



JEFFERSON COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

621 Sheridan Street
Port Townsend, WA 98368

Al Scalf, Director

BEFORE THE DIRECTOR OF COMMUNITY DEVELOPMENT OF JEFFERSON COUNTY

RE: Application for Code Interpretation

File No.: PRE99-0040
Applicant: Voice Stream Wireless
Representative: McDonagh Planning Services
Property Description: Section 18, T28N, R1W

A pre-application consultation was held on September 9, 1999, at which time, the question of a recorded survey as a submittal requirement for construction and/or placement of wireless telecommunication facilities was discussed. The applicant's representative by letter dated September 17, 1999 requested that the County provide a Code Interpretation of **Section 18.42.040 (a3), Application Submittal and Content**, of the Jefferson County Wireless Telecommunication Facility Ordinance. Section 18.42.040 (a3) states:

a. Submittal Requirements. In order to be considered a complete application, all applications for a wireless communication facility shall be subject to the general application requirements of the Jefferson County Land Use Procedures Ordinance No. 04-0828-98 and the following additional requirements:

3.A recorded survey of the subject parcel.

The purpose of the Wireless Telecommunication Facility Ordinance is " to provide opportunities for the community to be served by personal wireless service facilities, consistent with the rights of personal wireless service providers as set forth in the Federal Telecommunications Act of 1996, while at the same time providing for an orderly development of the County and protecting the health, safety, and general welfare of the County's residents and property owners."

1. Code Interpretation

- A. Colocation or the placements of two or more antenna systems or platform by separate Federal Communications Commission (FCC) license holders on a support structure or alternative support structure will not require a recorded survey.
- B. The construction of a new wireless communication facility (a non-staffed facility for the transmission and/or reception of radio frequency [RF] signals, usually consisting of an Antenna Array, equipment shelter, cabinet or other enclosed structure containing electronic equipment, a support or alternative support structure, antennas or other transmission and reception devices) will require the preparation and recording of a survey of the facility leased area, unless previously surveyed and recorded with Jefferson County.

These interpretations are based on the detailed analysis provided below.

A. Comprehensive Plan

The Jefferson County Comprehensive Plan contains a number of policies applicable to this interpretation, i.e.:

Building Permits/ Inspections

Development Review Division

Long Range Planning

(360) 379-4450

FAX: (360) 379-4451

- General Land Use Policy LNP 1.9 states *Ensure appropriate services are provided as needed and that the duplication of services is avoided by promoting the coordination of local governmental programs and planning.*
- General Land Use Policy LNP 1.10 states *Ensure that land use permitting processes are both predictable and timely*
- Economic Development Policy EDP 1.1 states *Promote economic development that does not adversely impact the natural or built environment.*
- Economic Development Policy EDP10.2 states *Ensure that proposed infrastructure and levels of service are adequate to support current and projected needs.*
- Economic Development Policy EDP 10.3 states *Investigate new and/or innovative infrastructure, such as wireless or fiber-optic telecommunications technology, to link Jefferson County with other areas.*
- Telecommunications Utilities Policy UTP 8.2 states *Require consolidation of antenna siting, transmission media, utility pole, and trenching placement to minimize adverse aesthetic and environmental impacts.*
- Telecommunications Utilities Policy UTP 8.3 states *Develop, with public involvement, telecommunications systems service-antenna structure-placement criteria, including identification of appropriate public sites, consistent with the Comprehensive Plan Land Use Element, for use by telecommunications technologies and service providers.*

B. Consistency of Interpretation

Local Land Use Regulations Section 8.10 of the Jefferson County Interim Forest Lands Ordinance permits telecommunication facilities within Commercial and Rural Forest designated lands. The interpretation clarifies an area of county regulations pertaining to surveying large parcels in forest designated lands and requires a survey of the telecommunication facility actual use site as compare to requiring a survey for the underlying parcel.

Federal Land Use Regulations The Federal Telecommunications Act of 1996 provides that local governments may not establish regulations, which prohibit or have the effect of prohibiting the provisions of wireless communication services. Requiring a survey of a large underlying parcel for location of a wireless telecommunication facility would prove onerous and expensive to providers without substantially protecting the public health, safety and general welfare.

Implications for Land Development Each application submittal for a wireless communication facility is required to submit a county-wide map showing the location of the proposed facility and the location of all towers and alternative structures by latitude and longitude per Section 18.42.040(a4) of the Wireless Telecommunication Facilities Ordinance. In addition, a site plan showing plan view, elevations, dimensions and shape of lot, dimensions and location of existing and proposed buildings and structures, including setbacks is required. These details are sufficient to review an application for consistency with the wireless facility design review standards of Section 18.42.090 of the ordinance. In the case of a colocated facility, the only change is related to attachment to existing structure(s), which is a minimal impact.

C. Conclusion

Requiring a survey of the leased area instead of an underlying parcel is a reasonable requirement and is consistent with the intent of the Jefferson County Wireless Telecommunication Facilities Ordinance.

2. Appeal

Any person may file a written appeal with the Director within ten (10) working days of the date of the interpretation. The written appeal must set forth:

1. Facts demonstrating how the Appellant is adversely affected by the decision; and
2. An explanation or documentation in support of an interpretation proposed by the requesting party that is contrary to the Director's interpretation.

Following receipt of a notice of appeal and payment of the appropriate fee, the Hearing Examiner shall conduct an open record appeal hearing.

Dated this 6th day of October 1999.



Warren Hart, Planning Manager
Jefferson County
Department of Community Development

Distribution

Jefferson County Board of County Commissioners
Jefferson County Prosecuting Attorney's Office
Jefferson County Planning Commission
Department of Community Development Code Interpretation Notebook
Applicant/Representative Voice Stream/McDonagh Planning Services

Publication

October 13, 1999, Jefferson-Port Townsend Leader

PUBLISH 1 TIME: Wednesday October 13, 1999

BILL: Jefferson County Department of Community Development, Development Review
Division 621 Sheridan Street, Port Townsend, WA 98368

Notice is hereby given that on October 6, 1999 the Director of the Jefferson County Department of Community Development issued a code interpretation pursuant to the Jefferson County Procedures and Criteria to Clarify Land Use Regulations (Code Interpretation Ordinance), ordinance # 05-0828-98 regarding Section 18.42.040 (a 3) which requires submittal of a recorded survey of the subject parcel for a wireless telecommunication facility. The Director determined that pursuant to Section 18.42.010 (Purpose, Policy, Goals, and Interpretation) of the Jefferson County Wireless Telecommunication Ordinance a survey of only the lease parcel for placement of a wireless telecommunication facility is needed for consistency with the intent of the requirement for a survey of the subject parcel. The specific determination is as follows:

1. Colocation or the placement of two or more antenna systems or platform by separate Federal Communications Commission (FCC) license holders on a support structure or alternative support structure will not require a recorded survey.
2. The construction of a new wireless communication facility (a non-staffed facility for the transmission and/or reception of radio frequency [RF] signals, usually consisting of an Antenna Array, equipment shelter, a support or alternative support structure, antennas or other transmission and reception devices) will require the preparation and recording of a survey of the leased area, unless previously surveyed and recorded with Jefferson County.

Any appeal of this Code Interpretation must be filed within ten (10) working days of its publication. Requirements for the content of an appeal can be obtained at the Jefferson County Department of Community Development, Development Review Division, 621 Sheridan Street, Port Townsend, WA 98368, (360) 379-4450. Appeals must be property filed before 4:30 PM on **Wednesday, October 27, 1999** to be considered by the Jefferson County Hearing Examiner.