



**CITY OF REDMOND
HEARING EXAMINER
MINUTES**

October 5, 2011

Redmond City Council Chambers
15670 NE 85th Street, Redmond
7 p.m.

Hearing Examiner

Sharon Rice, Offices of Sharon Rice,
Hearing Examiner, PLLC

Staff

Judd Black, Planning Manager
David Almond, Engineering Manager
Thara Johnson, Associate Planner
Elizabeth Adkisson, Deputy City Clerk

Convened: 7 p.m.

Adjourned: 7:30 p.m.

I. CALL TO ORDER

Hearing Examiner Sharon Rice convened the hearing at 7 p.m.

II. DESCRIPTION OF HEARING SEQUENCE AND PROCEDURES

Ms. Rice introduced the matter under consideration, reviewed the sequence of the hearing for the evening, and explained the proceedings. Ms. Rice noted that she will issue a written Recommendation in the matter of the T-Mobile Redmond Road Wireless Facility Conditional Use Permit, following the Essential Public Facilities Process, within 14 days of the closing of the record.

Ms. Rice administered the swearing in of all those in attendance testifying on these matters, reminded the attendees that the proceedings were being recorded, and asked them to identify themselves for the record.

III. PUBLIC HEARING

A. REDMOND ROAD WIRELESS – Conditional Use Permit

L100279 Conditional Use Permit (CUP)

Request: Conditional Use Permit following the Essential Public Facilities process for replacement of an existing 61'1" PSE utility pole with a 70' wood utility pole with a 10' canister containing three antenna, located in the right-of-way along NE 40th Street.

Location: 16800 NE 40th Street, Redmond

Ms. Rice introduced the matter and assigned the Technical Committee Report as Exhibit 1, identifying the following submitted attachments:

Attachments

1. Vicinity Map
2. Zoning Map
3. General Application Form
4. SEPA Application Form
5. Notice of Application and Certificate of Publishing
6. Neighborhood Meeting Notice and Sign in sheet
7. Community Involvement Plan
8. SEPA DNS and Certificate of Publishing
9. Environmental Checklist
10. Correspondence between citizen and T-Mobile
11. Notice of Public Hearing and Certificates of Posting
12. Site Plans (including Landscaping and Tree Retention Plans)
13. Special Exceptions Narrative
14. Special Exceptions Review from Third Party Consultant
15. Radio Frequency Analysis
16. Noise Study
17. Non Ionizing Electromagnetic Report
18. Conditional Use Permit Decision Criteria Analysis
19. Remote Access Enclosure Solution And Antenna Specifications
20. Material Safety Data Sheet
21. Photo simulations
22. Comprehensive Planning Policies
23. Federal Telecommunications Act of 1996

STAFF PRESENTATION:

Ms. Thara Johnson, Associate Planner, reported on the T-Mobile Redmond Road Wireless Facility Conditional Use Permit, following the Essential Public Facilities Process, application:

- Vicinity Map;
- Project Description;
 - request for a 80' wireless facility with equipment mounted on the pole;
 - located in the right-of-way 40th Street;
 - equipment cabinet to be mounted on the pole and surrounded by Type I screening;
 - RCDG 20D.170.45 – Telecommunication Facilities requires a Conditional Use Permit (Type IV) for Broadcast and Relay Towers in Residential Zone;

