

NOTICE OF DECISION

BEFORE THE HEARING EXAMINER FOR SKAGIT COUNTY

Applicant: Verizon Wireless
3305 160th Ave. SE
Bellevue, WA 98008

Agent/Contact: Becky Todd
MD7 for Verizon Wireless
9725 3rd Ave. NE
Seattle, WA 98115

Request: Special Use Permit, PL17-0155

Location: Puget Sound Energy substation at 12840 Thompson Road, on Fidalgo Island, within NE1/4SW1/4 Sec. 4, T34N, R2E, W.M. Parcel No: P19834.

Land Use Designation: Rural Reserve (RRv)

Summary of Proposal: To replace an existing 71-foot monopole with a new 100-foot Monopole and associated equipment within an existing tele-communication tower site. In addition to the new monopole, the project will include six panel antennas, one six-foot tall omni antenna, equipment cabinets, and a 20 KW back up diesel generator—all located within a 30' by30' leased area.

Public Hearing: November 8, 2017. Testimony by Planning and Development Services (PDS) and Applicant's agent. No public testimony.

Decision/Date: The applicant is approved, subject to conditions. 11/20/2017.

Reconsideration/Appeal: Reconsideration may be requested by filing with PDS within 10 days of this decision. Appeal is to County Commissioners by filing with PDS within 14 days of this decision, or decision on reconsideration, if applicable.

Online Text: The entire decision can be viewed at:
www.skagitcounty.net/hearingexaminer

FINDINGS OF FACT

1. Verizon Wireless seeks to replace a 71-foot monopole with a 100-foot monopole and to install equipment associated with the new pole.

2. The location is at 12840 Thompson Road on Fidalgo Island within NE1/4SW1/4 Sec. 4, T3N, R2E, W.M., within an existing Puget Sound Energy substation. The project will be situated on parcel No: P19834. The site is south of SR20 and Summit Park Road, east of Satterlee Road and approximately 300 feet south of the Anacortes City limits.

3. The project site and surrounding parcels to the east, west and south are within the Rural Reserve (RRv) land use designation. These surrounding parcels average from two to fifteen acres in size, and contain single-family residences, forested land or pasture. The closest residence is approximately 350 feet south of the project site. Parcels directly to the north of the site are within the City of Anacortes and contain industrial and commercial uses.

4. The tower, and ground equipment will be located within a 30' by 30' leased area. The leased area is situated within the southeast corner of the substation which is graveled and fenced and has existed at this location since prior to 1969. The substation encompasses about five acres of an approximately 35-acre lot of record. Cascade Natural Gas Pipeline runs through P19834, about 150 feet west of the new monopole site.

5. The site's topography is generally flat with a thick forested buffer running along the southern, eastern and western boundaries of the substation. The tower will be located well over 100 feet from all property lines. The leased area is approximately 700 feet from the west property line, 300 feet from the east property line, 250 feet from the south property line and 1000 feet from the north property line. The monopole will be located in the northeastern portion of the leased area. A six-foot barbed chain link fence will surround the leased area, with access via two six-foot swing gates located on the north side.

6. The new installation will include six panel antennas, one six-foot tall omni antenna (for PSE communications), equipment cabinets and a 20 KW back up diesel generator. The tower has been designed to accommodate one additional wireless communication carrier. No removal of vegetation will be required for construction. Ground equipment for any future carriers can be accommodated within the leased area.

7. The facility will be completely automated and will only be accessed for routine maintenance. A parking area is available along the east side of the fenced lease area. The facility will not be lit or marked and there will be no signals or signs on the tower except as may be required by the FCC or FAA.

8. The stated purpose of the facility is to "provide and enhance coverage in the residential area in the town of Anacortes, in Skagit County, within an area roughly located east to Reservation Road, west to Marches Point Road, north to SR-20 and South to Thompson Road."

9. After replacement of the existing on-site tower, the site of the proposed tower will be more than 2,500 from any other existing tower. No other structures within the vicinity have the height necessary to meet the coverage objectives.

