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Introduced By:

Proposed No.:

97-645

ORDINANCE NO. **13129**

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AN ORDINANCE amending provisions governing minor communication facilities; amending Ordinance 10870, Sections 304, 337, 490, 492, 494, 495, 503 and K.C.C. 21A.06.1320, 21A.08.100, 21A.26.010, 21A.26.030, 21A.26.050, 21A.26.060 and 21A.26.140; repealing Ordinance 10870, Section 493 and K.C.C. 21A.26.040; and adding new sections to K.C.C. 21A.26.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 10870, section 493, and K.C.C. 21A.26.040 are each hereby repealed.

NEW SECTION. SECTION 2. There is added to K.C.C. 21A.26 a new section to read as follows:

Minor communication facilities - preapplication community meetings. When a new transmission support structure is proposed, a community meeting shall be convened by the applicant prior to submittal of an application.

A. At least two weeks in advance, notice of the meeting shall be provided as follows:

- 1. Published in the local paper and mailed to the department and to the unincorporated area council serving the area in which potential sites are contemplated, and

1           2. Mailed notice shall be provided to all property owners within five hundred feet  
2 (or at least twenty of the nearest property owners, whichever is greater) as required by  
3 K.C.C. 21A.26.170 of any potential sites, identified by the applicant for possible  
4 development, to be discussed at the community meeting. When the proposed transmission  
5 support structure exceeds a height of one hundred twenty feet, the mailed notice shall be  
6 provided to all property owners within one thousand feet. The mailed notice shall at a  
7 minimum contain a brief description and purpose of the project, the estimated height,  
8 approximate location noted on an assessor map with address and parcel number, photo or  
9 sketch of proposed facility, a statement that alternative sites proposed by citizens can be  
10 presented at the meeting which will be considered by the applicant, a contact name and  
11 telephone number to obtain additional information and other information deemed  
12 necessary by King County. Because the purpose of the community meeting is to promote  
13 early discussion, applicants are encouraged to note any changes to the conceptual  
14 information presented in the mailed notice when they submit an application.

15           B. At the community meeting at which at least one employee of the department of  
16 development and environmental services, assigned by the director of the department, shall  
17 be in attendance, the applicant shall provide information relative to existing transmission  
18 support structures and other nonresidential structures, such as water towers and electrical  
19 transmission lines, within one-quarter mile of potential sites, and shall discuss reasons why  
20 those existing structures are unfeasible. Furthermore, any alternative sites within one-  
21 quarter mile, identified by community members and provided to the applicant in writing at  
22 least five days in advance of the meeting, shall be evaluated by the applicant to the extent  
23 possible given the timeframe, and discussed at the meeting. A listing of the sites,

1 identified in writing and provided to the applicant at or before the community meetings,  
2 shall be submitted to the department with the proposed application. Applicants shall also  
3 provide a list of meeting attendees and those receiving mailed notice and a record of the  
4 published meeting notice at the time of application submittal.

1            NEW SECTION. SECTION 3. There is added to K.C.C. 21A.26 a new section to  
 2 read as follows:

3            Minor communication facilities - review process. Minor communication facilities  
 4 shall be reviewed as follows:

**MINOR COMMUNICATION FACILITIES - REVIEW PROCESS**

Zone District(s)	Antenna	Transmission Support Structure
I, RB, CB NB, O	P	P C <sup>1</sup>
F, M	P	P C <sup>1</sup>
UR, RA, A	P	P <sup>2</sup> C <sup>1 and 2</sup>
R1 - R48	P	P C <sup>1</sup>

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 9            P - Permitted Use  
 10            C - Conditional Use

- 11  
 12            1 If the proposal exceeds the development standards of this ordinance contained in  
 13            Section 4 for transmission support structures, the proposal shall be reviewed through  
 14            this process.  
 15            2 The proposed transmission support structure shall not be located on any RA or A zoned  
 16            site for which the development rights have been encumbered by the farmlands  
 17            preservation program.  
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19            NEW SECTION. SECTION 4. There is added to K.C.C. 21A.26 a new section to  
 20 read as follows:

1           Minor communication facilities - development standards for transmission support  
 2 structures. A new transmission support structure exceeding the standards of this section  
 3 are subject to the conditional use permit process as outlined in Section 3 of this ordinance.  
 4 These provisions do not apply to transmission support structures that are being modified or  
 5 replaced pursuant to the provisions of Section 9 of this ordinance or replace an existing  
 6 transmission support structure.

