



DATE: June 13, 2011

TO: Chair Ferris and Members of the Planning Commission

FROM: Carol V. Helland, Land Use Director 452-2724  
Development Services Department

SUBJECT: Prohibition on Helicopter Landing Facilities

On May 31, 2011, the City Council directed staff to initiate a Land Use Code Amendment (LUCA) to prohibit future permanent helicopter landing facilities city-wide, when not used for emergency purposes. This direction was provided to staff in lieu of imposing a moratorium, and the Council requested that a targeted amendment be presented to them for consideration following a public hearing before the Planning Commission, and prior to the summer break in August.

This memorandum provides background information regarding the Council direction, and a draft ordinance to facilitate Planning Commission discussion in preparation for holding a public hearing on July 13<sup>th</sup>. The timeline for processing of this amendment through the Planning Commission has been expedited in order to meet the scheduling expectations imposed by the Council.

No formal action is requested at this study session. Staff seeks Planning Commission comment on the draft ordinance and identification of issues and questions that should be addressed in preparation for the July 13<sup>th</sup> public hearing.

### **Background**

Heliports and helistops are regulated pursuant to Land Use Code (LUC) general development requirements, and the charts governing transportation and utilities uses. In residential, professional office, and neighborhood business land use districts (R-1 – R-30, PO and NB), helicopter landing facilities are restricted to government heliports used only for emergency purposes. Helicopter landing facilities are prohibited outright in the Residential and Old Bellevue districts of Downtown, and are prohibited outright in all but the Medical Office and Office Residential districts of Bel-Red. Where not otherwise prohibited, heliports may be approved through the CUP process if performance criteria are met and impacts are adequately addressed.

Performance criteria applicable to helicopter landing facilities are contained in LUC 20.20.450. These criteria speak to noise mitigation, use of optimal aircraft technology, adverse impacts associated with helicopter approach and departure paths, safe clearance distances, and signage. The Federal Aviation Administration (FAA) also has a review responsibility that is described in the code.

Since the helicopter regulations were adopted in 1989, two applications for permanent helicopter landing facilities have been received and subsequently approved. The first was for a helistop at Overlake Hospital that was established in 2009 to support its upgraded trauma

facility. That facility is limited to emergency response associated with the hospital. The second facility was the Kemper Development Company (KDC) application to establish a helistop on the rooftop of the Bank of America building in downtown Bellevue. The KDC facility is for private use and is not limited to emergency response.

The KDC application was recommended by the Development Services Department (DSD), and ultimately approved by the Hearing Examiner, before it was appealed to the City Council. On May 16, 2011, the CUP appeal of the KDC proposal to establish a helistop on the Bank of America building was before Council for final decision. In order to grant an appeal of a Hearing Examiner decision, the Council is required to find that an application is “not supported by material and substantial evidence.” LUC 20.35.150.A.7.a. The Council denied the appeal and approved the project, because it was unable to make such a finding based on the record. Following discussion of the appeal, Council members requested that staff bring forward a range of options for Council consideration to address their concerns regarding the adequacy of performance standards and processing requirements for future applications to establish helicopter landing facilities.

On May 31, the Council considered three options for responding to issues raised regarding the regulation of helicopter landing facilities.

1. Adopt a moratorium and evaluate helicopter landing facility location issues as a standalone work program.
2. Initiate a targeted code amendment immediately to prohibit all but emergency helicopter landing facilities city-wide, and conduct a broad study of private helicopter landing facilities as part of a future code amendment work program item funded in the future.
3. Take no action at this time, and direct staff to include evaluation of helicopter landing facility regulations as part of a future code amendment work program item when proposed for funding.

Following its discussion of the issue, the Council directed staff to “initiate a targeted code amendment to prohibit all but emergency helicopter landing facilities city-wide.” The Council confirmed that the Planning Commission should be the body to hold the public hearing on the this topic (rather than retaining hearing responsibility with the Council), but reiterated the focused nature of the amendment and set an expectation that the public hearing be held quickly, and that the Commission recommendation be presented back to the Council for consideration prior to the summer break.

### **Targeted Ordinance**

A draft ordinance responding to the Council direction has been included as Attachment A to this memorandum. The ordinance would amend three sections of the code – the general land use charts for transportation and utilities uses (LUC 20.10.440), the helicopter performance standards (LUC 20.20.450), and the Bel-Red land use charts for transportation and utilities uses (LUC 20.25D.070).

