

NOTICE OF PUBLIC HEARING
City of DuPont Planning Commission
Notice of Amendment to Wireless
Communication Facilities, DMC 25.125

NOTICE IS HEREBY GIVEN that the DuPont Planning Commission will hold a Public Hearing on August 8, 2022 to take public testimony on a Amendment to Wireless Communication Facilities, DMC 25.125

Date and Time: A Public Hearing will be held at the regular meeting of the DuPont Planning Commission on August 8, 2022 on or after 6:00pm.

This notice and the Petition are available online at:

<https://www.dupontwa.gov/90/Planning-Commission>

Hearing Location: This will be a hybrid meeting: it will be in-person at DuPont City Hall, 1700 Civic Drive, DuPont WA and virtually via Zoom. at Meeting ID: 867 6637 1033 and passcode 047964 or via phone at 253-215-8782. To confirm the Zoom link information, view the agenda, which can be found on the City's website at www.dupontwa.gov, once published.

Date of Notice: July 29, 2022

Additional Information: All persons wishing to comment may do so in writing by either emailing comments to jhowald@dupontwa.gov by mailing or hand delivering written comments to the City of DuPont, Community Development Department at 1700 Civic Drive, City of DuPont WA by 3:00 p.m. August 8, 2022, or by testifying in person or virtually at the online public hearing.

City Contact: If you have questions, please contact Barb Kincaid, Community Development Director, at (253) 912-5393 or bkincaid@dupontwa.gov.

Planning Commission Public Hearing Draft

August 8, 2022

DMC 25.125 WIRELESS COMMUNICATIONS FACILITIES

DRAFT AMENDED CODE (TO REPLACE EXISTING CHAPTER)

25.125.010 Title/purpose.

- A. Title. This Chapter shall be entitled “Wireless Communications Facilities.”
- B. Purpose and Intent. The purpose and intent of this Chapter are to:
 - 1. Implement § 6409 of the “Middle Class Tax Relief and Job Creation Act of 2012” (the “Spectrum Act”) (PL-112-96; codified at 47 U.S.C § 1455 (a)) which requires the City to approve any Eligible Facilities Request and the Federal Communications Commission (FCC) rules set forth at 47 C.F.R. Part 1 (Part 1 – PRACTICE AND PROCEDURE) new Subpart CC § 1.6100 (Wireless Facility Modifications), which rules implement § 6409 of the Spectrum Act and to create consistency with all rules adopted by the FCC impacting local regulatory authority over the siting of Wireless Communications Facilities;
 - 2. Establish appropriate locations, site development standards, and permit requirements for Wireless Communications Facilities (WCF) within the City, in a manner that facilitates deployment of WCFs in a manner that is, to the maximum extent feasible, consistent with the residential character of the City. This chapter is intended to provide for the managed construction, installation, maintenance and removal of WCFs to accommodate the communications needs of residents, businesses and visitors, to accommodate the need for connection of such services to WCFs in adjacent and surrounding communities, while protecting the public health, safety, and general welfare of the community, and minimizing the visibility of WCFs, consistent with applicable law.
- C. The requirements of this Chapter:
 - 1. Ensure compatibility of proposed facilities with surrounding areas by establishing standards for location, height, structural integrity, design review, landscaping, visual screening;
 - 2. Sustain the peaceful character of the City by establishing standards to reduce the potential of WCFs to produce disruptive noise, vibrations, or

illumination; and to assist in identification of potential sources of interference with existing telephone, radio, television, or electronic computing systems currently in use in the area; and

3. Encourage the location of Towers in non-residential areas to avoid, unless required by applicable law, the location of Towers in residential areas;
4. Strongly encourage the Colocation of WCFs on new and Existing sites to minimize the total number of Towers;
5. Effectively manage WCFs in the Public Rights-of-Way; and
6. Reduce the apparent quantity of WCFs by providing incentives and other inducements to utilize Colocation and Concealment and Camouflage Design Techniques, selective placement and screening thereby lessening adverse visual impacts of these facilities on developed residential areas and natural surroundings.

25.125.020 Definitions.

- A. "Accessory Equipment" means any equipment serving or being used in conjunction with a Wireless Communications Facility. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar equipment.
- B. "Abandoned" means a Wireless Communications Facility that is not in use for six (6) consecutive months.
- C. "Accessory wireless communication antenna" means a ground mounted (freestanding) or building mounted (attached) antenna for the sole use of residents, patrons of a business, or other occupants of property for the original transmission or final reception of communications or data as an accessory to a permitted use on the property which the antenna is located. Types of accessory wireless communication antennas include:
 1. "Category I (amateur radio antenna)": "send and receive" citizen band radio antennas or similar antennas operated by a federally licensed amateur ("ham") radio operator at a dwelling, with an antenna height not exceeding the maximum height for buildings on the property upon which the antenna is located, except as provided otherwise in DMC 25.125.050(D)(6).
 2. "Category II (accessory mobile antenna device)": is an antenna such as a mobile test antenna, global positioning satellite (GPS) equipment, or mobile radio or television antennas which are less than twelve inches in height or width, excluding the support structure.

- D. "Antenna" means any system of panels, rods, reflecting discs or similar devices used for the transmission or reception of radio frequency signals . Types of antennas include, but are not limited to:
1. "Omnidirectional antenna" (also known as a whip antenna) transmits and receives radio frequency signals in a three-hundred-sixty-degree radial pattern. For the purpose of this chapter, an omnidirectional antenna is up to twenty feet in height and up to four inches in diameter.
 2. "Directional antenna" (also known as a panel antenna) transmits and receives radio frequency signals in a specific directional pattern of less than three hundred sixty degrees.
 3. "Parabolic antenna" (also known as a dish antenna) is a bowl-shaped device for the reception and/or transmission of radio frequency communications signals in a specific directional pattern.
- E. "Attached wireless communication facility" means a wireless communication facility that is affixed to a Base Station. Examples of attached wireless communication facilities include antennas affixed to or erected upon existing buildings, water tanks, or other existing structures.
- F. "Base Station" means structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The definition of Base Station does not include or encompass a Tower as defined herein or any equipment associated with a Tower. Base Station does include, without limitation:
1. Equipment associated with wireless communications services such as private broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the City under this Chapter, has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
 2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small-cell networks) that, at the time the relevant application is filed with the City under this Chapter, has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the

sole or primary purpose of providing such support.

The definition of Base Station does not include any structure that, at the time the relevant application is filed with the City under this Chapter, does not support or house equipment described in paragraphs 1 and 2 above.

- G. "Colocation" means (1) For the purposes of Eligible Facilities Requests, means the mounting or installation of transmission equipment on an Eligible Support Structure for the purpose of transmitting and /or receiving radio frequency signals for communications purposes; (2) For the purposes of facilities subject to shot clocks governed by 47 U.S.C. Sec. 332, means attachment of facilities to existing structures, regardless of whether the structure or location has previously been zoned for wireless facilities.
- H. "Camouflage or Camouflage Design Techniques" means measures used in the design and siting of Wireless Communication Facilities with the intent to minimize or eliminate the visual impact of such facilities to surrounding uses. A WCF Site utilizes Camouflage Design Techniques when it (1) is integrated as an architectural feature of an existing structure such as a cupola, or (2) is integrated in an outdoor fixture such as a water tank, while still appearing to some extent as a WCF. This definition does not include the use of Concealment design elements so that a facility looks like something other than a wireless Tower or Base Station.
- I. "Concealment" means utilization of elements of stealth design in a facility so that the facility looks like something other than a wireless Tower or Base Station. Language such as "stealth," "camouflage," or similar in any permit or other document required by the City Code is included in this definition to the extent such permit or other document reflects an intent at the time of approval to condition the site's approval on a design that looks like something else. Concealment can further include a design which mimics and is consistent with the nearby natural, or architectural features (such as an artificial tree), or is incorporated into (including without limitation, being attached to the exterior of such facility and painted to match it) or replaces existing permitted facilities (including without limitation, stop signs or other traffic signs or freestanding light standards) so that the presence of the WCF is not apparent. This definition does not include conditions that merely minimize visual impact but do not incorporate Concealment design elements so that the facility looks like something other than a wireless Tower or Base Station.
- J. "Eligible Facility Request" means any request for modification of an Eligible Support Structure that does not Substantially Change the physical dimensions of an Eligible Support Structure and which involves (1) Colocation of new

Transmission Equipment; (2) removal of Transmission Equipment; or (3) replacement of Transmission Equipment. A request for modification of an Existing Tower or Base Station that does not comply with the generally applicable building, structural, electrical, and safety codes or with other laws codifying objective standards reasonably related to health and safety, or does not comply with any relevant federal requirements, is not an Eligible Facilities Request.

- K. "Eligible Support Structure" means any Base Station or Tower as defined in this Chapter; provided that it is Existing at the time the relevant application is filed.
- L. "Equipment Cabinet" means a room, cabinet, or building used to house equipment used by telecommunication providers at a Wireless Communications Facility. This definition does not include relatively small electronic components, such as remote radio units, radio transceivers, amplifiers, or other devices mounted behind antennas, if they are not used as physical containers for smaller, distinct devices.
- M. "Existing" means for purposes of this Chapter, a constructed Tower or Base Station that was reviewed, approved, and lawfully constructed in accordance with all requirements of applicable law as of the time of an Eligible Facilities Request, provided that a Tower that exists as a legal, non-conforming use and was lawfully constructed is Existing for purposes of this definition.
- N. "Height" means, for this purpose of this chapter, the distance measured from ground level to highest point on the wireless communication facility, including an antenna or piece of equipment attached thereto. In the case of "crank-up" or similar towers whose height can be adjusted, the height of the tower shall be the maximum height to which it is capable of being raised.
- O. "OTARD" (over the air receiving device) means:
 - 1. An antenna that is designed to receive direct broadcast satellite service, including direct-to-home satellite services, that is one (1) meter or less in diameter; or
 - 2. An antenna that is designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instruction television fixed services, and local multipoint distribution services, and that is one (1) meter or less in diameter or diagonal measurement; or
 - 3. An antenna that is designed to receive television broadcast signals.
- P. "Public Right-of-Way" means any public highway, street, alley, sidewalk, parkway, and all extensions or additions thereto which is either owned, operated, or controlled by the City, or is subject to an easement or dedication

to the City, or is a privately owned area within City's jurisdiction which is not yet dedicated, but is designated as a proposed public right-of-way on a preliminary subdivision map approved by the City.

Q. "Related Accessory Equipment" means the Transmission Equipment customarily used with, and incidental to Wireless Communication Facilities antennas, including by way of example, coaxial or fiber-optic cable, regular and backup power supply and remote radio units. S. "Roof/building-mounted site" means any WCF, and any appurtenant equipment, located on a rooftop or building, having no support structure such as a monopole or other type of Tower.

R. "Small Cell Facility" means a personal wireless services facility that meets both of the following qualifications:

1. Each antenna is located inside an antenna enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and
2. Primary equipment enclosures are no larger than seventeen cubic feet in volume. The following associated equipment may be located outside the primary equipment enclosure and if so located, are not included in the calculation of equipment volume: Electric meter, concealment, telecom demarcation box, ground-based enclosures, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

S. "Substantial Change" means a modification that changes the physical dimensions of an Eligible Support Structure so that after the modification, the Structure meets any of the following criteria:

1. For Towers other than poles or other vertical structures in the rights-of-way, it increases the height of the Tower by more than ten percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater, as measured from the top of an existing antenna to the bottom of a proposed new antenna; for other Eligible Support Structures, it increases the height of the structure by more than ten percent or more than ten (10) feet, whichever is greater, as measured from the top of an existing antenna to the bottom of a proposed new antenna;
2. For Towers, it involves adding an appurtenance to the body of the Tower that would protrude from the edge of the Tower more than twenty (20) feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is

greater; for Eligible Support Structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;

3. For any Eligible Support Structure, it involves installation of more than the standard number of new Equipment Cabinets for the technology involved, as determined on a case-by-case basis based on the location of the Eligible Support Structure but not to exceed four cabinets per application; or for Base Stations, it involves installation of any new Equipment Cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with the structure;

4. It entails any excavation or deployment outside of the current site, except that, for towers other than towers in the public rights-of-way, it entails any excavation or deployment of Transmission Equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site.

5. For any Eligible Support Structure, it would defeat the concealment elements of the Eligible Support Structure by causing a reasonable person to view the structure's intended stealth design as no longer effective;

6. For any Eligible Support Structure, it does not comply with record evidence of conditions associated with the siting approval of the construction or modification of the Eligible Support Structure or Base Station equipment, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in paragraphs 1-4 of this definition.

T. "Wireless Communications Facility" means a facility used to provide personal wireless services as defined at 47 U.S.C. Section 332 (c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the Code. A WCF includes an antenna or antennas, including without limitation, directions, omni-directions and parabolic antennas, Base Stations, support equipment, Small Cell Facilities, and Towers. It does not include the support structure to which the WCF or its components are attached if the use of such structures for WCFs is not the primary use. The term does not include mobile transmitting devices used by wireless service

subscribers, such as vehicle or handheld radios/telephones and their associated transmitting antennas, nor does it include other facilities specifically excluded from the coverage of this Chapter.

U. "Tower" means any structure that is designed and built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated Site. "Towers" may include:

1. "Lattice tower" is a wireless communication support structure which consists of vertical and horizontal supports and metal crossed strips or bars to support antennas and connecting appurtenances. Lattice towers may or may not be supported by wire guys (see guyed tower).
2. "Monopole tower" is a single freestanding pole structure used to support wireless communication support structure which consists of a single pole structure to support antennas and connecting appurtenances.
3. "Guyed tower" is any variety of wireless communication support structures (usually over one hundred feet tall) using wire guys connecting above grade portions of a communication support structure diagonally with the ground to provide support for wireless communication towers, antennas, and connecting appurtenances.

25.125.030 Operational Standards.

A. Federal Requirements. All WCFs shall meet the current standards and regulations of the FAA, the FCC and any other agency of the federal government with the authority to regulate WCFs. If such standards and regulations are changed, then the owners of the WCF governed by this Chapter shall bring such facility into compliance with such revised standards and regulations within the time period mandated by the controlling federal agency. Failure to meet such revised standards and regulations shall constitute grounds for the removal of the WCF at the owner's expense.

B. Operation and Maintenance. To ensure the structural integrity of WCFs, the owner of a WCF shall ensure that it is maintained in compliance with standards contained in applicable local building and safety codes. If upon inspection, the City determines that a WCF fails to comply with such codes and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the WCF, the owner shall have thirty (30) days from the date of notice to bring such WCF into compliance. Upon good cause shown by the owner, the City may extend such compliance period not to exceed ninety (90) days from the date of said notice. If the owner fails to bring such WCF into compliance within said time period, the

City may remove such WCF at the owner's expense. No hazardous materials shall be permitted in association with WCFs, except those necessary for the operations of the WCF and only in accordance with all applicable laws governing such materials.

C. Radio Frequency Standards. All WCFs shall comply with federal standards for radio frequency emissions. If concerns regarding compliance with radio frequency emissions standards for a WCF have been made to the City, the City may request that the owner or operator of the WCF provide information demonstrating compliance. If such information is not sufficient, in the reasonable discretion of the City, to demonstrate compliance, the City may request and the owner or operator of the WCF shall submit a project implementation report which provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject site, and which compares the results with established federal standards. If, upon review, the City finds that the facility does not meet federal standards, the City may require corrective action within a reasonable period of time, and if not corrected, may require removal of the WCF pursuant to subparagraph (A) above. Any reasonable costs incurred by the City, including reasonable consulting costs to verify compliance with these requirements, shall be paid by the applicant.

D. Signal Interference. All WCFs shall be designed and sited so as not to cause interference with the normal operation of radio, television, telephone and other communication services utilized by adjacent residential and non-residential properties; nor shall any such facilities interfere with any public safety communications. The applicant shall provide a written statement ("Signal Interference Letter") from a qualified radio frequency engineer, certifying that a technical evaluation of existing and proposed facilities indicates no potential interference problems.

E. Abandonment and Removal. A WCF may be determined to be abandoned for discontinued use or if the facility falls into disrepair or noncompliance due to neglect of maintenance.

1. Abandonment Due to Discontinued Use.

a. The owner and/or operator of a WCF shall notify the City in writing when a WCF will be abandoned or otherwise removed from service, if no replacement or upgrade is planned for the site. Failure to provide such notice within ninety (90) days of abandonment shall be deemed a violation of this Code and subject the owner and operator to penalties for civil infractions in an amount of \$1000.00.

b. A WCF shall be determined to be abandoned if use of the facility is discontinued for six months. Within ninety (90) days after notice from the City that a facility has been determined to be abandoned due to discontinued use, or in response to a notification of abandonment under subsection (a) above, the owner of the WCF shall either reestablish use of the site or remove all equipment, support structures, and appurtenances and substantially restore the

site original conditions. In the event two or more wireless communication service providers are colocated on a Tower or Base Station, the facility shall not be considered abandoned due to discontinued use unless all users cease use of the facility. Failure to comply with these requirements is deemed a violation of this Code and subject the owner and operator to penalties for civil infractions in an amount of \$500.00 per day of non-compliance.

2. Abandonment Due to Disrepair or Noncompliance. In the event a WCF falls into disrepair or noncompliance due to neglect of maintenance, the facility shall be determined to be abandoned if repairs are not effected to restore compliance within thirty (30) days after notice of noncompliance from the City. Failure to comply within thirty (30) days shall result in expiration by limitation of prior approvals for the facility. Failure to comply with these requirements is deemed a violation of this Code and subject the owner and operator to penalties for civil infractions in an amount of \$500.00 per day of non-compliance.

3. Expiration of Prior Approvals. Failure of a WCF owner or operator to reestablish use of a facility within ninety (90) days after notice of abandonment due to discontinuance, or failure of an WCF owner to effect repairs to restore compliance within thirty (30) days after notice of noncompliance due to disrepair or neglect of maintenance, shall result in expiration of all prior approvals for the facility by the city. Any proposal to reestablish a WCF facility after such expiration shall be treated as a new application subject to reviews, approvals, and fees required by this Code.

4. Liability for Noncompliance. No time period stated herein shall relieve the owner of a WCF from responsibility to maintain a facility safely and in accordance with all applicable laws and regulations.

5. Responsibility of the Property Owner. In addition to the responsibility of the owner of a WCF for repair or removal of a facility, the owner of the property upon which the WCF is placed retains ultimate responsibility for care and custody of the premises, and may be required in cases of abandonment to remove unused or noncomplying facilities.

6. Appeal. Civil infractions issued pursuant to this Section are appealable to the City Hearing Examiner per DMC Chapter 1.11.

F. Noise generated on the site must not exceed the levels permitted in this Code, except that a WCF owner or operator shall be permitted to exceed Code noise standards for a reasonable period during repairs, not to exceed two hours without prior authorization from the City.

G. Hazardous Materials. No hazardous materials shall be permitted in association with WCFs

in the right-of-way, except those necessary for the operations of the WCF and only in accordance with all applicable laws governing such materials.

25.125.040 Review Procedures and Requirements.

- A. Permit Required. A WCF permit must be obtained prior to construction, installation, and/or placement within the City of any WCF in the City. Except for complete applications for Eligible Facilities Requests, applications for WCFs shall be processed in accordance with the project permit processing requirements of DMC Chapter 25.175. Final decisions and appeal authorities for such permits are as described in DMC Chapter 25.175.
- B. Exemption for Certain Accessory Wireless Communication Antennas. "Accessory wireless communication antennas are exempt from WCF permit requirements. The following are exempt from this Chapter:
 - 1. Licensed amateur (ham) radio antennas, as defined in 25.125.020(C)(1);
 - 2. OTARD antennas and associated masts; and
 - 3. Temporary WCFs placed in service for a maximum of one week or during an emergency declared by a governmental agency;
- C. WCF Permit Application Submittal Requirements. The following information shall be required as part of every permit application:
 - 1. A completed WCF permit application form.
 - 2. A statement made by the applicant or the owner that the applicant is representing that all WCFs that are the subject of the application shall comply with federal standards for radio frequency emissions and shall be designed, sited and operated in accordance with applicable federal regulations addressing radio frequency interference.
 - 3. A radio frequency emissions compliance report. A written report, prepared, signed and sealed by a Washington-licensed professional engineer or competent employee of the applicant which assesses whether the proposed WCF demonstrates compliance with the exposure limits established by the FCC. The report shall include a detailed description of all mitigation measures required by the FCC.
 - 4. A signed statement indicating that the proposed WCF will not cause local interference with neighboring transmission or reception functions.
 - 5. Scaled site and elevation drawings, photo simulations, and any other supporting documents showing the type, size, height, and location of the proposed antenna.

6. Applicable Permit Fees. Permit fees for WCF permits shall be set out in the City Fee Schedule adopted by Council.
 - a. Related Fees. Where the WCF proposed requires issuance of a Conditional Use Permit, permit fees shall be as set by resolution of the City Council plus all reasonable consulting costs incurred by the City to verify technical data and specialized technical, legal and/or regulatory information supplied by the applicant in conjunction with the processing of the permit.
- D. Building Permits. In addition to submittal requirements in subsections A and C of this Section, “Accessory wireless communication antennas”, are not required to obtain building permits unless alteration of a structure is required to accommodate the equipment. WCF applicants for facilities that are not exempt accessory wireless communication antennas requiring building permits shall submit:
- E. Permit Applications. Applications for WCF permits shall be submitted to and processed by the Community Development Department. Applicants for WCFs must obtain a WCF permit prior to construction of the facility. A WCF permit may include conditions to mitigate potential impacts that result from the facility. WCF permit applications shall be processed and reviewed in accordance with Section 25.175.
- F. Compliance with Zoning Provisions Required. Pursuant to requirements of DMC Title 25 all WCFs must comply with the requirements of each zoned district for permitted, accessory, and conditional uses.
- G. Utility Permits. In addition to WCF permits and conditional use permits, WCF applicant must submit an application, plans, specifications, and other materials necessary to obtain any applicable utility permits. Utility permits may be applied for either concurrently with or after site plan or conditional permit approvals.
- H. Procedure for Towers. In addition to submittal requirements for WCF permits in 25.125.050 (C), submittals must also include:
 1. A completed Conditional Use Permit Application.
 2. A diagram or map showing the view-shed of the proposed facility.
 3. Photo simulations of the proposed facility from affected residential properties and rights-of-way at varying distances.
 4. A visual impact assessment consisting of either a physical mock-up up the facility, computer simulation, or some other means that

includes the nearest adjacent property to illustrate the siting of the tower is located in the least visually obtrusive location possible.

5. A site/landscaping plan signed and sealed by appropriate qualified professionals showing the specific placement and dimensions of the WCF on the site; showing locations of existing structures, trees, and other significant site features; and indicating type and location of plant materials used to screen WCF components and proposed colors for the WCF, setbacks, fencing, landscaping, adjacent uses, drainage, compliance with the city's intersection and driveway sight distance standards; and other information deemed by the Director of Community Development ("Director") to be necessary to assess compliance with this Section.
6. A statement in a form approved by the City Attorney signed by the WCF service provider and the property owner of the proposed site agreeing:
 - a. To potential Colocation of additional infrastructure from third-party WCF service providers on the applicant's structure or within the same site location;
 - b. That the WCF service provider will remove the facility and Related Accessory Equipment if the site is abandoned as a result of discontinued use for six months or if the site falls into disrepair; and
 - c. That if a WCF service provider fails to remove the facility within ninety days after notice of abandonment by the city, responsibility for removal shall fall upon the landowner.

I. Specific Review Procedures for Eligible Facilities Requests.

1. Applicability – Sole and Exclusive Procedure. Except as may be otherwise provided in this Section, and notwithstanding any other provisions in the City Code, the provisions of this subsection shall be the sole and exclusive procedure for review and approval of a proposed Eligible Facilities Request. Notwithstanding the foregoing, all WCFs including EFRs must comply with Operational Standards in 25.125.030. To the extent that other provisions of the City Code establish a parallel process for review and approval of a project permit application for a proposed facilities modification, the provisions of this Section shall control. In the event that any part of an application for project permit approval includes an Eligible Facilities Request, the proposed facilities modification portion of the application shall be reviewed under the provisions of this Section.

2. Reservation of Authority. Nothing herein is intended or shall operate to waive or limit the City's right to enforce, or condition approval on, compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety.

3. Application Submittal Requirements

a. Purpose. The Director or his/her designee shall prepare, and periodically revise and make publicly available, an application form which shall be limited to the information necessary for the City to consider whether an application is an Eligible Facilities Request. This Section sets forth the submittal requirements for an Eligible Facilities Request. The purpose of the submittal requirements is to ensure that the City has all information and documentation that is reasonably necessary to determine if the applicant's proposed facilities modification will Substantially Change the physical dimensions of an Eligible Support Structure. The submittal requirements are not intended to require the applicant to establish the need for the proposed modifications or to justify the business decision to propose such modifications. An Eligible Facilities Request permit is required prior to implementing the proposed modification.

b. No Eligible Facilities Request application shall be deemed complete unless it is, in writing, accompanied by the applicable application and fee, includes the required submittals, and is attested to by the authorized person submitting the application on behalf of the applicant, certifying the truth and accuracy of the information provided in the application. The application shall include the following submittals, unless waived by the Director:

i. A complete Eligible Facilities Request application form provided by the City.

ii. If the applicant is not the owner or person in control of the Eligible Support Structure and/or site, an attestation that the owner or person in control of the Eligible Support Structure and/or site has consented to the proposed facilities modification shall be required. If the Eligible Support Structure is located in a Public Right of Way, the applicant must also attest that applicant has authorization to install, maintain and operate Transmission Equipment in, under and above the Public Right of Way.

iii. Complete copies of the underlying land use approvals for siting of the Base Station, or Tower proposed to be modified, establishing that, at the time of submittal of the application, such Tower or Base Station constituted an Eligible Support Structure.

iv. If the applicant proposes a modification that will result in an increase in height of the Eligible Support Structure, the following shall be required: Record drawings, as-built plans, or the equivalent, showing the height of the Eligible Support Structure, (a) as originally constructed and granted approval by the City or other applicable local zoning or similar regulatory authority, or (b) as of the most recent modification that received City, or other local zoning or regulatory approval, prior to the passage of the Spectrum Act, whichever height is greater.

v. If the applicant proposes a modification to an Eligible Support Structure, which structure, or proposed modification of the same, is subject to conditions associated with siting approval or requirements imposed by a reviewing official or decision-making body pursuant to authority granted under the City Code, or an ordinance or a municipal code of another local government authority, the following shall be required: A copy of the document (e.g., SEPA, CUP or SUP) setting forth such pre-existing mitigations, restrictions or requirements together with a certification that the proposed facilities modification conforms to such mitigations, restrictions or requirements; provided that, such certification shall have no application to the extent the proposed facilities modification relates solely to an increase in height, increase in width, addition of Equipment Cabinets, or new excavation, that does not result in a Substantial Change in the physical dimensions of the Eligible Support Structure.

vi. If the applicant proposes a modification to an Eligible Support Structure, which structure, or proposed modification of the same, is subject to pre-existing Concealment restrictions or requirements, or was constructed with Concealment elements, the following shall be required: Applicant shall set forth the facts and circumstances demonstrating that the proposed modification would not defeat the existing Concealment elements of the Eligible Support Structure. If the proposed modification will alter the exterior dimensions or appearance of the Eligible Support Structure, applicant shall include a detailed visual simulation depicting how the Eligible Support Structure will appear after the proposed modification is complete. The visual simulation shall depict to scale the Eligible Support Structure in relation to the trees, landscaping and other structures adjacent to, or in the immediate vicinity of, the Eligible Support Structure.

vii. If the applicant proposes a modification that will protrude from the edge of a Base Station, the following shall be required: Record drawings, as-built plans, or the equivalent, showing at a minimum the edge of the Eligible Support Structure at the location of the proposed modification

viii. If the applicant proposes a modification to an Eligible Support Structure that will (a) include any excavation, or for Towers other than poles in the Right of Way, excavation of greater than 30 feet in any direction, (a) would result in a protrusion from the edge of a Tower that exceeds an existing protrusion of any Transmission Equipment attached to a Tower, or (b) would protrude from the edge of a Base

Station, the following shall be required: A description of the boundaries of the site together with a scale drawing based on an accurate traverse, with angular and lineal dimensions, depicting the boundaries of the site in relation to the Tower or Base Station proposed to be modified and depicting the proposed location, elevation and dimensions of the new or replacement Transmission Equipment..

ix. A radio frequency emissions compliance report. A written report, prepared, signed and sealed by a Washington-licensed professional engineer or competent employee of the applicant which assesses whether the proposed WCF demonstrates compliance with the exposure limits established by the FCC.

x. If the applicant proposes a modification to a Tower, the following shall be required: A stamped report by a state of Washington registered professional engineer demonstrating that the Tower with the proposed modifications will comply with applicable structural, electrical and safety codes, including by way of example, and not limitation, EIA/TIA-222-Revision G, published by the American National Standards Institute (as amended), allowable wind speed for the applicable zone in which the Tower is located, and describing the general structural capacity of the Tower with the proposed modifications, including: 1) the number and type of Antennas that can be accommodated; 2) the basis for the calculations of capacity; and a written statement that the proposal complies with all federal guidelines regarding the interference and ANSI standards as adopted by the FCC, including but not limited to nonionizing electromagnetic radiation (NIER) standards. The City may retain the services of an independent technical expert to review, evaluate, and provide an opinion regarding the applicant's demonstration of compliance.

xi. If the applicant proposes a modification requiring (1) alteration to an Eligible Support Structure, (2) excavation, installation of new Equipment Cabinets, or any other activities impacting or altering the land, existing structures, fencing, or landscaping on the site, the following shall be required: A detailed site plan and drawings, showing the true north point, a graphic scale and drawn to an appropriate decimal scale, indicating and depicting, (a) the location, elevation. and dimensions of the Eligible Support Structure, (b) the location, elevation and dimensions of the existing transmission equipment, (c) the location, elevation and dimensions of the transmission equipment, if any, proposed to be colocated or that will replace existing transmission equipment, (d) the location, elevation and dimensions of any proposed new Equipment Cabinets and the intended use of each, (e) any proposed modification to

the eligible support structure, (f) the location of existing structures on the site, including fencing, screening, trees, and other significant site features, and (g) the location of any areas where excavation is proposed showing the elevations, depths, and width of the proposed excavation and materials and dimensions of the equipment to be placed in the area excavated.

4. Waiver of Submittal Requirement. The Director may waive any submittal requirement upon determination that the required submittal, or part thereof, is not reasonably related to the substantial change criteria, a waiver, to be effective, must be in writing and signed by the Director.

5. Processing EFR Applications.

a. Type of Review. Upon receipt of an application for an Eligible Facilities Request pursuant to this subsection, the City shall review such application to determine whether the application so qualifies.

b. Timeframe for Review. Subject to the tolling provisions of subparagraph (c) below, within sixty (60) calendar days of the date on which an applicant submits an application seeking approval under this Section, the City shall approve the application unless it determines that the application is not covered by this Section.

c. Tolling of the Timeframe for Review. The sixty (60) calendar day review period begins to run when the application is filed, and may be tolled only by mutual agreement of the City and the applicant, or in cases where the City determines that the application is incomplete:

- i. To toll the timeframe for incompleteness, the City must provide written notice to the applicant within thirty (30) calendar days of receipt of the application, specifically delineating all missing documents or information required in the application;
- ii. The timeframe for review begins running again when the Applicant makes a supplemental written submission in response to the City's notice of incompleteness; and
- iii. Following a supplemental submission, the City will notify the applicant within ten (10) business days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this subparagraph (c) of this subsection 5. In the case of a second or subsequent notice of incompleteness, the City may not specify missing documents or information that were not delineated in

the original notice of incompleteness.

d. Failure to Act. In the event the City fails to act on an Eligible Facilities Request under this Section within the timeframe for review, accounting for any tolling, the request shall be deemed granted. The deemed grant becomes effective when the applicant notifies the City in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

e. Interaction with Telecommunications Act Section 332(c)(7). If the city determines that the applicant's request is not an Eligible Facilities Request as delineated in this chapter, the City will, in its notice to the applicant, advise of any additional filing requirements that may be required by this Chapter in order to have the application considered as a WCF that is not an Eligible Facilities Request. If the applicant chooses to submit a request for consideration of its application as a WCF that is not an Eligible Facilities Request, the presumptively reasonable timeframe under Section 332(c)(7), as prescribed by the FCC, will begin to run from the filing of such completed information.

J. Specific Review Procedures for Small Cell Facilities. Within ten (10) business days of receipt of an application for a Small Cell Facility, the City shall provide written comments to the applicant determining completeness of the application and setting forth any modifications required to complete the application to bring the proposal into full compliance with the requirements of this subsection.

1. To toll the timeframe for incompleteness, the City must provide written notice to the applicant within ten (10) business days of receipt of the application, specifically delineating all missing documents or information required in the application.
2. The timeframe for review resets to zero (0) when the applicant makes a supplemental written submission in response to the City's notice of incompleteness.
3. Following a supplemental submission, the City will notify the applicant within ten (10) business days whether the supplemental submission provided the information identified in the original notice delineating missing information. If the application remains incomplete, the timeframe is tolled pursuant to the procedures identified in subparagraphs (1) and (2) of this paragraph. In the case of a second or subsequent notice of incompleteness, the City may not specify missing information or documents that were not delineated in the original notice of incompleteness.

K. Compliance with Applicable Law.

1. Notwithstanding the approval of an application for new WCFs, Eligible Facilities Requests, or for Colocation as described herein, all work done pursuant to WCF applications must be completed in accordance with all applicable building, structural, electrical and safety requirements as set forth in this Code and any other applicable federal, state, and/or local laws and regulations. In addition, all WCF applications shall comply with the following:

- a. Comply with any permit or license issued by a local, state, or federal agency with jurisdiction of the WCF;
- b. Be maintained in good working condition and to the standards established at the time of application approval; and
- c. Remain free from trash, debris, litter, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in no instance more than ten (10) calendar days from the time of notification by the City or after discovery by the owner or operator of the site.

2. Compliance Report. Upon request by the City, the applicant shall provide a compliance report within forty-five days after installation of a WCF, demonstrating that as installed and in operation, the WCF complies with all conditions of approval, applicable Code requirements, and standard regulations.

25.125.050 Design and Development Standards. The requirements set forth in this Section shall apply to the location and design of all WCFs governed by this Section as specified below; provided, however, that the City may waive any one or more of these requirements if it determines that the goals of this Section are better served thereby. WCFs shall be designed and located to minimize the impact on surrounding properties and residential neighborhoods and to maintain the character and appearance of the City, consistent with other provisions of this Code.

A. Concealment/Camouflage Required. All WCFs and any Transmission Equipment shall, to the maximum extent possible, use Concealment design techniques, and where not possible utilize Camouflage Design Techniques.

1. Design, materials, and colors of WCFs shall be compatible with the surrounding environment. Designs shall be compatible with structures and vegetation located in the right-of-way and on adjacent parcels.

2. Concealment and/or Camouflage design may be of heightened importance where findings of particular sensitivity are made (e.g. proximity to historic or aesthetically significant structures, views, and/or community features). Where WCFs are located in areas of high public visibility, they shall, where physically possible, be designed to be concealed, and where not possible to be concealed, to minimize the WCF profile through placement of equipment fully or partially underground, or by way of example and not limitation, behind landscape berms.

3. A Concealment Design Technique may include the use of Base Stations and other structures should the director determine that such design meets the intent of these chapters and the community is better served thereby.

4. All WCFs, such as antennas, vaults, equipment rooms, equipment enclosures, and Towers shall be constructed of non-reflective materials (visible exterior surfaces only).

B. Siting. WCFs in the right-of-way shall be sited in a manner that evaluates the proximity of the facility to residential property. When placed near residential property, a stand-alone WCF (e.g., a new pole, and not a WCF placed on an existing street light pole, electric distribution or telephone pole, traffic signal pole, or other existing vertical structure) shall be placed adjacent to the common side yard property line between adjoining residential properties, such that the WCF minimized visual impacts equitably among adjacent properties. In the case of a corner lot, the WCF may be placed adjacent to the common side yard property line between adjoining residential properties, or on the corner formed by two intersecting streets. If these requirements are not feasible from a construction, engineering, or design perspective, the applicant may submit a written statement to the director requesting the WCF be exempt from these requirements.

C. Lighting. WCFs shall not be artificially lighted, unless required by the FAA or other applicable governmental authority, or the WCF is mounted on a light pole or other similar structure primarily used for lighting purposes. If lighting is required, the city may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Lighting shall be shielded or directed to the greatest extent possible to minimize the amount of glare and light falling onto nearby properties, particularly residences. Any necessary lighting must comply in all respects with the city's dark sky ordinance provisions.

D. Development standards for Accessory Wireless Communications Antennas.

1. Allowed as Accessory Uses. Accessory Wireless Communication Antennas are allowed by DMC Title 25 as accessory uses in all zoning districts.

2. Categories/Use Limits/Maximum Size and Height. Accessory Wireless Communication Antennas consist of ground mounted (freestanding) or building mounted (attached) antenna for the sole use of residents, patrons of a business, or other occupants of property sending or receiving communications or data as an accessory to a permitted use on the property on which the antenna is located. Categories of accessory wireless communication antennas are described in 25.125.020. Unless otherwise provided elsewhere in the DMC, the size and height limitations of Accessory Wireless Communication Antennas are governed by the zoning district in which the facilities are located.

3. Exempt Accessory Wireless Communication Antennas. Accessory Wireless Communication Antennas that qualify as OTARD facilities are exempt from the requirement to obtain a WCF permit.

4. Location. Except OTARD facilities and associated masts, no freestanding Accessory Wireless Communication Antennas, support structures for antennas, nor metal guys attached to any antennas shall be located in a required front, side, or rear yard. In cases

where the principal building on a lot is set back a greater distance from a front or side street than required by zoning regulations for yards, no antenna nor antenna support shall be located between the principal building and a public street.

5. Landscaping. Except for OTARD facilities, wherever feasible, freestanding parabolic (dish) antennas shall be screened from views on public rights-of-way by trees, shrubs, or other appropriate means of landscaping.

6. Amateur Radio. In accordance with federal law, antennas and support structures used primarily for federally licensed amateur ("ham") radio activities may exceed the maximum allowable height for buildings provided a determination is made by the Director, that the proposed tower height is technically necessary to successfully engage in amateur radio communications, and provided that the height be no more than the distance from the base of the antenna to the property line.

E. Development standards for Attached Wireless Communications Facilities.

1. Attached WCFs Allowed. Attached WCFs are permitted uses in all zone districts as an accessory use, except in the Historic Village, except that it is prohibited to attach a non-accessory WCF on a single-family or two-family dwelling.

2. Types of Attached WCFs are defined in 25.125.020(E) and include, but are not limited to, facilities that are erected upon existing buildings, water tanks, or other existing structures, but do not include Base Stations or Towers.

3. Design Requirements.

a. Concealment Design Techniques Required. Attached WCFs shall be designed so that they are Concealed, and where Concealment is not possible, Camouflaged.

b. Attachment to Trees Prohibited. It is prohibited to use any tree as a support for any Attached WCFs; or to use any tree to attach any metal guy or cable supporting any Attached Antenna.

c. Colocation. Where feasible, construction of new Attached WCFs on Base Stations shall be designed, engineered, and constructed to facilitate Colocation of additional WCFs by other wireless service providers on the same structure.

4. Setbacks for Attached Facilities. Attached WCFs shall conform to the following setback requirements:

a. Property Lines and Required Yards. WCFs and Transmission Equipment mounted on building walls or roofs shall not extend over property lines nor into required setbacks in front, side or rear yard areas; provided, that the Director may approve an encroachment into a required yard up to two feet for an Antenna mounted on the face or wall of a building or structure, if the Antenna is concealed to blend into the architecture of the building or structure on which placed.

b. Antennas Mounted Atop Structures. Antennas on rooftops must be either located or camouflaged so as not to be visible from adjacent rights-of-way.

5. Maximum Heights. Except for Colocations as required by federal law with respect to an Eligible Facilities Request, Attached WCFs in any zone district shall not exceed the maximum height allowed for structures in the same zone district by DMC Title 25; except that:

a. Roof/Building Mounted Site, which are at or near the maximum allowable height may extend above the height limit in the Manufacturing/Research Park (MRP) and Industrial (IND) Districts with a maximum tower height of one hundred feet, except that towers shall not penetrate imaginary airspace surfaces as defined by Title 14 of the Code of Federal Regulations, Part 77.

b. A map shall be prepared by the applicant that provides detailed information on ground and an imaginary airspace surface elevations for inspection by the Community Development Department.

F. Development standards for Towers.

1. Conditional Use Permit Required. Towers are permitted by Conditional Use Permit in all zone districts, except that no Towers shall be allowed in the Residential, Mixed Use, Commercial, Community Business, Office, or Open Space Districts.

2. Design Requirements.

a. Whenever practical new Towers shall be designed, engineered, and constructed to facilitate Colocation of WCFs by other WCF providers on the same structure.

b. Color and Concealment Required. Towers and Related Accessory Equipment shall to the maximum extent possible, use Concealment design techniques, and where not possible utilize Camouflage Design Techniques.

c. Attachment to Trees Prohibited. It is prohibited to use any tree as a support for any freestanding wireless communication Antennas; or to use any tree to attach Accessory or Transmission Equipment supporting any freestanding Antenna.

3. Setbacks for Towers. Towers shall conform to the following setback requirements:

a. Rights-of-Way. Towers shall be set back from all rights-of-way, a distance no less than one foot for every foot of Tower height.

b. Residential Properties. Towers shall be set back from all adjacent residentially zoned properties a distance no less than two feet for every foot of Tower height.

c. Nonresidential Properties. Towers shall be set back from all adjacent non-residentially zoned properties a distance no less than one foot for every foot of Tower height.

4. Maximum Heights. Towers shall not exceed the maximum allowable heights for

buildings in the same zone district, provided, however, that the maximum allowable height may be increased up to one hundred feet.

a. Roof/Building Mounted Sites, which are at or near the maximum allowable height may extend above the height limit in the Manufacturing/Research Park (MRP) and Industrial (IND) Districts with a maximum tower height of one hundred feet, except that towers shall not penetrate imaginary airspace surfaces as defined by Title 14 of the Code of Federal Regulations, Part 77.

5. Separation Between Facilities. No new Towers may be constructed within one thousand three hundred and twenty feet of any other Tower.

6. Related Accessory Equipment and Equipment Cabinets. Related Accessory Equipment and Equipment Cabinets shall be Concealed, and where not Concealment is not possible shall be Camouflaged.

7. Landscaping and Tree Protection. Tree protection and landscaping plans are required pursuant to DMC 25.90 and 25.120.

a. To the greatest extent feasible, existing trees and other vegetation and new landscaping are utilized to screen WCFs, and related buildings and Transmission Equipment from view from adjacent properties and Public Rights-of-Way.

b. As necessary, full, moderate, or light buffers will be required to mitigate for incompatibility between Towers as defined under DMC 25.10.020.

G. Provisions for Small Cell Facilities in the Right-of-Way.

1. No new WCF shall be constructed in the Public Right-of-Way and no Colocation or modification to any WCF in the Public Right-of-Way may occur except after a written request from an applicant, reviewed and approved by the City in accordance with this Section; after execution of a license agreement with the City to use such structure by its owner; and upon issuance of any required permits. The only WCFs that may be permitted in the Rights of Way are Small Cell Facilities. All work done pursuant to WCF applications must be completed in accordance with all applicable building and safety requirements as set forth in this Code and any other applicable regulations.

2. For purposes of this title, a stand-alone pole in the right-of-way, the sole or primary purpose of which is to house Small Cell Facilities, shall not be treated as a Tower, and shall be considered and approved under this Section. Unless otherwise set forth in the license agreement between the City and an applicant for placement of Small Cell Facilities in the Public Right-of-Way, all Small Cell Facilities in the Public Right-of-Way, except Eligible Facilities Requests, shall be reviewed pursuant to the following procedures:

a. License to Use. The applicant shall execute a license agreement with the City, granting a non-exclusive license to use the right-of-way. Attachment of Small Cell Facilities on an existing traffic signal, street light pole, or similar structure shall require written evidence of a license, or other legal right or approval, to use such structure by its owner. In its sole discretion, the City may prohibit or restrict the attachment of Small Cell Facilities on certain city-owned poles, including without limitation, ornamental street light poles.

b. Abandonment and Removal. If a Small Cell Facility in the Right-of-Way has not been in use for a period of three months, the owner of the Small Cell Facility shall notify the City of the non-use and shall indicate whether re-use is expected within the ensuing three months. Any Small Cell Facility that is not operated for a continuous period of six months shall be considered abandoned. The City, in its sole discretion, may require an abandoned Small Cell Facility to be removed. The owner of such Small Cell Facility shall remove the same within thirty days of receipt of written notice from the City. If such Small Cell Facility is not removed within said thirty days, the City may remove it at the owner's expense. After removal for any reason, any approved permits for the Small Cell Facility shall be deemed to have expired. Additionally, the City, in its sole discretion, shall not approve any new Small Cell Facility applications until the applicant who is also the owner or operator of any such abandoned Small Cell Facility in the Right-of-Way has removed such Small Cell Facility or payment for such removal has been made to the City.

3. Other Considerations. Additional design requirements shall be applicable to the various types of WCFs in the right-of way. New and existing poles in the Public Right- of-Way may accommodate Small Cell Facilities, but not other forms of WCFs.

a. The color of stand-alone poles in the right-of-way constructed to accommodate Small Cell Facilities shall be compatible with the colors of other poles in the Right-of-Way in the immediate vicinity. For example, if the new pole is near traffic signals at an intersection, the color of new pole should match the color of the traffic signals. If the new pole is near street light poles, the color of the vertical structure should be the same, or similar to, the color of existing street light poles in the area.

b. Poles and Small Cell Facilities in the Right-of-Way should use existing land forms, vegetation, and structures to aid in screening the facility from view or blending in with the surrounding built and natural environment.

c. Poles shall be architecturally compatible with the surrounding area.

i. Height and size of the poles should be minimized as much as possible, and, in no event, shall any pole in the Right-of-Way be higher than thirty (30) feet.

ii. Poles and Small Cell Facilities in the Right-of-Way shall be compatible with the surrounding topography, tree coverage, and

foliage.

iii. Poles and Small Cell Facilities in the Right-of-Way shall include design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

iv. Pole-mounted Small Cell Wireless Facilities shall, to the extent feasible, be located on, or within, an existing utility pole serving the City or another utility and shall be Concealed/Camouflaged consistent with other existing natural or manmade features near the location where the facilities will be located.

v. With respect to a pole-mounted Small Cell Wireless Facility, be located on, or within, a new pole where other utility distribution lines are aerial. If there are no reasonable alternatives, and the applicant is authorized to construct the new stand- alone poles, to the extent reasonably feasible, such poles shall:

A. Be consistent with the size and shape of the pole-mounted equipment installed by communications companies on utility poles near the new stand- alone pole;

B. Be sized to minimize the negative aesthetic impacts to the right-of-way and adjacent property;

C. Be designed such that any ground mounted equipment shall be located in a manner necessary to address both public safety and aesthetic concerns at the reasonable discretion of the Director, and may, where appropriate and reasonably feasible based upon technical, construction and engineering requirements, require a flush-to-grade underground equipment vault;

D. Not alter vehicular circulation or parking within the right- of-way or impede vehicular, bicycle, or pedestrian access or visibility along the Right-of-Way. No stand-alone pole may be located or maintained in a manner that causes unreasonable interference. Unreasonable interference means any use of the Right-of-Way that disrupts or interferes with its use by the City, the general public, or other person authorized to use or be present upon the Right-of-Way, when an alternative exists that would result in less disruption or interference. Unreasonable interference includes any use of the Right-of-Way that disrupts vehicular or pedestrian traffic, any interference with public utilities, and any other activity that will present a hazard to public health, safety, or welfare;

E. Unless qualified as an Eligible Facilities Request, not be more than ten feet higher (as measured from the ground to the top of the pole) than any existing utility or traffic signal within five hundred feet of the pole; and shall in no case be higher than thirty feet, unless such pole is already existing at a greater height;

F. With respect to any Transmission Equipment placed on an existing pole or new stand-alone pole, shall not extend more than five feet above such pole, unless qualified as an Eligible Facilities Request;

G. Not be located within six hundred feet of another stand-alone Small Cell Facility pole in the Right-of-Way. The Director may exempt an applicant from these requirements if the applicant demonstrates that the minimum separation requirement cannot be satisfied for technical reasons, and if the Director determines that placement of a pole at a distance less than six hundred feet from another pole will meet the intent of reducing visibility of WCFs to the extent possible; and

H. With respect to equipment enclosures, be located out of view as much as possible.

4. Transmission Equipment for Small Cell Facilities shall meet the following requirements:

- a. All Transmission Equipment shall be grouped as closely as technically possible;
- b. Transmission Equipment shall be located out of sight whenever possible by locating within Equipment Cabinets or other enclosures that have been approved by the City. Where such alternate locations are not available, the Transmission Equipment shall be Concealed, and where Concealment is not feasible, be Camouflaged; and
- c. Transmission Equipment shall be of a neutral, non-reflective color that is identical to, or closely compatible with, the color of the supporting structure or uses other Concealment/Camouflage design techniques so as to make the equipment as visually unobtrusive as possible, including, for example, painting the equipment to match the structure.