

ORDINANCE NO. 233

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, RELATING TO PERSONAL WIRELESS SERVICE FACILITIES, AMENDING WOODINVILLE MUNICIPAL CODE CHAPTERS 21.06 (DEFINITIONS), 21.08 (PERMITTED USES), 21.12 (DENSITY AND DIMENSIONAL STANDARDS), 21.26 (COMMUNICATIONS FACILITIES), AND 21.32 (TEMPORARY USES), OF THE WOODINVILLE MUNICIPAL CODE, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Telecommunications Act of 1996 ("the Act") provides that local governments may not unreasonably discriminate among providers of personal wireless communications services and may not establish regulations which prohibit or have the effect of prohibiting the provision of personal wireless communication services; and

WHEREAS, the Act preserves local zoning authority over decisions regarding the placement, construction, and modification of wireless communications facilities; and

WHEREAS, recent changes in telecommunications technology have caused said facilities to become a rapidly growing segment of the telecommunications industry; and

WHEREAS, the City of Woodinville Council finds that existing Woodinville codes regulating major and minor communication facilities are outdated and not adequate to protect the public health, safety, and general welfare; and

WHEREAS, the City of Woodinville Council finds that the development of numerous communication facilities within Woodinville under the existing regulations could create significant noise, aesthetic, land use, and other impacts within Woodinville; and

WHEREAS, the City of Woodinville Council finds that communication facilities located in or near residential, commercial and business zones should be regulated to assure that reasonable measures have been employed to protect the public health (as limited herein), safety, and welfare and to protect property values; and

WHEREAS, many properties within Woodinville enjoy views of mountains, trees, bodies of water, and other scenery; and

WHEREAS, Congress in the Act has preempted the City of Woodinville from consideration of the public health impact from radiation emitted by certain communication facilities to the extent that they comply with applicable FCC regulations regarding the same; and

WHEREAS, Woodinville's comprehensive planning process and associated development regulations are designed to ensure that property is developed in a planned and thoughtful manner which protects the scenic beauty and aesthetics of Woodinville, preserves property values, and protects the health, safety, and welfare of the residents of the community; and

WHEREAS, maintenance of property values is vital to preserving Woodinville's tax base and revenues; and

WHEREAS, protection of the scenic beauty of the City of Woodinville and the Sammamish Valley is vital to Woodinville's goal of promoting tourism and tourism-related business activities; and

WHEREAS, the rapid development and siting of communication facilities under the Woodinville's existing regulations may compromise the scenic beauty and aesthetic character of the community, block views, and reduce property values; and

WHEREAS, the City of Woodinville Council finds that communication facilities should be reasonably regulated to minimize potential aesthetic impacts to the surrounding areas and to preserve the character of Woodinville and the views; and

WHEREAS, the City of Woodinville has a policy of reducing or limiting the number of structures within Woodinville which exceed the height limit of the underlying zoning district in order to preserve the character of the community and preserve the views available within the community; and

WHEREAS, communication facilities often must exceed the height limit of the underlying zoning district in order to function properly; and

WHEREAS, the City of Woodinville desires to provide guidance to wireless telecommunication service providers and to balance the implementation of wireless telecommunications services with preservation of the character, views, and aesthetics within Woodinville; and

WHEREAS, Woodinville's Planning Commission and City of Woodinville Council have undertaken a deliberative public process to establish policy, standards and procedures related to the siting of communication facilities; and

WHEREAS, it is in the best interest of the City of Woodinville, its residents and wireless telecommunications service providers that flexibility exist within the regulations to allow the implementation of the Woodinville's policies and regulations; and

WHEREAS, many cities have experienced an increase in requests to locate communication facilities due to the rapid deployment of new personal communication service and other digital wireless technologies, thus creating a need for new provisions in the zoning code to address the siting of communications facilities; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON,
DO ORDAIN AS FOLLOWS:

Section 1. A new section 21.06.029 is hereby added to the Woodinville Municipal Code to read as follows:

21.06.029 Alternative antenna support structure.

An "alternative antenna support structure" shall include flat roofs of buildings; bell towers; clock towers; water towers; church steeples; street light standards; traffic light and traffic sign structures; utility poles;; and other man-made structures and devices, excluding billboards and commercial signs, that extend vertically from the ground to a sufficient height or elevation to accommodate the attachment of antennas at an altitude or elevation that is required for commercial activity for wireless communications signal transmission and reception.

The numbering of .033 Animal, Small shall be changed to .031

Section 2. A new section 21.06.032 is hereby added to the Woodinville Municipal Code to read as follows:

21.06.032 Antenna.

An "antenna" is a specific device, the surface of which is used to transmit and/or receive radio-frequency signals, microwave signals, or other signals transmitted to or from other antennas. For

purposes of illustration, such antennas include, but are not limited to, the following:

A. Omni-directional (or "whip") antennas, designed to transmit and/or receive signals in a 360 degree pattern;

B. Directional (or "panel") antennas, designed to transmit and/or receive signals in a directional pattern which is less than 360 degrees, typically an arc of approximately 120 degrees;

C. Parabolic (or "dish") antennas, generally bowl-shaped devices that are designed to transmit and/or receive signals in a specific directional pattern;

D. Ancillary antennas that are not directly used to provide wireless communication services, such as a global positioning system ("GPS") antenna.

Section 3. Section 21.06.033 is hereby added to the Woodinville Municipal Code to read as follows:

21.06.033 Antenna array.

An "antenna array" is two or more devices used for the transmission or reception of radio frequency signals, microwave or other signals for personal wireless services purposes and may include omni-directional antennas, directional antennas, parabolic antennas, and ancillary antennas. Two or more antennas situated or mounted upon or attached to a single platform or mounting structure which is affixed or attached to the top of an antenna support structure or mid-way thereon, or to an alternative antenna support structure, including the roof of a flat-roofed building, are included in the definition of antenna array.

