as findings and conclusions of the city council.

17.205.030 Purpose and intent.

The purpose and intent of this chapter are:

- (1) To implement Section 6409 of the “Middle Class Tax Relief and Job Creation Act of 2012” (the “Spectrum Act”) (PL-112-96; codified at 47 U.S.C. 1455(a)) which requires the city to approve any

eligible facilities request for a modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station;

(2) To implement the FCC rules set forth at 47 CFR Part 1 (Part 1 – Practice and Procedure) new Subpart CC Section 1.40001 (Wireless Facility Modifications), which rules implement Section 6409 of the Spectrum Act;

(3) To establish procedural requirements and substantive criteria applicable to review and approval or denial of applications for an eligible facilities modification;

(4) To ensure that application submittal requirements are related to information reasonably necessary to the determination of whether or not the proposed modification will result in a substantial change in the physical dimensions of the eligible support structure;

(5) To exempt facilities modifications approved under this chapter as eligible facilities requests from zoning and development regulations that are inconsistent with or preempted by Section 6409 of the Spectrum Act;

(6) To preserve the city's right to continue to enforce and condition approvals under this chapter on compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety;

(7) To promote timely decisions under this chapter;

(8) To ensure that decisions are made consistently and predictably;

(9) To incorporate provisions of RCW 43.21C.0384 that exempt eligible facilities modifications from review under RCW 43.21C.030 (2) (c) (State Environmental Policy Act);

(10) To recognize that Section 6409(a)(1) of the Spectrum Act operates to preempt any provision of the State Environmental Policy Act (Chapter 43.21C RCW) to the extent that any such provision, including RCW 43.21C.030(2)(c), would prohibit a city from approving any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station; and

(11) To provide for termination of eligible facilities modifications approved pursuant to this chapter as nonconforming structures in the event that Section 6409(a) of the Spectrum Act is found to be

unconstitutional or otherwise determined to be invalid or unenforceable and such modifications would otherwise have been in derogation of development regulations in place at the time of receipt of a completed application.

17.205.040 Definitions.

The definitions for this chapter are as set forth in section 17.200.010 SMC.

17.205.050 Applicability – Relationship to other rules and regulations.

(1) Except as may be otherwise provided in this chapter, and notwithstanding any other provisions in the city code, the provisions of this chapter shall be the sole and exclusive procedure for review and approval of a proposed facilities modification which the applicant asserts is subject to review under Section 6409 of the Spectrum Act or other applicable law. To the extent that other provisions of the city code establish a parallel process for review and approval of a project permit application for a proposed facilities modification, the provisions of this chapter shall control. In the event that any part of an application for project permit approval includes a proposed facilities modification, the proposed facilities modification portion of the application shall be reviewed under the provisions of this chapter. In the event that an application for project permit approval includes a proposal to modify an eligible support structure, and the applicant does not assert in the application that the proposal is subject to review under Section 6409 of the Spectrum Act or other applicable law, such proposal shall not be subject to review under this chapter and may be subject to review under other applicable provisions of the city code.

(2) This chapter shall not apply to a proposed facility modification to an eligible support structure that is not a legal conforming, or legal nonconforming, structure at the time a completed eligible facilities modification application is filed with the city. To the extent that the nonconforming structures and use provisions of the city code would operate to prohibit or condition approval of a proposed facilities modification application otherwise allowed under this chapter, such provisions are superseded by the provisions of this chapter and shall not apply.

(3) This chapter shall not apply to a proposed facility modification to an eligible support structure that will involve replacement of the tower or base station.

(4) This chapter shall not apply to a proposed facility modification to a structure, other than a tower, that does not, at the time of submittal of the application, already house or support transmission equipment lawfully installed within or upon, or attached to, the structure.

(5) Interpretations of this chapter shall be guided by Section 6409 of the Spectrum Act; the FCC eligible facilities request rules, the FCC's report and order in *In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59; FCC 14-153; and SMC 17.156.020 (Adoption of findings and conclusions) and 17.156.030 (Purpose and intent) and other applicable local, state, or federal law.

(6) SEPA Review. Unless otherwise provided by law or regulation, decisions pertaining to an eligible facilities modification application are not subject to, and are exempt from, the requirements of RCW 43.21C.030(2)(c), if:

(a) The proposed facilities modification would not increase the height of the eligible support structure by more than 10 percent, or 20 feet, whichever is greater; or

(b) The mounting of equipment that would involve adding an appurtenance to the body of the eligible support structure would not protrude from the edge of the structure more than 20 feet, or more than the width of the structure at the level of the appurtenance, whichever is greater;¹ or

(c) The authority to condition or deny an application pursuant to Chapter 43.21 RCW is preempted, or otherwise supplanted, by Section 6409 of the Spectrum Act.

(7) Nothing herein is intended or shall operate to waive or limit the city's right to enforce, or condition approval on, compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety.

17.205.060 Permit classification.

An eligible facilities modification permit shall be classified as an administrative permit subject to review and approval or denial by the approval authority and classified as a Type I permit process.

17.205.070 Application submittal requirements – Determination of completeness.

(1) This section sets forth the submittal requirements for an eligible facilities modification application. The purpose of the submittal requirements is to ensure that the city has all information and documentation that is reasonably necessary to determine if the applicant's proposed facilities modification will substantially change the physical dimensions of an eligible support structure. The

submittal requirements are not intended to require the applicant to establish the need for the proposed modifications or to justify the business decision to propose such modifications.

(2) No eligible facilities modification application shall be deemed complete unless it is, in writing, accompanied by the applicable application and review fee, includes the required submittals, and is attested to by the authorized person submitting the application on behalf of the applicant, certifying the truth and accuracy of the information provided in the application. The application shall include the following submittals, unless waived by the approval authority:

(a) The following contact information for the authorized person:

(i) Name;

(ii) Title;

(iii) Mailing address;

(iv) Phone number; and

(v) Electronic mail address (optional).

(b) The legal and dba names, mailing address, Washington tax number, and contact phone number(s) of applicant.

(c) If a corporation, the name and address of the registered agent of applicant in Washington State, and the state of incorporation of applicant.

(d) If applicant is an entity, other than a corporation, such as a partnership or limited liability company, the names and business addresses of the principals.

(e) An assertion that the proposed facilities modification is subject to review under Section 6409 of the Spectrum Act or other applicable law.

(f) If the applicant is not the owner or person in control of the eligible support structure and/or site, an attestation that the owner or person in control of the eligible support structure and/or site has consented to the proposed facilities modification shall be required. If the eligible support structure is located in a public right-of-way, the applicant must also attest that

applicant has authorization to install, maintain and operate transmission equipment in, under and above the public right-of-way.

(g) If the applicant proposes a modification involving collocation of transmission equipment or the replacement of transmission equipment, complete copies of the underlying land use approvals for siting of the tower or base station proposed to be modified, establishing that, at the time of submittal of the application, such tower or base station constituted an eligible support structure shall be required.

(h) If the applicant proposes a modification that will result in an increase in height of the eligible support structure, record drawings, as-built plans, or the equivalent, showing the height of the eligible support structure (i) as originally constructed and granted approval by the city or other applicable local zoning or similar regulatory authority, or (ii) as of the most recent modification that received city or other local zoning or regulatory approval, prior to the passage of the Spectrum Act, whichever height is greater, shall be required.

(i) If the applicant proposes a modification to an eligible support structure, which structure, or proposed modification of the same, is subject to preexisting restrictions or requirements imposed by a reviewing official or decision-making body pursuant to authority granted under the city code, or an ordinance or a municipal code of another local government authority, the following shall be required: a copy of the document (e.g., CUP or SUP) setting forth such preexisting restrictions or requirements together with a certification that the proposed facilities modification conforms to such restrictions or requirements; provided, that such certification shall have no application to the extent the proposed facilities modification relates solely to an increase in height, increase in width, addition of cabinets, or new excavation, that does not result in a substantial change in the physical dimensions of the eligible support structure.

(j) If the applicant proposes a modification to an eligible support structure, which structure, or proposed modification of the same, is subject to preexisting concealment restrictions or requirements, or was constructed with concealment elements, the following shall be required:

Applicant shall set forth the facts and circumstances demonstrating that the proposed modification would not defeat the existing concealment elements of the eligible support

structure. If the proposed modification will alter the exterior dimensions or appearance of the eligible support structure, applicant shall include a detailed visual simulation depicting how the eligible support structure will appear after the proposed modification is complete. The visual simulation shall depict to scale the eligible support structure in relation to the trees, landscaping and other structures adjacent to, or in the immediate vicinity of, the eligible support structure.

(k) If the applicant proposes a modification that will protrude from the edge of a non-tower eligible support structure, the following shall be required:

Record drawings, as-built plans, or the equivalent, showing at a minimum the edge of the eligible support structure at the location of the proposed modification.

(l) If the applicant proposes a modification to an eligible support structure that will (i) include any excavation, (ii) would result in a protrusion from the edge of a tower that exceeds an existing protrusion of any transmission equipment attached to a tower, or (iii) would protrude from the edge of a non-tower eligible support structure, the following shall be required:

A description of the boundaries of the site together with a scale drawing based on an accurate traverse, with angular and lineal dimensions, depicting the boundaries of the site in relation to the tower or base station proposed to be modified and depicting the proposed location, elevation and dimensions of the new or replacement transmission equipment. The city may require a survey by a land surveyor licensed in the state of Washington when, in the judgment of the approval authority, a survey is reasonably necessary to verify the boundaries of the site to determine if the proposed facilities modification would result in a substantial change in the physical dimensions of the eligible support structure.

(m) If the applicant proposes a modification to the eligible support structure that includes hardening through structural enhancement, the following shall be required:

A technical report by a qualified engineer accredited by the state of Washington, demonstrating that the structural enhancement is performed in connection with and is necessary to support the proposed collocation, removal, or replacement of transmission equipment and conforms to applicable code requirements. The city may retain the services of an independent technical expert to review, evaluate, and provide an opinion regarding the applicant's demonstration of necessity.

(n) If the applicant proposes a modification to a tower, the following shall be required:

A stamped report by a state of Washington registered professional engineer demonstrating that the tower with the proposed modifications will comply with applicable structural, electrical and safety codes, including by way of example, and not limitation, EIA/TIA-222-Revision G, published by the American National Standards Institute (as amended), allowable wind speed for the applicable zone in which the tower is located, and describing the general structural capacity of the tower with the proposed modifications, including:

(i) The number and type of antennas that can be accommodated;

(ii) The basis for the calculation of capacity; and

(iii) A written statement that the proposal complies with all federal guidelines regarding interference and ANSI standards as adopted by the FCC, including but not limited to nonionizing electromagnetic radiation (NIER) standards. The city may retain the services of an independent technical expert to review, evaluate, and provide an opinion regarding the applicant's demonstration of compliance.

(o) If the applicant proposes a modification to a base station, the following shall be required:

A stamped report by a state of Washington registered professional engineer demonstrating that the base station, with the proposed modifications, will comply with applicable structural, electrical and safety codes.

(p) If the applicant proposes a modification requiring alteration to the eligible support structure, excavation, installation of new equipment cabinets, or any other activities impacting or altering the land, existing structures, fencing, or landscaping on the site, the following shall be required:

A detailed site plan and drawings, showing the true north point, a graphic scale and drawn to an appropriate decimal scale, indicating and depicting: (i) the location, elevation and dimensions of the existing eligible support structure, (ii) the location, elevation and dimensions of the existing transmission equipment, (iii) the location, elevation and dimensions of the transmission equipment, if any, proposed to be collocated or that will replace existing transmission equipment, (iv) the location, elevation and dimensions of any

proposed new equipment cabinets and the intended use of each, (v) any proposed modification to the eligible support structure, (vi) the location of existing structures on the site, including fencing, screening, trees, and other significant site features, and (vii) the location of any areas where excavation is proposed showing the elevations, depths, and width of the proposed excavation and materials and dimensions of the equipment to be placed in the area excavated.

(q) Copies of any environmental documents required by any federal agency. These shall include the environmental assessment required by 47 CFR Part 1 (Part 1 – Practice and Procedure), Section 1.1307, as amended, or, in the event that an FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment.

(3) The approval authority may waive any submittal requirement upon determination that the required submittal, or part thereof, is not reasonably related to the substantial change criteria. A waiver, to be effective, must be in writing and signed by the approval authority.

(4) An eligible facilities modification application, and any supplemental submittals, shall be deemed received by the city upon the date such application, or supplemental submittal, is filed with the planning department. An application, and any supplemental submittals, must be filed in person during regular business hours of the city and must be accompanied by the applicable permit review fee(s). Any application received by the city without contemporaneous payment, or deposit, of the applicable permit review fees will be rejected.

(5) Completed Application – Determination – Tolling.

(a) The approval authority shall, within 30 days of receipt of the application, review the application for completeness. An application is complete if it includes the applicable permit review fee(s) and contains all of the applicable submittal requirements set forth at subsection (2) of this section, unless waived by the approval authority pursuant to subsection (3) of this section. The determination of completeness shall not preclude the approval authority from requesting additional information or studies either at the time of the determination of completeness or subsequently if new or additional information is required, or substantial changes in the proposed action occur, or the proposed facilities modification is modified by applicant, as determined by the approval authority.

(b) The approval authority shall notify the applicant within 30 days of receipt of the application that the application is incomplete. Such notice shall clearly and specifically delineate all missing documents or information.

(c) The application review period begins to run when the application is received, and may be tolled when the approval authority determines that the application is incomplete and provides notice as set forth below. The application review period may also be tolled by mutual agreement of the approval authority and applicant. The time frame for review is not tolled by a moratorium on the review of eligible facility modification applications.

(i) To toll the time frame for review for incompleteness, the approval authority must provide written notice to the applicant within 30 days of the date of receipt of the application, clearly and specifically delineating all missing documents or information. Such delineated information is limited to submittals set forth in subsection (2) of this section and any supplemental information requested by the approval authority that is reasonably related to determining whether the proposed facilities modification will substantially change the physical dimension of an eligible support structure.

(ii) The time frame for review begins running again when the city is in receipt of applicant's supplemental submission in response to the approval authority's notice of incompleteness.

(iii) Following a supplemental submission, the approval authority shall have 10 days to notify the applicant that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this subsection (5)(c)(iii). Except as may be otherwise agreed to by the applicant and the approval authority, second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

(iv) A notice of incompleteness from the city will be deemed received by the applicant upon the earlier of personal service upon the authorized person, delivery by electronic mail to the authorized person (if such delivery is authorized for receipt of notice by the authorized person), or three days from deposit of the notice in the United States mail,

postage prepaid, and in an envelope properly addressed to the authorized person using the address set forth in the application.

(d) In the event that after submittal of the application, or as a result of any subsequent submittals, applicant modifies the proposed facilities modification described in the initial application, the application as modified will be considered a new application subject to commencement of a new application review period; provided, that applicant and the approval authority may, in the alternative, enter into a mutually agreeable tolling agreement allowing the city to request additional submittals and additional time that may be reasonably necessary for review of the modified application.

17.205.080 Review of application – Approval.

(1) Review of Application. The approval authority shall review an eligible facilities modification application to determine if the proposed facilities modification is subject to this chapter, and if so, if the proposed facilities modification will result in a substantial change to the physical dimensions of an eligible support structure.

(2) Time Frame for Review. Within 60 days of the date on which the city receives an eligible facilities modification application, less any time period that may be excluded under the tolling provisions of this chapter or a tolling agreement between the applicant and the approval authority, the approval authority shall approve the application and contemporaneously issue an eligible facilities modification permit unless the approval authority determines that the application is not subject to this chapter, or the proposed facilities modification will substantially change the physical dimension of an eligible support structure.

(3) An eligible facilities application shall be approved, and an eligible facilities permit issued, upon determination by the approval authority that the proposed facilities modification is subject to this chapter and that it does not substantially change the physical dimensions of an eligible support structure. An eligible facilities application shall be denied upon determination by the approval authority that the proposed facilities modification is not subject to this chapter or will substantially change the physical dimensions of an eligible support structure. A proposed facilities modification will substantially change the physical dimensions of an eligible support structure if it meets any of the substantial change criteria.

(4) An application that has been deemed approved shall be and constitute the equivalent of an eligible facilities modification permit, except as may be otherwise determined by a court of competent jurisdiction, when the city fails to grant or deny the application within 60 days of the date of filing together with any periods during which the shot clock was tolled, and the applicant has notified the city that the application is deemed granted after the expiration of such period. Applications deemed granted shall be subject to generally applicable enforcement and compliance requirements in the same manner as an eligible facilities modification permit issued pursuant to this chapter.

(5) A denial of an eligible facilities modification application shall set forth in writing the reasons for the denial, and shall be provided to the applicant.

(6) Any eligible facilities modification permit issued pursuant to this chapter, and any application that has been deemed approved due to the city's failure to act, shall be and is conditioned upon compliance with any generally applicable building, structural, electrical, and safety codes and other laws codifying objective standards reasonably related to health and safety. Violation of any such applicable code or standard shall be deemed to be a violation of the eligible facilities modification or deemed approved application.

(7) An eligible facilities modification permit issued pursuant to this chapter, and any deemed approved application, shall be valid for a term of 180 days from the date of issuance, or the date the application is approved or deemed approved.

(8) Notwithstanding any other provisions in the city code, no administrative review is provided for review of a decision to condition, deny or approve an application. Applicant and the city retain any and all remedies that are available at law or in equity, including by way of example and not limitation, those remedies set forth in the FCC eligible facilities request rules and remedies available under the Land Use Petition Act. In the event no other time period is provided at law for bringing an action for a remedy, any action challenging a denial of an application or notice of a deemed approved remedy shall be brought within 30 days following the date of denial or following the date of notification of the deemed approved remedy.

(9) Determination That Application Is Not An Eligible Facilities Request.

If the Planning Director determines that the applicant's request does not qualify as an Eligible Facilities Request, the Planning Director shall deny the application. To the extent additional

information is necessary, the Planning Director may request such information from the applicant to evaluate the application under other provisions of this Chapter and applicable law.

17.205.090 Substantial change criteria.

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

- a. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
- b. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
- c. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
- d. It entails any excavation or deployment outside the current site;
- e. It would defeat the concealment elements of the eligible support structure; or
- f. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided, however, that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified above.

17.205.100 Nonconforming structure – Termination.

(1) Application. The provisions of this section shall apply to any facilities modification constructed, installed, placed or erected pursuant to an eligible facilities modification permit, or pursuant to a deemed approved remedy, which facilities modification did not conform to zoning and/or development regulations, exclusive of this chapter, in effect at the time the completed eligible facilities modification application was filed.

(2) A facilities modification to which this section applies is subject to termination as a nonconforming structure upon the following conditions:

(a) An appellate court, in a final and non-appealable decision, determines that Section 6409(a) (1) of the Spectrum Act, or other applicable law, is unconstitutional or otherwise determined to be invalid or unenforceable; and

(b) The city provides written notice to the applicant that the city has determined that the facilities modification did not conform to zoning and/or development regulations, exclusive of this chapter, in effect at the time the completed eligible facilities modification application was filed and that the facilities modification constitutes a nonconforming structure pursuant to the provisions hereof and must be made conforming or the facilities modification terminated.

(c) Upon receipt of notice of the city's nonconforming structure determination, applicant shall abate the nonconformance by either conforming the site to the zoning and development regulations in effect at the time the completed eligible facilities modification application was filed, or removing the facilities modification and returning the site to the condition that existed prior to the construction, installation, placement or erection of the facilities modification. The time period for conformance shall be one year from the date of the city's notice of the nonconforming structure determination.

(d) Health and Safety Codes. Nothing in this section shall relieve the applicant from compliance with applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety.

(e) The applicant, or its successors or assigns, may appeal the city's determination of nonconformance to the city hearing examiner by filing a notice of appeal within 10 calendar days of the date of the determination of nonconformance, excluding holidays.

17.205.110 Enforcement – Violation.

Compliance with the provisions of this chapter is mandatory. Any violation hereof is subject to enforcement under the code enforcement provisions of the SMC.

Attachment E

Adoption of New Chapter 17. 210, Regulation of Wireless Communication Facility Franchise

Chapter 17.210

REGULATION OF WIRELESS COMMUNICATION FACILITY FRANCHISE

Sections:

- 17.210.010 Overview.
- 17.210.020 Definition.
- 17.210.030 Franchise Application.
- 17.210.040 Designation of Facilities.
- 17.210.050 Implementation: Small Cell Permits
- 17.210.060 Review process.
- 17.210.070 Right-of way permit for small cells and deviations
- 17.210.070 Facilities designated in the franchise and/or small cell permit application.
- 17.210.080 Small cell permit and minor deviations.
- 17.210.090 Significant Deviations.
- 17.210.100 Franchise and small cell deployment facility approvals and processes.
- 17.210.110 Small Cell
- 17.210.120 Small Cell Facilities in Underground areas or design zones
- 17.210.130 Compliance with State Processing Limitations.
- 17.210.140 Determination that an Application is not an Eligible Facilities Request.

17.210.010 Overview and Purpose.

In order to manage its right-of-way 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 of Stanwood has adopted this process for the deployment of small cell and microcell technology. Service providers who seek to utilize the public right-of-way for small cell deployment in order to provide wireless communication, data transmission or other related services to the citizens of the City must have a valid franchise to provide the specific service seeking to utilize the right-of- way and a Small Cell Permit to deploy the technology. Entities with franchises who wish to utilize a

small cell deployment to upgrade or expand their existing services shall utilize the processes set forth in this ordinance and through implementing Small Cell Permits to deploy their technology and obtain design approval of specific installations. The Small Cell Permit process administers deployment under the franchise. An entity without a franchise shall apply for a franchise and adjunct Small Cell Permit which shall be processed concurrently as one Master Permit within the meaning of RCW 35.99.010(3) and 35.99.030.

1. Nothing in this ordinance revises or diminishes the rights and obligations of an existing franchise.

2. The term “small cell deployment” shall include the deployment of small cell facilities, microcells and small cell networks as those terms are defined by RCW 80.36.375 or as otherwise defined by law. Small cell deployment elements which require SEPA review may utilize these processes only in conjunction with SEPA review.

17.210.020 Definitions.

Definitions related to this chapter are as set forth in chapter 17.200 SMC.

17.210.030 Franchise Application.

Applicants shall apply using the City's franchise application form and submit a fee according to the City's fee schedule deposit commensurate with the estimated administrative costs of processing an application for a franchise. The fee deposit level shall be set by City Council Resolution. The Director is charged with administration of small cell deployments and other wireless communication review processes established in Stanwood Municipal Code. Subsequent to the approval of a franchise, a new pole or expansion beyond the dimensions or volume of small cell facility which exceeds the cumulative total provided by the definition of a small cell or microcell facility in RCW 80.36.375 shall require an amendment to the franchise agreement.

17.210.040 Designation of Facilities.

A. The application shall provide:

- i. Specific locational information including GIS coordinates of all facilities,
- ii. Specify whether and where small cell facilities are to be located on existing utility poles including City-owned light standards (included in the definition of utility pole), or
- iii. Whether and where small cell facilities are to utilize replacement utility poles, new poles, towers, and/or other structures.

B. 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 an infrastructure provider.

C. Detailed schematics and visual renderings of the facilities shall be provided by the applicant.

D. Failure to provide sufficient detail may result in a later finding of a significant change in the facility if significant elements of the facility were not shown on the originally approved franchise exhibit. Failure to include significant elements may also result in the requirement that new or undocumented elements complete the approval processes detailed in this Chapter and in other applicable provisions of Stanwood Municipal Code.

17.210.050 Implementation: Small Cell Permits.

The rights granted under the franchise are implemented through the issuance of Small Cell Permits. The franchise application may be accompanied by one or more applications for a Small Cell Permit to deploy small cells. An initial franchise and all related Small Cell Permit applications shall be processed concurrently as one Master Permit.

a. Up to thirty (30) sites may be specified in one Small Cell Permit application for processing. The Director may approve up to five (5) additional sites in order to consider small cell sites within one logical service area in one application

b. Issuance of a Small Cell Permit to install a small cell deployment shall be contingent upon approval of a franchise or the possession of a valid franchise.

c. 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. All Small Cell Permits which are submitted in conjunction with a franchise application shall be considered as one Master Permit. Any element of a deployment which qualifies as either an Eligible Facilities Request or a collocation shall be specifically designated by the applicant and may be addressed separately by the Director in order to comply with the shot clocks established by federal law and other applicable regulations.

d. The Director may approve, deny or conditionally approve all or any portion of the sites proposed in the Small Cell Permit application.

e. Any application for a franchise or Small Cell Permit which contains an element which is not exempt from SEPA review shall simultaneously apply under Chapter 43.21C RCW and other applicable regulations.

f. Radio Frequency (RF) Certification. 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 and associated wireless backhaul will operate. An existing franchisee applying for a Small Cell Permit for small cell deployment shall provide an RF certification for all facilities included in the deployment which are to be installed by the Franchisee. If facilities necessary to the Small Cell Deployment are to be provided by another franchisee, then the Small Cell Deployment in the initial franchise or in a subsequent Small Cell Permit shall be conditioned on an RF Certification showing the cumulative impact of the RF emissions on the entire installation. If facilities necessary to the Small Cell Deployment are to be provided by another franchisee or in a subsequent, the Use Permit to deploy such facilities shall be contingent on submittal of an RF Certification by the other franchisee for such facilities, if such facilities will emit RF emissions, this

RF Certification shall address the cumulative impact of the RF emissions and certify compliance with federal requirements.

g. Regulatory Authorization. Issuance of the Use Permit for the facilities shall also be contingent upon the applicant's provision of proof of FCC and other regulatory approvals required to provide the service(s) or utilize the technologies sought to be installed.

h. Completeness; Franchise and Small Cell Applications. The Director or his/her designee shall review an application for completeness and notify the applicant within thirty (30) days of submission whether the application is complete, provided, however, that an applicant may consent to a different completeness review period. A service provider may resubmit an incomplete application within sixty (60) days of notice by the Director. Failure to resubmit an application in a timely manner shall be deemed a withdrawal of that application. An applicant shall be notified in writing of the approval or denial of the application. No application shall be deemed complete without the fee deposit set by the Director.

17.210.060 Review Process.

The following provisions relate to applications for a franchise or Small Cell Permit for small cell deployments.

A. Review of Facilities.

Review of the site locations proposed by the applicant shall be governed by the provisions of 47 USC 253 and 47 USC 332 and applicable case law. Applicants for franchises and the Small Cell Permits which implement the franchise 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. Franchise and Small Cell Permit review under this chapter shall neither prohibit nor have the effect of prohibiting the ability of an applicant to provide telecommunications services.

B. Concealment for Small Cell.

In any zone not designated by for design review, upon application for a Small Cell Permit or for facilities designated within a franchise, the City will permit small cell deployment on existing utility poles conforming to the City's generally applicable pole design standard adopted pursuant to city code or street and utility standards. Accordingly, small cell facilities installed pursuant to this concealment authorization may not be expanded pursuant to an Eligible Facilities Request unless the Director determines that such expansion does not defeat the concealment elements of the facilities as outlined in this chapter. The applicable design standards are as follows:

1. Design Standards.

- a. No Colocation. Each wooden utility pole may not contain more than one small cell facility.

- b. Height Restrictions. All small cell facilities shall be in compliance with height restrictions applicable to poles and other structures as stated in Chapter 17.220. The director may approve deviations as described in this chapter.
- c. New and Replacement Poles. The new or replacement poles shall match height, color and material of the original or adjacent poles and shall be subject to approval by the director. The director may approve deviations as described in this chapter.
- d. Interior Concealment. Whenever technologically feasible, antennas and equipment shall be fully concealed within the utility or light pole. When interior concealment is not possible, such as when attached to a wooden utility pole or due to American with Disabilities Act (ADA) requirements, antennas and equipment shall be camouflaged to appear to be an integrated part of the utility or light pole.
- e. Flush-Mounted Standoff Brackets or Pole-Top Antennas. In situations when interior concealment pursuant to subsection (B)(1)(d) of this section is not possible, installation of an antenna on a pole shall be flush mounted, if feasible or located at the top of the pole. Flush mounting includes using brackets that offset the inside edge of such equipment from the utility pole by twelve inches or less, except as otherwise required by the pole owner or a controlling electrical code such as the National Electrical Safety Code, National Electric Code or State Electrical Code and when approved by the city. Standoff brackets are permitted so long as the antennas are mounted as close to the pole as technically feasible, but no more than twelve inches off the pole.
- f. Antenna Design. Antennas shall be located in an enclosure of no more than three cubic feet in volume, or in 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. No more than four antennas are permitted on a single utility pole and with a total volume not to exceed nine cubic feet.
- g. Primary Equipment Enclosure Location and Dimensions. The applicant shall minimize the primary equipment enclosure space and use the smallest amount of enclosure possible to fit the necessary equipment. The primary equipment enclosure shall be located using one of the following methods:

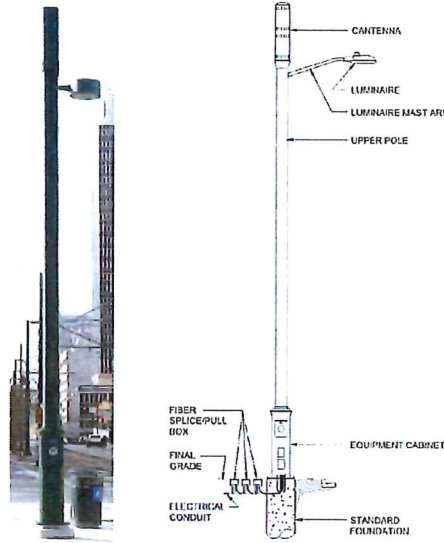
- i. Concealed completely within the pole or pole base. If within the pole base, the base shall meet the ADA requirements and not impact the pedestrian access route.
 - ii. Located on a pole. If located on a pole, the equipment enclosure shall be seventeen cubic feet or less in size.
 - iii. Underground in a utility vault. If located underground, the access lid to the primary equipment enclosure shall be located outside the footprint of any pedestrian curb ramp and shall have a nonskid surface meeting ADA requirements if located within an existing pedestrian access route.
 - iv. On private property. If located on private property, the applicant shall submit a copy of an executed easement or lease agreement with the private property owner prior to the right-of-way permit issuance. In addition, if the private property is zoned residential, the applicant shall comply with the requirements of applicable zoning code chapter.
- h. Material and Color. Small cell facility antennas, conduit, mounting hardware and cabinets shall be painted to match the color of the pole and shall be non-reflective.
- i. No Illumination. Small cell facilities shall not be illuminated.
- j. Generators and Backup Battery. Applicant shall not install any generators or backup battery power.
- k. Underground Areas and Design Zone Aesthetics. The design plans for all small cell facilities in design zones shall be compatible with the character and aesthetics of the neighborhoods, plazas, boulevards, parks, public spaces, and commercial districts located in whole or in part within the design zone. Applicant shall propose design concepts and the use of camouflage or stealth materials, as necessary to blend its installations with the overall character of the design zone. Applicants are encouraged to meet with the city prior to submitting a concealment element plan subject to this section and other applicable city code.

Examples of Unacceptable and Acceptable Small Cell Facilities

Unacceptable Design



Acceptable Design



Design Specification

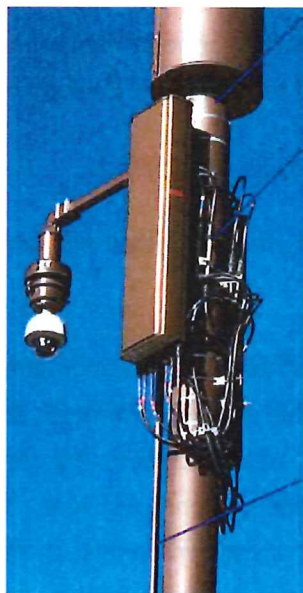
Conduit, mounting bracket, and other hardware must be hidden from view

Cantenna must include a smooth transition between the upper pole and antenna attachment

The equipment cabinet must match the shape of the pole

Electrical conduit and box must be below final grade level

Unacceptable Design



Cantenna must include a smooth transition between the upper pole and antenna

Conduit, mounting bracket and other hardware must be hidden from view

All conduit, wires and other hardware shall be located internal to the upper pole.

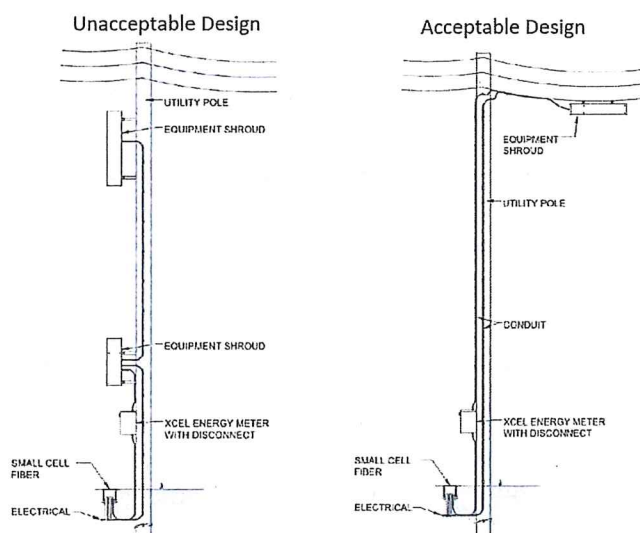
Acceptable Design





Examples of a poorly designed small cell facility

Examples for Utility Poles



**Examples of Utility Pole Design
(Subject to Approval of the Utility)**

I. Placement Requirements. Small cell facilities and street light poles shall only be located where an existing pole can be removed and replaced or at a new location where it has been identified that a streetlight is necessary. Poles shall be placed as follows:

- i. In a manner that does not impede, obstruct, or hinder pedestrian or vehicle travel.

ii. In alignment with existing trees, utility poles, and streetlights. Placement should be within the street amenity zone.

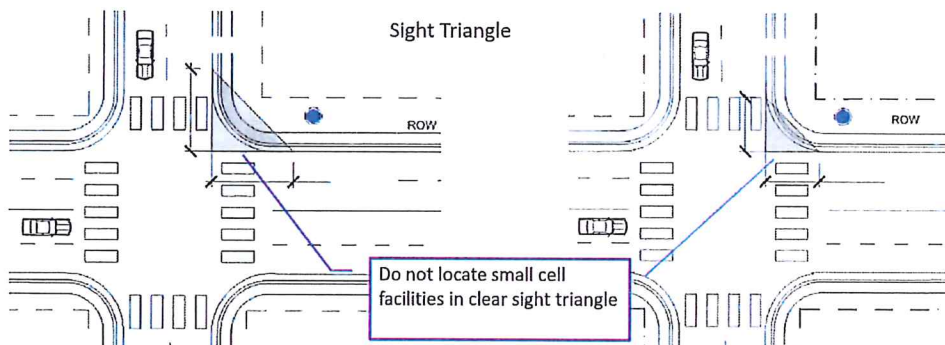
iii. Equal distance between trees when possible, with a minimum of 15 foot separation such that no proposed disturbance shall occur within the critical root zone of any tree.

Small Cell Facilities within the Amenity Zone



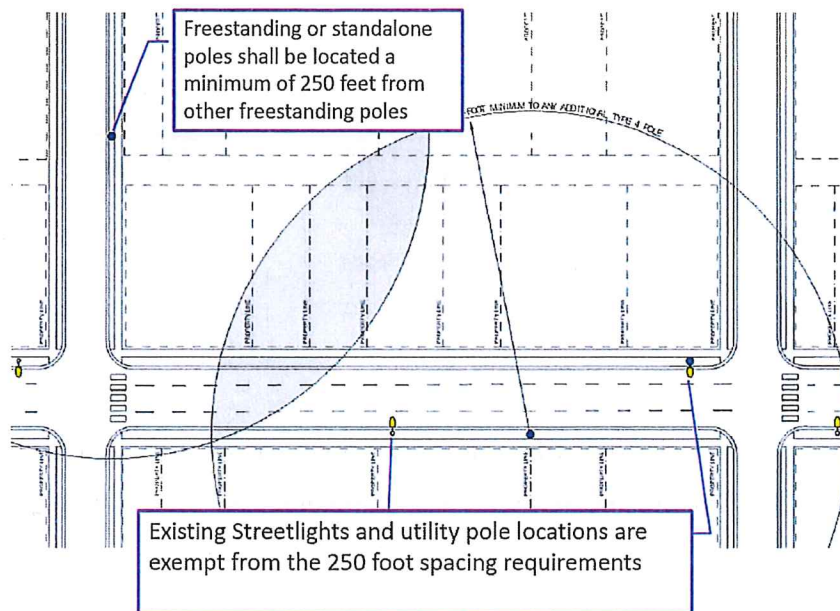
iv. With appropriate clearance from existing utilities.

v. Outside the sight distance triangle at intersections; including alleys.



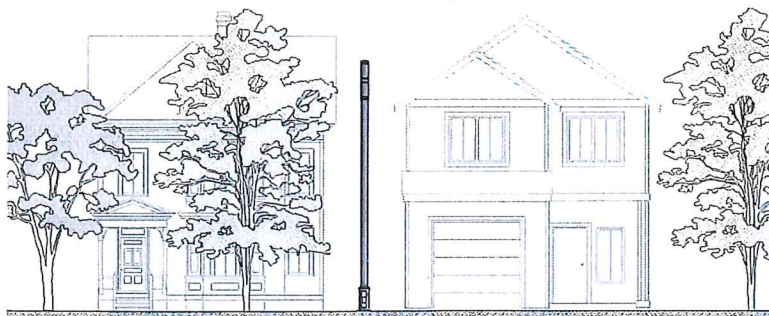
vi. New standalone poles shall be separated by at least 250 feet in circumference.

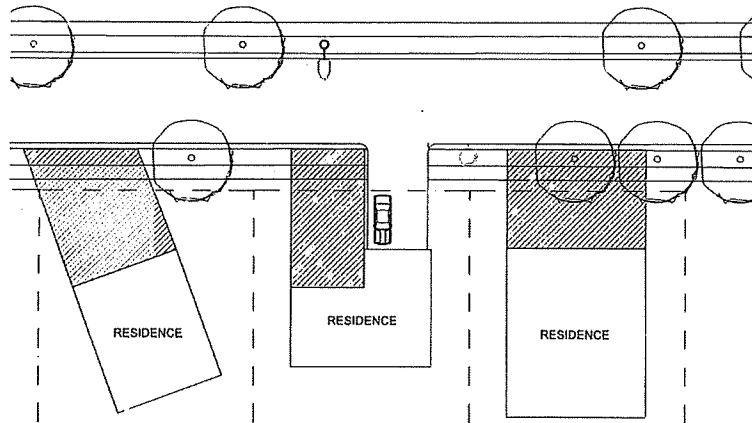
Freestanding Small Cell Spacing Radius:



- vii. Small cells shall not be installed between the perpendicular extension of the primary street facing wall plane of any single family residence.

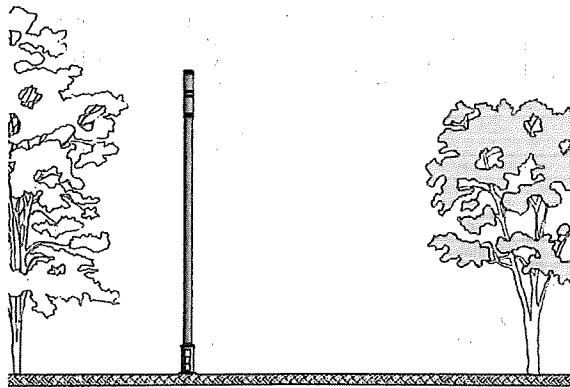
Small Cell Locations Between Property Lines and Trees





viii. When located adjacent to a commercial establishment, small cells shall be located away from store front windows, primary walkways, entrances or exits.

Small Cell Facilities within a Commercial Area



2. Third Party Requirements.

- a. All installations of small cell facilities must have permission from the pole/structure owner to install facilities on such structure.
- b. Governing Construction or Electrical Code. All installations of small cell facilities shall comply with any governing construction or electrical code such as the National Electrical Safety Code, the National Electric Code or state electrical code, as

applicable. All installations of ground-mounted or replacement structures shall comply with the city's adopted standards for construction in the right-of-way.

c. Electrical Connection. The city is not responsible for providing electricity to small cell facilities. Any third party utility providing such electricity must obtain a franchise from the city prior to operating in the rights-of-way.

d. Transport/Telecommunications Connection. The city is not responsible for providing transport connectivity (i.e., fiber) to small cell facilities. Any third party utility providing such transport connectivity must obtain a franchise from the city prior to operating in the rights-of-way.

C. Ground-mounted equipment—ADA compliance required.

In areas of the city where overhead utility lines have been undergrounded (undergrounded areas), in designated design zones and in other areas where necessary to permit full use of the public right-of-way by pedestrians, bicycles and other users, all ground-mounted equipment shall be undergrounded in a vault meeting the city's construction standards. The location of ground-mounted equipment (to the extent undergrounding such equipment is not technologically feasible), a replacement pole or street light shall comply with the Americans with Disabilities Act (ADA), city development standards, and state and federal regulations in order to provide a clear and safe passage within the public right-of-way. Ground-mounted equipment is also permitted on private property adjacent to the public right-of-way with a recorded easement or lease agreement.

D. Design Review.

Small cell deployment, as well as certain new or replacement facilities, are subject to applicable design review and other zoning code requirements as set forth in the Stanwood municipal code.

E. Public Comment.

The City shall provide notice of a complete application for a franchise on the City's website with a link to the franchise application. This notice requirement shall also apply to existing franchisees applying for a Small Cell Permit for small cell deployment. 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. The City shall post meeting notices, if any, for informational meetings on its website. These meetings are for the public's information and are neither hearings nor part of any land use appeal process.

17.210.70 Right-of way permit for small cells and deviations.

A. The director shall review applications for a right-of-way permit for a small cell deployment approved by a franchise or described in a concurrent franchise application. Deviations of the plans submitted may be approved by the director if the dimensions or volume of small cell facilities do not exceed the cumulative total provided by the definition of a small cell or microcell facility in RCW 80.36.375 and concealment technologies referenced in the exhibits to the franchise or design standards. A deviation may be approved by the director in the following circumstances:

1. An increase in height of up to ten feet above the top of the existing pole.
2. An increase in height exceeding ten feet above the top of the existing pole if required by the utility company for safety and/or operational purposes. The replacement pole shall be installed by the utility company.
3. Replacement components of an existing, approved small cell facility, and the addition of antennas on a pole that exceed a cumulative total of nine cubic feet shall be considered a deviation. Provided, however, that in each instance the replacement components are consistent with the intent of the concealment features set by city's generally applicable pole design standard adopted pursuant to the franchise, or applicable city code.

B. Right-of-way permits to install small cell facilities including approval of deviations shall be processed within ninety days of receipt of a complete application and final approval of a franchise, whichever occurs last. A right-of-way use permit for small cell deployment is a police power regulation adopted pursuant to RCW 35.99.040(2) and accordingly is not subject to the thirty-day use permit issuance requirement contained in RCW 35.99.030(2).

C. The decision of the director to approve or deny a right-of-way permit for a small cell facility with a deviation, if any, shall be final and is not subject to appeal under city code or further legislative review.

D. Wireless communication facilities other than small cell deployment in the public right-of-way shall be reviewed pursuant to Section 17.220.

17.210.070 Facilities Designated in the Franchise and/or Small Cell Permit Application.

Small cell deployments may be approved by reference to exhibits in an approved franchise. Approval of the franchise shall be deemed to approve the site and the design of small cell facilities

set forth in the franchise. This approval is limited to the specific location, facility and design elements shown on the exhibits to the franchise. Any element not shown on an exhibit must be approved by the Director governing review processes listed in the applicable provisions of the SMC. All facilities shall comply with the concealment standards adopted by the City. An existing franchisee may, at its option:

1. Apply to amend the existing franchise to designate sites for small cell deployment, as well as approve the small cell facilities to be installed and the concealment measures to be utilized; and/or
2. Apply for a Small Cell Permit which shall include:
 - (i) Small cell facilities to be installed on existing utility poles, or replacement poles which do not exceed 10 feet in additional height; utilize the concealment option provided this chapter; and/or
 - (ii) Small cell facilities which comply with generally applicable objective design standards adopted by the City; and/or
 - (iii) Small cell facilities which require new utility poles or for replacement poles which exceed 10 feet in additional, height, new utility poles or installations in a specially designated zone or overlay, utilize the applicable design approval procedures set adopted by the City.

17.210.080 Small Cell Permit and Minor Deviations.

1. The Director shall review applications for Small Cell Permits for small cell deployments approved by a franchise or described in a concurrent franchise application. The Director may authorize minor deviations in the Small Cell Permit from the dimensional design and concealment technologies referenced in the exhibits to the franchise or design standards.
2. A deviation in height of the pole of up to ten (10) feet above the height of the existing pole when required for separation established for the zoning district, by the franchise or from a design approved for a specially designated design zone may be permitted.
3. Deviations in the dimensions or volume of small cell facilities which do not exceed the cumulative total provided by the definition of a small cell or microcell facility in RCW 80.36.375 may be considered a minor deviation when an applicant replaces components of an existing, approved small cell facility. Similarly, the addition of antennae on a pole, not to exceed a cumulative total of six (6) cubic feet shall be considered a minor deviation. Provided, however, that in each instance the new or revised facilities do not defeat the concealment features set by City's generally applicable pole design standard adopted pursuant to the franchise, or city code.

4. Small Cell Permits to install facilities including approval of minor deviations shall be processed within ninety (90) days of receipt of a complete application and final approval of a franchise, whichever occurs last.

5. The decision of the Director to approve a Small Cell Permit with a minor deviation, if any, shall be final and is not subject to appeal under City code or further legislative review.

17.210.090 Significant Deviations.

Any request for significant deviations from the approved small cell facilities design designated in the franchise, Small Cell Permit or City's design standards shall be considered a Type III permit under the provisions of Chapter 17.81A SMC. An applicant seeking approval of a new pole or a replacement pole in a specially designated specially designated design zone shall be subject to the same review process as identified in 17.210 SMC.

17.210.100 Wireless Communication Franchise and Small Cell Deployment Facility Approvals and Processes

Approval of a franchise, Small Cell Permit and/or other approval referenced in this chapter are conditioned on the following requirements:

1. Satisfy applicable bulk requirements such as noise and light regulations.
2. Comply with adopted design and concealment standards, applicable to replacement utility poles and new utility poles in a Design Zone or Undergrounded Areas District.
3. Obtain the written approval of the owner of any utility pole for the installation of its facilities on such utility pole. Approval of a franchise does not authorize attachment to City- owned utility poles or other structures.
4. Unless specifically provided for in a franchise, obtain a lease from the City to utilize the City's ground space for the installation of any new pole, a replacement utility pole over sixty (60) feet or to locate any new ground based structure, base station or other attendant equipment on City right-of-way or City property;
5. Comply with all City construction standards and State and federal codes when operating in the right-of-way and obtain a required permit to enter the right-of-way.
6. A franchise which includes a facility which is not exempt from SEPA review shall be processed in the provisions of chapter 17.210 SMC

7. Small Cell facilities approved pursuant to this chapter shall be considered as an outright permitted use when located within the right-of-way.

17.210.100 Small Cell Application Review.

1. Application. The Director shall prepare and make publicly available an application form which shall be limited to the information necessary for the City to consider whether an application is an Eligible Facilities Request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.
2. Type of Review. Upon receipt of an application for an Eligible Facilities Request pursuant to this Chapter, the Director shall review such application to determine whether the application qualifies as an Eligible Facilities Request.
3. Timeframe for Review. Within sixty (60) days of the date on which an applicant submits an application seeking approval under this Chapter, the Director shall approve the application unless it determines that the application is not covered by this Section.
4. Tolling of the Time Frame for Review. The sixty (60) day review period begins to run when the application is filed, and may be tolled only by mutual agreement by the Director and the applicant or in cases where the Director determines that the application is incomplete. The timeframe for review of an Eligible Facilities Request is not tolled by a moratorium on the review of applications.
 - a. To toll the timeframe for incompleteness, the Director shall provide written notice to the applicant within thirty (30) days of receipt of the application, clearly and specifically delineating all missing documents or information required in the application.
 - b. The timeframe for review begins running again when the applicant makes supplemental submission in response to the Director's notice of incompleteness.
 - c. Following a supplemental submission, the Director will notify the applicant within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this sub-section. Second or subsequent notice of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

17.210.120 Small cell facilities in undergrounded areas or design zones.

A. Replacement poles over forty-five feet in height and new street lights for small cell facilities to be constructed in any undergrounded area or design zone are permitted only when the applicant establishes that:

1. The small cell facility cannot be located on an electrical transmission tower or on a site outside of the public right-of-way such as a public park, public property, or in or on a nonresidential use in a residential zone whether by roof or panel-mount or separate structure; and
2. The proposed facility complies with an approved stealth installation plan as described in this section for an undergrounded area or design zone; and
3. The facilities shall comply with critical areas requirements and SEPA, if applicable; and
4. The applicant shall enter into an agreement with the owner of any new or replacement utility pole and/or street light within the public right-of-way and provide an executed copy of the agreement to the city prior to right-of-way permit issuance.

B. Stealth Installation Plan Required. Applications for proposed installations in underground areas and design zones which deviate for existing city design standards (or if the city has not created a design standard for that particular area) shall be required to submit a stealth installation plan. Such plan shall include the design of the screening, fencing or other concealment technology for a base station, tower, utility pole, or equipment structure, and all related transmission equipment or facilities associated with the proposed wireless facility, including but not limited to fiber and power connections.

1. Purpose of Stealth Installation Plan, Generally. Stealth installation plans should seek to minimize the visual obtrusiveness of installations using methods including, but 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.
2. Other stealth approaches may include, but not be limited to, use of architectural concealment products, fencing or screening materials, and where appropriate, landscape design, or any other camouflage strategies appropriate for the type of installation.

Additionally, the use of a stealth support or concealment device, such as a clock tower, steeple, flagpole, tree, street sign, or other applicable concealment structure may be approved.

3. The director shall apply this section, as well as all design requirements applicable in the underground area or design zone in which an installation is proposed.

4. Review of Stealth Installation Plan for Non-substantial Change Colocations. Where a proposed collocation does not constitute a substantial change, a stealth installation plan shall be subject to ministerial review to ensure the proposed collocation does not defeat the concealment features approved as part of the initial installation at that location.

5. Review of Stealth Installation Plan for Initial Installations and Substantial Change Colocations. For initial installations and substantial change colocations in underground areas and design zones, the director shall conduct an administrative review of stealth installation plans for compliance with this section and all applicable city design guidelines.

C. Replacement Utility Pole—Street Lighting. With the director's approval, a replacement utility pole or a request for a new utility pole may be permitted in the form of a new street light. The design of the street light shall be consistent with the existing street lights, subject to the director's approval. All equipment and cabling shall be internal to the replacement street lighting standard. See examples below.



Downtown Main Street (271st Street)



Downtown (88th Avenue)



Downtown (Train Station)



Downtown (Train Station)

	
Downtown (City Hall)	Downtown (92nd Avenue)

D. Undergrounded Areas. It is the stated policy of the city that all utilities shall be underground in areas that are currently undergrounded. No new utility poles shall be erected in undergrounded areas. The applicant may request to install a new street light as provided in applicable city code.

E. Franchise and Small Cell Deployment Facility Approvals and Processes. Approval of a franchise, right-of-way permit and/or other approval referenced in this chapter are conditioned on the following requirements:

1. Satisfy applicable design requirements, including, but not limited to, noise and light regulations.
2. Comply with adopted design and concealment standards, applicable to replacement utility poles and new utility poles in a design zone or undergrounded areas.
3. Obtain the written approval of the owner of any utility pole for the installation of its facilities on such utility pole. Unless specifically provided for in a franchise agreement, approval of a franchise does not authorize attachment to city-owned utility poles or other structures.
4. Comply with all city construction standards and state and federal codes and standards when operating in the right-of-way and obtain a required permit to enter the right-of-way.

5. A right-of-way permit for small cell deployment which includes a facility not exempt from SEPA review shall be processed in the provisions of the applicable city code.

17.210.130 Compliance with State Processing Limitations.

Review of franchise and Small Cell Permits shall comply with the provisions of RCW 35.99.030. Applications shall be reviewed, completeness determined and the timeframe tolled as provided in Chapter 17.210.060 SMC. A right-of-way use permit for small cell deployment is a police power regulation adopted pursuant to RCW 35.99.040(2) and accordingly is not subject to the thirty-day use permit issuance requirement contained in RCW 35.99.030(2).

17.210.140 Determination That An Application Is Not An Eligible Facilities Request.

If the Director determines that the applicant's request does not qualify as an Eligible Facilities Request, the Director shall deny the application. To the extent additional information is necessary, the Director may request such information from the applicant to evaluate the application under other provisions of this Chapter and applicable law.

17.210.150 Additional review procedures.

Wireless communication facilities, including small cell facilities permitted pursuant to this chapter, are required to comply with all other applicable review procedures and regulations duly adopted by city code.

