
Housing and Land Use Committee Agenda

Deputy Mayor Jim Ribail and Councilmember Merizan

DATE: February 7, 2025

TIME: 3:00 P.M. – 5:00 P.M.

LOCATION: Carnation City Hall (4621 Tolt Avenue, Carnation, WA 98014)

AGENDA ITEMS:

1) GUEST PRESENTER:

- a) None

2) DISCUSSION ITEMS:

- a) Safe Parking at Religious Organizations – Chapter 15.130 (pg. 2)
- b) Wireless Communication Facilities - Chapter 15.98 (pg. 14)

3) NEXT MEETING

- a) May 9, 2025
 - i) 3:00 P.M. – 5:00 P.M.

CITY OF CARNATION

ORDINANCE NO. XXX

**AN ORDINANCE OF THE CITY OF CARNATION, WASHINGTON AMENDING THE
CARNATION MUNICIPAL CODE TO ADD CHAPTER 15.130 ENTITLED
“HOMELESS ENCAMPMENTS AT RELIGIOUS ORGANIZATIONS” TO ADDRESS
PERMITTING REQUIREMENTS, PROVIDING SEVERABILITY, AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, homelessness is a recognized problem throughout the State of Washington and in King County with a need for additional facilities to address temporary housing; and,

WHEREAS, RCW 35.21.915 expressly authorizes religious organizations to host temporary encampments for homeless persons on property owned or controlled by religious organizations, and likewise authorizes cities to establish permit or other regulatory conditions necessary to protect public health and safety, provided, however, that they do not substantially burden the decisions or actions of religious organizations providing housing or shelter for homeless persons on property owned or controlled by religious organizations; and,

WHEREAS, the City and its elected and appointed officials are committed to protecting the health, safety and well-being of its citizens; and,

WHEREAS, the City does not seek to limit the Temporary Encampment to particular zoning districts in the city, and therefore allows them to be established in all areas as long as the proposed site is at least one (1) acre in size because this will lessen the health, safety and welfare impacts to existing uses located adjacent to Temporary Encampments; and,

WHEREAS, the City Council finds that a site may only host a Temporary Encampment once every 12 months in order to lessen and disburse throughout the City the health, safety and welfare impacts to existing uses located adjacent to Temporary Encampment sites; and,

WHEREAS, the City desires to enact this ordinance in order to set forth the requirements for the issuance of a temporary encampment use permit to an applicant wishing to host a homeless encampment; and,

WHEREAS, the City desires to establish a fee as set forth in the Fee Schedule for the review and approval of a permit application for the placement of a temporary encampment. Pursuant to RCW 35.21.915, the City shall not impose permit fees in excess of the actual costs associated with the review and approval of the required permit applications for the placement of temporary encampments; and,

WHEREAS, on _____, a State Environmental Policy Act (“SEPA”) Determination of Nonsignificance (“DNS”) was issued for the proposed action related to the temporary encampment and no appeals were filed; and,

WHEREAS, on _____, the Department of Commerce received the proposed amendments related to temporary encampments pursuant to RCW 36.70A.106 for the State’s procedural requirements for agency review and the requested expedited review period ended on _____; and,

WHEREAS, on _____, the public was notified by a legal advertisement of the opportunity to make comment and participate in the public hearing held by the Planning and Parks Board; and,

WHEREAS, on _____, the Planning and Parks Board conducted public hearings on the Zoning Code amendments and formulated a recommendation to forward the amendments for City Council consideration.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARNATION, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section One. A new Chapter 15.130 entitled “Homeless Encampments at Religious Organizations” is hereby added to Title 15 “Land Use” of the City of Carnation Municipal Code, to read as follows:

15.130.010 - Purpose.

The purpose of this chapter is to regulate homeless encampments within the city of Carnation in compliance with the requirements of RCW 35.21.915. The standards and requirements in this chapter are the minimum necessary to protect the public health and safety and do not substantially burden the decisions or actions of religious organizations regarding the location of housing or shelter for homeless persons on property owned by such religious organizations.

15.130.015 - Definitions.

The following words used in this chapter are defined as follows:

- A. “Director” means the director of the city of Carnation’s Community Economic Development Manager or designee.
- B. “Encampment host” or “safe parking host” means a religious organization (including but not limited to an owner, tenant, or lessee) that has the legal right to occupy the site of a temporary homeless encampment and/or safe parking accommodations. An “encampment host” and/or a “safe parking host” may be the same individual, group, organization, or entity as the encampment sponsor or the encampment manager of a temporary homeless encampment.
- C. “Encampment manager” or “safe parking manager” means an individual, group, organization, or entity that organizes, manages, or operates a temporary homeless encampment and/or safe parking accommodations. An “encampment manager” and/or

“safe parking manager” may be the same individual, group, organization, or entity as the encampment host or the encampment sponsor of a temporary homeless encampment.

D. “Encampment sponsor” or “safe parking sponsor” means an individual, group, organization, or entity which, in conjunction or by agreement with the encampment host or encampment manager, provides services or support on an ongoing basis for the residents of a temporary homeless encampment and/or safe parking accommodations. An “encampment sponsor” and/or “safe parking sponsor” may be the same individual, group, organization, or entity as the encampment host or the encampment manager of a temporary homeless encampment.

E. “Limited homeless encampment (safe parking) accommodations” means areas on a site or property owned or controlled by a religious organization that accommodates vehicles in parking lots that individuals park and sleep within as means of shelter.

F. “Temporary homeless encampment” means a temporary encampment for homeless persons on property owned or controlled by a religious organization, whether within buildings located on the property or elsewhere on the property outside of buildings. This definition does not include limited homeless encampment (safe parking) accommodations.

15.130.020 - Application for temporary homeless encampment permit.

A. A temporary homeless encampment is an allowed use only on property owned or controlled by a religious organization that is acting as either the encampment host or the encampment sponsor, or both, for the temporary homeless encampment.

B. Temporary homeless encampments shall not be permitted within the city except as an accommodation of religious exercise by an encampment host or encampment sponsor. Each encampment host, encampment manager and encampment sponsor of a temporary homeless encampment shall jointly apply for a permit under this chapter and shall jointly certify compliance with all applicable use requirements and conditions of this part in the application.

C. An application for a temporary homeless encampment permit shall be submitted to the director or designee on a form approved by the director. The application shall contain an encampment management responsibility plan. An application that does not contain an encampment management responsibility plan shall not be considered complete. The encampment management responsibility plan shall contain, at a minimum, all of the following information:

1. The name, address, and telephone number of the encampment host, and the telephone number and email address for a designated representative of the encampment host; and
2. The name, address, and telephone number of the encampment sponsor and encampment manager, and the telephone number and email address for a

designated representative of the encampment sponsor and encampment manager;
and

3. The proposed location of the temporary homeless encampment and information as to whether the temporary homeless encampment will be located inside a building or outside a building on property owned or controlled by the encampment host; and

4. The date on which the temporary homeless encampment is proposed to move onto the proposed location and the date on which the temporary homeless encampment is proposed to vacate the proposed location; and

5. The maximum number of residents proposed; and

6. A site plan showing the proposed location of the facilities required by Section 15.130.030; and

7. A statement demonstrating how the temporary homeless encampment will meet the requirements of Section 15.130.030; and

8. A description of the security measures that the encampment host, encampment sponsor and encampment manager intend to employ at the proposed location, including criteria for rejection as a resident, a code of conduct, neighborhood security patrols, if any, whether and how they will implement outstanding warrant or registered sex offender background checks, and whether and how any temporary homeless encampment residents or prospective residents may be ejected from the temporary homeless encampment based on the results of such checks; and

9. A transportation plan demonstrating compliance with Section 15.130.030.

D. The application for a temporary homeless encampment permit must be accompanied by an application fee as listed in the master fee schedule adopted by resolution of the city council.

