



COUNTY COMMISSIONERS

John Hutchings  
District One

Gary Edwards  
District Two

Tye Menser  
District Three

**HEARING EXAMINER**

*Creating Solutions for Our Future*

**BEFORE THE HEARING EXAMINER  
FOR THURSTON COUNTY**

In the Matter of the Application of	)	
	)	
	)	Project No. 961263
	)	Sequence No. 18-115341 ZM
	)	
<b>T-Mobile</b>	)	<b>Willa Street NE WCF</b>
	)	
For a Special Use Permit	)	FINDINGS, CONCLUSIONS,
	)	AND DECISION
	)	

**SUMMARY OF DECISION**

The request for approval of a special use permit to install a 25 kilowatt standby diesel generator on a proposed 23.33 square foot concrete pad and a 200 amp disconnect and automatic transfer switch within the fenced area of an existing cell tower on leased property at 2526 Willa Street NE, Olympia, Washington is **GRANTED** subject to conditions.

**SUMMARY OF RECORD**

**Request**

T-Mobile (Applicant) requested a special use permit to install a 25 kilowatt standby diesel generator on a proposed 23.33 square foot concrete pad and a 200 amp disconnect and automatic transfer switch within the fenced area of an existing cell tower on leased property at 2526 Willa Street NE, Olympia, Washington.

**Hearing Date**

The Thurston County Hearing Examiner conducted an open record public hearing on the request on August 13, 2019. The record closed at adjournment of the hearing.

**Testimony**

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

Scott McCormick, Associate Planner, Community Development & Economic Planning Dept.  
Amanda Nations, Crown Castle, Applicant Representative

## **Exhibits**

At the open record public hearing, the following exhibits were admitted in the record:

1. Thurston County Community Development and Economic Planning Department Report including the following attachments:
  - A. Notice of public hearing, dated August 2, 2019
  - B. Master application, received November 18, 2018
  - C. Special use permit application, received November 18, 2018
  - D. Vicinity zoning map
  - E. Notice of Application, dated January 10, 2019
  - F. Crown Castle, Eligible Facilities Request to modify equipment, dated November 12, 2018
  - G. Site plans
  - H. Drawing showing well and 100 foot sanitary control area
  - I. Property owner Letter of Authorization, signed August 4, 2018
  - J. Affidavit of Removal, dated June 23, 2015
  - K. Generator details
  - L. Acoustical Report, dated December 5, 2018
  - M. Hearing Examiner Decision for initial monopole project, dated January 14, 1997
  - N. Design standards for ground mounted equipment structures, TCC Ch. 20.33.100
  - O. Approval memo from Dawn Peebles, Thurston County Environmental Health, dated June 11, 2019
  - P. Comments from Washington Department of Ecology, dated January 30, 2019
  - Q. Comments from Squaxin Indian Tribe, dated January 30, 2019
  - R. Comments from Washington Department of Ecology, dated December 19, 2018
  - S. Comments from Nisqually Indian Tribe, dated December 13, 2018
2. Photographs of posted notice of public hearing (taken by Scott McCormick)
3. Comment email from Ronald Moorehead, dated August 3, 2019

Based upon the record developed at hearing, the Examiner enters the following findings and conclusions.

