CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2009-268

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON EXTENDING THE TEMPORARY INTERIM SITING HIERARCHY FOR WIRELESS COMMUNICATION FACILITIES (WCF) OF SMC CHAPTER 21A.55 AS ADOPTED IN ORDINANCE O2009-259

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

WHEREAS, the City Council adopted Emergency Ordinance 2009-259 May 19, 2009; and

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

WHEREAS, the City Council finds that an emergency continues to exist, and desires to extend the interim siting hierarchy changes to allow completion of the more permanent SMC 21A.55 revisions;

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

Section 1. The provisions of Ordinance No. 2009-259 are hereby extended for a period of six (6) months from the date of enactment of this ordinance.

Section 2.The Council does hereby find that an emergency exists, in light of the potential that applicants might "vest" applications seeking approval to for proposed wireless facilities without first seeking to co-locate on existing poles or structures. Therefore, immediate action is necessary. This ordinance shall be effective immediately upon passage by five (5) or more votes.

Section 3. 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 4. The recitals stated above (i.e., the "Whereas" clauses) 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 REGULAR MEETING THEREOF ON THE 17th DAY OF NOVEMBER, 2009.

CITY OF SAMMAMISH

Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk:	October 28, 2009
Public Hearing:	November 3, 2009
First Reading:	November 3, 2009
Second Reading:	November 17, 2009
Passed by the City Council:	November 17, 2009
Date of Publication:	November 25, 2009
Effective Date:	November 17, 2009