



**CITY OF KIRKLAND**  
**Planning and Building Department**  
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**MEMORANDUM**

**To:** Planning Commission

**From:** Lindsay Levine, AICP, Senior Planner  
Allison Zike, AICP, Deputy Planning & Building Director

**Date:** February 23, 2023

**Subject:** Kirkland Zoning Code (KZC) Chapter 117 and Kirkland Municipal Code (KMC) Title 26 Wireless Amendments Briefing, File No. CAM23-00041

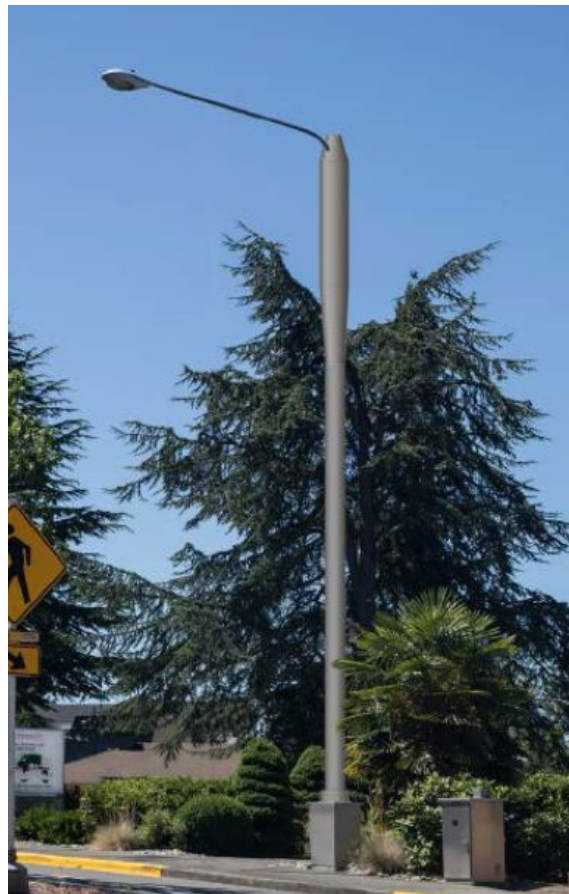
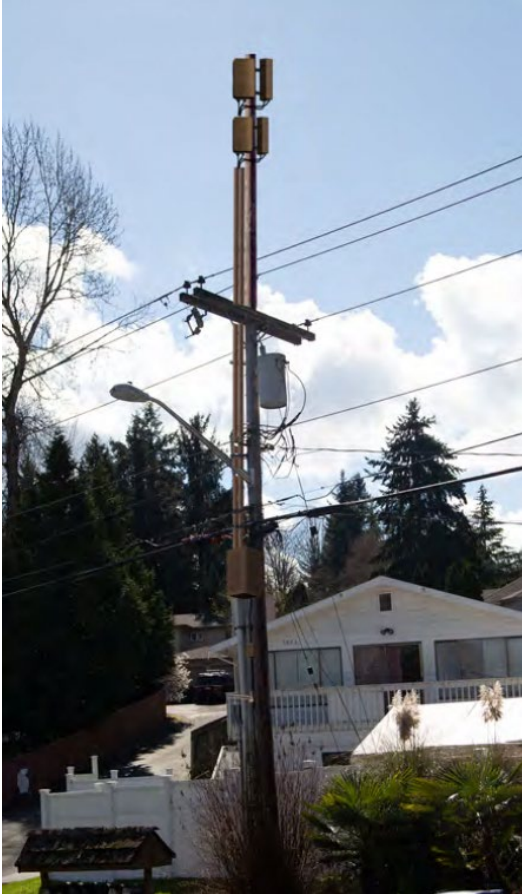
**Recommendation**

Review the forthcoming KZC Chapter 117 amendments and provide guidance to staff on any questions or additional background information needs in advance of a public hearing.

**Background**

The Federal Communications Commission (FCC) regulates communications across the country, including wireless service facilities (WSF). Previous, and more recent, amendments to FCC regulations seek to reduce the barriers to wireless infrastructure deployment nationwide. The regulations accomplish this by limiting local municipalities' authority to regulate the deployment of WSF, requiring the streamlining of municipalities' review process, and limiting the fees that municipalities can charge for application review. In addition, the FCC has adopted new regulations pertaining to municipalities' authority to regulate the deployment of small wireless communications facilities.

Wireless communication technology has pivoted from large cell towers to small wireless facilities (4G and 5G networks). These installations are significantly smaller than the existing macro installations and are installed closer to the end user. Thus, small wireless facilities are focused on the rights-of-way and adjacent areas, and often installed on existing infrastructure such as utility poles or light standards. The below images show an example of a small cell installation on an existing utility pole (left image), and a shrouded installation on a replacement light standard (right image).



Anecdotally, we have seen this shift on display in Kirkland in recent years as the City rarely receives applications for new macro facilities, and the large majority of applications are for modifications to existing facilities and new small wireless facilities. While small wireless installations are not as visually bulky or obtrusive as macro facilities, these installations do come with some aesthetic challenges as they are still adding bulk/mass to the base infrastructure, and the necessary ancillary equipment and/or conduit can appear “cluttered” depending on the design.

Wireless Amendments:

In order to comply with effective FCC regulations, the City must amend KZC Chapter 117<sup>1</sup> and KMC Title 26. Since the existing KZC does not address small wireless facilities, the forthcoming amendments would incorporate the new FCC requirements regarding small wireless facilities.

The City has some authority to outline aesthetic standards for WSF (including by regulating design elements such as height and concealment/screening, and also establishing a preferred siting hierarchy), but the City does not have authority to regulate the underlying technology itself or prohibit the rollout of technology. Therefore, forthcoming amendments to KZC focus on the following:

- Macro facility design standards
- Small wireless facility design standards

<sup>1</sup> KZC 117 was last updated in 2016 to comply with FCC regulations.

- Additional information regarding eligible facilities modifications
- Updated application requirements
- Streamlined permit procedures and review process

Amendments to KMC Title 26 were developed in parallel with KZC Chapter 117.

Forthcoming amendments to KMC include:

- Consistency with amendments to KZC
- Updated (telecommunications) franchise application requirements
- Updated fees for application review and use of rights-of-way
- Updated insurance requirements

The forthcoming amendments would improve staff efficiency by providing a well-defined framework for staff to review permits and clear expectations for applicants.

### **Next Steps**

Staff will continue to work with outside legal counsel on the amendments and outline the administration of the streamlined permit review procedures. The forthcoming amendments to KZC Chapter 117 and KMC Title 26 are an overhaul of the existing code to comply with FCC regulations. Therefore, staff recommends repeal and replacement of these sections of the code. The public hearing is anticipated to occur during the spring of 2023. Planning Commission does not have purview over the KMC Title 26 amendments; however, staff recommends a combined public hearing for the KZC and KMC amendments, given that the amendments are closely linked.