

**CITY OF SAMMAMISH
WASHINGTON**

ORDINANCE NO. O2010-281

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, RELATING TO SITING OF WIRELESS COMMUNICATION FACILITIES; REPEALING AND RE-ENACTING CHAPTER 21A.55 SMC; IMPLEMENTING PROVISIONS PREVIOUSLY ENACTED PURSUANT TO A DECLARATION OF EMERGENCY; AMENDING AND ADDING NEW DEFINITIONS TO CHAPTER 21A.15 SMC; REPEALING SECTION 13.01.010 SMC RELATING TO UNDERGROUNDING OF WIRELESS COMMUNICATION FACILITIES EQUIPMENT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City has previously adopted Chapter 21A.55 of the Sammamish Municipal Code ("SMC"), entitled Wireless Communication Facilities ("WCF"), the purpose of which is to provide general requirements, siting hierarchy, design standards, and evaluations in exchange for public benefits to help achieve reasonable location of wireless communication facilities; and

WHEREAS, the City has previously adopted emergency Ordinance Number 2009-268 for the purpose of establishing interim regulations amending the siting hierarchy standards to give equal priority to collocation on existing poles or structures; and

WHEREAS, the City has previously adopted emergency Ordinance No. 2008-239 (amended pursuant to 2009-254) for the purpose of establishing interim regulations to allow an exemption for installation of emergency communications and warning systems in the event of state, local, or national emergencies or disasters; and

WHEREAS, the foregoing interim regulations were put in place to allow for more permanent revisions to SMC Chapter 21A.55 and Chapter 21A.15 to be prepared for public review and consideration by the Planning Commission and City Council; and

WHEREAS, the Planning Commission has reviewed and recommended amendments to the WCF to implement the interim regulations as provided herein, and further, to amend the existing siting hierarchy standards to give higher priority to location on high voltage electrical transmission towers; to allow and provide for installation and erection of temporary wireless communications facilities necessary in the event of an emergency or for repairs; and, to prohibit use of light poles and light standards in the public right of way as antenna support structures; and

WHEREAS, the City Council of the City of Sammamish finds that there is a need for revised regulations related to wireless communication facilities to assure adequate wireless services within the City, to minimize the number of new support structures and associated aesthetic impacts, and to guide the location and appearance of necessary infrastructure; and

WHEREAS, the proposed amendments are consistent with, and serve to implement, the City's adopted Comprehensive Plan; and

WHEREAS, the prohibition upon use of light poles within the public right of way as antenna support structures is intended to create uniformity in appearance and function of light poles, especially with regard to ornamental light poles to which such facilities cannot be easily attached in a manner that maintains the appearance of the light pole; to minimize interference with maintenance of and access to light poles and light fixtures; and to protect the public health, safety and welfare; and

WHEREAS, the proposed amendments are consistent with the recommendations of the wireless facilities master plan; and

WHEREAS, an Environmental Checklist for a non-project action has been prepared under the State Environmental Policy Act (RCW Chapter 43.21.C), pursuant to Washington Administrative Code Chapter 197-11, and a Determination of Non-Significance ("DNS") was issued; and

WHEREAS, the Planning Commission held public meetings related to the amendments on September 3, 2009, November 3, 2009, December 3, 2009 and December 17, 2009; and

WHEREAS, the City Council held a first reading of the ordinance proposing adoption of the amendments and a public hearing on the proposed amendments on February 16 2010, March 2, 2010, March 16, 2010 and April 20, 2010.

WHEREAS, the City Council finds that the amendments will allow for the appropriate development of wireless facilities within the City and are in the public interest;

NOW, THEREFORE, the City Council of the City of Sammamish, Washington, do ordain as follows:

Section 1. Section 21A.15.227 (Concealed WCF) Amended. Section 21A.15.227 of the Sammamish Municipal Code is hereby amended (amendments shown in legislative revision marks) to read as follows:

21A.15.227 Concealed WCF.