Attachment F

Adoption of New Chapter 17. 220, Wireless Communication Facilities (WCF) Attached and Detached

Chapter 17.220

WIRELESS COMMUNICATION FACILITIES (WCF) ATTACHED AND DETACHED

Sections:

- 17.220.010** Purpose.
- 17.220.020** Exemptions
- 17.220.030** Permitted Locations
- 17.220.040** General Provisions
- 17.220.050** Overall performance standards.
- 17.220.060** Application review time frame.
- 17.220.070** Additional review procedures.

17.220.010 Purpose.

In order to implement the purposes and policy set forth in the city's comprehensive plan, this chapter provides design and review procedures for wireless communications facilities. These provisions are intended to provide objective design criteria to assist in minimizing the visually obtrusive impacts which can be associated with wireless communications facilities and to encourage creative approaches in the location and construction of wireless communications facilities. Congress and the Federal Communications Commission ("FCC") have, pursuant to the authority granted by 47 USC Section 253(c) and 47 USC Section 332(a), required local governments to act on wireless communication facility applications within a reasonable period of time and have established time limits or "shot clocks" for local review. Accordingly, the city adopts the following time limits for review of applications for eligible facility requests, and other approvals for service providers of telecommunication services.

17.220.020 Exemptions.

The following are exempt from the provisions of this chapter and shall be permitted in all zones under an administrative review:

- (1) Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC.
- (2) Antennas and related equipment no more than three feet in height that are being stored, shipped, or displayed for sale.

- (3) Facilities used exclusively for purposes of public safety, such as, but not limited to, police, hospitals, and the regional 911 system.
- (4) Wireless radio utilized for temporary emergency communications in the event of a disaster.
- (5) Licensed amateur (ham) radio stations.
- (6) Satellite dish antennas less than two meters in diameter, including direct to home satellite services, when used as a secondary use of the property.
- (7) WCF which existed on or prior to the effective date of the ordinance codified in this chapter, except that this exemption does not apply to modifications of existing facilities.
- (8) Routine maintenance or repair of a WCF and related equipment (excluding structural work or changes in height or dimensions of antennas, towers, or buildings); provided, that compliance with the standards of this chapter are maintained.
- (9) Subject to compliance with all other applicable standards of this chapter, a building permit application need not be filed for emergency repair or maintenance of a personal wireless communications facility until 10 days after the completion of such emergency activity.

17.220.030 Permitted locations.

1. New Towers. New freestanding towers may be located in the general commercial (GC) and general industrial (GI) zoning districts and upon any property containing an existing public use within any zoning district.
2. Co-location and Minor Facilities. WCFs may also be placed on the following existing buildings or structures:
 - (a) Co-location on existing, lawfully established monopole, lattice or guyed towers.
 - (b) Minor facilities located on existing nonresidential buildings.
3. WCFs located on existing light standards and power poles within public rights-of-way; provided, however, that only one WCF shall be located on any light standard or power pole.
4. Lattice and guyed towers shall not be permitted in the city.

17.220.040 General Provisions.

- (1) Principal or Accessory Use. WCFs may be considered either principal or accessory uses. A different use of an existing structure on the same lot shall not preclude the installation of a WCF on that lot.

(2) Not Essential Public Facilities. WCFs are not considered essential public facilities as defined in the Growth Management Act and shall not be regulated or permitted as essential public facilities.

(3) FCC Licensing. The applicant must demonstrate that it is licensed by the FCC, acting on behalf of an FCC-licensed carrier, or that such a license is not required under FCC regulations.

(4) Lot Size. For purposes of determining whether the installation of a WCF complies with development standards, such as, but not limited to, setback and lot coverage requirements, the dimensions of the entire lot shall control, even though a WCF is located on a leased portion of a lot.

(5) Signs. No wireless equipment shall be used for the purpose of mounting signs or message displays of any kind, other than safety warnings required by law and identification information convenient to the facility owner not exceeding 12 inches by 18 inches.

(6) Lighting. WCFs shall not be artificially lighted unless required by the FAA or other applicable authority.

(7) Cumulative Effects. The city shall consider the cumulative visual effects of WCFs mounted on existing structures and/or located on a given permitted site in determining whether additional permits can be granted so as not to adversely affect the visual character of the city.

(8) City Design Standards. WCF installations shall comply with all relevant provisions of the city of Stanwood design standards.

(9) Business License. All applicants shall obtain a city of Stanwood business license, if required, prior to issuance of any permits.

17.220.050 Overall performance standards.

Wireless Communication Facilities (WCF) (Attached and Detached). Attached and detached wireless communications facilities other than small cell facilities permitted pursuant to Chapter 17.210 or eligible facilities requests shall meet the following performance standards:

- (1) All WCFs shall be screened or camouflaged by employing the best available technology. This may be accomplished by use of vegetative screening, compatible materials, location, color, stealth technologies which cause the WCF to appear to be something other than a WCF that is already presenting the visual landscape (e.g., grain silos, flag poles, church steeples, trees, etc.). Building-mounted WCFs shall also comply with the screening standards of Chapter [17.112](#) SMC, Architectural Design Standards.

- (2) Separation Distance. In all single-family residential and commercial districts, detached WCFs except for small cell facilities shall be separated by a distance equal to or greater than one thousand three hundred twenty linear feet. WCFs that are co-located upon a single support structure shall count as a single WCF for the purposes of this subsection.
- (3) WCFs mounted on existing nonresidential buildings and structures or co-located on existing support structures are permitted with an administrative review and a building permit approved by the planning director. For the purposes of Chapter 17.80 SMC, these proposals shall be considered minor development proposals. Such proposals shall be approved if the following conditions are met:
- (a) For minor, building-mounted WCFs, the combined antennas and supporting hardware shall not extend more than 10 feet above the roof structure. Antennas may be mounted to rooftop appurtenances provided they do not extend beyond 10 feet above the roof proper.
 - (b) For WCFs located on light standards and power poles, all ancillary equipment must be located underground and only one whip antenna less than 10 feet in height or one tubular antenna less than six feet in height shall be permitted. In the event that an electric utility located upon the power pole requires vertical separation between its electric facilities and the antenna so mounted, the antenna may be raised by a mount to accommodate the separation requirement to an elevation not exceeding an additional 10 feet for power poles less than or equal to 40 feet in height or 15 feet for power poles greater than 40 feet in height or the required separation, whichever is less. Any such mount shall be no greater in diameter than the existing power pole and shall be designed to blend into the colors and textures of the existing power pole. The height of such a replacement pole may be increased to accommodate the utility separation requirements as provided in the preceding sentence.
 - (c) To the greatest extent possible, antennas shall be camouflaged, located and/or designed to minimize visual and aesthetic impacts to surrounding land uses and structures and shall blend into the existing environment. Panel and parabolic antennas shall be completely screened, camouflaged, or disguised.
 - (d) Where applicable, antennas shall meet architectural design standards as required in Chapter [17.112](#) SMC.
- (4) New freestanding WCFs, all nonexempt repair and maintenance, the expansion and/or alteration of existing WCFs, and all other WCFs not meeting the criteria for an administrative review under subsection (2) of this section require a conditional use permit to be issued by the city's hearing examiner. For the purpose of Chapter 17.80 SMC, these proposals shall be considered major development proposals. Such proposals shall conform to the following site development standards:
- (a) Monopoles.

- (i) No monopole shall exceed 120 feet in height from the natural grade of the site. Height shall be measured from the ground to the highest point on the WCF. Such facilities shall be located in such a manner that at least 80 percent of the tower is screened by existing buildings or trees. There shall be a minimum of at least 15 existing or newly planted trees evenly spaced within 50 feet of the tower in such a manner that the maximum screening effect is achieved. Any new trees shall be at least 15 feet in height and maintained in a healthy condition at all times. In the event that any such tree shall become diseased or suffer other mortality, it shall be replaced with a tree meeting the requirements of this subsection.
 - (ii) Placement of a monopole shall be denied if placement of the antennas on an existing building structure or co-location can provide reasonable opportunities for the provision of personal wireless services.
 - (iii) A monopole, including the support structure and associated electronic equipment and housing, shall have a minimum setback from the property line(s) equal to the height of the tower. For WCFs located on lots adjacent to residentially zoned properties, the setback requirement shall be two times the height of the proposed WCF tower/facility. The hearing examiner may modify these setback standards if the applicant demonstrates that doing so will allow for improved buffering or camouflaging of the WCF as described in subsection (3)(e) of this section.
- (b) Screening – Generally. All WCFs shall be designed and placed on the site in a manner that takes maximum advantage of existing trees, mature vegetation, and structures so as to:
- (i) Use existing site features to screen as much of the total WCF as possible from prevalent views; and/or
 - (ii) Use existing site features as a background so that the total WCF blends into the background with increased sight distances.
- (c) Landscaping. In reviewing the proposed placement of a facility on the site and any associated landscaping, the city may condition approval of the application by requiring that the applicant supplement existing trees and mature vegetation to more effectively screen the facility. See also subsection (6) (c) of this section.
- (d) Surface Finishes. Support structures, antennas, and any associated hardware shall be painted a non-reflective color or color scheme appropriate to the background against which the WCF would be viewed from a majority of points within its view shed. Proposed color or color scheme shall be approved by the city.
- (e) Equipment Enclosures. Equipment enclosures shall conform to the following:

(i) All ancillary equipment necessary for the operation of the facility shall be concealed within (A) an existing building; (B) an architecturally compatible addition to an existing building; or (C) a new building which is architecturally compatible with other buildings on the site and adjoining properties. Equipment enclosures shall be constructed so as to minimize visual impact and the surface and/or finish shall be a natural, non-reflective color approved by the director of planning. Buildings or structures with non-masonry exterior finishing shall be a natural, non-reflective color. Prefabricated concrete and metal structures shall not be permitted unless treated with a facade giving the appearance of masonry or wood siding and approved by the director of planning.

(ii) Screening of WCF equipment enclosures shall be provided with one or a combination of the following as approved by the city: underground installation (when possible), fencing, walls, landscaping, structures, or topography which will block the view of the equipment shelter as much as practicable from any street and/or adjacent properties. Screening may be located between the enclosure and the above mentioned viewpoints. Landscaping for the purposes of screening shall be maintained in a healthy condition;

(iii) Except as specifically requested by the Federal Aviation Administration (FAA) or the Federal Communication Commission (FCC), transmission structures shall not be illuminated, except transmitter equipment enclosures may use lighting for security reasons as long as the light is shielded downward to remain within the boundaries of the site; and

(iii) No wireless enclosure reviewed under this section shall be located within required building setback areas.

(f) Criteria for Approval. The following criteria shall apply to all WCFs for which a conditional use permit is required pursuant to this chapter:

(i) Whether the applicant has demonstrated that visual, noise, and other impacts associated with the proposed facility have been minimized to the maximum extent possible using existing concealment technology, site design, noise abatement techniques, concealment, disguise, camouflage, and/or the use of architecturally compatible improvements to existing and/or new structures, and/or underground placement of ancillary equipment. In evaluating the site design, consideration will be given to whether the facility will blend into the surrounding topography, tree coverage, foliage, and other natural and/or built features and whether locating the facility in alternative locations upon the subject property, or other reasonably available properties, would better conceal the facility;

(ii) Whether the applicant has demonstrated that the design of the proposed facility complies with the purpose and intent of this chapter;

(iii) Whether alternative locations, including other co-locations and alternative support structures, are available for the proposed facility;

(iv) Whether the proposed facility will be compatible with present and potential surrounding land uses;

(v) Whether the beneficial impacts of the proposal outweigh the detrimental impacts of the proposal; and

(vi) Whether approval of the proposed facility would endanger the public health, safety, or general welfare.

(g) Public Hearing. The hearing examiner shall conduct an open public hearing prior to acting on conditional use permit applications under this chapter.

(5) Lattice and guyed towers shall not be permitted in the city.

(6) Security fencing, if used, shall conform to the following:

(a) No fence shall exceed six feet in height;

(b) Security fencing shall be effectively screened from view through the use of appropriate landscaping materials; and

(c) Chain-link fences shall be painted or coated with a non-reflective color, and shall have a minimum three-foot wide area to be planted with approved plant species in a manner that will completely screen the fencing.

(7) Noise. No equipment shall be operated at a WCF (attached or detached) so as to produce noise in excess of the applicable noise standards under applicable municipal code, except for in emergency situations requiring the use of a backup generator, where the noise standards may be exceeded on a temporary basis. Air conditioning and ventilation equipment associated with the ancillary equipment of the WCF shall be designed and configured in a manner so that noise impacts on adjacent properties with residential uses are minimized to the maximum extent practicable through the use of baffling and/or other noise attenuation techniques and that the noise levels generated by the ancillary equipment otherwise comply with applicable noise regulations adopted by the city. In descending order, preference shall be given to the following configurations of air conditioning and ventilation equipment: (a) orientation toward properties with nonresidential uses; (b) orientation toward streets; and (c) orientation toward the furthest residential use.

(8) Colocation. It is the policy of the city to minimize the number of detached WCFs and to encourage the colocation of more than one WCF on a single support tower. No new detached

WCFs may be constructed unless it can be demonstrated to the satisfaction of the permit authority that existing support towers are not available for colocation of an additional WCF, or that their specific locations do not satisfy the operational requirements of the applicant. In addition, all detached WCFs shall be designed to promote facility and site sharing. All facilities shall make available unused space for colocation of other telecommunication facilities, including space for those entities providing similar, competing services. Colocation is not required if the host facility can demonstrate that the addition of the new service or facilities would impair existing service or cause the host to go offline for a period of time. Nothing in this section shall prohibit the owner of an existing facility from charging a reasonable fee for colocation of other telecommunications facilities.

(9) Abandonment and Obsolescence. A WCF shall be removed by the facility owner within six months of the date it ceases to be operational or if the facility falls into disrepair.

(10) Maintenance. All WCFs shall be maintained in good and safe condition and in a manner that complies with all applicable federal, state and local requirements.

(11) Electromagnetic Emissions. All applicants shall demonstrate compliance with all applicable FCC regulations regarding the radio-frequency emissions of WCFs. If at any time radio-frequency emissions exceed any of the standards established by the FCC, the applicant shall immediately discontinue use of the WCF and notify the city. Use of the WCF may not resume until the applicant demonstrates that corrections have been completed which reduce the radio-frequency emissions to levels permitted by the FCC.

(12) Special Exceptions. When adherence to the development standards would result in a significant gap in coverage for a WCF or prevent an applicant from addressing a significant capacity need, a special exception may be granted by the approval authority if the permit authority determines that the proposal utilizes the least intrusive means of closing the gap in coverage or addressing the capacity need, as applicable. The applicant has the burden of proof of establishing the gap or need and that the proposal is the least intrusive means of so doing.

(13) Use of City Right-of-Way. Any telecommunications carrier who desires to construct, install, operate, maintain, or otherwise locate telecommunication facilities in, under, over, or across any public right-of-way of the city for the purpose of providing telecommunications services shall obtain permission from the city, and enter into a right-of-way franchise agreement authorizing use of the city right-of-way. Small cells attached to utility poles, streetlights and traffic signals are exempted from the setback requirements.

(14) Conditional Use Permit Criteria. In addition to any performance standards for conditional use permits under applicable municipal code, a conditional use permit for a detached WCF other than a small cell in the public right-of-way shall only be approved if the wireless provider can demonstrate that no other attached WCF alternative(s) are available that can provide the same level of service coverage to the targeted area.

17.220.060 Application review time frame.

A. Eligible Facilities Request.

1. Application. The director shall prepare and make publicly available an application form which shall be limited to the information necessary for the city to consider whether an application is an eligible facilities request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.

2. Type of Review. Upon receipt of an application for an eligible facilities request pursuant to this chapter, the director shall review such application to determine whether the application qualifies as an eligible facilities request.

3. Time Frame for Review. Within sixty days of the date on which an applicant submits an application seeking approval under this chapter, the director shall approve the application unless it determines that the application is not covered by this section.

4. Tolling of the Time Frame for Review. The sixty-day review period begins to run when the application is filed, and may be tolled only by mutual agreement by the director and the applicant or in cases where the director determines that the application is incomplete. The time frame for review of an eligible facilities request is not tolled by a moratorium on the review of applications.

a. To toll the time frame for incompleteness, the director shall provide written notice to the applicant within thirty days of receipt of the application, clearly and specifically delineating all missing documents or information required in the application.

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

c. Following a supplemental submission, the director will notify the applicant within ten days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this subsection. Second or subsequent notice of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

5. Determination That Application Is Not an Eligible Facilities Request. If the director determines that the applicant's request does not qualify as an eligible facilities request, the director shall deny the application. In the alternative, to the extent additional information is necessary, the director may request such information from the applicant to evaluate the application under other provisions of this chapter and applicable law.

6. Failure to Act. In the event the director fails to approve or deny a request for an eligible facilities request within the time frame for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the director in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

7. Remedies. Both the applicant and the city may bring claims related to Section 6409(a) of the Spectrum Act to any court of competent jurisdiction.

B. Colocation. Eligible colocations other than those defined in this section shall be processed within ninety days of receipt of a complete application. The director will notify the applicant within thirty days of receipt of an application whether it is complete or if additional information is required. The term "colocation" shall not apply to the initial placement of a small cell facility on a utility pole or on any other base station or tower that was not constructed for the sole or primary purpose of an FCC-licensed antenna and their associated facilities.

C. New Wireless Communication Facilities. New wireless communications facilities shall be processed within one hundred and fifty days of receipt of a complete application. The director will notify the applicant within thirty days of receipt of an application whether it is complete or if additional information is required.

17.220.070 Additional review procedures.

Wireless communication facilities are required to comply with all other applicable review procedures and regulations duly adopted by city code.

Attachment G
Adoption of Findings of Fact and Conclusions



MEMORANDUM

City of Stanwood
10220 270th St NW
Stanwood, WA 98292
360-629-2181

COMMUNITY DEVELOPMENT DEPARTMENT

TO: PLANNING COMMISSION

FROM: Amy Rusko, Senior Planner

SUBJECT: Public Meeting – Stanwood Schmitt Preliminary Plat

DATE: January 7, 2019

ATTACHMENT: A. Narrative
B. Site Plans
C. Public Comments / Applicant Response

Request:

The applicant is requesting preliminary plat approval, along with SEPA environmental review for a 78 lot subdivision. The proposed plat will construct public roads, utilities, common open space, and drainage, water and sewer improvements throughout the plat.

Procedural Information:

The project as proposed is considered a Preliminary Plat and will be processed as a Type III permit application. The process requires public notice in the paper, posting the site, and mailing to every property owner within 300-feet. Proper notification has occurred. The Hearing Examiner will render a decision on this project after an open public hearing.

Stanwood Municipal Code 17.80.033 states the community development department shall apprise the planning commission of the general intent of a project of this type and collect comments from commission members. These comments will be considered prior to issuing a recommendation to the Hearing Examiner.

Project Details:

The property is designated and zoned Traditional Neighborhood (TN) in the Comprehensive Plan and in the Zoning Code. The project is located in the northeastern part of the city, sitting at the northeast corner of the 80th Avenue and 284th Street intersection. The two parcels are approximately 18.99 acres (827,204 square feet) in size.

The application was submitted on September 18, 2018 and deemed to be complete. The Notice of Application was published in the newspaper, posted at sites and mailed on October 23, 2018. The Notice of Application comment period ended on November 5, 2018.

The SEPA Determination – Mitigated Determination of Non-Significance (MDNS) and Notice of Public Meeting was published in the newspaper, posted at sites and mailed on December 18, 2018. The MDNS comment period ended on January 2, 2019.

Public Comments:

To date the project has received comments from four citizens. The applicant responded to the public comments, as part of their November resubmittal. All comments and the response are provided as Attachment C.



November 20, 2018

City of Stanwood
Community Development
10220 270th Street NW
Stanwood, WA 98292

Project Name / File No.: Stanwood - 2018-XXXX (Preliminary Plat)
Applicant: JMI Holdings, LLC / Tim Kaintz, member
Project Description: 78 Lot Plat Application
Tax Parcel No.'s: Schmitt (32041800401500) and Von Moos (32041800401400).
Site Address: 7831 284th Street NW, Stanwood, WA 98292
Re: **REVISED** Narrative- FORMAL APPLICATION SUBMITTAL

Dear Ms. Rusko,

The purpose of this letter is to provide the City of Stanwood with information in support of the Applicant's application for platting of the property identified under the Project Description referenced above.

GENERAL PROPERTY INFORMATION

1. Date of Application: September 11, 2018
2. Date of Resubmittal: November 20, 2018
3. Project Name: Stanwood
4. Project Location: 7831 284th Street NW, Stanwood, WA 98292
5. Tax Parcel Numbers: 32041800401500 and 32041800401400
6. Total Parcel Size: 18.99 acres +/- (827,204 +/- square feet)
7. Property Owners:

Owner – Parcel 32041800401400

BRIAN K & KERI VON MOOS	7831 284TH ST NW, STANWOOD, WA 98292
-------------------------	--------------------------------------

Owner – Parcel 32041800401500

ANGELA JO SCHMITT	24220 89TH PL W, EDMONDS, WA 98026-9010
AMY ZOE SCHMITT	24220 89TH PL W, EDMONDS, WA 98026-9010
JACOB CHARLES SCHMITT	24220 89TH PL W, EDMONDS, WA 98026-9010
GENE & KAREN EIDNESS	24220 89TH PL W, EDMONDS, WA 98026-9010

MATTHEW & ANN MCCUNE	24220 89TH PL W, EDMONDS, WA 98026-9010
RICHARD & RENEE BOWZER	24220 89TH PL W, EDMONDS, WA 98026-9010

8. Applicant: JM1 Holdings, LLC

9. Contact: Land Pro Group, Inc., Mr. Patrick McCourt

CONSULTANTS

Set forth below is a list of the consultants retained by the Applicant to assist in the preparation of documents supporting the applicants request to subdivide the subject property into 153 single family residential lots:

Project Manager	Land Pro Group Inc	Patrick McCourt/Rochelle Smith
Civil Engineer	LDC Engineers Inc	Mark Villwock and Tom Abbott
Geotechnical Engineer	Terra Associates Inc.	Carolyn Decker
Wetland Consultant	B & A Inc.	AJ Bredberg
Traffic Consultant	Gibson Traffic Consultants Inc.	Brad Lincoln
Land Scape Architect	Origins Landscape LLC	Krystal Lowe

PROJECT DESCRIPTION AND REQUEST

The applicant is proposing to construct a 98-unit subdivision located at the northeast corner of 284th Street NW and 80th Avenue NW (7831 284th Street NW). The site consists of two parcels: Schmitt (32041800401500) and Von Moos (32041800401400). The site is zoned Traditional Neighborhood (TN) as well as the Comprehensive Plan designation. The total site is 18.99 acres. Only the Von Moos property has a single-family resident and several out building. The Schmitt property is vacant. There will be 74 single family residential lots, three duplex lots and one multi-family site. Three duplex lots contain two units each for six (6) units total. The multi-family site would contain seventeen (18) units. Total unit count 98. Access to the site will be from 284th Street NW and 80th Avenue NW for the multi-family. A fire access has been provided through the cul-de-sac to the 80th Ave NW. Future access has been provided to the northern property. The site generally slopes downward to the north and the center of the site.

The Applicant is submitting an application, which is identified as follows:

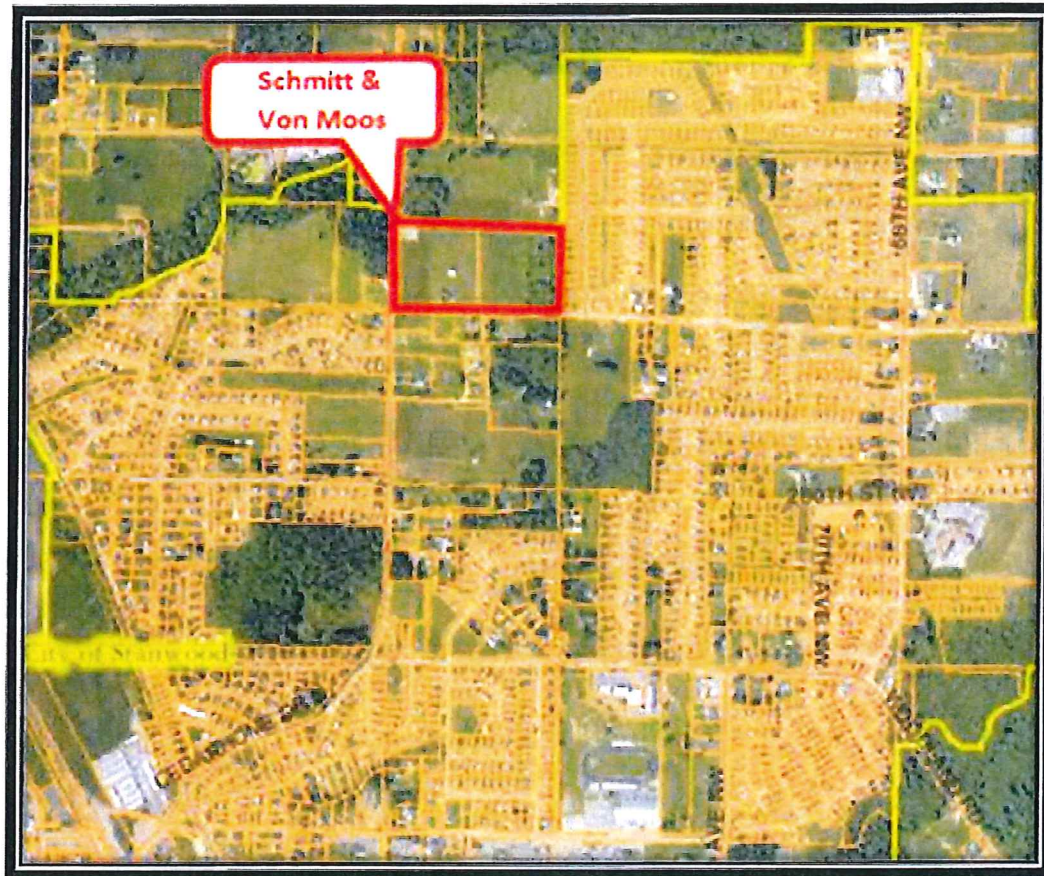
- Type III Quasi-Judicial Decisions – Hearing Examiner Land Use Application;

The information being provided is to demonstrate that the application for a Type III Preliminary Plat with the TN zone is supportable under the Stanwood Municipal Code (SMC).

PROJECT LOCATION

The proposed development is located at 7831 284th Street NW, Stanwood, WA 98292 as shown on the map below.

VICINITY MAP



SURROUNDING PROPERTIES

The City of Stanwood has a Future Land Use Map (FLUM) within the Comprehensive Plan Figure LU-1. The FLUM sets forth preferred Land Use and Zoning Designation for the site.

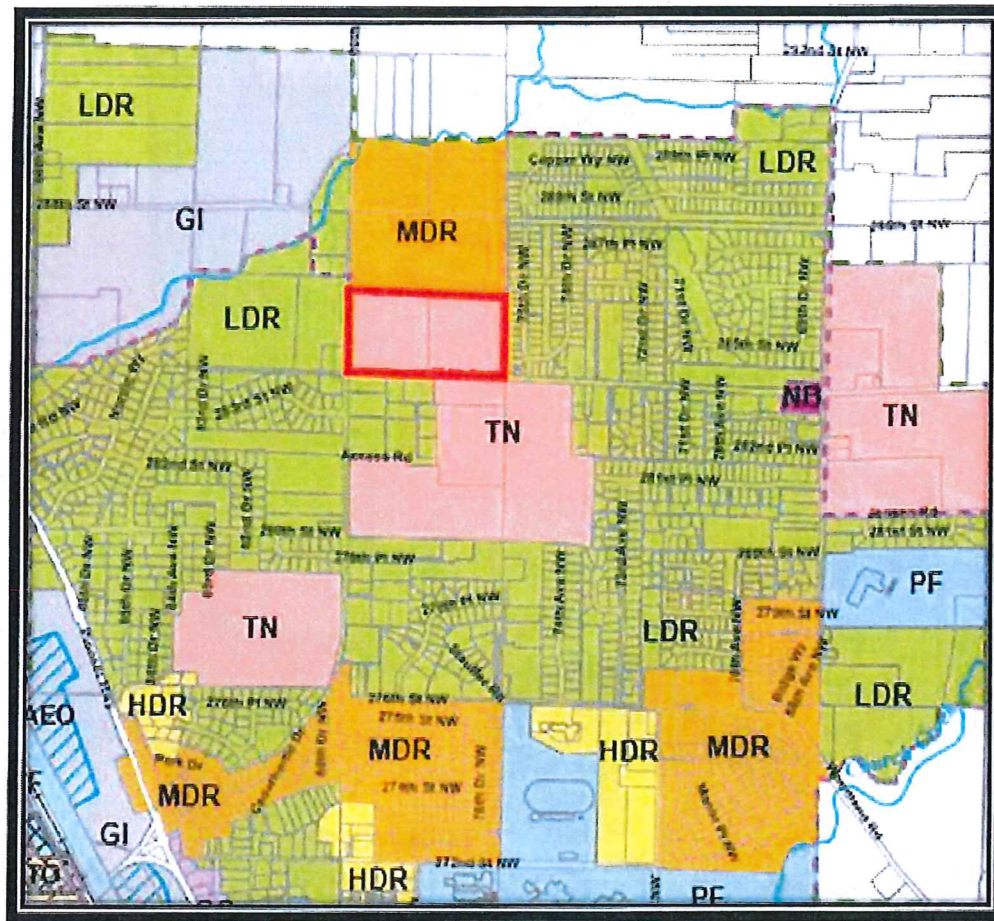
The Project Site Area is designated as Traditional Neighborhood in the Comprehensive Plan and Traditional Neighborhood on the Zoning map.

The properties to the North, South, East and West are identified in the Comprehensive Plan and Zoning map as shown in the table below and as discussed above.

AREA	LAND USE DESIGNATION	ZONING	EXISTING USE
Project Site	Traditional Neighborhood	Traditional Neighborhood	Single Family Residential / Open Field
North	Urban Growth Area Medium Density Residential	Urban Growth Area SR 7.0	Single Family Residential / Open Field
South	Traditional Neighborhood & Low Density Residential	Traditional Neighborhood & SR 9.6	Single Family Residential
East	Low Density Residential	SR 9.6	Single Family Residential
West	Low Density Residential	SR 9.6	Single Family Residential

COMPREHENSIVE PLAN - 2015 LAND USE MAP

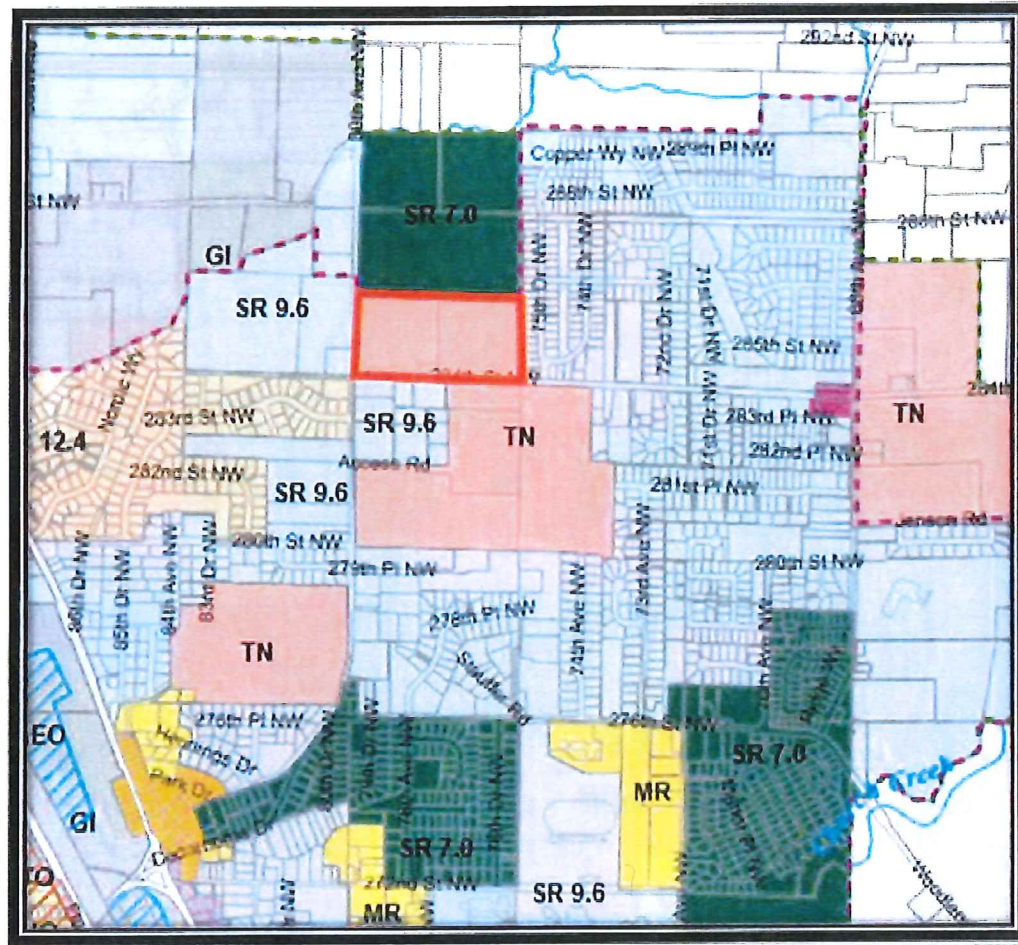
MAP



The Current Comprehensive Land Use Map designates the subject property as Traditional Neighborhood.

ZONING MAP

MAP



The Current Zoning map designates the property as Traditional Neighborhood.

PROPOSED PLAT DESIGN

The proposed plat design as shown below was prepared in accordance with the SMC Title 17 as follows:

LAND USE:

Zoning: Traditional Neighborhood

Allowed Density in TN Zone: 20 du/ac for all unit types

Density Proposed:

Lot Density Calculation

Gross Density

Gross Site Area 18.47 Acres (804,553 sq.ft.)

Total Unit Count 98 units

Gross Density 5.305 units per acre

TRADITIONAL NEIGHBORHOOD

17.47.020 Application procedures for TN subdivisions.

(1) Prior to the submittal of a subdivision application within the TN zone, a pre-application meeting is required with the planning commission.

Pre-application meeting with the Planning Commission was held on Monday, September 10, 2018.

(2) Applications shall meet the submittal requirements of Chapter 16.15 SMC for preliminary plats.

Chapter 16.15 SMC for preliminary plats was used in the preparation for the submittal of this application.

(3) All TN subdivision applications shall follow the permit review and hearing procedures and meet the requirements as provided in Chapter 16.15 SMC for preliminary plat applications.

So noted.

(4) Preliminary plats for TN subdivisions shall be approved by the hearing examiner utilizing criteria set forth in SMC 16.15.090.

The permittee has met all of the review criteria subject to the Hearing Examiner Decision as listed in SMC 16.15.090.

16.15.090 Review criteria

Preliminary plats shall be reviewed:

- (1) To assure conformance of the proposed subdivision to the general purposes of this code, the Comprehensive Plan and to development standards, specifications and policies adopted by the city council.

Land Use Policy 19.3 (K): The purpose of the Traditional Neighborhood land use designation is to provide an alternative to typical residential developments. Developments in the Traditional Neighborhood designation are intended to develop in a higher density, mixed-use fashion more typical of older neighborhoods. It features requirements for common open space, through streets and a mix of housing types. This designation shall provide for residential development at densities of 10-20 dwelling units per acre. An allowance for commercial development shall also be allowed.

Applicants Comment: The proposed preliminary plat has provided three types of housing, connecting streets, common open spaces, and trails.

Housing Goal 2: To provide a range of housing types to ensure an adequate choice of living accommodations for those desiring to live in Stanwood.

Applicant Comment: The proposed preliminary plat is providing single-family residences, duplexes, and multi-family.

Housing Policy 2.1: Encourage the development of a full range of housing types to meet the needs of all citizens of Stanwood.

Staff Comment: The proposed preliminary plat provides a full range of housing types, including single-family residences, duplexes, and multi-family.

Housing Policy 2.8: Support opportunities to accommodate home buyers and renters with varying income levels.

Applicant Comment: The preliminary plat will attract up to three types of income levels with the single-family residences, duplexes, and multi-family units.

Housing Policy 3.1: Locate residential development within the existing sewer service area and phase it into the projected wastewater service areas as shown in the City Waste Water Facilities Plan.

Applicant Comment: The permittee is within the city limits and will be extending sewer service throughout the site and connect to an existing sewer manhole southwest of the site.

Housing Goal 4: Plan an appropriate mix of residential densities in the City and UGA.

Applicant Comment: The preliminary plat will provide for three very different housing types of residential densities by providing single-family residences, duplexes and multi-family units.

Housing Policy 4.2: Maintain quality of residential neighborhoods when providing a mix of housing types and densities.

Applicant Comment: All residential units built will comply with the Architectural Standards of the Stanwood Municipal Code.

Housing Policy 4.4: Allow mixed residential densities in subdivisions and planned developments where traditional neighborhood goals, designs, and amenities can be achieved for a variety of housing types and densities.

Applicant Comment: The proposed development is located within the Traditional Neighborhood zone and complies with the traditional neighborhood goals, designs, amenities and a variety of housing types.

Housing Goal 7: Create unique residential neighborhoods with a variety of densities.

Applicant Comment: The proposed preliminary plat has created a unique design for a variety of housing densities. The Traditional Neighborhood zoning requires three different

Housing Policy 7.1: Encourage the development of quality single-family homes.

Applicant Comment: The single-family residences and cottage housing will follow the Architectural Standards through a mix of different floor plans and features.

Housing Policy 7.2: Encourage the development of quality multi-family homes.

Applicant Comment: The Traditional Neighborhood zoning allows for multi-family dwelling units. The applicant has proposed a 17-unit multi-family unit on Lot 75. The multi-family units will follow the Architectural Standards of the Stanwood Municipal Code.

Housing Policy 9.2: Ensure new housing developments conform to the City's adopted drainage manual.

Applicant Comment: The submitted preliminary drainage report complies with the 2005 DOE Stormwater Manual, which is the City of Stanwood's adopted regulations.

Housing Policy 9.3: Ensure services for new housing developments are in place concurrently with the occupancy of the structures.

Applicant Comment: All construction improvements will be in place prior to the certificate of occupancy is issued for each house.

Housing Goal 10: To provide open space and other recreational amenities for residential developments.

Applicant Comment: The proposed preliminary plat provides for open space, recreation, and amenities.

Housing Policy 10.1: Require the provision of open space and recreational amenities in new developments to serve those developments.

Applicant Comment: The open spaces and recreational amenities provided within the preliminary plat will be owned by the homeowners association formed by the bylaws of the CCR's.

Housing Policy 10.2: Collect impact fees from new developments to provide public recreation facilities.

Applicant Comment: The proposed preliminary plat will be required to pay park impact fees for all new residential units built. The impact fees will be collected at the time of building permit issuance or deferred as allowed by the city code.

(2) To inquire into the public use and interest proposed to be served by the establishment of the subdivision and/or dedication. Appropriate provisions shall be made for, but not limited to, the following:

(a) Open spaces, drainage ways, streets, alleys, sidewalks, other public ways, water supplies, sanitary waste, parks, playgrounds, sites for schools and school grounds, safe walking conditions to schools, fire protection, landscaping, street trees, lighting, and appropriate transit stops, and shall consider all other relevant facts and determine whether the public interest will be served by the subdivision and dedication. If it is found that the proposed plat does not make such appropriate provisions or that the public use and interest will not be served, then the proposed plat may be disapproved. Dedication of land to any public body may be required as a condition of subdivision approval and shall be clearly shown on the final plat.

Applicants Comment: The proposed project as designed provides open spaces, drainage ways, streets, sidewalks, other public ways, water supplies, sanitary waste, parks, playgrounds, safe walking conditions to schools, fire protection, landscaping, street trees, and lighting. The design does not include alleys or a site for schools and school grounds. A transit stop has been provided on the site plan. The school district has not identified this site as a future school and Community Transit or Island County Transit does not have routes that service this site.

(b) Prevention of Overcrowding. Consideration shall be given to the physical characteristics of the land in relation to the number of persons, buildings or sites proposed to be located thereon, and also to the availability of public facilities such as water, sewers, fire protection, streets, schools, parks, etc., if not adequately provided for within the subdivision.

Applicant Comment: The applicant has taken into account the physical characteristics of the site into the design on the layout and the ability to service the site with the appropriate city services. All city services are available to the site.

(c) Traffic Circulation on the Streets and Highways. Proposed streets must be aligned or built in such a way as to best facilitate the movement of traffic and reduce the possibility of accidents. This shall include a consideration of the alignment of intersections, width and surfacing of streets, proper curbs, sidewalks or paths, radii of curves and sight vision at intersections, hills and private easements.

Applicant Comment: The street layout within the project has been designed to mimic a traditional grid patterns with streets running north and south, and east and west. The street design includes 5-foot sidewalk. The street design will meet the standards identified in the City of Stanwoods' Street and Utility Standards.

(d) Adequate Light and Air. There shall be assurance that the plat is arranged in such a way that all lots have adequate light and air.

Applicant Comment: The design of the project allows for natural lighting and air to be available to each of the lots.

(e) Proper Arrangement and Provision of Easements and Pathways and Other Bicycle-Pedestrian Paths, Etc. There shall be assurance of conformance with existing layout of pathways and streets and also to adopted plans for such. Adequate provisions for pathways connecting various parts of a subdivision shall be considered in such a way that most of the pedestrian and nonmotorized traffic is diverted away from vehicular lanes. There shall be consideration given to providing trail systems in areas conducive to such (along creeks, rivers, scenic areas, etc.).

Applicant: The project has been designed to meet the City of Stanwoods' Street and Utility Standards. Sidewalks have been provided within the plat and a pathway is included in the common open space tract.

(f) Protection of any on-site cultural or historic resources.

Applicants Comment: None are present on-site.

(3) To consider the physical characteristics of the proposed subdivision site, including flood, inundation or swamp conditions. The hearing examiner may recommend the construction of protective improvements be

required as a condition of approval, with such improvements to be noted on the final plat in order to assure that:

- (a) All such proposals are consistent with the need to minimize flood damage.

Applicant Comment: The project as designed has account to handle all stormwater generated by the site to the 2005 DOE Manual.

- (b) All public utilities and facilities, such as sewer, gas, electrical and water systems, are located, elevated and constructed to minimize or eliminate flood damage.

Applicant Comment: The project as designed has account to handle all stormwater generated by the site to the 2005 DOE Manual. All utilities will be located underground as well.

- (c) Adequate drainage is provided so as to reduce exposure to flood hazards.

Applicant Comment: The project as designed has account to handle all stormwater generated by the site to the 2005 DOE Manual.

The hearing examiner shall give due consideration to all of the above items. Written findings of fact and conclusions shall address the above criteria and shall be included in the hearing examiner's decision.

- (5) An approved site development permit may be required prior to construction.

So noted.

- (6) Construction plan approval shall be required prior to any construction.

So noted.

- (7) Final plat applications and city council approval shall be subject to the requirements of Chapter 16.20 SMC.

The final plat will be submitted consistent with the requirements of Chapter 16.20.

So noted.

17.47.030 Permitted uses.

- (1) TN developments shall provide a mix of residential uses in accordance with the zoning use table provided in SMC 17.30.040.

The subject development will be providing a mix of single-family, duplexes, and multi-family.

- (2) TN developments may include a mix of commercial and public uses in addition to residential uses in accordance with the zoning use table provided in SMC 17.30.040.

The subject TN development does not include commercial uses. There will be public uses that includes: streets, sidewalks, trail system, and open spaces.

- (3) TN developments located within 200 feet of SR 532 shall be allowed to utilize the general commercial (GC) zoning uses provided in SMC 17.30.040, Zoning use table.

The subject TN development is not located within 200 feet of SR 532.

(4) Public facilities identified as a permitted use within the TN zone in SMC 17.30.040, Zoning use table, are allowed to be constructed outright and without providing residential units or commercial uses. Public facilities are not required to meet the standards set forth in this chapter.

The subject TN development will not be constructing public facilities as identified in SMC 17.30.040.

17.47.040 Mix and location of uses.

(1) All TN development shall provide a mix of residential unit types. The number of single-family dwelling units shall range from a minimum of 65 percent to a maximum of 80 percent. Of the remaining number of residential units, no more than 75 percent shall be the same residential unit type. Residential units incorporating home occupations shall not count as a separate unit type.

There will be 74 single family residential lots, three duplex lots and one multi-family site. Three duplex lots contain two units each for six (6) units total. The multi-family site would contain seventeen (17) units. Total unit count 97. Project complies with the requirement.

Single Family units= 75.5%
Duplex units = 6.1%
Multi-family = 18.4%
TOTAL 100%

Remaining "no more than 75%"
Total 24 units
Multi-family = 75%
Duplex = 25%

(2) Up to 20 percent of the acreage of the TN development may be devoted to commercial uses (not including home occupations).

The proposed TN development has not devoted land for commercial uses.

(3) Up to 50 percent of the acreage of the TN development located within 200 feet of SR 532 may be devoted to commercial use and/or general commercial uses (not including home occupations).

The proposed TN development is not located within 200 feet of SR 532.

(4) Projects providing greater than 10 percent of the acreage devoted to commercial use and/or general commercial use as allowed in subsections (2) and (3) of this section (not including home occupations) shall be allowed to provide any two types of residential units. One of the residential unit types shall consist of at least 25 percent of the residential mix.

The proposed TN development has not devoted any acreage towards commercial or general commercial uses.

(5) Except for home occupations, commercial uses that are included shall be located along collectors, at corners, or adjacent/across from common open spaces.

The proposed TN development is not proposing a commercial use on-site.

(6) Congregate care, assisted living, and independent living facilities are each to be considered separate residential unit types.

The proposed TN development is not building the above listed residential unit types.

(7) Cottage housing shall be permitted and considered a separate residential unit type. Cottage housing units shall also comply with the requirements in SMC 17.95.450.

The proposed TN development does not contain Cottage Housing units.

17.47.045 Pedestrian orientation.

(1) Pedestrian connections shall be made from residential uses along all major streets and from homes to all common open spaces. Pedestrian connections that cannot be made as sidewalks along vehicle lanes shall be made as alternative access easements such as trails.

All proposed streets within the preliminary plat will be constructed with curb, gutter, sidewalk, and landscape strip. There will be pedestrian connections (via public sidewalks) providing access to all common open spaces.

(2) Sidewalks shall be provided on both sides of all public streets (except alleys).

Sidewalks are proposed on both sides of all public streets within the proposed development and along the frontage of 80th Ave NW and 284th Ave NW.

(3) No home shall be located more than one-quarter mile from at least one designated open space.

No home is more than one-quarter mile from any designated open space.

17.47.050 Street standards.

(1) Streets within new TN developments shall form a general grid pattern acceptable to the public works director. In local street patterns, walkable blocks of 500 linear feet or less should be required.

The project has followed a general grid pattern and all blocks are walkable (sidewalks are proposed on both sides of street and frontage of 80th Ave NW and 284th Ave NW). All blocks within the proposed subdivision has blocks of less than 500 linear feet.

Note - the city definition for "should" is listed below

17.20.005 Rules for construction of language.

The following rules of construction apply to the text of this code:

(3) The word "shall" is always mandatory and not discretionary. The word "should" is permissive and is discretionary.

It is our understanding under the city rules that blocks are allowed greater than 500 linear feet and is not mandatory. The word "should" was utilized within this code section, making the length discretionary.

(2) Major thoroughfares that are provided shall be consistent with the Comprehensive Plan.

The project does not provide a major thoroughfare and all streets are consistent with the Comprehensive Plan.

(3) Cul-de-sacs are permitted; however, only two cul-de-sacs are permitted for projects less than 15 acres and three for projects greater than 15 acres.

The proposed project has one proposed cul-de-sacs due to clearance issues above the existing gasline within a 50-foot easement along the western property line..

(4) New TN developments must connect to existing neighboring developments where connections are provided and must provide new connections to future neighboring developments.

The project has been designed to provide future access to the north. Access stub has been provided between lots 1 and 40.

(5) Street standards shall be consistent with Stanwood street and utility standards (Chapter 14.14 SMC) except when a different standard is specified in this chapter.

The project has proposed the required minimum street standards in the table below.

Design Standard	Local Access / Cul-de-Sac
Right of Way Width	49 feet
Street Width	28 feet
Curb Requirements	Cement concrete curb (6") & gutter, both sides
Planter Width	5 foot wide both sides
Sidewalk Requirements	5 foot wide both sides
Utility Easement	10 foot both sides

(6) The public works director may allow for a reduction of local street width to 41 feet, based on a cross-section of two 10-foot vehicle lanes, two six-inch curbs, two five-foot planting/utility strips, and two five-foot sidewalks.

The project has not reduced the local street width and will provide 49 feet of right of way on all proposed public streets within the plat.

(7) Parallel parking may be provided on one or both sides of local and major streets.

Parallel parking provided within the plat on one side of the street.

(8) Alleys 12 to 20 feet in width may be utilized to provide access to residential parking at the back of residential units.

Alley's are not proposed within the subdivision.

(9) Applicants shall consult with transit providers, and provisions shall be made for transit stops that will serve current, future, and potential transit lines.

Currently there are no Community Transit or Island Transit bus options for this site.

(10) All TN developments shall meet parking standards of Chapter 17.105 SMC. Shared parking is

encouraged where participating users have differing peak parking hours. The community development director may reduce parking requirements, when a parking study prepared by a professional transportation engineer indicates that a reduction in parking will cause no negative impacts to city streets or neighbors.

The minimum required off-street parking spaces required shall follow SMC 17.105.140. The project will provide parking in accordance with this code section (SMC 17.105.140). The project will not utilize shared parking, as no commercial development is proposed. There are no parking reductions proposed for this site. The multi-family unit parking will be separate from any of the single family residential units.

Single Family Detached Dwelling	2 spaces per dwelling unit	
Duplex units	2 spaces per dwelling unit, except that one-bedroom units shall require 1.5 spaces	
Multi-family units	Studio and one-bedroom	1.5 spaces for each unit, plus 1 guest space for every 5 units
	Two bedrooms	2 spaces for each unit, plus 1 guest space for every 5 units
	Three or more bedrooms	2.5 spaces for each unit, plus 1 guest space for every 5 units

17.47.055 Common open space.

(1) Common open space shall be provided at the rate of one-half acre for every 10 acres of development or portion thereof.

The project consists of approximately 18.47 acres thus requiring 40,075 square feet of common open space. The proposed design contains common open space in two separate tracts (Tract 997 and 998) for a total area of 54,429 square feet.

(2) Common open spaces shall be centrally located to provide access from all sides (“square”); but must provide vehicular access from two sides and pedestrian access to all areas.

The majority of common open space is centrally located within Tract 998. Common open space has also been provided within Tract 997. All proposed common open space has provided vehicular access from two sides. Tract 997 has access via two public roads and future access from within the multi-family lot. Tract 998 has access via public road on three sides and parking on three sides as well. Pedestrian access to these common open space tracts is provided via path ways through the common open space. Also, these sites will be graded flat to allow for users to access all areas of these spaces as well.

(3) No residential units shall be located farther than a one-quarter-mile walk to the nearest open space.

No residential unit is more than a one- quarter-mile walk to the nearest open space.

(4) If the area is served by transit, a direct pedestrian connection shall be made between the open space

and the transit stop. Also, where transit shelters are provided, they shall be placed in highly visible locations that promote security and shall be well-lighted.

The area is not currently served by transit.

(5) Common open space shall provide a minimum of bench seating, garbage receptacles, tree shade, and at least one aesthetic amenity, such as public art, fountain, etc.

The project has been designed to include the minimum of a bench, garbage receptacles, tree shade, and at least one aesthetic amenity. Final amenity will be finalized at construction plan approval and in conjunction with the City of Stanwood staff.

(6) Landscape standards of Chapter 17.145 SMC shall be complied with for all parts of the TN.

The conceptual landscaping plan is designed to meet the requirements of Chapter 17.145. A final landscape plan will be submitted with the construction plans for review and approval.

(7) Sensitive areas shall be protected per Chapters 17.115 through 17.135SMC.

Sensitive areas are not present on-site.

(8) This section shall apply in the TN zoning district in lieu of the open space and recreation standards of Chapter 17.147SMC.

So noted.

17.47.065 Building standards.

(1) All building frontages shall be served by sidewalks or provide pedestrian connection to sidewalks.

The proposed homes and multi-family site within the plat are all served by sidewalks and have pedestrian connections. Sidewalks are proposed on both sides of the street within the plat and the frontage of 80th Ave NW and 284th St NW will have sidewalks as well.

(2) If alleys are provided, residential garages shall gain access to the rear of lots from alleys.

Alley's are not proposed as part of this development.

