

City of Federal Way
City Council
Land Use & Transportation Committee

December 7, 2020
5:00 p.m.

City Hall

Notice: Pursuant to Governor Inslee’s Proclamation 20-28, all in-person meetings are prohibited until further notice. The Mayor and City Council are providing opportunities for public comment by submitting written comment or calling into the meeting to provide oral testimony. To access these options please use the following:



[Click Here to Watch Online Live Streaming Video of the Meeting](#)



Listen to the live meeting: (888) 788-0099 or 253-215-8782 Meeting ID: 809 975 640



Sign-Up* [here](#) to give citizen comment during the meeting (via calling-in)



[Click Here](#) to submit written comments to the City Council



Watch from the Zoom mobile app with meeting: 809 975 640 and password: 595617

MEETING AGENDA

1. CALL TO ORDER
2. PUBLIC COMMENT
3. COMMITTEE BUSINESS

Topic	Title/Description	Presenter	Page	Action or Info	Council Date
<u>A.</u>	<u>Approval of Minutes November 2, 2020</u>		<u>3</u>		N/A
<u>B.</u>	<u>Downtown Staircase – Project Acceptance</u>	<u>Mullen</u>	<u>7</u>	Action	January 5, 2021 Consent
<u>C.</u>	<u>SW Dash Point Rd at 47th Ave SW Compact Roundabout - 85% Design Report & Authorization to Bid</u>	<u>Mullen</u>	<u>9</u>	Action	January 5, 2021 Consent
<u>D.</u>	<u>Pacific Hwy S Non-Motorized Corridor - 30% Design Report</u>	<u>Mullen</u>	<u>13</u>	Action	January 5, 2021 Consent
<u>E.</u>	<u>S 314th St Improvements - 30% Design Report</u>	<u>Mullen</u>	<u>17</u>	Action	January 5, 2021 Consent
<u>F.</u>	<u>Lakota Middle School Safe Routes To School 85% Design Status Report and Authorization To Bid</u>	<u>Huynh</u>	<u>21</u>	Action	January 5, 2021 Consent
<u>G.</u>	<u>S320th Flagpole Rehabilitation Project Acceptance</u>	<u>Mulkey</u>	<u>25</u>	Action	January 5, 2021 Consent
<u>H.</u>	<u>Authorization to Accept Grant Funding for Transportation Improvement Projects</u>	<u>Perez</u>	<u>27</u>	Action	January 5, 2021 Consent
<u>I.</u>	<u>ORDINANCE: School Speed Limit Ordinance Amendment</u>	<u>Perez</u>	<u>29</u>	First Reading	January 5, 2021 First Reading
<u>J.</u>	<u>Award Concrete Beveling Services – Trip Hazard Removal Contract</u>	<u>Winkler</u>	<u>41</u>	Action	January 5, 2021 Consent

City of Federal Way
City Council

Land Use & Transportation Committee

December 7, 2020
5:00 p.m.

City Hall

<u>K.</u>	<u>ORDINANCE: Amendments to the Federal Way Revised Code (FWRC) Chapters 4 and 19 related to Wireless Telecommunication Facilities</u>	<u>Winkler</u>	<u>45</u>	First Reading	January 5, 2021 Consent
<u>L.</u>	<u>ORDINANCE: Comprehensive Plan Amendment/Rezone</u>	<u>Hansen</u>	<u>103</u>	First Reading	January 5, 2021 First Reading
<u>M.</u>	<u>Update on Sound Transit Activities</u>	<u>Medlen</u>	<u>121</u>	Info Only	N/A

4. OTHER

5. FUTURE MEETINGS/AGENDA ITEMS:

The next LUTC meeting will be January 4, 2021 at 5:00 p.m. in City Hall Council Chambers.

6. ADJOURNMENT

Committee Members

*Greg Baruso, Chair
Martin Moore, Member
Hoang V. Tran, Member*

City Staff

*EJ Walsh, P.E., Public Works Director
Rebecca Kovar, Administrative Assistant II
(253) 835-2701*

City of Federal Way
City Council
Land Use & Transportation Committee

November 2, 2020
5:00 p.m.

City Hall
Council Chambers

MEETING SUMMARY

Committee Members in Attendance: Committee Chair Greg Baruso, Committee Member Hoang Tran, and Committee Member Martin Moore.

Other Councilmembers in Attendance: City Council President Susan Honda, Council Member Lydia Assefa-Dawson, Council Member Linda Kochmar

Staff in Attendance: Public Works Director EJ Walsh, Assistant City Attorney Eric Rhodes, Senior Capital Engineer Naveen Chandra, Senior Capital Engineer John Mulkey, City Traffic Engineer Rick Perez, Deputy Public Works Director Desiree Winkler, Sound Transit Liaison Ryan Medlen, and Administrative Assistant II Rebecca Kovar.

1. CALL TO ORDER:
2. PUBLIC COMMENT: None
3. COMMITTEE BUSINESS: Note: Committee Member Moore arrived late, so Items A through C were approved without him.

Topic Title/Description

A. Approval of Minutes: October 5, 2020

Committee approved the October 5, 2020 LUTC minutes as presented.

- **Moved: Tran**
- **Seconded: Baruso**
- **Passed: 2-0 unanimously**

B. Citywide Adaptive Traffic Signal Control – ITS Improvements – Phase 1 & 2 and Phase 3 – Authorization to Transfer Funds and Expenditure Increase of the Project

Senior Capital Engineer Naveen Chandra presented information about the project, including background and budget. Questions and discussion followed.

Committee forwarded Option #1 (Approve to transfer the traffic impact fee funds and expenditure increase in the amount of \$170,000 for the Citywide Adaptive Traffic Signal Control – ITS Improvement – Phase 1 & 2 and Phase 3 Project.) to the November 17, 2020 Consent Agenda for approval.

- **Moved: Tran**
- **Seconded: Baruso**
- **Passed: 2-0 unanimously**

C. **2020 Pavement Markings –Citywide – Project Acceptance**

Senior Capital Engineer Naveen Chandra presented information about the project completion. Questions and discussion followed.

Committee forwarded Option #1 (Approve the proposed final acceptance of the 2020 Pavement Markings - Citywide Project constructed by Apply-A-Line, LLC, in the amount of \$30,316.50 as complete.) to the November 17, 2020 Consent Agenda for approval.

- **Moved: Baruso**
- **Seconded: Tran**
- **Passed: 2-0 unanimously**

D. **SW 320th Street Preservation Project – Bid Award**

Senior Capital Engineer John Mulkey presented information on the project and bid process. Questions and discussion followed.

Committee forwarded Option #1 (Award the SW 356th Street Preservation Project to Lakeside Industries, Inc., the lowest responsive, responsible bidder, in the amount of \$940,089.30 and approve a 10% contingency of \$94,008.93 for a total of \$1,034,098.23, and authorize the Mayor to execute the contract.) to the November 17, 2020 Consent Agenda for approval.

- **Moved: Tran**
- **Seconded: Moore**
- **Passed: 3-0 unanimously**

E. **SW 356th Street Preservation Project – Bid Award**

Senior Capital Engineer John Mulkey presented information on the project and bid process. Questions and discussion followed.

Committee forwarded Option #1 (Award the SW 356th Street Preservation Project to Lakeside Industries, Inc., the lowest responsive, responsible bidder, in the amount of \$940,089.30 and approve a 10% contingency of \$94,008.93 for a total of \$1,034,098.23, and authorize the Mayor to execute the contract.) to the November 17, 2020 Consent Agenda for approval.

- **Moved: Moore**
- **Seconded: Tran**
- **Passed: 3-0 unanimously**

F. **Horizontal Curve Warning Signs – Bid Award**

Senior Capital Engineer John Mulkey presented information on the project and bid process. Questions and discussion followed.

Committee forwarded Option #1 (Award the Horizontal Curve Warning Signs to Transportation Systems, Inc., the lowest responsive, responsible bidder, in the amount of \$78,960.00 and approve a 10% contingency of \$7,896.00 for a total of \$86,856.00, and authorize the Mayor to execute the contract.) to the November 17, 2020 Consent Agenda for approval.

- **Moved: Tran**
- **Seconded: Moore**
- **Passed: 3-0 unanimously**

G. **South 348th Street Entrance Sign – Final Acceptance**

Senior Capital Engineer John Mulkey presented information and background on the project. Discussion and questions followed.

Committee forwarded Option #1 (Authorize final acceptance of the South 348th Street Entrance Sign as constructed by Federal Way Sign, LLC in the amount of \$81,851.00.) to the November 17, 2020 Consent Agenda for approval.

- **Moved: Moore**
- **Seconded: Tran**
- **Passed: 3-0 unanimously**

H. **ORDINANCE: Transportation Impact Fee Code Amendment**

City Traffic Engineer Rick Perez presented information on the proposed Ordinance. Discussion and questions followed.

Committee forwarded Option #1 (Adopt the proposed ordinance.) to the November 17, 2020 Ordinance Agenda for First Reading.

- **Moved: Tran**
- **Seconded: Moore**
- **Passed: 3-0 unanimously**

I. **ORDINANCE: Federal Way Link Extension Alteration No. 1**

Sound Transit Liaison Ryan Medlen presented information on the proposed Ordinance. Questions and discussion followed.

Committee forwarded Option #1 (Adopt the proposed ordinance.) to the November 17, 2020 Ordinance Agenda for First Reading.

- **Moved: Tran**
- **Seconded: Moore**
- **Passed: 3-0 unanimously**

J. **Update on Sound Transit Activities**

Sound Transit Liaison Ryan Medlen reported on current activities regarding Sound Transit projects. Questions and discussion followed.

K. **City Center Access Phase 1 Environmental Process Update - Project Update**

City Traffic Engineer Rick Perez presented information on the project, including design, environmental studies, and public engagement. Questions and discussion followed.

4. OTHER

5. FUTURE MEETINGS/AGENDA ITEMS:

The next LUTC meeting will be held December 7, 2020 at 5:00 p.m. in City Hall Council Chambers.

6. ADJOURNMENT: The meeting was adjourned at 6:48 p.m.

Attest:

Approved by Committee:

Rebecca Kovar, Administrative Assistant II

Date

**CITY OF FEDERAL WAY
CITY COUNCIL
AGENDA BILL**

SUBJECT: DOWNTOWN STAIRCASE – PROJECT ACCEPTANCE

POLICY QUESTION: Should City Council accept the Downtown Staircase project as complete?

COMMITTEE: Land Use & Transportation

MEETING DATE: December 7, 2020

CATEGORY:

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Consent | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Public Hearing |
| <input type="checkbox"/> City Council Business | <input type="checkbox"/> Resolution | <input type="checkbox"/> Other |

STAFF REPORT BY: Christine Mullen, P.E., Senior Capital Engineer

DEPT: Public Works – Capital Projects

Attachments: 1. Land Use & Transportation Committee Memorandum dated December 7, 2020

Options Considered:

- 1. Authorize final acceptance of the Downtown Staircase project constructed by R.L. Alia, Inc., in the amount of \$2,607,386.31 as complete.**
- 2. Do not authorize final acceptance of the Downtown Staircase project as complete, and provide direction to staff.**

MAYOR’S RECOMMENDATION: The Mayor recommends forwarding Option 1 to the January 5, 2021 City Council consent agenda for approval.

MAYOR APPROVAL:

[Signature] *[Signature]*
 Committee Initial/Date Council Initial/Date

DIRECTOR APPROVAL:

[Signature]
 Initial/Date

COMMITTEE RECOMMENDATION: *I move to forward Option 1 to the January 5, 2021 consent agenda for approval.*

Greg Baruso, Committee Chair

Martin Moore, Committee Member

Hoang Tran, Committee Member

PROPOSED COUNCIL MOTION: *“I move approval of final acceptance of the Downtown Staircase project constructed by R.L. Alia, Inc. in the amount of \$2,607,386.31 as complete.”*

(BELOW TO BE COMPLETED BY CITY CLERK’S OFFICE)

COUNCIL ACTION:

- APPROVED**
- DENIED**
- TABLED/DEFERRED/NO ACTION**
- MOVED TO SECOND READING** *(ordinances only)*

REVISED – 2/2020

COUNCIL BILL # _____


First reading _____

Enactment reading _____

ORDINANCE # _____

RESOLUTION # _____

**CITY OF FEDERAL WAY
M E M O R A N D U M**

DATE: December 7, 2020
TO: Land Use & Transportation Committee
VIA: Jim Ferrell, Mayor
FROM: E.J. Walsh, P.E., Public Works Director 
Christine Mullen, P.E., Senior Capital Engineer
SUBJECT: Downtown Staircase – Project Acceptance

Financial Impacts:

This is the acceptance of construction as complete, and therefore no additional funds are proposed to be spent as part of this agenda item.

Background Information:

This project constructed a staircase with an ADA-accessible ramp at the extension of 21st Avenue S at S 316th Street.

Prior to release of retainage on a Public Works construction project, the City Council must accept the work as complete to meet State Department of Revenue, State Employment Security Department, and State Department of Labor and Industries requirements. The Downtown Staircase project constructed by R.L. Alia, Inc. is complete. The final construction contract amount is \$2,607,386.31. This is \$269,532.79 below the \$2,876,919.10 (including contingency) budget that was approved by the City Council on February 19, 2019.

**CITY OF FEDERAL WAY
CITY COUNCIL
AGENDA BILL**

SUBJECT: SW DASH POINT RD AT 47TH AVE SW COMPACT ROUNDABOUT – 85% DESIGN REPORT & AUTHORIZATION TO BID

POLICY QUESTION: Should City Council authorize staff to bid the SW Dash Point Rd at 47th Ave SW Compact Roundabout project and return to the LUTC and Council for bid award, further reports, and authorization?

COMMITTEE: Land Use & Transportation

MEETING DATE: December 7, 2020

CATEGORY:

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Consent | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Public Hearing |
| <input type="checkbox"/> City Council Business | <input type="checkbox"/> Resolution | <input type="checkbox"/> Other |

STAFF REPORT BY: Christine Mullen, P.E., Senior Capital Engineer **DEPT:** Public Works – Capital Projects

Attachments: 1. Land Use & Transportation Committee Memorandum dated December 7, 2020

Options Considered:

1. Authorize staff to bid the SW Dash Point Rd at 47th Ave SW Compact Roundabout project and return to the LUTC and Council to award the project to the lowest responsive, responsible bidder.
2. Do not authorize staff to bid this project and provide direction to staff.

MAYOR’S RECOMMENDATION: The Mayor recommends forwarding Option 1 to the January 5, 2021 City Council consent agenda for approval.

MAYOR APPROVAL:  Committee Initial/Date  Council Initial/Date **DIRECTOR APPROVAL:**  Initial/Date

COMMITTEE RECOMMENDATION: *I move to forward Option 1 to the January 5, 2021 consent agenda for approval.*

 Greg Baruso, Committee Chair Martin Moore, Committee Member Hoang Tran, Committee Member


PROPOSED COUNCIL MOTION: *“I move to authorize staff to bid the SW Dash Point Rd at 47th Ave SW Compact Roundabout project and return to the LUTC and Council to award the project to the lowest responsive, responsible bidder.”*

(BELOW TO BE COMPLETED BY CITY CLERK’S OFFICE)

COUNCIL ACTION:

<input type="checkbox"/> APPROVED	COUNCIL BILL # _____
<input type="checkbox"/> DENIED	First reading _____
<input type="checkbox"/> TABLED/DEFERRED/NO ACTION	Enactment reading _____
<input type="checkbox"/> MOVED TO SECOND READING <i>(ordinances only)</i>	ORDINANCE # _____
REVISED – 2/2020	RESOLUTION # _____

CITY OF FEDERAL WAY
M E M O R A N D U M

DATE: December 7, 2020
TO: Land Use & Transportation Committee
VIA: Jim Ferrell, Mayor
FROM: E.J. Walsh, P.E., Public Works Director 
Christine Mullen, P.E., Senior Capital Engineer
SUBJECT: SW Dash Point Rd at 47th Ave SW Compact Roundabout – 85% Design Report & Authorization to Bid

Financial Impacts:

The cost to the City for the SW Dash Point Rd at 47th Ave SW Compact Roundabout project was included within the approved budget under the Public Works Department, Capital Projects 306 Fund, Project 217. In accordance with the approved budget, this item is funded by a federal safety grant in the amount of \$685,000 and \$15,000 in Miscellaneous/Transfers.

Upon completion of the project, ongoing costs associated with operations and maintenance will be performed and funded through streets maintenance. Funding requirements for operations and maintenance of infrastructure is reviewed and adjusted as required during the budget process.

Background Information:

This project will construct a compact roundabout at the intersection, storm drainage improvements, and illumination improvements.

The following provides a brief synopsis of the progress on the project to date. Currently, the project design is approximately 85% complete, which includes the following tasks:

- Topographic Survey
- Project Design to 85%
- Utility Coordination
- NEPA Approval
- SEPA Application
- Public Outreach

Ongoing Tasks Include:

- Project Design to 100%
- Contract Specifications
- SEPA Approval
- Channelization Plan Approval

December 7, 2020

Land Use and Transportation Committee

SW Dash Point Rd at 47th Ave SW Compact Roundabout – 85% Design Report & Authorization to Bid

Page 2

Project Costs:

Estimated Expenditures

Design	\$ 175,000
2021 Construction Cost	\$ 660,000
10% Construction Contingency	\$ 66,000
Construction Management/Inspection	<u>\$ 129,000</u>
<i>Total Project Costs</i>	\$1,030,000

Available Funding

Grant (Federal)	\$ 815,000
City Funds (Transf	<u>\$ 15,000</u>
<i>Total Available Budget</i>	\$ 830,000

Projected Budget Shortfall: - \$ 200,000

After receiving bids, the total project costs will be refined and presented to the Committee and Council for bid award authorization. Staff anticipates bidding this project in early 2021. Construction is anticipated to start in Spring 2021 with an estimated substantial completion date in Fall 2021.

This page left blank intentionally.

**CITY OF FEDERAL WAY
CITY COUNCIL
AGENDA BILL**

SUBJECT: PACIFIC HWY S NON-MOTORIZED CORRIDOR – 30% DESIGN REPORT

POLICY QUESTION: Should the City Council authorize staff to proceed with the design of the Pacific Hwy S Non-Motorized Corridor project and return to the LUTC and Council at 85% design completion for further reports and authorization?

COMMITTEE: Land Use & Transportation

MEETING DATE: December 7, 2020

CATEGORY:

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Consent | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Public Hearing |
| <input type="checkbox"/> City Council Business | <input type="checkbox"/> Resolution | <input type="checkbox"/> Other |

STAFF REPORT BY: Christine Mullen, P.E., Senior Capital Engineer

DEPT: Public Works – Capital Projects

Attachments: 1. Land Use & Transportation Committee Memorandum dated December 7, 2020

Options Considered:

- 1. Authorize staff to proceed with the design of the Pacific Hwy S Non-Motorized Corridor project and return to the LUTC and Council at 85% design completion for further reports and authorization.**
- 2. Do not authorize staff to proceed with this project and provide direction to staff.**

MAYOR’S RECOMMENDATION: The Mayor recommends forwarding Option 1 to the January 5, 2021 City Council consent agenda for approval.

