

ORDINANCE NO. 338

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, AMENDING SECTION 21.26, DEVELOPMENT STANDARDS PERSONAL WIRELESS SERVICE FACILITIES, OF THE WOODINVILLE MUNICIPAL CODE (WMC) BY PERMITTING THE LOCATION OF ANTENNAS IN THE NEIGHBORHOOD BUSINESS (NB) ZONE AND BY DISALLOWING ANTENNAS TO CO-LOCATE ON NON-CONFORMING POLES.

WHEREAS, the City completed an application for a Zoning Code Amendment on March 11, 2003;

WHEREAS, the City Council requested an amendment to the Zoning Code to meet the goals and policies of the Comprehensive Plan amended December, 2002;

WHEREAS, the City issued a SEPA Determination of Non-significance on April 7, 2003, consistent with RCW 43.21C;

WHEREAS, the Planning Commission held a public hearing on the proposed Zoning Code amendment on May 7, 2003, and recommended approval of the proposed amendments, and that the City Council amend the Zoning Code accordingly;

WHEREAS, the City Council has found the amendments meet the required criteria and has made the following findings:

1. The amendments are consistent with the purposes of the Comprehensive Plan;
2. The amendments are consistent with the purpose of this title;
3. The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

NOW, THEREFORE,

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

Section 1. Amendments to Woodinville Municipal Code Chapter 21.26.

The City of Woodinville hereby adopts amendments to Chapter 21.26 Development Standards Personal Communication Facilities as presented in Exhibit 1, which is incorporated by reference as if set forth in full. New text is shown by **bold, underlining**.

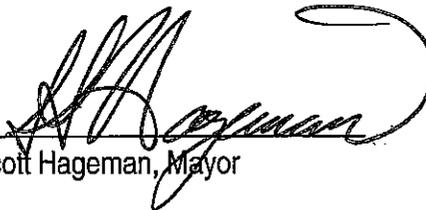
Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such

invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance shall take effect five days after passage of a publication of an approved summary consisting of the title.

PASSED by the City Council of the City of Woodinville this 16th day of June 2003.

APPROVED



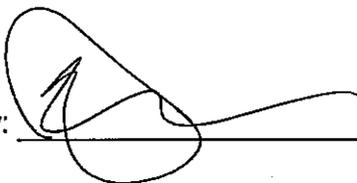
Scott Hageman, Mayor

ATTEST / AUTHENTICATED:



Sandra Parker/CMC
City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: 

PASSED BY THE CITY COUNCIL: 6-16-2003
PUBLISHED: 6-23-2003
EFFECTIVE DATE: 6-28-2003
ORDINANCE NO. 338

**CHAPTER 21.26 DEVELOPMENT STANDARDS
PERSONAL WIRELESS SERVICE FACILITIES**

SECTIONS:

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- 21.26.010 Purpose.** The purposes of this chapter are as follows:
- (1) Establish development regulations consistent with Woodinville's Comprehensive Plan;
 - (2) 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;
 - (3) Maintain the Northwest woodland character of Woodinville and maintain the quality of life associated with the aesthetic character of Woodinville's surroundings;
 - (4) Provide adequate sites for locating personal wireless service facilities;
 - (5) Provide facilities and infrastructure to provide wireless communications service to city residents or others when in Woodinville;
 - (6) Encourage optimal co-location and sharing of new and existing facilities;
 - (7) Encourage use of most appropriate technology and prompt removal of outdated or abandoned personal wireless service facilities;
 - (8) Encourage the location of personal wireless service facilities upon alternative support structures;
 - (9) Require that the design of personal wireless service facilities incorporate camouflage, disguise, screening and concealment technology so that such facilities blend into their surroundings;

- (10) 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
- (11) 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.**

- (1) 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 21.08.100 and 21.26.060.
- (2) 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 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.**

- (1) Lattice and guyed wire towers shall not be permitted in any zoning district.
- (2) Commercial advertising including billboards, business identification signs and flag poles may not be used as alternative antenna support structures.

