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AFTER RECORDING RETURN TO:
SKAGIT COUNTY HEARING EXAMINER
302 SOUTH FIRST STREET
MOUNT VERNON, WA 98273

DOCUMENT TITLE: ORDER ON SPECIAL USE SU 99 0642 AND VARIANCE VA 00 0643

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPLICANT: SPRINT PCS

ASSESSOR PARCEL NOS: P24722

ABBREVIATED LEGAL DESCRIPTION: located at 22747 Gunderson Road, Mount Vernon, WA; within Section 14, Township 34 North, Range 4 East, W.M., Skagit County, Washington.

SKAGIT COUNTY HEARING EXAMINER
STATE OF WASHINGTON

In the Matter of the Application of
SPRINT PCS

SU 99-0642, VA 99-0643

For a Special Use Permit and Variance
For a Wireless Communication Tower
at the Big Rock/Cheek Site, 22747
Gunderson Drive

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND DECISION

THIS MATTER relates to an application for a Special Use Permit and Variance filed on behalf of Sprint PCS. The application came on for public hearing on May 10, 2000, after due notice. The Planning and Permit Center was represented by Linda Kuller. Allen Potter represented Sprint. Myron (Mike) Cheek, the landowner, was also present. Members of the public were given an opportunity to be heard.

Testimony was taken, exhibits were admitted and argument was made. On the basis thereof the following is entered:

FINDINGS OF FACT

1. Sprint PCS (applicant) seeks approval for a wireless communication facility at 22747 Gunderson Drive. The location is within the S1/2NW1/4NE1/4, Sec. 14, T34N, R4E, WM. The property is owned by Mike and Linda Cheek. The applicant's name for the site is Big Rock/Cheek.

2. Two permits are sought: a Special Use Permit for the communication tower and associated equipment; and a Variance to allow placement of the pole 52 feet from north property line of the site. The property is designated Rural Reserve in the Comprehensive Plan and is zoned Rural.

3. The subject site is situated east of State Route 9, off of Gunderson Road. The coverage objective for the facility is Highway 9 between Clear Lake and Big Lake and College Way from Highway 9 to Waugh Road. The property is an approximately 20-acre residential site. It will hand off to an existing site in Mount Vernon and two planned future sites. The PCS facility will occupy a 1,200 square foot easement., centrally located on northern edge of the property.

4. The applicable setback for the tower is a distance equal to 100% of the tower height from all property lines. SCC 14.04.153(9)(a)(ii). The tower will be a 100 foot monopole. Its location on the property will more than meet the setback on three sides, but the distance to the north property line will be only 52 feet. The reason for this siting is to allow signals to clear the 60-70 foot trees that stand between the tower and the boundary.



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5. The subject property is largely flat with a downhill slope to the east. The Cheek's residence is on the property at a distance of 800 to 900 feet from the tower site. The easement area is undeveloped. Surrounding it are tall trees that will serve as a visual buffer. Adjacent property to the north and northwest is a gravel pit. Otherwise the neighboring property is residential. The area is not heavily populated.

6. The installation will consist of the 100-foot monopole with nine PCS antennas located at the top. In addition to the tower, four equipment cabinets for current use and three equipment cabinets for future growth will be installed on a concrete pad at the base of the monopole. An emergency propane back-up generator will also be placed at the site. The site will be enclosed by a six-foot tall chain link fence and secured with a locked gate. Landscaping will be installed around the perimeter of the fence to screen it from view.

7. Access will be via an existing gravel drive from Gunderson Road. The site will be unmanned, with a technician visiting about once a month for maintenance and inspection.

8. Appropriate critical areas review, and environmental review was conducted for the proposal. A site visit by Staff prompted a request for a geotechnical report, which was provided. A Mitigated Determination of Non-Significance (MDNS) under the State Environmental Policy (SEPA) was issued on March 23, 2000. The MDNS was not appealed.

9. Under SCC 14.04.223, Variances are authorized in specific cases where departure from the requirements of the zoning code "will not be contrary to the public interest" and "where, owing to special conditions, a literal enforcement of the provision of this chapter would result in unnecessary hardship." The explicit criteria for approval of a variance are:

- a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.
- b. The literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.
- c. That the special conditions and circumstances do not result from the actions of the applicant.



d. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands structures or buildings in the same district.

