TOWN COUNCIL
FINDINGS OF FACT/STAFF REPORT & RECOMMENDATION:

Open Record Public Hearing Date: 6:00 PM, February 09, 2026

File Number: LU26-001

Project Name: Wireless Communication Facilities Code Amendment

Applicant: Town of Concrete
Planning Department
45672 Main Street
P.O. Box 39
Concrete, WA 98237

Project Planner: Kevin Cricchio, AICP, ISA, Town Planner

Subject Proposal:

The Town of Concrete Planning Department is proposing a Code Amendment to the Concrete Municipal Code (CMC) consisting of a new Chapter regulating Wireless Communication Facilities (CMC, Chapter 19.82).

Project Location:

The proposed code amendment applies throughout the Town of Concrete.

A. FINDINGS OF FACT:

I. CHRONOLOGY:

1. As required by Washington State law, the proposed code amendment was solicited to the Washington State Department of Commerce (DOC) for a 60-day review and comment period. The subject code amendment was submitted to via the portal on November 09, 2025. The 60-day DOC comment period ended on January 08, 2026. No comment from DOC was received.
2. The proposed code amendment is considered a non-project action. It was processed in accordance with the requirements of Chapter 18.08, of the Concrete Municipal Code and is considered a Class IV Action per CMC 18.08.030(6).

3. Class IV actions are decisions made by the town council in the exercise of its legislative decision-making authority, but which may affect individual property owners. Class IV actions require one open public hearing and may include one closed public hearing. No formal appeal of Class IV decisions is provided, though the applicant may have redress to court in some circumstances. Class IV actions include but are not limited to: Comprehensive plan map and text amendments; Zoning map amendments; & Zoning text amendments.
4. A Public Notice: Notice Code Amendment; Issued SEPA Determination of Non-Significance (DNS), & Notice of Hearing was issued on December 31, 2025. This notice was published in the Skagit Valley Herald newspaper on January 2, 2026.
5. The notice and associated application material was also posted with the Washington State SEPA Register on December 30, 2025.
6. Agencies and Departments of jurisdiction were solicited for comment. The comment period ended on January 16, 2026. No comments were received by staff.
7. The public was also solicited for comment. The comment period ended on January 16, 2026. No public comment was received by staff.
8. The Town of Concrete does not have any cell tower/wireless regulations in its municipal code regulating there use in town limits.
9. The Planning Commission conducted a Public Meeting on Tuesday, January 20, 2026. Following a review of the proposed code, they made a recommendation of approval to Town Council. They did request a revision be made to the draft code. The Town Planner has revised the code accordingly.
10. Town Council will be conducting an Open-Record Public Hearing on the matter on February 09, 2026, to review the proposed code amendment, hearing public testimony/comment, and make a decision on the matter.

II. SEPA ENVIRONMENTAL REVIEW:

The proposed code amendment was subject to SEPA environmental review. A SEPA determination of Non-Significance (DNS) was issued on December 31, 2025, pursuant to WAC 197-11-340(2).

B. PLANNING DEPARTMENT/TOWN PLANNER RECOMENDATION:

The Town Planner recommends that Town Council approve the subject code amendment.

EXHIBITS:

EXHIBIT NUMBER:	NAME OF EXHIBIT:
Exhibit #1	Department of Commerce, Notice of Intent to Adopt Acknowledge Letter
Exhibit #2	Public Notice: Notice of Code Amendments; Issued Sepa Determination of Non-Significance (DNS), & Notice of Public Hearing:
Exhibit #3	Public Comments Received
Exhibit #4	Department/Agency Comments Received
Exhibit #5	Planning Commission Letter
Exhibit #6	Town Council Proposed Code Amendment & Ordinance

EXHIBIT #1:
DEPARTMENT OF COMMERCE, NOTICE OF INTENT TO ADOPT ACKNOWLEDGE LETTER

STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • *PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000*
www.commerce.wa.gov

11/12/2025

Mr. Kevin Cricchio
Town Planner
Town of Concrete
45672 Main Street
Post Office Box 39
Concrete, WA 98237

Sent Via Electronic Mail

Re: Town of Concrete--2025-S-11112--60-day Notice of Intent to Adopt Amendment

Dear Mr. Cricchio:

Thank you for sending the Washington State Department of Commerce (Commerce) the 60-day Notice of Intent to Adopt Amendment as required under RCW 36.70A.106. We received your submittal with the following description.

New chapter to Concrete Municipal Code regulating Wireless Communication Facilities.

We received your submittal on 11/09/2025 and processed it with the Submittal ID 2025-S-11112. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 01/08/2026.

We have forwarded a copy of this notice to other state agencies for comment.

Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Lexine Long, (360) 725-2904.

Sincerely,

Review Team
Growth Management Services

Close

THANK YOU

Printer Friendly Version

We have received your submitted amendment. Please allow 1-3 business days for review. Please keep the Submittal ID as your receipt and for any future questions. We will also send an email receipt to all contacts listed in the submittal.

Submittal ID: 2025-S-11112

Submittal Date and Time: Nov 9, 2025, 12:00:00 AM

Submittal Information

Jurisdiction:	Concrete Town (2903)
Submittal Type:	60-day Notice of Intent to Adopt Amendment
Amendment Type:	Development Regulation Amendment

Amendment Information

Brief Description

New chapter to Concrete Municipal Code regulating Wireless Communication Facilities.

☐ **Yes, this is a part of the 10-year periodic update schedule, required under RCW 36.70A.130.**

Planning Commissions Date	02-01-2026	**City Council Date**	03-01-2026
Anticipated/Proposed Date of Adoption	03-15-2026		

Categories

Submittal Category	
Development Regulations	

Attachments

Attachment Type	File Name	Uploaded Date
Development Regulation Amendment - Draft	DOC Notice of Intent to Adopt Cover-Sheet.pdf	11/9/25, 2:04 PM
Development Regulation Amendment - Draft	Draft Wireless Code.docx	11/9/25, 2:04 PM
Development Regulation Amendment - Draft	Draft Wireless Code.pdf	11/9/25, 2:04 PM

Contact Information

Prefix	
First Name	Kevin
Last Name	Cricchio
Title	Town Planner
Work Phone	(425) 239-6930
Cell Phone	
Email	townplanner@concretewa.gov

☐ **Yes. This is a consultant.**

Consulting Firm Name

☐ **Yes, I would like to be contacted for Technical Assistance.**

Close

EXHIBIT #2:
PUBLIC NOTICE: NOTICE OF CODE AMENDMENTS; ISSUED SEPA DETERMINATION OF NON-SIGNIFICANCE (DNS), & NOTICE OF PUBLIC HEARING; SEPA CHECKLIST:

Town of Concrete
Planning Department
Office Location: 45672 Main Street, Concrete, Washington 98237
Phone: (360) 853-8401; Email: townplanner@concretewa.gov

PUBLIC NOTICE: NOTICE OF CODE AMENDMENTS; ISSUED SEPA DETERMINATION OF NON-SIGNIFICANCE (DNS), & NOTICE OF PUBLIC HEARING:

PROJECT DESCRIPTION: The Town of Concrete Planning Department is proposing a Code Amendment to the Concrete Municipal Code (CMC) consisting of a new chapter regulating Wireless Communication Facilities (**CMC, Chapter 19.82**); a new Chapter regulating Stormwater Management (**CMC, Chapter 16.14**); and a new chapter regulating Recreational Marijuana Producers, Processors, and Retailers (**CMC, Chapter 19.86**).

Zoning text amendments are considered a Class IV action per CMC 18.08.030(6).

PROJECT FILE NUMBERS: Wireless Communication Facilities, **File #: LU26-001**; Stormwater Management, **File #: LU26-002**; & Recreational Marijuana Producers, Processors, and Retailers, **File #: LU26-003**

PROJECT LOCATION: The proposed code amendments apply throughout the Town of Concrete.

APPLICANT: Town of Concrete, Planning Department; 45672 Main Street; P.O. Box 39; Concrete, WA 98237

LEAD AGENCY: Town of Concrete, Planning Department

As the Lead Agency, the Town of Concrete has determined that the proposed non-project action does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. This determination of non-significance (DNS) is issued under WAC 197-11-340(2); the Lead Agency will not act on this proposal for 14 days from the date of this notice.

Comments on the proposed Code Amendment(s) to the Concrete Municipal Code and issued SEPA DNS must be submitted by close of business on **January 16, 2026.** Comments should be as specific as possible. Any person may comment on the application and request a copy of the decision once it is made. Questions about this proposal and requests for additional notification should be directed to the contact person listed herein. Any person who submits written comments will automatically become a 'party of record' and will be notified of any decision made regarding this proposal. There is no administrative appeal.

PLANNING COMMISSION:

Notice is given that a **Public Meeting is scheduled before the Planning Commission on Tuesday, January 20, 2026, at Town Hall (45672 Main Street, Concrete, WA), at 6:00 PM or soon thereafter**. Any person may attend the Planning Commission Meeting and comment on the proposed code amendments. The Planning Commission will make a recommendation to the Town Council regarding the proposed code amendments.

TOWN COUNCIL:

Town Council will conduct a Open-Record Public Hearing on the proposed code amendments on Monday, February 09, 2026, at Town Hall (45672 Main Street, Concrete, WA), at 6:00 PM or soon thereafter. Any person may attend the Public Hearing and comment on the proposed code amendments. The Town Council will make a final decision regarding the proposed code amendments. Code amendments are considered a Class IV action, which are decisions made by the Town Council in the exercise of its legislative decision-making authority.

Contact for Comments, SEPA Environmental Checklist, Draft Code Amendment(s), & Supporting Documents: Public comments will be accepted until close of business on: January 16, 2026. Comments may be mailed or faxed to the following address: Town of Concrete; Planning Department; 45672 Main Street; P.O. Box 39; Concrete, WA 98237; Fax (360) 853-8002, Phone: (360) 853-8401; Email: townplanner@concretewa.gov. Written and verbal comments will also be accepted during the open record public hearing.

APPEALS:

The decision of Town Council shall be final subject to the right to appeal to the Superior Court. You may request a copy of the decision and information about your appeal rights by calling the Town of Concrete at (360) 853-8401.

RESPONSIBLE PERSON:

Kevin Cricchio, AICP, ISA
Town Planner
Town of Concrete

AGENCIES & DEPARTMENTS SOLICITED:

PUBLIC WORKS DEPARTMENT, FIRE CHIEF, BUILDING DEPARTMENT, TOWN ENGINEER, NW CLEAN AIR AGENCY, WDOE, WDFW, WDNR, DAHP, SEPA REGISTER, SAMISH INDIAN NATION, UPPER SKAGIT INDIAN TRIBE, SKAGIT RIVER SYSTEMS COOP, SWINOMISH INDIAN NATION, WSDOT, SKAGIT COUNTY PLANNING DEPARTMENT, TOWN ATTORNEY, MAYOR

DATE ISSUED: December 31, 2025

DATE TRANSMITTED TO SKAGIT VALLEY HERALD: December 31, 2025

DATE PUBLISHED IN SKAGIT VALLEY HERALD: January 2, 2026

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization, or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. **You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown.** You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to **all parts of your proposal,** even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for lead agencies

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B, plus the Supplemental Sheet for Nonproject Actions (Part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in "Part B: Environmental Elements" that do not contribute meaningfully to the analysis of the proposal.

A. Background Find help answering background questions

1. Name of proposed project, if applicable:

The Town of Concrete Planning Department is proposing a Code Amendment to the Concrete Municipal Code (CMC) consisting of a new chapter regulating Wireless Communication Facilities (**CMC, Chapter 19.82**); a new Chapter regulating Stormwater Management (**CMC, Chapter 16.14**); and a new chapter regulating Recreational Marijuana Producers, Processors, and Retailers (**CMC, Chapter 19.86**).

