

CONDITIONAL USE PERMIT CRITERIA FOR APPROVAL

TO BE COMPLETED BY THE APPLICANT

When reviewing an application for a conditional use permit, the Hearing Examiner will consider the following factors:

- 1. This proposed use will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the proposed use or in the district in which the subject property is located. (Explain the ways it is not detrimental/injurious.)**

Telecommunication enhances public welfare and safety by connecting people to emergency services.

The parcels to the north, east and west of the subject parcels are vacant. The parcels to the south are within a different jurisdiction: Snohomish County. Although three parcels are occupied by single family residential units, there is over seven hundred feet, a BPA line, and large volume of trees that provide a buffer. These properties are already located in the immediate vicinity of BPA lattice towers and a water tower, so the character of the area and type of view will not change.

The construction of one support structure at this height will provide colocation opportunities for other telecommunication providers, thus decreasing the proliferation of support structures. One tall tower in a largely vacant area will impact less people and properties than many shorter towers in a densely populated area.

Additionally, this parcel is ideal because the base elevation is higher than the rest of the area. Without this additional height, necessary coverage objectives would not have been achieved. A higher base elevations means there will be less of a need for additional support structures.

- 2. This proposed use shall meet or exceed the performance standards that are required in the zoning district the proposed use will occupy. (Explain how it meets the standards.)**

The subject parcels are located in the "Public & Institutional Overlay" zone, which does not have performance standards. We have been directed to the performance standards set forth for telecommunication under Chapter 16.66.

The overarching “Purpose” of this section of code is to “provide for a wide range of locations and options for wireless communication providers while minimizing the unsightly characteristics associated with wireless communication facilities and to encourage creative approaches in locating wireless communication facilities which will blend in with the surroundings of such facilities” (16.66.010). This proposal conforms to the visual characteristics of the area, which includes BPA towers to the south, largely wooded areas in all directions, and a water tank on the subject parcel.

16.66.080 Development standards for lattice towers.

A. Lattice towers are permitted in the manufacturing (M) zone only.

The manufacturing zone does not have a suitable parcel that will achieve coverage goals and enable future colocation opportunities. Locating in the manufacturing zone would also be more visually obtrusive, which is inconsistent with the purpose of this Chapter and the goals of the Comprehensive Plan, which state that the aesthetic character of the downtown area be preserved (3-5 Scenic resources and Downtown Aesthetic).

B. Lattice towers are only permitted if the wireless communications structure is built to accommodate two or more wireless communications facilities at the time of erection.

This tower will be built to accommodate more than two wireless communication facilities.

C. Lattice towers adjacent to residential zones shall be set back a distance equal to the height of the wireless communication support structure from the nearest residential lot line (i.e., 150 feet from nearest residential lot line).

The lattice tower will be set back a distance equal to the height of the wireless communication support structure from the nearest residential lot line.

D. Maximum Height Restriction. One hundred fifty feet maximum lattice structure (from surrounding natural grade). May extend antenna a maximum of 15 feet for a maximum facility height of 165 feet.

The proposed lattice tower is 240’ and 250’ with the lightning rod. We are requesting a variance based on the need for coverage and in order to provide other carriers with a realistic height for colocation to accomplish their coverage objectives.

E. Macro-facilities are the largest permitted wireless communication facilities allowed on a lattice tower.

The proposed project will accommodate macro facilities.

- F. Co-location on an existing support structure shall be permitted without applying for an additional permit; provided, that there is no substantial change to the existing support structure.
N/A – response not required.

- G. The shelter or cabinet used to house radio electronics equipment and the associated cabling connecting the equipment shelter or cabinet to the lattice tower support structure shall be concealed, screened, camouflaged or placed underground. Lattice towers shall be subject to review by the design review committee using the criteria specified in this chapter.
The equipment will be screened from view with a 6' chain link fence.

- H. Lattice towers shall be landscaped. Landscaping shall be approved by the design review committee and shall include but not be limited to: low maintenance shrubs, trees for screening, and/or removal of excess foliage and vines.
Landscaping is not proposed for this facility. The subject parcels are screened from view on all sides. There are no views from the public right-of-way or adjacent parcels.

- I. Lattice towers shall be separated from each other by a distance equal to or greater than 1,320 feet. (Ord. 1244-16 § 3 (Exh. A))
There are no lattice towers within 1,320 feet of the proposed facility.

16.66.90 Design criteria.

- A. As provided above, new facilities shall be designed to accommodate co-location, unless the applicant demonstrates why such design is not feasible for economic, technical, or physical reasons and would cause undue hardship.
The facility is designed to accommodate colocation.

