ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING THE OLYMPIA MUNICIPAL CODE RELATING TO WIRELESS COMMUNICATION FACILITIES; AMENDING SECTIONS 18.02.180(A)(E)(G)(P)(R)(S)(W), 18.04.060(DD)(1)(i), 18.06.060(Z)(2)(g), 18.42.080(H), 18.44, 18.72.120(F), 18.77.010(H), TABLES 18.04, 18.06, 18.08 AND 78.01 OF THE OLYMPIA MUNICIPAL CODE.

WHEREAS, the Federal Telecommunications Act of 1996 (the "Act") was designed to remove regulatory barriers and encourage competition among all type of communications; and

WHEREAS, the Act ratifies the authority of local governments to regulate telecommunications and carriers within certain limits; and

WHEREAS, the Act authorizes the Federal Communications Commissions ("FCC") to preempt any local government regulation which prohibits, or has the effect of prohibiting the ability of any entity to provide interstate or intrastate telecommunications services; and

WHEREAS, Chapter 5 of the City of Olympia Comprehensive Plan contains policies and goals concerning Utilities, including privately-owned utilities such as electric power, natural gas, cable television, and telecommunications facilities; and

WHEREAS, Comprehensive Plan Goal U 5 encourages the City to "minimize adverse impacts of above-ground utility facilities on surrounding land uses; and

WHEREAS, Comprehensive Plan Policy U 5.1 provides that "private utility facilities should be located near compatible adjacent land uses. City regulations will specify that approval of new private utility facilities shall be reasonably compatible with the development of the surrounding property;" and

WHEREAS, Comprehensive Plan Policy U 5.2 requires the City's zoning code to "include standards that ensure that new private utility facilities shall be coordinated and integrated with surrounding land uses so as to be reasonably compatible with the natural or built environment. These regulatory standards shall encourage facility design which minimizes the visual intrusion of facilities in all areas"; and

WHEREAS, Comprehensive Plan Policy U 5.3 states that the City will "encourage telecommunication utilities to co-locate existing structures, such as existing towers and buildings, where feasible;" and

WHEREAS, Comprehensive Plan Goal U 8 calls on the City "to encourage participating in the siting decisions of utility facilities within their community;" and

WHEREAS, to implement Goal U 8, Policy U 8.1 provides that "community input, including responses from affected neighborhood groups, should be solicited prior to City or County approval of private utility facilities which may significantly impact the surrounding community; and

WHEREAS, Congress, the Federal Communications Commissions ("FCC") and the Washington State Legislature have recently amended regulations related to WCF that will require amendments to OMC; and

WHEREAS, the City of Olympia values and desires to support the presence of telecommunications services within its corporate boundaries, but believes that both Olympia citizens and telecommunication providers would be best served if new telecommunications facilities were designed and located so as to serve providers' needs while at the same time addressing health, safety and/or aesthetic concerns; and

WHEREAS, the proposed amendments set forth, in order of priority, siting criteria for the location of new wireless communication facilities; and

WHEREAS, the priority siting criteria serves several purposes, including but not limited to: (1) encouraging co-location on publicly-owned sites for which conditional use permits have already been issued for wireless communication facilities, hereby reducing the visual and other impacts from such new facilities; (2) providing sufficient sites to address wireless communication coverage needs, given that property owned by the City of Olympia is well-distributed around the City in areas in which coverage is or will be needed; (3) facilitating location of wireless communication on properties that are both already developed with existing structures (such as water towers or field light standards) that are tall enough to facilitate addition of wireless communication antennae but also have sufficient room for ground-mounted power facilities; (4) providing sites on which successful and innovative screening techniques can be demonstrates; (5) provide and additional mechanism (i.e., lease terms) by which aesthetics, co-location, and site maintenance can be addressed; and

WHEREAS, the Olympia City Council wishes to adopt the proposed amendments to address new federal and state regulations, facilitate provision of wireless communications services, address (where possible) the concerns of the public, and comply with the requirements of the federal Telecommunications Act of 1996; and

WHEREAS, ATT submitted an application to the City's Department of Community Planning and Development to amend Olympia Municipal Code (OMC) 18.44; and

WHEREAS, the staff of the City's Department of Community Planning and Development reviewed the proposed amendment, obtained input from members of the public and wireless communications company representatives, and prepared alternative draft revisions and recommended their approval; and

WHEREAS, the City of Olympia's Heritage Commission reviewed the proposed revisions to the Wireless Communication Facilities section and provided recommendations at their May 28, 2014 and developed recommended criteria at the June 25, 2014 meeting; and

WHEREAS, the Olympia Planning Commission received a briefing on April 21, 2014, conducted a public hearing on proposed amendment on September 8, 2014 and thereafter directed _____ to the proposed amendments and recommended the City Council adopt the amendments; and

WHEREAS, the Olympia City Council, on _____, 2014, in regular session, considered the record and recommendations of the City's Heritage Commission, Planning Commission; the report and recommendations of the Department of Community Planning and Development; the AT&T application for text changes to the wireless communications code; the memorandum from Chris Bacha with the law firm Kenyon Disend, PLLC, regarding the proposed amendments to the wireless communications facility code; the Federal Communications Commission's Notice of Proposed Rulemaking ("NPRM"), released

September 26, 2013, and titled, “In the Matter of Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Practices”; the comments of the National Association of Telecommunications Officers and Advisors, the National Association of Counties, the National League of Cities, and the United States Conference of Mayors; the comments filed by Best, Best & Krieger, LLPC on behalf of various cities and organizations in Virginia, Texas, Washington, Massachusetts, California, Maryland, New York, Florida; comments filed by CTIA – The Wireless Association; and other relevant authorities and filings; and

WHEREAS, the Olympia City Council received a briefing from staff, the City’s consultant, the Heritage Commission, Planning Commission and moved to adopt certain recommendations of the heritage Commission, Planning Commission and directed staff to prepare an ordinance consistent with Council direction upon the record;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

The Olympia City Council hereby approves and adopts the following amendments to the Olympia Municipal Code.

Section 1. Findings. Based upon the foregoing, the City Council finds that,

1. Title VI (Title VI - Public Safety Communications and Electromagnetic Spectrum Auction”) of the "“Middle Class Tax Relief and Job Creation Act of 2012"” (the “Act”) (PL-112-96; codified at 47 U.S.C. § 1455(a)) includes provisions at Section 6409 (hereafter “Section 6409”) affecting applications to the City of Olympia for modification of an existing wireless communication tower or base station;

2. Section 6409 provides that the City may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station, and defines eligible facilities request as, any request for modification of an existing wireless tower or base station that involves:

(A) Collocation of new transmission equipment;

(B) Removal of transmission equipment; or

(C) Replacement of transmission equipment.

3. In September of 2013 the FCC adopted and released a Notice of Proposed Rulemaking (“NPRM”) which focused in part upon whether or not the FCC should adopt rules regarding implementation of Section 6409;

4. Comments in response to the NPRM have been submitted to the FCC by both wireless communication service providers, and related special interest organizations, and by state and local governments, and related special interest organizations;

5. The City Council shares the views of other state and local governments that, although our community wants and needs robust broadband services and increasing the number of wireless communication facilities placed in the City is necessary to meet these wants and needs, the siting of wireless communications facilities is challenging and deployment of wireless facilities at all costs can trample community values and threaten public safety, and deployment must be sensible and utilize best practices;

6. The City Council encourages the collation of antennas upon antenna support structures, ROW attached structures, building and other structures already being utilized as attached wireless communications facilities using a collaborative approach and best practices in order to encourage and facilitate deployment of wireless communication facilities while protecting public health and safety, reasonably limiting environmental and aesthetic impacts and preserving historic districts; and

Section 2. Chapter 18.44 of the Olympia Municipal Code and ordinances related thereto are hereby amended to read as follows:

Chapter 18.44
ANTENNAS AND WIRELESS COMMUNICATIONS FACILITIES

18.44.000 Chapter Contents

Sections:

18.44.020 Purpose and Intent

The purposes and intent of this chapter are to:

A. Promote the safety and general welfare of the public by regulating the siting of antennas and wireless communication facilities, to the extent allowed to local governments under federal law.

B. Minimize the impacts of antennas and wireless communication facilities on surrounding areas by establishing standards for location, structural integrity~~,~~ and compatibility.

C. Encourage the location and collocation of wireless communication facilities on existing structures, thereby a) minimizing new visual, aesthetic, and public safety impacts, b) minimizing effects upon the natural environment and wildlife, and c) reducing the need for additional antenna support structures.

D. Accommodate the growing need and demand for wireless communication services.

E. Encourage coordination between site suppliers and wireless communication services providers.

F. Establish predictable and balanced codes governing the construction, ~~and~~ location, replacement, collocation and removal of wireless communications facilities, within the confines of permissible local regulations consistent with State and Federal laws and regulations.

