

**BEFORE THE CITY OF SNOQUALMIE
HEARING EXAMINER**

In the Matter of the Application of	)	
	)	NO. WIRE2023-0001
Dish Wireless	)	
	)	
For approval of a Conditional Use Permit and	)	FINDINGS, CONCLUSIONS,
Wireless Communication Facility Permit	)	AND RECOMMENDATION
_____	)	

SUMMARY OF RECOMMENDATION

The request for a conditional use permit and wireless communication facility permit to install a stealth structure wireless communication facility at 7917 Center Boulevard, Snoqualmie, Washington should be **APPROVED**.

SUMMARY OF RECORD

Request:

Dish Wireless requested a conditional use permit and wireless communication facility permit to install a stealth structure wireless communication facility on top of an existing commercial building at 7917 Center Boulevard, Snoqualmie, Washington. The wireless communication facility would consist of nine panel antennas, up to 18 remote radio units, and three surge protection devices to be located behind a proposed architectural feature designed to look like a third story building addition. An associated support cabinet, safety climbing ladder, and other ancillary equipment would be placed on the main roof level and would be concealed within the void of the false second level of the building. An additional access ladder with anticlimbing security measures would be placed on the west side of the building.

Hearing Date:

The Snoqualmie Hearing Examiner conducted a virtual open record hearing on the request via Zoom on September 11, 2023. In order to ensure public access to the virtual hearing process, the record was held open two business days (through September 13, 2023) to allow written public comment from members of the public who may have had difficulty joining the virtual hearings, with additional time arranged for responses by the parties. No post-hearing public comment was submitted, and the record closed on September 13, 2023.

The Examiner did not conduct an in-person site visit, but she viewed the subject property and environs on Google Maps.

Testimony:

At the open record hearing, the following individuals presented testimony under oath:

Andrew Levins, Land Use Planning Consultant, City of Snoqualmie

Jamo Stephenson, Site Acquisition Planning Manager, Core One Consulting (Applicant Representative)

Grant Marohnich

Kindra Perkins

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report and Recommendation to the Hearing Examiner, dated September 1, 2023
2. Pre-Application Form, dated May 8, 2023
3. General Land Use Application Form, dated May 8, 2023
4. Wireless Communication Facilities Permit Application Form, dated May 8, 2023
5. Conditional Use Permit Checklist, dated May 8, 2023
6. Justification of Documents not Necessary for CUP Review, dated May 8, 2023
7. Project Narrative, dated May 8, 2023
8. Photo Simulations, dated May 8, 2023
9. Letter of Authorization, dated May 8, 2023
10. Application Plan Set, dated May 8, 2023
11. Structural Analysis, dated May 8, 2023
12. NIER Report, dated May 8, 2023
13. Proposed Service Area Coverage Study, dated May 8, 2023
14. Title Report, dated May 8, 2023
15. List of Addresses within 500 Feet of Property, dated May 8, 2023
16. SEPA Checklist, dated May 8, 2023
17. Notice of Completeness, dated May 30, 2023
18. Notice of Application, Affidavit of Mailing, dated June 12, 2023
19. Public Comment received on Notice of Application, dated June 22, 2023
20. Revised Notice of Application, Affidavit of Posting, dated July 7, 2023
21. Applicant Response to City Comments, dated August 17, 2023
22. Revised Plan Set with Engineer's Stamp, dated August 17, 2023
23. Applicant Engineer's Credentials, dated August 17, 2023
24. Notice of Public Hearing, dated September 1, 2023

After considering the testimony and exhibits admitted into the record, the Hearing Examiner enters the following findings and conclusions:

FINDINGS

1. Dish Wireless (Applicant) requested a conditional use permit (CUP) and wireless communication facility permit¹ to install a stealth structure wireless communication facility (WCF) on top of an existing commercial building at 7917 Center Boulevard, Snoqualmie, Washington.² The WCF would consist of nine panel antennas, up to 18 remote radio units, and three surge protection devices to be located behind a proposed architectural feature designed to look like a third story building addition. An associated support cabinet, safety climbing ladder, and other ancillary equipment would be placed on the main roof level and would be concealed within the void of the false second level of the building. An additional access ladder with anticleimbing security measures would be placed on the west side of the building. *Exhibits 1, 3, 4, 7, and 22.*
2. The application was determined to be complete on May 30, 2023. *Exhibit 17.*
3. The subject property is located within the Snoqualmie Ridge 1 (SR 1) master planned community, and the governing SR 1 Mixed Use Final Plan (MUFP) designates the subject property as Neighborhood Center Retail. The MUFP and associated development standards do not contain standards applicable to wireless communications facilities. Consequently, in the absence of conflicting master plan standards, the City's adopted Wireless Communication Facilities ordinance (Snoqualmie Municipal Code (SMC) Chapter 17.77), Mixed Use (MU) zoning standards (SMC 17.30), and other applicable ordinances apply to the proposal. *Exhibit 1.*
4. The City of Snoqualmie Comprehensive Plan contains objectives and policies that are relevant to the proposal, including Policy 7.6.6, requiring communication utilities to minimize visual impacts on adjacent properties and provide an appearance as compatible as possible with uses allowed in the zone, and Objective 9.3, to ensure adequate and reliable utility facilities and services to meet the demands of existing customers and future development. *Exhibit 1; Snoqualmie 2032 – City of Snoqualmie Comprehensive Plan (December 8, 2014).*
5. Pursuant to SMC 17.77 Table 1, “macrocell” wireless communication facilities mounted on an existing nonresidential building are allowed in districts designated for neighborhood business in a mixed-use final plan with CUP and WCF permit approval, provided that it is a “stealth” facility.³ *Exhibit 1; SMC 17.77.030.B; SMC 17.77, Table 1.*

¹ The Applicant also requested a site plan permit in conjunction with the proposal, but the site plan will be administratively approved after approval of the CUP and WCF permit. *Exhibit 3; Andrew Levins Testimony.*

² The legal description of the property is Lot 2 of City of Snoqualmie Binding Site Improvement Plan and Certificate of Segregation No. BSIP 00-02, filed in Volume 197 of Plats, Pages 46-48, King County Washington, recording no. 20010102000217. The subject property is also known as Tax Parcel Number 785196-0020. *Exhibit 3.*

³ SMC 17.77.020.S defines a “macrocell facility” as follows: “Macrocell facility” means a large wireless communication facility that provides radio frequency coverage served by a high power cellular base station. Generally, macrocell antennas are mounted on ground-based towers, rooftops and other existing structures, at a height that provides a clear view over the surrounding buildings and terrain. Macrocell facilities typically cover large geographic areas with relatively high capacity and are capable of hosting multiple wireless service providers.

SMC 17.77.020 defines a “stealth structure” as a WCF “that is integrated as an architectural feature of a structure so that the purpose of the facility ... is not readily apparent as seen from any street or adjacent property, improved or unimproved.” *SMC 17.77.020.BB*. In this case, the proposed WCF would be screened behind a third-floor building façade. The screening structure would be clad with siding materials and a cornice element that would mimic the architectural features and colors of the existing building and would screen the equipment from view from all angles. *Exhibits 1 and 22*.