Where government facilities are the only use in a specific land use district allowed to provide emergency services, the proposed amendment would allow helicopter landing facilities only when associated with a government service. In districts where hospitals are an allowed use, the proposed amendment would allow helicopter landing facilities for any emergency related

service (government or hospital). In addition to the use chart limitations, amendments are proposed to the helicopter landing facility performance criteria to clarify that the requirements apply irrespective of whether the application is required to be processed as an administrative conditional use or a full conditional use.

### **Next Steps**

Staff will be on hand during the study session scheduled for June 22<sup>nd</sup>, to answer questions and respond to Planning Commission comments and suggestions for changes to the draft ordinance in anticipation of the July 13<sup>th</sup> public hearing. To meet the Council intent of being able to review the Commission recommendation before the August break, the Commission will be asked to deliberate and make a recommendation on the draft ordinance at the July 13<sup>th</sup> meeting. If additional time is needed, the Commission will be asked to continue its deliberations on July 27<sup>th</sup>. Staff looks forward to discussing this topic with the Commission at the upcoming study session. If you have questions prior to the meeting, please feel free to contact me.

Attachment A: Draft Ordinance Prohibiting Non-Emergency Helicopter Landing Facilities

## Attachment A

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE amending the Bellevue Land Use Code relating to the prohibition of helicopter landing facilities city-wide except for emergency purposes; specifically amending Land Use Code Sections 20.10.440 (Transportation and Utilities use chart and notes), 20.20.450 and 20.25D.070 (Bel-Red Transportation and Utilities use chart and notes) of the Bellevue Land Use Code; providing for severability and establishing an effective date.

WHEREAS, the Bellevue City Council adopted Land Use Code regulations governing the development of heliport and helistop facilities in 1989; and

WHEREAS, since that time, land uses patterns in and around downtown Bellevue and other commercial areas of the city have changed to include greater density in a variety of residential uses; and

WHEREAS, the City Council finds that the potential environmental impacts associated with multiple heliport or helistop locations could compromise the health, safety and quality of life for residents of Bellevue; and

WHEREAS, the applicable provisions of the Comprehensive Plan, Bellevue Land Use Code, other City Codes and existing infrastructure do not adequately address the need for and form of standards for addressing the possibility of multiple private non-emergency helistop and heliport locations; and

WHEREAS, the development and activation of private non-emergency heliport or helistop facilities should not be permitted until such time as the City has the ability to comprehensively consider the impacts of and appropriate regulations for multiple private non-emergency heliport and helistop facilities; and

WHEREAS, a City-wide prohibition on all non-emergency heliport or helistop facilities will allow the City at a future time to review and if necessary draft Comprehensive Plan and Bellevue Land Use Code and other City Code amendments that provide a balance between mobility and public health, safety and quality of life for residents; and

WHEREAS, the Environmental Coordinator for the City of Bellevue determined that this proposal will not result in any probable, significant, adverse impacts and as such a final threshold determination of non-significance (DNS) was issued on [insert notice date for determination of nonsignificance], 2011; and



Highway and Street Right-of-Way	P	P	P	P	P	P	P	P	P	P	P	P
Utility Facility	C	C	C	C	C	C	C	C	C	C	C	C
Local Utility System	P	P	P	P	P	P	P	P	P	P	P	P
Regional Utility System	C	C	C	C	C	C	C	C	C	C	C	C
On-Site Hazardous Waste Treatment and Storage Facility (7)												
Off-Site Hazardous Waste Treatment and Storage Facility (8)												
Essential Public Facility (20)	C	C	C	C	C	C	C	C	C	C	C	C
Wireless Communication Facility (WCF): (without WCF Support Structures)	14, 16, 21											
Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	14, 16											
Satellite Dishes (18)	P	P	P	P	P	P	P	P	P	P	P	P
Electrical Utility Facility (22)	A/C 22											

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

Permitted uses in the Office and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.

Permitted uses in the Medical Institution District are listed in LUC 20.25J.020.

Permitted uses in the Bel-Red District (BR) are listed in LUC 20.25D.070.

\* Not effective within the jurisdiction of the East Bellevue Community Council.



