ORDINANCE 1419

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING; ADOPTING ZONING REGULATIONS RELATING TO WIRELESS COMMUNICATIONS FACILITIES AND ESTABLISHING AESTHETIC, DESIGN AND CONCEALMENT REGULATIONS FOR SMALL WIRELESS DEPLOYMENTS BY AMENDING CHAPTER 17.61 OF THE GIG HARBOR MUNICIPAL CODE, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Federal Communications Commission (FCC) has enacted a regulation which would set presumptive safe harbor review periods for the consideration of small wireless facilities; and

WHEREAS, such regulations require the City to have procedures in place on or before January 14, 2019 with the ability to adopt additional aesthetic standards on or before April 14, 2019; and

WHEREAS, the permitting procedures themselves will become a part of Chapter 12.22 as administrative permitting processes of the City; and

WHEREAS, however, the aesthetic design and concealment standards may govern deployment of small wireless facilities on private property as well as within the public right-of-way, the primary location for such facilities; and

WHEREAS, Chapter 17.61 GHMC provides for bulk and review procedures applicable to the installation of wireless communications facilities in the various zones of the City, and

WHEREAS, federal law and regulation sets time limits on the processing of applications for eligible facility requests to expand existing structures which do not substantially change the height or profile of the structures used to collocate wireless communications facilities, and

WHEREAS, Eligible Facilities Requests which would not substantially change the height or profile cannot be denied and/or are deemed approved if not acted upon within sixty (60) days of the receipt of an application, and

WHEREAS, federal law imposes a ninety (90) day time limit or "shot clock" on consideration of applications for the collocation of wireless communications facilities other than small wireless facilities on existing towers and base stations and a one hundred and fifty (150) day shot clock for the consideration of all requests to install new antenna support structures, and

WHEREAS, the Federal Communications Commission (FCC) adopted a Regulatory Ruling, Order and Regulation governing small wireless facilities that impose limitations on the processing of all permits associated with the deployment of small wireless facilities; and

WHEREAS, the FCC Order allows the City to adopt aesthetic standards for such deployments that will require utilization of a consolidated process emphasizing administrative review in order to comply with federal safe harbors or presumptively reasonable time limits for review; and

WHEREAS, federal regulation also permits cities to enact aesthetic, design and concealment standards by April 14, 2019; and

WHEREAS, the City Council adopted an interim zoning ordinance on January 14, 2019, which allowed for public input regarding design, concealment and other aesthetic standards within the longer timeframe permitted by use of an interim zoning ordinance; and

WHEREAS, upon timely and appropriate notice, the Gig Harbor Planning Commission held work-study sessions regarding the interim zoning ordinance on March 7, 2019 and March 21, 2019; and

WHEREAS, upon timely and appropriate notice, the Gig Harbor Planning Commission conducted a public hearing regarding the interim zoning ordinance on April 4, 2019; and

WHEREAS, upon timely and appropriate notice, the Washington State Department of Commerce was provided a Notice of Intent to Adopt for the proposed regulations. No State Agencies commented on the Ordinance; and

WHEREAS, a Determination of Nonsignificance for this non-project action was issued and published on May 15, 2019; and

WHEREAS, the Gig Harbor Planning Commission considered public testimony received and deliberated on the interim zoning ordinance on May 2, 2019 and forwarded their recommendation to City Council on May 16, 2019; now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to establish aesthetic requirements and revisions to the City's wireless communications facilities code provisions in response to the enactment of regulations by the Federal Communications Commission.

Section 2. Findings in Support of Establishing Regulations. The City Council hereby adopts the recitals set forth above as its findings in support of the adoption of this ordinance.

Section 3. The Gig Harbor Municipal Code and Chapter 17.61 Wireless Communications Facilities is hereby amended to read as follows:

17.61.010 Purpose.

In addition to implementing the general purposes of the comprehensive plan and development regulations, this Chapter addresses the issues of permitting, siting, appearance and safety associated with broadcast and relay towers, amateur radio towers, telecommunications monopoles, satellite dish antennas, wireless communications facilities and related equipment. It provides siting opportunities at appropriate locations within the city to support existing communications technologies and to adapt to new technologies as needed. The Chapter further adopts aesthetic, design and concealment standards for the deployment of small wireless facilities both within and without the public right-or-way for permitting pursuant to Chapter 12.22 GHMC. Unless specifically provided herein, the siting standards for wireless communication facilities shall not include small wireless facilities as that term is defined by 47 CFR 1.6002(l).

This Chapter adopts by reference the definition Section of 12.22 GHMC.

This chapter provides for a wide range of locations and siting options for wireless communications facilities which minimize associated safety hazards and visual impacts. The siting of wireless communication facilities on existing buildings and structures, colocation of telecommunication facilities on a single support structure and visual mitigation strategies are encouraged to preserve neighborhood aesthetics and reduce visual clutter in the community.

17.61.020 General guidelines and permit requirements for wireless communications facilities except small wireless facilities.

A. General Guidelines. The development standards in this chapter address setback and other site-specific location factors. Siting criteria for all communication facilities are necessary to encourage siting in the most appropriate locations based upon land use compatibility, neighborhood characteristics and aesthetic considerations. See Chapter 12.22 GHMC for small wireless siting requirements and 17.61.040 et seq. GHMC for the aesthetic, design and concealment standards relating to small wireless deployments.

B. Priority of Locations. The order of priorities for locating new wireless service facilities, shall be as follows:

1. Place antennas and towers on public property, if practical.

~~2. Place antennas on appropriate rights-of-way.~~

3. Place antennas and towers in employment zoned districts.

4. Place antennas and towers in districts (in descending order of preference: commercial districts, public institutional districts, and downtown business districts) which do not adjoin or adversely impact residential or waterfront districts.

5. Place antennas and towers on other nonresidential property.

6. Place antennas and towers in the city multi-family zoned areas.

7. Place antennas and towers in multi-family residential structures exceeding 30 feet in height.

8. Place antennas and towers in residential and waterfront districts only if (a) locations are not available on existing structures or in nonresidential districts; and (b) only on or in existing churches, parks, schools, utility facilities or other appropriate public facilities.

C. General Requirements for Colocation. For new antenna and wireless communications facilities, other than small wireless facilities permitted pursuant to Chapter 12.22 GHMC, colocation on existing towers and wireless support structures is preferred. Where colocation has been demonstrated to be impracticable, new towers are most appropriately located as stated in the order of preference in subsection B of this section. Communication facilities being co-located shall comply with all applicable development standards of this chapter.

