



CITY OF EDGEWOOD PLANNING COMMISSION MEETING AGENDA

Monday, January 10, 2022 – 6 p.m. • Virtual meeting via Zoom
(Zoom Meeting ID: 970 6596 9184)

1. Call to Order:

- a. Pledge of Allegiance
- b. Attendance (*by presence, not roll call—unless hearing scheduled*)
 - i. Position 1: Carly Guillory
 - ii. Position 2: JoAnn Overfield, Chair
 - iii. Position 3: Tom Greene
 - iv. Position 4: Sarah Wagner
 - v. Position 5: Jason Ramirez
 - vi. Position 6: Allison Pincas, Vice-Chair
 - vii. Position 7: Karla Slate

2. Consent Agenda: *All matters listed under Item 2 are considered routine in nature and will be enacted by one motion. Individual discussion of these items is not planned. A member, however, may remove any item to discuss as an item for separate consideration under New Business.*

- a. Agenda Approval or Modifications
- b. Review Planning Commission meeting minutes from December 13, 2021
- c. Review EDAB meeting minutes from December 6, 2021
- d. Review of Development Review Report- December 2021

3. Citizen Comment Period: *This portion of the agenda is reserved for the public to comment on items not on the agenda. The Planning Commission may invite additional public comment on agenda items noted for discussion later in the meeting.*

4. Public Hearings:

- a. Wireless Ordinance
- b. Noise Ordinance
- c. GIS Map Code Updates

5. Action Items:

- a. Wireless Ordinance
- b. Noise Ordinance
- c. GIS Map Code Updates
- d. 2022 Work Plan

6. Discussion Items:

- a. **Old Business**
 - i. Town Center (TC)

7. Staff Comments

8. Commissioner Updates

9. Adjourn

These meetings are accessible to persons with disabilities. For individuals who may require special accommodations, please contact City Hall at (253)952-3299, 24 hours in advance.



**CITY OF EDGEWOOD
PLANNING COMMISSION MEETING MINUTES**

Monday, December 13, 2021 – 6 p.m. • Edgewood City Hall – 2224 104th Ave. E
Meeting Held Virtually via Zoom

- 1. CALL TO ORDER:** Chair Overfield called meeting to order at 6:00 PM
 - A. Commissioners Present:** Overfield; Guillory; Greene; Wagner; Pincas; Ramirez; Slate (6:01)
 - B. Commissioners Absent:** None
 - C. Staff Member(s) Present:** Darren Groth, CED Director
Emily Arteche, Planning Manager
Evan Hietpas, Associate Planner
 - D. Others Present:** Mayor Eidinger
Councilmember Tomyn
Councilmember Wise
- 2. CONSENT AGENDA:** Greene moved to APPROVE as presented, Pincas seconded. Commission voted 6-0 to approve the Consent Agenda.
- 3. CITIZEN COMMENTS:** None
- 4. PUBLIC HEARINGS:** None
- 5. ACTION ITEMS:** None
- 6. DISCUSSION ITEMS:**
 - A. Old Business:**
 - i. Town Center (TC)**
 - Hietpas opened the discussion on the Town Center Subarea Plan, focusing on public outreach and the first community workshop scheduled for January 27th.
 - Staff and the Commission discussed how to facilitate a meaningful workshop, and will continue the discussion at their January 10th meeting.
 - Discussion between the Commission and staff ensued.
 - ii. Wireless Code Ordinance**
 - Arteche opened the discussion by presenting the proposed changes to the Edgewood Municipal Code.
 - Staff and the Commission discussed the proposed changes. A public hearing will be held on Monday January 10, 2022 with Planning Commission action to follow.
 - iii. City-initiated Comprehensive Plan Amendments**
 - Hietpas provided an opportunity for Commissioners to discuss City-initiated Comprehensive Plan amendment applications, but no recommendations were made.



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PLANNING COMMISSION MEETING MINUTES**

Monday, December 13, 2021 – 6 p.m. • Edgewood City Hall – 2224 104th Ave. E
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iv. 2022 Work Plan

- Hietpas presented the proposed 2022 Work Plan and announced the joint meeting date with City Council on Tuesday February 15th to finalize the Work Plan.

v. 2021 Work Plan

- Hietpas provided updates on a few 2021 Work Plan items: street light standards, development and public works standards, and sewer connection requirements.

B. New Business:

i. Noise Ordinance

- Groth opened the discussion by presenting the proposed changes to the Edgewood Municipal Code.
- Staff and the Commission discussed the impacts that the proposed code changes will have on businesses in Town Center and along the Meridian Corridor, residents in single family neighborhoods, and the enforcement of noise pollution in Edgewood.
- The Commission expressed interest in evaluating the code changes one year after they go into effect to assess any impacts that they have had.
- A public hearing will be held on Monday January 10, 2022 with Planning Commission action to follow.

ii. GIS Map Code Updates

- Hietpas opened the discussion by presenting the proposed changes to the Edgewood Municipal Code.
- Staff and the Commission discussed the proposed changes. A public hearing will be held on Monday January 10, 2022 with Planning Commission action to follow.

7. STAFF COMMENTS: None

8. COMMISSIONER COMMENTS:

- A. Commissioner Ramirez commented on the availability of crime data in Edgewood.
- B. Commissioner Pincas asked for an update on the new Edgewood Community Park.

9. ADJOURN: Chair Overfield adjourned meeting at 7:34 PM.



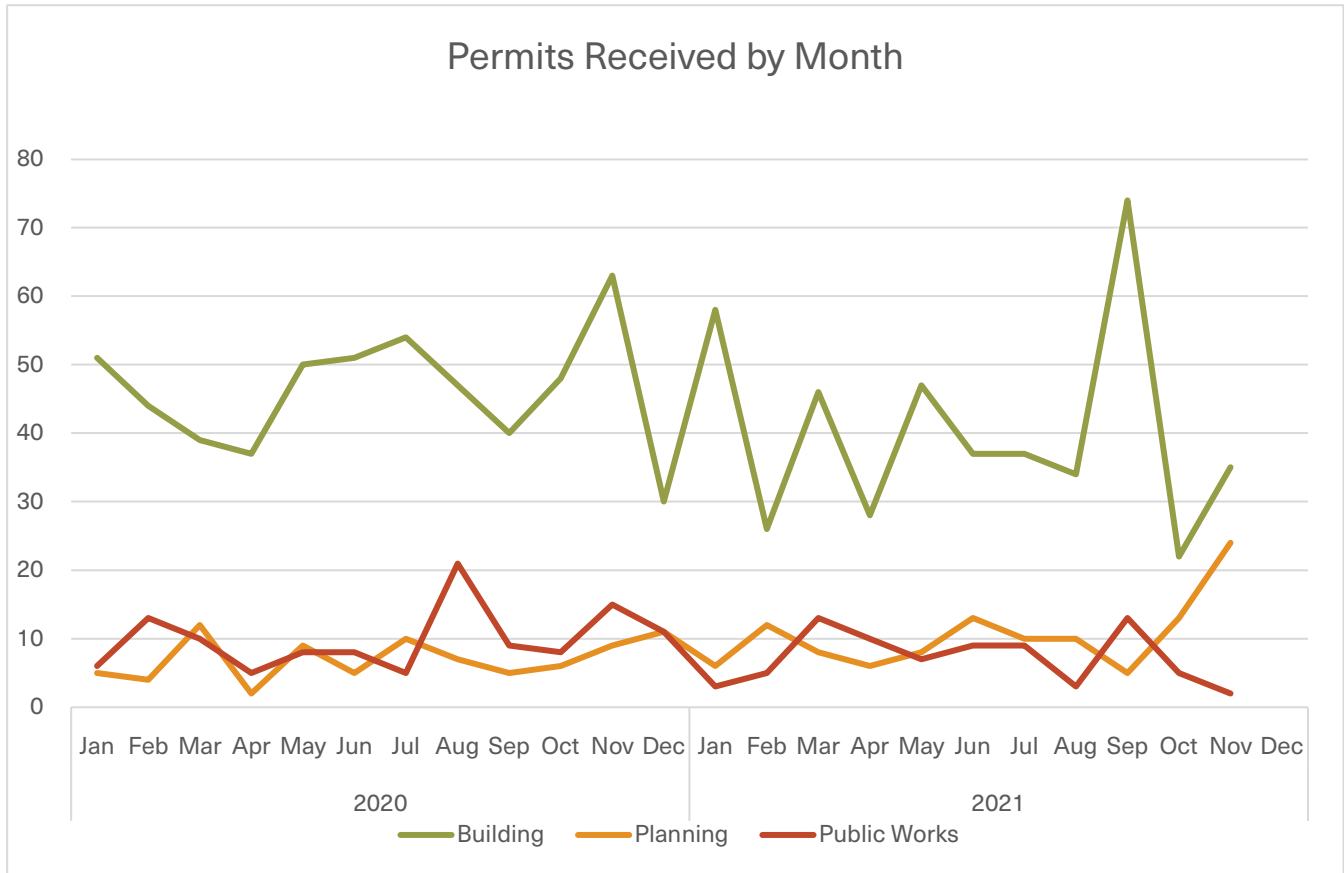
CITY OF EDGEWOOD
ECONOMIC DEVELOPMENT ADVISORY BOARD (EDAB)
MEETING MINUTES
Monday, December 6, 2021 at 6 p.m.
Meeting Held Virtually via Zoom: (<https://zoom.us/j/92275379112>)

1. **CALL TO ORDER:** Chair Wiesenfeld called the meeting to order at 6:10 p.m.
 - A. **Members Present:** Chair Wiesenfeld; Clark; Neil; and A. Swanson
 - B. **Commissioners Absent:** Vice Chair Kilmer; Butterfield
 - C. **Staff Member(s) Present:** Darren Groth, CED Director
Emily Arteche, Planning Manager
Morgan Dorner, Senior Planner
 - D. **Others Present:** Mayor Eidinger
Councilmember Wise
Councilmember Tumelson
2. **CONSENT AGENDA:**
 - A. **Agenda Approval**
 - B. **Approval of Meeting Minutes for December 6, 2021**
 - C. **Review of October Development Review Reports**
 - i. Wiesenfeld moved to approve, as presented.
 - ii. The Board voted 4-0 to approve the Consent Agenda.
3. **CITIZEN COMMENT PERIOD:**
 - A. None
4. **OLD BUSINESS**
 - A. EDAB Training Video (approx. 30 minutes)
 - i. Chair Wiesenfeld introduced this item and the Economic Development training video from Department of Commerce was played.
 - ii. Discussion ensued after the video regarding if EDAB would like to continue with these types of trainings which everyone agreed that it would be good to continue doing as a part of regular meetings. EDAB members discussed the content of the video and how it will help in future meetings and for long term planning. 30-minute trainings were recommended as an appropriate amount of time to dedicate to each training.
 - B. Town Center
 - i. Morgan Dorner, Senior Planner, provided a brief background and update regarding the status of Dept. of Commerce Transit Oriented Development Grant applied for by the City to cover the Town Center Subarea Plan. The City was not awarded this grant and is now re-evaluating the scope of work for the subarea plan. The City is looking to have the subarea plan out by the end of 2022.
 - ii. Swanson asked about any other additional grants the City could apply for to cover the Town Center Subarea Plan costs. Morgan Dorner stated that the City has looked into other opportunities, but have not yet found other grants available.

- iii. Darren Groth, CED Director, provided a status update and brief background of the Town Center Subarea Plan, why it is necessary, and what EDAB's role in that planning effort will be.
 - iv. Discussion ensued
- C. Edgewood Business Map
- i. Chair Wiesenfeld introduced this item and provided a brief background.
 - ii. Morgan Dörner provided a brief update regarding a City of Edgewood Businesses Map and making it available on the City's website.
 - iii. Discussion ensued. Clark suggested making the link more visible on the main City webpage. Darren Groth responded to some of the technicalities of the webpage and what can be on the webpage.
- D. 2021 & 2022 Work Plan
- i. Darren Groth introduced this item and provided a brief background. Additional explanation of the process and timeline for these work plans was provided.
 - ii. Discussion ensued.
 - iii. Chair Wiesenfeld discussed developing an "Asset Map" as discussed in the EDAB Training video from the beginning of the meeting. Discussion ensued and Darren Groth stated that we could modify Work Plan Item #4 "Develop a SWOT Analysis" to address this.
 - iv. Chair Wiesenfeld stated that EDAB's "homework" for next EDAB meeting would be taking a look at the 2021 Work Plan and be prepared to discuss, make any amendments, and finalize to present to City Council the following month.
6. **NEW BUSINESS:**
- A. February 15, 2022 Joint Meeting with City Council, Boards, and Commissions (no materials in meeting packet for this item)
- i. Chair Wiesenfeld briefly mentioned this item and asked if others will be able to attend.
7. **STAFF COMMENTS:**
- A. None
8. **BOARD COMMENTS:**
- A. None
9. **BOARD MEMBER UPDATES:**
- A. None
10. **ADJOURN:** Chair Wiesenfeld adjourned the meeting at 7:16 p.m.

Nov 2021

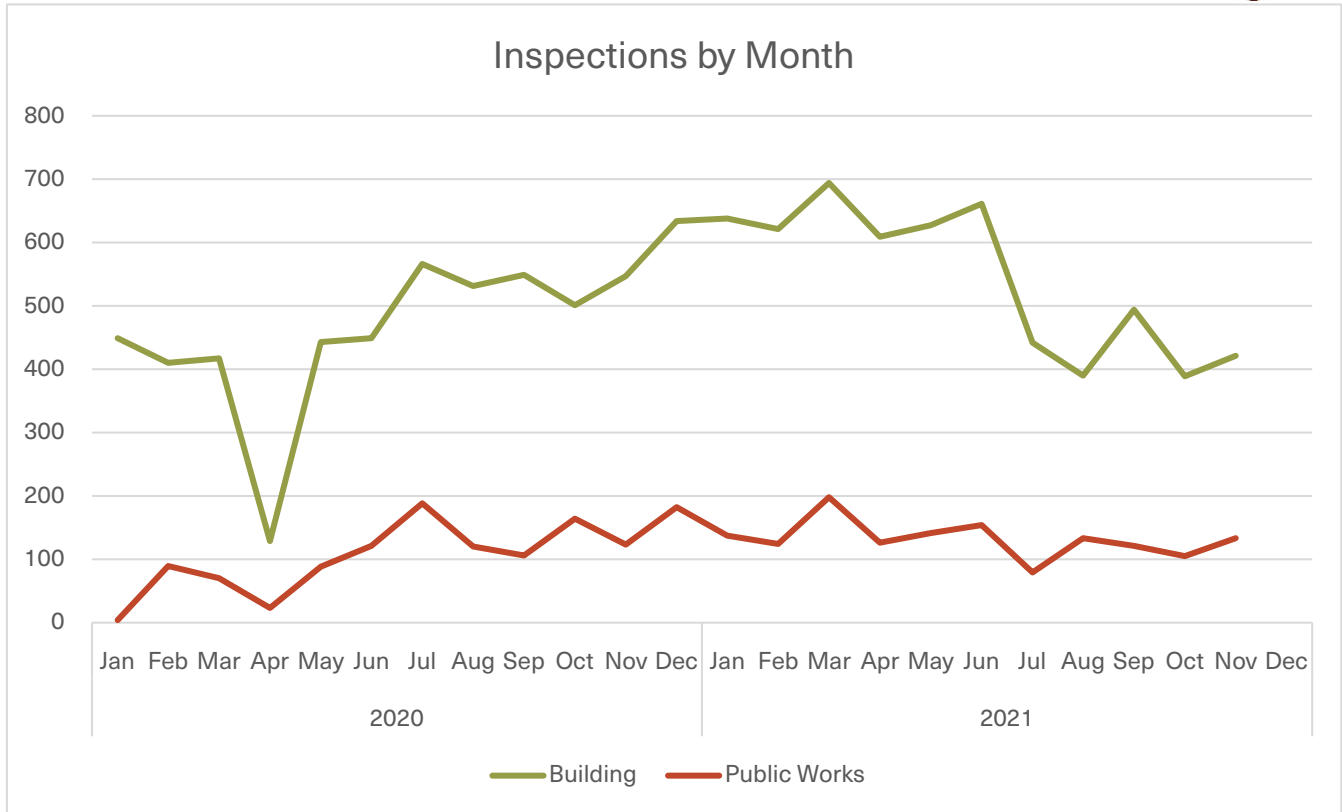
Monthly Development Report



Permits	Building		Planning		Public Works	
	Received	Issued	Received	Issued	Received	Issued
Nov 2021	35	24	24	1	2	11
Nov 2020	63	30	9	2	15	2
Average 2021	40	36	10	3	7	7
Average 2020	48	34	7	3	10	8
YTD 2021	444	397	115	31	79	78
YTD 2020	524	371	74	33	108	84
	Building		Planning		Public Works	
	Month	Received	Month	Received	Month	Received
Highest Month 2021	Sep	74	Nov	24	Mar	13
Highest Month 2020	Nov	63	Mar	12	Aug	21

