

Chapter 11.20 COMMUNICATION ANTENNAS AND TOWERS

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11.20.010 Title – Purpose.

A. Title. This chapter shall be entitled “Communication Antennas and Towers.”

B. Purpose. The purpose of this chapter is to establish appropriate locations, site development standards, and permit requirements for wireless communication facilities and services within the city, in a manner which facilitates location of various types of wireless communication facilities in permitted locations so they are consistent with the residential character and the requirements of the federal law. ~~of the city.~~ The requirements of this chapter integrate land use requirements of CRMC Title 17, Zoning, with permit process requirements of the city to:

1. Ensure compatibility of proposed facilities with surrounding areas by establishing standards for location, height, structural integrity, design review, landscaping, and visual screening;
2. Sustain the peaceful character of the city by establishing standards to reduce the potential of wireless communication facilities to produce disruptive noise, vibrations or illumination; and to assist in identification of potential sources of interference with existing telephone, radio, television or electronic computing systems currently in use in the area; and
3. Reduce the apparent impacts ~~quantity~~ of wireless communication facilities by providing incentives and other inducements to utilize colocation and “stealth” technologies, thereby lessening adverse visual impacts of these facilities on developed ~~residential~~ areas and natural surroundings.

C. This chapter is intended to allow wireless communication facilities which serve ~~are sufficient to allow adequate service to~~ citizens, the traveling public, and others within the city; and to accommodate the need for connection of such services to wireless facilities in adjacent and surrounding communities. [Ord. 2012-____; Ord. 97-16, 1997].

11.20.020 Definitions.

A. "Accessory wireless communication antenna" is a ground-mounted (freestanding) or building-mounted (attached) antenna for the sole use of residents, patrons of a business, or other occupants of property for the original transmission or final reception of communication or data as an accessory to a permitted use on the property which the antenna is located. Types of accessory wireless communication antennas include:

1. Category I (radio and television): receive-only radio and television antennas, or parabolic (dish) antennas not exceeding one meter (39.4 inches) in diameter, usually supported by a single pole, post or mast, with an antenna height not exceeding 15 feet above grade for freestanding antennas or 10 feet above the height of the building upon which mounted for attached antennas; or
2. Category II (amateur radio antenna): send and receive citizen band radio antennas or similar antennas operated by a federally licensed amateur (ham) radio operator at a dwelling, with an antenna height not exceeding the maximum height for buildings on the property upon which the antenna is located, except as provided otherwise in CRMC 11.20.070(F); or
3. Category III (accessory mobile antenna device): are antennas such as mobile test antennas, global positioning satellite (GPS) equipment, or mobile radio or television antennas which are less than 12 inches in height or width, excluding the support structure; or
4. Category IV (minor telecommunications antenna): send and receive data transmission or communication antennas or parabolic (dish) antennas (other than Category I and II antennas) not exceeding one meter (39.4 inches) in diameter, usually supported by a single pole, post, or mast, with an antenna height not exceeding 15 feet above grade for freestanding antennas or the height of the building upon which mounted for attached antennas.

B. "Antenna" is any system of poles, panels, rods, reflection discs or similar devices used for the transmission or reception of radio frequency signals (see examples in Figure 11.20.020-1). Types of antennas include, but are not limited to:

1. "Omnidirectional antenna" (also known as a "whip antenna") transmits and receives radio frequency signals in a 360-degree radial pattern. For the purpose of this chapter, an omnidirectional antenna can be up to 20 feet in height and up to four inches in diameter.
2. "Directional antenna" (also known as a "panel antenna") transmits and receives radio frequency signals in a specific directional pattern of less than 360 degrees.
3. "Parabolic antenna" (also known as a "dish antenna") is a bowl-shaped device for the reception and/or transmission of radio frequency communication signals in a specific directional pattern.

C. "Attached wireless communication facility (WCF)" is a wireless communication facility that is affixed to an existing structure other than a wireless communication support structure. Examples of attached wireless communication facilities include antennas affixed to or erected upon existing buildings, water tanks or other existing structures (see Figure 11.20.020-1).

D. "Colocation" exists when more than one wireless communications provider mounts on a single support structure (i.e., building, monopole, lattice tower); see also examples in Figure 11.20.020-1.

E. "Equipment shelter or cabinet" is a room, cabinet or building used to house equipment for utility or service providers.

F. "Freestanding wireless communication facility" is a wireless communication facility that is affixed to a wireless communication support structure (see definitions in subsections (I) and (J) of this section). Examples of freestanding wireless communication facilities include antennas installed on lattice or monopole towers, with or without guys (see Figure 11.20.020-1).

G. WCF Permit. A WCF permit is required prior to construction for any wireless communication facility uses defined by subsection (I) of this section; or for any accessory wireless communication antenna uses described in subsections (A)(1) through (4) of this section which are proposed to exceed size, height or location specifications defined therein.

H. "WCF related equipment" is all equipment ancillary to the transmission and reception of voice or data via radio frequencies. Such equipment may include, but is not limited to, cable, conduit and connectors.

