



STAFF REPORT

AT&T Wireless Facility

File No. CUP23-03

(Consolidated files: DR23-03, CA23-06, and SEPA23-07)

Report Date: February 7, 2024

TO	Hearings Examiner	HEARING DATE	February 15, 2024, at 5 p.m.
PROPOSAL	To construct a stealth-designed wireless communication facility.		
LOCATION	The site is located at 706 NE 14th Ave in the Northwest 1/4, Section 11, Township 1 North, Range 3 East of the Willamette Meridian; and described as tax parcel 91010000.		
APPLICANT/ OWNER	New Cingular Wireless PCS, LLC (AT&T) Attn: Debbie Griffon 1997 Annapolis Exchange Pkwy #200 Annapolis, MD 21401	OWNER	Camas Methodist Church 232 NW 19th Ave Camas, WA 98607
APPLICATION SUBMITTED	7/17/2023	APPLICATION COMPLETE	10/10/23
SEPA	The City issued a SEPA on November 9, 2023, with a comment period that ended on November 23, 2023. The SEPA DNS was mailed to property owners and published in the Post Record on November 9, 2023. Legal publication #849380.		
PUBLIC NOTICES	A combined Notice of Application and Public Hearing was mailed to property owners within 300 feet of the site and published in the Post Record on November 9, 2023. Legal publication #849370.		

APPLICABLE LAW: The application was submitted on 7/17/2023, and the applicable codes are those codes that were in effect at the date of the application’s first submittal. Camas Municipal Code (CMC) Title 16 Environment, Title 17 Land Development, and Title 18 Zoning, specifically (but not limited to): Chapter 17.11 Subdivision, Chapter 18.11 - Parking, Chapter 18.13 - Landscaping, and Chapter 18.55 Administrative Procedures. [Note: Citations from Camas Municipal Code (CMC) are indicated in *italic type*.]

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SUMMARY

An application has been made to the City of Camas for Conditional Use Permit approval to construct a stealth-designed wireless communication facility zoned Single-Family Residential (R-7.5). The site contains geological hazardous areas, frequently flooded areas, and nearby vegetation.

The subject site is bordered to the north and west by single-family homes zoned Single-Family Residential (R-7.5). To the east is the Garver Theater Building zoned Single Family Residential R-7.5. To the south is a City of Camas property which is covered by several different zonings including residential. There is an existing church and parking lot on the subject site.

The proposed Conditional Use Permit does or can comply with the applicable standards of the Camas Municipal Code (CMC) and Revised Code of Washington (RCW).

Chapter 16.07 State Environmental Policy Act (SEPA23-07)

A SEPA checklist was submitted, and a Determination of Non-Significance was issued on November 9, 2023, as the proposed development includes critical areas per CMC 16.07.020. A.1. The comment period ended November 23, 2023, and one comment was received. The comment had concerns with noise, proximity to schools, and property devaluation which are discussed further in this report.

Chapter 16.51 Critical Areas (CA23-06)

CMC Chapter 16.61 – Geological Hazardous Areas

16.59.060(C) Geotechnical Evaluation and Assessment. A critical area report for geologically hazardous areas shall first contain a site evaluation and, if required, an assessment of geological hazards.

City mapping identified the subject property within an area of geologically hazardous areas (i.e. steep slopes). As such, the applicant submitted a Preliminary Geotechnical Report prepared by Black Mountain Consulting dated April 10, 2023, and revised September 27, 2023, which identified slopes on the property that are primarily located towards the south of the property. The geotechnical report concludes the construction will not have a significant impact on slope stability or other geological hazards at the site or on adjacent properties. The following recommendations in the report are recommended as conditions of approval in the staff report:

- All structures should be located a minimum of 25-feet from the edge of the existing slopes adjacent to the canal.
- Drainage and erosion control measures be provided during construction and that no water be discharged over the moderately steep slope to the northeast of the site.
- Ground cover on slopes should be protected during construction and excavated materials should not be side cast onto slopes. Best Management Practices for erosion control should be utilized during construction, including covering stockpiles and preventing water from discharging on slopes. Disturbed areas should be reseeded as soon as possible after construction.