7           **MINOR COMMUNICATION FACILITIES - DEVELOPMENT STANDARDS**

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Zone District(s)	Height and Location Of Tower	Setbacks <sup>1</sup>
I	140 feet high	50 feet (or one foot setback for every one foot in height) from any UR, RA, A, or R1 - R48 zone property, whichever provides the greatest setback
RB, CB	120 feet high	SAME AS ABOVE
NB, O, UR, RA, A, R1 - R48	60 feet high	SAME AS ABOVE
F, M	140 feet high	SAME AS ABOVE

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 11           1 - Setbacks may be modified to achieve additional screening, see Section 5C of this  
 12 ordinance or as provided in K.C.C. 21A.26.050.

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 14           NEW SECTION. SECTION 5. There is added to K.C.C. 21A.26 a new section to  
 15 read as follows:

1 Minor communication facilities - visual compatibility standards. With  
2 consideration to engineering and structural requirements, and the coverage patterns the  
3 provider is seeking to achieve, minor communication facilities shall be subject to the  
4 following visual compatibility standards in addition to K.C.C. 21A.44.040.

5 A. Antenna should, to the extent practicable, reflect the visual characteristics of the  
6 structure to which it is attached. This should be achieved through the use of colors and  
7 materials, as appropriate. When located on structures such as buildings or water towers,  
8 the placement of the antenna on the structure should reflect the following order of priority  
9 in order to minimize visual impact:

- 10 1. A location as close as possible to the center of the structure, and
- 11 2. Along the outer edges or side-mounted, provided that in this instance,  
12 additional means such as screens should be considered and may be required by the  
13 department on a case-by-case basis, and
- 14 3. When located on the outer edge or side-mounted, be placed on the portion of  
15 the structure less likely to be seen from adjacent lands containing, in descending order of  
16 priority: existing residences, public parks and open spaces, and public roadways.

17 B. To the extent that there is no conflict with the color and lighting requirements of  
18 the Federal Communication Commission and the Federal Aviation Administration for  
19 aircraft safety purposes, transmission support structures shall be designed to blend with  
20 existing surroundings to the extent feasible. This should be achieved through the use of  
21 compatible colors and materials, and alternative site placement to allow the use of  
22 topography, existing vegetation or other structures to screen the proposed transmission

1 support structure from adjacent lands containing, in descending order of priority: existing  
2 residences, public parks and open spaces, and public roadways.

3 C. The setback provisions of Section 4 of this ordinance may be waived by the  
4 department or the examiner, in order to achieve greater levels of screening than that which  
5 would be available by using the stated setback, during the course of the review process  
6 described in Section 3 of this ordinance. In waiving the requirement, the department or  
7 examiner shall consider the protection of adjacent lands on the basis of the priorities stated  
8 in subsections A and B.

9 NEW SECTION. SECTION 6. There is added to K.C.C. 21A.26 a new section to  
10 read as follows:

11 Minor communication facilities - time limits and establishment period. The  
12 building permit shall become null and void if construction of the transmission support  
13 structure has not begun within one year after the effective date of permit approval or if  
14 antennas are not installed within one hundred eighty days after construction of the  
15 transmission support structure. Extensions shall be allowed only in accordance with the  
16 criteria specified for building permit extensions in K.C.C. 16.04.05013.

17 NEW SECTION. SECTION 7. There is added to K.C.C. 21A.26 a new section to  
18 read as follows:

19 Minor communication facilities - cessation of use. Antenna shall be removed from  
20 transmission support structures within one hundred eighty days after the antenna is no  
21 longer operational. Transmission support structures for wireless communication facilities  
22 shall be removed within one year of the date the last antenna is removed.