G. Establish review procedures to ensure that applications for wireless communications facilities are reviewed and acted upon within a reasonable period of time.

H. Respond to the policies embodied in the Telecommunications Act of 1996 in such a manner as not to unreasonably discriminate between providers of functionally equivalent personal wireless services or to prohibit or have the effect of prohibiting personal wireless services.

I. Emphasize concealed (stealth) technologies to protect the character of the City while meeting the demand for wireless communications services.

J. Encourage the use of ~~public~~ existing lands, buildings~~,~~ and structures as locations for wireless communication facilities~~,~~ demonstrate ~~ing~~ concealed (stealth) technologies prior to establishing new wireless facility sites.

K. Ensure consideration of and compatibility with the goals and objectives of the Comprehensive Plan for Olympia and the Olympia Growth Area.

18.44.040 Applicability - Types of Facilities and Actions

Except as provided in Section 18.44.060 (Exempt Installations), this chapter shall apply to wireless communication facility development activities including attachment, installation, construction, replacement, or modification of the following types of wireless communications facilities:

A. Existing antenna support structures and buildings or other structures with attached WCF.

B. Proposed antenna support structures.

C. Publically or privately owned sites with antenna support structures.

~~D. Replacement of existing antenna support structures.~~

~~E~~D. Collocation or Combining on antenna support structures.

~~F~~E. Attached wireless communications facilities.

~~G~~F. Concealed wireless communications facilities.

G. Freestanding wireless communications facilities.

H. ROW attached structure (including small cell wireless communication facilities).

~~H.~~ I. AM/FM/TV/HDTV or other similar broadcasting transmission facilities.

~~I.~~J. Satellite earth stations that are over one meter (39.37 inches) in diameter in all residential districts and over two meters (78.74 inches) in all other zoning districts.

K. Ham and amateur radio operated facilities (See OMC 18.44.100(G)).

18.44.060 Exempt Installations

This chapter shall not apply to the following wireless communication facility development activities; installation, construction, replacement, or modification of the following facilities; notwithstanding any other provisions contained in Title 18 OMC, the Unified Development Code:

A. Amateur radio operator antennas.

B. Satellite earth stations that are one meter (39.37 inches) or less in diameter in all residential districts and two meters (78.74 inches) or less in all other zoning districts.

C. Government-owned wireless communications facilities, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the City designee; except that such facilities must comply with all federal and state requirements. No wireless communications facility shall be exempt from the provisions of this chapter beyond the duration of the state of emergency.

D. Temporary, commercial wireless communications facilities, upon the declaration of a state of emergency by federal, state, or local government, or determination of public necessity by the City and approved by the City; except that such facilities must comply with all federal and state requirements. Said wireless communications facilities may be exempt from the provisions of this chapter up to three (3) months after the duration of the state of emergency.

E. Routine maintenance and repair of existing wireless communication facilities, excluding structural work or changes in height or dimensions of antennas, antenna support structures, or buildings; provided that, the wireless communication facility received approval from the City of Olympia or Thurston County for the original placement, construction, or subsequent modification. Changing of antennas on wireless communication facilities is permitted provided the new antennas will have the same area or less of those removed. The total number of antennas must remain the same. Additional base station equipment may be placed within an approved equipment compound, provided the height of the additional base station equipment does not extend above the screening fence.

18.44.080 Siting Alternatives Hierarchy

A. Siting of a wireless communications facility (WCF) (as herein defined) shall be in accordance with Section 18.44.090(A & B), Table 44.01 - Permitted Wireless Communications Facilities by Zoning District, and with the following siting alternatives hierarchy:

1. WCF Modification (collocation, combining, adding, and replacing existing) that does not constitute a substantial change in physical dimensions.

~~1.~~ 2. New Concealed Attached Wireless Communications Facility on existing structures (such as buildings, water towers).

~~a. On City-owned property or rights-of-way of the City so designated as City Property.~~

~~b. On other publicly-owned property or ROW.~~

~~c. On privately-owned property.~~

~~2. Collocated or combined on existing Antenna Support Structure Facility.~~

~~a. On City-owned property or rights-of-way of the City so designated as City Property~~

~~b. On other publicly-owned property or ROW~~

~~c. On privately-owned property~~

~~4~~ 3. Concealed Freestanding Wireless Communications Facility

~~a. On City-owned property or rights-of-way of the City so designated as City Property~~

~~b. On other publicly-owned property or ROW~~

~~c. On privately-owned property~~

~~3~~ 4. New ROW-Attached Wireless Communications Facility Mounted on Existing Utility Pole, Electricity Transmission Tower, or Light Post

~~a. On City-owned property or rights-of-way of the City so designated as City Property.~~

~~b. On other publicly-owned property or ROW.~~

~~c. On privately-owned property.~~

5. New Non-concealed Attached Wireless Communications Facility

~~a. On City-owned property or rights-of-way of the City so designated as City Property.~~

~~b. On other publicly-owned property or ROW.~~

~~c. On privately-owned property.~~

6. New Non-concealed Freestanding (mono-pole or lattice tower) Wireless Communications Facility:

~~a. On City-owned property or rights-of-way of the City so designated as City Property~~

~~b. On other publicly owned property or ROW.~~

~~c. On privately owned property.~~

7. A WCF proposed to be located in a critical area regulated pursuant to OMC 18.32 or, in a Historic District or upon a historic property designated pursuant to OMC 18.12 is the lowest rank in preference. Any such proposal shall be subject to the following hierarchy:

a. WCF Modification (collocation, combining, adding, and replacing existing) that does not constitute a substantial change in physical dimensions.

b. New Concealed Attached Wireless Communications Facility on existing structures (such as buildings, water towers).

c. Concealed Freestanding Wireless Communications Facility

d. New ROW-Attached Wireless Communications Facility Mounted on Existing Utility Pole, Electricity Transmission Tower, or Light Post

e. New Non-concealed Attached Wireless Communications Facility

f. New Non-concealed Freestanding (mono-pole or lattace tower) Wireless Communications Facility; and subject to Heritage Commission recommendation pursuant to Secretary of the Interior Standards.

B. For ~~attached, collocated or combined~~ an application for a WCF Modification not constituting a substantial change in physical dimensions, new concealed attached WCF, or concealed freestanding WCF, ~~ROW attached WCFs~~, the order of ranking preference, highest to lowest shall first be from 1~~a~~ to 2 to 3 ~~1c in alphabetical order, then likewise from 2a to 2c, 3a to 3c, and 5a to 5c~~. Where a lower ranked alternative is proposed, the applicant must file relevant information as indicated in the application requirements for wireless communications facilities including, but not limited to, an affidavit by the applicant's radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the geographic search area, higher ranked options are not technically feasible, practical or justified given the location of the proposed wireless communications facility.

C. ~~Where~~ For an application for a new ROW attached WCF, or new non-concealed attached ~~freestanding~~ WCF is ~~permitted,~~ the order of ranking preference from highest to lowest shall first be from 1, 2, 3, and 4 then ~~4a to 4c in alphabetical order, then likewise from~~ to 5 ~~6a to 6c~~. Where ~~a~~ lower ranked alternative 4 or 5 is proposed, the applicant must file relevant information as indicated in the application requirements for wireless communications facilities including, but not limited to, the existing land uses of the subject and surrounding properties within 300 feet of the subject property, and an affidavit by the applicant's radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the geographic search

area, higher ranked options are not technically feasible, practical, or justified given the location of the proposed wireless communications facility.

D. For an application for a new non-concealed freestanding WCF or for siting the WCF in a critical area regulated pursuant to OMC 18.32, or in a historic district or upon an historic property designated pursuant to OMC 18.12, the order of ranking preference from highest to lowest shall be from 1, 2, 3, 4, and 5 then to 6 and 7. When a lower ranked alternative 6 or 7 is proposed, or when approval of an application requires issuance of a conditional use permit, the applicant must file relevant information as indicated in the application requirements for wireless communications facilities including, but not limited to, the existing land uses of the subject and surrounding properties within 300 feet of the subject property, and an affidavit by the applicants engineer and an independent radio frequency engineer approved by the City demonstrating that despite diligent efforts to adhere to the established hierarchy within the geographic search area, higher ranked options are not technically feasible, practical, or justified given the location of the proposed wireless communications facility as follows:

1. There exists an actual (not theoretical) significant gap in service and the proposed wireless communication facility will eliminate such significant gap in service; or, the proposed attached WCF is needed to fill a significant gap in service (the ability of remote users to access the national telephone and data network), and

2. The proposed new attached WCF is designed and located to remove the significant gap in service in a manner that is, in consideration of the values, objectives and regulations set forth in this chapter and the Comprehensive Land Use Plan, the least intrusive upon the surrounding area.

