


<p><u>Councilmembers</u> Position No. 1. Tod Gunther 2. John Kelly 3. Michelle Gehring 4. Joachim Pestinger 5. Nicola McDonald 6. Greg Hogan 7. Scott Drennen</p>		<p><u>Orting City Council</u> Regular Business Meeting Agenda Orting Multi-Purpose Center 202 Washington Ave. S, Orting, WA April 10th, 2019, 7 p.m.</p>
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Mayor Joshua Penner, Chair

**1. CALL MEETING TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL.
REQUEST FOR ADDITIONS OR CORRECTIONS TO THE AGENDA.**

2. PRESENTATION- WORLD WAR II VETERAN- MILTON TILL

- *Marc Perez*

3. PUBLIC COMMENTS- *Persons wishing to address the City Council regarding items that are not on the agenda are encouraged to do so at this time. In the case of a question, the chair will refer the matter to the appropriate administrative staff member or committee.*

Request For Consent Agenda Items To Be Pulled For Discussion.

4. CONSENT AGENDA

- A. Regular Minutes of March 27th, 2019.
- B. Payroll and Claims Warrants

Motion: *To approve Consent Agenda as prepared.*

Consent Agenda Items Pulled For Discussion

5. COMMISSION REPORTS

- Planning Commission

6. NEW BUSINESS

- A. **AB19-25-** Ordinance No. 2019-1044, Adopting An Interim Zoning Ordinance To Add Chapter 13-9 To The Orting Municipal Code, Entitled “Wireless Communications Services Facilities,” Declaring An Emergency Necessitating Immediate Adoption And Effectiveness Of This Interim Zoning Ordinance.

- *Emily Terrell*

Motion: *To Adopt Ordinance No. 2019-1044, An Interim Zoning Ordinance To Add Chapter 13-9 To The Orting Municipal Code, Entitled “Wireless Communications Services Facilities,” Declaring An Emergency Necessitating Immediate Adoption And Effectiveness Of This Interim Zoning Ordinance.*

B. AB19-26- Appointment of Planning Commissioners.

- **Mayor Penner**

Motion: *To Confirm the Mayor's appointment of Chris Rule to the position of Planning Commissioner.*

Motion: *To Confirm the Mayor's appointment of Erika Bartholomew to the position of Planning Commissioner.*

C. AB19-27- Resolution 2019-10, Contract for Legal Services.

- **Mark Bethune**

Motion: *To Adopt Resolution 2019-10 Authorizing The Mayor To Enter Into A Contract With Inslee, Best, Dozie & Ryder For General Municipal Legal Services.*

7. EXECUTIVE SESSION

8. ADJOURNMENT

Motion: *Move to Adjourn.*

Upcoming Meetings: Study Session: April 17th, 2019, 6pm (MPC), Regular Meeting: April 24th, 2019, 7pm (MPC)

Americans with Disabilities Act – reasonable accommodations provided upon request (360) 893-2219

Councilmembers

Position No.

1. Tod Gunther
2. John Kelly
3. Michelle Gehring
4. Joachim Pestinger
5. Nicola McDonald
6. Greg Hogan
7. Scott Drennen



Orting City Council

Regular Business Meeting Minutes
Orting Multi-Purpose Center
202 Washington Ave. S,
Orting, WA
March 27th, 2019
7 p.m.

Mayor Joshua Penner, Chair

1. CALL MEETING TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL.

Mayor Penner called the meeting to order at 7:00pm. Councilmember Gunther led the pledge of allegiance.

Councilmembers Present: Deputy Mayor Greg Hogan, Councilmembers Tod Gunther, John Kelly, Scott Drennen, Michelle Gehring, Joachim Pestinger.

Absent: Councilmember McDonald.

Staff Present: Mark Bethune, City Administrator, Jane Montgomery, City Clerk, Scott Larson, Treasurer, JC Hungerford, Engineer, Emily Terrell, City Planner, Kaaren Woods, Court Administrator.

Deputy Mayor Hogan made a motion to excuse Councilmember McDonald. Second by Councilmember Pestinger. Motion passed (6-0)

2. POLICE DEPARTMENT PROMOTIONS

Chief Gard introduced two new Lieutenants. Lieutenant Ed Turner and Lieutenant Devon Gabreluk. The Chief stated that Lt. Turner has been with the department for 10 years and Lt. Gabreluk 12 years. The Chief expressed utmost confidence that they would both do an outstanding job as they move forward in their new positions.

3. PUBLIC HEARING

A. AB19-20- Amending The City's Parking Code- Ordinance No., 2019-1043, Amending Orting Municipal Code 13-5-3 Loading Area And Off-Site Parking Requirements.

Mayor Penner opened the hearing at 7:04pm and announced the title. Emily Terrell, City Planner gave a staff report on the proposed Ordinance. The proposed ordinance would allow for more flexibility in meeting parking demands through off-site and shared use parking agreements. Department of Commerce was pleased with the Ordinance.

Public Comments – No Public Comments were made.

Council Comments or Questions- No Comments or Questions were made

Mayor Penner closed the hearing at 7:06pm.

Deputy Mayor Hogan made a motion to Adopt Ordinance No. 2019-1043, Amending Orting Municipal Code 13-5-3 Loading Area And Off-Site Parking Requirements; Providing For Severability; And Establishing An Effective Date. Second by Councilmember Kelly. Motion passed (6-0).

4. PUBLIC COMMENTS

Susan Rigley

Ms. Rigley gave her community agency report on upcoming events at the Library for the month of April.

5. CONSENT AGENDA

- A. Regular Meeting Minutes of March 13th, 2019.
- B. Study Session Minutes of March 20th, 2019.
- C. Payroll and Claims Warrants
- D. AB19-14-To Approve Resolution No. 2019-01, Amending the City Of Orting Personnel Policy, and Setting an Effective Date.
- E. AB19-21-To Approve Resolution No. 2019-06, A Resolution Of The City Of Orting, Washington, Declaring A Public Purpose And Authorizing City Sponsorship Of The Orting Valley Farmer's Market.
- F. AB19-22-To Approve Resolution No. 2019-07, A Resolution Of The City Of Orting, Washington, Declaring A Public Purpose And Authorizing City Sponsorship Of Daffodil Festival Day.
- G. AB19-23-To Approve Resolution No. 2019-08, Declaring Certain Wastewater Plant Aerators as Surplus Property and Authorizing Disposal.
- H. AB19-24-To Approve Parametrix As The Most Qualified Contractor To Provide Design And Engineering For The Whitehawk Blvd Extension And Authorize The Mayor To Negotiate A Contract With Parametrix For This Work.

Councilmember Pestinger made a motion to approve Consent Agenda as prepared. Second by Councilmember Kelly. Motion passed (6-0)

6. EXECUTIVE SESSION

The City Clerk announced that there would be an Executive session per RCW 42.30.110 (i), for 5 minutes, and no action is anticipated upon return to open session.

Mayor Penner recessed to Executive session at 7:10pm for 5 minutes.

7:10pm Recessed to Executive session.

7:15pm Executive session over.

Mayor Penner called the meeting back to order at 7:15pm

7. ADJOURNMENT

Councilmember Gehring made a motion to adjourn. Second by Councilmember Pestinger. Motion passed (6-0).

Mayor Penner adjourned the meeting at 7:16pm

Jane Montgomery, City Clerk, CMC

Joshua Penner, Mayor

VOUCHER/WARRANT REGISTER
FOR APRIL 10, 2019 COUNCIL

CLAIMS/PAYROLL VOUCHER APPROVAL

CITY OF ORTING

WE, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN AND THAT THE CLAIM IS A JUST, DUE AND UNPAID OBLIGATION AGAINST THE CITY OF ORTING, AND THAT WE ARE AUTHORIZED TO AUTHENTICATE AND CERTIFY TO SAID CLAIM.

CLAIMS WARRANTS #47112 THRU #47177
IN THE AMOUNT OF \$ 241,809.97

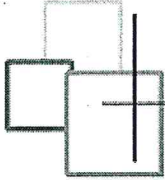
PAYROLL WARRANTS # 23510 THRU #23516=\$ 9,098.46
EFT \$ 172,195.32
IN THE AMOUNT OF \$ 181,293.78

ARE APPROVED FOR PAYMENT ON APRIL 10, 2019

COUNCILPERSON _____

COUNCILPERSON _____

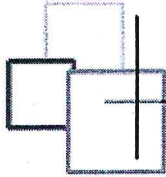
CITY CLERK _____



Fund Transaction Summary

Transaction Type: Invoice
Fiscal: 2019 - APRIL 2019 - 1st Council

Fund Number	Description	Amount
001	Current Expense	\$65,618.60
101	City Streets	\$9,020.85
105	Parks Department	\$8,945.31
303	Emergency Evacuation Bridge Fund	\$39,557.84
304	City Hall Construction	\$42,330.16
401	Water	\$17,780.05
408	Wastewater	\$33,033.04
410	Stormwater	\$18,034.03
412	Utility Land Acquisition	\$7,490.09
	Count: 9	\$241,809.97

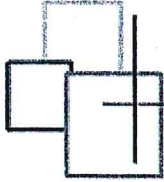


Register

Fiscal: 2019
Deposit Period: 2019 - APRIL 2019
Check Period: 2019 - APRIL 2019 - 1st Council

Number	Name	Print Date	Clearing Date	Amount
Key Bank	2000073			
Check				
47112	Actual Assistant	4/1/2019		\$1,200.00
47113	BlueTarp Credit Services	4/1/2019		\$157.33
47114	Meek, Beckie	4/1/2019		\$155.39
47115	P.c. Budget & Finance	4/1/2019		\$725.00
47116	Alpine Products Inc.	4/10/2019		\$1,502.38
47117	Arrow Lumber	4/10/2019		\$350.65
47118	Associated Petroleum Products INC	4/10/2019		\$1,611.77
47119	Bratwear-Sound Uniform Solutions	4/10/2019		\$594.54
47120	Brisco Inc.	4/10/2019		\$260.69
47121	Business Solutions Center	4/10/2019		\$504.41
47122	Carstar Cornforth Campbell	4/10/2019		\$2,547.92
47123	Cascade Healthcare Services, LLC	4/10/2019		\$1,583.49
47124	Centurylink	4/10/2019		\$1,991.69
47125	CenturyLink/Qwest	4/10/2019		\$274.99
47126	Chittenden, Candyce	4/10/2019		\$924.00
47127	Cintas Corporation #461	4/10/2019		\$220.08
47128	Comcast	4/10/2019		\$502.48
47129	Corliss Resources, Inc	4/10/2019		\$655.80
47130	Crystal & Sierra Springs	4/10/2019		\$90.09
47131	Cummins Northwest	4/10/2019		\$11,207.49
47132	Curry & Williams, P.I.I.c	4/10/2019		\$1,958.34
47133	Department of Enterprise Services-Financial Office	4/10/2019		\$400.00
47134	Drain-Pro INC	4/10/2019		\$97.82
47135	Enviro-Clean Equipment, Inc.	4/10/2019		\$4,886.34
47136	Fastenal Company	4/10/2019		\$35.73
47137	Grainger	4/10/2019		\$227.66
47138	Helix Design Group	4/10/2019		\$42,330.16
47139	Judicial Conference Registration	4/10/2019		\$150.00
47140	Kenyon Disend PLLC	4/10/2019		\$11,305.00
47141	Law Offices of Matthew J Rusnak	4/10/2019		\$1,833.33
47142	Lewis, Jennifer	4/10/2019		\$672.00
47143	Logan Enterprises INC	4/10/2019		\$395.00
47144	Meek, Beckie	4/10/2019		\$87.00
47145	Mitel Leasing	4/10/2019		\$549.36
47146	Murphy-Brown, Mary	4/10/2019		\$585.00

Number	Name	Print Date	Clearing Date	Amount
47147	North Central Laboratorie	4/10/2019		\$141.36
47148	Office Depot	4/10/2019		\$69.79
47149	Oldcastle Precast INC	4/10/2019		\$3,062.59
47150	Opportunity Center Of Orting	4/10/2019		\$833.34
47151	Orca Pacific, Inc	4/10/2019		\$650.51
47152	Orting Valley Fire & Rescue	4/10/2019		\$2,979.17
47153	Orting Valley Senior Cent	4/10/2019		\$1,083.33
47154	P.c. Budget & Finance	4/10/2019		\$2,559.61
47155	Parametrix	4/10/2019		\$102,266.33
47156	Puget Sound Energy	4/10/2019		\$944.35
47157	Scientific Supply & Equip	4/10/2019		\$135.22
47158	Secure Pacific Corp/Mountain Alarm	4/10/2019		\$260.85
47159	Sherwin-Williams	4/10/2019		\$335.87
47160	SHRED-IT USA	4/10/2019		\$172.83
47161	Sound Municipal Consultants-Emily Terrell	4/10/2019		\$22,909.50
47162	Staples Advantage	4/10/2019		\$111.08
47163	Systems For Public Safety Inc	4/10/2019		\$392.11
47164	T M G Services Inc	4/10/2019		\$147.56
47165	The Walls Law Firm	4/10/2019		\$1,875.00
47166	UniFirst Corporation	4/10/2019		\$455.20
47167	United Laboratories	4/10/2019		\$899.60
47168	US Bank Equipment Finance	4/10/2019		\$444.74
47169	Utilities Underground Location Center	4/10/2019		\$93.94
47170	Valley Sign	4/10/2019		\$147.56
47171	Verizon Wireless	4/10/2019		\$2,653.87
47172	Vision Forms LLC	4/10/2019		\$2,193.63
47173	Washington Rock Quarries,	4/10/2019		\$456.08
47174	Washington Wildlife & Rec Coalition	4/10/2019		\$250.00
47175	Water Management Lab Inc.	4/10/2019		\$378.00
47176	Wells Fargo Financial Leasing	4/10/2019		\$92.91
47177	Zumar Industries Inc	4/10/2019		\$241.11
		Total	Check	\$241,809.97
		Total	2000073	\$241,809.97
		Grand Total		\$241,809.97



Custom Council Report

Vendor	Number	Invoice	Account Number	Notes	Amount
Actual Assistant	47112	698	001-514-23-41-12	IT-Website Maintenace-Hosting 44	\$528.00
			105-576-80-41-05	IT-Website Maintenace-Hosting 44	\$36.00
			401-534-10-41-34	IT-Website Maintenace-Hosting 44	\$180.00
			408-535-10-41-36	IT-Website Maintenace-Hosting 44	\$312.00
			410-531-38-41-05	IT-Website Maintenace-Hosting 44	\$144.00
			Total	\$1,200.00	
Alpine Products Inc.	47116	TM-183615	101-542-64-49-01	Paint	\$1,355.53
		TM-183798	101-542-64-49-01	Paint-Handicap Blue	\$146.85
		Total	\$1,502.38		
Arrow Lumber	47117	600186-March 2019	101-542-30-48-02	Socket-Set-Banners	\$6.55
			105-576-80-31-00	Kneeling Pads	\$21.84
			105-576-80-48-00	Fasteners for Park Bench	\$2.13
			105-576-80-48-00	Paint Cover-Parks	\$4.46
			105-576-80-48-00	Paint Supplies- Parks	\$12.08
			105-576-80-48-00	Conctete-Parks	\$13.07
			105-576-80-48-00	Wood & Fasteners- for Picnic Benches	\$33.03
			105-576-80-48-00	Paint Rollers-Fir-for Picnic Benches	\$76.99
			105-576-80-48-01	Paint Brush-Park Benches	\$1.19
			401-534-10-31-00	Wire Brush-FA1072	\$6.21
			401-534-10-31-00	Galv Nipple- Bushing-FA1074	\$9.05
			401-534-50-48-02	Union Comp 1/4"- VG Pump Station	\$4.03
			401-534-50-48-02	Flare Nut-Well 1	\$5.66
			401-534-50-48-02	Gray Paint-Well 1	\$10.69
			401-534-50-48-02	Paint Canvas-Well 1	\$10.92
			401-534-50-48-02	Coupling-Flushing	\$17.47
			401-534-50-48-02	Paint & Brushes- Well 1	\$28.12
			401-534-50-48-02	Paint Pole-Well 1	\$48.26
			408-535-50-48-03	strap Tie-Paint-Park Restroom	\$17.46

