



CHELAN COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
316 WASHINGTON STREET, SUITE 301, WENATCHEE, WA 98801
TELEPHONE: (509) 667-6225 FAX: (509) 667-6475

STAFF REPORT

TO: Chelan County Planning Commission
FROM: Chelan County Community Development
HEARING DATE: October 27, 2021
FILE NUMBER: ZTA 21-075, LocalTel WCF Text Amendment

RECOMMENDED MOTION

The Chelan County Planning Commission may make a motion to recommend approval or denial of the proposed Limited Text Amendment to the Chelan County Board of County Commissioners, pursuant to Chelan County Code Section 14.10.050. Suggested Findings of Fact and Conclusions of Law, which may be modified, are included in this staff report. Staff recommends:

A. Move to recommend **approval with modification** of the LocalTel WCF Text Amendment to update the application and review standards for wireless communication towers and facilities, given file number ZTA 21-075, based upon the findings of fact and conclusions of law contained within the October 27, 2021 staff report, and with the staff modification below:

1. Under Section 11.91.030, *Types of Wireless Communications Facilities*, Type 1 WCF height shall be modified to read as "60 feet or less"; Type 2 WCF height shall be modified to read as "greater than 60 feet but less than 150 feet", and Type 3 WCF height shall be modified to read as "150 feet or more."

GENERAL INFORMATION

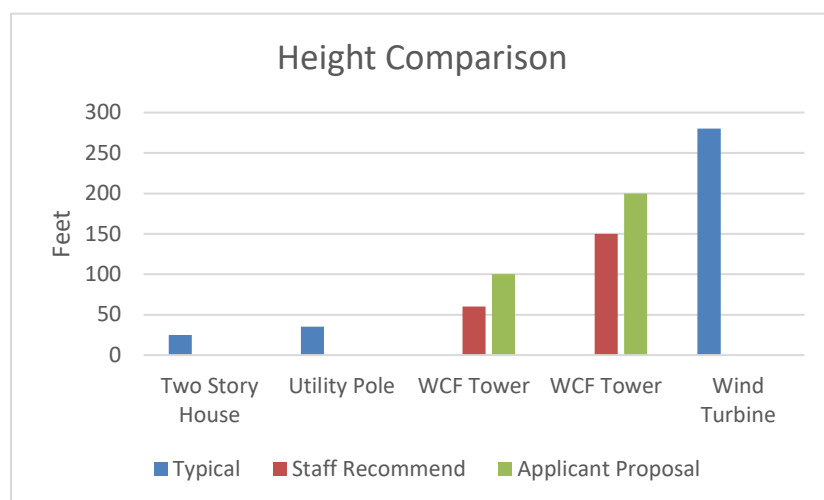
Planning Commission Workshop	June 23, 2021
Planning Commission Notice of Hearing Published	October 16, 2021
Planning Commission Hearing on	October 27, 2021
60-day State agency review	Received July 13, 2021 with comment period ending September 11, 2021
SEPA Determination	September 16, 2021

BACKGROUND

LocalTel has submitted a request to amend the application and review standards for wireless communication facilities (WCFs) in Chelan County. Specifically, obsolete development regulations would be removed from Chelan County Code (CCC) Section 11.91, in order to bring the code into better alignment with industry practices and technology. WCFs would also be added to the district use chart in CCC Section 11.04.020, along with added or improved definitions in CCC Chapter 14.98, and thereby better managed project review based on tower size and visual impact.

The County has collaborated with LocalTel to revise the standards. As a result, tower height thresholds are the only area where a different standard is recommended from those proposed by the applicant. Staffs recommends that the proposed heights correspond with RCW 43.21C.0384, which exempts from SEPA requirements any tower less than sixty (60) feet in height that is located in a commercial, industrial, manufacturing, forest or agricultural zone.

The following chart compares WCF towers to typical heights.



Under the proposed amendments as recommended by staff, we envision the following review process would be implemented:

- Minor modifications and collocations would be exempt from building review and permit. Projects would only complete a WCF application and staff would sign off if meets standards.
- For WCFs where the proposed height triggers a building permit but not SEPA, the project would submit a building permit application along with WCF application and staff would sign off if meets standards.
- WCF projects that are 60 feet in height or more but less than 150 feet in height will require SEPA review and must apply for WCF Administrative Determination. Once approved, the project proceeds to building review and permit.
- WCF projects that are 150 feet in height or more will require SEPA review and must apply for WCF Conditional Use Permit. Once approved, the project proceeds to building review and permit.

STATE ENVIRONMENTAL POLICY ACT REVIEW (SEPA)

Pursuant to WAC 197-11 and RCW 43.21C of the State Environmental Policy Act (SEPA), environmental review and a threshold determination was completed. A Determination of Non-Significance (DNS) was issued on September 16, 2021 for the proposed limited text amendments. The SEPA Checklist and Revised DNS are included within the file of record and adopted by reference (See Attachment 1).

AGENCY AND PUBLIC COMMENT

The required state agency review with the Department of Commerce (COM) and other state agencies was initiated on July 13, 2021, pursuant to RCW 36.70A.106 (see Attachment 3). Public noticing requirements have also been met. The Planning Commission will accept testimony during the public hearing.

Agency comments were received from the Chelan County Building Official on August 9, 2021, confirming that certain criteria, such as minor modifications, collocations and increased tower heights up to 10 percent are exempted from building review and permit per Federal Law. Comments from Chelan County Public Works dated June 30, 2021, requested text references to the franchise agreements. Language was also proposed regarding military training and operations, per comments received on July 13, 2021 from the Northwest Training Range Complex.

See Attachment 2 for full agency comments.

No public comments have been received to date on the proposed amendments.

COMPREHENSIVE PLAN

Chelan County represents the long-term vision for future land uses and development. For the proposed text amendments, the merits of the requested change must be demonstrated as being consistent with adopted goals and policies.

The following Comprehensive Plan goals and policies are relevant to the request for ZTA 21-075:

- LU 1.2: Protect residential neighborhoods from impacts associated with incompatible land uses through application of development standards and permit conditioning.
- LU 4.1: Encourage development that is compatible with the natural environment and minimizes impacts to significant natural and scenic features.
- RE 1: Maintain a balance between human uses and the natural environment in rural areas of the County.
- RE 1.1: Rural development shall avoid and mitigate impacts to critical areas, which have value as wildlife habitat and open space.
- CF 1.2: Ensure that any available public services and facilities are adequately planned and designed to protect the public health, safety and welfare.
- CF 2.4: In rural areas, design public facilities and services to be compatible with the rural and scenic character of the County.
- UE 1: Enhance the efficiency and quality of service from utility providers through the coordination of utility, land use, and transportation planning.
- UE 1.3: Promote the consolidation of utility facilities where feasible.
- UE 3: Ensure that adequate public utilities are provided to meet the projected and desired land use patterns with the County.
- UE 3.3: The capacity of extended utilities should be adequate to meet anticipated growth in the County.
- UE 3.4: Implement development regulations for provision of utilities that are flexible and receptive to innovations and advances in technology.
- ED 1.1: Seek to attract businesses and industries that complement and build upon existing business and industry.
- ED 5.4: Coordinate with adjacent jurisdiction to create an environment that is supportive and attractive to the internet/information technology industries.

REVIEW CRITERIA

Pursuant to Chelan County Code (CCC) Section 14.13.040, the following general review criteria for development regulation text amendments were used to evaluate the proposed changes.

1. *The proposal is necessary to address a public land use issue or problem; and*

Finding of Fact: The proposed text amendments will remove obsolete development regulations and bring the code into better alignment with WCF industry practices and technology. Along with revised standards, WCFs would be added to the district use chart in CCC Section 11.04.020. Added and improved definitions are included in CCC Chapter 14.98. Overall, the changes improve clarity and management of project review based on tower size and visual impact.

Conclusion: The proposed amendments will ensure WCFs are compatible with the character of existing areas. The proposed amendments will ensure the zoning code remains current with industry trends and consistent with existing laws and codes.

2. *The proposed amendment is consistent with goals of the Growth Management Act, Chapter 36.70A RCW; and*

Finding of Fact: The Growth Management Act (GMA) under RCW 36.70A.020 contains planning goals that include, but are not limited to, 5) Economic development, 7) Permits, and 11) Citizen

participation and coordination. The GMA Permits Goal states that applications for local government permits should be processed in a timely and fair manner to ensure predictability.

The proposed text amendments will add clarity to existing standards, provide consistency among code sections, ensure predictability for proposed WCF development, and give the public an opportunity to comment on possible code language.

Conclusion: The proposal would be consistent with the GMA goals.

3. *The text amendment complies with or supports comprehensive plan goals and policies and/or county-wide planning policies; and*

Finding of Fact: The goal of this text amendment is to improve the content and usefulness of the WCF standards, and to realize opportunities for more consistent, predictable, and desired development outcomes with regard to development regulation implementation.

The proposal supports policies UE 1.3 and UE 3.4 because as the utility industry advances in technology it is important for local permitting agencies to keep their standards and permitting requirements current and applicable. Appropriate consolidation of utility facilities where feasible will reduce the overall costs and inconveniences to the public. Examples of facilities that could be shared are: towers, poles, antennas, substation sites, trenches, and easements.

The proposed amendments also reinforce policy LU 1.2 and goal RE 1 because incompatible land uses such as tall WCF towers, located in close proximity to residential neighborhoods, may create adverse impacts which could lead to a reduction of the high quality of life for the County residents. Residents who choose to live in the rural areas need to realize that their lifestyle has an impact on the natural environment and efforts need to be made to find and maintain a balance between human activity and the natural environment.

County-wide Planning Policies provide guidance to coordinated planning with the public and other affected jurisdictions.

Conclusion: The proposed amendment would be consistent with and does support the goals and policies of the Chelan County Comprehensive Plan and County-wide Planning Policies.

4. *The proposed amendment does not adversely affect lands designated as resource lands of long-term commercial significance or critical areas in ways that cannot be mitigated; and*

Finding of Fact: The proposed text amendment does not have an impact on the critical area regulations or resource land regulations. No adverse effects are expected as a result of the proposed text amendment. As development occurs, it will be evaluated in relation to designated critical areas and resource lands.

Conclusion: The proposed text amendments does not appear to adversely affect lands designated as resource lands of long-term commercial significant or designated critical areas in ways that cannot be mitigated.

5. *The amendment is based on sound land use planning practices and would further the general public health, safety and welfare.*

Finding of Fact: Removing outdated code provisions supports timely project review and adds clarity and predictability to development review procedures.

Conclusion: The proposed text amendments are based on sound planning practices and would serve the public interest.

FINDINGS OF FACT

1. Chelan County adopted Title 14, Development Permit Procedures and Administration outlining provisions relating to the amendment of Development Regulations consistent with RCW 36.70A. The County followed the procedures required for text amendments.

2. Growth Management Act (RCW 36.70A), Chelan County Comprehensive Plan and Chelan County Code outline provisions relating to the amendments to Development Regulations. The County used the applicable guidelines and regulatory review criteria for the proposed text amendment.
3. RCW 36.70A.210 requires that the Comprehensive Plan be consistent with the provisions of the adopted County-Wide Planning Policies. RCW Chapters 36.70 and 36.70A authorize the adoption of development regulations.
4. The requirements of RCW 43.21C, the State Environmental Policy Act, and WAC 197-11 SEPA Rules have been satisfied.
5. The required state agency review with the Department of Commerce (COM) and other state agencies initiated on July 13, 2021, Submittal ID No. 2021-S-2897 (Attachment 3), pursuant to RCW 36.70A.106.
6. A request for a Development Regulation Text Amendment to modify the application and review standards for wireless community towers and facilities.
 - a. As recommended, the proposed changes are consistent with the Chelan County Comprehensive Plan as outlined in this staff report.

CONCLUSIONS OF LAW

1. The amendments to the Development Regulations are consistent with the requirements of the Growth Management Act (RCW 36.70A), Chelan County Comprehensive Plan and County-Wide Planning Policies.
2. The amendments are necessary to address a public land use issue or problem.
3. The amendments do not adversely affect designated resource lands of long-term commercial significance or designated critical areas in ways that cannot be mitigated.
4. Reviewing agencies and the general public were given an opportunity to comment on the proposed amendments.
5. The amendments are consistent with Chelan County Code Title 14 Development Permit Procedures and Administration.
6. The requirements of RCW 43.21C, the State Environmental Policy Act and WAC 197-11 SEPA Rules have been satisfied.

STAFF RECOMMENDATION

The Chelan County Planning Commission may make a motion to recommend approval or denial of the proposed Limited Text Amendment to the Chelan County Board of County Commissioners, pursuant to Chelan County Code Section 14.10.050. Suggested Findings of Fact and Conclusions of Law, which may be modified, are included in this staff report. Staff recommends:

- A. Move to recommend **approval with modification** of the LocalTel WCF Text Amendment to update the application and review standards for wireless communication towers and facilities, given file number ZTA 21-075, based upon the findings of fact and conclusions of law contained within the October 27, 2021 staff report, and with the staff modification below:
 1. Under Section 11.91.030, *Types of Wireless Communications Facilities*, Type 1 WCF height shall be modified to read as “60 feet or less”; Type 2 WCF height shall be modified to read as “greater than 60 feet but less than 150 feet”, and Type 3 WCF height shall be modified to read as “150 feet or more.”

Attachments:

1. SEPA Determination, signed September 16, 2021
2. Agency Comments
3. 60 Day Review Acknowledgement Letter from WA Dept. of Commerce
4. ZTA 21-075 PC Draft WCF Text Amendments 10272021
5. File of Record for ZTA 21-075



CHELAN COUNTY

Department of Community Development
316 Washington Street, Suite 301, Wenatchee, WA 98801
Telephone: (509) 667-6225 Fax: (509) 667-6475

SEPA NOTICE ISSUANCE OF DETERMINATION OF NON-SIGNIFICANCE (DNS)

Project Description: Development regulation text amendment to modify the application and review standards for wireless communication towers and facilities.

File Number: PL 21-075

Project Location: The proposed amendments cover all of unincorporated Chelan County.

Proponent: COMPUTERS 5 DBA LOCALTEL COMMUNICATIONS
2301 5TH ST, WENATCHEE, WA 98801

Lead Agency: Chelan County Department of Community Development

Based on the lead agency's review of the proposed Development Regulation text amendment, it is determined that there would not be adverse impacts due to the changes in application and review standards and no development is proposed at this time.

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). The decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

This Determination of Non-Significance is issued under WAC 197-11-355, Optional DNS. No additional comment period is required.

Responsible Official: Jim Brown, Director / SEPA Responsible Official
Address: Chelan County Department of Community Development
316 Washington Street, Suite 301
Wenatchee, WA 98801
Phone: (509) 667-6225

Signature: 
Jim Brown, SEPA Responsible Official

Date: 9/16/2021

Catherine Lorbeer

From: Chris Young
Sent: Monday, August 9, 2021 11:31 AM
To: Catherine Lorbeer
Cc: Jim Brown
Subject: RE: WCF draft code and exemptions

There it is!

Looks good – thanks!

Chris Young

Building Official

Chelan County Community Development

316 Washington Street, Suite 301

Wenatchee, WA 98801

Phone: Direct (509) 667-6222

Chris.young@co.chelan.wa.us



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From: Catherine Lorbeer
Sent: Monday, August 9, 2021 11:07 AM
To: Chris Young <Chris.Young@CO.CHELAN.WA.US>
Cc: Jim Brown <Jim.Brown@CO.CHELAN.WA.US>
Subject: RE: WCF draft code and exemptions

I believe we addressed it on page 3 of attached as Type 1. Let me know if you have changes.

From: Chris Young
Sent: Monday, August 9, 2021 8:03 AM
To: Catherine Lorbeer <Catherine.Lorbeer@CO.CHELAN.WA.US>
Cc: Jim Brown <Jim.Brown@CO.CHELAN.WA.US>
Subject: RE: WCF draft code and exemptions

Catherine – my only concern/comment is I was under the impression that local ordinances are required to contain the sample ordinance language established from the FCC lawsuit ruling. I am not seeing any of this criteria in Section 14.10.020, such as collocations and increase in tower heights up to 10% as being outright exempted from any review. Other than that I think it's solid.

Thanks -

Chris Young

Building Official

Chelan County Community Development

316 Washington Street, Suite 301

Wenatchee, WA 98801

Phone: Direct (509) 667-6222

Chris.young@co.chelan.wa.us



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From: Catherine Lorbeer

Sent: Saturday, August 7, 2021 10:23 AM

To: Chris Young <Chris.Young@CO.CHELAN.WA.US>

Cc: Jim Brown <Jim.Brown@CO.CHELAN.WA.US>

Subject: WCF draft code and exemptions

Hi Chris,

Please see my attached comments in right margin on how we could administer draft WCF code, under 11.91.080 Application review and approval. Timing or shot clock would match how we process applications now in code, unless you think I need spell out the timing in this section. Will need to update or create new forms by the end of year.

Your thoughts are appreciated as this is going to hearing soon.

