

CITY OF SPOKANE  
ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SPOKANE, WASHINGTON,  
AMENDING CHAPTER 17C.355 OF THE SPOKANE MUNICIPAL CODE RELATED TO  
WIRELESS COMMUNICATION FACILITIES

WHEREAS, Chapter 17C.355 currently governs the City's regulation of wireless communication facilities; and

WHEREAS, some of the existing regulations for wireless communication facilities are more than ten years old and federal laws, regulations and court decisions, [wireless technology and consumer usage](#) have reshaped the environment within which [Wireless Communications Facilities](#) are permitted and regulated; and

WHEREAS, federal laws and regulations that govern local zoning standards and procedures for wireless communications have substantially changed since the City adopted Chapter 17C.355; and

WHEREAS, the City Council of the City of Spokane desires to update its local standards and procedures to protect and promote the public health, safety and welfare of the City of Spokane community, to reasonably regulate wireless communication facilities aesthetics, to protect and promote the unique City character in a manner consistent with State and federal laws and regulations; and

WHEREAS, on August \_\_, 2015, the City Council conducted a lawfully-noticed public hearing and received the report and recommendation of the Plan Commission regarding the Ordinance which modifies the code sections relating to wireless communication facilities. [\[Adjust date.\]](#)

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SPOKANE, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Chapter 17C.355

Wireless Communication Facilities

[\[Will create Table of Contents when edits are completed.\]](#)

Formatted: Font: Bold

Formatted: Centered

SECTION 1. Chapter 17C.355 of the Spokane Municipal Code is hereby repealed.

SECTION 2. Chapter 17C.355 of the Spokane Municipal Code is hereby amended to read as follows:

Section 17C.355.010 Purpose

The purpose of this Chapter is:

- A. To protect the community's natural beauty, visual quality and safety while facilitating the reasonable and balanced provision of wireless communication services. More specifically, it

is the City's goal to minimize the visual impact of wireless communication facilities on the community, particularly in and near residential zones;

- B. To promote and protect the public health, safety and welfare, preserve the aesthetic character of the Spokane community, and to reasonably regulate the development and operation of wireless communication facilities within the City to the extent permitted under State and federal law;
- C. To minimize the impact of WCFs by establishing standards for siting design and screening;
- D. To encourage the collocation of antennas on existing structures [and the use of distributed antenna systems or small cells](#), thereby minimizing new visual impacts and reducing the potential need for new towers that are built in or near residential zones by encouraging that WCFs [first](#) be located on buildings, existing towers or utility poles in public rights-of-way;
- E. To protect residential zones from excessive development of WCFs;
- F. To ensure that towers in or near residential zones are only sited when alternative facility locations are not feasible;
- G. To preserve the quality of living in residential areas which are in close proximity to WCFs;
- H. To preserve the opportunity for continued and growing service from the wireless industry;
- I. To preserve neighborhood harmony and scenic viewsheds and corridors;
- J. To accommodate the growing need and demand for wireless communication services;
- K. To establish clear guidelines and standards and an orderly process for expedited permit application review intended to facilitate the deployment of wireless transmission equipment, to provide advanced communication services to the City, its residents, businesses and community at large;
- L. To ensure City zoning regulations are applied consistently with federal telecommunications laws, rules, regulations and controlling court decisions; and
- M. To provide regulations which are specifically not intended to, and shall not be interpreted or applied to, (1) prohibit or effectively prohibit the provision of personal wireless services, (2) unreasonably discriminate among functionally equivalent service providers, or (3) regulate WCFs and wireless transmission equipment on the basis of the environmental effects of radio frequency emissions to the extent that such emissions comply with the standards established by the Federal Communications Commission.

#### Section 17C.355.020 Exempt Facilities.

The following are exempt from this Chapter:

- A. FCC licensed amateur (ham) radio facilities;
- B. Satellite earth stations, dishes and/or antennas used for private television reception not exceeding one (1) meter in diameter;

- C. A government-owned or temporary, commercial WCF installed upon the declaration of a state of emergency by the federal, state or local government, or a written determination of public necessity by the City; except that such facility must comply with all federal and state requirements. The WCF shall be exempt from the provisions of this Chapter for up to one week after the duration of the state of emergency; and
- D. A temporary, commercial WCF installed for providing coverage of a special event such as news coverage or sporting event, subject to approval by the City. The WCF shall be exempt from the provisions of this Chapter for up to one week before and after the duration of the special event.

E. Eligible Facilities Requests permitted under Chapter 17C.356.

Section 17C.355.030 Definitions

A. "Alternative Tower Structure ("Stealth" Technology)" means manmade trees, clock towers, bell steeples, light poles, flag poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers (see also "Low Visual Impact Facility" – SMC 17A.020.120).

- A. "Antenna" means one or more rods, panels, discs or similar devices used for wireless communication, which may include, but is not limited to, omni-directional antenna (whip), directional antenna (panel), and parabolic antenna (dish).
- B. "Antenna Array" means a single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

"Antenna Array (Wireless Communication Antenna Array)" means:

1. One or more rods, panels, discs, or similar devices used for the transmission or reception of radio frequency (RF) signals, which may include omni-directional antenna (whip), directional antenna (panel), and parabolic antenna (dish).
2. Wireless communication antenna array shall be considered an accessory use provided they are located upon an existing structure.

"Antenna Height" means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure including the antenna.

- C. "Antenna Support Structure" means a freestanding structure or device specifically designed, constructed or erected to support WCF antennas and may include, but is not limited to, a monopole.

"Antenna Support Structure" means any pole, telescoping mast, tower tripod, or any other structure that supports a device used in the transmitting and/or receiving of electromagnetic waves.

- D. "Base Station" means a structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a

Formatted: Indent: Left: 0.5", First line: 0"

communications network. The term does not encompass a tower as defined in this Chapter or any equipment associated with a tower.

1. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
2. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small cell networks).
3. The term includes any structure other than a tower that, at the time the relevant application is filed with the City under this section, supports or houses equipment described in this section that has been reviewed and approved under the applicable zoning or siting process, or under Washington or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
4. The term does not include any structure that, at the time the relevant application is filed with Washington or the City under this section, does not support or house equipment described in this section.

“Cellular Telecommunications Facility” means they consist of the equipment and structures involved in receiving telecommunication or radio signals from mobile radio communications sources and transmitting those signals to a central switching computer that connects the mobile unit with the land-based telephone lines.

- E. “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.

“Collocation” means the locating of wireless communications equipment from more than one provider on one structure at one site.

- F. “Commission” means the Federal Communications Commission (“FCC”).

- G. “Distributed Antenna System” or “DAS” means a network consisting of transceiver equipment at a central hub site to support multiple antenna locations throughout the desired coverage area.

“Low Visual Impact Facility”, for the purposes of administration of this code, means a low visual impact facility includes a small diameter (three feet or less) antenna or antenna array located on top of an existing pole or on a replacement pole. (See also SMC 17A.020.010, Alternative Tower Structure.)

- H. “Macrocell” means antenna mounted on ground-based masts, rooftops and other structures, at a height that provides a clear view over the surrounding buildings and terrain.

