

City of Chehalis
Hearing Examiner
Staff Report
September 1, 2020

To:	Hearing Examiner	Zoning:	General Commercial and Light Industrial
From:	Tammy Baraconi	Property Size:	4.5 acres, 191,664 sq ft
Date:	August 26, 2020	Assessor Parcel:	017539001001
Subject:	UGA-SEPA-20-0003 and UGA-VA-20-002 Height variance request for cell tower.		
Location:	1437 Bishop Road, Chehalis WA		

Project Description

On May 1, 2020 the McDaniel Cellular Telephone Company applied for site plan approval and a variance to construct a cell tower at 1437 Bishop Road, Chehalis. (Exhibit A) The monopole will be constructed on private property owned by Community Partners and located within the Chehalis Urban Growth Area. The facility will be accessed over existing roads on the parcel with a driveway extension to the site located in in the south east quadrant of the parcel. Electric and fiber optic utility services will be extended to the facility.

Applicant is proposing a 2500 square foot concrete pad for the monopole and outbuildings. The site will be fenced and enclosed to prevent unauthorized access. The parcel contains a Category IV wetland approximately 5800 square feet located west of the proposed site for the monopole. A second wetland was observed on the adjacent property. The applicant is proposing a culver be installed beneath the driveway access to allow the two wetlands to continue to operate cohesively. (Exhibit B)



Public Notification

Notice for the public hearing was published in The Chronicle on August 18, 2020. (Exhibit C) The comment period ends on September 1, 2020. Notice was mailed to all property owners within 300 feet of the site.

Public Comment

As of the writing of this staff report, no written comments have been received regarding the public hearing.

Environmental Review

On August 20, 2020 staff issued a combined Notice of Application and Determination of Non-Significance for this project based upon the preliminary site plan, wetland report, and SEPA checklist submitted. (Exhibit D) The appeal period on this project closed on September 10, 2020. As of the date of the writing of this staff report, no appeals have been received.

Adjacent Land Use

- North: Glacier Northwest, Industrial use; Zoned GC, General Commercial and IL, Light Industrial
- South: Southern Fiber, Industrial Use; Zoned GC, General Commercial and IL, Light Industrial
- East: Port of Chehalis, Industrial Use; Zoned, GC, General Commercial and IL, Light Industrial LI, Light Industrial
- West: Cemetery; Zoned, GC, General Commercial and IL, Light Industrial

Code Analysis

I. CMC 17.78.010 Uses Categorized.

The Utility (Accessory) Occupancy Group identifies U205, Antenna tower over 30 feet high approved as an accessory use.

Staff analysis: Staff finds that the proposed use of the site for a cell tower is consistent with the intent of CMC 17.78.010, Uses Categorized, Utility Occupancy Group. The proposed use will be co-located on an industrial site with an existing user.

CMC 17.72.020 Bulk regulations. (I-L zone)

As per the bulk regulation codes, the maximum height for this zone is 100 feet. The front yard setback is 10 feet, and a zero foot setback on the rear and sides.

Staff analysis: Staff finds that the proposal is consistent with bulk regulations for front, side and rear yard setbacks. However, the proposed 150 foot height exceeds the height limitations by 50 feet.

CMC 17.72.030 Parking and loading.

CMC 17.72.030 refers to CMC 17.84 Parking spaces required. CMC 17.84 refers to CMC 17.78.010 Uses Categorized for the number of required parking spaces. The Utility (Accessory) Occupancy Group identifies U205, Antenna tower over 30 feet provide for one on-site parking space.

Staff analysis: Staff finds that the applicant is providing the required on-site parking spaces for this project.

CMC 17.72.040 Fences, walls, and hedges.

CMC 17.72.040(B) allows fences not located within a required setback to be built to a height of seven feet with an additional two feet permitted for security devices.

Staff analysis: Staff finds that the proposal is consistent with this section of the Chehalis Municipal Code.

