

**CITY OF ISSAQUAH
City Council Regular Meeting**

7:00 PM
March 18, 2019

MINUTES

Council Chambers
135 E. Sunset Way

COUNCIL AND ADMINISTRATIVE PERSONNEL PRESENT

Councilmembers:

Mariah Bettise
Stacy Goodman
Victoria Hunt
Tola Marts
Chris Reh
Lindsey Walsh
Paul Winterstein

Administration/Staff:

Mary Lou Pauly, Mayor
Emily Moon, City Administrator
Jim Haney, City Attorney
Tisha Gieser, Deputy City Clerk

CALL TO ORDER

Mayor Pauly called the meeting to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

Mayor Pauly led the Pledge of Allegiance.

SPECIAL BUSINESS

a) **ID 0417 - Sister Cities Commission Report**

Commission Chair, Robin Kelley; Vice Chair, Heather Stapf; and Commissioner Shari Gehrke provided a report summarizing the purpose and activities of the Sister Cities Commission.

AUDIENCE COMMENTS

The following individuals urged that improvements be made along NW Sammamish Road (AB 7751):

- Tiffany Endres, 4240 192nd Court SE
- Steve Loper, 19535 SE 51st St.
- Nancy Outealt, 4568 193rd Pl. SE
- Eileen Hotchkiss, 4731 193rd Pl. SE
- Josie Beck, 18724 SE 45th Pl.
- Jennifer Juan, 18716 SE 43rd St.

The following individuals urged advocating the state legislature to secure state funding to preserve and increase salmon returns by:

- Larry Franks, 24001 SE 103rd St., representing Friends of the Issaquah Salmon Hatchery (FISH)
- Kelly Richardson, 14910 262nd Ave. SE, representing Friends of the Issaquah Salmon Hatchery (FISH)

The following public comment was provided:

- David Kappler, 255 SE Andrews St., spoke in support of the acquisition of the trailhead along Cougar Mountain (AB 7739), and spoke regarding concerns with non-native fish species in Lake Sammamish.

- Steve Periera, 170 NW Dogwood St., spoke regarding SanMar, unfunded transportation projects and potential funding sources for these projects.

COMMITTEE / REGIONAL REPORTS

Councilmember Walsh:

- Eastside Transportation Partnership – Made report.

Councilmember Hunt:

- King Conservation District Advisory Committee – Made report. Announced upcoming meeting.
- Cascade Water Alliance Resource Management Committee – Made report.
- Land & Shore Committee – Made report. Announced upcoming meeting.
- Water Resource Inventory Area 8 (WRIA8) Salmon Recovery Council – Announced upcoming meeting.

Councilmember Reh:

- Services & Safety Committee – Made report. Announced upcoming meeting.

Councilmember Winterstein:

- Puget Sound Regional Council (PSRC) Growth Management Policy Board – Made report. Announced upcoming meeting.
- Infrastructure Committee – Announced upcoming meeting.

Councilmember Goodman:

- Eastside Fire & Rescue Board – Made report. Announced upcoming meeting.

Deputy Council President Bettise:

- Eastside Human Services Forum Board – Announced upcoming meeting.

Council President Marts:

- Sound Cities Association (SCA) Public Issues Committee – Made report. Announced upcoming meeting.
- King County Growth Management Planning Council (GMPC) – Announced upcoming meeting.

MAYOR'S REPORT

Executive Session:

Earlier this evening at 5:45 p.m., there was a Special Meeting to hold an Executive Session to discuss minimum price at which real estate will be offered for sale or lease per RCW 42.30.110(1)(c) and pending/potential litigation per RCW 42.30.110(1)(i).

Bergsma Update:

The City officially closed on the Bergsma property as of Thursday, Feb. 28! This is the first step in a two-step process. As you may remember, the City Council authorized the Administration to purchase and to pursue some very significant grant funding. Our first significant grant application has been submitted. Earlier this month, the City submitted a grant for Conservation Futures Grant Funds through King County. Notification of whether the grant was awarded will be received by July.

Vale Affordable Housing:

Vale, an apartment complex currently under construction on 7th Ave NW (near the Safeway on Gilman) is located in Central Issaquah. As part of allowing additional height on some projects, the City requires at least 10% of the available units to be affordable. Vale apartments are now leasing, with occupancy starting around May 1. The development features 110 apartments with 10% (or 11 units) designated for affordable housing.

Eastside Fire & Rescue Fireground 101:

Eastside Fire & Rescue and Local Union 2878 is holding their Fireground 101 event next month. This is a special event designed for elected officials to experience a day-in-the-life of a firefighter. I participated this event in 2016 and it was a great experience, a lot of fun and I encourage your participation.

- Sat., April 27, 2019
- 8:00 a.m. to 4:00 p.m.
- Bellevue Training Center

Mountains to Sound Greenway Designated National Heritage Area:

After eight years of advocacy from local nonprofits, citizens, businesses, politicians and government agencies, Mountains to Sound Greenway has become the nation's newest National Heritage Area designation. The first in the pacific northwest, Mountains to Sound Greenway joins the company of 54 other National Heritage Area sites in 32 states like New York's Niagara Falls and Mississippi's Gulf Coast. This is quite an achievement and we offer thanks and congratulations to all involved in this effort!

CONSENT CALENDAR

Items listed were distributed to Councilmembers in advance for study and were enacted with one motion.

IT WAS MOVED BY MARTS, SECONDED BY BETTISE; MOTION CARRIED (7-0), TO APPROVE THE CONSENT AGENDA AS PRESENTED.

- a) **ID 0327 - Accounts: Payables and Payroll of Mar. 18, 2019, \$ 4,513,557.78;** Approved.
- b) **Minutes: City Council Regular Meeting, March 4, 2019;** Approved.
- c) **AB 7682 - Proposed Amendments: 2018 Comprehensive Plan, Central Issaquah Plan, IMC and Central Standards;** Adopting Ordinance No. 2866, adopting amendments to the Comprehensive Plan, Central Issaquah Plan, Issaquah Municipal Code and Central Issaquah Development and Design Standards.
- d) **AB 7683 - Amendments to IMC 18.07.480 Community Facilities Standards Regarding Public Buildings;** Referred AB 7683 to the April 4, 2019 Council Land & Shore Committee for additional review and recommendation, returning to the full Council on April 15, 2019.
- e) **AB 7739 - Amendment to Interlocal Agreement with Dept. of Natural Resources for Maintenance and Use of High Point Trailhead Re: Property Acquisition & Maintenance Fees;** Authorized the Mayor to enter into and execute Amendment #1 to the Interlocal Agreement with the State Dept. of Natural Resources (DNR) for Maintenance and Use of High Point Trailhead to:
 - reflect changes in annual maintenance costs; and
 - to partner in the acquisition of parcel #3424069134 which borders the trail leading from East Sunset Way towards Tradition Plateau.

- f) **AB 7740 - Puget Sound Energy Recreational Use Agreement and Permit for Limited Use of Operating Property Permit**; Authorized the Mayor to enter into and execute the Recreational Use Agreement and a permit for Limited Use of Operating Property with Puget Sound Energy to ensure public access to City and Dept. of Natural Resource Lands.
- g) **AB 7744 - 2019 Water Main Rehabilitation Project - South Cove**; Awarded the construction contract for the 2019 Water Main Rehabilitation - South Cove Project to Kar-Vel Construction in the amount of \$779,542.50 (including sales tax).
- h) **AB 7760 - Dept. of Ecology Pollution Prevention Assistance (PPA) Partnership (Local Source Control Program Grant)**; Authorized submittal of the Pollution Prevention Assistance Partnership application to the Washington State Department of Ecology.
- i) **AB 7763 - 2018 Watermain Replacement Project Change Order**; Authorized Change Order No. 2 in the amount of \$49,500 (including sales tax) to the Westerlund Excavation LLC construction contract for the 2018 Water Rehabilitation Project.

REGULAR BUSINESS

- a) **AB 7751 - WSDOT Project Funding Request: I-90 Auxiliary Lane Project/NW Sammamish Road**

Introduced by Mayor Pauly, and presented by Sheldon Lynne, Public Works Engineering Director. Following Council discussion,

IT WAS MOVED BY MARTS, SECONDED BY WINTERSTEIN, TO:

Authorize the Mayor to enter into and execute the Interagency Agreement with the Washington State Dept. of Transportation obligating the City to pay up to \$3,000,000 toward the WSDOT Connecting Washington I-90 Auxiliary Lane project.

MOTION CARRIED, 6-1 (*Opponent: Reh*).

GOOD OF THE ORDER

Councilmember Winterstein:

ESSB 5812 (Zoning of Accessory Dwelling Units) – If passed by the state legislature, there will be impacts on the City's current ADU policies.

Deputy Council President Bettise:

Eastside Fire & Rescue - Thanked the first responders for their speedy and professional response.

Councilmember Winterstein:

Event at Issaquah Brewhouse March 20 at 6:30 PM - Informative program to learn about the science of Lake Sammamish.

Council President Marts:

Affordable Housing - Sought Councilmember feedback regarding support for Challenge Seattle initiative being considered by the Sound Cities Association Public Issues Committee (PIC). Input will be sought again at the April 1 Council meeting.

I-976 Initiative (Limiting Vehicle Fees) - Sought Councilmember feedback regarding opposition to I-976 being considered by PIC. The initiative is expected to have significant funding impacts on the City and Sound Transit. Input will be sought again at the April 1 Council meeting.

Anti-Discrimination Resolution - Councilmembers Marts, Bettise & Walsh will be proposing an anti-discrimination resolution for consideration at the April 1 Council meeting.

Mayor Pauly:

HB 1579 (Southern Resident Killer Whale Task Force Recommendations) - Sought Councilmember feedback regarding writing a letter of support for HB 1579 as requested by the Friends of the Issaquah Salmon Hatchery. Councilmembers expressed support for issuing a statement of support related to salmon recovery efforts.

Vision 2050 Draft Environmental Impact Statement - Sought Councilmember feedback on how to approach this important issue.

Upcoming Council Meetings - Announced anticipated agenda items.

EXECUTIVE SESSION – None.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 9:28 PM.

Tisha Gieser, Deputy City Clerk

Mary Lou Pauly, Mayor



CITY COUNCIL
AGENDA BILL

City Council Regular Meeting - 01 Apr 2019

NEW
AB 7384 -

Consent Calendar

Lower Reid Infiltration Gallery (LRIG) Mitigation Project

**Proposed Council Action:
Award Bid; Authorize Funding**

DEPARTMENT OF	PWE - Public Works Engineering Bob York
COUNCIL LIAISON	n/a
OTHER COUNCIL MEETINGS	n/a
COMP PLAN POLICY NOS.	LU-A LU-D LU-E
OTHER POLICIES	n/a
EXHIBITS	A. Bid Results

SUMMARY STATEMENT

This agenda bill seeks City Council authorization to award the construction contract for the Lower Reid Infiltration Gallery (LRIG) Mitigation Project (STRM15003) to Westerlund Excavation LLC in the amount of \$502,330. The agenda bill also requests Council authorization to include LRIG project funding in the amount of \$530,330 in a subsequent 2019 budget amendment.

Background

As a result of agreements reached with the Sammamish Plateau Water and Sewer District in 2014, the City decommissioned the LRIG, which was located near the Public Works Operations Facility. The LRIG was originally designed to infiltrate stormwater runoff from Issaquah Highlands into the groundwater system. Completion of the two capital projects discussed in this agenda bill enable fulfillment of the 2014 agreement.

Project Description

The LRIG Mitigation Project diverts stormwater from retention/detention ponds to natural wetlands within Issaquah Highlands. The project does this by installing or expanding five flow dispersion systems in strategic locations within the Issaquah Highlands to provide additional water to the wetland systems. Implementing these improvements will provide the benefit of enhancing the health of the wetlands, while also reducing peak flows of stormwater from potentially leaving the Issaquah Highlands as surface water. To achieve this, the project includes modifications to existing stormwater facilities.

Bid Results

On March 19, 2019, the City opened bids for the LRIG Mitigation Project. Six bids, ranging from \$502,300.00 to \$793,392.24, were received (Exhibit A). The engineer's estimate was \$350,000-\$375,000. The low bid was \$502,330, or 34 percent above the engineer's estimate. The primary reason for bids being higher than projected is the extra risk associated with labor-intensive efforts to construct facilities within heavily vegetated wetland buffer areas located away from roadways.

Construction Impacts

The construction work for the LRIG Project will occur in the spring and summer of 2019. Due to the nature of the work, construction impacts to the community are expected to be minimal. For safety reasons, infrequent short-term closures and detours may occur along pedestrian trail systems located around existing stormwater ponds and wetlands.

Conclusion

It is recommended that the construction contract for the LRIG Mitigation Project be awarded to the low bidder, Westerlund Excavation LLC, in the amount of \$502,330.

Financial Information

In addition to the LRIG Mitigation Project another related project, the Issaquah Highlands Capacity Improvements, was completed in 2019. Together, these two projects will enhance operations and capacity of the stormwater system in the Issaquah Highlands. The Capacity Improvements project installed telemetry that improves control of the outflows from the ponds to the wetlands. The Capacity Improvement project is complete and has \$41,000 remaining budget that can be allocated to the LRIG project. Both of these projects were previously authorized in the Capital Improvement Plan.

The LRIG Mitigation Project was budgeted at \$530,000 in the 2018 budget; however, in order to perform additional wet season monitoring to ensure the design would function as anticipated, the project was not constructed in 2018. Therefore, only \$32,844 was spent in 2018, and the fund currently includes \$497,156 available to complete this project in 2019. A formal re-authorization by Council is required to expend the available balance in 2019.

For the LRIG project to move forward, a budget amendment within the Stormwater Fund of \$530,330 is needed.

The table below shows the 2019 costs to complete the LRIG Mitigation project:

Phase	Estimated 2019 Costs
Design and Construction Management	\$19,000
Construction	\$502,330
Contingency (~ 10%)	\$50,000
Total Costs	\$571,330

The Administration is requesting that Council:

1. Allocate the unspent funds from the IH Capacity Improvements Project;
2. Reauthorize the remaining LRIG funding; and
3. Allocate an additional \$33,174 from the Stormwater Fund.

The proposed revenue sources to complete the project are shown below:

Source	Amount
Issaquah Highlands Capacity Improvements (STRM 15002) Remaining Budget	\$41,000
2018 LRIG Budget Reauthorization (STRM 15003)	\$497,156
Additional Funding Request	\$33,174
Total Revenue	\$571,330

The Stormwater Fund has a healthy balance and can support the additional funding request as shown in the table below:

Stormwater Fund	Amount
Balance as of 3/26/2019	\$5,017,462
LRIG Mitigation Funding	-\$530,330
Remaining Balance	\$4,487,132

Administration's Recommendation

The Administration recommends awarding the construction contract for the LRIG Mitigation Project to Westerlund Excavation LLC in the amount of \$502,330; and directing the Finance Director to include \$530,330 for this project in a subsequent 2019 budget amendment utilizing the Stormwater Fund.

Update

n/a

Alternative(s)

- 1) Refer to the April 18, 2019 Council Infrastructure Committee meeting for review and recommendation, returning to the full Council on May 5, 2019. (Impact: This would delay the award of the contract beyond the 45 deadline for award, potentially allowing the contractor to withdraw its bid.)
- 2) Do not authorize project funding and reject all bids. (Impact: The project will need to be rebid at a later date. Staff does not expect rebidding to result in a lower bid than the bid received. If not funded now, the City still needs to complete these projects by 2026 in accordance with the 2014 agreement with Sammamish Plateau Water District.)

RECOMMENDATION

Administration / Public Works Engineering Department:

MOVE TO: Award the construction contract for the LRIG Mitigation Project to Westerlund Excavation LLC in the amount of \$502,330 (including sales tax); and direct the Finance Director to include \$530,330 in a subsequent 2019 budget amendment utilizing the Stormwater Fund.



CITY OF ISSAQUAH WASHINGTON

Public Works Engineering
1775 - 12th Ave NW | P.O. Box 1307
Issaquah, WA 98027
425-837-3400
issaquahwa.gov

BID OPENING DATE/TIME: March 19, 2019 1:00 PM
PROJECT: STRM15003 - LRIG
ESTIMATED BID RANGE: \$350,000-375,000

Table with 3 columns: NAME/ADDRESS OF BIDDER, BID BOND, TOTAL BID AMOUNT. Rows include Pro Grade Enterprises, Inc., Road Construction NW, Inc., Westerlund Excavation LLC, Rodarte Construction, Inc., NW Cascade, Inc., and Harkness Construction, LLC.

Handwritten red notes: \$626,203.00 (Corrected) MR, \$502,330 (Corrected) MR, \$732,128 (Corrected) MR.