I. ~~“Neutral Host” means deployments that can serve multiple wireless carriers/operators.~~

J. “Non-Concealed” means a WCF that has not been treated, camouflaged, or disguised to blend with its surrounding and is readily identifiable.

K. “Small Cells” mean compact wireless base stations containing their own transceiver equipment and function like cells in a mobile network but provide a smaller coverage area than traditional macrocells.

Small cells will meet the two parameters in subsections (a) and (b). For purposes of these definitions, volume is a measure of the exterior displacement, not the interior volume of the enclosures. Antennas or equipment concealed from public view in or behind an otherwise approved structure or concealment are not included in calculating volume.

(a) Small Cell Antenna: Each antenna shall be no more than three (3) cubic feet in volume.

(b) Small Cell Equipment: Each equipment enclosure shall be no larger than seventeen (17) cubic feet in volume. Associated conduit, mounting bracket or extension arm, electric meter, concealment, telecommunications demarcation box, ground-based enclosures, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch may be located outside the primary equipment enclosure(s) and are not included in the calculation of equipment volume.

***[Jonathan to review this definition and the metrics. Also, this needs to be clearly understandable.]***

“Stealth Facilities” means any cellular telecommunications facility that is designed to blend into the surrounding environment. Examples of stealth facilities include:

1. Architecturally screened roof-mounted antennas;
2. Building-mounted antennas painted to match the existing structure;
3. Antennas integrated into architectural elements; and
4. Antenna structures designed to look like light poles, trees, clock towers, bell steeples, or flag poles.

K. “Stealth design” means a tower designed to resemble a less visually impactful structure in order to camouflage the appearance of the tower to reduce its visual impact. Stealth camouflage technology includes but is not limited to disguising the tower as trees, flagpoles, and buildings. Stealth design technology must account for the scale and surrounding architectural designs in order to effectively camouflage a tower.

***[Jake to revise with respect to vegetation, screening, settings, scale and other issues.]***

L. “Tower” means any structure built for the sole or primary purpose of supporting any Commission-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.

“Tower (Wireless Communication Support Tower)” means any structure that is designed and constructed specifically to support a wireless communication antenna array. Towers include self-supporting towers, guyed towers, a single pole structure (monopole), lattice tower, and other similar structures.

Formatted: Font: (Default) Arial, 10.5 pt

Formatted: List Paragraph, Indent: First line: 0"

Formatted: Bullets and Numbering

Formatted: Font: Bold, Italic

“Tower Compound” means the area containing support tower and ground equipment. The fence surrounding the equipment is the outer extent of the compound.

“Tower Height” means the vertical distance measured from the base of the tower structure at grade to the highest point of the structure including the antenna.

- M. “Transmission Equipment” means equipment that facilitates transmission for any Commission-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.
- N. “Utility Support Structure” means utility poles or utility towers supporting electrical, telephone, cable or other similar facilities; street light standards; pedestrian light standards; traffic light structures; traffic sign structures; or water towers.
- O. “Wireless Communication Facilities” or “WCF” means a staffed or unstaffed facility or location for the transmission and/or reception of radio frequency (RF) signals or other wireless communications or other signals for commercial communications purposes, typically consisting of one or more antennas or group of antennas, an antenna support structure or attachment support structure, transmission cables, and an equipment enclosure or cabinets.

“Wireless Communication Facility” means any towers, poles, antennas or other structures intended for use in connection with transmission or receipt of radio or television signals, or any other spectrum-based transmissions/receptions.

17C.355.040 Third Party Review General Application and Permitting

BA. Application Submission Requirements Third Party Review.

1. With respect to third party reviews, the City shall make a determination as to whether third party review is warranted or whether the review can be done by City Staff. It is the intent of this subsection to have City Staff review administrative matters to the extent reasonably feasible. However, where consulting assistance is needed in the context of administrative reviews with respect to technical or other matters, and in the context of Conditional Use Permit reviews, then the City may retain consulting assistance as follows: All WCF applications which necessitate a third party review must be accompanied with contemporaneous payment of the applicable non-refundable review fees. Any such application lacking such payment will not be accepted. As provided herein, in addition to the application fee, the City, at its discretion, may require a technical review by a third party expert, the actual cost of which shall be borne by the applicant. The technical expert review may include, but is not limited to (a) the accuracy and completeness of the items submitted with the application; (b) the applicability of analysis and techniques and methodologies proposed by the applicant; (c) the validity of conclusions reached by the applicant; and (d) whether the proposed WCF complies with the applicable approval criteria set forth in this Chapter. The applicant shall pay the cost for any independent consultant fees, along with applicable overhead recovery, through a deposit, estimated by the City, paid at the time the applicant submits an application. To the extent consultant

Formatted: Indent: Left: 0", Hanging: 1"

fees are required as provided herein. The applicant shall pay all consultant fees before the City may act on a permit application. In the event that such costs and/or fees do not exceed the deposit amount, the City shall refund any unused portion within sixty (60) days after the final permit is released or, if no final permit is released, within sixty (60) days after the City receives a written request from the applicant. If the costs and fees exceed the deposit amount, then the applicant shall pay the difference to the City before the permit is issued.

2. All WCF applications must receive an initial inspection to ensure that all required forms, documents, and other required materials have been included. This initial inspection shall either occur automatically via electronic, computerized process or manually using a checklist filled out by City personnel in the presence of the applicant. Any application failing this initial inspection shall be deemed incomplete.

17C.355.050 Tower Location Requirements

*[Subsections A and B have been moved to .080. Meridee to rework former A and B.]*

*[Ken to rewrite the intro paragraph with respect to a provider showing that before a new tower can be built it must show that it cannot collocate and address providers first looking for locations which are outside of residential zones and 300' from residential zones]*

A. Preferred locations. To minimize aesthetic and visual impacts and to the maximum extent feasible, all new ~~WCFs~~ towers shall be located according to the following preferences, ordered from most-preferred (1) to least-preferred (449), whether subject to administrative review or requiring a conditional use permit:

1. collocation to existing facilities located in ~~non-residential~~ all zones;
2. City-owned or operated property and facilities not in residential zones or not on property or facilities which are located within 300 feet of residential zones; [Address distance with respect to consistency issue.]
- ~~73.~~ 3. industrial zones ~~and business park zones;~~
4. downtown zones;
5. office zones;
- ~~86.~~ 6. other commercial zones;
- ~~97.~~ 7. mixed use zones; [City wants to review.]
- ~~40.~~ 8. community facilities in residential zones (such as places of worship, community centers, etc.);
8. City-owned or operated property and facilities which are in residential zones or within 300 feet of residential zones; [Address distance with respect to consistency issue.]

[Jake to rework D and then it will be moved to here]

- ~~449.~~ 9. parcels of land in residential zones ~~and public right-of-way within residential zones.~~

[Does public right-of-way (camouflaged or non-camouflaged) need to be on the list?]  
[Address use of lighting standards at ball fields versus play fields, playgrounds, etc.]

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Keep with next

Formatted: Font: Bold, Italic

Formatted: Font: Bold, Italic

B. Notwithstanding anything noted in the location or hierarchy sections, if the applicant demonstrates through engineering analysis certified by a professional engineer licensed in the State of Washington who specializes in RF engineering that strict adherence to the preferred location or structural hierarchy results in a significant gap in service coverage, then the preferred location or structure next on the hierarchy shall be preferred.