Thanks,

Catherine Lorbeer

Assistant Director, AICP

Chelan County Community Development



316 Washington Street, Suite 301

Wenatchee, WA 98801

Phone: (509) 667-6246

Main office: (509) 667-6225

Catherine.Lorbeer@co.chelan.wa.us

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Catherine Lorbeer

From: Chris Young
Sent: Friday, July 30, 2021 4:53 PM
To: Catherine Lorbeer
Subject: FW: Request for Comments –ZTA 21-075 LocalTel – Chelan County Dept. of Community Development

Catherine – I have no comments or concerns regarding this.

Thanks -

Chris Young

Building Official

Chelan County Community Development

316 Washington Street, Suite 301

Wenatchee, WA 98801

Phone: Direct (509) 667-6222

Chris.young@co.chelan.wa.us



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From: Wendy Lane

Sent: Friday, July 23, 2021 8:33 AM

To: Bob Plumb <Bob.Plumb@CO.CHELAN.WA.US>; Chris Young <Chris.Young@CO.CHELAN.WA.US>; Cindy Grubb <Cindy.Grubb@CO.CHELAN.WA.US>; Alicia.Hankins@chelanpud.org; nc-review@wsdot.wa.gov; 'SEPA (DAHP)' <sepa@dahp.wa.gov>; enviroreview@yakama.com; 'Corrine Camuso' <Corrine_Camuso@Yakama.com>; Casey_Barney@Yakama.com; 'Jessica Lally' <Jessica_Lally@Yakama.com>; Noah_Oliver@Yakama.com; guy.moura@colvilletribes.com; jim@ccpd.com

Subject: Request for Comments –ZTA 21-075 LocalTel – Chelan County Dept. of Community Development

Good Morning,

Chelan County has a **Zoning Text Amendment** application in which we are requesting comments from agencies and special districts. Attached are all the materials for your review and the Notice of Application. Please respond by **5:00 pm on August 7, 2021.**

Project File No.:	File # ZTA 21-075
Project Location:	Address and Parcel Number: Chelan County
Applicant/Owner:	Name: LocalTel Communications
Application Date:	Date: March 1, 2021
Determination of Complete Date:	Date: March 25, 2021
Notice of Application Date:	Date: July 24, 2021

Proposed Project Description: A request was submitted by LocalTel to modify the application and review standards for constructing wireless communication facilities (WCF) in Chelan County. Staff has been collaborating with LocalTel on possible language in CCC Chapter 11.91, which would remove obsolete provisions and bring the code in better alignment with industry practices and technology. WCFs would be added to CCC Section 11.04.020, District use chart, and divided into facility types depending on size and visual impact each may have to surrounding properties. The overall goal will be to improve the content and usefulness of the standards, and to make distinctions about review procedures for certain WCFs. Tall towers would likely trigger a conditional use permit to address potential visual impacts.

SEPA Review: The County has reviewed the proposed project for probable adverse environmental impacts and expects to issue a determination of non-significance (DNS). The optional DNS process in WAC 197-11-355 is being used. This may be your only opportunity to comment on the environmental impacts of the proposed project. The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared. A copy of the subsequent threshold determination for the specific proposal may be obtained upon request.

Application Materials: Located the Chelan County Public Notice Portal: <https://co-chelan-wa.smartgovcommunity.com/PublicNotice/PublicNoticeSearch>

Return Comments To: Catherine Lorbeer

Chelan County Department of Community Development
316 Washington Street, Suite 301
Wenatchee, WA 98801
Email: Catherine.Lorbeer@co.chelan.wa.us

Sincerely,

Wendy Lane

Permit Clerk
Community Development Department



316 Washington Street, Suite 301,
Wenatchee, WA 98801
Phone: (509) 667-6231 | Fax: (509) 667-6475
Wendy.Lane@co.chelan.wa.us

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Catherine Lorbeer

From: Celia Slatta <Celia.Slatta@chelanpud.org>
Sent: Tuesday, July 27, 2021 3:55 PM
To: Catherine Lorbeer
Subject: RE: Please Review by July 27: Draft Code for WCFs

External Email Warning! This email originated from outside of Chelan County.

Hi Catherine,

I reviewed this document several times, in an attempt to familiarize myself with it, along with similar codes/ordinances from the City of Wenatchee and the City of Leavenworth. I don't feel like I am in a position to offer intelligent comments given that I am somewhat new to the Wireless attachment subject.

If you don't mind, I do have a couple of questions about the document.

1. I am not sure what the changes proposed by LocalTel are, looking at this copy. Is it everything that is highlighted in the document?
2. How did the code read prior to this iteration that was sent? (I am a little confused because the day before I received this review email, I received an email from you stating " Chelan County is in the process of updating our WCF section but I do not have a draft to share yet. I would recommend you monitor our planning commission agendas for upcoming discussions and agenda packets here: <https://www.co.chelan.wa.us/community-development/pages/planning-commission>. Go to the bottom of the page and you will find documents and presentations by month." Which led me to believe that there wasn't a current code in effect yet. (like I said, I am somewhat new to all of this)
3. It would be helpful to have the definitions section at the beginning and to include definition for NIER (Non-Ionizing Electromagnetic Radiation, which is more commonly referred to as EMF or RF- Page 1)

My only comments specific to the document are that it would be great to have all agencies refer similarly to the equipment. Chelan County refers to WCF (Wireless Communications Facilities); Leavenworth Small Cell Wireless Facilities and the City of Wenatchee, Wireless Telecommunications Facilities. I am guessing that the definitions are all similar in nature, perhaps addressing small differences, but I am not sure about that. I understand that the codes will be vastly different per Municipality based on the nature of the Municipality. Also, it would be helpful to have the definitions section at the beginning and to include definition for NIER (Non-Ionizing Electromagnetic Radiation, which is more commonly referred to as EMF or RF- Page 1)

I apologize for the last minute, probably not helpful "review" – I have been swamped with other things!

Thank you-
Celia

Celia Slatta
Pole Attachment Program Manager
Chelan County PUD
PO Box 1231
Wenatchee, WA 98801

509-668-0535

Celia.slatta@chelanpud.org

From: Catherine Lorbeer <Catherine.Lorbeer@CO.CHELAN.WA.US>

Sent: Tuesday, July 13, 2021 11:08 AM

To: Chris Young <Chris.Young@CO.CHELAN.WA.US>; Eric Pierson <Eric.Pierson@co.chelan.wa.us>; Celia Slatta <Celia.Slatta@chelanpud.org>; Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA) <kimberly.peacher@navy.mil>

Subject: [External] Please Review by July 27: Draft Code for WCFs

ATTENTION: This email is from catherine.lorbeer@co.chelan.wa.us. Are you expecting this?

If not, please forward it to our Phishing Hole. Thank You!

Greetings,

LocalTel has requested an update to our code for Wireless Communication Facilities (WCF). Your feedback is appreciated by July 27th on the draft text.

Please let me know if you have any questions.

Sincerely,

Catherine Lorbeer

Assistant Director, AICP

Chelan County Community Development



316 Washington Street, Suite 301

Wenatchee, WA 98801

Phone: (509) 667-6246

Main office: (509) 667-6225

Catherine.Lorbeer@co.chelan.wa.us

From: [Guy Moura \(HSY\)](#)
To: [Catherine Lorbeer](#)
Subject: [Possible Spam] FW: Request for Comments –ZTA 21-075 LocalTel – Chelan County Dept. of Community Development
Date: Friday, July 23, 2021 8:46:47 AM
Attachments: [image001.png](#)

External Email Warning! This email originated from outside of Chelan County.

Sorry, mis-spelled your name with a cut and paste?

From: Guy Moura (HSY)
Sent: Friday, July 23, 2021 8:44 AM
To: Wendy Lane; Catherine.Lorbeer@co.chelan.wa.us
Cc: Guy Moura (HSY); DAHP Department
Subject: RE: Request for Comments –ZTA 21-075 LocalTel – Chelan County Dept. of Community Development

We have no comment on ZTA 21-075 LocalTel.

Guy Moura

From: Wendy Lane [Wendy.Lane@CO.CHELAN.WA.US]
Sent: Friday, July 23, 2021 8:32 AM
To: Bob Plumb; Chris Young; Cindy Grubb; Alicia.Hankins@chelanpud.org; nc-review@wsdot.wa.gov; 'SEPA (DAHP)'; enviroreview@yakama.com; 'Corrine Camuso'; Casey_Barney@Yakama.com; 'Jessica Lally'; Noah_Oliver@Yakama.com; Guy Moura (HSY); jim@ccpd.com
Subject: Request for Comments –ZTA 21-075 LocalTel – Chelan County Dept. of Community Development

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Return Comments To: Catherine Lorbeer

Chelan County Department of Community Development
316 Washington Street, Suite 301
Wenatchee, WA 98801
Email: Catherine.Lorbeer@co.chelan.wa.us

Sincerely,

Wendy Lane

Permit Clerk

Community Development Department



316 Washington Street, Suite 301,
Wenatchee, WA 98801
Phone: (509) 667-6231 | Fax: (509) 667-6475
Wendy.Lane@co.chelan.wa.us

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Catherine Lorbeer

From: Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA)
<kimberly.peacher@navy.mil>
Sent: Tuesday, July 13, 2021 9:00 PM
To: Catherine Lorbeer
Subject: RE: Please Review by July 27: Draft Code for WCFs

Catherine,

Thank you for including the text changes and for providing the updates.

V/R,

Kimberly Peacher
Community Planning & Liaison Officer
Northwest Training Range Complex
(360) 930-4085

From: Catherine Lorbeer <Catherine.Lorbeer@CO.CHELAN.WA.US>
Sent: Tuesday, July 13, 2021 5:13 PM
To: Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA) <kimberly.peacher@navy.mil>
Subject: [Non-DoD Source] RE: Please Review by July 27: Draft Code for WCFs

Thanks Kimberly. I will keep you apprised as the draft proceeds and incorporate your suggestions. A letter may be helpful when we get to the hearing stage.

Catherine

From: Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA) <kimberly.peacher@navy.mil>
Sent: Tuesday, July 13, 2021 4:47 PM
To: Catherine Lorbeer <Catherine.Lorbeer@CO.CHELAN.WA.US>
Cc: Eric Pierson <Eric.Pierson@co.chelan.wa.us>; Chris Young <Chris.Young@CO.CHELAN.WA.US>
Subject: RE: Please Review by July 27: Draft Code for WCFs

Good Afternoon Catherine,

Thank you for reaching out to the military. I also appreciate the incorporation of military language into the code in support of notification/coordination and prevention of any life safety concerns.

I have one minor edit: After the word "training" can we add "and operating"? I believe there are two instances of that on page 6.

As far as the question on page 7, number 12, the evidence from the military could come in the form of an email, letter of Determination of No Hazard from the FAA. The type of evidence would vary depending on how the cell company chooses to engage and what level of formal review they request.

Let me know if you would like any additional supporting context from me. In addition, we can provide a letter of support for this language if it helps.

V/R,

Kimberly Peacher
Community Planning & Liaison Officer
Northwest Training Range Complex
(360) 930-4085

From: Catherine Lorbeer <Catherine.Lorbeer@CO.CHELAN.WA.US>

Sent: Tuesday, July 13, 2021 11:08 AM

To: Chris Young <Chris.Young@CO.CHELAN.WA.US>; Eric Pierson <Eric.Pierson@co.chelan.wa.us>;
Celia.Slatta@chelanpud.org; Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA) <kimberly.peacher@navy.mil>

Subject: [Non-DoD Source] Please Review by July 27: Draft Code for WCFs

Greetings,

LocalTel has requested an update to our code for Wireless Communication Facilities (WCF). Your feedback is appreciated by July 27th on the draft text.

Please let me know if you have any questions.

Sincerely,

Catherine Lorbeer

Assistant Director, AICP

Chelan County Community Development



316 Washington Street, Suite 301
Wenatchee, WA 98801
Phone: (509) 667-6246
Main office: (509) 667-6225
Catherine.Lorbeer@co.chelan.wa.us

Catherine Lorbeer

From: Eric Pierson
Sent: Wednesday, June 30, 2021 8:46 AM
To: Catherine Lorbeer
Cc: Jim Brown; Josh Patrick
Subject: RE: Code Amend WCFs

We should have a reference to our requirement for a franchise. Can we see what the current draft is?

From: Eric Pierson
Sent: Tuesday, June 29, 2021 4:57 PM
To: Catherine Lorbeer <Catherine.Lorbeer@CO.CHELAN.WA.US>
Cc: Jim Brown <Jim.Brown@CO.CHELAN.WA.US>; Josh Patrick <Josh.Patrick@CO.CHELAN.WA.US>
Subject: RE: Code Amend WCFs

Catherine,

The question is really about whether it is crashworthy when it isn't a sight distance issue. The original 42 is interesting. I would state that the telecommunication facilities are exempt provided they have a franchise in accordance with CCC Section 8.25. In the franchise we can discuss what can be placed where.

Does that sound right Josh? Or is LocalTel claiming Ma Bell status?

Are there going to be changes to capture small cell technology?

From: Catherine Lorbeer
Sent: Tuesday, June 29, 2021 4:25 PM
To: Eric Pierson <Eric.Pierson@co.chelan.wa.us>
Cc: Jim Brown <Jim.Brown@CO.CHELAN.WA.US>
Subject: Code Amend WCFs

Hi Eric,

We are working with LocalTel to update our code provisions for Wireless Communication Facilities (WCF). One of the proposed edits is to CCC Section 11.91.040 Exemptions, which reads, "(3) Telecommunication facilities within public road rights-of-way, provided such facility or structure is not located within a clear view triangle and the structure does not exceed a height of **forty-two inches**;" They are proposing to change the not to exceed height to **96 inches**.

Do you see any concerns with the height increase from your perspective?

Thanks,

Catherine Lorbeer

Assistant Director, AICP

Chelan County Community Development



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STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

07/14/2021

Ms. Catherine Lorbeer
Assistant Director
Chelan County
316 Washington Street Suite 301
Wenatchee, WA 98801

Sent Via Electronic Mail

Re: Chelan County--2021-S-2897--60-day Notice of Intent to Adopt Amendment

Dear Ms. Lorbeer:

Thank you for sending the Washington State Department of Commerce (Commerce) the 60-day Notice of Intent to Adopt Amendment as required under [RCW 36.70A.106](#). We received your submittal with the following description.

ZTA 21-075 - request to modify the application and review standards for Wireless Communication Facilities (WCF).

We received your submittal on 07/13/2021 and processed it with the Submittal ID 2021-S-2897. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 09/11/2021.

We have forwarded a copy of this notice to other state agencies for comment.

Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Scott Kuhta, (509) 795-6884.

Sincerely,

Review Team
Growth Management Services

ZTA 21-075 Attachment 4
PC Draft Text Amendment

The Chelan County Code, Title 11 Zoning, Section 11.04.020 District Use Chart, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

* * *

11.04.020 District use chart.

(1) The use chart located on the following pages is made a part of this section.

(2) The following acronyms and notes apply to the following use chart. If a cell in the table is blank, the use listed in the left hand column is a prohibited use in the zone that is the heading for that cell.

P —	Permitted use
P(1) —	Permitted use subject to development standards in Chapters 11.88, 11.93 and/or within the applicable zoning district standards
P(2) —	Permitted use subject to development standards in Chapters 11.88, 11.93 and/or within the applicable zoning district standards, except for on parcels that are twelve thousand square feet or smaller, the use/structure must be located on a lot with an existing single-family residence
P(3)	For short-term rentals newly permitted and first established after September 27, 2021, the minimum lot size requirement to establish a short-term rental is as provided in 11.88.290(2)(D).
P(4) —	PERMITTED USE SUBJECT TO DEVELOPMENT STANDARDS IN CHAPTERS 11.91 AND/OR WITHIN THE APPLICABLE ZONING DISTRICT STANDARDS, EXCEPT FOR TYPE 3 WCFS AND CERTAIN WCFS IN RW SHALL REQUIRE APPROVAL OF A CUP .
A —	Accessory use
A(1) —	Accessory use subject to development standards in Chapters 11.88, 11.93 and/or within the applicable zoning district standards
CUP —	Conditional use permit – subject to development standards in Chapter 11.93 and/or within this chapter.

(3) Short-term rental land uses are commercial uses subject to all provisions of 11.88.290 except where expressly stated otherwise in this section.

District Use Chart

USE/ACTIVITY	RR20	RR10	RR5	RR2.5	RW	RRR	RV	RC	RI	RP	AC	FC	MC
* * *													
PUBLIC/GOVERNMENT USES													
* * *													
Utilities, High Impact	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Utilities, Low Impact	P	P	P	P	P	P	P	P	P	P	P	P	
Swimming Pools	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)			P(1)	P(1)	
WIRELESS COMMUNICATION FACILITIES	P(4)	P(4)	P(4)	P(4)	P(4)	P(4)	P(4)	P(4)	P(4)	P(4)	P(4)	P(4)	
SERVICE USES													

* * *

The Chelan County Code, Title 11 Zoning, Section 11.88 Supplementary Provisions and Accessory Uses, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

* * *

11.88.120 Exception to building height limitation.

The following types of structures or structural parts are not subject to the building height limitations of this title: aerials, belfries, chimneys, church spires, cupolas, domes, fire and hose towers, flagpoles, monuments, observation towers, radio, ~~tele~~communication and television towers, smoke stacks, water towers, windmills and other similar projections. None of these exemptions, except chimneys, shall be used for or attached to residential structures. (Res. 2020-68 (Exh. B) (part), 6/16/20: Res. 2015-73 (Atts. A, B) (part), 8/4/15: Res. 2007-98 (part), 7/2/07: Res. 2001-60 (part), 4/17/01: Res. 2000-129 (part), 10/17/00).

