

Title 18 Update - Wireless Communication Facilities (WCF)

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Chapter 18.512 Wireless Communication Facilities (WCF)

Article I. Purpose, Intent, and Applicability

18.512.010 Purpose.

i Purpose items 1-4 have been taken directly from 18.20.010 with no change. Purpose items 5-7 were adapted to clarify the intent of this chapter.

A. The intent of this chapter is to:

1. Establish clear regulations for the siting, design, maintenance, and operation of wireless communication facilities (WCFs) consistent with State and Federal regulations;

2. Promote the health, safety, and general welfare of the Issaquah community by regulating the siting and design of WCFs;
3. Provide clear and predictable permitting for network providers and the community;
4. Accommodate the growing need and demand for wireless communication services.;
5. Assure that all Telecommunications providers constructing, repairing, or maintaining Telecommunications facilities within the City comply with the ordinances, rules, and standards of the City.
6. Minimize visual, safety, aesthetic, and environmental impacts of WCFs on the community by establishing standards for location, structural integrity, and compatibility;
7. Encourage the location and collocation of wireless communications antenna(s) on existing nonmunicipal structures;
8. Ensure that equipment does not become a barrier or impediment to pedestrians and bicyclists;
9. Provide an opportunity for residents and interested parties to provide comment on the proposed location and design of new towers and poles; and
10. Ensure regulations are fair, do not favor earlier applicants, and accommodate the maximum number of users.

18.512.030 Applicability.

i This section is directly from IMC 18.22.030.

- A. No person shall place, construct, reconstruct, or modify a WCF within the City without a permit, except as provided by this chapter. The designated official shall have discretion to approve, condition, or deny elements of a WCF where standards provide flexibility or subjectivity based on the purpose and goals of this chapter; the same discretion is given to the Hearing Examiner for applications requiring a public hearing.

Article II. Project Review and Development

18.512.040 Definitions.

i This section is directly from IMC 18.22.040. In the next step to consolidate the draft code, staff will evaluate if WCF definitions should remain in the applicable chapter.

For the purpose of this chapter, except when a different definition is required by this chapter, eligible facilities requests, the following terms are defined as follows:

Amateur radio tower: A tower with antenna(s) which transmit and receive noncommercial communication signals, and is defined as an amateur radio tower by the Federal Communications Commission. Guy wires for amateur radio antenna(s) are considered part of the structure for the purpose of meeting development standards.

Antenna(s): An apparatus designed for the purpose of emitting radio frequency (RF) radiation, to be operated or operating from a fixed location pursuant to Federal Communications Commission authorization for the provision of personal wireless service and any commingled information services. For the purposes of this definition, the term "antenna" does not include an unintentional radiator, mobile station, or device authorized under 47 CFR Part 17.

Antenna array: A single antenna or group of antenna(s) and associated antenna elements and associated mounting hardware, cables, or other appurtenances that may 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 equipment: Equipment, switches, wiring, cabling, power sources, shelters, or cabinets associated with an antenna, located at the same fixed location as the antenna, and, when collocated on a structure, is mounted or installed at the same time as such antenna.

Antenna facility: An antenna and associated antenna equipment.

Collocation: Means mounting or installing an antenna facility on a preexisting structure; and/or the Modifying of a structure for the purpose of mounting or installing an antenna facility on that structure.

Provided, that, for purposes of eligible facilities requests, “collocation” means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Completely concealed facility: A WCF where: (A) the antennas, mounting apparatus, and any associated equipment are fully recessed/concealed from all sides with a structure that achieves total integration with the existing building or structure; and (B) all cable is routed internally or completely screened from view; and (C) the associated equipment is completely within the building or structure, placed in an underground vault, or is within another element such as a bench, mail box, kiosk, etc.

Decorative poles: Any pole that is uniquely found in a particular neighborhood in the City that adds to aesthetic of the streetscape of that neighborhood and is specified in a City-adopted plan. Examples include, but are not limited to: Issaquah Highlands, Talus, Olde Town, and Central Issaquah.

Designated official: The City staff authorized by the Development Services Department to review and issue a WCF permit.

Equipment enclosures: Includes the wireless service provider’s specific enclosure used to house transmission equipment other than antennas, usually located within and including cabinets, shelters, pedestals, or other similar enclosures used to contain electronic equipment for said purpose. This may include cabinets attached to a pole.

Large satellite dish: Any satellite dish antenna(s) whose diameter is greater than four feet. (See “Satellite dish antenna(s).”)

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

Network node: Equipment at a fixed location enabling wireless communications between user equipment and a communications network.

Network provider: Network provider means a wireless service provider, or any person that does not provide wireless services and that is not an electric utility or the City, but builds or installs on behalf of a wireless service provider, network node, node support towers, or other structure that supports or is capable of supporting a network node.

Personal wireless services: Means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by Federal laws and regulations.