PROJECT FILE NUMBERS: Wireless Communication Facilities, **File #: LU26-001**; Stormwater Management, **File #: LU26-002**; & Recreational Marijuana Producers, Processors, and Retailers, **File #: LU26-003**

2. Name of applicant:

Town of Concrete, Planning Department; 45672 Main Street; P.O. Box 39; Concrete, WA 98237

3. Address and phone number of applicant and contact person:

Same info as above.

4. Date checklist prepared:

December 30, 2025

5. Agency requesting checklist:

Town of Concrete Planning Department

6. Proposed timing or schedule (including phasing, if applicable):

Tentatively planning on taking these code amendments to the Planning Commission for review on January 20, 2026, followed by Town Council on February 9, 2026 for review, consideration, and a decision on the matter.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

N/A

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

N/A

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

N/A. This is a non-project action. No project is involved.

10. List any government approvals or permits that will be needed for your proposal, if known.

N/A

11. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The Town of Concrete Planning Department is proposing a Code Amendment to the Concrete Municipal Code (CMC) consisting of a new chapter regulating Wireless Communication Facilities (**CMC, Chapter 19.82**); a new Chapter regulating Stormwater Management (**CMC, Chapter 16.14**); and a new chapter regulating Recreational Marijuana Producers, Processors, and Retailers (**CMC, Chapter 19.86**).

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The proposed code amendments apply throughout the Town of Concrete.

B. Environmental Elements

1. Earth Find help answering earth questions

a. General description of the site:

The proposed code amendments apply throughout the Town of Concrete.

Circle or highlight one: Flat, rolling, hilly, steep slopes, mountainous, other:

The proposed code amendments apply throughout the Town of Concrete.

b. What is the steepest slope on the site (approximate percent slope)?

N/A

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them, and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

N/A

d. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

None planned

e. Could erosion occur because of clearing, construction, or use? If so, generally describe.

Non project action proposed.

f. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

N/A

g. Proposed measures to reduce or control erosion, or other impacts to the earth, if any.

N/A

2. Air Find help answering air questions

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

N/A. This is a non-project action.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

N/A. This is a non-project action.

c. Proposed measures to reduce or control emissions or other impacts to air, if any.

N/A. This is a non-project action.

3. Water Find help answering water questions

a. Surface Water: Find help answering surface water questions

1. **Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

N/A. This is a non-project action.

2. **Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

N/A

3. **Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

None

4. **Will the proposal require surface water withdrawals or diversions? Give a general description, purpose, and approximate quantities if known.**

N/A. This is a non-project action.

5. **Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**

N/A. This is a non-project action.

6. **Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.**

N/A

b. Ground Water: Find help answering ground water questions

1. **Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give a general description, purpose, and approximate quantities if known.**

N/A

2. **Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (domestic sewage; industrial, containing the following chemicals…; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.**

N/A None

c. Water Runoff (including stormwater):

a) **Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.**

N/A

b) **Could waste materials enter ground or surface waters? If so, generally describe.**

N/A. This is a non-project action.

c) **Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.**

N/A

d) **Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any.**

N/A

4. Plants Find help answering plants questions

a. Check the types of vegetation found on the site:

- ☐ **deciduous tree: alder, maple, aspen, other**
- ☐ **evergreen tree: fir, cedar, pine, other**
- ☐ **shrubs**
- ☐ **grass**
- ☐ **pasture**
- ☐ **crop or grain**
- ☐ **orchards, vineyards, or other permanent crops.**
- ☐ **wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other**
- ☐ **water plants: water lily, eelgrass, milfoil, other**
- ☐ **other types of vegetation**

N/A. This is a non-project action.

b. What kind and amount of vegetation will be removed or altered?

None

c. List threatened and endangered species known to be on or near the site.

None

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any.

N/A. This is a non-project action.

e. List all noxious weeds and invasive species known to be on or near the site.

N/A

5. Animals Find help answering animal questions

a. List any birds and other animals that have been observed on or near the site or are known to be on or near the site.

N/A

b. List any threatened and endangered species known to be on or near the site.

None

c. Is the site part of a migration route? If so, explain.

N/A. This is a non-project action.

d. Proposed measures to preserve or enhance wildlife, if any.

N/A

e. List any invasive animal species known to be on or near the site.

N/A

6. Energy and Natural Resources Find help answering energy and natural resource questions

1. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

N/A. This is a non-project action.

2. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

N/A

3. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.

N/A

7. Environmental Health Find help with answering environmental health questions

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur because of this proposal? If so, describe.

N/A

1. Describe any known or possible contamination at the site from present or past uses.

N/A

2. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

N/A

3. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

N/A

4. Describe special emergency services that might be required.

None

5. Proposed measures to reduce or control environmental health hazards, if any.

N/A. This is a non-project action.

b. Noise

1. **What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?**

N/A

2. **What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site)?**

N/A

3. **Proposed measures to reduce or control noise impacts, if any.**

N/A

8. Land and Shoreline Use Find help answering land and shoreline use questions

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

N/A. This is a non-project action.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses because of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

N/A

1. **Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how?**

N/A. This is a non-project action.

c. Describe any structures on the site.

N/A. This is a non-project action.

d. Will any structures be demolished? If so, what?

N/A

e. What is the current zoning classification of the site?

N/A. This is a non-project action.

f. What is the current comprehensive plan designation of the site?

N/A. This is a non-project action.

g. If applicable, what is the current shoreline master program designation of the site?

N/A

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

N/A

i. Approximately how many people would reside or work in the completed project?

N/A

j. Approximately how many people would the completed project displace?

None

k. Proposed measures to avoid or reduce displacement impacts, if any.

N/A

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.

N/A

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any.

N/A

9. Housing Find help answering housing questions

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

N/A

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

N/A

c. Proposed measures to reduce or control housing impacts, if any.

N/A

10. Aesthetics Find help answering aesthetics questions

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

N/A. This is a non-project action.

b. What views in the immediate vicinity would be altered or obstructed?

N/A

c. Proposed measures to reduce or control aesthetic impacts, if any.

N/A

11. Light and Glare Find help answering light and glare questions

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

N/A

b. Could light or glare from the finished project be a safety hazard or interfere with views?

N/A

c. What existing off-site sources of light or glare may affect your proposal?

None

d. Proposed measures to reduce or control light and glare impacts, if any.

None

12. Recreation Find help answering recreation questions

a. What designated and informal recreational opportunities are in the immediate vicinity?

N/A. This is a non-project action.

b. Would the proposed project displace any existing recreational uses? If so, describe.

N/A

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any.

N/A

13. Historic and Cultural Preservation Find help answering historic and cultural preservation questions

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

N/A

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

N/A

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

N/A. This is a non-project action.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

14. Transportation Find help with answering transportation questions

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

N/A

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

No

c. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

No

d. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No

e. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates?

N/A

f. Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

N/A

g. Proposed measures to reduce or control transportation impacts, if any.

N/A

15. Public Services Find help answering public service questions

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

N/A

b. Proposed measures to reduce or control direct impacts on public services, if any.

N/A

16. Utilities Find help answering utilities questions

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:

N/A. This is a non-project action.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

N/A. This is a non-project action.

C. Signature Find help about who should sign

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Kevin Cricchio, AICP, ISA, Town Planner, Town of Concrete

Date submitted: Click or tap to enter a date.

12/30/2025

D. Supplemental sheet for nonproject actions Find help for the nonproject actions worksheet

IT IS NOT REQUIRED to use this section for project actions.

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. **How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?**

The proposed code amendments will not cause an increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise

- **Proposed measures to avoid or reduce such increases are:** N/A

2. **How would the proposal be likely to affect plants, animals, fish, or marine life?**

The proposed code amendments will not cause adverse to plants, animals, fish, or marine life.

- **Proposed measures to protect or conserve plants, animals, fish, or marine life are:** None

3. **How would the proposal be likely to deplete energy or natural resources?**

The proposed code amendments will not deplete energy or natural resources.

- **Proposed measures to protect or conserve energy and natural resources are:** None

4. **How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?**

The proposed code amendments will not cause adverse effects designated critical areas in the Town of Concrete.

- **Proposed measures to protect such resources or to avoid or reduce impacts are:** None

5. **How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?**

The proposed code amendments will not cause adverse effects to land and shoreline uses incompatible with adopted plans.

- **Proposed measures to avoid or reduce shoreline and land use impacts are:** None

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposed code amendments will not cause adverse effects or demands to transportation, public services, or utilities.

- **Proposed measures to reduce or respond to such demand(s) are:** None

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposed code amendments will update the municipal code and be brought into compliance with Washington State requirements.

EXHIBIT #3:
PUBLIC COMMENTS RECEIVED:

NO PUBLIC COMMENTS RECEIVED TO DATE.

EXHIBIT #4:
DEPARTMENT/AGENCY COMMENTS RECEIVED:

NO PUBLIC COMMENTS RECEIVED TO DATE.

EXHIBIT #5:
PLANNING COMMISSION LETTER

John Boggs Comments to Planning Commission Actions, 20 Jan 2026

First, I want to apologize to the Planning Commissioners. After months of conflict over another issue, I just wanted to take the easy route by being agreeable, approving whatever, and then going home. That was, in retrospect, unprofessional. I have agonized over the last Planning Commission for days. By taking that easy route, I made a significant error in judgement which did the Town of Concrete a disservice that I will attempt to correct.

I recall the initial pep talk when this Commission was reformed about the Planning Commission not being a knee-jerk reaction team to rubber stamp whatever came along, but an integral part of shaping the Town's future with a disciplined process. To me, that's the very definition of "Planning." I don't recall if this Commission has Bylaws, or not, but we should take a little time and define what our process should be. If a staff member hasn't thoroughly completed the requisite staff work, the Commission should not entertain approving it, nor should the Commissioners be doing staff work.

If possible, I believe we should rescind our recommendation of all 3 proposed codes: 16.14 Stormwater Management, 19.82 Wireless Communication Facilities (WCF), and 19.86 Recreational Marijuana Producers, Processors and Retailers. The votes on all 3 draft codes were passed with the proviso that all changes recommended by Gabe Asarian and the three individual commissioners would be incorporated into the codes, without further review, before being submitted to the Town Council for approval. This means if any change is recommended that is not acceptable to Kevin, the Town Planner, or for any other reason is not fully included in the final code that goes forward to the Council, our recommendation is null and void. In retrospect, this is not an acceptable practice because it means we have recommended something without any idea what we're recommending. In the future, I will not vote to approve anything the first time it comes before the Planning Commission and will only vote to recommend things when we have reviewed the final version.

Proposed changes to the 3 draft codes:

Delete the text in its entirety, from all 3 proposed codes.

This may seem to be an irrational and drastic step.

As you are aware, I expressed some uneasiness with the fact that Kevin stated that he did not examine any of the other Concrete Municipal Codes (CMCs) for consistency, conflicts, or duplication with the new code on Stormwater Management, Chapter 16.14.

While Kevin assured us that he would look at the other codes later for consistency, duplication, et cetera, we must recognize his time is not entirely his own to promise. If changes are necessary to other codes because of the passage of a new code, all those code changes should legitimately come before the Commission together as well as any resulting changes in procedures, checklists, or forms.

I do commend Kevin for trying to consolidate subjects into unique, stand-alone codes and not sprinkling references throughout numerous places, but that effort needs to be completed together and not as a later catch-up action.

General comments meriting for further discussion:

1. All 3 proposed codes are in a format different than most of the Town's Codes. Why? Even reformatting a document can induce errors.

For instance, after the numbered paragraph 1.04.010, the next paragraph is numbered as such, (1), etc. Then it goes to letters (a), etc. Then, (i), etc.

The proposed codes go 19.82.020, the A, then 1, then i.

2. As previously stated, any code or code revision coming before the commission should be researched by town staff for consistency, duplication, etc., before coming before the Commission. Any other code changes necessary, should be submitted in tandem with the new or proposed changes.