“Concealed WCF,” sometimes referred to as a stealth or camouflaged facility, means the antenna or antenna array, antenna support structure, base station, and feed lines are not readily identifiable as such, and ~~is~~are designed to be aesthetically compatible with existing and proposed building(s) and uses on a site. Examples of concealed attached facilities~~y~~ies include, but are not limited to, the following: painted antenna and feed lines to match the color of a building or structure, faux windows, dormers or other architectural features that blend with an existing or proposed building or structure. Examples of concealed antenna support structures that can have a secondary, obvious function ~~which may be include~~, but are not limited to, the following: church steeples, windmills, bell towers, clock towers, cupolas, light standards, utility poles, flagpoles with or without ~~a~~ flags or trees.

Section 2. New Section Added to Chapter 21A.15 SMC. A new section is added to Chapter 21A.55 of the Sammamish Municipal Code to be known and referred to as Section 21A.15.596 (High Voltage Electrical Transmission Tower), to read as follows:

21A.15.596 High Voltage Electrical Transmission Tower.

“High Voltage Electrical Transmission Tower” means a structure that is designed and constructed primarily for the purpose of overhead support of high voltage transmission lines. For purposes of this term, high voltage transmission lines shall generally mean and refer to a 68 kV or greater electric transmission line.

Section 3. New Section Added to Chapter 21A.15 SMC. A new section is added to Chapter 21A.15 of the Sammamish Municipal Code to be known and referred to as Section 21A.15.1276 (Temporary WCF), to read as follows:

21A.15.1276 Temporary WCF.

“Temporary WCF” shall mean a WCF that is designed for temporary use and is installed or erected, (a) in the event of a public emergency to provide emergency communications by public officials, or (b) at the site of an existing permanent WCF for only so long as is necessary, but in no event longer than 90 days, to provide signal coverage during repair, maintenance, or re-construction of such permanent WCF, or during a power outage.

Section 4. Repeal and Reenactment of Chapter 21A.55 SMC. Chapter 21A.55 of the Sammamish Municipal Code is hereby repealed in its entirety and re-enacted to read as follows:

21A.55.010 Purpose.

The purpose of this chapter is to:

- (1) Establish clear regulations for the siting and design of wireless communication facilities consistent with federal regulations;
- (2) Promote the health, safety, and general welfare of the public by regulating the siting of WCFs;
- (3) Minimize impacts of WCFs on surrounding areas by establishing standards for location, structural integrity, and compatibility;
- (4) Encourage the location and collocation of wireless communication equipment on existing structures;
- (5) Minimize visual, aesthetic, public safety, and environmental and wildlife effects;
- (6) Accommodate the growing need and demand for wireless communication services;
- (7) Respond to the policies embodied in the Telecommunications Act of 1996 in such a manner as not to unreasonably discriminate between providers of functionally equivalent personal wireless services or to prohibit or have the effect of prohibiting personal wireless services;
- (8) Encourage orderly development in a preferred hierarchy using concealed technologies; and
- (9) Assure WCF development is consistent with the City's wireless master plan.

21A.55.020 Applicability.

- (1) If a conflict arises between this chapter and the provisions of another chapter regarding wireless communication facilities, this chapter shall govern.
- (2) Facilities regulated by this chapter include the construction, modification, and placement of all WCFs, FCC-regulated amateur radio antennas, dish antennas, and any antennas used for multichannel multipoint distribution service (MMDS) or wireless cable, and wireless service facilities (i.e., cellular phone service, PCS – personal communication services, wireless paging services, wireless Internet services, etc.). Wireless services shall be subject to the following regulations 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 personal wireless services within the City of Sammamish.

21A.55.030 Exemptions.

