

**CITY OF LIBERTY LAKE NOTICE OF CITY COUNCIL PUBLIC HEARING ON THE PROPOSED  
AMENDMENTS TO THE CITY OF LIBERTY LAKE SMALL WIRELESS FACILITY REGULATIONS**

The Liberty Lake City Council will conduct a public hearing on the proposed **Amendments to the City of Liberty Lake Small Wireless Facility Regulations**. Attendees will have the opportunity to testify on the above-mentioned proposed amendments. Written comments may also be submitted to the contact person below. **The public hearing will be held Tuesday, July 2, 2019 beginning at 7pm @ the Liberty Lake City Hall Council Chambers, 22710 E. Country Vista, Liberty Lake, WA.** A City Staff presentation will be conducted and copies are available on the City website listed below.

For more information or to receive copies of the proposed amendments, please contact: Lisa D. Key, Director of Planning & Engineering, 22710 E. Country Vista, Liberty Lake, WA 99019. Phone: 509-755-6708, Fax: 509-755-6713, Email: [lkey@libertylakewa.gov](mailto:lkey@libertylakewa.gov). Information is also available on the City website at <http://www.libertylakewa.gov/196/Public-Notices>.

Individuals who require special assistance to accommodate physical, hearing, or other impairments, please contact the City Clerk at (509) 755-6729 as soon as possible and with at least 48 hours' notice prior to the meeting, so that arrangements may be made.

**Hearing Date: July 2, 2019**

**Publication Date: June 28, 2019**



**FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS OF THE PLANNING COMMISSION**

**IN THE MATTER OF PROPOSED AMENDMENTS TO THE CITY OF LIBERTY LAKE'S  
DEVELOPMENT REGULATIONS REGARDING SMALL WIRELESS FACILITIES**

**HEARING DATE:** June 12, 2019 @ 4:00 p.m.

**PROPOSAL COORDINATOR:** Lisa D. Key, Director of Planning & Engineering Services

<b>PROPOSAL SUMMARY:</b>	
<b>Location</b>	Citywide
<b>Proposal Information</b>	Proposed Amendments to City Of Liberty Lake Development Code And River District Development Regulations Establishing Regulations For The Deployment Of Small Wireless Facilities, Consistent with FCC Declaratory Ruling 18-133
<b>Code Section</b>	<b>City Code &amp; RDSAP 08-001 Development Code:</b> §10-1C, Definitions; §10-2, Zoning District Regulations; §10-3F, Other Design Standards; §10-4B, Types of Applications & Review Procedures; and, §10-4I, Miscellaneous Permits
<b>Proposed Amendments</b>	See <i>Exhibit A</i> .

**CITY OF LIBERTY LAKE REGULATORY FRAMEWORK & PROCEDURAL REQUIREMENTS:**

**City Code §10-4B-5: Type IV Projects:**

*Development Code Amendments are classified as Type IV Projects in the City of Liberty Lake Development Code and are considered legislative decisions. The procedural requirements and decision criteria are detailed in City Development Code §10-4B-5.*

**STATE OF WASHINGTON REGULATORY FRAMEWORK, AUTHORITY & REQUIREMENTS:**

**RCW 36.70A: Growth Management Act (GMA):**

*Liberty Lake is mandated to plan under GMA. The City's Comprehensive Plan and Development Regulations were developed in accordance with the requirements of GMA. Development Regulations are required to implement the City's Comprehensive Plan, and any amendments to*

*City Development Code must be consistent with the City's adopted Comprehensive Plan. The City must provide reasonable public notice of proposed amendments and opportunities for public participation.*

**WAC 365-196: Growth Management -- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations**

*Development code amendments must comply with procedures established in WAC 365-196, including rules regarding internal consistency, interjurisdictional coordination, public participation requirements, and notification to the Department of Commerce of "intent to adopt" proposed code amendments at least 60 days prior to final adoption.*

**WAC 197-11: State Environmental Policy Act (SEPA) Rules:**

*Development code amendments are subject to SEPA review as a non-project action, in accordance with procedures established in WAC 197-11.*

**UNITED STATES REGULATORY FRAMEWORK, AUTHORITY & REQUIREMENTS:**

**FCC 18-133: Federal Communications Declaratory Ruling Regarding Small Wireless Facilities**

*FCC Declaratory Ruling, which took effect January 14, 2019, established requirements intended to streamline deployment of fourth generation (4G) and fifth generation (5G) mobile communication infrastructure. Specifically, the declaratory ruling establishes "presumptively reasonable" timelines for permit review ("shot clocks"); establishes requirements regarding collocation; establishes maximum "safe harbor fees" for collocation on city-owned infrastructure; establishes requirements and limitations for imposing aesthetic standards; and limits the extent of potential local regulations that meet the definition of "effectively prohibit."*