3. Most of the Town's codes assign paragraph numbers to individual definitions which makes them easier to find and reference. Why was this methodology dropped on some submissions (16.14 & 19.82) and continued on the other one (19.86)?

4. I am of the belief that some of the Town Codes are applicable in Concrete's Growth Management Area (GMA). I think this is most evident in regards to zoning. Since all these three proposed codes restrict activities to certain zoning districts, am I correct in assuming these codes also apply to the GMA (Grasmere)? Please clarify what code apply to the GMA and which ones do not.

16.14 Stormwater Management

a. Drainage is addressed in the following codes:

(1) 8.04 Nuisances

(2) 13.04 Sewer System

(3) 15.08 Floodplain Management

(4) 16.12 Critical Areas Regulations (CAR)

(5) 17.08 Subdivisions

(6) Land Use Procedures

(7) Supplemental Development Standards

(8) 19.50 Landscaping

(9) 19.54 Off-Street Parking and Loading

(10) 19.58 Planned Unit Developments

(11) 19.68 Land Use Permit Process- Framework for Decision-Making

Trying to do-conflict all these is not the job of an amateur and may take considerable time.

b. 16.14.015 A: In what ways is this code different from the Washington State DOE "stormwater manual?"

c. 16.14.020: Most of the Town's codes assign paragraph numbers to individual definitions which makes them easier to find and reference. Why was this methodology dropped?

d. 16.14.020 Discharge stormwater…. This uses the acronym MS4 before that term is defined. Shouldn't that acronym be spelled out here?

e. 16.14.020 The drainage system installed…. This seems to contradict other references.

f. 16.14.025 A & B. These two paragraphs seem to contradict each other.

g. 16.14.030 B. What are the requirements stated in the SWPPP (Stormwater Pollution Prevention Plan)?

h. 16,14.030 C. Where does the Town include the requirements and procedures for a DOE Construction Stormwater General Permit?

i. 16.14.030 E 4 a i. How would this paragraph apply to such projects as was completed on Airport Way?

j. 16.14.040. This paragraph references the Stormwater Manual, but doesn't state where it is. Is there a copy at the Town Hall and/or shouldn't it be available on the Town's website?

k. 16.14.050 A. Again, another reference (the Low Impact Development Technical Guidance Manual for Puget Sound, published by the Puget Sound Partnership and Washington State University Extension) for a publication that is not readily available or even directions on where to find it.

l. 16.14.050 B. I assume that BMP is an acronym for "Best Management Practices." Whether I'm correct, or not, it should be included in the definitions section.

m. 16.14.070. This sounds like so much double talk that leaves too much room for interpretation.

n. 16.14.110 C. In the first line, the "approval of the engineer" should be changed to "approval of the Town Engineer."

o. 16.14.110 G. Under what conditions is a maintenance bond required and where is that defined?

p. 16.14.120 Fix the misspelling of detention, the word does not end with an "m."

q. 16.14.150 Is this a new requirement or has it been done in the past? If it is not a new requirement, has the Town fully met this requirement in the past? If it is a new requirement, what procedures have been developed to implement it?

r. 16.14.170 C. Since the Town of Concrete has long been identified as a low-income area, everyone could whine for an exemption. Specific criteria should be established.

s. 16.14.190 After the exemptions available in section 16.14.170, how strict can enforcement really be?

t. 16.14.200 A. Given section 16.14.170 creates a class of persons identified as having "economic hardship," this section is untrue.

19.82 Wireless Communication Facilities (WCF)

a. 19.82. WCF is used as abbreviation for Wireless Communication Facility and yet it is omitted from the listing of definitions.

b. 19.82.040 C. Correct “CMC 1982.030” to “CMC 19.82.030.”

c. 19.82.040 D. This states that “Small wireless facilities as defined in CMC 19.82.030 are….” However, that reference does not define them, it only refers the reader to 47 C.F.R. 1.6002(/).

d. I did not complete a detailed review of this code.

e. I question whether all the policies and procedures to implement this code have been created? If not, we are in the position of requiring something for which no one really knows how to implement.

19.86 Recreational Marijuana Producers, Processors and Retailers.

a. This code, or possibly the Town’s Comp Plan, should include a graphic representation of where those areas where these activities are currently permitted. As the governing RCW states the buffer zone can be decreased to as little as 100 feet. For this reason, I question the wisdom of beginning that process of decreasing the currently authorized maximum buffer of 1000 feet.

b. 19.860030 should be 19.86.030.

c, 19.86.030 Q. It is highly unlikely the Town of Concrete will ever have an indoor transit center. Given that and the fact that all the transit stops are used by our youth, I believe this section should possibly be changed to include all identified and marked transit stops.

d. 19.86.070 A. This is the RCW reference:

RCW 69.50.331 8(b) A city, county, or town may permit the licensing of premises within 1,000 feet but not less than 100 feet of the facilities described in (a) of this subsection, except elementary schools, secondary schools, and playgrounds, by enacting an ordinance authorizing such distance reduction, provided that such distance reduction will not negatively impact the jurisdiction's civil regulatory enforcement, criminal law enforcement interests, public safety, or public health.

e. What category would the Concrete Community Center fall under? The Or the East County Resource Center?

f: 19.86.090 C. “nothing in this chapter shall be construed to supercede legislation prohibiting persons from engaging in conduct that endangers others, or that creates a

nuisance as defined herein." I could not find exactly what constitutes a "nuisance" defined in this code.

Don Payne's comments.

Don Payne's comments were in regards to CMC 19.36 TC – Town Center District, specifically section 19.36.020 Permitted Uses, paragraph (1) Apartments.

Apartments, including multifamily dwellings, provided they are located in a multi-story building or rear portion of the building accessible by an alleyway, which must contain at least 75 percent by area of a different allowed and active use as listed in this section; and provided, that they are connected to the public sanitary sewer.

As I recall, a restriction on apartments was a result of the rooms of the building at P70520 (45960/45964/45968/45972 Main Street) being used as apartments, whose only access was directly onto Main Street. This was deemed not appropriate for the Town Center. Reviewing this code, at this time, raises several questions for me. If apartments are only allowed if at least 75 percent of the building is actively being used for an allowable purpose, this would mean Don Payne's apartments whose access off Thompson Street, are not actually permitted either, regardless of the access. This "active use" component also places in question the use of P70524 (45938 Main Street), P70506 (the stand-alone building previously the Knothole Gift Shop located on the lot with the Liquor Store at 45895/45897/45899 Main Street) that I understand is being used as an Air B&B, and P70507 (45905 Main Street).

Since he bothered to come to the meeting, he deserves a response of some kind after looking into his "issue."

EXHIBIT #6:
TOWN COUNCIL PROPOSED CODE AMENDMENT & ORDINANCE:

ORDINANCE # 908

AN ORDINANCE OF THE TOWN OF CONCRETE ESTABLISHING A NEW CHAPTER 19.82 OF THE CONCRETE MUNICIPAL CODE REGULATING WIRELESS COMMUNICATION FACILITIES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

Whereas, the Growth Management Act requires the Town of Concrete to process amendments to the local development regulations per Concrete Municipal Code (CMC) Chapter 18.08; and

Whereas, Town staff have prepared a new Chapter 19.82 of the Concrete Municipal Code Title 19, regulating Wireless Communication Facilities ("Code Amendment"); and

Whereas, on November 09, 2025, the Washington State Department of Commerce (DOC) was solicited for comment regarding the subject Code Amendment during a required 60-day comment period; and

Whereas, the 60-day DOC comment period ended on January 08, 2026. No comment from DOC was received; and

Whereas, the Town of Concrete issued a SEPA threshold determination of non-significance (DNS) on December 31, 2025, pursuant to WAC 197-11-340(2); and

Whereas, the Town of Concrete advertised a Notice Code Amendment, issued a SEPA Determination of Non-Significance (DNS), and Notice of Hearing on December 31, 2025. This notice was published in the Skagit Valley Herald newspaper on January 2, 2026, and posted on the town's website; and

Whereas, the notice and associated application material was also posted with the Washington State SEPA Register on December 30, 2025; and

Whereas, Agencies and Departments of jurisdiction were solicited for comment. The comment period ended on January 16, 2026. No comments were received; and

Whereas, the public was also solicited for comment. The comment period ended on January 16, 2026. No public comment was received by staff prior to the Planning Commission's Public Meeting; and

Whereas, the Town of Concrete does not have any regulations in municipal code regulating wireless communication facilities; and

Whereas, the Planning Commission held a Public Meeting on January 20, 2026, to review the proposed Code Amendment, hear public comment, deliberate on the matter, and to make a recommendation to Town Council; and

Whereas, the Planning Commission made a Recorded Motion concerning the proposed Code Amendments and recommended approval to Town Council, with a proposed change; and

Whereas, the Town Planner reviewed the Planning Commission's recommended changes to the proposed Code Amendment; and

Whereas, Town Council conducted an open record public hearing on the proposed Code Amendment on February 09, 2026. Following public testimony on the matter, the public record was closed; and

Whereas, after considering the analysis and proposed Code Amendment prepared by Staff, the recommendation from the Planning Commission, and the public comments received, the Town Council desire to adopt the proposed Code Amendment as set forth herein.

Now Therefore, Be It Ordained by the Town Council of the Town of Concrete, Washington:

Section 1: Findings. The foregoing recitals are hereby adopted as findings of fact in support of the adoption of this Ordinance.

Section 2. Adoption and Amendment of the Concrete Municipal Code. The Town Council hereby amends Concrete Municipal Code Title 19 by establishing new Chapter 19.82 regulating wireless communication facilities as shown in **Exhibit #1** attached and incorporated herein.

Section 3. Severability. Should any Section, paragraph, sentence, or word of this Ordinance hereby adopted be declared for any reason to be invalid, it is the intent of Council of the Town of Concrete that it would have passed all other portions of this Ordinance hereby adopted independent of that work determined to be invalid and accordingly such declaration of invalidity shall not affect the validity of this Chapter as a whole nor any part hereof other than the part so declared to be invalid.

Section 4. Corrections. Upon approval of the Town Attorney, the Town Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 5. Effective Date. This Ordinance shall take effect five (5) days after its passage, approval, and publication by law.

Passed and approved this _____ day of _____ 2026.

_____

Mayor

Attest:

_____

Clerk – Treasurer

Approved as to Form:

_____

Town Attorney

NEW CODE AMENDMENT TO THE CONCRETE MUNICIPAL CODE:

2025/2026 Code Amendment - MARKUP DRAFT

Black Font (No Underline) =	**Existing Code with No Proposed Change**
Black Font with ~~Strikethrough~~ =	**Existing Code with Proposed Deletion as part of Code Amendment**
Red Font & Underline =	**New Proposed Code as part of Code Amendment**
Green Font & Underline =	**New Proposed Code added after Planning Commission**

EXHIBIT #1

Chapter 19.82
WIRELESS COMMUNICATION FACILITIES (WCF)

Sections:

19.82.010 Purpose.

The purpose of this chapter, in addition to implementing the general purposes of the comprehensive plan and development regulations, is to regulate the permitting, placement, construction, and modification of wireless communication facilities (WCFs), in order to protect

the health, safety, and welfare of the public, while not unreasonably interfering with the development of a competitive wireless telecommunications marketplace within the Town.

This chapter provides permitting and review regulations as well as aesthetic, design and concealment procedures for the construction of WCFs both inside and outside the public right-of-way. These provisions are intended to provide standards to assist in minimizing the potential impacts associated with wireless communication facilities and to encourage creative approaches in their location and construction. It also provides siting options at appropriate locations within the Town to support existing communications technologies, to adapt to new technologies as needed, and to minimize associated safety hazards and visual impacts. The siting of wireless communication facilities on existing buildings and structures, collocation of facilities on a single support structure and visual mitigation strategies are encouraged to preserve neighborhood aesthetics and reduce visual clutter in the Town.

19.82.020 Applicability.

The placement of any WCF in any location within the Town is subject to the provisions of this chapter.

