

**CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2011-298**

**AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON,
RELATING TO SITING OF WIRELESS COMMUNICATION
FACILITIES; AMENDING CHAPTER 21A.55 OF THE
SAMMAMISH MUNICIPAL CODE; PROVIDING FOR
SEVERABILITY; AND, ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City has previously adopted and codified 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 related requirements to guide the permitting of wireless communication facilities; and

WHEREAS, following adoption of the most recent amendments to SMC 21A.55 in Ordinance 2010-281, the City Council found that there was a need to consider additional amendments related to SMC 21A.55 to assure adequate wireless services within the City and to guide the location and appearance of necessary infrastructure; and

WHEREAS, the Planning Commission reviewed the Council concerns and held public meetings related to the amendments on May 6, 2010, May 20, 2010, June 3, 2010 and June 17, 2010; and

WHEREAS, the Planning Commission recommended several amendments, including (1) allowing base station equipment to be attached to utility poles, and (2) a requirement that only the minimum necessary be allowed for height increases; and

WHEREAS, an Environmental Checklist for a non-project action was prepared under the State Environmental Policy Act (RCW Chapter 43.21.C), pursuant to Washington Administrative Code Chapter 197-11, and an addendum to the December 3, 2009 Determination of Non-Significance (“DNS”) was issued on June 9, 2010; and

WHEREAS, the City Council held public hearings, readings and study sessions on September 14, 2010, October 5, 2010, October 19, 2010, November 2, 2010, December 14, 2010, February 15, 2011, and March 1, 2011; and

WHEREAS, the City Council considered additional amendments related to the hierarchies for base stations and antennas including; reformatting the hierarchies, elevating parks, schools and churches on the siting hierarchy, adding monopoles to the siting hierarchy, requiring flush mounted vaults in the base station hierarchy and allowing attached base station equipment in the base station hierarchy, establishing maximum heights for antenna support

structures, accommodating antennas within the city's town center zones, and requiring color matched conduits at the time of upgrades; and

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

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

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. SMC 21A.55 Amended. Section 21A.55 of the Sammamish Municipal Code is hereby amended to read as shown on attachment "A".

Section 2. 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 3. 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.

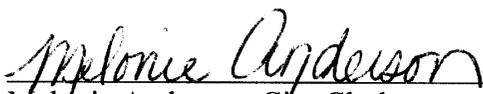
ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE FIRST DAY OF MARCH, 2011.

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:	September 29, 2010
Public Hearing:	October 5, 2010
First Reading:	October 5, 2010
Public Hearing:	October 19, 2010
Second Reading:	October 19, 2010
Public Hearing:	November 2, 2010
Public Hearing:	December 14, 2010
Public Hearing:	February 15, 2011
Third Reading:	February 15, 2011
Passed by the City Council:	March 1, 2011
Date of Publication:	March 10, 2011
Effective Date:	March 15, 2011

Attachment “A”

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

Hierarchy:

(1) A WCF that is:

(a) A ~~C~~concealed WCF that is: ~~an attached WCF, provided that it is~~ attached to an existing antenna support structure

i. ~~Located~~ within City-classified principal arterial rights-of-way; ~~or~~

ii. ~~Located on~~ a high voltage electrical transmission tower; ~~or~~

iii. ~~Ce~~collocated with another WCF ~~ion~~; ~~or~~

iv. Within public parks, public open spaces, or on other publicly owned land;

_____ or

(b) A Monopole-style WCF with encased antennas that is located within public parks, public open spaces, or on other publicly owned land.

~~(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.~~

~~(c) 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.~~

(2) A WCF that is:

(a) A Concealed WCF that is attached to an existing antenna support structure:

i. In a Minor arterial right-of-way;

ii. Located on the roof of a multi-story building in the Town Center A or B zone;

iii. Located on the roof of any building in the Commercial Business or Office zone; or

iv. Located on the roof of any building in the R12 or R18 zone;

(3) A WCF that is:

(a) A Concealed WCF that is attached to an existing antenna support structure:

i. Located in a Collector arterial right-of-way;

ii. Located on the roof of any building in the Neighborhood Business zone; or

iii. Located in a residentially zoned area on a parcel not used for residential purposes;

or

(b) A Monopole-style WCF that is located in a residentially zoned area on a parcel not used for residential purposes.

