Zoning Code Text Amendments
Amendments Related to Development
File# ZCA-19-0002

I. GENERAL INFORMATION:

Application Date: October 4, 2019

Applicant: City of Walla Walla Development Services

Amendment Description:
Walla Walla Municipal Code (WWMC) Text and Map Amendments to Titles 19 and 20 to implement the Walla Walla Comprehensive Plan 2040. The proposed code amendments would apply City-wide. Amendments to the following Municipal Code Chapters include:

- Chapter 2.27 Historic Preservation
- Chapter 2.94 Miscellaneous Planning Related Fees and Charges
- Chapter 5.04 Mobile Vendors
- Chapter 15.06 Business Inventory/Development Authorization Permit (Request to repeal)
- Chapter 19.24 Short Plat Procedures
- Chapter 19.25 Boundary Adjustment
- Chapter 19.40 Table of Required Information
- Chapter 20.06 Construction and Definitions
- Chapter 20.110 Fences
- Chapter 20.118 Residential Dwelling and Accessory Use Standards
- Chapter 20.122 Home Occupation
- Chapter 20.123 Table of Permitted Home Occupations
- Chapter 20.126 Off Street Parking and Loading Standards
- Chapter 20.135 Non-Residential Accessory Use Standards (Request to add)
- Chapter 20.136 Cargo Containers
- Chapter 20.146 Conversion or Demolition of Historic Structures
- Chapter 20.154 Automotive Service Station (Request to repeal)
- Chapter 20.162 Churches (Request to repeal)
- Chapter 20.170 Wireless Communication Facilities
- Chapter 20.171 Small Wireless Communication Facilities (Permanent adoption of interim ordinance)
- Chapter 20.178 Downtown Design Standards
- Chapter 20.180 Mobile/Manufactured Homes
- Chapter 20.204 Signs

II. SEPA STATUS:

A Notice of Application/Notice of Public Hearing was posted and published on October 18, 2019 with comment period ending on November 4, 2019. The Notice of Application was circulated to the SEPA distribution list and Washington State Department of Ecology SEPA register on October 21, 2019. The Notice of Application was posted on the City of Walla Walla website on October 18, 2019 and published in the Union Bulletin on October 21, 2019.

On October 18, 2019, a Determination of Non-Significance was issued and incorporated by reference the Walla Walla Comprehensive Plan 2040 Final Environmental Impact Statement (FEIS), issued on May 22, 2018.

III. FINDINGS OF FACT:

1. The Development Services Department began initial discussions and review of the draft code amendments in May 2019. Draft sections were reviewed by various City Commissions and Committees in June 2019. The formal zoning code text and map amendments were initiated on October 4, 2019 when the 60 day notice was submitted to Washington State Department of Commerce.

2. Zoning code text and map amendments are a Level V review under Walla Walla Municipal Code (WWMC) Chapter 20.28, which requires the Planning Commission to hold a public hearing and make a recommendation to the City Council. The City Council is the decision authority.

3. A Notice of Application was posted on the City of Walla Walla website on October 18, 2019 and was published on October 21, 2019 in the Union Bulletin as required by WWMC 20.14.065. The comment deadline is November 4, 2019. When the staff report was prepared, comments from Kim Allen on behalf of Verizon Wireless had been received and are included as an exhibit.

4. WWMC Chapter 20.48, Amendments, outlines the requirements for processing amendments as follows:

   20.48.020 Who may initiate.
   A. Amendments may be initiated by:
   1. The City Council;
   2. The City Manager;
   3. The Planning Commission;
   4. The Zoning Administrator;
   5. Any person requesting amendment to the text of this Code;
   6. Any property owner or contract purchaser or authorized agent requesting a rezone of his property; or
   7. Any property owner(s) requesting annexation to the City.

   20.48.030 Procedure.
   C. The City Council is responsible for the approval or denial of a rezone or text amendment. When considering a rezone request or a text amendment, the City Council will act on the request at a public meeting upon the hearing record of the initial reviewing body.

20.48.045 Review criteria prezones, area wide rezones and text amendments.

The decision on a prezone, area wide rezone, or text amendment shall be based on a legislative finding upon whether or not the proposal is consistent with and implements the Walla Walla Comprehensive Plan.

20.48.050 Record of amendments.

All amendments to the zone code will be recorded and indexed in the Development Services Department according to Section 20.14.100 of this code.

5. The proposed code amendments are supported by the City of Walla Walla Comprehensive Plan as identified in the conclusion section of this staff report as required by RCW 36.70A.130(1)(a). Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. Except as otherwise provided, a city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter according to the deadlines in subsection (5), which identifies June 30, 2018 as the deadline for Walla Walla County and its cities. The City of Walla Walla Comprehensive Plan 2040 was adopted June 13, 2018.

6. On March 6, 2019 Development Services staff met with various City Departments. This meeting set the schedule for the 2019 Code Amendments and allowed planning staff to receive feedback from City Departments on which code sections should be addressed. A final City Staff meeting was conducted on October 18, 2019.

7. Draft changes to the 20.178 Downtown Design Standards were reviewed by the Walla Walla Downtown Foundation's Downtown Design Committee at their June 11, 2019, July 9, 2019, and August 13, 2019 meetings.

8. Kim Gant, Certified Local Government Manager for Washington State Department of Archaeology and Historic Preservation provided comments on 2.27 Historic Preservation and 20.146 Conversion or Demolition of Historic Structures on June 19, 2019.

9. The Historic Preservation Commission reviewed proposed changes to 2.27 Historic Preservation, 20.146 Conversion or Demolition of Historic Structures, and 20.178 Downtown Design Standards at their June 27, 2019 and September 26, 2019 meetings.

10. The Planning Commission reviewed the draft code amendments for 15.06 Business Inventory/Development Authorization Permit, 19.25 Boundary Adjustment, 20.118 Residential Dwelling and Accessory Use Standards, 20.122 Home Occupation, 20.123 Table of Permitted Home Occupations, 20.136 Cargo Containers, 20.154 Automotive Service Station, and 20.162 Churches at the regular meeting on July 1, 2019. The regular Planning Commission meeting on August 5, 2019 saw the review of drafts of 2.94 Miscellaneous Planning Fees, 5.04 Mobile Vendors, 19.40 Table of Required Information, 20.02 General Provisions, 20.135 Non-Residential Accessory Structures, 20.170 Wireless Communications Facilities, 20.171 Small Wireless Communications Facilities, and 20.204 Signs.

11. The City Council held a work session on July 22, 2019 for staff to provide a broad overview of the proposed code amendments.

12. A Determination of Non-Significance (DNS) was issued on October 18, 2019.

13. Pursuant to RCW 36.70A.106, the proposed zoning code amendments were sent to the Washington State Department of Commerce and other state agencies, as required for the 60-day review. The acknowledgement letter was received from the State of Washington on October 7, 2019.

14. A Public Hearing notice was issued on October 18, 2019, as required by WWMC 20.14.085, for the public hearing before the Planning Commission on the proposed code amendments. The hearing notice was posted on the City's website and published in the Union Bulletin.

15. The Planning Commission is scheduled to conduct a Public Hearing on November 4, 2019.

IV. CONCLUSIONS OF LAW:

1. Pursuant to Walla Walla Municipal Code Chapter 20.48 the following applies:

20.48.020 Who may initiate.
A. Amendments may be initiated by:
1. The City Council;
2. The City Manager;
3. The Planning Commission;
4. The Zoning Administrator;
5. Any person requesting amendment to the text of this Code;
6. Any property owner or contract purchaser or authorized agent requesting a rezone of his property; or
7. Any property owner(s) requesting annexation to the City.

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C. The City Council is responsible for the approval or denial of a rezone or text amendment. When considering a rezone request or a text amendment, the City Council will act on the request at a public meeting upon the hearing record of the initial reviewing body.

20.48.045 Review criteria prezones, area wide rezones and text amendments.
The decision on a prezone, area wide rezone, or text amendment shall be based on a legislative finding upon whether or not the proposal is consistent with and implements the Walla Walla Comprehensive Plan.

20.48.050 Record of amendments.
All amendments to the zone code will be recorded and indexed in the development services department according to Section 20.14.100 of this code.

Staff Analysis:

1. **Procedural Elements-**
   The proposed code amendments were initiated by Development Services Department (Zoning Administrator) to clean up sections of code where code is out of date or out of compliance and to make minor policy changes.

   The review by the Planning Commission was conducted at work sessions during the regularly scheduled meetings of July 1, 2019 and August 5, 2019.

A public hearing notice for the Planning Commission Public Hearings on November 4, 2019 was published in the Union Bulletin on October 21, 2019 and posted on the City's website on October 18, 2019. The Planning Commission shall make a recommendation to the City Council.

The review criterion for a zoning code text and map amendment is that the amendments are consistent with and implement the Walla Walla Comprehensive Plan – Walla Walla 2040. Staff will outline how the proposed code amendments are consistent below in the next conclusion analysis.

Staff finds that the proposed code amendments meet the requirements of WWMC 20.48 based on the staff analysis.

2. The proposed code amendments are supported by the Walla Walla Comprehensive Plan – Walla Walla 2040 Goals and Policies, as follows:

Historic Preservation Policy 1.1 – Encourage alternatives to demolition of architecturally significant structures.

Economic Development Policy 4.1 – Support home-based business and occupations by reviewing and implementing rules that are current and adaptive to new technologies.

Economic Development Policy 4.3 – Walla Walla offers a high quality of life for entrepreneurs, their families, and employees.

Economic Development Policy 5.1 – Regularly review development regulations, evaluate the impact of regulations, and the needs of local businesses.

Transportation Plan Policy 4.2 – Maintain the existing transportation infrastructure to preserve the intended function and extend the useful life.

Land Use Policy 1.4 – Review new development proposals to ensure they support the objectives of the Comprehensive Plan such as land use, transportation, community character, historic preservation, and sustainability.

Capital Facilities and Utilities Policy 1.4 – Ensure that the City's wireless communication facilities ordinance is updated to account for new technology so it remains consistent with the community's vision and needs.

Housing Policy 1.1 – Provide an array of housing choices such as apartments, small lot single-family housing, accessory dwelling units, townhomes, manufactured homes, and cottages to meet the needs of people of all incomes throughout their lifespan.

Staff Analysis:
Staff reviewed the existing Municipal Code for inconsistencies, out of date sections, and places where existing code was out of alignment with the Walla Walla Comprehensive Plan – Walla Walla 2040 or state or federal requirements. The reasons for changes are outlined in the table below.

Title 2 Amendments
Amendments in Title 2, Administration include the following below:

2.27.030 Definitions	Revised definition for H. to reflect that the City is a Certified Local Government.

2.27.040 Walla Walla historic preservation commission	Expands membership requirement for the commission in A. and B. in order to better meet CLG requirements regarding professional expertise. Change to requirement for historic inventory on zoning maps in D.1. to reflect current practice and requirements
2.27.050 City of Walla Walla register of historic places	Struck item in B.1. reflects that designation criteria is in section A. Change in property location in B.2. to make location easier for lay applicants when submitting nominations. Noticing requirements in B.4. changed to reflect methods more commonly used in 20.14.065. D.4. updated to reflect that the City is now a CLG
2.27.060 Review of changes to city register of historic places properties	Change in A. because many older nomination forms were sparsely filled out and new wording protects the listed properties better. Review process changes in C.1. are largely procedural. Allowing for special meetings in C.2. will help meet timeliness requirements. Appeal body changed to hearing examiner in C.4. in line with other appeals of administrative decisions.
2.27.070 Review and monitoring of properties for special valuation	Change in C.1. reflects that the City is now a CLG.
2.94 Miscellaneous Planning Related Fees and Charges	Fees for annexations, residential demolitions, and appeals are added, no previous fee established. See Fee Memo, attached. Duplicative fee for environmental review struck.

* Other amendments include changes to the text to improve clarity and wording, rather than the content.

Title 5 Amendments
Amendments in Title 5, Business Licenses and Regulations include the following below:

5.04.010 Definitions	Adds definition for mobile food court/food truck court to support new section 5.04.045. Clarifies public celebration for other events.
5.04.020 Mobile and street vendor – License required	Clarifies exemptions for special events and farmers' market.
5.04.040 Geographical restrictions	Change in G to support new section 5.04.045
5.04.045 Mobile Food Court/Food Truck Court Standards	Establishes requirements for health, safety, and welfare to allow for congregations of food trucks on the same property

* Other amendments include changes to the text to improve clarity and wording, rather than the content.

Title 15 Amendments
Amendments in Title 15, Building and Construction include the following:

15.06 Business Inventory/Development Authorization Permit	Repeal chapter, duplicative of 5.05 General Business License

Title 19 Amendments
Amendments in Title 19, Subdivisions include the following:

19.24.050 Short Plat Procedures	Amend section related to recording the short and make consistent with current practice which has the applicant record the short plat with the county auditor.
19.25.005 Boundary Adjustment	Added purpose section to clarify when Boundary Line Adjustments should be used.
19.25.010 Application Requirements	No need for pre-app meetings as BLAs are straightforward. Process fix from development authorization to Level I Review as identified in 20.18.
19.25.020 Boundary Adjustment Requirements	Survey should always be required to update legal descriptions and place new property marker pins.
19.25.030 Boundary adjustment approval - Recording	Reflects changes to requiring survey and updates to current practice for recording surveys.
19.40 Required Information	Change chapter title to reflect reformatting/reorganization of information. Reformat/reorganize information to improve readability. Addition of required information to enable ease of calculating buildable lands analysis and to better implement and enforce residential density requirements.

* Other amendments include changes to the text to improve clarity and wording, rather than the content.

Title 20 Amendments
Amendments in Title 20, Zoning include the following:

20.02.080 Annexations	Limits when annexation petitions may be submitted, similar to process for Comprehensive Plan Amendments.
20.110.070 Fences	Amend section 20.110.070 to address a conflict for when barbed wire fencing is permitted.

20.118 Residential Accessory Use Standards	Change chapter title to better reflect chapter contents.
20.118.030 Accessory dwelling units	Allow duplexes to have accessory dwelling units to continue meeting density and infill goals, all other requirements would remain unchanged (lot coverage, setbacks, parking, etc).
20.118.040 Accessory structures – Non-dwelling units	Replace wording about garages that was mistakenly deleted in Ordinance 2018-53 last year to ensure vehicles parked outside garage doors do not impact the sidewalk. Remove compatibility for height due to difficulty to enforce and required compliance with max height restriction already in effect.
20.118.050 Swimming pools	Fencing requirements come from International Residential Code and International Building Code.
20.122.030 General Requirements	Allows all home occupations equitable amount of space.
20.122.070 Home occupations not permitted	Adds uses to section that are not compatible with residential neighborhoods due to impacts.
20.123 Table of Permitted Home Occupations	Removes uses that are not compatible with residential neighborhoods due to impacts.
20.135 Non-Residential Accessory Use Standards	New chapter to establish standards for non-residential accessory uses, limited to storage sheds and other unoccupied structures.
20.136 Cargo Containers	Clarifies that temporary use for construction is allowed in residential zones.
20.146.010 Purpose	Clarifies which structures are affected by the chapter.
20.146.020 Application and review criteria	Protects structures under the requirements of 2.27 when a structure is deemed to have sufficient significance under the zoning code to allow for otherwise prohibited uses.
20.146.040 Demolition of historic structures	Procedural changes in A to allow for clarity in permit processing for applicants. Additions to B.1. codifies potential mitigation measures.
20.154 Automotive Service Station	Repeal chapter, unnecessary, provisions addressed by International Building Code requirements and Site Plan Review.
Chapter 20.162 Churches	Repeal chapter, unnecessary, provisions addressed by Conditional Use Permit process and in 20.102.030

20.170.030 Wireless Communication Facilities	Clarifies permit requirements for small wireless facilities Renewal requirement is unnecessary, especially when requiring a full CUP every 5 years.
20.171 Small Wireless Communication Facilities	Permanent adoption of existing interim ordinance to comply with FCC requirements. Changes based on comments received from Verizon Wireless and AT&T regarding equipment feasibility.
20.178.010 Purpose	Clarifies the status of Downtown plan and design.
20.178.030 Setbacks and exceptions	Strengthen and clarify requirements.
20.178.040 Building material and colors	Strengthen and clarify requirements, generic terms instead of brand names. Clarify color use.
20.178.070 Windows	No ground floor bay windows exist, nor should they be allowed for.
20.178.100 Fencing	Strengthen and clarify fence requirements.
20.178.110 Signage	Clarify provisions regarding lit signs in the downtown area. Clarify where blade signs are allowed.
20.180.050 Minimum standards for manufactured homes on individual lots	Removed requirement for Level II review for manufactured homes in residential zones outside of manufactured home parks to match Table of Permitted Land Uses
20.204.010 Intent and Purpose	Added section to Sign Code to clarify why signs are regulated in order to comply with ruling in Reed v. Town of Gilbert
20.204.015 Applicability	New section clarifies interaction of sign code and first amendment freedom of speech issues.
20.204.020 Definitions	Definitions revised to remove references to regulating signs based on the content of the sign rather than material, struck definitions based on sign content.
20.204.040 and 20.204.050 Signs subject to ordinance – no permit required	Clarify signage that does not require a permit and combine with exempt sign section.
20.204.060 (now .050) Prohibited Signs	Deletions to be consistent with Reed v. Town of Gilbert and throughout ordinance clarify difference between changing message center sign and electronic message center sign.
20.204.080 (now .070) General Provisions	Remove out of date code references

20.204.130 (now .120) Temporary Signs	Revised to be consistent with Reed v. Town of Gilbert
20.204.140 (now .130) Portable Signs	Revise to be consistent with Title 12 which also references requirements for use of the right-of-way.
20.204.160 (now .150) Off-premises directional signs	Clarifying amendments
20.204.200 (now .190) Window Signs	New section to outline requirements for window signs
20.204.210 Freeway signs	Delete – not an applicable section and addressed with other sign code sections
20.204.210 Sign Table	Put the sign requirements by zone and sign type into a table to read easier.
20.204.230 to 20.204.280	Delete because put requirements in the sign table.
20.204.290 (now .220) Signs allowed in the PR zones	Simply the requirement that the sign approval is done through the SPRC but cannot be more permissive then the CH zone.
20.204.300 (now .230) UPC Zone	Add sign requirements for the UPC zone and remove Airport District.