~~D.~~ E. Applicants are encouraged to locate on publically owned sites. However, ~~T~~this section shall not be interpreted to require applicants to locate on publicly owned sites when lease negotiation processes are prohibitively lengthy or expensive relative to those of the private sector. The applicant is considered justified in selecting a lower-ranked privately-owned property option if the local government fails to approve a memorandum of agreement or letter of intent to lease a specified publicly-owned site within one-hundred twenty (120) days of the application date, or if it is demonstrated that the proposed lease rate for the specified public-owned site significantly exceeds the market rate for comparable privately-owned sites.

18.44.090 Permitted Wireless Communication Facilities by Zoning District

A. Generally: Table 44.01, Permitted Wireless Communication Facilities by Zoning District, identifies types of Wireless Communication Facilities which are permitted outright (P) subject to administrative staff review, or subject to a Conditional Use Permit (C)~~, or prohibited (N).~~

~~B. Historic districts and properties: Table 44.01 also identifies types of Wireless Communications Facilities permitted outright (P), subject to a Conditional Use Permit (C), or prohibited (N) in National Historic Districts,~~

~~or on local, state, or Federal historic register properties,~~ depending on the Zoning District Group (as defined within Table 44.01) wherein the site is located.

B. WCF Modification: A WCF modification, that does not substantially change the physical dimensions, is permitted (P) in any zone or overlay district.

Table 44.01 PERMITTED WIRELESS COMMUNICATION FACILITIES BY ZONING DISTRICT

Zoning District Group	~~Antenna Element Replacement~~ WCF Modification (Not Substantial Change)	**NEW** CONCEALED Attached WCF	**NEW** CONCEALED Freestanding WCF	~~Collocated or Combined on Existing WCF~~	ROW Attached Structure - 34.5 kV+	~~Mitigation of Existing WCF~~	~~Expanding Existing Antenna Array~~	**NEW** NON-CONCEALED Attached WCF	**NEW** NON-CONCEALED Freestanding WCF
Group 1. INDUSTRIAL ZONES (I, LI)									
	P	P	P	~~P~~	P	~~P~~	~~P~~	P	~~P~~ C
Group 2. COMMERCIAL ZONES (AS, CSH, DB, GC, HDC-3, HDC-4, MS, UC, UW)									
	P	P	P	~~P~~	P	~~P~~	~~P~~	C	~~N~~ C
Group 3. MIXED USE ZONES (PUD, PO/RM, RMU, UR, UW-H)									
	P	P	C	~~P~~	P	~~C~~	~~C~~	N	N
Group 4. NEIGHBORHOOD ZONES (COSC, HDC-1, HDC-2, MHP, MR 7-13, MR 10-18, NC, NR, NV, R1/5, R4, R4-8, R6-12, RLI, RM-18, RM24, RMH, UV)									
	P	C	C	~~C~~	C	~~C~~	~~C~~	N	N
~~**NATIONAL**~~ **HISTORIC DISTRICTS and LOCAL, STATE, OR FEDERAL REGISTER PROPERTIES**									
Groups 1-3	P	C	C	~~C~~	C	~~C~~	~~C~~	N	N
Group 4	P	~~N~~ C	~~N~~ C	~~N~~	~~N~~ C	~~N~~	~~N~~	N	N
SITES WITHIN 300 FEET OF GROUP 4 - NEIGHBORHOOD ZONES									
Groups 1-3	P	C	C	~~C~~	C	~~C~~	~~C~~	N	N

P – Permitted C - Conditional Use Permit N- Not Permitted

Page intentionally left blank.

18.44.100 Development Standards

A. Generally.

1. Applicability - Development Standards: Unless otherwise specified within this chapter, all development standards of the zoning district within which the WCF is located shall apply. Where permitted as provided in Sections 18.44.090 (Permitted Wireless Communications Facilities by Zoning District) and 18.44.080 (Siting Alternatives Hierarchy), the following development standards apply to all new, mitigated, collocated, or combined wireless facility installations. Where any critical areas (see Chapter 18.32), historic (see Chapter 18.12) or scenic view areas (see Section 18.110.060) or corridor plans also apply, the most restrictive standards shall govern.

2. Determination of need: No new WCF, other than a WCF Modification, shall be permitted unless the applicant's radio frequency engineer demonstrates that:

i. There is an actual significant gap pursuant to OMC 18.44.060(D)(1);

ii. The proposed new attached WCF is designed and located to remove the significant gap in service pursuant to OMC 18.44.060(D)(2);

iii. Higher ranked options are not technically feasible, practical, or justified given the location of the proposed wireless communications facility pursuant to OMC 18.44.060(D);

iv. The applicant's proposed use; or that use of such existing facilities would prohibit personal wireless services in the geographic search ring to be served by the proposed antenna support structure; and

v. That the proposed WCF is the least intrusive design.

~~2~~ 3. Equipment cabinets: Cabinets shall not be visible from public views. Cabinets may be provided within the principal building, behind a screen on a rooftop, underground, or on the ground within the fenced-in and screened equipment compound. Ground compounds or cabinets shall be maintained free of graffiti. Maintenance shall be borne by the WCF carrier or land owner within 5-days. Thereafter, the city may cause removal of the graffiti with costs being borne by the WCF carrier and/or the property owner.

~~3~~ 4. Fencing: All equipment compounds shall be enclosed with a sight-obscuring wood/brick/masonry fence or wall. Fencing shall be subject to the requirements of Subsection 18.40.060(C) Fences/Hedges, Unified Development Code.

~~4~~ 5. Buffers: Any WCF, located in any zone, that is proposed to be installed within three-hundred (300) feet of a Group 4 neighborhood zone as categorized in Section 18.44.090 Table 44.01 Permitted

Wireless Communications Facilities by Zoning District shall be subject to the same Section 18.44.090 standards as if being located within a neighborhood zone.

~~5~~ 6. Landscaping Requirements: Antenna support structures and WCF equipment compounds shall be subject to the requirements of Chapter 18.36 Landscaping and Screening.

~~6~~ 7. Signage:

a. The only signage that is permitted upon a non-concealed antenna support structure, equipment cabinet, or fence shall be informational, and for the purpose of identifying the antenna support structure (such as ASR registration number), as well as the party responsible for the operation and maintenance of the facility, its current address and telephone number, security or safety signs, and property manager signs (if applicable).

b. Where signs are otherwise permitted, a WCF may be concealed inside such signage, provided that all applicable standards for both the signage and the concealed WCF are met.

~~7~~ 8. Lighting:

a. Lighting is not allowed on WCFs, ~~if~~ unless required by the Federal Aviation Administration (FAA), and shall not exceed the FAA minimum standards. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA to minimize the potential attraction to migratory birds. Dual lighting standards are required and strobe light standards are prohibited unless required by the FAA. The lights shall be oriented so as not to project directly onto surrounding ~~residential~~ property, consistent with FAA requirements.

b. Any security lighting for on-ground facilities and equipment shall be in compliance with Title 18 OMC, Unified Development Code.

c. Ground lighting used to respectfully illuminate the American flag on a concealed WCF flagpole shall be permitted subject to Title 18 OMC, Unified Development Code.

~~8~~ 9. Compliance with federal standards for interference protection: Any applicant for facilities under this section shall certify that such proposed facility shall comply with all applicable federal regulations regarding interference protection.

~~9~~ 10. Compliance with ANSI standards: In order to protect the public from excessive exposure to electromagnetic radiation, the WCF applicant shall certify through a written statement that the facility meets or exceeds current American National Standards Institute (ANSI) standards as adopted by the FCC.

~~10~~ 11. Abandonment:

a. WCFs and the equipment compound shall be removed, at the owner's expense, within one hundred eighty days (180) days of cessation of use, unless the abandonment is associated with a replacement antenna structure, in which case the removal shall occur within one hundred eighty days (180) days of the installation of the replacement antenna structure.

b. An owner wishing to extend the time for removal or reactivation shall submit an application stating the reason for such extension. The City may extend the time for removal or reactivation up to ninety (90) additional days upon a showing of good cause. If the antenna support structure or antenna is not removed in a timely fashion, the City may give notice that it will contract for removal within sixty (60) days following written notice to the owner. Thereafter, the City may cause removal of the antenna support structure with costs being borne by the current WCF or land owner.

c. Upon removal of the WCF, the equipment compound and at ground foundations including two feet below ground level, the development area shall be returned to its natural state and topography and vegetation shall be consistent with the natural surroundings or consistent with the current use of the land at the time of removal. The cost of rehabilitation shall be borne by the current WCF or land owner.