10. The Staff's analysis, applying these criteria to the instant application, is set forth in the Staff Report at pages 7 and 9. The Examiner concurs with this analysis and hereby adopts it. The proposed location would take best advantage of the natural features of the site including the existing trees and topography.

11. The reasons set forth in the application justify the granting of the Variance. The use proposed is reasonable and the Variance is the minimum that will make the needed structure possible. The Variance if granted will be in harmony with the general purpose and intent of the zoning code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

12. SCC 14.04.150(3)(d) requires consideration of the following elements in evaluating a Special Use application.

- (i) Conformity to the Comprehensive Plan in respect to the compatibility with existing and future land use and circulation;
- (ii) The zoning of the subject property and surrounding properties and the conformance of the application to the zoning ordinance;
- (iii) Automobile or truck traffic and parking and its effect on surrounding community;
- (iv) Noise, odors, heat, vibration, air and water pollution potential of the proposed use;
- (v) Intrusion of privacy;
- (vi) Design of site and structures as to possible effects on the neighborhood;
- (vii) In addition to possible effects on the neighborhood in which the use is to be located, the potential effects on the region shall be considered;
- (viii) Potential effects regarding the general public health, safety and general welfare.

13. The Staff's analysis in relation to these elements is contained in Finding 10 of the Staff Report. The Examiner concurs in this analysis and hereby adopts it. The proposal will have little physical impact on the environment. Its placement has been selected with particular attention to minimizing visual impacts. It will provide a service to the region by providing a needed link in an area-wide communications network.

14. SCC 14.04.153 codifies separate criteria for the siting of personal wireless service facilities. The proposed site meets the priority calling for placement on property whose primary purpose is residential greater than or equal to 2.5 acres in size. This is a relatively low priority, but the particular location is well suited to this use. The persons most affected, the property owners, endorse the proposal.

15. Co-location of multiple personal wireless service facilities on the same tower is encouraged, but no existing facility meeting system needs in this area could be found. The proposed tower will be suitable for co-location by others.

16. The frequencies to be used in connection with the proposed facility are selected and assigned to avoid interference with other electronic uses. No health hazards have been identified with the use of such facilities.

17. There was no public testimony at the hearing and no written public comments were received.

18. Any conclusion herein which may be deemed a finding is hereby adopted as such.

CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over the subject matter and the parties to this proceeding.

2. The requirements of SEPA have been met.

3. The proposed facility requires a Special Use Permit. SCC 14.04.153(4)(d).

4. The proposal meets the requirements for a setback Variance. SCC 14.04.223(1)(f).

5. With the Variance, the proposal meets the requirements for site selection, design and other special requirements for personal wireless facilities. SCC 14.04.153.

6. The Staff has recommended reasonable conditions of approval.

7. The findings support a conclusion that the proposal, if conditioned as set forth below, will meet all relevant requirements for Special Use Permit approval. SCC 14.04.150(3)(d).

8. The proposal should be approved, subject to the following conditions:

1. The applicant shall obtain all necessary local, state and federal permits prior to start of construction.

2. The development shall be carried out as described in the materials submitted in connection with the application.

3. The applicant shall comply with the conditions of the MDNS issued on March 23, 2000.

4. The applicant shall comply with the recommendations of the geotechnical report submitted by ADaPT Engineering on February 15, 2000.



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5. The applicant shall comply with all requirements stated in Skagit County Code 14.04.153, Ordinance \$17569.
6. Each year after the facility becomes operational, the facility operator shall conduct a safety inspection and, within sixty (60) days of the inspection, shall file a report with the County.
7. The landscaping shall be installed as proposed and then be monitored for 12 months to insure healthy growth. Plants that do not survive shall be replaced during the next growing season.
8. At such time as the facility is abandoned or ceases to be used, the facility operator shall comply with the Non-Use/Abandonment regulations effective at that time.
9. The permit shall be void if installation is not started within one year of the date of this decision.

9. Any finding herein which may be deemed a conclusion is hereby adopted as such.

DECISION

The requested Special Use Permit and setback Variance are **APPROVED**, subject to the conditions set forth in Conclusion 8 above.