- Final site grades should slope downward away from the structure at a minimum of two percent and runoff should be conveyed to a suitable drainage outlet. Additionally, the area surrounding the structure could be capped with concrete, asphalt or compacted, low-permeability soils to reduce surface water infiltration into the subsurface soils near the foundation.

FINDINGS: Staff finds the property to be developable based on the findings and recommendations in the Preliminary Geotechnical Report. The applicant will need to comply with the recommendations of the geotechnical report from Black Mountain Consulting dated September 27, 2023.

CMC 16.61 – Fish and Wildlife Habitat Conservation Areas

The applicant has submitted a Critical Area Assessment by Black Mountain Consulting dated June 8, 2023. The report indicated that there is a riparian buffer along the City property to the south. However, it was concluded that there would be no impacts to the habitat areas. Staff finds there is no impact to the habitat conservation areas and mitigation is not required.

CMC 16.57 – Frequently Flooded Areas

Clark County GIS mapping identifies frequently flooded areas within the project area. As such, the applicant submitted a floodplain development permit application as required per CMC 16.57.050.B including a Floodplain Confirmation letter prepared Black Mountain Consulting. The area is designated as Flood Zone A which means “base flood elevation data is not available”. Per CMC 16.57.060.B.3, the equipment should be at least 2 feet above the Highest Adjacent Grade and is shown on the updated site plans.

FINDINGS: Staff finds the applicant has met the requirements for frequently flooded areas.

Chapter 18.19 Design Review (DR23-06)

18.19.050 - Design principles.

The principles as provided in the DDM or DRM are mandatory and must be demonstrated to have been satisfied in overall intent in order for approval of a design review application to be granted.

A. Standard Principles.

- 1. Landscaping shall be done with a purpose. It shall be used as a tool to integrate the proposed development into the surrounding environment.*

FINDING: The proposed wireless facility will be completely enclosed in a brick building that will be attached to the existing church. Staff finds the wireless facility will already be integrated into the surrounding environment; therefore, landscaping is not required. Per CMC 18.35.070.B, landscaping may be waived if a different requirement would better serve the public. Staff finds the brick building that fully enclosed the wireless facility would better serve the public than landscaping.

- 2. All attempts shall be made at minimizing the removal of significant natural features. Significant natural features shall be integrated into the overall site plan.*

FINDING: There will be no removal of significant features. The development will be located on an existing parking lot for the church.

- 3. Buildings shall have a "finished" look. Any use of panelized materials shall be integrated into the development in a manner that achieves a seamless appearance.*

FINDING: The wireless facility will be completely enclosed by brick. The wireless facility will have a seamless appearance and look as if it is an addition to the existing church.

4. *A proposed development shall attempt to incorporate or enhance historic/heritage elements related to the specific site or surrounding area.*

FINDING: There are no historic/heritage elements that are related to the site therefore staff finds this criteria is not applicable.

Chapter 18.35 Wireless Communication Facilities

18.35.030 - Towers.

FINDING: Towers within the Residential zone may not exceed 60 feet, include stealth design, and require a 20-foot setback from property lines. Per CMC 18.09.110, church spires are excluded from the height requirements. The applicant is proposing a 60-foot-tall tower and 88 feet total to include the church spire and cross. The tower will be enclosed in a tall, narrow, brick building that looks like part of the existing church building. The architectural features are discussed further in the Design Review section of this staff report. Stealth design per CMC 18.35.020.J, means the tower is camouflaged and blends in with the surrounding environment. The applicant submitted renderings and elevations of the tower and staff finds the tower meets the stealth design requirements.

On city property to the south, there are existing parking encroachments as well as a proposed pedestrian path along the south of the tower that would encroach city property. City staff has been working with the church property owner to transfer a portion of city property to the church to resolve the encroachment issues. Exhibit #43 shows the portion of the property that will be transferred to the church. As of writing this staff report, the church property owner and the city have both signed the Real Estate Excise Tax Affidavit and the Quit Claim Deed. The city is in the process of recording the documents with Clark County to finalize the property line.

