

CITY OF PULLMAN

Public Works and Planning Departments

325 S.E. Paradise Street, Pullman, WA 99163
(509) 338-3220 or (509) 338-3213 Fax (509) 338-3282
www.pullman-wa.gov

MEMORANDUM

TO: Pullman Board of Adjustment

FROM: Pete Dickinson, Planning Director *PD*
Jason Radtke, Assistant Planner *JR*

FOR: Meeting of December 20, 2010

SUBJECT: Conditional Use Permit Application No. C-10-1
Inland Cellular Wireless Communications Tower

DATE: December 14, 2010

Staff Report No. 10-14

BACKGROUND DATA

Applicant: Inland Cellular.

Property Location: 1950 NE Skyview Drive (See Attachment A, Location and Zoning Map).

Applicant's Request: Installation of an 80-foot, self-supporting (non-guyed) communications tower and 288-square-foot accessory structure at the above location (See Attachment B, Application C-10-1; Attachment C, Plot Plan; and Attachment D, Structure Elevation).

Property Zoning: R4 High Density Multi-Family Residential District.

Applicable Zoning Regulations: Chapter 17.70.030 states that freestanding wireless facilities 80 feet in height or less are permitted within the R4 zone as a conditional use.

<u>Property Features:</u>	Current Land Use: Farmland; Lot Area: 10,890 square feet; Utilities: City water, sanitary sewer, and storm drain lines are provided to the subject property; Topography: Rolling hills; Vegetation: Planted crops.
<u>Adjacent Zoning and Land Use:</u>	North: R4 and I2 Heavy Industrial zoning districts; businesses, open space and agriculture; East: R4 zoning district; agriculture and apartment complexes; West: R4 and I2 zoning districts; city water tower, open space and agriculture. South: R4 and C3 General Commercial zoning districts; apartment complexes and small businesses.
<u>Access:</u>	Skyview Drive, designated as a local access street on the Pullman Comprehensive Plan Arterial Street Plan Map.
<u>Environmental Review:</u>	Environmental Checklist submitted 11/05/10 (<u>See</u> Attachment E); Final Determination of Nonsignificance issued 12/03/10 (<u>See</u> Attachment F).
<u>Comments of Affected Agencies:</u>	Department of Public Works: No objection. Protective Inspections Division: <i>No response.</i> Department of Public Services: <i>No response.</i> Fire Department: No concerns. Police Department: No concerns. Pullman School District: <i>No response.</i>
<u>Hearing Notification:</u>	Notice of Public Hearing mailed December 6, 2010; Notice posted December 7, 2010; Notice published December 9, 2010.

PERTINENT PLANNING PROVISIONS

There are a number of provisions contained within the Comprehensive Plan and zoning code that relate to this conditional use permit application. These provisions, which are available for review at the city's web site (www.ci.pullman.wa.us), are referenced below.

Comprehensive Plan Goals LU4, CF1, and CF5 and their respective policies.
Zoning Code Chapters 17.01, 17.35, 17.70, 17.75, and 17.125.

CONDITIONAL USE PERMIT REVIEW CRITERIA

In accordance with Zoning Code Section 17.125.020, a conditional use permit may be approved when all of the following findings can be made:

- (1) that the proposed use is consistent with the Comprehensive Plan;
- (2) that the proposed use, and its location, are consistent with the purposes of the zone district in which the use is to be located;
- (3) that the proposed use will meet all required yard, parking, and other material development standards of the Zoning Code unless otherwise varied in the approved conditional use permit;
- (4) that the use, as approved or conditionally approved, will
 - (a) be located on a site that is adequate in size and shape;
 - (b) be located on a site that has sufficient access to streets and highways adequate in width and type of surface to carry the quantity and quality of traffic generated by the proposed use;
 - (c) not have a significant adverse environmental impact on the adjacent area or the community in general;
 - (d) be compatible with surrounding land uses;
 - (e) be provided with adequate parking; and,
 - (f) be served by adequate public utilities and facilities.

STAFF ANALYSIS AND RECOMMENDATION

Planning staff is in favor of granting this request for a conditional use permit. Staff believes the proposed use is consistent with the Comprehensive Plan. In particular, Comprehensive Plan Goal CF1 recommends supplying facilities, utilities, and services for all land uses to provide for public health and safety and economic well being; and Goal CF5 recommends cooperating with other service providers and private utilities to ensure that efficient service is available to all parts of the city. Policy CF5.4 states that wireless telecommunications facilities should be consolidated in their locations as much as possible in order to make the most efficient use of urban land and enhance the appearance of the community. According to the applicant, the proposed facility will provide communications services as well as mobile emergency communications to the surrounding area. The applicant also states that although there are currently communications antennas on the adjacent water tower, there is no more room for additional equipment, and the Public Works Director has confirmed this. The applicant goes on to state that the purpose of this tower is to replace an existing communication unit located on Benewah Street.

Zoning Code Section 17.70.030 states that freestanding wireless facilities 80 feet in height or less are permitted in the R4 district as a conditional use. The proposed facility is consistent with the existing use and fundamental nature of the adjacent property as a water tower and communications facility.

The proposed conditional use meets all material development standards of the Zoning Code. The proposed communication facility will have no impact on the surrounding area's traffic flow or load. A Determination of Nonsignificance was issued for this project under the State Environmental Policy Act; therefore, the facility is not expected to have a significant adverse environmental impact on the adjacent area or the community in general. No parking is required for this project. The property is also adequately served by public utilities and facilities, and will be of adequate size and shape for the proposed conditional use.

Zoning Code Section 17.35.080(11)(f) states that the base of any wireless communication freestanding facility shall be screened around its entire perimeter with a minimum six foot high screening device. Planning staff proposes that this be made a condition of approval for this proposal so that all parties are informed of this requirement at the outset.

In conclusion, staff recommends that the proposed conditional use permit be approved with the following condition:

1. The applicant shall install a sight-obscuring screen on all sides of the facility as described in Zoning Code Section 17.35.080(11)(f).