Section 4. A new section 21.06.034 is hereby added to the Woodinville Municipal Code to read as follows:

21.06. 034 Antenna support structure.

An "antenna support structure" means a structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting or otherwise affixing antennas at a height, altitude, or elevation for the purpose of providing personal wireless

services. For purposes of illustration, antenna support structures include, but are not limited to, the following:

A. A "lattice tower" is a support structure that consists of metal crossed strips, bars, or braces, forming a tower which may have three, four, or more sides;

B. A "monopole tower" is a support structure consisting of a single vertical metal, concrete or wooden pole, typically round or square, and driven into the ground or attached to a foundation; and

C. A "guyed tower" is a support structure which is usually over 100 feet tall, which consists of metal crossed strips or bars, and is steadied by wire guys in a radial pattern around the tower.

Section 5. A new section 21.06.087 is hereby added to the Woodinville Municipal Code to read as follows:

21.06.087 Camouflaged.

"Camouflaged" means the use of shape, color, and/or texture to cause an object to appear to become a part of something else, usually a structure, such as a building, wall, or roof. Camouflaged does not mean "invisible," but rather "appearing as part or exactly like the structure used as a mount."

Section 6. A new section 21.06.111 is hereby added to the Woodinville Municipal Code to read as follows:

21.06.111 Co-location.

"Co-location" means the common use of a single antenna support structure, alternative support structure or by two or more personal wireless service providers.

Section 7. Section 21.06.115 of the Woodinville Municipal Code is hereby amended to read as follows:

21.06.115 Communication facility, minor.

"Minor communication facility" means an unstaffed facility for the transmission and/or reception of wireless communication services, usually consisting of antennas, equipment enclosures, transmission cables, and a support structure. A "minor communication facility" is used for the transmission and/or reception of:

- A. Two-way and/or citizen band (CB) radio signals;
- B. Point-to-point microwave signals;
- C. Signals through FM radio translators;
- D. Signals through FM radio boosters under ten (10) watts effective radiated power (ERP).

Section 8. A new section 21.06.121 is hereby added to the Woodinville Municipal Code to read as follows:

21.06.121 Concealment.

"Concealment" means fully hidden from view. For example, a personal wireless service facility is concealed when it is completely hidden or contained within a structure, such as a building, wall, or roof.

Section 9. A new section 21.06.169 is hereby added to the Woodinville Municipal Code to read as follows:

21.06.169 Disguised.

"Disguised" means that a personal wireless service facility is changed to appear to be something other than what it really is. For example, communication facilities are sometimes disguised to appear as trees or flag poles.

Section 10. A new section 21.06.209 is hereby added to the Woodinville Municipal Code to read as follows:

21.06.209 Equipment enclosure, personal wireless service facilities.

"Personal wireless service facility equipment enclosure" or "equipment enclosure" means a small structure, shelter, cabinet, box or vault designed for and used to house and protect the electronic equipment necessary and/or desirable for processing personal wireless service signals and data, including any provisions for air conditioning, ventilation, or auxiliary electric generators.

Section 11. A new section 21.06.233 is hereby added to the Woodinville Municipal Code to read as follows:

21.06.233 FCC.

"FCC" means the Federal Communications Commission.

Section 12. A new section 21.06.307 is hereby added to the Woodinville Municipal Code to read as follows:

21.06.307 Height, personal wireless service facilities.

For personal wireless service facilities, "height" means the vertical distance measured from existing unaltered ground level to the highest point on the communication facility, including the antenna or antenna array.

Section 13. A new section 21.06.401 is hereby added to the Woodinville Municipal Code to read as follows:

21.06.401 Mount.

"Mount" means any mounting device or bracket which is used to attach an antenna or antenna array to an antenna support structure or alternative antenna support structure.

Section 14. A new section 21.06.451 is hereby added to the Woodinville Municipal Code to read as follows:

21.06.451 Personal wireless service facilities.

"Personal Wireless Service Facilities" means any unstaffed facility for the transmission and/or reception of personal wireless services as defined by Section 704 (a)(7)(c)(i) of the Federal

Telecommunications Act of 1996, including cellular, PCS, enhanced specialized mobile radio (ESMR), specialized mobile radio (SMR), paging, 800 MHz and other similar technologies covered by the aforementioned Section.

Section 15. A new section 21.06.452 is hereby added to the Woodinville Municipal Code to read as follows:

21.06.452 Personal wireless service facility, temporary.

A "temporary personal wireless service facility" is a non-permanent facility installed on a short-term basis, for the purpose of evaluating the technical feasibility of a particular site for placement of a personal wireless service facility or for providing emergency communications during a natural disaster or other emergency. Examples of temporary personal wireless service facilities include, but are not limited to, placement of an antenna upon a fully extended bucket truck, crane, or other device capable of reaching the height necessary to evaluate the site for placement of a personal wireless service facility.

Section 16. A new section 21.06.639 is hereby added to the Woodinville Municipal Code to read as follows:

21.06.639 Street / Utility pole.

"Street pole" means telephone, utility / electric, cable television or street light poles located within a public right-of-way.

Section 17. The Woodinville Municipal Code Land Use Table set forth in Section 21.08.055, Subsection A is hereby amended to read as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

Section 18. The Woodinville Municipal Code Section 21.08.055, Subsection B(6) is hereby amended to read as follows:

(6) Minor communication facilities shall be regulated relative to setback and height pursuant to WMC Chapter 21.12.

Section 19. The Woodinville Municipal Code Section 21.08.055, Subsection B is hereby amended by the addition of a new Subsection B(13) to read as follows:

(13) Personal wireless service facilities shall be regulated pursuant to WMC Chapter 21.26.