**SEPA REVIEW:**

SEPA Checklists were completed for proposed amendments to the City of Liberty Lake's Development Regulations regarding small wireless facilities. The City of Liberty Lake Planning, Engineering & Building Services has determined that the proposal, as a non-project review, will have no significant adverse environmental impacts and issued a Determination of Non-Significance (DNS) and Adoption of Existing Environmental Document on the Proposed Amendments to City of Liberty Lake's proposed Development Regulations Regarding Small Wireless Facilities on May 24, 2019. The City adopted the Spokane County Final Supplemental Environmental Impact Statement for the Spokane County Comprehensive Plan that was prepared on November 22, 2000 and was previously adopted for the original City of Liberty Lake Comprehensive Plan and Development Code, as well as the Final Environmental Impact Statement for the City of Liberty Lake Urban Growth Area Boundary Alternatives that was prepared on December 13, 2006. The Notice of Availability, SEPA Checklist and Threshold Determination, and Amendment Document were routed to agencies on May 24, 2019, and a Notice of Availability was posted at the Liberty Lake Municipal Library and at City Hall, as well as being published in the May 31, 2019 edition of the Valley News Herald. On May 28, 2019, the Notice of Availability, Notice of Hearing, SEPA Checklist and Threshold Determination, and Amendment Lists were also posted on the City website, and the notice and a link to the City website was emailed to the public notice group, as well as the wireless service providers. Comments on the SEPA Checklist and Threshold Determination were due by 4 p.m., on June 10, 2019. No

comments have been received.

**PROCEDURAL INFORMATION:**

- February 13, 2019                      Planning Commission Workshop on Small Wireless Facilities & FCC Declaratory Ruling  
*Agenda & packet published on City website & distributed to City’s “Notify Me” e-mail distribution list*
- March 13, 2019                        Planning Commission Workshop: Small Wireless Facilities & FCC Requirements  
*Agenda & packet published on City website & distributed to City’s “Notify Me” e-mail distribution list*
- April 10, 2019                        Planning Commission Workshop: Outline of Small Wireless Facility Ordinance  
*Agenda & packet published on City website & distributed to City’s “Notify Me” e-mail distribution list*
- May 8, 2019                            Planning Commission Workshop: Small Wireless Facility Design Standards  
*Agenda & packet published on City website & distributed to City’s “Notify Me” e-mail distribution list*
- May 22, 2018                        Planning Commission Workshop: Draft Small Wireless Facility Ordinance  
*Agenda & packet published on City website & distributed to various small wireless service providers; Avista; and, City’s “Notify Me” e-mail distribution list*
- May 28, 2019                        SEPA Notice of Availability/ Planning Commission Public Hearing Notice:  
*NOA packet with SEPA checklist and DNS posted on the website and distributed to: involved agencies, adjacent jurisdictions; various small wireless service providers; Avista; and, “Notify Me” e-mail distribution list*
- May 31, 2019                        SEPA Notice of Availability/Planning Commission Public Hearing Notice:  
*Published in Valley News Herald*
- June 10, 2019                        SEPA Comment Period Ends  
*No comments received.*
- June 12, 2019                        Planning Commission Public Hearing:  
*Agenda & staff report published on City website & distributed to various small wireless service providers; Avista; and, City’s “Notify Me” e-mail distribution list.*

**AGENCY REVIEW:**

SEPA Distribution List & Adjacent Jurisdictions: Liberty Lake Police Department; Avista; Century Link; Central Valley School District; City of Spokane Valley; CDA Tribe; Comcast; Spokane Clean Air; Spokane

Valley Fire District; Spokane Transit Authority; Spokane Regional Health District; Spokane Tribe; WS Department of Ecology; Spokane Regional Health District; Department of Fish & Wildlife; WS Department of Natural Resources; WS Department of Transportation; Spokane Regional Transportation Council; Liberty Lake Water & Sewer District; Consolidated Irrigation District Spokane County Utilities; Spokane County Planning; WS Department of Commerce.

Agencies Notified	Notification	Agency Comment Summary
SEPA Distribution List & Adjacent Jurisdictions	SEPA Notice of Availability; Proposed Amendment Summary; Determination of Non-Significance (DNS) Emailed 5/24/19	No comments received

**OTHER WRITTEN COMMENTS:**

Name & Affiliation	Comment Summary
Charles Matthews, City of Liberty Lake Planning Commissioner	Concerns regarding the declarations required during the annual recertification required in §10-4I-4(L)(1), and the required recertification by an Radio Frequency (RF) Engineer at the time of Franchise Agreement Renewal, as required in §10-4I-4(L)(2). He was concerned that Liberty Lake was attempting to regulate things already regulated by FCC.
Kim Allen, Wireless Policy Group, representing Verizon Wireless	Concerns regarding: requirements for neutral host technology on wireless only poles; “network coverage” vs. “network objectives”; requiring shrouding for 5G antennas; and, requirements for annual RF testing and recertification.
Melanie Rose, Avista	Concerns regarding: facility height limits (Avista already has transmission poles that are over 50 feet); standards related to pole top extensions (Avista does not allow pole top extensions).
Jed Evans, RayCap	City’s proposal is pretty sound.

**RELEVANT COMPREHENSIVE PLAN GOALS & POLICIES:**

**Governance Goal 1:** Actively involve residents, businesses, and property owners in the governance of the City.

**Governance Policy 1:** The City shall use the website, email, social media, newsletters, local newspapers, special announcements and other techniques to keep the community well-informed.

**Urban Design Policy 1:** Maintain design standards and a design review process to ensure that neighborhood and community centers are developed with minimal impact on surrounding land uses, are consistent with community character, and assure pedestrian and vehicular access.

**Urban Design Policy 3:** Public and private sector development shall be subject to citywide design guidelines which are intended to protect the community’s scenic views, provide community cohesion, and enhance the community image of Liberty Lake. Design review shall be required for the following

developments:

- a. Developments within designated mixed-use areas;
- b. Planned unit developments and large scale residential developments;
- c. Government buildings;
- d. Aesthetic corridors and boulevards, and adjacent development;
- e. Commercial and industrial developments;
- f. Developments adjacent to natural areas, critical areas, or shorelines; and
- g. All non-residential buildings that are visible from a public street.

