

Chapter 18.42

PERSONAL WIRELESS SERVICE FACILITIES

Sections:

- 18.42.010 Purpose, policy, goals, and interpretation.
- 18.42.020 Scope and applicability – Exemptions.
- 18.42.030 Definitions.
- 18.42.040 Application submittal and content.
- 18.42.050 Compliance with other regulations.
- 18.42.060 Colocation policy.
- 18.42.070 Colocation procedure.
- 18.42.080 Wireless communications facilities – Types of uses.
- 18.42.090 Design review standards.
- 18.42.100 Time limitation – Assignment/sublease.
- 18.42.110 Grandfathering of existing facilities.
- 18.42.120 Variances.
- 18.42.130 Recovery of county costs.
- 18.42.140 Abandoned facilities.
- 18.42.150 Enforcement and penalties.
- 18.42.160 Severability.
- 18.42.010 Purpose, policy, goals, and interpretation.

(1) Purpose. This chapter is designed to provide opportunities for the community to be served by personal wireless service facilities, consistent with the rights of personal wireless service providers as set forth in the Federal Telecommunications Act of 1996 (Pub. L. No. 104-104, 110 State 56, 31-136, codified at 47 U.S.C. 332(c)), hereinafter referred to as “the Telecommunications Act” or “the Act,” while at the same time providing for an orderly development of the county and protecting the health, safety, and general welfare of the county’s residents and property owners.

(2) Intent and Interpretation. These standards are designed to comply with the Act. The provisions of this chapter shall not be interpreted to prohibit, or to have the effect of prohibiting, telecommunications or personal wireless services, television broadcast signals, multichannel multi-point distribution services or direct broadcast satellite services, or to unreasonably discriminate among providers of functionally equivalent services.

(3) Inconsistencies with Other County Regulations. To the extent that any provision of this chapter directly conflicts with any other county ordinance, this chapter shall control. In all other regards, this chapter shall be construed consistently with all other county ordinances, regulations and functional plans.

(4) Goals. The goals of this chapter shall be to:

- (a) Establish development regulations consistent with the Jefferson County Comprehensive Plan, as adopted August 28, 1998, or later amended;
- (b) Establish personal wireless service facilities development design standards which protect the rural character, natural beauty, and scenic resources of Jefferson County from adverse environmental, noise, and visual impacts;
- (c) Provide clear and objective approval criteria for locating personal wireless service facilities including structural safety requirements;

- (d) Facilitate efficient development review of applications for personal wireless service facilities and infrastructure which serve the needs of county citizens and visitors, and promote the goal of universal service;
- (e) Where technologically and structurally feasible, encourage and facilitate colocation of antennas, support structures and related equipment for wireless communication providers, public service telecommunications, and emergency service telecommunications;
- (f) Require prompt removal of abandoned facilities; and
- (g) Encourage the development of personal wireless service facilities on a competitively neutral basis. [Ord. 6-99 § 1]

18.42.020 Scope and applicability – Exemptions.

(1) Scope. This chapter applies to the location, placement, construction and modification of licensed or unlicensed personal wireless service facilities as defined in this chapter. In addition to any other required permits, all proposals to locate, place, construct or modify a wireless communications facility shall be subject to the appropriate design review standards set forth in this chapter.

(2) Exemptions. The following personal wireless service facilities are exempt from the provisions of this chapter:

- (a) Governmental wireless communication facilities used for temporary emergency communications in the event of a disaster, emergency preparedness and public health or safety purposes;
- (b) Two-way communication transmitters used by fire, police, and emergency aid or ambulance services;
- (c) Citizen band radio transmitters and antennas or antennas operated by federally licensed amateur (“ham”) radio operators;
- (d) Emergency or routine repairs, reconstruction, or routine maintenance of previously approved facilities, or replacement of transmitters, antennas, or other components of previously approved facilities which do not create a change in visual impact;
- (e) Military and civilian radars and marine vessel traffic communication facilities, operating within FCC regulated frequency ranges, for the purpose of defense, marine or aircraft safety;
- (f) Temporary personal wireless service facilities; provided, that the county is notified in advance of the need for such facilities and the duration of their use; and
- (g) Existing facilities, subject to the requirements of JCC 18.42.100. [Ord. 6-99 § 1]

