CENTRAL PUGET SOUND
GROWTH MANAGEMENT HEARINGS BOARD
STATE OF WASHINGTON

PHILIP HANSON, ANNE HERFINDAHL, ANNE WOODWARD, JAKE JACOBOVITCH and VASHON-MAURY ISLAND COMMUNITY COUNCIL**,**	)	**Case No. 98-3-0015c**
	)	***(Hanson)***
Petitioners,	)	
v.	)	
KING COUNTY,	)	**FINAL DECISION and ORDER**
Respondent,	)	
and	)	
SPRINT PCS,	)	
Intervenor.	)	

I. Procedural Background

General

On July 15, 1998, the Central Puget Sound Growth Management Hearings Board (the **Board**) received a Petition for Review (**PFR**) from Philip Hanson, Anne Herfindahl, Anne Woodward, Jake Jacobovitch and Vashon-Maury Island Community Council (**Petitioners**). The matter was assigned Case No. 98-3-0014. Petitioners challenge King County's approval of three Conditional Use Permits (**CUPs**) for wireless telecommunications facilities in a designated rural area. The ground for the challenge is noncompliance with several sections of the Growth Management Act (**GMA or Act**).

On July 15, 1998, the Board also received another PFR from the same Petitioners. The matter was assigned Case No. 98-3-0015. In this PFR, Petitioners challenge King County's adoption of

Ordinance No. 13129 (**Ordinance**). The ground for the challenge to the Ordinance is noncompliance with several sections of the GMA.

On July 22, 1998, the Board issued an "Order of Consolidation and Notice of Hearing." The case was assigned case number 98-3-0015c and is referred to as *Hanson, et al., v. King County*.

On July 24, 1998, the Board issued an "Order Changing the Date of the Prehearing Conference."

On August 19, 1998, the Presiding Officer distributed a memo, via facsimile transmission, to the representatives of the parties. The memo added several items to the agenda for discussion and requested preparation of a restatement of the issues.

On August 27, 1998, the Board held a Prehearing Conference. Petitioners provided a "Restatement of Issues" for the issues alleged in PFR 98-3-0015.

On September 1, 1998, the Board issued a "Prehearing Order and Order on Intervention."

On September 8, 1998, per the Board's direction, the Petitioners provided a "Restatement of Issues" for the issues alleged in PFR 98-3-0014.

Intervention

On August 17, 1998, the Board received "Petition of Sprint PCS to Intervene." Potential Intervenor Sprint PCS's intervention was requested for PFR 98-3-0014, challenging King County's issuance of three conditional use permits.

At the August 27, 1998 Prehearing Conference, the Presiding Officer **granted** Sprint PCS Intervenor status for the issues raised in PFR 98-3-0014. Sprint PCS orally moved to extend its Intervenor status to the remaining portion of the case relating to King County's adoption of Ordinance No. 13129. Petitioner was given until September 1, 1998, to respond to Sprint PCS's request in writing.

On August 31, 1998, the Board received a letter from Petitioners opposing intervention by Sprint on the challenge to Ordinance No. 13129.

On September 1, 1998, the Board issued a "Prehearing Order and Order on Intervention." The Order **granted** Intervenor status to Sprint PCS for the entire Case No. 98-3-0015c.

Motion to Supplement

On August 14, 1998, the Board received "King County's Index of the Record."

On September 11, 1998, the Board received Petitioners' "Motion to Supplement the Record."

Twelve (12) items were referenced in the motion; eleven (11) exhibits were appended to the motion.

On September 11, 1998, the Board received "Sprint PCS' Motion to Supplement the Record and Affidavit in Support Thereof." Seven (7) items were referenced in the motion.

On September 15, 1998, the Board received Petitioners' "Request to Supplement Record with Exhibit Attached to Response After Deadline." Petitioners were awaiting response to a public disclosure request regarding the County's interpretation of the Federal Telecommunications Act of 1996.

On September 15, 1998, the Board issued an "Order Denying Request to Extend Deadline to Supplement the Record."

On September 17, 1998, the Board received King County's "Corrected Index of the Record." The Corrected Index added item 1055 (Clerk's files 98-263 & 98-266).

On September 18, 1998, the Board received "King County's Response to Motions to Supplement."