MAYOR APPROVAL:  Committee Initial/Date  Council Initial/Date

DIRECTOR APPROVAL:  Initial/Date

COMMITTEE RECOMMENDATION: *I move to forward Option 1 to the January 5, 2021 consent agenda for approval.*

Greg Baruso, Committee Chair

Martin Moore, Committee Member

Hoang Tran, Committee Member

PROPOSED COUNCIL MOTION: *“I move to authorize staff to proceed with the design of the Pacific Hwy S Non-Motorized Corridor project and return to the LUTC and Council at 85% design completion for further reports and authorization.”*

(BELOW TO BE COMPLETED BY CITY CLERK’S OFFICE)

COUNCIL ACTION:

- APPROVED**
- DENIED**
- TABLED/DEFERRED/NO ACTION**
- MOVED TO SECOND READING (ordinances only)**

REVISED – 2/2020

COUNCIL BILL # _____


First reading _____

Enactment reading _____

ORDINANCE # _____

RESOLUTION # _____

CITY OF FEDERAL WAY
M E M O R A N D U M

DATE: December 7, 2020
TO: Land Use & Transportation Committee
VIA: Jim Ferrell, Mayor
FROM: E.J. Walsh, P.E., Public Works Director 
Christine Mullen, P.E., Senior Capital Engineer
SUBJECT: Pacific Hwy S Non-Motorized Corridor – 30% Design Report

Financial Impacts:

The cost to the City for the Pacific Hwy S Non-Motorized Corridor project was included within the approved budget under the Public Works Department, Capital Projects 306 Fund, Project 219. In accordance with the approved budget, this item is funded by a \$550,000 federal STPUL grant, a \$725,000 federal CMAQ grant, and \$265,000 in Traffic Impact fees and REET funds.

Upon completion of the project, ongoing costs associated with operations and maintenance will be performed and funded through streets maintenance. Funding requirements for operations and maintenance of infrastructure is reviewed and adjusted as required during the budget process.

Background Information:

This project provides a non-motorized shared-use path along the Pacific Highway S corridor, from S 308th Street to S 288th Street. The improvements will consist of a path, that for portions of the alignment will be located within the right-of-way along 16th Ave South, including a segment located within the partially unopened right-of-way along 16th Ave S, north of Dash Point Rd. The improvements will include pathway surfacing, minor grading, storm water infrastructure, illumination, and retaining walls.

The following provides a brief synopsis of the progress on this project to date. Currently the project design is approximately 30% complete, which includes the following completed tasks:

- Topographic Survey
- Alternatives Analysis
- Project Design to 30%
- WSDOT Coordination
- On-line Neighborhood Meetings

Ongoing tasks include

- Utility Coordination
- On-line Open House
- Right-of-Way Plan Preparation
- Preliminary Contract Specifications
- Project Design to 85%
- NEPA/SEPA Application & Approval

Project Costs:

Estimated Expenditures

Design	\$ 775,000
Right-of-Way (2021-2022)	\$1,100,000
Construction (2024)	\$5,085,000
10% Construction Contingency	\$ 508,500
Construction Mgmt & Inspection	<u>\$ 937,500</u>
<i>Total Project Costs</i>	\$8,406,000

Available Funding

Grant (Federal - STPUL)	\$ 550,000
Grant (Federal – CMAQ)	\$ 725,000
Real Estate Excise Tax (REET)	\$ 231,557
Traffic Impact Fees	<u>\$ 33,443</u>
<i>Total Available Budget</i>	\$1,540,000

Projected Budget Shortfall: - \$6,866,000

As the design proceeds, estimated costs will be refined. The City has one pending grant application for partial construction funding and will continue to pursue grant funding opportunities for the proposed improvements.

This page left blank intentionally.

**CITY OF FEDERAL WAY
CITY COUNCIL
AGENDA BILL**

SUBJECT: S 314TH ST IMPROVEMENTS – 30% DESIGN REPORT

POLICY QUESTION: Should the City Council authorize staff to proceed with the design of the S 314th St Improvements project and return to the LUTC and Council at 85% design completion for further reports and authorization?

COMMITTEE: Land Use & Transportation

MEETING DATE: December 7, 2020

CATEGORY:

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Consent | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Public Hearing |
| <input type="checkbox"/> City Council Business | <input type="checkbox"/> Resolution | <input type="checkbox"/> Other |

STAFF REPORT BY: Christine Mullen, P.E., Senior Capital Engineer

DEPT: Public Works – Capital Projects

Attachments: 1. Land Use & Transportation Committee Memorandum dated December 7, 2020

Options Considered:

1. Authorize staff to proceed with the design of the S 314th St Improvements project and return to the LUTC and Council at 85% design completion for further reports and authorization.
2. Do not authorize staff to proceed with this project and provide direction to staff.

MAYOR’S RECOMMENDATION: The Mayor recommends forwarding Option 1 to the January 5, 2021 City Council consent agenda for approval.

MAYOR APPROVAL:  Committee Initial/Date  Council Initial/Date **DIRECTOR APPROVAL:**  Initial/Date

COMMITTEE RECOMMENDATION: *I move to forward Option 1 to the January 5, 2021 consent agenda for approval.*

Greg Baruso, Committee Chair

Martin Moore, Committee Member

Hoang Tran, Committee Member

PROPOSED COUNCIL MOTION: *“I move to authorize staff to proceed with the design of the S 314th St Improvements project and return to the LUTC and Council at 85% design completion for further reports and authorization.”*

(BELOW TO BE COMPLETED BY CITY CLERK’S OFFICE)

COUNCIL ACTION:

- APPROVED**
- DENIED**
- TABLED/DEFERRED/NO ACTION**
- MOVED TO SECOND READING** (*ordinances only*)

REVISED – 2/2020

COUNCIL BILL # _____

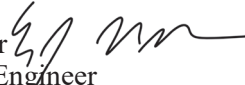
First reading _____

Enactment reading _____

ORDINANCE # _____

RESOLUTION # _____

**CITY OF FEDERAL WAY
M E M O R A N D U M**

DATE: December 7, 2020
TO: Land Use & Transportation Committee
VIA: Jim Ferrell, Mayor
FROM: E.J. Walsh, P.E., Public Works Director 
Christine Mullen, P.E., Senior Capital Engineer
SUBJECT: S 314th St Improvements – 30% Design Report

Financial Impacts:

This project was included in an October 2019 budget amendment under the Public Works Department, Capital Projects 306 Fund, Project 223. In accordance with the approved budget, this project is funded by a \$300,000 state grant.

Upon completion of the project, ongoing costs associated with operations and maintenance will be performed and funded through streets maintenance. Funding requirements for operations and maintenance of infrastructure is reviewed and adjusted as required during the budget process.

Background Information:

This project provides street improvements to bring this roadway to current City roadway standards, including curb and gutter, sidewalks, illumination, storm improvements, and street trees.

The following provides a brief synopsis of the progress on this project to date. Currently the project design is approximately 30% complete, which includes the following completed tasks:

- Topographic Survey
- Project Design to 30%

Ongoing tasks include

- Utility Coordination
- Right-of-Way Plan Preparation
- Preliminary Contract Specifications
- Project Design to 85%
- SEPA Application & Approval

Project Costs:

Estimated Expenditures

Design	\$ 300,000
Right-of-Way Acquisition (2024)	\$1,660,000
Construction Cost (2025)	\$2,400,000
10% Construction Contingency	\$ 240,000
Construction Management/Inspection	<u>\$ 300,000</u>
<i>Total Project Costs</i>	<u>\$4,900,000</u>

Available Funding

Grant (State)	\$ 300,000
Right-of-Way Donation by City	<u>\$ 830,000</u>
<i>Total Available Budget</i>	\$ 1,130,000

Projected Budget Shortfall: - \$ 3,770,000

As we proceed with the design, costs will be further refined. This project is being designed and then will be shelved until additional funds are available. Having a fully designed project increases our competitiveness in applying for grant funds for the right-of-way and/or construction phase.

This page left blank intentionally.

**CITY OF FEDERAL WAY
CITY COUNCIL
AGENDA BILL**

**SUBJECT: LAKOTA MIDDLE SCHOOL SAFE ROUTES TO SCHOOL 85% DESIGN STATUS
REPORT AND AUTHORIZATION TO BID**

POLICY QUESTION: Should City Council authorize staff to complete design and bid the Lakota Middle School Safe Routes to School and return to the LUTC and Council for bid award, further report, and authorization?

COMMITTEE: Land Use and Transportation Committee

MEETING DATE: December 7, 2020

CATEGORY:

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Consent | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Public Hearing |
| <input type="checkbox"/> City Council Business | <input type="checkbox"/> Resolution | <input type="checkbox"/> Other |

STAFF REPORT BY: Jeff Huynh, Capital Engineer

DEPT: Public Works

Attachments: Memorandum to Land Use and Transportation Committee dated December 7, 2020.

Options Considered:

1. Authorize staff to complete the design and bid the Lakota Middle School Safe Routes to School and return to the LUTC and Council for bid award, further report, and authorization.
2. Do not authorize staff to proceed with this project and provide direction to staff.

MAYOR’S RECOMMENDATION: The Mayor recommends Option 1 be forwarded to the January 5, 2021 Council Consent Agenda for approval.

MAYOR APPROVAL: 
Committee Initial/Date


Council Initial/Date

DIRECTOR APPROVAL: 
Initial/Date

COMMITTEE RECOMMENDATION: *I move to forward the proposed resolution to the January 5, 2021 consent agenda for approval.*

Greg Baruso, Committee Chair

Martin Moore, Committee Member

Hoang Tran, Committee Member

PROPOSED COUNCIL MOTION: *“I move approval of the proposed resolution.”*

(BELOW TO BE COMPLETED BY CITY CLERK’S OFFICE)


COUNCIL ACTION:

- APPROVED**
- DENIED**
- TABLED/DEFERRED/NO ACTION**
- MOVED TO SECOND READING (ordinances only)**

REVISED – 11/2019

COUNCIL BILL #	_____
First reading	_____
Enactment reading	_____
ORDINANCE #	_____
RESOLUTION #	_____

CITY OF FEDERAL WAY
M E M O R A N D U M

DATE: December 7, 2020
TO: Land Use & Transportation Committee
VIA: Jim Ferrell, Mayor
FROM: EJ Walsh, P.E., Public Works Director 
Jeff Huynh, Capital Engineer
SUBJECT: Lakota Middle School Safe Routes to School – 85% Design Status Report and
Authorization to bid

FINANCIAL IMPACTS:

The cost to the City for Lakota Middle School Safe Routes to School at SW Dash Point Road Project was included within the approved budget under the Public Works Department, Capital Project #204. In accordance with the approved budget, this item is funded by a federal Safe Routes to School grant in the amount of \$1,350,000.00 and a Washington State grant from the Transportation Improvement Board in the amount of \$500,000. Upon completion of the project, ongoing costs associated with operations and maintenance will be performed and funded through streets maintenance. Funding requirements for operations and maintenance of infrastructure is reviewed and adjusted as required during the budget process.

BACKGROUND INFORMATION:

This project provides an 8' sidewalk, planter strip, bicycle lane and street lights on the south side of SW Dash Point Road from 21st Ave SW to SW 312th St. Upgrade existing pedestrian crossings and curb ramps at 21st Ave SW to current ADA standards. Extend reduced speed school zone through the SW 312th St intersection.

The following provides a brief synopsis of the progress on this project to date. Currently the project design is approximately 85% complete, which includes the following completed tasks:

- Topographic Survey
- Utility Coordination
- NEPA Application
- Preliminary Contract Specifications
- Project Design to 85%

Ongoing tasks include:

- WSDOT Channelization Plan Approval
- NEPA Approval
- Lakehaven Interlocal Agreement
- Project Design to 100%
- Final Contract Specifications to 100%

Project Estimated Expenditures

Design (<i>by City Staff</i>)	\$ 170,000.00
2021 Construction Cost	\$1,385,000.00
10% Construction Contingency	\$ 138,500.00
Lakehaven Bid Schedule & Project Admin Costs*	\$ 750,000.00
<u>Construction Management (<i>by City Staff</i>)</u>	<u>\$ 156,500.00</u>
Estimated Total Project Costs	\$2,600,000.00

*30% estimate

Project Available Funding

Grant (<i>Federal – City Safety Selections</i>)	\$1,350,000.00
Grant (<i>State-TIB</i>)	\$ 500,000.00
Lakehaven Water & Sewer District	\$ 750,000.00
Total Available Budget	\$2,600,000.00

After receiving bids, the total project costs will be refined and presented to the Committee and Council for bid award authorization. Staff anticipates bidding this project in March 2021 (pending WSDOT approvals). Construction is anticipated to start in Spring 2021 with an estimated substantial completion date in Fall 2021.

This page left blank intentionally.

**CITY OF FEDERAL WAY
CITY COUNCIL
AGENDA BILL**

SUBJECT: S320TH ST FLAGPOLE REHABILITATION – PROJECT ACCEPTANCE

POLICY QUESTION: Should City Council accept the S320th St Flagpole Rehabilitation project as complete?

COMMITTEE: Land Use & Transportation

MEETING DATE: December 7, 2020

CATEGORY:

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Consent | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Public Hearing |
| <input type="checkbox"/> City Council Business | <input type="checkbox"/> Resolution | <input type="checkbox"/> Other |

STAFF REPORT BY: John Mulkey, P.E., Senior Capital Engineer

DEPT: Public Works – Capital Projects

Attachments: Land Use & Transportation Committee Memorandum dated December 7, 2020

Options Considered:

- 1. Authorize final acceptance of the S320th St Flagpole Rehabilitation project in the amount of \$22,634.02 as complete.**
- 2. Do not authorize final acceptance of the S320th St Flagpole Rehabilitation project as complete, and provide direction to staff.**

MAYOR’S RECOMMENDATION: The Mayor recommends forwarding Option 1 to the January 5, 2021 City Council consent agenda for approval.

MAYOR APPROVAL: J.B. 10/2/20 J.M. 12/2/20 **DIRECTOR APPROVAL:** [Signature]

Committee Initial/Date Council Initial/Date Initial/Date

COMMITTEE RECOMMENDATION: *I move to forward Option 1 to the January 5, 2021 consent agenda for approval.*

Greg Baruso, Committee Chair Martin Moore, Committee Member Hoang Tran, Committee Member

PROPOSED COUNCIL MOTION: *“I move approval of final acceptance of the S320th St Flagpole Rehabilitation project in the amount of \$23,634.02 as complete.”*

(BELOW TO BE COMPLETED BY CITY CLERK’S OFFICE)

COUNCIL ACTION:

- APPROVED**
 - DENIED**
 - TABLED/DEFERRED/NO ACTION**
 - MOVED TO SECOND READING** *(ordinances only)*
- REVISED – 2/2020

COUNCIL BILL # _____

First reading _____

Enactment reading _____

ORDINANCE # _____

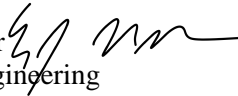
RESOLUTION # _____

CITY OF FEDERAL WAY
MEMORANDUM

DATE: December 7, 2020

TO: Land Use & Transportation Committee

VIA: Jim Ferrell, Mayor

FROM: EJ Walsh, P.E., Public Works Director 
John Mulkey, P.E., Senior Capital Engineering

SUBJECT: S320th St Flagpole Rehabilitation – Project Acceptance

Financial Impacts:

This is the acceptance of construction as complete, and therefore no additional funds are proposed to be spent as part of this agenda item.

Background Information:

This project constructed an in-kind replacement flagpole with a white powder coat finish utilizing the existing foundation.

The City Council must accept the work as complete to meet State Department of Revenue, State Employment Security Department, and State Department of Labor and Industries requirements. The S320th St Flagpole Rehabilitation project is complete. The final amount is \$22,634.02. This is \$127,365.98 below the \$150,000 budget that was approved by the City Council on March 17, 2020.

**CITY OF FEDERAL WAY
CITY COUNCIL
AGENDA BILL**

SUBJECT: AUTHORIZATION TO ACCEPT GRANT FUNDING FOR TRANSPORTATION IMPROVEMENT PROJECTS

POLICY QUESTION: Should City Council authorize acceptance of transportation grant funding?

COMMITTEE: Land Use and Transportation Committee

MEETING DATE: December 7, 2020

CATEGORY:

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Consent | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Public Hearing |
| <input type="checkbox"/> City Council Business | <input type="checkbox"/> Resolution | <input type="checkbox"/> Other |

STAFF REPORT BY: Rick Perez, P.E., City Traffic Engineer

DEPT: Public Works

Attachments: 1. Staff Report

Options Considered:

1. Accept the proposed transportation grant funding.
2. Do not accept the proposed transportation grant funding and provide direction to staff.

MAYOR'S RECOMMENDATION: Option 1.

MAYOR APPROVAL:

JG 12/1/20
Committee Initial/Date

JG 12/1/20
Council Initial/Date

DIRECTOR APPROVAL:

EG
Initial/Date

COMMITTEE RECOMMENDATION: *I move to forward Option 1 to the January 5, 2021 consent agenda for approval.*

Greg Baruso, Committee Chair

Martin Moore, Committee Member

Hoang Tran, Committee Member

PROPOSED COUNCIL MOTION: *"I move to accept the proposed transportation grant funding."*

(BELOW TO BE COMPLETED BY CITY CLERK'S OFFICE)

COUNCIL ACTION:

- APPROVED**
- DENIED**
- TABLED/DEFERRED/NO ACTION**
- MOVED TO SECOND READING (ordinances only)**

REVISED - 4/2019

COUNCIL BILL # _____



First reading _____

Enactment reading _____

ORDINANCE # _____

RESOLUTION # _____

**CITY OF FEDERAL WAY
M E M O R A N D U M**

DATE: December 7, 2020
TO: City Council
VIA: Jim Ferrell, Mayor
FROM: EJ Walsh, P.E., Public Works Director 
 Rick Perez, P.E., City Traffic Engineer 
SUBJECT: *Authorization to Accept Grant Funding for Transportation Improvement Projects*

FINANCIAL IMPACTS:

This project, the *S 288th Street – 16th Ave S to 34th Ave S* is in the proposed 2021/2022 budget. This project has been awarded grant funding of \$2,000,000.00 from the Transportation Improvement Board. The project will be designed in 2021-2022, complete right-of-way acquisition in 2022-2023, and be constructed in 2023. Staff is pursuing additional grant funding for this project for the required matching funds of \$1,500,000.00. Currently the match is scheduled to be funded out of the Transportation Capital Fund (306) which averages \$2.0M per year of revenue from real estate excise tax (REET) and traffic impact fees (TIF).