## FINDINGS

1. T-Mobile (Applicant) requested a special use permit (SUP) to install a 25 kilowatt (kw) standby diesel generator on a proposed 23.33 square foot concrete pad and a 200 ampere disconnect and automatic transfer switch within the fenced area of an existing monopole tower and equipment. The project is proposed on a portion of a 3.35-acre parcel developed with an existing monopole tower and equipment compound (previously approved SUP 961263) located at 2526 Willa Street NE, Olympia, within the Lacey urban growth area (UGA).<sup>1</sup> *Exhibits 1, 1.B, 1.C, 1.F, and 1.L.*
2. The existing WCF monopole was approved by the Thurston County Hearing Examiner through special use permit number 961263 on January 14, 1997. The currently proposed backup generator was not included in the original WCF design. Its addition is required to be reviewed as an amendment to the special use permit, which process requires additional Hearing Examiner approval. In the Lacey UGA, SUPs are reviewed pursuant to TCC Chapter 21.87. *Exhibits 1 and 1.M; TCC 21.66.030.B.*
3. The subject property has a Rural Residential Resource (RRR) 1/5 zoning designation. Pursuant to Thurston County Code (TCC) 20.09A.010, the purpose of the RRR 1/5 zone is to: encourage residential development that maintains the County's rural character; provides opportunities for compatible agricultural, forestry and other rural land uses; is sensitive to the site's physical characteristics; provides greater opportunities for protecting sensitive environmental areas and creating open space corridors; enables efficient road and utility systems; and does not create demands for urban level services. Wireless communications facilities are allowed in the RRR 1/5 zone in the Lacey UGA pursuant to TCC 21.66.020.C.5, subject to compliance with the County Code's wireless communications facilities regulations at TCC Chapter 20.33. *Exhibit 1.*
4. At 3.35 acres in area, the subject property is legally non-conforming to the minimum lot size standard of the RRR 1/5 zoning district; however, this does not impede amendment of the SUP. The existing cell tower lease area is located on the north side of Interstate 5 (I-5) immediately adjacent to a steep, engineered embankment in the I-5 right-of-way. The 1997 SUP required a 50-foot wide tree retention buffer around all sides of the fenced enclosure interrupted only by site access. *Exhibits 1, 1.G, and 1.M.*
5. Adjacent surrounding properties share the site's low density, rural residential zoning, or are zoned Open Space Institutional Parks and Preserves. North of the site, separated by lower density residential zoning, there are parcels with higher density residential zoning as well Light Industrial parcels. Land uses adjacent to the subject property consist of rural residential uses and the I-5 right-of-way. *Exhibit 1.*
6. The proposal would add the backup generator and the 200A disconnect/automatic transfer switch on a new concrete pad within the existing lease area. No part of the proposed improvements would be taller than 10 feet. No changes to the tower height,

---

<sup>1</sup> The legal description of the subject property is a portion of Section 7, Township 18 North, Range 1 East; also known as Tax Parcel No. 21807220100. *Exhibits 1 and 1.B.*

lease area, or site access are proposed. The generator is proposed to be placed along the south side of the lease area closest to the I-5 right-of-way. The improvements are not anticipated to be visible from off-site due to location, topography, and tree cover. The current facility is unstaffed, without public water or sewer service, and is generally visited once a month by one to two employees for routine maintenance. No change is proposed to site utilities, staffing, or maintenance. *Exhibits 1, 1.C, and 1.G; Amanda Nations Testimony.*

7. The Applicant submitted a professionally prepared acoustical report, which indicated that routine maintenance of the generator would not exceed the noise limits established in County Code (based on state regulations at Washington Administrative Code (WAC) 173-60-020, which limit noise to 55 dBA during daytime hours). The acoustical report indicated that the existing background noise level is currently 55 dBA, resulting from traffic noise on I-5. Planning Staff submitted that due to this background noise, occasional and temporary running of the backup generator for maintenance would not result in significant noise impacts. *Exhibits 1 and 1.L; Testimony of Scott McCormick and Amanda Nations.*
8. There are no pedestrian, bicycle, or traffic circulation issues arising from the proposed installation of a backup generator. Planning Staff submitted that all required setbacks, screening, and other standards of the underlying zoning district are satisfied by the proposal. *Exhibits 1, 1.G, and 1.M.*
9. The application materials included a letter indicating the consent of the owner of the underlying property and an affidavit of removal, which makes provision for removal of the existing and proposed WCF facilities without 180 days following receipt of a letter from Thurston County indicating the WCF is deemed abandoned or in violation of County ECF regulations. *Exhibits 1.I and 1.J.*
10. The Environmental Health Division (EHD) of the Thurston County Public Health and Social Services Department reviewed the proposal for compliance with applicable health codes. In their comments, EHD Staff noted that the Applicant provided details confirming that secondary containment for hazardous materials associated with the proposed generator would be provided and the noise survey meets required limits. Based upon the review of the submitted information, Environmental Health recommended conditional approval. *Exhibit 1.O; Dawn Peebles Testimony.*
11. After reviewing the project for access and storm water control requirements, Public Works Department Development Review Services recommended approval with no additional conditions. *Exhibit 1.*
12. Both the Nisqually Indian Tribe and the Squaxin Island Tribe submitted comments indicating that the Tribes had no particular concerns regarding the proposal. Both Tribes requested to be notified of inadvertent discoveries of artifacts or human burials. *Exhibits 1.Q and 1.S.*

