

2022 Amendments to Wireless Code—DRAFT

Plain text = existing code with no changes

~~Strikethrough~~ = existing code to be deleted

Underlined = new code to be added

~~Double Strikethrough~~ = existing code moved to another location

Double Underline = existing code moved from another location

Italics = Instructions for code reviser/reviewer

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14.04.020 Definitions

Antenna: ~~any~~An exterior ~~apparatus designed for telephonic, radio, data or internet transmitting or receiving device mounted on or in a tower, pole, building or other structure and used in communications through the sending that send and/or receiving receives wireless signals, of radio frequency frequencies~~ or other communications signals ~~including equipment attached to a tower or building for the purpose of providing personal wireless services and its attendant base station.~~

Antenna array: A single or group of antenna elements, not including small wireless antennas, and associated mounting hardware, transmission lines, remote radio units, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving wireless signals.

Applicable codes: Uniform building, fire, safety, electrical, plumbing or mechanical codes adopted by a recognized national code organization to the extent such codes have been adopted by the County, including any amendments.

Collocation: ~~the (1) mounting or installation installing of equipment on an existing tower, building, or structure for the purposes of either transmitting or receiving, or both, radio frequency signals for communication purposes antenna on a pre-existing structure; and/or (2) modifying a structure for the purpose of mounting or installing an antenna facility on that structure.~~

Eligible ~~collocation or modification~~facilities request: any request for ~~collocation or~~ modification of an existing tower, ~~building, or structure~~ or base station that does not ~~result in a substantial~~substantially change ~~as provided in SCC 14.16.720(6). Modification may include the physical dimensions of such tower or base station, involving: (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.~~

Macro cell tower: A structure built for the sole or primary purpose of supporting a wireless facility that does not meet the definition of small wireless facilities. A macro cell tower may be a monopole, lattice tower, or a guyed tower that provides broad coverage at a height that provides a clear view over the surrounding buildings and terrain. Macro cell towers typically cover large geographic areas and are generally capable of hosting multiple providers.

Ordinary maintenance and repair: In connection with wireless facilities, that includes inspection, testing or repair that maintains functional capacity and aesthetics of the wireless facilities and the associated structure, pole or tower, and that does not involve disturbing any portion of the right-of-way.

Permittee: A person or entity that has received a permit under this Section.

Pole: A legally constructed pole, such as a utility, lighting or similar pole made of wood, concrete, metal or other material, located or to be located within or outside of the right-of-way.

Provider: ~~any entity or individual that provides~~ A personal wireless services ~~over personal wireless service facilities~~ provider or wireless infrastructure provider and includes any person that owns or operates wireless facilities within or outside of the right-of-way.

Small wireless facilities: Equipment that meets the following criteria: (1) the facilities -- (i) are mounted on structures fifty (50) feet or less in height including their antennas, or (ii) are mounted on structures no more than ten percent (10%) taller than other adjacent structures, or (iii) do not extend existing structures on which they are located to a height of more than fifty (50) feet or by more than ten percent (10%), whichever is greater; (2) each antenna associated with the deployment, excluding associated antenna equipment, is no more than three (3) cubic feet in volume; (3) all other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than twenty eight (28) cubic feet in volume; (4) the facilities do not require antenna structure registration under Federal law; (5) the facilities are not located on Tribal land as defined under Federal law; and (6) the facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified under Federal law.

Stealth: A design that minimizes the visual impact of wireless facilities by camouflaging, disguising, screening or blending them into the surrounding environment. Examples of stealth design include, but are not limited to, facilities disguised as trees (monopines), flagpoles, utility and light poles, bell towers, clock towers, ball field lights and architecturally screened roof-mounted antennas or flush-mounted antennas that are either painted to match or enclosed in an architecturally-applicable box.

Transmission equipment: Equipment that facilitates transmission for any FCC-licensed or authorized wireless service, including, but not limited to, radio transceivers, antennas, microwave dishes, coaxial or fiber-optic cable, and regular and backup power supplies. The term includes equipment associated with wireless services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Utility support structure: Utility poles or utility towers supporting electrical, telephone, cable or other similar facilities.

Wireless facilities or wireless service facilities: An unstaffed facility or equipment for the transmission or reception of radio frequency (RF) signals or other wireless communications or other signals (including, but not limited to, cellular and Internet services) for commercial communications purposes, typically consisting of a group of antennas, a pole, tower or base station, transmission cables and other

transmission equipment, backup power supplies, power transfer switches, cut-off switches, electric meters, coaxial cables, fiber optic cables, wires, telecommunications demarcation boxes and related materials and equipment and equipment cabinets, and including small wireless facilities.

Wireless infrastructure provider: A person or entity, other than a wireless services provider, that builds or installs towers, wireless transmission equipment, wireless facilities, poles or wireless support structures.

Wireless services: Any wireless services using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided to the public.

Wireless services provider: A person or entity who provides wireless services.

Chapter 14.16 Zoning

14.16.720 Tower and Small Wireless Facilities Regulations~~Personal wireless services facilities.~~

(1) Purpose. These standards ~~were developed~~are necessary to protect the public health, safety, and welfare, to protect property values, and minimize visual impact while furthering the development of enhanced wireless ~~telecommunications~~ services in the County. These standards ~~were~~are designed to comply with ~~the Telecommunications Act of 1996~~Federal law. The Board of County Commissioners finds that the promulgation of this Section is warranted and necessary:

(a) To manage the location of macro cell towers, ~~and~~ antennas, and small wireless facilities in the County;

(b) To protect ~~residential areas and land uses from adverse impacts of towers~~ the community's visual quality while facilitating the reasonable and balanced provision of wireless services by minimizing the visual impact of wireless facilities on the community, particularly in and near residential zones and in and along highly visible corridors;

(c) To establish clear guidelines, standards, and an orderly process for review intended to facilitate the deployment of wireless equipment that is necessary to provide advanced communication services to the County, its residents, businesses, and community at large;

~~(c) To minimize adverse visual impacts of towers through careful design, siting, landscape screening and innovative camouflaging techniques;~~

~~(d) To accommodate an increased need for towers/antennas to serve the wireless communication needs of County residents;~~

~~(e)~~(d) To promote and encourage collocation rather than construction of additional single-use macro cell towers and to reduce the number of such structures needed in the future; and

~~(f) To consider the public health and safety of towers to the extent permitted by the Telecommunications Act of 1996; and~~

~~(g) To avoid potential damage to adjacent properties through sound engineering practices and the proper siting of antenna support structures.~~

(e)(3) Intent. The intent of this Section is to To provide specific regulations for the placement, construction and modification of personal wireless service facilities. The provisions of this Section which are specifically not intended to, and shall will not be interpreted or applied to: (i)

~~prohibit or to have the effect of prohibiting~~effectively prohibit the provision of personal wireless services; ~~nor shall the provisions of this Section be applied in such a manner as to unreasonably~~(ii) discriminate between providers of among functionally equivalent personal wireless services service providers, or (iii) regulate wireless facilities and transmission equipment on the basis of the environmental effects of radio frequency emissions to the extent that such emissions comply with the standards established by the Federal Communications Commission.

~~(2) Tower Sites on Substandard Lots and Lots with Other Uses.~~

~~(a) For the purposes of this Title, personal wireless services and facilities shall be considered utilities. A communication tower may be located on a lot utilized for other uses and on a parcel smaller than the minimum lot size required in the zoning district. This parcel shall be identified as the "tower site." The tower site shall be subject to the requirements of this Section, but not the requirements of SCC Chapter 14.18, Land Division.~~

~~(b) A wireless service provider shall provide documentation that permission has been granted for the use of an easement for a "tower site." Such easement areas shall be shown on the site plan. Documentation of the recording of the easement shall be required prior to the issuance of the building permit.~~

~~(3) Intent. The intent of this Section is to provide specific regulations for the placement, construction and modification of personal wireless service facilities. The provisions of this Section are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting the provision of personal wireless services, nor shall the provisions of this Section be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent personal wireless services.~~

(2) Applicability. All new towers, poles, antennas, equipment, and small wireless facilities are subject to these regulations:

(a) New towers or poles exceeding the maximum height limitation of the affected zoning district require a special use permit and building permit.

(b) New antenna arrays meeting the requirements of this Section require a building permit.

(c) Antennas attached to utility poles and street lights in the right-of-way shall not extend more than ten feet above the highest point of the structure.

(3) Exempt Facilities. The following are exempt from this Section:

(a) FCC licensed amateur (ham) radio facilities;

(b) Satellite earth stations, dishes and/or antennas used for private television reception;

(c) A wireless facility installed upon the declaration of a state of emergency by the Federal, State, or local government, or a written determination of public necessity by the County; except that such facility must (i) comply with all Federal and State requirements. and (ii) will be exempt from the provisions of this Section for up to 30 days after the declaration of the state of emergency;

(d) Antennas attached to existing structures (such as commercial buildings, houses or apartments) for Internet purposes and used solely for occupants of the building to which the antennas are attached as long as the height limitations of the zoning district are not exceeded;

(e) County facilities, equipment, and services, including, but not limited to, those involving sheriff, fire, public health, and safety; and

(f) Fixed wireless broadband service.

