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AFTER RECORDING RETURN TO:
SKAGIT COUNTY HEARING EXAMINER
302 SOUTH FIRST STREET
MOUNT VERNON, WA 98273

DOCUMENT TITLE: SPECIAL USE PERMIT SU 00 0299

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPLICANT: GTE WIRELESS OF THE PACIFIC and WHALEN & CO.

ASSESSOR PARCEL NO: P27836

ABBREVIATED LEGAL DESCRIPTION: located at 1551 – 1665 Mountain View Road,
Mount Vernon, WA; within Section 25, Township 34 North, Range 4 East, W.M., Skagit
County, Washington.

SKAGIT COUNTY HEARING EXAMINER
STATE OF WASHINGTON

In the Matter of the Application of GTE WIRELESS)	
)	SU 00-0299
)	
For a Special Use Permit for Installation Of a Wireless Communication Tower and Ancillary Equipment at 1551 - 1665 Mountain View Road near Big Lake)	FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION
)	
)	

THIS MATTER, an application for a Special Use Permit, came on for public hearing on September 13, 2000, after due notice. The Planning and Permit Center was represented by Brandon Black. The property owner, John Sargent, appeared and testified. There was public testimony from one person.

From the testimony taken, exhibits admitted and argument made, the following is entered.

FINDINGS OF FACT

1. GTE Wireless of the Pacific (applicant) seeks approval for a wireless communication facility to be located west at 1551 - 1665 Mountain View Road, within a portion of Sec. 25, T34N, R4E, WM. The site is on a side hill above the northwest side of Big Lake.
2. The property is owned by John and Marjorie Sargent who support the project and have entered into an agreement with the applicant to allow it to happen.
3. The subject property is zoned Rural and designated as Rural Reserve in the Comprehensive Plan.
4. The proposal is to construct a 150-foot tower on a 30 by 40 foot site (1,200 square feet). An ancillary equipment station will be located on the ground near the tower. The tower and equipment installation will be enclosed within a fence. The fence will be slatted or landscaping will be provided to provide visual screening at ground level.
5. The property where the tower will be placed is an undeveloped tract which is about 25.24 acres in size and primarily in forest. The surrounding area is likewise primarily forested with residential uses scattered along Mountain View Road, as well as around the lake and in the lower elevations of the Big Lake valley. There are currently no residential uses directly adjacent to the proposed tower site.

6. The application was reviewed by appropriate County agencies and departments and no problems were identified.. Staff review revealed no critical areas concerns. There were no written public comments on the proposal.

7. The proposed site meets GTE's network design requirements for coverage of the northern Big Lake/ Highway 9 area. The siting is intended to impose minimal aesthetic impacts.

8. Because of topography and tree cover, the tower will be visible only from the southwest and northeast. It will not be visible from across the lake due to the thickly vegetated hillside. Where it is visible, it will not be visually intrusive. It will not have lights. The monopole and antennas will be painted to blend with the surroundings.

9. The installation will be unmanned and maintenance visits will occur only about once a month. No additional parking is required. Traffic impacts will be almost nil.

10. Except for minor disturbance during construction (approximately two weeks), no significant noise, odors or other pollution will be caused by the installation. The structures will not intrude upon privacy. There are no known health hazards from facilities of this kind.

11. The project will contribute to local and regional communication capabilities. Moreover, it is designed to accommodate co-location by at least two other providers, thus potentially reducing the need for additional poles in the area.

12. Review of the project under the State Environmental Policy Act (SEPA) led to the issuance of a Determination of Non-Significance (DNS) on July 20, 2000. The DNS was not appealed.