A. Any person who desires to place any WCF within the boundaries of the Town must apply to the Town for the appropriate WCF permit.

B. *Lease Required.* In addition to the requirement of obtaining the appropriate WCF permit, if all or a portion of the WCF will be located upon a Town-owned structure, or upon non-right-of-way property, which is either Town owned or Town-leased, the applicant shall be required to enter into a lease agreement with the Town for the use of the Town property.

C. *Franchise Required.* In addition to the requirement of obtaining the appropriate WCF permit, if all or a portion of the WCF will be located within the Town's right-of-way, the applicant shall be required to enter into a franchise agreement, consistent with RCW 35.27.330, with the Town for the use of the Town's right-of-way.

19.82.030 Definitions.

For the purpose of this chapter, except when a different definition is required by CMC 19.82.100, Eligible Facilities Requests, the following terms are defined as follows:

"ADA" means the Americans with Disabilities Act (42 U.S.C. § 12101).

"Antenna(s)" means an apparatus designed for the purpose of emitting radio frequency (RF) radiation, to be operated or operating from a fixed location pursuant to FCC authorization for the

provision of personal wireless service and any commingled information services. For purposes of this definition, the term "antenna" does not include an unintentional radiator, mobile station, or device authorized under 47 C.F.R. Part 17.

"Antenna equipment," consistent with 47 C.F.R. § 1.1320(d), means equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the antenna, and, when collocated on a structure, is mounted or installed at the same time as such antenna.

"Antenna facility" means an antenna and associated antenna equipment.

"Collocation" means:

1. Mounting or installing an antenna facility on a preexisting structure; and/or

2. Modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

Provided, that for purposes of eligible facilities requests, "collocation" means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

"Concealment" means a wireless service facility that is disguised, hidden, or integrated with an existing structure that is not a monopole or tower, or a wireless service facility that is placed within an existing or proposed structure, or new structure, tower, or mount within trees so as to be significantly screened from view.

"Decorative pole(s)" means any pole that is uniquely found in a particular neighborhood in the Town that adds to the aesthetic of the streetscape of that neighborhood and is specified in a Town-adopted plan.

"Director" means the community development director or designee.

"Equipment enclosures" includes the wireless service provider's specific enclosure used to house transmission equipment other than antennas, usually located within and including cabinets, shelters, pedestals, or other similar enclosures used to contain electronic equipment for said purpose. This may include cabinets attached to a pole.

"FCC" or "Federal Communications Commission" means the federal administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers on a national level.

"Macro facility" means a wireless communication facility that generally provides radio frequency coverage for personal wireless services over a larger geographic area. Generally, macro facilities are mounted on ground-based towers, rooftops and other existing structures, at a height that provides a clear view over the surrounding buildings and terrain. Macro facilities typically contain antennas that are greater than three cubic feet per antenna and typically cover large geographic areas with relatively high capacity and are capable of hosting multiple wireless service providers.

"Permittee" means a person who has applied for and been issued a wireless communication facility permit pursuant to this chapter.

"Personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.

"Poles" means utility poles, light poles or other types of poles, used primarily to support electrical wires, telephone wires, television cable, lighting, or guide posts; or are constructed for the sole purpose of supporting a WCF, but specifically excludes traffic signal poles.

"Satellite dish antenna(s)" means a type of antenna(s) and supporting structure consisting of a solid, open mesh, or bar configured reflective surface used to receive and/or transmit radio frequency communication signals. Such an apparatus is typically in the shape of a shallow dish or cone.

"Small wireless facility" is defined consistent with "small wireless facilities," as set forth in 47 C.F.R. § 1.6002(*l*).

"Structure" means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or commingled with other types of services).

"Telecommunications service" shall be defined in accordance with RCW 35.99.010.

"Temporary wireless communication facility" means facilities that are composed of antennas and a mast mounted on a truck (also known as a cell on wheels, or "COW"), antennas mounted on

sleds or rooftops, or ballast mount temporary poles. These facilities are for a limited period of time, are not deployed in a permanent manner, and do not have a permanent foundation. These facilities are for:

1. The reconstruction of a permanent WCF and limited to a duration of twelve months from the date of approval unless an extension is requested at least thirty days prior to the expiration date; or

2. Large scale events are limited to the duration of the event, plus ten days prior to the event and ten days after; or

3. Emergency communications equipment in anticipation of and during a declared public emergency or emergency exercise.

"Tower" means any structure built for the sole or primary purpose of supporting any FCC licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services, including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services such as microwave backhaul, and the associated site.

"Traffic signal poles" means a pole that supports equipment used for controlling traffic, including but not limited to traffic lights, rapid flashing beacons, speed radar, and school zone flashers.

"Transmission equipment" means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and back-up power supply. The term includes equipment associated with wireless communications 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.

"Unified enclosure" means a small wireless facility providing concealment of antennas and equipment within a single enclosure.

"Wireless communication facility" ("WCF") means any unstaffed facility for the transmission and/or reception of radio frequency (RF) signals through electromagnetic energy usually consisting of an equipment shelter or cabinet, a support tower or other structures used to achieve the necessary elevation, and the transmission and reception devices or antenna.

19.82.040 General provisions.

A. WCFs shall not be considered nor regulated as essential public facilities.

B. WCFs are prohibited on buildings which are designated as solely residential except for those structures that contain three or more attached dwelling units.

C. Macro facilities, as defined in CMC 1982.030, are permitted uses in every zone of the Town but still require a macro facility permit pursuant to CMC 19.82.050.

D. Small wireless facilities, as defined in CMC 19.82.030, are permitted uses throughout the Town but still require a small wireless facility permit pursuant to CMC 19.82.110. Small wireless facilities located within the public right-of-way also require a valid franchise.

E. The following WCF are exempt from the provisions of this chapter and shall be permitted in all zoning districts without having to obtain land use permits:

1. Routine maintenance, replacement, or repair of WCF or related equipment, excluding structural work or changes in height, type, or dimensions of towers or base stations; provided, that compliance with the standards of this chapter is maintained and a right-of-way use permit is obtained if the WCF is located in the right-of-way;

2. Emergency repair or maintenance of a WCF, provided a building permit application is filed for the emergency repair or maintenance of a WCF within seven working days after such emergency activity is started;

3. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC;

4. Antennas and related equipment that are being stored, shipped, or displayed for sale;

5. Radar systems for military and civilian communication and navigation;

6. Temporary wireless communication facilities subject to the requirements of CMC 19.82.040(F);

7. Licensed amateur (ham) radio stations;

8. Satellite dish antennas less than two meters in diameter, including direct-to-home satellite services, when operated as a secondary or accessory use of a property;

9. Governmentally operated wireless communication devices for public safety radio systems, ham radio and business radio systems; and

10. Starlink antennae used by private residences

F. Temporary WCFs are permitted as follows:

1. A building permit is required to locate or install any temporary WCF within the Town.

2. Except during a declared public emergency, a lease or site license agreement is required to install any temporary WCF on city-owned property within the Town.

3. Temporary WCFs are only permitted for (a) the reconstruction of a permanent WCF and limited to a duration of 18 months from the date of approval unless an extension is requested at least 30 days prior to the expiration date; or (b) large scale events and limited to the duration of the event, plus 10 days prior to the event and 10 days after.

4. Temporary WCFs shall be portable without a permanent foundation unless they are building mounted. Building-mounted temporary WCF facilities shall comply with all applicable development standards in this chapter.

G. Lattice towers and guyed wire towers are prohibited in all zoning districts within the Town.

H. The design standards established herein are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would effectively prohibit the applicant from providing a wireless service, alternative forms of concealment or deployment may be permitted which provide similar or greater protections from negative visual impacts to the streetscape.

19.82.050 Macro facility permit procedures.

A. *Permits and Approvals Required.*

1. *Macro Facility Permit.* A macro facility permit is required for any macro facility unless specifically exempted.

2. *Associated Permit(s) and Checklist(s).* The applicant shall attach all associated required permit applications including but not limited to applications required under Chapter 18.08

CMC, and applications or checklists required under the Town's critical areas, shoreline or SEPA ordinances.

3. *Completeness.* An application for a macro facility is not complete until the applicant has submitted all the applicable items required by CMC 19.82.020 and, to the extent relevant, has submitted all the applicable items in subsection (B) of this section and the Town has confirmed that the application is complete.

B. *Macro Facility Permit Procedure.*

1. *Preapplication Meeting.* A preapplication meeting is encouraged prior to submitting an application for a macro facility. The purpose of a preapplication meeting is to discuss the nature of the proposed macro facility, and to review applicable plans, policies, and regulations.

2. *Application and Contents.* The following information, along with the required fee as established by the Town's fee resolution, which may be amended from time to time, shall be provided by all applicants for a macro facility permit:

a. The name, address, phone number and authorized signature on behalf of the applicant;

b. If the proposed site or structure is not owned by the Town, the name, address and phone number of the owner and a signed document or lease confirming that the applicant has the owner's permission to apply for permits to construct the macro facility on the proposed site or structure;

c. A statement identifying the nature and operation of the macro facility;

d. A vicinity sketch showing the relationship of the proposed use to existing streets, structures and surrounding land uses, and the location of any nearby bodies of water, wetlands, critical areas or other significant natural or manmade features;

e. Construction drawings as well as a plan of the proposed use showing proposed streets, structures, land uses, open spaces, parking areas, fencing, pedestrian paths and trails, buffers, and landscaping, along with text identifying the proposed use(s) of each structure or area included on the plan;

f. Photo simulations of the proposed macro facility from public rights-of-way, public properties and affected residentially zoned properties. Photo simulations must include

all cable, conduit and/or ground-mounted equipment necessary for and intended for use in the deployment regardless of whether the additional facilities are to be constructed by a third party;

g. A sworn affidavit signed by an RF engineer with knowledge of the proposed project affirming that the macro facility will be compliant with all FCC and other governmental regulations in connection with human exposure to radio frequency emissions for every frequency at which the facility will operate. If facilities which generate RF radiation necessary to the macro facility are to be provided by a third party, then the permit shall be conditioned on an RF certification showing the cumulative impact of the RF emissions on the entire installation;

h. Information necessary to demonstrate the applicant's compliance with FCC rules, regulations and requirements which are applicable to the proposed macro facility;

i. If not proposing a collocation, then sufficient documentation showing that the applicant has made a reasonable attempt to find a collocation site acceptable to engineering standards and that collocating was not feasible or that it posed a physical problem;

j. If proposing to locate in a residential zone, evidence demonstrating that the proposed facility cannot be located outside the residential zone;

k. Evidence demonstrating compliance with applicable provisions of the Airport Layout Plan, to demonstrate that the proposed WCF is not located within the airport's restricted airspace;

l. Information sufficient to establish compliance with CMC 19.82.080 and CMC 19.82.090;

m. Current Town of Concrete business licenses and insurance requirements, as listed in CMC Chapter 5.04, Business License; and

n. Such additional information as deemed necessary by the director for proper review of the application, and which is sufficient to enable the director to make a fully informed decision pursuant to the requirements of this chapter.

3. *Public Notice.* Macro facility permits shall follow the applicable noticing requirements for Type III permits.

4. *Decision.* The Town shall review and may approve or deny macro facilities as follows:

a. The director may approve, deny, or conditionally approve all or any portion of a macro facility permit that proposes to collocate on an existing structure.

b. The Town Council may approve, deny, or conditionally approve all or any portion of a macro facility permit that proposes to locate on a new structure.

5. *Third Party Review.* The director shall route applications to consultants as the director determines necessary. All actual, reasonable costs of consultant review shall be billed to the applicant.