~~(4) Interpretation. To the extent that any provision or provisions of this Section are inconsistent or in conflict with any other provision of the County code or any ordinance of the County, the more restrictive provisions(s) shall control.~~

~~(5) Siting Goals. The County has been confronted with increasing frequency with requests to site towers and antennas. Thus, the County has established the following goals to guide the siting of towers and antennas:~~

~~(a) Enhance the ability of personal wireless service providers to provide such services throughout the County quickly, effectively and efficiently;~~

~~(b) Encourage personal wireless service providers to locate towers and antennas in nonresidential areas;~~

~~(c) Minimize the total number of towers throughout the County;~~

~~(d) Encourage personal wireless service providers to collocate; and~~

~~(e) Encourage personal wireless service providers to locate towers and antennas in areas where the adverse visual impact on County residents is minimal.~~

~~(6) Collocation Encouraged. Collocation of personal wireless service facilities towers is encouraged as follows:~~

~~(a) Eligible collocations are permitted by right and new or additional special use permit review approval is not required, except that any other permit, license, lease, or franchise requirements must be satisfied. An eligible collocation is one that does not result in a substantial change in the size of the tower, structure, etc. "Substantial change" occurs when a collocation or modification substantially changes the physical dimensions of an existing tower, building, or structure if it meets any of the following criteria:~~

~~(i) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10 percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10 percent or more than 10 feet, whichever is greater;~~

~~(ii) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;~~

(iii) For any existing structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets associated with the structure;

(iv) It entails any excavation or deployment outside the current site;

(v) It would defeat the concealment elements of the existing structure; or

(vi) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment; provided, however, that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified in Subsections (6)(a)(i) through (iv) of this Subsection.

(b) The County will not consider an application complete to construct new facilities unless the applicant has shown that it has made a diligent effort to mount the facilities on an existing structure or tower that is within a 2,500-foot radius of the chosen site.

(c) When collocation on an existing facility is not feasible:

(i) An applicant's site plan shall reserve an area for other providers' equipment near the base of the applicant's tower; and

(ii) The site plan for towers in excess of 100 feet must propose space for a minimum of two additional providers, while the site plan for towers 100 feet or less must propose space for a minimum of one additional provider.

(d) Application Requirements for Eligible Collocation or Modification Requests. The applicant must submit sufficiently detailed plans on forms provided by the Department for an administrative review to determine if the special use permit review process and public hearing can be waived per Subsection (6)(a) of this Section. No building permit will be issued until approval is granted through the administrative review of the eligible collocation or modification request. See SCC 14.06.100 and 14.06.210 for requirements related to timing of review of eligible collocation and modification requests.

(7) Cooperation. No personal wireless services provider or lessee or agent thereof shall act to exclude or attempt to exclude any other personal wireless services provider from using the same building, structure or location. Personal wireless service providers or lessees or agents thereof shall cooperate in good faith to achieve collocation of personal wireless service facilities and equipment with other personal wireless service providers. If a dispute arises about the feasibility of collocating, the County may require a third party technical study at the expense of either or both parties to resolve the dispute.

(8) Guidelines for Third Party Review. The personal wireless services providers use various methodologies and analysis tools, including geographically-based computer software, to determine the specific technical parameters of personal wireless services, such as expected coverage area, antenna configuration and topographic constraints that affect signal paths. In certain instances there may be a

need for expert review by a third party of the technical data submitted by the personal wireless services provider. The County may require such technical review to be paid for by the applicant for the personal wireless service facilities. The selection of the third party expert shall be by mutual agreement between the applicant and the County or at the discretion of the County. The expert review is intended to be a site-specific review of technical aspects of the personal wireless service facilities and not a subjective review of the site selection. Such a review should address the accuracy and completeness of the technical data, possible interference problems and whether the analysis techniques and methodologies are legitimate. A determination on the validity of the applicant's conclusions, and any specific technical issues outlined by the Board of County Commissioners, Planning and Development Services. County staff or other interested parties shall be made. Based on the results of the third party review, the County may require changes to the application for the personal wireless service facilities that comply with the recommendations of the expert.

(9) Site Selection Criteria. The following site selection criteria shall govern the issuance of permits and must be demonstrated by the applicant:

(a) Any applicant proposing to construct an antenna support structure, or mount an antenna on an existing structure, shall demonstrate by a propagation map that the facility must be located at the site to satisfy its function in the applicant's grid system. An analysis by an engineer documenting these demonstrations shall accompany the propagation maps.

(b) Further, the applicant must demonstrate by a propagation map that the height requested is the minimum height necessary to fulfill the site's function within the applicant's grid system. An analysis by an engineer documenting these demonstrations shall accompany the propagation maps.

(c) Facilities shall be placed in locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening.

(10) Priority of Locations. The order of priorities for locating new personal wireless service facilities shall be as follows, and the applicant shall demonstrate that all other locations with a higher priority on the list are not feasible:

(a) Collocate on existing antenna support structures.

(b) Place in districts zoned Bayview Ridge Light Industrial (BR-LI), Bayview Ridge Heavy Industrial (BR-HI), Natural Resources Industrial (NRI), Industrial Forest Natural Resource Lands (IF-NRL), Rural Marine Industrial (RMI), Rural Village Commercial (RVC), Rural Business (RB), Open Space Regional Statewide Importance (OSRSI), Master Planned Resort (MPR) and Rural Freeway Services (RFS) districts.

(c) Place on appropriate rights-of-way and existing structures such as buildings, towers, water towers and smokestacks located on nonresidentially zoned property.

(d) Place on public property if practical, i.e., Skagit County property, fire halls, etc.

(e) Place on other property, i.e., Secondary Forest Natural Resource Lands (SF-NRL), Agricultural Natural Resource Lands (Ag-NRL), and Rural Resource Natural Resource Lands (RR-NRL).

(f) Place in view sheds and corridors.

~~(g) Place on property in Rural Reserve (RRv), Rural Center (RC), Small Scale Business (SSB), Small Scale Recreation and Tourism (SRT), and Rural Intermediate (RI).~~

~~(h) Place on Rural Village Residential (RVR).~~

(4) Effect of Permit. A permit from the County authorizes an applicant to undertake only the activities specified in the application and permit, and in accordance with this Section. A permit does not authorize attachment to or use of existing poles or other structures in the right-of-way. A permit does not create a property right for the applicant. The provider shall not interfere with other uses or users of the right-of-way.

(5) Ordinary Maintenance or Repair. A County permit is not required for ordinary maintenance or repair. The provider or other person performing the ordinary maintenance or repair must obtain any other permit required by applicable laws.

(6) Application Fees and Bonds. All applications pursuant to this Section must be accompanied by the requisite fees required by the County. Unless otherwise agreed to in writing by the County, the applicant must provide a performance or construction bond or other form of surety acceptable to the County equal to at least 125% of the estimated cost of the work on public property before commencing work. The bond will be released after County inspection and completion of construction to the County's satisfaction.

(7) Design Requirements.

(a) Justification. At the time of filing an application, an applicant must provide a clear and complete written analysis that includes design drawings explaining how the proposed design complies with the applicable design standards under this Section to the maximum extent feasible. A complete design justification must identify all applicable design standards under this Section and provide a factually detailed reason why the proposed design either complies or cannot feasibly comply.

(b) Requirements.

(i) Non-wooden poles must be painted a color that best allows them to blend into the surroundings. The use of grays, blues, greens, bronze, browns, or other site-specific colors are encouraged and may be appropriate; however, each case will be evaluated individually.

(ii) Antennas on or above a tower or structure are subject to the following requirements:

(A) Compatibility. The antenna must be architecturally compatible with the building or wall on which it is mounted, and designed and located so as to minimize any adverse aesthetic impact.

(B) Height. The antenna must be no taller than the minimum height required to function satisfactorily unless it is approved in writing by the County.

(eC) Roof Mounting. The antenna may be mounted on the roof of a building if the following additional criteria are satisfied:

(i1) ~~The County finds that it~~ It is not technically possible or aesthetically desirable to mount the antenna on a wall;:

(ii) No portion of the antenna or base station causes the height of the building to exceed the limitations set forth herein; and

(iii) Roof-mounted antennas are completely screened from view by materials that are consistent and compatible with the design, color, and materials of the building.

(iii) Equipment shelters and cabinets and other on-the-ground ancillary equipment must be screened with landscaping (except for those in the right-of-way) or with another design as required by the County Code. Alternatively, where feasible, and if more compatible with the surrounding environment, the applicant shall incorporate the cabinet and other equipment into the base of a new pole (for example, for a small wireless facility) provided there is adequate space in the right-of-way.

