

SKAGIT COUNTY PLANNING & PERMIT CENTER

FINDINGS OF FACT

HEARING AUTHORITY: SKAGIT COUNTY PLANNING DIRECTOR

APPLICATION NUMBER: PL03-0577

APPLICANT: TMobile

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

CONTACT: Terri Spencer
TLS Planning Services, Inc.
2107 33rd St.
Everett, WA 98201

PROJECT DESCRIPTION: Administrative Special Use Request PL#03-0577 for the placement of a 135 ft. flush mount monopole with space available for a total of 2 cellular carriers within an approximate 1,100 sq. ft. leased area. The design will include a three (3) antenna array with one (1) antenna per array for a total of 3 panel antennas. The subject property is zoned Agriculture-NRL.

PROJECT LOCATION: The proposed project is located at 18765 Cedardale Road, Mount Vernon, WA; Lot 1 Short Plat 93-0073, within a portion of the NW ¼ of the SW ¼ of Section 05, Township 33 North, Range 04 East, W.M., Skagit County, Wa..

ASSESSOR'S ACCOUNT NUMBER: 330405-0-021-0015

P NUMBER: P16347

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

STAFF FINDINGS:

1. The subject property is zoned Agriculture-NRL and the Comprehensive Plan designates the area as Agriculture-NRL.
2. The application was submitted on July 18, 2004. Per Skagit County Code 14.06.100, a letter of completeness was issued on August 15, 2003. 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 August 21, 2003 as required by SCC 14.06.150(2).
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 18, 2003, becoming effective following a fifteen-day comment period ending October 3, 2003 and a fourteen-day appeal period ending October 17, 2003.
4. 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.
5. The subject property is located in an AO (depth 3) Flood Hazard Zone, per FIRM Map 530151 0425C dated January 3, 1985. The applicant will need to satisfy Skagit County Code Section 14.34, Flood Damage Prevention Ordinance, prior to issuance of building permits.
6. 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.
7. The subject property is approximately 1.26 acres in size and is located on the east side of Cedardale Road. Cedardale Road runs parallel with Interstate 5. The property is rectangular in shape with a north/south configuration. The property measures approximately 208 feet wide by 282 feet long. There is a single family residence along with a couple of outbuildings located in the southern portion of the property. The adjacent property to the south has a large metal building. The other surrounding properties are either farmland or treed. The area is relatively flat.
8. The applicant is requesting an Administrative Special Use for the placement of a 135 ft. flush mount monopole with space available for a total of 2 cellular carriers within an approximate 1,100 sq. ft. leased area. The design will include a three (3) antenna array with one (1) antenna per array for a total of 3 panel antennas. Prefabricated equipment cabinets will house the radio and backup battery system. The equipment cabinets will be secured to a cement pad located northwest of the monopole. One 80-gallon liquid propane fuel tank and generator is proposed for back up emergency power during periods of no electrical power. The compound will be secured with a six (6) foot tall CMU block fence as

F:\marges\WP\WP\Cell Towers\TMobile Stackr



200404020013

Skagit County Auditor

requested by the landlord. The access gate (4 foot wood) will be located on the west end of the leased area. The tower and ground space is designed to accommodate up to two additional carriers as required by SCC 14.16.720(6)(c)(ii).

