STAFF REPORT

To: Douglas County Hearing Examiner
From: Jamie Weir, Associate Planner
Subject: Replacing existing telecommunication tower, CUP-09-01
Hearing Date: June 18, 2009

I. GENERAL INFORMATION

Proposal: A conditional use permit to replace the existing telecommunication tower. The existing 60' wood telecommunication tower will be replaced by a 120' steel telecommunication tower. New antennas will be placed on the new telecommunication tower at approximately 123'.

Location: The subject property in located off Kropp Road. The property is further described being in Section 5 Township 29N Range 25 E.W.M. The Douglas County Assessor Number for the subject property is 29250510001.

II. SITE PLAN INFORMATION

Site Characteristics: The subject property is 551 acres, characterized as broad, gently rolling, flat uplands with a plateau. A portion of the plateau is currently utilized as a telecommunication facility. The portion of the site has a residence and two out buildings along with pasture planted with wheat.

Zoning: The subject property is located within the Dryland Agriculture (AD) and Rural Resource 20 (RR-20) Zoning District, which telecommunication facilities can be permitted via a conditional use permit.

III. COMPREHENSIVE PLAN

The Douglas County Countywide Comprehensive Plan designates this property as Dryland Agriculture and Rural Resource 20. The following goals and policies set forth in the comprehensive plan are relevant to this development:

Utilities:

GOAL: Development in Douglas County will only occur in conjunction with the availability of adequate, cost effective provision of utilities. The installation and expansion of the utilities will be coordinated to minimized cost and disruption of normal activities.

U-3: Utility and energy facilities with the least impact to the public health, safety and environment are encouraged.

U-4: Require that development take into account the timely and concurrent provision of adequate and efficient utility systems.

U-5: Provide utilities at service levels that are appropriate for the specific land uses and areas, thereby avoiding excess capacities that may encourage growth beyond the desired densities of an area.

U-10: Promote the continued use, maintenance, development and revitalization of existing utilities whenever possible.

IV ZONING CODE AND DEVELOPMENT STANDARDS:

Applicable provisions and requirements of DCC 18.40 – Dryland Agriculture (A-D) Zoning District:

The subject property is within the Dryland Agriculture (A-D) Zoning District, which allows for distribution and transmission facilities as conditional uses.

Applicable provisions and requirements of DCC 18.31 – Rural Resource 20 (RR-20) Zoning District:

The subject property is within the Rural Resource 20 (RR-20) Zoning District, which allows for distribution and transmission facilities as conditional uses.

Applicable provisions and requirements of DCC 18.76.080 – Telecommunication Facilities:

The subject project shall be reviewed as quasi-judicial because the telecommunication facility is within 10 miles of the Bridgeport Urban Growth Boundary.

The following standards shall be addressed when locating a telecommunications facility:

1) General.
    a) Broadcast and relay towers shall not be used for signage, symbols, flags, banners, or other devices or things attached to or painted or inscribed upon any telecommunication facility for the purposes of displaying a message of any kind, except as required by a governmental agency.
    b) Facilities shall not be used for purposes other then the intended use approved by the review authority, and other local and state agencies.
    c) The construction and installation of antenna support structures, antennas, antenna arrays, the installation or placement of

antenna arrays on buildings, and the placement of antennas on alternate antenna support structures, shall be subject to the requirements of the Uniform Building Code (UBC).

d) Telecommunication facilities shall be designed in a manner that would not require artificial lighting, except as required by the Federal Aviation Administration or other governmental agency.

2) Setback and Yard Areas.
   a) Where permitted, broadcast and relay towers shall be constructed and installed as far away from existing off-site buildings as is reasonable possible, and in no event nearer to any public road, alley, off-site primary or accessory structure, railroad track, or public parks than a minimum distance of one hundred fifteen percent of the height of the tower.
   b) Telecommunication facilities reviewed under this chapter shall not be located within any required building setback or yard area.
3) Minimum Lot Size. The minimum lot size of the district may be waved by the review authority on finding that the waiver will not result in adverse impact from noise, light, glare, drainage or other detrimental effects to adjacent property. This waiver shall not be construed as an exemption from requirements of DCC Title 17 and Chapter 58.17 RCW.
4) Design Considerations.
   a) To the extent technically feasible and in compliance with safety regulations, specific colors of paint, camouflage or other means may be required for the broadcast and relay tower in order to blend better with its natural surroundings.
   b) Applications shall document that the proposed tower and any mounting bases are designed to withstand wind and seismic loads as established by the Uniform Building Code and the DCC.
   c) Facilities located within rural or agricultural districts, (except devices co-located on existing tower or facility structures, rural service centers or master planned resorts), and when not located within a tower farm shall be screened from public view with one or a combination of the following methods: natural geographical features such as ridgetops or topography, vegetation, fencing, walls or structures.

