
CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

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PLANNING COMMISSION

To: Planning Commission
From: Alison Van Gorp, CPD Deputy Director
Date: March 17, 2021
RE: ZTR19-004 Wireless Code Update

SUMMARY

The proposed code amendment amends MICC 19.06, updating the code sections related to wireless communications and small cell regulations and adopting permanent regulations that are consistent with recent updates to federal regulations.

BACKGROUND

City staff recommended through the annual docketing process and the City Council place on the final docket a proposed code amendment to MICC 19.06, to update the code sections related to wireless communications and small cell regulations. The City has had temporary regulations in place since early 2019, and this update is intended to adopt permanent regulations that are consistent with recent changes to federal regulations and that are responsive to modern cellular technology and facilities.

The Planning Commission initially began consideration of this code amendment in late 2019 and early 2020, however this work was suspended last year due to the pandemic. The City is now ready to resume consideration of this code amendment. City staff have reviewed notes and documents related to the Commission's previous work, and at this time the staff propose revisions to the following code sections:

- Edits to MICC 19.06.040 to comply with the latest regulatory developments
- Moving the Eligible Facilities Requests (6409 Request) Provisions from MICC 19.06.075 to MICC 19.06.040(I).
- Adding a provision to MICC 19.06.040 to address amateur radio facilities (ham radio antennas)
- Edits to MICC 19.06.070 to clarify intent to require as much undergrounding as technically possible
- Edits to MICC 19.06.070 to address federal permit processing timelines
- Edits to MICC 19.06.075 to address noise issues
- Edits to MICC 19.06.075 to comply with the latest regulatory developments
- Edits to MICC 19.06.075 to make the design and concealment standards more objective and easier for Staff to administer
- Cleanup of associated definitions in MICC 19.16.010

At the March 17 meeting, staff will review each of these items in further detail and either provide recommended code language, or options for consideration and direction from the Commission. Wireless and small cell facilities are heavily regulated by the Federal Communications Commission (FCC), preempting local control in many areas. The City is extremely limited in how it can regulate these facilities and this will be reflected in the recommendations presented during the meeting. In areas where there is limited local authority, Eileen Kieffer has worked to develop recommended code language that aligns with federal regulations. In areas where there is more room for local control, we will present options for Commission's consideration and feedback.

Staff would like to review and get feedback from the Commission on all of these items during the March 17 meeting. This will be the main opportunity for the Commission to give feedback and direction on the code amendment. Staff will prepare the draft code based on this feedback and make it available for review in advance of the public hearing scheduled on April 20, 2021.

NEXT STEPS

At the March 17 meeting, City staff and contract attorney Eileen Keiffer will provide an overview of the proposed code amendments, suggesting revisions and new code language and outlining options for the Commission's feedback. The Commission will have the opportunity to discuss the proposal and provide direction to staff on the drafting of the code amendment. A Public Hearing is scheduled during the Planning Commission's April 20 meeting. After hearing public comments on the proposal, the Commission will make a recommendation to the City Council.

ATTACHMENTS

None