On September 28, 1998, the Board issued an "Order on Motions to Supplement the Record." The Order noted the items in the County's Corrected Index, and added Index Nos. 1056 through 1064 to the record.

On September 28, 1998, the Board received Petitioners' "Motion Requesting Board to Compel Respondent King County to Provide Complete Index."

On October 7, 1998, the Board also received "King County's Response to Petitioners' Motion Regarding Discovery -- with attached Declaration of Darren E. Carnell."

On October 15, 1998, the Board issued an "Order Denying Reconsideration and Motion to Compel." The Motion to Compel was **denied**.

Dispositive Motions and Reconsideration

At the August 27, 1998 Prehearing Conference, the question of the Board's jurisdiction over the issuance of CUPs was added to the Legal Issues to be resolved.[1] The parties were directed to brief the issue pursuant to the timeframes set forth for dispositive motions in the Final Schedule.

On September 11, 1998, the Board received "King County's Dispositive Motion on Legal Issue No. 1," "Sprint PCS's Motion to Dismiss," and Petitioners' "Memorandum in Support of

Hearings Board Jurisdiction Over Issues Raised in 98-3-0014."

On September 18, 1998, the Board received "Petitioners' Response to Respondent's Motion on Legal Issue #1," "Petitioners' Response to Dispositive Motion from Intervenor Sprint PCS," "King County's Response to Petitioners' Memorandum Regarding Jurisdiction," and "Memorandum of Sprint PCS in Response to Petitioners' Memorandum in Support of Hearings Board Jurisdiction Over Issues Raised in 98-3-0014."

On September 22, 1998, the Board received "King County's Rebuttal to Petitioners' Response to King County's Dispositive Motion on Legal Issue No. 1," "Rebuttal Memorandum of Sprint PCS to Petitioners' Response to Dispositive Motion," and "Petitioners' Rebuttal to Responses to Motions on Legal Issue #1 and Motion to Dismiss."

On September 28, 1998, the Board issued an "Order Granting Dispositive Motions." The Order **dismissed with prejudice** the challenge to King County's approval of three conditional use permits as raised in PFR 98-3-0014 (Legal Issue #1), since the Board determined it had no authority or jurisdiction to review land use project permit decisions of a local government. Legal Issues 2 through 6 remain in Consolidated Case No. 98-3-0015c.

On October 7, 1998, via facsimile transmission, the Board received Petitioners' "Motion for Reconsideration." Petitioners asked the Board to reconsider its "Order Granting Dispositive Motions."

On October 8, 1998, the Board received Petitioners' "Amended Motion for Reconsideration."

On October 9, 1998, the Board received "Memorandum of Sprint PCS in Opposition of Motion for Reconsideration."

On October 15, 1998, the Board received "King County's Response to Petitioners' Motions for Reconsideration."

On October 15, 1998, the Board issued an "Order Denying Reconsideration and Motion to Compel."

Briefing and Hearing on the Merits

On October 9, 1998, the Board received "Petitioners' Pre-hearing Brief" (**Hanson PHB**). No exhibits were included.

On October 30, 1998, the Board received "King County's Prehearing Brief" (**County**

Response). Twenty-two (22) exhibits, labeled "A" through "V", were attached.

On October 30, 1998, the Board received "Prehearing Brief of Sprint PCS" (**Sprint Response**). No exhibits were included.

On November 6, 1998, the Board received "Petitioner's Reply Brief" (**Hanson Reply**). No Exhibits were included.

On November 10, 1998, the Board received a "Citation Supplement" from Petitioners.

On November 12, 1998, the Board held a hearing on the merits in Conference Room B of The Financial Center, 1215 4th Avenue in Seattle, Washington. Board members Ed McGuire, Presiding Officer, and Joseph W. Tovar were present for the Board.[2] Petitioners were represented by Kirk R. Wines and James Pappin. The County was represented by Darren E. Carnell. Intervenor Sprint PCS was represented by Loren D. Combs. Court reporting services were provided by Cynthia LaRose, RPR, of Robert H. Lewis & Associates, Tacoma.

In response to a Board inquiry at the hearing on the merits, Petitioners filed a "Response to Request for Supplemental Citation," on November 13, 1998.