18.42.030 Definitions.

(1) General. The words used in this chapter shall have the meaning given in this section. The definition section of Chapter 18.10 JCC, as now or later amended, shall also apply. The definition of any word or phrase not listed in this section or in Chapter 18.10 JCC which is in question when administering this chapter shall be defined from one of the following sources. The sources shall be utilized by finding the desired definition from source number one, but if it is not available there, then source number two may be used and so on. The sources are as follows:

- (a) The 1996 Telecommunications Act and the implementing FCC regulations;

(b) Any Jefferson County resolution, ordinance, code, regulation or formally adopted comprehensive plan, shoreline master plan or program or other formally adopted land use plan;

(c) Any statute or regulation of the state of Washington;

(d) Legal definitions from Washington common law or a law dictionary;

(e) The common dictionary.

(2) Specific Definitions.

(a) "Alternative structure" means any building, roof, water tank, flagpole, steeple, utility pole or other type of structure to which any type of antenna or antenna array and associated equipment are affixed. Any device which is used to attach an antenna or antenna array to an alternative structure is excluded from the definition of and regulations applicable to alternative structures.

(b) "Antenna" means a device commonly in the form of a metal rod, wire panel or dish, for transmitting or receiving electromagnetic radiation. An antenna is typically mounted on a support structure, such as a tower, pole, mast, or building.

(c) "Antenna array" means one or more devices, whips, panels, dishes, rods or similar devices used for the transmission or reception of radio frequency signals, microwave or other signals for telecommunications purposes. One or more such devices affixed or attached to a support structure or to an alternative support structure are included in the definition of antenna array.

(d) "Attached wireless communications facility" means a wireless communications facility that is affixed to an existing structure, e.g., an existing building wall or roof, mechanical equipment, tower or pole, water tank, utility pole, or light pole, that does not include a new tower.

(e) "Camouflaged" is the use of shape, color and texture to cause an object to appear to become a part of something else, usually a structure such as a building, wall, flagpole, street pole, or roof. Camouflage does not mean "invisible," but rather "appearing as part of or exactly like the structure used as a mount."

(f) "Colocation" means the placement of two or more antenna systems or platforms by separate FCC license holders on a support structure or alternative support structure.

(g) "Concealed" means fully hidden when viewed from ground level, adjacent rights-of-way, adjacent properties or viewsapes. For example, a personal wireless service facility is concealed when it is integrated with, or contained within, a structure such as a building, wall or roof that is not a telecommunications facility.

(h) "Director" means the director of the Jefferson County department of community development or his or her designee.

(i) "Equipment enclosure" is a structure, shelter, cabinet, box or vault designed for and used to house and protect the electronic equipment necessary and/or desirable for processing wireless communication signals and data, including any provisions for mechanical cooling equipment, air conditioning, ventilation, or back-up power supplies or emergency generators.

(j) "FCC" refers to the Federal Communications Commission.

(k) "Guyed tower" is a monopole or lattice tower that is stiffened or anchored to the ground or other surface by cables.

(l) "Height" is the vertical distance measured from the lowest pre-existing ground level within the footprint of the facility to the highest point on the facility, not including the antenna array.

(m) "Lattice tower" is a framework composed of cables, straps, bars, or braces, forming a tower that may have three, four or more sides.

(n) "Licensed carrier" means any person, firm, or entity licensed by the FCC to provide personal wireless services and which is in the business of providing the same.

(o) "Microcell" means a wireless communications facility meeting the following definition set forth in WAC 197-11-800(27), SEPA Rules:

Consisting of an antenna that is either no more than four feet in height and with an area of not more than five hundred eighty square inches or, if a tubular antenna, no more than four inches in diameter and no more than six feet in length.

