

RESOLUTION NO. 217

A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON APPROVING A SPECIAL USE PERMIT FOR THE PURPOSE OF CONSTRUCTING A WIRELESS TELECOMMUNICATIONS FACILITY LOCATED ON THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION CAMPUS AT N. 160TH AND DAYTON AVE. N., SHORELINE, WASHINGTON.

WHEREAS, certain property, located on the Washington State Department of Transportation campus is designated on the Zoning Map as Regional Business, and on the Comprehensive Plan Map as Public Facility; and

WHEREAS, an uncamouflaged, wireless telecommunications facility requires approval of a Special Use Permit; and

WHEREAS, WSDOT has filed an application, File No. 201285, for Special Use Permit for the construction of a wireless telecommunications facility on its campus near N. 160th and Dayton Ave. N. in the city of Shoreline; and

WHEREAS, on May 6, 2004, a public hearing on the application for Special Use Permit was held before the Planning Commission for the City of Shoreline pursuant to notice as required by law; and

WHEREAS, on May 6, 2004, the Planning Commission recommended approval of the Special Use Permit and entered findings of fact and a conclusion in support of that recommendation; and

WHEREAS, upon consideration of the application the City Council has determined that the Special Use Permit application for the property located on the Washington State Department of Transportation campus is consistent with the Comprehensive Plan, Shoreline Municipal Code, and appropriate for this site; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHORELINE AS FOLLOWS:

Section 1. Findings and Decision. The Planning Commission Findings and Recommendation on File No. 201285, as set forth by the record and as attached hereto as Exhibit 1, are hereby adopted, and a Special Use Permit is approved for the monopole requested in the application subject to the following recommended conditions:

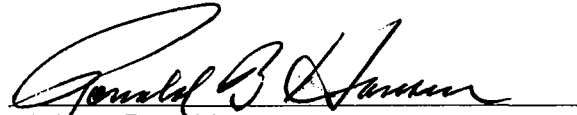
1. The monopole shall be painted and maintained to match the surrounding trees and sky colors.
2. Future co-location of other antenna shall match the proposed flush-mounted design.
3. This Special Use Permit shall continue as long as the existing WSDOT perimeter landscaping and native trees along N. 160th Street are preserved and supplemented where

ORIGINAL

15 foot gaps in the vegetation exist with native conifer trees at least 10 feet in height at planting. This planting plan must be coordinated with WSDOT for security concerns and with an arborist to assure successful planting.


4. The applicant shall comply with the Uniform Building Code and the provisions of SMC 20.40.600.

ADOPTED BY THE CITY COUNCIL ON May 24, 2004.



Mayor Ronald B. Hansen

ATTEST:



Carol Shenk, Deputy City Clerk

**Findings and Recommendation
Of the City of Shoreline Planning Commission**

Cingular Wireless WTF, File #201285

Ordinance No. 354

Summary-

After reviewing and discussing the SUP application on May 6, 2004 the Shoreline Planning Commission did find and determine that the application to locate a wireless telecommunication facility on the Washington State Department of Transportation campus was in compliance with City codes and not detrimental to the health safety and welfare of the City of Shoreline, and therefore recommended:

APPROVAL OF THE SPECIAL USE APPLICATION AS RECOMMENDED BY STAFF ON THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION CAMPUS WITH THE CONDITIONS 1. The monopole shall be painted and maintain to match the surrounding trees and sky colors, 2. Future co-location of other antenna to match proposed flush-mounted design, and 3. Supplement the existing WSDOT perimeter landscaping along N. 160th Street where 15 foot gaps in the vegetation exists with native conifer trees at least 10 feet in height at planting. This planting plan must be coordinated with WSDOT for security concerns and with an arborist to assure successful planting.

I. Findings of Fact

1. Project Description

Action: This Special Use Permit (SUP) 201285, a Quasi Judicial or "Type C Action," before the Planning Commission is a request to install an uncamouflaged, 65-foot pole with 3 vector panel antennas, and ground equipment on the grounds of the Washington State Department of Transportation (WSDOT) campus. The campus is located at the SE corner of N. 160th St. and Dayton Ave. N. with the proposed monopole approximately 300 feet internal from the intersection. A SUP is required for proposed wireless telecommunications facility (WTF) monopole without camouflage or co-location on an existing structure. See Attachment A for the applicant's more detailed proposal.

A Type C action (SUP) is reviewed by the Planning Commission, where an Open Record Public Hearing is held and a recommendation for approval or denial is developed. This recommendation is then forwarded to the City Council, who is the final decision making authority for Type C actions. Type C actions are quasi-judicial decisions.

A building permit for the proposal has been submitted at this time. However, a building permit cannot be approved prior to the approval of the SUP. The permit submittal will be

reviewed administratively and is subject to the requirements of the Shoreline Municipal Code (SMC) and the 1997 Uniform Building Code.

2. Procedural History

2.1 Neighborhood Meeting Date: January 20, 2004

2.2 Application Date: February 9, 2004

2.3 Complete Application Date: February 18, 2004

2.4 Notice of Application and Public Hearing Date: February 26, 2004 and May 6, 2004

2.5 Public Hearing May 6, 2004

2.6 Planning Commission Recommendation, May 6, 2004

3. Public Comment

3.1 One neighbor attended the neighborhood meeting.

3.2 The City received one public comment letter regarding this proposed wireless telecommunications facility.

3.3 At the Public Hearing nearby resident Anna Lynn Koski testified that she did not oppose the proposed WTF but was in favor of urging the WSDOT to be a better neighbor regarding noise, landscape buffer, and signage.

