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SKAGIT COUNTY PLANNING & PERMIT CENTER

FINDINGS OF FACT

HEARING AUTHORITY: SKAGIT COUNTY PLANNING DIRECTOR

APPLICATION NUMBER: PL01-0863

APPLICANT: Cingular Wireless, Inc.
ADDRESS: 2445 140th Ave NE #202
Bellevue, WA 98005

CONTACT: Kristina Park
SBA Network Services, Inc.
14900 Interurban Ave. S. #208
Seattle, WA 98168

PROJECT LOCATION: The proposed project is located at 20325 State Route 9, Mount Vernon, WA; Lot 2 of SP 36-80; within a portion of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 17, Township 33 North, Range 05 East, W.M., Skagit County, Wa.

PROJECT DESCRIPTION: Administrative Special Use for the placement of a 170 ft. lattice tower with space available for a total of 4 cellular carriers within a 70' x 90' leased area. The top antenna array will consist of a three-sector antenna with 2 antennas per sector.

ASSESSOR'S ACCOUNT NUMBER: 330517-3-004-0007, 330517-2-008-0005

PROPERTY ID NUMBER: P24761, P18115

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

STAFF FINDINGS:

1. The subject property is zoned Rural Resource and Comprehensive Plan designates the area as Rural Resource.

2. Per Skagit County Code Section 14.06.100 a letter of completeness was issued on December 6, 2001. A Notice of Development Application was posted on the subject property, published in a newspaper of general circulation, and mailed to property owners within 300 feet of the subject property on December 11, 2001 as required by Skagit County Code Section 14.06.150(2) of the Skagit County Code. The public hearing has been advertised and notices sent as required by Skagit County Code Section 14.06.150(3).
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 February 26, 2002, becoming effective following a fifteen-day comment period ending March 15, 2002 and a fourteen-day appeal period ending March 29, 2002.
4. The subject application has been reviewed with respect to the Skagit County Critical Areas Ordinance Chapter 14.24. Based on the site visit and other information utilized for that purpose, staff identified the presence of critical area indicators (fish/wildlife, wetland, potential alluvial fan and steep slopes) within 200 feet of the proposed project. The following items were to be completed and submitted prior to approval of the critical areas.
 - A Fish & Wildlife assessment report produced by a qualified professional (SCC14.24.500)
 - A Wetland assessment report produced by a qualified professional. (SCC14.24.200)
 - A Geologic Hazard report produced by a qualified professional (SCC14.24.400)

Assessments must address both the proposed cell tower location as well as the access road. Identified Protected Critical Areas (PCA's) must be shown on the final approved site plan and recorded with the Skagit County Auditor (SCC 14.24.170).

The applicant must obtain a Hydraulic Project Approval (HPA) from the Washington State Department of Fish and Wildlife for any in-channel work.

5. A Wetland & Fish and Wildlife report prepared by ADaPT dated January 2002 was submitted on February 6, 2002. A Type 4 stream was located greater than 200 feet from the project site. The stream runs through a culvert underneath the existing access road. No culvert improvements are proposed. A Category IV wetland was delineated adjacent to the proposed access road. The access road is located outside of the wetland and associated buffer. Any access road maintenance must be performed within the area limited by the outside boundary of the existing access road. The report concluded



that no impacts to critical areas or associated buffers will result from project or improvements to the existing access road.

6. A geotechnical evaluation (dated October, 2001) & addendum (dated February 2002) prepared by ADaPT dated were also submitted for the proposal. The report finds that no adverse impacts will result from the proposal if the drainage and erosion control recommendations identified in the report are adhered to. These recommendations are as follows:

- Surface and subsurface drainage at the site will be collected and directed to the toe of the slope via an existing ditch along the side of the access road.
- Temporary and permanent erosion control measures will be installed and maintained during construction to limit the additional influx of water to exposed areas and protect potential receiving waters. These erosion measures may include but are not limited to:
 - a) Berms and swales with check dams to channel surface water runoff, ground cover/protection in exposed areas and silt fences.
 - b) Graded areas should be shaped to avoid concentrations of runoff onto cut or fill slopes, natural slopes or other erosion-sensitive areas.
 - c) Temporary ground cover/protection such as jute matting, excelsior matting, wood chips, straw or clear plastic sheeting should be used until permanent erosion protection is established.