E. A complete application for a temporary homeless encampment permit must be filed at least thirty days before the date on which the temporary homeless encampment is proposed to move onto the proposed location; provided, that the director may agree to a shorter period in the case of an emergency beyond the control of the encampment host and encampment sponsor. Temporary homeless encampment permit reviews and final decisions shall occur pursuant to the time frames in Chapter 15.09.

F. An application for a temporary homeless encampment permit shall be processed as a Type II temporary homeless encampment permit under Chapter 15.09, subject to administrative appeal and final administrative decision by the city hearing examiner.

G. In addition to the requirements for a **Type II permit under Chapter 15.09**, the following additional and amended procedures apply:

1. **Public Meeting Required.** The encampment host, manager and sponsor shall hold an informational public meeting that will be attended by the director. The public meeting shall be held as early in the review process as possible for the application. Notice of the public meeting shall be mailed to those property owners identified within subsection (G)(2) of this section. The public meeting notice will be combined with the notice of application whenever possible. Prior to the public meeting, the encampment host shall meet and confer with the Carnation police department regarding the proposed security measures. At the public meeting, a representative of the encampment host shall present in writing and describe the proposed encampment management responsibility plan, and any input or comment received on the plan, including any comment or input from the Carnation police department, or comment or input from schools and/or childcare services under subsection (G)(2) of this section. The public meeting shall be attended by all applicants of the proposed temporary homeless encampment permit.
2. **Additional Mailed Notice.** The requirements for mailed notice of the application set forth for Type II permits under Chapter 15.09 shall be expanded to include owners of real property within one thousand feet of the project site. Prior to the decision of the director on a temporary homeless encampment permit, the encampment host, encampment sponsor, or encampment manager shall meet and confer with the administration of any public or private elementary, middle, junior high or high school within one thousand feet of the boundaries of the proposed temporary homeless encampment site, and shall meet and confer with the operators of any known child care service within one thousand feet of the boundaries of the proposed temporary homeless encampment site. The encampment host and the school administration and/or childcare service operator shall make a good faith effort to agree upon any additional conditions that may be appropriate or necessary to address school and/or child care concerns regarding the location of a temporary homeless encampment within one thousand feet of such a facility. Any such conditions agreed upon between the parties shall be submitted to the director for consideration for inclusion within the temporary homeless encampment permit. In the event the parties fail to agree on any conditions, either party may provide the director with a written summary of the parties' discussions, which the director may consider in evaluating whether the criteria for the temporary homeless encampment permit are met, or the need for additional conditions upon the temporary homeless encampment permit based on the applicable decision criteria.

3. The applicant shall provide notice of the application by posting two land use change signs on the site or in a location immediately adjacent to the site that provides visibility to motorists using adjacent streets. The director shall establish standards for timing of installation and removal of the signs and the public meeting notice.

H. The director shall coordinate review of the temporary homeless encampment permit with appropriate city staff and with other appropriate public agencies, including, but not limited to, King County Public Health Department and the Fire Marshal. The director may issue the temporary homeless encampment permit if the application demonstrates that:

1. All of the requirements of Section 15.130.030 are met; and
2. The temporary homeless encampment will not be materially injurious to the public health, safety, and welfare or materially injurious to the property or improvements in the immediate vicinity.

I. Decisions of the director granting, granting with conditions, or denying a temporary homeless encampment permit shall be subject to one open record administrative appeal to the hearing examiner who shall render a final administrative determination. The hearing examiner's decision shall be subject to appeal to the King County Superior Court as provided in Chapter 36.70 RCW. In the event of any conflict with any other provisions of the Carnation Municipal Code, this provision shall control over the provisions in Chapter 15.09.

15.130.030 - Requirements for approval and operation.

A. A temporary homeless encampment must meet all of the following requirements in addition to any other requirements imposed by this chapter:

1. The property or building must be of sufficient size to accommodate the proposed number of tents and/or vehicles, residents, and the on-site facilities required by this section.
2. Adequate provision must be made for the provision of drinking water, disposal of human waste, disposal of garbage and other solid waste, and the provision of other services, including, but not limited to, the following facilities:
 - a. Sanitary portable toilets or other restroom facilities in the number required to meet health regulations for the residents and staff of the temporary homeless encampment; and
 - b. Hand washing stations by the toilets or restrooms and by food service areas; and

- c. Refuse receptacles meeting the requirements of the city's solid waste division; and
 - d. A food service tent or other food service building or facility meeting health department requirements; and
 - e. A management tent or other management office or facility providing administrative and security services and readily identifiable to residents and visitors. Through the permit process a ratio of encampment staff to residents shall be established by the city. This ratio shall ensure the health and safety of the staff, residents, and surrounding neighbors.
3. Outdoor temporary homeless encampments shall meet all setbacks for the zoning district in which the property is located; provided, that where the temporary homeless encampment abuts property containing residential uses, the temporary homeless encampment shall be set back 20 feet from the property line or the minimum setback provided in the Carnation Municipal Code, whichever is greater.
4. Outdoor temporary homeless encampments shall have a six-foot-tall sight obscuring fence provided around the perimeter of the temporary homeless encampment unless the director determines that there is sufficient vegetation, topographic variation, or other site conditions to provide equivalent screening of the use from adjacent properties.
5. Any and all exterior lighting for outdoor temporary homeless encampments shall be directed downward and away from adjacent properties to minimize light impacts.
6. The maximum number of residents within a temporary homeless encampment shall not exceed thirty-five.
7. Parking for, at a minimum, five vehicles shall be provided.
8. No children under the age of 18 shall be allowed in the temporary homeless encampment. If a child under the age of 18 attempts to reside at the temporary homeless encampment, the encampment sponsor, the encampment host, or the encampment manager shall immediately contact child protective services.
9. No animals shall be permitted in the temporary homeless encampment, except for service animals.
10. The encampment sponsor and/or the encampment host shall submit a code of conduct for the temporary homeless encampment and a statement describing how the code of conduct will be enforced. The code of conduct shall, at a minimum, contain the following:

- a. A prohibition on the possession or use of nonprescribed or illegal drugs, and/or alcohol. This prohibition includes recreational use of marijuana.
- b. A prohibition on the possession of guns, knives with blades in excess of three inches, and weapons of all kinds.
- c. A prohibition on violence.
- d. A prohibition on open flames.
- e. A prohibition on trespassing into private property in the surrounding neighborhood.
- f. Hours during which quiet is to be observed.

11. A transportation plan must be submitted providing for access to transit. All temporary homeless encampments must be located within one-half mile of transit service. This measurement shall be taken in a straight line from the closest property line where the temporary homeless encampment is proposed to the existing transit service provided by King Transit. During hours when public transportation is not available, the encampment sponsor, encampment host, or encampment manager shall also make transportation available to anyone who is rejected from or ordered to leave the temporary homeless encampment.