The tower meets the 20-foot setback requirements for the front and side yard setbacks. However, per CMC 18.35.070.A.2, when a tower is located adjacent to a parcel zoned for residential, the minimum setback from the lot line for a new tower must be equal to the height of the proposed tower, unless the setback is waived by the owner of the residentially zoned parcel. The parcel to the south is owned by the City of Camas and per Clark County GIS, it includes residential zoning. With the recorded Quit Claim Deed, there will be approximately an additional 20 feet along the southern portion of the church property.

The original letter from the Parks and Recreation Director (Exhibit #38) was in support of a reduced setback of 2 feet with a condition that encroachments needed to be settled prior to the city constructing a trail on city property to the south. Now the requested setback is 22 feet due to the Quit Claim Deed. The Parks and Recreation Director is in support of the reduced setback of 22 feet as the setback reduction will be less than what was originally supported, and the encroachments on city property will be resolved. Therefore, the condition proposed by the Parks Director regarding encroachments is no longer applicable due to the property transfer.

Any work done within the city property will require an encroachment permit and shall be restored to its original state.

The applicant is proposing equipment that is associated with the tower. The equipment will be within the structure and will meet the front and side yard setbacks of 35 feet and 15 feet.

18.35.050 - Tower, sharing, collocation and preferred tower locations.

FINDING: The applicant submitted a siting analysis for alternative properties for a tower. The current location of the wireless facility is across the intersection at 1612 NE Garfield St which is approximately .1 miles away from the proposed tower location at the church. The site analysis identified several potential site locations within a 0.5-mile as required per subsection A. However, it was determined that the church site would be the best to reduce the loss of coverage for existing customers.

The tower will include space for one additional carrier. Verizon Wireless submitted a letter stating that they will be the additional carrier. Staff finds the applicant meets the requirements in subsection B.

The tower is located within a residential zone; however, the applicant submitted a site alternative analysis concluding that other sites would include a loss of coverage. The current site of the wireless facility is on top of the Garver Theater Building next to Liberty Middle School which is zoned residential. The new location is across the intersection at the Camas Methodist Church in a residential zone. Staff finds the applicant meets the requirements in the subsection.

18.35.060 – Application submittal requirements.

The applicant is required to submit the materials listed in the submittal requirements. An FCC documentation, site plan, visual analysis, justification, and alternative site analysis were submitted by the applicant. The applicant also submitted a noise study that shows the noise will comply with state code noise levels.

18.35.070 - General development standards applicable to WCFs.

FINDING: As discussed above, the applicant can or will comply with the setbacks. Per subsection B, landscaping may be waived on the finding that different requirements would better serve the public interest. Staff finds landscaping is not required, because the applicant has used stealth design to blend the tower in with the surroundings. The stealth design used matches the existing church building so that it looks like an addition to the church. There would be no indication that there is a wireless facility on the premises per subsections C and D. Staff finds all lighting shall meet the FAA requirements and motion detectors for security lighting is encouraged per CMC 18.35.070.E and conditioned as such. Staff also finds that a condition of approval is required that there should be no advertisement signage other than signage required by law per CMC 18.35.070.F.

18.35.080 - Regulations for facilities subject to a conditional use permit.

Approval Criteria. In addition to the development standards in this chapter and the approval criteria in CMC 18.43.050, the following additional approval criteria apply:

- 1. The need for the proposed tower shall be demonstrated if it is to be located in a residential zone or within one hundred fifty feet of an existing residential lot. An evaluation of the operational needs of the wireless communications provider, alternative sites, alternative existing facilities upon which the proposed antenna array might be located, and collocation opportunities on existing support towers within one-half mile of the proposed site shall be provided. Evidence shall demonstrate that no practical alternative is reasonably available to the applicant.*

FINDING: The applicant submitted an alternative sites analysis explaining the reasoning for the proposed location. It was concluded that the church location would not create a loss of coverage

like the other potential locations. This is discussed earlier in the staff report. Staff finds no practical alternative is reasonably available to the applicant.

