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**SKAGIT COUNTY PLANNING & PERMIT CENTER**

**FINDINGS OF FACT**

**HEARING AUTHORITY/GRANTOR: SKAGIT COUNTY PLANNING DIRECTOR**

**APPLICATION TYPE: ADMINISTRATIVE SPECIAL USE**

**APPLICATION NUMBER: PL99-0605**

**APPLICANT/GRANTEE: SPRINT PCS  
C/O ALLEN POTTER**

**ADDRESS: W&H PACIFIC  
3350 MONTE VILLA PARKWAY  
BOTHHELL, WA 98021**

**PROJECT LOCATION:** The subject property is located near 17138 Trout Drive, Mount Vernon, WA; within a portion of the Northeast ¼ of the Northeast ¼ of Section 36, Township 34 North, Range 4 East, W.M., Skagit County, Washington (at the end of the access road off Trout Drive; Trout Drive is off of Nookachamps Drive that serves the Nookachamps Development, east of Big Lake).

**PROJECT DESCRIPTION:** Administrative Special Use Request # PL99-0605 to allow the construction and operation of co-locating up to 12 PCS panel antennas on the top and side of a 62 ft. tall water tank owned by Skagit Public Utility District # 1. The project will also include an accompanying equipment building.

**ASSESSOR'S ACCOUNT NUMBER: 340436-1-001-0100 P# 100902**

STAFF FINDINGS:

1. The subject property is located within the designated Rural Village area of Big Lake.
2. In accordance with Section 14.01.033 of the Skagit County Code, the application was determined to be complete on November 1, 1999. In accordance with Section 14.01.040(2) of the Skagit County Code, a Notice of Development Application was posted on the subject property and published in a newspaper of general circulation on January 27, 2000.
3. 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 February 22, 2000. The comment period ended on February 11, 2000 in accordance with WAC 197-11-355. The Determination of Nonsignificance became effective on March 8, 2000 after the fifteen-day appeal period.
4. The application has been reviewed in accordance with Skagit County Critical Areas Ordinance Chapter 14.06 of the Skagit County Code. Critical Areas Staff conducted a site visit in conjunction with a Building Permit Application and found no critical areas indicators.
5. The subject property is located out of any designated flood hazard areas.
6. The subject property is the site of a water tank constructed in 1992 by Skagit Public Utility District # 1. The applicant, Sprint PCS, is requesting an Administrative Special Use Permit in order to locate up to a maximum of 12 PCS panel antennas on the sides of the water tank. The water tank is approximately 62 ft. tall and the antennas will extend to a height of approximately 71 ft. 10 inches, or approximately 9 ft. 10 inches over the top of the water tank. The applicant is proposing that the antennas and accompanying equipment building would be painted a color corresponding with the water tank.
7. The application is submitted in accordance with Interim Ordinance # 17419, Personal Wireless Service Facilities, Section 14.04.153 of the Skagit County Code. It is indicated in Section 14.04.153(6) that the installation of antennas on "existing buildings, towers, water towers, and smokestacks, located on non-residential property", is a "priority level (c)". It is further indicated in Section 14.04.153(4)(c) that a priority location level "c" requires an Administrative Special Use Permit. The application is then reviewed for merits and impacts.
8. The water tank is located adjacent on the east to the recently approved Nookachamps residential development. Although, the parcel upon which the



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water tank is located is non-residential, there are several residences constructed on adjacent parcels. Thus, if the application were approved, the antennas attached to the water tank would be located within direct view of a number of "back yards". In addition, it should be noted that the water tank is clearly visible from the west side of Big Lake.

It should also be noted that although the area east of the water tank and location of the proposed antennas is currently forested, it is also within the designated Rural Village of Big Lake. Thus, it appears that the intent of the current designation is to allow for future residential development.

9. In accordance with Section 14.04.153(5) Personal Wireless Service Facilities, the applicant submitted propagation maps that demonstrate the necessity of the subject property for location of the proposed antennas. In addition, the applicant has indicated that "the coverage objective of this site is Highway 9 and the surrounding community of Big Lake. This site must hand off to the north, SE33XC076 Big Rock/Cheekville". Thus the applicant has justified the proposed locating of the antennas on the water tank.
10. Skagit County Department of Public Works' staff has reviewed the application. The application as submitted does not present concerns for the Department of Public Works.
11. Section 14.04.150(3)(d) Unclassified Special Uses of the Skagit County indicates that certain items will be reviewed when approving or denying Special Use Permits. Those items and staff comments are as follows:
  - a. Conformity to the Comprehensive Plan in respect to the compatibility with existing and future land use and circulation.

The Skagit County Comprehensive Plan designates the area as Rural Village to Big Lake. The subject property is part of the recently approved Nookachamps residential development. The subject property is the site of a Skagit Public Utility District water tank installed to serve the Nookachamps development and the surrounding Big Lake Community.

The Skagit County Comprehensive Plan, effective June 1, 1997, has several objectives and polices that apply to and support this application. Those objectives and policies are as follow:

Objective 2: Encourage, safe, reliable, and quality utility systems.



