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DOCUMENT TITLE(S) (or transactions contained herein):

Order

REFERENCE NUMBER(S) OF DOCUMENTS ASSIGNED OR RELEASED:

[] ADDITIONAL REFERENCE NUMBERS ON PAGE _____
OF DOCUMENT.

GRANTOR(S) (Last name, first name and initials):

1. Skagit County Planning Director
- 2.
- 3.
- 4.

[] ADDITIONAL NAMES ON PAGE _____ OF DOCUMENT.

GRANTEE(S) (Last name, first name and initials):

1. Crown Castle International
- 2.
- 3.
- 4.

[] ADDITIONAL NAMES ON PAGE _____ OF DOCUMENT.

LEGAL DESCRIPTION (Abbreviated: i.e., lot, block, plat or quarter, quarter, section, township and range):

Sec 19 Twp 33 Rng 5

Special use permit application PL-00-0461

[] ADDITIONAL LEGAL(S) ON PAGE _____ OF DOCUMENT.

ASSESSOR'S PARCEL/TAX I.D. NUMBER:

P18161

[] TAX PARCEL NUMBER(S) FOR ADDITIONAL LEGAL(S) ON PAGE _____ OF DOCUMENT.

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**SKAGIT COUNTY PLANNING & PERMIT CENTER
FINDINGS OF FACT**

HEARING AUTHORITY: SKAGIT COUNTY PLANNING DIRECTOR

APPLICATION NUMBER: PL00-0461

APPLICANT: Crown Castle International

ADDRESS: 14796 NE 95th Street
Redmond, WA. 98052

CONTACT: Whalen & Co
C/O Madeline Clemann
3003 Northup Way, #101
Bellevue, WA. 98004

PROJECT LOCATION: The proposed project is located south of Big Lake and north of Lake McMurray along Highway 9. Accessed via a gravel driveway along the east side of Highway 9, approximately 3.8 miles north of the intersection of SR 534 and Highway 9, Mount Vernon, within a portion of Section 19, Township 33 North, Range 5 East W.M., Skagit County, Washington.

PROJECT DESCRIPTION: Administrative Special Use Permit application PL00-0461 for the construction of a wireless communications tower and ancillary ground base station equipment. The proposed tower will be 150 feet tall and will be designed and constructed to accommodate future co-location by other companies. The proposed project is located within a Rural Resource Natural Resource Land designated area as indicated in the Skagit County Comprehensive Plan and associated maps as adopted June 1, 1997.

ASSESSOR'S ACCOUNT NUMBER: 330519-1-001-0002

PROPERTY ID NUMBER: P#18161

RECOMMENDATION: The Planning and Permit Center recommends approval of the request with conditions.



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STAFF FINDINGS:

1. The subject property is zoned Rural Resource NRL and the Comprehensive Plan designates the area as Rural Resource RRC-NRL as indicated in the Skagit County Comprehensive Plan and associated maps as adopted June 1, 1997.
2. Per Section 14.06.100 of the Skagit County Code, a letter of completeness was issued on August 11, 2000. A Notice of Development Application was posted on the subject property and published in a newspaper of general circulation on August 17, 2000 as required by Section 14.06.150 of the Skagit County Code.
3. The application has been reviewed in accordance with the State Environmental Policy Act guidelines (WAC 197-11 and RCW 43.21C). A Determination of Nonsignificance was issued on September 5, 2000, becoming effective following a fifteen-day comment period ending September 22, 2000 and a fifteen-day appeal period ending October 9, 2000.
4. The subject application has been reviewed with respect to the Skagit County Critical Areas Ordinance Chapter 14.24 of the Skagit County Code. A Forest Practice Moratorium Waiver of the six-year moratorium was presented to the Skagit County Hearing Examiner on August 24, 2000 with a recommendation of approval. The Hearing Examiner approved the request. No further review is necessary.
5. The subject property is not located within a designated Flood Hazard Zone as identified by FEMA.
6. The subject property is approximately 6.07 acres in size located to the east of Highway 9 (State Route 9) between Big Lake and Lake McMurrey. The project site will take up approximately 1,200 square feet of the entire parcel. The project proposal will include the construction of an unstaffed wireless communications tower, 150 feet in height, along with an ancillary ground base station on a 30 X 40 square foot area of the parcel. The project site is undeveloped and primarily forested with natural vegetation.
7. The applicant is requesting an Administrative Special Use Permit to allow for the construction of a wireless communications tower and ancillary ground base station equipment. The proposed tower will be 150 feet tall and will be designed and constructed to accommodate future co-location by other companies.
8. The surrounding area is primarily forested with residential uses located around the lakes in the area as well as scattered throughout the area and the lower elevations