Poles: Utility poles, light poles, or other types of poles, used primarily to support electrical wires, telephone wires, television cable, lighting, or guide posts; or are constructed for the sole purpose of supporting a WCF.

Satellite dish antenna(s): A type of antenna(s) and supporting structure consisting of a solid, open mesh, or bar configured reflective surface used to receive and/or transmit radio frequency communication signals. Such an apparatus is typically in the shape of a shallow dish or cone.

Small satellite dish: Any satellite dish antenna(s) that has a diameter less than or equal to four feet.

Small wireless facility: Has the same meaning as defined in 47 CFR 1.6002.

Small wireless network: A collection of interrelated small wireless facilities designed to deliver personal wireless services.

Structure: Means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or commingled with other types of services).

Structure mounted facility: A structure or building that can accommodate a wireless communication facility that is mounted on the roof or facade of the structure or building. The term does not encompass a tower or any equipment associated with a tower or a utility pole, light pole, traffic signal pole or miscellaneous pole.

Temporary wireless communication facility: Facilities that are composed of antennas and a mast mounted on a truck (also known as a cell on wheels, or "COW"), antennas mounted on sleds or rooftops, or ballast mount temporary poles. These facilities are for a limited period of time, are not deployed in a permanent manner, and do not have a permanent foundation. These facilities are for

- B. The reconstruction of a permanent WCF and limited to a duration of twelve (12) months from the date of approval unless an extension is requested at least thirty (30) days prior to the expiration date; or
- C. Large scale events are limited to the duration of the event, plus ten (10) days prior to the event and ten (10) days after; or
- D. Emergency communications equipment in anticipation of and during a declared public emergency or emergency exercise.

Tower: Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services, including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services such as microwave backhaul, and the associated site.

Transmission equipment: Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and back-up 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.

Wireless communication facility (WCF): Any unstaffed facility for the transmission and/or reception of radio frequency (RF) signals through electromagnetic energy usually consisting of an equipment shelter or cabinet, a support tower or other structures used to achieve the necessary elevation, and the transmission and reception devices or antenna.

18.512.050 Permit required.

i This section is directly from IMC 18.22.050 - Permit - Required, with minor changes for clarity.

- A. No WCF shall hereafter be erected, re-erected, constructed, or altered except as provided by this chapter and a land use permit for same has been issued by the City, unless such WCF is exempted per IMC 18.512.060, Permit exemptions. A separate permit must be required for each individual WCF installation, except as allowed consistent with IMC 18.512.070.E for small wireless networks.
- B. If the network provider is proposing WCF located in the public rights-of-way, then the network provider must apply for a franchise agreement pursuant to Chapter 12.60 IMC (Telecommunications). The designated official will process an application for a WCF permit concurrently with an application for a franchise, but any such permit will be conditioned on approval of the franchise by the City Council. No separate right-of-way use permit (IMC 12.60.400) is required for network providers receiving a permit under this chapter.
- C. If a network provider desires to make a modification to an existing, permitted small wireless facility, including but not limited to expanding or changing the antenna type, increasing the equipment enclosure, placing additional pole mounted or ground mounted equipment, or modifying the concealment elements, then the applicant must apply for a permit under this chapter.
- D. All applications must be submitted using the City's published submittal requirements. The submittal requirements are available on the City's webpage, or from the City's Permit Center.

18.512.060 Permit exemptions

i This section is directly from IMC 18.22.060 with minor grammatical edits.

The following WCFs shall be exempt from the requirement to obtain land use permits:

- A. VHF and UHF Receive-Only Television Antenna. VHF and UHF receive-only antenna(s) shall not be required to obtain land use permit approval, nor shall they be required to obtain building permit approval. Exempt VHF/UHF antenna(s) shall be restricted to a height limit of no more than ten feet above the existing or proposed roof.
- B. Small Satellite Dish Antenna. Small dish antenna in all zones shall be exempt from obtaining land use permit approval in accordance with the Federal Telecommunications Act. Such antennas shall not be required to obtain building permit approval, but installation must comply with any applicable provisions of the City building code.
- C. Routine maintenance or repair. Maintenance of wireless communication facilities and related equipment (excluding structural work or changes in height or dimensions of antennas, support structures or buildings); provided, that compliance with the standards of this code is maintained, and that such maintenance or repair does not defeat the concealment elements used in the original deployment; does not impact the structural integrity of the pole; does not remove required design elements; and does not require pole replacement. Further, a land use permit shall not be required for replacing equipment within the equipment enclosure or reconfiguration of fiber or power to the small wireless facility.
- D. Emergency Communications. Temporary WCF for emergency communications equipment in anticipation of and during a declared public emergency or emergency exercise.
- E. Existing Facilities. Wireless communication facilities which legally existed or had a vested application on or prior to the effective date of the ordinance codified in this section; except, that this exemption does not apply to modifications of such facilities.

- F. Cell on wheels. A temporary personal wireless telecommunications facility for a timeframe determined by the designated official.
- G. Automated meter reading. Automated meter reading (AMR) facilities for collecting utility meter data.

