AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, AMENDING THE SAMMAMISH MUNICIPAL CODE CHAPTER 21A.55, TO ADOPT TEMPORARY INTERIM SITING HIERARCHY FOR WIRELESS COMMUNICATION FACILITIES (WCF); DECLARING AN EMERGENCY; AND SCHEDULING A PUBLIC HEARING

WHEREAS, the purpose of Chapter 21A.55 of the Sammamish Municipal Code (SMC), entitled Wireless Communication Facilities (WCF), is to provide general requirements, siting hierarchy, design standards and evaluations in exchange for public benefits to help achieve reasonable location of wireless communication facilities; and

WHEREAS, the City Technology Committee had recommended that the City Council give a priority in the siting hierarchy to collocation on existing poles or structures as set forth in Section 21A.55.060, SMC; and

WHEREAS, the existing city ordinance places concealed WCF’s that is either an attached WCF or attached to an existing concealed or non-concealed antenna support structure with the city classified arterial right-of-way at the top of the siting hierarchy; and

WHEREAS, the City Council has discussed in open public meetings their desire to consider changes to the existing siting hierarchy standards as set forth in Section 21A.55.060, SMC, to give priority to collocation on existing poles or structures; and

WHEREAS, the City Council also desires to reduce potential for appeals of WCF siting standards to federal agencies by clarifying the conditions under which a WCF may be permitted when no reasonable alternative exists in higher-level siting hierarchies; and

WHEREAS, the City Council previously adopted emergency Ordinance 02007-223, on December 11, 2007 to implement the above, and

WHEREAS, Ordinance 02007 expired on June 7, 2008; and

WHEREAS, the City Council has concluded that it is in the interest of the public health, safety and welfare to adopt this emergency ordinance to re-prioritize siting hierarchy standards;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:
Section 1. Sammamish Municipal Code Chapter 21A.55 is hereby amended to read as follows:

21A.55.060 Siting Hierarchy.

Siting of antennas or support structures shall adhere to the siting hierarchy of this section. The order of ranking for antenna or antenna support structures, from highest to lowest, shall be 1a, 1b, 2a, 2b, 2c, 2d, 2e, 3a, 3b, 3c, 3d, 4a, 4b, 4c, 4d, 4e and 5. Where a lower ranking alternative is proposed, the applicant must file relevant information including but not limited to an affidavit by a licensed radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the geographic search area, higher ranking options are not technically feasible or justified given the location of the proposed wireless communications facility and network need.

Example:

A new WCF is proposed; the applicant demonstrates that the new facility cannot be sited under hierarchy 1a through 1b. The applicant then demonstrates the new facility cannot be sited under hierarchy 2a through 2d. The applicant then moves to hierarchy 3 and is able to propose a site.

(1) Concealed WCF that is an attached WCF; provided that it is attached to an existing antenna support structure within City-classified arterial rights-of-way, or collocation of WCF with existing WCF provided that the collocation either:
   (a) requires no increase in pole or structure height; or
   (b) requires an increase in pole or structure height which increase complies with Section 21.55.080, SMC

(2) New Concealed WCF:
   (a) Within City-classified arterial rights-of-way.
   (b) Within public parks, public open spaces, and on other publicly owned land.
   (c) Within other City street rights-of-way.
   (d) In any nonresidential zoning district.
   (e) In residential zoning districts on lots not used for single-family residential purposes.

(3) New Non-Concealed consolidation that is a consolidation of antenna support structures:
   (a) Within City-classified arterial rights-of-way.
   (b) Within public parks, public open spaces, and on other publicly owned land.
   (c) In any nonresidential zoning district.
   (d) In residential zoning districts on lots not used for single-family residential purposes.
(4) New concealed antenna support structure:
   (a) Within City-classified arterial rights-of-way.
   (b) Within public parks, public open spaces, and on other publicly owned land.
   (c) Within other City street rights-of-way.
   (d) In any nonresidential zoning district.
   (e) In residential zoning districts on lots not used for single-family residential purposes.

(5) Any location not falling within categories 1 through 4 when no reasonable alternative exists.

Section 2. The Council does hereby find that an emergency exists and that immediate action is necessary. This ordinance shall be effective immediately upon passage by five (5) or more votes.

Section 3. The City Clerk is directed to schedule a public hearing within sixty days of the date of adoption of this ordinance in accordance with RCW 35A.63.220.

Section 4. This Ordinance shall be effective for a period of six months from the date of enactment unless: sooner terminated by action of the Council; or, renewed for one or more additional six-month periods as provided by state law.

Section 5. The above "Whereas" clauses of this ordinance constitute specific findings by the Council in support of passage of this ordinance. If any part or portion of this ordinance is declared invalid for any reason, such declaration of invalidity shall not affect any remaining part or portion.

ADOPTED BY THE CITY COUNCIL AT A SPECIAL MEETING THEREOF ON THE 19TH DAY OF MAY, 2009.

CITY OF SAMMAMISH

[Signature]
Mayor Donald J. Gerend

ATTEST.AUTHENTICATED:

[Signature]
Melonie Anderson, City Clerk
Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk: May 13, 2009
First Reading: May 19, 2009
Passed by the City Council: May 19, 2009
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