**STAFF ANALYSIS:**

The FCC Declaratory Ruling 18-133, which addresses requirements associated with the location of small wireless facilities in public right-of-way, and which carries the weight of Federal Law, took effect on January 14, 2019. Current City of Liberty Lake Regulations only address “macro” cell wireless facilities, and those regulations are not compliant with the declaratory ruling, which establishes aggressive timelines for the permit review, and which limit the City’s ability to prohibit deployments within the right-of-way in certain zones, impose aesthetic standards that are more stringent than those applied to other types of infrastructure deployments, or that would “effectively prohibit” the deployment of facilities that would meet the provider’s network objectives.

The City of Liberty Lake has a Franchise Agreement application pending that necessitates the City have compliant small wireless facility regulations in place. This ordinance was developed through intensive research, multiple workshops with the Planning Commission, and the engagement of multiple service providers, as well as Avista (who owns the vast majority of infrastructure that would be subject to collocation in the City of Liberty Lake).

**PLANNING COMMISSION DELIBERATIONS:**

After closing public comments, the Planning Commission deliberated on the proposed amendments, as reflected in the “Exhibit A Errata” to the Staff Report.

Discussion ensued regarding the requirements of §10-4I-4, paragraph “L” on page DC-21 with concerns that the City of Liberty Lake was trying to regulate that which is already regulated by the FCC, and whether City staff had the expertise to verify declarations. While several members of the Planning Commission felt that these requirements were redundant, given FCC’s regulatory role, others felt that it was important that the City proactively protect the community’s interest. The majority supported the concept of an annual registration attesting to the provider’s compliance with their FCC permits, and a requirement for recertification by an RF Engineer that the wireless facilities are compliant with state and Federal regulations in connection with human exposure to radio frequency emissions, at the time of Franchise Agreement Renewal.

Following discussion, a motion was made to incorporate the following modifications to the proposed amendments:

- Typographical corrections on page DC-15, §10-L-3(C)(9)(D)(1), paragraph “k”;
- Amending §10-4I-4, paragraph “L” on page DC-21 to replace the words “recertification” with “registration” and the word “forms” to “form”;
- Typographical correction on page DC-22, §10-4I-4 paragraph L(2); and,
- Making the above changes to the River District Development Regulations.

In a vote of 5-2, the Planning Commission recommended approval of the proposed amendment, with the modifications as indicated above. The dissenting members indicated that their opposition was based upon the remaining requirement for recertification by an RF Engineer at the time of Franchise Agreement Renewal (§10-4I-4(L)(2)).

#### **FINDINGS:**

1. The required SEPA review has been completed on the proposed amendment.
2. All public and agency notice requirements were met and accomplished in a timely manner.
3. The public was provided the opportunity for early and continuous participation.
4. The public had the opportunity to submit written comments and testify at a public hearing before the Planning Commission.

#### **CRITERIA FOR APPROVAL:**

The criteria for approval of a code amendment are established in City Code §10-4B-5(A), which states:

A. Criteria for Amendment:

*The City may amend development regulations when it finds that **any** of the following applies:*

1. *Such amendment is consistent with the Comprehensive Plan and is not detrimental to the public welfare;*
2. *Change in economic, technological, or land use conditions has occurred to warrant modification;*
3. *It is found that an amendment is necessary to correct an error;*
4. *It is found that an amendment is necessary to clarify meaning or intent;*
5. *It is found that an amendment is necessary to provide for a use(s) that was not previously addressed; or*
6. *Those amendments as deemed necessary by the City Council as being in the public interest.*

**CONCLUSIONS:**

1. The proposed amendment **IS** consistent with the Comprehensive Plan and **IS NOT** detrimental to the public welfare.
2. The proposed amendment **IS** warranted by a change in economic, technological and/or land use conditions.
3. The proposed amendment **IS NOT** necessary to correct an error.
4. The proposed amendment **IS** necessary to clarify meaning or intent.
5. The proposed amendment **IS** necessary to provide for a proposed use that was not previously addressed.
6. The proposed amendment **IS** deemed necessary as being in the public interest.

**RECOMMENDATION:**

In the matter of to the City of Liberty Lake’s Development Regulations regarding small wireless facilities, the City of Liberty Lake Planning Commission recommends to City Council, by a vote of 5 to 2, that the proposed amendment be **APPROVED WITH MODIFICATIONS**, as detailed in Exhibit A of this Report.

Ratified by the Planning Commission on \_\_\_\_\_, 2019.

## EXHIBIT A

### RECOMMENDED AMENDMENTS TO CITY OF LIBERTY LAKE DEVELOPMENT CODE AND RIVER DISTRICT DEVELOPMENT REGULATIONS ESTABLISHING REGULATIONS FOR THE DEPLOYMENT OF SMALL WIRELESS 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.

Facility: When used in the context of small wireless facilities, shall mean a “small wireless 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 wireless 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).

Structure: When used in the context of a small wireless 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 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-only facilities.

Wireless only pole: A pole erected for the sole purpose of supporting a small wireless 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 and data 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:*

~~Co-location – Locating wireless communication equipment from more than one provider on a single structure at a single site.~~ 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.

