



Memorandum

To: Hearing Examiner

From: Heather Maiefski, Planner, 425-556-2437, hmaiefski@redmond.gov
Steven Fischer, Development Review Manager, 425-556-2432, sfischer@redmond.gov

Date: August 3, 2017

Subject: **LAND-2016-01328: Puget Sound Emergency Response Network (PSERN) – Condition Removal Request**

INTRODUCTION/BACKGROUND

The Puget Sound Emergency Response Network (PSERN) applicant has requested that a condition be removed. The condition found on page 22 of the Technical Committee Report states that:

“From the date of this approval, the tower shall be reviewed for continued use at 5-year intervals. Rapid technological advancements, changing markets, and regulatory interpretations indicate the need to periodically review the appropriate design of Antenna Support Structures. The applicant or future owner, or operator, of the tower shall be responsible for contacting the City of Redmond 5 years from the date of this approval, and at following 5 year intervals, to begin the process of reviewing the appropriate design of the tower. The City reserves the rights to require redesign of the tower and attached antennas if advancements in technologies dictate.”

This condition is generally a standard condition that is applied to all wireless applications and it would simply require that the applicant contact the City every 5 years. The last sentence in the condition states that “The City reserves the right to require redesign of the tower and attached antennas **if** advancements in technologies dictate.” Therefore, if in 5 years there have not been technological advancements for this type of facility then the applicant would just need to notify the City via a letter stating that, and the letter would then be attached to the permit for record.

The code authority for allowing this condition is located in the Redmond Zoning Code (RZC) 21.56.020(D) and on page 8 of the Technical Committee Report which states that:

“Permits may be conditioned to allow review of the continued use of the antenna support structure at five-year intervals in order to recognize that rapid technological advancements, changing markets, and legal interpretations by the FCC and by the courts may require periodic design review.”

The applicant has stated that the technology for this type of facility does not change like a commercial facility might and these types of facilities are not driven by the market, so this facility should not require continuous review.

STAFF RECOMMENDATION:

Staff recommends removal of condition d4 found in section XIII on page 22 of the Technical Committee Report. Also General Conditions Allowed in section VIII (B) (1) on page 8 of the Technical Committee Report requires revision stating that “the proposed Antenna Support Structure shall not be conditioned to require review at five year intervals”.

A couple of scrivener’s errors have also been discovered on pages 13 which states “North Redmond” where it should state Education Hill and the table on page 18 should state pages 1-34 for the Plan Set. Also the numbering in Section XIII on pages 20 and 21 should be corrected. The conditions for Fire and Natural Resources were both labeled with the same number where Fire should be labeled as number 4 and Natural Resources should be labeled as number 5 and Planning as number 6.

ENCLOSURES

1. Condition Removal Request Letter
2. Technical Committee Report pages 8, 13, 18, 20, 21, 22 track changes



King County

**Department of
Information Technology**
CNK-EX-0600
401 Fifth Avenue, Suite 600
Seattle, WA 98104
206-263-7887 Fax 206.296.7608
TTY Relay: 711



July 26, 2017

Redmond Planning Department
15670 NE 85th Street
Redmond, WA 98052

Re: King County PSERN – Education Hill – Condition Removal Request

Dear City of Redmond:

This letter is being submitted to the City of Redmond to request the removal of the following Recommended Condition of Approval (A.5.d.4) which is as follows:

“From the date of this approval, the tower shall be reviewed for continued use at 5-year intervals. Rapid technological advancements, changing markets, and regulatory interpretations indicate the need to periodically review the appropriate design of Antenna Support Structures. The applicant or future owner, or operator, of the tower shall be responsible for contacting the City of Redmond 5 years from the date of this approval, and at following 5 year intervals, to begin the process of reviewing the appropriate design of the tower. The City reserves the rights to require redesign of the tower and attached antennas if advancements in technologies dictate.”

Per the City of Redmond Zoning Code (RZC) 21.56.020(D):

“Permits may be conditioned to allow review of the continued use of the antenna support structure at five-year intervals in order to recognize that rapid technological advancements, changing markets, and legal interpretations by the FCC and by the courts may require periodic design review.”