II. CMC 17.09.120 Variance

A. Where unnecessary hardships or practical difficulties resulting from peculiarities of a specific property render it difficult or inequitable to carry out all provisions of this title, the examiner shall have the authority to grant a variance if all the following conditions are met:

1. The variance will not constitute a grant of special privilege inconsistent with the limitation upon development of other properties in the vicinity and zone in which subject property is located; and

Staff analysis: Staff finds that the requested variance is consistent with the surrounding development and will not grant special privilege inconsistent with other development in the area.

2. Such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with development rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; provided, that such unusual circumstances or conditions have not been created by action or acquiescence of the applicant; and

Staff analysis: Staff finds that the proposal is necessary to provide vital cellular communications within the area. Staff further finds that the demand for cellular service is not a situation created by the developer but rather a situation they propose to service.

3. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated; and

Staff analysis: Staff finds that the proposal will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is situated.

4. The granting of such a variance will not be inconsistent with the comprehensive plan; and

Staff analysis: Staff finds that the proposal is consistent with the currently adopted Comprehensive Plan.

5. The variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of any adjacent property.

Staff analysis: Staff finds that this variance will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of any adjacent property.

Staff Recommendation

Because of the Stay at Home Orders and COVID based restrictions to meetings, this project was reviewed by the DRC via email communications. The staff recommendation listed below incorporates all of the comments received.

Staff recommends APPROVAL of Variance UGA-VA-20-0003 for the construction of a 150-foot monopole cell tower at 1437 Bishop Road with the following conditions:

- 1. A copy of the recorded access easement must be submitted with building and civil permits.*
- 2. Additional permits are required as follows:*
 - a. Civil Permit. 3 full size sets must be submitted for review. This permit shall include:*
 - i. Site plan showing:*
 - 1. Driveway access.*
 - 2. Culvert location and installation plans.*
 - 3. Utilities. This shall show where the proposed fiber optics and transformers or other ground based electrical equipment.*
 - 4. The location of the utility shed that will be built immediately and the location for future utility sheds.*
 - 5. Onsite stormwater infiltration site.*
 - ii. Stormwater Plan*
 - iii. Other documents or studies as needed to approve the stormwater plan and culvert.*

b. Building Permit. This permit shall include:

- i. 2 sets of site plans showing placement of buildings, infrastructure, and setbacks.*
- ii. 2 full size sets of building plans for each of the structures being built.*

Exhibits

Exhibit A: Application with supporting documentation and vicinity map

Exhibit B: Wetland map

Exhibit C: Affidavit of publication of public hearing with notice mailed to all property owners within 300 feet

Exhibit D: DNS (supporting documentation included in the application)

May 1, 2020

City of Chehalis Community Development Department
Tammy Baraconi, Building and Planning Manager
1321 S. Market Blvd.
Chehalis, WA 98532

RE: McDaniel Cellular Telephone Company (US Cellular)
Conditional Use and Variance Application, SEPA Checklist
Site ID: Chehalis Middle School #367377
Location: 1437 Bishop Road/Parcel ID: 017539001001

Dear Ms. King:

On behalf of McDaniel Cellular Telephone Company, (aka US Cellular), we are submitting an application for a new Wireless Communication Facility (WCF) in the Urban Growth Area of the City of Chehalis.

A Table of Contents that itemizes our documentation submitted with this application is provided with this cover letter.

The application fee will be paid via credit card upon receipt of an invoice from your office.

If you need additional information, or have any questions, please let me know.