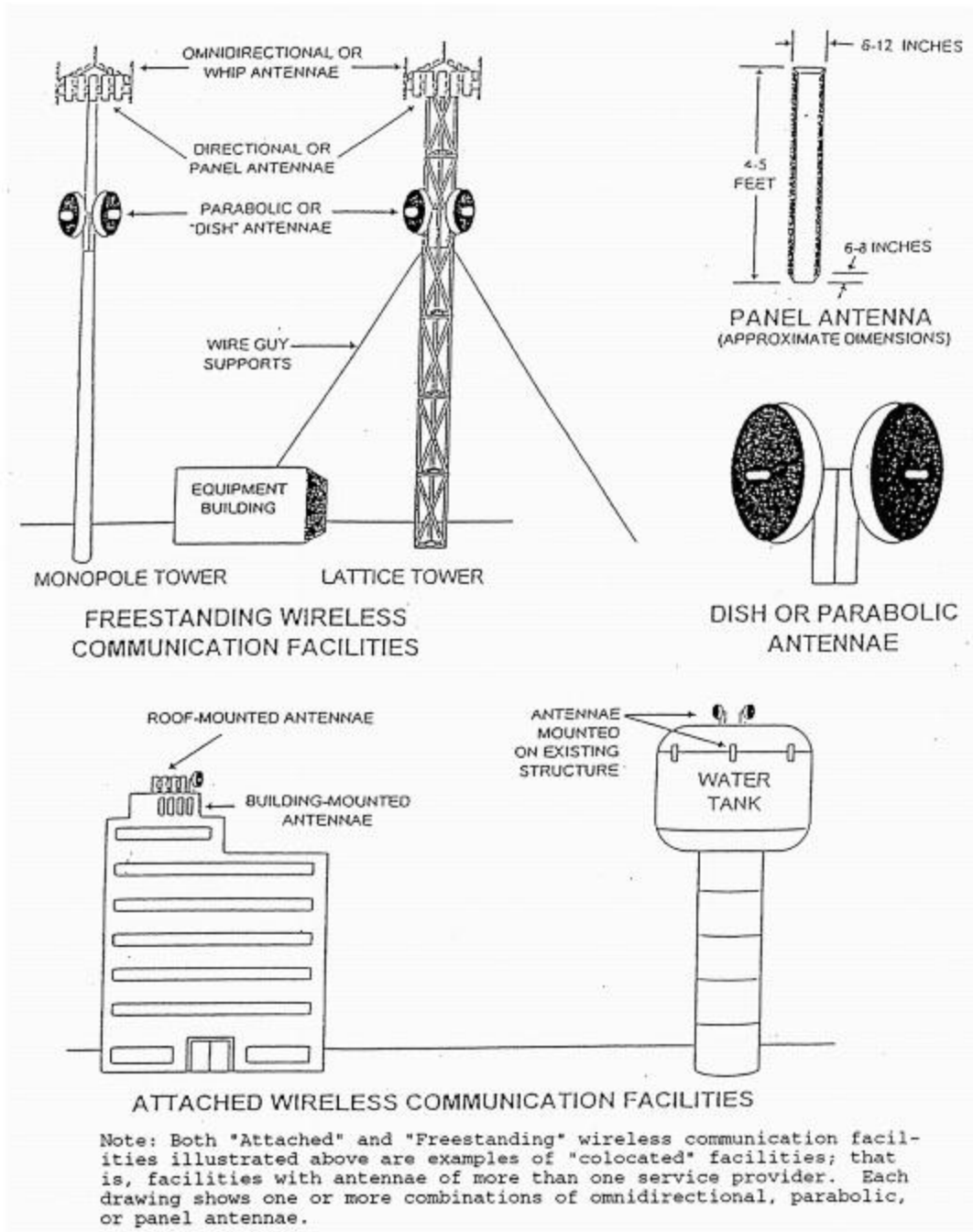
I. "Wireless communication facility (WCF)" is a public or private land use (other than an accessory use; see subsections (A)(1) through (4) of this section) that transmits and/or receives radio frequency signals, including but not limited to directional, omnidirectional or parabolic antennas (see subsection (B) of this section), transmitting devices and related equipment, transmission towers and other support structures, connecting appurtenances, accessory equipment shelters and cabinets, or other related structures or development. Wireless communication facilities are either freestanding (equipment mounted on a wireless communication support structure) or attached (equipment affixed to or erected upon existing buildings, water tanks or other existing structures).

J. "Wireless communication support structure (or transmission tower)" is a freestanding structure erected to support wireless communication antennas and connecting appurtenances (see also examples in Figure 11.20.020-1). Support structures include, but are not limited to:

1. "Lattice tower" is a wireless communication support structure which consists of vertical and horizontal supports and metal crossed strips or bars to support antennas and connecting appurtenances. Lattice towers may or may not be supported by wire guys (see "guyed tower").
2. "Monopole tower" is a wireless communication support structure which consists of a single pole structure to support antennas and connecting appurtenances.
3. "Guyed tower" is any variety of wireless communication support structures (usually over 100 feet tall) using wire guys connecting above grade portions of a communication support structure diagonally with the ground to provide support for wireless communication towers, antennas and connecting appurtenances.

