

CODE

CITY OF REDMOND
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF REDMOND,
WASHINGTON, AMENDING THE REDMOND ZONING CODE
TO UPDATING REGULATIONS GOVERNING WIRELESS
COMMUNICATIONS FACILITIES BY AMENDING
RZC 21.56 WIRELESS COMMUNICATIONS FACILITIES;
REVIEW PROCEDURES AND RZC 21.78 DEFINITIONS;
PROVIDING FOR SEVERABILITY AND ESTABLISHING AN
EFFECTIVE DATE

WHEREAS, in 1996, Congress amended the Communication Act of 1934 through the passage of the Telecommunications Act, and implemented regulations applicable to both wireless and wireline communication facilities for the purpose of removing barriers to entry into the telecommunication market while preserving local government zoning and regulatory authority except where specifically limited under the Telecommunication Act; and

WHEREAS, the Federal Communications Commission (FCC) recently adopted the Declaratory Ruling, Order and Regulation 18-133, which imposes limitations on local municipalities including related to review processing timelines and aesthetic requirements for small cell facilities; and

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

WHEREAS, the City Council is the steward of the public right-of-way and such small cell facilities are likely to be located within the public right-of-way; and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act, Ch.43.21C RCW (SEPA), by issuing an exemption regarding the adoption of these regulations on February 2, 2019; and

WHEREAS, the City has complied with the requirement of RCW 36.70A.106 and provided the Department of Commerce with notice of its intent to amend its development regulations on January 31, 2019; and

WHEREAS, on February 27, 2019, and March 13, 2019, the Planning Commission held duly-noted public hearings related to this proposed ordinance.

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

Section 1. Classification. The amendments set forth on Exhibit A to this Ordinance are of general and permanent nature and shall become a part of the Redmond Zoning Code.

Section 2. Finding, Conclusion, and Analysis. In support of the recommended amendment to the Zoning Code, the City Council hereby adopts the findings, conclusions, and analysis contained in the Planning Commission Report (City file no. LAND-2019-00094)

dated March 13, 2019, including the related attachments and exhibits to that report.

Section 3. Zoning Code Amended. The following portions of the Redmond Zoning Code are hereby amended to read as shown in Exhibit A, incorporated herein by this reference as if set forth in full in this Ordinance:

- RZC 21.56 wireless Communication Facilities
- RZC 21.76.040 Time Frames for Review
- RZC 21.76.070 (AD) Review Procedures
- RZC 21.78 Definitions

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court, board or tribunal of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. Authority to Make Necessary 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's clerical errors, references, ordinances numbering, sections/subsections numbers and any references thereto.

Section 6. Enforcement. Violations of this ordinance are enforceable to the same extent as other violations of RZC Title 21 and are equally subject to injunctive and other forms of civil relief that the City may seek.

Section 7. Conflict. In the event that there is a conflict between the provisions of this ordinance and any other City ordinance, the provisions of this ordinance shall control.

Section 8. Effective Date. This ordinance shall become effective five days after its publication, or publication of a summary thereof, in the city's official newspaper, or as otherwise provided by law.

ADOPTED by the Redmond City Council this 16th day of April,
2019.

CITY OF REDMOND

JOHN MARCHIONE, MAYOR

ATTEST:

MICHELLE M. HART, MMC, CITY CLERK

APPROVED AS TO FORM

JAMES HANEY, CITY ATTORNEY

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