18.512.070 Wireless use permits - types and timelines.

i The following code was adapted from IMC 18.22.070, Permit - Types and timelines, with minor updates for clarity and consistency with the Procedures Chapter.

- A. Unless exempted by this chapter, all WCF installations and alterations require a land use permit. The type of permit required is based on the following table:

Table 18.512.070(A)
Types of Facilities and Required Permit

Table 18.512.070(A) Types of Facilities and Required Permit		
WCF Type	Structure	Land Use Permit Required
UHF/VHF antenna higher than 10-feet above roofline	Building	Level 0
Small satellite dish antenna	Building or Ground Mounted	NA
Large satellite dish antenna	Building or Ground Mounted	Level 0
Amateur radio tower	Building or Ground Mounted	Level 1
Temporary wireless communication facility not covered by IMC 18.512.060(D)	Varies	Level 0
New macro wireless facility	New tower or structure	Level 2
New small wireless facility	Existing pole	Level 1
Completely concealed WCF (both macro and small wireless)	Structure mounted	Level 0
Collocation of new antenna(s); new ground mounted equipment enclosures on previously approved structure	Existing structure, pole or tower	Level 1
New small wireless facility	New pole tower	Level 2

Table 18.512.070(A)
Types of Facilities and Required Permit

WCF Type	Structure	Land Use Permit Required
New small wireless facility	Replacement pole	Level 1
Eligible facilities request; removal of existing antennas	Existing WCF	Level 0

- B. If a WCF does not fall into one of the above categories, the designated official will determine which WCF type is most closely related for permitting purposes.
- C. Timelines for Review: All wireless communications facilities authorizations and permits are subject to the Federal review timelines (“shot clocks”) as described in 47 CFR Section 1.6001 et seq.
- D. An application review period begins to run when application materials have been submitted and payment has been received. The clock shall stop should the City determine that the application is materially incomplete and provides notice to the network provider with clear and specific identification of the missing documents or information and the specific rule or regulation creating the obligation to submit such documents or information. The clock for the application review period may also be stopped by mutual agreement of the designated official and network provider. The shot clock for small wireless facilities restarts at zero for small cell applications when the City is in receipt of network provider’s supplemental submission in response to the City’s notice of incompleteness; or when mutually agreed by the network provider and City. The review period may be tolled upon an additional determination of incompleteness if the City provides its request for supplemental information within ten calendar days and specifically identifies the information the applicant failed to supply in response to its initial request.
- E. Consolidated Permit:
 1. Small wireless facility sites may be consolidated into one permit application for processing. If the sites within the consolidated permit have differing review timelines, the longer timeline will apply to review of the consolidated grouping of sites. The process in IMC 18.204.060 (Optional Consolidated permit review process) shall not apply to the consolidated permit review of small wireless facilities.
 2. A network provider may elect to apply for a land use permit and a building permit as a consolidated application. The network provider acknowledges the building permit submittal is an at-risk permit and is dependent upon receiving the land use permit.

18.512.080 Complete Application

i This section is new material.

- A. Location information. The application must provide specific locational information including GIS coordinates of all facilities, and specify where the facilities will utilize existing, replacement or new poles, towers, existing buildings and/or other structures. Ground mounted equipment, conduit, junction boxes and fiber and electrical connections necessary for and intended for use in the deployment shall also be specified regardless of whether the additional facilities are to be constructed by the Applicant or leased from a third

party. Detailed schematics and visual renderings of the facilities shall be provided by the Applicant. The application shall have sufficient detail to identify:

1. The location of overhead and underground public utility, telecommunication, cable, water, adjacent lighting, sewer drainage and other lines and equipment within 50 feet of the proposed project area (which the project area shall include the location of the fiber source and power source). Further, the Applicant shall include all existing and proposed improvements related to the proposed location, including but not limited to poles, driveways, ADA ramps, equipment cabinets, street trees and structures within 50 feet from the proposed project area.
 2. The specific trees, structures, improvements, facilities, lines and equipment and obstructions, if any, that Applicant proposes to temporarily or permanently remove or relocate and a landscape plan for protecting, trimming, removing, replacing and restoring any trees or areas to be disturbed during construction.
 3. The construction drawings shall also include the Applicant's plan for electric and fiber utilities, all conduits, cables, wires, handholes, junctions, meters, disconnect switches and any other ancillary equipment or construction necessary to construct the small cell facility, to the extent to which the Applicant is responsible for installing such electric and fiber utilities, conduits, cables, and related improvements. Where another party is responsible for installing such electric and fiber utilities, conduits, cables, and related improvements, applicant's construction drawings will include such utilities to the extent known at the time of application, but at a minimum applicant must indicate how it expects to obtain fiber and electric service to the small cell facility.
 4. If the site location includes a replacement or new light pole that is placed more than five feet away from the existing location, then the Applicant must submit a photometric analysis of the roadway and sidewalk 150 feet upstream and downstream of the existing light.
- B. Property Owner Approval. The Applicant must show written approval from the owner of any pole or structure for the installation of its facilities on such pole or structure. Such written approval shall include approval of the specific pole, engineering and design standards from the pole owner, unless the pole owner is the City. Submission of the lease agreement between the owner and the Applicant is not required. For city-owned poles or structures, the Applicant must obtain a Facilities Lease from the City prior to or concurrent with the Permit application. The Applicant can batch multiple facility sites in one application. The Applicant is encouraged to batch the facility sites within an application in a contiguous service area.
- C. SEPA. Any application for a Permit which contains an element which is not exempt from SEPA review shall simultaneously apply under Chapter 43.21C RCW and IMC 18.800.
- D. RF engineering. The Applicant shall submit a sworn affidavit signed by an RF Engineer with knowledge of the proposed project affirming that the facilities will be compliant with all FCC and other governmental regulations in connection with human exposure to radio frequency emissions for every frequency at which the facility will operate. If facilities which generate RF radiation necessary to the facility are to be provided by a third party, then the Permit shall be conditioned on an RF Certification showing the cumulative impact of the RF emissions on the entire installation. The Applicant may provide one emissions report for the entire deployment if the Applicant is using the same facility configuration for all installations within that batch, or may submit one emissions report for each subgroup installation identified in the batch.
- E. FCC approval. The Applicant shall provide proof of FCC and other regulatory approvals required to provide the service or utilize the technologies sought to be installed.
- F. Construction engineering. A professional engineer licensed by the State of Washington shall certify in writing, over his or her seal, that both construction plans and final construction of the facilities and the antenna support structure or pole and foundation are designed to reasonably withstand wind and seismic loads.

G. Traffic control plan in accordance with IMC 12.60.430

H. All appropriate fees paid.

18.512.080 Application Notice Requirements.

i This section is adapted from 18.22.070(D) and (E). The notification requirements are listed by Level of review and includes the requirements for the notice. Level 1 and 2 permit applications are updated with notification requirement.

A. Notification Requirement:

1. Level 0 land use permit applications applicable to this section do not require written notification.
2. Level 1 land use permit applications with new equipment proposed require the applicant to provide written notification to property owners within 300-feet of the subject site (parcel).
3. Level 2 land use permit applications proposed require the applicant to provide written notification to property owners within 300-feet of the subject site (parcel).
4. The associated mailing list and mailer notification is required as part of the submittal packet for any land use permit that requires written notification and must include the following:
 - a. Site and vicinity map; and
 - b. Specific location proposed; and
 - c. Alternative locations considered; and
 - d. Description, including dimensions, design, color, and type of facility; and
 - e. To-scale rendering of the proposed facility; and
 - f. Project objectives; or
 - g. Create a webpage with all the above information and provide a mailer directing property owners to the site.
5. Network provider or representative must provide the City with a distribution list of property owners and a copy of the materials distributed as part of the application for the associated land use permit.

18.512.090 Third-Party Review.

i This section is new material to require third-party review.

- A. Personal wireless service providers use various methodologies and analyses, including geographically based computer software, to determine the specific technical parameters of their services and low power mobile radio service facilities, such as expected coverage area, antenna configuration, topographic constraints that affect signal paths, etc. In certain instances, a third-party expert may need to review the technical data submitted by a provider. The City may require a technical review as part of a permitting process. The costs of the technical review must be borne by the provider.
- B. The selection of the third-party expert may be by mutual agreement between the provider and the City, or at the discretion of the City, with a provision for the provider and interested parties to comment on the proposed expert and review his or her qualifications. The expert review is intended to address interference and public safety issues and be a site-specific review of technical aspects of the facilities or a review of the providers' methodology and equipment used and not a subjective review of the site which was selected by a

provider. Based on the results of the expert review, the City may require changes to the provider's application. The expert review must address the following:

1. The accuracy and completeness of submissions; and
2. The applicability of analysis techniques and methodologies; and
3. The validity of conclusions reached; and
4. Any specific technical issues designated by the City.

18.512.100 Fees.

i The section has been adapted from IMC 18.22.090 with minor edits for clarity and updated to be consistent with the Procedures chapter.

- A. At the time of a land use application, the applicant must pay fees for land use review as established in the City Fee Schedule adopted pursuant to Chapter 3.65 IMC.
- B. Third-party review fees are the responsibility of the applicant.

Article III. General Standards and Specifications.

18.512.110 Siting.

i This section is directly from IMC 18.22.090; with an update to Tables 18.512.110(A) and (B), which previously read as "encouraged," "discouraged," and "prohibited" and now read as enforceable terms "Allowed," "Allowed with conditions," and "Prohibited.."