BACKGROUND INFORMATION:

City Council approved applying for this TIB grant in July 2020.

The S 288th Street – 16th Ave S to 34th Ave S project will modify the 4-lane roadway into a 3-lane roadway (one travel lane each direction and a 2-way center turn lane) with bicycle lanes. In addition, sidewalks and curb ramps will be modified to provide improved access. The traffic signal at S 288th and Military Road will need to be replaced to provide for the bicycle lanes and curb ramps. Minor right-of-way acquisition will also be required at the corners of 288th/Military Road.

Summary of the grant funding is as follows:

Project (<i>Funding Phase</i>) Grant	Estimated Project Cost	Grant Fund Amount	Required City Match	Years of Expenditure
S 288th Street – 16th Ave S to 34th Ave S (<i>Design, Right-of-way, Construction</i>)				
Transportation Improvement Board (State)	\$3,500,000	\$2,000,000	\$1,500,000	2021-2023

CITY OF FEDERAL WAY CITY COUNCIL AGENDA BILL

SUBJECT: ORDINANCE: SCHOOL SPEED LIMIT ORDINANCE AMENDMENT

POLICY QUESTION: Should the Council update code language on speed limits to address school zones?

COMMITTEE: Land Use / Transportation

MEETING DATE: Dec. 7, 2020

CATEGORY:

- | | | |
|--|---|---|
| <input type="checkbox"/> Consent | <input checked="" type="checkbox"/> Ordinance | <input type="checkbox"/> Public Hearing |
| <input type="checkbox"/> City Council Business | <input type="checkbox"/> Resolution | <input type="checkbox"/> Other |

STAFF REPORT BY: Rick Perez, P.E., City Traffic Engineer

DEPT: Public Works

Attachments: 1. Staff Report
2. Ordinance

Options Considered:

1. Adopt the proposed ordinance.
2. Do not adopt the proposed ordinance and provide direction to staff.

MAYOR'S RECOMMENDATION: Option 1.

MAYOR APPROVAL:  <small>Committee Initial/Date</small>	 <small>Council Initial/Date</small>	DIRECTOR APPROVAL:  <small>Initial/Date</small>
--	---	---

COMMITTEE RECOMMENDATION: *I move to forward the proposed ordinance to First Reading on January 5, 2021.*

Greg Baruso, Committee Chair

Martin Moore, Committee Member

Hoang Tran, Committee Member

PROPOSED COUNCIL MOTION(S):

FIRST READING OF ORDINANCE JANUARY 6, 2021: *"I move to forward the proposed ordinance to the January 19, 2021 Council Meeting for second reading and enactment."*

SECOND READING OF ORDINANCE JANUARY 19, 2021: *"I move approval of the proposed ordinance."*

(BELOW TO BE COMPLETED BY CITY CLERK'S OFFICE)

COUNCIL ACTION:

- APPROVED
- DENIED
- TABLED/DEFERRED/NO ACTION
- MOVED TO SECOND READING (ordinances only)

REVISED – 11/2019

COUNCIL BILL # _____

First reading _____

Enactment reading _____

ORDINANCE # _____

RESOLUTION # _____

ORDINANCE NO. _____

AN ORDINANCE of the City of Federal Way, Washington, relating to speed limits; amending FWRC 8.30.020, 8.30.030, 8.30.040; and adding a new section to FWRC 8.30. (Amending Ordinance Nos. 90-29, 92-145, 93-177, 96-259, 00-364, 03-449, 10-668, 10-669, 10-675, 13-740, 15-807, and 17-832)

WHEREAS, the state traffic laws regulating the speed of vehicles shall be applicable upon all streets within the City, except that the legislative authority of the City, as authorized by state law, may declare and determine by order, rule or regulation, properly adopted, that certain increased or decreased speed regulations shall be applicable upon specified streets or in certain areas, in which event it is unlawful for any person to operate a vehicle at a speed in excess of the speed so established when proper signs are in place giving notice thereof; and

WHEREAS, pursuant to RCW 46.61.415, whenever conditions are found to exist upon an arterial street or highway that warrant an increase in the speed permitted by state law, the City Council, subject to the approval of the Washington State Transportation Commission in cases involving state highways, shall determine and declare a reasonable and safe maximum speed limit for such arterial street or highway, or portion thereof, not to exceed 60 miles per hour; and

WHEREAS, pursuant to FWRC 8.30.050, whenever it is deemed inadvisable for vehicles to operate at the maximum speed allowed by state law on any portion of a street or public highway on account of a sharp curvation, highway construction or repairs, excessive traffic, any dangerous condition, or other temporary or permanent cause, the City Council, subject to the approval of the Washington State Transportation Commission in cases involving state highways, shall determine and fix a lower

maximum speed or otherwise regulate a lesser speed; provided, that in no case shall the maximum speed be reduced to less than 20 miles per hour; and

WHEREAS, pursuant to RCW 46.61.440, it shall be unlawful for the operator of any vehicle to operate the same at a speed in excess of twenty miles per hour when operating any vehicle upon a highway either inside or outside an incorporated city or town when passing any marked school or playground crosswalk when such marked crosswalk is fully posted with standard school speed limit signs or standard playground speed limit signs; and the speed zone at the crosswalk shall extend three hundred feet in either direction from the marked crosswalk; and

WHEREAS, pursuant to RCW 46.61.440, a county or incorporated city or town may create a school or playground speed zone on a highway bordering a marked school or playground, in which zone it is unlawful for a person to operate a vehicle at a speed in excess of twenty miles per hour; and the school or playground speed zone may extend three hundred feet from the border of the school or playground property; however, the speed zone may only include area consistent with active school or playground use; and

WHEREAS, this ordinance is in the interest of the public health, safety and welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FEDERAL WAY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 8.30 of the Federal Way Revised Code is hereby amended to add a new section 8.30.045 to read as follows:

8.30.045 School Speed Limits.

The public works director, subject to the approval of the State Secretary of Transportation on state highways, shall determine and establish school or playground speed zones consistent with criteria established by state law.

Section 2. FWRC 8.30.020 is hereby amended to read as follows:

8.30.020 Increasing state speed limit.

Whenever conditions are found to exist upon an arterial street or highway which warrant an increase in the speed permitted by state law, the city council, subject to the approval of the ~~state highway commission~~ state Secretary of Transportation in cases involving state highways, shall determine and declare a reasonable and safe maximum speed limit for such arterial street or highway, or portion thereof, not to exceed 60 miles per hour.

Section 3. FWRC 8.30.030 is hereby amended to read as follows:

8.30.030 Decreasing state speed limit.

Whenever it is deemed inadvisable for vehicles to operate at the maximum speed allowed by state law on any portion of a street or public highway on account of a sharp ~~curvation~~ curvature, highway construction or repairs, excessive traffic, any dangerous condition, or other temporary or permanent cause, the city council, subject to the approval of the ~~State Highway Commission~~ state Secretary of Transportation in cases involving state highways, shall determine and fix a lower maximum speed or otherwise regulate a lesser speed; provided, that in no case shall the maximum speed be reduced to less than 20 miles per hour.

Section 4. FWRC 8.30.040 is hereby amended to read as follows:

8.30.040 Schedule.

The maximum speed limits set forth in the following schedule of speed limits are hereby established as the reasonable and safe maximum speed limits to be effective at all times upon the streets and highways designated in the schedule. The mayor shall cause appropriate signs to be erected on such streets and highways, giving notice of the speed limits, as provided in this chapter.

(1) *Speed limit 20 mph.* No person shall operate a motor vehicle upon the following described roads in excess of 20 mph:

All internal park roads.

18th Place South, between South 341st Place and South 344th Street.

22nd Avenue Southwest, between Southwest 334th Street and cul-de-sac south of Southwest 334th Street.

22nd Court Southwest, between Southwest 333rd Street and cul-de-sac north of Southwest 333rd Street.

22nd Place Southwest, between Southwest 333rd Street and Southwest 334th Street.

23rd Avenue Southwest, between Southwest 333rd Street and cul-de-sac south of Southwest 334th Street.

24th Avenue Southwest, between Southwest 333rd Street and cul-de-sac south of Southwest 334th Street.

25th Avenue Southwest, between Southwest 334th Street and cul-de-sac south of Southwest 334th Street.

26th Avenue Southwest, between 100 feet north of Southwest 333rd Street to end of road south of Southwest 334th Street.

Southwest 333rd Street, between 22nd Place Southwest and 26th Avenue Southwest.

Southwest 334th Street, between 21st Avenue Southwest and 26th Avenue Southwest.

(2) *Speed limit 30 mph*. No person shall operate a motor vehicle upon the following described roads in excess of 30 miles per hour:

9th Avenue South, between South 336th Street and South 348th Street.

11th Place South, between South 320th Street and South 324th Street.

20th Avenue South, between South 312th Street and South 320th Street.

16th Avenue South, between South 356th Street and South 364th Way.

23rd Avenue South, between South 312th Street and South 324th Street.

South 304th Street, between Pacific Highway South and Military Road South.

South 317th Street, between 23rd Avenue South and 28th Avenue South.

South 324th Street, between 11th Place South and 23rd Avenue South.

South 364th Way, between 12th Avenue South and 16th Avenue South.

Southwest 356th Street, between 20th Avenue Southwest and Pierce County.

Milton Road South, between Enchanted Parkway South and South 372nd Street.

South 372nd Street, between Milton Road South and Milton Road South.

Milton Road South, between South 372nd Street and South 376th Street.

(3) *Speed limit 35 mph*. No person shall operate a motor vehicle upon the following described roads in excess of 35 miles per hour:

1st Avenue South, between South 296th Street and South 356th Street.

12th Avenue South, between South 372nd Way and South 364th Way.

16th Avenue South, between South Dash Point Road and Pacific Highway South, and between Pacific Highway South and South 348th Street.

10th Avenue Southwest, between Southwest Campus Drive and 6th Avenue Southwest.

21st Avenue Southwest, between Southwest Dash Point Road and Southwest 356th Street.

28th Avenue South, between South 304th Street and South 317th Street.

South 288th Street, between Pacific Highway South and ~~F.A.I. No.~~ Interstate 5.

South and Southwest 312th Street, between Southwest Dash Point Road and 28th Avenue South.

South and Southwest 320th Street, between 1,000 feet west of 1st Avenue South and ~~F.A.I. No.~~ Interstate 5 and between 21st Avenue Southwest and 47th Avenue Southwest.

South 336th Street, between 1st Way South and Weyerhaeuser Way South.

Southwest 336th Street, between 21st Avenue Southwest and 26th Place Southwest.

Southwest 336th Way, between 26th Place Southwest and 30th Avenue Southwest.

Southwest 340th Street, between 30th Avenue Southwest and Hoyt Road Southwest.

South 344th Street, between Weyerhaeuser Way South and 1,500 feet east of Weyerhaeuser Way South.

Southwest 344th Street, between 21st Avenue Southwest and 35th Avenue Southwest.

South 348th Street, between 1st Avenue and Pacific Highway South.

South 348th Street (State Route 18), between Pacific Highway South and 16th Avenue South.

South 352nd Street, between Pacific Highway South and Enchanted Parkway South.

South 356th Street, between 1st Avenue South and 16th Avenue South.

South 359th Street, between Pacific Highway South and 16th Avenue South.

South 373rd Street, between Pacific Highway South and South 372nd Way.

South 372nd Way, between 12th Avenue South and South 373rd Street.

Hoyt Road Southwest, between Southwest Dash Point Road and Pierce County.

Redondo Way South, between South Dash Point Road and South 284th Street (if extended).

Southwest Campus Drive, between 1st Avenue South and 21st Avenue Southwest.

South Star Lake Road, between South 272nd Street and Military Road South.

Weyerhaeuser Way South, between South 320th Street and South 349th Street.

Southwest Dash Point Road (State Route 509), between Pierce County and 21st Avenue SW.

(4) *Speed limit 40 mph*. No person shall operate a motor vehicle upon the following described roads in excess of 40 miles per hour:

South and Southwest 320th Street, between 21st Avenue Southwest and 1,000 feet west of 1st Avenue South and between ~~F.A.I. No.~~ Interstate 5 and 1,000 feet east of Weyerhaeuser Way South.

Southwest 356th Street, between 1st Avenue South and 20th Avenue Southwest.

Enchanted Parkway South (State Route 161), between South 348th Street and Milton Road South.

Military Road South, ~~F.A.I. No.~~ Interstate 5 at South Star Lake Road and ~~F.A.I. No.~~ Interstate 5 at South 307th Street (if extended).

Pacific Highway South (State Route 99), between South 304th Street and South 359th Street.

South and Southwest Dash Point Road (State Route 509), between 21st Avenue SW and Pacific

Highway South.

(5) *Speed limit 45 mph.* No person shall operate a motor vehicle upon the following described roads in excess of 45 miles per hour:

Military Road South, between South 320th Street and State Route 18.

Pacific Highway South (State Route 99), between South 272nd Street and South 304th Street.

(6) *Speed limit 50 mph.* No person shall operate a motor vehicle upon the following described roads in excess of 50 miles per hour:

Pacific Highway South (State Route 99), between South 359th Street and Pierce County.

Section 5. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or situation, be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation. The City Council of the City of Federal Way hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clauses, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

Section 6. Corrections. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 7. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 8. Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage and publication, as provided by law.

PASSED by the City Council of the City of Federal Way this _____ day of _____, 20__.

CITY OF FEDERAL WAY:

JIM FERRELL, MAYOR

ATTEST:


STEPHANIE COURTNEY, CMC, CITY CLERK

APPROVED AS TO FORM:

J. RYAN CALL, CITY ATTORNEY

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO.: _____

CITY OF FEDERAL WAY M E M O R A N D U M

DATE: December 7, 2020
TO: Land Use & Transportation Committee
VIA: Jim Ferrell, Mayor
FROM: EJ Walsh, P.E., Public Works Director 
Rick Perez, P.E., City Traffic Engineer
SUBJECT: School Speed Limit Ordinance Amendment

Financial Impacts:

School speed limit sign installation and maintenance is included in Public Works Department Traffic Division operating budget. This code amendment codifies existing practice, thus there is no financial impact.

Background Information:

As part of the grant application submitted for the current Lakota Middle School Safe Routes to School project, staff proposed to extend the school speed limit to include SW Dash Point Road between 21st Avenue SW and SW 312th Street, consistent with crosswalks used by students walking to Lakota Middle School. As part of the project review, since SW Dash Point Road is a state highway, Washington State Department of Transportation requires us to conduct an analysis justifying the school zone and have ordinance language adopting school speed limits. Existing code does not address school speed limits.

To correct this, the draft ordinance language adds a new section that provides the Public Works Director the authority to establish school speed limits consistent with state statute. In reviewing the chapter, some language reflects outdated terminology, which this draft ordinance would correct:

1. Replacing references to the State Highway Commission with the State Secretary of Transportation;
2. Replacing references to "F.A.I. No. 5" with "Interstate 5";
3. Replacing "curvation" with "curvature".

This page left blank intentionally.

**CITY OF FEDERAL WAY
CITY COUNCIL
AGENDA BILL**

SUBJECT: AWARD CONCRETE BEVELING SERVICES – TRIP HAZARD REMOVAL CONTRACT

POLICY QUESTION: Should city council award the Concrete Beveling – Trip Hazard Removal Contract to the lowest responsive, responsible, bidder?

COMMITTEE: Land Use and Transportation Committee

MEETING DATE: December 7, 2020

CATEGORY:

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Consent | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Public Hearing |
| <input type="checkbox"/> City Council Business | <input type="checkbox"/> Resolution | <input type="checkbox"/> Other |

STAFF REPORT BY: Desireé S. Winkler, P.E., Deputy Director

DEPT: Public Works

- Attachments:** 1. Staff Report
2. Bid Proposal

Options Considered:

- Award the Concrete Beveling – Trip Hazard Removal contract to Precision Concrete Cutting, Inc., the lowest responsive, responsible bidder, in the amount of \$35,000.00 and authorize the Mayor to execute the contract.**
- Reject all bids for the Concrete Beveling – Trip Hazard Removal contract provide direction to staff.**

MAYOR’S RECOMMENDATION: Option 1.

MAYOR APPROVAL:  12/1/20
Committee Initial/Date

 12/1/20
Council Initial/Date

DIRECTOR APPROVAL:  12/1/20
Initial/Date

COMMITTEE RECOMMENDATION: *I move to forward Option 1 to the January 5, 2021 consent agenda for approval.*

Greg Baruso, Committee Chair

Martin Moore, Committee Member

Hoang Tran, Committee Member

PROPOSED COUNCIL MOTION: *“I move to award the Concrete Beveling – Trip Hazard Removal Contract to Precision Concrete Cutting, Inc., the lowest responsive, responsible bidder, in the amount of \$35,000.00 and authorize the Mayor to execute the contract .”*

(BELOW TO BE COMPLETED BY CITY CLERK’S OFFICE)

COUNCIL ACTION:

- APPROVED**
- DENIED**
- TABLED/DEFERRED/NO ACTION**
- MOVED TO SECOND READING (ordinances only)**

REVISED - 4/2019

COUNCIL BILL # _____


First reading _____

Enactment reading _____

ORDINANCE # _____

RESOLUTION # _____

CITY OF FEDERAL WAY M E M O R A N D U M

DATE: December 7, 2020
TO: City Council
VIA: Jim Ferrell, Mayor
FROM: EJ Walsh, P.E., Public Works Director 
Desireé S. Winkler, P.E., Deputy Public Works Director
SUBJECT: Award Concrete Beveling Services – Trip Hazard Removal Contract

FINANCIAL IMPACTS:

Funding for the Concrete Beveling Services – Trip Hazard Removal contract is included in the Streets Maintenance fund (101) budget for 2021/2022. Streets maintenance funding consists of general funds (utility tax, sales tax, property tax, etc.) and Motor Vehicle Excise Tax (MVET).

BACKGROUND INFORMATION:

The city is responsible for sidewalk maintenance. The city has on-going maintenance related to uneven sidewalk surfaces that create trip hazards. These trip hazards are primarily a result of tree roots heaving the panels. One way to correct these trip hazards is to saw or grind the “high” side of the panel to be even with the adjacent panel.

From the inspections conducted as part of our Americans with Disabilities Act (ADA) Transition Plan, we estimate over \$200,000 of trip hazard removal back log on our arterial sidewalk system. Although city staff has the capabilities of completing this type of work, and will continue to do so, the backlog is too much and the assistance of a contractor is needed. The city is prioritizing the arterials in areas of highest pedestrian usage.