13. The Washington State Department of Ecology submitted comment letters providing general information regarding the potential for toxics cleanup standards, if contamination is discovered, and erosion control. *Exhibits 1, 1.P, and 1.R.*
14. The project is considered minor new construction/ground disturbance and is therefore exempt from review for compliance with the provisions of the State Environmental Policy Act (SEPA). *Exhibit 1; Washington Administrative Code (WAC) 197-11-800 categorical exemptions.*
15. The instant special use permit application was received on November 18, 2018 and was deemed complete on December 12, 2018. Notice of the application was mailed to all owners of property within 2,600 feet of the project location and to applicable review agencies on January 10, 2019. Written notice of public hearing was mailed to parties of record and published in The Olympian on August 2, 2019. Notice of the public hearing was posted on site on or before August 2, 2019. *Exhibits 1, 1.A, and 1.E.*
16. One written public comment was submitted by an interested party noting the required 50-foot buffer is not in place along the I-5 right-of-way and questioning whether this would be addressed. The party also requested that the employees of construction companies doing the work be mindful with parking and not block his driveway. *Exhibit 3.* No members of the public attended to offer comment at the open record public hearing.
17. In response to public comment, Planning Staff submitted that in 1997, there were more trees in the I-5 right-of-way, which more effectively screened to WCF from passersby. Staff testified, upon reviewing site photos, that the existing tower might be less than 50 feet from property line and that it's possible the existing facility fails satisfy the conditions of the 1997 SUP permit; however, Staff sees no remedy available to the Applicant at this point for this possible issue. The Applicant is not able to control the I-5 right-of-way. Construction vehicles are already prohibited from blocking adjacent driveways during construction. Planning Staff submitted that, considering the location of the facility and all other facts specific to the proposal, denial of the instant SUP amendment request is not an appropriate remedy for this possible violation of previous permit conditions and that the proposal, as conditioned, would be consistent with applicable provisions of both the Thurston County Comprehensive Plan and Zoning Ordinance. Acknowledging that it may be possible to partially see the WCF from I-5, Planning Staff indicated that this is not an unduly adverse outcome and continued to recommend approval subject to conditions. *Exhibit 1; Scott McCormick Testimony.*
18. In response to public comment, the Applicant representative reiterated that approval would not result in expansion of the existing equipment compound, that the proposed generator is not taller than the existing fence, and if approved, the project would not result in any visible change to the exiting WCF. She noted that there is a vegetated buffer from both side property lines, if not from the I-5 corridor. The Applicant representative waived objection to the recommended conditions. *Amanda Nations Testimony.*

## **CONCLUSIONS**

### **Jurisdiction**

The Hearing Examiner has jurisdiction to decide the special use permit applications pursuant to TCC 2.06.010, TCC 20.54.015(2), and Revised Code of Washington (RCW) 36.70.970.

### **Special Use Permit Criteria for Review**

The Hearing Examiner may approve an application for a special use permit in the Lacey Urban Growth Area only if the following general standards set forth in TCC 21.87.035 are satisfied:

1. Plans, Regulations, Laws. The proposed use at the specified location shall comply with the Thurston County Comprehensive Plan and all applicable federal, state, regional, and Thurston County laws or plans.
2. Underlying Zoning District. The proposed use shall comply with the general purposes and intent of the applicable zoning district regulations and subarea plans. Open space, lot, setback and bulk requirements shall be no less than that specified for the zoning district in which the proposed use is located unless specifically provided otherwise in this chapter.
3. Location. No application for a special use shall be approved unless a specific finding is made that the proposed special use is appropriate in the location for which it is proposed. This finding shall be based on the following criteria:
  - a. Impact. The proposed use shall not result in substantial or undue adverse effects on adjacent property, neighborhood character, natural environment, traffic conditions, parking, public property or facilities, or other matters affecting the public health, safety and welfare. However, if the proposed use is a public facility or utility deemed to be of overriding public benefit, and if measures are taken and conditions imposed to mitigate adverse effects to the extent reasonably possible, the permit may be granted even though the adverse effects may occur.
  - b. Services. The use will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, or services existing or planned to serve the area.

### **Wireless Communications Facilities Standards**

Pursuant to 20.33.080, the following standards apply to freestanding WCFs and remote freestanding WCFs/antenna support structures.

1. Evaluation of Alternative Sites. Prior to submission of an application for a WCF/antenna support structure, the Applicant is encouraged to meet with residents of the search area for the proposed WCF/antenna support structure for the purpose of evaluating alternative sites and exploring the possibility that other technically feasible sites may be available that would be more acceptable to the community.