- A. Macro WCF Locations: Network provider must consider the established preferences and must comply with the "Allowed" criteria, if possible. "Allowed with conditions" locations may only be considered if the network provider demonstrates that an "Allowed" location is not possible according to the following criteria:
 1. Locate with Existing WCF: Network provider must provide the designated official with documentation that establishes that it contacted the owner of each facility that currently houses a macro cell facility located within 1,000 feet of the proposed location and that owner has denied the network provider's request to collocate. If the request was granted but the network provider believes it still cannot locate at that location for other reasons, the network provider must provide the designated official with a detailed explanation of those reasons.
 2. Nonresidential Zones: Network provider must provide the designated official with documentation that establishes that it considered locations within those nonresidential zones located within 1,000 feet of the proposed location. This documentation must outline the reasons why such locations within nonresidential zones are infeasible.
 3. Building or Structure Mounted: Network provider must provide the designated official with documentation that establishes that it contacted the owner of each structure (nonresidential single family) located within 1,000 feet of the proposed location which is sufficient height to accommodate a macro cell facility and that structure owner denied the network provider's request to place its facilities on that structure. If the request was granted but the network provider believes it still cannot locate at that location for other reasons, the network provider must provide the designated official with a detailed explanation of those reasons.

4. Located in Setbacks: New poles shall not be located in any zoning setback area on private and public property.

i In the table below, CF-F added per permitted uses table

Table 18.512.110(A) Macro Wireless Communication Facilities		
Allowed	Allowed with Conditions	Prohibited
Located with existing WCF	Property allowing for multifamily residential use	Front Street ROW (new tower)
Nonresidential zones	Right-of-way	Property zoned SF-E, SF-S, SF-SL, and SF-D, exclusive of public right-of-way
Building or structure mounted	Blocking Natural Vistas	
	New tower	

B. Small Wireless

WCF Locations: Network provider must consider the established preferences and must comply with the “Allowed” criteria, if possible. “Allowed with conditions” locations may only be considered if the network provider demonstrates that an “Allowed” location is not possible according to the following criteria:

1. **Locate with Existing WCF:** Network provider must provide the designated official with documentation that establishes that it contacted the owner of each facility that currently houses a WCF located within 150 feet of the proposed location and that owner has denied the network provider’s request to collocate. If the request was granted but the network provider believes it still cannot locate at that location for other reasons, the network provider must provide the designated official with a detailed explanation of those reasons.
2. **Existing or Replacement Poles:** Network provider must provide the designated official with documentation that establishes that it contacted the owner of each existing pole (non-City-owned) within 150 feet of the proposed location and that pole owner denied the network provider’s request to place its facilities on that pole. If the request was granted by the pole owner but the network provider believes it cannot locate at that location for other reasons, the network provider must provide the designated official with a detailed explanation of those reasons which must be technical in nature.
3. **Building or Structure Mounted:** Network provider must provide the designated official with documentation that establishes that it contacted the owner of each building or structure (except buildings or structures listed as allowed with conditions or prohibited) located within 150 feet of the proposed location and that structure owner denied the network provider’s request to place its facilities

on that structure. If the request was granted by the structure owner but the network provider believes it cannot locate at that location for other reasons, the network provider must provide the designated official with a detailed explanation of those reasons which must be technical in nature.

4. Nonresidential Zones: Network provider must provide the designated official with documentation that establishes that it considered all properties within nonresidential zones within 150 feet of the proposed location. This documentation must outline the reasons why such nonresidential properties are infeasible.
5. Property Outside of Public Right-of-Way: Network provider must provide the designated official with documentation establishing that it contacted the owner of each property located within 150 feet of the proposed location where a new pole could be placed and such property owner denied the network provider's request. If the request was granted by the property owner but the network provider believes it cannot locate at that location for other reasons, the network provider must provide the designated official with a detailed explanation of those reasons which must be technical in nature.
6. Located in Setbacks: New poles shall not be located in any setback area on private and public property.

Table 18.512.110(B) Small Wireless Communications Facilities		
Allowed	Allowed with Conditions	Prohibited
Located with existing WCF	Property allowing for residential use	Front Street ROW (new tower)
Existing or replacement poles	New poles	Nonmunicipal decorative poles
Building or structure mounted		Municipal poles
Nonresidential zones		Property used as single-family residential (exclusive of public right-of-way)
Property outside of public right-of-way		
Community Facilities - Facilities		

- C. Deviations: The City's designated official may approve the siting of a wireless communications facility in a prohibited location, only if all the following criteria are met:

1. The applicant provides sufficient technical or other relevant information that demonstrates there are no “Encouraged” or “Discouraged” sites available; and
2. The proposed siting will minimize visual and noise impacts to adjacent uses; and
3. The applicant will provide the City with a hold harmless and indemnification, on a form acceptable to the City Attorney, for any damage, injury, or other claim resulting from the deviation.

18.512.120 Design requirements.

i This section is directly from IMC 18.22.100, with minor edits for clarity.