FINDINGS OF FACT AND CONCLUSIONS

The applicant has prepared findings of fact for the Board to review (See Attachment G). Planning staff has also prepared findings of fact and conclusions for consideration at the public hearing. Staff's findings and conclusions are incorporated in draft Resolution No. BA-2010-4 (See Attachment H).

Prior to making a decision to approve or deny a conditional use permit application, the Board must adopt findings of fact and conclusions which specify the basis for its decision. The Board may abstract findings and conclusions from the applicant, staff, public, or Board of Adjustment members.

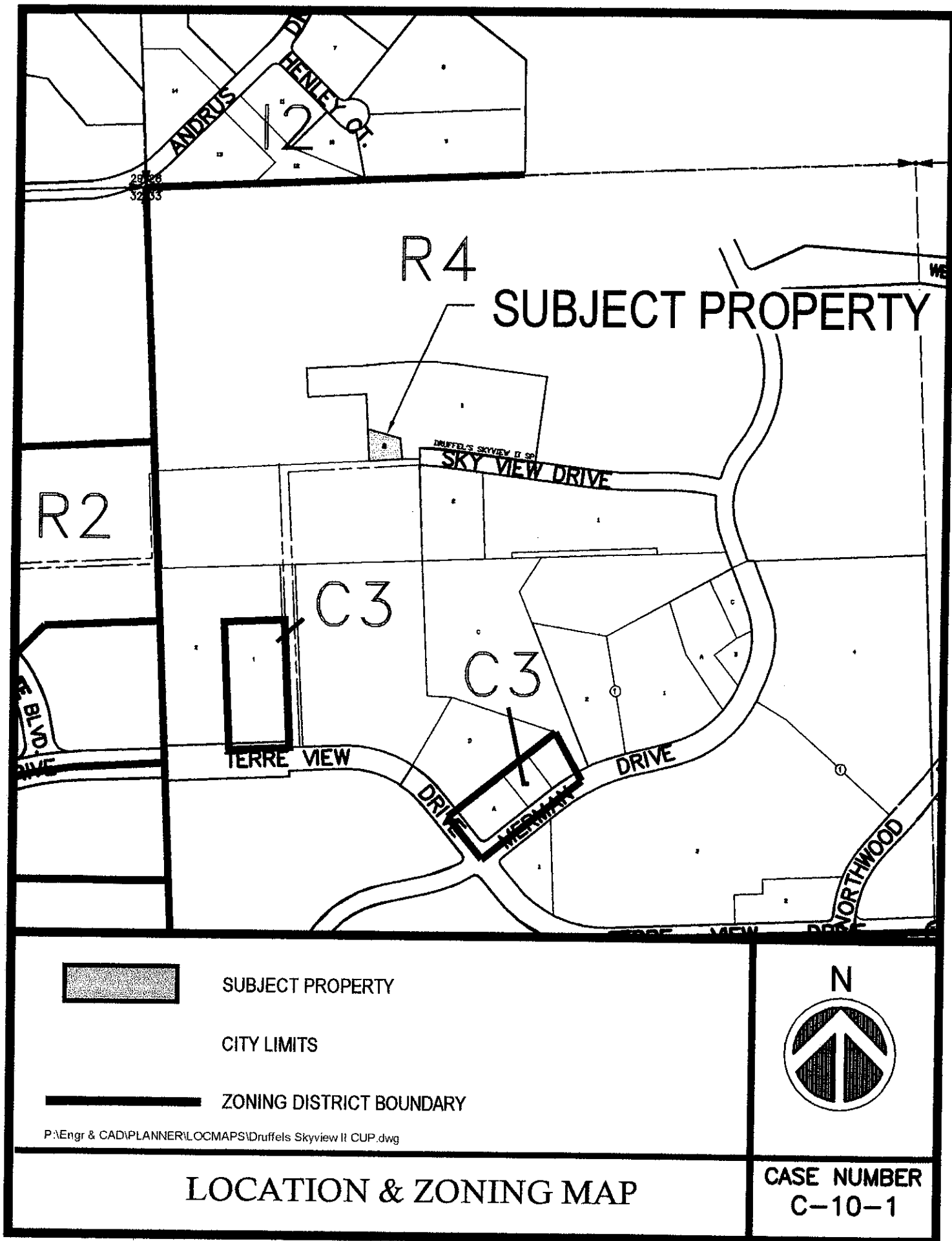
ACTION REQUESTED

- A. Establish rules of procedure and ask Appearance of Fairness questions.
- B. Accept staff report.
- C. Take testimony on the request for the conditional use permit.
- D. Adopt, by motion, Findings of Fact.
- E. Adopt, by motion, Conclusions.

- F. Move to approve or deny the granting of the conditional use permit. If the motion is to approve, the same motion should include any conditions the Board wishes to apply.

ATTACHMENTS

- "A" Location and Zoning Map
- "B" Conditional Use Permit Application C-10-1
- "C" Plot Plan
- "D" Structure Elevation
- "E" Environmental Checklist
- "F" Determination of Nonsignificance
- "G" Applicant's Findings of Fact
- "H" Draft Resolution No. BA-2010-4



RECEIPT NO.: 41598

DATE APPLICATION RECEIVED: 11-5-10

DATE APPLICATION ACCEPTED AS COMPLETE: _____

CITY OF PULLMAN
CONDITIONAL USE PERMIT APPLICATION

APPLICANT:

NAME: WASHINGTON RSA NO. 8 LIMITED PARTNERSHIP DBA INLAND CELLULAR

ADDRESS: PO Box 688. ROSLYN WA 98941

TELEPHONE: (509)649-2211

STATUS (property owner, lessee, agent, purchaser, etc.): PROPERTY OWNER (PENDING APPROVAL)

PROPERTY OWNER (if different than applicant):

NAME: _____

ADDRESS: _____

TELEPHONE: _____

PROPERTY LOCATION (general or common address):

NW 1/4 SECTION 33, T15 N, R45 E, WM CITY OF PULLMAN WHITMAN COUNTY WASHINGTON

WEST END OF SKYVIEW DRIVE

ZONING DISTRICT: F4

PROPOSED CONDITIONAL USE:

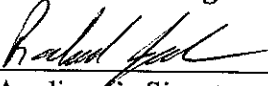
CONSTRUCTION OF A 80' COMMUNICATION TOWER AND 12'X24 ACCESSORY BUILDING

TO HOUSE COMMUNICATION EQUIPMENT. TOWER WILL BE LATTICE STYLE WITH 9' BASE

TAPERING UP TO 5' AT TOP. TOWER WILL BE APPROXIMATE SAME HEIGHT AS

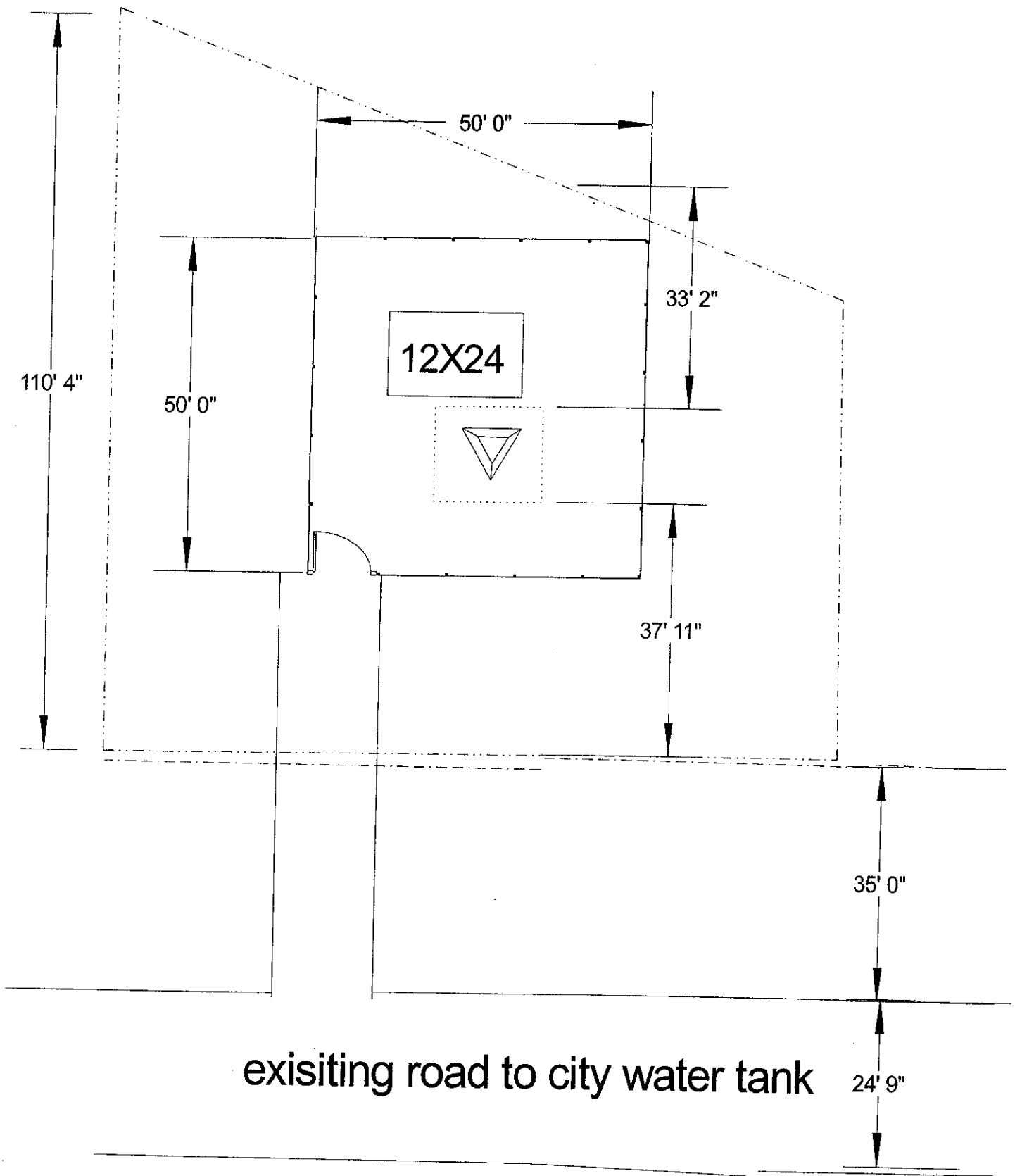
WATERTANK THAT IS ON CITY PROPERTY NEXT TO CURRENT PROPERTY.

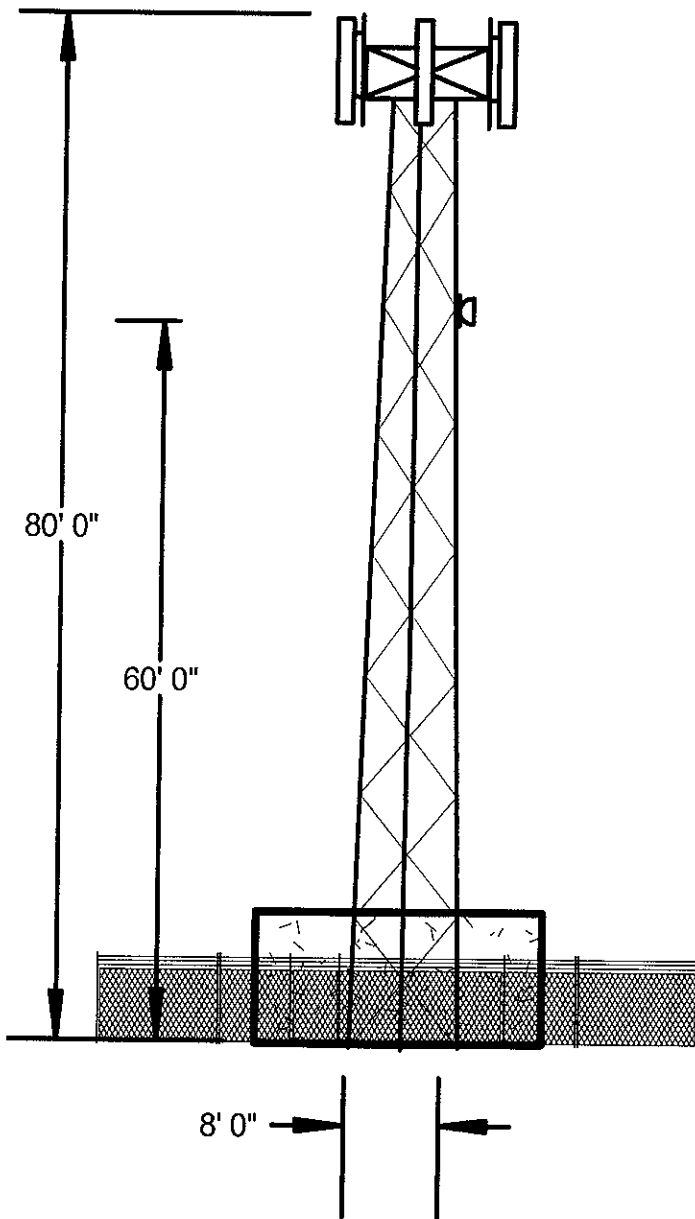
All information provided in this application is said to be true under penalty of perjury by the laws of the State of Washington.