* Other amendments include changes to the text to improve clarity and wording, rather than the content.

The Growth Management Act (GMA) RCW 36.70A.020 goals that apply to the proposed Municipal Code Text and Map Amendments:

> **Goal 1 Urban Growth.** Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
>
> **Goal 4 Housing.** Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
>
> **Goal 5 Economic development.** Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.
>
> **Goal 7 Permits.** Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

Goal 11 Citizen Participation. Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

Goal 13 Historic Preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

Staff has considered the input and feedback from the cities various boards and commissions as well as the Walla Walla Downtown Foundation's Downtown Design Committee on the proposed code amendments. The Planning Commission also reviewed the draft amendments at two open public meetings on July 1, 2019 and August 5, 2019. The public hearing notice was published on October 18, 2019 advertising the Planning Commission's public hearing and soliciting comments from the public.

The intent is to take this input and feedback and bring forth the proposed amendments in this legislative process. Staff concludes that the proposed text amendments will implement the policy of the City of Walla Walla Comprehensive Plan 2040.

V. STAFF RECOMMENDATION

Staff recommends that Planning Commission recommend approval to the Walla Walla City Council for the Walla Walla Municipal Code Text Amendments to Titles 2, 5, 15, 19, and 20.

Prepared by Melissa Shumake, Planner: 

VI. EXHIBITS

1. Application
2. Proposed Text Amendments; Titles 2, 5, 15, 19, and 20
3. SEPA Checklist
4. SEPA Determination of Non-Significance (DNS) — October 18, 2019
5. Notice of Application/Notice of Public Hearing — October 18, 2019
6. WA Department of Commerce Notification — October 4, 2019
7. WA Department of Commerce Acknowledgement Letter — October 3, 2018
8. Comments
   - Kim Allen for Verizon Wireless, redlines 20.171 — Dated October 25, 2019
   - Meridee Pabst for AT&T, letter — Dated October 30, 2019
   - Kim Allen for Verizon Wireless, redlines 20.170 — Submitted November 4, 2019
   - Kim Allen for Verizon Wireless, redlines 20.171 — Submitted November 4, 2019
   - Kim Allen for Verizon Wireless, letter — Dated November 4, 2019

Chapter 20.170
WIRELESS COMMUNICATION FACILITIES

Sections:

20.170.010 Purpose.

A. The purpose of this Chapter is to establish appropriate locations, site development standards, and permit requirements to allow for wireless communications services to the residents of the City, in a manner which will facilitate the location of various types of wireless communication facilities in permitted locations so that they are consistent with the character of the City in general and the land use zones within which they are located.

B. In addition to implementing the general purposes of the Comprehensive Plan and development regulations, this Chapter addresses the issues of appearance and safety associated with antenna support structures, alternative antenna support structures, wireless communication facilities, amateur radio towers, telecommunications monopoles, satellite dish antennas, and related equipment. It provides adequate siting opportunities at appropriate locations within the City to support existing communications technologies and to encourage new technologies as needed for Walla Walla businesses and institutions to stay competitive.

C. A wide range of locations and options for the provision of wireless technology which minimize safety hazards and visual impacts sometimes associated with wireless communication facilities are provided. The siting of facilities on existing buildings or structures, collocation of telecommunication facilities, and visual mitigation tactics are encouraged to preserve neighborhood aesthetics and reduce visual clutter in the community. This Chapter, together with the provisions of the Uniform Building Code, the Electrical Code, and Chapter 12 of the Walla Walla Municipal Code, is also intended to protect the public rights-of-way from excessive invasion and disruption and to permit wireless communications service providers reasonable use of such rights-of-way for the purpose of providing wireless and wired communications services.

20.170.020 Definitions.

“Alternative antenna support structures” includes flat roofs of buildings that are 30 feet or more in height above the street grade upon which such buildings front, bell towers, clock towers, water towers, church steeples, street light standards, traffic light and traffic sign structures, bill

boards and commercial signs, and other man-made structures and devices that extend vertically from the ground to a sufficient height or elevation to accommodate the attachment of antennas at an altitude or elevation that is commercially desirable for wireless communications signal transmission and reception.

“Antenna” means a specific device the surface of which is used to receive or capture incoming and/or to transmit outgoing radio-frequency (RF) signals, microwave signals, or other communications energy transmitted from or to be received by other antennas. Antennas regulated by this Chapter include the following:

1. Omni-directional (or “whip”) antennas, designed to receive and/or transmit signals in a 360 degree pattern, up to 20 feet in height or length, and up to approximately 5 inches in diameter;

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

“Parabolic (or “dish”) antennas” means generally bowl-shaped devices that are designed to receive and/or transmit signals in an approximate specific direction.

“Ancillary antennas” means antennas designed primarily to receive and transmit signals described as “personal wireless communications services,” including global positioning satellite (GPS) data, “Personal Communications Service” (“PCS”) technology, and “pagers.”

“Antenna array” means two or more devices used for the transmission or reception of radio frequency (RF) signals, microwave or other signals for commercial communications purposes and may include omni-directional antennas (whip), directional antennas (panel), parabolic (dish) antennas and ancillary antennas. Two or more antennas situated or mounted upon or attached to a single platform or mounting structure which is affixed or attached to the top of an antenna support structure or mid-way thereon, or to an alternative antenna support structure, including the roof of a flat-roofed building are included in the definition of antenna array.

“Antenna support structure” means a structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting or otherwise affixing antennas at a height, altitude, or elevation which is significantly above the base of such structure; antenna support structures include the following:

1. “Lattice tower” which is a vertical support structure consisting of a network of crossed metal braces, forming a tower which may be three, four, or more sided;

2. “Monopole tower” which is a vertical support structure consisting of a single vertical metal, concrete or wooden pole, typically round or square, and driven into the ground or attached to a foundation.

“Attached antenna” means a wireless communication antenna which is fixed to an alternative antenna support structure.

“Co-location” means the use of a single antenna support structure, alternative antenna support structure, or an underground conduit or duct, by more than one wireless communications service provider to accommodate wireless communications facilities of two or more wireless communications service providers.

“Equipment enclosure” means a small structure, shelter, cabinet, box or vault designed for and used to house and protect the electronic equipment necessary and/or desirable for processing wireless communications signals and data, including any provisions for air conditioning, ventilation, or auxiliary electricity generators.

“Microcell” means a wireless communications facility consisting of antenna that is either:

1. Four (4) feet in height and with an area of not more than five hundred eighty square inches, or

2. A tubular antenna, no more than four (4) inches in diameter and no more than six feet in length. (As defined in 1996 for SEPA exemption in HB2828.)

Satellite Dish.

1. Small: A “small satellite dish” is one with a diameter of one meter or less in all zoning districts except commercial and industrial zones, and two meters or less in commercial and industrial zones.

2. Large: A “large satellite dish” is one with a diameter of greater than one meter in all zones except commercial and industrial zones, and greater than two meters in commercial and industrial zones.

“Wireless communications facility” means an unstaffed facility for the transmission and/or reception of radio frequency (RF), microwave or other signals for commercial communications purposes, typically consisting of an equipment enclosure, an antenna support structure or an alternative antenna support structure, and one or more antennas.

“Wireless communications service” means providing or offering for rent, sale, lease, or in exchange for other consideration, of the transmittal and reception of voice, data, image, graphic, and

other information by the use of wireless communications facilities; this term includes any personal wireless services as defined in the Telecommunications Act of 1996, which includes, but is not limited to, FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

“Wireless communications service provider” means every person who provides wireless telecommunications service, for rent, sale, lease, or in exchange for other consideration, through the use of wireless communications facilities, whether or not such facilities are owned by or under the control of such person.

20.170.030 Permits and exemptions.

A. Permits Required: ~~Development Authorizations~~Permits are required for all wireless communications facilities except for small satellite dishes. Permits for small wireless facilities are addressed in Chapter 20.171 and Chapter 5.02.

B. Structural Permits: Building permits and mechanical permits, are required for all wireless communications facilities unless specifically exempted under subsection (C), Exemptions.

C. Exemptions: The following antennas shall be exempt from permit requirements:

1. VHF and UHF receive-only television antennas: VHF and UHF receive-only antennas shall not be required to obtain ~~Development Authorization or~~ a building permit. VHF/UHF antennas shall be restricted to a height limit of no more than 15 feet above the existing or proposed roof.

2. Small satellite dishes.

~~D. Renewal Required: A permit to develop and operate a wireless communications facility shall be effective for a period of five years from the date of issuance. Applicants may apply for renewal of permits by submitting an application package conforming to the requirements of this Chapter. Such application shall be processed using the same procedures as an application for a new facility. (Ord. 2003-3 § 7 (part), 2003: Ord. 2000-6 § 2(part), 2000: Ord. 99-21 § 2 (part), 1999).~~

20.170.032 Permit applications.

Any wireless communications service provider wishing to receive authorizations and permits to develop and operate a wireless communications facility in the City of Walla Walla shall submit an application package to City Development Services that contains the following information:

A. A ~~Development Authorization~~Permit Application signed by the property owner.

B. Name, address, contact person and contact information for the entity seeking authorization and permits, including copies of all current licenses and authorizations required to provide wireless communications services in the City of Walla Walla.

C. Complete description, including technical diagrams and specifications, photos, depictions, and plans of the proposed wireless communications facility or facilities, and a complete description of the services to be provided by such facilities.

D. A site map depicting the location of the proposed facility and drawings or renderings depicting the antenna support structure or alternative antenna support structure and its appearance from street level from north, south, east, and west perspectives. The drawings should be produced with the purpose of showing the proposed facility from adjacent and nearby properties as it will appear when completed, including any proposed features to conceal, camouflage, or visually blend the proposed facility into its surroundings.

E. A complete discussion of the following:

1. Why the applicant selected the proposed site, including technical analysis, which explains why other sites are not satisfactory for the proposed facility.

2. If the applicant is proposing a site with no other wireless communications facilities present, explain why co-location is not technically feasible, or is otherwise unsuitable.

3. A comparison of the service to be provided by the proposed facility with other like or similar services provided in the city, including service features, coverage patterns of wireless signals, plans for new or added services, potential interference with other like or similar services or with radio transmissions for emergency services, and related service issues; and

4. A description of technologies and their availability to conceal, camouflage, or visually blend the proposed facility into its surroundings, and an explanation why certain technologies were selected or not selected as part of the proposed facility.

F. The application fees in immediately available funds required in Section 20.170.035.

G. Such other information and materials that may be required.

20.170.035 Permit fees.
Fees shall be charged as provided in Section 20.02.140 and Chapter 2.94 of the Walla Walla Municipal Code and the ordinances and resolutions of the Walla Walla city council.

20.170.040 General siting criteria.
A. The Table of Permitted Land Uses in Section 20.100.040 identifies the zoning districts and the Review Level for wireless communication facilities and related structures. The development standards in Chapters 20.102 and 20.103 address setback and other site specific factors. The siting criteria contained in this Chapter for wireless communication facilities and related structures are necessary to encourage the siting of those facilities in locations most appropriate based on land use compatibility, neighborhood characteristics, and aesthetic considerations.

B. Collocation on existing antenna support structures or alternative antenna support structures is required if technically feasible and otherwise suitable for the proposed wireless communication services. Further, attachment of antennas to existing nonresidential structures and buildings primarily within industrial, and commercial zoning districts is preferable to additional antenna support structures. The City may request feasibility studies associated with applications for telecommunication facilities which demonstrate that locations on existing structures have been explored as the preferred siting alternative. The cost of such studies shall be the responsibility of the applicant.

C. The following sites shall be considered by applicants as the preferred order for location of proposed wireless facilities including antennas, equipment, and equipment shelters. As determined feasible, and in order of preference, the sites are:

1. Existing antenna support structures and alternative antenna support structures: On any existing site or tower where a legal wireless telecommunication facility is currently located.

2. Industrial, Manufacturing: Structures or sites used exclusively for Industrial purposes. These are areas of more intensive land uses where a full range of public facilities are expected.

3. Publicly-Used Structures: Attached to existing public facilities such as water towers, utility structures, fire stations, bridges, and other public buildings within central commercial (CC), highway commercial (CH), light industrial/commercial (IL/C), heavy industrial (IH), and airport development (AD) zoning districts not utilized primarily for recreational uses. (Refer to Telecommunications Ordinance for rules and regulations specific to facilities located on City-owned land, buildings, or public right-of-way).

4. Central Commercial, Highway Commercial, and Light Industrial/Commercial Zoned Sites: Structures or sites used exclusively for manufacturing, commercial and office uses. These are areas of more intensive land uses where a full range of public facilities are expected.

5. Public Reserve Zoned Sites: Attached to existing public facilities such as water towers, utility structures, fire stations, bridges, and other public buildings within public reserve zones.

6. Other sites: Other sites where wireless communication facilities are permitted under the Table of Permitted Land Uses in Section 20.100.040.

D. The City may retain various experts to review application materials submitted by an applicant, and to provide technical and other advice to the City in considering issuance of requested authorizations and permits. Topics on which the City may retain experts include, but are not limited to, collocation, visual screening or buffering of proposed facilities, radio signal coverage and the feasibility of providing the proposed services and comparison of the proposed services with existing or reasonably foreseeable services with like or similar features, and potential signal interference with other like or similar services or with radio communication systems for emergency services and related services, and similar wireless communication service issues.

If the City retains one or more experts on one or more topics related to an application package, the City shall develop a scope of work for each expert. This scope of work shall be made available to the applicant for a period of ten (10) days for review and comment. After ten (10) days, and after review of any input received from the applicant, the City may retain the expert(s) to perform the scope of work as finally determined by the City. The cost of all experts retained by the City under this subsection shall be the responsibility of the applicant, and shall be paid in advance. The City shall refund any amount paid by the applicant in excess of the actual amount due. The applicant shall pay any amount owed in excess of the original amount.

The City shall make available to the applicant all written reports and data produced under the scope of work, unless there is an applicable legal privilege or restriction on sharing such information with the applicant.

20.170.045 Siting near residentially zoned property.
Wireless communication facilities and related structures shall be located not less than 300 feet from any nearby residentially zoned property (measured from the facility to the property line of each nearby residentially zoned property).

20.170.050 Large satellite dish antennas – Development standards.
A. Standards for All Zoning Districts: The following standards shall be applied to all proposed large satellite dish antennas.

1. Satellite dish antennas reviewed under this Section shall not be located within any front yard, or side yard building setback areas.

2. Mountings and satellite dishes should be no taller than the minimum required for the purposes of obtaining an obstruction-free reception window. The city may require an independent analysis to verify compliance with this provision. The cost of such studies shall be the responsibility of the applicant.

3. To the extent technically feasible, specific paint colors may be required to allow the large satellite dish and mounting structures to blend better with its setting.

4. Screening of all large satellite dish antennas shall be provided with one or a combination of the following methods: fencing, walls, landscaping, structures, or topography which will block the view of the antennas as much as practicable from any street and from the yards and main floor living areas of residential properties within approximately 500 feet. Screening may be

located anywhere between the antennas and the above mentioned viewpoints. Landscaping for the purposes of screening shall be maintained in healthy condition.

5. No satellite dish antennas shall be used for the purposes of signage or message display of any kind.

6. Construction plans and final construction of the mounting bases of all large satellite dish antennas require a building permit.