Figure 11.20.020-

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[Ord. 97-16, 1997].

11.20.030 Permit/development services application required.

A. Permit Required. A wireless communication facility (WCF) permit must be obtained prior to construction, installation and/or placement within the city of any:

1. Wireless communication facility (WCF), as defined by CRMC 11.20.020(l), including both attached and freestanding wireless communications facilities; and
2. Accessory wireless communication antenna uses which exceed height, size or use limits described in CRMC 11.20.070(B).

B. Exemption for Accessory Wireless Communication Antennas. Accessory wireless communication antenna uses which do not exceed height, size or use limits described in CRMC 11.20.070(B) are exempt from WCF permit requirements.

C. Permit Applications. Applications for WCF permits shall be submitted to and processed by the city clerk-treasurer's office. Developers of wireless communication facilities and non-exempted accessory wireless communication antenna uses must obtain a WCF permit and be reviewed by the site plan review team prior to construction of the facility. A WCF permit may include conditions to mitigate potential impacts that result from the facility. WCF permit applications are processed and reviewed by the city engineer using procedures adopted for administrative site plan review and conditional use permit processes.

D. Compliance with Zoning Provisions Required. Pursuant to requirements of CRMC Title 17, Zoning, communications antennas and towers must comply with the requirements of each zoning district for permitted, accessory and conditional uses. Table 11.20.030-1, below, illustrates allowable permitted uses, accessory uses and conditional uses for each district.

"Permitted uses" are uses specifically authorized in a zoning district subject to limitations of regulations for such zoning district, and applicable limitations of this section. Applications for WCF permits for permitted uses are subject to administrative review by the development review team to determine compliance with applicable development standards and criteria, and approval by the city engineer.

"Accessory uses" are uses which are secondary and incidental to permitted uses specifically authorized in the respective zoning district.

"Conditional uses" are uses which because of special requirements or unusual characteristics related to a particular zoning district, or because of possible detrimental effects on surrounding properties, may be permitted in use districts if found to be appropriate under the conditional use section of the zoning code, Chapter 17.79 CRMC, and applicable provisions of this section, and after the granting of a conditional use permit therefor by the Castle Rock hearings examiner. Applications for site plan review and conditional use permits shall be administered and processed by the city clerk-treasurer's office in a manner similar to that for other project permits.

Table 11.20.030-1
Zoning Ordinance (CRMC Title 17) Provisions for Permitted Uses,
Accessory Uses, and Conditional Uses in Castle Rock Districts Regarding
Uses of Various Categories of Communications Towers and Antennas

ZONING CODE CHAPTER	ZONE DISTRICT	DISTRICT DESCRIPTION	ACCESSORY ANTENNAS	ATTACHED FACILITIES	FREESTANDING FACILITIES
17.28	R-1	Low Density Single-Family District	A	P	C
17.32	R-2	High Density Residential District	A	P	C
17.36	C-1	Retail Business District	A	P	C
17.40	C-2	Highway Commercial District	A	P	C ¹
<u>17.42</u>	<u>MX</u>	<u>Mixed Use District</u>	<u>A</u>	<u>P</u>	<u>C</u>
17.44	I-1	Industrial Commercial District	A	P	C ¹
<u>17.46</u>	<u>PROS</u>	<u>Parks, Recreation and Open Space</u>	<u>A</u>	<u>P</u>	<u>C</u>

A = accessory use; P = permitted use; C = conditional use

Note 1: Wireless communication support structures and freestanding wireless communication facilities in Industrial Commercial Districts and Highway Commercial Districts are exempt from the requirement for a conditional use permit if all requirements of 11.20.090 and 11.20.100 are met.

E. Building and Utility Permits. In addition to WCF permits and conditional use permits, an applicant for a wireless communication facility must submit an application, plans, specifications and other materials necessary to obtain a building permit and any applicable utility permits. Building and utility permits may be applied for either concurrently with or after site plan or conditional permit approvals. Accessory wireless communication antennas, exempted from WCF permits, are not required to obtain building permits unless alteration of a structure is required to accommodate the equipment. Accessory wireless communication antennas, not exempt from WCF permits, are exempt from building permit requirements unless the city engineer determines during review of the WCF permit that additional analysis of the supporting structure or structural elements of the equipment is necessary. [Ord. 2012-___; Ord. 2010-01, 2010; Ord. 97-16, 1997].

11.20.040 Processing procedures – Issuing authority and appeals.

Fully complete applications for WCF permits shall be processed in accordance with the project permit processing requirements of the city. Final decisions and appeal authorities for such permits are as described in CRMC 17.20.150. [Ord. 97-16, 1997].

