

# CITY COUNCIL AGENDA

15728 Main Street, Mill Creek, WA 98012 (425) 745-1891



Pam Pruitt, Mayor • Brian Holtzclaw, Mayor Pro Tem • Mark Bond  
Mike Todd • Vince Cavaleri • John Steckler • Stephanie Vignal

Regular meetings of the Mill Creek City Council shall be held on the first, second and fourth Tuesdays of each month commencing at 6:00 p.m. in the Mill Creek Council Chambers located at 15728 Main Street, Mill Creek, Washington. Your participation and interest in these meetings are encouraged and very much appreciated. We are trying to make our public meetings accessible to all members of the public. If you require special accommodations, please call the office of the City Clerk at (425) 921-5725 three days prior to the meeting.

The City Council may consider and act on any matter called to its attention at such meetings, whether or not specified on the agenda for said meeting. Participation by members of the audience will be allowed as set forth on the meeting agenda or as determined by the Mayor or the City Council.

To comment on subjects listed on or not on the agenda, ask to be recognized during the Audience Communication portion of the agenda. Please stand at the podium and state your name and residency for the official record. Please limit your comments to the specific item under discussion. Time limitations shall be at the discretion of the Mayor or City Council.

Study sessions of the Mill Creek City Council may be held as part of any regular or special meeting. Study sessions are informal, and are typically used by the City Council to receive reports and presentations, review and evaluate complex matters, and/or engage in preliminary analysis of City issues or City Council business.

**Next Ordinance No.** 2019-850

**Next Resolution No.** 2019-579

**June 4, 2019  
City Council Meeting  
6:00 PM**

## **CALL TO ORDER**

## **PLEDGE OF ALLEGIANCE**

## **ROLL CALL**

## **AUDIENCE COMMUNICATION**

- A. Public comment on items on or not on the agenda

## **PRESENTATIONS**

- B. Youth Board Advisory Recognition  
*(Kristen Rasmussen, Community Engagement Coordinator)*

## **OLD BUSINESS**

- C. Ordinance Adopting Proposed Mill Creek Municipal Code Amendments Regulating Wireless Communication Facilities  
*(Tom Rogers, Planning Manager)*

- D. Puget Sound Energy Fee in Lieu Agreement with the City of Mill Creek  
(*Gina Hortillosa, Director of Public Works & Development Services*)

**NEW BUSINESS**

- E. Appointment of a Planning Advisory Committee for the Mill Creek Boulevard Land Use and Infrastructure Subarea Plan  
(*Tom Rogers, Planning Manager*)

**REPORTS**

- F. Mayor/Council
- Puget Sound Regional Council (PSRC) Annual Meeting Report
- G. City Manager
- Council Planning Schedule

**AUDIENCE COMMUNICATION**

- H. Public comment on items on or not on the agenda

**ADJOURNMENT**



Agenda Item # B  
Meeting Date: June 4, 2019

## **CITY COUNCIL AGENDA SUMMARY**

City of Mill Creek, Washington

### **AGENDA ITEM: YOUTH ADVISORY BOARD SENIOR RECOGNITION**

#### **PROPOSED MOTION:**

N/A

#### **KEY FACTS AND INFORMATION SUMMARY:**

Mayor Pam Pruitt will present a Certificate of Appreciation to six members of the 2018-2019 Mill Creek Youth Advisory Board to recognize the graduating seniors for their exemplary participation and involvement.

The Youth Advisory Board comprises dedicated and enthusiastic high school students who make a yearlong commitment of community service by planning, promoting, and volunteering at various community events and projects. They also volunteer at Mill Creek Elementary School to help mentor younger students. YAB students are motivated and passionate about giving back and making a difference in the Mill Creek community.

The City of Mill Creek would like to thank and congratulate these 23 seniors for their contribution in making a positive difference in their community: Amie Anderegg, Kylie Byrd, Antonio Carroll, Seoyun Chon, Easha Dhillon, Niha Gaddam, Mikayla Hubbard, Becca Johnson, Jason Kim, Stella Kim, Crystal Le, Cherry Leung, Anika Martinet, Elle Mitchel, Molly Jo Meyers, Zenden Nhangkar, Dessirée Ortac, Alli Pfohl, Akaanksha Rishi, Kaamna Rishi, Pranav Shekar, Bailey Thompson and Rosa Woolsey.

**Amie Anderegg** has been part of the Mill Creek Youth Advisory Board for two years. Her favorite event is the Party in the Parks because she likes seeing the whole community come together and how happy they are at the event. After graduation, Amy will attend University of Washington at Bothell will study education in order to become a teacher.

**Kylie Byrd** has been part of the Youth Advisory Board for two years. Her favorite event is the Santa Parade. After graduation, Kylie will study neuroscience at Macalester College in Minnesota.

**Antonio Carroll** has been part of the Youth Advisory Board for one year. His favorite memory is the fall Youth Advisory Board social at the corn maze at Stocker Farms, as well as the white elephant gift exchange at the holiday potluck. After graduation, Antonio will attend the Western Washington University as a member of the Computer Science Distinguished Scholars program to study computer science.

City Council Agenda Summary  
Page 2

**Seoyun Chon** has been a member of the Youth Advisory Board for three years. She notes that YAB has been one of the most rewarding and enjoyable experiences that she has had the chance to be a part of in high school. Her favorite event is Trunk or Treat and the Mill Creek Festival because she has so much fun seeing the community come together and having fun. After graduation, Seoyun will attend Tufts University in Medford, Massachusetts, to study computer science.

**Easha Dhillon** has been on the Youth Advisory Board for three years and has held the officer positions of liaison and photo journalist and social coordinator. Her favorite events are the Mill Creek Festival, the Run With Heart and Mill Creek Elementary mentorship program. Easha plans to attend the University of Washington this fall.

**Niha Gaddam** has been on the Mill Creek Youth Advisory Board for two years. Her favorite event is Trunk or Treat because she loved seeing all the creative ideas for costumes and decorations. Niha will attend the University of Washington this fall and plans to study informatics.

**Mikayla Hubbard** has been a member of the Youth Advisory Board for two years. Her favorite events are Trunk or Treat and the Santa Parade. In the fall, Mikayla will be study international relations and comparative politics at the University of California, Berkeley.

**Becca Johnson** has been on Youth Advisory Board for two years. Her favorite event is Trunk or Treat because she loves seeing the costumes and all the dogs dressed up in costumes. Becca will attend the University of Washington this fall and will study marine biology.

**Jason Kim** has been on the Youth Advisory Board for one year. His favorite memory is helping little kids with the cookie decorating at the Tree Lighting event. Jason plans to attend Cascadia College for two years before transferring to a four-year college to pursue a career in business.

**Stella Kim** has been on the Youth Advisory Board for two years. Her favorite event is the Eggstravaganza event. After graduation, Stella will attend the University of Washington to study informatics.

**Crystal Le** has been on the Youth Advisory Board for three years. One of her favorite events is the Santa Parade and Tree Lighting ceremony she loves seeing the kids' reactions to the YAB members walking in the parade dressed as elves and helping them with cookie decorating. After graduation, Crystal will attend the University of Washington to study business administration.

**Cherry Leung** has been a member of the Youth Advisory Board for three years. Her favorite events are Trunk or Treat and Eggstravaganza. Cherry will attend University of Washington in the fall.

**Elle Mitchel** has been part of the Youth Advisory Board for two years. Her favorite event is the Run With Heart 5K run because this event encourages people to be active and healthy while contributing to a good cause. Elle will attend Western Washington University in the fall.

City Council Agenda Summary  
Page 2

**Molly Jo Myers** has been on the Youth Advisory Board for two years. She has really enjoyed her time being able to make a positive impact in Mill Creek and being with her friends while serving, which is something for which she is very grateful. Her favorite event was volunteering to direct runners at the Run With Heart 5k run. Molly enjoyed being on the trail to encourage people as they ran by. She plans to attend Eastern Washington University in the fall to study urban planning.

**Zenden Nhangkar** has been part of the Youth Advisory Board for two years. Her favorite memory is the time spent mentoring students at Mill Creek Elementary School. After graduation, Zenden will attend the Western Washington University to double major in visual journalism and design.

**Dessirée Ortac** has been a part of the Youth Advisory Board for two years. Her favorite memory was going to the Pumpkin Patch at Stocker Farms for the fall social; she still remembers Ellie purposely falling and getting muddy. Dessirée's favorite event is the Run With Heart 5K run because it is for a good cause and is really fun event to volunteer at. After graduation, she will attend the University of Washington at Bothell to study biology or chemistry.

**Alli Pfohl** has been on the Youth Advisory Board for two years and currently holds the liaison and photo journalist position on the officer board. Her favorite event is the Trunk or Treat event because it is one of the most fun events to prepare for and volunteer at. Alli loves dressing up, decorating the van, and seeing all of the different costumes and themes at Trunk or Treat. Alli will attend the University of Washington in the fall. She is interested in physics and psychology, and plans to go to law school after getting her undergraduate degree.

**Akaanksha Rishi** has been on the Youth Advisory Board for five years and has held the social coordinator position for the past two years on the officer board. Her favorite events are mentoring students at Mill Creek Elementary School and Parent's Night Out because she was able to interact with kids from the community and become a positive influence for them. Her favorite memory of the Youth Advisory Board is her ability to make a difference in her community. She cannot imagine the person she would be today if she had not joined this group. In the fall, Akaanksha will attend the University of Washington to obtain a nursing degree.

**Kaamna Rishi** has been on the Youth Advisory Board for five years and has held the officer position of event assistant and co-chair. Her favorite events are the Parents Night Outs, Kids Fun Run, and mentoring students at Mill Creek Elementary. The best part about being in YAB is getting to work so closely with the different generations of Mill Creek and making this a better community. After graduation, Kaamna will attend the University of Washington, where she hopes to major in informatics and minor in law, societies, and justice.

**Pranav Shekar** has been on Youth Advisory Board for four years and has held the officer positions of secretary and co-chair. One of his favorite memories is cleaning up nearby trails and helping the environment as well as playing laser tag at one of the summer socials. After graduation, Pranav plan will attend the University of Washington to study informatics.

**Bailey Thompson** has been on the Youth Advisory Board for two years. Her favorite memory is

City Council Agenda Summary  
Page 2

working with the students at Mill Creek Elementary through the mentorship program. After graduation, Bailey will attend Montana State University and study elementary education.

**Rosa Woolsey** has been part of the Youth Advisory Board for two years and currently holds the officer position of secretary. Rosa has fond memories from various experiences in YAB, but her favorite is the fall social event at Stocker Farms. Rosa will attend Whitman College in Walla Walla to study sociology.

During 2018-2019, the YAB members contributed more than 2,600 hours of volunteer service to the community of Mill Creek by volunteering at events in our community.

A PowerPoint designed by member Alli Pfohl will be presented during the Council meeting highlighting projects and events that the Youth Advisory Board has participated in this year.

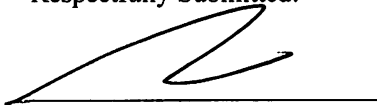
**CITY MANAGER RECOMMENDATION:**

N/A

**ATTACHMENTS:**

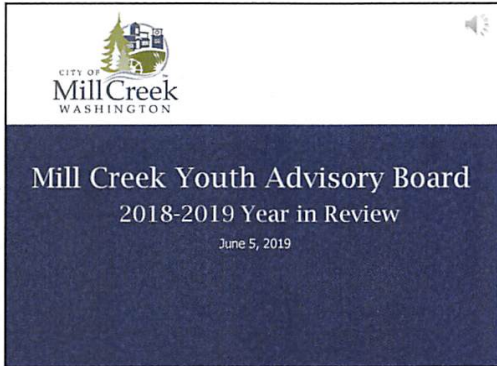
- PowerPoint Presentation

Respectfully Submitted:



Michael G. Ciaravino  
City Manager

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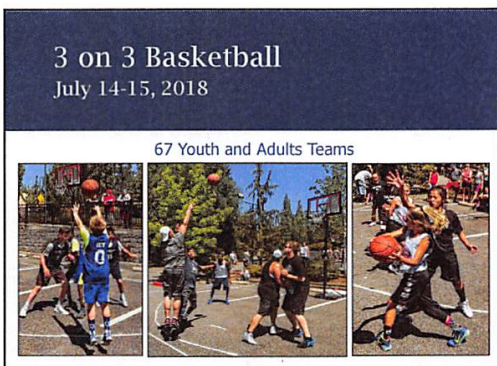
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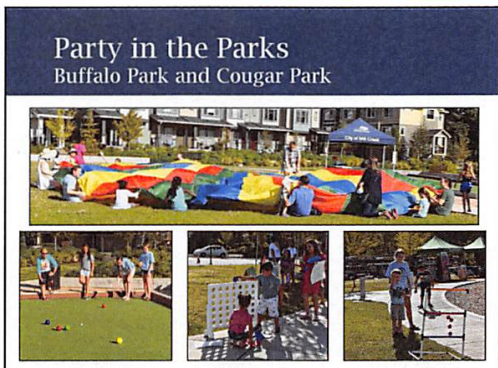
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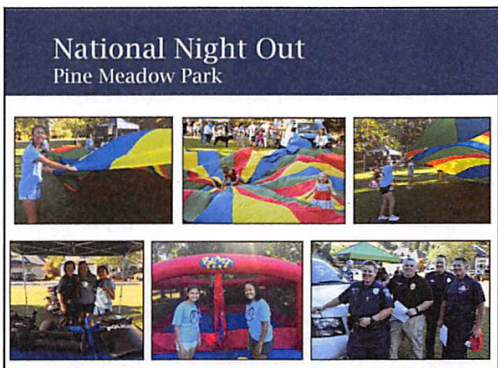
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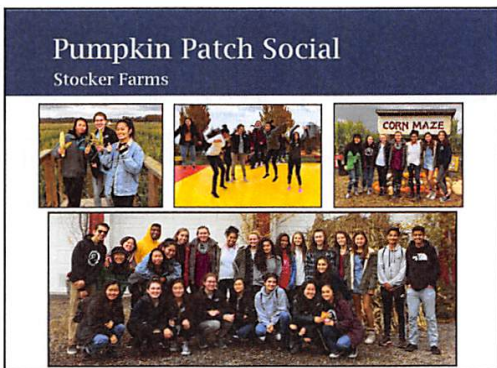
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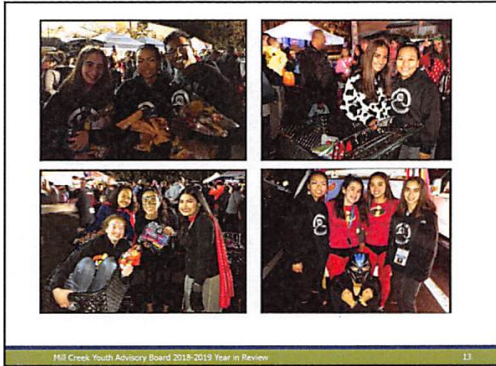
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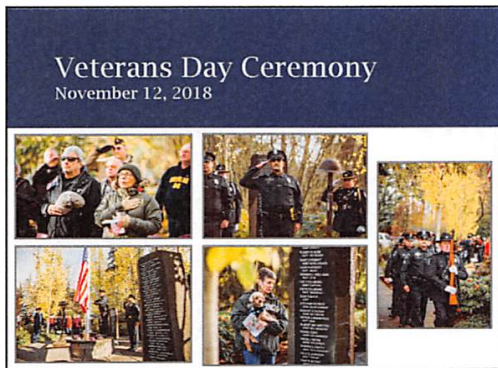
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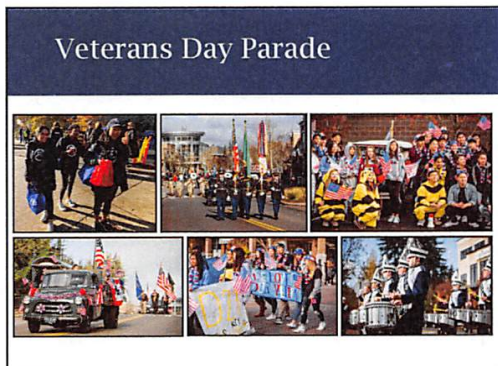
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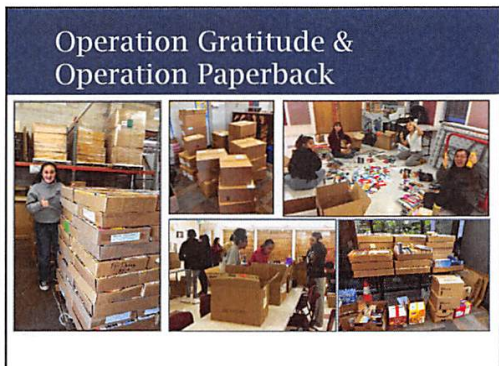
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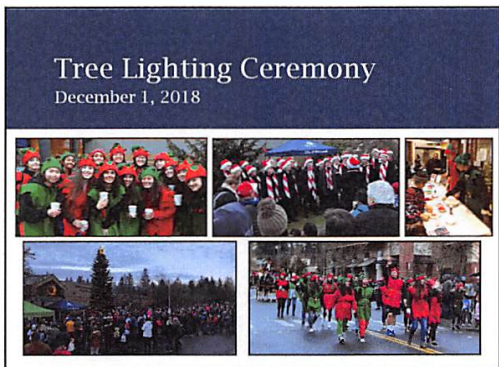
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### Fifth Grade Interviews

Mill Creek Elementary School



Youth Advisory Board members gave advice and answered questions about what to expect for the 5<sup>th</sup> grade students going into middle school next year.

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### Eggstravaganza Egg Stuffing



Members from the Youth Advisory Board, and Jackson High School's National Honor Society, ASB and Key Club stuffed 18,000 eggs in six hours.

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### Eggstravaganza

April 20, 2019



2,000 pounds of food were donated to the Mill Creek Food Bank.

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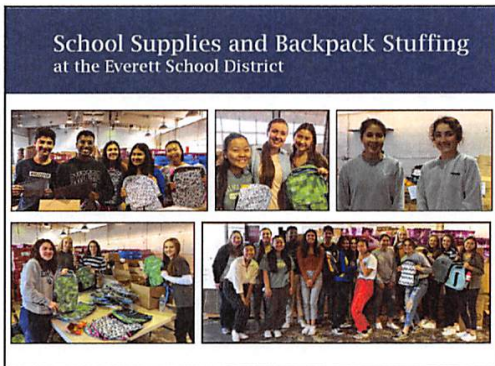
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**Backpack and School Supply Drive**



Youth Advisory Board members collected backpacks and school supply items for middle and high school by soliciting donations at the University Book Store and Staples store front locations. Donations were given to Fostering Together, which supports students in foster care.

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**Day of Hope**  
May 18, 2019



Members of the Youth Advisory Board, Kiwanis, Key Club and Gold Creek Church volunteered for various projects at the City on the Day of Hope.