7. Aluminum mesh dishes should be used whenever possible instead of a solid fiberglass type.

B. Additional Standards in Residential Zones – Large Satellite Dish Antennas

1. Only one large dish satellite antenna shall be allowed on each property.

2. Large satellite dish antennas shall not be mounted on roofs.

3. Large satellite dish antennas shall not exceed 12 feet in diameter and 15 feet in height, including their bases. Height shall be measured from existing grade.

4. A visual screen (90 percent solid or more) pursuant to Landscaping Standards) shall be provided as high as the center of the dish when viewed from off the site. Above the center of the dish, the screening should be 50 percent or more to the top of the antennas when viewed from off the site. Evergreen plants shall be used to accomplish year-round screening, and shall be large enough at installation to meet appropriate screening standards.

C. Additional Standards in Commercial and Industrial Zones – Large Satellite Dish Antennas. Large Satellite Dish Antennas may be either roof-mounted or ground-mounted.

1. Ground-mounted:

a. Ground-mounted antennas shall not exceed 12 feet in diameter and 15 feet in height. Height shall be measured from existing grade.

b. Ground-mounted antennas shall be located outside of any required landscaped area and preferably located in service areas or other less visible locations.

c. From the time of installation, ground-mounted antennas shall be solidly screened (90% or more) as high as the center of the dish when viewed from off the site. Solid screening shall be provided as high as the dish if the proposed location abuts an adjoining residential zone.

2. Roof-mounted:

a. Roof-mounted large satellite antennas shall not exceed 12 feet in diameter and 15 feet in height, including their bases. Height shall be measured from the roof line.

b. Roof-mounted antennas should be placed as close to the center of the roof as possible. If the dish is still visible from any point within approximately 500 feet as viewed from ground level, additional screening shall be required to supplement the screening provided by the roof itself. If the dish is not visible from 500 feet or less, no additional screening will be necessary.

c. Roof-mounted antennas shall be solidly screened at least as high as the center of the dish. The screening shall be of a material and design compatible with the building, and can include penthouse screening, parapet walls, or other similar screening.

20.170.060 Amateur radio towers – Development standards.

A. Standards for All Zoning Districts.

1. Amateur radio towers reviewed under this Section shall not be located within any easements, the front yard, or side or rear yard building setback areas.

2. Mountings and amateur radio towers should be no taller than the minimum required for the purposes of obtaining an obstruction-free reception window.

3. To the extent technically feasible and in compliance with safety regulations, specific paint colors may be required to allow the tower to blend better with its setting.

4. Screening of the bases of ground-mounted amateur radio towers shall be provided with one or a combination of the following methods: fencing, walls, landscaping, structures, or topography which will block the view of the antennas as much as practicable from any street and from the yards and main floor living areas of residential properties within approximately 500 feet. Screening may be located anywhere between the base and the above mentioned viewpoints. Landscaping for the purposes of screening shall be maintained in a healthy condition. Bases of amateur radio towers shall be solidly screened by a view-obscuring fence, wall, or evergreen plantings at least six feet (6') in height.

5. Amateur radio towers shall not be used for the purposes of signage and shall not display of any kind.

6. Construction plans and final construction of the mounting bases of amateur radio towers covered by this Section shall meet the structural design requirements of this Section and shall have a Building Permit.

7. Amateur radio towers may be ground or roof-mounted; however, ground-mounted towers must be located at a point farthest from lot lines as feasible.

8. Amateur radio towers shall not be used, nor shall they be intended for use, for the placement, construction, or modification of wireless communication facilities.

9. Amateur radio towers shall not be used, nor shall they be intended for use, to provide or offer wireless communication services for rent, sale, lease or in exchange for other consideration.

10. Height of amateur radio towers is determined by the zone in which the proposed tower is to be located in accordance with Section 20.170.070 except as permitted by subsection (B)(2) of this section.

B. Additional Standards in Residential Zones – Amateur Radio Towers.

1. Towers shall not be constructed or used for commercial use.

2. The height of a ground-mounted tower may not exceed 65 feet unless a proposal demonstrates that physical obstructions impair the adequate use of the tower. Telescoping towers may exceed the 65 foot height limit only when extended and operating. The combined structure of a roof-mounted tower and antennas shall not exceed a height of 25 feet above the existing roofline.

3. Towers shall be located in what would customarily be considered the yard of the residence. Placement shall avoid, to the extent possible, using land that is available for crops, pasturage or other agricultural use.

4. Towers shall be located at a point farthest from lot lines as feasible, or the point farthest from residential structures on abutting properties.

5. In residential zones, the base of a ground-mounted tower shall be screened with fencing, walls, landscaping, or other means such that the view of the antennas base is blocked as much as practicable from any street and from the yards and main living floor areas of surrounding residential properties. The screening may be located anywhere between the antennas and the above mentioned viewpoints. Landscaping that qualifies for the purpose of screening shall be maintained in a healthy condition.

6. Applications shall document that the proposed tower and any mounting bases are designed to withstand wind and seismic loads as established by the International Building Code.

20.170.070 Support structures and antennas – Development standards.
A. Development Standards for all Zoning Districts.

1. The applicant shall demonstrate that the proposed location was selected pursuant to the siting criteria of Section 20.170.040 and Section 20.170.045. Placement of an antenna support structure shall be denied if the antenna support needs can be met by co-location on an existing antenna support structure or by mounting on an alternative antenna support structure which already supports an attached antenna. Placement of an attached antenna shall be denied if the antenna support needs can be met by co-location on an existing antenna support structure or by mounting on an alternative antenna support structure which already supports an attached antenna. Applications shall be required to provide documentation that comprehensive efforts to identify alternative locations were made.

2. Owners and operators of a proposed antenna support structure shall provide information regarding the opportunity for the collocation of other antennas. If feasible, provision for future collocation may be required.

3. Antenna support structures reviewed under this Section shall not be located within any required building setback areas.

4. Antenna support structures and attached antennas shall not be used for the purposes of signage to display a message of any kind.

5. Applications for antenna support structures or mounting an attached antennas upon an alternative antenna support structure shall include one or more proposals on how industry-recognized concealment technology can be employed to mitigate the visual effects of the antenna and antenna support structure. It is expected that the structures and vegetation surrounding the proposed location will be taken into account so that appropriate site-specific concealment alternatives can be analyzed by the Site Plan Review Committee.

6. Any fencing required for security shall meet screening standards of Section 20.170.080(A)(5).

7. A Washington licensed professional engineer shall certify in writing, over his or her seal, that both construction plans and final construction of the antenna support structure or alternative

antenna support structure upon which an attached antennas may be mounted are designed to reasonably withstand wind and seismic loads as established by the International Building Code.

8. All antenna support structures and attached antennas shall be removed by the facility owner within 12 months of the date it ceases to be operational, or if the facility falls into disrepair and is not maintained. Disrepair includes structural features, paint, landscaping, or general lack of maintenance which could result in safety or visual impacts.

9. Antenna support structures and mounting attached antennas upon alternative antenna support structures may be conditioned to allow review for continued use at five year intervals. Rapid technological advancements, changing markets, and regulatory interpretations indicate the need to periodically review the appropriate design of antenna support structures and mounting attached antennas upon alternative antenna support structures.

10. An attached antennas shall not dominate the appearance of a structure.

11. Antenna support structures and attached antennas shall be located at a point farthest from lot lines as feasible.

12. The base of a ground-mounted antenna support structures shall be screened with fencing, walls, landscaping, or other means such that the view of the antennas base is blocked as much as practicable from any street and from the yards and main living floor areas of surrounding residential properties. The screening may be located anywhere between the antennas and the above mentioned viewpoints. Landscaping that qualifies for the purpose of screening shall be maintained in a healthy condition.

B. Development Standards for Downtown ~~and Historic Downtown~~ Comprehensive Plan District~~s~~.

1. Antenna placements in these districts shall utilize alternative antenna support structures. The antenna(s) shall extend no farther than 15 feet above the roof and shall be placed as far back from the building perimeter as is feasible.

2. New antenna support structures shall be permitted in these districts only after approval of a special exception application as provided in Section 20.170.090.

C. Height Limitations. The following height limitations apply to antenna support structures including the antennas mounted thereon:

1. Properties designated Downtown ~~and Historic Downtown~~ in the Walla Walla ~~Urban Area~~ Comprehensive Plan have a maximum height of 15 feet above the building upon which the antenna is mounted.

2. Properties zoned Central Commercial, other than those designated in subsection (C)(1) of this section, have a maximum height of 65 feet.

3. Properties zoned Public Reserve, as provided in Section 20.90.080, but not to exceed a maximum height of 65 feet.

4. Properties in zones other than those designated in subsections (C)(1), (C)(2), and (C)(3) of this section the combined antenna support structure and antennas shall not extend more than 15 feet above the maximum building height allowed for the property in the zone for which it is proposed. (Ord. 2003-3 § 14 (part), 2003).

20.170.080 Wireless communications facilities – Development standards.

A. Development Standards for all Zoning Districts. The following standards shall be applied to all wireless equipment, such as antennas and equipment shelters, exclusive of the antenna support structure. Antenna support structures are regulated by Section 20.170.070.

1. No wireless equipment reviewed under this Section shall be located within any conflicting easements or required building setback areas.

2. Antennas mounted on alternative antenna support structures shall not extend more than 15 feet above the existing or proposed roof structure.

3. No wireless equipment shall be used for the purposes of signage or message display of any kind.

4. Location of wireless communication antennas on existing buildings shall be screened or camouflaged to the greatest practicable extent by use of shelters, compatible materials, location, color, and/or other stealth tactics to reduce visibility of the antennas as viewed from any street or residential property.

5. Screening of wireless equipment shall be provided with one or a combination of the following materials: fencing, walls, landscaping, structures, or topography which will block the view of the antennas and equipment shelter as much as practicable from any street and from the yards and main floor living areas of residential properties within approximately 500 feet. Screening may be located anywhere between the base and the above mentioned viewpoints. Landscaping for the purposes of screening shall be maintained in a healthy condition.

6. Any fencing required for security shall meet screening standards of subsection (A)(5) of this section.

7. Construction plans and final construction of the mountings of wireless antennas and equipment shelters shall be approved by the City’s Building Division prior to any construction or site preparation. Applications shall document that the proposed structure and any mounting bases are designed to reasonably withstand wind and seismic loads.

8. A wireless communication facility shall be removed by the facility owner within 12 months of the date it ceases to be operational or if the facility falls into disrepair and is not maintained. Disrepair includes structural features, paint, landscaping, or general lack of maintenance which could result in safety or visual impacts.

9. The antennas shall not dominate the structure upon which it is attached and shall be visually concealed utilizing color and compatible material to camouflage the facility to the greatest extent feasible.

10. Except as otherwise provided in subsection (B) herein solely in Commercial and Industrial Zones, associated above ground equipment shelters shall be minimized and shall not exceed 240 square feet (e.g., 12' × 20'), shelters shall be painted a color that matches existing structures or the surrounding landscape, a visual screen (see Landscape Standards) shall be created around the perimeter of the shelter, and operators shall consider under-grounding equipment if technically feasible or placing the equipment within existing structures.

B. Additional Development Standards in Commercial and Industrial Zones – Wireless Communications Facilities.

1. Associated above-ground equipment shelters shall not exceed 240 square feet (e.g., 12' × 20') unless operators can demonstrate that more space is needed. Operators shall consider under-grounding equipment if technically feasible or placing the equipment within an existing structure. Above ground equipment shelters for antennas located on buildings shall be located within, on the sides or behind the buildings and screened to the fullest extent possible. Screening of exterior shelters shall provide colors and materials which blend with surrounding structures.

20.170.085 Removal of wireless communication facilities.

A. Provider to Give Notice of Abandonment or Discontinuance of Service:

1. No less than 30 days prior to the date that a wireless service provider plans to abandon or discontinue operation of a wireless communication facility or any significant component thereof, the provider must notify the city by certified U.S. mail of the proposed date of abandonment of a facility or discontinuance of operation of such facility.

2. Failure of a service provider to give such notice will constitute grounds for the city to declare the ~~Development Authorization~~permit for the site to be suspended, thereby placing the facility in violation of Sections 20.170.030 of and 20.14.090 of this code.

B. Discontinued Service or Abandonment of Site – Removal Required:

1. Any wireless telecommunication facility which is abandoned and/or which does not provide service for at least four months in any running six month period is declared to be in violation of its ~~Development Authorization~~permit in that it is not meeting its conditions of approval as provided in Section 20.14.090(A).

2. A facility which is abandoned or discontinued shall be removed within 90 days of said abandonment or discontinuation of service. Any facility which is not timely removed in accordance with this subsection is declared to be a public nuisance.

C. Disrepair, Hazard, Nuisance, Improper Maintenance – Abatement Required:

1. When the city determines that a wireless communication facility or any significant component thereof is in a state of disrepair, presents a safety hazard to the public, constitutes a public nuisance due to disrepair or improper maintenance, or is otherwise not properly maintained, the city shall notify the owner of the facility of such concern by certified mail. Such notice shall specify the problems and the expected resolution.

2. By certified mail, the facility owner shall specify the actions which will be undertaken to rectify the problems with the site. The city may accept or modify the proposed actions as it determines necessary. Such actions shall be completed within 60 days of the original date of notice provided in item 1 above.

3. Failure to complete work specified by the city shall constitute a violation of the ~~Development Authorization~~permit as provided in Section 20.14.090(A).

D. Responsible Parties Determined and Responsibility Assigned:

1. The owner of the telecommunications facility, the lessee of the property upon which the facility is located (if different from the owner of the facility), and the owner of the property (if

different from the owner of the facility and/or the holder of the lease) are individually, jointly, and severally responsible for removal of the facility as described in item B above.

2. Should the responsible parties fail to remove a facility or component thereof, or resolve maintenance issues, as directed by the city pursuant to this Section, the city may remove the facility at the expense of the responsible parties.

3. The city may pursue recovery of costs for its actions from any and all responsible parties through any means available in courts of competent jurisdiction.

20.170.090 Special exceptions.
When adherence to all development standards of this Section would result in a physical barrier which would block signal reception or transmission or prevent effective communication in all permissible locations, a Special Exception may be permitted provided both criteria outlined below are met. Exceptions do not apply to variations from the Uniform Building Code.

The final approval authority for granting of the Special Exception shall be the same as that of the permit approving the antenna location. A request for a Special Exception shall be processed in conjunction with the permit approving the antenna location and shall not require any additional application or fees.

Upon review of Special Exception requests, the approval authority shall consider first those standards having the least effect upon the resulting aesthetic compatibility of the antennas or tower with the surrounding environment. The approval authority shall review setback, size, screening requirements, and height limits.

A. Special Exception Criteria.

1. The applicant shall justify the request for a Special Exception by demonstrating that the obstruction or inability to receive a communication signal is the result of factors beyond the property owner's or applicant's control, taking into consideration potential permitted development on adjacent and neighboring lots with regard to future reception window obstruction. Pictures, drawings (to scale), maps and/or manufacturer's specifications, and other technical information as necessary, should be provided to demonstrate to the City that the Special Exception is necessary.

2. The applicant for a Special Exception shall demonstrate that the proposed materials, shape, and color of the antennas will minimize negative visual impacts on adjacent or nearby residential uses to the greatest extent possible. The use of certain materials, shapes and colors may be required in order to minimize visual impacts.

B. Large Satellite Dish Antenna – Residential Zones – Special Exceptions.

1. Modifications to requirements for setbacks, size, screening and maximum height limit may be considered by Special Exception. If a Special Exception from the height limit for a ground-mounted dish is requested, the height of the dish shall be limited to a maximum of 18 feet.

2. Only if these modifications would still block an electromagnetic signal, shall rooftop location be considered. If a Special Exception is sought to obtain a rooftop location, the diameter of the dish shall be limited to six feet and maximum permitted height shall be 15 feet above the roof line. The approval authority may require the applicant to place the antennas in an area on the

roof which takes into consideration view blockage and aesthetics, provided there is a usable signal.

C. Large Satellite Dish Antenna – Commercial and Industrial Zones.

1. Ground-mounted antennas. Exceptions to be first considered shall be from setback, landscape and service area requirements, size and screening requirements. Only if these waived regulations would still block an electromagnetic signal, shall a Special Exception from height requirements be considered. If a Special Exception is sought to vary from the height limit, the height of the dish shall be limited to a maximum of 20 feet.

2. Roof-mounted antennas. The first exception to be considered shall be the center of roof requirement; the second exception shall be from the size, and screening requirements, respectively. Only if these waived regulations would still result in a block of the signal shall a Special Exception from height requirements be considered. A Special Exception from the height limit shall be allowed up to a maximum of 20 feet above the existing or proposed structure. The approval authority may require the applicant to place the antennas in an area on the roof which takes into consideration view blockage and aesthetics, provided there is a usable signal and structural considerations allow the alternative placement.

