

**RDC Chapter 18.760**  
**WIRELESS COMMUNICATION FACILITIES**

**Sections:**

- 18.760.010 Purpose.
- 18.760.020 Definitions.
- 18.760.030 Applicability.
- 18.760.045 Nonconforming uses and structures.
- 18.760.050 Development standards.
- 18.760.060 Additional standards in residential zones.
- 18.760.065 Interference with reception.
- 18.760.070 Information and submittal requirements.
- 18.760.080 Review procedures and approval criteria.
- 18.760.095 Inspections.
- 18.760.100 Removal of facilities.
- 18.760.120 Permit conditions.
- 18.760.150 Periodic review.
- 18.760.160 Appeal.

**18.760.010 Purpose.**

The purpose of this chapter is to establish appropriate locations, site development standards and permit requirements for wireless communication services within the city. The requirements and standards will facilitate the location of various types of wireless communication facilities in permitted locations so that they are consistent with the character of the land use districts within the city.

The goals of this chapter are to:

- A. Minimize potential visual, aesthetic and safety impacts of communication facilities on the community as a whole.
- B. Establish clear and objective standards for the placement, design and continuing maintenance of communication facilities.
- C. Ensure that such standards do not unreasonably discriminate among providers of functionally equivalent services.
- D. Encourage the design of such facilities to be aesthetically and architecturally compatible with the surrounding built and natural environment.
- E. Encourage the collocation of communication antennas and the use of existing communication facilities, communication support structures and accessory equipment structures to help minimize the total number and impact of such structures throughout the community.
- F. Encourage the location of communication facilities in nonresidential areas.
- G. Avoid potential damage to adjacent properties from tower failure and falling ice, through engineering standards and adequate setbacks of tower structures.
- H. Ensure that the amount of non-ionizing electromagnetic radiation emitted by antennas does not exceed the amount at which human health has been found to be affected and is the

minimum necessary to provide adequate access to the area's providers by requiring compliance with stated (FCC) emission standards and required separation standards.

I. Protect and preserve the environmental resources of the city.

(Ord. 725 § 1, 1998).

#### **18.760.020 Definitions.**

See RDC 18.100, Definitions, "Wireless Communication Facilities" for definitions of the terms and concepts used in this chapter.

#### **18.760.030 Applicability.**

A. This chapter applies to VHF and UHF television towers, AM and FM radio, low-power television towers, satellite ground stations, two-way radio, common carrier, cellular telephone towers and fixed point microwave towers.

B. Amateur or "ham" radio sole source emitters, Citizen Band transmitter and the structures essential to support such uses are permitted in any use zone, provided, that:

1. The emitters of transmitters described in this subsection are not used for commercial purposes or for the provision of public services as described in RDC 18.100.230(C)(5) and (6); and

2. Any emitter or transmitter tower complies with all performance standards for the underlying zoning district in which the tower is located.

C. In cases of ambiguity or conflicts between this chapter and other chapters of this title, or the RUACP, the more restrictive shall apply.

(Ord. 725 § 3, 1998).

#### **18.760.045 Nonconforming uses and structures.**

Antenna support towers and structures in existence on the effective date of the ordinance codified in this chapter may continue in use for the purpose now used and as now existing pursuant to RDC 18.340. Such facilities may not be replaced or structurally altered without complying in all respects with this chapter and with the procedures and approval criteria enumerated in RDC 18.340.

(Ord. 725 § 4, 1998).

#### **18.760.050 Development standards.**

A. Colocation.

1. Wherever technically feasible and practicable, wireless communication facilities shall collocate unless it can be demonstrated to the satisfaction of the city that no existing support towers are available for collocation of an additional wireless communication facility based on technical incompatibility or conflicting operational requirements of applicant.

2. The city may require any new wireless communication facility to be designed and constructed so as to accommodate a minimum of one additional collocated communications facility.