II. presumption of validity, burden of proof AND STANDARD OF REVIEW

Petitioners challenge King County's adoption of Ordinance No. 13129. Pursuant to RCW 36.70A.320(1), Ordinance No. 13129 is presumed valid upon adoption.

The burden is on Petitioners to demonstrate that the action taken by King County is not in compliance with the requirements of the GMA. RCW 36.70A.320(2).

Pursuant to RCW 36.70A.320(3), the Board "shall find compliance unless it determines that the action by [King County] is clearly erroneous in view of the entire record before the board and in light of the goals and requirements of [the GMA]." For the Board to find the County's action clearly erroneous, the Board must be "left with the firm and definite conviction that a mistake has been made." *Dep't of Ecology v. PUD 1*, 121 Wn.2d 179, 201 (1993).

iii. board jurisdiction and prefatory note

A. BOARD JURISDICTION

Findings of Fact

The Board finds:

- PFR 98-3-0015 challenges Ordinance No. 13129's compliance with the GMA. PFR, at 2.
- The Petitioners allege participation standing, pursuant to RCW 36.70A.280(2)(b). PFR, at 4.
- King County's Ordinance No. 13129 was adopted by the County Council on May 4, 1998, and became effective on May 16, 1998. Its date of publication is not stated. PFR, at 2.
- PFR 98-3-0015, challenging Ordinance No. 13129, was filed with the Board on July 15, 1998. *Supra*, at 1.
- King County has neither indicated the date it published Ordinance No. 13129, nor disputed the timeliness of Petitioners' filing of the PFR.

Conclusions of Law

The Board concludes:

- Pursuant to RCW 36.70A.280(1)(a), PFR 98-3-0015, on its face, raises issues over which the Board has subject matter jurisdiction.
- Pursuant to RCW 36.70A.280(2), Petitioners have standing to bring the challenges set forth in the PFR
- Pursuant to RCW 36.70A.290(2), PFR 98-3-0015 was timely filed.

B. PREFATORY note

The Board will address the Legal Issues in this case in the following order: 2, 3, 5, 4 and 6.

iv. legal issues

A. Legal Issue No. 2

The Board's prehearing order set forth Legal Issue No. 2:

> ***Did King County fail to comply with the mandatory utilities element of the GMA, RCW 36.70A.070(4), when it adopted Ordinance No. 13129, because it fails to have or require an inventory of facilities, a forecast of future needs and the location and capacity of new and/or expanded facilities?***

Applicable Law and Discussion

RCW 36.70A.070(4), provides in relevant part:

> *Each comprehensive plan* shall include a plan, scheme, or design for each of the following:
>
> . . .
>
> (4) *A utilities element* consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.
>
> (Emphasis added.)

Petitioners argue that the County's 1994 Comprehensive Plan does not include an inventory and map of "*wireless* telecommunications lines or structures as specifically required by the GMA,"[3] and that in adopting Ordinance No. 13129, the County failed to correct this violation. Hanson PHB, at 2-3. The County counters that the mandatory utilities element requirement in the GMA does not apply to development regulations. Ordinance No. 13129[4] amends one of the County's development regulations, not the County's Comprehensive Plan. Therefore, Ordinance No 1329 is not required to comply with the GMA's requirements for comprehensive plans. The County adds that its Comprehensive Plan's Utilities element does contain the required GMA components. County Response, at 12-15.

The County is correct in its reading of this section of the Act. The explicit language of RCW 36.70A.070 sets forth the mandatory elements to be included in the County's *comprehensive plan*, not its implementing development regulations. Likewise, RCW 36.70A.070(4) sets forth measures to be included *within* the utilities element of the County's *comprehensive plan*, not its development regulations. The County's Comprehensive Plan, or amendments thereto, are not before the Board in this challenge to Ordinance No. 13129.

Conclusion

RCW 36.70A.070(4) applies to comprehensive plans. Ordinance No. 13129 amends a development regulation of the County, not the County's comprehensive plan. Therefore, RCW 36.70A.070(4) is not applicable to the County's action. Regarding Legal Issue No. 2, the County's action was not clearly erroneous.