V. ENVIRONMENTAL REVIEW

Douglas County issued a Determination of Non-significance on May 12, 2009 in accordance with WAC 197-11-355 (optional DNS).

VI. Agency Comments

Affected public agencies have been given an opportunity to comment on the proposal. Agency comments have been included as Attachment A. No public comments were submitted on this proposal at the time of staff review.

VII. PROJECT ANALYSIS

In reviewing this proposal, staff considered the goals and policies of the Douglas County Wide Comprehensive Plan, Douglas County Code, public and agency comments, any identified environmental concerns and state and federal requirements. Identified below is planning staff's analysis and consistency review for the subject application.

Comprehensive plan consistency:

The proposal is consistent with the goals and policies of the Douglas County Countywide Comprehensive Plan. The development is within the unincorporated portion of the County-wide Comprehensive Plan and meets the goal of developing and providing utility services to accommodate the growth of the area. The provision of distribution and transmission facilities at this site will increase and improve telecommunication service in the area.

Consistency with the provisions of the A-D Zoning District, Chapter 18.40, D.C.C:

The proposed project is consistent with the development and performance standards of the district.

Consistency with the provisions of the RR-20 Zoning District, Chapter 18.31, D.C.C.:

The proposed project is consistent with the development and performance standards of the district.

Applicable provisions and requirements of D.C.C. 18.76 – Telecommunication Facilities:

This proposal is consistent with all of the reviewing criteria for utility facilities and the general requirements of the applicable chapter. The applicant has an existing lease allowing Verizon Wireless to access the existing telecommunication facility.

The preference outlined in the code is for telecommunication facilities to co-locate their service on existing towers. The applicant has demonstrated that future co-location is possible.

The proposed project is almost a mile from any dwelling unit so the telecommunication facility would not create any negative visual effects on any adjacent dwelling units.

The facility is used for no other purpose than for telecommunication.

Staff does not anticipate any adverse impacts to adjacent property owners form noise, light, glare, drainage or any other detrimental effects. The telecommunication facility will be unattended by personnel and is self-supported, the extensions or urban services other than electricity and telephone will not be required.

Consistency with the provisions of D.C.C. Chapter 18.80 "Conditional Use":

The Project is consistent with the review criteria established for telecommunication facilities established in D.C.C. 18.80.

Consistency with the provisions and requirements of D.C.C., Chapter 19.18D, "Resource Lands/Critical Areas-Geologically Hazardous Areas":

The geotechnical report submitted by the applicant's engineer identified specific requirements for construction of the telecommunication facility. Staff recommends that the conclusions and recommendations of the geotechnical report be incorporated into the building permit application.

Consistency with Title 20, "Development Standards", D.C.C.:

As conditioned the proposal appears consistent with the development standards of Title 20, D.C.C.

Agency Comments:

The Douglas County Building Official has stated that a building permit is required for the proposed tower and ground structures. The applicant must provide a completed building permit application form. Special inspections as required in the 2006 IVC, including by not limited to: tower connections (high strength bolting), footing reinforcement, concrete, soil and compaction are required. All recommendations included in the Geotechnical Report are required to be implemented.

The Department of Ecology states that if the applicant plans to use water for dust suppression the applicant should make sure that the legal right is there. A water right permit is required for all surface water diversions and for any water from a well that will exceed 5,000 gallons per day.

V. RECOMMENDATION

As conditioned below, this application will not be detrimental to the general public health, safety or welfare and meets the basic intent and criteria associated with Title 18 of the Douglas County Code and the County Wide Comprehensive Plan. Staff recommends approval of CUP#09-01 subject to the following findings of fact and conditions that follow:

Suggested findings of fact:

1. The applicant is Verizon Wireless, 15900 SE Eastgate Way, Bellevue, WA 98008.

2. General Description: Verizon Wireless has submitted a conditional use permit application to replace an existing 60' tall wooden telecommunication tower with a 120' tall steel monopole telecommunication tower.
3. Location: The subject property in located off Kropp Road. The property is further described being in Section 5 Township 29N Range 25 E.W.M. The Douglas County Assessor Number for the subject property is 29250510001.