Colocation on existing support structures is encouraged by a simplified permit procedure. Attachment of antennas to existing nonresidential structures and buildings primarily within business parks, employment districts and commercial districts is preferable to installation of new wireless support structures, broadcast and relay towers or monopoles. The city may request that the applicant perform feasibility studies associated with applications for communications facilities in order to demonstrate that locations on existing structures have been explored as the preferred siting alternative, or that a conditional use permit or a variance from the development standards in this chapter, as requested by the applicant, is necessary in order to provide wireless communications, television, radio or other broadcast services.

If the city requests such a feasibility study of an applicant, the study shall demonstrate:

1. That the applicant has: (a) contacted the owners of structures in excess of 30 feet within a one-quarter-mile radius of the proposed site and from which a location standpoint could provide part of a network for transmission of signals; (b) asked for permission to install the antenna on those structures; and (c) received a denial of permission to install the antenna on those structures, together with the reason for such denial.

The information submitted by the applicant shall include (i) a map of the area to be served by the tower or antenna; (ii) its relationship to other cell sites in the applicant's network; and (iii) an evaluation of existing buildings taller than 30 feet, within one-quarter mile of the proposed tower or antenna which from a location standpoint could provide part of a network to provide transmission of signals.

In addition to the above, an applicant desiring to locate a new antenna support structure in a residential or waterfront district shall demonstrate that a diligent effort has been made to locate the proposed communications facilities on a government facility, a private institutional structure, or other appropriate existing structures within a nonresidential zone, and that due to valid considerations including physical constraints, and economic or technological feasibility, no appropriate location is available.

D. Permit Processing Requirements for communications facilities, other than small wireless facilities.

1. Permit Type.

a. Colocation. Colocation shall be processed as a Type I permit.

b. Small Satellite Dish Antenna. Small satellite dish antennas shall comply with all International Building Code requirements, and Chapter 15.06 GHMC, but are otherwise exempt from the permit application procedures of GHMC Title 19.

c. Large Satellite Dish Antenna. Large satellite dish antennas and other antenna applications shall be processed as a Type I permit. A building permit shall also be required.

d. Amateur Radio Towers. Amateur radio tower applications shall be processed as a Type I permit. A building permit shall also be required.

e. Wireless Communication Facilities, other than small wireless facilities. A conditional use permit shall be required for wireless communication facilities in residential, waterfront district and downtown business districts, which shall be processed as a Type III permit. For all other districts, wireless communication facilities shall be processed as a Type II permit. A building permit shall also be required.

f. Broadcast and Relay Towers. Broadcast and relay tower applications shall be processed as a Type I permit. A building permit shall also be required.

g. Eligible Facilities Requests are governed by process outlined in 17.61.060 GHMC.

2. Elements of a Complete Application. A complete application for the permits described in (d)(1) shall consist of an original of the following:

a. A site plan, drawn at a scale not less than one inch per 50 feet, showing the boundaries and dimensions of the parcel or site, including any adjacent public streets or easements.

b. An elevation of the proposed facility, including any buildings, existing or proposed, associated with the facility, and which shall include all dimensions of proposed structures.

c. A topographic map, based upon the most recent site survey or information available, at no less than five-foot contour intervals.

d. The required application fee as established pursuant to Chapter 3.40 GHMC.

e. Three copies of the original of the application.

f. A signed statement indicating that (i) the applicant and landowner agree that they will diligently negotiate in good faith to facilitate colocation of additional personal wireless service facilities by other providers on the applicant's structure or within the same site location and (ii) the applicant and/or landlord agree to remove the facility within 12 months after abandonment.

g. Copies of any environmental documents required by any federal agency. These shall include the environmental assessment required by FCC Para. 1.1307, or in the event that an FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment.

h. A current map and aerial photograph showing the location of the proposed tower, a map showing the locations and service areas of other wireless service facilities operated by the applicant and those proposed by the applicant that are close enough to impact service within the city.

i. A statement by the applicant as to whether construction of the tower will accommodate colocation of additional facilities or antennas for future users.

3. A complete application for a conditional use permit shall, in addition to the elements described in this section, include those elements as described in GHMC 17.96.050(B) through (D).

17.61.025 Design Zones for small wireless facilities

A. The following zones are designated as Design Zones for the purpose of siting small wireless facilities.

1. Historic District established and depicted by GHMC 17.99.500 with the general design standards shown at GHMC 17.99.510. ~~by and depicted in~~

2. Height Restriction District established by Chapter 17.62 GHMC and depicted on the City's Height Restriction Area map adopted pursuant to GHMC 17.62.020.

3. Visually Sensitive Areas established by the Gig Harbor Design Manual, Chapter 17.99 GHMC and depicted in Appendix A of the Design Manual.

4. The City's Comprehensive Plan identifies Neighborhood Design Areas for consideration for the adoption of design standards. The City reserves the right to adopt future aesthetic design and concealment standards in accord with state and federal law.

B. Any applicant who desires to place a small wireless facility in a Design Zone must first establish that the applicant cannot locate the small wireless facility outside of the Design Zone. Applications for small wireless facilities in a Design Zone may be approved if the applicant demonstrates that due to technical infeasibility the applicant cannot locate the proposed small wireless facility on an existing or replacement pole within 500 feet of the proposed site and outside of the Design Zone.

C. Applications for small wireless facilities within Design Zones must receive a Type 1 approval and must comply with a concealment element design described in 17.61.050 GHMC below.

17.61.035 Design and concealment standards for small wireless deployments.

Small wireless facility deployments whether permitted in the right-of way under Chapter 12.22 GHMC or permitted in accordance with this chapter shall conform to the following design standards:

A. Small wireless facilities attached to existing or replacement non-wooden light poles and other non-wooden poles in the right-of-way or non-wooden poles outside of the right-of-way shall conform to the following design criteria:

1. Antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) shall be fully concealed within the pole, unless such concealment is otherwise technologically infeasible (technologically infeasible means the inability of wireless deployment to operate), or is incompatible with the pole design, then the antennas and associated equipment enclosures must be camouflaged to appear as an integral part of the pole or flush mounted to the pole, meaning no more than six (6) inches off of the pole, and must be the minimum size necessary for the intended purpose, not to exceed the volumetric dimensions of small wireless facilities. If the equipment enclosure is permitted on the exterior of the pole, the applicant is required to place the

equipment enclosure behind any banners or road signs that may be on the pole, provided that such location does not interfere with the operation of the banners or signs.

