



**PLANNING COMMISSION SPECIAL MEETING AGENDA  
WEDNESDAY, MAY 22, 2019  
CITY HALL COUNCIL CHAMBERS  
3:30 P.M.**

1. Call to Order
2. Roll Call
3. **GENERAL BUSINESS:**
  - Review of Agenda
  - Approval of Minutes: May 8, 2019
4. **WORKSHOPS:**
  - Small Cell Code Amendment Workshop – Lisa Key
5. **REPORTS:**
  - Secretary's Report
    - Status of Adjunct Commissioner Recruitment
  - Planning Commissioner Reports
6. Citizens Comments
7. Adjournment

**Next Meeting:** June 12, 2019

*Non-hearing items scheduled, and their order, are only tentative and are subject to change. The Planning Commission may not address all items as listed and/or may continue certain items to a later session. The Commission reserves the right to take action on all items listed on the agenda. The Planning Commission provides at least 3 minutes for public comment and submission of written comments for inclusion into the public record and consideration by the Planning Commission. For more information, please contact Planning, Engineering & Building Services at 755-6708.*

The public is invited to attend. Parking and meeting rooms are accessible for persons with disabilities. Contact the City at 755-6700 with 48-hours advance notice for special accommodations.



## PLANNING COMMISSION MEETING MINUTES WEDNESDAY, MAY 8, 2019

**Planning Commission Members Present:** Phil Folyer, Charles Matthews, Jamie Baird, Tom Sahlberg, Richard Siler

**Adjunct Member(s) Present:** N/A

**Absent (Excused):** Joshua McKee, Jesse Fox

**Staff Present:** Lisa Key, Kelsey Wright

**Call to Order:** Meeting was called to order at 4:00 p.m.

**Roll Call:** A quorum of members was present.

### **Review of Agenda & Approval of Minutes:**

Commissioner Sahlberg moved that the April 10th corrected minutes be approved, seconded by Commissioner Siler. Minutes were approved with all ayes.

### **General Business:**

- A. Ratification of Findings, Conclusions & Recommendations regarding "Food Trucks": Commissioner Baird moved to ratify the Findings, Conclusions & Recommendations regarding "Food Trucks", seconded by Commissioner Matthews. Findings, Conclusions & Recommendations ratified with all ayes.
- B. Ratification of Findings, Conclusions & Recommendations regarding Amendments to Site Design Review: Commissioner Matthews moved to ratify the Findings, Conclusions & Recommendations regarding Amendments to Site Design Review, seconded by Commissioner Baird. Findings, Conclusions & Recommendations ratified with all ayes.

### **Action Items/ Discussions Presentations:**

- A. Docket & Schedule: Lisa Key presented an overview of the items being proposed both by the City and privately initiated for amendments to the City's Comprehensive Plan and Development Code and a timeframe for workshops and projected hearing dates. Questions asked and answered.
- B. Zoning Map Amendment Workshop (CPA2019-0003): Lisa Key presented the background on the CVSD annexation which is the change requiring updates to the Zoning Map embedded in the City's Development Code. She presented the relevant Comprehensive Plan Goals and Policies that the amendment aligns with. Questions asked and answered.
- C. Correction to Notice Requirements for Type II Administrative Appeal Workshop (CPA2019-0005): Lisa Key presented the verbiage change proposed to correct an error and to align with

all other areas of the Code. She also reviewed the relevant Comprehensive Plan Goals and Policies. Questions asked and answered.

D. Adult Family Home as Permitted Use in Residential & Commercial Zones Workshop (CPA2019-0006): Lisa Key presented information on the proposed amendments to allow Adult Family Homes within the City to align with state law. She reviewed the way Adult Family Homes are currently addressed in the City's code, the added definition needed, and the required changes to zoning allowances. Questions asked and answered.

E. Additional Extensions for Phased Subdivisions Workshop (CPA2019-0009): Lisa Key reviewed the current timelines allowed by City Development Code for extensions and explained the proposed amendments and the reasoning behind allowing for extensions. Questions asked and answered.

F. Small Cell Code Amendment Workshop: Lisa Key presented further research and suggestions for regulations to include in the development of the Small Cell Code amendments. She discussed siting hierarchy's by zone and information on design standards. Lisa proposed holding a Special Meeting to workshop a draft code section which Planning Commission agreed to hold on May 22<sup>nd</sup> at 3:30 PM. Questions asked and answered. Jason Verduzco with Verizon spoke to answer some questions that came up during discussion.

#### **Secretary's Report:**

Lisa Key reported on the below listed items:

- Status of Adjunct Commissioner Recruitment
- Upcoming Design Review for Rudeen Phase II and Orchard Park Lofts

#### **Planning Commissioner Reports:**

No reports at this time.

#### **City Council Reporter of the Month:**

Commissioner Folyer volunteered to report at the next City Council meeting.

#### **Citizens Comments:**

No comments made at this time.

#### **Adjournment:**

The meeting adjourned at 5:50 p.m.

## PRELIMINARY DRAFT

### PROPOSED AMENDMENTS TO CITY OF LIBERTY LAKE DEVELOPMENT CODE AND RIVER DISTRICT DEVELOPMENT REGULATIONS ESTABLISHING REGULATIONS FOR THE DEPLOYMENT OF SMALL CELL TELECOMMUNICATION FACILITIES

#### AMENDMENTS TO CITY DEVELOPMENT CODE, §10 -1, INTRODUCTION

##### Amendments to City Development Code §10-1C-B, Definitions:

*The following definitions shall be added:*

Antenna: An apparatus designed for the purpose of emitting radio frequency (RF) radiation, to be operated or operating from a fixed location pursuant to Federal Communication Commission authorization, for the transmission of writing, signs, signals, data, images, pictures, and sounds of all kinds, including transmitting device and any on-site equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with that antenna and added to a tower, structure, or building as part of the original installation. An antenna is mounted on or in, and is distinct from, a supporting structure, such as a pole, tower, structure or building. This definition does not apply to broadcast antennae, antennae designed for amateur radio use, or satellite dishes for residential or household purposes.

Collocation: The mounting or installing an antenna facility on a pre-existing structure; and/or, the modifying a structure for the purpose of mounting or installing an antenna facility on that structure; and/or, 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.

Facility: When used in the context of small cell wireless communications facilities, shall mean a “small cell wireless communication facility”

Light Pole: A pole designed and primarily used to support lighting for the illumination of streets and sidewalks. The term does not include poles designed and primarily used to support traffic signals.

Macro cell: A large wireless communication facility that provides radio frequency coverage for a cellular telephone network. 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 cubic feet per antenna and typically cover large geographic areas with relatively high capacity and may be capable of hosting multiple wireless service providers.

Small cell wireless communication facility: Facilities normally and regularly used in providing wireless communication and data services, including any and all wires, lines, conduits, cables, vaults, duct runs, and all necessary or convenient facilities and appurtenances thereto, whether the same is located over, above or underground, specifically meeting the following conditions:

- a. The facilities:
  - i. Are mounted on structures fifty (50) feet or less in height including their antennas as defined in herein; or
  - ii. Are mounted on structures no more than ten percent (10%) taller than other adjacent structures; or
  - iii. Do not extend existing structures on which they are located to a height of more than fifty (50) feet or by more than ten percent (10), whichever is greater;
- b. Each antenna associated with the deployment, excluding associated antenna equipment (as defined herein), is no more than three (3) cubic feet in volume;
- c. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than twenty-eight (28) cubic feet in volume;
- d. The facilities do not require antenna structure registration and notice to the Federal Aviation Administration, as required by 47 CFR §17;
- e. The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and
- f. The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR§1.1307(b).

Small wireless facility: Shall mean a “small cell wireless communication facility”.

Structure: When used in the context of a small cell wireless communication facility, shall mean a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used for or to be used for the provision of wireless communication service, (either on its own or co-mingles with other services).

Utility pole: A pole located in the right-of-way that is designed and primarily used for the support of electrical power lines, telephone wires, television cables or wireless communications facilities.

Wireless only pole: A pole erected for the sole purpose of supporting a small cell wireless communication facility, which may be permitted if the wireless provider has demonstrated that it is technically infeasible to collocate said facility on existing light poles, utility poles or other buildings or structures to provide service in a specifically defined area.

Wireless provider: Any person or entity who provides wireless service or who owns, operates, or manages wireless communications facilities.

Wireless services: FCC licensed or authorized wireless services, including personal wireless services as defined in 47 U.S.C. Section 332.

*The following definitions shall be amended:*

Macro cell ~~Wireless~~ wireless communication antenna array -- Macro cell Telecommunications

equipment that consists of one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency (RF) signals, which may include omni-directional antenna (whip), directional antenna (panel) and parabolic antenna (dish). The antennae included in macro cell wireless communication arrays are general larger than 3 cubic feet. Does not include tower or tower, private. Small cell wireless communication facilities are expressly excluded from this definition.

Macro cell Wireless-wireless communication support tower - A structure that supports a platform and macro cell wireless cellular antennas / telecommunications equipment, that complies with the requirements of this paragraph and that is part of a cellular system authorized by the Federal Communications Commission. May include an auxiliary building housing electronic and communication equipment.

**AMENDMENTS TO CITY DEVELOPMENT CODE §10-2, ZONING DISTRICTS:**

**Amendments to City Development Code §10-2A-4, Zoning Matrix:**

*The Facilities and Uses section of the Zoning Matrix shall be amended as follows:*

Facilities and Uses	R-1	R-2	R-3	M-1	M-2	M-3	C-1	C-2	I	P	O
<b>Utilities and facilities</b>											
<u>Macro cell wireless communication antenna array</u>	<u>N</u>	<u>CU</u>	<u>N</u>								
<u>Macro cell wireless communication antenna array</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>CU</u>	<u>CU</u>	<u>N</u>
Power plant - EPF	N	N	N	N	N	N	N	N	N	CU	N
Public utility local distribution facility	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	N
Public utility transmission facility - EPF	N	N	N	N	N	N	CU	L	L	L	N
Sewage treatment plant - EPF	N	N	N	N	N	N	N	N	N	CU	N
<u>Small cell wireless communication facility</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Wireless-communication-antenna array</u>	<u>N</u>	<u>CU</u>	<u>N</u>								
<u>Wireless-communication-support tower</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>CU</u>	<u>CU</u>	<u>N</u>

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**Amendments to City Development Code §10-2B, R-1 (Single Family) District Regulations:**

*Add new paragraph to §10-2B-3(C), Requirements for Specific Limited Uses:*

**13. Small Cell Wireless Communication Facilities**

- a. Siting Hierarchy.
  - i. Collocation on existing non-wooden light poles, buildings or structures adjacent to the zoning district boundary is the preferred siting location.
  - ii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for service coverage, collocation on existing non-wooden light poles, utility poles, buildings or other structures within a neighborhood park, or other existing light poles, or buildings within the zoning district shall be allowed.
  - iii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for service coverage, a wireless only pole shall be permitted, provided the facility incorporates a neutral host platform, and is so designed as to accommodate the collocation of other wireless providers.
- b. Shall only be permitted on public property or in public right-of-way with a valid Franchise Agreement in place, as required in Liberty Lake Municipal Code §8-8, which expressly addresses small cell wireless facilities.
- c. Must meet design standards as detailed in City Development Code §10-3F-4.
- d. A Small Cell Wireless Communication Facility Permit is required, as detailed in City Development Code §10-4I-4.