APPARENT LOW BIDDER: Westerlund Excavation BID AMOUNT: \$487,330.00

Handwritten red correction: \$502,330.00

City Staff Present: Matt Gillis, Jessica Miller

Others Present: (Corrected) RYH



**CITY COUNCIL
AGENDA BILL**

City Council Regular Meeting - 01 Apr 2019

**Amending IMC 18.22, Wireless Communication
Facilities and Related Fees**

**Proposed Council Action:
Adopt Ordinance**

**DEPARTMENT OF
COUNCIL LIAISON
OTHER COUNCIL MEETINGS
COMP PLAN POLICY NOS.
OTHER POLICIES
EXHIBITS**

Development Services Keith Niven
Councilmember Winterstein
May 7, 2018 (AB 7535); Jan. 7, 2019; March 4, 2019
n/a
n/a
A. Proposed Ordinance (revised)
B. Staff Memo to PPC
C. Photo Simulation
D. Comment Letter (new)

SUMMARY STATEMENT

This agenda bill requests Council adoption of an ordinance amending Issaquah Municipal Code Chapters 3.64 (Fees for Applications for Subdivisions and Land Use Actions) and 18.22 (Wireless Communication Facilities) to comply with an order issued by the US Federal Communications Commission related to deployment of small cells and other wireless infrastructure within the City.

Background

In May 2018, the City Council adopted Ordinance No. 2833, amending the Issaquah Municipal Code and creating Chapter 18.22, Wireless Communication Facilities. The new code chapter was prepared in response to changes in technology and siting preferences for wireless communication antenna. The new code created permit requirements, permit timing, permit processing, and design guidelines for new facilities. The Administration worked with the wireless carriers to bring forward proposed code language with the least number of issues possible.

Following the adoption of Ordinance No. 2833, the U.S. Federal Communications Commission (FCC) passed an order meant to make it easier for operators to deploy small cells and other wireless infrastructure by superseding some state- and local-level regulations. The regulatory body, which passed the rule change 3-1, characterized the order as meant to accelerate 5G investment.

The City has enjoined in litigation of the decision with a number of other cities across the country. Resolution of the pending litigation will likely not occur before the City receives an application for deployment of new small wireless facilities.

The FCC order will require changes to the City's Wireless Communication Facilities Code (IMC 18.22) and the related fees in IMC 3.64. Staff worked with law firm Ogden Murphy Wallace to prepare the proposed changes necessary to comply with the order. A summary of the changes is below:

Summary of Significant Proposed Changes

#	FCC Order	Resulting Changes to IMC 18.22
1	Evaluate code for "effective prohibition" of facilities as this has been defined differently.	Section 18.22.090 (Siting Criteria) established "Encouraged, Discouraged, and Prohibited" criteria. A new subsection, 18.22.090(C) "Deviations", was added to address the potential for prohibited locations.
2a	Maximum fees are set. To justify its fees, the local government must show that the fees are: i. A reasonable approximation of costs of processing the application and managing the use of the right-of-way; ii. The fees, themselves are reasonable; and iii. The fees are non-discriminatory.	The Development Services Department does not have the administrative infrastructure in place to track staff time and materials relating to the review of a specific permit application. The order allows the City

2b	<p>Proposed creation of the following safe harbors:</p> <p>i. or one-time up-front application fees: \$500 for up to 5 applications for Small Wireless Facilities; \$100 for each additional application. Batching is assumed as a matter of right.</p> <p>ii. For all recurring fees, including ROW access fees and fees for attaching to municipal structures in the ROW: \$270 per Small Wireless Facility.</p>	<p>to charge its actual costs for permit review and issuance. In the absence of being able to demonstrate actual costs, the City is limited to charging the fees identified in the proposed ordinance (IMC 3.64.010).</p> <p>The impact of this change is explained further in the Financial Information section.</p>
3	<p>Codification of “Small wireless facilities” which differs from the WA definition and enlarges the equipment box to 28 cubic feet (but does not allow other ancillary equipment outside that definition).</p>	<p>Change to definitions in IMC 18.22.040. This represents an increase from 17 cubic feet to 28.</p>
4a - b	<p>Establishes new shot clocks:</p> <p>a. 60 days for collocations (small cells on existing facilities).</p> <p>b. 90 days for new structures (i.e. new poles in the ROW).</p>	<p>Replaces the previously established permit timelines in IMC 18.22.070(C) with those established by the federal review timeline.</p> <p>There are two potential impacts of this change: 1) the "shot clocks" represent less permit review time than was previously allowed in code and the "clock" starts at an earlier point in the permit process, and 2) by allowing a permit to include as many facilities as desired by the applicant, the potential for a more complex review has been created.</p> <p>To meet these timelines, staff will need to prioritize these permits and delay the review of other pending permits.</p> <p>Also, see #6 below.</p>
5	<p>Clarification that collocation is not limited to structures that have previously held wireless facilities at the time of the application, so it means any pole or structure.</p>	<p>Change to definitions in IMC 18.22.040.</p>
6	<p>The shot clocks apply to “all aspects of and steps in the siting process.” This includes all permits, lease negotiations, and franchises. This substantially deviates from the existing process within WA.</p>	<p>The required timelines start the clock earlier and remove the limits from the number of small cell antennas.</p> <p>See 4a & 4b above.</p>
7	<p>Shot clocks begin from the date of the submission of the application, regardless of the completion of the application. Cities can toll the shot clocks by declaring it incomplete or by mutual agreement.</p>	<p>See 4a & 4b above.</p>
8	<p>While the FCC proposes no “deemed granted remedy”, failure to act can result in an application for injunctive relief a court of competent jurisdiction alleging a violation of Section 332(c)(7)(B)(i)(II), in addition to a violation of Section 332(c)(7)(B)(ii).” While a jurisdiction may justify delay in difficult situations, the burden of proof is placed squarely on the permitting entity.</p>	<p>No code change needed.</p>
9	<p>While cities may continue to apply aesthetic controls, the FCC comments opine that aesthetic controls which include aesthetic review criteria that are “more burdensome than those the state or locality apply to similar infrastructure deployments are not permissible.” This appears to bolster industry arguments that local</p>	<p>No changes are proposed currently. It is the position of the Administration that the current code provides clarity in aesthetic requirements.</p>

	government discriminate against telecom deployments when compared to other utilities in the right of way.	
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The proposed amended code (Exhibit A), is responsive to the FCC order.

The City Council will be asked to approve two agenda bills (AB 7700 and 7701) on Jan. 7, 2019 to approve City-wide franchise agreements for Verizon and AT&T. Those agreements required compliance with Chapter 18.22. The Council's action on this agenda bill will not affect the decisions made for AB 7700 and AB 7701 as the franchise agreements refer to compliance with IMC 18.22.

Policy Questions

Though many of the proposed changes are required to comply with the FCC order, Council should consider the following policy questions when reviewing this proposal:

- Should the City explore the administrative infrastructure needed to realize full cost recovery?
- Should the code changes include more specific aesthetic review criteria?
- How much time should be allowed before these changes are revisited?

Next Steps

The Planning Policy Commission will be reviewing the proposed code changes at their Jan. 24 meeting. To allow the Council Infrastructure Committee (CIC) adequate time to review this item, the Administration proposes that this agenda bill be heard at the Jan. 17 CIC meeting, and again, to consider the recommendation from PPC's and any follow up information from the Administration, at the Feb. 21 CIC meeting. The PPC's findings of fact and recommendation will be included in the Feb. CIC packet and will be part of the updated agenda bill when it returns to the full Council on March 4, 2019.

Financial Information

As explained in the Summary Statement, the FCC order allows the City to charge its actual costs for permit review and issuance. However, the Development Services Dept. does not currently have the infrastructure to track these actual costs. Given this inability, the City is limited to charging the maximum fees established by the FCC. A comparison of the current and proposed fees is shown below:

Required Level of Review*	Current Fee	New Fee Per FCC
Level 0 Review	\$600	\$500
Level 1 Review	\$1,200	\$500
Level 2 Review	\$5,000	\$1,000
Technical Review	\$5,000	\$5,000

*See [IMC 18.22.070](#) for a description of the facilities that fall under each level of review.

With these new fees, the City will see a reduction in permitting fees and will not be recovering its full review costs for each permit.

The staff cost to review a permit is, on average, \$120 per hour. The order also allows wireless providers to cluster many facilities into a single permit application. Given the order also included allowing the providers to cluster many facilities within a single permit application, the likelihood those applications can be reviewed in less than four hours is unlikely.

Administration's Recommendation

Adopt the proposed ordinance amending City code related to Wireless Communication Facilities including a change to IMC 18.22.070(D), Public Notice, to include notice for Level 1 applications (Alternative 3) as recommended by the Council Infrastructure Committee.

Update

Jan. 17, 2019 Council Infrastructure Committee (CIC)

The Committee met to review AB 7714. Since this proposed code amendment had not been through a public hearing at this time, the conversation at the January CIC meeting was informational only. The staff presented the reason for the proposed code amendment. The Committee and staff discussed permit fees, shot clocks and the increase in volume allowed by the FCC Order. The Committee asked staff if a visual rendering of the increased volume could be provided.

Feb. 14, 2019 Planning Policy Commission (PPC)

The Planning Policy Commission held a public hearing to consider the proposed code amendments. The hearing extended over two PPC meetings. To facilitate the conversation with PPC, the Administration prepared a memo (Exhibit B) that provided all of the comments received and how the Administration responded to the comments.

PPC recommended approval of the revisions to IMC 3.64 and 18.22, as presented, with a request that the Administration and City Attorney review the proposed revision to 18.22.090(C)(1). Specifically, the PPC had concern over the addition of the language "or other relevant information", citing it as being vague.

Feb. 21, 2019 Council Infrastructure Committee

The Committee meeting began with revisiting issues raised at the January CIC meeting and then moved on to other issues and concerns raised during public comment.

Fees: Discussion started with the proposed revision to IMC 3.64 (Fee Schedule). The earlier version of the Code amendment incorporated the FCC fee limits. Staff indicated it was unlikely reviews could be accomplished for these fees. At the request of the Committee, the Administration explored the ability for the City to track staff time and pass true costs along to the applicants. The updated code (Exhibit A) proposes the City charge time and materials to the applicants to recover full costs for permitting and inspections.

Shot Clocks: The Committee discussed the mandatory review times for permitting (shot clocks). Questions were raised by the Committee as to whether Development Services (DSD) was resourced adequately to process these permits. Staff expressed concern over the shot clocks and the provision that the Carriers would be no longer limited to a maximum of 10 facilities per application. The Committee expressed concern over other permits being "set aside" in order to meet the imposed shot clocks." Staff indicated DSD currently had contracts with consultants (Planners, Engineers, and Building Plan Reviewers) and could utilize consultants for wireless applications in order to meet the shot clocks and ensure other permits were not in jeopardy of being set aside. Staff indicated how the department responds to the wireless applications will depend on what other permits are currently in the queue.

Photo Simulation: The Committee thanked Verizon for providing the photo simulation of new facility and associated equipment (Exhibit C).

The Committee discussed PPC's concern over the vague language in the Deviation Section (18.22.090(C)(1). Following the PPC meeting, the Administration worked with the City Attorney and the wireless carriers to propose additional language in an attempt to make it more descriptive. The Committee discussed the proposed amendments and agreed they helped provide more clarity to this issue. The updated language is contained in the current draft Ordinance (Exhibit A).

Notification Requirement: The Committee discussed the issue of Public Notice. In public comment, concerns were raised with the lack of public noticing requirements for new wireless facilities located in single-family neighborhoods. These new facilities require Level 1 Land Use permits, which do not currently have a public notification requirement.

As the Committee discussed this issue, two alternatives were raised for consideration:

- **Option A:** Expand IMC 18.22.070(D), Notification Requirement, to require public notice to all owners of property within three hundred (300) feet of the proposed location as part of the permit submittal for **all Level 1 land use permits that include above-grade, ground-mounted equipment.**
- **Option B:** Expand IMC 18.22.070(D) Notification Requirement, to require public notice to all owners of property within three hundred (300) feet of the proposed location for **all Level 1 land use permits.** This would extend the noticing requirements to equipment regardless of where it is mounted.

The Committee took public comment and discussed issues. Following discussion, the Committee recommended adoption of the proposed ordinance with a change to the Notification Requirement in IMC 18.22.070(D) to expand the public notification as presented in Option A. The Committee requested AB 7714 be placed on the Consent Agenda of the March 4, 2019 Council meeting.

Updated Recommendation

In consultation with the Council Infrastructure Committee Chair, the Administration is recommending the agenda bill be referred back to the Committee for further discussion on the notification requirements for Level 1 permits prior to the

agenda bill coming to the full Council for decision. This would allow the agenda bill to return to the full Council at the April 1, 2019 Council meeting.

March 21, 2019 Council Infrastructure Committee

The Alternatives remaining under consideration by the Committee were limited to potential changes to the Public Notice (IMC 18.22.070(D)) section of the code. The three alternatives listed in this agenda bill represent different approaches to noticing Level 1 WCF applications:

- 1) Public Notice Only Required for Level 2 Permits:** Leave the public notice section as initially proposed (Level 2 applications only). The impact would be that a resident with an existing PSE light or power pole adjacent to their property would not be notified of the installation of wireless antenna and supporting equipment.
- 2) Expand 300-foot Public Notice to All Level 1 Land Use Permits (Option B above):** This option would expand the 300-foot public notification to all Level 1 applications, which include the installation of wireless facilities on an existing structure (i.e. pole or building). This Alternative proposes the most public notice of the three alternatives. The wireless carriers expressed concern over the proposed added noticing requirements (Exhibit D).
- 3) Expand Public Notice to Level 1 Land Use Permits for Above-Grade, Ground-Mounted Equipment to Adjacent Properties:** Although this Alternative represents additional public notice from the originally-adopted code, it proposes a reduced notification requirement from Alternative 2 for applications using existing poles or structures as the public notification would be provided to adjacent property owners rather than those within 300 feet.

The discussion at Committee included comments from representatives of Verizon and AT&T and the public. Discussion touched on rationale for noticing, how noticing would occur under the three alternatives and pros and cons for each.

Following discussion, the Committee recommended (2-1) adoption of the proposed ordinance with an amendment to Section IMC 18.22.070(D), Public Notice, to include the amended language contained in Alternative 3 of this agenda bill. Councilmember Hunt expressed a preference for Alternative 2, which would provide for increased public notice for Level 1 applications.

The proposed ordinance incorporates the Committee's recommended changes (Alternative 3) to the notification requirements (Exhibit A).

Alternative(s)

- 1) Do not adopt amendments to IMC 3.64 and 18.22 until pending litigation is settled. [Impact: The City would be at risk for claims from providers that we are out of compliance with the FCC order.]
- 2) Increase Public Notice to include all Level 1 and Level 2 land use permit applications.[Impact:The applicants would have to provide additional noticing; and, all property owners within 300 feet of a new wireless facilities (macro or small wireless), except for a completely concealed facility on an existing structure, would receive notice]. To pursue this Alternative , the following motion would be needed:

MOVE TO: Amend IMC 18.22.070(D), Notification Requirement, in the proposed ordinance to read as follows: "For all Level 1 and Level 2 land use permits issued for WCF [wireless communication facilities], the network provider shall provide written notification of any proposed above-ground installation to all owners of property within three hundred (300) feet of the proposed location as part of the permit submittal. This notification shall be part of a complete submittal by the applicant."

RECOMMENDATION

Council Infrastructure Committee / Paul Winterstein, Chair:

MOVE TO:

~~Refer AB 7714 to the Jan. 17 and Feb. 21, 2019 Council Infrastructure Committee meetings for review and recommendation, returning to the full Council on March 4, 2019.~~

~~MOVE TO: Refer AB 7714 to the March 21, 2019 Council Infrastructure Committee for additional review and recommendation, returning to the full Council on April 1, 2019.~~

MOVE TO: Adopt Ordinance No. _____, amending IMC 3.64.010 fees for applications for subdivisions and land use actions; and amending IMC Chapter 18.22 Wireless Communication Facilities as recommended by the Council Infrastructure Committee.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF ISSAQUAH, WASHINGTON, AMENDING IMC 3.64.010 FEES FOR APPLICATIONS FOR SUBDIVISIONS AND LAND USE ACTIONS; AMENDING IMC CHAPTER 18.22 WIRELESS COMMUNICATION FACILITIES; AND, ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on May 7, 2018, the City Council adopted Ordinance No. 2833, amending the Issaquah Municipal Code (IMC) and creating Chapter 18.22, Wireless Communication Facilities; and

WHEREAS, following the adoption of Ordinance 2833, the U.S. Federal Communications Commission (FCC) passed an order meant to make it easier for private operators to deploy small cells and other wireless infrastructure by superseding some state- and local-level regulations; and

WHEREAS, the FCC order will require amendments to IMC Chapters 3.64 and 18.22 for the City’s Code to come into compliance with the order; and

WHEREAS, environmental review was done on the proposed amendments and an Addendum to the previous Determination of Nonsignificance (DNS) for a non-project action (SEP19-00001) was issued on January 11, 2019 for these amendments, and required notice to the State of Washington was sent on January 11, 2019; and

WHEREAS, pursuant to legal notice published in the *Issaquah Reporter* on January 11, 2019, the Planning Policy Commission held a public hearing to consider the proposed amendments on January 24, 2019; and

WHEREAS, all persons desiring to comment on the proposal were given a full and

complete opportunity to be heard; and

WHEREAS, after completing the public hearing, the Planning Policy Commission decided to recommend adoption of the proposed amendments, and

WHEREAS, the Planning Policy Commission adopted findings in support of its recommendation on February 14, 2019 (Exhibit B) and thereafter forwarded its recommendation to the City Council; and

WHEREAS, the City of Issaquah Administration concurs with the Planning Policy Commission’s recommendation; and

WHEREAS, the Issaquah City Council’s Infrastructure Committee considered the recommendation of the Planning Policy Commission and the City Administration at a meeting on January 17, 2019 and February 21, 2019, and, after reviewing the recommendation has decided to recommend that the full Council adopt the recommendation, as modified; and

WHEREAS, the Issaquah City Council has considered the recommendations of the Council Infrastructure Committee, the Planning Policy Commission, and the City of Issaquah Administration, and has determined to take the actions set forth in this ordinance. NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF ISSAQUAH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Fees Amended. The Wireless Communication Facilities fees in the Land Use Permit Fees table in IMC 3.64.010, Fees imposed, are hereby amended as follows:

Wireless Communication Facilities	
Level 0	\$600.00 <u>\$500.00 Time & Materials¹⁰</u>
Level 1	\$1,200.00 <u>\$500.00 Time & Materials¹⁰</u>

Level 2	\$5,000.00 <u>\$1,000.00 Time & Materials¹⁰</u>
Technical Review	\$5,000.00

¹⁰ Applicant will post an initial deposit of \$2,000 to cover permit review, issuance and inspections. Additional funds may be necessary to complete the permit review and inspection.