Section 20. The Woodinville Municipal Code Use Table in Section 21.08.100, Subsection A is hereby amended to read as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

Section 21. The Woodinville Municipal Code Section 21.08.100, Subsection B(6) and (14) are hereby amended to read as follows:

(6)(a) Limited to one receive-only satellite parabolic antenna not exceeding one meter in diameter in a residential zone and not exceeding two meters in diameter in all other zones.

(b) Limited to no more than three satellite parabolic antennas not exceeding one meter in diameter in a residential zone and not exceeding two meters in diameter in all other zones.

(c) Limited to tower consolidations.

(14) Personal wireless service facilities shall be regulated pursuant to WMC Chapter 21.26.

Section 22. The Woodinville Municipal Code Section 21.12.170, Subsection (2) is hereby amended to read as follows:

(2) Fire or parapet walls, skylights, chimneys, smoke stacks, church steeples, major or minor communication facility transmission structures, and street poles.

Section 23. The Woodinville Municipal Code Chapter 21.26 is hereby amended to read as follows:

Chapter 21.26

DEVELOPMENT STANDARDS PERSONAL WIRELESS SERVICE FACILITIES

Sections:

21.26.010	Purpose.
21.26.020	Applicability.
21.26.030	Permit required.
21.26.040	Exceptions
21.26.050	General provisions.
21.26.060	Permitted locations.
21.26.070	Visibility and performance standards.

- 21.26.080 Supplemental provisions -- Special and conditional uses.
- 21.26.090 (Reserved)
- 21.26.100 Maintenance of facilities.
- 21.26.110 Co-location -- Covenant of good faith.
- 21.26.120 Testing of facilities required -- RF emissions.
- 21.26.130 Testing of facilities required -- Noise emissions.
- 21.26.140 Security fencing.
- 21.26.150 Abandonment of facilities.
- 21.26.160 Signs.
- 21.26.170 Lighting standards.

21.26.010 Purpose. The purposes of this Chapter are as follows:

- A. Establish development regulations consistent with Woodinville's Comprehensive Plan;
- B. Protect property values and promote tourism through protection of scenic vistas of mountains, tree-covered hillsides, the valley floor, and tourist-related zones and areas;
- C. Maintain the Northwest woodland character of Woodinville and maintain the quality of life associated with the aesthetic character of the Woodinville's surroundings;
- D. Provide adequate sites for locating personal wireless service facilities;
- E. Provide facilities and infrastructure to provide wireless communications service to city residents or others when in Woodinville;
- F. Encourage optimal co-location and sharing of new and existing facilities;
- G. Encourage use of most appropriate technology and prompt removal of outdated or abandoned personal wireless service facilities;
- H. Encourage the location of personal wireless service facilities upon alternative support structures;

I. Require that the design of personal wireless service facilities incorporate camouflage, disguise, screening and concealment technology so that such facilities blend into their surroundings;

J. Facilitate the use of public property and structures for personal wireless service facilities to reduce the impact of such facilities upon residential and other property; and

K. Provide a level, non-discriminatory competitive environment and thereby encouraging increased competition among providers of functionally equivalent wireless services.

21.26.020 Applicability. Except as otherwise provided herein, the placement of any personal wireless service facility at any location within Woodinville is subject to the provisions of this Chapter. The standards and process requirements of this Chapter supersede all other review process, setback, height or landscaping requirements of this title. Except as provided herein, all personal wireless service facilities shall comply with the provisions of this Chapter.

21.26.030 Permit required.

A. A personal wireless service facility permit shall be required prior to the site preparation, construction, installation, or modification of any personal wireless service facility other than a temporary personal wireless service facility as defined in the Woodinville Municipal Code (WMC), Chapter 21.06. The review process for personal wireless service facility permits shall be as specified in WMC Section 21.08.055 (A) and 21.26.060.

B. No personal wireless service facility permit shall be issued unless the applicant demonstrates compliance with the terms, conditions and performance standards set forth in this Chapter. Any such permit denominated as a special or conditional use shall also meet the criteria for said use permits set forth in WMC, Chapter 21.44. In the event that conditional or special use approval is not required, a personal wireless service facility permit shall be approved by the Planning Director and issued by the Permit Center.

21.26.040 - Exceptions. The design, siting (location or landscaping) and dimension requirements and/or standards of this section may have modifications by the Planning Director when, in his or her judgment, design, siting and dimension requirements are proven to produce negative unintended results and/or accomplish the same results with alternatives. Such exceptions must be reviewed and approved by a standards review panel comprised of the Directors of the Community Development, Permit Center, Public Works, and Parks and Recreation Departments.

21.26.050 General provisions.

A. Lattice and guyed wire towers shall not be permitted in any zoning district.

B. Commercial advertising including billboards, business identification signs and flag poles may not be used as alternative antenna support structures.

C. Construction and/or installation of towers and/or attached antennas is prohibited within the Tourist District Overlay.

21.26.060 Permitted locations.

Personal wireless service facilities shall be permitted as follows:

Zone Designation	Uses
All Zones (Except CBD)	Personal wireless service facilities located upon street poles within public rights-of-way are permitted.
All Zones (except CBD)	Personal wireless service facilities attached to electric transmission towers or utility poles located outside of public rights-of-way are permitted.
All Zones	Personal wireless service facilities attached to water tanks are permitted.
All Zones	Personal wireless service facilities co-located on existing monopoles are permitted.
All Zones	Personal wireless service facilities incorporated into existing or new playfield, ballfield, or stadium lights located at a public or private school or within a public park are permitted.
O, I, GB, CBD, P/I	Personal wireless service facilities attached to existing buildings are permitted.
O, I, GB, P/I	Monopole towers are permitted pursuant to issuance of a Special Use Permit.
O, I, GB, P/I	Personal wireless service facilities incorporated into an alternative antenna support structures not specifically provided for in this section or WMC 21.26.070 require a conditional use permit, unless use of such structure is prohibited by this Chapter.