(3) Construction and/or installation of towers 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 legally conforming monopoles are permitted.
All Zones	Personal wireless service facilities incorporated into existing or new playfield, ball field, or stadium lights located at a public or private school or within a public park are permitted.
O, I, GB, CBD, P/I, TB, NB	Personal wireless service facilities attached to existing buildings are permitted, <u>except that service facilities in the NB zone are restricted to buildings two stories and higher.</u>
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:

- (1) Street pole mounted facilities (all zones except CBD).
- (a) Antennas. Antennas mounted on or within street poles shall meet the following requirements:
- (i) Only one (1) facility shall be permitted on any street pole.
 - (ii) On street poles less than or equal to forty (40) feet in height, only a single omni-directional antenna no greater than eight (8) inches in diameter and six (6) feet in length or two (2) directional antennas with a combined frontal surface area of 720 square inches shall be permitted.
 - (iii) On street poles greater than forty (40) feet in height, an antenna or antenna array measuring no greater than six (6) feet vertically and sixteen (16) inches in diameter or three (3) directional antennas with a combined frontal surface area of 1,080 square inches shall be permitted.
 - (iv) 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.
 - (v) 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 ten (10) feet for street poles less than or equal to forty (40) feet in height or fifteen (15) feet for street poles greater than forty (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.
 - (vi) 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 (v) 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.
- (b) Equipment enclosures.
- (i) Generally, all ancillary equipment necessary for the operation of the facility shall be concealed within an existing building; an architecturally compatible addition to an existing building; or 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 eighteen (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 (2) feet in width, two and one-half (2 ½) feet in height, and one (1) foot in depth may, with the approval of the Public Works Director be mounted directly on a street pole.

- (ii) 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.
 - (iii) 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 (6) feet in any dimension, unless located underground, or otherwise approved by the Planning Director.
 - (iv) 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.
- (c) 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.
 - (d) 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).
 - (e) Landscaping. Ground mounted equipment enclosures shall be surrounded with a ten (10) 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.
 - (f) Setbacks. Equipment enclosures containing air conditioning equipment other than mechanical fans, shall comply with the setback requirements set forth in WMC 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 21.12 unless in the judgment of the Planning Director, reduced setbacks would result in reduced noise and/or visual impacts.

- (2) Building attached facilities (O, I, GB, CBD, TB and P/I Zones).
- (a) Antennas. Building-mounted antennas shall meet the following requirements:
- (i) Roof mounted antennas shall not exceed eighteen (18) feet above the highest portion of the building to which they are attached, including the mount;
 - (ii) Roof mounted antennas shall be placed pursuant to adopted Design Guidelines, and shall either be concealed or camouflaged as part of 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;
 - (iii) 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 eighteen (18) feet, or fifty (50) percent of the original building height, whichever is less.
 - (iv) 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
 - (v) 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 photo simulations 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.
 - (vi) Roof mounted antennas in the TB **and NB Zones** shall not exceed more than ten percent (10%) of the total building coverage (per WMC 21.06.073) or fifteen percent (15%) of the total building coverage including smokestack and mechanical equipment. A cylindrical canister that encloses up to three panel antennas ("cylindrical antennas") shall be considered one antenna for this purpose. Directional and omni-directional antennas shall be no greater in length than six (6) feet above the roofline. Cylindrical antennas shall not exceed 1,440 square inches of surface area (diameter x height).
- (b) Equipment enclosures.
- (i) Rooftops. Equipment enclosures located on the roof of a building shall be placed pursuant to adopted Design Guidelines and shall either be concealed or camouflaged as part of the building with architecturally compatible design as approved by the Planning Director, or otherwise conditioned by adopted Design Guidelines.
 - (ii) Ground mounted. See WMC 21.26.070(1)(b)(i) and (iv); 21.26.070(1)(d-f).
 - (iii) **Equipment enclosures for roof mounted antennas within the NB zone shall be located within the same building on which the antennas are located.**

(3)

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

- (a) Antennas. Directional and omni-directional antennas shall be no greater in length than six (6) feet. The antenna array and mount, if any, shall extend no further from the centerline of the pole than ten (10) feet measured horizontally. Antennas, antenna arrays and other mounting hardware's surface and/or finish shall be a color matching the monopole.
- (b) Support structure. Monopoles shall be located in such a manner that at least eighty (80) percent 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 twenty (20) feet tall and of a species approved by the Planning Director. There shall be a minimum of at least fifteen (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 forty (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.
- (c) Equipment enclosures.
 - (i) Appearance. See WMC Section 21.26.070(1)(b)(i) and (iv).
 - (ii) Screening and noise standards. See WMC 21.26.070(1)(d).
 - (iii) Landscaping. See WMC Section 21.26.070(1)(e).
- (d) Setbacks. See WMC Section 21.26.070(1)(f).
- (e) 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:
 - (i) Either there are no other antenna support structures or alternative antenna support structures reasonably available for co-location; or
 - (ii) Any existing antenna support structures or alternative antenna support structures reasonably available are not technologically suitable for use by the applicant; and
 - (iii) The proposed monopole has been designed in a manner that will allow for the co-location of at least one (1) additional antenna array on the structure.