Section 2. Amendment of Chapter. Amendments to chapter, IMC 18.22 Wireless Communication Facilities, is hereby adopted as attached as Exhibit A to this Ordinance.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

Passed by the City Council of the City of Issaquah, the 1st day of April, 2019.

Approved by the Mayor of the City of Issaquah, the 1st day of April, 2019.

MARY LOU PAULY, MAYOR

ATTEST/AUTHENTICATED:

CHRISTINE L. EGGERS, CITY CLERK

APPROVED AS TO FORM:

JAMES E. HANEY, CITY ATTORNEY

PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.: / AB 7714

Exhibits:

- A. Title 18 Amendments in Legislative Format
- B. PPC Findings of Fact

Exhibit A – IMC 18.22 Revised.

Chapter 18.22

WIRELESS COMMUNICATION FACILITIES (WCF)

Sections:

- 18.22.010 Purpose.
- 18.22.020 Goals.
- 18.22.030 Applicability.
- 18.22.040 Definitions.
- 18.22.050 Permit – Required.
- 18.22.060 Permit – Exceptions.
- 18.22.070 Permit – Types and timelines.
- 18.22.080 Fees.
- 18.22.090 Siting criteria.
- 18.22.100 Design requirements.
- 18.22.110 Eligible facilities requests.
- 18.22.120 Installation and inspection.
- 18.22.130 Interference.
- 18.22.140 Obsolescence and removal.
- 18.22.150 Appeals.
- 18.22.160 Conflict.

18.22.010 Purpose.

The purpose of this chapter is to:

- A. Establish clear regulations for the siting, design, maintenance and operation of wireless communication facilities (WCFs) consistent with State and Federal regulations;
- B. Promote the health, safety, and general welfare of the Issaquah community by regulating the siting and design of WCFs;
- C. Provide clear and predictable permitting for network providers and the community; and
- D. Accommodate the growing need and demand for wireless communication services. (Ord. 2833 § 3, 2018).

18.22.020 Goals.

The goals of this chapter are to:

- A. Minimize visual, safety, aesthetic, and environmental impacts of WCFs on the community by establishing standards for location, structural integrity, and compatibility; and
- B. Encourage the location and collocation of wireless communications antenna on existing nonmunicipal structures; and
- C. Ensure that equipment does not become a barrier or impediment to pedestrians and cyclists; and
- D. Provide an opportunity for residents and interested parties to provide comment on the proposed location and design of new towers and poles; and
- E. Minimize the impact to public purpose of the public rights-of-way; and
- F. Ensure regulations are fair, do not favor earlier applicants, and accommodate the maximum number of users. (Ord. 2833 § 3, 2018).

18.22.030 Applicability.

No person shall place, construct, reconstruct or modify a WCF within the City without a permit, except as provided by this chapter. The designated official shall have discretion to approve, condition or deny elements of a WCF where standards provide flexibility or subjectivity based on the purpose and goals of this chapter; the same discretion is given to the Hearing Examiner for applications requiring a public hearing. (Ord. 2833 § 3, 2018).

18.22.040 Definitions.

For the purpose of this chapter, except when a different definition is required by IMC 18.22.110, Eligible facilities requests, the following terms are defined as follows:

Amateur radio tower: A tower with antenna(s) which transmit and receive noncommercial communication signals, and is defined as an amateur radio tower by the Federal Communications Commission. Guy wires for amateur radio antenna(s) are considered part of the structure for the purposes of meeting development standards.

Antenna(s): Means an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to Commission authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under 47 CFR Part 17. Any apparatus designed for the purpose of the transmission and/or reception of radio communication signals, to be operated or operating from a fixed location to facilitate wireless communications services including but not limited to the transmission of writings, signs, signals, data, images, pictures, and sounds of all kinds.

Antenna array: A single or group of antenna elements and associated mounting hardware, cables, or other appurtenances that may share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

Antenna equipment: Means equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the antenna, and, when collocated on a structure, is mounted or installed at the same time as such antenna.

Antenna facility: Means an antenna and associated antenna equipment.

Collocation: Means —

- (1) Mounting or installing an antenna facility on a pre-existing structure; and/or
- (2) Modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

Provided that, for purposes of Eligible Facilities Requests, “collocation” means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes. The practice of installing and operating wireless communication facilities for multiple wireless carriers, service providers, and/or radio common carrier licensees on the same tower, pole or support structure.

Completely concealed facility: A WCF where: (A) the antennas, mounting apparatus, and any associated equipment are fully recessed/concealed from all sides with a structure that achieves total integration with the existing building or structure; and (B) all cable is routed internally or completely screened from view; and (C) the associated equipment is completely within the building or structure, placed in an underground vault, or is within another element such as a bench, mail box, kiosk, etc.

Decorative poles: Any pole that is uniquely found in a particular neighborhood in the City that adds to the aesthetic of the streetscape of that neighborhood and is specified in a City-adopted plan. Examples include, but are not limited to: Issaquah Highlands, Talus, Olde Town, and Central Issaquah.

Designated official: The City staff authorized by the Development Services Department to review and issue a WCF permit.

Equipment enclosures: Includes the wireless service provider's specific enclosure used to house transmission equipment other than antennas, usually located within and including cabinets, shelters, pedestals, or other similar enclosures used to contain electronic equipment for said purpose. This may include cabinets attached to a pole.

Large satellite dish: Any satellite dish antenna(s) whose diameter is greater than four (4) feet. (See "Satellite dish antenna(s).")

Macro cell facility: A large wireless communication facility that provides radio frequency coverage served by a high power cellular system. Generally, macro cell antennas are mounted on ground-based towers, rooftops and other existing structures, at a height that provides a clear view over the surrounding buildings and terrain. Macro cell facilities typically contain antennas that are greater than three (3) cubic feet per antenna and typically cover large geographic areas with relatively high capacity and are capable of hosting multiple wireless service providers.

Network node: Equipment at a fixed location enabling wireless communications between user equipment and a communications network.

Network provider: Network provider means:

- A. A wireless service provider; or
- B. A person that does not provide wireless services and that is not an electric utility or the City but builds or installs on behalf of a wireless service provider:
 - 1. Network nodes; or
 - 2. Node support towers or any other structure that supports or is capable of supporting a network node.

Personal wireless services: Means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by Federal laws and regulations.

Poles: Utility poles, light poles or other types of poles, used primarily to support electrical wires, telephone wires, television cable, lighting, or guide posts; or are constructed for the sole purpose of supporting a WCF.

Satellite dish antenna(s): A type of antenna(s) and supporting structure consisting of a solid, open mesh, or bar configured reflective surface used to receive and/or transmit radio frequency communication signals. Such an apparatus is typically in the shape of a shallow dish or cone.

~~Small wireless cell facility: (RCW 80.36.375) has the same meaning as defined in 47 CFR 1.6002. means a personal wireless services facility that meets both of the following qualifications: A. Each antenna is located inside an antenna enclosure of no more than three (3) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three (3) cubic feet; and~~

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

~~Small cell~~ Small wireless - network: A collection of interrelated ~~small cell~~ small wireless facilities designed to deliver personal wireless services.

Small satellite dish: Any satellite dish antenna(s) that has a diameter less than or equal to four (4) feet.

Structure: means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of services).

Structure mounted facility: A structure or building that can accommodate a wireless communication facility that is mounted on the roof or facade of the structure or building. The term does not encompass a tower or any equipment associated with a tower or a utility pole, light pole, traffic signal pole or miscellaneous pole.

Temporary wireless communication facility: Facilities that are composed of antennas and a mast mounted on a truck (also known as a cell on wheels, or “COW”), antennas mounted on sleds or rooftops, or ballast mount temporary poles. These facilities are for a limited period of time, are not deployed in a permanent manner, and do not have a permanent foundation. These facilities are for:

- A. The reconstruction of a permanent WCF and limited to a duration of twelve (12) months from the date of approval unless an extension is requested at least thirty (30) days prior to the expiration date; or
- B. Large scale events are limited to the duration of the event, plus ten (10) days prior to the event and ten (10) days after; or
- C. Emergency communications equipment in anticipation of and during a declared public emergency or emergency exercise.

Tower: Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services, including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services such as microwave backhaul, and the associated site.

Transmission equipment: Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and back-up power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Wireless communication facility (WCF): Any unstaffed facility for the transmission and/or reception of radio frequency (RF) signals through electromagnetic energy usually consisting of an equipment shelter or cabinet, a support tower or other structures used to achieve the necessary elevation, and the transmission and reception devices or antenna. (Ord. 2833 § 3, 2018).

18.22.050 Permit – Required.

A. No WCF shall hereafter be erected, re-erected, constructed, or altered except as provided by this chapter and a land use permit for same has been issued by the Development Services Department, unless such WCF is exempted per IMC 18.22.060, Permit – Exceptions. A separate permit shall be required for each individual WCF installation, except as allowed consistent with IMC 18.22.070(E) for ~~small cell~~ small wireless networks.

B. If the network provider is proposing WCF located in the public rights-of-way, then the network provider must apply for a franchise agreement pursuant to Chapter 12.60 IMC (Telecommunications). The designated official will process an application for a WCF permit concurrently with an application for a franchise, but any such permit will be conditioned on approval of the franchise by the City Council. No separate right-of-way use permit (IMC 12.60.650) is required for network providers receiving a permit under this chapter. (Ord. 2833 § 3, 2018).

C. If a network provider desires to make a modification to an existing, permitted small wireless facility, including but not limited to expanding or changing the antenna type, increasing the equipment enclosure, placing additional pole-mounted or ground-mounted equipment, or modifying the concealment elements, then the applicant shall apply for a permit under this chapter.

D. All applications shall be submitted using the City’s published submittal requirements. The submittal requirements are available on the City’s webpage; or, from the City’s Permit Center.

18.22.060 Permit – Exceptions.

The following WCFs shall be exempt from the requirement to obtain land use permits:

A. VHF and UHF Receive-Only Television Antenna(s): VHF and UHF receive-only antenna(s) shall not be required to obtain land use permit approval nor shall they be required to obtain building permit approval. Exempt VHF/UHF antenna(s) shall be restricted to a height limit of no more than ten (10) feet above the existing or proposed roof.

B. Small Satellite Dish Antenna(s): Small dish antenna(s) in all zones shall be exempt from obtaining land use permit approval in accordance with the Federal Telecommunications Act. Such antennas shall not be required to obtain building permit approval, but installation must comply with any applicable provisions of the City building code.

C. Routine maintenance or repair of wireless communication facilities and related equipment (excluding structural work or changes in height or dimensions of antennas, support structures or buildings); provided, that compliance with the standards of this code is maintained, and that such maintenance or repair does not defeat the concealment elements used in the original deployment; does not impact the structural integrity of the pole; does not remove required design elements; and, does not require pole replacement. Further, a land use permit shall not be required for replacing equipment within the equipment enclosure or reconfiguration of fiber or power to the small wireless facility.

D. Temporary WCF for emergency communications equipment in anticipation of and during a declared public emergency or emergency exercise.

E. Wireless communication facilities which legally existed or had a vested application on or prior to the effective date of the ordinance codified in this section; except, that this exemption does not apply to modifications of such facilities.

F. Governmentally operated wireless communication devices for public safety radio systems, Ham radio and business radio systems. (Ord. 2833 § 3, 2018).

18.22.070 Permit – Types and timelines.

A. Unless exempted by this chapter, all WCF installation and alterations require a land use permit. The type of permit required is based on the following table:

Table A: Types of Facilities and Required Permits

WCF Type	Structure	Land Use Permit Required
UHF/VHF antenna higher than 10' above roofline	Building	Level 0
Small satellite dish antenna	Building or ground mounted	None required
Large satellite dish antenna	Building or ground mounted	Level 0
Amateur radio towers	Building or ground mounted	Level 1
Temporary wireless communication facility not covered by IMC 18.22.060(D)	Varies	Level 0
New macro wireless facilities	New tower or structure mounted	Level 2
New small-cell small wireless facility	Existing pole	Level 1
Completely concealed WCF (both macro and small-cell small wireless)	Structure mounted	Level 0 ¹
Collocation of new antennas; new ground mounted equipment enclosures on previously approved structures	Existing structure, pole or tower	Level 1
New small-cell small wireless facility	New pole or tower	Level 2
New small-cell small wireless facility	Replacement pole	Level 1

WCF Type	Structure	Land Use Permit Required
Eligible facilities request; removal of existing antennas	Existing WCF	Level 0

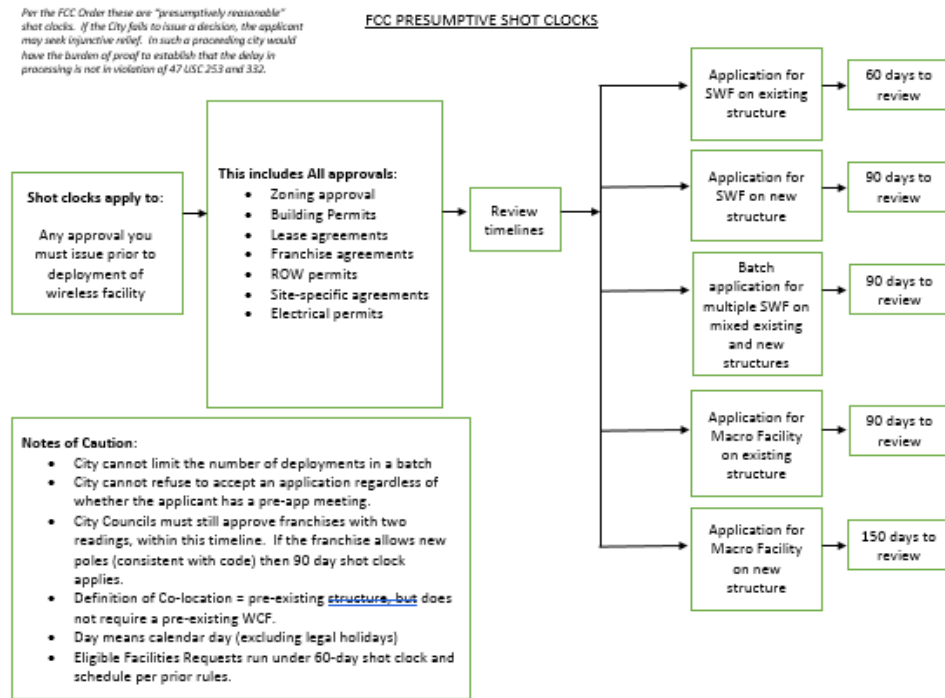
¹May require an amendment to the land use permit for the building (determined at encouraged pre-submittal meeting).
 If a WCF does not fall into one (1) of the above categories, the designated official will determine which WCF type it is most closely related to for permitting purposes.

B. Pre-Application Meeting: A pre-application meeting is encouraged prior to submitting an application for a WCF. The purpose of the pre-application meeting is to discuss the nature of the proposed deployment, review process and schedule, and applicable plans, policies and regulations. Before an application will be accepted for processing, the applicant shall schedule and hold a pre application meeting consistent with the provisions of IMC 18.04.130, Pre application meeting.

C. Timeline for review: All wireless communications facilities authorizations and permits are subject to the federal review timelines (“shot clocks”) as described in 47 C.F.R. §1.6001, et seq. and represented in Table B below:

1. ~~Level 0 WCF permit: forty five (45) days;~~
2. ~~Level 1 WCF permit: seventy five (75) days;~~
3. ~~Level 2 WCF permit: one hundred twenty (120) days.~~

Table B



An application review period begins to run when ~~all required~~ application materials have been submitted and payment has been received. The clock shall stop should the City determine that the application is materially incomplete and provides notice to the network provider with clear and specific identification of the missing

documents or information and the specific rule or regulation creating the obligation to submit such documents or information, which shall occur within thirty (30) calendar days. The clock for the application review period may also be stopped by mutual agreement of the designated official and network provider. The shot clock for small wireless facilities time frame for review begins running again restarts at zero for small cell applications when the City is in receipt of network provider's supplemental submission in response to the City's notice of incompleteness; or when mutually agreed by the network provider and City. The review period may be tolled upon an additional determination of incompleteness if the City provides its request for supplemental information within ten (10) calendar days and specifically identifies the information the applicant failed to supply in response to its initial request.