B. Attached Wireless Communication Facilities.

1. Generally.

a. Height: The top of the attached WCF shall not be more than eighteen (18) feet above the existing or proposed building or structure.

b. Setbacks: An attached WCF and its equipment compound shall be subject to the setbacks of the underlying zoning district. Antennas may extend a maximum of twenty-four (24) inches into the setback. However no antenna or portion of any structure shall extend into any easement other than a utility easement.

c. Least visually obtrusive profile: Feed lines and antennas shall be designed to architecturally match the facade, roof, wall, or structure on which they are affixed so that they blend with the existing structural design, color, and texture. New antennas shall use the least visually obtrusive profile that will meet the network objectives of the desired coverage area. The visual obtrusiveness of the profile of an unobtrusive antenna or antenna array is ranked from least to most obtrusive as follows:

i. Flush-mounted antenna or antenna array

ii. Unconcealed single omni-directional (whip) antenna

2. Attached non-concealed WCFs.

a. Allowable locations: Shall only be allowed on a building, on existing non-concealed antenna support structures and, where the applicant has an agreement with the applicable property owner, utility or other authority that exercises jurisdiction over the subject right of way, on electrical distribution poles, transmission towers, and existing ball park light poles, greater than fifty (50) feet in height, subject to approval of the property owner, designated staff or other appropriate agency designee and/or the utility company.

b. Equipment compound or cabinets: Equipment compounds or cabinets for WCFs under this subsection shall be designed and located in such a manner as to not interfere with the subject right of way, ~~or~~ its primary utilization or reduce pedestrian walkability/accessibility.

3. ROW attached structures.

a. Allowable locations: Shall only be allowed where the applicant has an agreement with the applicable utility or other authority that exercises jurisdiction over the subject right of way, on electrical transmission poles and towers carrying thirty-four and one-half kilovolts (34.5 kV) or greater, and greater than fifty (50) feet in height, subject to approval of the designated staff or other appropriate agency designee and/or the utility company.

b. Equipment compound or cabinets: Equipment compounds or cabinets for WCFs under this subsection shall be designed~~,~~ located underground~~, and~~ screened or concealed in such a manner as to not interfere with the subject right of way, ~~or~~ its primary utilization or reduce pedestrian walkability/accessibility. Depending on site conditions, the review authority may require placement in an underground vault or on private property to provide for traffic safety, pedestrian access, or other right-of-way utilization requirements.

C. Freestanding Wireless Communication Facilities.

1. Generally.

a. Determination of need: No new ~~or mitigated~~ freestanding WCF shall be permitted unless the applicant's radio frequency engineer demonstrates that no existing structure can reasonably accommodate the applicant's proposed use; or that use of such existing facilities would prohibit personal wireless services in the geographic search ring to be served by the proposed antenna support structure pursuant to OMC 18.44.060(D).

b. Designed for concealed collocation: All new or mitigated freestanding WCF shall be designed for maximum collocation installations.

c. Designed for non-concealed collocation: All new ~~or mitigated~~ freestanding WCFs up to 80 feet in height shall be engineered and constructed to accommodate no less than three (3) antenna arrays. All WCFs between eighty-one (81) feet and one hundred twenty (120) feet shall be engineered and constructed to accommodate no less than four (4) antenna arrays.

d. Least visually obtrusive profile: New freestanding antenna support structures shall be configured and located in a manner that shall minimize adverse effects including visual impacts on the landscape and adjacent properties. New freestanding WCFs shall be designed to match adjacent structures and landscapes with specific design considerations such as architectural designs, height, scale, color, and texture. New antennas shall use the least visually obtrusive profile that will meet the network objectives of the desired coverage area. See Section 18.44.100(B)(1)(c) for ranking of obtrusiveness of visual profiles. e. Grading: Grading shall be minimized and limited only to the area necessary for the new WCF as approved by the Department of Community Planning and Development.

f. Safety: All support structures shall be certified to comply with the safety standards contained in the Electronics Industries Association /Telecommunications Industries Association (EIA/TIA) document 222-F, or current standard, "Structural Standards for Steel Antenna Towers and Supporting Structures," or current standard, as amended, by a Registered State of Washington Professional Engineer.

2. Freestanding concealed WCFs.

a. Height:

i. In all zoning districts where permitted, the initial maximum height shall be limited to one hundred twenty (120) feet. Thereafter, pursuant to OMC 18.44.080(D) the maximum cumulative height, subject to section “c” (Setbacks) below, may be increased, by not more than ten percent of the height of the Antenna Support Structure at the time of its initial installation, or by an amount up to one hundred fifty (150) feet in height, whichever is the lessor amount.

ii. All height limits shall exclude lightning rods or lights required by the FAA that do not provide any support for antennas.

b. Setbacks: A concealed freestanding WCF and its equipment compound shall be subject to the setbacks of the zoning district and shall not be any closer to an adjoining property line than the proposed facility is to any dwelling unit on the property on which it is proposed to be located.

3. Freestanding non-concealed WCFs.

a. Antenna support structure: Freestanding non-concealed WCFs shall be limited to either a lattice type or a monopole type antenna support structures unless the applicant successfully demonstrates that such design is not feasible to accommodate the intended uses.

b. Height:

i. In all zoning districts where permitted, the initial maximum height shall be limited to one hundred twenty (120) feet. Thereafter, pursuant to OMC 18.44.080(D) the maximum cumlative height, subject to subsection "c" (Setbacks) below, may be increased, by not more than ten percent of the height of the Antenna Support Structure at the time of its initial installation, or by an amount up to one hundred fifty (150) in height, whichever is the lessor amount.

ii. All height limits shall exclude lightning rods or lights required by the FAA that do not provide any support for antennas.

c. Setbacks: A non-concealed freestanding WCF and its equipment compound shall be subject to the regulations applicable to the underlying zoning district, except where the minimum setback distance for an antenna support structure from any property line or public right-of-way is less than the height of the proposed antenna support structure. In that case:

i. If the antenna support structure has been constructed using breakpoint design technology as defined in Section 18.02.180 Definitions, the minimum setback distance shall be equal to 110 percent of the distance from the top of the structure to the breakpoint level of the structure, plus the minimum setback distance. For example, on a 100-foot tall monopole with a breakpoint at 80 feet, the minimum setback distance would be 22 feet (110 percent of 20 feet, the distance from the top of the monopole to the breakpoint) plus the minimum setback for that zoning district. Certification by a Registered Professional Engineer licensed by the State of Washington of the breakpoint design and the design's fall radius must be provided together with the other information required herein from an applicant.

ii. If the antenna support structure has not been constructed using breakpoint design technology, the minimum setback distance shall be equal to the height of the proposed antenna support structure.

iii. However, in all instances, the minimum setback distance from any residentially zoned property, shall at least meet the minimum setback of said residential zoning district.

d. Least visually obtrusive profile:

i. New antenna support structures shall maintain a galvanized gray finish or other approved contextual or compatible color, except as required by federal rules or regulations.

ii. New antennas shall be flush-mounted, unless it is demonstrated through RF propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area.

~~4. Mitigation of existing freestanding WCFs.~~

~~a. Determination of need: WCF mitigation shall accomplish a minimum of one of the following: reduce the number of WCFs, replace an existing WCF with one that is less visually obtrusive, or replace an existing WCF with a new WCF to improve network functionality resulting in compliance with this ordinance.~~

~~b. Height: The height of a WCF approved for mitigation shall not exceed one hundred and fifteen (115) percent of the height of the tallest WCF that is being mitigated up to a maximum of one hundred twenty (120) feet.~~

~~c. Setbacks: A new WCF approved for mitigation of an existing WCF shall not be required to meet new setback standards so long as the new WCF and its equipment compound are no closer to any property lines than the WCF and equipment compound being mitigated. For example, if a new WCF is replacing an old one, the new one is allowed to have the same setbacks as the WCF being removed, even if the old one had nonconforming setbacks.~~

~~d. Buffers: The proposed WCF equipment compound shall be landscaped as outlined in Paragraph 18.44.100(1)(e) herein.~~

~~e. Least visually obtrusive profile: Mitigated antenna-supporting structures shall be configured and located in a manner that minimizes adverse effects on the landscape and adjacent properties, with specific design considerations as to height, scale, color, texture, and architectural design of the buildings on the same and adjacent lots. New antennas shall use the least visually obtrusive profile that will meet the network objectives of the desired coverage area. See Paragraph 18.44.110(2)(a)(iii) for ranking of obtrusiveness of visual profiles.~~

D. WCF ~~Collocated or Combined Facilities~~ Modification.

1. Generally.

a. Buffers: The proposed WCF equipment compound shall be landscaped as outlined in Paragraph 18.44.100(1)(e) herein.