Requiring a five-year review to be conditioned to the project is not a requirement and is up to the discretion of the City of Redmond Planning staff and approval authority to determine if the Conditional Use needs the periodical review.

Reasons for Request of Condition Withdrawal

The King County Puget Sound Emergency Radio Network (PSERN) proposed facility is requesting that the condition be removed for the following reasons:

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- **Rapid Technological Advancements**

Unlike a commercial telecommunication facility, the King County facility is an emergency communications radio system. The current emergency radio system was designed in 1992 and has been used for more than 20 years. The emergency radio network does not experience rapid changes due to technological advancements. Any major changes to the PSERN system requires levy approval from voters as well as support from emergency partners.

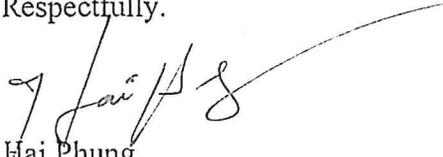
- **Changing Markets**

These facilities are not driven by changing markets and are not dependent on the market for location and/or design. The proposed facility has been located and designed to provide the best possible emergency radio coverage to a large portion of Redmond and surrounding communities. This area is underserved by the current emergency radio network and is a known hazard to our first responders.

- **Site Importance to Area Emergency Radio Network**

The Education Hill emergency radio site is critical for emergency communications coverage in the northeast Lake Washington area. It and Norway Hill in Bothell, provide the backbone of the emergency radio coverage for first responders in this area. Further, the Education Hill site links Norway Hill and Tolt Reservoir sites, providing a critical link in the microwave chain linking the emergency radio network. Without the Education Hill site, King County will not be able to provide the level of emergency radio coverage to the first responders that rely on communication in the field in the greater Redmond area.

Respectfully,



Hai Phung
Project Manager
King County – PSERN project

report did confirm pileated woodpecker foraging which is to be mitigated. With the mitigation in place, the development will not negatively impact any critical areas.

Additionally, the proposed development is located within Wellhead zone three (3). Wellhead Protection Zone 3 standards apply to the project. Overall the project poses very little risk related to wellhead protection. Groundwater impacts during and after construction will be minimized through the application of Best Management Practices (BMP's). A 2,000 gallon aboveground fuel storage tank is proposed and is required to meet secondary containment requirements and monitoring detection systems are required for fuel tanks. During fueling activities, drip pans or absorbent materials will be placed under all potential drip and spill locations; spill control measures/spill kits will be placed near the tank and any liquid transfer areas; and a spill control plan will be available.

- C. **Stormwater** – All impervious areas on the site will be managed with Sheet Flow Dispersion including the equipment shelter, leased area, and access road. Runoff will be dispersed into vegetated buffers sized according to 2005 Dept. of Ecology Manual. Natural Drainage patterns will be maintained (Attachment 15, Stormwater Report).

VIII. Compliance with Wireless Communication Facilities (WCFs) Regulations

- A. **Facilities on Public Property** – WCFs located in public rights-of-way and on other City property shall comply with Redmond Municipal Code (RMC) Chapter 12.14, Telecommunications. (RZC 21.56.020(C))

- The proposed Antenna Support Structure shall be conditioned to comply with the RMC.

B. **General Conditions Allowed**

1. Antenna Support Structures may be conditioned to allow review for continued use at five year intervals. Rapid technological advancements, changing markets, and regulatory interpretations indicate the need to periodically review the appropriate design of Antenna Support Structures (RZC 21.56.020(D)).

- The proposed Antenna Support Structure shall not be conditioned to require review ~~allow review~~ at five year intervals.

- i. The applicant shall propose an acceptable public involvement plan to be reviewed and approved by the Administrator.
- ii. The public involvement process shall be initiated within 45 days of issuance of a notice of application.

Response: The applicant has provided an evaluation of alternative sites See Attachment 16, Site Justification Letter and the applicant has provided and completed an amplified public involvement process See Attachment 8, Community Outreach Proposal.