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**Amendments to City Development Code §10-2C, R-2 (Mixed Residential) District Regulations:**

*Add new paragraph to §10-2C-3(C), Requirements for Specific Limited Uses:*

**15. Small Cell Wireless Communication Facilities**

- a. Siting Hierarchy.
  - i. Collocation on existing non-wooden light poles, buildings or structures adjacent to the zoning district boundary is the preferred siting location.
  - ii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for service coverage, collocation on existing non-wooden light poles, utility poles, buildings or other structures within a neighborhood park, or other existing light poles, or buildings within the zoning district shall be allowed.
  - iii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for service coverage, a wireless only pole shall be permitted,

provided the facility incorporates a neutral host platform, and is so designed as to accommodate the collocation of other wireless providers.

- b. Shall only be permitted on public property or in public right-of-way with a valid Franchise Agreement in place, as required in Liberty Lake Municipal Code §8-8, which expressly addresses small cell wireless facilities.
- c. Must meet design standards as detailed in City Development Code §10-3F-4.
- d. A Small Cell Wireless Communication Facility Permit is required, as detailed in City Development Code §10-4I-4.

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**Amendments to City Development Code §10-2D, R-3 (Multi-Family) District Regulations:**

*Add new paragraph to §10-2D-3(C), Requirements for Specific Limited Uses:*

**16. Small Cell Wireless Communication Facilities**

- a. Siting Hierarchy.
  - i. Collocation on existing non-wooden light poles, buildings or structures adjacent to the zoning district boundary is the preferred siting location.
  - ii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for service coverage, collocation on existing non-wooden light poles, utility poles, buildings or other structures within a neighborhood park, or other existing light poles, or buildings within the zoning district shall be allowed.
  - iii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for service coverage, a wireless only pole shall be permitted, provided the facility incorporates a neutral host platform, and is so designed as to accommodate the collocation of other wireless providers.
- b. Shall only be permitted on public property or in public right-of-way with a valid Franchise Agreement in place, as required in Liberty Lake Municipal Code §8-8, which expressly addresses small cell wireless facilities.
- c. Must meet design standards as detailed in City Development Code §10-3F-4.
- d. A Small Cell Wireless Communication Facility Permit is required, as detailed in City Development Code §10-4I-4.

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**Amendments to City Development Code §10-2E, M-1 (Neighborhood Center Mixed Use) District Regulations:**

*Add new paragraph to §10-2E-3(C), Requirements for Specific Limited Uses:*

**22. Small Cell Wireless Communication Facilities**

- a. Siting Hierarchy.
    - i. Collocation on an existing building or existing non-wooden light poles is the preferred siting location in this zone.
    - ii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for service coverage, collocation on an existing wooden or metal utility pole within the zoning district shall be allowed.
    - iii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for service coverage, a wireless only pole shall be permitted, provided the facility incorporates a neutral host platform, and is so designed as to accommodate the collocation of other wireless providers.
  - b. Shall only be permitted on public property or in public right-of-way with a valid Franchise Agreement in place, as required in Liberty Lake Municipal Code §8-8, which expressly addresses small cell wireless facilities.
  - c. Must meet design standards as detailed in City Development Code §10-3F-4.
  - d. Small Cell Wireless Communication Facility Permit is required, as detailed in City Development Code §10-4I-4.
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**Amendments to City Development Code §10-2F, M-2 (Community Center Mixed Use) District Regulations:**

*Add new paragraph to §10-2F-3(C), Requirements for Specific Limited Uses:*

**32. Small Cell Wireless Communication Facilities**

- a. Siting Hierarchy.
  - i. Collocation on an existing building or existing non-wooden light poles is the preferred siting location in this zone.
  - ii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for service coverage, collocation on an existing wooden or metal utility pole within the zoning district shall be allowed.
  - iii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for service coverage, a wireless only pole shall be permitted, provided the facility incorporates a neutral host platform, and is so designed as to accommodate the collocation of other wireless providers.
- b. Shall only be permitted on public property or in public right-of-way with a valid Franchise Agreement in place, as required in Liberty Lake Municipal Code §8-8, which expressly addresses small cell wireless facilities.
- c. Must meet design standards as detailed in City Development Code §10-3F-4.

- d. Small Cell Wireless Communication Facility Permit is required, as detailed in City Development Code §10-4I-4.

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**Amendments to City Development Code §10-2G, M-3 (Central Business District Mixed Use) District Regulations:**

*Add new paragraph to §10-2G-3(C), Requirements for Specific Limited Uses:*

**26. Small Cell Wireless Communication Facilities**

- a. Siting Hierarchy.
  - i. Collocation on an existing building or existing non-wooden light poles is the preferred siting location in this zone.
  - ii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for service coverage, collocation on an existing wooden or metal utility pole within the zoning district shall be allowed.
  - iii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for service coverage, a wireless only pole shall be permitted, provided the facility incorporates a neutral host platform, and is so designed as to accommodate the collocation of other wireless providers.
- b. Shall only be permitted on public property or in public right-of-way with a valid Franchise Agreement in place, as required in Liberty Lake Municipal Code §8-8, which expressly addresses small cell wireless facilities.
- c. Must meet design standards as detailed in City Development Code §10-3F-4.
- d. Small Cell Wireless Communication Facility Permit is required, as detailed in City Development Code §10-4I-4.

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**Amendments to City Development Code §10-2H, C-1 (Community Commercial) District Regulations:**

*Add new paragraph to §10-2H-3(C), Requirements for Specific Limited Uses:*

**19. Small Cell Wireless Communication Facilities**

- a. Siting Hierarchy.
  - i. Collocation on an existing building or existing non-wooden light poles is the preferred siting location in this zone.
  - ii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for service coverage, collocation on an existing wooden or metal utility pole within the zoning district shall be allowed.
  - iii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for service coverage, a wireless only pole shall be permitted,

provided the facility incorporates a neutral host platform, and is so designed as to accommodate the collocation of other wireless providers.

- b. Shall only be permitted on public property or in public right-of-way with a valid Franchise Agreement in place, as required in Liberty Lake Municipal Code §8-8, which expressly addresses small cell wireless facilities.
- c. Must meet design standards as detailed in City Development Code §10-3F-4.
- d. Small Cell Wireless Communication Facility Permit is required, as detailed in City Development Code §10-4I-4.

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**Amendments to City Development Code §10-2I, C-2 (Freeway Commercial) District Regulations:**

*Add new paragraph to §10-2I-3(C), Requirements for Specific Limited Uses:*

**20. Small Cell Wireless Communication Facilities**

- a. Siting Hierarchy.
  - i. Collocation on an existing building or existing non-wooden light poles is the preferred siting location in this zone.
  - ii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for service coverage, collocation on an existing wooden or metal utility pole within the zoning district shall be allowed.
  - iii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for service coverage, a wireless only pole shall be permitted, provided the facility incorporates a neutral host platform, and is so designed as to accommodate the collocation of other wireless providers.
- b. Shall only be permitted on public property or in public right-of-way with a valid Franchise Agreement in place, as required in Liberty Lake Municipal Code §8-8, which expressly addresses small cell wireless facilities.
- c. Must meet design standards as detailed in City Development Code §10-3F-4.
- d. Small Cell Wireless Communication Facility Permit is required, as detailed in City Development Code §10-4I-4.

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**Amendments to City Development Code §10-2J, I (Light Industrial) District Regulations:**

*Add new paragraph to §10-2J-3(C), Requirements for Specific Limited Uses:*

**18. Small Cell Wireless Communication Facilities**

- a. Siting Hierarchy.

- i. Collocation on an existing building or existing non-wooden light poles is the preferred siting location in this zone.
  - ii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for service coverage, collocation on an existing wooden or metal utility pole within the zoning district shall be allowed.
  - iii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for service coverage, a wireless only pole shall be permitted, provided the facility incorporates a neutral host platform, and is so designed as to accommodate the collocation of other wireless providers.
- b. Shall only be permitted on public property or in public right-of-way with a valid Franchise Agreement in place, as required in Liberty Lake Municipal Code §8-8, which expressly addresses small cell wireless facilities.
  - c. Must meet design standards as detailed in City Development Code §10-3F-4.
  - d. Small Cell Wireless Communication Facility Permit is required, as detailed in City Development Code §10-4I-4.

*Amend §10-2J-4(C), Conditional Uses, paragraph 2, as follows:*

- 2. **Macro cell** Wireless communication antenna array.

*Amend §10-2J-4(C), Conditional Uses, paragraph 3, as follows:*

- 3. **Macro cell** Wireless communication support tower.

**Amendments to City Development Code §10-2K, P (Public/ Semi-Public Institutional) District Regulations:**

*Add new paragraph to §10-2K-3(C), Requirements for Specific Limited Uses:*

**9. Small Cell Wireless Communication Facilities**

- a. Siting Hierarchy.
  - i. Collocation on an existing building or existing non-wooden light poles is the preferred siting location in this zone.
  - ii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for service coverage, collocation on an existing wooden or metal utility pole within the zoning district shall be allowed.
  - iii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for service coverage, a wireless only pole shall be permitted,

provided the facility incorporates a neutral host platform, and is so designed as to accommodate the collocation of other wireless providers.

- b. Shall only be permitted on public property or in public right-of-way with a valid Franchise Agreement in place, as required in Liberty Lake Municipal Code §8-8, which expressly addresses small cell wireless facilities.
- c. Must meet design standards as detailed in City Development Code §10-3F-4.
- d. Small Cell Wireless Communication Facility Permit is required, as detailed in City Development Code §10-4I-4.