The Chelan County Code, Title 11 Zoning, Section 11.91 Wireless Communication Facilities, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

Chapter 11.91

WIRELESS COMMUNICATION FACILITIES (WCF)

Sections:

11.91.010 Purpose.

11.91.020 Applicability.

11.91.030 TYPES OF WIRELESS COMMUNICATION FACILITIES

11.91.0430 Third party review.

11.91.0540 Exemptions.

11.91.060 General criteria.

11.91.070 Application.

11.91.080 APPLICATION REVIEW AND APPROVAL

11.91.010 Purpose.

The purpose of this chapter is to establish guidelines for the location of wireless communication, radio and television facilities. The goals of this chapter are to:

- (1) Encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the county;
- (2) Strongly encourage the joint use of new and existing tower sites;
- (3) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact to the community is minimal;
- (4) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas;
- (5) Enhance the ability of the providers of ~~tele~~communications services to provide such service to the community quickly, effectively and efficiently; and
- (6) Limiting exposures to **RADIO FREQUENCY SIGNALS** ~~WER~~ consistent with FCC statutes.

11.91.020 Applicability.

The provisions of this chapter apply to all lands and zoning districts lying outside of the urban growth areas for the cities of Cashmere, Chelan, Entiat, Leavenworth and Wenatchee.

For the area within Leavenworth's urban growth area, the standards set forth in Ordinance 1205, "Wireless Telecommunications Facilities," adopted by the Leavenworth city council on April 22, 2003, and adopted by Chelan County shall apply, with the exception of any sections of the ordinance requiring permits from the city of Leavenworth. Chelan County is the regulatory authority for development within the urban growth area.

11.91.030 TYPES OF WIRELESS COMMUNICATION FACILITIES.

WIRELESS COMMUNICATION FACILITIES (WCFS) ARE CLASSIFIED IN THREE TYPES, PRIMARILY BASED ON THE SIZE AND VISUAL IMPACT EACH MAY HAVE TO ITS SURROUNDING PROPERTY.

(1) TYPE 1 FACILITIES HAVE LIMITED VISUAL IMPACT DUE TO THE SIZE OF NEW STRUCTURES, CO-LOCATION EFFORTS, AND EXISTING STRUCTURE MODIFICATIONS.

TYPE 1 WCFS INCLUDE THE FOLLOWING:

A. WCFS THAT ARE SELF-SUPPORTING, HAVE A FOUR (4) FOOT OR LESS RADIUS FROM THE CENTER AXIS OF THE BASE OF THE WCF, HAVE A HEIGHT OF ONE HUNDRED (100) FEET OR LESS, AND HAVE ANTENNAE, ROTORS, AND OTHER ATTACHMENTS WITH A DIAMETER OF NINE (9) FEET OR LESS. TYPE 1 WCFS MAY BE LOCATED ON A CONCRETE OR SIMILAR PLATFORM WHOSE DIMENSIONS DO NOT EXCEED EIGHT (8) FEET IN WIDTH AND LENGTH, AND TWO (2) FEET ABOVE THE GROUND IN HEIGHT.

Commented [CL1]: Staff recommends 60 feet.

B. WCFS THAT ARE PROPOSED TO BE CO-LOCATED ON EXISTING TOWERS, BUILDINGS, STRUCTURES AND FACILITIES THAT DO NOT INCREASE THE HEIGHT OF SUCH TOWER, BUILDING, STRUCTURE, OR FACILITY BY MORE THAN TEN PERCENT (10%) OR TWENTY FEET, WHICHEVER IS GREATER; AND HAVE ANTENNAE, ROTORS, STANDOFFS AND OTHER ATTACHMENTS WITH A DIAMETER OF LESS THAN NINE (9) FEET.

C. MODIFICATIONS TO OR REPLACEMENT OF EXISTING WCFS, TOWERS, OR BASE STATIONS THAT DO NOT SUBSTANTIALLY CHANGE THE PHYSICAL DIMENSIONS OF SUCH WCF, TOWER, OR BASE STATION IN ACCORDANCE WITH THE 2012 MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT, § 6409 OF THE "MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012" (THE "SPECTRUM ACT") (PL-112-96; CODIFIED AT 47 U.S.C. § 1455(A)).

(2) TYPE 2 FACILITIES HAVE A MORE SIGNIFICANT VISUAL IMPACT THAN THOSE IN TYPE 1 DUE TO THEIR LARGER SIZE.

TYPE 2 WCFS INCLUDE THOSE WCFS THAT ARE NOT SELF-SUPPORTING, OR HAVE A RADIUS GREATER THAN FOUR (4) FEET FROM THE CENTER AXIS OF THE BASE OF THE WCF, OR HAVE ANTENNAE, ROTORS, STANDOFFS AND OTHER ATTACHMENTS WITH A DIAMETER OF GREATER THAN NINE (9) FEET, OR THE HEIGHT OF THE WCF IS GREATER THAN ONE HUNDRED (100) FEET BUT LESS THAN TWO HUNDRED (200) FEET. TYPE 2 WCFS MAY BE LOCATED ON A CONCRETE OR SIMILAR PLATFORM SO LONG AS THE DIMENSIONS OF THE PLATFORM DO NOT EXCEED SIXTEEN (16) FEET IN WIDTH OR LENGTH AND TWO (2) FEET ABOVE GROUND IN HEIGHT.

Commented [CL2]: Staff recommends 60 feet.

Commented [CL3]: Staff recommends 150 feet.

(3) TYPE 3 FACILITIES HAVE THE MOST SIGNIFICANT VISUAL IMPACT ON SURROUNDING PROPERTIES DUE TO THE INCREASED HEIGHTS PERMITTED AND FEWER REQUIREMENTS FOR CONCEALMENT.

TYPE 3 WCFS INCLUDE THOSE WCFS WHOSE HEIGHT IS TWO HUNDRED (200) FEET OR MORE, OR THAT OTHERWISE DO NOT CONSTITUTE TYPE 1 OR 2. A CONDITIONAL USE PERMIT SHALL BE REQUIRED.

Commented [CL4]: Staff recommends 150 feet.

11.91.0430 Third party review.

Wireless communication services providers use various methodologies and analysis tools to determine the specific technical parameters of wireless communication services, such as expected coverage area, antenna configurations and topographic constraints that affect signal paths. FOR TYPE 2 AND 3 WCFS, in certain instances there may be a need for expert review by a third party of the technical data submitted by a wireless communication services

provider. The county may require such technical review to be paid for by the applicant. The selection of the third party expert shall be by mutual agreement between the applicant and the county or at the discretion of the county. The expert review is intended to be a site-specific review of the technical aspects of the **TYPE 2 OR 3** WCF and not a subjective review of the site selection. Such a review should address the accuracy and completeness of the technical data, possible interference problems and whether the analysis techniques and methodologies are legitimate. A determination on the validity of the applicant's conclusions, and any specific technical issues outlined by the county or other interested parties shall be made. Based on the results of the third party review, the county may require changes to the application for the WCF that comply with the recommendations of the expert.

11.91.0540 Exemptions.

The following are exempt from the provisions of this chapter:

- (1) VHF and UHF receive-only television antenna(s), provided they are fifteen feet or less above the existing or proposed roof;
- (2) Small ~~tele~~communication devices or antenna(s) used to communicate with intelligent devices related to the operation of public utilities, except main control reception facilities and towers;
- (3) ~~Tele~~Communication facilities within public road rights-of-way, provided such facility or structure is not located within a clear view triangle, ~~and the structure~~ does not exceed a height of **NINETY-SIX (96) ~~forty-two~~ inches AND COMPLIES WITH ALL FRANCHISE AGREEMENT REQUIREMENTS;**
- (4) Radar systems for military and civilian communication and navigation;
- (5) Wireless radio or other temporary WCF utilized for temporary emergency communications in the event of a disaster;
- (6) Satellite dish antennas less than two meters in diameter, including direct-to-home or business satellite service, when used as an accessory use on a property;
- (7) Routine maintenance or repair of a WCF or related equipment.
- (8) LOW IMPACT UTILITIES, WHICH INCLUDES SMALL WIRELESS COMMUNICATION FACILITIES (SWF).**

11.91.060 General criteria.

The location and development of wireless communication facilities shall meet the applicable provisions of this code and the following criteria:

(1) Co-Location.

(A) Co-Location Encouraged. In order to minimize proliferation, WCFs shall be required, to the greatest extent practicable, to be co-located. Applicants shall design, orient, construct, and operate WCFs so as to facilitate sharing facilities with other utilities, to co-locate with other existing WCFs, and to accommodate the co-locations of future WCFs, where technically, practically and economically feasible. Co-location will be a requirement for approval **FOR TYPE 2 AND 3 WCFs** unless the applicant submits a demonstration that supports, to the satisfaction of the approving authority, the conclusion that sharing space on existing facilities is not feasible or possible based on one or more of the following factors:

- (i) Available space on existing facilities;
- (ii) The facility owner's ability to lease space;
- (iii) The facility's structural capacity;
- (iv) Radio frequency interference;
- (v) Geographic service area requirements;

- (vi) Mechanical or electrical incompatibilities;
- (vii) The comparative costs of co-location and new construction;
- (viii) Any FCC limitation on facility or structural support sharing.

(B) Cooperation. No wireless communication services provider, lessee, or agent thereof shall act to exclude or attempt to exclude any other wireless services provider from using the same support structure or location. Wireless services providers, lessees, or agents thereof shall cooperate in good faith to achieve co-location of WCFs and equipment with other wireless services providers. If a dispute arises regarding the feasibility of co-locating, the county may require a third party technical study at the expense of either or both parties to resolve the dispute prior to issuing any development permit or approval. The administrator may impose permit conditions based on the results of any third party review.

(2) Color and Lighting. Except as specifically required by the FAA or FCC, antenna and antenna support structures shall adhere to the following:

- (A) To the extent technically feasible and in compliance with safety regulations, specific colors of paint shall be required for the antenna and antenna support structure in order to blend better with its surroundings.
- (B) If an antenna is installed on an alternative antenna support structure, the antenna and supporting electrical and mechanical equipment must be of a neutral color so as to make the antenna and related equipment as visually unobtrusive as possible.
- (C) When lighting is required and permitted by the FAA or other federal or state authority, it shall be oriented so as not to project onto surrounding property. Strobe lighting on wireless communication facilities is not permitted. **OTHERWISE, ANTENNA AND ANTENNA SUPPORT STRUCTURES SHALL NOT BE ILLUMINATED.**

(3) Setbacks.

(A) WCF TOWERS ~~Antenna AND~~ support structures shall be located on the lot or license area so that the distance from the base of the tower or structure to any property line, license area boundary or adjacent/supporting structure is at least one hundred percent (100%) of the proposed structural height. Towers or structures that cannot satisfy this one hundred percent (100%) setback may be approved; ~~provided, that IF~~ the applicant presents a certification from a licensed structural engineer that the structure is designed for a basic wind speed of ninety miles per hour in accordance with the currently adopted edition of the ANSI-EIA/TIA-222E.

(B) EXCEPT FOR TOWERS AND SUPPORT STRUCTURES, ALL WCFs AND ITEMS AFFIXED THERETO, GUY WIRES, OR SUPPORTS, SHALL MEET THE SETBACK STANDARDS OF THE UNDERLYING ZONING IN WHICH THEY ARE LOCATED.

(4) Equipment ~~ENCLOSURES; FENCING Structures. Ground-level equipment, buildings, and the tower base shall be screened from public view pursuant to this section and Title 15 of this code. The standards for the equipment buildings are as follows:~~

(A) EQUIPMENT ENCLOSURES MOUNTED ONTO A WCF BASE OR ONTO A WCF TOWER SHALL BE LOCKED AND PROHIBIT ACCESS BY THE PUBLIC. EQUIPMENT STRUCTURES MOUNTED ON A ROOF SHALL HAVE A FINISH SIMILAR TO THE EXTERIOR BUILDING WALLS. EQUIPMENT FOR ROOF-MOUNTED ANTENNA MAY ALSO BE LOCATED WITHIN THE BUILDING ON WHICH THE ANTENNA IS MOUNTED. EQUIPMENT ENCLOSURES MEASURING SIX (6) FEET OR LESS IN ALL DIMENSIONS THAT ARE NOT MOUNTED ONTO A WCF BASE OR ONTO A WCF TOWER SHALL BE LOCKED AND PROHIBIT ACCESS BY THE PUBLIC, SHALL BE LOCATED NO MORE THAN TWENTY-FIVE (25) FEET FROM THE WCF BASE, AND SHALL BE LOCATED IN SUCH POSITION BY THE WCF TOWER BASE SO AS TO MINIMIZE PUBLIC VIEW.

(B) EQUIPMENT ENCLOSURES WITH ANY DIMENSION GREATER THAN SIX (6) FEET SHALL BE SCREENED FROM PUBLIC VIEW PURSUANT TO THIS SECTION AND TITLE 15 OF THIS CODE AND SHALL MEETING THE FOLLOWING STANDARDS, UNLESS WAIVED OR MODIFIED BY THE ADMINISTRATOR DUE TO SURROUNDING AREA, PROPERTY DIMENSIONS, PROPOSED WCF DETAILS, OR OTHER SITE SPECIFIC CONDITIONS:

(IA) The floor area shall be the minimum necessary; however, in no instance shall the equipment ENCLOSURE ~~structure~~ be greater than two hundred square feet and the maximum height is twelve (12) feet for each provider. The equipment building may be located no more than two hundred fifty (250) feet from the tower or antenna and shall comply with the setback regulations for the underlying zone.

(IIB) Ground-level buildings shall be screened from view by landscape plantings, fencing, or other appropriate means as specified herein or in Title 15 of this code. Required landscape plantings shall be installed around the perimeter of the required security fence.

(III) FOR NEW WCFs WITH EQUIPMENT ENCLOSURES WHOSE HEIGHT IS GREATER THAN SIX (6) FEET, A SOLID FENCE NO LESS THAN SIX (6) FEET IN HEIGHT FROM THE FINISH GRADE SHALL BE PROVIDED. ACCESS TO SUCH EQUIPMENT ENCLOSURE SHALL BE THROUGH A LOCKED GATE VIA KNOX BOX OR OTHER SAFETY AND SECURITY DEVICES.

~~(C) Equipment structures mounted on a roof shall have a finish similar to the exterior building walls. Equipment for roof-mounted antenna may also be located within the building on which the antenna is mounted.~~

~~(5) Fencing. For new telecommunication towers and equipment shelters, a wall, slatted chain-link fencing, or wooden fence no less than six feet in height from the finish grade shall be provided. Access to the tower shall be through a locked gate via knox box. This standard shall not apply to towers and equipment shelters mounted onto or located inside an existing building.~~

(56) Required Parking. At least one parking stall shall be provided in accordance with Chapter 11.90 of this code. THE COUNTY ENGINEER MAY APPROVE ALTERNATIVE SURFACES AND PARKING LOCATIONS IN REASONABLE PROXIMITY TO EACH WCF.

(67) Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas.

(78) No advertising or display shall be located on any antenna support structure, antenna or security fencing; however, the owner of the antenna array shall place an identification plate indicating the name of the wireless service provider and a telephone number for emergency contact on the site.

(89) The owner of the WCF shall notify the department when the tower is no longer operating as part of a wireless communication system authorized and licensed by the FCC. Within six months of the date the facility ceases to operate as part of an authorized system, the facility must be removed from the site.

(940) All proposals must be reviewed by the Chelan County fire marshall for compliance with applicable fire safety regulations.

(10) CONDITIONAL USE PERMIT APPLICATIONS FOR THE PLACEMENT AND OPERATION OF WCFs UNDER THIS SECTION SHALL BE MADE AVAILABLE FOR AGENCY REVIEW AND COMMENT, INCLUDING THE APPROPRIATE MILITARY PERSONNEL WHEN LOCATED IN AREAS WHERE MILITARY TRAINING AND OPERATING FLIGHTS OCCUR. THE APPLICANT IS REQUIRED TO PROVIDE SUFFICIENT EVIDENCE THAT THE PROPOSED WCF IS COMPATIBLE WITH OTHER USES IN THE SURROUNDING AREA, INCLUDING ANY MILITARY TRAINING AND OPERATING ACTIVITIES, AS WELL AS MEETS THE CRITERIA OF THIS SECTION AND 11.93, CONDITIONAL USE PERMITS.

11.91.070 Application.

Applicants for a proposed WCF must submit the following information:

(1) Site Plan. A scaled site plan showing the location, point of reference, type, height and horizontal location of the proposed support structures and antennas, existing buildings, on-site land uses and zoning, adjacent land uses and zoning, adjacent rights-of-way, parking areas if applicable, the method of camouflage, noise screening, and illuminations shall be indicated. The applications shall also include elevation drawings of the proposed support structure and any other proposed structures.