Nov 2021

Monthly Development Report



<i>Inspections</i>	Building		Public Works	
Nov 2021	421		133	
Nov 2020	547		123	
Average 2021	544		132	
Average 2020	469		107	
YTD 2021	5986		1451	
YTD 2020	4991		1096	
	Building		Public Works	
	Month	Insp.	Month	Insp.
Highest Month 2021	Mar	694	Mar	198
Highest Month 2020	Dec	634	Jul	188

Pending Projects - Planning and Engineering Permits

35 Permits

Exported: 12/01/2021

Permit #	Project	Site Address	Parcel	Department	Type	Status	Submitted	Last Activity
BLA								
21-1407	SMITH AND SONS GC BLA	2027 106TH AVE E	420102116	PLANNING	BLA	UNDER REVIEW	09/04/2021	11/29/2021
21-1487	HAMILTON BOUNDARY LINE ADJUSTMENT (BLA)	4926 MONTA VISTA DR E	3315000150	PLANNING	BLA	UNDER REVIEW	10/08/2021	11/29/2021
CLEAR AND GRADE								
21-1298	PROLOGIS PARK PHASE I CLEAR AND GRADE	3926 90TH AVE E	420163076	ENGINEERING	CLEAR AND GRADE	WAITING ON REVISIONS	06/29/2021	11/03/2021
21-1489	MJORUD CLEAR AND GRADE	XXX 32ND ST E	5492800080	ENGINEERING	CLEAR AND GRADE	INCOMPLETE	10/12/2021	11/01/2021
CODE UPDATES AND CHANGES								
21-1402	BRIDGE POINT REZONE APPLICATION	9317 44TH STREET CT E	420163075	PLANNING	CODE UPDATES AND CHANGES	UNDER REVIEW	09/02/2021	11/09/2021
21-1574	ENVIRONMENTAL NOISE ORDINANCE			PLANNING	CODE UPDATES AND CHANGES	APPLICATION	11/30/2021	11/30/2021
CONDITIONAL USE PERMIT (CUP)								
21-1275	VIEW POINTE RV CUP	10315 12TH STREET CT E	420037059	PLANNING	CONDITIONAL USE PERMIT (CUP)	WAITING ON REVISIONS	06/15/2021	10/21/2021
DESIGN STAND REVIEW								
20-1348	DHALIWAL TC LANDING DESIGN STANDARDS REVIEW	1914 MERIDIAN AV E	420091134	PLANNING	DESIGN STAND REVIEW	WAITING ON REVISIONS	07/13/2020	11/29/2021
PRE APP								
21-1385	MERIDIAN AUTO DEALERSHIP PRE-APPLICATION	1009 MERIDIAN AVE E	420033140	PLANNING	PRE APP	INCOMPLETE	08/19/2021	11/30/2021
21-1562	VAN BAO MIXED USE PRE-APPLICATION	10014 24TH ST E	420094115	PLANNING	PRE APP	APPLICATION	11/22/2021	11/30/2021
21-1567	FRANTSEVICH SHORT PLAT PRE-APPLICATION	11315 18TH ST E	420105009	PLANNING	PRE APP	APPLICATION	11/23/2021	12/01/2021
ROAD DEVIATION REQUEST								
21-1561	SMITH SHORT PLAT ROAD DEVIATION REQUEST	2506 117TH AVE E	420108013	PUBLIC WORKS	ROAD DEVIATION REQUEST	UNDER REVIEW	11/22/2021	11/22/2021
SHORT PLAT - FINAL								
21-1485	GERVAIS SHORT PLAT FINAL PLAT	1607 112TH AVE E	9770000020	PLANNING	SHORT PLAT - FINAL	UNDER REVIEW	10/06/2021	12/01/2021
SHORT PLAT - PRELIMINARY								
20-1533	CONNOLLY SHORT PLAT PRELIMINARY SHORT PLAT	1711 122ND AV E	420112155	PLANNING	SHORT PLAT - PRELIMINARY	WAITING ON REVISIONS	10/26/2020	11/23/2021
SITE DEVELOPMENT								
17-1527	NORTHWOOD ESTATES WEST PHASE II SITE DEVELOPMENT	9609 24TH ST E	420091136	ENGINEERING	SITE DEVELOPMENT	WAITING ON REVISIONS	12/05/2017	11/15/2021
19-1401	BEREZNYOV SHORT PLAT SITE DEVELOPMENT	8904 20TH ST E	420096012	ENGINEERING	SITE DEVELOPMENT	UNDER REVIEW	08/16/2019	11/23/2021
20-1131	WAGNER SHORT PLAT SITE DEVELOPMENT	11226 18TH ST E	9770000069	ENGINEERING	SITE DEVELOPMENT	UNDER REVIEW	03/18/2020	07/15/2021
20-1236	JENNA ACRES SHORT PLAT SITE DEVELOPMENT	1419 114TH AV E	420034061	ENGINEERING	SITE DEVELOPMENT	UNDER REVIEW	05/20/2020	09/17/2021
20-1624	DHALIWAL TC LANDING SITE DEVELOPMENT	1914 MERIDIAN AV E	420091134	ENGINEERING	SITE DEVELOPMENT	WAITING ON REVISIONS	11/30/2020	10/18/2021
20-1657	MICKELSON SUBDIVISION SITE DEVELOPMENT	2804 90TH AV E	420093089	ENGINEERING	SITE DEVELOPMENT	WAITING ON REVISIONS	12/22/2020	03/12/2021
21-1017	THE LEARNING EXPERIENCE SITE DEVELOPMENT	527 MERIDIAN AV E	420036070	ENGINEERING	SITE DEVELOPMENT	WAITING ON REVISIONS	01/15/2021	04/21/2021

Pending Projects - Planning and Engineering Permits

35 Permits

Exported: 12/01/2021

Permit #	Project	Site Address	Parcel	Department	Type	Status	Submitted	Last Activity
21-1430	WINDMILL PARK TOWNHOMES SITE DEVELOPMENT	3117 MERIDIAN AVE E	420103072	ENGINEERING	SITE DEVELOPMENT	WAITING ON REVISIONS	09/24/2021	10/21/2021
21-1515	RUSEV SITE DEVELOPMENT	11516 8TH ST E	420038004	ENGINEERING	SITE DEVELOPMENT	UNDER REVIEW	11/01/2021	11/23/2021
21-1560	BREYER SHORT PLAT SITE DEVELOPMENT	2110 TO 2114 95TH AVENUE CT E	420095023	ENGINEERING	SITE DEVELOPMENT	UNDER REVIEW	11/22/2021	11/30/2021
SITE PLAN DESIGN REVIEW								
21-1031	PROLOGIS PARK SITE PLAN REVIEW (PHASE I AND II)	3926 90TH AVE E	420163076	PLANNING	SITE PLAN DESIGN REVIEW	WAITING ON REVISIONS	01/22/2021	11/03/2021
21-1320	VIBE SALON SITE PLAN REVIEW	10124 18TH STREET CT E	3630000090	PLANNING	SITE PLAN DESIGN REVIEW	WAITING ON REVISIONS	07/12/2021	09/01/2021
21-1348	TAPPS APARTMENTS SITE PLAN REVIEW	XXX 29TH ST E	3625000372	PLANNING	SITE PLAN DESIGN REVIEW	WAITING ON REVISIONS	07/29/2021	11/18/2021
21-1403	BRIDGE POINT SITE PLAN APPLICATION	9321 44TH STREET CT E	420163000	PLANNING	SITE PLAN DESIGN REVIEW	WAITING ON REVISIONS	09/02/2021	10/19/2021
21-1497	EDGEWOOD HEIGHTS PHASE II SUB-PHASING SITE PLAN	1909 104TH AVE E	420106035	PLANNING	SITE PLAN DESIGN REVIEW	WAITING ON REVISIONS	10/20/2021	11/24/2021
SUBDIVISION - FINAL								
21-1389	PHILLIPS RIDGE SUBDIVISION FINAL PLAT	XXX 86TH AVENUE CT E	420081040	PLANNING	SUBDIVISION - FINAL	INCOMPLETE	08/25/2021	11/29/2021
SUBDIVISION - PRELIMINARY PLAT								
21-1282	WINDMILL PARK TOWNHOMES SUBDIVISION PRELIMINARY PLAT	3117 MERIDIAN AVE E	420103072	PLANNING	SUBDIVISION - PRELIMINARY PLAT	WAITING ON REVISIONS	06/17/2021	11/30/2021
SURFACE WATER								
21-1328	MANZA SIMPLE PAVING PERMIT	1019 114TH AVE E	420038030	ENGINEERING	SURFACE WATER	WAITING ON REVISIONS	07/19/2021	10/07/2021
TRAFFIC CONCURRENCY								
21-1167	29TH ST APARTMENTS TRAFFIC CONCURRENCY	XXX 29TH ST E	3625000372	ENGINEERING	TRAFFIC CONCURRENCY	UNDER REVIEW	04/07/2021	11/29/2021
21-1192	BRIDGE POINT TRAFFIC CONCURRENCY	XXX 98TH AV E	420164096	ENGINEERING	TRAFFIC CONCURRENCY	UNDER REVIEW	04/29/2021	06/02/2021
21-1214	NWP MERIDIAN TRAFFIC CONCURRENCY	3117 MERIDIAN AV E	420103072	ENGINEERING	TRAFFIC CONCURRENCY	UNDER REVIEW	05/11/2021	07/20/2021

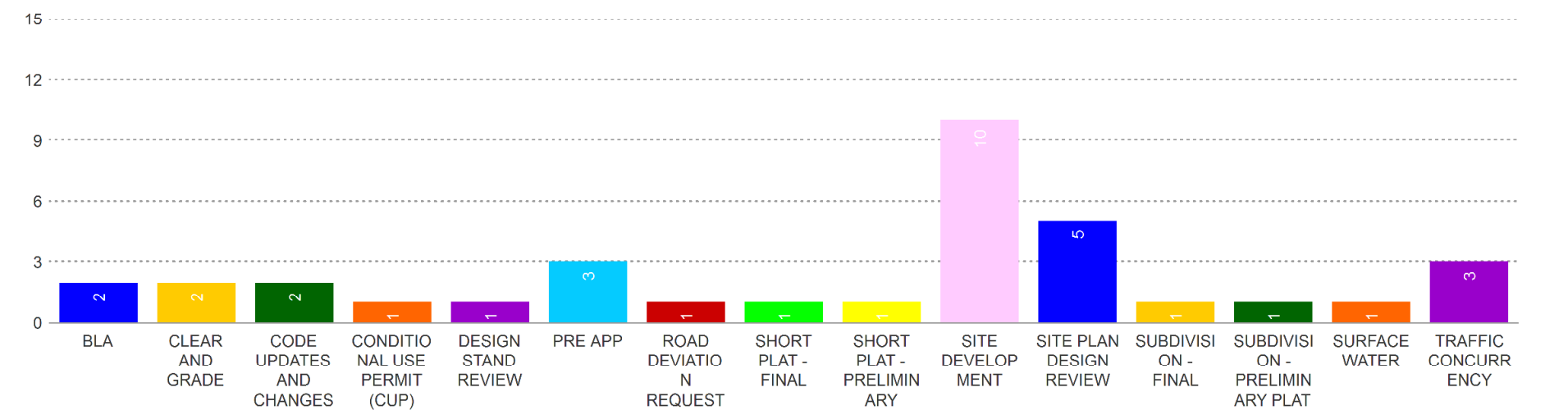
Pending Projects - Planning and Engineering Permits

35 Permits

Exported: 12/01/2021

Permit #	Project	Site Address	Parcel	Department	Type	Status	Submitted	Last Activity
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Permits by Type



Plat Construction Tracking Report- October 2021

Preliminary Plat						Site Development	Final Plat		Buildout	
Submitted	Project	Address	Total Lots	Status	Approved	Status	Status	Lots Recorded	Completed Homes #	Completion Date
2021	WINDMILL PARK TOWNHOMES	3117 MERIDIAN AVE E	45	APPLICATION		APPLICATION				
	BREYER SHORT PLAT	2114 95TH AVCT E	5	APPROVED	9/20/2021	APPLICATION				
2020	HUNTINGTON SHORT PLAT	9605 18TH STCT E	3	APPROVED	2/8/2021	FINALED	APPROVED	3	1	33%
	CONNOLY SHORT PLAT	1711 122ND AV E	3	APPLICATION						
	TEBALDI SHORT PLAT	4625 126TH AV E	2	APPROVED	11/12/2020	N/A				
	PADEN SHORT PLAT	1302 114TH ST E	2	APPROVED	2/1/2021					
	HARRISON SHORT PLAT	12121 42ND ST E	2	APPROVED	2/1/2021	FINALED	APPROVED	2	1	50%
	PHILLIPS RIDGE SUBDIVISION	XXX 86TH AVCT E	14	APPROVED	12/29/2020	ISSUED	APPLICATION			
	DODDS SHORT PLAT	4902 EDGEWOOD DR E	2	APPROVED	9/3/2020	N/A	APPROVED	2	1	50%
2019	SMITH SHORT PLAT	2506 117TH AV E	2	APPROVED	10/5/2021					
	BJERK SHORT PLAT	9815 31ST ST E	2	APPROVED	1/14/2020	N/A	APPROVED	2	1	50%
	ESTATES ON CALDWELL SUBDIVISION	XXX CALDWELL RD E	6	APPROVED	5/5/2020	FINALED	APPROVED	6		
	JENNA ACRES SHORT PLAT	1419 114TH AV E	4	APPROVED	9/14/2020	APPLICATION				
	SELLERS SHORT PLAT	11215 13TH ST E	2	APPROVED	9/27/2019					
	WAGNER SHORT PLAT	11226 18TH ST E	3	APPROVED	10/23/2019	ISSUED	APPLICATION			
	RAMSAUR SHORT PLAT	9505 24TH ST E	4	APPROVED	6/21/2019	N/A	APPROVED	4	1	25%
2018	BECKER SHORT PLAT	4122 CALDWELL RD E	2	APPROVED	7/1/2019	ISSUED	APPROVED	2	1	50%
	BARTH SUBDIVISION	XXX 96TH AV E	37	APPROVED	6/4/2020	ISSUED				
	T GARRETT SHORT PLAT	10412 36TH ST E	2	APPROVED	3/1/2019	FINALED	APPROVED	2	1	50%
	GRUBB SHORT PLAT	12325 48TH ST E	3	APPROVED	12/29/2020					
	HEART & SOUL SHORT PLAT	9725 18TH STCT E	4	APPROVED	12/26/2018	FINALED	APPROVED	4	2	50%
	MICKELSON SUBDIVISION	2804 90TH AV E	10	APPROVED	8/25/2020	APPLICATION				
	CHUMAKIN SHORT PLAT	2005 112TH AV E	4	APPROVED	6/22/2018	FINALED	APPROVED	4	1	25%
2017	BEREZNYOV SHORT PLAT	8904 20TH ST E	4	APPROVED	1/10/2019	APPLICATION				
	ABEL SHORT PLAT	12321 16TH ST E	6	APPROVED	9/13/2018	ISSUED	APPROVED	6		
	CIRILIUM (RESERVE AT HILLCREST) SUBDIVISION	12311 31ST ST E	18	APPROVED	8/15/2018	FINALED	APPROVED	18	7	38%
2016	WOLF POINT SUBDIVISION	XXX MERIDIAN AV E	56	APPROVED	3/20/2019	ISSUED				
	GAGNON SHORT PLAT	2620 110TH AV E	2	APPROVED	11/17/2017	FINALED	APPROVED	2	1	50%
	VOLENTE SUBDIVISION	8626 33RD ST E	15	APPROVED	6/6/2017	ISSUED	APPROVED	15	0	
	DOMUS TOWNHOMES PRD (THE WOODLANDS)	10525 11TH ST E	55	APPROVED	1/11/2017	FINALED	APPROVED	55	17	31%
	EDGEWOOD VIEW ESTATES SUBDIVISION PHASE 2	8224 20TH ST E	67	APPROVED	12/14/2017	FINALED	APPROVED	67	61	91%
	GERVAIS SHORT PLAT	1607 112TH AVE E	3	APPROVED	12/22/2016	ISSUED	APPLICATION			
	NORTHWOOD ESTATES WEST SUBDIVISION- PHASE 2	9623 24TH ST E	41	APPROVED	10/24/2017	APPLICATION				
2015	PASCOLO ESTATES SUBDIVISION	2806 117TH AVE CT E	19	APPROVED	3/21/2017	FINALED	APPROVED	19	4	21%
	EDGEWOOD TERRACE SUBDIVISION	2907 122ND AVE E	28	APPROVED	7/5/2017					
	NICKLAUS (ASTER POINT) SUBDIVISION	2305-2307 94TH AVE CT E	38	APPROVED	12/15/2016	FINALED	APPROVED	38	22	58%
	CALIBER SHORT PLAT	3312 106TH AVE E	6	APPROVED	9/8/2016	FINALED	APPROVED	6	5	83%
	EDGEWOOD ESTATES SUBDIVISION	12220 12TH ST E	14	APPROVED	9/29/2016	ISSUED	APPROVED	14		
	VIEW POINTE SUBDIVISION	10413 13TH ST E	44	APPROVED	4/29/2016	FINALED	APPROVED	44	43	98%
2014	MAPLE GROVE SUBDIVISION	2613 87TH AVE CT E	8	APPROVED	9/13/2016	FINALED	APPROVED	8	8	100%
	CURRAN ESTATES SUBDIVISION	412 114TH AVE E	9	APPROVED	12/30/2015	FINALED	APPROVED	9	2	22%
2013	LISITSYN SHORT PLAT	11120 COUNTY LINE RD E	6	APPROVED	7/15/2014	FINALED	APPROVED	6	3	50%
2013	WESTRIDGE SUBDIVISION	FREEMAN RD	290	APPROVED	9/4/2014	FINALED	APPROVED	284	264	93%



CITY OF EDGEWOOD
STAFF REPORT
PLANNING COMMISSION AGENDA ITEM

Date: January 10, 2022

Title: Wireless Ordinance

Attachments: 1) Proposed code amendments to EMC Title 18
2) Comments received from wireless policy representative

Submitted By: Emily Arteche, AICP, Planning Manager

Background:

The deployment of new small cell networks will look different than the 3G and 4G deployments of the past. Over the last few years, providers have been increasingly looking to densify their networks with new small cell deployments that have antennas much smaller than previous systems. This new small cell technology is sought after by wireless companies, whereas Distributed Antenna Systems (DAS) are not. Examples of common DAS deployment include wireless coverage to hotels, subways, airports, hospitals, businesses, roadway tunnels, etc.