6. The stealth structure would be approximately 225 square feet in area and 11 feet tall. The total building height with the addition of the stealth structure would be 45 feet, four inches. This height would be consistent with the four-story height limit of the MU zone. *SMC 17.30.070.D; Exhibit 22; Testimony of Jamo Stephenson and Andrew Levins*.
7. Consistent with the application requirements of SMC 17.77.030.C, the Applicant identified the geographic service area for the proposed facility, with mapping demonstrating that the proposed facility is needed to address a gap in service coverage, and that alternative designs and sites were considered but found not to satisfy the Applicant’s coverage goals. The maps depict that centering the antennas at a lower elevation of 28 feet (i.e., flush-mounting them to the false second story of the building) would not fill the service coverage gap, nor would installing the antennas at the 40-foot level of existing BPA towers on the golf course service road off Snoqualmie Parkway. *Exhibits 7 and 13*.
8. Consistent with the application requirements of SMC 17.77.030.C, the Applicant submitted photo-simulations depicting the visual impact of the proposed facility. With the stealth structure proposed, which would be designed to look like a third-floor addition to the existing building, the wireless communications facility equipment would be invisible from all directions. *Exhibit 8*.
9. It would not be feasible for other carriers to collocate onto the proposed WCF due to applicable height restrictions. SMC 17.77.050.C.1.c.iv limits the height of a roof-mounted antenna to 15 feet above the roof proper of the existing building, as measured from the attachment point to the top of the directional panel antenna. The proposed WCF would meet this limitation. However, because approximately five feet of vertical separation is required between carriers, it would not be possible to mount additional antennas on the proposed structure without exceeding the limitation. *Exhibits 1, 7, and 21; Jamo Stephenson Testimony*.
10. Although SMC 17.77.030.C.9 lists a landscape plan as an application requirement for a WCF, no landscape plan was submitted - and none is required - because the WCF would be placed on top of an existing building and screened architecturally, with no changes to the surrounding site. No existing landscaping would be removed as a result of the proposal. *Exhibits 1, 6, 8, and 22*.

11. The Applicant submitted a structural analysis indicating that the antenna and support structure would meet applicable design requirements and that the existing and proposed structures can support the proposed loading. *Exhibit 11.*
12. The Applicant submitted a radio frequency (RF) power density analysis, which found that the power density would exceed Federal Communications Commission (FCC) limits for general population and occupational environments on the upper roof level (i.e., in front of proposed antennas) and would exceed FCC limits for general population environments on the main roof level. However, these areas would not be accessible to the public and the only mitigation needed to meet FCC requirements would be to install applicable notice and/or caution signage at the access ladder to the main roof and at the upper roof level to warn WCF maintenance personnel or other agents of the property owner or tenants who would need to occasionally visit these limited-access areas. The power density at the ground level would not exceed FCC limits. *Exhibit 12; Jamo Stephenson Testimony.*
13. Second story businesses in the vicinity are not expected to be adversely affected by RF emissions because the high power density would affect a radius of approximately 10 feet from the antennas, which would not overlap another building. *Exhibit 12; Jamo Stephenson Testimony.*
14. No portion of the antenna array, or any other feature of the WCF, would extend beyond the property lines. *Exhibits 1 and 22.*
15. The subject property contains 50 parking stalls, none of which would be removed for construction of the WCF. *Exhibits 1 and 22.*
16. Once construction is complete, the WCF would not generate traffic other than periodic maintenance visits, which the Applicant representative estimated to be less frequent than once monthly. *Jamo Stephenson Testimony.*
17. No lighting or other marking of the WCF is proposed. No commercial signage is proposed. *Exhibit 1.*
18. Because all equipment would be within the building, and no back-up generator is proposed, no noise would be perceptible at the surrounding property lines. *Exhibit 1; Jamo Stephenson Testimony.*
19. City Planning Staff closely analyzed the application for compliance with the applicable provisions of SMC Chapter 17.77. Staff's findings on project consistency (see Exhibit 1, pages 4 - 9) are incorporated herein except as otherwise described above. *Exhibit 1.*
20. The proposal is exempt from review under the State Environmental Policy Act (SEPA) pursuant to Washington Administrative Code (WAC) 197-11-800(25) (exempting wireless service facilities of less than 60 feet in height in a commercial zone). *Exhibit 1.*