6. *Withdrawal.* Any applicant may withdraw an application at any time, provided the withdrawal is in writing and signed by all persons who signed the original application or their successors in interest. When a withdrawal is received, the application shall be deemed null and void. If such withdrawal occurs prior to the director's decision, then reimbursement of fees submitted with said application shall be prorated to withhold the amount of Town costs incurred in processing the application prior to the time of withdrawal. If such withdrawal is not accomplished prior to the director's decision, no portion of the fee will be refunded.

19.82.060 Macro facility review criteria.

No application for a macro facility may be approved unless all of the following criteria are satisfied:

A. The proposed use will be served by adequate public facilities including roads, water, and fire protection.

B. The proposed use will not be materially detrimental to uses or property in the immediate vicinity of the subject property, and will not materially disturb persons in the use and enjoyment of their property.

C. If proposing to locate on Town-owned property outside of a park, the macro facility must comply with the following requirements:

1. The facilities will not interfere with the purpose for which the Town-owned property is intended; and

2. The facilities will have no significant adverse impact on surrounding private property.

D. If proposing to locate a new macro facility in a Town park, the applicant must first demonstrate that prohibiting the siting of the macro facility in the Town park would effectively prohibit their ability to provide telecommunications service in the Town.

E. The proposed use will not be materially detrimental to the public health, safety and welfare.

F. The proposed use complies with this chapter and all other provisions of this code.

G. The director shall review the application for conformance with the following criteria:

1. Compliance with prioritized locations pursuant to CMC 19.82.080.

2. Compliance with design standards pursuant to CMC 19.82.090.

19.82.070 Macro facility permit requirements.

A. The permittee shall comply with all of the requirements within the macro facility permit.

B. The permittee shall allow collocation of proposed macro facilities on the permittee's site, unless the permittee demonstrates that collocation will impair the technical operation of the existing macro facilities to a substantial degree.

C. The permittee shall notify the Town of any sale, transfer, or assignment of a macro facility within sixty days of such event.

D. All installations of macro facilities shall comply with any governing construction or electrical code including the National Electrical Safety Code, the National Electric Code or state electrical code, as applicable.

E. A macro facility permit issued under this chapter must be substantially implemented within twenty-four months from the date of final approval or the permit shall expire. The permittee may request one extension to be limited to twelve months, if the applicant cannot construct the macro facility within the original twelve-month period.

F. *Site safety and maintenance.* The permittee shall maintain the macro facilities in safe and working condition. The permittee shall be responsible for the removal of any graffiti or other vandalism and shall keep the site neat and orderly, including but not limited to following any maintenance or modifications on the site.

19.82.080 Prioritized locations for macro facilities.

A. Macro facilities shall be located in the following prioritized order of preference:

1. Collocated with existing macro facility(ies) or another existing public facility/utility (i.e., existing or replacement utility pole or an existing tower) in the industrial, and commercial zoning districts.

2. Collocated with existing macro facility(ies) or another existing public facility/utility (i.e. existing or replacement utility pole or an existing tower) in other zones.

3. Collocated on existing or replacement structures in open space and residential zones where the structure is not used for residential uses (e.g., religious facility or public facility (i.e., existing or replacement utility pole)).

4. New tower proposed in a nonresidential zone district where the sole purpose is for WCFs. Said structure shall be the minimum height necessary to serve the target area and in no event may exceed the height requirements established by CMC 19.82.090; however, the structure shall be designed to allow extensions to accommodate the future collocation of additional antennas and support equipment. Further, the tower structure shall comply with the setback requirements of the commercial or business zone districts, as applicable. In no case shall the antenna be of a height that requires illumination by the Federal Aviation Administration (FAA).

5. New tower proposed in a residential zone district, where the sole purpose is for WCFs, but only if the proposed structure is no higher than the minimum height necessary to serve the target area and in no event may exceed the height requirements established by CMC 19.82.090; however, the tower shall be designed to allow extensions to accommodate the future collocation of additional antennas and support equipment. In no case shall the antenna be of a height that requires illumination by the FAA.

B. *Siting Priority on Public Property.*

1. The following entities in descending order will be given priority to locate on Town-owned property:

a. Town of Concrete;

b. Public safety agencies, including law enforcement, fire and ambulance services, which are not part of the Town of Concrete and private entities with a public safety agreement with the Town of Concrete;

c. Other governmental entities, for uses that are not related to public safety; and

d. Entities providing commercial wireless services.

19.82.090 Macro facility design and concealment standards.

All macro facilities shall be constructed and installed according to the following standards:

A. *Separation Distance.* In all residential and commercial districts, towers shall be separated by a distance equal to or greater than one thousand three hundred twenty linear feet (one-quarter mile), unless the applicant can demonstrate such requirement is infeasible.

B. *Setbacks.* Macro facilities and associated equipment enclosures shall not be located with any setback areas on private or public property.

C. *Height.*

Zone	**Permitted Height**
1. Residential	Macro facilities shall not exceed 75 feet in total (whether collocating on an existing structure or locating on a new tower or structure).
All other zones	Towers shall not exceed 85 feet, unless collocation is provided for, in which case the facility shall not exceed 100 feet.

D. *Dimensions*. Towers shall be designed utilizing the narrowest dimensions possible, and in no instance shall it extend further, as measured horizontally, from the centerline of the tower, than a distance of twenty feet.

E. *Landscaping.* Towers shall be screened using a planting buffer with a minimum width of five feet around the compound's perimeter. Trees with significant height and fullness upon maturity may also be used to visually screen a tower from adjacent residences and rights-of-way.

F. *Lighting.* Except as specifically requested by the Federal Aviation Administration (FAA), and/or the FCC, WCFs shall not be illuminated, except equipment shelters and compounds may use lighting for security reasons as long as the light is shielded downward to remain within the boundaries of the site.

G. *Macro Facilities Attached to Buildings.* In addition to complying with the other applicable design requirements in this section, macro facilities attached to existing buildings shall conform to the following requirements:

1. Attached antennas may exceed the height limitation by fifteen feet so long as they are affixed to the side of an existing building or mounted on the rooftop of the building and architecturally blend with the building.

2. Buildings that are nonconforming with respect to height may be used, provided the antennas do not exceed a height of fifteen feet above the existing structure. Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.

3. The interruption of architectural lines or horizontal or vertical reveals is discouraged.

4. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if they complement the architecture of the existing building.

5. The smallest mounting brackets necessary shall be used, in order to provide the smallest offset from the building.

6. Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas. Exposed cabling/wiring is prohibited.

7. If the aesthetic impacts cannot be mitigated by placement and color solutions, the WCF can be required to be screened.

H. *Utility Pole Attachments.* If proposing to locate on a replacement utility pole, the height of the replacement pole shall not exceed fifteen feet taller than the existing pole, unless an

additional height increase is required for vertical separation and such height extension is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.

I. *Stealth Concealment Techniques.* All macro facilities shall employ concealment techniques in their design, construction, and maintenance and reduce the WCF's aesthetic impacts to the maximum extent feasible. These designs shall be labeled "stealth concealment techniques" and may include the following:

1. Nonreflective coloring, approved by the director, which blends into the nearby surroundings of the WCF so as to minimize the visual impact of the support structure or antennas.

2. Located in such a manner that, to the extent feasible, existing trees and/or buildings and other structures on the site are used to screen the WCF from view from rights-of-way and residences; provided, however, that all WCF shall be designed in a manner which minimizes the need for removal of existing trees.

3. Designed to resemble an object other than a WCF which is already present in the local environment, such as a tree or a streetlight.

4. Colors or materials that match the underlying support structure.

5. Other examples of concealment techniques include, but are not limited to, the use of innovative site design techniques, existing or new vegetation and landscaping, other surface treatments, alternative antenna configuration and/or selection, utilization of antenna support structures designed to resemble trees, and any other practice which screens the WCF from observation from roadways, residences, and other properties or otherwise has the effect of reducing the aesthetic impacts associated with the WCF.

J. *Noise.* Macro facilities shall not produce noise in excess of the applicable noise standards regulated by Chapter 9.12 CMC, Public disturbance noise, and Chapter 173-60 WAC, Maximum Environmental Noise Levels, except for in emergency situations requiring the use of a backup generator, where the noise standards may be exceeded on a temporary basis.

K. *Collocation.* It is the Town's policy to minimize the number of towers and to encourage the collocation of more than one carrier's macro facility on a single support structure as well as construct and site facilities with a view towards sharing the site and structure with other utilities. All towers that exceed eighty-five feet in height shall be designed to accommodate two or more

WCF. Nothing in this section shall prohibit the owner of an existing facility from charging a reasonable fee for collocation of other communication facilities.

L. *Cumulative Visual Effects*. The director shall consider the cumulative visual effects of macro facilities mounted on existing structures and/or located on a given permitted site in determining whether the additional permits can be granted so as to not adversely affect the visual character of the Town.

M. *Equipment Enclosures.*

1. Equipment enclosures shall be the minimum size necessary for its intended purpose. Equipment enclosures shall be located within buildings or placed underground, unless applicant can demonstrate that such placement is technically infeasible. When they cannot be located in buildings or placed underground, equipment enclosures shall be screened. Alternate methods for screening may include the use of building or parapet walls, sight-obscuring fencing and/or landscaping. If landscaping screening is used, the applicant must include a planting buffer with a minimum width of five feet around the enclosure.

2. Ground-mounted equipment in the right-of-way is prohibited, unless such facilities are placed underground, or the applicant can demonstrate that such placement is technically infeasible.

3. Generators located in the right-of-way are prohibited.

4. All equipment shelters, cabinets, or other on-the-ground ancillary equipment shall meet the setback requirements of the zone in which it is located.

N. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would unreasonably impair the function of the technology chosen by the applicant, alternative forms of concealment or deployment may be permitted which provide similar or greater protections of the streetscape.

19.82.100 Eligible facilities requests.

Eligible facilities requests shall be reviewed pursuant to this section.

A. *Definitions.* The following definitions shall apply to eligible facilities requests only as described in this section and shall not apply throughout this chapter.

1. "Base station" means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein nor any equipment associated with a tower. "Base station" includes, without limitation:

a. Equipment associated with wireless communications services as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

b. Radio transceivers, antennas, coaxial or fiber optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems ("DAS") and small wireless facilities).

c. Any structure other than a tower that, at the time the relevant application is filed (with jurisdiction) under this section, supports or houses equipment described in subsections (A)(1)(a) and (A)(1)(b) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

d. The term does not include any structure that, at the time the relevant application is filed with the Town under this section, does not support or house equipment described in subsections (A)(1)(a) and (A)(1)(b) of this section.

2. "Collocation" means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes.

3. "Eligible facilities request" means any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

a. Collocation of new transmission equipment;

b. Removal of transmission equipment; or

c. Replacement of transmission equipment.

4. "Eligible support structure" means any tower or base station as defined in this section; provided, that it is existing at the time the relevant application is filed with the Town.

5. "Existing" means a constructed tower or base station if it has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process; provided, that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

6. "Site" means, for towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground. The current boundaries of a site are the boundaries that existed as of the date that the original support structure or a modification to that structure was last reviewed and approved by a state or local government, if the approval of the modification occurred prior to the Spectrum Act or otherwise outside of the Section 6409(a) process.

7. "Substantial change" means a modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

a. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten percent or by the height of one additional antenna with separation from the nearest existing antenna, not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent or more than ten feet, whichever is greater.

i. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

ii. The separation of antennas is measured by the distance from the top of the existing antennas to the bottom of the new antennas;

b. 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 ten 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;

c. For any eligible support 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 streets 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 ten percent larger in height or overall volume than any other ground cabinets associated with the structure;

d. It entails any excavation or deployment outside the current site, except that, for towers other than towers in the public rights-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than thirty feet in any direction. The site boundary from which the thirty feet is measured excludes any access or utility easements currently related to the site;

e. It would defeat the concealment elements of the eligible support structure; or

f. 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 above.

8. "Tower" means any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications 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 and the associated site.

9. "Transmission equipment" means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications 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.