B. Legal Issue No. 3

The Board's prehearing order set forth Legal Issue No. 3:

Did King County fail to comply with the GMA mandatory rural element, RCW 36.70A.070(5)(c)(i) and (ii), when it adopted Ordinance No. 13129, because it fails to assure visual compatibility of rural development with existing rural character; because it does not contain or control rural development; because it allows wireless telecommunications utility facilities to be sited anywhere in rural zones; or because it allows intensive rural development in areas not designated as such under RCW 36.70A.070(5)(d)?

Applicable Law and Discussion

RCW 36.70A.070 provides, in relevant part:

> *Each comprehensive plan* shall include a plan, scheme, or design for each of the following:
>
> . . .
>
> (5) *Rural element*. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:
>
> . . .
>
> (c) Measures governing rural development. *The rural element shall include* measures that apply to rural development and protect the rural character of the area, as established by the county, by:
>
> (i) Containing or otherwise controlling rural development;
>
> (ii) Assuring visual compatibility of rural development with the surrounding rural area; . . .
>
> (Emphasis added.)

Petitioners allege that the visual compatibility requirements of RCW 36.70A.070(5)(c)(ii) are violated by various provisions of King County Code as amended by Ordinance No. 13129. Hanson PHB, at 3-12. Again, the County argues that the requirements of RCW 36.70A.070(5) do not apply to Ordinance No. 13129 since it amends development regulations, not the County's Plan. County Response, at 17-18.

Again, the County is correct in its reading of this section of the Act. As noted in Legal Issue No. 2, *supra*, the explicit language of RCW 36.70A.070 sets forth the mandatory elements to be included in the County's comprehensive plan, not its implementing development regulations. Likewise, RCW 36.70A.070(5)(c) sets forth measures to be included *within* the rural element *within* the County's comprehensive plan, not its development regulations. Ordinance No. 13129 does not amend the County's Plan.

Conclusion

RCW 36.70A.070(5) applies to comprehensive plans. Ordinance No. 13129 amends a development regulation of the County, not the County's comprehensive plan. Therefore, RCW 36.70A.070(5) is not applicable to the County's action. Regarding Legal Issue No. 3, the County's action was not clearly erroneous.

C. Legal Issue No. 5

The Board's prehearing order set forth Legal Issue No. 5:

> ***Did King County fail to comply with RCW 36.70A.030(14)(a) and (c) and .030(15), when it adopted Ordinance No. 13129, because it permits monopole towers to be built in areas where they would predominate over the natural landscape and vegetation; because it allows wireless telecommunications utility facility structures which would drastically alter the visual landscapes traditionally found in rural areas; and because it fails to adopt a distinctly lower level of wireless telecommunications services in order to preserve the existing rural character?***

Applicable Law and Discussion

RCW 36.70A.030 provides in relevant part:

> Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.
>
> . . .
>
> (14) "Rural character" refers to the patterns of land use and development established by a county *in the rural element of its comprehensive plan*:
>
> (a) In which open space, the natural landscape, and vegetation predominate over the built environment;
>
> (b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
>
> (c) That provide visual landscapes that are traditionally found in rural areas and communities;
>
> (d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
>
> (e) That reduce the inappropriate conversion of undeveloped land into sprawling, low density development;
>
> (f) That generally do not require the extension of urban governmental services; and
>
> (g) That are consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.

(Emphasis added.)

> (15) "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas;. . .

Petitioners argue that wireless telecommunication facilities must "see" each other in order to provide adequate service, and in rural areas this means they must be built above the tallest trees. Consequently, since Ordinance No. 13129 permits monopole towers to be built in areas where they would predominate over the landscape and vegetation, it violates RCW 36.70A.030(14)(a), one of the components of the GMA's definition of "rural character." Hanson PHB, at 13. The County asserts that the GMA's definitions by themselves carry no substantive requirements, and accordingly the County could not have violated a definition. The substantive significance of definitions is limited to giving meaning to certain terms used in the GMA. County Response, at 27. In reply, Hanson concedes that "respondents make a valid point that it is hard to fail to comply with a definitions section [of the GMA]." Hanson Reply, at 10.

RCW 36.70A.030 defines the terms used in the GMA. Definitions, by themselves, do not create GMA duties. The substantive significance of the definition section of the GMA (RCW 36.70A.030) is to give meaning to words and terms used within the GMA. The Board notes that the seven components listed in RCW 36.70A.030(a-g) define the term "rural character" and give meaning to the rural element of the County's *comprehensive plan*. How King County described the rural character within the rural element of its comprehensive plan is not at issue in this proceeding.