Wick Dufford, Hearing Examiner

Date of Action: June 22, 2000

Copy Transmitted to Applicant: June 22, 2000

Attachment: Staff Report

RECONSIDERATION/APPEAL

This decision shall become final unless a request for reconsideration or appeal is filed. A request for reconsideration shall be filed with the Hearing Examiner within ten (10) day from the date of this decision. An appeal to the Board of County Commissioners shall be filed with the Planning and Permit Center within fourteen (14) days from the date of this decision, or if reconsideration has been requested, within fourteen (14) days from the decision after reconsideration.



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SKAGIT COUNTY PLANNING & PERMIT CENTER
FINDINGS OF FACT
HEARING AUTHORITY/GRANTOR: HEARING EXAMINER

PUBLIC HEARING DATE:

APPLICATION NUMBERS:

PL99-0643 Variance
PL99-0642 Special Use

APPLICANT/GRANTEE:

Sprint PCS
C/O Allen Potter, W&H Pacific

ADDRESS:

W&H Pacific
3350 Monte Villa Parkway
Bothell, WA 98021

PROPERTY OWNER:

Myron Cheek

PARCEL NUMBER:

P24722

ASSESSOR'S ACCOUNT NUMBER:

340414-1-005-0003

COMPREHENSIVE PLAN DESIGNATION:

Rural Reserve

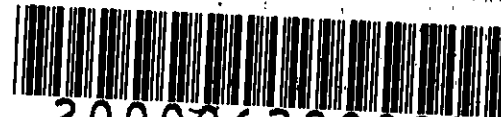
ZONING:

Rural

EXHIBITS: Variance and Special Use applications, Letter of completeness, Notice of Development Application, Mitigated Determination of Non-Significance and AdaPT Engineering, Inc. Geotechnical Engineering Evaluation (WA99-3350)

PROJECT LOCATION: The subject property is located at 22747 Gunderson Drive, Mount Vernon, WA; within the South Half of the Northwest Quarter of the Northeast Quarter of Section 14, Township 34 North, Range 4 East, of the Willamette Meridan in Skagit County, Washington.

PROJECT DESCRIPTION: Hearing Examiner Special Use Request # PL99-0642 for the construction and operation of a wireless communication tower to accommodate up to 9 PCS panel antennas on a new 100 foot monopole. The Sprint site name is Big Rock/Cheek or SE33XCO76E. The 1,200 square foot site will accommodate up to 7 equipment cabinets and a propane generator and tank for emergency power back up. The site will be enclosed by a 6 foot chain link fence and landscaping as required.



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Variance Request PL99-0643 from Section 14.04.153 (9)(a)(ii) (Tower Setbacks) of Skagit County Code. This code section states that in residential districts and residential land use areas, towers where permitted shall be setback from all property lines a distance equal to 100% of the tower height as measured from ground level. The applicant proposes to vary from the requirement by constructing a 100 foot tower 52 feet from the north property line to avoid the clearance of 60 to 70 foot tall trees that would serve to buffer and screen the tower from views. The placement of the tower as proposed will well exceed the 100 setback requirement on all other sides.

STAFF FINDINGS:

1. The special use and variance were received at the Planning and Permit Center on November 5th and 8th, 1999. In accordance with Section 14.01.033 of the Skagit County Code, the application was determined to be complete on December 14, 1999. In accordance with Section 14.01.040(2) of the Skagit County Code, A Notice of Development Application was posted on the subject property and published in a newspaper of general circulation on December 23, 1999.
2. The application has been reviewed in accordance with the State Environmental Policy Act Guidelines (WAC 197-11 and RCW 43.21C). A Mitigated Determination of Nonsignificance (MDNS) was issued on March 23, 2000. The comment period ended on April 7, 2000 in accordance with WAC 197-11-355. The Mitigated Determination of Nonsignificance became effective on April 25th, 2000 after the fifteen-day appeal period. The MDNS was issued subject to the following conditions:
 1. The Skagit County Department of Public Works, shall be in place prior to the placement of any fill material. The applicant shall maintain all temporary erosion/sedimentation control measures in accordance with the Skagit County Drainage/Erosion/Sedimentation Control Ordinance. Said measures shall remain in place until completion of the project.
 2. The applicant shall comply with Northwest Air Pollution Authority requirements.
 3. The applicant shall comply with the provisions of Chapter 14.36 of the Skagit County Code, the Skagit County Drainage, Water, Sedimentation Control Ordinance, as it relates to increased runoff resulting from additional impervious surfaces.
 4. The applicant shall comply with Fire Code Standards.
 5. An engineered soils compaction report shall be required for all structures placed on fill material.
 6. The applicant shall comply with all relevant provisions of 14.06 (Skagit County Critical Areas Ordinance) as well as applicable portions of Skagit County Code and any and all special use conditions.
3. The application has been reviewed in accordance with Skagit County Critical Areas Ordinance Chapter 14.06 of the Skagit County Code. Critical Areas Staff conducted a site visit. Upon review of the site a geotechnical report was