Sincerely,

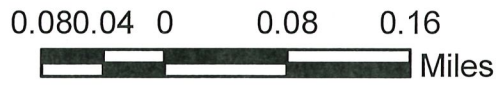
Allen R. Potter
541-821-8846
allen@wirelessitetechology.com

This page is for reference.
The entire 162 page document
can be found on the City's
web site at:

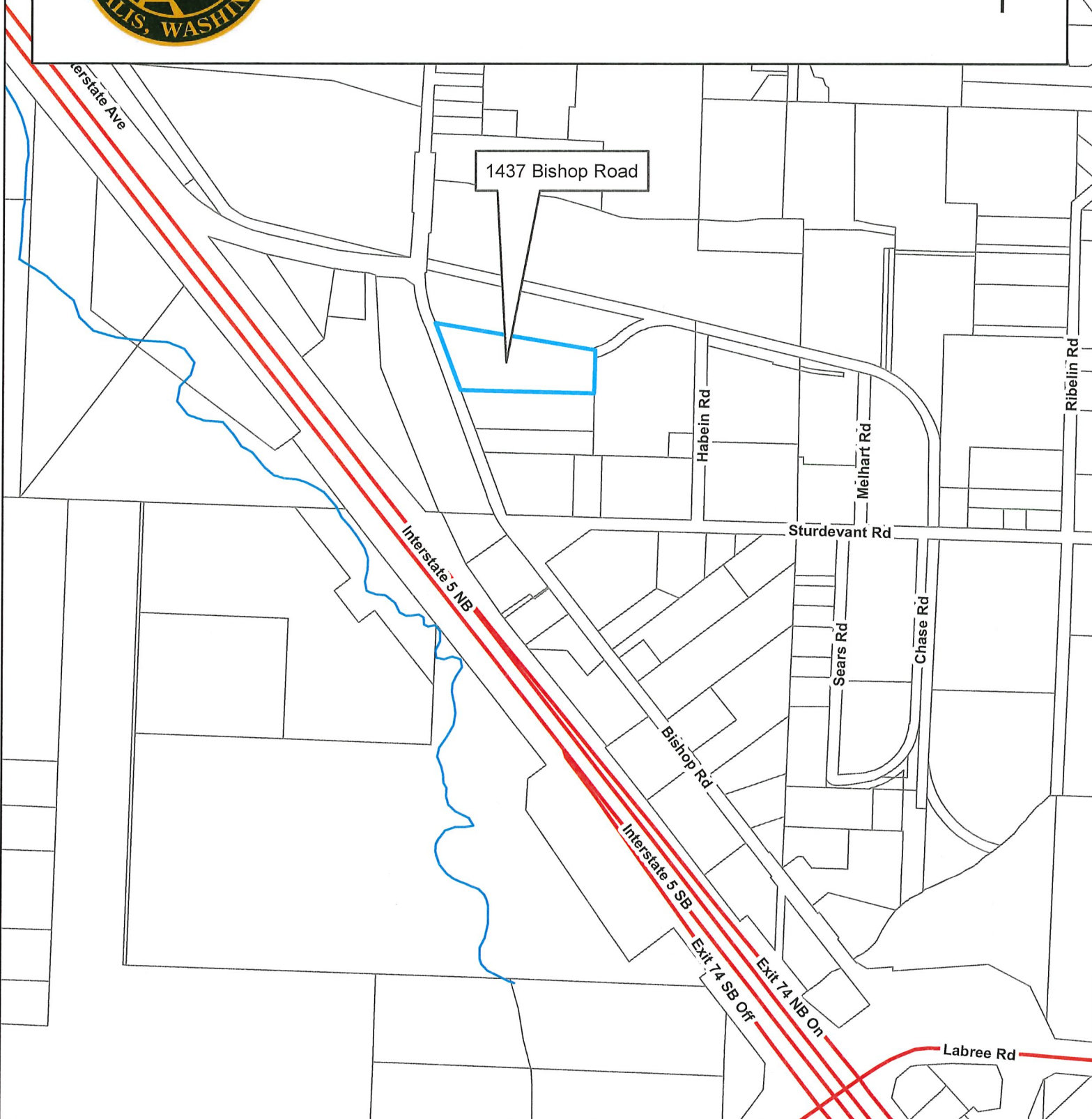
cc: Dan MacKinney/WST

[www.ci.chehalis.wa.us/building/
development review committee](http://www.ci.chehalis.wa.us/building/developmentreviewcommittee)

