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Skagit County Auditor

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SKAGIT COUNTY PLANNING and DEVELOPMENT SERVICES

FINDINGS OF FACT

HEARING AUTHORITY: SKAGIT COUNTY PLANNING DIRECTOR

APPLICATION NUMBER: PL08-0188

APPLICANT: Skagit County Fire District #7
Scott Lemke

ADDRESS: 35058 South Shore Dr.
Mount Vernon, WA 98274

CONTACT: Northwest Tower Engineering
Steven Diamond
2210 Hewitt Avenue #209
Everett, WA 98201

PROJECT DESCRIPTION: Administrative Special Use Permit for the construction of an emergency communications facility within an approximate 35' x 60' leased area. The facility consists of a 150' lattice tower and an equipment shelter which will house radio, mechanical and electrical equipment. The tower will support antennas required for the Fire District's emergency radio system. The tower has been designed to accommodate a minimum of two future carriers for co-location purposes.

PROJECT LOCATION: The proposed project is located on 33673 N. Shore Dr., Mount Vernon, WA; Lot 1 of Short Plat 49-89; within a portion of the NE ¼ of the SE ¼ Section 22, Township 33 North, Range 06 East, W.M., Skagit County, WA.

ASSESSOR'S ACCOUNT NUMBER: 3937-006-036-0122

P# NUMBER: P66482

RECOMMENDATION: The Director hereby **approves** the Administrative Special Use Request with conditions.

BACKGROUND INFORMATION:

1. The subject property has a zoning and comprehensive plan designation of Secondary Forest-NRL. The existing radio coverage used by fire and EMS personnel in this area is in need of an upgrade due to performance limitations. A new facility would alleviate some of the coverage inconsistencies of the existing radio system. The improved coverage will provide more effective public safety communications, increased firefighter safety and improved coordination between 911 dispatch centers in Skagit County.
2. The subject property is approximately 1.8 acres in size and is located at the intersection of North Shore Drive and Bamboo Lane in the Lake Cavanaugh area. The property lies in a north/south configuration and has a trapezoid shape. The property measures approximately 523 feet along the north property line, 298 feet along the east property line, 78 feet on the south property line, 436 feet along the west property line. The property is owned by the fire district and is currently an undeveloped forested area of "second growth" timber. The proposed site is bordered by waterfront residential properties to the south and undeveloped forested areas to the north, east, and west. The topography at the proposed site is generally flat.
3. The subject property is not located in flood hazard zone per FIRM Map 530151 0450 dated January 3, 1985. The property is located in and adjacent to lands designated as natural resource by the Comprehensive Plan and Zoning Map. The applicant shall comply with the provisions of Skagit County Code 14.16.870, Notification of Development Activities on or Adjacent to Designated Natural Resource Lands.
4. The applicant is requesting an Administrative Special Use for the construction of an emergency communications facility within an approximate 35' x 60' leased area. The facility consists of a 150' lattice tower and an equipment shelter which will house radio, mechanical and electrical equipment. The tower will support antennas required for the Fire District's emergency radio system. The tower has been designed to accommodate a minimum of two future carriers for co-location purposes.
5. The leased area (35' x 60') is basically in the center of the property. This area will be a gravel surface compound with a 6' high slatted chain link fence. Access to the leased area will be by a 12' wide gravel road which will be sited to take advantage of the existing topography and reduce any adverse impact on the immediate surroundings. One parking space will be provided for the maintenance personnel. A DNR style "forestry gate with lock" will be installed at the access road entrance which will prevent motor vehicles from entering the property. The access gate into the compound will be locked at all times unless the site is being maintained. An anti-climb device will be installed on the tower legs to prevent any inadvertent climbing of the tower by unauthorized personnel.
6. Within the leased area, the tower is located in the eastern half of the compound. The base of the tower will be approximately 114 feet from the east property line, 107 feet from the north line and 137 feet to the west line. The tower will be located more than 150 feet from any of the developed lots. The 10' x 15' equipment shelter will house radio, mechanical

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and electrical equipment and is located west of the tower. The shelter is approximately 5 feet from the north boundary line, 15 feet from the west boundary, 30 feet from the east boundary, and 20 feet to the south boundary of the compound. According to the applicant's narrative, there is approximately 1060 sq. /ft of additional compound space for future carriers. As allowed by code, the natural vegetation of mix evergreen and deciduous trees will screen the compound from the adjoining properties.

