

# CITY OF BURIEN, WASHINGTON

## ORDINANCE NO. 700

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**AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, AMENDING CHAPTER 19.50 OF THE BURIEN MUNICIPAL CODE RELATED TO PERSONAL WIRELESS SERVICE FACILITIES REGULATIONS OF THE BURIEN MUNICIPAL CODE, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.**

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WHEREAS, in June, 1999, the City of Burien adopted a zoning code establishing zoning regulations for the City of Burien; and

WHEREAS, the City desires to amend BMC Title 19 amending zoning code text relating to Personal Wireless Service Facilities;

WHEREAS, the City provided the proposed zoning amendment to the Washington State Department of Commerce and did not receive any comments during the 60-day notice and comment period; and

WHEREAS, the City has complied with RCW 43.21C State Environmental Policy Act; and

WHEREAS, the Planning Commission had six public meetings and conducted a public hearing to receive public comments on September 12<sup>th</sup> and 26<sup>th</sup>, 2018 to discuss revisions to the proposed amendments;

WHEREAS, the City Council has received recommendations from the Planning Commission regarding the proposed amendments at a public meeting on October 10, 2018; and

WHEREAS, the Planning Commission and City Council evaluated the proposed zoning code amendments and confirmed they comply with the decision criteria for zoning code amendments of BMC 19.65.

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

Section 1: Amendments to BMC Title 19. The City Council of the City of Burien hereby amends BMC Titles 19 as shown on attached Exhibit A incorporated by reference as if fully set forth herein.

Section 2: Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared

unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3: Savings. The enactments of this ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this ordinance.

Section 4: Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect five days after publication.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 3RD DAY OF DECEMBER, 2018 AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 3<sup>RD</sup> DAY OF DECEMBER, 2018.**

CITY OF BURIEN

  
Jimmy Matta, Mayor

ATTEST/AUTHENTICATED:

  
Monica Lusk, City Clerk

Approved as to form:

  
Lisa Marshall, City Attorney

Filed with the City Clerk: December 3, 2018  
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## **Chapter 19.50 Personal Wireless Service Facilities**

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### **19.50.005 User Guide.**

This Chapter contains a variety of regulations and standards that apply to the use and development of personal wireless service facilities (PWSF). If you are operating or are interested in proposing a PWSF, you should read this Chapter.

### **19.50.010 Purpose.**

These standards were developed to protect the public health, safety and welfare, to protect property values and minimize visual impacts while furthering the development of enhanced telecommunication services in Burien. These standards were designed to comply with the Telecommunications Act of 1996. The provisions of this Chapter are not intended to and shall not be interpreted to prohibit or have the effect of prohibiting personal wireless services. This Chapter shall not be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent personal wireless services.

### **19.50.015 Exemptions.**

The following are exempt from the provisions of this Chapter and shall be permitted in all zones:

1. Temporary PWSF during an emergency declared by the City;
2. Licensed amateur (ham) radio stations;
3. Satellite dish antennas less than two meters in diameter when located in non-residential zones, and satellite dish antennas less than one meter in diameter when located in residential zones, including direct to home satellite services, when used as an accessory use of the property;
4. PWSF which legally existed or had a vested application on or prior to the effective date of this Chapter; except that this exemption does not apply to modifications of such facilities;
5. Routine maintenance or repair of a PWSF and related equipment (excluding structural work or changes in height or dimensions of antennas, support structures, utility poles or buildings), provided that compliance with the standards of this Code are maintained.

**19.50.020 PWSF Locations and Permit Process.**

1. The following table indicates the hierarchy of locations to be used in reviewing an application for a PWSF. The applicant bears the burden to show that location in a higher priority is not technically feasible. Small wireless facilities not requiring new poles or structures and eligible facilities requests are exempt from this hierarchy requirement and shall follow the permit processes outlined in subsections 3 and 4 below and Section 19.50.070, respectively. Pursuant to WAC 197-11-800(25), some PWSF may require a SEPA Review as part of the review processes outlined below.

Priority (highest to lowest)	Special Review Process (See Chapter 19.65)	Type of PWSF and Location
1	None	A. Collocation of antennas on an existing support structure in a non-residential zone. B. Attachment of antennas to existing structures in the I, CR, CC-1, CC-2, and AI zones. C. Antennas attached to existing or replacement ball field light standards, electrical transmission towers, water tanks or existing utility poles in any zone, or in any public street.

Priority (highest to lowest)	Special Review Process (See Chapter 19.65)	Type of PWSF and Location
		<p>D. Any PWSF located in the public rights-of-way will require a right-of-way use permit.</p> <p>E. Any PWSF located outside of the public rights-of-way will require a building permit.</p>
2	Type 1	<p>A. Attachment of antennas to existing structures (except single detached dwelling units and their accessory structures) in the O, SPA-1, SPA-2, SPA-3, DC, CI, PR, RM and RS zones.</p> <p>B. New support structures or poles in the public rights-of-way or outside of the public rights-of-way proposed to site new small wireless facilities, provided that the requirements of BMC 19.50.075 are met, except in those public rights-of-way in the DC zone.</p>
3	Type 2	<p>Any PWSF not listed above, except for the following which are prohibited: lattice towers in all zones, new monopoles and new structures that support small wireless facilities in the DC zone and in public rights-of-way in the DC zone and new monopoles in residential zones.</p>

2. An applicant for a Type 2 review for a PWSF to be located within a residential zone or within 100 feet of a residential zone shall demonstrate that the proposed facility cannot be located in a non-residential zone, or greater than 100 feet from a residential zone and that due to valid considerations including physical constraints, or technological feasibility, no other location is available. The applicant is required to demonstrate that it contacted the landowners or owners of structures in excess of thirty feet (30') in height within a one-quarter mile radius of the proposed site (except single detached dwelling units and their accessory structures), and asked for permission to build the support structure or install the antenna on an existing structure. The information submitted by the applicant shall include a map of the area to be served by the facility, its relationship to other sites in the applicant's network (within and outside of Burien city limits), and, an evaluation of existing available land, buildings and structures taller than thirty feet (30') within one-quarter mile of the proposed site.

