

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

FINDINGS, CONCLUSIONS AND DECISION

Applicant: Verizon Wireless
c/o John Elder
KDC Architects Engineers, PC
4720 200th St. SW, Suite 200
Lynnwood, WA 98036

File No: PL07-0577

Request: Special Use Permit

Location: Adjacent to 16713 Mountain View Road (Big Lake), within a portion of the SW1/4SW1/4 Sec. 25, T34N, R4E, W.M.

Parcel: P27835

Land Use Designation: Rural Reserve (RRv)

Summary of Proposal: To construct an unmanned wireless telecommunication facility on an approximately 185-foot self-supporting tower with space available for three cellular carriers. The 45' x 50' leased area will contain the tower, and an equipment shelter. The top antenna array will have six antennas initially, with the potential to accommodate 12 ultimately.

Public Hearing: After reviewing the report of Planning and Development Services, the Hearing Examiner conducted a public hearing on April 23, 2008.

Decision: The application is approved, subject to conditions.

FINDINGS OF FACT

1. Verizon Wireless (applicant) seeks to build a cell tower to serve areas along Highway 9 and the Big Lake area.

2. The location is on a hill off of Mountain View Road northwest of the lake. The address is 16713 Mountain View Road. The site is within a portion of the SW1/4SW1/4 Sec. 25, T34N, R4E, W.M. The Parcel Number is P27835. The zoning is Rural Reserve (RRv).

3. The properties to the west and southwest are developed with single family residences. The remaining adjacent parcels are undeveloped.

4. The proposed project area is within a stand of tall and generally mature trees, many as high as 165 feet. The proposal is for a 185-foot tower. The height is needed in order to get the antennas above the trees and to allow some future tree growth. No mature trees will need to be removed to install the tower.

5. The antennas will provide signals primarily in a north-south direction, covering the route of Highway 9 and including Big Lake. Propagation maps show that coverage is needed and that the proposed facility will provide significant coverage improvement.

6. The tower will be placed within a 45' by 50' generally flat leased area. Access will be via a new 12-foot-wide gated gravel driveway from Mountain View Road. The position of the tower will be about 233 feet back from the road. Also within the leased area will be a 12' x 30' prefabricated shelter for Verizon's equipment which will be surrounded by a six-foot green slatted security fence topped with barbed wire. Some leased space will remain for equipment of other carriers, but it is likely that additional carriers will need to lease more space.

7. Initially Verizon is planning to install six antennas on top of the tower, although as many as 12 can be installed there. The tower will be designed to accommodate two more cellular carriers lower on the tower.

8. The tower and antennas will not impose significant adverse view impacts. Views from adjacent residences will be unaffected. The structure will be visible from Highway 9 and West Big Lake Boulevard only for short stretches at the north end of the lake. It will be visible from only one spot on Mountain View Road. Where visible, only the very top of the structure will be seen. The natural vegetation will provide a high level of visual mitigation from surrounding properties. The tower and antennas will be painted dark green to blend in with the surrounding trees.

9. An acoustical report was prepared. The equipment will consist of equipment support cabinets, including air conditioning units, and an emergency generator. The equipment support cabinets are expected to run 24 hours a day. The predicted noise levels at the nearest property will be below the state standard.

10. The facility will be unmanned. Normal maintenance will require visits by a single employee in a light duty vehicle once a month. The applicant intends to comply with applicable FAA standards, but does not anticipate that a light will be needed on top of the tower.

11. The applicant has provided an analysis showing that the proposed installation will comply with SCC 14.16.720, the personal wireless facilities section of the County Code. The setback will exceed 100% of tower height. No views from highways or public open space will be significantly affected. The tower is the minimum height required for satisfactory function, given the height of the surrounding trees and the need to allow for tree growth over the next 25 years. Natural screening will be sufficient to eliminate any need for landscaping. Space for co-location by other carriers is provided.

12. The preference is for monopoles over self-supported towers. However, it is difficult to design and fabricate a monopole and corresponding foundation to be much taller than 160 feet. The slim monopole design promotes excessive sway and the potential for structural failure due to wind and earthquakes. The self-support design has a wide base and allows wind to pass through the structure. In this case, the type of tower will make absolutely no visual difference from off-site locations.