(iv) Security lighting for the equipment shelters or cabinets and other on the ground ancillary equipment is allowed, as long as it complies with the County Code.

(v) All towers, poles, antennas, and related equipment must meet current standards and regulations of the FAA, the FCC, and any other agency of the Federal or State government with relevant regulatory authority.

(vi) To ensure the structural integrity of macro cell towers and poles, the towers and poles must be maintained in compliance with industry standards and applicable codes.

(vii) No facilities may bear any signage or advertisement(s) other than signage required by law or expressly permitted or required by the County.

(viii) All towers, poles, antennas and related equipment in or near residential zones must be sited and designed to minimize adverse visual impacts on surrounding properties and the traveling public to the greatest extent reasonably possible, consistent with the proper functioning of the towers, poles, antennas and related equipment. Such towers, poles, antennas, and equipment must be integrated through location and design to blend in with the existing characteristics of the site. Such towers, poles, antennas and equipment enclosures must also be designed to either resemble the surrounding landscape and other natural features where located in proximity to natural surroundings, or be reasonably compatible with the built environment, through matching and complementary existing structures and specific design considerations such as architectural designs, height, scale, color and texture or be reasonably consistent with other uses and improvements permitted in the relevant zone.

(ix) The applicant must use stealth design to the maximum extent feasible unless otherwise approved by the County. Stealth and concealment techniques must be appropriate given the proposed location, design, visual environment, and nearby uses, structures, and natural features. Stealth design must be designed and constructed to substantially conform to surrounding building designs or natural settings. Stealth design that relies on screening to reduce visual impact must screen all substantial portions of the facilities and equipment from view.

(x) The applicant must provide a visual simulation of the facilities and other appropriate graphics to demonstrate the visual impact on the view of the County's foothills, mountains and open space areas as viewed from major transportation corridors or

public open space. Due consideration shall be given so that the placement of towers and wireless service facilities does not obstruct or diminish those views.

(xi) Antenna arrays are permitted in any zone if they are located upon an existing structure (except on single family houses, apartments or duplexes) that provides sufficient elevation for the array's operation without the necessity of constructing a tower, pole, or other apparatus to extend the antenna array more than 10 feet above the structure. If any tower, pole or other apparatus exceeding the height extension of 10 feet is needed to achieve the desired elevation, then a special use permit, and if applicable, height variance is required.

(xii) All pole-mounted transmission and reception equipment must be mounted as close as technically possible to the pole to reduce the overall visual profile to the maximum extent feasible subject to applicable safety codes.

(c) Site Design Flexibility. Individual sites vary in the location of adjacent buildings, existing trees, topography, and other local variables. If certain design standards could result in a project that could have been less intrusive if the location of the various elements of the project could have been placed in more appropriate locations within a given site, then Planning and Development Services shall consider such request. The tower, pole, equipment, and facilities may be installed to best camouflage, disguise, or conceal them, to make them more closely compatible with and blend into the setting or host structure, upon approval by the County.

(8) Construction Provisions.

(a) The applicant must construct and install all facilities, equipment and structures to manufacturer's specifications and to withstand wind speed as required by the County Code.

(b) The applicant must, to the extent feasible, design new poles to (i) match the existing light fixtures and other poles, and (ii) serve a dual purpose (for example, a new light fixture, flag pole or banner display).

(9) As-Builts and Maps. The provider must furnish to the County paper and electronic maps showing the location of its equipment in the right-of-way or on other public property and as-builts after construction is completed.

(10) Safety and Due Care. The permittee shall employ due care during installation, maintenance or any other work and shall comply with all safety and construction requirements of applicable laws, County guidelines, standards and practices and any additional commonly accepted safety standards.

(11) Interference. The provider's facilities, equipment and structures may not physically interfere with any existing facilities, equipment, or structures in the right-of-way, and they must locate their lines and equipment in such a manner as not to interfere with the usual traffic patterns (vehicular or pedestrian) or with the rights or reasonable convenience of owners of property that abut any right-of-way.

(12) Locates. Before beginning any excavation in the right-of-way, the permittee must comply with the requirements of the Washington Utility Notification Center.

(13) Compliance with Permit. All construction practices and activities must be in accordance with the permit and approved final plans and specifications. The applicant must provide the County and its representatives access to the work site and any information required by the County to ensure compliance with such requirements. All facilities or equipment that do not comply with the permit, the

approved plans and specifications for the work, or the requirements of this Section, will be removed at the sole expense of the permittee. The County may stop work to assure compliance with the provisions of this Section.

(14) Restoration.

(a) The provider, or its agent or contractor, must restore, repair, and replace any portion of the right-of-way or other public property that is damaged or disturbed by the provider's wireless facilities or work in or adjacent to the right-of-way or other public property .

(b) If the provider, its agent, or contractor fails to timely restore, repair, or replace the right-of-way or other public property, the County or its contractor may do so and the provider shall pay the County's costs and expenses in completing the restoration, repair or replacement, including reasonable attorneys' fees and expenses.

(15) Radio Frequency Emissions Report. A written report will be prepared and signed sealed by an independent, licensed engineer or qualified employee of the provider which assesses whether the proposed wireless facilities demonstrate compliance with the latest Radio Frequency emissions limits provided by the FCC.

(16) Inspections.

(a) The County may conduct an inspection of new and existing towers, antenna support structures, equipment, and facilities upon reasonable notice to the owner or operator to determine compliance with this Section and applicable law and to prevent structural and equipment failures and accidents that may cause damage, injuries or nuisances to the public. Inspections may be made to determine compliance with construction standards set forth in this Code, Federal and State laws, and applicable Industry standards.

(b) If, upon inspection, the County concludes that a tower, antenna support structure, equipment, or facilities fail to comply with applicable law or standards and constitute a danger to persons or property, then the owner or operator must bring such into compliance within 60 days of the County providing written notice of the noncompliance. Failure to timely bring such into compliance within said 60 days will be grounds for removal at the owner's or operator's expense.

(17) Maintenance. In order to not constitute a nuisance to or a danger to the life or property of any person or the public, the tower, antenna support structure, equipment, and facilities must at all times be kept and maintained in good condition, order and repair.

(18) Application Process.

(a) Procedures Generally. The requirements of Skagit County Code Chapter 14.06, Permit Procedures, apply to any application under this Section insofar as they do not conflict with this Section or any requirements imposed under State or Federal law.

(b) Application Requirements for Proposed Towers, Antennas, Equipment and Small Wireless Facilities. The provider must submit a complete application form provided by Planning and Development Services, and supporting documents as required below, containing sufficient information to determine compliance with adopted rules and regulations as outlined in this Section and the Skagit County Code. In addition to the requirements set forth elsewhere in this Section, at the discretion of Planning and Development Services, all applicants will be required

to submit, as applicable, any combination of site plans, surveys, maps, reports, or written narratives necessary to convey the following information:

(i) Parcel Description. Legal description of the parcel, including Assessor account number and property identification number.

(ii) Owner Approval. Written approval from the owner of any land, pole, or other support structure allowing the attachment or use of such property.

(iii) Photo Simulations. Photo simulations of the existing site and proposed facilities from all adjacent properties and public rights-of-way at a radius of 1 mile from the proposed wireless service facilities. Photo simulations shall be made from a range of elevations of surrounding areas. The photo simulation shall be coded to a scaled vicinity map.

(iv) Site Plan. A scaled site plan showing the location, point of reference, type, height and longitude and latitude of the proposed towers and antennas, existing buildings, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadway rights-of-way, parking areas if applicable, proposed means of access, setbacks from property lines and the approximate distance between the proposed tower and the property lines. The method of fencing and, if applicable, the method of camouflage, noise screening, and illumination shall be indicated. The application shall also include elevation drawings of the proposed tower and any other proposed structures.

(v) Landscaping Plan. A landscaping plan indicating the specific placement of the facility on the site. Trees and other significant site features, the type and location of plant materials used to screen the facility, and the proposed color(s) of the facility shall also be indicated.

(vi) Service Area Map. A current map showing the location of the proposed tower, the locations and service areas of other wireless service facilities operated by the provider and those proposed by the applicant that are close enough to impact service within the County.

(vii) Collocation Statement. A signed statement by the applicant or owner, as applicable, that states whether construction of the tower will accommodate collocation of additional antenna(s) for future users. In addition, the applicant or owner must include a signed statement that it will diligently negotiate in good faith to facilitate collocation of additional wireless service facilities by other providers on the tower or within the same site location. Also, a narrative of an attempt to collocate must be included which shows the applicant has made a diligent attempt to mount the facilities on an existing tower or structure that is within a one mile radius of the chosen site.

(viii) Environmental Documentation. Copies of any environmental documents if required by any Federal or State agency.