2. The distance between the outside of any antenna or equipment enclosure from the face of the pole shall be the minimum distance necessary and may not extend more than twenty-eight (28) inches from the face of the pole.

3. All conduit, cables, wires and fiber must be routed internally in the light pole. Full concealment of all conduit, cables, wires and fiber is required within mounting brackets, shrouds, canisters or sleeves if attaching to exterior antennas or equipment.

4. An antenna on top of an existing pole may not extend more than six (6) feet above the height of the existing pole and the diameter may not exceed sixteen (16) inches, measured at the top of the pole, unless the applicant can demonstrate that more space is needed. The antennas shall be integrated into the pole design so that it appears as a continuation of the original pole, including colored or painted to match the pole, and shall be shrouded or screened to blend with the pole except for canister antennas which shall not require screening. All cabling and mounting hardware/brackets from the bottom of the antenna to the top of the pole shall be fully concealed and integrated with the pole.

5. Any replacement pole shall substantially conform to the design of the pole it is replacing (including but not limited to color, shape and style) or the neighboring pole design standards utilized within the contiguous right-of-way.

6. The height of any replacement pole may not extend more than ten (10) feet above the height of the existing pole or the minimum additional height necessary; provided that the height of the replacement pole cannot be extended further by additional antenna height.

7. The diameter of a replacement pole shall comply with the City's setback and sidewalk clearance requirements and shall, unless technologically infeasible, not be more than a 25% increase of the existing non-wooden pole measured at the base of the pole, unless additional diameter is needed in order to conceal equipment within the base of the pole, and shall comply with the requirements in subsection E(4) below.

8. The use of the pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

B. Wooden pole design standards. Small wireless facilities located on wooden poles shall conform to the following design criteria:

1. The wooden pole at the proposed location may be replaced with a taller pole for the purpose of accommodating a small wireless facility; provided, that the replacement pole shall not exceed a height that is a maximum of ten (10) feet taller than the existing pole, unless a further height increase is required and confirmed in writing by the pole owner and that such height extension is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.

2. A pole extender may be used instead of replacing an existing pole but may not increase the height of the existing pole by more than ten (10) feet, unless a further height increase is required and confirmed in writing by the pole owner and that such height increase is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities. A "pole extender" as used herein is an object affixed between the pole and the antenna for the purpose of increasing the height of the antenna above the pole. The pole extender shall be painted to approximately match the color of the pole and shall substantially match the diameter of the pole measured at the top of the pole.

3. Replacement wooden poles must either match the approximate color and materials of the replaced pole or shall be the standard new wooden pole used by the pole owner in the City.

4. Antennas, equipment enclosures, and all ancillary equipment, boxes and conduit shall be colored or painted to match the approximate color of the surface of the wooden pole on which they are attached.

5. Antennas shall not be mounted more than twelve (12) inches from the surface of the wooden pole.

6. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness. Multiple antennas are permitted on a wooden pole provided that each antenna enclosure shall not be more than three (3) cubic feet in volume.

7. A canister antenna may be mounted on top of an existing wooden pole, which may not exceed the height requirements described in subsection B(1) above. A canister antenna mounted on the top of a wooden pole shall not exceed sixteen (16) inches, measured at the top of the pole, and shall be colored or painted to match the pole. The canister antenna must be placed to look as if it is an extension of the pole. In the alternative, the applicant may propose a side mounted canister antenna, so long as the inside edge of the antenna is no more than twelve (12) inches from the surface of the wooden pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the wooden pole.

8. The distance between the outside of any antenna or equipment enclosure from the face of the pole shall be the minimum distance necessary and may not extend more than twenty-eight (28) inches from the face of the pole.

9. An omni-directional antenna may be mounted on the top of an existing wooden pole, provided such antenna is no more than four (4) feet in height and is mounted directly on the top of a pole or attached to a sleeve made to look like the exterior of the pole as close to the top of the pole unless technologically infeasible. All cables shall be concealed within the sleeve between the bottom of the antenna and the mounting bracket.

10. All related equipment, including but not limited to ancillary equipment, radios, cables, associated shrouding, microwaves, and conduit which are mounted on wooden poles shall not be mounted more than six (6) inches from the surface of the pole, unless a further distance is technically and technologically required, and is confirmed in writing by the pole owner.

11. Equipment for small wireless facilities must be attached to the wooden pole, unless otherwise permitted to be ground mounted pursuant to subsection (E)(1). The equipment must be placed in the smallest enclosure possible for the intended purpose. The equipment enclosure and all other wireless equipment associated with the utility pole, including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole, may not exceed twenty-eight (28) cubic feet or the minimum amount necessary, whichever is smaller. Multiple equipment enclosures may be acceptable if designed to more closely integrate with the pole design and does not cumulatively exceed twenty-eight (28) cubic feet or the minimum amount necessary, whichever is smaller. The applicant is encouraged to place the equipment enclosure behind any banners or road signs that may be on the pole, provided that such location does not interfere with the operation of the banners or signs.

12. An applicant who desires to enclose both its antennas and equipment within one unified enclosure may do so, provided that such enclosure is the minimum size necessary for its intended purpose and the enclosure and all other wireless equipment associated with the pole, including wireless equipment associated with the antenna and any pre-exiting associated equipment on the pole does not exceed twenty-eight (28) cubic feet or the minimum amount necessary, whichever is smaller. The unified enclosure may not be placed more than six (6) inches from the surface of the pole, unless a further distance is required and confirmed in writing by the pole owner. To the extent possible, the unified enclosure shall be placed so as to appear as an integrated part of the pole or behind banners or signs, provided that such location does not interfere with the operation of the banners or signs.

13. The visual effect of the small wireless facility on all other aspects of the appearance of the wooden pole shall be minimized to the greatest extent possible.

14. The use of the wooden pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes

unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

15. The diameter of a replacement pole shall comply with the City's setback and sidewalk clearance requirements and shall not be more than a 25% increase of the existing utility pole measured at the base of the pole.

16. All cables and wires shall be routed through conduit along the outside of the pole. The outside conduit shall be colored or painted to match the pole. The number of conduit shall be minimized to the number technologically and technically necessary to accommodate the small wireless.

C. Small wireless facilities attached to existing buildings, shall conform to the following design criteria:

1. Small wireless facilities may be mounted to the sides of a building if the antennas do not interrupt the building's architectural theme.

2. The interruption of architectural lines or horizontal or vertical reveals is discouraged.

3. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if it complements the architecture of the existing building.

4. Small wireless facilities shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building.

5. Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas. Exposed cabling/wiring is prohibited.

