

NOTICE OF DECISION

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

- Applicant:** Verizon Wireless
c/o The Meridian Group; attn: Andy King
1910 North 41st Street
Seattle, WA 98103
- Request:** Special Use Permit, PL15-0106
- Location:** West of Beaver Lake Road, adjacent to 14322 Beaver Lake Road and north of the rock quarry located on Parcel P24648, being within a portion of N1/2NE1/4 Sec. 13, T34N, R4E, W.M. Parcel Nos: P24644 & P24645, constituting a single lot of record.
- Land Use Designation:** Tower site is Rural Reserve (RRv), remaining portions of property are Agriculture-Natural Resource Lands (Ag-NRL) and Rural Resource- Natural Resource Lands (RRc-NRL).
- Summary of Proposal:** To construct a wireless telecommunication facility consisting of a 150' monopole, outdoor radio equipment cabinets, and a 30 KW diesel powered generator for emergency backup power. Twelve (12) panel antennas will be mounted on top of the monopole and below them will be a 6'- wide microwave dish. The installation will be within a 50' x 50' leased area surrounded by a 6' chain link fence. The design will accommodate two additional wireless carriers.
- SEPA Compliance:** Determination on Non-Significance (DNS) issued May 12, 2014. No comment letters. No appeals.
- Public Hearing:** August 12, 2015. Testimony by staff and applicant. No public testimony. Planning and Development Services (PDS) recommended approval.
- Decision/Date:** The application is approved, subject to conditions. August 21, 2015.
- Reconsideration/Appeal:** Reconsideration may be requested by filing with PDS within 10 days of this decision. Appeal is to Board of County Commissioners by filing with PDS within 14 days of this decision or decision on reconsideration, if applicable.
- Online Test:** The entire decision can be viewed at:
[www.skagitcounty.net/hearing examiner](http://www.skagitcounty.net/hearing_examiner)

FINDINGS OF FACT

1. Verizon Wireless seeks to install a 150-foot monopole for mounting antennas to serve as a wireless communication facility on a site west of Beaver Lake Road, east of State Route 9 and northeast of Gunderson Road.

2. The site is adjacent to 14322 Beaver Lake Road and north of the existing rock quarry located on P24648. It is within a portion of the N1/2NE1/4 Sec. 13, T34N, R4E, W.M. The tower will be located on P24644 which is zoned Rural Reserve (Rrv). P24645 is located directly to the south and the two constitute a single Lot of Record, under Auditor's File #201504210040.

3. The overall property contains approximately 30.75 acres and is surrounded by property that is either heavily forested or actively used for agriculture. The nearest residence is located more than 400 feet from the tower site.

4. The proposed installation will consist of the new 150' monopole, outdoor radio equipment and a 30 KW diesel emergency generator. The tower will be topped by 12 panel antennas located on a square low-profile platform. Below the panel antennas will be a 6-foot wide microwave dish antenna.

5. The tower, equipment and generator will be situated within a 50' x 50' area, leased from the Tewalt family. The tower will be placed near the center of the leased area, approximately 21 feet from all leased area boundary lines. The outdoor equipment cabinets, occupying approximately 3' x 26', will be located on the east side of the leased area. The 3' x 7' generator will be placed directly north of the equipment area. A 6' chain link fence will surround the leased area.

6. The tower has been designed to accommodate two additional wireless communication carriers. Defined spaces for such carriers' equipment are set aside west of the monopole. There are no existing towers within a 2,500 foot radius of the site.

7. The base of the monopole will be 150 feet from the east property line, more than 400 feet from the west property line, 150 feet from the north property line and more than 400 feet from the south property line.

8. The immediate site area is covered with mature trees. Approximately 8 to 10 of these will need to be removed to accommodate the facility, but most of the existing trees surrounding the leased area will remain. These will provide screening. Additional screening will be provided through the installation of a 5' landscaping buffer around the perimeter of the leased area. A landscaping plan proposes the planting of Western Redcedar, Douglas Fir and rhododendrons. When planted the trees will be 10' high and the shrubs will be at least 3' high.