13. The following Special Use Permit approval considerations apply (SCC 14.04.150(3)(d)):

- (i) Conformity to the Comprehensive Plan in respect to the compatibility with existing and future land use and circulation;
- (ii) The zoning of the subject property and surrounding properties and the conformance of the application to the zoning ordinance;
- (iii) Automobile or truck traffic and parking and its effect on surrounding community;
- (iv) Noise, odors, heat, vibration, air and water pollution potential of the proposed use;
- (v) Intrusion of privacy;
- (vi) Design of site and structures as to possible effects on the neighborhood;

- (vii) 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;
- (viii) Potential effects regarding the general public health, safety and general welfare.

14. The Staff's analysis regarding these criteria is set forth in Finding 12 of the Staff Report. The Examiner concurs in this analysis and hereby adopts it.

15. SCC 14.04.153 codifies additional criteria for the siting of personal wireless service facilities. The proposed site meets the priority for placement on property whose primary purpose is residential greater than or equal to 2.5 acres in size. While this is a relatively low siting priority, the particular location here is well suited to the use.

16. One person testified at the hearing, expressing concerns about visibility of the tower and its possible affect on property values.

17. 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 and the parties to this proceeding.

2. The requirements of SEPA have been met.

3. The proposal is consistent the requirements for site selection, design and other special requirements for personal wireless facilities. SCC 14.04.153.

4. If conditioned as set forth below, the proposal will meet all relevant requirements for Special Use Permit approval. SCC 14.04.150(3)(d).

5. The proposal should be approved, subject to the following conditions:

1. The permittee shall obtain all necessary local, state and federal permits prior to start of construction.
2. The development shall be carried as described in the materials submitted in connection with the application.
3. The permittee shall comply with all Building Code and Fire Marshal requirements in regard to tower or access construction.
4. The monopole and antennas shall be painted with non-glare paint and shall blend with the surroundings.
5. The permittee shall comply with SCC 14.04.153, including the



landscaping, screening and setback requirements.

6. The permittee shall comply with WAC 173-60, "Maximum Environmental Noise Levels."

7. The permit shall be void if installation is not started within one year of the date of this decision.

8. At such time as the facility is abandoned or ceases to be used, the operator shall comply with the Non-Use/Abandonment regulations effective at that time.

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

DECISION

The requested Special Use Permit is **APPROVED**, subject to the conditions set forth in Conclusion 5 above.

Wick Dufford

Wick Dufford, Hearing Examiner

Date of Action: October 11, 2000

Copies transmitted to Applicant: October 11, 2000

Attachment: Staff Report

RECONSIDERATION/APPEAL

A request for reconsideration may be filed as provided in SCC 14.06.180. The decision may be appealed to the Board of County Commissioners by filing a written Notice of Appeal with the Clerk of the Board within 14 days after the date of the Examiner's decision, or decision on reconsideration if applicable.



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**SKAGIT COUNTY PLANNING & PERMIT CENTER
FINDINGS OF FACT**

HEARING AUTHORITY: SKAGIT COUNTY HEARING EXAMINER

HEARING DATE: September 13, 2000

APPLICATION NUMBER: PL00-0299

APPLICANT: GTE Wireless of the Pacific
C/O Whalen & Co.

ADDRESS: GTE
2445 14th Avenue NE, Suite 202
Bellevue, WA 98005

CONTACT: Madeline Clemann
3003 Northup Way, Suite 101
Bellevue, WA 98004

PROJECT LOCATION: The property is located at 1551 - 1665 Mountain View Road, Mount Vernon, within a portion of Section 25, Township 34 North, Range 4 East, W.M. Skagit County, Washington.

PROJECT DESCRIPTION: Special Use permit application PL00-0299 for the construction of a wireless communication tower and ancillary ground level base station for equipment. The project proposal is to construct a 150-foot tall tower along with an equipment station structure and will be designed and constructed to accommodate future co-location by other companies.

ASSESSOR'S ACCOUNT NUMBER: 340425-3-006-0005

PROPERTY ID NUMBER: P27836

RECOMMENDATION: The Planning and Permit Center recommends approval of the request with conditions.