Macro cell 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 arrays are general larger than 3 cubic feet. Does not include tower or tower, private. Small wireless facilities are expressly excluded from this definition.

Macro cell 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 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>
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 wireless 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>
<del>Wireless communication antenna array</del>	<del>N</del>	<del>CU</del>	<del>N</del>								
<del>Wireless communication support tower</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>CU</del>	<del>CU</del>	<del>N</del>

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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 Wireless Facilities**

- a. Siting Hierarchy.
  - i. Collocation on existing or replacement 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 network objectives, collocation on existing or replacement 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 network objectives, a wireless only pole shall be permitted.
- 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 wireless facilities.
- c. Must meet design standards as detailed in City Development Code §10-3F-4.
- d. A Small Wireless 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 Wireless Facilities**

- a. Siting Hierarchy.
  - i. Collocation on existing or replacement 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 network objectives, collocation on existing or replacement 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 network objectives, a wireless only pole shall be permitted.
- 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 wireless facilities.
- c. Must meet design standards as detailed in City Development Code §10-3F-4.

- d. A Small Wireless 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 Wireless Facilities**

- a. Siting Hierarchy.
  - i. Collocation on existing or replacement 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 network objectives, collocation on existing or replacement 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 network objectives, a wireless only pole shall be permitted.
- 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 wireless facilities.
- c. Must meet design standards as detailed in City Development Code §10-3F-4.
- d. A Small Wireless 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 Wireless Facilities**

- a. Siting Hierarchy.
  - i. Collocation on an existing building or existing or replacement 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 network objectives, collocation on an existing or replacement 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 network objectives, a wireless only pole shall be permitted.

- 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 wireless facilities.
- c. Must meet design standards as detailed in City Development Code §10-3F-4.
- d. Small Wireless 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 Wireless Facilities**

- a. Siting Hierarchy.
  - i. Collocation on an existing building or existing or replacement 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 network objectives, collocation on an existing or replacement 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 network objectives, a wireless only pole shall be permitted.
- 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 wireless facilities.
- c. Must meet design standards as detailed in City Development Code §10-3F-4.
- d. Small Wireless 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 Wireless Facilities**

- a. Siting Hierarchy.
  - i. Collocation on an existing building or existing or replacement 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 network objectives, collocation on an existing or replacement 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 network objectives, a wireless only pole shall be permitted.
- 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 wireless facilities.
- c. Must meet design standards as detailed in City Development Code §10-3F-4.
- d. Small Wireless 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 Wireless Facilities**

- a. Siting Hierarchy.
  - i. Collocation on an existing building or existing or replacement 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 network objectives, collocation on an existing or replacement 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 network objectives, a wireless only pole shall be permitted.
- 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 wireless facilities.
- c. Must meet design standards as detailed in City Development Code §10-3F-4.
- d. Small Wireless 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 Wireless Facilities**

- a. Siting Hierarchy.
  - i. Collocation on an existing building or existing or replacement 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 network objectives, collocation on an existing or replacement 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 network objectives, a wireless only pole shall be permitted.
- 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 wireless facilities.
- c. Must meet design standards as detailed in City Development Code §10-3F-4.
- d. Small 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 Wireless Communication Facilities**

- a. Siting Hierarchy.
  - i. Collocation on an existing building or existing or replacement 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 network objectives, collocation on an existing or replacement 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 network objectives, a wireless only pole shall be permitted.
- 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 wireless facilities.
- c. Must meet design standards as detailed in City Development Code §10-3F-4.
- d. Small Wireless 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.

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**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 Wireless Communication Facilities**

- a. Siting Hierarchy.
  - i. Collocation on an existing building or existing or replacement 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 network objectives, collocation on an existing or replacement 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 network objectives, a wireless only pole shall be permitted.
- 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 wireless facilities.
- c. Must meet design standards as detailed in City Development Code §10-3F-4.
- d. Small wireless 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 Wireless Communication Facilities**

- a. Siting Hierarchy.
  - i. Collocation on an existing building or existing or replacement 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 network objectives, collocation on an existing or replacement 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 network objectives, a wireless only pole shall be permitted.
- 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 wireless facilities.
- c. Must meet design standards as detailed in City Development Code §10-3F-4.
- d. Small Wireless 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 Wireless Facilities

A. Applicability.

- 1. All small wireless 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 wireless facility.

B. Equipment Height and Volume Limits. Small wireless 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 wireless facility to an existing pole, but may not increase the height of the existing pole by more than 10 feet, inclusive of the antenna, 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 pole extender and 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. 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 Wireless Communication Facilities.

1. Non-interference. Small wireless 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 wireless 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. Facilities shall comply with the requirements of the “clear view triangle”, as detailed in City Development Code §10-3B-2(N).

3. Structural Strength. Each small wireless 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 wireless equipment is proposed to be collocated are adequately designed to support the weight of the small wireless equipment while withstanding seismic, wind, ice, and snow loads applicable in the City of Liberty Lake.

4. Public Health Compliance Standard. The small wireless facility shall comply with the following public health compliance standard:

a. Any potential exposure to radio frequency emissions from a proposed small wireless 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 wireless 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, to the extent technically feasible. The purpose of this requirement is to maximize the extent to which the small wireless facility will blend into the surrounding environment and minimize visual clutter.
- c. Primary equipment enclosures shall be underground, incorporated and concealed within pole structure or 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 or pole owner requirements.
- e. Cables and wires shall be routed within the interior of the pole to the maximum extent feasible. Where interior installation is infeasible, conduit attached to the exterior of the poles shall be flush mounted, except as otherwise required by applicable safety codes or pole owner requirements, and shall be painted to match the pole, in the case of non-wooden poles. All cabling shall be encased in conduit.
- f. The small wireless 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 equipment enclosures, 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 equipment enclosures must be painted or otherwise 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 28 inches from the face of the pole.