9. The unmanned site is proposed to be accessed via a driveway extended from an existing gravel road. Access to the site will be needed for routine maintenance and inspection on a monthly basis. Swing gates for access will be provided on the north side of the leased area.

10. Site disturbance for construction will be minimal. About 222 cubic yards of material will be excavated and used for fill within the fenced compound. About 346 cubic yards of excavation/fill will be moved for the driveway. All runoff from impervious surfaces will be naturally dispersed on site.

11. There are no critical area indicators within 200 feet of the proposal. A drainage analysis will be prepared at the time of building permit submittal. At the same time, a geotechnical report and P.E. stamped calculations and structural plans will be submitted.

12. Photo simulations from various public locations show that the facility will not obstruct or diminish views. The monopole will largely be screened by existing vegetation. Visible portions will be painted a forest green color. The ground equipment will be concealed within a fenced compound with perimeter landscaping. No signals, lights or signs will be placed on the installation. Power will be extended to the site via underground conduit. Noise generated will not be discernible beyond the immediate site.

13. The height of the tower is the minimum needed for the facility to function satisfactorily. Vegetation around site location is at or above 130 feet.

14. The facility is needed to provide and enhance coverage for rural residential customers within an area east of Beaver Lake Road, west to SR-9, north to Francis Road and south to Gunderson Road.

15. None of the County departments consulted had concerns about the project. Public notice was given as required by law and no comment letters were received. At the hearing there was no public testimony.

16. Environmental review was performed pursuant to the State Environmental Policy Act (SEPA). A Determination of Non-Significance (DNS) was issued on May 12, 2015. No comments were made on the DNS. There was no appeal. No health risks from the kind of low power ultra high frequency signals involved have been identified.

17. The Staff Report analyzes the proposal in light of the specific criteria for personal wireless services facilities and the general criteria for special uses. The Staff has concluded that, as conditioned, the proposed facility will comply with the relevant approval criteria. The Hearing Examiner concurs in this analysis and adopts the same. The Staff Report is, by this reference, incorporated herein as though fully set forth. The Examiner clarifies that the site is not within Natural Resource Lands zoning.

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. Under SCC 14.16.320(4)(y), a Special Use Permit is required in a Rural Reserve zone for personal wireless services towers, subject to SCC 14.16.720.
3. The requirements of SEPA have been met.
4. As conditioned, the proposal meets the personal wireless services requirements of SCC 14.16.720.
5. As conditioned, the proposal meets the special use criteria of SCC 14.16.900(1)(b)(v).
6. Any finding 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 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 same in prosecuting and operating the project.
3. Full detailed plans and engineering shall be submitted for the tower and foundation in connection with building permit approval.
4. A geotechnical report and professional engineer stamped structural calculations shall be submitted at the time of building permit submittal.
5. The chain link fencing around the leased area shall be slatted to provide additional screening.
6. All equipment -- Verizon and future carriers -- must be located within the leased area and must meet the underlying zoning setback requirements. A modification to this permit will be required to expand the current leased area.
7. Temporary erosion/sedimentation control must be used during construction of the facility and access road to the facility pursuant, pursuant to Chapter 14.32 SCC, Drainage Ordinance.
8. A full Drainage Analysis of the project area must be submitted at the time of building permit submittal.

9. Per SCC 14.16.720(12)(d) yearly inspections of the facility are required. The facility operator shall conduct a safety inspection and file a report with Skagit County within 60 days of each annual inspection.

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

11. A copy of this Order shall be submitted with the building permit application.

12. Per SCC 14.16.900(1)(d) this permit shall be void if the project has not been commenced within two years of permit approval.

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

DECISION

The requested Special Use Permit (PL15-0106) for a wireless telecommunication facility is approved, subject to the conditions set forth above.

DONE, this 21st day of August, 2015.



Wick Dufford, Hearing Examiner

Transmitted to applicant, August 21, 2015.

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