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NEW SECTION. SECTION 8. There is added to K.C.C. 21A.26 a new section to read as follows:

Minor communication facilities - collocation. A. Upon application for a conditional use permit or a building permit for a new free-standing tower, whichever is required first, the applicant shall provide a map showing all existing transmission support structures or other suitable nonresidential structures located within one-quarter mile of the proposed structure with consideration given to engineering and structural requirements. No new transmission support structure shall be permitted if an existing structure suitable for attachment of an antenna or collocation is located within one-quarter mile, unless the applicant demonstrates that the existing structure is physically or technologically unfeasible pursuant to Section 16 of this ordinance, or is not made available for sale or lease by the owner, or is not made available at a market rate cost, or would result in greater visual impact as described in Section 5 of this ordinance. The burden of proof shall be on the applicant to show that a suitable structure for mounting of antenna or collocation cannot be reasonably or economically used in accordance with these criteria.

B. Prior to the receipt of a building permit to construct a new tower, the applicant shall file a letter agreeing to allow collocation on the tower with the department. The agreement shall commit the applicant to provide, either at a market rate cost or at another cost basis agreeable to the affected parties, the opportunity to collocate the antenna of other service providers on the applicant's proposed tower to the extent that such collocation is technically and structurally feasible for the affected parties.

NEW SECTION. SECTION 9. There is added to K.C.C. 21A.26 a new section to read as follows:



1 Minor communication facilities - modifications. Antenna modifications consistent  
2 with the provisions of Section 10 of this ordinance are permitted outright. Modifications to  
3 transmission support structures are also permitted outright, provided there is no increase in  
4 the height of the transmission support structure. Increases to the height of an existing  
5 transmission support structure are also permitted outright, provided that the increase is:

6 A. Necessary to accommodate the actual collocation of the antenna of other service  
7 providers, or to accommodate the current providers antenna required to utilize new  
8 technology, such as digital transmissions;

9 B. Limited to no more than forty feet above the height of the existing  
10 transmission support structure ; and

11 C. Proposed in a residential zone and the proposed height exceeds sixty feet and is  
12 demonstrated by the applicant to be required to meet the proposed area of coverage. If  
13 proposed in a residential zone, notice and a comment period shall be provided consistent  
14 with the provisions of K.C.C. 20.20.060. If the need for additional height is challenged  
15 within the comment period specified, technical evaluation as provided for in Section 22 of  
16 this ordinance shall be conducted. The department may approve, require additional  
17 mitigation, or deny the proposed height increase on the basis of this technical evaluation.

18 NEW SECTION. SECTION 10. There is added to K.C.C. 21A.26 a new section to  
19 read as follows:

20 Minor communication facilities - Antennas. Antennas meeting the standards of this  
21 section are permitted outright. An antenna shall not extend more than six feet horizontally  
22 from any structure to which it is attached. Furthermore, an antenna shall not extend

1 vertically above the uppermost portion of the structure to which it is mounted or attached,  
2 as follows:

3 A. Not more than twenty feet on a nonresidential structure, and

4 B. Not more than fifteen feet on a residential structure.

5 NEW SECTION. SECTION 11. There is added to K.C.C. 21A.26 a new section to  
6 read as follows:

7 Minor communication facilities - location within street, utility and railroad rights-  
8 of-way. The mounting of antenna upon existing or replacement structures, such as light  
9 and power poles, located within publicly or privately maintained street, utility and railroad  
10 right-of-ways is permitted outright. However, minor communication facilities within  
11 street, utility and railroad right-of-way that propose the construction of a separate structure  
12 used solely for antenna shall be subject to the zoning provisions applicable to the property  
13 abutting the portion of right-of-way where the structure is proposed except that the  
14 setbacks specified in the zoning code shall not apply. Setbacks shall be those specified in  
15 the road design standards. In cases where the abutting property on either side of the right-  
16 of-way has different zoning, the more restrictive zoning provisions shall apply.

17 SECTION 12. Ordinance 10870, Section 490, and K.C.C. 21A.26.010 are each  
18 hereby amended to read as follows:

19 Purpose. The purpose of this chapter is to ~~((assure greater compatibility between~~  
20 ~~communication facilities and adjacent land uses, to protect the general public from the effects~~  
21 ~~of non-ionizing electromagnetic radiation (NIEER), and to provide for the communication~~  
22 ~~needs of the region by:~~

- 1 ~~A. Establishing design and operating standards for communication facilities;~~
- 2 ~~B. Limiting exposure to NIER; and~~
- 3 ~~C. Providing for the modification or consolidation of existing communication~~
- 4 ~~facilities.))~~

5 establish guidelines for the siting of towers and antennas. The goals of this chapter are to:

6 A. Encourage the location of towers in nonresidential areas and minimize the total

7 number of towers throughout the community;

8 B. Strongly encourage the joint use of new and existing tower sites;

9 C. Encourage users of towers and antennas to locate them, to the extent possible, in

10 areas where the adverse impact on the community is minimal;

11 D. Encourage users of towers and antennas to configure them in a way that minimizes

12 the adverse visual impact of the towers and antennas;

13 E. Enhance the ability of the providers of telecommunications services to provide such

14 services to the community quickly, effectively and efficiently; and

15 F. Limiting exposures to NIER consistent with Federal Communication Commission

16 statutes.

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SECTION 13. Ordinance 10870, Section 337 as amended, and K.C.C. 21A.08.100 are each hereby amended to read as follows:

KEY		RESOURCE			RESIDENTIAL				COMMERCIAL/ INDUSTRIAL					
P-Permitted Use C-Conditional Use S-Special Use		Z O N E	A	F	M	R	UR	UR	UR	NB	CB	RB	O	I
			G	O	I	U	RE	RE	RE	E	E	O	E	F
		R	R	N	R	BS	BS	BS	I	S	MS	GS	F	D
		I	E	E	A	AE	AI	AI	G	MI	II	I	U	S
		C	S	R	L	NR	ND	ND	H	N	UN	ON	C	S
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		L		L				T	O	S	I	S	L	R
		T						I	H	Y				I
		U						A	O					A
		R						L	D					L
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12	NB	CB	RB	O	I	(1 5)
*	Jail		S		S	S	S	S	S	S	S	S	S	S
*	Jail Farm/Camp	S	S		S	S								
*	Work Release Facility				S	S	S	S	S	S	S	S		
*	Public Agency Animal Control Facility		S		S	S					S			P
*	Public Agency Training Facility		S		S3					S3	S3	S3	C4	
*	Hydroelectric Generation Facility		C14 S		C14 S	C14 S	C14 S							
*	Non-hydroelectric Generation Facility	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	P1 2 2 S
*	((Major)) Communication Facility (17)	C6c S	P		C6c S	C6c S	C6c S	C6c S	C6c S	P	P	P	P	
*	Earth Station	P6b C	P		C6a S	C6a S	C6a S	C6a S	P6b C	P	P	P	P	
13	Oil and Gas Extraction	S	C	P	S	S	S	S	S	S	S	S	S	C
*	Energy Resource Recovery Facility		S	S	S	S	S	S	S	S	S	S	S	S
*	Soil Recycling Facility		S	S	S									C
*	Landfill		S	S	S	S	S	S	S	S	S	S	S	S
*	Transfer Station			S	S	S	S	S	S	S	S			P

*	Wastewater Treatment Facility				S	S	S	S	S	S	S	S	C
*	Municipal Water Production	S	P13 S	S	S	S	S	S	S	S	S	S	S
*	Airport/Heliport	S7	S7		S	S	S	S	S	S	S	S	S
*	Transit Bus Base				S	S	S	S	S	S	S	S	P
*	Transit Park and Ride Lot				S	S	S	S	P	P	P	P	P
*	School Bus Base				C5 S	C5 S	CP5 S	C5 S	S	S	S	S	P
7948	Racetrack				S	S	S8	S8	S8	S8	S8	S8	S
*	Fairground								S	S			S
8422	Zoo/Wildlife Exhibit (2)		S9		S9	S	S	S		S	S		
7941	Stadium/Arena										S		S
8221- 8222	College/University (1)	P10	P10		P10 C11 S	P10 C11 S	P10 C11 S	P10 C11 S	P10 C11 S	P	P	P	P
*	Zoo animal breeding facility	P16	P16		P16								

**CROSS REFERENCES:** GENERAL CROSS REFERENCES: Permitted Use Chart Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. 21A.12 through 21A.30; General Provisions, see K.C.C. 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. 21A.40 through 21A.44; (\*) Definition of this specific land use, see K.C.C. 21A.06.

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**B. Development Conditions.**

1. Except technical institutions. See vocational schools on general services land use table, K.C.C. 21A.08.050.
2. Except arboretum. See K.C.C. 21A.08.040, recreation/cultural land use table.
3. Except weapons armories and outdoor shooting ranges.
4. Except outdoor shooting range.
5. Only in conjunction with an existing or proposed school.
- 6.a. Limited to no more than three satellite dish antennas.
- b. Limited to one satellite dish antenna.

