EXHIBIT B
PROJECT NARRATIVE
CONDITIONAL USE PERMIT APPLICATION FOR
A NEW WIRELESS COMMUNICATIONS FACILITY
Submitted to the City of Mukilteo
May 20, 2014

1. GENERAL INFORMATION

Applicant/Lessor: The American Tower Corporation
Corporate Headquarters
116 Huntington Ave., 11th Fl.
Boston, MA 02116

Lessee/Operator: New Cingular Wireless PCS, LLC (AT&T)
19801 SW 72nd Avenue
Tualatin, OR 97062

Representative: Glotel, Inc.
Sunny Ausink, Land Use Planner
15400 SE 30th Place, Suite #101
Bellevue, WA 98007
Email: sausink@glotels.com
Phone: (206) 446-0448

Owner Information: Richard Kirk and Annemarie Farley
2605 Mukilteo Speedway
Mukilteo, WA 98275
(425) 750-3108

Project Address: 2605 Mukilteo Speedway
Mukilteo, WA 98215

Map & Tax Lot: 005911-00000801

Legal Description: Please see Exhibit 13 (Legal Description)

Comp. Plan Classification: Residential

Zoning District: RD7.5 (single-family residential district, 7,500 square feet minimum lot area)

Site Name: SN4931 75th St SW & 46th Ave W

Sunny Ausink, Glotel Inc., is submitting this application on behalf of American Tower Corporation, the Applicant ("ATC"), New Cingular Wireless PCS, LLC, the operator of the proposed wireless antennas and associated ground equipment ("AT&T"); and the underlying property owner, Richard Kirk and Annemarie Farley. For the purpose of this application, the term "Applicants" refers to ATC and AT&T collectively.
2. INTRODUCTION

In order to fill a significant gap in 4G LTE 1900 MHz coverage experienced by its customers mostly for the residential communities near the Mukilteo Chamber of Commerce and Olympic View Middle School. This site will also improve road coverage along portions of US Highway 525 (Mukilteo Speedway), 46th West, 48th Avenue West and 16th Street Southwest, the Applicants propose a new wireless communication facility (WCF) at 2605 Mukilteo Speedway. The property is zoned RD7.5 (Single Family Residential).

The proposed new facility meets AT&T's coverage objectives (providing outdoor, in-vehicle, and in-building coverage) within a geographic area not presently served by AT&T's existing network. See Exhibit 9 (RF Justification). As shown in this application narrative, AT&T’s proposal is the least intrusive means of extending AT&T’s service to fill its 4G LTE coverage gap. The proposal is the least invasive wireless facility design, a “monopine,” which is a stealth monopole designed to look like a pine tree. The WCF will be surrounded by a 6’ tall fence and vegetation. No other suitable structures or towers are available within the area necessary for AT&T’s network to seamlessly function. The proposed antenna tip height shown on the attached plans is the minimum necessary to meet this coverage objective while creating a facility that blends with the physical surroundings.

This proposal meets all of the City of Mukilteo’s criteria for siting a new wireless communication facility, including height and setbacks. AT&T respectfully requests that the City of Mukilteo approve the Conditional Use Permit for a new WCF as proposed.
3. PROPOSAL

3.1 Project Overview

The applicant proposes a new wireless telecommunications facility at 2605 Mukilteo Speedway, Mukilteo, Washington (the "Property"). The Property is zoned RD7.5 Single Family Residential and is currently developed with a residential structure.

The proposed WCF comprises a 125' tall monopine (120' tall monopole and an additional 5 feet of faux branches), an equipment shelter, and a back-up generator. ATC will lease a 50' x 50' area from the property owner in which to construct the proposed monopine, and ATC will sublease 12' x 26' within that area to AT&T for AT&T's ground equipment. The proposed AT&T ground equipment will consist of an equipment shelter and generator. The monopine is designed to accommodate AT&T's 12-panel antenna and at least 2 additional wireless providers. See Exhibit 4 (Site Plan). Access and utilities to the tower will be through the Property. The planned service coverage improvement is mostly for the residential communities near the Mukilteo Chamber of Commerce and Olympic View Middle School. This site will also improve road coverage along portions of US Highway 525 (Mukilteo Speedway), 46th West, 48th Avenue West and 16th Street Southwest.