(p) "Monopole" is a vertical self-supporting structure consisting of a single vertical pole that is typically round or flat-sided. The term "monopole" also includes the attached panel, parabolic or whip antenna or antenna array.

(q) "Mount" means any mounting device or bracket that is used to attach an antenna or antenna array to a support structure or alternative structure.

(r) "Temporary personal wireless service facility" is a nonpermanent personal wireless facility installed for a limited period of time, does not have a permanent foundation, and is placed in use for the purpose of evaluating the technical feasibility of a particular site for placement of a personal wireless facility or for providing emergency communications during a natural disaster or other emergencies which may threaten the public health, safety and welfare. Examples include, but are not limited to, placement of an antenna upon a fully extended bucket truck, crane, or other device capable of reaching the height necessary to evaluate the site for placement of a personal wireless facility.

(s) "Tower," as used in this chapter, is a structure designed and constructed specifically to support an antenna array, and may include a monopole, self-supporting (lattice) tower, guy-wire support tower and other similar structures. Any device that is used to attach an antenna or antenna array to an existing support structure is excluded from the definition of and regulations applicable to towers.

(t) "Wireless communications facility (WCF)" is a nonstaffed facility for the transmission and/or reception of radio frequency (RF) signals, usually consisting of an antenna array, equipment shelter, cabinet or other enclosed structure containing electronic equipment, a support or alternative support structure, antennas or other transmission and reception devices.

(u) "Wireless communications" shall mean any personal wireless services as defined in the Federal Telecommunications Act of 1996 which includes FCC licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed. [Ord. 6-99 § 1]

18.42.040 Application submittal and content.

(1) Submittal Requirements. In order to be considered a complete application, all applications for a wireless communications facility shall be subject to the general application requirements of the land use procedures in this title and the following additional requirements:

- (a) Name, address, and telephone number of the applicant and all co-applicants as well as any representative for the applicant or co-applicants:
 - (i) The wireless communication service provider shall be the applicant or co-applicant. The applicant shall demonstrate that it is an FCC-licensed telecommunications provider or that it has agreements with an FCC-licensed telecommunications provider for use or lease of the antenna or tower;
 - (ii) Co-applicants shall include the record landowner of the subject property, or lease, easement or property license holders, and any utility providers owning utility poles upon which facilities are proposed to be located;
- (b) The name and telephone number of a person responsible for the facility, capable of responding immediately;
- (c) A recorded survey of the subject parcel;
- (d) A county-wide map showing the location of the proposed facility and the location of any existing facilities of the applicant within the county. The map shall identify the location of all towers and alternative structures by latitude and longitude and be provided in a computer data format that is compatible with the Jefferson County IDMS system;
- (e) A vicinity map depicting the area immediately around the proposed site, showing the Comprehensive Plan land use designation, the zoning designation, and the property lines of the subject property and of all immediately adjacent properties as depicted on the current Jefferson County assessor's maps;
- (f) A list of tax parcels and their owners prepared by a title company for all properties for which public notice is required pursuant to this chapter;
- (g) A site plan depicting the proposed and existing improvements on the property. The site plan shall include a plan view and elevations, and contain the following information, as applicable: dimensions and shape of lot; dimensions and location of existing and proposed buildings and structures, including setbacks, and a notation of their purpose (e.g., residential buildings, garages, accessory structures, etc.); adjacent street names and all proposed points of access and parking layout; preliminary grading plan depicting proposed and existing grades; storm drainage; elevations for all proposed improvements on the site; utilities; easements and deed restrictions; and any other built or natural features restricting use of the property. Additional information regarding the surrounding topography, tree coverage and foliage may be required as necessary to review applications subject to Type II review by the community development director and Type III review by the hearing examiner;
- (h) A written description of the proposed facility and the building or structure upon which it is proposed to be located, including the technical reasons for the design and configuration of the facility, as well as design information and dimensional information (e.g., equipment brochures, color and material boards, etc.);
- (i) Information necessary to determine the intended service area of the facility which may include a map of the intended service area;
- (j) For applications that propose construction of new wireless communications towers in rural residential or commercial crossroads districts or agricultural lands, photographic views from significant points in the "viewshed" showing the existing appearance and photo simulations depicting the appearance after the proposed facility is installed;
- (k) A landscape plan consistent with JCC 18.42.090, Design review standards;