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**Memorial Day Ceremony**  
May 27, 2019



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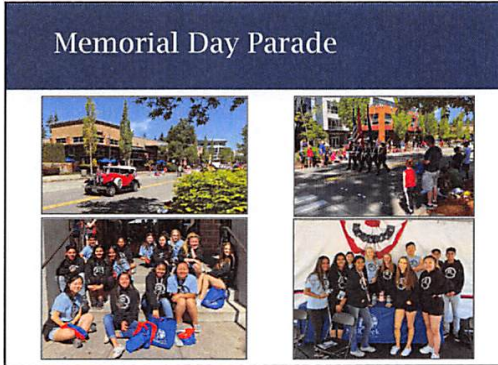
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Thank you all for a wonderful year!

Amie Anderegg	Anika Martinet
Kylie Byrd	Eile Mitchel
Antonio Carroll	Molly Jo Meyers
Seoyun Chon	Zenden Nhangkar
Easha Dhillon	Dessirée Ortac
Niha Gaddam	Alli Pfohl
Mikayla Hubbard	Akaanksha Rishi
Becca Johnson	Kaamna Rishi
Jason Kim	Pranav Shekar
Stella Kim	Bailey Thompson
Crystal Le	Rosa Woolsey
Cherry Leung	

The logo for the City of Mill Creek, Washington, featuring a stylized tree and a house with the text "CITY OF MillCreek WASHINGTON".

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Agenda Item # C  
Meeting Date: June 4, 2019

## **CITY COUNCIL AGENDA SUMMARY**

City of Mill Creek, Washington

**AGENDA ITEM:     **ORDINANCE ADOPTING PROPOSED MILL CREEK MUNICIPAL CODE AMENDMENTS REGULATING WIRELESS COMMUNICATION FACILITIES****

**PROPOSED MOTION:**

Adopt Council Ordinance 2019-\_\_\_\_\_ regulating wireless communication facilities.

**KEY FACTS AND INFORMATION SUMMARY:**

The City with the assistance of Elana Zana from Ogden Murphy Wallace has prepared draft amendments to the Mill Creek Municipal Code (MCMC) regulating wireless communication facilities (WCF). The primary motive for amending the Code was to comply with new rules adopted by the Federal Communications Commission (FCC), which went into effect on January 14, 2019. These new rules affect how the City can regulate and process applications for WCF. As a result of the new FCC rules, the MCMC needs to be revised to be in compliance with federal law. On April 18, 2019, the Planning Commission held a public hearing on the proposed Code amendments and is recommending approval of the amendments to the City Council.

On May 28, 2019, the City Council considered an ordinance that would adopt the proposed amendments. During the discussion the City Council was concerned that the proposed amendments did not include provisions for notifying adjacent property owners when the City approves a WCF application. The Council requested staff to include a notification provision in the regulations. In response, the Code has been revised to require the applicant for a WCF permit to include with their application a map showing all properties adjacent to the project plus a list of all property owners. Staff will use this information to notify affected property owners about the future installation of macro and small cell facilities and provide a City contact to call for more information. When the WCF are actually being installed, the contractor will provide a notice with contact information to affected property owners. The Council also discussed utilizing the Current Projects page on the City's website to provide information on WCF application in the City. Staff agrees and is committed to posting information about WCF applications on the City's web page.

In addition to the discussion regarding public notification, Councilmember Todd identified some technical language that could be clarified and made more consistent in the Code. He offered to work with staff to identify the areas of concern. Staff has discussed the language concerns with Councilmember Todd and minor revisions have been made throughout the code. The revisions provide common and consistent terms for referring to WCF equipment. Elana Zana has reviewed the amendments and supports the changes. Staff will point these out during the presentation.

Lastly, since the May 28, 2019 Council meeting, staff had a phone conference with City Attorney

City Council Agenda Summary

Page 2

Missall and Elana Zana to discuss other elements of the proposed WCF Code amendments. The result of this discussion was to prepare a couple of additional minor revisions to make the structure of the code clearer. Briefly, since the proposed Code language states that WCF are allowed in all zone districts, it is not necessary to list these facilities as a principal or secondary use in each zone district. As a result these sections have been deleted from the draft ordinance.

The City Council directed staff to make the recommended amendments and bring the revised ordinance back to the Council for adoption under Old Business at the June 4, 2019 meeting. A redline version of the Ordinance is attached showing the revisions that have been made since the May 28, 2019 Council meeting. Staff will present the revisions at the meeting.

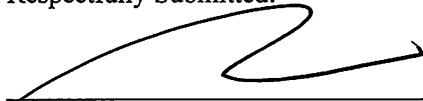
**CITY MANAGER RECOMMENDATION:**

Adopt Council Ordinance 2019-\_\_\_\_\_ adopting the proposed MCMC amendments.

**ATTACHMENTS:**

- Attachment 1: Draft Council Ordinance (revised per Council direction)

Respectfully Submitted:



Michael G. Ciaravino  
City Manager

**ORDINANCE NO. 2019-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF MILL CREEK, WASHINGTON, AMENDING MILL CREEK MUNICIPAL CODE (MCMC) SECTION 3.42.180 FEES UNDER MCMC 17.42.010 (ZONING AND LAND USE), MCMC SECTION 14.09.010 ADMINISTRATIVE DECISIONS WITHOUT NOTICE, MCMC SECTION 14.11.090 APPEAL MATRIX, TITLE 17.28 OF THE MILL CREEK MUNICIPAL CODE BY REPEALING MCMC SECTION 17.28.080 AND REPLACING IT WITH NEW MCMC CHAPTER 17.29 AUTHORIZING AND ESTABLISHING STANDARDS FOR THE DEPLOYMENT OF ALL WIRELESS COMMUNICATION FACILITIES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

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WHEREAS, RCW 36.70A.040 and 36.70A.120 require the City of Mill Creek (“City”) to adopt development regulations, including zoning regulations, to implement the City's Comprehensive Plan; and

WHEREAS, the Federal Communications Commission (FCC) recently adopted a Declaratory Ruling, Order and Regulation (FCC Order), which imposes limitations on local municipalities including the City of Mill Creek (City) regarding processing and review of all permits associated with the deployment of small wireless facilities; and

WHEREAS, the City Council deems it to be in the public interest to revise its municipal code requirements to deal with small wireless facilities as well as macro facilities;

WHEREAS, the permitting procedures as well as the aesthetic design and concealment standards that govern deployment of wireless facilities will become MCMC Chapter 17.29;

WHEREAS, separately, federal law and regulation also sets time limits on the processing of applications for eligible facility requests to expand existing structures which do not substantially change the height or profile of the structures used to collocate wireless communications facilities and which regulations will also become part of MCMC Chapter 17.29; and

WHEREAS, the FCC Order allows the City to adopt aesthetic standards for deployment of small wireless facilities that will require utilization of a consolidated process emphasizing administrative review in order to comply with federal presumptively reasonable time limits for review; and

WHEREAS, the City Council finds that the existence of federal regulations requires the enactment of administrative procedures and processes which can comply with the FCC Order; and

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WHEREAS, on March 26, 2019, the City issued a SEPA threshold Determination of Non-Significance for the Proposed Amendments to the Development Code; and

WHEREAS, on April 9, 2019, the comment period for the Determination of Non-Significance expired and no comments were received; and

WHEREAS, on March 26, 2019, the Proposed Amendments were submitted to the Washington State Department of Commerce for review, as required by RCW 36.70A.106; and

WHEREAS, notice of a public hearing before the Planning Commission on the Proposed Amendments was duly posted at City Hall on April 4, 2019, and advertised in the Everett Herald on April 6, 2019, pursuant to MCMC Section 14.07.030(A); and

WHEREAS, on April 18, 2019, the Planning Commission duly held a public hearing on the Proposed Amendments; and

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

WHEREAS, following the public hearing, the Planning Commission adopted Resolution 2018-166 recommending approval of the Proposed Amendments to the City Council; and

WHEREAS, the City Council has determined that adoption of the Proposed Amendments related to wireless communication facilities imposes restrictions necessary to protect public health and safety, while not unreasonably discriminating among providers of functionally equivalent services nor having an effect of prohibiting personal wireless services within the City;

NOW THEREFORE BE IT ordained by the City Council of the City of Mill Creek, Washington as follows:

**Section 1. Amendment to MCMC 3.42.180.** The Mill Creek Municipal Code Section 3.42.180 – Fees under MCMC 17.42.010 (Zoning and land use) is hereby amended as follows:

A. The following application or permit fees shall be payable in full, in advance, for the identified action. All such fees are nonrefundable unless otherwise stated. These fees cover the review by the departments of community development and public works.

1. Comprehensive plan amendment (text or map) and associated rezone:
  - (a) Zero to 10 acres: \$2,500.
  - (b) Over 10 acres: \$5,000.
2. Zone text amendment: \$2,500.
3. Subdivision:
  - (a) Preliminary plat (long, five more lots): \$2,500 plus \$35.00 per lot.

- (b) Final plat (long): \$1,500 plus \$20.00 per lot.
- (c) Plat (short, one to four lots): \$1,500.
- (d) Final plat (short): \$500.00.
- 4. Binding site plan:
  - (a) Application: \$5,000.
  - (b) Final binding site plan: \$1,000.
- 5. Modifications to approved land use permits/decisions:
  - (a) Major modification: \$2,500.
  - (b) Minor modification: \$250.00.
- 6. Administrative reviews:
  - (a) Zoning certification letter: \$150.00.
  - (b) Administrative interpretations/decisions: \$200.00.
- 7. Conditional use permit:
  - (a) All other conditional uses: \$1,500.
- 8. Variance: \$500.00.
- 9. Grading permit: see MCMC [3.42.210](#) for fee formula.
- 10. Tree removal permit: \$0.00.
- 11. Demolition permit: \$50.00.
- 12. Lot line adjustment or lot line consolidation: \$500.00.
- 13. Home occupation permit:
  - (a) Group A permit: \$50.00.
  - (b) Group B permit: \$100.00.
- 14. Appeal of land use or administrative interpretations as follows:
  - (a) Administrative determinations: \$100.00.
  - (b) Administrative decisions: \$250.00.

- (c) SEPA determination of significance: \$250.00.
  - (d) Design review board decisions: \$500.00.
  - (e) SEPA determination of nonsignificance/mitigated determination of nonsignificance: \$500.00.
  - (f) Hearing examiner decision, which is appealable to the city council: \$500.00.
  - (g) Initial appeal of notice of violation or civil fine: \$0.00.
  - (h) Administrative decision regarding a macro wireless communication facility application: \$500.
  - (i) Administrative decision regarding small wireless facility permit application: \$500.
15. Real estate/directional sign permit:
- (a) Homeowner: \$25.00.
  - (b) All other: \$100.00.
16. Temporary construction sign permit: \$25.00.
17. Commercial, shopping center and noncommercial banner or temporary sign display: \$25.00.
18. Commercial wall sign: fee is based on construction cost and assessed pursuant to the fee schedule set forth in MCMC 15.04.020.
19. Fence permit: \$55.00 (includes base building permit fee).
20. Wireless Communications Facilities: The total fee for which the applicant is responsible shall be the amount of the actual costs incurred by the City during the preparation and review process. The below fees are initial deposits. Upon issuance of the permit the applicant shall pay the City any remaining balance of the permit costs based on the review time of the City.
- (a) Wireless Communication Facility Macro Cell Permit: \$1,500
  - (b) Small Wireless Facility Permit (includes up to five small cell facilities on existing poles): \$500.
  - (c) Small Wireless Facility Permit, beyond initial five on existing poles (per pole): \$100.
  - (d) Small Wireless Facility Permit, new or replacement pole: \$1,000 per pole.

(e) Eligible Facilities Request: \$500.

~~**Section 2.** Amendment to MCMC 14.09.010. The Mill Creek Municipal Code Section 14.09.010 Administrative Decisions without Notice is hereby amended as follows:~~

~~**B.** Scope. The director shall review and decide the following matters pursuant to applicable criteria without the need for public notice:~~

- ~~1. Lot line adjustments.~~
- ~~2. Extensions of time for administrative actions or applicant submissions.~~
- ~~3. Minor amendments or modifications to approved developments or permits. For purposes of this subsection, minor amendments are those that may affect the precise dimensions or location of buildings, accessory structures and driveways, but do not: (a) negatively affect the overall project character, (b) increase the number of dwelling units, or intensity of use, or (c) decrease the quality or amount of required landscaping or open space.~~
- ~~4. Group A home occupations.~~
- ~~5. Yard requirements set forth in MCMC 17.22.030.~~
- ~~6. Joint parking facilities and related agreements under MCMC 17.27.020(H).~~
- ~~7. Administrative interpretations permitted or required in the administration or enforcement of the development code.~~
- ~~8. Administrative decisions permitted or required under the development code.~~
- ~~9. Wireless communications facility applications as set forth in MCMC 17.29.~~

~~**C.** Decisions. The director may issue, approve, approve with conditions, or deny any of the foregoing matters based on his evaluation and assessment in light of the applicable review criteria or development code provisions. Upon completing the review specified above, the director shall issue a decision in accordance with the applicable provisions of MCMC 14.09.080. Decisions under this section shall be final for all purposes, including appeal, on the date issued.~~

~~**D.** Appeal. Appeals of final decisions under this section shall be made to the hearing examiner in accordance with Chapter 14.11 MCMC, except as described in MCMC 17.29.280.~~

**Section 3** **Section 2.** Amendment to MCMC 14.11.090. The Mill Creek Municipal Code Section 14.11.090 – Appeal matrix (Administrative) is hereby amended as follows:

<b>Administrative</b>		
Administrative interpretations under MCMC 14.03.020(B)(1)	Assigned directors	Hearing Examiner*
Administrative decisions under MCMC 14.03.020(B)(2)	Assigned directors	Hearing Examiner*
Amortization periods under Chapter 17.32 MCMC	Assigned directors	Hearing Examiner*
Administrative enforcement actions under Chapter 14.13 MCMC	Assigned directors	Hearing Examiner*
Other administrative decisions as specified in MCMC Titles 14 – 18, <u>except as described in MCMC 17.29.280.</u>	Assigned directors	Hearing Examiner*
Business license denials, suspensions, and revocations under Chapters 5.04 and 5.26 MCMC	City Manager	Hearing Examiner*
Administrative decisions on an adjustment request arising under Chapter 8.12 MCMC	Assigned directors	Hearing Examiner*
Cabaret dance license denials, suspensions, and revocations under Chapter 5.18 MCMC	City Manager	Hearing Examiner*
Administrative decisions and enforcement actions under MCMC Title 6	Police Chief	Hearing Examiner*
SEPA threshold determinations on project actions	SEPA Responsible Official	Hearing Examiner*
SEPA threshold determinations on nonproject actions	SEPA Responsible Official	Superior Court or GHB

**Section 43.** Amendment to MCMC 17.28.030. The Mill Creek Municipal Code Section 17.28.030 – Procedure for conditional uses other than adult businesses and wireless facilities is hereby amended as follows:

17.28.030 – Procedure for conditional uses other than adult businesses ~~and wireless facilities~~

The following standards shall apply to applications for conditional uses that do not involve adult businesses ~~and wireless facilities~~:



- A. Application. Upon receipt of a complete application for a conditional use permit, the application shall be processed pursuant to MCMC Title 14.
- B. Review. The director shall review the application for conformance with MCMC 17.28.060; provided, that the director may waive one or more of those standards if the proposed use is determined to be a public necessity.
- C. Decision. A permit may be granted, granted with any conditions deemed necessary by the director to meet the terms of this chapter and this code, or denied. If no reasonable condition(s) can be imposed to ensure that the proposed use meets the terms of this chapter and this code, then the application shall be denied. Each decision granting or denying a conditional use permit shall be supported by written findings of fact specifically addressing the applicable criteria.
- D. Conditions. Conditions imposed under this chapter shall constitute permanent regulations on the exercise of the approved use.
- E. Timing of Actions. A final decision regarding a conditional use application shall be made as provided in MCMC Title 14. Appeals of such decisions shall be as provided in MCMC Title 14.

**Section 54.** MCMC 17.28.080 and MCMC 17.28.050 are hereby repealed in their entirety and replaced with MCMC Chapter 17.29, which is enacted as follows:

**Chapter 17.29  
Wireless Communications Facilities**

**Sections:**

- Article I. GENERAL**
  - 17.29.010 Purpose.
  - 17.29.020 Applicability.
  - 17.29.030 Definitions.
  - 17.29.040 General Provisions.
- Article II. MACRO FACILITIES**
  - 17.29.050 Application requirements for macro facilities.
  - 17.29.060 Procedure for macro facilities permit.
  - 17.29.070 Review criteria for macro facilities.
  - 17.29.080 Prioritized locations for macro facilities.
  - 17.29.090 Design and concealment standards for macro facilities.
  - 17.29.100 Expiration of macro facility permit.
  - 17.29.110 Appeals.
- Article III. ELIGIBLE FACILITIES REQUEST**
  - 17.29.120 Definitions.
  - 17.29.130 Application.

- 17.29.140 Qualification as an Eligible Facilities Request.
- 17.29.150 Timeframe for review.
- 17.29.160 Tolling of the time frame for review.
- 17.29.170 Determination that application is not an Eligible Facilities Request.
- 17.29.180 Failure to act.

**Article IV. SMALL WIRELESS FACILITIES**

- 17.29.190 Application requirements for small wireless facilities.
- 17.29.200 Review criteria.
- 17.29.210 Permit requirements.
- 17.29.220 Modifications to small wireless facilities.
- 17.29.230 Consolidated permit.
- 17.29.240 Hierarchy for small wireless facilities.
- 17.29.250 Decorative Poles for small wireless facilities.
- 17.29.260 Design and concealment standards for small wireless facilities.
- 17.29.270 New poles in the right-of-way for small wireless facilities and installations on Decorative Poles.
- 17.29.280 Appeals.

**Article I. GENERAL**

**17.29.010 Purpose.**

The purpose of this chapter is to regulate the placement, construction and modification of wireless communication facilities, in order to protect the health, safety and welfare of the public, while not unreasonably interfering with the development of the competitive wireless telecommunication marketplace in the City. Among the purposes included are to:

- A. Minimize potential adverse visual, aesthetic, and safety impacts of all wireless communication facilities.
- B. Establish objective standards for the placement of wireless communication facilities.
- C. Ensure that such standards allow competition and do not unreasonably discriminate among providers of functionally equivalent services.
- D. Encourage the design of such wireless communication facilities to be aesthetically and architecturally compatible with the surrounding built and natural environments where possible.
- E. Encourage the collocation or attachment of wireless communication facilities on existing support structures to help minimize the total number and impact of such structures throughout the community.

**17.29.020 Applicability.**

- A. Applicability. The placement of any wireless communication facility in any location within the city is subject to the provisions of this chapter.
- B. Permit Required. Any person holding a license from the FCC to provide wireless communications services who desires to place any wireless communication facility within the boundaries of the city must apply to the city for the appropriate wireless communication facility permit.
- C. Lease Required. In addition to the requirement of obtaining the appropriate wireless communication facility permit, if all or a portion of the wireless communication facility will be located upon a city-owned structure, or upon non-right-of-way property, which is either city-owned or city-leased, the applicant shall be required to enter into a lease agreement with the city for the use of the city property.
- D. Franchise Required. In addition to the requirement of obtaining the appropriate wireless communication facility permit, if all or a portion of the wireless communication facility will be located within the city's right-of-way, the applicant shall be required to enter into a franchise agreement, consistent with MCMC Chapter 12.14, with the city for the use of the city's right-of-way.