3. Small wireless facilities not requiring new poles or structures and meeting the requirements of this Chapter are permitted in any zone with a right-of-way use permit (if located in the right-of-way) or a building permit (if located outside of the right-of-way).

4. If the applicant is proposing a PWSF located in the public rights-of-way, then the applicant must apply for a franchise. The Director may process the application for a PWSF permit concurrently with an application for a franchise, but any such permit will be conditioned on approval of the franchise by the City Council.

5. To the extent applicable, permits issued under this BMC Chapter 19.50 for PWSF in the public rights-of-way shall comply with the process requirements in BMC Chapter 19.65 except that such decisions are exempt from RCW 36.70B.60 through 36.70B.080 and RCW 36.70B.110 through 36.70B.130.

### **19.50.025 Collocation.**

To minimize potential adverse visual impacts associated with the proliferation of PWSF support structures, collocation of PWSF antennas is encouraged, as follows:

1. Collocation shall be accomplished in a manner consistent with the provisions of this Chapter.

2. This subsection applies to both new and existing PWSF. The terms and conditions for collocating late-comer providers on PWSF facilities shall be reasonable and based on current market rates for comparable facilities. Imposition of unreasonable or higher than market rate terms and conditions by the host provider shall be considered failure to cooperate in good faith to accommodate collocation with competitors and shall be subject to the provisions of BMC 19.50.025.6 below.

3. The City may deny an application to construct a new monopole if the applicant has not shown by substantial evidence that it has made an effort to mount the proposed antennas on an existing building or support structure that would provide adequate service. The applicant shall use the following collocation protocol:

A. Prior to or with an application for approval of a PWSF, the applicant shall demonstrate that the following notice was mailed via certified mail to all other PWSF providers licensed to provide service within the City:

"Pursuant to the requirements of City of Burien Municipal Code Section 19.50.025, (name of wireless provider) is hereby providing you with notice of our intent to submit an application with the City of Burien for construction of a new freestanding personal wireless service facility that would be located at \_\_\_\_\_(location). In general, we plan to construct a monopole of \_\_\_\_\_feet in height for the

purpose of providing (cellular, PCS, ESMR, etc.) service in the \_\_\_\_\_ frequency range. Please inform us whether you have any existing or planned personal wireless service facilities within one mile of the proposed facility that may be available for possible collocation. If you do not have a facility available for collocation, please indicate whether you would be interested in collocating on our proposed facility. Please provide us with this information within 10 business days after the date of this letter. Your cooperation is appreciated.”

B. Copies of any responses to the collocation request letter shall be provided to the City prior to or with the PWSF application. If a response to a collocation request letter is received by an applicant indicating an opportunity for collocation, the applicant shall make a good faith effort to analyze the feasibility of collocation. This analysis shall be submitted with an application for any monopole and shall include, at a minimum:

- i. A statement from a qualified engineer indicating whether the necessary service can or cannot be provided by collocation at the possible collocation site.
- ii. Evidence that the lessor of the possible collocation site either agrees or disagrees to collocation on his/her property.
- iii. Evidence that adequate space exists or does not exist at the possible collocation site to accommodate needed equipment and meet the applicable requirements of this Code.
- iv. Evidence that adequate access does or does not exist at the possible collocation site.

4. To reduce the number of future support structures needed in the City, new support structures shall be designed to accommodate antennas for more than one user, unless the applicant demonstrates why such design is not feasible for economic, technical or physical reasons.

5. Unless collocation is not feasible, an applicant’s site plan shall reserve an area for at least one other provider’s equipment near the base of the applicant’s monopole. An option agreement to lease the area at the base of the monopole for a second provider shall not expire prior to the underlying lease.

6. Personal wireless service providers, their lessees and agents shall cooperate in good faith to accommodate collocation with competitors, including responding in a timely manner to a collocation letter required by BMC 19.50.025.3. If a dispute arises about the feasibility of collocating, the Director may require a third party technical study, pursuant to BMC 19.50.050, to resolve the dispute. Failure to

accommodate collocation may be grounds for revocation of permit and removal of the PWSF under public nuisance abatement procedures (Chapter 1.15 BMC).

7. Small wireless facilities located within the public rights-of-way are exempt from the collocation requirements of BMC 19.50.025.

### **19.50.030 Design Criteria.**

Unless otherwise included, small wireless facilities are exempt from the design criteria of BMC 19.50.030.

1. The location and design of PWSF sites shall consider the visual and physical impacts of the facility on the surrounding neighborhood.

2. PWSF shall be architecturally compatible with the surrounding buildings and land uses and screened or otherwise integrated, through location and design, to blend in with the existing characteristics of the site and its surroundings.

3. As provided in BMC 19.50.020, new monopoles shall be designed to accommodate collocation, unless the applicant demonstrates why such design is not feasible for economic, technical or physical reasons.

4. Setbacks. The setback requirements in this section apply to PWSFs located outside of the right-of-way and are not subject to a variance (BMC 19.65.085). The Director may waive or reduce the setback requirement for a camouflaged PWSF.

A. All monopoles and all above-ground equipment enclosures shall be setback at least 10 feet from property lines. This setback shall be measured from the closest point of the antenna, monopole and equipment enclosure to the property lines on the lot on which it is located.

B. When located within 100 feet of a residential zone, all monopoles and above-ground equipment enclosures shall be setback from the residential zone boundary 10 feet plus at least one foot for every one foot of height of the antenna and monopole. This setback shall be measured from the closest point of the antenna, monopole and equipment enclosure to the residential zone boundary.

C. Antennas installed on building rooftops shall be setback from the edge of the roof at least one foot for each foot of antenna height as measured from the top of the roof (or parapet, if one exists) to the highest point of the antenna.

D. Small wireless facilities attached to new support structures or poles must comply with these setback requirements.

5. View corridors. PWSF, including small wireless, shall be located and designed to not obstruct or significantly diminish views of Mt. Rainier, Puget Sound or the Cascade or Olympic Mountains from public streets and public property.