- c. All conduit, cables, wires, and fiber must be routed internally in the light pole, when technically feasible. 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 it 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 ten feet above the height of the existing pole and the diameter may not exceed 18 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, if technically feasible, and shall be shrouded or screened to blend with the pole except for canister antennas which shall not require screening, if technically feasible. 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. An omnidirectional antenna may be mounted on the top of an existing or replacement non-wooden pole. Such antenna shall be no more than four (4) feet in height, 18 inches in diameter, and must be 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.
- g. 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.
- h. 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.
- i. 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.
- j. The height of the luminaire on a replacement pole shall match the height of the luminaire on the pole that is being replaced.
- k. 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.

- I. Exceptions to these standards may be granted by the director (or designee) upon the applicant's demonstration that the strict application of such standards are technically infeasible in a specific circumstance, and the exception granted is the minimum exception necessary to address the technical challenge.
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. 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.
    - c. Equipment enclosures, and all ancillary equipment, boxes and conduit shall be colored or painted a consistent, neutral color (brown, tan, or grey).
    - d. Antennas shall not be mounted more than 12 inches from the surface of the wooden pole.
    - e. 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.
    - f. A canister antenna may be mounted on top of an existing wooden pole, but 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 18 inches in diameter, measured at the top of the pole, and shall be colored or painted a consistent, neutral color (brown, tan or grey). 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.
    - g. The farthest point of any equipment enclosure may not extend more than 28 inches from the face of the pole.
    - h. An omnidirectional antenna may be mounted on the top of an existing wooden pole. Such antenna shall be no more than four (4) feet in height, 18 inches in diameter, and must be 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.

- i. 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.
- j. Equipment for small wireless facilities must be attached to the wooden pole, unless otherwise permitted to be ground mounted, as may be permitted based upon the requirements of subsection (C)(2) of this section. The equipment must be placed in the smallest enclosure possible for the intended purpose. The equipment enclosure(s) 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.
- k. Mid-pole primary equipment cabinets (not including cabinets housing antennas) shall only be permitted if the applicant can demonstrate that it is technically infeasible to locate the equipment cabinet underground, at the base, or near the top the pole.
- l. 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.
- m. 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.
- n. 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.
- o. 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.
- p. 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.

- q. Exceptions to these standards may be granted by the director (or designee) upon the applicant's demonstration that the strict application of such standards are technically infeasible in a specific circumstance, and the exception granted is the minimum exception necessary to address the technical challenge.

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 250-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; if no existing poles are located in the right-of-way near this location, the new wireless pole shall be a non-wooden pole; and,
- b. Antennas and the associated facility equipment enclosures (including disconnect features and other appurtenant equipment) shall be fully concealed within the pole, unless such concealment is otherwise technically infeasible; and,
- c. Be located at least 180 feet from any existing pole, unless the applicant demonstrates to the director's (or designee's) reasonable satisfaction that (i) the minimum separation requirement cannot be satisfied for technical reasons and (ii) placement of the small wireless 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.
- d. Exceptions to these standards may be granted by the director (or designee) upon the applicant's demonstration that the strict application of such standards are technically infeasible in a specific circumstance, and the exception granted is the minimum exception necessary to address the technical challenge.

E. **Strand Mounted Facilities.** Small wireless 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 network objectives 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 wireless;
  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.
  7. Exceptions to these standards may be granted by the director (or designee) upon the applicant's demonstration that the strict application of such standards are technically infeasible in a specific circumstance, and the exception granted is the minimum exception necessary to address the technical challenge.
- 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 or colored, 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 Wireless Facilities Permit

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

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

§10-4I-4 Small Wireless Facility Permit

A. Applicability

1. All small 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 wireless facility.

B. Eligibility. Permit applications for small 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 wireless facilities. Owners/ applicants holding a valid franchise agreement with the City of Liberty Lake that does not expressly address small 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 wireless facilities located within the right-of-way or on City property.

C. Application Requirements. Applicants shall apply for a small wireless permit using the small wireless 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 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 wireless deployment, indicating locations of all existing and proposed above ground equipment, below ground equipment, any trenching to connect to existing infrastructure and, to include the outline of the service area of the equipment proposed to be deployed.
2. The application shall provide specific locational information as specified within the small wireless permit application, and specify the proposed configuration, such as whether and where small wireless 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. 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.
3. Visual renderings, including photo simulations, of the small wireless facilities shall also be required.
4. In the event that the siting location of any small wireless 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.
5. The applicant may specify multiple sites in one small wireless permit application for processing, if all proposed small wireless facilities in a batch 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.
6. The applicant shall provide written authorization of the owner of any pole or structure for the installation of its small wireless facilities on such pole or structure. For City-owned poles or structures, the applicant shall submit proof of a valid lease agreement from the City.
7. If the applicant proposes small wireless 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 wireless facilities located on or over the public right-of-way.
8. If the applicant proposes an element which is not exempt from SEPA review, as detailed in City Development Code §10-6A-3, the applicant shall submit a completed SEPA checklist.
9. The applicant shall submit a sworn affidavit signed by a radio frequency (RF) engineer with knowledge of the proposed project affirming that the small wireless 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 wireless facility will operate. If additional transmission facilities necessary to the small wireless facility, such as microwave backhaul, are to be provided by a third party, then the small wireless 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 wireless deployment included in the application, if the applicant is using the same small wireless facility configuration for all installations within that batch, or may submit one emissions report for each facility installation identified in the batch.

