

ORDINANCE NO. 384

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, ADOPTING AMENDMENTS TO CHAPTER 23.45 "PERSONAL WIRELESS COMMUNICATIONS FACILITIES" OF THE UNIVERSITY PLACE MUNICIPAL CODE IN ORDER TO IMPLEMENT THE COMPREHENSIVE PLAN AND IMPROVE THE PROVISION OF WIRELESS SERVICES WITHIN THE CITY.

WHEREAS, the University Place City Council adopted a GMA Comprehensive Plan on July 6, 1998 which became effective July 13, 1998; and,

WHEREAS, the Revised Code of Washington 36.70A.040 requires the City to adopt development regulations which are consistent with and implement the comprehensive plan; and

WHEREAS, on March 31, 2003 Singular Wireless submitted an application to amend the City Municipal Code, specifically Chapter 23.45 "Personal Wireless Communication Facilities".

WHEREAS, on April 16, 2003 following a staff report and other comments, the Planning Commission held a public hearing and recommended, by a margin of 5-2, approval of the proposed amendment to UPMC 23.45.080.

WHEREAS, the proposed amendment was submitted for State agency 60-day review period pursuant to RCW 36.70A.106 on May 28, 2003; with comment period ending on July 28, 2003 and

WHEREAS, state agencies and surrounding jurisdictions were provided a SEPA checklist for comment in accordance with SEPA requirements; and

WHEREAS, on May 28, 2003 the City issued a SEPA Determination of Non-significance with a 14-day comment period ending on June 12, 2003 and appeal deadline of June 26, 2003; and

WHEREAS, the ordinance shall not be effective until expiration of both the SEPA appeal period and the 60-day state agency review period ending July 28, 2003; and

WHEREAS, the City Council held a study session during a public meeting to consider the proposed amendment; NOW THEREFORE

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

SECTION 1 CHAPTER 23.45

Chapter 23.45 "Personal Wireless Communications Facilities" of the University Place Municipal Code is hereby approved as amended (Exhibit "A").

SECTION 2 APPLICABILITY.

This code shall apply to all new applications filed with the City. Pending applications that are vested under the current Title 23 shall continue to be processed under the current Title.

SECTION 3 SEVERABILITY

If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

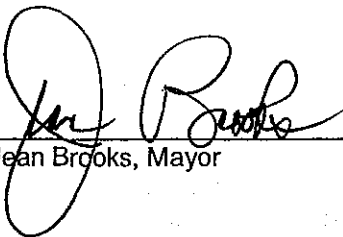
SECTION 4 COPY TO BE AVAILABLE

One copy of this ordinance shall be available in the office of the City Clerk for use and examination by the public.

SECTION 5 PUBLICATION AND EFFECTIVE DATE.

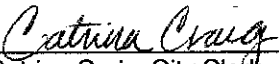
A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. The ordinance shall be effective on July 28, 2003.

PASSED BY THE CITY COUNCIL ON JUNE 2, 2003.



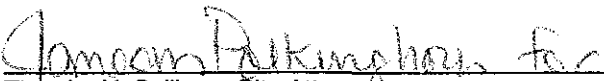
Jean Brooks, Mayor

ATTEST:



Catrina Craig, City Clerk

APPROVED AS TO FORM:



Timothy X. Sullivan, City Attorney

Date of Publication: 6/5/03

Effective Date: 7/28/03

Exhibit A – Ordinance No. 384

23.45.080 Priority of locations.

The order of priorities for locating new personal wireless service facilities shall be as follows:

A. Place antennas and towers on public property if practical.

B. Place antennas on appropriate rights-of-way and existing structures, such as buildings, towers, water towers in the light industrial-business park, mixed use, mixed use-office, neighborhood commercial and commercial zones.

C. Place antennas and towers in districts zoned light industrial-business park.

D. Place antennas and towers in areas zoned mixed use-office, mixed use, neighborhood commercial, and commercial on properties which do not adjoin or adversely impact residential neighborhoods.

E. Place antennas and towers on other non-residential property.

F. Place antennas on multifamily residential structures exceeding 30 feet in height.

G. Place antennas and towers in the town center zone on properties which do not adjoin or adversely impact residential neighborhoods.

H. Place antennas and towers in R1 and R2 residential zones or the MF multifamily zone (1) only if locations are not available on existing structures or in nonresidential districts; and (2) only on or in existing churches, parks, schools, gun clubs, cemeteries, utility facilities, or other appropriate public facilities.

1. An applicant that wishes to locate a new antenna support structure in a residential zone shall demonstrate that a diligent effort has been made to locate the proposed communications facilities on a government facility, a private institutional structure, or other appropriate existing structures within a nonresidential zone, and that due to valid considerations including physical constraints, and economic or technological feasibility, no appropriate location is available.

2. Applicants are required to demonstrate that they: (i) have contacted the owners of structures in excess of 30 feet within a one-quarter mile radius of the site proposed and which from a location standpoint could provide part of a network for transmission of signals; (ii) have asked for permission to install the antenna on those structures; and (iii) were denied for reasons other than economic feasibility.

3. The information submitted by the applicant shall include (i) a map of the area to be served by the tower or antenna, (ii) its relationship to other cell sites in the applicant's network, and (iii) an evaluation of existing buildings taller than 30 feet, within one-quarter mile of the proposed tower or antenna which from a location standpoint could provide part of a network to provide transmission of signals.

4. A conditional use or public facility permit is required for all personal wireless facilities located in an R1, R2 or MF zone.

(Ord. 360 1, 2002).