***[Note: This was formerly subsection G in .050. This language is still under discussion.]***  
***[Former D (1) and (4) may be moved to Conditional Use Permit Section.***

***1. Inside the boundary of a historic district, or within 500 feet of the boundary of a historic district or structure that is either listed or eligible for listing as a historic property, structure, or landmark***

***4. Within any nonresidential zone on a site that contains a legally established residential use ]***

Formatted: Font: Bold, Italic

Formatted: Font: Bold, Italic

Formatted: Indent: Left: 0.5", Hanging: 0.5"

Formatted: Font: Bold, Italic

~~C. [Much of former C, has been deleted because the focus is on towers.] Structural preference for new towers. Locating towers shall be in accordance with the following structural preference, (1) being the highest priority and (3) being the lowest priority:~~

~~1. new concealed freestanding towers;~~

~~2. new non-concealed freestanding towers;~~

~~3. any lighted freestanding towers requiring air navigation lighting.~~

~~[Please see note on prior page re Jake reworking D and moving it between 8 and 9 on the prior page]~~

D. Exception for facilities proposed based on proximity to residential uses. Notwithstanding the preferences listed in Section \_\_\_\_\_, a proposed facility that is not a stealth facility within five hundred (500) feet from a residential use measured from the nearest point of the proposed facility to the property line of the parcel inclusive of the residential use shall be defined as a least preferred location. Notwithstanding the preferences listed in Section \_\_\_\_\_, a proposed facility that is a stealth facility within three hundred (300) feet from a residential use measured from the nearest point of the proposed facility to the property line of the parcel inclusive of the residential use shall be defined as a least preferred location.

~~G. Notwithstanding anything noted in the location or hierarchy sections, if the applicant demonstrates through engineering analysis certified by a professional engineer licensed in the State of Washington who specializes in RF engineering that strict adherence to the preferred location or structural hierarchy results in a significant gap in service coverage, then the preferred location or structure next on the hierarchy shall be preferred.~~

Section 17C.355.0260 Wireless Communication Antennas ~~Arrays~~ – Permitted

~~[Meridee is going to rework this Section using the language included in a document attached to her e-mail from 8-14-15 which is included below and including concepts discussed during the Phone Meeting on 8-17]~~

New wireless communication antennas ~~arrays~~ part of a WCF are permitted in all zones provided that they are attached to or inside of an existing structure (except on the exterior of pole signs or anywhere on a billboard) that provides the required clearances for the array's operation without the necessity of constructing a tower or other apparatus to extend the antenna array more than fifteen



feet above the structure. Installation requires the granting of development permits prescribed by chapters 17G.010 and 17G.060 SMC. For arrays on City-owned property, the execution of necessary agreements is also required. However, if any support structure must be constructed to achieve the needed elevation, the provisions of SMC 17C.355.030 apply. Any equipment shelter or cabinet and other ancillary equipment is subject to the site development standards of SMC 17C.355.040.

Section 17C.355.060, Permitted Collocations and Attachments  
Wireless Communication Antenna Arrays—Permitted

A. To the extent not otherwise covered by Chapter 17C.356 (Eligible Facilities Requests), new wireless communication antenna arrays are permitted in all zones provided that they are attached to or inside of an existing structure (except on the exterior of pole signs or anywhere on a billboard) that provides the required clearances for the array's operation without the necessity of constructing a tower or other apparatus to extend the antenna array more than fifteen feet above the structure.

B. Installation requires Type I approval and the granting of development permits prescribed by chapters 17G.010 and 17G.060 SMC.

C. For arrays on City-owned property, the execution of necessary agreements is also required.

D. However, if any support structure must be constructed to achieve the needed elevation or if the attachment adds more than 15 feet above the existing structure, the provisions of SMC 17C.355.XXX (Wireless Communication Support Towers) apply.

E. Any equipment shelter or cabinet and other ancillary equipment is subject to the site development standards of SMC 17C.355.XXX.040.

F. Distributed Antenna Systems and Small Cells.

1. Distributed Antenna Systems (DAS) networks and other small cell systems use components that are a small fraction of the size of macrocell deployments, and can be installed with little or no impact on utility support structures, buildings, and other existing structures. As such, these systems are allowed in all land use zones, regardless of the siting preferences listed in SMC 17C.355.050.

2. DAS and small cells are subject to approval via Type I administrative review only.

3. Multiple Site DAS and Small Cells.

a. A single Type I or II permit may be used for multiple distributed antennas that are part of a larger overall DAS network.

b. A single Type I or II permit may be used for multiple small cells spaced to provide wireless coverage of a contiguous area.

Section 17C.355.070 Regulations for Facilities Subject to a Conditional Use Permit

A. Conditional use permit application materials.

Formatted: Font: (Default) Arial, 10.5 pt

Formatted: Font: (Default) Arial, 10.5 pt

Formatted: Font: (Default) Arial, 10.5 pt

Formatted: Font: (Default) Arial, 10.5 pt

Formatted: Font: (Default) Arial, 10.5 pt

Formatted: Font: (Default) Arial, 10.5 pt

Formatted: Font: (Default) Arial, 10.5 pt

Formatted: Font: (Default) Arial, 10.5 pt

Formatted: Font: (Default) Arial, 10.5 pt

Formatted: Font: Arial, 10.5 pt

1. Site plans. Complete and accurate construction-quality plans drawn to scale, prepared, signed and sealed by a Washington-licensed engineer, land surveyor and/or architect, including (1) plan views and all elevations before and after the proposed construction with all height and width measurements called out; (2) a depiction of all proposed transmission equipment; (3) a depiction of all proposed utility runs and points of contact; and (4) a depiction of the leased or licensed area with all rights-of-way and/or easements for access and utilities in plan view.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5", Tab stops: 0.5", Left + 1", Left

2. Visual analysis. A visual analysis that includes (1) scaled visual simulations that show unobstructed before-and-after construction daytime and clear-weather views from at least four angles, together with a map that shows the location of each view angle; (2) a color and finished material palate for proposed screening materials; and (3) a photograph of a completed facility of the same or similar design and in roughly the same setting as the proposed WCF, or a statement that no such completed facility exists.

Formatted: Indent: Left: 0", Hanging: 1.25", Tab stops: 0.5", Left + 1", Left

Formatted: Font: Italic

3. Statement of Purpose. A clear and complete written Statement of Purpose shall minimally include: (1) a description of the technical objective to be achieved; (2) a to-scale map that identifies the proposed site location and the targeted service area to be benefited by the proposed project; ~~(3) the estimated number of users in the targeted service area;~~ and (3) full-color signal propagation maps with objective units of signal strength measurement that show the applicant's current service coverage levels from all adjacent sites without the proposed site, predicted service coverage levels from all adjacent sites with the proposed site, and predicted service coverage levels from the proposed site without all adjacent sites.

Formatted: Font: Italic

4. Design justification. A clear and complete written analysis that explains how the proposed design complies with the applicable design standards under this Chapter to the maximum extent feasible. A complete design justification must identify all applicable design standards under this Chapter and provide a factually detailed reason why the proposed design either complies or cannot feasibly comply.