**17.29.030 Definitions.**

For the purpose of this Chapter, the following terms, phrases, words, and abbreviations shall have the meanings given herein, unless otherwise expressly stated. Words not defined herein shall be given the meaning set forth in Title 47 of the United States Code, as amended. Words not otherwise defined shall have their common and ordinary meaning:

- A. "Antenna" means an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to FCC authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under 47 CFR Part 15.
- B. "Collocation" means (1) mounting or installing an antenna facility on a pre-existing structure, and/or (2) modifying a structure for the purpose of mounting or installing an antenna facility on that structure. Provided that, for purposes of Eligible Facilities Requests, "collocation" means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
- C. "Director" means the Public Works and Development Services Director or his/her designee.
- D. "FCC" or "Federal Communications Commission" means the federal administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers on a national level.

- E. “Light Pole” means a pole used primarily for lighting streets, parking areas, parks or pedestrian paths.
- F. “Macro facility” means a large wireless communication facility that provides radio frequency coverage for a personal wireless service. Generally, macro cell antennas are mounted on ground-based towers, rooftops and other existing structures, at a height that provides a clear view over the surrounding buildings and terrain. Macro cell facilities typically contain antennas that are greater than three cubic feet per antenna and typically cover large geographic areas with relatively high capacity and may be capable of hosting multiple wireless service providers.
- G. “Overhead facilities” means utility facilities and telecommunications facilities located above the surface of the ground, including the underground supports and foundations for such facilities.
- H. “Personal wireless services” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.
- I. “Service provider” is defined consistently with RCW 35.99.010(6). Service provider shall include those infrastructure companies that provide telecommunications services or equipment to enable the deployment of personal wireless services.
- J. “Small wireless facility” has the same meaning as defined in 47 CFR 1.6002.
- K. “Structure” means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of telecommunication service (whether on its own or comingled with other types of services).
- L. “Telecommunications facilities” means the plant, equipment and property including, but not limited to, cables, wires, conduits, ducts, pedestals, electronics, and other appurtenances used or to be used to transmit, receive, distribute, provide or offer wireline or wireless telecommunications service.
- M. “Telecommunications service” means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means for hire, sale, or resale to the general public. For the purpose of this subsection, “information” means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. For the purpose of this Chapter, telecommunications service excludes the over-the-air transmission of broadcast television or broadcast radio signals.
- N. “Traffic Signal Poles” means a pole that supports equipment used for controlling traffic, including but not limited to traffic lights, rapid flashing beacons, speed radar, and school zone flashers.
- O. “Transmission equipment” means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not

limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

P. “Unified enclosure” means a small wireless facility providing concealment of antennas and equipment within a single enclosure.

Q. “Utility pole” means a structure designed and used primarily for the support of electrical wires, telephone wires, television cable, traffic signals, or lighting for streets, parking areas, or pedestrian paths.

R. “Wireless communication facilities” means facilities used for personal wireless services.

S. “Wireline” means services provided using a physically tangible means of transmission, including without limitation wire or cable, and the apparatus used for such transmission.

**17.29.040 General Provisions.**

A. Wireless communication facilities shall not be considered nor regulated as essential public facilities.

B. Wireless communication facilities located outside the public right-of-way ~~may be either a primary or secondary use~~ are permitted uses in every zone of the City. A different use of an existing structure on the same lot shall not preclude the installation of a wireless communication facility.

C. A small wireless facility, as defined in MCMC 17.29.030, located within the public right-of-way pursuant to a valid franchise are ~~outright~~ permitted uses in every zone of the City but still require a small wireless facility permit pursuant to MCMC ~~Article IV.~~ 17.29.190.

D. Macro facilities, as defined in MCMC 17.29.030 are permitted uses in every zone of the City, but still require a macro facility permit pursuant to MCMC 17.29.050.

E. The following wireless communication facilities shall be exempt from the requirement to obtain land use permits:

1. Small Satellite Dish Antenna(s): Small dish antenna(s) in all zones shall be exempt from obtaining land use permit approval. Such antennas shall not be required to obtain building permit approval, but installation must comply with any applicable provisions of the City building code.
2. Routine maintenance or repair of wireless communication facilities and related equipment (excluding structural work or changes in height or dimensions of antennas, support structures or buildings); provided, that compliance with the standards of this code is maintained and a right-of-way use permit is obtained if the wireless communication facility is located in the right-of-way.
3. Temporary WCF for emergency communications equipment in anticipation of and during a declared public emergency or emergency exercise.

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

5. Governmentally operated wireless communication devices for public safety radio systems, Ham radio and business radio systems, ~~excluding new facilities, which are required to obtain land use permits.~~

**Article II. MACRO FACILITIES**

**17.29.050 Application requirements for macro facilities.**

A. A pre-application meeting is encouraged prior to submitting an application for a wireless communications facility permit.

B. Applications for a macro facility shall be filed with the Director on forms prescribed by the City. All applications shall be accompanied by a filing fee and other applicable fees as required by Chapter 3.42 MCMC. Each application shall contain the following:

1. The name, address, phone number and authorized signature on behalf of the applicant;
2. If the proposed site is not owned by the City, the name and address of the owner and documentation establishing the lease or easement right and permission of the property owner to locate the macro facility on the private property;
3. A statement identifying the nature and operation of the macro facility;
4. A vicinity sketch showing the relationship of the proposed use to existing streets, structures and surrounding land uses, and the location of any nearby bodies of water, wetlands, critical areas or other significant natural or manmade features;
5. A plan of the proposed use showing proposed streets, structures, land uses, open spaces, parking areas, fencing, pedestrian paths and trails, buffers, and landscaping, along with text identifying the proposed use(s) of each structure or area included on the plan;
6. Information necessary to demonstrate the applicant's compliance with FCC rules, regulations and requirements which are applicable to the proposed macro facility;
7. An explanation of the technical need for the macro facility, this may include but is not limited to capacity or coverage requirements;
8. If not proposing a co-location, then documentation showing that the applicant has made a reasonable attempt to find a co-location site acceptable to engineering standards and that co-locating was not technically feasible or that it posed a physical problem; ~~and~~

9. Map showing all existing property lines within and adjacent to the proposed project and the names and mailing addresses in written and electronic format of the owners and residents of adjacent property; and

10. ~~9.~~Such additional information as deemed necessary by the Director for proper review of the application, and which is sufficient to enable the Director to make a fully informed decision pursuant to the requirements of this chapter.

**17.29.060 Procedure for macro facilities permit.**

- A. Application. Upon receipt of a complete application for a macro facility, the application shall be processed administratively pursuant to MCMC Title 14.09.010.
- B. Review. The Director shall review the application for conformance with the application requirements and review criteria to determine whether the application is consistent with this chapter.
- C. Decision. A permit may be granted, granted with conditions pursuant to this chapter and the code, or denied. Any condition reasonably required to enable the proposed use to meet the standards of this chapter and code may be imposed. If no reasonable condition(s) can be imposed that ensure the application meets such requirements, the application shall be denied.
- D. Conditions. Conditions imposed under this chapter shall constitute permanent regulations on the exercise of the approved use. Each permit issued by the City shall be conditioned to:
  - 1. Require the permittee to allow collocation of proposed macro facilities on the permittees' site, unless the permittee demonstrates that collocation will substantially impair the technical operation of the existing macro facilities to a substantial degree.
  - 2. Require the permittee to maintain the macro facility in a state of good repair and to maintain or replace, if necessary, vegetation and landscaping required as a condition of approving the permit.
  - 3. Require the permittee to notify the City of any sale, transfer, assignment of a site or a macro facility within 60 days of such event.
  - 4. Require the permittee to comply with the provisions of this title and all other applicable city ordinances and rules and regulations.

**17.29.070 Review criteria for macro facilities.**

No application for a macro facility may be approved unless all of the following criteria are satisfied:

- A. The proposed use will be served by adequate public facilities including roads, water, and fire protection.

- B. The proposed use will not be materially detrimental to uses or property in the immediate vicinity of the subject property, and will not materially disturb persons in the use and enjoyment of their property.
- C. The proposed use will not be materially detrimental to the public health, safety and welfare.
- D. The proposed use is in accord with the comprehensive plan.
- E. The proposed use complies with this chapter and all other provisions of this code.
- F. The Director shall review the application for conformance with the following criteria:
  - 1. Compliance with prioritized locations pursuant to MCMC 17.29.080.
  - 2. Compliance with design standards pursuant to MCMC 17.29.090.

**17.29.080 Prioritized locations for macro facilities.**

Wireless communication facilities shall be located in the following prioritized order of preference:

- A. Collocation with existing macro facility(ies) or another existing public facility/utility facility (i.e., existing or replacement PUD pole or an existing monopole/tower).
- B. Collocation on existing buildings and structures located in nonresidential zones.
- C. Collocation on existing buildings and structures in residential zones not used for residential use (e.g., religious facility or public facility).
- D. New monopole structure proposed in a commercial or business zone district, where the sole purpose is for wireless communication facilities. Said monopole structure shall be the minimum height necessary to serve the target area; however, the structure shall be designed to allow extensions to accommodate the future collocation of additional antennas and support equipment. Further, the monopole structure shall comply with the setback requirements of the commercial or business zone districts, as applicable. In no case shall the antenna be of a height that requires illumination by the Federal Aviation Administration (FAA).
- E. New monopole structure proposed in a residential zone district, where the sole purpose is for wireless communication facilities, but only if the proposed WCF structure meets all of the following criteria:
  - 1. The structure shall be set back from residential structures and public right-of-way a minimum of 150 feet.
  - 2. The structure must be no higher than the minimum height necessary to serve the target area; however, the structure shall be designed to allow extensions to accommodate



the future collocation of additional antennas and support equipment. In no case shall the antenna be of a height that requires illumination by the FAA.

**17.29.090 Design and concealment standards for macro facilities.**

All macro facilities shall be constructed or installed according to the following standards:

- A. Macro facilities must comply with applicable Federal Communications Commission (FCC), Federal Aviation Administration (FAA), state, and city regulations and standards.
- B. Antennas shall be located, mounted and designed so that visual and aesthetic impacts upon surrounding land uses and structures are minimized, and so that they blend into the existing environment. Panel and parabolic antennas shall be screened from residential views and city right-of-way.
- C. Macro facilities must be screened or camouflaged employing the best available technology, such as compatible materials, location, color, artificial trees and hollow flagpoles, and other tactics to minimize visibility of the facility from public streets and residential properties.
  - 1. Macro facilities shall be designed and placed or installed on a site in a manner that takes maximum advantage of existing trees, mature vegetation, and structures by:
    - (a) Using existing site features to screen the macro facility from prevalent views; and
    - (b) Using existing or new site features as a background in a way that the macro facility blends into the background;
  - 2. As a condition of permit approval, the City may require the applicant to supplement existing trees and mature vegetation to screen the facility.
  - 3. A macro facility shall be painted either in a nonreflective color or in a color scheme appropriate to the background against which the macro facility would be viewed from a majority of points within its viewshed, and in either case the color must be approved by the City as part of permit approval.
  - 4. Macro facilities may be subject to additional screening requirements by the Director to mitigate visual impacts to adjoining properties or public right-of-way as determined by site-specific conditions.
- D. Equipment facilities shall be placed underground if applicable, or, if above ground, shall:
  - 1. Be screened from any street and adjacent property with fencing, walls, landscaping, structures or topography or a combination thereof; and
  - 2. Not be located within required building setback areas.

E. If a security barrier is installed that includes a fence, wall or similar freestanding structure, the following shall apply:

1. The height of the barrier shall not exceed six and a half (6.5) feet if located in a setback area, unless the Director determines additional height is necessary and then it can be up to 8 feet. In all other areas the height shall be restricted by the height limitations in the zoning district. The height is measured from the point of existing or finished grade, whichever is lower at the exterior side of the barrier to the highest point of the barrier.
2. Be screened from adjoining properties and city right-of-way through the use of appropriate landscaping materials including:
  - (a) Placement of landscape vegetation shall include areas outside of the barrier and shall obscure the site within 3 years; and
  - (b) Landscaping and the design of the barrier shall be compatible with other nearby landscaping, fencing and freestanding walls; and
3. If a chain link fence is allowed in the zone district it shall be black vinyl.

F. Macro facilities may not (i) produce noise in excess of the limitation set forth in MCMC Chapter 9.14; and (ii) not be used for mounting signs, billboards or message displays of any kind.

G. The Director shall consider the cumulative visual effects of macro facilities mounted on existing structures and/or located on a given permitted site in determining whether the additional permits can be granted so as to not adversely affect the visual character of the city.

**17.29.100 Expiration of macro facility permit.**

A. A macro facility permit issued under this chapter must be substantially implemented within three (3) years from the date of final approval or the permit shall expire. The holder of the permit may request one (1) extension to be limited to twelve (12) months, if the applicant cannot construct the macro facility within the original three (3) year period.

**17.29.110 Appeals – Macro Facilities.**

A. Appeals related to macro facilities shall be filed and processed pursuant to MCMC Chapter 14.11.

**Article III. ELIGIBLE FACILITIES REQUEST**

**17.29.120 Definitions.**

A. Definitions. The following definitions shall apply to Eligible Facilities Requests only as described in this Section 17.29.120.

1. “Base Station”: 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 backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (“DAS”) and small wireless networks).
  - c. Any structure other than a tower that, at the time the relevant application is filed (with jurisdiction) under this section, supports or houses equipment described in subparagraph (a) and (b) above 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.
  - d. The term does not include any structure that, at the time the Eligible Facilities Request application is filed with the City, does not support or house equipment described in subparagraph (1)(a) and (1)(b) above.
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 change the physical dimensions of such tower or base station, involving:
- a. Collocation of new transmission equipment;
  - b. Removal of transmission equipment; or
  - c. Replacement of transmission equipment.
4. “Eligible support structure”: Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the City.
5. “Existing”: A constructed tower or base station is existing if it has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

6. “Substantial Change”: A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:
- a. For towers other than towers in the public right-of-way, it increases the height of the tower by more than 10% or by the height of one 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 10% or more than ten (10) feet, whichever is greater;
  - b. For towers other than towers in the public right-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty (20) 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 right-of-way and Base Stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% 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 non-compliant only in a manner that would not exceed the thresholds identified above.
7. “Tower”: Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul and the associated site.
8. “Transmission equipment”: Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

**17.29.130 Application.**

The City shall prepare and make publicly available an application form used to consider whether an application is an Eligible Facilities Request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.

**17.29.140 Qualification as an Eligible Facilities Request.**

Upon receipt of an application for an Eligible Facilities Request, the Director shall review such application to determine whether the application qualifies as an Eligible Facilities Request.

**17.29.150 Timeframe for review.**

Applications for an Eligible Facilities Request are reviewed by the Director or his/her designee, who will approve the application within sixty (60) days of the date an applicant submits an Eligible Facilities Request application, unless the Director or designee determines that the application does not qualify under MCMC Section 1. Article III.17.29.120A.3

**17.29.160 Tolling of the time frame for review.**

The sixty (60) day review period begins to run when the application is filed 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 timeframe for review of an Eligible Facilities Request is not tolled by a moratorium on the review of applications.

1. To toll the timeframe for incompleteness, the City shall provide written notice to the applicant within thirty (30) days of receipt of the application, clearly and specifically delineating all missing documents or information required in the application.
2. The timeframe 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 if the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this sub-section. Second or subsequent notice of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

**17.29.170 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 shall deny the application.

**17.29.180 Failure to act.**

In the event the City fails to approve or deny an Eligible Facilities Request within the timeframe for review (accounting for any tolling), the request shall be 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.

**Article IV. SMALL WIRELESS FACILITIES**

**17.29.190 Application requirements for small wireless facilities.**

A. **Applicability.** Any application for a small wireless facility both inside and outside of the right-of-way shall comply with the application requirements for a small wireless facility permit described in this Chapter. For small wireless facilities inside the right-of-way, the applicant must also comply with the requirements pursuant to MCMC 12.16. The small wireless permits are issued by the Director.

B. **Consolidated Permits.** All permits, leases, and franchises necessary for the deployment of small wireless facilities shall be consolidated for review and a decision rendered to the full extent feasible within the presumptively reasonable time periods established by federal law. Applicants are allowed to apply for franchises or leases independently of an application for a small wireless permit.

C. **Pre-Application meeting.** A pre-application meeting is encouraged prior to submitting an application for a wireless communications facility permit.

D. **Application Process.** The Director is authorized to establish franchise and other application forms to gather the information required by these ordinances from applicants and to determine the completeness of the application process as provided herein.

1. **Franchise.** The process typically begins with and depends upon approval of a franchise for the use of the public right-of-way to deploy small wireless facilities if any portion of the applicant's facilities are to be located in the right-of-way, consistent with the requirements in MCMC 12.14. An applicant with a franchise for the deployment of small wireless facilities in the City may proceed to directly apply for a small wireless facility permit and related approvals. An applicant may utilize phased development.

2. **Small Wireless Facility Permits.** The application requires specification of the small wireless facility components and locations as further required in the small wireless permit application described in subsection E below. Prior to the issuance of a small wireless facility permit, the applicant shall pay a permit fee as set forth in MCMC 3.42.180.A.20.

3. **Associated Permit(s).** The applicant shall attach all associated permits such as applications or check lists required under the Critical Areas or SEPA ordinances. Applications for deployment of small wireless facilities on Decorative Poles or for new poles shall comply with the requirements in MCMC 17.29.250.

4. **Leases.** An applicant who desires to attach a small wireless facility on any utility pole or light pole owned by the City shall include an application for a lease as a component of its application. Leases for the use of utility poles, light poles, or other

public property, structures or facilities shall be submitted to the City Council for approval.

E. Small Wireless Permit Application. The following information shall be provided by all applicants for a small wireless permit.

1. The application shall provide specific locational information including GIS coordinates of all proposed small wireless facilities and specify where the small wireless facilities will utilize existing, replacement or new poles, towers, existing buildings and/or other structures. Ground mounted equipment, conduit, junction boxes and fiber and ~~electrical~~ power connections necessary for and intended for use in the deployment shall also be specified regardless of whether the additional facilities are to be constructed by the applicant or leased from a third party. Detailed schematics and visual renderings of the small wireless facilities, including engineering and design standards, shall be provided by the applicant. The application shall have sufficient detail to identify:

- (a) The location of overhead and underground public utilities, telecommunication, cable, water, adjacent lighting, sewer drainage and other lines and equipment within 50 feet of the proposed project area (which the project area shall include the location of the ~~fiber~~ signal source and power source). Further, the applicant shall include all existing and proposed improvements related to the proposed location, including but not limited to poles, driveways, ADA ramps, equipment cabinets, street trees and structures within 50 feet of the proposed project area.
- (b) The specific trees, structures, improvements, facilities, lines and equipment, and obstructions, if any, that applicant proposes to temporarily or permanently remove or relocate and a landscape plan for protecting, trimming, removing, replacing, and restoring any trees or areas to be disturbed during construction. The applicant is discouraged from trimming, removing or replacing trees, and if any such tree modifications are proposed the applicant must comply with MCMC 12.16.1500.
- (c) The construction drawings shall also include the applicant's plan for ~~electric and fiber utilities~~ signal and power service, all conduits, cables, wires, handholes, junctions, meters, disconnect switches and any other ancillary equipment or construction necessary to construct the small cell facility, to the extent to which the applicant is responsible for installing such ~~electric and fiber utilities~~ signal and power service, conduits, cables, and related improvements. Where another party is responsible for installing such ~~electric and fiber utilities~~ signal and power service, conduits, cables, and related improvements, applicant's construction drawings will include such utilities to the extent known at the time of application, but at a minimum applicant must indicate how it expects to obtain ~~fiber~~ power and ~~electric~~ signal service to the small cell facility.