21.26.070 Visibility and performance standards. All personal wireless service facilities locating within Woodinville shall comply with the following standards:

A. Street pole mounted facilities (All Zones except CBD).

1. Antennas. Antennas mounted on or within street poles shall meet the following requirements:

a. Only one facility shall be permitted on any street pole.

b. On street poles less than or equal to 40 feet in height, only a single omni-directional antenna no greater than 8 inches in diameter and 6 feet in length or two directional antennas with a combined frontal surface area of 720 square inches shall be permitted.

c. On street poles greater than 40 feet in height, an antenna or antenna array measuring no greater than 6 feet vertically and 16 inches in diameter or three directional antennas with a combined frontal surface area of 1,080 square inches shall be permitted.

d. Antennas shall be either concealed or within the street pole or camouflaged to appear to be an integrated part of the street pole. Directional antennas may be flush-mounted on the sides of street poles and treated with paint and/or surface applications matching the color and texture of the street pole. Antennas not flush mounted shall be centered on the top of the street pole to which they are mounted and camouflaged or disguised.

e. In the event that an electric utility located upon the street pole requires vertical separation between its electric facilities and the antenna(s) so mounted, the antenna may be raised by a mount to accommodate the separation requirement to an elevation not exceeding an additional 10 feet for street poles less than or equal to 40 feet in height or 15 feet for street poles greater than 40 feet in height or the required separation, whichever is less. Any such mount shall be no greater in diameter than the existing street pole and shall be designed to be camouflaged with colors and textures of the existing street pole.

f. Existing street poles may be replaced with a new street pole of the same height, dimensions and appearance as the existing street pole. In the event that a utility located upon the street pole requires vertical separation between its utility facilities and the antenna(s) so mounted, the street pole height may be raised by an amount to accommodate the separation requirement as provided in Subsection (e) hereof. Antenna(s) located upon the new street pole shall meet the standards for mounting an antenna to an existing street pole, as set forth above.

2. Equipment enclosures.

a. **Generally.** All ancillary equipment necessary for the operation of the facility shall be concealed within: (a) an existing building; (b) an architecturally compatible addition to an existing building; or (c) a new building which is architecturally compatible with other buildings on the site and adjoining properties, or located underground or located above ground and landscaped and screened pursuant to this chapter. Underground equipment cabinets shall not extend more than 18 inches above the existing ground surface and shall be screened by approved vegetation and/or fencing. Underground shelters shall not be allowed where such shelters would interfere with existing uses of public land, including, but not limited to public rights-of-way. Equipment enclosures less than or equal to two feet in width, two and 1/2 feet in height, and one foot in depth may, with the approval of the Public Works Director be mounted directly on a street pole.

b. **Location.** Equipment enclosures are permitted upon abutting private property and may, with approval from the Public Works Director, be located within public rights-of-way.

c. **Dimensions.** The size of such equipment enclosures shall be minimized to the greatest extent possible, and, in a residential zone, no enclosure shall exceed six feet in any dimension, unless located underground, or otherwise approved by the Planning Director.

d. **Appearance.** The equipment enclosure shall be constructed so as to minimize its visual impact, and the surface and/or finish shall be a natural, non-reflective color approved by the Planning Director. Buildings or structures with non-masonry exterior finishing shall be a natural, non-reflective color. Pre-fabricated concrete and metal structures shall not be permitted unless treated with a facade giving the appearance of masonry or wood siding and approved by the Planning Director.

3. **Horizontal separation.** Personal wireless service facilities located within public rights-of-way shall be located a minimum of 500 feet apart, or otherwise approved by the Planning Director.

4. **Screening and noise standards.** Noise reduction measures shall comply with WMC 8.08, Noise Ordinance or the standards set forth with the Federal Interagency Committee on Urban Noise, whichever demonstrates the least amount of noise impact for the nearest residential dwelling(s) at any time of day or night, as measured from the closest point from the exterior of the dwelling to the personal wireless facility. Such requirements shall be exempt during annual testing of alternative power sources (i.e. power generators or similar emergency power sources).

5. **Landscaping.** Ground mounted equipment enclosures shall be surrounded with a ten foot width of type I landscaping, as defined in WMC 21.16.040, or requirements within the Tourist District Overlay, whichever is more stringent. The requirements of this subsection may be varied by the Planning Director on a case-by-case basis when doing so would result in a greater degree of concealment of an equipment enclosure.

6. Setbacks. Equipment enclosures containing air conditioning equipment other than mechanical fans, shall comply with the setback requirements set forth in WMC Chapter 21.12, and meet or exceed the standards set forth in WMC 8.08 or the Federal Interagency Committee on Urban Noise, whichever demonstrates the least amount of noise impact for the nearest residential dwelling(s), as measured from the closest point from the exterior of the dwelling to the personal wireless facility. Unless, in the judgment of the Planning Director, the applicant has demonstrated that a lesser setback would result in a greater reduction of visual and noise impacts from the facility or a reduced setback would have no noise impact on the residential property. Ground mounted equipment enclosures shall otherwise comply with the setback requirements set forth in WMC Chapter 21.12 unless in the judgment of the Planning Director, reduced setbacks would result in reduced noise and/or visual impacts.