D. Notification Requirement: For all Level 2 land use permits issued for WCF, the network provider shall provide written notification of any proposed above-ground installation to all owners of property within three hundred (300) feet of the proposed location as part of the permit submittal.

For all Level 1 land use permits issued for WCF, the network provider shall provide written notification of proposed pole-mounted or above-ground installation of equipment to all adjacent property owners.

This notification shall be part of a complete submittal by the applicant.

1. The notice shall include a description of the proposed installation, including the proposed dimensions, design, color, type of facility, proposed location and identification of alternative locations that would meet project objectives. In lieu of providing all of this information as part of the notice, the applicant may produce a webpage containing this information and direct residents to its location.
2. A rendering of the proposed facility shall be included in the notification.
3. Network provider shall provide the City with a distribution list of property owners and a copy of the materials distributed.

E. Consolidated Permit:

1. ~~Up to ten (10) small cell~~ Small wireless facility sites may ~~be specified~~ consolidated into one (1) permit application for processing. If the sites within the consolidated permit have differing review timelines, the longer timeline will apply to review of the consolidated grouping of sites. The process in IMC 18.04.160 (Consolidated permit review process) shall not apply to the consolidated permit review of ~~small cell~~ Small wireless facilities.
2. A network provider may elect to apply for a land use permit and a building permit as a consolidated application. The network provider acknowledges the building permit submittal is an at-risk permit and is dependent upon receiving the land use permit. (Ord. 2833 § 3, 2018).

18.22.080 Fees.

A. A permit fee shall be required to be paid in accordance with the City of Issaquah's adopted fee schedule. The fee shall cover Development Services staff time for plan review, public communication, inspection, and administration. (Ord. 2833 § 3, 2018).

18.22.090 Siting criteria.

A. Macro WCF Locations: Network provider shall consider the established preferences and shall comply with the "Encouraged" criteria, if possible. "Discouraged" locations may only be considered if the network provider ~~can demonstrate to the satisfaction of the designated official that each of the "Encouraged" options have been evaluated and are not possible. In order to demonstrate that an "Encouraged" location is not possible according to the following criteria, the network provider must meet the following:~~

1. ~~Collocate~~ Collocate with Existing WCF: Network provider must provide the designated official with documentation that establishes that it contacted the owner of each facility that currently houses a macro cell facility located within one thousand (1,000) feet of the proposed location and that owner has denied the network provider's request to collocate. If the request was granted but the network provider believes it still cannot ~~collocate~~ collocate at that

location for other reasons, the network provider must provide the designated official with a detailed explanation of those reasons.

2. Nonresidential Zones: Network provider must provide the designated official with documentation that establishes that it considered locations within those nonresidential zones located within one thousand (1,000) feet of the proposed location. This documentation must outline the reasons why such locations within nonresidential zones are infeasible.

3. Building or Structure Mounted: Network provider must provide the designated official with documentation that establishes that it contacted the owner of each structure (nonresidential single family) located within one thousand (1,000) feet of the proposed location which is sufficient height to accommodate a macro cell facility and that structure owner denied the network provider’s request to place its facilities on that structure. If the request was granted but the network provider believes it still cannot locate at that location for other reasons, the network provider must provide the designated official with a detailed explanation of those reasons.

4. Located in Setbacks: New poles shall not be located in any zoning setback area on private and public property.

Table CB: Macro Wireless Communication Facilities

Encouraged	Discouraged	Prohibited
Collocated with existing WCF	Property allowing for multifamily residential use	Front Street ROW (new tower)
Nonresidential zones	Right-of-way	Property zoned SF-E, SF-S, SF-SL and SF-D, exclusive of public right-of-way
Building or structure mounted	Blocking natural vistas	
	New towers	

B. ~~Small Cell~~ Small Wireless WCF Locations: Network provider shall consider the established preferences and shall comply with the “Encouraged” criteria, if possible. “Discouraged” locations may only be considered if the network provider can demonstrate to the satisfaction of the designated official that each of the “Encouraged” options ~~have been evaluated and are not possible. In order to~~ demonstrates that an “Encouraged” location is not possible according to the following criteria: ~~the network provider must meet the following:~~

1. ~~Collocate~~ Collocate with Existing WCF: Network provider must provide the designated official with documentation that establishes that it contacted the owner of each facility that currently houses a WCF located within one hundred fifty (150) feet of the proposed location and that owner has denied the network provider’s request to collocate. If the request was granted but the network provider believes it still cannot ~~collocate~~ locate at that location for other reasons, the network provider must provide the designated official with a detailed explanation of those reasons.

2. Existing or Replacement Poles: Network provider must provide the designated official with documentation that establishes that it contacted the owner of each existing pole (non-City-owned) within one hundred fifty (150) feet of the proposed location and that pole owner denied the network provider’s request to place its facilities on that pole. If the request was granted by the pole owner but the network provider believes it cannot locate at that location for other reasons, the network provider must provide the designated official with a detailed explanation of those reasons which must be technical in nature.

3. Building or Structure Mounted: Network provider must provide the designated official with documentation that establishes that it contacted the owner of each building or structure (except buildings or structures listed as discouraged or prohibited) located within one hundred fifty (150) feet of the proposed location and that structure owner denied the network provider’s request to place its facilities on that structure. If the request was granted by the structure owner but the network provider believes it cannot locate at that location for other

reasons, the network provider must provide the designated official with a detailed explanation of those reasons which must be technical in nature.

4. **Nonresidential Zones:** Network provider must provide the designated official with documentation that establishes that it considered all properties within nonresidential zones within one hundred fifty (150) feet of the proposed location. This documentation must outline the reasons why such nonresidential properties are infeasible.

5. **Property Outside of Public Right-of-Way:** Network provider must provide the designated official with documentation establishing that it contacted the owner of each property located within one hundred fifty (150) of the proposed location where a new pole could be placed and such property owner denied the network provider's request. If the request was granted by the property owner but the network provider believes it cannot locate at that location for other reasons, the network provider must provide the designated official with a detailed explanation of those reasons which must be technical in nature.

6. Located in Setbacks: New poles shall not be located in any setback area on private and public property.

Table CD: Small Cell Wireless Communication Facilities

Encouraged	Discouraged	Prohibited
Cell Located with existing WCF	Property allowing for residential use	Front Street ROW (new pole mounted)
Existing or replacement poles	New poles	Nonmunicipal decorative poles
Building or structure mounted		Municipal poles
Nonresidential zones		Property used as single family residential (exclusive of public right-of-way)
Property outside of public right-of-way		

(Ord. 2833 § 3, 2018).

C. Deviations. The City's Designated Official may approve the siting of a Wireless Communications Facility in a Prohibited location, only if all the following criteria are met:

1. The applicant provides sufficient technical or other relevant information that demonstrates there are no Encouraged or Discouraged sites available; and,

2. The proposed siting will minimize visual and noise impacts to adjacent uses; and,

3. The applicant will provide the City with a hold harmless and indemnification, on a form acceptable to the City, for any damage, injury, or other claim resulting from the Deviation.

18.22.100 Design requirements.

A. Antenna:

1. **Satellite Dish, Large:**

a. Shall not be located within front or side yard building setback areas. Shall be located outside of any required landscaped area and preferably located in service areas or other less visible locations.

b. Mountings and satellite dishes shall be no taller than the minimum required for obtaining an obstruction-free reception window.

c. Construction plans and final construction of the mounting bases of all large satellite dish antenna(s) shall be approved as part of the permit issuance.

2. Amateur Radio Towers:

- a. Towers in all zones shall not be located within any easements, front, side, or rear yard building setback areas. Shall be located at a point farthest from lot lines as feasible, or the point farthest from residential structures on abutting properties.
- b. Ground mounted and roof mounted antennas are allowed in all zones. Ground mounted towers shall not exceed fifty (50) feet in height unless a proposal demonstrates that physical obstructions impair the adequate use of the tower.
- c. The combined structure of a roof mounted tower and antenna(s) shall not exceed a height of twenty-five (25) feet above the existing roofline.
- d. Mountings and amateur radio towers shall be no taller than the minimum required for the purposes of obtaining an obstruction-free reception window.
- e. Construction plans and final construction of the mounting bases of amateur radio towers covered by this section shall meet structural design requirements and shall be approved by the City's Building Division.
- f. Applications shall document that the proposed tower and any mounting bases are designed to withstand wind and seismic loads as established by the International Building Code.

3. Macro or Small-Cell ~~Cell~~ wireless Antenna:

- a. Where an antenna is to be mounted on a ~~building or other~~ structure, the combined antenna(s) and all associated equipment and required screening shall not extend more than fifteen (15) feet above the existing or proposed top of roof line or top of structure.
- b. Antenna and related equipment shall be placed and treated to present the least possible visual impact to the public. Treatments might include: equipment enclosure; location of antenna and radio box on the pole; painting to match the pole; or any combination of these measures.

B. Towers and Poles:

1. Macro Towers:

- a. Be integrated through location and design to blend in with the existing characteristics of the site.
- b. Preserve existing on-site vegetation and minimize disturbance of the existing topography, unless such disturbance would result in less visual impact of the site to the surrounding area.
- c. Be designed and placed on the site in a manner that takes the maximum advantage of existing trees, mature vegetation, and structures as to use existing site features to screen as much of the total facility as possible, and/or use existing site features as a background so that the facility blends into the background with increased sight distances. Setbacks from property lines shall be maximized where practical.
- d. Towers shall be painted in a color that best allows them to blend into the surroundings. The use of grays, blues, greens and browns might be appropriate; however, each case will be evaluated individually and approved by the designated official.
- e. Shall not exceed eighty-five (85) feet in height.
- f. Designed to allow for collocation.

- g. Designed to allow conduit and cabling to be internal to the pole, as feasible.
 - h. May be located on City-owned property with City review and lease.
2. New Poles to Accommodate Small-~~Cell~~-Wireless Antenna:
- a. ~~New poles shall not be located in any setback area on private and public property.~~
 - b. Poles shall be limited to thirty (30) feet in height, inclusive of antennas; or, the minimum height necessary, not to exceed 50 feet.
 - c. No municipal poles shall be used.
 - d. New poles shall be designed to be consistent with Figure 1, or as otherwise approved by the designated official.



Figure 1:

- e. New poles placed in right-of-way shall align with other poles, to the greatest extent feasible.
 - f. New poles shall be colored or painted to match nearby street fixtures, or as otherwise directed by the designated official.
 - g. New poles in the right-of-way shall only be permitted with a valid City franchise agreement.
3. Replacement Poles:
- a. The utility pole at the proposed location may be replaced with a taller pole for the purpose of accommodating a small-~~Cell~~-wireless facility; provided, that the replacement pole shall not exceed a height that is a maximum of fifteen (15) feet taller than the existing pole, unless a further height increase is required and confirmed in writing by the pole owner and that such height extension is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.
 - b. Replacement wooden utility poles may either match the approximate color and materials of the replaced pole or shall be the standard new wooden utility pole used by the pole owner in the City.
 - c. A pole extender may be used on nondecorative poles, but may not increase the height of the existing pole by more than fifteen (15) feet. The pole extender shall be painted to approximately match the color of the pole and shall substantially match the diameter of the pole measured at the top of the pole.
 - d. ~~Neither Either~~ through the installation of a replacement pole nor a pole extender shall the overall pole height be allowed to be increased to over fifty (50) feet, except the Director of the Development Services

Department or his/her designee may approve an over-height pole of up to sixty (60) feet provided all of the following criteria are met:

- (1) The existing pole is greater than thirty-five (35) feet in height; and
- (2) The network provider can demonstrate for technical or safety reasons that the pole must be taller than fifty (50) feet; and
- (3) The network provider provides the shortest pole possible and provides the Director with technical documentation to support the proposed over-height pole height.

4. Pole Mounted Equipment:

- a. Pole mounted equipment shall be located on the least-visible side of the pole and as high up on the pole, as is feasible.
- b. City wayfinding signs may be required by the designated official to reduce the visual impact of pole mounted equipment boxes.

C. Ground Equipment:

1. It is the City's preference to not have above ground equipment in the right-of-way.
2. Where located in the right-of-way and subject to permitting and franchise requirements, equipment shall only be installed where equipment will not interfere with existing or future: City uses of the right-of-way; the rights of private property owners; other utility fixtures and services; water hydrants or mains; wastewater systems; traffic control devices; or any other service or facility (existing or planned) that benefits the City or the health, safety, or welfare of its residents. Further, ground equipment must comply with ADA and sidewalk clearance requirements.
3. Where located in the right-of-way, if a property or business owner objects to a proposed installation adjacent to his or her property, the designated official may require the network provider to identify at least one (1) feasible alternate location, if possible, subject to compliance with these guidelines.
4. Where located in the right-of-way and not able to be underground, ground equipment shall serve as a public amenity, where feasible. Network provider shall work with the designated official to conceal equipment. Benches, kiosks, wayfinding, planters, etc., could all be considered as public amenities.
5. Equipment installations shall not be placed in front of the primary entrance to a residence or any business or at any other location where it would unduly interfere with the operation of a business, including blocking views of the entrance, signage or display windows.
6. Screening (Outside of Right-of-Way):
 - a. Where feasible, ground equipment shall be placed in an underground vault; or shall be incorporated into the base of the antenna structure.
 - b. Above-ground equipment cabinets not undergrounded or incorporated into a pole base shall be screened with landscaping, street furniture and/or artistically vinyl wrapped, as determined by the designated official.
 - c. Fencing, if desired, shall be no taller than six (6) feet, decorative and complementary in design to the antenna structure. Chain-link fencing and barbed wire shall not be allowed.
 - d. Anti-graffiti finishes shall be applied to all solid fences, walls and gates.
7. Proposed equipment shall not be located to reduce the amount of on-street parking or interfere with access to meters, fire hydrants, or other objects of street hardware in the right-of-way.

8. The size of above-ground equipment enclosures shall be minimized.

D. Lighting: No lighting shall be allowed with the permitting of WCF unless otherwise approved as a new light standard; or, as may be required by the Federal Aviation Administration (FAA).

E. Advertising: No provider advertising shall be placed on any poles, antenna or above-ground equipment. Small identification tags or numbering is allowed. (Ord. 2833 § 3, 2018).

18.22.110 Eligible facilities requests.

A. Definitions: The following definitions shall apply to eligible facilities requests only as described in this section and shall not apply throughout this chapter.

1. Base Station is a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein nor any equipment associated with a tower. Base station includes, without limitation:

a. Equipment associated with wireless communications services as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

b. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and back-up power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems (“DAS”) and small-~~Cell~~-wireless networks).

c. Any structure other than a tower that, at the time the relevant application is filed (with jurisdiction) under this section, supports or houses equipment described in subsections (A)(1)(a) and (b) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

The term does not include any structure that, at the time the relevant application is filed with the City under this section, does not support or house equipment described in subsections (A)(1)(a) and (b) of this section.

2. Collocation: The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes.

3. Eligible Facilities Request: Any request for modification of an existing tower or base station that does not substantially increase the physical dimensions of such tower or base station, involving:

a. Collocation of new transmission equipment;

b. Removal of transmission equipment; or

c. Replacement of transmission equipment.

4. Eligible Support Structure: Any tower or base station as defined in this section; provided, that it is existing at the time the relevant application is filed with the City.

5. Existing: A constructed tower or base station is existing if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process; provided, that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

6. Substantial Change: A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

a. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten (10) percent or by the height of one (1) additional antenna array with separation from the nearest

existing antenna, not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten (10) percent or more than ten (10) feet, whichever is greater.

(1) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act;

b. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than ten (10) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;

c. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets ~~one (1) new equipment cabinet~~ for the technology involved, but not to exceed four cabinets; or, for towers in the public streets and base stations, it involves installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten (10) percent larger in height or overall volume than any other ground cabinets associated with the structure;

d. It entails any excavation or deployment outside the current site;

e. It would defeat the concealment elements of the eligible support structure; or

f. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment; provided, however, that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified above.

B. Application: The designated official shall prepare and make publicly available an application form used to consider whether an application is an eligible facilities request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.

C. Qualification as an Eligible Facilities Request: Upon receipt of an application for an eligible facilities request, the designated official shall review such application to determine whether the application qualifies as an eligible facilities request.

D. Time Frame for Review: Within ~~forty-five-sixty (4560)~~ days of the date on which a network provider submits an eligible facilities request application, the designated official shall approve the application unless it determines that the application is not covered by this section.