10. The height of the proposed 100-foot monopole was determined by surrounding vegetation and topography to allow the antennas to clear the tops of nearby trees and hills sufficiently to provide unencumbered radio access. Photo simulations were submitted, showing that existing trees to the south, east and west will largely screen the tower from residential properties. If any existing trees that currently provide screening are removed, replacement with trees that provide comparable screening will be required.

11. The existing monopole on site has been in place since prior to 2001. The new pole, using flush mount antennas, will be 5-10 feet from the location of the existing one. The equipment associated with the facility will be required to be painted in muted colors, and earth tones to blend with the surroundings. Staff determined that the new pole within an existing PSE power station, surrounded by large power poles, transmission lines, and substation power structures will impose minimal aesthetic impacts.

12. The facility will be designed by an engineer licensed in Washington State and constructed to meet engineering standards. An engineer-stamped tower and foundation design and structural calculations showing compliance with applicable standards will be required at submittal of the building permit application.

13. A noise survey showed that noise emitted by the equipment cabinets and the emergency backup diesel generator will not exceed the 45dBA limit at the closest residential property line.

14. A determination of complete application was made by the County on September 11, 2017. A Notice of Development Application was then transmitted for publication on September 14, 2017. Notice was published, mailed and posted as required by law. No public comments were received.

15. A Determination of Non-Significance (DNS) under the State Environmental Policy Act (SEPA) was made on October 5, 2017. The DNS was not appealed.

16. The application was routed to County Departments. Their comments are reflected in conditions of approval.

17. The application was reviewed for compliance with the specific Skagit County Code requirements for Personal Wireless Facilities and the general Code requirements for Special Uses. The Staff found that, as conditioned, the project will comply with these requirements. 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 this proceeding. SCC 14.06.050(1)(b)(ii).
2. Personal wireless service towers are permitted in the Rural Reserve (RRv) zone as a Hearing Examiner Special Use. SCC 14.16.320(y).
3. The requirements of SEPA have been met.
4. The proposal, as conditioned, meets the requirements of SCC 14.16.720 (personal wireless service facilities).
5. The proposal, as conditioned, meets the general approval criteria 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. The applicant shall obtain all necessary local, state and federal permits prior to start of construction and shall abide by the conditions of same.
3. At the time of building permit submittal, full detailed plans and engineering shall be submitted.
4. At the time of building permit submittal, a geotechnical report and P.E. stamped structural calculations shall be submitted.
5. To ensure maintenance of adequate screening, any existing screening trees that are removed must be replaced with trees that will provide comparable screening. If such screening is located on adjacent property, the applicant must provide comparable screening on the tower site parcel.
6. The support facility structures/equipment shall be painted in muted colors or earth tones to blend with the surroundings.
7. Construction and operation of the project shall comply with all applicable local, state and federal regulations, including by not limited to:
 - a. Parameters for noise, light and vibration.
 - b. Requirements to avoid degradation of surface and ground water.
(No direct discharge to wetlands or surface waters is allowed without a Department of Ecology permit.)

c. Temporary erosion/sedimentation control during construction of the facility and access road.

8. The chain link fencing around the leased area shall be slatted to provide additional screening.

9. All equipment – Verizon’s and future carriers’—shall be located within the leased area and shall meet the underlying zoning setback requirements. A modification of this permit will be required in the future to expand the current leased area.

10. Any future development or land clearing activities will require additional Critical Areas review.

11. Per SCC 14.16.720(12)(d), yearly inspection of the facility will be required. The facility operator shall conduct a safety inspection and file a report with Skagit County within 60 days of the inspection.

12. All outstanding planning review fees shall be paid in full prior to submittal of the building permit.

13. 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 within two years of permit approval.


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

15. Failure to comply with any condition herein may result in permit revocation, pursuant to SCC 14.16.900(1)(b)(iii).

ORDER

The requested Special Use Permit for a personal wireless service facility (PL17-0155) is approved, subject to the conditions set forth above.

SO ORDERED, this 20th day of November, 2017.



Wick Dufford, Hearing Examiner

Transmitted to Applicant November 20, 2017

See Notice of Decision, page 1, for appeal information.