12. The temporary homeless encampment must comply with all regulations of Washington State, the city of Carnation, and the King County public health department. The temporary homeless encampment shall comply with the requirements of the International Fire Code and Washington Cities Electrical Code as adopted by the city of Carnation. The encampment sponsor and encampment host shall permit inspections at all reasonable times by appropriate public officials from the agencies enforcing these codes for code compliance.

13. The encampment sponsor shall take all reasonable and legal steps to obtain verifiable identification from prospective residents of the temporary homeless encampments and use the identification to obtain sex offender and warrant checks from the appropriate agency. If the warrant and sex offender check reveals that a prospective resident or existing resident is a sex offender who is required to register with police or that the prospective resident has an outstanding warrant, the encampment sponsor shall reject the prospective resident or evict the existing resident.

14. Adequate access for fire and emergency medical apparatus shall be provided.

15. Adequate separation between tents and other structures shall be to limit fire exposure and provide for emergency exiting by residents.

16. Temporary homeless encampment permits may be approved only once in a calendar year for no more than one hundred eighty consecutive days. These time limits shall apply to property where a temporary homeless encampment is permitted regardless of whether or not an encampment manager or sponsor is different. At least ninety days must elapse before a subsequent temporary homeless encampment may be located on any portion of property where a temporary homeless encampment was previously located. This provision does not preclude an encampment manager or sponsor from applying for a permit at a different encampment site more than one thousand feet from the previous location.

15.130.040 - Hardship exception.

An encampment host, encampment sponsor, or encampment manager may petition the director for an exception from any of the specific use requirements of Section 15.130.030 or other condition imposed by the director upon grounds of hardship. In considering whether a hardship exception should be granted, the director may consider whether the provision or provisions at issue substantially burden the siting or hosting of a temporary homeless encampment at a particular location or by a particular encampment host, encampment sponsor, or encampment manager, the effects on health and safety of residents and the community should the exception be granted, and whether a less restrictive, alternative means to achieve the health and safety objectives is proposed and/or is reasonably available.

15.130.050 - Decision criteria.

The director may approve or approve with modifications an application for a temporary encampment permit if:

- A. The temporary homeless encampment complies with the use requirements set out in Section 15.130.030 and other applicable requirements of this chapter; and
- B. The temporary homeless encampment will not be materially detrimental to the public health, safety or welfare of the temporary homeless encampment residents or the surrounding community; and
- C. The imposition of a condition under which the city reserves the right to impose additional conditions or to reconsider the temporary homeless encampment permit within a certain time frame from approval date, based on substantiated complaints filed with the city.

15.130.060 - Revocation of permit.

The director may revoke a temporary homeless encampment permit for violation of any of the requirements of this chapter. If the encampment host, encampment sponsor, or encampment

manager fails to take action against a resident who violates the terms and conditions of the temporary homeless encampment permit, the director may revoke the permit. If the city learns of uncontrolled violence or acts of violence by residents of the encampment and the encampment host, encampment sponsor, or encampment manager has not adequately addressed the situation, the director may revoke the permit.

A decision of the director to revoke a temporary homeless encampment permit is an administrative decision processed in the same manner as a Type II temporary homeless encampment permit decision that may be appealed to the hearing examiner for final determination provided in Chapter 15.09. The decision of the director to revoke a temporary homeless encampment permit shall be stayed during any appeal to the hearing examiner, but the stay will be lifted if the hearing examiner upholds the revocation. Decisions of the hearing examiner on a temporary homeless encampment permit revocation may be appealed to the King County superior court as provided in Chapter 36.70 RCW.

15.130.070 - Limited homeless encampment (safe parking) accommodations.

A. Purpose. The purpose of this section is to provide homeless individuals with vehicles a place to temporarily park overnight to assist in transition to permanent housing.

B. There is no permit, or permit fees, for safe parking accommodations. Safe parking accommodations are an allowed outright use, but are required to comply with the following:

1. The safe parking host, manager or sponsor must provide notice of the safe parking accommodations as required in subsection C of this section.

2. Vehicles that individuals park and sleep within as means of shelter are limited to one vehicle per every ten on-site parking spaces in a parking lot located on property owned or controlled by a religious organization.

- a. Parking must continue to abide by existing on-site parking minimum requirements so that the provision of safe parking spaces does not reduce the total number of available parking spaces below the minimum number of spaces required by the city. However, the city may enter into a memorandum of understanding with a safe parking host that reduces the minimum number of on-site parking spaces required.

3. Restroom access must be provided either within the buildings on the property or through use of portable facilities.

4. Access to a hand washing station and trash facilities shall be provided on the site during hours vehicles are allowed to remain.

5. The safe parking host shall provide immediate cleanup of any litter, wastewater, sewage, or waste material discharge onto or deposited upon the surface

of the ground or parking area, whether as a result of leaks from plumbing fixtures, wastewater, sewage, or waste.

6. The safe parking host shall comply and enforce compliance of applicable state statutes and regulations and local ordinances concerning, but not limited to, drinking water connections, solid waste disposal, human waste, outdoor fire or burning, and electrical systems.

7. Safe parking accommodations can be located on a site for no more than a total of one hundred eighty days during any calendar year.

8. Safe parking host shall ensure that there is adequate noise dampening around the safe parking accommodations or shall ensure that no motors, generators, or other mechanical sounds occur during the hours of ten p.m. to seven a.m. so as to lessen the impact on surrounding neighborhoods.

C. Prior to the opening of safe parking accommodations the safe parking host shall put on a meeting open to the public for the purpose of providing a forum for discussion of related neighborhood concerns unless the use is in response to a declared emergency.

1. Public Meeting Required. The encampment host, manager and sponsor shall hold an informational public meeting. The public meeting shall be held as soon as practicable before the property begins accommodating safe parking. Notice of the public meeting shall be mailed to those property owners identified within subsection (C)(2) of this section.

2. Additional Mailed Notice. The safe parking host shall ensure that notice of the proposed safe parking accommodations and public meeting is mailed to all property owners within one thousand feet of the proposed accommodations.

3. Prior to the opening of the safe parking accommodations the safe parking host shall complete a form provided by the city and shall provide the following information to the city. This information is required as it will allow the city to provide accurate information to the public regarding the safe parking accommodations.

a. The name, telephone number, and email address (if applicable) of at least two individuals responsible for receiving, responding, and resolving all complaints/concerns about the safe parking accommodations.

b. Dates that the limited safe parking accommodations will be located on a property.

c. The items listed in Sections 15.130.020(C)(8) and 15.130.030(A)(10).

Section Two. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances is not affected.

Section Three. Authority to Make Necessary Corrections. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's clerical errors, references, ordinance numbers, section/subsection numbers, and any references thereto.

Section Four. Effective Date. This Ordinance shall be in full force and effect five days after publication.

ADOPTED by the City Council and **APPROVED** by the Mayor this ____ day of _____, _____.

CITY OF CARNATION

By _____
Jim Ribail, Mayor

ATTEST:

By _____
Lora Wilmes, City Clerk

APPROVED AS TO FORM:

By _____
Nikki Thompson, City Attorney

Chapter 15.98 WIRELESS COMMUNICATIONS FACILITIES

15.98.010 Purposes/goals.

A. The purposes of this chapter ~~is~~ are to:

1. ~~Establish~~ appropriate locations, site development standards, and permit requirements to allow wireless communications facilities within the city, in a manner which provides for locations and options for wireless communication providers while minimizing ~~the unsightly characteristics~~ visual impacts associated with wireless communications facilities and to encourage creative approaches in locating wireless communications facilities which will blend in with the surroundings of such facilities.
- ~~2.~~ Comply with the requirements of the Telecommunications Act of 1996. The requirements of this Chapter shall not be interpreted to prohibit personal wireless services and shall not unreasonably discriminate between providers of functionally equivalent personal wireless services, per the Telecommunications Act of 1996.