Formatted: Font: Italic

5. Alternative sites analysis. If a proposed location is not the highest priority listed above, then a detailed explanation justifying why a site of higher priority was not selected must be submitted with the WCF application. A clear and complete written alternative site analysis that shows at least five (5) technically feasible and potentially available alternative sites considered, together with a factually detailed and meaningful comparative analysis between each alternative candidate and the proposed site that explains the substantive reasons why the applicant rejected the alternative candidate, for reasons including, but not limited to, preclusion by structural limitations; inability to obtain authorization by the owner of an alternative location; failure to meet the service objectives of the applicant [THIS IS STILL BEING DISCUSSED]; failure to meet other engineering requirements for such things as location, height and size; and/or being a more intrusive location despite the higher priority in this Chapter. A complete alternative sites analysis may include less than five (5) alternative sites so long as the applicant provides a factually detailed written rationale for why it could not identify at least five (5) technically feasible and potentially available alternative sites.

Formatted: Font: Italic

[Jake wants to add a new No. 6 – Alternative technologies analysis. A clear and comprehensive written analysis of the ability to use DAS or small cell technology to address the applicant's needs. – This is still being discussed]

6. Radio frequency emissions compliance report. A written report, prepared, signed and sealed by a Washington-licensed professional engineer or a competent employee of the applicant, [whether the rest of this No. 6 remains is still being discussed] which assesses whether the proposed WCF demonstrates compliance with the exposure limits established by the FCC using the Uncontrolled/General Population standard. The report shall also include a cumulative analysis that accounts for all emissions from all WCFs located on or adjacent to the proposed site, identifies the total exposure from all facilities and demonstrates planned compliance with all maximum permissible exposure limits established by the FCC. The report shall include a detailed description of all mitigation measures required by the FCC.

Formatted: Font: Italic

7. Structural analysis. A structural analysis, prepared, signed and sealed by a Washington-licensed professional engineer, which assesses whether the proposed wireless communication facility demonstrates planned compliance with all applicable building codes will be required with the application for building permit.

Formatted: Font: Italic

8. Noise study. A noise study, prepared, signed and sealed by a Washington-licensed engineer, for the proposed WCF and all associated equipment in accordance with Spokane Municipal Code \_\_\_\_\_, which shall include without limitation all environmental control units, sump pumps, temporary backup power generators and permanent backup power generators. The noise study shall include without limitation the manufacturers' specifications for all noise emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines.

Formatted: Font: Italic

9. Collocation consent. A written statement, signed by a person with the legal authority to bind the applicant and the project owner, which indicates whether the applicant is willing to allow other transmission equipment owned by others to collocate with the proposed wireless communication facility whenever technically and economically feasible and aesthetically desirable.

Formatted: Font: Italic

10. Other published materials. All other information and/or materials that the City may, from time to time, make publically available and designate as part of the application requirements.

Formatted: Font: Italic

[Meridee to propose language in lieu of the next paragraph below. This paragraph below will be moved to another location in this document.]

Formatted: Indent: Left: 1"

[If the proposed location is not the highest priority listed above, then a detailed explanation justifying why a site of higher priority was not selected must be submitted with the WCF application. Any application seeking approval to locate a WCF in a lower-ranked location may be denied unless the applicant demonstrates to the satisfaction of the City by technically sufficient proof that (a) a significant gap in the provider's service exists, and (b) that the proposed WCF is the least intrusive means visually to close the significant gap, and (c) no feasible alternative exists to close the significant gap by the installation of one or more other WCFs.]

Formatted: Indent: Left: 0", Hanging: 1", Tab stops: Not at 1.25"

B. Applicable criteria for conditional use permit approval. In addition to all the guidelines and standards contained in this section, the Hearing Examiner may specifically consider the following factors in determining whether to issue a conditional use permit, although the Hearing Examiner may waive or reduce the burden on the applicant of one (1) or more of these criteria if the Hearing Examiner concludes that the goals of this chapter are better served by the waiver: [This paragraph is still under discussion including use of the word "criteria"]

1. Height above ground level of the proposed facility, taking into consideration the permitted maximum height in the applicable zone;
2. Proximity of the facility to residential structures and residential district boundaries;
3. Nature of uses on adjacent and nearby properties;
4. Surrounding topography;
5. Surrounding tree coverage and foliage;
6. Design of the facility, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
7. Proposed ingress and egress;
8. Availability of existing facilities for collocation and other existing structures; and
9. Alternative sites listed by the applicant.

C. Allowed by Conditional Use Permit. The following wireless communication support towers require granting of a conditional use permit:

1. For residential, OR and NR zones, towers up to sixty feet that are ~~outside within~~ the right-of-way, ~~that do not use s~~ Stealth technology design is required in these zones.
2. For residential, OR and NR zones, towers up to sixty feet that are outside the right-of-way when they use stealth design.
23. For downtown, GC, or industrial zones, towers that are within three hundred feet of a residential zone.
34. The notification boundary shall be extended to all properties within ~~six five~~ hundred feet of the subject parcel. The hearing examiner shall utilize the decision criteria prescribed in SMC 17G.060.170. Administrative review shall also be based on review criteria from this section. Towers are subject to the site development standards of SMC 17C.355.040\_\_\_.
5. Macrocells. The installation of a new macrocell WCF in a residential zone will not be allowed unless the applicant first demonstrates that the use of either DAS or small cells will not close a significant gap in service coverage through engineering analysis certified by a professional engineer licensed in the State of Washington specializing in radio frequency engineering or that suitable locations for DAS or small cell deployment are not available.
6. Use of cell tower sites within any residential zone is strongly disfavored in order to protect residential aesthetics. Cell tower siting within residential zones is allowed only if it is technically and economically proven that no alternate site or design in another zone can feasibly close a significant gap in the radio frequency coverage of the project applicant using the least intrusive means to close that gap from any other zone.

Formatted: Indent: Left: 0.5", Hanging: 0.5"

Formatted: Indent: Left: 0.5", Hanging: 0.5"

D. Public Notice. Applicants of all conditional use permits for WCFs must provide prompt public notification upon submitting an application according to the following:

1. As part of the initial application, the applicant must include, with all other application documents, a list of all parcel numbers for all parcels located within 500 feet of the proposed WCF site. This list shall also include the addresses associated with the parcel's physical location and the address for the registered property owner.

2. The City shall provide the applicant with a public notification letter at the time of application submission. The provider shall select the photograph and photo simulation combination that depicts the largest visual impact of the WCF at the time of application. The provider may select more than one photograph and photo simulation combination to accurately depict the visual impact in the public notification.

3. Within 10 days of submitting an application, the applicant must provide public notification through mailing copies of the notification letter and selected color photograph and color photo simulation combination(s) to both residents and owners of all parcels within 500 feet of the proposed WCF site. Applicant must pay for all mailing costs, and include in the mailing a pre-addressed envelope and form that may be used for comments. This form is not required to be used by those submitting comments. A statement attesting that this requirement has been met must be submitted by the applicant no later than 15 days after submitting the application.

4. While comments from both official agencies and the public shall be accepted throughout the entire application process, including all appeals, a minimum of 15 days shall be provided for comments from the date the public notification statement is submitted to the City. This 15-day comment period shall in no way prevent the City from reviewing the application during this time.