6. Height. The height limits in this section are not subject to a variance (BMC 19.65.085).

A. PWSF shall not exceed the minimum height required to function satisfactorily.

B. Monopoles shall not exceed: 100 feet in height in the CR and I zones; and 60 feet in height in all other zones where monopoles are allowed; provided, however the height of an existing monopole may exceed these height requirements if such increase does not constitute a substantial change as defined in 19.50.070.

C. Whip antennas located on existing structures shall not be higher than 15 feet above the highest point of the structure. Panel antennas located on existing structures, other than a utility pole, shall not exceed 10 feet above the highest point of the structure.

7. Screening.

A. All PWSF shall be designed and located on a site to take maximum advantage of existing trees, mature vegetation, structures and/or topography to screen as much of the facility as possible from view, and so that the facility blends into the background.

B. The visual impacts of monopoles and ground-mounted equipment enclosures shall be mitigated through installation of a 5' wide Type I landscape strip around the perimeter of the monopole, equipment enclosure and the outside of the security fence(if any). The City may waive or modify this requirement for those sides of the facility that are not visible from streets or adjacent property.

C. Landscaping shall be maintained in a healthy, thriving condition. Landscaped areas shall be irrigated either by an irrigation system, or by regular servicing and irrigation by a landscape maintenance company. In the event that landscaping is not maintained as required, the City after giving thirty (30) days advance written notice to the PWSF provider and property owner, may maintain or establish the landscaping. Both the PWSF provider and property owner shall be billed for such costs until the City is paid.

D. Equipment enclosures mounted on a roof shall be screened or have a finish and appearance similar to the exterior building walls.

8. Antennas. The requirements in this section are not subject to a variance (BMC 19.65.085).

A. Antennas mounted on buildings. Antennas shall be architecturally compatible with the building and wall on which it is mounted, and shall be designed and located so as to minimize any adverse aesthetic impact. Panel antennas shall not be mounted on a pitched rooftop. A wall-mounted antenna shall be as flush to the wall as technically possible and shall not project above the wall on which it is mounted. Antennas and any visible mounting brackets and cables shall be constructed, painted, or fully screened to match as closely as possible the color and texture of the building and wall on which it is mounted, or otherwise blend into its background. The antennas may be attached to existing conforming or new roof structures allowed pursuant to BMC 19.17.130[1]. Antennas shall not project any higher than the roof structure. New roof structures shall be the minimum necessary to achieve the desired outcome and purpose of the building height projection allowed by BMC 19.17.130[1].

B. Antennas mounted on other structures. Antennas shall be integrated into the design of the structure to which they are attached. Antenna platforms are prohibited. External projections from the structure shall be limited to the smallest projection technically feasible.

9. Locating on utility poles. The requirements in this section do not apply to small wireless facilities and are not subject to a variance (BMC 19.65.085). PWSF located on existing or replacement utility poles shall conform to the following design criteria:

A. The utility pole at the proposed location may be replaced with a taller pole for the purpose of accommodating a PWSF; provided, that the new pole shall not exceed a height that is a maximum of fifteen (15) feet taller than the existing pole;

B. Panel antennas shall not project out from the surface of the utility pole by more than twelve (12) inches or the minimum distance required by the pole owner, shall not exceed six (6) feet in height, and shall be placed such that the top of the panel antenna does not extend above the height of the utility pole;

C. A cylindrical antenna may be mounted as an extension on top of an existing utility pole, but the existing pole shall not be replaced with a taller pole for the purpose of accommodating the

cylindrical antenna. A cylindrical antenna mounted on top of a utility pole shall not exceed eighteen (18) inches in diameter and eight (8) feet in height, or the minimum distance required by the pole owner;

D. A whip antenna may be mounted as an extension on top of an existing utility pole, but the existing pole shall not be replaced with a taller pole for the purpose of accommodating the whip antenna. A whip antenna mounted on top of a utility pole shall not exceed fifteen (15) feet in height, and shall be enclosed within a cylinder that is painted to match the pole, or the minimum distance required by the pole owner;

E. All PWSF, including but not limited to antennas, equipment, cables and conduit which are mounted on utility poles shall be painted to match the pole;

F. The visual effect of the PWSF on all other aspects of the appearance of the utility pole shall be minimized to the greatest extent possible;

G. The use of the utility pole for the siting of a PWSF shall be considered secondary to the primary function of the utility pole. If the primary function of a utility pole serving as the host site for a PWSF becomes unnecessary and any regulation requires its removal, the utility pole shall not be retained for the sole purpose of accommodating the PWSF and the PWSF and all associated equipment shall be removed immediately;

H. Equipment enclosure(s) for PWSF located on utility poles in residential zones shall be located underground, unless an existing building other than a single-family residence, such as a garage, which has been in place for at least one year prior to the date of application, is available to accommodate the equipment enclosure(s). Equipment enclosure(s) which are located underground may be located within the front setback in all zones;

I. In all cases where a utility pole is replaced for the purpose of accommodating a PWSF installation, the cables and other wiring necessary for the PWSF shall be routed inside the new pole, provided such pole is a non-wooden pole. If routing inside the pole is not allowed by the utility and that determination is confirmed in writing by the utility, then all cable, wiring and conduit routed outside the pole shall be painted to match the pole;

J. There is no collocation requirement for PWSF located on utility poles and there shall be no more than one (1) PWSF located on any one utility pole.

H. PWSF located on utility poles shall be located no closer than a quarter mile from any other PWSF (except a small wireless facility) located on a utility pole operated by the same applicant in any zone or within the public rights-of-way within any zone.

I. Any replacement pole shall substantially conform to the design of the pole it is replacing or the neighboring pole design standards utilized in the continuous right-of-way.

10. Special Planning Area 3 (Gateway). All new support structures, including monopoles, and equipment enclosure(s) shall be camouflaged and the applicant shall provide clear and convincing evidence, in a manner as outlined in BMC 19.50.025, that there are no existing support structures which will support the proposed new antennas in the SPA-3 zone.

11. Downtown Commercial Zone. All new antennas in the DC zone shall be located on the following:

A. Any existing support structure which has been in place for at least one year prior to the date of application, or

B. Any building or structure, which was not constructed for the sole purpose as a support structure for an antenna.

All new antennas, cables, conduit and equipment enclosure(s), shall be camouflaged to protect pedestrian views in the DC zone. Locating PWSF on utility poles is prohibited in the DC zone and in the public rights-of-way within the DC zone, except for small wireless facilities located on existing or replacement utility poles.