~~A.~~ B. The goals of this chapter are to: (1) encourage the location of towers in non-residential areas and minimize the total number of towers throughout the community; (2) encourage strongly the joint use of new and existing tower sites; (3) encourage users of towers and antennas to locate them, to the extent possible, in areas where the ~~adverse~~ visual impact on the community is minimal; (4) encourage users of towers and antennas to configure them in a way that minimizes the ~~adverse~~ visual impact of the towers and antennas; and (5) enhance the ability of the providers of telecommunications services to provide such services to the community effectively, efficiently, and in a timely manner.

(Ord. 560 § 1 (part), 1997)

15.98.020 Definitions.

"Amateur Radio" means a device that picks up or sends out radio frequency energy used for purposes of private recreation, non-commercial exchange of messages, wireless experimentation, self-training, and emergency communication. The term "amateur" is used to specify persons interested in radio technique solely with a personal aim and without pecuniary interest, and to differentiate it from commercial broadcasting, public safety (such as police and fire), or professional two-way radio services (such as maritime, aviation, taxis, etc.).

"Antenna~~array~~" means any system of pole, panel, rods, reflecting discs or similar devices used for the transmission or reception of radio frequency signals. Antennas include the following types, but are not limited to:

1. Omni-directional (also known as "whip") antenna: receives and/or transmits radio frequency signals in a three-hundred-sixty-degree radio pattern, and which is up to fifteen feet in height and up to four inches in diameter.
2. Directional (also known as "panel") antenna: receives and/or transmits radio frequency signals in a directional pattern typically encompassing an arc of one hundred twenty degrees.
3. Parabolic (also known as a "dish") antenna: a ~~bowl-shaped~~ bowl-shaped device for the reception and/or transmission of radio frequency communication signals in a specific pattern.

4. Ancillary antenna: an antenna that is less than twelve inches in its largest dimension that is not directly used to provide personal wireless communication services. Such antennas would include global positioning satellite (GPS) antennas.
5. Other: All other transmitting and receiving equipment not specifically described herein shall be regulated in conformity with the type of antenna described herein which most closely resembles such equipment.

"Antenna Array" means a single or group of antenna elements and associated mounting hardware, feed lines, or other appurtenances that may share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

"Base Station" means a structure or equipment at a fixed location that enables Federal Communications Commission (FCC) -licensed or authorized wireless communications between user equipment and a communications network. This term does not include towers (as separately defined herein) or structures associated with towers. Base Station includes:

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

2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small cell networks).

3. 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 subparagraph (1) and (2) above 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 subparagraph (1) and (2) above.

"Collocation/site sharing" means use of a common WCF or common site by two or more wire-less license holders or by one wireless license holder for more than one type of communications technology and/or placement of a WCF on a structure owned or operated by a utility or other public entity.

"Eligible Facilities Request" as defined by Section 6409(a) of the Spectrum Act, is a request for any modifications to an existing tower or base station that does not substantially change the physical dimensions of such tower or base station involving: (i) Collocation of new transmission equipment; (ii) Removal of transmission equipment; or (iii) Replacement of transmission equipment.

"Equipment Cabinet" means a mounted case with a hinged door used to house equipment for utility or service providers.

"Equipment enclosure" means a small structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communications signals. Associated equipment may include air conditioning and emergency generators.

"FAA" means the Federal Aviation Administration, which provides regulations for the siting, building, marketing and lighting of cellular transmission antennas in the vicinity of airports and/or flight paths.

"FCC" means the Federal Communications Commission. The FCC has the power to regulate interstate and foreign communications by radio, television, wire, satellite and cable.

"Height" when referring to a WCF height means the distance measured from ground level to the highest point of any and all antennae on the WCF.

"Microcell" means a wireless communication facility consisting of an antenna that is either: (1) Four feet in height and with an area of not more than five hundred eighty square inches; or (2) a tubular antenna, no more than four inches in diameter and no more than six feet in length.

"Personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.

"Personal wireless service facilities" means facilities for the provision of personal wireless services.

"Pole Extender" means a device that extends a utility pole or similar structure, the material of such structure being wood, composite, or otherwise, to the maximum height as permitted under this Title, without requiring the entire structure to be replaced, such that a small cell wireless facility may be located at the top of said structure and meet any required clearances as dictated by the structure owner.

"Related equipment" means all equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable, conduits and connections.

"Setbacks" regarding a support structure means the required distance from the support structure to the property line of the parcel on which the WCF is located.

"Service Provider" means every corporation, company, association, joint stock association, firm, partnership, person, city, or town owning, operating, or managing any facilities used to provide and providing telecommunications or cable television service for hire, sale, or resale to the general public, per RCW 35.99.010(6).

"Small Cell Facility" means a personal wireless services facility that meets both of the following qualifications:

1. Each antenna is located inside an antenna enclosure of no more than three cubic feet in volume. If the antenna has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of no more than three cubic feet; and
2. Primary equipment enclosures are no larger than seventeen cubic feet in volume. The following associated equipment may be located outside the primary equipment enclosure, and if so, are not included in the calculation of equipment volume: electric meter, concealment, telecomm demarcation box, ground-based enclosures, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

"Small Cell Network" means a collection of interrelated small cell facilities designed to deliver personal wireless services.

"SEPA" means State Environmental Policy Act.

"Support structures" means structures to which antennas and other necessary associated hardware is mounted. Support structures include, but are not limited to transmission towers, utility poles, and non-residential buildings.

"Transmission tower" means a freestanding structure, other than a building, on which communication devices are mounted. Transmission towers may serve either as a major or minor communications facility. Transmission towers include, but are not limited to the following support structures: ~~1. Guyed tower: a support structure which is usually more than one hundred feet tall, and consists of metal crossed strips or bars and is steadied by wire guys in a radial pattern around the tower.~~

- ~~1. Lattice tower: a support structure that consists of crossed metal braces, forming a tower that is usually triangular or square in cross-section.~~
- 1.
2. ~~3. Monopole: a support structure that consists of a single pole sunk into the ground and/or attached to a foundation.~~

~~"Wireless communications services" means any personal wireless services as defined in the Federal Telecommunications Act of 1996 which includes FCC-licensed commercial wireless communications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar services that currently exist or that may in the future be developed.~~

"WAC" means Washington Administrative Code.

"Wireless communication facility (WCF)" means an unstaffed facility for the transmission and reception of low-power radio and/or microwave signals providing wireless communications services consisting of an equipment shelter or cabinet, a support structure, antennas, and security barriers. WCFs can be divided into two categories:

1. Attached wireless communication facility (attached WCF): an antenna array that is attached to an existing building or structure (attached structure), which structures shall include but not be limited to utility poles, water towers, with any accompanying pole or device which attaches the antenna array to the existing building or structure and associated connection cables, and an equipment facility which may be located either inside or outside of the attached structure.
2. Freestanding wireless communication facilities with support structures: such as an antenna array that may include a monopole, or lattice tower, or guyed tower.