~~(1911) Requirements for Siting on Skagit County Property, other than Rights-of-Way. The Skagit County Board of Commissioners reserves the right to deny the use of any or all County-owned property by any or all applicants for as siting locations. Consideration of the use of property that is owned or otherwise controlled by Skagit County by rent, lease, rights of way, easement, etc., will be the following:~~

(a) Applicability. This subsection applies to all applications to use county property. For purposes of this subsection “county property” means any property owned or leased by the county, but does not include any right-of-way.

(b) Standards for Siting on County Property. The Board of Commissioners reserves the right to may deny the use of any or all County-owned property by any or all applicants for use of county property as siting locations. Consideration ofThe decision to allow the use of county property that is owned or otherwise controlled by Skagit County by rent, lease, rights-of-way, easement, etc., will besubject to the following: requirements:

(~~a~~i) Priority of Use. Where Skagit County property is sought to be utilized by an applicant for the siting of ~~personal~~wireless service facilities, priority will be given to the following entities in descending order:

(~~i~~A) Skagit County;~~:-~~

(~~ii~~B) Public safety agencies including law enforcement, fire, and ambulance services which are not part of Skagit County, and private entities with a public safety agreement with Skagit County;~~:-~~

(~~iii~~C) Other governmental agencies; ~~and for uses which are not related to public safety.~~

(~~iv~~D) ~~Other~~The applicant and other entities providing or using ~~personal~~wireless services.

(~~b~~i) Minimum Requirements for Siting on ~~Skagit~~County Property. The placement of ~~personal~~wireless service facilities on ~~Skagit~~County property, ~~shall comply with the following special requirements~~in addition to the other requirements of this Section, must meet the following minimum requirements:

(~~i~~A) The facilities ~~will~~must not interfere with: (1) the purpose for which the County-owned property is intended; or (2) (iv) The facilities will not interfere with other users who have a higher priority as discussed under Subsection (10) of this Section this subsection; and

(~~ii~~B) The applicant must:

~~(1) is to obtain adequate liability insurance and~~commit to a lease agreement that includes equitable compensation for the County;

(2) obtain adequate liability insurance;

(~~iii~~3) The applicant will submit a letter of credit, performance bond or other security acceptable to the County to cover the costs of removing the wireless facilities;

~~(iv) The facilities will not interfere with other users who have a higher priority as discussed under Subsection (10) of this Section;~~

~~(v4) The applicant must~~ reimburse the County for any related costs that the County incurs because of the presence of the applicant's facilities; and

~~(vi5) The applicant must~~ obtain all necessary land use approvals.

~~(eiii) Special Requirements for Public Utility Structures or Facilities. The use of certain County-owned property, including public utility structures or facilities for personal wireless service facilities, brings with it special concerns due to the unique nature of those sites. The placement of personal wireless service facilities on certain County-owned sites is allowed only when the following additional requirements are met:~~

~~(i) Public Utility Structures or Facilities.~~ The County's public utility structures and facilities represent a large public investment. Protection of the County's public utility structures and facilities is of prime importance to the County. For these reasons, the placement of ~~personal~~ wireless service facilities on public utility structures or facilities on County property may be allowed if and only if ~~when~~ the County is fully satisfied that the following requirements are met:

(A) There is sufficient room on the structure and/or on the grounds to accommodate the ~~applicant's personal~~ provider's wireless service facilities;

(B) The presence of the ~~applicant's personal~~ provider's wireless service facilities will not increase the maintenance cost to the County;

(C) The presence of the ~~applicant's personal~~ provider's wireless service facilities will not be harmful to the safety of County workers maintaining the public utility structures or facilities, nor be harmful to the safety of the applicant's workers; and

(D) The intended use will cause no interference with the primary purpose of the public utility structures or facilities.

~~(ii) The use of County-owned parks for personal wireless service facilities brings with it special concerns due to the unique nature of these sites. The placement of personal wireless service facilities in a park will be allowed only when the following additional requirements are met:~~

~~(A) The Skagit County Parks and Recreation Department has reviewed and made a recommendation regarding the proposed personal wireless service facilities to be located in a park, and this recommendation must be forwarded to the County official authorized to take action on the proposal.~~

~~(B) Personal wireless service facilities shall not be allowed in designated critical areas unless they are collocated with existing facilities.~~

~~(C) Personal wireless service facilities may only be located in public parks if screening as regulated in Subsection (16) of this Section minimizes visual and noise impacts, and normal public use will not be disrupted.~~

~~(D) Personal wireless service facilities may be located in park maintenance facilities.~~

~~(1220)~~ General Requirements. The following general requirements ~~shall apply to tower and antenna construction~~ all wireless service facilities and their supporting structures:

~~(a) New Uses. All new applications for antennas and towers filed after the adoption of the ordinance codified in this Chapter shall comply with this Section.~~

~~(b) Existing Uses. All towers and antennas existing on the date of passage of the ordinance codified in this Section shall be allowed to continue as they presently exist. Routine maintenance shall be permitted on existing towers and antennas.~~

~~However, new construction other than routine maintenance on existing towers, antennas, buildings or other facilities shall comply with the provisions set forth in this Section.~~

~~(ea) Building Permits Required. Permits~~ Building permits are required for all ~~personal towers, poles, antennas, equipment, small wireless service facilities as follows: facilities, and collocation or expansion projects located within any zoning district.~~

~~(i) Building permits shall be required for collocation or expansion projects on existing towers located within any zoning district. For the purposes of this Subsection only, a building permit does not trigger a development permit application for a shoreline substantial development permit under SCC Chapter 14.26 when the application is to collocate on an existing antenna support structure. Eligible collocation and modification requests are permitted as of right and do not require a special use permit.~~

~~(ii) Building permits and administrative special use permits shall be required for projects (excluding eligible collocation and modification requests) located within the Bayview Ridge Light Industrial (BR-LI), Bayview Ridge Heavy Industrial (BR-HI), Natural Resources Industrial (NRI), Rural Marine Industrial (RMI), Rural Freeway Services (RFS), Urban Reserve Commercial Industrial (URC-I), Hamilton Industrial (H-I), Rural Village Commercial (RVC), Rural Center (RC), Rural Business (RB), Agricultural (Ag-NRL), Secondary Forest (SF-NRL), Rural Resource (RRc-NRL), Industrial Forest Natural Resource Lands (IF-NRL), Urban Reserve Public Open Space (URP-OS), Public Open Space of Regional/State Importance (OSRSI), and the Master Planned Resort (MPR) zones and on projects located within the priority locations of Subsections (10)(c), (d), (e) and (f) of this Section.~~

~~(iii) Building permits and Hearing Examiner special use permits shall be required for projects (excluding eligible collocation and modification requests) located within the Aviation Related (AVR), Rural Intermediate (RI), Rural Village Residential (RVR), Urban Reserve Residential (URR), Hamilton Urban Reserve (H-URv), Rural Reserve (RRv), Small Scale Business (SSB), and Small Scale Recreation and Tourism (SRT) zoning districts and for priority locations of Subsections (10)(g) and (h) of this Section.~~

~~(d) Inspection Required. Each year after a personal wireless service facility becomes operational, the facility operator shall conduct a safety inspection and file a report with the County within 60 days of the inspection. This requirement shall be a condition of any permit.~~

~~(ed) Noise Regulations. Noise from air conditioners or other equipment associated with personal wireless service facilities and appurtenant structures shall not exceed 45 dBA "EDNA" (WAC Chapter 173-60, Maximum Environmental Noise Levels)~~ permissible levels at the adjacent

residential property line, except for emergency situations requiring the use of a backup generator where the noise standards may be exceeded on a temporary basis.

~~(f) Federal Requirements. All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the Federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the personal wireless services providers governed by this Section shall bring such towers and antennas into compliance within the timelines provided by the revised standards and regulations. The revised standards and regulations are not retroactively applicable to existing providers unless otherwise provided or permitted by Federal law. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the County to remove the provider's facilities at the provider's expense.~~

(gc) No Advertising. No ~~banners~~ advertising or similar materials may be attached to the tower, antenna support structure or ~~antenna~~ facilities.