1 c. Limited to tower consolidations.

2 7. Limited to landing field for aircraft involved in forestry or agricultural practices  
3 or for emergency landing sites.

4 8. Except racing of motorized vehicles.

5 9. Limited to wildlife exhibit.

6 10. Only as a re-use of a public school facility subject to the provisions of K.C.C.  
7 chapter 21A.32.

8 11. Only as a re-use of a surplus nonresidential facility subject to the provisions  
9 of K.C.C. chapter 21A.32.

10 12. Limited to cogeneration facilities for on-site use only.

11 13. Excluding impoundment of water using a dam.

12 14. Limited to facilities that comply with the following provisions:

13 a. Any new diversion structure shall not:

14 (1) exceed a height of eight feet as measured from the streambed, or

15 (2) impound more than three surface acres of water at the normal maximum  
16 surface level;

17 b. There shall be no active storage;

18 c. The maximum water surface area at any existing dam or diversion shall not  
19 be increased;

20 d. An exceedance flow of no greater than ((50)) fifty percent in mainstream  
21 reach shall be maintained;

22 e. Any transmission line shall be limited to a:

- 1 (1) right-of-way of five miles or less; and  
2 (2) capacity of ((230)) two hundred thirty KV or less;  
3 f. Any new, permanent access road shall be limited to five miles or less;  
4 g. The facility shall only be located above any portion of the stream used by  
5 anadromous fish.

6 15. For I-zoned sites located outside the urban growth area designated by the  
7 King County Comprehensive Plan, uses shown as a conditional or special use in K.C.C.  
8 21A.08.100A, except for waste water treatment facilities, shall be prohibited. All other  
9 uses, including waste water treatment facilities, shall be subject to the provisions for rural  
10 industrial uses as set forth in K.C.C. chapter 21A.12.

11 16. The operator of such facility shall provide verification to the department of  
12 natural resources or its successor organization that the facility meets or exceeds the  
13 standards of the Animal and Plant Health Inspection Service of the United States  
14 Department of Agriculture and the accreditation guidelines of the American Zoo and  
15 Aquarium Association.

16 17. The following provisions of the table apply only to major communication  
17 facilities. Minor communication facilities shall be reviewed pursuant to the processes and  
18 standards outlined in K.C.C. chapter 21A.26.

19 NEW SECTION. SECTION 14. There is added to K.C.C. 21A.26 a new section to  
20 read as follows:

21 Minor communication facilities - public parks and open spaces owned by King  
22 County. Within public parks and open spaces owned by King County, the placement of  
23 antennas on existing structures, such as power poles, light poles for streets and parking

1 lots, light standards for recreational fields and communication towers, is the preferred  
2 option. If an existing structure cannot accommodate an antenna due to structural  
3 deficiency, or does not have the height required to provide adequate signal coverage, the  
4 structure may be replaced with a new structure provided that the new structure will serve  
5 the original purpose and not exceed the original height by forty feet. Any height increase  
6 in excess of forty feet will require a conditional use permit.

7 The construction of a new free-standing tower within public parks and open spaces  
8 owned by King County shall be subject to a conditional use permit when the height of the  
9 proposed tower exceeds sixty feet.

10 SECTION 15. Ordinance 10870, Section 495 and K.C.C. 21A.26.060 are each  
11 hereby amended to read as follows:

12 Landscaping requirements. A communication facility site shall provide landscaping as  
13 follows:

14 A. When the facility is located in:

15 1. The NB, CB, RB, O((,)) or I zone, the base of any transmission structure or  
16 transmitter building shall be landscaped with eight feet of Type II landscaping as defined by  
17 K.C.C. 21A.16.040B, if there is no existing landscaping consistent with K.C.C. chapter  
18 21A.16 along the lot line abutting R, UR, or RA zoned properties.

19 2. The A, F((,)) or M zone, the base of the transmission structure or transmitter  
20 building shall be landscaped with ten feet of Type III landscaping (groundcover may be  
21 excluded) as defined by K.C.C. 21A.16.040C, if the base of such transmission structure or  
22 transmitter building is within ((300)) three hundred feet of any lot line abutting R, UR, or RA  
23 zoned properties.