*Amend §10-2K-4(C), Conditional Uses, paragraph 12, as follows:*

- 12. **Macro cell** Wireless communication antenna array.

*Amend §10-2K-4(C), Conditional Uses, paragraph 13, as follows:*

- 13. **Macro cell** Wireless communication support tower.

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#### **Amendments to City Development Code §10-2L, O (Open Space) District Regulations:**

*Add new paragraph to §10-L-3(C), Requirements for Specific Limited Uses:*

#### **9. Small Cell Wireless Communication Facilities**

- a. Siting Hierarchy.
  - i. Collocation on an existing building or existing non-wooden light poles is the preferred siting location in this zone.
  - ii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for service coverage, collocation on an existing wooden or metal utility pole within the zoning district shall be allowed.
  - iii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for service coverage, a wireless only pole shall be permitted, provided the facility incorporates a neutral host platform, and is so designed as to accommodate the collocation of other wireless providers.
- b. Shall only be permitted on public property or in public right-of-way with a valid Franchise Agreement in place, as required in Liberty Lake Municipal Code §8-8, which expressly addresses small cell wireless facilities.
- c. Must meet design standards as detailed in City Development Code §10-3F-4.
- d. Small Cell Wireless Communication Facility Permit is required, as detailed in City Development Code §10-4I-4.

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**AMENDMENTS TO CITY DEVELOPMENT CODE §10-3, DESIGN AND MAINTENANCE STANDARDS:**

**Amendments to City Development Code, §10-3F, Other Design Standards:**

*Add new section §10-3F-4, as follows:*

§10-3F-4 Small Cell Wireless Communication Facilities

A. Applicability.

1. All small cell wireless communication facilities, as defined in §10-1C-B, that are located on public or private property shall be designed and maintained in accordance with the design requirements of this section.
2. The following are specifically excluded from the requirements of this section:
  - a. Macro cell wireless communication antenna arrays and towers, which are regulated as conditional uses in certain zoning districts.
  - b. Radio and television antennas, cable television and satellite dish structures, and other similar telecommunication devices mounted on a building or other structure that do not meet the definition of a small cell wireless communication facility.

B. Equipment Height and Volume Limits. Small cell facilities are subject to the following height and volume limits:

1. Pole Height.
  - a. Existing Poles. A pole extender may be used to attach a small cell facility to an existing pole, but may not increase the height of the existing pole by more than 10 feet, inclusive of the antenna.
  - b. Replacement Poles. A replacement pole, inclusive of its antenna, shall not exceed the height of the existing pole by more than 10 feet nor shall it exceed a total height of 50 feet, unless the applicant demonstrates in writing that a further height increase is necessary to provide sufficient separation and/or clearance from electrical and/or wireline facilities. In no event may any replacement pole exceed 60 feet in height, inclusive of the antenna.
  - c. New Poles. New poles shall not exceed 50 feet in height, inclusive of the antenna.
2. Equipment Volume.
  - a. Each antenna shall be located inside an antenna enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements shall be capable of fitting within an imaginary enclosure of no more than three cubic feet; and

- b. Each primary equipment enclosure shall be no larger than 17 cubic feet in volume. The following appurtenant equipment may be located outside the primary equipment enclosures and, if so located, is not included in the calculation of the primary equipment enclosure volume: associated conduit, mounting bracket or extension arm, electric meter, concealment, telecom demarcation box, ground-based enclosures, battery backup power systems, grounding equipment, power transfer switch and cut-off switch. Underground equipment enclosures and equipment located within the interior of the pole are not included in the calculation of equipment volume.
  - c. Total wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than twenty-eight (28) cubic feet in volume. Underground equipment shall not be included in the calculation of total wireless equipment volume.
- C. Standards Applicable to All Small Cell Wireless Communication Facilities.
- 1. Non-interference. Small cell facilities shall not interfere with existing use of the right-of-way for transportation, public or private utilities, street trees and landscaping, or public health or safety facilities, including fire hydrants.
  - 2. Obstructions. Ground-mounted equipment, replacement poles, and/or new poles shall comply with the Americans with Disabilities Act (“ADA”). Each component of the small cell facility shall be located so as not to cause any physical or visual obstruction or safety hazard to pedestrian or vehicular traffic and shall comply with all local, state and federal laws, regulations and orders regarding clear and safe passage within the right-of-way.
  - 3. Structural Strength. Each small cell facility shall be properly designed and engineered to withstand seismic, wind, and ice loads. Engineering calculations shall be required to demonstrate poles and other support structures upon which the small cell equipment is proposed to be collocated are adequately designed to support the weight of the small cell wireless equipment while withstanding seismic, wind, and ice loads.
  - 4. Public Health Compliance Standard. The small cell facility shall comply with the following public health compliance standard:
    - a. Any potential exposure to radio frequency emissions from a proposed small cell facility is below the threshold established by FCC regulations, as detailed in 47 CFR §1,1307(B), (including aggregate emissions from collocated equipment).
  - 5. Concealment Requirements. Small cell facilities are subject to the following concealment requirements:
    - a. The facility shall not exceed the height and volume limits imposed by this chapter.
    - b. The applicant shall employ screening, camouflaging and/or other stealth techniques to minimize the visual impact of the small facility. The purpose of this requirement is to maximize the extent to which the small cell facility will blend into the surrounding environment and minimize visual clutter.

- c. Primary equipment enclosures shall be underground, incorporated and concealed within street furniture, or incorporated into the base of the pole to the maximum extent feasible. Equipment enclosures shall be no larger than is necessary to enclose the equipment.
- d. Pole-mounted equipment shall be flush mounted, except as otherwise required by applicable safety codes, and shall be painted or otherwise colored to match the pole.
- e. Cables and wires shall be routed within the interior of the pole to the maximum extent feasible. Where interior installation is infeasible, conduit and cables attached to the exterior of the poles shall be flush mounted, except as otherwise required by applicable safety codes, and shall be painted to match the pole.
- f. The small cell facility shall not be illuminated.
- g. No advertising, signage, message, or identification other than manufacturer's identification or other required identification by governing law is allowed to be portrayed on any antennae or equipment enclosure. Displays of public art and or artistic wraps shall be permitted on display cabinets, if so commissioned by the City, with the mutual agreement of the applicant/owner.

D. Standards for Pole Mounted Facilities.

1. Non-Wooden Light Pole Standard. Small wireless facilities attached to existing or replacement non-wooden light poles and other non-wooden poles in the right-of-way or non-wooden poles outside of the right-of-way shall conform to the following design criteria:
  - a. Antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) shall be fully concealed within the pole, unless such concealment is otherwise technically infeasible, or is incompatible with the pole design, then the antennas and associated equipment enclosures must be camouflaged to appear as an integral part of the pole or flush-mounted to the pole, meaning not more than 12 inches off of the pole, or the minimum needed to achieve safety clearances and antenna tile needs, and must be the minimum size necessary for the intended purpose, not to exceed the volumetric dimensions of small wireless facilities.
  - b. The farthest point of any equipment enclosure may not extend more than 20 inches from the face of the pole.
  - c. All conduit, cables, wires, and fiber must be routed internally in the light pole. Full concealment of all conduit, cables, wires, and fiber is required within mounting brackets, shrouds, canisters, or sleeves if attaching to exterior antennas or equipment.
  - d. Mid-pole primary equipment cabinets (not including cabinets housing antennas) shall only be permitted if the applicant can demonstrate that that it that is technically infeasible to locate the equipment cabinet underground or at the base of the pole.

- e. An antenna on top of an existing pole may not extend more than six feet above the height of the existing pole and the diameter may not exceed 16 inches, measured at the top of the pole, unless the applicant can demonstrate that more space is needed. The antennas shall be integrated into the pole design so that they appear as a continuation of the original pole, including colored or painted to match the pole, and shall be shrouded or screened to blend with the pole except for canister antennas which shall not require screening. All cabling and mounting hardware/brackets from the bottom of the antenna to the top of the pole shall be fully concealed and integrated with the pole.
  - f. Any replacement pole shall substantially conform to the design of the pole it is replacing or the neighboring pole design standards utilized within the contiguous right-of-way.
  - g. The height of any replacement pole may not extend more than 10 feet above the height of the existing pole or the minimum additional height necessary; provided, however, that the height of the replacement pole cannot be extended further by additional antenna height.
  - h. The diameter of a replacement pole shall comply with the city's setback and sidewalk clearance requirements and shall, to the extent technically feasible, not be more than a 25 percent increase of the existing non-wooden pole measured at the base of the pole, unless additional diameter is needed in order to conceal equipment within the base of the pole, and shall comply with the requirements in subsection (C)(1) and (C)(2) of this section.
  - i. The use of the pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.
2. Wooden Pole Standard. Small wireless facilities located on wooden poles shall conform to the following design criteria:
- a. The wooden pole at the proposed location may be replaced with a taller pole for the purpose of accommodating a small wireless facility; provided, however, that the replacement pole shall not exceed a height that is a maximum of 10 feet taller than the existing pole, unless a further height increase is required and confirmed in writing by the pole owner and that such height extension is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wire line facilities.
  - b. A pole extender may be used instead of replacing an existing pole, but may not increase the height of the existing pole by more than 10 feet, unless a further height increase is required and confirmed in writing by the pole owner and that such height increase is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities. A "*pole extender*" as used herein is an object affixed between the pole and the antenna for the purpose of increasing the height of the antenna above the pole. 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.
- c. Replacement wooden poles must either match the approximate color and materials of the replaced pole or shall be the standard new wooden pole used by the pole owner in the city.
  - d. Antennas, equipment enclosures, and all ancillary equipment, boxes and conduit shall be colored or painted to match the approximate color of the surface of the wooden pole on which they are attached.
  - e. Antennas shall not be mounted more than 12 inches from the surface of the wooden pole.
  - f. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness. Multiple antennas are permitted on a wooden pole; provided, that each antenna enclosure shall not be more than three cubic feet in volume.
  - g. A canister antenna may be mounted on top of an existing wooden pole, which may not exceed the height requirements described in subsection (B)(1) of this section. A canister antenna mounted on the top of a wooden pole shall not exceed 16 inches, measured at the top of the pole, and shall be colored or painted to match the pole. The canister antenna must be placed to look as if it is an extension of the pole. In the alternative, the applicant may propose a side-mounted canister antenna, so long as the inside edge of the antenna is no more than 12 inches from the surface of the wooden pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the wooden pole.
  - h. The farthest point of any equipment enclosure may not extend more than 20 inches from the face of the pole.
  - i. An omnidirectional antenna may be mounted on the top of an existing wooden pole, provided such antenna is no more than four feet in height and is mounted directly on the top of a pole or attached to a sleeve made to look like the exterior of the pole as close to the top of the pole as technically feasible. All cables shall be concealed within the sleeve between the bottom of the antenna and the mounting bracket.
  - j. All appurtenant equipment, including but not limited to accessory equipment, radios, cables, associated shrouding, microwaves, and conduit which are mounted on wooden poles, shall not be mounted more than six inches from the surface of the pole, unless a further distance is technically required and is confirmed in writing by the pole owner.
  - k. Equipment for small wireless facilities must be attached to the wooden pole, unless otherwise permitted to be ground mounted pursuant to subsection (C)(2) of this section. The equipment must be placed in the smallest enclosure possible for the intended purpose. The equipment enclosure and all other wireless equipment associated with the utility pole, including wireless equipment associated with the antenna, and any preexisting associated

equipment on the pole, may not exceed 28 cubic feet. Multiple equipment enclosures may be acceptable if designed to more closely integrate with the pole design and do not cumulatively exceed 28 cubic feet.