10. 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.
  2. Pre-application Conference. Prior to submitting an application for a small wireless permit, applicants are encouraged (but not required) to schedule and attend a pre-application conference with department staff to receive informal feedback on the proposed facility and application materials. The pre-application conference is intended to identify potential concerns and streamline the formal application review process after submittal.
  3. 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 grant an extension or 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 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. The department shall issue decision on the permit application within the following 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, if applicable.
  - 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, if applicable.
  - 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.
- G. Right-of-way permit required. A right-of-way permit shall be required for any work occurring within the right-of-way that requires excavation, trenching, lane blockage, lane closure, flagging or re-routing of traffic during installation, deployment, or ordinary maintenance and repair activities, whether or not a Small wireless Communications Facility Permit is required. The right-of-way permit will require inspections prior to and upon completion of work, to verify that the site has been restored to its original condition and/or the approved restoration conditions as may be required by the right-of-way permit.
- H. 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.
- I. Denial. If the permit application is denied, the reasons for the denial shall be stated in writing and supported by substantial evidence.
- J. Suspension or Denial of Application for Lack of Compliance. The department may suspend review of or deny a complete application for a small wireless 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.
- K. Wireless Only Poles-. Wireless only poles may be permitted on a limited basis, subject to siting criteria detailed in §10-2.
- L. Annual Registration- All owners and providers with active small wireless facility permits within the City of Liberty Lake shall be required to file an annual registration application on a form provided the City, by January 31 of each calendar year.

1. The registration application will identify all active small wireless facilities within the provider's network within the City of Liberty Lake, identify any facilities that are no longer in active use, and will include evidence that the FCC permits for all of the applicant's active small wireless facilities within the City are current and in good standing. The applicant will provide an affidavit attesting that all small wireless facilities within the provider's network in the City of Liberty Lake, individually and collectively, are in good working order and 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 registration, 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.
  2. If the Franchise Agreement expressly addressing small wireless facilities within the right-of-way is due to expire within the calendar year, the applicant will be required to submit an application for renewal of the Franchise Agreement, providing all required information, as detailed in Liberty Lake Municipal Code §8-8, and additionally, shall be required to submit an updated certification from a certified radio frequency engineer that all of the applicant's small wireless facilities within the provider's 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.
- M. Maintenance Requirements. The applicant shall maintain a permitted small wireless 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, etc. Small 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.
- N. Ordinary Maintenance and Repair. For the purpose of this section, "ordinary maintenance and repair" shall mean inspections, testing and/or repair of small wireless communication facilities that maintain functional capacity, aesthetic and structural integrity of the facility and/or the associated support structure, pole or tower, which does not require damaging or disturbing any portion of the Public ROW. Ordinary maintenance or repair of an existing, permitted small wireless 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.
- O. Material Changes to Permitted Small Wireless Facilities. A small wireless permit is required prior to making material changes to permitted small wireless facilities. For the purpose of this section, "Material change" shall be defined as:
1. Replacing transmission equipment at a permitted small wireless facility that increases the overall volume or height or general appearance of the small wireless facility; or,
  2. Adding new transmission equipment to a permitted small wireless facility.

- O. Replacement and removal of transmission equipment. A permittee may replace or remove transmission equipment used at a permitted small wireless facility without obtaining a small wireless permit, consistent with paragraph M 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>			
<u>Macro cell wireless communication antenna array</u>	<u>N</u>	<u>L</u>	<u>L</u>
<u>Macro cell wireless communication support tower</u>	<u>N</u>	<u>L</u>	<u>L</u>
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
<u>Small wireless facility</u>	<u>L</u>	<u>L</u>	<u>L</u>
<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.

**Facility:** When used in the context of small wireless facilities, shall mean a “small wireless facility” as defined herein.

**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 wireless 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:
  - 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;
- 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).

Structure: When used in the context of a small wireless 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 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-only facilities.

Wireless only pole: A pole erected for the sole purpose of supporting a small wireless 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 and data 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:*

~~Co-location – Locating wireless communication equipment from more than one provider on a single structure at a single site.~~ 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.

~~Macro cell 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 arrays are general larger than 3 cubic feet. Does not include tower or tower, private. Small wireless facilities are expressly excluded from this definition.

~~Macro cell 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 Wireless Facilities**

- a. Siting Hierarchy.
  - i. Collocation on existing or replacement 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 network objectives, collocation on existing or replacement

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 network objectives, a wireless only pole shall be permitted.
- 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 Wireless 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 Wireless Facilities**

- a. Siting Hierarchy.
  - i. Collocation on an existing building or existing or replacement 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 network objectives, collocation on an existing or replacement 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 network objectives, a wireless only pole shall be permitted.
- 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 Wireless Facility Permit is required, as detailed in City Development Code §10-4I-4.