21. Notice of the application was mailed to property owners within 500 feet of the site, published in the *Seattle Times* on June 12, 2023, and posted on-site on July 5, 2023. Due to the delay in site posting, the original comment period was extended from June 27, 2023 to July 14, 2023. *Exhibits 18 and 20; Andrew Levins Testimony.*
22. Notice of the public hearing was mailed to property owners within 500 feet of the site, published in *The Seattle Times*, and posted on site on September 1, 2023. *Exhibits 1 and 24.*
23. Public comment on the application included comments in support due to the poor cellular coverage in the vicinity and the proposed camouflaging of the facility, as well as questions relating to the potential for future collocation of other carriers and RF impacts. *Exhibit 19; Testimony of Grant Marohnich and Kindra Perkins.*
24. Having considered all public comment and heard all testimony, City Planning Staff maintained their recommendation for approval of the proposal. *Andrew Levins Testimony.*

CONCLUSIONS

Jurisdiction:

The Hearing Examiner is authorized to conduct open record hearings and issue recommendations to City Council on wireless communication facility conditional use permits pursuant to SMC 14.30.020.B.

Criteria for Review:

Conditional Use Permit

Pursuant to SMC 17.55.030.B, the hearing examiner may grant a conditional use permit if all of the following criteria are met:

1. The proposed use will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and in the district in which the subject property is situated;
2. The proposed use shall meet or exceed applicable performance standards;
3. The proposed development shall be compatible generally with the surrounding land uses in terms of traffic and pedestrian circulation, building, and site design;
4. The proposed use shall be in keeping with the goals and policies of the comprehensive plan; and
5. All measures should be taken to minimize the possible adverse impacts which the proposed use may have on the area in which it is located.

Wireless Communication Facility Permit

Approval of a wireless communication facility permit requires consistency with the location criteria and development standards of SMC 17.77.⁴ These standards are summarized on pages 4 through 9 of the City Staff Report (Exhibit 1).

Conclusions Based on Findings:

Conditional Use Permit

1. The proposed use would not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity. The use would not generate significant traffic, parking demand, or noise. The use would not be visible behind the proposed third-floor building façade. The level of RF emissions anticipated to be generated would be within federal limits in all publicly accessible areas. *Findings 1, 5, 8, 12, 13, 15, 16, and 18.*
2. The proposal complies with applicable performance standards, including those set forth in SMC 17.55.080 and those specific to WCFs set forth in SMC Chapter 17.77. No exterior lighting is proposed, and any equipment noise would be contained within the building. RF emissions would satisfy FCC standards in public areas. *Findings 11, 12, 13, 17, 18, and 19.*
3. The proposal would be compatible with surrounding land uses. The stealth structure would mimic the architectural style of the existing building and comply with the height limitation of the underlying zone. The use would not affect existing traffic or pedestrian circulation patterns and, aside from the additional stealth structure on top of the existing building, would not alter the existing site design. *Findings 1, 5, 6, 8, 10, 15, and 16.*
4. The proposal is consistent with the Comprehensive Plan, in that it meets a demonstrated communications need and minimizes visual impacts. *Findings 1, 4, 5, 7, 8, and 23.*
5. Potential adverse impacts have been minimized with the proposal as submitted. No additional conditions of approval are needed.

Wireless Communication Facility Permit

6. The proposal is consistent with the standards of SMC Chapter 17.77. The Applicant provided the plans and studies required for evaluation of the proposal. The stealth WCF is proposed to be integrated into the underlying building as an architectural feature, consistent with the ordinance. The antennas would not extend more than 15 feet above the roof of the building and would not extend over surrounding property lines. The supporting equipment would be located within the building without impacting existing parking spaces or landscaping. No commercial signs or lighting are proposed. Noise would be contained within the building. The Applicant has

⁴ No other criteria are identified in the chapter.

demonstrated that collocation of other antennas is not feasible. *Findings 1, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, and 19.*

RECOMMENDATION

Based on the preceding findings and conclusions, the request for a conditional use permit, wireless communication facility permit, and site plan permit to install a stealth structure wireless communication facility at 7917 Center Boulevard, Snoqualmie, Washington should be **APPROVED.**

RECOMMENDED September 22, 2023.

By:

A handwritten signature in blue ink, appearing to read "Sharon A. Rice", written over a horizontal line.

Sharon A. Rice
City of Snoqualmie Hearing Examiner