The city is taking advantage of state law, that allows public agencies to utilize another agencies procurement process (aka. “piggyback”) to retain the contractor to complete this work. Precision Concrete Cutting, Inc., was selected by the City of Seattle through a competitive public works procurement process as the lowest, responsive, responsible bidder to provide concrete beveling / trip hazard removal services through a Limited Public Works Contract. The city will enter into its own limited public works contract with Precision Concrete Cutting, Inc. with the same bid prices they provided to the City of Seattle. (see attached)

The limited public works contract will be for a not-to-exceed amount of \$35,000.00. Scope and schedule will be agreed upon via task orders with work completed no later than December 31, 2021.

<p>BID OFFER SHEET Page 1 of 1 Revised 6/1/2020 City of Seattle ITB #TRN-4358 Title: Sidewalk beveling</p>
--

Offer sheet reflects estimated quantities for each of the item(s) in a project. Bidders are expected to identify a firm unit cost for each item specified. The actual quantities may fluctuate up or down. The unit prices identified by each proposer will remain firm and will not be renegotiated if the estimated expenditure is not met or are exceeded. All unit prices shall include all necessary overhead and profit. The items identified in the cost proposal for the project include all the items that will be paid on the project

Item #	Description	Est. Qty.	UM	Unit Price (MANDATORY)	Extended Price (excluding sales tax)
1	Sidewalk Repairs 1/4" to 1/2"	500	Inch Feet	\$43.20	\$21,600
2	1/2" Sidewalk Repairs 5/8" to 1"	500	Inch Feet	\$43.20	\$21,600
3	Sidewalk Repairs 1 1/8" to 2"	500	Inch Feet	\$43.20	\$21,600
4	Before & After Photos	500	NA	\$1	\$500
5	Emergency Work	10	Mobilization Fee	\$1	\$10
6	Daily Reports	Daily	N/A	\$1	\$1
7	GIS/Excel/Shape Files/	1	N/A	\$1	\$1
8	Traffic Control	Daily	N/A	\$1	\$1
9	Recycling	Daily	N/A	\$1	\$1
10	Inspection Services	8	Hourly Rate	\$1	\$8
	TOTAL				\$65,321

Billing Units: Services are billed in "Inch Feet". An inch foot is calculated by measuring the average height of the sidewalk off-set and multiplying this average by the length of the cut.

Example: A sidewalk off-set on a 4-foot wide sidewalk that consists of a 0.5" rise on one side, and tapers down to a zero rise on the other is calculated as follows:

$$\frac{0.5" + 0"}{2} \times 4ft = 1\text{-inch foot}$$

1. It is MANDATORY that you provide a Unit Price. If there is an error between the Unit Price and Extended Price, the City will correct the Extended Price.
2. The bid prices shall include and cover all duties, handling and transportation charges and all charges incidental to the requested work excluding Sales Tax or Use Tax. Offer shall agree to all City Contract Terms and Conditions without exception.
3. Do not mark, write-in or add any exceptions to the specifications, schedule, terms or conditions. Do not attach alternative boilerplate. Any such exceptions can invalidate your Offer and the Buyer can reject your Bid.
4. If you make an error in typing your prices or any corrections to your Offer Submittal, you may mark it in ink and initial the correction. If it is not marked in ink and or it is not initialled, the Buyer may reject your bid. Do not use whiteout.

5. Price Changes in future contract years shall be in accordance with the specifications. Whole sale and mark-up discount rates will not change through the life of the contract. Other price changes are restricted to the specifications stated in the solicitation and the contract.
6. Prompt Payment Discount: 0 % 0 days. Note: Prompt payment discount periods equal to or greater than 10 calendar days will receive consideration and bid pricing will be reduced for evaluation by the amount of that discount.
7. Interlocal Agreement: The City of Seattle has entered into Interlocal Agreements with other governmental agencies pursuant to RCW 39.34, in lieu of those agencies conducting a separate competitive bid. Does Vendor agree to provide this product or service to such agencies?

Yes: No:

8. Prevailing Wages: If Prevailing wages apply to any awarded contract, confirm your intent to pay prevailing wages and that such wages are considered within your Offer.

Yes:

This section shall not be used in the evaluation of bids but will be used to administer wage increases if necessary due to prevailing wage changes over the life of the contract. Since prevailing wages may require the Vendor to request an adjustment to costs billed to the City in future years, provide this remaining information to allow the City to receive and analyze cost increases that are the result of a prevailing wage increase:

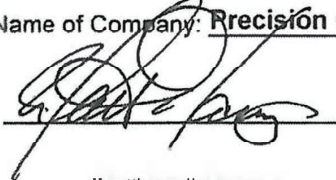
Specify the Job Classification and Hourly Wage Rate that is reflected in your Offer for labor classifications that will perform the Services.

Job Classification	Hourly Wage Rate
Concrete Saw Operator	\$47.44
	\$
	\$

9. Do not add travel time as an additional charge. Billing hours will begin when workers arrive at the jobsite.

By submitting this Bid, Vendor acknowledges he/she has read and understands the entire Invitation to Bid and agrees to comply with its terms and conditions. The Vendor also agrees to fulfill the offer made in their Bid through any subsequently awarded Contract.

Full Legal Name of Company: Precision Concrete Cutting, Inc.

Signed By: 

Printed Name: M_a_t_t_h_e_w_H_a_n_e_e_y

Date: 51.1.51.18

**CITY OF FEDERAL WAY
CITY COUNCIL
AGENDA BILL**

SUBJECT: ORDINANCE: AMENDMENTS TO THE FEDERAL WAY REVISED CODE (FWRC) TITLES 4 AND 19 RELATED TO WIRELESS TELECOMMUNICATION FACILITIES

POLICY QUESTION: Should City Council adopt amendments to Federal Way Revised Code Titles 4 and 19 related to wireless telecommunication facilities?

COMMITTEE: Land Use and Transportation Committee

MEETING DATE: December 7, 2020

CATEGORY:

- | | | |
|--|---|---|
| <input type="checkbox"/> Consent | <input checked="" type="checkbox"/> Ordinance | <input type="checkbox"/> Public Hearing |
| <input type="checkbox"/> City Council Business | <input type="checkbox"/> Resolution | <input type="checkbox"/> Other |

STAFF REPORT BY: Desiree S. Winkler, P.E., Deputy Director

DEPT: Public Works

- Attachments:**
1. Staff Report
 2. Ordinance

Options Considered:

1. Adopt the proposed ordinance.
2. Do not adopt the proposed ordinance and provide direction to staff.

MAYOR'S RECOMMENDATION: Option 1.

MAYOR APPROVAL: 		DIRECTOR APPROVAL: 
<small>Committee Initial/Date</small>	<small>Council Initial/Date</small>	<small>Initial/Date</small>

COMMITTEE RECOMMENDATION: *I move to forward the proposed ordinance to First Reading on January 5, 2021.*

Greg Baruso, Committee Chair

Martin Moore, Committee Member

Hoang Tran, Committee Member

PROPOSED COUNCIL MOTION(S):

FIRST READING OF ORDINANCE (JANUARY 5, 2021): *"I move to forward the proposed ordinance to the January 19, 2021 Council Meeting for second reading and enactment."*

SECOND READING OF ORDINANCE (JANUARY 19, 2021): *"I move approval of the proposed ordinance."*

(BELOW TO BE COMPLETED BY CITY CLERK'S OFFICE)

COUNCIL ACTION:

- APPROVED
- DENIED
- TABLED/DEFERRED/NO ACTION
- MOVED TO SECOND READING *(ordinances only)*

COUNCIL BILL #	_____
First reading	_____
Enactment reading	_____
ORDINANCE #	_____
RESOLUTION #	_____

**CITY OF FEDERAL WAY
M E M O R A N D U M**

DATE: December 7, 2020
TO: City Council
VIA: Jim Ferrell, Mayor
FROM: EJ Walsh, P.E. Public Works Director *EJ Walsh*
Desiree Winkler, P.E. Deputy Public Works Director
SUBJECT: Amendments to the Federal Way Revised Code (FWRC) Chapters 4 and 19 related to
Wireless Telecommunication Facilities

FINANCIAL IMPACTS:

The proposed code amendments will have no financial impacts on the city budget.

BACKGROUND INFORMATION:

Introduction

The demand for wireless telecommunication bandwidth and services has grown exponentially in the past few years. Federal and state laws were adopted to facilitate rapid deployment of wireless telecommunication facilities to meet the growing demand. In response to these new federal and state laws, the city adopted code (both permanent and interim), to meet required timelines and design standards.

Code History and Content

Ordinance 18-851 updated the following codes:

Chapters 4.23 and 4.24 FWRC: New chapters added to address federal and state time limits (aka: “shot clocks”) for wireless telecommunication application review.

Ordinance 19-850 updated and added the following codes:

Chapters 19.05, 19.15, and 19.190 FWRC: Modify definitions of wireless communication facilities and clarify approval processes over private property versus rights-of-way.

Chapter 19.256 FWRC: (Chapter 19.255 FWRC repealed and replaced with Chapter 19.256 FWRC) New chapter was added to address siting of wireless telecommunication facilities.

Ordinance 19-863 updated the following codes:

Chapter 4.22 FWRC: Updated franchise application requirements and completeness determinations and identified timelines for review of telecommunication and small wireless facilities.

Chapter 4.23 FWRC: New section addressing small wireless permitting.

Chapter 4.24 FWRC: Updated timelines permitting new wireless communication facilities.

Ordinance 19-862, 20-883, and 20-890: implemented the following interim code amendments:

Chapter 19.256 FWRC: Implements standards and timelines (aka. “shot clocks”) for review of applications for wireless communication facilities and establishes design and aesthetic standards for small wireless deployments.

The above regulations stemmed from the Regulatory Ruling, Order, and Regulation 85 FCC 51867 (“FCC Order”) imposes limitations on the processing of all permits associated with the deployment of small wireless facilities. The FCC Order was subject to multiple appeals, which were consolidated before the Federal Ninth Circuit Court of Appeals. Oral argument for this matter was heard in February 2020 with the Declaratory Ruling and Notice of Proposed Rulemaking (“FCC Rules”) issued in June 10, 2020. The city extended the interim codes to provide enough time to review the FCC Rules and amend city code accordingly.

Proposed Amendments

The proposed amendments will establish wireless communication facility permitting and design standards and reorganize the code to consolidate all wireless facility standards into one title. Original adoption of wireless telecommunication facility code separated the process for facilities located on city property (right-of-way and city-owned property) (Title 4) from those located on private property (Title 19). The proposed amendments provide consistency for all wireless communication facility construction and removes conflicts between chapters.

A summary of the proposed amendments are as follows:

- 1) FWRC 4.22 Franchise for Use of Right-of-Way:
 - a) Removed Section 4.22.060: redundant section referring to application review timelines outlined in Section 19.256.
- 2) FWRC 4.23 Small Wireless Deployment – Small Wireless Permits:
 - a) Refers to the small wireless requirements outlined in Section 19.256.
- 3) FWRC 4.24 Eligible Facilities Requests:

- a) Refers to the eligible facilities request requirements outlined in Section 19.257.
- 4) FWRC 19.256: repealed and replaced. Consolidates all zoning, permitting, and design standards for small wireless and major facilities located within or outside of the rights-of-way.
- 5) FWRC 19.257: New section for Eligible Facility Requests. Covers major and small wireless facilities within or outside of the rights-of-way.

Process and Timeline

The proposed amendments are primarily house-keeping items that re-organize the wireless communication code to consolidate zoning, permitting, and design requirements into one location and are updated to ensure consistency with federal and state law.

The proposed code amendments have been shared with industry soliciting feedback. In addition, these code amendments have undergone SEPA review receiving a determination of non-significance, were subject of a public hearing and review at the December 2, 2020 Planning Commission meeting, and were provided to Washington State Department of Commerce as Notice of Intent to Adopt land use regulations. As of the date of this memo, no comments have been received. Any comments received will be shared and incorporated (if applicable) as part of the council adoption process.

Planning Commission Public Hearing	12/02/2020
LUTC Review	12/07/2020
Council First Reading	1/05/2021
Council Second Reading and Enactment	1/19/2021

ORDINANCE NO. _____

AN ORDINANCE of the City of Federal Way, Washington, relating to wireless communication facilities; repealing and replacing Federal Way Revised Code Chapters 4.23 (Small Wireless Deployment), 4.24 (Eligible Facilities Requests), and 19.256 (Wireless Communications Facilities) in their entirety; revising Chapter 4.22 (Franchise for Use of Right-of-Way); and adding new Chapter 19.257 (Eligible Facilities Requests). (Repealing Ordinance No. 20-890, 20-833, 19-862, and 18-850 and amending Ordinance Nos. 17-833, 18-863, and 18-851)

WHEREAS, in a constantly evolving industry, telecommunications providers are beginning to utilize a new type of technology commonly known as “small cell” facilities (herein “small wireless facilities”) to implement higher bandwidths and increased demands for data;

WHEREAS, the Federal Communications Commission (“FCC”) has issued rules and regulations which limit local government’s ability to regulate the deployment of small wireless facilities, but which allows local governments to adopt regulations affecting the aesthetics and design standards for small wireless facilities; and

WHEREAS, Chapter 19.256 of the Federal Way Revised Code (“FWRC”) was added to Title 19 FWRC pursuant to Ordinance No. 18-850 and established initial regulations related to wireless facilities; and

WHEREAS, Chapter 19.256 FWRC was amended pursuant to Ordinance No. 19-862 to incorporate interim zoning and design regulations regarding small wireless facilities, and these interim regulations were renewed pursuant to Ordinance 20-883 and Ordinance No. 20-890; and

WHEREAS, the City has evaluated its existing wireless facilities regulations which govern macro wireless facilities as set forth in Chapter 19.256 FWRC and eligible facilities requests set

forth in Chapter 4.24 FWRC, and determined that changes are needed to address compliance with FCC rules; and

WHEREAS, the City desires to repeal the entirety of the existing Chapter 19.256 FWRC and replace it with a new Chapter 19.256 that (1) reaffirms the land use and zoning regulations for macro wireless facilities, (2) clarifies the application and review process for macro wireless facilities, (3) adopts land use and zoning regulations and design standards for small wireless facilities and, (4) sets forth the application and approval process for small wireless facilities; and

WHEREAS, the City desires to add a new Chapter 19.257 FWRC establishing a consolidated chapter for all regulations related to Eligible Facilities Requests as prescribed by federal rules and regulations; and

WHEREAS, upon timely notice, the City undertook a State Environmental Policy Act (SEPA) review of these wireless communication regulations and issued a Determination of Non-Significance for this non-project action; and

WHEREAS, the Washington State Department of Commerce was provided a Notice of Intent to Adopt the proposed regulations and the City received no comments on the same; and

WHEREAS, the proposed regulations went before the City of Federal Way Planning Commission for review, discussion, and consideration. Upon timely notice, a public hearing was held before the Planning Commission on December 2, 2020 and subsequently, the Planning Commission issued a recommendation that the City Council adopt the regulations; and

WHEREAS, the based on careful consideration of the facts and law, including without limitation the public testimony received, the Planning Commission's recommendation dated

December 2, 2020, the Staff Report dated November 23, 2020, and records and files with the office of the City Clerk, the Federal Way City Council finds that the proposed amendments attached and incorporated herein should be approved as presented.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FEDERAL WAY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The Federal Way City Council finds as follows:

A. The above recitals set forth as “WHEREAS” clauses are hereby adopted as findings of fact in support of the adoption of this Ordinance.

B. The amendments that are incorporated herein comply with the requirements of the Washington State Growth Management Act and the City of Federal Way’s municipal code.

Section 2. FWRC 4.22.060 is hereby repealed in its entirety.

Section 3. The current text of Chapter 4.23 of the Federal Way Revised Code is hereby repealed and replaced as follows:

Chapter 4.23 – Small Wireless Facilities located on City Property

4.23.010 Applicability.

Small wireless facilities, defined by FRWC 19.256.020, proposed to be located in the public right-of-way or on publicly owned property are subject to the requirements established in Chapter 19.256 FWRC.

Section 4. The current text of Chapter 4.24 of the Federal Way Revised Code is hereby repealed and replaced as follows:

Chapter 4.24 – Eligible Facilities Requests located on City Property

4.24.010 Applicability.

Eligible Facilities Requests, defined by FWRC 19.257.020(1)(c), related to an existing tower or base station located in the public right-of-way or on publicly owned property are subject to the requirements established in Chapter 19.257 FWRC.

Section 5. The current text of Chapter 19.256 of the Federal Way Revised Code is hereby repealed and replaced as follows:

Chapter 19.256 WIRELESS COMMUNICATION FACILITIES

Sections:

- 19.256.010 Purpose and Scope.
- 19.256.020 Exemptions.
- 19.256.030 Definitions.
- 19.256.040 Federal regulatory requirements.
- 19.256.050 Small wireless facility application process.
- 19.256.060 Small wireless facility application requirements.
- 19.256.070 Small wireless facility review criteria and process.
- 19.256.080 Small wireless facility permit requirements.
- 19.256.090 Small wireless facility modification.
- 19.256.100 Small wireless facility aesthetic, concealment, and design standards.
- 19.256.110 Designated design zones for small wireless facilities.
- 19.256.120 Major wireless communication facility application and review process.
- 19.256.130 Major wireless communication facility application requirements.
- 19.256.140 Prioritized locations for major wireless communication facilities.
- 19.256.150 Major wireless communication facility development standards.
- 19.256.160 Expiration of major wireless communication facility permit.
- 19.256.170 Nonconformance exceptions.
- 19.256.180 Temporary wireless communication facilities.
- 19.256.190 Collocation.
- 19.256.200 Removal of facility.
- 19.256.210 Revocation of permit.

19.256.010 Purpose and Scope.

The purpose of this chapter, in addition to implementing the general purposes of the comprehensive plan and development regulations, is to regulate the activities of permitting, 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 a competitive wireless telecommunications marketplace within the city.

This chapter provides permitting and review regulations as well as aesthetic, design and concealment standards for the construction of wireless communication facilities both within and without the public right-of-way. It also provides siting options at appropriate locations within the city to support existing communications technologies, to adapt to new technologies as needed, and to minimize associated safety hazards and visual impacts. The siting of wireless communication facilities on existing buildings and structures, colocation of telecommunication facilities on a single support structure and visual mitigation strategies are encouraged to preserve neighborhood aesthetics and reduce visual clutter in the city.

19.256.020 Exemptions.

(1) Exemptions. The following antennas and facilities are exempt from the provisions of this chapter and shall be permitted in all zones consistent with the applicable development standards outlined in the use zone charts, FWRC Title 19, Division VI, Zoning Regulations:

- (a) WCFs used by federal, state, or local public agencies for temporary emergency communications in the event of a disaster, or emergency preparedness, and for any other public

health or safety purpose, including, by way of illustration and not limitation, any communications systems utilized by first responders such as police or fire.

(b) Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC; provided such equipment complies with all applicable provisions of FWRC 19.110.050, Compliance generally; 19.110.060, Exceptions; and 19.110.070, Rooftop appurtenances – Required screening.