2. *The proposed tower satisfies all of the provisions and requirements of this chapter.*

FINDING: The proposal does or will be conditioned to meet all requirements of this chapter.

Chapter 18.43 Conditional Use Permit (CUP23-03)

The hearings examiner shall be guided by all of the following criteria in granting or denying a conditional use permit:

- 1. The 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 situated;**

FINDING:

The proposed use will not be materially detrimental to the public welfare or injurious to properties within the vicinity as the new tower will be located on property that will not result in a significant loss of coverage and stealth design will be used to blend in with the existing church building.

- 2. The proposed use shall meet or exceed the development standards that are required in the zoning district in which the subject property is situated;**

Roads

The proposed project is to meet the requirements of CMC 17.19.040.B Streets and the Camas Design Standards Manual (CDSM).

The proposed development is located on the south side of NE 14th Avenue (SR 500) at the corner of NE 14th Avenue and NE Garfield Street (SR 500). NE 14th Avenue and NE Garfield Street are classified as existing arterials with curb & gutter and sidewalks on both sides of the roadway. The proposed development, AT&T Wireless Facility, will share the existing parking lot with the existing Camas Methodist Church.

Per CMC 17.19.040.B.1, half width street improvements and per CMC 17.19.040.B.5 dedication of additional right-of-way may be required for a development when it is necessary to meet the minimum street width standards or when lack of such dedication would cause or contribute to an unsafe road or intersection.

As the frontage abutting the proposed development is a fully improved roadway, neither half width street improvements nor dedication of additional right-of-way is required.

Per CMC 17.19.040.B.13, sidewalks shall be constructed as specified in the Camas Design Standards Manual.

Neither the existing sidewalk along the parking lot frontage, nor the eastern most driveway approach meet the CDSM requirements, as the existing sidewalk and east driveway access along the parking lot frontage consists of worn and damaged concrete.

Staff recommends a condition of approval that prior to final engineering plan approval the site plans should include removal and replacement of the sidewalk along the frontage on NE 14th Avenue from the west driveway access to the eastern property line in accordance with the CDSM.

Staff recommends a condition of approval that prior to final engineering plan approval the site plans should include removal and replacement of both the existing west and east driveway accesses onto NE 14th Avenue with commercial driveway accesses in accordance with the CDSM.

Construction of the proposed development will eliminate the existing on-site sidewalk that provides pedestrian access to the ramp and stairs located at the back daylight portion of the church.

Staff recommends a condition of approval that prior to final engineering plan approval the site plans should include a clearly delineated minimum 5-foot-wide pedestrian pathway from the front of the church, around the AT&T Tower, and ending at the sidewalk, ramp, and stairs at the rear of the church.

Per CDSM, Table 3 – Access Spacing Standards, roadways classified as an arterial require a minimum access spacing of 660-feet with a maximum of 1,000-feet. The distance between the two access drives do not meet the minimum access spacing requirements. Additionally, the minimum intersection and driveway setback on an arterial is 300-feet. The two access drives off NE 14th Avenue do not meet the minimum driveway setback standards.

However, the two existing drive accesses have been in-place for over 30 years, thus a deviation from the minimum spacing standards and the driveway setback standard is supported by the city engineer.

FINDING: Staff finds that the proposed project, as conditioned, can or will meet the requirements of CMC 17.19.040.B and the Camas Design Standards Manual (CDSM) for Roads.

Sanitary Sewer

The proposed project is to meet the requirements of CMC 17.19.040.C.2 sanitary sewers.

There is an existing sanitary sewer lateral to the Camas Methodist Church. The proposed AT&T Wireless Tower does not require a sanitary sewer lateral.

FINDING: Staff finds that the proposed project can or will meet the requirements of CMC 17.19.040.C.2 and the Camas Design Standards Manual (CDSM) for Sanitary Sewer.

Storm Sewer

The proposed project is to meet the requirements of CMC 14.02 Stormwater Control and Camas Design Standards Manual (CDSM).

