

**STAFF REPORT ON CONDITIONAL USE PERMIT
FILE NO. Z18-271CEL3**

I. SUMMARY OF REQUEST AND RECOMMENDATIONS:

DESCRIPTION OF PROPOSAL: The applicant, Verizon Wireless, on behalf of the property owner, has requested approval of a Type III application from the City Hearing Examiner to allow the construction of a new a 60' wireless communication tower using stealth technology, with supporting ground equipment, in a 50 foot by 50 foot leased area in the rear yard of an existing single family residence located at 1409 E. Wellesley, Spokane, WA.

Recommendation: Staff recommends approval of this application with conditions.

II. GENERAL INFORMATION:

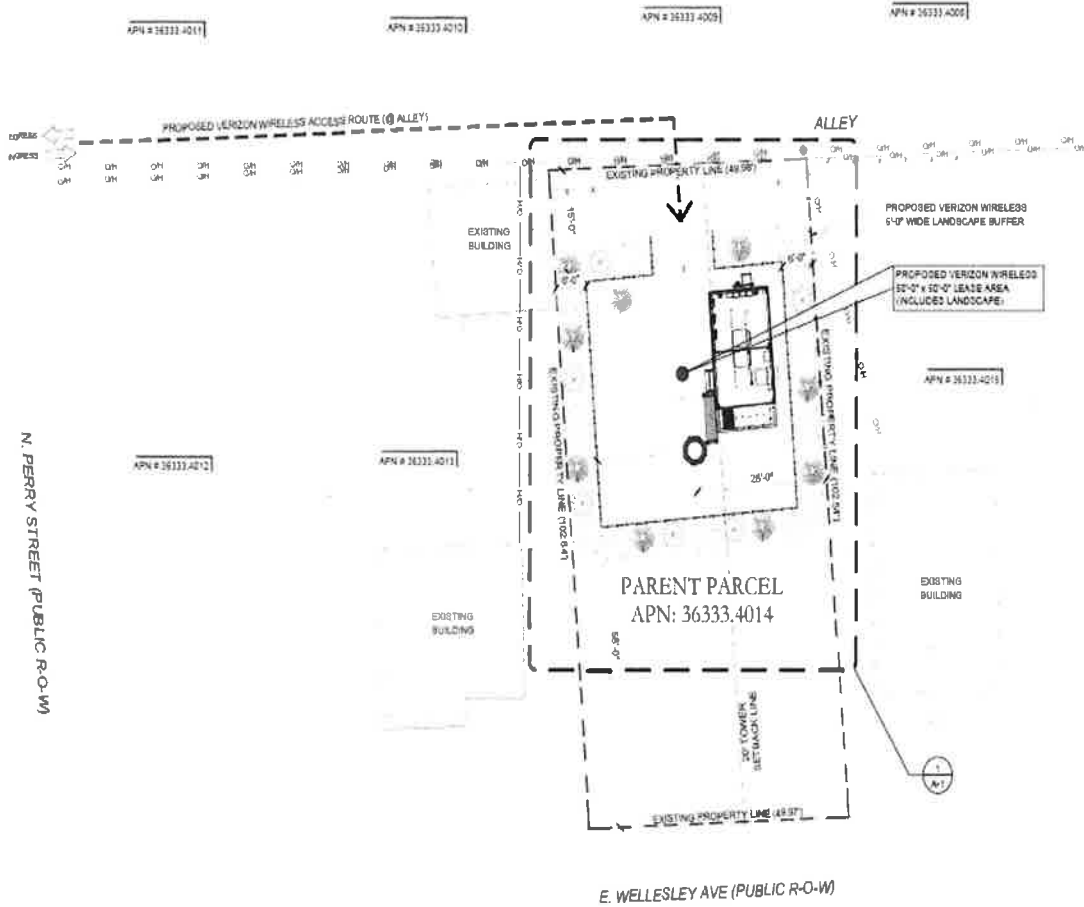
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|----|----------------------------|---|
| A. | Applicant: | Verizon Wireless |
| B. | Agent: | Rod Michaelis
c/o ProLand L.L.C.
P.O. Box 8436
Spokane, WA 99203 |
| C. | Property Owner(s): | James Mahar
8909 E. Maringo Dr.
Spokane, WA 99212 |
| D. | Location of Proposal: | 1409 E. Wellesley
Spokane, WA 99207 |
| E. | Existing Zoning: | "RSF" (Residential Single-Family) |
| F. | Land Use Plan Designation: | R 4-10 |
| G. | SEPA Status: | DNS – May 16, 2018 |
| H. | Enabling Zoning: | SMC 17G.060.170 – Decision Criteria,
and SMC 17C.355A – Wireless
Communication Facilities |
| I. | Hearing Date: | May 31, 2018 – 9:00 a.m. |
| J. | Staff Contact: | Dave Compton |