(l) For all applications that require conditional use review, a written analysis by the applicant, including appropriate analysis by a qualified telecommunications engineer, describing the proposed location within the geographic service area; the good faith efforts and measures taken to secure a location where the facility would be permitted outright; how and why such efforts were unsuccessful; and, how and why the proposed site is essential to meet service demands for the geographic service area;

(m) For all applications for new towers that do not propose collocation of facilities, the applicant shall comply with the collocation protocol as set forth in JCC 18.42.070.

(2) Cost of Submittals. All application requirements shall be at the applicant's own expense. All applications shall be accompanied by a non-refundable application fee as further set forth in JCC Appendix VI, Permit Center, Development Review Division Fee Schedule.

(3) The director shall determine when and if the application for a wireless telecommunications facility is complete based on the requirements of JCC 18.40.110.

[Ord. 6-99 § 1]

18.42.050 Compliance with other regulations.

(1) Compliance with Other Regulations. All construction of personal wireless service facilities shall also be subject to the requirements of the county building code, Chapter 15.05 JCC, and all codes adopted by reference in JCC 15.05.030 including, but not limited to, the Uniform Building Code (UBC), the National Electrical Code (NEC), the requirements of the National Electronics Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision F Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" and any additional applicable standards published by the Electronics Industries Association, the Uniform Fire Code; Article VI-D et seq. of Chapter 18.15 JCC, environmentally sensitive areas; and the Jefferson County Shoreline Management Master Program, Chapter 18.25 JCC.

(2) Emergency Response System. All personal wireless facilities service providers shall be integrated into the local emergency response system.

(3) Right-of-Way Facilities. All facilities located in any developed or undeveloped public road or right-of-way shall be governed by the applicable sections of this code and related policies governing the placement of utilities and other facilities in public rights-of-way including, but not limited to, Division III of JCC Title 13. [Ord. 6-99 § 1]

18.42.060 Colocation policy.

(1) The number of wireless communication towers shall be minimized to the greatest extent feasible through collocation of wireless communications facilities and attachment of wireless communications antennas to existing alternative structures.

(2) Installation of Accessory Equipment Shelters. Any provider who is authorized to collocate on an existing tower or alternative structure as provided above shall also be authorized to install any necessary accessory equipment shelter and related equipment at or near the base of the tower or alternative structure or within the structure; provided, that the equipment shelter and related equipment comply with the development standards (i.e., setbacks, height limitations, bulk, landscaping and screening, etc.) of the applicable zone as set forth in Chapter 18.30 JCC and the wireless facility design standards as set forth in JCC 18.42.090.

(3) Preserving Landscaping and Buffering. To the greatest extent practicable landscaping that was required as a condition of approval of a wireless communications

facility should not be removed in order to construct an accessory building or equipment for an additional colocated facility. If any such landscaping is removed, the applicant shall be required to replace it with the equivalent quantity and type of landscaping in a manner to achieve the original intent. [Ord. 6-99 § 1]

18.42.070 Colocation procedure.

Colocation of antennas by providers is not always feasible for technical or business reasons. However, if all licensed providers are made aware of any pending tower or antenna permit applications, providers will be able to investigate all reasonable accommodations and maximize opportunities for colocation. This section establishes a process that will enable providers to equitably share publicly available, nonproprietary information among themselves, with interested persons and agencies, and with Jefferson County at the time the provider schedules a preapplication conference.