(2) Proof of Legal Access. Proof that the service provider has legal access to the proposed site.

(3) Landscaping Plan. **IF APPLICABLE**, A landscaping plan in accordance with the provisions of Chapter 15.50 of this code.

(4) Service Area Map. A current map showing the location of the proposed support structure, the locations and service areas of other WCFs operated by the applicant and those proposed by the applicant that are close enough to impact service within the county.

(5) Co-location Demonstration. **FOR TYPE 2 AND 3 WCFS**, ~~AA~~ demonstration meeting the requirements of Section 11.91.0630(1).

(6) Co-location Statement. A statement by the applicant as to whether construction of a new support structure will accommodate co-location of additional antennas for future users. If so, a signed statement shall be included indicating that the applicant and leaseholder agree they will diligently negotiate in good faith to facilitate co-location of additional WCFs by other providers on the applicant's structure or within the same site location.

(7) Compliance Letter. A letter signed by the applicant stating the support structure and antenna will comply with all applicable federal, state and local laws and regulations, EIA standards and this section.

(8) Interference Certification. Certification that the ~~WCF antenna usage~~ will not interfere with **TRANSMISSION OR RECEPTION FUNCTIONS OF LICENSED FREQUENCIES OF** other adjacent or neighboring WCFs ~~transmission or reception functions of other communication facilities~~.

(9) Licenses. Copies of any FCC licenses required under FCC regulations for the provisions of service within the county.

(10) Documentation that the proposed WCF meets or exceeds current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas.

(11) All providers shall attest to and demonstrate compliance with FCC and Washington State laws relating to emergency 911 regulations.

(12) SUFFICIENT EVIDENCE THAT THE PROPOSED WCF IS COMPATIBLE WITH OTHER USES IN THE SURROUNDING AREA, INCLUDING ANY MILITARY TRAINING AND OPERATING ACTIVITIES, AS WELL AS MEETS THE CRITERIA OF THIS SECTION AND 11.93, CONDITIONAL USE PERMITS.

11.91.080 Application Review and Approval.

TYPE 1 AND 2 WCFS:

APPLICATIONS THAT ARE CATEGORICALLY EXEMPT FROM SEPA SHALL BE SUBJECT TO LIMITED ADMINISTRATIVE REVIEW IN ACCORDANCE WITH SECTION 14.10.020. SUCH APPLICATION SHALL BE APPROVED IF THE DEPARTMENT DETERMINES THAT THE PROPOSED WCF MEETS ALL CRITERIA OF THIS SECTION RELATED TO TYPE 1 OR TYPE 2, AS APPLICABLE, AND THE APPLICATION COMPLIES WITH THE PROVISIONS OF SECTION 11.91.070.

APPLICATIONS THAT ARE NOT CATEGORICALLY EXEMPT FROM SEPA SHALL BE SUBJECT TO FULL ADMINISTRATIVE REVIEW IN ACCORDANCE WITH SECTION 14.10.030; UNLESS

SUCH APPLICATION IS FOR A NEW WCF TOWER LOCATED WITHIN THE RURAL WATERFRONT (RW) ZONING DISTRICT, WHICH SHALL REQUIRE APPROVAL OF A CONDITIONAL USE PERMIT, PURSUANT TO CHAPTER 11.93 AND SHALL BE SUBJECT TO QUASI-JUDICIAL REVIEW IN ACCORDANCE WITH SECTION 14.10.040.

TYPE 3 WCFS:

APPLICATIONS SHALL REQUIRE A CONDITIONAL USE PERMIT, PURSUANT TO CHAPTER 11.93 AND SHALL BE SUBJECT TO QUASI-JUDICIAL REVIEW IN ACCORDANCE WITH SECTION 14.10.040.

The Chelan County Code, Title 11 Zoning, Section 14.98 Definitions, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

Chapter 14.98

DEFINITIONS

* * *

14.98.200 Antenna support structure.

"Antenna support structure" means a structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting or otherwise affixing antennas at a height, altitude or elevation which is significantly above the base of such structure; antenna support structures include the following:

- (1) "Lattice tower" means a vertical support structure consisting of a network of crossed metal braces, forming a tower which may be three, four, or more sided;
- (2) "Monopole tower" means a vertical support structure consisting of a single vertical metal, concrete, or wooden pole, typically round or square, and driven into the ground or attached to a foundation.

* * *

14.98.405 Co-location.

"Co-location" means the use of a single antenna support structure, alternative antenna support structure, or underground conduit or duct, by more than one wireless communication service provider to accommodate wireless communications facilities of two or more wireless communications service providers.

* * *

14.98.425 Communication tower.

"Communication tower" means any tower, pole, mast, whip, antenna, or any combination used for radio, television, cellular, or microwave telecommunications broadcast transmission or line-of-sight relay, including amateur radio service.

* * *

14.98.685 Equipment enclosure.

"Equipment enclosure" means a small structure, shelter, cabinet, box or vault designed for and used to house and protect the electronic equipment necessary and/or desirable for processing wireless communications signals and data, including any provisions for air conditioning, ventilations, or auxiliary electricity generators.

* * *

14.98.1915 Utility, high impact.

"Utility, high impact" means buildings, structures and facilities in public or private ownership relating to the furnishing of utility services such as electric, gas, ~~tele~~communication, water, sewer and technology infrastructure. High impact public utilities shall include, but are not limited to, generating and switching stations, substations,

pumping stations and antennas or repeaters when not installed on a building. **HIGH IMPACT UTILITIES DO NOT INCLUDE WIRELESS COMMUNICATION FACILITIES (WCFS).**

14.98.1920 Utility, low impact.

“Utility, low impact” means buildings, structures and facilities in public or private ownership relating to the furnishing of utility services such as electric, gas, ~~tele~~communication, water, sewer and technology infrastructure. Low impact utilities shall include, but are not limited to, poles, lines, pipes, antennas, ~~or~~ repeaters, **OR SMALL WIRELESS COMMUNICATION FACILITIES (SWF)**, when installed on a building, carrier hotels and similar technology infrastructure.

* * *

14.98.2010 Wireless communications facility.

“Wireless communications facility” means an unstaffed facility for the transmission and/or reception of radio frequency (RF), microwave, **ELECTRONIC COMMUNICATION**, or other signals for commercial communications purposes, typically consisting of an equipment enclosure, an antenna support structure, **A COMMUNICATIONS TOWER**, or an alternative antenna support structure, and one or more antennas.

14.98.20XX WIRELESS COMMUNICATIONS FACILITY, SMALL.

“SMALL WIRELESS COMMUNICATIONS FACILITY” MEANS A PERSONAL WIRELESS SERVICES FACILITY THAT MEETS BOTH OF THE FOLLOWING QUALIFICATIONS:

(I) EACH ANTENNA IS LOCATED INSIDE AN ANTENNA ENCLOSURE OF NO MORE THAN THREE CUBIC FEET IN VOLUME OR, IN THE CASE OF AN ANTENNA THAT HAS EXPOSED ELEMENTS, THE ANTENNA AND ALL OF ITS EXPOSED ELEMENTS COULD FIT WITHIN AN IMAGINARY ENCLOSURE OF NO MORE THAN THREE CUBIC FEET; AND

(II) PRIMARY EQUIPMENT ENCLOSURES ARE NO LARGER THAN SEVENTEEN CUBIC FEET IN VOLUME. THE FOLLOWING ASSOCIATED EQUIPMENT MAY BE LOCATED OUTSIDE THE PRIMARY EQUIPMENT ENCLOSURE AND IF SO LOCATED, ARE NOT INCLUDED IN THE CALCULATION OF EQUIPMENT VOLUME: ELECTRIC METER, CONCEALMENT, TELECOMM DEMARCATION BOX, GROUND-BASED ENCLOSURES, BATTERY BACK-UP POWER SYSTEMS, GROUNDING EQUIPMENT, POWER TRANSFER SWITCH, AND CUT-OFF SWITCH.

14.98.2015 Wireless communications service.

“Wireless communications service” means the providing or offering for rent, sale, lease or, in exchange for other consideration, of the transmittal and reception of voice, data, image, graphic, and other information by the use of wireless communications facilities; this term includes any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC-licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

14.98.2020 Wireless communications service provider.

“Wireless communications service provider” means every person who provides wireless telecommunications service for rent, sale, lease or in exchange for other consideration, through the use of wireless communications facilities, whether or not such facilities are owned by or under the control of such person.

* * *

**CHELAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT
AFFIDAVIT OF MAILING**

STATE OF WASHINGTON)

COUNTY OF CHELAN)

SS

I, Wendy Lane, being first duly sworn, deposes and says: That at all times mentioned herein she was, and now is, a citizen of the United States, a resident of the State of Washington, and over the age of 21 years.

I declare under the penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

That on September 16, 2021, I personally mailed true and correct copies of the attached SEPA DETERMINATION OF NON-SIGNIFICANCE to the following parties:

****SEE ATTACHED EMAIL****

Wendy Lane
Signature

September 16, 2021
Date

ACKNOWLEDGEMENT

This is to certify that on 16th day of September, 2021.

Wendy Lane to me known to be the person who executed the foregoing Affidavit of Mailing and acknowledged to me that she signed the same as her free and voluntary act. WITNESS my hand and official seal the day and year last above written.

Antonio Barragan
Notary Public in and for the State of Washington,
residing in Wenatchee, Chelan County

My commission expires 12/14/2024



Wendy Lane

From: Wendy Lane
Sent: Thursday, September 16, 2021 9:38 AM
To: 'dimitri@localtel.net'; Bob Plumb; Chris Young; Cindy Grubb;
'Alicia.Hankins@chelanpud.org'; 'nc-review@wsdot.wa.gov'; 'SEPA (DAHP)';
'enviroreview@yakama.com'; 'Corrine Camuso'; 'Casey_Barney@Yakama.com'; 'Jessica Lally'; 'Noah_Oliver@Yakama.com'; 'guy.moura@colvilletribes.com'; 'jim@ccpd.com'
Subject: SEPA Determination regarding ZTA 21-075 LocalTel - Chelan County Dept. of Community Development
Attachments: ZTA 21-075 LocalTel DNS.pdf

Greetings,

Please see the attached SEPA Determination of Non-significance regarding LocalTel Wireless' application, File# ZTA 21-075. No action is required of you regarding this determination; this is a notification of a decision that was made regarding the application.

If you have any questions pertaining to this application please feel free to contact, Assistant Director Catherine Lorbeer at 509-667-6225 or Catherine.Lorbeer@co.chelan.wa.us

Sincerely,

Wendy Lane

Permit Clerk

Community Development Department



316 Washington Street, Suite 301,
Wenatchee, WA 98801

Phone: (509) 667-6231 | Fax: (509) 667-6475

Wendy.Lane@co.chelan.wa.us

NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

SEPA Record Submittal

[My agency records](#) [+ Add a SEPA record](#) [i Help](#) [My account](#)

SEPA record details

Success! The SEPA record was submitted to the admin for review before publishing.

[Edit](#)[Delete](#)

Agency information

Agency name:

Chelan County

Lead agency file number:

ZTA 21-075

Contact name:

Catherine Lorbeer

Phone:

(509) 667-6225 Ext.6246

Email:

Catherine.Lorbeer@co.chelan.wa.us

Project location information

County:

CHELAN

Region:

Central

Address:

WA

Parcel number:

Coordinates (Lat, Long):

Section/Township/Range:

Other identifying location

information:

County wide - Chelan County

Project documentation

Proposal type:

Nonproject

Related SEPA numbers:

202104027

[SEPA Number: 202104027](#)

Applicant name:

Chelan County Community Development

Applicant contact information:

316 Washington Street, Suite 301

Wenatchee, WA 98801

Document type:

ODNS

Document sub type:

Proposal name:

Zoning Text Amendment

Proposal description:

Development regulation text amendment to modify the application and review standards for wireless communication towers and facilities.

Project website:

Important dates

Issued date:

9/16/2021

There is no comment period

Published date:

Attached files

File name

File

description

[ZTA 21-075 Application Materials.pdf](#)

[ZTA 21-075 LocalTel DNS.pdf](#)

Files

<https://co-chelan-wa.smartgovcommunity.com/PublicNotice/PublicNoticeHome>

SEPA record creator:

SEPA record submitter:

Wendy Lane

[Ecology home](#) [Ecology's SEPA website](#) [SEPA Register public search](#)

[Version: 1.0.0.0](#) [Contact admin](#) [Privacy notice](#)

[Accessibility](#) [Copyright © Washington State Department of Ecology](#)



CHELAN COUNTY

Department of Community Development
316 Washington Street, Suite 301, Wenatchee, WA 98801
Telephone: (509) 667-6225 Fax: (509) 667-6475

SEPA NOTICE ISSUANCE OF DETERMINATION OF NON-SIGNIFICANCE (DNS)

Project Description: Development regulation text amendment to modify the application and review standards for wireless communication towers and facilities.

File Number: PL 21-075

Project Location: The proposed amendments cover all of unincorporated Chelan County.

Proponent: COMPUTERS 5 DBA LOCALTEL COMMUNICATIONS
2301 5TH ST, WENATCHEE, WA 98801

Lead Agency: Chelan County Department of Community Development

Based on the lead agency's review of the proposed Development Regulation text amendment, it is determined that there would not be adverse impacts due to the changes in application and review standards and no development is proposed at this time.

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). The decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

This Determination of Non-Significance is issued under WAC 197-11-355, Optional DNS. No additional comment period is required.

Responsible Official: Jim Brown, Director / SEPA Responsible Official
Address: Chelan County Department of Community Development
316 Washington Street, Suite 301
Wenatchee, WA 98801
Phone: (509) 667-6225

Signature: 
Jim Brown, SEPA Responsible Official

Date: 9/16/2021

Affidavit of Publication

STATE OF WASHINGTON }
COUNTY OF CHELAN }

NOTICE OF APPLICATION AND ENVIRONMENTAL REVIEW

The Wenatchee World is a legal newspaper published in the Chelan County, Washington, and approved as such by the Superior Court of said County and State. Serving the counties of Chelan, Douglas, Grant & Okanogan.

That said newspaper was regularly issued and circulated on those dates.

July 24, 2021

Subscribed to and sworn to me this 24th day of July 2021.

CCG

Chris Gerber, Notary Public, Chelan County, Washington

My commission expires: March 07, 2022

00002552 00105859 509-667-6475

CHELAN CO DEPT OF COMMUNITY DEVELOPMENT
(CCDCD)
316 WASHINGTON ST. #301
WENATCHEE, WA 98801

CHRIS GERBER
Notary Public
State of Washington
License Number 198647
My Commission Expires
March 07, 2022

Notice is hereby given that the Chelan County Department of Community Development has received and found the following land use application to be complete and ready for processing, public review and comment. It has further been determined that this proposal will likely not have a probable significant adverse impact on the environment. The Department expects to issue a Determination of Non-Significance (DNS) in accordance with the optional DNS process found in WAC 197.11.355. The proposal may include mitigation measures under applicable codes and public review process. Mitigation measures may be required regardless of whether an EIS is prepared, however possible mitigation measures are unknown at the issuance of this notice. A copy of the subsequent threshold determination for this proposal may be obtained upon request to this department. This may be the only opportunity to comment on the environmental impacts of this proposal.

CPA 21-084: Chelan County has initiated the proposed Comprehensive Plan Text Amendment to integrate climate resilience strategies and climate change issues. The work is a result of a WA Department of Commerce GMA - Climate Change Planning grant that was awarded to the County. Project Location - Chelan County ZTA 21-075: A request was submitted by LocalTel to modify the application and review standards for constructing wireless communication facilities (WCF) in Chelan County. Staff has been collaborating with LocalTel on possible language in CCC Chapter 11.91, which would remove obsolete provisions and bring the code in better alignment with industry practices and technology. WCFs would be added to CCC Section 11.04.020, District use chart, and divided into facility types depending on size and visual impact each may have to surrounding properties. The overall goal will be to improve the content and usefulness of the standards, and to make distinctions about review procedures for certain WCFs. Tall towers would likely trigger a conditional use permit to address potential visual impacts. Project Location - Chelan County

On July 24, 2021 this application was noticed to the public and no action will be taken on the project until the Agency comment period ends August 7, 2021.

All reports and file of record are available at 316 Washington St., Suite 301 Wenatchee, WA 98801 for review. Public comments will be accepted at any time prior to the close of the public record on project permits. Chelan County welcomes written public comment on all proposed land use actions. Comments must include your name, current address, original signature, should be as specific as possible and may be mailed or personally delivered at the address listed above. Any person has the right to receive notice, participate in any hearings, request a copy of the final decision and appeal the decision as provided by law.