	Wireless Communication Facility (WCF): (without WCF Support Structures)	14, 16, 21									
	Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16
	Satellite Dishes (18)	P	P	P	P	P	P	P	P	P	P
	Electrical Utility Facility (22)	A/C 22									

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

Permitted uses in the Office and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.

Permitted uses in the Medical Institution District are listed in LUC 20.25J.020.

Permitted uses in the Bel-Red District (BR) are listed in LUC 20.25D.070.

\* Not effective within the jurisdiction of the East Bellevue Community Council.

**Chart 20.10.440  
Uses in land use districts**

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Transportation and Utilities – Downtown Districts					
		Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
4	Transportation, Communications and Utilities						
41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops						
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters	A	A	A			A
4214 422	Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services	S	S	S			S
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance	A/C <u>2,4211</u>	A/C <u>2,4211</u>	A/C 12			A/C <u>2,4211</u>
	Accessory Parking (6)	P 4	P 4	P 4	P 4	P 4	P 4

46	Auto Parking: Commercial Lots and Garages	P 13	P 13	P 13	A	P 13	P 13
	Park and Ride (5)			A			A
475	Radio and Television Broadcasting Studios	P	P	P		P	P
485	Solid Waste Disposal (19)						
	Highway and Street Right-of-Way	P	P	P	P	P	P
	Utility Facility	C	C	C	C	C	C
	Local Utility System	P	P	P	P	P	P
	Regional Utility System	C	C	C	C	C	C
	On-Site Hazardous Waste Treatment and Storage Facility (7)	A	A	A	A	A	A
	Off-Site Hazardous Waste Treatment and Storage Facility (8)						
	Essential Public Facility (20)	C	C	C	C	C	C
	Wireless Communication Facility (WCF): (without WCF Support Structures)	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21
	Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16
	Satellite Dishes (18)	P	P	P	P	P	P
	Electrical Utility Facility (22)	A/C 22					

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

Permitted uses in the Office and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.

Permitted uses in the Medical Institution District are listed in LUC 20.25J.020.

Permitted uses in the Bel-Red District (BR) are listed in LUC 20.25D.070.

\* Not effective within the jurisdiction of the East Bellevue Community Council.

**Notes: Uses in land use districts – Transportation and Utilities**

(1) (Deleted by Ord. 5086).

(2) ~~Aircraft transportation is limited to only heliports in Downtown-O-1, Downtown-O-2 and Downtown-OLB Districts. Intentionally deleted.~~

- (3) Accessory parking is not permitted in residential land use districts as accessory to uses which are not permitted in these districts.
- (4) The location of an off-site parking facility must be approved by the Director of Planning and Community Development. See LUC 20.25A.050H.
- (5) Park and Ride. A park and pool lot or other carpool facility is regulated as a park and ride. A park and ride providing no more than 50 parking spaces, and utilizing the parking area of an existing use shall be regulated as an accessory use under LUC 20.20.200. Any other park and ride requires a Conditional Use Permit.
- (6) Accessory parking requires approval through the review process required for the primary land use which it serves pursuant to LUC 20.10.440.
- (7) On-site hazardous waste treatment and storage facilities as defined by LUC 20.50.024 are only permitted as administrative conditional use approvals as a subordinate use to a permitted or special use. These facilities must comply with the state siting criteria as adopted in accordance with RCW 70.105.210.
- (8) Off-site hazardous waste treatment and storage facilities as defined by LUC 20.50.024 must comply with the state siting criteria as adopted in accordance with RCW 70.105.210.
- (9) (Deleted by Ord. 5086).
- (10) These uses are permitted only if located in a multiple function building or complex.
- (11) Aircraft transportation is limited in these districts to government heliports used ~~only exclusively~~ for emergency purposes and regulated pursuant to the terms of LUC 20.20.450.
- (12) ~~A roof top helicopter landing area which is utilized for life threatening emergencies only does not require conditional use approval Aircraft transportation is limited in these districts to government and hospital heliports used exclusively for emergency purposes and regulated pursuant to the terms of LUC 20.20.450.~~
- (13) Design Review approval, Part 20.30F LUC, or a Change of Use Permit is required to establish a commercial parking facility. Refer to LUC 20.25A.050E for additional development requirements.
- (14) Wireless communication facilities (WCFs) are not permitted on any residential structure, undeveloped site located in a residential land use district, or site that is developed with a residential use. This note does not prohibit locating WCF: a) on any residential structure or undeveloped site in R-20 or R-30 Land Use Districts; or b) on any nonresidential structure (i.e., churches, schools, public facility structures, utility poles, etc.) or in public rights-of-way in any residential land use district.
- (15) Intentionally deleted.
- (16) Refer to LUC 20.20.195 for general requirements applicable to wireless communication facilities and other communication, broadcast and relay facilities.
- (17) Intentionally deleted.