12. Color. PWSF shall have colors generally matching the surroundings or background that minimizes their visibility. In the event that the FCC or FAA requires special marking, the City may require the applicant to request dual mode lighting as an alternative to the marking requirement.

13. Lights, signals and signs. No signage, message, or identification other than the manufacturer's identification or identification required by federal or state law is allowed to be portrayed on any PWSF, including small wireless facilities, and any such signage on equipment enclosures shall be of the minimum amount possible to achieve the intended purpose; provided that, signs are permitted as concealment techniques where appropriate or as otherwise permitted pursuant to BMC 19.50.035.

14. Noise. PWSF, including small wireless facilities, shall comply with applicable State and local noise regulations.

15. Federal requirements. PWSF, including small wireless facilities, providers and lessees shall assure that its facility complies at all times with current Federal standards. Failure to maintain PWSF in compliance with current Federal standards and regulations shall constitute a nuisance.

16. Cumulative effects. Subject to BMC 19.50.070, the City may consider the cumulative visual effects of PWSFs mounted on an existing structure in determining whether additional permits may be granted so as to not adversely affect the visual character of the City.

### **19.50.035 Small Wireless Facility Design Criteria**

In addition to the requirements of this Chapter 19.50, except where otherwise specifically excluded, the following design criteria shall apply to small wireless facilities. Applicants desiring the placement of new poles or structures in the right-of-way to support small wireless facilities must comply with the requirements of BMC 19.50.075. In lieu of a variance process, subsection 5 below shall apply.

#### **1. Small wireless Facilities Attached to Wooden Poles.**

Small wireless facilities located on wooden poles shall conform to the following design criteria:

A. The wooden pole at the proposed location may be replaced with a taller pole for the purpose of accommodating a small cell facility; provided, that the replacement pole shall not exceed a height that is a maximum of ten (10) feet taller than the existing pole, unless a further height increase is required and confirmed in writing by the pole owner and that such height extension is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities. Replacement wooden poles may either match the approximate color and materials of the replaced pole or shall be the standard new wooden pole used by the pole owner in the city.

B. Panel antennas shall not be mounted more than twelve (12) inches from the surface of the wooden pole or the minimum distance required by the pole owner, and shall be placed such that the top of the panel antenna does not extend above the height of the wooden pole, unless a pole extender is used. Each antenna shall not be more than three (3) cubic feet in volume.

C. A canister antenna may be mounted on top of an existing or replacement wooden pole, which may not exceed the height requirements described in subsection A above. A canister antenna mounted on top of a wooden pole shall not exceed the diameter of the pole by more than twelve (12) inches measured at the top of the pole. The canister antenna shall be colored or painted to match the pole. The canister antenna must be placed to look as if it is an extension of the pole. In the alternative, the

applicant may propose a side mounted canister antenna, so long as the inside edge of the antenna is no more than twelve (12) inches from the surface of the wooden pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the utility pole.

D. An omni-directional antenna may be mounted on top of an existing or replacement utility pole, provided such antenna is no more than four (4) feet in height and is mounted directly on the top of a pole or attached to a sleeve made to look like the exterior of the pole as close to the top of the pole as technically feasible. All cables shall be concealed within the sleeve between the bottom of the antenna and the mounting bracket.

E. Multiple antennas are permitted on a wooden pole provided that each antenna shall not be more than three (3) cubic feet in volume. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness.

F. All equipment for small wireless facilities, including but not limited to ancillary equipment, radios, cables, associated shrouding, microwaves, and conduit which are mounted on utility poles shall not be mounted more than six (6) inches from the surface of the pole if technically feasible, unless a further distance is required by the pole owner.

G. Equipment for small cell facilities must be attached to the utility pole, unless otherwise permitted to be ground mounted pursuant to subsection 4.A below. The equipment must be placed in the smallest enclosure possible for the intended purpose. The equipment enclosure and all other wireless equipment associated with the pole, including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole, may not exceed twenty-eight (28) cubic feet. Multiple equipment enclosures may be acceptable if designed to more closely integrate with the pole design and does not cumulatively exceed twenty-eight (28) cubic feet. The applicant is encouraged to place the equipment enclosure behind any banners or road signs that may be on the pole, if such banners or road signs are allowed by the pole owner.

H. An applicant who desires to enclose its antennas and equipment within a Unified Enclosure may do so, provided that such Unified Enclosure is the minimum size necessary for its intended purpose and the Unified Enclosure and all other wireless equipment associated with the pole, including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole, may not exceed twenty-eight (28) cubic feet. The applicant is encouraged to place the Unified Enclosure behind any banners or road signs that may be on the pole, if such banners or road signed are allowed by the

pole owner. The Unified Enclosure may not be placed more than six (6) inches from the surface of the pole, unless a further distance is technically required and confirmed in writing by the pole owner.

I. A pole extender may be used instead of replacing an existing pole but may not increase the height of the existing pole by more than ten (10) feet, unless a further height increase is required and confirmed in writing by the pole owner and that such height increase is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities. The pole extender shall be painted to approximately match the color of the pole and shall substantially match the diameter of the pole measured at the top of the pole. A "pole extender" as used herein is an object affixed between the utility pole and the antenna for the purpose of increasing the height of the antenna above the pole.

J. Antennas, equipment enclosures, and all ancillary equipment, boxes and conduit shall be colored or painted to match the approximate color of the surface of the utility pole on which they are attached, or consistent with the paint requirements of the pole owner.

K. Cable and wires may be routed through conduit exterior to the pole. The outside conduit shall be colored or painted to match the pole. The number of conduit shall be minimized to the number technically necessary to accommodate the small wireless facility.

L. The visual effect of the small wireless facility on all other aspects of the appearance of the utility pole shall be minimized to the greatest extent possible.

M. The use of the utility pole for the siting of a small cell facility shall be considered secondary to the primary function of the utility pole. If the primary function of a utility pole serving as the host site for a small cell facility becomes unnecessary or any regulation requires its removal, the utility pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small cell facility and all associated equipment shall be removed.