DEPARTMENTAL FINDINGS:

1. Per SCC 14.06.100, a letter of completeness was issued on April 23, 2008. The 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 May 1, 2008 as required by SCC14.06.150(2). No comments were received during this period.
2. 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 May 22, 2008, becoming effective following a fifteen-day comment period ending June 6, 2008 and a fourteen-day appeal period ending June 20, 2008. No comments were received and no appeals were filed.
3. The application was routed to the appropriate county offices and divisions for review.

Public Works:

All of Public Works comments and concerns will be addressed at the time of building permit submittal.

Critical Areas

The site was reviewed for critical areas under permit PL08-0012. It was determined that a Type 3 stream was located within 200 feet of the proposed tower location. A Fish and Wildlife Site Assessment was submitted and reviewed. A 100-foot buffer is required along the stream. The report stated due to the fact that the proposed project is outside of the required buffer and more than 45 feet from it, the proposal will not affect water quality of the stream or lake provided sediment is prevented from flowing to the roadside ditch and leaving the property. A PCA site plan was recorded. A Geotechnical Engineering Report was also submitted to establish general subsurface conditions beneath the site for the foundation design and construction which will need to be submitted with the subsequent building permit.

4. SCC 14.16.720(13) Tower Design/Noise Criteria:
 - View Corridors---Photo simulations have been submitted from various locations demonstrating the visual impact on the local views. The leased area has been sited to take advantage of the property's existing vegetation and topography. Due to the existing conifers and deciduous trees, the impact of the new tower should be reduced for the residences immediately surrounding the property. The tower itself will be visible from portions of the Lake Cavanaugh community especially from the south side of the lake. The tower will set approximately 80 feet above the tallest surrounding trees.
 - Setback---Due to the natural resource zoning of this property, the tower was required to comply with the minimum setback requirements (100 feet) of the zoning district. The



tower will be setback from all property lines a distance greater than zoning minimum requirement. In addition it will be located more than 100% of the tower height (150 feet) from any residential developed property.

- Lights, Signals, and Signs--- There are no lights, beacons, signals or signs proposed on the tower.
 - Height---The height of the proposed tower has been designed to meet the Fire District's specifications for area-wide emergency services coverage. The District requested that a radio system with a 100% coverage guarantee be developed. This system includes a base station at the fire hall, mobiles, portables and pagers. The tower would also provide space for a future cell site as an example of a cost sharing possibility.
 - Fencing---As shown on the submitted drawings, a 6-foot tall chain link fence with a 3 strands of barbed wire and vinyl privacy slats is proposed at the perimeter of the compound.
 - Required parking---A parking area outside of the fenced compound for the service technician has been provided.
 - Site location/integrity---The proposed tower site in a heavily forested area and is currently vacant. Proposed vegetation removal and site grading will be kept to a minimum as to maintain the existing character of the site.
 - Structural Integrity---Engineered and stamped tower and foundation design and structural calculations showing the tower complies with all applicable regulations and standards will be submitted.
 - Cause for Removal---The District will comply with all notices given by the County within the time limits set forth in said notices.
 - Improvements/Additions: Any future modification to the proposed tower will be done in a manner that maintains compliance with all applicable codes and standards.
5. SCC 14.16.720(14) Antenna Siting Criteria:
- Compatibility---The applicant is proposing to paint the tower a forest green to help reduce the visual impact of the new structure.
 - Height---Height justification has been discussed in previous finding.
 - Historic landmarks/Districts---Property is not located in a historic district.
 - Roof Mounting---Antennas will not be mounted to a roof.
 - Interference--- The applicant has submitted a signed letter stating that the facility will comply with all applicable Federal, State and local laws and regulations. Additionally, the applicant attests to be compliant with FCC and Washington State laws relating to Emergency 911 regulations.
6. SCC 14.16.720(15) Support Facilities Design
- Compatibility---As designed the support facility will be adequately screened and will blend with the existing characteristics of the site. The fence around the compound will have vinyl privacy slats in the chain-link which will be a forest green or black color to screen the compound from street views.
 - Color--- The equipment building exterior will be CMU construction with a forest green corrugated metal roof that will blend into the surrounding landscape.
 - Equipment Structures---The equipment building will comply with setback requirements. The chain link fence and proposed landscaping around the leased area will fully screen the building from surrounding properties.

