CITY OF SAMMAMISH
WASHINGTON

ORDINANCE NO. O2008-239

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON ADOPTING INTERIM REGULATIONS EXEMPTING CERTAIN PUBLIC EMERGENCY COMMUNICATIONS FACILITIES FROM COMPLIANCE WITH SMC CHAPTER 21A.55; DECLARING AN EMERGENCY; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

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 desires to install, on City-owned property, communications facilities for the purpose of supporting emergency communications and warning systems in the event of state, local, or national emergencies or disasters; and

WHEREAS, emergency communications and warning systems provide early alert and critical information exchange paths before, during, and after a disaster; and

WHEREAS, rapid and reliable emergency communications and warning systems are essential for warning the public and local governments of an impending emergency or disaster and for allowing emergency response personnel to communicate during an emergency or disaster to share information and coordinate response actions; and

WHEREAS, the City does not currently have in place a local emergency communications and warning network to inform citizens of events and actions, and has, therefore, appropriated funds for the acquisition, installation, and operation of such a local network; and

WHEREAS, the City Council has awarded a bid for installation of emergency radio communication facilities upon City-owned property that will be part of the local emergency communications and warning network; and

WHEREAS, the City Council finds that the installation of such facilities before the winter storm season is necessary to protect and enhance the public health, safety, and welfare; and

WHEREAS, the existing WCF standards, as codified at SMC Chapter 21A.55, establish certain exemptions from compliance with the WCF for radio facilities but not for publicly-owned emergency communications and early warning facilities on publicly-owned lands; and

WHEREAS, the City Council finds that it is in the best interest of the citizens and governmental efficiency to, on an interim basis, allow City emergency communications and early warning facilities located on public land to be exempt from compliance with WCF standards; and

WHEREAS, the installation and operation of City-owned communication and early warning equipment is necessary to protect the public health, safety, and welfare; and

WHEREAS, the Council finds that an emergency exists, and it is in the interest of the public health, safety, and welfare to adopt an emergency ordinance implementing interim changes that will exempt installation of City-owned emergency communications and early warning facilities located on public property from the requirements of the WCF, and more specifically SMC Section 21A.55.030; and

WHEREAS, more permanent revisions to SMC Chapter 21A.55 are currently being prepared for public review and consideration by the Planning Commission and City Council;

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

Section 1. Amendment of SMC 21A.55.030, Exemptions. Sammamish Municipal Code Section 21A.55.030 is hereby amended by adding a new subsection 4 and renumbering existing subsections 4, 5, and 6 as subsections 5, 6, and 7, respectively, to read as follows:

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.

(6) 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.)

(7) 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.

Section 2. Finding of Emergency/Effective Date. The above "Whereas" clauses of this Ordinance constitute specific findings of fact by the Council in support of passage of this Ordinance as an interim emergency ordinance. 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. Public Hearing. 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. Effective Six Months. 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. 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.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 4th DAY OF NOVEMBER, 2008.

CITY OF SAMMAMISH

Lee Fellinge, Mayor

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Approved as to form:

Bruce Disend, City Attorney

Filed with the City Clerk:	October 27, 2008
First Reading:	November 4, 2008
Passed by the City Council:	November 4, 2008
Date of Publication:	November 7, 2008
Effective Date:	November 4, 2008