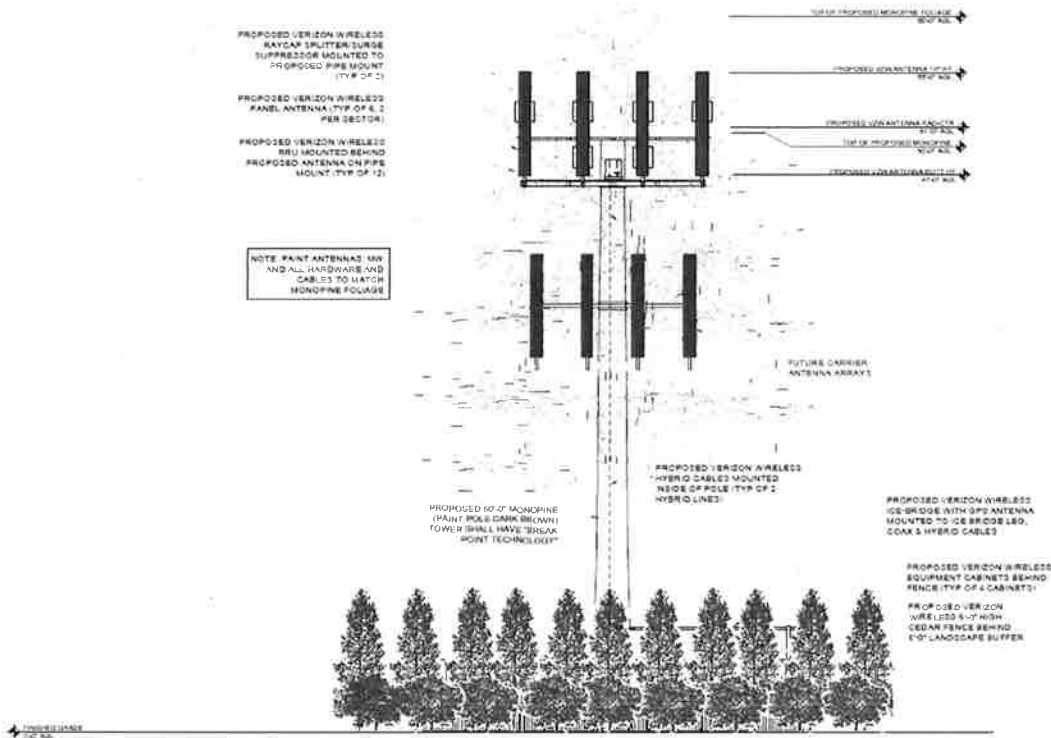
III. FINDINGS OF FACT:

- A. Site Description: The subject property's is that of a typical platted residential parcel in the City of Spokane. It appears that this parcel has never been developed according to available permitting records. It fronts Wellesley Avenue that is a Principal arterial as noted in the city's Proposed Arterial Network Map dated 09/16. The topography of the proposal site is relatively flat and has alley access.



- B. Project Description: The applicant has submitted a Type III application to construct a new 60-foot monopole wireless communication tower using stealth technology, and accessory ground support equipment, within a fenced and landscaped area.





- C. Surrounding Zoning: RSF (Residential Single-Family) abuts the parcel on all sides to include Rogers High School to the South.
- D. Zoning History: The subject property has been zoned RSF since June 2006 with the adoption of the current Comprehensive Plan. Prior to that it was designated R-1 (Residential One-Family).
- E. Adjacent Land Use: The adjacent land use follows the same boundary as the above mentioned zoning categories within the proposal site area, that being R 4-10 on three sides with single family homes and Institutional with Rodgers High School to the south across Wellesley Avenue.
- F. Applicable Zoning Regulations: SMC 17C.120 – Residential Zones; SMC 17C.355A - Wireless Communication Facilities, and SMC 17G.060.170 - Decision Criteria.
- G. Procedural Requirements:
- Community Meeting held on December 21, 2017;
 - Application was submitted on March 12, 2018;
 - Applicant was notified in writing on April 10, 2018 of technically complete status of application;
 - A combined Notice of Application/Notice of Public Hearing was mailed to adjacent property owners and occupants within 400 feet of

the proposal and a sign posted on the subject property on April 20, 2018 which began the 15-day public comment period;

- SEPA Determination of Non-significance issued on May 16, 2018.