2. Siting.

- a. Freestanding WCFs and other antenna support structures regulated by this chapter shall not be permitted in residential districts unless ... (not applicable);
- b. WCFs and other antenna support structures shall be located, designed and screened, to the extent feasible, to blend with the immediate surroundings so as to reduce visual impacts.
  - i. Proposed WCFs/antenna support structures shall be located where their visual impact is least detrimental to views of recognized landmarks, such as, but not limited to, Puget Sound, Nisqually Valley, Mount Rainer, the Black Hills, and the Olympic Mountains. If the approval authority determines that the proposed location for the facility would have a significant detrimental impact on a view of a recognized landmark, she/he shall deny the proposal unless the Applicant demonstrates that a less impacting site is not available.
  - ii. In order to demonstrate that a less impacting site is not available, Applicants for WCF/antenna support structures impacting the views listed in subsection (2)(b)(i) of this section shall ... (not applicable).
  - iii. WCFs/antenna support structures shall be sited off ridgelines unless they are designed to blend in with the surrounding environment in such a manner that they would not have a significant visual impact, as determined by the approval authority, or the Applicant demonstrates that no alternative location is available.
  - iv. In determining whether or not a WCF/antenna support structure will have a significant adverse visual impact on a view/location listed in subsections (2)(b)(i) and (2)(b)(iii) of this section ... (not applicable);
  - v. Applicants proposing uncamouflaged WCFs/antenna support structures in locations that cannot be at least partially screened by existing trees, topography, or structures must submit documentation as to why sites which would provide screening potential are not available or technically feasible to provide adequate service...
  - vi. Unless effectively camouflaged, as determined by the approval authority, WCFs/antenna support structures shall be located on a site to take maximum advantage of the screening afforded by any existing trees, topography, and structures in order to minimize their visibility from the surrounding area, consistent with other applicable regulations. Priority shall be given (in descending order) to minimizing visibility from existing dwellings, public rights-of-way, and public parks and open spaces.
  - vii. In residential and commercial districts, flush mounted antennas shall be used unless the Applicant demonstrates that another mount is necessary.

- c. WCFs and other antenna support structures shall be located so they do not narrow the sidewalk width below the county's minimum standard, create a hazardous situation for pedestrians, bicyclists or motorists, or interfere with utilities, as determined by the approval authority. (See TCC Title 13, Roads and Bridges).
  - d. WCFs and other antenna support structures shall be located, designed, and screened to maintain property values and neighborhood character.
  - e. WCFs and other antenna support structures shall be sited consistent with the provisions of the Thurston County Agricultural Uses and Lands Critical Areas Ordinance (Chapter 17.15 TCC), the Thurston County Critical Areas Ordinance (Title 24)...;
3. Setbacks.
    - a. WCFs/antenna support structures, except those in rights-of-way, shall be set back from property lines a minimum of one hundred ten percent of the antenna support structure's height, including antennas. ...
  4. Separation. WCFs/antenna support structures shall be separated from one another as follows:
    - a. (not applicable)
    - b. Outside urban growth areas, freestanding WCFs/antenna support structures shall be a minimum of two thousand four hundred feet from another freestanding WCF/antenna support structure.
    - c. Separation distances shall be measured from antenna support structure to antenna support structure regardless of property lines and roadways. ...  
...
  5. Co-location. All freestanding and remote freestanding WCFs/antenna support structures shall be designed and constructed to fully accommodate at least two additional WCF providers, including an area for each co-locator's equipment near the base of the tower, each comparable in size to the area required by the Applicant, unless the Applicant demonstrates why such design is not feasible for technical or physical reasons (for example, because it would ruin the disguise of a camouflaged antenna support structure). This requirement does not apply to antenna support structures in rights-of-way. The approval authority may require Applicants to accommodate more than two co-locations, based on documented demand, consistent with the provisions of this chapter.
  6. Maximum Height.
    - a. (not applicable)
    - b. Maximum height outside urban growth areas: one hundred eighty feet including antennas, except remote freestanding WCFs/antenna support structures which may be two hundred feet including antennas.