Vendor	Number	Invoice	Account Number	Notes	Amount
Arrow Lumber	47117	600186-March 2019	410-531-38-48-01	Straight Link-Fasteners-FA1088-FA71	\$21.44
				Total	\$350.65
Associated Petroleum Products INC	47118	1407390-IN	101-542-30-32-00	Fuel	\$161.17
			401-534-80-32-00	Fuel	\$644.70
			408-535-80-32-00	Fuel	\$644.70
			410-531-38-32-01	Fuel	\$161.20
				Total	\$1,611.77
BlueTarp Credit Services	47113	233309-Apr2019	001-521-20-31-03	Keys for Police Door	\$122.37
			105-576-80-48-00	Chlorine Tables	\$34.96
				Total	\$157.33
Bratwear-Sound Uniform Solutions	47119	201903SU147	001-521-20-31-01	Uniform Items-LT. Gabreluk	\$30.83
		201903SU152	001-521-20-31-01	Uniform Items-LT. Turner	\$48.44
		201903SU317	001-521-20-31-01	Uniform Items-Det. Cassatt	\$515.27
				Total	\$594.54
Brisco Inc.	47120	APR2019-208	001-524-20-32-01	Fuel Buiding	\$32.00
			001-524-20-32-01	Fuel Buiding	\$46.00
			410-531-38-32-02	Fuel Storm	\$54.72
			410-531-38-32-02	Fuel Water	\$127.97
				Total	\$260.69
Business Solutions Center	47121	106284	001-512-50-31-00	Court Forms	\$504.41
				Total	\$504.41
Carstar Cornforth Campbell	47122	15480	001-521-50-48-02	Repair to Hood-2016 Interceptor 81375	\$552.14
		Invoice - 4/4/2019 9:49:54 AM	001-521-50-48-02	Repair to 2016 Interceptor 81375-Insurance Claim	\$1,995.78
				Total	\$2,547.92
Cascade Healthcare Services, LLC	47123	T49174	001-514-40-41-19	First Aid-CPR Training for City Staff	\$263.91
			101-542-30-41-17	First Aid-CPR Training for City Staff	\$263.92
			105-576-80-41-14	First Aid-CPR Training for City Staff	\$263.92
			401-534-90-49-00	First Aid-CPR Training for City Staff	\$263.91

Vendor	Number	Invoice	Account Number	Notes	Amount	
Cascade Healthcare Services, LLC	47123	T49174	408-535-90-49-00	First Aid-CPR Training for City Staff	\$263.91	
			410-531-31-40-06	First Aid-CPR Training for City Staff	\$263.92	
			Total		\$1,583.49	
Centurylink	47124	300549640-APR2019	408-535-10-42-01	Sewer Phones	\$50.61	
			001-514-23-42-00	City Phones	\$524.99	
		300549818-APR2019	001-524-20-42-00	City Phones	\$26.42	
			101-542-63-47-03	SR162 Signal	\$58.89	
		300549906-APR2019	401-534-10-42-01	City Phones	\$179.73	
			408-535-10-42-01	City Phones	\$291.86	
		300550216-APR2019	401-534-10-42-01	Harman Springs	\$64.42	
		300550553-APR2019	408-535-10-42-01	Sewer Phones	\$198.91	
		300550592-APR2019	001-521-50-42-00	PD Phones	\$416.23	
		409178327-APR2019	001-521-50-42-00	PD Phones	\$108.74	
		001-521-50-42-01	PD Repeater	\$70.89		
Total		\$1,991.69				
CenturyLink/Qwest	47125	464B-APR2019	001-521-20-45-02	Cell Connection	\$116.86	
			465B-APR2019	001-521-20-45-02	Cell Connection	\$81.86
			492B-APR2019	001-521-20-45-02	Cell Connection	\$76.27
			Total		\$274.99	
Chittenden, Candyce	47126	APR2019-205	001-571-20-31-15	Tumbling-March 2019	\$924.00	
				Total		\$924.00
Cintas Corporation #461	47127	4019184820	408-535-60-48-04	Cleaning of Park Restrooms	\$220.08	
				Total		\$220.08
Comcast	47128	0221105-APR2019	001-514-23-42-00	City Hall Internet	\$62.81	
			001-524-20-31-00	City Hall Internet	\$62.81	
			401-534-10-42-01	City Hall Internet	\$62.81	
			408-535-10-42-01	City Hall Internet	\$62.81	
		0221113-APR2019	001-521-50-42-00	PSB Internet	\$251.24	
Total		\$502.48				
Corliss Resources, Inc	47129	182098	105-576-80-48-00	Med Bark	\$163.95	
		182207	105-576-80-48-00	Bark	\$327.90	
		182522	105-576-80-48-00	Med Bark	\$163.95	
Total		\$655.80				
Crystal & Sierra Springs	47130	5225720 033019	401-534-10-31-00	Water Public Works	\$41.49	
			408-535-10-31-00	Water Public Works	\$48.60	
			Total		\$90.09	
Cummins Northwest	47131	01-23884	408-535-50-48-07	Generator Repair- Carbon River Lift Station FA1007	\$1,880.75	
		01-23912	401-534-60-48-02	Generator Repair- Well 3-FA1009	\$2,074.80	

Vendor	Number	Invoice	Account Number	Notes	Amount
Cummins Northwest	47131	01-23935	401-534-60-48-02	Generator Repair-Wingate Springs-FA1043	\$2,435.09
		01-25072	408-535-50-48-07	Generator Repair-Village Green Lift Station FA1044	\$4,816.85
				Total	\$11,207.49
Curry & Williams, P.I.I.c	47132	APR2019-204	001-512-50-10-02	Municipal Court Judge-March 2019	\$1,958.34
				Total	\$1,958.34
Department of Enterprise Services-Financial Office	47133	16144268	001-521-20-31-03	Admin Fee 2019	\$400.00
				Total	\$400.00
Drain-Pro INC	47134	53865	408-535-60-48-04	Honey Bucket Service-Main Park	\$97.82
				Total	\$97.82
Enviro-Clean Equipment, Inc.	47135	R19-032501	101-542-30-48-04 410-531-38-48-01	Repairs for Street Sweeper-FA1033	\$977.27
				Repairs for Street Sweeper-FA1033	\$3,909.07
				Total	\$4,886.34
Fastenal Company	47136	WAPuy82034	401-534-50-48-02 401-534-50-48-02		(\$28.74)
				Restock-Supplies	\$64.47
				Total	\$35.73
Grainger	47137	9119149517	408-535-50-48-04	Value Repair Kit-Headwork Screw	\$227.66
				Total	\$227.66
Helix Design-Group	47138	0000001 A18-021.08	304-594-18-60-01	New City Hall Facilities	\$20,713.95
			304-594-31-60-01	New City Hall Facilities	\$3,107.09
			304-594-34-60-01	New City Hall Facilities	\$3,107.09
			304-594-35-60-01	New City Hall Facilities	\$6,214.19
			304-594-44-60-01	New City Hall Facilities	\$690.47
			304-594-76-60-01	New City Hall Facilities	\$690.46
			0000001 A18-021.13	304-594-18-60-01	New City Hall Facilities
			304-594-31-60-01	New City Hall Facilities	\$157.91
			304-594-34-60-01	New City Hall Facilities	\$157.90
			304-594-35-60-01	New City Hall Facilities	\$315.81
			304-594-44-60-01	New City Hall Facilities	\$35.09
			304-594-76-60-01	New City Hall Facilities	\$35.09
		0000001 A18-021.15	304-594-18-60-01	New City Hall Facilities	\$3,580.50

Vendor	Number	Invoice	Account Number	Notes	Amount			
Helix Design Group	47138	000001 A18-021.15	304-594-31-60-01	New City Hall Facilities	\$537.08			
			304-594-34-60-01	New City Hall Facilities	\$537.07			
			304-594-35-60-01	New City Hall Facilities	\$1,074.15			
			304-594-44-60-01	New City Hall Facilities	\$119.35			
			304-594-76-60-01	New City Hall Facilities	\$119.35			
		000004 A18-021.01	304-594-18-60-01	New City Hall Facilities	\$50.95			
			304-594-31-60-01	New City Hall Facilities	\$7.64			
			304-594-34-60-01	New City Hall Facilities	\$7.64			
			304-594-35-60-01	New City Hall Facilities	\$15.28			
			304-594-44-60-01	New City Hall Facilities	\$1.70			
			304-594-76-60-01	New City Hall Facilities	\$1.70			
			Total				\$42,330.16	
			Judicial Conference Registration	47139	Woods-City of Orting	001-512-50-49-03	2019 DMCMA Annual Conference	\$150.00
						Total		
Kenyon Disend PLLC	47140	188322-188323-188324-188325	001-515-41-41-01	City Attorney Retainer	\$2,500.00			
			001-515-41-41-02	City Attorney Services	\$2,858.65			
			001-515-41-41-05	City Attorney Services-HR	\$2,618.90			
			001-515-41-41-06	City Attorney Services-Code Enforcement	\$1,054.36			
			001-515-41-41-07	City Attorney Services-Development	\$1,666.57			
			001-521-50-41-02	City Attorney Services-Police CBA	\$572.51			
			408-535-10-41-04	City Attorney Services-Wastewater	\$34.01			
			Total				\$11,305.00	
Law Offices of Matthew J Rusnak	47141	218-Mar 2019	001-512-50-49-01	Court Appointed Attorney-March 2019	\$1,833.33			
			Total				\$1,833.33	
Lewis, Jennifer	47142	APR2019-202	001-571-20-31-34	Dog Training Classes-March 2019	\$672.00			
Total				\$672.00				
Logan Enterprises INC	47143	17107	001-514-21-41-01	Monthly Janitorial	\$98.75			
			001-524-20-49-02	Monthly Janitorial	\$19.75			
			001-575-50-41-01	Monthly Janitorial	\$79.00			
			401-534-10-31-00	Monthly Janitorial	\$79.00			

Vendor	Number	Invoice	Account Number	Notes	Amount			
Logan Enterprises INC	47143	17107	408-535-10-31-00	Monthly Janitorial	\$79.00			
			410-531-38-31-00	Monthly Janitorial	\$39.50			
			Total		\$395.00			
Meek, Beckie	47114	APR2019-100	001-514-40-41-19	Reimbursement for Meal For First Aid Training	\$25.89			
			101-542-30-41-17	Reimbursement for Meal For First Aid Training	\$25.90			
			105-576-80-41-14	Reimbursement for Meal For First Aid Training	\$25.90			
			401-534-90-49-00	Reimbursement for Meal For First Aid Training	\$25.90			
			408-535-90-49-00	Reimbursement for Meal For First Aid Training	\$25.90			
			410-531-31-40-06	Reimbursement for Meal For First Aid Training	\$25.90			
			47144	APR2019-206	001-513-10-31-03	Mileage for Wellness Conferecne	\$87.00	
			Total		\$242.39			
			Mitel Leasing	47145	901839843	001-594-14-41-03	City Hall Phone Lease	\$74.55
						001-594-24-41-02	City Hall Phone Lease	\$14.91
001-594-76-41-02	City Hall Phone Lease	\$14.91						
101-594-42-41-02	City Hall Phone Lease	\$14.91						
401-594-34-42-03	City Hall Phone Lease	\$83.50						
408-594-35-64-55	City Hall Phone Lease	\$80.51						
410-594-31-41-42	City Hall Phone Lease	\$14.91						
901839844	001-594-12-41-02	PSB Phone Lease				\$23.17		
001-594-21-41-03	PSB Phone Lease	\$123.70						
001-594-22-41-01	PSB Phone Lease	\$104.29						
Total		\$549.36						
Murphy-Brown, Mary	47146	APR2019-200	001-571-20-31-21	Dance Class-March 2019	\$525.00			
		APT2019-201	001-571-20-31-27	Art Class-March 2019	\$60.00			
		Total		\$585.00				
North Central Laboratorie	47147	420346	408-535-10-31-00	Lab Supplies	\$141.36			
				Total	\$141.36			
Office Depot	47148	21123329 286113849001	001-521-20-31-03	Supplies	\$57.57			
		21123329 286113850001	001-521-20-31-03	Supplies	\$12.22			
		Total		\$69.79				

Vendor	Number	Invoice	Account Number	Notes	Amount
Oldcastle Precast INC	47149	010227320	412-594-38-62-01	450 Gallon Oil/Water Separator Total	\$3,062.59 \$3,062.59
Opportunity Center Of Orting	47150	3034	001-571-20-31-14	Orting Opportunity Center Grant-April 2019 Total	\$833.34 \$833.34
Orca Pacific, Inc	47151	37843	401-534-10-31-01	Sodium Hypochlorite Total	\$650.51 \$650.51
Orting Valley Fire & Rescue	47152	Invoice - 4/4/2019 9:00:15 AM	001-512-50-41-04 001-521-50-41-07	Payment #4 Lease for PSB-Court Payment #4 Lease for PSB-Police Total	\$297.92 \$2,681.25 \$2,979.17
Orting Valley Senior Cent	47153	1004-April	001-571-20-31-06	Monthly Support- April 2019 Total	\$1,083.33 \$1,083.33
P.c. Budget & Finance	47115	CI-261068 CI-262448 C- 104188	001-514-30-49-01 001-514-30-49-01 001-514-30-49-01 401-534-10-41-06 401-534-10-41-06 401-534-10-41-06 408-535-10-41-14 408-535-10-41-14 408-535-10-41-14 401-534-10-41-06 401-534-10-41-06 401-534-10-41-06 401-534-10-41-06 401-534-10-41-06 408-535-10-41-14 408-535-10-41-14	Lien Gabbling Taxes Gale- 201811210408 Lien Gabbling Taxes Gale- 201811210322 Lien Gabbling Taxes Gale- 201811210289 Lien Release- Cuilan 201812040293 Lien Pambianco- 201812030681 Lien-Cuilan- 201811260713 Lien Release- Cuilan 201812040293 Lien Pambianco- 201812030677 Lien-Cuilan- 201811260712 Lien 3670000710- 201902260127 Lien 7000570520- 201902200504 Lien 7002121440- 201902220350 Lien 0519315023- 201902200369 Lien 5925000160- 201902220312 Lien 3670000710- 201902260126 Lien 0519315023- 201902200370	\$38.00 \$40.00 \$40.00 \$37.50 \$38.00 \$38.00 \$37.50 \$38.00 \$38.00 \$38.00 \$38.00 \$38.00 \$38.00 \$38.00 \$38.00 \$38.00 \$38.00 \$38.00
		CI-266030 CI-104188	401-534-10-41-06	Lien 3670000710- 201902260127	\$38.00
			401-534-10-41-06	Lien 7000570520- 201902200504	\$38.00
			401-534-10-41-06	Lien 7002121440- 201902220350	\$38.00
			401-534-10-41-06	Lien 0519315023- 201902200369	\$38.00
			401-534-10-41-06	Lien 5925000160- 201902220312	\$38.00
			408-535-10-41-14	Lien 3670000710- 201902260126	\$38.00
			408-535-10-41-14	Lien 0519315023- 201902200370	\$38.00