b. Substantial Change: A WCF Modification shall not substantially change the physical dimensions of the existing antenna support structure, ROW attached structure, building or structure with attached WCF, transmission equipment, existing base station, equipment cabinet, equipment shelter or ancillary structure. As used in this Chapter, the phrase substantially change the physical dimensions, or any similar derivation thereof, shall mean,

i. The WCF modification would, together with any attached antenna, increase the height of the existing antenna support structure, ROW attached structure, or building or structure with an attached WCF, by more than 10%, or by 20 feet whichever is less, except that, the mounting of the proposed antenna may exceed the size limits set forth in this subsection if necessary to avoid interference with existing antennas; or

ii. The WCF modification would increase the height of an ancillary structure, existing equipment cabinet or equipment compound by more than 10% or by 20 feet whichever is less;

iii. The WCF modification would involve the installation of more than the standard number of new equipment cabinets for the technology involved (not to exceed four) or more than one new equipment shelter; or

iv. The WCF modification would involve adding an antenna element or other appurtenance to the antenna support structure, ROW attached structure, building or structure with an attached WCF, or base station, that would protrude from the edge of the Antenna Support Structure, ROW attached structure, or building or structure with attached WCF, more than an existing attached antenna, or more than the width of the antenna support structure at the level of the antenna or appurtenance, whichever is greater; or

v. The WCF modification would involve excavation outside the current antenna support structure, ROW attached structure, or building or structure with an attached WCF, defined as the current boundaries of the leased, licensed or owned property surrounding the antenna support structure, the ROW attached structure, or the attached WCF, and any access or utility easements currently related to the site; or

vi. The WCF modification would, together with any prior modifications to the existing antenna support structure or base station authorized pursuant to this section, exceed any of the limitations set forth in section i – v; or

vii. The WCF modification would be inconsistent with a conditional use permit issued after (codifier to insert date of adopting ordinance here) for the siting of the existing antenna support structure, ROW attached structure, building or structure with attached WCF, equipment cabinet or equipment shelter; or

viii. The WCF modification would, except as allowed under subsection i-v above, result in a deviation from the general development standards under Section 18.44.100(A) or the specific development standards under Section 18.44.100 applicable to the type of WCF proposed to be modified. .

~~b. Height: A collocated or combined WCF shall not increase the height of an existing antenna support structure by more than twenty (20) feet, and not to exceed forty-five (45) feet above the allowable building height or a total of one hundred twenty (120) feet, whichever is less.~~

c. Setbacks:

i. ~~A collocated or combined WCF, its equipment compound, and any ancillary equipment~~ WCF Modifications shall be subject to the setbacks of the underlying zoning district.

ii. When a ~~collocated or combined WCF is to be located~~ WCF modification is made to ~~on~~ a nonconforming building or structure, then the existing permitted nonconforming setback shall prevail.

d. Visibility: New replacement, collocated and combined antennas shall be flush-mounted onto existing WCFs, unless it is demonstrated through RF propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area.

E. Satellite Earth Stations.

1. Residential installations. The following provisions apply to satellite earth stations with dish antennas greater than one meter (39.37 inches) in diameter serving single family and multifamily structures with four (4) or less units. Satellite earth stations serving more users are classified as commercial installations, and are subject to Section (2) below. [NOTE: satellite earth stations may require a building permit depending on location and placement.]

a. Conditions. Residential satellite earth stations are permitted uses in all districts subject to the following conditions and all other applicable requirements.

i. Satellite earth stations shall be placed in the area bounded by side yard setback lines, the rear wall line of the primary structure and a line four (4) feet inside the lot measured from the rear property line.

ii. Satellite earth stations permitted under this section shall be restricted to those of mesh type construction, or of solid construction when smaller than eight and one-half (8-1/2) feet in diameter, and should blend as much as possible with the background.

iii. Permitted satellite earth stations shall not exceed a height of fifteen (15) feet above the average grade.

b. Variance Standards. Variances from the location and material construction standards of this section shall be reviewed by the Hearing Examiner in accord with Chapter 18.66 (Variances and Unusual Uses) and shall also be subject to the following requirements:

i. The satellite earth station shall be located on the portion of the site where it will be the least visually obtrusive when viewed from adjacent streets and neighboring properties.

ii. Antennas may be required to be screened with a combination of fencing, landscaping, structures or topography which will block the view of the antenna as much as practicable from adjoining property and rights-of-way. Such screening shall be solid (ninety (90) percent or more opaque) to the level of the center of the dish.

2. Commercial installations. Satellite earth stations used in conjunction with commercial, nonresidential uses, and multifamily housing with five (5) or more units are subject to the following requirements:

a. Roof-mounted satellite earth stations shall be located so as to be visually unobtrusive. Antennas over twelve (12) feet in diameter shall be screened to a height of three (3) feet above ground level or the center of the dish, whichever is greater. The design and material composition of the screening shall be compatible with the building design.

b. Satellite earth stations placed on buildings listed on the National or State Register of Historic Places or the Olympia Heritage Register shall not be visible from fronting or flanking streets.

c. Ground-mounted satellite earth stations shall be located in service areas outside of any required landscaping or front and side yard setback area. Additionally, satellite earth stations shall not be placed in the area between the front setback line and the structure. Screening shall be provided with a combination of fencing, landscaping, structures or topography. The screening shall block the lower (90) percent of the antenna, or reach a height of eight (8) feet, whichever is less. Whenever possible, satellite earth stations shall not be visible from neighboring residential areas.

d. No message or identification other than the manufacturer's identification is allowed to be portrayed on satellite earth stations and such identification shall not exceed ten (10) percent of the antenna's surface area.

F. Radio, Television, and Other Communication Towers, Except Wireless Communication Facilities.

1. Essential Public Facilities. Radio, television, and other communication towers shall meet the requirements of Sections 18.04.060(W).

2. Conditional Use Requirements. The following requirements apply to all radio, television, and other communication towers subject to conditional use approval, except wireless communication facilities.

a. Plans. The applicant shall submit complete plans showing the elevations and locations of the buildings and structures, together with locations of buildings and pertinent topographic features and adjoining properties. Approval of such plans shall be contingent upon compatibility with surrounding properties.

b. Nuisances. Rotary converters, generating machinery, or other equipment that would cause noise, electrical interference or similar disturbances beyond the property line are prohibited.

c. Storage. Outdoor storage of motor vehicles or materials is prohibited.

d. Screening. The site shall be screened; however, if the facility is entirely enclosed within a building, landscaping is sufficient. (See Chapter 18.36, Landscaping and Screening.)

G. Ham and Amateur radio operator antennas; *In order to reasonably accommodate licensed amateur radio operators as required by Federal Code of Regulations, 47 CFR Part 97, as amended, and Order and Opinion (PRB-1) of the Federal Communication Commission of September, 1985, and RCW 35A.21.260, a licensed amateur radio operator may locate wireless communications facilities in any zoning district, not to exceed the height requirements of the applicable zoning district, provided the following requirements are met for such wireless communication facilities located in a residentially zoned district at the time of building permit application:*

1. The antenna support structure and any wireless communication facilities located thereon shall not have any lights of any kind on it and shall not be illuminated either directly or indirectly by any artificial means;

2. No advertising logo, trademark, figurines, signs or other similar marking or lettering shall be placed on the antenna support structure or wireless communication facilities mounted or otherwise attached thereto or any building used in conjunction therewith unless as required by federal regulations;

3. Antenna support structures shall not be leased or rented to commercial users and shall not otherwise be used for commercial purposes; and

4. All antenna support structures must meet all applicable state and federal statutes, rules and regulations; including meeting zoning district heights and obtaining a building permit from the City.

18.44.110 ~~Approval~~ Permit Review Process

All ~~approvals~~ permits are subject to the review processes outlined in ~~Title 18~~ OMC 18.72, 18.77, 18.78 & 18.82 ~~Unified Development Code~~. Additionally, in accordance with Table 44.01 in Section 18.44.090 Permitted Wireless Communications Facilities by Zoning District, the following approval process shall apply:

A. New WCFs and ~~Antenna Element Replacements~~ WCF Modifications.

1. Any application submitted pursuant to this section shall be reviewed by City staff for completeness pursuant to OMC 18.77 and the following:

a. Plans. The applicant shall submit complete plans showing the elevations (including existing facilities, proposed new facilities, facilities to be removed, stealth technology or concealment methods, if any) and locations of the buildings and structures, together with locations of buildings and pertinent topographic features and setbacks from adjoining properties.

b. Service Area. The application shall include a map of any gap in service, the proposed area to be serviced, and the applicant's radio frequency engineer calculations that demonstrate that despite diligent efforts to adhere to the established hierarchy within the geographic search area, higher ranked options and less intrusive alternatives are not technically feasible, practical, or justified given the location of the proposed wireless communications facility. This requirement shall not be applicable to an application for a WCF Modification proposed pursuant to siting hierarchy No. 1.

c. The plans shall include information as to feasibility of future co-locations. This requirement shall not be applicable to an application for a WCF Modification proposed pursuant to siting hierarchy No. 1.

d. Nuisances. Rotary converters, generating machinery, or other equipment that would cause noise, electrical interference or similar disturbances beyond the property line are prohibited.

e. Screening Ground Equipment. Proposed ground mounted equipment screen (enclosed within a building or fencing and landscaping. (See also Chapter 18.36, Landscaping and Screening.)

f. Owner(s) Consent. The application shall include a written statement from the property owner and a written statement from the wireless facility owner as to whether or not the potential collocation or combining is acceptable and under what conditions.

g. The time line for WCF facilities to be removed when replaced or abandoned shall be 180-days.

h. WCF Modification Determination. An application for a WCF modification shall be reviewed to determine if the proposed modification will substantially change the physical dimensions.

