

**ORDINANCE NO. 571**

**AN ORDINANCE OF THE CITY COUNCIL OF WOODINVILLE, WASHINGTON, ADOPTING FINDINGS; AMENDING CHAPTER 21.06 OF THE WOODINVILLE MUNICIPAL CODE TO ADD A DEFINITION FOR FLUSH MOUNTED; AMENDING CHAPTER 21.26 OF THE WOODINVILLE MUNICIPAL CODE TO AMEND THE WIRELESS SERVICE FACILITY REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND ALLOWING FOR SUMMARY PUBLICATION BY TITLE ONLY.**

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**WHEREAS**, pursuant to the requirements of the Washington State Growth Management Act, the City of Woodinville is required to develop and adopt development regulations implementing its Comprehensive Plan; and

**WHEREAS**, the City Council has determined that specific regulations require amendments that improve the clarity and consistency of the development standards; and

**WHEREAS**, the City Council added a zoning code amendment to the 2013 Docket List, to review proposed amendments to revise the wireless service facility regulations; and

**WHEREAS**, the City Council referred this matter to the Woodinville Planning Commission for study and recommendation; and

**WHEREAS**, the Woodinville Planning Commission reviewed this matter at study sessions on May 1, August 7, and October 2, 2013; and at public hearings on November 6, 2013 and December 4, 2013; and

**WHEREAS**, the Woodinville Planning Commission recommends amendment of the Woodinville Municipal Code to revise the wireless service facility regulations; and

**WHEREAS**, the Woodinville City Council has reviewed the Planning Commission's recommendation and received additional public comment regarding the recommended changes at a public hearing on January 21, 2014; and

**WHEREAS**, the Woodinville City Council has determined that the proposed amendments contained in Ordinance No. 571 are consistent with the City's Comprehensive Plan Goals and Policies, the purposes of the Zoning Code, and the required criteria in WMC 21.46.030; and; and

**WHEREAS**, the requirements of the State Environmental Policy Act (SEPA) RCW 43.21C have been met; and

**WHEREAS**, adoption of this ordinance will promote the public health, safety, and general welfare within the City of Woodinville;

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

**Section 1. Findings.** The above recitals are adopted by this reference as findings in support of Sections 2 and 3 of this Ordinance.

**Section 2. Chapter 21.06, Technical Terms and Land Use Definition,** is hereby amended to read as set forth below (new text is shown by underline; deletions of text are shown by ~~striketrough~~); all other provisions of these chapter shall remain unchanged and in full force and effect.

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**21.06.265: Reserved-Flush mounted.** “Flush mounted” shall mean attached to the face of the support structure or building such that no portion of the antenna extends above the height of the support structure or building. Where a maximum flush mounting distance is given, that distance shall be measured from the outside edge of the support structure or building to the outside edge of the antenna.

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**Section 3. Chapter 21.26, Development Standards – Personal Wireless Service Facilities,** is hereby amended to read as set forth below (new text is shown by underline; deletions of text are shown by ~~striketrough~~); all other provisions of these section shall remain unchanged and in full force and effect.

**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~~ Conditional uses.
- 21.26.090 ~~Reserved~~ Criteria for new monopole facilities.
- 21.26.100 Maintenance of facilities.
- 21.26.110 Co-location – Covenant of good faith.
- 21.26.120 Testing of facilities required – Radio frequency (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:

- (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, nondiscriminatory 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) New Facilities. A ~~personal~~ wireless service facility (WSF) permit, or conditional use permit (CUP), shall be required prior to the site preparation, construction, or installation, ~~or modification~~ of any new ~~personal~~ wireless service facility other than a temporary ~~personal~~ wireless service facility as defined in Chapter 21.06 WMC. The review process for ~~personal~~ wireless service facility permits shall be as specified in ~~WMC 21.08.100 and~~ WMC 21.26.060.