1           3. The R, UR((g)) or RA zone, the base of any transmission structure or transmitter  
2 building shall be landscaped with ten feet of Type I landscaping as defined by K.C.C.

3 21A.16.040A.

4           B. When a security fence is used to prevent access onto a transmission structure or  
5 transmitter building, any landscaping required pursuant to K.C.C. 21A.26.060A shall be  
6 placed outward of such security fence.

7           C. When a security fence is used:

8           1. In the NB, CB, RB, O((g)) or I zone, wood slats shall be woven into the security  
9 fence if made of chain-link material.

10           2. In the R, UR((g)) or RA zone, climbing evergreen shrubs or vines capable of  
11 growing on the fence shall supplement any landscaping required pursuant to K.C.C.

12 21A.26.060A.

13           D. Landscaping shall be planted according to accepted practice in good soil and  
14 maintained in good condition at all times. Landscaping shall be planted as a yard  
15 improvement at or before the time of completion of the first structure or within a reasonable  
16 time thereafter, considering weather and planting conditions.

17           E. Existing vegetation may be used and/or supplemented with additional vegetation to  
18 comply with the requirements of K.C.C. 21A.26.060A.

19           F. The director may waive or modify the provisions for landscaping at the base of the  
20 transmission support structure and equipment buildings when:

21           1. Existing structures on the site or the screening effects of existing vegetation on the  
22 site or along the site perimeter would preclude the ability to view the base of the tower or  
23 equipment building, or

1           2. The required landscaping is accessible to grazing animals and the animals would  
2           be better protected by placement of landscape materials within any proposed fencing or by  
3           the use of alternative landscaping vegetation that would not be toxic to the animals.

4           NEW SECTION. SECTION 16. There is added to K.C.C. 21A.26 a new section to  
5 read as follows:

6           Minor communication facilities - criteria for determining technical feasibility.

7           When an applicant is required to demonstrate that an existing structure is not  
8           technically feasible for collocation, the evidence submitted to corroborate that finding  
9           may consist of any of the following:

10           A. No existing structures are located within the geographic area required to  
11           meet the applicant's proposed area of coverage.

12           B. Existing structures are not of sufficient structural strength to support the  
13           applicant's proposed antenna and related equipment.

14           C. Existing structures are not of sufficient height required to meet the  
15           applicant's proposed area of coverage or allow microwave connection to other sites  
16           operated by the applicant.

17           D. The applicant's proposed antenna would cause interference between the  
18           proposed and existing antenna, and that even the additional height permitted for  
19           collocations pursuant to Section 9 of this ordinance would not ensure enough separation to  
20           avoid such interference.

21           NEW SECTION. SECTION 17. There is added to K.C.C. 21A.26 a new section to  
22 read as follows:

1 Minor communication facilities - additional standards to reduce degree of  
2 visual impact. The department shall also consider the following criteria and give  
3 substantial consideration to on-site location and setback flexibility authorized in  
4 Section 5C of this ordinance when reviewing applications for new free-standing  
5 towers and determining appropriate levels of mitigation:

6 A. Whether existing trees and vegetation can be preserved in such a manner  
7 that would most effectively screen the proposed tower from residences on adjacent  
8 properties;

9 B. Whether there are any natural land-forms, such as hills or other topographic  
10 breaks, that can be utilized to screen the tower from adjacent residences;

11 C. Whether the applicant has utilized a tower design that reduces the silhouette  
12 of the portion of the tower extending above the height of surrounding trees; and

13 D. Whether the factors of subsections B and C can be addressed and the height  
14 of the proposed tower be reduced and still provide the level of coverage proposed by  
15 the applicant.

16 SECTION 18. Applicability to vested applications. The standards of this ordinance  
17 shall not apply to vested applications for conditional use permits and building permits for  
18 transmission support structures. Furthermore, the standards, except for the antenna  
19 mounting provisions of Section 10 of this ordinance, shall not apply to new building  
20 permits required to construct a transmission support structure that been authorized through  
21 a prior-vested or prior-approved conditional use or special use permit.