- l. Mid-pole primary equipment cabinets (not including cabinets housing antennas) shall only be permitted if the applicant can demonstrate that that it that is technically infeasible to locate the equipment cabinet underground, at the base, or near the top the pole.
  - m. An applicant who desires to enclose both its antennas and equipment within one unified enclosure may do so; provided, that such enclosure is the minimum size necessary for its intended purpose and the enclosure and all other wireless equipment associated with the pole, including wireless equipment associated with the antenna and any preexisting associated equipment on the pole does not exceed 28 cubic feet. The unified enclosure may not be placed more than six inches from the surface of the pole, unless a further distance is required and confirmed in writing by the pole owner. To the extent possible, the unified enclosure shall be placed so as to appear as an integrated part of the pole.
  - n. The visual effect of the small wireless facility on all other aspects of the appearance of the wooden pole shall be minimized to the greatest extent possible.
  - o. The use of the wooden pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and all associated equipment shall be removed.
  - p. The diameter of a replacement pole shall comply with the city's setback and sidewalk clearance requirements and shall not be more than a 25 percent increase of the existing utility pole measured at the base of the pole.
  - q. All cables and wires shall be routed through conduit along the outside of the pole. The outside conduit shall be colored or painted to match the pole. The number of conduit shall be minimized to the number technically necessary to accommodate the small wireless facility.
3. **Wireless Only Pole Standard.** All pole-mounted transmission equipment shall be collocated on existing poles or replacement poles, unless permitted based on the required justification for a new wireless only pole. A wireless only pole may be permitted if the applicant submits a new pole justification report demonstrating to the reasonable satisfaction of the director that no pole currently exists within the right-of-way within a 500-foot radius of the proposed new pole that is available for use by the applicant and that would provide substantially equivalent functionality. If so demonstrated, such new pole shall comply with the following design standards, in addition to the other requirements detailed in this section. Wireless only poles shall:

- a. Resemble existing poles in the right-of-way near that location, with the exception of pole designs that are scheduled to be removed and not replaced; and
  - b. Be located at least 180 feet from any existing pole, unless the applicant demonstrates to the director's reasonable satisfaction that (i) the minimum separation requirement cannot be satisfied for technical reasons and (ii) placement of the small cell facility at a distance less than 180 feet from an existing pole will meet the intent of reducing visual clutter to the greatest extent practicable.
  - c. The facility shall incorporate a neutral host platform, and be so designed as to accommodate the collocation of other wireless providers.
- E. Strand Mounted Facilities. Small cell facilities mounted on cables strung between existing poles shall only be permitted if the applicant has successfully demonstrated that collocation of the proposed facility on an existing structure or a wireless only pole is technically infeasible or inadequate for service coverage in that specific area. If so permitted based upon such demonstration, the following standards shall apply in addition to all other requirements of this section:
1. Each strand-mounted facility shall not exceed three cubic feet in volume;
  2. Pole-mounted equipment for strand-mounted facilities shall meet the requirements for pole-mounted small cells;
  3. Only one strand-mounted facility is permitted per cable between any two existing poles;
  4. The strand-mounted device shall be placed as close as possible to the nearest pole and in no event more than six feet from the pole unless a greater distance is technically necessary or required by the pole owner for safety clearance;
  5. No strand-mounted device shall be located in or above the portion of the roadway open to vehicular traffic; and,
  6. Strand-mounted devices shall be installed to cause the least visual impact, including by utilizing the minimum amount of exterior cabling or wires (other than the original strand) necessary to meet the technological needs of the facility.
- F. Traffic Signal Mounted Facilities. Small wireless facilities are not permitted on traffic signals poles unless denial of the siting is demonstrated to be a prohibition or effective prohibition of the applicant's ability to provide telecommunications service in violation of 47 USC 253 and 332.
- G. Standards for Facilities Attached to Existing Buildings. Small wireless facilities attached to existing buildings shall conform to the following design criteria:
1. Small wireless facilities may be mounted to the sides of a building if the antennas do not interrupt the building's architectural theme.
  2. The interruption of architectural lines or horizontal or vertical reveals is discouraged.

3. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if it complements the architecture of the existing building.
4. Small wireless facilities shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building.
5. Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas. Exposed cabling/wiring is prohibited.
6. Small wireless facilities shall be painted and textured to match the adjacent building surfaces.

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**AMENDMENTS TO CITY DEVELOPMENT CODE §10-4, APPLICATION & REVIEW PROCEDURES:**

**Amendments to City Development Code, §10-4B-3(A), Exempt Projects:**

*Add a new exempt project type to §10-4B-3(A)(15) as follows:*

15. Small Cell Wireless Communication Facilities Permit

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**Amendments to City Development Code, §10-4I, Miscellaneous Permits:**

*Add new section §10-4I-4, as follows:*

**§10-4-4 Small Cell Wireless Communications Facility Permit**

**A. Applicability**

1. All small cell wireless communication facilities, as defined in §10-1C-B, that are located on public or private property shall be subject to the permitting requirements of this section.
2. The following uses are specifically excluded from the requirements of this section:
  - a. Macro cell wireless communication antenna arrays and towers, which are regulated as conditional uses in certain zoning districts.
  - b. Radio and television antennas, cable television and satellite dish structures, and other similar telecommunication devices mounted on a building or other structure that do not meet the definition of a small cell wireless communication facility.

- B. Eligibility. Permit applications for small cell wireless communication facilities located in public right-of-way or on City-owned property shall only be accepted by the City from applicants/owners holding a valid Franchise Agreement with the City of Liberty Lake (as provided for in Liberty Lake Municipal Code §8-8) which expressly addresses small cell wireless facilities. Owners/ applicants holding a valid franchise agreement with the City of Liberty Lake that does not expressly address small cell wireless facilities within the right-of-way shall be required to secure an amended Franchise Agreement prior to submittal of permit applications for the deployment of small cell wireless facilities located within the right-of-way or on City property.
- C. Application Requirements. Applicants shall apply for a small cell permit using the small cell permit application form prepared by the City, and submit the fee as stipulated in the required Franchise Agreement between the City of Liberty Lake and the applicant/owner, or in the case of small cell wireless facilities not located in public right-of-way or on City property, the fee as established in the City of Liberty Lake fee schedule. The submittal shall also meet the following requirements:
1. The applicant shall provide a map identifying the geographic boundaries for the proposed small cell deployment, indicating locations of all existing and proposed above ground equipment, below ground equipment, and the service area of the equipment proposed to be deployed.
  2. The application shall provide specific locational information as specified within the small cell permit application, and specify whether and where small cell facilities are to be located on existing utility poles, including City-owned light poles, or will utilize replacement utility poles, new poles, towers, existing buildings and/or other structures. Conduit and/or ground-mounted equipment necessary and intended for use in the deployment shall also be specified regardless of whether the additional facilities, structural analysis, and engineering calculations related to seismic, wind, and ice loading, as may be required, as well as dimensioned details of antenna and mounting hardware shall be provided by the applicant. Visual renderings, including photo simulations, of the small cell facilities shall also be required.
  3. In the event that the siting location of any small cell facility proposed is not the preferred siting location for the zone in which it is located (as detailed in City Development Code §10-2, Zoning District Regulations), a siting justification report shall be required to justify the need for the proposed facility location and design, consistent with the siting hierarchy established for that zone, and standards as established in City Development Code §10-3F-4.
  4. The applicant may specify up to five (5) sites in one small cell permit application for processing, if all proposed small cell facilities are subject to the same process type, utilize the same concealment technique, and are located on the same type of facility (such as the same light standard), and within either the public right-of-way or upon private property.
  5. The applicant shall provide written authorization of the owner of any pole or structure for the installation of its small cell facilities on such pole or structure. For City-owned poles or structures, the applicant shall submit a copy of a lease agreement from the City.

6. If the applicant proposes small cell facilities located on or over the public right-of-way, the applicant shall submit a copy of a completed right-of-way application, including a traffic control plan for installation of any small cell facilities located on or over the public right-of-way.
  7. If the applicant proposes an element which is not exempt from SEPA review, the applicant shall submit a completed SEPA checklist.
  8. The applicant shall submit a sworn affidavit signed by a radio frequency (RF) engineer with knowledge of the proposed project affirming that the small cell deployment, as proposed, will be compliant with all FCC and other governmental regulations in connection with human exposure to radio frequency emissions for every frequency at which the small cell facility will operate. If additional transmission facilities necessary to the small cell facility, such as microwave backhaul, are to be provided by a third party, then the small cell permit shall be conditioned on an RF certification showing the cumulative impact of the RF emissions of the entire installation. The applicant may provide one emissions report for the entire small cell deployment if the applicant is using the same small cell facility configuration for all installations within that batch, or may submit one emissions report for each subgroup installation identified in the batch.
  9. The applicant shall provide proof of FCC and other regulatory approvals required to provide the service(s) or utilize the technologies sought to be installed.
- D. Complete Application. A complete application shall consist of the completed application form with all required information (as detailed in paragraph C of this section), a SEPA environmental checklist if the proposal is not categorically exempt from SEPA review, and the application fee.
- E. Permit Review Process.
1. The department will process applications on a first-come, first-served basis. An applicant shall not submit applications for more than 15 proposed small cell facilities at any given time.
  2. Applicants may seek permission from the department to file a consolidated application for up to 15 small cell facilities that are part of a small cell network and receive a single, consolidated permit for such facilities. The City may grant, condition or deny the batching request at its sole discretion, including by conditioning approval on the applicant's agreement to extend the timeframe for processing the application.
  3. Pre-submittal Conference. Prior to submitting an application for a small cell permit, applicants are encouraged (but not required) to schedule and attend a pre-submittal conference with department staff to receive informal feedback on the proposed facility and application materials. The pre-submittal conference is intended to identify potential concerns and streamline the formal application review process after submittal.
  4. Completeness Review – Time Frame. The department shall notify the applicant within 10 business days of receiving the application whether the application is complete.
    - a. If the application is complete, the department shall process the application.