The proposed development, AT&T Wireless Tower, will be constructed on a portion of the existing parking lot, thereby replacing pollution generating impervious surfaces with non-pollution generating impervious surfaces.

Per CMC 17.19.040.3.e All lots shall provide drainage for stormwater runoff from roof and footing drains to an approved drainage system. Rear yard low point area drains and/or storm drain lateral stubs connected to an approved drainage system shall be provided to each lot as necessary to prevent stormwater runoff impacts to adjoining parcels as determined by the city.

Staff recommends a condition of approval that prior to final engineering plan approval the site plans should include provisions for the new roof downspouts for the wireless tower that do not impact either adjacent parcels or the church's daylight basement on the south side of the church that is accessed via the parking lot.

FINDING: Staff finds that the proposed project, as conditioned, can or will meet the requirements of CMC 14.02 and the Camas Design Standards Manual (CDSM) for Storm Sewer.

Water

The proposed project is to meet the requirements of CMC 17.19.040.C.4 Water System and the Camas Design Standards Manual (CDSM).

There is an existing water service to the Camas Methodist Church. The proposed AT&T Wireless Tower does not require a water service.

FINDING: Staff finds the proposed development as conditioned can or will meet the requirements of CMC 17.19.040.C.4 and the Camas Design Standards Manual (CDSM) for Water.

Erosion Control

Per CMC 14.06 Erosion and Sediment Control and CMC 17.21.030 Land disturbing activities greater than once acre, will be required to meet the provisions for erosion prevention and sediment control as outlined in CMC 17.21.030 Land Disturbing Activities and CMC 14.06 Erosion and Sediment Control.

The proposed development, AT&T Wireless Tower, is located on parcel number 91010000, which is approximately 0.42 acres (18,295 sf) in size and the new tower will be located on the east end of the existing Camas Methodist Church. The proposed improvements include construction of the wireless tower within the existing parking lot, parking lot restriping, and signage.

FINDING: Staff finds the proposed development, can and will meet the requirements of CMC 14.06 and the Camas Design Standards Manual (CDSM) for Erosion Control.

3. The proposed use shall be compatible with the surrounding land uses in terms of traffic and pedestrian circulation, density, building, and site design;

Traffic and Pedestrian Circulation

The proposed development, AT&T Wireless Tower, will be constructed on the eastern end of the existing Camas Methodist Church impacting a portion of the existing parking lot and parking spaces. The existing parking lot consists of a drive aisle width that varies from approximately 35-feet at the west end to approximately 11-feet at the east end.

The on-site traffic circulation pattern allows for ingress/egress onto NE 14th Avenue (SR 500) at the west end and egress only at the east end onto NE 14th Avenue, and existing pedestrian connections via the existing sidewalk along the frontage on NE 14th Avenue (SR 500).

Traffic Impact Study

A traffic impact study (TIS) is required when a proposed development/use generates 200 vehicles per day (VPD) or more.

The proposed development will generate a minimal amount of ADTs at completion of the tower construction that will result in less than the 200 average daily trips (ADTs) that trigger a TIS, therefore a traffic impact study was not required.

Density, Building, and Design

The applicant is proposing stealth design; therefore, the tower blends in with the church. The tower will be hidden from traffic and pedestrians as it will look like an addition to the church, rather than a cell tower. Staff finds this criterion is met.

FINDING: As discussed above, the applicant can or will be conditioned to meet the development standards for the residential zone.

4. Appropriate measures have been taken to minimize the possible adverse impacts that the proposed use may have on the area in which it is located;

FINDING: The alternative sites analysis and stealth design minimize the possible adverse impacts that the proposed use may have on the area. Staff finds this criterion is met.

5. The proposed use is consistent with the goals and policies expressed in the comprehensive plan;

FINDING: Staff finds the use is consistent with the goals and policies of the comprehensive plan as the wireless facility will provide coverage to the surrounding uses. Staff finds this criterion is met.

PUBLIC COMMENTS

As of the writing of this staff report, staff received one written public comment from a citizen regarding noise, proximity to schools, and property devaluation. These comments are addressed throughout the staff report.