The compound area will be surrounded by a 6' wood fence and a 10' landscape buffer on each side. The proposed equipment shelter is 11'-5" x 26'-0" x 10'-3". The proposed landscaping buffer will consist of thirty-eight (38) American Arborvitae at 5'-6' tall, four (4) Eastern Redcedar at 12' tall, and 1 gallon of Salal ground cover.

Under the Mukilteo Municipal Code, Section 17.16.040, WCF's are allowed in RD7.5 zones with a Conditional Use Permit.

3.2 System Information

AT&T is upgrading and expanding its wireless communications network to better serve Mukilteo, Washington, including the installation of the latest 4G LTE technology along Highway 525 (Mukilteo Speedway). Upon completion of this update, AT&T will operate a state-of-the-art digital, seamless network of wireless communications facilities throughout the proposed coverage area as part of its nationwide wireless communications network.

The need for service in this particular geographic area was determined by market demand, coverage requirements for a specific geographic area, and the need to provide continuous coverage from one site to another in a particular geographic region.

Once the need for additional coverage in a particular area has been established, AT&T's radio frequency ("RF") engineers perform an RF engineering study to determine the approximate site location and antenna height that is required to provide service in the desired coverage area. AT&T's RF engineers identify an area that is called a "search ring," where a site may be located in order to provide service in the desired coverage area. The RF engineer takes the following objectives into consideration when identifying the search ring:

1. Coverage. The antenna site must be located in an area where the radio frequency broadcasts will provide adequate coverage within the significant gap in coverage. The RF engineer must take into consideration the coverage objectives for the site as well as
the terrain in and around the area to be covered. Since radio frequency broadcasts travel in a straight line and diminish as they travel further away from the antennas, it is generally best to place an antenna site near the center of the desired coverage area. However, in certain cases, the search ring may be located away from the center of the desired coverage area due to the existing coverage, the surrounding terrain, or other features which might affect the radio frequency broadcasts like buildings or sources of electrical interference.

2. Clutter. AT&T’s antennas must “clear the clutter” in the area. The radio frequencies used in AT&T’s systems are adversely affected by trees, buildings, and other natural and man-made obstacles. AT&T’s radio frequencies do not penetrate mountains, hills, rocks or metal, and its radio frequencies are diminished by trees, brick and wood walls, and other structures. Therefore, AT&T’s antennas must be installed above or close to the “clutter” in order to provide high quality communications services in the desired coverage areas. In addition, if the local code requires us to accommodate additional carriers on the structure, the structure must be even higher in order to allow the other carriers’ antennas to clear the clutter as well.

3. Call Handoff. The antenna site must be located in an area where the radio broadcasts from this site will allow seamless call handoff with adjacent sites. “Call handoff” is a feature of a wireless communications system which allows an ongoing telephone conversation to continue uninterrupted as the user travels from the coverage area of one antenna site into the coverage area of an adjacent antenna site. This requires coverage overlap for a sufficient distance and/or period of time to support the mechanism of the handoff.

4. Quality of Service. Users of wireless communications services want to use their services where they live, work, commute and play, including when they are indoors. AT&T’s coverage objectives include the ability to provide indoor coverage in areas where there are residences, businesses and indoor recreational facilities.

5. Radio Frequencies used by System. The designs of wireless communications systems will vary greatly based upon the radio frequencies that are used by the carrier. If the carrier uses radio frequencies that are in the 850 MHz to 950 MHz range, the radio signals will travel further and will penetrate buildings better than the radio frequencies in the 1900 MHz band. As a result, the wireless communications systems that use the lower radio frequencies will need fewer sites than the wireless communications systems that use the higher radio frequencies.

6. Land Use Classifications. AT&T’s ability to construct a cell site on any particular property is affected by Washington State law and the City of Mukilteo’s policies and regulations.

AT&T’s coverage propagation software systems use these and other factors (type of antenna; antenna tilt, etc.) to predict the coverage that will be provided by the proposed site. The search ring used to identify the site of the proposed WCF is provided at Exhibit 8 (Search Ring).