B. Environmental and Cultural Resource Protection.

1. Any development associated with siting or operation of a communications facility shall comply with the applicable provisions of RDC 18.280, city's sensitive land ordinance, and RDC 18.810, SEPA, if applicable.
2. Evidence furnished in response to RDC 18.280 and SEPA must clearly demonstrate that:
  - a. The proposed communications facility or related improvements including, but not limited to, access roads and power lines, are sited so as to not create a significant adverse threat to the health or survival of rare, threatened or endangered plant or animal species;
  - b. The proposed communications facility or related improvements are sited such that their construction or operation will not damage an archaeological site or have an adverse effect on the character defining elements of an historic site;
  - c. The proposed communications facility is sited such that its construction or operation does not threaten the health or safety of migratory birds; and
  - d. All proposed development shall comply with the applicable city engineering standards pertaining to floodplains, floodways, stormwater drainage, and erosion control.

C. NIER Standards.

1. No facility subject to this chapter shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health.
2. No facility or combination of facilities shall produce at any time power densities that exceed the ANSI C95.1-1992 standard for human exposure or any other standard subsequently adopted or promulgated by the FCC.
3. Initial compliance with this requirement shall be demonstrated for any facility, including broadcast radio and television facilities, within four hundred feet of residential districts, schools, libraries, churches or child care and elder care facilities. Evidence shall be submitted at the time of application for the necessary permit, of NIER calculations specifying NIER levels in the inhabited area where the levels produced are projected to be highest. If these calculated NIER levels exceed eighty percent of the NIER standard established by this section, the applicant shall hire a qualified electrical engineer, licensed in the state of Washington to measure NIER levels at such location within sixty days after the facility is in operation. A report of these measurements and his/her findings with respect to compliance with the established NIER standard shall be submitted to the city. Such facility shall not commence normal operations until it complies with, or has been modified to comply with this standard. Proof of such compliance shall be an affidavit provided by the engineer who prepared the original report. In order to assure the objectivity of the analysis, the city may consult independent verification of the results of the analysis.

D. Access.

1. Vehicular access to the facility in any leased site shall be incorporated into the driveways of the existing parent site whenever possible.
2. Site access roads will be upgraded the minimum amount necessary to meet standards specified by the fire chief and director of public works.
3. Any new roads or parking areas built shall, whenever feasible, be shared with subsequent telecommunication facilities and/or other permitted uses.
4. All access improvements shall comply with the applicable engineering and life safety standards in effect at the time of land use approval.

E. Parking.

1. Each wireless communications support structure shall be provided with one adjacent parking space, unless otherwise determined by the planning director that adequate alternative spaces are available on site.
2. Required parking shall comply with the performance criteria in RDC 18.720.

F. Noise. No noise shall be permitted to escape from such equipment enclosures in excess of that permitted by WAC 173-60, except in emergency situations where power generators are temporarily in use.

G. Signage.

1. All wireless communications support structures shall be identified with a nonilluminated sign, not exceeding four square feet, including the wireless service provider's name and emergency telephone number.
2. There shall be no other signs, logos, flags, banners, or other devices attached to or painted upon any fencing, antenna support structures, antennas or equipment shelters, except for that which is expressly required by the Federal Aviation Administration.
3. All signs must comply with RDC 18.710.

H. Setbacks.

1. Setbacks for freestanding wireless communication support structures shall be measured from the ground-level base of the structure closest to the applicable property line.
2. In all zoning districts other than residential or mixed use districts, wireless communication support structures shall conform to setback requirements of the underlying zone in which the structure or facility is located.
3. Within residential or mixed use zoning districts, or within three hundred feet of such districts, antenna support structures, equipment shelters, cabinets, or other on-the-ground ancillary equipment shall be set back from all residential property lines a distance equal to three hundred feet. The setback distance may be reduced if the city determines, through a Type II administrative review process, that such reduction would improve screening and reduce visual impact from adjacent residences. In no case shall the review authority allow the setback to be less than the height of the wireless communication support structure. A decision to adjust the setback distance by as much as twenty percent of the structure or antenna height will be made subject to a Type II review. A request to vary the setback by

more than twenty percent of the structure or antenna height shall be processed as a Type III variance.