Vicinity Map for UGA-VA-20-002 1437 Bishop Road



1 inch = 667 feet



**AFFIDAVIT
OF PUBLICATION
STATE OF WASHINGTON
COUNTY OF LEWIS**

Alysa Andrews, and/or Mandy Klemola, and/or Kailyn Sawyer,
and/or Cindy Thayer says that she is the legal clerk of

**The
Chronicle**

a semi-weekly newspaper, which has been established, published
in the English language, and circulated continuously as a
semi-weekly newspaper in the City of Centralia, and in Lewis
County, Washington, general circulation in Lewis County for
more than six (6) months prior to the date of the first publication
of the notice hereto attached, and that the said Chronicle was on
the 7th day of July 1941, approved as a legal newspaper by the
Superior Court of said Lewis County. And that the attached is a
true copy and was published in regular issues (and not in
supplement form) of said newspaper as LEGAL # 115451
RE: Notice of Public Hearing

once each day for a period of 1 day

commencing on 08/18/2020 and ending on 08/18/2020

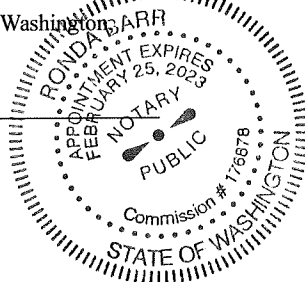
and both regularly distributed to its subscribers during all of said
period. That the full amount of the fee charged for the foregoing
publication is the sum of \$ 145.00

Cindy Thayer
Subscribed and sworn to before me 08/18/2020

Ronda Barr

Notary Public in and for the State of Washington,
residing at

Chelan



115451 Notice of Public
Hearing

**NOTICE OF
PUBLIC HEARING
Hearing Examiner
Permit #UGA-VA-20-002
and UGA-SEPA-20-0003**

TOPIC: The applicant is pro-
posing 150 foot cell tower at
1437 Bishop Road. This is a
permitted use at this site
however the height limitation is
100 feet. The applicant is
requesting a variance for the
remaining 50 feet. Lewis Coun-
ty Parcel # 017539001001.
The zoning classification is IL,
Light Industrial.

Date, Time and Place:
September 1, 2020 at 5:30 PM
Chehalis City Hall,
Council Chambers
350 N. Market Blvd
Chehalis, WA

Contact: To view the proposed
changes during regular busi-
ness hours or to request a
copy, contact:

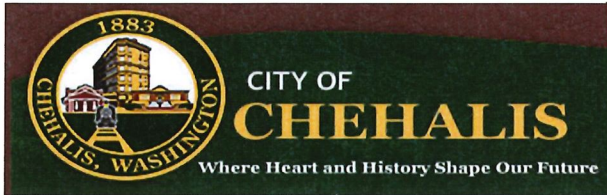
Tammy Baraconi,
Planning and
Building Manager
1321 S. Market Blvd
Chehalis, WA 98532
360.345.2229 or via email at
tbaraconi@ci.chehalis.wa.us

Anyone interested may appear
and be heard. The decision of
the Hearing Examiner will be
mailed to all those who submit
comments, testify at the hear-
ing or request the decision in
writing. Any aggrieved party of
record can file an appeal with
Lewis County Superior Court.

***Written public comment
can be accepted until 4:30
PM on September 1, 2020***

Published: The Chronicle
August 18, 2019

Exhibit C



Community Development Department
1321 S. Market Blvd., Chehalis, WA 98532
360.345.2229/Fax: 360.345.1039
www.ci.chehalis.wa.us email: comdev@ci.chehalis.wa.us

August 19, 2020

Dear Property Owner,

The applicant is proposing a new wireless communication facility including a 150 foot monopole antenna support structure and related ground equipment within a 2,500 square foot enclosure. This is a permitted use but height limitation in this zone is 100 feet so the applicant is seeking a variance for the additional 50 feet. Zoning is CG, General Commercial and IL, Light Industrial. Lewis County Parcel #017539001001. By law we must notify all parties within 300 feet of this site. If you would like to comment, please follow the directions in the notice below.