2. If any required item fails to be submitted, the application shall be deemed incomplete. Staff shall advise an applicant in writing within twenty eight (28~~0~~) ~~business~~ days after submittal of an application regarding the completeness of the application. If the application is incomplete, such notice shall set forth

the missing items or deficiencies in the application, which the applicant must correct and/or submit in order for the application to be deemed complete.

32. Within twenty (20) days of receiving a timely response from an interested potential co-applicant, the applicant shall inform the respondent and the City in writing as to whether or not the potential collocation or combining is acceptable and under what conditions. If the collocation or combining is not acceptable, then the applicant must provide the respondent and the City written justification as to why the collocation or combining is not feasible.

B. Supplemental Review.

The City reserves the right to require a supplemental review for any type of WCF, subject to the following:

1. Due to the complexity of the methodology or analysis required to review an application for a wireless communication facility, the City will require a technical review by a third party expert radio frequency engineer approved by the City, to demonstrate that despite diligent efforts to adhere to the established hierarchy within the geographic search area, higher ranked options are not technically feasible, practical, or justified given the location of the proposed new wireless communication facility pursuant to OMC 18.44.090(D). ŧ The costs of which shall be borne by the applicant and be in addition to other applicable fees.

2. The applicant shall submit the required fee as published in the City's current fee schedule and the third party radio frequency engineer approved by the City.

3. Based on the results of the expert review, the approving authority may require changes to the applicant's application or submittals.

4. The supplemental review may address any or all of the following:

a. The accuracy and completeness of the application and accompanying documentation.

b. The applicability of analysis techniques and methodologies.

c. The validity of conclusions reached.

d. Whether the proposed wireless communications facility complies with the applicable approval criteria set forth in this Chapter including the determination of need pursuant to OMC 18.44.080(D).

e. Other items deemed by the City to be relevant to determining whether a proposed wireless communications facility complies with the provisions of the Olympia Municipal Code.

C. Routine maintenance, pursuant to OMC 18.44.060(D) requires a building permit and compliance with this Chapter 18.44 as determined by the Director.

~~C~~ D. Post Construction Field Testing. Within thirty days of becoming fully operational, all facilities shall be field tested by a third party reviewer, at the applicant's expense, to confirm the theoretical computations of RF emissions.

18.44.120 Interference with Public Safety Communications

Whenever the City has encountered radio frequency interference with its public safety communications equipment, and it believes that such interference has been or is being caused by one or more WCFs, the following steps shall be taken:

A. The City shall provide notification to all WCF service providers operating in the jurisdiction of possible interference with the public safety communications equipment. Upon such notification, the owners shall use their best efforts to cooperate and coordinate with the City and among themselves to investigate and mitigate the interference, if any, utilizing the procedures set forth in the joint wireless industry-public safety "Best Practices Guide," released by the FCC in February 2001, including the "Good Engineering Practices," as may be amended or revised by the FCC from time to time.

B. If any WCF owner fails to cooperate with the City in complying with the owner's obligations under this section or if the FCC makes a determination of radio frequency interference with the City public safety communications equipment, the owner who fails to cooperate and/or the owner of the WCF which caused the interference shall be responsible, upon FCC determination of radio frequency interference, for reimbursing the City for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the jurisdiction to determine the source of the interference. For the purposes of this subsection, failure to cooperate shall include failure to initiate any response or action as described in the "Best Practices Guide" within twenty-four (24) hours of the City's notification.

Section 3. Section 18.02.180(A) of the Olympia Municipal Code and ordinances related thereto are hereby amended to read as follows:

Antenna. Any apparatus designed for the transmitting and/or receiving of electromagnetic waves, including but not limited to: telephonic, radio or television communications. Types of elements include, but are not limited to: omni-directional (whip) antennas, sectionalized (panel) antennas, multi or single bay (FM and TV), yagi, or parabolic (dish) antennas. (See also Wireless Communication Facilities).

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

Antenna Element. Any antenna or antenna array.

Antenna Element Replacement. The replacement of equal number and size of antenna and supporting ground equipment.

Antenna Support Structure. A vertical projection composed of metal or other material with or without a foundation that is designed for the express purpose of accommodating antennas at a desired height. Antenna support structures do not include any device used to attach antennas to an existing building. Types of support structures include the following:

Guyed Structure. A style of antenna support structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.

Lattice Structure. A tapered style of antenna support structure that consists of vertical and horizontal supports with multiple legs and cross bracing, and metal crossed strips or bars to support antennas.

Monopole Structure. A style of freestanding antenna support structure consisting of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of antenna support structure is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof.

Anti-Climbing Device. A piece or pieces of equipment, which are either attached to an antenna support structure, or which are freestanding and are designed to prevent people from climbing the structure. These devices may include but are not limited to fine mesh wrap around structure legs, "squirrel-cones," or other approved devices, but excluding the use of barbed or razor wire.

Section 4. Section 18.02.1280(C) of the Olympia Municipal Code and ordinances related thereto are hereby amended to read as follows:

Collocation. The practice of installing and operating multiple wireless carriers, service providers, and/or radio common carrier licensees on the same antenna support structure or attached wireless communication facility using different and separate antenna, feed lines and radio frequency generating equipment; and, the practice of mounting or installation of additional antenna or an antenna array on an existing antenna support structure or existing attached WCF, for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Section 5. Section 18.02.180(E) of the Olympia Municipal Code and ordinances related thereto are hereby amended to read as follows:

Equipment Cabinet, WCF. Any structure above the base flood elevation (including cabinets, shelters, pedestals, and other similar structures) used exclusively to contain radio or other equipment necessary for the transmission or reception of wireless communication signals.

Equipment Compound, WCF. The fenced area surrounding the ground-based wireless communication facility including the areas inside or under the following: an antenna support structure's framework and ancillary structures such as equipment necessary to operate the antenna on the WCF that is above the base flood elevation including: cabinets, shelters, pedestals, and other similar structures.

Existing Antenna Support Structure. An antenna support structure that, at the time an application for review is submitted pursuant to OMC Chapter 18.44, is being utilized by a wireless provider as a location for the transmission and/or reception of radio frequency signals or for other wireless communications; provided that, such antenna support structure was a legal conforming use at the time of construction and installation.

Existing Base Station. A base station that, at the time an application for review is submitted pursuant to OMC Chapter 18.44, is being utilized by a wireless provider for the transmission and/or reception of radio frequency signals or for other wireless communications; provided that, such base station was a legal conforming use at the time it was constructed or installed.

Information only. No change Section to be added if amended. Section 18.02.180(G) of the Olympia Municipal Code and ordinances related thereto are hereby amended to read as follows:

Geographic Search Ring. An area designated by a wireless provider or operator for a new base station, produced in accordance with generally accepted principles of wireless engineering.

***Section 6**. Section 18.02.180(H) of the Olympia Municipal Code and ordinances related thereto are hereby amended to read as follows:*

Ham and Amateur radio operator antennas. *Wireless communication facilities for the receiving and sending of amateur radio devices or HAM radios; provided that, the wireless communication facilities meet the height requirements of the applicable zoning district and are owned and operated by a federally licensed amateur radio station operator or are used exclusively for receive only antennas.*

Handoff Candidate. A wireless communication facility that receives call transference from another wireless facility, usually located in an adjacent first "tier" surrounding the initial wireless facility.

Section 7. Section 18.02.180(M) of the Olympia Municipal Code and ordinances related thereto are hereby amended to read as follows:

~~Mitigation, WCF. A modification of an existing antenna support structure to increase the height, or to improve its integrity, by replacing or removing one or several antenna support structure(s) located in proximity to a proposed new antenna support structure in order to encourage compliance with this ordinance or improve aesthetics or functionality of the overall wireless network.~~

Information only No change Section to be added if amended Section 18.02.180(P) of the Olympia Municipal Code and ordinances related thereto are hereby amended to read as follows:

Personal Wireless Service. Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined in the Telecommunications Act of 1996 and 47 U.S.C. 332 and future amendments thereof.

Public Building. Any building, structure, facility, or complex used by the general public, whether constructed by any state, county, or municipal government agency or instrumentality or any private individual, partnership, association, or corporation, including, but not limited to, assembly buildings, such as auditoriums, libraries, public eating places, schools, and theaters; business buildings, such as offices; and factories and industrial buildings.

