

CITY OF ANACORTES

ORDINANCE NO. 3038

AN ORDINANCE OF THE CITY OF ANACORTES, WASHINGTON, ADOPTING A NEW CODE CHAPTER 19.68 ENTITLED “WIRELESS SERVICE FACILITIES”, REGULATING THE PLACEMENT AND FORM OF WIRELESS SERVICE FACILITIES, AND REPEALING ATTACHMENT A, CHAPTER 17.63 OF ORDINANCE NO. 2794

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

Section 1. Preamble.

1. WHEREAS, the Telecommunications Act, 47 U.S.C. § 332, preserves local government zoning authority over the placement, construction, and modification of personal wireless services.
2. WHEREAS, Washington state law preserves local governments’ ability to regulate the placement of wireless facilities through their local zoning or police power, under RCW 35.99.040.
3. WHEREAS, the City code does not currently provide for colocation of wireless facilities under Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. § 1455(a).
4. WHEREAS, the City code does not currently provide for zoning or aesthetic criteria, shot clocks, or colocation procedures for small wireless facilities under Federal Communications Commission Order No. FCC 18-133.
5. WHEREAS, the City code does not currently provide a State Environmental Policy Act exemption for certain wireless services facilities under WAC 197-11-800(25).
6. WHEREAS, the City finds that a substantial amount of time was spent by applicants (and the City) deciphering the siting requirements pertaining to wireless facilities under the City’s prior code section 17.68, and seeks to streamline the application and review process by enacting this new code section, 19.68.
7. WHEREAS, the City has received proposed changes to the new code section from citizens and agencies (including the City);
8. WHEREAS, the proposed new code section has been the subject of public hearings before the Planning Commission and subject to SEPA review;

9. WHEREAS, notice of the possible adoption of these changes has been provided to the State;
10. WHEREAS, the City Council has determined that it is in the best interest of the City to adopt a new code section that regulates the placement and form of wireless service facilities within the City of Anacortes and to repeal Chapter 17.63 of Attachment A, Ordinance No. 2794.

Section 2. Repealer.

Attachment A, Chapter 17.63, of Ordinance No. 2794, entitled “AN ORDINANCE OF THE CITY OF ANACORTES MUNICIPAL CODE ENTITLED “ZONING”, ADDING A NEW CHAPTER 17.27 ENTITLED “OLD TOWN OVERLAY DISTRICT,” AND REPEALING ORDINANCE 2776 ENTITLED “AN ORDINANCE ADOPTING INTERIM ZONING PROHIBITING MULTIFAMILY UNITS IN THE R3 ZONE, NORTH OF 12TH, EAST OF “D” AVENUE, AND WEST OF COMMERCIAL AVENUE DURING CALENDAR YEAR 2008” ” as codified at chapter 17.63 of the City code, is hereby repealed.

Section 3. New Chapter of AMC, 19.68.

A new chapter, 19.68 of the AMC, is adopted to read as follows:

WIRELESS SERVICE FACILITIES

Sections:

- 19.68.010 Purpose.
- 19.68.020 Applicability.
- 19.68.030 Definitions.
- 19.68.040 Permit required.
- 19.68.050 Substantial Change.
- 19.68.060 Non-Substantial Change.
- 19.68.070 Optional Pre-application.
- 19.68.080 Eligible Facilities Request applications.
- 19.68.090 Permit application – Small Wireless Facility.
- 19.68.100 Permit application – all other Wireless Facilities.
- 19.68.110 Permit approval process.
- 19.68.120 Permit review – general criteria.
- 19.68.130 Permit review – supplemental criteria for conditional uses.
- 19.68.140 Completeness review.
- 19.68.150 Timeframe for review.
- 19.68.160 Construction.
- 19.68.170 Appeals. 20
- 19.68.180 Prohibited Locations.
- 19.68.190 Permitted locations.
- 19.68.200 Visibility and performance standards.
- 19.68.210 Requirements for colocations.

19.68.220	Requirements for Non-Substantial Changes.
19.68.230	Maintenance of facilities.
19.68.240	Testing of facilities required – Radio-frequency (RF) emissions.
19.68.250	Testing of facilities required – Noise emissions.
19.68.260	Security fencing.
19.68.270	Abandonment of facilities.
19.68.280	Signs.
19.68.290	Lighting standards.
19.68.300	SEPA.

19.68.010 Purpose.

The purposes of this chapter are as follows:

- A. Establish development regulations consistent with the City’s Comprehensive Plan;
- B. Protect property values and promote tourism through protection of scenic vistas of the mountains, tree-covered hillsides, the waterfront, and tourist-related zones and areas;
- C. Facilitate the use of public property and structures for wireless service facilities to reduce the impact of such facilities upon residential and other property;
- D. Maintain the quality of life associated with the aesthetic character of the City’s surroundings;
- E. Provide adequate sites for locating wireless service facilities in areas where the adverse impact on the community is minimal;
- F. Provide facilities and infrastructure to provide wireless communications service to City residents, businesses, and others when in Anacortes;
- G. Encourage optimal colocation and sharing of new and existing facilities, and minimize the total number of towers throughout the community;
- H. Encourage use of most appropriate technology and prompt removal of outdated or abandoned wireless service facilities;
- I. Encourage the location of wireless service facilities upon alternative support structures;
- J. Require that the design of wireless service facilities incorporate camouflage, disguise, screening and concealment technology so that such facilities blend into their surroundings;
- K. Avoid the potential damage to adjacent properties from tower failure by engineering and careful siting of tower structure;
- L. Enhance the ability of the providers of wireless services to provide such services to the community quickly, effectively, and efficiently; and

M. Provide a level, nondiscriminatory competitive environment and thereby encouraging increased competition among providers of functionally equivalent wireless services.

19.68.020 Applicability.

- A. Except as otherwise provided herein, the placement of any wireless service facility at any location within the City is subject to the provisions of this chapter.
- B. The standards and process requirements of this chapter supersede all other review process and approval criteria, setback, height or landscaping requirements of this title.
- C. Except as provided herein, all wireless telecommunication service facilities must comply with the provisions of this chapter.

19.68.030 Definitions.

A. A definitions.

“Antenna” means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

B. B definitions.

“Base station” means 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” or any equipment associated with a Tower.

- 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.
- 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).
- The term includes any structure other than a tower that supports or houses equipment 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 such support.
- The term does not include any structure that does not support or house equipment for wireless telecommunications services.

C. C definitions.

“Camouflage” means a palette of techniques used to disguise, hide and conceal a wireless service facility from public view by blending its appearance into elements of the visual background. The term connotes the use of paint, landscaping, building materials and artificial screens in patterns that merge with the elements in the background environment.