Notice of Application and Determination of Non-Significance

Request: Variance to add an additional 50 feet to a cell tower,

Applicant: McDaniel Cellular Telephone Company, 8410 W. Bryn Mawr Ave. Chicago Ill, 60631

Land Use Case#: UGA-SEPA-20-0003 and UGA-VA-20-002

Date of Application: May 1, 2020

Date of Complete Application: May 30, 2020

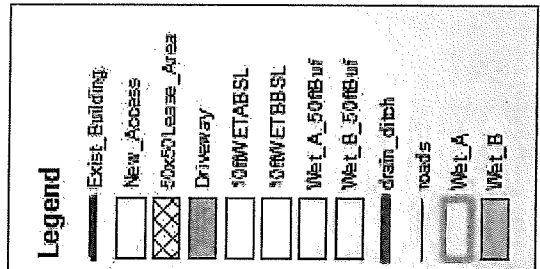
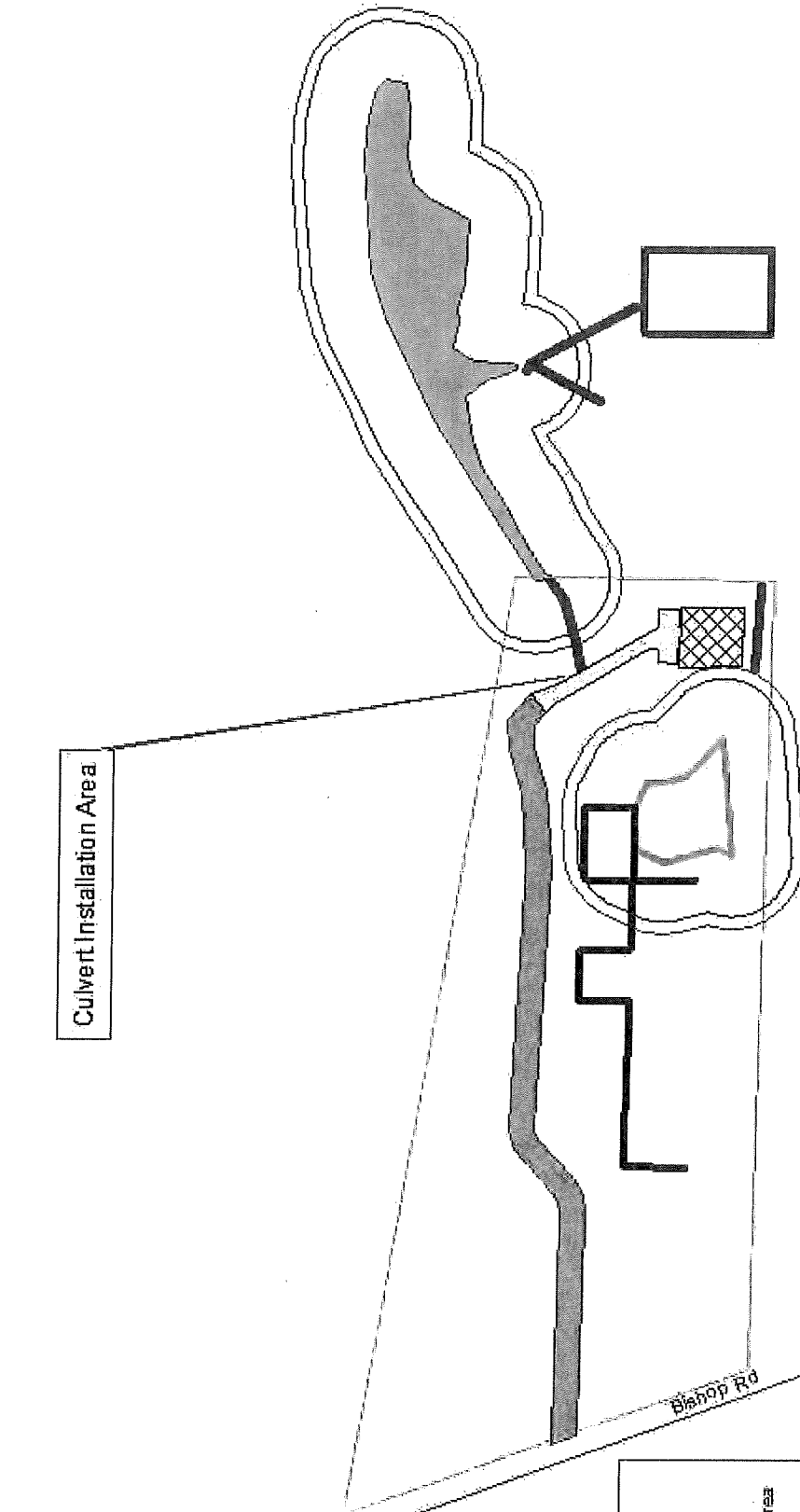
Proposal: The applicant is proposing a new wireless communication facility including a 150 foot monopole antenna support structure and related ground equipment within a 2,500 square foot enclosure. This is a permitted use but height limitation in this zone is 100 feet so the applicant is seeking a variance for the additional 50 feet. Zoning is CG, General Commercial and IL, Light Industrial. Lewis County Parcel #017539001001.