Vendor	Number	Invoice	Account Number	Notes	Amount
P.c. Budget & Finance	47115	CI-266030 CI-104188	408-535-10-41-14	Lien 5925000160-201902220313	\$38.00
			408-535-10-41-14	Lien 7002121440-201902220351	\$38.00
			408-535-10-41-14	Lien 7000570520-201902200504	\$38.00
	47154	CI-266356 C-104188	001-514-23-41-11	Rainier Cable Commission Dues	\$2,559.61
					Total
Parametrix	47155	08251	001-558-60-41-01	General Development	\$470.00
			001-558-60-41-01	General Consulting	\$737.50
			101-542-30-41-01	General Consulting	\$340.00
			101-542-30-41-13	Transportation Plan Update	\$465.00
			101-542-30-41-15	GIS Planning & Delivery	\$26.25
			101-595-10-40-04	Project Management	\$1,440.00
			101-595-10-40-04	Preliminary Engineering	\$3,497.50
			105-594-76-63-15	Project Management	\$170.00
			105-594-76-63-15	Design Plans & Spec	\$2,465.00
			105-594-76-63-15	Permitting	\$4,865.00
			401-534-10-41-01	General Consulting-Telemetry O&M	\$4,336.25
			401-534-10-41-19	General Consulting-Telemetry O&M	\$1,530.00
			401-534-10-41-37	GIS Planning & Delivery	\$26.25
			401-534-10-41-39	General Consulting-178th Water Crossing	\$1,513.75
			408-535-10-41-01	General Consulting	\$8,825.52
			408-535-10-41-39	GIS Planning & Delivery	\$26.25
			408-594-35-41-12	WWTP-Solids Conclusions	\$47.50
			408-594-35-41-12	WWTP-Solids Project Management	\$510.00
			408-594-35-41-15	Project Management	\$1,515.00
			408-594-35-41-15	Lift Station Rehab	\$9,221.25
			410-531-38-41-08	GIS Planning & Delivery	\$26.25
			410-531-39-41-01	General Consulting	\$4,486.25
			410-594-31-41-30	Project Management	\$300.00
			410-594-31-41-37	Levee FEMA O&M Manual-PM	\$120.00
			410-594-31-41-43	Project Management & QA/QC	\$350.00
			410-594-31-41-43	Stormwater Report & 30% Design	\$1,100.00
			410-594-31-41-43	Mapping & Boundary Survey	\$5,991.72
412-594-38-41-02	Public Works Shop	\$4,427.50			
08252	001-524-20-41-02	The Meadows-Design Review	\$60.00		

Vendor	Number	Invoice	Account Number	Notes	Amount
Parametrix	47155	08252	001-524-20-41-02	Orting Village- Design Review	\$1,057.50
			001-524-20-41-02	Ptarmigan Ridge- Design Review	\$2,761.25
		08253	303-595-10-40-01	Emergency Evacuation Bridge- Project Management	\$26,932.54
			303-595-90-40-01	Emergency Evacuation Bridge- Preliminary Design	\$12,625.30
			Total	\$102,266.33	
Puget Sound Energy	47156	200021064239-APR2019	401-534-50-47-03	Well 1	\$907.13
		200021119249-APR2019	401-534-50-47-02	Chlorinator	\$37.22
		Total	\$944.35		
Scientific Supply & Equip	47157	31438319	408-535-10-31-00	Lab Supplies- Gloves	\$135.22
				Total	\$135.22
Secure Pacific Corp/Mountain Alarm	47158	213535	001-514-23-31-02	City Hall Alarm	\$83.85
			408-535-10-41-07	VVWTP Alarm	\$177.00
			Total	\$260.85	
Sherwin-Williams	47159	78304	401-534-50-48-04	Paint Well 1	\$335.87
				Total	\$335.87
SHRED-IT USA	47160	8126857211 8126857252	001-521-20-31-03	PD Shredding	\$90.96
			001-514-23-31-02	City Hall Shredding	\$81.87
			Total	\$172.83	
Sound Municipal Consultants-Emily Terrell	47161	2019-018	001-558-60-41-02	Contracted Planning Consultant	\$10,191.00
			001-558-70-40-01	CERD	\$2,500.00
		2019-019	001-558-60-41-02	Contracted Planning Consultant	\$7,668.50
			001-558-60-41-04	CERD	\$2,550.00
			Total	\$22,909.50	
Staples Advantage	47162	3404571068 3405040586	001-513-10-31-00	Office Supplies	\$97.32
			001-513-10-31-00	Office Supplies	\$13.76
			Total	\$111.08	
Systems For Public Safety Inc	47163	35121	001-521-50-48-02	2018 Interceptor- LED Dome Light	\$392.11
				Total	\$392.11
T M G Services Inc	47164	0043399-IN	401-534-50-48-04	Repair on De-Gas Solenoid-Well 3	\$147.56
				Total	\$147.56

Vendor	Number	Invoice	Account Number	Notes	Amount
The Walls Law Firm	47165	56-March 2019	001-515-41-41-03	Prosecuting Attorney-March 2019	\$1,875.00
				Total	\$1,875.00
UniFirst Corporation	47166	3301502015	408-535-10-31-03	Supplies-Protective Clothing	\$130.71
		3301504106	408-535-10-31-03	Supplies-Protective Clothing	\$115.77
		3301506200	408-535-10-31-03	Supplies-Protective Clothing	\$104.36
		3301508304	408-535-10-31-03	Supplies-Protective Clothing	\$104.36
				Total	\$455.20
United Laboratories	47167	INV251197	408-535-10-31-00	Lab Supplies	\$899.60
				Total	\$899.60
US Bank Equipment Finance	47168	381444041	001-594-14-41-04	City Hall Copier Lease	\$444.74
				Total	\$444.74
Utilities Underground Location Center	47169	9030206	401-534-60-41-00	Locates-March 2019	\$46.97
			408-535-60-41-00	Locates-March 2019	\$46.97
				Total	\$93.94
Valley Sign	47170	1696	408-535-50-48-03	Sign for Mens Restroom-Main Park	\$147.56
				Total	\$147.56
Verizon Wireless	47171	9826247972	001-512-50-42-00	Cell Phones-Court	\$55.99
			001-514-23-42-00	Cell Phones	\$262.04
			001-524-20-42-00	Cell Phones	\$72.47
			001-575-50-42-01	Cell Phones	\$55.99
			401-534-10-42-01	Cell Phones	\$325.86
			408-535-10-42-01	Cell Phones	\$325.86
		9826247973	001-512-50-42-00	Cell Phones-Court	\$122.96
			001-521-20-45-01	Cell Phones-PD	\$796.80
			001-521-20-45-02	Cell Connection Data-PD	\$635.90
				Total	\$2,653.87
Vision Forms LLC	47172	5296	401-534-10-31-00	Utility Bill Processing & Mailing	\$34.73
			401-534-10-42-00	Utility Bill Processing & Mailing	\$75.38
			408-535-10-31-00	Utility Bill Processing & Mailing	\$34.73
			408-535-10-42-00	Utility Bill Processing & Mailing	\$75.38

Vendor	Number	Invoice	Account Number	Notes	Amount
Vision Forms LLC	47172	5296	410-531-38-31-00	Utility Bill	\$34.74
			410-531-38-42-00	Processing & Mailing	
				Utility Bill	\$75.38
		5313-2019	401-534-10-31-00	Processing & Mailing	
				Utility Bill	\$195.74
			401-534-10-42-00	Processing & Mailing	
				Utility Bill	\$425.36
			408-535-10-31-00	Processing & Mailing	
				Utility Bill	\$195.73
			408-535-10-42-00	Processing & Mailing	
				Utility Bill	\$425.36
			410-531-38-31-00	Processing & Mailing	
				Utility Bill	\$195.74
			410-531-38-42-00	Processing & Mailing	
				Utility Bill	\$425.36
				Processing & Mailing	
				Total	\$2,193.63
Washington Rock Quarries,	47173	97558	401-534-50-48-02	Crushed Rock	\$152.02
			408-535-50-48-02	Crushed Rock	\$152.03
			410-531-38-48-00	Crushed Rock	\$152.03
				Total	\$456.08
Washington Wildlife & Rec Coalition	47174	WWRC19-MEM	105-576-80-49-01	2019 WWRC Membership	\$250.00
				Total	\$250.00
Water Management Lab Inc.	47175	174363	401-534-10-41-03	Lab Testing	\$189.00
		174654	401-534-10-41-03	Lab Testing	\$189.00
				Total	\$378.00
Wells Fargo Financial Leasing	47176	5006089655	105-576-80-31-00	Public Works Copier	\$13.94
			401-534-10-31-00	Public Works Copier	\$46.46
			408-535-10-31-00	Public Works Copier	\$18.58
			410-531-38-31-00	Public Works Copier	\$13.93
				Total	\$92.91
Zumar Industries Inc	47177	27172	101-542-64-49-00	Street Sign Items	\$122.81
		27174	101-542-64-49-00	Street Sign Items	\$118.30
				Total	\$241.11
				Grand Total	\$241,809.97



**City of Orting
Council Agenda Summary Sheet**

Subject: Interim Ordinance 2019-1044, Adopting Interim Wireless Communication Facility Design Standards.		Committee	Study Session	Council
	Agenda Item #:	N/A	N/A	AB19-25
	For Agenda of:			04/10/2019
	Department:	Planning/Administration		
	Date Submitted:	04/01/19		
Cost of Item:	N/A			
Amount Budgeted:	N/A			
Unexpended Balance:	N/A			
Bars #:	N/A			
Timeline:	N/A			
Submitted By:	Emily Terrell			
Fiscal Note:				
Attachments: Interim Ordinance No. 2019-1044				
<p>SUMMARY STATEMENT: The City adopted new Telecommunications Master Use Permit requirements last year (Title 8, Chapter 8 OMC, Ord 2018-1031). This code allows for telecommunications facilities but does not provide any development standards. The Planning Commission has asked SMC to create wireless communication facilities development standards. There are already applications in the works, though none are currently approved.</p> <p>The FCC recently passed a rule that no new development standards would be accepted from local jurisdictions if they were not in place by April 14, 2019. If the Council wishes to have design standards for telecommunications facilities and equipment, the Council must pass this emergency, interim ordinance tonight. Otherwise, the City will forever give up its opportunity to regulate the look and placement of these facilities.</p> <p>SMC drafted an interim wireless communication facility development standards ordinance for immediate adoption. It is mainly based on the City of Edmond’s recent work and has been adapted to the Orting Code and our Architectural Design Guidelines.</p> <p>The Planning Commission recommended approval of the interim ordinance on April 1st. We ask that the Council consider adopting the emergency interim ordinance on April 10th, effective immediately. It will be effective for 180 days or until we can adopt a permanent ordinance. We will add that to the Planning Commission agenda.</p>				
<p>RECOMMENDED ACTION: MOTION: To Adopt Ordinance No. 2019-1044, An Interim Zoning Ordinance To Add Chapter 13-9 To The Orting Municipal Code, Entitled “Wireless Communications Services Facilities,” Declaring An Emergency Necessitating Immediate Adoption And Effectiveness Of This Interim Zoning Ordinance.</p>				

**CITY OF ORTING
WASHINGTON**

ORDINANCE NO. 2019-1044

AN ORDINANCE OF THE CITY OF ORTING, WASHINGTON, ADOPTING AN INTERIM ZONING ORDINANCE TO ADD CHAPTER 13-9 TO THE ORTING MUNICIPAL CODE, ENTITLED “WIRELESS COMMUNICATIONS SERVICES FACILITIES,” DECLARING AN EMERGENCY NECESSITATING IMMEDIATE ADOPTION AND EFFECTIVENESS OF THIS INTERIM ZONING ORDINANCE.

WHEREAS, the City of Orting is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington; and

WHEREAS, in the Telecommunications Act of 1996 (the 1996 Act), Congress enacted sweeping new provisions intended to facilitate the deployment of telecommunications infrastructure; and

WHEREAS, several provisions of the 1996 Act speak directly to Congress’s determination that certain state and local regulations are unlawful; and

WHEREAS, Section 253(a) provides that “no State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service;” and

WHEREAS, Congress specified in Section 332(c)(7) that “the regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof—(I) shall not unreasonably discriminate among providers of functionally equivalent services; and (II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services;” and

WHEREAS, Section 332(c)(7) generally preserves state and local authority over the “placement, construction, and modification of personal wireless service facilities” but with certain limitations; and

WHEREAS, the Federal Communications Commission (FCC) has authority to interpret Sections 253 and 332 of the 1996 Act to further elucidate what types of state and local legal requirements run afoul of the statutory parameters Congress has established; and

WHEREAS, America is preparing to transition to the next generation of wireless services, known as 5G; and

WHEREAS, in preparing for that transition, and to improve existing deficits in their 4G networks, wireless providers have been increasingly looking to densify their networks with new small cell deployments that have antennas often no larger than a small backpack; and

WHEREAS, the challenge for the City's policymakers is that the deployment of these small cell networks will look different than the 3G and 4G deployments of the past, which often involved the construction of large cell towers; and

WHEREAS, to support advanced 4G or 5G offerings, wireless providers must build out small cells at a faster pace and at a far greater density of deployment than before; and

WHEREAS, to meet rapidly increasing demand for wireless services and prepare our national infrastructure for 5G, wireless providers must deploy infrastructure at significantly more locations using these new, small cell facilities; and

WHEREAS, on September 27, 2018, in the context of the forthcoming small cell deployment, the FCC found it necessary and appropriate to exercise its authority to interpret the 1996 Act and clarify the preemptive scope that Congress intended by issuing its Declaratory Ruling and Third Report and Order ("FCC Order"); and

WHEREAS, the FCC asserts that its Order is part of a national strategy to promote the timely buildout of this new infrastructure across the country by eliminating regulatory impediments that unnecessarily add delays and costs to bringing advanced wireless services to the public; and

WHEREAS, the FCC Order still recognizes that certain reasonable aesthetic considerations do not run afoul of Sections 253 and 332; and

WHEREAS, the regulations contained herein are intended to, among other things, (1) ensure that the design, appearance, and other features of wireless facilities are compatible with nearby land uses; (2) manage the public right-of-way so as to ensure traffic safety and coordinate various uses; and (3) protect the integrity of the City's historic, cultural, and scenic resources and the quality of life of Orting's citizens; and

WHEREAS, the FCC Order states that "aesthetics requirements are not preempted if they are (1) reasonable, (2) no more burdensome than those applied to other types of infrastructure deployments, and (3) objective and published in advance;"

WHEREAS, the FCC Order states that "aesthetic requirements that are reasonable in that they are technically feasible and reasonably directed to avoiding or remedying the intangible public harm of unsightly or out-of-character deployments are also permissible;" and

WHEREAS, the FCC has given cities until April 14, 2019 to have adopted and published its aesthetic regulations; and

WHEREAS, the City Council finds that these regulations promote the small cell deployment in a manner that also balances the needs of the community while mitigating the potential negative impacts of that deployment; and

WHEREAS, the City Council acknowledges that the growing use of smart phones and other personal devices have created a substantial need for wireless data transmission; and

WHEREAS, the City Council is the steward of the public right-of-way which will probably host some of the forthcoming small cell facilities; and

WHEREAS, the City of Orting recently adopted new wireless communications services facilities franchise agreements and telecommunication master use permit requirements (City Ordinance 2018-1031); and

WHEREAS, as steward of the public right-of-way, the City Council must consider the various competing uses of the public right-of-way; and

WHEREAS, the City Council recognizes that not all utilities are similarly situated: some (like water and sewer) can only function below ground; some (like wireless antennas) can only function above ground; some (like wireline utilities) require the kind of continuity that can only be provided if they are located in the public right-of-way; and some (like wireless facilities), because they transit radio frequencies, are less reliant than wireline utilities on the continuity provided by the public right-of-way; and

WHEREAS, in light of the different needs of the various utilities, and in light of the limited available space in the right-of-way, the City Council intends to prioritize and preserve the right-of-way for those utilities that most need it; and

WHEREAS, the City Council deems it to be in the public interest to incorporate the FCC guidelines and provide for the streamlined review of applications and greater flexibility in siting wireless communications services facilities, including small cell facilities, within the City, and at the same time to further the protection of the public environment through the adoption of small cell design standards, concealment techniques and dispersion requirements; and

WHEREAS, over the next many years, the deployment of small cell facilities in the numbers contemplated by the FCC is likely to have a cumulative negative visual impact upon the City, which threatens to lower the quality of life of Orting citizens; and

WHEREAS, the City of Orting has adopted architectural design guidelines; all development in the Mixed-Use Town Center and Mixed-Use Town Center North zones and all commercial and public developments are subject to Architectural Design Review to ensure consistency with the adopted Orting theme of "Turn of the Century Western and Victorian," a style of building, architecture, and exterior lighting used in Orting and the area from Statehood in 1889 through World War I. This includes new construction or major renovation and alteration or other modifications to buildings, accessory structures, signs, street furniture, and other public property as described in Section 13.6.6 OMC. Under the architectural design guidelines, evaluation of a

project is based on quality of its design and its relationship to the natural setting of the valley and mountain settings; and

WHEREAS, the aesthetic regulations and dispersion requirements contained in this Ordinance are intended to mitigate some of that negative visual impact of wireless communications services facilities; and

WHEREAS, the dispersion requirement is intended to ensure that the negative visual impact is spread evenly throughout the City, and, in so doing, make it less noticeable than it would be if it was concentrated in certain small cell hot spots containing multiple wireless facilities in close proximity; and

WHEREAS, it is common for cities to adopt interim regulations when amending their codes to address new technology; and

WHEREAS, RCW 35A.63.220 and RCW. 36.70A.390 authorize the City to adopt interim regulations while new plans or regulations are considered and prepared; and

WHEREAS, the Growth Management Act requires proposed development regulations be sent to the WA State Department of Commerce Growth Management Services for review and comment 60 days prior to the final City Council adoption; however, since these standards are interim regulations, they will be forwarded prior to adoption of the final development regulations; and

WHEREAS, since these standards are interim regulations, non-project SEPA review will also be conducted prior to adoption of the final development regulations; and

WHEREAS, the City Planning Commission is reviewing the proposed interim regulations and working towards a final recommendation; and

WHEREAS, pursuant to RCW 36.70A.390, this interim ordinance may be adopted on an emergency basis without first holding a public hearing; and

WHEREAS, notwithstanding that authority, the City Council held a public hearing on April 10, 2019;

NOW, THEREFORE, the City Council of the City of Orting, Washington, do ordain as follows:

Section 1. New OMC Chapter 13-9, "Wireless Communications Services Facilities," added.