- b. If the application is incomplete, the department shall provide the applicant with a written statement listing the additional information that is needed to make the application complete, and the basis for requiring the submission of such information.
  - c. The department may issue additional notices that an application is incomplete if any supplemental submittal does not contain all of the information requested by the department in the original notice of incompleteness. The department shall issue any such additional notices within 10 business days of receipt of the supplemental submittal.
  - d. If the applicant does not supply a complete response within 120 days of the department's initial request, the department may deem the application expired. If so, a new complete application may be resubmitted, with new fee(s).
- F. Action on Permit – Time Frame. The department's decision to grant, condition or deny the application shall be based on its determination of whether the proposed facility meets the requirements of §10-2, Zoning District Regulations; §10-3F-4, Design Standards for Small Cell Wireless Communication Facilities; and the requirements of this Section. Unless another date is specified in writing between the city and the applicant, the department shall issue its final decision within the following time frames:
- 1. Within 30 days of receipt of a complete application, the department shall either (a) issue its final written decision or (b) notify the applicant in writing of the amount of additional time required to make the final decision, subject to the maximum review periods stated in paragraph 2 of this subsection, below.
  - 2. In all cases, the department shall issue its final decision within the following maximum review periods:
    - a. For collocation applications, the department shall issue its final decision within 60 days of receipt of the original application, subject to tolling.
    - b. For applications other than collocation, the department shall issue its final decision within 90 days of receipt of the original application, subject to tolling.
    - c. Tolling. The maximum time periods stated in paragraphs a and b of this subsection shall commence on the date of submission of the original application, whether or not complete; provided, that the running of the maximum time period shall be tolled upon timely issuance by the department of a notice that the application is incomplete. The maximum review period shall restart on the date that the applicant has provided the department with all of the information required for a complete application.
    - d. SEPA. If the project is not categorically exempt under SEPA, the maximum time period shall be tolled upon timely issuance of a threshold determination. The maximum review period shall restart on the date that the threshold determination is issued, except, where an Environmental Impact statement is required, in which case, the maximum review period will restart on the date the Final Environmental Impact Statement is deemed complete.
- G. SEPA. Proposals that are not categorically exempt from SEPA review shall comply with SEPA, prior to and as a condition of permit issuance. When required, SEPA review shall be conducted in

accordance with the procedures set forth in City Code §10-6A. SEPA review shall occur concurrently with the permit review process prescribed in this chapter.

- H. Denial. If the permit application is denied, the reasons for the denial shall be stated in writing and supported by substantial evidence.
- I. Suspension or Denial of Application for Lack of Compliance. The department may suspend review of or deny a complete application for a small cell permit if the department has issued to the applicant a notice of violation related to any existing permitted facilities and the applicant has not corrected the deficiency within the reasonable deadline required in the notice of violation, as provided in City Code §10-1D.
- J. Wireless Only Poles- Cooperation in Collocation Required as a Condition of Permit. Wireless only poles may be permitted on a limited basis, subject to siting criteria detailed in §10-2, and are subject to design standards that require a neutral host platform, and a design to accommodate the collocation of other wireless providers, as detailed in §10-3F-4(D)(3). Wireless only poles meeting such standards may be permitted, with permit approval conditioned upon the requirement that the owner cooperate with other providers in collocating additional antennas on the wireless only pole. A permittee shall exercise good faith in collocating with other providers and sharing the permitted site, provided shared use does not give rise to substantial technical level of impairment of the ability to provide the permitted use (i.e. significant interference in broadcast or reception capabilities as opposed to competitive conflict or financial burden). Such good faith effort shall include sharing technical information to evaluate the feasibility of collocation. In the event that a dispute arises as to whether the permittee has exercised good faith in accommodating other users, the City may require a third-party technical study at the expense of either or both the applicant and the permittee.
- K. Annual Recertification- All owners and providers with active small cell wireless facility permits within the City of Liberty Lake shall be required to file an annual recertification application on forms provided the City, by January 31 of each calendar year. The recertification application will identify all active small cell facilities within the providers network within the City of Liberty Lake, identify any facilities that are no longer in active use, and will include a certification from a certified radio frequency engineer affirming that all small cell facilities within the providers network in the City of Liberty Lake, individually and collectively, are compliant with all FCC and other governmental regulations in connection with human exposure to radio frequency emissions for every frequency at which said facilities are operating. At the time of recertification, the owners and providers will also provide update/current performance bonds and insurance, as required by their Franchise Agreement with the City of Liberty Lake.
- L. Maintenance Requirements. The applicant shall maintain a permitted small cell wireless communication facility to standards that may be imposed by the City at the time of the granting of a permit. Such maintenance shall include, but not be limited to, maintenance of the paint, structural integrity and landscaping. Small cell wireless communication facilities that fall into a state of disrepair, exceed the FCC standards for RF emissions, have not been in active use for a period of six consecutive months, or have permits that have lapsed for a period of more than 90 days, shall be removed, at the expense of the owner. Failure for the owner to act within a reasonable notice

period shall cause the City to contract for the removal of said facilities, with proceeds from required performance bond to cover the costs of said removal.

- M. Ordinary Maintenance and Repair. For the purpose of this section, “ordinary maintenance and repair” shall mean inspections, testing and/or repair of small cell wireless communication facilities that maintain functional capacity, aesthetic and structural integrity of the facility and/or the associated support structure, pole or tower, that does not require damaging or disturbing any portion of the Public ROW. Ordinary maintenance or repair of an existing, permitted small cell facility does not require notice to, or approval of, the City, excepting a Right-of Way permit, if the work necessitates a lane closure. Work that triggers the requirements of paragraph N of this subsection shall not be considered “ordinary maintenance or repair” for purposes of this section.
- N. Material Changes to Permitted Small Cell Wireless Facilities. A small cell permit is required prior to making material changes to permitted small cell facilities. For the purpose of this section, “Material change” shall be defined as:
  - 1. Replacing transmission equipment at a permitted small cell facility that increases the overall volume or height or general appearance of the small cell facility; or,
  - 2. Adding new transmission equipment to a permitted small cell facility.
- J. Replacement and removal of transmission equipment. A permittee may replace or remove transmission equipment used at a permitted small cell facility without obtaining a small cell permit under paragraph I of this subsection, when:
  - 1. Such replacement equipment is the same or smaller in size than the previously permitted equipment that is being replaced; and,
  - 2. The overall height of the facility (measured from the ground to the top of the highest component of the facility) is not increased.

**AMENDMENTS TO RIVER DISTRICT DEVELOPMENT REGULATIONS:**

**Amendments to Exhibit A-2 of River District Development Regulations, Zoning Matrix:**

*The Facilities and Uses section of the Zoning Matrix shall be amended as follows:*

<b>Facilities and Uses</b>	<b>RD-R</b>	<b>RD-M</b>	<b>RD-C</b>
<b>Utilities and facilities</b>			
<del>Macro cell wireless communication antenna array</del>	<del>N</del>	<del>L</del>	<del>L</del>
<del>Macro cell wireless communication antenna array</del>	<del>N</del>	<del>L</del>	<del>L</del>
Power plant - EPF	N	P	P
Public utility local distribution facility	CU	CU	CU
Public utility transmission facility - EPF	N	N	L
Sewage treatment plant - EPF	N	N	N
<del>Small cell wireless communication facility</del>	<del>L</del>	<del>L</del>	<del>L</del>
<del>Wireless communication antenna array</del>	<del>N</del>	<del>L</del>	<del>L</del>
<del>Wireless communication support tower</del>	<del>N</del>	<del>N</del>	<del>N</del>

**Amendments to River District Development Code §10-1C-B, Definitions:**

*The following definitions shall be added:*

**Antenna:** An apparatus designed for the purpose of emitting radio frequency (RF) radiation, to be operated or operating from a fixed location pursuant to Federal Communication Commission authorization, for the transmission of writing, signs, signals, data, images, pictures, and sounds of all kinds, including transmitting device and any on-site equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with that antenna and added to a tower, structure, or building as part of the original installation. An antenna is mounted on or in, and is distinct from, a supporting structure, such as a pole, tower, structure or building. This definition does not apply to broadcast antennae, antennae designed for amateur radio use, or satellite dishes for residential or household purposes.

**Collocation:** The mounting or installing an antenna facility on a pre-existing structure; and/or, the modifying a structure for the purpose of mounting or installing an antenna facility on that structure; and/or, 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.

**Facility:** When used in the context of small cell wireless communications facilities, shall mean a “small cell wireless communication facility”

**Light Pole:** A pole designed and primarily used to support lighting for the illumination of streets and sidewalks. The term does not include poles designed and primarily used to support traffic signals.

**Macro cell:** A large wireless communication facility that provides radio frequency coverage for a cellular telephone network. 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 cubic feet per antenna and typically cover large geographic areas with relatively high capacity and may be capable of hosting multiple wireless service providers.

**Small cell wireless communication facility:** Facilities normally and regularly used in providing wireless communication and data services, including any and all wires, lines, conduits, cables, vaults, duct runs, and all necessary or convenient facilities and appurtenances thereto, whether the same is located over, above or underground, specifically meeting the following conditions:

- g. The facilities—
  - iv. Are mounted on structures fifty (50) feet or less in height including their antennas as defined in herein; or
  - v. Are mounted on structures no more than ten percent (10%) taller than other adjacent structures; or
  - vi. Do not extend existing structures on which they are located to a height of more than fifty (50) feet or by more than ten percent (10), whichever is greater;
- h. Each antenna associated with the deployment, excluding associated antenna equipment (as defined herein), is no more than three (3) cubic feet in volume;
- i. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than twenty-eight (28) cubic feet in volume;
- j. The facilities do not require antenna structure registration and notice to the Federal Aviation Administration, as required by 47 CFR §17;
- k. The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and
- l. The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR§1.1307(b).