## 2. Small wireless Facilities Attached to Non-Wooden Light Poles and Other Non-Wooden Poles.

Small wireless facilities attached to existing or replacement non-wooden light poles and other non-wooden poles in the public rights-of-way or non-wooden poles outside of the public rights-of-way shall conform to the following design criteria:

A. Antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) shall be fully concealed within the pole, unless such concealment is otherwise

technically infeasible or is incompatible with the pole design, then the antennas and associated equipment enclosures must be camouflaged to appear as an integral part of the pole or flush mounted to the pole in a manner that integrates the antenna(s) and equipment enclosure(s) into the design of the pole and minimizes clutter and visual impact. If an equipment enclosure is permitted on the exterior of the pole, the applicant is encouraged to place the equipment enclosure behind any banners or road signs that may be on the pole. For purposes of this section, "incompatible with the pole design" may include a demonstration by the applicant that the visual impact to the pole or the streetscape would be reduced by placing the antennas and equipment exterior to the pole.

B. All conduit, cables, wires and fiber must be routed internally in the non-wooden pole. Full concealment of all conduit, cables, wires and fiber is required within mounting brackets, shrouds, canisters or sleeves if attaching to exterior antennas or equipment, except for the minimum amount necessary to directly connect to the antennas or equipment.

C. Any replacement pole shall substantially conform to the design of the pole it is replacing or the neighboring pole design standards utilized within the contiguous right-of-way or immediate vicinity.

D. The height of any replacement pole, inclusive of the antenna, may not extend more than ten (10) feet above the height of the existing pole, unless a different height is required by the pole owner due to technical or safety requirements.

E. The diameter of a replacement pole shall comply with the City's setback and sidewalk clearance requirements, shall not be more than a 25% increase in the diameter of the existing pole measured at the base of the pole, and shall comply with the requirements in subsection 5.F below. If additional diameter is needed in order to conceal equipment within the base of the pole, then the applicant shall propose a Concealment Element Design consistent with BMC 19.50.075.3 below. Further, the diameter of the pole must comply with the pole owner's design requirements.

F. An antenna on top of an existing pole may not extend more than six (6) feet above the height of the existing pole and the diameter may not exceed the diameter of the pole by more than twelve (12) inches, measured at the top of the pole, unless the applicant can demonstrate that more space is technically or aesthetically needed. Antennas on top of a replacement pole may not extend above the height of the replacement pole unless specifically approved by the Director. The antennas shall be integrated into the pole design so that it appears as a continuation of the original pole, including colored or painted to match the pole, and shall be shrouded or screened to blend with the pole except for canister antennas which shall not require screening. All cabling and mounting hardware/brackets from the bottom of the antenna to the top of the pole shall be fully concealed and integrated with the pole.

G. The use of a non-wooden pole for the siting of a small wireless facility shall be considered secondary to the primary function of the non-wooden pole. If the primary function of a non-wooden pole serving as the host site for a small wireless facility becomes unnecessary or any regulation requires its removal, the non-wooden pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

### 3. Small wireless Facilities Attached to Buildings.

Small wireless facilities attached to existing buildings, shall conform to the following design criteria:

- A. Small wireless facilities may be mounted to the sides of a building if the antennas do not interrupt the building's architectural theme.
- B. The interruption of architectural lines or horizontal or vertical reveals is discouraged.
- C. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if they complement the architecture of the existing building.
- D. Small wireless shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building.
- E. Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas. Exposed cabling/wiring is prohibited.
- F. Small wireless facilities shall be painted or colored and textured to match the adjacent building surfaces.

### 4. General Requirements.

- A. Ground mounted equipment in the rights-of-way is prohibited, unless such facilities are placed underground, or the applicant can demonstrate that pole mounted, or underground equipment is technically infeasible. If ground mounted equipment is necessary, then the applicant shall submit a Concealment Element Design consistent with BMC 19.50.075.3. Generators located in the rights-of-way are prohibited.
- B. The design approved in a permit for a small wireless facility shall be considered concealment elements and such facilities may only be expanded upon an Eligible Facilities Request described in BMC 19.50.070 when the modification does not defeat the concealment elements of the small wireless facility.

- C. Small wireless facilities may not be placed on traffic signal poles.
- D. Small wireless facilities may not be placed on decorative poles, as such poles are identified in the City's Road Design and Construction Manual.
- E. Side arm mounts for antennas or equipment are prohibited.
- F. Replacement poles and new poles shall comply with the American with Disabilities Act (ADA), City construction and sidewalk clearance standards, city ordinances, and state and federal statutes and regulations in order to provide a clear and safe passage within the rights-of-way. Further, the location of any replacement pole or new pole must: be physically possible, cannot obstruct vehicular or pedestrian traffic or the clear zone, not interfere with utility or safety fixtures (e.g., fire hydrants, traffic control devices), and not adversely affect the public welfare, health or safety.
- G. Replacement poles shall be located as near as possible but no more than five (5) feet from the location of the existing pole, unless such further distance is required to comply with ADA or other state or federal requirements, with the requirement to remove the abandoned pole.
- H. Any replacement pole shall substantially conform to the design of the pole it is replacing or the neighboring pole design standards utilized in the contiguous right-of-way or immediate vicinity.
- I. The preferred location of a small wireless facility on a pole is the location with the least visible impact.
- J. Antennas, equipment enclosures, and ancillary equipment, conduit and cable, shall not dominate the building or pole upon which they are attached.
- K. The City may consider the cumulative visual effects of small wireless mounted on poles within the rights-of-way when assessing proposed siting locations so as to not adversely affect the visual character of the City.
- L. Except for locations in the right-of-way, small wireless facilities are not permitted on any property containing a residential use in the residential zones.
- M. The design standards in this Section 19.50.035 are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner that dictates the use of a particular technology, nor prohibits or has the effect of prohibiting the provision of personal wireless services.

5. In lieu of a variance process, if the applicant demonstrates to the City's satisfaction that it is not feasible to site a small wireless facility consistent with the requirements of this Chapter 19.50, the City reserves the right to approve such proposed small wireless facilities if a denial would be an effective prohibition in violation of federal or state law, as determined by the City through a Type 1 review process.