IV. DEPARTMENT REPORTS:

Notice of this proposal was sent to City departments and outside agencies for their review and comments. Their comments are included with the file and are made part of this application by reference.

V. CONCLUSIONS

SMC 17G.060.170 - Decision Criteria

A. Criteria.

The intent of the below listed decision criteria procedure is to determine the conditions under which a use may be permitted. Type II or III applications are subject to specific review during which conditions may be imposed to assure compatibility of the use with other uses permitted in the surrounding area. A Type II or Type III Conditional Use Permit may be granted only if the following facts and conditions are found to exist:

1. *The proposal is allowed under the provisions of the land use codes.*

Wireless Communication Facilities are either permitted outright or require a Type II or Type III Conditional Use Permit (CUP) based on location and type of facility. For this application to be allowed in this RSF (Residential Single-Family) zoned location a Type III Conditional Use Permit (CUP) is required if it does not exceed sixty (60') feet in height and stealth design is required.

Table SMC 17C.355A-2 New Wireless Communication Tower Criteria Allowed by Type III Conditional Use Permit				
Zone Category	Located in Public Right-of-way (ROW)	Maximum Tower Height	Stealth Design	Setback from Property Lines[2] (does not apply within ROW)
All R[1]	Yes or No	60'	Required	20'
O, OR, NR, NMU, CC & CA[1]	Yes or No	61' - 70'[3]	Optional[1]	20'
CB & GC[1]	Yes or No	71' - 90'[4]	Optional[1]	20'

- [1] If an applicant wants to construct a tower in a residential zone or within 50' of a residential zone, then stealth design is required.
- [2] See exceptions for locations adjacent to a residence in SMC 17C.355A.070(B).
- [3] An additional 20 feet in height is allowed if applicant uses stealth design.
- [4] An additional 30 feet in height is allowed if applicant uses stealth design.

The development standards found in Spokane Municipal Code (SMC) 17C.355A – Wireless Communication Facilities must be adhered to and completed prior to the issuance of a certificate of occupancy from the Building Department. The application meets all requirements listed under the above mentioned SMC section.

- 2. *The proposal is consistent with the comprehensive plan designation and goals, objectives and policies for the property.*

The applicant noted several specific Comprehensive Plan goals and policies by element and expressed how they would be applicable to this proposal (see applicant's responses #2 on the Type III (CUP) application). Staff also notes additional goals and policies that apply to wireless communication facilities; (1) CFU 3.4 - Natural and Man-Made Disasters and (2) CFU 5.7 - Telecommunication Structures. Both are found in the Capital Facilities and Utilities chapter. These focus on one: being able to provide communications necessary for first responders by having backup generators on site in the event of a power outage cause by natural or man-made disasters; and two: by controlling the visual impact of such facilities by insuring the efficiency of their placement and minimizing the number of such sites through measures such as co-location on existing facilities. This type of proposal will expand and improve the ability of its subscribers to access fire, police, and emergency services through its communications network infrastructure. They address the latter of controlling the visual impact in an existing tower proximity report submitted with the application. This gave reason for the inability to co-locate their facilities on an existing tower or other structure, private or public, which are inside the one-half mile buffer area that would have prohibited any new standalone tower. This new tower will be designed to accommodate the applicant's proposal and one more co-location in the future. (3) Staff also cites ED 6.4 – "Communications Facilities and Networks" in that this new tower will aid in allowing the latest technology to be made available to local residents, educational facilities, and businesses that encourage growth in the economic sector that use or rely on it. (4) Staff notes there is further discussion under Telecommunications noted in chapter CFU 5.14 - Private Utilities that requires the proposed electrical and telecommunications lines be inventoried with the current utilities coordinator. (5) The last element of the Comprehensive Plan that is relevant addresses the Urban Design and Historic Preservation Element in Chapter 8. There DP 3.17 – Telecommunication Facilities discusses controlling the visual impact of such facilities by insuring the efficiency their placement and minimizing the

number of such sites through such measures as co-location on existing facilities. This goal was previously mentioned in CFU 5.7 above. Lastly staff notes there is also further discussion in Chapter 4 – Transportation. Though there is not a specific goal or policy in this chapter, it covers a broad range of topics such as wireless communication in general reducing the need for many people to travel by auto or other means to various destinations to conduct business or other day to day activities. This in turn reduces the number of people on the roadways and helps lower congestion.

3. *The proposal meets the concurrency requirements of SMC Chapter 17D.010.*

All applicable city departments and agencies had the opportunity to review this proposal with no one denying concurrency. The applicant submitted a SEPA Environmental Checklist and it was reviewed for compliance by all departments and agencies. A Determination of Non-significance (DNS) was issued on May 16, 2018. The applicant gives comment within the application that there will not be any impacts on any city services and that the site will be unmanned and limited to electrical power and water services for landscape irrigation.