City Contact: To view the complete application during normal business hours, contact:
Tammy Baraconi, Planning and Building Manager
Community Development
1321 S. Market Blvd.
Chehalis, WA 98532
Phone: 360.345.2229
Email: tbaraconi@ci.chehalis.wa.us

Comment Procedures: This decision has a 21-day **public review period that ends on September 10, 2020**. This may be your only opportunity to comment. Written comments must be submitted to Chehalis Community Development at the address listed above. Only written comments will be accepted. If you have further questions, please contact Tammy Baraconi at the phone number or email listed above.

***PLEASE REFERENCE THE FILE NUMBER(S) WHEN CORRESPONDING. ***

Exhibit B

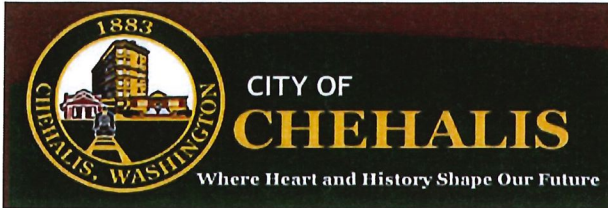


Land Services NW LLC
 120 State Avenue NE PMB#190
 Olympia, WA 98501
 253.484.4099



Figure 5
 Site Plan
 Basis of Survey





Community Development Department
1321 S. Market Blvd., Chehalis, WA 98532
360.345.2229/Fax: 360.345.1039
www.ci.chehalis.wa.us
email: comdev@ci.chehalis.wa.us

SEPA #: UGA-SEPA-20-0003
UGA-VA-20-002

DETERMINATION OF NONSIGNIFICANCE And NOTICE OF APPLICATION

Description of proposal: The applicant is proposing a new wireless communication facility including a 150 foot monopole antenna support structure and related ground equipment within a 2,500 square foot enclosure. This is a permitted use but height limitation in this zone is 100 feet so the applicant is seeking a variance for the additional 50 feet. Zoning is CG, General Commercial and IL, Light Industrial. Lewis County Parcel #017539001001.


Proponent: McDaniel Cellular Telephone Company, 8410 W. Bryn Mawr Ave. Chicago Ill, 60631
Lead agency: Chehalis Community Development

Chehalis Community Development has determined that this proposal does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the City. This information is available to the public on request.