Applicant's Signature

509-229-2211

11/5/10
Date





RECEIVED

DEC 06 2010

PUBLIC WORKS/PLANNING

Inland Cellular proposed communications tower
side view

Receipt No. 41598

Date 11-5-10

CITY OF PULLMAN ENVIRONMENTAL CHECKLIST

A. BACKGROUND

1. Name(s) of proposed project, if applicable: Pullman North cellsite
2. Name of applicant: Washington RSA No. 8 Limited Partnership dba Inland Cellular
3. Address and phone number of applicant and contact person: RICHARD JACKSON 509-229-2211
Inland Cellular
PO Box 688
Roslyn Wa 98941
4. Date Checklist prepared: 11/04/2010
5. Agency requesting Checklist: City of Pullman
6. Proposed timing or schedule (including phasing, if applicable):

START WORK IN EARLY SPRING 2011 OR WHEN PERMITS HAVE
BEEN OBTAINED.

**EVALUATION -
CITY USE ONLY**

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
NOT AT THIS TIME

8. List any environmental information you know of that has been prepared, or will be prepared, directly related to this proposal.

AN ARCHEOLOGICAL STUDY WILL BE PERFORMED BEFORE GROUND BREAKING.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

No

**EVALUATION -
CITY USE ONLY**

10. List any governmental approvals or permits that will be needed for your proposal, if known.

CITY OF PULLMAN CONDITIONAL USE AND BUILDING PERMIT.

FAA DETERMINATION OF NO HAZARD OR LIGHTING REQUIREMENTS

11. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this Checklist that ask you to describe certain aspects of your proposal. You need not repeat those answers here.

CONSTRUCT AN 80' TALL COMMUNICATIONS STRUCTURE WITH 12'X20'EQUIPMENT SHELTER.

FENCED AREA WILL BE 40'X60'.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the City, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this Checklist.

NW 1/4 SECTION 33, T15 N, R45 E, W.M., CITY OF PULLMAN.

END OF SKYVIEW DRIVE

B. ENVIRONMENTAL ELEMENTS (TO BE COMPLETED BY APPLICANT)

1. EARTH

a. General description of the site (circle one): flat, rolling, hilly, steep slopes, mountainous, other. **ROLLING**

b. What is the steepest slope on the site (approximate percent slope)?

5%

c. What general types of soil are found on the site (e.g., clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland. **LAND USE IS CURRENTLY FARMED.**

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

**THE NORTH END OF THE PROPERTY IS AT THE EDGE OF AN EMBANKMENT
WITH NO SIGNS OF EROSION OR SLUFFING OF SOIL.**

e. Describe the purpose, type and approximate quantities of any filling or grading proposed. Indicate source of fill. **A LEVELED AREA OF 50'X60' WILL BE MADE TOWER FOUNDATION
WILL BE 6' BELOW GRADE AND ALL FILL WILL BE FROM GRADING OF SITE. GRAVEL WILL BE BROUGHT
IN TO BE PLACE INSIDE COMPOUND AND A 4' RING AROUND FENCE FOR FIREBREAK PURPOSES.**

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. **NO. SITE WILL BE LEVEL AND ALL DISTURBED GROUND COVER WILL BE REPLACE
WITH GRAVEL OR LIKE GROUND COVER.**

g. Approximately what percent of the site will be covered with impervious surfaces after project construction (e.g., asphalt or buildings)?

20% OF THE TOTAL .23 ACRES OWNED.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: **LEVELED SIGHT WILL HAVE GRAVEL AND UNFENCED AREA WILL BE FARMED.**

2. AIR

- a. What types of emissions to the air would result from the proposal (e.g., dust, automobile, odors, industrial, wood smoke) during construction and after the project is completed? If any, generally describe and give approximate quantities, if known. DUST FROM CONSTRUCTION AND SITE PREPARATION DURING DAYLIGHT HOURS. NON AFTER PROJECT IS COMPLETED.
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.
No
- c. Proposed measures to reduce or control emissions or other impacts to the air, if any: NONE

3. WATER

- a. Surface:
- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If so, describe type and give names. If appropriate, state what stream or river it flows into.
No
- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, describe and attach available plans.
No
- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. NONE
- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities, if known. No
- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. No

**EVALUATION -
CITY USE ONLY**

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge?

No

b. Ground:

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give description, purpose and approximate quantities, if known.

No

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (e.g., domestic sewage; industrial, containing the following chemicals . . .; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable) or the number of animals or humans the system(s) are expected to serve.

NONE

c. Water Runoff (including storm water):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities if known). Where will this water flow? Will this water flow into other waters? If so, describe.

