



**CITY OF TUKWILA**  
 Department of Community Development  
 6300 Southcenter Boulevard, Tukwila, WA 98188  
 Telephone: (206) 431-3670

# WIRELESS TELE- COMMUNICATION FACILITIES

## INFORMATION

City of Tukwila governs the placement of wireless telecommunication facilities under Tukwila Municipal Code (TMC) 18.58. The review process for new antennas and facilities is based on the type of facility and the location of the facility. The City's goal is to streamline the placement of desirable facilities that are located on existing cell towers, within commercial and industrial zones, and on electrical transmission towers.

<b>TABLE A</b> Type of Permit Required, Based on Type of Wireless Communication Facility			
<b>Type of Facility</b>	<b>Zoning<sup>(1)</sup></b>		
	<b>Residential</b>	<b>Commercial</b>	<b>Industrial</b>
Transmission tower co-location	Type 1	Type 1	Type 1
Adding antennas to an existing tower	Type 1 <sup>(2)</sup>	Type 1 <sup>(2)</sup>	Type 1 <sup>(2)</sup>
Utility pole co-location	Type 2	Type 2	Type 2
Concealed building attached	Type 2 <sup>(3)</sup>	Type 2 <sup>(3)</sup>	Type 1
Non-concealed building attached	Type 2	Type 2	Type 1
New tower or waiver request	Type 3	Type 3	Type 3

<sup>(1)</sup> Zoning for any private/public property or right-of-way:

*Residential – LDR, MDR, or HDR.*

*Commercial – O, MUO, RCC, NCC, RC, RCM, TUC, C/LI or TVS.*

*Industrial – LI, HI, MIC/L, or MIC/H.*

<sup>(2)</sup> *Provided the height of the tower does not increase and the square footage of the enclosure area does not increase.*

<sup>(3)</sup> *An applicant may request to install a non-concealed building attached facility, under TMC Section 18.58.150.*

## REQUIREMENTS:

### A. The following type of facilities are outright permitted uses:

1. Locating antennas on an electrical transmission tower.
2. Adding antennas to an existing tower; provided the height of the tower is not increased.
3. Locating antennas on an existing building that is zoned either LI, HI, MIC/L or MIC/H.

The above facilities must obtain a Type I Wireless Facilities Permit. Specific design standards are listed later in this application.

### B. Administrative approval is required for the following facilities:

1. Utility Pole Co-Location
2. Installing antennas on an existing building which is located within a commercial or residential zone.

Administrative review is conducted by the Director of Community Development and is made after a Notice of Application has been distributed to impacted agencies. The Type II process allows the Director to condition a project in order to ensure that the goals and policies of the City zoning code are met.

### C. The following facilities require review by the City's Hearing Examiner at a public hearing:

1. Permission to construct a new wireless telecommunications tower;
2. A height waiver request.

**PROCEDURES:** At the time you submit your application you must have all of the items listed on the attached "Complete Application Checklist." You may request a waiver from items on the checklist that are not applicable to your project. Please discuss this waiver request with City staff either at a pre-application meeting or at the time of application submittal. Within 28 days of receiving your application, City staff will determine if it is complete based on the attached checklist. If not complete City staff will mail you a letter outlining what additional information is needed. If you do not submit requested materials within 90 days from the City's request for additional information the City may cancel your application.

**If the proposal qualifies for review under Section 6409 of the Spectrum Act please provide information sufficient to determine whether the proposed change constitutes a substantial change or not. If it is not a substantial change then it could be processed expeditiously as required by the Spectrum Act. A substantial change as established by FCC rules is:**

**Substantial Change.** A proposed facilities modification will substantially change 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 10 feet, whichever is greater. 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 20 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 6 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 4 cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure.
- d. For any eligible support structure:
  - (1) it entails any excavation or deployment outside the current site;
  - (2) it would defeat the concealment elements of the eligible support structure; or
  - (3) 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 in this section.

