

**DECISION ON CONDITIONAL USE PERMIT
FILE NO. Z150005CEL2**

I. SUMMARY OF REQUEST AND RECOMMENDATIONS:

DESCRIPTION OF PROPOSAL: The applicant, Spokane Public Radio, has requested approval of an Administrative Conditional Use Permit (Type II) from the City Planning and Development Director to allow the construction of a new 60 foot radio broadcast tower in the rear yard of their new facility located at 1225 N. Monroe Street, Spokane, WA.

Staff approves this application with conditions.

II. GENERAL INFORMATION:

- | | |
|----------------------------------|---|
| A. Applicant/
Property Owner: | Spokane Public Radio
2319 N. Monroe Street
Spokane, WA 99205 |
| B. Agent: | Copeland Architecture & Construction
c/o Austin Dickey
121 W. Pacific Avenue, Ste. 300
Spokane, WA 99201 |
| C. Location of Proposal: | 1225 N. Monroe Street
Spokane, WA 99224 |
| D. Existing Zoning: | "CC2-DC (Center and Corridor – Type II
District Center) |
| E. Land Use Plan Designation: | Commercial |
| F. SEPA Status: | DNS – March 30, 2015 |
| G. Enabling Zoning: | Spokane Municipal Code (SMC) 17G.060.170
and SMC 17C.320.080 - Decision Criteria |
| H. Decision Date: | April 1, 2015 |
| I. Staff Contact: | Dave Compton |

III. **FINDINGS OF FACT:**

- A. Site Description: The subject property has been a commercial use since approximately 1905 when constructed. The site is approximately 6,984 square feet in size and the building at approximately 3,400 square feet with two (2) floors. This building and the adjacent one to the north, an old city firehouse, were recently purchased by the applicant as the new site of the Spokane Public Radio compound which currently is located approximately ¾ miles north of this location.

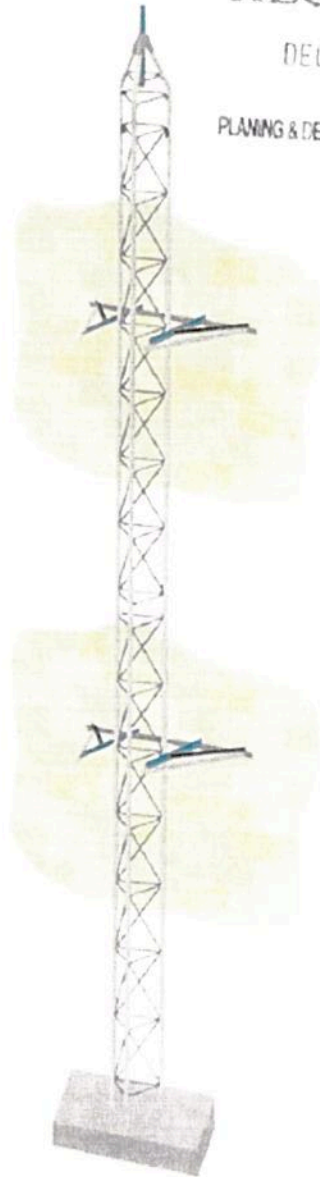


- B. Project Description: The applicant has submitted a Conditional Use Permit – Type II application to construct a new 60 foot radio broadcast tower in the rear yard of their new location. It will be attached to the side of the building to the north by brackets. This attachment was reviewed by Historic Preservation since the “old city firehouse” is on the Register of Historic Buildings. The building on the proposed site where the tower will be erected is not on the Historic Register.

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Typical installation on short base with (2) HBUTVRO brackets.

- C. Surrounding Zoning: Center and Corridor (CC2-DC) zoning abuts the proposal on all boundaries except the western side property line that is zoned Residential Two-Family (RTF) where both single and multi-family homes exist.

- D. Zoning History: The subject property has been zoned CC2-DC (Center and Corridor – Type II District Center) since the adoption of the current Comprehensive Plan in 2001 and commercial development regulations enacted thereafter. Prior to that it was designated B2-D (Community Business – Design Zone) zoning.
- E. Adjacent Land Use: The adjacent land use follows the same boundary as the above mentioned zoning categories within the proposal site area.
- F. Applicable Zoning Regulations: SMC 17C.122, Center and Corridor Zones; SMC 17C.355; Wireless Communication Facilities, SMC 17G.060.170 and 17C.320.080 - Decision Criteria.
- G. Procedural Requirements:
- Application was submitted on January 12, 2015;
 - Applicant was notified in writing on March 9, 2015 of technically complete status of application;
 - Notice of Application was mailed to adjacent property owners and occupants within 600 feet of the proposal and a sign posted on the subject property on March 11, 2015 which began the 15-day public comment period;
 - SEPA Determination of Non-significance issued on March 30, 2015.