RECEIVED

JUL 30 2021

CHELAN COUNTY
COMMUNITY DEVELOPMENT



CHELAN COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
316 WASHINGTON STREET, SUITE 301, WENATCHEE, WA 98801
TELEPHONE: (509) 667-6225 FAX: (509) 667-6475

NOTICE OF APPLICATION & ENVIRONMENTAL REVIEW

Project File No.: ZTA 21-075
Project Location: Chelan County
Applicant/Owner: LocalTel Communications
Application Date: March 1, 2021
Determination of Complete: March 25, 2021
Notice of Application Date: July 24, 2021

Proposed Project Description: A request was submitted by LocalTel to modify the application and review standards for constructing wireless communication facilities (WCF) in Chelan County. Staff has been collaborating with LocalTel on possible language in CCC Chapter 11.91, which would remove obsolete provisions and bring the code in better alignment with industry practices and technology. WCFs would be added to CCC Section 11.04.020, District use chart, and divided into facility types depending on size and visual impact each may have to surrounding properties. The overall goal will be to improve the content and usefulness of the standards, and to make distinctions about review procedures for certain WCFs. Tall towers would likely trigger a conditional use permit to address potential visual impacts.

Existing Environmental Documents: State Environmental Policy Act (SEPA) Checklist

SEPA Review: Chelan County has reviewed the proposed project for probable adverse environmental impacts and expects to issue a determination of nonsignificance (DNS) for this project. The optional DNS process in WAC 197-11-355 is being used.

Permits Required: None known.

Public Review and Comment Period: PUBLIC COMMENT ON THIS PROPOSAL IS ENCOURAGED and no action will be taken on the project until the Agency comment period ends on **August 7, 2021**. Agencies, tribes, and the public are encouraged to review and comment on the proposed project. Public comments will be accepted at any time prior to the close of the public record on project permits. Chelan County welcomes written public comment on all proposed land use actions. Comments must include your name, current address, original signature, and should be as specific as possible. Any person has the right to receive notice, participate in any hearings, request a copy of the final decision and appeal the decision as provided by law. Written comments must be submitted to the Department of Community Development, 316 Washington St., Suite 301 Wenatchee, WA 98801; Attention: Catherine Lorbeer or email catherine.lorbeer@co.chelan.wa.us for additional information or to review application materials.

The complete case file on this matter is available for digital review at the following link:
<https://co-chelan-wa.smartgovcommunity.com/PublicNotice/PublicNoticeHome>.

Wenatchee World / Quincy Valley Post

1

Order Invoice

PO Box 1511
Wenatchee WA 98807-1511

Phone: 5096635161

URL: www.wenatcheeworld.com

CHELAN CO DEPT OF COMMUNITY
DEVELOPMENT (CCDCD)
316 WASHINGTON ST. #301
WENATCHEE, WA 98801

Acct #: 00002552
Phone: (509) 667-6225
Date: 07/22/2021
Ad #: 00105859
Salesperson: LEGL Ad Taker: 340

Class: 0001

Ad Notes:

Sort Line: CPA21-084/WLane

Description	Start	Stop	Ins.	Cost/Day	Amount
01 The Wenatchee World	07/24/2021	07/24/2021	1	125.94	125.94
02 Wenatchee World Online	07/24/2021	07/24/2021	1	0.00	0.00

Ad Text:

NOTICE OF APPLICATION AND ENVIRONMENTAL REVIEW

Payment Reference:

Notice is hereby given that the Chelan County Department of Community Development has received and found the following land use application to be complete and ready for processing, public review and comment. It has further been determined that this proposal will likely not have a probable significant adverse impact on the environment. The Department expects to issue a Determination of Non-Significance (DNS) in accordance with the optional DNS process found in WAC 197.11.355. The proposal may include mitigation measures under applicable codes and public review process.

Total: 125.94
Tax: 0.00
Net: 125.94
Prepaid: 0.00

Total Due 125.94

NOTICE OF APPLICATION AND ENVIRONMENTAL REVIEW

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Project Location - Chelan County

ZTA 21-075: A request was submitted by LocalTel to modify the application and review standards for constructing wireless communication facilities (WCF) in Chelan County. Staff has been collaborating with LocalTel on possible language in CCC Chapter 11.91, which would remove obsolete provisions and bring the code in better alignment with industry practices and technology. WCFs would be added to CCC Section 11.04.020, District use chart, and divided into facility types depending on size and visual impact each may have to surrounding properties. The overall goal will be to improve the content and usefulness of the standards, and to make distinctions about review procedures for certain WCFs. Tall towers would likely trigger a conditional use permit to address potential visual impacts.
Project Location - Chelan County

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CHELAN COUNTY

Department of Community Development
316 Washington Street, Suite 301, Wenatchee, WA 98801
Telephone: (509) 667-6225 Fax: (509) 667-6475

DETERMINATION OF APPLICATION STATUS

Pursuant to Title 14, Development Permit Procedures & Administration Section 14.08.030, Determination of Completeness, Chelan County Board of County Commissioners Resolution No. 2004-16, as amended.

Project Description: Development regulation text amendment to modify the application and review standards for wireless communication towers

File Number: ZTA 21-075

Project Location: CHELAN COUNTY, WA

Primary Contact: COMPUTERS 5 DBA LOCALTEL COMMUNICATIONS
2301 5TH ST WENATCHEE, WA 98801

Date Submitted: March 1, 2021

Date Completed: March 25, 2021

Upon Initial Review, The Above Referenced Application is Found To Be: **COMPLETE**

The required components of an application are present and are judged by the review authority to be technically accurate and contain sufficient information necessary to allow the processing of the application(s). All submittal fees have been paid.

Your application has been determined to be complete as of the date of this letter. Pursuant to Chelan County Code Section 14.08.030(5), a Determination of Completeness shall not preclude the department from requesting additional information or studies if the need for more information becomes apparent during processing of the proposed development.

Review Authority: Catherine Lorbeer, AICP, Assistant Director
Chelan County Department of Community Development
316 Washington St., Suite 301, Wenatchee, WA 98801
Email: catherine.lorbeer@co.chelan.wa.us
Phone: 509-667-6246 Fax: 509-667-6475

Sincerely,

A handwritten signature in blue ink that reads "Catherine Lorbeer".

Catherine Lorbeer

03/25/2021

CC: ADAM HAYNIE, JEFFERS, DANIELSON, SONN & AYLWARD, PS
COMPUTERS 5 DBA LOCALTEL COMMUNICATIONS



CHELAN COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
 316 WASHINGTON STREET, SUITE 301, WENATCHEE, WA 98801
 TELEPHONE: (509) 667-6225 FAX: (509) 667-6475

GENERAL LAND USE APPLICATION FORM

Parcel Number (APN): _____ Lot Size: _____ (Acres)
 Parcel Address: _____ City/Zip Code: _____
 Property Owner(s): _____ Zoning: _____
 Mailing Address: _____
 City/State/Zip Code: _____
 Phone: _____ E-mail: _____

Applicant/Agent (if different than owner): Computer 5, Inc. d/b/a LocalTel

Company and Mailing Address: 341 Grant Road

City/State/Zip: East Wenatchee, WA 98802

Phone: 509-884-0611

E-mail: dimitri@localtel.net

For multiple owners, applicants, or agents, provide additional sheets.

.....

This General Land Use Application Form shall be completed unless specified below. Additional information and supplemental forms may be required. Please review all applicable statutes and regulations pertaining to the proposed development and provide information, documents, studies, and reports (such as a Traffic Impact Study or environmental forms) demonstrating compliance with all statutory and regulatory requirements and other applicable criteria.

Application For: (Check all that apply)

- ☐ Administrative Modification
- ☐ Administrative Determination
- ☐ Administrative Interpretation
- ☐ Binding Site Plan
- ☐ Comprehensive Plan Map Amendment
- ☐ Comprehensive Plan Text Amendment
- ☐ Conditional Use Permit
- ☐ Forest Practice/Conversion

- ☐ Open Space: Public Benefit Rating System
- ☐ Major Subdivision
- ☐ Master Planned Development
- ☐ Planned Development
- ☐ Plat Alteration or Vacation
- ☐ Short Plat
- ☐ Variance (zoning or critical areas)
- ☐ Zoning Text Amendment/ Map Amendment
- ☒ Other: Development Regulation Amendment

APPLICABILITY SECTION

The following have their own individual application. Do not use this form for:

1. Boundary Line Adjustments. Please use corresponding Boundary Line Adjustment Application Form.
2. Certificate of Exemptions. Please use corresponding Certificates of Exemption Application Form.
3. Shoreline Permits. Provide the JARPA form along with the corresponding Supplemental Form, as necessary.
4. Building and Fire Permits.
5. Pre-Applications.

The following attachments are required for a complete application:

1. Copy of Deed or Proof of Ownership
2. Supplemental Forms, if applicable
3. Completed Aquifer Recharge Section, Marijuana Disclosure Section and Site Plan Checklist
4. All information, documents, studies and reports demonstrating compliance with all statutory and regulatory criteria and requirements and the Chelan County Comprehensive Plan
5. The applicant is required to review and submit documentation showing compliance with all Chelan County Code, including but not limited to Title 4, Title 11, Title 12, Title 14, and Title 15.

GENERAL INFORMATION

Please provide a narrative of the proposed project including, but not limited to, all proposed activities, uses and development (attach additional sheets if needed):

See attached.

☒ Narrative attached

Please complete the following:

1. Any related files (such as Pre-Applications): N/A
2. Is the subject property located within an Urban Growth Area (UGA)? ☒ No ☐ Yes
If "yes", which UGA? _____
3. Please describe adjacent land uses in all directions around the subject property:
North: N/A
South: _____
East: _____
West: _____
4. What is the current use of the property? N/A
5. Sanitation Disposal: ☒ N/A ☐ Septic Permit ☐ Sewer District: _____
6. Water Source: ☒ N/A ☐ Single Private Well ☐ Shared Private Well ☐ Group B
☐ Public Water Supplier: _____
7. Irrigation Water:
☒ N/A ☐ Yes (Private) ☐ Yes (Public) Irrigation District/Purveyor: _____
8. Fire District: N/A School District: N/A
9. Power Service: N/A
10. Are there critical areas or critical area buffers on the property?
☐ Airport Overlay: _____
☐ Aquifer Recharge Area (see attached)
☐ Floodplain / Floodway _____
Geologically Hazardous Areas (11.86.020) on the site or within the specified distance of the site:
☐ Alluvial Fan (250') ☐ Known Historic Hazardous Area (250') ☐ Slopes > 40% (250')
☐ Erosive soils (on-site) ☐ Landslide ☐ Snow Avalanche (500')
☐ Habitat/Riparian Area, protected species/area: _____
☐ Streams / Waterbodies: _____ ☐ Shoreline Environment Designation: _____
☐ Drainage or Seasonal Stream: _____ ☐ Wetland, if so what category: _____
☐ Cultural or Archeological: _____
11. Will landfill be required? ☒ No ☐ Yes, approximate _____ (cubic yards)
12. Will excavation be required? ☒ No ☐ Yes, approximate _____ (cubic yards)
13. Has site preparation been started on the site? If so, to what extent?
N/A
14. Are there plans for future additions, expansions, or further activity related to or connected with the proposal?

15. Provide a development schedule with the approximated dates of commencing and completing construction or proposed activity:

N/A

16. Are there any other applications pending for governmental approvals for this or other proposal affecting the property covered by this proposal? ☐ No ☐ Yes, please list:

N/A

AQUIFER RECHARGE AREA DISCLOSURE SECTION

Exempt from this section only are Single Family Residences and their associated development per CCC 11.82.060. An applicant seeking to develop property which requires a development permit, shall submit with the permit application this certified statement, which lists each of the evaluation criteria and shall indicate whether the criteria "applies" or "does not apply" to the site or development. "Unknown" or similar responses will not be accepted.

If the development meets criteria A, B, C, or D or if the site or development meets any two of the remaining criteria, the Department will direct the applicant to determine the vulnerability rating for the development pursuant to Section 11.82.050 Aquifer Recharge Areas. If the development has a high or medium vulnerability rating, the development shall be subject to the performance standards of Section 11.82.060.

If an applicant's statement asserts that the criteria do not apply to the development, the Department will accept the statement and proceed with the permitting process. If any statement is incorrect, the applicant will be advised in writing to either; (a) provide an amended statement adding the evaluation criteria as being applicable and determine the vulnerability rating of the development pursuant to Section 11.82.050, or (b) present sufficient countering information clearly establishing that the basis for the Department's concern is incorrect. If the applicant selects to proceed under (b), upon receipt of the applicant's information, the Department shall review the information and obtain whatever additional assistance may be required to resolve the issue. The final determination as to whether a determination of vulnerability is required shall be made by the Administrator.

EVALUATION CRITERIA

The applicant is required to determine the vulnerability rating for any development permit, not otherwise exempted, if the site or development meets criteria A, B, C, or D or meets two or more of the remaining criteria below:

Please write the word(s) "**Applies**" or "**Does Not Apply**" on the lines before each of the following statements:

- Does Not Apply **A.** Within a wellhead protection area designated under WAC 246-290; *Wellhead Protection Area: The surface and subsurface area surrounding a well or well field for a distance of 100 feet, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well or well field.
- Does Not Apply **B.** Within an aquifer recharge area mapped and identified by a qualified ground water scientist;
- Does Not Apply **C.** The site will be utilized for hazardous substance, (as now or hereafter defined in RCW 70.105D.020(7)), processing storage or handling in applications or quantities larger than is typical of household use;
- Does Not Apply **D.** The site will be utilized for hazardous waste treatment and storage as set forth in RCW 70.105 Hazardous Waste Management, as now or hereafter amended;
- Does Not Apply **E.** The site contains highly permeable soils, which include soil types 1a, 1b and 2a under WAC 246-272-11001, Table II; **Highly Permeable Soils: Include soil types 1A, 1B and 2A from Table II, Soil Textural Classification, WAC 246-272-11001. 1A: Very gravely coarse sands or coarser, all extremely gravely soils. 1B: Very gravely medium sand, very gravely fine sand, very gravely very fine sand, very gravely loamy sands. 2A: Coarse sands (also includes ASTM C-33 sand).
- Does not Apply **F.** Within a sole source aquifer recharge area designated pursuant to the Federal Safe Drinking Water Act (**None currently designated in Chelan County**);

- Does not apply **G.** Within an area established for special protection pursuant to a groundwater management program, chapters 90.44, 90.48 and 90.54 RCW, and Chapters 173-100 and 173-200 WAC **(None currently designated in Chelan County);**
- Does Not Apply **H.** The development involves a proposed major or short subdivision and includes present or future plans to construct three or more dwelling units where the dwelling units will not be connected to a public sewer system and any of the lots are less than 1 net acre in size;
- Does Not Apply **I.** The proposed commercial and industrial site is not on a public sewer system and the main structure exceeds 4,000 square feet;
- Does Not Apply **J.** The proposed use is as a commercial feedlot;
- Does Not Apply **K.** The development is within 200 feet of the ordinary high water mark of a perennial river, stream, lake or pond.

Depending upon soil depths from the surface, the following soil series within Chelan County are considered to be highly permeable soils:

Ardenvoir: ArF, 27-43 inches (depth from surface), very gravelly sandy loam

Anatone: AkD, 5-14 inches (depth from surface), very gravelly silt loam

Beverly: Be, 17-24 inches (depth from surface), very gravelly sandy loam; Bf, 17-24 inches (depth from surface), very gravelly sandy loam; Bg, 0-10 inches (depth from surface), very gravelly loamy fine sand; Bg, 17-24 inches (depth from surface), very gravelly sandy loam

Brief: BrA, BrB, BrC, Brd, 26-60 inches (depth from surface), very gravelly sandy loam

BsD, 26-60 inches (depth from surface), very gravelly sandy loam

Chelan: CgB, CgC, CgD, CgE, 35-60 inches (depth from surface), very gravelly sandy loam; ChC, ChE, 35-60 inches (depth from surface), very gravelly sandy loam; CkD, CkE, 35-60 inches (depth from surface), very gravelly sandy loam; ClA, ClB, ClC, ClD, ClE, 35-60 inches (depth from surface), very gravelly sandy loam

Jump: JmD, 10-60 inches (depth from surface), very stony silt loam; JnF, 0-60 inches (depth from surface), very stony silt loam

Loneridge: LoD, LoF, 0-10 inches (depth from surface), very stony loam; 10-16 inches (depth from surface), very gravelly clay loam

Malaga: MaA, MaC, 15-19 inches (depth from surface), very gravelly sandy loam

Peshastin: PhB, PhC, 18-60 inches (depth from surface), very cobbly sandy loam; PID, PIE, 18-60 inches (depth from surface), very cobbly loam

Pogue: PsE, 0-17 inches (depth from surface), very stony fine sandy loam

Stemilt: StD, StE, 17-60 inches (depth from surface), very cobbly silty clay loam

Supplee: SuA, SuB, SuC, SuD, SuE, 0-6 inches (depth from surface), Very fine sandy loam; 18-31 inches (depth from surface), very gravelly sandy loam

Thow: TgD, 10-60 inches (depth from surface), very gravelly sandy loam; ThE 10-60 inches (depth from surface), very gravelly sandy loam

Tronsen: TrD, TrE, 8-60 inches (depth from surface), very gravelly clay loam

CANNABIS DISCLOSURE SECTION

SUB-SECTION I: Circle

I AFFIRM there IS NOT or IS (circle one) an existing or pending Liquor and Cannabis Board (LCB) license or approval for cannabis production, processing, or retail located on the property that is the subject of the requested development permit or approval.