# COMPLETE APPLICATION CHECKLIST

The materials listed below must be submitted with your application unless specifically waived in writing the Department of Community Development. Please contact each Department if you feel that certain items are not applicable to your project and should be waived. Application review will not begin until it is determined to be complete. **ADDITIONAL MATERIALS MAY BE REQUIRED.**

The initial application materials allow project review to begin and vest the applicant's rights. However, the City may require additional information as needed to establish consistency with development standards.

City staff are available to answer questions about application materials at 206-431-3670 (Department of Community Development) and 206-433-0179 (Department of Public Works).

Check items submitted with application	Information Required. <i>May be waived in unusual cases, upon approval of both Public Works and Planning</i>
<b>APPLICATION MATERIALS: Items 1-9 are required for ALL Wireless Telecommunication Facilities.</b>	
	1. Application Checklist (1 copy) indicating items submitted with application.
	2. Completed Application Form and drawings (5 copies).
	3. Four sets of plans prepared by a design professional. The plans shall include a vicinity map, site map, architectural elevations, method of attachment, proposed screening, location of proposed antennas, and all other information which accurately depicts the proposed project. Minimum size is 8 1/2" x 11". Plans shall be no greater than 24" x 36".
	4. Application Fee: See <a href="#">Land Use Fee Schedule</a> .
	5. Completed and notarized Affidavit of Ownership and Hold Harmless Permission to Enter Property (1 copy attached).
	6. SEPA Environmental Checklist. SEPA is not required when the facility: <ul style="list-style-type: none"> <li>i) Is a microcell and is to be attached to an existing structure that is not a residence or school and does not contain a residence or a school;</li> <li>ii) Includes personal wireless antennas, other than a microcell, and is to be attached to an existing structure (that may be an existing tower) that is not a residence or school and does not contain a residence or school, and the existing structure to which it is to be attached is located in a commercial, industrial, manufacturing, forest or agriculture zone; or</li> <li>iii) Involves constructing a personal wireless tower less than sixty feet in height that is located in a commercial, industrial, manufacturing, forest, or agricultural zone.</li> </ul>
	7. A letter from the applicant describing the proposed project and describing compliance with the City's Code requirements. Include statement whether the proposal is considered a "substantial change" or not as defined by the FCC rules.
	8. Sensitive Area studies and proposed mitigation (if required).
	9. If an outdoor generator is proposed, a report prepared by an acoustical engineer demonstrating compliance with <a href="#">TMC Chapter 8.22</a> , "Noise".
<b>If the application requires a Type 2 review these additional items are needed:</b>	
	10. Four sets of photo simulations that depict the existing and proposed view of the proposed facility;
	11. Materials board for the screening material;
	12. Landscaping plan;
	13. Letter from a radio frequency engineer that demonstrates that the facility meets Federal requirements for allowed emissions;
	14. If the facility is located within a residential zone, a report from a radio frequency engineer explaining the need for the proposed wireless communication facility at that location. Additionally, the

