

**ORDINANCE NO. 782**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON  
ADOPTING AMENDMENTS TO SHORELINE MUNICIPAL CODE  
CHAPTER 20.40 FOR COMPLIANCE WITH THE SPECTRUM ACT  
AND FCC IMPLEMENTING RULES RELATED TO ELIGIBLE  
FACILITIES MODIFICATIONS.**

WHEREAS, in 2012, the United States Congress passed the Middle Class Tax Relief and Jobs Creation Act (“Spectrum Act”) setting forth provisions to expedite the availability of spectrum for commercial mobile broadband; and

WHEREAS, Section 6409(a) of the Spectrum Act imposed substantive and procedural limitations on local government authority to regulate modifications to existing wireless antenna support structures and base stations; and

WHEREAS, to implement the Spectrum Act, the Federal Communications Commission (FCC) adopted rules, codified at 47 CFR §1.40001, which became effective in April 2015; and

WHEREAS, the FCC rules set forth the procedures for the review of applications for Eligible Facilities Modification; and

WHEREAS, the City’s development regulations pertaining to wireless telecommunication facilities are set forth in Shoreline Municipal Code (SMC) 20.40.600 and do not address eligible facilities modifications; and

WHEREAS, a new section of the SMC will be added to SMC Chapter 20.40 to achieve compliance with the Spectrum Act and the FCC’s implementing rules; and

WHEREAS, on July 6, 2017, the City of Shoreline Planning Commission held a study session and, on August 3, 2017, held a properly noticed public hearing on the proposed amendment so as to received public testimony; and

WHEREAS, at the conclusion of the public hearing the City of Shoreline Planning Commission voted to recommend approval of the proposed amendments as presented by staff; and

WHEREAS, the City Council has considered the entire public record, public comments, written and oral, and considered the proposed amendments at its regularly scheduled meetings on September 11, 2017 and September 26, 2017; and

## WTF Development Code Amendment - Attachment A Ord. 782

WHEREAS, the City Council has determined that the proposed amendments are consistent with the Growth Management Act and in accordance with the Comprehensive Plan, and meets the criteria set forth in SMC 20.30.350; and

WHEREAS, pursuant to RCW 36.70A.106, the City has provided the Washington State Department of Commerce with a 60-day notice of its intent to adopt the proposed amendments to SMC Chapter 20.40, and

WHEREAS, the environmental impacts of the proposed amendments resulted in the issuance of a Determination of Non-Significance (DNS) on \_\_\_\_\_ and

WHEREAS, the City provided public notice of the amendments and the public meetings and hearing as provided in SMC 20.30.070 and have provided adequate opportunities for public review and comment;

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

**Section 1. Amendment to Chapter 20.40 Zoning and Use Provisions.** A new section, Section 20.40.605 *Wireless Telecommunication Facilities – Eligible Facilities Modification*, is added to Chapter 20.40 as set forth in Exhibit A to this Ordinance.

**Section 2. Amendment to Section 20.40.600.** Amendments to SMC 20.40.600 *Wireless telecommunication facilities/satellite dish and antennas* as set forth in Exhibit A to this Ordinance.

**Section 3. Corrections by City Clerk or Code Reviser.** Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

**Section 4. 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 person or situation.

**Section 5. Publication and Effective Date.** A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON \_\_\_\_\_, 2017

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Mayor Christopher Roberts

ATTEST:

APPROVED AS TO FORM:

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Jessica Simulcik-Smith  
City Clerk

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Margaret King  
City Attorney

Date of Publication: , 2017  
Effective Date: , 2017