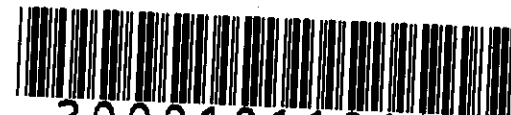
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EXHIBITS:

1. Special Use Application dated April 26, 2000
2. Assessors section map
3. Environmental Checklist
4. Mitigated Determination of Nonsignificance dated July 17, 2000.
5. Letter of completeness dated June 26, 2000.
6. Notice of Development published June 29, 2000.
7. Site plan
8. Elevation views

STAFF FINDINGS:

1. The subject property is zoned Rural and Comprehensive Plan designates the area as Rural Reserve (RRv).
2. Per Section 14.01.033 of the Skagit County Code, a letter of completeness was issued on June 26, 2000. A Notice of Development Application was posted on the subject property and published in a newspaper of general circulation on June 29, 2000 as required by Section 14.01.040(2) of the Skagit County Code.
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 July 20, 2000, becoming effective following a fifteen-day comment period ending August 4, 2000 and a fifteen-day appeal period ending August 21, 2000.
4. The subject application has been reviewed with respect to the Skagit County Critical Areas Ordinance, Chapter 14.06 of the Skagit County Code. Critical areas staff reviewed subject parcel and recommended approval without conditions.
5. The subject property is not located in a Flood Hazard Zone.
6. The subject property is approximately 25.24 acres in size located on a side hill above the northwest side of Big Lake. The project site will take up approximately 1,200 square feet of the entire parcel. The project proposal will include the construction of an unstaffed wireless communications tower, 150 feet in height, along with an ancillary ground base station on a 30 X 40 square foot area of the parcel. The project site is undeveloped and primarily forested with natural vegetation.
7. The surrounding area is primarily forested with residential uses located throughout the area. There are residences scattered along Mountain View Road as well as around the lake and the lower elevations within the Big Lake Valley area.



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No residential uses currently exist directly adjacent to this proposed location.

8. The applicant is requesting a Special Use Permit to allow for the installation of a personal wireless service facility. The site will consist of 150 feet tall wireless communications tower and ancillary ground level base station equipment. The pole is designed for co-location by additional wireless providers, minimizing the need for additional antenna support structures in the vicinity. Skagit County Interim Ordinance #17419 indicates that Building permits and Hearing Examiner Special Use Permits shall be required for projects located within the (g), (h), and (i) priority locations of Section 14.04.153(6). Skagit County Code 14.04.150(6) lists priority of location that require a Hearing Examiner special use permit as (g) placed in view sheds and corridors, (h) placed on property whose primary purpose is residential grater than or equal to 2.5 acres in size, and (i) placed on property whose primary purpose is residential less than 2.5 acres in size.
9. The antenna facilities are located and designed to provide both maximum coverage and minimum aesthetic impacts. This site was chosen because it meets network design location requirements and the area will provide for the best coverage of the northern Big Lake/ Highway 9 area. The site will be fenced and either the fence will be slatted or landscaped to provide visual screening at ground level.
10. The application has been reviewed by Skagit County Public Works. Public Works had no comments or concerns with the proposal.
11. The application was reviewed by the Water Resources and Environmental Health divisions of Skagit County Planning and Permit Center. Environmental Health had no comments or concerns with the proposal. Water Resources indicated that there were no concerns with the proposal as long as the noise levels comply with WAC 173-60 "Maximum Environmental Noise Levels".
12. Section 14.04.150 Unclassified Special Uses of the Skagit County Code indicates that certain items will be reviewed when approving or denying Special Use Permits. Those items are as follows:

A. Conformity to the Comprehensive Plan in respect to the compatibility with existing and future land use and circulation.

The Comprehensive Plan has several objectives and policies that support this application.



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Chapter 10 Utilities of the Comprehensive Plan state the following: Objective 2 Encourage safe, reliable, and quality utility systems. Policy 2.1 Utility providers shall build and manage utility systems to provide reliable service and to meet the needs of future growth. Policy 2.2 Utilize construction and design standards that are environmentally sensitive, safe, and cost-effective. 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.