The following are exempt from the provisions of this chapter:

(1) Amateur radio antenna operated by a federally licensed amateur radio operator as part of the amateur or business radio service;

(2) Citizen band or two-way radio antenna including any mast;

(3) Satellite earth stations (satellite dish) that are one meter (39.37 inches) or less in diameter in all residential districts and two meters or less in all other zoning districts and which are not greater than 20 feet above grade in residential districts and 35 feet above grade in all other zoning districts;

(4) Public agency communications systems of the City of Sammamish, without limitation, when the facility or facilities are on lands owned by the City and all other building and land development regulations are complied with. Any such facility constructed and operated under this section shall comply with all federal regulations including, but not limited to site location, aircraft warning, station power level, and frequency allocation;

(5) A temporary commercial wireless communications facility, for the purposes of providing coverage of a special event such as news coverage or sporting event, subject to approval by the City, except that such facility must comply with all federal and state requirements. Said wireless communications facility may be exempt from the provisions of this chapter up to one week after the duration of the special event;

(56) In the event a building permit is required for any emergency repair, notification in writing to the director of community development shall occur within 24 hours of identification of the needed repair; filing of the building permit application shall be done in compliance with the City's adopted building code. (In the event a building permit is required for nonemergency maintenance, reconstruction, repair or replacement, filing of the building permit application shall be required prior to the commencement of such nonemergency activities.);

(67) Antenna modifications, provided:

(a) There is no increase in the number of antennas; and

(b) There is no increase in the height of the antenna support structure;

and

(8) Temporary WCF.

21A.55.040 Permit required.

The following table summarizes the type of proposal and required land use approvals. All proposals are subject to the siting hierarchy requirements of this chapter.

Concealed Attached WCF	Consolidation of WCFs	Concealed Collocation	Flush- or Nonflush-Mounted Antenna on Existing Antenna Support Structure	Concealed Antenna Support Structure	Combined on Existing WCF
P1	C	P1	P1	C	P1
C		C	C		C

P – Permitted Use: The use is allowed subject to the requirements of the code.
 C – Conditional Use Permit: The use is allowed subject to the conditional use review procedures and requirements of the code.

Notes:

1. If the proposal does not extend the height by more than 40 feet and it is demonstrated the proposal is consistent with any previous relevant approval conditions.

21A.55.050 Application requirements.

In addition to any information required for CUP and/or building permit review, an application for new WCFs or modifications to WCFs that require City approval shall provide the following information:

- (1) A site plan showing existing and proposed WCFs, access, base station, ancillary structures, warning signs, fencing, landscaping and any other items necessary to illustrate compliance with the development standards of this chapter;

- (2) Except as provided below, a~~A~~ stamped statement by a state of Washington registered professional engineer that the support structure shall comply with EIA/TIA-222-~~F~~Revision G, published by the American National Standards Institute (as amended), allowable wind speed for the applicable zone in which the facility is located, and describing the general structural capacity of any proposed WCF(s), including;

- (a) The number and type of antennas that can be accommodated;
- (b) The basis for the calculation of capacity; and
- (c) A written statement that the proposal complies with all federal guidelines regarding interference and ANSI standards as adopted

by the FCC, including but not limited to nonionizing electromagnetic radiation (NIER) standards.

The foregoing requirements are not applicable when the support structure is a utility pole or high voltage electrical transmission tower;

(3) A report by the applicant that includes a description of the proposed WCF, including height above grade, materials, color, lighting, and information demonstrating compliance with SMC 21A.55.060, Siting hierarchy;

(4) Where a permit for an attachment or collocation is required, the application shall also include the following information:

- (a) The name and address of the operator(s) of proposed and existing antennas on the site;
- (b) The height of any proposed antennas;
- (c) Manufacture, type, and model of such antennas;
- (d) Frequency, modulation, and class of service; and
- (e) A description of the wireless communication service that the applicant intends to offer to provide, or is currently offering or providing within the City.

(5) A detailed visual simulation of the wireless communication facility shall be provided along with a written report from the applicant, including a map showing all locations where an unimpaired signal can be received for that facility;

(6) Approved WROWA, (Wireless Right of Way Use Agreement);

(7) Other information as the director of community development may reasonably require, including additional information specific to the City's wireless communication facilities master plan; and

(8) Fees for review as established by the City's most current fee resolution.

The director of community development may release an applicant from having to provide one or more of the pieces of information on this list upon a finding that in the specific case involved said information is not necessary to process or make a decision on the application being submitted.

21A.55.060 Siting Hierarchy.