B. *Application.* The director shall prepare and make publicly available an application form which shall be limited to the information necessary for the Town to consider whether an application is an eligible facilities request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.

C. *Type of Review.* Upon receipt of an application for an eligible facilities request pursuant to this chapter, the director shall review such application to determine whether the application qualifies as an eligible facilities request.

D. *Time Frame for Review.* Within sixty days of the date on which an applicant submits an application seeking approval under this chapter, the director shall approve the application unless it determines that the application is not covered by this section.

E. *Tolling of the Time Frame for Review.* The sixty-day review period begins to run when the application is filed with the Town, and may be tolled only by mutual agreement by the director and the applicant, or in cases where the director determines that the application is incomplete. The time frame for review of an eligible facilities request is not tolled by a moratorium on the review of applications.

1. To toll the time frame for incompleteness, the director shall provide written notice to the applicant within thirty days of receipt of the application, clearly and specifically delineating all missing documents and/or information required in the application.

2. The time frame for review begins running again when the applicant makes a supplemental submission in response to the Town's notice of incompleteness.

3. Following a supplemental submission, the director will notify the applicant within ten days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this subsection. Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

F. *Determination That Application Is Not an Eligible Facilities Request.* If the director determines that the applicant's request does not qualify as an eligible facilities request, the director shall deny the application. In the alternative, to the extent additional information is necessary, the director may request such information from the applicant to evaluate the application under other provisions of this chapter and applicable law.

G. *Failure to Act.* In the event the director fails to approve or deny a request for an eligible facilities request within the time frame for review (accounting for any tolling), the request shall be deemed granted. The deemed grant of the eligible facilities request does not become effective until the applicant notifies the director in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

19.82.110 Small wireless facility application process.

The Town and applicant for a franchise and other permits associated with the deployment of small wireless facilities face challenges in coordinating applicable legislative and administrative processes under the FCC regulations. Accordingly, in order to manage its Town in a thoughtful manner which balances the need to accommodate new and evolving technologies with the preservation of the natural and aesthetic environment of the Town, the Town of Concrete has adopted this administrative process for the deployment of small wireless facilities.

A. *Permit Required – Small Wireless Facility Permit.* A small wireless facility permit is required for any small wireless facility unless specifically exempted.

B. *Completeness.* An application for a small wireless facility is not complete until the applicant has submitted all the applicable items required by CMC 19.82.120 and, to the extent relevant, has submitted all the applicable items in subsection (C) of this section and the Town has confirmed that the application is complete. Grantees with a valid franchise for small wireless facilities may apply for a small wireless permit for the initial or additional placement of small wireless facilities at any time subject to the commencement of a new completeness review time period for permit processing.

C. *Application Components.* The director is authorized to establish franchise and other application forms to gather the information required by these ordinances from applicants.

1. *Franchise.* If any portion of the applicant's facilities are to be located in the Town's right-of-way, the applicant shall apply for, and receive approval of, a franchise. An application for a franchise may be submitted concurrently with an application for small wireless facility permit(s).

2. *Small Wireless Facility Permits.* The applicant shall submit a small wireless facility permit application and associated components as required by this section. Prior to the issuance of the small wireless facility permit, the applicant shall pay the permit fee as set forth in the fee schedule which may be amended by Town council from time to time, or the actual costs incurred by the Town in reviewing such permit application. If the applicant

desires to locate outside the rights-of-way, or has already obtained a franchise to deploy inside the rights-of-way, the applicant may apply directly for a small wireless facility permit.

3. *Associated Application(s) and Checklist(s).* Any application for a small wireless permit which contains an element which is not categorically exempt from SEPA review shall simultaneously apply under Chapter 43.21C RCW and Chapter 16.04 CMC. Further, any application proposing small wireless facilities in a shoreline area (pursuant to Chapter 19.72 CMC) or a critical area (pursuant to Chapter 16.12 CMC) shall indicate why the application is exempt or comply with the review processes in such codes. Applications for small wireless facilities on new poles shall comply with the requirements in CMC 19.82.170.

4. *Leases.* An applicant who desires to attach a small wireless facility to any structure owned by the Town shall include an application for a lease as a component of its application. Leases for the use of public property, structures, or facilities shall be submitted to the Town council for approval.

19.82.120 Small wireless facility application requirements.

The following information shall be provided by all applicants for a small wireless permit:

A. The application shall provide specific locational information including GIS coordinates of all proposed small wireless facilities and specify where the small wireless facilities will utilize existing, replacement or new poles, towers, existing buildings and/or other structures. Ground-mounted equipment, conduit, junction boxes and fiber and electrical connections necessary for and intended for use in the deployment shall also be specified regardless of whether the additional facilities are to be constructed by the applicant or leased from a third party. Detailed schematics and visual renderings of the small wireless facilities, including engineering and design standards, shall be provided by the applicant. The application shall have sufficient detail to identify:

1. The location of overhead and underground public utility, telecommunication, cable, water, adjacent lighting, sewer drainage and other lines and equipment within one hundred feet of the proposed project area (which project area shall include the location of the fiber source and power source). Further, the applicant shall include all existing and proposed improvements related to the proposed location, including but not limited to poles, driveways, ADA ramps, equipment cabinets, street trees and structures within one hundred feet of the proposed project area.

2. The specific trees, structures, improvements, facilities, lines and equipment, and obstructions, if any, that applicant proposes to temporarily or permanently remove or relocate and a landscape plan for protecting, trimming, removing, replacing, and restoring any trees or areas to be disturbed during construction.

3. Compliance with the siting and aesthetic requirements of CMC 19.82.160 and CMC 19.82.170, as applicable.

4. The applicant must show written approval from the owner of any pole or structure for the installation of its small wireless facilities on such pole or structure. To the extent that the pole or structure is not owned by the property owner, the applicant shall demonstrate in writing that they have authority from the property owner to obtain permits to install the small wireless facility on the pole or structure. Such written approval shall include approval of the specific pole, engineering and design standards from the pole owner, unless the pole owner is the Town. Submission of the lease agreement between the owner and the applicant is not required. For Town-owned poles or structures, the applicant must obtain a lease from the Town prior to or concurrent with the small wireless permit application and must submit as part of the application the information required in the lease for the Town to evaluate the usage of a specific pole.

5. If the application is for a new or a replacement light pole, then the applicant must provide a photometric analysis.

B. The applicant can batch multiple small wireless facility sites in one application. The applicant is encouraged to batch the small wireless facility sites within an application in a contiguous service area.

C. Any application for a small wireless facility located in the right-of-way adjacent to a parcel zoned for residential use shall demonstrate that it has considered the following:

1. Whether the proposed small wireless facility could be located on a street corner rather than in the middle of a block.

2. Whether a small wireless facility is currently installed on an existing pole in front of the same residential parcel. If a small wireless facility exists, then the applicant must demonstrate that no technically feasible alternative location exists which is not in front of the same residential parcel.

3. Whether the proposed small wireless facility can be screened from residential view by choosing a pole location that is not directly in front of a window or views.

D. The applicant shall submit a sworn affidavit signed by an RF engineer with knowledge of the proposed project affirming that the small wireless facilities will be compliant with all FCC and other governmental regulations in connection with human exposure to radio frequency emissions for every frequency at which the small wireless facility will operate. If facilities which generate RF radiation necessary to the small wireless facility are to be provided by a third party, then the small wireless permit shall be conditioned on an RF certification showing the cumulative impact of the RF emissions on the entire installation. The applicant may provide one emissions report for the entire small wireless deployment if the applicant is using the same small wireless facility configuration for all installations within that batch or may submit one emissions report for each subgroup installation identified in the batch.

E. The applicant shall provide proof of FCC and other regulatory approvals required to provide the service(s) or utilize the technologies sought to be installed, to the extent applicable.

F. A professional engineer licensed by the state of Washington shall certify in writing, over their seal, that both construction plans and final construction of the small wireless facilities and structure or pole and foundation are designed to reasonably withstand wind and seismic loads as established by the International Building Code. The building official may accept alternative forms of the structural approval if the review and calculations are conducted by another agency, such as the pole owner.

G. The small wireless facility permit shall include a traffic control plan to allow the applicant to proceed with the build-out of the small wireless facilities within the right-of-way.

H. Recognizing that small wireless facility technology is rapidly evolving, the Town is authorized to adopt and publish standards for the structural safety of Town-owned structures and to formulate and publish application questions for use when an applicant seeks to attach to Town-owned structures.

19.82.130 Small wireless facility application review procedure.

A. The following provisions relate to review of applications for a small wireless facility permit:

1. In any zone, upon application for a small wireless permit, the Town will permit small wireless deployment on existing or replacement utility poles conforming to the Town's generally applicable development and design and concealment standards.

2. Vertical clearance shall be reviewed by the director to ensure that the small wireless facilities will not pose a hazard to other users of the right-of-way.

3. Replacement poles and new poles shall comply with the Americans with Disabilities Act (ADA), Town construction and sidewalk clearance standards, traffic warrants, Town ordinances, and state and federal statutes and regulations in order to provide a clear and safe passage within the right-of-way. Further, the location of any replacement pole or new pole must: be physically possible, cannot obstruct vehicular or pedestrian traffic or the clear zone, not interfere with utility or safety fixtures (e.g., fire hydrants, traffic control devices), and not adversely affect the public welfare, health, or safety.

4. No equipment shall be operated so as to produce noise in violation of Chapter 9.12 CMC, Public disturbance noise, and Chapter 173-60 WAC, Maximum Environmental Noise Levels.

5. Small wireless facilities may not encroach onto or over private property or property outside of the right-of-way without the property owner's express written consent.

B. *Eligible Facilities Requests.* Small wireless facility may be expanded pursuant to an eligible facility request under CMC 19.82.090 so long as the expansion:

1. Does not defeat concealment elements specifically designated as stealth techniques;

2. Incorporates the aesthetic elements required as conditions of approval set forth in the original small wireless facility approval in a manner consistent with the rights granted an eligible facility; and

3. Does not exceed the conditions of a small wireless facility as defined by 47 C.F.R. § 1.6002(*l*).

C. *Review of Facilities.* Review of the site locations proposed by the applicant shall be governed by the provisions of 47 U.S.C. §§ 253 and 332 and other applicable statutes, regulations and case law. Applicants for franchises and small wireless facility permits shall be treated in a competitively neutral and nondiscriminatory manner with other service providers, utilizing supporting infrastructure which is functionally equivalent, that is, service providers whose facilities are similarly situated in terms of structure, placement, or cumulative impacts. Small wireless facility permit review under this chapter shall neither prohibit nor have the effect of prohibiting the ability of an applicant to provide telecommunications services.

D. *Withdrawal.* Any applicant may withdraw an application submitted at any time, provided the withdrawal is in writing and signed by all persons who signed the original application or their successors in interest. When a withdrawal is received, the application shall be deemed null and void. If such withdrawal occurs prior to the director's decision, then reimbursement of fees submitted in association with said application shall be prorated to withhold the amount of Town costs incurred in processing the application prior to time of withdrawal. If such withdrawal is not accomplished prior to the director's decision, there shall be no refund of all or any portion of such fee.

E. *Supplemental Information.* If the requested supplemental information is not submitted by the applicant within ninety days of notice by the director, the application file shall be closed, unless an extension period has been approved by the director.

F. *Final Decision.* The director shall review and make a determination on all applications to site small wireless facilities, consistent with this chapter as well as other applicable code provisions and the siting and design standards in CMC 19.82.150 through 19.82.170. The director's decision shall be final. Denial of one or more wireless facility locations within a submission described in subsection (C) of this section shall not be the sole basis for denial of other locations or applicant's entire application for wireless facilities.

19.82.140 Small wireless facility permit requirements.

A. The permittee shall comply with all of the requirements within the small wireless permit.

B. *Governing Construction or Electrical Code.* All installations of small wireless facilities shall comply with any governing construction or electrical code including the National Electrical Safety Code, the National Electric Code or state electrical code, as applicable.

