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## SKAGIT COUNTY PLANNING & PERMIT CENTER

### FINDINGS OF FACT

**HEARING AUTHORITY:** SKAGIT COUNTY PLANNING DIRECTOR

**APPLICATION NUMBER:** Administrative Special Use PL02-0254

**APPLICANT:** VoiceStream PCS III Corp/T Mobile

**ADDRESS:** 19807 N. Creek Parkway N. #101  
Bothell, Wa 98011

**CONTACT:** Terri Spencer  
TLS Planning Services, Inc.  
2107 33<sup>rd</sup> St.  
Everett, WA 98201

**PROJECT DESCRIPTION:** Administrative Special Use permit for the placement of a 150 foot monopole with space available for a total of 4 cellular carriers within a 70' x 70' leased area. The antenna design will be a flush mount with one antenna per sector (3 total). The flush mounted antennas are 6' long and 12" wide.

**PROJECT LOCATION:** The proposed project is located at 14879 Sunset Road Bow, WA; within a portion of the NE ¼ of the SE ¼ of Section 04, Township 35 North, Range 03 East, W.M., Skagit County, Wa. The facility will be located north of the existing barns and sheds located on the southern portion of the parcel.

**ASSESSOR'S ACCOUNT NUMBER:** 350304-4-001-0003 (site); 350304-4-004-0000 (access)

**PROPERTY ID NUMBER:** P33801, P33804

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

## **STAFF FINDINGS:**

1. The subject property is zoned Agriculture-NRL and Comprehensive Plan designates the area as Agriculture-NRL.
2. The application was submitted on September 9, 2002. Per Skagit County Code Section 14.06.100, a letter of completeness was issued on October 11, 2002, deeming the application complete as of October 8, 2002. 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 October 17, 2002 as required by Skagit County Code Section 14.06.150(2) of the Skagit County Code.
3. Two letters were received during the comment period for the Notice of Development. One letter in opposition was received from multiple parties including Beth and Lloyd Remington 6218 Chuckanut Dr. Bow, Wa 98232; Michele L. Wise 19130 Sulfur Springs Road, Mount Vernon, WA 98274; Sharon L. Thompson 15554 Penn Road Mount Vernon, Wa 98273. Larry R. Jensen 15356 Produce Lane, Mount Vernon, WA 98273 wrote in support of the permit.
4. As a result of the comments received during the initial comment period for this project and the proposed tower at Rexville Grange, Staff requested that a Fish and Wildlife Report be completed pursuant to SCC 14.24.520. The applicant provided a separate report for each of the proposed project areas. (Edison/Carlson and Rexville).
5. A Wildlife and Habitat Study dated December 31, 2002 prepared by J.S. Jones and Associates was received on January 16, 2003. The report was reviewed by the Critical Areas Staff with the following conditions to be applied:
  - Any construction activities must take place between May and September.
  - Any bird mortality must be reported to the US Department of Fish and Wildlife.
  - The conifers around the existing residence will be retained.
6. 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 was issued on February 11, 2003, becoming effective following a fifteen-day comment period ending February 28, 2003 and a fourteen-day appeal period ending March 14, 2003. The following conditions were attached:
  1. Any construction activities must take place between May and September.
  2. Any bird mortality must be reported to the US Department of Fish and Wildlife.
  3. The conifers around the existing residence will be retained.



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7. During the comment period for the MDNS several form letters were received with concerns about the Radio Frequency emissions coming from a cellular tower and the wildlife in the area. No appeal of the MDNS was filed.
8. The subject application has been reviewed with respect to the Skagit County Critical Areas Ordinance SCC Chapter 14.24. As a result of the site visit, no critical areas were identified within 200 feet of the project area and no further review was required.
9. The subject property is located in an A-7 Flood Hazard Zone per FIRM Map 530151 0050C dated January 3, 1985. Base flood elevation is 9 feet. The applicant will need to satisfy Skagit County Code Section 14.34, Flood Damage Prevention Ordinance, prior to issuance of building permits.
10. 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.
11. The subject property is approximately 40-acres in size and is located on the north side of Sunset Road. The property is owned by the Joel Carlson Exemption Equivalent Trust, who also owns an additional approximate 90 acres of adjoining property. The 40-acre parcel directly to the south is owned separately by a member of the Trust. The access to the subject property is through this parcel. There are several farm outbuildings located on the subject property. On the adjoining property to the south are located two single family residences. The other adjoining properties are all vacant farmland. The area is relatively flat.
12. The applicant is requesting an Administrative Special Use permit to allow the placement of a 150 foot monopole with space available for a total of 4 cellular carriers within a 70' x 70' leased area. The antenna design will be a flush mount with one antenna per sector (3 total). The flush mounted antennas are 6' long and 12" wide. The leased area will be located north of the existing barns and sheds located on the southern portion of the parcel. The leased area is an undeveloped grass area with some old machinery and equipment currently located in the area. The leased area is approximately 203 feet north of the south property line. The center of the pole will be approximately 795 feet from the west property line, approximately 1,114 feet from the north property line, approximately 240 feet from the south property line and approximately 564 feet from the east property line. Access to the leased area is by an existing gravel driveway located on the west side of the compound. The existing driveway will be extended approximately 80 feet to the facility. A gated 6-foot chain-link security fence is proposed around the tower leased site. Landscaping is proposed for the exterior of the entire fence in accordance with SCC 14.16.720 (16).