X. Conditional Use Permit/Type III and Site Plan Entitlement Decision Criteria

Each proposed Conditional Use Permit shall be reviewed to insure that (RZC 21.76.070(K)(Y):

- A. Purpose. The purpose of this section is to establish the criteria that the City will use in making a decision upon an application for a Conditional Use Permit. A conditional use is a use which may be appropriate on a specific parcel of land within a given zoning district under certain conditions, but which is not appropriate on all parcels within the same zoning district. A Conditional Use Permit allows the City to consider the appropriateness of the use on a specific parcel in terms of compatibility with other uses in the same zone and vicinity and to impose conditions to ensure such compatibility.
- B. Decision Criteria. The City may approve or approve with modifications the conditional use only if the applicant demonstrates that:
 - 1. The conditional use is consistent with the RZC and Comprehensive Plan.

Response: The proposed Emergency Response Tower is located within the Education Hill ~~North Redmond~~ neighborhood, as identified in the Redmond Comprehensive Plan Map NP-1. The applicable Citywide and Neighborhood specific Comprehensive Plan policies are met by this proposal.

<p>LU-30 Allow some compatible nonresidential uses in Residential zones, such as appropriately scaled schools, religious facilities, home occupations, parks, open spaces, senior centers and day care centers. Maintain standards in the Redmond Zoning Code for locating and designing these uses in a manner that represents the character and scale of the</p>	<p>The proposal is an emergency response tower, which is a compatible use that is to be located in an R-6 (Single Family Urban Residential) Zone. The proposal is designed to complement the surrounding residential neighborhood by utilizing a site that is already used for public facilities. The tower is setback 126 feet where the Code requires 15 feet from NE 172nd Avenue. The overall design is compatible and complimentary to the site and</p>
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XIII. Recommended Conditions of Approval

A. Site Specific Conditions of Approval

The following table identifies those materials that are approved with conditions as part of this decision.

Item	Date Received	Notes
Plan Set, [pages 1-3460]	3/22/17	<i>and as conditioned herein.</i>
SEPA Checklist	3/22/17	<i>and as conditioned herein and as conditioned by the SEPA threshold determination on May 15, 2017</i>
Stormwater Report	3/22/17	<i>and as conditioned herein.</i>

The following conditions shall be reflected on the Civil Construction Drawings, unless otherwise noted:

1. Development Engineering - Transportation and Engineering

Reviewer: Andy Chow, Senior Transportation Engineer

Phone: 425-556-2740

Email: kachow@redmond.gov

- a. **Construction Restoration.** In order to mitigate damage due to trenching and other work on 172nd Ave NE, the asphalt street shall be planed, overlaid, and/or patched, as determined by the Traffic Operations and Safety Engineering Division in Public Works. Contact Rob Crittenden at 425-556-2838.

(Code Authority: RMC 12.08; Redmond Standard Specifications & Details; RZC 21 Appendix 2-A.8.e)

b. Access Road Improvements

- i. The utility access road must meet current City Standards which include asphalt paving [15 feet] edge to edge with hammerhead for turnaround. The minimum pavement section for the streets shall consist of:
- 7 inches HMA Class ½" PG 64-22
 - 4 inches of 1-1/4 inch minus crushed rock course per WSDOT Standard Spec 9-03.0(3)
 - Subgrade compacted to 95% compacted maximum density as determined by modified Proctor (ASTMD 1557)
 - Maximum 2% cross slope

- iv. Splashblocks for roof downspouts shall discharge to a vegetated flowpath of at least 50 feet between the discharge point and any property line or structure
 - v. A maximum of 700 square feet of roof area may drain to each splashblock
 - vi. Place a splashblock or a pad of crushed rock (2 feet wide by 3 feet long by 6 inches deep) at each downspout discharge point.
- (Code Authority: RMC 15.24.080)

b. Temporary Erosion and Sediment Control (TESC).

- i. Rainy season work permitted October 1st through April 30th with an approved Wet Weather Plan.