This proposed project would allow AT&T to provide wireless communications service in the significant gap in coverage in this area, and allow for uninterrupted wireless service with fewer dropped calls,
improved call quality, and improved access to additional wireless services that the public now demands. This includes emergency 911 calls throughout the Mukilteo area.

### 3.3 Applicable Law

Federal, state and local laws will apply to this application.

Federal law, primarily found in the Telecommunications Act, acknowledges a local jurisdiction's zoning authority over proposed wireless facilities but limits the exercise of that authority in certain ways. Under the Telecommunications Act, the City of Mukilteo is prohibited from considering the environmental effects (including health effects) of the proposed site if the site will operate in compliance with federal regulations. 47 U.S.C. Section 332(c)(7)(B)(iv). AT&T has included with this application a statement from its radio frequency engineers demonstrating that the proposed facility will operate in accordance with the Federal Communications Commission's RF emissions regulations. See Exhibit 11 (Non-Ionizing Emissions Radiation Report) and Exhibit 15 (MPE Letter). Thus, this issue is preempted under federal law and any testimony or documents introduced relating to the environmental or health effects of the proposed site should be disregarded in this proceeding.

The Telecommunications Act also requires local jurisdictions to act upon applications for wireless communications sites within a "reasonable" period of time. The Federal Communications Commission ("FCC") has issued a "Shot Clock" rule to establish a deadline for the issuance of land use permits for wireless facilities. According to the FCC, a reasonable period of time for local government to act on wireless applications is 90 days for a co-location application and 150 days for all other applications. This time period includes all application notice and appeal periods. Therefore, under federal law, the reasonable time period for the City of Mukilteo's review of this application is 150 days.

In Washington, the State Environmental Policy Act (SEPA) provides a way to identify possible environmental impacts that may result from governmental decisions, including the issuance of permits for private projects and construction. Permits for new wireless communication facilities may be subject to SEPA review. The SEPA checklist, as provided by the City of Mukilteo, is included in this application package.

Under the City of Mukilteo code, new WCF’s that include support structures are subject to a Conditional Use Permit (CUP) and the State Environmental Policy Act (SEPA). A new WCF in an RD7.5 Single Family Residential zone is also subject to the Mukilteo Municipal Code (MMC) Sections of the Land Use and Zoning Code that address Wireless Communication Facilities: Section 17.16.010, et seq.
4. APPLICATION SUBMITTAL REQUIREMENTS

AT&T's proposal complies with all applicable requirements of the City of Mukilteo Municipal Zoning Code (MMC), at MMC Title 17. These requirements are addressed in the order laid out below.

**Chapter 17.13  LAND USE AND DEVELOPMENT REVIEW PROCEDURES**

17.13.030  Land use and development permit application.
17.13.040  Permit submittal requirements (major review)

**Chapter 17.16  PERMITTED, CONDITIONAL, TEMPORARY AND INTERIM USES**

17.16.040  Permitted Use Matrix.

**Chapter 17.64  CONDITIONAL USES AND VARIANCES**

17.64.010  Permitted conditional uses.
17.64.020  Performance regulations.
17.64.030  Compliance.

MMC requirements with respect to SEPA are addressed in a separate document at Exhibit 5 (SEPA Checklist).
Chapter 17.13 LAND USE AND DEVELOPMENT REVIEW PROCEDURES

17.13.030 Land use and development permit application.

A. Review of all permit applications related to a land use action, development of vacant land, redevelopment of land, changes in use or rezoning shall be carried out by the city planning, engineering, building, and fire departments.

B. Major Review. The following types of land use development permit applications shall be subject to the major review procedures of this chapter:

[Subsections 1–12 have been excluded from the analysis because WCFs are specifically called out in the code at Subsection 13.]

13. Attached and detached wireless communication facility applications;

[Subsections 14–17 have been excluded from the analysis because WCFs are specifically called out in the code at Subsection 13.]