(d) If the site location includes a new replacement light pole, then the applicant must submit a photometric analysis of the roadway and sidewalk within 150 feet of the existing light.

(e) Compliance with the aesthetic requirements of MCMC 17.29.260.

2. The applicant must show written approval from the owner of any pole or structure for the installation of its small wireless facilities on such pole or structure. Such written approval shall include approval of the specific pole, engineering and design standards, as well as assurances that the specific pole can withstand wind and seismic loads, from the pole owner, unless the pole owner is the City. Submission of the lease agreement between the owner and the applicant is not required. For city-owned poles or structures, the applicant must obtain a lease from the City prior to or concurrent with the small wireless permit application and must submit as part of the application the information required in the lease for the City to evaluate the usage of a specific pole.

3. The applicant is encouraged to batch the small wireless facility sites within an application in a contiguous service area.

4. Any application for a small wireless facility located in the right-of-way adjacent to a parcel zoned for residential use shall demonstrate that the applicant has evaluated the following:

(a) Whether a small wireless facility is currently installed on an existing pole in front of the same residential parcel. If a small wireless facility exists, then the applicant must demonstrate that no technically feasible alternative location exists which is not in front of the same residential parcel.

(b) Whether the proposed small wireless facility can be screened from residential view by choosing a pole location that is not directly in front of a window or views. The applicant must demonstrate that no technically feasible alternative location exists which is not directly in front of a window or views.

5. Any application for a small wireless permit which contains an element which is not exempt from SEPA review shall simultaneously apply under Chapter 43.21C RCW and MCMC Chapter 18.04. Further, any application proposing small wireless facilities in Critical Areas (pursuant to MCMC Chapter 18.06) must indicate that the application is exempt or comply with the review processes in such codes.

6. The applicant shall submit a sworn affidavit signed by an RF engineer with knowledge of the proposed project affirming that the small wireless facilities will be compliant with all FCC and other governmental regulations in connection with human exposure to radio frequency emissions for every frequency at which the small wireless facility will operate. If facilities which generate RF radiation necessary to the small wireless facility are to be provided by a third party, then the small wireless permit shall be conditioned on an RF certification showing the cumulative impact of the RF emissions on the entire installation. The applicant may provide one emissions report for the entire



small wireless deployment if the applicant is using the same small wireless facility configuration for all installations within that batch or may submit one emissions report for each subgroup installation identified in the batch.

7. The applicant shall provide proof of FCC or other regulatory approvals required to provide the service(s) or utilize the technologies sought to be installed.

8. A professional engineer licensed by the State of Washington shall certify in writing, over his or her seal, that construction plans of the small wireless facilities and structure or pole and foundation are designed to reasonably withstand wind and seismic loads as required by applicable codes.

9. A traffic control plan as required by MCMC 12.16.1400 and right-of-way work permit as required by MCMC 12.16.1370.

10. Proof of a valid Mill Creek Business License.

11. Recognizing that small wireless facility technology is rapidly evolving, the Director is authorized to adopt and publish standards for the technological and structural safety of City-owned structures and to formulate and publish application questions for use when an applicant seeks to attach to City-owned structures.

12. Map showing all existing property lines within and adjacent to the proposed project and the names and mailing addresses in written and electronic format of the owners and residents of adjacent property.

13. ~~12.~~ Such other information as the Director, in his/her discretion, shall deem appropriate to effectively evaluate the application based on technical, engineering and aesthetic considerations.

**17.29.200 Review criteria.**

A. Review. The following provisions relate to review of applications for a small wireless facility permit.

1. In any zone, upon application for a small wireless permit, the City will permit small wireless deployment on existing or replacement utility poles conforming to the City's generally applicable development and design and concealment standards ~~adopted pursuant to Article IV.~~

2. Vertical clearance shall be reviewed by the Director to ensure that the small wireless facilities will not pose a hazard to other users of the right-of-way.

3. Replacement poles and new poles shall comply with the Americans with Disabilities Act (ADA), City construction and sidewalk clearance standards, traffic warrants, city ordinances, and state and federal statutes and regulations in order to provide a clear and safe passage within the right-of-way. Further, the location of any replacement pole or new pole must: be physically possible, cannot obstruct vehicular

or pedestrian traffic or the clear zone, not interfere with utility or safety fixtures (e.g., fire hydrants, traffic control devices), and not adversely affect the public welfare, health, or safety.

4. No equipment shall be operated so as to produce noise in violation of MCMC Chapter 9.14.

5. Small wireless facilities may not encroach onto or over private property or property outside of the right-of-way without the property owner's express written consent.

B. Public Works and Development Services Department. All small wireless facility deployment applications shall be reviewed by the Director pursuant to MCMC 14.09.010. The Director's decision shall be final and is appealable pursuant to MCMC Chapter 14.11.

C. Eligible Facilities Requests. The design approved in a small wireless facility permit shall be considered concealment elements and such facilities may only be expanded upon submittal of an Eligible Facilities Request described in MCMC 17.29.050, when the modification does not defeat the concealment elements of the small wireless facility.

D. Review of Facilities. Review of the site locations proposed by the applicant shall be governed by the provisions of 47 USC 253 and 47 USC 332 and other applicable statutes, regulations and case law. Applicants for franchises and the small wireless facility permits shall be treated in a competitively neutral and non-discriminatory manner with other service providers, utilizing supporting infrastructure which is functionally equivalent, that is, service providers whose facilities are similarly situated in terms of structure, placement, or cumulative impacts. Small wireless facility permit review under this Chapter shall neither prohibit nor have the effect of prohibiting the ability of an applicant to provide telecommunications services.

E. Withdrawal. Any applicant may withdraw an application submitted at any time, provided the withdrawal is in writing and signed by all persons who signed the original application or their successors in interest. When a withdrawal is received, the application shall be deemed null and void. If such withdrawal occurs prior to the Director's decision, then reimbursement of fees submitted in association with said application shall be prorated to withhold the amount of City costs incurred in processing the application prior to time of withdrawal. If such withdrawal is not accomplished prior to the Director's decision, there shall be no refund of all or any portion of such fee.

F. Supplemental Information. Failure of an applicant to provide supplemental information as requested by the Director within sixty (60) days of notice by the Director shall be deemed a denial of that application, unless an extension period has been approved by the Director.

**17.29.210 Permit requirements.**

A. The grantee of any permit shall comply with all of the requirements within the small wireless permit.

B. Post-Construction As-Built. Upon request, the grantee shall provide the City with as-builts of the small wireless facilities, within thirty (30) days after construction of the small wireless facility, demonstrating compliance with the permit and site photographs.

C. Permit Time Limit. Construction of the small wireless facility must be completed within twelve (12) months after the approval date by the City. The grantee may request one (1) extension to be limited to six (6) months, if the applicant provides an explanation as to why the small wireless facility cannot be constructed within the original twelve (12) month period.

D. Site Safety and Maintenance. The grantee must maintain the small wireless facilities in safe and working condition. The grantee shall be responsible for the removal of any graffiti or other vandalism and shall keep the site neat and orderly, including but not limited to following any maintenance or modifications on the site.

E. Operational Activity. The grantee shall commence operation of the small wireless facility no later than six (6) months after installation, the applicant may request one (1) extension for an additional six (6) month period if the applicant can show that such operational activity is delayed due to inability to connect to electrical or backhaul facilities.

**17.29.220 Modifications to small wireless facilities.**

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

B. A small wireless facility permit shall not be required for routine maintenance and repair of a small wireless facility within the right-of-way, or the replacement of an antenna or equipment of similar size, weight, and height, provided that such replacement does not defeat the concealment elements used in the original deployment of the small wireless facility, does not impact the structural integrity of the pole, and does not require pole replacement. Further, a small wireless facility permit shall not be required for replacing equipment within the equipment enclosure or reconfiguration of ~~fiber-signal~~ or power to the small wireless facility. Right-of-way use permits may be required for such routine maintenance, repair or replacement consistent with MCMC 12.16.

**17.29.230 Consolidated permit.**

A. The issuance of a small wireless permit grants authority to construct small wireless facilities in the right-of-way in a consolidated manner to allow the applicant, in most situations, to avoid the need to seek duplicative approval by both the public works and the development services divisions. If the applicant requires a new franchise to utilize the right-of-way, the franchise approval may be consolidated with the small wireless facility permit review if requested by the applicant. As an exercise of police powers pursuant to RCW 35.99.040(2), the small wireless facility permit is not a right-of-way use permit, but instead a consolidated public works and land use permit and the issuance of a small wireless facility permit shall be governed by the time limits established by federal law for small wireless facilities.

B. To the extent they do not conflict with the requirements of this chapter, the general standards applicable to the use of the right-of-way described in MCMC 12.16 shall apply to all small wireless facility permits.

**17.29.240 Hierarchy for small wireless facilities.**

The City’s preference is for applicants to attach small wireless facilities to replacement light poles. If a light pole exists within 150 feet of a wooden pole, the applicant shall utilize the light pole unless the applicant can demonstrate, to the satisfaction of the Director, that the light pole has been evaluated and is not possible for either technical feasibility or aesthetic reasons. However, this requirement shall not apply if the light pole is a Decorative Pole, as designated in MCMC 17.29.250.

**17.29.250 Decorative Poles for small wireless facilities.**

A. The City discourages the use of certain decorative poles for small wireless facilities due to the aesthetic impact to the city’s streetscape. Accordingly, the following types of poles (herein referred to as “Decorative Poles”) as designated in the Standard Specifications and Details are discouraged from use for small wireless facilities: (i) Architectural Lighting Commercial Street Light (LGT-4), (ii) Architectural Lighting Residential Street Light (LGT-5), and (iii) Candela Commercial Housing Street Light (LGT-6).

B. Applications for small wireless facilities attached to Decorative Poles must comply with MCMC 17.29.270 below.

**17.29.260 Design and concealment standards for small wireless facilities.**

Small wireless facility deployments permitted in accordance with this chapter shall conform to the following design standards:

A. Small wireless facilities attached to existing or replacement non-wooden light poles and other non-wooden poles in the right-of-way or non-wooden poles outside of the right-of-way shall conform to the following design criteria:

1. Upon adoption of a city standard small wireless facility pole design(s) within the Standard Specifications and Details, an applicant shall first consider using or modifying the standard pole design to accommodate its small wireless facility without substantially changing the outward visual and aesthetic character of the design. The applicant, upon a showing that use or modification of the standard pole design is either technically or physically infeasible, or that the modified pole design will not comply with the city’s ADA, sidewalk clearance requirements and/or would violate electrical or other safety standards, may deviate from the adopted standard pole design and use the design standards as further described in this subsection A.

2. The applicant shall minimize to the extent possible the antenna and equipment space and shall use the smallest amount of enclosure technically necessary to fit the equipment and antennas. The antennas and equipment shall be located using the following methods:

- (a) Concealed completely within the pole or pole base. Antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) shall be fully concealed within the pole, unless such concealment is otherwise technically infeasible, or is incompatible with the pole design. If within the pole base, the base shall meet the ADA requirements and not impact the pedestrian access route.
- (b) Located on a pole. If located on a pole, antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) must be camouflaged to appear as an integral part of the pole.
  - i. The antenna(s) shall be placed as close to the surface of the pole as possible, but may not be more than twelve (12) inches off the surface of the pole, and only if such distance is necessary for antenna tilt and technical need. Each antenna may not exceed three (3) cubic feet in volume.
  - ii. The equipment shall be placed as close to the surface of the pole as possible, but may not be more than six (6) inches off the surface of the pole. The equipment must be placed in the smallest enclosure possible for the technical need of the small wireless facility. The equipment enclosure and all other wireless equipment associated with the utility pole, including wireless equipment associated with the antenna (including conduit) and any pre-existing associated equipment on the pole, may not exceed twenty-eight (28) cubic feet. Multiple equipment enclosures may be acceptable if designed to more closely integrate with the pole design and does not cumulatively exceed twenty-eight (28) cubic feet. The applicant is encouraged to place the equipment enclosure behind any banners or road signs that may be on the pole, provided that such location does not interfere with the operation of the banners or signs, or the operation of the small wireless facility.
  - iii. A unified antenna and equipment enclosure shall be placed as close to the surface of the pole as possible, but not more than twelve (12) inches off the pole if necessary for antenna tilt and technical need. The unified equipment enclosure shall be the smallest size technically necessary, but shall not exceed the dimensional requirements of subsection (A)(2)(b)(ii) above.
  - iv. To the extent possible, the equipment enclosures shall be placed so as to appear as an integrated part of the pole or behind banners or signs, provided that such location does not interfere with the operation of the banners or signs, or the operation of the small wireless facility.

- v. The applicant may propose a side mounted canister antenna, so long as the inside edge of the antenna is no more than six (6) inches from the surface of the pole.
  - (c) Underground in a utility vault. If located underground, the access lid to the equipment enclosure shall be located outside the footprint of any pedestrian curb ramp and shall have a nonskid surface meeting ADA requirement if located within an existing pedestrian access route.
  - (d) On private property. If located on private property, the applicant shall provide documentation establishing the lease or easement right and permission of the property owner to locate the small wireless facility on the private property.
3. The furthest point of any equipment enclosure may not extend more than twenty-eight (28) inches from the face of the pole. Any equipment or antenna enclosures must meet WSDOT height clearance requirements. Applicants are encouraged to place the equipment enclosure as close to the antennas as physically and technically possible, unless such placement would cause a greater aesthetic impact.
4. All conduit, cables, wires and fiber must be routed internally in the non-wooden pole. Full concealment of all conduit, cables, wires and fiber is required within mounting brackets, shrouds, canisters or sleeves if attaching to exterior antennas or equipment.
5. An antenna on top of an existing pole may not extend more than six (6) feet above the height of the existing pole and the diameter may not exceed sixteen (16) inches, measured at the top of the pole, unless the applicant can demonstrate that more space is technically necessary. The antennas shall be integrated into the pole design so that it appears as a continuation of the original pole, including colored or painted to match the pole, and shall be shrouded or screened to blend with the pole. 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.
6. Any replacement pole shall substantially conform to the design of the pole it is replacing or the neighboring pole design standards utilized within the contiguous right-of-way.
7. The height of any replacement pole may not extend more than ten (10) feet above the height of the existing pole or the minimum additional height necessary; provided that the height of the replacement pole cannot be extended further by additional antenna height.
8. The diameter of a replacement pole shall comply with the City's setback and sidewalk clearance requirements and shall, to the extent technically feasible, not be more than a 25% increase of the existing non-wooden pole measured at the base of the pole, unless additional diameter is needed in order to conceal equipment within the base of the pole, and shall comply with the requirements in subsection E(4) below.

9. The use of the pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

B. Wooden pole design standards. Small wireless facilities located on wooden poles shall conform to the following design criteria:

1. The wooden pole at the proposed location may be replaced with a taller pole for the purpose of accommodating a small wireless facility; provided, that the replacement pole shall not exceed a height that is a maximum of ten (10) feet taller than the existing pole, unless a further height increase is required and confirmed in writing by the pole owner and that such height extension is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.

2. A pole extender may be used instead of replacing an existing pole but may not increase the height of the existing pole by more than ten (10) feet, unless a further height increase is required and confirmed in writing by the pole owner and that such height increase is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities. A “pole extender” as used herein is an object affixed between the pole and the antenna for the purpose of increasing the height of the antenna above the pole. The pole extender shall be painted to approximately match the color of the pole and shall substantially match the diameter of the pole measured at the top of the pole.

3. Replacement wooden poles must either match the approximate color and materials of the replaced pole or shall be the standard new wooden pole used by the pole owner in the City. Alternatively, the applicant may replace the wooden pole with a non-wooden pole upon the determination of the pole owner, provided that the new pole is hollow and incorporates internal power and ~~fiber~~-signal conduit for the small wireless facility.

4. Antennas, equipment enclosures, and all ancillary equipment, boxes and conduit shall be colored or painted to match the approximate color of the surface of the wooden pole on which they are attached.

5. Antennas shall not be mounted more than twelve (12) inches from the surface of the wooden pole.

6. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness. Multiple antennas are permitted on a wooden pole provided that each antenna enclosure shall not be more than three (3) cubic feet in volume.

7. A canister antenna may be mounted on top of an existing wooden pole, which may not exceed the height requirements described in subsection B(1) above. A canister antenna mounted on the top of a wooden pole shall not exceed sixteen (16) inches in diameter, measured at the top of the pole, and shall be colored or painted to match the

pole. The canister antenna must be placed to look as if it is an extension of the pole. In the alternative, the applicant may propose a side mounted canister antenna, so long as the inside edge of the antenna is no more than twelve (12) inches from the surface of the wooden pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the wooden pole.

8. The furthest point of any antenna or equipment enclosure may not extend more than twenty-eight (28) inches from the face of the pole. Any equipment or antenna enclosures must meet WSDOT height clearance requirements.

9. An omni-directional antenna may be mounted on the top of an existing wooden pole, provided such antenna is no more than four (4) feet in height and is mounted directly on the top of a pole or attached to a sleeve made to look like the exterior of the pole as close to the top of the pole as technically feasible. All cables shall be concealed within the sleeve between the bottom of the antenna and the mounting bracket.

10. All related equipment, including but not limited to ancillary equipment, radios, cables, associated shrouding, microwaves, and conduit which are mounted on wooden poles 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.

11. Equipment for small wireless facilities must be attached to the wooden pole, unless otherwise permitted to be ground mounted pursuant to subsection (E)(1). The equipment must be placed in the smallest enclosure possible for the intended purpose. The equipment enclosure and all other wireless equipment associated with the utility pole, including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole, may not exceed twenty-eight (28) cubic feet. Multiple equipment enclosures may be acceptable if designed to more closely integrate with the pole design and does not cumulatively exceed twenty-eight (28) cubic feet. The applicant is encouraged to place the equipment enclosure behind any banners or road signs that may be on the pole, provided that such location does not interfere with the operation of the banners or signs.

12. An applicant who desires to enclose both its antennas and equipment within one unified enclosure may do so, provided that such enclosure is the minimum size necessary for its intended purpose and the enclosure and all other wireless equipment associated with the pole, including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole does not exceed twenty-eight (28) cubic feet. The unified enclosure may not be placed more than six (6) inches from the surface of the pole, unless a further distance is required and confirmed in writing by the pole owner. To the extent possible, the unified enclosure shall be placed so as to appear as an integrated part of the pole or behind banners or signs, provided that such location does not interfere with the operation of the banners or signs.

