

NOTICE OF DECISION

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

Applicant: Pacific Lutheran University, KPLU
c/o Paul Stankavich, General Manager
12180 Park Ave. South
Tacoma, WA 98447

Agent: Don Rinker Telecommunications Consulting
8146 Summerwood Drive SE
Olympia, WA 98513

Request/File No: Special Use Permit Modification, PL 11-0374

Location: On Butler Hill at 20941 Rocky Ridge Lane, within a portion of
NW1/4NE1/4 Sec. 9, T34N, R4E, W.M. (P35968)

Land Use Designation: Rural Reserve (RRv)

Summary of Proposal: To install a transmitter facility and antenna on an existing tower,
The installation will include an 8' x 10' equipment shelter on the
ground and a small two-bay FM antenna on the tower.

SEPA Compliance: Determination of Non-Significance (DNS) Addendum, 1/5/12;
Original DNS, 3/4/90.

Public Hearing: February 8, 2012. One neighbor testified regarding past noise and
traffic. Planning and Development Services (PDS) recommended
approval.

Decision: Approval, subject to conditions.

Reconsideration/Appeal: A Request for Reconsideration may be filed with PDS within 10
days of this decision. The decision may be appealed to the Board
of County Commissioners by filing an appeal with PDS within 14
days of the date of decision or decision on reconsideration, if
applicable.

Online Text: The entire decision can be viewed at:
[www.skagitcounty.net/hearing examiner.](http://www.skagitcounty.net/hearing_examiner)

FINDINGS OF FACT

1. Pacific Lutheran University, KPLU, (applicant) seeks to add an antenna to the existing array of antennas on a pre-existing communication tower on Butler Hill. An equipment structure on the ground is also planned.
2. The subject property is approximately 24 acres in size, located northwest of Sedro-Woolley, north of F&S Grade Road and south of Prairie Road. The address is 20941 Rocky Ridge Lane. It is within a portion of the NW1/4NE1/4 Sec 9, T34N, R4E, W.M.
3. The property is zoned Rural Reserve (RRv). The Parcel Number is P35968. The parcel is irregular in shape and vacant except for the previously approved tower and equipment. The property is heavily timbered. The tower is located in the south east corner.
4. All adjacent parcels are at least five acres in size or larger. The properties immediately to the south and east are developed. The properties to the west and north are undeveloped. The subject property located about 240 feet from the closest designated natural resource land.
5. In 1990 a Special Use Permit was granted to US West Newvector (now Verizon) to allow construction of a 170 foot two-way transmission tower and a 12' x 30' foot unmanned equipment structure. The approval was made on condition that any expansion of use would require review and approval by the Hearing Examiner.
6. Pacific Lutheran University, licensee of KPLU-FM, has a construction permit from the Federal Communications Commission to construct a new non-commercial station in Sedro-Woolley, identified as KPLK-FM. KPLU's studios in Tacoma and Seattle will provide the programming to be broadcast over KPLK. No studios will be located at the Butler Hill site.
7. The applicant is requesting a modification of the Special Use Permit to allow the installation of a transmitter facility and an antenna to be placed on the existing tower. The proposed facilities will consist of an 8' x 10' equipment shelter and a small two-bay FM antenna. The antenna will be placed in weatherproof radomes made of fiberglass, mounted on the tower.
8. At present there are three antenna structures on the tower. The highest is at 173 feet and the lowest is at 150 feet. At 115 feet is a four-foot MW dish. Between 89 and 100 feet is an antenna mount for WSU. The applicant's proposed antenna will be located at 130 feet.
9. The current leased area will be expanded nine feet to the north to accommodate the applicant's equipment. The equipment shelter will be placed on the ground one foot from the north lease line, 17 feet from the west lease line, nine feet from the east lease line and 47 feet from the south lease line. The shelter will be about eight feet from the T-Mobile ground space, six feet from the WSU shelter, and ten feet from the tower.

10. The leased area is surrounded by a six-foot chain link fence which will be moved to accommodate the new dimensions. The gate to the leased area will also be moved. Access to the site is via an existing gravel road.

11. The area surrounding the leased area is primarily in timber. The ground equipment will be screened. The new antenna will have a negligible visual impact. The new installation will not be manned. After installation, traffic impacts will be limited to periodic site visits for maintenance or for emergency repairs.