6. Small wireless facilities shall be painted and textured to match the adjacent building surfaces.

7. Placement of small wireless facilities on a structure that exists on the City's Historic Register or 2008 Historic Places list is prohibited unless technologically infeasible to site on another structure.

D. Small wireless facilities mounted on cables strung between existing utility poles shall conform to the following standards.

1. Each strand mounted facility shall not exceed three (3) cubic feet in volume;

2. Only one strand mounted facility is permitted per cable between any two existing poles;

3. The strand mounted devices shall be placed as close as possible to the nearest utility pole, in no event more than five (5) feet from the pole unless a greater instance technically and technologically necessary or is required by the pole owner for safety clearance;

4. No strand mounted device shall be located in or above the portion of the roadway open to vehicular traffic;

5. Ground mounted equipment to accommodate a shared mounted facility is not permitted except when placed in pre-existing equipment cabinets; and

6. Pole mounted equipment shall comply with the requirements of subsections A and B above.

7. Such strand mounted devices must be installed to cause the least visual impact and without excess exterior cabling or wires (other than the original strand).

8. Strand mounted facilities are prohibited on non-wooden poles.

E. General requirements.

1. Ground mounted equipment in the rights of way is prohibited, unless such facilities are placed under ground or the applicant can demonstrate that pole-mounted or undergrounded equipment is technologically infeasible. If ground mounted equipment is necessary, then the applicant shall submit a concealment element plan. Generators located in the rights of way are prohibited.

2. No equipment shall be operated so as to produce noise in violation of Chapter 173.60 WAC.

3. Small wireless facilities are not permitted on traffic signal poles unless denial of the siting could be a prohibition or effective prohibition of the applicant's ability to provide telecommunications service in violation of 47 USC §§ 253 and 332.

4. Replacement poles and new poles shall comply with the Americans with Disabilities Act (ADA), City construction and sidewalk clearance standards, city ordinance, and state and federal laws and regulations in order to provide a clear and safe passage within the rights-of-way. Further, the location of any replacement or new pole must: be physically possible, comply with applicable traffic warrants, not interfere with utility or safety fixtures (e.g., fire hydrants, traffic control devices), and not adversely affect the public welfare, health or safety.

5. Replacement poles shall be located as near as possible to the existing pole with the requirement to remove the abandoned pole.

6. No signage, message or identification other than the manufacturer's identification or identification required by governing law is allowed to be portrayed

on any antenna or equipment enclosure. Any permitted signage shall be located on the equipment enclosures, or another location required by law, and be of the minimum amount possible to achieve the intended purpose (no larger than 4x6 inches) or as otherwise required by law; provided that, signs are permitted as concealment element techniques where appropriate.

7. Antennas and related equipment shall not be illuminated except for security reasons, required by a federal or state authority, or unless approved as part of a concealment element plan.

8. Side arm mounts for antennas or equipment must be the minimum extension necessary and for wooden poles may be no more than twelve (12) inches off the pole and for non-wooden poles no more than six (6) inches off the pole.

9. The preferred location of a small wireless facility on a pole is the location with the least visible impact.

10. Antennas, equipment enclosures, and ancillary equipment, conduit and cable, shall not dominate the structure or pole upon which they are attached.

11. Except for locations in the right-of-way, small wireless facilities are not permitted on any property containing a residential use in the residential zones.

12. The City may consider the cumulative visual effects of small wireless facilities mounted on poles or placement of new poles within the rights-of-way when assessing proposed siting locations so as to not adversely affect the visual character of the City. This provision shall not be applied to limit the number of permits issued when no alternative sites are reasonably available nor to impose a technological requirement on the applicant.

13. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would unreasonably impair the function of the technology chosen by the applicant, alternative forms of concealment or deployment may be permitted which provide similar or greater protections from negative visual impacts to the streetscape.

14. Placement of small wireless facilities in or on a structure or other location that is on the City's historic register or 2008 Historic Places List is prohibited unless technologically infeasible to site elsewhere.

15. The City will review and update regulations pertaining to Small Wireless Facilities on a regular basis to ensure regulations are consistent with evolving technology.

16. Prior to adding new Small Wireless Facility equipment to an existing pole or structure, any and all non-working, out-of-date or replaced equipment must be removed.

17.61.050 New poles in the rights-of-way for small wireless facilities and installations in a Design Zone.

A. New poles within the rights-of-way are only permitted if the applicant can establish that:

1. The proposed small wireless facility cannot be located on an existing utility pole or light pole, electrical transmission tower or on a site outside of the public rights of way such as a public park, public property, building, transmission tower or in or on a non-residential use in a residential zone whether by roof or panel-mount or separate structure;

2. The proposed small wireless facility receives approval for a concealment element design, as described in subsection C below;

3. The proposed small wireless facility also complies with the Shoreline Management Act, and SEPA, if applicable and all other state and local laws; and

4. No new poles shall be located in a critical area or associated buffer required by the City's Critical Areas Management ordinance (Chapter 18.08 GHMC) except when determined to be exempt pursuant to said ordinance.

B. An application for a new pole is subject to a Type 1 review.

C. The concealment element design shall include the design of the screening, fencing or other concealment technology for a tower, pole, or equipment structure, and all related transmission equipment or facilities associated with the proposed small wireless facility, including but not limited to fiber and power connections.

1. The concealment element design should seek to minimize the visual obtrusiveness of the small wireless facility. The proposed pole or structure should have similar designs to existing neighboring poles in the rights of way, including similar height unless technologically infeasible. If the proposed small wireless facility is placed on a replacement pole in a Design Zone, then the replacement pole shall be of the same general design as the pole it is replacing, unless the development services department otherwise approves a variation due to aesthetic or safety concerns. Any concealment element design for a small wireless facility on a decorative pole should attempt to mimic the design of such pole and integrate the small wireless facility into the design of the decorative pole. Other concealment methods include, but are not limited to, integrating the installation with architectural features or building design components, utilization of coverings or concealment devices of similar material, color, and texture - or the appearance thereof - as the surface against which the installation will be seen or on which it will be installed, landscape design, or other camouflage strategies

appropriate for the type of installation. Applicants are required to utilize designs in which all conduit and wirelines are installed internally in the structure. Further, applicant designs should, to the extent technically and technologically possible, comply with the generally applicable design standards adopted pursuant to 17.61.040 GHMC.

2. If the Director has already approved a concealment element design either for the applicant or another small wireless facility along the same public right-of-way or for the same pole type, then the applicant shall utilize a substantially similar concealment element design, unless it can show that such concealment element design is technologically infeasible, or that such deployment would undermine the generally applicable design standards.