Chapter 13-9 of the Orting Municipal Code, entitled "Wireless Communications Services Facilities," is hereby added to read as set forth in **Attachment A** hereto, which is incorporated herein as if set forth in full.

Section 2. Sunset. This interim ordinance shall remain in effect for 180 days from the effective date or until it is replaced with another ordinance adopting permanent regulations, after which point it shall have no further effect.

Section 3. Emergency Declaration. The City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a majority plus one of the whole membership of the Council, and that the same is not subject to a referendum (RCW 35A.12.130). Without an immediate adoption of this interim zoning ordinance, wireless providers could attempt to have new small cell applications processed pursuant to regulations that were not intended to apply to such facilities. Therefore, this interim regulation must be imposed as an emergency measure to protect the public health, safety and welfare by ensuring that the status of such previously filed applications is addressed herein.

Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 5. Effective Date. This ordinance shall take effect and be in full force and effect immediately upon passage, as set forth in Section 3, as long as it is approved by a majority plus one of the entire membership of the council, as required by RCW 35A.12.130. If it is not adopted by a majority plus one of the entire membership of the council, then the language declaring an emergency shall be disregarded, in which case, this ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

Section 6. Adoption of Findings. The City Council hereby adopts as findings of fact in support of the adoption of this Ordinance, the “whereas” clauses above.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 10TH DAY OF APRIL, 2019.

CITY OF ORTING

Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

Jane Montgomery, City Clerk, CMC

APPROVED AS TO FORM:

Charlotte A. Archer
Inslee, Best, Doezie & Ryder, P.S.
City Attorney

Filed with the City Clerk: 4.1.19
Passed by the City Council: 4.10.19
Ordinance No.: 2019-1044
Date of Publication: 4.12.19
Effective Date: 4.10.19

Ordinance 2019-1044- Attachment A
Title 13 - Development Regulations
Chapter 9 - Wireless Communications Services Facilities

Sections:

- 13-9-1 Purpose.
- 13-9-2 Applicability.
- 13-9-3 Exemptions.
- 13-9-4 Prohibitions.
- 13-9-5 General macro facility siting criteria and design considerations.
- 13-9-6 Permits and shot clocks.
- 13-9-7 Application requirements.
- 13-9-8 Eligible facilities requests.
- 13-9-9 New building-mounted macro wireless communications services facilities standards.
- 13-9-10 New structure-mounted macro wireless communications services facilities standards.
- 13-9-11 New monopole-mounted macro wireless communications services facilities standards.
- 13-9-12 Temporary facilities.
- 13-9-13 Small wireless communications services facilities standards (small cell).
- 13-9-14 Abandonment or discontinuation of use.
- 13-9-15 Maintenance.
- 13-9-16 Definitions.

13-9-1 Purpose.

A. The purpose of this chapter is to regulate the placement, construction, modification and appearance of wireless communications services facilities, in order to protect the health, safety and welfare of the public, while not unreasonably interfering with the deployment of competitive wireless communications services facilities throughout the City. The purpose of this chapter may be achieved through adherence to the following objectives:

1. Protect residential areas and land uses from potential adverse impacts that wireless communications services facilities might create, including but not limited to negative impacts on aesthetics, environmentally sensitive areas, historically significant locations, and health and safety of persons and property;
2. Establishment of clear and nondiscriminatory local regulations concerning wireless communications services facilities and services that are consistent with federal and state laws and regulations;
3. Encourage providers of wireless communications services facilities to locate facilities, to the extent feasible, in areas where the adverse impact on the public health, safety and welfare is minimal;

4. For macro facilities, encourage the location of those facilities in nonresidential areas and allow macro facilities in residential areas only when necessary to meet functional requirements of the communications industry as defined by the Federal Communications Commission;
 5. Minimize the total number of macro facilities in residential areas;
 6. Encourage and, where legally permissible, require cooperation between competitors and, as a primary option, joint use of new and existing towers, tower sites and suitable structures to the greatest extent possible, where doing so would significantly reduce or eliminate additional negative impact on the City;
 7. Ensure wireless communications services facilities are configured in a way that minimizes the adverse visual impact of the facilities, as viewed from different vantage points, through careful design, landscape screening, minimal impact siting options and camouflaging techniques, dispersion of unscreened features to lessen the visual impact upon any one location, and through assessment of current location options, siting, future available locations, and innovative siting techniques;
 8. Enable wireless communication companies to enter into lease agreements with the City to use city property for the placement of wireless facilities, where consistent with other public needs, as a means to generate revenue for the City;
 9. Balance the City's intent to minimize the adverse impacts of wireless communications services facilities with the ability of the providers of communications services to deploy such services to the community quickly, effectively and efficiently;
 10. Provide for the prompt removal of wireless communications services facilities that are abandoned or no longer inspected for safety concerns and building code compliance, and provide a mechanism for the City to cause these abandoned wireless communications services facilities to be removed as necessary to protect the citizens from imminent harm and danger;
 11. Avoid potential damage to people and adjacent properties from tower failure and falling equipment, through strict compliance with state building and electrical codes; and
 12. Disperse the adverse impacts of small cell facilities as evenly as possible throughout the community, especially when joint use does not minimize additional visual impact.
- B. In furtherance of these objectives, the City shall give due consideration to the zoning code, existing land uses, and environmentally sensitive areas when approving sites for the location of wireless communications services facilities.
- C. These objectives were developed to protect the public health, safety and welfare, to protect property values, and to minimize and disperse visual impact, while furthering the development of enhanced communications services in the City. These objectives were designed to comply with the Telecommunications Act of 1996 and its implementing regulations. The provisions of this chapter are not intended to, and any ambiguities herein shall not be interpreted in such a manner that would materially inhibit the deployment of wireless communications services facilities. This chapter shall not be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent wireless facilities.

D. To the extent that any provision of this chapter conflicts with any other city ordinance, this chapter shall control. Otherwise, this chapter shall be construed consistently with the other provisions and regulations of the City.

E. In reviewing any application to place, construct or modify wireless communications services facilities, the City shall act within federally required time periods. Any decision to deny an application shall be in writing, supported by substantial evidence contained in a written record. The City shall approve, approve with conditions, or deny the application in accordance with this title, this chapter, the adopted Orting comprehensive plan, and other applicable ordinances and regulations.

F. Alternative Methods of Compliance. The City Administrator or designee in consultation with other City staff, as applicable, may accept alternative methods of complying with the development regulations of this chapter, provided it can be demonstrated that the alternative method is at least equivalent to such standards in terms of implementing the general purpose of this chapter. The City Administrator or designee shall not accept alternative methods of compliance that are inconsistent with the City Comprehensive Plan or with conditions of approval imposed through a land use action. Decisions on Alternative Methods of Compliance need to be documented in the project file and can be appealable in the same manner as an Administrative Interpretation. The City Administrator or designee shall periodically forward decisions on Alternative Methods of Compliance to the Planning Commission for its information.

13-9-2 Applicability.

A. Except as provided herein, all wireless communications services facilities shall comply with the provisions of this chapter. The standards and process requirements of this chapter supersede all other review process, setback, height or landscaping requirements of the Orting Municipal Code (OMC).

B. Environmental. All proposed installations are subject to a threshold determination under the State Environmental Policy Act (SEPA) according to Chapter 15-14 OMC unless categorically exempt pursuant to WAC 197-11-800. All proposals are subject to the critical area requirements and the shoreline master program (Title 11 OMC).

C. Master Permit Agreement Needed.

1. Consistent with RCW chapter 35.99 and Chapter 8-8 OMC, any person, corporation or entity that proposes to locate any portion of a wireless communications services facilities within the City right-of-way must have a valid fully executed master permit with the City before submitting applications for right-of-way construction permits.

2. Wireless providers interested in obtaining a master permit must apply according to the procedures of Chapter 8-8 OMC as well as supplying the following, in order to have a complete application:

a. submit three valid fully executed master permits that the provider has with other cities in Washington state, PROVIDED THAT, this requirement shall be excused to the extent that the provider does not have sufficient valid master permits in other jurisdictions to meet that requirement;

D. Right-of-Way Construction Permit. A right-of-way construction permit is required prior to performing any work within the City right-of-way pursuant to OMC Title 8.

13-9-3 Exemptions.

The following are exemptions from the provisions of this chapter:

- A. Routine maintenance or repair of wireless communication facilities.
- B. Radar systems for military and civilian communication and navigation.
- C. Handheld, mobile, marine and portable radio transmitters and/or receivers.
- D. Satellite antennas, including direct to home satellite services.
- E. Licensed amateur (ham) radio stations and citizen band stations.
- F. Earth station antenna(s) one meter or less in diameter and located in any zone.
- G. Earth station antenna(s) two meters or less in diameter and located in the business and commercial zones.
- H. A temporary wireless communications facility or COW installed for providing coverage of a special event such as news coverage or sporting event, subject to approval by the City. The wireless facility shall be exempt from the provisions of this chapter for up to two weeks before and after the duration of the special event.
- I. A temporary wireless communication facility or COW installed for a period of up to 180 days, subject to renewals at the City's discretion, to provide service during repair, replacement, or relocation of an existing facility or construction of a new facility.
- J. Subject to compliance with all other applicable standards of this chapter, in the event of an emergency, the emergency provisions of Chapter 8-8 OMC shall be followed.

13-9-4 Prohibitions.

- A. The following wireless communications services facilities are prohibited in Orting:
 - 1. Guyed towers.
 - 2. Lattice towers.
- B. Monopoles are prohibited in the following locations:
 - 1. All residential zones;
 - 2. MUTC Mixed Use-Town Center Zone;
 - 3. ~~MUTCN Mixed Use-Town Center North Zone;~~
 - 4. OS Open Space and Recreation Zone;
 - 5. ~~PF Public Facilities Zone;~~ and
 - 6. Within the City rights-of-way.

13-9-5 General macro facility siting criteria and design considerations.

- A. The City of Orting encourages wireless communication providers to use existing sites or

more frequent, less noticeable sites instead of attempting to provide coverage through use of taller towers. To that end, applicants shall consider the following priority of preferred locations for wireless communications services facilities:

1. Co-location, without an increase in the height of the building, pole or structure upon which the facility would be located;
 2. Co-location, where additional height is necessary above existing building, pole, or structure;
 3. A replacement pole or structure for an existing one;
 4. A new pole or structure altogether.
- B. Co-location shall be encouraged for all wireless communications services facilities applications and is implemented through less complex permit procedures.
1. To the greatest extent technically feasible, applicants for new monopole facilities shall be required to build mounts capable of accommodating at least one other carrier.
 2. New macro wireless communications services facilities that are not co-located will require a conditional use permit (C) under the provisions of OMC 13-6-2 and shall be processed in accordance with OMC Title 15 for a Type III permit. Separation requirements will be a condition of approval.
- C. Noise. Any facility that requires a generator or other device which will create noise audible beyond the boundaries of the site must demonstrate compliance with Chapter 5-8 OMC, Noise Control. A noise report, prepared by an acoustical engineer, shall be submitted with any application to construct and operate a wireless communications services facility that will have a generator or similar device. The City may require that the report be reviewed by a third-party expert at the expense of the applicant.
- D. Business License Requirement. Any person, corporation or entity that operates a wireless communications services facility within the City shall have a valid business license issued annually by the City. Any person, corporation or other business entity which owns a monopole also is required to obtain a business license on an annual basis.
- E. Signage. Only safety signs or those mandated by a government entity with jurisdiction may be located on wireless communications services facilities. No other types of signs are permitted on wireless communications services facilities.
- F. Any application must demonstrate that there is sufficient space for temporary parking for regular maintenance of the proposed facility.
- G. Finish. A monopole may be constructed of laminated wood, fiberglass, steel, or similar material. The pole shall be a neutral color so as to reduce its visual obtrusiveness, subject to any applicable standards of the FAA or FCC.
- H. Design. The design of all buildings and ancillary structures shall use materials, colors, textures, screening and landscaping that will blend the facilities with the natural setting and built environment.
- I. Color. All antennas and ancillary facilities located on buildings or structures other than

monopoles shall be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and ancillary facilities as visually unobtrusive as possible.

J. Lighting. Monopoles shall not be artificially lighted unless required by the FAA, FCC or other government entity with jurisdiction. If lighting is required and alternative lighting options are permitted, the City shall review the lighting alternatives and approve the design that would cause the least disturbance to the surrounding area. No strobe lighting of any type is permitted on any monopole, unless required by the FAA.

K. Advertising. No advertising is permitted at wireless communications services facilities sites or on any ancillary structure or facilities equipment enclosure.

L. Equipment Enclosure. Each applicant shall use the smallest equipment enclosure practical to contain the required equipment and a reserve for required co-location.

M. Radio Frequency Emissions Compliance. The applicant shall demonstrate that the project will not result in levels of radio frequency emissions that exceed FCC standards, including FCC Office of Engineering Technology (OET) Bulletin 65, Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields, as amended.

N. Landscaping and Screening.

1. The visual impacts of wireless communications services facilities should be mitigated and softened through landscaping or other screening materials at the base of a monopole, facility equipment compound, equipment enclosures and ancillary structures. If the antenna is mounted flush on an existing building or camouflaged as part of the building and other equipment is housed inside an existing structure, no landscaping is required. The City may reduce or waive the standards for those sides of the wireless communications services facilities that are not in public view, when a combination of existing vegetation, topography, walls, decorative fences or other features achieve the same degree of screening as the required landscaping; in locations where the visual impact of the facility would be minimal; and in those locations where large wooded lots not capable of subdivision and natural growth around the property perimeter provide a sufficient buffer.