7. Screening/Camouflaging.

- a. Color. WCFs/antenna support structures and antennas, with the exception of camouflaged and wooded antenna support structures, shall have a nonglare finish in a gray, blue, green or other color(s) appropriate to the background against which it would be primarily viewed (e.g. green to the tree line and gray above) as determined by the approval authority, unless a different color or finish is required by the FCC or FAA. ...
- b. Pole Material. WCFs/antenna support structures in rights-of-way shall be limited to poles of the same design and appearance as the utility poles to which they are linked, except as required by the approval authority consistent with the Uniform Building Code.
- c. Maintenance. The permittee shall maintain the approved WCF/antenna support structure in a condition that preserves its original appearance and any concealment or camouflage elements incorporated into the design, consistent with all applicable requirements. This includes repair or replacement of equipment, removal of rust and associated stains, removal and replacement of peeling paint that would be visible from adjoining rights-of-way or property, and maintenance of required landscaping and fencing.
- d. Screening. WCFs/antenna support structures shall be located among or beside trees wherever possible.
  - i. If the site proposed to accommodate an antenna support structure is treed within fifty feet of the proposed antenna support structure's location ... (not applicable);
  - ii. If the site does not contain sufficient trees to provide effective screening, as determined by the approval authority, a minimum twenty-foot wide buffer around the perimeter of the WCF/antenna support structure location, excluding the access point, shall be planted with site-obscuring conifer trees. The trees shall be planted six feet on center in at least three offset rows. The trees shall be a minimum of six feet in height at the time of planting. Planting shall occur prior to the facilities becoming operational. The required trees shall be maintained in a green and growing state so long as the antenna support structure is on the site. Any tree within the buffer that dies or is removed shall be replaced during the next planting season with a conifer tree a minimum of six feet in height at the time of planting. This requirement shall not apply to WCFs/antenna support structures in rights-of-way.
  - iii. The approval authority may modify the screening requirements in subsections (7)(d)(i) and (ii) of this section to the extent existing structures on site, existing vegetation along the parcel perimeter, or topography provide adequate screening. The approval authority may also modify or waive those requirements, as she/he deems appropriate, if the Applicant camouflages the WCF/antenna support structure through a design that significantly mitigates its visual impact (for

example, but not limited to, an antenna support structure designed to resemble a conifer tree, flag pole, clock tower, street light, or utility pole).

- iv. Approval of a setback pursuant to subsection (3)(d) of this section is contingent upon the Applicant submitting to the approval authority an easement or other instrument approved by the Thurston County prosecuting attorney's office from the adjacent property owner that accommodates screening required pursuant to this subsection (7)(d).
  - e. Camouflaged WCFs/Antenna Support Structures. Camouflaged WCFs/antenna support structures shall be designed appropriate to the context, as determined by the approval authority, so they do not appear to be out of place. Camouflage proposals shall be modeled after design concepts approved by the department director or designee.
8. Public Safety.
- a. For freestanding WCFs/antenna support structures, a minimum six-foot high chain link fence with privacy slats shall be installed around the perimeter of the site for public safety and screening purposes. The fence and privacy slats shall be a nonreflective, deep green or other color that blends in with the surrounding environment, as determined by the approval authority. (A fence over six feet in height will require a building permit). Access to the tower shall be through a locked gate. The approval authority may authorize alternate methods of providing for public safety if a level of public safety and screening similar to that provided by the previously described fence is clearly demonstrated. These requirements shall not apply to camouflage WCFs and antenna support structures in rights-of-way and their associated equipment cabinets unless potentially dangerous equipment would be accessible by the public.
  - b. For remote freestanding WCFs/antenna support structures, adequate public safety measures shall be provided, as determined by the approval authority.
  - c. All freestanding and remote freestanding WCFs/antenna support structures, with the exception of replacement utility poles, shall be fitted with anti-climbing devices.
  - d. The county shall require remedial action by the responsible party if it determines that structural failure, ice accumulation, or other conditions pose a risk to public safety.
  - e. A device shall be installed on all WCFs and antenna support structures that automatically stops transmission from the antennas in the event the antenna support structure falls or shifts significantly out of alignment, unless the Applicant demonstrates that it is not technically feasible to do so. This does not apply to remote freestanding WCFs/antenna support structures.
  - f. Foundations for replacement utility poles subject to this chapter shall require a commercial building permit.

9. **Parking/Access.** At least one parking space, plus adequate turnaround area, shall be provided. The access road, parking and turnaround areas shall have a paved, gravel or other all-weather surface. The access road must be a minimum of ten feet wide. These requirements shall not apply to WCFs/antenna support structures in rights-of-way and their associated equipment structures. Approval of WCFs/antenna support structures in rights-of-way shall be contingent upon demonstration by the Applicant that parking space is available for maintenance vehicles that will not obstruct vehicle travel lanes, bike lanes, or sidewalks.
10. **Signals, Lights and Signs.** No signals, lights or signs shall be permitted on a WCF/antenna support structure unless required by the FCC or FAA (also see subsection (6)(d) of this section). If lighting is required, the county shall review the available lighting alternatives consistent with FAA requirements and approve a design that it determines would cause the least impact on surrounding views. However, in documented migratory bird flyways, preference shall be given to white strobe lights operating at the longest interval allowed per FAA requirements. WCFs/antenna support structures shall have a sign posted on the access gate with the WCF provider name and an emergency contact phone number on it. When the site is not fenced, the sign required above shall be placed in a location authorized by the approval authority. Any site security lighting shall be shielded to contain light and glare on site.
11. **Outdoor Storage.** Outdoor storage of motor vehicles or materials associated with the WCF/antenna support structure is prohibited outside of the fenced area installed pursuant to subsection (8) of this section.