(3) All structures shall meet the building design guidelines set forth in Chapter 17.112 SMC.

At time of building permit application, the applicant will provide the city with the exterior appearance and design of all new homes consistent with Chapter 17.112

(4) Similar building types (e.g., single-family, multifamily, commercial) should be located on both sides of a street instead of using streets to define boundaries.

The project proposes similar building types on both sides of the street in all areas of the plat. The three housing types are grouped with each other.

(5) Lot areas and widths shall vary at random to the greatest extent possible in order to eliminate the appearance of a standardized subdivision; to the extent possible, no more than two lots in a row shall

have the same width, and lot widths shall vary by a minimum of five-foot increments.

The project has proposed varied lot widths throughout the entire plat.

17.47.070 Parking location.

All multifamily parking, including parking in lots, improved or unimproved parking stalls/spaces, and/or parking garages/structures shall occur in the rear or side of the lot and shall be located a minimum of 10 feet behind the front building wall of the primary structure, except for parking located within a mixed use building.

Multi-family structure will be designed in accordance with this requirement at the time of formal submittal of the building permit and site plan.

RECREATION AREA CALCULATIONS (SMC 17.147.010)

As a requirement of the Traditional Neighborhood (TN) zone (Chapter 17.47), the applicant is required to provide common open space consistent with the requirements of 17.47.055 Common Open Space. Projects in the TN zone are not subject to Chapter 17.147 Recreational and Open Space Standards per SMC 17.47.055(8).

OPEN SPACE CALCULATIONS (SMC 17.147.060)

Projects in the TN zone are not subject to Chapter 17.147 Recreational and Open Space Standards per SMC 17.47.055(8).

CRITICAL AREAS

Critical Area:

B&A, Inc. visited the site and identified no wetlands or critical areas.

LANDSCAPING

17.145.040 Tree retention required

Significant Tree Inventory 60 trees (50% to be retained = 30 trees)

Trees to be Removed: 24 trees of the required 30 trees

Replacement at 2:1: Replacement trees have been calculated at a 2:1 ratio (24 x 2 = 48 trees required to be replaced). Applicant is proposing 181 street trees and over 200 total trees (includes street trees) to be planted on the site.

17.145.070 Landscape design standards.

(2) – Multifamily Residential or Nonresidential Lots

At the time a formal submittal is made for the multi-family development, the proposal will meet this requirement.

17.145.080 Standards for street frontages.

As designed, the project meets the requirements of this section. A five-foot landscape stripe is

provided along all new and existing streets. Final landscaping plans will be submitted at the time of construction plans are provide to the city.

17.145.090 Required landscaping for off-street parking or other vehicular use areas adjacent to public rights-of-way.

At the time a formal submittal is made for the multi-family development, the proposal will meet this requirement.

17.145.100 Perimeter landscaping relating to abutting properties.

At the time a formal submittal is made for the multi-family development, the proposal will meet this requirement.

17.145.110 Parking area interior landscaping.

At the time a formal submittal is made for the multi-family development, the proposal will meet this requirement.

STREETS AND ACCESS

Streets Internal:

The project has proposed the required minimum street standards in the table below.

Design Standard	Local Access / Cul-de-Sac
Right of Way Width	49 feet
Street Width	28 feet
Curb Requirements	Cement concrete curb (6") & gutter, both sides
Planter Width	5 foot wide both sides
Sidewalk Requirements	5 foot wide both sides
Utility Easement	10 foot both sides

Access:

Access to the site would be from 284th Street NW to the south and emergency access is provided from 80th Ave NW to the west. Also, future access has been provided to the north for future development.

STORM WATER

Storm Water Detention:

Design to be incorporated in civil plans. Tract 998 contains an underground detention vault capable of handles all on-site drainage for the project. All stormwater will be directed towards this vault and treated and discharged according to the 2005 DOE manual.

Water/Sewer/Storm Overview

Water will be looped within the site and connected to the 8" PVC line within 80th Avenue NW and the 12" DI line within 284th Street NW. Waterline will also be extended to the property to the north for its future development. Also, the applicant will be extending the waterline down 80th Ave NW south of the

site as required by the City. The applicant has designed the project through grading so that sewer will flow out to 80th Avenue NW, thus avoiding the need to bring sewer to the northeast and into the Cedarhome Lift station. The applicant intends to set a manhole within 80th Avenue NW and then connect to the existing system at the intersection of 284th Street NW and 80th Avenue NW. Also, the applicant will be providing off-site sewer improvements within 272nd St. NW at approximately Pioneer Highway. A covered detention vault is proposed for this project located towards the center of the plat along the north property line. As stormwater from the site will be collected via catch basins and underground conveyance system and directed towards the vault. Stormwater will be treated and released consistent with the 2005 DOE stormwater manual. Stormwater will be discharged into the existing ditch along the eastside of 80th Avenue NW.

PUBLIC UTILITIES:

All public utilities and services are available to the subject parcels. The utilities and services along with the provider are identified in the table below.

Water:	City of Stanwood	Gas:	Cascade Natural Gas
Sewer:	City of Stanwood	Cable TV:	Wave Broadband
Garbage:	Waste Management	Police:	City of Stanwood, contract with Snohomish County Sheriff's
Storm Water:	City of Stanwood	Fire:	North County Regional Fire Authority
Telephone / Broadband:	Frontier	School:	Stanwood School District
Electricity:	Snohomish County PUD	Hospital:	Cascade Valley Hospital

The Applicant submitted letters from the following utility purveyors:

Sewer: City of Stanwood (8/13/18) – Received availability October 29, 2018

Water: City of Stanwood (8/13/18) – Received availability October 29, 2018

Electric: Snohomish County Public Utility District No. 1 (8/30/18)

PROPERTY DEVELOPMENT – ENVIRONMENTAL, TRAFFIC AND CONSTRUCTION CONSIDERATIONS

Environmental: No critical areas are present on-site.

Traffic and Infrastructure: The Applicant has submitted a traffic impact analysis for staff review. The approval of the proposed project will result in the site will generate 855.36 ADT based on 64.32 new AM peak-hour and 84.72 new PM peak-hour trips. Also, 7.32 ADT/DU for the duplexes and multi-

family units and 9.44 ADT/DU for the 73 net new SFD.

The preliminary subdivision application will be subject to the criteria of Chapter 58.17 of the RCW's, which requires provisions for safe access to schools, parks, recreation and playgrounds via sidewalks and streets. Full frontage improvements (curbs, gutters, planters and sidewalks) will be constructed on 80th Avenue NW and 284th Street NW.

The Applicant is proposing a 49-foot internal road for access to the homes which will be constructed in accordance with the City of Stanwood Public Works Department Street and Utility Standards.

Construction Plans: Prior to construction plan approval, the Applicant shall submit full construction plans from a licensed surveyor and stamped by a professional engineer. The construction plans shall include the following elements:

- A. A drainage and storm water plan meeting the requirements of the 2005 Department of Ecology (DOE) Storm water Manual;
- B. A Storm Water Pollution Prevention Plan (SWPPP) that shows the type and location of all temporary erosion and sedimentation control (TESC) and demonstrates best management practices (BMP's);
- C. A road and transportation plan complying with the provisions of the City's Street and Utility Standards.
- D. Water and Sewer plans for review and approval.
- E. Landscaping plans.

Construction Timing and Construction

The residential development is planned to begin construction next summer with anticipated preliminary plat approval in January 2019 and construction plan approval by March of 2019. It is possible that this project would be constructed in two phases. A standard local access road is proposed throughout the development at two 10' wide travel lanes, 8' wide parking on one side, 6" curb both sides, 5' wide landscaping strip (with street trees) on both sides, and 5' wide sidewalks on both sides. Curb, gutter, planter strip, and sidewalk will be constructed along the frontage of 284th Street NW and 80th Avenue NW.

ENVIRONMENTAL IMPACTS

The probable adverse environmental impacts of the proposed development can be mitigated, taking into account all applicable regulations.

No critical areas are present on-site and were not considered in the design of this project.

The development will be designed and constructed to address the removal and replacement of trees in accordance with SMC 17.145.040.

The development will be designed to incorporate landscape requirements, including street trees per SMC 17.145.080.

The development will be responsible for the payment of impact mitigation fees for fire, traffic and parks. School impact fees are \$0.00 for the Stanwood School District. The purpose of these fees is as cited in SMC Title 17 as follows:

Chapter 17.153
SCHOOL IMPACT MITIGATION

17.153.010 Findings.

- (1) The Washington State Legislature, with the passage of the Growth Management Act, has removed previously enacted restrictions and authorized development impact fees as an additional source of funding for common school facilities, in addition to local tax revenues and state grants from the common school construction fund.*
- (2) The Growth Management Act (GMA) also amended RCW 58.17.110, the Platting and Subdivision Act, to require that subdivision decisions include written findings that "appropriate provisions are made for...schools and school grounds...."*
- (3) Demands for construction of new school facilities will continue through the next decade because of increased population.*
- (4) Chapter 82.02 RCW provides the authority for the collection of impact fees to offset the cost of new development.*
- (5) While the general community benefits from new public facilities and should continue to pay the majority of facility costs, it is appropriate to require new development to pay its proportionate share of the cost for new facilities.*
- (6) Because the Washington State Constitution makes the education of our children the state's paramount duty, there continues to be a state responsibility for the construction of school facilities.*
- (7) The impact fee calculation provided for in this chapter accounts for existing and expected future public funding sources for schools, including state funding and local bond issues or other revenues. It assumes that these sources will continue to provide funding and specifically provides a credit for these two funding sources against the calculated impact fee.*
- (8) It is the desire of the city to have new development assessed impact fees in a uniform manner and to have a common formula and administrative process for the levying of this fee to the maximum degree possible.*

Chapter 17.151
FIRE, PARKS AND TRAFFIC IMPACT MITIGATION FEES*

17.151.010 Authority and purpose.

The ordinance codified in this chapter is enacted pursuant to this provisions of Chapter 82.02RCW, and is intended to accomplish the following purposes:

- (1) To ensure that adequate facilities are available to serve new growth and development;*
- (2) To promote orderly growth and development by requiring that new development pay a proportionate share of the cost of new facilities need to serve growth; and*
- (3) To ensure that impact fees are imposed through established procedures and criteria so that specific developments do not pay arbitrary fees or duplicate fees for the same impact.*

The development will be processed and constructed in accordance with codes and regulations to ensure it mitigates impacts.

SUMMARY

1. The proposed density is in compliance with the TN zoning designation.
2. The proposal will not be materially detrimental to adjacent land uses.
3. The proposal complies with municipal standards for a Type III application.
4. As conditioned and in accordance with municipal standards, there will be adequate infrastructure to develop the site as proposed.
5. Environmental impacts can be mitigated.
 - a. The Applicant will pay Fire Impact Mitigation Fees
 - b. The Applicant will pay Park Impact Mitigation Fees.
 - c. Wetlands are not present on-site.
6. Traffic Impacts can be mitigated:
 - a. SMC Chapter 17.151 establishes mitigation requirements for traffic impacts to Stanwood roads from development.
 - b. The subject property will be subject to applicable traffic impact fees in effect at the time of development.
 - c. The Applicant has submitted a traffic impact analysis for staff review. The approval of the proposed project will result in the site will generate 855.36 ADT based on 64.32 new AM peak-hour and 84.72 new PM peak-hour trips. Also, 7.32 ADT/DU for the duplexes and multi-family units and 9.44 ADT/DU for the 73 net new SFD. The Applicant will pay Traffic Impact Mitigation Fees.

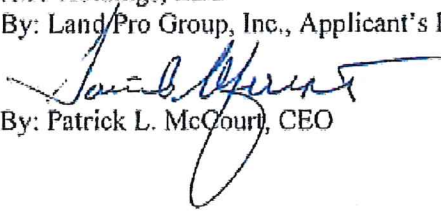
The Applicant believes that it has submitted all documents required for review by the City for processing the applications submitted.

We appreciate the opportunity to provide this narrative.

Respectfully,

JM1 Holdings, LLC

By: LandPro Group, Inc., Applicant's Representative


By: Patrick L. McCourt, CEO



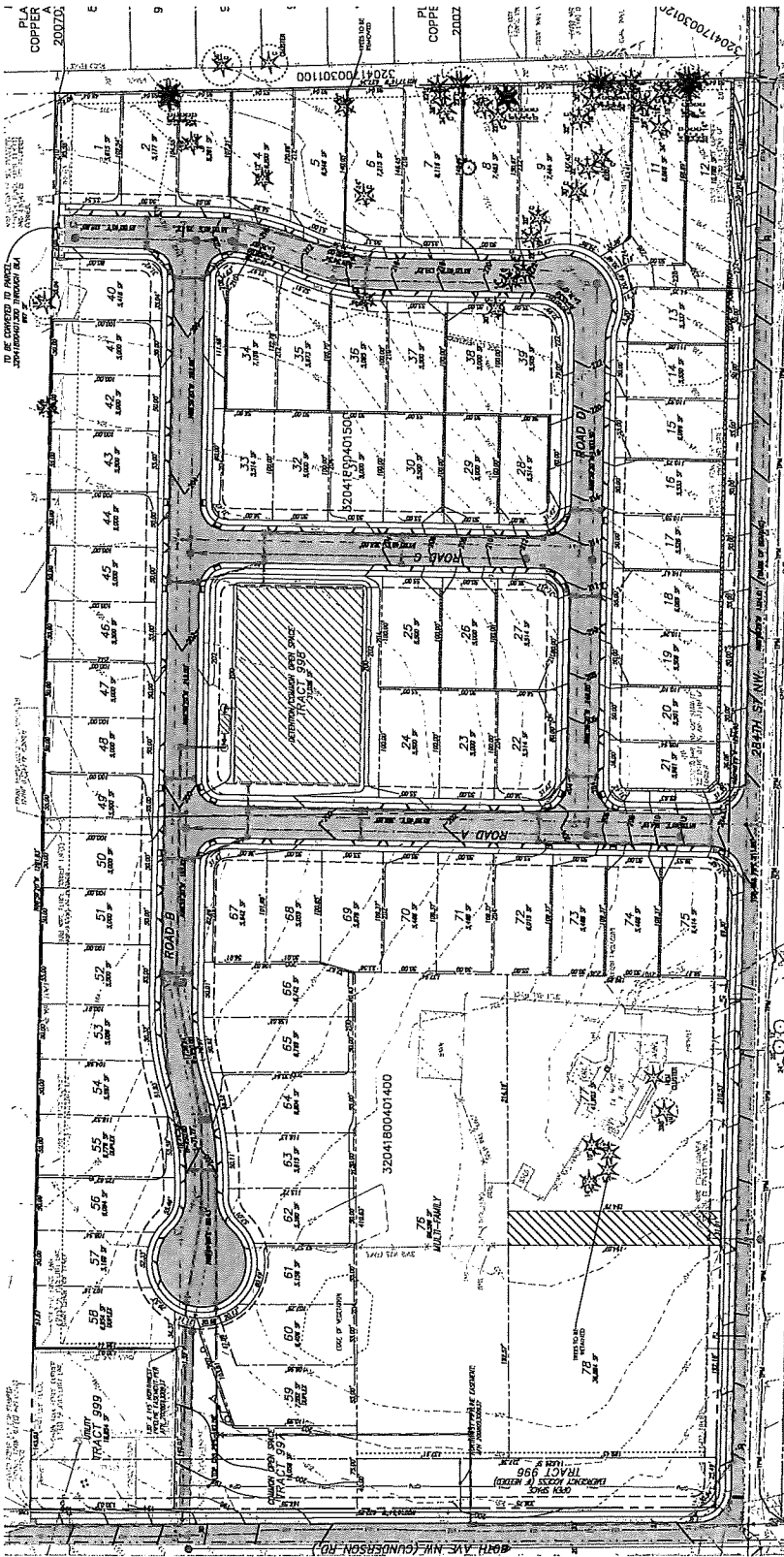
REVISIONS	DATE	DESCRIPTION
1	11-19-13	CITY COMMENTS
2	12-17-13	FINAL IMP CHANGES

STANWOOD SCHMITT PLAT
PRELIMINARY LANDSCAPE PLAN
7831 284TH ST NW
STANWOOD, WA 98292

DRAWING TITLE: TREE RETENTION
ATTN: JMI HOLDINGS, LLC
1015 20TH ST SE
LAKE STEVENSON, WA 98296
COMMUNITY DEVELOPMENT
(425) 339-4487

DRAWING INFORMATION
CDD PROJECT # 14-222
DRAWN BY: K.L.
CHECKED BY: N.L.
DATE: SEPTEMBER 10, 2018
SHEET NO. 1 OF 8

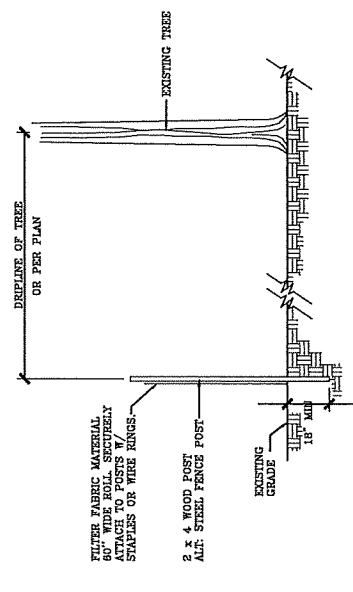
SE PORTION OF SECTION 18, TOWNSHIP 32N, RANGE 4E
CITY OF STANWOOD, WASHINGTON



TREE RETENTION CALCULATIONS
THERE ARE 80 TREES ON SITE
17 TREES ARE REQUIRED TO BE RETAINED - 40 TREES X 50% = 20 TREES
6 TREES ARE PROPOSED TO BE RETAINED AND 24 TO BE REPLACED AT A 2:1 RATIO.
48 REPLACEMENT TREES REQUIRED
13% REPLACEMENT TREES PROVIDED

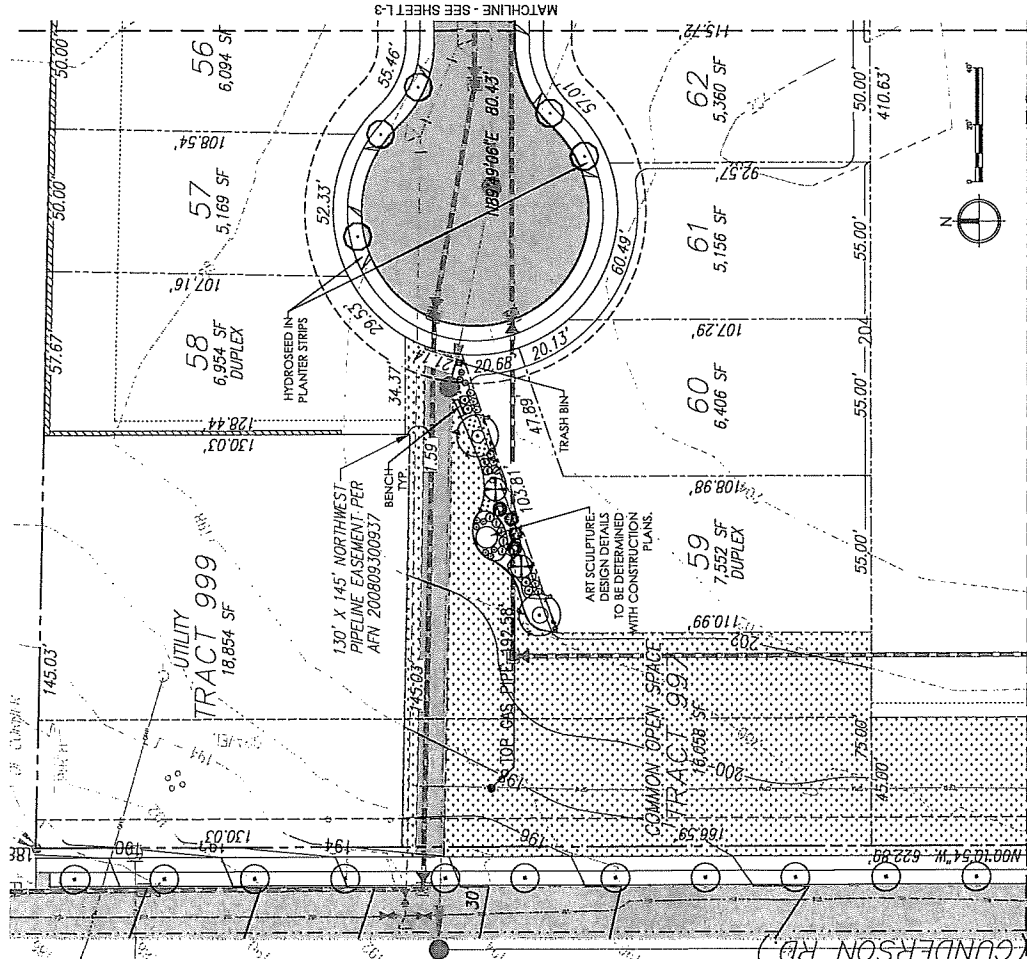
SITE SPECIFICATIONS
SOUTHEAST PORTION OF SECTION 18, TOWNSHIP 32N, RANGE 4E
SITE ADDRESS: 7831 284TH ST NW, STANWOOD, WA 98292
CDD PROJECT # 14-222
SITE AREA: 80.417 AC (10.47 ACRES)
IMPERVIOUS SURFACE 458,697 SF (10.53 ACRES)

TREE PROTECTION
ALL TREES SHALL BE KEPT AWAY FROM ANY REMEDIATION OR CONSTRUCTION TO AVOID EXCESSIVE SOIL COMPACTION. WHERE VERMICULAR TRAFFIC IS REQUIRED THE SOIL SHALL BE PROTECTED WITH A 10' LAYER OF WOODCHIPS. ALL TREES SHALL BE PROTECTED WITH A 10' LAYER OF WOODCHIPS. THE WOODCHIPS MAY BE REMOVED WHEN NO LONGER NEEDED.
ALL REMOVED TREES TO BE SAVED AND/OR RETAINED SHALL BE PROTECTED WITH A 5' HIGH CHAINLINK OR PLASTIC NET FENCING PLACED 2' BEYOND TREE DIAPHRANE DURING CONSTRUCTION. THE FENCING SHALL NOT BE REMOVED WITHOUT THE AUTHORIZATION OF THE CONSULTING ENGINEER OR SITE SUPERVISOR.
THE ROOTS OF TREES SHALL BE PROTECTED WITH A 10' LAYER OF WOODCHIPS. THE ROOTS OF TREES SHALL BE PROTECTED WITH A 10' LAYER OF WOODCHIPS. THE ROOTS OF TREES SHALL BE PROTECTED WITH A 10' LAYER OF WOODCHIPS.
IT MAY BE NECESSARY TO PROVIDE SUPPLEMENTAL IRRIGATION DURING DRY PERIODS WITHIN THE CONSTRUCTION PROCESS, AND MULCHING OVER THE ROOTS OF ANY OR ALL PRESERVED TREES.



CITY OF STANWOOD
APPROVED FOR CONSTRUCTION
DATE: SEPTEMBER 10, 2018
BY: PUBLIC WORKS DIRECTOR
DATE: _____
BY: COMMUNITY DEVELOPMENT DIRECTOR
DATE: _____
FEBRUIT NO. _____

SE PORTION OF SECTION 18, TOWNSHIP 32N, RANGE 4E
CITY OF STANWOOD, WASHINGTON



GENERAL NOTES

All plants shall be of the minimum standard established by the American Association of Nurserymen.

Lawn areas are to be hydroseeded per manufacturer's specifications, or approved equivalent. Remove all plants larger than 1" from lawn areas.

If the work is different from shown on the Landscape Plan, or prior to and details are not shown, the Contractor shall consult with the Landscape Architect for instructions.

The Landscape Contractor is responsible for maintaining the landscape during installation, until final acceptance by the owner's representative.

The Landscape Contractor shall warranty all materials and workmanship for a period of 3 years, from the time of final acceptance.

Back mulch is not to be placed above the root crown.

LANDSCAPE PLANTING SCHEDULE

EVERGREEN TREES	SYMBOL	QTY	BOTANICAL / COMMON NAME	SIZE	CONDITION
3		3	Chamaecyparis arbuscula 'Dusky'	4"-6" MIN. HT.	B&L, SPACING AS SHOWN
7		7	Thuja plicata 'Dusky'	6" MIN. HT.	B&L, SPACING AS SHOWN
DECIDUOUS TREES	SYMBOL	QTY	BOTANICAL / COMMON NAME	SIZE	CONDITION
19		19	Cornus lacinata / LANCELEAF HAWTHORNE	1.5" DCL	B&L, SPACING AS SHOWN
3		3	Fagus sylvatica 'Rivers'	1.5" DCL	B&L, SPACING AS SHOWN
39		39	Nyssa sylvatica 'Black Tupelo' / SOUR GUM BLACK TUPELO	1.5" DCL	B&L, SPACING AS SHOWN
41		41	Parrotia persica / PERSIAN IRONWOOD	1.5" DCL	B&L, SPACING AS SHOWN
17		17	Thuja occidentalis 'Chamaecyparis' / CHAMAECYPARIS UNION	1.5" DCL	B&L, SPACING AS SHOWN
49		49	Zelkova serotina 'Green Vase' / GREEN VASE ZELKOVA	1.5" DCL	B&L, SPACING AS SHOWN
SHRUBS	SYMBOL	QTY	BOTANICAL / COMMON NAME	SIZE	CONDITION
14		14	Berberis thunbergii 'Orange Rocket' / ORANGE ROCKET BARBERRY	2 GALLON	CON. CRWN, SPACING AS SHOWN
18		18	Cornus lacinata / NEW ZEALAND HAWTHORNE	2 GALLON	CON. CRWN, SPACING AS SHOWN
7		7	Cornus arbuscula 'Kalmii' / KELSEY'S BURNING RED-ORCHER DOGWOOD	24" MIN. HT.	CON. CRWN, SPACING AS SHOWN
4		4	Miscanthus sinensis 'Morning Light' / SILVER MOUND GRASS	24" MIN. HT.	CON. CRWN, SPACING AS SHOWN
2		2	Calceolaria 'Royal Purple' / ROYAL PURPLE SWEET TREE	24" MIN. HT.	CON. CRWN, SPACING AS SHOWN
2		2	Hydrangea quercifolia 'Snow Queen' / DAISY LEAF HYDRANGEA	24" MIN. HT.	CON. CRWN, SPACING AS SHOWN
5		5	Lavandula angustifolia 'Hidcote' / MUNSTED LAVENDER	2 GALLON	CON. CRWN, SPACING AS SHOWN
5		5	Nandina domestica 'Star Stream' / DWARF NAKAMOTO BAMBOO	24" MIN. HT.	CON. CRWN, SPACING AS SHOWN
16		16	Ribes sanguineum / RED-BLOSSOMING CURRANT	24" MIN. HT.	CON. CRWN, SPACING AS SHOWN
GROUNDCOVER	SYMBOL	QTY	BOTANICAL / COMMON NAME	SIZE	CONDITION
1		1	Heuchera 'Autumn Leaves' / AUTUMN LEAVES CORAL BELLS	1 DCL MIN.	CON. CRWN, 24" D.C.
1		1	Gaultheria phillyifolia / SALAL	1 DCL MIN.	CON. CRWN, 24" D.C.
1		1	HYDROCOYLE LAWN		

* CONTRACTOR TO DETERMINE THE AMOUNT REQUIRED.

RECOMMENDED BOLLARDS MAX OF SIZES.

REQUIRED STREET TREES

1 tree per every 40 lineal feet of road frontage required.

Approximate road frontage length = 7,234 lineal feet

Number of street trees required = 181 (7,234 / 40)

Number of street trees provided = 181

CITY OF STANWOOD

APPROVED FOR CONSTRUCTION

DATE: SEPTEMBER 10, 2018

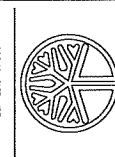
BY: PUBLIC WORKS DIRECTOR

DATE:

BY: COMMUNITY DEVELOPMENT DIRECTOR

DATE:

PERMIT NO.



STATE OF WASHINGTON
LANDSCAPE ARCHITECT
KIMBERLY L. LOVE
LICENSE NO. 1206

REVISIONS	DATE
1. CITY COMMENTS	11-14-18
2. TRACT RE CHANGES	12-11-18

STANWOOD SCHMITT PLAT

PRELIMINARY LANDSCAPE PLAN

7831 284TH ST NW
STANWOOD, WA 98292

LANDSCAPE PLAN

ATLANTIC

ATLANTIC LANDSCAPE, LLC
1815 20TH ST SE
LAKE STEVENS, WA 98258
CONTACT: JIM KANTZ
(206) 326-4477

PLANNING INFORMATION

STANWOOD, WA 98292

DATE: SEPTEMBER 10, 2018

BY: PUBLIC WORKS DIRECTOR

DATE:

BY: COMMUNITY DEVELOPMENT DIRECTOR

DATE:

PERMIT NO.

L-2

OF 8



STATE OF
WASHINGTON
LICENSED
LANDSCAPE ARCHITECT

Kristal Lowe

KRYSTAL LOWE
LICENCE NO. 1208

[illegible]

STANWOOD SCHMITT PLAT
PRELIMINARY LANDSCAPE PLAN
7831 284TH ST NW
STANWOOD, WA 98292

DRAWING TITLE:
LANDSCAPE PLAN

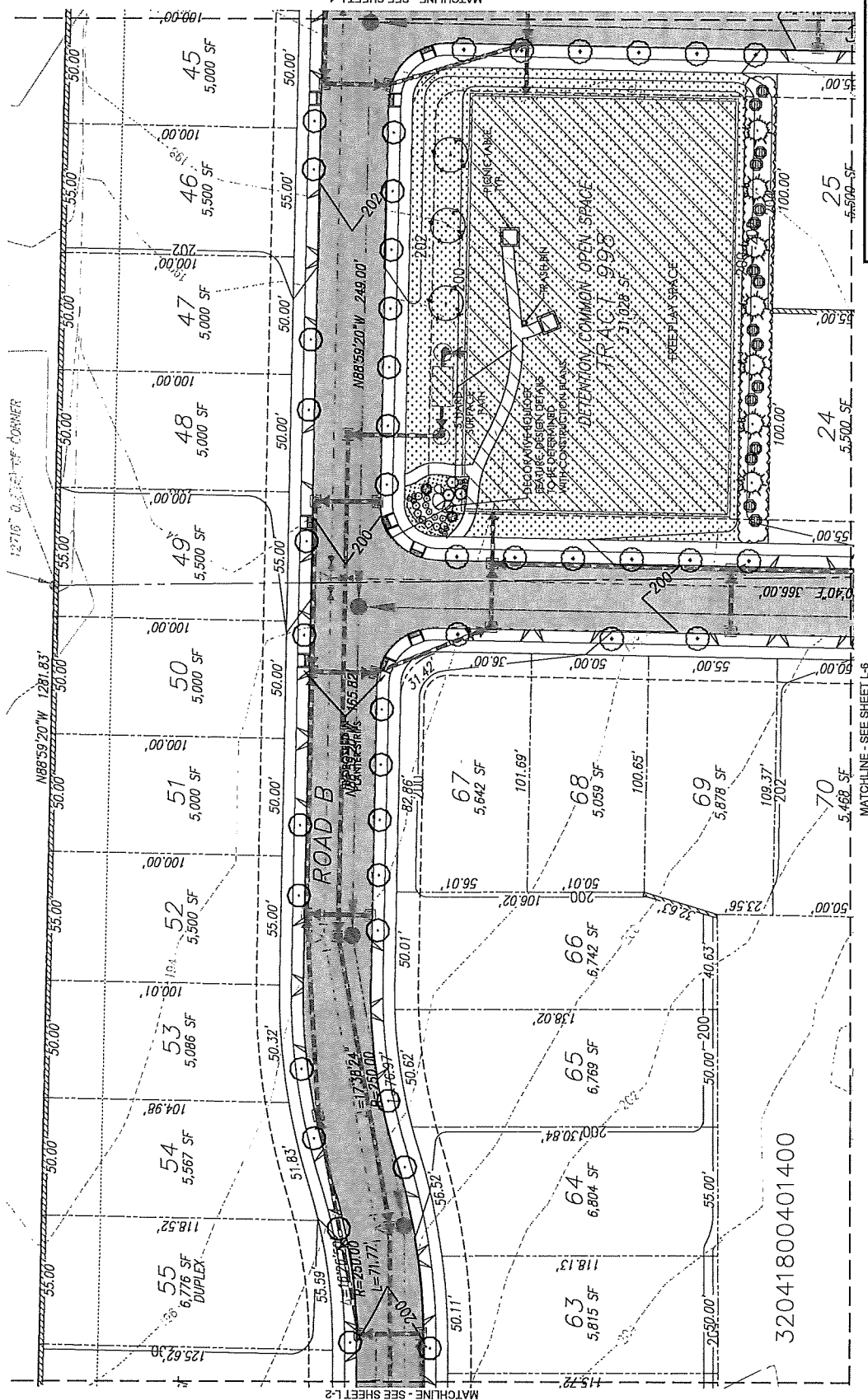
CLIENT:
JMK HOLDINGS, LLC
10515 20TH ST SE
LAKE STEVENS, WA 98258
CONTACT: TIM KAUNTZ
(425) 359-4467

DRAWING INFORMATION
 OOG PROJECT #: 10-225
 DRAWN BY: KL
 CHECKED BY: KL

DATE: SEPTEMBER 10, 2018

3 OF 8

SE PORTION OF SECTION 18, TOWNSHIP 32N, RANGE 4E
CITY OF STANWOOD, WASHINGTON

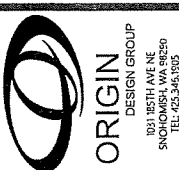


**CITY OF STANWOOD
APPROVED FOR CONSTRUCTION**

BY: _____ DATE: _____
PUBLIC WORKS DIRECTOR

BY: _____ DATE: _____
COMMUNITY DEVELOPMENT DIRECTOR

PERMIT NO. _____



STATE OF WASHINGTON
LANDSCAPE ARCHITECT
JAMES SCHMITT
LICENCE NO. 1209

REVISIONS	DESCRIPTION	DATE
1	CITY COMMENTS	11-28-18
2	TRACT BOUNDARIES	12-12-18

STANWOOD SCHMITT PLAT
PRELIMINARY LANDSCAPE PLAN
7831 284TH ST NW
STANWOOD, WA 98292

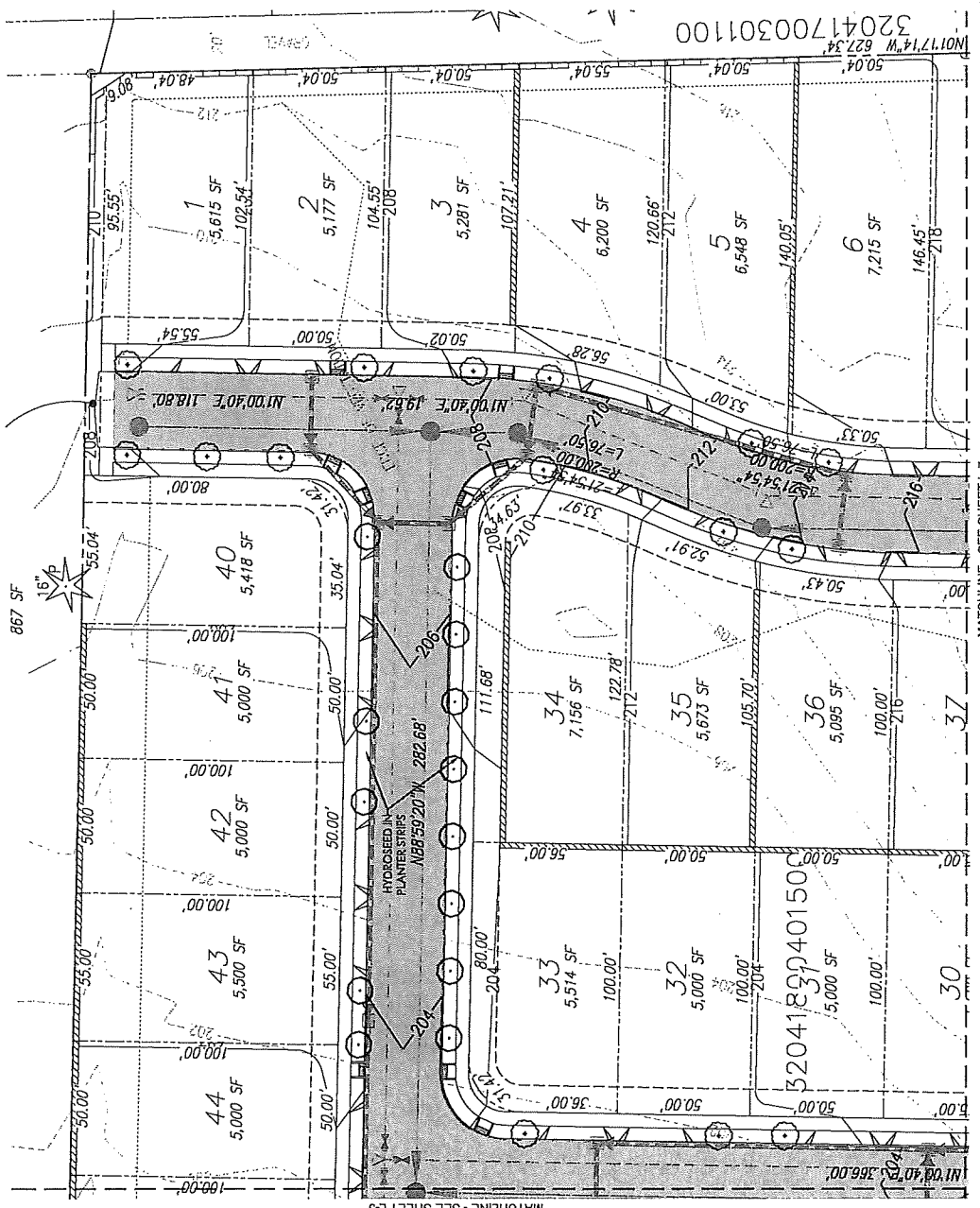
DESIGNED BY
LANDSCAPE PLAN
ATTICANT
JAMES SCHMITT, LLC
101 18TH AVE SE
SUITE 200
STANWOOD, WA 98292
CONTACT: TIM KANTZ
(425) 345-4407

DRAWING INFORMATION
DRAWN BY: J.S.
CHECKED BY: J.S.

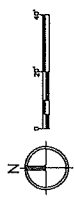
DATE: SEPTEMBER 10, 2018

SHEET NO.
L-4
OF 8

SE PORTION OF SECTION 18, TOWNSHIP 32N, RANGE 4E
CITY OF STANWOOD, WASHINGTON



MATCHLINE - SEE SHEET L-7



CITY OF STANWOOD
APPROVED FOR CONSTRUCTION

BY: PUBLIC WORKS DIRECTOR DATE: _____
BY: COMMUNITY DEVELOPMENT DIRECTOR DATE: _____
PERMIT NO. _____

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STANWOOD SCHMITT PLAT
PRELIMINARY LANDSCAPE PLAN
7831 284TH ST NW
STANWOOD, WA 98292

DRAWING TITLE:
LANDSCAPE PLAN

ATTICANT:
JMI HOLDINGS, LLC
10515 20TH ST SE
LAKE STEVENS, WA 98258
CONTACT: TIM KAINITZ
(425) 359-4487

DRAWING INFORMATION
 ODD PROJECT #: 10-225
 DRAWN BY: KL
 CHECKED BY: KL

DATE: SEPTEMBER 10, 2018

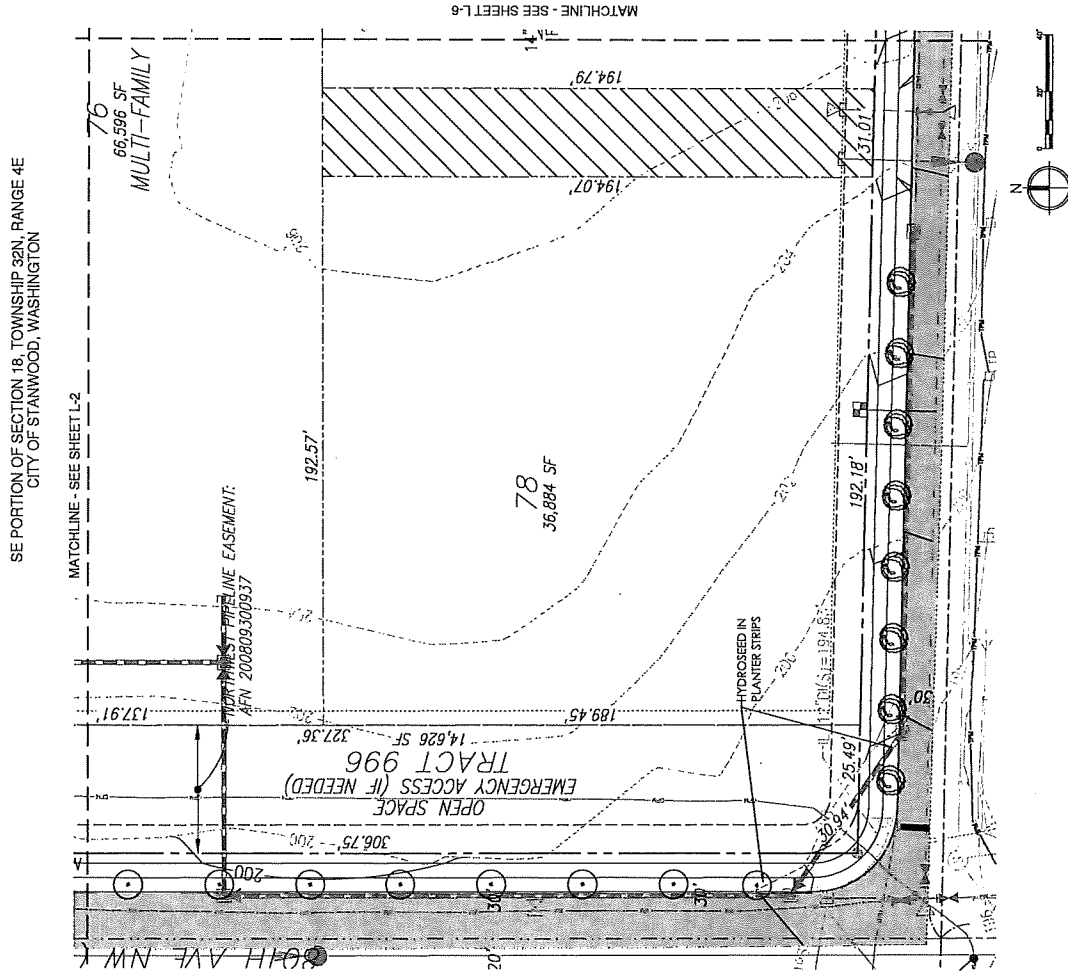
5 OF 8

**CITY OF STANWOOD
APPROVED FOR CONSTRUCTION**

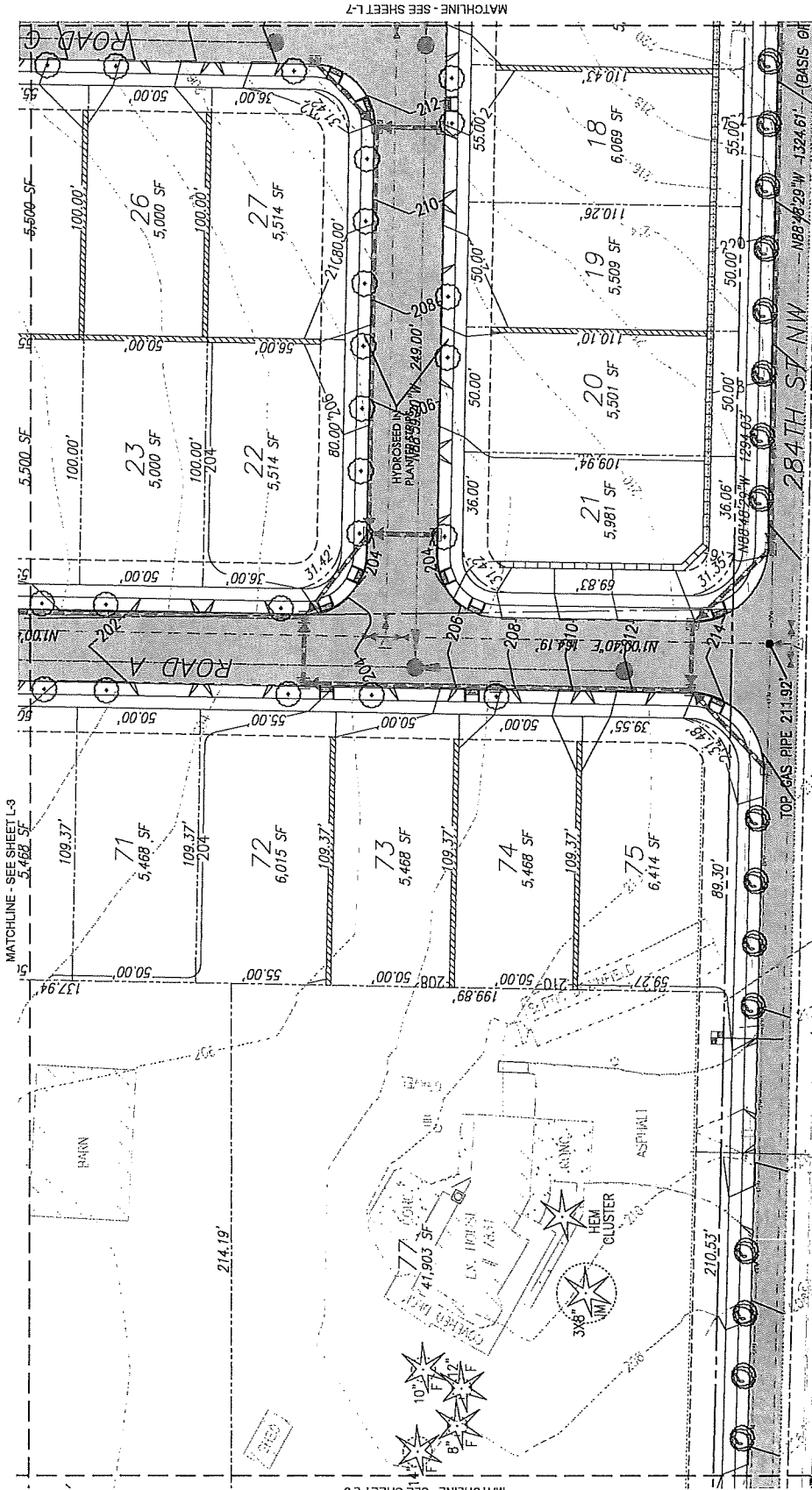
BY: _____ DATE: _____
PUBLIC WORKS DIRECTOR

BY: _____ DATE: _____
COMMUNITY DEVELOPMENT DIRECTOR

PERMIT NO. _____



SE PORTION OF SECTION 18, TOWNSHIP 32N, RANGE 4E
CITY OF STANWOOD, WASHINGTON



ORIGIN
DESIGN GROUP
1031 18TH AVE NE
SNOHOMISH, WA 98090
TEL: 425.346.1905



STATE OF
WASHINGTON
LICENSED
LANDSCAPE ARCHITECT
TIM KANTZ
LICENSE NO. 1506

REVISIONS	DATE
1. CITY COMMENTS	12.14.17
2. TRACED CHANGES	12.14.17

STANWOOD SCHMITT PLAT
PRELIMINARY LANDSCAPE PLAN
7831 284TH ST NW
STANWOOD, WA 98292

DESIGNED BY
LANDSCAPE PLAN
ARTIST
JAMES J. JONES, LLC
1815 32ND ST SE
LAKE STEVENS, WA 98258
CONTACT: TIM KANTZ
(425) 355-4407

DRAWING INFORMATION
DRAWN BY: RL
CHECKED BY: RL

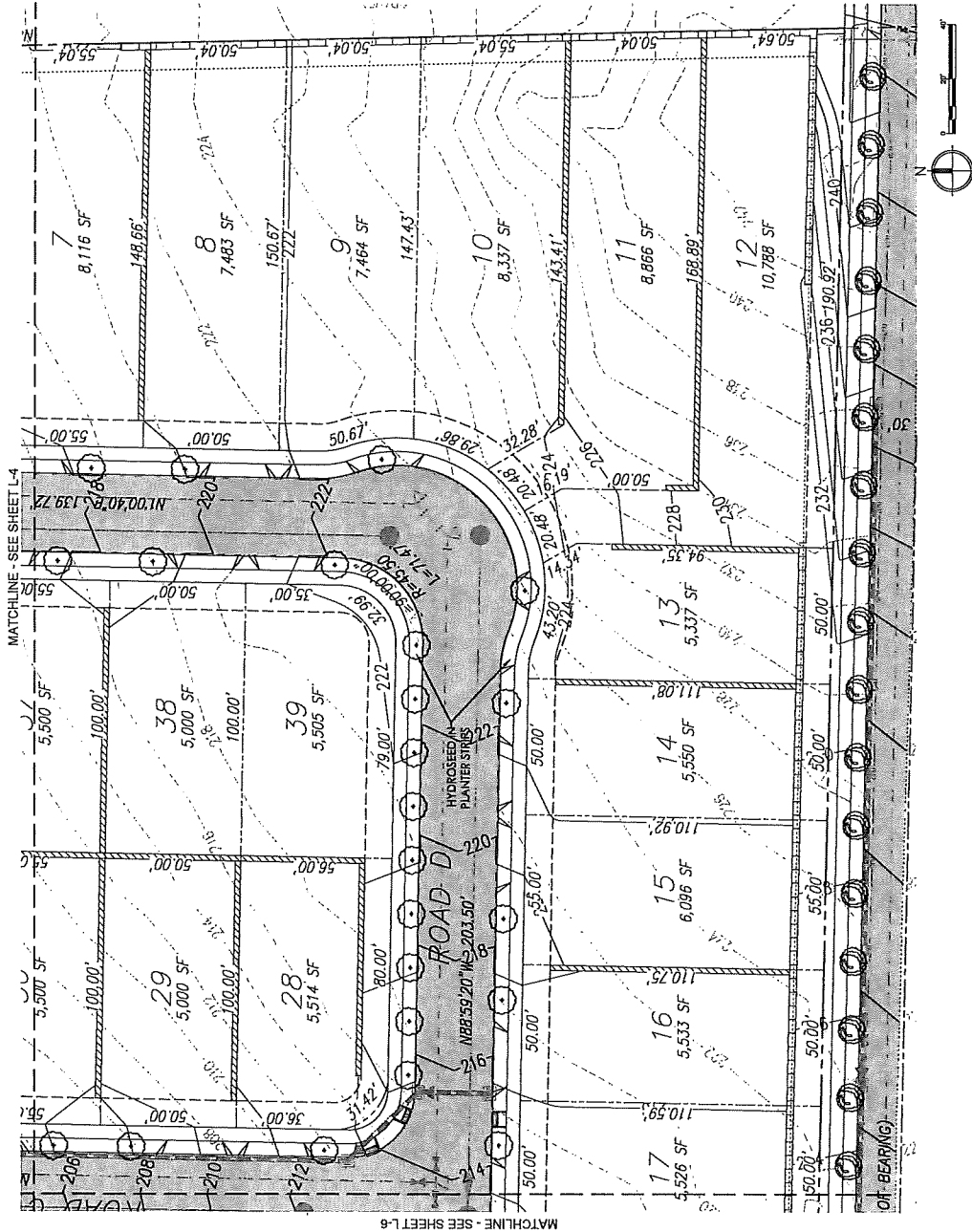
DATE: SEPTEMBER 10, 2018

SHEET NO. **L-6**
OF 8

CITY OF STANWOOD
APPROVED FOR CONSTRUCTION

BY: PUBLIC WORKS DIRECTOR DATE: _____
BY: COMMUNITY DEVELOPMENT DIRECTOR DATE: _____
PERMIT NO. _____

SE PORTION OF SECTION 18, TOWNSHIP 32N, RANGE 4E
CITY OF STANWOOD, WASHINGTON



ORIGIN
DESIGN GROUP
1031 15TH AVE NE
SUITE 200
SEATTLE, WA 98102
TEL: 425.341.1925

STATE OF WASHINGTON
LANDSCAPE ARCHITECT
JIM HOLDINGS, LLC
10515 20TH ST SE
LAKE WASHINGTON PARKWAY
SUITE 200
SEATTLE, WA 98148
TEL: 425.359.4487

REVISIONS	DATE	DESCRIPTION
1		CITY COMMENTS
2		TRACED BY CHANGES
3		NOTES

STANWOOD SCHMITT PLAT
PRELIMINARY LANDSCAPE PLAN
7831 284TH ST NW
STANWOOD, WA 98292

DRAWING TITLE
LANDSCAPE PLAN
ATTN: JIM HOLDINGS, LLC
10515 20TH ST SE
LAKE WASHINGTON PARKWAY
SUITE 200
SEATTLE, WA 98148
TEL: 425.359.4487

DRAWING INFORMATION
CDD PROJECT # 18-225
DRAWN BY: JAL
CHECKED BY: JAL

DATE: SEPTEMBER 10, 2018

SHEET NO. L-7
OF 8

CITY OF STANWOOD
APPROVED FOR CONSTRUCTION

BY: PUBLIC WORKS DIRECTOR DATE: _____
BY: COMMUNITY DEVELOPMENT DIRECTOR DATE: _____
PERMIT NO. _____



November 19, 2018

City of Stanwood
Community Development
10220 270th Street NW
Stanwood, WA 98292

Project Name / File No.: Stanwood - 2018-0444 (Preliminary Plat)
Applicant: JM1 Holdings, LLC / Tim Kaintz, member
Project Description: 78 Lot Plat Application
Tax Parcel No.'s: Schmitt (32041800401500) and Von Moos
(32041800401400).
Site Address: 7831 284th Street NW, Stanwood, WA 98292

Re: Public Comments

Response to Public Comments:

Chris Castner:

Traffic impact concerns and increased traffic volumes along 80th Ave NW from 284th St NW and 35 mph speed limit.