#### **19.50.040 Facility removal.**

1. Prior to issuance of any building or construction permits for a PWSF facility, the property owner shall sign an affidavit agreeing to remove the PWSF at his or her expense pursuant to this section. The form of the affidavit shall be approved by the City Attorney.

2. In the event the use of any support structure or antenna will be discontinued for a period of sixty (60) consecutive days, the owner or operator shall so notify the City in writing, and the support structure or antenna shall thereafter be deemed to be abandoned. Determination of the date of abandonment shall be made by the City which shall have the right to request documentation and affidavits from the support structure or antenna owner or operator regarding the issue of support structure or antenna usage. Upon such abandonment, the owner or operator of the support structure or antenna or the owner of the property upon which such facility is located shall have an additional sixty (60) days within which to:

A. Reactivate the use of the support structure or antenna or transfer the support structure or antenna to another owner or operator who makes actual use of the support structure or antenna; or

B. Dismantle and remove the support structure or antenna. If such support structure or antenna is not removed within said sixty (60) days from the date of abandonment, the City may remove such support structure or antenna at the facility owner's and property owner's expense. If there are two or more users of a single support structure, then this provision shall not become effective until all users cease using the support structure.

At the earlier of sixty (60) days from the date of abandonment without reactivation or upon completion of dismantling and removal, City approval for the support structure or antenna shall automatically expire.

#### **19.50.045 Application Requirements.**

The City shall either approve or deny a PWSF application within a reasonable period of time (pursuant to BMC 19.65), taking into account the nature and scope of the request and the federal and state time period requirements. Any decision to deny such a request shall be in writing and supported by substantial evidence contained in a written record.

A pre-application meeting is encouraged prior to submitting an application for a PWSF. The purpose of the pre-application meeting is to discuss the nature of the proposed deployment, review process and schedule, and applicable plans, policies and regulations.

All applications to locate a PWSF, including small wireless facilities, shall be submitted to the City with the applicable requested information (depending upon the type of facility which is involved). A detailed plan that complies with the submittal requirements of this Chapter, and other regulations and ordinances of the City, along with other pertinent information requested by the City shall also be submitted. An applicant's submission may utilize any combination of site plans, surveys, maps, technical reports or written narratives necessary to convey the following information depending upon the type of facility which is involved:

1. A scaled site plan clearly indicating the location, type and height of the proposed support structure, poles with small wireless facilities, antennas, on-site land uses and zoning, adjacent land uses and zoning, adjacent streets, proposed means of access, and setbacks from property lines and residential zones. Locational information including GIS coordinates for placement of antennas or small wireless facilities on utility poles if applicable. The City may waive or modify the requirement for a full, detailed site plan if the antenna is to be mounted on an existing structure.
2. Scaled elevation drawings of the proposed support structure or pole, and equipment enclosure.
3. Photo simulations of the proposed facility from public rights-of-way, public properties and affected residentially-zoned properties. Photo simulations must include all cable, conduit and/or ground mounted equipment necessary for and intended for use in the deployment regardless of whether the additional facilities are to be constructed by a third party.
4. Legal description of the lot, if applicable.
5. Except for small wireless facilities on existing and replacement poles, approximate distance between the proposed antennas and the nearest residentially zoned property.
6. A landscape plan showing size, type, and location of specific landscape, screening and fencing materials, if applicable.
7. Manufacturers information indicating compliance with adopted noise standards.

8. The applicant must show that it has an underlying lease right or other authorization from the owner of the pole or structure for the installation of its PWSF on such pole or structure. For City-owned poles or structures, the applicant must obtain a lease agreement from the City.

9. If the applicant is applying for a small wireless network, the applicant can batch multiple small wireless facilities in one application. The applicant is encouraged to batch the small wireless facilities within an application in a contiguous service area. The City may approve, deny or conditionally approve all or any portion of the small wireless facilities proposed in the application. The denial of one or more small wireless facility locations within one submission shall not be the sole basis for a denial of other locations or the entire application for small wireless facilities.

10. The applicant shall submit a sworn affidavit signed by an RF Engineer with knowledge of the proposed project affirming that the PWSF will be compliant with all FCC and other governmental regulations in connection with human exposure to radio frequency emissions for every frequency at which the PWSF will operate ("Emissions Report"). If facilities necessary to the PWSF are to be provided by a third party, and if such facilities will emit RF emissions, an additional Emissions Report shall address the cumulative impact of the RF emissions and certify compliance with federal requirements. A modification of the facility by an Eligible Facilities Request requires a new RF certification. For small wireless facilities, an applicant may provide one Emissions Report within the same batch of applications if the applicant is using the same small wireless facility configuration for all installations within that batch or may submit one Emissions Report for each subgroup installation identified in the batch.

11. Any application for a PWSF which contains an element which is not exempt from SEPA review shall simultaneously apply under Chapter 43.21C RCW.

12. Any applicant may withdraw an application at any time, provided the withdrawal is in writing and signed by all persons who signed the original application or their successors in interest. When a withdrawal is received, the application shall be deemed null and void. If such withdrawal occurs prior to the Director's decision, then reimbursement of fees submitted in association with said application shall be prorated to withhold the amount of city costs incurred in processing the application prior to time of withdrawal. If such withdrawal is not accomplished prior to the Director's decision, there shall be no refund of all or any portion of such fee.

13. Failure of an applicant to provide additional information as requested pursuant by the Director within sixty (60) days of notice by the Director shall be deemed a denial of that application, unless an extension period has been approved by the Director.