City staff has recognized a need to update the Edgewood Municipal Code (EMC) related to small wireless facilities to ensure that the City's regulations are up-to-date with current industry standards and federal regulations set by the United States Federal Telecommunication Commission (FCC). The changes are outlined below:

- Updated definition for small wireless facilities, currently found in EMC 18.20.220
- Removal of references to unfulfilled technology at the local level, Distributed Antenna Systems (DAS)
- Accurate description of the City's review processes, procedures, and preferences; including Aesthetic and Location Standards
- Compatibility with United States Federal Communications Commission (FCC) regulations
- Compatibility between small cell wireless infrastructure and street light standards to be adopted soon

On December 13, 2021, staff and the Planning Commission discussed the proposed changes. The Commission requested a Public Hearing on the proposed code changes at this January 10th meeting.

Public Hearing:

The Planning Commission may hold a public hearing to solicit public input on the proposed code changes to EMC Title 18, pertinent to wireless facilities, technology, regulations, and the City's wireless processes, procedures, and preferences.

Attachment 1- Proposed Code Amendment Language

EMC 18.20.220 Definitions.

“Small cells” means compact WCFs containing their own transceiver equipment and that function like cells in a mobile network but provide a smaller coverage area than traditional macrocells. Small cells must meet the parameters in subsections (1) and (2) of this definition. For purposes of these definitions, “volume” is a measure of the exterior displacement, not the interior volume of the enclosures. Antennas or equipment concealed from public view in or behind an otherwise approved structure or concealment are not included in calculating volume.

1. Small Cell Antenna. Each antenna shall be no more than three cubic feet in volume.

2. Small Cell Equipment. Each equipment enclosure shall be no larger than 17 cubic feet in volume. Associated conduit, mounting bracket or extension arm, electric meter, concealment, telecommunications demarcation box, ground-based enclosures, battery backup power systems, grounding equipment, power transfer switch, and cut-off switch may be located outside the primary equipment enclosure(s) and are not included in the calculation of equipment volume.

“Small Wireless Facilities,” as used herein and consistent with 47 CFR section 1.1312(e)(2) or as hereafter amended, encompasses facilities that meet the following conditions:

(1) The facilities—

(i) are mounted on structures 50 feet or less in height including their antennas as defined in 47 CFR section 1.1320(d) or as hereafter amended, 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 47 CFR 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;

(4) The facilities do not require antenna structure registration under part 17 of this CFR chapter I, Title 47, CFR;

(5) The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and

(6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR section 1.1307(b) or as hereafter amended.

EMC 18.100.110 Wireless communications facilities.

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A. Purpose. The purpose of this section is:

1. To protect the community's natural beauty, visual quality and safety while facilitating the reasonable and balanced provision of wireless communication services. More specifically, it is the city's goal to minimize the visual impact of WCFs on the community, particularly in and near residential zones;

2. To promote and protect the public health, safety, and welfare, preserve the aesthetic character of the Edgewood community, and to reasonably regulate the development and operation of WCFs within the city to the extent permitted under state and federal law;

3. To minimize the impact of WCFs by establishing standards for siting, design and screening;

4. To encourage the collocation of antennas on existing structures, thereby minimizing new visual impacts and reducing the potential need for new towers that are built in or near residential zones by encouraging that WCFs first be located on buildings, existing towers or antenna, or utility poles support structures in public rights-of-way;

5. To protect residential zones from excessive development of WCFs;

6. To ensure that towers in or near residential zones are only sited when alternative facility locations are not feasible;

7. To preserve the quality of living in residential areas which are in close proximity to WCFs;

8. To preserve the opportunity for continued and growing service from the wireless industry;

9. To preserve neighborhood harmony and scenic viewsheds and corridors;

10. To accommodate the growing need and demand for wireless communication services;

11. To establish clear guidelines and standards and an orderly process for expedited permit application review, intended to facilitate the deployment of wireless transmission equipment, to provide advanced communication services to the city, its residents, businesses and community at large;

12. To ensure city zoning regulations are applied consistently with federal telecommunications laws, rules, regulations and controlling court decisions;

13. To encourage the use of ~~distributed antenna systems (DAS) and other small cell wireless facility systems~~ that use components that are a small fraction of the size of macrocell deployments, ~~and can be installed with street lights or on other utilities support structures with little or no visual impact on utility support structures, buildings, and other existing structures;~~

14. To provide regulations which are specifically not intended to, and shall not be interpreted or applied to, (a) prohibit or effectively prohibit the provision of personal wireless services, (b) unreasonably discriminate among functionally equivalent service providers, or (c) regulate WCFs and wireless transmission equipment on the basis of the environmental effects of radio frequency emissions

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to the extent that such emissions comply with the standards established by the Federal Communications Commission; and

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

B. Exemptions. (No proposed amendments)

C. New Wireless Communication Antenna Arrays. (No proposed amendments)

D. ~~Distributed Antenna Systems and Small Cells~~ Wireless Facilities.

1. Siting.

a. ~~Distributed antenna systems (DAS) and Small cells~~ wireless facilities are permitted in all zones ~~as long as they meet~~ subject to the following requirements:

i. ~~DAS and small cells in public right-of-way are subject to the city's~~ For small wireless facilities to be sited within the City rights-of-way: Facilities shall be located along arterial street corridors to the maximum extent feasible. All small wireless facilities to be sited within the City rights-of-way are, subject to a ~~approval of a master use permit/franchise agreement and right-of-way use permit~~ approval of a master use permit under EMC Title 12.

ii. ~~DAS and small cells require~~ For small wireless facilities to be sited outside of the City rights-of-way- are subject to ~~approval~~ submission of a site plan and approval of a building permit. If the small wireless facility or facilities installation requires construction of a new antenna support/ utility support structure(s), building, or the erection of a replacement antenna support/utility support structure(s) 15 feet (including antennas) taller than the existing antenna support/utility support structure(s), the following additional ~~a~~ approval of both a building permit and an ~~administrative use permit and a building permit is required. if their the small wireless facility or facilities installation requires construction of a new antenna support structure, utility support structure or building, or the erection of a replacement antenna support structure or utility support structure in excess of the dimensional standards listed in Subsection (A)- Additional below;~~

iii. ~~A. DAS and small cells do not require an~~ For small wireless facilities to be sited outside of the City rights-of-way, no ~~administrative use permit, or building permit is required in the following circumstances: if~~ of the facility will be on the height of a replacement antenna support structure or replacement utility support structure, the height of which of which, including antennas, will be ~~is no more than the greater of than~~ :(A) 15 feet taller than the existing antenna support structure or utility support structure; eight is allowed when it is or (B) the minimum height necessary to provide

Attachment 1- Proposed Code Amendment Language

the required safety clearances from transmission or distribution lines and ~~and~~/pole owner requirements.

b. Permit Batching: An applicant may apply for ~~M~~multiple site DAS and small cells wireless facilities are permitted in one application, per the following requirements in the following situations:

i. ~~An administrative use permit for multiple distributed antennas that are part of a larger overall DAS network;~~

ii. An applicant seeks administrative use permits for multiple small cells wireless facilities placed to provide wireless coverage in a contiguous area; or

iii. For locations in the public right-of-way, a single master use permit/franchise agreement (EMC Title [12](#)) may be used for multiple ~~node~~ locations in ~~DAS and/or~~ small cell wireless facilities networks throughout the city.

2. General Development Standards – Small Cell-Wireless Facility Equipment. The following standards are applicable to all small wireless facilities, whether sited within or outside of the rights-of-way.

a. WCFs in the Public Rights of Way.

All related antenna equipment (as defined in 47 CFR 1.6002 or as hereafter amended) shall not be mounted more than six inches from the surface of the support structure, unless a further distance is technically required.

~~b.b.c. Related base station antenna equipment (as defined in 47 CFR 1.6002) for small cell wireless facilities of up to four (4) cubic feet shall be surface mounted as close to the antenna(s) as technically feasible but not placed more than six inches from the surface of the support structure unless a further distance is technically required..~~

~~(5)~~

~~must be attached to the utility support structure, unless otherwise permitted to or be underground-mounted. equipment exceeds 4 cubic feet and it's the equipment The equipment must be placed in the smallest enclosure possible for the intended purpose. The equipment enclosure may not exceed 17 cubic feet. Multiple equipment enclosures may be acceptable if designed to more closely integrate with the support structure design and do not cumulatively exceed 17 cubic feet. The applicant shall place the equipment enclosure behind any banners or road signs that may be on the support structure, if such banners or road signs are allowed by the pole owner and provided by the city.~~

~~c.c.d. Antenna equipment (other than cabling) that exceeds four (4) cubic feet shall be undergrounded if technically feasible; if not, such equipment shall then be located in an enclosure that is ground mounted as close to the antenna support structure or utility support structure as technically feasible. If technically not feasible to underground An~~

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~~applicant that desires to enclose its antennas and equipment within a unified enclosure; provided, that such unified enclosure does not exceed four cubic feet the FCC ruling for maximum dimensional standards. To the extent possible, the unified enclosure shall be placed so as to appear as an integrated part of the antenna support structure or utility support structure or behind banners or signs. The unified enclosure may not be placed more than six inches from the surface of the support structure, unless a further distance is technically required and confirmed in writing by the support structure owner.~~

~~de.~~ Small cell wireless facilities mounted on cables strung between existing utility poles support structures shall conform to all of the following standards:

i. Each strand-mounted facility shall not exceed three cubic feet in volume;

ii. Only one strand-mounted facility is permitted per cable between any two existing ~~poles~~ utility support structures;

iii. The strand-mounted devices shall be placed as close as possible to the nearest utility ~~poles~~ support structure, in no event more than six feet from the ~~pole~~ utility support structure unless a greater distance is technically necessary or required by the ~~pole~~ utility support structure owner for safety clearance;

iv. No strand-mounted device shall be located in or above the portion of the roadway open to vehicular or pedestrian traffic;

v. Ground-mounted equipment to accommodate such strand-mounted facilities is not permitted, except when placed in preexisting equipment cabinets;

vi. ~~Pole~~ Utility support structure -mounted equipment for strand-mounted facilities shall meet the requirements for ~~pole~~ utility support structure -mounted small ~~cells~~ wireless facilities; and

vii. Such strand-mounted devices must be installed to cause the least visual impact and with the minimum exterior cabling or wires (other than the original strand) necessary to meet the technological needs of the facility.

e. Aesthetic Standards.

i. ~~To the extent possible the antenna~~ All antennas, including equipment enclosures, shall be the smallest technically feasible. All antenna and attached antenna equipment must be placed in the smallest enclosure(s) possible for the intended purpose and not to exceed the FCC ruling for maximum dimensional standards contained within the definition of small wireless facility.

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175 ii. Equipment enclosures may not block any banners or road signs that may be on
176 the support structure. ~~space shall be designed to use the smallest enclosure~~
177 ~~technically necessary to fit the equipment and antennas.~~

178 ~~_____;~~
179 ~~Applicants are encouraged to place the equipment enclosure as close to the~~
180 ~~antennas as physically and technically possible.~~

181 iii. All conduit, cables, wires, and fiber shall be routed internally in a for small
182 wireless facilities mounted on a nonwooden ~~pole~~ antenna support structures or
183 utility support structures. Full concealment of all conduit, cables, wires and fiber
184 is required within mounting brackets, shrouds, canisters or sleeves for small
185 wireless facilities ~~if attaching to exterior antennas or equipment mounted on~~
186 wooden antenna support structures or utility support structures, or for building
187 mounted small wireless facilities.

188 iv. For antenna support structure or utility support structure mounted
189 ~~antennas~~ small wireless facilities, the antennas, ~~and any support structure~~
190 extender, associated equipment, shrouding, bracketing, and any other visible
191 antenna equipment ~~extension~~ shall be integrated into the ~~pole~~ support structure
192 design so that ~~it~~ they appears ~~as~~ to be a continuation of the original ~~pole~~ support
193 structure, including being colored or painted to reasonably match the
194 ~~pole~~ support structure, and shall be shrouded or screened to blend with the
195 ~~pole~~ support structure.

196 v. All cabling and mounting hardware/brackets from the bottom of the antenna to
197 the top of the ~~pole~~ support structure shall be fully concealed and integrated with
198 the ~~pole~~ antenna or utility support structure by color or paint matching and/or
199 shrouding or screening.

200 vi. Any replacement of street light ~~pole~~ support structure shall substantially
201 conform to the design of the City's current ~~street lighting standards unless not~~
202 ~~technically feasible, except where all adjacent existing support structures~~
203 ~~support overhead utilities, in which case the replacements support structure shall~~
204 ~~substantially conform with the design of the adjacent existing support~~
205 ~~structures. it is replacing or the neighboring pole design standards utilized~~
206 ~~within the contiguous right-of-way.~~

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

210 vii. For building mounted small wireless facilities, placement shall be such that the
211 new antenna is not visible from adjacent streets or surrounding public spaces,
212 unless such placement is not ~~if~~ technically feasible. Further, any building
213 mounted small wireless facilities must be entirely colored or painted to

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reasonably match the color of the building to which it is mounted. Building mounted small wireless facilities may not interrupt the architectural lines or horizontal or vertical reveals of the building. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if they complement the architecture of the existing building. Small wireless facilities mounted on buildings shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building and any brackets must match the color of the building. Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas. Such skirts or shrouds must also reasonably match the color of the building. Exposed cabling/wiring is prohibited.

E. Standards – Towers ~~(No proposed amendments)~~

E. Standards – Towers.

1. Prohibition. Only monopole towers are permitted in the city. Lattice towers and guyed towers are prohibited.

2. Siting. An administrative use permit is required to site a new tower in accordance with the criteria contained in Table 1 and Table 2. In addition, the location shall be subject to any additional siting priorities set forth in this chapter.

Table 1

New Wireless Communication Tower Criteria

Allowed by Administrative Use Permit

Zoning District	Located in Public Right-of-Way (ROW)	Maximum Tower Height [2]	Stealth Design	Setback from Property Lines (does not apply within ROW)
C, MUR, TC, Public [1]	Yes	60'	See Footnote 1	N/A
	No	60'	See Footnote 1	20'
BP, I [1]	(allowed in ROW only if less than or equal to 70')	100'	See Footnote 1	20'

[1] Stealth design is required if an applicant constructs a tower in or within 150 feet of a residential zone.

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236 [2] Tower heights of up to 120 feet can be requested through a conditional use permit (CUP), where
237 compatibility can be fully addressed.

Table 2

New Wireless Communication Tower Criteria

Allowed by Conditional Use Permit

Zoning District	Maximum Tower Height [2]	Stealth Design	Setback from Property Lines (does not apply within ROW)
SF, MR [3]	60'	Required	20'
C, MUR, TC, Public [3]	70' [4]	Optional [3]	20'

238 [3] Stealth design is required if an applicant constructs a tower in or within 50 feet of a residential zone.

239 [4] An additional 20 feet in height in these zones is allowed if applicant uses stealth design.

240 3. Tower Sharing and Collocation. New WCF facilities must, to the maximum extent feasible, collocate on
241 existing towers or other structures of a similar height to avoid construction of new towers, unless
242 precluded by zoning constraints such as height, structural limitations, inability to obtain authorization by
243 the owner of an alternative location, or where an alternative location will not meet the service coverage
244 objectives of the applicant. Applications for a new tower must address all existing towers or structures
245 of a similar height within one-half mile of the proposed site as follows: (a) by providing evidence that a
246 request was made to locate on the existing tower or other structure, with no success; or (b) by showing
247 that locating on the existing tower or other structure is infeasible.

248 4. Preferred Tower Locations.