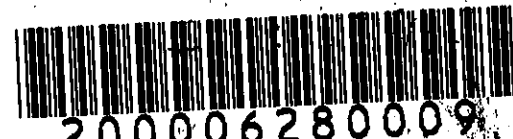
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requested. A geotechnical report was submitted February 18, 2000 by AdaPT Engineering, Inc. (WA99-3350). Upon review of the report, the CAO staff requested an additional amendment outlining estimates of slope stability. This amendment was received March 8, 2000. CAO staff subsequently signed off on CAO. No special conditions were requested by the CAO staff based on a review of the geotechnical analysis.

4. The subject property is not located within a designated flood hazard area nor is it adjacent to Natural Resource lands.
5. An easement will be provided to Sprint PCS by the property owner, Myron Cheek for location of the personal wireless facility.
6. The application is submitted in accordance with Interim Ordinance # 17569, Personal Wireless Service Facilities, Section 14.04.153 of the Skagit County Code. Section 14.04.153(6) Priority of Locations indicates that the installation of antennas on properties whose primary purpose is residential greater than or equal to 2.5 acres in size is the second lowest priority of locations recommended in Skagit County. It is further indicated in Section 14.04.153(4)(d) that a priority location level "h" requires an Hearing Examiner Special Use Permit. The application is then reviewed for merits and impacts.
7. Subject property is a twenty acre residential site. A 1,200 square foot easement will be provided to Sprint PCS for the project development. The subject parcel is accessed by a gravel road located on the Myron Cheek property off of Gunderson Road. The Comprehensive Plan designation of adjacent properties is Rural Reserve and the surrounding land use is residential. Adjacent to the north is a working gravel pit.
8. In accordance with Section 14.04.153(5)(a) Personal Wireless Service Facilities, the applicant submitted propagation maps that demonstrate the necessity of the subject property for location of the proposed antennas. The applicant has indicated that "the coverage objective of this site is Highway 9 between Clear Lake and Big Lake. This site must also cover College Way from Highway 9 to Waugh Road. The site will hand off to an existing site in Mt. Vernon (site no. SE03XC246)." In addition, this site is expected to hand off to two future sites, SE33XC009 Sedro Wooley and SE##XC010 Big Lake. Thus the applicant has justified the proposed location of the tower on the proposed site.
9. Skagit County Department of Public Works' staff reviewed the application. The application as submitted does not present concerns for the Department of Public Works.
10. Section 14.04.150(3)(d) Unclassified Special Uses of the Skagit County indicates that certain items will be reviewed when approving or denying Special Use Permits. Those items and staff comments are as follows:



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- a. Conformity to the Comprehensive Plan in respect to the compatibility with existing and future land use and circulation.

The proposed location of the easement is centrally located on the northern edge of a twenty acre parcel adjacent to the residence of Mike and Linda Cheek. The easement site is undeveloped land. The site is mostly flat with a downhill slope to the east. Adjacent property to the north is utilized as a gravel pit. Surrounding the easement area are areas of 60-70 foot trees that potentially would serve as a buffer. The site would be accessed by an existing gravel road that fronts on Gunderson Road.

The Skagit County Comprehensive Plan, effective June 1, 1997, has several objectives and policies that apply to and support this application. Those objectives and policies are as follow:

Objective 2: Encourage, safe, reliable, and quality utility systems.