14. Such additional information as the City may require to evaluate the proposed PWSF.

#### **19.50.050 Third Party Review.**

In certain instances there may be a need for expert review by a third party of the technical data submitted by the PWSF applicant. The City may require such a technical review, to be paid for by the PWSF applicant. The selection of the third party expert will be by mutual agreement between the applicant and the City. Such mutual agreement not to be unreasonably withheld by either party. The third-party expert shall have recognized training and qualifications in the field of radio frequency engineering or structural engineering, as appropriate. The expert review is intended to be a site-specific review of technical aspects of the personal wireless services, facilities and other matters as described herein, and not a subjective review of the site selection. In particular, but without limitation, the expert shall be entitled to provide a recommendation on the height of the proposed facilities relative to the applicant's coverage objectives and system design parameters, or the structural requirements for accommodating collocation. Such a review should address the accuracy and completeness of the technical data, whether the analysis techniques and methodologies are legitimate, the validity of the conclusions and any specific technical issues outlined by the City or other interested parties. Based on the results of the third party review, the City may require changes to the application for the PWSF that comply with the recommendations of the expert.

#### **19.50.055 Bonds.**

1. Prior to issuance of any construction permits for the proposed PWSF (which includes any new or replacement poles for small wireless facilities), the applicant shall submit a completion bond, or equivalent financial security, equal to 150% of the cost of installation of site improvements associated with the PWSF.

2. Prior to final inspection of the project, the applicant shall submit a landscape maintenance bond, or equivalent financial security, equal to 100% of the cost of the landscaping and irrigation installation. The length of the bond, or equivalent financial security, shall cover the first two growing seasons following installation of the landscaping. The City may waive the bond, or equivalent financial security, requirement if the applicant submits a copy of a valid contract with a landscaper or landscape maintenance firm to maintain and replace the landscaping as required in this section.

#### **19.50.060 Other wireless communication facilities.**

All of the provisions of this Chapter, which address personal wireless services and personal wireless service facilities, shall also be deemed to cover other wireless communications facilities (and, in particular, but without limitation, television and AM/FM radio towers) to the maximum extent allowed by law.

### **19.50.065 Conflict.**

To the extent that any provisions of this Chapter are inconsistent or in conflict with any other provision of the Zoning Code, Comprehensive Plan or any ordinance or regulation of the City, the provisions of this Chapter shall be deemed to control.

### **19.50.070 Eligible Facilities Requests.**

1. Definitions. The following definitions shall apply to Eligible Facilities Requests only as described in this section and shall not apply throughout BMC Chapter 19.50.

A. "Base Station": A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein nor any equipment associated with a tower. Base Station includes, without limitation:

i. Equipment associated with wireless communications services as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

ii. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small wireless networks).

iii. Any structure other than a tower that, at the time the relevant application is filed (with jurisdiction) under this section, supports or houses equipment described in subparagraph (i) and (ii) above that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

The term does not include any structure that, at the time the relevant application is filed with the City under this section, does not support or house equipment described in subparagraph (i) and (ii) above.

B. "Collocation": The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes.

C. "Eligible Facilities Request": Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

- i. Collocation of new transmission equipment;
- ii. Removal of transmission equipment; or
- iii. Replacement of transmission equipment.

D. "Eligible support structure": Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the City.

E. "Existing": A constructed tower or base station is existing if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

F. "Substantial Change": A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

- i. 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 twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten (10) feet, whichever is greater;

ii. 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 twenty (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 six (6) feet;

iii. 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 four 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;

iv. It entails any excavation or deployment outside the current site;

v. It would defeat the concealment elements of the eligible support structure; or

vi. 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 non-compliant only in a manner that would not exceed the thresholds identified above.

G. "Tower": Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul and the associated site.

H. "Transmission equipment". Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited

to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

2. Application. The Director shall prepare and make publicly available an application form used to consider whether an application is an Eligible Facilities Request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.

3. Qualification as an Eligible Facilities Request. Upon receipt of an application for an Eligible Facilities Request, the Director shall review such application to determine whether the application qualifies as an Eligible Facilities Request.

4. Timeframe for Review. Within sixty (60) days of the date on which an applicant submits an Eligible Facilities Request application, the Director shall approve the application unless it determines that the application is not covered by BMC 19.50.035.

5. Tolling of the Time Frame for Review. The sixty (60) day review period begins to run when the application is filed and may be tolled only by mutual agreement by the Director and the applicant or in cases where the Director determines that the application is incomplete. The timeframe for review of an Eligible Facilities Request is not tolled by a moratorium on the review of applications.

A. To toll the timeframe for incompleteness, the Director shall provide written notice to the applicant within thirty (30) days of receipt of the application, clearly and specifically delineating all missing documents or information required in the application.

B. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the Director's notice of incompleteness.

C. Following a supplemental submission, the Director will notify the applicant within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this sub-section. Second or subsequent notice of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

6. Determination That Application Is Not an Eligible Facilities Request. If the Director determines that the applicant's request does not qualify as an Eligible Facilities Request, the Director shall deny the application.

7. Failure to Act. In the event the Director fails to approve or deny a request for an Eligible Facilities Request within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the Director in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

### **19.50.075 New Structures in the Rights-of-Way and Concealment Element Designs.**

This BMC 19.50.075 applies to all small wireless facilities requiring new support structures or poles in the public rights-of-way.

1. New support structures or poles in the public rights-of-way are permitted only when the applicant establishes that the following pursuant to a Type 1 process:

A. The proposed small wireless facility cannot be located on an existing utility pole, light pole, electrical transmission tower or on a site outside of the public rights-of-way such as a public park, public property, parking lot pole or in or on a non-residential use in a residential zone whether by roof or panel-mount or separate structure; and

B. The proposed small wireless facility receives approval for a Concealment Element Design; and

C. The proposed small wireless facility also complies with shoreline, critical areas requirements, and SEPA, if applicable; and

D. The location of the small wireless facility is physically possible, does not obstruct vehicular or pedestrian traffic or the clear zone, complies with ADA and city construction and sidewalk clearance standards and state and federal regulations in order to provide a clear and safe passage within the rights-of-way, does not interfere with utility or safety fixtures (e.g., fire hydrants, traffic control devices), and does not adversely affect the public welfare, health or safety.

2. The applicant shall show that the proposed small wireless facility cannot be located on an existing structure pursuant to subsection (1)(A) above due to valid considerations including but not limited to physical constraints and technological feasibility. The information submitted by the applicant shall include a map of the area to be served by the facility, its relationship to other sites in the applicant's network (within and outside of Burien City limits), and, an evaluation of existing available land, buildings and appropriate structures within 500 feet of the proposed site.