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Policy 2.1: Utility providers shall build and manage utility systems to provide reliable service and to meet the needs of future growth.

Policy 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 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 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.

Thus the application is in compliance with the 1997 Skagit County Comprehensive Plan.

- b. The zoning of the subject property and surrounding properties and the conformance of the application with the zoning ordinance.

The zoning of the subject property and surrounding area is Residential.

There have been many interim amendments to Section 14.04 subsequent to the adoption of the Comprehensive Plan. Interim Ordinance # 17508 specifically amended Section 14.04.150(2)(1) All Zoning Districts, to include "Personal Wireless Service Facilities". Interim Ordinance # 17508 also amended 14.04.150, adding "Personal Wireless Service Facilities" to both the lists of Special Uses-Hearing Examiner and Special Uses-Administrative, as appropriate.

Thus, in accordance with 14.04.153, the application is submitted as an Administrative Special Use and is then reviewed for merits and impacts.

- c. Automobile traffic and parking and its effect on the surrounding community.

Upon completion of construction, the proposed facility will generate one vehicle trip per month, excluding emergencies. The one vehicle trip per



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month will not adversely effect the County and State road system. Nor, will it adversely impact the neighborhood and surrounding vicinity.

It will be necessary to provide adequate parking and a complete turn around on-site for maintenance workers.

- d. Noise, odors, heat, vibration, air and water pollution of the proposed use.

The possible noise pollution to the site and area may occur during construction, however, that will occur only for a short period of time. The other possible noise pollution potential would be from the emergency generator. However, it should be noted that the generator is there only as backup. The generator should not operate on a daily basis.

Upon completion of attachment of the antennas to the water tank, there will be no noise, odors, heat, vibration, air or water pollution potential of the proposed use.

- e. Intrusion on privacy.

Intrusion of privacy generally refers to traffic, noise and other types of items that impact an area and potential development. In this instance, the basic intrusion on the area has been the installation of the 62-ft. tall water tank. The addition of up to 12, approximately 9-ft. 10 inch tall antennas will increase the intrusion of privacy to the neighborhood and area.

The photosimulations submitted by the applicant appear to have been taken during the spring and summer and taken from a relatively short distance. The spring and summer photos show trees and bushes leafed-out and somewhat shielding the water tank.

Site inspection from the west side of Big Lake, during the fall, provided a clear view of the water tank. During the fall and winter the majority of the trees and bushes have shed leaves, leaving the water tank unshielded. This same view will be accorded of the antennas.

It is indicated in Section 14.04.153(9)(d) Design Criteria, Color: "... Muted colors, earth tones and subdued colors shall be used wherever possible." The water tank is of such a color, that it is highly visible. It appears that if the water tank was of a more landscape-blending color, then not only would the water tank not be so visibly impacting, but then also the antennas would not be so noticeable.



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- f. Design of the site and structures as to possible effects on the neighborhood.

The application as submitted proposes to add up to twelve, approximately 9 ft. 10 in. tall antennas to the side of a 62-ft. tall water tank.

The construction of the water tank at 62 ft. has provided a basis of design. However, the addition of twelve, 9 ft. 10 in. antennas will change the design.

As previously noted, the residents located within a close proximity to the water tank and proposed antennas are at an elevation such that the installation of the antennas will not have a substantial detrimental impact to the neighborhood. It is the residents located at a slightly higher elevation located in an arc swinging in a north to a westerly direction that are going to be the most impacted.

- g. In addition to possible effects on the neighborhood in which the use is to be located, the potential effects on the region shall be considered.

The applicant has indicated in the narrative statement as submitted that the installation of the antennas is necessary to "extend Sprint's seamless coverage along Highway 9 to a proposed site north of this location (SE33XCO76)".

Thus, the use as proposed will not have an adverse impact on the region. In fact, by installation of the antennas, a greater area will be covered for use of cellular phones, 911 transactions, etc.

- h. Potential effects regarding the general public health, safety, and general welfare.

Previous Special Use Applications for communication towers and antennas have indicated that there are no known environmental health hazards. It has been indicated that the frequencies utilized by these types of communications and antennas 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.

12. The applicant is also proposing accompanying equipment cabinets. There will be four for current use and three for future growth. The landscaping as submitted with the application indicates that the cabinets are proposed



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to be shielded with thirty 3-ft. tall juniper shrubberies. An emergency propane backup generator is also proposed for the facility in the future.

13. Section 14.04.153(6) Priority of Locations denotes in descending order of preference placement areas for communication towers and/or antennas. Item 14.04.153(6)(c) denotes the following:

(c) Place on appropriate rights-of-way and existing structures, such as buildings, towers, water towers and smokestacks, located on non-residential property.

It should be noted that the specific subject property is a non-residential parcel, being owned by Skagit Public Utility District # 1 and the site of a water tank. However, it should also be recognized that north, west and south are residences surrounding the subject property on parcels less than 2.5 acres in size.