D. Even if an alternative location is established pursuant to subsection (A)(1) and (A)(2) the Director may determine that a new pole in the right-of-way is in fact a superior alternative based on the impact to the City, the concealment element design, the City's Comprehensive Plan and the added benefits to the community.

E. Prior to the issuance of a permit to construct a new pole or ground mounted equipment in the right-of-way, the applicant must obtain a site-specific agreement from the City to locate such new pole or ground mounted equipment. This requirement also applies to replacement poles that are higher than the replaced pole, and the overall height of the replacement pole and the proposed small wireless facility is more than sixty (60) feet.

F. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would unreasonably impair the function of the technology chosen by the applicant, alternative forms of concealment or deployment may be permitted which provide similar or greater protections of the street scape.

17.61.060 Eligible Facilities Requests.

A. Definitions: The following definitions shall apply to eligible facilities requests only as described in this section and shall not apply throughout this chapter.

1. Base Station is a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein nor any equipment associated with a tower. Base station includes, without limitation:

a. Equipment associated with wireless communications services as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

b. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and back-up power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems ("DAS") and small wireless networks).

c. Any structure other than a tower that, at the time the relevant application is filed (with jurisdiction) under this section, supports or houses equipment described in subsections (A)(a)(i) and (ii) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

The term does not include any structure that, at the time the relevant application is filed with the City under this section, does not support or house equipment described in subsections (A)(1) (a) and (b) of this section.

2. Collocation: The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes.

3. Eligible Facilities Request: Any request for modification of an existing tower or base station that does not substantially increase the physical dimensions of such tower or base station, involving:

a. Collocation of new transmission equipment;

b. Removal of transmission equipment; or

c. Replacement of transmission equipment.

4. Eligible Support Structure: Any tower or base station as defined in this section; provided, that it is existing at the time the relevant application is filed with the City.

5. Existing: A constructed tower or base station is existing if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process; provided, that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

6. Substantial Change: A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

a. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten (10) percent or by the height of one (1) additional antenna array with separation from the nearest existing antenna, not to exceed twenty (20) feet, whichever is greater; for other

eligible support structures, it increases the height of the structure by more than ten (10) percent or more than ten (10) feet, whichever is greater.

i. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act;

b. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than ten (10) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;

c. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved but not to exceed four cabinets; or, for towers in the public streets and base stations, it involves installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten (10) percent larger in height or overall volume than any other ground cabinets associated with the structure;

d. It entails any excavation or deployment outside the current site;

e. It would defeat the concealment elements of the eligible support structure; or

f. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment; provided, however, that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified above.

B. Application: The designated official shall prepare and make publicly available an application form used to consider whether an application is an eligible facilities request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.

C. Qualification as an Eligible Facilities Request: Upon receipt of an application for an eligible facilities request, the designated official shall review such application to determine whether the application qualifies as an eligible facilities request.

D. Time Frame for Review: Within forty-five (45) days of the date on which a network provider submits an eligible facilities request application, the designated official shall approve the application unless it determines that the application is not covered by this section.

E. Tolling of the Time Frame for Review: The forty-five (45) day review period begins to run when the application is filed and may be tolled only by mutual agreement by the designated official and the applicant or in cases where the designated official determines that the application is incomplete. The time frame for review of an eligible facilities request is not tolled by a moratorium on the review of applications.

1. To toll the time frame for incompleteness, the designated official shall provide written notice to the applicant within thirty (30) days of receipt of the application, clearly and specifically delineating all missing documents or information required in the application.

2. The time frame for review begins running again when the applicant makes a supplemental submission in response to the designated official's notice of incompleteness.

3. Following a supplemental submission, the designated official will notify the applicant within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this subsection. Second or subsequent notice of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

F. Determination That Application Is Not an Eligible Facilities Request: If the designated official determines that the applicant's request does not qualify as an eligible facilities request, the designated official shall deny the application.

G. Failure to Act: In the event the designated official fails to approve or deny a request for an eligible facilities request within the time frame for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the designated official in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

17.61.070 Development standards for all public institutional, residential, waterfront district and downtown business districts (PI, R-1, R-2, R-3, RB-1, RB-2, PCD-RLD, PCD-RMD, WR, WM, WC, and DB).

A. Small Satellite Dish Antenna – Development Standards. Small satellite dish antennas shall not extend above the highest point of the roof.

B. Large Satellite Dish Antenna – Development Standards. The following minimum standards apply to all antennas:

1. Siting on Lot. Large satellite dish antennas shall be sited in the rear yard as a first order of preference. If the applicant demonstrates that reception is not available in this location, the second order of preference for siting shall be the side yard. If the applicant demonstrates that reception is not available in this location, the third order of preference shall be the front yard. Finally, if reception is not available in any other location, the satellite dish antenna may be located on or attached to a roof, pursuant to the special exception procedures in GHMC 17.61.100.

2. Height and Size. Antennas, antenna mountings and large satellite dishes shall be no taller than the minimum required for the purposes of obtaining an obstruction-free reception window. Large satellite dish antennas shall not exceed 12 feet in diameter and 15 feet in height, including their bases. Height shall be measured from existing grade.

3. Color. To the extent technically feasible, specific paint colors may be required to allow the antenna or large satellite dish and mounting structures to blend better with the surroundings.

4. Screening, Landscaping. Screening of all large satellite dish antennas may be required with one or a combination of the following methods: fencing, walls, landscaping, structures or topography which will block the view of the antenna as much as practicable from any street and from the yards and main floor living areas of residential properties within approximately 500 feet. Screening may be located anywhere between the antenna and the abovementioned viewpoints. A dense vegetative screen (pursuant to GHMC 17.04.269) shall be provided for large satellite dish antennas that are visible from any portion of the right-of-way. Landscaping installed for the purposes of screening shall be maintained in healthy condition.

5. Signs Prohibited. Satellite dish antennas shall not be used for the purposes of signage or message display of any kind.

6. IBC Conformance. Construction plans and final construction of the mounting bases of all large satellite dish antennas shall be in accordance with the requirements established in the latest edition of the International Building Code adopted by the city.

7. Type of Dish. Aluminum mesh dishes should be used, as practicable, instead of a solid fiberglass type large satellite dish antenna.

8. Number of Dishes Allowed. Only one large dish satellite antenna shall be allowed on each residentially-zoned property.