Applicants Response:

The applicant has provided an updated Traffic Report from Gibson Traffic dated November 2018. The report does indicate an increase in traffic on both 284th St NW and 80th Ave NW, however the increase is consistent with a development of this nature. The applicant does not have an issue with the city reducing the speed limit from 35 mph to 25 mph in this area. Also, the applicant does support a three way stop intersection at 284th St NW and 80th Ave NW.

Nathan Worrell

Traffic impact concerns along 80th Ave NW from 284th St NW, stop signs at 80th Ave NW from 284th St NW., and connection to Copper Station for connectivity. Also enjoyment of wildlife and increase population in the city and school district.

Applicants Response:

The applicant has provided an updated Traffic Report from Gibson Traffic dated November 2018. The report does indicate an increase in traffic on both 284th St NW and 80th Ave NW, however the increase is consistent with a development of this nature. The

applicant does not have an issue with the city reducing the speed limit from 35 mph to 25 mph in this area. Also, the applicant does support a three way stop intersection at 284th St NW and 80th Ave NW.

The applicant will be providing curb, gutter, and sidewalk around the entire frontage of 80th Ave NW and 284th St NW. In addition, the applicant will be providing connection to the existing sidewalk to the east of the plat as part of the safe walking conditions for the school district. The applicant is providing for future connectivity to Copper Station by providing a road stub to the north in the northeast corner of the plat.

The applicant is required to provide street trees within the development and will be providing shade trees with the common open space.

The city has made assumptions within the 2015 Comprehensive for the increase in population that development will bring into the City as well as provided the need infrastructure to serve development. The school district has forecasted the population for the school district boundary and can accommodate the new growth expected in the area.

Michael Carmichael:

Sight distance concerns onto 80th Ave NW and stormwater on 80th Ave NW. Also, concerns over lots 76 through 78 use and designation, as well as traffic/speed on 80th Ave NW and 284th St NW.

Applicants Response:

The original concept did have a public road connecting to 80th Ave NW, however in working with Williams Gas the design could not maintain the clearance above the top of the gasline. Therefore, we had to remove the direct access onto 80th Ave NW. There will be access proposed for a future 18 unit apartment complex onto 80th Ave NW. Sight distance analysis has been complete by the applicants engineer LDC and the location for the access has sufficient sight distance.

The project has been designed consistent with the 2005 DOE Stormwater Manual, which is the manual utilized by the City of Stanwood. The stormwater design does take into account flow rates to and from the site.

With regards to lots 76 through 78, they now have been redesigned as lots 76 through 78. Lot 76 is designated as a future multi-family lot for approximately 18 units. Lot 77 will maintain the existing house, and lot 78 will be for a future single-family residential structure. No commercial is proposed for this project.

The applicant does not have an issue with the city reducing the speed limit from 35 mph to 25 mph in this area. Also, the applicant does support a three way stop intersection at 284th St NW and 80th Ave NW.

Robin Carmichael:

Concerns of traffic impacts to 80th Ave NW and sight distance. Also, concerns over stormwater onto 80th Ave NW.

Applicants Response:

A traffic study was submitted with the original applicant and was completed by Gibson Traffic. An updated traffic report has been provided which was completed by Gibson Traffic dated November 2018.

The original concept did have a public road connecting to 80th Ave NW, however in working with Williams Gas the design could not maintain the clearance above the top of the gasoline. Therefore, we had to remove the direct access onto 80th Ave NW. There will be access proposed for a future 18 unit apartment complex. Sight distance analysis has been complete by the applicants engineer LDC and the location for the access has sufficient sight distance.

The applicant does not have an issue with the city reducing the speed limit from 35 mph to 25 mph in this area. Also, the applicant does support a three way stop intersection at 284th St NW and 80th Ave NW.

The project has been designed consistent with the 2005 DOE Stormwater Manual, which is the manual utilized by the City of Stanwood. The stormwater design does take into account flow rates to and from the site.

Marlyn Kottsick:

Concern over light pole and driveway to his house in the northeast corner of the plat.

Applicants Response:

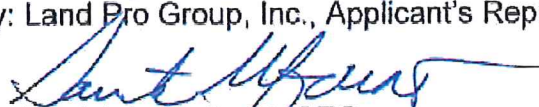
The applicant has meet with Marlyn Kottsick at his house on November 15, 2018 to discuss his concerns over the boundary line. The applicant has agreed to BLA a small portion in the northeast corner of the site to include his driveway and his green light pole. The applicant will also provide a new fence between the two properties on the surveyed property line. The applicant will be submitting a BLA to the city week of November 26, 2018. The BLA will result in around 50 sq ft being given to Marylyn Kottsick.

Thank you for your time and consideration regarding this request.

Respectfully,

JM1 Holdings, LLC

By: Land Pro Group, Inc., Applicant's Representative


By: Patrick L. McCourt, CEO



MEMORANDUM

City of Stanwood
10220 270th St NW
Stanwood, WA 98292
360-629-2181

COMMUNITY DEVELOPMENT DEPARTMENT

TO: PLANNING COMMISSION

FROM: Amy Rusko, Senior Planner

SUBJECT: Public Meeting – Cambridge Place

DATE: January 7, 2019

ATTACHMENT: A. Narrative
B. Site Plans

Request:

The applicant is requesting major site development approval for a mixed use building on lot 9 of an existing shopping center. The proposed project will construct a four-story, mixed-use facility that includes leasing offices, a fitness center, lounge area, elevator and secured access for tenant use. The first floor will consist of 100 self-storage units and the second to fourth floors will provide 45 residential units varying in size and mix.

Procedural Information:

The project as proposed is considered a Major Site Development and will be processed as a Type II permit application. The process requires public notice in the paper, posting the site, and mailing to every property owner within 300-feet. Proper notification has occurred. The Community Development Director will render a decision on this project once all code requirements have been met.

Stanwood Municipal Code 17.80.033 states the community development department shall apprise the planning commission of the general intent of a project of this type and collect comments from commission members. These comments will be considered by the Community Development Director prior to issuing a decision.

Project Details:

The property is designated and zoned General Commercial (GC) and Mixed Use Overlay (MXO) in the Comprehensive Plan and in the Zoning Code. The project is located on Lot 9 of the Lindstrom Binding Site Plan in the uptown area of the city, east of the 72nd Avenue and 265th Street intersection. The parcel is approximately 1.9 acres (82,764 square feet) in size.

The application was submitted on November 26, 2018 and deemed to be complete. The Notice of Application and Notice of Public Meeting was published in the newspaper, posted at sites and mailed on December 11, 2018. The Notice of Application comment period ended on December 26, 2018.

Public Comments:

To date the project has received no public comments.

LOT 9

WRITTEN STATEMENT

November 14, 2018

The lot 9 project site is located in an existing shopping center district that includes a cinema, retail stores and a large condominium complex with structured parking, retail and residential units.

The lot 9 project is a four-story, mixed-use facility that includes leasing offices, a fitness center, lounge area, elevator and secured access for tenant use, a large first floor 100 self storage unit business and 45 residential units varying in size and mix. The building is located next to the cinema (to the south) and adjacent to a single story retail building (to the north).

Since visibility is limited to this site, a strong pedestrian walkway is proposed from the NE corner of the existing multifamily structure along the west side of the cinema to a small pocket park. The path then crosses the shopping center drive aisle and terminates at the front door of the Lot 9 project. Flagpoles with colorful flags will be located along this pathway to celebrate it and enhance the pedestrian experience.

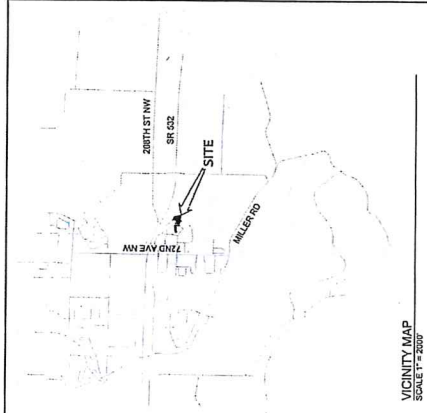
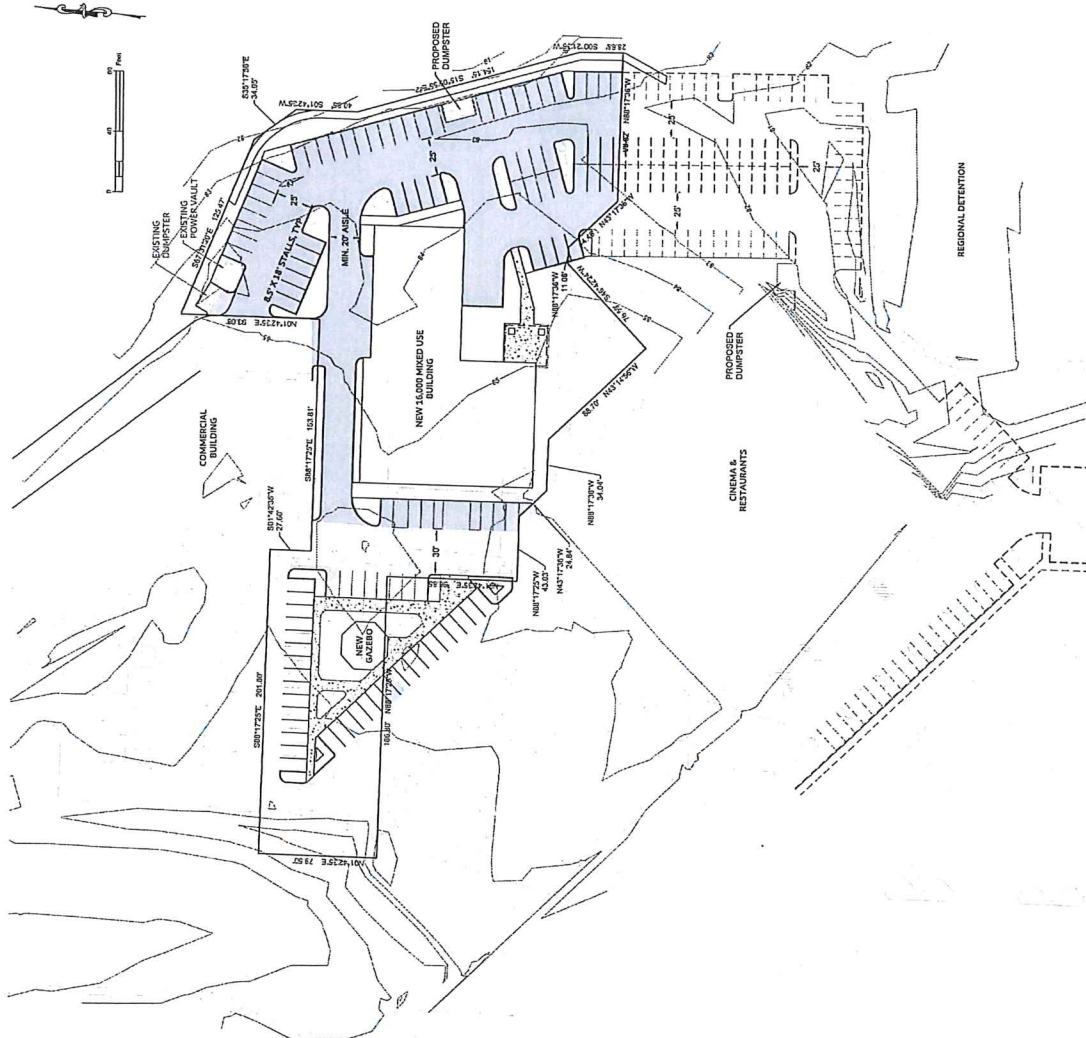
The loading dock for the self-storage units is on the east side of the building, visible only to the rear of the cinema. Tenants will have access to the building from both the east and west entrances. Ample parking will be available all around the building.

The exterior design is a NW craftsman with a strong, 3-story entry canopy towering over visitors. This signature element is necessary to highlight the residential nature of the project amidst the sea of parking and commercial space. The articulation of the facade is highlighted by numerous elements such as; bay window elements, shadow boxes, knee-braces and trellises. The first floor exterior material will be load-bearing split-faced concrete masonry units (CMU). There will be a couple of large storefront window displays marketing the self-storage unit business.

The upper floors will have a mix of Hardie-board with reveals and Hardie-plank siding. There will be standing-seam metal shed roofs over the bay window elements and metal coping at the top of the Hardie-board material.

The colors will be northwest shades and appropriate for the area. We are anticipating that the bay window locations will be painted an accent color that will work with the field color of the Hardie-plank siding.

SECTION 29, TOWNSHIP 32 NORTH, RANGE 4 EAST, W.M.



VICINITY MAP
SCALE 1" = 200'

LEGAL DESCRIPTION

NEW LOT 2 PER THE CITY OF STANWOOD SUBDIVISION USE
ADJUSTMENT RECORDED UNDER AUDITOR'S FILE NUMBER 800312500.
RECORDS OF SNOHOMISH COUNTY, STATE OF WASHINGTON.

SITE DATA

SITE ADDRESS: 7000 BLOCK 265TH ST. NW,
STANWOOD, WA 98292
TAX PARCEL NUMBER: 320420-002-04-00
TAX MAP: 320420-002-04-00
PROPOSED ZONING: CC-MIXED (GENERAL COMMERCIAL WITH MIXED USE OVERLAY)
LAND USE CLASSIFICATION: MIXED USE
NUMBER OF LOTS PROPOSED: 22,890 SF (1.3 AC)
SQUARE FOOTAGE OF COMMERCIAL: 22,890 SF
SQUARE FOOTAGE OF RESIDENTIAL: 22,890 SF
SEWAGE DISPOSAL: CITY OF STANWOOD
FIRE DISTRICT: NORTH COUNTY FIRE DISTRICT
SCHOOL DISTRICT: STANWOOD-CANAD SCHOOL DISTRICT #401

OWNER/APPLICANT/CONTACT
DAVID HARMSEN, PE
HARMSEN AND ASSOCIATES, INC.
2000 1ST AVE. N.W. SUITE 100
MONROE, WA 98272
(360) 794-7811

SURVEYOR
DOUG LASER
HARMSEN AND ASSOCIATES, INC.
2000 1ST AVE. N.W. SUITE 100
MONROE, WA 98272
(360) 794-7811

REVISIONS
HARMSEN ENGINEERS & ASSOCIATES, INC.
P.O. BOX 816
MONROE, WA 98272
FAX: (360) 805-9732
(360) 794-7811
(360) 343-5903

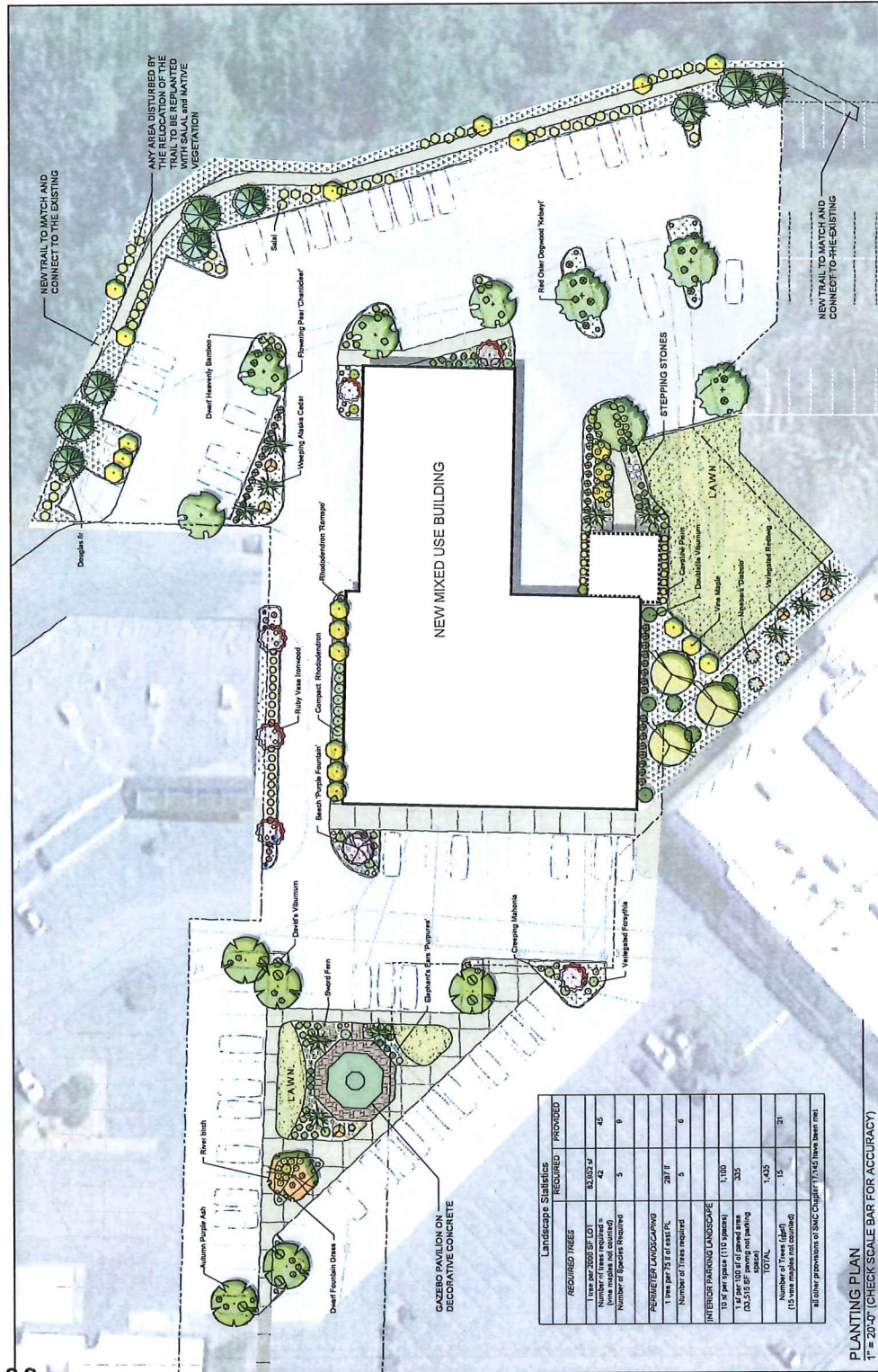
125 EAST MAIN STREET, SUITE 104
P.O. BOX 816
MONROE, WA 98272

CAMBRIDGE PLACE
7000 BLOCK 265TH ST. NW
STANWOOD, WA 98292
SITE DEVELOPMENT
SITE PLAN

DATE: 11-09-2018
JOB #: 18-382



C1.0



Landscape Statistics		REQUIRED	PROVIDED
TREES			
Number of trees required	42	42	42
Number of trees provided	42		42
SHRUBS			
Number of shrubs required	5	5	5
Number of shrubs provided	5		5
PERMEABLE LANDSCAPING			
1 inch per 7.5 sq ft of soil	281 ft ²		
Number of trees required	5		5
INTERIOR PARKING LANDSCAPE			
10 sq ft per space (115 spaces)	1,150		
1 sq ft per 100 sq ft of paved area (10,000 sq ft of paved area)	100		
Number of trees (115 spaces)	335		
Number of trees (10,000 sq ft paved area)	100		
TOTAL	1,435		21
Number of trees (115 spaces)	15		
Number of trees (10,000 sq ft paved area)	15		
All other provisions of SMC Chapter 17.142 have been met.			

PLANTING PLAN
1" = 20'-0" (CHECK SCALE BAR FOR ACCURACY)

GENERAL NOTES

1. ALL PLANTING SHALL BE PERFORMED BY PERSONS FAMILIAR WITH THIS KIND OF WORK AND UNDER THE SUPERVISION OF A QUALIFIED PERSON.
2. ALL PLANT MATERIAL SHALL BE OF THE BEST QUALITY AND CONFORM TO AMERICAN ASSOCIATION OF NURSERYMEN'S STANDARD FOR NURSERY STOCK, MOST RECENT EDITION.
3. PLANT LOCATIONS ON THE PLANS ARE DIAGNOSTIC AND MAY BE SUBJECT TO ADJUSTMENT IN THE FIELD BY THE LANDSCAPE CONTRACTOR.
4. ALL PLANT MATERIAL SHALL BE OF NURSERY STOCK AND SHALL BE OF THE TYPE, SIZE AND CONDITION SPECIFIED. PLANTS SHALL BE FREE OF DISEASE, INSECTS, SCARS, BRUISES, BREAKS, BUDS, AND WEED ROOTS.
5. SEE NOTES THIS SHEET FOR TOPSOIL DEPTH AND SPECIFICATION.
6. MEDIUM BARK MULCH IS TO BE INSTALLED AT ALL NEW PLANTING AREAS WITH A MINIMUM OF 2 INCHES.
7. ALL LANDSCAPE AREAS SHALL HAVE PLANTING BACKFILL AMENDED WITH A TRANSPARENT AMENDMENT (SUPERHIVE OR EQUAL) APPLIED IN FIELD TO THE FULL DEPTH OF ALL SITE UTILITIES PRIOR TO LANDSCAPE IMPLEMENTATION. PLANT LOCATIONS MAY BE ADJUSTED TO AVOID CONFLICT.
8. LANDSCAPE CONTRACTOR SHALL TAKE NECESSARY PRECAUTIONS TO PROTECT EXISTING SITE IMPROVEMENTS, PAVING, WALLS AND UNDERGROUND UTILITIES. DAMAGE SHALL BE REPAIRED TO THE OWNER'S SATISFACTION AND AT NO ADDITIONAL COST.
9. PLANT COUNTS SHOWN ON THIS SHEET ARE APPROXIMATE. IF THERE IS A DISCREPANCY, THE PLAN SHALL GOVERN.
10. ALL AREAS TO BE PLANTED WITH GRASS COVER ARE INDICATED ON THE PLAN WITH A HATCH PATTERN. SEE PLAN LIST FOR PLANT TYPE, SIZE, AND SPACING.
11. ALL AREAS TO BE PLANTED WITH GRASS COVER ARE INDICATED ON THE PLAN WITH A HATCH PATTERN. SEE PLAN LIST FOR PLANT TYPE, SIZE, AND SPACING.
12. SEEDING SHALL BE PERFORMED BY THE OWNERS DUE TO LACK OF AVAILABILITY SUBJECT TO APPROVAL BY THE OWNERS REPRESENTATIVE AND CITY.
13. ALL DIMENSIONS ARE ASSUMED TO BE PARALLEL, OR PERPENDICULAR UNLESS OTHERWISE NOTED.
14. ALL GRASSES TO BE A MINIMUM OF 1/2" ABOVE FINISH FLOOR IS ELEVATION UNLESS NOTED OTHERWISE. ALL GRASSES ADJACENT TO A BUILDING SHALL HAVE A MAXIMUM SLOPE OF 5% FROM FOUNDATION.
15. ALL GRASSES, DIMENSIONS AND EXISTING CONDITIONS SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. ANY DISCREPANCIES SHALL BE PROVIDED.
16. AUTOMATED IRRIGATION SYSTEM WILL BE PROVIDED.
17. BASEMAP PROVIDED BY HANSEN ASSOCIATES.



Mixed Use - Stanwood WA
Conceptual Landscape Plan

Prepared for:
Candace Homes
PO Box 159
Arlington, WA 98223
p. 360-335-2171

Prepared by:
ecosDesign
Landscape Architecture and Planning
Mount Vernon, WA 99273
p. 360-335-2171
f. 800-508-2017



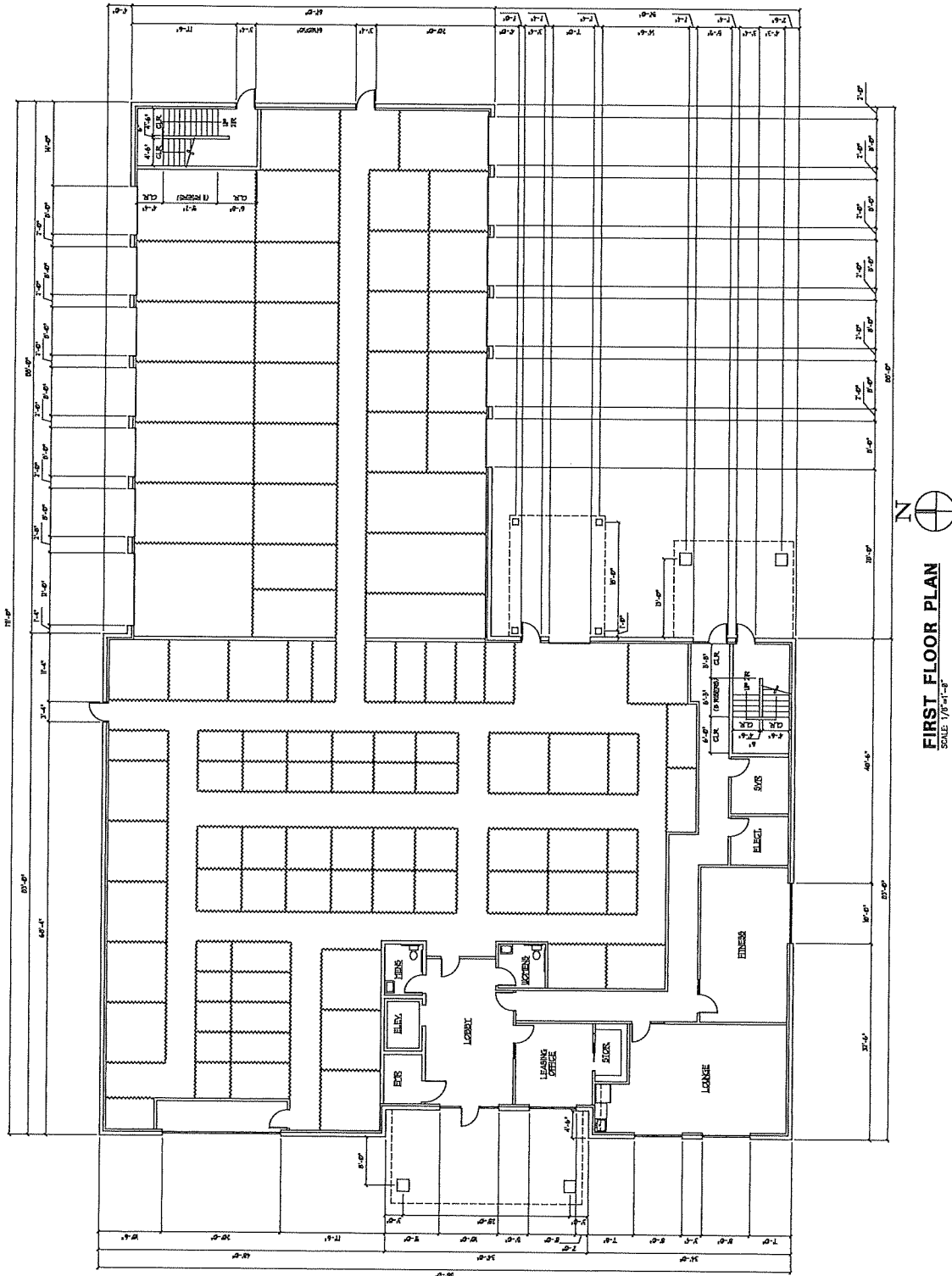
0' 20' 40' 80'

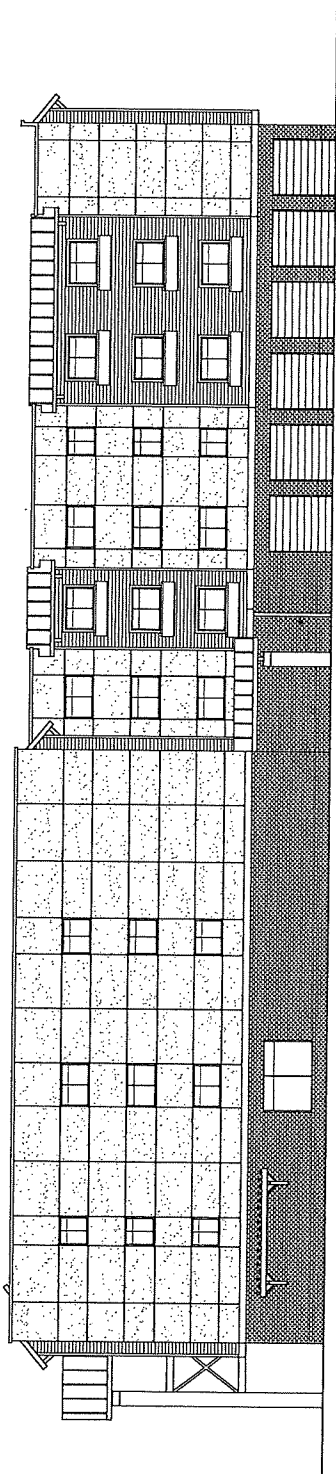
PUBLIC GAZEBO
(NO SCALE)



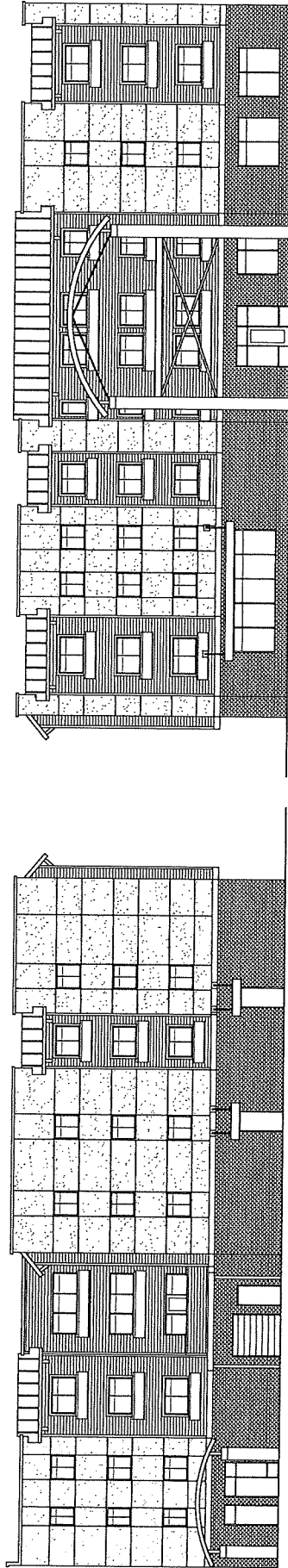
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NOVEMBER 1, 2018



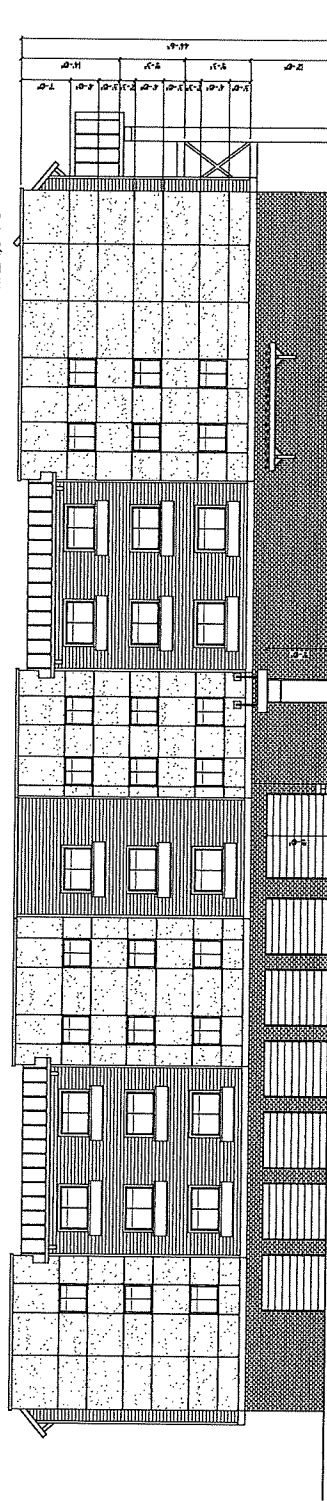


SOUTH ELEVATION
SCALE: 1/8"=1'-0"



EAST ELEVATION
SCALE: 1/8"=1'-0"

WEST ELEVATION
SCALE: 1/8"=1'-0"



NORTH ELEVATION
SCALE: 1/8"=1'-0"

 GLENN C WELLS, A.I.A. 324 WEST BAY DRIVE SUITE 102 OLYMPIA, WA 98502 (360) 352-4553	date: 11-01-18 drawn: checked: G.C.W.	city issued: recorded:	title: ELEVATIONS LOT 9 MIXED-USE BUILDING STANWOOD, WASHINGTON	sheet no. A6.0
	ARCHITECT			



MEMORANDUM

City of Stanwood
10220 270th St NW
Stanwood, WA 98292
360-629-2181

COMMUNITY DEVELOPMENT DEPARTMENT

TO: PLANNING COMMISSION

FROM: Amy Rusko, Senior Planner

SUBJECT: Public Meeting – Stanwood Schmitt Preliminary Plat

DATE: January 7, 2019

ATTACHMENT: A. Narrative
B. Site Plans
C. Public Comments / Applicant Response

Request:

The applicant is requesting preliminary plat approval, along with SEPA environmental review for a 78 lot subdivision. The proposed plat will construct public roads, utilities, common open space, and drainage, water and sewer improvements throughout the plat.

Procedural Information:

The project as proposed is considered a Preliminary Plat and will be processed as a Type III permit application. The process requires public notice in the paper, posting the site, and mailing to every property owner within 300-feet. Proper notification has occurred. The Hearing Examiner will render a decision on this project after an open public hearing.

Stanwood Municipal Code 17.80.033 states the community development department shall apprise the planning commission of the general intent of a project of this type and collect comments from commission members. These comments will be considered prior to issuing a recommendation to the Hearing Examiner.

Project Details:

The property is designated and zoned Traditional Neighborhood (TN) in the Comprehensive Plan and in the Zoning Code. The project is located in the northeastern part of the city, sitting at the northeast corner of the 80th Avenue and 284th Street intersection. The two parcels are approximately 18.99 acres (827,204 square feet) in size.

The application was submitted on September 18, 2018 and deemed to be complete. The Notice of Application was published in the newspaper, posted at sites and mailed on October 23, 2018. The Notice of Application comment period ended on November 5, 2018.

The SEPA Determination – Mitigated Determination of Non-Significance (MDNS) and Notice of Public Meeting was published in the newspaper, posted at sites and mailed on December 18, 2018. The MDNS comment period ended on January 2, 2019.

Public Comments:

To date the project has received comments from four citizens. The applicant responded to the public comments, as part of their November resubmittal. All comments and the response are provided as Attachment C.



November 20, 2018

City of Stanwood
Community Development
10220 270th Street NW
Stanwood, WA 98292

Project Name / File No.: Stanwood - 2018-XXXX (Preliminary Plat)
Applicant: JM1 Holdings, LLC / Tim Kaintz, member
Project Description: 78 Lot Plat Application
Tax Parcel No.'s: Schmitt (32041800401500) and Von Moos (32041800401400).
Site Address: 7831 284th Street NW, Stanwood, WA 98292
Re: **REVISED** Narrative- FORMAL APPLICATION SUBMITTAL

Dear Ms. Rusko,

The purpose of this letter is to provide the City of Stanwood with information in support of the Applicant's application for platting of the property identified under the Project Description referenced above.

GENERAL PROPERTY INFORMATION

1. Date of Application: September 11, 2018
2. Date of Resubmittal: November 20, 2018
3. Project Name: Stanwood
4. Project Location: 7831 284th Street NW, Stanwood, WA 98292
5. Tax Parcel Numbers: 32041800401500 and 32041800401400
6. Total Parcel Size: 18.99 acres +/- (827,204 +/- square feet)
7. Property Owners:

Owner – Parcel 32041800401400

BRIAN K & KERI VON MOOS	7831 284TH ST NW, STANWOOD, WA 98292
-------------------------	--------------------------------------

Owner – Parcel 32041800401500

ANGELA JO SCHMITT	24220 89TH PL W, EDMONDS, WA 98026-9010
AMY ZOE SCHMITT	24220 89TH PL W, EDMONDS, WA 98026-9010
JACOB CHARLES SCHMITT	24220 89TH PL W, EDMONDS, WA 98026-9010
GENE & KAREN EIDNESS	24220 89TH PL W, EDMONDS, WA 98026-9010

MATTHEW & ANN MCCUNE	24220 89TH PL W, EDMONDS, WA 98026-9010
RICHARD & RENEE BOWZER	24220 89TH PL W, EDMONDS, WA 98026-9010

8. Applicant: JM1 Holdings, LLC

9. Contact: Land Pro Group, Inc., Mr. Patrick McCourt

CONSULTANTS

Set forth below is a list of the consultants retained by the Applicant to assist in the preparation of documents supporting the applicants request to subdivide the subject property into 153 single family residential lots:

Project Manager	Land Pro Group Inc	Patrick McCourt/Rochelle Smith
Civil Engineer	LDC Engineers Inc	Mark Villwock and Tom Abbott
Geotechnical Engineer	Terra Associates Inc.	Carolyn Decker
Wetland Consultant	B & A Inc.	AJ Bredberg
Traffic Consultant	Gibson Traffic Consultants Inc.	Brad Lincoln
Land Scape Architect	Origins Landscape LLC	Krystal Lowe

PROJECT DESCRIPTION AND REQUEST

The applicant is proposing to construct a 98-unit subdivision located at the northeast corner of 284th Street NW and 80th Avenue NW (7831 284th Street NW). The site consists of two parcels: Schmitt (32041800401500) and Von Moos (32041800401400). The site is zoned Traditional Neighborhood (TN) as well as the Comprehensive Plan designation. The total site is 18.99 acres. Only the Von Moos property has a single-family resident and several out building. The Schmitt property is vacant. There will be 74 single family residential lots, three duplex lots and one multi-family site. Three duplex lots contain two units each for six (6) units total. The multi-family site would contain seventeen (18) units. Total unit count 98. Access to the site will be from 284th Street NW and 80th Avenue NW for the multi-family. A fire access has been provided through the cul-de-sac to the 80th Ave NW. Future access has been provided to the northern property. The site generally slopes downward to the north and the center of the site.

The Applicant is submitting an application, which is identified as follows:

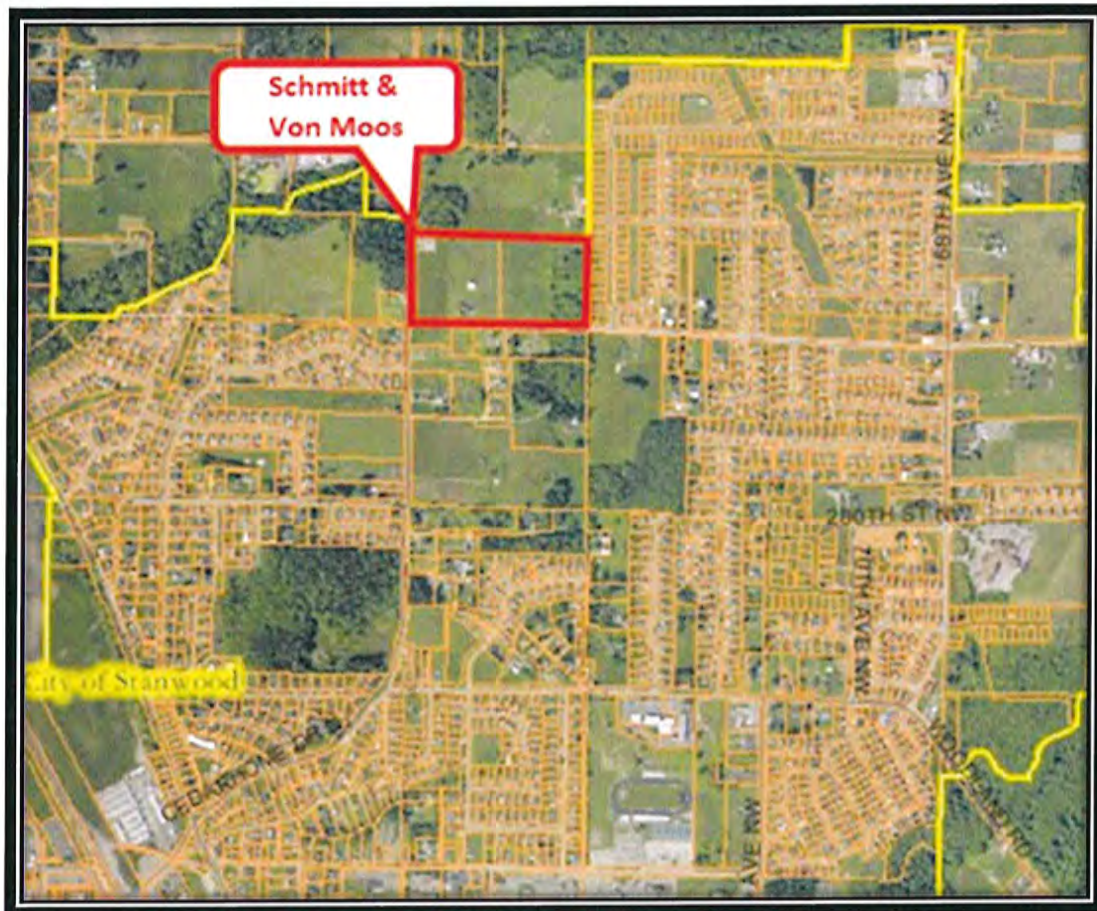
- Type III Quasi-Judicial Decisions – Hearing Examiner Land Use Application;

The information being provided is to demonstrate that the application for a Type III Preliminary Plat with the TN zone is supportable under the Stanwood Municipal Code (SMC).

PROJECT LOCATION

The proposed development is located at 7831 284th Street NW, Stanwood, WA 98292 as shown on the map below.

VICINITY MAP



SURROUNDING PROPERTIES

The City of Stanwood has a Future Land Use Map (FLUM) within the Comprehensive Plan Figure LU-1. The FLUM sets forth preferred Land Use and Zoning Designation for the site.

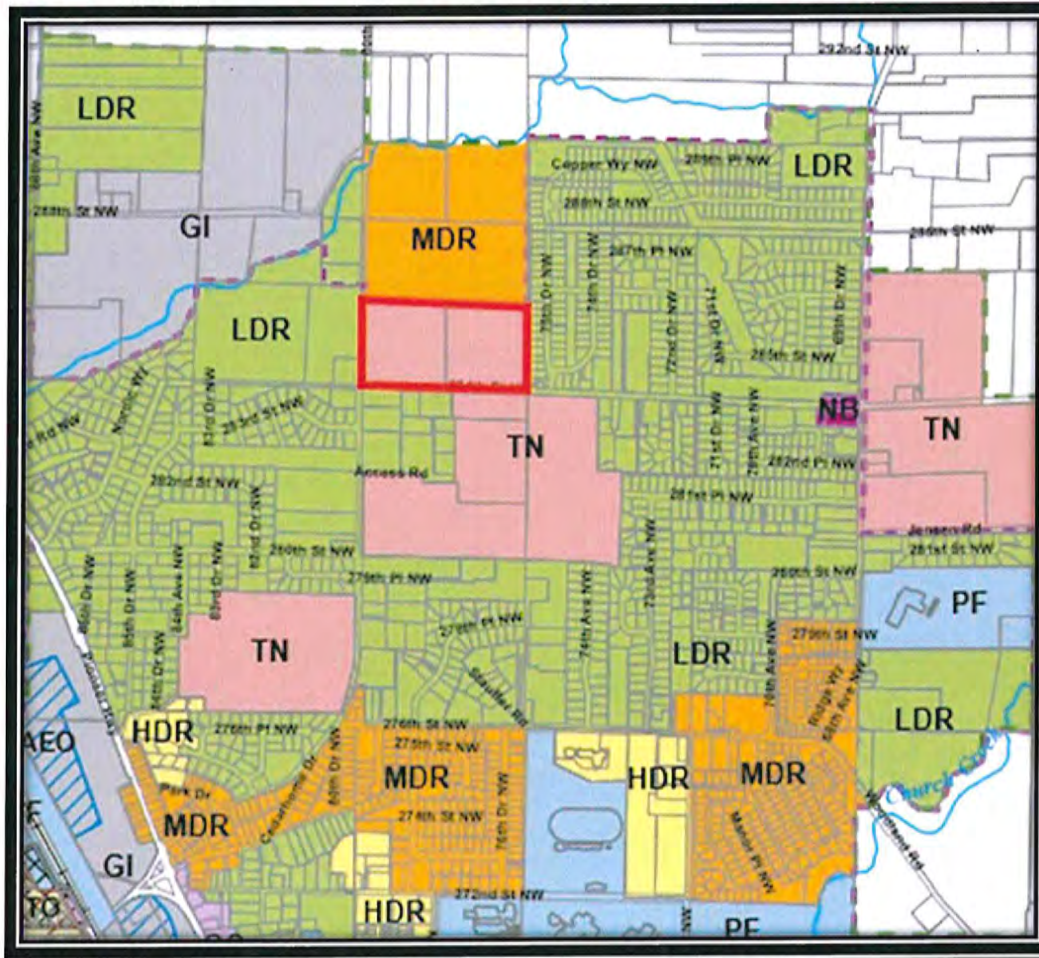
The Project Site Area is designated as Traditional Neighborhood in the Comprehensive Plan and Traditional Neighborhood on the Zoning map.

The properties to the North, South, East and West are identified in the Comprehensive Plan and Zoning map as shown in the table below and as discussed above.

AREA	LAND USE DESIGNATION	ZONING	EXISTING USE
Project Site	Traditional Neighborhood	Traditional Neighborhood	Single Family Residential / Open Field
North	Urban Growth Area Medium Density Residential	Urban Growth Area SR 7.0	Single Family Residential / Open Field
South	Traditional Neighborhood & Low Density Residential	Traditional Neighborhood & SR 9.6	Single Family Residential
East	Low Density Residential	SR 9.6	Single Family Residential
West	Low Density Residential	SR 9.6	Single Family Residential

COMPREHENSIVE PLAN - 2015 LAND USE MAP

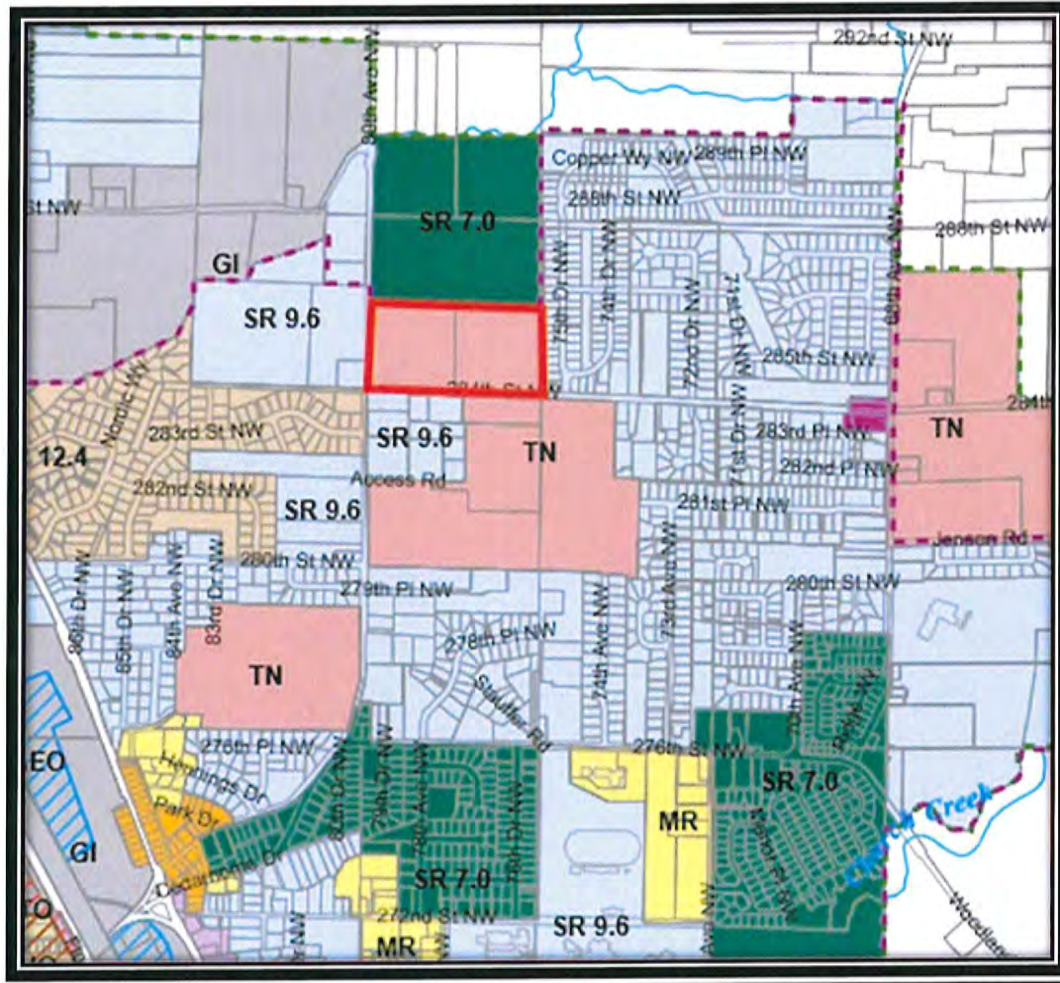
MAP



The Current Comprehensive Land Use Map designates the subject property as Traditional Neighborhood.

ZONING MAP

MAP



The Current Zoning map designates the property as Traditional Neighborhood.

PROPOSED PLAT DESIGN

The proposed plat design as shown below was prepared in accordance with the SMC Title 17 as follows:

LAND USE:

Zoning: Traditional Neighborhood

Allowed Density in TN Zone: 20 du/ac for all unit types

Density Proposed:

Lot Density Calculation

Gross Density

Gross Site Area 18.47 Acres (804,553 sq.ft.)

Total Unit Count 98 units

Gross Density 5.305 units per acre

TRADITIONAL NEIGHBORHOOD

17.47.020 Application procedures for TN subdivisions.

(1) Prior to the submittal of a subdivision application within the TN zone, a pre-application meeting is required with the planning commission.

Pre-application meeting with the Planning Commission was held on Monday, September 10, 2018.

(2) Applications shall meet the submittal requirements of Chapter 16.15 SMC for preliminary plats.

Chapter 16.15 SMC for preliminary plats was used in the preparation for the submittal of this application.

(3) All TN subdivision applications shall follow the permit review and hearing procedures and meet the requirements as provided in Chapter 16.15 SMC for preliminary plat applications.

So noted.

(4) Preliminary plats for TN subdivisions shall be approved by the hearing examiner utilizing criteria set forth in SMC 16.15.090.

The permittee has met all of the review criteria subject to the Hearing Examiner Decision as listed in SMC 16.15.090.

16.15.090 Review criteria

Preliminary plats shall be reviewed:

- (1) To assure conformance of the proposed subdivision to the general purposes of this code, the Comprehensive Plan and to development standards, specifications and policies adopted by the city council.

Land Use Policy 19.3 (K): The purpose of the Traditional Neighborhood land use designation is to provide an alternative to typical residential developments. Developments in the Traditional Neighborhood designation are intended to develop in a higher density, mixed-use fashion more typical of older neighborhoods. It features requirements for common open space, through streets and a mix of housing types. This designation shall provide for residential development at densities of 10-20 dwelling units per acre. An allowance for commercial development shall also be allowed.

Applicants Comment: The proposed preliminary plat has provided three types of housing, connecting streets, common open spaces, and trails.

Housing Goal 2: To provide a range of housing types to ensure an adequate choice of living accommodations for those desiring to live in Stanwood.

Applicant Comment: The proposed preliminary plat is providing single-family residences, duplexes, and multi-family.

Housing Policy 2.1: Encourage the development of a full range of housing types to meet the needs of all citizens of Stanwood.

Staff Comment: The proposed preliminary plat provides a full range of housing types, including single-family residences, duplexes, and multi-family.