(4)

Electric transmission towers outside public rights-of-way (all zones).

- (a) 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.
- (b) Equipment enclosures
 - (i) Appearance. See WMC 21.26.070(1)(b)(i) and (iv).
 - (ii) Screening and noise standards. See WMC Section 21.26.070(1)(d).

- (iii) Landscaping. See WMC 21.26.070(1)(e).
 - (c) Setbacks. See WMC 21.26.070(1)(f).
 - (d) Addition of height. Electric transmission towers may be increased in height by up to fifteen (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.
- (5) Co-location on existing monopole towers (all zones).
 - (a) Antennas. Directional and omni-directional antennas shall be no greater in height than six (6) feet. The antenna array and mount, if any, shall extend no further from the center line of an existing monopole than ten (10) feet measured horizontally, or the distance of any existing antenna array, whichever is less.
 - (b) Support structure. All monopole towers upon which co-location is permitted shall be screened through the planting of at least ten (10) evergreen trees of a minimum height of twenty (20) feet tall and of a species approved by the Planning Director. Existing trees of equal or greater height within thirty (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 fifty (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.
 - (c) Equipment enclosures
 - (i) Appearance. See WMC 21.26.070(1)(b)(i) and (iv).
 - (ii) Screening and noise standards. See WMC Section 21.26.070(1)(d).
 - (iii) Landscaping. See WMC 21.26.070(1)(e).
 - (d) 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 21.12.
- (6) Water tank mounted facilities (all zones).
 - (a) Antennas. Directional and omni-directional antennas, and the mount, if any, shall be no greater in height than ten (10) feet above the highest point of the water tank. Antenna's surface and/or finish shall be a color which matches the water tank 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.

(b) Equipment enclosures.

(i) Appearance. See WMC 21.26.070(1)(b)(i) and (iv).

(ii) Screening and noise standards. See WMC Section 21.26.070(1)(d).

(iii) Landscaping. See WMC Section 21.26.070(1)(e).

(c) Setbacks. Enclosures shall comply with the setback requirements set forth in WMC 21.12.

(7) Playfield, ball field and stadium light mounted facilities (all zones).

(a) Antennas.

(i) Only one (1) facility shall be permitted on any light pole.

(ii) On light poles less than or equal to forty (40) feet in height, only a single omni-directional antenna no greater than eight (8) inches in diameter and six (6) feet in length or two (2) directional antennas with a combined frontal surface area of 720 square inches shall be permitted.

(iii) On light poles greater than forty (40) feet in height, an antenna or antenna array measuring no greater than six (6) feet vertically and sixteen (16) inches in diameter or three (3) directional antennas with a combined frontal surface area of 1,080 square inches shall be permitted.

(iv) 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.

(b) 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.

(c) Equipment enclosures

(i) Appearance. See WMC 21.26.070(1)(b)(i) and (iv).

(ii) Screening and noise standards. See WMC 21.26.070(1)(d).

(iii) Landscaping. See WMC 21.26.070(1)(e).

(iv) Setbacks. See WMC 21.26.070(1)(f).

21.26.080 Supplemental provisions -- Special uses.

- (1) In addition to the criteria for approval of special uses set forth in WMC 21.44, the following criteria shall apply to all personal wireless service facility permits denominated as special uses:
- (a) 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 Guidelines;
 - (b) 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;
 - (c) Whether alternative locations, including other co-locations and alternative support structures, are available for the proposed facility; and,
 - (d) Whether the proposed facility is in compliance with all applicable federal, state, and local statutes, regulations, ordinances, and policies.
- (2) In evaluating any proposed personal wireless service facility denominated as a special 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.

- (1) 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.
- (2) 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.
- (3) 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.

- (1) 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.
- (2) 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.
- (3) 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.
- (4) 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 six (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 (6) months, or if the antennas mounted thereon are not operated for a period of six (6) months, shall be considered abandoned, and the owner thereof shall remove such structure and any accompanying equipment and enclosure within ninety (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 (6) 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 (6) months during the prior year. If a facility and associated equipment are not removed within ninety (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 (1) 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 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 (4) signs measuring twelve (12) by eighteen (18) inches upon or near a personal wireless service facility which:

- (1) state that trespassers will be prosecuted;
- (2) list 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.