- B. Facilities shall be architecturally compatible with the surrounding buildings and land uses in the zoning district and screened or otherwise integrated, through location and design, to blend in with the existing characteristics of the site.
The proposed facility is architecturally compatible with the surrounding buildings and land uses in the zoning district (Public & Institutional Overlay). The facility blends with the existing characteristics of the site, which currently houses a water tank and is next to a BPA line.
 - 1. Setbacks shall meet requirements of the applicable SMC 16.66.070 or 16.66.080

Setbacks meet the requirements of the applicable SMC.

2. Right-of-Way Setback Exception. The setback requirement may be waived if the antenna and antenna support structure are located in the city right-of-way (ROW).

Not applicable

3. View Corridors. Due consideration will be given so that placement of towers, antennas, and personal wireless facilities do not obstruct or significantly diminish the view of the Cascade Mountains.

The view of the Cascade Mountains is not obstructed or significantly diminished.

4. Color. Towers shall have a color generally matching the surroundings or background that minimizes their visibility, unless a different color is required by the FCC or FAA.

The natural grey color of the tower minimizes the facility's visibility. Typically, painting the facility makes it more visually obtrusive. Washington weather is overcast the majority of the year, so keeping the facility silver will match the color of the clouds. Also, silver tends to present a nice backdrop to the light blue of the sky when it is not cloudy. People are also used to towers being silver – transmission, BPA, etc.

5. Lights, Signals, and Signs. No signals, lights, or signs shall be permitted on towers unless required by the FCC or the FAA. Should lighting be required, in cases where there are residents located within a distance which is 300 percent of the height of the tower, then dual mode lighting shall be requested from the FAA.

This project does not include lights, signals, or signs.

6. Equipment Structures. Ground level equipment, buildings, and the tower base shall be screened from public view. The standards for the equipment buildings are as follows: Equipment is screened by a chain link fence. There are no public views of this facility's ground space area.

a. The maximum floor area is 300 square feet and the maximum height is 12 feet. Except in unusual circumstances or for other public policy considerations the equipment building may be located no more than 250 feet from the tower or antenna. Depending upon the aesthetics and other issues, the city, in its sole discretion, may approve multiple equipment structures or one or more larger structures.

No equipment structures are proposed in this project.

b. Ground level buildings shall be screened from view by landscape plantings, fencing, or other appropriate means, as specified herein or in other city ordinances.

Not applicable – there are no ground level buildings proposed.

c. Equipment buildings mounted on a roof shall have a finish similar to the exterior building walls. Equipment for roof-mounted antenna may also be located within the building on which the antenna is mounted.

Not applicable – no equipment buildings are proposed.

d. In instances where equipment buildings are located in residential zones, equipment buildings shall comply with setback requirements and shall be designed so as to conform in appearance with nearby residential structures. Equipment buildings, antennas, and related equipment shall occupy no more than 25 percent of the total roof area of the building the facility is mounted on, which may vary in the city's sole discretion if co-location and an adequate screening structure are used. The use must be approved on a site plan or final development plan, as applicable.

Not applicable – proposed project is not located in a residential zone.

7. Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If those standards and regulations are changed, then personal wireless service providers governed by this chapter shall bring their towers and antennas into compliance with the revised standards and regulations within three months of their effective date or the timelines provided by the revised standards and regulations, whichever time period is longer. The revised standards and regulations are not retroactively applicable to existing providers, unless otherwise provided or permitted by federal law. Failure to bring towers and antennas into compliance with the revised standards and regulations shall constitute grounds for the city to remove a provider's facilities at the provider's expense. The tower will meet current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas, as certified by the lease agreement.
8. Building Codes – Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable city building codes and the applicable standards for towers that are published by

the Electronic Industries Association (EIA), as amended from time to time, if, upon inspection, the city concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring the tower into compliance with such standards. If the owner fails to bring its tower into compliance within 30 days, the city may remove the tower at the owner's expense.

The proposed project will comply with building codes.

9. Structural Design. Towers shall be constructed to the EIA standards, which may be amended from time to time, and to all applicable construction/building codes. Further, any improvements or additions to existing towers shall require submission of site plans stamped by a professional engineer which demonstrate compliance with the EIA standards and all other good industry practices. The plans shall be submitted and reviewed at the time building permits are requested.

The structure design will be constructed to the EIA standards.

