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## Chapter 18.44 ANTENNAS AND WIRELESS COMMUNICATIONS FACILITIES

### 18.44.000 Chapter Contents

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(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), 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. 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.

(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).

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.

C. Concealed, attached WCFs on City-and/or other publically owned property: Any concealed, attached WCF proposed to be located on a City-and/or publicly-owned property is permitted (P) in any zone or overlay district, so long as the relevant support structure is not listed on the local, state and/or Federal historic registers.

**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	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	N
<b>Group 3. MIXED USE ZONES (PUD, PO/RM, RMU, UR, UW-H)</b>										
	P	P	C	P	P	€	€	N	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	€P	C	€P	€P	€	€	N	N	N
<b>NATIONAL HISTORIC DISTRICTS and LOCAL, STATE, OR FEDERAL REGISTER PROPERTIES</b>										
Groups 1-3	P	C	C	C	C	€	€	N	N	N
Group 4	P	N	N	N	N	N	N	N	N	N
<b>SITES WITHIN 300 FEET OF GROUP 4 - NEIGHBORHOOD ZONES</b>										
Groups 1-3	P	€P	C	€P	€P	€	€	N	N	N

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

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(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 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, 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.

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 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.

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. Collocated or Combined Facilities.

1. Generally.

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

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 shall be subject to the setbacks of the underlying zoning district.

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

d. Visibility: New 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. Modifications to existing facilities: Modifications to previously-approved or legally existing facilities that involve the addition, removal, and/or replacement of transmission equipment that does not substantially change the physical dimensions of an existing or replacement tower, antenna support structure, and base station are permitted (P) in any zone or overlay district. For purposes of this subsection, "substantial change" means:

1. The mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, 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

2. The mounting of the proposed antenna 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

3. The mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or

4. The mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

#### 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.)

(Ord. 6395 §1, 2006).

#### 18.44.110 Approval Process

All approvals are subject to the review processes outlined in Title [18](#) OMC, 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 and Modifications to Existing Facilities.~~

1. Any application submitted pursuant to this section shall be reviewed by City staff for completeness. If any required item fails to be submitted, the application shall be deemed incomplete. Staff shall advise an applicant in writing within twenty (20) 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.

2. 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 approved by the City, 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.
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.
  - 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. 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.

(Ord. 6395 §1, 2006).

#### 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.

(Ord. 6395 §1, 2006).

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