I. Height Restrictions.

1. The height of a communication tower or structure shall be determined by measuring the vertical distance from the tower's point of contact with the undisturbed ground or rooftop to the highest point of the tower, including all antennas or other attachments. When towers are mounted upon other structures, the combined height of the structure and tower must meet the height restrictions.

2. In residential, commercial neighborhood business, parks/open space, and public facility zoning districts, the maximum height of any antenna, tower or other freestanding structure shall be no greater than the maximum height limitation for the underlying zone in which the facility is located.

3. In the downtown mixed use, waterfront mixed use, and waterfront low-scale districts the maximum height of any antenna, tower or other freestanding structure shall be no more than fifty feet.

4. In industrial, office, commercial community business, and commercial regional business zoning districts the maximum height of any antenna, tower or other freestanding structure tower, shall be one hundred fifty feet.

5. In all other zoning districts, the maximum height of any antenna, tower or other freestanding structure shall not exceed the height limitations specified for the underlying district in which the tower is proposed.

6. Colocated facilities may exceed the height restrictions of the underlying zone and this section, but shall be no more than ten feet taller than the existing wireless communications structure on which the facility is colocated in a residential or downtown mixed use district, and no more than twenty feet higher than the existing wireless communications structure on which the facility is colocated in any other zoning district.

7. Antennas mounted on existing buildings or structures (other than a wireless communication support structure) may exceed the height restrictions of the underlying zone, but shall be no more than ten feet taller than the existing building or structure on which the antenna is mounted in a residential zone and not more than twenty feet higher than the existing building or structure on which the antenna is mounted in a commercial or employment zone.

J. Lighting.

1. For support towers only such lighting as is necessary to satisfy FAA requirements is permitted.

2. Security lighting for the equipment shelters or cabinets and other on-the-ground ancillary equipment is permitted, as long as it is appropriately down shielded to keep light within the boundaries of the site. All lighting shall conform to RDC 18.715, including light trespass standards.

K. Color.

1. Wireless communications facilities shall be painted or finished in a manner which blends with the dominant color of the background except where otherwise required by the FAA.
2. The color or finish selected shall, in the opinion of the review authority, minimize the visibility of the facility to the greatest extent feasible. Improvements which will be primarily viewed against soils, trees or grasslands shall match these landscape colors while elements which rise above the horizon shall match the typical blue-gray sky color.
3. The applicant and the operator of the facility shall have a continuing duty to maintain such paint or finish.

L. Landscaping/Buffering/Screening.

1. In all employment, commercial and mixed use districts, except for locations within three hundred feet of a residential district, the applicant shall comply with the landscaping standards of the underlying zone.
2. In all nonresidential districts, except for locations within three hundred feet of a residential district, landscaping shall be provided as required for the zone in which it is located.
3. In all residential zoning districts and locations within three hundred feet of a residential district, landscaping shall conform to requirements of Section 18.760.060.
4. The installation and maintenance of all required landscaping shall comply with the requirements of RDC 18.725, landscaping.

M. Fencing.

1. The base of the facility and associated equipment shelters shall be screened with a six foot tall fully sight obscuring fence.
2. Chain-link fences shall be painted or coated with a nonreflective color.

(Ord. 725 § 5, 1998).

**18.760.060 Additional standards in residential zones.**

A. Notwithstanding Section 18.760.050, this section shall apply to new communication facilities subject to this chapter which are proposed for location within a residential district, a public facility, or a parks/open space district, or within three hundred feet of a residential district.

B. Siting Alternatives. The need for any wireless communication facility proposed for siting in a residential district shall be demonstrated conclusively by a qualified licensed engineer. The engineer's report shall include:

1. An evaluation of the existing wireless communications network and operational needs of the wireless communications provider for the proposed site;
2. Identification and evaluation of technically feasible alternative sites and existing structures within the operational range of the provider deemed capable of serving the provider's wireless communications needs;

3. Evidence shall demonstrate that no practical alternative to siting a wireless communications support structure within a residential district is reasonably available to the applicant.

4. The city or other interested persons may obtain an independent review of the engineer's report and the city shall weigh that evidence as part of its decision making process.