4. Site Information:

Total Project Size:	+/- 551 acres
Power/Electricity:	Douglas County PUD
Fire Protection:	Okanogan/Douglas Fire District No. 15

5. Site Characteristics: The existing facility is located west of Bridgeport Bar. Access to the telecommunication facility is off of Kropp Road. The site is described as rolling hills with bluffs.

6. Surrounding Property: The surrounding property is farmland.

7. Access: The project accesses off Kropp Road, a public road and continues on a private drive.

8. The site is designated as Dryland Agriculture and Rural Resource 20 in the Countywide Comprehensive Plan and as conditioned is consistent with the goals and policies of the plan.

9. The site is located in the Dryland Agriculture (A-D) and Rural Resource 20 (RR-20) Zoning District classification.

10. Telecommunication facilities are permitted in the Dryland Agriculture (A-D) Zoning District and Rural Resource 20 (RR-20) Zoning District upon approval of a conditional use permit.

11. Comments from reviewing agencies have been considered and addressed where appropriate.

12. Proper legal requirements were met and surrounding property owners were given the opportunity to comment on the proposal at a public hearing.

13. A neighborhood meeting was held on March 4, 2009 at the Columbia Cove Recreation Center in Brewster, Washington.

14. Surrounding property owners were given the opportunity to comment on the proposals, can request a copy of the decision, and can appeal the decision subject to the requirements outlined in DCC Title 14.

15. The applicant has demonstrated siting criteria per D.C.C. 18.76.100(E).

16. Douglas County Transportation and Land Services Department issued Determination of Non-Significance accordance with RCW 43.21C and WAC 197-11-340, on May 12, 2009.

17. RCW 58.17.040 permits the leasing land for facilities providing personal wireless services.

18. Soil mapping from the Natural Resource Conservation Services Department indicate the presence of steep and severe building soils on the subject property. The applicant has submitted a geotechnical report prepared by Adapt Engineering Inc. dated March 19, 2009 in order to meet the requirements of Douglas County Code Chapter 19.18D, "Resource Lands/Critical Areas-Geologically Hazardous Areas."

19. As conditioned, the development will not adversely affect the general public health, safety and general welfare.

20. As conditioned, the proposal is consistent with Title 18, "Zoning"; Title 19, "Environment"; and Title 20, "Development Standards", of Douglas County Code and the goals and policies of the County-wide Comprehensive Plan.

Suggested Conclusions:

1. As conditioned, the development meets the goals, polices and implementation recommendations as set forth in the Douglas County Countywide Comprehensive Plan.

2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.

3. Public use and interests will be served by approval of this proposal.

4. As conditioned, the proposal is consistent with Title 18 "Zoning" and Title 19 "Environment" and Title 20, "Development Standards" of Douglas County Code.

Suggested conditions of approval:

1. The Project shall proceed in substantial conformance with the plans and application materials of file dated March 26, 2009 except as amended by the conditions herein.

2. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.

3. Per D.C.C. 18.76.100; telecommunication service providers shall cooperate with other service providers to grant co-location of antennas.

4. Per D.C.C. 18.76.180; the property owner, applicant and/or co-applicant shall maintain the telecommunication facility and the site in good repair. Such maintenance shall include, but shall not be limited to, painting, structural integrity and landscaping. Failure to maintain the facility may result in enforcement action pursuant to DCC Chapter 14.92, including permit revocation.

5. Per D.C.C. 18.76.200; any telecommunications support structure that has been discontinued for a period of one hundred eighty successive days, or if the antenna(s) mounted thereon are not operated for a period of one hundred eighty successive days, shall be considered abandoned, and the owner thereof shall remove such structure and any accompanying equipment enclosure within ninety days. If such structure and equipment enclosure are not removed, the county may seek and obtain a court order directing such removal and impose a lien upon the real property upon which such structure is situated in an amount equal to the cost of the removal.

6. A commercial building permit needs to be submitted with plans for the replacement tower and site plan.

7. Prior to issuance of the building permit a weed management plan for the site must be submitted to and approved by Douglas County.

8. Prior to issuance of the building permit a off-street parking plan for the site must be submitted to and approved by Douglas County.

9. The building permit shall be signed by the property owner.

Respectfully submitted,

Jamie Weir
Associate Planner

Attachment A