11.20.050 Permit fees.

A. WCF Permit Fees. Permit fees for WCF permits issued by the city clerk-treasurer's office shall be set by resolution of the city council.

B. Related Fees. Where the WCF proposed requires issuance of a conditional use permit, permit fees shall be as set by resolution of the city council plus all reasonable consulting costs incurred by the city to verify technical data and information supplied by the applicant in conjunction with the processing of the permit. Provided, however, the WCF permit fee shall be reduced (excluding consulting costs) for an applicant who is colocating on an existing freestanding WCF support structure that does not require an increase in height or significant structural modification. [Ord. 97-16, 1997].

11.20.060 Submittal requirements.

A. WCF Permits – General Submittal Requirements. Applicants for WCF permits for wireless communication facilities or for nonexempt accessory wireless communication antennas (see CRMC 11.20.030(A) and (B), and 11.20.070(C)) shall request review by the Castle Rock development review team by contacting the city clerk-treasurer and asking for such review. At a minimum the following shall be submitted for review:

1. A completed application; and
2. Site and elevation drawings showing the type, size, height and location of the proposed antenna.

B. Submittal Requirements – Attached and Freestanding WCFs. In addition to general submittal requirements for WCF permits in subsection (A) of this section, the following submittals are required with applications for WCF permits involving all attached and freestanding wireless communication facilities:

1. Coverage information for wireless communication facilities consisting of:
 - a. Computer model overlay maps (three-color predictive coverage models) showing existing WCF sites operated by the applicant which are close enough to impact service within the city and their current coverage (if applicable), and another showing the effects of the proposed site on coverage; and
 - b. Drive test field test results mapping actual coverage.

Coverage information is to be included in the application as proprietary information for review only and will not be subject to public disclosure.

2. Information identifying radio frequencies to be transmitted from the facility, and technical documentation demonstrating compliance with Federal Communications Commission standards for radio frequency emissions.

C. Submittal Requirements – Freestanding WCFs. In addition to submittal requirements for WCF permits in subsections (A) and (B) of this section, the following submittals are required with applications for WCF permits involving freestanding wireless communication facilities:

1. A completed conditional use permit application where freestanding WCFs are permitted uses (see CRMC 11.20.090(A));
2. A diagram or map showing the viewshed of the proposed facility and all existing and proposed utilities within one and one-half times the height of the tower;
3. Photo simulations of the proposed facility from affected residential properties and public rights-of-way at varying distances;
4. A site/landscaping plan showing the specific placement of the WCF on the site; showing locations of existing structures, trees and other significant site features; and indicating type and location of plant materials used to screen WCF components and proposed colors for the WCF;
5. A statement in a form approved by the city attorney, signed by the WCF service provider and the property owner of the proposed site, agreeing:
 - a. To potential colocation of additional WCF service providers on the applicant's structure or within the same site location; and
 - b. That the WCF service provider will remove the facility and related equipment if the site is abandoned as a result of discontinued use for six months or if the site falls into disrepair; and
 - c. That if a WCF service provider fails to remove the facility within 90 days after notice of abandonment by the city, responsibility of removal shall fall upon the landholder (see CRMC 11.20.150, Obsolescence).

D. Building Permits. In addition to submittal requirements in subsections (A), (B) and (C) of this section, applicants for WCF permits for wireless communication facilities or for nonexempt accessory wireless communication antennas requiring building permits (see CRMC 11.20.030(E)) shall submit:

1. A completed building permit application and payment of applicable plan review fees; and
2. Structural plans prepared by and bearing the seal of a structural engineer licensed to practice in the state of Washington. [Ord. 2010-01, 2010; Ord. 97-16, 1997].

11.20.070 Development standards for accessory antennas.

A. Allowed as Accessory Uses. Accessory wireless communication antennas are allowed by CRMC Title 17, Zoning, as accessory uses to permitted uses specified in each zoning district (see Table 11.20.030-1). Accessory antenna uses involve the original transmission or final reception of telecommunications by and for the sole use of residents, patrons of a business or other occupants of property as an accessory to a permitted use on the property on which the antenna is located.

B. Categories – Use Limits – Maximum Size and Height. Accessory wireless communication antennas consist of ground-mounted (freestanding) or building-mounted (attached) antennas for the sole use of residents, patrons of a business, or other occupants of property sending or receiving communications or data as an accessory to a

permitted use on the property on which the antenna is located. Categories of accessory wireless communication antennas include:

1. Category I (radio and television): receive-only radio and television antennas, or parabolic (dish) antennas not exceeding one meter (39.4 inches) in diameter, usually supported by a single pole, post or mast, with an antenna height not exceeding 15 feet above grade for freestanding antennas or 10 feet above the height of the building upon which mounted for attached antennas; or
2. Category II (amateur radio antenna): send and receive citizen band radio antennas or similar antennas operated by a federally licensed amateur (ham) radio operator at a dwelling with an antenna height not exceeding the maximum height for buildings on the property upon which the antenna is located, except as provided otherwise in subsection (F) of this section; or
3. Category III (accessory mobile antenna device): are antennas such as mobile test antennas, global positioning satellite (GPS) equipment, or mobile radio or television antennas which are less than 12 inches in height or width excluding the support structure; or
4. Category IV (minor telecommunications antenna): send and receive data transmission or communication antennas or parabolic (dish) antennas (other than Category I and II antennas) not exceeding one meter (39.4 inches) in diameter, usually supported by a single pole, post or mast, with an antenna height not exceeding 15 feet above grade for freestanding antennas or the height of the building upon which mounted for attached antennas.