13. The visual effect of the small wireless facility on all other aspects of the appearance of the wooden pole shall be minimized to the greatest extent possible.



14. The use of the wooden pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

15. The diameter of a replacement pole shall comply with the City's setback and sidewalk clearance requirements.

16. All cables and wires shall be routed through conduit along the outside of the pole. The outside conduit shall be colored or painted to match the pole. The number of conduits shall be minimized to the number technically necessary to accommodate the small wireless facility.

C. Small wireless facilities attached to existing buildings, shall conform to the following design criteria:

1. Small wireless facilities may be mounted to the sides of a building if the antennas do not interrupt the building's architectural theme.

2. The interruption of architectural lines or horizontal or vertical reveals is discouraged.

3. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if it complements the architecture of the existing building.

4. Small wireless facilities shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building.

5. Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas. Exposed cabling/wiring is prohibited.

6. Small wireless facilities shall be colored, painted and textured to match the adjacent building surfaces, to the extent technically feasible.

D. Small wireless facilities mounted on cables strung between existing utility poles shall conform to the following standards.

1. Each strand mounted facility shall not exceed three (3) cubic feet in volume, unless the applicant can demonstrate, to the satisfaction of the Director, that the three (3) cubic feet maximum is technically infeasible;

2. Only one strand mounted facility is permitted per cable between any two existing poles;

3. 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 is required by the pole owner for safety clearance;
4. No strand mounted device shall be located in or above the portion of the roadway open to vehicular traffic;
5. Ground mounted equipment to accommodate a shared mounted facility is not permitted except when placed in pre-existing equipment cabinets; and
6. Pole mounted equipment shall comply with the requirements of subsections A and B above.
7. Such strand mounted devices must be installed to cause the least visual impact and without excess exterior cabling or wires (other than the original strand).
8. Strand mounted facilities are prohibited on non-wooden poles, unless the existing pole has pre-existing communication wirelines.

E. General requirements.

1. Ground mounted equipment in the right-of-way is prohibited, unless the applicant can demonstrate that pole mounted or undergrounded equipment is technically infeasible. If ground mounted equipment is necessary, then the applicant shall submit a concealment element plan. Generators located in the right-of-way are prohibited.
2. No equipment shall be operated so as to produce noise in violation of MCMC Chapter 9.14.
3. Small wireless facilities are not permitted on traffic signal poles unless denial of the siting could be a prohibition or effective prohibition of the applicant's ability to provide telecommunications service in violation of 47 USC §§ 253 and 332.
4. Small wireless facilities are not permitted on ~~the following types of poles: Bollard Path Lights, Teka Pedestrian Path Lights, and Candela Pedestrian Path Lighting~~ bollard or pedestrian path lighting.
5. Replacement poles and new poles shall comply with the Americans with Disabilities Act (ADA), City construction and sidewalk clearance standards, city ordinance, and state and federal laws and regulations in order to provide a clear and safe passage within the right-of-way. Further, the location of any replacement or new pole must: be physically possible, comply with applicable traffic warrants, not interfere with utility or safety fixtures (e.g., fire hydrants, traffic control devices), and not adversely affect the public welfare, health or safety.
6. Replacement poles shall be located as near as possible to the existing pole with the requirement to remove the abandoned pole.

7. 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 or equipment enclosure. Any permitted signage shall be located on the equipment enclosures and be of the minimum amount possible to achieve the intended purpose (no larger than 4x6 inches); provided that, signs are permitted as concealment element techniques where appropriate.

8. Antennas and related equipment shall not be illuminated except for security reasons, required by a federal or state authority, or unless approved as part of a concealment element plan.

9. Side arm mounts for antennas or equipment must be the minimum extension necessary and the inside edge of the antenna may be no more than twelve (12) inches from the surface of the pole.

10. The preferred location of a small wireless facility on a pole is the location with the least visual impact.

11. Antennas, equipment enclosures, and ancillary equipment, conduit and cable, shall not dominate the structure or pole upon which they are attached.

12. Except for locations in the right-of-way, small wireless facilities are not permitted on any property containing a residential use in the residential zones.

13. The City may consider the cumulative visual effects of small wireless facilities mounted on poles within the right-of-way when assessing proposed siting locations so as to not adversely affect the visual character of the City. This provision shall not be applied to limit the number of permits issued when no alternative sites are reasonably available nor to impose a technological requirement on the applicant.

14. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would unreasonably impair the function of the technology chosen by the applicant, alternative forms of concealment or deployment may be permitted which provide similar or greater protections from negative visual impacts to the streetscape.

**17.29.270 New poles in the right-of-way for small wireless facilities and installations on Decorative Poles.**

A. New poles within the right-of-way or for installations on a Decorative Pole are only permitted if the applicant can establish that:

1. The proposed small wireless facility cannot be located on an existing utility pole or light pole, electrical transmission tower or on a site outside of the public right-of-way such as a public park, public property, building, transmission tower or in or on a non-residential use in a residential zone whether by roof or panel-mount or separate structure;

2. The proposed small wireless facility complies with the applicable requirements of MCMC 17.29.260(E);
3. The proposed small wireless facility receives approval for a concealment element design, as described in MCMC Section 1. Article IV.17.29.270C) below;
4. The proposed small wireless facility complies with SEPA, if applicable; and
5. No new poles shall be located in a critical area or associated buffer required by the City's Critical Areas Management ordinance (MCMC Title 18.06), except when determined to be exempt pursuant to said ordinance.

B. An application for a new pole or installation on a Decorative Pole is subject to review and approval or denial by the Director.

C. The concealment element design shall include the design of the screening, fencing or other concealment technology for a tower, pole, or equipment structure, and all related transmission equipment or facilities associated with the proposed small wireless facility, including but not limited to ~~fiber~~-signal and power connections.

1. If the applicant desires to place the small wireless facility on a Decorative Pole, and the city has created a small wireless facility standard for such type of Decorative Pole in the Standard Specification and Details, then the applicant is encouraged to first consider using the Decorative Pole design adopted for small wireless facilities from the Standard Specification and Details. The applicant, upon a showing that using the standard Decorative Pole design is either technically or physically infeasible, or that a modified pole design will not comply with the city's ADA, or sidewalk clearance requirements and/or would violate electrical or other safety standards, may deviate from the adopted standard Decorative Pole design and propose a concealment element design consistent with subsection 2 below.

2. If the Director has already approved a concealment element design either for the applicant or another small wireless facility along the same public right-of-way or for the same pole type, then the applicant shall utilize a substantially similar concealment element design, unless it can show that such concealment element design is not physically or technically feasible, or that such deployment would undermine the generally applicable design standards, in such case, the applicant shall propose a concealment element design consistent with subsection 3 below.

3. The concealment element design should seek to minimize the visual obtrusiveness of the small wireless facility. The proposed pole or structure should have similar designs to existing neighboring poles in the right-of-way, including similar height to the extent technically feasible. If the proposed small wireless facility is placed on a replacement pole, then the replacement pole shall be of the same general design as the pole it is replacing (for example if a Candela Commercial Housing Street Light, then the replacement pole should match that pole design), unless the Development Services Department otherwise approves a variation due to aesthetic or safety concerns. Any concealment element design for a small wireless facility should attempt to mimic the

design of such pole and integrate the small wireless facility into the design of the pole. Other concealment methods include, but are not limited to, integrating the installation with architectural features or building design components, utilization of coverings or concealment devices of similar material, color, and texture - or the appearance thereof - as the surface against which the installation will be seen or on which it will be installed, landscape design, or other camouflage strategies appropriate for the type of installation. Applicants are required to utilize designs in which all conduit and wirelines are installed internally in the structure.

D. Even if an alternative location is established pursuant to subsection (A)(1), the Director may determine that a new pole in the right-of-way is in fact a superior alternative based on the impact to the City, the concealment element design, the City's Comprehensive Plan and the added benefits to the community.

E. Prior to the issuance of a permit to construct a new pole or ground mounted equipment in the right-of-way, the applicant must obtain a site-specific agreement from the City to locate such new pole or ground mounted equipment. This requirement also applies to replacement poles when the replacement is necessary for the installation or attachment of small cell facilities, the replacement structure is higher than the replaced structure, and the overall height of the replacement structure and the small cell facility is more than sixty (60) feet.

F. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would unreasonably impair the function of the technology chosen by the applicant, alternative forms of concealment or deployment may be permitted which provide similar or greater protections of the streetscape.

**17.29.280 Appeals – Small Wireless Facilities.**

Appeals related to small wireless facilities located in the right-of-way shall be filed in Snohomish County Superior Court, all other appeals shall be filed and processed pursuant to MCMC Chapter 14.11.

~~Section 6. Amendment to MCMC 17.04.030. The Mill Creek Municipal Code Section 17.04.030 Principal uses is hereby amended as follows:~~

~~Principal uses are:~~

- ~~A. Single family residential;~~
- ~~B. Multi family residential, including townhouses;~~
- ~~C. Neighborhood business of up to one acre for every 300 dwelling units within the PRD;~~
- ~~D. Public and private parks and recreation facilities;~~
- ~~E. Country clubs and golf courses;~~
- ~~F. Schools; and~~
- ~~G. Adult family homes.; and~~
- ~~H. Wireless communication facilities~~

~~Section 7~~**Section 5.** Amendment to MCMC 17.04.045. The Mill Creek Municipal Code Section 17.04.045– Conditional uses is hereby amended as follows:

Conditional uses permitted within the PRD 7200 zoning district shall be processed in accordance with Chapter 17.28 MCMC. Conditional uses are:

- A. ~~Large satellite~~ Satellite dishes ~~Accessory satellite signal transmitting, wireless and cellular communication facilities and receiving antennas~~ over four feet in diameter;
- B. Adult day care; and
- C. Public facilities/utilities and essential public facilities.

~~Section 8.~~ Amendment to MCMC 17.06.010. ~~The Mill Creek Municipal Code Section 17.06.010– Principal uses is hereby amended as follows:~~

~~Principal uses are:~~

- ~~A. Single family detached dwellings;~~
- ~~B. Townhouses or single family attached dwellings in planned residential developments;~~
- ~~C. Foster homes;~~
- ~~D. Boarding houses; and~~
- ~~E. Adult family homes.; and~~
- ~~F. Wireless communication facilities~~

~~Section 9~~**Section 6.** Amendment to MCMC 17.06.030. The Mill Creek Municipal Code Section 17.06.030– Conditional uses is hereby amended as follows:

Conditional uses permitted within this zone shall be processed in accordance with Chapter 17.28 MCMC. Conditional uses are:

- A. Adult day care;
- B. Religious facilities and schools;
- C. Public facilities and essential public facilities; and
- D. ~~Large satellite~~ Satellite dishes ~~Accessory satellite signal transmitting and receiving antennas~~ over four feet in diameter.; and
- E. ~~Wireless and cellular communication facilities.~~

~~Section 10.~~ Amendment to MCMC 17.12.020. ~~The Mill Creek Municipal Code Section 17.12.020– Principal uses is hereby amended as follows:~~

~~Principal uses are:~~

- ~~A. Single family detached dwellings;~~
- ~~B. Single family attached dwellings;~~
- ~~C. Townhouses and condominiums;~~
- ~~D. Apartments in buildings containing six or fewer units; and~~
- ~~E. Adult family homes.; and~~
- ~~F. Wireless communication facilities.~~

~~Section 11~~**Section 7.** Amendment to MCMC 17.12.040. The Mill Creek Municipal Code Section 17.12.040– Conditional uses is hereby amended as follows:

Conditional uses permitted in this zoning district shall be processed in accordance with Chapter 17.28 MCMC. Conditional uses are:

- A. Religious facilities;
- B. Schools;
- C. Public facilities/utilities and essential public facilities;
- D. Accessory satellite signal transmitting and receiving antenna over four feet in diameter external to or attached to the exterior of any building;
- ~~E. Wireless and cellular facilities shall be located pursuant to Chapter 17.28 MCMC;~~
- ~~EF.~~ Retirement homes, nursing homes, and congregate care facilities;
- ~~FG.~~ Family child day care;
- ~~GH.~~ Adult day care;
- ~~HI.~~ Health care facilities that meet the following standards:
  - 1. The facility has direct access to a collector or arterial street;
  - 2. The maximum building height is the same as residential;
  - 3. Overnight care is not provided;
  - 4. Retail uses directly related to health care may be allowed, such as pharmacies and optical dispensaries, as a secondary use.
- ~~IJ.~~ Garden center facilities that meet the following standards:
  - 1. Garden center retail sales shall be limited to garden products such as soils, bark, rock, gravel, pavers, pots, plants and trees.
  - 2. Garden center and soil processing uses shall be set back a minimum of 150 feet from residential structures.

~~**Section 12.** Amendment to MCMC 17.14.010. The Mill Creek Municipal Code Section 17.14.010 – Principal uses is hereby amended as follows:~~

~~Principal uses are:~~

- ~~A. Multi-family dwellings;~~
- ~~B. Townhouses;~~
- ~~C. Foster homes;~~
- ~~D. Boarding houses;~~
- ~~E. Nursing homes, retirement, convalescent centers, and congregate residential; and~~
- ~~F. Adult family homes.; and~~
- ~~G. Wireless communication facilities.~~

~~**Section 13**~~**Section 8.** Amendment to MCMC 17.14.030. The Mill Creek Municipal Code Section 17.14.030– Conditional uses is hereby amended as follows:

Conditional uses shall be processed in accordance with Chapter 17.28 MCMC.

Conditional uses are:

- A. Religious facilities;
- B. Schools;
- C. Public facilities/utilities;
- D. Health care facilities that meet the following standards:
  - 1. The facility has direct access to a collector or arterial street;
  - 2. The maximum building height is the same as residential;

- 3. Overnight care is not provided;
- 4. Retail uses directly related to health care such as pharmacies and optical dispensaries as a secondary use;
- E. Accessory satellite signal transmitting and receiving antenna over four feet in diameter external to or attached to the exterior of any building; and
- ~~F. Wireless and cellular communication facilities; and~~
- ~~F.G.~~ Adult day care.

~~**Section 14.** Amendment to MCMC 17.15.020. The Mill Creek Municipal Code Section 17.15.020—Principal uses is hereby amended as follows:~~

~~Principal uses are:~~

- ~~A. Multi-family dwellings (i.e., apartment complexes, townhouses, condominiums, and duplexes);~~
- ~~B. Single family detached and attached dwellings;~~
- ~~C. Nursing homes, retirement homes, convalescent centers, and congregate care residential; and~~
- ~~D. Transit facilities and stops; and~~
- ~~E. Wireless communication facilities.~~

~~**Section 15**~~**Section 9.** Amendment to MCMC 17.15.040. The Mill Creek Municipal Code Section 17.15.040— Conditional uses is hereby amended as follows:

Conditional uses shall be processed in accordance with Chapter 17.28 MCMC.

Conditional uses are:

- A. Day care centers;
- B. Adult family home or day care;
- C. Public facilities/utilities and essential public facilities;
- D. Accessory satellite signal transmitting and receiving antenna over four feet in diameter external to or attached to the exterior of any building;
- ~~E. Wireless and cellular communication facilities;~~
- ~~E~~F. Religious facilities; and
- ~~F~~G. Schools.

~~**Section 16.** Amendment to MCMC 17.16.010. The Mill Creek Municipal Code Section 17.16.010—Principal uses is hereby amended as follows:~~

~~Principal uses are:~~

- ~~A. Retail and wholesale sales;~~
- ~~B. Professional services;~~
- ~~C. Personal services, including self-service;~~
- ~~D. Offices;~~
- ~~E. Health care, excluding overnight accommodations;~~
- ~~F. Restaurants and taverns;~~
- ~~G. Commercial recreation facilities;~~
- ~~H. Hotels and motels;~~
- ~~I. Accessory structures and uses;~~



- ~~J. Parking facilities;~~
- ~~K. Banks and similar uses;~~
- ~~L. Veterinary clinics and indoor animal boarding; and~~
- ~~M. Commercial day care centers; and~~
- ~~N. Wireless communication facilities.~~

~~Section 17~~**Section 10.** Amendment to MCMC 17.16.030. The Mill Creek Municipal Code Section 17.16.030– Conditional uses is hereby amended as follows:

Conditional uses permitted in this zoning district shall be processed in accordance with Chapter 17.28 MCMC. Conditional uses are:

- A. Commercial kennels;
- B. Religious facilities;
- C. Schools;
- D. Public and utility buildings and structures except transmission lines and structures;
- E. Structures other than buildings over 35 feet high;
- F. Service stations;
- G. Vehicle sales and service;
- H. Accessory satellite signal transmitting and receiving antenna over four feet in diameter external to or attached to the exterior of any building;
- ~~I. Wireless and cellular communication facilities;~~
- ~~J. Theaters; and~~
- ~~JK. Essential public facilities.~~

~~Section 18.~~ Amendment to MCMC 17.17.020. The Mill Creek Municipal Code Section 17.17.020– Principal uses is hereby amended as follows:

~~Principal uses are:~~

- ~~A. Offices, including but not limited to government, research and development, business, personal, and professional services;~~
- ~~B. Medical and dental clinics;~~
- ~~C. Parking structures as an accessory to a principal use;~~
- ~~D. Transit facilities/stops;~~
- ~~E. Manufacturing/wholesale sales;~~
- ~~F. Retail sales and services, restaurants, cafes, delicatessens, and other eating establishments primarily intended to serve the principal OP zone uses, employees and surrounding residential neighborhoods. Such uses shall occupy no more than 15 percent of the constructed floor area of individual buildings or complexes;~~
- ~~G. For projects that front on the collector street, neighborhood scale commercial and/or office uses (consistent with the commercial uses permitted in MCMC 17.18.010) are permitted. The neighborhood scale commercial and/or office uses are not subject to the 15 percent limitation and shall be located on the ground floor, front on the collector, and shall be located no less than 300 feet from SR 527 and/or Dumas Road;~~
- ~~H. Health clubs; and~~
- ~~I. Accessory buildings; and~~
- ~~J. Wireless communication facilities.~~

~~Section 19~~**Section 11.** Amendment to MCMC 17.17.030. The Mill Creek Municipal Code Section 17.17.030– Conditional uses is hereby amended as follows:

Conditional uses permitted in this zoning district shall be processed in accordance with Chapter 17.28 MCMC. Conditional uses are:

- A. Day care centers;
- B. Public facilities/utilities;
- C. Accessory satellite signal transmitting and receiving antenna over four feet in diameter external to or attached to the exterior of any building;
- ~~D. Wireless and cellular communication facilities;~~
- DE. Schools; and
- E. Religious facilities.

