

**CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2007-223**

**AN ORDINANCE OF THE CITY OF SAMMAMISH,
WASHINGTON, AMENDING THE CITY ZONING
CODE, SMC CHAPTER 21A.55, TO ADOPT
TEMPORARY INTERIM SITING HIERACHY FOR
WIRELESS COMMUNICATION FACILITIES
(WCF); DECLARING AN EMERGENCY; AND
SCHEDULING A PUBLIC HEARING**

WHEREAS, the purpose of Chapter 21A.55 of the Sammamish Municipal Code (SMC), entitled Wireless Communication Facilities (WCF), 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 Technology Committee has recommended that the City Council give a higher priority in the siting hierarchy to collocation on existing poles or structures as set forth in Section 21A.55.060, SMC; and

WHEREAS, the City Council has discussed in open public meetings their desire to consider changes to the existing siting hierarchy standards as set forth in Section 21A.55.060, SMC, to give higher priority to collocation on existing poles or structures; and

WHEREAS, the City Council also desires to reduce potential for appeals of WCF siting standards to federal agencies by clarifying the conditions under which a WCF may be permitted when no reasonable alternative exists in higher-level siting hierarchies; and

WHEREAS, the City Council has concluded that it is in the interest of the public health, safety and welfare to adopt this emergency ordinance to re-prioritize siting hierarchy standards;

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

Section 1. Sammamish Municipal Code Chapter 21A.55 is hereby amended to read as follows:

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, 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 2e. The applicant then moves to hierarchy 3 and is able to propose a site.

(1) Collocation with existing WCF, concealed or non-concealed.

- (a) That requires no increase in pole or structure height.
- (b) That requires an increase in pole or structure height which shall comply 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) New Non-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) In any nonresidential zoning district.
- (d) 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 location not falling within categories 1 through 4 when no reasonable alternative exists.

Section 2. The Council does hereby find that an emergency exists and that immediate action is necessary. This ordinance shall be effective immediately upon passage by five (5) or more votes.

Section 3. The City Clerk is directed to schedule a public hearing within sixty days of the date of adoption of this ordinance in accordance with RCW 35A.63.220.

Section 4. This Ordinance shall be effective for a period of six months from the date of enactment unless: sooner terminated by action of the Council; or, renewed for one or more additional six-month periods as provided by state law.

Section 5. The above "Whereas" clauses of this ordinance constitute specific findings by the Council in support of passage of this ordinance. If any part or portion of this ordinance is declared invalid for any reason, such declaration of invalidity shall not affect any remaining part or portion.

**ADOPTED BY THE CITY COUNCIL AT A SPECIAL MEETING
THEREOF ON THE 11TH DAY OF DECEMBER, 2007.**

CITY OF SAMMAMISH



Mayor Lee Felling

ATTEST/AUTHENTICATED:



Melonie Anderson, City Clerk

Approved as to form:



Bruce L. Disend, City Attorney

Filed with the City Clerk:	December 6, 2007
Passed by the City Council:	December 11, 2007
Date of Publication:	December 15, 2007
Effective Date:	December 11, 2007