Housing Policy 2.8: Support opportunities to accommodate home buyers and renters with varying income levels.

Applicant Comment: The preliminary plat will attract up to three types of income levels with the single-family residences, duplexes, and multi-family units.

Housing Policy 3.1: Locate residential development within the existing sewer service area and phase it into the projected wastewater service areas as shown in the City Waste Water Facilities Plan.

Applicant Comment: The permittee is within the city limits and will be extending sewer service throughout the site and connect to an existing sewer manhole southwest of the site.

Housing Goal 4: Plan an appropriate mix of residential densities in the City and UGA.

Applicant Comment: The preliminary plat will provide for three very different housing types of residential densities by providing single-family residences, duplexes and multi-family units.

Housing Policy 4.2: Maintain quality of residential neighborhoods when providing a mix of housing types and densities.

Applicant Comment: All residential units built will comply with the Architectural Standards of the Stanwood Municipal Code.

Housing Policy 4.4: Allow mixed residential densities in subdivisions and planned developments where traditional neighborhood goals, designs, and amenities can be achieved for a variety of housing types and densities.

Applicant Comment: The proposed development is located within the Traditional Neighborhood zone and complies with the traditional neighborhood goals, designs, amenities and a variety of housing types.

Housing Goal 7: Create unique residential neighborhoods with a variety of densities.

Applicant Comment: The proposed preliminary plat has created a unique design for a variety of housing densities. The Traditional Neighborhood zoning requires three different

Housing Policy 7.1: Encourage the development of quality single-family homes.

Applicant Comment: The single-family residences and cottage housing will follow the Architectural Standards through a mix of different floor plans and features.

Housing Policy 7.2: Encourage the development of quality multi-family homes.

Applicant Comment: The Traditional Neighborhood zoning allows for multi-family dwelling units. The applicant has proposed a 17-unit multi-family unit on Lot 75. The multi-family units will follow the Architectural Standards of the Stanwood Municipal Code.

Housing Policy 9.2: Ensure new housing developments conform to the City's adopted drainage manual.

Applicant Comment: The submitted preliminary drainage report complies with the 2005 DOE Stormwater Manual, which is the City of Stanwood's adopted regulations.

Housing Policy 9.3: Ensure services for new housing developments are in place concurrently with the occupancy of the structures.

Applicant Comment: All construction improvements will be in place prior to the certificate of occupancy is issued for each house.

Housing Goal 10: To provide open space and other recreational amenities for residential developments.

Applicant Comment: The proposed preliminary plat provides for open space, recreation, and amenities.

Housing Policy 10.1: Require the provision of open space and recreational amenities in new developments to serve those developments.

Applicant Comment: The open spaces and recreational amenities provided within the preliminary plat will be owned by the homeowners association formed by the bylaws of the CCR's.

Housing Policy 10.2: Collect impact fees from new developments to provide public recreation facilities.

Applicant Comment: The proposed preliminary plat will be required to pay park impact fees for all new residential units built. The impact fees will be collected at the time of building permit issuance or deferred as allowed by the city code.

(2) To inquire into the public use and interest proposed to be served by the establishment of the subdivision and/or dedication. Appropriate provisions shall be made for, but not limited to, the following:

(a) Open spaces, drainage ways, streets, alleys, sidewalks, other public ways, water supplies, sanitary waste, parks, playgrounds, sites for schools and school grounds, safe walking conditions to schools, fire protection, landscaping, street trees, lighting, and appropriate transit stops, and shall consider all other relevant facts and determine whether the public interest will be served by the subdivision and dedication. If it is found that the proposed plat does not make such appropriate provisions or that the public use and interest will not be served, then the proposed plat may be disapproved. Dedication of land to any public body may be required as a condition of subdivision approval and shall be clearly shown on the final plat.

Applicants Comment: The proposed project as designed provides open spaces, drainage ways, streets, sidewalks, other public ways, water supplies, sanitary waste, parks, playgrounds, safe walking conditions to schools, fire protection, landscaping, street trees, and lighting. The design does not include alleys or a site for schools and school grounds. A transit stop has been provided on the site plan. The school district has not identified this site as a future school and Community Transit or Island County Transit does not have routes that service this site.

(b) Prevention of Overcrowding. Consideration shall be given to the physical characteristics of the land in relation to the number of persons, buildings or sites proposed to be located thereon, and also to the availability of public facilities such as water, sewers, fire protection, streets, schools, parks, etc., if not adequately provided for within the subdivision.

Applicant Comment: The applicant has taken into account the physical characteristics of the site into the design on the layout and the ability to service the site with the appropriate city services. All city services are available to the site.

(c) Traffic Circulation on the Streets and Highways. Proposed streets must be aligned or built in such a way as to best facilitate the movement of traffic and reduce the possibility of accidents. This shall include a consideration of the alignment of intersections, width and surfacing of streets, proper curbs, sidewalks or paths, radii of curves and sight vision at intersections, hills and private easements.

Applicant Comment: The street layout within the project has been designed to mimic a traditional grid patterns with streets running north and south, and east and west. The street design includes 5-foot sidewalk. The street design will meet the standards identified in the City of Stanwoods' Street and Utility Standards.

(d) Adequate Light and Air. There shall be assurance that the plat is arranged in such a way that all lots have adequate light and air.

Applicant Comment: The design of the project allows for natural lighting and air to be available to each of the lots.

(e) Proper Arrangement and Provision of Easements and Pathways and Other Bicycle-Pedestrian Paths, Etc. There shall be assurance of conformance with existing layout of pathways and streets and also to adopted plans for such. Adequate provisions for pathways connecting various parts of a subdivision shall be considered in such a way that most of the pedestrian and nonmotorized traffic is diverted away from vehicular lanes. There shall be consideration given to providing trail systems in areas conducive to such (along creeks, rivers, scenic areas, etc.).

Applicant: The project has been designed to meet the City of Stanwoods' Street and Utility Standards. Sidewalks have been provided within the plat and a pathway is included in the common open space tract.

(f) Protection of any on-site cultural or historic resources.

Applicants Comment: None are present on-site.

(3) To consider the physical characteristics of the proposed subdivision site, including flood, inundation or swamp conditions. The hearing examiner may recommend the construction of protective improvements be

required as a condition of approval, with such improvements to be noted on the final plat in order to assure that:

- (a) All such proposals are consistent with the need to minimize flood damage.

Applicant Comment: The project as designed has account to handle all stormwater generated by the site to the 2005 DOE Manual.

- (b) All public utilities and facilities, such as sewer, gas, electrical and water systems, are located, elevated and constructed to minimize or eliminate flood damage.

Applicant Comment: The project as designed has account to handle all stormwater generated by the site to the 2005 DOE Manual. All utilities will be located underground as well.

- (c) Adequate drainage is provided so as to reduce exposure to flood hazards.

Applicant Comment: The project as designed has account to handle all stormwater generated by the site to the 2005 DOE Manual.

The hearing examiner shall give due consideration to all of the above items. Written findings of fact and conclusions shall address the above criteria and shall be included in the hearing examiner's decision.

- (5) An approved site development permit may be required prior to construction.

So noted.

- (6) Construction plan approval shall be required prior to any construction.

So noted.

- (7) Final plat applications and city council approval shall be subject to the requirements of Chapter 16.20 SMC.

The final plat will be submitted consistent with the requirements of Chapter 16.20.

So noted.

17.47.030 Permitted uses.

- (1) TN developments shall provide a mix of residential uses in accordance with the zoning use table provided in SMC 17.30.040.

The subject development will be providing a mix of single-family, duplexes, and multi-family.

- (2) TN developments may include a mix of commercial and public uses in addition to residential uses in accordance with the zoning use table provided in SMC 17.30.040.

The subject TN development does not include commercial uses. There will be public uses that includes: streets, sidewalks, trail system, and open spaces.

- (3) TN developments located within 200 feet of SR 532 shall be allowed to utilize the general commercial (GC) zoning uses provided in SMC 17.30.040, Zoning use table.

The subject TN development is not located within 200 feet of SR 532.

(4) Public facilities identified as a permitted use within the TN zone in SMC 17.30.040, Zoning use table, are allowed to be constructed outright and without providing residential units or commercial uses. Public facilities are not required to meet the standards set forth in this chapter.

The subject TN development will not be constructing public facilities as identified in SMC 17.30.040.

17.47.040 Mix and location of uses.

(1) All TN development shall provide a mix of residential unit types. The number of single-family dwelling units shall range from a minimum of 65 percent to a maximum of 80 percent. Of the remaining number of residential units, no more than 75 percent shall be the same residential unit type. Residential units incorporating home occupations shall not count as a separate unit type.

There will be 74 single family residential lots, three duplex lots and one multi-family site. Three duplex lots contain two units each for six (6) units total. The multi-family site would contain seventeen (17) units. Total unit count 97. Project complies with the requirement.

Single Family units= 75.5%

Duplex units = 6.1%

Multi-family = 18.4%

TOTAL 100%

Remaining "no more than 75%"

Total 24 units

Multi-family = 75%

Duplex = 25%

(2) Up to 20 percent of the acreage of the TN development may be devoted to commercial uses (not including home occupations).

The proposed TN development has not devoted land for commercial uses.

(3) Up to 50 percent of the acreage of the TN development located within 200 feet of SR 532 may be devoted to commercial use and/or general commercial uses (not including home occupations).

The proposed TN development is not located within 200 feet of SR 532.

(4) Projects providing greater than 10 percent of the acreage devoted to commercial use and/or general commercial use as allowed in subsections (2) and (3) of this section (not including home occupations) shall be allowed to provide any two types of residential units. One of the residential unit types shall consist of at least 25 percent of the residential mix.

The proposed TN development has not devoted any acreage towards commercial or general commercial uses.

(5) Except for home occupations, commercial uses that are included shall be located along collectors, at corners, or adjacent/across from common open spaces.

The proposed TN development is not proposing a commercial use on-site.

(6) Congregate care, assisted living, and independent living facilities are each to be considered separate residential unit types.

The proposed TN development is not building the above listed residential unit types.

(7) Cottage housing shall be permitted and considered a separate residential unit type. Cottage housing units shall also comply with the requirements in SMC 17.95.450.

The proposed TN development does not contain Cottage Housing units.

17.47.045 Pedestrian orientation.

(1) Pedestrian connections shall be made from residential uses along all major streets and from homes to all common open spaces. Pedestrian connections that cannot be made as sidewalks along vehicle lanes shall be made as alternative access easements such as trails.

All proposed streets within the preliminary plat will be constructed with curb, gutter, sidewalk, and landscape strip. There will be pedestrian connections (via public sidewalks) providing access to all common open spaces.

(2) Sidewalks shall be provided on both sides of all public streets (except alleys).

Sidewalks are proposed on both sides of all public streets within the proposed development and along the frontage of 80th Ave NW and 284th Ave NW.

(3) No home shall be located more than one-quarter mile from at least one designated open space.

No home is more than one-quarter mile from any designated open space.

17.47.050 Street standards.

(1) Streets within new TN developments shall form a general grid pattern acceptable to the public works director. In local street patterns, walkable blocks of 500 linear feet or less **should** be required.

The project has followed a general grid pattern and all blocks are walkable (sidewalks are proposed on both sides of street and frontage of 80th Ave NW and 284th Ave NW). All blocks within the proposed subdivision has blocks of less than 500 linear feet.

Note - the city definition for "should" is listed below

17.20.005 Rules for construction of language.

The following rules of construction apply to the text of this code:

(3) ***The word "shall" is always mandatory and not discretionary. The word "should" is permissive and is discretionary.***

It is our understanding under the city rules that blocks are allowed greater than 500 linear feet and is not mandatory. The word "should" was utilized within this code section, making the length discretionary.

(2) Major thoroughfares that are provided shall be consistent with the Comprehensive Plan.

The project does not provide a major thoroughfare and all streets are consistent with the Comprehensive Plan.

(3) Cul-de-sacs are permitted; however, only two cul-de-sacs are permitted for projects less than 15 acres and three for projects greater than 15 acres.

The proposed project has one proposed cul-de-sacs due to clearance issues above the existing gasline within a 50-foot easement along the western property line..

(4) New TN developments must connect to existing neighboring developments where connections are provided and must provide new connections to future neighboring developments.

The project has been designed to provide future access to the north. Access stub has been provided between lots 1 and 40.

(5) Street standards shall be consistent with Stanwood street and utility standards (Chapter 14.14 SMC) except when a different standard is specified in this chapter.

The project has proposed the required minimum street standards in the table below.

Design Standard	Local Access / Cul-de-Sac
Right of Way Width	49 feet
Street Width	28 feet
Curb Requirements	Cement concrete curb (6") & gutter, both sides
Planter Width	5 foot wide both sides
Sidewalk Requirements	5 foot wide both sides
Utility Easement	10 foot both sides

(6) The public works director may allow for a reduction of local street width to 41 feet, based on a cross-section of two 10-foot vehicle lanes, two six-inch curbs, two five-foot planting/utility strips, and two five-foot sidewalks.

The project has not reduced the local street width and will provide 49 feet of right of way on all proposed public streets within the plat.

(7) Parallel parking may be provided on one or both sides of local and major streets.

Parallel parking provided within the plat on one side of the street.

(8) Alleys 12 to 20 feet in width may be utilized to provide access to residential parking at the back of residential units.

Alley's are not proposed within the subdivision.

(9) Applicants shall consult with transit providers, and provisions shall be made for transit stops that will serve current, future, and potential transit lines.

Currently there are no Community Transit or Island Transit bus options for this site.

(10) All TN developments shall meet parking standards of Chapter 17.105 SMC. Shared parking is

encouraged where participating users have differing peak parking hours. The community development director may reduce parking requirements, when a parking study prepared by a professional transportation engineer indicates that a reduction in parking will cause no negative impacts to city streets or neighbors.

The minimum required off-street parking spaces required shall follow SMC 17.105.140. The project will provide parking in accordance with this code section (SMC 17.105.140). The project will not utilize shared parking, as no commercial development is proposed. There are no parking reductions proposed for this site. The multi-family unit parking will be separate from any of the single family residential units.

Single Family Detached Dwelling	2 spaces per dwelling unit	
Duplex units	2 spaces per dwelling unit, except that one-bedroom units shall require 1.5 spaces	
Multi-family units	Studio and one-bedroom	1.5 spaces for each unit, plus 1 guest space for every 5 units
	Two bedrooms	2 spaces for each unit, plus 1 guest space for every 5 units
	Three or more bedrooms	2.5 spaces for each unit, plus 1 guest space for every 5 units

17.47.055 Common open space.

(1) Common open space shall be provided at the rate of one-half acre for every 10 acres of development or portion thereof.

The project consists of approximately 18.47 acres thus requiring 40,075 square feet of common open space. The proposed design contains common open space in two separate tracts (Tract 997 and 998) for a total area of 54,429 square feet.

(2) Common open spaces shall be centrally located to provide access from all sides (“square”); but must provide vehicular access from two sides and pedestrian access to all areas.

The majority of common open space is centrally located within Tract 998. Common open space has also been provided within Tract 997. All proposed common open space has provided vehicular access from two sides. Tract 997 has access via two public roads and future access from within the multi-family lot. Tract 998 has access via public road on three sides and parking on three sides as well. Pedestrian access to these common open space tracts is provided via path ways through the common open space. Also, these sites will be graded flat to allow for users to access all areas of these spaces as well.

(3) No residential units shall be located farther than a one-quarter-mile walk to the nearest open space.

No residential unit is more than a one- quarter-mile walk to the nearest open space.

(4) If the area is served by transit, a direct pedestrian connection shall be made between the open space

and the transit stop. Also, where transit shelters are provided, they shall be placed in highly visible locations that promote security and shall be well-lighted.

The area is not currently served by transit.

(5) Common open space shall provide a minimum of bench seating, garbage receptacles, tree shade, and at least one aesthetic amenity, such as public art, fountain, etc.

The project has been designed to include the minimum of a bench, garbage receptacles, tree shade, and at least one aesthetic amenity. Final amenity will be finalized at construction plan approval and in conjunction with the City of Stanwood staff.

(6) Landscape standards of Chapter 17.145 SMC shall be complied with for all parts of the TN.

The conceptual landscaping plan is designed to meet the requirements of Chapter 17.145. A final landscape plan will be submitted with the construction plans for review and approval.

(7) Sensitive areas shall be protected per Chapters 17.115 through 17.135SMC.

Sensitive areas are not present on-site.

(8) This section shall apply in the TN zoning district in lieu of the open space and recreation standards of Chapter 17.147SMC.

So noted.

17.47.065 Building standards.

(1) All building frontages shall be served by sidewalks or provide pedestrian connection to sidewalks.

The proposed homes and multi-family site within the plat are all served by sidewalks and have pedestrian connections. Sidewalks are proposed on both sides of the street within the plat and the frontage of 80th Ave NW and 284th St NW will have sidewalks as well.

(2) If alleys are provided, residential garages shall gain access to the rear of lots from alleys.

Alley's are not proposed as part of this development.

(3) All structures shall meet the building design guidelines set forth in Chapter 17.112 SMC.

At time of building permit application, the applicant will provide the city with the exterior appearance and design of all new homes consistent with Chapter 17.112

(4) Similar building types (e.g., single-family, multifamily, commercial) should be located on both sides of a street instead of using streets to define boundaries.

The project proposes similar building types on both sides of the street in all areas of the plat. The three housing types are grouped with each other.

(5) Lot areas and widths shall vary at random to the greatest extent possible in order to eliminate the appearance of a standardized subdivision; to the extent possible, no more than two lots in a row shall

have the same width, and lot widths shall vary by a minimum of five-foot increments.

The project has proposed varied lot widths throughout the entire plat.

17.47.070 Parking location.

All multifamily parking, including parking in lots, improved or unimproved parking stalls/spaces, and/or parking garages/structures shall occur in the rear or side of the lot and shall be located a minimum of 10 feet behind the front building wall of the primary structure, except for parking located within a mixed use building.

Multi-family structure will be designed in accordance with this requirement at the time of formal submittal of the building permit and site plan.

RECREATION AREA CALCULATIONS (SMC 17.147.010)

As a requirement of the Traditional Neighborhood (TN) zone (Chapter 17.47), the applicant is required to provide common open space consistent with the requirements of 17.47.055 Common Open Space. Projects in the TN zone are not subject to Chapter 17.147 Recreational and Open Space Standards per SMC 17.47.055(8).

OPEN SPACE CALCULATIONS (SMC 17.147.060)

Projects in the TN zone are not subject to Chapter 17.147 Recreational and Open Space Standards per SMC 17.47.055(8).

CRITICAL AREAS

Critical Area:

B&A, Inc. visited the site and identified no wetlands or critical areas.

LANDSCAPING

17.145.040 Tree retention required

Significant Tree Inventory 60 trees (50% to be retained = 30 trees)

Trees to be Removed: 24 trees of the required 30 trees

Replacement at 2:1: Replacement trees have been calculated at a 2:1 ratio (24 x 2 = 48 trees required to be replaced). Applicant is proposing 181 street trees and over 200 total trees (includes street trees) to be planted on the site.

17.145.070 Landscape design standards.

(2) – Multifamily Residential or Nonresidential Lots

At the time a formal submittal is made for the multi-family development, the proposal will meet this requirement.

17.145.080 Standards for street frontages.

As designed, the project meets the requirements of this section. A five-foot landscape stripe is

provided along all new and existing streets. Final landscaping plans will be submitted at the time of construction plans are provide to the city.

17.145.090 Required landscaping for off-street parking or other vehicular use areas adjacent to public rights-of-way.

At the time a formal submittal is made for the multi-family development, the proposal will meet this requirement.

17.145.100 Perimeter landscaping relating to abutting properties.

At the time a formal submittal is made for the multi-family development, the proposal will meet this requirement.

17.145.110 Parking area interior landscaping.

At the time a formal submittal is made for the multi-family development, the proposal will meet this requirement.

STREETS AND ACCESS

Streets Internal:

The project has proposed the required minimum street standards in the table below.

Design Standard	Local Access / Cul-de-Sac
Right of Way Width	49 feet
Street Width	28 feet
Curb Requirements	Cement concrete curb (6") & gutter, both sides
Planter Width	5 foot wide both sides
Sidewalk Requirements	5 foot wide both sides
Utility Easement	10 foot both sides

Access:

Access to the site would be from 284th Street NW to the south and emergency access is provided from 80th Ave NW to the west. Also, future access has been provided to the north for future development.

STORM WATER

Storm Water Detention:

Design to be incorporated in civil plans. Tract 998 contains an underground detention vault capable of handles all on-site drainage for the project. All stormwater will be directed towards this vault and treated and discharged according to the 2005 DOE manual.

Water/Sewer/Storm Overview

Water will be looped within the site and connected to the 8" PVC line within 80th Avenue NW and the 12" DI line within 284th Street NW. Waterline will also be extended to the property to the north for its future development. Also, the applicant will be extending the waterline down 80th Ave NW south of the

site as required by the City. The applicant has designed the project through grading so that sewer will flow out to 80th Avenue NW, thus avoiding the need to bring sewer to the northeast and into the Cedarhome Lift station. The applicant intends to set a manhole within 80th Avenue NW and then connect to the existing system at the intersection of 284th Street NW and 80th Avenue NW. Also, the applicant will be providing off-site sewer improvements within 272nd St. NW at approximately Pioneer Highway. A covered detention vault is proposed for this project located towards the center of the plat along the north property line. As stormwater from the site will be collected via catch basins and underground conveyance system and directed towards the vault. Stormwater will be treated and released consistent with the 2005 DOE stormwater manual. Stormwater will be discharged into the existing ditch along the eastside of 80th Avenue NW.

PUBLIC UTILITIES:

All public utilities and services are available to the subject parcels. The utilities and services along with the provider are identified in the table below.

Water:	City of Stanwood	Gas:	Cascade Natural Gas
Sewer:	City of Stanwood	Cable TV:	Wave Broadband
Garbage:	Waste Management	Police:	City of Stanwood, contract with Snohomish County Sheriffs
Storm Water:	City of Stanwood	Fire:	North County Regional Fire Authority
Telephone / Broadband:	Frontier	School:	Stanwood School District
Electricity:	Snohomish County PUD	Hospital:	Cascade Valley Hospital

The Applicant submitted letters from the following utility purveyors:

Sewer: City of Stanwood (8/13/18) – Received availability October 29, 2018

Water: City of Stanwood (8/13/18) – Received availability October 29, 2018

Electric: Snohomish County Public Utility District No. 1 (8/30/18)

PROPERTY DEVELOPMENT – ENVIRONMENTAL, TRAFFIC AND CONSTRUCTION CONSIDERATIONS

Environmental: No critical areas are present on-site.

Traffic and Infrastructure: The Applicant has submitted a traffic impact analysis for staff review. The approval of the proposed project will result in **the site will** generate 855.36 ADT based on 64.32 new AM peak-hour and 84.72 new PM peak-hour trips. Also, 7.32 ADT/DU for the duplexes and multi-

family units and 9.44 ADT/DU for the 73 net new SFD.

The preliminary subdivision application will be subject to the criteria of Chapter 58.17 of the RCW's, which requires provisions for safe access to schools, parks, recreation and playgrounds via sidewalks and streets. Full frontage improvements (curbs, gutters, planters and sidewalks) will be constructed on 80th Avenue NW and 284th Street NW.

The Applicant is proposing a 49-foot internal road for access to the homes which will be constructed in accordance with the City of Stanwood Public Works Department Street and Utility Standards.

Construction Plans: Prior to construction plan approval, the Applicant shall submit full construction plans from a licensed surveyor and stamped by a professional engineer. The construction plans shall include the following elements:

- A. A drainage and storm water plan meeting the requirements of the 2005 Department of Ecology (DOE) Storm water Manual;
- B. A Storm Water Pollution Prevention Plan (SWPPP) that shows the type and location of all temporary erosion and sedimentation control (TESC) and demonstrates best management practices (BMP's);
- C. A road and transportation plan complying with the provisions of the City's Street and Utility Standards.
- D. Water and Sewer plans for review and approval.
- E. Landscaping plans.

Construction Timing and Construction

The residential development is planned to begin construction next summer with anticipated preliminary plat approval in January 2019 and construction plan approval by March of 2019. It is possible that this project would be constructed in two phases. A standard local access road is proposed throughout the development at two 10' wide travel lanes, 8' wide parking on one side, 6" curb both sides, 5' wide landscaping strip (with street trees) on both sides, and 5' wide sidewalks on both sides. Curb, gutter, planter strip, and sidewalk will be constructed along the frontage of 284th Street NW and 80th Avenue NW.

ENVIRONMENTAL IMPACTS

The probable adverse environmental impacts of the proposed development can be mitigated, taking into account all applicable regulations.

No critical areas are present on-site and were not considered in the design of this project.

The development will be designed and constructed to address the removal and replacement of trees in accordance with SMC 17.145.040.

The development will be designed to incorporate landscape requirements, including street trees per SMC 17.145.080.

The development will be responsible for the payment of impact mitigation fees for fire, traffic and parks. School impact fees are \$0.00 for the Stanwood School District. The purpose of these fees is as cited in SMC Title 17 as follows:

Chapter 17.153
SCHOOL IMPACT MITIGATION

17.153.010 Findings.

- (1) The Washington State Legislature, with the passage of the Growth Management Act, has removed previously enacted restrictions and authorized development impact fees as an additional source of funding for common school facilities, in addition to local tax revenues and state grants from the common school construction fund.*
- (2) The Growth Management Act (GMA) also amended RCW 58.17.110, the Platting and Subdivision Act, to require that subdivision decisions include written findings that "appropriate provisions are made for...schools and school grounds...."*
- (3) Demands for construction of new school facilities will continue through the next decade because of increased population.*
- (4) Chapter 82.02 RCW provides the authority for the collection of impact fees to offset the cost of new development.*
- (5) While the general community benefits from new public facilities and should continue to pay the majority of facility costs, it is appropriate to require new development to pay its proportionate share of the cost for new facilities.*
- (6) Because the Washington State Constitution makes the education of our children the state's paramount duty, there continues to be a state responsibility for the construction of school facilities.*
- (7) The impact fee calculation provided for in this chapter accounts for existing and expected future public funding sources for schools, including state funding and local bond issues or other revenues. It assumes that these sources will continue to provide funding and specifically provides a credit for these two funding sources against the calculated impact fee.*
- (8) It is the desire of the city to have new development assessed impact fees in a uniform manner and to have a common formula and administrative process for the levying of this fee to the maximum degree possible.*

Chapter 17.151
FIRE, PARKS AND TRAFFIC IMPACT MITIGATION FEES*

17.151.010 Authority and purpose.

The ordinance codified in this chapter is enacted pursuant to this provisions of Chapter 82.02RCW, and is intended to accomplish the following purposes:

- (1) To ensure that adequate facilities are available to serve new growth and development;*
- (2) To promote orderly growth and development by requiring that new development pay a proportionate share of the cost of new facilities need to serve growth; and*
- (3) To ensure that impact fees are imposed through established procedures and criteria so that specific developments do not pay arbitrary fees or duplicate fees for the same impact.*

The development will be processed and constructed in accordance with codes and regulations to ensure it mitigates impacts.

SUMMARY

1. The proposed density is in compliance with the TN zoning designation.
2. The proposal will not be materially detrimental to adjacent land uses.
3. The proposal complies with municipal standards for a Type III application.
4. As conditioned and in accordance with municipal standards, there will be adequate infrastructure to develop the site as proposed.
5. Environmental impacts can be mitigated.
 - a. The Applicant will pay Fire Impact Mitigation Fees
 - b. The Applicant will pay Park Impact Mitigation Fees.
 - c. Wetlands are not present on-site.
6. Traffic Impacts can be mitigated:
 - a. SMC Chapter 17.151 establishes mitigation requirements for traffic impacts to Stanwood roads from development.
 - b. The subject property will be subject to applicable traffic impact fees in effect at the time of development.
 - c. The Applicant has submitted a traffic impact analysis for staff review. The approval of the proposed project will result in the site will generate 855.36 ADT based on 64.32 new AM peak-hour and 84.72 new PM peak-hour trips. Also, 7.32 ADT/DU for the duplexes and multi-family units and 9.44 ADT/DU for the 73 net new SFD. The Applicant will pay Traffic Impact Mitigation Fees.

The Applicant believes that it has submitted all documents required for review by the City for processing the applications submitted.

We appreciate the opportunity to provide this narrative.

Respectfully,

JM1 Holdings, LLC

By: Land Pro Group, Inc., Applicant's Representative


By: Patrick L. McCourt, CEO

Drawing: P:\Civil\2018\115 Stanwood Schmitt Plat\Drawings\Preliminary\C18115P-CS-PP.dwg Plotted: Dec 19, 2018 - 6:43am

LEGEND AND ABBREVIATIONS

EXISTING SYMBOL	DESCRIPTION	ABBREVIATIONS
	SECTION CORNER	CB CATCH BASIN
	CENTERLINE	CL CORRUGATED METAL PIPE
	QUARTER SECTION	CP CONCRETE PIPE
	MONUMENT FOUND	EL ELEVATION
	FOUND REBAR	EXIST. EXISTING
	CATCH BASIN	FL FLOWLINE
	STORM DRAIN MANHOLE	IE INVERT ELEVATION
	FIRE HYDRANT	LCPE LINED CORRUGATED POLYETHYLENE PIPE
	WATER VALVE	PL PROPERTY LINE
	WATER METER	PP POWER POLE
	SANITARY SEWER MANHOLE	PVC POLYVINYL CHLORIDE PIPE
	SIGN	R/W RIGHT-OF-WAY
	UTILITY POLE	STA STATION
	GUY ANCHOR	SD STORM DRAIN
	CULVERT	SS SANITARY SEWER
	GAS METER	SSMH SANITARY SEWER MANHOLE
	HOSE BIB	SWPE SOLID WALL POLYETHYLENE PIPE
	MAILBOX	TYP TYPICAL
	CONIFEROUS TREE	TBR TO BE REMOVED
	DECIDUOUS TREE	WM WATER METER
		GPM GAS PAINT MARK
		TPM TELEPHONE PAINT MARK
		CONC CONCRETE
		RCP REINFORCED CONCRETE PIPE
		YD YARD DRAIN

SOILS

TOKUL GRAVELLY MEDIAL LOAM

EXISTING GROUND COVER

COMBINATION OF TREES, GRASS, LANDSCAPING AND IMPERVIOUS SURFACES ASSOCIATED WITH ONE RESIDENCES AND AN EXISTING UTILITY BUILDING.

PROPOSED GROUND COVER

COMBINATION OF TREES, LANDSCAPING AND IMPERVIOUS SURFACES ASSOCIATED WITH 78 RESIDENTIAL LOTS AND AN EXISTING UTILITY BUILDING.

IMPERVIOUS AREAS (ON-SITE)

EXISTING IMPERVIOUS:	0.27 AC	(1.46%)
NEW IMPERVIOUS:	10.16 AC	(55.01%)
REPLACED IMPERVIOUS:	0.00 AC	(0.00%)
NEW PLUS REPLACED IMPERVIOUS:	10.16 AC	(55.01%)
IMPERVIOUS COVER (ROW):	2.51 AC	(13.59%)
IMPERVIOUS COVER (LOTS):	7.65 AC	(41.53%)
TOTAL IMPERVIOUS:	10.43 AC	(56.47%)

PROJECT INFORMATION

TAX PARCELS: 32041800401400, 32041800401500
SITE ADDRESS: 7831 284TH ST NW
STANWOOD, WA 98292

SITE AREA: 804,652 SF 18.47 AC
CURRENT ZONING: TRADITIONAL NEIGHBORHOOD (TN)
PROPOSED ZONING: TRADITIONAL NEIGHBORHOOD (TN)
CURRENT LAND USE: RESIDENTIAL
PROPOSED LAND USE: RESIDENTIAL
PROPOSED LOTS: 78

WATER: CITY OF STANWOOD
SEWER: CITY OF STANWOOD
POWER: SNOHOMISH COUNTY PUD
GAS: CASCADE NATURAL GAS
CABLE: WAVE BROADBAND
TELEPHONE: WAVE BROADBAND
SCHOOL DISTRICT: STANWOOD-CAMANO SCHOOL DISTRICT NO.401
FIRE DISTRICT: NORTH COUNTY REGIONAL FIRE AUTHORITY

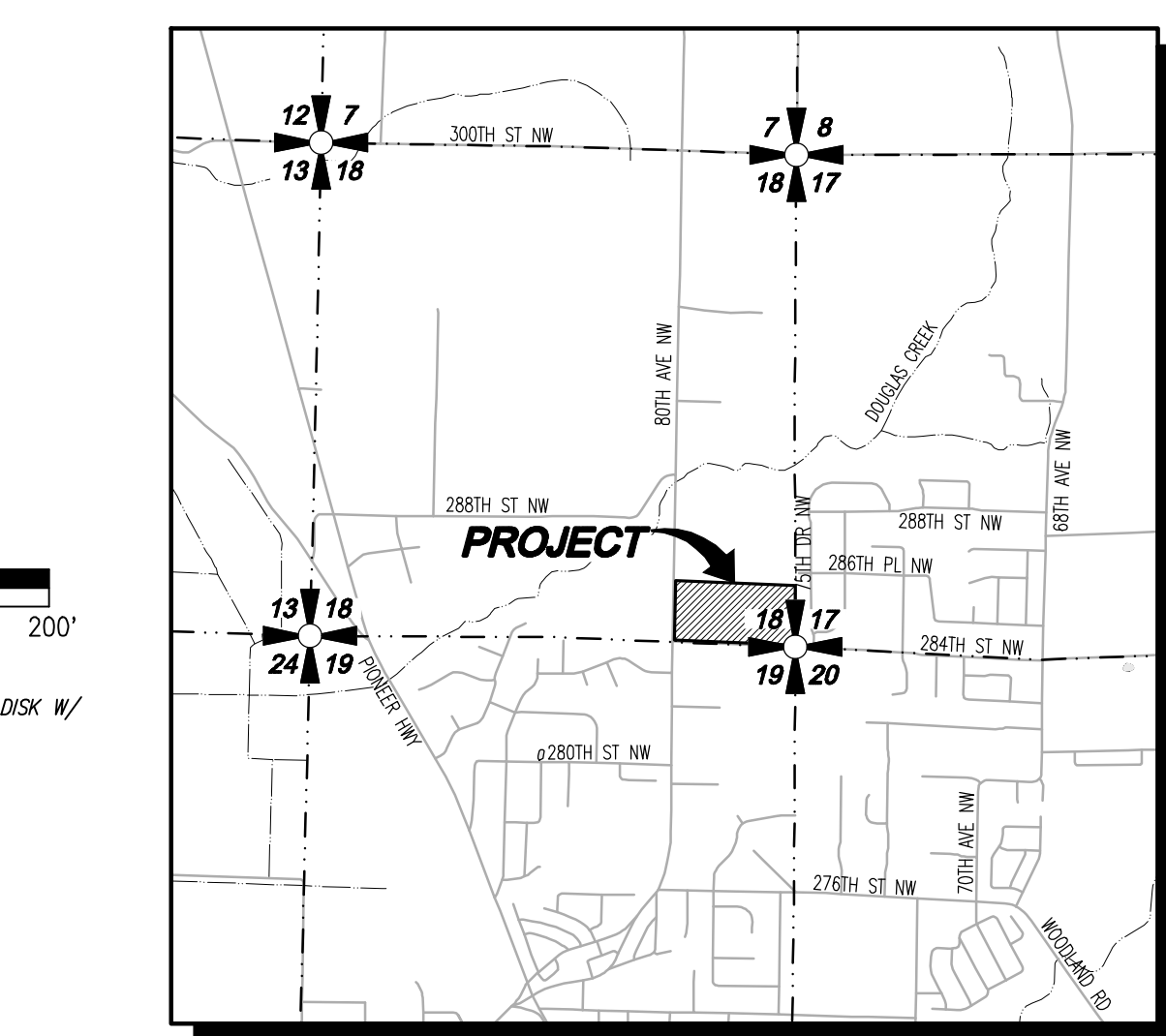
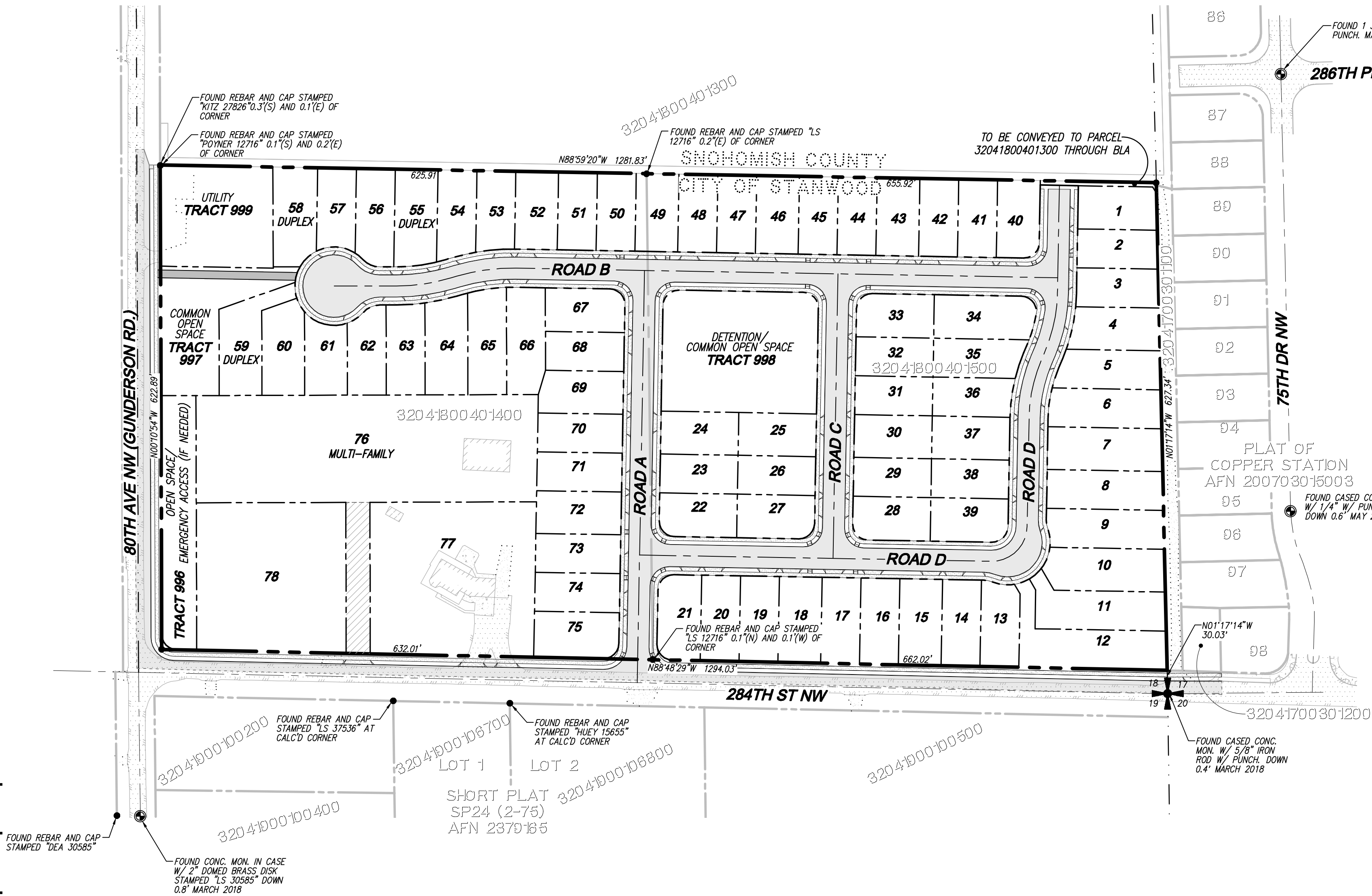
DISTURBED AREA

DISTURBED AREA: 878,465 SF (20.17 AC)

SE 1/4, SE 1/4, SEC 18, TWN 32 N, RGE 4 E, W.M., CITY OF STANWOOD, SNOHOMISH COUNTY, WASHINGTON

STANWOOD SCHMITT PLAT

PRELIMINARY PLAT



VICINITY MAP
SCALE: 1"=200'

SURVEY INFORMATION

LEGAL DESCRIPTION

32041800401400:

THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 32 NORTH, RANGE 4 EAST, W.M., RECORDS OF SNOHOMISH COUNTY, WASHINGTON;

EXCEPT THAT PORTION LYING WITHIN 284TH STREET NORTHWEST AND 80TH AVENUE NORTHWEST.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

32041800401500:

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 32 NORTH, RANGE 4 EAST, W.M.;

EXCEPT 284TH STREET NORTHWEST.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

REFERENCES

- RECORD OF SURVEY - AFN 201210195004
- PLAT OF CANDLE RIDGE DIV. NO. 2 - AFN 200001255008
- PLAT OF CANDLE RIDGE - AFN 9812165003

VERTICAL DATUM

NAVD 88 -3.68 = NGVD 1929 (MSL)
NORTH AMERICAN VERTICAL DATUM-1988
FOUND Cased CONC. MON. W/5/8" IRON ROD W/PUNCH. SOUTHEAST CORNER SECTION 18. ELEV.=244.21'

BASIS OF BEARING

THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 32 NORTH, RANGE 4 EAST, W.M., AS THE BEARING OF NORTH 88°48'29" WEST PER RECORD OF SURVEY, RECORDED UNDER AUDITOR'S FILE NUMBER 201210195004, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

EQUIPMENT & PROCEDURES

METHOD OF SURVEY:
SURVEY PERFORMED BY FIELD TRAVERSE

INSTRUMENTATION:
LEICA TS15 ROBOTIC ELECTRONIC TOTAL STATION

PRECISION:
MEETS OR EXCEEDS STATE STANDARDS WAC 332-130-090

CONTACT LIST

APPLICANT:
JMI HOLDINGS, LLC
10515 20TH ST SE
LAKE STEVENS, WASHINGTON 98258
CONTACT: TIM KAINIZ
PHONE: (425) 359-4487

CIVIL ENGINEER:
LDC, INC.
20210 142ND AVE NE
WOODINVILLE, WASHINGTON 98072
CONTACT: MARK VILWOCK, PE
PHONE: (425) 806-1869
FAX: (425) 482-2883
EMAIL: mvilwock@ldccorp.com

LANDSCAPE ARCHITECT:
ORIGIN DESIGN GROUP
1031 185TH AVENUE NE
SNOHOMISH, WASHINGTON 98290
CONTACT: KRISTAL LOWE
PHONE: (425) 346-9105
EMAIL: origindg@gmail.com

DEVELOPMENT MANAGER:
LAND PRO GROUP
10515 20TH ST SE, SUITE 202
LAKE STEVENS, WASHINGTON 98258
CONTACT: PATRICK MCCOURT
PHONE: (425) 308-5101
FAX: (425) 645-8103
EMAIL: pmccourt@landprogroup.com

SURVEYOR:
PACIFIC COAST SURVEYS, INC.
16300 MILL CREEK BLVD, STE C4
MILL CREEK, WASHINGTON 98082
CONTACT: DARREN RIDDLE, PLS
PHONE: (425) 508-4951
FAX: (425) 357-3577
EMAIL: darren@pcsurveys.net

GEOTECH ENGINEER:
TERRA ASSOCIATES
12220 113TH AVE NE, STE 130
KIRKLAND, WA 98034
CONTACT: CAROLYN DECKER, PE
PHONE: (425) 821-7777
FAX: (425) 821-4334
EMAIL: cdecke@terra-associates.com

TOPOGRAPHIC DISCLAIMER

TOPOGRAPHIC SURVEY INFORMATION CONTAINED ON THESE PLANS HAS BEEN PROVIDED BY PACIFIC COAST SURVEYS, INC. LDC, INC. (LAND DEVELOPMENT CONSULTANTS, INC.) ASSUMES NO LIABILITY AS TO THE ACCURACY AND COMPLETENESS OF THIS DATA. ANY DISCREPANCIES FOUND BETWEEN WHAT IS SHOWN ON THE PLANS AND WHAT IS NOTED IN THE FIELD SHOULD BE BROUGHT IMMEDIATELY TO THE ATTENTION OF THE ENGINEER.

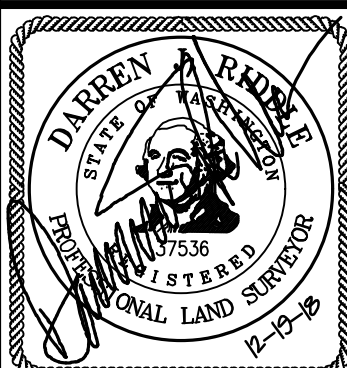
CITY OF STANWOOD APPROVAL

BY: _____ DATE: _____
PUBLIC WORKS DIRECTOR
BY: _____ DATE: _____
COMMUNITY DEVELOPMENT DIRECTOR
PERMIT NO. _____

LAND PRO GROUP, INC.

STANWOOD SCHMITT PLAT

COVER SHEET

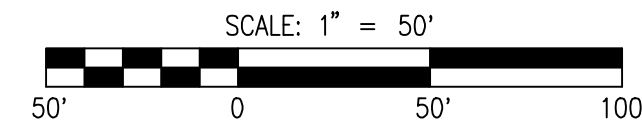


JOB NUMBER: C18-115
DRAWING NAME: C18115P-CS-PP
DESIGNER: MEV
DRAFTING BY: BPC
DATE: 9-13-18
SCALE: 1"=100'
JURISDICTION: STANWOOD

PP-01

SHEET 1 OF 2

AT SUCH TIME IF LOT 77 WAS DEVELOPED TO A HIGHER DENSITY BEYOND THE EXISTING SINGLE FAMILY RESIDENCE, THE REMAINDER OF THE PUBLIC ROAD WOULD BE REQUIRED TO BE CONSTRUCTED TO CITY STANDARDS INCLUDING PLANTER STRIP AND SIDEWALK AND THE NEEDED AREA DEDICATED TO THE CITY OF STANWOOD BY LOT 77 FOR THESE IMPROVEMENTS.



TO BE CONVEYED TO PARCEL-
32041800401300 THROUGH BLA
867 SF

BARB WIRE FENCE
AND 5.1'(W) OF
CORNER, FENCE
AND 4.5'(W) OF
CORNER

CB RIM=209.57
IE 12' ADS(E)=206.12
E 12' ADS(S)=206.37

50°

210

WY

V

CONC. CURB

S

S

CB RIM=209.58
IE 12' ADS(N)=206.58

87

SR 9.6 88

PLAT OF
COPPER STAT
AFN 200703015

15th ANNIVERSARY

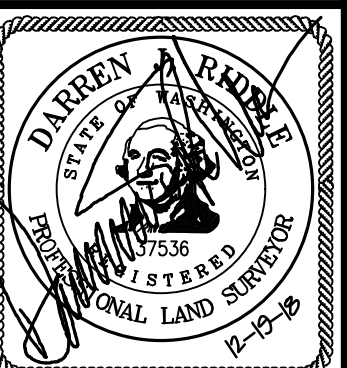
LDC | Surveying
Engineering
Planning

20210 142nd Avenue NE
Woodinville, WA 98072
Ph. 425.806.1869
Fx. 425.482.2893
www.LDCcorp.com

LAND PRO GROUP, INC.

STANWOOD SCHMITT PLAT

PRELIMINARY PLAT MAP



OB NUMBER:	C18-115
DRAWING NAME:	C18115P-PP-PL
DESIGNER:	MEV
DRAFTING BY:	BPC
DATE:	9-13-18
SCALE:	1"=50'
JURISDICTION:	STANWOOD

PP-02

SHEET **2** OF **2**

DENSITY PROPOSED: 6.21 D

DISCREPANCIES FOUND BETWEEN WHAT IS SHOWN ON THE PLANS
AND WHAT IS NOTED IN THE FIELD SHOULD BE BROUGHT
IMMEDIATELY TO THE ATTENTION OF THE ENGINEER

**CITY OF STANWOOD
APPROVAL**

By: _____ DATE: _____
PUBLIC WORKS DIRECTOR

By: _____ DATE: _____
COMMUNITY DEVELOPMENT DIRECTOR

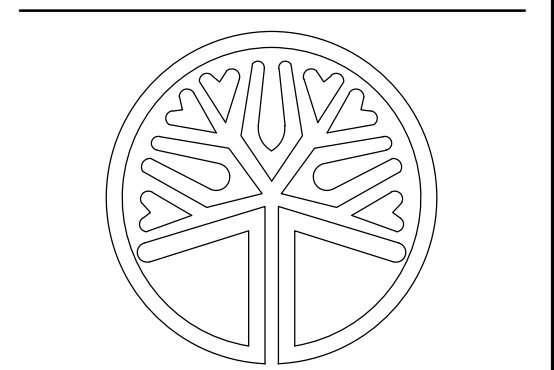
PERMIT NO. _____

SE PORTION OF SECTION 18, TOWNSHIP 32N, RANGE 4E
CITY OF STANWOOD, WASHINGTON



ORIGIN
DESIGN GROUP

1031 185TH AVE NE
SNOHOMISH, WA 98290
TEL: 425.346.1905



STATE OF WASHINGTON
LICENSED
LANDSCAPE ARCHITECT
KRISTAL LOWE
LICENCE NO. 1206

REVISIONS		
#	DESCRIPTION	DATE
1	CITY COMMENTS	11-19-18
2	TRACT 997 CHANGES	12-17-18

STANWOOD SCHMITT PLAT
PRELIMINARY LANDSCAPE PLAN
7831 284TH ST NW
STANWOOD, WA 98292

DRAWING TITLE:
TREE RETENTION

APPLICANT:
JM1 HOLDINGS, LLC
10515 20TH ST SE
LAKE STEVENS, WA 98258
CONTACT: TIM KAINITZ
(425) 359-4487

DRAWING INFORMATION
ODG PROJECT #: 18-225
DRAWN BY: KL
CHECKED BY: KL

DATE:
SEPTEMBER 10, 2018

SHEET NO.:

L-1
OF 8



FILTER FABRIC MATERIAL
60" WIDE ROLL, SECURELY
ATTACH TO POSTS W/
STAPLES OR WIRE RINGS.

2 x 4 WOOD POST
ALT: STEEL FENCE POST

EXISTING
GRADE

18" MIN

TREE PROTECTION FENCING

TREE PROTECTION

ALL VEHICLE TRAFFIC SHALL BE ROUTED AWAY FROM SIGNIFICANT TREES DURING CONSTRUCTION TO AVOID EXCESSIVE SOIL COMPACTION. WHERE VEHICULAR TRAFFIC IS REQUIRED THE SOIL SHALL BE PROTECTED WITH A 10" LAYER OF WOODCHIPS AND/OR PLYWOOD PLACED OVER THE PATH OF THE VEHICLE. THE WOODCHIPS MAY BE REMOVED WHEN NO LONGER NEEDED.

ALL SIGNIFICANT TREES TO BE SAVED AND/OR RETAINED SHALL BE PROTECTED WITH A 5' HIGH CHAINLINK OR PLASTIC NET FENCING PLACED 5' BEYOND TREE DRIPLINES DURING CONSTRUCTION. THE FENCING SHALL NOT BE REMOVED WITHOUT THE AUTHORIZATION OF THE CONSULTING ARBORIST OR SITE SUPERVISOR.

TRENCHING WITHIN TREE DRIPLINES SHALL BE AVOIDED. TUNNELING AROUND PRIMARY TREE ROOTS IS PERMITTED WHEN DISTURBANCE WITHIN DRIPLINES IS NECESSARY.

STUMP PULLING OF ALL TREES TO BE REMOVED IN THE VICINITY OF SIGNIFICANT TREES TO BE RETAINED SHALL BE AVOIDED. STUMP GRINDING IS PERMITTED AS NECESSARY.

IT MAY BE NECESSARY TO PROVIDE SUPPLEMENTAL IRRIGATION DURING DRY PERIODS WITHIN THE CONSTRUCTION PROCESS, AND MULCHING OVER THE ROOTS OF ANY OR ALL PRESERVED TREES.

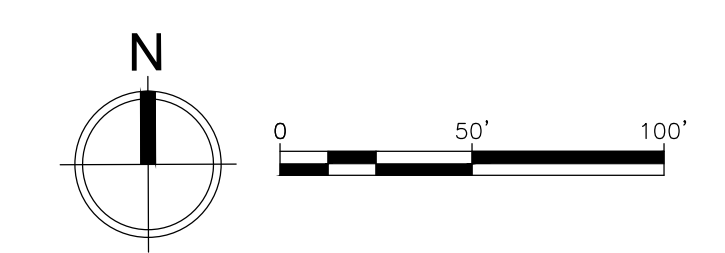
TREE RETENTION CALCULATIONS

THERE ARE 60 TREES ON-SITE
17,145,040 50% REQUIRED TO BE RETAINED = 60 TREES X 50% = 30 TREES
6 TREES ARE PROPOSED TO BE RETAINED AND 24 TO BE REPLACED AT A 2:1 RATIO.