C. Minor Review. The following types of land use development permit applications shall be subject to the minor review procedures of this chapter:

[These subsections are inapplicable because the proposed project is subject to major review.]
Table 1
Permit Review Process

<table>
<thead>
<tr>
<th>Procedural Step</th>
<th>Major Review</th>
<th>Minor Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application and submittals</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Determination of complete application</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Public notice</td>
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<td>Potentially$^1$</td>
</tr>
<tr>
<td>Notice of application</td>
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<td>No</td>
</tr>
<tr>
<td>Review by city departments for consistency and applicable outside agencies</td>
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<td>Yes</td>
</tr>
<tr>
<td>SEPA analysis</td>
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</tr>
<tr>
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<td>Construction notice</td>
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</tr>
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</table>

1. See Table 5 for types of permits that require a public notice.
2. See Chapter 17.84, Implementing the State Environmental Policy Act, and specifically Section 17.84.070, Flexible thresholds for categorical exemptions, to determine if SEPA review is required.
3. See Table 6 for types of permits that require a public hearing.

RESPONSE: The proposed project is a WCF subject to the major review procedures laid out in Table 1, above, including “notice of application” procedures as laid out in MMC 17.13.050.

D. Exemption. Because procedures for the review of shoreline permits are contained in Title 17B, Mukilteo Municipal Code, shoreline permits shall be exempt from the procedures listed in this chapter.

RESPONSE: The proposed project is not within a shoreline area. (See 17B.12.070 Shoreline maps.) Thus, MMC Title 17B does not apply and the proposed project will be reviewed using the procedures listed in this chapter (MMC Chapter 17.13).
E. Review Process. The land use development permit application review shall follow the underlying permit review process as described in the Mukilteo Municipal Code. Depending on the application, land use development permit application review may be administrative or require a public hearing by a city designated official, commission or board. In addition to the other requirements of this title, the land use development permit application shall only be approved after the project has been reviewed and approved by the City of Mukilteo planning, building, engineering and fire departments.

F. An approved land use development permit shall be issued by the city only after the proposal has met all the requirements of the Mukilteo Municipal Code. Any land use development permit approved pursuant to this code shall be commenced, performed and completed in compliance with the provisions and conditions of the permits under which the project was approved. The permit shall be valid as outlined in Table 2 from the date that the permit is approved.

G. An approved land use development permit shall expire and become null and void if a grading or building permit is not obtained within the required time frame.

[Table 2 has been excluded from this analysis because the permit(s) for the proposed project has not yet been approved.]

H. Minor modifications to the approved land use development permit may be authorized by the planning and community development director and/or public works director, or his/her designee. Major modifications shall be approved by following the original review and approval process. Major modifications shall be changes which add additional unmitigated impacts or changes which affect the conditions of the original approval.

I. All applications shall be submitted with the appropriate fees as established by city council resolution. The fees are necessary to reimburse the city for costs associated with processing permits including, but not necessarily limited to, staff time, postage, legal notices, paper, duplicating costs, and mileage.

RESPONSE: The applications associated with this proposed WCF have been submitted with the appropriate fees (as advised by the Mukilteo Planning Department in an email dated April 7, 2014):

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
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<tr>
<td>WCF Application</td>
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<td>Hearing Examiner Deposit</td>
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<td>SEPA Checklist</td>
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<td><strong>TOTAL</strong></td>
<td><strong>$7,544</strong></td>
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**17.13.040 Determination of a complete application.**

[The text of this section has been excluded from the analysis because this section outlines the procedure for determination of a complete application and does not require an applicant response. Table 3 of this section, which lists the documents required for a complete application, is addressed in the Response directly below.]

RESPONSE: The Applicants have reviewed the table that lists the Permit Submittal Requirements (Major Review) for this application (columns regarding Conditional Use Permits and Wireless...
Communication Facilities. All application requirements have been included in this application package. (This is Table 3 under the code, but is titled “Table 2” on the “Submittal Checklist” form provided by the City.)

Chapter 17.16 PERMITTED, CONDITIONAL, TEMPORARY AND INTERIM USES

17.16.040 Permitted Use Matrix.

A. Table 17.16.040

[Table 17.16.040 has not been copied into this document because its large size. Please see the code to view the full table.]

RESPONSE: Wireless communication facilities are categorized as “Utilities” under Table 17.16.040. Both detached and attached and detached WCFs in an RD 7.5 zone are allowed as a Conditional Use and are subject to the performance standards outlined in 17.16.040.B.37, addressed immediately below.