C. Nonexempt Accessory Wireless Communication Antennas. Accessory wireless communication antenna uses which do not exceed height, size or use limits described in subsection (B) of this section are exempt from the requirement to obtain a WCF permit by CRMC 11.20.030(B). In cases where proposed devices exceed height, size or use limits, and a WCF permit is required, such proposals shall be conditioned on approval by hearings examiner pursuant to provisions of Chapter 17.79 CRMC.

D. Location. No freestanding accessory wireless communication antennas, support structures for antennas, nor metal guys attached to any antennas shall be located in a required front, side or rear yard. In cases where the principal building on a lot is set back a greater distance from a front or side street than required by zoning regulations for yards, no antennas nor antenna supports shall be located between the principal building and a public street.

E. Landscaping. Wherever feasible, freestanding parabolic (dish) antennas shall be screened by trees, shrubs or other appropriate means of landscaping.

F. Amateur Radio. In accordance with federal preemptive rulings, antennas and support structures used primarily for federally licensed amateur (ham) radio activities may exceed the maximum allowable height for buildings provided a positive recommendation is made by the development review team, following its review, that the proposed tower height is technically necessary to successfully engage in amateur radio communications. [Ord. 2010-01, 2010; Ord. 97-16, 1997].

11.20.080 Development standards for attached facilities.

A. Attached Wireless Communication Facilities Allowed. Attached wireless communication facilities are permitted uses in all zone districts, except that it is prohibited to attach a non-accessory wireless communication antenna on a single-family or two-family dwelling.

B. Types of attached wireless communication facilities include, but are not limited to, antennas, equipment and connecting appurtenances and devices affixed to the wall or mounted on the top of other similar structure not constructed specifically to support an antenna.

C. Design Requirements.

1. Camouflage Required. Whenever practical, attached wireless communication antennas shall be designed where feasible to blend into the architecture of the building or structure on which placed through the use of color and camouflaging treatments, except where color is otherwise dictated by federal or state authority.

2. Attachment to Trees Prohibited. It is prohibited to use any tree as a support for any attached wireless communication antennas; or to use any tree to attach a metal guy or cable supporting any attached antenna.

3. Colocation. Construction of new attached wireless communication facilities on structures shall be designed, engineered and constructed to facilitate colocation of additional wireless communication facilities by other WCF providers on the same structure.

D. Setbacks for Attached Facilities. Attached wireless communication facilities shall conform to the following setback requirements:

1. Property Lines and Required Yards. Wireless communication antenna equipment mounted on building walls or roofs shall not extend over property lines nor into required front, side or rear yard areas; provided, however, that the development review team may approve an encroachment into a required yard up to two feet for an antenna mounted on the face or wall of a building or structure (see Figure 11.20.020-1) if the antenna is camouflaged to blend into the architecture of building or structure on which placed.

2. Antennas Mounted Atop Structures. Antennas on rooftops or atop water tanks shall be set back horizontally from the vertical edge of the structure one foot for every foot of elevation above the roof or tank. Whenever practical, antennas on rooftops must be either located or camouflaged so as not to be visible from adjacent roadways or other public rights-of-way.

E. Maximum Heights. Attached wireless communication facilities in any zone district shall not exceed the maximum height allowed for buildings in the same zone by CRMC Title 17, Zoning; except that:

~~4. Antennas and related equipment mounted on rooftops which are at or near the maximum allowable height may extend above the height limit upon approval by the city engineer of an administrative modification pursuant to provisions of CRMC 11.20.170; and~~

~~2. Freestanding WCFs in the industrial use district (I-1) may exceed the height limitation in the zone with maximum tower heights of 100 feet.~~

[Ord. 2012-____; Ord. 2010-01, 2010; Ord. 97-16, 1997].

11.20.090 Development standards for freestanding facilities.

A. Conditional Use Permit Required. Freestanding wireless communication facilities may be permitted by conditional use permit in all zone districts; provided that, freestanding wireless communication towers and antennas in Industrial Commercial Districts and Highway Commercial Districts do not require a conditional use permit provided that all requirements of 11.20.090 and 11.20.100 are met. ~~However,~~ No conditional use permit shall be required for collocation of additional wireless communications facilities on legally established wireless communications support structures ~~by other service providers~~; provided, that the collocation does not result in an increase in height of the existing support structure, and the proposed addition otherwise complies with standards described in this chapter.