**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 Wireless Facilities**

- a. Siting Hierarchy.
  - i. Collocation on an existing building or existing or replacement 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 network objectives, collocation on an existing or replacement 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 network objectives, a wireless only pole shall be permitted.
- 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 Wireless 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 section §10-3F-4, as follows:*

§10-3F-4 Small Wireless Facilities

A. Applicability.

3. All small wireless 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 wireless facility.
- B. Equipment Height and Volume Limits. Small wireless 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 wireless facility to an existing pole, but may not increase the height of the existing pole by more than 10 feet, inclusive of the antenna, 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 pole extender and 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. 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 Wireless Communication Facilities.
  - 6. Non-interference. Small wireless 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 wireless 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. Facilities shall comply with the requirements of the “clear view triangle”, as detailed in City Development Code §10-3B-2(N).

8. Structural Strength. Each small wireless 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 wireless equipment is proposed to be collocated are adequately designed to support the weight of the small wireless equipment while withstanding seismic, wind, ice, and snow loads applicable in the City of Liberty Lake.
9. Public Health Compliance Standard. The small wireless facility shall comply with the following public health compliance standard:
  - a. Any potential exposure to radio frequency emissions from a proposed small wireless 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 wireless 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, to the extent technically feasible. The purpose of this requirement is to maximize the extent to which the small wireless facility will blend into the surrounding environment and minimize visual clutter.
  - c. Primary equipment enclosures shall be underground, incorporated and concealed within pole structure or 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 or pole owner requirements.
  - e. Cables and wires shall be routed within the interior of the pole to the maximum extent feasible. Where interior installation is infeasible, conduit attached to the exterior of the poles shall be flush mounted, except as otherwise required by applicable safety codes or pole owner requirements, and shall be painted to match the pole, in the case of non-wooden poles. All cabling shall be encased in conduit.
  - f. The small wireless 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 equipment enclosures, 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:
- m. 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 equipment enclosures must be painted or otherwise 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.
  - n. The farthest point of any equipment enclosure may not extend more than 28 inches from the face of the pole.
  - o. All conduit, cables, wires, and fiber must be routed internally in the light pole, when technically feasible. 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.
  - p. 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.
  - q. An antenna on top of an existing pole may not extend more than ten feet above the height of the existing pole and the diameter may not exceed 18 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, if technically feasible, and shall be shrouded or screened to blend with the pole if technically feasible, 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.
  - r. An omnidirectional antenna may be mounted on the top of an existing or replacement non-wooden pole. Such antenna shall be no more than four (4) feet in height, 18 inches in diameter, and must be 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.
  - s. 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.

- t. 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.
  - u. 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.
  - v. The height of the luminaire on a replacement pole shall match the height of the luminaire on the pole that is being replaced.
  - w. 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.
  - x. Exceptions to these standards may be granted by the director (or designee) upon the applicant's demonstration that the strict application of such standards are technically infeasible in a specific circumstance, and the exception granted is the minimum exception necessary to address the technical challenge.
5. 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. 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.
  - c. Equipment enclosures, and all ancillary equipment, boxes and conduit shall be colored or painted a consistent, neutral color (brown, tan, or grey).
  - d. Antennas shall not be mounted more than 12 inches from the surface of the wooden pole.
  - e. 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.

- f. A canister antenna may be mounted on top of an existing wooden pole, but 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 18 inches in diameter, measured at the top of the pole, and shall be colored or painted a consistent, neutral color (brown, tan or grey). 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.
- g. The farthest point of any equipment enclosure may not extend more than 28 inches from the face of the pole.
- h. An omnidirectional antenna may be mounted on the top of an existing wooden pole. Such antenna shall be no more than four (4) feet in height, 18 inches in diameter, and must be 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.
- i. 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.
- j. Equipment for small wireless facilities must be attached to the wooden pole, unless otherwise permitted to be ground mounted, as may be permitted based upon the requirements of subsection (C)(2) of this section. The equipment must be placed in the smallest enclosure possible for the intended purpose. The equipment enclosure(s) 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.
- k. Mid-pole primary equipment cabinets (not including cabinets housing antennas) shall only be permitted if the applicant can demonstrate that it is technically infeasible to locate the equipment cabinet underground, at the base, or near the top the pole.
- l. 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.
- m. 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.
  - n. 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.
  - o. 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.
  - p. 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.
  - q. Exceptions to these standards may be granted by the director (or designee) upon the applicant's demonstration that the strict application of such standards are technically infeasible in a specific circumstance, and the exception granted is the minimum exception necessary to address the technical challenge.
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 250-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; if no existing poles are located in the right-of-way near this location, the new wireless pole shall be a non-wooden pole; and,
  - b. Antennas and the associated facility equipment enclosures (including disconnect features and other appurtenant equipment) shall be fully concealed within the pole, unless such concealment is otherwise technically infeasible; and,

- c. Be located at least 180 feet from any existing pole, unless the applicant demonstrates to the director's (or designee's) reasonable satisfaction that (i) the minimum separation requirement cannot be satisfied for technical reasons and (ii) placement of the small wireless 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.
  - d. Exceptions to these standards may be granted by the director (or designee) upon the applicant's demonstration that the strict application of such standards are technically infeasible in a specific circumstance, and the exception granted is the minimum exception necessary to address the technical challenge.
- E. Strand Mounted Facilities. Small wireless 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 network objectives 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 wireless;
  - 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.
  - 7. Exceptions to these standards may be granted by the director (or designee) upon the applicant's demonstration that the strict application of such standards are technically infeasible in a specific circumstance, and the exception granted is the minimum exception necessary to address the technical challenge.
- 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 or colored, and textured to match the adjacent building surfaces.