Siting of antennas or support structures shall adhere to the siting hierarchy of this section. The order of ranking for antenna or antenna support structures, from highest to lowest, shall be ~~1a, 1b,~~ 2a, 2b, 2c, 2d, 2e, 3a, 3b, 3c, 3d, 3e, and 4a, 4b, 4c, 4d, 4e and 5. Where a lower ranking alternative is proposed, the applicant must file relevant information including but not limited to an affidavit by a licensed radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the geographic search area, higher ranking options are not technically feasible or justified given the location of the proposed wireless communications facility and network need.

Example:

A new WCF is proposed; the applicant demonstrates that the new facility cannot be sited under hierarchy ~~1a through 1b~~. The applicant then demonstrates the new facility cannot be sited under hierarchy 2a through ~~2d~~2e. The applicant then moves to hierarchy 3 and is able to propose a site.

Hierarchy:

(1) Concealed WCF that is an attached WCF; provided that it is attached to an existing antenna support structure within City-classified arterial rights-of-way or attached to a high voltage electrical transmission tower, or collocation, ~~of WCF with existing WCF provided that the collocation either:~~

~~(a) requires no increase in pole or structure height, or~~
~~(b) requires an increase in pole or structure height which increase~~
~~complies with Section 21.55.080, SMC~~

(2) New Concealed WCF:

- (a) Within City-classified arterial rights-of-way.
- (b) Within public parks, public open spaces, and on other publicly owned land.
- (c) Within other City street rights-of-way.
- (d) In any nonresidential zoning district.
- (e) In residential zoning districts on lots not used for single-family residential purposes.

(3) Concealed consolidation that is a consolidation of antenna support structures:

- (a) Within City-classified arterial rights-of-way.
- (b) Within public parks, public open spaces, and on other publicly owned land.
- (c) Within other City street rights-of-way.
- (d) In any nonresidential zoning district.
- (~~e~~) In residential zoning districts on lots not used for single-family residential purposes.

- (4) New concealed antenna support structure:
 - (a) Within City-classified arterial rights-of-way.
 - (b) Within public parks, public open spaces, and on other publicly owned land.
 - (c) Within other City street rights-of-way.
 - (d) In any nonresidential zoning district.
 - (e) In residential zoning districts on lots not used for single-family residential purposes.
- (5) Any other permitted or allowed location not falling within categories 1 through 4 when no reasonable alternative exists.

21A.55.070 Base station hierarchy.

Siting of base stations shall adhere to the siting hierarchy of this section. The order of ranking, from highest to lowest, shall be 1, 2, 3, and 4. Where a lower ranking alternative is proposed, the applicant must demonstrate that a higher ranking option is not technically feasible, or justified given the location or size of the proposed base station.

Hierarchy:

- (1) Underground if located within city rights-of-way.
- (2) Within an existing building, provided the use of the building is not single-family residential.
- (3) On the roof of an existing building, provided the use of the building is not single-family residential.
- (4) Fenced and landscaped or inside a building constructed for housing the base station from a consolidated WCF.

21A.55.080 General requirements.

(1) Within public parks and public open spaces, the placement of antennas on existing structures, such as power poles, ~~light poles for streets and parking lots,~~ light standards for recreational fields and antenna support structures, is the preferred option subject to the approval of the property owner. If an existing structure cannot accommodate an antenna due to structural deficiency, or does not have the height required to provide adequate signal coverage, the structure may be replaced with a new structure, provided the new structure:

- (a) ~~The new structure w~~Will serve the original purpose;

- (b) Does not exceed the original height by 40 feet or the maximum height allowed by this chapter. Any height increase in excess of 40 feet will require a conditional use permit; and
- (c) Meets all the requirements of this chapter.