B. Building attached facilities (O, I, GB, CBD, and P/I Zones).

1. Antennas. Building-mounted antennas shall meet the following requirements:

a. Roof mounted antennas shall not exceed 18 feet above the highest portion of the building to which they are attached, including the mount;

b. Roof mounted antennas shall be placed pursuant to adopted Design Principles, and shall either be concealed or camouflaged into the building design. This may include the construction of false equipment penthouses on the roofs of buildings or some other concealment type structure, the design of which is approved by the Planning Director;

c. When a roof mount installation is performed, the antennas, mounting brackets and any concealment structures shall be exempt from the height limit of the underlying zone to the extent that the total height of such facilities do not increase the overall building height by 18 feet, or 50% of the original building height, whichever is less.

d. Wall-mounted antennas shall be mounted flush on the exterior walls of the building, not extend above the building parapet or other roof-mounted structure, and shall either be concealed or camouflaged into the building design; and

e. Omni-directional antenna's surface and/or finish shall be a neutral color, or be concealed, at the discretion of the Planning Director. In determining whether to require concealment of omni-directional antennas, the Planning Director shall consider whether the site line diagrams, site plans, and photosimulations submitted by the applicant demonstrate that the omni-directional antennas will not be visible from the public rights-of-way adjacent to the subject property.

2. Equipment enclosures.

a. **Rooftops.** Equipment enclosures located on the roof of a building shall be placed pursuant to adopted Design Principles and shall either be concealed or camouflaged into the building with architecturally compatible design as approved by the Planning Director, or otherwise conditioned by adopted Design Principles and/or Guidelines.

b. **Ground mounted.** See WMC Sections 21.26.070 A (2)(a) and (d); 21.26.070 A (4-6).

C. Monopole towers (Special Use Permit for O, I, GB, CBD, and P/I Zones).

1. **Antennas.** Directional and omni-directional antennas shall be no greater in length than six feet. The antenna array and mount, if any, shall extend no further from the center line of the pole than 10 feet measured horizontally. Antennas, antenna arrays and other mounting hardware's surface and/or finish shall be a color matching the monopole.

2. **Support structure.** Monopoles shall be located in such a manner that at least 80% of the tower is screened by existing buildings or trees. Also, the pole's surface and/or finish shall be a natural non-reflective color to blend into the surroundings. The height of the monopole shall be no greater than 120 feet. All monopoles towers shall be screened through the use of existing trees and/or the planting of new evergreen trees of a minimum height of 20 feet tall and of a species approved by the Planning Director. There shall be a minimum of at least 15 existing or newly planted trees spaced around the monopole in such a manner that the maximum screening effect is achieved. Any new trees shall be planted within 40 feet of the monopole and maintained in a healthy condition at all times. In the event that any such tree shall become diseased or suffer other mortality, it shall be replaced with a tree meeting the requirements of this Subsection.

3. **Equipment enclosures**

a. **Appearance.** See WMC Section 21.26.070 A (2)(a) and (d).

b. **Screening and noise standards.** See WMC Section 21.26.070 A (4).

c. **Landscaping.** See WMC Section 21.26.070 A (5).

4. **Setbacks.** See WMC Section 21.26.070 A (6).

5. **Criteria.** Any personal wireless service provider which proposes to construct a monopole shall provide, as part of its permit application, a written opinion from a qualified engineer or consultant which provides that:

a. Either there are no other antenna support structures or alternative antenna support structures reasonably available for co-location; or

b. Any existing antenna support structures or alternative antenna support structures reasonably available are not technologically suitable for use by the applicant; and

c. The proposed monopole has been designed in a manner that will allow for the co-location of at least one additional antenna array on the structure.

D. Electric transmission towers outside public rights-of-way (All Zones).

1. **Antennas.** Antennas, antenna arrays, and all mounting hardware's surface and/or finish shall be a color matching the tower so as to blend into the existing tower.

2. **Equipment enclosures**

a. **Appearance.** See WMC Section 21.26.070 A (2)(a) and (d).

b. **Screening and noise standards.** See WMC Section 21.26.070 A (4).

c. **Landscaping.** See WMC Section 21.26.070 A (5).

3. **Setbacks.** See WMC Section 21.26.070 A (6).

4. **Addition of height.** Electric transmission towers may be increased in height by up to 15 feet to accommodate the installation of personal wireless service facilities. Provided, however, that any additions to such facilities shall be designed to blend into the existing facility, shall be constructed of similar materials, and shall have surface treatments which match the color and texture of the original facility.

E. Co-location on existing monopole towers (All Zones).

1. **Antennas.** Directional and omni-directional antennas shall be no greater in height than six feet. The antenna array and mount, if any, shall extend no further from the center line of an existing monopole than 10 feet measured horizontally, or the distance of any existing antenna array, whichever is less.

2. Support structure. All monopole towers upon which co-location is permitted shall be screened through the planting of at least 10 evergreen trees of a minimum height of 20 feet tall and of a species approved by the Planning Director. Existing trees of equal or greater height within 30 feet of the monopole may be used to fulfill this requirement. Said trees shall be spaced around the pole in such a manner that the maximum screening effect is achieved. Said trees shall be planted within 50 feet of the monopole and maintained in a healthy condition at all times. In the event that any such tree shall become diseased or suffer other mortality, it shall be replaced with a tree meeting the requirements of this Subsection. The landscaping requirements of this subsection may be waived by the Planning Director when, in his or her judgment, landscaping is impractical due to the design and location of the existing monopole. Existing monopole towers, and any additional equipment's surface and/or finish co-located thereon shall be a natural, non-reflective color that blends into the natural and built surroundings where it is located.

3. Equipment enclosures

a. **Appearance.** See WMC Section 21.26.070 A (2)(a) and (d).

b. **Screening and noise standards.** See WMC Section 21.26.070 A (4).

c. **Landscaping.** See WMC Section 21.26.070 A (5).

