

11.06.030 Determination by the city

Within One hundred twenty (120) days after receiving a complete application under Section 11.06.020 hereof, the City shall issue a written determination granting or denying the application in whole or in part, except with the agreement of the applicant, or where the City Council cannot reasonably act within the 120-day period. For the purpose of this Section, "act" means that the City makes the decision to grant, condition, or deny the use permit, which may be subject to administrative appeal, or notifies the applicant in writing of the amount of time that will be required to make the decision and the reasons for this time period. If the service provider requires action in less than thirty (30) days, the service provider shall advise the City Council in writing of the reasons why a shortened time period is necessary and the time period within which action by the City is requested. The City Council shall reasonably cooperate to meet the request where practicable.

Prior to granting or denying a franchise under this Chapter, the City Council shall conduct a public hearing and make a decision based upon the standards set forth below. Pursuant to RCW 35A.47.040 [§](#), the City Council shall not approve any master permit hereunder until the next regularly scheduled Council meeting following the public hearing. **The City Councils approval or denial of the application shall be issued in writing, based on the following:**

- A. Whether the applicant has received all requisite licenses, certificates, and authorizations from the Federal Communications Commission, the Washington Utilities and Transportation Commission, and any other federal or state agency with jurisdiction over the activities proposed by the applicant.**
- B. The capacity of the public ways to accommodate the applicant's proposed Facilities.**
- C. The capacity of the right-of-way to accommodate additional utility and Facilities if the master permit is granted.**
- D. The damage or disruption, if any, of public or private facilities, improvements, service, travel or landscaping if the master permit is granted;**
- E. The public interest in minimizing the cost and disruption of construction within the right-of-way.**
- F. Applicants proposed compliance with the City's Development Guidelines.**
- G. The effect, if any, on public health, safety and welfare if the master permit requested is granted.**
- H. The availability of alternate routes and/or locations for the proposed Facilities.**
- I. Applicable federal and state telecommunications laws, regulations and policies.**

The reasons for a denial of a master permit shall be supported by substantial evidence contained in a written record. A service provider adversely affected by the final action denying a master permit, or by an unreasonable failure to act on a master permit as set forth above, may commence an action within thirty (30) days to seek relief, which shall be limited to injunctive relief.

(Ord. 6033 §26, 2000; Ord. 5816 §3, 1998).