

ORDINANCE NO. 2116

AN ORDINANCE adding a new Chapter to the Camas Municipal Code providing standards for the placement, development, permitting and removal of wireless telecommunication facilities.

WHEREAS, the City Council hereto adopted Resolution 810 imposing a moratorium on the siting of wireless telecommunication facilities, cable television facilities, and fiber optics facilities within the corporate limits of the City of Camas, and adopting findings of fact justifying the adoption of said moratorium, and

WHEREAS, a cellular facilities working group consisting of city staff from Camas, Vancouver, Washougal, and Clark County, and representatives from the wireless communication industry met regularly since the adoption of the moratorium to conduct a review and to develop standards for the placement, development, permitting and removal of wireless communications facilities, and

WHEREAS, the City has conducted a public hearing before the Planning Commission to consider the adoption of an ordinance setting forth standards for the placement, development, permitting and removal of wireless communications facilities, and

WHEREAS, the Council has had the opportunity to review the proposed ordinance and the recommendation of the Planning Commission,

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CAMAS DO ORDAIN AS FOLLOWS:

Section I

The Council hereby adopts a new Chapter of the Camas Municipal Code to be entitled Chapter 18.71 - Wireless Telecommunications Facilities. Said Chapter shall be as set forth in Exhibit "A" attached hereto and by this reference incorporated herein.

Section II

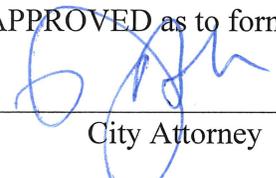
This ordinance is a public emergency ordinance necessary for the protection of public health, public safety, public property, and the public peace, and shall be effective immediately upon adoption. This ordinance shall be published according to law.

PASSED by the Council and APPROVED by the Mayor this 12<sup>th</sup> day of May,  
1997.

SIGNED:   
Mayor

ATTEST:   
Clerk

APPROVED as to form:

  
City Attorney

## Exhibit "A"

### WIRELESS TELECOMMUNICATION FACILITIES

#### 18.71.010 Purpose

The purpose of this chapter is to set forth the regulations for the placement, development, permitting, and removal of wireless communications facilities, support structures, and antennas. The goals of this ordinance are designed to:

A. Establish clear and objective standards for the placement, design and maintenance of wireless communications facilities in order to minimize adverse visual, aesthetic and safety impacts.

B. Ensure that such standards do not unreasonably discriminate among providers of functionally equivalent services.

C. Encourage the design of such facilities to be aesthetically and architecturally compatible with the surrounding built and natural environment.

D. Encourage the location of wireless communications support structures in non-residential areas.

E. Encourage the collocation and clustering of wireless communications support structures and antennas to help minimize the total number of such facilities throughout the community.

F. Encourage competition in the provision of wireless communications services for the benefit of the entire community.

**18.71.020 Definitions** As used in this ordinance, the following terms shall have the following meaning. Other words and terms shall have the meaning assigned to them.

Add-on Antenna shall mean an additional antenna(s) placed on an existing wireless communications support structure or other existing building or structure and does not include the originally approved antenna(s).

Accessory Equipment Structure shall mean an unstaffed structure used to house and protect the electronic equipment necessary for processing wireless communications signals. Associated equipment may include air conditioning and emergency generators.

Antennas shall mean the specific device used to capture an incoming and/or transmitting an outgoing radio-frequency signal. This definition shall include directional (panel) antennas, omnidirectional (whip) antennas, parabolic (microwave dish) antennas, and ancillary antennas. All other transmitting or receiving equipment not specifically described herein shall be regulated in conformity with the type of antenna described herein which most closely resembles such equipment.

A. Whip and Panel antennas are used to transmit and receive radio waves. Two subcategories: Directional Antenna (also known as a panel antenna) shall mean an antenna array.

1. Designed to transmit and receive signals in a directional pattern.

2. Omni-directional Antenna (also known as a whip antenna) shall mean an antenna that transmits signals in a 360 degree pattern.

B. Dish antennas, also known as a parabolic antenna, shall mean a bowl shaped device that receives and transmits signals in a point to point pattern.

Clustering shall mean the placement of more than one wireless communications support structure on a single site.

Collocation shall mean the use of a single wireless communications support structure, or the use of a site by more than one wireless communications provider.

Electronic Equipment shall mean (Reserved).

Leased Area shall mean the specified area of the parent parcel upon which a wireless communication facility is located and is subject to specific lease provisions.

Wireless Communications Facilities shall mean the site, structures, equipment and appurtenances used to transmit, receive, distribute, provide or offer wireless telecommunications services. This includes, but is not limited to antennas, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, electronics and switching equipment.