(Code Authority: RMC 15.24.080)

4. Fire Department

Reviewer: Stan Noble, Deputy Fire Marshal

Phone: 425-556-2239

Email: snoble@redmond.gov

- a.** The current submittal is generally adequate. The applicant shall obtain a Fire Installation permit for the installation of the Diesel tank (fuel for generator).
(Code Authority: RMC 15.06; RZC Appendix 3, RFD Standards, RFDD&CG)

4.5. Natural Resources – Wellhead Protections

Reviewer: Aaron Moldver, Environmental Scientist

Phone: 425-556-2756

Email: amoldver@redmond.gov

- a.** The Project lies within Well Head Protection Zone III. The applicant shall comply with Redmond Zoning Code 21.64.050, and comply with the applicable sections of the Stormwater Technical Notebook Issue Number 6, especially section 8.3 Stormwater Management in Wellhead Protection Zones.
- b.** Protection Standards During Construction shall apply to the project (RZC 21.64.050(D)(f)(i-viii)).
- c.** Fill Material must comply with the standards in RMC 15.24.080 and 15.24.095

(Code Authority: RZC 21.64.010; RZC 21.64.050) RMC 13.07.100)

5.6. Planning Department

Reviewer: Heather Maiefski, Planner

Phone: 425-556-2437

Email: hmaiefski@redmond.gov

a. Site Specific Conditions.

1. Subject Site is located on Public Property - The proposed Antenna Support Structure shall be comply with RMC 12.14, Telecommunications. (Code Authority: RZC 21.56.020)
2. Wildlife Mitigation -
 - Retain snag if possible near clearing boundary and;
 - Move existing dead/down logs (intact to degree possible) to areas outside of lease area boundary and;
 - Provide three (3) new logs greater or equal to 15 inches in diameter and at least ten (10) feet in length, and place outside of lease area boundary and;
 - Clear during fall/winter months to avoid general avian species nesting periods. If clearing activity is to occur outside of fall/winter season a recommendation from a qualified wildlife biologist shall be required to permit clearing.

- b. Tree Preservation Plan.** A Tree Preservation Plan depicting all significant and landmark trees required to be preserved as part of the site development must be provided with the civil construction drawings. A plan showing the location of preserved trees and containing protection language approved by the City shall be shown on the face of the deed or similar document and shall be recorded with the King County Department of Records and Elections.
(Code Authority: RZC 21.72.060(D)(2))

- c. Landscaping.** A final Landscape Plan incorporating the required replacement trees and depicting a Type I Solid Screen barrier around the perimeter of the ground equipment must be provided with the civil construction drawings. The sight barrier is required to provide 80% sight-obscuring screen at time of planting. The plan shall identify proposed plantings at the base of the tower and around the ground equipment. A variety of native, drought tolerant species, including medium and tall shrubs, soil amendments and other planting related details shall be identified. A detailed Plan Schedule shall also be provided. (Code Authority: RZC 21.32)

standards:

1. The tower (including the antennas) shall not exceed 170' in height. All cable shall be routed through the inside of the tower. Exterior conduit, running up the sides of the tower shall not be permitted.
2. The proposed tower and antennas shall be painted a dark green color using a non-reflective finish in order to blend in with the surrounding tall evergreen trees. The antennas will be mounted as close as possible to the support structure.
3. The facility owner shall remove the tower and associated ground mounted equipment within 12 months of the date the facility ceases to be operational, or if the facility falls into disrepair and is not maintained. Disrepair includes structural features, paint, landscaping, or general lack of maintenance, which could result in safety or visual impacts. The conditions shall apply even in the event of ownership change of the facility.
4. ~~From the date of this approval, the tower shall be reviewed for continued use at 5-year intervals. Rapid technological advancements, changing markets, and regulatory interpretations indicate the need to periodically review the appropriate design of Antenna Support Structures. The applicant or future owner, or operator, of the tower shall be responsible for contacting the City of Redmond 5 years from the date of this approval, and at following 5-year intervals, to begin the process of reviewing the appropriate design of the tower. The City reserves the rights to require redesign of the tower and attached antennas if advancements in technologies dictate.~~

B. Compliance with City of Redmond Codes and Standards

This approval is subject to all applicable City of Redmond codes and standards, including the following:

Transportation and Engineering

RMC 6.36:	Noise Standards
RZC 21.52:	Transportation Standards
RZC 21.40.010(E):	Design Requirements for Parking Facilities
RZC 21.54:	Utility Standards
RMC 12.08:	Street Repairs, Improvements & Alterations
RMC 12.12:	Required Improvements for Buildings and Development
RMC 12.16:	Highway Access Management
RZC 21.76.100(F)(9)(c)	Nonconforming Landscaping and Pedestrian System Area