E. Tolling of the Time Frame for Review: The ~~forty-five-sixty (4560)~~ day review period begins to run when the application is filed, and may be tolled only by mutual agreement by the designated official and the applicant or in cases where the designated official determines that the application is incomplete. The time frame for review of an eligible facilities request is not tolled by a moratorium on the review of applications.

1. To toll the time frame for incompleteness, the designated official shall provide written notice to the applicant within thirty (30) days of receipt of the application, clearly and specifically delineating all missing documents or information required in the application.

2. The time frame for review begins running again when the applicant makes a supplemental submission in response to the designated official's notice of incompleteness.

3. Following a supplemental submission, the designated official will notify the applicant within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating

missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this subsection. Second or subsequent notice of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

F. **Determination That Application Is Not an Eligible Facilities Request:** If the designated official determines that the applicant's request does not qualify as an eligible facilities request, the designated official shall deny the application.

G. **Failure to Act:** In the event the designated official fails to approve or deny a request for an eligible facilities request within the time frame for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the designated official in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted. (Ord. 2833 § 3, 2018).

18.22.120 Installation and inspection.

A. All installation shall be in compliance with the issued permit.

B. Following construction, the City shall inspect the WCF installation. Any construction performed out-of-compliance with the approved permit shall be promptly corrected by the applicant following receipt of notification by the City. Failure to bring the construction into compliance with the permit may result in forfeiture of any franchise guarantees for work within the right-of-way; forfeiture of any deposits for facilities located on City properties; and code enforcement penalties and fines, as applicable and as authorized by the IMC, as determined by the designated official. (Ord. 2833 § 3, 2018).

18.22.130 Interference.

A. The City shall not be liable to network provider for impacts to network service caused by the issuance of WCF permits to other network providers.

B. In the event that permitted WCF cause interference to City communications, the City shall notify the network provider in writing. Network provider shall respond to the City's request to address the source of the interference as soon as practicable, but in no event later than twenty-four (24) hours of receiving written notice. The protocol for responding to events of interference will require the network provider to provide the City with an interference remediation report including:

1. Remediation plan; and
2. Time frame for execution; and
3. Additional information.

In the event that interference with City facilities cannot be eliminated or remediated to the satisfaction of the designated official, the network provider shall shut down and remove all facilities determined to cause interference, at network provider's sole expense. (Ord. 2833 § 3, 2018).

18.22.140 Obsolescence and removal.

A. A wireless communication facility shall be removed by the facility owner within six (6) months of the date it ceases to be operational or if the facility falls into disrepair. Disrepair includes structural features, paint, landscaping, or general lack of maintenance which could result in safety or visual impacts. Whenever a wireless communications facility ceases operation or falls into disrepair as provided in this section and as determined by either the designated official or the network provider, the entire wireless communications facility shall be removed, including but not limited to all antennas, antenna supports, feeder lines, equipment enclosures, equipment, conduit, and the concrete pad upon which the structure is located. The facility owner may apply for an extension of time within those six (6) months if resuming operation of the facility is expected. The designated official, at his sole discretion, may extend the time for a period not to exceed six (6) months upon written request by the owner.

B. If the network provider requires the removal or relocation of a WCF or related ground equipment at its own discretion, it shall, within fourteen (14) days prior to any work, notify the designated official in writing. A relocation will fall under the requirements of IMC 18.22.070.

C. Should the designated official determine a permitted WCF or related equipment has become a danger to the public health, safety, welfare, or City property, the network provider shall within twenty-four (24) hours remove or secure their facilities to the satisfaction of the designated official at their sole expense.

D. Should a WCF or its related equipment get vandalized by graffiti, the network provider shall, within fourteen (14) calendar days, either remove the graffiti or repaint the structure. (Ord. 2833 § 3, 2018).

18.22.150 Appeals.

Refer to IMC 18.04.250 regarding appeals. (Ord. 2833 § 3, 2018).

18.22.160 Conflict.

To the extent that any provision or provisions of this chapter are inconsistent or in conflict with any other provision of the IMC, Comprehensive Plan or any ordinance or regulation of the City, the provisions of this chapter shall be deemed to control as they relate to the siting of WCF. However, if there is a specific conflict for WCF in the right-of-way, the franchise agreement shall govern. (Ord. 2833 § 3, 2018).

**CITY OF ISSAQUAH
PLANNING POLICY COMMISSION**

<p>IN THE MATTER OF CONSIDERING AMENDMENTS TO THE ISSAQUAH MUNICIPAL CODE REGARDING WIRELESS COMMUNICATION FACILITIES, INCLUDING:</p> <p>1. IMC 18.22 Wireless Communication Facilities</p>	<p>)))</p>	<p>FINDINGS OF FACT, PROPOSED AMENDMENT DOCKET, REVIEW RATIONALE AND RECOMMENDATION</p>
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WHEREAS, pursuant to requirements of the Growth Management Act {RCW 36.70A.106 Comprehensive Plans—Development Regulations}; and the Issaquah Land Use Code {IMC 18.04.100-1 Levels of Review; and Chapter 18.04 IMC Appendix: Level 6 Review – Comprehensive Plan and Land Use Code Amendments}, the Planning Policy Commission (PPC) reviewed the proposed amendments to the Issaquah Municipal Code; and

WHEREAS, this amendment process is consistent with the Comprehensive Plan’s Goals and Policies; and

WHEREAS, environmental review was done on the proposed amendments and a Determination of Nonsignificance for a non-project action was issued on January 11, 2019, for this amendment. The comment period for this decision ended on January 25, 2019, and the appeal period ended on February 8, 2019; and

WHEREAS, the public review process for the proposed amendments included a Planning Policy Commission public hearing on January 24 and continued to February 14, 2019 to: 1) review the proposed amendment, and 2) take public comments on the proposed amendment. Required notice to the State of Washington was sent on January 16, 2019. Legal notice of the public hearing was published in *The Issaquah Reporter* on January 11, 2019. The public hearing was held on January 24 and continued to February 14, 2019 and PPC made their recommendation to City Council on these amendments, after hearing comments from the public and closing the public hearing; and

WHEREAS, all persons desiring to comment on the proposed amendments were given a full and complete opportunity to be heard;

THEREFORE, the PPC is now satisfied that the amendments are sufficiently considered, and hereby makes and enters the following:

**I. FINDINGS OF FACT
PROPOSED DOCKET OF AMENDMENTS, REVIEW, RATIONALE, AND
RECOMMENDATION**

-Amendment 1-

IMC 18.22 Wireless Communication Facilities

PROPOSED AMENDMENT: The regulations for wireless communication facilities need to be updated to be consistent with the Federal Communication Commission (FCC) order. For example, this order

shortens the time cities have to process applications for small cells and limits application fees for small cells.

RATIONALE: The proposal is a non-project action of proposed amendments to the Issaquah Municipal Code which are in response to the changes to wireless facilities. The proposed amendments include changes to IMC Chapter 18.22, Wireless Communication facilities necessary to comply with a Federal Communication Commission, FCC order; FCC Facilitates Deployment of Wireless Infrastructure For 5G Connectivity. This order shortens the time cities have to process applications for small cells; limits application fees for small cells; prohibits cities from assessing fees that include anything other than a “reasonable approximation” of “reasonable costs” directly related to maintaining the rights-of-way and the small cell facility; and limits aesthetic review and requirements (including undergrounding and historic/environmental requirements) to those that are reasonable.

RECOMMENDATION: On February 14, 2019, PPC recommended that Amendment 1, amending the IMC 18.22 Wireless Communication Facilities, be approved as an amendment to the Issaquah Municipal Code.

II. REASONS FOR ACTION

Having made the Findings set forth above, the Planning Policy Commission makes the following conclusions:

-1-

The proposed amendments are reviewed through a Level 6 Review process as required by IMC 18.04.100-1 Levels of Review. The Planning Policy Commission is responsible for reviewing and making a recommendation to the City Council on Land Use Code Amendments.

-2-

The Planning Policy Commission determined that the proposed amendments are consistent with:

1. Requirements of the Growth Management Act {RCW 36.70A.106 Comprehensive Plans—Development Regulations}; and
2. Issaquah Comprehensive Plan {Land Use Element; Economic Vitality Element}; and
3. Issaquah Land Use Code {IMC 18.04.100-1 Levels of Review}.

III. ACTION TAKEN

It is for these reasons that the Issaquah Planning Policy Commission decided to recommend approval of these amendments as submitted to the City Council.



Issaquah Planning Policy Commission

February 14, 2019

Date Signed



**Economic Development
Development Services**
1775 - 12th Ave NW IPO Box 1307
Issaquah, WA 98027
PH: (425) 837-3450
issaquahwa.gov

Memo

To: Planning Policy Commission
From: Keith Niven, AICP, CEcD
Daniel Kenny, OMW
Date: Feb. 8, 2019
Re: Response to Wireless providers comments

The City received a number of comments relating to the proposed amendments to IMC 18.22 Wireless Communication Facilities. The following table presents those comments and the Administration's response.

Provider	Comment	City Response	Proposed Change
Verizon			
1.	18.22.070 (C) contains language that suggests that a finding of incomplete application restarts the shot clock for all types of wireless applications, when in fact, the restart is only applicable to small wireless facilities. Verizon's redline has language to clarify this.	Agree with proposed change.	Language altered to state that the shot clock for small wireless applications restarts once incompleteness is remedied.
2.	18.22.090 (B)(3) and Table C could be read to prohibit small wireless facilities in the right of way from single family residential zones. The redline has language that clarifies that small wireless facilities may not be placed on single family residential structures.	The City has modified the language to show that property used as single family residential cannot be used for small cell installations. The clarification re the right-of-way was added, but the right-of-way is not zoned.	18.22.090(B)(3) has been modified to limit the inquiries to structures not listed as discouraged or prohibited. In doing so, the comment regarding excluding single family residential is addressed as are all other potential issue areas. Table D revised to clarify both the Discouraged location "Property Allowing for residential use" and the Prohibited location "Single Family Residential".
3.	18.22.090 and 100---adds a subsection in each to allow for relief from standards if the denial would amount to an effective prohibition in service in violation of federal law.	The City has reviewed the design standards and believes no provision amounts to an effective prohibition or would materially inhibit the provisions of services.	Minor revisions were made to ensure no effective prohibition.

4.	18.22.100 (2)(B) limits the height of a new pole to 30 feet, which is inconsistent with the FCC definition of small wireless facility. The redline changes the limit to 50 feet.	The City has an interest in keeping excessively tall poles out of the community when possible.	Revised to start with 30ft poles and allow higher when necessary, with a max height of 50 ft.
5.	18.22.100 (2)(d) requires a form factor for "small wireless facility" only poles that would be unworkable for Verizon's small wireless designs and is incompatible with 5G, which requires exterior panel antennas. The FCC Order requires that aesthetic requirements for small wireless facilities be no more burdensome than those for similar infrastructure in the right of way. Such limiting design requirements are not imposed on utility poles, cable installations, street lights and other right of way structures. Verizon requests this section be deleted.	Verizon participated in the input process when the code was drafted and never said the exemplar new pole was infeasible. The exemplar will remain, as will the clause that states that the designated official can approve other form factors.	No revision made.
6.	18.22.110 (6)(c), addressing how many cabinets constitute a substantial change for purposes of an Eligible Facilities Request, is more limiting than the actual language in Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, codified at 47 U.S.C. § 1455(a). The redline inserts the language from the federal act.	The City agrees with the proposed change.	Revised as outlined in the comment.
T-Mobile			
1.	The proposed amendments include a definition of "antenna" at 18.22.040 that is inconsistent with the definition of the same term found in 47 CFR §1.6002. The proposed Issaquah "antenna" definition adds volumetric limitations to the federal definition that may be in conflict with the FCC definition of "small wireless facility" which is incorporated into the draft amendments. T-Mobile recommends that subsections 1-3 of the proposed "antenna" definition be deleted, and that Issaquah adopt the federal definitions of these terms in order to avoid potential confusion and/or the potential for future application of the	The FCC definition is accurately captured in the first portion of the code definition. Propose removing the additional exemplars.	Revised as outlined in the comment.

	Issaquah regulations that may materially deviate from federal law.		
2.	T-Mobile's small cell design consists of an integrated antenna and equipment "unified enclosure" that mounts to the exterior of a pole and is painted to match the pole. <i>See</i> attached slides. Most jurisdictions in the Puget Sound region are adopting design standards that expressly allow this type of design. T-Mobile recommends that the definition of a "completely concealed facility" be amended to add the following sentence at the end of the definition: "A small wireless facility providing concealment of antennas and equipment within a single enclosure and otherwise meeting the foregoing provisions of this definition is allowable as a completely concealed facility."	The proposed changes alter the intent of the definition. T-Mobile does not need this definition changed to deploy its design of facilities.	No revision made.
3.	IMC 18.22.090(B) includes subsections 1-5 that require a provider seeking to install a small cell to examine and justify why five different types of structures within a 150 foot radius of the proposed small cell location are not available or feasible before a proposed location can be approved. This is an excessively stringent preferential hierarchy that is not applied to other types of utility infrastructure deployments. The range of a typical small cell is short, approximately 400-500 feet, and the individual small cells typically are deployed in groups (a "polygon"). The groups of small cells within a polygon ("nodes") are designed to function together to help handle traffic from a macro tower to which the individual small cell nodes are linked. Forcing a <i>de facto</i> "site search" within a 150' radius for each node in the polygon would be extremely impractical, and would be a disincentive to providing the service improvements small cells are designed to bring to a community.	No evidence is provided to support the hypothetical claim that the City's siting criteria amount to an effective prohibition of T-Mobile's services.	No revision made.

	<p>4. the hierarchy “site search” requirement is of questionable viability under the FCC’s “may not materially limit or inhibit” standard articulated in the September Order and in the October regulations. The “process of elimination” that would be required under this proposed section of the amendments likely will be time-consuming and counterproductive to the streamlined process for siting small cells that is the goal of the FCC September Order.</p>	<p>No revision made.</p>	
AT&T			
	<p>1. AT&T has significant concerns with the code’s extensive prohibitions and limitations, including prohibitions of small wireless facilities on municipal poles, nonmunicipal decorative poles, and the Front Street right-of-way, as well as burdensome alternatives analyses and design standards.</p> <p>Note on 18.22.090(B)(1) that small wireless facilities cannot feasibly locate with an existing WCF. Brings up alternatives analysis.</p> <p>Note on Table C – adds (exclusive to right-of-way) to the single family residential cell.</p>	<p>With the inclusion of a deviation process, the prohibited column is no longer strictly off-limits.</p> <p>18.22.090(B)(1) - This requirement ensures that if/when SWF can be located on a pole with another, they do so. Tech is evolving, and it is unclear this will be impossible in perpetuity.</p> <p>Table C – revision to add clarification that single family residential is exclusive of the public right of way. This was the City’s intent and will be clarified.</p>	<p>Revision to Table C made.</p>

2.	the criteria of the Deviations section are not consistent with the new legal standards as they are described in the FCC Order	The City has reviewed the design standards and believes no provision amounts to an effective prohibition or would materially inhibit the provisions of services.	Minor revisions were made to ensure no effective prohibition.
3	Language is needed at the end of 18.22.090 (A)(3) to recognize that a building or structure mount may not be feasible, regardless of owner agreement. Suggest making this section parallel to (A)(1). "If the request was granted but the network provider believes it still cannot locate at that location for other reasons, the network provider must provide the designated official with a detailed explanation of those reasons."	City agrees with the proposed revision.	18.22.090(A)(3) revised consistent similar language already included in the code.
3.	the Deviations section is limited to the code's Siting Criteria (IMC 18.22.090), when such relief is also required when a design standard has the effect of prohibiting wireless service	The City has reviewed the design standards and believes no provision amounts to an effective prohibition or would materially inhibit the provisions of services.	Minor revisions were made to ensure no effective prohibition.
New Comment 4	<p><u>C. Deviations. The City's Designated Official may approve the siting of a Wireless Communications Facility in a Prohibited location, only if all the following criteria are met:</u></p> <p><u>1. The applicant provides sufficient technical or other relevant information that demonstrates there are no Encouraged or Discouraged sites available; and,</u></p> <p><u>2. The proposed siting will create the least minimize visual and noise impacts to adjacent uses and is the safest option that is reasonably possible; and,</u></p> <p><u>3. The applicant will provide the City with a hold harmless and indemnification, on a form acceptable to the City, for any damage, injury, or other claim resulting from the Deviation.</u></p>	Agree with proposed edits to C1 and C2 only.	Edits made to code

City-Initiated Changes			
1.	Section 100(B)(2)(a) is a siting criteria that should properly live within section 90(B).	The siting criteria listed at 100(B)(2)(a) has been moved and will now be 90(B)(6).	Additions made to code.