Conclusion

Petitioners have **failed to meet their burden of proof** in establishing that the definitions section of the GMA creates any duty upon the County that has been breached by adoption of Ordinance No. 13129. Regarding Legal Issue No. 5, the County's action was not clearly erroneous.

D. Legal Issue No. 4

The Board's prehearing order set forth Legal Issue No. 4:

> ***Did King County fail to comply with RCW 36.70A.020(1) and (2), when it adopted Ordinance No. 13129, because it allows an unlimited number of wireless***

telecommunications utility facilities in all zones, including rural zones?

Applicable Law and Discussion

RCW 36.70A.020 provides in relevant part:

> *The following goals are adopted to guide the development and adoption of* comprehensive plans and *development regulations* of those counties and cities that are required or choose to plan under RCW 36.70A.040. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations:
>
> (1) Urban Growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
> (2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low density development.
>
> (Emphasis added.)

Petitioners assert that Goals 1 and 2 suggest that "wireless telecommunication utility facilities" should not be permitted in the rural area; and that by "permitting utility facilities in all zones," the County is in fact implementing a "seamless network for all providers of wireless services" which is contrary to the "zoning code, the comprehensive plan, development regulations, the GMA, and the Telecommunications Act." Hanson PHB, at 11. The County argues that cellular towers are neither urban growth nor low density development as the terms are used in Goals 1 and 2; and that the King County Comprehensive Plan does not require seamless networks, but if it did, seamless networks would be consistent with [Plan] Policy ET-401.[5] County Response, at 19-20, 24-25. In reply, Petitioners agree with the County that cellular towers, of and by themselves, do not constitute urban growth. Hanson Reply, at 9.

Notwithstanding the County's assertions to the contrary, the Act is unambiguous: the Goals of the GMA, RCW 36.70A.020, are to guide the adoption of *development regulations* as well as comprehensive plans. The Board understands Petitioners' position to be that cellular arrays, as permitted by the County, are out of place in rural Vashon Island. However, in considering Petitioners' briefs and oral argument, the Board fails to find GMA authority to support Petitioners' position, nor do Petitioners offer an explanation of how the County's adoption of Ordinance No. 13129 fails to comply with RCW 36.70A.020(1) or (2).

Conclusion

Petitioners have **failed to meet their burden of proof** in showing how Ordinance No. 13129

failed to comply with the requirements of RCW 36.70A.020(1) or RCW 36.70A.020(2). Regarding Legal Issue No. 4, the County's action was not clearly erroneous.

E. Legal Issue No. 6

The Board's prehearing order set forth Legal Issue No. 6:

> ***Did King County fail to comply with RCW 36.70A.070(preamble) and RCW 36.70A.040 (3), when it adopted Ordinance No. 13129, because it is not internally consistent with and does not implement the King County Comprehensive Plan?***

Applicable Law and Discussion

RCW 36.70A.070 (preamble) provides, in relevant part:

> The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. . . .

RCW 36.70A.040(3) provides, in relevant part:

> Any county . . . that is initially required to conform with all of the requirements of this chapter . . . shall take actions under this chapter as follows:
> . . .
> (d). . . *the county* . . . *shall adopt* a comprehensive plan under this chapter and *development regulations that are consistent with and implement the comprehensive plan* . . .
> (Emphasis added.)

The Board's Rules of Practice and Procedure, at WAC 242-02-570(1), provide:

> A petitioner, or a moving party when a motion has been filed, shall submit a brief on each legal issue it expects a board to determine. *Failure by such a party to brief an issue shall constitute abandonment of the unbriefed issue.* Briefs shall enumerate and set forth the legal issue(s) as specified in the prehearing order if one has been entered. *See also,* PHO, Section X (July 29, 1998) (Emphasis added.)