(c) Citizen band radios or antennas operated by federal licensing amateur (“ham”) radio operators; provided such antennas comply with all applicable provisions of FWRC 19.110.050, Compliance generally, 19.110.060, Exceptions, and 19.110.070, Rooftop appurtenances – Required screening.

(d) Satellite dish antennas less than two meters in diameter, including direct-to-home satellite services, when used as secondary use of the property; provided such antennas comply with all applicable provisions of FWRC 19.110.050; Compliance generally; 19.110.060, Exceptions; and 19.110.070, Rooftop appurtenances – Required screening.

(e) Automated meter reading (“AMR”) facilities for collecting utility meter data for use in the sale of utility services, except for WIP and other antennas greater than two feet in length; so long as the AMR facilities are within the scope of activities permitted under a valid franchise agreement between the utility service provider and the city.

(f) Eligible facilities requests and routine maintenance or repair of a WCF and related equipment excluding structural work or changes in height, dimension, or visual impacts of the antenna, tower, transmission equipment, equipment cabinet and/or transmission equipment;

provided, however, that compliance with the standards of this title is maintained. See Chapter 19.257 FWRC for regulations related to eligible facilities requests.

19.256.030 Definitions.

For the purposes of this chapter as well as Chapters 4.23 FWRC, the following terms shall have the meaning ascribed to them below. Terms not defined in this section shall be defined as set forth in Chapter 19.05 FWRC:

“Antenna(s)” in the context of small wireless and wireless communication facilities and consistent with 47 CFR 1.1320(w) and 1.6002(b) means an apparatus designed for the purpose of emitting radiofrequency (“RF”) radiation, to be operated or operating from a fixed location pursuant to Federal Communications Commission (“FCC”) authorization, for the provision of personal wireless and any commingled information services. For the purposes of this definition, the term “antenna” does not include an unintentional radiator, mobile station, or device authorized by 47 CFR Title 15.

“Antenna equipment,” consistent with 47 CFR 1.1320(d), means equipment, switches, wiring, cabling, power sources, shelters, or cabinets associated with an antenna, located at the same fixed location as the antenna, and, when collocated on a structure, are mounted or installed at the same time as the antenna.

“Antenna facility” means an antenna and associated antenna equipment.

“Antenna height” means the vertical distance measured from average building elevation to the highest point of the antenna, or if on a rooftop or other structure, from the top of the roof or structure to the highest point of the antenna. For replacement structures, antenna height is measured from the top of the existing structure to the highest point of the antenna or new structure, whichever is greater.

“Collocation”

(1) “Collocation” is further defined in FWRC 19.05.030 in the application of the provisions of this title.

(2) When used in the context of small wireless facilities issued pursuant to this Chapter 19.256 FWRC, “collocation” means:

(a) Mounting or installing an antenna facility on a preexisting structure; and/or

(b) Modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

“Concealment elements” means transmission facilities designed to look like some feature other than a wireless tower or base station or which minimizes the visual impact of the facilities by use of nonreflective materials, appropriate colors, and/or a concealment canister.

“Director” means the Public Works Director or designee.

“Equipment enclosure” means a facility, shelter, cabinet, or vault used to house and protect electronic or other associated equipment necessary for processing wireless communication signals.

“Associated equipment” may include, for example, air conditioning, backup power supplies, and emergency generators.

“Existing” means a constructed tower or structure 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 because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

“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.

“Major wireless communication facilities” or “Major WCF” means all facilities other than small wireless facilities as defined pursuant to this Chapter and eligible facilities requests subject to Chapter 19.257 FWRC. Major WFC include but are not limited to monopoles, lattice towers, micro and macro cells, roof-mounted and panel antennas, and other similar facilities.

“Personal wireless services” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

“Service provider” shall be defined in accord with RCW 35.99.010(6). “Service provider” shall include those infrastructure companies that provide telecommunications services or equipment to enable the construction of wireless communications.

“Small wireless facility” shall be defined as provided in 47 CFR 1.6002(1).

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

“Technologically infeasible” means the inability of a wireless communication facility to operate.

“Telecommunications service” shall be defined in accord with RCW 35.99.010.

“Tower” means 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 communication 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.

“Traffic signal pole” means any structure designed and used primarily for support of traffic signal displays and equipment whether for vehicular or nonmotorized users.

“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 communication 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.

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

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

19.256.040 Federal regulatory requirements.

(1) These provisions shall be interpreted and applied in order to comply with the provisions of federal law. By way of illustration and not limitation, any WCF that has been certified as compliant with all FCC and other government regulations regarding the human exposure to radio frequency emissions will not be denied on the basis of RF radiation concerns.

(2) WCFs shall be subject to the requirements of this Code to the extent that such requirements:

(a) Do not unreasonably discriminate among providers of functionally equivalent services; and

(b) Do not have the effect of prohibiting wireless communications facilities within the city.

19.256.050 Small wireless facility application process.

(1) 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 Chapter 4.22 FWRC. The small wireless facility permits are issued by the Director.

(2) Completeness. An application for a small wireless facility is not complete until the applicant has submitted all the applicable items required by FWRC 19.256.060 and has submitted complete applications for all the applicable items in FWRC 19.256.050(3) and the city has confirmed that the application is complete. Any and all parts of an application for small wireless facilities including but not limited to franchise, small wireless permits, and all associated permits shall be submitted at one time in order that their completeness may be considered, however an applicant may utilize phased deployment. An applicant seeking to phase deployment of a small wireless facilities system shall identify the intended phasing in the franchise application process. Franchisees with a valid franchise for small wireless facilities may apply for a small wireless permit for the initial or additional phases of a small wireless facilities system at any time subject to the commencement of a new completeness review time period for permit processing.

(3) Application Components. The Director is authorized to establish franchise and other application forms to gather the information required to evaluate the application from applicants

and to determine the completeness of the application as provided herein. The application shall include the following components as applicable:

(a) Franchise. If any portion of the applicant's facilities are to be located in the right-of-way, the applicant shall apply for, and receive approval of a franchise, consistent with the requirements in Chapter 4.22 FWRC

(b) Small Wireless Facility Permits. The applicant shall submit a SWF permit application as required in the small wireless facility application requirements established in FWRC 19.256.060. Prior to the issuance of a small wireless facility permit, the applicant shall pay a permit fee as set forth in the fee schedule which may be amended by City Council from time to time.

(c) Associated Application(s) and Checklist(s). The applicant shall attach all associated applications or checklists such as those required under the critical areas or SEPA ordinances. Applications for small wireless facilities in design zones or for new poles shall comply with the requirements in FWRC 19.256.100(5).

(d) Leases. An applicant who desires to attach a small wireless facility on any utility pole, light pole, or other structure or building owned by the city shall include an application for a lease as a component of its application. Leases for utility poles or light pole and the use of other public property, structures or facilities, including but not limited to any park land or facility, require city council approval.

19.256.060 Small wireless facility application requirements.

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. The applicant shall specify ground-mounted equipment, conduit, junction boxes and fiber and power connections necessary for and intended for use in the small wireless facilities system regardless of whether the additional facilities are to be constructed by the applicant or leased from a third party. The applicant shall provide detailed schematics and visual renderings of the small wireless facilities, including engineering and design standards. 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 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 applicable provisions of Chapter 19.120 FWRC and Chapter 4.35 FWRC.

(c) The applicant's plan for 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 signal and power service, conduits, cables, and related improvements. Where another party is responsible for installing such signal and power service, conduits, cables, and related improvements, applicant's construction drawings shall include such utilities to the extent known at the time of application, but at a minimum applicant must indicate how it expects to obtain power and signal service to the small cell facility.

(d) A photometric analysis of the roadway and sidewalk within 150 feet of the existing light if the site location includes a replacement light pole.

(e) Compliance with the applicable aesthetic requirements pursuant to FWRC 19.256.100.

(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 specifications for the pole, 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. For city-owned poles or structures, the applicant shall obtain a lease from the city prior to or concurrent with the small wireless permit application so that the city can evaluate the use 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 permit which contains an element which is not categorically exempt from SEPA review shall simultaneously apply under Chapter 43.21C RCW and Title 14 FWRC. Further, any application proposing small wireless facilities in a shoreline area (pursuant to Chapter 15.05 FWRC) or a critical area (pursuant to Chapter 19.145 FWRC) shall indicate why the application is exempt or comply with the review processes in such codes.

(5) 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 facilities system 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.

(6) 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.

(7) 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.

(8) A right-of-way work permit application as required by FWRC 4.25.030.

(9) Proof of a valid Federal Way business license.

(10) 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.

(11) 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.

19.256.070 Small wireless facility review criteria and process.

(1) The following provisions relate to review of applications for a small wireless facility permit:

(a) In any zone, upon application for a small wireless permit, the city will permit small wireless facilities only when the application meets the criteria of this Chapter 19.256 FWRC.

(b) 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 rights-of-way.

(c) Replacement poles, new poles, and ground-mounted equipment permitted pursuant to FWRC 19.256.100(1)(b) 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, new pole, or ground-mounted equipment 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.

(d) No equipment shall be operated so as to produce noise in violation of Chapter 7.10 FWRC.

(e) 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.

(2) Decision. All small wireless facility applications shall be reviewed and approved or denied by the Director. The Director's decision shall be final and is not subject to appeal under city code or further review by the city.

(3) Review of Facilities. Review of the site locations proposed by the applicant shall be governed by the provisions of 47 USC 253 and 332 and other applicable statutes, regulations and case law. Applicants for franchises and small wireless facility permits shall be treated in a competitively neutral and nondiscriminatory 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.

(4) 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 an eligible facilities request described in Chapter 19.257 FWRC when the modification does not defeat the concealment elements of the small wireless facility.

(5) Public Notice. The city shall provide notice of a complete application for a small wireless permit on the city's website with a link to the application. The applicant shall provide an email contact and telephone number to include in the notice so the applicant can respond to citizen inquiries. Applicants shall also provide this notice to all residents and businesses within 100 feet of any proposed small wireless facility via a doorhanger. Notice is for the public's information and is not a part of a hearing or part of the land use appeal process.

(6) 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 reduced 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.

(7) Supplemental Information. Failure of an applicant to provide supplemental information as requested by the Director within 60 days of notice by the Director shall be grounds for denial of that application unless an extension period has been approved by the Director. If no extension period has been approved by the Director, the Director shall notify the applicant in writing that the application is denied.

19.256.080 Small wireless facility permit requirements.

(1) Permit Compliance. The permittee shall comply with all of the requirements within the small wireless facility permit.

(2) Post-Construction As-Builts. Upon request, the permittee shall provide the city with as-builts of the small wireless facilities, within 30 days after construction of the small wireless facility, demonstrating compliance with the permit, visual renderings submitted with the permit application and any site photographs taken.

(3) Construction Time limit. Construction of the small wireless facility must be completed within 12 months after the approval date by the city. The permittee may request one extension of no more than six months, if the permittee provides an explanation as to why the small wireless facility cannot be constructed within the original 12-month period.

(4) Site Safety and Maintenance. The permittee must maintain the small wireless facilities in safe and working condition. The permittee 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.

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

19.256.090 Small wireless facility modification.

(1) If a permittee desires to modify small wireless facilities, 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 permittee shall apply for a new small wireless permit.

(2) A small wireless permit shall not be required for routine maintenance and repair of a small wireless facility within the rights-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 small wireless facility and does not impact the structural integrity of the pole. Further, a small wireless permit shall not be required for replacing equipment within the equipment enclosure or reconfiguration of fiber or power to the small wireless facilities. An annual blanket right-of-way permit will be required for such routine maintenance, repair, or replacement and can cover all facilities owned by the applicant.

19.256.100 Small wireless facility aesthetic, concealment, and design standards.

(1) All small wireless facilities shall conform with the following general aesthetic, concealment, and design standards, as applicable:

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

(b) Ground-mounted equipment in the rights-of-way is prohibited, unless such facilities are placed underground, or the applicant can demonstrate that pole-mounted or undergrounded equipment is technically infeasible. If ground-mounted equipment is necessary, then the

applicant shall submit a concealment element plan substantially conforming to the applicable standards in FWRC 19.256.100(5)(c) and comply with the Americans with Disabilities Act (“ADA”), city construction standards, and state and federal regulations in order to provide a clear and safe passage within the public right-of-way. Generators located in the rights-of-way are prohibited.

(c) No equipment shall be operated so as to produce noise in violation of Chapter 7.10 FWRC.

(d) 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 four by six inches); provided, that signs are permitted as concealment element techniques where appropriate.

(e) 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 the required concealment element requirements pursuant to FWRC 19.256.100(5)(c) of this chapter.

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

(g) The design standards in this Chapter are intended to be used solely for the purpose of concealment and siting. Nothing contained in this chapter shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would render the small wireless facility technologically infeasible, alternative

forms of aesthetic design or concealment may be permitted which provide similar or greater protections from negative visual impacts to the streetscape.

(2) General Pole Standards. In addition to complying with the general standards in FWRC 19.256.100(1), all small wireless facilities on any type of pole shall conform to the following general pole design requirements as well as the applicable pole specific standards:

(a) The preferred location of a small wireless facility on a pole is the location with the least visible impact.

(b) The city may consider the cumulative visual effects of small wireless facilities mounted on poles within the rights-of-way when assessing proposed siting locations so as to not adversely affect the visual character of the city. This provision shall neither 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.

(c) 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.

(d) Replacement poles and new poles shall comply with the Americans with Disabilities Act, city construction and sidewalk clearance standards, city development standards, city ordinances, and state and federal laws and regulations in order to provide a clear and safe passage within the rights-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.

(e) Replacement poles shall be located as near as possible to the existing pole and the abandoned pole shall be removed.

(f) Side arm mounts for antennas or equipment must be the minimum extension necessary, and for wooden poles may be no more than 12 inches off the pole, and for nonwooden poles no more than six inches off the pole.

(3) Nonwooden Pole Design Standards. In addition to complying with the general standards in FWRC 19.256.100(1) and FWRC 19.256.100(2), small wireless facilities attached to existing or replacement nonwooden poles in the right-of-way or nonwooden poles outside of the right-of-way shall conform to the following design criteria:

(a) Antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) shall be fully concealed within the pole, unless such concealment is technically infeasible, or is incompatible with the pole design, then the antennas and associated equipment enclosures must be camouflaged to appear as an integral part of the pole or flush-mounted to the pole, meaning no more than 6 inches off of the pole, and must be the minimum size necessary for the intended purpose, not to exceed the volumetric dimensions of small wireless facilities. If the equipment enclosure is permitted on the exterior of the pole, the applicant is required 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.

For purposes of this section, “incompatible with the pole design” may include a demonstration by the applicant that the visual impact to the pole or the streetscape would be reduced by placing the antennas and equipment exterior to the pole.

(b) The farthest point of any antenna or equipment enclosure may not extend more than 20 inches from the face of the pole.

(c) All conduit, cables, wires, and fiber must be routed internally in the pole. Full concealment of all conduit, cables, wires, and fiber is required within mounting brackets, shrouds, canisters, or sleeves if attaching to exterior antennas or equipment.

(d) An antenna on top of an existing pole may not extend more than six feet above the height of the existing pole and the diameter may not exceed 12 inches, unless the applicant can demonstrate that more space is needed. The antennas shall be integrated into the pole design so that they appear as a continuation of the original pole, including colored or painted to match the pole, and shall be shrouded or screened to blend with the pole except for canister antennas which shall not require screening. All cabling and mounting hardware/brackets from the bottom of the antenna to the top of the pole shall be fully concealed and integrated with the pole.

(e) Any replacement pole shall substantially conform to the design of the pole it is replacing (including but not limited to color, shape and style) or the neighboring pole design standards utilized within the contiguous right-of-way.

(f) The height of any replacement pole may not extend more than 10 feet above the height of the existing pole or the minimum additional height necessary; provided, that the height of the replacement pole cannot be extended further by additional antenna height.

(g) The diameter of a replacement pole shall comply with the city's setback and sidewalk clearance requirements and shall, to the extent technically feasible, not be more than a 25 percent increase of the existing 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 (5)(c) of this section.

(h) 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.

(4) Wooden pole design standards. In addition to complying with the general standards in FWRC 19.256.100(1) and FWRC 19.256.100(2), small wireless facilities attached to existing or replacement wooden light poles and other wooden poles in the inside or outside the right-of-way shall conform to the following design criteria:

(a) The wooden pole at the proposed location may be replaced with a taller pole for the purpose of accommodating a small wireless facility; provided, that the replacement pole shall not exceed a height that is a maximum of 10 feet taller than the existing pole, unless a further height increase is required and confirmed in writing by the pole owner and that such height

extension is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.

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

(c) Replacement wooden poles must either match the approximate color and materials of the replaced pole or shall be the standard new wooden pole used by the pole owner in the city.

(d) The diameter of a replacement pole shall comply with the city’s setback and sidewalk clearance requirements and shall not be more than a 25 percent increase of the existing utility pole measured at the base of the pole.

(e) 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.

(f) 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.

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

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

(i) A canister antenna may be mounted on top of an existing wooden pole, which may not exceed the height requirements described in subsection (4)(a) of this section. A canister antenna mounted on the top of a wooden pole shall not exceed 16 inches, measured at the top of the pole, and shall be colored or painted to match the pole. The canister antenna must be placed to look as if it is an extension of the pole. In the alternative, the applicant may propose a side-mounted canister antenna, so long as the inside edge of the antenna is no more than 12 inches from the surface of the wooden pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the wooden pole.

(j) The farthest point of any antenna or equipment enclosure may not extend more than 20 inches from the face of the pole.

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

(l) 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 inches from the surface of the pole, unless a further distance is technically required and is confirmed in writing by the pole owner.

(m) Equipment for small wireless facilities must be attached to the wooden pole, unless otherwise permitted to be ground mounted pursuant to subsection (4)(a) of this section. The equipment must be placed in the smallest enclosure possible for the intended purpose. The equipment enclosure and all other wireless equipment associated with the utility pole, including wireless equipment associated with the antenna, and any preexisting associated equipment on the pole, may not exceed 28 cubic feet. Multiple equipment enclosures may be acceptable if designed to more closely integrate with the pole design and do not cumulatively exceed 28 cubic feet. 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.

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

(o) 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.

(p) 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.

(5) Small wireless facilities on new poles in the rights-of-way or in a design zone. In addition to complying with the general standards in FWRC 19.256.100(1) and FWRC 19.256.100(2), small wireless facilities proposed to be attached to new poles or in a design zone shall comply with following:

(a) New poles within the rights-of-way are only permitted if the applicant can establish that:

(i) 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 rights-of-way such as a public park, public property, building, transmission tower or in or on a nonresidential use in a residential zone, whether by roof or panel mount or separate structure;

(ii) The proposed small wireless facility receives approval for a concealment element design, as described in this section;

(iii) The proposed small wireless facility also complies with Shoreline Management Act, Growth Management Act, and State Environmental Policy Act, if applicable; and

(iv) No new poles shall be located in a critical area or associated buffer required by the city's environmentally critical areas ordinance, Chapter 19.145 FWRC, except when determined to be exempt pursuant to said ordinance.