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within the lake valleys. No residential uses currently exist directly adjacent to this proposed location. The applicant has obtained an easement from the property owner for a 30-ft. x 40-ft. area in which to place the equipment cabinets for the antennas.

9. The application has been reviewed by Skagit County Public Works. Public Works comments are as follows:

"According to Skagit County Code 14.32.040, the applicant must provide engineered drainage report and plan that addresses both temporary and long-term storm water management, associated with site development, including road construction."

This shall be done with the building permit application.

10. The application was routed to the Environmental Health specialist and the Water resources division of the Skagit County Planning and Permit Center. Environmental Health had no comments or concerns with the proposal. Water Resources Staff indicated that there were no objections to approval provided the facility complies with "Maximum Environmental Noise Levels" WAC Chapter 173-60, while in operation, and if future sewage or water needs are required, the applicant shall comply with Skagit County Health Department Code Section 12.48 for water requirements.

11. Section 14.16.600 Unclassified Special Uses of the Skagit County Code indicates that certain items will be reviewed when approving or denying Special Use Permits. Those items are as follows:

- A. The Characteristics of the unclassified use will not be unreasonably incompatible with the types of uses permitted in surrounding areas;
- B. The proposed unclassified use will not create undue noise, odor, heat, vibration, air and water pollution impacts on surrounding existing or potential dwelling units.
- C. The unclassified use will not materially endanger the health, safety and welfare of the community;
- D. The unclassified use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the local area;
- E. The unclassified use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts;
- F. The location, size and height of buildings, structures, walls and fences and screening vegetation for the unclassified use shall not hinder or discourage the



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- appropriate development or use of neighboring properties;
- G. The unclassified use is not in conflict with the policies of the Comprehensive Plan, the Comprehensive Plan of adjacent jurisdictions that may be affected by the use, or the basic purposes of this Title. In particular, the factors of the Capital Facilities Element policies 5.4.2, 5.4.3, and 5.8, and Essential Public Facilities Policy 3.2 shall be addressed;
 - H. For unclassified uses outside of urban growth areas, extension, construction, or maintenance of urban services and facilities is not required, unless no practicable alternative exists;
 - I. No feasible alternative sites which better meet the requirements of these criteria;
 - J. The need for the unclassified use at a specific location is necessary, taking into account region-wide distribution of facilities and the capacity and location of equivalent facilities;
 - K. For unclassified uses in or adjacent to IF-NRL, SF-NRL, AG-NRL, and RRC-NRL zoned lands, the impacts on the long-term natural resource management and production will be minimized;
 - L. For State-owned essential public facilities, the State shall provide justification for the facility and its location in Skagit County based on forecasted needs and a logical service area; and
 - M. For State-owned essential public facilities, the State shall have established a public process by which the residents of the County and of affected and "host" municipalities have a reasonable opportunity to participate in the site selection process.