C. Noise Control.

1. Outdoor noise-producing activities, such as: construction; routine maintenance; and testing of backup generators, shall only take place on weekdays (Monday through Friday, non-holiday) between the hours of seven-thirty a.m. and five-thirty p.m.

2. Backup power generators shall only be operated during power outages and for testing and maintenance purposes.

3. If the facility is located within a residential district or within three hundred feet of such district, noise attenuation measures shall be included to reduce noise to a level of at least a Ldn of forty-five dB at the property line of the site.

D. Equipment Enclosures. Any equipment subject to this chapter that is located in a residential district shall be designed and constructed or screened to minimize visual impact.

1. If located above ground, all equipment and storage items must be contained in an equipment building designed with materials and architectural appearance typical of the surrounding residences. For example, gable roof, siding, windows, sidewalk, curbing, paved parking and driveway and landscaping and screening so as to achieve minimal visual contrast from surrounding residences.

2. Any associated buildings located in any residential district shall not be used as an employment center for any worker. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.

E. Neighborhood Coordination.

1. If the applicant proposes to exceed or vary from any approval criteria contained in this chapter, the applicant shall conduct at least one neighborhood information and discussion meeting on proposed development of the site prior to submission of formal application for a land use permit.

2. Fourteen days prior to the meeting, the applicant shall post a notice of meeting on the site and shall mail the notice to all property owners with three hundred feet of the proposed site and to the registered neighborhood organization in which the proposed facility will be placed.

3. A complete application for land use review shall include a synopsis of public comments and a list of all attendees of the neighborhood meeting.

F. Vegetative Plan. Applications for development shall be accompanied by a vegetative plan that shows existing vegetation, indicates any vegetation proposed for removal or trimming and identifies proposed plantings by type, size and location.

G. Landscape Plan.

1. A landscape plan shall be included in the overall vegetative and site development plan of the applicant. The landscape plan shall demonstrate how the proposed facility will be visually screened from residential uses.

2. The outside perimeter of the screen fencing shall be landscaped with evergreen trees or shrubs that are at least eight feet tall at the time of initial planting, and reach a mature height of at least twenty-five percent of the height of the tower or thirty feet, whichever is greater, within ten years of the time of planting. This requirement may be modified or waived if the subject site is surrounded by or in immediate proximity to unaffected uses or adequately screened by existing vegetation.

#### H. Tree Protection Plan.

1. Existing trees measuring six inches dbh at five feet or larger on the site of the proposed facility and the underlying parcel shall be protected from damage both during and after construction. The applicant shall provide a tree protection plan which identifies all trees on site which meet this criteria and shall identify specific measures to protect trees during project construction. The plan shall be reviewed, and may be approved, by the city engineer.

2. Any existing trees or significant vegetation, on the facilities site or along the affected access area that die as a result of construction directly associated with a use subject to this chapter shall be replaced with native trees, three years or older, at a replacement ratio of one replacement tree for each tree damaged.

3. All vegetation disturbed during project construction shall be replanted with compatible vegetation and soils disturbed by development shall be reseeded to control erosion.

I. Landscape Maintenance Agreement. The service provider or operator of the facility shall enter into a landscape performance and maintenance agreement with the city to ensure the installation and establishment of required landscaping. This agreement shall be secured by financial securities, such as a performance bond, in amount equal to one hundred fifty percent of estimates to cover the cost of materials and labor for required improvements. The estimate shall include funding of the city's expenses associated with review, approval, monitoring and management in fulfilling the terms of the maintenance agreement. The duration of the landscape maintenance agreement shall be for a minimum period of no less than one year and may be extended for an additional period of up to two additional years if the city finds that the survivability of the plant materials will be substantially enhanced by an extension of the agreement.

J. Photo/Graphic Simulations. The applicant shall submit photo simulations and three-dimensional computer graphic simulations to visually represent the proposed facility, at design capacity, from five viewing directions and at varying distances from the proposed wireless communication facility, as agreed by the planning director. Formal presentations of the visual/graphic simulations shall be made at the neighborhood information/discussion meetings and at public hearings during the application review process.