(b) An application for a new pole is subject to administrative review by the Director.

(c) All new poles shall conform to the city's standard pole design established in the city's public works development standards. If no existing metered service is available, the applicant shall provide new metered electrical service. If the city's standard pole design is technically infeasible, the new pole shall meet the following:

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

(ii) 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 rights-of-way, including similar height to the extent technically feasible. If the proposed small wireless facility is placed on a replacement pole in a design district, then the replacement pole shall be of the same general design as the pole it is replacing, unless the Director otherwise approves a variation due to aesthetic or safety concerns. Any concealment element design for a small wireless facility on a decorative pole should attempt to mimic the design of such pole and integrate the small wireless facility into the design of the decorative 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 within the structure. Further, applicant designs should, to the extent technically possible, comply with the generally applicable design standards adopted pursuant to this section.

(iii) 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 technologically feasible, or that such design would undermine the generally applicable design standards.

(iv) Even if an alternative location is established pursuant to subsection (4)(a)(i) of this section, 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.

(v) 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 master lease agreement from the city to locate such new pole or ground-mounted equipment. This requirement also applies to

replacement poles that are higher than the replaced pole, and when the overall height of the replacement pole and the proposed small wireless facility is more than 60 feet.

(vi) 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 that 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 aesthetic design or concealment may be permitted that provide similar or greater protections of the streetscape.

(6) Small wireless facilities attached to cables. In addition to complying with the applicable general standards in FWRC 19.256.100(1), all small wireless facilities mounted on existing cables strung between existing utility poles shall conform to the following standards:

- (a) Each strand-mounted facility shall not exceed three cubic feet in volume;
- (b) Only one strand-mounted facility is permitted per cable between any two existing poles on an existing cable;
- (c) The strand-mounted devices shall be placed as close as possible to the nearest utility pole, in no event more than five feet from the pole unless that location is technologically infeasible or is not allowed by the pole owner for safety clearance;
- (d) No strand-mounted device shall be located in or above the portion of the roadway open to vehicular traffic;
- (e) Ground-mounted equipment to accommodate a shared mounted facility is not permitted except when placed in preexisting equipment cabinets; and

(f) Pole-mounted equipment shall comply with the requirements of subsections (a) and (b) of this section.

(g) 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).

(7) Small wireless facilities attached to existing buildings. In addition to complying with the applicable general standards in FWRC 19.256.100(1), all small wireless facilities attached to existing buildings shall conform to the following design criteria:

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

(b) The interruption of architectural lines or horizontal or vertical reveals is discouraged.

(c) 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.

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

(e) 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.

(f) Small wireless facilities shall be painted and textured to match the adjacent building surfaces.

19.256.110 Designated design zones for small wireless facilities.

Design zones. The following zones are designated as design zones for the purpose of the application of the provisions of this chapter:

- (1) City center core (CC-C);
- (2) City center frame (CC-F);
- (3) Designated landmark districts.

19.256.120 Major wireless communication facility application and review process.

(1) Application. Upon receipt of a complete application for a major wireless communication facility, the application shall be processed as a Process II applications. See Chapter 19.60 FWRC.

(2) Public Notice. The city shall provide notice of a complete application for a small wireless permit on the city’s website with a link to the application. The notice shall include an email contact and telephone number for the applicant to answer citizen inquiries. Applicants shall also provide this notice to all residents and businesses within 100 feet of any proposed major WCF via a doorhanger. Notice is for the public’s information and is not a part of a hearing or part of the land use appeal process.

(3) 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.

(4) 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 the application cannot meet the standards of this chapter through the imposition of reasonable conditions, the application shall be denied.

19.256.130 Major wireless communication facility application requirements.

(1) Permit applications for major WCFs, excluding temporary major WCFs, shall include the following minimum information in addition to that required for the underlying permit review process:

- (a) A diagram or map showing the primary viewshed of the proposed facility.
- (b) Photo simulations of the proposed facility from affected properties and public rights-of-way at varying distances. These photo simulations should include examples of camouflage and stealth installation options.
- (c) Architectural elevations of proposed facility and site.
- (d) A coverage chart of the proposed major WCF at the requested height and an explanation of the need for that facility at that height and in that location.
- (e) An inventory of other major WCF sites operated by the applicant and all other service providers within a half-mile radius of the proposed major WCF location.
- (f) A site/landscaping plan showing the specific placement of the major WCF on the site; showing the location of existing structures, trees, and other significant site features; and indicating type and locations of plant materials used to screen WCF components.
- (g) If the major WCF electronic equipment cabinet is proposed to be located above ground, an explanation of why it is impracticable to locate the cabinet underground.
- (h) Documentation of efforts to collocate on existing facilities.

(i) In proposing a major WCF in a particular location, the applicant shall analyze the feasibility of locating the proposed major WCF in each of the higher priority locations and document, to the city's satisfaction, why locating the major WCF in each higher priority location and/or zone is not being proposed

(j) The city may require the applicant, at the applicant's expense, to provide any additional information, mapping, studies, materials, inspections, or reviews that are reasonably necessary to implement this chapter and to require that such information, studies, mapping, materials, inspections, and reviews be reviewed by a qualified professional under contract to the city, also at the applicant's expense.

(2) Permit applications for temporary WCFs shall include the following minimum information:

(a) Documentation of previously permitted facility, if applicable.

(b) Site plan showing proposed location of temporary WCF in relationship to the location of the previously permitted facility and property boundaries, including dimensions from the property lines and height of proposed facility.

19.256.140 Prioritized locations for major wireless communication facilities.

The following sites shall be the required order of location for proposed major WCFs, including antenna and equipment enclosures. In order of preference, the prioritized locations for major WCFs are as follows:

(1) Structures located in the BPA transmission easement. A major WCF may be located on any existing support structure currently located in the easement upon which are located U.S.

Department of Energy/Bonneville Power Administration (“BPA”) power lines regardless of underlying zoning.

(2) Existing broadcast, relay, and transmission towers. A major WCF may be located on an existing site or tower where a legal WCF is currently located regardless of underlying zoning. If an existing site or tower is located within a half-mile radius of a proposed major WCF location, the applicant shall document why collocation on the existing site or tower is not being proposed, regardless of whether the existing site or tower is located within the jurisdiction of the city.

(3) Institutional structures. If the city, institutional uses, or other public agency consents to such location, a major WCF may be located on existing structures, such as water towers, utility structures, fire stations, bridges, churches, schools, and other public buildings within all zoning districts, provided the public facilities are not located within public rights-of-way.

(4) Appropriate zoning districts. A major WCF may be located in or on other public or private property, buildings, or structures within nonresidential zoning districts as allowed by the zoning chart.

(5) If the applicant demonstrates to the city’s satisfaction that it is not technically possible to site in a prioritized location, or as expressly allowed by the zoning chart, the city reserves the right to approve alternative site locations if a denial would be in violation of the 1996 Telecommunications Act, as determined by the city through a Process III review using the following test: Would denial of the application effectively prohibit the provision of service in violation of 47 USC 253 and/or 332?

19.256.150 Major wireless communication facility development standards.

The following development standards shall be followed in the design, siting, and construction of a major WCF:

(1) Building- or structure-mounted major WCFs on existing buildings or structures outside of the public right-of-way. Major WCFs mounted on existing buildings and structures shall conform to the following development standards:

(a) The equipment cabinet for the major WCF shall meet all requirements of subsection (4) of this section.

(b) The maximum size of the major WCF panels and number of antennas shall be determined by the Director, based on the specific project location, surrounding environment, and potential visual impacts.

(c) The combined antennas and supporting structure may extend up to, but not exceed, 15 feet above the existing or proposed roof or other structure regardless of whether the existing structure is in conformance with the existing maximum height of the underlying zone as outlined in the use zone charts, FWRC Title 19, Division VI, Zoning Regulations. Antennas may be mounted to rooftop appurtenances, as identified in FWRC 19.110.070, provided they do not extend beyond 15 feet above the maximum height of the structure as defined per FWRC 19.05.080, H definitions.

(d) The antennas are mounted on the building or structure such that they are located and designed to minimize visual and aesthetic impacts to surrounding land uses and structures.

(e) It is the applicant's responsibility to prove that the proposed size of the major WCF panels and number of antennas is the minimum size and number necessary.

(f) Within residential zones, equipment enclosures, and buildings to house equipment cabinets located above ground on properties adjacent to the public right-of-way, shall meet all applicable setback requirements for residential development of the underlying zone. For developed sites in nonresidential zones, the setback requirements for the equipment enclosure shall be those of the principal use of the subject property. For undeveloped sites in nonresidential zones, the setback requirements for the equipment enclosure shall be 20 feet for front, side, and rear yards.

(g) The major WCF shall comply with all other applicable standards of this code.

(2) New freestanding major WCFs. All requirements of the associated land use zoning charts must be met. Additionally, these structures shall conform to the following site development standards:

(a) Placement of a freestanding major WCF shall be denied if placement of the antennas on an existing structure can meet the applicant's technical and network location requirements.

(b) Monopoles shall be the only freestanding structures allowed in the city; except that a lattice tower may be used to accommodate the collocation of four or more service providers as part of a joint permit application.

(c) In no case shall a freestanding major WCF be located closer than 500 feet to an existing freestanding major WCF whether it is owned or utilized by the applicant or another service provider.

(d) A freestanding major WCF, including the support structure and associated electronic equipment, shall comply with all required setbacks of the zoning district in which it is located. For developed sites, the setback requirements shall be those of the principal use of the subject property. For undeveloped sites, the setback requirements for new freestanding major WCFs shall be 20 feet for front, side, and rear yards.

(e) Freestanding major WCFs shall be designed and placed on the site in a manner that takes maximum advantage of existing trees, mature vegetation, and structures so as to:

(i) Use existing site features to screen as much of the total WCF as possible from prevalent views; and/or

(ii) Use existing site features as a background so that the total major WCF blends into the background with increased distances.

(f) In reviewing the proposed placement of a facility on the site and any associated landscaping, the city may condition the application to supplement existing trees and mature vegetation to more effectively screen the facility.

(3) Standards for electronic cabinets. Electronic cabinets shall either:

(a) Be placed in a new or existing completely enclosed building. It is the applicant's responsibility to prove that the proposed size of the building is the minimum size necessary to house the equipment; or

(b) Be placed above ground in a new or existing equipment enclosure. It is the applicant's responsibility to prove that the proposed size of the equipment enclosure is the minimum size necessary to house the equipment.

If the equipment enclosure is located within a new enclosed building, the building shall conform to all applicable development standards and design guidelines for the underlying zone. The enclosed building shall be architecturally designed and shall be compatible with existing buildings on the site. The enclosed building shall be screened to the greatest extent possible from any street and/or adjacent properties by landscaping and/or topography.

(4) Standards for equipment enclosures.

(a) Equipment enclosures shall not be allowed within the right-of-way.

(b) In residential zones, equipment enclosures located above ground on properties adjacent to the public right-of-way shall meet all applicable setback requirements for residential development of the underlying zone. For developed sites in nonresidential zones, the setback requirements for the equipment enclosure shall be those of the principal use of the subject property. For undeveloped sites in nonresidential zones, the setback requirements for the equipment enclosure shall be 20 feet for front, side, and rear yards; however, for undeveloped sites in nonresidential zones, if the applicant can demonstrate that the equipment enclosure can blend in harmoniously with the existing site and complement the landscape buffer requirements of the underlying zone, as determined appropriate by the Director of community development, the equipment enclosure can be located inside of the 20-foot setback but outside of the required landscaping buffer of the underlying zone.

(c) Equipment enclosures shall be designed, located, and screened to minimize adverse visual impacts from the public right-of-way and adjacent properties.

(d) Equipment enclosures shall be designed, located, and screened to minimize adverse visual and functional impacts on the pedestrian environment.

(e) Equipment enclosures and screening shall not adversely impact vehicular sight distance.

(5) Security fencing.

(a) No fence shall exceed six feet in height as stipulated in FWRC 19.125.160(5).

(b) Security fencing shall be effectively screened from view through the use of appropriate landscaping materials.

(c) Chain-link fences shall be painted or coated with a nonreflective color.

(6) Cumulative effects. The city shall consider the cumulative visual effects of major WCFs mounted on existing structures and/or located on a given permitted site in determining whether additional permits may be granted so as to not adversely affect the visual character of the city.

(7) Signage. No wireless equipment shall be used for the purpose of mounting signs or message displays of any kind, except for small signs used for identification, hazard warning, and name of service provider.

(8) Use zone charts, height and permit process.

(a) The final approval authority for applications made under this section shall be defined by the appropriate permit process as outlined in the use zone charts, FWRC Title 19, Division VI, Zoning Regulations.

(b) Allowed heights shall be established relative to the appropriate process as outlined in the use zone charts, FWRC Title 19, Division VI, Zoning Regulations.

19.256.160 Expiration of major wireless communication facility permit.

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

19.256.170 Nonconformance exceptions.

Permit applications made under this section to locate a major WCF on property on which a nonconformance is located shall be exempt from the requirements of Chapter 19.30 FWRC, Nonconformance, to bring the property into conformance as follows:

- (1) To provide the public improvements required by Chapter 19.135 FWRC, Development Improvements, as stipulated in FWRC 19.30.110.
- (2) To bring the property into conformance with the development regulations prescribed in FWRC Title 16 relating to water quality as stipulated in FWRC 19.30.120(1)(g). All other requirements of FWRC 19.30.120 to bring the property into conformance with the development regulations prescribed in FWRC Title 16 relating to water quality shall apply.

19.256.180 Temporary wireless communication facilities.

As determined by the Director, a temporary WCF may be deployed and operated as follows:

- (1) For a period of 90 days from the date of the issuance of the applicable WCF permit for the temporary WCF; provided, however, that the temporary WCF creates no more adverse impacts than the WCF which was approved through the applicable permit process. Only one temporary WCF shall be permitted per a single property.

(2) For a period of time determined to be appropriate by the Director, during an emergency declared by the city, state, or federal government.

(3) Prior to installation of the temporary WCF, the applicant shall provide the city with a cash bond in an amount to be determined by the Director in order to guarantee performance of future removal and restoration of the site.

19.256.190 Collocation.

(1) A permittee shall cooperate with other service providers in collocating additional antennas on support structures and/or on existing buildings and sites, provided said proposed collocates have received a permit for such use at said site from the city. A permittee shall allow other service providers to collocate and share the permitted site, provided such shared use does not give rise to a substantial technical level impairment of the permitted use (as opposed to a competitive conflict or financial burden). In the event a dispute arises as to whether a permittee has exercised good faith in accommodating a new applicant, the city may require a third party technical study at the expense of the permittee. Failure to comply with this provision may result in a revocation of the permit.

(2) A signed statement indicating that the applicant agrees to allow for the potential collocation of additional major WCF equipment by other service providers on the applicant's structure or within the same site location shall be submitted by the applicant as part of the permit application. If an applicant contends that future collocation is not possible on their site, they must submit a technical study documenting why.

19.256.200 Removal of facility.

(1) Abandonment and removal. The owner or operator of a WCF shall provide the city with a copy of the notice of intent to cease operations required by the FCC at the time it is submitted to the FCC. Additionally, the owner or operator of a WCF shall notify the city in writing of the abandonment of a particular facility within 30 days of the date the WCF is abandoned. The abandoned WCF shall be removed by the facility owner within 90 days of the date the WCF is abandoned, the permit is revoked, or if the facility falls into disrepair and is not maintained, as determined by the city. Disrepair includes structural features, paint, landscaping, or general lack of maintenance that could result in adverse safety or visual impacts. If there are two or more users of a single tower, then the city's right to remove the tower shall not become effective until all users abandon the tower.

(2) Partial abandonment and removal. If the abandoned antennas on any major WCF are removed or relocated to a point where the top 20 percent or more of the height of the supporting structure is no longer in use, the major WCF shall be considered partially abandoned. The owner or operator of any partially abandoned major WCF shall notify the city in writing of the partial abandonment of a particular facility within 30 days of the date the major WCF is partially abandoned. The owner of the major WCF shall have 120 days from the date of partial abandonment to collocate another service on the major WCF. If another service provider is not added to the major WCF within the allowed 120-day collocation period, the owner shall, in 210 days of partial abandonment, dismantle and remove that portion of the supporting structure that exceeds the point at which the highest operational antenna is mounted.

(3) Removal and lien. If the owner or operator fails to remove the abandoned or partially abandoned facility upon 210 days of its abandonment or partial abandonment, the responsibility for removal falls upon the property owner on which the abandoned or partially abandoned facility is located. The city may enforce this subsection using the procedures as set forth in Chapter 1.15 FWRC.

19.256.210 Revocation of permit.

A permit issued under this chapter may be revoked, suspended or denied for any one or more of the following reasons:

- (1) Failure to comply with any federal, state, or local laws or regulations;
- (2) Failure to comply with any of the terms and conditions imposed by the city on the issuance of a permit;
- (3) When the permit was procured by fraud, false representation, or omission of material facts;
- (4) Failure to cooperate with other major WCF providers in collocation efforts as required by this chapter;
- (5) Failure to comply with federal standards for RF emissions; and
- (6) Pursuant to FWRC 19.05.300(3), the city shall use the same criteria to determine if the permit shall be revoked as it used to grant the permit.

Section 6. Title 19 of the Federal Way Revised Code is hereby amended by the addition of a new Chapter – 19.257 “Eligible Facilities Requests”:

Chapter 19.257
ELIGIBLE FACILITIES REQUESTS

Sections:

- 19.257.010 Purpose
- 19.257.020 Definitions
- 19.257.030 Application.
- 19.257.040 Qualification as an eligible facilities request.
- 19.257.050 Time frame for review.
- 19.257.060 Tolling of the time frame for review.
- 19.257.070 Determination that application is not an eligible facilities request.
- 19.257.080 Failure to act.

19.257.010 Purpose.

Congress and the Federal Communications Commission (“FCC”) have, pursuant to the authority granted by 47 U.S.C. § 253(c) and 47 U.S.C. § 332(a), required local governments to act on personal wireless service facility applications within a reasonable period of time and have established time limits or “shot clocks” for local review. The Washington State Legislature has also adopted similar limitations under the provisions of Chapter 35.99 RCW. Accordingly, the city adopts the following provisions for review of applications for eligible facilities requests as defined by this chapter.

19.257.020 Definitions.

(1) Definitions. The following definitions shall apply to eligible facilities requests only as described in this section:

- (a) “Base station” means 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:

Ordinance No. 20-_____

Page 47 of 54
Rev 2/19

(i) Equipment associated with wireless communications services as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(ii) 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).