48 REPLACEMENT TREES REQUIRED
136 REPLACEMENT TREES PROVIDED

SITE SPECIFICATIONS

SOUTHEAST PORTION OF SECTION 18, TOWNSHIP 32N, RANGE 4E
SITE ADDRESS: 7831 284TH ST NW, STANWOOD, WA 98292
PARCEL# 32041800401400, 32041800401500
SITE AREA: 804,417 SF (18.47 ACRES)
IMPERVIOUS SURFACE: 458,687 SF (10.53 ACRES)



CITY OF STANWOOD
APPROVED FOR CONSTRUCTION

BY: PUBLIC WORKS DIRECTOR DATE:

BY: COMMUNITY DEVELOPMENT DIRECTOR DATE:

PERMIT NO.

This site plan for Tract 999 (18,854 SF) details the layout of the property and its surroundings. Key features include:

- Boundaries and Dimensions:** The tract is bounded by various dimensions, including 145.03' on the north and east sides, and 130.03' on the west side. The south boundary is defined by a 130' x 145' Northwest Pipeline Easement.
- Adjacent Properties:** The tract is surrounded by several other lots, including Tract 58 (6,954 SF Duplex), Tract 57 (5,169 SF), Tract 56 (6,094 SF), Tract 59 (7,552 SF Duplex), Tract 60 (6,406 SF), Tract 61 (5,156 SF), and Tract 62 (5,360 SF).
- Proposed Features:**
 - Hydroseed in Planter Strips:** Indicated by dashed lines and arrows.
 - Trash Bin:** Located near the center of the tract.
 - Art Sculpture:** Design details to be determined with construction plans, located near the center of the tract.
 - Top Gas Pipe:** Located near the center of the tract.
 - Bench Typ.:** Located near the center of the tract.
- Other Features:**
 - Ditch:** Located to the north of the tract.
 - Gravel:** Located to the north of the tract.
 - Common Open Space:** Located to the south of the tract.
- Orientation and Scale:** A north arrow and a scale bar (0 to 40 feet) are provided in the bottom right corner.

MATCHLINE - SEE SHEET L-5

During the warranty period, the Landscape Contractor will not be responsible for plant death caused by unusual climatic conditions, vandalism, theft, fire, or poor maintenance practices. The Landscape Architect shall have sole authority to determine the cause of death.

Plant counts provided are estimates only, contractor is responsible for calculating all final area and counts.

IRRIGATION ASSESSMENT

All proposed plants have naturalized to the Pacific Northwest. Once, established irrigation will not be required. For the first growing season, temporary irrigation by means of hand watering truck shall be provided by the developer. Landscape areas shall be watered 3 times a week during the months of June-September. If there is an unusually dry summer, watering days may need to be increased by 1 or 2 days

VERGREEN TREES			SIZE	CONDITION
SYMBOL	QTY	BOTANICAL / COMMON NAME		
	3	Chamaecyparis obtusa 'Gracilis' / SLENDER HINOKI CYPRESS	4'-6' MIN. HT.	B&B., SPACING AS SHOWN
	7	Thuja plicata 'Excelsa' / EXCELSA WESTERN RED CEDAR	6' MIN. HT.	B&B., SPACING AS SHOWN
DECIDUOUS TREES			SIZE	CONDITION
SYMBOL	QTY	BOTANICAL / COMMON NAME		
	19	Crataegus lavalii / LAVALLE HAWTHORNE	1.5" CAL.	B&B., SPACING AS SHOWN
	5	Fagus sylvatica 'Riversii' / RIVER'S PURPLE EUROPEAN BEECH	1.5" CAL.	B&B., SPACING AS SHOWN
	59	Nyssa sylvatica 'Black Tupelo' / SOUR GUM BLACK TUPELO	1.5" CAL.	B&B., SPACING AS SHOWN
	41	Parrotia persica / PERSIAN IRONWOOD	1.5" CAL.	B&B., SPACING AS SHOWN
	17	Tilia cordata 'Chancole' / CHANCELLOR LINDEN	1.5" CAL.	B&B., SPACING AS SHOWN
	45	Zelkova serrata 'Green Vase' / GREEN VASE ZELKOVA	1.5" CAL.	B&B., SPACING AS SHOWN
SHRUBS			SIZE	CONDITION
SYMBOL	QTY	BOTANICAL / COMMON NAME		
	14	Berberis thunbergii 'Orange Rocket' / ORANGE ROCKET BARBERRY	2 GALLON	CON. GRWN. SPACING AS SHOWN
	18	Carex testacea / NEW ZEALAND HAIR SEDGE	2 GALLON	CON. GRWN. SPACING AS SHOWN
	7	Cornus sericea 'Kelsey' / KELSEY'S DWARF RED-OSIER DOGWOOD	24" MIN. HT.	CON. GRWN. SPACING AS SHOWN
	4	Miscanthus sinensis 'Morning Light' / SILVER MAIDEN GRASS	24" MIN. HT.	CON. GRWN. SPACING AS SHOWN
	2	Cotinus coggygria 'Royal Purple' / 'ROYAL PURPLE' SMOKE TREE	24" MIN. HT.	CON. GRWN. SPACING AS SHOWN
	2	Hydrangea quercifolia 'Snow Queen' / OAKLEAF HYDRANGEA	24" MIN. HT.	CON. GRWN. SPACING AS SHOWN
	6	Lavandula angustifolia 'Munstead' / MUNSTEAD LAVENDER	2 GALLON	CON. GRWN. SPACING AS SHOWN
	5	Nandina domestica 'Gulf Stream' / DWARF HEAVENLY BAMBOO	24" MIN. HT.	CON. GRWN. SPACING AS SHOWN
	16	Ribes sanguineum / RED-FLOWERING CURRANT	24" MIN. HT.	CON. GRWN. SPACING AS SHOWN
GROUND COVER			SIZE	CONDITION
SYMBOL	QTY	BOTANICAL / COMMON NAME		
	*	Heuchera 'Autumn Leaves' / AUTUMN LEAVES CORAL BELLS	1 GAL. MIN.	CON. GRWN. 24" O.C.
	*	Gaultheria shallon / SALAL	1 GAL. MIN.	CON. GRWN. 24" O.C.
	*	HYDROSEED LAWN		
* CONTRACTOR TO DETERMINE THE AMOUNT REQUIRED.				
	DECORATIVE BOULDERS MIX OF SIZES,			

1 tree per every 40 lineal feet of road frontage required.
Approximate road frontage length = 7,234 lineal feet
Number of street trees required= 181 (7,234 / 40)
Number of street trees provided = 181

Y: _____ DATE: _____
PUBLIC WORKS DIRECTOR

Y: _____ DATE: _____
COMMUNITY DEVELOPMENT DIRECTOR

ERMIT NO. _____

[illegible]

STANWOOD SCHMITT PLAT
PRELIMINARY LANDSCAPE PLAN
7831 284TH ST NW
STANWOOD, WA 98292

DRAWING TITLE:
LANDSCAPE PLAN

APPLICANT:
JM1 HOLDINGS, LLC
10515 20TH ST SE
LAKE STEVENS, WA 98258
CONTACT: TIM KAIN TZ
(425) 359-4487

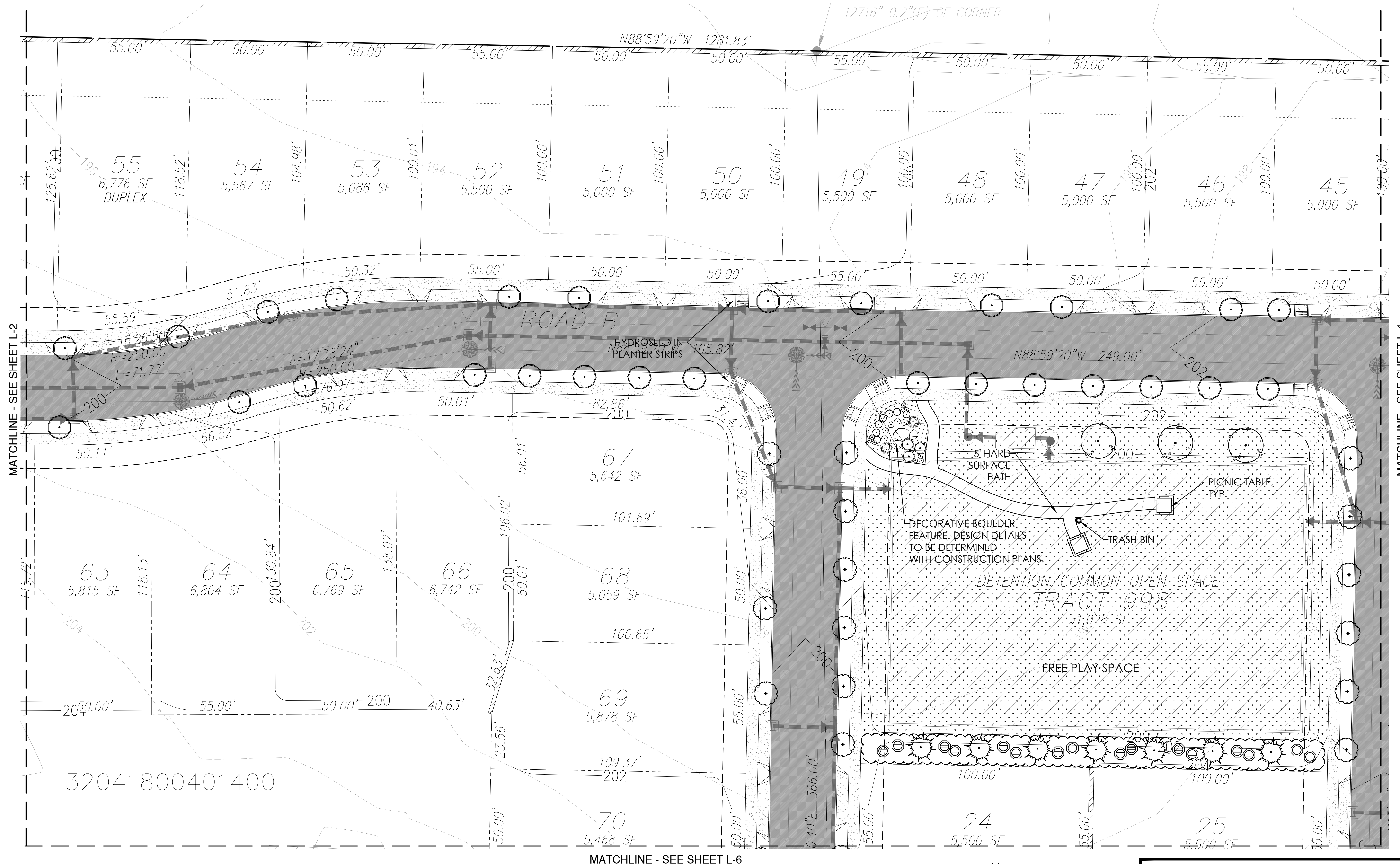
DRAWING INFORMATION

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DRAWN BY: KL
CHECKED BY: KL

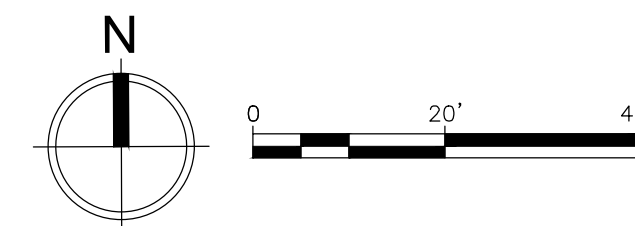
DATE: SEPTEMBER 10, 2018

SHEET NO:
L-2
OF 8

SE PORTION OF SECTION 18, TOWNSHIP 32N, RANGE 4E
CITY OF STANWOOD, WASHINGTON



MATCHLINE - SEE SHEET L-6



**CITY OF STANWOOD
APPROVED FOR CONSTRUCTION**

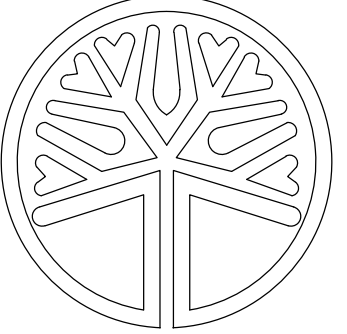
BY: _____ DATE: _____
PUBLIC WORKS DIRECTOR

BY: _____ DATE: _____
COMMUNITY DEVELOPMENT DIRECTOR

PERMIT NO. _____



ORIGIN
DESIGN GROUP
1031 185TH AVE NE
SNOHOMISH, WA 98290
TEL: 425.346.1905



STATE OF WASHINGTON
LICENSED
LANDSCAPE ARCHITECT
Krystal Lowe
KRYSTAL LOWE
LICENCE NO. 1206

#	DESCRIPTION	DATE
1	CITY COMMENTS	11-19-18
2	TRACT 997 CHANGES	12-17-18

STANWOOD SCHMITT PLAT
PRELIMINARY LANDSCAPE PLAN
7831 284TH ST NW
STANWOOD, WA 98292

DRAWING TITLE:
LANDSCAPE PLAN

APPLICANT:
JM1 HOLDINGS, LLC
10515 20TH ST SE
LAKE STEVENS, WA 98258
CONTACT: TIM KANTZ
(425) 359-4487

DRAWING INFORMATION
ODG PROJECT #: 18-225
DRAWN BY: KL
CHECKED BY: KL

DATE:
SEPTEMBER 10, 2018

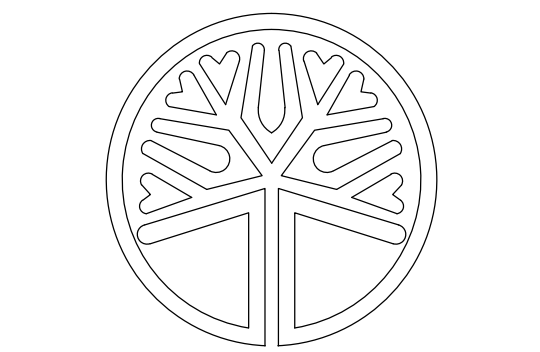
SHEET NO:
L-3
OF 8

SE PORTION OF SECTION 18, TOWNSHIP 32N, RANGE 4E
CITY OF STANWOOD, WASHINGTON



ORIGIN
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1031 185TH AVE NE
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PRELIMINARY LANDSCAPE PLAN
7831 284TH ST NW
STANWOOD, WA 98292

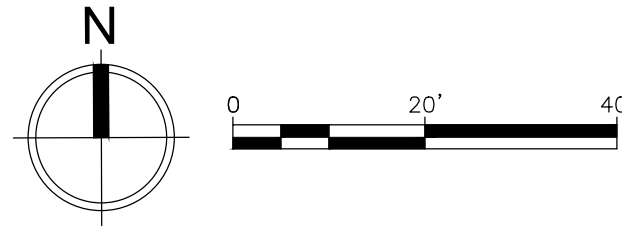
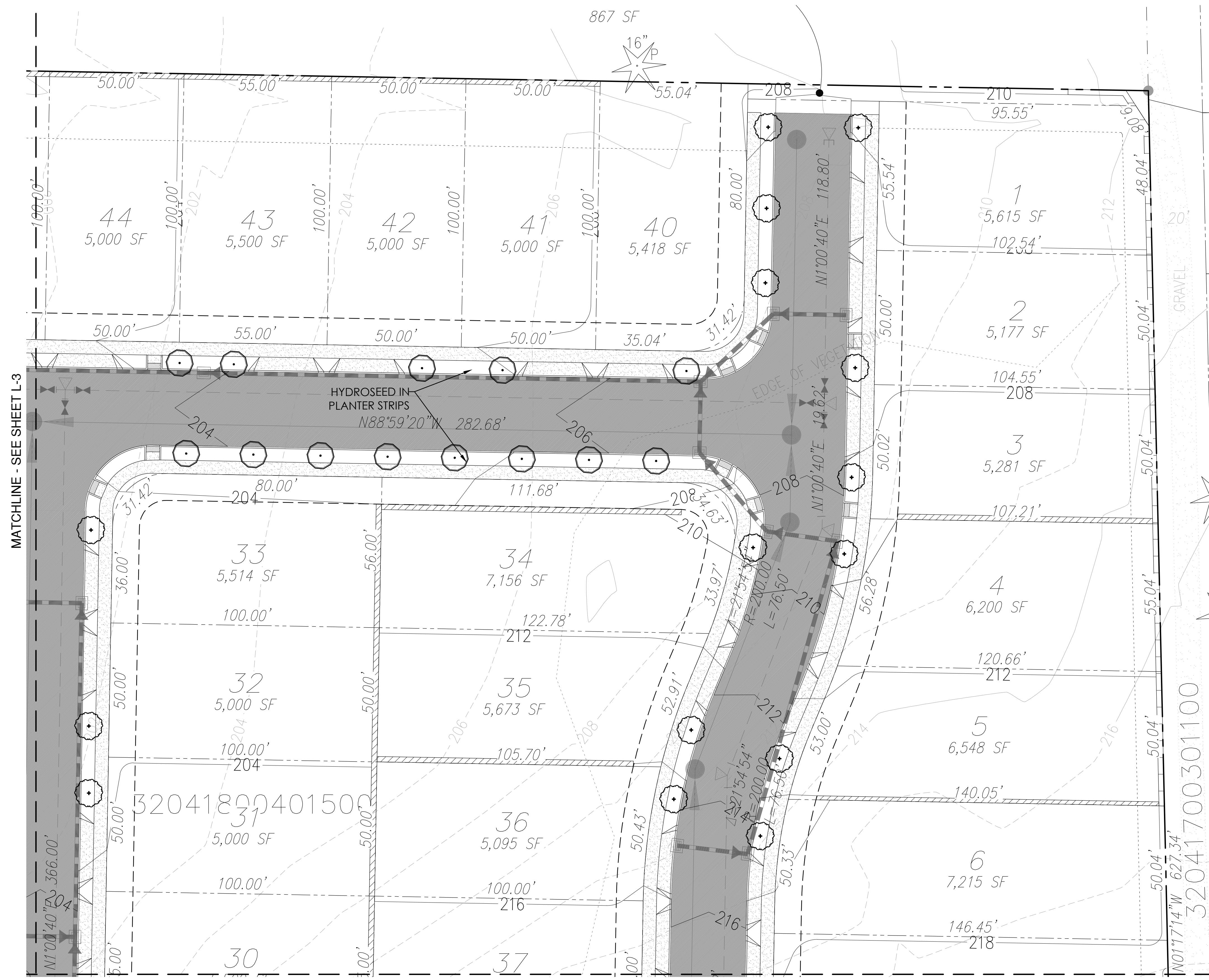
DRAWING TITLE:
LANDSCAPE PLAN

APPLICANT:
JM1 HOLDINGS, LLC
10515 20TH ST SE
LAKE STEVENS, WA 98258
CONTACT: TIM KAINITZ
(425) 359-4487

DRAWING INFORMATION
ODG PROJECT #: 18-225
DRAWN BY: KL
CHECKED BY: KL

DATE:
SEPTEMBER 10, 2018

SHEET NO:
L-4
OF 8

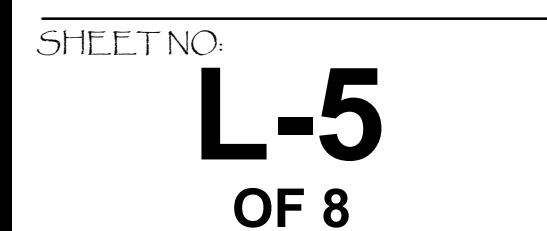


CITY OF STANWOOD
APPROVED FOR CONSTRUCTION

BY: _____ DATE: _____
PUBLIC WORKS DIRECTOR

BY: _____ DATE: _____
COMMUNITY DEVELOPMENT DIRECTOR

PERMIT NO. _____

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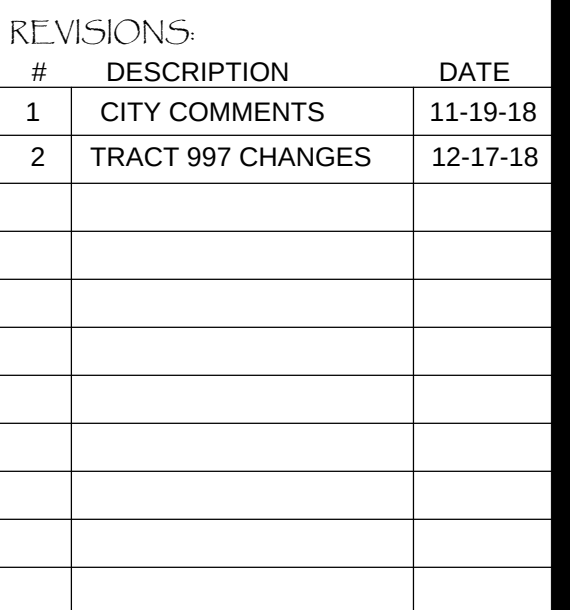
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BY: _____ DATE: _____
PUBLIC WORKS DIRECTOR

BY: _____ DATE: _____
COMMUNITY DEVELOPMENT DIRECTOR

PERMIT NO. _____



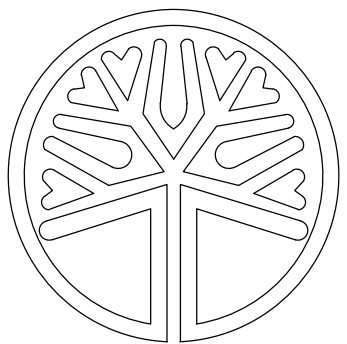
L-6
OF 8

SE PORTION OF SECTION 18, TOWNSHIP 32N, RANGE 4E
CITY OF STANWOOD, WASHINGTON



ORIGIN
DESIGN GROUP

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SNOHOMISH, WA 98290
TEL: 425.346.1905



STATE OF
WASHINGTON
LICENSED
LANDSCAPE ARCHITECT

KRYSTAL LOWE
LICENCE NO. 1206

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STANWOOD SCHMITT PLAT
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7831 284TH ST NW
STANWOOD, WA 98292

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APPLICANT:
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LAKE STEVENS, WA 98258
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DRAWING INFORMATION

ODG PROJECT #: 18-225
DRAWN BY: KL
CHECKED BY: KL

DATE:
SEPTEMBER 10, 2018

SHEET NO:
L-7
OF 8

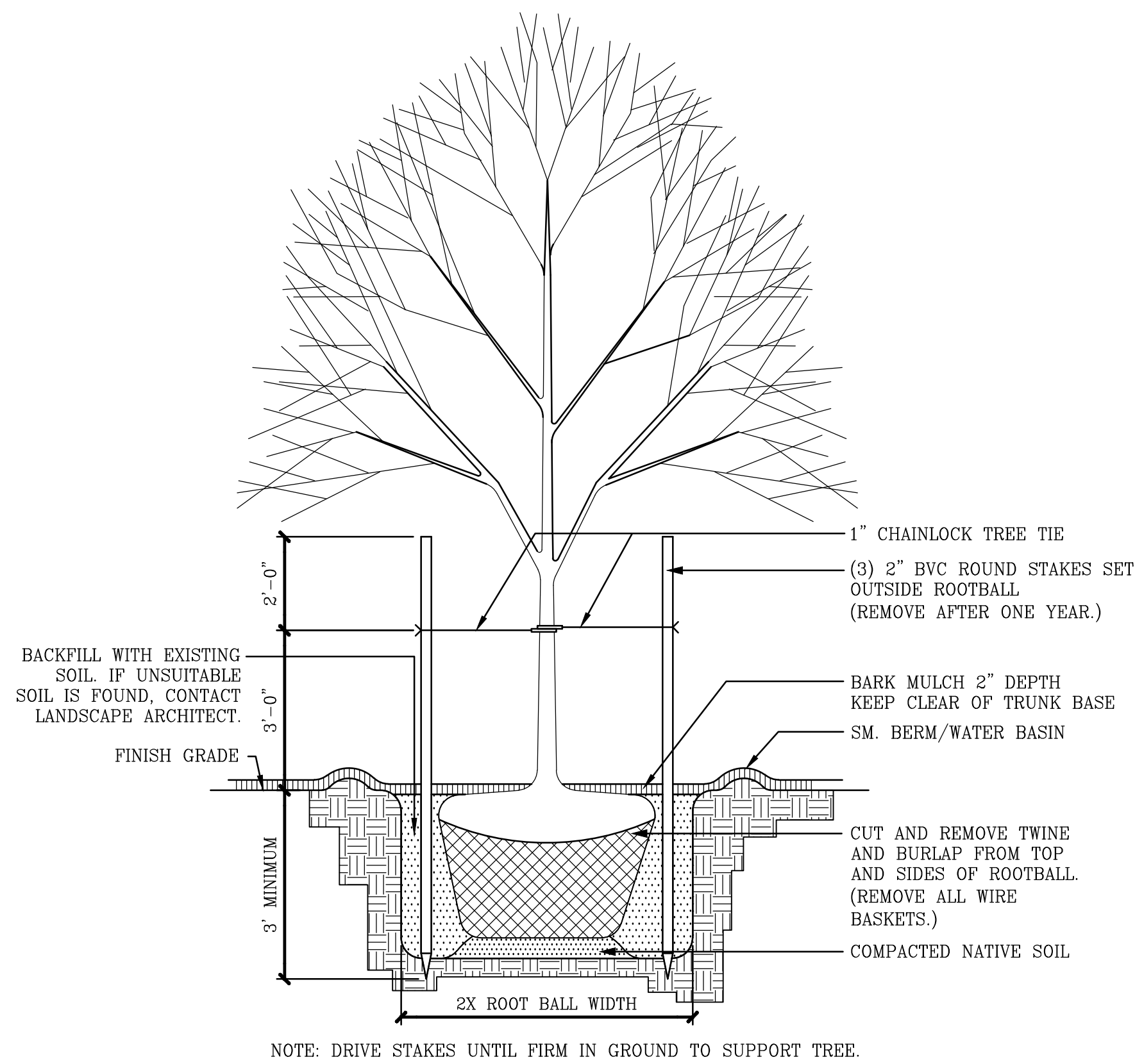
CITY OF STANWOOD
APPROVED FOR CONSTRUCTION

BY: _____ DATE: _____
PUBLIC WORKS DIRECTOR

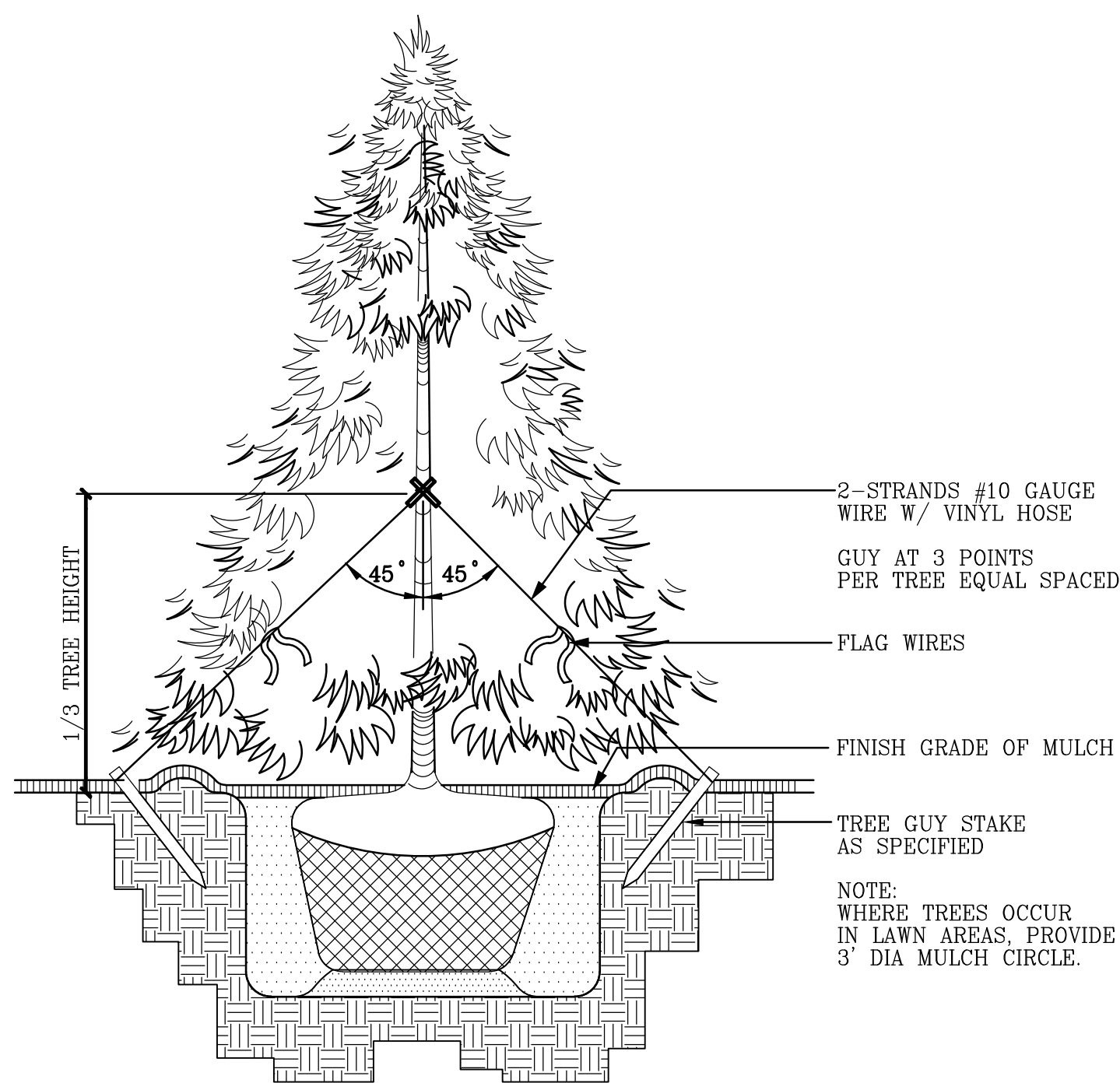
BY: _____ DATE: _____
COMMUNITY DEVELOPMENT DIRECTOR

PERMIT NO. _____

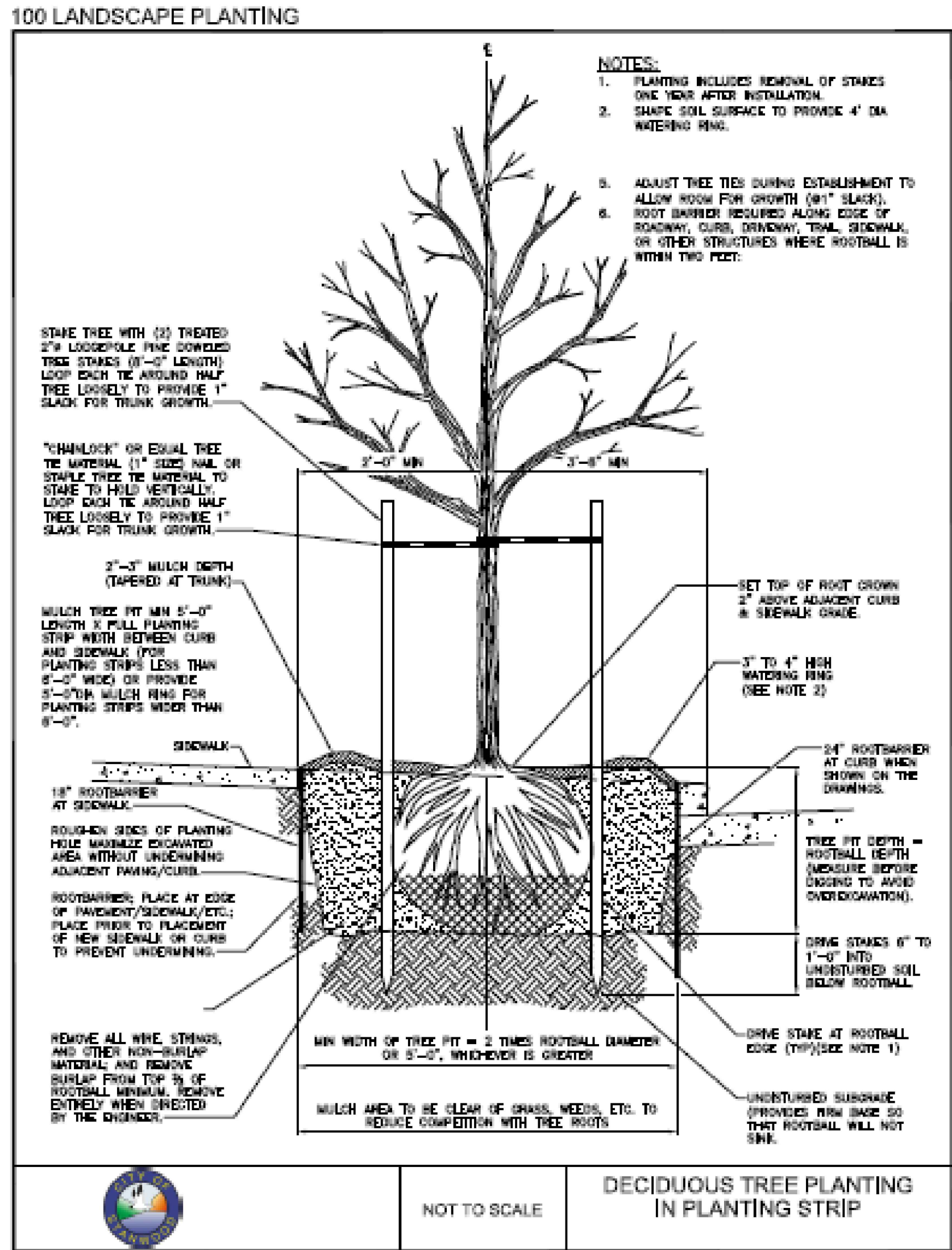
SW 1/4 OF THE SW 1/4, SEC. 24, TWN. 27N., RNG. 4E., W.M.
SNOHOMISH COUNTY, WASHINGTON



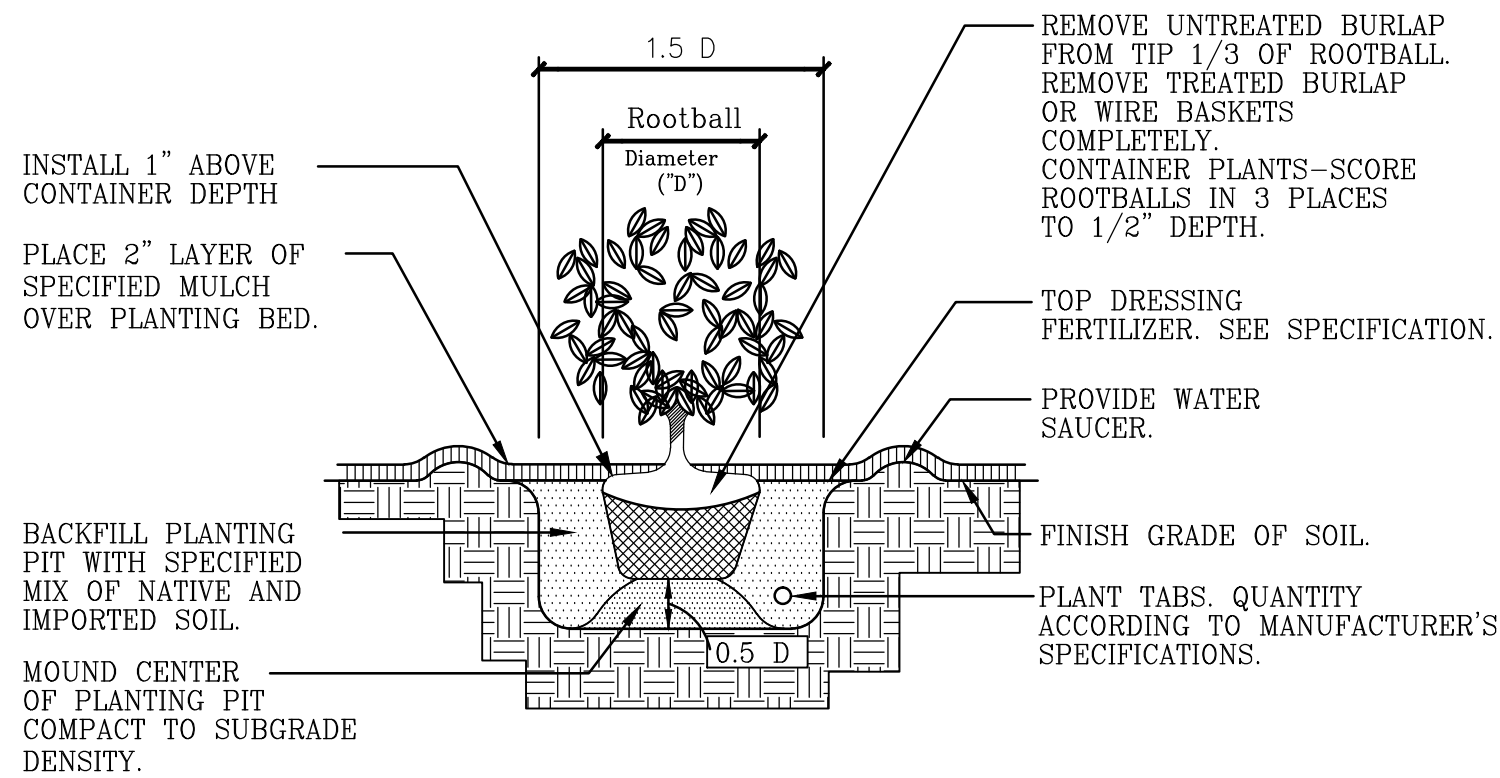
1 TREE PLANTING / STAKING
8 SCALE:



2 TREE GUYING
8 SCALE: NTS



NOT TO SCALE
DECIDUOUS TREE PLANTING
IN PLANTING STRIP



NOTE:
DETAIL APPLIES TO TREES, SHRUBS AND GROUND COVER PLANTINGS.
3 SHRUB PLANTING
8 SCALE: NTS



4 TYPICAL PICNIC TABLE
8 SCALE: NTS



5 TRASH BIN
8 SCALE: NTS



6 BENCH
8 SCALE: NTS

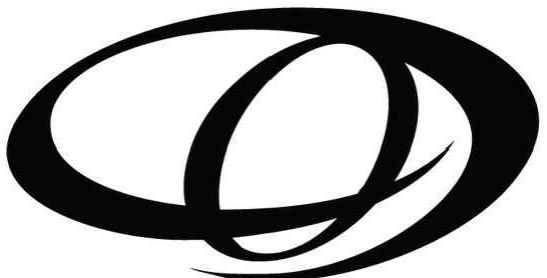
PACIFIC OUTDOOR PRODUCTS
WWW.PACIFICOUTDOOR.COM
425.432.6000
MODEL: PT-38
QUANTITY: 2
ADA
DIRECT BURY
RECYCLED PLASTIC
OR EQUAL

PACIFIC OUTDOOR PRODUCTS
WWW.PACIFICOUTDOOR.COM
425.432.6000
MODEL: SE-5650
QUANTITY: 2
OR EQUAL

PACIFIC OUTDOOR PRODUCTS
WWW.PACIFICOUTDOOR.COM
425.432.6000
MODEL: SE-5165
QUANTITY: 1
OR EQUAL

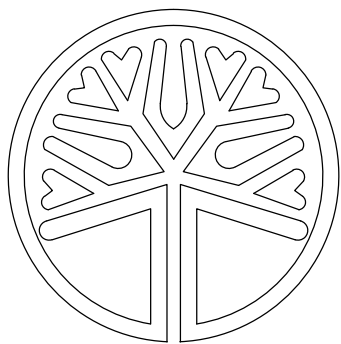
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JM1 HOLDINGS, LLC
10515 20TH ST SE
LAKE STEVENS, WA 98258
CONTACT: TIM KAINIZ
(425) 359-4487

DRAWING INFORMATION

ODG PROJECT #: 18-225
DRAWN BY: KL
CHECKED BY: KL

DATE:

SEPTEMBER 10, 2018

SHEET NO:

L-8
OF 8



November 19, 2018

City of Stanwood
Community Development
10220 270th Street NW
Stanwood, WA 98292

Project Name / File No.: Stanwood - 2018-0444 (Preliminary Plat)
Applicant: JM1 Holdings, LLC / Tim Kaintz, member
Project Description: 78 Lot Plat Application
Tax Parcel No.'s: Schmitt (32041800401500) and Von Moos
(32041800401400).
Site Address: 7831 284th Street NW, Stanwood, WA 98292

Re: Public Comments

Response to Public Comments:

Chris Castner:

Traffic impact concerns and increased traffic volumes along 80th Ave NW from 284th St NW and 35 mph speed limit.

Applicants Response:

The applicant has provided an updated Traffic Report from Gibson Traffic dated November 2018. The report does indicate an increase in traffic on both 284th St NW and 80th Ave NW, however the increase is consistent with a development of this nature. The applicant does not have an issue with the city reducing the speed limit from 35 mph to 25 mph in this area. Also, the applicant does support a three way stop intersection at 284th St NW and 80th Ave NW.

Nathan Worrell

Traffic impact concerns along 80th Ave NW from 284th St NW, stop signs at 80th Ave NW from 284th St NW., and connection to Copper Station for connectivity. Also enjoyment of wildlife and increase population in the city and school district.

Applicants Response:

The applicant has provided an updated Traffic Report from Gibson Traffic dated November 2018. The report does indicate an increase in traffic on both 284th St NW and 80th Ave NW, however the increase is consistent with a development of this nature. The

applicant does not have an issue with the city reducing the speed limit from 35 mph to 25 mph in this area. Also, the applicant does support a three way stop intersection at 284th St NW and 80th Ave NW.

The applicant will be providing curb, gutter, and sidewalk around the entire frontage of 80th Ave NW and 284th St NW. In addition, the applicant will be providing connection to the existing sidewalk to the east of the plat as part of the safe walking conditions for the school district. The applicant is providing for future connectivity to Copper Station by providing a road stub to the north in the northeast corner of the plat.

The applicant is required to provide street trees within the development and will be providing shade trees with the common open space.

The city has made assumptions within the 2015 Comprehensive for the increase in population that development will bring into the City as well as provided the need infrastructure to serve development. The school district has forecasted the population for the school district boundary and can accommodate the new growth expected in the area.

Michael Carmichael:

Sight distance concerns onto 80th Ave NW and stormwater on 80th Ave NW. Also, concerns over lots 76 through 78 use and designation, as well as traffic/speed on 80th Ave NW and 284th St NW.

Applicants Response:

The original concept did have a public road connecting to 80th Ave NW, however in working with Williams Gas the design could not maintain the clearance above the top of the gasline. Therefore, we had to remove the direct access onto 80th Ave NW. There will be access proposed for a future 18 unit apartment complex onto 80th Ave NW. Sight distance analysis has been complete by the applicants engineer LDC and the location for the access has sufficient sight distance.

The project has been designed consistent with the 2005 DOE Stormwater Manual, which is the manual utilized by the City of Stanwood. The stormwater design does take into account flow rates to and from the site.

With regards to lots 76 through 78, they now have been redesigned as lots 76 through 78. Lot 76 is designated as a future multi-family lot for approximately 18 units. Lot 77 will maintain the existing house, and lot 78 will be for a future single-family residential structure. No commercial is proposed for this project.

The applicant does not have an issue with the city reducing the speed limit from 35 mph to 25 mph in this area. Also, the applicant does support a three way stop intersection at 284th St NW and 80th Ave NW.

Robin Carmichael:

Concerns of traffic impacts to 80th Ave NW and sight distance. Also, concerns over stormwater onto 80th Ave NW.

Applicants Response:

A traffic study was submitted with the original applicant and was completed by Gibson Traffic. An updated traffic report has been provided which was completed by Gibson Traffic dated November 2018.

The original concept did have a public road connecting to 80th Ave NW, however in working with Williams Gas the design could not maintain the clearance above the top of the gasline. Therefore, we had to remove the direct access onto 80th Ave NW. There will be access proposed for a future 18 unit apartment complex. Sight distance analysis has been complete by the applicants engineer LDC and the location for the access has sufficient sight distance.

The applicant does not have an issue with the city reducing the speed limit from 35 mph to 25 mph in this area. Also, the applicant does support a three way stop intersection at 284th St NW and 80th Ave NW.

The project has been designed consistent with the 2005 DOE Stormwater Manual, which is the manual utilized by the City of Stanwood. The stormwater design does take into account flow rates to and from the site.

Marlyn Kottsick:

Concern over light pole and driveway to his house in the northeast corner of the plat.

Applicants Response:

The applicant has meet with Marlyn Kottsick at his house on November 15, 2018 to discuss his concerns over the boundary line. The applicant has agreed to BLA a small portion in the northeast corner of the site to include his driveway and his green light pole. The applicant will also provide a new fence between the two properties on the surveyed property line. The applicant will be submitting a BLA to the city week of November 26, 2018. The BLA will result in around 50 sq ft being given to Marylyn Kottsick.

Thank you for your time and consideration regarding this request.

Respectfully,

JM1 Holdings, LLC

By: Land Pro Group, Inc., Applicant's Representative


By: Patrick L. McCourt, CEO



MEMORANDUM

City of Stanwood
10220 270th St NW
Stanwood, WA 98292
360-629-4577

COMMUNITY DEVELOPMENT DEPARTMENT

TO: PLANNING COMMISSION / CITY COUNCIL

FROM: Patricia Love, Community Development Director

SUBJECT: Wireless Communications Facilities / Small Cell Code Amendment

DATE: January 7, 2019

ATTACHMENT: A. Proposed Draft Code Amendment

Issue:

The issue before the Planning Commission and City Council is to review code changes to adopt performance standards for development of wireless communication facilities and small cell facilities.

Please note that this staff report includes both recommendations and motions for the Planning Commission and City Council due to the timing constraints imposed by the FCC's January 14 adoption deadline.

Summary:

The Federal Communications Commission (FCC) recently released new rules for wireless communication facilities and small cell deployment. The intent of the regulations is to streamline the permitting processes across the country. Cities and Counties are required to update their development and franchise regulations by January 14, 2019. The City of Stanwood has initiated a code amendment to update development regulations and franchise procedures for wireless communication facilities and small cell deployment consistent with federal law.

Staff Recommendation:

Attached for your review and consideration is the proposed revised draft wireless communication facilities and small cell code amendment. Staff recommends that the Planning Commission:

1. Open the Public Hearing
2. Receive the Staff Presentation and Ask Questions (if any)
3. Take Public Testimony and Ask Questions (if any)
4. Deliberate or Ask Any Additional Questions of Staff
5. Close the Public Hearing
6. Recommend / approve the draft code amendment and findings of fact and conclusions as presented or with amendments.

Planning Commission Options:

- 1) Recommend approval of the proposed edits to Title 17, Zoning to the Stanwood City Council adopting performance standards for development of wireless communication and small cell facilities to City Council.
- 2) Recommend alternative language to the proposed edits to Title 17 and direct staff to include those recommendations in the staff presentation to the City Council.
- 3) Recommend denial of the proposed Title 17 zoning amendments to the City Council.

City Council Options:

- 1) Approve Ordinance 1469, adopting performance standards for development of wireless communication and small cell facilities in the City of Stanwood.
- 2) Deny Ordinance 1469 adopting proposed Title 17 zoning amendments and send back to the Planning Commission for further consideration.

Background:

The Federal Communications Commission (FCC) recently released new rules for wireless communication facilities and small cell deployment. The intent of the regulations is to streamline the permitting processes across the country. Cities and Counties are required to update their development and franchise regulations by January 14, 2019.

Currently the City has a “cell tower” code, but it is out of date as it relates to the “small cell” technology and federal regulations. Typically, small cells are attached to utility poles or light/traffic poles within the rights-of-way. The purpose of the small cells is to augment capacity for data traffic in dense areas and are typically 25-45 feet in height, rather than tall macro towers that extend beyond 75 feet.

The draft code amendment combines the city’s existing wireless communication facility regulations with new small cell deployment regulations and franchise requirements into four new chapters of the Stanwood Municipal Code:

- Chapter 17.200, Eligible Facility Modification and Wireless Communication Devices

- Chapter 17.205, Eligible Facility Modifications
- Chapter 17.210, Regulation of Wireless Communication Facility Franchise
- Chapter 17.220; Wireless Communication Facilities (WCF) Attached and Detached

In conjunction with merging existing city wireless communication facilities codes with the new small wireless facilities requirements, the following Stanwood Municipal Code chapters will be repealed:

- Chapter 17.154, Wireless Communication Facilities
- Chapter 17.156, Eligible Facility Modifications

Small Wireless Facility Amendments

- **Caps all fees** related to small wireless facilities (SWF) at “a reasonable approximation of the state or local governments’ actual and reasonable costs.” Small cell fees will be included in the update to the City’s fee resolution.
- **Preempts aesthetics requirements** for SWF unless they are (1) reasonable; (2) no more burdensome than those applied to other types of infrastructure deployments; (3) objective; and (4) published in advance.

The draft ordinance includes new design and development standards:

- Includes examples of acceptable and unacceptable designs for telephone and light poles
- Requires placement in a manner not to impeded pedestrian traffic
- Located in street amenity zone with pedestrian, tree, and utility clearance
- Placement outside of the sight distance triangle
- Requires a 250 foot separation distance; exception if located on light poles
- Includes location standards prohibiting poles to be placed in front of doors, windows, or access ways
- **Imposes shot clocks** of 60 days for SWF added to existing structures (regardless of whether the structure already supports a SWF) and 90 days for SWF using a new structure.
 - Existing shot clocks for non-SWF deployments remain in place: 90 days for collocation on an existing structure; 150 days for deployment on a new structure.
 - Both the new and existing shot clocks apply to “any approval that a siting authority must issue under applicable law prior to deployment.” This includes zoning approvals and building permits, and may also include license or franchise agreements to access the rights of way, leases for use of municipal poles or property in the rights of way, electric permits and road closure permits, among others.
 - For SWF, shot clocks are reset, not just tolled, if the siting authority notifies the applicant within 10 days after submission that the application is incomplete. For subsequent determinations of incompleteness, the shot clock would toll—not reset—if the siting authority provides written notice within 10

days that the supplemental submission did not provide the requested information.

- For non-SWF, shot clocks begin to run when an application is first submitted, and can be paused—not reset—if the siting authority notifies the applicant within 30 days that the application is incomplete. For subsequent determinations of incompleteness, the process is the same as described above for SWF.
- Failure to act within the new small wireless facility shot clock constitutes a presumptive violation of the Communications Act and applicants may seek expedited injunctive relief in court within 30 days of a local government missing a shot clock deadline. There is no “deemed granted” remedy.
- **Defines SWF** as, among other things:
 - Facilities
 - mounted on structures 50 feet or less in height including their antennas; or
 - mounted on structures no more than 10 percent taller than other adjacent structures; or
 - that 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.
 - Each antenna associated with the deployment, excluding associated antenna equipment, is no more than 3 cubic feet in volume;
 - 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.
- **Does not grandfather** existing agreements or state small cell bills or other state laws, which may be preempted to the extent they conflict with the Ruling and Order.

Permit Review Process:

Identifies permitting processes: Administrative or Conditional Use Permit

- Minor Facilities – Currently a Permitted Use
- Co-Located Facilities – Currently a Permitted Use
- Single Facilities – Currently a Permitted Use
- Towers – Currently a Condition Use Permit
- Guy and Lattice Towers - Prohibited
- Small Cell – Added as a Permitted Use

Review Timelines (already adopted with WCF code):

Federal law has the following specific timelines for permit review:

Permit / Approval	Mandated Period	Review
Eligible Facilities Request – A letter to the city requesting that a permit be reviewed as a facility modification – not as a new facility	60 Days	
Eligible Co-locations on Existing Facilities	90 Days	
New Wireless Communications	150 Days	
Determination of Permit Completeness	30 Days	
Determination of Permit Completeness – 2nd submittal and beyond	10 Days plus no new items can be added that were not listed in the first review	

Failure to Act:

If the City doesn't meet the timeframes listed above, then the application is "deemed granted".

Appeals / Claims:

Both the City and the Applicant can bring claims in court according to federal law.

Major and Minor Modifications:

A significant area of concern to the cell company providers is what is considered a major or minor modification to an existing facility. Major modifications are equivalent to new permits while minor modifications can usually be permitted administratively more quickly. Federal law is mandating what constitutes a major or minor modification.

Performance Standards:

City code already addresses the following development / performance standards for siting telecommunication facilities. These standards generally address cell towers, attached facilities and the associated land cabinet equipment. The following sections were added to the new wireless communication facilities codes:

Separation Distance	Concealment Technology	Maintenance
Setbacks	Noise	Electronic Emissions
Height	Colocation	Exception Use of City right of
Landscaping	Abandonment	Way
Lighting		

Financial Impact:

There are no direct financial impacts to the City except the staff time to review any subsequent permit applications.