C. Amateur Radio Towers – Development Standards. The following minimum standards apply to amateur radio towers:

1. Siting on Lot. Amateur radio towers may be ground or roof-mounted; however, ground-mounted towers must be located at a point farthest from lot lines as feasible, or the point farthest from residential structures on abutting properties.

2. Height and Size. The height of a ground-mounted tower may not exceed 65 feet unless an applicant demonstrates physical obstructions to reception. Telescoping towers may exceed the 65-foot height limit only when extended and operating. The combined structure of a roof-mounted tower and antenna shall not exceed a height of 25 feet above the existing roofline.

3. Color. To the extent technically feasible and in compliance with safety regulations, specific paint colors may be required to allow the tower to blend better with its setting.

4. Screening, Landscaping. Screening of the bases of ground-mounted amateur radio towers shall be provided with one or a combination of the following methods: fencing, walls, landscaping, structures, and/or topography which will block the view of the antenna as much as practicable from any street and from the yards and main floor living areas of residential properties within approximately 500 feet of the tower. Screening may be located anywhere between the base and the abovementioned viewpoints. Landscaping for the purposes of screening shall be maintained in a healthy condition. Bases of amateur radio towers shall be solidly screened by a view-obscuring fence, wall, or evergreen plantings at least six feet in height.

5. Signs Prohibited. No signs shall be placed or posted on amateur radio towers.

6. IBC Conformance. Construction plans and final construction of the mounting bases and towers of amateur radio towers covered by this section shall meet the structural design requirements of this section and shall be in accordance with the requirements established in the International Building Code as adopted by the city.

D. Wireless Communication Facilities – Development Standards. The following standards shall be applied to all wireless communication facilities, such as antenna and equipment shelters, exclusive of the broadcast and relay tower and shall not apply to small wireless facilities(for small wireless facility design and concealment standards see 17.61.040 above).Wireless monopoles, lattice, and guy towers are regulated by the sub-sections that govern broadcast and relay towers, GHMC 17.61.090(E)(2) through (E)(7).

1. Siting on Lot. No wireless communications facilities shall be located within required building setback areas unless it is demonstrated that locating the proposed facility within the required setback area will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts.

2. Height and Size. The combined antenna and supporting structure shall not extend more than 15 feet above the existing or proposed roof structure.

3. Color, Screening, Landscaping.

a. Wireless communication antennas installed on existing buildings shall be screened or camouflaged to the greatest practicable extent by use of shelters, compatible materials, location, color, and/or other visual mitigation techniques to reduce visibility of the antenna as viewed from any street or residential property. The antenna shall be visually concealed utilizing color and compatible material to camouflage the facility to the greatest extent feasible.

b. Screening of wireless communications facilities shall be provided with one or a combination of the following materials: fencing, walls, landscaping, structures, or topography which will block the view of the antenna and equipment shelter as much as practicable from any street and from the yards and main floor living areas of residential properties within 500 feet. Screening may be located anywhere between the base and the abovementioned viewpoints.

c. Landscaping for the purposes of screening the wireless communications facilities shall be maintained in a healthy condition.

d. Any fencing required for security shall meet the screening standards of the city's design guidelines.

4. Signs Prohibited. No wireless equipment shall be used for the purposes of signage or message display of any kind.

5. Conform to IBC. Wireless communication facilities shall comply with all applicable IBC requirements.

6. Abandonment, Disrepair. A wireless communication facility shall be removed by the facility owner within 12 months of the date it ceases to be operational or if the facility falls into disrepair and is not maintained. Disrepair includes structural features, paint, landscaping, or general lack of maintenance which could result in safety or visual impacts.

7. Colocation. Placement of a freestanding wireless communication facility may be denied if placement of the antenna on an existing structure can accommodate the applicant/operator's communications needs. The applicant shall also comply with the colocation requirements of GHMC 17.61.020(C). The colocation of a proposed antenna on an existing broadcast and relay tower or placement on an existing structure shall be explored and documented by the applicant/operator in order to show that reasonable efforts were made to identify alternate locations.

8. Equipment Shelters.

a. Limit on Area. Associated aboveground equipment shelters shall be minimized, and shall not exceed 240 square feet (e.g., 12 feet by 20 feet) unless operators can demonstrate that more space is needed.

b. Color. Shelters shall be painted a color that matches existing structures or the surrounding landscape.

c. Materials. The use of concrete or concrete aggregate shelters is not allowed.

d. Screening, Landscaping. A dense vegetative screen shall be created around the perimeter of the shelter.

e. Undergrounding. Operators shall consider undergrounding equipment if technically feasible or placing equipment within existing structures.

f. IBC Conformance. Equipment shelters shall comply with all IBC requirements, but may be exempt from building envelope insulation requirements. (See RCW 19.27A.027.)

E. Broadcast and Relay Towers – Development Standards. Broadcast and relay towers are not permitted in any residential, waterfront district and downtown business districts.

17.61.080 Development standards for all commercial districts (C-1, B-1, B-2, PCD-C, PCD-BP).

A. Small Satellite Dish Antenna. No additional development standards.

B. Large Satellite Dish Antenna – Development Standards. In addition to the standards in GHMC 17.61.070(B)(1) through (8), the following standards shall apply:

1. Ground mounted antennas are subject to the following requirements:

a. Size. Such antenna shall not exceed 12 feet in diameter and 15 feet in height. Height shall be measured from existing grade.

b. Placement. Ground-mounted antennas shall be located outside of any required landscape area and preferably located in service areas or other less visible locations.

c. Screening. From the time of installation, ground-mounted antennas shall be screened as high as the center of the dish when viewed from any public right-of-way. Solid screening shall be provided as high as the dish if the proposed location abuts an adjoining residential zone.

2. Roof-mounted antennas shall be solidly screened at least as high as the center of the dish. The screening shall be of a material and design compatible

with the building, consistent with the city's Design Review Manual, and can include parapet walls or other similar screening.

C. Amateur Radio Towers – Development Standards. In addition to the development standards in GHMC 17.61.070(C), the following minimum standards apply:

1. Placement. Amateur radio towers reviewed under this section shall not be located within any easement, the front yard, side or rear yard building setback areas. Amateur radio towers may be ground- or roof-mounted; however, ground-mounted towers must be located at a point farthest from lot lines as feasible, or the point farthest from residential structures on abutting properties.

2. Paint Colors. To the extent technically feasible and in compliance with safety regulations, specific paint colors may be required to allow the tower to blend better with its setting.