~~Section 20.~~ Amendment to MCMC 17.18.010. ~~The Mill Creek Municipal Code Section 17.18.010– Principal uses is hereby amended as follows:~~

~~Principal uses are:~~

- ~~A. Retail sales, except vehicles;~~
- ~~B. Offices;~~
- ~~C. Personal and professional services;~~
- ~~D. Restaurants, cafes, and eating and drinking establishments;~~
- ~~E. Residential above ground floor commercial and/or office; and~~
- ~~F. Wireless communication facilities.~~

~~Section 21~~**Section 12.** Amendment to MCMC 17.18.030. The Mill Creek Municipal Code Section 17.18.030– Conditional uses is hereby amended as follows:

Conditional uses permitted in this zoning district shall be processed in accordance with Chapter 17.28 MCMC. Conditional uses are:

- A. Public facilities/utilities and essential public facilities; and
- B. Day care centers; ~~and~~
- ~~C. Wireless and cellular communication facilities.~~

~~Section 22.~~ Amendment to MCMC 17.19.030. ~~The Mill Creek Municipal Code Section 17.19.030– Principal uses is hereby amended as follows:~~

~~All uses shall be identified on the approved detailed master development plan. Principal uses are:~~

- ~~A. Retail sales and services except automotive, boat, and recreational vehicle sales;~~
- ~~B. Eating and drinking establishments (drive through service prohibited);~~
- ~~C. Banks, financial and professional services;~~
- ~~D. Multi-Family Residential:~~
  - ~~1. West of the 44th Avenue SE intersection, multi-family residential is permitted only above ground floor commercial;~~
- ~~E. Business and professional offices;~~
- ~~F. Personal services, dry cleaners, salons, etc.;~~
- ~~G. Medical and dental clinics and offices;~~

- ~~H. Parking structures;~~
- ~~I. Commercial day care;~~
- ~~J. Craft shops and galleries;~~
- ~~K. Public buildings, facilities/utilities;~~
- ~~L. Transit facilities/stops;~~
- ~~M. Hotel and motels;~~
- ~~N. Open space, parks and plazas;~~
- ~~O. Religious facilities;~~
- ~~P. Theaters and performing arts uses; and~~
- ~~Q. Other uses consistent with the purposes of the district; and~~
- ~~R. Wireless communication facilities.~~

~~**Section 23.** Amendment to MCMC 17.20.010. The Mill Creek Municipal Code Section 17.20.010 Principal uses is hereby amended as follows:~~

~~Principal uses are:~~

- ~~A. Offices, including but not limited to government, research and development, trade schools and professional services;~~
- ~~B. Wholesale sales;~~
- ~~C. Warehousing;~~
- ~~D. Manufacturing;~~
- ~~E. Financial institutions;~~
- ~~F. Commercial day care centers;~~
- ~~G. Health clubs;~~
- ~~H. Retail sales and services primarily intended to serve the principal BP zone uses. Such uses shall occupy no more than 15 percent of the constructed floor area of individual buildings. In addition to the limitation on floor area, restaurants, delis and other eating establishments are restricted to a maximum floor area of 3,000 square feet;~~
- ~~I. Mini storage facilities; and~~
- ~~J. Outdoor storage and display; and~~
- ~~K. Wireless communication facilities.~~

~~**Section 13.** Amendment to MCMC 17.20.030. The Mill Creek Municipal Code Section 17.20.030– Conditional uses is hereby amended as follows:~~

~~Conditional uses permitted in the business park zoning district shall be processed in accordance with Chapter 17.28 MCMC. Conditional uses are:~~

- ~~A. Adult businesses;~~
- ~~B. Public facilities/utilities and essential public facilities;~~
- ~~C. Commercial nurseries and greenhouses;~~
- ~~D. Hospitals and health care facilities;~~
- ~~E. Retirement homes, nursing homes, and congregate care facilities;~~
- ~~F. Restaurants and eating establishments exceeding 1,500 square feet but not to exceed the 15 percent floor area restriction for retail sales and services;~~
- ~~G. Accessory satellite signal transmitting and receiving antenna over four feet in diameter external to or attached to the exterior of any building; and~~
- ~~H. Wireless and cellular communication facilities.~~

~~**Section 25.** Amendment to MCMC 17.21.040. The Mill Creek Municipal Code Section 17.21.040 Principal uses is hereby amended as follows:~~

~~All uses shall occur in accordance with the master development plan. Principal uses are:~~

- ~~A. Retail sales and services except automotive, boat, and recreational vehicle sales;~~
- ~~B. Eating and drinking establishments (drive through service prohibited);~~
- ~~C. Banks, financial and professional services;~~
- ~~D. Multi-family residential;~~
- ~~E. Business and professional offices;~~
- ~~F. Personal services, dry cleaners, salons, etc.;~~
- ~~G. Medical and dental clinics and offices;~~
- ~~H. Parking structures as an accessory to a principal use;~~
- ~~I. Commercial day care;~~
- ~~J. Craft shops and galleries;~~
- ~~K. Public facilities/utilities;~~
- ~~L. Transit facilities/stops;~~
- ~~M. Hotel and motels;~~
- ~~N. Theaters and performing arts uses; and~~
- ~~O. Other uses consistent with the purposes of the district.; and~~
- ~~P. Wireless communication facilities.~~

~~**Section 26**~~**Section 14. Severability.** If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

~~**Section 27**~~**Section 15. Corrections.** The City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener’s/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

~~**Section 28**~~**Section 16. Effective Date.** This ordinance shall be in full force and effective five (5) days from the passage and published in accordance with law.

Adopted this \_\_\_\_\_ day of May 2019, by a vote of \_\_\_\_\_ for, \_\_\_\_\_ against, and \_\_\_\_\_ abstaining.

APPROVED:

\_\_\_\_\_  
MAYOR PAM PRUITT

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
GINA PFISTER, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
OFFICE OF THE CITY ATTORNEY  
SCOTT M. MISSALL, CITY ATTORNEY

FILED WITH THE CITY CLERK: \_\_\_\_\_

PASSED BY THE CITY COUNCIL: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_

ORDINANCE NO.: \_\_\_\_\_

{ERZ1946363.DOCX;1/13137.080001/ }



Agenda Item # D  
Meeting Date: June 4, 2019

## **CITY COUNCIL AGENDA SUMMARY**

City of Mill Creek, Washington

**AGENDA ITEM: PUGET SOUND ENERGY FEE IN LIEU AGREEMENT WITH THE CITY OF MILL CREEK**

**PROPOSED MOTION:**

Authorize the City Manager to execute a Fee-in-Lieu Agreement with Puget Sound Energy (PSE) in the amount of \$162,640.00 representing the estimated cost to repair and restore City Rights-of-Way disturbed by PSE for their gas line replacement project (except the intersection of 164<sup>th</sup> Street SE and Mill Creek Boulevard).

**KEY FACTS AND INFORMATION SUMMARY:**

On April 12, 2018, the City of Mill Creek approved Puget Sound Energy (PSE) Right of Way Permit No. 2018-0026 to tie into an existing 8" gas main located on 164<sup>th</sup> St SW, Mill Creek Blvd, 9<sup>th</sup> Ave SE, and Main Street. The scope of work utilized boring methods, potholes, and asphalt cuts. The City was assured by PSE that full street pavement restoration would be completed in September 2018. However, this turned out to be not feasible for PSE and the earliest the grind and overlay restoration could occur would be summer of 2019.

At the May 7<sup>th</sup> Council Meeting, staff presented the original Fee-in-Lieu Agreement with Puget Sound Energy (PSE) in the amount of \$216,185.00 representing the estimated cost to repair and restore City Rights-of-Way disturbed by PSE for their gas line replacement project at all three impacted locations:

- Location 1. Intersection of 164<sup>th</sup> Street SE and Mill Creek Boulevard
- Location 2. Mill Creek Boulevard between 159<sup>th</sup> Place SE and Main Street (southbound lane only)
- Location 3. Intersection of Main Street and Mill Creek Boulevard

At that meeting, Council requested that staff explore the option of proceeding with a Fee-in-Lieu Agreement for Location 2 and Location 3, and, have PSE overlay Location 1. PSE confirmed that they can include Location 1 in this summer construction contract if the City makes a determination in early June. The revised Fee-in-Lieu Agreement with Puget Sound Energy (PSE) in the amount of \$162,640.00 is included in this Agenda Summary (Attachment B).

**Coordination with other projects**

There are multiple projects located in the vicinity of Location 1. Those projects include:

- City's Surface Water Aging Infrastructure Program (large pipes):  
F Grade and C Grade failures are located north of the intersection and would not impact or tear out PSE's improvements (Attachment A).
- Mill Creek Boulevard Land Use and Infrastructure Subarea Plan:  
Improvements associated with this Plan are long term. Although the Subarea Plan may reveal the need for improvements at Location 1, physical improvements will most likely occur in five years or more into the future.
- City's Surface Water Aging Infrastructure Program (small pipes):  
The City has smaller surface water pipes along 164<sup>th</sup> St. SE that have not yet been assessed. Staff plans to begin assessment of small surface water pipes in 2019.
- Community Transit (CT) Orange Bus Rapid Transit:  
Staff from the City and CT met in May to facilitate agency planning. At this time, CT plans to begin construction of the Orange Bus Rapid Transit line in 2021 and be complete in 2023 (prior to Sound Transit's Lynnwood Light Rail Link Extension planned to open in 2024). Given the improvements currently planned by CT, a relatively small portion of the PSE overlay would be removed (limited to the northwest corner of Location 1).

**CITY MANAGER RECOMMENDATION:**

Authorize the City Manager to execute a Fee-in-Lieu of Pavement Restoration Agreement with Puget Sound Energy (PSE) in the amount of \$162,640.00 representing the estimated cost to repair and restore City Rights-of-Way (except the intersection of 164<sup>th</sup> Street SE and Mill Creek Boulevard which will be repaired by PSE this summer).

**ATTACHMENTS:**

- Attachment A: Surface Water Aging Infrastructure Program Improvements needed along Mill Creek Boulevard (large pipes only)
- Attachment B: Fee-in-Lieu of Pavement Restoration Agreement between Puget Sound Energy and the City of Mill Creek

Respectfully Submitted:



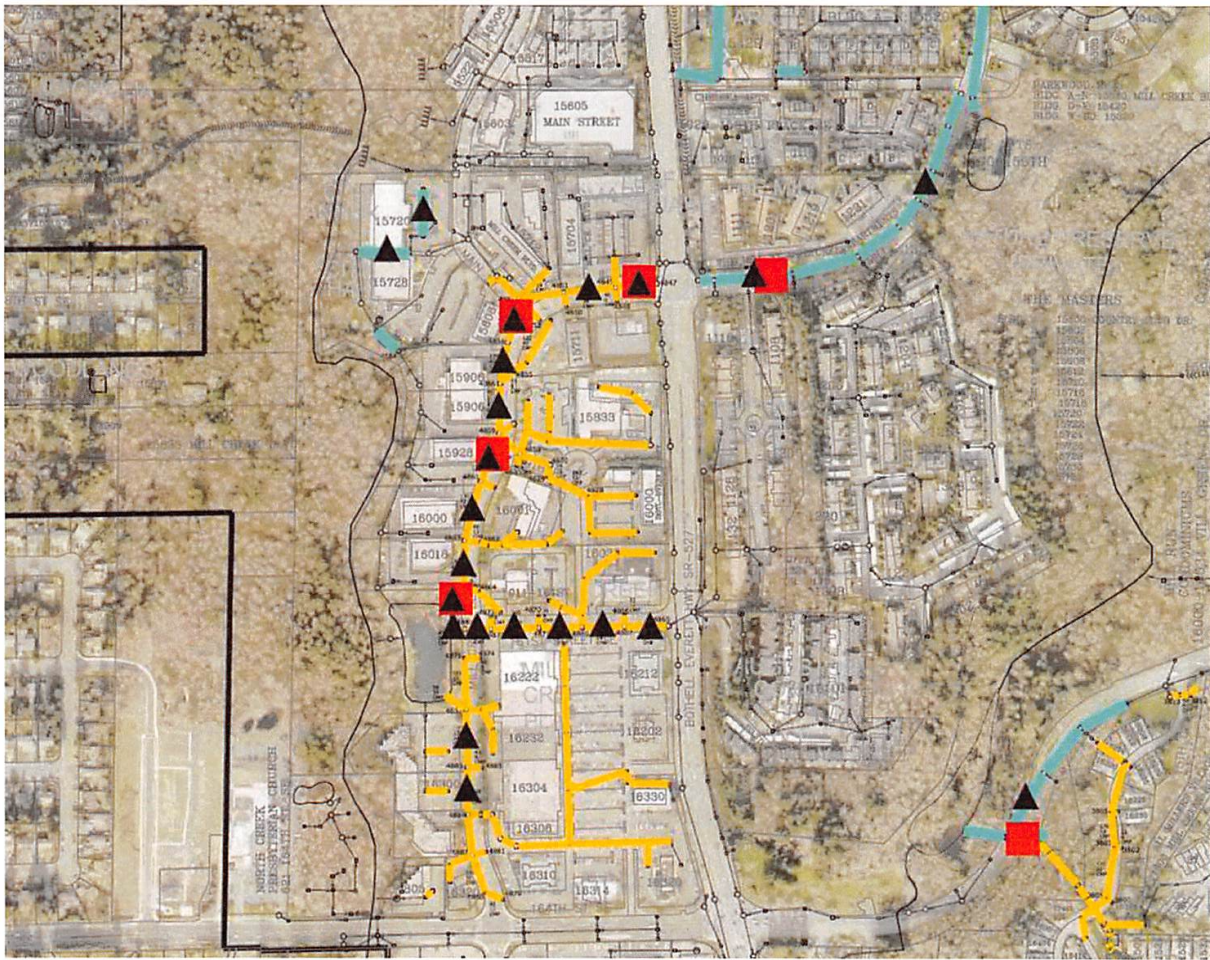
Michael G. Ciaravino  
City Manager

797523.2/014455.00071



### Surface Water Aging Infrastructure Improvements

(Large Pipes only)



- F Failures (construction 2019)
- ▲ C Failures (construction TBD)

Note: Condition assessment of surface water pipes with a diameter of 18 inches or smaller has not yet been conducted.

Prepared May 2019



**AGREEMENT**

**FEE-IN-LIEU OF PAVEMENT RESTORATION**

**PUGET SOUND ENERGY**

**Mill Creek Blvd./Main Street /DuPont Pipe Replacement - 109102102**

Subject to and in accordance with the terms and conditions of this letter of agreement ("Agreement"), Puget Sound Energy, Inc. ("PSE"), agrees to pay to the City of Mill Creek ("City") the sum of One Hundred Sixty Two Thousand Six Hundred Forty dollars (\$162,640.00) representing PSE's good faith estimated cost to repair and restore City Rights-of-Way disturbed by PSE for the PSE DuPont Pipe replacement ("Project") in Mill Creek (the "Right-of-Way Restoration Work"), as described on the attached **Exhibit A**. Any and all work not specifically described in **Exhibit A** shall remain the responsibility of PSE. PSE shall pay the entire sum specified in this paragraph within thirty (30) days of the last execution date below and receipt of an invoice from the City, or at such other time as the Parties may agree in writing.

Notwithstanding any provision in this Agreement or any other Project document to the contrary, and as consideration for the above payment by PSE, the City shall be responsible for and shall perform (or have performed) the Right-of-Way Restoration Work in substantial accordance with the applicable schedule, standards and other requirements established by the City for the Project.

Upon payment to the City, the City will defend, indemnify and hold harmless PSE and its contractors from all claims, losses, harm, costs, liabilities, damages and expenses (including, but not limited to, reasonable attorneys' fees) (collectively "Liabilities") caused by and to the extent of negligence of the City or its contractors in the performance of the Right-of-Way Restoration Work. To the fullest extent permitted by applicable law, this paragraph will apply regardless of the negligence of PSE; provided that the City shall not be required to so indemnify, defend or hold harmless PSE or its contractors against Liabilities to the extent caused by or resulting from the negligence of PSE or its contractors.

Upon payment to the City, PSE and its contractors shall be released from any further responsibility or costs for the Right-of-Way Restoration Work. The foregoing release shall not extend to any other construction work by PSE as required under approved plans and permits for the Project and shall not extend to other damages, Liabilities or acts of negligence caused by PSE or its contractors related or unrelated to the Project.

ACCEPTED BY PUGET SOUND ENERGY, INC.:

Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed Name \_\_\_\_\_

Title \_\_\_\_\_

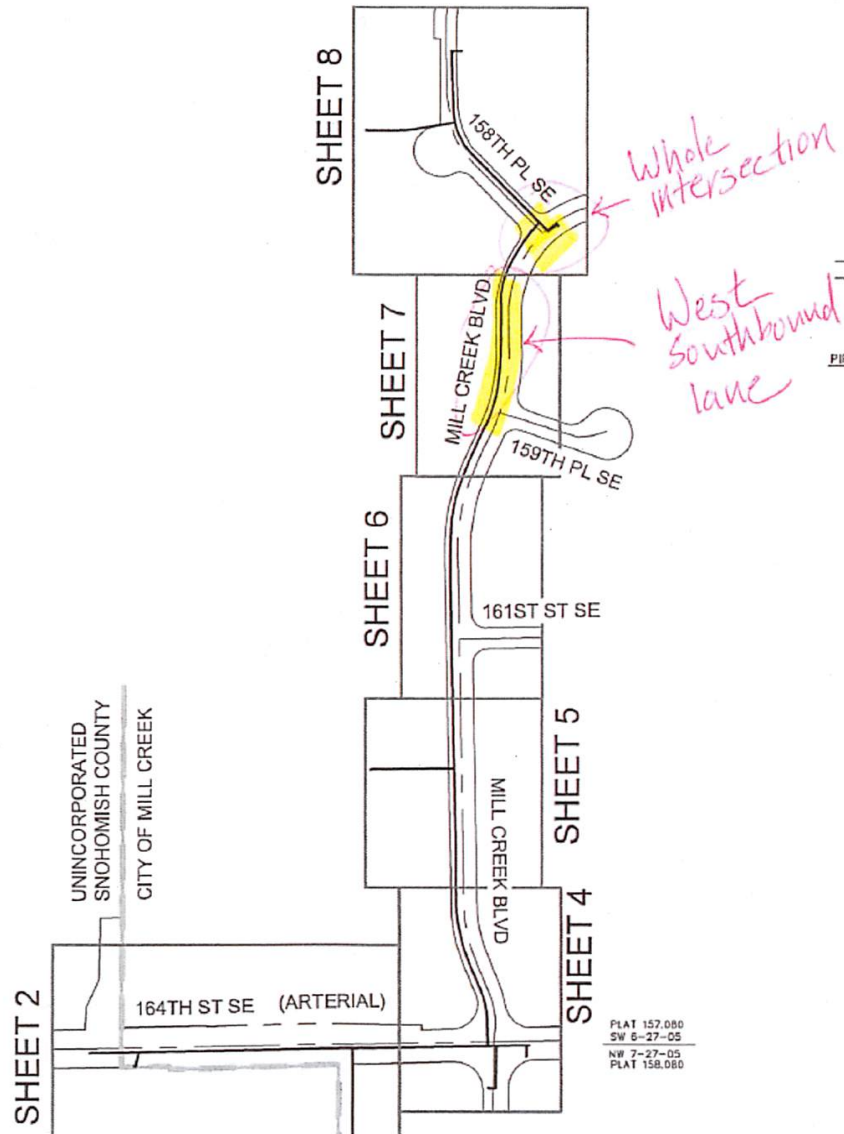
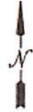
ACKNOWLEDGED AND AGREED TO BY CITY OF MILL CREEK:

Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed Name \_\_\_\_\_

Title \_\_\_\_\_

Exhibit A  
Mill Creek Blvd./Main Street DuPont Pipe Replacement Map



{SXM1932315.DOC;1/05739.000003/ }



Agenda Item # E  
Meeting Date: June 4, 2019

## **CITY COUNCIL AGENDA SUMMARY**

City of Mill Creek, Washington

**AGENDA ITEM: APPOINTMENT OF A PLANNING ADVISORY COMMITTEE FOR THE MILL CREEK BOULEVARD LAND USE AND INFRASTRUCTURE SUBAREA PLAN**

**PROPOSED MOTION:**

Appoint members to serve on the Planning Advisory Committee for the Mill Creek Boulevard Land Use and Infrastructure Subarea Plan.