COMMITTEE RECOMMENDATION

This item was brought to the Community Development Committee on December 13, 2018. The CDC acknowledged the tight timeframe needed to adopt the ordinance in order to meet the FCC's deadline and agreed to one meeting for the first, second and final reading of the ordinance. It was also noted that after the regulations are adopted, the City could go back and update the code if needed when the time constraints are not in place.

Planning Commission Recommended Motions:

I MOVE TO RECOMMEND APPROVAL OF THE WIRELESS COMMUNICATIONS AND SMALL CELL FACILITIES CODE AMENDMENT TO THE STANWOOD CITY COUNCIL.

I MOVE TO RECOMMEND APPROVAL OF THE FINDINGS OF FACT AND CONCLUSIONS FOR THE WIRELESS COMMUNICATIONS AND SMALL CELL FACILITIES CODE AMENDMENT TO THE STANWOOD CITY COUNCIL.

These motions can be amended to add any proposed amendments as discussed at the public hearing and during deliberations.

City Council Recommended Motions:

I MOVE TO APPROVE THE FIRST AND SECOND READING AND FINAL ADOPTION OF ORDINANCE 1469 AND THE ATTACHED FINDINGS OF FACT AND CONCLUSIONS:

REPEALING CHAPTERS:

- 17.154, Wireless Communication Facilities
- 17.156, Eligible Facility Modifications

AND ADOPTING NEW CHAPTERS:

- 17.200, Eligible Facility Modification and Wireless Communication Devices
- 17.205, Eligible Facility Modifications
- 17.210, Regulation of Wireless Communication Facility Franchise
- 17.220; Wireless Communication Facilities (WCF) Attached and Detached



City of Stanwood Findings of Fact and Conclusions of Law Planning Commission Recommendation

A. GENERAL INFORMATION

File Number(s): 2018-0421

Project Summary: Wireless Communication Facilities / Small Cell Code Amendment

Applicant: City of Stanwood

Location: City of Stanwood

Public Hearing Date: January 7, 2019

Staff Contact: Patricia Love, Community Development Director

B. BACKGROUND AND DESCRIPTION OF PROPOSAL

The Federal Communications Commission (FCC) recently released new rules for wireless communication facilities and small cell deployment. The intent of the regulations is to streamline the permitting processes across the country. Cities and Counties are required to update their development and franchise regulations by January 14, 2019. The City of Stanwood has initiated a code amendment to update development regulations and franchise procedures for wireless communication facilities and small cell deployment consistent with federal law.

C. CODE AMENDMENT CRITERIA

The city may approve or approve with modifications amendments to the text of the zoning code if:

(a) The purpose and desired effect of the proposed zoning code amendment are consistent with the Stanwood Municipal Code;

Currently the City has a “cell tower” code, but it is out of date as it relates to the “small cell” technology and federal regulations. Typically, small cells are attached to utility poles or light/traffic poles within the rights-of-way. The purpose of the small cells is to augment capacity for data traffic in dense areas and are typically 25-45 feet in height, rather than tall macro towers that extend beyond 75 feet.

The draft code amendment combines the city's existing wireless communication facility regulations with new small cell deployment regulations and franchise requirements into four new chapters of the Stanwood Municipal Code:

- Chapter 17.200, Eligible Facility Modification and Wireless Communication Devices
- Chapter 17.205, Eligible Facility Modifications
- Chapter 17.210, Regulation of Wireless Communication Facility Franchise
- Chapter 17.220; Wireless Communication Facilities (WCF) Attached and Detached

In conjunction with merging existing city wireless communication facilities codes with the new small wireless facilities requirements, the following Stanwood Municipal Code chapters will be repealed:

- Chapter 17.154, Wireless Communication Facilities
- Chapter 17.156, Eligible Facility Modifications

(b) There is a positive relationship to the public health, safety and welfare of the community; and

The Federal Communications Commission (FCC) recently released new rules for wireless communication facilities and small cell deployment. The intent of the regulations is to streamline the permitting processes across the country. Cities and Counties are required to update their development and franchise regulations by January 14, 2019.

(c) The proposed amendment is consistent with the Stanwood Comprehensive Plan.

Stanwood's Comprehensive Plan notes that cellular phone service is currently available in the City from numerous providers. Providing future cellular service to Stanwood does not present a problem because Stanwood is relatively small in area and only a few cell sites are needed to service the area. There is also a large selection of undeveloped parcels within the City limit and in the adjacent lands from which future cell sites could be chosen. The City strictly regulates cellular towers and encourages the co-location of cellular facilities. (2015 Comprehensive Plan pg UAAT-6&7)

UTG-5: Encourage improvements to utility facilities that are environmentally responsible, aesthetically acceptable to the community and safe for nearby inhabitants.

UTP 5.4 – Require landscaping of utility facilities to minimize adverse aesthetic impacts on the surround areas.

EDP-6.1: Ensure that City licensing and permitting procedures and development regulations are coherent, fair, and expeditious.

EDP 6.2: coordinate with other government entities to eliminate duplication of efforts where specialized industry requirements call for the inspection by government agencies.

D. FINDINGS OF FACT

1. It is necessary and beneficial for the health, safety and welfare of the community to update the zoning regulations for development of small cell, microcell, and distributed antenna systems telecommunications facilities.
2. It is important to accommodate the growing need and demand for telecommunications services while protecting the character of the City of Stanwood and its neighborhoods.
3. There is a need to establish standards for location, aesthetics and compatibility for small cell, microcell, and distributed antenna systems communication structures, facilities, and uses.
4. It is necessary to encourage the location and collocation of small cell facilities, microcells, and distributed antenna systems on existing buildings and structures in order to reduce the need for new towers, thereby minimizing visual clutter, public safety impacts, and effects upon the natural environment, as well as to encourage concealed technologies.
5. There is a need to encourage the availability of affordable, high- speed internet and cellular telephone access for businesses and residents, acknowledging that a growing number of businesses are conducted in whole or in part from homes and/ or on- the-go, that increasingly education incorporates on- line learning necessitating good home internet connections for students and faculty, and that government participation and emergency service to the general public are enhanced by fast and reliable cellular and home internet connectivity.
6. There have been recent changes to the mandates of the Telecommunications Act of 1996, the Middle Class Tax Relief and Job Creation Act of 2012, and other applicable federal and state laws and rules promulgated by the Federal Communication Commission that require the City of Stanwood to update its wireless regulations.
7. Stanwood's 2015 – 2035 Comprehensive Plan directly addresses the need to provide necessary utilities and community compatibility issues:
 - UTG-5: Encourage improvements to utility facilities that are environmentally responsible, aesthetically acceptable to the community and safe for nearby inhabitants.
 - UTP 5.4 – Require landscaping of utility facilities to minimize adverse aesthetic impacts on the surround areas.

- EDP-6.1: Ensure that City licensing and permitting procedures and development regulations are coherent, fair, and expeditious.
 - EDP 6.2: coordinate with other government entities to eliminate duplication of efforts where specialized industry requirements call for the inspection by government agencies.
8. A mechanism for the zoning and permitting of small cell, microcells, and distributed antenna systems telecommunication uses and an update of existing zoning provisions for other kinds of telecommunication uses is in the best interest of the citizens of the City of Stanwood.
 9. Pursuant to RCW 36.70A. 106, on November 30, 2018 the City notified the State of Washington of its intent to adopt amendments to its development regulations.
 10. The Planning Commission held a public hearing on January 7, 2019 considered all relevant matters, and heard all parties in support or opposition, and subsequently forwarded a recommendation to the City Council.
 11. The City of Stanwood SEPA Responsible Official reviewed the amendments and issued a Determination of Non-significance (DNS) on December 4, 2018.
 12. The code amendment was circulated for public review on November 30, 2018. No comments were received on the amendment.
 13. The City Council Community Development Committee reviewed the proposed amendments set forth in this Ordinance at their December 20, 2018 meeting.
 14. Pursuant to RCW 36.70A.106, the City has notified the Washington State Department of Commerce of the City's intent to adopt the proposed amendments to the zoning code.
 15. Staff prepared a report summarizing the proposed code amendment. This report is part of the public record and was presented to the Planning Commission at the public hearing on January 7, 2019 for their consideration.

E. CONCLUSIONS OF LAW

1. The City of Stanwood has authority under RCW Title 35A, to adopt plans and regulations related to development and operations within the City of Stanwood.
2. SMC section 17.155.030 requires that the Planning Commission review and make recommendations to the Stanwood City Council regarding code amendments to Title 17, Zoning.

3. Planning Commission briefings to discuss the proposed code amendment were held on August 13, September 24, October 8, and December 17, 2018.
16. On December 18, 2018, the public hearing notice was printed in the Stanwood Camano News as required by law that a public hearing was to be held by the Planning Commission and all persons wishing to provide public input concerning the proposed amendments set forth in this Ordinance were heard.
4. SEPA review was conducted on the proposal and a Determination of Nonsignificance (DNS) was issued on December 4, 2018 under WAC 197-11-340(2). No appeals of the SEPA determination were filed.
5. The proposal is consistent with the Comprehensive Plan and meets the requirements and intent of the Plan, including Utility Goal 5, Utility Policy 5.4, and Economic Development Policies 6.1 and 6.2.
6. The proposal is beneficial to the public health, safety and welfare and is in the public interest by providing reliable cellular service to the community while maintaining community character.
7. After considering staff comments and public testimony the Stanwood Planning Commission determined the draft code amendment is consistent with the Comprehensive Plan and should be adopted.

F. STAFF RECOMMENDATION

Move that the Planning Commission **ADOPT** the Findings of Fact and Conclusions of Law contained herein and **AUTHORIZE** the Planning Commission Chair to sign the Findings on behalf of the Commission and recommend that the Stanwood City Council **APPROVE** the proposed amendments to Chapter 17 of the Stanwood Municipal Code.

Dated this 7th of January 2019.

Linda Utgard, Planning Commission Chair
City of Stanwood

CITY OF STANWOOD

WASHINGTON

ORDINANCE NO. 1469

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, AMENDING PORTIONS OF STANWOOD MUNICIPAL CODE TITLE 17 ENTITLED ZONING AND RELATING TO WIRELESS COMMUNICATION FACILITIES AND SMALL CELL FACILITIES BY REPEALING CHAPTER 17.154 WIRELESS COMMUNICATION FACILITIES AND CHAPTER 17.56 ELIGIBLE FACILITY MODIFICATIONS; ADOPTING NEW CHAPTERS 17.200 PURPOSE AND DEFINITIONS, CHAPTER 17.205 ELIGIBLE FACILITY MODIFICATION AND WIRELESS COMMUNICATION DEVICES, CHAPTER 210, ELIGIBLE FACILITY MODIFICATIONS AND CHAPTER 220 WIRELESS COMMUNICATION FACILITIES ATTACHED AND DETACHED; AND AMENDING CHAPTER 17.30 PERMITTED LAND USES AND CHAPTER 17.81A, TYPES OF LAND USE REVIEW; AND ESTABLISHING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, it is necessary and beneficial for the health, safety and welfare of the community to update the zoning regulations for development of small cell, microcell, and distributed antenna systems telecommunications facilities; and

WHEREAS, it is important to accommodate the growing need and demand for telecommunications services while protecting the character of the City of Stanwood and its neighborhoods; and

WHEREAS, there is a need to establish standards for location, aesthetics and compatibility for small cell, microcell, and distributed antenna systems communication structures, facilities, and uses; and

WHEREAS, it is necessary to encourage the location and collocation of small cell facilities, microcells, and distributed antenna systems on existing buildings and structures in order to reduce the need for new towers, thereby minimizing visual clutter, public safety impacts, and effects upon the natural environment, as well as to encourage concealed technologies; and

WHEREAS, there is a need to encourage the availability of affordable, high- speed internet and cellular telephone access for businesses and residents, acknowledging that a growing number of businesses are conducted in whole or in part from homes and/ or on- the-go, that increasingly education incorporates on- line learning necessitating good home internet connections for students and faculty, and that government participation and emergency service to the general public are enhanced by fast and reliable cellular and home internet connectivity; and

WHEREAS, there have been recent changes to the mandates of the Telecommunications Act of 1996, the Middle Class Tax Relief and Job Creation Act of 2012, and other applicable

federal and state laws and rules promulgated by the Federal Communication Commission that require the City of Stanwood to update its wireless regulations; and

WHEREAS, a mechanism for the zoning and permitting of small cell, microcells, and distributed antenna systems telecommunication uses and an update of existing zoning provisions for other kinds of telecommunication uses is in the best interest of the citizens of the City of Stanwood; and

WHEREAS, this matter was duly referred to and was considered by the Planning Commission; and

WHEREAS, pursuant to RCW 36.70A. 106, on November 30, 2018 the City notified the State of Washington of its intent to adopt amendments to its development regulations; and

WHEREAS, the Planning Commission held a public hearing on January 7, 2019 considered all relevant matters, and heard all parties in support or opposition, and subsequently forwarded a recommendation to the City Council;

WHEREAS, the City of Stanwood SEPA Responsible Official reviewed the amendments and issued a Determination of Non-significance (DNS) on December 4, 2018; and

WHEREAS, a SEPA DNS was issued on December 4, 2019; and

WHEREAS, on December 18, 2018, the public hearing notice was printed in the Stanwood Camano News as required by law that a public hearing was to be held by the Planning Commission and all persons wishing to provide public input concerning the proposed amendments set forth in this Ordinance were heard; and

WHEREAS, the City Council Community Development Committee reviewed the proposed amendments set forth in this Ordinance at their December 20, 2018 meeting; and

WHEREAS, the City Council reviewed the recommendation of the Planning Commission at their January 10, 2019 regular meeting and accepted public comment; and

WHEREAS, pursuant to RCW 36.70A.106, the City has notified the Washington State Department of Commerce of the City's intent to adopt the proposed amendments to the zoning code; and

WHEREAS, the City Council has determined that it is in the best interest of the City and in the interest of the public health, safety and welfare of the City and its citizens to amend Title 17 relating to wireless communication facilities, as further set forth in this Ordinance;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Repeal of SMC 17.154 entitled Wireless Communication Facilities. Chapter 17.154, Wireless Communication Facilities, is hereby repealed in its entirety.

Section 2. Repeal of SMC 17.156 entitled Eligible Facility Modifications. Chapter 17.156, Eligible Facility Modifications, is hereby repealed in its entirety.

Section 3. SMC 17.30, Permitted Land Uses Amended. Chapter 17.30, Permitted Land Uses, of the Stanwood Municipal Code is hereby amended to read as set forth in Attachment A, by reference as though fully set forth herein.

Section 3. SMC 17.81A, Procedures Amended. Chapter 17.81A, Procedures, of the Stanwood Municipal Code is hereby amended to read as set forth in Attachment B, by reference as though fully set forth herein.

Section 4. Adoption of new Chapter 17. 200, Eligible Facility Modification and Wireless Communication Devices. New Stanwood Municipal Code Chapter 17. 200, Eligible Facility Modification and Wireless Communication Devices, is hereby adopted to read as set forth in Attachment C, incorporated by reference as though fully set forth herein.

Section 5. Adoption of new Chapter 17. 205, Eligible Facility Modifications. New Stanwood Municipal Code Chapter 17. 205, Eligible Facility Modifications, is hereby adopted to read as set forth in Attachment D, incorporated by reference as though fully set forth herein.

Section 6. Adoption of new Chapter 17. 210, Regulation of Wireless Communication Facility Franchises. New Stanwood Municipal Code Chapter 17. 210, Regulation of Wireless Communication Facility Franchises, is hereby adopted to read as set forth in Attachment E, incorporated by reference as though fully set forth herein.

Section 7. Adoption of new Chapter 17. 220, Wireless Communication Facilities (WCF) Attached and Detached. New Stanwood Municipal Code Chapter 17. 220, Wireless Communication Facilities (WCF) Attached and Detached, is hereby adopted to read as set forth in Attachment F, incorporated by reference as though fully set forth herein.

Section 8. Findings of Fact and Conclusions. In support of the amendment approved in this Ordinance the Stanwood City Council adopts the Findings of Fact and Conclusions attached hereto as Attachment G and incorporated herein by reference and the analysis contained in the Staff Report on the amendments.

Section 9. Severability. The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 10. Authority to Make Necessary Corrections. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's clerical errors, references, ordinance numbers, section/subsection numbers and any references thereto.

Section 11. Conflict. In the event that there is a conflict between the provision of this Ordinance and any other City ordinance, the provision of this Ordinance shall control.

Section 12. Effective Date. This Ordinance shall take effect from and after five (5) days after its passage and publication as required by law.

PASSED AND APPROVED by the Stanwood City Council this 10th day of January 2019.

CITY OF STANWOOD

Leonard Kelley, Mayor

ATTEST:

By: _____
David Hammond, City Clerk

APPROVED AS TO FORM:

By: _____
Grant Weed, City Attorney

Date of Publication: _____

Effective Date: _____

Attachment A
Amended SMC Chapter 17.30 Permitted Land Uses

Chapter 17.30
Permitted Land Uses

17.30.040 Zoning Use Table.

KEY:

Blank = Not Permitted

AC = Accessory Use

ADC = Administrative Conditional Use

C = Conditional Use

P = Permitted Use

AEO = Adult Entertainment Overlay

HO = Historic Overlay

TO = Transit Overlay

MPO = Master Plan Overlay

MXO = Mixed Use Overlay

Wireless Communication Facilities	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	TN	MB-I²⁹	MB-II	NB	GC	LI	GI
Co-located PWCA	P46	P46	P46	P46	P46	P46	P46	P46	P46	P46	P46	P46
Minor facilities	P47	P47	P47	P47	P47	P47	P47	P47	P47	P47	P47	P47
Single PWCA	P48	P48	P48	P48	P48	P48	P48	P48	P48	P48	P48	P48
<u>Monopole</u> Towers	C45	C45	C45	C45	C45	C45	C45	C45	C45	C45	C45	C45
<u>Guy and Lattice Towers</u>												
<u>Small Cell Facilities</u>	<u>P48a</u>	<u>P48a</u>	<u>P48a</u>	<u>P48a</u>	<u>P48a</u>	<u>P48a</u>	<u>P48a</u>	<u>P48a</u>	<u>P48a</u>	<u>P48a</u>	<u>P48a</u>	<u>P48a</u>

17.30.050 Zoning use conditions.

(45) Monopole towers only are permitted. Guy and lattice towers are prohibited. Limited to locations on properties with existing public use, except in the general commercial and general industrial zones subject to a conditional use permit, and subject to the wireless communications facilities standards in Chapter 17.~~220~~ 47.154 SMC.

(46) Subject to the wireless communications facilities standards in Chapter **17.220** 47.154 SMC.

(47) Minor facilities are limited to co-location on an existing monopole and are subject to the wireless communications facilities standards in Chapter **17.220** 47.154 SMC.

(48) Limited to one personal wireless communications facility (WCF) on existing light standards and power poles within the public right-of-way and subject to the wireless communications facilities standards in Chapter **17.220** 47.154 SMC.

(48a) All Small Wireless Communication Facilities shall be subject to the requirements of Chapters 17.200, 17.205, and 17.210.

Attachment B
Amended SMC Chapter 17.81A, Procedures

Chapter 17.81A
Procedures

Table 17.81A-I: Classification of Permits and Decisions

Type of Application	Public Comment/Notice Period	Pre- Application Meeting	Public Meeting/Recommendation	Open Record Hearing	Decision	Open Record Appeal	Closed Record Appeal	Non- City or Judicial Appeal
Type I:								
Administrative site development permit, grading permit, sign permit	No	No	No	No	CDD	HE	No	Yes
Home occupation permit	No	No	No	No	CDD	HE	No	Yes
Accessory dwelling unit	No	No	No	No	CDD	HE	No	Yes
Parcel combination	No	No	No	No	CDD	HE	No	Yes

Table 17.81A-I: Classification of Permits and Decisions

Type of Application	Public Comment/Notice Period	Pre- Application Meeting	Public Meeting/Recommendation	Open Record Hearing	Decision	Open Record Appeal	Closed Record Appeal	Non- City or Judicial Appeal
Manufactured housing infill	No	No	No	No	CDD	HE	No	Yes
Boundary line adjustment	No	No	No	No	CDD	HE	No	Yes
Administrative interpretation	No	No	No	No	CDD	HE	No	Yes
Encroachment permit	No	No	No	No	CDD/CE	HE	No	Yes
Floodplain development permit	No	No	No	No	CDD	HE	No	Yes
<u>Small Cell WCF; Co-located WCF; Minor Modifications</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>CDD</u>	<u>HE</u>	<u>No</u>	<u>Yes</u>
Administrative decision, modification, adjustment to standards	No	No	No	No	CE	HE	No	Yes
Type II:								
Variance (including flood hazard variance)*	14-day NOA or NOH	No	No	No	CDD*	HE	No	Yes
Administrative conditional use	15-day NOA	No	No	No	CDD	HE	No	Yes

Table 17.81A-I: Classification of Permits and Decisions

Type of Application	Public Comment/Notice Period	Pre- Application Meeting	Public Meeting/Recommendation	Open Record Hearing	Decision	Open Record Appeal	Closed Record Appeal	Non- City or Judicial Appeal
Sensitive area reasonable use allowance*	15-day NOA or NOH	No	No	No	CDD*	HE	No	Yes
Short plat	15-day NOA	CDD and CE	No	No	CDD and PWD	HE	No	Yes
Binding site plan	10-day NOA	CDD and CE	No	No	CDD	HE	No	Yes
Major site development permit	15-day NOA	CDD	Yes	No	CDD	HE	No	Yes
Shoreline substantial development permit	30-day NOA 15-day NOH	No	No	No	CDD	HE	No	Yes
Waiver of forest practices moratorium for single-family residence	15-day NOA	No	No	No	CDD	No	No	No
SEPA determination	14 days (post determination)	No	No	No	CDD	HE	No	Yes
Concurrency evaluation	None	No	No	No	CE	HE	No	No
Right-to-farm registration	14-day posted notice of application	No	No	No	CDD	HE	No	No

Table 17.81A-I: Classification of Permits and Decisions

Type of Application	Public Comment/Notice Period	Pre- Application Meeting	Public Meeting/Recommendation	Open Record Hearing	Decision	Open Record Appeal	Closed Record Appeal	Non- City or Judicial Appeal
Type III:								
Conditional use permit	15-day NOA 10-day NOH	No	No	HE	HE	No	No	Yes
Preliminary plat	15-day NOA 10-day NOH	CDD; CE	PC	HE	HE	No	No	Yes
PRD	15-day NOA 10-day NOH	CDD	PC	HE	HE	No	No	Yes
Shoreline CUP	30-day NOA plus 15-day NOH	No	No	HE	HE	No	No	Yes
Shoreline variance	30-day NOA plus 15-day NOH	No	No	HE	HE	No	No	Yes
Waiver of forest practices moratorium for non-single-family residence	15-day NOH	No	No	HE	HE	No	No	No
<u>WCF: Monopole</u>	<u>15-day NOH</u>	<u>CDD</u>	<u>PC</u>	<u>HE</u>	<u>HE</u>	<u>No</u>	<u>No</u>	<u>Yes</u>
<u>WCF: Small Cell Architectural Design Deviation Request</u>	<u>15-day NOH</u>	<u>CDD</u>	<u>PC</u>	<u>HE</u>	<u>HE</u>	<u>No</u>	<u>No</u>	<u>Yes</u>

Table 17.81A-I: Classification of Permits and Decisions

Type of Application	Public Comment/Notice Period	Pre- Application Meeting	Public Meeting/Recommendation	Open Record Hearing	Decision	Open Record Appeal	Closed Record Appeal	Non- City or Judicial Appeal
Major site development permit with public comments	15-day NOA 10-day NOH	CDD; CE	PC	HE	HE	No	No	Yes
Type IV:								
Development agreement	10-day NOH	No	No	HE	HE recommendation CC decision	No	No	Yes
Type V:								
Comprehensive plan amendment	NOA 10-day NOH	None	Yes	PC++	PC recommendation** 10-day NOH	No	No	Yes
Development regulations amendments	10-day NOH	None	No	PC++	PC recommendation** CC decision**	No	No	Yes
Annexation	15-day NOA 10-day NOH	CDD, CE	No	CC/SCBRB	CC/SCBRB	No	No	Yes
Final plat	No	No	No	No	CC	No	No	Yes
Right-of-way vacation	10-day NOH	CE	No	CC	CC Committee recommendation CC decision	No	No	Yes

Table 17.81A-I: Classification of Permits and Decisions

Type of Application	Public Comment/Notice Period	Pre- Application Meeting	Public Meeting/Recommendation	Open Record Hearing	Decision	Open Record Appeal	Closed Record Appeal	Non- City or Judicial Appeal
Zoning map amendment	10-day NOH	CDD	No	PC	CC	No	No	Yes

CC City Council

CE City Engineer

PC Planning Commission.

HE Hearing Examiner

CDD Community Development Director

SCBRB Snohomish County Boundary Review Board

NOH Notice of Hearing (per SMC [17.81A.260](#))

NOA Notice of Application (per SMC [17.81B.225](#))

PWD Public Works Director

* The community development director shall have the option of referring the application to the hearing examiner for a public hearing and decision. In this case, an appeal of the hearing examiner's decision shall be heard in a closed record appeal as a judicial appeal.

** Either the planning commission or the city council may opt to hold one or more workshops or joint workshops on an application.

++ The city council may opt to hold the required public hearing(s).

(5) Associated Land Use Determinations. Associated land use determinations are decisions that need to be made as part of another land use action or permit review, as set forth in Table 17.81A-II. Each type of determination has a separate review process determined by the community development director or public works director.

Attachment C

Adoption of New Chapter 17. 200, Eligible Facility Modification and Wireless Communication Devices

Chapter 17.200

Eligible Facility Modifications and Wireless Communication Devices

Sections:

17.200.005 Purpose

17.200.010 Definitions

17.200.005 Purpose

The purpose of chapters 17.200, 17.205, 17.210, and 17.220 is to provide specific regulations for the placement, construction, modification and removal of WCF. Pursuant to the guidelines of Section 704 of the Federal Telecommunications Act of 1996, 47 USC, Chapter 5, Subchapter III, Part I, Section 332(c)(7) and other applicable city, state and federal rules, regulations, and guidelines, the provisions of this chapter are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting the provision of wireless services, nor shall the provisions of this chapter be applied in such a manner as to unreasonably discriminate among providers of functionally equivalent wireless services.

1. The goals of these chapters is to:
 - a. Encourage the location of towers in nonresidential areas and to minimize the total number of tall towers throughout the City;
 - b. Encourage the joint use of existing tower sites;

- c. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the impact on the City is minimal;
 - d. Encourage users of towers and antennas to configure them in a way that minimizes the visual impact of the towers and antennas;
 - e. Strongly encourage the providers of wireless services to use concealment technology;
 - f. Provide standards for the siting of WCF and other wireless communications facilities (such as television and AM/FM radio towers);
 - g. Facilitate the ability of the providers of wireless services to provide such services throughout the City quickly, effectively and efficiently; and
 - h. Prioritize the location of WCF on existing structures such as ballfield lights, transmission towers, utility poles or similar structures, particularly when located on public property.
2. Accordingly, the City Council finds that the promulgation of these chapters is warranted and necessary to:
- a. Manage the location of towers and antennas in the City;
 - b. Protect residential areas and other land uses from potential adverse impacts of towers and antennas;
 - c. Minimize visual impacts of towers and antennas through careful design, siting, landscaping, screening, innovative camouflaging techniques and concealment technology;
 - d. Accommodate the growing need for towers and antennas;
 - e. Promote and encourage shared use and co-location on existing towers as a desirable option rather than construction of additional single-use towers; and
 - f. Avoid potential damage to adjacent properties through engineering and proper siting of WCF.

17.200.010 Definitions

The following definitions shall apply in the interpretation and enforcement of this chapters 17.205, 17.210, 17.220 unless the context clearly requires otherwise. Any term or phrase not defined herein shall have the meaning that is given to that term or phrase in Chapter 17.20 SMC. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The word “shall” is always mandatory and not merely directory and the word “may” is always discretionary. References to governmental entities (whether persons or entities) refer to those entities or their successors in authority. If specific provisions of law, regulation or rule referred to herein be renumbered or amended, then the reference shall be read to refer to the renumbered or amended provision.

(1) “Approval authority” is the public official, or designee, who has authority under the Stanwood Municipal Code to administratively issue project permit approvals.

(2) “Applicant” shall mean and refer to the person, and such person’s successor in interest, owning and/or operating the transmission equipment proposed in an eligible facilities modification application to be collocated, removed or replaced.

(3) “Authorized person” is the person, employees, agents, consultants, and contractors, authorized in writing by applicant to complete and submit an eligible facilities modification application on behalf of applicant and who is authorized to receive any notices on behalf of applicant of any action taken by the city regarding the application.

(4) “Base station” shall mean and refer to the structure or equipment at a fixed location that enables wireless communications licensed or authorized by the FCC, between user equipment and a communications network. The term does not encompass a tower as defined in this chapter or any equipment associated with a tower.

(a) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(b) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small cell networks).

(c) The term includes any structure other than a tower that, at the time an eligible facilities modification application is filed with the city under this chapter, supports or houses equipment described in subsections (4) (a) and (b) of this section, and that has been reviewed and approved under the applicable zoning or siting process, or under another state, county or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

(d) The term does not include any structure that, at the time a completed eligible facilities modification application is filed with the city under this section, does not support or house equipment described in subsections (4) (a) and (b) of this section.

(5) "City" shall mean and refer to the city of Stanwood.

(6) "City code" shall mean and refer to the codified ordinances of the city.

(7) "Collocation" shall mean and refer when more than one wireless communications provider mounts equipment on a single support structure (e.g., structure, monopole, lattice tower). The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes.

(8) "Conceal" or "concealment elements" are transmission facilities designed to look like some feature other than a wireless tower or base station or which minimizes the visual impact of an antenna by use of non-reflective materials, appropriate colors and/or a concealment canister..

(9) "Deemed approved" shall mean and refer to an eligible facilities modification application that has been deemed approved upon the city's failure to act, and has become effective, as provided pursuant to the FCC eligible facilities request rules.

(10) "Eligible facilities modification application" or "application" shall, unless the context clearly requires otherwise, mean and refer to a written document submitted to the city pursuant to this chapter for review and approval of a proposed facilities modification.

(11) "Eligible facilities modification" shall mean and refer to any proposed facilities modification that has been determined pursuant to the provisions of this chapter to be subject to this chapter and which does not result in a substantial change in the physical dimensions of an eligible support structure, tower or base structure involving:

(a) Collocation of new transmission equipment;

(b) Removal of transmission equipment; or

(c) Replacement of transmission equipment.

(12) "Eligible facilities modification permit" or "permit" shall, unless the context clearly requires otherwise, mean and refer to a written document issued by the approval authority pursuant to this chapter approving an eligible facilities modification application.

(13) "Eligible support structure" shall mean and refer to any existing tower or base station as defined in this chapter; provided, that it is in existence at the time the eligible facilities modification application is filed with the city under this chapter.

(14) "Existing" shall, for purpose of this chapter and as applied to a tower or base station, mean and refer to a constructed tower or base station that has been reviewed and approved under the applicable zoning or siting process of the city, or under another state, county or local regulatory review process; provided, that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

(14.5) "Microcells" means a wireless communication facility consisting of an antenna that is either: (i) Four feet in height and with an area of not more than five hundred eighty square inches; or (ii) if a tubular antenna, no more than four inches in diameter and no more than six feet in length in accord with RCW 80.36.375.

(14.6) "Minor facility" means a wireless communication facility consisting of up to three antennas, each of which is either: (i) Four feet in height and with an area of not more than five hundred eighty square inches; or (ii) if a tubular antenna, no more than four inches in diameter and no more than six feet in length; and the associated equipment cabinet that is six feet or less in height and no more than forty-eight square feet in floor area.

(15) "Proposed facilities modification" shall mean and refer to a proposal submitted by an applicant to modify an eligible support structure which the applicant asserts is subject to review under Section 6409 of the Spectrum Act, and involving:

(a) Collocation of new transmission equipment;

(b) Removal of transmission equipment; or

(c) Replacement of transmission equipment.

(16) "FCC" shall mean and refer to the Federal Communications Commission or its successor.

(17) "FCC eligible facilities request rules" shall mean and refer to 47 CFR Part 1 (Part 1 – Practice and Procedure), Subpart CC, Section 1.40001, as established pursuant to its report and order in In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59; FCC 14-153, or as may be thereafter amended.

(17.5) "Service provider" is defined in accord with RCW 35.99.010(6). Service provider shall include those infrastructure companies that provide telecommunications services or equipment to enable the deployment of personal wireless services.

(18) "Site" shall, for towers other than towers in the public rights-of-way, mean and refer to the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, shall mean and be further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

(19) "Small cell facility" shall mean and refer to a personal wireless services facility that meets each of the following conditions:

(1) The facilities—

(i) are mounted on structures 50 feet or less in height including their antennas

as defined in section 1.1320(d), 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;

- (2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in section 1.1320(d)), is no more than three cubic feet in volume.
- (3) 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.
- (20) "Small cell network" shall mean and refer to a collection of interrelated small cell facilities designed to deliver personal wireless services as further defined in RCW 80.36.375.
- (21) "Spectrum Act" shall mean and refer to the "Middle Class Tax Relief and Job Creation Act of 2012" (Public Law 112-96; codified at 47 U.S.C. 1455(a)).
- (22) "Substantial change criteria" shall mean and refer to the criteria set forth in SMC 17.205.090.
- (22.5) "Telecommunications service" is defined in accord with RCW 35.99.010(7).
- (23) "Transmission equipment" is equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- (24) "Tower" is any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul and the associated site.
- (25) "Undergrounded areas": Public Rights-of-Way in which wireline utilities have been located or relocated underground.

(26) "Utility pole" is a structure designed and used primarily for the support of electrical wires, telephone wires, television cable, traffic signals, or lighting for streets, parking areas, or pedestrian paths.

Attachment D
Adoption of New Chapter 17. 205, Eligible Facility Modifications

Chapter 17.205
ELIGIBLE FACILITY MODIFICATIONS

Sections:

- 17.205.010 Title.
- 17.205.020 Adoption of findings and conclusions.
- 17.205.030 Purpose and intent.
- 17.205.040 Definitions.
- 17.205.050 Applicability – Relationship to other rules and regulations.
- 17.205.060 Permit classification.
- 17.205.070 Application submittal requirements – Determination of completeness.
- 17.205.080 Review of application – Approval.
- 17.205.090 Substantial change criteria.
- 17.205.100 Nonconforming structure – Termination.
- 17.205.110 Enforcement – Violation.

17.205.010 Title.

This chapter shall be known and referred to as the “Eligible Facilities Modification Code” or “EFM Code.” Unless the context indicates otherwise, a reference herein to “this code” or “this chapter” shall mean and refer to the eligible facilities modification code.

17.205.020 Adoption of findings and conclusions.

The recitals set forth in the ordinance adopting this code are adopted as findings and conclusions of the city council.

17.205.030 Purpose and intent.

The purpose and intent of this chapter are:

- (1) To implement Section 6409 of the “Middle Class Tax Relief and Job Creation Act of 2012” (the “Spectrum Act”) (PL-112-96; codified at 47 U.S.C. 1455(a)) which requires the city to approve any

eligible facilities request for a modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station;

(2) To implement the FCC rules set forth at 47 CFR Part 1 (Part 1 – Practice and Procedure) new Subpart CC Section 1.40001 (Wireless Facility Modifications), which rules implement Section 6409 of the Spectrum Act;

(3) To establish procedural requirements and substantive criteria applicable to review and approval or denial of applications for an eligible facilities modification;

(4) To ensure that application submittal requirements are related to information reasonably necessary to the determination of whether or not the proposed modification will result in a substantial change in the physical dimensions of the eligible support structure;

(5) To exempt facilities modifications approved under this chapter as eligible facilities requests from zoning and development regulations that are inconsistent with or preempted by Section 6409 of the Spectrum Act;

(6) To preserve the city's right to continue to enforce and condition approvals under this chapter on compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety;

(7) To promote timely decisions under this chapter;

(8) To ensure that decisions are made consistently and predictably;

(9) To incorporate provisions of RCW 43.21C.0384 that exempt eligible facilities modifications from review under RCW 43.21C.030 (2) (c) (State Environmental Policy Act);

(10) To recognize that Section 6409(a)(1) of the Spectrum Act operates to preempt any provision of the State Environmental Policy Act (Chapter 43.21C RCW) to the extent that any such provision, including RCW 43.21C.030(2)(c), would prohibit a city from approving any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station; and

(11) To provide for termination of eligible facilities modifications approved pursuant to this chapter as nonconforming structures in the event that Section 6409(a) of the Spectrum Act is found to be

unconstitutional or otherwise determined to be invalid or unenforceable and such modifications would otherwise have been in derogation of development regulations in place at the time of receipt of a completed application.

17.205.040 Definitions.

The definitions for this chapter are as set forth in section 17.200.010 SMC.

17.205.050 Applicability – Relationship to other rules and regulations.

(1) Except as may be otherwise provided in this chapter, and notwithstanding any other provisions in the city code, the provisions of this chapter shall be the sole and exclusive procedure for review and approval of a proposed facilities modification which the applicant asserts is subject to review under Section 6409 of the Spectrum Act or other applicable law. To the extent that other provisions of the city code establish a parallel process for review and approval of a project permit application for a proposed facilities modification, the provisions of this chapter shall control. In the event that any part of an application for project permit approval includes a proposed facilities modification, the proposed facilities modification portion of the application shall be reviewed under the provisions of this chapter. In the event that an application for project permit approval includes a proposal to modify an eligible support structure, and the applicant does not assert in the application that the proposal is subject to review under Section 6409 of the Spectrum Act or other applicable law, such proposal shall not be subject to review under this chapter and may be subject to review under other applicable provisions of the city code.

(2) This chapter shall not apply to a proposed facility modification to an eligible support structure that is not a legal conforming, or legal nonconforming, structure at the time a completed eligible facilities modification application is filed with the city. To the extent that the nonconforming structures and use provisions of the city code would operate to prohibit or condition approval of a proposed facilities modification application otherwise allowed under this chapter, such provisions are superseded by the provisions of this chapter and shall not apply.

(3) This chapter shall not apply to a proposed facility modification to an eligible support structure that will involve replacement of the tower or base station.

(4) This chapter shall not apply to a proposed facility modification to a structure, other than a tower, that does not, at the time of submittal of the application, already house or support transmission equipment lawfully installed within or upon, or attached to, the structure.

(5) Interpretations of this chapter shall be guided by Section 6409 of the Spectrum Act; the FCC eligible facilities request rules, the FCC's report and order in *In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59; FCC 14-153; and SMC 17.156.020 (Adoption of findings and conclusions) and 17.156.030 (Purpose and intent) and other applicable local, state, or federal law.

(6) SEPA Review. Unless otherwise provided by law or regulation, decisions pertaining to an eligible facilities modification application are not subject to, and are exempt from, the requirements of RCW 43.21C.030(2)(c), if:

(a) The proposed facilities modification would not increase the height of the eligible support structure by more than 10 percent, or 20 feet, whichever is greater; or

(b) The mounting of equipment that would involve adding an appurtenance to the body of the eligible support structure would not protrude from the edge of the structure more than 20 feet, or more than the width of the structure at the level of the appurtenance, whichever is greater;¹ or

(c) The authority to condition or deny an application pursuant to Chapter 43.21 RCW is preempted, or otherwise supplanted, by Section 6409 of the Spectrum Act.

(7) Nothing herein is intended or shall operate to waive or limit the city's right to enforce, or condition approval on, compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety.

17.205.060 Permit classification.

An eligible facilities modification permit shall be classified as an administrative permit subject to review and approval or denial by the approval authority and classified as a Type I permit process.

17.205.070 Application submittal requirements – Determination of completeness.

(1) This section sets forth the submittal requirements for an eligible facilities modification application. The purpose of the submittal requirements is to ensure that the city has all information and documentation that is reasonably necessary to determine if the applicant's proposed facilities modification will substantially change the physical dimensions of an eligible support structure. The

submittal requirements are not intended to require the applicant to establish the need for the proposed modifications or to justify the business decision to propose such modifications.

(2) No eligible facilities modification application shall be deemed complete unless it is, in writing, accompanied by the applicable application and review fee, includes the required submittals, and is attested to by the authorized person submitting the application on behalf of the applicant, certifying the truth and accuracy of the information provided in the application. The application shall include the following submittals, unless waived by the approval authority:

(a) The following contact information for the authorized person:

(i) Name;

(ii) Title;

(iii) Mailing address;

(iv) Phone number; and

(v) Electronic mail address (optional).

(b) The legal and dba names, mailing address, Washington tax number, and contact phone number(s) of applicant.

(c) If a corporation, the name and address of the registered agent of applicant in Washington State, and the state of incorporation of applicant.

(d) If applicant is an entity, other than a corporation, such as a partnership or limited liability company, the names and business addresses of the principals.

(e) An assertion that the proposed facilities modification is subject to review under Section 6409 of the Spectrum Act or other applicable law.

(f) If the applicant is not the owner or person in control of the eligible support structure and/or site, an attestation that the owner or person in control of the eligible support structure and/or site has consented to the proposed facilities modification shall be required. If the eligible support structure is located in a public right-of-way, the applicant must also attest that

applicant has authorization to install, maintain and operate transmission equipment in, under and above the public right-of-way.

(g) If the applicant proposes a modification involving collocation of transmission equipment or the replacement of transmission equipment, complete copies of the underlying land use approvals for siting of the tower or base station proposed to be modified, establishing that, at the time of submittal of the application, such tower or base station constituted an eligible support structure shall be required.

(h) If the applicant proposes a modification that will result in an increase in height of the eligible support structure, record drawings, as-built plans, or the equivalent, showing the height of the eligible support structure (i) as originally constructed and granted approval by the city or other applicable local zoning or similar regulatory authority, or (ii) as of the most recent modification that received city or other local zoning or regulatory approval, prior to the passage of the Spectrum Act, whichever height is greater, shall be required.

(i) If the applicant proposes a modification to an eligible support structure, which structure, or proposed modification of the same, is subject to preexisting restrictions or requirements imposed by a reviewing official or decision-making body pursuant to authority granted under the city code, or an ordinance or a municipal code of another local government authority, the following shall be required: a copy of the document (e.g., CUP or SUP) setting forth such preexisting restrictions or requirements together with a certification that the proposed facilities modification conforms to such restrictions or requirements; provided, that such certification shall have no application to the extent the proposed facilities modification relates solely to an increase in height, increase in width, addition of cabinets, or new excavation, that does not result in a substantial change in the physical dimensions of the eligible support structure.

(j) If the applicant proposes a modification to an eligible support structure, which structure, or proposed modification of the same, is subject to preexisting concealment restrictions or requirements, or was constructed with concealment elements, the following shall be required:

Applicant shall set forth the facts and circumstances demonstrating that the proposed modification would not defeat the existing concealment elements of the eligible support

structure. If the proposed modification will alter the exterior dimensions or appearance of the eligible support structure, applicant shall include a detailed visual simulation depicting how the eligible support structure will appear after the proposed modification is complete. The visual simulation shall depict to scale the eligible support structure in relation to the trees, landscaping and other structures adjacent to, or in the immediate vicinity of, the eligible support structure.

(k) If the applicant proposes a modification that will protrude from the edge of a non-tower eligible support structure, the following shall be required:

Record drawings, as-built plans, or the equivalent, showing at a minimum the edge of the eligible support structure at the location of the proposed modification.

(l) If the applicant proposes a modification to an eligible support structure that will (i) include any excavation, (ii) would result in a protrusion from the edge of a tower that exceeds an existing protrusion of any transmission equipment attached to a tower, or (iii) would protrude from the edge of a non-tower eligible support structure, the following shall be required:

A description of the boundaries of the site together with a scale drawing based on an accurate traverse, with angular and lineal dimensions, depicting the boundaries of the site in relation to the tower or base station proposed to be modified and depicting the proposed location, elevation and dimensions of the new or replacement transmission equipment. The city may require a survey by a land surveyor licensed in the state of Washington when, in the judgment of the approval authority, a survey is reasonably necessary to verify the boundaries of the site to determine if the proposed facilities modification would result in a substantial change in the physical dimensions of the eligible support structure.

(m) If the applicant proposes a modification to the eligible support structure that includes hardening through structural enhancement, the following shall be required:

A technical report by a qualified engineer accredited by the state of Washington, demonstrating that the structural enhancement is performed in connection with and is necessary to support the proposed collocation, removal, or replacement of transmission equipment and conforms to applicable code requirements. The city may retain the services of an independent technical expert to review, evaluate, and provide an opinion regarding the applicant's demonstration of necessity.

(n) If the applicant proposes a modification to a tower, the following shall be required:

A stamped report by a state of Washington registered professional engineer demonstrating that the tower with the proposed modifications will comply with applicable structural, electrical and safety codes, including by way of example, and not limitation, EIA/TIA-222-Revision G, published by the American National Standards Institute (as amended), allowable wind speed for the applicable zone in which the tower is located, and describing the general structural capacity of the tower with the proposed modifications, including:

(i) The number and type of antennas that can be accommodated;

(ii) The basis for the calculation of capacity; and

(iii) A written statement that the proposal complies with all federal guidelines regarding interference and ANSI standards as adopted by the FCC, including but not limited to nonionizing electromagnetic radiation (NIER) standards. The city may retain the services of an independent technical expert to review, evaluate, and provide an opinion regarding the applicant's demonstration of compliance.

(o) If the applicant proposes a modification to a base station, the following shall be required:

A stamped report by a state of Washington registered professional engineer demonstrating that the base station, with the proposed modifications, will comply with applicable structural, electrical and safety codes.

(p) If the applicant proposes a modification requiring alteration to the eligible support structure, excavation, installation of new equipment cabinets, or any other activities impacting or altering the land, existing structures, fencing, or landscaping on the site, the following shall be required:

A detailed site plan and drawings, showing the true north point, a graphic scale and drawn to an appropriate decimal scale, indicating and depicting: (i) the location, elevation and dimensions of the existing eligible support structure, (ii) the location, elevation and dimensions of the existing transmission equipment, (iii) the location, elevation and dimensions of the transmission equipment, if any, proposed to be collocated or that will replace existing transmission equipment, (iv) the location, elevation and dimensions of any

proposed new equipment cabinets and the intended use of each, (v) any proposed modification to the eligible support structure, (vi) the location of existing structures on the site, including fencing, screening, trees, and other significant site features, and (vii) the location of any areas where excavation is proposed showing the elevations, depths, and width of the proposed excavation and materials and dimensions of the equipment to be placed in the area excavated.

(q) Copies of any environmental documents required by any federal agency. These shall include the environmental assessment required by 47 CFR Part 1 (Part 1 – Practice and Procedure), Section 1.1307, as amended, or, in the event that an FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment.

(3) The approval authority may waive any submittal requirement upon determination that the required submittal, or part thereof, is not reasonably related to the substantial change criteria. A waiver, to be effective, must be in writing and signed by the approval authority.

(4) An eligible facilities modification application, and any supplemental submittals, shall be deemed received by the city upon the date such application, or supplemental submittal, is filed with the planning department. An application, and any supplemental submittals, must be filed in person during regular business hours of the city and must be accompanied by the applicable permit review fee(s). Any application received by the city without contemporaneous payment, or deposit, of the applicable permit review fees will be rejected.

(5) Completed Application – Determination – Tolling.

(a) The approval authority shall, within 30 days of receipt of the application, review the application for completeness. An application is complete if it includes the applicable permit review fee(s) and contains all of the applicable submittal requirements set forth at subsection (2) of this section, unless waived by the approval authority pursuant to subsection (3) of this section. The determination of completeness shall not preclude the approval authority from requesting additional information or studies either at the time of the determination of completeness or subsequently if new or additional information is required, or substantial changes in the proposed action occur, or the proposed facilities modification is modified by applicant, as determined by the approval authority.

(b) The approval authority shall notify the applicant within 30 days of receipt of the application that the application is incomplete. Such notice shall clearly and specifically delineate all missing documents or information.

(c) The application review period begins to run when the application is received, and may be tolled when the approval authority determines that the application is incomplete and provides notice as set forth below. The application review period may also be tolled by mutual agreement of the approval authority and applicant. The time frame for review is not tolled by a moratorium on the review of eligible facility modification applications.

(i) To toll the time frame for review for incompleteness, the approval authority must provide written notice to the applicant within 30 days of the date of receipt of the application, clearly and specifically delineating all missing documents or information. Such delineated information is limited to submittals set forth in subsection (2) of this section and any supplemental information requested by the approval authority that is reasonably related to determining whether the proposed facilities modification will substantially change the physical dimension of an eligible support structure.

(ii) The time frame for review begins running again when the city is in receipt of applicant's supplemental submission in response to the approval authority's notice of incompleteness.

(iii) Following a supplemental submission, the approval authority shall have 10 days to notify the applicant that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this subsection (5)(c)(iii). Except as may be otherwise agreed to by the applicant and the approval authority, second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

(iv) A notice of incompleteness from the city will be deemed received by the applicant upon the earlier of personal service upon the authorized person, delivery by electronic mail to the authorized person (if such delivery is authorized for receipt of notice by the authorized person), or three days from deposit of the notice in the United States mail,

postage prepaid, and in an envelope properly addressed to the authorized person using the address set forth in the application.

(d) In the event that after submittal of the application, or as a result of any subsequent submittals, applicant modifies the proposed facilities modification described in the initial application, the application as modified will be considered a new application subject to commencement of a new application review period; provided, that applicant and the approval authority may, in the alternative, enter into a mutually agreeable tolling agreement allowing the city to request additional submittals and additional time that may be reasonably necessary for review of the modified application.

17.205.080 Review of application – Approval.

(1) Review of Application. The approval authority shall review an eligible facilities modification application to determine if the proposed facilities modification is subject to this chapter, and if so, if the proposed facilities modification will result in a substantial change to the physical dimensions of an eligible support structure.

(2) Time Frame for Review. Within 60 days of the date on which the city receives an eligible facilities modification application, less any time period that may be excluded under the tolling provisions of this chapter or a tolling agreement between the applicant and the approval authority, the approval authority shall approve the application and contemporaneously issue an eligible facilities modification permit unless the approval authority determines that the application is not subject to this chapter, or the proposed facilities modification will substantially change the physical dimension of an eligible support structure.

(3) An eligible facilities application shall be approved, and an eligible facilities permit issued, upon determination by the approval authority that the proposed facilities modification is subject to this chapter and that it does not substantially change the physical dimensions of an eligible support structure. An eligible facilities application shall be denied upon determination by the approval authority that the proposed facilities modification is not subject to this chapter or will substantially change the physical dimensions of an eligible support structure. A proposed facilities modification will substantially change the physical dimensions of an eligible support structure if it meets any of the substantial change criteria.

(4) An application that has been deemed approved shall be and constitute the equivalent of an eligible facilities modification permit, except as may be otherwise determined by a court of competent jurisdiction, when the city fails to grant or deny the application within 60 days of the date of filing together with any periods during which the shot clock was tolled, and the applicant has notified the city that the application is deemed granted after the expiration of such period. Applications deemed granted shall be subject to generally applicable enforcement and compliance requirements in the same manner as an eligible facilities modification permit issued pursuant to this chapter.

(5) A denial of an eligible facilities modification application shall set forth in writing the reasons for the denial, and shall be provided to the applicant.

(6) Any eligible facilities modification permit issued pursuant to this chapter, and any application that has been deemed approved due to the city's failure to act, shall be and is conditioned upon compliance with any generally applicable building, structural, electrical, and safety codes and other laws codifying objective standards reasonably related to health and safety. Violation of any such applicable code or standard shall be deemed to be a violation of the eligible facilities modification or deemed approved application.

(7) An eligible facilities modification permit issued pursuant to this chapter, and any deemed approved application, shall be valid for a term of 180 days from the date of issuance, or the date the application is approved or deemed approved.

(8) Notwithstanding any other provisions in the city code, no administrative review is provided for review of a decision to condition, deny or approve an application. Applicant and the city retain any and all remedies that are available at law or in equity, including by way of example and not limitation, those remedies set forth in the FCC eligible facilities request rules and remedies available under the Land Use Petition Act. In the event no other time period is provided at law for bringing an action for a remedy, any action challenging a denial of an application or notice of a deemed approved remedy shall be brought within 30 days following the date of denial or following the date of notification of the deemed approved remedy.

(9) Determination That Application Is Not An Eligible Facilities Request.

If the Planning Director determines that the applicant's request does not qualify as an Eligible Facilities Request, the Planning Director shall deny the application. To the extent additional

information is necessary, the Planning Director may request such information from the applicant to evaluate the application under other provisions of this Chapter and applicable law.

17.205.090 Substantial change criteria.

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

- a. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
- b. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
- c. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
- d. It entails any excavation or deployment outside the current site;
- e. It would defeat the concealment elements of the eligible support structure; or
- f. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided, however, that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified above.