249 a. Facilities be located are strongly preferred to be sited within the public rights-of- ways, on main
250 corridors and arterials to the extent feasible. Facilities in the rights-of-way shall maintain at least a 200-
251 foot separation from other wireless facilities; except when collocated or on opposite sides of the same
252 street

253 In addition to the development standards in this chapter, An applicant for a tower must submit
254 documentation according to the hierarchical alternative site list in i-vi below to demonstrate that there
255 is a need for a new tower if it is to be located outside the public right of way, in a residential zone or
256 within 150 feet of an existing residential lot.

257 In addition, the applicant shall also provide aAn evaluation of the operational needs of the wireless
258 communications provider, alternative sites, alternative existing facilities upon which the proposed
259 antenna array might be located, and collocation opportunities on existing support towers within one-
260 half mile of the proposed site shall be provided.

261 Evidence shall demonstrate that no practical alternative is reasonably available to the applicant. All new
262 towers proposed to be located in a residential zone or within 150 feet of a residential zone are

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~~permitted only after application of the following siting priorities, ordered from most preferred to least preferred. In addition, the applicant for a tower located in a residential zone or within 150 feet of a residential zone shall address these preferences in an alternative sites analysis provided with the complete application. Facilities outside of the public rights of way shall be subject to the following siting preferences, ordered from most preferred to least preferred:~~

~~a.i.~~ City owned or operated property and facilities that are not in residential zones or located within 150 feet of residential zones;

~~b.ii.~~ Industrial zones and business park zones (I and BP);

~~c.iii.~~ Nonresidential (not SF or MR) zones;

~~d.iv.~~ City owned or operated property and facilities in any zone;

~~e.v.~~ Commercial, mixed use residential, town center and public zones (C, MUR, TC and Public);

~~f.vi.~~ Residential zones (SF, MR).

5. Compliance with Code. The proposed tower shall satisfy all of the provisions and requirements of this section.

6. Public Notice. In addition to the notice requirements of Chapter [18.40](#) EMC and EMC [18.50.040](#) for a conditional use permit, tower proposals in residential zones and within 150 feet of a residential zone shall include the following public notice:

a. A black and white architectural elevation and color photo simulation rendering of the proposed WCF; and

b. The sign required by EMC [18.40.180](#) shall include that same architectural elevation and color photo simulation combination selected by the city that depicts the visual impact of the WCF.

F. General Development Standards Applicable to WCFs Other than Small Wireless Facilities. The following criteria shall be applied in approving, approving with conditions, or denying a permit for a WCF that is not a small wireless facility. Unless otherwise provided in this chapter, WCF construction shall be consistent with the development standards of the zoning district in which it is located.

1. Height. Refer to Tables 1 and 2.

2. Setback Requirements.

a. Refer to Tables 1 and 2 for towers.

b. All equipment shelters, cabinets or other on-the-ground ancillary equipment shall be buried or meet the setback requirement of the zone in which located. Notwithstanding the setbacks provided

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for in Tables 1 and 2, when a residence is located on an adjacent parcel, the minimum side setback from the lot line for a new tower must be equal to the height of the proposed tower, unless:

i. The tower is constructed with breakpoint design technology. If the tower has been constructed using breakpoint design technology, the minimum setback distance shall be equal to 110 percent of the distance from the top of the structure to the breakpoint level of the structure, or the applicable zone's minimum side setback requirements, whichever is greater. (For example, on a 100-foot tall monopole with a breakpoint at 80 feet, the minimum setback distance would be 22 feet [110 percent of 20 feet, the distance from the top of the monopole to the breakpoint] or the minimum side yard setback requirements for that zone, whichever is greater.) Provided, that if an applicant proposes to use breakpoint design technology to reduce the required setback from a residence, the issuance of building permits for the tower shall be conditioned upon approval of the tower design by a structural engineer.

3. Landscaping.

a. All landscaping shall be installed and maintained in accordance with this chapter. Existing on-site vegetation shall be preserved to the greatest extent reasonably possible and disturbance of the existing topography shall be minimized. The director may grant a waiver from the required landscaping based on findings that a different requirement would better serve the public interest.

b. Tower bases, when fenced (compounds), or large equipment shelters (greater than three feet by three feet by three feet), shall be landscaped. Tower bases shall be screened by fencing and landscaping, which will encompass a five-foot radius around the fenced area.

c. If fencing is installed, it shall consist of decorative masonry or wood fencing.

4. Visual Impact. All WCFs in residential zones and within 150 feet of residential zones, including equipment enclosures, shall be sited and designed to minimize adverse visual impacts on surrounding properties and the traveling public to the greatest extent reasonably possible, consistent with the proper functioning of the WCF. Such WCFs and equipment enclosures shall be integrated through location and design to blend in with the existing characteristics of the site. Such WCFs shall also be designed to either resemble the surrounding landscape and other natural features where located in proximity to natural surroundings, or be compatible with the urban built environment through matching and complementing existing structures and specific design considerations, such as architectural designs, height, scale, color and texture, and/or be consistent with other uses and improvements permitted in the relevant zone.

5. Use of Stealth Design/Technology. Stealth design is required in residential zones and to the extent shown in Tables 1 and 2. Stealth and concealment techniques must be appropriate given the proposed location, design, visual environment, and nearby uses, structures, and natural features. Stealth design shall be designed and constructed to substantially conform to surrounding building designs or natural settings, so as to be visually unobtrusive. Stealth design that relies on screening WCFs in order to reduce visual impact must screen all substantial portions of the facility from view. Stealth and concealment

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techniques do not include incorporating faux tree designs of a kind that are not native to the Pacific Northwest.

6. Lighting. For new towers, only such lighting as is necessary to satisfy FAA requirements is permitted. All FAA-required lighting shall use lights that are designed to minimize downward illumination. Security lighting for the equipment shelters or cabinets and other on-the-ground ancillary equipment is also permitted as long as it is down shielded to keep light within the boundaries of the site. Motion detectors for security lighting are encouraged in residential zones or adjacent to residences.

~~7. Noise. At no time shall transmission equipment or any other associated equipment (including, but not limited to, heating and air conditioning units) at any wireless communication facility emit noise that exceeds the applicable limit(s) established in EMC 18.90.140(E). Facilities utilizing passive cooling or other cooling methods that do not emit noise are to be utilized when feasible. If not feasible, cooling methods using low noise profile equipment shall be utilized. In no event shall transmission equipment or any other associated equipment (including, but not limited to, heating and air conditioning units) at any wireless communication facility emit noise that exceeds the applicable limit(s) established in EMC 18.90.140(E).~~

~~8. Signage. No facilities may bear any signage or advertisement(s) other than signage required by law or expressly permitted or required by the city. Any signage on facilities shall comply with EMC Chapter 18.97.~~

9. Code Compliance. All facilities shall at all times comply with all applicable federal, state and local building codes, electrical codes, fire codes and any other code related to public health and safety.

10. Building-Mounted WCFs.

a. In residential zones, all transmission equipment shall be concealed within existing architectural features to the maximum extent feasible. Any new architectural features proposed to conceal the transmission equipment shall be designed to mimic the existing underlying structure, shall be proportional to the existing underlying structure or conform to the underlying use and shall use materials in similar quality, finish, color and texture to the existing underlying structure.

b. In residential zones, all roof-mounted transmission equipment shall be set back from all roof edges to limit visibility from the right-of-way to the maximum extent feasible.

c. In all other zones, antenna arrays and supporting transmission equipment shall be installed so as to camouflage, disguise, or conceal them to make them closely compatible with and blend into the setting or host structure.

11. WCFs in the Public Rights-of-Way.

~~a. Preferred Locations. Facilities shall be located as far from residential uses as feasible, and on main corridors and arterials to the extent feasible. Facilities in the rights-of-way shall maintain at least a 200 foot separation from other wireless facilities (except with respect to DAS or small cell wireless facilities), except when collocated or on opposite sides of the same street.~~

~~Ba. Pole Mounted or Tower Mounted Equipment. All facilities in the Public Rights-of-Way shall be that are All pole or tower-mounted transmission equipment (antenna) shall be mounted and~~

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~~tower-mounted transmission equipment shall be mounted shall mount or place associated equipment~~
as close as physically and technically possible to the ~~the antennas on the pole or tower as physically and~~
~~technically possible~~ pole or tower so as to reduce the overall visual profile to the maximum extent
feasible while still maintaining required safety clearances ~~or shall instead underground such~~
~~equipmented. P~~All pole-mounted and tower-mounted transmission equipment shall be painted with
flat, nonreflective colors that blend with the visual environment. Notwithstanding the above, A
~~appurtenant antenna equipment (non-antenna) shall be placed underground to the maximum~~
~~extent unless not technically feasible.~~

~~c.b.~~ Exception from Setback Requirements. Setbacks do not apply to facilities in the right-of-
way, as shown in Tables 1 and 2.

12. Accessory Equipment. In residential zones, all equipment shall be located or placed in an existing
building, underground, or in an equipment shelter or cabinet that is (a) designed to blend in with
existing surroundings, using architecturally compatible construction and colors; and (b) located so as to
be as unobtrusive as possible consistent with the proper functioning of the WCF.

13. Spacing of Towers. Towers shall maintain a minimum spacing of one-half mile, unless it can be
demonstrated that physical limitations (such as topography, terrain, tree cover or location of buildings)
in the immediate service area prohibit adequate service by the existing facilities or that collocation is not
feasible.

14. Entire Lot Controls. 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 parcel within that
lot.

15. Backup Power Sources. The city encourages proposed WCFs to include backup power sources, such
as batteries or generators, to maintain wireless service in the event of an emergency, such as a natural
disaster. So long as the WCF otherwise complies with this chapter, a WCF using such backup power
during an emergency will be presumed to neither be detrimental to the public health, safety, and
general welfare, nor injurious to, or adversely affect, the uses, property, or improvements adjacent to
and in the vicinity of the site upon which the proposed use is proposed to be located.

Attachment 2- Public Comment received from Wireless Policy Group

From: Meridee Pabst <meridee.pabst@wirelesspolicy.com>

Sent: Wednesday, January 5, 2022 4:27 PM

To: Emily Arteché <emily@cityofedgewood.org>; Ken Lyons <ken.lyons@wirelesspolicy.com>; Sunny Ausink <sunny.ausink@wirelesspolicy.com>

Subject: Re: SWF and amendments to City of Edgewood EMC 18.100.110 Wireless Communications

Hi Emily,

I wanted to give you early notice that I don't see that the proposed changes pick up the amendments to the Eligible Facilities Request rule that the FCC adopted in late 2020, effective January 2021. The changes are to the definitions of "site" and "substantial change" in 47 CFR §1.6100(b), and it appears that the City's current code has the "old" definitions of each restated in EMC 18.20.220 S Definitions.

You can find the new definitions here: <https://www.ecfr.gov/current/title-47/chapter-I/subchapter-A/part-1/subpart-U/section-1.6100>

Thanks, and talk to you soon,

Meridee Pabst

Vice President, Land Use

Wireless Policy Group LLC

meridee.pabst@wirelesspolicy.com

425-628-2660 Direct

360-567-5574 Wireless

From: Kim Allen <kim.allen@wirelesspolicy.com>

Sent: Thursday, January 6, 2022 3:19 PM

To: Emily Arteché <emily@cityofedgewood.org>

Subject: Re: Edgewood wireless code update-Verizon comments

Please share my comments with the PC. The noise language is just fine, Emily.

Thanks-

Kim Allen

Senior Vice President, Land Use Entitlements and Strategic Planning



Wireless Policy Group, LLC

1420 W. Gilman Blvd. #9030, Issaquah WA 98027

(425)628-2666-office

Kim.allen@wirelesspolicy.com



January 6, 2022

Attachment 2- Public Comment received from Wireless Policy Group

Ms. JoAnn Overfield, Chair
Edgewood Planning Commission
2224 – 104th Avenue E.
Edgewood, WA 98372

SENT VIA EMAIL: evan@cityofedgewood.org

Re: Proposed Amendments to EMC 18.100.110 and Associated Definitions
Equipment Standards & Eligible Facilities Requests

Dear Chair Overfield and Commissioners:

On behalf of New Cingular Wireless PCS, LLC ("AT&T"), I provide these comments on the proposed City of Edgewood ("City") code amendments referenced above.

AT&T supports the City's efforts to update its code for consistency with the latest regulations and orders of the Federal Communications Commission ("FCC").

In reviewing the City's proposed draft, AT&T found two particular areas of concern, and we ask that you consider the following suggestions with regard to:

- Reasonably accommodating equipment for wireless facilities installed within the City's rights-of-way; and
- Updating the definitions related to Eligible Facilities Requests for consistency with the FCC's most recent revision to 47 C.F.R. §1.6100, which became effective in January 2021.

Equipment Standards for Small Wireless Facilities

AT&T is concerned about the lack of feasibility in the equipment standards proposed for small wireless facilities ("SWF") in the draft code changes, especially the proposed four (4) cubic foot limit on equipment located on a pole. This proposal reduces the currently permitted seventeen (17) cubic feet of equipment by more than 75 percent, a significant reduction that precludes both of AT&T's standard pole-mounted equipment cabinets. See changes proposed to Subsection -(D)(2)(a)-(d) on page four of the draft code.

Attachment 2- Public Comment received from Wireless Policy Group

Aesthetic standards for SWFs apply to the extent they are reasonable, technically feasible, and published in advance.¹ Each SWF standard must be technically feasible for all carriers.

AT&T's specific concerns include:

- **Four (4) cubic foot equipment limit.** This restrictive standard does not allow for either of AT&T's current standard pole-mounted equipment cabinets for its SWF designs, which are 4.4 cubic feet (the "pico" size) or 10.7 cubic feet (the "micro" size). The City's current code and most other area jurisdictions allow the minimum size required to feasibly enclose a provider's equipment (stated in the City's current code as, "*The equipment must be placed in the smallest enclosure possible for the intended purpose*"²), or where limited by a specific size, have adopted a significantly larger size limit, such as the 15 cubic foot limit adopted by Bellevue.³ AT&T suggests that the City adopt a standard that reasonably accommodates typical equipment cabinet size.
- **Unclear implications for equipment internal to the pole.** To meet other cities' aesthetic preferences, AT&T and others have designed stealth light poles that can contain all supporting equipment within the pole. An example of this type of design is the "SmartStack" streetlight pole manufactured by Sabre Industries. AT&T's "micro" equipment can be installed within a SmartStack pole with a 20-inch diameter. It is not clear from the proposed standards whether this type of installation would be allowed because the proposed equipment limit refers to "equipment" not an "equipment cabinet." AT&T suggests the City allow these stealth designs.
- **Undergrounding requirements.** In one proposed new SWF standard, the City requires an applicant to place all "non-antenna" equipment in excess of four (4) cubic feet underground. This requirement raises concerns with regard to both policy and feasibility.
 - As a policy matter, undergrounding requirements are unwarranted in the context of SWF installations on wooden utility poles, where utility equipment with similar visual impacts, such as transformers, are otherwise above ground. Compatibility in such an environment is achieved by

¹ *Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Declaratory Ruling and Third Report and Order, 33 FCC Rcd 9088 (2018), *vacated in part, City of Portland v. United States*, 969 F.3d 1020 (9th Cir. 2020), *cert. denied*, 594 U.S. ___, (June 28, 2021)(No. 20-1354), ¶¶ 86-87.

² Current EMC 18.100.110(D)(2)(b). See also, Pierce County Code 18J.15.275(M)(10).

³ BCC 6.08.050(D)(1)(e).

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attaching an equipment cabinet to the existing/replacement utility pole, with attachments painted to match the pole.

- SWF equipment may not be feasibly placed underground, and such placement has undesirable impacts for the public, for the following reasons:
 - *Attenuation of signal.* To operate properly and avoid signal loss, AT&T's SWF radios must be located close to its antennas. In fact, in some of AT&T's SWF designs, its radio is placed immediately adjacent to its antenna. Location of its radios underground causes attenuation of signal by both the distance and intervening obstructions (vault material and restored ground surface).
 - *Limited underground space.* Further, there is limited space in the right-of-way and vaulting requires cooling and dewatering systems (fans, sump pumps, piping, and exhaust vents) as well as sufficient space for workers to enter the vault for maintenance. In other words, the space needed underground is significantly larger than the size of the equipment, which can be otherwise accommodated within a 20-inch diameter "SmartStack" pole or in a reasonably sized cabinet.
 - *Potential water damage and unreliability.* In the Pacific Northwest, the typical amount of rainfall endangers underground equipment with risk of flooding and corrosion. Undergrounding is not a viable option for sensitive SWF technology in this region.
 - *Undesirable impacts of vaulting: noise.* An underground location requires climate control, such as fans, that would generate disturbing noise. In contrast, an above-ground location can be passively cooled, causing no discernible noise.
 - *Undesirable impacts of vaulting: construction and maintenance.* With undergrounding, an installation has significantly more impacts to the right-of-way and disturbance to traffic and pedestrian movements, during both construction and regular maintenance.
- **Ground-mounted equipment.**
 - AT&T suggests that the City reconsider what appears to be a preference for ground-mounted SWF equipment over pole-mounted SWF equipment in the right-of-way. Proposed Subsection -(D)(2)(d) on page four of the draft code. In AT&T's experience, the available space in the right-of-way is limited, and even when placing only a pole, there are challenges in meeting clear passage requirements of the Americans with Disabilities Act,

clear zones for traffic safety, and other spacing requirements. Furthermore, from the perspective of a pedestrian, ground-mounted equipment is likely to have more impact than pole-mounted equipment. Most area jurisdictions prefer pole-mounted equipment.