ROOF OF STRUCTURE TO GROUND ADJACENT TO THE STRUCTURE. WATER WILL NOT FLOW INTO OTHER WATERS.

- 2) Could waste materials enter ground or surface waters? If so, generally describe. NONE ARE GENERATED AT THE SITE

- 3) Proposed measures to reduce or control surface, ground, and runoff water impacts, if any: NONE

4. PLANTS

- a. Check and/or circle the following types of vegetation found on the site:

EVALUATION -
CITY USE ONLY

- ___ Deciduous tree: alder, maple, aspen, other _____
___ Evergreen tree: fir, cedar, pine, other _____
___ Shrubs _____
___ Grass _____
___ Pasture _____
x Crop or grain _____
___ Wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other _____
___ Water plants: water lily, eelgrass, milfoil, other _____
___ Other types of vegetation _____

- b. What kind and amount of vegetation will be removed or altered?

APPROXIMATELY 30% OF OWNED LOT WILL BE GRAVEL THE REST IS SUITABLE TO CONTINUE TO
BE FARMED BY PREVIOUS OWNER.

- c. List threatened or endangered species known to be on or near the site.

NONE

- d. Proposed landscaping, use of native plants, or other measures to preserve or
enhance vegetation on the site, if any:

NONE

5. ANIMALS

- a. Circle any animals which have been observed on or near the site, or are known to
be on or near the site.

BIRDS: Hawk, heron, eagle, songbirds, other _____

MAMMALS: Deer, bear, elk, beaver, other _____

FISH: Bass, salmon, trout, herring, shellfish, other _____

- b. List any threatened or endangered species known to be on or near the site.

NONE

- c. Is the site part of a migration route? If so, explain.

NO

- d. Proposed measures to preserve or enhance wildlife, if any:

NONE

6. ENERGY AND NATURAL RESOURCES

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Will it be used for heating, manufacturing, etc.?

ELECTRIC

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

NO

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.

NONE

7. ENVIRONMENTAL HEALTH

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

AS WITH ALL BUILDINGS THERE IS A RISK OF FIRE. GEL CELL BATTERIES WILL BE USED AT THIS SITE.

- 1) Describe special emergency services that might be required.

STANDARD FIRE PROTECTION SERVICES

- 2) Proposed measures to reduce or control environmental health hazards, if any:

GRAVEL LOT TO PREVENT COMBUSTIBLE MATERIAL/VEGETATION FROM ACCUMALATING ON SITE

- b. Noise:

- 1) What types of noise exist in the area which may affect your project (traffic, equipment, operation, other)?

NONE

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (e.g., traffic, construction, operation, other)? Indicate hours noise would come from site.

NOISE FROM EQUIPMENT DURING CONSTRUCTION PERIOD DURING DAYLIGHT HOURS
HEATING UNITS ON STRUCTURES SIMILAR TO THAT ON AN RESIDENTIAL HOUSE

3) Proposed measures to reduce or control noise impacts, if any:

LIMIT CONSTRUCTION HOURS TO DAYLIGHT ONLY

8. LAND AND SHORELINE USE

a. What is the current use of site and adjacent properties?

FARMLAND, CITY WATER TANK

b. Has the site been used for agriculture? If so, describe.

YES IT IS CURRENTLY FARMED. SITE WILL BE ADJACENT TO A CURRENT WATER TANK AND SLOPED UNFARMED LAND.

c. Describe any structures on the site.

CURRENTLY NO STRUCTURES

d. Will any structures be demolished? If so, describe.

NO

e. What is the current zoning classification of the site?

R4

f. What is the site's current Comprehensive Plan designation?

g. If applicable, what is the current Shoreline Master Program designation of the site?

N/A

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

NO

i. Approximately how many people would reside or work in the completed project?

THIS PROJECT REQUIRES NO ON SITE PERSONNEL

**EVALUATION -
CITY USE ONLY**

- j. Approximately how many people would the completed project displace?

NONE

- k. Proposed measures to avoid or reduce displacement impacts, if any:

N/A

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

CURRENTLY THE WATER TOWER IS USED FOR ANTENNA PLACEMENT AND IS FULL

9. HOUSING

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low income housing.

N/A

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle or low income housing.

N/A

- c. Proposed measures to reduce or control housing impacts, if any:

N/A

10. AESTHETICS

- a. What is the maximum height of any proposed structure(s), not including antennas? What is the proposed principal exterior building material(s)?

60'

- b. What views in the immediate vicinity would be altered or obstructed?

NONE WE ARE CLOSE TO THE ADJACENT WATER TANK AND ARE STAYING

THE APPROXIMATE HEIGHT AS NEARBY STRUCTURES

- c. Proposed measures to reduce or control aesthetic impacts, if any:

PROPOSE STRUCTURE WILL BE APPROXIMATELY 9' AT BASE TAPERING TO 5' OPEN LATTICE TYPE
COLOR WILL BE GRAY.

11. LIGHT AND GLARE

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

DULL GRAY COLOR TO LIMIT REFLECTION

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

FAA MAY REQUIRE LIGHTING ON THIS STRUCTURE. ADJACENT WATER TOWER IS CURRENTLY LIGHT ACCORDING TO FAA STANDARDS

- c. What existing off-site sources of light or glare could affect your proposal?

NONE

- d. Proposed measures to reduce or control light and glare impacts, if any:

STUCTURE WILL BE DULL GRAY GALVANIZED TO REDUCE GLARE.

12. RECREATION

- a. What designated and informal recreational opportunities are in the immediate vicinity?

SURROUNDING PROPERTY IS PRIVATE FARM LAND

- b. Would the proposed project displace any existing recreational uses? If so, describe.

NO

- c. Proposed measures to reduce or control impacts on recreation, including recreational opportunities to be provided by the project or applicant, if any:

NONE

13. HISTORIC AND CULTURAL PRESERVATION

- a. Are there any places or objects known to be on or next to the site that are listed on or proposed for national, state or local preservation registers? If so, generally describe.