D. Wireless Communication Facilities and Related Structures – Residential Zones – Special Exceptions Process Inapplicable. The Special Exception process does not apply and shall not be used to place, construct, or modify wireless communication facilities or related structures in residential zones.

E. Antenna Support Structures – Commercial, Public Reserve, and Industrial Zones – Special Exceptions.

1. An applicant of a proposed antenna support structure that exceeds height limits shall be required to apply for a Conditional Use Permit under provisions of Chapter 20.216.

20.170.095 Wireless communication facilities and related structures prohibited in residential zones.

Wireless communications facilities, antenna support structures, and all related structures are prohibited on properties zoned Neighborhood Residential (RN) or Multi-Family Residential (RM). No structure located upon a property zoned Neighborhood Residential (RN) or Multi-Family Residential (RM) may be used as an alternative support structure. This section shall not preclude co-location of facilities upon existing legally located antenna support structures or existing legally located attached antennas; provided, that such co-location does not materially change the existing use or materially expand the size of the facilities at that location. (Ord.

Chapter 20.171
SMALL WIRELESS COMMUNICATION FACILITIES

Sections:

20.171.010 Purpose.

The purpose of this chapter is to set forth the regulations for the placement, development, permitting, and removal of small wireless facilities. Among the purposes included are to:

A. Minimize potential adverse visual, aesthetic, and safety impacts of small wireless facilities.

B. Establish objective standards for the placement of small wireless facilities.

C. Ensure that such standards allow competition and do not unreasonably discriminate among providers of functionally equivalent services.

D. Encourage the design of such small wireless facilities to be aesthetically and architecturally compatible with the surrounding built and natural environments where possible.

E. Encourage the collocation or attachment of small wireless facilities on existing support structures to help minimize the total number and impact of such structures throughout the community.

20.171.020 Definitions.

See Chapter 5.02 for additional definitions for terms utilized in this Chapter.

A. “Antenna” means any exterior apparatus designed for telephonic, radio, data, Internet or other communications through the sending and/or receiving of radio frequency signals including, but not limited to, equipment attached to a tower, utility pole, building or other structure for the purpose of providing wireless services.

B. “Collocation” means (1) mounting or installing an antenna facility on a pre-existing structure, and/or (2) modifying a structure for the purpose of mounting or installing an antenna facility on that structure. Provided that, for purposes of Eligible Facilities Requests, “collocation” 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.

C. “Macro facility” means a large wireless communication facility that provides radio frequency coverage for a cellular telephone network. Generally, macro cell antennas are mounted on ground-based towers, rooftops and other existing structures, at a height that provides a clear view over the surrounding buildings and terrain. Macro cell facilities typically contain antennas that are greater than three cubic feet per antenna and typically cover large geographic areas with relatively high capacity and may be capable of hosting multiple wireless service providers.

D. “Small wireless facility” has the same meaning as defined in 47 CFR 1.6002.
E. “Structure” means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of services).
F. “Transmission equipment” means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with 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.
G. “Unified enclosure” means a small wireless facility providing concealment of antennas and equipment within a single enclosure.
H. “Utility pole” means a structure designed and used primarily for the support of electrical wires, telephone wires, television cable, traffic signals, or lighting for streets, parking areas, or pedestrian paths.

20.171.030 General provisions.
A. Small wireless facilities shall not be considered nor regulated as essential public facilities.
B. Small wireless facilities located outside of the public rights-of-way may be either a primary or a secondary use. A different use of an existing structure on the same lot shall not preclude the installation of a small wireless facility.
C. Small wireless facilities located within the public right-of-way pursuant to a valid franchise are out right permitted uses in every zone of the City but still require a small wireless facility permit pursuant to Chapter 5.02.

20.171.040 Application requirements for small wireless facilities.
A. Any application for a small wireless facility both inside and outside of the right-of-way shall comply with the application requirements for a small wireless facility permit described in Chapter 5.02.460.

20.171.050 Design Zones for small wireless facilities.
A. The following zones are designated as Design Zones for the purpose of siting small wireless facilities.
1. Central Commercial District
B. Any applicant who desires to place a small wireless facility in a Design Zone must first establish that the applicant cannot locate the small wireless facility outside of the Design Zone. Applications for small wireless facilities in a Design Zone may be approved if the applicant demonstrates that due to technical infeasibility the applicant cannot locate the proposed small wireless facility on an existing or replacement pole within 500 feet of the proposed site and outside of the Design Zone.
C. Applications for small wireless facilities within Design Zones must receive a Level I approval and must comply with a concealment element design described in section 20.171.060 below.

20.171.060 Design and concealment standards for small wireless deployments.
Small wireless facility deployments whether permitted in the right-of way under Chapter 5.02 or permitted in accordance with this chapter shall conform to the following design standards:

A. Small wireless facilities attached to existing or replacement non-wooden light poles and other non-wooden poles in the right-of-way or non-wooden poles outside of the right-of-way shall conform to the following design criteria:

1. Antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) shall be fully concealed within the pole, unless such concealment is otherwise technically infeasible, or is incompatible with the pole design, then the antennas and associated equipment enclosures must be camouflaged to appear as an integral part of the pole or flush mounted to the pole, meaning no more than six (6) inches off of the pole, and must be the minimum size necessary for the intended purpose, not to exceed the volumetric dimensions of small wireless facilities. If the equipment enclosure is permitted on the exterior of the pole, the applicant is required to place the equipment enclosure behind any banners or road signs that may be on the pole, provided that such location does not interfere with the operation of the banners or signs.

2. The furthest point of any antenna or equipment enclosure may not extend more than twenty-eight (2~~0~~8) inches from the face of the pole.

3. All conduit, cables, wires and fiber must be routed internally in the non-wooden pole. Full concealment of all conduit, cables, wires and fiber is required within mounting brackets, shrouds, canisters or sleeves if attaching to exterior antennas or equipment.

4. An antenna on top of an existing pole may not extend more than ~~six~~ nine(~~6~~9) feet above the height of the existing pole and the diameter may not exceed ~~sixteen~~ twenty (~~16~~20) inches, measured at the top of the pole, unless the applicant can demonstrate that more space is needed. The antennas shall be integrated into the pole design so that it appears as a continuation of the original pole, including colored or painted to match the pole, and shall be shrouded or screened to blend with the pole except for canister antennas which shall not require screening. All cabling and mounting hardware/brackets from the bottom of the antenna to the top of the pole shall be fully concealed and integrated with the pole.

5. Any replacement pole shall substantially conform to the design of the pole it is replacing or the neighboring pole design standards utilized within the contiguous right-of-way.

6. The height of any replacement pole may not extend more than ten (10) feet above the height of the existing pole or the minimum additional height necessary; provided that the height of the replacement pole cannot be extended further by additional antenna height.

7. The diameter of a replacement pole shall comply with the City's setback and sidewalk clearance requirements and shall, to the extent technically feasible, not be more than a 25% increase of the existing non-wooden pole measured at the base of the pole, unless additional diameter is needed in order to conceal equipment or three interior conduit within the base of the pole, and shall comply with the requirements in subsection E(4) below.

8. The use of the pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

B. Wooden pole design standards. Small wireless facilities located on wooden poles shall conform to the following design criteria:

1. The wooden pole at the proposed location may be replaced with a taller pole for the purpose of accommodating a small wireless facility; provided, that the replacement pole shall not exceed a height that is a maximum of ten (10) feet taller than the existing pole, unless a further height increase is required and confirmed in writing by the pole owner and that such height extension is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.

2. A pole extender may be used instead of replacing an existing pole but may not increase the height of the existing pole by more than ten (10) feet, unless a further height increase is required and confirmed in writing by the pole owner and that such height increase is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities. A "pole extender" as used herein is an object affixed between the pole and the antenna for the purpose of increasing the height of the antenna above the pole. The pole extender shall be painted to approximately match the color of the pole and shall substantially match the diameter of the pole measured at the top of the pole.

3. Replacement wooden poles must either match the approximate color and materials of the replaced pole or shall be the standard new wooden pole used by the pole owner in the City.

4. Antennas, equipment enclosures, and all ancillary equipment, boxes and conduit shall be colored or painted to match the approximate color of the surface of the wooden pole on which they are attached.

5. Antennas shall not be mounted more than twelve (12) inches from the surface of the wooden pole.

6. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness. Multiple antennas are permitted on a wooden pole provided that each antenna enclosure shall not be more than three (3) cubic feet in volume.

7. Canister antenna may be mounted on top of an existing wooden pole, which may not exceed the height requirements described in subsection B(1) above. A canister antenna mounted on the top of a wooden pole shall not exceed ~~sixteen~~ twenty (~~16~~20) inches, measured at the top of the pole, and shall be colored or painted to match the pole. The canister antenna must be placed to look as if it is an extension of the pole. In the alternative, the applicant may propose a side mounted canister antenna, so long as the inside edge of the antenna is no more than twelve (12) inches from the surface of the wooden pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the wooden pole.

8. The furthest point of any antenna or equipment enclosure may not extend more than twenty-eight (2~~0~~8) inches from the face of the pole.

9. An omni-directional antenna may be mounted on the top of an existing wooden pole, provided such antenna is no more than four (4) feet in height and is mounted directly on the top of a pole or attached to a sleeve made to look like the exterior of the pole as close to the top of the pole as technically feasible. All cables shall be concealed within the sleeve between the bottom of the antenna and the mounting bracket.

10. All related equipment, including but not limited to ancillary equipment, radios, cables, associated shrouding, microwaves, and conduit which are mounted on wooden poles shall not be mounted more than six (6) inches from the surface of the pole, unless a further distance is technically required, and is confirmed in writing by the pole owner.

11 Equipment for small wireless facilities must be attached to the wooden pole, unless otherwise permitted to be ground mounted pursuant to subsection (E)(1). The equipment must be placed in the smallest enclosure possible for the intended purpose. The equipment enclosure and all other wireless equipment associated with the utility pole, including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole, may not exceed twenty-eight (28) cubic feet. Multiple equipment enclosures may be acceptable if designed to more closely integrate with the pole design and does not cumulatively exceed twenty-eight (28) cubic feet. The applicant is encouraged to place the equipment enclosure behind any banners or road signs that may be on the pole, provided that such location does not interfere with the operation of the banners or signs.

12. An applicant who desires to enclose both its antennas and equipment within one unified enclosure may do so, provided that such enclosure is the minimum size necessary for its intended purpose and the enclosure and all other wireless equipment associated with the pole, including wireless equipment associated with the antenna and any pre-exiting associated equipment on the pole does not exceed twenty-eight (28) cubic feet. The unified enclosure may not be placed more than six (6) inches from the surface of the pole, unless a further distance is required and confirmed in writing by the pole owner. To the extent possible, the unified enclosure shall be placed so as to appear as an integrated part of the pole or behind banners or signs, provided that such location does not interfere with the operation of the banners or signs.

13. The visual effect of the small wireless facility on all other aspects of the appearance of the wooden pole shall be minimized to the greatest extent possible.

14. The use of the wooden pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

15. The diameter of a replacement pole shall comply with the City's setback and sidewalk clearance requirements and shall not be more than a 25% increase of the existing utility pole measured at the base of the pole.

16. All cables and wires shall be routed through conduit along the outside of the pole. The outside conduit shall be colored or painted to match the pole. The number of conduit shall be minimized to the number technically necessary to accommodate the small wireless facility.

C. Small wireless facilities attached to existing buildings, shall conform to the following design criteria:

1. Small wireless facilities may be mounted to the sides of a building if the antennas do not interrupt the building's architectural theme.

2. The interruption of architectural lines or horizontal or vertical reveals is discouraged.

3. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if it complements the architecture of the existing building.

4. Small wireless facilities shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building.

5. Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas. Exposed cabling/wiring is prohibited.

6. Small wireless facilities shall be painted and textured to match the adjacent building surfaces.

D. Small wireless facilities mounted on cables strung between existing utility poles shall conform to the following standards.

1. Each strand mounted facility shall not exceed three (3) cubic feet in volume;

2. Only one strand mounted facility is permitted per cable between any two existing poles;

3. The strand mounted devices shall be placed as close as possible to the nearest utility pole, in no event more than five (5) feet from the pole unless a greater instance technically necessary or is required by the pole owner for safety clearance;

4. No strand mounted device shall be located in or above the portion of the roadway open to vehicular traffic;

5. Ground mounted equipment to accommodate a shared mounted facility is not permitted except when placed in pre-existing equipment cabinets; and

6. Pole mounted equipment shall comply with the requirements of subsections A and B above.

7. Such strand mounted devices must be installed to cause the least visual impact and without excess exterior cabling or wires (other than the original strand).

8. Strand mounted facilities are prohibited on non-wooden poles.

E. General requirements.

1. Ground mounted equipment in the rights of way is prohibited, unless such facilities are placed under ground or the applicant can demonstrate that pole mounted or undergrounded equipment is technically infeasible or is not allowed under pole attachment agreement. If ground mounted equipment is necessary, then the applicant shall submit a concealment element plan. Generators located in the rights of way are prohibited.

2. No equipment shall be operated so as to produce noise in violation of Chapter 8.13.

3. Small wireless facilities are not permitted on traffic signal poles unless denial of the siting could be a prohibition or effective prohibition of the applicant's ability to provide telecommunications service in violation of 47 USC §§ 253 and 332.

4. Replacement poles and new poles shall comply with the Americans with Disabilities Act (ADA), City construction and sidewalk clearance standards, city ordinance, and state and federal laws and regulations in order to provide a clear and safe passage within the rights-of-way. Further, the location of any replacement or new pole must: be physically possible, comply with applicable traffic warrants, not interfere with utility or safety fixtures (e.g., fire hydrants, traffic control devices), and not adversely affect the public welfare, health or safety.

5. Replacement poles shall be located as near as possible to the existing pole with the requirement to remove the abandoned pole.

6. No signage, message or identification other than the manufacturer's identification or identification required by governing law is allowed to be portrayed on any antenna or equipment enclosure. Any permitted signage shall be located on the equipment enclosures and be of the minimum amount possible to achieve the intended purpose (no larger than 4x6 inches); provided that, signs are permitted as concealment element techniques where appropriate.

7. Antennas and related equipment shall not be illuminated except for security reasons, required by a federal or state authority, or unless approved as part of a concealment element plan.

8. Side arm mounts for antennas or equipment must be the minimum extension necessary and the inside edge of the antenna may be no more than twelve (12) inches from the surface of the pole.

9. The preferred location of a small wireless facility on a pole is the location with the least visible impact.

10. Antennas, equipment enclosures, and ancillary equipment, conduit and cable, shall not dominate the structure or pole upon which they are attached.

11. Except for locations in the right-of-way, small wireless facilities are not permitted on any property containing a residential use in the residential zones.

12. The City may consider the cumulative visual effects of small wireless facilities mounted on poles within the rights-of-way in when assessing proposed siting locations so as to not adversely affect the visual character of the City. This provision shall not be applied to limit the number of permits issued when no alternative sites are reasonably available nor to impose a technological requirement on the applicant.

13. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would unreasonably impair the function of the technology chosen by the applicant, alternative forms of concealment or deployment may be permitted which provide similar or greater protections from negative visual impacts to the streetscape.

20.171.070 New poles in the rights-of-way for small wireless facilities and installations in a Design Zone.

A. New poles within the rights-of-way are only permitted if the applicant can establish that:

1. The proposed small wireless facility cannot be located on an existing utility pole or light pole, electrical transmission tower or on a site outside of the public rights of way such as a public park, public property, building, transmission tower or in or on a non-residential use in a residential zone whether by roof or panel-mount or separate structure;

2. The proposed small wireless facility receives approval for a concealment element design, as described in subsection 3 below;

3. The proposed small wireless facility also complies with Shoreline Management Act, and SEPA, if applicable; and

4. No new poles shall be located in a critical area or associated buffer required by the City's Critical Areas Code Chapter 21.04, except when determined to be exempt pursuant to said ordinance.

B. An application for a new pole is subject to a Level I review.

C. The concealment element design shall include the design of the screening, fencing or other concealment technology for a tower, pole, or equipment structure, and all related transmission equipment or facilities associated with the proposed small wireless facility, including but not limited to fiber and power connections.

1. The concealment element design should seek to minimize the visual obtrusiveness of the small wireless facility. The proposed pole or structure should have similar designs to existing neighboring poles in the rights of way, including similar height to the extent technically feasible. If the proposed small wireless facility is placed on a replacement pole in a Design Zone, then the replacement pole shall be of the same general design as the pole it is replacing, unless the Development Services Department otherwise approves a variation due to aesthetic or safety concerns. Any concealment element design for a small wireless facility on a decorative pole should attempt to mimic the design of such pole and integrate the small wireless facility into the design of the decorative pole. Other concealment methods include, but are not limited to, integrating the installation with architectural features or building design components, utilization of coverings or concealment devices of similar material, color, and texture - or the appearance thereof - as the surface against which the installation will be seen or on which it will be installed, landscape design, or other camouflage strategies appropriate for the type of installation. Applicants are required to utilize designs in which all conduit and wirelines are installed internally in the structure. Further, applicant designs should, to the extent technically possible, comply with the generally applicable design standards adopted pursuant to Section 20.171.060.