“Colocation” for the purposes of Eligible Facilities Requests means the placement or installation of wireless facilities on existing structures that include a wireless facility or a wireless support structure, including water towers and other buildings or structures. The term includes the placement, replacement, or modification of wireless facilities within an approved equipment compound.

“Colocation” for the purpose of applications to site Small Wireless Facilities and other wireless facilities, excluding Eligible Facilities Requests, means:

- Mounting or installing an antenna facility on a pre-existing structure, and/or
- Modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

D. D definitions.

“Director” means the Director of Planning, Community, and Economic Development.

“Electrical transmission tower” means a structure that physically supports high voltage overhead power lines. The term does not include a utility pole.

E. E definitions.

“Eligible Facilities Request” or “EFR”. Any request for modification of an existing tower or base station that does not substantially change the physical dimension of such tower or base station, involving:

- Colocation of new transmission equipment;
- Removal of transmission equipment; or
- Replacement of transmission equipment.

“Eligible Support Structure.” Any tower or base station, provided that it exists at the time the relevant EFR application is filed with the state or local government.

“Equipment Cabinet” means an **enclosure that** is mounted above base flood elevation or placed on a concrete slab that contains improvements, personal property, and facilities to operate its wireless services including: radio receivers, transmitters, related facilities, and/or related cables and utility lines, location-based power sources, the electrical meter and any other necessary equipment.

“Equipment Shelter” means an enclosed structure, shed or box at the base of a mount to store improvements, personal property, and facilities to operate its wireless services including: radio

receivers, transmitters, related facilities, and/or cabinets, related cables and utility lines, location-based power sources, the electrical meter and any other necessary equipment.

“Existing.” Any tower or base station is existing for purposes of this chapter 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 permitted when it was built, but was lawfully constructed, is existing for purposes of this chapter.

F. F definitions.

“Facilities” means all of the towers, equipment, fixtures, antennas, equipment cabinets, equipment shelters, and other appurtenances necessary to furnish and deliver wireless services, including but not limited to utility poles and monopoles with cross arms or without cross arms, wires, lines, conduits, cables, communication and signal lines and equipment, braces, guys, anchors, vaults, and all attachments, appurtenances, and appliances necessary or incidental to the distribution and use of wireless services. Facilities include “Small Wireless Facilities” as defined below.

“FCC” or “Federal Communications Commission” means the federal agency, or its lawful successor, authorized to regulate and oversee wireless telecommunications carriers, services and providers.

G. G definitions.

H. H definitions.

I. I definitions.

J. J definitions.

K. K definitions.

L. L definitions.

“Lattice tower” means a type of mount that is self-supporting with multiple legs and cross bracing of structural steel.

M. M definitions.

“Monopole” means a type of mount that is self-supporting with a single shaft of wood, steel or concrete and a platform or racks for panel antennas arrayed at the top. A monopole includes self-supporting mounts that provide light (or light poles).

N. N definitions.

O. O definitions.

P. P definitions.

“Public street” means any highway, street, road, alley or other public way for motor vehicle travel within the city and under the jurisdiction and control of the city which has been acquired, established, dedicated or devoted to street purposes.

Q. Q definitions.

R. R definitions.

“Right(s)-of-way” means all public streets and associated property granted or reserved for, or dedicated to, public use for street purposes, together with public property granted or reserved for, or dedicated to, public use for walkways, sidewalks, bikeways and horse trails, whether improved or unimproved, including any air rights, subsurface rights or easements related thereto.

S. S definitions.

“Service provider” means every corporation, company, association, joint stock association, firm, partnership, person, city, town, or other legal entity owning, operating, or managing any facilities used to provide and providing wireless telecommunications services for hire, sale, or resale to the general public. Service provider includes the legal successor to any such corporation, company, association, joint stock association, firm, partnership, person, city, town, or other legal entity.

“Site” means the current boundaries of the leased or owned property surrounding the facility and any access or utility easements currently related to the site, and for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

“Small Wireless Facility” encompasses facilities that meet the following conditions:

The facilities—

- are mounted on structures 50 feet or less in height including their antennas,
- are mounted on structures no more than 10 percent taller than other adjacent structures, or
- do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;

Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet in volume;

All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;

The facilities do not require antenna structure registration under Federal law;

The facilities are not located on Tribal lands, where Tribal lands means all lands within the exterior boundaries of any Indian reservation and all dependent Indian communities; and

The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified under Federal law pertaining to wireless facilities.

“Stealthing” means designing facilities to be architecturally incorporated into the surrounding community’s environs while minimizing aesthetic impacts. Examples of stealthing include, but are not limited to, steeples, windmills, water towers, flag poles, light poles, or chimneys.

T. T definitions.

“Telecommunications” means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

“Tower” means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

“Transmission equipment” means equipment that disseminates information by wire, radio, optic cable, electromagnetic, or similar means for any FCC-licensed or authorized wireless telecommunication 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 telecommunications 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.

U. U definitions.

“Utility pole” means a pole privately owned or installed by a utility company for the purpose of electrical transmission.

V. V definitions.

W. W definitions.

“Wireless” means communications using radio frequency or optical emissions to complete one or more communications paths in whole or in part among originating and receiving points without other tangible physical connection, including without limitation, radio and unguided optical waves, and the apparatus used for such transmission.

“Wireless support structure” means a freestanding structure that is designed to support or is capable of supporting wireless facilities. The term does not include a utility pole, monopole, or tower.

“Wireless telecommunications service” or “wireless service” means the transmission of information by wire, radio, optic cable, electromagnetic, or similar means for hire, sale or resale

to the general public. For the purpose of this subsection, “information” means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. For the purpose of this chapter, wireless telecommunications service excludes the over-the-air transmission of broadcast television or broadcast radio signals and excludes “cable services,” “cable communications systems” and “CATV systems” as defined in Chapter 5.44.

19.68.040 Permit required.

A. New Facilities. A wireless service facility (WSF) permit or wireless conditional use permit (WCUP) is required prior to the site preparation, construction, or installation of any new wireless service facility. The permit required in each zone is specified in AMC 19.68.190.

B. Colocating Facilities. A wireless service facility (WSF) permit or wireless conditional use permit (WCUP) is required in every zone prior to the collocation of any wireless service facility and is required for modifications that qualify as a Substantial Change. Colocations involving modifications under subsection (C) below are exempt from this requirement.

C. Non-Substantial Change. A modification to an existing facility that involves the addition, removal, and/or replacement of transmission equipment that meets the criteria for a Non-Substantial Change as set forth in 19.68.060 must submit an Eligible Facility Request application. A WSF or WCUP will not be required for these types of modifications.

D. Substantial Change. A modification to an existing facility that involves the addition, removal, and/or replacement of transmission equipment that is a Substantial Change as defined in 19.68.050 is subject to the requirements for new facilities or colocations as applicable.