9. The proposed facility will be located in the northwest corner of the parcel in a vacant grass area. Access to the site is by a 4-foot wide gravel path from the existing parking area around the residential area. The leased area is approximately 35-feet from the front property line, 15-feet from the north property line, 137-feet from the east property line, and 211-feet from the south property line. The monopole will be located in the southeast corner of the compound approximately 4 feet from the east compound line and 6 feet from the south line. The applicant recommends the tower be painted a black/green to blend with the surrounding tall evergreen trees. On the compound layout plan the applicant has indicated a "future" 15' x 20' compound area east of the proposed leased area.
10. The applicant has submitted a landscaping plan showing a 6 foot buffer for the leased area. The plan includes 10 foot tall evergreen trees around the compound with a 48-inch high continuous hedge in front of the trees. A couple of existing trees will remain. This plan is consistent with the requirements listed in SCC 14.16.720 (16). Additional parking is not required as the site will be unmanned except for a monthly maintenance check. The maintenance vehicle will be able to park on the existing driveway during the once a month maintenance/security check.
11. The tower is the minimum height necessary to transmit signals above the surrounding tall (up to 127 feet) evergreen trees, to meet network transmission requirements with surrounding transmitting facilities, to provide adequate coverage, and allow for collocation opportunities. This site was selected after extensive research to provide the greatest amount of coverage in an area now experiencing no service to limited coverage. Voicestream (TMobile) is expanding service to include uninterrupted overage along Interstate Five in the Skagit/Whatcom County area. Alternative sites east of I-5 were considered but ultimately rejected due to poor radio frequency performance, inability to negotiate a lease with property owners or other land-use restrictions. There were no other existing tall structures in the area for collocation that could provide the needed antenna height for adequate signal coverage.
12. Due to the location of a private airport (Barker Airfield) located west of I-5 near the subject property, the FAA has issued a condition that the structure should be marked and/or lighted in accordance with FAA Advisory Circular 70/7460-1 AC70/7460-1K, Obstruction Marking and Lighting, red lights-Chapters 4,5 (red) & 12. The required lighting is a red lighting system with two top-mounted steady burning lights. No blinking or white lighting is required. The applicant will need to provide this information with the building permit.
13. The application was routed to the appropriate county offices for review. Public Works: no comments.

F:\marges\WP\WP\Cell Towers\TMobile S



200404020013

Skagit County Auditor

4/2/2004 Page

3 of

7 8:40AM

14. SCC 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 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 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 2 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.

F:\marges\WP\WP\Cell Towers\TMobile Stack\



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).

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. Although the subject property is approximately 1.26 acres in size, the adjoining properties are either heavily forested or open farmland. The leased area is located in the northwest corner of the property adjacent to the forested land. The leased area will be accessed by a gravel pathway from the existing driveway/parking area for the residence. The applicant is proposing a 6' tall CMU block fence as requested by the landlord around the leased area to eliminate illegal access. According to information provided by the applicant, the FAA is requiring a red lighting system with two top-mounted steady burning lights 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.

Although the subject property is located in resource designated lands the property itself is not in agricultural production. The proposed leased area is located approximately 137 feet to the closest field. In addition 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 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.

RECOMMENDATION

Based on the above findings, the Planning and Permit Center recommends **approval** of the application for a Special Use permit allowing a 135-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 Skagit County Code Chapter 14.34 Flood Damage Prevention Ordinance.
3. The applicant shall comply with all requirements stated in Skagit County Code Section 14.16.720 (13-16).
4. Temporary erosion/sedimentation control must be utilized during construction pursuant to SCC 14.32 Drainage Ordinance.
5. Detailed landscaping as required in SCC 14.16.720(16) shall be shown on the building permit plans.
6. The applicant shall provide with the building permit the necessary lighting information in accordance with FAA Advisory Circular 70/7460-1 AC70/7460-1K, Obstruction Marking and Lighting, red lights-Chapters 4,5 (red) & 12.
7. 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.
8. A copy of this permit decision shall be submitted with the building permit.
9. 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.
10. 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.


F:\marges\WP\WP\Cell Towers\TMobile St

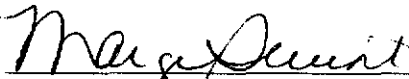


200404020013

Skagit County Auditor

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.


Brent Morrow, Senior Planner on behalf
Gary R. Christensen, AICP Administrative Official
Assistant Planning Director


Marge Swint, Associate Planner

Date of Preliminary Approval: 3/16/04

Date of Final Approval: 3/30/04



200404020013
Skagit County Auditor

4/2/2004 Page 7 of 7 8:40AM