~~(13) Tower Design/Noise Criteria. New personal wireless service facilities shall be designed to accommodate collocation unless the applicant demonstrates why such design is not feasible for economic, technical or physical reasons. Thus, the applicant shall address the following design criteria:~~

~~(a) View Corridors. The applicant shall provide 3-dimensional, visual simulation of the facilities and other appropriate graphics to demonstrate the visual impact on the view of the County's foothills, mountains and open space areas as viewed from major transportation corridors or public open space. Due consideration shall be given so that placement of personal wireless service facilities does not obstruct or diminish these views.~~

~~(b) Setback. A tower's setback shall be measured from the base of the tower to the property line of the parcel on which it is located. In the Rural Village Residential (RVR) zoning district and in land use areas where residential uses are permitted or existing, towers where permitted shall be set back from all property lines a distance equal to 100% of the tower height as measured from ground level. All other towers shall comply with the minimum setback requirements of the zoning district in which they are located.~~

~~(c) Lights, Signals and Signs. No signals, lights or signs shall be permitted on towers unless required by the FCC or the FAA.~~

~~(d) Height. The applicant shall demonstrate that the tower is the minimum height required to function satisfactorily. No tower that is taller than this minimum height shall be approved.~~

~~(e) Fencing. Security fencing no less than 6 feet in height with access through a locked gate shall be required around each tower and its related equipment and support structures.~~

~~(f) Required Parking. If the cell site is not fully automated, adequate parking shall be required for maintenance workers. If the site is automated, other arrangements for adequate off-street parking shall be made and documentation thereof provided to the County.~~

~~(g) Site Location/Integrity. Site location and development shall preserve the preexisting character of the site as much as possible. Existing vegetation should be preserved or improved, and disturbance of the existing topography of the site should be minimized unless such disturbance would result in less visual impact of the site on the surrounding area.~~

~~(h) Structural Integrity. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with all applicable Federal standards (i.e., FCC and FAA standards), State and local regulations, and the applicable standards of the Electronic Industries Association (EIA), as amended from time to time.~~

~~(i) Cause for Removal. If, upon inspection, the County concludes that a tower fails to comply with such standards or constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said 30 days, the County shall notify the owner that a violation has occurred.~~

~~(j) Improvements/Additions. Towers shall be constructed to the EIA Standards that may be amended from time to time and all applicable construction/building codes. Further, any improvements or additions to existing towers shall require submission of site plans stamped by a professional engineer, which demonstrate compliance with the EIA Standards and all other good industry practices. Said plans shall be submitted and reviewed at the time building permits are requested.~~

(14) Antenna Siting Criteria. Antenna on or above a structure shall be subject to the following requirements:

~~(a) Compatibility. The antenna must be architecturally compatible with the building and wall on which it is mounted, and designed and located so as to minimize any adverse aesthetic impact.~~

~~(b) Height. The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than this minimum height shall be approved unless it is collocation approved.~~

~~(c) Special Use Review. If a proposed antenna is to be located on a building or a lot subject to a special use permit review, written County approval is required prior to the issuance of a building permit for the antenna.~~

~~(d) Historic Landmarks/Districts. No antenna shall be permitted on property designated as an historical landmark or as a part of an historic district, unless such antenna has been approved in accordance with this Section and written permission is obtained from the County.~~

~~(e) Roof Mounting. The antenna may be mounted on the roof of a building if the following additional criteria are satisfied:~~

~~(i) The County finds that it is not technically possible or aesthetically desirable to mount the antenna on a wall.~~

~~(ii) No portion of the antenna or base station causes the height of the building to exceed the limitations set forth herein.~~

~~(iii) Roof mounted antennas are completely screened from view by materials that are consistent and compatible with the design, color, and materials of the building.~~

(fd) Frequency Interference. ~~No antenna shall~~ Antenna's may not cause localized interference with the reception or transmission of any other communications signals including, but not limited to, public safety, broadcast television, and cable television, or radio broadcast signals.

~~(15) Support Facilities Design. Support facilities should be designed to complement or maintain the integrity of the surrounding landscape and built environment.~~

~~(a) Compatibility. Facilities shall be architecturally compatible with the surrounding buildings and land uses in the zoning district and screened or otherwise integrated through location and design to blend in with the existing characteristics of the site.~~

~~(b) Color. Towers and antennas shall have a color generally matching the building, surroundings or background that minimizes their visibility, unless the FCC or FAA requires a different color. Muted colors, earth tones and subdued colors shall be used wherever possible.~~

~~(c) Equipment Structures. Ground level equipment, related base stations for mounted antennas, buildings and the tower base shall be screened from public view. The standards for the equipment buildings are as follows:~~

~~(i) Equipment mounted on a roof shall have a finish similar to the exterior building walls. Equipment for roof-mounted antennas may also be located within the building on which the antennas are mounted, subject to good engineering practices.~~

~~(ii) In instances where equipment buildings are located in residential zones, equipment buildings shall comply with setback requirements and shall be designed so as to conform in appearance with nearby residential structures.~~

~~(iii) If an accessory equipment shelter is present, it must blend with the surrounding buildings in architectural character and color. The structure must be architecturally and visually (color, size and bulk) compatible with surrounding existing buildings, structures, vegetation and uses. Such facilities will be considered architecturally and visually compatible if they are adequately screened to disguise the facilities.~~

~~(16e) Landscaping and Screening.~~

~~(a) Landscaping. The visual impacts of a personal wireless service facility shall facilities must be mitigated through landscaping or other screening. ~~The County may permit any combination of existing vegetation, berming, topography, walls, decorative fences, or other features instead of landscaping if they achieve the same degree of screening as the required landscaping. Landscaping shall be required except that the The County may waive the standards pursuant to Chapter 14.06 SCC that requirement for those sides of the facility that are not in public view:~~~~

~~(i) A row of evergreen trees a minimum of 10 feet tall at planting and a maximum of 6 feet apart shall be planted around the perimeter of the fence, or other approved landscaping or screening plan. The intent is for the immediate screening of towers.~~

~~(ii) A continuous hedge at least 36 inches high at planting capable of growing to at least 48 inches in height within 18 months shall be planted in front of the tree line referenced above.~~

~~(iii) In the event that landscaping is not maintained at the required level, the County, after giving 30 days' advance written notice, shall maintain or establish the landscaping and bill both the property owner and provider for such costs until such costs are paid in full.~~

(g) Site Location/Integrity. Site location and development shall must preserve the preexisting character of the site as much as possible. Existing vegetation should be preserved or improved.

and disturbance of the existing topography of the site should be minimized unless such disturbance would result in less visual impact of the site on the surrounding area.

~~(17) Application Process. Developers of towers and antennas are encouraged to consult with Skagit County Planning and Development Services staff prior to making application in order to review the siting policies, priority of locations and to discuss the permitting process and application requirements. In reviewing any application to provide personal wireless services or to install personal wireless service facilities, Planning and Development Services shall act within a reasonable period of time taking into account the nature and scope of the application. For eligible collocation and modification requests, a reasonable period of time is 60 days from the time a complete application is filed. For all other proposals for personal wireless service facilities, a reasonable period of time is 120 days. Any decision to deny such an application shall be in writing and supported by substantial evidence contained in a written record. The review and approval process is defined in SCC Chapter 14.06, Permit Procedures.~~

~~(18) Application Requirements for Proposed Personal Wireless Service Facilities, Excluding Eligible Collocation and Modification Requests. A complete application form provided by Planning and Development Services, with supporting documents as required below, that contains sufficient information to determine compliance with adopted rules and regulations as outlined in SCC 14.16.850 shall be submitted. At the discretion of Planning and Development Services, all personal wireless service facilities applicants shall be required to submit any combination of site plans, surveys, maps, technical reports or written narratives necessary to convey the following information:~~

~~(a) Parcel Description. Legal description of the parcel, including Assessor account number and property identification number.~~

~~(b) Photo Simulation. Photo simulations of the existing site and proposed facility from all adjacent properties and public rights-of-way at a radius of 1 mile from the proposed personal wireless service facility, including additional height of 20 feet for possible collocation. Photo simulations shall be made from a range of elevations of surrounding residential areas. The photo simulation shall be coded to a scaled vicinity map.~~

~~(c) Site Plan. A scaled site plan showing the location, point of reference, type, height and longitude and latitude of the proposed towers and antennas, existing buildings, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadway right of ways, parking areas if applicable, proposed means of access, setbacks from property lines and the approximate distance between the proposed tower and the property lines. The method of fencing and, if applicable, the method of camouflage, noise screening, and illumination shall be indicated. The application shall also include elevation drawings of the proposed tower and any other proposed structures. A vicinity map shall be included.~~

~~(d) Landscaping Plan. A landscaping plan shall be prepared indicating the specific placement of the facility on the site. Trees and other significant site features, the type and location of plant materials used to screen the facility, and the proposed color(s) of the facility shall also be indicated.~~

~~(e) Service Area Map. A current map showing the location of the proposed tower, the locations and service areas of other personal wireless service facilities operated by the applicant and those proposed by the applicant that are close enough to impact service within the County.~~

~~(f) Collocation Statements. A statement by the applicant as to whether construction of the tower will accommodate collocation of additional antenna(s) for future users. In addition, a signed statement shall be included indicating that: (i) the applicant and landowner agree they will diligently negotiate in good faith to facilitate collocation of additional personal wireless service facilities by other providers on the applicant's structure or within the same site location; and (ii) the applicant and/or landowner agree to remove the facility within 60 days after abandonment.~~