Staffs response after review of the proposed project as it relates to the above referenced criteria outlined within Skagit County Code 14.16.600:

- a. The unclassified use will not be unreasonably incompatible with the types of uses permitted in surrounding areas. This facility is to be placed within a location that completes a service connection for the utility providers service and will not be located next to any incompatible uses.
- b. There are no moving parts in the radio equipment used; accordingly there will be no noise created and no appreciable creation of odors or heat. Other than RF emissions regulated by the FCC, there will be no emissions to the air. There may be noise pollution and some vibrations during construction. The applicant has indicated that construction is projected to last approximately 2 weeks. Hours of construction will be limited to



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8:00 a.m. - 6:00 p.m. Monday through Friday. There will be no long-term noise impacts or vibrations as a result of the finished project. The applicant has indicated that there will be little if any audible noise, odor or heat generated from this facility. The ground equipment utilizes a tiny, nearly noiseless "muffin" fan for cooling. There will be no appreciable creation of odors or heat from the proposed use. No emissions to the air are expected from the use of the site.

- c. There will be no danger to the health, safety or welfare of the community. Previous Special Use Applications for communication towers have indicated that there are no known environmental health hazards. It has been indicated that the frequencies utilized by these types of communication towers 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.
- d. There will be no pedestrian traffic associated with this proposal. There will be no vehicle traffic that would be hazardous or that would conflict with existing and anticipated traffic in the local area. The facility will be unmanned, although it will operate 24 hours per day, 7 days per week. There will be a monthly maintenance check, however, no additional parking is either required or proposed. No significant impact on traffic will be created as a result of the project including the construction phase.
- e. There will be no adverse affects to public facilities or services in the surrounding area. No mitigation is required.
- f. This site will not hinder or discourage the appropriate development or use of the neighboring properties.
- g. The Comprehensive Plans has several objectives and policies that support this application. 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 2.2 Utilize construction and design standards that are environmentally sensitive,



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safe, and cost-effective. 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.

- h. There will be no extension of urban services.
- i. This site is the most feasible to meet the requirements and to service this area.
- j. With the approval of this application and the tower construction, there will be minimal negative impact to the region. By locating the facility at the proposed location, the applicant will be meeting both the goal and policies of Skagit County. The proposed facility will provide an opportunity for the collocation of two other providers thus reducing the need for additional poles in the area.
- k. This proposal will not impact adjacent or long-term natural resource management uses in the area.
- l. This facility is privately owned.
- m. This facility is privately owned and will be used to improve the cellular service in the area.

The applicant has designed and sited the proposed facility to minimize adverse visual impacts on County residents. The facility will create no greater impact upon existing and proposed land uses than currently exists. The facility will not require FAA lighting.



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Previous applications for communication towers have indicated that there are no known environmental health hazards. It has been indicated that the frequencies utilized by these types of communication towers 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.

RECOMMENDATION

Based on the above findings, the Planning and Permit Center would recommends **approval** of the application for a Special Use Permit subject to the conditions listed below:

1. The applicant shall obtain all necessary local, state and federal permits prior to start of construction.
2. The applicant shall comply with all requirements stated in Skagit County Code 14.16.720.
3. At such time the "facility" is not in use or has been abandoned, the applicant shall comply with the Non-Use/Abandonment regulations in place at that time.
4. The antennas shall be painted with non-glare paint and shall blend with the surrounding existing structures.
5. Prior to issuance of the building permit, a copy of the site lease agreement with BPA will need to be submitted.
6. The permit shall be void if not started within one year of the date of this order.
7. According to Skagit County Code 14.32.040, the applicant must provide engineered drainage report and plan that addresses both temporary and long-term storm water management, associated with site development, including road construction prior to the approval of a building permit.
8. The applicant shall comply with the Maximum Environmental Noise Levels, WAC Chapter 173-60, while in operation, and if future sewage or water needs are required, the applicant shall comply with Skagit County Health Department Code Section 12.48 for water requirements.
9. The applicant shall comply with all Building Code and Fire Marshall requirements in regard to tower and/or access construction.



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The applicant and/or a party of record may appeal the decision of the Administrative Official to the Skagit County Hearing Examiner pursuant to the provisions of Section 14.01.060. Every appeal to the Hearing Examiner shall be filed with the Planning & Permit Center within fourteen (14) calendar days after the date of the decision.


FOR: Tom Karsh, Director

Date of Preliminary Approval: 10-12-00

Date of Final Approval: 10-26-00

Prepared by: BB

Approved by: 



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