4. Setbacks. New equipment enclosures associated with facilities co-located upon existing monopole towers shall be placed no closer to existing residential uses than any existing equipment enclosure on the subject property. Said enclosures shall also comply with the setback requirements set forth in WMC, Chapter 21.12.

F. Water tank mounted facilities (All Zones).

1. Antennas. Directional and omni-directional antennas, and the mount, if any, shall be no greater in height than 10 feet above the highest point of the water tank. Antenna's surface and/or finish shall be a color which matches the watertank and which blends into the natural and built environment surrounding the water tank. Directional antennas may be flush-mounted on the exterior surface of the water tank, but may not protrude above the upper rim of the tank. Antennas which are not flush-mounted on the side of the tank shall be mounted as close to the center of the tank as possible.

2. Equipment enclosures.

a. Appearance. See WMC Section 21.26.070 A (2)(a) and (d).

b. Screening and noise standards. See WMC Section 21.26.070 A (4).

c. Landscaping. See WMC Section 21.26.070 A (5).

3. Setbacks. Enclosures shall comply with the setback requirements set forth in WMC, Chapter 21.12.

G. Playfield, ballfield and stadium light mounted facilities (All Zones).

1. Antennas.

a. Only one facility shall be permitted on any light pole.

b. On light poles less than or equal to 40 feet in height, only a single omni-directional antenna no greater than 8 inches in diameter and 6 feet in length or two directional antennas with a combined frontal surface area of 720 square inches shall be permitted.

c. On light poles greater than 40 feet in height, an antenna or antenna array measuring no greater than 6 feet vertically and 16 inches in diameter or three directional antennas with a combined frontal surface area of 1,080 square inches shall be permitted.

d. Antennas shall be either concealed within the light pole or camouflaged to appear to be an integrated part of the light pole. Directional antennas may be flush-mounted on the sides of light poles and treated with paint and/or surface applications matching the color and texture of the light pole. Antennas not flush mounted shall be centered on the top of the light pole to which they are mounted and camouflaged or disguised.

2. **Structural modification.** An existing light pole may be replaced with a new light pole of the same appearance and height with similar design characteristics when necessary to support the additional weight or wind loading of antennas mounted thereon, as approved by the Planning Director.

3. **Equipment enclosures**

a. **Appearance.** See WMC Section 21.26.070 A (2)(a) and (d).

b. **Screening and noise standards.** See WMC Section 21.26.070 A (4).

c. **Landscaping.** See WMC Section 21.26.070 A (5).

d. **Setbacks.** See WMC Section 21.26.070 A (6).

21.26.080 Supplemental provisions -- Special and conditional uses.

A. In addition to the criteria for approval of special and conditional uses set forth in WMC, Chapter 21.44, the following criteria shall apply to all personal wireless service facility permits denominated as conditional or special uses:

1. The applicant has demonstrated that visual, noise, and other impacts associated with the proposed facility have been minimized to the maximum extent possible, as determined by the Planning Director, using existing concealment technology, site design, noise abatement techniques, concealment, disguise, camouflage, and/or the use of architecturally compatible improvements to existing structures where permitted, and/or underground placement of ancillary equipment. In evaluating the site design, consideration shall be given to whether the facility will blend into the surrounding topography, tree coverage, foliage, and other natural features and whether locating the facility in alternative locations upon the subject property, or reasonably available properties, would better conceal the facility through use of existing natural and built features in accordance with the City of Woodinville adopted Design Principles and/or Guidelines;

2. The applicant has demonstrated that the design of the proposed facility complies with the purpose and intent of this Chapter, including, but not limited to, the visibility and performance standards set forth in WMC 21.26.070 which most closely match the proposed facility;

3. Whether alternative locations, including other co-locations and alternative support structures, are available for the proposed facility; and,

4. Whether the proposed facility is in compliance with all applicable federal, state, and local statutes, regulations, ordinances, and policies.

B. In evaluating any proposed personal wireless service facility denominated as a special or conditional use, the Planning Director may, at the expense of the applicant, retain an outside consultant to review the technical, design and other materials submitted by the applicant in conjunction with the proposal.

21.26.090 Reserved.

21.26.100 Maintenance of facilities.

The owner and/or operator of all personal wireless service facilities shall maintain their facilities in a good and safe condition and in a manner which complies with all applicable federal, state, and local requirements.

21.26.110 Co-location -- Covenant of good faith.

All antenna support structures permitted pursuant to the terms of this Chapter or otherwise located within Woodinville shall be made available for use by the owner or initial user thereof, together with as many other personal wireless service providers as can be technically co-located thereon. However, nothing in this Chapter shall prevent the owner of an antenna support structure from charging a reasonable fee for the co-location of additional facilities upon said structure which does not exceed the fair market value for the space occupied by said co-located facilities.

21.26.120 Testing of facilities required -- Radio Frequency (RF) emissions.

A. All personal wireless service facilities shall comply with applicable Federal Communications Commission (FCC) regulations regarding radio-frequency emissions. All tests shall be performed by or under the supervision of a professional engineer competent to perform such testing and interpret the data gathered.

B. Reports or similar support documents shall be submitted for all facilities confirming compliance with all applicable FCC regulations. Compliance reports shall be required on an annual basis thereafter.

C. If at any time radio-frequency emission tests show that a facility exceeds any of the standards established by the FCC, the owner or operator thereof shall immediately discontinue use of the facility and notify the Planning Director. Use of such facilities may not resume until the owner or operator demonstrate that corrections have been completed which reduce the radio-frequency emissions to levels permitted by the FCC.

21.26.130 Testing of facilities required -- Noise emissions.

A. The owner or operator of a personal wireless service facility shall conduct tests necessary to demonstrate compliance with all applicable local regulations regarding the noise emissions of the facility when notified in writing by the Planning Director that a noise complaint has been received regarding the facility. All such tests shall be performed by or under the supervision of a licensed environmental noise consultant competent to perform such tests and interpret the data gathered.