3. Screening. Screening of the bases of ground-mounted amateur radio towers shall be provided with one or a combination of the following methods: fencing, walls, landscaping, structures, or topography which will block the view of the antenna as much as practicable from any street and from the yards and main floor living areas of residential properties within approximately 500 feet. Screening may be located anywhere between the base and the abovementioned viewpoints. Landscaping for the purposes of screening shall be maintained in a healthy condition. Bases of amateur radio towers shall be solidly screened by a view-obscuring fence, wall, or evergreen plantings at least six feet in height.

4. Signs. Amateur radio towers shall not be used for the purposes of signage and shall not display a sign of any kind.

5. IBC Conformance. Construction plans and final construction of the mounting bases and towers of amateur radio towers covered by this section shall meet the structural design requirements of this section and shall be subject to approval by the city building official.

6. Commercial Use Prohibited. Amateur radio towers located in residential districts shall not be constructed or used for commercial purposes.

7. Height. The height of a ground-mounted tower may not exceed 65 feet unless an applicant demonstrates that physical obstructions impair the adequate use of the tower. Telescoping towers may exceed the 65-foot height limit only when extended and operating. The combined structure of a roof-mounted tower and antenna shall not exceed a height of 25 feet above the existing roofline.

D. Wireless Communication Facilities – Development Standards. In addition to the requirements of GHMC 17.61.070 (C), the following standards shall be applied to all wireless communications facilities, such as antenna and equipment shelters, exclusive of any broadcast and relay tower provided, however that small wireless facilities shall comply with Chapter 12.22 and GHMC 17.61.025 and 050. Wireless monopoles, lattice,

and guy towers are regulated by the sub-sections that govern broadcast and relay towers, GHMC 17.61.100.

1. Colocation. Installation of a freestanding wireless communication facility may be denied if placement of the antenna on an existing structure can accommodate the operator's communications needs. The applicant shall be required to comply with the colocation requirements of GHMC 17.61.020. The colocation of a proposed antenna on an existing broadcast and relay tower or placement on an existing structure shall be explored and documented by the operator in order to show that reasonable efforts were made to identify alternate locations.

2. Siting on Lot. No wireless communications facilities shall be located within required building setback areas unless it is demonstrated that locating the proposed facility within the required setback area will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts.

3. Height. The combined antenna and supporting structure shall not extend more than 15 feet above the existing or proposed roof structure.

4. Signs. No wireless equipment shall be used for the purposes of signage or message display of any kind.

5. Visibility. Location of wireless communication antennas on existing buildings shall be screened or camouflaged to the greatest practicable extent by use of shelters, compatible materials, location, color, and/or other visual mitigation techniques to reduce visibility of the antenna as viewed from any street or residential property.

6. Screening. Screening of wireless equipment shall be provided with one or a combination of the following materials: fencing, walls, landscaping, structures, or topography which will block the view of the antenna and equipment shelter as much as practicable from any street and from the yards and main floor living areas of residential properties within 500 feet. Screening may be located anywhere between the base and the abovementioned viewpoints. Landscaping for the purposes of screening shall be maintained in a healthy condition.

7. Fencing. Any fencing required for security shall meet screening codes in the same manner as applied to screening for mechanical and service areas.

8. IBC Conformance. Construction plans and final construction of the mountings of wireless antenna and equipment shelters shall be approved by the city building official. Applications shall document that the proposed broadcast and relay tower and any mounting bases are designed to reasonably withstand wind and seismic loads.

9. Abandonment, Disrepair. A wireless communication facility shall be removed by the facility owner within 12 months of the date it ceases to be operational or if

the facility falls into disrepair and is not maintained. Disrepair includes structural features, paint, landscaping, or general lack of maintenance which could result in safety or visual impacts.

10. Equipment Shelters. Associated above-ground equipment shelters shall not exceed 240 square feet (e.g., 12 feet by 20 feet) unless operators can demonstrate that more space is needed. A dense vegetative screen shall be created around the perimeter of the shelter. Operators shall consider undergrounding equipment if technically feasible or placing the equipment within an existing structure. Aboveground equipment shelters for antennas located on buildings shall be located within, on the sides or behind the buildings and screened to the fullest extent possible.

E. Broadcast and Relay Towers – Development Standards. Broadcast and relay towers are prohibited in all commercial districts.

17.61.090 Siting standards for employment district (ED).

A. Small Satellite Dish Antenna. No additional development standards.

B. Large Satellite Dish Antenna and Other Antenna. The development standards in GHMC 17.61.070(B) shall apply.

C. Amateur Radio Towers. The development standards in GHMC 17.61.070(C) shall apply.

D. Wireless Communication Facilities other than Small Wireless Facilities. The development standards of GHMC 17.61.020 shall apply.

E. Broadcast and Relay Towers. The following minimum standards apply to broadcast and relay towers:

1. Location. Broadcast and relay towers are restricted to employment districts west of SR-16, north of a line extending east-west from 97th Street NW and south of the Swede Hill interchange.

2. Siting on Lot. Broadcast and relay towers reviewed under this section shall not be within required building setback areas unless it is demonstrated that locating the proposed facility within the required setback area will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts in any required building setback areas.

3. Height and Size. The combined height of a broadcast and relay tower and antenna shall not exceed 85 feet except when colocation is specifically provided for; then the broadcast and relay tower shall not exceed 100 feet.

4. Color. To the extent technically feasible and in compliance with safety regulations, specific colors of paint may be required to allow the broadcast and relay tower to blend better with its setting.

5. Landscaping, Screening. Any fencing required for security shall meet screening codes in the same manner as applied to screening for mechanical and service areas.

6. Signs Prohibited. Broadcast and relay towers shall not be used for the purposes of signage to display a message of any kind.

7. Colocation. Placement of a broadcast and relay tower may be denied if an alternative placement of the antenna on a building or other existing structure can accommodate the communications needs. Applicants shall be required to provide documentation that reasonable efforts to identify alternative locations were made.

8. Future Colocation Accommodation. Owners and operators of a proposed broadcast and relay tower shall provide information regarding the opportunity for the colocation of other antenna and related equipment. If feasible, provision for future colocation may be required.

9. Federal Requirements. All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If those standards and regulations are changed, then wireless service providers governed by this chapter shall bring their towers and antennas into compliance with the revised standards and regulations within three months of their effective date or the timelines provided by the revised standards and regulations, whichever is longer. The revised standards and regulations are not retroactively applicable to existing providers, unless otherwise provided by federal law. Failure to bring towers and antennas into compliance with the revised standards and regulations shall constitute grounds for the city to remove a provider's facilities at the provider's expense.