- (18) Refer to LUC 20.20.730 for general requirements applicable to Large Satellite Dishes.
- (19) Refer to LUC 20.20.820 for general requirements applicable to solid waste disposal facilities.
- (20) Refer to LUC 20.20.350 for general requirements applicable to Essential Public Facilities (EPF).
- (21) Antenna and associated equipment used to transmit or receive fixed wireless signals when located at a fixed customer location are permitted in all land use districts and are exempt from the requirements of LUC 20.20.010, 20.20.195 and 20.20.525 so long as the antenna and equipment comply with 47 C.F.R. 1.400, now or as hereafter amended. A building permit may be required to ensure safe installation of the antenna and equipment.
- (22) For the definition of electrical utility facility, see LUC 20.50.018, and for reference to applicable development regulations relating to electrical utility facilities, see LUC 20.20.255. For new or expanding electrical utility facilities proposed on sensitive sites as described by Figure UT.5a of the Utilities Element of the Comprehensive Plan, the applicant shall obtain Conditional Use Permit approval under Part 20.30B LUC, complete an alternative siting analysis as described in LUC 20.20.255.D and comply with decision criteria and design standards set forth in LUC 20.20.255. For expansions of electrical utility facilities not proposed on sensitive sites as described by Figure UT.5a, the applicant shall obtain Administrative Conditional Use Permit approval under Part 20.30E LUC and comply with decision criteria and design standards set forth in LUC 20.20.255.

Section 2. Section 20.20.450 of the Bellevue Land Use Code is hereby amended as follows:

### **20.20.450 Helicopters.**

#### **A. Heliports – General Requirements.**

1. In addition to the applicable decision criteria in LUC 20.30B.140 or 20.30E.140, the City shall consider, but not be limited to, the following criteria, in deciding whether to approve or approve with modifications an application for a heliport Conditional Use or Administrative Conditional Use Permit:
  - a. In consideration of identified noise impacts, the City may impose conditions restricting the type of aircraft permitted to land at an approved heliport, and conditions which limit the number of daily takeoffs and landings and hours of operation.
  - b. The City may impose a periodic review requirement on heliport ~~conditional-use~~ approvals in order to consider imposing additional conditions to mitigate adverse impacts from new aircraft technology.

- c. The City may consider whether approach and departure paths are obstruction-free and whether residential or critical areas would be adversely affected. The City may also consider whether approach and departure paths abut freeway corridors or waterways.
  - d. The City may consider whether the proposed heliport facility will participate in a voluntary noise reduction program such as the “Fly Neighborly Program.”
- 2. All applications to construct a heliport must include the results of the appropriate Federal Aviation Administration review. A determination of negative impact on navigable airspace by the FAA will result in denial of a land use or Building Permit unless the applicant agrees to comply with the recommendations to mitigate such impacts. The mitigating measures shall be made conditions of the land use or Building Permit.
- 3. Heliport landing areas shall be at least 1.5 times the overall length of the largest helicopter expected to use the facility.
- 4. The heliport primary surface shall be of level grade and consist of a dust-proof surface.
- 5. Public use heliports shall be marked in accordance with FAA recommendations.
- 6. Private use and personal use heliports may be unmarked or marked with individualized markings recognizable to the pilots authorized to use the facility, but may not be marked with the same markings as a public use heliport.
- 7. All heliports intended to accommodate night landings shall be lighted in accordance with FAA recommendations.
- 8. Access to heliport landing areas, except water surfaces, shall be controlled by physical restraints. If fences, walls, or parapets are used for access control, the minimum height shall be 42 inches.
- 9. All approaches to an area of helicopter operations will have conspicuous signs notifying those who approach the operation.
- 10. Touchdown Pads.
  - a. Recommended Touchdown Pad. The recommended dimension of a touchdown pad is equal to the rotor diameter of the largest helicopter expected to operate from the facility.
  - b. Minimum Touchdown Pad. At a heliport that has an extremely low level of activity, smaller areas may be used. Pad dimensions are based on rectangular configurations. A circular pad having a diameter equal to the

longer side of the rectangular configuration set forth in paragraph A.10.b.i. or ii of this section is acceptable. Skid or float length should be substituted for wheelbase as appropriate.