B. Reference Notes for Permitted Use Matrix.

[Subsections 17.16.040.B.1–36 have been excluded from this analysis because WCFs are specifically addressed at subsection 37.]

37. Wireless communications facilities shall meet the following performance standards:

a. Light industrial zoning: Detached WCFs located within four hundred feet of the Mukilteo Speedway in the light industrial district shall require a conditional use permit.

RESPONSE: Inapplicable. The proposed WCF is not within four hundred feet (400 feet) of the Mukilteo Speedway Light Industrial district. The proposed WCF is located in the RD7.5 Single Family Residential zone.

b. Separation distance: In all single-family residential and commercial districts, detached WCFs shall be separated by a distance equal to or greater than one thousand three hundred twenty linear feet. WCFs that are collocated upon a single support structure shall count as a single WCF for the purposes of this subsection.

RESPONSE: The nearest existing WCF is a T-Mobile tower that is 0.74 miles away—about 3,907 feet. Thus, the proposed, detached WCF is separated from the nearest WCF by a distance greater than one thousand three hundred twenty linear feet.

c. Setbacks: Attached and detached WCFs reviewed under this section shall not be located within any required setback areas; provided, however, the setback requirement for underground facilities shall be a minimum of five feet from any property line, except where:

i. Structures which exceed forty-five feet in height shall be set back from any lot line five feet more than that specified in the individual zone for every ten feet, or fraction thereof, over forty-five feet of height.
RESPONSE: The proposed WCF, located in an RD7.5 zone, will not be located within any required setback areas. The required setback for RD7.5 is 20 feet from the front and back property lines, and at least 5 feet from each side of the property line, where the setbacks on either side add up to at least 15 feet. The proposed 125' tall WCF is setback at least sixty-two feet (62') from any property line. See Exhibit 4 (Site Plan).

ii. The required setback, as listed above, may be reduced by the planning director, if the applicant can demonstrate to the planning director’s satisfaction that the reduced setback would result in a greater natural vegetative screening of the WCF than would have been provided by meeting the WCF development regulations.

RESPONSE: The Applicant is not requesting reduced setbacks.

iii. All equipment shelters, cabinets, or other on-the-ground ancillary equipment shall meet the setback requirements of the zone in which located, except that the rear setback requirement may be reduced to five feet if the structure meets all other standards.

RESPONSE: The equipment shelter for the proposed WCF, located in an RD7.5 zone, will not be located within any required setback areas. The proposed equipment shelter is set back at least twenty feet (20') from any property line. See Exhibit 4 (Site Plan).

d. Height: In single-family, multifamily residential, and public zones, the maximum combined height limit shall be sixty feet. In commercial and industrial zones the combined height of the WCF and any support structure shall not exceed eighty-five feet, except when colocation is specifically provided for, the combined height shall not exceed one hundred feet. The applicant shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs, which might result in lower heights. Utility poles, streetlights and traffic signals may be exempted from the height limitation at the discretion of the planning director. If additional height over that allowed in the zone is justified, it may be allowed through the conditional use permit process. Due to the proximity of Paine Field Airport to the city, all WCFs shall be approved by the Federal Aviation Administration (FAA) and the Snohomish County Airport at Paine Field to ensure that the facilities are not located within the airport’s restricted airspace.

RESPONSE: The proposed monopine is 125 feet tall, including a 120-foot antenna tip height and an additional 5 feet to allow the faux branches of the monopine to form a natural-looking taper at the top and blend in with the other tall trees on and near the property. See Exhibit 4 (Site Plan) and Exhibit 7 (Photo Simulations). The 120-foot antenna tip height of the proposed WCF is the minimum height necessary for AT&T to meet its coverage objectives. Please refer to Exhibit 9 (RF Justification). All other possible locations, colocations, and wireless technologies available have been exhausted. There are no existing towers within the search ring area. As shown in Exhibit 1, locating on nearby existing structures is not feasible because this would not provide coverage in the 4G LTE coverage gap. AT&T’s addition of the new technology proposed for this site will address its customers’ reported service issues in the area. (See also, Response to Subsection 17.16.040.B.37.m (special exceptions to design standards.))