E. No wireless service facility permit may be issued under this chapter unless the applicant demonstrates compliance with the terms, conditions and performance standards set forth in this chapter. Any WCUP must also meet the criteria for said use permits set forth in Section 19.68.130.

F. A building permit is also required for any new wireless facility or collocating facility.

19.68.050 Substantial Change.

A. “Substantial Change” for purposes of this Chapter means a modification to an existing facility that meets any of the following criteria.

Criteria 1:

(1) For towers outside of public rights-of-way, if the modification increases the height of the tower by the greater of: (a) more than 10%, or (b) by the height of one additional antenna array, with separation from the nearest existing antenna not to exceed 20 feet; or

(2) For those towers in the rights-of-way and for all base stations, if the modification increases the height of the tower or base station by the greater of: (a) 10% or (b) 10 feet.

Criteria 2:

(1) For towers outside of public rights-of-way, if the modification involves adding an appurtenance to the body of the tower that protrudes from the edge of the tower the greater of: (a) 20 feet, or (b) the width of the tower structure at the level of the appurtenance; or

(2) For other eligible support structures, if the modification protrudes from the edge of the structure more than 6 feet;

Criteria 3:

(1) For any eligible wireless support structure, if the installation includes more than the standard number of new equipment cabinets, not to exceed 4; or

(2) For towers in the public rights-of-way and base stations, if the modification 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.

Criterion 4:

For any eligible support structure, if the modification entails any excavation or deployment outside the current site;

Criterion 5:

For any eligible support structure, if the modification defeats the existing concealment elements of the tower, base station, or any other wireless support structure.

Criterion 6:

For any eligible support structure, if the modification violates any of the conditions of approval (besides modification allowed under criteria #1-5 associated with prior approval(s)).

19.68.060 Non-Substantial Change.

A. “Non-substantial Change” means a modification that meets all of the following criteria:

Criteria 1:

(1) For towers outside of public rights-of-way, if the modification does not increase the height of the tower by the greater of: (i) more than 10%, or (ii) by the height of one additional antenna array, with separation from the nearest existing antenna not to exceed 20 feet; or

(2) For those towers in the rights-of-way and for all base stations, if the modification does not increase the height of the tower or base station by the lesser of: (i) 10% or (ii) 10 feet.

Criteria 2:

(1) For towers outside of public rights-of-way, if the modification does not protrude from the edge of the tower by the greater of: (i) 20 feet, or (ii) the width of the tower structure at the level of the appurtenance; or

(2) For those towers in the rights-of-way and for all base stations, if the modification does not protrude from the edge of the structure more than 6 feet;

Criteria 3:

(1) For any eligible support structure, if the installation includes new equipment cabinets, the modification does not include the installation of more than 4 equipment cabinets; or

(2) For towers in the public rights-of-way and base stations, if the modification does not involve the installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the tower, and does not involve the installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the tower.

Criterion 4:

For any eligible support structure, if the modification does not entail any excavation or deployment outside the current site.

Criterion 5:

For any eligible support structure, if the modification does not defeat the existing concealment elements of the tower or base station or other wireless support structure.

Criterion 6:

For any eligible support structure, if the modification does not violate any of the conditions of approval (besides modification allowed under criteria #1-5 associated with prior approval(s).

19.68.070 Optional Pre-application.

A. An optional pre-application may be submitted up to 30 days prior to the submission of an Eligible Facilities Request application, or a permit application associated with a Small Wireless Facility or other wireless facility. The information submitted along with a pre-application may include the following information:

1. The name and address of the applicant;
2. Identification of all carriers using the facility;
3. The type of facility proposed;
4. If the applicant is not the owner or person in control of the eligible support structure or site, an attestation that the owner or person in control of the eligible support structure and/or site has consented to the proposed facility modification. If the eligible support structure is to be located

within a public right-of-way, the applicant must also attest that the applicant has authorization to install, maintain, and operate transmission equipment in, under and above the public right-of-way.

5. A stamped report by a state of Washington registered professional engineer demonstrating compliance with existing structural, electrical, and safety codes, and describing the general structural capacity of the eligible facility, small wireless facility, or other wireless facility.
6. Detailed site plan and drawings.
7. Dimensioned elevation drawings of the existing tower or structure showing the existing and proposed antennas, and equipment structures (at 1/8" = 1' or comparable scale).
8. Copies of the land use or building permit approval that authorized the original installation of the tower or wireless facilities on the structure;
9. If new equipment cabinets, generators, or any other ground equipment components are being proposed, an assessment of noise that shows compliance with City and/or Federal noise standards.
10. A description of compliance with the applicable visibility and performance standards set forth in section 19.68.200.
11. A stamped report by a state of Washington registered professional engineer demonstrating compliance with radio-frequency emissions standards.

19.68.080 Eligible Facilities Request applications.

A. For the purposes of this section, a complete application includes:

1. The name and address of the applicant;
2. Identification of all carriers using the facility;
3. An assertion that the proposed facilities modification is subject to review under Section 6409 of the Spectrum Act.
4. If the applicant is not the owner or person in control of the eligible support structure or site, an attestation that the owner or person in control of the eligible support structure and/or site has consented to the proposed facility modification. If the eligible support structure is to be located within a public right-of-way, the applicant must also attest that the applicant has authorization to install, maintain, and operate transmission equipment in, under and above the public right-of-way.
5. If the proposed modification will alter the exterior dimensions or appearance of the eligible support structure, the applicant shall include a detailed visual simulation depicting how the eligible support structure will appear after the proposed modification is complete, and particularly, how concealment or stealth will be extended with the modification. The visual

simulation shall depict to scale the eligible support structure in relation to the trees, landscaping and other structures adjacent to, or in the immediate vicinity of, the eligible support structure.

6. If the applicant proposes a modification to a tower, an attestation that the proposed modifications will comply with existing structural, electrical, and safety codes, and a description of the general structural capacity of the tower with the proposed modification.

7. If the applicant proposes a modification to a base station, an attestation that the proposed modifications will comply with existing structural, electrical, and safety codes.

8. If the applicant proposes a modification requiring alteration to the eligible support structure, excavation, installation of new equipment cabinets, or other activities impacting or altering the land, existing structures, fencing or landscaping, the applicant must submit a detailed site plan and drawings, showing the point of true north, and an appropriate scale depicting:

a. the location, elevation, and dimensions of the existing eligible support structure;

b. the location, elevation, and dimensions of the existing transmission equipment;

c. the location, elevation and dimensions of the transmission equipment, if any, proposed to be collocated or that will replace existing transmission equipment;

d. the location, elevation and dimensions of any proposed new equipment cabinets and the intended use of each;

e. any proposed modification to the eligible support structure;

f. the location of existing structures on the site, including fencing, screening, trees, and other significant site features; and

g. the location of any areas where excavation is proposed showing the elevations, depths, and width of the proposed excavation and materials and dimensions of the equipment to be placed in the area excavated.