~~(g) Environmental Documentation. Copies of any environmental documents if required by any Federal or State agency.~~

~~(h) Compliance Letter. A letter signed by the applicant stating the tower and antenna will comply with all applicable Federal, State and local laws and regulations, EIA standards and this Section.~~

~~(i) Collocation Attempt. A narrative of the attempt to collocate shall be included which lists names and dates of parties contacted for potential collocations. A statement by the applicant has made a diligent attempt to mount the facilities on an existing tower or structure that is within a 2,500-foot radius of the chosen site.~~

~~(j) Interference Certification. Certification that the antenna usage will not interfere with other adjacent or neighboring transmission or reception functions of other communications facilities.~~

~~(k) Licenses. The personal wireless service provider must demonstrate that the FCC licenses it, if required to be licensed under FCC regulations for the provision of service within the County.~~

~~(l) Lease Agreements. The applicant, if not the personal wireless services provider, shall submit proof of lease agreements with an FCC-licensed personal wireless services provider, if such provider is required to be licensed by FCC regulations.~~

~~(m) Use of Private Roads. In cases where personal wireless services facilities are to be accessed by private roads which are also used to access adjoining properties, permittee shall repair and maintain roads back to original (pre-facility) conditions, unless all parties of interest agree to a different standard.~~

~~(n) E911 Compliance. All providers shall attest to and demonstrate compliance with FCC and Washington State laws relating to Emergency 911 regulations.~~

~~(g)~~ (e) Financial Security. The application for any tower, equipment, or facilities ~~shall~~ must be accompanied by a letter of credit, performance bond, or other security in an amount to be determined by the County, which may be drawn upon by the County as necessary to cover the costs of removal of the ~~facility~~ tower, equipment, or facilities.

~~(p)~~ (h) Historic Documentation. If applicable, a letter of permission must be provided from the designated County Official if the site is on a National Landmark or located in a Historic District.

~~(q)~~ (i) County Recommendation. If the applicant proposes to use County-~~owned~~ property, a letter of recommendation must be provided from the Director of the ~~Skagit County~~ Parks and Recreation Department, Public Works Department or other applicable ~~official~~ department.

(e) Fencing. Security fencing no less than 6 feet in height with access through a locked gate shall be required around each tower and its related equipment and support structures.

(fk) Required Parking. If the cell site is not fully automated, adequate parking shall must be required provided for maintenance workers. If the site is automated, other arrangements for adequate off-street parking shall be made and documentation thereof provided to the County.

(21) Timing of Decisions - Federal Shot Clocks.

(a) Eligible Facilities Request. The County will approve any Eligible Facilities Request as required by federal law. An Eligible Facilities Request is a request to modify an existing tower or base station without a substantial change (as defined in 47 C.F.R. § 1.6100 as may be amended) to the physical dimensions of such tower or base station.

(i) Application Review

(A) Application.

(1) The Planning and Development Services will prepare and make publicly available an application form for an Eligible Facilities Request.

(2) The applicant must include the information necessary to determine whether the application is an Eligible Facilities Request. The applicant is not required to submit any other documentation intended to illustrate the need for any such wireless facilities or to justify the business decision to modify such wireless facilities.

(B) Review. Upon submission of an application for an Eligible Facilities Request pursuant to this subsection, the County shall review such application, make its final decision to approve or disapprove the application, and advise the applicant in writing of its final decision.

(C) Time Frame for Review. The County shall complete the review within 60 days of the date on which an applicant satisfies both of the following criteria: (1) the applicant takes the first procedural step required to obtain the necessary permit under Skagit County Code Chapter 14.06, Permit Procedures; and, (2) the applicant submits written documentation that addresses the Eligible Facilities Request criteria and indicates that the proposed modification will not cause a substantial change to an existing structure.

(D) Tolling of the Time Frame for Review.

(1) The 60-day review period is tolled only by mutual agreement between the County and the applicant, or where the County determines that the application is incomplete.

(2) Time will toll for incompleteness if the County, within 30 days of receipt of the application, provides written notice to the applicant specifically delineating all missing documents or information required in the application.

(l) The time frame for review begins running again when the applicant makes a supplemental submission in response to the notice of incompleteness.

(II) Following a supplemental submission, the County will notify the applicant within 10 days if the supplemental submission did not provide the information identified in the original notice delineating missing information.

(a) The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this subsection.

(b) Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

(E) Failure to Act: The application for an Eligible Facilities Request will be deemed granted if the County fails to approve or deny a complete application within the time frame for review, including any tolling, provided the applicant notifies the County in writing after the review period has expired.

(b) Small Wireless Facilities - Collocation on Existing Structures.

(i) Application Review.

(A) Application. Planning and Development Services will prepare and make publicly available an application form, which the applicant must use.

(B) Review. Upon submission of an application for collocation of small wireless facilities on an existing structure pursuant to this subsection, the County shall review such application, make its final decision to approve or deny the application, and advise the applicant in writing of its final decision.

(C) Time Frame for Review. The County shall complete the review within 60 days of the date on which an application is submitted. The County shall notify the applicant within 10 days if the application is incomplete. The first time the County provides notice of incompleteness, a new 60-day time frame will commence upon resubmission of the application.

(D) Tolling of the Time Frame for Review.

(1) The time for review may be tolled only by mutual agreement between the County and the applicant, or in cases where the County determines upon a resubmission that the application is incomplete.

(2) The time frame is tolled in the case of subsequent notices of incompleteness. Subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

(E) Failure to Act. If the County fails to approve or deny a complete application under this subsection within the time frame for review, including any additional time provided or any tolling, the applicant may pursue judicial relief.

(c) Small Wireless Facilities - Deployment on a New Structure.

(i) Application Review.

(A) Application. Planning and Development Services will prepare and make publicly available an application form, which the applicant must use.

(B) Review. Upon submission of an application for the deployment of small wireless facilities on a new structure pursuant to this subsection, the County shall review such application, make its final decision to approve or deny the application, and advise the applicant in writing of its final decision.

(C) Time Frame for Review. The County shall complete the review within 90 days of the date on which an application is submitted. The County shall notify the applicant within 10 days if the application is incomplete. The first time the County provides notice of incompleteness, a new 90-day time frame will commence upon resubmission of the application.

(D) Tolling of the Time Frame for Review.

(1) The time for review may be tolled only by mutual agreement between the County and the applicant, or in cases where the County determines upon a resubmission that the application is incomplete.

(2) The time frame is tolled in the case of subsequent notices of incompleteness. Subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

(E) Failure to Act. If the County fails to approve or deny a complete application under this subsection within the time frame for review, including any additional time provided or any tolling, the applicant may pursue judicial relief.

(d) Collocation Applications for Other than Small Wireless Facilities Using an Existing Structure. The following time frames apply to applications for collocations other than small wireless facilities using an existing structure.

(i) Application Review.

(A) Application.

(1) Planning and Development Services will prepare and make publicly available an application form for collocations other than small wireless facilities using an existing structure.

(2) The applicant must include the information necessary to determine whether an application is a collocation request other than small wireless facilities using an existing structure.

(B) Review. Upon submission of an application for a request pursuant to this subsection, the County shall review such application, make its final decision to approve or disapprove the application, and advise the applicant in writing of its final decision.

(C) Time Frame for Review. The County shall complete the review of the application within 90 days of the date on which an applicant submits an application, subject to the tolling provisions below.

(D) Tolling of the Time Frame for Review.

(1) The 90-day review period may be tolled only by mutual agreement between the County and the applicant, or where the County determines that the application is incomplete.

(2) Time will toll for incompleteness if the County, within 30 days of submission of the application, provides written notice to the applicant specifically delineating all missing documents or information required in the application.

(1) The time frame for review begins running again when the applicant makes a supplemental submission in response to the notice of incompleteness.

(2) Following a supplemental submission, the County will notify the applicant within 10 days if the supplemental submission did not provide the information identified in the original notice delineating missing information.

(I) The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this subsection.

(II) Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

(E) Failure to Act. If the County fails to approve or deny a complete application under this subsection within the time frame for review, including any tolling, the applicant may pursue judicial relief.

(e) Application to Deploy a Facility Other than a Small Wireless Facility Using a New Structure - New Macro Cell Tower. The following time frames apply to applications to deploy a facility other than a small wireless facility using a new structure.

(i) Application Review.

(A) Application.

(1) The Department will prepare and make publicly available an application form to deploy a facility other than a small wireless facility using a new structure.

(2) The applicant must include the information necessary for to determine whether an application is a request for deployment of a facility other than a small wireless facility using a new structure.

(B) Review. Upon receipt of an application for a request to deploy a facility other than a small wireless facility using a new structure pursuant to this subsection,

the County shall review such application, make its final decision to approve or disapprove the application, and advise the applicant in writing of its final decision.