If you circled "IS NOT" above, proceed to Sub-Section III of this form.

If you circled "IS" above, proceed to Sub-Section II of this form.

SUB-SECTION II: You must read the below statements, initial on the space provided, and then proceed to Sub-Section III.

- _____ I ACKNOWLEDGE AND UNDERSTAND that all cannabis-related activities, development, uses and construction must comply with Chelan County regulations, including but not limited to Chelan County Code Section 11.100.
- _____ I ACKNOWLEDGE AND UNDERSTAND that only those cannabis-related uses authorized pursuant to Chelan County Code Section 11.100 are permitted within Chelan County. All other commercial and noncommercial licensed or registered cannabis uses, including but not limited to cannabis research facilities and medical cannabis cooperatives, are prohibited within all zones of Chelan County.
- _____ I ACKNOWLEDGE AND UNDERSTAND that pursuant to Chelan County Code Section 11.100 a conditional use permit is required to engage in the production or processing of cannabis within Chelan County, and that all cannabis producers and processors must register annually with Chelan County and pay the appropriate registration fee.
- _____ I ACKNOWLEDGE AND UNDERSTAND that it is the responsibility of the property owner to submit for and obtain all necessary development permits and approvals prior to engaging in cannabis-related activities, development, uses or construction, including but not limited to conditional use permits for the production or processing of cannabis, building permits, change of use/occupancy permits, shoreline permits, variances, and mechanical permits.

SUB-SECTION III: Please select one of the following:

- ☒ I certify with the signature below that the building or land use permit requested **IS NOT** related to or in any way supportive of existing or planned cannabis-related activities, development, uses or construction on the property. I further certify that any authorized activities, development, uses or construction **WILL NOT** be utilized to support or expand cannabis-related activities, development, uses or construction.
- ☐ I certify with the signature below that the building or land use permit requested **IS** related to or in support of existing or planned cannabis-related activities, development, uses or construction on the property. I certify that any authorized activities, development, uses or construction will be in strict compliance with LCB licensure requirements and all applicable laws and regulations including but not limited to Chelan County Code, Chapter 69.50 RCW (Uniform Controlled Substances Act), Chapter 69.51A (Medical Cannabis), Chapter 19.27 RCW and WAC Title 51 (State Building Code), Chapter 58.17 RCW (Plats-Subdivisions-Dedications), Chapter 90.58 RCW (Shoreline Management Act), Chapter 314.55 WAC, and the Chelan County Shoreline Master Program.

SITE PLAN CHECKLIST SECTION

- ☐ Two copies of site plan are required. Must be drawn to standard engineering/architect's scale, such as 1"=100'. Indicate the scale used. Must include North arrow, and be drawn on grid paper or engineering plan format. For large parcels, applicant may submit a two-page site plan, the first page depicting the entire lot at a convenient scale and the second page depicting an enlargement of the developed area at a larger scale.
- ☐ Label all property lines/boundaries, dimensions, and area of lot/parcel (square feet or acreage).
- ☐ Label the location, size, and use of all existing building(s). Identify the distance between property lines and buildings. Label structures with previous building permit number(s) issued if applicable.
- ☐ Label the location, size, and use of all proposed structure(s) (temporary or permanent) to include dimensions of all decks, porches, cantilevers, bay windows, roof overhangs, retaining walls, patios, chimneys, landings and stairs.
- ☐ Identify the location, dimensions and volume of all existing and proposed propane tanks, fuel tanks, etc., both above ground and underground, as well as setback from property lines.
- ☐ Identify land features such as top and bottom of slopes, direction of slope and any areas of erosion.

- ☐ Identify and label all water features to include, ponds, springs, ravines, streams, creeks, lakes, rivers, irrigation laterals, canals, ditches, wetlands, bogs, areas of saturated ground, flood plain, floodway. Identify the closest distance between the ordinary high water mark and proposed/existing structures.
- ☐ Label the name and width of roads bordering the property and indicate whether they are public or private.
- ☐ Locate the width of existing and proposed driveways/accesses serving each structure. Include stormwater control facilities such as drains, detention ponds, connection lines, catch basins, etc.
- ☐ Label all existing and proposed parking spaces/areas. Parking in residential districts is typically not allowed in the front yard setback area. All parking shall have durable and dustless surfaces suited to all weather use, unless required otherwise. If applicable, show handicapped parking and accessible routes to the structure and within the site to other structures and features.
- ☐ Identify and label all easements and widths, deed restrictions, other encumbrances, and/or issues restricting or affecting the use or condition of the property, including but not limited to access, utilities, railroads, irrigation and overhead power. Include the Auditor's file number(s). *Before Any Development Occurs, Please Call 1-509-661-4220 for assistance in identifying PUD Easements!*
- ☐ Show the location of all existing and proposed overhead and underground utilities including, but not limited to water, sewer, gas, and electrical.
- ☐ Identify location of water lines, well and sanitary control radius. Note: A sanitary control radius around an off-site well may impact your project if it overlaps onto your parcel.
- ☐ Identify location of all well(s), septic/pump tank, drain field, reserve area and tight line involving the proposed structure(s). Show the distance from proposed structure(s) to septic tank, drain field, drinking water well source(s), and any water body, wetland area and/or flood plain to ensure they meet the required horizontal setbacks from each other and property lines. See Chelan Douglas Health District Horizontal Setback Table for details. If applicable, the approved Health District and County site plan must be identical.
- ☐ If drinking water wells, septic tank/drain field is off site, show the location of these systems on the adjacent property or properties and provide a copy of the easement agreement(s).
- ☐ If applicable, identify existing and proposed landscaping, screening and/or fencing. (Show type of landscaping, size, spacing, and provisions for irrigation).
- ☐ If applicable, include outdoor lighting and signage. Label each as existing or proposed.








ACKNOWLEDGEMENT SECTION

If the Applicant is not the owner of the property, this application and acknowledgment shall also be executed (signed) by each property owner.

By submitting this application, I acknowledge and certify the following:

Initials

(Owner and, if applicable, Applicant)

- | | |
|--|---|
| 





 | <p>1. All applications will be reviewed for completeness and processed according to Chelan County Code Title 14. Each application may be denied if not consistent with all Chelan County Codes, adopted regulations, Comprehensive Plan and related plans or studies.</p> <p>2. This application does not constitute approval of the proposed development and Chelan County does not make any guarantee, either express or implied, that this application will be approved.</p> <p>3. False statements, errors and/or omissions in this application or information provided with or in regard to this application may be sufficient cause for denial of the request.</p> <p>4. Additional permit applications and approvals may be necessary to conduct specific activities.</p> <p>5. Application fees are non-refundable, except when approved by the Board.</p> <p>6. In the event of any legal proceeding to challenge this application, any environmental determination or any other aspect of the proposed development, the applicant/owner(s) shall be solely responsible to defend such challenge and pay all court costs and attorney's fees necessary for such defense.</p> |
|--|---|

File(s) No. _____

- DPM _____ 7. Chelan County is hereby given consent to enter the property(ies) listed above.
- DPM _____ 8. I certify that I am the property owner, or authorized agent of the property owner, and I have familiarized myself with the rules and regulations of Chelan County with respect to making this application.
- DPM _____ 9. I certify that I possess full legal authority and rights necessary to exercise control over the subject property.
- DPM _____ 10. I certify that this application has been made with the consent of the lawful property owner(s).
- DPM _____ 11. I certify that all Easements, Deed Restrictions, other encumbrances, and/or issues restricting or affecting the use or condition of the property have been accurately disclosed and are shown on the site plan submitted with this application.
- _____ 12. This application shall be subject to all additions to and changes in the laws, regulations and ordinances applicable to the proposed development until a determination of completeness has been made pursuant to Section 14.08-030.

I certify (or declare) under penalty of perjury and under the laws of the State of Washington that the foregoing and all information submitted with this application is true, correct and complete to the best of my knowledge.

Owner Signature: [Signature] Place: 206 S. 11th Chelan Date: 2/26/21
 Print Name: Dimitri Mandelis
President
WENATOC

Owner/Applicant/Agent Signature: _____ Place: _____ Date: _____
 Print Name: _____

Owner/Applicant/Agent Signature: _____ Place: _____ Date: _____
 Print Name: _____



JEFFERS, DANIELSON,
SONN & AYLWARD, P.S.

Memo

1984.0306.0044

TO: Computer 5, Inc. d/b/a LocalTel

FROM: Peter A. Spadoni and Adam G. Haynie

DATE: February 26, 2021

SUBJECT: Proposed Amendments to Chelan County Code for Communications Towers

Dimitri,

You asked our office to review the current Chelan County Code (the “Code”) provisions that govern the development, installation, and operation of wireless communication towers, compare those provisions with the requirements in neighboring jurisdictions and to outline potential amendments to the Chelan County Code to bring it into line with the generally prevailing standards, which would allow LocalTel to expand and provide wireless communication services throughout Chelan County and particularly in its more remote rural areas.

Although the Code is somewhat ambiguous and could benefit from greater clarity, wireless communication poles and towers likely are included in Code § 14.98.1915, somewhat unusually constituting “high impact utilities” for which a conditional use permit must be obtained in accordance with the District Use Chart, Code § 11.04.020. This is particularly strange given that traditional telephone poles are exempt from this process. The conditional use permit process is outlined in Code Chapter 11.93 and involves significant process, public hearing, time, and expense, placing substantial and unnecessary burdens on both an applicant (LocalTel) and the administrative staff of Chelan County. The formal conditional use permit process seems excessive for many wireless communication poles and towers and is not required in all other jurisdictions.

You have informed us that because of the expenses associated with obtaining formal conditional use permits, it is not feasible for LocalTel to provide high quality wireless communication services or in some cases wireless communication service at all to many of the more remote or rural areas within Chelan County, as often these wireless communication poles or towers serve only a handful of properties. You also informed us that streamlining the application and review processes for wireless communication poles and towers is critical in order for LocalTel to provide high quality and upgraded services available through the Rural Digital Opportunity Fund Auction program (“RDOF Program”) and/or the Connect America Fund program (“CAF Program”).

We therefore recommend that you propose to the County amendments to the Code to allow a multi-tiered application and review process for wireless communication poles and towers more in line with these advanced technologies and the more progressive standards in neighboring jurisdictions. We also believe that such an amendment to the Code would be relatively simple and straightforward, and could be accomplished in a manner that continues to ensure high standards for the County and safe wireless communication towers and poles, while at the same time reducing the administrative burden on the County and applicant alike.

Attached to this memorandum is a copy of our proposed amendments to the Code. As you will see, the amendments clarify the ambiguity in the Code as to whether a wireless communication pole or tower is a “Wireless communications facility” or a “high impact utility” and provide for a 3-tier system of application and review. This 3-tier system classifies poles and towers based on location, dimension, and engineering, in accordance with industry standards, and permits certain poles and towers to be permitted with limited administrative review when appropriate; while maintaining full administrative review and conditional use permit requirements for more impactful towers.

These amendments are consistent with what many other municipalities across Washington State and the nation have adopted in response to the changing technological requirements of wireless communication services. Adopting these amendments will make expanded and higher quality wireless communication services more readily available throughout Chelan County. Moreover, doing so will have minimal, if any, negative impact on the County, as only those wireless communication poles and towers that meet certain standards and that are categorically exempt from SEPA will obtain the limited administrative review, while non-exempt poles and towers will remain subject to full administrative review, and, for the most impactful, a formal conditional use permit will be required. Thus, we have tried to propose amendments that strike a balance between the need for a streamlined process while maintaining heightened review for safety and impact.

In short, we believe the enclosed amendments are simple changes to the Chelan County Code that will not have a detrimental effect on the County but will rather increase communication services to all residents, including particularly those that are currently underserved.

Peter A. Spadoni
Adam Haynie

**ADDENDUM A
TO GENERAL LAND USE APPLICATION FORM
LOCALTEL TOWER REGULATIONS**

Computer 5, Inc. d/b/a LocalTel (“LocalTel”) submits this application as a request for amendment to the Chelan County Code (the “Code”) to modify the application and review standards for constructing wireless communication poles and/or towers in Chelan County. The proposed amendments are attached hereto as Exhibit “A”, together with supporting documents attached hereto as Exhibit “B”.

As further detailed in Exhibit B, the Code currently requires both a conditional use permit and a building permit to install or construct any wireless communication poles or towers in Chelan County. While appropriate in some circumstances, a conditional use permit requirement on all wireless communication poles and towers is both unnecessary and effectively prohibits delivery of wireless communication services, and particularly upgraded services, in the more rural areas of Chelan County. The administrative burdens and expense of obtaining a conditional use permit for low impact poles and towers make the provision wireless communication services and improved services economically unfeasible.

The proposed amendments permit instillation of low impact poles and towers, within industry standards, upon appropriate limited review, while maintaining full administrative review (including thorough SEPA review) and, when appropriate, conditional use permits for larger and more impactful towers.

This proposal is consistent with Chelan County Code 14.13.040:

1. **The amendment is necessary to resolve a public land use issue or problem.** Rural areas throughout Chelan County currently lack reliable access to high quality wireless communication networks and services. By separating proposed towers into multiple tiers and streamlining the process for review and approval of those wireless communication poles and towers that are categorically exempt from SEPA, service providers will be better able to provide targeted high quality wireless communication services throughout the County, without detriment to the environment or local land character improving wireless communication network connectivity and opportunity in the County. Towers that do not qualify for limited administrative review will remain subject to full administrative review (including SEPA review), and will require a conditional use permit, when applicable, to ensure protection of the environment, public safety and limitation of the impact to the surrounding area.
2. **The amendment is consistent with goals of the Growth Management Act, Chapter 36.70A RCW.** This proposal is consistent with the Growth Management Act (“GMA”) planning goals, set forth in RCW 36.701A.020. More specifically, among others,

the GMA identifies as its primary goals: economic development, timely and fair permit application processing, and availability of adequate public services. Here, there is no question that improving wireless communication connectivity in Chelan County and its rural areas will support economic development and provide increased access to public services, as connectivity is a crucial element of commerce, especially in light recent technological improvements and increasing growth of remote work. Requiring a conditional use permit for all wireless communication poles and towers (as in the Chelan County Code currently) has the effect of prohibiting service providers from improving and expanding services into low population areas, causing an imbalance in access to critical public services. By recognizing that different towers require different levels of review and scrutiny, the County's permit process will be improved and provide for a more fair, appropriate and timely review process.

3. **The amendment complies with or supports comprehensive plan goals and policies and/or county-wide planning policies.** This proposal is consistent with the Chelan County Comprehensive Plan (the "CP"). Policy UE 3.4, among others, states it is the policy of the County to implement development regulations for provision of utilities that are flexible and receptive to innovations and advances in technology. Here, by providing streamlined review for low impact wireless communication poles and towers that meet specific standards, service providers will be better able to install and upgrade communication services and connectivity throughout the County.
4. **The proposed amendment does not adversely affect lands designated as resource lands of long-term commercial significance or critical areas in ways that cannot be mitigated.** This proposal will not adversely affect lands designated as resource lands of long-term commercial significance or critical areas in ways that cannot be mitigated. Specifically, only those towers that are categorically exempt from SEPA will be granted limited administrative review, such that appropriate considerations for all environmental issues will continue to be analyzed and reviewed when applicable.
5. **The amendment is based on sound land use planning practices and would further the general public health, safety and welfare.** This proposal recognizes the inefficiencies of the current Code and offers a balanced, sliding scale approach to reviewing and approving wireless communication poles and towers going forward. The proposed amendments appropriately balance risks to the environment and surrounding areas of proposed towers, the costs to obtain permits and provide services, the administrative burden on the County, and allow for mitigation when necessary.

EXHIBIT A
TOWER REGULATIONS – CHELAN COUNTY
Proposed Amendments

CHANGES TO GENERAL CHELAN COUNTY CODE PROVISIONS:

11.88.120 Exception to building height limitation.

The following types of structures or structural parts are not subject to the building height limitations of this title: aerials, belfries, chimneys, church spires, cupolas, domes, fire and hose towers, flagpoles, monuments, observation towers, radio, ~~tele~~communication towers and television towers, smoke stacks, water towers, windmills and other similar projections. None of these exemptions, except chimneys, shall be used for or attached to residential structures. (Res. 2020-68 (Exh. B) (part), 6/16/20; Res. 2015-73 (Atts. A, B) (part), 8/4/15; Res. 2007-98 (part), 7/2/07; Res. 2001-60 (part), 4/17/01; Res. 2000-129 (part), 10/17/00).

14.98.425 Communication tower.

“Communication tower” means any tower, pole, mast, whip, antenna, or any combination used for radio, television, cellular, or microwave telecommunications broadcast transmission or line-of-sight relay, including amateur radio service. (Res. 2020-68 (Exh. C) (part), 6/16/20; Res. 2012-78 (part), 8/14/12).