B. Types of freestanding wireless communication facilities include, but are not limited to, monopole and lattice towers, and may utilize metal guys or cables to provide support for towers, antennas and connecting appurtenances. Lattice towers are not allowed in any zone located to the north and west of Buland Drive.

C. Design Requirements.

1. Color and Camouflage Required. Whenever practical, freestanding towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except where color is otherwise dictated by federal or state authority.

2. Attachment to Tree Prohibited. It is prohibited to use any tree as a support for any freestanding wireless communication antennas, or to use any tree to attach any metal guy or cable supporting any freestanding antenna.

3. Collocation. Whenever practical, new freestanding wireless communication towers shall be designed, engineered and constructed to facilitate collocation of additional wireless communication facilities by other WCF providers on the same structure. Monopole towers shall be designed to facilitate at least two additional collocated facilities.

4. Visual Impacts. New freestanding wireless communication facilities shall be designed to comply with 11.20.100(A) of this chapter.

D. Setbacks for Freestanding Facilities. Freestanding towers and antennas shall conform to the following setback requirements:

~~4-Rights-of-Way.~~ Freestanding towers and antennas shall be set back from current and proposed utility easements and all public rights-of-way a distance no less than one foot for every foot of tower height. However, the minimum setback may be reduced upon approval pursuant to provisions of CRMC 11.20.170; provided, that the base of all towers and antennas, including supporting structures and buildings, shall be set back at least 20 feet from the nearest utility, and proposed utility easements and public rights-of-way.

E. Maximum Heights. Freestanding towers and antennas in any zone district ~~exclusive of industrial zone districts~~ shall not exceed the maximum allowable heights for buildings or structures in the same zone district by CRMC Title 17, Zoning, or 50 feet, whichever is less; provided, however, that the maximum allowable height may be increased by the city engineer upon approval of administrative modification pursuant to provisions of CRMC 11.20.170(D). ~~The maximum allowable height for freestanding towers and antennas shall be 100 feet in the I-1 (industrial) district. [Ord. 2012-___]~~

F. Separation Between Facilities. Except for the industrial district (I-1) no new freestanding wireless communication facility may be constructed within 1,320 feet of any other wireless communication facility except upon approval by the city engineer to an administrative modification pursuant to provisions of CRMC 11.20.170.

G. WCF Accessory Structures and Equipment. The shelter or cabinet used to house radio electronics equipment and the associated cabling connecting the equipment shelter or cabinet to the freestanding wireless communication facility shall be concealed, screened, camouflaged or placed underground.

H. Landscaping and Tree Protection. Applications for development of a site for a freestanding antenna tower shall include tree protection and landscaping plans to assure that:

1. Trees and other vegetation are retained and adequately protected pursuant to the requirements of the development review team.
2. To the greatest extent feasible, existing trees and other vegetation and new landscaping are utilized to screen wireless communications antennas, support structures and related buildings and equipment from view from adjacent properties and rights-of-way.
3. Applicable landscaping and buffering requirements of CRMC 17.77.050 and development review team are met. [Ord. 2010-01, 2010; Ord. 97-16, 1997].

11.20.100 Additional conditional use permit and administrative approval criteria for WCF antennas and towers.

In addition to the conditional use permit criteria specified in Chapter 17.79 CRMC, the following specific criteria shall be met before a conditional use permit or administrative approval by the city engineer for a WCF antenna or tower can be granted:

A. Visual Impact.

1. Antennas may not extend more than 15 feet above their supporting structure, monopole tower, lattice tower, building or other structure. Unless permitted by conditional use permit, triangular mounting platforms or devices are prohibited, and all antennas shall be mounted on davit arms or other mounting devices that do not extend more than 10' from the side of the supporting structure.
2. Site location and development shall preserve the preexisting character of the surrounding buildings and land uses and the zone district to the extent consistent with the function of the communications equipment. Wireless communication towers shall be integrated through location and design to blend in with the existing characteristics of the site to the extent practical. Existing on-site vegetation shall be preserved or improved, where practical, and disturbance of the existing topography shall be minimized,

unless such disturbance would result in less visual impact of the site to the surrounding area. [Ord. 2012-____]

3. Accessory equipment facilities used to house wireless communications equipment should be located within buildings underground when practical. ~~possible~~. When they cannot be located in buildings, equipment shelters or cabinets shall be screened and landscaped in conformance with buffer requirements specified in CRMC 17.77.050. [Ord. 2012-____]

B. Noise. No wireless communication equipment shall be operated to produce noise levels above 45 dB as measured from any adjacent property or right-of-way line. Backup generators shall only be used during power outages and for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:00 a.m. and 6:00 p.m.

C. Lighting. A transmission tower shall not be lighted except to the extent required by federal and state aviation or telecommunications agencies.

D. Electromagnetic Radio Frequency Emissions. The Federal Telecommunications Act of 1996 gives the Federal Communications Commission (FCC) sole jurisdiction of the field of regulation of radio frequency (RF) emissions.