**KEY FACTS AND INFORMATION SUMMARY:**

Mill Creek Boulevard Land Use and Infrastructure Subarea Plan

Consistent with the City's adopted biennium budget, the City has started to prepare a land use and infrastructure plan for the Mill Creek Boulevard Subarea.

The purpose of Subarea Plan is to prepare for the eventual redevelopment of the Mill Creek Boulevard Corridor in the area between Town Center and 164<sup>th</sup> Street SE. The properties in this corridor are currently zoned Business Park and Community Business. The parcels along the corridor were developed in the 1980s and include numerous two-story walk up office buildings occupied by small to medium sized office-based businesses and single-story shopping centers (Mill Creek Plaza, Mill Creek Square, Maple Leaf Square and Village by the Creek). While redevelopment of the parcels in the corridor is not imminent, the City wishes to collaboratively engage with its citizens, its business community, and the affected property owners in the preparation of a Subarea Plan that identifies the highest and best future land uses for the area. Once completed, the Subarea Plan will be the basis for amendments to the Mill Creek Comprehensive Plan and Municipal Code that will facilitate future redevelopment within the Subarea. In addition the Subarea Plan will provide a framework for coordination and designing multiple planned capital improvements, including: intersection improvements at 164th Street, 161st Street, Main and SR 527; repair of surface water aging infrastructure failures identified in a 2018 study; water quality treatment, pavement preservation and roadway re-configurations to better support Community Transit's bus rapid transit (BRT) lines.

On April 23, 2019, the City Council authorized the City Manager to execute a professional services contract with The Otak Team to prepare the Subarea Plan. The approved scope of work includes the formation of a Planning Advisory Committee (PAC) to serve as a steering committee for the project. While the PAC can have as many members as necessary to represent the community, staff is recommending that membership be limited to approximately 15 members.

On April 23, 2019, during the discussion with the City Council regarding the contract with Otak, staff recommended that the PAC represent the following segments of the community/interests:

City Council Agenda Summary  
Page 2

- City Council (up to 3 members)
- City Planning Commission (up to 3 members)
- City Design Review Board (1 member)
- City Park Board (1 member)
- City Arts and Beautification Board (1 member)
- Community Transit (1 member)
- Owners of Property within the Subarea (1 member)
- Chamber of Commerce (1 member)
- Town Center Business Association (1 member)
- General Public (2 members)

After the discussion, the City Council agreed that the composition of the PAC should be as recommended and asked staff to solicit letters of interest from the various City boards, business organizations, property owners, affected agencies and the general public. Council recommended that staff reach out to Rotary and Kiwanis clubs to see if any of their members would be available to serve.

On May 9<sup>th</sup>, initial notice of the opportunity to serve on the PAC was made through a press release, social media, direct email to City board members, and a direct mailing to the affected property owners. The Rotary and Kiwanis Club members were also notified of the opportunity to serve on the PAC. The Notice stated that interested individuals should submit a letter of interest that includes their availability over the life of the planning project (approximately 1 year). The letters of interest were due by May 28. Twenty individuals have asked to be considered for appointment to the PAC. The names, affiliation, availability, and contact information for those to be considered are included on the attached table. The names are grouped by their affiliation. The letters of interest that were submitted to the City are also provided for your review.

Once the PAC members are selected, an initial meeting of the PAC will be scheduled.

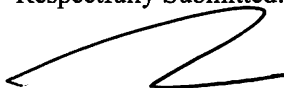
**CITY MANAGER RECOMMENDATION:**

Review the letters of interest and make appointments to the Planning Advisory Committee for the Mill Creek Boulevard Land Use and Infrastructure Subarea Plan.

**ATTACHMENTS:**

- Attachment 1: Table of individuals to be considered for appointment to the PAC
- Attachment 2: Letters of interest

Respectfully Submitted:



Michael G. Ciaravino  
City Manager

**Applicants Interested in Being Appointed to the PAC**

Name	Affiliation	Availability	Address	City, State Zip	Email	Phone
John Steckler	City Council, Resident		[REDACTED]	Mill Creek, WA 98012	<a href="mailto:jsteckler@cityofmillcreek.com">jsteckler@cityofmillcreek.com</a>	[REDACTED]
Mike Todd	City Council, Resident		[REDACTED]	Mill Creek, WA 98012	<a href="mailto:mtodd@cityofmillcreek.com">mtodd@cityofmillcreek.com</a>	[REDACTED]
Matthew Nolan	Planning Commission, Resident	Available	[REDACTED]	Mill Creek, WA 98012	[REDACTED]	[REDACTED]
Nicolas Marin	Planning Commission	Only during the Day	[REDACTED]	Mill Creek, WA 98012	[REDACTED]	[REDACTED]
Daniel Mills	Planning Commission, Resident, former business owner in the subarea	Available	[REDACTED]	Mill Creek, WA 98012	[REDACTED]	[REDACTED]
Dennis Teschlog	Planning Commission, Resident	Available	[REDACTED]	Mill Creek, WA 98012	[REDACTED]	[REDACTED]
Tina Hastings	Design Review Board, Resident	Evening meetings Monday-Wednesday and special events as needed	[REDACTED]	Mill Creek, WA 98012	[REDACTED]	[REDACTED]
David Hamblton	Design Review Board	Available	[REDACTED]	Everett, WA 98208-3113	[REDACTED]	[REDACTED]
Peter Lalic	Park Board, Resident		[REDACTED]	Mill Creek, WA 98012	[REDACTED]	[REDACTED]
Tim Panos	Business owner in the subarea	Available	[REDACTED]		[REDACTED]	[REDACTED]
Christopher Silveira	Community Transit	Available	[REDACTED]		[REDACTED]	[REDACTED]
Keri Moore	Snohomish Health District	Available	[REDACTED]	Everett, WA 98201	[REDACTED]	[REDACTED]
Benjamin Briles	Resident Kiwanis, MC Elementary PTA	Available	[REDACTED]	Mill Creek, WA 98012	[REDACTED]	[REDACTED]

Applicants Interested in Being Appointed to the PAC						
Name	Affiliation	Availability	Address	City, State Zip	Email	Phone
Sid Siegel	Rotary, Resident	Available	[REDACTED]	Mill Creek, WA 98012	[REDACTED]	[REDACTED]
Didrik Voss	Resident, MCCA	Available	[REDACTED]	Mill Creek, WA 98012	[REDACTED]	[REDACTED]
Jason Wingert	Resident, Business Owner in the Subarea	Available	[REDACTED]	Mill Creek, WA 98012	[REDACTED]	[REDACTED]
Jon Ramer	Resident	Available	[REDACTED]	[REDACTED]	<a href="mailto:jonr@cityofmillcreek.com">jonr@cityofmillcreek.com</a>	[REDACTED]
Scott Tenhulzen	Business Owner	Tuesday and Wednesday Afternoon	[REDACTED]	Mill Creek, WA 98012	[REDACTED]	[REDACTED]
Zachary Anderson	Resident	Available	[REDACTED]	Mill Creek, WA 98012	[REDACTED]	[REDACTED]
Steve Knox	Business Owner, Resident, TCBA Member	Available	[REDACTED]	Mill Creek, WA 98012	[REDACTED]	[REDACTED]

- City Council (up to 3 members)
- City Planning Commission (up to 3 members)
- City Design Review Board (1 member)
- City Park Board (1 member)
- **City Arts and Beautification Board (1 member)**
- Community Transit (1 member)
- Owners of Property within the Subarea (1 member)
- Chamber of Commerce (1 member)
- **Town Center Business Association (1 member)**
- General Public (2 members)

G:\Public Works and Development Services Department\Mill Creek Blvd Subarea Study\Advisory Committee\Interested Applicants.docx

**Tom Rogers**

---

**From:** John Steckler  
**Sent:** Monday, May 13, 2019 11:54 AM  
**To:** Tom Rogers  
**Subject:** MILL CREEK Blvd Committee

Hi Tom-

I wanted to let you know that I am interested in being one of the City Council members on this committee. I have seen how this back road into our city is now becoming the Front Door, and I would like to be a part of the team that plans this.

Thanks  
John

Sent from my iPad



**Tom Rogers**

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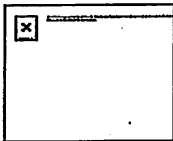
**From:** Mike Todd  
**Sent:** Tuesday, May 28, 2019 1:37 PM  
**To:** Tom Rogers  
**Cc:** Pam Pruitt; Michael Ciaravino; Brian Holtzclaw  
**Subject:** Mill Creek Boulevard Sub Area Planning

Tom:

This email is to formally express my interest in being appointed to the advisory/steering group for the upcoming Mill Creek Boulevard Subarea Study. I would be pleased to provide my time, energy, insights, and history to this effort as one of the designated council representatives.

As you know, this has been an area of interest for me for many years. This area has our oldest commercial developments, and is also one of the highest traffic areas for our city (both pass through and destination). I think it timely that we look at how our area has grown since this area was originally developed in the 1970's, how it relates to Town Center/Main Street, and how bus rapid transit (providing future connections to light rail in Lynnwood) will impact travel needs and traffic patterns. Finally, changes in environmental regulations for North Creek and other storm water regulations have limited the private sector's ability to upgrade/redevelop/reinvent in this commercial area, so I am hopeful we can have some fruitful discussions with business owners, property owners, and the community about how to make this area vibrant and productive for everyone.

Mike Todd



**Mike Todd**  
Councilmember  
City of Mill Creek  
[mtodd@cityofmillcreek.com](mailto:mtodd@cityofmillcreek.com)  
P: 425-308-2669 | F: 425-745-9650

**Tom Rogers**

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**From:** Ann & Matt Nolan [REDACTED]  
**Sent:** Monday, May 20, 2019 9:37 AM  
**To:** Tom Rogers  
**Cc:** Matt & Ann Nolan  
**Subject:** Mill Creek Blvd subarea advisory committee

May 19, 2019

Tom Rogers, Planning Manager  
[tomr@cityofmillcreek.com](mailto:tomr@cityofmillcreek.com)  
15728 Main Street  
Mill Creek, WA 98012

Dear Mr. Rogers.

I am very interested in the Mill Creek Blvd subarea advisory committee. There is great opportunity to develop a long term vision for this area which supports the property owner's needs while maximized the value to the community. The area has relatively high vehicle traffic volumes, name recognition and great proximity to a regional trail, and North Creek. A well-developed plan will be a great catalyst for redevelopment of the subarea. Ideally we can develop a plan which moderates vehicle traffic, builds long term business opportunities and improves the sense of community. I have recently been reappointed to Planning Commission and am very familiar with comprehensive planning, sensitive area permitting, traffic calming and municipal engineering. I am experienced at reviewing technical reports and other documents and providing input and comments. I am available to attend committee meetings in the planned time frame.

I look forward to providing input to the project team, and reaching out to inform other residents and stakeholders about the process. I would be happy to gather ideas from interested parties and bring their input back to committee.

Feel free to contact me with any questions or concerns

Sincerely  
Matthew Nolan P.E.  
[REDACTED]  
Mill Creek WA 98012  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Tom Rogers**

---

**From:** Nicolas Marin [REDACTED] >  
**Sent:** Monday, May 13, 2019 3:35 PM  
**To:** Tom Rogers  
**Subject:** RE: Media Release: Advisory Committee Members Sought to Help Develop Vision for Mill Creek Blvd Subarea

Hi Tom,

Thanks, I am interested in participating, but I can't add more meeting in the evening. If the meetings were during business hours, that would be different.

Regards,

Nicolas Marin



**Nicolas Marin, CMCA, AMS, PCAM**  
**Founder & CEO**

[REDACTED]  
[REDACTED]  
[www.navigatecommunitymanagement.com](http://www.navigatecommunitymanagement.com)  
Homeowner Portal:  
[https://navigatepm.appfolio.com/connect/users/sign\\_in](https://navigatepm.appfolio.com/connect/users/sign_in)

[REDACTED]



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**From:** Tom Rogers <tomr@cityofmillcreek.com>  
**Sent:** Friday, May 10, 2019 2:46 PM  
**To:** Nicolas Marin [REDACTED] >  
**Subject:** FW: Media Release: Advisory Committee Members Sought to Help Develop Vision for Mill Creek Blvd Subarea

Hi Nicolas

**Sherrie Ringstad**

---

**From:** Tom Rogers  
**Sent:** Tuesday, May 28, 2019 4:22 PM  
**To:** Sherrie Ringstad  
**Subject:** FW: MC Blvd. PAC Interest

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Another one



**Tom Rogers, AICP**  
Planning and  
Development Services Manager  
[tomr@cityofmillcreek.com](mailto:tomr@cityofmillcreek.com)  
P: 425-921-5721 | F: 425-745-9650  
[Facebook](#) | [Twitter](#) | [Instagram](#)

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**From:** Daniel Mills <[REDACTED]>  
**Sent:** Tuesday, May 28, 2019 4:18 PM  
**To:** Tom Rogers <[tomr@cityofmillcreek.com](mailto:tomr@cityofmillcreek.com)>  
**Subject:** MC Blvd. PAC Interest

Hello Tom,

I am writing to express my interest in joining the Mill Creek Boulevard Project Action Committee. As an 18 year resident, planning commission member for 4 years, and a previous tenant of an office building in the proposed area, I feel I have a unique perspective and can make a positive contribution to the committee. I would relish the opportunity to help shape the future of this key piece of property and one of the entrances to our beautiful city.

I am generally available most evenings and weekends over the next twelve months and do not plan on any extended trips out of the area, so I will be able to attend most, if not all, meetings during the required period. Please consider my interest and let me know if I can provide any further information.

Best,  
Daniel Mills  
Cottonwood  
[REDACTED]

**Sherrie Ringstad**

**From:** Tom Rogers  
**Sent:** Tuesday, May 28, 2019 4:51 PM  
**To:** Sherrie Ringstad  
**Subject:** FW: FW: Media Release: Advisory Committee Members Sought to Help Develop Vision for Mill Creek Blvd Subarea

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Here you go



**Tom Rogers, AICP**  
Planning and  
Development Services Manager  
[tomr@cityofmillcreek.com](mailto:tomr@cityofmillcreek.com)  
P: 425-921-5721 | F: 425-745-9650  
[Facebook](#) | [Twitter](#) | [Instagram](#)

X **From:** Dennis [REDACTED] >  
**Sent:** Tuesday, May 28, 2019 4:35 PM  
**To:** Tom Rogers <[tomr@cityofmillcreek.com](mailto:tomr@cityofmillcreek.com)>  
**Subject:** Re: FW: Media Release: Advisory Committee Members Sought to Help Develop Vision for Mill Creek Blvd Subarea

Tom -

I am following up and would like to join the Project Advisory Committee as a member from the Planning Commission for the Mill Creek Blvd Subarea Planning Study to be facilitated by OTAK. I have enjoyed this area of the city in many ways from the business and recreation opportunities and the the Summer Festival and Street Fair as well.

My interest and input comes as a citizen of Mill Creek since 2004 and Planning Commissioner. I have the time to attend most if not all the expected meetings as noted through April, 2020.

Sincerely,  
Dennis

My Address:  
Dennis Teschlog  
[REDACTED]  
Mill Creek, WA 98012

On Thu, May 9, 2019 at 4:27 PM Tom Rogers <[tomr@cityofmillcreek.com](mailto:tomr@cityofmillcreek.com)> wrote:

Hello Planning Commission members.

I am forwarding to you the press-release asking for volunteers to serve on a Project Advisory Committee. I believe that the CC will appoint at least some members from the Planning Commission if they apply.

Tina L. Hastings  
[REDACTED]  
Snohomish, WA 98296  
[REDACTED]  
[REDACTED]

May 19, 2019

Tom Rogers  
Planning Manager  
[TomR@cityofmillcreek.com](mailto:TomR@cityofmillcreek.com)  
15728 Main Street  
Mill Creek, WA 98012

Dear Mr. Rogers,

The Mill Creek Boulevard subarea project advisory committee is an opportunity for the City of Mill Creek to collaborate with the people who live, work and play within the City, and I am very interested in being a part of it.

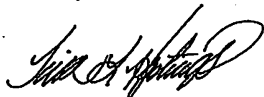
My family and I have lived in the area for nearly 20 years, and we enjoy spending our time on the trails through Mill Creek and participating in community activities including Run of the Mill. I would love to see the Mill Creek Boulevard area developed in a sustainable, resilient and meaningful way that provides mutual benefits for the City and region, while celebrating our natural resources including North Creek.

During my career as a Civil Engineer and Project Manager, I have developed planning studies and performed design services for award winning infrastructure projects. As part of that work, I collaborate with a variety to stakeholders ranging from planners, architects, engineers, landscape architects, public artists, tribes and permitting authorities to create beneficial projects. I am also an Institute of Sustainable Infrastructure Envision Sustainability Professional and I led the development of the first Platinum Envision certified project in Washington state, the Georgetown Wet Weather Treatment Station. Based on my experience, I believe I could serve the City well on this committee and help to foster a culture of teamwork on the committee.

I have served on the Mill Creek Design Review Board since 2013, and I would enjoy serving the City on this project advisory committee to help shape the Mill Creek Boulevard Subarea.

I am available to participate in evening meetings Monday through Wednesday, and special events as needed. Thank you for your time and consideration. I can be reached via my cell phone, [REDACTED] or by email at [Tina.Hastings@jacobs.com](mailto:Tina.Hastings@jacobs.com).

Sincerely,



Tina L. Hastings, P.E., PMP, ENV SP

May 9, 2019

Tom Rogers, Planning Manager  
15728 Main Street  
Mill Creek, WA 98012

Dear Tom,

I am interested in serving on the Mill Creek Boulevard Sub Area Project Advisory Committee that you recently shared with us. I have been a member of the Mill Creek Design Review Board and an active community volunteer.

I have thoughts, knowledge, and experiences that qualify me to be a member on this important committee:

- I have been a resident of Snohomish County for over 40 years and live in the Silver Lake area. I have witnessed the tremendous growth and changes to our community for decades.
- Mill Creek development "was done right" in my opinion. A small town center with character was created instead of another "strip mall," as is done in many other county areas.
- Degree in Landscape Architecture.
- Member of the APA and read their magazine every month, adding good ideas to my planning mind.
- Attended the APA conference in Priest Lake, Idaho last May and saw some great urban development presentations; participated in a planning workshop for an area in north Spokane.
- My 40 year Boeing career was in the Facilities department. During part of that tenure I was responsible for site planning.
- Member of the Snohomish County Urban Center Design Review Board and review many development concepts.
- Served on the Snohomish County Planning Commission for over a decade and am used to working with the public and public meetings.
- Experienced Project Manager with Project Management Professional (PMP) accreditation.
- Retired and have a lot of time for community service.