Equipment Standards for Macro Facilities in the Right-of-Way

Moreover, the City's proposed changes appear to add ambiguity regarding placement of supporting equipment for macro facilities in the right-of-way. Attachment of antennas to existing/replacement structures such as utility poles is a preferred means of locating wireless facilities in the City. Macro wireless equipment is larger and typically installed on the lot adjacent to the right-of-way when antennas are attached to utility poles within the right-of-way. Such equipment is placed within a building, shelter, or cabinet with screening by landscaping if needed to mitigate its visual impact.

In revised Subsection –(F)(11), the City proposes to require that macro facility equipment be placed underground in the right-of-way. As detailed above, an underground location is generally infeasible. Further, Subsection –(F)(11) does not expressly allow placement of equipment on an adjacent lot. AT&T suggests that with this code change, the City clarify that installations of supporting equipment adjacent to the right-of-way are permitted in every zone by adding language such as, *"In the alternative, antenna equipment may be placed on an adjacent lot in a manner meeting the same aesthetic standards as those described in Subsection –(F)(12)."*

Eligible Facilities Requests – Definitions

In an amendment to 47 C.F.R. §1.6100 effective in January 2021, the FCC revised the relevant definitions for "site" and for "substantial change," with respect to how changes to the site are evaluated. *Compare* 47 C.F.R. §1.6100(b) and –(b)(7)(iv) with the City's current definitions of "site" and "substantial change" in EMC 18.20.220.

AT&T suggests that the City update these two definitions for consistency with federal law. We do not find that changes to the City's application form for Eligible Facilities Requests are needed because it simply incorporates EMC 18.20.220 by reference.

I plan to participate in your meeting Monday night, and I can provide any additional information you would like at that time.

January 6, 2022
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We appreciate your consideration of AT&T's comments and for all of the efforts by the City's leaders and staff to establish workable policies for the wireless industry, including AT&T, and the people living and working in the Edgewood community.

Sincerely,



Meridee Pabst
meridee.pabst@wirelesspolicy.com

cc: Emily Arteche, Planning Manager

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1 EMC 18.20.220 Definitions.

2 "Small cells" means compact WCFs containing their own transceiver equipment and that
3 function like cells in a mobile network but provide a smaller coverage area than traditional
4 macrocells. Small cells must meet the parameters in subsections (1) and (2) of this definition.
5 For purposes of these definitions, "volume" is a measure of the exterior displacement, not the
6 interior volume of the enclosures. Antennas or equipment concealed from public view in or
7 behind an otherwise approved structure or concealment are not included in calculating volume.

8 1. Small Cell Antenna. Each antenna shall be no more than three cubic feet in volume.

9 2. Small Cell Equipment. Each equipment enclosure shall be no larger than 17 cubic feet in
10 volume. Associated conduit, mounting bracket or extension arm, electric meter, concealment,
11 telecommunications demarcation box, ground-based enclosures, battery backup power
12 systems, grounding equipment, power transfer switch, and cut-off switch may be located
13 outside the primary equipment enclosure(s) and are not included in the calculation of
14 equipment volume.

15 "Small Wireless Facilities," as used herein and consistent with 47 CFR section 1.1312(e)(2) or as
16 hereafter amended, encompasses facilities that meet the following conditions:

17 (1) The facilities—

18 (i) are mounted on structures 50 feet or less in height including their antennas as
19 defined in 47 CFR section 1.1320(d) or as hereafter amended, or

20 (ii) are mounted on structures no more than 10 percent taller than other
21 adjacent structures, or

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

24 (2) Each antenna associated with the deployment, excluding associated antenna
25 equipment (as defined in the definition of antenna in 47 CFR section 1.1320(d)), is no
26 more than three cubic feet in volume;

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

30 (4) The facilities do not require antenna structure registration under part 17 of this CFR
31 chapter I, Title 47, CFR;

32 (5) The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and

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(6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR section 1.1307(b) or as hereafter amended.

EMC 18.100.110 Wireless communications facilities.

A. Purpose. The purpose of this section is:

1. To protect the community's natural beauty, visual quality and safety while facilitating the reasonable and balanced provision of wireless communication services. More specifically, it is the city's goal to minimize the visual impact of wireless communications facilities (WCFs) on the community, particularly in and near residential zones;

2. To promote and protect the public health, safety, and welfare, preserve the aesthetic character of the Edgewood community, and to reasonably regulate the development and operation of WCFs within the city to the extent permitted under state and federal law;

3. To minimize the impact of WCFs by establishing standards for siting, design and screening;

4. To encourage the collocation of antennas on existing structures, thereby minimizing new visual impacts and reducing the potential need for new towers that are built in or near residential zones by encouraging that WCFs first be located on buildings, existing or replacement towers, or antenna, or utility poles support structures in public rights-of-way;

5. To protect residential zones from excessive development of WCFs;

6. To ensure that towers in or near residential zones are only sited when alternative facility locations are not feasible;

7. To preserve the quality of living in residential areas which are in close proximity to WCFs;

8. To preserve the opportunity for continued and growing service from the wireless industry;

9. To preserve neighborhood harmony and scenic viewsheds and corridors;

10. To accommodate the growing need and demand for wireless communication services;

11. To establish clear guidelines and standards and an orderly process for expedited permit application review, intended to facilitate the deployment of wireless transmission

Commented [KA1]: Is this term defined somewhere?

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equipment, to provide advanced communication services to the city, its residents, businesses and community at large;

12. To ensure city zoning regulations are applied consistently with federal telecommunications laws, rules, regulations and controlling court decisions;

13. To encourage the use of distributed antenna systems (DAS) and other small cell wireless facility systems that use components that are a small fraction of the size of macrocell deployments, and can be installed with street lights or on other utilities support structures with little or no visual impact on utility support structures, buildings, and other existing structures;

14. To provide regulations which are specifically not intended to, and shall not be interpreted or applied to, (a) prohibit or effectively prohibit the provision of personal wireless services, (b) unreasonably discriminate among functionally equivalent service providers, or (c) regulate WCFs and wireless transmission equipment on the basis of the environmental effects of radio frequency emissions to the extent that such emissions comply with the standards established by the Federal Communications Commission; and

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

B. Exemptions. (No proposed amendments)

C. New Wireless Communication Antenna Arrays. (No proposed amendments)

D. Distributed Antenna Systems and Small Cells/Wireless Facilities.

1. Siting.

a. Distributed antenna systems (DAS) and Small cells/Wireless Facilities are permitted in all zones as long as they meet subject to the following requirements:

i. DAS and small cells in public right-of-way are subject to the city's For Small Wireless Facilities to be sited within the City rights-of-way: Facilities shall be located along arterial street corridors to the maximum extent feasible. All Small Wireless Facilities to be sited within the City rights-of-way are, subject to approval of a master use permit/franchise agreement and right-of-way use permit under EMC Title 12.

ii. DAS and small cells require Small Wireless Facilities to be sited outside of the City rights-of-way are subject to approval submission of a site plan and

Commented [KA2]: Municipalities cannot create preference for specific technologies, as network design is specifically reserved to the carriers by the FCC, which includes the type of technology chosen.

Commented [KA3]: What is this agreement? Under WA law, a city cannot charge a provider for use of the ROW if attaching to an existing or replacement structure.

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98 approval of a building permit. If the Small Wireless Facility or Facilities
99 installation requires construction of a new antenna support/ utility support
100 structure(s), building, or the erection of a replacement antenna support/utility
101 support structure(s) 15 feet (including antennas) taller than the existing antenna
102 support/utility support structure(s), ~~the following additional both a building~~
103 ~~permit and an administrative use permit and a building permit are~~
104 ~~required, if their the small wireless facility or facilities installation requires~~
105 ~~construction of a new antenna support structure, utility support structure or~~
106 ~~building, or the erection of a replacement antenna support structure or utility~~
107 ~~support structure in excess of the dimensional standards listed in Subsection (A)~~
108 ~~Additional below;~~

109 ~~iii. A. DAS and small cells do not require an For small wireless facilities to be~~
110 ~~sited outside of the City rights-of-way, nadministrative use permit, or building~~
111 ~~permit is required in the following circumstances: if of the facility will be on the~~
112 ~~height of a replacement antenna support structure or replacement utility~~
113 ~~support structure, the height of which of which, including antennas, will be no~~
114 ~~more than the greater of than : (A) 15 feet taller than the existing antenna~~
115 ~~support structure or utility support structure; eight is allowed when it is or (B)~~
116 ~~the minimum height necessary to provide the required safety clearances from~~
117 ~~transmission or distribution lines and and/pole owner requirements.~~

118 b. Permit Batching: An applicant may apply for Mmultiple site DAS and Small cells
119 Wireless Facilities are permitted in one application, per the following requirements in
120 the following situations:

121 i. An administrative use permit for multiple distributed antennas that are part of
122 a larger overall DAS network;

123 ii. ~~An applicant seeks administrative use permits for multiple Small cells~~
124 ~~Wireless Facilities placed to provide wireless coverage in a contiguous area; or~~

125 iii. For locations in the public right-of-way, a single master use permit/franchise
126 agreement (EMC Title 12) may be used for multiple node-locations in DAS
127 and/or Small cell Wireless Facilities networks throughout the city.

128 2. General Development Standards – Small Cell Wireless Facility Equipment. The
129 following standards are applicable to all Small Wireless Facilities, whether sited within or
130 outside of the rights-of-way.

131 a. WCFs in the Public Rights-of-Way.

Commented [KA4]: The FCC Order puts no limits on permit batching, such as the requirement that they be in a contiguous area. Suggest deleting.

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All related antenna equipment (as defined in 47 CFR 1.6002 or as hereafter amended) shall not be mounted more than six inches from the surface of the support structure, unless a further distance is technically required.

~~bbc. Related base station antenna equipment (as defined in 47 CFR 1.6002) for Small cell Wireless Facilities of up to four (4) cubic feet shall be surface pole mounted as close to the antenna(s) as technically feasible but not placed more than six inches from the surface of the support structure unless a further distance is technically required.~~

Commented [KA5]: The volume of the equipment that can be mounted on the pole is 28 cubic feet, not 4 cubic feet, which is not a workable size for any deployment.

~~(5)~~

~~must be attached to the utility support structure, unless otherwise permitted to or be underground-mounted. equipment exceeds 4 cubic feet and it's the equipment The equipment must be placed in the smallest enclosure possible for the intended purpose. The equipment enclosure may not exceed 17 cubic feet. Multiple equipment enclosures may be acceptable if designed to more closely integrate with the support structure design and do not cumulatively exceed 17 cubic feet. The applicant shall place the equipment enclosure behind any banners or road signs that may be on the support structure, if such banners or road signs are allowed by the pole owner and provided by the city.~~

~~ccd. Antenna equipment (other than cabling) that exceeds four (4) cubic feet shall be undergrounded if technically feasible; if not, such equipment shall then be located in an enclosure that is ground mounted as close to the antenna support structure or utility support structure as technically feasible. If technically not feasible to underground An applicant that desires to enclose its antennas and equipment within a unified enclosure; provided, that such unified enclosure does not exceed four cubic feet the FCC ruling for maximum dimensional standards. To the extent possible, the unified enclosure shall be placed so as to appear as an integrated part of the antenna support structure or utility support structure or behind banners or signs. The unified enclosure may not be placed more than six inches from the surface of the support structure, unless a further distance is technically required and confirmed in writing by the support structure owner.~~

Commented [KA6]: See previous comment regarding volume allowed by the FCC Order. Also, to the extent that overhead electric, landline and cable infrastructure is allowed, the same standard should apply to SWF's in the ROW. Additionally, the FCC Order requires that all requirements be technically feasible. Unlike macro facilities, which generate much more powerful signals, small wireless facility equipment has a much more limited range. Placing radios underground separates the antennas from the radios in such a way that the signal is degraded through path loss. Also, there is limited space in the ROW and vaulting requires sufficient space for workers to enter the vault for maintenance. In the Pacific Northwest, the amount of rainfall endangers underground equipment with risk of flooding and corrosion. This is not a viable option for this technology.

~~de. Small cell Wireless Facilities mounted on cables strung between existing utility poles support structures shall conform to all of the following standards:~~

i. Each strand-mounted facility shall not exceed three cubic feet in volume;

ii. Only one strand-mounted facility is permitted per cable between any two existing poles utility support structures;

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iii. The strand-mounted devices shall be placed as close as possible to the nearest utility ~~pole~~support structure, in no event more than six feet from the ~~pole~~utility support structure unless a greater distance is technically necessary or required by the ~~pole~~utility support structure owner for safety clearance;

iv. No strand-mounted device shall be located in or above the portion of the roadway open to vehicular or pedestrian traffic;

v. Ground-mounted equipment to accommodate such strand-mounted facilities is not permitted, except when placed in preexisting equipment cabinets;

vi. ~~Pole~~Utility support structure-mounted equipment for strand-mounted facilities shall meet the requirements for ~~pole~~utility support structure-mounted ~~Small cells~~Wireless Facilities; and

vii. Such strand-mounted devices must be installed to cause the least visual impact and with the minimum exterior cabling or wires (other than the original strand) necessary to meet the technological needs of the facility.

e. Aesthetic Standards.

i. ~~To the extent possible the antenna~~All antennas, including equipment enclosures, shall be the smallest technically feasible. All antenna and attached antenna equipment must be placed in the smallest enclosure(s) possible for the intended purpose and not to exceed the FCC ruling for maximum dimensional standards contained within the definition of Small Wireless Facility.

ii. ~~Equipment enclosures may not block any banners or road signs that may be on the support structure. space shall be designed to use the smallest enclosure technically necessary to fit the equipment and antennas.~~

~~_____~~

~~Applicants are encouraged to place the equipment enclosure as close to the antennas as physically and technically possible.~~

iii. ~~All conduit, cables, wires, and fiber shall be routed internally in afor Small Wireless Facilities mounted on nonwooden pole~~antenna support structures or utility support structures. Full concealment of all conduit, cables, wires and fiber is required within mounting brackets, shrouds, canisters or sleeves for Small Wireless Facilitiesif attaching to exterior antennas or equipment mounted on wooden antenna support structures

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or utility support structures, or for building mounted Small Wireless Facilities.

- iv. For antenna support structure or utility support structure mounted ~~antennas~~ Small Wireless Facilities, the antennas, and any support structure extender, associated equipment, shrouding, bracketing, and any other visible antenna equipment ~~extension shall be integrated into the polesupport structure design so that itthey appears asto be a continuation of the original polesupport structure, including being colored or painted to reasonably match the polesupport structure, and shall be shrouded or screened to blend with the polesupport structure.~~
- v. All cabling and mounting hardware/brackets from the bottom of the antenna to the top of the polesupport structure shall be fully concealed and integrated with the poleantenna or utility support structure by color or paint reasonably matching and/or shrouding or screening.
- vi. Any replacement of street light polesupport structure shall substantially conform to the design of the City's current street lighting standards ~~unless not technically feasible, except where all adjacent existing support structures support overhead utilities, in which case the replacementsupport structure shall substantially conform with the design of the adjacent existing support structures. it is replacing or the neighboring pole design standards utilized within the contiguous right-of-way.~~
- i. ~~Antennas, equipment enclosures, and all ancillary equipment, boxes and conduit shall be colored, tinted, or painted to match the approximate color of the surface of the wooden pole on which they are attached.~~
- vii. For building mounted Small Wireless Facilities, placement shall be such that the new antenna is not visible from adjacent streets or surrounding public spaces, unless such placement is not if technically feasible. Further, any building mounted Small Wireless Facilities must be entirely colored or painted to reasonably match the color of the building to which it is mounted. Building mounted Small Wireless Facilities may not interrupt the architectural lines or horizontal or vertical reveals of the building. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if they complement the architecture of the existing building. Small Wireless Facilities mounted on buildings shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building and any brackets must reasonably match the color of the building. Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner

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appearance, and minimize the visual impact of the antennas. Such skirts or shrouds must also reasonably match the color of the building. Exposed cabling/wiring is prohibited.

E. Standards – Towers (No proposed amendments)

E. Standards – Towers.

1. Prohibition. Only monopole towers are permitted in the city. Lattice towers and guyed towers are prohibited.

2. Siting. An administrative use permit is required to site a new tower in accordance with the criteria contained in Table 1 and Table 2. In addition, the location shall be subject to any additional siting priorities set forth in this chapter.

Table 1

New Wireless Communication Tower Criteria

Allowed by Administrative Use Permit

Zoning District	Located in Public Right-of-Way (ROW)	Maximum Tower Height [2]	Stealth Design	Setback from Property Lines (does not apply within ROW)
C, MUR, TC, Public [1]	Yes	60'	See Footnote 1	N/A
	No	60'	See Footnote 1	20'
BP, I [1]	(allowed in ROW only if less than or equal to 70')	100'	See Footnote 1	20'

Commented [KA7]: These 2 standards are inconsistent.