~~"Wireless communications services" means any personal wireless services as defined in the Federal Telecommunications Act of 1996 which includes FCC-licensed commercial wireless communications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar services that currently exist or that may in the future be developed.~~

(Ord. 560 § 1 (part), 1997)

15.98.030 Exemptions and applicability.

- A. Pre-Existing WCFs. WCFs for which a permit has been issued prior to the effective date of the ordinance codified in this chapter shall not be required to meet the requirements of this chapter as further specified in this chapter.
- B. Exclusion of Amateur Radio Facilities. This chapter shall not govern the installation of any amateur radio facility that is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receiving only antenna(e).
- C. Exclusion of Small Satellite Dishes. This chapter shall not govern the installation of small satellite dishes (i.e., one meter or less in any land use category and two meters or less in any industrial or commercial zoning districts).

~~D.~~ SEPA Exemptions. In accordance with Washington State Enrolled Substitute House Bill 2828 Washington Administrative Code (WAC) 197-11-800, Categorical Exemptions, the following facilities will not require an environmental analysis SEPA environmental review:

~~E.D. 1. A microcell to be attached to an existing structure that does not include a residence or a school; and~~

1. ~~2. Personal wireless service antenna(e) attached to an existing structure which is not a residence or school within commercial, industrial, forest, and agricultural zoning districts (including existing towers); The collocation of new equipment, removal of equipment, or replacement of existing equipment on existing or replacement structures that does not substantially change the physical dimensions of such structures; or~~
2. A personal wireless service tower less than sixty feet in height located in a commercial, industrial, manufacturing, forest, ~~and or~~ agricultural zoning districts.

3. Relationship to Other Ordinances. The ordinance codified in this chapter supersedes all conflicting requirements of other codes and ordinances regarding the locating and permitting of WCFs.

(Ord. 560 § 1 (part), 1997)

15.98.040 Permits required.

- A. Building Permits. A building permit is required for all telecommunication facilities unless specifically exempted within Section 15.98.030.
- B. Conditional Use Permit. A conditional use permit is required for any wireless communications facility including but not limited to freestanding facilities, those facilities that collocate on an existing relay tower where adequate provisions for antenna(e) and ground-mounted equipment exist. This requirement also applies to all WCF attached to existing structures such as utility poles, buildings, water towers, etc. Small cell facilities are exempt from this requirement.
- C. Eligible Facilities Request. Required for requests for any modifications to an existing tower or base station that does not substantially change the physical dimensions of such tower or base station involving: (i) Collocation of new transmission equipment; (ii) Removal of transmission equipment; or (iii) Replacement of transmission equipment.
1. A substantial change is any change that:
 - a. Exceeds height limit increases or the number of associated equipment cabinets;
 - b. Involves off-site excavation or deployment;
 - c. Defeats the concealment elements previously provided for the existing structure; or
 - d. Violates any conditions previously imposed on the original project.

(Ord. 560 § 1 (part), 1997)

15.98.050 General siting criteria.

- A. Siting criteria for WCFs is necessary to encourage the siting of those facilities in locations most appropriate based on land use compatibility, neighborhood characteristics, and aesthetic considerations. No general siting criteria are necessary for small satellite dishes or amateur radio towers because these facilities are allowed within all zoning districts. - Small cell facilities are subject to specific siting criteria set forth in CMC 15.98.060.
- B. Generally, collocating on existing WCF towers is encouraged by fewer standards and less complex permit procedures. Further, attachment of antenna(e) to existing non-residential structures and buildings primarily within light industrial and commercial zoning districts is preferable to new WCF support structures. The city may request feasibility studies which demonstrate that locations on existing structures have been explored as the preferred siting alternative. Small cell facilities are subject to specific collocation requirements set forth in CMC 15.98.060.

(Ord. 560 § 1 (part), 1997)

15.98.060 Permitted locations.

- A. Attached WCFs may be mounted on all currently existing non-residential buildings except as follows:

1. Any building which is an accessory structure to a residence;
 2. Buildings that would be visually dominated by the WCF;
 3. Within five hundred feet of any school.
- B. Attached WCFs mounted on existing non-residential buildings must meet the following conditions and criteria:
1. A WCF may consist of one of the following:
 - a. Up to four nonreflective panel antennas or up to nine nonreflective panel antennas if the applicant demonstrates necessity to the satisfaction of the city. No one antenna shall exceed four hundred eighty square inches and the total of the combined antennas shall not exceed one thousand four hundred square inches of surface area; or
 - b. Up to three whip antennas; or
 - c. One nonreflective parabolic dish one foot or less in diameter.
 - d. In the event of collocation, more than one of the facilities described above may be included.
 2. The antennas must conform to the following height restrictions relating to the existing building:
 - a. Five feet measured to the top of a panel antenna above the roof proper of the existing building at the point of attachment;
 - b. Ten feet measured to the tip of the whip antenna above the roof proper of the existing building at the point of attachment;
 - c. Five feet measured to the top of a parabolic dish antenna above the roof proper of the existing building at the point of attachment.
 2. Whip antennas shall be camouflaged and located to minimize views from residential structures and public rights-of-way.
 3. Panel and parabolic antennas shall be completely screened from residential views and public rights-of-way in a manner that is architecturally compatible with the building on which it is located.
 4. Equipment enclosures shall be located within the building in which the facility is placed or located underground if site conditions permit. Otherwise, equipment enclosures shall be screened from view by compatible wall, fences or landscaping.
 5. For small cell facilities, primary equipment enclosures shall be no larger than seventeen cubic feet in volume. Associated equipment located outside of the enclosure is not included in the calculation of equipment volume. Associated equipment permitted outside of the enclosure includes:
 - a. Electric meter
 - b. Concealment
 - c. Telecomm demarcation box
 - d. Ground-based enclosures
 - e. Battery back-up power systems
 - f. Grounding equipment
 - a-g. Power transfer switch
 - b-h. Cut-off switch

6. Equipment enclosures for small cell facilities shall be the smallest amount necessary. Disconnect switches are permitted to be located outside of the primary equipment enclosure.

~~C. WCFs requiring new construction of a support structure may be located on public properties in the R-A zone except for:~~

~~D. All city parks.~~

~~E. Schools.~~

~~F. All city rights-of-way.~~

G.C. WCFs requiring construction of a new support structure must be located on a portion of the site that is effectively isolated from view of residential areas by structures or terrain features unless the WCF is integrated or acts as an architectural element of the structure, such as a flag pole.

~~A. WCFs requiring construction of a new support structure are not allowed on residentially zoned or used properties, except for municipally-owned properties in the R-A zone.~~

(Ord. 560 § 1 (part), 1997)

15.98.070 General site development standards.

A. The following standards shall be applied to all wireless equipment, such as antenna(e) and equipment shelters, but does not include equipment for small cell facilities.

1. No wireless equipment reviewed under this section shall be located within required building setback areas;
2. The combined antenna(e) and supporting structure shall not exceed more than ten ~~(10)~~ feet above the existing or proposed support structure (i.e., existing tower or building);
3. No wireless equipment shall be used for the purpose of signage or message display of any kind;
4. Location of wireless communication antenna(e) on existing buildings shall be screened or camouflaged to the greatest practical extent possible to achieve a less obtrusive form by the use of compatible materials, location, color, vegetative screening, reflective concealment and/or other stealth tactics to maximize compatibility of the antenna(e) with its support structure;

- a. A Type F landscape screen, as defined in CMC 15.76.030, may be utilized to achieve camouflaging.