17.205.100 Nonconforming structure – Termination.

(1) Application. The provisions of this section shall apply to any facilities modification constructed, installed, placed or erected pursuant to an eligible facilities modification permit, or pursuant to a deemed approved remedy, which facilities modification did not conform to zoning and/or development regulations, exclusive of this chapter, in effect at the time the completed eligible facilities modification application was filed.

(2) A facilities modification to which this section applies is subject to termination as a nonconforming structure upon the following conditions:

(a) An appellate court, in a final and non-appealable decision, determines that Section 6409(a) (1) of the Spectrum Act, or other applicable law, is unconstitutional or otherwise determined to be invalid or unenforceable; and

(b) The city provides written notice to the applicant that the city has determined that the facilities modification did not conform to zoning and/or development regulations, exclusive of this chapter, in effect at the time the completed eligible facilities modification application was filed and that the facilities modification constitutes a nonconforming structure pursuant to the provisions hereof and must be made conforming or the facilities modification terminated.

(c) Upon receipt of notice of the city's nonconforming structure determination, applicant shall abate the nonconformance by either conforming the site to the zoning and development regulations in effect at the time the completed eligible facilities modification application was filed, or removing the facilities modification and returning the site to the condition that existed prior to the construction, installation, placement or erection of the facilities modification. The time period for conformance shall be one year from the date of the city's notice of the nonconforming structure determination.

(d) Health and Safety Codes. Nothing in this section shall relieve the applicant from compliance with applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety.

(e) The applicant, or its successors or assigns, may appeal the city's determination of nonconformance to the city hearing examiner by filing a notice of appeal within 10 calendar days of the date of the determination of nonconformance, excluding holidays.

17.205.110 Enforcement – Violation.

Compliance with the provisions of this chapter is mandatory. Any violation hereof is subject to enforcement under the code enforcement provisions of the SMC.

Attachment E

Adoption of New Chapter 17. 210, Regulation of Wireless Communication Facility Franchise

Chapter 17.210

REGULATION OF WIRELESS COMMUNICATION FACILITY FRANCHISE

Sections:

- 17.210.010 Overview.
- 17.210.020 Definition.
- 17.210.030 Franchise Application.
- 17.210.040 Designation of Facilities.
- 17.210.050 Implementation: Small Cell Permits
- 17.210.060 Review process.
- 17.210.070 Right-of way permit for small cells and deviations
- 17.210.070 Facilities designated in the franchise and/or small cell permit application.
- 17.210.080 Small cell permit and minor deviations.
- 17.210.090 Significant Deviations.
- 17.210.100 Franchise and small cell deployment facility approvals and processes.
- 17.210.110 Small Cell
- 17.210.120 Small Cell Facilities in Underground areas or design zones
- 17.210.130 Compliance with State Processing Limitations.
- 17.210.140 Determination that an Application is not an Eligible Facilities Request.

17.210.010 Overview and Purpose.

In order to manage its right-of-way 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 of Stanwood has adopted this process for the deployment of small cell and microcell technology. Service providers who seek to utilize the public right-of-way for small cell deployment in order to provide wireless communication, data transmission or other related services to the citizens of the City must have a valid franchise to provide the specific service seeking to utilize the right-of- way and a Small Cell Permit to deploy the technology. Entities with franchises who wish to utilize a

small cell deployment to upgrade or expand their existing services shall utilize the processes set forth in this ordinance and through implementing Small Cell Permits to deploy their technology and obtain design approval of specific installations. The Small Cell Permit process administers deployment under the franchise. An entity without a franchise shall apply for a franchise and adjunct Small Cell Permit which shall be processed concurrently as one Master Permit within the meaning of RCW 35.99.010(3) and 35.99.030.

1. Nothing in this ordinance revises or diminishes the rights and obligations of an existing franchise.

2. The term “small cell deployment” shall include the deployment of small cell facilities, microcells and small cell networks as those terms are defined by RCW 80.36.375 or as otherwise defined by law. Small cell deployment elements which require SEPA review may utilize these processes only in conjunction with SEPA review.

17.210.020 Definitions.

Definitions related to this chapter are as set forth in chapter 17.200 SMC.

17.210.030 Franchise Application.

Applicants shall apply using the City’s franchise application form and submit a fee according to the City’s fee schedule deposit commensurate with the estimated administrative costs of processing an application for a franchise. The fee deposit level shall be set by City Council Resolution. The Director is charged with administration of small cell deployments and other wireless communication review processes established in Stanwood Municipal Code. Subsequent to the approval of a franchise, a new pole or expansion beyond the dimensions or volume of small cell facility which exceeds the cumulative total provided by the definition of a small cell or microcell facility in RCW 80.36.375 shall require an amendment to the franchise agreement.

17.210.040 Designation of Facilities.

A. The application shall provide:

- i. Specific locational information including GIS coordinates of all facilities,
- ii. Specify whether and where small cell facilities are to be located on existing utility poles including City-owned light standards (included in the definition of utility pole), or
- iii. Whether and where small cell facilities are to utilize replacement utility poles, new poles, towers, and/or other structures.

B. 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 an infrastructure provider.

C. Detailed schematics and visual renderings of the facilities shall be provided by the applicant.

D. Failure to provide sufficient detail may result in a later finding of a significant change in the facility if significant elements of the facility were not shown on the originally approved franchise exhibit. Failure to include significant elements may also result in the requirement that new or undocumented elements complete the approval processes detailed in this Chapter and in other applicable provisions of Stanwood Municipal Code.

17.210.050 Implementation: Small Cell Permits.

The rights granted under the franchise are implemented through the issuance of Small Cell Permits. The franchise application may be accompanied by one or more applications for a Small Cell Permit to deploy small cells. An initial franchise and all related Small Cell Permit applications shall be processed concurrently as one Master Permit.

a. Up to thirty (30) sites may be specified in one Small Cell Permit application for processing. The Director may approve up to five (5) additional sites in order to consider small cell sites within one logical service area in one application

b. Issuance of a Small Cell Permit to install a small cell deployment shall be contingent upon approval of a franchise or the possession of a valid franchise.

c. 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. All Small Cell Permits which are submitted in conjunction with a franchise application shall be considered as one Master Permit. Any element of a deployment which qualifies as either an Eligible Facilities Request or a collocation shall be specifically designated by the applicant and may be addressed separately by the Director in order to comply with the shot clocks established by federal law and other applicable regulations.

d. The Director may approve, deny or conditionally approve all or any portion of the sites proposed in the Small Cell Permit application.

e. Any application for a franchise or Small Cell Permit which contains an element which is not exempt from SEPA review shall simultaneously apply under Chapter 43.21C RCW and other applicable regulations.

f. Radio Frequency (RF) Certification. 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 and associated wireless backhaul will operate. An existing franchisee applying for a Small Cell Permit for small cell deployment shall provide an RF certification for all facilities included in the deployment which are to be installed by the Franchisee. If facilities necessary to the Small Cell Deployment are to be provided by another franchisee, then the Small Cell Deployment in the initial franchise or in a subsequent Small Cell Permit shall be conditioned on an RF Certification showing the cumulative impact of the RF emissions on the entire installation. If facilities necessary to the Small Cell Deployment are to be provided by another franchisee or in a subsequent, the Use Permit to deploy such facilities shall be contingent on submittal of an RF Certification by the other franchisee for such facilities, if such facilities will emit RF emissions, this

RF Certification shall address the cumulative impact of the RF emissions and certify compliance with federal requirements.

g. Regulatory Authorization. Issuance of the Use Permit for the facilities shall also be contingent upon the applicant's provision of proof of FCC and other regulatory approvals required to provide the service(s) or utilize the technologies sought to be installed.

h. Completeness; Franchise and Small Cell Applications. The Director or his/her designee shall review an application for completeness and notify the applicant within thirty (30) days of submission whether the application is complete, provided, however, that an applicant may consent to a different completeness review period. A service provider may resubmit an incomplete application within sixty (60) days of notice by the Director. Failure to resubmit an application in a timely manner shall be deemed a withdrawal of that application. An applicant shall be notified in writing of the approval or denial of the application. No application shall be deemed complete without the fee deposit set by the Director.

17.210.060 Review Process.

The following provisions relate to applications for a franchise or Small Cell Permit for small cell deployments.

A. Review of Facilities.

Review of the site locations proposed by the applicant shall be governed by the provisions of 47 USC 253 and 47 USC 332 and applicable case law. Applicants for franchises and the Small Cell Permits which implement the franchise 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. Franchise and Small Cell Permit review under this chapter shall neither prohibit nor have the effect of prohibiting the ability of an applicant to provide telecommunications services.

B. Concealment for Small Cell.

In any zone not designated by for design review, upon application for a Small Cell Permit or for facilities designated within a franchise, the City will permit small cell deployment on existing utility poles conforming to the City's generally applicable pole design standard adopted pursuant to city code or street and utility standards. Accordingly, small cell facilities installed pursuant to this concealment authorization may not be expanded pursuant to an Eligible Facilities Request unless the Director determines that such expansion does not defeat the concealment elements of the facilities as outlined in this chapter. The applicable design standards are as follows:

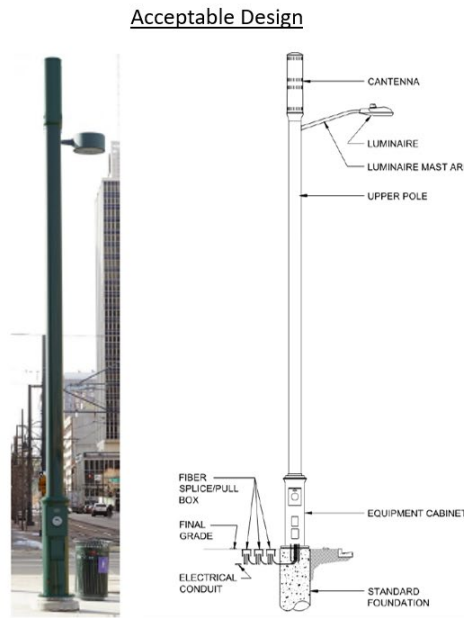
1. Design Standards.

- a. No Colocation. Each wooden utility pole may not contain more than one small cell facility.

- b. **Height Restrictions.** All small cell facilities shall be in compliance with height restrictions applicable to poles and other structures as stated in Chapter 17.220. The director may approve deviations as described in this chapter.
- c. **New and Replacement Poles.** The new or replacement poles shall match height, color and material of the original or adjacent poles and shall be subject to approval by the director. The director may approve deviations as described in this chapter.
- d. **Interior Concealment.** Whenever technologically feasible, antennas and equipment shall be fully concealed within the utility or light pole. When interior concealment is not possible, such as when attached to a wooden utility pole or due to American with Disabilities Act (ADA) requirements, antennas and equipment shall be camouflaged to appear to be an integrated part of the utility or light pole.
- e. **Flush-Mounted Standoff Brackets or Pole-Top Antennas.** In situations when interior concealment pursuant to subsection (B)(1)(d) of this section is not possible, installation of an antenna on a pole shall be flush mounted, if feasible or located at the top of the pole. Flush mounting includes using brackets that offset the inside edge of such equipment from the utility pole by twelve inches or less, except as otherwise required by the pole owner or a controlling electrical code such as the National Electrical Safety Code, National Electric Code or State Electrical Code and when approved by the city. Standoff brackets are permitted so long as the antennas are mounted as close to the pole as technically feasible, but no more than twelve inches off the pole.
- f. **Antenna Design.** Antennas shall be located in an enclosure of no more than three cubic feet in volume, or in 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. No more than four antennas are permitted on a single utility pole and with a total volume not to exceed nine cubic feet.
- g. **Primary Equipment Enclosure Location and Dimensions.** The applicant shall minimize the primary equipment enclosure space and use the smallest amount of enclosure possible to fit the necessary equipment. The primary equipment enclosure shall be located using one of the following methods:

- i. Concealed completely within the pole or pole base. If within the pole base, the base shall meet the ADA requirements and not impact the pedestrian access route.
 - ii. Located on a pole. If located on a pole, the equipment enclosure shall be seventeen cubic feet or less in size.
 - iii. Underground in a utility vault. If located underground, the access lid to the primary equipment enclosure shall be located outside the footprint of any pedestrian curb ramp and shall have a nonskid surface meeting ADA requirements if located within an existing pedestrian access route.
 - iv. On private property. If located on private property, the applicant shall submit a copy of an executed easement or lease agreement with the private property owner prior to the right-of-way permit issuance. In addition, if the private property is zoned residential, the applicant shall comply with the requirements of applicable zoning code chapter.
- h. Material and Color. Small cell facility antennas, conduit, mounting hardware and cabinets shall be painted to match the color of the pole and shall be non-reflective.
- i. No Illumination. Small cell facilities shall not be illuminated.
- j. Generators and Backup Battery. Applicant shall not install any generators or backup battery power.
- k. Underground Areas and Design Zone Aesthetics. The design plans for all small cell facilities in design zones shall be compatible with the character and aesthetics of the neighborhoods, plazas, boulevards, parks, public spaces, and commercial districts located in whole or in part within the design zone. Applicant shall propose design concepts and the use of camouflage or stealth materials, as necessary to blend its installations with the overall character of the design zone. Applicants are encouraged to meet with the city prior to submitting a concealment element plan subject to this section and other applicable city code.

Examples of Unacceptable and Acceptable Small Cell Facilities



Design Specification

Conduit, mounting bracket, and other hardware must be hidden from view

Cantenna must include a smooth transition between the upper pole and cantenna attachment

The equipment cabinet must match the shape of the pole

Electrical conduit and box must be below final grade level

Unacceptable Design



Cantenna must include a smooth transition between the upper pole and cantenna

Conduit, mounting bracket and other hardware must be hidden from view

All conduit, wires and other hardware shall be located internal to the upper pole.

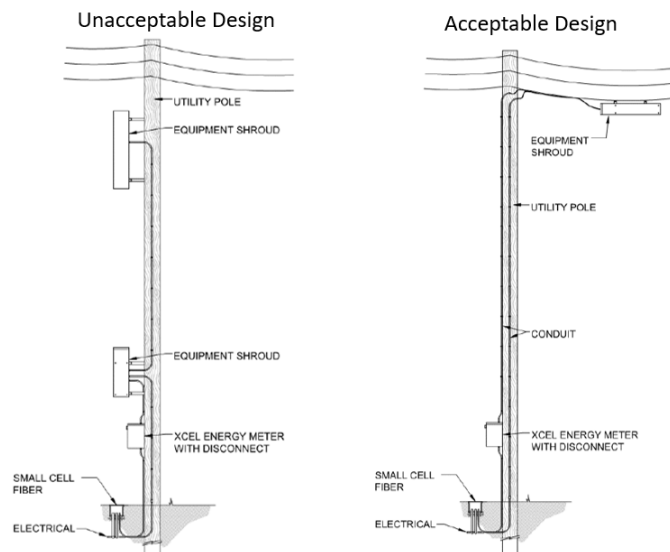
Acceptable Design





Examples of a poorly designed small cell facility

Examples for Utility Poles



**Examples of Utility Pole Design
(Subject to Approval of the Utility)**

I. Placement Requirements. Small cell facilities and street light poles shall only be located where an existing pole can be removed and replaced or at a new location where it has been identified that a streetlight is necessary. Poles shall be placed as follows:

- i. In a manner that does not impede, obstruct, or hinder pedestrian or vehicle travel.

ii. In alignment with existing trees, utility poles, and streetlights. Placement should be within the street amenity zone.

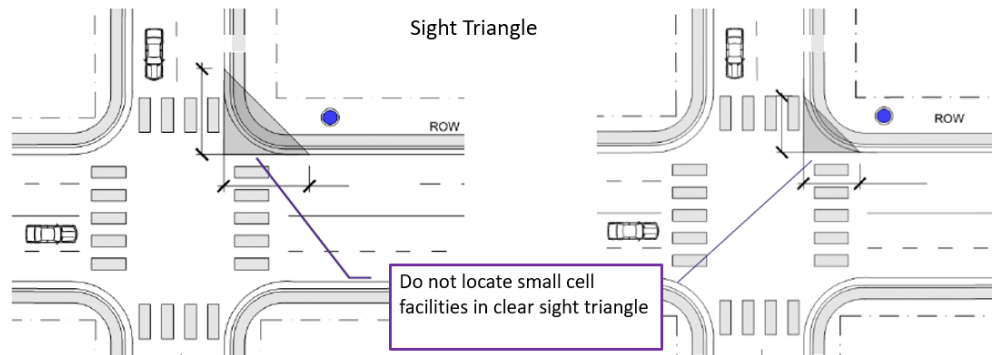
iii. Equal distance between trees when possible, with a minimum of 15 foot separation such that no proposed disturbance shall occur within the critical root zone of any tree.

Small Cell Facilities within the Amenity Zone



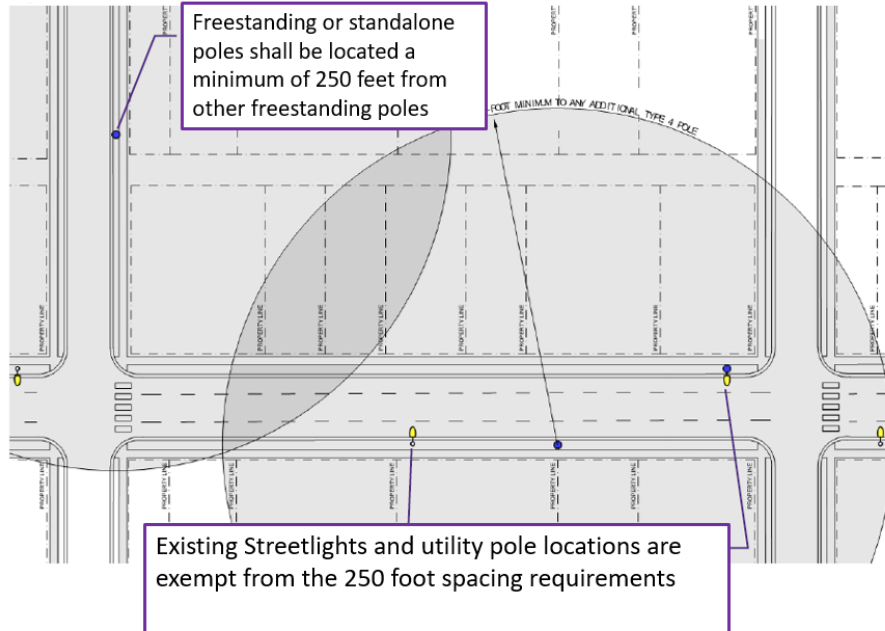
iv. With appropriate clearance from existing utilities.

v. Outside the sight distance triangle at intersections; including alleys.



vi. New standalone poles shall be separated by at least 250 feet in circumference.

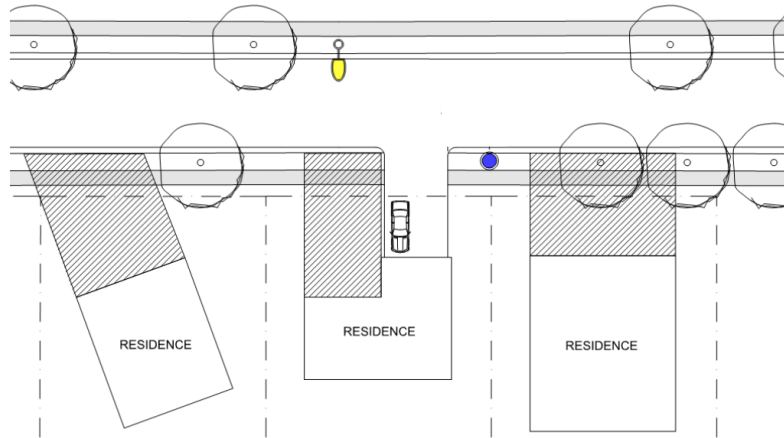
Freestanding Small Cell Spacing Radius:



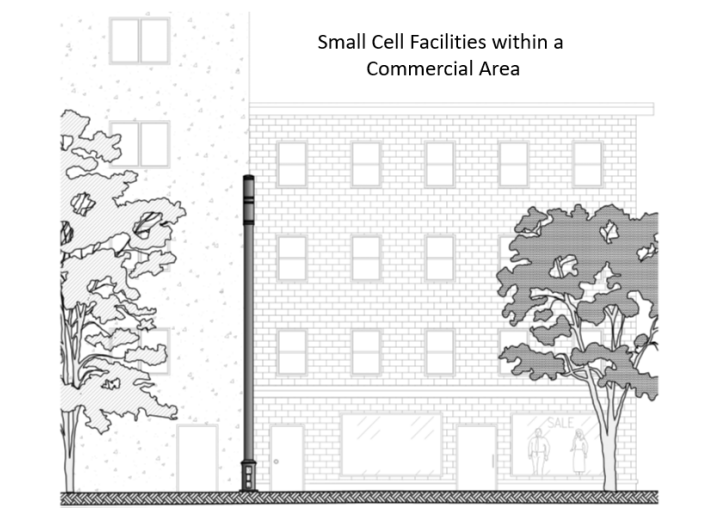
- vii. Small cells shall not be installed between the perpendicular extension of the primary street facing wall plane of any single family residence.

Small Cell Locations Between Property Lines and Trees





viii. When located adjacent to a commercial establishment, small cells shall be located away from store front windows, primary walkways, entrances or exits.



2. Third Party Requirements.

- a. All installations of small cell facilities must have permission from the pole/structure owner to install facilities on such structure.
- b. Governing Construction or Electrical Code. All installations of small cell facilities shall comply with any governing construction or electrical code such as the National Electrical Safety Code, the National Electric Code or state electrical code, as

applicable. All installations of ground-mounted or replacement structures shall comply with the city's adopted standards for construction in the right-of-way.

c. Electrical Connection. The city is not responsible for providing electricity to small cell facilities. Any third party utility providing such electricity must obtain a franchise from the city prior to operating in the rights-of-way.

d. Transport/Telecommunications Connection. The city is not responsible for providing transport connectivity (i.e., fiber) to small cell facilities. Any third party utility providing such transport connectivity must obtain a franchise from the city prior to operating in the rights-of-way.

C. Ground-mounted equipment—ADA compliance required.

In areas of the city where overhead utility lines have been undergrounded (undergrounded areas), in designated design zones and in other areas where necessary to permit full use of the public right-of-way by pedestrians, bicycles and other users, all ground-mounted equipment shall be undergrounded in a vault meeting the city's construction standards. The location of ground-mounted equipment (to the extent undergrounding such equipment is not technologically feasible), a replacement pole or street light shall comply with the Americans with Disabilities Act (ADA), city development standards, and state and federal regulations in order to provide a clear and safe passage within the public right-of-way. Ground-mounted equipment is also permitted on private property adjacent to the public right-of-way with a recorded easement or lease agreement.

D. Design Review.

Small cell deployment, as well as certain new or replacement facilities, are subject to applicable design review and other zoning code requirements as set forth in the Stanwood municipal code.

E. Public Comment.

The City shall provide notice of a complete application for a franchise on the City's website with a link to the franchise application. This notice requirement shall also apply to existing franchisees applying for a Small Cell Permit for small cell deployment. 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. The City shall post meeting notices, if any, for informational meetings on its website. These meetings are for the public's information and are neither hearings nor part of any land use appeal process.

17.210.70 Right-of way permit for small cells and deviations.

A. The director shall review applications for a right-of-way permit for a small cell deployment approved by a franchise or described in a concurrent franchise application. Deviations of the plans submitted may be approved by the director if the dimensions or volume of small cell facilities do not exceed the cumulative total provided by the definition of a small cell or microcell facility in RCW 80.36.375 and concealment technologies referenced in the exhibits to the franchise or design standards. A deviation may be approved by the director in the following circumstances:

1. An increase in height of up to ten feet above the top of the existing pole.
2. An increase in height exceeding ten feet above the top of the existing pole if required by the utility company for safety and/or operational purposes. The replacement pole shall be installed by the utility company.
3. Replacement components of an existing, approved small cell facility, and the addition of antennas on a pole that exceed a cumulative total of nine cubic feet shall be considered a deviation. Provided, however, that in each instance the replacement components are consistent with the intent of the concealment features set by city's generally applicable pole design standard adopted pursuant to the franchise, or applicable city code.

B. Right-of-way permits to install small cell facilities including approval of deviations shall be processed within ninety days of receipt of a complete application and final approval of a franchise, whichever occurs last. A right-of-way use permit for small cell deployment is a police power regulation adopted pursuant to RCW 35.99.040(2) and accordingly is not subject to the thirty-day use permit issuance requirement contained in RCW 35.99.030(2).

C. The decision of the director to approve or deny a right-of-way permit for a small cell facility with a deviation, if any, shall be final and is not subject to appeal under city code or further legislative review.

D. Wireless communication facilities other than small cell deployment in the public right-of-way shall be reviewed pursuant to Section 17.220.

17.210.070 Facilities Designated in the Franchise and/or Small Cell Permit Application.

Small cell deployments may be approved by reference to exhibits in an approved franchise. Approval of the franchise shall be deemed to approve the site and the design of small cell facilities

set forth in the franchise. This approval is limited to the specific location, facility and design elements shown on the exhibits to the franchise. Any element not shown on an exhibit must be approved by the Director governing review processes listed in the applicable provisions of the SMC. All facilities shall comply with the concealment standards adopted by the City. An existing franchisee may, at its option:

1. Apply to amend the existing franchise to designate sites for small cell deployment, as well as approve the small cell facilities to be installed and the concealment measures to be utilized; and/or
2. Apply for a Small Cell Permit which shall include:
 - (i) Small cell facilities to be installed on existing utility poles, or replacement poles which do not exceed 10 feet in additional height; utilize the concealment option provided this chapter; and/or
 - (ii) Small cell facilities which comply with generally applicable objective design standards adopted by the City; and/or
 - (iii) Small cell facilities which require new utility poles or for replacement poles which exceed 10 feet in additional, height, new utility poles or installations in a specially designated zone or overlay, utilize the applicable design approval procedures set adopted by the City.

17.210.080 Small Cell Permit and Minor Deviations.

1. The Director shall review applications for Small Cell Permits for small cell deployments approved by a franchise or described in a concurrent franchise application. The Director may authorize minor deviations in the Small Cell Permit from the dimensional design and concealment technologies referenced in the exhibits to the franchise or design standards.
2. A deviation in height of the pole of up to ten (10) feet above the height of the existing pole when required for separation established for the zoning district, by the franchise or from a design approved for a specially designated design zone may be permitted.
3. Deviations in the dimensions or volume of small cell facilities which do not exceed the cumulative total provided by the definition of a small cell or microcell facility in RCW 80.36.375 may be considered a minor deviation when an applicant replaces components of an existing, approved small cell facility. Similarly, the addition of antennae on a pole, not to exceed a cumulative total of six (6) cubic feet shall be considered a minor deviation. Provided, however, that in each instance the new or revised facilities do not defeat the concealment features set by City's generally applicable pole design standard adopted pursuant to the franchise, or city code.

4. Small Cell Permits to install facilities including approval of minor deviations shall be processed within ninety (90) days of receipt of a complete application and final approval of a franchise, whichever occurs last.

5. The decision of the Director to approve a Small Cell Permit with a minor deviation, if any, shall be final and is not subject to appeal under City code or further legislative review.

17.210.090 Significant Deviations.

Any request for significant deviations from the approved small cell facilities design designated in the franchise, Small Cell Permit or City's design standards shall be considered a Type III permit under the provisions of Chapter 17.81A SMC. An applicant seeking approval of a new pole or a replacement pole in a specially designated specially designated design zone shall be subject to the same review process as identified in 17.210 SMC.

17.210.100 Wireless Communication Franchise and Small Cell Deployment Facility Approvals and Processes

Approval of a franchise, Small Cell Permit and/or other approval referenced in this chapter are conditioned on the following requirements:

1. Satisfy applicable bulk requirements such as noise and light regulations.
2. Comply with adopted design and concealment standards, applicable to replacement utility poles and new utility poles in a Design Zone or Undergrounded Areas District.
3. Obtain the written approval of the owner of any utility pole for the installation of its facilities on such utility pole. Approval of a franchise does not authorize attachment to City- owned utility poles or other structures.
4. Unless specifically provided for in a franchise, obtain a lease from the City to utilize the City's ground space for the installation of any new pole, a replacement utility pole over sixty (60) feet or to locate any new ground based structure, base station or other attendant equipment on City right-of-way or City property;
5. Comply with all City construction standards and State and federal codes when operating in the right-of-way and obtain a required permit to enter the right-of-way.
6. A franchise which includes a facility which is not exempt from SEPA review shall be processed in the provisions of chapter 17.210 SMC

7. Small Cell facilities approved pursuant to this chapter shall be considered as an outright permitted use when located within the right-of-way.

17.210.100 Small Cell Application Review.

1. Application. The Director shall prepare and make publicly available an application form which shall be limited to the information necessary for the City to consider whether an application is an Eligible Facilities Request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.

2. Type of Review. Upon receipt of an application for an Eligible Facilities Request pursuant to this Chapter, the Director shall review such application to determine whether the application qualifies as an Eligible Facilities Request.

3. Timeframe for Review. Within sixty (60) days of the date on which an applicant submits an application seeking approval under this Chapter, the Director shall approve the application unless it determines that the application is not covered by this Section.

4. Tolling of the Time Frame for Review. The sixty (60) day review period begins to run when the application is filed, and may be tolled only by mutual agreement by the Director and the applicant or in cases where the Director determines that the application is incomplete. The timeframe for review of an Eligible Facilities Request is not tolled by a moratorium on the review of applications.

- a. To toll the timeframe for incompleteness, the Director shall provide written notice to the applicant within thirty (30) days of receipt of the application, clearly and specifically delineating all missing documents or information required in the application.
- b. The timeframe for review begins running again when the applicant makes supplemental submission in response to the Director's notice of incompleteness.
- c. Following a supplemental submission, the Director will notify the applicant within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this sub-section. Second or subsequent notice of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

17.210.120 Small cell facilities in undergrounded areas or design zones.

A. Replacement poles over forty-five feet in height and new street lights for small cell facilities to be constructed in any undergrounded area or design zone are permitted only when the applicant establishes that:

1. The small cell facility cannot be located on an electrical transmission tower or on a site outside of the public right-of-way such as a public park, public property, or in or on a nonresidential use in a residential zone whether by roof or panel-mount or separate structure; and
2. The proposed facility complies with an approved stealth installation plan as described in this section for an undergrounded area or design zone; and
3. The facilities shall comply with critical areas requirements and SEPA, if applicable; and
4. The applicant shall enter into an agreement with the owner of any new or replacement utility pole and/or street light within the public right-of-way and provide an executed copy of the agreement to the city prior to right-of-way permit issuance.

B. **Stealth Installation Plan Required.** Applications for proposed installations in underground areas and design zones which deviate for existing city design standards (or if the city has not created a design standard for that particular area) shall be required to submit a stealth installation plan. Such plan shall include the design of the screening, fencing or other concealment technology for a base station, tower, utility pole, or equipment structure, and all related transmission equipment or facilities associated with the proposed wireless facility, including but not limited to fiber and power connections.

1. **Purpose of Stealth Installation Plan, Generally.** Stealth installation plans should seek to minimize the visual obtrusiveness of installations using methods including, but 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.
2. Other stealth approaches may include, but not be limited to, use of architectural concealment products, fencing or screening materials, and where appropriate, landscape design, or any other camouflage strategies appropriate for the type of installation.

Additionally, the use of a stealth support or concealment device, such as a clock tower, steeple, flagpole, tree, street sign, or other applicable concealment structure may be approved.

3. The director shall apply this section, as well as all design requirements applicable in the underground area or design zone in which an installation is proposed.

4. Review of Stealth Installation Plan for Non-substantial Change Colocations. Where a proposed collocation does not constitute a substantial change, a stealth installation plan shall be subject to ministerial review to ensure the proposed collocation does not defeat the concealment features approved as part of the initial installation at that location.

5. Review of Stealth Installation Plan for Initial Installations and Substantial Change Colocations. For initial installations and substantial change colocations in underground areas and design zones, the director shall conduct an administrative review of stealth installation plans for compliance with this section and all applicable city design guidelines.

C. Replacement Utility Pole—Street Lighting. With the director's approval, a replacement utility pole or a request for a new utility pole may be permitted in the form of a new street light. The design of the street light shall be consistent with the existing street lights, subject to the director's approval. All equipment and cabling shall be internal to the replacement street lighting standard. See examples below.



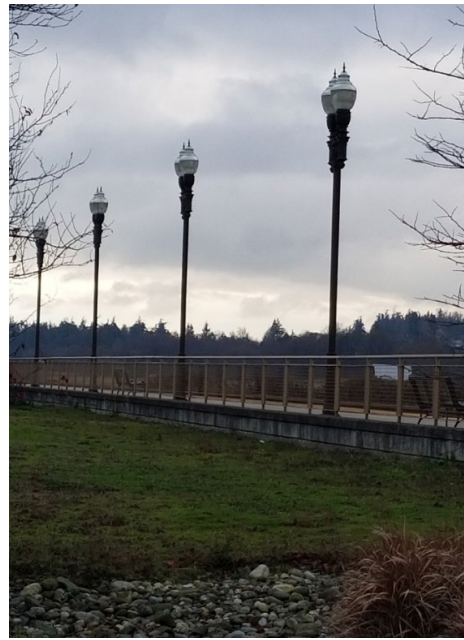
Downtown Main Street (271st Street)



Downtown (88th Avenue)



Downtown (Train Station)



Downtown (Train Station)

	
Downtown (City Hall)	Downtown (92 nd Avenue)

D. Undergrounded Areas. It is the stated policy of the city that all utilities shall be underground in areas that are currently underground. No new utility poles shall be erected in undergrounded areas. The applicant may request to install a new street light as provided in applicable city code.

E. Franchise and Small Cell Deployment Facility Approvals and Processes. Approval of a franchise, right-of-way permit and/or other approval referenced in this chapter are conditioned on the following requirements:

1. Satisfy applicable design requirements, including, but not limited to, noise and light regulations.
2. Comply with adopted design and concealment standards, applicable to replacement utility poles and new utility poles in a design zone or undergrounded areas.
3. Obtain the written approval of the owner of any utility pole for the installation of its facilities on such utility pole. Unless specifically provided for in a franchise agreement, approval of a franchise does not authorize attachment to city-owned utility poles or other structures.
4. Comply with all city construction standards and state and federal codes and standards when operating in the right-of-way and obtain a required permit to enter the right-of-way.

5. A right-of-way permit for small cell deployment which includes a facility not exempt from SEPA review shall be processed in the provisions of the applicable city code.

17.210.130 Compliance with State Processing Limitations.

Review of franchise and Small Cell Permits shall comply with the provisions of RCW 35.99.030. Applications shall be reviewed, completeness determined and the timeframe tolled as provided in Chapter 17.210.060 SMC. A right-of-way use permit for small cell deployment is a police power regulation adopted pursuant to RCW 35.99.040(2) and accordingly is not subject to the thirty-day use permit issuance requirement contained in RCW 35.99.030(2).

17.210.140 Determination That An Application Is Not An Eligible Facilities Request.

If the Director determines that the applicant's request does not qualify as an Eligible Facilities Request, the Director shall deny the application. To the extent additional information is necessary, the Director may request such information from the applicant to evaluate the application under other provisions of this Chapter and applicable law.

17.210.150 Additional review procedures.

Wireless communication facilities, including small cell facilities permitted pursuant to this chapter, are required to comply with all other applicable review procedures and regulations duly adopted by city code.

Attachment F

Adoption of New Chapter 17. 220, Wireless Communication Facilities (WCF) Attached and Detached

Chapter 17.220

WIRELESS COMMUNICATION FACILITIES (WCF) ATTACHED AND DETACHED

Sections:

- 17.220.010** Purpose.
- 17.220.020** Exemptions
- 17.220.030** Permitted Locations
- 17.220.040** General Provisions
- 17.220.050** Overall performance standards.
- 17.220.060** Application review time frame.
- 17.220.070** Additional review procedures.

17.220.010 Purpose.

In order to implement the purposes and policy set forth in the city's comprehensive plan, this chapter provides design and review procedures for wireless communications facilities. These provisions are intended to provide objective design criteria to assist in minimizing the visually obtrusive impacts which can be associated with wireless communications facilities and to encourage creative approaches in the location and construction of wireless communications facilities. Congress and the Federal Communications Commission ("FCC") have, pursuant to the authority granted by 47 USC Section 253(c) and 47 USC Section 332(a), required local governments to act on wireless communication facility applications within a reasonable period of time and have established time limits or "shot clocks" for local review. Accordingly, the city adopts the following time limits for review of applications for eligible facility requests, and other approvals for service providers of telecommunication services.

17.220.020 Exemptions.

The following are exempt from the provisions of this chapter and shall be permitted in all zones under an administrative review:

- (1) Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC.
- (2) Antennas and related equipment no more than three feet in height that are being stored, shipped, or displayed for sale.

- (3) Facilities used exclusively for purposes of public safety, such as, but not limited to, police, hospitals, and the regional 911 system.
- (4) Wireless radio utilized for temporary emergency communications in the event of a disaster.
- (5) Licensed amateur (ham) radio stations.
- (6) Satellite dish antennas less than two meters in diameter, including direct to home satellite services, when used as a secondary use of the property.
- (7) WCF which existed on or prior to the effective date of the ordinance codified in this chapter, except that this exemption does not apply to modifications of existing facilities.
- (8) Routine maintenance or repair of a WCF and related equipment (excluding structural work or changes in height or dimensions of antennas, towers, or buildings); provided, that compliance with the standards of this chapter are maintained.
- (9) Subject to compliance with all other applicable standards of this chapter, a building permit application need not be filed for emergency repair or maintenance of a personal wireless communications facility until 10 days after the completion of such emergency activity.

17.220.030 Permitted locations.

- 1. New Towers. New freestanding towers may be located in the general commercial (GC) and general industrial (GI) zoning districts and upon any property containing an existing public use within any zoning district.
- 2. Co-location and Minor Facilities. WCFs may also be placed on the following existing buildings or structures:
 - (a) Co-location on existing, lawfully established monopole, lattice or guyed towers.
 - (b) Minor facilities located on existing nonresidential buildings.
- 3. WCFs located on existing light standards and power poles within public rights-of-way; provided, however, that only one WCF shall be located on any light standard or power pole.
- 4. Lattice and guyed towers shall not be permitted in the city.

17.220.040 General Provisions.

- (1) Principal or Accessory Use. WCFs may be considered either principal or accessory uses. A different use of an existing structure on the same lot shall not preclude the installation of a WCF on that lot.

(2) Not Essential Public Facilities. WCFs are not considered essential public facilities as defined in the Growth Management Act and shall not be regulated or permitted as essential public facilities.

(3) FCC Licensing. The applicant must demonstrate that it is licensed by the FCC, acting on behalf of an FCC-licensed carrier, or that such a license is not required under FCC regulations.

(4) Lot Size. For purposes of determining whether the installation of a WCF complies with development standards, such as, but not limited to, setback and lot coverage requirements, the dimensions of the entire lot shall control, even though a WCF is located on a leased portion of a lot.

(5) Signs. No wireless equipment shall be used for the purpose of mounting signs or message displays of any kind, other than safety warnings required by law and identification information convenient to the facility owner not exceeding 12 inches by 18 inches.

(6) Lighting. WCFs shall not be artificially lighted unless required by the FAA or other applicable authority.

(7) Cumulative Effects. The city shall consider the cumulative visual effects of WCFs mounted on existing structures and/or located on a given permitted site in determining whether additional permits can be granted so as not to adversely affect the visual character of the city.

(8) City Design Standards. WCF installations shall comply with all relevant provisions of the city of Stanwood design standards.

(9) Business License. All applicants shall obtain a city of Stanwood business license, if required, prior to issuance of any permits.

17.220.050 Overall performance standards.

Wireless Communication Facilities (WCF) (Attached and Detached). Attached and detached wireless communications facilities other than small cell facilities permitted pursuant to Chapter 17.210 or eligible facilities requests shall meet the following performance standards:

- (1) All WCFs shall be screened or camouflaged by employing the best available technology. This may be accomplished by use of vegetative screening, compatible materials, location, color, stealth technologies which cause the WCF to appear to be something other than a WCF that is already presenting the visual landscape (e.g., grain silos, flag poles, church steeples, trees, etc.). Building-mounted WCFs shall also comply with the screening standards of Chapter [17.112](#) SMC, Architectural Design Standards.

- (2) Separation Distance. In all single-family residential and commercial districts, detached WCFs except for small cell facilities shall be separated by a distance equal to or greater than one thousand three hundred twenty linear feet. WCFs that are co-located upon a single support structure shall count as a single WCF for the purposes of this subsection.
- (3) WCFs mounted on existing nonresidential buildings and structures or co-located on existing support structures are permitted with an administrative review and a building permit approved by the planning director. For the purposes of Chapter 17.80 SMC, these proposals shall be considered minor development proposals. Such proposals shall be approved if the following conditions are met:
- (a) For minor, building-mounted WCFs, the combined antennas and supporting hardware shall not extend more than 10 feet above the roof structure. Antennas may be mounted to rooftop appurtenances provided they do not extend beyond 10 feet above the roof proper.
 - (b) For WCFs located on light standards and power poles, all ancillary equipment must be located underground and only one whip antenna less than 10 feet in height or one tubular antenna less than six feet in height shall be permitted. In the event that an electric utility located upon the power pole requires vertical separation between its electric facilities and the antenna so mounted, the antenna may be raised by a mount to accommodate the separation requirement to an elevation not exceeding an additional 10 feet for power poles less than or equal to 40 feet in height or 15 feet for power poles greater than 40 feet in height or the required separation, whichever is less. Any such mount shall be no greater in diameter than the existing power pole and shall be designed to blend into the colors and textures of the existing power pole. The height of such a replacement pole may be increased to accommodate the utility separation requirements as provided in the preceding sentence.
 - (c) To the greatest extent possible, antennas shall be camouflaged, located and/or designed to minimize visual and aesthetic impacts to surrounding land uses and structures and shall blend into the existing environment. Panel and parabolic antennas shall be completely screened, camouflaged, or disguised.
 - (d) Where applicable, antennas shall meet architectural design standards as required in Chapter [17.112](#) SMC.
- (4) New freestanding WCFs, all nonexempt repair and maintenance, the expansion and/or alteration of existing WCFs, and all other WCFs not meeting the criteria for an administrative review under subsection (2) of this section require a conditional use permit to be issued by the city's hearing examiner. For the purpose of Chapter 17.80 SMC, these proposals shall be considered major development proposals. Such proposals shall conform to the following site development standards:
- (a) Monopoles.

(i) No monopole shall exceed 120 feet in height from the natural grade of the site. Height shall be measured from the ground to the highest point on the WCF. Such facilities shall be located in such a manner that at least 80 percent of the tower is screened by existing buildings or trees. There shall be a minimum of at least 15 existing or newly planted trees evenly spaced within 50 feet of the tower in such a manner that the maximum screening effect is achieved. Any new trees shall be at least 15 feet in height and maintained in a healthy condition at all times. In the event that any such tree shall become diseased or suffer other mortality, it shall be replaced with a tree meeting the requirements of this subsection.

(ii) Placement of a monopole shall be denied if placement of the antennas on an existing building structure or co-location can provide reasonable opportunities for the provision of personal wireless services.

(iii) A monopole, including the support structure and associated electronic equipment and housing, shall have a minimum setback from the property line(s) equal to the height of the tower. For WCFs located on lots adjacent to residentially zoned properties, the setback requirement shall be two times the height of the proposed WCF tower/facility. The hearing examiner may modify these setback standards if the applicant demonstrates that doing so will allow for improved buffering or camouflaging of the WCF as described in subsection (3)(e) of this section.

(b) Screening – Generally. All WCFs shall be designed and placed on the site in a manner that takes maximum advantage of existing trees, mature vegetation, and structures so as to:

(i) Use existing site features to screen as much of the total WCF as possible from prevalent views; and/or

(ii) Use existing site features as a background so that the total WCF blends into the background with increased sight distances.

(c) Landscaping. In reviewing the proposed placement of a facility on the site and any associated landscaping, the city may condition approval of the application by requiring that the applicant supplement existing trees and mature vegetation to more effectively screen the facility. See also subsection (6) (c) of this section.

(d) Surface Finishes. Support structures, antennas, and any associated hardware shall be painted a non-reflective color or color scheme appropriate to the background against which the WCF would be viewed from a majority of points within its view shed. Proposed color or color scheme shall be approved by the city.

(e) Equipment Enclosures. Equipment enclosures shall conform to the following:

(i) All ancillary equipment necessary for the operation of the facility shall be concealed within (A) an existing building; (B) an architecturally compatible addition to an existing building; or (C) a new building which is architecturally compatible with other buildings on the site and adjoining properties. Equipment enclosures shall be constructed so as to minimize visual impact and the surface and/or finish shall be a natural, non-reflective color approved by the director of planning. Buildings or structures with non-masonry exterior finishing shall be a natural, non-reflective color. Prefabricated concrete and metal structures shall not be permitted unless treated with a facade giving the appearance of masonry or wood siding and approved by the director of planning.

(ii) Screening of WCF equipment enclosures shall be provided with one or a combination of the following as approved by the city: underground installation (when possible), fencing, walls, landscaping, structures, or topography which will block the view of the equipment shelter as much as practicable from any street and/or adjacent properties. Screening may be located between the enclosure and the above mentioned viewpoints. Landscaping for the purposes of screening shall be maintained in a healthy condition;

(iii) Except as specifically requested by the Federal Aviation Administration (FAA) or the Federal Communication Commission (FCC), transmission structures shall not be illuminated, except transmitter equipment enclosures may use lighting for security reasons as long as the light is shielded downward to remain within the boundaries of the site; and

(iii) No wireless enclosure reviewed under this section shall be located within required building setback areas.

(f) Criteria for Approval. The following criteria shall apply to all WCFs for which a conditional use permit is required pursuant to this chapter:

(i) Whether the applicant has demonstrated that visual, noise, and other impacts associated with the proposed facility have been minimized to the maximum extent possible using existing concealment technology, site design, noise abatement techniques, concealment, disguise, camouflage, and/or the use of architecturally compatible improvements to existing and/or new structures, and/or underground placement of ancillary equipment. In evaluating the site design, consideration will be given to whether the facility will blend into the surrounding topography, tree coverage, foliage, and other natural and/or built features and whether locating the facility in alternative locations upon the subject property, or other reasonably available properties, would better conceal the facility;

(ii) Whether the applicant has demonstrated that the design of the proposed facility complies with the purpose and intent of this chapter;

(iii) Whether alternative locations, including other co-locations and alternative support structures, are available for the proposed facility;

(iv) Whether the proposed facility will be compatible with present and potential surrounding land uses;

(v) Whether the beneficial impacts of the proposal outweigh the detrimental impacts of the proposal; and

(vi) Whether approval of the proposed facility would endanger the public health, safety, or general welfare.

(g) Public Hearing. The hearing examiner shall conduct an open public hearing prior to acting on conditional use permit applications under this chapter.

(5) Lattice and guyed towers shall not be permitted in the city.

(6) Security fencing, if used, shall conform to the following:

(a) No fence shall exceed six feet in height;

(b) Security fencing shall be effectively screened from view through the use of appropriate landscaping materials; and

(c) Chain-link fences shall be painted or coated with a non-reflective color, and shall have a minimum three-foot wide area to be planted with approved plant species in a manner that will completely screen the fencing.

(7) Noise. No equipment shall be operated at a WCF (attached or detached) so as to produce noise in excess of the applicable noise standards under applicable municipal code, except for in emergency situations requiring the use of a backup generator, where the noise standards may be exceeded on a temporary basis. Air conditioning and ventilation equipment associated with the ancillary equipment of the WCF shall be designed and configured in a manner so that noise impacts on adjacent properties with residential uses are minimized to the maximum extent practicable through the use of baffling and/or other noise attenuation techniques and that the noise levels generated by the ancillary equipment otherwise comply with applicable noise regulations adopted by the city. In descending order, preference shall be given to the following configurations of air conditioning and ventilation equipment: (a) orientation toward properties with nonresidential uses; (b) orientation toward streets; and (c) orientation toward the furthest residential use.

(8) Colocation. It is the policy of the city to minimize the number of detached WCFs and to encourage the colocation of more than one WCF on a single support tower. No new detached

WCFs may be constructed unless it can be demonstrated to the satisfaction of the permit authority that existing support towers are not available for colocation of an additional WCF, or that their specific locations do not satisfy the operational requirements of the applicant. In addition, all detached WCFs shall be designed to promote facility and site sharing. All facilities shall make available unused space for colocation of other telecommunication facilities, including space for those entities providing similar, competing services. Colocation is not required if the host facility can demonstrate that the addition of the new service or facilities would impair existing service or cause the host to go offline for a period of time. Nothing in this section shall prohibit the owner of an existing facility from charging a reasonable fee for colocation of other telecommunications facilities.

(9) Abandonment and Obsolescence. A WCF shall be removed by the facility owner within six months of the date it ceases to be operational or if the facility falls into disrepair.

(10) Maintenance. All WCFs shall be maintained in good and safe condition and in a manner that complies with all applicable federal, state and local requirements.

(11) Electromagnetic Emissions. All applicants shall demonstrate compliance with all applicable FCC regulations regarding the radio-frequency emissions of WCFs. If at any time radio-frequency emissions exceed any of the standards established by the FCC, the applicant shall immediately discontinue use of the WCF and notify the city. Use of the WCF may not resume until the applicant demonstrates that corrections have been completed which reduce the radio-frequency emissions to levels permitted by the FCC.

(12) Special Exceptions. When adherence to the development standards would result in a significant gap in coverage for a WCF or prevent an applicant from addressing a significant capacity need, a special exception may be granted by the approval authority if the permit authority determines that the proposal utilizes the least intrusive means of closing the gap in coverage or addressing the capacity need, as applicable. The applicant has the burden of proof of establishing the gap or need and that the proposal is the least intrusive means of so doing.

(13) Use of City Right-of-Way. Any telecommunications carrier who desires to construct, install, operate, maintain, or otherwise locate telecommunication facilities in, under, over, or across any public right-of-way of the city for the purpose of providing telecommunications services shall obtain permission from the city, and enter into a right-of-way franchise agreement authorizing use of the city right-of-way. Small cells attached to utility poles, streetlights and traffic signals are exempted from the setback requirements.

(14) Conditional Use Permit Criteria. In addition to any performance standards for conditional use permits under applicable municipal code, a conditional use permit for a detached WCF other than a small cell in the public right-of-way shall only be approved if the wireless provider can demonstrate that no other attached WCF alternative(s) are available that can provide the same level of service coverage to the targeted area.

17.220.060 Application review time frame.

A. Eligible Facilities Request.

1. Application. The director shall prepare and make publicly available an application form which shall be limited to the information necessary for the city to consider whether an application is an eligible facilities request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.

2. Type of Review. Upon receipt of an application for an eligible facilities request pursuant to this chapter, the director shall review such application to determine whether the application qualifies as an eligible facilities request.

3. Time Frame for Review. Within sixty days of the date on which an applicant submits an application seeking approval under this chapter, the director shall approve the application unless it determines that the application is not covered by this section.

4. Tolling of the Time Frame for Review. The sixty-day review period begins to run when the application is filed, and may be tolled only by mutual agreement by the director and the applicant or in cases where the director determines that the application is incomplete. The time frame for review of an eligible facilities request is not tolled by a moratorium on the review of applications.

a. To toll the time frame for incompleteness, the director shall provide written notice to the applicant within thirty days of receipt of the application, clearly and specifically delineating all missing documents or information required in the application.

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

c. Following a supplemental submission, the director will notify the applicant within ten days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this subsection. Second or subsequent notice of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

5. Determination That Application Is Not an Eligible Facilities Request. If the director determines that the applicant's request does not qualify as an eligible facilities request, the director shall deny the application. In the alternative, to the extent additional information is necessary, the director may request such information from the applicant to evaluate the application under other provisions of this chapter and applicable law.

6. Failure to Act. In the event the director fails to approve or deny a request for an eligible facilities request within the time frame for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the director in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

7. Remedies. Both the applicant and the city may bring claims related to Section 6409(a) of the Spectrum Act to any court of competent jurisdiction.

B. Colocation. Eligible colocations other than those defined in this section shall be processed within ninety days of receipt of a complete application. The director will notify the applicant within thirty days of receipt of an application whether it is complete or if additional information is required. The term "colocation" shall not apply to the initial placement of a small cell facility on a utility pole or on any other base station or tower that was not constructed for the sole or primary purpose of an FCC-licensed antenna and their associated facilities.

C. New Wireless Communication Facilities. New wireless communications facilities shall be processed within one hundred and fifty days of receipt of a complete application. The director will notify the applicant within thirty days of receipt of an application whether it is complete or if additional information is required.

17.220.070 Additional review procedures.

Wireless communication facilities are required to comply with all other applicable review procedures and regulations duly adopted by city code.

Attachment G
Adoption of Findings of Fact and Conclusions