C. *Electrical Connection.* The permittee is responsible for providing or arranging for electricity to small wireless facilities. Any third party utility providing such electricity shall obtain a franchise from the Town prior to operating in the rights-of-way.

D. *Transport/Telecommunications Connection.* The permittee is responsible for providing transport connectivity (i.e., fiber) to small wireless facilities. Any third party utility providing such transport connectivity shall obtain a franchise from the Town prior to operating in the rights-of-way.

E. *Postconstruction As-Builts.* Upon request, the permittee shall provide the Town with as-builts of the small wireless facilities within thirty days after construction of the small wireless facility, demonstrating compliance with the permit and site photographs.

F. *Permit Time Limit.* Construction of the small wireless facility must be completed within twelve months after the approval date by the Town. The permittee may request one extension to be limited to six months, if the permittee cannot construct the small wireless facility within the original twelve month period.

G. *Site Safety and Maintenance.* The permittee must maintain the small wireless facilities in safe and working condition. The permittee shall be responsible for the removal of any graffiti or other vandalism and shall keep the site neat and orderly, including but not limited to following any maintenance or modifications on the site.

H. *Operational Activity.* The grantee shall commence operation of the small wireless facility no later than six months after installation and may request one extension for an additional six-month period if grantee can show that such operational activity is delayed due to inability to connect to electrical or backhaul facilities.

I. *Modifications.* If a grantee desires to make a modification to an existing small wireless facility, including but not limited to expanding or changing the antenna type, increasing the equipment enclosure, placing additional pole-mounted or ground-mounted equipment, or modifying the concealment elements, then the applicant shall apply for a small wireless facility permit.

J. *Exceptions to Modifications.* A small wireless facility permit shall not be required for routine maintenance and repair of a small wireless facility within the rights-of-way, or the replacement of an antenna or equipment of similar size, weight, and height; provided, that such replacement does not defeat the concealment elements, designated as stealth techniques, used in the original deployment of the small wireless facility, does not impact the structural integrity of the pole, and does not require pole replacement. Further, a small wireless facility permit shall not be required for replacing equipment within the equipment enclosure or reconfiguration of fiber or power to the small wireless facility.

19.82.150 Design and concealment standards for small wireless facilities.

A. *General Provisions.*

1. In the event power is later undergrounded in an area where small wireless communication facilities are located above ground on utility poles supporting such power lines, the small wireless communication facilities shall be removed and may be replaced with a facility meeting the design standards for new poles in CMC 19.82.160.

2. Except for electrical meters, ground-mounted equipment in the right-of-way is prohibited, unless the applicant can demonstrate that pole-mounted, completely concealed within the pole, or undergrounded equipment is technically infeasible. If ground-mounted equipment is necessary, then the applicant shall submit a concealment element plan. Generators located in the right-of-way are prohibited.

3. Small wireless facilities are not permitted on traffic signal poles unless denial of the siting could be a prohibition or effective prohibition of the applicant's ability to provide telecommunications service in violation of 47 U.S.C. §§ 253 and 332.

4. Replacement poles and new poles shall comply with the ADA, Town construction and sidewalk clearance standards, Town ordinance, and state and federal laws and regulations in order to provide a clear and safe passage within the right-of-way. Further, the location of any replacement or new pole shall: be physically possible, comply with applicable traffic warrants, not interfere with utility or safety fixtures (e.g., fire hydrants, traffic control devices), and not adversely affect the public welfare, health or safety.

5. Replacement poles shall be located no more than five feet from the existing pole with the requirement to remove the abandoned pole, unless the applicant can demonstrate that they require a location up to ten feet from the existing pole.

6. No signage, message or identification other than the manufacturer's identification or identification required by governing law is allowed to be portrayed on any antenna or equipment enclosure or on the pole. Any permitted signage shall be located either on the equipment enclosures or in the location required by law and be of the minimum size necessary to achieve the intended or required purpose (no larger than four by six inches unless required by law); provided, that signs are permitted as stealth concealment element techniques where appropriate.

7. Antennas and related equipment shall not be illuminated except for security reasons, required by a federal or state authority, or unless approved as part of a concealment element plan.

8. Side arm mounts for antennas or equipment shall be the minimum extension necessary and the inside edge of the antenna may be no more than twelve inches from the surface of the pole.

9. The preferred location of a small wireless facility on a pole is the location with the least visual impact.

10. Antennas, equipment enclosures, and ancillary equipment, conduit and cable shall not dominate the structure or pole upon which they are attached.

11. Except for locations in the right-of-way, small wireless facilities are prohibited on any property containing a residential use in the residential zones; provided, that where small wireless facilities are intended to be located more than four hundred feet from a right-of-way and within an access easement over residential property, the location may be allowed if:

a. The applicant affirms that they have received an access easement from property owner to locate the facility in the desired location; and

b. The property owner where the facility will be installed has authority to grant such permission to locate the facility and related equipment at the designated location pursuant to the terms of the access easement; and

c. That the installation is allowed by, and consistent with, the access easement; and

d. That such installation will not frustrate the purpose of the easement or create any access or safety issue; and

e. Shall be in compliance with all land use regulations such as, but not limited to, setback requirements.

12. The Town may consider the cumulative visual effects of small wireless facilities mounted on poles within the right-of-way when assessing proposed siting locations so as to not adversely affect the visual character of the Town. This provision shall not be applied to limit the number of permits issued when no alternative sites are reasonably available nor to impose a technological requirement on the applicant.

13. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would unreasonably impair the function of the technology chosen by the applicant, alternative

forms of concealment or deployment may be permitted which provide similar or greater protections of the streetscape.

B. Small wireless facilities attached to existing, or replacement nonwooden poles located inside or outside the right-of-way shall conform to the following design criteria:

1. Upon adoption of a Town standard small wireless facility pole design(s) within the Town's engineering, design, and construction manual, an applicant shall first consider using or modifying the standard pole design to accommodate its small wireless facility without substantially changing the outward visual and aesthetic character of the design. The applicant, upon a showing that use or modification of the standard pole design is either technically or physically infeasible, or that the modified pole design will not comply with the Town's ADA or sidewalk clearance requirements and/or would violate electrical or other safety standards, may deviate from the adopted standard pole design and use the design standards as further described in subsection (B) of this section.

2. The applicant shall minimize to the extent possible the antenna and equipment space and shall use the smallest enclosure technically necessary to fit the equipment and antennas. The antennas and equipment shall be located using the following methods:

a. Concealed completely within the pole or pole base. Antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) shall be fully concealed within the pole, unless such concealment is otherwise technically infeasible, or is incompatible with the pole design. If within the pole base, the base shall meet the ADA requirements and not impact the pedestrian access route. In addition, if the equipment enclosure is concealed completely within the pole or pole base, the equipment enclosure may not exceed twenty-eight cubic feet.

b. Underground in a utility vault. If located underground, the access lid to the equipment enclosure shall be located outside the footprint of any pedestrian curb ramp and shall have a nonskid surface meeting ADA requirement if located within an existing pedestrian access route. In addition, the associated equipment enclosures may not exceed twenty-eight cubic feet.

c. Located on a pole. Antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) shall conform to the following:

i. The antenna(s) shall be placed as close to the surface of the pole as possible, meaning that the interior edge may not be more than twelve inches off the surface

of the pole, and only if such distance is necessary for antenna tilt and/or technical need. Each antenna may not exceed three cubic feet in volume.

ii. The equipment shall be placed as close to the surface of the pole as possible, but may not be more than six inches off the surface of the pole. The equipment must be placed in the smallest enclosure possible for the technical need of the small wireless facility. The equipment enclosure and all other wireless equipment associated with the utility pole, including wireless equipment associated with the antenna (including conduit) and any preexisting associated equipment on the pole, may not exceed twenty-eight cubic feet. Multiple equipment enclosures may be acceptable if designed to more closely integrate with the pole design and do not cumulatively exceed twenty-eight cubic feet. The applicant is encouraged to place the equipment enclosure behind any banners or road signs that may be on the pole; provided, that such location does not interfere with the operation of the banners or signs, or the operation of the small wireless facility.

iii. A unified enclosure housing both antenna and equipment shall be placed as close to the surface of the pole as possible, but the interior edge of the unified antenna and equipment enclosure shall not extend more than twelve inches off the pole if necessary for antenna tilt and/or technical need. The unified antenna and equipment enclosure shall be the smallest size technically necessary, but shall not exceed the dimensional requirements of subsection (B)(2)(c)(ii) of this section.

iv. To the extent possible, the equipment enclosures shall be placed so as to appear as an integrated part of the pole or behind banners or signs; provided, that such location does not interfere with the operation of the banners or signs, or the operation of the small wireless facility.

v. The applicant may place a side mounted canister antenna, so long as the inside edge of the antenna is no more than six inches from the surface of the pole.

d. On private property. If located on private property, the applicant shall provide documentation establishing the lease or easement right and permission of the property owner to locate the small wireless facility on the private property. In addition, the associated equipment enclosures may not exceed twenty-eight cubic feet.

3. The furthest point of any equipment enclosure may not extend more than twenty-eight inches from the face of the pole. Any equipment or antenna enclosures shall meet WSDOT

height clearance requirements. Applicants are encouraged to place the equipment enclosure as close to the antennas as physically and technically possible, unless such placement would cause a greater aesthetic impact.

4. All conduit, cables, wires and fiber shall be routed internally in the nonwooden pole. Full concealment of all conduit, cables, wires and fiber is required within mounting brackets, shrouds, canisters or sleeves if attaching to exterior antennas or equipment.

5. An antenna on top of an existing pole may not extend more than six feet above the height of the existing pole and the diameter may not exceed sixteen inches, measured at the top of the pole, unless the applicant can demonstrate that more space is technically necessary. The antennas and any extension shall be integrated into the pole design so that it appears as a continuation of the original pole, including colored or painted to match the pole, and shall be shrouded or screened to blend with the pole. All cabling and mounting hardware/brackets from the bottom of the antenna to the top of the pole shall be fully concealed and integrated with the pole.

6. Any replacement pole shall substantially conform to the design of the pole it is replacing or the neighboring pole design standards utilized within the contiguous right-of-way.

7. The height of any replacement pole may not extend more than ten feet above the height of the existing pole or the minimum additional height necessary, whichever is less; provided, that the height of the replacement pole cannot be extended further by additional antenna height.

8. The diameter of a replacement pole shall comply with the Town's setback and sidewalk clearance requirements and shall, to the extent technically feasible, not be more than a twenty-five percent increase of the existing nonwooden pole measured at the base of the pole, unless additional diameter is needed in order to conceal equipment within the pole and shall comply with the requirements in subsection (A)(4) of this section.

9. The use of the pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

C. *Wooden Pole Design Standards.* Small wireless facilities attached to wooden utility poles located inside or outside the right-of-way, and in public easements, shall conform to the following design criteria:

1. The wooden pole at the proposed location may be replaced with a taller pole for the purpose of accommodating a small wireless facility; provided, that the replacement pole shall not exceed a height that is a maximum of ten feet taller than the existing pole, unless a further height increase is required and confirmed in writing by the pole owner and that such height extension is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.

2. A pole extender may be used instead of replacing an existing pole but may not increase the height of the existing pole by more than ten feet, unless a further height increase is required and confirmed in writing by the pole owner and that such height increase is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities. A "pole extender" as used herein is an object affixed between the pole and the antenna for the purpose of increasing the height of the antenna above the pole. The pole extender shall be painted to approximately match the color of the pole and shall substantially match the diameter of the pole measured at the top of the pole.

3. Replacement wooden poles shall either match the approximate color and materials of the replaced pole or shall be the standard new wooden pole used by the pole owner in the Town.

4. Antennas, equipment enclosures, and all ancillary equipment, boxes and conduit shall be colored or painted to match the approximate color of the surface of the wooden pole on which they are attached.