5. If the City intends to approve the application and grant a permit to the applicant, notification must be mailed to every individual, entity, or agency who submitted a written comment. Notification must be mailed a minimum of 15 days prior to the issuance of a permit so that those who submitted comments may be provided adequate time to appeal any such decision.

E. Construction Drawings. A complete set of construction documents including drawings and specifications for all aspects of work being performed shall be provided as part of all WCF conditional use applications. Each drawing shall be signed and sealed by a licensed professional engineer, architect and land surveyor as required in the State of Washington.

F. Visual Impact Analysis. All WCF conditional use applications shall include sufficient documentation for the evaluation of the visual impact for the installation. The applicant shall include the following documentation in both paper and digital format:

1. Color photographs of the existing site from four different directions as will be visible from the closest public streets, alleys, or pedestrian walkways.

2. A key map must be provided noting where each photograph was taken with an angle arrow pointing to the WCF site.

3. Color photo simulations showing the proposed WCF in its completed state, including all visible components including, but not limited to, all wires, cables, cabinets and all

Formatted: Indent: Left: 0.5", Hanging: 0.5"

Formatted: Indent: Left: 0.5"

Formatted: Indent: Left: 0.5", Hanging: 0.5"

Formatted: Indent: Left: 0.5"

Formatted: Indent: Left: 0.5", Hanging: 0.5"

Formatted: Indent: Left: 0.5"

Formatted: Indent: Left: 0.5", Hanging: 0.5"

Formatted: Indent: Left: 0", First line: 0"

Formatted: Indent: Left: 0.5", Hanging: 0.5"

Formatted: Indent: Left: 0.5", Hanging: 0.5"

other above-ground elements of the WCF, shall be provided from the same location and perspective as each color photograph.

4. A site development plan shall be submitted showing at a minimum the location, size, screening and design of all WCF structures and enclosures, including fences, and the location, number, and species of all proposed landscaping.

5. At the City's discretion, an on-site mock-up may be required for WCFs proposed in or adjacent to any residential zone, or in any sensitive areas to allow for adequate assessment of the WCF's visual impact.

G. RF Justification. As part of a WCF conditional use permit review process, the applicant shall provide a RF technical analysis performed by a professional engineer licensed in the State of Washington specializing in RF engineering that states that the proposed WCF will be in compliance with FCC Uncontrolled/General Population guidelines and standards.

17C.355.080 General Requirements for WCFs

[A and B were moved to here from .050 and will be reviewed by Meridee.]

A. Collocation.

1. The City encourages deployments on existing towers and structures rather than entirely new towers in recognition that collocations almost always result in less impact or no impact.

2. Collocation on existing towers, structures and WCFs are subject to approval via administrative review only.

B. Distributed Antenna Systems and Small Cells.

1. Distributed Antenna Systems (DAS) networks and other small cell systems use components that are a small fraction of the size of macrocell deployments, and can be installed with little or no impact on utility poles, buildings, and other existing structures. As such, these systems are encouraged in all land use zones.

2. DAS and small cells are subject to approval via administrative review only.

3. Multiple Site DAS and Small Cells.

a. A single administrative permit may be used for multiple distributed antennas that are part of a larger overall DAS network.

b. A single administrative permit may be used for multiple small cells spaced to provide wireless coverage of a contiguous area.

C. Visual Impact. WCFs, including equipment enclosures, shall be sited and designed to minimize adverse visual impacts on surrounding properties and the traveling public to the greatest extent possible, consistent with the proper functioning of the WCF. WCFs and equipment enclosures shall be integrated through location and design to blend in with the existing characteristics of the site. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized.

D. WCF construction shall be consistent with the design standards of the zoning district in which it is located.

Formatted: Indent: Left: 0.5", Hanging: 0.5"

Formatted: Indent: Left: 0.5", Hanging: 0.5"

Formatted: Indent: Left: 0", Hanging: 0.5"

Formatted: Indent: Left: 0", Hanging: 1.25", Tab stops: 0.5", Left + 1", Left + 1.25", Left + 1.5", Left + 1.75", Left

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Bold, Italic

Formatted: Indent: Left: 0", Hanging: 0.5"

Formatted: Indent: Left: 0", Hanging: 0.5"

- E. Stealth and concealment techniques. All new facilities and substantial changes to existing facilities shall include appropriate stealth and concealment techniques given the proposed location, design, visual environment and nearby uses and structures. All ground-mounted outdoor transmission equipment and associated enclosures or shelters shall be screened with concrete walls not less than six (6) feet above ground. All wires, cables and any other connections shall be completely concealed from public view to the maximum extent feasible. Stealth and concealment techniques do not include incorporating faux-tree designs of a kind substantially different than the surrounding live trees.
- F. Landscaping. All facilities shall include a landscaped buffer at least four (4) feet wide outside the perimeter of the ground-mounted equipment. All landscaping shall be maintained in accordance with this chapter. The Plan Commission may increase, reduce or waive the required landscaping when it finds that a different requirement would better serve the public interest.
- G. Height Requirements. The height of a WCF or an attached WCF shall not exceed the greater of (1) the maximum building height allowed for the underlying zoning district or (2) the height of the structure to which it is attached or which it replaces; provided, that in no event shall the WCF add more than 15 feet of height to the existing structure.
- H. Noise. At no time shall transmission equipment or any other associated equipment (including, but not limited to, heating and air conditioning units) at any wireless communication facility emit noise that exceed the applicable limit(s) established in the Code.
- I. Signage. No facilities may bear any signage or advertisement(s) other than signage required by law or expressly permitted/required by the City.
- J. Code compliance. All facilities shall at all times comply with all applicable federal, State and local building codes, electrical codes, fire codes and any other code related to public health and safety.
- K. Aesthetics. WCFs shall use the smallest, least visually intrusive configuration, including, but not limited to, antennas, components and other necessary WCF-related equipment and enclosures. The applicant shall use all reasonable means to conceal or minimize the above-ground visual impacts of the WCF through integration or underground construction for the base station. Integration with existing structures or among other existing uses shall be accomplished through the use of architecture, landscape and siting solutions.
- L. Equipment and Installation Standards.
1. All equipment shall be located or placed underground to the maximum extent feasible.
  2. When equipment enclosures cannot be located inside of existing buildings or underground, they shall be (a) designed to blend in with existing surroundings, using compatible or neutral colors and/or vegetative or other screening at least as tall as the enclosure; (b) consistent with relevant design standards for the underlying zoning district; and (c) located so as to be unobtrusive as possible consistent with the proper functioning of the WCF.
  3. The applicant shall submit installation standards for the visible equipment, including that which will be camouflaged. This will include at a minimum images and

dimensions drawings of all transmission equipment, typical installation details and the types of structures to which equipment will be attached.

M. Guidelines and standards specific to base stations.

1. All transmission equipment shall be concealed within existing architectural features to the maximum extent feasible.
2. All new architectural features proposed to conceal the transmission equipment shall be designed to mimic the existing underlying structure, shall be proportional to the existing underlying structure and shall use materials in similar quality, finish, color and texture as the existing underlying structure.
3. All transmission equipment shall be mounted at the lowest height and set back from all roof edges to maximum extent feasible.