[1] Stealth design is required if an applicant constructs a tower in or within 150 feet of a residential zone.

[2] Tower heights of up to 120 feet can be requested through a conditional use permit (CUP), where compatibility can be fully addressed.

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Table 2

New Wireless Communication Tower Criteria

Allowed by Conditional Use Permit

Zoning District	Maximum Tower Height [2]	Stealth Design	Setback from Property Lines (does not apply within ROW)
SF, MR [3]	60'	Required	20'
C, MUR, TC, Public [3]	70' [4]	Optional [3]	20'

255 [3] Stealth design is required if an applicant constructs a tower in or within 50 feet of a
256 residential zone.

257 [4] An additional 20 feet in height in these zones is allowed if applicant uses stealth design.

258 3. Tower Sharing and Collocation. New WCF facilities must, to the maximum extent feasible,
259 collocate on existing towers or other structures of a similar height to avoid construction of new
260 towers, unless precluded by zoning constraints such as height, structural limitations, inability to
261 obtain authorization by the owner of an alternative location, or where an alternative location
262 will not meet the service coverage objectives of the applicant. Applications for a new tower
263 must address all existing towers or structures of a similar height within one-half mile of the
264 proposed site as follows: (a) by providing evidence that a request was made to locate on the
265 existing tower or other structure, with no success; or (b) by showing that locating on the
266 existing tower or other structure is infeasible.

267 4. Preferred Tower Locations.

268 a. Facilities ~~be located~~ are strongly preferred to be sited within the public rights-of-ways, on
269 main corridors and arterials to the extent feasible. Facilities in the rights-of-way shall maintain
270 at least a 200-foot separation from other wireless facilities; except when collocated or on
271 opposite sides of the same street

272 In addition to the development standards in this chapter, An applicant for a tower must
273 submit documentation according to the hierarchical alternative site list in i-vi below to
274 demonstrate that there is a need for a new tower if it is to be located outside the public right of
275 way, in a residential zone or within 150 feet of an existing residential lot.

276 In addition, the applicant shall also provide a An evaluation of the operational needs of the
277 wireless communications provider, alternative sites, alternative existing facilities upon which
278 the proposed antenna array might be located, and collocation opportunities on existing
279 support towers within one-half mile of the proposed site shall be provided.

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Evidence shall demonstrate that no practical alternative is reasonably available to the applicant. All new towers proposed to be located in a residential zone or within 150 feet of a residential zone are permitted only after application of the following siting priorities, ordered from most preferred to least preferred. In addition, the applicant for a tower located in a residential zone or within 150 feet of a residential zone shall address these preferences in an alternative sites analysis provided with the complete application. Facilities outside of the public rights of way shall be subject to the following siting preferences, ordered from most preferred to least preferred:

ai. City owned or operated property and facilities that are not in residential zones or located within 150 feet of residential zones;

bii. Industrial zones and business park zones (I and BP);

ciii. Nonresidential (not SF or MR) zones;

dii. City owned or operated property and facilities in any zone;

ey. Commercial, mixed use residential, town center and public zones (C, MUR, TC and Public);

fvi. Residential zones (SF, MR).

5. Compliance with Code. The proposed tower shall satisfy all of the provisions and requirements of this section.

6. Public Notice. In addition to the notice requirements of Chapter 18.40 EMC and EMC 18.50.040 for a conditional use permit, tower proposals in residential zones and within 150 feet of a residential zone shall include the following public notice:

a. A black and white architectural elevation and color photo simulation rendering of the proposed WCF; and

b. The sign required by EMC 18.40.180 shall include that same architectural elevation and color photo simulation combination selected by the city that depicts the visual impact of the WCF.

F. General Development Standards Applicable to WCFs Other than Small Wireless Facilities. The following criteria shall be applied in approving, approving with conditions, or denying a permit for a WCF that is not a Small Wireless Facility. Unless otherwise provided in this chapter, WCF construction shall be consistent with the development standards of the zoning district in which it is located.

1. Height. Refer to Tables 1 and 2.

Commented [KA8]: Under the 2018 FCC Order, FN 252, a municipality may not require a quid pro quo, such as installation on city owned property as a location criterion.

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2. Setback Requirements.

a. Refer to Tables 1 and 2 for towers.

b. All equipment shelters, cabinets or other on-the-ground ancillary equipment shall be buried or meet the setback requirement of the zone in which located. Notwithstanding the setbacks provided for in Tables 1 and 2, when a residence is located on an adjacent parcel, the minimum side setback from the lot line for a new tower must be equal to the height of the proposed tower, unless:

i. The tower is constructed with breakpoint design technology. If the tower has been constructed using breakpoint design technology, the minimum setback distance shall be equal to 110 percent of the distance from the top of the structure to the breakpoint level of the structure, or the applicable zone's minimum side setback requirements, whichever is greater. (For example, on a 100-foot tall monopole with a breakpoint at 80 feet, the minimum setback distance would be 22 feet [110 percent of 20 feet, the distance from the top of the monopole to the breakpoint] or the minimum side yard setback requirements for that zone, whichever is greater.) Provided, that if an applicant proposes to use breakpoint design technology to reduce the required setback from a residence, the issuance of building permits for the tower shall be conditioned upon approval of the tower design by a structural engineer.

3. Landscaping.

a. All landscaping shall be installed and maintained in accordance with this chapter. Existing on-site vegetation shall be preserved to the greatest extent reasonably possible and disturbance of the existing topography shall be minimized. The director may grant a waiver from the required landscaping based on findings that a different requirement would better serve the public interest.

b. Tower bases, when fenced (compounds), or large equipment shelters (greater than three feet by three feet by three feet), shall be landscaped. Tower bases shall be screened by fencing and landscaping, which will encompass a five-foot radius around the fenced area.

c. If fencing is installed, it shall consist of decorative masonry or wood fencing.

4. Visual Impact. All WCFs in residential zones and within 150 feet of residential zones, including equipment enclosures, shall be sited and designed to minimize adverse visual impacts on surrounding properties and the traveling public to the greatest extent reasonably possible, consistent with the proper functioning of the WCF. Such WCFs and equipment enclosures shall be integrated through location and design to blend in with the existing characteristics of the site. Such WCFs shall also be designed to either resemble the surrounding landscape and other

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natural features where located in proximity to natural surroundings, or be compatible with the urban built environment through matching and complementing existing structures and specific design considerations, such as architectural designs, height, scale, color and texture, and/or be consistent with other uses and improvements permitted in the relevant zone.

5. Use of Stealth Design/Technology. Stealth design is required in residential zones and to the extent shown in Tables 1 and 2. Stealth and concealment techniques must be appropriate given the proposed location, design, visual environment, and nearby uses, structures, and natural features. Stealth design shall be designed and constructed to substantially conform to surrounding building designs or natural settings, so as to be as visually unobtrusive as feasible. Stealth design that relies on screening WCFs in order to reduce visual impact must screen all substantial portions of the facility from view. Stealth and concealment techniques do not include incorporating faux tree designs of a kind that are not native to the Pacific Northwest.

6. Lighting. For new towers, only such lighting as is necessary to satisfy FAA requirements is permitted. All FAA-required lighting shall use lights that are designed to minimize downward illumination. Security lighting for the equipment shelters or cabinets and other on-the-ground ancillary equipment is also permitted as long as it is down shielded to keep light within the boundaries of the site. Motion detectors for security lighting are encouraged in residential zones or adjacent to residences.

7. Noise. At no time shall transmission equipment or any other associated equipment (including, but not limited to, heating and air conditioning units) at any wireless communication facility emit noise that exceeds the applicable limit(s) established in EMC 18.90.140(E).

8. Signage. ~~No facilities may bear any signage or advertisement(s) other than signage required by law or expressly permitted or required by the city.~~ Any signage on facilities shall comply with EMC Chapter 18.97.

9. Code Compliance. All facilities shall at all times comply with all applicable federal, state and local building codes, electrical codes, fire codes and any other code related to public health and safety.

10. Building-Mounted WCFs.

a. In residential zones, all transmission equipment shall be concealed within existing architectural features to the maximum extent feasible. Any new architectural features proposed to conceal the transmission equipment shall be designed to mimic the existing underlying structure, shall be proportional to the existing underlying structure or conform to the underlying use and shall use materials in similar quality, finish, color and texture to the existing underlying structure.

b. In residential zones, all roof-mounted transmission equipment shall be set back from all roof edges to limit visibility from the right-of-way to the maximum extent feasible.

Commented [KA9]: Verizon requests the original language be retained. There is signage required by the FCC that the city may not regulate.

Attachment 2- Public Comment received from Wireless Policy Group

c. In all other zones, antenna arrays and supporting transmission equipment shall be installed so as to camouflage, disguise, or conceal them to make them closely compatible with and blend into the setting or host structure.

11. WCFs in the Public Rights-of-Way.

a. Preferred Locations. Facilities shall be located as far from residential uses as feasible, and on main corridors and arterials to the extent feasible. Facilities in the rights-of-way shall maintain at least a 200-foot separation from other wireless facilities (except with respect to DAS or small cell wireless facilities), except when collocated or on opposite sides of the same street.

b. Pole Mounted or Tower Mounted Equipment. ~~All facilities in the Public Rights-of-Way shall be that are All pole or tower-mounted transmission equipment (antenna) shall be mounted and tower-mounted transmission equipment shall be mounted shall mount or place associated equipment as close as physically and technically possible feasible to the the antennas on the pole or tower as physically and technically possible pole or tower so as to reduce the overall visual profile to the maximum extent feasible while still maintaining required safety clearances or shall instead underground such equipmented. All pole-mounted and tower-mounted transmission equipment shall be painted with flat, nonreflective colors that blend with the visual environment. Notwithstanding the above, All appurtenant antenna equipment (non-antenna) shall be placed underground to the maximum extent unless not technically feasible.~~

c. Exception from Setback Requirements. Setbacks do not apply to facilities in the right-of-way, as shown in Tables 1 and 2.

12. Accessory Equipment. In residential zones, all equipment shall be located or placed in an existing building, underground, or in an equipment shelter or cabinet that is (a) designed to blend in with existing surroundings, using architecturally compatible construction and colors; and (b) located so as to be as unobtrusive as possible consistent with the proper functioning of the WCF.

13. Spacing of Towers. Towers shall maintain a minimum spacing of one-half mile, unless it can be demonstrated that physical limitations (such as topography, terrain, tree cover or location of buildings) or network objectives in the immediate service area prohibit adequate service by the existing facilities or that collocation is not feasible.

14. Entire Lot Controls. 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 parcel within that lot.

15. Backup Power Sources. The city encourages proposed WCFs to include backup power sources, such as batteries or generators, to maintain wireless service in the event of an emergency, such as a natural disaster. So long as the WCF otherwise complies with this chapter,

Commented [KA10]: It is not technically feasible to underground equipment in the right of way. In addition to the reasons cited in the comment on undergrounding above, the size of macro equipment and the need for climate controlled space and room for maintenance access is not feasible in the constrained space of the right of way.

Commented [KA11]: Sites designed to add capacity use spectrum that does not travel very far and the 1/2 mile limitation may not work for that reason.

Attachment 2- Public Comment received from Wireless Policy Group

421 a WCF using such backup power during an emergency will be presumed to neither be
422 detrimental to the public health, safety, and general welfare, nor injurious to, or adversely
423 affect, the uses, property, or improvements adjacent to and in the vicinity of the site upon
424 which the proposed use is proposed to be located.

425 16. Deviation From Standards. An applicant may obtain a deviation from these design
426 standards if compliance with the standard:

427 (a) is not technically feasible;

428 (b) impedes the effective operation of the wireless facility;

429 (c) impairs a desired network performance objective;

430 (d) conflicts with pole owner requirements; or

431 (e) otherwise materially inhibits or limits the provision of wireless service.



CITY OF EDGEWOOD STAFF REPORT PLANNING COMMISSION AGENDA ITEM

Date: January 10, 2022

Title: Environmental Noise Ordinance

Attachments: 1) Proposed code amendments to EMC Titles 8, 12, and 18.

Submitted By: Darren Groth, AICP, CPM CED Director

Background:

In response to several recent complaints received regarding noise, City Council asked for a review of Edgewood's noise code provisions and sought recommendations regarding measures to improve the current code. Staff reviewed the existing EMC regulations and also reviewed noise ordinances being used in other municipalities. After conducting those reviews, staff is recommending the proposed changes included in Attachment 1.

The Edgewood Police Department is currently tasked with enforcing noise violations in the City of Edgewood using Pierce County Code (PCC) 8.76. The existing PCC is overly complicated, requiring the use of calibrated sound measuring devices, various decibel levels in various zones, and a one-hour sound measurement by law enforcement. The drafted changes are modeled after local municipalities that uses time-of-day constraints and noise audible at specified distances in lieu of continuing the requirement for decibel readings.

On December 13, 2021, staff and the Commission discussed the impacts that the proposed code changes will have on businesses in Town Center and along the Meridian Corridor, residents in single family neighborhoods, and the enforcement of noise pollution in Edgewood. The Commission expressed interest in evaluating the code changes one year after they go into effect to assess any impacts that they have had. The Commission also requested to have a Public Hearing on the proposed code changes at this January 10th meeting.

Public Hearing:

The Planning Commission may hold a public hearing to solicit public input on the proposed code changes to EMC Titles 8, 12, and 18, pertinent to enforcement of noise pollution violations.

Title 8 | HEALTH AND SAFETY

Chapter 8.20, Noise Pollution

8.20.010 Purpose.

The City Council has found that inadequately controlled noise may adversely affect the health, safety, and general welfare of people, the value of property, and the quality of the environment. The purpose of this chapter is to minimize the exposure of residents and visitors to the harmful physiological and psychological effects of excessive noise by limiting noise pollution in a manner that promotes commerce; the use, value, and enjoyment of property; sleep and repose; and the quality of the environment.

8.20.020 Noise pollution.

A. General Prohibition. It is unlawful for any person to cause or for any person who owns or occupies property to allow to originate from the property sound that is a public disturbance noise.

B. Public Disturbances. The following sounds are public disturbance noises in violation of this chapter:

1. The frequent, repetitive, or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;

2. The creation of frequent, repetitive, or continuous sounds in connection with the starting, operation, repair, rebuilding, or testing of any motor vehicle, motorcycle, off-highway vehicle, or other internal combustion engine within a residential district, so as to unreasonably disturb or interfere with the peace and comfort of owners or occupants of real property;

3. Yelling, shouting, whistling, or singing on or near public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m., or at any time and place as to unreasonably disturb or interfere with the peace and comfort of owners or occupants of real property;

4. The creation of frequent, repetitive, or continuous sounds which emanate from any building, structure, apartment, or condominium, which unreasonably disturb or interfere with the peace and comfort of owners or occupants of real property, such as sounds from musical instruments, audio sound systems, band sessions, or social gatherings, so as to be audible greater than 100 feet of the source;

5. Sound from motor vehicle audio sound systems, such as tape players, radios, or compact disc players, operated at a volume so as to be audible greater than 50 feet from the vehicle itself;

6. Sound from portable audio equipment, such as tape players, radios or compact disc players, operated at a volume so as to be audible greater than 50 feet from the source when not operated upon the property of the operator, and if operated on the property of the operator, then so as to be audible greater than 50 feet from the boundary of the property;

7. The squealing, screeching, or other such sounds from motor vehicle tires in contact with the ground or other surface because of rapid acceleration, braking, excessive speed around corners, or any other reason, except for sounds resulting from actions necessary to avoid danger;

37 8. Land development and construction activity noise generated by activities regulated by EMC
38 Titles 12-16, 18, and 20, except as authorized by EMC 18.90.140(G);

39 9. Sounds originating from residential property relating to temporary projects performed by the
40 homeowner for the maintenance or repair of homes, grounds, or appurtenances, including but not
41 limited to sounds from lawnmowers, powered hand tools, snow removal equipment, or any other
42 power motorized equipment before 7:00 a.m. and after 10:00 p.m. on weekdays and before 8:00 a.m.
43 and after 10:00 p.m. on weekend days; or

44 10. Continuing and/or ongoing sounds from motor vehicles including but not limited to engine
45 sounds, horn sounds, hydraulic or air break sounds, or other equipment located on the motor vehicle or
46 attached trailer, audible more than 25 feet away from the vehicle located on or in the vicinity of
47 residential property, which sounds unreasonably cause the annoyance or disturbance of two or more
48 neighbors not residing at the same address, except for to warn of danger or emergencies. For the
49 purposes of this section, such sounds after 10:00 p.m. and before 7:00 a.m. on weekdays or after 10:00
50 p.m. and before 8:00 a.m. on weekend days shall be presumed to be a public disturbance noise.

51 C. Exemptions. EMC Chapter 8.20 shall not apply to the following activities.

52 1. Community and special events subject to an approved permit.

53 2. Fireworks lawfully discharged within the city.