- RCDG 20D.170.45-080(4)(a)(i) – Broadcast and Relay Towers – Special Exceptions, requires that applicants follow Essential Public Facilities Process when exceeding height requirements;
- recommendation on Conditional Use Permit following Essential Public Facilities Process;
- Property Description;
 - property located within public right-of-way and zoned R-12 and R-4;
 - Overlake Neighborhood;
 - no critical areas;
- Site Plan;
- Tree Preservation Plan;
 - no trees proposed for removal;
 - trees surveyed only within 15’ of the project construction limits;
 - tree retention calculation:
 - significant trees on site – 52;
 - number of significant trees retained – 52;
 - number of trees potentially impacted – 6;
 - 35 percent are required to be retained per RMC 20D.80.20-070;
 - 100 percent of the significant trees on site are retained;
- Photo simulation (view from 40th Street looking west);
 - existing;
 - proposed;
- Procedural Summary;
 - Completeness:
 - 07/27/2010 – letter of completeness issued, and vested date;
 - Notice of Application:
 - 08/12/2010 – comment period begins;
 - 09/02/2010 – comment period ends;
 - SEPA;
 - 06/10/2011 – DNS issued;
 - 06/24/2011 – comment period ends;
 - 07/11/2011 – appeal period ends;
 - Notice of Public Hearing;
 - 09/14/2011 – issued;
- Telecommunications Facilities – Special Exceptions Criteria;
 - Special Exception request justified by demonstrating that the obstruction or inability to receive a communication signal is the result of factors beyond the applicant’s control, taking into consideration potential permitted development on adjacent and neighboring lots with regard to future reception window obstruction;
 - T-Mobile’s feasibility analysis included an evaluation of alternative locations and multiple locations at varying heights;
 - feasibility analysis was evaluated by city-selected third-party consultant – agreed with conclusions in the report;
 - demonstrate that the proposed materials, shape, and color of the antenna(s) will minimize negative visual impacts on adjacent or nearby residential uses to the

- greatest extent possible; the use of certain materials, shapes, and colors may be required in order to minimize visual impacts;
- City staff evaluated different alternatives proposed by T-Mobile and found that the wood pole was the most compatible alternative;
- Essential Public Facilities – Decision Criteria;
 - an applicant may have one or more alternative sites considered at the same time during this process;
 - T-Mobile’s feasibility analysis included an evaluation of different sites and different height locations; conclusions that the alternative sites would not provide T-Mobile with the required coverage;
 - the Director has the authority to require consideration of sites outside the City of Redmond; alternative sites shall cover the service area of the proposed essential facility;
 - the Director did not request an evaluation of sites outside the City of Redmond’s city limits;
 - an amplified public involvement process shall be required which meets the following criteria:
 - (a) the applicant shall propose an acceptable public involvement process to be reviewed and approved by the Director;
 - (b) public involvement activities shall be conducted by and paid for by the applicant;
 - (c) the public involvement process shall be initiated by the applicant as early as feasibly possible;
 - submittal of a Community Involvement Plan for approval to the Planning Director; the applicant also scheduled a neighborhood meeting on May 18, 2011; and follow-up dialogue with a concerned resident; results of the Community Involvement Plan were also submitted;
 - the Director may require a multi-jurisdictional review process if the facility serves a regional, countywide, statewide, or national need; if this process is required, the applicant shall design an acceptable process to be reviewed and approved by the Director; applicants shall be required to pay for this process;
 - telecommunications facility is aimed at serving the citizens of Redmond and improves cellular coverage in the North Redmond area; the Director did not require a multi-jurisdictional review process;
 - an analysis of the facility’s impact on City finances shall be undertaken; mitigation of adverse financial impacts shall be required;
 - no associated fiscal impact and no mitigation required;
 - the following criteria shall be used to make a determination on the application:
 - (a) whether there is need for the facility;
 - feasibility analysis provided evidence that there is a coverage gap in the Overlake area; the analysis indicates that the proposed site is part of the infrastructure needed to support a reliable network; the City’s third party review conducted on this analysis concurs with T-Mobile’s evaluation;
 - (b) and (c) the impact of the facility on the surrounding uses and environment, the City and the region; whether the design of the facility or the operation of the