(2) Concealed attached antennas shall comply with the following requirements:

- (a) Concealed antennas shall reflect the visual characteristics of the structure to which they are attached and shall be designed to architecturally match the facade, roof, wall, or structure on which they are affixed so that they blend with the existing structural design, color, and texture. This shall include the use of colors and materials, as appropriate. When located on structures such as buildings or water towers, the placement of the antennas on the structure shall reflect the following order of priority in order to minimize visual impact:
 - (i) A location as close as possible to the center of the structure; and
 - (ii) Along the outer edges or side-mounted; provided, that in this instance, additional means such as screens should be considered and may be required by the department on a case-by-case basis; and
 - (iii) When located on the outer edge or side-mounted, be placed on the portion of the structure less likely to be seen from adjacent lands containing, in descending order of priority: existing residences, public parks and open spaces, and public roadways;
- (b) Notwithstanding the height limit of the underlying zone, the top of the concealed attached WCF shall not be more than 20 feet above an existing or proposed nonresidential building or structure, or more than 15 feet above a residential building or structure;
- (c) Feed lines shall be contained within a principal building or encased and the encasement painted to blend and match the design, color, and texture of the facade, roof, wall, or structure to which they are affixed.

(3) Concealed antenna support structures shall comply with the following requirements:

- (a) Upon application for a conditional use permit or a building permit for a new concealed antenna support structure, whichever is required first, the applicant shall provide a map showing all existing antenna support structures or other suitable nonresidential structures located within one-quarter mile of the proposed structure with consideration given to engineering and structural requirements.
- (b) No new antenna support structure shall be permitted if an existing structure suitable for attachment of an antenna or collocation is located within one-quarter mile, unless the applicant demonstrates that the existing structure is physically or technologically unfeasible, or is not made available for sale or lease by the owner, or is not made available at a market rate cost, or would result in greater visual impact. The burden of proof shall be on the applicant to show that a suitable structure for mounting of antenna or collocation cannot be reasonably or economically used in accordance with these criteria.
- (c) In residential districts, new concealed antenna support structures shall only be permitted on lots whose principal use is not single-family residential including, but not limited to: schools, churches, synagogues, fire stations, parks, and other public property.
- (d) To the extent that there is no conflict with the color and lighting requirements of the Federal Communications Commission and the Federal Aviation Administration for aircraft safety purposes, new antenna support structures shall be concealed as defined by this chapter and shall be configured and located in a manner to have the least visually obtrusive profile on the landscape and adjacent properties. New concealed antenna support structures shall be designed to complement or match adjacent structures and landscapes with specific design considerations such as architectural designs, height, scale, color, and texture and designed to blend with existing surroundings to the extent feasible. This shall be achieved through the use of compatible colors and materials, and alternative site placement to allow the use of topography, existing vegetation or other structures to screen the proposed concealed antenna support structure from adjacent lands containing, in descending order of priority: existing residences, public parks and open spaces, and public roadways.
- (e) At time of application the applicant shall file a letter with the department, agreeing to allow collocation on the tower. The agreement shall commit the applicant to provide, either at a market rate cost or at another cost basis agreeable to the affected parties,

the opportunity to collocate the antenna of other service providers on the applicant's proposed tower to the extent that such collocation is technically and structurally feasible for the affected parties.

- (f) All new concealed antenna support structures up to 60 feet in height shall be engineered and constructed to accommodate no less than two antenna arrays. All concealed antenna support structures between 61 feet and 100 feet shall be engineered and constructed to accommodate no less than three antenna arrays. All concealed antenna support structures between 101 and 140 feet shall be engineered and constructed to accommodate no less than four antenna arrays.
- (g) Grading shall be minimized and limited only to the area necessary for the new WCF.

(4) Consolidation of WCFs shall comply with the following requirements: Consolidation of two or more existing WCFs may be permitted pursuant to the provisions of this chapter including a CUP and consideration of the following:

- (a) WCF consolidation shall reduce the number of WCFs;
- (b) If a consolidation involves the removal of WCFs from two or more different sites and if a consolidated WCF is to be erected on one of those sites, it shall be erected on the site that provides for the greatest compliance with the standards of this chapter;
- (c) Consolidated WCFs shall be concealed;
- (d) All existing base station and ancillary equipment shall be brought into compliance with this chapter;
- (e) ~~A~~ New WCFs approved for consolidation ~~of~~ with an existing WCF shall not be required to meet new setback standards so long as the new WCF and its base station and ancillary structures are no closer to any property lines or dwelling units ~~as~~ than the WCF and its base station and ancillary structures being consolidated. For example, if a new WCF is replacing an old one, the new one is allowed to have the same setbacks as the WCF being removed, even if the old one had nonconforming setbacks;
- (f) If the consolidated WCF cannot meet the setback requirements, it shall be located on the portion of the parcel on which it is situated which, ~~giving consideration to the following~~ provides the optimum

practical setback from adjacent properties, giving consideration to the following:

- (i) Topography and dimensions of the site; and
- (ii) Location of any existing structures to be retained.

(5) Collocated or combined facilities shall comply with the following requirements:

- (a) Collocation of antennas onto existing antenna support structures meeting the dimensional standards of this chapter are permitted outright. Antenna mounts shall be flush-mounted onto existing antenna support structures, unless it is demonstrated through RF propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area. Furthermore, an antenna shall not extend vertically above the uppermost portion of the structure to which it is mounted or attached, as follows:
 - (i) Not more than 20 feet on a nonresidential structure; and
 - (ii) Not more than 15 feet on a residential structure;
- (b) Collocation of antennas onto a new antenna support structure constructed after the effective date of the ordinance codified in this chapter shall be concealed;
- (c) At the time of installation, the WCF base station and ancillary structures shall be brought into compliance with any applicable landscaping requirements;
- (d) A collocated or combined WCF, its new base station, and any new ancillary structures shall be subject to the setbacks of the underlying zoning district; and
- (e) When a collocated or combined WCF is to be located on a nonconforming building or structure, then it will be subject to Chapter 21A.70 SMC.

21A.55.090 Design standards.

- (1) All WCFs shall:
 - (a) Be designed and constructed to present the least visually obtrusive profile;

- (b) Use colors such as brown grey, blue, or green that match the existing antenna support structure, structures in the local area and reduce visual impacts unless otherwise required by the City of Sammamish, the FAA, or the FCC. For example a utility pole that is brown should have conduits and antennas that are brown; and
- (c) Flush-mount antennas when feasible. Four non-flush-mounted antennas are allowed only upon written demonstration by the applicant that flush-mounting is not feasible.

(2) Base Stations.

- (a) Base stations and ancillary structures shall be subject to the setbacks of the underlying zoning district.
- (b) Base stations that are not located underground shall not be visible from public views. New base stations and ancillary structures shall be designed to complement or match adjacent structures and landscapes. Specific design considerations such as architectural designs, height, scale, color, and texture should be ~~and~~ designed to blend with existing surroundings to the extent feasible. This shall be achieved through the use of compatible colors and building materials of existing buildings or structures on the property, and alternative site placement to ~~allow the use~~ utilize of topography, existing vegetation or other structures to screen the base station and ancillary structures from pedestrian views. Where feasible, one building with multiple compartments shall be constructed to serve the total number of anticipated collocation tenants. If the applicant can demonstrate that one building is not feasible or practical due to site design or other constraints, then a master site plan shall be provided to demonstrate how all potential base stations and ancillary structures will be accommodated within the vicinity of the WCF.

(3) Height Standards. The height of the antenna support structure shall be measured from the natural undisturbed ground surface below the center of the base of the tower to the top of the tower or, if higher, to the top of the highest antenna or piece of equipment attached thereto. The height of any WCF shall not exceed the height provided in the table below.

Zone District(s)	Maximum Height of New Antenna Support Structures	Maximum Height of Consolidated Antenna Support Structures
CB, O	120'	140'

NB, R-1 – R-18	60'	80'
----------------	-----	-----

Note: Height limits in rights-of-way not zoned shall be 40 feet above existing utility ~~or light~~ poles.