7. The subject property is not located in a Flood Hazard Zone. The property is located in lands designated as natural resource lands by the Comprehensive Plan and Zoning Map. The applicant will need to comply with SCC 14.16.870 Notification of Development Activities on or Adjacent to Designated Natural Resource Lands.

8. The subject property is approximately 15.78 acres in size and is located on the west side of Highway 9 south of the intersection of Highway 9 and the south end of West Big Lake Blvd. The property is triangular in shape and runs in a north/south configuration. The property measures approximately 1600 feet along the west property line, approximately 514 feet along the north property line, approximately 1900 feet along the east property (Highway 9). There is an existing single family residence served by a single driveway located in the northern third of the property. North of the residence is a second gated access for an existing primitive logging road. The subject property slopes slightly from the east to west and from north to south.



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9. The applicant is requesting a Special Use Permit to allow for the installation of a 170 ft. lattice tower with space available for a total of 4 cellular carriers within an 70' x 90' leased area. The top antenna array will consist of a three-sector antenna with 2 antennas per sector. The proposed tower lease area is located approximately 550 feet south of the gated access. According to the applicant, the existing access road will be improved per WSDOT road standards. The lease area is located in a partially cleared area situated east of the primitive logging road. The ground surface of the tower lease area is covered by trees, tree stumps, undergrowth and forest duff. A gated 6-foot chain-link security fence is proposed around the tower site. The compound will provide ground equipment space for up to three additional carriers beyond Cingular. Cingular's equipment will consist of two small equipment cabinets and a 3-sector antenna array consisting of a total of six antennas. The tower will be located approximately 634 feet to the north property line, approximately 318 feet from the west property line and approximately 190 feet from the east property line. The tower and accessory equipment will be steel gray.
10. The applicant has submitted a landscaping plan for the north, east and south sections of the leased area. The plan includes a 15-foot planted strip around the leased area with evergreen/vegetation plantings (Douglas fir, Western Red Cedar, Strawberry tree, Oregon grape) and retaining as much of the existing mature vegetation as possible. A parking space will be provided within the leased area for the maintenance worker. The site will be unmanned except for a monthly maintenance check.
11. This site was identified as a vital link to providing seamless coverage to the residents and travelers of this area. Most major carriers lack coverage in this vicinity making a co-locatable tower highly desirable as other carriers also expand their networks. This will reduce the need for additional towers in this area. The site was selected due to its low residential population and presence of forests to provide natural aesthetic screening.
12. The application has been reviewed by Skagit County Public Works. Engineered grading and drainage plans are required. Temporary erosion/sedimentation control must be utilized during construction pursuant to SCC 14.16.32.
13. Skagit County Code Section 14.16.900(2)(b)(v) Special Uses indicates that certain criteria will be reviewed when approving or denying Special Use Permits. Those items are as follows:



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A. The proposed use will be compatible with existing and planned land use and comply with the Comprehensive Plan.

The Comprehensive Plan has several objectives and policies that support this application.

Chapter 10 Utilities Element of the Comprehensive Plan state the following: Objective 2 Encourage safe, reliable, and quality utility systems. Policy 10A-2.1 Utility providers shall build and manage utility systems to provide reliable service and to meet the needs of future growth. Policy 10A-2.2 Utilize construction and design standards that are environmentally sensitive, safe, and cost-effective. Policy 10A-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 10A-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 10A-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.

B. The proposed use complies with the Skagit County Code.

The subject property and surrounding properties are zoned Rural Reserve with a Comprehensive Plan designation of Rural Reserve. SCC 14.16.430 (3)(k) lists Personal wireless service towers subject to 14.16.720 as an Administrative Special Use. SCC Section 14.06.900 special uses provide a means to recognize and approve land uses not specifically identified as allowed uses. A special use permit must demonstrate that the proposed activity will not adversely affect or prevent those uses normally allowed within the respective district. The application is then reviewed on its own merits.

The proposed location has been strategically picked to provide co-location spaces for at least 3 additional carriers as well as Cingular. This placement will reduce the need for additional towers in the area. The proposed site is in a rural neighborhood with sparse residential populations. Visual impacts of the tower are minimized by topography and mature forests surrounding the site. The applicant states that all SBA towers and co-locators will be in full compliance with all rules and regulations as specified by local, state and federal laws. The tower will be designed and engineered to prevent potential damage to surrounding



properties.