<b>Check items submitted with application</b>	<b>Information Required.</b> <i>May be waived in unusual cases, upon approval of both Public Works and Planning</i>						
	applicant shall provide detailed discussion on why the wireless communication facility cannot be located within a commercial or industrial zone.						
<b>If the application requires a Type 3 review these additional items are needed:</b>							
	15. A narrative responding to the criteria at <a href="#">TMC Section 18.58.060</a> .						
	16. The radio frequency engineer report shall include a discussion of the information required under TMC Section 18.58.070. The report shall also explain why a tower must be used instead of any of the other location options outlined in Table A.						
	17. Engineering Plans for the proposed tower.						
	18. A vicinity map depicting the proposed extent of the service area.						
	19. A graphic simulation showing the appearance of the proposed tower and ancillary structures and ancillary facilities from five points within the impacted vicinity. Such points are to be mutually agreed upon by the Director of DCD and applicant. All plans and photo simulations shall include the maximum build-out of the proposed facility.						
	20. Evidence of compliance with Federal Aviation Administration (FAA) standards for height and lighting and certificates of compliance from all affected agencies.						
	21. Evidence that the tower has been designed to meet the minimum structural standards for wireless communication facilities for a minimum of three providers of voice, video or data transmission services, including the applicant, and including a description of the number and types of antennas the tower can accommodate.						
<b>PUBLIC NOTICE MATERIALS:</b>							
	22. Payment of notice board fee ( <a href="#">see Land Use Fee schedule</a> ) to FastSigns Tukwila <b>OR</b> provide a 4' x 4' public notice board on site within 14 days of the Department determining that a complete application has been received (see <a href="#">Public Notice Sign Specifications Handout</a> ).						
	<p>23. Pay the fee as established by the <a href="#">Land Use Fee Schedule</a> for generating mailing labels; <b>OR</b> provide an excel spreadsheet of mailing labels for all <i>property owners</i> and <i>tenants</i> (residents and businesses) within 500 feet of the subject property. Each unit in multiple family buildings e.g. apartments, condos, trailer parks--must be included.</p> <p>Once your project is assigned to a planner, you will be required to provide an electronic copy of the mailing label spreadsheet in the following format: Name, Street Address, City St Zip, with each of these fields as an individual column:</p> <table border="1" data-bbox="315 1398 1026 1470"> <thead> <tr> <th>Name</th> <th>Street Address</th> <th>City, St, Zip</th> </tr> </thead> <tbody> <tr> <td>Mr. Smith</td> <td>1234 Park Ave S</td> <td>Tukwila WA 98188</td> </tr> </tbody> </table> <p><b>PLEASE NOTE:</b> Regardless of whether you pay the City to generate the mailing labels or you provide them, there is an additional fee for postage and material as listed under <b>Public Notice Mailing Fee</b> on the <a href="#">Land Use Fee Schedule</a>. Payment of this fee is due prior to issuance of the decision and you will receive a separate bill for this fee.</p>	Name	Street Address	City, St, Zip	Mr. Smith	1234 Park Ave S	Tukwila WA 98188
Name	Street Address	City, St, Zip					
Mr. Smith	1234 Park Ave S	Tukwila WA 98188					
	24. If providing own labels, include King County Assessor's map(s) which shows the location of each property within 500 ft. of the subject lot.						



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**WIRELESS TELE-  
 COMMUNICATION  
 FACILITIES**

**APPLICATION**

<i>FOR STAFF USE ONLY Permits Plus Type: P-WIRE</i>	
<b>Planner:</b>	<b>File Number:</b>
<b>Application Complete Date:</b>	<b>Project File Number:</b>
<b>Application Incomplete Date:</b>	<b>Other File Numbers:</b>

**NAME OF PROJECT/DEVELOPMENT:** \_\_\_\_\_

**BRIEF DESCRIPTION OF PROJECT:** \_\_\_\_\_

**CIRCLE TYPE -                    TYPE 1                    TYPE 2                    TYPE 3** Public hearing notices and Hearing Examiner fees apply

**LOCATION OF PROJECT/DEVELOPMENT:** *Give street address or, if vacant, indicate lot(s), block and subdivision, access street, and nearest intersection.*

\_\_\_\_\_

\_\_\_\_\_

*LIST ALL TAX LOT NUMBERS (this information may be found on your tax statement).*

\_\_\_\_\_

**DEVELOPMENT COORDINATOR :**

The individual who:

- has decision making authority on behalf of the owner/applicant in meetings with City staff,
- has full responsibility for identifying and satisfying all relevant and sometimes overlapping development standards, and
- is the primary contact with the City, to whom all notices and reports will be sent.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

E-mail: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**CITY OF TUKWILA**

**Department of Community Development**

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**AFFIDAVIT OF OWNERSHIP AND HOLD HARMLESS  
PERMISSION TO ENTER PROPERTY**

STATE OF WASHINGTON

ss

COUNTY OF KING

The undersigned being duly sworn and upon oath states as follows:

1. I am the current owner of the property which is the subject of this application.
2. All statements contained in the applications have been prepared by me or my agents and are true and correct to the best of my knowledge.
3. The application is being submitted with my knowledge and consent.
4. Owner grants the City, its employees, agents, engineers, contractors or other representatives the right to enter upon Owner's real property, located at \_\_\_\_\_ for the purpose of application review, for the limited time necessary to complete that purpose.
5. Owner agrees to hold the City harmless for any loss or damage to persons or property occurring on the private property during the City's entry upon the property, unless the loss or damage is the result of the sole negligence of the City.
6. Non-responsiveness to a City information request for ninety (90) or more days, shall be cause to cancel the application(s) without refund of fees.