4. SEPA - SEPA review is required for this application under the City's substantial authority established in SMC 20.30.490. The SEPA Determination of Non-Significance was issued on March 18, 2004. No appeals of the SEPA determination were made.

5. Consistency -The application has been evaluated and found to be consistent with the nine Special Use criteria listed in the Shoreline Municipal Code Section 20.30.330.

ANALYSIS OF SPECIAL USE CRITERIA

Section 20.30.330.B of the Shoreline Municipal Code outlines the criteria by which Special Use Permit applications are reviewed. The decision criteria are listed below, followed by the City's analysis of the applicant's compliance with each criterion. The City shall grant a Special Use Permit, only if the applicant demonstrates that it meets each of the following criteria.

Criterion 1: The use will provide a public benefit or satisfy a public need of the neighborhood, district or City.

Staff Response: The WTF is designed to provide better cell phone coverage for Shoreline residents. However, Cingular Wireless is not a public utility. The special use meets Criterion 1.

Criterion 2: The characteristics of the special use will be compatible with the types of uses permitted in surrounding areas.

Staff Response: A WTF monopole is compatible with the commercial uses and permitted heights in the surrounding commercial zones. The residential uses will be buffered because of the site's internal location and mature, treed screening. See Attachment B - Photo Survey. The special use meets Criterion 2.

Criterion 3: The special use will not materially endanger the health, safety and welfare of the community.

Staff Response: The Food and Drug Administration (FDA) and the Federal Communication Commission (FCC) report that, based on current health studies, the amount of power to be used, and the antenna distance from people that there are no health risks associated with transmission antennas of this scope. The Telecommunications Act of 1996, Section 704 states that, "No state or local government...may regulate the placement, construction and modification of wireless facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facility comply with the Commission's regulations concerning such emissions."

If approved, the City will require a building permit to construct the WTF. The City will review the monopole for and equipment for structural safety. The special use meets Criterion 3.

Criterion 4: The proposed location shall not result in either the detrimental over-concentration of a particular use within the City or within the immediate area of the proposed use, unless the proposed use is deemed a public necessity.

Staff response: The proposal is not deemed to be a public necessity. Presently, the proposed location will not create an over-concentration of wireless telecommunication facilities (WTF). There are other WTFs in the area but mostly along Aurora Avenue commercial area. The special use meets Criterion 4.

Criterion 5: The special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.

Staff response: The special use will not cause any increased pedestrian or vehicular traffic in the neighborhood except the infrequent service vehicle after construction. The special use meets Criterion 5.

Criterion 6: The special use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts.

Staff response: The need for public facilities is not increased. Adequate infrastructure exists for the site. The special use meets Criterion 6.

Criterion 7: The location, size and height of buildings, structures, walls and fences, and screening vegetation for the special use shall not hinder or discourage the appropriate development or use of neighboring properties.

Staff response: The proposed antenna monopole will be internal to the WSDOT campus, at the allowable height for Regional Business zoning, sufficiently setback 360 feet, and heavily screened/treed, therefore, it will not discourage or hinder development or uses in the Highland Terrace neighborhood. The proposed monopole is similar in height as the nearby WSDOT building. All nearby property is currently developed. The special use meets Criterion 7.

Criterion 8: The special use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this title.

Staff Response: Support the timely expansion, maintenance and replacement of utility infrastructure at designated service levels in order to match and meet expected demand for service.

U9- Encourage the design, siting construction operation and relocation or closure of all utility systems in a manner which: ...minimize and mitigate impacts on adjacent land uses, is environmentally sensitive, and is appropriate to the location and need.

U28 – Explore strategies which minimize or reduce the impacts of the telecommunication facilities and towers on the community.

The Comprehensive Plan both encourages the growth and delivery of utility systems and networks and minimizes impacts of these facilities on the community. The location of monopoles to meet demands and provide coverage and to be aesthetically compatible can be difficult considering the amount of residential neighborhoods in Shoreline. It is appropriate when these WTFs can locate in commercial zones with adequate screening and vegetation.

The special use meets Criterion 8.

Criterion 9: The special use is not in conflict with the standards of the critical areas overlay.

Staff Response: The site of the proposed wireless monopole and ground-mounted equipment is not in any known critical area. The special use meets Criterion 9.

ORIGINAL

II. Conclusions

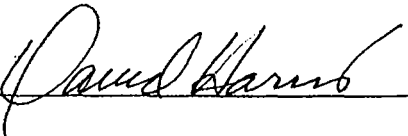
The applicant has proposed a WTF that meets their needs and the criteria for the SUP.

III. Recommendation

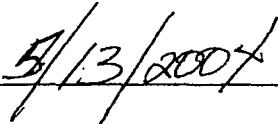
Based on the Findings, the Planning Commission recommends:

APPROVAL OF THE SPECIAL USE PERMIT APPLICATION AS RECOMMENDED FOR THE WSDOT CAMPUS WITH THE CONDITIONS 1. the monopole shall be painted and maintain to match the surrounding trees and sky colors, 2. Future co-location of other antenna to match proposed flush-mounted design, and 3. Supplement the existing WSDOT perimeter landscaping along N. 160th Street where 15 foot gaps in the vegetation exist with native conifer trees at least 10 feet in height at planting. This planting plan must be coordinated with WSDOT for security concerns and with an arborist to assure successful planting.

City of Shoreline Planning Commission



Chairperson



Date