B. When such a report is required, a report, certified by a licensed environmental noise consultant, setting forth the observed noise levels at the property line of the property upon which the facility is located shall be submitted. The report shall account for background noise and other noise sources and demonstrate the noise levels emitted by the facility, including any air conditioning or ventilation equipment contained therein. Such report shall address standards set forth within noise reduction measures within WMC 8.08, Noise Ordinance or the standards set forth with the Federal Interagency Committee on Urban Noise, whichever demonstrates the least amount of noise impact for the nearest residential dwelling(s), at any time of day or night, as measured from the closest point from the exterior of the dwelling to the personal wireless facility.

C. The Planning Director may retain a technical expert in environmental noise measurement to verify the noise measurements and certification. The cost of such a technical expert shall be borne by the owner or operator of the facility, if said facility fails to comply with applicable state or local noise standards.

D. This Section shall not apply during the annual testing of alternative power sources (i.e. power generators).

21.26.140 Security fencing.

All personal wireless service facilities shall be protected from unauthorized entry. The perimeter of all personal wireless service facilities which include an antenna support structure shall be secured with security fencing which does not exceed 6 feet in height. Personal wireless service facilities that do not include an antenna support structure shall be protected from unauthorized entry through appropriate means approved by the Planning Director or his or her designee on a case-by-case basis consistent with the purpose of protecting the public health, safety, and welfare.

21.26.150 Abandonment of facilities.

Any antenna support structure that has had no antennas mounted upon it for a period of six months, or if the antennas mounted thereon are not operated for a period of six months, shall be considered abandoned, and the owner thereof shall remove such structure and any accompanying equipment and enclosure within 90 days after receipt of a notice from the Planning Director to do so. The Planning Director may extend this time period to a maximum of six additional months. The owner or operator of all personal wireless service facilities shall, when requested by the Planning Director, submit a written report, signed under penalty of perjury, which demonstrates whether or not there has been a cessation in use of the facility for a period of six months during the prior year. If a facility and associated equipment are not removed within 90 days after receipt of a notice from the Planning Director requiring said removal, the Planning Director may seek and obtain a court order directing such removal and imposing a lien upon the real property upon which such personal wireless service facility is situated in an amount equal to the cost of removal. In the event that more than one personal wireless service provider is using the antenna support structure, the antenna support structure shall not be considered abandoned until all such users cease using the structure as provided in this Section.

21.26.160 Signs.

Except as approved by the Planning Director as part of a plan to conceal, disguise, or camouflage a personal wireless service facility, no signs, symbols, flags, banners, or similar devices or things shall be placed on, attached to, painted, or inscribed upon any antenna support structure or alternative antenna support structure. Notwithstanding the foregoing, an Applicant and/or Land Owner may place not more than four signs measuring 12 by 18 inches upon or near a personal wireless service facility which: (1) state that trespassers will be prosecuted; (2) listing the names and telephone numbers of persons to be contacted in the event of an emergency; (3) identify the Applicant and/or Land Owner or person responsible for operating the personal wireless facility; and/or, (4) contain information necessary and convenient for the person operating the personal wireless service facility to identify the personal wireless service facility. Nothing in this Section shall be construed to prohibit the placement of safety or warning signs upon any portion of the personal wireless service facility which are

required by law or which are designed to apprise emergency response personnel and the employees and agents of personal wireless service providers of particular hazards associated with equipment located upon the personal wireless service facility.

21.26.170 Lighting standards.

Except as specifically required by Federal Aviation Administration (FAA) or FCC regulations, antenna support structures shall not be illuminated. However, equipment enclosures may be illuminated for security reasons when compatible with the surrounding neighborhood.

Section 24. A new Section 21.32.185 is hereby added to the Woodinville Municipal Code to read as follows:

21.32.185 Temporary personal wireless service facilities.

A. The placement and use of temporary wireless personal wireless service facilities shall conform to required setbacks, shall be maintained in a good and safe condition, and shall comply with all applicable federal, state and local rules and regulations.

B. A temporary personal wireless service facility may be used to evaluate the technical feasibility of a particular site for no more than 3 days. Provided, with the Planning Director's approval, an extension may be granted to a maximum of 15 days.

C. Unless otherwise approved by the Planning Director, temporary wireless personal wireless service facilities may be used to provide emergency personal wireless services during natural disasters and other emergencies for no more than 30 days.

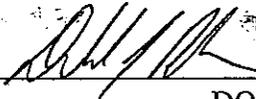
Section 25. Codes Adopted by Reference. Pursuant to RCW 35A.12.140, one copy of the standard adopted by the Federal Interagency Committee on Urban Noise adopted by reference herein, has been and is now on file with the City Clerk and is available for examination by the public.

Section 26. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of ~~any other section, sentence, clause or phrase of this ordinance.~~

Section 27. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City of Woodinville, and shall take effect and be in full force five (5) days after publication.

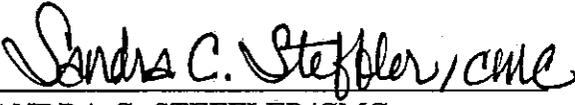
ADOPTED by the City Council of the City of Woodinville, Washington, this 8th day of March, 1999.