N. Guidelines and standards specific to facilities in the public rights-of-way.

1. Preferred locations. Facilities shall be located as far from residential uses as feasible, and on main corridors and arterials to the extent feasible. Facilities in the rights-of-way shall maintain at least a two hundred (200) foot setback from other facilities, except when collocated or on opposite sides of the same street.
2. Pole-mounted or tower-mounted equipment. All pole-mounted and tower-mounted transmission equipment shall be mounted as close as possible to the tower so as to reduce the overall visual profile to the maximum extent feasible. All pole-mounted and tower-mounted transmission equipment shall be painted with flat, non-reflective colors that blend with the visual environment.

Section 17C.355.90 Maintenance

- A. All wireless communication facilities must comply with all standards and regulations of the FCC and any other State or federal government agency with the authority to regulate wireless communication facilities.
- B. The site and the wireless communication facilities, including all landscaping, fencing and related transmission equipment must be maintained at all times in a neat and clean manner and in accordance with all approved plans.
- C. All graffiti on wireless communication facilities must be removed at the sole expense of the permittee within forty-eight (48) hours of notification by the public to the City.
- D. A wireless communication facility located in the public right-of-way may not unreasonably interfere with the use of any City property or the public right-of-way by the City, by the general public or by other persons authorized to use or be present in or upon the public right-of-way. Unreasonable interference includes disruption to vehicular or pedestrian traffic, and interference with any other City or public utilities.
- E. If any FCC, State or other required license or any other approval to provide communication services is ever revoked as to any site permitted or authorized by the City, the permittee must inform the City of the revocation within ten (10) days of receiving notice of such revocation.

Formatted: Tab stops: 0.75", Left + Not at 1.25"

Formatted: Indent: Left: 0", Hanging: 1", Tab stops: 0.75", Left + Not at 1.25"

Formatted: Tab stops: 0.75", Left + Not at 1.25"

Formatted: Indent: Left: 0", Hanging: 1", Tab stops: 0.75", Left + Not at 1.25"

Formatted: Tab stops: 0.75", Left + Not at 1.25"

Formatted: Indent: Left: 0", Hanging: 1", Tab stops: 0.75", Left + Not at 1.25"

Formatted: Tab stops: 0.75", Left + Not at 1.25"

Formatted: Font: Italic

Formatted: Font: Italic



### Section 17C.355.100 Ownership Transfers

Upon transfer of an approved wireless communication facility or any rights under the applicable permit or approval, the permittee of the facility must within thirty (30) days of such transfer provide written notification to the City of the date of the transfer and the identity of the transferee. The City may require submission of any supporting materials or documentation necessary to determine that the facility is in compliance with the existing permit or approval and all of its conditions including, but not limited to, statements, photographs, plans, drawings and analysis by a qualified engineer demonstrating compliance with all applicable regulations and standards of the City, FCC and State.

### Section 17C.355.110 Exception from Standards

Notwithstanding the provisions of this Chapter, one or more specific exceptions to the standards contained within this Chapter may be granted if a denial would prohibit or have the effect of prohibiting the provision of wireless communications services by the applicant. As such, the City may grant special permission or exception, on such terms as the City may deem appropriate, in cases where the City determines that the grant of the special permission is necessary to comply with State and federal law or regulations and where the applicant shows that no other location or combination of locations in compliance with this Chapter can provide comparable communications. Prior to the issuance of an exception, the applicant shall be required to submit to the City a written explanation setting forth evidence that the location or locations and the design of the facility is necessary to close a significant gap in service coverage, that there is no feasible alternate location or locations, or design, that would close a significant gap or to reduce it to less than significant, and that the facility is the least intrusive means to close a significant gap or to reduce it to less than significant in service. Exceptions shall be subject to the review and approval of the Plan Commission. The burden is on the applicant to prove significant gaps and lease intrusive means as required herein.

### Section 17C.355.030120 Wireless Communication Support Towers – Permitted

#### A. By Type II Permit.

1. Wireless communication support towers are allowed in downtown, GC, and industrial zones if the tower compound, or tower with a remote equipment station, is located at least ~~three five~~ hundred feet from the nearest existing residential zone. Such towers are also allowed on City-owned property if the tower compound is located at least ~~three five~~ hundred feet from a residential zone. Installation requires only the granting of development permits prescribed by chapter 17G.010 SMC and chapter 17G.060 SMC, and if on City-owned property, the execution of necessary agreements. Towers are subject to the site development standards of SMC 17C.355.040\_\_\_\_. Any regulation of wireless communication facilities in the right-of-way shall ~~require approval of the developer services, engineering services~~ involve review by the planning department as well as review by the city attorney's office.
2. Wireless communication support towers are allowed in the following zones by an administrative decision, provided that the tower employs ~~low visual impact technology stealth design~~ or some other ~~technology configuration~~ that may become available in the future that renders the antenna array unobtrusive or generally unnoticeable:
  - a. ~~Residential and O and OR~~ zones within the right-of-way of principal and minor arterials; provided, that the maximum height of the tower including the antenna is sixty feet in height or less.

- b. ~~NR and~~ NMU zones, provided that the maximum height of the tower including the antenna is sixty feet in height or less; and
  - c. CB and GC zones, provided that the maximum height of the tower including the antenna is seventy feet in height or less.
3. Wireless communication support towers are also allowed in ~~residential and~~ O ~~and~~ OR zones outside of rights-of-way when they utilize stealth ~~technology design~~, to a maximum height of sixty feet.
  4. Installation requires only the granting of development permits prescribed by chapter 17G.010 SMC and chapter 17G.060 SMC, and if on City owned property the execution of necessary agreements. Towers are subject to the site development standards of SMC 17C.355.040 \_\_\_\_\_. ~~Any regulation of wireless communication facilities in the right-of-way shall require approval of the developer services, engineering services department as well as review by the city attorney's office.~~
  5. The applicant shall inform all property owners or residents within ~~four five~~ hundred feet of a proposed facility by letter that a structure is proposed at least fifteen days prior to the City of Spokane issuing a building permit. The notification shall be conducted as provided in SMC 17G.060.120 for a Type I permit and the applicant shall provide the City with a declaration of mailing prior to the issuance of a building permit.

B. General Provisions for All Facilities. Wireless communication support towers may be approved provided that they meet the criteria in Table A.1 or Table A.2, and the following provisions:

1. Requirement for FCC Documentation. The applicant shall provide a copy of:
  - a. its documentation for FCC license submittal or registration, ~~and or~~
  - b. the applicant's FCC license or registration.
2. Requirement for Municipal Master Permits for Right-of-way Facilities. For facilities to be located within the right-of-way, prior to submitting for individual applications, the applicant must have a valid municipal master permit, municipal franchise, or exemption otherwise granted by applicable law.
3. Requirement for Documentation of Visual Simulation. The applicant shall have performed and provided documentation of a visual simulation of the site plan. The documentation shall include photographs of the site.
4. Site Design Flexibility. Individual ~~antenna WCF~~ sites vary in the location of adjacent buildings, existing trees, topography and other local variables. By mandating certain design standards, there may result a project that could have been less intrusive if the location of the various elements of the project could have been placed in more appropriate locations within a given site. Therefore, the antenna array and supporting equipment shall be installed so as to best camouflage, disguise or conceal them, to make the equipment compound more closely compatible with and blend into the setting and/or host structure.
5. Prohibition for Logos, ~~Signs, or~~ Displays. No logo, ~~sign~~ or display shall be located on any antenna array or support structure.