- i. Public Use Heliports. The minimum sized touchdown pad shall have a length and width at least 2.0 times the wheelbase and tread, respectively, or a diameter of 2.0 times the wheelbase of the largest helicopter expected to use the facility.
  - ii. Private Use or Personal Use Heliports. The minimum sized touchdown pad shall have a length and width at least 1.5 times the wheelbase and tread, respectively, or a diameter of 1.5 times the wheelbase of the largest helicopter expected to use the facility.
11. Each helicopter landing area shall have at least one obstruction-free heliport approach path conforming to the definition of Heliport Approach Surfaces.
  12. No obstructions, natural or manmade, will be permitted within the Heliport Primary Surface, Heliport Approach Surfaces, or Heliport Transition Surfaces.
  13. The requirements of paragraphs A.3 through A.12 of this section may be modified in special circumstances upon written technical evaluation and recommendation of the nearest FAA Airports District Office or Washington State Department of Transportation, Division of Aeronautics office.
  14. A hospital emergency-use-only heliport is exempt from the provisions of paragraph A.1 of this section but must comply with the requirements in paragraphs A.2 through A.13 of this section. For purposes of this paragraph, "emergency" is defined as when any patient who requires care of significant severity such that alternative means of transport would adversely affect the health of that person.
  15. Government use heliport facilities are exempt from the requirements of paragraphs A.3 through A.12 of this section. Government heliport design shall be based upon technical evaluation and recommendation of the nearest FAA Airports District Office or Washington State Department of Transportation, Division of Aeronautics office.
  16. A heliport site must have flight path access directly to the interstate highway system which does not require flight over any residential zoned properties.
- B. Helicopter Landing Permits.
1. A Temporary Use Permit is required for the landing of helicopters at a site other than a City-approved heliport.

2. A permit is valid for a maximum of 30 days. Conditions may be imposed which limit the number of flights and the hours of operation. The applicant shall be required to execute a hold harmless agreement in favor of the City.
3. A permit will be refused if the City determines that the proposed landing(s) will pose a substantial threat to the health, safety or welfare of the surrounding community.
4. Operations of a government authority in cases of emergency, search and rescue, fire and law enforcement are exempt from the permit requirements of this subsection.

Section 3. Section 20.25D.070 (Bel-Red Transportation and Utilities use chart and notes) of the Bellevue Land Use Code is hereby amended as follows:

Chart 20.25D.070

Transportation and Utilities Uses in Bel-Red Land Use Districts.

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Transportation and Utilities – Bel-Red Districts						
		Bel-Red Medical Office/Node	Bel-Red Office Residential/Nodes	Bel-Red Residential Commercial Nodes	Bel-Red Residential	Bel-Red General Commercial	Bel-Red Commercial Residential	Bel-Red Office Residential Transition
		BR-MO/ MO-1	BR-OR/ OR-1 OR-2	BR- RC-1 RC-2 RC-3	BR-R	BR-GC	BR-CR	BR-ORT
4	Transportation, Communications and Utilities							
41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops	C/C	C/C	C	C	C	C	C
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters					C		
4214 422	Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services	C/	C/			C		
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance	C 1	C 1					
	Accessory Parking (2,3)	P/P	P/P	P	P 4	P	P	P

46	Auto Parking Commercial Lots and Garages (5)	/P	/P	P				
	Park and Ride (6)		C/C	C				
475	Radio and Television Broadcasting Studios							
485	Solid Waste Disposal (7)							
	Highway and Street Right-of-Way (8)	P	P/P	P	P	P	P	P
	Utility Facility	C	C/C	C	C	C	C	C
	Local Utility System	P	P/P	P	P	P	P	P
	Regional Utility System	C	C/C	C	C	C	C	C
	On and Off-Site Hazardous Waste Treatment and Storage Facilities							
	Essential Public Facility (9)	C	C/C	C	C	C	C	C
	Wireless Communication Facility (WCF): (without WCF Support Structures)	10, 11, and 12						
	Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	10, 11	10, 11	10, 11	10, 11	10, 11	10, 11	10, 11
	Satellite Dishes (13)	P	P/P	P	P	P	P	P
	Electrical Utility Facility (14)	A C/A C	A C/A C	A C	A C	A C	A C	A C

Existing uses in the Bel-Red District are regulated pursuant to LUC 20.25D.060.