22 SECTION 19. Ordinance 10870, Section 304, and K.C.C. 21A.06.1320 are each  
23 hereby amended to read as follows:

1           Transmission support structure. Transmission support structure : a (~~(structure)~~) pole  
 2           or lattice-work structure specifically designed and intended to support ((transmission  
 3           equipment)) antenna and related communication equipment ((or function as an antenna for  
 4           AM radio or an earth station satellite dish antenna. The term does not include brackets,  
 5           platforms, or other apparatus which mount transmission equipment onto transmission  
 6           structures, buildings or other structures)). The term does not include poles or lattice-work  
 7           towers supporting above-ground distribution or transmission lines for utility services such  
 8           as electric, telephone, cable, etc.

9           NEW SECTION. SECTION 20. There is hereby added to K.C.C. 21A.06 a new  
 10          section to read as follows:

11                   Antenna. Antenna: Any system of poles, panels, rods, reflecting discs or  
 12          similar devices used for the transmission or reception of radiofrequency signals.

13           NEW SECTION. SECTION 21. There is added to K.C.C. 21A.26 a new section to  
 14          read as follows:

15                   Minor communication facilities - standards within city potential annexation areas.  
 16          Within the approved potential annexation areas of a city, the agreed upon permitting  
 17          jurisdiction shall apply the provisions of the applicable city as provided for by an interlocal  
 18          agreement that has been entered into between the city and the county. The city standards  
 19          would be applied when adopted in an ordinance by King County.

20           NEW SECTION. SECTION 22. There is added to K.C.C. 21A.26 a new section to  
 21          read as follows:

22                   Minor communications facilities – technical evaluation. The department of development  
 23          and environmental services shall retain the services of a registered professional electrical

1 engineer accredited by the state of Washington who holds a Federal Communications  
2 General Radiotelephone Operator License. The engineer will provide technical evaluation  
3 of permit applications for minor communications facilities. The department is authorized  
4 to charge the applicant for these services. The specifications for an RFP to retain a  
5 consulting engineer shall specify at least the qualifications noted above, the capacity to  
6 provide a three week turnaround on data review, a request for a proposed fixed fee for  
7 services and shall state a preference for a qualified professional with a balance of  
8 experience in both the private and public sectors. Such a review shall be performed in a  
9 timely manner, be limited to the data necessary to establish findings pursuant to Sections  
10 16C and 16D of this ordinance, and avoid any conflicts with the department's duty to  
11 review permit applications within one hundred twenty days of acceptance pursuant to  
12 RCW 36.70B.090. This review shall be performed when requested by affected residents  
13 pursuant to Section 9C of this ordinance.

14 SECTION 23. Ordinance 10870, section 492 and K.C.C. 21A.26.030 are each  
15 hereby amended to read as follows:

16 **Applicability.** The standards and process requirements of this chapter supersede all  
17 other review process, setback or landscaping requirements of this title. All communication  
18 facilities which are not exempt pursuant to K.C.C. 21A.26.020 shall comply with the  
19 provisions of this chapter as follows:

20 A. New communication facilities, with the exception of consolidations, shall comply  
21 with the provisions of K.C.C. 21A.26.020 through 21A.26.130 and K.C.C. 21A.26.160  
22 through 21A.26.190; new minor communication facilities shall also comply with applicable

1 provisions of this ordinance, and, in the case of conflict, the provisions of this ordinance shall  
2 apply;

3 B. Modified communication facilities, with the exception of consolidations, shall  
4 comply with standards as provided in K.C.C. 21A.26.020 (~~(through 21A.26.040;))~~, K.C.C.  
5 21A.26.060 through 21A.26.140(§), and K.C.C. 21A.26.160 through 21A.26.190(§),  
6 modifications to minor communication facilities shall also comply with the applicable  
7 provisions of this ordinance, and, in the case of conflict, the provisions of this ordinance shall  
8 apply;

9 C. Consolidations shall comply with standards as provided in K.C.C. 21A.26.020  
10 (~~(through 21A.26.040;))~~, K.C.C. 21A.26.060 through 21A.26.130(§), and K.C.C.  
11 21A.26.150 through 21A.26.190(§), consolidations to minor communication facilities shall  
12 also comply with the applicable provisions of this ordinance, and, in the case of conflict, the  
13 provisions of this ordinance shall apply.