EXECUTED at \_\_\_\_\_ (city), \_\_\_\_\_ (state), on \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Phone Number)

\_\_\_\_\_  
(Signature)

On this day personally appeared before me \_\_\_\_\_ to me known to be the individual who executed the foregoing instrument and acknowledged that he/she signed the same as his/her voluntary act and deed for the uses and purposes mentioned therein.

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC in and for the State of Washington  
residing at \_\_\_\_\_

My Commission expires on \_\_\_\_\_

# WIRELESS COMMUNICATION REQUIREMENTS

The following are general requirements for all Wireless Communication Facilities.

1. *Noise* – Any facility that requires a generator or other device which will create noise must demonstrate compliance with TMC Chapter 8.22, “Noise”. A noise report, prepared by an acoustical engineer, shall be submitted with any application to construct and operate a wireless communication facility that will have a generator or similar device. The City may require that the report be reviewed by a third party expert at the expense of the applicant.
2. *Business license requirement* – Any person, corporation or entity that operates a wireless communication facility within the City shall have a valid business license issued annually by the City. Any person, corporation or other business entity which owns a tower also is required to obtain a business license on an annual basis.
3. *Signage* – Only safety signs or those mandated by other government entities may be located on wireless communication facilities. No other types of signs are permitted on wireless communication facilities.
4. *Parking* – Any application must demonstrate that there is sufficient space for temporary parking for regular maintenance of the proposed facility.
5. *Finish* – A tower shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA or FCC, be painted a neutral color so as to reduce its visual obtrusiveness.
6. *Design* – The design of all buildings and ancillary structures shall use materials, colors, textures, screening and landscaping that will blend the tower facilities with the natural setting and built environment.
7. *Color* – All antennas and ancillary facilities located on buildings or structures other than towers shall be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and ancillary facilities as visually unobtrusive as possible.
8. *Lighting* – Towers shall not be artificially lighted unless required by the FAA, FCC or other applicable authority. If lighting is required, the reviewing authority shall review the lighting alternatives and approve the design that would cause the least disturbance to the surrounding areas. No strobe lighting of any type is permitted on any tower.
9. *Advertising* – No advertising is permitted at wireless communication facility sites or on any ancillary structure or facilities equipment compound.
11. *Equipment Enclosure* – Each applicant shall be limited to an equipment enclosure of 360 square feet at each site. However, this restriction shall not apply to enclosures located within an existing commercial, industrial, residential or institutional building.

## **SPECIFIC DESIGN STANDARDS BASED ON TYPE OF FACILITY**

### **18.58.080 Electrical Transmission Tower Co-Location-Specific Development Standards.**

The following requirements shall apply:

1. *Height* – There is no height requirement for antennas that are located on electrical transmission towers.
2. *Antenna aesthetics* – There are no restrictions on the type of antennas located on the electrical transmission tower. The antennas must be painted to match the color of the electrical transmission tower.
3. *Antenna intensity* – There is no limit on the number of antennas that may be located on an electrical transmission tower structure.
4. *Feed lines and coaxial cables* – shall be attached to one of the legs of the electrical transmission tower. The feed lines and cables must be painted to match the color of the electrical transmission tower.

5. *Cabinet equipment* – Cabinet equipment shall be located directly under the electrical transmission tower where the antennas are located or a concealed location. The wireless communication equipment compound shall be fenced; the fence shall have a minimum height of 6 feet and a maximum height of 8 feet. The fence shall include slats, wood panels, or other materials to screen the equipment from view. Barbed wire may be used in a utility right-of-way that is not zoned residential.
6. *Setbacks* – Since the facility will be located on an existing electrical transmission tower, setbacks shall not apply.