1. Wireless communications facilities shall not be conditioned or be denied on the basis of RF impacts.
2. Applicants for WCF permits shall be required to provide information on the projected power intensity of the facility, and demonstrate how the facility complies with FCC standards.

E. Access to Site. Wireless communication sites shall be fenced by a security fence not less than six feet in height or as required by development review team to prevent access to areas of the site, transmission towers or structures. Buildings and similar structures used for telecommunications equipment shall be locked and secured to prevent unauthorized entry. Towers and other support structures shall be designed with anti-climbing features to prevent easy climbing by intruders.

F. Site Identification. Wireless communication sites shall be identified by means of a sign no larger than two square feet affixed to the equipment building or of a sign fence enclosure which identifies each firm using the site and provides a contact name and telephone number.

G. Structural Requirements. Any wireless communication facility antenna, tower, structure or other equipment placed on tower, building, or other support structure shall not cause applicable wind and dead load standards of the Uniform Building Code to be exceeded.

H. View Obstruction. Wireless facilities shall be located as to minimize the obstruction of scenic views from residentially zoned land and land located in the downtown core retail business district. Determinations of the significance of potential view obstructions shall be based on submittal materials and field examinations by city staff during the review processes. Approvals shall consider comments from owners and/or residents of affected properties.

I. Public Notice. In addition to public notice requirements of the city, required notification for public meetings, hearings or pending actions involving WCF permits shall be extended to owners of property within 600 feet of boundaries of the property proposed for a WCF site.

The applicant shall be responsible for compiling a complete list of names and addresses of all landowners and dwellings within 600 feet of the proposed WCF site. Such list shall be submitted to the city clerk-treasurer for the purposes of providing the required notification. [Ord. 2010-01, 2010; Ord. 97-16, 1997].

11.20.140 Exemption.

Minor modifications are exempt from the requirement of a conditional use permit and shall be considered a permitted use in all zones where wireless and attached wireless communications facilities are permitted; provided the minor modifications are of existing wireless communications facilities and attached wireless communications facilities, whether emergency or routine, and so long as the modification does not substantially change the physical dimensions of the facility. ~~there is little or no change in the visual appearance.~~ Minor modifications are considered those modifications, including the addition of antennas, to conforming wireless and attached wireless communications facilities that meet performance standards set forth in this chapter. [Ord. 97-16, 1997].

11.20.150 Obsolescence.

A wireless communication facility may be determined to be abandoned for discontinued use or if the facility falls into disrepair or noncompliance due to neglect of maintenance.

A. Abandonment Due to Discontinued Use. A wireless communication facility shall be determined to be abandoned if use of the facility is discontinued for six months. Within 90 days after notice from the city that the facility has been determined to be abandoned due to discontinued use, the owner of the wireless communication facility shall either reestablish use of the site or remove all equipment, support structures, and appurtenances and restore the site. In the event two or more wireless communication service providers are located on a freestanding WCF support structure, the facility shall not be considered abandoned due to discontinued use unless all users cease use of the facility.

B. Abandonment Due to Disrepair or Noncompliance. In the event a wireless communication facility falls into disrepair or noncompliance due to neglect of maintenance, the facility shall be considered to be abandoned if repairs are not effected to restore compliance within 30 days after notice of noncompliance from the city. Failure to comply within 30 days shall result in expiration by limitation of prior approvals for the facility.

C. Expiration of Prior Approvals. Failure of a wireless communication facility owner to reestablish use of a facility within 90 days after notice of abandonment due to discontinuance, or failure of a WCF owner to effect repairs to restore compliance within 30 days after notice of noncompliance due to disrepair or neglect of maintenance, shall result in expiration of all prior approvals by the city. Any proposal to reestablish a WCF facility after such expiration shall be treated as a new application subject to reviews, approvals and fees required by this code.

D. Liability for Noncompliance. No time period shall relieve the owner of a wireless communication facility from responsibility to maintain a facility safely.

E. Responsibility of the Property Owner. In addition to the responsibility of the owner of a wireless communication facility for repair or removal of a facility, the owner of the property upon which the wireless communication facility

is placed retains ultimate responsibility for care and custody of the premises, and may be required in cases of abandonment to remove unused or noncomplying facilities. [Ord. 97-16, 1997].

11.20.160 Colocation considerations.

A. Colocation Efforts Required. A permittee shall cooperate with other WCF providers in collocating additional antennas on support structures and/or on existing buildings provided such proposed colocators have received a WCF permit for such use at such site from the city. A permittee shall exercise good faith in collocating with other providers and sharing the permitted site, provided such shared use does not give rise to a substantial technical level impairment of the ability to provide the permitted use (i.e., a significant interference in broadcast or reception capabilities as opposed to a competitive conflict or financial burden). Such good faith shall include sharing technical information to evaluate the feasibility of colocation. In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the city may require a third party technical study at the expense of either or both the applicant and permittee.

B. Demonstration of Colocation Efforts Required. All applicants shall demonstrate reasonable efforts in developing a colocation alternative for their proposal. Applicants for facilities which are not proposed to be colocated with another wireless communication facility shall provide a written explanation why the proposed facility is not a candidate for colocation.