NO

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

NONE

- c. Proposed measures to reduce or control impacts, if any:

AN ARCHAEOLOGICAL STUDY WILL BE CONDUCTED PRIOR TO CONSTRUCTION

14. TRANSPORTATION

- a. Identify public streets/highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

SITE IS AT END OF SKYVIEW DRIVE

- b. Is the site currently served by public transit? If not, what is the distance to the nearest transit stop? N/A

- c. How many parking spaces would the completed project have? How many would it eliminate?

ONE

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

NO

**EVALUATION -
CITY USE ONLY**

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, describe.

NO

- f. How many vehicular trips per day would be generated by the completed project? Indicate when peak volumes would occur.

AVERAGE 2 SITE VISITS PER MONTH USUALLY DURING BUSINESS HOURS
BUT COULD OCCUR AT ANY HOUR FOR EMERGENCY PURPOSES

- g. Proposed measures to reduce or control transportation impacts, if any:

REGULAR PREVENTIVE MAINTAINENCE

15. PUBLIC SERVICES

- a. Would the project result in an increased need for public services (e.g., fire or police protection, health care, schools, other)? If so, generally describe.

POSSIBLE FIRE PROTECTION

- b. Proposed measures to reduce or control direct impacts on public services, if any.

KEEP FIRE BREAK AND REGULAR MAINTAINANCE UPKEEP

16. UTILITIES

- a. Circle utilities currently available at the site:

electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other

- b. Describe utilities proposed for the project, utilities providing service, and general construction activities which might be needed on the site or in the immediate vicinity.

ELECTRICITY AND TELEPHONE SERVICE

C. SIGNATURE

I certify (or declare) under penalty of perjury pursuant to the laws of the State of Washington that the above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

 For Inland Cellular
Applicant's Signature

11/5/10
Date Submitted

FINAL DETERMINATION OF NONSIGNIFICANCE

Description of Proposal: Construct an 80-foot-tall communications structure with a 12'x20' equipment shelter and a 40'x60' fenced area.

Proponent: Richard Jackson, Inland Cellular

Location of Proposal, including street address, if any: located at the end of Skyview Drive within the northwest ¼ Section 33, Township 15 North, Range 45 East, W.M.

Lead agency: City of Pullman.

The lead agency for this proposal has determined that it 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.

 There is no comment period for this DNS.
 X This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal until 10 days from the date of this determination (December 3, 2010). The appeal period for this action expires at 5:00 p.m. on December 13, 2010.

Responsible Official: Mark D. Workman, P.E.

Position/Title: Director of Public Works **Phone:** (509) 338-3222

Address: 325 SE Paradise Street, Pullman, WA 99163

Date 12/3/10 Signature Kevin G. [unclear] for Mark Workman

 X You may appeal this determination to the Hearing Examiner at City Hall, 325 SE Paradise Street, Pullman, WA 99163 no later than **December 13, 2010**.

An appeal must conform to the requirements of Sections 16.39.170 (1) (a), (b), and (d) of Pullman City Code.

You should be prepared to make specific factual objections and to pay the required filing fee.

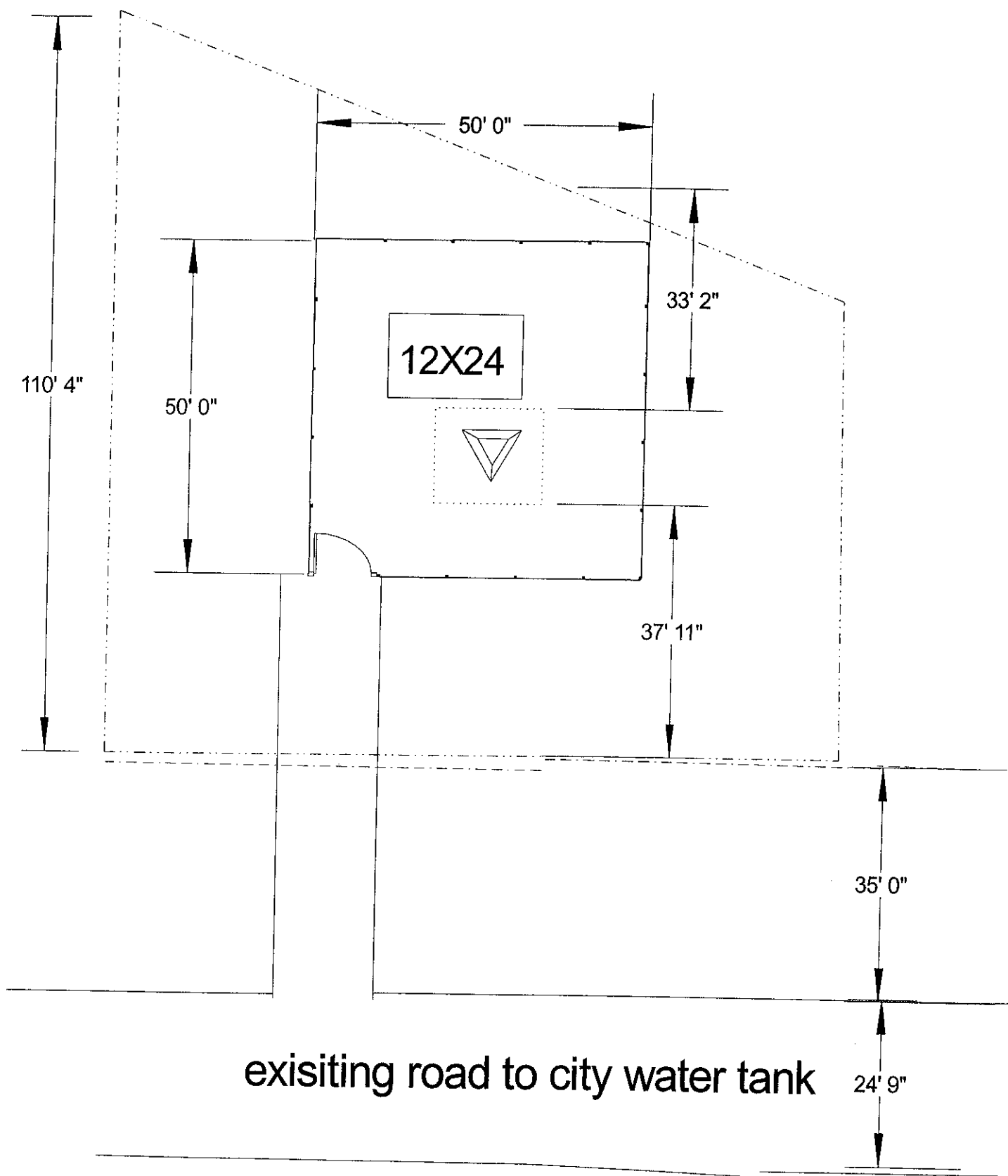
Contact the Director of Public Works for additional information about the procedure to file an appeal of this determination.