#### **18.58.090 Adding Antennas to Existing WCF Tower-Specific Development Standards.**

1. *Height* – The height must not exceed what was approved under the original application to construct the tower. If the height shall exceed what was originally approved, approval as a Type 2 decision is required for any height which will be less than the maximum height of the zone.
2. *Antenna aesthetics* – Antennas shall be painted to match the color scheme of the tower.
3. *Antenna intensity* – There is no limit on the number of antennas that may be located on an existing tower.
4. *Feed lines and coaxial cables* – Feed lines and coaxial cables shall be located within the tower. Any exposed feed lines or coaxial cables (such as when extended out of the tower to connect to the antennas) must be painted to match the tower.
5. *Cabinet equipment* – A new cabinet shall be located within the equipment enclosure that was approved as part of the original application. If the applicant wishes to expand the equipment enclosure from what was approved by the City or County under the previous application, the applicant shall seek a wireless communication facility (Type 2) application for only the equipment enclosure increase.
6. *Setbacks* – Setbacks shall not apply when an applicant installs new antennas on an existing tower and uses an existing equipment enclosure. If the equipment enclosure is increased, it must meet setbacks.

#### **18.58.100 Concealed Building Mounted Development Requirements.**

1. *Height* – The proposed facility must meet the height requirement of the applicable zoning category. The antennas can qualify under TMC Section 18.50.080, “Rooftop Appurtenances”, if the antennas are located in a church spire, chimney or fake chimney, elevator tower, mechanical equipment room, or other similar rooftop appurtenances usually required to be placed on a roof and not intended for human occupancy. Stand-alone antennas shall not qualify as rooftop appurtenances.
2. *Antennas aesthetics* – The antennas must be concealed from view by blending with the architectural style of the building. This could include steeple-like structures and parapet walls. The screening must be made out of the same material and be the same color as the building. Antennas shall be painted to match the color scheme of the building(s).
3. *Feed lines and coaxial cables* – Feed lines and cables should be located below the parapet of the rooftop.
4. *Cabinet equipment* – If cabinet equipment cannot be located within the building where the wireless communication facilities will be located, then the City’s first preference is to locate the equipment on the rooftop of the building. If the equipment can be screened by placing the equipment below the parapet walls, no additional screening is required. If screening is required, then the proposed screening must be consistent with the existing building in terms of color, style, architectural style and material. If the cabinet equipment is to be located on the ground, the equipment must be fenced with a 6-foot-tall fence, and materials shall be used to screen the equipment from view. Barbed wire may be used in the TVS, LI, HI, MIC/L, and MIC/H zones.
5. *Setbacks* – The proposed wireless communication facilities facility must meet the setback of the applicable zoning category where the facility is to be located.

### **18.58.110 Non-concealed Building Mounted Development Requirements.**

1. *Height* – The proposed facility must meet the height requirements of the applicable zoning category. If the building where the facility is located is at or above the maximum height requirements, the antennas are permitted to extend a maximum of 3 feet above the existing roof line. Non-concealed building mounted facilities shall not qualify as “Rooftop Appurtenances” under TMC 18.50.080.
2. *Antenna aesthetics* – The first preference for any proposed facility is to utilize flush-mounted antennas. Nonflush-mounted antennas may be used when their visual impact will be negated by the scale of the antennas to the building. “Shrouds” are not required unless they provide a better visual appearance than exposed antennas. Antennas shall be painted to match the color scheme of the building(s).
3. *Feed lines and coaxial cables* – Feed lines and cables should be located below the parapet of the rooftop. If the feed lines and cables must be visible, they must be painted to match the color scheme of the building(s).
4. *Cabinet equipment* – If cabinet equipment cannot be located within the building where the wireless communication facilities will be located, then it must be located on the rooftop of the building. If the equipment can be screened by placing the equipment below the parapet walls, no additional screening is required. If screening is required, then the proposed screening must be consistent with the existing building in terms of color, style, architectural style and material. If the cabinet equipment is to be located on the ground, the equipment must be fenced with a 6-foot-tall fence and materials shall be used to screen the equipment from view. Barbed wire may be used in the TVS, LI, HI, MIC/L, and MIC/H zones.