C. The proposed use will not create undue noise, odor, heat, vibration, air and water pollution impacts on surrounding, existing, or potential dwelling units, based on the performance standard of SCC 14.16.840.

As a completed project, the proposed tower and equipment will not create undue noise, odor, heat, vibration, air and water pollution impacts on the surrounding or potential dwelling units. The proposed facility will comply with the noise requirements as listed in SCC 14.16.840(5) Performance Standards.

During the construction period, minor amounts of emissions and noise will occur from construction equipment. The tower and site construction should take no more than 4-6 weeks to complete. Cingular's collocation will take 2-4 weeks to complete. It is anticipated that each carrier that is added is not likely to take more than 4 weeks at a time to collocate.

D. The proposed use will not generate intrusions on privacy of surrounding uses.

There will be minor intrusion of privacy as a result of the proposed project. The subject property is approximately 15 acres in size and developed with a single family residence. The leased area is located south of the existing residence and will be accessed by a primitive logging road. The applicant is proposing a 6' galvanized chain link fence around the easement area to eliminate illegal access. The adjacent properties are large undeveloped acreage. According to information provided by the applicant, the FAA is not requiring any lighting or markings for this site.

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

There are no known potential effects regarding the general public health, safety, and general welfare as a result of this proposal.

F. For special uses in Industrial Forest-NRL, Secondary Forest-NRL, Agricultural-NRL, and Rural Resource-NRL, the impacts on long-term natural resource management and production will be minimized.

The subject property is located in and adjacent to resource designated lands. According to the applicant the specific site has minimal mature trees, although it is surrounded by mature forest. Due to the small nature of the compound, the

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proposed development will not impact any long-term natural resource management and production.

G. The proposed use is not in conflict with the health and safety of the community.

The proposed tower/site will not conflict with the health and safety of the community. Industry analysis provided with 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.

H. The proposed use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding areas, or conditions can be established to mitigate adverse impacts on such facilities.

The proposed use will not have an impact on public facilities or services and will not adversely affect public services to the surrounding areas. The site will need only power and telephone to support its functions. It will not adversely affect public services to the surrounding areas.

RECOMMENDATION

Based on the above findings, the Planning and Permit Center recommends **approval** of the application for a Special Use permit allowing a 170-foot monopole subject to the conditions and modifications 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 Section 14.16.720 (13-16).
3. At such time the tower is not in use or has been abandoned, the applicant shall comply with the Non-Use/Abandonment regulations in place at that time.
4. Per SCC 14.16.900(2)(d) this permit shall be void if the use permitted by the permit has not been established or a complete building permit filed with the Planning and Permit Center within 2 years of the permit approval.
5. Engineered grading and drainage plans pursuant to SCC 14.32 Drainage are required with the building permit.
6. Temporary erosion/sedimentation control must be utilized during construction pursuant to SCC 14.32 Drainage.
7. Landscaping as required in SCC 14.16.720(16) shall be shown



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- on the building permit plans.
8. A copy of the FAA lighting requirements must be submitted with the building permit.
 9. Prior to issuance of a building permit, an approved access permit from Washington State Department of Transportation must be submitted.
 10. Identified Protected Critical Areas (PCA's) must be shown on the final approved site plan and recorded with the Skagit County Auditor (SCC14.24.170).
 11. Any access road maintenance must be performed within the area limited by the outside boundary of the existing access road.
 12. Surface and subsurface drainage at the site will be collected and directed to the toe of the slope via an existing ditch along the side of the access road as shown on the site plan.
 13. The applicant will need to comply with SCC 14.16.870 Notification of Development Activities on or Adjacent to Designated Natural Resource Lands. Such notification shall be submitted with the building permit.
 14. A copy of this decision shall be submitted with the building permit.

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 SCC Section 14.06.110(7). 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.

Tom Karsh

Tom Karsh, Planning Director

Marge Swint

Marge Swint, Associate Planner

Date of Preliminary Approval: *April 19, 2002*

Date of Final Approval: *May 3, 2002*



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