(C) Time Frame for Review. The County shall complete the review of the application within 150 days of the date on which an applicant submits an application seeking approval of a request to deploy a facility other than a small wireless facility using a new structure, subject to the tolling provisions below.

(D) Tolling of the Time Frame for Review.

(1) The 150-day review period may be tolled only by mutual agreement between the County and the applicant, or where the County determines that the application is incomplete.

(2) Time will toll for incompleteness if the County, within 30 days of receipt of the application, provides written notice to the applicant specifically delineating all missing documents or information required in the application.

(I) The time frame for review begins running again when the applicant makes a supplemental submission in response to notice of incompleteness.

(II) Following a supplemental submission, the County will notify the applicant within 10 days if the supplemental submission did not provide the information identified in the original notice delineating missing information.

(a) The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this subsection.

(b) Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

(E) Failure to Act. If the County fails to approve or deny a complete application under this subsection within the time frame for review, including any tolling, the applicant may pursue judicial relief.

(22) Macro Cell Towers. In addition to the other requirements in this Section, the following shall apply to macro cell towers:

(a) Permits Required. No person may develop, construct, or operate a macro cell tower or related equipment for commercial purposes upon any tract of land or on any building or structure within the zoning jurisdiction of the County prior to approval of its application for a hearing examiner special use permit and other requisite permits by the County and issuance of the permits by the County. Applicants shall submit their application for the requisite permits to Planning and Development Services and shall pay a filing fee as set forth in SCC chapter 14.06.

(b) Compliance. Macro cell towers used for commercial purposes must meet the requirements of TIA 222 Rev H, as it may be revised from time to time, and documentation evidencing such compliance must be submitted with the special use permit application. Included in the submittal shall be a Washington-licensed PE stamped foundation and structural drawing as well as a PE stamped structural analysis (the loaded tower drawing with all antennas and hardware in place and the wind loading calculations). Upon completion of construction, the macro cell tower will be inspected by a third-party professional at the expense of the tower owner.

(c) Variance. A height variance is required for a commercial macro cell tower that exceeds the height limits of the underlying zone.

(d) Approval Criteria. In addition to other requirements of the County Code, the Board of County Commissioners shall consider the following approval criteria in determining whether to recommend approval of a special use permit and, if applicable, height variance:

(i) Nature of uses on adjacent and nearby properties;

(ii) Surrounding tree coverage and foliage;

(iii) Design of the macro cell tower that has the effect of reducing or eliminating visual obtrusiveness;

(iv) No existing structures are located within the geographic area which meet the applicant's engineering requirements;

(v) Existing structures do not have sufficient structural strength to support the applicant's proposed antennas and related equipment; and

(vi) The applicant demonstrates that there are other limiting factors not enumerated herein that render existing towers, poles and other structures unsuitable.

(e) Setback Requirements.

(i) Setback requirements shall be measured from the base of the tower to the property line of the tract of land on which it is located.

(ii) The tower structure shall be set back from property lines as required by that zone, if any, or a minimum of one foot for every foot of tower height, whichever produces the greater setback (and at the written request of the County, provide additional setbacks for the length of any guy wires on all sides of a macro cell tower), unless:

(A) The setback is waived in writing by the owner of the adjacent property and that waiver is filed with the County; or

(B) The macro cell tower is constructed with breakpoint design technology. If the tower has been constructed using breakpoint design technology, the minimum setback distance shall be equal to 110% of the distance from the top of the structure to the breakpoint level of the structure, or the applicable zone's minimum side setback requirements, whichever is greater. For example, on a 100-foot tall monopole with a breakpoint at 80 feet, the minimum setback distance would be 22 feet (110% of 20 feet, the distance from the top of the monopole to the breakpoint) or the minimum side yard setback requirements for that zone, whichever is greater. If an applicant proposes to use breakpoint

design technology to reduce the required setback, the issuance of a permit for the tower shall be conditioned upon approval of the tower design by a Washington-licensed professional engineer.

(f) Separation Requirements. Macro cell towers must meet the following minimum separation requirements from other macro cell towers:

(i) Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice or guyed, by a minimum of one-half mile.

(ii) Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of one mile.

(g) Illumination and Security Fences.

(i) Macro cell towers, depending upon their height, shall not be artificially lighted except as required by the FAA. In cases where there are residential zoned properties located within a distance of 300% of the height of the tower, any tower subject to this Section shall be equipped with lighting that minimizes its effect on residential zoned properties.

(ii) All self-supporting lattice or guyed towers shall be enclosed within a security fence or other structure designed to preclude unauthorized access. Monopole towers shall be designed and constructed in a manner which will preclude, to the extent practical, unauthorized climbing of said structure.

(h) Exterior Finish. Macro cell towers shall have an exterior finish which enhances compatibility with adjacent land uses, subject to review and approval by the Board of County Commissioners as part of the application approval process.

(i) Notice. For purposes of this Section, any permit shall require an applicant to notify surrounding property owners located within one mile of the legal boundary of the real property where the macro cell tower is to be located. An applicant or its designee shall provide that list to the County.

(j) Preferred Macro Cell Tower Locations. All new macro cell towers are permitted only after applying the following siting priorities, ordered from most-preferred (i) to least-preferred (vi):

(i) industrial zones;

(ii) manufacturing zones;

(iii) commercial zones;

(iv) other non-residential and non-agricultural zones;

(v) parcels of land in residential zones;

(vi) parcels of land in agricultural zones; and

(vii) designated historic districts.

(k) Alternative Sites Analysis. The applicant for a macro cell tower shall, as necessary, address siting preferences in an alternative sites analysis.

(i) For a macro cell tower, the applicant must address the County's preferred tower locations with a detailed explanation justifying why a site of higher priority was not selected. The County's macro cell tower location preferences must be addressed in a clear and complete written alternative sites analysis that shows at least three higher ranked, alternative sites that are in the geographic range of the service coverage objectives of the applicant, together with a factually detailed and meaningful comparative analysis between each alternative candidate and the proposed site that explains the substantive reasons why the applicant rejected the alternative candidate.

(ii) A complete alternative sites analysis provided under this subsection may include less than three alternative sites so long as the applicant provides a factually detailed written rationale for why it could not identify at least three potentially available, higher ranked, alternative sites.

(iii) For purposes of disqualifying potential collocations or alternative sites for the failure to meet the applicant's service coverage or capacity objectives the applicant will provide: (A) a description of its objective, whether it be to address a deficiency in coverage or capacity; (B) detailed maps or other exhibits with clear and concise data to illustrate that the objective is not met using the alternative (whether it be a collocation or a more preferred location); and (C) a description of why the alternative (collocation or a more preferred location) does not meet the objective.

(l) Engineer's Certification. Upon completion of construction of a macro cell tower and prior to the commencement of use, a Washington-licensed engineer's certification shall be provided that indicates that the tower is structurally sound and in conformance with all FCC and FAA requirements and applicable safety standards.

(m) Certificate of Completion and Compliance.

(i) A certificate of completion will only be granted upon satisfactory evidence that the construction and installation were done in substantial compliance with the approved plans and photo simulations.

(ii) If it is found that the macro cell tower, equipment or facilities do not substantially comply with the approved plans and photo simulations, the provider shall make any and all such changes required to promptly bring them into compliance.

(23) Small Wireless Facilities.

(a) Agreement. Prior to installing in the right-of-way any small wireless facilities, or any pole built for the sole or primary purpose of supporting small wireless facilities, a person must enter into an Agreement with the County expressly authorizing the small wireless facilities or pole proposed to be installed.

(b) General Terms.

(i) The initial term of an Agreement may not exceed ten years. The Agreement may be renewed for an additional term subject to the mutual written agreement of the County and provider.

(ii) The Agreement authorizes the provider's non-exclusive use of the right-of-way for the sole purpose of constructing, installing, maintaining, modifying and operating small

wireless facilities, including any pole built for the sole or primary purpose of supporting the small wireless facilities to provide the services expressly authorized in the Agreement, subject to applicable laws and this Section. The Agreement authorizes use only of the right-of-way in which the County has an actual interest. It is not a warranty of title or interest in any right-of way and does not confer on the provider any interest in any particular location or to a superior or preferred location within the right-of-way.

(iii) The provider must, at its sole cost and expense, keep and maintain its small wireless facilities and poles in the right-of-way in a safe condition and in good order and repair per the Agreement between the County and provider.

(c) Permit Required. No person may construct or install any small wireless facilities without first receiving a permit or combination of permits as required by the County Code. Notwithstanding the foregoing, in the event of an emergency, a provider or its duly authorized representative may commence work prior to obtaining a permit, provided the provider must contact the County prior to commencing the work and apply for a permit within 24 hours after commencing the emergency work. For purposes of this subsection, an “emergency” means a circumstance in which immediate repair to damaged or malfunctioning facilities is necessary to restore lost service or prevent immediate harm to persons or property.