~~6. Requirement for Antenna Compound Fencing.~~

~~The use of fencing is not required, but if installed shall meet the requirements of SMC 17C.355.040. The use of barbed wire is not allowed except as specified under SMC 17C.120.310(D)(1). Razor or concertina wire is not allowed.~~

Formatted: Bullets and Numbering

- 7.6. Requirement for Materials for Replacement Poles. In such instances where a new facility that is allowed by an administrative permit is to be achieved by changing out an existing pole, the replacement pole shall be of the same material, e.g., wood for wood, metal for metal. However, in order to achieve the lowest visual impact, the provisions of subsection (C\_)(4\_) of this section, Site Design Flexibility, should be applied.

Formatted: Bullets and Numbering

~~Date Passed: Monday, July 23, 2012~~

~~Effective Date: Thursday, August 30, 2012~~

~~ORD C34888 Section 23~~

Section 17C.355.040130 Wireless Communication Facilities Site Development Standards

A. Tower Sharing. New facilities must, to the maximum extent feasible, collocate on existing towers or other structures to avoid construction of new towers, unless precluded by structural limitations, inability to obtain authorization by the owner of an alternative location, or where an alternative location will not meet the service coverage objectives of the applicant. Requests for a new tower must be accompanied by evidence that application was made to locate on existing towers or other structures, with no success; or that location on an existing tower or other structure is infeasible.

Formatted: Indent: Left: 0", Hanging: 0.5"

B. Visibility.

- 1. WCFs shall be configured and located in a manner that shall minimize adverse effects including visual impacts on the landscape and adjacent properties and shall be maintained in accordance with the requirements of this Chapter.
- 2. WCFs shall be designed to either resemble the surrounding landscape and other natural features where located in proximity to natural surroundings, or be compatible with the urban, built environment, through matching and complimenting existing structures and specific design considerations such as architectural designs, height, scale, color and texture.

Formatted: Indent: Left: 0.46", Hanging: 0.29"

Formatted: Indent: Left: 0.46", Hanging: 0.29"

Formatted: Indent: Left: 0.5", Hanging: 0.5"

Formatted: Indent: Left: 0.46", Hanging: 0.29"

Formatted: Indent: Left: 0", Hanging: 1", Tab stops: 0.5", Left

4.C. Structural and Other Assessments. The owner of a proposed freestanding WCF tower shall have a structural assessment of the tower conducted by a professional engineer, licensed in the State of Washington. The owner shall submit the structural assessment report required by this subsection, signed by the engineer who conducted the assessment to the Plan Department by February 1st every third year from the date of the issuance of the building permit. At the request of the City, the owner of a proposed freestanding WCF tower shall also have a grading, drainage and environmental review, power systems review and HVAC review performed by professional engineers licensed in the State of Washington.

Formatted: Indent: Left: 0", Hanging: 0.5"

Formatted: Bullets and Numbering

D. Landscaping and Screening

- 2-1. Wireless communication support structure bases, when fenced (compounds), or large equipment shelters (greater than three feet by three feet by three feet), shall be

Formatted: Indent: Left: 0.5", Hanging: 0.5"

Formatted: Bullets and Numbering

landscaped following the provisions of this section. In all residential, O, OR, NR, NMU, CB and GC, and other commercial zones, landscaping shall consist of a six-foot wide strip of L2 landscaping, consisting of eighty percent evergreen trees and shrubs. At the time of planting, evergreen trees shall be a minimum of fourteen feet in height, deciduous trees shall be a minimum of three-inch caliper (measured at four feet above the root ball), and shrubs shall have a minimum spread of eighteen to twenty-four inches.

- 3.2. If fencing is installed, it shall consist of decorative masonry or wood fencing and is limited in height to six feet. Chain link, barbed wire, razor or concertina wire is not allowed in residential, O, OR, NR, NMU, CB, GC and other commercial zones. No electrified fences are permitted in any zone.
3. In industrial zones other than limited or design zones or on sites that do not adjoin a residential, O or OR zone, landscaping shall be provided as required for the zone in which located.

Formatted: Bullets and Numbering

#### E. Design Compatibility and Lighting

1. Antenna arrays and supporting electrical and mechanical equipment shall be installed so as to camouflage, disguise or conceal them to make them closely compatible with and blend into the setting and/or host structure.
2. For new wireless communication support towers, only such lighting as is necessary to satisfy FAA requirements is permitted. All FCC-required lighting shall use lights that are designed to minimize downward illumination. Security lighting for the equipment shelters or cabinets and other on-the-ground ancillary equipment is also permitted as long as it is down shielded to keep light within the boundaries of the site. Motion detectors for security lighting are encouraged required in residential, O and OR zones or adjacent to residences.

F. Setback Requirements. See Table A.1 for setback requirements for towers and support structures. All equipment shelters, cabinets or other on-the-ground ancillary equipment shall be buried or meet the setback requirement of the zone in which located. The minimum side setback from the lot line for a WCF support structure must be equal to the height of the proposed WCF structure. In all instances, a support tower shall set back a minimum of thirty feet from a residential structure.

G. Use of Stealth Technology Design and the Co-location Collocation of Antenna and Arrays. It is the policy of the City of Spokane to minimize the number of wireless communication support towers and to ensure that all reasonable efforts are made to obscure these support towers from view. As such, as a condition of the granting of the conditional use permit by the hearing examiner or as a part of the application for an administrative permit, the petitioner or applicant as the case may be, shall make an affirmative showing as to why they are not employing stealth technology design, or at least proposing a low visual impact facility, and what efforts were made or negotiations undertaken to co-locate collocate the antenna arrays of more than one wireless communication service provider on a single support tower. In addition, the City will pursue all reasonable strategies to promote co-location collocation and the use of stealth technology design and will act as facilitator to bring about co-location collocation agreements between multiple wireless communication service providers.

#### 17C.355.140 Discontinuation of Use

A. Any wireless communication facility that is no longer needed and its use is discontinued shall be reported immediately by the service provider to the planning director. Discontinued facilities shall be completely removed within six months and the site restored to its pre-existing condition.

Formatted: Indent: Left: 0", Hanging: 0.5"

B. If the facility is not removed within the six month period, the City may remove the facility at the permittee's, facility owner's or landowner's expense.

C. If there are two (2) or more users of the permitted facility, this provision shall not become effective until all applicable permits have expired or have terminated or all users cease using the wireless tower.

D. As a condition of approval for permit issuance, the applicant shall provide a separate demolition bond for the duration of the permit, and in the form and manner of surety as determined by the City and approved as to form by the City Attorney, with provision for inspection and City removal of the facility in the event of failure to perform by the responsible parties.

E. Liability for Failure to Remove. In the event the City removes an abandoned or unused WCF, upon the failure of the operator or owner to do so in a timely manner, the operator and owner shall be jointly and severally liable for the payment of all costs and expenses the City incurs for the removal of the facilities, including legal fees and costs.