(a) Increases to the height of an existing antenna support structure are permitted, provided:

- (i) ~~#The increase~~ is consistent with all conditions of the CUP authorizing the use and subsequent approvals thereafter;
- (ii) The existing conditions and the proposed changes are not in violation of the SMC;
- (iii) ~~#The increase~~ is necessary to accommodate an actual collocation of the antenna for additional service providers or to accommodate the current provider's antenna required to utilize new technology, provide a new service, or increase capacity;
- (iv) Height increases are limited to no more than 40 feet above the height of the existing antenna support structure unless explicitly allowed in the CUP; and
- (v) A nonconformance shall not be created or increased, except as otherwise provided by this chapter.
- ~~(vi) A detailed certification of compliance with the provisions of this section, prepared by a licensed professional engineer, is submitted and approved.~~

(4) Setback Requirements.

- (a) Antenna support structures outside of the right-of-way shall have a setback from property lines of 10 feet from any property line and 50 feet or one foot setback for every one foot in height from any residentially zoned property, whichever provides the greatest setback.
- (b) Base stations shall be subject to the setback requirements of the zone in which they are located.
- (c) The department shall consider the following criteria and give substantial consideration to on-site location and setback flexibility. ~~is~~ These are authorized when reviewing applications for new

antenna support structures and consolidations. The following shall be considered:

- (i) Whether existing trees and vegetation can be preserved in such a manner that would most effectively screen the proposed tower from residences on adjacent properties;
- (ii) Whether there are any natural landforms, such as hills or other topographic breaks, that can be utilized to screen the tower from adjacent residences; and
- (iii) Whether the applicant has utilized a tower design that reduces the silhouette of the portion of the tower extending above the height of surrounding trees.

(5) Landscaping and Fencing Requirements.

- (a) All ground-mounted base stations and ancillary structures shall be enclosed with an opaque fence. In all residential zones, or a facility abutting a residential zone, or in any zone when the base station and ancillary structures adjoin a public right-of-way, the fence shall be opaque and made of wood, brick, or masonry. In the NB, CB, or O zone, if a chain link fence is installed, slats shall be woven into the security fence. All fencing shall be subject to SMC 21A.30.190.
- (b) WCFs shall have perimeter landscaping as follows:
 - (i) In the NB, CB, or O zone, the base stations and ancillary structures shall be landscaped with eight feet of Type II landscaping pursuant to Chapter 21A.35 SMC along any lot line abutting a residential zone; and
 - (ii) In residential zones or abutting rights-of-way, the base station and ancillary structures shall be landscaped with 10 feet of Type I landscaping pursuant to Chapter 21A.35 SMC; and
 - (iii) When a fence is used to prevent access to a WCF or base station, any landscaping required shall be placed outside of the fence; and
 - (iv) Landscaping provisions may be modified in accordance with Chapter 21A.35 SMC.

(6) Lighting Standards. Except as specifically required by the FCC or FAA, WCFs shall not be illuminated, except lighting for security purposes that is compatible with the surrounding neighborhood.

Any lighting required by the FAA or FCC must be the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable to minimize the potential attraction to migratory birds. Dual lighting standards (white blinking light in daylight and red blinking light at dusk and nighttime) are required and strobe light standards are prohibited unless required. The lights shall be oriented so as not to project directly onto surrounding residential property, and be consistent with FAA and FCC requirements.

(7) Signage. Commercial messages shall not be displayed on any WCF. The only signage that is permitted upon an antenna support structure, base station, or fence shall be informational—and for the purpose of identifying the antenna support structure (such as ASR registration number), as well as the party responsible for the operation and maintenance of the facility, its current address and telephone number, security or safety signs, and property manager signs (if applicable).

If more than 220 voltage is necessary for the operation of the facility and is present in a ground grid or in the antenna support structure, signs located every 20 feet and attached to the fence or wall shall display in large, bold, high-contrast letters (minimum letter height of four inches) the following: HIGH VOLTAGE – DANGER.

(8) Sounds. Maximum permissible sound levels to intrude into the real property of another person from a ~~wireless communication facility~~ WCF shall not exceed 45 dB(A). In the case of maintenance, construction, and emergencies, these sound levels may be exceeded for short durations as required by the specific circumstance.

21A.55.100 Technical evaluation.