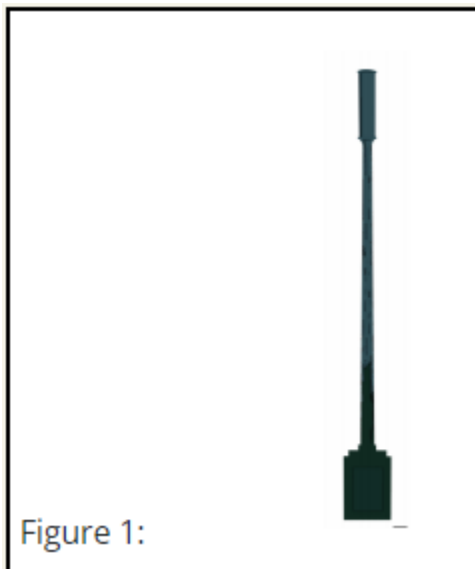
A. Antenna:

1. Satellite Dish, Large:
 - a. Shall not be located within front or side yard building setback areas. Shall be located outside of any required landscaped area and preferably located in service areas or other less visible locations.
 - b. Mountings and satellite dishes shall be no taller than the minimum required for obtaining an obstruction-free reception window.
 - c. Construction plans and final construction of the mounting bases of all large satellite dish antenna must be approved as part of the permit issuance.
2. Amateur Radio Towers:
 - a. Towers in all zones shall not be located within any easements, front, side, or rear yard building setback areas. Must be located at a point farthest from lot lines as feasible, or the point farthest from residential structures on abutting properties.
 - b. Ground mounted and roof mounted antennas are allowed in all zones. Ground mounted towers shall not exceed fifty 50 feet in height unless a proposal demonstrates that physical obstructions impair the adequate use of the tower.
 - c. The combined structure of a roof mounted tower and antenna shall not exceed a height of 25 feet above the existing roofline.
 - d. Mountings and amateur radio towers shall be no taller than the minimum required for the purposes of obtaining an obstruction-free reception window.
 - e. Construction plans and final construction of the mounting bases of amateur radio towers covered by this section must meet structural design requirements.
 - f. Applications must document that the proposed tower and any mounting bases are designed to withstand wind and seismic loads as established by the International Building Code.
3. Macro or Small Wireless Antenna:
 - a. Where an antenna is to be mounted on a structure, the combined antenna and all associated equipment and required screening shall not extend more than 15 feet above the existing or proposed top of roof line or top of structure.
 - b. Antenna and related equipment must be placed and treated to present the least possible visual impact to the public. Treatments might include: equipment enclosure; location of antenna and radio box on the pole; painting to match the pole; or any combination of these measures.

B. Towers and Poles:

1. Macro Towers:

- a. Shall be integrated through location and design to blend in with the existing characteristics of the site.
 - b. Shall preserve existing on-site vegetation and minimize disturbance of the existing topography, unless such disturbance would result in less visual impact of the site to the surrounding area.
 - c. Shall be designed and placed on the site in a manner that takes the maximum advantage of existing trees, mature vegetation, and structures as to use existing site features to screen as much of the total facility as possible, and/or use existing site features as a background so that the facility blends into the background with increased sight distances. Setbacks from property lines must be maximized where practical.
 - d. Towers must be painted in a color that best allows them to blend into the surroundings. The use of grays, blues, greens and browns might be appropriate; however, each case will be evaluated individually and approved by the designated official.
 - e. Shall not exceed 85 feet in height.
 - f. Shall be designed to allow for collocation.
 - g. Shall be designed to allow conduit and cabling to be internal to the pole, as feasible.
 - h. May be located on City-owned property with City review and lease on City-owned property with City review and lease.
2. New Poles to Accommodate Small Wireless Antenna:
- a. Poles shall be limited to 30 feet in height, inclusive of antennas, or the minimum height necessary, not to exceed 50 feet.
 - b. No municipal poles shall be used.
 - c. New poles must be designed to be consistent with Figure 1, or as otherwise approved by the designated official.



- d. New poles placed in right-of-way must align with other poles, to the greatest extent feasible.
- e. New poles must be colored or painted to match nearby street fixtures, or as otherwise directed by the designated official.
- f. New poles in the right-of-way shall only be permitted with a valid City franchise agreement.

3. Replacement Poles:

- a. A utility pole at the proposed location may be replaced with a taller pole for the purpose of accommodating a small wireless facility; provided, that the replacement pole shall not exceed a height that is a maximum of 15 feet taller than the existing pole, unless a further height increase is required and confirmed in writing by the pole owner and that such height extension is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.
- b. Replacement wooden utility poles may either match the approximate color and materials of the replaced pole or must be the standard new wooden utility pole used by the pole owner in the City.
- c. A pole extender may be used on nondecorative poles, but may not increase the height of the existing pole by more than 15 feet. The pole extender must be painted to approximately match the color of the pole and must substantially match the diameter of the pole measured at the top of the pole.
- d. Neither through the installation of a replacement pole nor a pole extender shall the overall pole height be allowed to be increased to over 50 feet, except the designated official may approve an over-height pole of up to 60 feet provided all of the following criteria are met:
 - (1) The existing pole is greater than 35 feet in height; and
 - (2) The network provider can demonstrate for technical or safety reasons that the pole must be taller than 50 feet; and
 - (3) The network provider provides the shortest pole possible and provides the Director with technical documentation to support the proposed over-height pole height.