Wireless Communications Systems shall mean the sending and receiving of radio frequency transmissions and the connection and/or relaying of these signals to land lines and other sending and receiving stations (cell sites), and including, but not limited to cellular radiotelephone, personal communications services (PCS), enhanced/specialized mobile radio, and commercial paging services, and any other technology which provides similar services.

Wireless Communications Support Structure shall mean a structure erected to support wireless communications antennas and connecting appurtenances. The primary purpose is to elevate an antenna above the surrounding terrain or structures and may be attached to an existing building or other permanent structures or as a free-standing structure which may include, but are not limited to monopole support structures and lattice support structures, and may have supporting guyed wires and ground anchors.

A. Lattice support structure shall mean a wireless communications support structure which consists of a network of crossed metal braces, forming a tower which is usually triangular or square in cross-section and is anchored at the base by a concrete foundation.

B. Monopole support structure shall mean a wireless communications support structure tower consisting of a single pole which is either sunk into the ground and/or attached to a foundation.

#### **18.71.030 Abbreviations**

As used in this ordinance, the following abbreviations shall stand for the following terms or entities:

“FAA” shall mean the Federal Aviation Administration established pursuant to The Federal Aviation Act of 1958, as amended.

“FCC” shall mean the Federal Communications Commission established pursuant to the Communications Act of 1954, as amended.

#### **18.71.040 Applicability**

The following facilities shall be subject to the regulations set forth in this ordinance:

A. All wireless communication support structures, antennas, equipment structures and uses accessory to an antenna.

B. Any modification to a wireless communication support structure, antenna, equipment structure or uses accessory to an antenna.

#### **18.71.050 Exemptions/Nonconforming uses**

The following shall be exempt from requirements in this chapter:

A. Wireless telecommunication support structures, antennas and equipment structures for which a permit had been issued prior to the effective date of this ordinance shall be allowed to continue their previously permitted use under the development standards in effect at the time of permitting.

B. The following shall be permitted outright for existing wireless communication support structures, antenna, equipment or uses which are nonconforming, provided that there is no increase in excess of 25% of the cross-sectional diameter of any wireless communication support structure and there is compliance with FCC radio frequency radiation standards:

1. Structural alterations to meet safety requirements;
2. Replacement on-site;
3. Routine or emergency maintenance, renovation or repair;
4. Addition of new antennas to an existing wireless communication support structure to permit collocation provided that no more than a total of 3 antennas over 6 feet in any dimension may be located on any existing wireless communication support structure.

#### **18.71.060 Height Standards**

A. The height of a wireless communications facility shall mean to include the support structure and any antennas proposed at the time of application. A lightning rod, not to exceed 10 feet or FAA required lighting shall not be included within the height limitations.

B. The maximum height of wireless communications support structures and their antennas may vary from the standards of the underlying zone.

C. The height limitation exemptions of CMC 18.64 shall apply to wireless communications support structures and antennas.

#### **18.71.070 General Provisions**

The following general provisions shall apply to all wireless communications facilities:

A. All wireless communications support structures and required fencing shall be equipped with appropriate anti-climbing devices.

B. All wireless communications support structures and antennas which are located at a wireless communications facility shall be identified with a sign not exceeding four (4) square feet. The sign shall list the wireless service provider's name and emergency telephone number and shall be posted in a place visible to the general public.

C. Wireless communications support structures and antennas locating on any site or existing building that is on a historic register, or in a historic district shall require a conditional use permit. If the proposed site or existing building is on the Local Historic Register, the wireless communication support structure and antenna design shall be subject to the applicable design standards prescribed by the Clark County Historic Preservation Commission. If the site is on the National Historic Register, the wireless communication support structure and antenna shall be subject to the applicable design standards prescribed by the Secretary of the Interior.

D. Wireless communications support structures not regulated by the FAA shall have a finished surface that minimizes the visibility of the structure.

E. Wireless communications support structures shall not be illuminated except where required by the FAA.

**18.71.080 Antennas and Add-on Antennas** Antennas and add-on antennas shall be permitted outright and subject to administrative review in any zone and further subject to the applicable provisions of the Uniform Building Code and the following conditions and exceptions:

1. May be located on single family dwellings, with a conditional use permit, as defined in CMC 18.08 or on their accessory structures as defined in CMC 18.08.

2. Shall add no more than 20 feet to the height of an existing structure as measured at the point of attachment to the existing structure.

3. Shall be painted or finished in a manner that blends with dominant color of the background.

4. Shall be affixed to structures with mounting apparatus which produces the least visual impact and blends with the dominant background color.

5. Individual add-on antennas permitted outright shall be limited to the following size restrictions:

a. A whip antenna shall not be more than 3 inches in diameter and 15 feet in length.

b. A panel, dish or microwave antenna shall have not more than 15 square feet.

6. Multiple add-on antennas proposed for a single wireless communication support structure or existing building which increase the existing cumulative cross-sectional

diameter of antennas by more than 25% shall be subject to a require a conditional use permit.