13. After review of the Environmental Checklist submitted, the County issued a Determination of Non-Significance (DNS) under the State Environmental Policy Act (SEPA) on February 4, 2008. The DNS was not appealed.

14. The application was deemed complete on January 3, 2008. Public notice of the application and of the hearing were given as required by law.

15. There was no adverse written comment on this proposal. A letter of concern from the Big Lake Water Association was withdrawn after further review of the application. One neighbor wrote in support. There was no public testimony at the hearing. Departmental comments are reflected in conditions of approval

16. The criteria for Special Use Permit approval are set forth at SCC 14.16.900(1)(b)(v), as follows:

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

(b) The proposed use complies with the Skagit County Code.

(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 standards of SCC 14.16.840.

(d) The proposed use will not generate intrusions on privacy of surrounding uses.

(e) Potential effects regarding the general public health, safety, and general welfare.

(f) for special uses in ... Natural Resource Lands ..., the impacts on long-term natural resource management and production will be minimized.

(g) The proposed use is not in conflict with the health and safety of the community.

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

17. The Staff Report analyzes the application in light of these criteria and determines that, as conditioned, the project will be consistent with them. The Hearing Examiner concurs with this analysis and adopts the same. The Staff Report is by this reference incorporated herein as though fully set forth.

18. Any conclusion herein which may be deemed a finding is hereby adopted as such.

CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over the persons and the subject matter of this proceeding. SCC 14.06.050(b)(ii).

2. The requirements of SEPA have been met.

3. A Special Use Permit is required in the Rural Reserve zone for a personal wireless communications tower. SCC 14.16.320(4)(cc).

4. The proposed facility, as conditioned, complies with the personal wireless services facilities standards of SCC 14.16.720.

5. The proposed facility, as conditioned, complies with the criteria for Special Use Permit approval of SCC 14.16.900(1)(b)(v).

6. Any finding herein which may be deemed a conclusion is hereby adopted as such.

CONDITIONS

1. The project shall be constructed and operated as described in the application materials, except as the same may be modified by these conditions.

2. Prior to start of construction, the applicant shall acquire all other required approvals (local, state or federal) and abide by the conditions of same.

3. Prior to building permit issuance, the applicant shall either provide documentation from the FAA that no lighting is required, or reflect any requirement for lighting on the building permit application.

4. The applicant shall submit a drainage report, prepared by a licensed engineer, addressing water quantity and quality in regard to stormwater and groundwater. Detention facilities shall be provided as required by County Code. The drainage report shall be submitted with the building permit application

5. A cross section of the proposed driveway shall be shown on the building permit application.

6. Fully detailed plans and engineering shall be submitted for the tower and foundation.

7. At such time as the tower is not in use or has been abandoned, the applicant shall comply with the Non-Use/abandonment regulations in place at the time.

8. Temporary erosion/sedimentation control shall be used during construction pursuant to Chapter 14.32 SCC, Drainage.

9. Per SCC 14.16.900(1)(d) this permit shall be void if the use permitted has not been established or a complete building permit filed with Planning and Development Services within two years of permit approval.

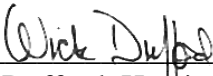
10. A copy of this permit decision shall be submitted with the building permit application.

11. Failure to comply with any permit condition may result in permit revocation.

DECISION

The requested Special Use Permit (PL07-0577) is approved, subject to the conditions set forth above.

DONE this 16th day of May, 2008



Wick Dufford, Hearing Examiner

Date Transmitted to Applicant: May 16, 2008

RECONSIDERATION/APPEAL

As provided in SCC 14.06.180, a request for reconsideration may be filed with Planning and Development Services within 10 days after the date of this decision. As provided in SCC 14.06.120(9), the decision may be appealed to the Board of County Commissioners by filing a written Notice of Appeal with Planning and Development Services within 14 days after the date of the decision, or decision on reconsideration, if applicable.