2. If the Director has already approved a concealment element design either for the applicant or another small wireless facility along the same public right-of-way or for the same pole type, then the applicant shall utilize a substantially similar concealment element design, unless it can show that such concealment element design is not physically or technologically feasible, or that such deployment would undermine the generally applicable design standards.

D. Even if an alternative location is established pursuant to subsection (A)(1) and (A)(2) the Director may determine that a new pole in the right-of-way is in fact a superior alternative based on the impact to the City, the concealment element design, the City's Comprehensive Plan and the added benefits to the community.

E. Prior to the issuance of a permit to construct a new pole or ground mounted equipment in the right-of-way, the applicant must obtain a site-specific agreement from the City to locate such new pole or ground mounted equipment. This requirement also applies to replacement poles that are higher than the replaced pole, and the overall height of the replacement pole and the proposed small wireless facility is more than sixty (60) feet.

F. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would unreasonably impair the function of the technology chosen by the applicant, alternative forms of concealment or deployment may be permitted which provide similar or greater protections of the street scape.

20.171.080 Eligible Facilities Request

A. Definitions. The following definitions shall apply to Eligible Facilities Requests only as described in this Section 20.171.080.

1. "Base Station": A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein nor any equipment associated with a tower. Base Station includes, without limitation:

a. Equipment associated with wireless communications services as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

b. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small wireless networks)

c. Any structure other than a tower that, at the time the relevant application is filed (with jurisdiction) under this section, supports or houses equipment described in subparagraph (i) and (ii) above that 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 that support.

d. The term does not include any structure that, at the time the Eligible Facilities Request application is filed with the City, does not support or house equipment described in subparagraph (1)(a) and (1)(b) above.

2. "Collocation": The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes.

3. "Eligible Facilities Request": Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

a. Collocation of new transmission equipment;

b. Removal of transmission equipment; or

c. Replacement of transmission equipment.

4. "Eligible support structure": Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the City.

5. "Existing": A constructed tower or base station is existing if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

6. "Substantial Change": A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

a. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten (10) feet, whichever is greater;

b. For towers other than towers in the public rights-of-way, 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 other 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;

c. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and 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 10% larger in height or overall volume than any other ground cabinets associated with the structure;

d. It entails any excavation or deployment outside the current site;

e. It would defeat the concealment elements of the eligible support structure; or

f. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided, however, that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified above.

7. “Tower”: Any structure 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.

8. “Transmission equipment”. Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with 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.

B. Application. The Director shall prepare and make publicly available an application form used to consider whether an application is an Eligible Facilities Request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.

C. Qualification as an Eligible Facilities Request. Upon receipt of an application for an Eligible Facilities Request, the Director shall review such application to determine whether the application qualifies as an Eligible Facilities Request.

D. Timeframe for Review. Within sixty (60) days of the date on which an applicant submits an Eligible Facilities Request application, the Director shall approve the application unless it determines that the application is not covered by this Section 20.171.080.

E. Tolling of the Time Frame for Review. The sixty (60) day review period begins to run when the application is filed and may be tolled only by mutual agreement by the Director and the applicant or in cases where the Director determines that the application is incomplete. The timeframe for review of an Eligible Facilities Request is not tolled by a moratorium on the review of applications.

1. To toll the timeframe for incompleteness, the Director shall provide written notice to the applicant within thirty (30) days of receipt of the application, clearly and specifically delineating all missing documents or information required in the application.

2. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the Director’s notice of incompleteness.

3. Following a supplemental submission, the Director will notify the applicant within ten (10) 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 sub-section. Second or subsequent notice of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

F. Determination That Application Is Not an Eligible Facilities Request. If the Director determines that the applicant's request does not qualify as an Eligible Facilities Request, the Director shall deny the application.

G. Failure to Act. In the event the Director fails to approve or deny a request for an Eligible Facilities Request within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the Director in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

October 30, 2019

Ms. Amber Delph, Chair
Walla Walla Planning Commission
55 E. Moore Street
Walla Walla, WA 99362

VIA EMAIL – mshumake@wallawallawa.gov

RE: WCF and SWF Code Amendments (Chapters 20.170 and 20.171)
ZCA-19-0002
November 4, 2019, Hearing

Dear Chair Delph and Commissioners:

On behalf of AT&T, we submit the following comments on the City of Walla Walla's proposed revision of Chapter 20.170, governing wireless communication facilities ("WCF"), and proposed "permanent" adoption of Chapter 20.171 to address small wireless facilities ("SWF").

Of highest concern to AT&T are the continuing challenges it has faced in siting WCFs to serve residential areas in the City of Walla Walla (the "City") under Chapter 20.170. While demand for improved wireless service in residential areas continues to grow, options for siting WCFs to serve residential areas of the City have remained extremely limited. AT&T and other wireless carriers need a mix of both traditional WCFs and SWFs to deliver quality service to residents, businesses, and visitors in the City.

AT&T suggests that the Planning Commission consider the changes to proposed Chapters 20.170 and 20.171 discussed below.

Responding to Increasing Demand for Wireless Service in Residential Areas

AT&T and other carriers are responding to a significant increase in demand for wireless services, especially from wireless users in their homes. For example:

- Well over half (57.1%) of American homes no longer use traditional landline telephone service and instead choose to be wireless only.[1]

[1] CDC Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, July-December 2018 (released June 2019).

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- Over three-quarters of American adults aged 25-34 (76.5%) live in households with only wireless telephones.[2]
- Since 2007, AT&T has seen data usage on its network increase by 470,000 percent.[3]

In addition, mobile communications are a critical tool for first responders in emergency situations. Recent statistics show that eighty percent (80%) or more of all 911 calls come from wireless phones.[4]

Due to this increasing reliance on wireless service, especially in residential areas, carriers need more viable options for siting WCFs in a way that will provide meaningful coverage and high-quality service to these areas.

WCF Code Changes (Chapter 20.170)

The City's WCF code could better accommodate the wireless facilities needed to serve its residential areas with two changes – one allowing WCFs within 300 feet of a residentially zoned property when they are concealed or camouflaged and one allowing WCFs mounted on nonresidential alternative antenna support structures, such as churches and schools, in residential zones. These changes would allow carriers to better serve residences, while still limiting the aesthetic impact on the neighboring area by imposing specific design standards to camouflage or screen a facility.

These proposed changes would amend Sections 20.170.045 and -.095 as follows:

> **20.170.045 Siting near residentially zoned property.**
> Wireless communication facilities and related structures shall be located not less than 300 feet from any nearby residentially zoned property (measured from the facility to the property line of each nearby residentially zoned property); provided that this restriction shall not apply to any concealed or camouflaged wireless communication facility meeting one or both of the following criteria:
> 1. The wireless communication facility is disguised as a natural or built object typically appearing in the vicinity (such as a "stealth" monopole), hidden from view, or integrated with an existing structure that is not a wireless communication facility. Facilities that are camouflaged to look like a tree are encouraged where there are existing trees on or adjacent to the relevant parcel or lease area. Other designs meeting this criterion include, but are not limited to, facilities disguised as or integrated with

[2] Id.
[3] https://about.att.com/innovationblog/2019/01/restaurant_industry_5g_updates.html
[4] https://www.nena.org/page/911Statistics

playfield or stadium lights, church steeples, utility structures, or flagpoles.
2. The wireless communication facility is placed upon a site in such a way that the topography and/or existing vegetation together with the proposed landscaping, design, and colors of the facility significantly screen the facility from view or cause it to blend in with surrounding natural features. Among other design options, a new facility has a concealed design under this subsection if it is placed within trees and vegetation, so as to be significantly screened from view as seen from two or more property lines or two or more nearby existing structures.

*** ***** ***

20.170.095 Wireless communication facilities and related structures prohibited in residential zones.
Wireless communications facilities, antenna support structures, and all related structures are prohibited on properties zoned Neighborhood Residential (RN) or Multi-Family Residential (RM); provided that facilities are allowed on alternative antenna support structures on parcels with a nonresidential use, such as churches and schools. ~~No structure located upon a property zoned Neighborhood Residential (RN) or Multi-Family Residential (RM) may be used as an alternative support structure.~~ This section shall not preclude co-location of facilities upon existing legally located antenna support structures or existing legally located attached antennas; provided, that such co-location does not materially change the existing use or materially expand the size of the facilities at that location or that such co-location is approved as an eligible facilities request under Section 20.17x.xxx.

Together with the proposed changes to Section 20.170.095, AT&T suggests corresponding changes to the use tables in Section 20.100.040.

SWF Code Changes (Chapter 20.171)

As you know, the Federal Communications Commission ("FCC") recently adopted an Order[5] addressing a local jurisdiction's regulation of SWF deployment. Among other things, the FCC Order sets limitations applicable to local aesthetic standards.

Under the FCC Order, aesthetic regulations for SWF apply to the extent they are reasonable, technically feasible, objective, no more burdensome than those applied to other

[5] *Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Declaratory Ruling and Third Report and Order, 33 FCC Rcd 9088 (2018)("FCC Order").

types of infrastructure deployments, and published in advance.[6] Each small wireless facility standard must be technically feasible for all carriers.

The City's proposed 20-inch limitation on any SWF extending from a pole, in Subsections 20.171.060(A)(2) and -.060(B)(8), forecloses use of one of AT&T's standard equipment cabinets as well as its side-mounted canister antenna; the standard is thus infeasible and would have the effect of prohibiting wireless service in the City,[7] contrary to FCC requirements. In AT&T's experience commenting on SWF codes in other Washington cities adopting a similar standard, the cities have allowed at least 28 inches for an extension from the pole. AT&T suggests that the City revise Subsections 20.171.060(A)(2) and -.060(B)(8) to similarly allow up to 28 inches.

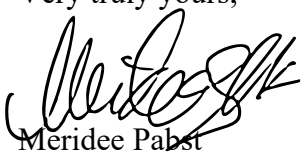
Finally, AT&T suggests that the City relocate its eligible facilities request section (now proposed at Section 20.171.080) to its general WCF chapter. AT&T supports the City's recent updates to conform to federal law, but we note that eligible facilities requests may be proposed for any existing wireless facility in the City, not just for SWF. For this reason, the section should be added to the City's generally applicable wireless code in Chapter 20.170.

While AT&T has other concerns with the two chapters, we ask that the Planning Commission consider these issues of highest concern at this time.

We appreciate your consideration of our comments and for all of the efforts by Walla Walla's leaders and staff to establish workable policies for the entire industry, including AT&T, and the people living and working in the City.

Please let us know if you have any questions.

Very truly yours,



Meridee Pabst

cc: Elizabeth Chamberlain, Development Services Director

[6] FCC Order at paras. 86-87.

[7] The FCC recently clarified the test of when a local regulation has the effect of prohibiting wireless service, concluding that it does so when it materially inhibits or limits the ability of any competitor or potential competitor to compete in a fair and balanced legal and regulatory environment. FCC Order, para. 16.

Chapter 20.170
WIRELESS COMMUNICATION FACILITIES

Sections:

20.170.010 Purpose.

A. The purpose of this Chapter is to establish appropriate locations, site development standards, and permit requirements to allow for wireless communications services to the residents of the City, in a manner which will facilitate the location of various types of wireless communication facilities in permitted locations so that they are consistent with the character of the City in general and the land use zones within which they are located.

B. In addition to implementing the general purposes of the Comprehensive Plan and development regulations, this Chapter addresses the issues of appearance and safety associated with antenna support structures, alternative antenna support structures, wireless communication facilities, amateur radio towers, telecommunications monopoles, satellite dish antennas, and related equipment. It provides adequate siting opportunities at appropriate locations within the City to support existing communications technologies and to encourage new technologies as needed for Walla Walla businesses and institutions to stay competitive.

C. A wide range of locations and options for the provision of wireless technology which minimize safety hazards and visual impacts sometimes associated with wireless communication facilities are provided. The siting of facilities on existing buildings or structures, collocation of telecommunication facilities, and visual mitigation tactics are encouraged to preserve neighborhood aesthetics and reduce visual clutter in the community. This Chapter, together with the provisions of the Uniform Building Code, the Electrical Code, and Chapter 12 of the Walla Walla Municipal Code, is also intended to protect the public rights-of-way from excessive invasion and disruption and to permit wireless communications service providers reasonable use of such rights-of-way for the purpose of providing wireless and wired communications services.

20.170.020 Definitions.

“Alternative antenna support structures” includes flat roofs of buildings that are 30 feet or more in height above the street grade upon which such buildings front, bell towers, clock towers, water towers, church steeples, street light standards, traffic light and traffic sign structures, bill

boards and commercial signs, and other man-made structures and devices that extend vertically from the ground to a sufficient height or elevation to accommodate the attachment of antennas at an altitude or elevation that is commercially desirable for wireless communications signal transmission and reception.

“Antenna” means a specific device the surface of which is used to receive or capture incoming and/or to transmit outgoing radio-frequency (RF) signals, microwave signals, or other communications energy transmitted from or to be received by other antennas. Antennas regulated by this Chapter include the following:

1. Omni-directional (or “whip”) antennas, designed to receive and/or transmit signals in a 360 degree pattern, up to 20 feet in height or length, and up to approximately 5 inches in diameter;

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

“Parabolic (or “dish”) antennas” means generally bowl-shaped devices that are designed to receive and/or transmit signals in an approximate specific direction.

“Ancillary antennas” means antennas designed primarily to receive and transmit signals described as “personal wireless communications services,” including global positioning satellite (GPS) data, “Personal Communications Service” (“PCS”) technology, and “pagers.”

“Antenna array” means two or more devices used for the transmission or reception of radio frequency (RF) signals, microwave or other signals for commercial communications purposes and may include omni-directional antennas (whip), directional antennas (panel), parabolic (dish) antennas and ancillary antennas. Two or more antennas situated or mounted upon or attached to a single platform or mounting structure which is affixed or attached to the top of an antenna support structure or mid-way thereon, or to an alternative antenna support structure, including the roof of a flat-roofed building are included in the definition of antenna array.

“Antenna support structure” means a structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting or otherwise affixing antennas at a height, altitude, or elevation which is significantly above the base of such structure; antenna support structures include the following:

1. “Lattice tower” which is a vertical support structure consisting of a network of crossed metal braces, forming a tower which may be three, four, or more sided;

2. “Monopole tower” which is a vertical support structure consisting of a single vertical metal, concrete or wooden pole, typically round or square, and driven into the ground or attached to a foundation.

“Attached antenna” means a wireless communication antenna which is fixed to an alternative antenna support structure.

“Co-location” means the use of a single antenna support structure, alternative antenna support structure, or an underground conduit or duct, by more than one wireless communications service provider to accommodate wireless communications facilities of two or more wireless communications service providers.

“Equipment enclosure” means a small structure, shelter, cabinet, box or vault designed for and used to house and protect the electronic equipment necessary and/or desirable for processing wireless communications signals and data, including any provisions for air conditioning, ventilation, or auxiliary electricity generators.

“Microcell” means a wireless communications facility consisting of antenna that is either:

1. Four (4) feet in height and with an area of not more than five hundred eighty square inches, or

2. A tubular antenna, no more than four (4) inches in diameter and no more than six feet in length. (As defined in 1996 for SEPA exemption in HB2828.)

Satellite Dish.

1. Small: A “small satellite dish” is one with a diameter of one meter or less in all zoning districts except commercial and industrial zones, and two meters or less in commercial and industrial zones.

2. Large: A “large satellite dish” is one with a diameter of greater than one meter in all zones except commercial and industrial zones, and greater than two meters in commercial and industrial zones.

“Wireless communications facility” means an unstaffed facility for the transmission and/or reception of radio frequency (RF), microwave or other signals for commercial communications purposes, typically consisting of an equipment enclosure, an antenna support structure or an alternative antenna support structure, and one or more antennas.

“Wireless communications service” means providing or offering for rent, sale, lease, or in exchange for other consideration, of the transmittal and reception of voice, data, image, graphic, and

other information by the use of wireless communications facilities; this term includes any personal wireless services as defined in the Telecommunications Act of 1996, which includes, but is not limited to, FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

“Wireless communications service provider” means every person who provides wireless telecommunications service, for rent, sale, lease, or in exchange for other consideration, through the use of wireless communications facilities, whether or not such facilities are owned by or under the control of such person.

20.170.030 Permits and exemptions.

A. Permits Required: Development Authorizations are required for all wireless communications facilities except for small satellite dishes.