9. If excavation or deployment is proposed outside the current site of the tower or base station, a description of the boundaries of the site together with a scale drawing based on an accurate traverse, with angular and lineal dimensions showing the tower or base station with respect to the site. The city may require a survey by a land surveyor licensed in the state of Washington when, in the judgment of the approval authority, a survey is reasonably necessary to verify the boundaries of the site.

10. If the applicant proposes a modification that will protrude from the edge of a non-tower eligible support structure, record drawings, as-built plans, or the equivalent, showing at a minimum the edge of the eligible support structure at the location of the proposed modification.

11. Copies of the land use or building permit approval that authorized the original installation of the tower or wireless facilities on the structure, or any subsequent approval(s) granting modification to the tower or wireless facilities on the structure, if available;

12. If new equipment cabinets, generators, or any other ground equipment components are being proposed, an assessment of noise that shows compliance with City and/or Federal noise standards.

13. A stamped report by a state of Washington registered professional engineer demonstrating compliance with Federal radio-frequency emissions standards for wireless facilities.

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

C. Eligible facilities for review under this section include Non-Substantial Changes to the physical dimensions of the base structure or tower, involving (i) colocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission structure.

D. Within the applicable timeframe for review set forth in Section 19.68.150, the City must approve the application unless it determines that the application involves a Substantial Change. If the City determines that the application involves a Substantial Change, the applicant must submit the appropriate Permit application required, if any, under the requirements in Section 19.68.100.

19.68.090 Permit application – Small Wireless Facility.

A. Application. A complete application for a wireless service facility permit or wireless conditional use permit must include the following information and materials on a form provided by the Director. Applications for Small Wireless Facilities may be submitted in batches of applications, which may encompass up to five separate applications filed at the same time, each for one or more sites, *or* a single application covering up to five sites, unless the City agrees to a larger number based upon its capacity to review additional applications. For the purposes of this section, a complete application includes:

1. The name and address of the applicant;
2. Identification of all carriers using the facility;
3. If the applicant is not the owner or person in control of the eligible support structure or site, an attestation that the owner or person in control of the eligible support structure and/or site has consented to the proposed facility modification. If the eligible support structure is to be located within a public right-of-way, the applicant must also attest that the applicant has authorization to install, maintain, and operate transmission equipment in, under and above the public right-of-way.
4. An attestation that the Permittee will comply with existing structural, electrical, and safety codes, and a description of the general structural capacity of the new small wireless facility or the facility upon which the small wireless facility is to be collocated.
5. A description of compliance with: the applicable visibility and performance standards set forth in section 19.68.200. This includes, but is not limited to:

a. A scaled Site plan clearly indicating the location, type and height of the proposed facility, or colocation, on-site land uses and zoning, adjacent land uses and zoning, comprehensive plan classification of the Site, proposed means of access, setbacks from property lines, spacing between tower(s) and other wireless facilities, elevation drawings of the proposed tower and any other structures, topography of the site, and proposed parking;

b. If the proposed Small Wireless Facility siting involves a colocation that will alter the exterior dimensions or appearance of an existing facility, applicant shall include a detailed visual simulation depicting how the existing facility will appear after the proposed modification is complete, and particularly, how concealment or stealth will be extended, if applicable. The visual simulation shall depict to scale the existing facility with any colocation in relation to the trees, landscaping and other structures adjacent to, or in the immediate vicinity of, the eligible support structure.

c. Legal description of the parent tract and leased parcel (if applicable);

d. If new equipment cabinets, generators, or any other ground equipment components are being proposed:

i. an assessment of noise that shows compliance with City and/or Federal noise standards;

ii. a description of the method of concealment of equipment components, such as: whether such components will be located within an existing building, within an architecturally compatible addition to an existing building, or within a new building which is architecturally compatible with other buildings on the site and adjoining properties; located underground; or within an equipment cabinet or shelter;

iii. if equipment is proposed to be concealed within an equipment cabinet or shelter that will be located above ground, a description of the landscaping and screening, if technically feasible.

e. Any engineering report(s) required to show feasibility of meeting the applicable criteria in this section as applicable;

(6) A stamped report by a state of Washington registered professional engineer or an assessment demonstrating compliance with Federal radio-frequency emissions standards applicable to wireless facilities.

B. Waiver of Submittal Requirement. The approval authority may waive any submittal requirement upon determination that the required submittal, or part thereof, would materially inhibit wireless service. A waiver, to be effective, must be in writing and signed by the approval authority.

C. Fee. Every application for a small wireless service facility permit or wireless conditional use permit must be accompanied by an application fee which will be set by the City Council in its unified fee schedule, to reimburse the City for the costs of reviewing the application, including any third-party review required by the City, and fees equal to the a reasonable approximation of the objectively reasonable costs for the attachment to or use of property owned or controlled by the City.

19.68.100 Permit application – all other Wireless Facilities.

A. Application. A complete application for a wireless service facility permit or wireless conditional use permit for wireless facilities other than Small Wireless Facilities and Eligible Support Structures or EFRs must include the following information and materials on a form provided by the Director. For the purposes of this section, a complete application includes:

1. The name and address of the applicant;
2. Identification of all carriers using the facility;
3. If the applicant is not the owner or person in control of the eligible support structure or site, an attestation that the owner or person in control of the eligible support structure and/or site has consented to the proposed facility modification. If the eligible support structure is to be located within a public right-of-way, the applicant must also attest that the applicant has authorization to install, maintain, and operate transmission equipment in, under and above the public right-of-way.
4. A description of compliance with: the applicable visibility and performance standards set forth in section 19.68.200. This includes, but is not limited to:
 - a. A scaled Site plan clearly indicating the location, type and height of the proposed facility, or colocation, on-site land uses and zoning, adjacent land uses and zoning, comprehensive plan classification of the Site, proposed means of access, setbacks from property lines, spacing between tower(s) and other structures, elevation drawings of the proposed tower and any other structures, topography of the site, and proposed parking;
 - b. Legal description of the parent tract and leased parcel;
 - c. A landscape plan showing specific landscape materials;
 - d. Method of fencing, the finished color and/or the method of camouflage and illumination.
5. A description of compliance with the additional requirements in this Chapter for collocating and/or for conditional uses, if applicable.
6. If new equipment cabinets, generators, or any other ground equipment components are being proposed:(i) an assessment of noise that shows compliance with City and/or Federal noise standards.
7. A stamped report by a state of Washington registered professional engineer demonstrating compliance with radio-frequency emissions standards as set forth in Section 19.68.240.