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 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.*

- A. Wireless Communication Facilities are either permitted outright or require a Conditional Use Permit (CUP) based on location and type of facility. Currently,

Center and Corridor zoning is not identified in the zone category matrix under Table A.1 or A.2 in SMC 17C.355.40 – Wireless Communication Facilities Site Development Standards. Until new development regulations are drafted and approved, Planning and Development has determined that Center and Corridor zoning is most compatible with the existing NR (Neighborhood Retail) and NMU (Neighborhood Mixed Use) zoning category within these tables. For this application to be allowed in this Center and Corridor zoned location then, a Type II Conditional Use Permit (CUP) is required if a new communication tower does not exceed sixty (60') feet in height and deploys low visual impact features. This is the first radio broadcast antenna that has applied for a CUP since the Wireless Communications Facilities development code has been implemented. Technically this proposed structure is not a cell tower, in which the code was intended to regulate, however it falls within the definition of a Wireless Communications Facility in SMC 17A.020 as follows: Any towers, poles, antennas or other structures intended for use in connection with transmission or receipt of radio or television signals, or any other spectrum-based transmissions/receptions. All development standards found in SMC 17C.355 must still be adhered to and completed prior to the issuance of a certificate of occupancy from the Building Department. This will be listed as a condition of approval.

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

The applicant lists specific Comprehensive Plan goals and policies by element and expresses how they are applicable to this proposal (see applicant's responses #2 on the CUP application). The applicant noted the following goals and policies that pertain to this application; (1) LU 3.1 – Coordinated and Efficient Land Use noting that this proposal is rehabbing several existing buildings for this proposal where adequate city services and facilities are already available, (2) CFU 5.7 - Telecommunication Structures. The applicant understands the need for 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. The applicant addressed this concern and reasons for erecting this new radio broadcast tower due to the inability to co-locate it in the immediate area on nearby buildings, water tanks or other wireless communication towers within a half-mile radius as required by the code. (3) SH3.1 – Support for the Arts. The applicant states this tower will serve Spokane Public Radio who is one of the leading sources for non-profit regional and world news. There are also other miscellaneous goals and policies found in the Comprehensive Plan that would pertain to this type of use.

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 March 30, 2015. The applicant gives comment within the CUP application that there will not be any impacts on any city services for this proposal.

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.355 – Wireless Communication Facilities. This proposal must also comply with any and all county, state, or federal regulation 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. No known historical or cultural features are known to exist within the site area, however 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 to insure the site contains no cultural resources of significant importance. This will be noted as a condition of approval. 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. Only one comment was received from one member of the public who also scheduled an appointment to discuss the proposal with Planning and Development. After meeting with the concerned citizen, they had no further comment and stated no objection to it.

The applicant states that no fence or ground equipment will be constructed or installed around the proposal at this time which is shown on the site plan of record, thus the landscaping, screening and irrigation requirements would not be required. If that changes, all required improvements must be met.

All setbacks (30 foot from residential structures and 20 foot from all property lines) must be adhered to.

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 Conditional Use Permit.

VI: Recommendations

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

1. Adhere to all development standards outlined in Spokane Municipal Code (SMC) 17C.355 – Wireless Communication Facilities (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. At the time of application for building permit, the proponent shall provide the City of Spokane with copies of approved F.C.C. licenses and any supporting document.
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.

NOTICE OF RIGHT TO APPEAL

Appeals or requests for reconsideration of decisions by the Planning and Development Director are governed by Spokane Municipal Code 17G.060.210 - Appeals. Decisions of the Planning and Development Director regarding Type I or II applications are final unless appealed to the City of Spokane Hearing Examiner. All appeals must be filed with Planning and Development within fourteen (14) calendar days of the date of the decision. All requests for reconsideration must be filed with Planning and Development within seven (7) days of the date of the decision. The date of the decision is April 3, 2015. **THE DATE OF THE LAST DAY TO APPEAL IS THE 17th DAY OF APRIL 2015 AT 5:00 P.M.** In addition to paying the appeal fee to appeal the decision, the ordinance requires payment of a transcript fee to the City of Spokane to cover the costs of preparing any required transcripts.



Louis Meuler
Interim Director, Planning and Development

DBC
By: Dave Compton, Assistant Planner
Planning and Development

April 3, 2015