(2) Modifications to Existing Facilities. Modifications to existing facilities that involve addition, removal, and/or replacement of transmission equipment that do not substantially change the physical dimensions of an existing wireless service facility shall be subject to the requirements in WMC 21.26.075, and required to apply for and obtain all applicable building, site development, and right-of-way permits provided for in this code prior to making the modification(s). A WSF or CUP will not be required for these types of modifications. Modifications that do substantially change the existing facility shall be subject to this chapter, and follow the requirements for new facilities.

a) For the purpose of this chapter, "substantial change" means the following:

(i) Any mounting of the proposed antenna on the tower that would increase the height of the tower by more than 10% over the height of the tower at the time the existing facilities proposed to be modified were initially permitted, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or

(ii) 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

(iii) 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 the width of the existing appurtenances and/or antennas, 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

(iv) 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.

b) To the maximum extent feasible, additional equipment shall maintain the appearance intended by the original facility, including, but not limited to, color, screening, landscaping, stealthing, mounting configuration, or architectural treatment. To determine feasibility, the applicant shall submit an engineers report regarding the proposed modification and the feasibility of maintaining the appearance; the Director shall determine whether it is feasible to maintain the appearance.

~~(23) 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 Chapter 21.44 WMC. In the event that conditional or special use approval is not required, a personal wireless service facility permit shall be approved by the Development Services 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 Development Services 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 Development Services, 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, and 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, with the type of permit indicated:

<b><u>Type of Facility</u></b>	<b><u>R1-8</u></b>	<b><u>R9+</u></b>	<b><u>CBD, GB, NB, TB, O</u></b>	<b><u>I</u></b>	<b><u>P/I, P</u></b>
<u>Street Pole Mounted</u>	<u>Permitted with WSF</u>	<u>Permitted with WSF</u>	<u>Permitted with WSF, except not permitted in CBD</u>	<u>Permitted with WSF</u>	<u>Permitted with WSF</u>
<u>Electric Transmission Towers</u>	<u>Permitted with WSF</u>	<u>Permitted with WSF</u>	<u>Permitted with WSF, except not permitted in CBD</u>	<u>Permitted with WSF</u>	<u>Permitted with WSF</u>
<u>Utility Poles</u>	<u>Permitted with</u>	<u>Permitted with</u>	<u>Permitted with</u>	<u>Permitted with</u>	<u>Permitted with</u>

<u>Outside Public Rights-of-Way</u>	<u>CUP</u>	<u>CUP</u>	<u>WSF, except not permitted in CBD</u>	<u>WSF</u>	<u>CUP</u>
<u>Water Tank Mounted</u>	<u>Permitted with WSF</u>	<u>Permitted with WSF</u>	<u>Permitted with WSF</u>	<u>Permitted with WSF</u>	<u>Permitted with WSF</u>
<u>Playfield, Ballfield and Stadium Light Mounted Facilities</u>	<u>Permitted with CUP</u>	<u>Permitted with CUP</u>	<u>Permitted with WSF</u>	<u>Permitted with WSF</u>	<u>Permitted with WSF</u>
<u>Building Attached</u>	<u>Permitted with WSF, only for non-residential uses</u>	<u>Permitted with WSF, only for non-residential uses</u>	<u>Permitted with WSF. In NB zone, restricted to buildings two stories and higher</u>	<u>Permitted with WSF</u>	<u>Permitted with WSF, except not permitted in P zone</u>
<u>Monopoles</u>	<u>Permitted with CUP</u>	<u>Permitted with CUP</u>	<u>Permitted with CUP</u>	<u>Permitted with CUP</u>	<u>Permitted with CUP</u>
<u>Co-Locations</u>	<u>Permitted with WSF</u>	<u>Permitted with WSF</u>	<u>Permitted with WSF</u>	<u>Permitted with WSF</u>	<u>Permitted with WSF</u>
<u>Stealth Support Structure</u>	<u>Permitted with WSF</u>	<u>Permitted with WSF</u>	<u>Permitted with WSF</u>	<u>Permitted with WSF</u>	<u>Permitted with WSF</u>
<u>Other Types Not Listed</u>			<u>Permitted with CUP</u>	<u>Permitted with CUP</u>	

<b>Zone Designation</b>	<b>Uses</b>
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, ballfield, 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, except that service facilities in the NB zone are restricted to buildings two stories and higher.
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 structure 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. Standards for all types of facilities:

<p><u>General</u></p>	<p><u>1. All portions of the facility shall be the minimum size necessary to support operation of the facility, as certified by the provider's licensed engineer. Where multiple facilities are proposed to be located in close proximity, they may be required to be consolidated in one equipment housing structure.</u></p> <p><u>2. Owners and operators shall provide information regarding the opportunity for the co-location of facilities. Provision for future co-location may be required if technically feasible and where opportunities for smaller facilities with less impacts are limited due to topography, lack of existing above ground structures or other circumstances. To determine feasibility, the applicant shall submit an engineers report regarding the feasibility of co-location; the Director shall determine whether it is feasible to provide for future co-location.</u></p>
<p><u>Antennas</u></p>	<p><u>1. In general, an antenna array shall either be flush mounted within twelve inches of the support structure, or within twelve inches of the face of the building it is attached to; or be contained in a canister that is a continuation of the support structure and is centered on top of the support structure; or be placed pursuant to the City's adopted Design Standards in Chapter 21.14 WMC.</u></p> <p><u>2. All antennas or arrays shall be a color and material that matches the support structure.</u></p> <p><u>3. For building attached facilities, roof-mounted installation is permitted, when the City's adopted Design Standards in Chapter 21.14 WMC have been met. 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 percent of the original building height, whichever is less.</u></p>
<p><u>Equipment Enclosures</u></p>	<p><u>1. All equipment necessary for the operation of the facility shall be concealed, either within an existing building, within an architecturally compatible addition to an existing building, or within a new building which is architecturally compatible with other buildings on the site and adjoining properties; or shall be located underground. Except that equipment enclosures may be located above ground, and landscaped and screened pursuant to this chapter, if the Development Services Director finds that the requirements of WMC 21.26.040 have been met. 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 five cubic feet, with no single dimension over three feet, and with the approval of the Public Works Director, may be mounted directly on a street pole.</u></p> <p><u>2. Equipment enclosures are permitted upon abutting private property and may, with approval from the Public Works Director, be located within public rights-of-way.</u></p> <p><u>3. The size of equipment enclosures shall be minimized to the greatest extent possible.</u></p>
<p><u>Appearance</u></p>	<p><u>The following standards may be applied, as required by the Development Services Director, to ensure the facility minimizes its visual impact:</u></p> <p><u>1. Requiring specific materials, surfaces or finishes that achieve a facility that is</u></p>

	<p><u>compatible with the existing neighborhood, that blends with the surrounding setting, and/or is screened from surrounding uses and properties.</u></p> <p><u>2. Requiring specific design and configurations to minimize visual intrusion of the facility on surrounding uses and properties. Such techniques include, for example: requiring transmission and power cables and other conduit to be contained within any support structure, located underground, or otherwise screened; requiring the lateral projection of antenna arrays to be minimized to the greatest extent technically feasible; and requiring antenna arrays to be integrated into the design of any structure to which they are attached. To determine feasibility, the applicant shall submit an engineers report regarding the feasibility of the lateral projection of antenna arrays; the Director shall determine whether the proposed projection is the least that is technically feasible.</u></p> <p><u>3. For facilities on private property, requiring screening through the use of mature trees that are a minimum of 20 feet tall and planted to screen at least eighty percent of the area around the facility.</u></p> <p><u>4. Prefabricated concrete and metal structures for equipment enclosures shall not be permitted unless treated with a facade giving the appearance of masonry or wood siding and approved by the Development Services Director.</u></p> <p><u>5. For stealth supported structures, the structure shall be designed to resemble an object that would be commonly found in the area, including, but not limited to, a flagpole, a clock or bell tower, a tree that is a native conifer species, or a silo. Antennas, to the maximum extent feasible, shall be concealed by the stealth support structure, or shall not be easily recognized. To determine feasibility, the applicant shall submit an engineers report regarding the feasibility of concealing the antennas; the Director shall determine whether the proposed concealment is the maximum extent feasible.</u></p>
<p><u>Screening and Noise</u></p>	<p><u>Noise reduction measures shall comply with Chapter 8.08 WMC, Noise Regulation, 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 wireless facility. Such requirements shall be exempt during testing of alternative power sources (i.e., power generators or similar emergency power sources).</u></p>
<p><u>Landscaping</u></p>	<p><u>Facilities shall be surrounded with a 10-foot width of Type I landscaping, as defined in WMC 21.16.040, or requirements within the Tourist Overlay District, whichever is more stringent. All existing and required landscaping shall be maintained for the life of the facility, pursuant to WMC 21.16.180.</u></p>
<p><u>Setbacks</u></p>	<p><u>Facilities shall comply with the setback requirements set forth in Chapter 21.12 WMC, and meet or exceed the standards set forth in Chapter 8.08 WMC 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 facility. Subject to approval by the Development Services Director, the setback may be reduced if the applicant uses noise abatement techniques, such as decorative noise walls, to achieve equivalent or greater reduction of visual and noise impacts from the facility.</u></p> <p><u>For co-locations, new equipment associated with the facility shall be placed no closer to existing residential uses than any existing equipment enclosure on the subject property.</u></p>