2. Landscaping shall be installed on the outside of fences. Existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or as a supplement to landscaping or screening requirements. The following requirements apply:

a. A solid screen of evergreen trees or shrubs shall be placed around the perimeter of the equipment cabinet enclosure, except that a maximum 10-foot portion of the fence may remain without landscaping in order to provide access to the enclosure.

b. Landscaping area shall be a minimum of five feet in width around the perimeter of the enclosure.

c. Vegetation selected should be native and drought tolerant.

d. Landscaping shall be located so as not to create sight distance hazards or conflicts with other surrounding utilities.

3. When landscaping is used, the applicant shall submit a performance assurance

pursuant to OMC 13-5-2 (H).

4. The use of chain link, plastic, or wire fencing is prohibited. Ornamental metal, stone, wood, or vinyl fencing materials are preferred.

13-9-6 Permits and Shot Clocks.

A. No person may place, construct, reconstruct, modify or operate a wireless communications services facility, subject to this chapter, without first having in place a master permit agreement for right-of-way locations with a subsequent right-of-way permit and/or a building permit, as applicable, issued in accordance with this chapter. Except as otherwise provided herein, the requirements of this chapter are in addition to the applicable requirements of this title and OMC Title 8 (Public Ways and Property) and Title 11 (Critical Areas and Shoreline Management).

B. Applications will be reviewed based on the type of wireless communications services facilities requested to be permitted. Each wireless communications services facility requires the appropriate type of project permit review, as shown in Table A. In the event of uncertainty on the type of a wireless facility, the City Administrator or designee shall have the authority to determine what permits are required for the proposed facility.

Table A				
Request	Location	Building Permit Required	Right-of-Way (ROW) Permit Required	FCC Shot Clocks for Permit Review
Eligible facilities request	Existing tower or base station	Yes, if any elements on private property	Yes, if any elements in the ROW	60 days
New macro facility	Co-location	Yes, if any elements on private property	Yes, if any elements in the ROW	90 days
New macro facility	New structure or monopole (see 13-9-4 prohibited locations & 13-9-5 (B)(2) above for C Permit)	Yes, if any elements on private property	Yes, if any elements in the ROW	150 days
Small wireless facility (small cell node)	Co-location	Yes, if any elements on private property	Yes, if any elements in the ROW	60 days
Small wireless facility (small cell node)	New structure or freestanding small cell pole	Yes, if any elements on private property	Yes, if any elements in the ROW	90 days
Temporary facility	Varies	Yes, if applicable	Yes, if any elements in the ROW	Standard permit quotes

C. Timelines.

1. Macro cell.

The application review period begins when all required application materials have been received and fees paid. If the City determines that the application is incomplete and provides notice to the applicant within thirty (30) calendar days of the date of application, the clock stops. The clock restarts when the City receives the applicant's supplemental submission in response to the City's notice of incompleteness. For subsequent determinations of incompleteness, the clock tolls (pauses) if the City provides written notice within ten (10) days that a supplemental submission did not provide the requested information. For new structures or monopoles, see OMC 13-9-5 (B)(2) above for C Permit requirement.

2. Small wireless facility (small cell node).

The application review period begins when all required application materials have been received and fees paid. If the City determines that the application is incomplete and provides notice to the applicant within ten (10) calendar days of the date of application, the clock stops. The clock resets to zero (0) when the City receives the applicant's supplemental submission in response to the City's notice of incompleteness. For subsequent determinations of incompleteness, the clock tolls (pauses) if the City provides written notice within ten (10) days that a supplemental submission did not provide the requested information.

D. Batched small wireless facility (small cell node) applications.

If an applicant is applying for a small wireless network in a contiguous service area, multiple small wireless facilities may be batched into one application, PROVIDED THAT the application fee shall still be calculated as if the applications were submitted separately. The City may approve, deny or conditionally approve all or any portion of the small wireless facilities proposed in the application. The denial of one or more small wireless facility locations within one submission shall not be the sole basis for a denial of other locations or the entire batched application for small wireless facilities. Should an applicant file a single application for a batch that includes both collocated and new structures for small wireless facilities, the longer 90-day shot clock shall apply to ensure the City has adequate time to review the new construction sites.

E. Any application submitted pursuant to this chapter for projects located on public or private property shall be reviewed and evaluated by the City as described in this chapter. The Public Works Director or his/her designee shall review all proposed wireless communications services facilities that are located partially or fully within the City rights-of-way. All applications will be reviewed and evaluated pursuant to the provisions of this chapter.

F. All applications for wireless communications services facilities shall be reviewed for compliance with the applicable design standards.

G. The applicant is responsible for obtaining all other permits and approvals from any other appropriate governing body or agency with jurisdiction (i.e., Washington State Department of Labor and Industries, Federal Aviation Administration, Puget Sound Energy, etc.).

H. No provision of this chapter shall be interpreted to allow the installation of a wireless communications services facilities which minimizes parking, landscaping, or other site development standards established by the OMC.

I. Wireless communications services facilities that are governed under this chapter shall not be eligible for variances under OMC Chapter 13-6-3. Any request to deviate from this chapter shall be based solely on the exceptions set forth in this chapter, including Alternative Methods of Compliance under OMC 13-9-1 (F).

J. Third-party Review. Applicants may use various methodologies and analyses, including geographically based computer software, to determine the specific technical parameters of the services to be provided utilizing the proposed wireless communications services facilities, such as expected coverage area, antenna configuration, capacity, and topographic constraints that affect signal paths. In certain instances, a third-party expert may be needed to review the engineering and technical data submitted by an applicant for a permit. The City may at its discretion require third-party engineering and technical review as part of a permitting process. The costs of the technical third-party review shall be borne by the applicant.

1. The selection of the third-party expert is at the discretion of the City. The third-party expert review is intended to address interference and public safety issues and be a site-specific review of engineering and technical aspects of the proposed wireless communications services facilities and/or a review of the applicants' methodology and equipment used, and is not intended to be a subjective review of the site which was selected by an applicant. Based on the results of the expert review, the City may require changes to the proposal. The third-party review shall address the following:

- a. The accuracy and completeness of submissions;
- b. The applicability of analysis techniques and methodologies;
- c. The validity of conclusions reached;
- d. The viability of other site or sites in the City for the use intended by the applicant; and
- e. Any specific engineering or technical issues designated by the City.

K. Notwithstanding other remedies that may be available under federal law, failure of the City to issue permits within or otherwise comply with the FCC shot clock requirements does not provide a "deemed" grant of approval for macro or small wireless facilities, as it does for an Eligible Facilities Request. No work may occur until the permit issues.

13-9-7 Application requirements.

The following information must be submitted as part of a complete application for a wireless communications services facility permit in the City of Orting:

- A. Project description including a design narrative and co-location analysis indicating the alternative locations considered;
- B. Site information on scaled plans, including:
 1. Site plan;
 2. Elevation drawings;
 3. Utility plan showing existing utilities, proposed facility location, and undergrounding;

- 4. Screening, camouflaging, or landscaping plan and cost estimate, as appropriate;
- C. Photos and photo simulations showing the existing appearance of the site and appearance of the proposed installation from nearby public viewpoints;
- D. Noise report, if applicable;
- E. Radio Frequency (RF) emissions standards. The applicant shall provide the certification of an RF engineer with knowledge of the proposed development that the wireless communications services facilities will comply with RF standards adopted by the Federal Communications Commission (FCC). The City recognizes that the Federal Telecommunications Act of 1996 gives the FCC sole jurisdiction in the field of regulation of RF emissions and wireless facilities that meet FCC standards shall not be conditioned or denied on the basis of RF impacts.
- F. Application for Architectural Design Review.
- G. Any other documentation deemed necessary by the City in order to issue a decision.

13-9-8 Eligible facilities requests.

This section implements section 6409 of the Spectrum Act (codified at 47 U.S.C. 1455), which requires the City of Orting to approve any eligible facilities request for a modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station.

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

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

- a. Equipment associated with wireless communications services as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- b. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and back-up power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems (“DAS”) and small cell networks).
- c. Any structure other than a tower that, at the time the relevant application is filed (with jurisdiction) under this section, supports or houses equipment described in subsections (A)(1)(a) and (b) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

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

2. Collocation. The mounting or installation of transmission equipment on an eligible

support structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes.

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

- a. Collocation of new transmission equipment;
- b. Removal of transmission equipment; or
- c. Replacement of transmission equipment.

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

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

6. Site. For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

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

- a. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten (10) percent or by the height of one (1) additional antenna array with separation from the nearest existing antenna, not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten (10) percent or more than ten (10) feet, whichever is greater.

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

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

- c. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public streets and base stations, it involves installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten (10) percent larger in height or overall volume than any other ground cabinets associated with the structure;
- d. It entails any excavation or deployment outside the current site;
- e. It would defeat the concealment elements of the eligible support structure; or
- f. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment; provided, however, that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified above.

B. Qualification as an Eligible Facilities Request. Upon receipt of an application for an eligible facilities request, the City will review the application to determine whether it qualifies as an eligible facilities request.

C. Time Frame for Review. Within sixty (60) days of the date on which a network provider submits an eligible facilities request application, the City must approve the application unless it determines that the application is not covered by this section.

D. Tolling of the Time Frame for Review. The sixty (60) day review period begins to run when the application is submitted, and may be tolled only by mutual agreement by the City and the applicant or in cases where the City determines that the application is incomplete. The time frame for review of an eligible facilities request is not tolled by a moratorium on the review of applications.

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

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

3. Following a supplemental submission, the City will notify the applicant within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this subsection. Second or subsequent notice of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

E. Determination That Application Is Not an Eligible Facilities Request. If the City determines that the applicant's request does not qualify as an eligible facilities request, the City must deny the application.

F. Failure to Act. In the event the City fails to approve or deny a request for an eligible facilities request within the time frame for review (accounting for any tolling), the request is

deemed granted. The deemed grant does not become effective until the applicant notifies the City in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

G. To the extent feasible, additional antennas and equipment shall maintain the appearance intended by the original facility, including, but not limited to, color, screening, landscaping, camouflage, concealment techniques, mounting configuration, or architectural treatment.

13-9-9 New building-mounted macro wireless communications services facilities standards.

A. Generally. Wireless communications services facilities located on the roof or on the side of the building shall be grouped together, integrated to the maximum possible degree with the building design, placed toward the center of the roof and/or thoroughly screened from residential building views and from public views using radio frequency-transparent panels. Building-mounted wireless communications services facilities shall be painted with nonreflective colors to match the existing surface where the antennas are mounted.

B. Height. The following requirements shall apply:

1. Mixed-Use Town Center and Mixed-Use Town Center North zones. For buildings at, or which exceed, the height limit of the underlying zone, antennas shall be flush-mounted, and no portion of the antenna may extend above the building on which it is mounted. For buildings below the height limit, antennas may be built to the maximum height of the zone provided they are screened consistent with the existing building in terms of color, architectural style and material. Flush-mounted antennas may encroach into a required setback or into the City right-of-way if a right-of-way use agreement is established with the City. Antennas shall not project into the right-of-way by more than two feet and shall provide a minimum clearance height of 20 feet over any pedestrian or vehicular right-of-way.

2. Outside the Mixed-Use Town Center and Mixed-Use Town Center North zones. The maximum height of building-mounted facilities and equipment shall not exceed ten (10) feet above the top of the roof on which the facility is located. This standard applies to all buildings regardless of whether they are at or above the maximum height of the underlying zone. Such antennas must be well integrated with the existing structure or designed to look like common rooftop structures such as chimneys, vents and stovepipes.

C. Equipment Enclosure. Equipment enclosures for building-mounted wireless communications services facilities shall first be located within the building on which the facility is located. If an equipment enclosure within the building is reasonably unavailable, then an equipment enclosure may be incorporated into the roof design provided the enclosure meets the height requirement for the zone. If the equipment can be screened by placing the equipment below existing parapet walls, no additional screening is required. If screening is required, then the screening must be consistent with the existing building in terms of color, architectural style and material. Finally, if there is no other choice but to locate the equipment enclosure on the ground, the equipment must be enclosed within an accessory structure which meets the setbacks of the underlying zone and be screened in accordance this chapter.

D. Feed Lines and Coaxial Cables. Feed lines and cables should be located below the parapet of the rooftop, if present. If the feed lines and cables are visible from a public right-of-way or

adjacent property, they must be painted to match the color scheme of the building.



Acceptable Building-Mounted Macro Example



Unacceptable Building-Mounted Macro Example

13-9-10 New structure-mounted macro wireless communications services facilities standards.

A. Generally. Wireless communications services facilities located on structures other than buildings, such as utility poles, light poles, flag poles, transformers, and/or tanks, shall be designed to blend with these structures and be mounted on them in an inconspicuous manner. Installation of wireless communications services facilities on utility poles, light poles, transformers, etc. shall comply with the requirements of Puget Sound Energy, as applicable.

1. Wireless communications services facilities located on structures within city rights-of-way adjacent to any residential zone shall satisfy the following requirement:
 - a. No metal pole or tower shall be used within the right-of-way adjacent to a residentially zoned neighborhood unless required in order to comply with the provisions of the State Electrical Code. Wooden poles of height and type generally in use in the surrounding residential neighborhood shall be used unless prohibited by the State Electrical Code.

2. Wireless communications services facilities located on structures shall be painted with nonreflective colors in a scheme that blends with the underlying structure.

B. Height.

1. The maximum height of structure-mounted wireless communications services facilities shall not exceed the maximum height specified for each structure or zoning district; provided the wireless communications services facilities may extend up to six feet above the top of the structure on which the wireless communications services facilities is installed. Antennas and related equipment shall be mounted as close as practicable to the structure.

2. Only one extension is permitted per structure.

3. If installed on an electrical transmission or distribution pole, a maximum 15-foot vertical separation is required from the height of the existing power lines at the site (prior to any pole replacement) to the bottom of the antenna. This vertical separation is intended to allow wireless carriers to comply with the electrical utility's requirements for separation between their transmission lines and the carrier's antennas.

C. Equipment Enclosure. If the equipment enclosure is within the right-of-way, the enclosure shall be underground. It is preferred that equipment enclosures on private property be underground; however, if there is no other feasible option but to locate the equipment enclosure above ground on private property, the equipment must be enclosed within an accessory structure which meets the setbacks of the underlying zone and be screened in accordance this chapter.

D. Feed Lines and Coaxial Cable. Feed lines and cables must be painted to closely match the color scheme of the structure which supports the antennas.

E. Only wireless communication providers with a valid master permit shall be eligible to apply for a right-of-way construction permit, which shall be required prior to installation of facilities within the City right-of-way and be in addition to other permits specified in this chapter.



Acceptable Structure-Mounted Macro Example



Unacceptable Structure-Mounted Macro Example

13-9-11 New monopole (macro wireless communications services facilities) standards.

A. To the greatest extent technically feasible, applicants for new monopole facilities must build mounts capable of accommodating at least one additional carrier.

B. No part of a monopole, antennas or antenna equipment may exceed the maximum height of the zone where the facility is located.

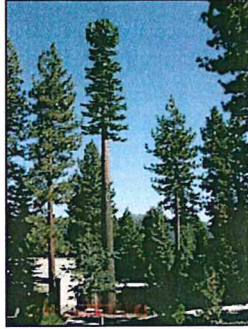
C. Monopoles must be completely shrouded. All antennas, equipment and cables must be concealed.

D. All monopole facilities must conform to the following site development standards:

1. To the greatest extent possible, monopole facilities shall be located where existing trees, existing structures and other existing site features camouflage these facilities and/or stealth technology is utilized.

2. Existing mature vegetation should be retained to the greatest possible degree in order to help conceal the facility.

3. It is preferred that equipment enclosures on private property be underground; however, if there is no other feasible option but to locate the equipment enclosure above ground on private property, the equipment must be enclosed within an accessory structure which meets the setbacks of the underlying zone and be screened in accordance with this chapter. See OMC 13-9-4 for monopole prohibited locations.