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

(iv) 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 subsections (1)(a)(i) and (ii) of this section.

(b) “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 communication purposes.

(c) “Eligible facilities request” means 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:

(i) Collocation of new transmission equipment;

(ii) Removal of transmission equipment; or

(iii) Replacement of transmission equipment.

(d) “Eligible support structure” means 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.

(e) 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.

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

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

(ii) 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 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 feet;

(iii) 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 percent larger in height or overall volume than any other ground cabinets associated with the structure;

(iv) It entails any excavation or deployment outside the current site;

(v) It would defeat the concealment elements of the eligible support structure; or

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

(g) “Tower” means 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.

(h) “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.

19.257.030 Application.

(1) Application. The community development Director (“Director”) shall prepare and make publicly available an application form that shall be limited to the information necessary for the city 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.

(2) Type of review. Upon receipt of an application for an eligible facilities request pursuant to this chapter, the Director shall review such application to determine whether the application qualifies as an eligible facilities request.

19.257.040 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.

19.257.050 Time frame for review.

Applications for an eligible facilities request are reviewed by the Director or his/her designee, who will approve the application within 60 days of the date an applicant submits an eligible

facility request application, unless the Director or designee determines that the application does not qualify under FWRC 19.257.020(1)(c).

19.257.060 Tolling of the time frame for review.

The 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 time frame for review of an eligible facilities request is not tolled by a moratorium on the review of applications.

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

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

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

19.257.070 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.

19.257.080 Failure to act.

In the event the city fails to approve or deny an eligible facilities request within the time frame for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the city in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

Section 7. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or situation, be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation. The City Council of the City of Federal Way hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clauses, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

Section 8. Corrections. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 9. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 10. Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage and publication, as provided by law.

PASSED by the City Council of the City of Federal Way this _____ day of _____, 2021.

[signatures to follow]

CITY OF FEDERAL WAY:

JIM FERRELL, MAYOR

ATTEST:

STEPHANIE COURTNEY, CMC, CITY CLERK

APPROVED AS TO FORM:

J. RYAN CALL, CITY ATTORNEY

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO.: _____

**CITY OF FEDERAL WAY
CITY COUNCIL
AGENDA BILL**

SUBJECT: ORDINANCE: COMPREHENSIVE PLAN AMENDMENT/REZONE

POLICY QUESTION: Should the property located east of 27606 Pacific Hwy South, parcels 720480-0172, 720480-0174 and 720480-0165 be re-classified from High Density Residential to Multi-Family, and rezoned from RS7.2 to RM 1800?

COMMITTEE: Land Use and Transportation Committee

MEETING DATE: December 7, 2020

CATEGORY:

- | | | |
|--|---|---|
| <input type="checkbox"/> Consent | <input checked="" type="checkbox"/> Ordinance | <input type="checkbox"/> Public Hearing |
| <input type="checkbox"/> City Council Business | <input type="checkbox"/> Resolution | <input type="checkbox"/> Other |

STAFF REPORT BY: Doc Hansen, Principal Planner

DEPT: CD, Planning Division

Attachments: Staff Report
Ordinance

Options Considered:

1. Adopt the proposed ordinance.
2. Do not adopt the proposed ordinance and provide direction to staff.

MAYOR'S RECOMMENDATION: Option 1.

MAYOR APPROVAL:

[Signature] 11/10/20 *[Signature]* 11/12/20
Committee Initial/Date Council Initial/Date

DIRECTOR APPROVAL:

[Signature] 11-23-2000
Initial/Date

COMMITTEE RECOMMENDATION: *I move to forward the proposed ordinance to First Reading on January 5, 2021.*

Greg Baruso, Committee Chair

Martin Moore, Committee Member

Hoang Tran, Committee Member

PROPOSED COUNCIL MOTION(S):

FIRST READING OF ORDINANCE (JANUARY 5, 2021): *"I move to forward approval of the ordinance to the January 19, 2021 Council Meeting for second reading and enactment."*

SECOND READING OF ORDINANCE (JANUARY 19, 2021): *"I move approval of the proposed ordinance."*

(BELOW TO BE COMPLETED BY CITY CLERK'S OFFICE)

COUNCIL ACTION:

- APPROVED
- DENIED
- TABLED/DEFERRED/NO ACTION
- MOVED TO SECOND READING *(ordinances only)*

REVISED - 2/2020

COUNCIL BILL # _____

First reading _____

Enactment reading _____

ORDINANCE # _____

RESOLUTION # _____



LAND USE AND PLANNING COMMITTEE REPORT STAFF REPORT

December 7, 2020

TO: Greg Baruso, Land Use and Transportation Committee, Chair

FROM: Brian Davis, Community Development Director 

Stacey Welsh, Planning Manager 

Robert "Doc" Hansen, Principal Planner 

SUBJECT: **File 20-100129-UP: 2020 Proposed Comprehensive Plan Amendment and Rezone for Shelter Resources Property from RS-7.2 to High Density, Multiple Family Classification and RM 1800.**

I. INTRODUCTION

Pursuant to RCW 36.70A(2)(a), the City of Federal Way may update its comprehensive plan annually. Per *Federal Way Revised Code* (FWRC) 19.80.050, the city has elected to review citizen-initiated requests on an annual basis. As part of the annual review, the city may also make changes to chapters and maps of the comprehensive plan. The governing body shall consider all proposals concurrently so that the cumulative effect of the various proposals can be ascertained.

Shelter Resources, Inc. requested a continuation for its comprehensive plan amendment and rezone on October 20, 2020, at the original proposal's second reading before City Council. Shelter Resources, Inc. requests to change the designations of parcels #720480-0172, #720480-0174, and now the additional parcel #720480-0165. The proposal is to change the land's classification from Single-Family High Density Residential and Single-Family (RS 7.2, one unit per 7,200 square feet) to Multifamily Residential and Multifamily 1800 (RM 1800, one unit per 1,800 square feet). All parcels are within one half mile of the planned 272nd Sound Transit Light Rail Station, at South 272nd Street.

These parcels do not front on a public street. However, the applicant has acquired the Silver Shadow Apartments, which is adjacent to the west, in order to provide the necessary access to parcels of the project.

The Planning Commission heard the original proposal on August 19, 2020, and heard the revised proposal including the additional parcel on December 2, 2020. Circumstances regarding the proposal have not changed.

II. PLANNING COMMISSION ACTION

FWRC Chapter 19.80, “Council Rezones,” establishes a process and criteria for comprehensive plan amendments. Consistent with Process VI review, the role of the Planning Commission is as follows:

1. To review and evaluate the requests for comprehensive plan amendments;
2. To determine whether the proposed comprehensive plan amendments meet the criteria provided by FWRC.80.140, 19.80.150, and 19.75.130(3); and
3. To forward a recommendation to the City Council regarding adoption of the proposed comprehensive plan amendments.

Even though this proposal was properly noticed and a public hearing held before the Planning Commission on August 19, 2020, the adjustment to the area proposed for zone/ comprehensive plan amendment to accommodate a revised proposal required and additional Planning Commission hearing on December 2, 2020. This adjustment was recommended by the Planning Commission after public hearing, and recommended to the City Council approval of the proposal.

III. PROCEDURAL SUMMARY

Steps	Date
Issuance of Determination of Nonsignificance (DNS) pursuant to the State Environmental Policy Act (SEPA)	March 13, 2020
End of SEPA Comment Period	March 27, 2020
End of SEPA Appeal Period	April 17, 2020
Public Hearing before the Planning Commission	August 19, 2020
LUTC Meeting	September 14, 2020
City Council 1st Reading	October 8, 2020
City Council 2nd Reading	Postponed
2 nd Public Hearing before Planning Commission	December 2, 2020
LUTC Meeting	December 7, 2020
City Council 1 st Reading	January 5, 2021
City Council 2 nd Reading	January 19, 2021

IV. BACKGROUND AND PROJECT DESCRIPTION

The land requested for rezone is three parcels, equaling 5.48 acres in size, and is currently vacant.

In 2017, Shelter Resources, Inc. requested information on rezone of the property in order to allow development of a multiple-family, transit-oriented project. The property does not front a public street, and therefore, had no documented access to Pacific Highway South when the application was made. Access was to be secured before the city would consider the requested RM 1800 zoning. The land owners indicated that they would eventually obtain public access by the time of the public hearing, and the city submitted the proposal to the state's Department of Commerce for review of the proposal's adherence to RCW 36.70A, the Growth Management Act. No issues were raised by the Department of Commerce on the proposal.

Since the 2018 application, the applicants for the proposal have secured public access to the property through an existing multiple-family development.

Land Use

An existing multiple family residential development is located adjacent and west of the proposed rezone/comprehensive plan site, similar to the request made by the applicant. A Metro Transit Park and Ride area is located north of the site and is zoned Community Business (BC). Land at the northeast point of the site is zoned RM 1800 and is developed with multifamily housing. Land directly east of the proposed change is zoned RS 7.2 and is vacant and restricted to development. Approximately 200 feet southeast from the southeastern corner of the proposed rezone site is a developed single-family subdivision zoned RS 7.2. Land directly south and adjacent of the site is proposed for storage and is zoned BC. The single-family development located southeast of the proposal is buffered from this proposed by a Native Growth Protection Easement (NGPE), where development is prohibited.

Multi-family housing is not allowed in the existing RS 7.2 zone. However, it is allowed in the requested RM 1800 zone. The applicant is requesting a comprehensive plan designation amendment and rezone in order to allow transit-oriented multi-family housing since the parcel is within a half mile of the planned 272nd Sound Transit Light Rail Station. The station is planned to be operating by 2024 at the existing Star Lake Park and Ride located adjacent to the intersection of I-5 and South 272nd Street.

SEPA

Issuance of a determination of nonsignificance (DNS) for the project was made on March 13, 2020, and the period to appeal the determination ended on April 17, 2020. No comments were received regarding the proposal. That determination fulfills the SEPA requirements for the revised proposal. WAC 197-11-600(3)(b) permits the use of the existing DNS issued on March 13, 2020 as long as the change is not substantial, or as long as no new information is received indicating environmental impact from the revision.

V. COMPLIANCE WITH THE COMPREHENSIVE PLAN

The property proposed to be rezoned is now within a Single-Family High-Density Residential plan classification. The applicants request to be within a multifamily classification, allowing the proposed multi-family development. According to FWRC 19.80.140, the city may consider, but is not limited to, the following factors when considering a proposed amendment to the comprehensive plan.

- (1) The effect upon the physical environment.

There are no environmental restrictions to development on the two northern properties of the proposal. There is a steep slope to the east of the site. Existing stormwater and development standards will reduce the impact of development. An additional 130 units is expected to increase traffic by approximately 910 vehicle trips per day, assuming 7 trips per unit.

- (2) The effect on open space, streams, and lakes.

Please refer to (1) above.

- (3) The compatibility with and impact on adjacent land uses and surrounding neighborhoods.

Multiple family development will be compatible with the neighborhood area. Existing multi-family development exists to the west and northeast of the project. The commercial land use along Pacific Highway South has a high-density potential that is conducive to such development. The zone classification will be compatible with the surrounding environment. The open space area to the east contains a wetland that may remain undeveloped, thereby providing a buffer between the existing single-family housing in the RS 7.2 zone and the proposed multiple family development.

- (4) The adequacy of and impact on community facilities, including utilities, roads, public transportation, parks, recreation, and schools.

Existing sewer and water capital facilities exist adjacent to the development adequate to service any potential development. Access has been provided to the site, which will provide appropriate entrance to a proposed development. Any project is subject to transportation and school impact fees designed to address impact upon these facilities.

- (5) The benefit to the neighborhood, city, and region.

The proposed zone and amendment provide opportunity for development of additional housing needed within the city, as encouraged by the comprehensive plan. Existing land uses surrounding the proposal are compatible with development that may result from the action of the amendment. Any development would be a Transit Oriented Development (TOD), by locating next to the transit station located to the north of the site. Single-family development to the east of the site will be buffered by native vegetation expected to remain. Any development within the space will further meet objectives and policies for provision of adequate housing.

- (6) The quantity and location of land planned for the proposed land use type and density, and the demand for such land.

The site is near mass transportation and has adequate physical public facilities (road, water, and sewer) to accommodate high density development.

- (7) The current and projected population density in the area.

This proposed amendment will allow additional provision/production of needed high density housing for existing and future populations. The site exists near and adjacent to high density development making it compatible with the surrounding environment.

- (8) The effect upon other aspects of the comprehensive plan.

Approval of this proposal fulfills and meets relevant land use, capital facilities, housing, environmental, and transportation policies within the adopted comprehensive plan (see item 3 below, per FWRC 19.80.150).

Per FWRC 19.80.150, the city may amend the comprehensive plan only if it finds that the proposal meets the criteria for amending the comprehensive plan, including:

- (1) The proposed amendment bears a substantial relationship to public health, safety, or welfare;

The proposed amendment and rezone enable the development of needed housing within the City of Federal Way.

- (2) The proposed amendment is in the best interest of the residents of the city.

Please see the responses under Sections V (1), (2), and (5).

- (3) The proposed amendment is consistent with the requirements of Chapter 36.70A RCW, and with the portion of the city's adopted plan not affected by the amendments.

The proposed category and zone reclassification are consistent with policies listed in Chapter 5 of the 2015 Federal Way Comprehensive Plan. Specifically, the following policies are relevant to the proposal being made:

LUP 21 - Support multi-family development with transportation and capital facilities improvements.

The proposal is located adjacent to a transit stop, making it a transit-oriented development, and providing potential residents access to public transportation.

HP13 - Continue to use design guidelines to ensure that new and infill developments have aesthetic appeal and minimize impacts on surrounding development.

The proposal will be designed to provide the needed housing, while maintaining the compatibility of the neighborhood. Existing, unbuildable open spaces will provide a buffer between an existing single-family neighborhood to the southeast and the multiple family development to the west and northeast. Any development in the rezoned area will need to meet design standards required in FWRC 19.115 to insure compatibility.

HG5 - Develop a range of affordable housing opportunities for low-income households consistent with the CWPPs and the needs of the community.

Two County-Wide Planning Policies (CWPP) are significant to this development including:

H-9 - Plan for housing that is accessible to major employment centers and affordable to the workforce in them so people of all incomes can live near or within reasonable commuting distance of their places of work. Encourage housing production at a level that improves the balance of housing to employment throughout the county.

T-12 - Address the needs of non-driving populations in the development and management of local and regional transportation systems.

The proposed project is located near a public transit station, allowing low income residents access to public transportation throughout the region and therefore, access to employment and shopping.

HP21 - Promote fair housing access to all persons without discrimination.

The proposal is intended to provide housing on the basis of income and not upon any social status; thereby, avoiding any discrimination issues.

HP22 - As required by the CWPPs, maintain sufficient land supply and adequate zoning within the City to accommodate those types of housing consistent with the City's affordable housing targets.

Land for the development of all housing is scarce, and this property has not been developed largely due to the non-access of the property to any street. Since the project proponents obtained access to the property, future multi-family development will aid in the development of affordable housing.

VI. COMPLIANCE WITH FWRC 19.75.130(3)

Site-specific requests are also required to be evaluated for compliance with this section.

1) The city may approve the application only if it finds that:

a. The proposed request is in the best interests of the residents of the city.

Provision of affordable housing is a main objective within the city's comprehensive plan, and the proponents initiating the reclassification and rezone have a primary purpose of providing affordable housing. The proponents intend to apply for a project providing affordable housing.

b. The proposed request is appropriate because either:

(i) Conditions in the immediate vicinity of the subject property have so significantly changed since the property was given its present zoning that, under those changed conditions, a change in designation is within the public interest; or

Demand for affordable housing and all housing has increased since the adoption of the plan. Average housing cost in 2015 was \$289,100, increasing to \$362,100 in 2018, a 12 percent increase and demonstrating a need for rental, multifamily dwellings. The proposed reclassification will allow for expanded affordable housing.

- (ii) The rezone will correct a zone classification or zone boundary that was inappropriate when established.

In relation to item (ii) above, the proposal is not intended to “correct” any inappropriate zone classification.

- c. It is consistent with the comprehensive plan.

The proposal is designated for High Density Residential in the comprehensive plan. The proposal will reclassify the site to “Multiple Family,” which is in the nature of “high density” multi-family development. (see the expanded response in Section V, FWRC 19.80.150[3], above).

- d. It is consistent with all applicable provisions of the title, including those adopted by reference from the comprehensive plan.

If this request is granted, any future development will be required to comply with all city regulations and the comprehensive plan.

- e. It is consistent with the public health, safety, and welfare.

The proposed amendment provides opportunity for development of affordable housing. Provision of housing is consistent with meeting public welfare. All development will be required to meet current codes and regulations to protect public safety.

VII. CITIZEN COMMENT

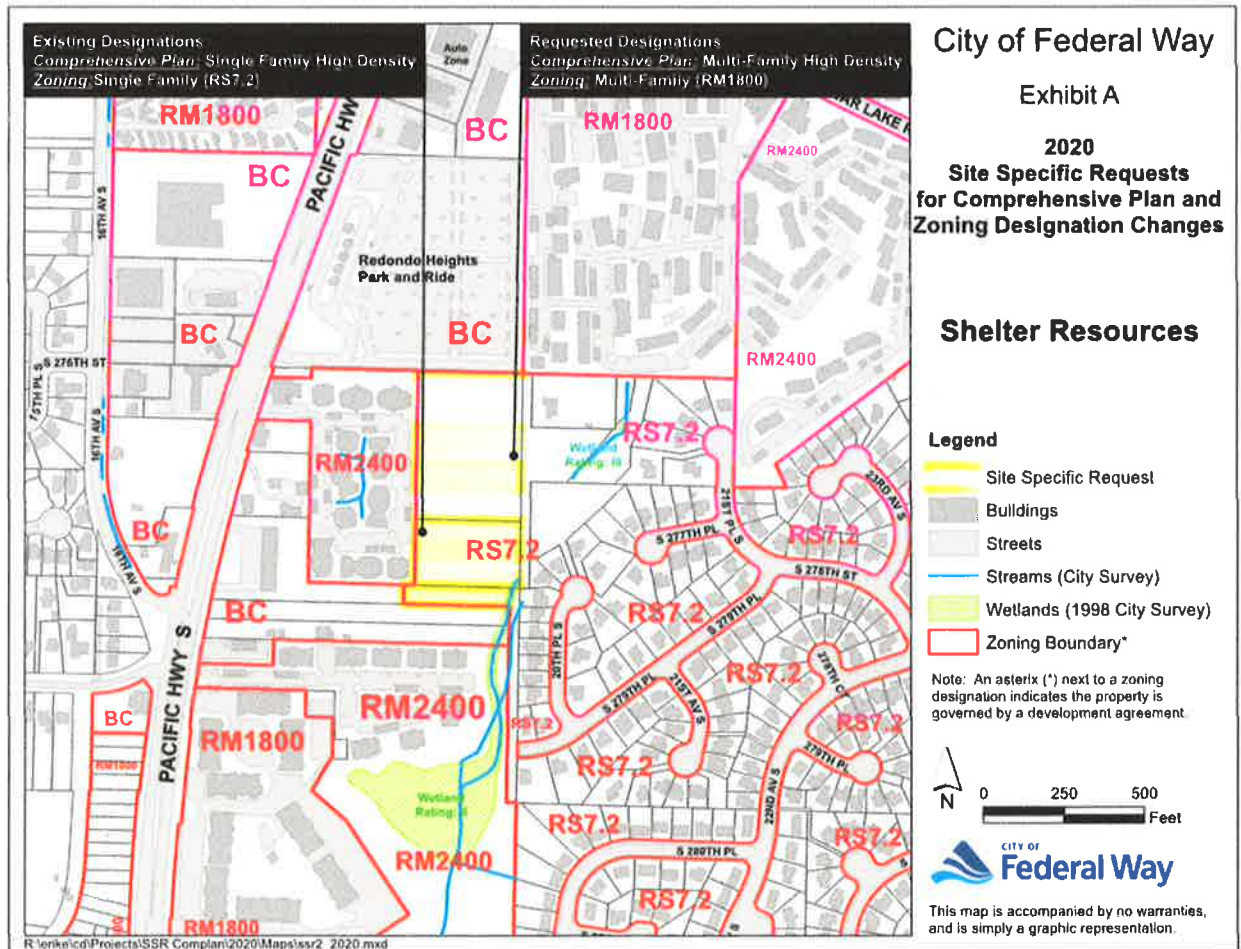
No citizen comment has been received on this proposal at the time of writing the report. Comment was received in a March 11, 2020, letter from the Department of Ecology encouraging testing of soils for arsenic and lead prior to any development. These items are reviewed at time of SEPA review when a project is submitted.