### **18.58.120 Utility Pole Co-location**

1. *Height* – The height of a utility pole co-location is limited to 10 feet above the replaced utility pole, and may be not greater than 50 feet in height in residential zones. Within all other zones, the height of the utility pole is limited to 50 feet or the minimum height standards of the underlying zoning, whichever is greater.
2. *Replacement pole* – The replaced utility pole must be used by the owner of the utility pole to support its utility lines (phone lines or electric). A replaced utility pole cannot be used to provide secondary functions to utility poles in the area.
3. *Pole aesthetics* – The replaced utility pole must have the color and general appearance of the adjacent utility poles.
4. *Coaxial cables* – Coax cables limited to ½” in diameter may be attached directly to a utility pole. Coax cables greater than ½” must be placed within the utility pole. The size of the cables is the total size of all coax cables being utilized on the utility pole.
5. *Pedestrian impact* – The proposal shall not result in a significant change in the pedestrian environment or preclude the City from making pedestrian improvements. If a utility pole is being replaced, consideration must be made to improve the pedestrian environment if necessary.
6. *Cabinet equipment* – Unless approved by the Director of Public Works, all cabinet equipment and the equipment enclosure must be placed outside of City right-of-way. If located on a parcel that contains a building, the equipment enclosure must be located next to the building. The cabinet equipment must be screened from view. The screening must be consistent with the existing building in terms of color, style, architectural style and material. If the cabinet equipment is to be located on the ground, the equipment must be fenced with a 6-foot-tall fence and materials shall be used to screen the equipment from view. Barbed wire may be used in the TVS, LI, HI, MIC/L, and MIC/H zones.
7. *Setbacks* – Any portion of the wireless communication facilities located within City right-of-way is not required to meet setbacks. The City will evaluate setbacks on private property under the setback requirements set forth in TMC Section 18.58.170.

### **18.58.130 Tower-Specific Development Standards**

1. *Height* – Any proposed tower with antennas shall meet the height standards of the zoning district where the tower will be located.
2. *Antenna and tower aesthetics* – The applicant shall utilize a wireless communication concealed facility. The choice of concealing the wireless communication facility must be consistent with the overall use of the site. For example, having a tower appear like a flagpole would not be consistent if there are no buildings on the site. If a flag or other wind device is attached to the pole, it must be appropriate in scale to the size and diameter of the tower.
3. *Setbacks* – The proposed wireless communication facilities must meet the setbacks of the underlying-zoning district. If an exception is granted under TMC Section 18.58.180 with regards to height, the setback of the proposed wireless communication facilities will increase 2 feet for every foot in excess of the maximum permitted height in the zoning district.
4. *Color* – The color of the tower shall be based on the surrounding land uses.
5. *Feed lines and coaxial cables* – All feed lines and cables must be located within the tower. Feed lines and cables connecting the tower to the equipment enclosure, which are not located within the wireless communication facility equipment compound, must be located underground.

The City prefers the use of concealed building mounted facilities in lieu of non-concealed facilities. However, in some cases using a non-concealed facility may allow a wireless facility to blend with the environment. An applicant may request to use a non-concealed facility and will be evaluated under the following criteria:

1. An applicant for a wireless communication facility can demonstrate that placing the facility on certain portions of a property will provide better screening and aesthetic considerations than provided under the existing setback requirements; or
2. The modification will aid in retaining open space and trees on the site; or
3. The proposed location allows for the wireless communication facility to be located a greater distance from residentially-zoned (LDR, MDR, and HDR) properties.