(d) Batching. An applicant may simultaneously submit no more than five sites for small wireless facilities in a single, consolidated application, provided that the proposed small wireless facilities are to be deployed on the same type of pole or structure using similar equipment within the County.

(e) Design Standards. Subject to not exceeding the height limitation of the underlying zoning district, all poles built for the sole or primary purpose of supporting small wireless facilities and the small wireless facilities may be approved through administrative review, subject to the wireless provider complying with reasonable and feasible considerations for the:

(i) Height, shape, design and color for poles and related equipment;

(ii) Number, location and styles of poles that may be installed or used;

(iii) Aesthetic approach for different types of poles and related equipment;

(iv) Construction of each small wireless facility, including powering and metering;

(v) Structural integrity;

(vi) Setbacks for ground-mounted equipment;

(vii) Lighting, marking, and noise requirements; and

(viii) Use of decorative or stealth poles, where necessary.

(f) Administrative Approval.

(i) Small wireless facilities are allowed in all zones, provided the applicant complies with all applicable federal and state law, and the requirements of this section.

(ii) Small wireless facilities in all zones are subject to approval via permits and administrative review unless their installation requires the construction of a new pole or structure exceeding the height limitation of the affected zoning district (in which

instance an administrative special use permit and, if applicable, height variance may be required). A permit is required for replacement support structures.

(g) Site Development. All small wireless facilities are subject to the site development standards, permits, and site plan requirements. A site development application must contain the following information:

(i) Construction drawings showing the proposed method of installation;

(ii) The manufacturer's recommended installations, if any;

(iii) A diagram to scale showing the location of the small wireless facilities, property and setback lines, easements, power lines, all structures, and the required landscaping, if applicable; and

(iv) Photo simulations that include to-scale visual simulations that show unobstructed before-and-after construction daytime and clear-weather views from at least four angles, together with a map that shows the location of each view, including all equipment and cabling.

(h) Public Notice. For purposes of this Section, any application for a small wireless facility which includes a new or replacement pole, or variance or appeal of a request for a permit, requires public notice to all adjacent property owners and all owners of nearby properties.

(i) Notification to Utilities. Prior to the installation or construction of a small wireless facility within the right-of-way or a utility easement, the applicant or provider must notify all utilities located within such right-of-way or utility easement regarding the use of the right-of-way or easement.

(j) Accessory Equipment. In residential zones, the provider must locate or place all accessory equipment in the base of the pole for a small wireless facility (where technically feasible), or in an existing building, or underground, or in an equipment cabinet above ground that is:

(i) Designed to blend in with existing surroundings, using architecturally compatible construction and colors; and

(ii) Located so as to be as unobtrusive as reasonably possible consistent with the proper functioning of the facilities.

(k) Decorative Poles. An applicant may not install a small wireless facility on a decorative pole, or replace a decorative pole with a new decorative pole unless the County has determined, in its sole discretion, that each of the following conditions has been met:

(i) The application qualifies for issuance of a permit; and

(ii) The attachments and replacement pole are in keeping with the design and color of the existing decorative pole.

~~(19) Non-Use and Abandonment.~~

(24) Miscellaneous.

(a) Non-Use and Abandonment. No less than 30 days prior to the date that a ~~personal-wireless services~~ provider plans to abandon or discontinue operation of a facility, the provider must notify the County by certified U.S. Mail of the proposed date of abandonment or discontinuation

of operations. In the event that a provider fails to give notice, the facility ~~shall~~will be considered abandoned upon the County's discovery of discontinuation of operations. Upon such abandonment, the provider ~~shall~~will have 60 days, or an additional period of time determined in the reasonable discretion of the County, within which to:

- (i) Reactivate the use of the facility or transfer the facility to another provider who makes actual use of the facility; or
- (ii) Dismantle and remove the ~~facilities~~facility. If the tower, antenna, foundation, ~~equipment~~, and ~~facility~~facilities are not removed within the 60-day time period, or an additional period of time allowed by the County, the County may remove such tower, antenna, foundation, ~~equipment~~, and related ~~facility~~facilities at the provider's expense. If there are ~~2~~two or more providers collocating on a facility, then this provision ~~shall~~will not become effective until all providers cease using the facility.

~~(b) Responsibility. If abandonment of a facility occurs by all of the permittees, licensees or owner of the tower, the owner of the tower shall remain primarily responsible if the tower ceases to be used for its intended purposes by either it or other permittees or licensees for the transmission or reception of personal wireless services. The owner of the tower shall maintain the prescribed painting and/or illumination of such tower, if applicable, until it is dismantled. The application for any tower shall be accompanied by a letter of credit, performance bond or other security in an amount to be determined by the County which may be drawn upon by the County, as necessary, to cover the costs of removal of the facility.~~

~~(20) Upon approval of a special use permit where necessary, the subsequent complete building permit application will require the following items:~~

~~(a) Parcel Description. Legal description of the parcel, including Assessor account number and property identification number.~~

~~(b) Site Plan. A scaled site plan showing the location, point of reference, type, height and longitude and latitude of the proposed towers and antennas, existing buildings, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadway rights-of-way, parking areas if applicable, proposed means of access, setbacks from property lines and the approximate distance between the proposed tower and the property lines. The method of fencing and, if applicable, the method of camouflage, noise screening, and illumination shall be indicated. The application shall also include elevation drawings of the proposed tower and any other proposed structures.~~

~~(c) Landscaping Plan. A landscaping plan shall be prepared indicating the specific placement of the facility on the site. Trees and other significant site features, the type and location of plant materials used to screen the facility, and the proposed color(s) of the facility shall also be indicated.~~

(b) Independent Technical and Legal Review.

(i) The County may retain the services of an independent technical expert and attorney of its choice to provide technical and legal evaluations of permit applications. The third-party expert shall have recognized qualifications in the field of engineering or wireless facilities regulations. The expert's review may include, but is not limited to:

(A) the accuracy and completeness of the items submitted with the application;

(B) the applicability of analysis and techniques and methodologies proposed by the applicant;

(C) the validity of conclusions reached by the applicant; and

(D) whether the proposed tower, antenna support structure, equipment and facilities comply with the applicable approval criteria set forth in this Section.

(ii) The applicant will pay the reasonable cost for any independent consultant fees through a deposit, estimated by the County, within ten days of the County's request.

(A) When the County requests such payment, the application will be deemed incomplete for purposes of application processing timelines until the deposit is received.

(B) In the event that such costs and fees do not exceed the deposit amount, the County will refund any unused portion within 30 days after the final permit is released or, if no final permit is released, within 30 days after the County receives a written request from the applicant.

(C) If the costs and fees exceed the deposit amount, then the applicant must pay the difference to the County before the permit is issued. The independent consultant shall provide an itemized description of the services provided and related fees and charges.

(c) Insurance. No person may own or operate a tower, pole, antenna, equipment, or small wireless facilities in the right-of-way or on County property without having secured and at all times maintain in place insurance coverage which conforms to the following:

(i) Commercial general liability, automobile, employers' liability, and umbrella insurance, each in the amount of at least \$1,000,000 or, depending upon the project, a higher amount at the reasonable discretion of the Risk Manager of the County. Workers compensation insurance must meet State statutory requirements.

(ii) The commercial general liability and automobile insurance policies must specifically include the County and its officers, officials, employees, and agents as additional insureds.

(iii) All insurance policies must be issued by an agent or representative of an insurance company licensed to do business in the State with a Best's rating of at least A-7 and must contain an endorsement obligating the insurance company to furnish the County Clerk with at least 30 days prior written notice in advance of the modification or cancellation of the insurance, and the insurance must be replaced up to its original amount(s).

(d) Indemnification. Each permit issued for a macro cell tower or small wireless facility or equipment located in the right-of-way or on County property includes as a condition that the applicant and provider must defend, indemnify and hold harmless the County and its officials, officers, agents, employees and contractors from any and all liability, damages, or charges (including attorneys' fees and expenses) arising out of claims, suits, demands, or causes of action as a result of the permit process, a granted permit, installation, construction, location,

performance, operation, maintenance, repair, replacement, upgrade, removal or restoration of the macro cell tower or small wireless facility or equipment.

(e) Applicability of State and Federal Law; Conflict with Other Sections of the County Code

(i) These tower and small wireless facilities regulations are subject to all applicable laws. If State or Federal law conflicts with these tower and small wireless facilities regulations in any material respect, and if such law preempts a provision in these tower and small wireless facilities regulations, then these tower and small wireless facilities regulations will be deemed amended to comply with applicable State or Federal law without further action by the County.

(ii) These tower and small wireless facilities regulations are in addition to other regulations in the County Code. In case of a conflict between these and other regulations, these tower and small wireless facilities regulations control.

(f) Severability. The various parts, sentences, paragraphs, and provisions of this Section are severable. If any part, sentence, paragraph, or provision is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Section will not be affected thereby and will remain in full force and effect.