In their prehearing brief, Petitioners state that "Ordinance No. 13129 is not consistent with meeting the needs of King County's rural residents despite the Growth Management Act's numerous Goals and Requirements intended to protect and preserve such areas." Petitioners then conclude that Ordinance No. 13129 does not comply with RCW 36.70A.070(4) or (5) or .030 (14). Hanson PHB, at 15-16. The County responds that Petitioners merely assert that Ordinance No. 13129 violates provisions of the GMA, but offer no citations to the record or argument to

support the proposition that the Ordinance is inconsistent with or does not implement the Plan. Nonetheless, the County argues that the Ordinance is consistent with and implements the County Plan. County Response, at 29-32. In reply, Petitioners cite to County-wide Planning Policies and Comprehensive Plan Policies to counter the County's claims, and further argue about levels of service in the rural area. Hanson Reply, at 12-20.

In briefing Legal Issue No. 6, Petitioners offered no argument regarding how Ordinance No. 13129 fails to comply with RCW 36.70A.070(preamble) or .040(3). Hanson PHB, at 15-16. The conclusory assertions made by Petitioners in the Prehearing Brief fail to rise to the level of argument. Additionally, in reply, Petitioners raise new issues and offer too little, too late, regarding Legal Issue No. 6. Petitioners may not raise issues not stated in the Legal Issues[6] or resurrect issues not briefed in the Prehearing Brief.[7]

The Board notes that although this Legal Issue was abandoned because it was not briefed in Petitioners' Prehearing Brief, a review of the Reply Brief and oral arguments indicate that the Petitioners simply have a different perception of what the rural character of Vashon Island is than what the County decisionmakers have decided and described in the Plan. The elected decisionmakers have the authority and discretion to make these determinations. Petitioners failed to meet their burden of proof in showing how Ordinance No. 13129 failed to comply with the requirements of RCW 36.70A.070(preamble) or RCW 36.70A.040(3). Regarding Legal Issue No. 6, the County's action was not clearly erroneous.

Conclusion

Petitioners have **failed to meet their burden of proof** in showing that adoption of Ordinance No. 13129 failed to comply with the requirements of RCW 36.70A.070(preamble) or RCW 36.70A.040(3). Regarding Legal Issue No. 6, the County's action was not clearly erroneous.

V. ORDER

Based upon review of the Petition for Review, the briefs and exhibits submitted by the parties, having considered the arguments of the parties, and having deliberated on the matter the Board orders:

Petitioners' challenge to King County's adoption of Ordinance No. 13129 is **dismissed with prejudice.**

So ORDERED this 16th day of December, 1998.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

_____

Edward G. McGuire, AICP
Board Member

_____

Joseph W. Tovar, AICP
Board Member

_____

Chris Smith Towne
Board Member

Note: This order constitutes a final order as specified by RCW 36.70A.300 unless a party files a motion for reconsideration pursuant to WAC 242-02-832.

---

[1] Legal Issue No. 1 states: *Does the Board have jurisdiction to review the approval of three conditional use permits by the King County Department of Development and Environmental Services, thereby enabling the Board to hear and decide the issues raised in Hanson's PFR in Case No. 98-3-0014?*

[2] Board member Chris Smith Towne has reviewed the briefing in this case and has read the transcript of the hearing on the merits.

[3] At the hearing on the merits, the Board requested that Petitioners provide the specific GMA citation to support this proposition. The supplemental citation received by the Board on November 13, 1998 cited RCW 36.70A.070(4).

[4] Ordinance No. 13129 amends the County's regulations and procedures governing minor communications facilities. The Ordinance is entitled:

> AN ORDINANCE amending provisions governing minor communications facilities, amending Ordinance No. 10870, Sections 304, 337, 490, 492, 495, 503 and [King County Code] K.C.C. 21A.06.1320, 21A.0100, 21A.26.010, 21A.26.030, 21A.26.050, 21A.26.060 and 21A.26.140; repealing Ordinance 10870, Sections 493 and K.C.C. 21A.26.040; and adding new sections to K.C.C. 21A.26.

Chapter 21A.26 K.C.C. is entitled "Development Standards Communication Facilities."

[5] King County's Comprehensive Plan Policy ET-401 provides:

> King County should promote the widespread availability of telecommunications systems to facilitate communication between and among members of the public, public institutions and business. Ex. C, at 209.

[6] For example, consistency with County-wide Planning Policies (CWPPs) or levels of service (LOS) as suggested in the Hanson Reply, at 12 and 15.

[7] *See* PHO, Section X (July 29, 1998)