B. Structural Permits: Building permits and mechanical permits, are required for all wireless communications facilities unless specifically exempted under subsection (C), Exemptions.

C. Exemptions: The following antennas shall be exempt from permit requirements:

1. VHF and UHF receive-only television antennas: VHF and UHF receive-only antennas shall not be required to obtain Development Authorization or a building permit. VHF/UHF antennas shall be restricted to a height limit of no more than 15 feet above the existing or proposed roof.

2. Small satellite dishes.

3. Small wireless facilities, as defined in Section 20.171.

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~~D. Renewal Required: A permit to develop and operate a wireless communications facility shall be effective for a period of five years from the date of issuance. Applicants may apply for renewal of permits by submitting an application package conforming to the requirements of this Chapter. Such application shall be processed using the same procedures as an application for a new facility. (Ord. 2003-3 § 7 (part), 2003: Ord. 2000-6 § 2(part), 2000: Ord. 99-21 § 2 (part), 1999).~~

20.170.032 Permit applications.

Any wireless communications service provider wishing to receive authorizations and permits to develop and operate a wireless communications facility in the City of Walla Walla shall submit an application package to City Development Services that contains the following information:

A. A Development Authorization Application signed by the property owner.

B. Name, address, contact person and contact information for the entity seeking authorization and permits, including copies of all current licenses and authorizations required to provide wireless communications services in the City of Walla Walla.

C. Complete description, including technical diagrams and specifications, photos, depictions, and plans of the proposed wireless communications facility or facilities, and a complete description of the services to be provided by such facilities.

D. A site map depicting the location of the proposed facility and drawings or renderings depicting the antenna support structure or alternative antenna support structure and its appearance from street level from north, south, east, and west perspectives. The drawings should be produced with the purpose of showing the proposed facility from adjacent and nearby properties as it will appear when completed, including any proposed features to conceal, camouflage, or visually blend the proposed facility into its surroundings.

E. A complete discussion of the following:

1. Why the applicant selected the proposed site, including technical analysis, which explains why other sites are not satisfactory for the proposed facility.

2. If the applicant is proposing a site with no other wireless communications facilities present, explain why co-location is not technically feasible, or is otherwise unsuitable.

3. A comparison of the service to be provided by the proposed facility with other like or similar services provided in the city, including service features, coverage patterns of wireless signals, plans for new or added services, potential interference with other like or similar services or with radio transmissions for emergency services, and related service issues; and

4. A description of technologies and their availability to conceal, camouflage, or visually blend the proposed facility into its surroundings, and an explanation why certain technologies were selected or not selected as part of the proposed facility.

F. The application fees in immediately available funds required in Section 20.170.035.

G. Such other information and materials that may be required.

20.170.035 Permit fees.
Fees shall be charged as provided in Section 20.02.140 and Chapter 2.94 of the Walla Walla Municipal Code and the ordinances and resolutions of the Walla Walla city council.

20.170.040 General siting criteria.
A. The Table of Permitted Land Uses in Section 20.100.040 identifies the zoning districts and the Review Level for wireless communication facilities and related structures. The development standards in Chapters 20.102 and 20.103 address setback and other site specific factors. The siting criteria contained in this Chapter for wireless communication facilities and related structures are necessary to encourage the siting of those facilities in locations most appropriate based on land use compatibility, neighborhood characteristics, and aesthetic considerations.

B. Collocation on existing antenna support structures or alternative antenna support structures is required if technically feasible and otherwise suitable for the proposed wireless communication services. Further, attachment of antennas to existing nonresidential structures and buildings primarily within industrial, and commercial zoning districts is preferable to additional antenna support structures. The City may request feasibility studies associated with applications for telecommunication facilities which demonstrate that locations on existing structures have been explored as the preferred siting alternative. The cost of such studies shall be the responsibility of the applicant.

C. The following sites shall be considered by applicants as the preferred order for location of proposed wireless facilities including antennas, equipment, and equipment shelters. As determined feasible, and in order of preference, the sites are:

1. Existing antenna support structures and alternative antenna support structures: On any existing site or tower where a legal wireless telecommunication facility is currently located.

2. Industrial, Manufacturing: Structures or sites used exclusively for Industrial purposes. These are areas of more intensive land uses where a full range of public facilities are expected.

3. Publicly-Used Structures: Attached to existing public facilities such as water towers, utility structures, fire stations, bridges, and other public buildings within central commercial (CC), highway commercial (CH), light industrial/commercial (IL/C), heavy industrial (IH), and airport development (AD) zoning districts not utilized primarily for recreational uses. (Refer to Telecommunications Ordinance for rules and regulations specific to facilities located on City-owned land, buildings, or public right-of-way).

4. Central Commercial, Highway Commercial, and Light Industrial/Commercial Zoned Sites: Structures or sites used exclusively for manufacturing, commercial and office uses. These are areas of more intensive land uses where a full range of public facilities are expected.

5. Public Reserve Zoned Sites: Attached to existing public facilities such as water towers, utility structures, fire stations, bridges, and other public buildings within public reserve zones.

6. Other sites: Other sites where wireless communication facilities are permitted under the Table of Permitted Land Uses in Section 20.100.040.

D. The City may retain various experts to review application materials submitted by an applicant, and to provide technical and other advice to the City in considering issuance of requested authorizations and permits. Topics on which the City may retain experts include, but are not limited to, collocation, visual screening or buffering of proposed facilities, radio signal coverage and the feasibility of providing the proposed services and comparison of the proposed services with existing or reasonably foreseeable services with like or similar features, and potential signal interference with other like or similar services or with radio communication systems for emergency services and related services, and similar wireless communication service issues.

If the City retains one or more experts on one or more topics related to an application package, the City shall develop a scope of work for each expert. This scope of work shall be made available to the applicant for a period of ten (10) days for review and comment. After ten (10) days, and after review of any input received from the applicant, the City may retain the expert(s) to perform the scope of work as finally determined by the City. The cost of all experts retained by the City under this subsection shall be the responsibility of the applicant, and shall be paid in advance. The City shall refund any amount paid by the applicant in excess of the actual amount due. The applicant shall pay any amount owed in excess of the original amount.

The City shall make available to the applicant all written reports and data produced under the scope of work, unless there is an applicable legal privilege or restriction on sharing such information with the applicant.

20.170.045 Siting near residentially zoned property.
Wireless communication facilities and related structures shall be located not less than 300 feet from any nearby residentially zoned property (measured from the facility to the property line of each nearby residentially zoned property).

Commented [KA1]: Verizon requests relief from this provision by special exception if stealthed, attached to non-residential use rooftops. or placed on nonresidential structures, such as churches.

20.170.050 Large satellite dish antennas – Development standards.
A. Standards for All Zoning Districts: The following standards shall be applied to all proposed large satellite dish antennas.

1. Satellite dish antennas reviewed under this Section shall not be located within any front yard, or side yard building setback areas.

2. Mountings and satellite dishes should be no taller than the minimum required for the purposes of obtaining an obstruction-free reception window. The city may require an independent analysis to verify compliance with this provision. The cost of such studies shall be the responsibility of the applicant.

3. To the extent technically feasible, specific paint colors may be required to allow the large satellite dish and mounting structures to blend better with its setting.

4. Screening of all large satellite dish antennas shall be provided with one or a combination of the following methods: fencing, walls, landscaping, structures, or topography which will block the view of the antennas as much as practicable from any street and from the yards and main floor living areas of residential properties within approximately 500 feet. Screening may be

located anywhere between the antennas and the above mentioned viewpoints. Landscaping for the purposes of screening shall be maintained in healthy condition.

5. No satellite dish antennas shall be used for the purposes of signage or message display of any kind.

6. Construction plans and final construction of the mounting bases of all large satellite dish antennas require a building permit.

7. Aluminum mesh dishes should be used whenever possible instead of a solid fiberglass type.

B. Additional Standards in Residential Zones – Large Satellite Dish Antennas

1. Only one large dish satellite antenna shall be allowed on each property.

2. Large satellite dish antennas shall not be mounted on roofs.

3. Large satellite dish antennas shall not exceed 12 feet in diameter and 15 feet in height, including their bases. Height shall be measured from existing grade.

4. A visual screen (90 percent solid or more) pursuant to Landscaping Standards) shall be provided as high as the center of the dish when viewed from off the site. Above the center of the dish, the screening should be 50 percent or more to the top of the antennas when viewed from off the site. Evergreen plants shall be used to accomplish year-round screening, and shall be large enough at installation to meet appropriate screening standards.

C. Additional Standards in Commercial and Industrial Zones – Large Satellite Dish Antennas. Large Satellite Dish Antennas may be either roof-mounted or ground-mounted.

1. Ground-mounted:

a. Ground-mounted antennas shall not exceed 12 feet in diameter and 15 feet in height. Height shall be measured from existing grade.

b. Ground-mounted antennas shall be located outside of any required landscaped area and preferably located in service areas or other less visible locations.

c. From the time of installation, ground-mounted antennas shall be solidly screened (90% or more) as high as the center of the dish when viewed from off the site. Solid screening shall be provided as high as the dish if the proposed location abuts an adjoining residential zone.

2. Roof-mounted:

a. Roof-mounted large satellite antennas shall not exceed 12 feet in diameter and 15 feet in height, including their bases. Height shall be measured from the roof line.

b. Roof-mounted antennas should be placed as close to the center of the roof as possible. If the dish is still visible from any point within approximately 500 feet as viewed from ground level, additional screening shall be required to supplement the screening provided by the roof itself. If the dish is not visible from 500 feet or less, no additional screening will be necessary.

c. Roof-mounted antennas shall be solidly screened at least as high as the center of the dish. The screening shall be of a material and design compatible with the building, and can include penthouse screening, parapet walls, or other similar screening.

20.170.060 Amateur radio towers – Development standards.
A. Standards for All Zoning Districts.

1. Amateur radio towers reviewed under this Section shall not be located within any easements, the front yard, or side or rear yard building setback areas.

2. Mountings and amateur radio towers should be no taller than the minimum required for the purposes of obtaining an obstruction-free reception window.

3. To the extent technically feasible and in compliance with safety regulations, specific paint colors may be required to allow the tower to blend better with its setting.

4. Screening of the bases of ground-mounted amateur radio towers shall be provided with one or a combination of the following methods: fencing, walls, landscaping, structures, or topography which will block the view of the antennas as much as practicable from any street and from the yards and main floor living areas of residential properties within approximately 500 feet. Screening may be located anywhere between the base and the above mentioned viewpoints. Landscaping for the purposes of screening shall be maintained in a healthy condition. Bases of amateur radio towers shall be solidly screened by a view-obscuring fence, wall, or evergreen plantings at least six feet (6') in height.

5. Amateur radio towers shall not be used for the purposes of signage and shall not display of any kind.

6. Construction plans and final construction of the mounting bases of amateur radio towers covered by this Section shall meet the structural design requirements of this Section and shall have a Building Permit.

7. Amateur radio towers may be ground or roof-mounted; however, ground-mounted towers must be located at a point farthest from lot lines as feasible.

8. Amateur radio towers shall not be used, nor shall they be intended for use, for the placement, construction, or modification of wireless communication facilities.

9. Amateur radio towers shall not be used, nor shall they be intended for use, to provide or offer wireless communication services for rent, sale, lease or in exchange for other consideration.

10. Height of amateur radio towers is determined by the zone in which the proposed tower is to be located in accordance with Section 20.170.070 except as permitted by subsection (B)(2) of this section.

B. Additional Standards in Residential Zones – Amateur Radio Towers.

1. Towers shall not be constructed or used for commercial use.

2. The height of a ground-mounted tower may not exceed 65 feet unless a proposal demonstrates that physical obstructions impair the adequate use of the tower. Telescoping towers may exceed the 65 foot height limit only when extended and operating. The combined structure of a roof-mounted tower and antennas shall not exceed a height of 25 feet above the existing roofline.

3. Towers shall be located in what would customarily be considered the yard of the residence. Placement shall avoid, to the extent possible, using land that is available for crops, pasturage or other agricultural use.

4. Towers shall be located at a point farthest from lot lines as feasible, or the point farthest from residential structures on abutting properties.

5. In residential zones, the base of a ground-mounted tower shall be screened with fencing, walls, landscaping, or other means such that the view of the antennas base is blocked as much as practicable from any street and from the yards and main living floor areas of surrounding residential properties. The screening may be located anywhere between the antennas and the above mentioned viewpoints. Landscaping that qualifies for the purpose of screening shall be maintained in a healthy condition.

6. Applications shall document that the proposed tower and any mounting bases are designed to withstand wind and seismic loads as established by the International Building Code.

20.170.070 Support structures and antennas – Development standards.
A. Development Standards for all Zoning Districts.

1. The applicant shall demonstrate that the proposed location was selected pursuant to the siting criteria of Section 20.170.040 and Section 20.170.045. Placement of an antenna support structure shall be denied if the antenna support needs can be met by co-location on an existing antenna support structure or by mounting on an alternative antenna support structure which already supports an attached antenna. Placement of an attached antenna shall be denied if the antenna support needs can be met by co-location on an existing antenna support structure or by mounting on an alternative antenna support structure which already supports an attached antenna. Applications shall be required to provide documentation that comprehensive efforts to identify alternative locations were made.

2. Owners and operators of a proposed antenna support structure shall provide information regarding the opportunity for the collocation of other antennas. If feasible, provision for future collocation may be required.

3. Antenna support structures reviewed under this Section shall not be located within any required building setback areas.

4. Antenna support structures and attached antennas shall not be used for the purposes of signage to display a message of any kind.

5. Applications for antenna support structures or mounting an attached antennas upon an alternative antenna support structure shall include one or more proposals on how industry-recognized concealment technology can be employed to mitigate the visual effects of the antenna and antenna support structure. It is expected that the structures and vegetation surrounding the proposed location will be taken into account so that appropriate site-specific concealment alternatives can be analyzed by the Site Plan Review Committee.

6. Any fencing required for security shall meet screening standards of Section 20.170.080(A)(5).

7. A Washington licensed professional engineer shall certify in writing, over his or her seal, that both construction plans and final construction of the antenna support structure or alternative

antenna support structure upon which an attached antennas may be mounted are designed to reasonably withstand wind and seismic loads as established by the International Building Code.

8. All antenna support structures and attached antennas shall be removed by the facility owner within 12 months of the date it ceases to be operational, or if the facility falls into disrepair and is not maintained. Disrepair includes structural features, paint, landscaping, or general lack of maintenance which could result in safety or visual impacts.

9. Antenna support structures and mounting attached antennas upon alternative antenna support structures may be conditioned to allow review for continued use at five year intervals. Rapid technological advancements, changing markets, and regulatory interpretations indicate the need to periodically review the appropriate design of antenna support structures and mounting attached antennas upon alternative antenna support structures.

10. An attached antennas shall not dominate the appearance of a structure.

11. Antenna support structures and attached antennas shall be located at a point farthest from lot lines as feasible.

12. The base of a ground-mounted antenna support structures shall be screened with fencing, walls, landscaping, or other means such that the view of the antennas base is blocked as much as practicable from any street and from the yards and main living floor areas of surrounding residential properties. The screening may be located anywhere between the antennas and the above mentioned viewpoints. Landscaping that qualifies for the purpose of screening shall be maintained in a healthy condition.

B. Development Standards for Downtown and Historic Downtown Comprehensive Plan Districts.

1. Antenna placements in these districts shall utilize alternative antenna support structures. The antenna(s) shall extend no farther than 15 feet above the roof and shall be placed as far back from the building perimeter as is feasible.

2. New antenna support structures shall be permitted in these districts only after approval of a special exception application as provided in Section 20.170.090.

C. Height Limitations. The following height limitations apply to antenna support structures including the antennas mounted thereon:

1. Properties designated Downtown and Historic Downtown in the Walla Walla Urban Area Comprehensive Plan have a maximum height of 15 feet above the building upon which the antenna is mounted.

2. Properties zoned Central Commercial, other than those designated in subsection (C)(1) of this section, have a maximum height of 65 feet.

3. Properties zoned Public Reserve, as provided in Section 20.90.080, but not to exceed a maximum height of 65 feet.

4. Properties in zones other than those designated in subsections (C)(1), (C)(2), and (C)(3) of this section the combined antenna support structure and antennas shall not extend more than 15 feet above the maximum building height allowed for the property in the zone for which it is proposed. (Ord. 2003-3 § 14 (part), 2003).

20.170.080 Wireless communications facilities – Development standards.

A. Development Standards for all Zoning Districts. The following standards shall be applied to all wireless equipment, such as antennas and equipment shelters, exclusive of the antenna support structure. Antenna support structures are regulated by Section 20.170.070.

1. No wireless equipment reviewed under this Section shall be located within any conflicting easements or required building setback areas.