54 3. Public safety training activities and the sirens or other warning devices, either on emergency
55 vehicles operated by agencies such as fire departments, police departments, or ambulance services, or
56 stationary devices for warning the general public of threats such as those from natural occurrences such
57 as lahars, necessary in the interests of law enforcement or for the health, safety, or welfare of the
58 community.

59 4. The performance of emergency work for the immediate safety, health, or welfare of the
60 community or individuals of the community to restore property to a safe condition.

61 5. Equipment, tools, generators, or other devices used during emergency situations and the
62 associated work performed for the duration of the emergency.

63 8.20.030 Enforcement.

64 A. The Mayor, or designee, and any law enforcement officer are authorized to enforce this Chapter.

65 8.20.040 Violation – Penalty.

66 Any person who violates the provisions of this chapter shall be subject to issuance of a civil infraction
67 and a civil penalty of up to \$250.00; provided, that the penalty for a second or subsequent violation
68 within any two-year period shall be a civil penalty of up to \$500.00.

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8.05.050 PCC sections and chapters not adopted.

The following provisions of PCC Title [8](#) are excluded from the scope of this chapter and are expressly not adopted by reference hereunder:

- A. ~~PCC 8.72.090(A)~~; Chapter 8.72 PCC (Motor Vehicle, Public Disturbance, and Public Nuisance Noise);
- B. Chapter [8.08](#) PCC (Public Nuisances); and
- C. Chapter [8.09](#) PCC (Chronic Nuisance Properties).

18.90.140 Performance standards.

A-D unchanged

E. Restrictions on Dangerous and Objectionable Elements.

1. ~~The provisions of Chapter 8.76 PCC, Noise Pollution Control (as adopted in EMC Title 8), shall apply. In addition, frequent, repetitive or continuous sounds emanating from any use or facility other than transportation facilities or temporary construction work shall not exceed 75 decibels at the property lines. If the community development director or designee determines it to be necessary or has reason to believe that noise levels are being exceeded, the owner and/or operator of a use or facility shall be required to provide noise reading data for noise levels at all property lines. No noise shall be permitted in violation of Chapter 8.20 EMC or this chapter.~~

2. No vibration shall be permitted which is discernible without instruments at the points of measurement specified in this section.

3. No emission shall be permitted of odorous gases or other odorous matter released from any operation or activity in such quantities so as to exceed the odor threshold beyond lot lines. The odor threshold shall be defined as the concentration in the air of a gas or vapor which will just evoke a response in the human olfactory system.

4. No direct or reflected light or glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, so as to be visible at the property lines or skyward beyond the building height of the zone, shall be permitted.

5. The regulations of the federal occupational safety and health standards shall apply for all radioactivity and electrical disturbance unless local codes and ordinances supersede this federal regulation.

F-G unchanged

18.100.110 Wireless communications facilities.

A-E unchanged

F. General Development Standards Applicable to WCFs. The following criteria shall be applied in approving, approving with conditions, or denying a permit for a WCF. Unless otherwise provided in this chapter, WCF construction shall be consistent with the development standards of the zoning district in which it is located.

F.1-6 unchanged

7. Noise. ~~At no time shall transmission equipment or any other associated equipment (including, but not limited to, heating and air conditioning units) at any wireless communication facility emit noise that exceeds the applicable limit(s) established in EMC 18.90.140(E).~~ Facilities utilizing passive cooling or other cooling methods that do not emit noise are to be utilized when feasible. If not feasible, cooling methods using low noise profile equipment shall be utilized. In no event shall transmission equipment or any other associated equipment (including, but not limited to, heating and air conditioning units) at any wireless communication facility emit noise that exceeds the applicable limit(s) established in EMC 18.90.140(E).

12.10.050 Prohibited activities.

The following activities are unlawful within city parks:

A-H unchanged

I. Noise. No person shall make any public disturbance noise or public nuisance noise as defined in EMC Chapter 8.20 ~~Chapter 8.72 of the Pierce County Code.~~

J-P unchanged

12.10.080 Violation – Penalty.

A-D unchanged

E. Violations of EMC 12.10.050(I) (“Noise”) shall be punished as set forth in ~~Pierce County Code Section 8.72.130, which provides that the first violation is a class 3 civil infraction under RCW 7.80.120 (\$50.00), the second violation is a class 2 civil infraction under RCW 7.80.120 (\$125.00) and the third violation is a class 1 civil infraction under RCW 7.80.120 (\$250.00) (all of these amounts do not include statutory assessments)~~ EMC Chapter 8.20.

F-K unchanged

8.09.020 Definitions.

“Nuisance” or “Nuisance activity” means and includes:

3. Any criminal conduct, including the attempt and/or conspiracy to commit any criminal conduct, as defined by state or local ordinance occurring on, around, near or having a nexus to a property including, but not limited to:

a-g unchanged

~~h. Noise: Chapter 70.107 RCW;~~

i-o Sequencing updated to capture deletion of ‘h’ in the outline.



CITY OF EDGEWOOD
STAFF REPORT
PLANNING COMMISSION AGENDA ITEM

Date: January 10, 2022

Title: GIS Map Code Updates

Attachments: 1) Proposed code amendments to EMC Title 18 and 14

Submitted By: Evan Hietpas, Associate Planner

Background:

The City of Edgewood has developed a robust geographic information system (GIS) map that is available on the city's website. The map is regularly maintained and updated to ensure that information is accurate, available, and current. These efforts result in a tremendous resource because the GIS map hosts data layers that provide an outstanding amount of data and resources. Data hosted on the map includes potential critical areas, future land use designations, and current zoning.

Based on these efforts, city staff has recognized that there are sections of the Edgewood Municipal Code (EMC) that should be updated to reflect the technological advances the city has made. The proposed code updates outlined in attachment 1 of this staff report accurately reflect these improvements.

On December 13, 2021, staff and the Planning Commission discussed the proposed changes. The Commission requested a Public Hearing on the proposed code changes at this January 10th meeting.

Public Hearing:

The Planning Commission may hold a public hearing to solicit public input on the proposed code changes to EMC Titles 18 and 14, pertinent to the use of the city's GIS map for the identification of potential critical areas, future land use designations, and current zoning.

14.10.040 Applicability.

A. This title shall apply to all lands and waters within Edgewood ~~that are designated, mapped, or identified as a critical area, and their corresponding critical area buffer, and closed depression, erosion hazard area, flood hazard area, landslide hazard area, mineral resource land, natural resource land, seismic hazard area, setback-sensitive area, volcanic hazard area, or wellhead protection area.~~ that are designated, mapped, or identified as a critical area, and their corresponding critical area buffer, and closed depression, erosion hazard area, flood hazard area, landslide hazard area, mineral resource land, natural resource land, seismic hazard area, setback-sensitive area, volcanic hazard area, or wellhead protection area.

B. No development, development activity, or regulated activities shall hereafter take place without full compliance with this title.

C. When the requirements of this title are more stringent than those of other city codes and regulations, the requirements of this title shall apply.

D. Compliance with these regulations does not remove an applicant's obligation to comply with applicable provisions of any other federal, state, or local law or regulation.

E. Criteria for determining the presence of a critical area is contained within each chapter of this title.

F. When a site contains two or more critical areas, the site shall meet the minimum standards and requirements for each.

G. Critical areas ~~are identified on, but may not be limited to, the following maps: as defined in EMC 14.20.010 Definitions, and known potential critical areas shall be shown on the geographic coverage layers maintained as a part of the City's geographic information system (GIS) under the authorization of the Director. No unauthorized person may alter or modify the critical areas GIS layers. This geographic coverage layer, as amended from time to time, shall constitute the official critical areas map and shall be incorporated into this title by reference as if fully set forth herein.~~ are identified on, but may not be limited to, the following maps: as defined in EMC 14.20.010 Definitions, and known potential critical areas shall be shown on the geographic coverage layers maintained as a part of the City's geographic information system (GIS) under the authorization of the Director. No unauthorized person may alter or modify the critical areas GIS layers. This geographic coverage layer, as amended from time to time, shall constitute the official critical areas map and shall be incorporated into this title by reference as if fully set forth herein.

~~1. Wetlands;~~

~~2. Geologically Hazardous Areas;~~

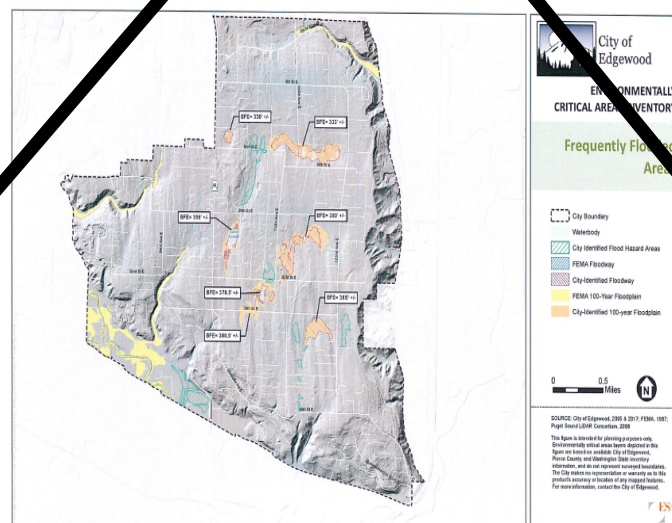
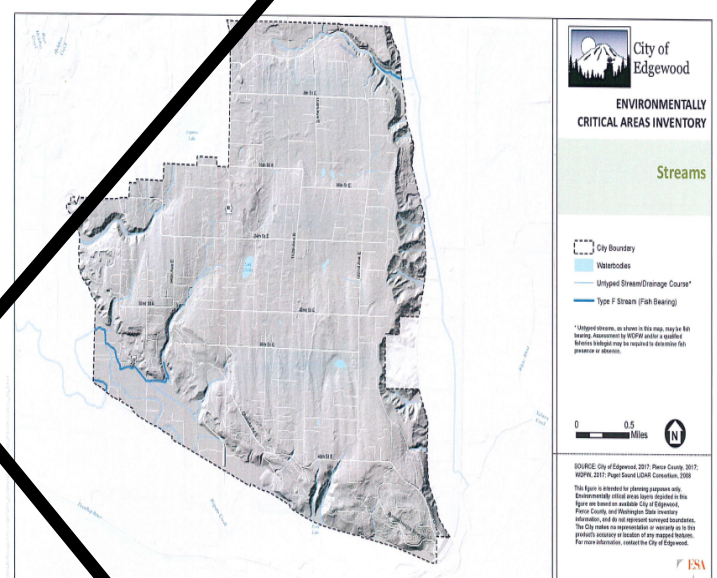
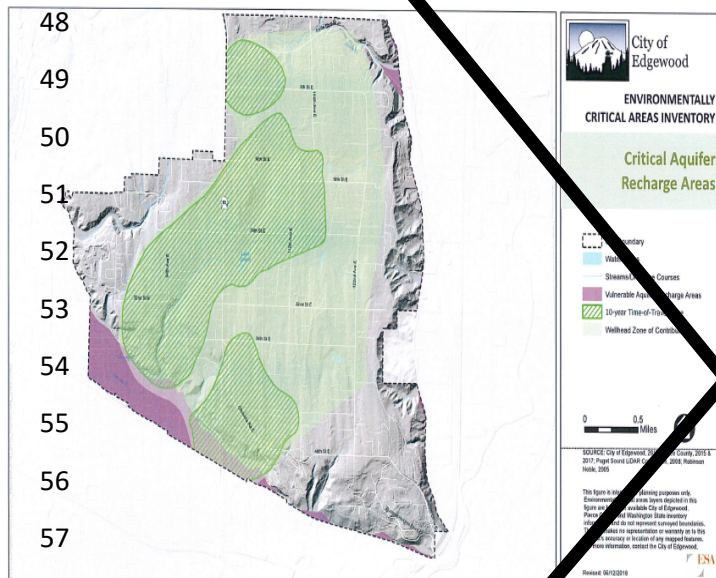
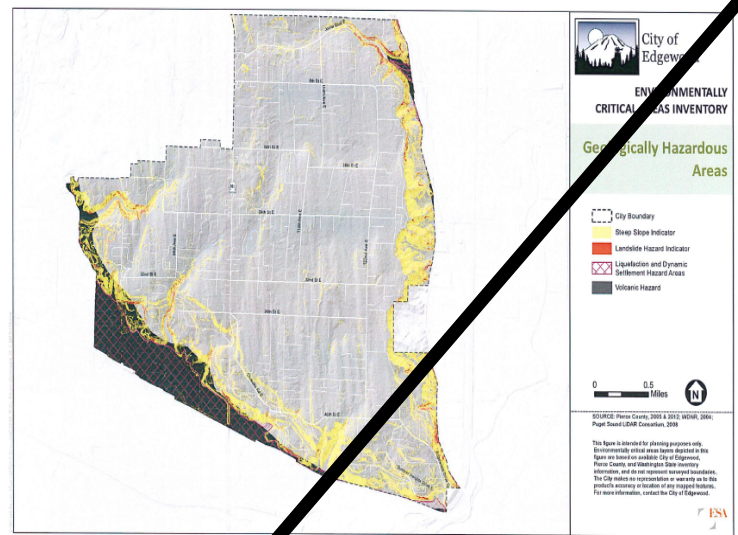
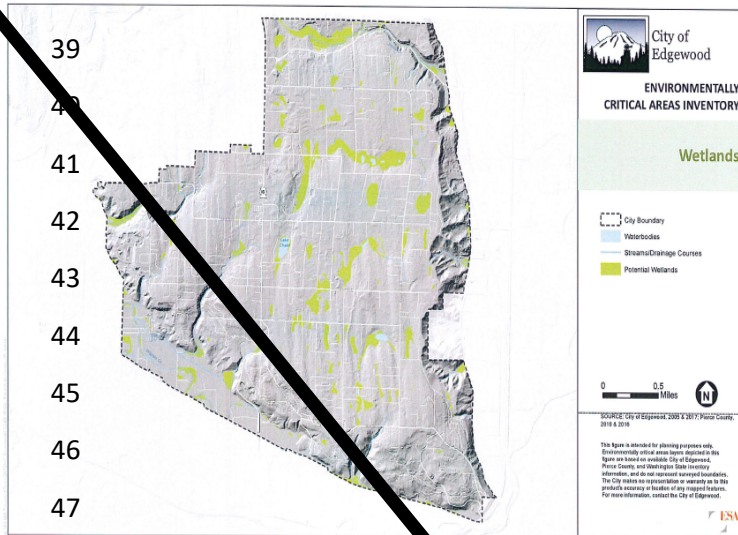
~~3. Critical Aquifer Recharge Areas;~~

~~4. Streams; and~~

~~5. Frequently Flooded Areas.~~

H. The boundary of each mapped critical area identified in EMC Section 14.10.040.A is approximate and is only intended to provide an indication of the presence of a critical area on a particular site. Additional critical areas that have not been mapped may also be present on a site. The actual presence of a critical area and the applicability of these regulations shall be determined based upon the classification or categorization criteria and review procedures established for each critical area. City staff or the city's consultant(s) may request the ability to perform an on-site inspection to assess the site in order to advise if additional studies or reports shall be included with any development application.

~~I. Critical area maps shall be updated and maintained by the department.~~



(Ord. 17-513 § 3 (Exh. A)).

18.80.020 Establishment of zones.

A. The classification system used in the comprehensive plan was established and mapped as a management tool to implement the policies and intent of the comprehensive plan. Land use designations were established which are appropriate to carry out the intent and purpose of the comprehensive plan, ~~and~~ are defined in the comprehensive plan's land use element, and are mapped as a layer on the City's geographic information system (GIS) as the Future Land Use Map. The zoning district classifications established to implement each of the comprehensive plan land use designations for the city are shown in Table 2 below. The zone boundaries are as shown on the ~~e~~City's official ~~Z~~zoning ~~m~~Map, which is further described in EMC Section 18.80.030, Zoning Map ~~hereby adopted by reference.~~ Where the abbreviated designation is used in this title, it has the same meaning as the entire classification title.