- (1) Preapplication Requirement. A preapplication conference is required for all proposed new towers.
- (2) Request Letter Requirement. At the time a preapplication conference is scheduled, the applicant shall demonstrate that the following notice was mailed to all other wireless providers licensed to provide service within Jefferson County:

Pursuant to the requirements of the Jefferson County Wireless Telecommunications Facilities Ordinance, Chapter 18.42, JCC, (wireless provider legal name here) is hereby providing you with notice of our intent to meet with the Jefferson County Department of Community Development for a preapplication conference to discuss our proposal to construct a wireless communications facility tower at (general location and section, township and range). We propose to construct a _____ feet high tower for the purpose of providing (cellular, PCS, etc.) service.

Please inform us whether you have any existing or pending wireless facilities located within (distance in feet) of the proposed facility, that may be available for colocation opportunities. Please provide us with this information within 10 business days after the date of this letter. Your cooperation is appreciated.

Sincerely, (preapplication applicant, wireless provider).

Copies of all responses to the request letter shall be submitted to the county and made a part of the application file.

- (3) To Analyze the Feasibility of Colocation. If a response to a colocation request letter is received by an applicant indicating an opportunity for colocation, the applicant shall make a good faith effort to analyze the feasibility of colocation. This analysis shall be submitted with an application for any new tower.

A good faith effort to investigate the feasibility of colocation shall be deemed to have occurred if the applicant submits all of the following information:

- (a) A statement from a qualified engineer indicating whether the necessary service can or cannot be provided by colocation at the potential colocation site;
- (b) Evidence that the lessor of the potential colocation site either agrees or disagrees to colocation on their property;
- (c) Evidence that adequate site area exists or does not exist at the potential colocation site to accommodate needed equipment and meet all of the site development standards;
- (d) Evidence that adequate access does or does not exist at the potential colocation site;
- (e) Nonproprietary technical information to evaluate the feasibility of colocation.

(4) A covenant of good faith and fair dealing shall be a condition of any permit for a new wireless facility tower issued under this chapter. In the event that a dispute arises as to whether an applicant has exercised good faith related to an offer of colocation by another provider, the county may require a third-party technical study at the expense of the applicant. [Ord. 6-99 § 1]

18.42.080 Wireless communications facilities – Types of uses.

Certain areas of the county are more appropriate than others for the location of wireless communication facilities because of the existing development in the area or on a site, the types of buildings already existing at the location, the existence of similar or compatible facilities at the particular location, the commercial or industrial zoning designation of the area, and/or the suitability of the particular location based on the technical requirements of the wireless telecommunications services industry. Locating facilities in such areas can reduce adverse visual and aesthetic impacts of wireless communication facilities and enhance the health, safety and welfare of county residents.

The type of wireless communications facility and its size may also result in differing impacts. Wireless facilities that require construction of new towers may have greater impacts than facilities that collocate antennas on existing towers or alternative structures. Wireless facilities that are mounted on new towers that are greater than 60 feet in height may have greater impacts than facilities that are mounted on support structures 60 feet or less in height.

The appropriate type of review for wireless communications facilities applications shall therefore be based on the zoning district of the proposed site and the nature and size of the proposed facility as set forth in Table 13-1, Permitted and Conditional Allowable and Prohibited Uses, and further described below.

(1) Uses Permitted Outright. The following wireless communications facilities shall be permitted outright, subject to the appropriate wireless communications facility design review standards set forth in JCC 18.42.090:

(a) Attached or colocated wireless communications facilities on existing structures in designated forest lands and all commercial and industrial districts.

(b) Attached or colocated wireless communications facilities on existing structures in all residential districts that are microcells as defined in WAC 197-11-800(27), SEPA Rules, provided they are not attached to a school or residence.

(c) Wireless communications facilities with new towers less than 60 feet in height in designated forest lands and all industrial districts except resource-based industrial zones.