CITY OF WOODINVILLE



DONALD J. BROCHA
MAYOR

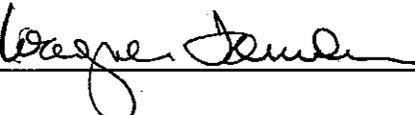
ATTEST/AUTHENTICATED:



SANDRA C. STEFFLER/CMC
CITY CLERK

APPROVED AS TO FORM:

OFFICE OF THE CITY OF WOODINVILLE ATTORNEY:

BY 

FILED WITH THE CITY OF WOODINVILLE CLERK: 3-8-99

PASSED BY THE WOODINVILLE COUNCIL: 3-8-99

PUBLISHED: 3-15-99

EFFECTIVE DATE: 3-20-99

ORDINANCE NO. 233

WMC 21.08.055

A. INSTITUTIONAL
LAND USES

KEY

- P - Permitted Use
- C - Conditional Use
- S - Special Use

SIC#	SPECIFIC LAND USE	RESIDENTIAL					COMMERCIAL/INDUSTRIAL					PUB	INSTI
		A	R1-4	R5-8	R9-18	R19+	NB	GB	CBD	O	I		
*	Public agency or utility office		P1,9 C2,9	P1,9 C2,9	P1,9 C2,9	P1,9 C2,9	P2,9	P9	P9	P9			P9
*	Public agency or utility yard		P3,9	P3,9				P9	P9		P9		P9
*	Public agency archives							P9	P9	P9	P9		P9
921	Court								P9	P9	P9		P9
9221	Police Facility							P9	P9	P9	P9		P9
9224	Fire Facility		C4,9	C4,9	C4,9	C4,9	P9	P9	P9	P9	P9		P9
*	Utility Facility	P5 C	P9	P9	P9	P9	P9	P9	P9	P9	P9		P9
*	Minor Communication Facility (6)	C	C9	C9	C9	C9	C9	P9	P9	P9	P9		P9, 12
*	Private Stormwater Management Facility	P7	P7, 9	P7, 9	P7, 9	P7, 9	P8, 9	P8, 9	P8, 9	P8, 9	P8, 9		P9
*	Interim Recycling Facility		P9, 10, 11	P9, 10, 11	P9, 10, 11	P9, 10, 11	P9, 10	P9,	P9	P9,	P9, 10		P9, 12
*	Personal Wireless Facilities (13)	13	13	13	13	13	13	13	13	13	13		13

GENERAL CROSS REFERENCES: Land Use Table Instructions, see WMC 21.08.020 and 21.02.070
 Development Standards, see WMC 21.12 through 21.30
 General Provisions, see WMC 21.32 through 21.38
 Application and Review Procedures, see WMC 21.40 through 21.44
 Tourist District Regulations, see WMC 21.38.065
 R-48/0 regulations, see WMC 21.38.030
 (*) Definition of this specific Land Use, see WMC 21.06

WMC 21.08.100
A. REGIONAL
LAND USES

KEY
P - Permitted Use
C - Conditional Use
S - Special Use

Z O N E	RESIDENTIAL					COMMERCIAL/INDUSTRIAL						P U B L I C	S T I T U T I O N A L
	A G R I C U L T U R E	L O W D E N S I T Y	M O D E R A T E D E N S I T Y	M E D I U M D E N S I T Y	H I G H D E N S I T Y	N E I G H B O R H O O D	B U S I N E S S	G E N E R A L	B U S I N E S S	C E N T R A L	B U S I N E S S		

SIC#	SPECIFIC LAND USE	A	R1-4	R5-8	R9-18	R19+	NB	GB	CBD	O	I	PI
*	Jail							S11	S11	S11		S11
*	Work Farm/Camp	S11										
*	Work Release Facility							S11	S11	S11		
*	Public Agency Animal Control Facility							S11	S11		P11	S11
*	Public Agency Training Facility							S3, 11	S3, 11	S3, 11	C4, 11	S11
*	Hydroelectric Generation Facility		C11, 13, S11								S11	
*	Non-hydroelectric Generation Facility	C12 S11	C11, 12 S11				C12, 11, S11	C11, 12, S11	C11, 12, S11	C11, 12, S11	P11, 12, S11	
*	Major Communication Facility	S6c, 11									S6c, 11	
*	Personal Wireless Facilities (14)	14	14	14	14	14	14	14	14	14	14	
*	Earth Station	P6b, 11 C11	P6a	P6a	P6a	P6a	P6b, 11	P6b, 11	P6b, 11	P6b, 11	P6b, 11	P6b, 11
13	Oil and Gas Extraction	S11	S11	S11	S11	S11	S11	S11	S11	S11	C11	
*	Energy Recourse Recovery Fac										S11	
*	Soil Recycling/Incineration Fac.										C11	
*	Landfill										S11	S8, 11
*	Transfer Station							S11	S11		P11	S11
*	Wastewater Treatment Facility							S11	S11		C11	S11
*	Municipal Water Production	S11	S11	S11	S11	S11	S11	S11	S11	S11	S11	S11
*	Airport/Heliport	S11	S11	S11	S11	S11	S11	S11	S11	S11	S11	S8, 11
*	Landing Field	S11	S11	S11	S11	S11	S11	S11	S11	S11	S11	S8, 11
*	Transit Bus Base							S11	S11		P11	S11
*	Transit Park and Ride Lot		C11	S11	S11	S11	P11	P11	P11	P11	P11	S11
*	School Bus Base		C5, 11 S11	C5, 11 S11	C5, 11 S11	C5, 11 S11	S11	S11	S11	S11	P11	S8, 11
7948	Racetrack		S7, 11	S11	S7, 11	S7, 11	S7, 11	S11	S7, 11	S7, 11		
*	Fairground							S11	S11			S8, 11
8422 (2)	Zoo/Wildlife Exhibit							S11	S11			S8, 11
651	Stadium/Arena							S11	S11		S11	P11
8221-8222 (1)	College/University	P9, 11	P9, 11 C10, 11 S11		P11	P11	P11	P11				

GENERAL CROSS REFERENCES:
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