In reviewing Section 14.04.153(6) Priority of Locations, it should be noted that locating personal wireless service facilities on property whose primary purpose is residential less than 2.5 acres in size is last on the preference list. Although, there will not be a residence constructed on the specific subject property, the subject property is surrounded by parcels less than 2.5 acres in size that are primarily residential. As well, it should be noted that the designation of Rural Village has a minimum lot size of one acre with community water and on-site sewage disposal or 2.5 acres with individual water and on-site sewage disposal.

The Big Lake area has had public sewer service for over twenty years. When PUD water became available, the minimum lot size was reduced to 8,400 sq. ft. Thus, with the advent of public sewer and public water both sides of Big Lake are now heavily residentially developed.

The situation appears to be that those residents that live directly adjacent to the water tank and proposed antennas are at an elevation such that the tank and antennas would go unnoticed. However, the water tank and then probably the antennas, becomes very visible to residents located at a slightly higher elevation on the west side of Big Lake. It is recognized that the property owners on the west side of Big Lake are beyond the legal notification range of 300 ft., but it should also be recognized, that it is these property owners that are going to have the visual impact. Policy 5.3 speaks to impact: ". . . shall attempt to minimize the unique visual and noise impacts".

It appears that part of the reason the water tank is so highly visible is due to the color of the tank. It is a light green, which does not blend in with the trees that are on the property. The staff recognizes that this applicant



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does not own the water tank, but review of this application includes review of all impacts. If the water tank and proposed antennas could be a more compatible color to enhance blending, there may be less of an impact to the west side of Big Lake.

It should also be noted that 14.04.153(9)(d) Design Criteria, of the Skagit County Code states:

**Color:** Towers and antennas shall have a color generally matching the building, surroundings or background that minimizes their visibility, unless the FCC or FAA requires a different color. Muted colors, earth tones and subdued colors shall be used wherever possible.

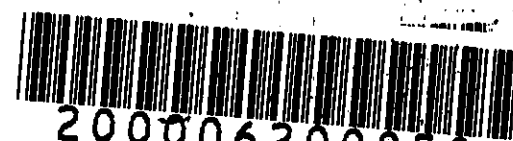
In this situation, the impact of both the water tank and the antennas could be minimized if the color of both were of a color to better blend with the trees.

14. It is difficult for the Planning Staff to make a recommendation regarding placement of the antennas for the following reasons:
- a. Although, the priority of the proposed location is third, requires only administrative review and not a public hearing, and the subject property is not primarily residential, the entire Big Lake Rural Village is primarily residential in nature with a lot size of less than 2.5 acres. That type of area is actually last on the priority list.
  - b. The elevation of the west side of Big Lake is such that when viewing the water tank from West Big Lake Blvd, it appears that as much as approximately the top 10 per cent of the water tank is clearly visible. Thus, if that much of the water tank is visible, 9 ft. 10 in. of antenna will also be visible.

#### RECOMMENDATION:

If the Planning Director elects to approve the application, the Planning Staff would recommend the following conditions:

1. The applicant shall obtain all necessary local, state and federal permits prior to start of construction.
2. The applicant shall comply with all Building Code and Fire Marshall requirements in regard to construction and placement of a propane tank.
3. The applicant shall comply with all requirements as stated in Skagit County Code 14.04.153, Ordinance # 17569.



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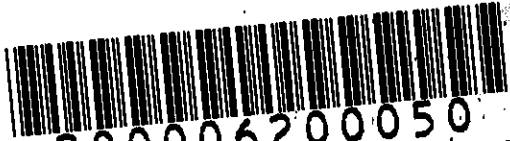
4. The permit shall be void if an application for a Building Permit has not been received within one year of the date of this order.
5. Landscaping shall be installed as indicated in the application. The landscaping shall be monitored for twelve months from planting to insure growth. Plants that do not survive shall be replaced during the next growing season (not in the summer).
6. The applicant and/or subsequent antenna owner shall comply with Section 14.04.153(10) Inspection Requirements: each year after a personal wireless service facility becomes operational, the facility operator shall conduct a safety inspection and within sixty (60) days of the inspection, file a report with Skagit County. All reports shall reference the application number PL99-0605.
7. The applicant shall notify in writing the Skagit County Planning & Permit Center of any change of ownership within 30 days of change. In addition, the new owner shall file a letter with the Planning & Permit Center indicating knowledge of and compliance with all conditions. This condition shall also apply to all subsequent owner(s) of the antennas.
8. The Administrative Special Use Permit number shall be contained in all deeds and/or contracts and referenced in all subsequent correspondence.
9. At a minimum the water tank shall be painted a more blending landscape-color to mitigate the visual impact.

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 Section 14.01.060. Every appeal to the Hearing Examiner shall be filed with the Skagit County Planning & Permit Center within fifteen (15) calendar days after the date of the decision.

Linda Kuller (for)  
Tom Karsh, Planning Director

Date of Action: 5/24/00

Last Date to Appeal: 6/8/00

  
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