18.80.030 Zoning map.

A. The location and boundaries of all zones or districts designated in this title ~~were are hereby~~ established in accordance with EMC Section 18.80.020, Establishment of Zones. The established zones are officially mapped and as maintained as a part of the City's geographic information system (GIS) under the authorization of the Director, or designee. No unauthorized person may alter or modify the shown on the map entitled, "City of Edgewood Zoning Map," as adopted herewith and as may be amended from time to time, and hereafter referred to as "Zoning mMap." ~~The official GIS Zzoning mMap shall be as shown on a geographic coverage layer attributed to zoning that is maintained as a part of the city's geographic information system (GIS) at the direction of the community development director or designee. No unauthorized person may alter or modify the zoning GIS layer. This geographic coverage layer, as amended from time to time, shall constitute the official zZoning mMap for the eCity's zoning jurisdiction and shall be incorporated into this title by reference as if fully set forth herein. An original, signed copy of the zoning GIS layer containing the zoning districts designated at the time of adoption of this title shall be retained in the office of the city clerk pursuant to RCW 35.63.100, and duplicates shall be filed in the community development department for reference and public distribution. All amendments hereafter made to the zoning map by ordinance shall be reflected on such map, and it shall be the responsibility of the community development department to ensure that an up to date map is maintained at all times.~~

B. Where uncertainty exists as to any of the zone boundaries as shown on the ~~z~~Zoning ~~m~~Map, the following rules shall apply:

1. A boundary shown on the ~~zoning map~~ Zoning Map as approximately following a lot line or parcel boundary shall be construed as following the lot line or parcel boundary as it actually existed at the time the zoning boundary was established. If, subsequent to the establishment of the zoning boundary, a lot line should be moved as a result of a legally performed boundary line adjustment, then the zoning boundary shall be construed as moving with the lot line if and only if the lot line is moved no more than 10 feet and remains generally parallel to the original line.
2. A boundary shown on the Zoning Map ~~zoning map~~ as approximately following a creek, lake, or other water course shall be construed as following the actual centerline of the water course. If, subsequent to establishment of the boundary, the centerline of the water course should move as a result of natural processes, then the boundary shall be construed as moving with the centerline of the water course.
3. A boundary shown on the Zoning Map ~~zoning map~~ as approximately following a ridgeline or topographic contour line shall be construed as following the actual ridge or contour line. If, subsequent to the establishment of the boundary, the ridge or contour line should move as a result of natural processes, then the boundary shall be construed as moving with the ridge or contour line.
4. A boundary shown on the Zoning Map ~~zoning map~~ as approximately following a street or railroad line shall be construed as following the centerline of the street or railroad right-of-way. If, subsequent to the establishment of the boundary, the centerline of the street or railroad right-of-way should be moved as a result of its widening or minor realignment (such as at an intersection), then the boundary shall be construed as moving with the centerline if and only if the centerline is moved no more than 20 feet.
5. Whenever any street or other public right-of-way is vacated in the manner prescribed by law, the zoning district adjoining each side of said street or other public right-of-way shall be automatically extended to the

119 centerline of the former street or other public right-of-way, and all of the area included in the vacation shall
120 then and henceforth be subject to all regulations of the extended districts.

121 6. Whenever a single lot, one acre or less in size, is located within two or more different zoning districts, the
122 district regulations applicable to the district within which the larger portion of the lot lies shall apply to the
123 entire lot.

124 7. Whenever a single lot greater than one acre in size is located within two or more different zoning districts,
125 each portion of that lot shall be subject to all the regulations applicable to the district in which it is located.

126 ~~8. If the specific location of a zoning boundary line cannot be determined from application of the above rules to~~
127 ~~the zoning map, it shall be determined by the use of the scale designated on the zoning map.~~

128 98. Where questions still arise concerning the exact location of a district boundary, the community
129 development director or designee shall interpret the zone boundaries. (Ord. 20-579 § 3 (Exh. C); Ord. 15-448 §
130 2 (Exh. A); Ord. 03-203 § 1).



CITY OF EDGEWOOD
STAFF REPORT
PLANNING COMMISSION AGENDA ITEM

Date: January 10, 2022

Title: Wireless Ordinance

Attachments: 1) Draft Planning Commission Recommendation

Submitted By: Emily Arteche, AICP, Planning Manager

Summary:

On January 10, 2022, the Planning Commission held a public hearing to solicit public input on proposed code changes to EMC Title 18, pertinent to wireless facilities, technology, regulations, and the City's wireless processes, procedures, and preferences.

Staff Recommendation:

City staff recommends the continuation of a public hearing to the Planning Commission's next meeting on Monday February 14, 2022, to allow time to address comments received from wireless communications company representatives. City staff will prepare revised code language for the continued February 14th public hearing.

Additionally, the Planning Commission may choose to take action by providing a recommendation to City Council for discussion, public hearing, further discussion, and final action. A draft recommendation has been prepared by staff, included as Attachment 1.



**CITY OF EDGEWOOD
PLANNING COMMISSION
RECOMMENDATION**

The Planning Commission voted x – x to recommend APPROVAL of the proposed code amendments to the Edgewood Municipal Code (EMC) pertaining to wireless facilities, technology, regulations, and the City's wireless processes, procedures, and preferences.

It is the recommendation of the City of Edgewood Planning Commission to approve the drafted EMC amendments as presented in the staff report and attachment submitted by Planning Manager Emily Arteché for the January 10, 2022 public hearing.

**RECOMMENDED BY THE CITY OF EDGEWOOD PLANNING COMMISSION
ON THE 10TH DAY OF JANUARY 2022.**

Planning Commission Chair

Attest by:

Evan Hietpas
Associate Planner



CITY OF EDGEWOOD
STAFF REPORT
PLANNING COMMISSION AGENDA ITEM

Date: January 10, 2022

Title: Noise Ordinance

Attachments: 1) Draft Planning Commission Recommendation

Submitted By: Darren Groth, AICP, CPM, CED Director

Summary:

On January 10, 2022, the Planning Commission held a public hearing to solicit public input on proposed code changes to EMC Title 18, pertinent to enforcement of noise pollution violations.

Following the public hearing, the Planning Commission may take action by providing a recommendation to City Council for discussion, public hearing, further discussion, and final action. A draft recommendation has been prepared by staff, included as Attachment 1.



CITY OF EDGEWOOD
PLANNING COMMISSION
RECOMMENDATION

The Planning Commission voted x – x to recommend APPROVAL of the proposed code amendments to the Edgewood Municipal Code (EMC) pertinent to enforcement of noise pollution violations.

It is the recommendation of the City of Edgewood Planning Commission to approve the drafted EMC amendments as presented in the staff report and attachment submitted by CED Director Darren Groth for the January 10, 2022 public hearing.

**RECOMMENDED BY THE CITY OF EDGEWOOD PLANNING COMMISSION
ON THE 10TH DAY OF JANUARY 2022.**

Planning Commission Chair

Attest by:

Evan Hietpas
Associate Planner



CITY OF EDGEWOOD
STAFF REPORT
PLANNING COMMISSION AGENDA ITEM

Date: January 10, 2022

Title: GIS Map Code Updates

Attachments: 1) Draft Planning Commission Recommendation

Submitted By: Evan Hietpas, Associate Planner

Summary:

On January 10, 2022, the Planning Commission held a public hearing to solicit public input on proposed code changes to EMC Titles 18 and 14 pertaining to the use of the city's GIS map for the identification of potential critical areas, future land use designations, and current zoning.

Following the public hearing, the Planning Commission may take action by providing a recommendation to City Council for discussion, public hearing, further discussion, and final action. A draft recommendation has been prepared by staff, included as Attachment 1.



**CITY OF EDGEWOOD
PLANNING COMMISSION
RECOMMENDATION**

The Planning Commission voted x – x to recommend APPROVAL of the proposed code amendments to the Edgewood Municipal Code (EMC) pertinent to the use of the city's GIS map for the identification of potential critical areas, future land use designations, and current zoning.

It is the recommendation of the City of Edgewood Planning Commission to approve the drafted EMC amendments as presented in the staff report and attachment submitted by Associate Planner Evan Hietpas for the January 10, 2022 public hearing.

**RECOMMENDED BY THE CITY OF EDGEWOOD PLANNING COMMISSION
ON THE 10TH DAY OF JANUARY 2022.**

Planning Commission Chair

Attest by:

Evan Hietpas
Associate Planner



CITY OF EDGEWOOD STAFF REPORT PLANNING COMMISSION AGENDA ITEM

Date: January 10, 2022

Title: 2022 Work Plan

Attachments: 1) 2022 Work Plan Future Agenda Calendar
2) Draft Planning Commission Recommendation

Submitted By: Evan Hietpas, Associate Planner

Discussion:

This discussion item is intended to allow the Planning Commission to start preparing for setting their Work Plan for 2022. The list below is provided by city staff to outline potential topics. The items in **bold** are new additions.

Draft 2022 Work Plan- prepared by staff

1. Town Center (subarea plan)
2. Development and Public Works standards (streetlights, right-of-way improvements, streetscapes, etc.)
3. Sewer connection requirements
4. Tree preservation (city-wide goals, community forest management plan, etc.)
5. Various Edgewood Municipal Code (EMC) updates (ex. Wireless, Noise, Land Use Table)
6. **Training opportunities and guest speakers**
7. **Review Planning Commission handbook**
8. **2024 City Comprehensive Plan update**
9. City-initiated Comprehensive Plan amendments
10. Public zoning
11. EMC Title 17: Planning and Development (form-based code)

Objectives

1. Public education and engagement opportunities
2. Promote diversity, equity, and inclusion in recommendations to City Council
3. Collaborate with the Economic Development Advisory Board (EDAB)
4. Collaborate with Parks and Recreation Advisory Board (PRAB)

Recommendation:

Provide a recommendation to City Council on the formation of the Planning Commission 2022 Work Plan in preparation for the Tuesday February 15, 2022 meeting with City Council at 7:00PM. All Planning Commissioners are asked to attend the February 15th meeting.

Edgewood Planning Commision 2021 Future Agenda Calendar- January 2022

Work Plan Items	2021						2022					
	9-Aug	13-Sep	11-Oct	8-Nov	13-Dec	10-Jan	14-Feb	14-Mar	11-Apr	9-May	13-Jun	11-Jul
Town Center	Discussion	Discussion	Discussion	Discussion	Discussion	Discussion	Discussion	Discussion	Discussion	Discussion	Discussion	Discussion
Development & Public Works Standards	None	None	None	None	None	None	Discussion	Discussion	PH and Action	None	None	None
Sewer Connection Requirements	Discussion	Discussion	None	None	None	None	Discussion	Discussion	Action	None	None	None
Tree Preservation	None	None	None	None	None	None	None	None	None	Discussion	Discussion	Discussion
Various Code Updates	PH and Action 1. Streetscapes Discussion 1. HB 1220	PH and Action 1. HB 1220	Discussion 1. Wireless Ordinance 2. School Impact Fees	None	Discussion 1. Wireless Ordinance 2. Noise Ordinance 3. GIS Map Code Updates	PH and Action 1. Wireless Ordinance 2. Noise Ordinance 3. GIS Map Code Updates	PH and Action 1. Wireless Ordinance	None	None	None	None	None
2024 City Comprehensive Plan Update	None	None	None	None	None	None	None	None	None	None	Discussion	Discussion
Training Opportunities & Guest Speakers	None	None	None	None	None	None	None	Discussion 1. Staff Presentation	Discussion 1. Staff Presentation	Discussion 1. Staff Presentation	None	None
Review Planning Commission Handbook	None	None	None	None	None	None	None	Discussion	Discussion	Discussion	None	None
2022 Work Plan	None	None	Discussion	Discussion	Discussion	Action	Discussion	Discussion	Discussion	Discussion	Discussion	Discussion
Agenda Formation	August	September	October	November	December	January	February	March	April	May	June	July
Public Hearing (PH)	1. Streetscapes	1. HB 1220	None	None	None	1. Wireless Ordinance 2. Noise Ordinance 3. GIS Map Code Updates	1. Wireless Ordinance	None	1. Development/ PW Standards	None	None	None
Action	1. Streetscapes	1. HB 1220	None	None	None	1. Wireless Ordinance 2. Noise Ordinance 3. GIS Map Code Updates 4. 2022 Work Plan	1. Wireless Ordinance	None	1. Development/ PW Standards 2. Sewer Connection Reqs.	None	None	None
Discussion	1. Town Center 2. HB 1220 3. Sewer Connection Reqs. 4. PC Handbook 5. 2021 Work Plan	1. Town Center 2. Sewer Connection Reqs. 3. 2021 Work Plan	1. Town Center 2. Street Light Standards 3. Small Cell Wireless 4. School Impact Fees 5. 2021 Work Plan 6. 2022 Work Plan	1. Town Center 2. Street Light Standards 3. City Comp. Plan Amend. 4. 2022 Work Plan 5. 2021 Work Plan	1. Town Center 2. Wireless Ordinance 3. Noise Ordinance 4. GIS Map Code Updates 5. City Comp. Plan Amend. 6. 2022 Work Plan 7. 2021 Work Plan	1. Town Center	1. Town Center 2. Development/ PW Standards 3. Sewer Connection Reqs. 4. 2022 Work Plan	1. Town Center 2. Development/ PW Standards 3. Sewer Connection Reqs. 4. Review PC Handbook 5. 2022 Work Plan	1. Town Center 2. Training Opportunity 3. Review PC Handbook 4. 2022 Work Plan	1. Town Center 2. Tree Preservation 3. Training Opportunity 4. Review PC Handbook 5. 2022 Work Plan	1. Town Center 2. Tree Preservation 3. 2024 Comp. Plan 4. Training Opportunity 5. 2022 Work Plan	1. Town Center 2. Tree Preservation 3. 2024 Comp. Plan 4. 2022 Work Plan

This calendar is for planning purposes only. Please check with staff should you have any questions.



CITY OF EDGEWOOD
PLANNING COMMISSION
RECOMMENDATION

The Planning Commission voted x – x to recommend APPROVAL of the proposed 2022 Work Plan as outlined in the staff report submitted by Associate Planner Evan Hietpas on January 10, 2022, in preparation for the Tuesday February 15, 2022 meeting.

**RECOMMENDED BY THE CITY OF EDGEWOOD PLANNING COMMISSION
ON THE 10TH DAY OF JANUARY 2022.**

Planning Commission Chair

Attest by:

Evan Hietpas
Associate Planner



CITY OF EDGEWOOD
STAFF REPORT
PLANNING COMMISSION AGENDA ITEM

Date: January 10, 2022

Title: Town Center (TC)

Attachments: 1) None

Submitted By: Evan Hietpas, Associate Planner

Background Information:

December 14, 2020- March 8, 2021: Key discussion points from these meetings are listed below:

- Vision for TC neighborhood, as established in City's Comprehensive Plan
- Future of Edgewood City Hall property and development of a Civic Campus
- Current and recent projects in TC including multi-family developments
- Conceptual building and site design, through "Sketch-Up" 3-D modeling
- Targeted land uses like craft manufacturing and business incubators
- Variety of housing options
- Trail, open space networks and plazas/greenspace
- Equitable access to public amenities
- Public-private partnerships

April 12, 2021: Commission recommended three actions to City Council.

June 7 and June 9, 2021: Staff kicked off the public involvement process with presentations to both the EDAB and PRAB. Staff will continue working with the boards to gather input on the promotion of local craft manufacturing, business incubators, and to seek public feedback on public plazas, greenspaces, and trails, both connecting to and within the TC area.

September 13, 2021: Commission determined the geographic boundary of the Town Center Subarea Plan (attachment 3). The boundary is limited to properties with TC zoning designation and is consistent with Pierce County's Center of Local Importance (COLI) designation.

October 11, 2021: City staff presented youth engagement efforts during the Edgewood Experience program. Additionally, City staff announced that the boundary set at the September 13th meeting would be used to apply for the WA State Dept. of Commerce's Transit Oriented Development Implementation (TODI) Grant. It is worth noting that Edgewood was not selected for the grant and staff is evaluating any potential impacts this may have on the subarea planning process.

November 8, 2021: Discussion on historic TC planning efforts and the proposed Subarea Planning schedule, focusing on the public involvement process.

December 13, 2021: Discussion on TC Subarea Plan webpage and Thursday January 27th Subarea Plan Virtual Community Workshop.

Current Discussion:

The city will hold a virtual Community Workshop on Thursday January 27, 2022 at 6:00PM. This workshop will be the first in a series of three (3). The goal of this workshop is to *inform and promote*. *Inform* the public about what and where Town Center is and *promote* the development of a Subarea Plan. The workshop will give people an opportunity to stay involved in the city's efforts in 2022. City staff and AHBL representatives will lead a **recorded presentation** of the important topics outlined below.

1. Introduction: Goals of First Workshop, Expectations for 3 Community Workshops, Subarea Planning Process Timeline
2. Town Center- Heart of Edgewood: Intro to TC (where/what), Vision for Town Center (civic pride, attractive design, shops, eateries, businesses, comfortable gathering places, homes, parks and trails)
3. Subarea Plan: Planning Commission Role, Purpose of Subarea Planning, Implementation of TC Vision (Berk Report and previous planning efforts)
4. Public Involvement: Summary of Stakeholders, Available Resources and Information, Recap of Public Involvement Process and TC Subarea Plan Timeline

Following the presentation (approximately 45 minutes), the workshop will move into a Questions and Answers session, where attendees may ask questions or provide their thoughts or ideas. Planning Commissioners who attend the workshop may provide their input when applicable. Staff will facilitate approximately 60 minutes of time for this portion of the workshop. Staff will also ask meeting attendees to provide their e-mail address to receive project updates throughout the process. Once this portion of the workshop has concluded, the virtual workshop will end.

The Community Workshop will be promoted through various methods:

- Town Center webpage, City event calendar, and social media
- E-mail subscribers on City Clerk's distribution list
- Postcards to Town Center property owners
- Puget Sound Business Journal advertisement
- Tacoma News Tribune

Additionally, city staff is pursuing other public outreach opportunities to be incorporated into the Subarea Planning process in the coming months.

- Youth-
 - Mountain View Community Center
 - Edgewood Experience High Schools: Chief Leschi, Fife, Puyallup, Sumner, Walker
- Seniors- Mountain View Community Center
- City of Milton- Milton Planning Commission