B. The zoning of subject property and surrounding properties and the conformance of the application with the Zoning Ordinance.

The subject property and surrounding properties are zoned Rural and the Comprehensive Plan designation of Rural Reserve establishes the minimum lot size requirement of 1-dwelling/10 acres. Per section 14.04.150 Unclassified Special Uses of the Skagit County Code indicates that "certain uses which, because of their unique characteristics or rare occurrence, require special review to insure compatibility..." Interim Ordinance #17419 amended Section 14.04.150(2) (1) All zoning districts "Personal Wireless Service Facilities Per SCC 14.04.153. This new use description will be added to the list of uses to be considered as Special Uses-Hearing Examiner and Special Uses-Administrative. Per Section 14.04.153 (6)(h) staff has determined that the subject property is located on property whose primary purpose is residential greater than or equal to 2.5 acres in size. Section 14.04.153(4)(d) requires building permits and Hearing Examiner Special Use Permits for projected located within the "(h)" priority locations of Section 14.04.153(6). The application is then reviewed on its own merits.

C. Automobile or truck traffic and parking and its effect on surrounding community.

The facility will be unmanned, although it will operate 24 hours per day, 7 days per week. There will be a monthly maintenance check however, no additional parking is either



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required or proposed. No significant impact on traffic will be created as a result of the project including the construction phase.

D. Noise, odors, heat, vibration, air and water pollution potential of the proposed use.

There are no moving parts in the radio equipment used; accordingly there will be no noise created and no appreciable creation of odors or heat. Other than RF emissions regulated by the FCC, there will be no emissions to the air.

There may be noise pollution and some vibrations during construction. The applicant has indicated that construction is projected to last approximately 2 weeks. Hours of construction will be limited to 8:00 a.m. - 6:00 p.m. Monday through Friday. There will be no long-term noise impacts or vibrations as a result of the finished project. The applicant has indicated that there will little if any audible noise, odor or heat generated from this facility. The ground equipment utilizes a tiny, nearly noiseless "muffin" fan for cooling.

E. Intrusion of privacy.

There will be minor intrusion of privacy as a result of the proposed project. The applicant is proposing a slatted chain-link security fence to surround the facility. The subject property is undeveloped and trespassing is not of concern to the owner of this leased site since he also owns the acreage surrounding the site. The site will be accessed via an existing gravel road off of Mountain View Road.

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

The applicant has designed and sited the proposed facility to minimize adverse visual impacts on County residents. The tower will not require lighting and the adjacent property is currently only sparsely populated. The pole will be visible only from the southwest and the northeast due to the topography and tree coverage. The tower cannot be seen from across the lake due to the thickly vegetated hillside. The monopole and antennas shall be painted a color that will blend with the surrounding area and minimize visibility.

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.

If the application is approved and the tower constructed, there will be minimal negative impact to the region. By locating the facility at the proposed location, the applicant



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will be meeting both the goal and policies of Skagit County. The proposed facility will provide an opportunity for the collocation of two other providers thus reducing the need for additional poles in the area.

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

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

RECOMMENDATION

Based on the above findings, the Planning and Permit Center would recommends **approval** of the application for a Special Use permit subject to the conditions and modifications listed below:

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 tower and/or access construction.
3. The applicant shall comply with all requirements stated in Interim Ordinance #17419 Skagit County Code Section 14.04.153 including landscaping/screening requirements and setback requirements.
4. At such time the tower is not in use or has been abandoned, the applicant shall comply with the Non-Use/Abandonment regulations in place at that time.
5. The permit shall be void if not started within one year of the date of this order.
6. The monopole and antennas shall be painted with non-glare paint and shall blend with the surrounding existing structures.
7. The applicant shall comply with WAC 173-60 "Maximum Environmental Noise Levels".

Prepared by: BB

Approved by:



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