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

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

15. Small Wireless Facilities Permit

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

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

§10-4I-4                      Small Wireless Facility Permit

A. Applicability

3. All small 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 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 wireless facility.

B. Eligibility. Permit applications for small 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 wireless facilities. Owners/ applicants holding a valid franchise agreement with the City of Liberty Lake that does not expressly address small 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 wireless facilities located within the right-of-way or on City property.

C. Application Requirements. Applicants shall apply for a small wireless permit using the small wireless 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 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 wireless deployment, indicating locations of all existing and proposed above ground equipment, below ground equipment, any trenching to connect to existing infrastructure and, to include the outline of the service area of the equipment proposed to be deployed.
2. The application shall provide specific locational information as specified within the small wireless permit application, and specify the proposed configuration, such as whether and where small wireless 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. 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.

3. Visual renderings, including photo simulations, of the small wireless facilities shall also be required.
4. In the event that the siting location of any small wireless 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.
5. The applicant may specify multiple sites in one small wireless permit application for processing, if all proposed small wireless facilities in a batch 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.
6. The applicant shall provide written authorization of the owner of any pole or structure for the installation of its small wireless facilities on such pole or structure. For City-owned poles or structures, the applicant shall submit proof of a valid lease agreement from the City.
7. If the applicant proposes small wireless 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 wireless facilities located on or over the public right-of-way.
8. If the applicant proposes an element which is not exempt from SEPA review, as detailed in City Development Code §10-6A-3, the applicant shall submit a completed SEPA checklist.
9. The applicant shall submit a sworn affidavit signed by a radio frequency (RF) engineer with knowledge of the proposed project affirming that the small wireless 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 wireless facility will operate. If additional transmission facilities necessary to the small wireless facility, such as microwave backhaul, are to be provided by a third party, then the small wireless 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 wireless deployment included in the application, if the applicant is using the same small wireless facility configuration for all installations within that batch, or may submit one emissions report for each facility installation identified in the batch.
10. 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.
  - b. Pre-application Conference. Prior to submitting an application for a small wireless permit, applicants are encouraged (but not required) to schedule and attend a pre-application conference with department staff to receive informal feedback on the proposed facility and application materials. The pre-application conference is intended to identify potential concerns and streamline the formal application review process after submittal.
  - c. 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 grant an extension or 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 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. The department shall issue decision on the permit application within the following 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, if applicable.
    - 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, if applicable.
    - 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.

- G. Right-of-way permit required. A right-of-way permit shall be required for any work occurring within the right-of-way that requires excavation, trenching, lane blockage, lane closure, flagging or re-routing of traffic during installation, deployment, or ordinary maintenance and repair activities, whether or not a Small wireless Communications Facility Permit is required. The right-of-way permit will require inspections prior to and upon completion of work, to verify that the site has been restored to its original condition and/or the approved restoration conditions as may be required by the right-of-way permit.
- H. 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.
- I. Denial. If the permit application is denied, the reasons for the denial shall be stated in writing and supported by substantial evidence.
- J. Suspension or Denial of Application for Lack of Compliance. The department may suspend review of or deny a complete application for a small wireless 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.
- K. Wireless Only Poles. Wireless only poles may be permitted on a limited basis, subject to siting criteria detailed in §10-2.
- L. Annual Registration- All owners and providers with active small wireless facility permits within the City of Liberty Lake shall be required to file an annual registration application on form provided the City, by January 31 of each calendar year.
  - 1. The registration application will identify all active small wireless facilities within the provider's network within the City of Liberty Lake, identify any facilities that are no longer in active use, and will include evidence that the FCC permits for all of the applicant's active small wireless facilities within the City are current and in good standing. The applicant will provide an affidavit attesting that all small wireless facilities within the provider's network in the City of Liberty Lake, individually and collectively, are in good working order and 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 registration, the owners and providers will also provide updated/current performance bonds and insurance, as required by their Franchise Agreement with the City of Liberty Lake.
  - 2. If the Franchise Agreement expressly addressing small wireless facilities within the right-of-way is due to expire within the calendar year, the applicant will be required to submit an application for renewal of the Franchise Agreement, providing all required information, as

detailed in Liberty Lake Municipal Code §8-8, and additionally, shall be required to submit a updated certification from a certified radio frequency engineer that all of the applicant's small wireless facilities within the provider's 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.

- M. Maintenance Requirements. The applicant shall maintain a permitted small wireless 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, etc. Small 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.
- N. Ordinary Maintenance and Repair. For the purpose of this section, "ordinary maintenance and repair" shall mean inspections, testing and/or repair of small wireless communication facilities that maintain functional capacity, aesthetic and structural integrity of the facility and/or the associated support structure, pole or tower, which does not require damaging or disturbing any portion of the Public ROW. Ordinary maintenance or repair of an existing, permitted small wireless 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.
- O. Material Changes to Permitted Small Wireless Facilities. A small wireless permit is required prior to making material changes to permitted small wireless facilities. For the purpose of this section, "Material change" shall be defined as:
  - 1. Replacing transmission equipment at a permitted small wireless facility that increases the overall volume or height or general appearance of the small wireless facility; or,
  - 2. Adding new transmission equipment to a permitted small wireless facility.
- O. Replacement and removal of transmission equipment. A permittee may replace or remove transmission equipment used at a permitted small wireless facility without obtaining a small wireless permit, consistent with paragraph M 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.