Acceptable Monopole Macro Examples



Unacceptable Monopole Macro Example

13-9-12 Temporary facilities.

A. The installation of a “cell-on-wheels” or COWs and the installation site shall comply with all applicable laws, statutes, requirements, rules, regulations, and codes, including, but not limited to, the adopted Building, Fire, and Electrical Codes.

B. All COWs and related appurtenances sited for emergencies, shall be completely removed from the installation site within 30 days of the date of the end of the emergency as determined by the City Administrator or designee.

13-9-13 Small wireless communications services facilities standards (small cell).

Unlike macro facilities which are intended to provide wireless coverage over large areas, the goal of a small wireless deployment is to provide additional capacity in localized areas, including residential neighborhoods, using smaller antennas and equipment. The intent of this section is to describe the City’s location options for small cell deployments and provide appropriate design standards to ensure that the negative visual impacts of wireless facilities are minimized, and the City’s long-term goal of utility undergrounding is not frustrated.

A. Permitted locations.

1. Small cell attachments to buildings are permitted in any zone and are not subject to the dispersion requirement below.
2. Dispersion Requirement: No two small wireless facilities shall be located within 300 lineal feet of each other as measured along the right-of-way line.
3. Installations in the Mixed-Use Town Center and Mixed-Use Town Center North zones shall be limited to building attachments or through the replacement or new installation of a street light designed to contain a small wireless facility that complies with the adopted architectural design review guidelines.

B. Location options.

Wireless providers shall attempt to site their small wireless communications services facilities pursuant to the following siting preferences (in descending order starting with the most preferred):

1. Outside the Right-of-Way / Private Property:

a. Roof-mounted on an existing building.

- 1) Small cell facilities may be built to the maximum height of the

underlying zone provided they are screened consistent with the existing building in terms of color, architectural style and materials.

2) Such facilities must be concealed and well-integrated with the existing structure or designed and located to look like common rooftop elements such as chimneys, elevator penthouses or screened HVAC equipment.

3) Height exception. Antennas may be located on buildings that are nonconforming for height provided that, they are constructed to be no taller than the adjacent façade or an existing parapet. Equipment may be located on a roof behind a parapet that is nonconforming for height.

b. Façade-mounted on an existing building.

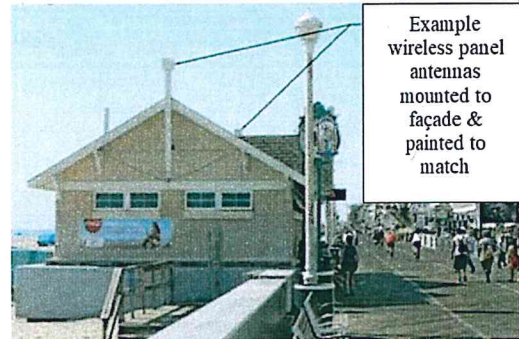
1) Small cell antennas may be mounted to the side of a building if they do not interrupt and are integrated with the building's architectural theme.

2) To the extent technically feasible, new architectural features such as columns, pilasters, corbels, or similar ornamentation that conceals the antennas should be used if it complements the architecture of the existing building.

3) If concealment is not feasible, the antennas must be camouflaged. The smallest feasible mounting brackets must be used, and the antennas must be painted and textured to match the adjacent building surfaces, to the extent technically feasible.

4) Façade-mounted antennas may encroach into a required setback. Antennas may not project into the right-of-way more than twelve (12) inches and shall provide a minimum clearance height of 20 feet over any pedestrian or vehicular right-of-way.

5) To the extent technically feasible, all other equipment must be located within the building,



screened by an existing parapet, or completely concealed and well-integrated with the existing structure or designed and located to look like common rooftop elements such as chimneys, elevator penthouses or screened HVAC equipment. Exposed cabling/wiring is prohibited.

6) Height exception. Antennas may be located on buildings that are nonconforming for height provided that, they are constructed to be no taller than the adjacent façade or an existing parapet. Equipment may be located on a roof behind a parapet that is nonconforming for height.

c. Freestanding small cell on private property

1) Dimensional requirements

a) A freestanding small cell may not exceed 50 feet in height measured from the top of the foundation to the top of the cantenna/antenna.

b) The cantenna/antenna must have a maximum outer diameter of 16 inches, to the extent technically feasible, and be tapered to transition from the upper pole.

2) Appearance requirements

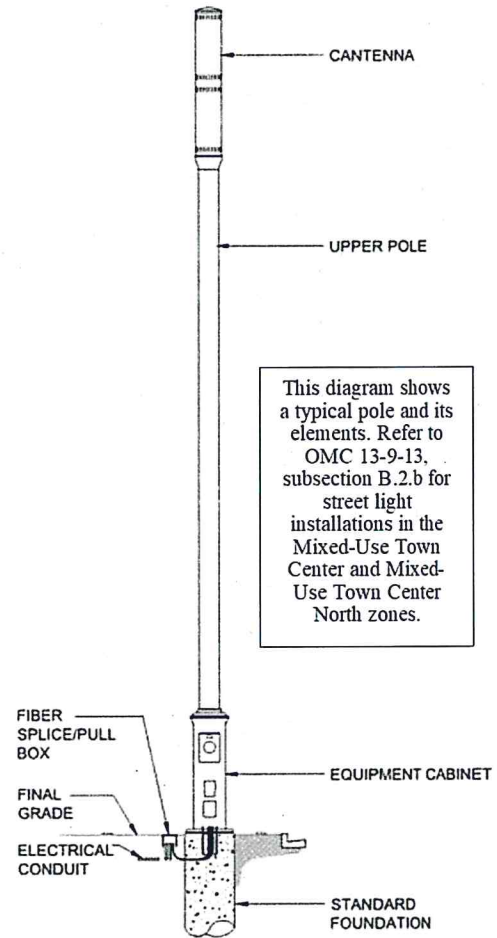
a) All small cell carrier equipment must be housed internal to the equipment cabinet or hidden within the cantenna/antenna. The cantenna/antenna, upper pole and equipment cabinet must be the same color, unless otherwise approved by the City.

b) All hardware connections shall be hidden from view.

c) To the extent technically feasible, no equipment may be attached to the outside of the pole.

d) The freestanding small cell pole must be served by underground power and fiber, if fiber is to be connected.

e) May provide space for future collocation by another provider inside the same freestanding small cell pole facilities.



3) Placement requirements. Freestanding small cells shall be located as follows, to the extent technically feasible:

a) Located such that they in no way impede, obstruct, or hinder the usual pedestrian or vehicular travel, or violate applicable law.

b) Outside the Residential Zones, Mixed-Use Town Center, and Mixed-Use Town Center North zones.

c) Not to be located along the frontage of a Historic building, deemed historic on a federal, state, or local level.

d) Not to significantly create a new obstruction to property sight lines.

e) In alignment with existing trees, utility poles, and streetlights.

f) With appropriate safety clearance from existing utilities.

g) On the same side of the street as existing power lines, regardless of whether power is underground or overhead;

h) No two freestanding small cell poles may be located within 300 lineal

feet of each other as measured along the right-of-way line.

2. Within the right-of-way - existing/replaced hollow street light pole or utility pole:

a. Installation of small wireless communications services facilities on street lights and utility poles shall comply with the requirements of Puget Sound Energy, as applicable.

b. Combination small cell and streetlight pole should be located where an existing streetlight pole can be utilized or removed and replaced with a pole that allows for small wireless facility installation in the same location.

c. Pole design shall match or be compatible with the aesthetics of existing streetlights installed adjacent to the pole. In the Mixed-Use Town Center and Mixed-Use Town Center North zones, poles designed to contain a small wireless facility shall comply with the adopted architectural design review guidelines.

d. A decorative transition shall be installed over the equipment cabinet upper bolts, or a decorative base cover shall be installed to match the equipment cabinet size.

e. An internal divider shall separate electrical wiring and fiber, per the pole owner.

f. Weatherproof grommets shall be integrated in the pole design to allow cable to exit the pole, for external shrouds, without water seeping into the pole.

g. For installations on existing street lights, the antenna shall either be fully concealed within the pole or placed on top of the pole. A cantenna/antenna on top of a pole shall be integrated into the pole design so that it appears as a continuation of the original pole, including colored or painted to match or be compatible with the pole. 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, to the extent technically feasible.

h. Street light pole shall be located as follows, to the extent technically feasible:

1) In a manner that does not impede, obstruct, or hinder pedestrian or vehicular travel.

a) In alignment with existing trees, utility poles, and streetlights.

b) Within the street amenity zone wherever possible.

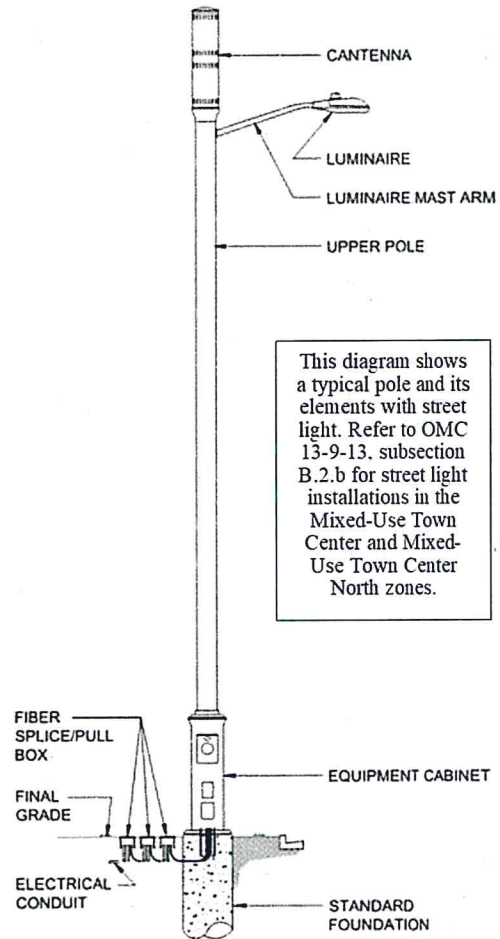
c) Equal distance between trees when possible, with a minimum of 15-foot separation such that no proposed disturbance shall occur within the critical root zone of any tree.

d) With appropriate clearance from existing utilities.

e) Outside the clear sight triangle, as determined by the City, at intersection corners.

f) 10-feet away from the intersection of an alley with a street.

2) All conduit, cables, wires and fiber must be routed internally in the light pole.



3. Within the right-of-way - existing single-phase power pole (installation on top of pole):

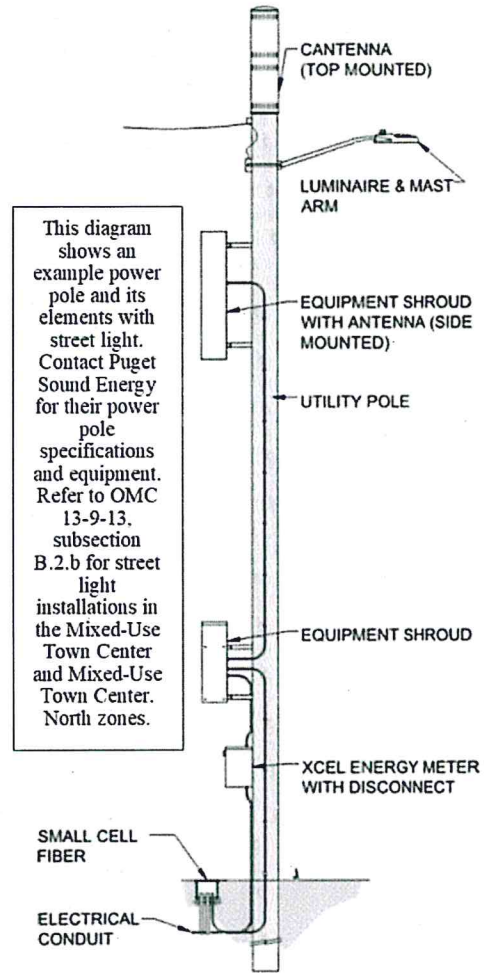
a. Installation of small wireless communications services facilities on existing single-phase power poles shall comply with the requirements of Puget Sound Energy.

b. A cantenna/antenna on top of a pole shall be integrated into the pole design so that it appears as a continuation of the original pole, including colored or painted to match or be compatible with the pole. 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, to the extent technically feasible.

c. Equipment enclosures and all ancillary equipment and boxes shall be colored or painted to match the color of the surface of the pole in which they are attached. All related equipment shall not be mounted more than five (5) inches from the surface of the pole, unless a further distance is technically required, and is confirmed in writing by the pole owner.

d. 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 or be compatible with the color of the surface of the pole. The number of conduit shall be minimized to the number technically necessary to accommodate a small wireless facility.

e. An existing power pole in a proposed location may be replaced with a taller pole for the purpose of accommodating a small wireless facility; provided, that the height of any replacement pole may not exceed fifty (50) feet to the top of the antenna(s), or the maximum height allowed by the definition of "small wireless facility", whichever is greater.



f. The replacement pole shall comply with the City's sidewalk clearance requirements and ADA requirements.

4. Within the right-of-way - freestanding small cell pole or new street light

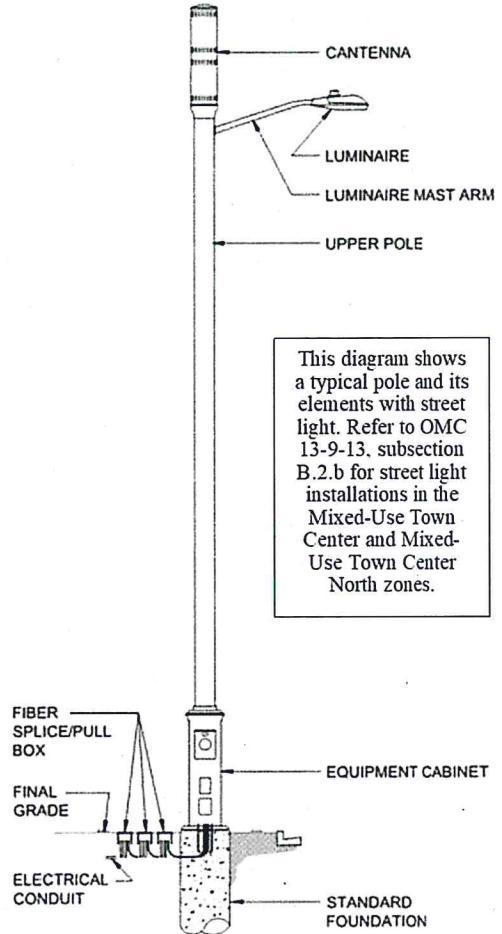
a. Refer to OMC 13-9-13, subsections (B)(1)(c) for dimensional and appearance standards. Installation of small wireless communications services facilities on street lights shall comply with the requirements of Puget Sound Energy, as applicable.

b. New street light. The replacement street light pole requirements are also applicable to the new street light option, except that a street light would be incorporated into the design of the facility. In addition, the following applies, to the extent technically feasible:

- 1) A street light shall not be installed unless it has been identified by the Public Works Director or designee that a street light is necessary at the location in which the small cell facility is proposed. A street light may be required to be installed instead of a freestanding pole.
- 2) In the Mixed-Use Town Center and Mixed-Use Town Center North zones, poles designed to contain a small wireless facility shall comply with the adopted architectural design review guidelines.

c. Placement requirements for freestanding small cell poles. Freestanding small cell poles shall be located in compliance with the following, to the extent technically feasible:

- 1) Located such that they in no way impede, obstruct, or hinder the usual pedestrian or vehicular travel, obstruct the legal access to or use of the public ROW, violate applicable law, violate or fail to substantially comply with public ROW design standards, specifications, or design district requirements, violate the Federal Americans with Disabilities Act of 1990, or in any way create a risk to public health, safety, or welfare.