2. Standards for specific types of facilities:

<p><u>Street Pole Mounted</u></p>	<p><u>1. Only one facility shall be permitted on any street pole.</u>  <u>2. Facilities located within public rights-of-way shall be located a minimum of 500 feet apart; the Development Services Director and Public Works Director may approve a shorter distance, subject to the applicant submitting engineering analysis and equipment specifications that demonstrate the reduced distance is necessary to provide adequate coverage and/or capacity.</u>  <u>3. Where a utility located upon the support structure (such as a street or utility pole) requires vertical separation between its facilities and the antenna(s), the structure/pole and antenna may be raised by a mount to accommodate the minimum separation requirement, not to exceed 30 feet. Any additions shall be constructed of similar materials, and shall have surface treatments which match the color and texture of the original facility.</u></p>
<p><u>Electric Transmission Towers or Utility Poles Outside Public Rights-of-Way</u></p>	<p><u>Where a utility located upon the support structure (such as a street or utility pole) requires vertical separation between its facilities and the antenna(s), the structure/pole and antenna may be raised by a mount to accommodate the minimum separation requirement, not to exceed 30 feet. Any additions shall be constructed of similar materials, and shall have surface treatments which match the color and texture of the original facility.</u></p>
<p><u>Playfield, Ballfield and Stadium Light Mounted Facilities</u></p>	<p><u>Only one facility shall be permitted on any pole.</u></p>
<p><u>Building Attached</u></p>	<p><u>The equipment for roof-mounted antennas within the NB zone shall be located within the same building on which the antennas are located.</u></p>
<p><u>Monopoles</u></p>	<p><u>The height of the facility shall be no greater than 120 feet..</u></p>
<p><u>Co-Locations</u></p>	<p><u>1. Co-locations are permitted on existing monopoles and on existing stealth support structure facilities.</u>  <u>2. The height of the existing facility may be increased by the minimum separation necessary between the facilities, not to exceed 20 feet.</u>  <u>3. Existing monopoles and antenna support structures may be replaced to accommodate co-location. Monopoles and stealth support structures shall, to the maximum extent feasible, be located within 20 feet of the existing structure, and maintain the design of the original structure. To determine feasibility, the applicant shall submit an engineers report regarding the feasibility of a proposed location; the Director shall determine whether the proposed location is feasible.</u></p>
<p><u>Stealth Support Structure</u></p>	<p><u>The height of the facility shall be no greater than 120 feet..</u></p>

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

(iii) On street poles greater than 40 feet in height, an antenna or antenna array measuring no greater than six 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.

(iv) Antennas shall be either concealed 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 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.

(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 (1)(a)(v) of this section. 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 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 one-half feet in height, and one 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 feet in any dimension, unless located underground, or otherwise approved by the Development Services 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, nonreflective color approved by the Development Services Director. Buildings or structures with nonmasonry exterior finishing shall be a natural, nonreflective color. Prefabricated 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 Development Services 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 Development Services Director.

**(d) Screening and Noise Standards.** Noise reduction measures shall comply with Chapter 8.08 WMC, Noise Regulation, 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 10-foot width of Type I landscaping, as defined in WMC 21.16.040, or requirements within the Tourist Overlay District, whichever is more stringent. The requirements of this subsection may be varied by the Development Services 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 Chapter 21.12 WMC, and meet or exceed the standards set forth in Chapter 8.08 WMC 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 Development Services 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 Chapter 21.12 WMC unless in the judgment of the Development Services Director, reduced setbacks would result in reduced noise and/or visual impacts.

(2) Building Attached Facilities (O, I, GB, CBD, TB and PA Zones).