CONCLUSION

Based on the above findings and discussion provided in this staff report, staff concludes that AT&T Wireless Facility (CUP23-03) should be approved because it does comply with the applicable standards if all the conditions of approval are met.

RECOMMENDATION

Staff recommends APPROVAL of the conditional use permit of AT&T Wireless Facility (CUP23-03) subject to the following conditions of approval:

CONDITIONS OF APPROVAL

STANDARD CONDITIONS OF APPROVAL:

1. Final engineering site improvement plans shall be prepared in accordance with the Camas Design Standards Manual (CDSM) and CMC 17.19.040.
2. Community Development (CDEV) Engineering is responsible for plan review (PR) and construction inspection (CI) of all site improvements outside of building footprints, which includes construction of new driveway approaches, sidewalk removal and replacement, re-striping and signing improvements to the existing parking lot.
3. The engineering site plans shall be prepared by a licensed civil engineer in Washington State and submitted to the City's Community Development (CDEV) Engineering Department for review and approval. Submittal requirements for first review are as follows:
 - a. Final engineering civil site improvement plans are not to be submitted until after the land-use decision is issued.
 - b. Submit one (1) full size sets and one (1) half size set of plans.
 - c. Stamped preliminary engineer's estimate.

4. CDEV shall collect a total 3% plan review and construction inspection (PR&CI) fee for the proposed development outside of the building footprints.
 - a. The 3% fee is based on a stamped engineer's estimate.
 - b. Payment of the 3% plan review (PR) and construction inspection (CI) fee is to be paid prior to release of approved construction drawings by CDEV Engineering Dept.
5. A building permit shall be required prior to commencement of proposed tenant improvements.
6. The applicant will be responsible for maintenance of all on-site private improvements.

SPECIAL CONDITIONS OF APPROVAL:

Planning:

7. There shall be no advertisement signage other than signage required by law per CMC 18.35.070.F.
8. Unless construction of the site improvements commences within two (2) years of issuance of this decision, this permit will expire.

Prior to Final Engineering Plan Approval:

Engineering:

[Roads]

9. The site plans shall include removal and replacement of the sidewalk along the frontage on NE 14th Avenue from the west driveway access to the eastern property line in accordance with the CDSM.
10. The site plans shall include removal and replacement of both the existing west and east driveway accesses onto NE 14th Avenue with commercial driveway accesses in accordance with the CDSM.
11. The site plans shall include a clearly delineated minimum 5-foot-wide pedestrian pathway from the front of the church, around the AT&T Tower, and ending at the sidewalk, ramp, and stairs at the rear of the church.

[Storm Sewer]

12. The site plans shall include provisions for the new roof downspouts for the wireless tower that do not impact either adjacent parcels or the church's daylight basement on the south side of the church that is accessed via the parking lot.

Planning:

13. The pedestrian pathway must not encroach city property.
14. The rear yard tower setback shall be no less than 22 feet.
15. Per CMC 18.35.070.E, all lighting shall meet the FAA requirements and motion detectors for security lighting are encouraged.
16. The development shall comply with the recommendations of the geotechnical report from Black Mountain Consulting dated September 27, 2023:
 - a. All structures shall be located a minimum of 25-feet from the edge of the existing slopes adjacent to the canal.
 - b. Drainage and erosion control measures shall be provided during construction and no water be discharged over the moderately steep slope to the northeast of the site.
 - c. Ground cover on slopes shall be protected during construction and excavated materials should not be side cast onto slopes. Best Management Practices for erosion control should be utilized during construction, including covering stockpiles and preventing

water from discharging on slopes. Disturbed areas shall be reseeded as soon as possible after construction.

- d. Final site grades shall slope downward away from the structure at a minimum of two percent and runoff should be conveyed to a suitable drainage outlet. Additionally, the area surrounding the structure could be capped with concrete, asphalt or compacted, low-permeability soils to reduce surface water infiltration into the subsurface soils near the foundation.

Prior to Building Permit Approval:

17. Any work done within the city property will require an encroachment permit and shall be restored to its original state.