**18.71.090 Wireless Communications Support Structures and Antennas - Uses**

Wireless Communications structures and antennas shall be permitted, prohibited or conditionally allowed as indicated in Table 18.71.180.

See attached Table 18.71.180 Uses

**18.71.100 Wireless Communications Support Structures and Antennas - Conditional Use Permits**

A. Wireless communications support structures shall be subject to a conditional use permit provisions of Chapter 18.76 CMC and the following additional requirements:

1. Application. The application shall be accompanied by:

a. Collocation feasibility evaluation as prescribed by CMC 18.71.130.

b. (Reserved).

c. (Reserved).

2. Conditions. In addition to the conditions of approval of CMC 18.76, the permit may include requirements which:

a. Require use of camouflage or screening, including but not limited to fencing, landscaping, strategic placement adjacent to existing buildings or vegetation, and “stealth” designs to minimize adverse aesthetic and visual impacts;

b. Require compatibility with key design elements in the surrounding area; for example, in single family residential zones, use of peaked roof lines, painted surfaces, and wooden fences.

c. Minimize the cumulative aesthetic, visual or safety impacts of additional wireless communication facilities in the surrounding area; provided that facilities for which the applicant submits proof of compliance with FCC radio frequency emission standards shall not be required to comply with more stringent standards as a condition of conditional use permit approval.

**18.71.110 Landscaping and Screening Standards**

A. The following landscaping and screening standards shall apply to all wireless communication support structures, and accessory equipment structures and any other accessory facilities located on the ground:

1. The perimeter of the wireless communication support structure and any guyed wires and anchors shall be enclosed with by a fence or wall subject to Section 20.91.250 Fences, Hedges and Certain Walls. A partially sight-obscuring fence or wall shall be landscaped around the outside perimeter of the fence or wall with 6 foot high evergreen shrubs that provide a screen that is 75% opaque year around.

2. A 5 foot landscaped buffer shall be located around the perimeter of the fence or wall.

3. Landscaping shall include a minimum of (1) shrub with a minimum spread of 30 inches for every 5 linear feet of landscape buffer. A ground cover may be included in the buffer.

4. One (1) tree shall be required for every 25 linear feet of landscape buffer or as appropriate to provide a year-round tree canopy around the perimeter of the facility. Trees shall have a minimum caliper of 2 inches measured 4 feet above grade and a minimum height of 10 feet at the time of planting.

B. Add-on antennas to existing structures that requires the ground installation of equipment structures and accessory equipment shall be landscaped with a 5 foot buffer around the perimeter of the facility. This shall consist of a minimum of 1 shrub with a 30 inch spread for every 5 linear feet of perimeter landscape buffer. Ground cover may be included in the buffer.

C. Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area and approved by a qualified expert.

D. Maintenance of the landscaped area shall be the responsibility of the applicant. Required landscaping must be maintained in a healthy manner. Trees and shrubs that die must be replaced with in-kind materials.

E. Permanent irrigation shall be provided to help ensure survival of the landscaped area.

#### **18.71.120 Federal Requirements**

A. All wireless communications support structures must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the federal government with the authority to regulate wireless communications support structures and antennas. If such standards and regulations are changed, owners of the wireless communication support structure, antennas and electronic equipment governed by this ordinance shall bring such wireless communication support structure, antennas and electronic equipment into compliance with such revised standards and regulations within the compliance schedule federal agency. Failure to bring wireless communications support structures and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the wireless communication support structure, antenna or electronic equipment at the owner's expense.

B. The owners of such wireless communications support structures, antennas and electronic equipment shall provide the city with copies of all environmental assessments (EA's) required to be submitted to the FCC or FAA regarding locations within the city simultaneously with any filing with the federal agencies pursuant to 47 CFR Part I.

#### **18.71.130 Application Requirements**

In addition to the requirements of CMC, the applicant shall provide the following:

1. A copy of the applicant's collocation evaluation study consisting of the following:

a. Certification that the following notice was mailed to all other wireless providers licensed to provide service within the City of Camas:

"Pursuant to the requirements of CMC 18.71, (wireless provider) is hereby providing you with notice of our intent to apply to the City of Camas to construct a wireless communication support structure that would be located at (address). In general, we plan to construct a support structure of

\_\_\_\_\_ feet in height for the purpose of providing (cellular, PCS, etc.) service.

Please inform us whether you have any wireless facilities located within (distance) of the proposed facility, that may be available for possible collocation opportunities. Please provide us with this information within \_\_\_\_\_ business days after the date of this letter. If no response is received within that time, we shall assume you do not wish to pursue collocation at such site.