3. The Concealment Element Design shall include the design of the screening, fencing or other concealment technology for a base station, structure, tower, utility pole, or equipment structure, and all related transmission

equipment or facilities associated with the proposed small wireless facility, including but not limited to fiber and power connections.

A. The Concealment Element Design should seek to minimize the visual obtrusiveness of small wireless installations. For small wireless facilities, the proposed utility pole or structure should have similar designs to existing neighboring poles in the public rights-of-way, including to the extent technically feasible similar height and if neighboring poles are decorative, they shall mimic the design of the decorative poles. Other concealment methods include, but are not limited to, integrating the installation with architectural features or building design components, utilization of coverings or concealment devices of similar material, color and texture — or the appearance thereof — as the surface against which the installation will be seen or on which it will be installed, landscape design, or other camouflage strategies appropriate for the type of installation. Applicants are required to utilize designs in which all wirelines and conduit are installed internally in the structure. If evaluating concealment strategies for ground mounted equipment, the applicant is encouraged to use concealment techniques such as benches, kiosks, trash cans, planters, and other items which may be considered public amenities.

B. If the Director has already approved a Concealment Element Design either for the applicant or another small wireless facility along the same public street or the same pole type, then the applicant shall utilize a substantially similar Concealment Element Design, unless it can show that such Concealment Element Design is not physically or technologically feasible, or that such deployment would overwhelm the pole design.

C. Any proposed new poles shall not be more than ten (10) feet above the existing poles on the same public street.

4. Even if an alternative location is established pursuant to subsection (1)(A), the City may determine, pursuant to a Type 1 process, that a new pole in the public rights-of-way is in fact a superior alternative based on the impact to the City, the Concealment Element Design, the City's Comprehensive Plan and the added benefits to the community.

5. Prior to the issuance of a permit to construct a new structure or pole in the public street, the applicant must obtain a site-specific agreement to locate such new structure or pole. This requirement also applies to replacement structures when the replacement structure is higher than the replaced structure, and the overall height of the replacement structure and the proposed small wireless facility is more than sixty feet.

## Definitions

### 19.10.027 Antenna

— means an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to FCC authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under 47 CFR Part 17. Types of antennas include, but are not limited to:

1. An omni-directional antenna receives and transmits radio frequency signals in a 360 degree radial pattern. A whip antenna is an omni-directional antenna that is up to 15 feet in height and up to four inches in diameter. A cylindrical antenna is an omni-directional antenna that is up to 8 feet in height and up to 18 inches in diameter.
2. A directional or panel antenna receives and transmits radio frequency signals in a specific directional pattern of less than 360 degrees.
3. Antennas attached as part of a small wireless facility.

### 19.10.058 Collocation

— means (1) mounting or installing an antenna facility on a pre-existing structure, and/or (2) modifying a structure for the purpose of mounting or installing an antenna facility on that structure. Provided that, for purposes of Eligible Facilities Requests, “collocation” is as defined in BMC 19.50.070.

### 19.10.367 Monopole

— A support structure that consists of a single steel or wood pole sunk into the ground and/or attached to a concrete pad. Monopoles exclude poles used solely for small wireless facilities.

### 19.10.397 Personal wireless service facility (PWSF)

A site, building, and/or structure that contains facilities to provide personal wireless services. A personal wireless service facility includes at least one of the following: antenna, support structure, and/or equipment enclosure. Personal wireless service facilities include small wireless facilities.

### 19.10.506 Small Wireless Facility

“Small wireless facility” is as defined in 47 CFR §1.6002 (as proposed).

#### 19.10.507 Small Wireless Network

— A collection of interrelated small wireless facilities designed to deliver personal wireless services.

#### 19.10.525 Structure

— Anything permanently constructed in or on the ground, or over the water; excluding fences less than six feet in height, decks less than 18 inches above grade, bioretention facilities with wall height less than four feet from the top of footing to the top of the wall, and paved areas. "Structure" as used in BMC Chapter 19.50 shall mean a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of services).

#### 19.10.548 Unified Enclosure

A small wireless facility providing concealment of antennas and equipment within a single enclosure.

**19.65.017 Exemptions.**

1. The following permits and approvals are exempt from the provisions of this Chapter and from RCW 36.70B.060 through 36.70B.080 and RCW 36.70B.110 through 36.70B.130: landmark designations, street vacations, street use permits and right-of-way permits, and other permits or approvals to use, vacate or transfer streets, public rights-of-way, parks and similar types of public property.

2. The following permits and approvals are exempt from the provisions of this Chapter and from RCW 36.70B.060 and RCW 36.70B.110 through 36.70B.130: building and other construction permits, lot line adjustments, final plats, or similar administrative approvals categorically exempt from SEPA (Chapter 43.21C RCW and Chapter 14.10 BMC).

# CITY OF BURIEN WASHINGTON

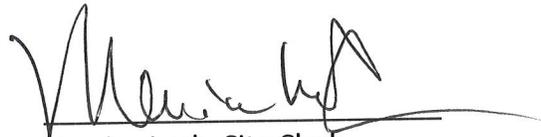
## Summary of Ordinance No. 700

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, AMENDING CHAPTER 19.50 OF THE BURIEN MUNICIPAL CODE RELATED TO PERSONAL WIRELESS SERVICE FACILITIES REGULATIONS OF THE BURIEN MUNICIPAL CODE, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

On the 3<sup>rd</sup> of December, 2018, the City Council of the City of Burien, Washington passed Ordinance No. 700, amending Burien Municipal Code 19.50.035 Small Wireless Facility Design Criteria, adding 19.50.070 Eligible Facilities Requests, adding 19.50.075 New Structures in the Rights-of-Way and Concealment Element Designs, providing for severability, providing savings and establishing an effective date.

The full text of this ordinance will be mailed without charge to anyone who submits a written request to the City Clerk of the City of Burien for a copy of the text.

APPROVED by the City Council at its meeting of December 3, 2018.



Monica Lusk, City Clerk  
City of Burien  
400 SW 152<sup>nd</sup> Street, Suite 300  
Burien, WA 98166

Published in The Seattle Times: December 6, 2018 ✓