



**FIGURE 2-8**

% GRADE	100	50	40	33.3	30	25	20	15	12	10	8	6
DEGREES	45	26.6	21.8	18.4	16.7	14	11.3	8.5	6.8	5.7	4.6	3.4
RATIO	1:1	2:1	2.5:1	3:1	3.3:1	4:1	5:1	6.7:1	8.3:1	10:1	12.5:1	16.7:1

**Slope, Steep.** An area which is equal to or in excess of 40 percent slope, or where the ground surface rises ten feet or more vertically within a horizontal distance of 25 feet. This can also include a slope of 15 to 39.9 percent if otherwise defined as a landslide hazard area.

**Slope, Steep Toe, or Steep Top.** A distinct topographic break in slope which separates slopes inclined less than forty (40%) percent from slopes equal to or greater than forty (40%) percent. Where no distinct break exists, this point shall be the limit of the area where the ground surface drops ten (10) feet or more vertically within a horizontal distance of twenty-five (25) feet.

**Small Cell Wireless Facility.** A wireless communication facility as described in RCW 80.36.375(2).

**Small Lake.** See OMC 18.32.505.

**Small Lot Review.** A Director review of proposed construction on undersized legal lots of record approved prior to June 19, 1995.

**Small Lot Subdivision.** See Subdivision, Short.

**Soil and Vegetation Protection Area (SVPA).** A separate tract of land, which may or may not be deeded as such, specifically set aside for the preservation of healthy soil and the preservation or planting of existing and/or native vegetation, well-adapted drought-tolerant vegetation, and trees. Stormwater retention/detention facilities, critical area buffers and other common areas may be considered SVPA's if they currently, or are improved to an extent where they can, support healthy soils and the growth of native vegetation or well-adapted drought-tolerant vegetation. The purpose of these areas for preserving healthy soils and preserving and/or planting native, or well-adapted drought-tolerant vegetation is stated on the face of the plat when applicable.

**Sorority House.** A building, occupied by unrelated female members of a private educational organization, which contains sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room. (See Fraternity, Dormitory.)

**Special Assessment District.** A district with the power to levy taxes created by act, petition, or vote of property owners for a specific purpose.

## Chapter 18.44

### ANTENNAS AND WIRELESS COMMUNICATIONS FACILITIES

#### 18.44.000 Chapter Contents

Sections:

- 18.44.020 Purpose and Intent.
- 18.44.040 Applicability - Types of Facilities and Actions.
- 18.44.060 Exempt Installations.
- 18.44.080 Siting Alternatives Hierarchy.
- 18.44.090 Permitted Wireless Communications Facilities by Zoning District.
- 18.44.100 Development Standards.
- 18.44.110 Approval Process.
- 18.44.120 Interference with Public Safety Communication.

(Ord. 6395 §1, 2006).

#### **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 of wireless communications facilities, within the confines of permissible local 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 lands, buildings, and structures as locations for wireless communication facilities, demonstrating concealed (stealth) technologies.
- K. Ensure consideration of and compatibility with the goals and objectives of the Comprehensive Plan for Olympia and the Olympia Growth Area.

(Ord. 6395 §1, 2006).

**18.44.040 Applicability - Types of Facilities and Actions**

Except as provided in Section 18.44.060 (Exempt Installations) and Chapter 18.46 (Eligible Wireless Communication Facilities Modifications), this chapter shall apply to the development activities including installation, construction, or modification of the following antennas and wireless communications facilities:

- A. Existing antenna support structures.
- B. Proposed antenna support structures.
- C. Public antenna support structures.
- D. Replacement of existing antenna support structures.
- E. Collocation on existing antenna support structures.
- F. Attached wireless communications facilities.
- G. Concealed wireless communications facilities.
- H. AM/FM/TV/HDTV broadcasting transmission facilities.
- I. 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.

(Ord. 7001 §2, 2016; Ord. 6395 §1, 2006).

**18.44.060 Exempt Installations**

The following items are exempt from the provisions of this chapter; 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.
- F. Additional base station equipment associated with approved transmission equipment and placed within an approved equipment compound, provided the height of the additional base station equipment does not extend above the screening fence.

(Ord. 7001 §3, 2016; Ord. 6395 §1, 2006).