- 2) Outside the Mixed-Use Town Center and Mixed-Use Town Center North zones.
- 3) Not to be located along the frontage of a Historic building, deemed historic on a federal, state, or local level.
- 4) Not to significantly create a new obstruction to property sight lines.
- 5) In alignment with existing trees, utility poles, and streetlights.
- 6) Within the street amenity zone wherever possible.
- 7) Equal distance between trees when possible, with a minimum of 15-foot separation such that no proposed disturbance shall occur within the critical root zone of any tree.
- 8) With appropriate clearance from existing utilities.
- 9) Outside the clear sight triangle, as determined by the City, at intersection corners.
- 10) 10-feet away from the intersection of an alley with a street.
- 11) On the same side of the street as existing power lines, regardless of whether power is underground or overhead;
- 12) No two freestanding small cell poles may be located within 300 lineal feet of each other as measured along the right-of-way line.

5. Within the right-of-way - existing power pole (installation below top of pole):

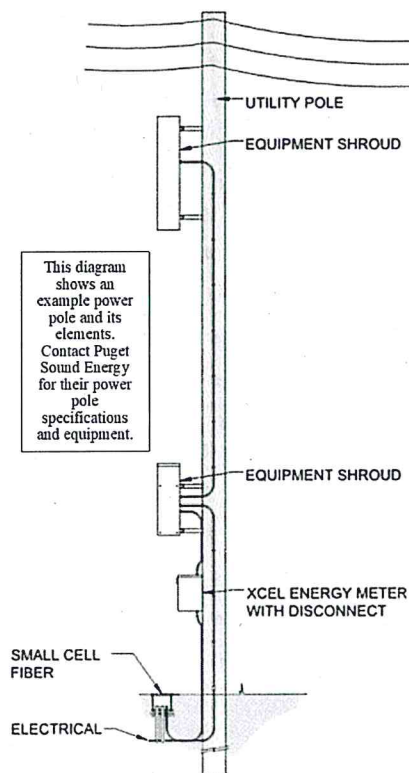
a. Installation of small wireless communications services facilities on existing power poles shall comply with the requirements of Puget Sound Energy.

b. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness.

c. The inside edge of a side mounted canister antenna/equipment shroud shall be no more than twelve (12) inches from the surface of the pole.

d. Antennas and equipment located within a unified enclosure shall not exceed twenty eight (28) cubic feet. To the extent possible, the unified enclosure shall be placed so as to appear as an integrated part of the pole or behind banners or signs.

e. The unified enclosure may not be placed more than six (6) inches from the surface of the pole, unless a further



distance is technically required and confirmed in writing by the pole owner.

f. Equipment enclosures and all ancillary equipment and boxes shall be colored or painted to match the color of the surface of the pole in which they are attached. All related equipment shall not be mounted more than six (6) inches from the surface of the pole, unless a further distance is technically required, and is confirmed in writing by the pole owner.

g. 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 color of the surface of the pole. The number of conduit shall be minimized to the number technically necessary to accommodate a small wireless facility.

h. An existing power pole in a proposed location may be replaced with a taller pole for the purpose of accommodating a small wireless facility; provided, that the height of any replacement pole may not extend more than ten (10) feet above the height of the existing pole, or the maximum height allowed by the definition of "small wireless facility," whichever is greater, unless a further height increase is required and confirmed in writing by the pole owner and that such height increase is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.

i. The replacement pole shall comply with the City's sidewalk clearance requirements and ADA requirements.

6. Within the right-of-way – strand-mounted

a. Installation of small wireless communications services facilities mounted on cables strung between existing utility poles shall comply with the requirements of Puget Sound Energy.

b. Each strand mounted antenna shall not exceed three (3) cubic feet in volume.

c. Only two strand mounted facilities are permitted between any two existing poles.

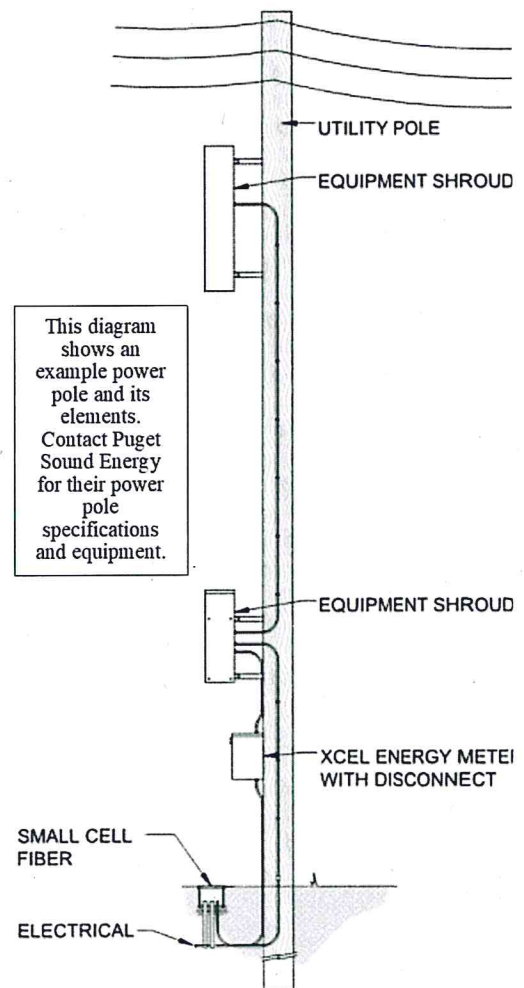
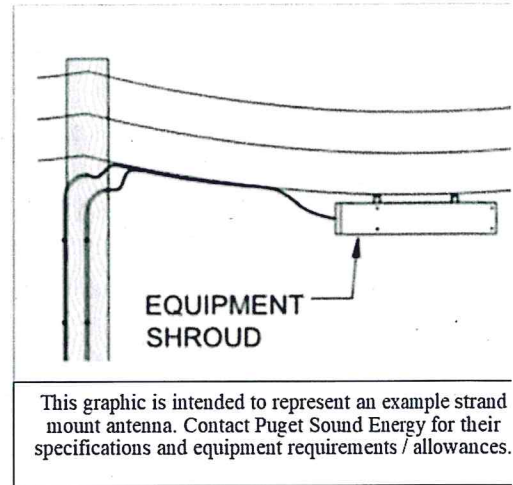
d. The strand mounted devices shall be placed as close as possible to the nearest utility pole, in no event more than five (5) feet from the pole unless a greater distance is technically necessary or required for safety clearance and confirmed in writing by the pole owner.

e. No strand mounted device shall be located in or above the portion of the roadway open to vehicular traffic.

f. Ground mounted equipment to accommodate such strand mounted facilities is not permitted, except when placed in pre-existing equipment cabinets, underground or on zoned property or when required by another party, such as an electrical meter.

g. Pole mounted equipment enclosures and all ancillary equipment and boxes shall be colored or painted to match the color of the surface of the pole in which they are attached. All related equipment shall not be mounted more than six (6) inches from the surface of the pole, unless a further distance is technically required, and is confirmed in writing by the pole owner.

1) 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 color of the surface of the pole. The number of conduit shall be minimized to the number



technically necessary to
accommodate a small cell wireless
facility

h. Such strand mounted devices must be installed with the minimum excess exterior cabling or wires (other than the original strand) necessary to meet the technological needs of the facility.

C. Location preference criteria.

A proposed small wireless facility location shall only be allowed in a lower ranking location as provided in the location hierarchy in subsection B above, if the applicant can demonstrate that all higher-ranking locations are not technically feasible to locate the particular small wireless facility.

D. Small wireless facility general standards.

1. Ground mounted equipment in the rights-of-way is prohibited, unless such facilities are placed underground, or the applicant can demonstrate that pole mounted or undergrounded equipment is technically infeasible. If ground mounted equipment is necessary, then the applicant must submit a plan of how the equipment will be concealed that is consistent with these standards. Generators located in the rights-of-way are prohibited.
2. No equipment shall be operated to produce noise in violation of Chapter 5-8 OMC.
3. Replacement poles, new poles, and all equipment shall comply with the Americans with Disabilities Act ("ADA"), city construction and sidewalk clearance standards, and state and federal regulations in order to provide a clear and safe passage within the rights-of-way.
4. Replacement poles shall be located as near as possible to the existing pole with the requirement to remove the abandoned pole.
5. The design criteria as applicable to small wireless facilities described herein shall be considered concealment elements and such small cell facilities may only be expanded upon through an eligible facilities request described in Section 13-9-8 OMC, when the modification does not defeat the concealment elements of the facility.
6. No signage, message, or identification other than the manufacturer's identification or identification required by governing law is allowed to be portrayed on any antenna, and any such signage on equipment enclosures shall be of the minimum amount possible to achieve the intended purpose; provided, that signs are permitted as concealment techniques where appropriate.
7. Antennas and related equipment may not be illuminated except for security reasons, required by a federal or state authority, or unless approved as part of a concealment element plan.
8. Side arm mounts for antennas or equipment are prohibited.

13-9-14 Abandonment or discontinuation of use.

- A. At such time that a licensed carrier plans to abandon or discontinue operation of a wireless communications services facility, such carrier will notify the City by certified U.S. Mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations.
- B. In the event that a licensed carrier fails to give such notice, the wireless communications services facilities shall be considered abandoned upon the discovery of such discontinuation of operations.
- C. Within 90 days from the date of abandonment or discontinuation of use, the carrier shall physically remove the wireless communications services facilities. "Physically remove" shall include, but not be limited to:
 - 1. Removal of antennas, mounts or racks, the equipment enclosure, screening, cabling and the like from the subject property.
 - 2. Transportation of the materials removed to a repository outside of the City.
 - 3. Restoration of the wireless communications services facilities site to its pre-permit condition, as determined by the City, and that any landscaping provided by the wireless communications services facilities operator may remain in place.
 - 4. If a carrier fails to remove a wireless communications services facility in accordance with this section, the City shall have the authority to enter the subject property and physically remove the facility. Costs for removal of the wireless communications services facility shall be charged to the wireless communications services facilities owner or operator in the event the City removes the facility.

13-9-15 Maintenance.

- A. The applicant shall maintain the wireless communications services facility to standards that may be imposed by the City by ordinance or through a permit condition. Such maintenance shall include, but not be limited to, repair of damaged shrouds or enclosures, painting, structural integrity, and landscaping.
- B. In the event the applicant fails to maintain the facility, the City of Orting may undertake enforcement action as allowed by existing codes and regulations.

13-9-16 Definitions.

- A. Antenna(s). Any apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to Commission authorization, for the provision of personal wireless service and any commingled information services.
- B. "Cell-on-wheels (COW)" are used to provide temporary service, usually for special events, before the installation of a permanent wireless site, or in emergencies.
- C. "Co-location" means the mounting or installation of an antenna on an existing tower, building or structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes, whether or not there is an existing antenna on the structure.

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

E. “Distributed antenna system (DAS)” is a network of spatially separated antenna sites connected to a common source that provides wireless service within a discrete geographic area or structure.

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

G. “Freestanding small cell pole” is a freestanding structure which consists of a single vertical pole, fixed into the ground and/or attached to a foundation built for the sole purpose of supporting small wireless antennas and associated equipment.

H. “Guyed tower” means a monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

I. “Lattice tower” is a wireless communication support structure which consists of metal crossed strips or bars to support antennas and related equipment.

J. “Licensed carrier” is a company authorized by the Federal Communications Commission to build and operate a commercial mobile radio services system.

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

L. “Monopole” means a freestanding structure which consists of a single vertical pole, fixed into the ground and/or attached to a foundation with no guy wires built for the sole or primary purpose of supporting macro antennas and their associated equipment.

M. Poles. Utility poles, light poles or other types of poles, used primarily to support electrical wires, telephone wires, television cable, lighting, or guide posts; or are constructed for the sole purpose of supporting wireless communications services facilities.

N. “Satellite earth station antenna” includes any antenna in any zoning district that:

1. Is designed to receive direct broadcast satellite service, including direct-to-home satellite services, and that is one meter or less in diameter;
2. Is two meters or less in diameter in areas where commercial or industrial uses are generally permitted;
3. Is designed to receive programming services by means of multi-point distribution

services, instructional television fixed services, and local multi-point distribution services, that is one meter or less in diameter or diagonal measurement; and

4. Is designed to receive television broadcast signals.

O. Small wireless facility (or small cell node / small cell facility). A wireless facility that meets each of the following conditions:

1. The facilities:

a. Are mounted on structures 50 feet or less in height including their antennas, or

b. Are mounted on structures no more than 10 percent taller than other adjacent structures, or

c. Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;

2. Each antenna associated with the deployment, excluding antenna equipment, is not more than three cubic feet in volume;

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

4. The facilities do not require antenna structure registration under FCC rule;

5. The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified by FCC rule.

P. "Unlicensed wireless services" means the offering of communications services using duly authorized devices which do not require individual licenses but does not mean the provision of direct- to-home satellite services.

O. Wireless communications services facilities / wireless communications facility (WCF) means an unstaffed facility for the transmission and reception of radio or microwave signals used for commercial communications. A WCF provides services which include cellular phone, personal communication services, other mobile radio services, and any other service provided by wireless common carriers licensed by the Federal Communications Commission (FCC). WCFs are composed of two or more of the following components:

- Antenna;
- Mount;
- Equipment enclosure;
- Security barrier.

R. Wireless communications services facilities / wireless communications facility (WCF), "building-mounted" means a wireless communications services facility mounted to the roof, wall or chimney of a building.

S. Wireless communications services facilities / wireless communications facility (WCF), "camouflaged" means a wireless communications services facility that is disguised, hidden, or integrated with an existing structure that is not a monopole, guyed or lattice tower, or placed

within an existing or proposed structure.

T. Wireless communications services facilities / wireless communications facility (WCF), “equipment enclosure” means a small structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning and emergency generators.

U. Wireless communications services facilities / wireless communications facility (WCF), “related equipment” is all equipment ancillary to a wireless communications services facilities such as coaxial cable, GPS receivers, conduit and connectors.

V. Wireless communications services facilities / wireless communications facility (WCF), “structure-mounted” means a wireless communications services facility located on structures other than buildings, such as light poles, utility poles, flag poles, transformers, and/or tanks.

W. “Wireless communication services” means any personal wireless services as defined in the Federal Telecommunications Act of 1996, including federally licensed wireless communications services consisting of cellular services, personal communications services (PCS), specialized mobile radio services (SMR), enhanced specialized mobile radio services (ESMR), paging, and similar services that currently exist or that may be developed in the future.



**City Of Orting
Council Agenda Summary Sheet**

Subject: Appointment of Planning Commissioners		Committee	Study Session	Council
	Agenda Item #:	N/A		AB19-26
	For Agenda of:			4.10.19
	Department:	Executive		
	Date Submitted:	4.3.19		
Cost of Item:		_ \$		
Amount Budgeted:		_ \$		
Unexpended Balance:		_ \$		
Bars #:				
Timeline:		As soon as possible		
Submitted By:		Mayor Penner		
Fiscal Note:				
Attachments: Applications, Resumes and Letters of Interest				
SUMMARY STATEMENT:				
There are currently two vacancies on the Planning Commission.				
 <i>Per the City Code:</i>				
There is hereby created, in accordance with Revised Code of Washington 35A.63, a planning commission for the city which will consist of seven (7) members, two (2) of whom may be nonresident owners of real property within the city, to be appointed by the mayor with the consent of the council. (Ord. 783, 1-8-2004)				
RECOMMENDED ACTION:				
MOTION 1. To Confirm The Mayor's Appointment Of Chris Rule To The Position Of Planning Commissioner.				
 MOTION 2: To Confirm The Mayor's Appointment Of Erika Bartholomew To The Position Of Planning Commissioner.				

Chris Rule, Planning Commission Applicant

701 Harman Way S., Orting, WA 98360 ~ 925.785.7250 ~ pastorchrerule@gmail.com

April 3, 2019

Jane Montgomery
City Clerk
Orting, WA
110 Train St. SE
PO Box 489

Dear Jane,

I recently heard about an opening for the City's Planning Commission and wish to apply.