(a) Antennas. Building-mounted antennas shall meet the following requirements:

(i) Roof-mounted antennas shall not exceed 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 Standards, 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 Development Services 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 18 feet, or 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;

(v) Omni-directional antenna's surface and/or finish shall be a neutral color, or be concealed, at the discretion of the Development Services Director. In determining whether to require concealment of omni-directional antennas, the Development Services 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; and

(vi) Roof-mounted antennas in the TB and NB zones shall not exceed more than 10 percent of the total building coverage (per WMC 21.06.073) or 15 percent 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 feet above the roofline. Cylindrical antennas shall not exceed 1,440 square inches of surface area (circumference times height).

(b) Equipment Enclosures.

(i) Rooftops. Equipment enclosures located on the roof of a building shall be placed pursuant to adopted Design Guidelines and Standards and shall either be concealed or camouflaged as part of the building with architecturally compatible design as approved by the Development Services Director, or otherwise conditioned by the adopted Design Guidelines and Standards.

(ii) Ground Mounted. See subsections (1)(b)(i) and (1)(b)(iv), and (1)(d) through (1)(f) of this section.

(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/T Zones):**

(a) 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.

(b) Support Structure. Monopoles shall be located in such a manner that at least 80 percent of the tower is screened by existing buildings or trees. Also, the pole's surface and/or finish shall be a natural nonreflective color to blend into the surroundings. The height of the monopole shall be no greater than 120 feet. All monopole 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 Development Services 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.

(c) Equipment Enclosures:

(i) Appearance. See subsections (1)(b)(i) and (1)(b)(iv) of this section.

(ii) Screening and Noise Standards. See subsection (1)(d) of this section.

(iii) Landscaping. See subsection (1)(e) of this section.

(d) Setbacks. See subsection (1)(f) of this section.

(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 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 subsections (1)(b)(i) and (1)(b)(iv) of this section.

(ii) Screening and Noise Standards. See subsection (1)(d) of this section.

(iii) Landscaping. See subsection (1)(e) of this section.

(c) Setbacks. See subsection (1)(f) of this section.

(d) 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.

**(5) Co-Location on Existing Monopole Towers (All Zones):**

(a) 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.

(b) 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 Development Services 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 Development Services 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, nonreflective color that blends into the natural and built surroundings where it is located.

(c) Equipment Enclosures.

(i) Appearance. See subsections (1)(b)(i) and (1)(b)(iv) of this section.

(ii) Screening and Noise Standards. See subsection (1)(d) of this section.

(iii) Landscaping. See subsection (1)(e) of this section.

(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 Chapter 21.12 WMC.

(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 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 subsections (1)(b)(i) and (1)(b)(iv) of this section.

(ii) Screening and Noise Standards. See subsection (1)(d) of this section.

(iii) Landscaping. See subsection (1)(e) of this section.

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

(7) Playfield, Ballfield and Stadium Light Mounted Facilities (All Zones).

(a) Antennas.

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

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

(iii) On light poles greater than 40 feet in height, an antenna or antenna array measuring no greater than six 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.

(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 Development Services Director.~~

~~(c) Equipment Enclosures.~~

~~(i) Appearance. See subsections (1)(b)(i) and (1)(b)(iv) of this section.~~

~~(ii) Screening and Noise Standards. See subsection (1)(d) of this section.~~

~~(iii) Landscaping. See subsection (1)(e) of this section.~~

~~(iv) Setbacks. See subsection (1)(f) of this section.~~

### **21.26.075 Requirements for Modifications.**

All modifications to wireless service facilities that do not substantially change the existing facility shall comply with the following standards.

(1) No modification shall violate the noise provisions in Chapter 8.08 WMC, or the standards set forth with the Federal Interagency Committee on Urban Noise. A noise study shall be submitted with any modification to antennas or equipment.

(2) No modification shall violate setback or other bulk requirements in Chapter 21.12 WMC.

(3) To the maximum extent feasible, modifications that change the appearance of the facility may be required to upgrade the facility in one or more of the following ways, where the improvements are needed to maintain compatibility with the existing neighborhood. To determine feasibility, the applicant shall submit a report acceptable to the Directors of Public Works and Development Services regarding the proposed modification and the feasibility of the upgrade; the Director shall determine whether it is feasible to maintain the appearance

(a) Using specific finishes or paint on the tower/support structure and antennas;

(b) Adding mature trees that are a minimum of 20 feet tall, or paying into the Tree Fund as permitted in Chapter 21.15 WMC for an equivalent-sized tree;

(c) Adding Type I landscaping screening to the facility; and/or

(d) Adding architectural fencing or screening.