10. Fencing. A well-constructed wall or wooden fence not less than six feet in height from the finished grade shall be provided around each personal wireless service facility. Access to the tower shall be through a locked gate. The use of chain link, plastic, vinyl, or wire fencing is prohibited unless it is fully screened from public view by a minimum eight-foot-wide approved landscaping strip.

A 6' chain link fence is proposed as part of this location since there is no public view of this facility.

11. Tower and Antenna Height. The applicant shall demonstrate that the tower and antenna are the minimum height required to function satisfactorily. No tower or antenna that is taller than this minimum height shall be approved. A variance from the height limit may be granted if the applicant can show by clear and convincing evidence that the additional height is necessary to provide adequate service to the residents of the city and no other alternative is available. Variances may only be granted in cases of hardship pursuant to Chapter 16.28 SMC.

Maps demonstrating coverage needs and objectives are submitted as part of the application package which show the difference between a facility at the height specified in code and the height proposed with a variance. No other alternative is available. The lack of coverage throughout the City poses a safety issue for residents.

12. Antenna Support Structure Safety. The applicant shall demonstrate that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice, or other debris or interference. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers. The proposed antenna and support structure are safe and the surrounding areas cannot be negatively affected by support structure failure due to setback precautions.
13. Required Parking. If the cell site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, arrangements for adequate off-street parking shall be made and documentation thereof provided to the city. Security fencing should be colored or should be of a design which blends into the character of the existing environment.
A 12' tech turn-around is proposed as part of the project.
14. Tower Separation. In no case shall towers be located closer than 1,320 feet from another tower whether it is owned or utilized by applicant or another provider.
The proposed project is more than 1,320 feet from other towers.
15. Antenna Criteria. Antenna on or above a structure shall be subject to the following:
 - a. The antenna shall be architecturally compatible with the building and wall on which it is mounted, and shall be designed and located so as to minimize any adverse aesthetic impact.
N/A – antenna are not on or above a building or wall.
 - b. The antenna shall be mounted on a wall of an existing building in a configuration as flush to the wall as technically possible and shall not project above the wall on which it is mounted unless it must be for technical reasons. In no event shall an antenna project more than 16 feet above the roof line including parapets.
N/A – antenna are not on or above a building or wall.
 - c. The antenna shall be constructed, painted, or fully screened to match as closely as possible the color and texture of the building and wall on which it is mounted.
N/A – antenna are not on or above a building or wall.

- d. The antenna may be attached to an existing conforming mechanical equipment enclosure which projects above the roof of the building per SMC 16.66.040 and 16.66.060.
N/A – antenna are not attached to a mechanical equipment enclosure.
- e. If an accessory equipment shelter is present, it must blend with the surrounding buildings in architectural character and color.
N/A – an accessory equipment shelter is not present.
- f. The structure must be architecturally and visually (color, size, bulk) compatible with surrounding existing buildings, structures, vegetation, and uses. Such facilities will be considered architecturally and visually compatible if they are camouflaged to disguise the facility.
The structure is architecturally and visually compatible with surrounding buildings, structures, vegetation and uses as described in previous sections of this document.
- g. Site location and development shall preserve the preexisting character of the site as much as possible. Existing vegetation should be preserved or improved, and disturbance of the existing topography of the site should be minimized, unless such disturbance would result in less visual impact of the site on the surrounding area. The effectiveness of visual mitigation techniques must be evaluated by the city, in the city's sole discretion.
The site location and development preserves the preexisting character of the site as much as possible, as previously described in this document.
- h. For installation on buildings greater than 30 feet in height, see other applicable provisions of this chapter. In addition to the other requirements of this chapter, on buildings 30 feet or less in height, the antenna may be mounted on the roof if the following additional criteria are satisfied:
Please reference the height variance request.
- i. The city finds that it is not technically possible or aesthetically desirable to mount the antenna on a wall.
N/A – antenna are not mounted on a roof

ii. No portion of the antenna or base station causes the height of the building to exceed the limitations set forth herein.

N/A – antenna are not mounted on a roof.

iii. The antenna or antennas and related base stations cover no more than an aggregate total of 25 percent of the roof area of a building, which may vary in the city's sole discretion, if co-locating and an adequate screening structure are used.

N/A – antenna are not mounted on a roof.

iv. Roof-mounted antenna and related base stations are completely screened from view by materials that are consistent and compatible with the design, color, and materials of the building.

N/A – antenna are not mounted on a roof.

v. No portion of the antenna may exceed 15 feet above the height of the existing building.

N/A – antenna are not mounted on a roof.

- i. If a proposed antenna is located on a building or a lot subject to a site review, approval is required prior to the issuance of a building permit.