I believe that citizens should be active in local government and feel that I could be an asset to this position.

My resume and application are enclosed with this letter so you can review my education, work experience, and achievements. Thank you for your time and consideration. I look forward to speaking with you in the near future.

Sincerely,

Chris Rule
Assistant Pastor
Orting Community Baptist Church



Commission Application

City of Orting - Office of the City Clerk
PO Box 489-110 Train St., Orting, WA 98360
Phone: (360) 893-2219 - Fax: (360) 893-6809
www.cityoforting.org

FOR CITY CLERK USE ONLY:

Name: Chris Rule Date: 4/3/19

Mailing Address: 701 Harman Way S.

Phone: 925.785.7250 Alt. Phone: 925.785.7266

Best time to contact you: Anytime Email Address: pastorchrerule@gmail.com

How long at Residence: 3 months and planning to be around for a while

Commission desired: 1.) Planning Commission
2.) _____

Reason you are interested in serving: I think it is vital for citizens to be involved in their local government. I would love the opportunity to support and lead this community.

Previous community activities: In addition to planning our church's community activities, I have also been involved with Chocolate Stroll, Summerfest, Pumpkinfest, City Service Project, etc.

Applicable education, occupational, and specialized experience: Master's degree in Religious Ed. 9 years as School Administrator and 10 years as an Assistant Pastor

Commissions make recommendations regarding monetary expenditures and/or benefits to certain areas of the Community.

1.) Can you foresee possible conflicts of interest with any of your current employment or civic positions: No.

2.) When making these recommendations do you feel you could be impartial and base your decision on the overall need and benefit of the Community: Absolutely. I am very

familiar with understanding the needs of the whole community.

Are there any days or evenings you are unavailable to meet?: Sundays and Wednesday Evening

[Signature] Date: 4/3/19
Signature of Applicant Date

Please return completed form and any additional information to:
City of Orting - Attn: City Clerk, 110 Train St. SE, PO Box 489, Orting, WA 98360
For more information, please call (360)893-2219

Chris Rule

701 Harman Way S., Orting WA 98360 | 925.785.7250 | pastorchrerule@gmail.com

Education

- Bachelor of Religious Education in Biblical Studies – May 7th, 2008 – West Coast Baptist College
- Master of Religious Education in Biblical Studies – May 13th, 2009 – West Coast Baptist College

Skills & Abilities

LEADERSHIP

- Possess the ability to direct, supervise, evaluate, and mentor both paid staff and volunteers

COMMUNICATION

- Strong interpersonal communication skills
- Strong team-building and teamwork skills
- 1-on-1 discipleship

OTHER

- Strong analytical and problem-solving skills
- Microsoft Office proficient/technology literate
- Punctual

Experience

ASSISTANT PASTOR | ORTING COMMUNITY BAPTIST CHURCH | JUNE 2018 TO PRESENT

Two of the more prominent roles in which I lead:

- Outreach Director
- Discipleship Director

ASSISTANT PASTOR | LIGHTHOUSE BAPTIST CHURCH | MAY 2009 TO MAY 2018

I have personally led various ministries including:

- Administrator, Principal, Teacher (Christian school)
- Youth Pastor (Nursery/Children/Teens)
- Young couples (Sunday School teacher)
- "First Touch" ministries (Greeter/Usher/Doorman)
- Facilities maintenance
- Nursing home (Helped establish)
- Bus ministry
- Digital media team

SALES REPRESENTATIVE | T-MOBILE | AUGUST 2008 TO MAY 2009

- I was a leading sales representative and was asked to be a senior sales representative before I left.

COLLEGE REPRESENTATIVE | WEST COAST BAPTIST COLLEGE | MAY 2008 TO AUGUST 2009

- I represented West Coast Baptist College on a traveling vocal ensemble.

Erika Bartholomew
1205 Sigafos Ave NW
Orting, WA 98360

City of Orting
110 Train St
Orting, WA 98360

April 3, 2019

Dear Sir or Madam,

I would like to express my interest in applying for the open position on the Orting City Planning Commission. I have been a resident of Orting for the past 12 years. Many of those years have been spent volunteering to serve the Orting community, including time spent at Orting Primary School. I am a classroom helper, I assist during the annual lahar drill, and I am a member of the Orting Combined PTA. My candidacy also includes volunteer work for neighborhood events for Village Green Home Owner's Association.

For the past 14 years, I have been employed at Northwest Neurology and Electrodiagnostic Center. My role as clinic manager has played a valuable part in patient care and coordination as well as overall clinic efficiency.

I believe that each of my volunteer experiences and my employment will allow me to offer excellent service on the Orting City Planning Commission; where it will benefit both the city administration and the community. I feel that I would provide a vital role being involved in the team of people focused on the city's growth, including transportation, environmental protection, and architectural design. I look forward to speaking with you further about how I can be of service to the people of Orting.

Sincerely,


Erika Bartholomew



Commission Application

City of Orting - Office of the City Clerk
PO Box 489-110 Train St., Orting, WA 98360
Phone: (360) 893-2219 - Fax: (360) 893-6809
www.cityoforting.org

FOR CITY CLERK USE ONLY:

RECEIVED BY
CITY CLERK

APR 04 2019

CITY OF ORTING

Name: Erika Bartholomew Date: 4/3/2019

Mailing Address: 1205 Sigafos Ave NW Orting, WA 98360

Phone: (253)278-7657 Alt. Phone: _____

Best time to contact you: Evenings Email Address: ebartholomew5@gmail.com

How long at Residence: 7 years at current home. 12 years in Orting

Commission desired: 1.) Planning Commission
2.) _____

Reason you are interested in serving: I would like to volunteer my time to serve the Orting community.

Previous community activities: OPS volunteer, Orting combined PTA, Village Green HOA events.

Applicable education, occupational, and specialized experience: AAS Computer applications specialist degree from GRCC. 14 years employment as a clinic manager.

Commissions make recommendations regarding monetary expenditures and/or benefits to certain areas of the Community.

- 1.) Can you foresee possible conflicts of interest with any of your current employment or civic positions: None, my current position as a clinic manager poses no conflicts of interest with any City of Orting position.
- 2.) When making these recommendations do you feel you could be impartial and base your decision on the overall need and benefit of the Community: Yes, my goal is to collaborate as a team member to work towards improvement for Orting.

Are there any days or evenings you are unavailable to meet?: variable with current work schedule. Able to make reasonable accommodations with notice.

Erika Bartholomew
Signature of Applicant

4-3-2019
Date

Please return completed form and any additional information to:
City of Orting - Attn: City Clerk, 110 Train St. SE, PO Box 489, Orting, WA 98360
For more information, please call (360)893-2219

Erika M. Bartholomew

1205 Sigafos Ave NW

Orting, WA 98360

(253) 278-7657 Ebartholomew5@gmail.com

Objective To be appointed to the Orting City Planning Commission.

Experience 2005 – Present Northwest Neurology and Electrodiagnostic Center Auburn, WA

Clinic manager, EEG technician

- Medical billing and AR maintenance
- Patient and employee schedule management
- Physician credentialing
- Employee training
- Clinic marketing and business management

2002 – 2005 Dollarwise Bonney Lake, WA

Assistant manager, teller

- Business opening and closing responsibilities
- Vault management
- Check cashing and small loans

Education 2003 – 2005 Green River Community College Auburn, WA

AAS Computer Applications Specialist

- High Honors, diploma, and three certificates for office support, data entry, and file clerk.
- Classes focused on computer software, administrative tasks, typing, creating spreadsheets and charts, internet and web design (HTML), troubleshooting, and business correspondence.

1998 – 2002 Sumner High School Sumner, WA

High school diploma

- High Honors

Community Service

Member of Orting Combined PTA
 Volunteer at Orting Primary School
 Village Green HOA event volunteer

Awards

2005, GRCC business education division student of the year
 2004, Dollarwise employee of the month and customer service of the year



**City Of Orting
Council Agenda Summary Sheet**

Subject: Resolution 2019-10, Contract for General Municipal Legal Services.		Committee	Study Session	Council
	Agenda Item #:			AB19-27
	For Agenda of:	3.7.19 2.7.19	3.20.19	4.10.19
	Department:	Administration		
	Date Submitted:	4.4.19		
Cost of Item:	_ \$			
Amount Budgeted:	_ \$			
Unexpended Balance:	_ \$			
Bars #:	Multiple Funds			
Timeline:	May 1 st , 2019 Contract start date			
Submitted By:	Scott Larson			
Fiscal Note:				
Attachments: Contract, Resolution 2019-10				
SUMMARY STATEMENT:				
<p>The City was notified in December of 2018 that the current City Attorney, was leaving Kenyon Disend. The City determined that the best path forward was to issue an Request for Proposal (RFP) for legal services to ensure the City was being provided services that matched the City’s needs. An RFP for City Attorney Services- General Municipal Law, was issued on February 5th, 2019. Staff, the Mayor and The CGA Committee evaluated the responses and discussed the short list with the CGA Committee on March 7th, 2019. Three firms were then interviewed on March 15th, 2019. The interview panel was composed of 3 staff members, the Mayor and one Councilmember. Administrator Bethune shared at the study session on March 20th, 2019 that staff is still in the process of vetting the top two firms and would bring a recommendation back to Council in April. Since the City gave the existing firm notice, the firm proposed an end date of April 5, 2019. The City Administrator in consultation with the Mayor has signed an interim legal services agreement with Inslee Best until the Council approves a successor legal services firm.</p> <p>The Mayor and Staff are recommending that Council approve a contract with Inslee Best for General Municipal Legal Services.</p>				
RECOMMENDED ACTION: MOTION: To Adopt Resolution 2019-10 Authorizing The Mayor To Enter Into A Contract With Inslee, Best, Dozie & Ryder For General Municipal Legal Services.				

**CITY OF ORTING
WASHINGTON
RESOLUTION NO. 2019-10**

**A RESOLUTION OF THE CITY OF ORTING, WASHINGTON,
AUTHORIZING THE MAYOR TO SIGN A GENERAL ATTORNEY
SERVICES CONTRACT; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City of Orting completed an RFP process for General Attorney Services; and

WHEREAS, after reviewing the firms' proposals and interviewing several firms, Council believe that Inslee, Best, Doezie & Ryder, P.S. are the best positioned firm to meet the City's legal service needs; and

WHEREAS, the City Council desires for the Mayor to sign a General Attorney Services Contract with Inslee, Best, Doezie & Ryder, P.S. authorizing their services.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORTING, WASHINGTON,
DOES RESOLVE AS FOLLOWS:**

Section 1. Authorization. The City Council hereby authorizes the Mayor to sign the Inslee, Best, Doezie & Ryder, P.S Attorney Services Agreement attached hereto as Exhibit A.

Section 2. Effective Date. The City Council directs that this resolution shall take effect immediately upon passage, and hereby ratifies and affirms any act consistent with this authority and prior to the effective date of this Resolution.

Section 3. Corrections Authorized. The City Clerk is authorized to make necessary corrections to this Resolution including, but not limited to, correction of clerical errors.

**PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 10TH
DAY OF APRIL, 2019.**

CITY OF ORTING

Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

Jane Montgomery, City Clerk, CMC

Approved as to form:

Charlotte A. Archer
Inslee, Best, Doezie & Ryder, P.S.
City Attorney

AGREEMENT FOR LEGAL SERVICES

I. PARTIES

This Agreement is made as of this ____ day of April, 2019 between the City of Orting ("City") and Inslee, Best, Doezie & Ryder, P.S. ("Firm").

II. SERVICES PROVIDED

The Firm shall perform legal services as provided in this Agreement under the supervision and direction of the Mayor and City Administrator. Charlotte A. Archer will serve as the lead legal counsel, and will direct the services of the Firm consistent with this Agreement.

III. QUALITY OF SERVICES

The Firm shall perform all legal services promptly, in a capable and efficient manner, and in accordance with the professional standards of the Washington State Bar Association.

IV. DESCRIPTION OF SERVICES

At the request or with the concurrence of the Mayor or the City Administrator, the Firm shall perform general civil legal services for the City, including but not limited to the following:

- (1) Review or draft City ordinances, contracts, resolutions, interlocal agreements and other legal documents;
- (2) Represent the City in lawsuits and contested administrative proceedings commenced by or against the City;
- (3) Consult with and advise the Mayor, City Administrator, City Council members, City staff members and City consultants regarding legal matters relating to their respective duties for the City;
- (4) Attend regular City Council meetings, and special meetings as requested;
- (5) Perform such other duties and services as are necessary and appropriate in order to provide the City with legal representation.

V. FEES AND COSTS

The City of Orting shall receive up to 30 hours of legal services for Seven Thousand and Five Hundred Dollars (\$7,500) per month. Charges for services in excess of 30 hours shall be pre-approved by the Mayor or his designee, or City Administrator or his designee, and charged at the rates set forth in Exhibit A. The City shall reimburse the Firm for all out-of-pocket expenses

incurred on the City's behalf, including but not limited to court fees, deposition costs, special mailing or courier, photocopying, long distance telephone, facsimile, and computerized legal research. The City shall not pay for attorney travel time to and from the City to attend two (2) regular City Council meetings; all other attorney travel time requested by the Mayor or his designee, or City Administrator or his designee, will be charged at the rates set forth in Exhibit A. Except for unusual cases, the Firm will not advance funds to pay third party costs (e.g., expert witness fees), and invoices for those costs will be forwarded to the City for payment.

VI. PAYMENT TERMS; TIME RECORDS

The Firm will bill the City monthly for services and out-of-pocket expenses. The monthly invoice will summarize the date and extent of legal services performed and the charge for such services, and will itemize the expenses. Fees and costs are due in full from the City upon billing by the Firm. A service charge shall accrue at the rate of 12% per annum, but shall only be added to any balance remaining unpaid sixty (60) days after the invoice date.

VII. TERM

This Agreement shall be in effect April 4, 2019 through April 30, 2022, provided, that either party shall have the right to terminate this Agreement upon thirty (30) days written notice.

VIII. INSURANCE

The Firm shall maintain for the protection of the City a professional errors and omissions insurance policy with minimum coverage of two million dollars per claim.

IX. INDEMNIFICATION/HOLD HARMLESS

The Firm shall defend, indemnify, and hold harmless the City, its officers, officials, employees, and agents from any and all damages, claims, demands, suits, actions, costs, fines, penalties and liability of any kind, including attorneys' fees (collectively referred to as "Damages"), arising in whole or in part from any negligent acts, errors or omissions of the Firm, its officers, officials, employees, sub-consultants, and agents in the performance of this Contract. However, if any Damages are caused by or result from the concurrent negligence of the Firm, its officers, officials, employees, sub-consultants and agents, and the City, its officers, officials, employees, or agents, the Firm's liability shall be only to the extent of the Firm's negligence. The foregoing indemnity is specifically and expressly intended to constitute the Firm's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated. The provisions of this Section shall survive the expiration or termination of this Contract.

CITY OF ORTING

By _____
Joshua Penner, Mayor

INSLEE, BEST, DOEZIE & RYDER, P.S.

By _____
Charlotte A. Archer, Attorney

By _____
Kinnon Williams, Shareholder

Exhibit A

INSLEE, BEST, DOEZIE & RYDER, P.S.
2019 Attorney Billing Rates

Municipal Attorneys	RATES
Charlotte A. Archer	\$275
Jacob Stillwell	\$265
John W. Milne	\$350
Kinnon W. Williams	\$350
William A. Linton	\$350
Rosemary A. Larson	\$350
Dawn F. Reitan	\$350
Eric C. Frimodt	\$350
Associates, paralegals and law clerks	Regular firm rates or special municipal rates if applicable, adjusted annually. Associate rates shall not exceed the lowest Municipal partner rate.
Other firm partners	10% less than regular firm rates, rounded to next lowest \$5 increment, adjusted annually