- facility can be conditioned, or the impacts otherwise mitigated, to make the facility compatible with the affected area and the environment;
- evaluated different “stealth” technologies available to mitigate the visual impact of the facility; since the applicant was proposing to replace an existing 61’ high PSE utility pole with a 70’ pole, the City was agreeable to allowing a wood pole in the form of stealth design; the proposal also includes all equipment being placed into two cabinets that will be mounted on the utility pole; therefore, there will be no equipment mounted on the ground except for any equipment required by PSE;
- (d) whether package of incentives can be developed that would make siting the facility within the community more acceptable;
- City staff has worked with the applicant to design the facility with adequate buffering and landscaping, and the facility is not to be located within public right-of-way adjacent to residential areas;
- (e) Whether the factors that make the facility difficult to site can be modified to increase the range of available sites or to minimize impacts on affected areas and the environment;
- Alternatives included a number of wireless facilities that were not as tall as the proposed facility – requirement for a Conditional Use Permit or a Special Use Permit rather than Essential Public Facilities process; however, the feasibility analysis clearly indicated that this alternative would not have provided T-Mobile with the required coverage;
- Conditional Use Permit Decision Criteria;
 - consistent with the Redmond Community Development Guide (RCDG) and the Comprehensive Plan;
 - proposal consistent;
 - telecommunication facilities allowed as a conditional use or special use;
 - designed in a manner which is compatible with and responds to the existing or intended character, appearance, quality of development, and physical characteristics of the subject property and immediate vicinity;
 - exceeds height requirements – Essential Public Facilities Process required;
 - includes stealth and concealment techniques to minimize visual impact;
 - cabinets mounted on pole and screened with landscaping;
 - the location, size, and height of the buildings, structure, walls, and fences, and screen vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;
 - no modification to existing buildings;
 - all construction to occur within public right-of-way;
 - the types of use, hours of operation, and appropriateness of the use in relation to adjacent uses shall be examined to determine if there are usual hazards or characteristics of the use that would have adverse impacts;
 - unmanned facility, operating on a 24-hour basis;
 - minimal impact to neighborhood after construction;
 - requested modification to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;

- modification to height requirement – Special Exception and Essential Public Facilities Process;
 - the conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;
 - one visit per month to maintain facility – minimal impact by traffic;
 - the conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities;
 - public services required power and telephone service, proposal will enhance cellular service in the area;
 - if applicable, the application must also conform to the standards established in Chapter 20D.170 RCDG, Special Uses;
 - the proposal complies with the standards established under Special uses, RCDG 20D.170.45, Telecommunication Facilities;
- Recommendation;
 - staff recommends approval on the conditional use permit which complies with the Essential Public Facilities Process; subject to conditions of approval in the Technical Committee Report.

Ms. Johnson submitted staff’s PowerPoint presentation as an exhibit; Ms. Rice entered the item into the record as Exhibit 2.

General discussion ensued between Ms. Rice and Ms. Johnson regarding the photo simulations and the location of the pole.

APPLICANT TESTIMONY:

Mr. Michel Cady, T-Mobile, Applicant, provided information on the application:

- the height of the pole is determined by requirements;
- minimum separation requirement from PSE poles;
- the equipment will be located inside cabinets, affixed to pole;
- pole/cabinets not very visible/blend in with other poles and trees in the area; and
- the pole is located in a great spot.

Ms. Rice queried whether the equipment boxes on the photo simulations are similar in size to the actual boxes; Mr. Cady confirmed.

Ms. Rice queried whether the pole contained coax or if the coax will be mounted outside the pole. Mr. Cady stated the original design was to have a coax; current proposal is for a glulam pole – determined to be a better option. Cables will be located inside pole.

Ms. Rice queried whether there will be utilities access to pole; Mr. Cady confirmed.

Ms. Rice questioned what “glulam” stands for. Mr. Cady stated it is a trademarked name of a pole made of wood, in a plywood fashion, that is hollow in the middle.

Ms. Rice questioned whether the proposed plantings will screen the equipment from the street and from residential structures. Mr. Cady confirmed, and stated no landscaping will be between the pole and sidewalk, as it is a small right-of-way.

Ms. Rice requested color copies of the following attachments:

- Exhibit 1, Attachment 21; and
- Exhibit 1, Attachment 15 (photos 1A and 1B).

Ms. Johnson stated color copies would be submitted to the Office of the Hearing Examiner on Thursday, October 6, 2011.

Ms. Rice queried whether colocation opportunities will be advertised. Mr. Cady stated the pole is owned by PSE, and companies must contact PSE if they'd like to request colocation.

Ms. Rice questioned how colocation is addressed in code/by permit. Ms. Johnson confirmed colocation requests must apply for a permit.

PUBLIC TESTIMONY:

Ms. Rice opened the hearing for public comment. As no members of the public in attendance wished to speak, Ms. Rice closed the public testimony portion of the hearing.

CONCLUSION:

Ms. Rice called for any further comments. Hearing none, Ms. Rice stated that the record was closed on the T-Mobile Redmond Road Wireless Facility Conditional Use Permit, following the Essential Public Facilities Process application, and a written decision would be issued in no later than 14 days.

IV. ADJOURNMENT

The public hearing closed at 7:30 p.m., and the meeting adjourned.