B. New facilities. In addition to the application materials delineated in subsection (A) above, an application for a new wireless facility must provide:

1. A notarized statement by the applicant as to whether construction of a new facility will accommodate collocating of additional antennas for future users.

2. An explanation of how the proposed new facility at the proposed location is necessary to do one of the following: fill a significant gap in service, to introduce new services, to densify a network, or to otherwise improve service capabilities.
 3. A description of the suitability of the use of existing facilities, including towers or other structures to provide the services to be provided through the use of the proposed new facility.
 4. Any other engineering report(s) required to show feasibility of meeting the applicable criteria in subsections (A) and/or (B) as applicable;
- C. **Third Party Review.** The City may require the applicant to submit its materials to a third-party for review, as may be reasonably necessary to determine compliance with this Chapter, such as an engineer or architect, by way of example only.
- D. **Fee.** Every application for a wireless service facility permit or wireless conditional use permit must be accompanied by an application fee which will be set by the City Council in its unified fee schedule, to reimburse the City for the costs of reviewing the application, including any third-party review required by the City, and fees equal to the a reasonable approximation of the objectively reasonable costs for the attachment to or use of property owned or controlled by the City.

19.68.110 Permit approval process.

- A. **Wireless service facility permit (WSF).** The review process for wireless service facility permit applications is that for a Type 1 (Administrative Ministerial Action) as delineated in Table 19.20.030-1 AMC.
- B. **Wireless conditional use permit (WCUP).** The review process for wireless conditional use permit applications is that for a Type 3-HE review, delineated in Table 19.20.030-1 AMC. The criteria for a conditional use permit as set forth in Chapter 19.36 of the City’s code does not apply.
- C. The only applicable sections of Chapter 19.20 for the purposes of this Chapter are sections 19.20.140 (Application – Notice), 19.20.150 (Application – Department Review), 19.20.160 (Public hearings and meetings), 19.20.170 (Public hearing – notice), and 19.20.190 (Decision – Notice). The appeal section in this chapter supersedes the appeal sections in Chapter 19.20.
- C. This permit approval process does not apply to Eligible Facility Requests.

19.68.120 Permit review – general criteria.

- A. In evaluating a permit application under this Chapter, the decision-maker must examine the following criteria:
1. Whether all requisite licenses, certificates, and authorizations from applicable Federal, State, and local agencies have been obtained by the applicant;

2. Whether the applicant has shown that its proposed facility or colocation meets the standards and criteria set forth in this Chapter, including the visibility and performance criteria set forth in Section 19.68.200;

3. Whether the applicant has shown that its proposed facility meets any additional requirements in this Chapter for collocating and/or wireless conditional uses, if applicable.

B. For a new wireless facility or a new Small Wireless Facility, whether it is necessary to introduce new services, to densify a network, or to otherwise improve service capabilities.

C. Decision. After considering all information submitted, and the record on file and from any hearing, the decision-maker will decide whether to grant, deny, or grant the permit with conditions, and must issue a written decision containing findings of fact supported by substantial evidence, based on the criteria above.

D. Issued permit. Any wireless service facility permit that is issued under this Chapter must contain the location, nature, and extent of approved use, together with all conditions that are imposed. A copy of the permit will be kept on file and reviewed annually by the administering City official. If, at any time, the use no longer complies with the stated conditions, the owner will be declared in violation of this chapter.

19.68.130 Permit review – supplemental criteria for conditional uses.

A. In addition to the general criteria for approval uses set forth in this Chapter, the following criteria apply to all permits denominated as conditional uses:

1. The applicant must demonstrate that visual, noise, and other impacts associated with the proposed facility have been minimized to the maximum extent possible using existing concealment technology, site design, noise abatement techniques, concealment, disguise, camouflage, and/or the use of architecturally compatible improvements to existing structures where permitted, and/or underground placement of ancillary equipment. In evaluating the site design, consideration will be given to whether the facility will blend into the surrounding topography, tree coverage, foliage, and other natural features and whether locating the facility in alternative locations upon the subject property, or reasonably available properties, would better conceal the facility through use of existing natural and built features;

2. The applicant must demonstrate compatibility of the proposed structure with the height and mass of existing buildings and structures in the area.

3. The applicant must demonstrate that the design of the proposed facility complies with the purpose and intent of this chapter, including, but not limited to, the visibility and performance standards set forth in AMC 19.68.200 which most closely match the proposed facility;

4. The applicant must demonstrate that alternative locations, including other colocations and alternative support structures, are not available for the proposed facility;

5. The applicant must demonstrate that the proposed facility is not in conflict with the health and safety of the community;

6. The applicant must demonstrate that the proposed facility will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities.

B. In evaluating any proposed wireless service facility denominated as a conditional use, the Director may, at the expense of the applicant, retain an outside consultant to review the technical, design and other materials submitted by the applicant in conjunction with the proposal.

19.68.140 Completeness review.

A. Completeness Review. Applications must be reviewed for completeness within thirty days of receipt, except for applications to site Small Wireless Facilities, which must be reviewed for completeness within ten days of receipt. If the application is not reviewed for completeness within the applicable timeframe, it will be deemed complete.

B. Tolling. For applications to site Small Wireless Facilities, the review period resets once an applicant submits its additional materials. For all other applications deemed incomplete, the review period is tolled for up to sixty days. Once an applicant submits additional materials, the review timeframe begins to run again. If the applicant does not submit the required materials, the City may deny the application.

C. Submittal of Additional Materials. If an applicant submits additional materials, the Director must provide notice within 10 days as to any additional materials identified in the original notice that were not provided with the supplemental materials. Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness. For second or subsequent notices of incompleteness, the review timeframe will be tolled for all applications including for siting Small Wireless Facilities. If the applicant does not submit the required materials, the City may deny the application.

D. Failure to act. If the decision-maker fails to approve or deny a request seeking approval for either a wireless service facility permit or wireless conditional use permit within the applicable timeframe for review, accounting for any tolling, the request is deemed granted. The deemed grant does not become effective until the applicant notifies the applicable reviewing authority in writing after the review period has expired that the application has been deemed granted.

19.68.150 Timeframe for review.

The timeframe for review of an application for a wireless facility permit or wireless conditional use permit begins to run when an application is submitted, not when the application is deemed complete.

	Modifications that are not Substantial.	Colocating Wireless Facilities	New Wireless Facility	Colocating Small Wireless Facilities	New Small Wireless Facility
Timeframe	Approval required within sixty (60) days from receipt of submission of	Written decision due within ninety (90) days from submission of	Written decision due within one hundred and fifty (150) days from submission of	Written decision due within sixty (60) days from submission of	Written decision due within ninety (90) days from submission of

	application	application	application.	application	application.
Notes	If the City finds that the application involves a Substantial Change, the City may process the application as one for a new facility or deny the application.	This provision does not apply to Small Wireless Facilities.	This provision does not apply to Small Wireless Facilities.		