5. The interior edge of an antenna shall not be mounted more than twelve inches from the surface of the wooden pole.

6. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness. Multiple antennas are permitted on a wooden pole; provided, that each antenna shall not be more than three cubic feet in volume.

7. A canister antenna may be mounted on top of an existing wooden pole, which may not exceed the height requirements described in subsection (B)(1) of this section. A canister antenna mounted on the top of a wooden pole shall not exceed sixteen inches in diameter, measured at the top of the pole, and shall be colored or painted to match the pole. The canister antenna shall be placed to look as if it is an extension of the pole. In the alternative,

the applicant may propose a side mounted canister antenna, so long as the inside edge of the antenna is no more than twelve inches from the surface of the wooden pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the wooden pole.

8. The furthest point of any antenna or equipment enclosure may not extend more than twenty-eight inches from the face of the pole. Any equipment or antenna enclosures shall meet WSDOT height clearance requirements. Applicants are encouraged to place the equipment enclosure as close to the antennas as physically and technically possible, unless such placement would cause a greater aesthetic impact.

9. An omnidirectional antenna may be mounted on the top of an existing wooden pole, provided such antenna is no more than four feet in height and is mounted directly on the top of a pole or attached to a sleeve made to look like the exterior of the pole as close to the top of the pole as technically feasible. All cables shall be concealed within the sleeve between the bottom of the antenna and the mounting bracket.

10. All related equipment, including but not limited to ancillary equipment, radios, cables, associated shrouding, microwaves, and conduit which are mounted on wooden poles shall not be mounted more than six inches from the surface of the pole, unless a further distance is technically required, and is confirmed in writing by the pole owner.

11. Equipment for small wireless facilities shall be attached to the wooden pole, unless otherwise permitted to be ground mounted pursuant to subsection (A)(2) of this section. The equipment must be placed in the smallest enclosure possible for the intended purpose. The equipment enclosure and all other wireless equipment associated with the utility pole, including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole, may not exceed twenty-eight cubic feet. Multiple equipment enclosures may be acceptable if designed to more closely integrate with the pole design and do not cumulatively exceed twenty-eight cubic feet. The applicant is encouraged to place the equipment enclosure behind any banners or road signs that may be on the pole; provided, that such location does not interfere with the operation of the banners or signs, or the small wireless facility.

12. A unified enclosure housing both antenna and equipment may be utilized and shall be placed as close to the surface of the pole as possible, but the interior edge of the unified antenna and equipment enclosure shall not extend more than twelve inches off the pole if necessary for antenna tilt and/or technical need. The unified enclosure shall be the smallest

size technically necessary, but shall not exceed the dimensional requirements of subsection (C)(11) of this section. To the extent possible, the unified enclosure shall be placed so as to appear as an integrated part of the pole or behind banners or signs; provided, that such location does not interfere with the operation of the small wireless facility or operations of the banners or signs.

13. The visual effect of the small wireless facility on all other aspects of the appearance of the wooden pole shall be minimized to the greatest extent possible.

14. The small wireless facility shall be considered a secondary use to the primary use of the utility pole. If the primary use of a utility pole serving as the host site for a small wireless facility becomes unnecessary, the utility pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

15. The diameter of a replacement pole shall comply with the requirements listed in subsection (A)(4) of this section or the pole owner's standard pole size.

16. All cables and wires shall be routed through conduit along the outside of the pole. The outside conduit shall be colored or painted to match the pole. The number of conduits shall be minimized to the number technically necessary to accommodate the small wireless facility.

D. *Small Wireless Facilities Attached to Buildings.* Small wireless facilities attached to existing buildings shall conform to the following requirements:

1. Small wireless facilities may be mounted to the sides of a building if the antennas do not interrupt the building's architectural theme.

2. The interruption of architectural lines or horizontal or vertical reveals is discouraged.

3. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if they complement the architecture of the existing building.

4. Small wireless facilities shall utilize the smallest mounting brackets necessary, in order to provide the smallest offset from the building.

5. Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas. Exposed cabling/wiring is prohibited.

6. Small wireless facilities shall be colored, painted and textured to match the adjacent building surfaces.

7. The applicant must provide approval from the building owner, including consent that the small wireless design meets the building owner's design requirements.

8. Small wireless facilities must meet the height requirement of the underlying zoning district.

9. Feed lines and coaxial cables shall be located below the parapet of the rooftop or otherwise concealed from view.

10. If an equipment enclosure cannot be located within the building where the small wireless facilities will be located, then the Town's first preference is for the wireless telecommunication provider to locate the equipment on the roof of the building. If the equipment can be screened by placing the equipment below the parapet walls, no additional screening is required. If screening is required, the proposed screening must be consistent with the existing building in terms of color, design, architectural style, and material. If the equipment enclosure cannot be located on the roof or within the building, then it shall be located underground consistent with subsection (A)(2) of this section.

E. *Small Wireless Facilities Attached to Cables.* Small wireless facilities mounted on cables strung between existing utility poles inside the right-of-way shall conform to the following standards:

1. Each strand-mounted facility shall not exceed three cubic feet in volume;

2. Only one strand-mounted facility is permitted per cable between any two existing poles;

3. The pole must be able to support the necessary load requirements of the strand-mounted facility;

4. The strand-mounted devices shall be placed as close as possible to the nearest utility pole, in no event more than five feet from the pole unless a greater distance is technically necessary or is required by the pole owner for safety clearance;

5. No strand-mounted device shall be located in or above the portion of the roadway open to vehicular traffic;

6. Ground-mounted equipment to accommodate a shared mounted facility is not permitted except when placed in preexisting equipment cabinets or required by a third-party service provider, such as the electric utility;

7. Pole-mounted equipment shall comply with the requirements of subsections (E)(1) and (E)(2) of this section;

8. Such strand-mounted devices shall be installed to cause the least visual impact and without excess exterior cabling or wires (other than the original strand); and

9. Strand-mounted facilities are prohibited on nonwooden poles, unless the existing pole has preexisting communication wirelines.

19.82.160 Design and concealment standards for small wireless facilities on new poles in the right-of-way.

A. New poles within the right-of-way are only permitted if the applicant can establish that:

1. The proposed small wireless facility cannot be located on an existing utility pole or light pole, electrical transmission tower or on a site outside of the public right-of-way or a park such as public property, building, transmission tower or separate structure;

2. The proposed small wireless facility complies with the applicable requirements of CMC 19.82.150(A);

3. The proposed small wireless facility receives approval for a concealment element design, as described in subsection (C) of this section;

4. The proposed small wireless facility complies with SEPA, if applicable; and

5. No new poles shall be located in a critical area or associated buffer required by the Town's critical areas management ordinance (Chapter 16.12 CMC), except when determined to be exempt pursuant to said ordinance.

B. An application for a new pole or installation on a decorative pole or in a Town park is subject to review and approval or denial by the director.

C. The concealment element design shall include the design of the screening, fencing or other concealment techniques for a tower, pole, or equipment structure, and all related transmission equipment or facilities associated with the proposed small wireless facility, including but not limited to signal and power connections.

1. If the applicant desires to place the small wireless facility on a decorative pole, and the Town has created a small wireless facility standard for such type of decorative pole in the standard specification and details, then the applicant is encouraged to first consider using the decorative pole design adopted for small wireless facilities from the standard specification and details. The applicant, upon a showing that using the standard decorative pole design is either technically or physically infeasible, or that a modified pole design will not comply with the Town's ADA or sidewalk clearance requirements and/or would violate electrical or other safety standards, may deviate from the adopted standard decorative pole design and propose a concealment element design consistent with subsection (C)(2) of this section.

2. If the director has already approved a concealment element design either for the applicant or another small wireless facility along the same public right-of-way or for the same pole type, then the applicant shall utilize a substantially similar concealment element design, unless it can show that such concealment element design is not physically or technically feasible, or that such deployment would undermine the generally applicable design standards; in such case, the applicant shall propose a concealment element design consistent with subsection (C)(3) of this section.

3. The concealment element design should seek to minimize the visual obtrusiveness of the small wireless facility. The proposed pole or structure should have similar designs to existing neighboring poles in the right-of-way, including similar height to the extent technically feasible. If the proposed small wireless facility is placed on a replacement pole, then the replacement pole shall be of the same general design as the pole it is replacing. Any concealment element design for a small wireless facility should attempt to mimic the design of such pole and integrate the small wireless facility into the design of the pole. Other concealment methods include, but are not limited to, integrating the installation with architectural features or building design components, utilization of coverings or concealment devices of similar material, color, and texture, or the appearance thereof, as the surface against which the installation will be seen or on which it will be installed, landscape design, or other camouflage strategies appropriate for the type of installation. Applicants are required to utilize designs in which all conduit and wirelines are installed internally in the structure, to the extent technically feasible.

D. Even if an alternative location is established pursuant to subsection (A)(1) of this section, the director may determine that a new pole in the right-of-way is in fact a superior alternative based on the impact to the Town, the concealment element design, the Town's comprehensive plan and the added benefits to the community.

E. Prior to the issuance of a permit to construct a new pole- or ground-mounted equipment in the right-of-way (other than an electric meter or other third-party service equipment), the applicant must obtain a site-specific agreement from the Town to locate such new pole- or ground-mounted equipment. This requirement also applies to replacement poles when the replacement is necessary for the installation or attachment of small cell facilities, the replacement structure is higher than the replaced structure, and the overall height of the replacement structure and the small cell facility is more than sixty feet.

19.82.170 Abandonment and removal.

A. A WCF shall be removed by the facility owner within six months of the date it ceases to be operational or if the WCF falls into disrepair. Disrepair includes structural features, paint, landscaping, or general lack of maintenance which could result in safety or visual impacts. Whenever a WCF ceases operation or falls into disrepair as provided in this section and as determined by either the designated official or the WCF provider, the entire WCF shall be removed, including but not limited to all antennas, antenna supports, feeder lines, equipment enclosures, equipment, conduit, and the concrete pad upon which the structure is located. The WCF provider may apply for an extension of time within those six months if resuming operation of the facility is expected. The director, at their sole discretion, may extend the time for a period not to exceed six months upon written request by the WCF provider.

B. *Removal Upon Undergrounding.* A WCF must be removed at no expense to the Town if collocated on an electrical system facility or utility support structure that is subsequently undergrounded; provided, that equipment that needs to remain aerial to function shall be permitted to relocate to a new pole in accordance with CMC 19.82.170.

C. *Abandonment.* In the event that a WCF provider fails to give notice, the WCF shall be considered abandoned upon the Town's discovery of discontinuation of operation. Upon such abandonment, the WCF provider shall have sixty days or additional period of time determined in the reasonable discretion of the Town within which to:

1. Reactivate the use of the WCF; or

2. In the event that abandonment as defined in this chapter occurs due to relocation of an antenna at a lower point on the antenna support structure, reduction in the effective radiated power of the antenna or reduction in the number of transmissions from the antennas, the operator of the tower shall have six months from the date of effective abandonment to collocate another service on the tower. If another service provider is not added to the tower, then the operator shall promptly dismantle and remove the portion of the tower that exceeds the minimum height required to function satisfactorily. Notwithstanding the foregoing, changes which are made to personal wireless facilities which do not diminish their essential role in providing a total system shall not constitute abandonment. However, in the event that there is a physical reduction in height of substantially all of the provider's towers in the Town or surrounding area then all of the towers within the Town shall similarly be reduced in height.

3. Dismantle and remove WCF. If the WCF equipment and structure are not removed within the sixty-day time period or additional period of time allowed by the Town, the Town may remove such WCF equipment and structure at the provider's expense. If there are two or more providers collocating on a facility, except as provided for in subsection (C)(2) of this section, this provision shall not become effective until all providers cease using the WCF.

4. At the earlier of sixty days from the date of abandonment without reactivating or upon completion of dismantling and removal, Town approval for the WCF shall automatically expire.