2. Antennas mounted on alternative antenna support structures shall not extend more than 15 feet above the existing or proposed roof structure.

3. No wireless equipment shall be used for the purposes of signage or message display of any kind.

4. Location of wireless communication antennas on existing buildings shall be screened or camouflaged to the greatest practicable extent by use of shelters, compatible materials, location, color, and/or other stealth tactics to reduce visibility of the antennas as viewed from any street or residential property.

5. Screening of wireless equipment shall be provided with one or a combination of the following materials: fencing, walls, landscaping, structures, or topography which will block the view of the antennas and equipment shelter as much as practicable from any street and from the yards and main floor living areas of residential properties within approximately 500 feet. Screening may be located anywhere between the base and the above mentioned viewpoints. Landscaping for the purposes of screening shall be maintained in a healthy condition.

6. Any fencing required for security shall meet screening standards of subsection (A)(5) of this section.

7. Construction plans and final construction of the mountings of wireless antennas and equipment shelters shall be approved by the City's Building Division prior to any construction or site preparation. Applications shall document that the proposed structure and any mounting bases are designed to reasonably withstand wind and seismic loads.

8. A wireless communication facility shall be removed by the facility owner within 12 months of the date it ceases to be operational or if the facility falls into disrepair and is not maintained. Disrepair includes structural features, paint, landscaping, or general lack of maintenance which could result in safety or visual impacts.

9. The antennas shall not dominate the structure upon which it is attached and shall be visually concealed utilizing color and compatible material to camouflage the facility to the greatest extent feasible.

10. Except as otherwise provided in subsection (B) herein solely in Commercial and Industrial Zones, associated above ground equipment shelters shall be minimized and shall not exceed 240 square feet (e.g., 12' × 20'), shelters shall be painted a color that matches existing structures or the surrounding landscape, a visual screen (see Landscape Standards) shall be created around the perimeter of the shelter, and operators shall consider under-grounding equipment if technically feasible or placing the equipment within existing structures.

B. Additional Development Standards in Commercial and Industrial Zones – Wireless Communications Facilities.

1. Associated above-ground equipment shelters shall not exceed 240 square feet (e.g., 12' × 20') unless operators can demonstrate that more space is needed. Operators shall consider under-grounding equipment if technically feasible or placing the equipment within an existing structure. Above ground equipment shelters for antennas located on buildings shall be located within, on the sides or behind the buildings and screened to the fullest extent possible. Screening of exterior shelters shall provide colors and materials which blend with surrounding structures.

20.170.085 Removal of wireless communication facilities.

A. Provider to Give Notice of Abandonment or Discontinuance of Service:

1. No less than 30 days prior to the date that a wireless service provider plans to abandon or discontinue operation of a wireless communication facility or any significant component thereof, the provider must notify the city by certified U.S. mail of the proposed date of abandonment of a facility or discontinuance of operation of such facility.

2. Failure of a service provider to give such notice will constitute grounds for the city to declare the Development Authorization for the site to be suspended, thereby placing the facility in violation of Sections 20.170.030 of and 20.14.090 of this code.

B. Discontinued Service or Abandonment of Site – Removal Required:

1. Any wireless telecommunication facility which is abandoned and/or which does not provide service for at least four months in any running six month period is declared to be in violation of its Development Authorization in that it is not meeting its conditions of approval as provided in Section 20.14.090(A).

2. A facility which is abandoned or discontinued shall be removed within 90 days of said abandonment or discontinuation of service. Any facility which is not timely removed in accordance with this subsection is declared to be a public nuisance.

C. Disrepair, Hazard, Nuisance, Improper Maintenance – Abatement Required:

1. When the city determines that a wireless communication facility or any significant component thereof is in a state of disrepair, presents a safety hazard to the public, constitutes a public nuisance due to disrepair or improper maintenance, or is otherwise not properly maintained, the city shall notify the owner of the facility of such concern by certified mail. Such notice shall specify the problems and the expected resolution.

2. By certified mail, the facility owner shall specify the actions which will be undertaken to rectify the problems with the site. The city may accept or modify the proposed actions as it determines necessary. Such actions shall be completed within 60 days of the original date of notice provided in item 1 above.

3. Failure to complete work specified by the city shall constitute a violation of the Development Authorization as provided in Section 20.14.090(A).

D. Responsible Parties Determined and Responsibility Assigned:

1. The owner of the telecommunications facility, the lessee of the property upon which the facility is located (if different from the owner of the facility), and the owner of the property (if

different from the owner of the facility and/or the holder of the lease) are individually, jointly, and severally responsible for removal of the facility as described in item B above.

2. Should the responsible parties fail to remove a facility or component thereof, or resolve maintenance issues, as directed by the city pursuant to this Section, the city may remove the facility at the expense of the responsible parties.

3. The city may pursue recovery of costs for its actions from any and all responsible parties through any means available in courts of competent jurisdiction.

20.170.090 Special exceptions.
When adherence to all development standards of this Section would result in a physical barrier which would block signal reception or transmission or prevent effective communication in all permissible locations, a Special Exception may be permitted provided both criteria outlined below are met. Exceptions do not apply to variations from the Uniform Building Code.

The final approval authority for granting of the Special Exception shall be the same as that of the permit approving the antenna location. A request for a Special Exception shall be processed in conjunction with the permit approving the antenna location and shall not require any additional application or fees.

Upon review of Special Exception requests, the approval authority shall consider first those standards having the least effect upon the resulting aesthetic compatibility of the antennas or tower with the surrounding environment. The approval authority shall review setback, size, screening requirements, and height limits.

A. Special Exception Criteria.

1. The applicant shall justify the request for a Special Exception by demonstrating that the obstruction or inability to receive a communication signal is the result of factors beyond the property owner's or applicant's control, taking into consideration potential permitted development on adjacent and neighboring lots with regard to future reception window obstruction. Pictures, drawings (to scale), maps and/or manufacturer's specifications, and other technical information as necessary, should be provided to demonstrate to the City that the Special Exception is necessary.

2. The applicant for a Special Exception shall demonstrate that the proposed materials, shape, and color of the antennas will minimize negative visual impacts on adjacent or nearby residential uses to the greatest extent possible. The use of certain materials, shapes and colors may be required in order to minimize visual impacts.

B. Large Satellite Dish Antenna – Residential Zones – Special Exceptions.

1. Modifications to requirements for setbacks, size, screening and maximum height limit may be considered by Special Exception. If a Special Exception from the height limit for a ground-mounted dish is requested, the height of the dish shall be limited to a maximum of 18 feet.

2. Only if these modifications would still block an electromagnetic signal, shall rooftop location be considered. If a Special Exception is sought to obtain a rooftop location, the diameter of the dish shall be limited to six feet and maximum permitted height shall be 15 feet above the roof line. The approval authority may require the applicant to place the antennas in an area on the

roof which takes into consideration view blockage and aesthetics, provided there is a usable signal.

C. Large Satellite Dish Antenna – Commercial and Industrial Zones.

1. Ground-mounted antennas. Exceptions to be first considered shall be from setback, landscape and service area requirements, size and screening requirements. Only if these waived regulations would still block an electromagnetic signal, shall a Special Exception from height requirements be considered. If a Special Exception is sought to vary from the height limit, the height of the dish shall be limited to a maximum of 20 feet.

2. Roof-mounted antennas. The first exception to be considered shall be the center of roof requirement; the second exception shall be from the size, and screening requirements, respectively. Only if these waived regulations would still result in a block of the signal shall a Special Exception from height requirements be considered. A Special Exception from the height limit shall be allowed up to a maximum of 20 feet above the existing or proposed structure. The approval authority may require the applicant to place the antennas in an area on the roof which takes into consideration view blockage and aesthetics, provided there is a usable signal and structural considerations allow the alternative placement.

D. Wireless Communication Facilities and Related Structures – Residential Zones – Special Exceptions Process Inapplicable. The Special Exception process does not apply and shall not be used to place, construct, or modify wireless communication facilities or related structures in residential zones.

E. Antenna Support Structures – Commercial, Public Reserve, and Industrial Zones – Special Exceptions.

1. An applicant of a proposed antenna support structure that exceeds height limits shall be required to apply for a Conditional Use Permit under provisions of Chapter 20.216.

20.170.095 Wireless communication facilities and related structures prohibited in residential zones.

Wireless communications facilities, antenna support structures, and all related structures are prohibited on properties zoned Neighborhood Residential (RN) or Multi-Family Residential (RM). No structure located upon a property zoned Neighborhood Residential (RN) or Multi-Family Residential (RM) may be used as an alternative support structure. This section shall not preclude co-location of facilities upon existing legally located antenna support structures or existing legally located attached antennas; provided, that such co-location does not materially change the existing use or materially expand the size of the facilities at that location. (Ord.

Commented [KA2]: This section would preclude deployment of macro facilities in these zones. Macro towers are going to continue as the backbone of the network and more will be needed to address the large increase in data use in residential neighborhoods, and to supply the reliable base network of voice and text, with generator back up, in the event of power loss or emergency. Verizon requests that the city allow WCF's in these zones:

a. on rooftops of multifamily structures,
b. as stealthed designs, such as monopines,
c. on non-residential structures on property zoned residential, such as park property, churches, or
d. in the right of way.

Chapter 20.171
SMALL WIRELESS COMMUNICATION FACILITIES

Commented [MCS1]: Permanent adoption of an interim ordinance, no changes from interim version

Sections:

20.171.010 Purpose.

The purpose of this chapter is to set forth the regulations for the placement, development, permitting, and removal of small wireless facilities. Among the purposes included are to:

A. Minimize potential adverse visual, aesthetic, and safety impacts of small wireless facilities.

B. Establish objective standards for the placement of small wireless facilities.

C. Ensure that such standards allow competition and do not unreasonably discriminate among providers of functionally equivalent services.

D. Encourage the design of such small wireless facilities to be aesthetically and architecturally compatible with the surrounding built and natural environments where possible.

E. Encourage the collocation or attachment of small wireless facilities on existing support structures to help minimize the total number and impact of such structures throughout the community.

20.171.020 Definitions.

See Chapter 5.02 for additional definitions for terms utilized in this Chapter.

A. “Antenna” means any exterior apparatus designed for telephonic, radio, data, Internet or other communications through the sending and/or receiving of radio frequency signals including, but not limited to, equipment attached to a tower, utility pole, building or other structure for the purpose of providing wireless services.

B. “Collocation” means (1) mounting or installing an antenna facility on a pre-existing structure, and/or (2) modifying a structure for the purpose of mounting or installing an antenna facility on that structure. Provided that, for purposes of Eligible Facilities Requests, “collocation” 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.

C. “Macro facility” means a large wireless communication facility that provides radio frequency coverage for a cellular telephone network. Generally, macro cell antennas are mounted on ground-based towers, rooftops and other existing structures, at a height that provides a clear view over the surrounding buildings and terrain. Macro cell facilities typically contain antennas that are greater than three cubic feet per antenna and typically cover large geographic areas with relatively high capacity and may be capable of hosting multiple wireless service providers.

D. “Small wireless facility” has the same meaning as defined in 47 CFR 1.6002.
E. “Structure” means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of services).
F. “Transmission equipment” means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with 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.
G. “Unified enclosure” means a small wireless facility providing concealment of antennas and equipment within a single enclosure.
H. “Utility pole” means a structure designed and used primarily for the support of electrical wires, telephone wires, television cable, traffic signals, or lighting for streets, parking areas, or pedestrian paths.

20.171.030 General provisions.
A. Small wireless facilities shall not be considered nor regulated as essential public facilities.
B. Small wireless facilities located outside of the public rights-of-way may be either a primary or a secondary use. A different use of an existing structure on the same lot shall not preclude the installation of a small wireless facility.
C. Small wireless facilities located within the public right-of-way pursuant to a valid franchise are out right permitted uses in every zone of the City but still require a small wireless facility permit pursuant to Chapter 5.02.

20.171.040 Application requirements for small wireless facilities.
A. Any application for a small wireless facility both inside and outside of the right-of-way shall comply with the application requirements for a small wireless facility permit described in Chapter 5.02.460.

20.171.050 Design Zones for small wireless facilities.
A. The following zones are designated as Design Zones for the purpose of siting small wireless facilities.
1. Central Commercial District
B. Any applicant who desires to place a small wireless facility in a Design Zone must first establish that the applicant cannot locate the small wireless facility outside of the Design Zone. Applications for small wireless facilities in a Design Zone may be approved if the applicant demonstrates that due to technical infeasibility the applicant cannot locate the proposed small wireless facility on an existing or replacement pole within 500 feet of the proposed site and outside of the Design Zone.
C. Applications for small wireless facilities within Design Zones must receive a Level I approval and must comply with a concealment element design described in section 20.171.060 below.

20.171.060 Design and concealment standards for small wireless deployments.
Small wireless facility deployments whether permitted in the right-of way under Chapter 5.02 or permitted in accordance with this chapter shall conform to the following design standards:

A. Small wireless facilities attached to existing or replacement non-wooden light poles and other non-wooden poles in the right-of-way or non-wooden poles outside of the right-of-way shall conform to the following design criteria:

1. Antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) shall be fully concealed within the pole, unless such concealment is otherwise technically infeasible, or is incompatible with the pole design, then the antennas and associated equipment enclosures must be camouflaged to appear as an integral part of the pole or flush mounted to the pole, meaning no more than six (6) inches off of the pole, and must be the minimum size necessary for the intended purpose, not to exceed the volumetric dimensions of small wireless facilities. If the equipment enclosure is permitted on the exterior of the pole, the applicant is required to place the equipment enclosure behind any banners or road signs that may be on the pole, provided that such location does not interfere with the operation of the banners or signs.

2. The furthest point of any antenna or equipment enclosure may not extend more than twenty (2~~8~~) inches from the face of the pole.

3. All conduit, cables, wires and fiber must be routed internally in the non-wooden pole. Full concealment of all conduit, cables, wires and fiber is required within mounting brackets, shrouds, canisters or sleeves if attaching to exterior antennas or equipment.

4. An antenna on top of an existing pole may not extend more than ~~six (6)~~nine (9) feet above the height of the existing pole and the diameter may not exceed ~~sixteen (16)~~twenty (20)inches, measured at the top of the pole, unless the applicant can demonstrate that more space is needed. The antennas shall be integrated into the pole design so that it appears as a continuation of the original pole, including colored or painted to match the pole, and shall be shrouded or screened to blend with the pole except for canister antennas which shall not require screening. All cabling and mounting hardware/brackets from the bottom of the antenna to the top of the pole shall be fully concealed and integrated with the pole.

5. Any replacement pole shall substantially conform to the design of the pole it is replacing or the neighboring pole design standards utilized within the contiguous right-of-way.

6. The height of any replacement pole may not extend more than ten (10) feet above the height of the existing pole or the minimum additional height necessary; provided that the height of the replacement pole cannot be extended further by additional antenna height.

7. The diameter of a replacement pole shall comply with the City's setback and sidewalk clearance requirements and shall, to the extent technically feasible, not be more than a 25% increase of the existing non-wooden pole measured at the base of the pole, unless additional diameter is needed in order to conceal equipment or three interior conduit within the base of the pole, and shall comply with the requirements in subsection E(4) below.

8. The use of the pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

B. Wooden pole design standards. Small wireless facilities located on wooden poles shall conform to the following design criteria:

1. The wooden pole at the proposed location may be replaced with a taller pole for the purpose of accommodating a small wireless facility; provided, that the replacement pole shall not exceed a height that is a maximum of ten (10) feet taller than the existing pole, unless a further height increase is required and confirmed in writing by the pole owner and that such height extension is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.

Commented [KA2]: The designs for SWF's have been evolving rapidly over the last year. This is the distance required for the equipment being deployed by Verizon.

Commented [KA3]: Verizon's City of Spokane pole top design is 18" in diameter. We have shown Walla Walla the Spokane pole top design, which they liked very much. The Spokane design is 8.5' tall with the 5G antennas.

Commented [KA4]: This is the diameter required for the 4G/5G combination deployment.

2. A pole extender may be used instead of replacing an existing pole but may not increase the height of the existing pole by more than ten (10) feet, unless a further height increase is required and confirmed in writing by the pole owner and that such height increase is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities. A "pole extender" as used herein is an object affixed between the pole and the antenna for the purpose of increasing the height of the antenna above the pole. The pole extender shall be painted to approximately match the color of the pole and shall substantially match the diameter of the pole measured at the top of the pole.

3. Replacement wooden poles must either match the approximate color and materials of the replaced pole or shall be the standard new wooden pole used by the pole owner in the City.

4. Antennas, equipment enclosures, and all ancillary equipment, boxes and conduit shall be colored or painted to match the approximate color of the surface of the wooden pole on which they are attached.