"At the request of the City of Issaquah WA, these photo simulations were prepared as hypothetical depictions of the maximum equipment volume under the FCC Order, for illustrative purposes only, and do not depict an actual or proposed small wireless installation."

verizon[✓]



March 21, 2019

Issaquah Council Infrastructure Committee
SENT VIA EMAIL c/o Keith Niven, Planning Director
KeithN@issaquahwa.gov

Councilmember Paul Winterstein, Chair
Councilmember Stacy Goodman
Councilmember Lindsey Walsh

Re: Interim Small Wireless Ordinance

Thank you for the opportunity to continue to provide comment on the draft wireless code. Many of the issues previously noted by Verizon have been largely addressed, but a proposed change of the public notice requirement that would create difficulties for the city and the applicants:

- Public notice for small wireless facilities in the ROW would impose a more burdensome requirement than that required of similar infrastructure in the ROW, in violation of the FCC Order. [Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Declaratory Ruling and Third Report and Order \(September 26, 2018\)](#). Public notice is not required when Puget Sound Energy adds an attachment or new pole.
- Public notice for all Type 1 nondiscretionary wireless permits creates a false expectation that public input will effect changes to the project;

March 21, 2019

Page 2

- Batching multiple applications will be the norm, so requiring mailing notice 300 feet from the outer edges of the polygon is logistically difficult to calculate and would capture many homes and businesses that will not be within sight of the attachments;
- Issaquah is already short staffed and will be placed in the difficult position of drawing outsized public attention to proposed activity on multiple poles, that far exceeds the small visual impact of attaching to an existing or replacement pole.

Verizon appreciates the opportunity to comment and we look forward to continuing to work with the city to develop a code that preserves the look and feel of your community, while providing an efficient and workable process to deliver the service your residents, visitors and businesses have come to expect. A Verizon representative will be at your meeting to answer any questions you may have.

Sincerely,



Kim Allen, Senior Vice President
Wireless Policy Group, LLC, for Verizon Wireless



**CITY COUNCIL
AGENDA BILL**

City Council Regular Meeting - 01 Apr 2019

2019 ARCH Work Program and Budget

**Proposed Council Action:
Approve**

**DEPARTMENT OF
COUNCIL LIAISON
OTHER COUNCIL MEETINGS
COMP PLAN POLICY NOS.
OTHER POLICIES
EXHIBITS**

Development Services Christen Leeson
Councilmember Reh
March 4, 2019
H Policies B3, B4, C5, E2 and E4
Central Issaquah Plan Housing Goal C and H Policy C2
A. Work Program
B. Budget
C. Presentation, Council Services & Safety Committee (new)

SUMMARY STATEMENT

This agenda bill requests Council approval of the 2019 Work Program and Budget for A Regional Coalition for Housing (ARCH).

Introduction

The City Councils of member jurisdictions in A Regional Coalition for Housing (ARCH) have authority for review and approval of annual ARCH work programs, budgets, interlocal agreements, and Housing Trust Fund recommendations. Accordingly, review and action on the proposed ARCH 2019 Work Program and Administrative Budget is now requested.

Background

Highlights of the City's 2019 ARCH Work Program (Exhibit A) include:

- Administration of the regional ARCH Trust Fund;
- Monitoring of affordable ownership and rental units, and review of monitoring policies and procedures;
- Facilitating the development of a Transit Oriented Development;
- Assisting City staff with implementation of Housing Strategies including:
 - improving marketing and understanding of Accessory Dwelling Units (ADU) and the ADU process;
 - identifying and seeking out affordable multifamily projects for retention as affordable housing choices;
 - lobbying the state to mitigate/offset deterrents to condominium development;
 - assisting with incorporation of code provisions to increase the potential diversity of housing types built in the City; and
 - supporting housing options and services to assist people experiencing housing insecurity and those with barriers to independent living.

In the 2019 Budget (Exhibit B), ARCH proposed a 3.55% increase to all of its member jurisdictions. This increases Issaquah's portion from \$43,666 in 2018 to \$45,217 in 2019. The Budget covers annual staffing and overhead expenses.

Recommendation

ARCH staff serve as the City's housingplanners and are a much needed asset. The Administration recommends Council approve the proposed 2019 ARCH Work Program and Budget.

Next Steps

It is proposed that AB 7721 be referred to the March 12, 2019 Council Services & Safety Committee for review, returning to the full Council April 1, 2019 for action.

Financial Information

The City Council has allocated \$45,900 in the approved 2019 budget toward ARCH Administrative Services. ARCH is requesting \$45,217.

The money allocated in the City's budget for ARCH services is separate from those funds dedicated toward the ARCH Trust Fund.

Administration's Recommendation

The Administration recommends approval of the 2019 Work Program and Budget.

Update

On March 12, 2019 the Council Services & Safety Committee met to review AB 7721. Lindsay Masters, ARCH's new Executive Manager, made a brief presentation (Exhibit C) about ARCH, ARCH's role on the Eastside as well as achievements to date and the proposed 2019 Work Program and Budget. The Committee asked questions about ARCH's role in the proposed Issaquah Transit Oriented Development (Trailhead) and ARCH monitoring needs relative to the number of staff as ARCH has grown. Following discussion, the Committee unanimously recommended approval of the 2019 ARCH Work Program and Budget and requested placement of this item on the Consent Agenda of the April 1, 2019 Council meeting.

Alternative(s)

- 1) ~~Approve the 2019 ARCH Work Program and Budget without referral to the Council Services & Safety Committee.~~
- 2) Amend the Work Program and/or Budget. [Impact: An amendment would require approval by each ARCH member jurisdiction.]

RECOMMENDATION

Council Services & Safety Committee / Chris Reh, Chair:

MOVE TO:

~~Refer AB 7721 to the March 12, 2019 Council Services & Safety Committee for review and recommendation, returning to the full Council on April 1, 2019.~~

MOVE TO: Approve the 2019 ARCH Work Program and Budget.

ARCH WORK PROGRAM: 2019

The ARCH work program is organized into five areas: I. [Project Assistance](#); II. [Housing Policy Planning](#); III. [Housing Program Implementation](#); IV. [Education and Outreach](#); and V. [Administration](#).

In 2019, ARCH will continue ongoing work in these five areas, with special priority placed on the following objectives:

- Strengthen program administration and monitoring functions (see Section III.B)
- Coordinate and facilitate transit-oriented development projects on public land (see Section I.B)
- Develop proposals for dedicated revenue sources for affordable housing (See Section I.B)
- Pursue strategies to increase access to housing by underserved communities (See Section IV.C)

I. PROJECT ASSISTANCE

A. Oversight of Local Monetary Assistance

ARCH Trust Fund. Review applications and make recommendations for requests of local monetary funds through the ARCH Housing Trust Fund (HTF) process. Collect input from member cities’ staff and the Citizen Advisory Board (CAB). Coordinate the application process and use of funds for various programs. Develop final recommendations by the ARCH Executive Board and facilitate final funding allocations through member cities’ councils.

Objective: Allocation of \$1,800,000 or more through the ARCH Housing Trust Fund Process to create or preserve a minimum of 75 units.

For the “Parity Program,” provide updated annual information to members and achieve the base line goal for levels of direct assistance. Evaluate the appropriateness of updating goals under the Parity Program.

Provide a variety of types of affordable housing as well as meet other funding priorities as specified in the ARCH Trust Fund Criteria.

Public Funding Coordination. Work collaboratively with public funders at the State and local levels to promote shared affordable housing goals. Review and provide input to other funders for Eastside projects that apply for County (HOF, RAHP, HOME, TOD etc.) and State (Tax Credit, State Housing Trust Fund) funds. Provide input to the King County JRC Consortium on behalf of participating Eastside jurisdictions. Assist N/E consortium members with evaluating and making a recommendation to the County regarding CDBG allocations to affordable housing.

Objective: In consultation with County, local staff and housing providers, seek to have funds allocated by the County and State proportionately throughout the County including the ARCH Sphere of Influence.

Project Pipeline Management. Work with member cities and project sponsors to develop a robust pipeline of projects to be funded over the next five years (see related work on Transit Center sites,

below). Actively vet potential HTF projects, and lead funding policy and prioritization discussions with the ARCH Executive Board to facilitate planning and decision-making.

Objective: Maximize available opportunities for affordable housing development within the ARCH Sphere of Influence, leverage private and other public resources, and coordinate local efforts to advance priority projects that support regional goals, including an equitable geographic distribution of resources.

Centralized Trust Fund System. Administer and monitor HTF investments to provide updated information to members on ongoing financial activities, including:

- Produce regular monitoring reports for the ARCH Trust Fund account.
- Work with Administering Agency (Bellevue) to prepare contracts and distribute funds for awarded projects.
- Monitor funded projects including evaluating performance and tracking loan payments. Monitor for long term sustainability of previously funded projects.

Objective: Develop sustainable strategies for the HTF to meet local housing goals and preserve publicly assisted affordable housing.

B. Special Initiatives

Long-Term Funding/Dedicated Revenue Strategy. Continue work on a long-term funding strategy for the ARCH Trust Fund. Work toward implementing the revised Parity Goals established in 2018, including setting an aspirational goal. In addition, facilitate conversations with member cities on identifying and exploring dedicated sources of revenue for affordable housing at the local and regional level (e.g., REET, property tax levy, 0.1% sales tax, etc.). Provide relevant data and develop options for joint or individual revenue approaches across ARCH member cities and determine any shared state legislative priorities to authorize local options for funding.

Transit Center Sites. Assist cities with advancing and coordinating projects seeking King County TOD funds and work with Sound Transit and King County Housing staff to develop opportunities for affordable housing along transit corridors. Current opportunities include sites in Bel-Red, Overlake, Downtown Redmond, Issaquah, Kirkland, Bothell, and Kenmore.

Surplus Property/Underdeveloped Property. Assist as needed member cities' evaluation of potentially surplus public property or underutilized private property (e.g. faith community properties) for suitability of affordable housing.

Winter Shelter. Support efforts by Eastside shelter providers, Human Services Forum, and cities to develop an East King County sub-regional strategic approach to shelter and related services for homeless adults and families. For the women/family shelter, efforts are expected to focus around finalizing design documents, permitting and start of construction.

Preservation of At Risk Affordable Housing. Assist with responding to notices of sale of HUD assisted properties received by member cities, or other information indicating an impending loss of existing affordable housing. Work with member cities to facilitate acquisitions or other strategies to preserve existing housing where affordability is at risk of being lost.

II. HOUSING POLICY PLANNING

A. Local Planning Activities

ARCH provides assistance directly to member cities on a range of local planning efforts. Local planning efforts with individual member cities may be found in *Attachment A*.

General Assistance. On numerous occasions, members have requested support on issues not explicitly listed in the Work Program. Requests have ranged from technical clarifications to assisting with negotiating agreements for specific development proposals to more substantial assistance on unforeseen planning initiatives. ARCH sees this as a valuable service to its members and will continue to accommodate such requests to the extent they do not jeopardize active work program items.

Housing Elements / Housing Strategy Plans. ARCH staff works with members to update comprehensive plan housing elements and to prepare strategies for implementing housing elements. Cities with recently completed strategy plans include Bellevue, Issaquah, Kenmore, Bothell, Kirkland, and Redmond.

Other Local Housing Efforts. ARCH staff will continue to assist local staffs on land use and other code amendments in order to implement comprehensive policies. Examples of areas in which ARCH could provide support to member cities include implementation of impact fee waivers, and policies to assist households displaced by development activity.

B. Inter-local Planning Activities

Interlocal planning activities are coordinated by ARCH for the benefit of multiple members.

Housing Background Information. On an annual basis, ARCH provides housing and demographic data as available. This information is available to members for planning efforts and will be incorporated into ARCH education fliers and an updated Housing 101 report.

Accessory Dwelling Units (ADUs). Several ARCH members have expressed interest in evaluating current ADU regulations and exploring other ways to increase availability of ADUs. ARCH staff will complete the ADU study begun in 2018 by ARCH member cities to evaluate existing ADU regulations and other related issues (e.g. permitting costs, community awareness) that could impact the creation of ADUs.

Assistance with Private Sector Engagement. As opportunities arise, support efforts by ARCH member cities to engage employers and private sector entities in discussions around the need for more affordable housing and identifying options for public-private partnerships.

C. State Legislative Activities

ARCH staff will track state and federal legislative items that relate to affordable housing that could impact members' ability to address affordable housing. As needed, staff will report back to the Executive Board and members, and when directed coordinate with other organizations (e.g. AWC, SCA, WLIHA, HDC) to contact legislators regarding proposed legislation.

D. Regional/Countywide Planning Activities

King County Regional Affordable Housing Task Force. The County Council may adopt a regional affordable housing strategy in late 2018 or early 2019, with two roles for ARCH. First, ARCH staff may be called to participate on a work group to support a new housing committee of the Growth Management Planning Council (GMPC). Second, we would begin discussions with members and the Executive Board as needed to consider the actions recommended by the strategy.

All Home/ Eastside Homeless Advisory Committee (EHAC). Anticipated work of All Home in the coming year includes continued coordinated allocation of resources, and work on specific initiatives (e.g., coordinated entry and assessment for all populations). ARCH staff expect to continue participating in the All Home Funders group, and its efforts to coordinate funding and inform ARCH members and the general public of All Home/EHAC activities. Also continue to participate in efforts to implement homeless efforts within East King County through EHAC.

Objective: Keep member jurisdictions informed of significant regional issues and pending legislation that could affect efforts to provide housing in East King County.

Ensure that perspectives of communities in East King County are addressed in regional housing and homelessness planning.

III. HOUSING PROGRAM IMPLEMENTATION

A. Monitoring Activity

Monitoring Affordable Rental Housing. Administer ongoing compliance with affordability requirements in ARCH rental housing. This includes affordable rental housing created through direct assistance (e.g. Trust Fund allocation, land donations) from member jurisdictions, and through land use incentives. For Trust Fund projects, monitor project income and expenses to determine cash flow payments, and conduct long-term sustainability monitoring of projects and owners. Proactively problem-solve financial and/or organizational challenges in partnership with project owners and other funders.

Objective: Ensure projects follow affordability requirements and maintained as assets for residents, owners and broader community, which involves collecting annual reports from projects, screening information for compliance, and preparing summary reports for local staffs. To the extent possible this work will:

- Minimize efforts by both owners and public jurisdictions.
- Coordinate ARCH's monitoring efforts with efforts by other funders, such as using shared monitoring reports.
- Utilize similar documents and methods for monitoring developments throughout East King County.
- Establish working relationship with other public organizations that can help assess how well properties are maintained and operated (e.g. code compliance, police, and schools).

Monitoring Affordable Ownership Housing. Administer ongoing compliance with affordability requirements in ARCH ownership housing, including enforcement of resale restrictions and buyer income requirements. In addition, ARCH will continue to monitor general trends with ownership units, including enforcement of covenant provisions (e.g. leasing homes, foreclosure).

Objective: Oversee resale of affordable ownership homes. Address issues related to ongoing compliance with program requirements (e.g. leasing homes, foreclosures).

B. Program Improvements

Program Database Development. Work with City of Bellevue IT to scope the creation of a program database(s) to manage existing and to be collected program data and support other critical functions, including creation of program reports, project compliance monitoring, communication with program participants, and other functions.

Review Monitoring Policies and Procedures. Review and update compliance monitoring practices and procedures. Make adjustments as needed in both monitoring procedures and, as necessary, program agreements and covenants. This effort will include convening member planning and legal staff to review potential revisions, consulting with King County and other local ownership programs, and seeking input from Secondary Market lenders (e.g. FHA, Fannie Mae) on any potential revisions. In addition, ARCH will evaluate staff capacity to maintain or increase current levels of oversight as the number of ARCH homes continues to grow.

IV. EDUCATION AND OUTREACH

A. Housing 101

Plan a Housing 101 event to occur no later than 2020.

Objective: Develop education tools and conduct events to inform councils, staffs and the broader community of current housing conditions, and of successful housing programs. Continue to keep member jurisdictions and the broader community aware of local housing conditions to assist in their efforts to evaluate current and future efforts to meet local housing objectives.

Share media coverage on topics related to affordable housing in East King County, including work done by cities/ARCH.

B. Information for the Public

ARCH Website. Update on a regular basis information on the ARCH website, including information related to senior housing opportunities. Add new section to the website that provides information on all ARCH member affordable incentive programs and fair housing information.

Objective: Maintain the ARCH web site and update the community outreach portion by incorporating information from Housing 101 East King County, as well as updated annual information, and links to other sites with relevant housing information (e.g. All Home, HDC).

Assist Community Members Seeking Affordable Housing. Maintain lists of affordable housing in East King County (rental and ownership) and make that information available to people looking for affordable housing. Continue to maintain a list of households interested in affordable ownership housing. Work with member cities to develop appropriate referrals for other types of inquiries received by ARCH (e.g., landlord tenant issues, building code violations, fair housing complaints, etc.).

Objective: Maximize awareness of affordable housing opportunities in East King County through the ARCH web site, public flyers and other means to assist persons looking for affordable housing.

C. Engage Communities to Increase Support and Access

Build connections with community groups, faith communities, developers, nonprofits and others interested in housing issues. Explore strategies to broaden awareness of housing programs to increase access by underserved communities.

Objective: Increase awareness of existing housing programs by communities with less access.

Meet with multiple community organizations to grow support for and engagement in housing solutions.

Conduct a housing event to raise awareness of housing issues.

V. ADMINISTRATION

Administrative Procedures. Maintain administrative procedures that efficiently provide services to both members of ARCH and community organizations utilizing programs administered through ARCH.