4-5. 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 equipment and structures as practicable from any street and from the yards and main floor living areas of residential properties within approximately five hundred feet. Screening may be located anywhere between the base and the above-mentioned viewpoints. All screening shall be reviewed and approved by the city planner - Planning Board as part of the Telecommunications facility permit process. In addition, these standards shall be observed:

5-6. Equipment enclosures shall conform to the following:

- b. Equipment enclosures shall be placed underground if site conditions permit and if technically feasible;
- c. Equipment enclosures shall be screened from view except as provided for in (c) below;
- d. Walk-in equipment enclosures:

- i. May not be constructed with exposed metal surfaces;
- ii. May not be required to be completely screened from view provided the ~~city planner~~planning board finds that the walk-in equipment enclosure has been designed using materials, colors, and detailing that produces a structure that emulates the residential character of the city;

~~6-7.~~ Security fencing, when used, shall conform to the following:

- a. No fence shall exceed six feet in height;
- b. Security fencing shall be effectively screened from view through the use of appropriate landscaping materials consistent with city landscaping standards.
- c. Chain-link fences shall be painted or coated with a nonreflective color.

(Ord. 560 § 1 (part), 1997)

15.98.080 Development standards for small cell facilities.

- A. Applicability: Small cell/distributed antenna systems include microcells, small cell facilities, and small cell networks, as defined in CMC 15.98.020, Definitions.
- B. No small cell facility equipment reviewed under this section shall be located within required building setback areas;
- C. No small cell facility equipment shall be used for the purpose of signage or message display of any kind and shall not include illumination;
- D. Preferred Concealment Technique
 - 1. Small cell facilities not in compliance with the preferred concealment technique are subject to a Concealment Element Plan, per CMC 15.98.080.F.
 - 2. Antenna(e) and equipment on existing buildings shall:
 - a. Be screened or camouflaged to the greatest practical extent possible to achieve a less obtrusive form by the use of compatible materials, location, color, vegetation screening, reflective concealment, and/or other stealth tactics to maximize compatibility of the antenna(e) with its support structure;
 - i. A Type F landscape screen, as defined in CMC 15.76.040, may be utilized to achieve camouflaging.
 - b. Utilize a symmetrical design for all facade mounted antennas and subsequent deployments when placed on the structure's exterior with any existing small cell facilities on the same side of the structure.
 - c. Be flush mounted and mimic the color and materials of the facade which they are mounted.
 - d. Not project above the facade wall on which they are mounted.
 - e. Utilize the smallest necessary mounting brackets to provide minimal offset from the building.
 - f. Sides and bottoms of mounting hardware for antennas shall be concealed to minimize the visual impact of the antennas. Exposed conduit, cabling and wiring is prohibited.
 - g. Have permission from the owner of the existing building to install facilities on such building.
 - 3. Antenna(e) and equipment on existing utility poles/street light poles shall:

- a. Comply with applicable height restrictions for poles and other structures proposed to be utilized.
 - b. If replacement poles are required, they shall utilize compatible materials, location, color, reflective concealment, and/or other stealth tactics to maximize compatibility of the antenna(e) with the original or adjacent poles;
 - c. Be fully concealed within the pole or camouflaged to the greatest practical extent possible to achieve a less obtrusive form, through methods such as the use of vegetative screening or painting.
- 4. Antenna(e) and equipment on new poles shall:
 - a. Small cell facilities requiring new construction of a support structure shall not be located outside of the public right-of-way or in or on a building (including roof or panel-mounting or a separate structure).
 - b. Include a Concealment Element Plan
- 5. Antenna(e) and equipment on existing projecting or marquee signs shall:
 - a. Be subject to sign regulations of CMC 15.68, Signs and Fences.
 - b. Require a sign permit unless the small cell facility is located entirely within the existing sign.
- 6. Antenna(e) and equipment on existing parking lot lighting shall:
 - a. Be subject to lighting regulations of CMC 15.60.300, Lighting Requirements.
 - b. For small cell facilities, an antenna proposed to be located within an enclosure shall be located in an enclosure of no more than three cubic feet in volume. No more than four antennas are permitted on a single pole and with a total volume not to exceed twelve cubic feet.
- E. Federal Regulatory Requirements:
 - 1. Small cell facilities shall be subject to the requirements of this code to the extent that such requirements:
 - a. Do not unreasonably discriminate among providers of functionally equivalent services; and
 - b. Do not have the effect of prohibiting personal wireless services within the city.
 - 2. Small cell facilities installed pursuant to the preferred concealment techniques, or a Concealment Element Plan, may not be expanded pursuant to an eligible facilities request.
- F. Concealment Element Plan:
 - 1. A Concealment Element Plan is required for proposed small cell facilities installations which do not conform to a preferred concealment technique in CMC 15.98.080.D. The plan shall include the proposed screening or fencing design for the base station, tower, pole, or equipment structure, and all related transmission equipment or facilities associated with the proposed small cell facility.
 - 2. A Concealment Element Plan seeks to minimize the visual obtrusiveness of installations through methods such as integrating compatible architectural features, building design, and similar material, color and texture, or the appearance thereof, to the surface which the installation will be seen or installed on.
 - 3. Other concealment element approaches may be considered to conceal ground level equipment, such as the use of street furniture (trash cans, benches or other compatible enclosures) or concealment support (trees, signage, art, clocktower, etc.).

4. Proposed collocation that is not classified as a major alteration and is not in compliance with a preferred concealment technique is required to provide a concealment element plan subject to administrative review. The proposal shall demonstrate that the collocation does not defeat the concealment features originally approved as part of the initial installation at that location.

15.98.080-090 Development standards for freestanding WCF with support structures.

- A. Placement of a freestanding WCF shall be denied if placement of the antenna(e) on an existing structure can accommodate the operator's communication needs, except when the freestanding WCF is for a support structure for a small cell facility. The collocation of a proposed antenna(e) in an existing support structure shall be explored and documented by the operator in order to show that reasonable efforts were made to identify alternative locations.
- B. The applicant shall demonstrate that the proposal location was selected pursuant to the siting criteria established in this chapter. WCF support structures shall be denied if an alternative placement of the antenna(e) on a building or other existing structure can accommodate the communication needs, except when the support structure is for a small cell facility. Applicants shall be required to provide documentation that reasonable efforts to identify alternative locations were made.
- C. Owners and operators of a proposed support structure shall provide information regarding the opportunity for the collocation of other antenna(e) and related equipment. If feasible, provisions for future collocation may be required.
- D. WCF support structures reviewed under this section shall not be located within any required building setback areas.
- E. To the extent possible and in compliance with FAA safety regulations, specific colors of paint may be required to allow the support structure to blend better with its setting.
- F. The highest point of a freestanding support structure, including the antenna(e), shall be a maximum of one hundred fifty feet above the finished grade within the R-A zone on municipally-owned properties.
- G. Support structures shall meet the setback requirements of the underlying zoning district as established in this title.
- H. A landscaping plan is required for all new freestanding wireless communication facilities with support structure. The plan shall meet the criteria established in this title and approved by the city planner~~planning board~~.
- I. A Washington-licensed professional engineer shall certify in writing, over his or her seal, that both the construction plans and final construction of the support structures are designed to reasonably withstand wind and seismic loads established in the Uniform Building Code and this code.
- J. All WCF support structures shall be removed by the facility owner within ninety days 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.
- K. The city prohibits the construction of freestanding guyed wire towers within all zoning districts.
- L. Lattice towers may be permitted in non-residentially zoned or used properties provided all other types of WCF options have been reviewed and exhausted.