14.98.1915 Utility, high impact.

“Utility, high impact” means, **except for Wireless communications facilities**, buildings, structures and facilities in public or private ownership relating to the furnishing of utility services such as electric, gas, telecommunication, water, sewer and technology infrastructure. High impact public utilities shall include, but are not limited to, generating and switching stations, substations, pumping stations and antennas or repeaters when not installed on a building. **High impact utilities do not include Wireless communications facilities.** (Res. 2020-68 (Exh. C) (part), 6/16/20; Res. 2012-78 (part), 8/14/12).

14.98.1920 Utility, low impact.

"Utility, low impact" means buildings, structures and facilities in public or private ownership relating to the furnishing of utility services such as electric, gas, telecommunication, water, sewer and technology infrastructure. Low impact utilities shall include, but are not limited to, poles, lines, pipes, antennas or repeaters when installed on a building, carrier hotels and similar technology infrastructure. (Res. 2020-68 (Exh. C) (part), 6/16/20; Res. 2012-78 (part), 8/14/12).

14.98.2010 Wireless communications facility.

"Wireless communications facility" means an unstaffed facility for the transmission and/or reception of radio frequency (RF), microwave, **electronic communication**, or other signals for commercial communications purposes, typically consisting of an equipment enclosure, an antenna support structure, **a communication tower**, or an alternative antenna support structure, and one or more antennas. (Res. 2020-68 (Exh. C) (part), 6/16/20; Res. 2012-78 (part), 8/14/12).

DISTRICT USE CHART CHANGES

11.04.020 District use chart.

The use chart located on the following pages is made a part of this section. The following abbreviations apply to the following use chart. If a cell in the table is blank, the use listed in the left hand column is a prohibited use in the zone that is the heading for that cell.

- P — Permitted use
- P(1) Permitted use subject to development standards in Chapters [11.88](#), [11.93](#) and/or within the applicable zoning district standards
- P(2) Permitted use subject to development standards in Chapters [11.88](#), [11.93](#) and/or within the applicable zoning district standards, except for on parcels that are twelve thousand square feet or smaller, the use/structure must be located on a lot with an existing single-family residence

Permitted use subject to standards in Chapter
P(3) 11.91 and/or within applicable zoning district
standards

A — Accessory use

A(1) Accessory use subject to development
standards in Chapters [11.88](#), [11.93](#) and/or
within the applicable zoning district standards

CUP Conditional use permit

District Use Chart

USE/ACTIVITY	RR20	RR10	RR5	RR2.5	RW	RRR	RV	RC	RI	RP	AC	FC	MC
Accessory Dwelling Unit	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)				A(1)	A(1)	
Agricultural Structure	P	P	P	P	A	A	P	A	P	P	P	P	P
Accessory Use/Structure¹	A	A	A	A	A	A	A	A	A	A	A	A	A
Storage Container	A	A	A	A	A	A	A	A	A	A	A	A	A
Electric Vehicle Charging Station	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)
Fences	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)
Isolated Cottage Industries		CUP	CUP	CUP						CUP			
Isolated Nonresidential Uses	CUP	CUP	CUP	CUP	CUP	CUP	CUP			CUP	CUP	CUP	
Isolated Small-Scale Businesses	CUP	CUP	CUP	CUP	CUP	CUP	CUP			CUP			
Recreation/Tourist Uses	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP		CUP	CUP	CUP	
Planned Developments		P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)		
Sign, Agricultural Identification								P			P		
Signs	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)

District Use Chart

USE/ACTIVITY	RR20	RR10	RR5	RR2.5	RW	RRR	RV	RC	RI	RP	AC	FC	MC
Land Division	P	P	P	P	P	P	P	P	P	P	P	P	P
Cluster Subdivision	P(1)	P(1)	P(1)	P(1)							P(1)	P(1)	
Indoor Cannabis Production/Processing	CUP	CUP							CUP		CUP		
Outdoor Cannabis Production/Processing	CUP												
RESIDENTIAL USES													
Adult Family Home	P	P	P	P	P	P	P	A(1)					
Bed and Breakfast (3 or Fewer Rooms)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)				A(1)	A(1)	
Caretaker Dwelling Unit								A(1)	A(1)				
Detached Garages	P(2)	P(2)	P(2)	P(2)	P(2)	P(2)	P(2)	P(2)			P(2)	P(2)	
Dock/Pier, Single or Joint Use	P	P	P	P	P	P					P	P	
Dock/Pier, Community for Residential Development	A	A	A	A	A	A	A	A	A	A	A	A	
Dock/Pier, Community for Commercial Development	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Duplex Dwellings							P						
Guest Inn—4 to 6 Rooms	CUP	CUP	CUP	CUP	CUP	CUP	CUP				CUP		
Home-Based Business	CUP	CUP	CUP	CUP	CUP	CUP	CUP				CUP	CUP	
Home Occupations	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)				A(1)	A(1)	
Accessory Residential Kitchens	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)				A(1)	A(1)	
In-Home Daycare	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)			A(1)	A(1)	
Mobile/Manufactured Home Park			CUP	CUP	CUP	CUP	CUP						
Multifamily Dwellings							P(1)						
Private Greenhouses	P(2)	P(2)	P(2)	P(2)	P(2)	P(2)	P(2)				P(2)	P(2)	
Dependent Care Housing	P(1)	P(1)	P(1)	P(1)	CUP	CUP	CUP				CUP	CUP	

District Use Chart

USE/ACTIVITY	RR20	RR10	RR5	RR2.5	RW	RRR	RV	RC	RI	RP	AC	FC	MC
Residential Dwelling Units, Above Ground Floor								P(1)					
Single-Family Dwelling	P	P	P	P	P	P	P				P	P	
AGRICULTURAL USES													
Accessory Uses That Support, Promote or Sustain Agricultural Operations	CUP	CUP	CUP	CUP							CUP		
Agricultural Uses	P	P	P	P	P	P	P		P	P	P	P	P
Agricultural Worker Housing, Off-Site									CUP		CUP		
Agricultural Worker Housing, Permanent	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	CUP	CUP		P(1)	P(1)	P(1)
Agricultural Worker Housing, Temporary	A	A	A	A	A	A	A			A	A		
Agriculturally Related Industry	CUP	CUP	CUP	CUP					P		P		
Agricultural Processing Facility	P	P	P						P	P	P	P	P
Agricultural Support Services	CUP	CUP	CUP					P	P	CUP	CUP	P	CUP
Animal Boarding Facilities	CUP	CUP	CUP	CUP			CUP	CUP			P(1)	CUP	
Kennels	CUP	CUP	CUP	CUP			CUP	CUP			CUP	CUP	
Farm Visit, U-Pick and Rent-A-Tree Operation	P	P	P	P	P	P	P	P	P		P	P	
Forest Product Processing Facility	CUP	CUP	CUP						P	CUP	CUP	CUP	CUP
Forest Support Services	CUP	CUP	CUP					P	P	CUP	CUP	P	CUP
Forestry Uses	P	P	P	P	P	P	P	P	P	P	P	P	P
Roadside Stands, Nursery, Greater Than 1,500 sq. ft. Retail	CUP	CUP	CUP	CUP	CUP	CUP	CUP	P	CUP		CUP	CUP	
Roadside Stands, Nursery, Equal to or Less Than 1,500 sq. ft. Retail	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	P	A(1)		P	A(1)	
Winery, Equal to or Less Than 1,500 sq. ft. of Retail Space	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	A(1)	P	A(1)		P		

District Use Chart

USE/ACTIVITY	RR20	RR10	RR5	RR2.5	RW	RRR	RV	RC	RI	RP	AC	FC	MC
Winery, Greater Than 1,500 sq. ft. of Retail Space	CUP	CUP	CUP	CUP	CUP	CUP	CUP	P	CUP		CUP	CUP	
Value Added Agricultural Operations	P(1)	P(1)	P(1)								P		
COMMERCIAL USES													
Farm/Agricultural Supply Sales								P	P		CUP		
Agricultural Theme Market											CUP		
Airport/Heliport, Single Engine Crop Dusting/Spraying									CUP		CUP	CUP	
Commercial Amusement/Recreational Facilities								P					
Commercial Facilities Serving Water-Related Recreational/Tourist Activities, Less Than 5,000 sq. ft.					CUP	CUP		CUP					
Commercial Feedlot											CUP		
Lodging Facilities								P					
Neighborhood-Oriented Commercial								P					
Restaurants and Drinking Establishments								P					
Restaurants and Drinking Establishments, Less Than 5,000 sq. ft.								P					
Water-Dependent Use/Structure	P	P	P	P	P	P	P	P	P	P	P	P	P
INDUSTRIAL USES													
Chemical, Fuel or Fertilizer Distribution, Sales, Bulk Storage									P		CUP		
Contractor Storage Yard								P	P				
Explosives Manufacture and Storage									CUP				
Farm Equipment/Machinery Sales and Service								P	P		CUP		
Hazardous Waste Treatment/Storage Facilities, Off-Site									CUP				

District Use Chart

USE/ACTIVITY	RR20	RR10	RR5	RR2.5	RW	RRR	RV	RC	RI	RP	AC	FC	MC
Heliport, Temporary Emergency and Forest-Related Management Support	P	P	P	P	P	P	P	P	P	P	P	P	P
Inert Waste Site	CUP	CUP							CUP	CUP	CUP	CUP	
Junkyard/Auto Wrecking Yard/Impound Yard									CUP				
Machine Shop								P	P		CUP		
Manufacturing, Assembly, Fabrication of Products									P				
Mineral Extraction, Long-Term													CUP
Mineral Extraction, Short-Term	CUP	CUP	CUP					CUP	CUP	CUP	CUP	CUP	CUP
Mini Storage				CUP		CUP	CUP	P	P				
Portable Sawmills and Chippers, Log Sorting and Storage Temporary Installation												P	
Recycling Inert Waste									CUP				
Remote Industrial Use	CUP	CUP										CUP	
Research Facilities								P	P				
Rock Crusher, Temporary Use	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	P	P
Rock Crushing Sorting, Batching of Concrete or Asphalt	CUP	CUP	CUP						CUP	CUP	CUP	CUP	CUP
Sanitary Landfill	CUP	CUP								CUP		CUP	
Short-Term Stockpiling of Inert Waste	CUP	CUP						CUP	CUP	CUP	CUP	CUP	
Transportation/Shipping Terminal									P				
Vehicle Sales								P	P	P			
Veterinarian/Animal Hospital								P	P		CUP		
Warehousing and Storage									P				
Wholesale Trade								P	P				

District Use Chart

USE/ACTIVITY	RR20	RR10	RR5	RR2.5	RW	RRR	RV	RC	RI	RP	AC	FC	MC
Stockpiling of Sand and Gravel, Etc.	CUP	CUP	CUP					CUP	CUP	A	A	A	P
RETAIL USES													
Retail Sales								P					
Cannabis Retail Sales								P					
Retail Sales, Less Than 5,000 sq. ft.								P					
Retail Trade Serving Industrial Uses								P	P				
PUBLIC/GOVERNMENT USES													
Developed Open Space	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)		P(1)	
Educational Institutions, Public or Private					CUP	CUP	CUP	CUP	CUP	CUP	CUP		
Educational/Administrative Facilities Associated with Permitted Use					A	A	A	A	P	A	CUP		
Essential Public Facilities	CUP	CUP	CUP	CUP					P(1)	P(1)			
Parking Garage	CUP	CUP	CUP	CUP	CUP	CUP	CUP	P	P	P			
Parking Lots	CUP	CUP	CUP	CUP	CUP	CUP	CUP	P	P	P			
Public Facilities, High Impact	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Public Facilities, Low Impact	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	
Recreational Vehicle Park/Campground, Major								P(1)		CUP			
Recreational Vehicle Park/Campground, Minor		CUP	CUP		CUP	CUP		P(1)		CUP		CUP	
Schools, Business, Technical or Trade (L)													
Utilities, High Impact	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Utilities, Low Impact	P	P	P	P	P	P	P	P	P	P	P	P	
Wireless Communication Facilities, Tier 1 and Tier 2	P(3)	P(3)	P(3)	P(3)	P(3)	P(3)	P(3)	P(3)	P(3)	P(3)	P(3)	P(3)	P(3)

District Use Chart

USE/ACTIVITY	RR20	RR10	RR5	RR2.5	RW	RRR	RV	RC	RI	RP	AC	FC	MC
Wireless Communications Facilities, Tier 3	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Swimming Pools	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)			P(1)	P(1)	
SERVICE USES													
Daycare Center/Preschool	P	CUP	CUP	CUP	CUP	CUP	CUP	P(1)	A				
Food and Beverage Services	A	A	A	A	A	A	A						
Personal and Professional Services								P					
Personal and Professional Services, Less Than 5,000 sq. ft.								P					
Places of Public and Private Assembly	CUP	CUP	CUP	CUP	CUP	CUP	CUP	P		CUP	CUP	CUP	
Service Station, Including Automotive Repair								P	P				

WIRELESS COMMUNICATION FACILITIES (WCF) CHANGES**11.91.010 Purpose.**

The purpose of this chapter is to establish guidelines for the location of wireless communication, radio and television facilities. The goals of this chapter are to:

- (1) Encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the county;
- (2) Strongly encourage the joint use of new and existing tower sites;
- (3) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact to the community is minimal;

- (4) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas;
- (5) Enhance the ability of the providers of telecommunications services to provide and upgrade such service to the community quickly, effectively and efficiently; and
- (6) Limiting exposures to NIER consistent with FCC statutes. (Res. 2003-09 (part), 1/21/03).

11.91.020 Applicability.

The provisions of this chapter apply to all lands and zoning districts lying outside of the urban growth areas for the cities of Cashmere, Chelan, Entiat, Leavenworth and Wenatchee.

For the area within Leavenworth's urban growth area, the standards set forth in Ordinance 1205, "Wireless Telecommunications Facilities," adopted by the Leavenworth city council on April 22, 2003, and adopted by Chelan County shall apply, with the exception of any sections of the ordinance requiring permits from the city of Leavenworth. Chelan County is the regulatory authority for development within the urban growth area. (Res. 2004-12 (part), 1/27/04; Res. 2003-09 (part), 1/21/03).

11.91.030 Tiers of Wireless Communication Facilities.

Wireless communication facilities (WCF) are classified in three tiers:

Tier 1 WCFs include the following:

1. WCFs that are self-supporting, have a four (4) foot or less radius from the center axis of the base of the WCF, have a height of one hundred (100) feet or less, and have antennae, rotors, and other attachments with a diameter of nine (9) feet or less. Tier 1 WCFs may be located on a concrete or similar platform whose dimensions do not exceed eight (8) feet in width and length, and two (2) feet above ground in height.
2. WCFs that are proposed to be co-located on existing towers, buildings, structures and facilities that do not increase the height of such tower, building, structure, or facility by more than twenty percent (20%), and have antennae, rotors, standoffs and other attachments with a diameter of less than nine (9) feet.
3. Modifications to or replacement of existing WCFs, towers, or base stations that do not substantially change the physical dimensions of such WCF, tower, or base station in accordance with the 2012 Middle Class Tax Relief and Job Creation Act.

Tier 2 WCFs include those WCFs that are not self-supporting, or have a radius greater than four (4) feet from the center axis of the base of the WCF, or have antennae, rotors, standoffs and other attachments with a diameter of greater than nine (9) feet, or the height of the WCF is greater than one hundred (100) feet but less than two hundred (200) feet. Tier 2 WCFs may be located on a concrete or similar platform so long as the dimensions of the platform do not exceed sixteen (16) feet in width or length and two (2) feet above ground in height.

Tier 3 WCFs include those WCFs whose height is greater than two hundred (200) feet or that otherwise do not constitute Tier 1 or Tier 2 WCFs.

11.91.0340 Third party review.

Wireless communication services providers use various methodologies and analysis tools to determine the specific technical parameters of wireless communication services, such as expected coverage area, antenna configurations and topographic constraints that affect signal paths. For Tier 2 and Tier 3 WCFs, ~~in certain instances~~ there may be a need for expert review by a third party of the technical data submitted by a wireless communication services provider. The county may require such technical review to be paid for by the applicant. The selection of the third party expert shall be by mutual agreement between the applicant and the county or at the discretion of the county. The expert review is intended to be a site-specific review of the technical aspects of the Tier 2 or Tier 3 WCF and not a subjective review of the site selection. Such a review should address the accuracy and completeness of the technical data, possible interference problems and whether the analysis techniques and methodologies are legitimate. A determination on the validity of the applicant's conclusions, and any specific technical issues outlined by the county or other interested parties shall be made. Based on the results of the third party review, the county may require changes to the application for the WCF that comply with the recommendations of the expert. (Res. 2003-09 (part), 1/21/03).

11.91.0450 Exemptions.

The following are exempt from the provisions of this chapter:

- (1) VHF and UHF receive-only television antenna(s), provided they are fifteen feet or less above the existing or proposed roof;
- (2) Small telecommunication devices or antenna(s) used to communicate with intelligent devices related to the operation of public utilities, except main control reception facilities and towers;
- (3) Telecommunication facilities within public road rights-of-way, provided such facility or structure is not located within a clear view triangle and the structure does not exceed a height of ~~forty-two inches~~ **ninety-six (96) inches**;

(4) Low impact utilities;

(45) Radar systems for military and civilian communication and navigation;

(56) Wireless radio or other temporary WCF utilized for temporary emergency communications in the event of a disaster;

(76) Satellite dish antennas less than two meters in diameter, including direct-to-home or business satellite service, when used as an accessory use on a property;

(87) Routine maintenance or repair of a WCF or related equipment. (Res. 2003-09 (part), 1/21/03).