Activities include:

- Prepare the Annual Budget and Work Program.
- Prepare quarterly budget performance and work program progress reports, including Trust Fund monitoring reports.
- Work with Executive Board to develop multi-year strategy for the ARCH Administrative Budget.
- Staff the Executive and Citizen Advisory Boards.

Objectives: Maintain a cost effective administrative budget for ARCH and keep expenses within budget.

Administrative costs should be equitably allocated among ARCH's members.

Maintain membership on the ARCH Citizen Advisory Board that includes broad geographic representation and a wide range of housing and community perspectives.

*Attachment A
Local Planning Efforts by City*

Bellevue

Assist City with implementation of Phase One tasks of Bellevue’s Affordable Housing Strategy, including:

- Increase development potential on suitable land owned by public agencies, faith-based groups, and non-profits housing entities.
- Assist with items for Wilburton and East Main neighborhood plans, including affordable housing density incentives.
- Develop affordable housing on suitable public lands in proximity to transit hubs including 130th TOD parcels and TOD parcels at the OMFE.
- Advocate for legislative actions that expand state and local funding tools and other opportunities to increase affordable housing.

Assist City staff with contracting and administration for the City’s land use incentive program and citywide Multifamily Tax Exemption program.

Assist in Neighborhood Planning to consider more affordable housing types on a neighborhood-by-neighborhood basis, such as small lot neighborhood infill and detached accessory dwelling units.

Bothell

Assist city with implementing its Housing Strategy Plan.

Assist city with evaluating and potentially implementing affordable housing provisions related to zoning and other code amendments.

Assist city staff with work related to affordable housing component of the city’s LIFT program in their downtown areas. Includes assisting with any reporting requirements and potentially exploring additional opportunities for affordable housing on city owned properties in the downtown revitalization area.

Assist city staff with evaluating the updated state legislation regarding impact fee waivers for affordable housing and explore potential revisions to local regulations related to impact fee waivers for affordable housing.

Assist city with evaluating and implementing affordable housing strategies in its Canyon Park plan.

Clyde Hill

Assist City with rental of City’s affordable rental unit.

Issaquah

Assist City with preparing the annual Affordable Housing Report Card/Analysis.

Assist City staff with evaluating and, as needed, implementing development standards and regulations related to the housing policies adopted in the Central Issaquah Plan and Central Issaquah Standards, including inclusionary zoning.

As needed, assist City staff with administration and/or revisions of the affordable housing provisions of local development agreements (e.g., Lakeside and Rowley).

Assist with evaluating and strategizing sequencing potential projects/opportunities such as those near transit facilities, including coordination with potentially utilizing the King County TOD funds.

Assist with initial work on high priority strategies identified in the Housing Strategy Work Plan including:

- Improving marketing and the understanding of ADUs and the development process.
- Facilitating development of a TOD.
- Beginning work to identify and seek out affordable multifamily projects for retention as affordable housing choices.
- Amending codes to increase allowed diverse housing types such as SROs and cottage housing.
- Supporting housing options and services to assist people experiencing housing insecurity and those with barriers to independent living.
- Lobbying the state to mitigate/offset condominium development deterrents.

Kenmore

Assist Planning Commission and Council in implementing a high priority item identified in the Housing Strategy Plan. Assist the Council in completing the Preservation of Affordable Housing/Mobile Home Park project started in 2018 including assistance with developing regulations to implement Council’s 9/17/18 policy direction on land use and other strategies. Assist with review of current code provisions and permitting process for Accessory Dwelling Units (ADU’s) is a potential 2019 work program item.

Continue to assist with technical questions and negotiating agreements where affordable housing is proposed including the TOD overlay.

Continue to assist with negotiating and administering the provision of affordable housing in developments required to provide affordable housing units pursuant to city regulations and/or using the multifamily tax exemption program.

Assist with review and developing options and opportunities for partnerships to incorporate affordable housing into transit projects including the siting of parking structures in Kenmore for the Sound Transit ST3 proposal.

Kirkland

Assist with the update to the City’s Accessory Dwelling Unit (ADU) regulations and implementation of programs to encourage construction of more ADUs.

Assist with the development of Missing Middle housing policies and regulations as part of the City's neighborhood planning processes.

Participate with City and other agency staff to determine feasibility for Transit Oriented Development at the Kingsgate Park and Ride. Help develop regulations for TOD at the site, if appropriate.

Continue to assist with negotiating and administering the provision of affordable housing in developments required to provide affordable housing units pursuant to city regulations and/or using the optional multifamily tax exemption program.

Assist City staff with housing issues that come before Council Planning and Economic Development Committee and resulting initiatives.

Assist City staff with affordable housing preservation efforts and initiatives.

Mercer Island

Assist with review of the City's MFTE program and evaluating options for a fee-in-lieu alternative to land use requirements.

Assist City with a Housing Strategy Plan.

As needed, assist City staff with components of residential development standards review that are associated with housing stock diversity.

As needed, assist City staff with administering affordable housing provisions associated with the land use incentive and tax exemption programs for Town Center.

Provide project support for Town Center development projects that include affordable housing.

Newcastle

Assist City with a Housing Strategy Plan.

Assist with agreements for any project that would include an affordable housing requirement, including those related to the Community Business Center.

Assist staff with outreach effort related to ADUs.

Redmond

Continue to assist with negotiating and administering the provision of affordable housing in developments required to provide affordable housing units pursuant to city regulations.

Assist City staff with continuing to implement the multifamily property tax exemption program to incentivize affordable housing, as allowed under RCW 84.14.

Continue to assist with strategies to increase the level of affordability for new housing in Overlake and Southeast Redmond as part of the development of master plans and development agreements, including exploring ways to leverage other resources.

Assist with the promotion of affordable housing and other programs available to Redmond residents and developers, e.g., Accessory Dwelling Units (ADUs).

As follow-up to the City's adoption of Section 8 anti-discrimination ordinance, assist with education outreach efforts to landlords regarding the Section 8 program and potentially other initiatives to support use of this program in cooperation with other jurisdictions.

Assist with the implementation of other high priority items identified in the Strategic Housing Plan and the Affordable Housing Strategies Work Plan of June 2016, such as encouraging public/private partnerships to promote the development of affordable housing in urban centers.

Sammamish

Assist City in the finalization of their Housing Strategy Plan.

Assist City staff in finalizing resale requirements and other tasks related to the affordability provisions for site donated to Habitat.

Assist City staff with implementation of Town Center affordable housing provisions.

Support City in exploring impacts to and solutions for affordable housing related to code and policy updates during legislative review.

Work with the City to identify ways to promote available housing assistance and affordable housing programs to Sammamish's workforce and residents.

Woodinville

Assist City staff with a Housing Strategy Plan.

Assist with review and any update of affordable housing and accessory dwelling unit programs and regulations.

Assist City staff and Planning Commission with evaluating and developing incentives for affordable housing as provided for in the Downtown/Little Bear Creek Master Plan area.

As needed, assist City staff with components of residential development standards review that are associated with housing stock diversity.

Yarrow Point

Assist Planning Commission and Council with a review and potential update of current ADU regulations and assist with effort to increase public awareness of local provisions.

King County

Ongoing monitoring of affordable housing in the Northridge/Blakely Ridge and Redmond Ridge Phase II affordable housing development agreements.

2019 ARCH Administrative Budget

FINAL 12/13/18

I. ANNUAL OPERATING EXPENSES

Item	2018 Budget	2019 Budget	Change Budget	Percent Change
Staffing *				
Housing Mgr	\$ 124,152	\$ 122,301	\$ (1,851)	-1.49%
Benefits	\$ 41,083	\$ 40,904	\$ (179)	-0.44%
Housing Planner I	\$ 106,995	\$ 110,462	\$ 3,467	3.24%
Benefits	\$ 37,592	\$ 38,477	\$ 885	2.35%
Housing Planner II	\$ 92,203	\$ 104,531	\$ 12,328	13.37%
Benefits	\$ 34,581	\$ 37,261	\$ 2,680	7.75%
Clerk I	\$ 75,606	\$ 78,056	\$ 2,450	3.24%
Benefits	\$ 31,204	\$ 31,833	\$ 630	2.02%
Clerk II	\$ 57,999	\$ 62,872	\$ 4,873	8.40%
Benefits	\$ 27,621	\$ 28,721	\$ 1,100	3.98%
Sub-total	\$ 629,035	\$ 655,417	\$ 26,382	4.2%
Rent	\$ 23,700	\$ 24,293	\$ 593	3%
Utilities	Incl^	Incl^	Incl^	Incl^
Telephone	\$ 4,375	\$ 4,375	\$ -	0%
Operating				
Travel/Training	\$ 2,000	\$ 2,000	\$ -	0%
Auto Mileage	\$ 3,245	\$ 3,342	\$ 97	3%
Copier Costs	\$ 1,750	\$ 1,750	\$ -	0%
Office Supplies	\$ 2,800	\$ 2,800	\$ -	0%
Office Equipment Service	\$ 2,000	\$ 2,000	\$ -	0%
Fax/Postage	\$ 825	\$ 825	\$ -	0%
Periodical/Membership	\$ 3,914	\$ 3,992	\$ 78	2%
Misc. (e.g. events,etc.)	\$ 1,680	\$ 1,680	\$ -	0%
Insurance	\$ 9,900	\$ 10,310	\$ 410	4%
Equipment Replacement	\$ 2,000	\$ 2,000	\$ -	0%
Organization Admin**	\$ 12,100	\$ 9,615	\$ (2,485)	-21%
Sub-total	\$ 42,214	\$ 40,315	\$ (1,899)	-4%
TOTAL	\$ 699,324	\$ 724,400	\$ 25,076	3.59%

* Actual salary increases based on Bellevue's approved Cost of Living Adjustment

** Includes IT service fee to Bellevue

II. ARCH ADMINISTRATIVE BUDGET: 2019 IN-KIND CONTRIBUTIONS

Salary	Annual Cost	Value of In-Kind Contributions Bellevue	Required Cash
Manager	\$ 122,301	\$ 122,301	\$ -
Benefits	\$ 40,904	\$ 40,904	\$ -
Associate Planner I	\$ 110,462		\$ 110,462.01
Benefits	\$ 38,477		\$ 38,476.71
Associate Planner II	\$ 104,531		\$ 104,531.16
Benefits	\$ 37,261		\$ 37,260.89
Clerk I	\$ 78,056		\$ 78,055.63
Benefits	\$ 31,833		\$ 31,833.41
Clerk II	\$ 62,872		\$ 62,872.09
Benefits	\$ 28,721		\$ 28,720.78
Sub-total	\$ 655,417	\$ 163,204	\$ 492,212.68
Rent at Together Center	\$ 24,293		\$ 24,293.00
Utilities	Incl^		
Telephone	\$ 4,375		\$ 4,375.00
Travel/Training	\$ 2,000		\$ 2,000.00
Auto Mileage	\$ 3,342		\$ 3,342.35
Copier Costs	\$ 1,750		\$ 1,750.00
Office Supplies	\$ 2,800		\$ 2,800.00
Office Equipment	\$ 2,000		\$ 2,000.00
Fax/Postage	\$ 825		\$ 825.00
Periodical/Membership	\$ 3,992		\$ 3,992.28
Misc.	\$ 1,680		\$ 1,680.00
Insurance	\$ 10,310	\$ 5,000	\$ 5,310.00
Equipment Replacement	\$ 2,000		\$ 2,000.00
Organization Admin	\$ 9,615	\$ 9,615	\$ -
Sub-total	\$ 40,315	\$ 14,615	\$ 25,699.63
TOTAL	\$ 724,400	\$ 177,819	\$ 546,580.31

III. ARCH ADMINISTRATIVE BUDGET: RESOURCE DISTRIBUTION

A. Cash Contributions	2018	2019	Change	Percent Change
				3.55%
Bellevue	\$ -	\$ 8,085	\$ 8,085	
Bothell	\$ 56,795	\$ 58,811	\$ 2,016	
Issaquah	\$ 43,666	\$ 45,217	\$ 1,550	
King County	\$ 46,815	\$ 48,477	\$ 1,662	
Kirkland	\$ 111,075	\$ 115,019	\$ 3,943	
Mercer Island	\$ 32,185	\$ 33,327	\$ 1,143	
Newcastle	\$ 14,460	\$ 14,974	\$ 513	
Redmond	\$ 75,890	\$ 78,584	\$ 2,694	
Woodinville	\$ 14,936	\$ 15,466	\$ 530	
Beaux Arts Village	\$ 1,690	\$ 1,750	\$ 60	
Clyde Hill	\$ 4,050	\$ 4,193	\$ 144	
Hunts Point	\$ 1,690	\$ 1,750	\$ 60	
Medina	\$ 4,077	\$ 4,221	\$ 145	
Yarrow Point	\$ 1,690	\$ 1,750	\$ 60	
Sammamish	\$ 78,014	\$ 80,784	\$ 2,770	
Kenmore	\$ 28,771	\$ 29,793	\$ 1,021	
Other	\$ 4,200	\$ 4,200	\$ -	
TOTAL	\$ 520,004	\$ 546,400	\$ 26,396.06	
B. In-Kind Contributions	2018	2019	Change	Percent Change
Bellevue	\$ 179,531	\$ 177,819	\$ (1,712)	
TOTAL	\$ 167,943	\$ 177,819	\$ (1,712)	
C. Total Contributions	2018	2019	Change	Percent Change
Bellevue	\$ 179,531	\$ 185,904	\$ 6,373	3.55%
Bothell	\$ 56,795	\$ 58,811	\$ 2,016	3.55%
Issaquah	\$ 43,666	\$ 45,217	\$ 1,550	3.55%
King County	\$ 46,815	\$ 48,477	\$ 1,662	3.55%
Kirkland	\$ 111,075	\$ 115,019	\$ 3,943	3.55%
Mercer Island	\$ 32,185	\$ 33,327	\$ 1,143	3.55%
Newcastle	\$ 14,460	\$ 14,974	\$ 513	3.55%
Redmond	\$ 75,890	\$ 78,584	\$ 2,694	3.55%
Woodinville	\$ 14,936	\$ 15,466	\$ 530	3.55%
Beaux Arts Village	\$ 1,690	\$ 1,750	\$ 60	3.55%
Clyde Hill	\$ 4,050	\$ 4,193	\$ 144	3.55%
Hunts Point	\$ 1,690	\$ 1,750	\$ 60	3.55%
Medina	\$ 4,077	\$ 4,221	\$ 145	3.55%
Yarrow Point	\$ 1,690	\$ 1,750	\$ 60	3.55%
Sammamish	\$ 78,014	\$ 80,784	\$ 2,770	3.55%
Kenmore	\$ 28,771	\$ 29,793	\$ 1,021	3.55%
Other	\$ 4,200	\$ 4,200	\$ -	0.00%
TOTAL REVENUE	\$ 699,535	\$ 724,219	\$ 24,684.38	3.53%
TOTAL COSTS	\$ 699,324	\$ 724,400	\$ 25,075.64	3.59%
BALANCE	\$ 211	\$ (181)		

A Regional Coalition for Housing (ARCH)

2019 Administrative Budget and Work Program

Issaquah City Council | March 12, 2019

Lindsay Masters, ARCH Executive Manager



*Beaux Arts Village -
Bellevue - Bothell - Clyde
Hill - Hunts Point
Issaquah - Kenmore -
King County - Kirkland -
Medina - Mercer Island
Newcastle - Redmond -
Sammamish - Woodinville
- Yarrow Point*

A Regional Coalition for Housing

ARCH Overview

Interlocal Agency

A joint and cooperative undertaking of East King County communities established in 1993

Purpose

To provide a framework for cities in East King County to cooperatively plan for and provide affordable housing

Members

Beaux Arts Village

Bellevue

Bothell

Clyde Hill

Hunts Point

Issaquah

Kenmore

Kirkland

Medina

Mercer Island

Newcastle

Redmond

Sammamish

Woodinville

Yarrow Point

King County

A Regional Coalition for Housing

ARCH Overview

Governance / Organizational Structure

- Executive Board comprised of members' executive staff
- Citizen Advisory Board (CAB) comprised of community members with housing interest/expertise
- Administering Agency (Bellevue) serves as fiscal agent for ARCH; maintains ARCH Operating Account and Housing Trust Fund Account; provides administrative support services

Budget and Work Plan

- Councils approve annual ARCH Work Plan and Budget (both operating and Housing Trust Fund)

Housing Trust Fund Allocations

- Councils must authorize specific project awards and associated funding conditions (following recommendation by CAB and Executive Board)

How does
ARCH
work with
its
members?

Investment in Affordable Housing

- Pool regional funds to invest in affordable housing projects
- Partner in statewide funding coordination to leverage public and private sources of financing
- Make surplus public land available at discounted cost
- Work with project sponsors to prepare projects for funding



How does ARCH work with its members?

Housing Policy and Planning

- Promote land use and development regulations to create affordability (e.g., incentive and inclusionary housing policies, accessory dwelling unit standards, etc.)
- Support Housing Strategy Plans
- Draft Housing Elements of Comprehensive Plans
- Assist with creation of neighborhood plans
- Represent EKC in regional planning efforts (e.g., All Home, Regional Affordable Housing Task Force, etc.)
- Participate in state and federal legislative policy and advocacy



How does ARCH work with its members?