K. Traffic. At all times, traffic associated with the communications use shall be routed so as to minimize the amount of disruption caused to the residents of nearby homes and to park and public facility areas.

(Ord. 725 § 6, 1998).

**18.760.065 Interference with reception.**

No antenna shall be permitted to be placed in a location where it will interfere with existing transmission or reception of radio, television, audio, video, electronic, microwave or other signals. If upon review the FCC finds that the communication facility interferes with such reception, and if such interference is not cured within sixty days of the FCC finding that the provider is the cause of the interference, the city may revoke or modify land use approval for the subject communications facility.

(Ord. 725 § 7, 1998).

**18.760.070 Information and submittal requirements.**

A. Colocation Protocol.

1. At the time a pre-application conference is scheduled, the applicant shall demonstrate that the applicant mailed the following notice, no less than twenty working days prior to the scheduled pre-application conference, to all other broadcast and wireless communication providers licensed to provide service within the city and Clark County, Washington:

"Pursuant to RDC 18.760, (insert name of provider ) is hereby providing you with notice of our intent to meet with the City of Ridgefield in a pre-application conference scheduled to take place on ( insert date, time and place of conference ) to discuss the location of a freestanding wireless communication facility that would be located at ( insert location ). In general, we plan to construct a support structure of ( insert height in feet ) for the purpose of providing ( insert type of service, e.g., PCS, cellular, etc. )

Please inform us whether you have any existing or pending wireless facilities within one (1) mile of the proposed facility, that may be available for possible colocation opportunities. Please provide us with this information within 10 business days after the date of this letter. Your cooperation is appreciated."

Sincerely, (insert pre-application applicant and name of service provider )

2. The applicant shall include all responses to the colocation request letter received by the applicant. The applicant shall make a good faith effort to analyze the feasibility of colocation. This analysis shall be submitted with an application for any freestanding support structure or accessory equipment structure. Evidence of a good faith effort shall include all of the following information:

- a. A statement from a qualified licensed engineer, indicating whether the necessary service can be provided by colocation at the possible colocation site;
- b. Evidence of whether the lessor of the possible colocation site agrees to colocation on their property;
- c. Evidence whether adequate site area exists at the possible colocation site to accommodate necessary equipment and meet all city site development standards; and
- d. Evidence whether adequate access exists at the proposed colocation site.

3. If the applicant has provided information addressing each of the criteria in subsection (2) above, the colocation protocol shall be deemed complete.

B. Coverage Assessment. The applicant shall evaluate the coverage area around the proposed site by providing the following information:

1. A map and corresponding list enumerating the carrier's facility sites within five miles of the proposed site, including existing sites, approved sites and planned sites for new or upgraded facilities, and including a description of technology and supporting equipment at each site.
2. An explanation of the service area and need for the proposed wireless communication facility.
3. A map depicting the boundaries of coverage areas of the proposed site, other sites operated by the applicant and planned sites which are close enough to impact service within the city.
4. Topographic maps published by the United States Geologic Survey are to be used to prepare base information for the service area maps.

C. Additional Information. The application shall contain the following information:

1. A signed statement indicating:
  - a. The applicant agrees to allow for the potential colocation of additional wireless communication facility equipment by other providers on the applicant's structure or within the same site location, and
  - b. That the applicant agrees to remove the facility within ninety days after the site's use is discontinued;
2. That portion of the lease agreement with the landholder that:
  - a. Allows the landholder to enter into leases with other providers, and,
  - b. Specifies that if the provider fails to remove the facility upon ninety days of its discontinued use, the responsibility for removal falls upon the landholder;
3. Copies of the responses to the colocation letter sent to other service providers;
4. A copy of the coordination letter sent to the affected neighborhood organization or residents within three hundred feet of the proposed site;
5. A copy of the applicant's license issued by the FCC;
6. A copy of the findings from the FAA Aeronautical Study Determination regarding the proposed wireless communication support structure;
7. 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. The applicant, facility operator, or both shall provide the planning director upon request with proof of insurance. Failure to maintain insurance coverage or to provide proof of insurance shall constitute a violation of this ordinance;

8. A performance bond in conformity with this chapter. The applicant, facility operator or both shall provide the planning director upon request with proof that the bond is in force. Failure to maintain such performance bond in force or to provide proof of bonding shall constitute a violation of this chapter and grounds for revocation of a permit;

9. All information necessary to evaluate compliance with the information requirements of Section 18.760.060 if the development is proposed to be located in a residential zoning district.