This will be the only comment period for this DNS. As per WAC 197-11-340(2); this agency will not act on this proposal for 21 days from the date below. This may be your only opportunity to comment.

Responsible official: Tammy Baraoni
Position/title: Planning and Building Manager, City of Chehalis
Phone: (360) 345.2229
Address: 1321 S. Market Blvd., Chehalis WA 98532

Date: August 20, 2020

Signature: 

You may appeal this determination to City of Chehalis - Community Development, 1321 S. Market Blvd, Chehalis, WA 98532. All appeals must be filed with City of Chehalis in writing with a \$500.00 fee submitted by 5:00 pm on September 10, 2020. You may contact Tammy Baraoni to ask about the procedures for SEPA appeals.

CITY OF CHEHALIS COMPREHENSIVE PLAN

The proposed development is compatible with the following goals and policies of the City of Chehalis Comprehensive Plan.

Chehalis Comprehensive Plan

LU.04.02 Encourage development in areas where adequate public facilities and services already exist or can be provided in an efficient manner.

LU.14 To promote the continued expansion of a healthy commercial sector.

LU.16.16 Locate industrial areas in a manner which takes advantage of air, freeway and rail transportation systems.

The environment threshold determination is based on analysis of information contained in the following documents:

- Environmental Checklist
- Site Plan prepared Stratton Surveying and Mapping, LLC.

Notes:

1. The issuance of a Determination of Nonsignificance does not constitute project approval. All building plans and site design must meet the following: 2015 International Fire Code, the 2015 International Building Code, the City of Chehalis Engineering Development Code (CMC Title 12.04) and the City of Chehalis Municipal Code (CMC Title 17).
2. The Determination of Nonsignificance is based on the applicant developing the site in accordance with the earthmoving permit as approved by City of Chehalis and the site plan for McCallum Prestige Investments Worldwide, LLC.
3. If contamination is currently known or observed during construction, sampling of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily visible, or is revealed by sampling, the Department of Ecology must be notified. Contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office at 360.407.6300. For assistance and information about subsequent cleanup and to identify the type of testing that will be required contact the Toxics Cleanup Program at 360.407.7170.
4. Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent soil from being carried into surface water by stormwater runoff. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered pollutants.

Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington and is subject to enforcement action.

5. During construction, all releases of oils, hydraulic fluids, fuels, other petroleum products, paints, solvents, and other deleterious materials must be contained and removed in a manner that will prevent their discharge to waters and soils of the state. The cleanup of spills should take precedence over other work.

6. In the event any archaeological or historic materials are encountered during project activity, work in the immediate area (initially allowing for a 100' buffer; this number may vary by circumstances) must stop and the following actions taken:
 - a. Implement reasonable measures to protect the discovery site, including any appropriate stabilization or covering; and
 - b. Take reasonable steps to ensure the confidentiality of the discovery site; and
 - c. Take reasonable steps to restrict access to the site of discovery.

The project proponent will notify the concerned Tribes and all appropriate local, state and federal agencies including the Department of Archaeology and Historic Preservation and the City of Chehalis Community Development. The agencies and Tribes(s) will discuss possible measures to remove or avoid cultural material and will reach an agreement with the project proponent regarding actions to be taken and disposition of material.

If human remains are uncovered, the City of Chehalis Police Department shall be notified first and the above steps followed. IF the remains are determined to be Native, consultation with the affected Tribes will take place in order to mitigate the final disposition of said remains.

See the Revised Code of Washington, Chapter 27.53, "Archaeological Sites and Resources," for applicable laws and statutes. See also Washington State Executive Order 05-05, "Archaeological and Cultural Resources." Additional state and federal law(s) may also apply.

CC:

SEPA Unit PO Box 47703 Olympia WA 98504-7703 (with checklist)
Trent Lougheed, City Engineer via email