Housing Program Administration / Stewardship

- Prepare funding program and land use incentive contracts
- Monitor long term affordability and loan repayments
- Maintain interest list of income-eligible households
- Market newly available affordable ownership and rental housing
- Oversee initial sales and resales of below-market ownership homes



How does ARCH work with its members?

Education and Public Outreach

- Assist community members seeking affordable housing
- Generate outreach materials to educate the broader public
- Plan educational events for member city councils, staff and community members
- Present community awards to recognize persons, projects and programs that result in outstanding housing efforts.
- Build connections with and among community stakeholders (faith communities, developers, nonprofits and others interested in housing issues)



Community Impact

Housing Trust Fund Investments

1993-2018

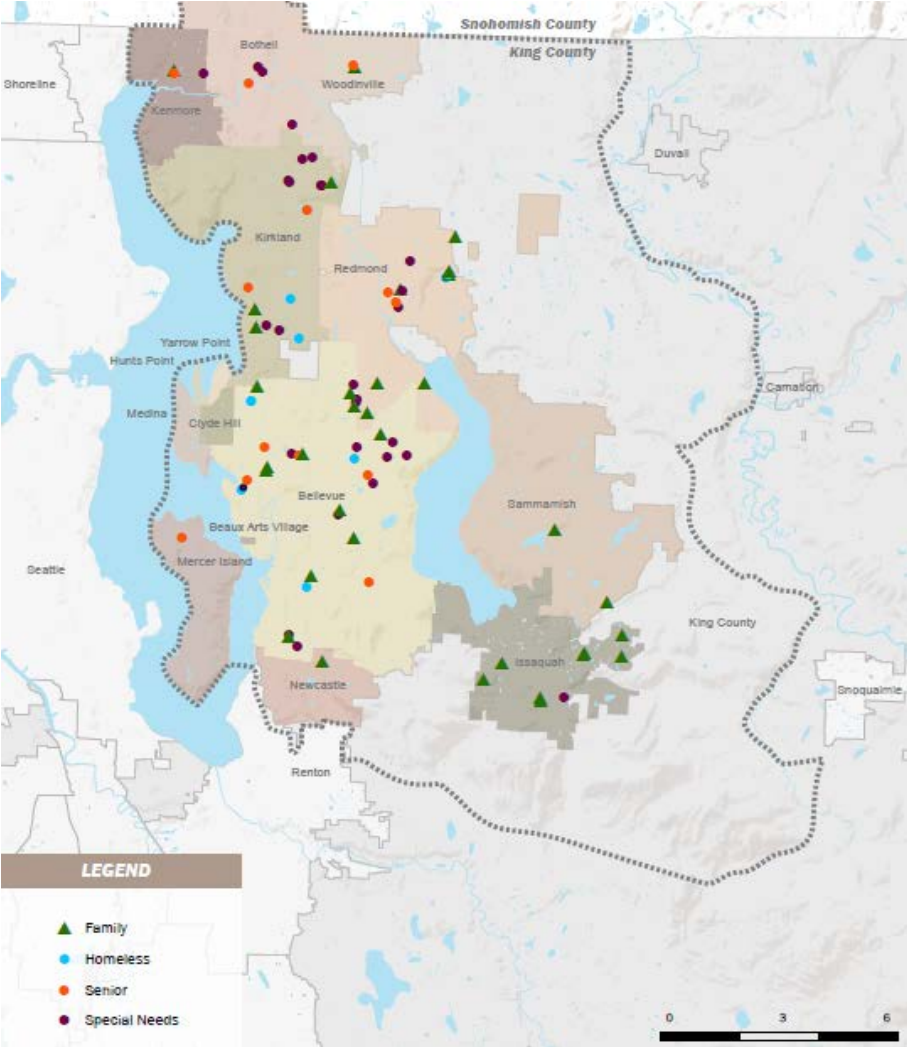
Housing Type	Number of Units/Beds	Investment*
Family	2,331	\$36,798,511
Senior	669	\$10,478,642
Homeless	480	\$12,244,513
Special Needs	165	\$3,470,167
TOTAL	3,645	\$62,991,833

*includes loans/grants, land , and fee waivers



Community Impact

Map of Housing Trust Fund Projects (2018)



Community Impact

10 Cities in East King County have land use incentive programs for affordable housing

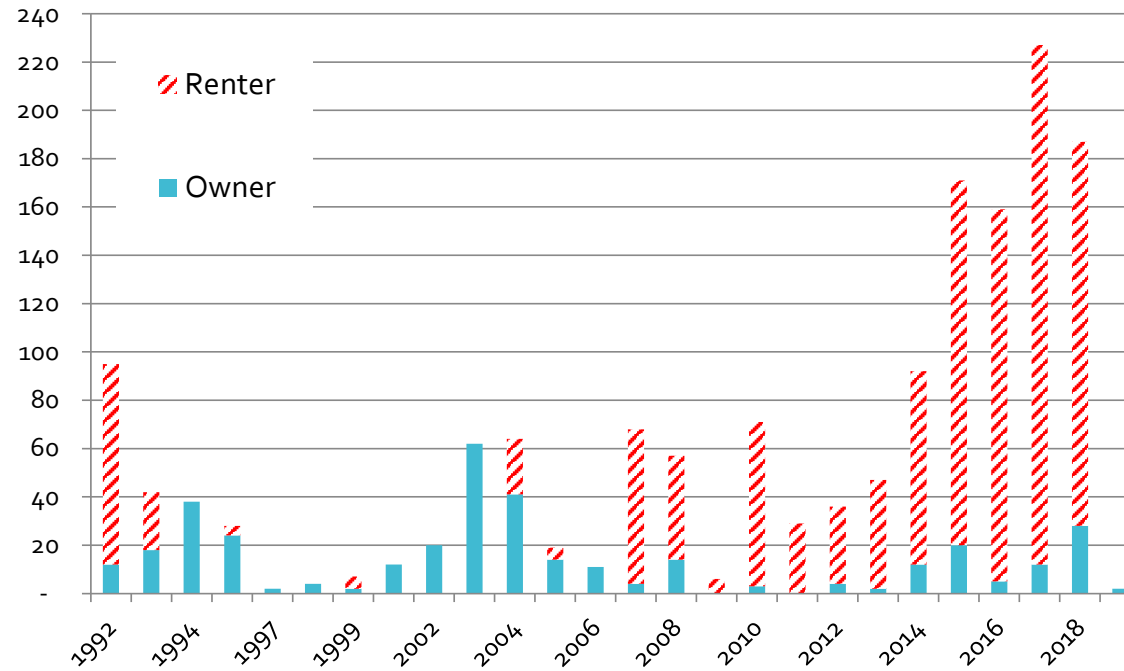
7 cities have mandatory approaches (or both mandatory and voluntary)

Affordability ranges from 50% to 100% AMI

1 city has applied to commercial development

4 cities offer a payment option

Low and Moderate Income Affordable Units Created through City Incentive Programs (All ARCH Cities)



*Low Income is defined as below 50% of median income

*Moderate Income is defined as 50-80% of median income

ARCH

2019 Work Program

Priority Objectives for 2019

- Strengthen program administration and monitoring functions
- Coordinate and facilitate transit-oriented development projects on public land
- Develop proposals for dedicated revenue sources for affordable housing
- Pursue strategies to increase access to housing by underserved communities



ARCH

2019 Work Program

City of Issaquah Work Program Activities:

- Assist City with preparing the annual Affordable Housing Report Card/Analysis.
- Assist City staff with evaluating and, as needed, implementing development standards and regulations related to the housing policies adopted in the Central Issaquah Plan and Central Issaquah Standards, including inclusionary zoning.
- As needed, assist City staff with administration and/or revisions of the affordable housing provisions of local development agreements (e.g., Lakeside and Rowley).
- Assist with evaluating and strategizing sequencing potential projects/opportunities such as those near transit facilities, including coordination with potentially utilizing the King County TOD funds.
- Assist with initial work on high priority strategies identified in the Housing Strategy Work Plan including:
 - Improving marketing and the understanding of ADUs and the development process.
 - Facilitating development of a TOD.
 - Beginning work to identify and seek out affordable multifamily projects for retention as affordable housing choices.
 - Amending codes to increase allowed diverse housing types such as SROs and cottage housing.
 - Supporting housing options and services to assist people experiencing housing insecurity and those with barriers to independent living.
- Lobbying the state to mitigate/offset condominium development deterrents.

Thank you.



**CITY COUNCIL
AGENDA BILL**

City Council Regular Meeting - 01 Apr 2019

UPDATED
AB 7723 -
Consent Calendar

Cemetery Fee Increase, Amending IMC 2.20.040

**Proposed Council Action:
Postpone Indefinitely**

**DEPARTMENT OF
COUNCIL LIAISON
OTHER COUNCIL MEETINGS
COMP PLAN POLICY NOS.
OTHER POLICIES
EXHIBITS**

Parks & Recreation Brian Berntsen
Councilmember Reh
Feb. 5, 2019; March 4, 2019
n/a
n/a
A. Proposed Ordinance

SUMMARY STATEMENT

Introduction

This agenda bill seeks Council adoption of an ordinance (Exhibit A) to amend Section 2.20.040 of the Issaquah Municipal Code in order to increase grave plot and maintenance fees and to establish a processing fee for all grave types for administrative transactions such as transfers and quitclaim deeds.

The proposed changes to the cemetery fee structure will allow the City to charge fees that are aligned with the market rate for similar services provided by other agencies.

Background

The City's Upper and Lower Hillside cemeteries are maintained and improved by the Parks and Recreation Department, Park Operations Division, to ensure the safety and beauty of these facilities. The administration of the City cemeteries is vested in the Cemetery Board. The Board is responsible for the care, improvement and use of the cemetery property.

The Cemetery Board, in conjunction with its Cemetery Partner, Flintoff's Funeral Home and Crematory, have researched, reviewed and discussed the types and pricing of agencies surrounding the City providing similar services. The cemetery maintenance fees were last updated on July 1, 2014 and the grave plot fees on July 1, 2009.

Recommendation

The Cemetery Board's recommendation is to increase both the grave plot and maintenance fees. The proposed fee increases range from \$125-\$500 (see Exhibit A). Additionally, the Cemetery Board is recommending a new \$50 processing fee be established to account for the staff time used in processing administrative transactions for debt reissuance, transfers and quitclaim deeds. This new fee is reflected within the rate recommendations included within the proposed cemetery fee increases.

If approved, the effective date for the fee increases will be March 15, 2019. Any point of transactions occurring on or after March 15 will be processed using the new fee structure.

Future Agreement

While this fee increase will address the annual maintenance needs of operating the cemetery, an additional work plan item in 2019 is looking at the long-term financial health of the Cemetery Fund. This work will result in a Management Agreement between the City and Flintoff's, the City's cemetery partner. The Agreement will formalize the operational roles/responsibilities of the two parties, as well as look at the revenue allocation to the City's Cemetery Fund.

In looking at the complete financial picture needed to support annual maintenance, any planned capital investments, and the long-range care of the property, this Management Agreement may include proposing additional fee increases. If that is the case, a new ordinance for these fee increases would come to the City Council for consideration at the same time as the anticipated Management Agreement between the City and Flintoff's later in 2019 (currently projected for third quarter, 2019).

Financial Information

The proposed fee increases will provide the additional funding needed for the Parks and Recreation Department, in conjunction with the Cemetery Board, to provide for an acceptable maintenance level of service within the Upper and Lower Hillside cemeteries.

Administration's Recommendation

~~The Administration recommends adoption of the proposed ordinance, amending Section 2.20.040 of the Issaquah Municipal Code in order to increase grave plot and maintenance fees and to establish a processing fee for all grave types for administrative transactions such as transfers and quitclaim deeds, delaying the Cemetery Fee increases so that any increase can be considered in the context of the Cemetery Management Agreement and Revenue Plan scheduled to be finalized this summer.~~

Update

Feb. 12, 2019 Council Services & Safety Committee

The Council Services & Safety Committee met to review AB 7723. Staff made a presentation. The Committee discussed the reason for the request, the anticipated management agreement with Flintofts, and the differences in fee types. The Committee requested the following information:

- Time line for the Management Agreement between the City and Flintofts and the broader revenue plan that will accompany that Agreement.
- Market rates – comparable data to other cities; public versus private
- Number of plots on average sold per quarter; potential loss revenue
- Pros and cons of waiting on the market rate fee increase in order to coordinate with the scheduled 2019 work plan items of the Cemetery Management Agreement and Revenue Plan

Following discussion, the Committee recommended the agenda bill be referred back to the Committee for additional review and consideration of the requested information.

At this time, the Administration recommends delaying the Cemetery Fee increases so any increase can be considered in the context of the Cemetery Management Agreement and Revenue Plan, which are both 2019 work plan items.

The Management Agreement will come before City Council for approval in June or July of 2019. At that time, a new agenda bill will be brought forward with any proposed fee increases. It is the Administration's intent that this Agreement and any proposed fee increases will be discussed with the City Council and finalized prior to the opening of Section 2 of the Upper Cemetery. Any proposed fee increase will include an estimate of generated revenue.

Staff will present the requested information and the updated recommendation at the March 12, 2019 Council Services & Safety Committee meeting.

March 12, 2019 Council Services & Safety Committee

Staff provided the updated Administration recommendation to delay the Cemetery Fee increases. Staff relayed that the Cemetery Board had been advised of this change and was in agreement with the recommendation.

Following discussion, the Committee recommended delaying consideration of cemetery fees so that any increases can be considered in the context of the Cemetery Management Agreement and Revenue Plan scheduled to be finalized this summer under a separate agenda bill.

Alternative(s)

- 1) ~~Do not adopt ordinance. [Impact: Maintain the existing cemetery fee rates. Existing fees are below market rate and not in alignment with other surrounding agencies providing similar services. Over time, the department's ability to provide an acceptable level of service within the Upper and Lower Hillside Cemeteries will decrease.]~~
- 2) ~~Modify the proposed rate structure and/or effective date.~~

RECOMMENDATION

Council Services & Safety Committee / Chris Reh, Chair:

MOVE TO:

~~Refer AB 7723 to the Feb. 12, 2019 Council Services & Safety Committee for review and recommendation, returning to the full Council on March 4, 2019.~~

~~MOVE TO: Refer AB 7723 to the March 12, 2019 Council Services & Safety Committee for additional review and recommendation, returning to the full Council on April 1, 2019.~~

MOVE TO: Indefinitely postpone AB 7723 Cemetery Fee Increase.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ISSAQUAH, WASHINGTON, AMENDING SECTION 2.20.040 OF THE ISSAQUAH MUNICIPAL CODE IN ORDER TO INCREASE GRAVE PLOT AND MAINTENANCE FEES AND ESTABLISHING A PROCESSING FEE FOR TRANSFERS AND QUITCLAIM DEEDS; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City has not increased maintenance fees since July 1, 2014; and
WHEREAS, the City has not increased grave plot fees since July 1, 2009; and
WHEREAS, the Cemetery Board recommends increasing grave plot and maintenance fees, and establishing a processing fee for transfers and quitclaim deeds; and
WHEREAS, the Council Services and Safety Committee concurs with the Cemetery Board recommendations, and
WHEREAS, the City Council agrees with the recommendations of the Council Services and Safety Committee and the Cemetery Board to increase grave plot and maintenance fees, and to establish a processing fee for certain administrative transactions; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF ISSAQUAH, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Grave plots/maintenance fees – Size and price. Section 2.20.040

of the Issaquah Municipal Code is hereby amended to read as follows:

2.20.040 Grave plots/maintenance fees – Size and price. Grave plots and maintenance fees shall be as follows:

Hillside Cemetery – ~~(all)~~ Upper and Lower:

Full-size grave	\$1,000.00 <u>\$1,500</u>
Full-size double-deep grave	\$1,000.00 <u>\$1,500</u>

Half-size grave	\$600.00 <u>\$825</u>
Columbarium niche	\$950.00 <u>\$1,250</u>

Maintenance fees at time of Internment:

Adult casket burial	\$300.00 <u>\$350</u>
Infant or child casket burial	\$250.00 <u>\$300</u>
Cremation burial	\$225.00 <u>\$250</u>
Columbarium inurnment	\$225.00 <u>\$250</u>
Any marker/headstone set in cement	\$200.00 <u>\$225</u>
Double-deep graves	\$300.00 <u>\$350</u>

Processing fees

<u>Deed reissuance (lost or stolen)</u>	<u>\$50</u>
<u>Quitclaim deed/transfer of ownership</u>	<u>\$50</u>

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. The ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City and shall take effect on _____ 2019.

Passed by the City Council of the City of Issaquah, the ____ day of _____, 2019.

Approved by the Mayor of the City of Issaquah, the _____ day of _____, 2019.

MARY LOU PAULY, MAYOR

ATTEST/AUTHENTICATED:

CHRISTINE L. EGGERS, CITY CLERK

APPROVED AS TO FORM:

JAMES E. HANEY, CITY ATTORNEY

PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.: / AB 7723