C. Proposals Not Providing for Colocation. It shall be the obligation of any applicant for either a WCF permit or conditional use permit for a wireless communication facility not providing for colocation to demonstrate that colocation is not a feasible alternative for the proposal. Failure to comply with colocation requirements of this section may result in the denial of a permit request or revocation of an existing permit. [Ord. 97-16, 1997].

11.20.170 Administrative modifications – Variances from standards.

A. Administrative Modifications – Generally. As a result of special difficulties associated with:

1. Matching potential wireless communication facility sites with wireless service coverage objectives and adjacent properties; [Ord. 2012-___]

2. Prescribing generally the appropriate level of compatibility with land uses on other properties in the vicinity; and

3. The variability of conditions where a wireless communication facility may present a potential hazard or produce an adverse impact on adjacent land uses or on the community in general;

the development standards contained in this chapter establish basic parameters for compliance which may be varied from by administrative modification if approved by the city engineer (subsection (D) of this section).

B. Basis for Administrative Modification. In cases where the city engineer finds that strict adherence to height, size, setback, separation or other standards for communications antennas and towers will:

1. Preclude effective transmission or reception of signals; or

2. Result in conditions contrary to the purposes of communication antennas and tower relations specified in CRMC 11.20.010(B) or otherwise render compliance impractical; or
3. Create unnecessary hardship to the owners or users of lands or buildings or providers of wireless communications services;

then he or she may approve, or, if the city engineer is not the final approval authority, may recommend that the final approval authority may approve an administrative modification varying from the requirements and standards.

C. Final Approval Authority.

1. Accessory Wireless Communication Antennas. Final approval authority for administrative modification of accessory wireless communication antennas is the city engineer based on the input by the development review team after completion of a feasibility review.
2. Attached Wireless Communication Facilities. Final approval authority for administrative modification of an attached wireless communication facility is the city engineer based on findings of the development review team after completion of administrative site plan review.
3. Freestanding Wireless Communication Facilities. Final approval authority for administrative modification of a freestanding wireless communication facility is the Castle Rock hearings examiner based on findings from a public hearing on a conditional use permit.

D. Scope of Administrative Modifications. The administrative modification process for communication antennas and towers applies to:

1. Height, size or use limits described in CRMC 11.20.070(B) for accessory wireless communication antennas; or
2. Setbacks, maximum height, size or separation requirements for attached and freestanding wireless communication facilities and wireless communication support structures; or
3. Any other location standard, colocation requirement, or other regulatory provisions of this chapter when considered in conjunction with applicant's site-specific request, where the final approval authority finds such provisions inconsistent with purposes of these regulations or contrary to requirements of federal law. the Federal Telecommunications Act of 1996.

Approval of a request for administrative modification shall be narrowly construed and shall be based on an evaluation of the operational needs of the wireless communications provider, alternative locations, alternative existing facilities upon which a proposed antenna array might be located, and colocation opportunities on existing support towers within one-half mile of the proposed site. Evidence shall demonstrate that no practical alternative is reasonably available to the applicant. [Ord. 2012-___]

E. Necessary Findings for Granting of an Administrative Modification. An administrative modification may be granted by the final approval authority for communications antennas and towers upon findings of fact, as follows:

1. Nonresidential Properties. Antennas or towers on properties zoned retail business district (C-1), highway business district (C-2) and the industrial use district (I-1) may exceed applicable limits contained in this chapter by the city engineer for administrative modification based on findings of each of the following that a proposed antenna, tower and related structures or equipment:

- a. Is the least height and proximity to adjacent properties necessary to provide the coverage by the communications service provider and to activate the purposes of CRMC 11.20.010(B); and
- b. Employs all reasonable measures to provide visual mitigation that screens the facility from views of adjacent residences or undeveloped residential properties; and
- c. Will not produce noise, vibration, odors or illumination which will adversely impact other properties in the vicinity; and
- d. By means of design or location, does not present a hazard to adjacent properties; and
- e. For reductions of setbacks for freestanding towers and antennas, the structure is designed and engineered, in the event of structural failure, not to fall beyond the radius of the reduced setback; and
- f. Does not otherwise result in significant adverse impact on the property on which the facility is located, on other properties in the vicinity, or on the community in general.

2. Residential Properties. Antennas or towers on properties zoned low density residential district (R-1) or high density residential district (R-2) may exceed applicable limits contained in this chapter by administrative modification based on findings of each of the following that a proposed antenna, tower and related structure or equipment:

- a. Each of the above findings necessary for facilities in a nonresidential district applies; and provided further, that
- b. The final approval authority may hold the applicant for an administrative modification by the city engineer at a proposed site in a residential zone to a higher standard than in nonresidential zones to demonstrate visual mitigation, elimination of potential adverse impacts, and protection of health and safety necessary to preserve the residential character of the vicinity. [Ord. 2010-01, 2010; Ord. 97-16, 1997].