**Small wireless facility:** Shall mean a “small cell wireless communication facility”.

**Structure:** When used in the context of a small cell wireless communication facility, shall mean a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used for or to be used for the provision of wireless communication service, (either on its own or co-mingles with other services).

Utility pole: A pole located in the right-of-way that is designed and primarily used for the support of electrical power lines, telephone wires, television cables or wireless communications facilities.

Wireless only pole: A pole erected for the sole purpose of supporting a small cell wireless communication facility, which may be permitted if the wireless provider has demonstrated that it is technically infeasible to collocate said facility on existing light poles, utility poles or other buildings or structures to provide service in a specifically defined area.

Wireless provider: Any person or entity who provides wireless service or who owns, operates, or manages wireless communications facilities.

Wireless services: FCC licensed or authorized wireless services, including personal wireless services as defined in 47 U.S.C. Section 332.

*The following definitions shall be amended:*

Macro cell ~~Wireless-wireless~~ communication antenna array — Macro cell ~~Telecommunications~~ equipment that consists of one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency (RF) signals, which may include omni-directional antenna (whip), directional antenna (panel) and parabolic antenna (dish). The antennae included in macro cell wireless communication arrays are general larger than 3 cubic feet. Does not include tower or tower, private. Small cell wireless communication facilities are expressly excluded from this definition.

Macro cell ~~Wireless-wireless~~ communication support tower - A structure that supports a platform and macro cell wireless cellular antennas / telecommunications equipment, that complies with the requirements of this paragraph and that is part of a cellular system authorized by the Federal Communications Commission. May include an auxiliary building housing electronic and communication equipment.

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## **Amendments to River District Development Regulation Code §10-2C, RD-R (Mixed Residential) District Regulations:**

*Add new paragraph to §10-2C-3(C), Requirements for Specific Limited Uses:*

### **20. Small Cell Wireless Communication Facilities**

- a. Siting Hierarchy.
  - i. Collocation on existing non-wooden light poles, buildings or structures adjacent to the zoning district boundary is the preferred siting location.
  - ii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for service coverage, collocation on existing non-wooden light

poles, utility poles, buildings or other structures within a neighborhood park, or other existing light poles, or buildings within the zoning district shall be allowed.

- iii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for service coverage, a wireless only pole shall be permitted, provided the facility incorporates a neutral host platform, and is so designed as to accommodate the collocation of other wireless providers.
- b. Shall only be permitted on public property or in public right-of-way with a valid Franchise Agreement in place, as required in Liberty Lake Municipal Code §8-8, which expressly addresses small cell wireless facilities.
- c. Must meet design standards as detailed in City Development Code §10-3F-4.
- d. A Small Cell Wireless Communication Facility Permit is required, as detailed in City Development Code §10-4I-4.

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**Amendments to River District Development Regulation Code §10-2E, RD-M (Neighborhood Center Mixed Use) District Regulations:**

*Amend §10-2E-3(C), paragraph 18, as follows:*

18. Macro cell Wireless communication antenna array.

*Add new paragraph to §10-2E-3(C), Requirements for Specific Limited Uses:*

**19. Small Cell Wireless Communication Facilities**

- a. Siting Hierarchy.
  - i. Collocation on an existing building or existing non-wooden light poles is the preferred siting location in this zone.
  - ii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for service coverage, collocation on an existing wooden or metal utility pole within the zoning district shall be allowed.
  - iii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for service coverage, a wireless only pole shall be permitted, provided the facility incorporates a neutral host platform, and is so designed as to accommodate the collocation of other wireless providers.
- b. Shall only be permitted on public property or in public right-of-way with a valid Franchise Agreement in place, as required in Liberty Lake Municipal Code §8-8, which expressly addresses small cell wireless facilities.
- c. Must meet design standards as detailed in City Development Code §10-3F-4.

- d. Small Cell Wireless Communication Facility Permit is required, as detailed in City Development Code §10-4I-4.
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**Amendments to River District Development Regulation Code §10-2I, RD-C (Freeway Commercial) District Regulations:**

*Amend §10-2I-3(C), paragraph 13, as follows:*

- 13. Macro cell Wireless communication antenna array.

*Add new paragraph to §10-2I-3(C), Requirements for Specific Limited Uses:*

**19. Small Cell Wireless Communication Facilities**

- a. Siting Hierarchy.
  - i. Collocation on an existing building or existing non-wooden light poles is the preferred siting location in this zone.
  - ii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for service coverage, collocation on an existing wooden or metal utility pole within the zoning district shall be allowed.
  - iii. If collocation as described in the subparagraph above is demonstrated to be technically infeasible or inadequate for service coverage, a wireless only pole shall be permitted, provided the facility incorporates a neutral host platform, and is so designed as to accommodate the collocation of other wireless providers.
- b. Shall only be permitted on public property or in public right-of-way with a valid Franchise Agreement in place, as required in Liberty Lake Municipal Code §8-8, which expressly addresses small cell wireless facilities.
- c. Must meet design standards as detailed in City Development Code §10-3F-4.
- d. Small Cell Wireless Communication Facility Permit is required, as detailed in City Development Code §10-4I-4.

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**Amendments to River District Development Regulations, §10-3F, Other Design Standards:**

*Add new paragraph §10-3F-4, as follows:*

§10-3F-4 Small Cell Wireless Communication Facilities

A. Applicability.

3. All small cell wireless communication facilities, as defined in §10-1C-B, that are located on public or private property shall be designed and maintained in accordance with the design requirements of this section.
4. The following are specifically excluded from the requirements of this section:
  - a. Macro cell wireless communication antenna arrays and towers, which are regulated as conditional uses in certain zoning districts.
  - b. Radio and television antennas, cable television and satellite dish structures, and other similar telecommunication devices mounted on a building or other structure that do not meet the definition of a small cell wireless communication facility.

B. Equipment Height and Volume Limits. Small cell facilities are subject to the following height and volume limits:

1. Pole Height.
  - a. Existing Poles. A pole extender may be used to attach a small cell facility to an existing pole, but may not increase the height of the existing pole by more than 10 feet, inclusive of the antenna.
  - b. Replacement Poles. A replacement pole, inclusive of its antenna, shall not exceed the height of the existing pole by more than 10 feet nor shall it exceed a total height of 50 feet, unless the applicant demonstrates in writing that a further height increase is necessary to provide sufficient separation and/or clearance from electrical and/or wireline facilities. In no event may any replacement pole exceed 60 feet in height, inclusive of the antenna.
  - c. New Poles. New poles shall not exceed 50 feet in height, inclusive of the antenna.
2. Equipment Volume.
  - a. Each antenna shall be located inside an antenna enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements shall be capable of fitting within an imaginary enclosure of no more than three cubic feet; and
  - b. Each primary equipment enclosure shall be no larger than 17 cubic feet in volume. The following appurtenant equipment may be located outside the primary equipment enclosures and, if so located, is not included in the calculation of the primary enclosure

equipment volume: associated conduit, mounting bracket or extension arm, electric meter, concealment, telecomm demarcation box, ground-based enclosures, battery backup power systems, grounding equipment, power transfer switch and cut-off switch. Underground equipment enclosures and equipment located within the interior of the pole are not included in the calculation of equipment volume.

- c. Total wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than twenty-eight (28) cubic feet in volume. Underground equipment shall not be included in the calculation of total wireless equipment volume.

C. Standards Applicable to All Small Cell Wireless Communication Facilities.

6. Non-interference. Small cell facilities shall not interfere with existing use of the right-of-way for transportation, public or private utilities, street trees and landscaping, or public health or safety facilities, including fire hydrants.
7. Obstructions. Ground-mounted equipment, replacement poles, and/or new poles shall comply with the Americans with Disabilities Act (“ADA”). Each component of the small cell facility shall be located so as not to cause any physical or visual obstruction or safety hazard to pedestrian or vehicular traffic and shall comply with all local, state and federal laws, regulations and orders regarding clear and safe passage within the right-of-way.
8. Structural Strength. Each small cell facility shall be properly designed and engineered to withstand seismic, wind, and ice loads. Engineering calculations shall be required to demonstrate poles and other support structures upon which the small cell equipment is proposed to be collocated are adequately designed to support the weight of the small cell wireless equipment while withstanding seismic, wind, and ice loads.
9. Public Health Compliance Standard. The small cell facility shall comply with the following public health compliance standard:
  - a. Any potential exposure to radio frequency emissions from a proposed small cell facility is below the threshold established by FCC regulations, as detailed in 47 CFR §1,1307(B), (including aggregate emissions from collocated equipment).
10. Concealment Requirements. Small cell facilities are subject to the following concealment requirements:
  - a. The facility shall not exceed the height and volume limits imposed by this chapter.
  - b. The applicant shall employ screening, camouflaging and/or other stealth techniques to minimize the visual impact of the small facility. The purpose of this requirement is to maximize the extent to which the small cell facility will blend into the surrounding environment and minimize visual clutter.
  - c. Primary equipment enclosures shall be underground, incorporated and concealed within street furniture, or incorporated into the base of the pole to the maximum extent feasible. Equipment enclosures shall be no larger than is necessary to enclose the equipment.

- d. Pole-mounted equipment shall be flush mounted, except as otherwise required by applicable safety codes, and shall be painted or otherwise colored to match the pole.
- e. Cables and wires shall be routed within the interior of the pole to the maximum extent feasible. Where interior installation is infeasible, conduit and cables attached to the exterior of the poles shall be flush mounted, except as otherwise required by applicable safety codes, and shall be painted to match the pole.
- f. The small cell facility shall not be illuminated.
- g. No advertising, signage, message, or identification other than manufacturer's identification or other required identification by governing law is allowed to be portrayed on any antennae or equipment enclosure. Displays of public art and or artistic wraps shall be permitted on display cabinets, if so commissioned by the City, with the mutual agreement of the applicant/owner.