Please consider appointing me to this important Project Advisory Committee position.

*David Hambelton*

David Hambelton

Everett, WA 98208-3113

May 20, 2019

Peter Lalic

[REDACTED]

Mill Creek, WA 98012

City of Mill Creek Project Advisory Committee

Tom Rogers

Planning Manager

[tomr@cityofmillcreek.com](mailto:tomr@cityofmillcreek.com)

15728 Main Street

Mill Creek, WA 98012

Dear Tom:

I am interested in applying to the City of Mill Creek's Project Advisory Committee (PAC). I have lived in Mill Creek for 25 years and have raised my family here in Mill Creek. I have been very interested in Mill Creek's development and growth. I have been involved in many issues concerning education, safety, livability, infrastructure, traffic and stability of Mill Creek as a great place to live. I have been on Mill Creek's Planning Commission and I am currently on the Parks and Recreation Board.

My prior employment required me to travel and move frequently. Therefore, I have seen many cities and have experienced what makes a city good or bad. Mill Creek is a great place to live and volunteering and community involvement make the difference. Thank you for the opportunity to apply for the Project Advisory Committee.

Sincerely,

Peter Lalic



**Sherrie Ringstad**

---

**From:** Tom Rogers  
**Sent:** Tuesday, May 28, 2019 4:23 PM  
**To:** Sherrie Ringstad  
**Cc:** Gina Hortillosa  
**Subject:** FW: Invite to participate

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged



**Tom Rogers, AICP**  
Planning and  
Development Services Manager  
[tomr@cityofmillcreek.com](mailto:tomr@cityofmillcreek.com)  
P: 425-921-5721 | F: 425-745-9650  
[Facebook](#) | [Twitter](#) | [Instagram](#)

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\* **From:** Artemios S. Panos [REDACTED] >  
**Sent:** Tuesday, May 28, 2019 3:30 PM  
**To:** Tom Rogers <[tomr@cityofmillcreek.com](mailto:tomr@cityofmillcreek.com)>  
**Cc:** Gina Hortillosa <[ginah@cityofmillcreek.com](mailto:ginah@cityofmillcreek.com)>  
**Subject:** RE: Invite to participate

Tom,

Regarding the Mill Creek Boulevard Land Use and Subarea Plan:  
Thank you for organizing and making me aware of this committee.  
As a property owner of 2 significant properties potentially affected by this planning, (Mill Creek Plaza and Mill Creek Town Center), I am happy to participate in this planning effort.

Please keep me informed of the intended meeting times so that I can schedule my calendar accordingly.

Thanks,

Tim Panos  
Panos Properties LLC  
[REDACTED]

---

**From:** Tom Rogers <[tomr@cityofmillcreek.com](mailto:tomr@cityofmillcreek.com)>  
**Sent:** Tuesday, May 21, 2019 10:28 AM  
**To:** Artemios S. Panos [REDACTED] >  
**Cc:** Gina Hortillosa <[ginah@cityofmillcreek.com](mailto:ginah@cityofmillcreek.com)>  
**Subject:** Invite to participate

Hi Tim

**Tom Rogers**

---

**From:** June DeVoll <[REDACTED]>  
**Sent:** Tuesday, May 28, 2019 5:09 PM  
**To:** Tom Rogers  
**Cc:** Gina Hortillosa; Christopher Silveira  
**Subject:** RE: [Ex]:MC Blvd Subarea Plan

Hi Tom,  
Thank you for asking us. Christopher Silveira will be our representative for the Project Advisory Committee. We look forward to being a part of your process.  
Please let us know if you need anything from us.  
Sincerely,  
June

---

**From:** Tom Rogers [mailto:tomr@cityofmillcreek.com]  
**Sent:** Friday, May 24, 2019 5:05 PM  
**To:** June DeVoll <[REDACTED]>  
**Cc:** Gina Hortillosa <ginah@cityofmillcreek.com>  
**Subject:** [Ex]:MC Blvd Subarea Plan

**\*\*CAUTION: This email originated from outside of the agency. DO NOT click links or open attachments unless you recognize the sender's email address AND are expecting the information. Questions? Contact the Help Desk.\*\***

June,

We are hoping that you or someone else from CT will be able to be a part of this project.

Tom



**Tom Rogers, AICP**  
Planning and  
Development Services Manager  
tomr@cityofmillcreek.com  
P: 425-921-5721 | F: 425-746-9650  
Facebook | Twitter | Instagram



Dear Mr. Rogers,

May 16, 2019

Thank you for the opportunity to apply to serve on the Mill Creek Blvd Subarea Advisory Committee. I work for Snohomish Health District with a focus on the built environment and its impact on health. City and county planners are invaluable partners in this work, and I value any opportunity to engage in planning work, with a broader goal of making the healthy choice an easier choice. I have had the pleasure of working with Mill Creek planning staff to nominate Mill Creek for state TIB Complete Streets funding, and would like the opportunity to engage in more depth by serving on this committee.

I hold a Master of Public Health degree and have focused in recent years on learning more about planning, including joining the Washington state chapter of the American Planning Association and seeking out related trainings as budget allows. I feel strongly that policy and environmental changes that make it easier for citizens to get to desired destinations without being required to drive a car is essential for the long-term health and vibrancy of our Snohomish County communities. I have experience serving on groups and councils including Puget Sound Regional Council's Regional Staff Committee, Snohomish County's non-motorized planning group, and facilitating a county wide "Building Places for People" collaborative in partnership with the City of Lynnwood and Snohomish County. I enjoy hearing diverse perspectives and coming to agreement by keeping focus on what will be best for residents in the long term. I enjoy working on projects such as this one that will have an impact for years to come.

I am available over the next 12 months and can attend meetings any day or time of the week with advance notice. I am happy to answer questions or talk more about how I can contribute to the advisory committee.

Best regards,

Keri Moore, MPH  
Snohomish Health District  
3020 Rucker Ave, Ste 300  
Everett WA 98201  
kmoore@snohd.org

3020 Rucker Avenue ■ Everett, WA 98201-3900 ■ tel: 425.339.5200

To Tom Rogers, Planning Manager,

My name is Benjamin Briles, residing at [REDACTED] in Mill Creek, WA 98012. I am interested in joining the Mill Creek Blvd Advisory Committee. I am primarily motivated by an interest in serving my community in whatever way my skills can be best used. I have a background in engineering, having graduated with a BS in Aerospace Engineering and worked for Boeing for 13 years, from supporting the International Space Station, to improving the design of the 787 and 777X. I have also worked as an Insurance Field Representative, regularly inspecting small commercial businesses, understanding their operations, and their concerns. My wife and I bought our house in Mill Creek because we love being surrounded by the tall trees, seemingly enveloped in natural beauty, while still having the convenience of most necessary services as close as the Mill Creek Town Center. We have made many friends in our neighborhood and are tied in to the community through Kiwanis, social media, and the Mill Creek Elementary PTA. We feel that Mill Creek is a great community in which to raise our two small children. I want to ensure that those things remain true as the city grows in population. One way I believe I can do that is to join the Mill Creek Blvd Advisory Committee, where I can provide my input to maintain and improve our community, especially as it relates to a family with small children who want to stay in the area for decades to come.

I think there are many ways we can maintain and improve the essence of our city. I love the fantastic Mill Creek Town Center, the North Creek Trail, and their accessibility for everyone. They were some of the main aspects of Mill Creek which led us to settle here in the first place. I appreciate the community as it is, and believe it can continue to grow while remaining what it is at its core. The city of Mill Creek is growing, and the Committee's recommendations can assure that we do so in a responsible and sustainable fashion.

Thank you,  
Benjamin Briles.

Date: ~~May 27, 2019~~

To: Tom Rogers  
Planning Manager, City of Mill Creek

Re: Letter of interest for membership of the Project Advisory Committee for Mill Creek Boulevard Subarea Plan

Dear Tom,

I wish to express my interest in being selected to be a member of the Project Advisory Committee for the Mill Creek Boulevard Land Use and Infrastructure Subarea Plan.

My interest stems primarily from my belief that a strong and vibrant community is in part possible by the active engagement of citizens with community leaders to collaboratively build together. My commitment of engagement with my community is expressed both being the president for our HOA, Belvedere Place, as well as being treasurer for the Mill Creek Rotary club.

As an active resident in Mill Creek I am happy to offer my time and energy in this endeavor if it so suits yourself and the Council.

Regards,

Sid Siegel

[REDACTED]

Mill Creek, WA 98012

[REDACTED]

[REDACTED]

**Tom Rogers**

---

**From:** Didrik A. Voss <[REDACTED]>  
**Sent:** Wednesday, May 22, 2019 1:03 PM  
**To:** Tom Rogers  
**Subject:** Advisory Committee

Mr. Tom Rogers,

I hereby would like to volunteer to become a member of your advisory committee as described in the *Mill Creek View*, May 2019. I am a professional civil engineer; recently retired and have lived in Mill Creek since 1997. I have been on the Mill Creek Community Association for 14 years and currently am on the Maintenance and Engineering committee for MCCA.

I understand the time commitment involved of six to seven evening meetings from June 2019 to April 2020.

I look forward to hearing from you.

--

Didrik Voss, PE

[REDACTED]  
[REDACTED]

Mill Creek, WA 98012-3082



City of Mill Creek  
Tom Rogers  
Planning Manager  
15728 Main St  
Mill Creek, WA 98012

Dear Sir,

Please accept this as my letter of interest to be appointed to the newly formed City of Mill Creek project advisory committee. My wife and I are not only residents of the city since 2002 but have also operate our family business in that time as well. We moved our business from our home into what was then called the Imperial Garden building back in 2006. Our office is located within the Mill Creek Boulevard Subarea Plan boundary. For seventeen years we have worked, dined, shopped, and used the services in the plan area daily.

I like the concept of planning out the future of Mill Creek Boulevard Area. My interest in participating is knowing that changes made to the area could directly affect my business and many others as well. I would relish an opportunity to participate and provide input and guidance on how we can make Mill Creek and better place to live, shop, and work.

I appreciate your consideration in being appointed to the committee.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason D Wingert", with a long horizontal flourish extending to the right.

Jason D Wingert

**Tom Rogers**

---

**From:** Jon Ramer  
**Sent:** Tuesday, May 21, 2019 11:56 AM  
**To:** Tom Rogers  
**Subject:** RE: Media Release: Advisory Committee Members Sought to Help Develop Vision for Mill Creek Blvd Subarea

Tom,

I would like to volunteer to be on the Mill Creek Blvd Subarea Development committee. I have lived in Mill Creek for several years and am very involved in my home city. I would like to be a part of planning what the future of Mill Creek looks like. I have no plans to move from Mill Creek any time soon and am available to participate in the committee meetings over the next year.

Do you need an actual letter from me or is this note sufficient to volunteer?

Jon

---

**From:** Tom Rogers <tomr@cityofmillcreek.com>  
**Sent:** Friday, May 10, 2019 2:47 PM  
**To:** Jon Ramer <jonr@cityofmillcreek.com>  
**Subject:** FW: Media Release: Advisory Committee Members Sought to Help Develop Vision for Mill Creek Blvd Subarea

FYI



**Tom Rogers, AICP**  
Planning and  
Development Services Manager  
tomr@cityofmillcreek.com  
P: 425-921-5721 | F: 425-745-9650  
[Facebook](#) | [Twitter](#) | [Instagram](#)

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**From:** City of Mill Creek News <News@cityofmillcreek.com>  
**Sent:** Thursday, May 9, 2019 9:22 AM  
**To:** City of Mill Creek News <News@cityofmillcreek.com>  
**Subject:** Media Release: Advisory Committee Members Sought to Help Develop Vision for Mill Creek Blvd Subarea

May 9, 2019

Media Contact: Joni Kirk, City of Mill Creek, (425) 921-5732, [jonik@cityofmillcreek.com](mailto:jonik@cityofmillcreek.com)

For Immediate Release

**Advisory Committee Members Sought to Help Develop Vision for Mill Creek Blvd Subarea**  
**Applications Due May 27**

MILL CREEK, Wash. – The City of Mill Creek seeks applicants for a project advisory committee to help shape the future of the Mill Creek Blvd subarea. Applicants must submit a letter of interest by May 27.



**Tom Rogers**

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**From:** Scott Tenhulzen <[REDACTED]>  
**Sent:** Friday, May 17, 2019 5:46 PM  
**To:** Tom Rogers  
**Subject:** RE: Opportunity to participate on City of Mill Creek advisory board

Hi Tom,

Happy Friday!

I was discussing this opportunity with the sheriff at the community event at Arena Sports. It has since been calling out to me and has continued to land in my lap.

It would be an honor to be on the advisory committee. While we are a local business just down the road from the location in question, I believe my construction background, focus on the built environment and interest in the continued betterment of our community, I feel I would be an appropriate candidate. I am also in communication with many local residents, in & out of their homes and continually conversing with them about our community. It would be a pleasure to be able to solicit input on behalf of the city.

While I am often traveling 1-2 times per month from Thursday to Monday evening. I am typically available consistently on Tuesday and Wednesday afternoons, mid-week.

I will not feel shunned should I not be selected, and very much appreciate the councils consideration. It would be fun to work alongside you, your colleagues and other members of our community.

Thank you for your consideration and have an excellent weekend,

Scott Tenhulzen  
Tenhulzen Painting & Construction Partners, Inc.

On May 17, 2019, at 2:14 PM, Tom Rogers <[tomr.cityofmillcreek.com@clubrunner.email](mailto:tomr.cityofmillcreek.com@clubrunner.email)> wrote:

Hello Rotary members.

The City of Mill Creek is looking for a select group of volunteers to serve on an advisory committee for an important planning project. I have attached a flyer with the basic information.

While discussing the public participation aspects of the project, the City Council specifically asked us to reach out to service groups such as Rotary to recruit volunteers. I believe this request came from the Mill Creek Rotary Club members' well deserved reputation for community service.

If you are interested in being considered for a place on the committee, follow the directions on the flyer.

May 31, 2019

Dear Tom Rogers:

I would like to express my interest in joining the Advisory Committee for shaping the future of the greater Mill Creek Boulevard area. As a current resident of Mill Creek, even residing on Mill Boulevard, my family and I will be major benefactors of this project's success. I believe that my work experience, membership in community-based organizations, knowledge and education I received from Washington State University, and my desire to see the Mill Creek community thrive for generations to come give me a variety of skills and tools that will be helpful for shaping the future of the Mill Creek Blvd subarea.

Almost exactly one year after I have graduated from Washington State University, I am eager to volunteer to serve my community in any way that I can. I am currently an Office Assistant for the Snohomish County Superior Court. The early stages of my career in civic experience, grant me insight to and knowledge of local government as well as access to many community resources.

Since moving to Mill Creek in September 2018, I have participated in a diverse variety of community-based events and trainings. I recently attended the Communities of Color of Snohomish County's Conference on Race. I have attended trainings on how to better acknowledge implicit biases. Through Snohomish County, I have also attended trainings on motivational interviewing, community organizing, as well as data collection, retention, and organization.

I earned my Bachelor of Arts in Political Science with a minor in Global Studies in May 2018. During my time at WSU I served as President, Vice President of Community Programing, and Director of Community Service of Sigma Tau Gamma Fraternity. These roles strengthened my skills, abilities, and desire to make a meaningful impact on the community where I live. While I am still young in my professional career, I believe my experiences have helped me continue to develop my organizational planning, communication and administrative skills. I believe that my strong interest and desire in developing my community grants me a unique and enticing point of view for the future of Mill Creek.

I am interested in serving on this advisory committee, as I believe that I can offer many skills and resources to benefit the development of the greater Mill Creek Blvd. area. I have a strong passion for civil service, community development, and serving in local government. This paired with my youthful insight will provide a unique perspective on the advisory committee. I have a strong attention to detail and am willing to do whatever it takes to improve my community. I believe that the city of Mill Creek is a vibrant district that is developing, growing, and is being recognized in one of the best communities to live in in Washington State. When residents, public officials and business owners all come together, the potential for growth is endless and that is what I would like to see in Mill Creek.

I am available throughout this project's duration. I have no major barriers that would prevent me from attending committee meetings. I have a consistent work schedule from 8am – 5pm from Monday to Friday. I am available to serve this board on all evenings and weekends.

I believe my education and professional experiences have provided me with a strong foundation to make a major impact as a member of the Advisory Committee for shaping the future of Mill Creek Boulevard. I look forward to discussing my skills in greater detail with you and how I can contribute to your team and serve our community.

Sincerely,  
Zachary Anderson

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<b>MAY</b>						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
		Council				
5	6	7	8	9	10	11
		Council				
12	13	14	15	16	17	18
		Council				
19	20	21	22	23	24	25
26	27	28	29	30	31	
		Council				

<b>JUNE</b>						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
		Council				
9	10	11	12	13	14	15
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16	17	18	19	20	21	22
23	24	25	26	27	28	29
		Council				

<b>JULY</b>						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
		Council				
7	8	9	10	11	12	13
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		Council				
28	29	30	31			

**Tentative Council Meeting Agendas**  
**Subject to change without notice**

*Last updated: May 31, 2019*

**June 11, 2019**

*(Agenda Summary due June 3)*

- Waste Management Presentation
- Comcast Settlement Agreement
- Approval of Bond Ordinance & Bank RFP's
- Emergency Operations Center
- F Failures - Inspection Contract
- RRFB Professional Services Contract
- Spine Road Professional Services Contract
- Study Session: Public Works Shop
- Study Session: Huntron Lease
- Study Session: Grant Funding Application Criteria and Process
- Report: Farmers Market

**June 25, 2019**

*(Agenda Summary due June 17)*

- Presentation: Performing Arts Group
- Appointment to the Park & Recreation Board
- Huntron Lease
- Study Session: Compensation Strategies
- Heron Park ILA with Snohomish County
- LTAC Grant

**July 2, 2019**

*(Agenda Summary due June 24)*

- 2020 Community Events

<b>AUGUST</b>						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

<b>SEPTEMBER</b>						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3 Council	4	5	6	7
8	9	10 Council	11	12	13	14
15	16	17	18	19	20	21
22	23	24 Council	25	26	27	28
29	30					

<b>OCTOBER</b>						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 Council	2	3	4	5
6	7	8 Council	9	10	11	12
13	14	15	16	17	18	19
20	21	22 Council	23	24	25	26
27	28	29	30	31		

**Possible Work Session Topics for Discussion**

- MCCA storm water discussions
- Utility Project Management
- Hotel/Motel Theater Tax
- ST3 Stations
- Legislative Retreat
- Gold Star Memorial
- Dobson Remillard Property
- Fleet Program
- Bike Lanes
- Community Funding Criteria and Source of Funds
- Surface Water System Study Group
- Updates to the Governance Manual