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7. SCC 14.16.720(16) Landscaping and Screening

- Landscaping--- Vegetation removal will be kept to a minimum and the natural landscape will screen the proposed compound from the adjoining properties.

8. 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 existing radio coverage used by fire and EMS personnel in this community is in need of an upgrade due to performance limitations.

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.

As stated in both the Comprehensive Plan and the Development Code, collocation is encouraged. This tower will be able to accommodate 2 additional wireless carriers.

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

The subject property is zoned Secondary Forest-NRL and the surrounding properties are zoned Secondary Forest to the north and east, Rural Village Residential to the south and Rural Reserve to the west. SCC 14.16.420 (3) (e) indicates that Personal wireless service towers subject to 14.16.720 can be considered as an Administrative Special Use. SCC 14.06.900 states 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 applicant has provided signed statements stating the tower 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. Short term emission impacts would result from the associated construction activities and the use of the construction equipment. The proposed road design will include



the installation of a drainage culvert to allow continued water flow beneath the access road. A drainage plan will be developed for the building permit phase of this project. Short term noise impacts would result from construction activities and the use of construction equipment. No air conditioning units or other equipment known to exceed 45 dBA is proposed by the fire district. Emergency situations may require a mobile generator to be placed on-site on a temporary basis. Vibrations from any heavy equipment/machinery would result from construction activities and the use of construction equipment associated with the project installation.

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 facility is unmanned except for a monthly maintenance check. A parking spot for the maintenance worker near the compound gates will be provided. The compound itself is located within the required 100-foot setbacks from any adjoining properties. The area surrounding the compound is heavily vegetated. A DNR style "forestry gate with lock" will be installed at the access road entrance. The compound area will be secured by a 6-foot fence with barbed wire on top and an anti-climb divide will be installed on the tower legs to prevent climbing by unauthorized personnel.

E. Potential effects regarding the general public health, safety, and general welfare. There is no known negative health effects associated with wireless facilities. Based on information provided with previous towers, studies 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 zoned Secondary Forest and is owned by the fire district. The property is unused and is currently populated by "second growth" northwest forest. At the present time the applicant does not have any plans for future development of the property. The property was logged before it was donated to the fire district.

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 determined 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. This facility will enhance the public safety and general welfare of the community by providing reliable service to emergency providers, increase firefighter safety and improved coordination between 911



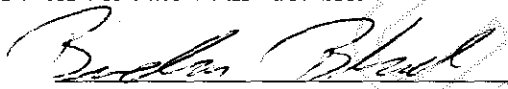
emergency providers, increase firefighter safety and improved coordination between 911 dispatch centers in Skagit County.

RECOMMENDATION


Based on the above findings, Planning and Development Services Director **approves** the application for an Administrative Special Use Permit for the construction of an emergency communications facility consisting of a 150' lattice tower and an equipment shelter 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. Prior to final approval of the building permit, provide documentation from FAA that no lighting is required.
3. Full detailed plans and engineering will need to be submitted for the tower and foundation.
4. Any conditions listed in the Fish and Wildlife Report and the Geotechnical Engineering Report will need to be adhered to.
5. The applicant will need to comply with SCC 14.16.870 Notification of Development Activities on or Adjacent to Designated Natural Resource Lands.
6. 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.
7. Temporary erosion/sedimentation control must be utilized during construction pursuant to SCC 14.32 Drainage Ordinance
8. 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 Planning and Development Services within 2 years of the permit approval.
9. 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 Skagit County Planning & Development Services within fourteen (14) calendar days after the date of the decision.

 For:
Bill Dowe, Deputy Director


Marge Swift, Senior Planner

Date of Preliminary Approval:  July 25, 2008

Date of Final Approval:  Aug 8, 2008

Reviewed by: 
Brandon Black, Senior Planner Team Supervisor

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