D. Standards for Pole Mounted Facilities.

- 4. Non-Wooden Light Pole Standard. Small wireless facilities attached to existing or replacement non-wooden light poles and other non-wooden poles in the right-of-way or non-wooden poles outside of the right-of-way shall conform to the following design criteria:
  - j. Antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) shall be fully concealed within the pole, unless such concealment is otherwise technically infeasible, or is incompatible with the pole design, then the antennas and associated equipment enclosures must be camouflaged to appear as an integral part of the pole or flush-mounted to the pole, meaning not more than 12 inches off of the pole, or the minimum needed to achieve safety clearances and antenna tile needs, and must be the minimum size necessary for the intended purpose, not to exceed the volumetric dimensions of small wireless facilities.
  - k. The farthest point of any equipment enclosure may not extend more than 20 inches from the face of the pole.
  - l. All conduit, cables, wires, and fiber must be routed internally in the light pole. Full concealment of all conduit, cables, wires, and fiber is required within mounting brackets, shrouds, canisters, or sleeves if attaching to exterior antennas or equipment.
  - m. Mid-pole primary equipment cabinets (not including cabinets housing antennas) shall only be permitted if the applicant can demonstrate that that it that is technically infeasible to locate the equipment cabinet underground or at the base of the pole.
  - n. An antenna on top of an existing pole may not extend more than six feet above the height of the existing pole and the diameter may not exceed 16 inches, measured at the top of the pole, unless the applicant can demonstrate that more space is needed. The antennas shall be integrated into the pole design so that they appear as a continuation of the original pole, including colored or painted to match the pole, and shall be shrouded or screened to blend

- with the pole except for canister antennas which shall not require screening. All cabling and mounting hardware/brackets from the bottom of the antenna to the top of the pole shall be fully concealed and integrated with the pole.
- o. Any replacement pole shall substantially conform to the design of the pole it is replacing or the neighboring pole design standards utilized within the contiguous right-of-way.
  - p. The height of any replacement pole may not extend more than 10 feet above the height of the existing pole or the minimum additional height necessary; provided, however, that the height of the replacement pole cannot be extended further by additional antenna height.
  - q. The diameter of a replacement pole shall comply with the city's setback and sidewalk clearance requirements and shall, to the extent technically feasible, not be more than a 25 percent increase of the existing non-wooden pole measured at the base of the pole, unless additional diameter is needed in order to conceal equipment within the base of the pole, and shall comply with the requirements in subsection (C)(1) and (C)(2) of this section.
  - r. The use of the pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.
5. Wooden Pole Standard. Small wireless facilities located on wooden poles shall conform to the following design criteria:
- r. The wooden pole at the proposed location may be replaced with a taller pole for the purpose of accommodating a small wireless facility; provided, however, that the replacement pole shall not exceed a height that is a maximum of 10 feet taller than the existing pole, unless a further height increase is required and confirmed in writing by the pole owner and that such height extension is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wire line facilities.
  - s. A pole extender may be used instead of replacing an existing pole, but may not increase the height of the existing pole by more than 10 feet, unless a further height increase is required and confirmed in writing by the pole owner and that such height increase is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities. A "*pole extender*" as used herein is an object affixed between the pole and the antenna for the purpose of increasing the height of the antenna above the pole. 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.
  - t. Replacement wooden poles must either match the approximate color and materials of the replaced pole or shall be the standard new wooden pole used by the pole owner in the city.

- u. Antennas, equipment enclosures, and all ancillary equipment, boxes and conduit shall be colored or painted to match the approximate color of the surface of the wooden pole on which they are attached.
- v. Antennas shall not be mounted more than 12 inches from the surface of the wooden pole.
- w. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness. Multiple antennas are permitted on a wooden pole; provided, that each antenna enclosure shall not be more than three cubic feet in volume.
- x. A canister antenna may be mounted on top of an existing wooden pole, which may not exceed the height requirements described in subsection (B)(1) of this section. A canister antenna mounted on the top of a wooden pole shall not exceed 16 inches, measured at the top of the pole, and shall be colored or painted to match the pole. The canister antenna must be placed to look as if it is an extension of the pole. In the alternative, the applicant may propose a side-mounted canister antenna, so long as the inside edge of the antenna is no more than 12 inches from the surface of the wooden pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the wooden pole.
- y. The farthest point of any equipment enclosure may not extend more than 20 inches from the face of the pole.
- z. An omnidirectional antenna may be mounted on the top of an existing wooden pole, provided such antenna is no more than four feet in height and is mounted directly on the top of a pole or attached to a sleeve made to look like the exterior of the pole as close to the top of the pole as technically feasible. All cables shall be concealed within the sleeve between the bottom of the antenna and the mounting bracket.
- aa. All appurtenant equipment, including but not limited to accessory equipment, radios, cables, associated shrouding, microwaves, and conduit which are mounted on wooden poles, shall not be mounted more than six inches from the surface of the pole, unless a further distance is technically required and is confirmed in writing by the pole owner.
- bb. Equipment for small wireless facilities must be attached to the wooden pole, unless otherwise permitted to be ground mounted pursuant to subsection (C)(2) of this section. The equipment must be placed in the smallest enclosure possible for the intended purpose. The equipment enclosure and all other wireless equipment associated with the utility pole, including wireless equipment associated with the antenna, and any preexisting associated equipment on the pole, may not exceed 28 cubic feet. Multiple equipment enclosures may be acceptable if designed to more closely integrate with the pole design and do not cumulatively exceed 28 cubic feet.

- cc. Mid-pole primary equipment cabinets (not including cabinets housing antennas) shall only be permitted if the applicant can demonstrate that that it that is technically infeasible to locate the equipment cabinet underground, at the base, or near the top the pole.
  - dd. An applicant who desires to enclose both its antennas and equipment within one unified enclosure may do so; provided, that such enclosure is the minimum size necessary for its intended purpose and the enclosure and all other wireless equipment associated with the pole, including wireless equipment associated with the antenna and any preexisting associated equipment on the pole does not exceed 28 cubic feet. The unified enclosure may not be placed more than six inches from the surface of the pole, unless a further distance is required and confirmed in writing by the pole owner. To the extent possible, the unified enclosure shall be placed so as to appear as an integrated part of the pole.
  - ee. The visual effect of the small wireless facility on all other aspects of the appearance of the wooden pole shall be minimized to the greatest extent possible.
  - ff. The use of the wooden pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and all associated equipment shall be removed.
  - gg. The diameter of a replacement pole shall comply with the city's setback and sidewalk clearance requirements and shall not be more than a 25 percent increase of the existing utility pole measured at the base of the pole.
  - hh. All cables and wires shall be routed through conduit along the outside of the pole. The outside conduit shall be colored or painted to match the pole. The number of conduit shall be minimized to the number technically necessary to accommodate the small wireless facility.
6. Wireless Only Pole Standard. All pole-mounted transmission equipment shall be collocated on existing poles or replacement poles, unless permitted based on the required justification for a new wireless only pole. A wireless only pole may be permitted if the applicant submits a new pole justification report demonstrating to the reasonable satisfaction of the director that no pole currently exists within the right-of-way within a 500-foot radius of the proposed new pole that is available for use by the applicant and that would provide substantially equivalent functionality. If so demonstrated, such new pole shall comply with the following design standards, in addition to the other requirements detailed in this section. Wireless only poles shall:
- a. Resemble existing poles in the right-of-way near that location, with the exception of pole designs that are scheduled to be removed and not replaced; and

- b. Be located at least 180 feet from any existing pole, unless the applicant demonstrates to the director's reasonable satisfaction that (i) the minimum separation requirement cannot be satisfied for technical reasons and (ii) placement of the small cell facility at a distance less than 180 feet from an existing pole will meet the intent of reducing visual clutter to the greatest extent practicable.
  - c. The facility shall incorporate a neutral host platform, and be so designed as to accommodate the collocation of other wireless providers.
- E. Strand Mounted Facilities. Small cell facilities mounted on cables strung between existing poles shall only be permitted if the applicant has successfully demonstrated that collocation of the proposed facility on an existing structure or a wireless only pole is technically infeasible or inadequate for service coverage in that specific area. If so permitted based upon such demonstration, the following standards shall apply in addition to all other requirements of this section:
- 7. Each strand-mounted facility shall not exceed three cubic feet in volume;
  - 8. Pole-mounted equipment for strand-mounted facilities shall meet the requirements for pole-mounted small cells;
  - 9. Only one strand-mounted facility is permitted per cable between any two existing poles;
  - 10. The strand-mounted device shall be placed as close as possible to the nearest pole and in no event more than six feet from the pole unless a greater distance is technically necessary or required by the pole owner for safety clearance;
  - 11. No strand-mounted device shall be located in or above the portion of the roadway open to vehicular traffic; and,
  - 12. Strand-mounted devices shall be installed to cause the least visual impact, including by utilizing the minimum amount of exterior cabling or wires (other than the original strand) necessary to meet the technological needs of the facility.
- F. Traffic Signal Mounted Facilities. Small wireless facilities are not permitted on traffic signals poles unless denial of the siting is demonstrated to be a prohibition or effective prohibition of the applicant's ability to provide telecommunications service in violation of 47 USC 253 and 332.
- G. Standards for Facilities Attached to Existing Buildings. Small wireless facilities attached to existing buildings shall conform to the following design criteria:
- 7. Small wireless facilities may be mounted to the sides of a building if the antennas do not interrupt the building's architectural theme.
  - 8. The interruption of architectural lines or horizontal or vertical reveals is discouraged.
  - 9. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if it complements the architecture of the existing building.

10. Small wireless facilities shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building.
11. Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas. Exposed cabling/wiring is prohibited.
12. Small wireless facilities shall be painted and textured to match the adjacent building surfaces.

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**Amendments to River District Development Regulations, §10-4B-3(A), Exempt Projects:**

*Add a new exempt project type to §10-4B-3(A)(15) as follows:*

15. Small Cell Wireless Communication Facilities Permit

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**Amendments to River District Development Regulations, §10-4I, Miscellaneous Permits:**

*Add new section §10-4I-4, as follows:*

§10-4-4 Small Cell Wireless Communications Facility Permit

A. Applicability

3. All small cell wireless communication facilities, as defined in §10-1C-B, that are located on public or private property shall be subject to the permitting requirements of this section.
4. The following are specifically excluded from the requirements of this section:
  - a. Macro cell wireless communication antenna arrays and towers, which are regulated as limited uses in certain zoning districts.
  - b. Radio and television antennas, cable television and satellite dish structures, and other similar telecommunication devices mounted on a building or other structure that do not meet the definition of a small cell wireless communication facility.

- B. Eligibility. Permit applications for small cell wireless communication facilities located in public right-of-way or on City-owned property shall only be accepted by the City from applicants/owners holding a valid Franchise Agreement with the City of Liberty Lake (as provided for in Liberty Lake Municipal Code §8-8) which expressly addresses small cell wireless facilities. Owners/ applicants holding a valid franchise agreement with the City of Liberty Lake that does not expressly address small cell wireless facilities within the right-of-way shall be required to secure an amended Franchise Agreement prior

to submittal of permit applications for the deployment of small cell wireless facilities located within the right-of-way or on City property.