Key

P – Permitted Use

C – Conditional Use (see Parts 20.30B and 20.30C LUC)

A – Administrative Conditional Use (see Part 20.30E LUC)

Notes: Uses in land use districts – Transportation and Utilities.

- (1) Aircraft transportation is limited in these districts to only government and hospital heliports used exclusively for emergency purposes and is regulated pursuant to the terms of LUC 20.20.450.
- (2) Accessory parking requires approval through the review process required for the primary land use which it serves pursuant to Chart 20.25D.070.
- (3) The location of an off-site parking facility shall be approved by the Director. See LUC 20.25D.120.
- (4) Accessory parking is not permitted in the BR-R land use district as accessory to any use that is not permitted in BR-R.

- (5) Commercial lots and garages are only permitted to accommodate short-term parking (four hours or less). Parking structures are required to meet the performance standards contained in LUC 20.25D.120.D.
- (6) A park and pool lot or other carpool facility is regulated as a park and ride. A park and ride providing no more than 50 parking spaces, and utilizing the parking area of an established use, shall be regulated as an accessory use under LUC 20.20.200. Any other park and ride requires a conditional use permit.
- (7) Solid waste disposal facilities may be continued as an existing use pursuant to LUC 20.25D.060, provided all requirements in LUC 20.20.820 are met.
- (8) Design is required to meet the standards contained in LUC 20.25D.140 and the 2008 Transportation Department Design Manual as currently adopted or subsequently amended or superseded.
- (9) Refer to LUC 20.20.350 for general requirements applicable to Essential Public Facilities (EPF).
- (10) Wireless communication facilities (WCFs) are not permitted on residential structures, sites developed with a residential use, or on undeveloped sites located in the BR-R land use district. This note does not prohibit locating a WCF on nonresidential structures (i.e., churches, schools, public facility structures, utility poles, etc.) or in public rights-of-way in any BR land use district.
- (11) Refer to LUC 20.20.195 for general requirements applicable to wireless communication facilities and other communication, broadcast, and relay facilities.
- (12) Antennas and associated equipment used to transmit or receive fixed wireless signals when located at a fixed customer location are permitted in all land use districts and are exempt from the requirements of LUC 20.20.010, 20.20.195 and 20.20.525 so long as the antenna and equipment comply with 47 C.F.R. 1.4000, now or as hereafter amended. A building permit may be required to ensure safe installation of the antenna and equipment.
- (13) Refer to LUC 20.20.730 for general requirements applicable to Large Satellite Dishes. In BR-OR, BR-OR-1, BR-OR-2, BR-RC-1, BR-RC-2, BR-RC-3, BR-CR, and BR-R, only the provisions of LUC 20.20.730.B and 20.20.730.C shall apply.
- (14) For the definition of Electrical Utility Facility see LUC 20.50.018 and for reference to applicable development regulations relating to electrical utility facilities see LUC 20.20.255. For new or expanding electrical utility facilities proposed on sensitive sites as described by Figure UT.5a of the Utilities Element of the Comprehensive Plan, the applicant shall obtain Conditional Use Permit approval under Part 20.30B LUC, complete an alternative siting analysis as described in LUC 20.20.255.D and comply with decision criteria and design standards set forth in LUC 20.20.255. For expansions of electrical utility facilities not proposed on sensitive sites as described by Figure UT.5a, the applicant shall obtain Administrative Conditional Use

Permit approval under Part 20.30E LUC and comply with decision criteria and design standards set forth in LUC 20.20.255.

Section 4. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 5. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

Passed by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2011 and signed in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

(SEAL)

\_\_\_\_\_  
Don Davidson, DDS  
Mayor

Approved as to form:  
Lori M. Riordan, City Attorney

\_\_\_\_\_  
Lacey Madche, Assistant City Attorney

Attest:

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Myrna L. Basich, City Clerk

Published \_\_\_\_\_