(Ord. 560 § 1 (part), 1997)

15.98.~~090-100~~ Noise.

No equipment shall be operated so as to produce noise levels above forty-five dB as measured from the nearest property line on which the WCF is located.

(Ord. 560 § 1 (part), 1997)

15.98.~~100-110~~ Collocation.

- A. A permittee shall cooperate with other WCF providers in collocating additional antennas on support structures and/or on existing buildings provided the proposed collocators have received a conditional use permit for such use at the site from the city. A permittee shall exercise good faith in collocating with other providers and sharing the permitted site, provided such shared use does not give rise to a substantial technical level impairment of the ability to provide the permitted use (i.e., a significant interference in broadcast or reception capabilities as opposed to a competitive conflict or financial burden). Such good faith shall include sharing technical information to evaluate the feasibility of collocation. In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the city may require a third party technical study at the expense of either or both the applicant and permittee.
- B. All applicants shall demonstrate reasonable efforts in developing a collocation alternative for their proposal.
- C. Failure to comply with the collocation requirements of this section may result in the denial of a permit request or revocation of an existing permit.

~~C.D.~~ For small cell facilities, collocation shall be prohibited on wooden utility poles. Each wooden utility pole shall not contain more than one small cell facility.

(Ord. 560 § 1 (part), 1997)

15.98.~~110-120~~ Permitted height.

- ~~A. Freestanding WCFs may exceed by ten feet, including the height of the attached antenna(e), the R-A zone's height limit as specified in the table of development standards.~~
- ~~A. A height variance may be requested. Small cell facilities shall comply with height requirements applicable to poles and structures proposed to be utilized.~~
- ~~B. The height for small cell facilities may be increased through a variance request up to the minimum additional height needed to allow sufficient space for the required clearance from electrical utility wires when required to accommodate antennae at the top of a pole or a pole extender, which shall be no greater than six feet tall.~~

(Ord. 560 § 1 (part), 1997)

15.98.~~120-130~~ WCF Application submittal requirements.

In addition to the information requested in the conditional use permit application of Section 15.16-0408.020 of this code, the following items shall be required for a WCF application:

- A. A site plan which shows existing and proposed transmission structures, warning signs, fencing and access restrictions;
- B. A diagram or map showing the visual impact of the proposed structure on that area within a minimum radius of five hundred feet from the site;

- C. A map showing the service area of the proposed WCF and an explanation of the need for that facility at the proposed site. The explanation shall also include technological evidence that the height of the proposed facility is the minimum height necessary to fulfill the WCF's function.
- D. A site/landscaping plan showing the specific placement of the WCF on the site; showing the location of existing structures, trees, and other significant site features; and indicating type and locations of plant materials used to screen WCF components and the proposed color(s) for the WCF.
- E. Photo simulations of the proposed facility from ~~effected~~ affected residential properties and public rights-of-way at varying distances.
- F. A signed statement indicating:
 - 1. The telecommunications company holds a valid license as required by state and federal law;
 - 2. The applicant agrees to allow for the potential collocation of additional WCF equipment by other providers on the applicant's structure or within the same site location;
 - 3. That the applicant agrees to remove the facility within ninety days after that site's use is discontinued;
 - 4. A notarized signed affidavit by the property owner, if different from the facility owner, that the facility owner has a legal lease agreement, or option to lease agreement, or grant easement;
 - 5. Proof in the lease agreement with the property owner that:
 - a. Allows the landholder to enter into leases with other providers; and
 - b. Specifies that if the provider fails to remove the facility upon ninety days of its discontinued use, the responsibility for removal falls upon the landholder.
- G. The permit fee for each new conditional use permit for each site shall be the city's fee for a conditional use permit, plus all consulting costs. The permit fee shall be reduced to fifty percent of the conditional use permit fee, plus consulting costs for an applicant who is collocating at the site of an existing provider and does not require any additional support structure or expansion of an existing support structure.
- H. All applicants to the city with WCF facility proposals shall provide a complete non-ionizing electromagnetic radiation analysis (NIER) with each application.

(Ord. 560 § 1 (part), 1997)

15.98.140 Completeness Review.

An application shall be reviewed for completeness and the applicant shall be notified consistent with federal and state law. An applicant may resubmit an incomplete application within sixty days of Notice of Incomplete. Failure to resubmit an application within the sixty-day period shall be deemed a withdrawal of that application. No application shall be deemed complete without the appropriate fees or deposit set by the city planner.

15.98.150 Small Cell Facility Application Submittal Requirements.

A. Building permit application.

B. A map showing the geographic boundaries for the small cell facility.

C. Applicant may specify up to five sites for deployment per application, if all proposed small cell facilities are subject to the same process type, utilize the same concealment technique, and are located on the same type of facility, and within either the public right-of-way or upon private property.

- D. A diagram or map showing the visual impact of the proposed structure on that area within a minimum radius of five hundred feet from the site.
- E. Photo simulations of the proposed facility from affected residential properties and public rights-of-way at varying distances.
- F. A site/landscaping plan showing the specific placement of the WCF on the site; showing the location of existing structures, trees, and other significant site features; and indicating type and locations of plant materials used to screen WCF components and the proposed color(s) for the WCF.
- G. A site plan which shows existing and proposed structures on which small cell facilities are to be located. Necessary conduit and/or ground-mounted equipment intended for use shall also be specified regardless of whether the additional facilities are to be constructed by the applicant or leased from a third party.
- H. Provide designation of any element of a deployment which qualifies as an eligible facilities request. Such element may be addressed separately by the Administrator in order to comply with the requirements of Wireless Communication Facilities set forth in CMC 15.98.120.
- I. Written authorization from the owner of the pole or structure that the small cell facility is proposed to be installed on.
1. For city-owned poles or structures, a copy of a lease agreement from the city is required to be provided by the applicant.
- J. For small cell facilities proposed to be located on or over the public right-of-way:
1. Where an existing franchise agreement has not been authorized, a copy of a city-issued Right-of-Way Use Permit is required.
2. A traffic control plan is required.
- K. SEPA Environmental Checklist, if not SEPA exempt per WAC 197-11-800.
- L. Sworn affidavit signed by a radio frequency (RF) engineer with knowledge of the proposal affirming project compliance with all FCC and other applicable governmental regulations in connection with human exposure to radio frequency emissions for every frequency at which the small cell facility will operate. If additional transmission facilities necessary to the small cell facility, such as microwave backhaul, are to be provided by a third party, then the small cell permit shall be conditioned on an RF certification showing the cumulative impact of the RF emissions of the entire installation. The applicant may provide one emissions report for the entire small cell deployment if the applicant is using the same small cell facility configuration for all installations within that batch or may submit one emissions report for each subgroup installation identified in the batch.
- M. Proof of FCC and other applicable regulatory approvals required to provide the proposed service(s) or to utilize the proposed technologies.
- N. A signed statement indicating:
1. The telecommunications company holds a valid license as required by state and federal law;
2. The applicant agrees to allow for the potential collocation of additional WCF equipment by other providers on the applicant's structure or within the same site location;
3. That the applicant agrees to remove the facility within ninety days after that site's use is discontinued;
4. A notarized signed affidavit by the property owner, if different from the facility owner, that the facility owner has a legal lease agreement, or option to lease agreement, or grant easement;
5. Proof in the lease agreement with the property owner that:

a. Allows the landholder to enter into leases with other providers; and

b. Specifies that if the provider fails to remove the facility upon ninety days of its discontinued use, the responsibility for removal falls upon the landholder.