4. Pole Mounted Equipment:

- a. Pole mounted equipment must be located on the least-visible side of the pole, from the nearest street and as high up on the pole as is feasible.
- b. City wayfinding signs may be required by the designated official to reduce the visual impact of pole mounted equipment boxes.

C. Ground Equipment:

- 1. It is the City's preference to not have above-ground equipment in the right-of-way or on public property.
- 2. Where located in the right-of-way and subject to permitting and franchise requirements, equipment shall only be installed where equipment will not interfere with existing or future City uses of the right-of-way; the rights of private property owners; other utility fixtures and services; water hydrants or mains; wastewater systems; traffic control devices; or any other service or facility (existing or planned) that benefits the City or the health, safety, or welfare of its residents. Further, ground equipment must comply with the Americans with Disabilities Act (ADA) regulations and sidewalk clearance requirements.
- 3. Where located in the right-of-way and not able to be underground, ground equipment must serve as a public amenity, where feasible. Network provider must work with the designated official to conceal equipment. Benches, kiosks, wayfinding, planters, etc., could all be considered as public amenities.
- 4. Equipment installations shall not be placed in front of the primary entrance to a residence or any business or at any other location where it would unduly interfere with the operation of a business, including blocking views of the entrance, signage, or display windows.
- 5. Screening (Outside of Right-of-Way):
 - a. Where feasible, ground equipment must be placed in an underground vault; or must be incorporated into the base of the antenna structure.

- b. Above-ground equipment cabinets not undergrounded or incorporated into a pole base must be screened with landscaping, street furniture and/or artistically vinyl wrapped, as determined by the designated official.
 - c. Fencing, if desired, shall be no taller than six feet, decorative and complementary in design to the antenna structure. Chain-link fencing and barbed wire shall not be allowed.
 - d. Anti-graffiti finishes must be applied to all solid fences, walls and gates.
6. Proposed equipment shall not be located to reduce the amount of on-street parking or interfere with access to meters, fire hydrants, or other objects of street hardware in the right-of-way.
 7. The size of aboveground equipment enclosures shall be minimized.
- D. Lighting: No lighting shall be allowed with the permitting of a WCF unless otherwise approved as a new light standard; or as may be required by the Federal Aviation Administration (FAA).

18.512.130 Eligible facilities requests.

i This section is adapted from IMC 18.22.110, with grammatical edits and updates for clarity.

- A. Definitions: The following definitions must apply to eligible facilities requests only as described in this section and shall not apply throughout this chapter:
1. Base station is a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein nor any equipment associated with a tower. Base station includes, without limitation:
 - a. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
 - b. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and back-up power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems (“DAS”) and small wireless networks).
 - c. Any structure other than a tower that, at the time the relevant application is filed (with jurisdiction) under this section, supports or houses equipment described in subsections (A)(1)(a) and (b) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support. However, the term does not include any structure that, at the time the relevant application is filed with the City under this section, does not support or house equipment described in subsections (A)(1)(a) and (b) of this section.
 2. Collocation: The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes.
 3. Eligible facilities request: Any request for modification of an existing tower or base station that does not substantially increase the physical dimensions of such tower or base station, involving:
 - a. Collocation of new transmission equipment;
 - b. Removal of transmission equipment; or
 - c. Replacement of transmission equipment.
 4. Eligible support structure: Any tower or base station as defined in this section; provided, that it is existing at the time the relevant application is filed with the City.

5. Existing: A constructed tower or base station is existing if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process; provided, that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.
6. Substantial change: A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:
 - a. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna, not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater.
 - (1) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act;
 - b. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
 - c. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public streets and base stations, it involves installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
 - d. It entails any excavation or deployment outside the current site;
 - e. It would defeat the concealment elements of the eligible support structure; or
 - f. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment; provided, however, that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified above.
- B. Application: The designated official must prepare and make publicly available an application form used to consider whether an application is an eligible facilities request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.
- C. Qualification as an eligible facilities request: Upon receipt of an application for an eligible facilities request, the designated official must review such application to determine whether the application qualifies as an eligible facilities request.
- D. Time frame for review. Within 60 days of the date on which a network provider submits an eligible facilities request application, the designated official must approve the application unless it determines that the application is not covered by this section.
- E. Tolling of the time frame for review. The 60 day review period begins to run when the application is filed, and may be tolled only by mutual agreement by the designated official and the applicant or in cases where the designated official determines that the application is incomplete. The time frame for review of an eligible facilities request is not tolled by a moratorium on the review of applications.