(2) Uses Subject to Type II Land Use Review. The director shall review the following uses as a Type II land use application, subject to the appropriate wireless communications facility design review standards set forth in JCC 18.42.090:

(a) Attached or colocated wireless communications facilities on existing structures in all residential districts that are not microcells as defined in WAC 197-11-800(27), SEPA Rules, or that are microcells attached to a school or residence.

(b) New wireless facility towers less than 60 feet in height in all residential and commercial districts and resource-based industrial zones.

(c) New wireless facility towers 60 feet or more in height in designated forest lands and all industrial districts except resource-based industrial zones.

(3) Uses Subject to Type III Land Use Application Review as Conditional Uses. The hearing examiner shall review the following uses as a Type III application, subject to the

appropriate wireless communications facility design review standards set forth in JCC 18.42.090:

- (a) New wireless facility towers 60 feet or more in height in all residential and commercial districts and resource-based industrial zones.
- (b) All wireless communications facilities in designated agricultural lands.

Table 13-1

Permitted and Conditional Allowable and Prohibited Uses: Wireless Communication Facilities

District	CC	NVC	GC	RVC/VCC	LI/C	LI	HI	R-5	R-10	R-20
Use	Convenience	Visitor Crossroads	Crossroads	General Commercial	Neighborhood	Commercial	Associated Commercial	Rural Village Center	Village Center	Light Industrial
	Mill	Heavy Industrial	Residential – 5 Acres	Residential – 10 Acres	Residential – 20 Acres					
Attached or colocated	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	C(a)*	C(a)*
New towers, less than 60 feet in height	Yes	C(a)	C(a)	C(a)	C(a)	C(a)	C(a)	C(a)	Yes	Yes
New towers, 60 feet or more in height	C(a)	C	C	C	C	C	C	C	C(a)	C(a)

Notes:

Yes – Permitted outright, subject to building permit and design standard review, requiring a Type I review process.

C(a) – Conditional administrative use, requiring a Type II review process.

C – Conditional use review, requiring a Type III review process.

* – Microcell antennas as defined in WAC 197-11-800(27) that are exempt from SEPA review shall be permitted outright.

[Ord. 6-99 § 1]

18.42.090 Design review standards.

The design review standards set forth in this section are intended to ameliorate potential visual, aesthetic, and safety concerns while facilitating growth of an industry that is important to the county’s economic health and whose services are demanded and required by an increasing number of the county’s residents, businesses, workers, and visitors.

When reviewing an application for proposed wireless communications facility, including accessory equipment shelters and enclosures and security fencing, the county shall apply the following design standards. The county shall approve, approve with conditions, or deny applications based upon compliance with the following standards.

(1) Wireless Facility Design Review Standards – General.

- (a) Wireless communications facilities including attached or colocated antennas, towers, and equipment enclosures shall be painted a non-reflective color that blends with the surroundings. Appropriate colors may include earth tones and muted grays, blues, and greens in broken patterns.

(b) Tower Spacing. New wireless facility towers shall not be allowed within 2,000 feet of an existing tower, unless the applicant demonstrates through the colocation procedure set forth in JCC 18.42.070 that colocation on the existing tower is not feasible. Such demonstration shall include but not be limited to a structural analysis of the existing tower provided by a structural engineer licensed in the state of Washington.

(c) Tower lighting shall not be allowed except as required by the FAA.

(d) Setbacks. For all new towers that are 60 feet or less in height, the standard setbacks of the underlying zone shall apply. For all new towers that are greater than 60 feet in height, the standard setbacks of the applicable zone shall be increased by one foot for every one foot of additional height above 60 feet; provided, that this requirement may be waived by the director or hearing examiner, as appropriate, based on a finding that lesser setbacks and/or the use of additional screening are adequate to ameliorate aesthetic and visual impacts. All equipment shelters shall comply with setbacks of the applicable zone.

(e) Fencing and Security. Wireless facility towers and accessory equipment shall be enclosed by a minimum six-foot high security fence, as required for public safety.

(f) Equipment Enclosures.

(i) Ground-mounted equipment enclosures shall be the smallest size practicable.