19.68.160 Construction.

A. Construction within two years. Construction or substantial progress toward construction of a facility for which a permit has been issued pursuant to this chapter must be undertaken within two years after approval of the permit. Substantial progress toward construction includes, but is not limited to: the letting of bids, making of contracts, and purchase of materials involved in development.

B. Tolling. In determining whether the two-year period has run, time during which litigation has been pending related to the construction of the facility must not be included.

C. Extension and termination. The city may, at its discretion, extend the two-year period for a reasonable time, based on factors including the inability to expeditiously obtain other required governmental permits prior to the commencement of construction. If a facility for which a permit has been granted has not been completed within three years after the approval of a permit the City must review the permit upon the expiration of three years, and upon a showing of good cause for the delay, either (a) extend the permit for one year; or (b) terminate the permit.

19.68.170 Appeals.

Appeals may be commenced on an action by the decision-maker on a permit application, within thirty (30) days of such act or failure to act, in any court of competent jurisdiction. This section supersedes the City’s administrative appeal process set forth in Section 19.20.210.

19.68.180 Prohibited Locations.

A. Lattice and guyed wire towers are not permitted in any zoning district.

B. Commercial advertising including billboards and business identification signs may not be used as alternative antenna support structures.

19.68.190 Permitted locations.

New wireless service facilities, which includes new Small Wireless Facilities are permitted as follows, with the type of permit indicated. For those facilities located within a “right-of-way”, a

master permit and construction permit for such use is required under the provisions of Chapter 5.38. The zones referred to below are defined in the City’s general zoning code.

Type of Facility	Residential Zones (R1, R2, R2A, R3, R3A, R4, R4A, OT)	Mixed Use Zones (CBD, C, MMU, CM, CM2, P)	Industrial Zones (LM, LM1, MS, HM, I, AZ)
Monopole	Permitted with WCUP	Permitted with WSF, except permitted with WCUP in P and except not permitted in CBD	Permitted with WSF
Utility Poles	Permitted with WCUP	Permitted with WSF, except permitted with WCUP in P, and except not permitted in CBD	Permitted with WSF
Electric Transmission Towers	Permitted with WSF, except permitted with WCUP in OT.	Permitted with WSF, except permitted with WCUP in P and except not permitted in CBD	Permitted with WSF
Water Tank Mounted	Permitted with WSF, except permitted with WCUP in OT	Permitted with WSF	Permitted with WSF
Playfield, Ballfield and Stadium Light Mounted Facilities	Permitted with WCUP	Permitted with WSF	Permitted with WSF
Building Attached	Permitted with WSF, only on buildings with nonresidential uses, and except permitted with WCUP in OT	Permitted with WSF	Permitted with WSF
Stealth Support Structure	Permitted with WSF, except permitted with WCUP in OT	Permitted with WSF, except permitted with WCUP in P	Permitted with WSF
Small Wireless Facility on an existing or replacement structure	Permitted with WSF	Permitted with WSF	Permitted with WSF
Other Types Not Listed	Permitted with WCUP	Permitted with WCUP	Permitted with WCUP

19.68.200 Visibility and performance standards.

All wireless service facilities locating within Anacortes must comply with the following standards:

A. Standards for all types of facilities:

General	<ol style="list-style-type: none"> 1. All portions of the facility must be the minimum size necessary to support operation of the facility, as certified by the provider’s licensed engineer. Where multiple facilities are proposed to be located in close proximity, they may be required to be consolidated in one equipment housing structure. 2. Owners and operators must provide information regarding the opportunity for the co-location
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	of facilities. Provision for future co-location may be required if technically feasible and where opportunities for smaller facilities with fewer impacts are limited due to topography, lack of existing above ground structures or other circumstances.
Antennas (including Small Wireless Facilities)	<ol style="list-style-type: none"> 1. In general, an antenna array must either be flush mounted within 12 inches of the support structure, or within 12 inches of the face of the building it is attached to; or be contained in a canister that is a continuation of the support structure and is centered on top of the support structure; or be placed pursuant to the City’s adopted design standards, subject to the concealment requirements below. 2. All antennas or arrays must be a color and material that matches the support structure. 3. Roof-mounted installation is permitted when the City’s adopted design and the Appearance and Screening requirements below have been met. The antennas, mounting brackets and any concealment structures are exempt from the height limit of the underlying zone to the extent that the total height of such facilities does not increase the overall building height by 18 feet, or 50 percent of the original building height, whichever is less.
Equipment Cabinets, Shelters, and Undergrounding	<ol style="list-style-type: none"> 1. All equipment necessary for the operation of the facility must be concealed, either within an existing building, within an architecturally compatible addition to an existing building, or within a new building which is architecturally compatible with other buildings on the site and adjoining properties; or located underground with exceptions as stated in Chapter AMC 15.32, and excepting equipment cabinets and shelters, which may be located above ground, and landscaped and screened pursuant to the City’s typical landscaping requirements. 2. This section does not apply to antennas or other facilities that are required to remain above-ground in order to be functional, or if it would otherwise materially inhibit wireless service. 3. Underground shelters are not allowed where such shelters would interfere with existing uses of public land including, but not limited to, public rights-of-way. Equipment enclosures less than or equal to five cubic feet, with no single dimension over three feet, may be mounted directly on a monopole or utility pole. These dimension limitations do not apply to Small Wireless Facilities. 4. Equipment cabinets and shelters are permitted upon abutting private property and may be located within public rights-of-way, pursuant to the applicable requirements and obtaining the appropriate permits specified in Chapter AMC XX.XX. 5. The size of equipment cabinets and shelters must be minimized to the greatest extent possible. 6. Prefabricated concrete and metal structures for equipment enclosures are not permitted unless treated with a facade giving the appearance of masonry or wood siding and are compatible with the existing neighborhood and surrounding setting.
Appearance and Screening	<p>The following standards must be met to ensure the facility minimizes its visual impact:</p> <ol style="list-style-type: none"> 1. Design and configurations must be compatible with the existing neighborhood, blend in with the surrounding setting, and/or are screened from surrounding uses and properties. 2. Design and configurations must minimize visual intrusion of the facility on surrounding uses and properties. Such techniques may include, for example: containing transmission and power cables and other conduit within any support structure, locating facilities underground, or otherwise screening the facility; minimizing the lateral projection of antenna arrays to the greatest extent technically feasible; and integrating antenna arrays into the design of any structure to which they are attached. 3. Facilities on private property must be screened through the use of mature trees that are a minimum of 20 feet tall and planted to screen at least 80 percent of the area around the facility, if technically feasible. 4. For stealth supported structures, the structure must be designed to resemble an object that would be commonly found in the area, including, but not limited to, a flagpole, a clock or bell tower, a tree that is a native conifer species, or a silo. Antennas, to the maximum extent feasible, must be concealed by the stealth support structure, or must not be easily recognized. To determine feasibility, the applicant must submit an engineer’s report regarding the feasibility of concealing the antennas.
Noise	Noise reduction measures must comply with the City and/or Federal noise regulations, whichever demonstrates the least amount of noise impact for the nearest residential dwelling(s) at any time