The City may retain the services of an independent technical expert such as a registered professional electrical engineer accredited by the state of Washington who holds a federal communications general radio telephone operator's license. The engineer will provide technical evaluation of permit applications for WCFs. The applicant shall pay all the costs of said review.

21A.55.110 Interference.

Whenever the City has encountered radio frequency interference with its public safety communications equipment, and it believes that such interference has been or is being caused by one or more WCFs, the following steps shall be taken:

(1) Upon notification by the City to WCF service providers potentially interfering with public safety communications equipment, the providers shall cooperate and coordinate with the City and among themselves to investigate and mitigate the interference, if any, utilizing the procedures set forth in the joint wireless industry – public safety “Best Practices Guide,” released by the FCC in February 2001, including the “Good Engineering Practices,” as may be amended or revised by the FCC from time to time.

(2) If any WCF owner fails to cooperate with the City in complying with the owner’s obligations under this section, or if the FCC makes a determination of radio frequency interference with the City public safety communications equipment, the owner who fails to cooperate and/or the owner of the WCF which caused the interference shall be responsible, upon FCC determination of radio frequency interference, for reimbursing the City for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the jurisdiction to determine the source of the interference. For the purposes of this subsection, failure to cooperate shall include failure to initiate any response or action as described in the “Best Practices Guide” within 24 hours of the City’s notification.

21A.55.120 Cessation of use.

(1) Antennas shall be removed, at the owner’s expense, from WCFs ~~within~~ no more than 180 days after the antenna is no longer operational, unless the abandonment is associated with a consolidation, in which case the removal shall occur within 90 days of cessation of use.

(2) The whole WCF shall be removed, at the owner’s expense, within 180 days of the date the last antenna is removed.

(3) An owner wishing to extend the time for removal or reactivation shall submit a written request along with the appropriate documentation demonstrating the reason for such extension request. The City may extend the time for removal up to 90 additional days upon a showing of good cause with one additional 90-day extension. If the antenna support structure or antenna is not removed in a timely fashion, the City may give notice that it will contract for removal within 30 days following written notice to the owner. Thereafter, the City may cause removal of the antenna support structure with costs being borne by the current WCF owner or landowner.

(4) Upon removal of the WCF, base station, and ancillary structures, said area shall be returned to its natural state and topography, and vegetated consistent with the natural surroundings or consistent with the current use of the land at the time of removal. The cost of rehabilitation shall be borne by the current WCF owner or landowner.

Section 5. SMC 21A.55.130 (Light Poles) Adopted. Sammamish Municipal Code Section 21A.55.130 (Light Poles) is hereby adopted to read as follows:

21A.55.130 Light Poles.

Light poles and light standards located within the public rights of way are prohibited from use as an antenna support structure or for the attachment of an antenna or antenna array. For purposes of this prohibition, "light pole" shall mean and refer to a structure affixed to the ground, such as a pole, that has as its primary purpose the support of an overhead light fixture; and, "public rights of way" shall mean the surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, way, lane, public way, drive, circle or other public right-of-way, including, any easement now or hereafter held by the City within the corporate boundaries of the City as now or hereafter constituted for the purpose of public travel, excluding railroad rights-of-way.

Section 6. Repealer. Sammamish Municipal Code Section 13.01.010 (Wireless Communication Facility, Vaults) is hereby repealed in its entirety.

Section 7. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 8. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF
ON THE 20th DAY OF APRIL, 2010.**

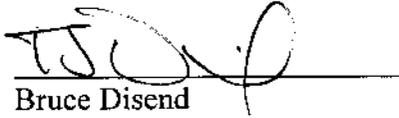
CITY OF SAMMAMISH


Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:


Melonie Anderson, City Clerk

Approved as to form:



Bruce Disend
Kenyon Disend, PLLC
City Attorney

Filed with the City Clerk:	February 24, 2010
Public Hearing:	March 2, 2010
First Reading:	March 2, 2010
Public Hearing:	March 16, 2010
Public Hearing:	April 20, 2010
Passed by the City Council:	April 20, 2010
Date of Publication:	April 26, 2010
Effective Date:	May 1, 2010