12. Notice of the application and of the hearing was given as required by law. One comment letter was received. At the hearing the only public testimony was from the wife of the couple who wrote the comment letter.

13. The concerns of the commenting neighbors arise from past activities on the site. They say that structures have been erected without permits, traffic has increased on their access road, and, over the last year, noise from a newly installed building on the site has made it difficult to sleep.

14. KPLU's General Manager responded to the noise concern by stating that the applicant intends to install a silent blower system. He said that KPLU is willing to do sound testing at the neighbors' home to see if any noise increase results from the new installation. He noted that the proposed new ground equipment shelter will be located away from the complainants' property.

15. County staff said that a written complaint is needed to trigger pursuit of the issue of any unpermitted building on the site, but stated that the matter would be pursued if such a complaint were received.

16. The instant project will, of course, add some short-term traffic during the construction phase, but the eventual traffic impact will be minimal.

17. Review was conducted pursuant to the State Environmental Policy Act (SEPA). An addendum to the 1990 Determination of Non-Significance (DNS) for the tower was issued on January 5, 2012. No comments were received. The addendum states that the proposal does not substantially change the analysis of non-significance in the original SEPA document.

18. The application was circulated to various County departments and offices. Their comments are reflected in conditions of approval.

19. The application was reviewed under the criteria for the siting of wireless services facilities. The Staff analysis is that the installation meets all relevant standards, including those for design and noise, for antenna siting, and for support facilities design.

20. The Staff likewise analyzed the application under the general criteria for Special Use Permit approval and determined that, as conditioned, the project will comply with them.

21. The Hearing Examiner concurs with the Staff analysis of both the wireless facilities standards and the general standards for Special Use approval and hereby adopts the same. The Staff report is by this reference incorporated herein as though fully set forth.

22. The applicant has demonstrated that it will comply with all relevant Federal requirements. The project is not likely to adversely affect existing or allowed uses within the district.

23. 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 subject matter of this proceeding. SCC 14.06.050(1)(b)(ii).

2. The requirements of SEPA have been met.

3. A Special Use Permit is needed for the proposed installation in the Rural Reserve District. SCC 14.16.320(4)(y).

4. As conditioned, the proposal meets the specific criteria for approval of a wireless communications facility and the general criteria for approval of a Special Use Permit. SCC 14.16.720 and 14.16.900(1)(b)(v).

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

CONDITIONS

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

2. In addition to permits expressly noted in these conditions, the applicant shall, prior to construction, obtain all other required permits and approvals, whether local, State or Federal, and shall abide by the conditions of same.

3. Prior to construction, the applicant shall apply for and obtain building permits for the structures to be installed.

4. A structural analysis of the additional load on the tower shall be performed by an engineer licensed by the State of Washington. Two "wet" stamped copies of the engineering report shall be submitted with the building permits.

5. Temporary erosion/sedimentation control must be used during construction, pursuant to Chapter 14.32 SCC, Drainage Ordinance.

6. The applicant shall comply with SCC 14.16.870, Notification of Development Activities on or Adjacent to Designated Resource Lands.

7. At such time as the facilities are not in use or have been abandoned, the applicant shall comply with the Non-Use/Abandonment regulations in place at that time.

8. Per SCC 14.16.900(2)(d), this permit shall be void if the use permitted has not been established or a complete building permit has not been filed with PDS within two years of this approval.

9. Prior to issuance of any building permit, all outstanding planning review fees shall be paid in full.

10. PDS shall be notified within 30 days after any change in ownership of the parcel through a letter submitted to the Director referencing permit number PL11-0374.

11. Per SCC 14.167.900(3), the applicant shall comply with the annual certification process, acknowledging in writing compliance with this permit approval including conditions.

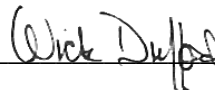
12. A copy of this permit decision shall be submitted with the building permit application.

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

DECISION

The proposed Special Use Permit (PL11-0374) is approved, subject to the conditions set forth above.

DONE, this 15th day of February, 2012.



Transmitted to Applicant on February 15, 2012

See Notice of Decision, Page 1, for Reconsideration and Appeal information.