### **18.58.150 Landscaping/Screening.**

- A. The visual impacts of wireless communication facilities may be mitigated and softened through landscaping or other screening materials at the base of the tower, facility equipment compound, equipment enclosures and ancillary structures, with the exception of wireless communication facilities located on transmission towers, or if the antenna is mounted flush on an existing building, or camouflaged as part of the building and other equipment is housed inside an existing structure. The DCD Director, Director of Public Works or Planning Commission, as appropriate, may reduce or waive the standards for those sides of the wireless communication facility that are not in public view, when a combination of existing vegetation, topography, walls, decorative fences or other features achieve the same degree of screening as the required landscaping; in locations where the visual impact of the tower would be minimal; and in those locations where large wooded lots and natural growth around the property perimeter may be sufficient buffer.
- B. Landscaping shall be installed on the outside of fences. Existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or as a supplement to landscaping or screening requirements. The following requirements apply:
  1. Screening landscaping shall be placed around the perimeter of the equipment cabinet enclosure, except that a maximum 10-foot portion of the fence may remain without landscaping in order to provide access to the enclosure.
  2. The landscaping area shall be a minimum of 5 feet in width around the perimeter of the enclosure.
  3. The applicant shall utilize evergreens that shall be a minimum of 6 feet tall at the time of planting.
  4. Applicant shall utilize irrigation or an approved maintenance schedule that will insure that the plantings are established after two years from the date of planting.

- C. The applicant shall replace any unhealthy or dead plant materials in conformance with the approved landscaping development proposal, and shall maintain all landscape materials for the life of the facility. In the event that landscaping is not maintained at the required level, the Director, after giving 30 days advance written notice, may maintain or establish the landscaping at the expense of the owner or operator and bill the owner or operator for such costs until such costs are paid in full.

#### **18.58.160 Zoning Setback Exceptions.**

- A. Generally, wireless communication facilities placed on private property must meet setbacks of the underlying zoning. However, in some circumstances, allowing modifications to setbacks may better achieve the goal of this Chapter of concealing such facilities from view.
- B. The Director or Hearing Examiner, depending on the type of application, may permit modifications to be made to setbacks when:
1. An applicant for a wireless communication facility can demonstrate that placing the facility on certain portions of a property will provide better screening and aesthetic considerations than provided under the existing setback requirements; or
  2. The modification will aid in retaining open space and trees on the site; or
  3. The proposed location allows for the wireless communication facility to be located a greater distance from residentially-zoned (LDR, MDR, and HDR) properties.
- C. This zoning setback modification cannot be used to waive/modify any required setback required under the State Building Code or Fire Code.

#### **18.58.170 Height Waivers.**

Where the Hearing Examiner finds that extraordinary hardships, practical difficulties, or unnecessary and unreasonable expense would result from strict compliance with the height limitations of the Zoning Code, or the purpose of these regulations may be served to a greater extent by an alternative proposal, it may approve a height waiver to these regulations; provided that the applicant demonstrates that the waiver(s) will substantially secure the values, objectives, standards, and requirements of this Chapter, TMC Title 18, and the Comprehensive Land Use Plan, and demonstrate the following:

1. The granting of the height waiver will not be detrimental to the public safety, health or welfare, or injurious to other property, and will promote the public interest; and
  2. A particular and identifiable hardship exists or a specific circumstance warrants the granting of a waiver. Factors to be considered in determining the existence of a hardship shall include, but not be limited to:
    - a. Topography and other site features;
    - b. Availability of alternative site locations;
    - c. Geographic location of property; and
    - d. Size/magnitude of project being evaluated and availability of co-location.
- B. In approving the waiver request, the Hearing Examiner may impose such conditions as it deems appropriate to substantially secure the objectives of the values, objectives, standards and requirements of this Chapter, TMC Title 18, and the Comprehensive Land Use Plan.
- C. A petition for any such waiver shall be submitted, in writing, by the applicant with the application for Hearing Examiner review. The petition shall state fully the grounds for the waiver and all of the facts relied upon by the applicant.

#### **18.58.180 Expiration.**

Any application to install or operate a wireless communications facility shall expire exactly one year from the date of issuance of the application unless significant progress has been made to construct the facility. The City may extend the expiration period by up to one additional year due to circumstances outside of the control of the applicant. However, the City shall not issue an extension if any revisions have occurred to the City's Zoning Code which would affect the wireless communication facility approved application.