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13. The 70 foot x 70 foot compound will provide ground equipment space for up to three additional carriers beyond Voice Stream/T Mobile. Prefabricated equipment cabinets will house the radio and backup battery system.
14. The applicant has submitted a landscaping plan showing a 10 foot buffer for the leased area. The plan includes 10 foot tall evergreen trees around the compound with a 36 inch high continuous hedge in front of the trees. This plan is consistent with the requirements listed in Skagit County Code 14.16.720 (16). No new parking is required. The site will be unmanned except for a monthly maintenance check. The maintenance vehicle will be able to park on the existing driveway or at one of the nearby sheds during the once a month maintenance/security check.
15. The applicant has provided written documentation justifying the height of the proposed tower along with propagation maps. According to the applicant, the height is based on the surrounding terrain profile and the average elevation of nearby vegetation. The desired coverage objectives include Highway 237, Highway 11 and the surrounding neighborhoods. The proposed 150 foot monopole is the minimum height required for this facility to provide adequate coverage and allow collocation opportunities. The tower height is the lowest feasible height given the limitations of wireless signals and need to provide uninterrupted mobile phone services in the valley area. Lowering the height of the antennas would reduce the facility's ability to provide the needed wireless coverage and would necessitate the development of additional sites within the area.
16. The application was routed to the appropriate county offices for review. Public Works: Because the applicant is creating more than 5,000 square feet of impervious surface Skagit County Code Section 14.32.040(5)(a) requires the applicant to submit a drainage plan prepared by a licensed civil engineer that demonstrates compliance with Skagit County Drainage Ordinance. This drainage plan should be submitted with the building permit application. Farmland Legacy: no comments received; Fire Marshall: No comments on this proposal.
17. 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:

**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



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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 Agriculture-NRL with a Comprehensive Plan designation of Agriculture-NRL. SCC 14.16.400 (3)(f) lists Personal wireless service towers subject to 14.16.720 can be considered 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 VoiceStream/T Mobile. This placement will reduce the need for additional towers in the area. VoiceStream/T Mobile is expanding service to include uninterrupted coverage along Interstate Five in the Skagit/Whatcom County area. Additional antennas in this area are critical to provide adequate signal transmission with other connecting facilities for uninterrupted service. The applicant has provided signed statements stating the towers and co-locators will be in full compliance with all rules and regulations as specified by local, state and federal laws.

**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 14.16.720(12)(e).



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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 3-4 weeks to complete. Based on previous wireless applications 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 40 acres in size and is developed with several farm outbuildings. The leased area is located adjacent to the farm building and will be accessed by an existing gravel driveway that will be extended to the leased area. The applicant is proposing a 6' chain link fence around the leased area to eliminate illegal access. The adjacent properties are large undeveloped farm 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 is no known negative health effects associated with wireless facilities. According to the applicant's narrative VoiceStream's facilities operate at extremely low power and at high radio frequency. Studies conducted over the past 40 years have not identified any health risks associated with this type of low power ultra high frequency signals. Wireless PCS antennas are many times below the federal standards for maximum exposure to radio frequency energy.

**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. The proposed leased area is located adjacent to existing farm buildings. Due to the small nature of the compound, the 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



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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 facility is unmanned requiring only power and telephone to support its functions. In fact, the wireless facility will enhance the public safety and general welfare of the community by providing reliable service to emergency providers and citizens using wireless services.

## DECISION

Based on the above findings, the Planning and Permit Center Director **approves** the application for an Administrative Special Use permit allowing for the placement of a 150-foot monopole with a flush mount antennae design 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. Applicant shall comply with all conditions outlined in the MDNS as follows:
  - *Any construction activities must take place between May and September.*
  - *Any bird mortality must be reported to the US Department of Fish and Wildlife.*
  - *The conifers around the existing residence will be retained.*
3. The applicant shall comply with Skagit County Code Chapter 14.34 Flood Damage Prevention Ordinance.
4. The applicant shall comply with all requirements stated in Skagit County Code Section 14.16.720 (13-16).
5. 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.
6. 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.
7. Engineered drainage plan pursuant to SCC 14.32 Drainage Ordinance is required with the building permit.
8. Temporary erosion/sedimentation control must be utilized during construction pursuant to SCC 14.32 Drainage Ordinance.
9. Detailed landscaping as required in SCC 14.16.720(16) shall be shown on the building permit plans.



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9. Detailed landscaping as required in SCC 14.16.720(16) shall be shown on the building permit plans.
10. 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.
11. A copy of this permit 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.

Linda Keller (for)

David Blane, AICP, Planning Director

Marge Swint

Marge Swint, Associate Planner

Date of Preliminary Approval: May 7, 2003

Date of Final Approval: May 21, 2003



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