1. To toll the time frame for incompleteness, the designated official must provide written notice to the applicant before ten days of receipt of the application, clearly and specifically delineating all missing documents or information required in the application.
 2. The time frame for review restart to zero on the date which the applicant makes a supplemental submission in response to the designated official's notice of incompleteness to render the application complete.
 3. Following a supplemental submission, the designated official will notify the applicant within ten days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this subsection. Second or subsequent notice of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.
- F. Determination that application is not an eligible facilities request. If the designated official determines that the applicant's request does not qualify as an eligible facilities request, the designated official shall deny the application.
- G. Failure to Act. In the event the designated official fails to approve or deny a request for an eligible facilities request within the time frame for review (accounting for any tolling), the request must be deemed granted. The deemed grant does not become effective until the applicant notifies the designated official in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

18.512.140 Collocation.

i The following section is new material with specific collocation standards that are common in other cities (provided in 18.512.140(H).

- A. The intent of Collocation is to minimize adverse impacts associated with the proliferation of towers, collocation of personal wireless service facilities and eligible facilities requests to expand facilities on existing or new towers are as follows:
1. Proposed facilities may, and are encouraged to, collocate onto existing towers. Such collocation is permitted by right, except that any other permit, license, lease, or franchise requirements must be satisfied, and the collocation must be accomplished in a manner consistent with the policy, site criteria, and landscape/screening provisions contained in this Title.
 2. While collocation and the requirements herein are encouraged, collocation shall not take precedence over the construction of shorter towers with appropriate screening.

18.512.140 Installation and Inspection.

i This section is directly from IMC 18.22.120.

- A. All installation must be in compliance with the issued permit.
- B. Following construction, the City must inspect the WCF installation. Any construction performed out of compliance with the approved permit must be promptly corrected by the applicant following receipt of notification by the City. Failure to bring the construction into compliance with the permit may result in forfeiture of any franchise guarantees for work within the right-of-way; forfeiture of any deposits for

facilities located on City properties; and code enforcement penalties and fines, as applicable and as authorized by the IMC, as determined by the designated official.

18.512.150 Interference.

i This section is directly from IMC 18.22.130.

- A. The City shall not be liable to network provider for impacts to network service caused by the issuance of WCF permits to other network providers.
- B. In the event that permitted WCF causes interference to City communications, the City must notify the network provider in writing. Network provider must respond to the City's request to address the source of the interference as soon as practicable, but in no event later than 24 hours of receiving written notice. The protocol for responding to events of interference will require the network provider to provide the City with an interference remediation report including:
 - 1. Remediation plan; and
 - 2. Time frame for execution; and
 - 3. Additional information.
 - 4. Vegetation Coverage: The parking structure landscape area must contain shrubs and ground cover that are spaced to achieve 100% coverage in three years.
- C. In the event that interference with City facilities cannot be eliminated or remediated to the satisfaction of the designated official, the network provider must shut down and remove all facilities determined to cause interference, at network provider's sole expense.

18.512.140 Obsolescence and removal.

i This section is directly from IMC 18.22.140.

- A. A wireless communication facility must be removed by the facility owner within six months of the date it ceases to be operational or if the facility falls into disrepair. Disrepair includes structural features, paint, landscaping, or general lack of maintenance which could result in safety or visual impacts. Whenever a wireless communications facility ceases operation or falls into disrepair as provided in this section and as determined by either the designated official or the network provider, the entire wireless communications facility must be removed, including but not limited to all antennas, antenna supports, feeder lines, equipment enclosures, equipment, conduit, and the concrete pad upon which the structure is located. The facility owner may apply for an extension of time within those six months if resuming operation of the facility is expected. The designated official, at his sole discretion, may extend the time for a period not to exceed six months upon written request by the owner.
- B. If the network provider requires the removal or relocation of a WCF or related ground equipment at its own discretion, it must, within 14 days prior to any work, notify the designated official in writing. A relocation will fall under the requirements of IMC [18.512.070](#).
- C. Should the designated official determine a permitted WCF or related equipment has become a danger to the public health, safety, welfare, or City property, the network provider must within 24 hours remove or secure their facilities to the satisfaction of the designated official at their sole expense.
- D. Should a WCF or its related equipment get vandalized by graffiti, the network provider must, within 14 calendar days, either remove the graffiti or repaint the structure.

18.512.150 Appeals.

i This section is directly from IMC 18.22.150.

Refer to IMC 18.204.400 regarding appeals.

18.512.160 Conflict.

i This section is directly from IMC 18.22.160.

To the extent that any provision or provisions of this chapter are inconsistent or in conflict with any other provision of the IMC, Comprehensive Plan or any ordinance or regulation of the City, the provisions of this chapter must be deemed to control as they relate to the siting of WCF. However, if there is a specific conflict for WCF in the right-of-way, the franchise agreement must govern.