Sincerely, (pre-application applicant, wireless provider).”

b. Certification from a licensed radio engineer indicating whether the necessary service is technically feasible if provided by collocation at the identified site(s) by the other provider(s).

c. Evidence that the lessor of the site(s) identified by the other provider(s) either agrees or disagrees to collocation on their property.

d. Certification by a licensed radio engineer that adequate site area exists or does not exist at the site(s) identified by the other provider(s) to accommodate needed equipment and meet all of the site development standards.

e. Evidence that adequate access does or does not exist at the possible collocation site(s) identified by the other provider(s).

2. A copy of the applicant's license issued by the FCC.

3. A copy of the findings from the FAA's Aeronautical Study Determination regarding the proposed wireless communication support structure.

4. A report from a licensed professional engineer documenting:

a. That the wireless communication support structure is designed to accommodate at least two wireless communication service providers.

b. A report indicating the anticipated capacity of the wireless communication support structure, including the number and types of antennas which can be accommodated.

5. Proof of liability insurance coverage for the proposed wireless communication support structure or antenna. Liability insurance shall be maintained until the wireless communication support structure or antenna is dismantled. Failure to maintain insurance coverage shall constitute a violation of this ordinance and grounds for revocation of a permit. If the permit is revoked, the permit holder shall be responsible for removal of the equipment and restoration of the site.

6. In the case of a leased site, a lease agreement which shows on its face that is does not preclude the site owner from entering into leases of the site with other providers.

#### **18.71.140 Permitting Process - Waiver of Fees for Collocation**

If the wireless communication support structure and originally approved antennas required a conditional use permit, and attaching add-on antenna(s) does not require any additional wireless communication support structure expansion except for normal mounting hardware,

the add-on antennas shall only be subject to fees for being permitted outright. The site plan and SEPA fee shall be waived.

**18.71.150 Removal of Antennas and Support Structures**

Any antenna or wireless communication support structure that is not operated for a continuous period of twelve (12) months shall be removed and the site restored to its original state by the owner of the property on which the wireless communication support structure or antenna is situated or by the owner or lessee of the wireless communication support structure or antenna within ninety (90) days of receipt of notice to remove from the City. If the antenna and/or wireless communication support structure is not removed within said ninety (90) days, the City may remove the antenna or wireless communication support structure at the owner's expense. If there are two or more wireless communications providers on a single wireless communication support structure, this provision shall not become effective until all providers cease using the wireless communication support structure for a continuous period of twelve (12) months. The provider shall submit a notice to the City informing the City that the antenna or wireless communication support structure is no longer in use or in operation. Said notice shall be submitted within thirty (30) days that the facility becomes unused or inoperable.

**18.71.160 Wireless Communications Master Plan (Reserved)**

**18.71.170 Periodic Review**

The City recognizes that communication technologies are subject to rapid change. Future innovations may result in reducing the impacts of individual facilities and render specific portions of this ordinance obsolete. Additionally, the ordinance may not address new technologies as they develop. Therefore, periodic review and revision of this ordinance shall occur at least every 2 years or at the request of the Planning Commission or City Council.

**18.71.180 Best Available Technology (BAT) Employment**

Due to the dynamic technological advances in the communications industry, any wireless provider whose facilities operate in the City shall employ best available technology (BAT). When warranted by substantial change in BAT, all wireless service providers shall review their facilities in the City for possible removal of outdated equipment, including antennas, monopole structures, and lattice towers. Outdated facilities shall be replaced with BAT facilities. Failure to comply with this section may result in revoking applicable permits held by the wireless service provider. The City reserves the right to annually review permits issued under this chapter for compliance with this section.

**Table 18.71.190 Uses**

The following table is intended to guide what telecommunications facilities are permitted (P); allowed with approval of conditional use permit (C), or restricted (X) in the zoning districts in the City of Camas.

Zoning District	Antennas and Add-on Antennas	Support Structures (except lattice tower)	Lattice Tower
R1	P	C	X
MF	P	C	X
C1	P	C	X
C2	P	C	X
C3	P	C	X
LI/C	P	P	X
LI/CT	P	P	X
CC	P	C	X
M1	P	P	C
IP	P	C	X

Section 2. CMC 18.08 is amended to add the following:

**18.08.725 Utility Facilities, Minor** shall mean those facilities which have a local impact on surrounding properties and are necessary to provide essential services such as:

- A. Substations (transmission and distribution)
- B. Pump stations
- C. Water towers and reservoirs
- D. Public wells
- E. Outfalls
- F. Telephone switching facilities
- G. Cable television receiver and transmission facilities, excluding wireless communications facilities as defined in CMC 18.71.020.
- H. Catch basins, retention ponds, etc.
- I. Water treatment facilities

Section 3. **Severability Clause.**

The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subsection, or portion of this ordinance, or the invalidity of any application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance or the validity of its application to any other person or circumstance.