



# Planning & Development Services

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## Memorandum

### *Introduction to Wireless Facilities Code Amendments*

To: Planning Commission  
From: Jenn Rogers, Assistant Long Range Planner  
Re: Workshop on Wireless Facilities Code Amendments  
Date: July 21, 2022

### Summary

Planning and Development Services (PDS) is providing this memo in advance of the July 26, 2022 Planning Commission meeting. The purpose of this memo is to present an overview of the wireless facilities code amendments, the reason the amendments are needed, and a schedule for review.

### Background and Purpose

Federal law requires Skagit County to process wireless facilities applications in a timely manner and to provide non-discriminatory access to its rights-of-way for telecommunications purposes. The industry is in the process of installing wireless equipment, including building out 5G networks, to keep up with technological advancement and wire spread adoption of smart devices. Wireless providers are required to follow all federal and local regulations regarding installation of their facilities and equipment, including the County's development code requirements.

Since 2018, the Federal Communications Commission (FCC) has been actively involved in issuing rules and regulations regarding the deployment of 5G equipment and facilities. It was the FCC's belief that local governments were unreasonably slowing the roll-out of 5G by either taking too long to process applications or charging too much for use of the right-of-way which, in turn, acted as a barrier to entry for the wireless providers. As such, the FCC adopted five separate "shot clock" time limits within which local governments must decide on small cell or other applications. The FCC also prescribed what counties and cities may charge for use of their rights-of-way when it comes to small wireless facilities.

Additionally, the FCC issued its classification for small wireless facilities which generally includes up to a 50-foot pole along with corresponding antennas and related equipment. Given that

development, along with other guidelines issued by the FCC, it became necessary to update and modernize Section 14.16.720 of the Skagit County Code. The proposed amendments now cover both towers and small wireless facilities (see figure 1 and figure 2 as examples). It should be noted that the County still has the right to promulgate reasonable aesthetic standards for small cells as long as those standards are published in advance and readily available to the providers. The changes to Section 14.16.720 reflect best practices. They were designed to strike a balance of competing interests between the County and the provider community.



*Figure 2 Macro Cell Tower*



*Figure 1 Small Wireless Facility*

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*Small wireless facilities are small antennas and radios commonly placed on existing infrastructure (such as utility poles, traffic lights, or buildings)*

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## Highlighted Changes

The proposed changes relate to regulations in our unified development code, [SCC Title 14](#). An overview of the changes is provided here.

The proposed code sections to be amended:

- **[SCC 14.04: Update definitions.](#)** The existing code contains a number of definitions which need to be updated. Wireless facility infrastructure has changed as the technology has evolved and definitions in the code have either been added or updated to reflect the new technology anticipated to be used in Skagit County.
- **[SCC 14.16.720 Tower and Small Wireless Facilities Regulations.](#)** As the deployment of new infrastructure is anticipated in Skagit County, staff have updated zoning regulations to reflect new technology used for wireless facilities. Previously, providers relied primarily on macro cell towers to create a service network. Macro cell towers have a range between ten and twenty miles. Providers are now transitioning to small wireless facility infrastructure, which has a smaller range of approximately one quarter mile but

can deliver a stronger signal for faster data speeds. These small wireless facilities will be installed on either new poles up to 50 feet, or on existing infrastructure such as, utility poles, buildings, or traffic signals. Small wireless facilities will boost the signal from macro cell towers to increase data processing capacity for consumers (see Figure 3).



*Figure 3 Wireless Facility Example Map*

Staff additionally updated regulations on the siting and design for wireless facilities. Federal law requires the County to only mandate design requirements which are reasonable compared to design regulations for similar structures. Wireless facilities must be painted, designed, and installed in a manner similar to the characteristics of the surrounding environment and have minimal adverse visual impacts to adjacent properties.

- **SCC 14.16.720 (21) Timing of Decisions – Federal Shot Clocks.** By federal law, Skagit County must review select wireless facility applications within a certain timeline. If staff fail to act on these applications within the required time, the application is automatically deemed approved. The below applications are subject to the federal shot clocks:

Type of Application	Timeline
Eligible Facilities Request	60 days
Small Wireless – Collocation	60 days
Small Wireless – New	90 days
Other Wireless Facility – Collocation	90 days
Other Wireless Facility – New Macro Tower	150 days

## Proposed Schedule

This code proposal will go through the process for adoption of development regulations described in SCC Chapter 14.08.

Meeting Date	Topic Area
July 26, 2022	Intro to Wireless Facility Amendments
August 9, 2022	Wireless Facility Site Examples
September 13, 2022	Public Hearing
September 27, 2022	Deliberations
Fall 2022	Board adopts proposed changes