Public Facility. Land, buildings or structures operated by a municipal or other governmental agency to provide local protective, social, recreational, cultural, or mass transportation services directly to the general public. This includes police and fire stations, libraries, recreation facilities, bus transfer stations and park-and-ride lots. It also includes public land or buildings devoted solely to the storage of equipment and materials. It does not include facilities whose primary purpose is to provide administrative or judicial services, except as they may be incidental to the defined use, nor parking lots that are accessory to uses that would otherwise not be allowed in the underlying zone.

Public Safety Communications Equipment. All communications equipment utilized by a public entity for the purpose of ensuring the safety of the citizens of the City and operating within the frequency range of 700 MHz and 1,000 MHz and any future spectrum allocations at the direction of the FCC.

Information only No change Section to be added if amended Section 18.02.180(R) of the Olympia Municipal Code and ordinances related thereto are hereby amended to read as follows:

Radio Frequency Emissions. Any electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment on the ground, antenna support structure, building, or other vertical projection.

Radio, Television, or Communication Tower. A vertical structure that is intended to send or receive radio, or other wireless communications and to serve more than one user or an enterprise whose principal business is such communications. See Antenna.

Section 8. Section 18.02.180(S) of the Olympia Municipal Code and ordinances related thereto are hereby amended to read as follows:

Satellite Earth Station. A single or group of parabolic (or dish) antennas that are mounted to a support device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration. A satellite earth station may include the associated separate equipment cabinets necessary for the transmission or reception of wireless communications signals with satellites.

Significant Gap in Service. A large geographic area within a service area(s) of the applicant in which a large number of applicant's remote user subscribers are unable to connect or maintain a connection to the national telephone network through applicant's wireless telecommunications network. A "dead spot" (defined as small areas within a service area where the field strength is lower than the minimum level for reliable service) does not constitute a significant gap in service.

Section 9. Section 18.02.180(T) of the Olympia Municipal Code and ordinances related thereto are hereby amended to read as follows:

Transmission Equipment. Radio or other equipment necessary for the transmission or reception of wireless communication signals, including, for example, the antenna element, radio, and feed lines. Transmission equipment does not include structures that support or house the transmission equipment such as the equipment compound, equipment cabinet or antenna support structure.

Section 10. Section 18.02.180(W) of the Olympia Municipal Code and ordinances related thereto are hereby amended to read as follows:

WCF Modification. This term shall mean and collectively include any of the following activities, (i) any, change in the exterior dimensions, or replacement, or removal of, an existing antenna support structure or related ancillary structure, a ROW attached structure, an existing base station, transmission equipment, an equipment cabinet, or an equipment compound; (ii) the collocation, addition or combining of an antenna element on an existing antenna support structure, a ROW attached structure, or a building or structure with an attached WCF, and (iii) the collocation or combining of a base station with an existing base station.

Wireless Communication Facility (WCF). Any staffed or unstaffed location for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of an antenna or group of antennas, transmission cables, and equipment cabinets, and may include an antenna support structure. The following developments shall be deemed a WCF: developments containing new, mitigated, or existing antenna support structures, public antenna support structures, replacement antenna support structures, collocation on existing antenna support structures, attached wireless communications facilities, concealed wireless communication facilities, and non-concealed wireless communication facilities. Excluded from the definition are: non-commercial amateur radio, amateur ham radio and citizen band antennas, satellite earth stations and antenna support structures, and antennas and/or antenna arrays for AM/FM/TV/HDTV broadcasting transmission facilities.

Specific types of WCFs include (See also Antenna):

> Attached WCF. An antenna or antenna array that is secured to an existing building or structure other than an antenna support structure - including light standards, transmission towers, utility poles, or the like - together with a) any accompanying pole or device which attaches it to the building or structure, b) transmission cables, and c) an equipment cabinet, which may be located either on the roof or inside/outside of the building or structure. An attached wireless communications facility is considered to be an accessory use to the existing principal use on a site. (See also Freestanding WCF.
>
> Concealed WCF, sometimes referred to as a stealth or camouflaged facility. A WCF, ancillary structure, or WCF equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site. There are two types of concealed WCFs: 1) attached and 2) freestanding. 1) Examples of concealed attached facilities include, but are not limited to the following: painted antenna and feed lines to match the color of a building or structure,

faux windows, dormers or other architectural features that blend with an existing or proposed building or structure. 2) Concealed freestanding WCFs usually have a secondary, obvious function which may be, but is not limited to the following: church steeple, windmill, bell tower, clock tower, light standard, flagpole with or without a flag, or tree. (See also Non-concealed WCF.)

Freestanding WCF. Any staffed or unstaffed location for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of an antenna or group of antennas, feed lines, and equipment cabinets, and may include an antenna support structure. A freestanding wireless communication facility includes, but is not limited to the following: guyed, lattice, or monopole antenna support structures. (See also Attached WCF.)

Non-concealed WCF. A wireless communication facility that is readily identifiable as such and can be either freestanding or attached. (See also Concealed WCF.)

ROW Attached Structure. A special case of an attached WCF, this is defined as a pole or other structure primarily used as an electrical transmission support structure for electrical, telephone, cable, or other wired services that can be or has been configured to support the antenna(s) and feedlines of one or more wireless service providers for use as a WCF.

Small Cell Facilities Are smaller than 3 cubic feet with primary equipment enclosures no larger than seventeen cubic feet

Wireless Communications. Any personal wireless service, which includes but is not limited to: cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), and unlicensed spectrum services utilizing devices described in Part 15 of the FCC rules and regulations (e.g., wireless internet services and paging).

Wireless Telecommunications Master Plan. A plan developed to enforce applicable development standards, state statues, and federal regulations related to the deployment of wireless telecommunications infrastructure.

Information only No change Section to be added if amended . Section 18.04.060(DD)(1)(i) of the Olympia Municipal Code and ordinances related thereto are hereby amended to read as follows:

d. Temporary, commercial wireless communications facilities, for the purposes of providing coverage of a special event such as news coverage or sporting event. Such facilities must comply with all federal and state requirements. Temporary wireless communications facilities may be exempt from the provisions of Chapter 18.44 up to one week after the duration of the special event.

Information only No change Section to be added if amended Section 18.06.060(Z)(2)(g) of the Olympia Municipal Code and ordinances related thereto are hereby amended to read as follows:

g. Temporary, commercial wireless communications facilities, for the purposes of providing coverage of a special event such as news coverage or sporting event. Such facilities must comply with all federal and

state requirements. Temporary wireless communications facilities may be exempt from the provisions of Chapter 18.44 up to one week after the duration of the special event.

Information only No change Section to be added if amended . Section 18.42.080(H) of the Olympia Municipal Code and ordinances related thereto are hereby amended to read as follows:

H. Attaching commercial messages to wireless communication facilities for off-site and on-site advertising shall be prohibited.

Section 11. Section 18.72.120(F) of the Olympia Municipal Code and ordinances related thereto are hereby amended to read as follows:

F. Application Time Limits.

PLANNING APPLICATION TYPE	TIME LIMIT
Environmental Review (SEPA Checklist and Assessment	90-days
Environmental Impact Statement (draft)	365-days
Short Plats	90-days
Land Use Approval	120-days
Preliminary Plat (10 or more lots)	~~90~~ 120-days
Preliminary Planned Residential Development	~~90~~ 120-days
Final Planned Residential Development	30-days
Final Plat	30-days
Conditional Use Permit	120-days
Conditional Use Permit – Residential	120-days
Conditional Use Permit – New Wireless Communication Facility	120-days
New Wireless Communication Facility (not requiring a CUP)	90-days
WCF Collocation	30-days
Variance	90-days
Shoreline Substantial Development Permit	120-days

Shoreline Exemptions	90-days
Time Extension or Modification	90-days
Boundary Line Adjustment	90-days
Appeal to Hearing Examiner	90-days

ENGINEERING PERMIT APPLICATION TYPE	**TIME LIMIT**
Short Plat	120-days
Long Plat	120-days
Utility Extension (in-city)	120-days
Commercial	120-days
Multifamily	120-days

BUILDING PERMIT APPLICATION TYPE	**TIME LIMIT**
New Single-family Residential	30-days
Residential Addition/Remodel	30-days
New Multifamily	120-days
New Commercial	120-days
Commercial Addition/Remodel	120-days

Section 12. Section 18.77.010(H) of the Olympia Municipal Code and ordinances related thereto are hereby amended to read as follows:

A. Application Content Lists. City of Olympia Project Permit Application Content Lists dated ~~July 20, 2009~~ _____, 2014, which include Wireless Communications Facilities Submittal Requirements, are hereby adopted by reference, one (1) copy of which shall be kept on file in the office of the City Clerk and the Olympia Community Planning and Development Department. Such lists shall be considered a part of the Olympia Municipal Code as though fully set forth therein. Such lists specify the content necessary for timely and orderly

processing of each project permit application of the city of Olympia and for reaching a determination that such application is complete as provided by Section 18.72.060 of the Olympia Municipal Code.