(ii) Equipment enclosures mounted on alternative structures shall not extend more than six feet above the height of adjacent portions of the structure that screen the equipment enclosure. If mounted on buildings, equipment enclosures shall be placed within the interior of buildings, whenever technically feasible. If located on the roof of a building, equipment enclosures shall either be concealed or camouflaged with a design that is architecturally compatible with the building.

(g) Noise generated by a wireless facility shall not exceed the maximum environmental noise levels set forth in Chapter 173-60 WAC as it is now in effect or hereafter amended.

(h) Landscaping and Screening.

(i) A landscaping plan shall be submitted with all applications for towers and equipment enclosures in commercial and residential districts and in agricultural lands. Landscaping shall be placed outside the security fence and shall consist of fast-growing vegetation with a minimum planted height of six feet, placed so as to form a solid hedge within two years of planting.

(ii) Existing vegetation that conceals or screens a proposed facility from view (including antennas, towers, and equipment enclosures) shall be preserved to the greatest extent feasible consistent with the operation of the facility. If existing vegetation is not adequate to screen the facility, additional vegetation shall be planted in order to adequately screen the facility. For all screening, the use of trees with significant height and fullness upon maturity shall be required.

(iii) If it is not possible to achieve adequate screening by preserving vegetation on the site, the wireless facility provider shall lease or secure an easement for additional land to preserve existing significant vegetation or to allow the planting of additional vegetation.

(i) Camouflage and Concealment. Wireless communications facilities shall blend with and not disturb the visual character of their settings to the greatest extent practicable.

(j) Security lighting for equipment enclosures shall be minimized. It shall be oriented downward and shielded so that the light falls only within the boundaries of the property and shall be triggered only by a motion sensor.

(k) Signs and Symbols. Signs, symbols, flags, banners or other devices shall not be attached to or painted or inscribed upon any tower or antenna; provided, that the flags of the United States and the state of Washington may be flown from towers and antennas disguised as flag poles. A telephone number and person to call for information or in the event of an emergency shall be posted at the site.

(l) Security and Maintenance. The provider and co-applicants shall protect the facility from unauthorized access consistent with the purpose of protecting the public health, safety and welfare. The provider and co-applicants shall maintain the facility in a good and safe condition and preserve its original appearance and concealment or camouflage elements incorporated into the design at the time of approval. Such maintenance shall include, but not be limited to, such items as painting, structural repair, repair of equipment and maintenance of landscaping.

(m) Antenna Mounting.

(i) Roof-mounted antennas and/or antenna arrays located on alternative structures shall be concealed when viewed from ground level adjacent to the structure unless this is not technically feasible, in which case the antennas or antenna arrays shall be camouflaged to the extent practicable.

(ii) Side-mounted antennas shall be mounted flush on the exterior wall of the building and not project above the wall on which it is mounted. If this is not technically possible, such antennas shall either be concealed or camouflaged into the building design to the extent practicable.

(2) Wireless Facility Design Review Standards – Conditional Uses. In addition to the wireless facility general design review standards set forth in subsection (1) of this section, wireless communication facilities subject to conditional use review shall comply with the following design review standards:

(a) Protecting Points of Visual Interest. Views toward the following points of visual interest from residential structures located within 250 feet of a proposed wireless communications facility subject to conditional use review shall be protected from significant degradation to the greatest extent practicable:

(i) Mountains;

(ii) Marine waters and shorelines;

(iii) Public parks and significant public open spaces;

(iv) Historic structures.

The applicant for a conditional use wireless communications facility shall either demonstrate that the points of visual interest listed above will not be significantly degraded by the proposal or demonstrate that a significant wireless telecommunication service can only be provided by development of the proposed facility.