### **21.26.080 Supplemental provisions – Special Conditional uses.**

(1) In addition to the criteria for approval of special conditional uses set forth in Chapter 21.44 WMC, the following criteria shall apply to all personal wireless service facility permits denominated as special conditional 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 Development Services 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 and Standards;

- (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 conditional use, the Development Services 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 Criteria for new monopole or stealth supported facilities.**

Any wireless service provider which proposes to construct a new monopole or stealth supported facility shall provide, as part of its permit application, written findings from a qualified engineer which demonstrates that:

- (1) Either there are no other facilities reasonably available for co-location; or
- (2) Any existing facilities reasonably available are not technologically suitable for use by the applicant; and
- (3) 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.

**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 when~~ requested by the Development Services Director.
- (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 Development Services 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 Development Services 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 Chapter 8.08 WMC, Noise Regulation, 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 Development Services 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 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 Development Services 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 Development Services Director to do so. The Development Services 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 Development Services 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 Development Services Director requiring said removal, the Development Services 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 Development Services 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 signs measuring 12 by 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.

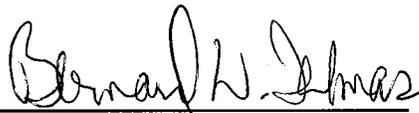
...

**Section 4. Severability.** Should any section, paragraph, sentence, clause, or phrase of this Ordinance be held 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.

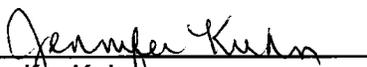
**Section 5. Copy to Commerce Department.** Pursuant to RCW 36.70A.106(3), the City Clerk is directed to send a copy of the amendments to the State Department of Commerce for its files within ten (10) days after adoption of this ordinance.

**Section 6. Effective Date.** The adoption of this Ordinance, which is a power specifically delegated to the City legislative body, is not subject to referendum. This Ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five days after publication.

**ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 4<sup>th</sup> DAY OF FEBRUARY 2014.**

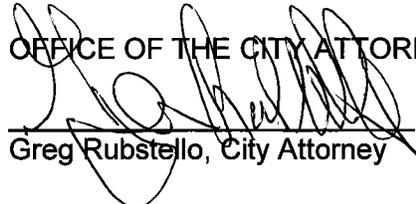
  
Bernard W. Talmas, Mayor

ATTEST/AUTHENTICATED:

  
Jennifer Kuhn  
City Clerk/CMC

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

  
Greg Rubstello, City Attorney

PASSED BY THE CITY COUNCIL: 2-4-2014

PUBLISHED: 2-10-2014

EFFECTIVE DATE: 2-18-2014

ORDINANCE NO. 571



STATE OF WASHINGTON

DEPARTMENT OF COMMERCE

1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000  
[www.commerce.wa.gov](http://www.commerce.wa.gov)

February 10, 2014

Jennifer Kuhn  
City Clerk  
City of Woodinville  
17301 - 133rd Avenue Northeast  
Woodinville, Washington 98072

Dear Ms. Kuhn:

Thank you for sending the Washington State Department of Commerce (Commerce) the following materials as required under RCW 36.70A.106. Please keep this letter as documentation that you have met this procedural requirement.

**City of Woodinville - An ordinance of the City Council of Woodinville, Washington, adopting findings; amending Chapter 21.06 of the Woodinville municipal code to add a definition for flush mounted; amending Chapter 21.26 of the Woodinville municipal code to amend the wireless service facility regulations; providing for severability; providing for an effective date; and allowing for summary publication by title only. These materials were received on February 10, 2014 and processed with the Material ID # 19996.**

We have forwarded a copy of this notice to other state agencies.

If this submitted material is an adopted amendment, then please keep this letter as documentation that you have met the procedural requirement under RCW 36.70A.106.

If you have submitted this material as a draft amendment, then final adoption may occur no earlier than sixty days following the date of receipt by Commerce. Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please contact Growth Management Services at [reviewteam@commerce.wa.gov](mailto:reviewteam@commerce.wa.gov), or call Dave Andersen (509) 434-4491 or Paul Johnson (360) 725-3048.

Sincerely,

Review Team  
Growth Management Services