4. *If approval of a site plan is required, the property is suitable for the proposed use and site plan considering the physical characteristics of the property, including but not limited to size, shape, location, topography, soils, slope, drainage characteristics, the existence of ground or surface water and the existence of natural, historic or cultural features.*

The site area is suitable for development according to all city departments and agencies that commented. This site is free from critical areas according to available data. The proposal does not conflict substantially with adjacent land uses, is readily accessible to adequate transportation, utility, and service systems. All development will be required to meet any commercial and applicable development standards as directed in the SMC 17C.355A – Wireless Communication Facilities. This proposal must also comply with any and all county, state, or federal regulations applicable to it currently or in the future. Conditions of approval will be listed at the end of this staff report. These and additional recommendations from agencies are located in the file of record. If any evidence of Native American importance is found during any ground disturbing actions all activities must cease immediately and the Spokane Tribe of Indians be notified. This comment will be noted as a condition of approval. No other known historical or cultural features are known to exist within the site area. Please reference the applicant's response to this (#4) on the CUP application.

5. *The proposal will not have a significant adverse impact on the environment or the surrounding properties, and if necessary conditions can be placed on the proposal to avoid significant effects or interference with the use of*

neighboring property or the surrounding area, considering the design and intensity of the proposed use.

Please reference the applicant's response to this (#5) on the CUP application that mentions an environmental review conducted on the proposal site, constructing the project using stealth technology, and the estimated maintenance schedule for the site. Six individual letters and one signed letter of petition were submitted during the public comment period, all non-supportive of the proposal. The majority focused on health and safety concerns, visual incompatibility, missing or incorrect application materials, and reduction of property values.

SMC 17C.355A.080 Regulations for Facilities Subject to a Conditional Use Permit

- A. Approval criteria. In addition to the development standards in this chapter and the approval criteria in SMC 17G.060.170, the following additional approval criteria apply:
 - 1. The need for the proposed tower shall be demonstrated if it is to be located in a residential zone or within one hundred fifty feet of an existing residential lot. An evaluation of the operational needs of the wireless communications provider, alternative sites, alternative existing facilities upon which the proposed antenna array might be located, and collocation opportunities on existing support towers within one-half mile of the proposed site shall be provided. Evidence shall demonstrate that no practical alternative is reasonably available to the applicant.
 - 2. The proposed tower satisfies all of the provisions and requirements of this chapter 17C.355A.
- B. Public Notice. In addition to the notice requirements of SMC 17G.060.120, for proposals in residential zones and within 150 feet of a residential zone, public notice shall include:
 - 1. A black and white architectural elevation and color photo simulation rendering of the proposed WCF.
 - 2. The sign required by SMC 17G.060.120(B) shall include that same architectural elevation and color photo simulation combination selected by the City that depicts the visual impact of the WCF.

This proposal does satisfy all other provisions and development standards outlined in SMC 17C.355A for criteria A.2. above.

B. Time Limitation.

*A CUP (type II or type III) application automatically expires and becomes void if the applicant fails to apply for a building permit within **three** years of the effective date of the CUP.*

STAFF CONCLUSION: The staff recommends approval of the requested Type III Conditional Use Permit.

VI: Recommendations

The staff recommends approval of the proposal subject to the following conditions:

1. Adhere to all development standards that are applicable to this proposal outlined in Spokane Municipal Code (SMC) 17C.355A.070 (A) – (O) (setbacks, screening, lighting, landscaping and the continued maintenance of such).
2. Notify a tribal archaeologist if any evidence of Native American importance is found during any excavation activity. Pursuant to RCW 27.53.060 it's unlawful to destroy any historic or prehistoric archaeological resources.
3. Any wireless communication facility that is no longer needed and its use is discontinued shall be reported immediately by the service provider to the Planning and Development Director. Discontinued facilities shall be completely removed within six months and the site restored to its pre-existing condition.
4. A Certificate of Occupancy will only be granted upon satisfactory evidence that the WCF was installed in substantial compliance with the approved plans and photo simulations. Failure to Comply. If it is found that the WCF installation does not substantially comply with the approved plans and photo simulations, the applicant immediately shall make any and all such changes required to bring the WCF installation into compliance.
5. All surface drainage must be disposed of on-site in accordance with the Spokane Regional Stormwater Manual.
6. Adhere to any additional performance and development standards documented in comment or required by City of Spokane, Spokane County Washington State, and any Federal agency.



Dave Compton, Assistant Planner
Planning and Development

May 21, 2018