- C. Application Requirements. Applicants shall apply for a small cell permit using the small cell permit application form prepared by the City, and submit the fee as stipulated in the required Franchise Agreement between the City of Liberty Lake and the applicant/owner, or in the case of small cell wireless facilities not located in public right-of-way or on City property, the fee as established in the City of Liberty Lake fee schedule. The submittal shall also meet the following requirements:
1. The applicant shall provide a map identifying the geographic boundaries for the proposed small cell deployment, indicating locations of all existing and proposed above ground equipment, below ground equipment, and the service area of the equipment proposed to be deployed.
  2. The application shall provide specific locational information as specified within the small cell permit application, and specify whether and where small cell facilities are to be located on existing utility poles, including City-owned light poles, or will utilize replacement utility poles, new poles, towers, existing buildings and/or other structures. Conduit and/or ground-mounted equipment necessary and intended for use in the deployment shall also be specified regardless of whether the additional facilities, structural analysis, and engineering calculations related to seismic, wind, and ice loading, as may be required, as well as dimensioned details of antenna and mounting hardware shall be provided by the applicant. Visual renderings, including photo simulations, of the small cell facilities shall also be required.
  3. In the event that the siting location of any small cell facility proposed is not the preferred siting location for the zone in which it is located (as detailed in City Development Code §10-2, Zoning District Regulations), a siting justification report shall be required to justify the need for the proposed facility location and design, consistent with the siting hierarchy established for that zone, and standards as established in City Development Code §10-3F-4.
  4. The applicant may specify up to five (5) sites in one small cell permit application for processing, if all proposed small cell facilities are subject to the same process type, utilize the same concealment technique, and are located on the same type of facility (such as the same light standard), and within either the public right-of-way or upon private property.
  5. The applicant shall provide written authorization of the owner of any pole or structure for the installation of its small cell facilities on such pole or structure. For City-owned poles or structures, the applicant shall submit a copy of a lease agreement from the City.
  6. If the applicant proposes small cell facilities located on or over the public right-of-way, the applicant shall submit a copy of a completed right-of-way application, including a traffic control plan for installation of any small cell facilities located on or over the public right-of-way.
  7. If the applicant proposes an element which is not exempt from SEPA review, the applicant shall submit a completed SEPA checklist.

8. The applicant shall submit a sworn affidavit signed by a radio frequency (RF) engineer with knowledge of the proposed project affirming that the small cell deployment, as proposed, will be compliant with all FCC and other governmental regulations in connection with human exposure to radio frequency emissions for every frequency at which the small cell facility will operate. If additional transmission facilities necessary to the small cell facility, such as microwave backhaul, are to be provided by a third party, then the small cell permit shall be conditioned on an RF certification showing the cumulative impact of the RF emissions of the entire installation. The applicant may provide one emissions report for the entire small cell deployment if the applicant is using the same small cell facility configuration for all installations within that batch, or may submit one emissions report for each subgroup installation identified in the batch.
  9. The applicant shall provide proof of FCC and other regulatory approvals required to provide the service(s) or utilize the technologies sought to be installed.
- D. Complete Application. A complete application shall consist of the completed application form with all required information (as detailed in paragraph C of this section), a SEPA environmental checklist if the proposal is not categorically exempt from SEPA review, and the application fee.
- E. Permit Review Process.
- a. The department will process applications on a first-come, first-served basis. An applicant shall not submit applications for more than 15 proposed small cell facilities at any given time.
  - b. Applicants may seek permission from the department to file a consolidated application for up to 15 small cell facilities that are part of a small cell network and receive a single, consolidated permit for such facilities. The City may grant, condition or deny the batching request at its sole discretion, including by conditioning approval on the applicant's agreement to extend the timeframe for processing the application.
  - c. Pre-submittal Conference. Prior to submitting an application for a small cell permit, applicants are encouraged (but not required) to schedule and attend a pre-submittal conference with department staff to receive informal feedback on the proposed facility and application materials. The pre-submittal conference is intended to identify potential concerns and streamline the formal application review process after submittal.
  - d. Completeness Review – Time Frame. The department shall notify the applicant within 10 business days of receiving the application whether the application is complete.
    - i. If the application is complete, the department shall process the application.
    - ii. If the application is incomplete, the department shall provide the applicant with a written statement listing the additional information that is needed to make the application complete, and the basis for requiring the submission of such information.
    - iii. The department may issue additional notices that an application is incomplete if any supplemental submittal does not contain all of the information requested by the

department in the original notice of incompleteness. The department shall issue any such additional notices within 10 business days of receipt of the supplemental submittal.

iv. If the applicant does not supply a complete response within 120 days of the department's initial request, the department may deem the application expired. If so, a new complete application may be resubmitted, with new fee(s).

- F. **Action on Permit – Time Frame.** The department's decision to grant, condition or deny the application shall be based on its determination of whether the proposed facility meets the requirements of §10-2, Zoning District Regulations; §10-3F-4, Design Standards for Small Cell Wireless Communication Facilities; and the requirements of this Section. Unless another date is specified in writing between the city and the applicant, the department shall issue its final decision within the following time frames:
1. Within 30 days of receipt of a complete application, the department shall either (a) issue its final written decision or (b) notify the applicant in writing of the amount of additional time required to make the final decision, subject to the maximum review periods stated in paragraph 2 of this subsection, below.
  2. In all cases, the department shall issue its final decision within the following maximum review periods:
    - a. For collocation applications, the department shall issue its final decision within 60 days of receipt of the original application, subject to tolling.
    - b. For applications other than collocation, the department shall issue its final decision within 90 days of receipt of the original application, subject to tolling.
    - c. Tolling. The maximum time periods stated in paragraphs a and b of this subsection shall commence on the date of submission of the original application, whether or not complete; provided, that the running of the maximum time period shall be tolled upon timely issuance by the department of a notice that the application is incomplete. The maximum review period shall restart on the date that the applicant has provided the department with all of the information required for a complete application.
    - d. SEPA. If the project is not categorically exempt under SEPA, the maximum time period shall be tolled upon timely issuance of a threshold determination. The maximum review period shall restart on the date that the threshold determination is issued, except, where an Environmental Impact statement is required, in which case, the maximum review period will restart on the date the Final Environmental Impact Statement is deemed complete.
- G. **SEPA.** Proposals that are not categorically exempt from SEPA review shall comply with SEPA, prior to and as a condition of permit issuance. When required, SEPA review shall be conducted in accordance with the procedures set forth in City Code §10-6A. SEPA review shall occur concurrently with the permit review process prescribed in this chapter.
- H. **Denial.** If the permit application is denied, the reasons for the denial shall be stated in writing and supported by substantial evidence.

- I. Suspension or Denial of Application for Lack of Compliance. The department may suspend review of or deny a complete application for a small cell permit if the department has issued to the applicant a notice of violation related to any existing permitted facilities and the applicant has not corrected the deficiency within the reasonable deadline required in the notice of violation, as provided in City Code §10-1D.
- J. Wireless Only Poles- Cooperation in Collocation Required as a Condition of Permit. Wireless only poles may be permitted on a limited basis, subject to siting criteria detailed in §10-2, and are subject to design standards that require a neutral host platform, and a design to accommodate the collocation of other wireless providers, as detailed in §10-3F-4(D)(3). Wireless only poles meeting such standards may be permitted, with permit approval conditioned upon the requirement that the owner cooperate with other providers in collocating additional antennas on the wireless only pole. A permittee shall exercise good faith in collocating with other providers and sharing the permitted site, provided shared use does not give rise to substantial technical level of impairment of the ability to provide the permitted use (i.e. significant interference in broadcast or reception capabilities as opposed to competitive conflict or financial burden). Such good faith effort shall include sharing technical information to evaluate the feasibility of collocation. In the event that a dispute arises as to whether the permittee has exercised good faith in accommodating other users, the City may require a third-party technical study at the expense of either or both the applicant and the permittee.
- K. Annual Recertification- All owners and providers with active small cell wireless facility permits within the City of Liberty Lake shall be required to file an annual recertification application on forms provided the City, by January 31 of each calendar year. The recertification application will identify all active small cell facilities within the providers network within the City of Liberty Lake, identify any facilities that are no longer in active use, and will include a certification from a certified radio frequency engineer affirming that all small cell facilities within the providers network in the City of Liberty Lake, individually and collectively, are compliant with all FCC and other governmental regulations in connection with human exposure to radio frequency emissions for every frequency at which said facilities are operating. At the time of recertification, the owners and providers will also provide update/current performance bonds and insurance, as required by their Franchise Agreement with the City of Liberty Lake.
- L. Maintenance Requirements. The applicant shall maintain a permitted small cell wireless communication facility to standards that may be imposed by the City at the time of the granting of a permit. Such maintenance shall include, but not be limited to, maintenance of the paint, structural integrity and landscaping. Small cell wireless communication facilities that fall into a state of disrepair, exceed the FCC standards for RF emissions, have not been in active use for a period of six consecutive months, or have permits that have lapsed for a period of more than 90 days, shall be removed, at the expense of the owner. Failure for the owner to act within a reasonable notice period shall cause the City to contract for the removal of said facilities, with proceeds from required performance bond to cover the costs of said removal.
- M. Ordinary Maintenance and Repair. For the purpose of this section, “ordinary maintenance and repair” shall mean inspections, testing and/or repair of small cell wireless communication facilities that maintain functional capacity, aesthetic and structural integrity of the facility and/or the

associated support structure, pole or tower, that does not require damaging or disturbing any portion of the Public ROW. Ordinary maintenance or repair of an existing, permitted small cell facility does not require notice to, or approval of, the City, excepting a Right-of Way permit, if the work necessitates a lane closure. Work that triggers the requirements of paragraph N of this subsection shall not be considered “ordinary maintenance or repair” for purposes of this section.

N. Material Changes to Permitted Small Cell Wireless Facilities. A small cell permit is required prior to making material changes to permitted small cell facilities. For the purpose of this section, “Material change” shall be defined as:

1. Replacing transmission equipment at a permitted small cell facility that increases the overall volume or height or general appearance of the small cell facility; or,
2. Adding new transmission equipment to a permitted small cell facility.

J. Replacement and removal of transmission equipment. A permittee may replace or remove transmission equipment used at a permitted small cell facility without obtaining a small cell permit under paragraph I of this subsection, when:

1. Such replacement equipment is the same or smaller in size than the previously permitted equipment that is being replaced; and,
2. The overall height of the facility (measured from the ground to the top of the highest component of the facility) is not increased.