

**SKAGIT COUNTY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT**  
**SEPA MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)**  
**File Number: PL23-0105 & PL23-0128**

**PROJECT DESCRIPTION:** Administrative Special Use Permit (PL23-0105) for the construction of one (1) personal wireless facility (PWF) within a 40'x40' leased area, surrounded by a 7'8" solid wooden fence and secured by a locked wooden gate. The PWF will include a 113.5 foot tower, enclosed within a 117.5 foot faux silo structure, capable of accommodating three carriers including AT&T. AT&T's equipment on the pole will include up to 12 antennas, 18 remote radio heads, 3 surge suppressors and associated cables. Equipment on the ground will include a two-bay equipment cabinet to house the batteries, additional radios and associated equipment, a new electric service and a 30kW diesel generator for use in the event of a power outage. Access to the proposed site will be via an existing dirt road off of Avon-Allen Road. A new locked gate will be installed at the entrance from the road at the request of the landowner. The applicant has also applied for a Variance (PL23-0128) to exceed the underlying zoning district's 40-foot maximum permitted height requirement. The Variance also includes a request to deviate from the minimum required landscaping. The subject property is located in the Agricultural Natural Resource Lands Zoning District. The application was deemed complete on March 28, 2023.

**Applicant:** Smartlink Group, Inc./AT&T; C/O: Nancy Sears; 1997 Annapolis Exchange Parkway #200; Annapolis, Maryland 21401

**Landowner:** Michael Nemnich; P.O. Box 68; Burlington, Washington 98233

**Project Location:** The subject property is located at the intersection of Avon Allen Road and State Route 20, west of Avon Allen Road and south of State Route 20 in a portion of the Northeast ¼ of Section 11; Township 34 North; Range 03 East; Willamette Meridian, situated in unincorporated Skagit County, Washington (Parcel #: P21394, P21396).

**LEAD AGENCY:** Skagit County Planning and Development Services Department

The lead agency for this proposal has determined that with appropriate mitigation this project does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

The lead agency has determined that the requirements for environmental analysis, protection, and mitigation measures in Skagit County Code, Skagit County's Comprehensive Plan adopted under RCW 36.70A, and in other applicable local, state, or federal laws and rules, provide adequate analysis of and mitigation for the specific adverse environmental impacts of the project action to which the requirements apply. This determination is subject to the mitigated measures as identified below and shall be deemed conditions of approval of the land use and/or permit pursuant to Skagit County Code 16.12 and RCW 43.21. Such conditions are considered binding and may not be altered by subsequent decisions unless a threshold determination is re-issued.

1. Temporary erosion/sedimentation control measures, as approved by the Skagit County Planning and Development Services, shall be in place prior to the placement of any fill material. The applicant shall maintain all temporary erosion/sedimentation control measures in accordance with the Skagit County

Stormwater Management Ordinance. Said measures shall remain in place until completion of the project.

2. The applicant shall comply with both Building and Fire Code Standards. A commercial building permit is required for the construction of the proposed cellular monopole/tower.
3. Should any human remains, archaeological, historic or cultural materials be discovered during construction, work in the affected area shall cease immediately and the area shall be secured. Within 24 hours of the discovery, or as soon thereafter as possible, the developer shall notify the Skagit County Sheriff's office, Skagit County Planning and Development Services, the Washington State Department of Archeology and Historic Preservation and affected tribes. If following consultation with the above parties it is determined that an archaeological and cultural resource assessment is required, the project developer shall retain the services of a professional archaeologist to prepare such an assessment. Project work in the affected area shall only continue when in conformance with applicable state and federal laws.
4. The proposed Cell Tower/Personal Wireless Facility must comply with, at a minimum, Skagit County Code (SCC) 14.16.720 regulating Tower and small wireless facilities regulations in unincorporated Skagit County.
5. Development must comply with all requirements of Skagit County's Public Works Department including but not limited to:
  - A. Commercial Access permit will be required for access off Avon Allen Road. Access will need to be constructed and have a final inspection prior Building Permit Final.
6. Development must comply with all requirements of Skagit County's Stormwater Management including but not limited to:
  - A. The applicant shall comply with the provisions of Chapter 14.32 of the Skagit County Code, the Skagit County Stormwater Management Ordinance, as it relates to increased runoff resulting from additional impervious surfaces. Best Management practices shall be utilized throughout the life of the project.
  - B. The project will need to comply with any applicable requirements of SCC 14.22, 14.32 and 14.34.
  - C. The plan to use an existing dirt road and drive across grass may not be feasible during the wet season. Adding new hard surfaces, including gravel, and converting the dirt road to gravel, would need to be accounted for in the development application, and applicable stormwater requirements would apply to those hard surfaces.
  - D. A diesel generator is proposed. Fuel must be managed using applicable Source Control BMPs in accordance with SCC 16.32.
  - E. According to FEMA maps the proposed site is within the Special Flood Hazard Area. Floodplain Low Impact Development requirements apply to stormwater management.

The Lead Agency previously issued a comment period for this proposal under the Optional DNS process outlined under WAC 197-11-355. The comment period ended on April 28, 2023.

You may appeal this threshold determination in accordance with Skagit County Code 14.06 and 16.12 and then by filing such with the Skagit County Planning and Development Services for service to the SEPA responsible official within fourteen (14) calendar days after the date of the threshold determination.

Appeals must be submitted/received no later than: **4:30 PM, May 25, 2023**

RESPONSIBLE OFFICIAL: Director of Planning and Development Services  
CONTACT PERSON: Kevin Cricchio, AICP, ISA, Senior Planner  
MAILING ADDRESS: 1800 Continental Place, Mount Vernon, WA 98273  
PHONE: (360) 416-1423

**Date Issued: May 9, 2023**

**Signature: Kevin Cricchio, AICP, ISA, Senior Planner**  
(On behalf of Jack Moore, Director of Planning & Development Services)

CC: Public Works Department, Fire Marshall, Stormwater Review, Critical Area Review, Water Resources Review, Public Health, NW Clean Air Agency, WDOE, WDFW, WDNR, DAHP, SEPA Register, Samish Indian Nation, Upper Skagit Indian Tribe, Skagit River Systems Coop, Swinomish Indian Nation, WSDOT, Drainage District #19, Parties of record, Applicant

**Date Transmitted to Skagit Valley Herald: May 9, 2023**

**Please Publish in Skagit Valley Herald: May 11, 2023**

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