11.91.060 General criteria.

The location and development of wireless communication facilities shall meet the applicable provisions of this code and the following criteria:

(1) Co-Location.

(A) Co-Location Encouraged. In order to minimize proliferation, WCFs shall be required, to the greatest extent practicable and when technically and economically feasible, to be co-located. Applicants shall design, orient, construct, and operate WCFs so as to facilitate sharing facilities with other utilities, to co-locate with other existing WCFs, and to accommodate the co-locations of future WCFs, where technically, practically and economically feasible. Co-location ~~will~~ **may** be a requirement for approval for Tier 2 and Tier 3 WCFs unless the applicant submits a demonstration that supports, to the satisfaction of the approving authority, the conclusion that sharing space on existing facilities is not feasible or possible based on one or more of the following factors:

- (i) Available space on existing facilities;
- (ii) The facility owner's ability to lease space;
- (iii) The facility's structural capacity;
- (iv) Radio frequency interference;
- (v) Geographic service area requirements;

(vi) Mechanical or electrical incompatibilities;

(vii) The comparative costs of co-location and new construction;

(viii) Any FCC limitation on facility or structural support sharing.

(B) Cooperation. No wireless communication services provider, lessee, or agent thereof shall act to exclude or attempt to exclude any other wireless services provider from using the same support structure or location. Wireless services providers, lessees, or agents thereof shall cooperate in good faith to achieve co-location of WCFs and equipment with other wireless services providers. If a dispute arises regarding the feasibility of co-locating, the county may require a third party technical study at the expense of either or both parties to resolve the dispute prior to issuing any development permit or approval. The administrator may impose permit conditions based on the results of any third party review.

(2) Color and Lighting. Except as specifically required by the FAA or FCC, antenna and antenna support structures shall adhere to the following:

(A) To the extent technically feasible and in compliance with safety regulations, specific colors of paint shall be required for the antenna and antenna support structure in order to blend better with its surroundings.

(B) If an antenna is installed on an alternative antenna support structure, the antenna and supporting electrical and mechanical equipment must be of a neutral color so as to make the antenna and related equipment as visually unobtrusive as possible.

(C) When lighting is required and permitted by the FAA or other federal or state authority, it shall be oriented so as not to project onto surrounding property. Strobe lighting on wireless communication facilities is not permitted.

(3) Setbacks. All WCFs and items affixed thereto, guy wires, or supports shall meet the setback standards of the underlying zone in which they are located. WCF Antenna-towers or support structures shall be located on the lot or license area so that the distance from the base of the tower or structure to any property line, license area boundary or adjacent/supporting structure is at least one hundred percent of the proposed structural height. Towers or structures that cannot satisfy this one hundred percent setback may be approved; ~~provided, that the if~~ the applicant presents a certification from a licensed structural engineer that the structure is designed for a basic wind speed of ninety miles per hour in accordance with the currently adopted edition of the ANSI-EIA/TIA-222E.

(4) Equipment Structures. Ground-level equipment, buildings, and the tower base shall be screened from public view pursuant to this section and Title 15 of this code. The standards for the equipment buildings are as follows:

- (A) The floor area shall be the minimum necessary; however, in no instance shall the equipment structure be greater than two hundred square feet and the maximum height is twelve (12) feet for each provider. The equipment building may be located no more than two hundred fifty (250) feet from the tower or antenna and shall comply with the setback regulations for the underlying zone.
- (B) Ground-level buildings shall be screened from view by landscape plantings, fencing, or other appropriate means as specified herein or in Title 15 of this code. Required landscape plantings shall be installed around the perimeter of the required security fence.
- (C) Equipment structures mounted on a roof shall have a finish similar to the exterior building walls. Equipment for roof-mounted antenna may also be located within the building on which the antenna is mounted.
- (5) Fencing. For new telecommunication towers and equipment shelters, a wall, slatted chain link fencing, or wooden fence no less than six feet in height from the finish grade shall be provided. Access to the tower shall be through a locked gate via Knox box. This standard shall not apply to towers and equipment shelters mounted onto or located inside an existing building.
- (6) Required Parking. ~~At least one parking stall~~ Adequate parking shall be provided within reasonable proximity to each WCF in accordance with Chapter 11.90 of this code.
- (7) Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas.
- (8) No advertising or display shall be located on any antenna support structure, antenna or security fencing; however, the owner of the antenna array shall place an identification plate indicating the name of the wireless service provider and a telephone number for emergency contact on the site.
- (9) The owner of the WCF shall notify the department when the tower is no longer operating as part of a wireless communication system authorized and licensed by the FCC. Within six months of the date the facility ceases to operate as part of an authorized system, the facility must be removed from the site.
- (10) All proposals must be reviewed by the Chelan County fire marshal for compliance with applicable fire safety regulations. (Res. 2003-09 (part), 1/21/03).

11.91.070 Application.

Applicants for a proposed WCF must submit the following information:

- (1) Site Plan. A scaled site plan showing the location, point of reference, type, height and horizontal location of the proposed support structures and antennas, existing buildings, on-site land uses and zoning, adjacent land uses and zoning, adjacent rights-of-way, parking areas if applicable, the method of camouflage, noise screening, and illuminations shall be indicated. The applications shall also include elevation drawings of the proposed support structure and any other proposed structures.
- (2) Proof of Legal Access. Proof that the service provider has legal access to the proposed site.
- ~~(3) Landscaping Plan. A landscaping plan in accordance with the provisions of Chapter 15.50 of this code. NB: Chapter 15.50.020 exempts communication/radio towers from this requirement.~~
- ~~(43)~~ Service Area Map. A current map showing the location of the proposed support structure, the locations and service areas of other WCFs operated by the applicant and those proposed by the applicant that are close enough to impact service within the county.
- ~~(54)~~ Co-location Demonstration. For Tier 2 and Tier 3 WCFs, Aa demonstration meeting the requirements of Section ~~11.91.0360(1)(A)~~.
- ~~(65)~~ Co-location Statement. A statement by the applicant as to whether construction of a new support structure will accommodate co-location of additional antennas for future users. If so, a signed statement shall be included indicating that the applicant and leaseholder agree they will diligently negotiate in good faith to facilitate co-location of additional WCFs by other providers on the applicant's structure or within the same site location.
- ~~(76)~~ Compliance Letter. A letter signed by the applicant stating the support structure and antenna will comply with all applicable federal, state and local laws and regulations, EIA standards and this section.
- ~~(87)~~ Interference Certification. Certification that the ~~antenna-usage WCF~~ will not interfere with the ~~transmission or reception functions of~~ other adjacent or neighboring ~~transmission or reception functions of other communication facilities-WCFs~~.
- ~~(98)~~ Licenses. Copies of any FCC licenses required under FCC regulations for the provisions of service within the county.
- ~~(499)~~ Documentation that the proposed WCF meets or exceeds current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas.
- ~~(4410)~~ All providers shall attest to and demonstrate compliance with FCC and Washington State laws relating to emergency 911 regulations. (Res. 2003-09 (part), 1/21/03).

11.91.080 Tier 1 and Tier 2 Application Review and Approval.

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Applications for Tier 1 or Tier 2 WCFs that are categorically exempt from SEPA shall be subject to limited administrative review in accordance with Section 14.10.020. Such applications shall be approved if the department determines that the proposed WCF meets all criteria of this Chapter relating to a Tier 1 or Tier 2 WCF, as applicable, and the application complies with the provisions of Section 11.91.080.

Applications for Tier 1 or Tier 2 WCFs that are not categorically exempt from SEPA shall be subject to full administrative review in accordance with Section 14.10.030.

11.91.090 Tier 3 Application Review and Approval.

Applications for Tier 3 WCFs shall require a Conditional Use Permit granted pursuant to Chapter 11.93 and shall be subject to quasi-judicial review in accordance with Section 14.10.040.

EXHIBIT B

See attached memo.

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals: [\[help\]](#)

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background [\[help\]](#)

1. Name of proposed project, if applicable: [\[help\]](#)
Proposed Amendment to Chelan County Code for Wireless Communication Tower Development Regulations
2. Name of applicant: [\[help\]](#)
Computer 5, Inc. d/b/a LocalTel
3. Address and phone number of applicant and contact person: [\[help\]](#)

341 Grant Road, East Wenatchee, WA 98802. Dimitri Mandelis; (509) 884-0611

SEPA Environmental checklist (WAC 197-11-960)

July 2016

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4. Date checklist prepared: [\[help\]](#)
February 24, 2021

5. Agency requesting checklist: [\[help\]](#)
Chelan County Community Development

6. Proposed timing or schedule (including phasing, if applicable): [\[help\]](#)

Annual review of Chelan County Code

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [\[help\]](#)

N/A

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. [\[help\]](#)

N/A

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

N/A

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

[\[help\]](#)

Approval of Code Amendment by Chelan County

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) [\[help\]](#)

See attached.

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

N/A

B. Environmental Elements [\[help\]](#)

Does not apply -- nonproject action. See Section D.

1. **Earth** [\[help\]](#)

a. General description of the site: [\[help\]](#)

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____

b. What is the steepest slope on the site (approximate percent slope)? [\[help\]](#)

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. [\[help\]](#)

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. [\[help\]](#)
- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. [\[help\]](#)
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [\[help\]](#)
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? [\[help\]](#)
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: [\[help\]](#)

2. Air [\[help\]](#)

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. [\[help\]](#)
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. [\[help\]](#)
- c. Proposed measures to reduce or control emissions or other impacts to air, if any: [\[help\]](#)

3. Water [\[help\]](#)

a. Surface Water:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. [\[help\]](#)
- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. [\[help\]](#)
- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. [\[help\]](#)
- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. [\[help\]](#)

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. [\[help\]](#)

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. [\[help\]](#)

b. Ground Water:

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. [\[help\]](#)

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [\[help\]](#)

c. Water runoff (including stormwater):

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

2) Could waste materials enter ground or surface waters? If so, generally describe. [\[help\]](#)

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. [\[help\]](#)

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: [\[help\]](#)

4. Plants [\[help\]](#)

a. Check the types of vegetation found on the site: [\[help\]](#)

- ☐ deciduous tree: alder, maple, aspen, other
- ☐ evergreen tree: fir, cedar, pine, other
- ☐ shrubs
- ☐ grass
- ☐ pasture
- ☐ crop or grain
- ☐ Orchards, vineyards or other permanent crops.
- ☐ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☐ water plants: water lily, eelgrass, milfoil, other
- ☐ other types of vegetation

b. What kind and amount of vegetation will be removed or altered? [\[help\]](#)

c. List threatened and endangered species known to be on or near the site. [\[help\]](#)

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: [\[help\]](#)

e. List all noxious weeds and invasive species known to be on or near the site. [\[help\]](#)

5. Animals [\[help\]](#)

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. [\[help\]](#)

Examples include:

birds: hawk, heron, eagle, songbirds, other:
 mammals: deer, bear, elk, beaver, other:
 fish: bass, salmon, trout, herring, shellfish, other _____

b. List any threatened and endangered species known to be on or near the site. [\[help\]](#)

c. Is the site part of a migration route? If so, explain. [\[help\]](#)

d. Proposed measures to preserve or enhance wildlife, if any: [\[help\]](#)

- e. List any invasive animal species known to be on or near the site. [\[help\]](#)

6. Energy and Natural Resources [\[help\]](#)

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. [\[help\]](#)
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. [\[help\]](#)
- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: [\[help\]](#)

7. Environmental Health [\[help\]](#)

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. [\[help\]](#)
- 1) Describe any known or possible contamination at the site from present or past uses. [\[help\]](#)
 - 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. [\[help\]](#)
 - 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. [\[help\]](#)
 - 4) Describe special emergency services that might be required. [\[help\]](#)
 - 5) Proposed measures to reduce or control environmental health hazards, if any: [\[help\]](#)
- b. **Noise** [\[help\]](#)
- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? [\[help\]](#)

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. [\[help\]](#)

3) Proposed measures to reduce or control noise impacts, if any: [\[help\]](#)

8. Land and Shoreline Use [\[help\]](#)

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. [\[help\]](#)
- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? [\[help\]](#)
- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: [\[help\]](#)
- c. Describe any structures on the site. [\[help\]](#)
- d. Will any structures be demolished? If so, what? [\[help\]](#)
- e. What is the current zoning classification of the site? [\[help\]](#)
- f. What is the current comprehensive plan designation of the site? [\[help\]](#)
- g. If applicable, what is the current shoreline master program designation of the site? [\[help\]](#)
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [\[help\]](#)
- i. Approximately how many people would reside or work in the completed project? [\[help\]](#)

- j. Approximately how many people would the completed project displace? [\[help\]](#)
- k. Proposed measures to avoid or reduce displacement impacts, if any: [\[help\]](#)
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [\[help\]](#)
- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any: [\[help\]](#)

9. *Housing* [\[help\]](#)

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. [\[help\]](#)
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. [\[help\]](#)
- c. Proposed measures to reduce or control housing impacts, if any: [\[help\]](#)

10. *Aesthetics* [\[help\]](#)

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? [\[help\]](#)
- b. What views in the immediate vicinity would be altered or obstructed? [\[help\]](#)
- b. Proposed measures to reduce or control aesthetic impacts, if any: [\[help\]](#)

11. *Light and Glare* [\[help\]](#)

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? [\[help\]](#)
- b. Could light or glare from the finished project be a safety hazard or interfere with views? [\[help\]](#)

c. What existing off-site sources of light or glare may affect your proposal? [\[help\]](#)

d. Proposed measures to reduce or control light and glare impacts, if any: [\[help\]](#)

12. Recreation [\[help\]](#)

a. What designated and informal recreational opportunities are in the immediate vicinity? [\[help\]](#)

b. Would the proposed project displace any existing recreational uses? If so, describe. [\[help\]](#)

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: [\[help\]](#)

13. Historic and cultural preservation [\[help\]](#)

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe. [\[help\]](#)

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [\[help\]](#)

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [\[help\]](#)

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. [\[help\]](#)

14. Transportation [\[help\]](#)

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. [\[help\]](#)

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? [\[help\]](#)
- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? [\[help\]](#)
- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). [\[help\]](#)
- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. [\[help\]](#)
- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? [\[help\]](#)
- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. [\[help\]](#)
- h. Proposed measures to reduce or control transportation impacts, if any: [\[help\]](#)

15. Public Services [\[help\]](#)

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. [\[help\]](#)
- b. Proposed measures to reduce or control direct impacts on public services, if any. [\[help\]](#)

16. Utilities [\[help\]](#)

- a. Circle utilities currently available at the site: [\[help\]](#)
 electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
 other _____

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. [\[help\]](#)

C. Signature [\[help\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____

Name of signee Dimitri Mandelis

Position and Agency/Organization President, Computer 5 Inc., d/b/a LocalTel

Date Submitted: _____

D. Supplemental sheet for nonproject actions [\[help\]](#)

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

See attached addendum.

Proposed measures to avoid or reduce such increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

See attached addendum.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources?

See attached addendum.

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

See attached addendum.

Proposed measures to protect such resources or to avoid or reduce impacts are:

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

See attached addendum.

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

See attached addendum.

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

See attached addendum.

SEPA Checklist D: Supplemental Sheet for Nonproject Actions

Computer 5, Inc. d/b/a LocalTel ("LocalTel") submits this application as a request for amendment to the Chelan County Code (the "Code") to modify the application and review standards for installing and constructing wireless communication poles and towers throughout Chelan County. The proposed amendments are attached to the General Land Use Application Form in Addendum A, Exhibit A.

As more fully set forth in the Addendum A to the General Land Use Application Form, these amendments permit low impact wireless communication towers (as defined in the amendments) subject to specific standards to be approved upon limited administrative review, so long as all standards and criteria are met, with more impactful towers remaining subject to full administrative review (including thorough SEPA review) and, when appropriate, the conditional use permit process.

As a code amendment, adopting the code amendment, in and of itself, will have no effect on the environment whatsoever, as it is a non-project action not specifically related to any actual project or property. Nevertheless, if enacted, because the amendment continues to require proper SEPA review and formal County approval when applicable, there is expected to be no material impact on the environment. Specifically, the proposed amendment contemplates that only certain towers, those that are categorically exempt from SEPA, are subject limited administrative review. Because these towers are already categorically exempt from SEPA, it is expected that there will be no material impact on the environment from this permitting of these towers.

All other towers will remain subject to full administrative review and/or a conditional use permit, and because both of these forms of review require SEPA review and compliance, any potential environmental impacts associated with such towers will be subject to specific, project-level SEPA review, and will therefore not cause material adverse environmental impact. Any potential impacts will be subject to conditions of approval and/or mitigation measures, and as such all potential environmental impacts will be properly addressed at the time of application.

In short, because this code amendment does not alter the applicable SEPA review, it is not expected that adopting this amendment will have any impact on the environment or on any of the items identified in Section D 1-7.