14 SECTION 24. Ordinance 10870, section 494 and K.C.C. 21A.26.050 are each hereby  
15 amended to read as follows:

16 **Setback requirements.** Except as outlined for modifications and consolidations  
17 pursuant to K.C.C. 21A.26.140 and 21A.26.150 or when setbacks are increased to ensure  
18 compliance with NIER exposure limits, communication facilities shall comply with the  
19 following setbacks:

20 A. Transmission structures, other than those for minor communication facilities,  
21 which do not exceed the height limit of the zone in which they are located, shall be set back  
22 from the property line as required for other structures by the zone in which such transmission  
23 structure is located;

1 B. Transmission structures, other than those for minor communication facilities, which  
 2 exceed the height limit of the zone in which they are located, shall be set back from property  
 3 lines either a minimum of ~~((50))~~ fifty feet or one foot for every foot in height, whichever  
 4 results in the greater setback, except:

5 1. Transmission structures, other than those for minor communication facilities  
 6 located in the A, F, NB, CB, RB, O or I zones shall be set back from the property line as  
 7 required by the zone in which they are located; and

8 2. Transmission structures for minor communication facilities shall be set back from  
 9 the property line as provided in ~~((K.C.C. 21A.26.040B))~~ Section 4 of this ordinance;

10 C. When two or more communication facilities share a common boundary, the setback  
 11 from such boundary shall comply with the requirements of the zone in which the facilities are  
 12 located, unless easements are provided:

13 1. On the adjoining sites which limit development to communication facilities;

14 2. Of sufficient depth to provide the setbacks required in subsections A and B; and

15 3. Which provide for King County as a third party signatory to the agreement; and

16 D. Transmitter buildings shall be subject to the setback requirements of the zone in  
 17 which they are located.

18 SECTION 25. Ordinance 10870, section 503 and K.C.C. 21A.26.140 are each  
 19 hereby amended to read as follows:

20 **Modifications.** A. Cumulative modifications of conforming or nonconforming  
 21 communication facilities, transmission structures or transmission equipment which do not  
 22 increase the overall height of the transmission structure or transmission equipment by more  
 23 than ~~((30))~~ thirty percent shall be allowed provided:

1           1. A nonconformance with respect to the transmission structure shall not be created  
2 or increased, except as otherwise provided above as to height;

3           2. Existing perimeter vegetation or landscaping shall not be reduced; and

4           3. The modification results in compliance with K.C.C. 21A.26.100 and 21A.26.130.

5           The applicant shall provide King County a detailed certification of compliance with these  
6 provisions which has been prepared by a licensed professional engineer.

7           4. For minor communication facilities, the allowances for increased height  
8 established by this ordinance shall be complied with.



1 B.Except for consolidations allowed by K.C.C. 21A.26.150, modifications which  
2 increase the overall height of the transmission structure or transmission equipment by more  
3 than ~~((30))~~ thirty percent shall be subject to the following provisions:

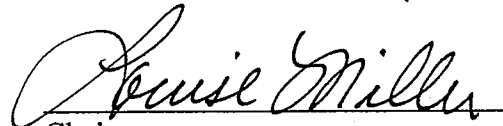
4 1. Applications for such transmission structures shall be reviewed pursuant to the  
5 applicable process specified in ~~((K.C.C. 21A.26.040))~~ this ordinance; and

6 2. Such transmission structures shall comply with the provisions of K.C.C.  
7 21A.26.020 ~~((through 21A.26.040;)),~~ K.C.C. 21A.26.060 through 21A.26.140~~((;)),~~ ~~((and))~~  
8 K.C.C. 21A.26.160 through 21A.26.190, and this ordinance, and for minor communication  
9 facilities, in case of conflict, the provisions of this ordinance shall control.

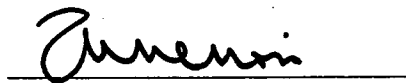
10 INTRODUCED AND READ for the first time this 27<sup>th</sup> day of October, 1997.

11 PASSED by a vote of 9 to 3 this 4<sup>th</sup> day of May, 1998.

12 KING COUNTY COUNCIL  
13 KING COUNTY, WASHINGTON

14   
15 Chair

16 ATTEST:

17   
18 Clerk of the Council

19 APPROVED this 6 day of May, 1998.

20   
21 King County Executive

22 Attachments: None