	of day or night, as measured from the closest point from the exterior of the dwelling to the wireless facility. Such requirements are exempt during testing of alternative power sources (i.e., power generators or similar emergency power sources).
Landscaping	<ol style="list-style-type: none"> 1. Facilities and/or equipment cabinets must be surrounded with a minimum of four feet wide landscaping, in the applicable zones set forth in the City's general zoning provisions, if technically feasible. 2. Towers must be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from properties used for residences, if technically feasible. In some cases, natural growth around the property perimeter may provide a sufficient buffer. 3. Existing mature tree growth and natural land forms on the site must be preserved to the maximum extent possible.
Setbacks	<ol style="list-style-type: none"> 1. In residential zones, towers, antennas, monopoles, and other wireless facilities and equipment pertaining thereto must not be closer than the greater of 20' or 100% of the tower height from the adjoining lot line. 2. In non-residential zones, facilities must comply with the setback requirements set forth in the applicable zoning code, Chapter 17 AMC, and meet or exceed the City or Federal noise regulations, whichever demonstrates the least amount of noise impact for the nearest residential dwelling(s), as measured from the closest point from the exterior of the dwelling to the facility. 3. The setback may be reduced if the applicant uses noise abatement techniques, such as decorative noise walls, to achieve equivalent or greater reduction of visual and noise impacts from the facility. 4. For co-locations, new equipment associated with the facility must be placed no closer to existing residential uses than any existing equipment enclosure on the subject property. 5. These setback requirements do not apply to SWF's in the ROW.
Spacing	<ol style="list-style-type: none"> 1. In residential zones, towers and their antennas must not be closer than 200' or 100% of the tower height from the nearest residential dwelling(s), as measured from the closest point from the exterior of the dwelling to the facility. 2. In non-residential zones, there are no spacing requirements. 3. The minimum spacing requirements herein will not apply if they have the effect of materially inhibiting wireless service.

B. Standards for specific types of facilities:

New Monopoles (including Small Wireless Facilities) and Stealth Wireless Support Structures	<p>Any wireless service provider which proposes to construct a new monopole or stealth supported facility must provide, as part of its permit application, written findings from a qualified engineer which demonstrate that:</p> <ol style="list-style-type: none"> 1. Either there are no other facilities reasonably available for colocation; or 2. Any existing facilities reasonably available are not technologically suitable for use by the applicant; and 3. The proposed monopole has been designed in a manner that will allow for the colocation of at least one additional antenna array on the structure, if technically feasible. 4. The height of the monopole may not exceed 120 feet or the height of similar structures permitted in the zone within which it is located, whichever is greater.
Colocating Monopoles or Utility Poles Within Public Rights-of-Way	<ol style="list-style-type: none"> 1. More than one facility may be colocated on any monopole, subject to the permits and technical feasibility. 2. Monopoles located within public rights-of-way must be located a minimum of 500 feet apart; a shorter distance may be approved if the applicant submits an engineering analysis and equipment specifications that demonstrate the reduced distance is necessary to provide adequate coverage and/or capacity. 3. Where a utility located upon a monopole requires vertical separation between its facilities and the antenna(s), the structure/pole and antenna may be raised or replaced with a taller structure to accommodate the minimum separation requirement, not to exceed 20 feet in the public right-of-

	way. Any additions must be constructed of similar materials, and have surface treatments which match the color and texture of the original facility.
Electric Transmission Towers or Utility Poles Outside Public Rights-of-Way	Where a utility located upon the support structure (such as electric transmission tower) requires vertical separation between its facilities and the antenna(s), the structure/pole and antenna may be raised by a mount or replaced with a taller structure to accommodate the minimum separation requirement, not to exceed 30 feet. Any additions must be constructed of similar materials, and have surface treatments which match the color and texture of the original facility.
Playfield, Ballfield and Stadium Light Mounted Facilities	Only one facility is permitted on any playfield, ballfield, or stadium light. Where lighted signs and illuminated areas are permitted, such illuminating devices must be shaded and directed so as not to be visible from any residentially zoned property.
Building Attached	The equipment for roof-mounted antennas within the OT zone must be located within the same building on which the antennas are located. This provision will not apply to Small Wireless Facilities if it has the effect of materially inhibiting the provision of service.

19.68.210 Requirements for colocations.

A. All wireless facilities colocating within the City of Anacortes must meet the following standards. This section does not apply to Eligible Facilities Requests.

B. Colocations (as defined in Section 19.68.030(5)) are permitted on existing monopoles and stealth support structure facilities, so long as the colocation maintains the appearance of the existing structure, and do not interfere with the City’s placement of cameras or other public safety uses.

C. The height of the existing facility may be increased by the minimum vertical separation necessary between the facilities, not to exceed 20 feet; except for towers and utility poles outside public rights-of-way, the height of which may be increased by up to 30 feet to accommodate the minimum separation requirement. The height of the existing facility with all increases in height due to colocations may not exceed the general height limitation for similar structures or buildings within the zone in which it is permitted or 120 feet, whichever is greater.

D. Existing monopoles and antenna support structures may be replaced to accommodate colocation. Monopoles and stealth support structures must, to the maximum extent feasible, be located within 20 feet of the existing structure within the public right-of-way, or within 30 feet of the existing structure outside of the public right-of-way, and maintain the design of the original structure, including any stealth or camouflage components. To determine feasibility, the applicant must submit an engineer’s report regarding the feasibility of a proposed replacement.

E. All antenna support structures permitted pursuant to the terms of this chapter or otherwise located within the City of Anacortes must be made available for use by the owner or initial user thereof, together with as many other wireless service providers as can be technically collocated thereon. The owner of an antenna support structure may charge a reasonable fee for the colocation of additional facilities upon said structure which does not exceed the fair market value for the space occupied by said collocated facilities. If the City is the owner, it may not charge a

fee that exceeds a reasonable approximation of the objectively reasonable costs associated with siting a Small Wireless Facility on the antenna support structure.

F. Colocating facilities must meet all other visibility and performance standards in Section 19.68.200.

19.68.220 Requirements for Non-Substantial Changes.

All modifications to wireless service facilities to the existing facility, including Small Wireless Facilities, that are Non-Substantial, must comply with the following standards:

- A. No modification may violate the City or Federal noise regulations.
- B. No modification may violate the Federal radio-frequency emission standards.
- C. No modification may violate setback or other lot coverage or height requirements in this Chapter.