- (4) A Concealed WCF that is attached to a new antenna support structure within an arterial right-of-way.
- (5) WCF not meeting any of the options in Tiers 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, and 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) A base station that is:
 - (a) Underground and where the top of the vault is flush with the surrounding grade if located within city rights-of-way.
- (2) A base station that is:
 - (a) Attached to an antenna support structure located within city rights of way or;
 - (b) Placed within an existing building, provided the use of the building is not single-family residential; or,
 - (c) On the roof of an existing building, provided the use of the building is not single-family residential and is not visible from the street.
- (3) A base station that is:

~~On the roof of an existing building, provided the use of the building is not single family residential~~

 - a. On adjacent property and concealed in the same manner as concealed WCF (i.e., the base station is not readily identifiable as such and is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site) or;
 - b. On adjacent property; provided that, the base station is fenced and landscaped; or,
 - c. Inside a building; or

- d. Otherwise located so as not to be open or visible to public view (e.g. in a forested area surrounded by vegetation so that the base station is not open to public view).
- ~~(4) Fenced and landscaped or inside a building constructed for housing the base station from a consolidated WCF.~~

21A.55.090 Design standards

- (1) All WCFs shall:
 - (a) Be designed and constructed or improved at the time of an upgrade to present the least visually obtrusive profile; and
 - (b) Use colors such as brown, grey, blue, or green and materials 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; the colors and materials shall be approved by the city community development director to ensure compliance with section; 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) Except as allowed pursuant to subsection 5(c) herein, ~~Base~~ base stations that are not located underground shall not be visible from public views.
 - (c) New concealed 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 of topography, existing vegetation or other structures to screen the base station and ancillary structures from pedestrian views.~~

- (d) 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.

<u>Locations Zone District(s)</u>	<u>Maximum Height of New Antenna Support Structures</u>	<u>Maximum Height of Con- solidated An- tenna Support Structures</u>
CB, O	<u>120' 80'</u>	<u>140'</u>
NB	<u>40'</u>	
NB, R-1 – R-8+8	40'	<u>80'</u>
R12 - R18	60'	
TC A and B	<u>80'</u>	
<u>Principal arterial rights-of-way</u>	<u>120'</u>	
<u>Minor or Collector arterial rights-of- way</u>	<u>80'</u>	

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

- (a) ~~Increases to the height of an existing antenna support structure may be~~ are permitted to exceed the maximum height allowed per location, 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 height increase is made necessary by foliage attenuation from foliage in the proposed location of the antenna support structure that exceed the maximum height allowed for antenna support structure for that location.~~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) The height increase is the minimum necessary for the effective functioning of the provider's network.~~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.
- (4) Landscaping and fencing requirements.
- (a) Except as allowed pursuant to subsection (c) below, ~~All ground mounted~~ base stations that are within base station hierarchy 2 and 3(b) ~~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) ~~WCF's~~ Except as allowed pursuant to subsection (c) below, all base stations that are within base station hierarchy 2 and 3(b) shall have a perimeter landscaping as follows:
 - (i) In the NB, CB, O or TC zones and the abutting rights of way, the base stations ~~and ancillary structures~~ shall be landscaped with eight feet of Type II landscaping pursuant to SMC 21A.35, along with any lot line abutting a residential zone.
 - (ii) In residential zones ~~or~~ and the abutting rights-of-way, the base station ~~and ancillary structures~~ shall be landscaped with 10 feet of Type 1 landscaping pursuant to SMC 21A.35;
 - (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.
 - (iv) Landscape provisions may be modified in accordance with SMC 21A.35.

(c) If an applicant is able to demonstrate to the City Engineer that compliance with the applicable fencing and landscaping requirements will pose an unreasonable risk to the public health or safety, the fencing and landscaping requirements may be altered to the extent reasonably necessary to address the demonstrated risk to public health or safety, or waived if no reasonable alternatives exist.