10. Building Codes, Safety Standards. To ensure the structural integrity of towers, antennas and facilities, the applicant/owner shall ensure that they are maintained in compliance with standards contained in the applicable city building codes and the applicable standards for towers published by the Electronic Industry Association (EIA), as amended from time to time. If, upon application for a building permit or inspection, the city concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring the tower into compliance with such standards. If the owner fails to bring the tower into compliance within 30 days, the city may remove the tower at the owner's expense.

11. Structural Design. Towers shall be constructed to Electronic Industry Association Standards, which may be amended from time to time, and to all applicable codes adopted by the city. Further, any improvements or additions to existing towers shall require submission of site plans stamped by a professional engineer which demonstrate compliance with EIA Standards and all other applicable industry practices. The plans shall be submitted and reviewed at the time applications for building permits are submitted.

12. Abandonment, Disrepair. All broadcast and relay towers shall be removed by the facility owner within 12 months of the date they cease to be operational, or if the facility falls into disrepair and is not maintained. Disrepair includes structural features, paint, landscaping, or general lack of maintenance which could result in safety or visual impacts.

17.61.100 Special exceptions.

A. Purpose. An applicant may apply for a special exception where the strict application of the standards for the specific type of facility would result in the obstruction or inability to receive a communication signal. The provisions of 17.61. GHMC shall govern administrative permitting and variance authority for small wireless facilities.

B. Complete Application. An application for a special exception is processed under the same permit type as the underlying permit. A complete application for a special exception shall consist of:

1. A completed application form as required by the city planning and building services department.

2. The applicant for a special exception shall demonstrate that the proposed material, shape and color of the antenna will minimize negative visual impacts on adjacent or nearby residential uses to the greatest extent possible. The use of certain materials, shapes and colors may be required in order to minimize visual impacts.

3. The required application fee.

4. A written statement which satisfactorily demonstrates that all of the special exception criteria have been met.

C. General Criteria. Each determination granting a special exception shall be supported by written findings of fact and conclusions demonstrating that all of the following general criteria and all specific criteria in subsection D of this section have been met:

1. The applicant has demonstrated that strict application of this code would prohibit or effectively prohibit the provision of telecommunications services; and,

2. The proposed material, shape and color of the antenna will minimize visual impacts on neighboring properties to the greatest extent possible; and,

3. Where appropriate, the applicant has demonstrated that the antenna will allow colocation for additional antennas and/or/telecommunication facilities.

D. Special Exception Criteria for Specific Facilities. In addition to the applicant's submission of materials described in subsection B above, a special exception may only be granted in accordance with the following criteria:

1. Large Satellite Dish Antenna and Other Antenna – Special Exceptions.

a. Residential Zones.

i. Modifications to requirements for setbacks, size, screening and maximum height may be considered by special exception.

ii. If a special exception is requested from the height limit for a ground-mounted dish, the height of the dish shall be limited to a maximum of 18 feet above the existing grade.

iii. A rooftop location shall only be considered if the requirements of this chapter would result in reception blockage. If a special exception is sought to obtain a rooftop location, the diameter of the dish shall be limited to six feet and a maximum permitted height of 15 feet above the roofline. The approval authority may require the applicant to place the antenna in an area of the roof which takes into consideration view blockage and aesthetics, provided reception is available.

b. Commercial and Employment Districts.

i. Ground-Mounted Antenna. Exceptions to be first considered shall be from setback, landscape and service area requirements, size and screening requirements. Only if these waived regulations would still result in reception blockage shall a special exception from height requirements be considered. If a special exception is sought to vary from the height limit, the height of the dish shall be limited to a maximum of 20 feet above the existing grade.

ii. Roof-Mounted Antenna. The first exception to be considered shall be the center of the roof requirement; the second exception shall be from the size and screening requirements, respectively. Only if these waived regulations would still result in the blockage of an electromagnetic signal, shall a special exception from height requirements be considered. A special exception from the height limit shall be allowed up to a maximum of 20 feet above the existing or proposed structure. The approval authority may require the applicant to place the antenna in an area on the roof which takes into consideration view blockage and aesthetics, provided there is a

useable signal and structural considerations allow the alternative placement.

2. Amateur Radio Towers – Special Exceptions. Residential Zones – Where a property owner desires to vary from the height, location or setback limitations, the special exception criteria must be met.

3. Wireless Communications Facilities (other than small wireless facilities) – Special Exceptions.

a. Residential Zones. An applicant for a proposed wireless facility that exceeds the height limit shall meet the special exception criteria.

b. Commercial and Industrial Zones. An applicant for a proposed wireless facility that exceeds the height limit shall meet the special exception criteria.

4. Broadcast and Relay Towers – Special Exceptions.

a. Commercial and Employment Districts. An applicant for a proposed broadcast and relay tower that exceeds height limits shall be required to obtain a conditional use permit under GHMC 17.64.046.

17.61.110 Review by independent consultant – Third party review.

A. Wireless service providers use various methodologies and analyses, including geographically based computer software, to determine the specific technical parameters of their services and low power mobile radio service facilities, such as expected coverage area, antenna configuration, topographic constraints that affect signal paths, etc. In certain instances, a third-party expert may need to review the technical data submitted by a provider. The city may require a technical review as part of the permitting process (pursuant to 12.22.030 (G) GHMC). The costs of the technical review shall be paid by the provider.

B. The selection of the third-party expert may be by mutual agreement between the provider and the city, or, at the discretion of the city, with a provision for the provider and interested parties to comment on the proposed expert and review his/her qualifications. The expert review is intended to address interference and public safety issues and be a site-specific review of technical aspects of the facilities or a review of the provider's methodology and equipment used. The expert review is not intended to be a subjective review of the site which was selected by the provider. Based on the results of the expert review, the city may require changes to the provider's application. The expert review shall address the following:

1. The accuracy and completeness of submissions;

2. The applicability of analysis techniques and methodologies;

3. The validity of the conclusions reached; and

4. Any specific technical issues designated by the city.

Section 2. Severability. If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 3. Repeal. Ordinance 1406 is hereby repealed upon effective date of this Ordinance.

Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this 10th day of June, 2019.

CITY OF GIG HARBOR

Kit Kuhn

Kit Kuhn, Mayor

ATTEST AND AUTHENTICATED:

Molly Towslee

Molly Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Daniel Kenny

Daniel Kenny

FILED WITH THE CITY CLERK: 05/21/19
PASSED BY THE CITY COUNCIL: 06/10/19
PUBLISHED: 06/ 20/19
EFFECTIVE DATE: 06/25/19
ORDINANCE NO. 1419