O. A professional engineer licensed by the State of Washington shall certify in writing, over his or her seal, that both construction plans and final construction of the Small Cell facilities and the antenna support structure or pole and foundation are designed to reasonably withstand wind and seismic loads.

15.98.~~130-160~~ Radio frequency standards.

A. The applicant shall comply with federal standards for radio frequency emissions. Within six months after issuance of its operational permit, the applicant shall submit a report which provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject site and demonstrates compliance with established Federal standards; in particular, adherence to FCC OET Bulletin #65—RF Exposure Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields. If on review, the city finds that the WCF does not meet federal standards, the city may revoke or modify the conditional use permit.

B. The applicant shall ensure that the WCF will not cause localized interference with the reception of area television or radio broadcasts. If, on review, the city or Federal Communications Commission finds that the WCF interferes with such reception, and if such interference is not cured within sixty days, the city may revoke or modify the conditional use permit.

C. Small cell facilities that have been certified as compliant with all FCC and other government regulations regarding the human exposure to radio frequency emissions will not be denied on the basis of radio frequency (RF) radiation concerns.

(Ord. 560 § 1 (part), 1997)

15.98.~~140-170~~ Technological change and periodic review.

The city recognizes that WCFs and communication technologies in general are currently subject to rapid change. Innovations in such things as switching hardware and software, transmission/receiving equipment, communication protocols, and development hybrid cable/wireless systems may result in reducing the impacts of individual facilities and to render specific portions of this ordinance obsolete. Therefore, the city shall review this ordinance at least once every five years or upon the request of the city council, city manager, or city plannerplanning board.

(Amended during 2001 codification; Ord. 560 § 1 (part), 1997)

15.98.~~150-180~~ Other application and conditional use permit criteria.

A. Federal Telecommunications Act 1996 and Washington State ESHB 2828 Preemptions. In any proceeding regarding the issuance of a conditional use permit under the terms of this chapter, federal law prohibits consideration of environmental effects of radio frequency emissions to the extent that the proposed facilities comply with the Federal Communications Commission regulations concerning such emissions.

~~B. Additionally, ESHB 2828 exempts microcell telecommunication facilities from the State Environmental Policy Act review process.~~

(Ord. 560 § 1 (part), 1997)

15.98.160-190 Permit limitations.

- A. The conditional use permit shall become null and void if the permitted facility is not constructed and placed in use within one year of the date of the city's approval, provided that the conditional use permit may be extended one time for six months if construction has commenced before expiration of the initial year upon payment of an extension fee of one-half of the conditional use permit fee.
- B. The permittee, its operator, agent, affiliate, assigns or successors of a WCF shall and does, upon approval of this conditional use permit, agree to indemnify, protect, defend and hold harmless the city, its council members, planning board members, officers, employees, agents and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney fees (collectively "liabilities") incurred by the city arising, directly or indirectly, from: (1) city's approval and issuance of this conditional use permit; (2) city's approval and issuance of any permit or action, whether discretionary or nondiscretionary, in connection with the use contemplated herein; and (3) the installation and operation of the facility permitted hereby, including, without limitation, any and all liabilities arising from the emission by the facility of electromagnetic fields or other energy waves or emissions. The permittee, its operator, agent, affiliate, assigns or successors' compliance with this section is an express condition of this conditional use permit, and this provision shall be binding on any and all of the permittees operators, agents, affiliates, assigns and successors.
- C. The permit shall expire and the applicant must remove the facility if the facility is not put into use within ninety days after construction, or if use is discontinued for a period in excess of ninety days. If the facility is not so removed, the city may cause the facility to be removed and all expenses of removal shall be paid by the owner of the land where the facility is located, or the permittee, its operator, agent, affiliate, assign or successor.
- D. The applicant shall maintain the WCF to standards that may be imposed by the city at the time of the granting of a permit. Such maintenance shall include, but shall not be limited to, maintenance of the paint, structural integrity, landscaping, and all issues related to the public health, safety, and welfare. If the applicant fails to maintain the facility, the city may undertake the maintenance at the expense of the applicant or terminate the permit, at its sole option.
- E. The applicant shall notify the city of all changes in ownership or operation of the facility prior to the effective date of the change.

(Ord. 560 § 1 (part), 1997)

CITY OF CARNATION

DEVELOPMENT STANDARDS FOR WIRELESS COMMUNICATIONS FACILITIES

	Residential 2.5 (R2.5)	Residential 3 (R3)	Residential 4 (R4)	Residential 6 (R6)	Residential 12 (R12)	Residential Mobile Home Park (RMHP)	Multi- Family Residential (R24)	Parks and Recreation (P/R)	Central Business District (CBD)	Mixed Use (MU)	Horticultural Commercial Zone (HC)	Agri-Tourism and Industries (AGI)	Service Commercial (SC)	Light Industrial/ Manufacturing (LI/M)	City Owned Property or Structure
Facility Type: Attached WCF	Not permitted								Non-residential: Permitted with a CUP and building permit Residential Structures: Not permitted						Permitted with a CUP and building permit ¹
Facility Type: WCF with Support Structure	Not permitted														Permitted with a <u>CUP and</u> building permit ¹
Facility Type: Small cell facilities	Not permitted								Non-residential: Permitted with a building permit Residential Structures: Not permitted						Permitted with a building permit ¹
Height	N/A								Attached WCF: 15’ above existing structure Small cell facilities: Same as attached WCF ³						Attached WCF: 15’ above existing structure WCF with Support Structure: 150’ ² Small cell facilities: Same as attached WCF ³

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	Residential 2.5 (R2.5)	Residential 3 (R3)	Residential 4 (R4)	Residential 6 (R6)	Residential 12 (R12)	Residential Mobile Home Park (RMHP)	Multi- Family Residential (R24)	Parks and Recreation (P/R)	Central Business District (CBD)	Mixed Use (MU)	Horticultural Commercial Zone (HC)	Agri-Tourism and Industries (AGI)	Service Commercial (SC)	Light Industrial/ Manufacturing (LI/M)	City Owned Property or Structure
Setbacks	N/A														Attached WCF: 25' front 20' side 25' rear WCF with Support Structure: 1 foot per each foot of tower height Small cell facilities: Same as attached WCF
Landscaping and Screening	CMC 15.76 ⁴														

¹ Only on non-residential city owned properties.

² The height for WCF's with support structures may be increased through a variance request if the applicant can provide substantial evidence that the maximum height is insufficient for a WCF to properly function at the proposed site, or the applicant is developing the structure for future co-location.

³ The height for small cell facilities may be increased through a variance request up to the minimum additional height needed to allow sufficient space for the required clearance from electrical utility wires when required to accommodate antennae at the top of a pole or a pole extender, which shall be no greater than six feet tall.

⁴ Minimum requirements. Other requirements may be imposed by the ~~planning board~~ city planner as part of the building permit/CUP process, if applicable.