**TCC 20.33.100 - Design standards for ground mounted equipment structures.**

1. **Maximum Height.** Ground mounted equipment structures shall not exceed ten feet in height.
2. **Location, Design, and Color.**
  - a. Ground mounted equipment cabinets/structures that would be visible from adjacent residential properties or public rights-of-way shall be partially buried, to the extent the seasonal high ground water level permits, of the smallest size possible and of a color, nonreflective material, texture, and architectural design so as to camouflage, conceal, or otherwise make the structure compatible with the setting and any immediately adjacent structure, as determined by the approval authority.
  - b. Equipment cabinets/shelters associated with WCFs/antenna support structures in rights-of-way or camouflaged WCFs/antenna support structures shall be buried or located, to the extent possible, to take advantage of the screening afforded by existing structures and vegetation. Ground mounted equipment cabinets/shelters shall be located outside of rights-of-way unless the approval authority determines that the proposed facilities, including associated screening, will not impede existing and planned road, bicycle, pedestrian, and utility facilities nor obstruct motorists' view of the travel lanes (also see TCC Section 20.07.070, Use Limitations on Corner Lots).

The portion of the equipment structure/fencing that would be visible from adjacent rights-of-way or parcels occupied or zoned and developable for residential or commercial use shall be screened with evergreen shrubs and/or trees, and/or berms (also see Section 20.33.080(7)). This vegetation shall be of a type, size, and spacing so that within three years of planting (along with any berm or other landscaping feature) it forms a continuous screen as tall as the equipment structure and any associated fencing.

- c. Equipment cabinets/structures must meet all building setbacks, screening and other standards of the underlying zoning district, except where they conflict with specific requirements of this chapter.

### **Conclusions Based on Findings**

1. SUP: Wireless communication facilities are a permitted special use in the RRR 1/5 zoning district. As proposed, the addition of a concrete pad, generator, and electric switch equipment associated the existing WCF would be placed wholly within the approved equipment compound and would not be visible from off-site, unless partially from the I-5 right-of-way. No change to WCF tower height, staffing, or site access are proposed. The submitted acoustical report demonstrates compliance with applicable noise standards. The facility would continue to generate only occasional vehicle trips for maintenance. As conditioned, the facility would not result in additional demand on or for public infrastructure or services. *Findings 1, 2, 3, 4, 6, 7, 8, 10, 11, 12, 16, 17, and 18.*
2. Wireless Communications Facilities Use-Specific Standards: The proposal would add ground equipment only to an existing WCF adjacent to the I-5 corridor; no evaluation of alternative sites is required pursuant to TCC 20.33.080. The proposed ground equipment would be located wholly within the existing, approved fenced enclosure and would not be visible from any residential areas or sidewalks. While the improvements may be minimally visible from the I-5 corridor due to tree removal in the I-5 right-of-way since the original 1997 approval, there would be negligible visual impacts, if any, and no impact to property values or neighborhood character. Enclosed within a relatively inaccessible, fenced compound, the zoning code's WCF public safety provisions are satisfied. The improvements would be accessed by the existing site entrance, which as it exists provides adequate parking for the occasional maintenance of the facility. No lighting, signage, or storage are proposed. All proposed ground equipment would be enclosed within the fenced lease area and restricted to ten feet in maximum height. As proposed and conditioned, the facility would be consistent with the use-specific standards established for WCFs as well as with the intent of the County's WCF regulations.<sup>2</sup> *Findings 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 16, 17, and 18.*

---

<sup>2</sup> Pursuant to TCC 20.33.010, the purposes of the County's Wireless Communications Facilities chapter are to:

1. Manage the location of WCFs, radio, television and automated meter reading antenna support structures, antennas, and equipment structures in the county by providing standards for their placement, design, construction, modification, and removal;
2. Accommodate WCFs, and radio, television and automated meter reading facilities operating consistent with Federal Communication Commission (FCC) guidance and meeting the standards of this chapter to serve the routine and emergency communications needs of county residents;
3. Protect residential, historic and other land uses, neighborhood character, aesthetic quality, property values, and the quality of life from potential adverse impacts of WCFs and other antenna support structures through careful siting, design, screening and

## DECISION

Based on the preceding findings and conclusions, the requested special use permit to install a 25 kilowatt standby diesel generator on a proposed 23.33 square foot concrete pad and a 200 ampere disconnect and automatic transfer switch within the existing fenced enclosure of an cell tower at 2526 Willa Street NE, Olympia, Washington is **GRANTED** subject to the following conditions:

1. The proposed project must comply with the noise standards of Thurston County Code, Chapter 10.36 and Washington Administrative Code Chapter 173-60.
2. The proposed diesel generator must meet all storage and secondary containment requirements of Article VI of the Thurston County Sanitary Code and Chapter 24.10, Sections 24.10.50 and 24.10.120 of the Thurston County Code.
3. The WCF shall remain in compliance with the Thurston County Wireless Communication Facilities and Antenna Support Structure Chapter (TCC Chapter 20.33).
4. If contamination is currently known or suspected during construction, testing of potentially contaminated media must be conducted. If contamination of soil or groundwater is readily visible, or is revealed by testing, the Washington State Department of Ecology must be notified (Contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office at (360) 407-6300).
5. All development on the site shall be in substantial compliance with the approved site plan. Any expansion or alteration of this use beyond that initially approved by the Hearing Examiner will require approval of a new or amended special use permit. The Community Planning & Economic Development Department will determine if any proposed amendment is substantial enough to require Hearing Examiner approval.

**DECIDED** September 3, 2019.



Sharon A. Rice  
Thurston County Hearing Examiner

---

camouflaging techniques, and by encouraging clustering of WCFs and other antenna support structures in remote and industrial areas; 4. Minimize the total number of antenna support structures by requiring, to the extent feasible, co-location of new facilities on freestanding and remote freestanding WCFs and other antenna support structures; 5. Protect public health and safety consistent with federal, state, and local regulations; and 6. Avoid potential damage to adjacent properties through sound engineering practices and the proper siting of WCFs and other antenna support structures.



**THURSTON COUNTY**  
**PROCEDURE FOR RECONSIDERATION AND APPEAL**  
**OF HEARING EXAMINER DECISION TO THE BOARD**

<b>NOTE:</b> THERE MAY BE NO EX PARTE (ONE-SIDED) CONTACT OUTSIDE A PUBLIC HEARING WITH EITHER THE HEARING EXAMINER OR WITH THE BOARD OF THURSTON COUNTY COMMISSIONERS ON APPEALS (Thurston County Code, Section 2.06.030).
---

If you do not agree with the decision of the Hearing Examiner, there are two (2) ways to seek review of the decision. They are described in A and B below. Unless reconsidered or appealed, decisions of the Hearing Examiner become final on the 15th day after the date of the decision.\* The Hearing Examiner renders decisions within five (5) working days following a Request for Reconsideration unless a longer period is mutually agreed to by the Hearing Examiner, applicant, and requester.

**The decision of the Hearing Examiner on an appeal of a SEPA threshold determination for a project action is final. The Hearing Examiner shall not entertain motions for reconsideration for such decisions. The decision of the Hearing Examiner regarding a SEPA threshold determination may only be appealed to Superior Court in conjunction with an appeal of the underlying action in accordance with RCW 43.21C.075 and TCC 17.09.160. TCC 17.09.160(K).**

**A. RECONSIDERATION BY THE HEARING EXAMINER (Not permitted for a decision on a SEPA threshold determination)**

1. Any aggrieved person or agency that disagrees with the decision of the Examiner may request Reconsideration. All Reconsideration requests must include a legal citation and reason for the request. The Examiner shall have the discretion to either deny the motion without comment or to provide additional Findings and Conclusions based on the record.
2. Written Request for Reconsideration and the appropriate fee must be filed with the Resource Stewardship Department **within ten (10) days of the written decision**. The form is provided for this purpose on the opposite side of this notification.