D. Complete Application and Waiver. In addition to the submittal requirements identified in this section, the applicant shall address all submittal requirements in RDC 18.500.040, site plan review. The applicant shall provide all of the following information identified in this section for the application to be found to be technically complete. Notwithstanding this, the planning director may waive the requirement of any information described in this section when he or she determines that the information is not applicable based on project-specific factors.

(Ord. 725 § 8, 1998).

#### **18.760.080 Review procedures and approval criteria.**

A. Permitted Uses. Applications for approval of communications structures and facilities subject to this chapter that are not subject to RDC 18.760.060, additional residential standards, may be processed as a Type II binding site plan (RDC 18.500.030) and shall demonstrate compliance with that chapter.

B. Conditional Uses. Applications for development subject to Section 18.760.060, additional residential standards, shall be reviewed as a Type III conditional use request and shall demonstrate compliance with RDC 18.340. Requests for modifications shall be reviewed as a Type III variance and shall demonstrate compliance with RDC 18.350.050 and 18.350.060.

C. Adjustments or Variance. Applications for development not subject to Section 18.760.060, additional residential standards, which exceed the approval criteria shall be reviewed pursuant to RDC 18.350, modifications to standards.

D. Critical Areas and SEPA. Unless otherwise expressly provided in this chapter, the city shall process all development requests subject to this chapter pursuant to RDC 18.310 and RDC 18.810 (SEPA), if applicable.

(Ord. 725 § 9, 1998).

#### **18.760.095 Inspections.**

A. The city may inspect annually any tower subject to this chapter to evaluate compliance with this chapter, conditions of approval, the building permit, and for other lawful concerns.

B. The city may prosecute noncompliance with this chapter, the conditions of approval, the building permit, and breaches of the public health, safety and welfare pursuant to RDC 18.390.

(Ord. 725 § 10, 1998).

#### **18.760.100 Removal of facilities.**

1. Any antenna, structure or facility subject to this chapter that ceases operation for a continuous period of twelve months shall be removed by the owner of the property on which the antenna, structure or facility is situated or by the owner or lessee of the antenna, structure or facility within ninety days of receipt of notice to remove from the city. If the antenna, structure or facility is not removed within said ninety days, the city may remove the property at owner's expense.
2. As an alternative remedy, at the time of approval of a development permit, an applicant may post a performance bond with the city equal to one hundred fifty percent of the estimated cost of removal of such antenna, structure or facility subject to this chapter.
3. If there are two or more communications providers on a single communication support structure, this provision shall not become effective until all providers cease using the communication support structure for a continuous period of twelve months.

(Ord. 725 § 11, 1998).

#### **18.760.120 Permit conditions.**

In a residential district, approval of a communications facility subject to this chapter shall expire ten years after the effective date of the permit. A permittee wishing to continue the use of a specific communication facility at the end of the ten-year period must apply to renew the use at least six months prior to its expiration. In ruling on such renewal the city shall apply all then existing regulations affecting the application.

(Ord. 725 § 12, 1998).

#### **18.760.150 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 chapter obsolete. Additionally, the chapter may not address new technologies as they develop. Therefore, periodic review and revision shall occur at least every five years or upon request of the city council or planning commission.

(Ord. 725 § 13, 1998).

#### **18.760.160 Appeal.**

Any person aggrieved by a land use decision resulting from application of this chapter may appeal such decision pursuant to RDC 18.310.100 et seq. or the land use appeals procedure in effect at the time the review authority issues its decision.

(Ord. 725 § 14, 1998).