Policy 2.1: Utility providers shall build and manage utility systems to provide reliable service and to meet the needs of future growth.

Policy 2.3: Noise generated by transformer and distribution stations shall not exceed the allowable levels as set by the state.

Objective 5: To site utility facilities to be consistent with the Land Use Element.

Policy 5.3: Utility facilities should be permitted in all land use zones as necessary when and where utility franchises exist and if they are in compliance with this Comprehensive Plan.

Policy 5.4: Use of wireless technologies shall be recognized as a growing service. This technology has unique visual and noise impacts. Site requirements shall attempt to minimize the unique visual and noise impacts and shall be consistent with the Comprehensive Plan. Siting requirements shall include utilizing existing sites and structures where possible, adequate setbacks, and appropriate landscaping.

Thus the application is in compliance with multiple Skagit County Comprehensive Plan objectives.

- b. The zoning of the subject property and surrounding properties and the conformance of the application with the zoning ordinance.



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The zoning of the subject property and surrounding area is Rural and the Comprehensive Plan designation is Rural Reserve.

There have been many interim amendments to Section 14.04 subsequent to the adoption of the Comprehensive Plan. Interim Ordinance # 17508 specifically amended Section 14.04.150(2)(1) All Zoning Districts, to include "Personal Wireless Service Facilities". Interim Ordinance # 17508 also amended 14.04.150, adding "Personal Wireless Service Facilities" to both the lists of Special Uses-Hearing Examiner and Special Uses-Administrative, as appropriate.

Thus, in accordance with 14.04.153, the application is submitted as an Hearing Examiner Special Use and is then reviewed for merits and impacts.

- c. Automobile traffic and parking and its effect on the surrounding community.

Upon completion of construction, the proposed facility will generate one vehicle trip per month, excluding emergencies for maintenance and inspection. The one vehicle trip per month will not adversely effect the County and State road system. The proposal will not adversely impact the neighborhood and surrounding vicinity. The site will offer adequate parking and a complete turn around on-site for maintenance workers.

- d. Noise, odors, heat, vibration, air and water pollution of the proposed use.

The possible noise pollution to the site and area may occur during construction, however, that will occur only for a short period of time. The other possible noise pollution potential would be from the sound of small fans located within the PCS equipment cabinets. The PCS will comply with WAC 173-60 noise criteria. Upon completion of the construction, there will be no substantial noise, odors, heat, vibration, air or water pollution associated with the proposed use. Given the seclusion of the site, no nuisances are anticipated.

- e. Intrusion on privacy.

Intrusion of privacy generally refers to traffic, noise and other types of items that impact an area and potential development. In this instance, the basic intrusion on the area will be the appearance of the 100 foot monopole.

Photosimulations submitted by the applicant provide views of the site from various locations. The monopole will be located on a site surrounded by 60 to 70 foot trees. The view of the tower will be largely obscured by the south, east and west. The top of the monopole will be most visible looking towards the north.



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- f. Design of the site and structures as to possible effects on the neighborhood.

The tower will be located on a portion of a lot that is surrounded by 60 to 70 foot trees and will be greatly obscured from view.

- g. In addition to possible effects on the neighborhood in which the use is to be located, the potential effects on the region shall be considered.

The applicant has indicated that the coverage objective of this site is Highway 9 between Big Lake and Clear Lake. This site must also cover College Way from Highway 9 to Waugh Road. The site will hand off to the existing site in Mt. Vernon (site no. SE03XC246). This site is expected to hand off to two future sites, SE33XC009 Sedro Wooley and SE##XC010 Big Lake. Thus the applicant has justified the proposed locating of the antennas on the water tank.

Thus, the use as proposed will provide a beneficial service to the region. In fact, by installation of the antennas, a greater area will be covered for use of cellular phones, 911 transactions, etc. Regional visual impacts would be limited due to the placement on a site that is generally well screened.

- h. Potential effects regarding the general public health, safety, and general welfare.

Previously submitted Special Use applications for communication towers and antennas have indicated that there are no known environmental health hazards. It has been indicated that the frequencies utilized by these types of communications and antennas were previously utilized by UHF television. The application complies with the FCC and all state and Federal development and operation standards for wireless facilities and will enhance wireless services to the residents of Skagit County.