19.68.230 Maintenance of facilities.

The owner and/or operator of all wireless service facilities must maintain their facilities in a good and safe condition and in a manner which complies with all applicable Federal, State, and local requirements.

19.68.240 Testing of facilities required – Radio-frequency (RF) emissions.

- A. All wireless service facilities must comply with applicable Federal Communications Commission (FCC) regulations regarding radio-frequency emissions. All tests must be performed by or under the supervision of a professional engineer competent to perform such testing and interpret the data gathered.
- B. Reports or similar support documents must be submitted for all facilities confirming compliance with all applicable FCC regulations. Compliance reports are required when requested by the Director.
- C. If at any time radio-frequency emission tests show that a facility exceeds any of the standards established by the FCC, the owner or operator thereof must immediately discontinue use of the facility and notify the Director. Use of such facilities may not resume until the owner or operator demonstrates that corrections have been completed which reduce the radio-frequency emissions to levels permitted by the FCC.

19.68.250 Testing of facilities required – Noise emissions.

- A. The owner or operator of a wireless service facility must conduct tests necessary to demonstrate compliance with all applicable local regulations regarding the noise emissions of the facility when notified in writing by the Director that a noise complaint has been received regarding the facility. All such tests must be performed by or under the supervision of a licensed environmental noise consultant competent to perform such tests and interpret the data gathered.

B. When such a report is required, a report, certified by a licensed environmental noise consultant, setting forth the observed noise levels at the property line of the property upon which the facility is located must be submitted. The report must account for background noise and other noise sources and demonstrate the noise levels emitted by the facility, including any air conditioning or ventilation equipment contained therein. Such report must address standards set forth within noise reduction measures within noise provisions in Section 17.54.010 AMC or the standards set forth with the Federal Interagency Committee on Urban Noise, whichever demonstrates the least amount of noise impact for the nearest residential dwelling(s), at any time of day or night, as measured from the closest point from the exterior of the dwelling to the wireless facility.

C. The Director may retain a technical expert in environmental noise measurement to verify the noise measurements and certification. The cost of such a technical expert must be borne by the owner or operator of the facility, if said facility fails to comply with applicable State or local noise standards.

(D) This section does not apply during the testing of alternative power sources (i.e., power generators).

19.68.260 Security fencing.

All wireless service facilities must be protected from unauthorized entry. The perimeter of all wireless service facilities, other than small wireless facilities in the ROW, which include an antenna support structure must be secured with security fencing which does not exceed seven feet in height. Wireless service facilities that do not include an antenna support structure must be protected from unauthorized entry through appropriate means approved by the Director or his or her designee on a case-by-case basis consistent with the purpose of protecting the public health, safety, and welfare.

19.68.270 Abandonment of facilities.

Any antenna support structure that has had no antennas mounted upon it for a period of six months, or if the antennas mounted thereon are not operated for a period of six months, will be considered abandoned, and the owner thereof must remove such structure and any accompanying equipment and enclosure within 90 days after receipt of a notice from the Director to do so. The Director may extend this time period to a maximum of six additional months. The owner or operator of all wireless service facilities must, when requested by the Director, submit a written report, signed under penalty of perjury, which demonstrates whether or not there has been a cessation in use of the facility for a period of six months during the prior year. If a facility and associated equipment are not removed within 90 days after receipt of a notice from the Hearing Examiner requiring said removal, the Hearing Examiner may seek and obtain a court order directing such removal and imposing a lien upon the real property upon which such wireless service facility is situated in an amount equal to the cost of removal. In the event that more than one wireless service provider is using the antenna support structure, the antenna support structure will not be considered abandoned until all such users cease using the structure as provided in this section.

19.68.280 Signs.

A. Except as approved as part of a plan to conceal, disguise, or camouflage a wireless service facility, no signs, symbols, flags, banners, or similar devices must be placed on, attached to, painted, or inscribed upon any antenna support structure or alternative antenna support structure. Notwithstanding the foregoing, an applicant and/or land owner may place not more than four signs measuring 12 by 18 inches upon or near a wireless service facility which:

1. state that trespassers will be prosecuted;
2. list the names and telephone numbers of persons to be contacted in the event of an emergency;
3. identify the applicant and/or land owner or person responsible for operating the wireless facility; and/or
4. contain information necessary and convenient for the person operating the wireless service facility to identify the wireless service facility.

B. Nothing in this section may be construed to prohibit the placement of safety or warning signs upon any portion of the wireless service facility which are required by law or which are designed to apprise emergency response personnel and the employees and agents of wireless service providers of particular hazards associated with equipment located upon the wireless service facility.

19.68.290 Lighting standards.

Except as specifically required by Federal Aviation Administration (FAA) or FCC regulations, antenna support structures cannot be illuminated. However, equipment enclosures may be illuminated for security reasons when compatible with the surrounding neighborhood.

19.68.300 SEPA.

Integration of environmental review. An application for a wireless service facility permit or wireless conditional use permit that is subject to the State Environmental Policy Act (SEPA) must be reviewed per AMC Chapter 18.04 concurrently with the review of the permit reviewed under this Chapter, except where exempted by that chapter. If there is a conflict between this Chapter and development regulations in other Chapters, the provisions of this Chapter will apply.

Section 4. Severability.

The provisions of this ordinance are separate and severable. If a court of competent jurisdiction, all appeals having been exhausted or all appeal periods having run, holds any provision of this ordinance invalid or unenforceable as to any person or circumstance, the offending provision, if feasible, is modified to be within the limits of enforceability or validity. If the offending provision cannot be modified, it is null and void with respect to the particular person or circumstance. All other provisions of this ordinance in all other respects, and the offending provision with respect to all other persons and all other circumstances, remain valid and enforceable.

Section 5. Corrections.

Upon approval of the Mayor and the City Attorney, the Clerk is authorized to make necessary corrections to this ordinance, including the correction of (1) clerical errors, (2) references to other local, state or federal laws, codes, rules or regulations, and (3) ordinance numbering and section and subsection numbering.

Section 6. Ratification.

All actions taken prior to the effective date of this ordinance in furtherance of and not inconsistent with the provisions of this ordinance are ratified and confirmed in all respects.

Section 7. Effective Date.

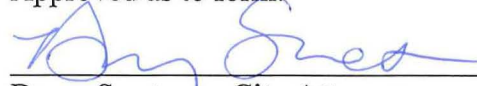
This ordinance will take effect five days after its passage, approval, and publication.

Passed by the City Council of the City of Anacortes, Washington at a regular meeting thereof, this 25th day of February, 2019.



Laurie Gere, Mayor

Approved as to form:



Darcy Swetnam, City Attorney

Attest:



Steve Hoglund, Clerk