**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, Permitted Wireless Communications Facilities by Zoning District, and with the following siting alternatives hierarchy:

1. 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
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
3. 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
4. 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
5. 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. Non-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

B. For attached, collocated or combined, or ROW attached WCFs, the order of ranking preference, highest to lowest, shall first be from 1a to 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 a 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 a freestanding WCF is permitted, the order of ranking preference from highest to lowest shall first be from 4a to 4c in alphabetical order, then likewise from 6a to 6c. 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, the existing land uses of the subject and surrounding properties within 300 feet of the subject property, and an affidavit by a 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. 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.

(Ord. 6395 §1, 2006).

**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 a Conditional Use Permit (C), or prohibited (N). Notwithstanding the provisions of Table 44.01, any Eligible Wireless Facilities Modification subject to Chapter 18.46 is permitted outright.

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.

**Table 44.01 PERMITTED WIRELESS COMMUNICATION FACILITIES BY ZONING DISTRICT**

Zoning District Group	Antenna Element Replacement	CONCEALED		Collocated or Combined on Existing WCF	ROW Attached Structure** — 34.5 kV+	Mitigation of Existing WCF	Expanding Existing Antenna Array	NON-CONCEALED	
		Attached WCF	Freestanding WCF					Attached WCF	Freestanding WCF
<b>Group 1. INDUSTRIAL ZONES (I, LI)</b>									
	P	P	P	P	P	P	P	P	P
<b>Group 2. COMMERCIAL ZONES (AS, CSH, DB, GC, HDC-3, HDC-4, MS, UC, UW)</b>									
	P	P	P	P	P	P	P	C	N
<b>Group 3. MIXED USE ZONES (PUD, PO/RM, RMU, UR, UW-H)</b>									
	P	P	C	P	P	C	C	N	N
<b>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)</b>									
	P	C	C	C	C	C	C	N	N
<b>NATIONAL HISTORIC DISTRICTS and LOCAL, STATE, OR FEDERAL REGISTER PROPERTIES</b>									
Groups 1-3	P	C	C	C	C	C	C	N	N
Group 4	P	N	N	N	N	N	N	N	N
<b>SITES WITHIN 300 FEET OF GROUP 4 – NEIGHBORHOOD ZONES</b>									
Groups 1-3	P	C	C	C	C	C	C	N	N

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

\* Notwithstanding the provisions of Table 44.01, any Eligible Wireless Facilities Modification subject to Chapter 18.46 is permitted outright.

**\*\*Small Cell Facilities attached to structures in the ROW are allowed as permitted uses except where listed as Not Permitted; provided such facilities shall have a Master Permit/Franchise approval per Chapter 11.02 OMC and have the approval of an administrative utility permit ensuring conformance with the applicable City Engineering Design and Development Standards (EDDS 2.060).**

(Ord. 7001 §4, 2016; Ord. 6395 §1, 2006).

**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. **Equipment cabinets:** Cabinets shall not be visible from public views. Cabinets may be provided within the principal building, behind a screen on a rooftop, or on the ground within the fenced-in and screened equipment compound.
3. **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. **Buffers:** Any WCF, located in any zone, that is proposed to be installed within three-hundred (300) feet of a neighborhood zone as categorized in Section 18.44.090 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. **Landscaping Requirements:** Antenna support structures and WCF equipment compounds shall be subject to the requirements of Chapter 18.36 Landscaping and Screening.
6. **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. **Lighting:**
  - a. Lighting on WCFs, if required by the Federal Aviation Administration (FAA), 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. **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. 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. 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 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 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.

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-utility poles, and electricity transmission poles and towers carrying thirty four and one half kilovolts (34.5 kV) or greater, and greater than fifty (50) feet in height, and light posts,~~ subject to approval of the designated staff or other appropriate agency designee and/or the utility company; provided that small cell facilities are allowed on utility poles and electricity transmission towers less than fifty feet in height in addition to lights posts.

b. Equipment compound or cabinets: Equipment compounds or cabinets for WCFs under this subsection shall be designed, located, and screened or concealed in such a manner as to not interfere with the subject right of way or its primary utilization. Depending on site conditions, the review authority may require placement in an underground vault 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 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.

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 maximum height shall be limited to one hundred twenty (120) feet.

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