Section 13. Section 18.72.100 Table of the Olympia Municipal Code and ordinances related thereto are hereby amended to read as follows:

Review and appeal authority

The following table describes development permits and the final decision and appeal authorities. When separate applications are consolidated at the applicant's request, the final decision shall be rendered by the highest authority designated for any part of the consolidated application.

KEY:

Staff = Community Planning and Development Personnel

SPRC = Site Plan Review Committee

DRB = Design Review Board

PC = Planning Commission

HC = Heritage Commission

HE = Hearing Examiner

Council = City Council

R = Recommendation to Higher Review Authority

D = Decision

O = Open Record Appeal Hearing

C = Closed Record Appeal Hearing

[NOTE: City Council decisions may be appealed to Superior Court except comprehensive plan decisions which may be appealed to the State Growth Management Hearings Board.]

	Staff	SPRC	DRB	PC	HC	HE	Council
ZONING							
Conditional Use Permit		R				D	
Interpretations	D					O	
Land Use (Site Plan) Review		D				O	
Small Lot Review	D					O	
Townhouse (2 - 4 Units)	D					O	
Townhouse (10 or more units)		R	R			D	

KEY:

			(DR)			
Townhouse Final (2-9)	D				O	
Townhouse Final (10 or more)		R				D
Zoning Variance	R				D	
Zone Map Change, without Plan Amendment	R				R	D
Zone Change, with Plan Amendment or Ordinance Text Amendment	R			R		D
Home Occupation	D				O	
Temporary Use Permit	D				O	
SEPA exempt Building Permit	D				O	
Parking or Fence Variance		D			O	
Accessory Dwelling Unit	D				O	
Accessory Building	D				O	
Occupancy Permit	D				O	
Sign Permit	D				O	
Landscape Plan	D				O	
Tree Plan	D				O	
Historic Properties & Districts		D		R	O	
WCF Modification Determination	D				O	
WCF Requiring Conditional Use Permit	R				O	
COMPREHENSIVE PLAN						
Amendments (map, text)	R			R		D
DESIGN REVIEW						
Detailed Review	D		R			
major			O			
Concept Review		D	RD		O	
Signs (general)	D				O	
Scenic Vistas		D	R		O	

KEY:

ENVIRONMENTAL					
Threshold Determination	D			O	
Impact Statement Adequacy	D			O	
Reasonable Use Exception	R			D	
SEPA Mitigating Conditions	D			O	
Major Shoreline Substantial Development Permit		R		D	
Shoreline Conditional Use Permit		R		D	
Shoreline Variance		R		D	
Shoreline Permit Revision or Exemption	D			O	
SUBDIVISION					
Boundary Line Adjustment (including lot consolidation)	D			O	
Preliminary Plat, Long	R			D	
Preliminary Short, (2-9 lots)	D			O	
Final Short Plat	D			O	
Final Long Plat	R				D
Master Plan Approval	R		R	R	D
MPD Project Approval		R	R	D	
Preliminary PRD		R		R	D
Final PRD		R			D
Time Extensions	D			O	

Section 14. Section 18.78.020 Table 78.01 of the Olympia Municipal Code and ordinances related thereto are hereby amended to read as follows:

18.78.020 Procedures

To inform the public of proposed project actions, the Department and applicants shall provide notice as identified in Table 78-1. A vicinity map and basic site plan shall be included with any mailed notices. If a

project is SEPA-exempt and no public hearing is required, notice of application as required by RCW 36.70B.110 (5) will be limited to the type of notice described below.

TABLE 78-1

CITY OF OLYMPIA - PUBLIC NOTIFICATION

PROCESS	APPLICATION TYPE	NOTICE TYPES	WHEN	WHO
CONCEPTUAL DESIGN REVIEW	Multifamily/Commercial in DR districts/Master Planned Development	Mail	Public Meeting 10 Days	PO RNA PR
SEPA	Environmental Checklist	Mail	Notice of Application	PO RNA PR Agencies
		Post site Mail Notify Paper	SEPA Threshold Determination	PO RNA PR Agencies
SUBDIVISIONS	Short Plats	Post Site	Application	
HEARING EXAMINER	Subdivision Variance Rezone Conditional Use Master Planned Development	Post Site Mail Publish in Paper	Public Hearing - 10 days	PO RNA PR
	Conditional Use - Wireless Communications Facility	Post Site Mail Publish in Paper	Public Hearing - 30 days	PO RNA PR
		Mail	Decision	RNA PR
SHORE LANDS	Substantial Development Permit	Post Site Mail	Public Hearing - 15 days	PO RNA PR
		Publish in Paper Mail	Decision	RNA PR
LAND USE REVIEW	Multifamily/ Commercial/ WCF's Not requiring CUP/ Industrial / Master Planned Development	Mail	Meeting - 5 days	RNA PR
			Decision	RNA PR
DETAILED DESIGN REVIEW	Multifamily/Commercial Master	Mail	Public Meeting	RNA PR

TABLE 78-1

CITY OF OLYMPIA - PUBLIC NOTIFICATION

PROCESS	APPLICATION TYPE	NOTICE TYPES	WHEN	WHO
	Planned Development		10 days	
		Mail	Decision	RNA PR
APPEALS	Administrative to Hearing Examiner	Post Site Mail	Open Hearing - 10 Days	RNA PR
	Hearing Examiner to City Council OCC	Mail	Closed Hearing 10 Days	PR RNA
ANNEXATION	10 Percent Notice of Intent	Mail	Public Meeting 10 days	PO RNA PR
	50/60 Percent Petition	Mail Post Publish in Paper	Public Hearing - 10 days	PO RNA PR
COMPREHENSIVE PLAN AMENDMENT/ZONING MAP AMENDMENT	Proposal	Mail Publish in Paper	Proposal Availability	RNA
	Application	Mail Publish in Paper	Public Hearing - 10 days	PO RNA PR

LEGEND

PO = Property Owner within 300 feet of site

RNA = Recognized Neighborhood Associations

PR = Parties of Records on File with the Case

Information only No change Section to be added if amended. Section 20. Section 18.12 of the Olympia Municipal Code and ordinances related thereto are hereby amended to read as follows:

Section reserved – INSERT Historic Preservation Amendments if proposed

Section 15. Section 18.72.080 of the Olympia Municipal Code and ordinances related thereto are hereby amended to read as follows:

18.72.080 Approval and appeal authorities

The project review process for an application or a permit may include review and approval by one or more of the following processes:

A. Department Staff. Individual staff shall have the authority to review and approve, deny, modify, or conditionally approve, among others, Accessory Buildings, Accessory Dwelling Units, Boundary Line Adjustments, WCF Modification Determinations, Building Permits and other construction permits exempt from the State Environmental Policy Act, Environmental Determinations, Home Occupation Permits, Minor Design Review (including reviews of undersized lots of record), Short Plats creating 2-9 lots, Sign Permits, Certificates of Occupancy, Temporary Use Permits, Time Extensions, Tree Plans, and Shoreline Exemptions, and to provide interpretations of codes and regulations applicable to such projects.

B. Site Plan Review Committee. Pursuant to Chapter 18.60 the Site Plan Review Committee shall have the authority to conduct pre-submission conferences and to grant, conditionally grant, deny, or modify, land use approvals regarding projects for which a public hearing is not required, and to extend the period of approval for land use approval granted by the Committee or by the Hearing Examiner.

C. Design Review Board. The Design Review Board shall have the authority to review and provide recommendations regarding Major Design Review applications and appeals of administrative Minor Design Review decisions pursuant to OMC Chapter 18.100, Design Review. With respect to design review criteria, the recommendation of the Board shall always be accorded substantial weight by the decision-maker.

D. Olympia Hearing Examiner. Olympia Hearing Examiner shall have the authority vested pursuant to Chapter 18.82, Hearing Examiner.

E. The City Environmental Review Officer shall administer the State Environmental Policy Act (SEPA), OMC Chapter 14.04 Environmental Policy and OMC Chapter 18.32 Critical Areas.

F. Shoreline Permit Review Process. See OMC Chapter 14.08 and the Shoreline Master Program for the Thurston Region.

G. Subdivision Review Process. See OMC Title 17.

Section 16. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section17. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance, or application of the provision to other persons or circumstances, shall be unaffected.

Section 18. Effective Date. This ordinance, being the exercise of power specifically delegated to the City's legislative body, is not subject to referendum and shall take effect five (5) days after publication as provided by law.

MAYOR STEPHEN BUXBAUM

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Passed:
Approved:
Published: