BEFORE THE HEARING EXAMINER FOR THE CITY OF REDMOND

In the Matter of the Application of)	NO. L080457
)	
Michael Cady,)	
on behalf of T-Mobile)	South Kern Wireless Communication
)	Facility
)	
)	FINDINGS, CONCLUSIONS,
For an Essential Public Facility Permit)	AND RECOMMENDATION
•)	

SUMMARY OF DECISION

The request for approval of an Essential Public Facilities permit to allow replacement of an existing 62-foot utility pole with a 120-foot wireless communications facility monopole with at the South Kern Puget Sound Energy site in Redmond, Washington **SHOULD BE APPROVED subject to conditions**.

SUMMARY OF RECORD

Request:

Michael Cady, on behalf of T-Mobile (Applicant), requested Essential Public Facilities permit approval to allow replacement of an existing 62-foot utility pole with a 120-foot wireless communications facility (WCF) monopole with fully enclosed antennas and a 150 square foot concrete pad with outdoor equipment cabinets, to be enclosed behind a fence and screened with vegetation. The project is proposed to be installed on the 6.63-acre South Kern Puget Sound Energy power transmission facility at 16610 NE 11th Street in Redmond, Washington.

Hearing Date:

The City of Redmond Hearing Examiner conducted an open record hearing on the request on March 3, 2010.

<u>Testimony</u>:

At the open record hearing, the following individuals presented testimony under oath:

```
Thara Johnson, Associate Planner, City of Redmond
Michael Cady, Applicant Representative
Kevin Durning, Applicant Design Engineer, TelCo Pacific
```

Exhibits:

At the open record hearing, the following exhibits were admitted in the record:

- Exhibit 1 Technical Committee Report to the Examiner, prepared for the March 3, 2010 hearing, with the following attachments:
 - 1. Vicinity Map
 - 2. Zoning Map
 - 3. General Application Forms
 - 4. SEPA Application Form
 - 5. Notice of Application and Certificate of Publishing
 - 6. Notice of Application Public Comment Letters
 - 7. Neighborhood Meeting Notice
 - 8. SEPA DNS and Certificate of Publishing
 - 9. Environmental Checklist
 - 10. Notice of Public Hearing and Certificates of Posting
 - 11. Full Size Site Plans (including Landscaping and Tree Retention Plans)
 - 12. Special Exceptions Narrative
 - 13. Special Exceptions Review from Third Party Consultant
 - 14. Community Involvement Plan
 - 15. Correspondence between citizen and T-Mobile
 - 16. Wetland and Stream Assessment for the Puget Sound Energy Property
 - 17. Stealthing Evaluation
 - 18. Comprehensive Planning Policies
 - 19. Email from Applicant, dated April 28, 2009, and manufacturer specifications for "Andrew TMBX-6516-R2M Decibel Base Station Antennas"
 - 20. Excerpt from "Fact Sheet #2": National Wireless Facilities Siting Policies", dated September 17, 1996, prepared by the Federal Communications Commission, Wireless Telecommunications Bureau
- Exhibit 2 Additional Public Comments received after preparation of hearing examiner report, including:
 - a. Email from Armen Stein, dated February 19, 2010
 - b. Email from Thara Johnson, dated February 18, 2010
 - c. Email from Armen Stein, dated February 2, 2010
 - d. Color copy of aerial photograph showing site of proposal in relation to Stein residence
 - e. Email from Cameron Cummings, dated February 18, 2010
 - f. Email from Thara Johnson, dated February 18, 2010
 - g. Email from Cameron Cummings, dated February 2, 2010
 - h. T-Mobile Open House Comment Sheet from Doug and Janet Warden, dated received by City of Redmond February 16, 2010
- Exhibit 3 Staff's PowerPoint Presentation (17 slides)
- Exhibit 4 Email from Laurie McKenzie and Damon Diessner, dated March 3, 2010

Exhibit 5 Amendment to Attachment 10 of the Technical Committee Report, in the form of a February 23, 2010 email with attached certification of notice

Upon consideration of the testimony and exhibits submitted, the Hearing Examiner enters the following findings and conclusions in support of the recommendation:

FINDINGS

- 1. The Applicant requested Essential Public Facilities permit approval for a 120-foot wireless communications facility (WCF) monopole with fully enclosed antennas and a 150 square foot concrete pad with outdoor equipment cabinets. The ground equipment would be fully enclosed behind a fence and screened with vegetation. The subject property is the South Kern Puget Sound Energy (PSE) power transmission facility, an existing 6.63-acre site located at 16610 NE 11th Street in Redmond, Washington. Exhibit 1, page 1; Exhibit 1, Attachment 3, Application; Exhibit 1, Attachment 12, Narrative.
- 2. The subject property has an R-4 zoning designation. *Exhibit 1, page 3*. Monopoles are an allowed use in the R-4 zone subject to conditional use permit (CUP) approval. *Redmond Community Development Guide (RCDG) 20C.30.20-030*. However, monopoles proposed to exceed the height limits of the underlying zone are required to undergo Essential Public Facilities permit review in place of CUP review. *Exhibit 1, page 9; Johnson Testimony; RCDG 20D.170.45-080(4)*.
- 3. The subject property currently contains two PSE high-tension transmission lines that cross the property east to west. The South Kern site is surrounded by residential development in the R-4 zoning district. *Exhibit 1, page 3; Exhibit 1, Attachments 1 and 2*.
- 4. The City of Redmond Comprehensive Plan contains policies governing the placement and height of telecommunications facilities. Staff identified the following policy as applicable to the instant application:
 - UT-106 When the need for line of sight transmission creates a need to have telecommunications facilities mounted at heights exceeding the structures or trees generally found in an area, they shall be required to

_

¹ RCDG 20A.20.050 defines Essential Public Facility as follows: A facility, conveyance, or site whose services are provided by a governmental agency, a private or nonprofit organization under contract to or with substantial funding from government agencies, or a private organization subject to public service obligations, which is necessary to adequately provide a public service and which is typically hard to site.

² The subject property is known as Assessor's Parcel # 3626059057. Its legal description, abbreviated per Assessor Records, is: N 250 FT OF SW 1/4 OF NW 1/4 LESS S 50 FEET THOF LY ELY OF NLY PROD OF WLY MGN OF 166TH AVE NE AKA PCL 2 REDMOND LLA #SS-84-24 REC #8411281022 - TCO 17-1438. *Exhibit 1*, *Attachment 11*, *Sheet 1*.

first consider mounting the facilities on existing high structures such as water towers or existing telecommunications towers. In cases where new facilities are built, they shall locate in close proximity to other such tall structures or be incorporated into the design features of other structures.

Exhibit 1, Attachment 18.

- 5. The proposed scope of work would include replacement of an existing 62-foot power pole with a 105-foot tall glu-lam pole that would be topped by a 15-foot canister (approximately same diameter as the pole) that would completely contain the six antennas. The total height proposed is 120 feet. All cables connecting the antennas to the ground equipment would be concealed within the monopole. A 150 square foot concrete pad is proposed, on which all equipment cabinets to serve the monopole would be located. The proposed structure would provide the opportunity for future co-location by another WCF. *Exhibit 1, page e; Exhibit 1, Attachment 12; Cady Testimony*.
- 6. The proposal includes a solid visual screen around the ground equipment consisting of a chain link fence with privacy slats and landscaping consistent with the City's Type I planting. Proposed plantings would consist of trees and groundcover; existing shrubs and small trees would be retained where they provide equal or better screening than is required. The plantings would be irrigated. *Exhibit 1, page 4; Exhibit 1, Attachment 11, Sheets L-1 and L-2*.
- 7. There is a depressional wetland (Wetland A) near the center of the subject property. In the Applicant's professionally prepared Wetland and Stream Assessment, Wetland A is identified as a Class VI wetland. The Redmond critical areas ordinance categorizes the proposed WCF as a high impact use; as such, it must provide a 50-foot buffer from a Class IV wetland. Feeding Wetland A is a Class IV intermittent (seasonal) stream flowing north-south, bisecting the site near its midpoint. The stream is rated Class IV and must be provided with a 25-foot buffer from the ordinary high water mark. There is a DNR Type N stream 315 feet to the northeast of the site. All proposed site improvements would be located outside of the critical areas and associated buffers on-site and no impacts to the critical areas are anticipated. *Exhibit 1, page 6; Exhibit 1, Attachment 16.*
- 8. A tree survey, conducted within an area extending 15 feet beyond the proposed improvements, identified five significant trees. All five trees would be retained. *Exhibit 1, page 5; Exhibit 1, Attachment 11, Sheet L-3*.
- 9. Prior to application submittal, the Applicant held a public meeting on March 25, 2009 to address any community concerns about the proposed WCF. At least 21 days in advance, the Applicant mailed notice of the public meeting to property owners within 500 feet of the site. Aside from City and Applicant representatives, no one attended the March 25, 2009 public meeting. *Exhibit 1, page 10; Johnson Testimony; Exhibit 1, Attachment 7.*

- 10. In August 2009, the Applicant submitted a Community Involvement Plan, which was reviewed and accepted by the Planning Director. The plan detailed the Applicant's efforts at community involvement in the project planning process. *Exhibit 1, Attachment 14*.
- 11. The Essential Public Facilities application was submitted on October 27, 2009 and deemed complete on the date of submission. *Exhibit 1, page 2; Exhibit 1, Attachment 3*. Notice of the application was published on November 9, 2009 by posting at City Hall, the Redmond Regional Library, and at the subject property. Notice was mailed to property owners within 500 feet of the site. *Exhibit 1, page 3; Exhibit 1, Attachment 5*.
- During the comment period on the notice of application, the City received one public comment expressing concerns regarding potential visual impacts, impacts to property values, interference with FM radio reception, and health concerns (stated simply as "radiation"). The City also received two phone calls. *Exhibit 1, Attachment 6*.
- 13. As requested by the Planning Director, the Applicant scheduled a second public meeting on January 6, 2010 to address the concerns raised by members of the public. Notice was distributed to persons who commented on the application, all of whom submitted positive RSVPs for the public meeting. Only one person attended the January 6th meeting; that person expressed preferences concerning the species to be utilized in the required landscaping. *Exhibit 1, Attachment 14; Exhibit 1, page 10*. The Applicant corresponded by email after the meeting with at least one member of the public who was unable to attend, providing answers to questions. *Exhibit 1, Attachment 15*.
- 14. T-Mobile has experienced rapid growth in demand in the last few years, at an average rate of 40% nationally. This rate of growth is anticipated to continue. Customer demand has expanded from commercial and transportation corridors into residential areas, including the north Redmond area. In its project narrative, the Applicant noted that wireless phone service has become a public safety issue, with an average of 200,000 wireless 9-1-1 calls daily. *Exhibit 1, Attachment 12; Cady Testimony*.
- 15. The instant WCF is proposed to address an identified coverage gap in T-Mobile service in the vicinity of the South Kern site. The coverage gap was identified through customer complaints, service requests, and ongoing design analysis conducted by the Applicant. The "search ring", or area of potential WCF placement to address the coverage gap, was centered on the intersection of 166th Avenue NE and NE 112th Street. The proposed site was selected based on its location relative to existing facilities, which results in favorable site geometry for federally mandated E911 location accuracy requirements. *Exhibit 1, Attachment 12; Cady Testimony*.
- 16. The exact location proposed for the monopole was selected to maximize coverage while minimizing required antenna height. In project development, several alternatives were investigated, including: 1) the use of a 60-foot pole in the same location; 2) the use of 80, 100, and 120-foot poles in the same location; 3) installation of several shorter poles in strategic locations in the vicinity; and 4) placement of the WCF on an existing structure. An Applicant radio frequency engineering consultant submitted a site analysis concluding

that a pole shorter than 120 feet would not provide the needed coverage to address the identified need. The site analysis similarly concluded that due to topography and existing tree cover in the vicinity, the method of strategic multiple shorter pole placement would not be effective. The existing structures in the PSE utility corridor are power transmission poles. PSE denied permission for WCF placement on power poles for safety reasons. The Applicant also concluded that power pole placement in the instant case would not be acceptable due to resulting maintenance problems and power-outage requirements. The final conclusion of the Applicant's site analysis was that only a 120-foot monopole structure would address the identified coverage gap. *Exhibit 1, Attachments 12 and 19; Cady Testimony*.

- 17. The Applicant's site analysis was reviewed by a third party consultant on behalf of the City. The third party consultant report concluded the following: 1) there is a coverage gap for T-Mobile service in the vicinity; 2) multiple shorter structures would not be effective to address the gap; 3) a single, shorter pole would not provide the needed service due to significant interference from trees and terrain; 4) adequate coverage could be provided by a 100-foot monopole, but a 100-foot structure would not provide the required co-location opportunity; and 5) an above ground equipment shelter could be adequately screened by fencing and vegetation such that it would not have adverse visual impacts on surrounding residential development. *Exhibit 1, Attachment 13*.
- 18. The Planning Director did not require consideration of sites outside the City of Redmond because such sites would fail to provide the coverage needed in the vicinity of the proposal. No multijurisdictional review was required and no fiscal impacts were identified. *Exhibit 1, pages 9-10*.
- 19. In order to minimize visual impacts on surrounding uses, known as "stealthing" in the WCF industry, the Applicant considered several types of antennas and structures: flush mounted antennas; canister-enclosed antennas; round wood poles; glu-lam poles³; placement on a flag pole; or a monopine, which is a man made structure designed to resemble a tree in that the antennas are interspersed among artificial tree branches. Although the Planning Department favored a monopine, PSE objected to such a structure due to the potential for interference with power transmission lines. The final proposal calls for a glu-lam monopole 105 feet tall with a 15-foot canister on top in which proposed antennas would be fully enclosed. All cables connecting the WCF to the ground equipment would be placed inside the monopole. The Applicant provided photo simulations showing before and after images of the existing power pole in contrast to the proposed monopole with power lines, depicting anticipated visual impacts. According to the Applicant, a glu-lam monopole topped by a canister enclosed antenna array would provide the best aesthetic result as well as the best technical optimization of the wireless network. Exhibit 1, page 11; Exhibit 1, Attachments 12 and 17.
- 20. Section 704 of the Federal Telecommunications Act of 1996 prohibits local governments from restricting the siting of WCF on the basis of environmental or health effects from

Findings, Conclusions, and Recommendation Redmond Hearing Examiner South Kern Wireless Communication Facility, No. L090455

³ A glu-lam pole is made of laminated wood and is typically rectangular. *Exhibit 1, Attachment 12*.

radio frequency transmissions. The federal law states (in pertinent part): "No State or local government ... may regulate the placement, construction, or modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions." *Exhibit 1, Attachment 20*.

- 21. The City of Redmond was designated lead agency for review of the proposal's compliance with the requirements of the State Environmental Policy Act (SEPA). Based on a review of the Applicant's SEPA Environmental Checklist and SEPA Application, the City determined that the requirements of environmental analysis and protection would be adequately addressed through compliance with the City's regulations and Comprehensive Plan, as well as applicable state and federal regulations. The City issued a Determination of Non-Significance (DNS) on December 1, 2009, concluding that the project would not have probable significant adverse impacts on the environment. No appeals were filed and the DNS became final. *Exhibit 1, page 4; Exhibit 1, Attachments 4, 8, and 9*.
- 22. Notice of the SEPA environmental threshold determination was issued on December 1, 2009, by posting and mailing to all parties of record, state and local agencies, and property owners within 500 feet of the site. *Exhibit 1, page 4; Exhibit 1, Attachment 8.*
- 23. Notice of public hearing was posted on-site, at City Hall, and at the Redmond Regional Library on February 10, 2010. Notice of hearing was mailed to property owners within 500 feet of the site and to parties of record. Notice of hearing was included in a one-time newspaper publication. *Exhibit 1, page 4; Exhibit 1, Attachment 10; Exhibit 5*.
- 24. The City received an additional written public comment on the proposal, expressing concerns regarding: impacts to property values; health risks; and interruption to FM radio reception. *Exhibit 4*. Two persons who had commented on the notice of application submitted comments after notice of hearing indicating that they wished to withdraw their concerns based on further clarification of the proposal. *Exhibit 2*. No members of the public testified at the public hearing.
- 25. After reviewing all submitted information and comment, the Technical Committee recommended approval of the Essential Public Facilities permit with conditions. One recommended condition of approval would require review of the permit every five years in order to ensure the monopole remains consistent with the requirements for Essential Public Facilities approval. Another requires compliance with state and federal WCF regulations regarding EMF emissions. *Exhibit 1, pages 13-17; Johnson Testimony*.
- 26. The Applicant reviewed and concurred with the recommended conditions of approval. *Cady Testimony*.

/ /

CONCLUSIONS

Jurisdiction:

Pursuant to RCDC 20F.40.80-030 and 20F.30.45-015, the Hearing Examiner has jurisdiction to hear conditional Essential Public Facilities requests and make a recommendation to the Redmond City Council for approval, approval with conditions, or denial of the application.

Criteria for Review:

Pursuant to the City of Redmond's wireless communication facilities provisions at RCDG 20D.170.45-020(1)(e)(v) and 20D.170.45-070 (1), wireless monopoles are regulated by the subsections that govern broadcast and relay towers.⁴

Pursuant to 20D.170.45-080, Special Exceptions, subsection (4), an applicant of a proposed broadcast and relay tower that exceeds height limits shall be required to use the Essential Public Facilities⁵ process at RCDG 20F.40.80 for site and height approval.

Pursuant to RCDC 20F.40.80-050, the following criteria shall be used to make a determination on an application for Essential Public Facilities:

- (1) An applicant may have one or more alternative sites considered at the same time during this process.
- (2) The Director has the authority to require the consideration of sites outside the City of Redmond. Alternative sites shall cover the service area of the proposed essential facility. This criteria is not applicable to secure community transition facilities.
- (3) An amplified public involvement process shall be required. The purpose of the public involvement process is to involve the persons within the zone of likely and foreseeable impacts if the involvement process has the potential to lead to a more appropriate design/location. The public involvement process could also lead to

⁴The preamble to the City's broadcast/relay tower provisions provides as follows: In addition to implementing the general purposes of the Comprehensive Plan and development regulations, this section addresses the issues of appearance and safety associated with broadcast and relay towers, ... and related equipment. It provides adequate siting opportunities at appropriate locations within the City to support existing communications technologies and to encourage new technologies as needed for Redmond businesses and institutions to stay competitive. A wide range of locations and options for the provision of wireless technology which minimize safety hazards and visual impacts sometimes associated with wireless communication facilities are provided. The siting of facilities on existing buildings or structures, collocation of telecommunication facilities on a single support structure, and visual mitigation tactics are encouraged to preserve neighborhood aesthetics and reduce visual clutter in the community. *RCDG 20D.170.45-010*.

⁵ 20F.40.80-010 (Essential Public Facilities) The purpose of this section is to provide a process to site necessary public uses that may otherwise be difficult to site. This process involves the community and identifies and minimizes adverse impacts. Essential public facilities ... include (but are not limited to) schools, water transmission lines, sewer collection lines, fire stations, hospitals, jails, prisons, airports, solid waste transfer stations, highways, and storm water treatment plants. ...

development of incentives or to address modifications to the facility which would make siting of that facility more acceptable.

- (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.
- (4) 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. This requirement is not applicable to secure community transition facilities.
- (5) An analysis of the facility's impact on City finances shall be undertaken. Mitigation of adverse financial impacts shall be required.
- (6) The following criteria shall be used to make a determination on the application:
 - (a) Whether there is a public need for the facility;
 - (b) The impact of the facility on the surrounding uses and environment, the City and the region;
 - (c) 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;
 - (d) Whether a package of incentives can be developed that would make siting the facility within the community more acceptable;
 - (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;
 - (f) Whether the proposed essential public facility is consistent with the Redmond Comprehensive Plan;
 - (g) If a variance is requested, the proposal shall also comply with the variance criteria:
 - (h) Essential public facilities shall comply with any applicable State siting and permitting requirements.

Other code provisions with which the Applicant must demonstrate compliance:

20D.170.45-080 Special Exceptions.⁶

- (1) Special Exception Criteria.
 - (a) The applicant shall justify the request for a Special Exception by demonstrating that the obstruction or inability to receive a communication signal is the result of factors beyond the property owner's or applicant's control, taking into consideration potential permitted development on adjacent and neighboring lots with regard to future reception window obstruction. Pictures, drawings (to scale), maps and/or manufacturer's specifications, and other technical information as necessary, should be provided to demonstrate to the City that the Special Exception is necessary.
 - (b) The applicant for a Special Exception shall demonstrate that the proposed materials, shape, and color of the antenna(s) will, to the greatest extent possible, minimize negative visual impacts on adjacent or nearby residential uses and recreational uses in the Agriculture and Urban Recreation zones and shoreline areas. The use of certain materials, shapes and colors and landscaping may be required in order to minimize visual impacts.

Conclusions Based on Findings:

Essential Public Facilities

1. There was a question at hearing as to whether the hearing had been properly noted as an essential public facilities application, in light of the requirement at RCDC 20D.170.45-020 Permits and Exemptions (1 (e)(iv) that all broadcast and relay towers and other freestanding support structures for telecommunications facilities require a building permit and a conditional use permit (Type IV). RCDG 20D.170.45-080, which establishes exceptions to the foregoing provisions for wireless communication facilities, specifies that any overheight structure undergo the Essential Public Facilities process in place of the other processes established in earlier subsections of the title. The City Council should conclude that the application was properly noticed and heard as an Essential Public Facility.

⁶ The preamble to the City's special exceptions provisions for WCFs provides as follows: When adherence to all development standards of this section would result in a physical barrier which would block signal reception or transmission or prevent effective communication in all permissible locations, a Special Exception may be permitted provided [...] criteria ... are met. ... The final approval authority for granting of the Special Exception shall be the same as that of the permit approving the antenna(s) location. A request for a Special Exception shall be processed in conjunction with the permit approving the antenna(s) location and shall not require any additional application or fees. Upon review of Special Exception requests, the approval authority shall consider first those standards having the least effect upon the resulting aesthetic compatibility of the antenna(s) or tower with the surrounding environment. The approval authority shall review setback, size, screening requirements, and height limits. *RCDG* 20D.170.45-080.

- 2. The proposal included review of multiple sites and multiple configurations. The record presented would not support any WCF structure on-site other than a monopole in the proposed location. *Findings 15, 16, and 17*.
- 3. Because the coverage gap is located in the vicinity of the subject property, and because the available technology requires placement of WCF near the area intended to be covered, the Director did not require evaluation of sites outside the city. No multijurisdictional review was required. As no fiscal impacts were identified, no mitigation of fiscal impacts should be required. *Finding 18*.
- 4. The Applicant's Community Involvement Plan was reviewed and accepted by the Planning Director. The Applicant hosted two public meetings to address concerns raised by the public, with adequate notice sent in advance of each event. The Applicant continued to answer questions of the members of the public via email after the second meeting. The Council should conclude that the amplified community involvement requirement was satisfied. *Findings 9, 10, and 13*.
- 5. The Council should conclude that there is a public need for a WCF at the proposed location. The record presented supports the assertion that the availability of wireless service is increasingly a matter of public safety as more people come to rely on wireless phones in more places. Evidence in the record from both the Applicant's engineer and the City's third party consultant confirms the existence of a coverage gap for T-Mobile service in the project vicinity. *Findings 14 and 15*.
- 6. The Council should conclude that, as conditioned, the proposed WCF would not adversely affect surrounding uses or the environment, and that adequate incentives are shown that make the proposed siting in the R-4 zone acceptable. Multiple WCF configurations were considered, including different types of antennas and pole structures, the placement of the WCF on an existing power pole, different structure heights, and the use of multiple shorter poles to provide service. The record supports the conclusion that only a 100-foot monopole structure can provide the service needed due to terrain, tree height, and the relative locations of other existing WCF facilities. Because the City Code requires co-location of WCF facilities, the extra 20 feet of pole height should be approved. The facility would be located in an existing utility corridor where there are other tall utility poles. The photo simulations submitted do not show that the WCF would be out of character with the other utility structures in the area. Recommended conditions of approval would ensure that the landscaping and fencing adequately screens the appearance of the equipment cabinets from surrounding residential uses. Conditions would also require review the WCF every five years to ensure ongoing need and compliance with criteria for approval. The use of a wood pole with a metal canister would not be inconsistent with surrounding uses or zoning. Given the implications for public safety and convenience, improved wireless service is an incentive that makes the WCF acceptable in the R-4 zone. The proposal was reviewed for compliance with the requirements of SEPA and a DNA was issued and not appealed. There will be no significant adverse environmental impacts. All proposed development would be outside

- the on-site critical areas and associated buffers. No significant or landmark trees would be removed. *Findings 5, 6, 7, 8, 16, 17, 19, 20, and 21*.
- 7. The Council should conclude that the proposal is consistent with the Comprehensive Plan. Comprehensive Plan Policy UT-106 acknowledges and supports the assertion that a 100-foot minimum pole height is required to provide service, because trees in the area are 100 feet tall and the terrain includes hills. None of the existing structures that tall are appropriate for WCF placement due to the inherent incompatibilities between high-tension power transmission poles and WCF poles. The proposed new WCF would be located in close proximity to existing tall power transmission line poles within a site dedicated to utilities. *Findings 4, 16, 17, and 19*.
- 8. No variances were requested; the project was reviewed under special exception standards via the Essential Public Facilities process.
- 9. Conditions of approval address compliance with state and federal telecommunications regulations. *Finding 25*.

Siting Requirements, Special Exception Criteria:

- 10. The City Council should conclude that the obstruction or inability to receive and transmit signal is beyond the Applicant's control. The requested structure height exception is the result of terrain and existing vegetation. *Findings 16 and 17*.
- 11. The Council should conclude that the proposed materials and configuration of the WCF minimize impacts to surrounding residential uses. Although the photo simulations show the pole is tall, it is not out of character with and does not have a worse visual impact than the metal transmission line support structures. The antennas would be enclosed and the equipment cabinets would be screened from view. The WCF would look like a tall utility pole located in a residential district on a 6.63-acre utility site. *Findings 16, 17, and 19.*

RECOMMENDATION

Based on the preceding findings and conclusions, the requested Essential Public Facilities permit for a 120-foot wireless communications facility monopole with fully enclosed antennae and screened outdoor equipment cabinets at the South Kern PSE site in Redmond, Washington **SHOULD BE APPROVED**, subject to the following conditions:

A. Site Specific Conditions of Approval

The following table identifies those materials that are approved with conditions as part of this decision. The "Date Received" is the date that is stamped as "Received" by the Development Services Center.

Item	Date Received	Notes
Plan Set, [pages T-1, G-1]	10/27/09	and as conditioned herein.
[pages A-1, A1.1-A1.3]		

[Pages A-2 – A-6] Conceptual Landscaping & Tree Preservation Plan [pages L1 – L3]		
SEPA Checklist	10/27/09	and as conditioned herein and as conditioned by the SEPA threshold determination on 12/01/2009.

The following conditions should be reflected on the Civil Construction Drawings, unless otherwise noted:

Public Works Transportation and Engineering

Reviewer: Patty S. Criddle, Engineer

Phone: 425-556-2736

Email: pscriddle@redmond.gov

a. Street Lighting. Any disturbance to illumination of NE 111th Street and 166th Avenue NE along the property frontage must be restored to existing condition. Contact Paul Cho, Transportation Operations at (425) 556-2751 with any questions.

2. Public Works – Water and Sewer

Reviewer: Jim Streit, P.E., Sr. Utility Engineer

Phone: 425-556-2844

Email: jstreit@redmond.gov

a. Water Service. Water service is not required for this project. (Code Authority: RCDG 20D.220.020)

b. Sewer Service. Sewer service is not required for this project. (Code Authority: RCDG 20D.220.020)

3. Public Works – Stormwater/Clearing and Grading

Reviewer: Jeff Dendy, Senior Engineer

Phone: 425-556-2890

Email: jdendy@redmond.gov

a. Temporary Erosion and Sediment Control (TESC).

i. Rainy season work permitted October 1st through April 30th with an approved Wet Weather Plan.

(Code Authority: RMC 15.24.080)

4. Planning Department

Reviewer: Thara Johnson, Associate Planner

Phone: 425-556-2470

Email: tmjohnson@redmond.gov

- a. Tree Preservation Plan. Prior to issuance of the building permit the applicant shall submit a Tree Preservation Plan depicting all significant and landmark trees required to be preserved as part of the site development. A plan showing the location of preserved trees and containing protection language approved by the City shall be shown on the face of the deed or similar document and shall be recorded with the King County Department of Records and Elections. (Code Authority: RCDG 20D.80.20-070(4)(b))
- **b. Applicable Permits**. Essential public facilities shall comply with any applicable State siting and permitting requirements
- **c. Landscaping**. Prior to issuance of the building permit the applicant shall submit a final landscape plan to the Planning Department for review and final approval. The plan shall comply with and/or identify the following;
 - 1. A qualified landscape architect shall prepare the plan.
 - 2. The plan shall identify proposed plantings at the base of the monopole and around the ground equipment screening (fence). A variety of native, drought tolerant species, including medium and tall shrubs, soil amendments and other planting related details shall be identified at the base of the of monopole and around the ground equipment screening (fence). A detailed Plan Schedule shall also be provided.
 - 3. The required landscape bond, as listed under the attached General Planning Approval Conditions shall also cover the cost of the fence, labor and materials.
- **d. Monopole**. The monopole shall comply with the following standards:
 - 1. The monopole (including the antennas) shall not exceed 120' in height inclusive of a 15' high canister. All cables shall be contained within the monopole structure, and antennas shall be contained in a canister (shroud). No exterior conduit, running up the sides of the monopole, shall be permitted.

- 2. Any exterior lighting fixtures used to illuminate the equipment at the base of the monopole shall be identified with the building permit submittal. Fixtures shall be of a type that does not permit upward glare into the night sky. Such fixtures are also known as "cut-off" fixtures. Light trespass onto adjacent properties shall not be permitted. Light fixture details, which demonstrate how lighting will be restricted, shall be provided with the building permit application.
- 3. The facility owner shall remove the monopole and associated ground mounted equipment within 12 months of the date the facility ceases to be operational, or if the facility falls into disrepair and is not maintained. Disrepair includes structural features, paint, landscaping, or general lack of maintenance, which could result in safety or visual impacts. The conditions shall apply even in the event of ownership change of the facility.
- 4. From the date of this approval, the monopole shall be reviewed for continued use at 5-year intervals. Rapid technological advancements, changing markets, and regulatory interpretations indicate the need to periodically review the appropriate design of broadcast and relay towers and monopoles. The applicant or future owner, or operator, of the monopole shall be responsible for contacting the City of Redmond 5 years from the date of this approval, and at following 5 year intervals, to begin the process of reviewing the appropriate design of the monopole. The City reserves the rights to require redesign of the monopole and attached antennas if advancements in technologies dictate.

B. Compliance with City of Redmond Codes and Standards

This approval is subject to all applicable City of Redmond codes and standards, including the following:

Transportation and Engineering

RCDG 20D.220: Utility Standards

RMC 12.08: Street Repairs, Improvements & Alterations

RMC 12.12: Required Improvements for Buildings and Development

RCDG 20F.20.60-050: Preconstruction Conference RCDG 20F.30.60-060: Performance Assurance

RCDG Appendix 20D-3: Construction Specification and Design Standards for

Streets and Access

City of Redmond: Standard Specifications and Details (current edition)

Stormwater/Clearing and Grading

RMC 15.24: Clearing, Grading, and Storm Water Management

RCDG 20D.80.10-150(8): Planting Standards RCDG 20D.140.10: Critical Areas

RCDG 20D.140.40: Frequently Flooded Areas
RCDG 20D.140.50: Critical Aquifer Recharge Areas
RCDG 20D.140.60: Geologically Hazardous Areas

RCDG 20F.40.40 Conditional Use

City of Redmond: Standard Specifications and Details (current edition)
City of Redmond: Stormwater Technical Notebook, Issue No. 5 (2007)
Department of Ecology: Stormwater Management Manual for Western

Washington (revised 2005)

Fire

RMC 15.06: Fire Code

RCDG Appendix 20D-3: Construction Specification and Design Standards for

Streets and Access

City of Redmond: Fire Department Design and Construction Guide 5/6/97

City of Redmond: Fire Department Standards

Planning

RCDG 20D.40: Design Standards RCDG 20D.60 Impact Fees

RCDG 20D.80: Landscaping and Tree Protection RCDG 20D.90: Exterior Lighting Standards

RCDG 20D.100: Noise Standards

RCDG 20D.120: Outdoor Storage and Service Areas

RCDG 20D.140: Critical Areas

RCDG 20D.170.45 Special Uses – Telecommunication Facilities

RCDG 20F.40.80 Essential Public Facility

RCDG Appendix 20D-2: Critical Areas Reporting Requirements

Building

2006 International Building Codes (IBCs)

2006 Uniform Plumbing Code

2006 International Residential Code (IRC)

Recommended for the consideration of the Redmond City Council on March 17, 2010

By:

Sharon A. Rice

Toweill Rice Taylor LLC

harmario

City of Redmond Hearing Examiner