11. The applicant is also proposing accompanying equipment cabinets. There will be four for current use and three for future growth. The landscaping as submitted with the application indicates that the cabinets are proposed to be shielded with 15 leyland cypress trees minimum height of 10 feet at planting and with 3 inch trunk minimum. Fifty-eight common juniper shrubs will also be planted in the eight foot landscape buffer. An emergency propane backup generator is also proposed for the facility in the future.

13. Section 14.04.153(6) Priority of Locations denotes in descending order of preference placement areas for communication towers and/or antennas. Item 14.04.153(6)(c) denotes the following:

In reviewing Section 14.04.153(6) Priority of Locations, it should be noted that locating personal wireless service facilities on property whose primary



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purpose is residential greater than 2.5 acres in size is second to last on the co-locating preference list.

It should also be recognized that residences surround the subject property on large Rural (Rural Reserve) parcels located to the east, west and south. A residence is constructed on the larger subject property.

6. Pursuant to Skagit County Code 14.04.153(9)(a)(ii), the applicant is requesting a variance to deviate from the requirement to site personal wireless facilities setback from all property lines a distance equal to 100% of the tower height as measured from ground level. The applicant proposes to reduce the setback from 100 feet to 52 feet from the North Property line. Adjacent property to the North is utilized as a gravel pit. This reduction would avoid the clearance of 60 to 70 foot tree that would screen the land use. The setback will be greater than 100 feet on all other directions.
7. Section 14.04.223(1) e Variances of the Skagit County Code states that certain items will be reviewed when approving or denying Variances. Those items are as follows:
 - a. **That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.**

Staff recognizes that special conditions and circumstances generally apply to topographic hardships, i.e., a large ditch or creek or other physical feature peculiar to a particular parcel of property, that has a detrimental impact on a proposed development. There is no topographic hardship, however, special circumstances related to the existing conditions make the proposed site the most appropriate location for the facility. A site visit indicates that the proposed location would take best advantage of the natural features of the property including the existing tree line, topography and existing open space on the property. The proposed site is surrounded by natural vegetation. In addition, an existing road would be utilized for the access.

- b. **That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.**

Staff notes that the literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other sites in the same district under the terms of this chapter. Other variances have been approved in nearby areas to take advantage of peculiar siting characteristics in similar cases where the public welfare was not endangered.

- c. **That the special conditions and circumstances do not result from the actions of the applicant.**



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The special conditions and circumstances noted in Item A are not a result of actions of the applicant. The proposed site is located on a portion of a twenty acre residential property that has well established areas of older growth trees which would provide screening and reduce visual impacts of the proposal. The natural features of the property were created much earlier than this project was anticipated.

- d. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.**

The staff concurs that the granting of this variance will not confer on the applicant any special privilege that is denied to other lands, structures, or buildings in the same district. The proposed plan will utilize the unique site characteristics of the property in the best manner by reducing visual impacts. The public welfare will not be impacted by the reduction of the setback on the Northern side of the project adjacent to a gravel pit, thus no special privilege will be granted to the applicant.

RECOMMENDATION:

The Planning Staff recommends approval of the Variance and Special Use requests with the following conditions:

1. The applicant shall obtain all necessary local, state and federal permits prior to start of construction.
2. The applicant shall comply with the conditions of the MDNS outlined on item 2 of this staff report.
3. The applicant shall comply with all requirements as stated in Skagit County Code 14.04.153, Ordinance # 17569.
4. The permit shall be void if not started within one year of the date of this order.
5. Landscaping shall be installed as indicated in the application. The landscaping shall be monitored for twelve months from planting to insure growth. Plants that do not survive shall be replaced during the next growing season.



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6. Compliance with 14.04.153 (10) Inspection requirements. This section states that " Each year after a personal wireless facility becomes operational, the facility operator shall conduct a safety inspection and, within sixty (60) days of inspection, file a report with the County."

The applicant and/or a party of record may appeal the decision of the Hearing Examiner to the Board of County Commissioners pursuant to the provisions of Section 14.01.061. An appeal shall be filed with the Skagit County Planning & Permit Center within fifteen (15) calendar days after the date of the decision.

Prepared by: LK



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