5. Antennas shall not be mounted more than twelve (12) inches from the surface of the wooden pole.

6. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness. Multiple antennas are permitted on a wooden pole provided that each antenna enclosure shall not be more than three (3) cubic feet in volume.

7. Canister antenna may be mounted on top of an existing wooden pole, which may not exceed the height requirements described in subsection B(1) above. A canister antenna mounted on the top of a wooden pole shall not exceed ~~sixteen (16)~~ twenty (20) inches, measured at the top of the pole, and shall be colored or painted to match the pole. The canister antenna must be placed to look as if it is an extension of the pole. In the alternative, the applicant may propose a side mounted canister antenna, so long as the inside edge of the antenna is no more than twelve (12) inches from the surface of the wooden pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the wooden pole.

Commented [KA5]: This is the canister diameter required for the equipment being deployed by Verizon.

8. The furthest point of any antenna or equipment enclosure may not extend more than twenty (2~~8~~0) inches from the face of the pole.

Commented [KA6]: This is the distance required for the equipment being deployed by Verizon.

9. An omni-directional antenna may be mounted on the top of an existing wooden pole, provided such antenna is no more than four (4) feet in height and is mounted directly on the top of a pole or attached to a sleeve made to look like the exterior of the pole as close to the top of the pole as technically feasible. All cables shall be concealed within the sleeve between the bottom of the antenna and the mounting bracket.

10. All related equipment, including but not limited to ancillary equipment, radios, cables, associated shrouding, microwaves, and conduit which are mounted on wooden poles shall not be mounted more than six (6) inches from the surface of the pole, unless a further distance is technically required, and is confirmed in writing by the pole owner.

11 Equipment for small wireless facilities must be attached to the wooden pole, unless otherwise permitted to be ground mounted pursuant to subsection (E)(1). The equipment must be placed in the smallest enclosure possible for the intended purpose. The equipment enclosure and all other wireless equipment associated with the utility pole, including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole, may not exceed twenty-eight (28) cubic feet. Multiple equipment enclosures may be acceptable if designed to more closely integrate with the pole design and does not cumulatively exceed twenty-eight (28) cubic feet. The applicant is encouraged to place the equipment enclosure behind any banners or road signs that may be on the pole, provided that such location does not interfere with the operation of the banners or signs.

12. An applicant who desires to enclose both its antennas and equipment within one unified enclosure may do so, provided that such enclosure is the minimum size necessary for its intended purpose and the enclosure and all other wireless equipment associated with the pole, including wireless equipment associated with the antenna and any pre-exiting associated equipment on the pole does not exceed twenty-eight (28) cubic feet. The unified enclosure may not be placed more than six (6) inches from the surface of the pole, unless a further distance is required and confirmed in writing by the pole owner. To the extent possible, the unified enclosure shall be placed so as to appear as an integrated part of the pole or behind banners or signs, provided that such location does not interfere with the operation of the banners or signs.

13. The visual effect of the small wireless facility on all other aspects of the appearance of the wooden pole shall be minimized to the greatest extent possible.

14. The use of the wooden pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

15. The diameter of a replacement pole shall comply with the City's setback and sidewalk clearance requirements and shall not be more than a 25% increase of the existing utility pole measured at the base of the pole.

16. All cables and wires shall be routed through conduit along the outside of the pole. The outside conduit shall be colored or painted to match the pole. The number of conduit shall be minimized to the number technically necessary to accommodate the small wireless facility.

C. Small wireless facilities attached to existing buildings, shall conform to the following design criteria:

1. Small wireless facilities may be mounted to the sides of a building if the antennas do not interrupt the building's architectural theme.

2. The interruption of architectural lines or horizontal or vertical reveals is discouraged.

3. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if it complements the architecture of the existing building.

4. Small wireless facilities shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building.

5. Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas. Exposed cabling/wiring is prohibited.

6. Small wireless facilities shall be painted and textured to match the adjacent building surfaces.

D. Small wireless facilities mounted on cables strung between existing utility poles shall conform to the following standards.

1. Each strand mounted facility shall not exceed three (3) cubic feet in volume;

2. Only one strand mounted facility is permitted per cable between any two existing poles;

3. The strand mounted devices shall be placed as close as possible to the nearest utility pole, in no event more than five (5) feet from the pole unless a greater instance technically necessary or is required by the pole owner for safety clearance;

4. No strand mounted device shall be located in or above the portion of the roadway open to vehicular traffic;

5. Ground mounted equipment to accommodate a shared mounted facility is not permitted except when placed in pre-existing equipment cabinets; and

6. Pole mounted equipment shall comply with the requirements of subsections A and B above.

7. Such strand mounted devices must be installed to cause the least visual impact and without excess exterior cabling or wires (other than the original strand).

8. Strand mounted facilities are prohibited on non-wooden poles.

E. General requirements.

~~1. Ground mounted equipment in the rights of way is prohibited, unless such facilities are placed under ground or the applicant can demonstrate that pole mounted or undergrounded equipment is technically infeasible.~~ If ground mounted equipment is necessary, then the applicant shall submit a concealment element plan. Generators located in the rights of way are prohibited.

2. No equipment shall be operated so as to produce noise in violation of Chapter 8.13.

3. Small wireless facilities are not permitted on traffic signal poles unless denial of the siting could be a prohibition or effective prohibition of the applicant's ability to provide telecommunications service in violation of 47 USC §§ 253 and 332.

4. Replacement poles and new poles shall comply with the Americans with Disabilities Act (ADA), City construction and sidewalk clearance standards, city ordinance, and state and federal laws and regulations in order to provide a clear and safe passage within the rights-of-way. Further, the location of any replacement or new pole must: be physically possible, comply with applicable traffic warrants, not interfere with utility or safety fixtures (e.g., fire hydrants, traffic control devices), and not adversely affect the public welfare, health or safety.

5. Replacement poles shall be located as near as possible to the existing pole with the requirement to remove the abandoned pole.

6. No signage, message or identification other than the manufacturer's identification or identification required by governing law is allowed to be portrayed on any antenna or equipment enclosure. Any permitted signage shall be located on the equipment enclosures and be of the minimum amount possible to achieve the intended purpose (no larger than 4x6 inches); provided that, signs are permitted as concealment element techniques where appropriate.

7. Antennas and related equipment shall not be illuminated except for security reasons, required by a federal or state authority, or unless approved as part of a concealment element plan.

8. Side arm mounts for antennas or equipment must be the minimum extension necessary and the inside edge of the antenna may be no more than twelve (12) inches from the surface of the pole.

9. The preferred location of a small wireless facility on a pole is the location with the least visible impact.

10. Antennas, equipment enclosures, and ancillary equipment, conduit and cable, shall not dominate the structure or pole upon which they are attached.

11. Except for locations in the right-of-way, small wireless facilities are not permitted on any property containing a residential use in the residential zones.

12. The City may consider the cumulative visual effects of small wireless facilities mounted on poles within the rights-of-way in when assessing proposed siting locations so as to not adversely affect the visual character of the City. This provision shall not be applied to limit the number of permits issued when no alternative sites are reasonably available nor to impose a technological requirement on the applicant.

13. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would unreasonably impair the function of the technology chosen by the applicant, alternative forms of concealment or deployment may be permitted which provide similar or greater protections from negative visual impacts to the streetscape.

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Commented [KA7]: This is not an issue of technical infeasibility. It is a pole owner requirement.

Commented [KA8]: Pacific Corp is the utility company in the area. They do not allow a meter on the pole currently. They are working towards a flat rate but would require a meter on the ground.

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20.171.070 New poles in the rights-of-way for small wireless facilities and installations in a Design Zone.

A. New poles within the rights-of-way are only permitted if the applicant can establish that:

1. The proposed small wireless facility cannot be located on an existing utility pole or light pole, electrical transmission tower or on a site outside of the public rights of way such as a public park, public property, building, transmission tower or in or on a non-residential use in a residential zone whether by roof or panel-mount or separate structure;

2. The proposed small wireless facility receives approval for a concealment element design, as described in subsection 3 below;

3. The proposed small wireless facility also complies with Shoreline Management Act, and SEPA, if applicable; and

4. No new poles shall be located in a critical area or associated buffer required by the City's Critical Areas Code Chapter 21.04, except when determined to be exempt pursuant to said ordinance.

B. An application for a new pole is subject to a Level I review.

C. The concealment element design shall include the design of the screening, fencing or other concealment technology for a tower, pole, or equipment structure, and all related transmission equipment or facilities associated with the proposed small wireless facility, including but not limited to fiber and power connections.

1. The concealment element design should seek to minimize the visual obtrusiveness of the small wireless facility. The proposed pole or structure should have similar designs to existing neighboring poles in the rights of way, including similar height to the extent technically feasible. If the proposed small wireless facility is placed on a replacement pole in a Design Zone, then the replacement pole shall be of the same general design as the pole it is replacing, unless the Development Services Department otherwise approves a variation due to aesthetic or safety concerns. Any concealment element design for a small wireless facility on a decorative pole should attempt to mimic the design of such pole and integrate the small wireless facility into the design of the decorative pole. Other concealment methods include, but are not limited to, integrating the installation with architectural features or building design components, utilization of coverings or concealment devices of similar material, color, and texture - or the appearance thereof - as the surface against which the installation will be seen or on which it will be installed, landscape design, or other camouflage strategies appropriate for the type of installation. Applicants are required to utilize designs in which all conduit and wirelines are installed internally in the structure. Further, applicant designs should, to the extent technically possible, comply with the generally applicable design standards adopted pursuant to Section 20.171.060.

2. If the Director has already approved a concealment element design either for the applicant or another small wireless facility along the same public right-of-way or for the same pole type, then the applicant shall utilize a substantially similar concealment element design, unless it can show that such concealment element design is not physically or technologically feasible, or that such deployment would undermine the generally applicable design standards.

D. Even if an alternative location is established pursuant to subsection (A)(1) and (A)(2) the Director may determine that a new pole in the right-of-way is in fact a superior alternative based on the impact to the City, the concealment element design, the City's Comprehensive Plan and the added benefits to the community.

E. Prior to the issuance of a permit to construct a new pole or ground mounted equipment in the right-of-way, the applicant must obtain a site-specific agreement from the City to locate such new pole or ground mounted equipment. This requirement also applies to replacement poles that are higher than the replaced pole, and the overall height of the replacement pole and the proposed small wireless facility is more than sixty (60) feet.

F. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would unreasonably impair the function of the technology chosen by the applicant, alternative forms of concealment or deployment may be permitted which provide similar or greater protections of the street scape.

20.171.080 Eligible Facilities Request

A. Definitions. The following definitions shall apply to Eligible Facilities Requests only as described in this Section 20.171.080.

1. "Base Station": A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein nor any equipment associated with a tower. Base Station includes, without limitation:

a. Equipment associated with wireless communications services as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

b. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small wireless networks)

c. Any structure other than a tower that, at the time the relevant application is filed (with jurisdiction) under this section, supports or houses equipment described in subparagraph (i) and (ii) above that 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 that support.

d. The term does not include any structure that, at the time the Eligible Facilities Request application is filed with the City, does not support or house equipment described in subparagraph (1)(a) and (1)(b) above.

2. "Collocation": The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes.

3. "Eligible Facilities Request": Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

a. Collocation of new transmission equipment;

b. Removal of transmission equipment; or

c. Replacement of transmission equipment.

4. "Eligible support structure": Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the City.

5. "Existing": A constructed tower or base station is existing if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

6. "Substantial Change": A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

a. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten (10) feet, whichever is greater;

b. For towers other than towers in the public rights-of-way, 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 other 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;

c. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and 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 10% larger in height or overall volume than any other ground cabinets associated with the structure;

d. It entails any excavation or deployment outside the current site;

e. It would defeat the concealment elements of the eligible support structure; or

f. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided, however, that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified above.

7. “Tower”: Any structure 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.

8. “Transmission equipment”. Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with 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.

B. Application. The Director shall prepare and make publicly available an application form used to consider whether an application is an Eligible Facilities Request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.

C. Qualification as an Eligible Facilities Request. Upon receipt of an application for an Eligible Facilities Request, the Director shall review such application to determine whether the application qualifies as an Eligible Facilities Request.

D. Timeframe for Review. Within sixty (60) days of the date on which an applicant submits an Eligible Facilities Request application, the Director shall approve the application unless it determines that the application is not covered by this Section 20.171.080.

E. Tolling of the Time Frame for Review. The sixty (60) day review period begins to run when the application is filed and may be tolled only by mutual agreement by the Director and the applicant or in cases where the Director determines that the application is incomplete. The timeframe for review of an Eligible Facilities Request is not tolled by a moratorium on the review of applications.

1. To toll the timeframe for incompleteness, the Director shall provide written notice to the applicant within thirty (30) days of receipt of the application, clearly and specifically delineating all missing documents or information required in the application.

2. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the Director’s notice of incompleteness.

3. Following a supplemental submission, the Director will notify the applicant within ten (10) 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 sub-section. Second or subsequent notice of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

F. Determination That Application Is Not an Eligible Facilities Request. If the Director determines that the applicant's request does not qualify as an Eligible Facilities Request, the Director shall deny the application.

G. Failure to Act. In the event the Director fails to approve or deny a request for an Eligible Facilities Request within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the Director in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

November 4, 2019

Via Email
Elizabeth Chamberlain, Director of Development Services
echamberlain@wallawallawa.gov

City of Walla Walla WA Planning Commission
Amber Delph, Chairperson
Brenda Bernards, Vice-Chair
Carlan Bradshaw
Barlow Corkrum
David Fogarty
Kent Huxel
Erik McLaughlin

Re: Walla Walla WA Wireless Code Ordinance Update

Dear Commissioners,

Thank you for the opportunity to participate in the wireless code update. Verizon supports the general direction and language of the draft code and is appreciative of the work by staff.

Verizon appreciates the chance to provide information to you about the enormous increase in consumer demand for data capacity and cell service, as well as input on the technical requirements for the new small wireless technology. This new technology is vital to address the coverage and capacity needs of Verizon's customers. More people are using more wireless devices to do more things than ever before, like streaming video, medical monitoring, education interface, and uploading images. In fact, wireless data usage has increased dramatically since the introduction of the iPhone.

Verizon is working to stay ahead of the demand by adding fiber optic capacity and small wireless facilities to connect people where they need it most. Small cell antennas are usually mounted on existing utility and street light poles. The low visual profile of small wireless facilities makes them an excellent solution for delivering capacity and coverage to residential neighborhoods. Small wireless facilities will also deliver connections for smart communities services to boost the flow and safety of vehicle traffic, manage resources like light, power and

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water and improve the quality of life of Verizon's customers. Moreover, this technology is key to preparing Verizon's network infrastructure so that it is capable of offering 5G wireless connections at speeds up to 100 times faster than today's wired broadband services.

While Verizon supports the general direction of the code update, there are several issues with the draft code we would like to bring to your attention, which are outlined specifically in the attached redlines:

1. Verizon requests that an exemption from 20.170, which addresses macro facilities, be added for small wireless facilities, as defined in Section 20.171.

2. Sections 20.170.045 and .095 prohibit the placement of a macro facility within 300 feet of a residential zone. The macro towers are going to continue as the backbone of the network and more will be needed to address the large increase in data use in residential neighborhoods, and to supply the reliable base network of voice and text, with generator back up, in the event of power loss or emergency. Verizon requests that the city allow WCF's in these zones:
    a. on rooftops of multifamily structures,
    b. as stealthed designs, such as monopines,
    c. on non-residential structures on property zoned residential, such as park property, churches,
    d. or in the right of way.

3. The dimensions in Section 20.171.060 do not allow for the evolution of small wireless design that has occurred since the interim code was adopted to add 5G. Verizon requests the following changes:
    a. That the 20 inch stand off from the pole in A(2) be increased to 28 inches to address the depth of the antennas and equipment boxes in use;
    b. The height for antennas in A(4) be increased from 6 feet to 9 feet and that the diameter be increased from 16 inches to 20 inches;
    c. Increase the canister diameter in B(7) from 16 inches to 20 inches.

4. In Subsection E(1), there is a prohibition for ground mounted equipment in the right of way, unless it is impossible to underground or pole mount the equipment. Equipment cannot be undergrounded. Unlike macro facilities, which generate much more powerful signals, small wireless facility equipment has a much more limited range. Placing radios underground separates the antennas from the radios in such a way that the signal is degraded through path loss. Pacific Corp is the utility company in the area. They do not allow a meter on the pole currently and it must be on the ground. They are working towards a flat rate but do require a meter on the ground at this time.

Thank you for the opportunity to comment on the code that preserves the look and feel of your community, while providing an efficient, workable and federally compliant process to deliver the service your residents, visitors and businesses have come to expect. A Verizon representative will be at the meeting to answer any questions you might have.

Sincerely,

Kim Allen
Wireless Policy Group, LLC on behalf of Verizon Wireless