**B. APPEAL TO THE BOARD OF THURSTON COUNTY COMMISSIONERS (Not permitted for a decision on a SEPA threshold determination for a project action)**

1. Appeals may be filed by any aggrieved person or agency directly affected by the Examiner's decision. The form is provided for this purpose on the opposite side of this notification.
2. Written notice of Appeal and the appropriate fee must be filed with the Community Planning & Economic Development Department **within fourteen (14) days of the date of the Examiner's written decision**. The form is provided for this purpose on the opposite side of this notification.
3. An Appeal filed within the specified time period will stay the effective date of the Examiner's decision until it is adjudicated by the Board of Thurston County Commissioners or is withdrawn.
4. The notice of Appeal shall concisely specify the error or issue which the Board is asked to consider on Appeal, and shall cite by reference to section, paragraph and page, the provisions of law which are alleged to have been violated. The Board need not consider issues, which are not so identified. A written memorandum that the appellant may wish considered by the Board may accompany the notice. The memorandum shall not include the presentation of new evidence and shall be based only upon facts presented to the Examiner.
5. Notices of the Appeal hearing will be mailed to all parties of record who legibly provided a mailing address. This would include all persons who (a) gave oral or written comments to the Examiner or (b) listed their name as a person wishing to receive a copy of the decision on a sign-up sheet made available during the Examiner's hearing.
6. Unless all parties of record are given notice of a trip by the Board of Thurston County Commissioners to view the subject site, no one other than County staff may accompany the Board members during the site visit.

**C. STANDING** All Reconsideration and Appeal requests must clearly state why the appellant is an "aggrieved" party and demonstrate that standing in the Reconsideration or Appeal should be granted.

**D. FILING FEES AND DEADLINE** If you wish to file a Request for Reconsideration or Appeal of this determination, please do so in writing on the back of this form, accompanied by a nonrefundable fee of **\$750.00** for a Request for Reconsideration or **\$1,020.00** an Appeal. Any Request for Reconsideration or Appeal must be **received** in the Building Development Center on the second floor of Building #1 in the Thurston County Courthouse complex no later than 4:00 p.m. per the requirements specified in A2 and B2 above. **Postmarks are not acceptable.** If your application fee and completed application form is not timely filed, you will be unable to request Reconsideration or Appeal this determination. The deadline will not be extended.

\* Shoreline Permit decisions are not final until a 21-day appeal period to the state has elapsed following the date the County decision becomes final.



Project No. \_\_\_\_\_  
Appeal Sequence No.: \_\_\_\_\_

☐ Check here for: **RECONSIDERATION OF HEARING EXAMINER DECISION**

THE APPELLANT, after review of the terms and conditions of the Hearing Examiner's decision hereby requests that the Hearing Examiner take the following information into consideration and further review under the provisions of Chapter 2.06.060 of the Thurston County Code:

(If more space is required, please attach additional sheet.)

☐ Check here for: **APPEAL OF HEARING EXAMINER DECISION**

TO THE BOARD OF THURSTON COUNTY COMMISSIONERS COMES NOW \_\_\_\_\_  
on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, as an APPELLANT in the matter of a Hearing Examiner's decision  
rendered on \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ relating to \_\_\_\_\_

THE APPELLANT, after review and consideration of the reasons given by the Hearing Examiner for his decision, does now, under the provisions of Chapter 2.06.070 of the Thurston County Code, give written notice of APPEAL to the Board of Thurston County Commissioners of said decision and alleges the following errors in said Hearing Examiner decision:

Specific section, paragraph and page of regulation allegedly interpreted erroneously by Hearing Examiner:

1. Zoning Ordinance \_\_\_\_\_
2. Platting and Subdivision Ordinance \_\_\_\_\_
3. Comprehensive Plan \_\_\_\_\_
4. Critical Areas Ordinance \_\_\_\_\_
5. Shoreline Master Program \_\_\_\_\_
6. Other: \_\_\_\_\_

(If more space is required, please attach additional sheet.)

AND FURTHERMORE, requests that the Board of Thurston County Commissioners, having responsibility for final review of such decisions will upon review of the record of the matters and the allegations contained in this appeal, find in favor of the appellant and reverse the Hearing Examiner decision.

### **STANDING**

On a separate sheet, explain why the appellant should be considered an aggrieved party and why standing should be granted to the appellant. This is required for both Reconsiderations and Appeals.

Signature required for both Reconsideration and Appeal Requests

APPELLANT NAME PRINTED \_\_\_\_\_

SIGNATURE OF APPELLANT \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Please do not write below - for Staff Use Only:

Fee of ☐ \$750.00 for Reconsideration or \$1,020.00 for Appeal. Received (check box): Initial \_\_\_\_\_ Receipt No. \_\_\_\_\_  
Filed with the Community Planning & Economic Development Department this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.