Land use/site review will be obtained prior to building permit issuance.

- j. No antenna shall be permitted on property designated as an individual landmark or as a part of a historic district, unless such antenna has been approved in accordance with city ordinances.

N/A – property is not designated as an individual landmark or as a part of a historic district.

- k. No personal wireless service provider or lessee or agent thereof shall fail to cooperate in good faith to accommodate co-location with competitors. If a dispute arises about the feasibility of co-locating, the city administrator may require a third party technical study, at the expense of either or both parties, to resolve the dispute.

Co-location will be encouraged at this site and as agreed upon in the lease and permitting documents.

- l. No personal wireless service provider or lessee shall fail to assure that its antenna complies at all times with the current applicable FCC standards. After installation, but prior to putting the antenna in service, each provider shall submit a certification by an independent professional

engineer to that effect. In the event that an antenna is co-located with another antenna, the certification must provide assurances that FCC approved levels of electromagnetic radiation will not be exceeded by the co-location.

The site will be in compliance with FCC rules and regulations as agreed upon in the lease and permitting documents.

- m. No antenna shall cause localized interference with the reception of any other communications signals including, but not limited to, public safety, television, and radio broadcast signals.
Antenna will not cause localized interference with the reception of other communication signals as agreed upon in the lease and permitting documents.

- n. No person shall locate an antenna or tower for wireless communications services upon any lot or parcel except as provided in this chapter.

The tower is located as prescribed by the purpose and goals of this chapter, in accordance with emergency service needs, and as encouraged by the City staff.

3. This proposed development shall be compatible generally with the surrounding land uses in terms of traffic and pedestrian circulation, building and site design. (Explain the compatibility.)

The proposed development will not have an impact in terms of traffic and pedestrian circulation. The building and site design are compatible with the surrounding land uses, for the following reasons. The parcels to the north, east and west of the subject parcels are vacant. The parcels to the south are within a different jurisdiction: Snohomish County. Although three parcels are occupied by single family residential units, there is over seven hundred feet, a BPA line, and large volume of trees that provide a buffer. These properties are already located in the immediate vicinity of BPA lattice towers and a water tower, so the character of the area and type of view will not change.

4. The proposed use shall be in keeping with the goals and policies of the Comprehensive Land Use Policy Plan. (Explain how it meets the goals/policies.)

The City's comprehensive plan notes the importance of its rich heritage and the value of its scenic views under the "3.4 Countywide Planning Policies for Land Use, Scenic resources" section. The recommendation is to preserve the view of the downtown area, in particular. If the telecommunication facility were constructed in the manufacturing (M) zone, the downtown area would be impacted. This zone runs along the highway which is what drives tourism into the Urban Center zone. Any facility constructed in this zone would be highly visible from the downtown area.

Additionally, the “Rural center” section recommends that core services be provided for those living, working, and vacationing in the woods. In order to fulfill this recommendation, access to cell services is needed.

“Rural center

Sultan grew up as a center of services for the surrounding rural countryside. Housing, food, financial services, entertainment, transportation and timber processing in Sultan were tied to activity in the forest. The small groups understand that the economic dynamic has changed, but they recommended that Sultan still fulfill the role of rural service center, providing the core services that those living, working and vacationing in the woods need

Scenic resources

While Sultan’s heritage is richly represented by historic barns and mills and its natural surroundings are breathtaking, the small groups also recognize that Sultan’s economic and social development will at times require the removal and replacement of old structures and interrupt views of the surrounding landscape. To this end, they recommended that Sultan recognize the value of its heritage but also that it weigh the benefits of progress against the benefits of preservation. This plan’s policies include direction for both, acting to preserve what’s most significant while still allowing change to occur.

Downtown aesthetic

The small groups recognized that downtown’s appearance is important to the community’s economic success and continued attractiveness to its residents. They recommended that downtown property owners continue to work together to support an enhanced appearance of downtown, particularly along the US 2 frontage, and that the City implement a voluntary design review program to assist property owners and builders as they consider making changes.”

5. All measures have been taken to minimize the possible adverse impacts, which the proposed use may have on the area in which it is located. (Explain what measures have been taken.)

Adverse impacts are minimized by providing three colocation opportunities on one tower at an elevation that will cover a very large area of the City. The support structure is setback from property lines more than the total height of the tower. It is largely screened from view by large trees on all sides. The location is consistent with Comprehensive Plan recommendations which protect the visual

characteristic of the downtown aesthetic and view corridors. This facility has been grouped with other uses and structures similar in size and configuration.