VIII. MAYOR’S RECOMMENDATION

Upon review of the application and information that has been presented, the Mayor makes a recommendation to approve the proposed amendment and rezone.

EXHIBIT A:

AREA PROPOSED FOR AMENDMENT AND REZONE



City of Federal Way

Exhibit A

2020

Site Specific Requests for Comprehensive Plan and Zoning Designation Changes

Shelter Resources

Legend

-  Site Specific Request
-  Buildings
-  Streets (City Survey)
-  Streams (City Survey)
-  Wetlands (1998 City Survey)
-  Zoning Boundary*

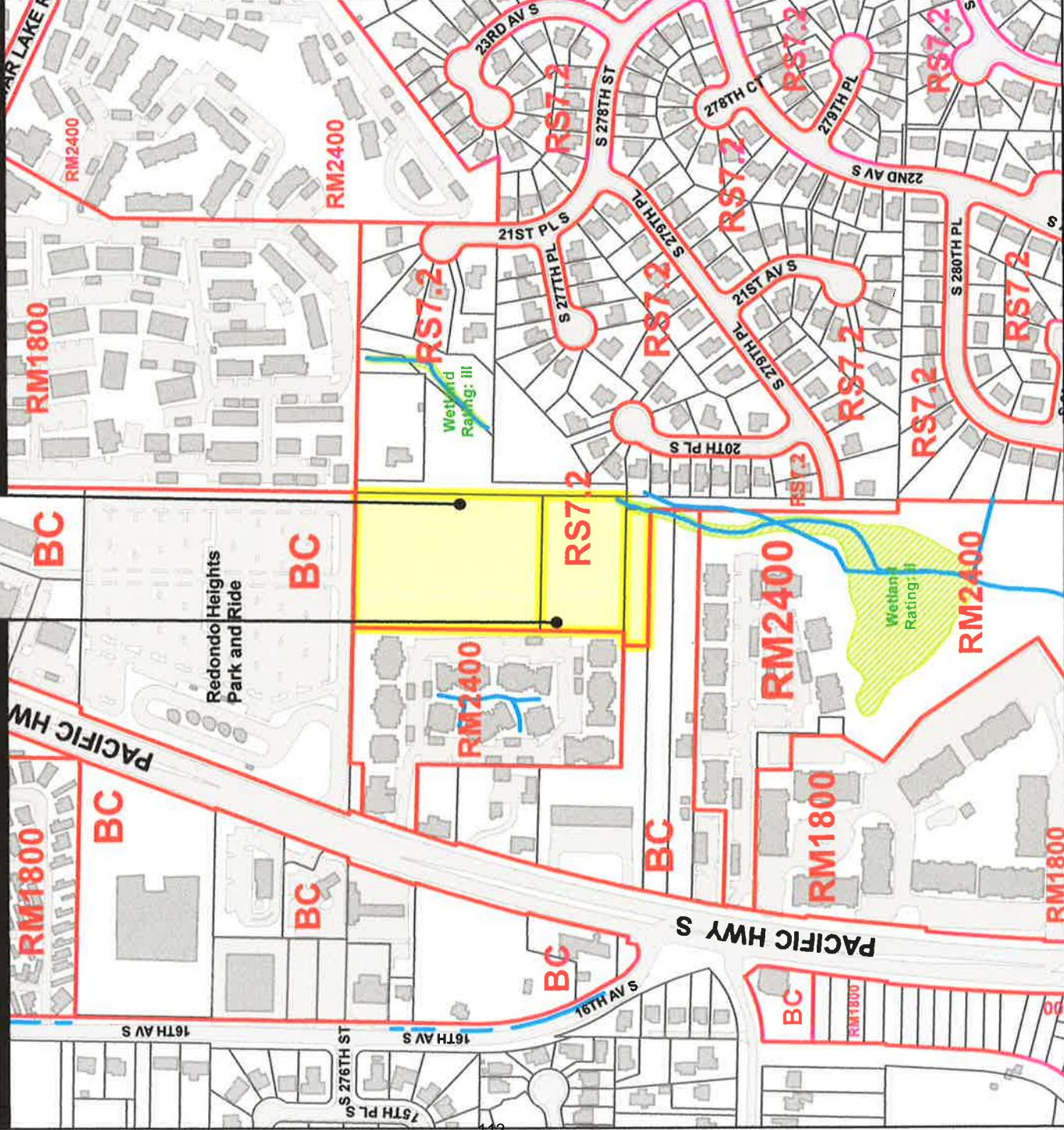
Note: An asterisk (*) next to a zoning designation indicates the property is governed by a development agreement.



This map is accompanied by no warranties, and is simply a graphic representation.

Requested Designations
 Comprehensive Plan: Multi-Family High Density
 Zoning: Multi-Family (RM1800)

Existing Designations
 Comprehensive Plan: Single Family High Density
 Zoning: Single Family (RS7.2)



ORDINANCE NO. _____

AN ORDINANCE of the City of Federal Way, Washington, amending the Federal Way Comprehensive Plan, Comprehensive Plan Map, and Zoning Map, and approving a citizen initiated Comprehensive Plan Map and Zoning Map amendment and legislative rezone of 5.48 acres located East of Pacific Hwy and South of the Redondo Heights Park and Ride, parcels 720480-0172, 720480-0174 and 720480-0165 from High Density Residential (RS 7.2) to Multiple Family (MF 1800). (Amending Ordinance Nos. 90-43, 95-248, 96-270, 98-330, 00-372, 01-405, 03-442, 04-460, 04-461, 04-462, 05-490, 05-491, 05-492, 07-558, 09-614, 10-671, 11-683, 13-736, 13-745, 15-796, 15-798, 18-843 and 19-866)

WHEREAS, the Growth Management Act of 1990 as amended (“Chapter 36.70A RCW” or “GMA”), requires the City of Federal Way to adopt a comprehensive plan that includes a land use element (including a land use map), housing element, capital facilities plan element, utilities element, economic development element, transportation element (including transportation system maps), and a park and recreation element; and

WHEREAS, the GMA also requires the City of Federal Way to adopt development regulations implementing its comprehensive plan; and

WHEREAS, the Federal Way City Council adopted its comprehensive plan with a land use map (“Plan”) on November 21, 1995, and adopted development regulations and a zoning map implementing the Plan on July 2, 1996; and subsequently amended the comprehensive plan, land use map, and zoning map on December 23, 1998, September 14, 2000, November 1, 2001, March 27, 2003, July 20, 2004, and June 16, 2005, July 16, 2007, June 11, 2009, October 28, 2018, January 27, 2011, January 23, 2013, August 14, 2013, July 29, 2015, and January 26, 2018, and April 2, 2019; and

WHEREAS, the City may consider Plan and development regulation amendments pursuant to Process VI, under Title 19 (Zoning and Development Code) of the Federal Way Revised Code (“FWRC”), Chapter 19.80 FWRC, pursuant to Chapter 19.35 FWRC; and

WHEREAS, under RCW 36.70A.130, the Plan and development regulations are subject to continuing review and evaluation, but the Plan may be amended no more than one time per year; and

WHEREAS, the Council has considered amendments to the text of the comprehensive plan, comprehensive plan map, and zoning map, specifically in relation to the boundaries of the Residential Single Family (RS-7.2) zoning districts and a citizen-initiated change in the comprehensive plan and the zoning designations of parcels 720480-0172, 720480-0174, and 720480-0165 from High Density Residential (RS 7.2) classifications to Multiple Family/(MF 1800) classifications (Exhibit A); and

WHEREAS, on March 13, 2020, the City's SEPA Responsible Official issued a Determination of Nonsignificance on the comprehensive plan and rezone amendments of parcels 720480-0172, 720480-0174, and 720480-0165; and

WHEREAS, in September 2015, the City of Federal Way accepted a request from Puget Center Property for Site Specific Request No. 1; and

WHEREAS, the City's Planning Commission held a public hearing on December 2, 2020, at the close of which they recommended to the council approval of the following amendments: 1) Change Comprehensive Plan map of parcels 720480-0172, 720480-0174 and 720480-0165 from a High Density Residential classification to a Residential Multifamily classification; 2) Rezone parcels 720480-0172, 720480-0174, and 720480-0165 from a Residential Single Family (RS-7.2) zone to a Residential Multifamily (RM 1800) zone; and

WHEREAS, the Land Use/Transportation Committee of the Federal Way City Council considered the comprehensive plan amendments on October 20, 2020, following which it recommended approval of the Planning Commission's recommendations; and

WHEREAS, the City Council, through its staff, Planning Commission, City Council committees, received, discussed, and considered the testimony, written comments, and material from the public, and considered the matter at its City Council meeting on October 6, 2020 and

WHEREAS, the City Council desires to approve the: 1) Amendments to the text of the comprehensive plan; 2) Amendments to the comprehensive plan map and zoning map boundaries of the RS 7.2 and the RM1800 zoning districts; 3) Approval of the citizen-initiated request for changes to the comprehensive plan and zoning designations.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FEDERAL WAY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings and Conclusions.

(a) Regarding the site-specific request to amend to the Comprehensive Plan Map and zoning designation of 5.48 acres, located east of Pacific Highway and south of the Redondo Heights Park and Ride on 276th Street from High-Density Residential (zone RS 7.2, one unit per 7,200 square feet) to Multiple Family (zone RM1800, one unit per 1800 square feet) (Exhibit A):

(i) The proposed amendment to the Comprehensive Plan Map, as set forth in Exhibit A, attached hereto, is consistent with the following goals of the Federal Way Comprehensive Plan:

Overall Housing Goal: Preserve, protect, and enhance Federal Way's existing high-quality residential neighborhoods and promote a variety of opportunities to meet the housing needs of all residents of the community and region.

Housing Goal (HG) 1 Preserve and protect the quality of existing residential neighborhoods and require new development to be of a scale and design that is compatible with existing neighborhood character;

Housing Policy 2 Amend development regulations to accommodate a diverse range of housing forms that are compatible with neighborhood character and create an effective transition between the City Center, business areas, and residential neighborhoods.

Housing Goal 5 Develop a range of affordable housing opportunities for low-income households consistent with the CWPPs and the needs of the community.

Housing Policy 22 As required by the CWPPs, maintain sufficient land supply and adequate zoning within the City to accommodate those types of housing consistent with the City's affordable housing targets

Land Use Goal 4 Provide a wide range of housing types and densities commensurate with market demand, adopted housing targets, and the community's needs and preferences

Land Use Policy 8 Designate and zone land to provide for Federal Way's share of regionally adopted demand forecasts for residential, commercial, and industrial uses for the next 20 years.

Land Use Policy 21 Support multi-family development with transportation and capital facilities improvements.

Land Use Policy 22 Multi-family residential development should be designed to provide privacy and common open space. Variations in facades and rooflines should be used to add character and interest to multiple-family developments.

Land Use Policy 23 Encourage the establishment of street patterns and amenities that encourage walking, bicycling, and transit use.

- (ii) The proposed amendment to the Comprehensive Plan Map, as set forth in Exhibit A, is consistent with language in the Federal Way Comprehensive Plan’s Land Use element, which states that “The multi-family residential land use designation represents an opportunity to provide a range of housing types to accommodate anticipated residential growth. The increase in population, aging population, increasing diversity, decline in average family size, and high cost of single-family homes have created heavy demand for new housing types”; and
- (iii) The proposed amendment to the Comprehensive Plan Map, as set forth in Exhibit A, is consistent with the GMA goal to “Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner”; and
- (iv) The proposed amendment to the Comprehensive Plan Map, as set forth in Exhibit A, is consistent with the goal of the King County Countywide Planning Policies for growth to occur in a compact, centers-focused pattern that uses land and infrastructure efficiently; and
- (v) The proposed amendment to the Comprehensive Plan Map, as set forth in Exhibit A, is consistent with the Puget Sound Regional Council (“PSRC”) goal of Vision 2040 to focus growth within already urbanized areas to create walkable, compact, and transit-oriented communities that maintain unique local character; and

- (vi) The proposed amendment to the Comprehensive Plan Map as set forth in Exhibit A, will not negatively affect open space, streams, lakes, wetlands, or the physical environment; and
- (vii) The proposed amendment to the Comprehensive Plan Map, as set forth in Exhibit A, is consistent with the Council vision for the City of Federal Way, and will allow development that is compatible with the surrounding land uses; and
- (viii) The proposed amendment to the Comprehensive Plan Map, as set forth in Exhibit A, will allow for growth and development consistent with the Federal Way Comprehensive Plan's overall vision and with the Federal Way Comprehensive Plan's land use element, household and job projections, and will allow reasonable use of property subject to constraints necessary to protect environmentally sensitive areas; and
- (ix) The proposed amendment to the Comprehensive Plan Map, as set forth in Exhibit A, bears a substantial relationship to the public health, safety, and welfare; is in the best interest of the public and the residents of the City; and is consistent with the requirements of Chapter 36.70A RCW, VISION 2040, and the King County Countywide Planning Policies; and
- (x) The proposed amendment to the Zoning Map, set forth in Exhibit A, is consistent with the applicable provisions of the Federal Way Comprehensive Plan, bears a substantial relation to public health, safety, and welfare, and is in the best interest of the public and the residents of the City; and

- (xi) The proposed amendment to the Comprehensive Plan Map, as set forth in Exhibit A, attached hereto, has complied with the appropriate process under state law and the FWRC.

Section 2. Comprehensive Plan, Comprehensive Plan Maps, and Zoning Map Amendments

Adoption. The 1995 City of Federal Way Comprehensive Plan, as thereafter amended in 1998, 2000, 2001, 2003, 2004, 2005, 2007, 2008, 2009, 2010, 2011, 2013, 2015, 2017, and 2018, copies of which are on file with the Office of the City Clerk, the comprehensive plan maps, and zoning map are amended as set forth in Exhibit A, attached hereto.

Section 3. Amendment Authority. The adoption of plan and map amendments in Section 2 above is pursuant to the authority granted by Chapters 36.70A and 35A.63 RCW, and pursuant to Chapter 19.80 FWRC.

Section 4. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 5. Savings Clause. The 1995 Federal Way Comprehensive Plan, as thereafter amended in 1998, 2000, 2001, 2003, 2004, 2005, 2007, 2008, 2009, 2010, 2011, 2013, 2015, 2017 and 2018 shall remain in full force and effect until these amendments become operative upon the effective date of this ordinance.

Section 6. Corrections. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/ clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Section 7. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 8. Effective Date. This ordinance shall take effect and be in force five days after passage and publication, as provided by law.

PASSED by the City Council of the City of Federal Way this _____ day of _____, 2020.

CITY OF FEDERAL WAY:

JIM FERRELL, MAYOR

ATTEST:

STEPHANIE COURTNEY, CMC, CITY CLERK

APPROVED AS TO FORM:

J. RYAN CALL, CITY ATTORNEY

FILED WITH THE CITY CLERK: _____

PASSED BY THE CITY COUNCIL: _____

PUBLISHED: _____

EFFECTIVE DATE: _____

ORDINANCE NO.: _____

**CITY OF FEDERAL WAY
CITY COUNCIL
AGENDA BILL**

SUBJECT: PROGRESS UPDATE ON SOUND TRANSIT PROJECTS IN FEDERAL WAY

POLICY QUESTION: None.

COMMITTEE: Land Use and Transportation Committee

MEETING DATE: December 7, 2020

CATEGORY:

- | | | |
|--|-------------------------------------|---|
| <input type="checkbox"/> Consent | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Public Hearing |
| <input type="checkbox"/> City Council Business | <input type="checkbox"/> Resolution | <input checked="" type="checkbox"/> Other |

STAFF REPORT BY: Ryan Medlen, Sound Transit Liaison

DEPT: Public Works

Attachments: Staff Report

Options Considered: N/A

MAYOR'S RECOMMENDATION: N/A

MAYOR APPROVAL:


Committee Initial/Date

N/A

Council Initial/Date

DIRECTOR APPROVAL:


Initial/Date

COMMITTEE RECOMMENDATION: N/A

Greg Baruso, Committee Chair

Martin Moore, Committee Member

Hoang Tran, Committee Member

PROPOSED COUNCIL MOTION: N/A

(BELOW TO BE COMPLETED BY CITY CLERK'S OFFICE)

COUNCIL ACTION:

- APPROVED
- DENIED
- TABLED/DEFERRED/NO ACTION
- MOVED TO SECOND READING *(ordinances only)*

REVISED - 2/2020

COUNCIL BILL #



First reading

Enactment reading

ORDINANCE #

RESOLUTION #

**CITY OF FEDERAL WAY
M E M O R A N D U M**

DATE: November 2, 2020
TO: Land Use & Transportation Committee
VIA: Jim Ferrell, Mayor
FROM: EJ Walsh, P.E., Public Works Director 
Ryan Medlen, Sound Transit Liaison 
SUBJECT: Progress Update on Sound Transit Projects in Federal Way

FINANCIAL IMPACTS:

None.

BACKGROUND INFORMATION:

Staff will provide a progress update on the Sound Transit projects in the City of Federal Way.