(b) Methods for Protecting Points of Visual Interest. The following options may be used to protect the points of visual interest listed above:

(i) Use alternative facility designs and locations on the parcel to minimize the degradation of views from residences to the point of visual interest;

(ii) Maintain existing trees and shrubs on the site and/or provide additional landscaping;

(iii) Obtain leases or easements for the life of the proposal to protect trees and shrubs on adjoining properties that will screen the proposed facility or to allow the planting of additional trees and shrubs.

(c) In the event that it is not practicable to protect the visual points of interest listed above from significant degradation, the applicant for a conditional use wireless communications facility shall minimize the visual effect to the greatest extent practicable and shall also demonstrate through appropriate analysis that:

(i) There are no other locations within the same parcel where the visual effects would be less;

(ii) Colocation or attachment on an alternative structure within the service area is not feasible;

(iii) Development on an alternative site with decreased visual effects within the service area is not feasible. [Ord. 6-99 § 1]

18.42.100 Time limitation – Assignment/sublease.

(1) Time Limitation. A land use permit for a wireless facility shall automatically expire and become void if the applicant fails to obtain a building permit within one year of the effective date of the permit. The director may extend the permit for a period of one year; provided, that the applicant files a written request for extension not less than 60 days prior to the expiration that specifies good cause for the extension.

(2) Permit Transferable – Assignment/Sublease of Permitted Sites. If a provider transfers, assigns, or subleases a wireless communications facility, a copy of the land use agreement and FCC license shall be submitted in writing to the director, as well as the name and telephone number of a person responsible for the facility, who is capable of responding immediately. [Ord. 6-99 § 1]

18.42.110 Grandfathering of existing facilities.

All facilities existing on July 12, 1999, shall be allowed to continue as they presently exist and will be considered nonconforming uses where they do not conform to this chapter. Routine maintenance shall be allowed; however, any physical change or alteration to the appearance, size or operation of the facility shall be subject to the appropriate review requirements of this chapter. [Ord. 6-99 § 1]

18.42.120 Variances.

Any applicant may request a variance from the requirements established by this chapter. Such request shall be processed according to the procedures and criteria for variances in Article IX of Chapter 18.40 JCC. In granting any variance the hearing examiner shall also find that: (1) there are no significant aesthetic or safety effects on adjoining properties as a result of the proposed variance; and (2) in the case of a historic building or structure, the variance will provide for effective concealment or camouflaging of the facility. [Ord. 6-99 § 1]

18.42.130 Recovery of county costs.

Each permit granted pursuant to this chapter is conditioned on the requirement that the permittee reimburse the county for all direct and indirect expenses reasonably incurred related to the application review or to the modification or amendment of the permit. [Ord. 6-99 § 1]

18.42.140 Abandoned facilities.

(1) A wireless communications facility which has been unused for a period of 180 consecutive days is hereby declared abandoned. Abandoned facilities shall be removed

by the property owner within 180 days from date of abandonment. Failure to remove an abandoned facility shall be considered a public nuisance subject to penalties.

Upon written application, prior to the expiration of the 180-day period, the director shall in writing grant a 180-day extension for reuse of the facility. Additional extensions beyond the first 180-day extension may be granted by the director, subject to any conditions required to bring the project or facility into compliance with current law(s) and make it compatible with surrounding development.

(2) Costs. If an abandoned facility is not removed within 180 days or a longer period of time determined in writing by the director, the county shall have the authority to enter the property and remove the facilities. All reasonable and documented costs of such removal shall be charged to the provider and/or landowner of record. [Ord. 6-99 § 1]

18.42.150 Enforcement and penalties.

Enforcement and penalties for violations of this chapter shall be subject to Chapter 18.50 JCC, or as hereinafter amended. [Ord. 6-99 § 1]

18.42.160 Severability.

If any clause, sentence, paragraph, section or part of this chapter or its application to any person or circumstance is held to be invalid or unconstitutional by a court of competent jurisdiction, such order or judgment shall not affect the validity or constitutionality of the remainder of any part of this chapter. To this end, the provisions of each clause, sentence, paragraph, section or part of this law are declared severable. [Ord. 6-99 § 1]