B.17C.355.150 Electromagnetic Field/Radio-frequency Radiation and other Standards Submittal

Formatted: Bullets and Numbering

At the time of application for ~~building a~~ permit, the ~~proponent~~ applicant shall provide the City of Spokane with copies of the approved FCC permit application or license, a visual impact analysis, or other visual representation, and all supporting documents.

17C.355.160 Spacing of Antenna Support Structures

1-A. In Residential, O, OR, NR and NMU Zones. Towers that are allowed ~~by administrative permit~~ in residential, O, OR, NR and NMU zones shall maintain a minimum spacing of one-half mile, unless it can be demonstrated that physical limitations (such as topography, terrain, tree cover or location of buildings) in the immediate service area prohibit adequate service by the existing facilities.

Formatted: Bullets and Numbering

2-B. In All Other Zones. No new wireless communication support towers over sixty feet in height may be constructed within one-half mile of an existing support tower unless it can be demonstrated to the satisfaction of the City or hearing examiner that the existing support tower is not available for ~~co-location~~ collocation of an additional wireless communication facility, or that its specific location does not satisfy the operational requirements of the applicant.

Formatted: Bullets and Numbering

17C.355.170 As-Built Submittal and Final Permit Release

Formatted: Font: Not Bold

A. All WCF permits require that the applicant submit as-built photographs in both paper and digital format of the WCF within 30 days of the completion of the WCF installation, visually detailing all of the installed equipment. Said photographs will be used in conjunction with physical site inspection to substantiate compliance with the approved plans and photo simulations. A permit will only be granted upon satisfactory evidence the WCF was installed in compliance with the approved plans and photo simulations.

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Indent: Left: 0", Hanging: 0.5"

B. Complaints. If any complaints are received by the City either during construction or within 30 days of the completion of the WCF installation, the City shall fully and promptly investigate the complaint to ensure compliance with approved plans, photo simulations, equipment, and standards.

Formatted: Indent: Left: 0", Hanging: 0.5"

C. Failure to Comply

1. If it is found that the WCF installation does not comply with the approved plans, photo simulations, equipment, and standards, the applicant immediately shall make any and all such changes required to bring the WCF installation into compliance.

Formatted: Indent: Left: 0.5", Hanging: 0.5"

2. There shall be no waiver of approved plans or photo simulations under any approved permit. The applicant must choose one of two courses of action:

Formatted: Indent: Left: 0.25"

Formatted: Indent: Left: 0.5", Hanging: 0.5"

a. Apply for a new permit for the installation. Any new permit shall follow all of the requirements and process noted herein.

b. Completely remove the WCF installation and return the site to its original condition.

Formatted: Indent: Left: 1", Hanging: 0.5"

17C.355.180 Indemnification

Formatted: Font: Not Bold

Each permit issued shall have as a condition of the permit a requirement that the applicant defend, indemnify and hold harmless the City and its officers, agents, employees, volunteers, and contractors from any and all liability, damage, or charges (including attorneys' fees and expenses) arising out of claims, suits, demands, or causes of action as a result of the permit process, granted permit, construction, erection, location, performance, operation, maintenance, repair, installation, replacement, removal, or restoration of the WCF.

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Table A.1 New Wireless Communication Support Structures Criteria Facilities Allowed by Ministerial (Administrative) Permit						
Zone Category	Located in Public Right-of-way (ROW)	Maximum Tower Height	Low Visual Impact	Stealth Technology Design	Setback from Property Lines (does not apply within ROW)	Public Notification
All R, NMU & O & OR	Yes	60'	Required	Optional	N/A 20'	Yes
	No	60'	N/A	Required	20'	Yes
NR	Yes	60'	Required	Optional	N/A	Yes
	No	60'	Required	Optional	20'	Yes
CB & GC	Yes or No	70'	Required	Optional	20'	Yes
All DT*	Yes or No (allowed only if less than or equal to 70')	150' <u>Conflicting?</u>	Optional	Optional	20'	No
Industrial*	Yes or No (allowed only if less than or equal to 70')	150' <u>Conflicting?</u>	Optional	Optional	20'	No

\*Where located at least three hundred feet from a residential, O or OR zone.

[These two charts are still being discussed. Zones CC and CA will be added to R and NMU. If there are any other zones, they will need to be added as well. The following footnote – which needs to be discussed and modified - is going to be added: If an applicant wants to construct a tower in a residential zone or within 50' of a residential zone, then a Type III process and stealth are required. If an applicant wants to construct a tower within 51' – 150' of a residential zone, then a Type II process and stealth are required. If an applicant wants to construct a tower beyond 150' of a residential zone, then the review process is that which is required in the zone in which the tower is to be located.]

Table A.2 New Wireless Communication Support Structures Criteria Facilities Allowed by Discretionary Hearing Examiner Conditional Use Permit						
Zone Category	Located in Public Right-of-way (ROW)	Maximum Tower Height	Low Visual Impact	Stealth Technology Design	Setback from Property Lines (does not apply within ROW)	Public Notification and Public Hearing

All R, <u>NR</u> <u>O</u> & OR	<u>No/Yes</u>	60'	<u>Required</u>	<u>Optional/Required</u>	<u>20'</u> <u>Need to discuss</u>	<u>Yes/Yes</u>
All R, <u>NR</u> & OR	<u>No</u>	<u>60'</u>		<u>Required</u>	<u>Need to discuss</u>	<u>Yes/Yes</u>
<u>O</u>	<u>Yes or No</u>	<u>60'</u>		<u>Optional</u>	<u>20'</u>	<u>Yes/Yes</u>
<u>NR</u> & NMU	<u>Yes or No</u>	61' - 70'	<u>Required</u>	Optional	20'	<u>Yes/Yes</u>
CB & GC	<u>Yes or No</u>	71' - 90'	<u>Required</u>	Optional	20'	<u>Yes/Yes</u>

[For All R, O and OR, AT&T wants maximum tower height to be 60', except that up to 80' is allowed: (a) in the RMF, RHD, O and OR zones; and (b) for a stealth facility in all of the R zones.]

[For NR and NMU zones, AT&T wants stealth to be optional; provided that if stealth design is employed, the maximum height may increase by up to 90']

[For CB and GC zones, AT&T wants stealth to be optional; provided that if stealth design is employed, the maximum height may increase by up to 120']

Date Passed: Monday, July 23, 2012

Effective Date: Thursday, August 30, 2012

ORD C34888 Section 24

SECTION 3. Conflicts with Other Ordinances or Regulations. In the event that any City ordinance or regulation, in whole or in part, conflicts with any provisions in this Chapter, the provisions of this Chapter shall control.

SECTION 4. Severability. In the event that a court of competent jurisdiction holds any section, subsection, paragraph, sentence, clause or phrase in this Chapter unconstitutional, preempted or otherwise invalid, that portion shall be severed from this Chapter and shall not affect the validity of the remaining portions of this Chapter.

SECTION 5. This Ordinance shall become effective on the \_\_\_\_\_ ( ) day after its passage.

CITY OF SPOKANE, WASHINGTON

Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:

James Richman, Assistant City Attorney