 There is no agency appeal.

Applicants Proposed Findings Of Facts

Inland Cellular Cup Communications Structure
Skyview II Lot 2

- (1) The Comprehensive plan calls for continued growth in high density and industrial areas to help in this growth communications is a factor. This communications tower will help serve the surrounding area by providing communications services as well as mobile emergency communications in these areas. This communications tower will replace an existing communications unit that is currently in use on Benawah st.
- (2) The location of this structure was chosen for its proximity of the Port of Whitman and overlooking the residential area. It will be placed next to city property which is currently has a water tank on it. The water tank has several communication antennas on it as well as 3 other smaller towers located in the vicinity. The property involved with this project is directly adjacent to currently unused property of the city. The property is currently farmed.
- (3) The Attached plot plan shows the location of the property along with all dimensions that are required. The property will follow the zoning code for setbacks and fencing requirements for a communications structure.
- (4)
 1. This site is located on a .25 acre property the actual area in use will be approximately 50'X50' the rest will be maintained as a fire break or farming land.
 2. Access for this property will be on existing roads with provisions for possible expansion of Skyview drive. Once construction is complete maintenance of structure will require a site visit once a month or more in case of emergency outages and upkeep.
 3. Currently the land is either in ground cover or farmed with the nearest residential area approximately 150 yards away. The area is currently fenced to prevent access to the City water tank and farm land.
 4. Currently there are several communications antennas on the water tank with no room for more. This tower will allow for more antennas to be added and the possibility of other carriers to add or expand to this structure will be taken into consideration.
 5. The public utility's of Electric power and Telecommunications are currently passing next to the site and will be utilized.
- (5) Inland Cellular has entered into an agreement with Harry Druffel Inc to purchase this land based on the approval of this Conditional use application. Attached is document stating such.



**SECOND ADDENDUM TO VACANT LAND
PURCHASE AND SALE AGREEMENT**

Dated: October 27, 2010

THIS ADDENDUM ("Addendum") is made effective October 27, 2010, to the Vacant Land Purchase and Sale Agreement ("PSA") dated August 25, 2009, and as amended by Addendum dated December 2, 2009, by and between, HARRY DRUFFEL, INC., a Washington Corporation ("Seller") and INLAND TELEPHONE COMPANY, a Washington Corporation, ("Buyer") collectively the "Parties."

RECITALS

- A. Buyer and Seller entered into the Pullman Vacant Land Purchase and Sale Agreement dated August 25, 2009 ("PSA"), whereby Seller agreed to sell, and Buyer agreed to buy, real estate.
- B. By Addendum dated December 2, 2009, to the PSA, the Parties agreed to extend the closing date to on or before March 25, 2010.
- C. The Parties acknowledge that additional time is required by the local government agencies to finalize the required permitting and land use actions required under the PSA dated August 25, 2009.
- D. To accommodate the additional time needed, Seller and Buyer desire to mutually extend the Closing Date to on or before December 31, 2010.

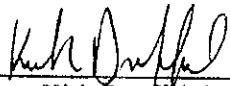
WITNESSETH

Buyer and Seller agree as follows:

- 1. The Closing Date is extended to the later date of the 30th day after receiving permit approval from the City of Pullman, or December 31, 2010.
- 2. All other covenants, terms, agreements and conditions contained in the PSA dated August 25, 2009, shall remain in full force and effect as written except to the extent modified by the foregoing provisions.

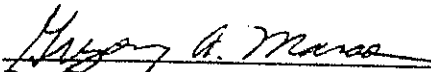
SELLER

Harry Druffel, Inc.
a Washington Corporation


By: Kirk Druffel, its President

BUYER

Inland Telephone Company,
a Washington Corporation


By: Gregory A. Maras, Secretary

**BEFORE THE BOARD OF ADJUSTMENT
FOR THE CITY OF PULLMAN**

In the Matter of Conditional
Use Permit Application
No. C-10-1

) Resolution No. BA-2010-4
)
) A Resolution Adopting Findings of
) Fact and Conclusions Representing
) the Official Determination of the City
) of Pullman Board of Adjustment

WHEREAS, a conditional use permit application was duly filed by Inland Cellular to install an 80-foot-tall, freestanding wireless communications facility at 1950 NE Skyview Drive, the property described in Exhibit "A," attached hereto and by this reference made a part hereof as though set forth in full herein; and,

WHEREAS, a notice of the Board of Adjustment public hearing on this matter was mailed to the applicant and property owners within 300 feet of the subject property on December 6, 2010, said notice was posted at the subject property December 7, 2010, and said notice was published in the Moscow-Pullman Daily News on December 9, 2010; and,

WHEREAS, a public hearing was held before the Board of Adjustment on December 20, 2010, at 7:30 p.m. in the Council Chambers at City Hall, 325 SE Paradise Street, Pullman, Washington, at which time public comment from persons favoring and opposing this conditional use permit application was solicited, and after hearing public comment thereon, Board members deliberated over the matter in open session; and,

WHEREAS, this Board, now considering it appropriate to enter its formal written decision, makes and enters the following

Findings of Fact

1. On November 5, 2010, Inland Cellular submitted a conditional use permit application with the planning department in order to obtain permission to install an 80-foot tall, non-guyed (freestanding) wireless communication tower at 1950 NE Skyview Drive; said application was labeled by planning staff as No. C-10-1.
2. The subject property is currently utilized for agricultural production.
3. The applicant indicates that the scope of the proposed project is to install a freestanding wireless communication facility, along with a 288-square-foot accessory equipment structure on the subject property. When fully assembled, the tower, including antennas, will stand approximately 80 feet tall.
4. The subject property is located within an R4 High Density Multi-Family Residential District.
5. Section 17.70.030 states that freestanding wireless facilities 80 feet in height or less are

permitted within the R4 zone as a conditional use.

6. The subject property contains approximately 10,890 square feet.
7. The subject property consists of rolling hill topography.
8. Access to the subject property would be gained by way of Skyview Drive, designated as a local access street on the Pullman Comprehensive Plan Arterial Street Plan Map.
9. City water, sanitary sewer, and storm drain lines exist in the vicinity of the subject property.
10. The land to the north of the subject property is zoned R4 and I2 Heavy Industrial and consists of businesses, open space, and agriculture; the land to the east is zoned R4 and contains agriculture and apartments complexes; the land to the west is zoned R4 and I2 and contains a city water tower, open space and agriculture; the land to the south is zoned R4 and C3 General Commercial and contains apartment complexes and small businesses.
11. An Environmental Checklist for this proposal was submitted on November 5, 2010; following a review of said checklist, the Responsible Official issued a Determination of Nonsignificance on December 3, 2010.
12. Staff Report No. 10-14, dated December 14, 2010, includes the following description of responses from agencies to which a notice of the subject application was transmitted:

Department of Public Works: No objection.

Protective Inspections Division: *No response.*

Department of Public Services: *No response.*

Fire Department: No concerns.

Police Department: No concerns.

Pullman School District: *No response.*

13. Staff Report No. 10-14 states that the following Pullman Comprehensive Plan and zoning code provisions pertain to the subject application:

Comprehensive Plan Goals LU4, CF1, and CF5 and their respective policies.
Zoning Code Chapters 17.01, 17.35, 17.70, 17.75, and 17.125.

14. Staff Report No. 10-14 states the following:

Planning staff is in favor of granting this request for a conditional use permit. Staff believes the proposed use is consistent with the Comprehensive Plan. In particular, Comprehensive Plan Goal CF1 recommends supplying facilities, utilities, and services for all land uses to

provide for public health and safety and economic well being; and Goal CF5 recommends cooperating with other service providers and private utilities to ensure that efficient service is available to all parts of the city. Policy CF5.4 states that wireless telecommunications facilities should be consolidated in their locations as much as possible in order to make the most efficient use of urban land and enhance the appearance of the community. According to the applicant, the proposed facility will provide communications services as well as mobile emergency communications to the surrounding area. The applicant also states that although there are currently communications antennas on the adjacent water tower, there is no more room for additional equipment, and the Public Works Director has confirmed this. The applicant goes on to state that the purpose of this tower is to replace an existing communication unit located on Benewah Street.

15. Staff Report No. 10-14 states the following:

Zoning Code Section 17.70.030 states that freestanding wireless facilities 80 feet in height or less are permitted in the R4 district as a conditional use. The proposed facility is consistent with the existing use and fundamental nature of the adjacent property as a water tower and communications facility.

16. Staff Report No. 10-14 states the following:

The proposed conditional use meets all material development standards of the Zoning Code. The proposed communication facility will have no impact on the surrounding area's traffic flow or load. A Determination of Nonsignificance was issued for this project under the State Environmental Policy Act; therefore, the facility is not expected to have a significant adverse environmental impact on the adjacent area or the community in general. No parking is required for this project. The property is also adequately served by public utilities and facilities, and will be of adequate size and shape for the proposed conditional use.

17. Staff Report No. 10-14 states the following:

Zoning Code Section 17.35.080(11)(f) states that the base of any wireless communication freestanding facility shall be screened around its entire perimeter with a minimum six foot high screening device. Planning staff proposes that this be made a condition of approval for this proposal so that all parties are informed of this requirement at the outset.

From the foregoing Findings of Fact, this Board now makes the following:

Conclusions

1. With the application of an appropriate condition, the subject use appears to be consistent with the applicable objectives of the Pullman Comprehensive Plan.

2. With the application of an appropriate condition, the subject use appears to be consistent with the purposes of the zone district in which the use is to be located.
3. With the application of an appropriate condition, the subject use would meet all material development standards of the zoning code.
4. The subject use would be located on a site that is adequate in size and shape.
5. The subject use would be located on a site that has sufficient access to streets adequate in width and type of surface to carry the quantity and quality of traffic generated by the proposed use.
6. The subject use would not have a significant adverse environmental impact on the adjacent area or the community in general.
7. With the application of an appropriate condition, the subject use would be compatible with surrounding land uses.
8. The subject use would be provided with adequate parking.
9. The subject use would be served by adequate public utilities and facilities.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Adjustment for the city of Pullman that, based upon the foregoing Findings of Fact and Conclusions, this Board now makes and enters its formal

Decision

Conditional Use Permit No. C-10-1 is hereby approved with the following condition:

1. The applicant shall install a sight-obscuring screen as described in Zoning Code Section 17.35.080(11)(f)(i) on all sides of the facility.

DATED this ____ day of _____, 2010

Michael Kallagher, Chairperson
Pullman Board of Adjustment

ATTEST:

Pete Dickinson, Planning Director

LEGAL DESCRIPTION

Skyline II C.U.P.

A parcel of land situate within the northwest quarter of Section 33, T15N, R45E, W.M., and located within the city of Pullman, county of Whitman, state of Washington, said parcel being more particularly described as follows:

Lot 2 of Druffel's Skyview II Short Plat according to the plat thereof recorded under AFN 701348, records of said county.

Approved for Form:

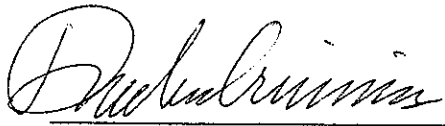
 11-19-10
Engineering Technician Date

EXHIBIT "A"