This proposed WCF has been approved by the FAA and the Snohomish County Airport at Paine Field as demonstrated as Exhibit 6 (FAA Approval).
e. Landscaping: Equipment shelters and cabinets and other on-the-ground ancillary equipment shall be screened using Type I and ten feet of Type III landscaping around the enclosure in accordance with the requirements contained in Chapter 17.58, Landscaping, of the Mukilteo Municipal Code. Support structures shall be landscaped using Type I screening around the compound’s perimeter. Trees with significant height and fullness upon maturity shall also be used to visually screen the tower from adjacent properties.

RESPONSE: The proposed equipment shelter (11′-5″ x 26′-0″ x 10′-3″) will be screened using Type I and ten feet of Type III landscaping buffer. Please refer to Exhibit 4 (Site Plans – Sheet L-1, Landscaping Plan). The proposed 10-foot landscaping will go around the perimeter of the six feet (6′) tall fenced area and will consist of thirty (30) arborvitae at 5′ to 6′, (4) Easter Redcedar at 12′ tall, and several one-gallon Salal plants. Existing vegetation on the proposed site and proposed six feet (6′) will also help screen the base of the monopine and the proposed equipment shelter.

f. Lighting: Except as specifically requested by the Federal Aviation Administration (FAA), the Federal Communication Commission (FCC), and/or the Snohomish County Airport at Paine Field, transmission structures shall not be illuminated, except transmit equipment shelters may use lighting for security reasons as long as the light is shielded downward to remain within the boundaries of the site.

RESPONSE: The FAA has approved the proposed WCF on the condition that the monopine include lighting in accordance with FAA requirements (due to the WCF’s close proximity to Paine Field). The proposed lighting will Aviation Red Obstruction Lighting, in accordance to the FAA lighting requirements. This lighting will not cast shadows or illuminate the ground.

There is no lighting proposed for the ground equipment.

g. Concealment technology: All WCFs shall employ concealment technology in their design, construction, and maintenance and reduce the WCFs’ aesthetic impacts to the maximum extent possible. Such concealment technology shall include, at a minimum, the following:

i. All antenna support structures and antennas shall be painted a nonreflective color, approved by the planning director, which blends into the nearby surroundings of the WCF so as to minimize the visual impact of the support structure or antennas.

RESPONSE: The proposed WCF includes a monopine, which is designed to blend in with the existing tall pine trees in the immediate area. The monopine support structure and antennas will be painted green and the faux branches will be dark green. See Exhibit 7 (Photo Simulations) and Exhibit 14 (Photos of Existing Monopine Sites).

ii. New antenna support structures shall be located in such a manner that existing trees on the site are used to screen the WCF from view from roadways, residences, and other properties; provided, however, that all WCFs shall be designed in a manner which minimizes the need for removal of existing trees.

RESPONSE: The proposed WCF will blend in with the existing character of the site to the greatest extent possible and preserve existing vegetation. The Applicants propose removing four (4) existing trees, and will replace them within the proposed landscaping buffer. See Exhibit 4 (Site
Plan, Sheet L-1). The proposed WCF includes a monopine, designed to blend in with the existing tall pine trees in the immediate area. The WCF will be surrounded by a ten-foot (10') deep landscaping buffer with native vegetation. See Exhibit 7 (Photo Simulations).

iii. To the maximum extent possible, WCFs shall be designed to resemble an object other than a WCF which is already present in the local environment, such as a tree, a street light or a traffic signal. It may include the use of colors or materials to blend into the building materials from which a structure is constructed. Examples of concealment technology include, but are not limited to, the use of innovative site design techniques, existing or new vegetation and landscaping, paint and other surface treatments, alternative antenna configuration and/or selection, utilization of antenna support structures designed to resemble trees, and any other practice which screens the WCF from observation from roadways, residences, and other properties or otherwise has the effect of reducing the aesthetic impacts associated with the WCF.

RESPONSE: The proposed WCF includes a monopine, designed to blend in with the existing tall pine trees in the immediate area. Refer to Exhibit 7 (Photo Simulations).

h. Noise: No equipment shall be operated at a WCF (attached or detached) so as to produce noise in excess of the applicable noise standards under Chapter 8.18 of this code, except for in emergency situations requiring the use of a backup generator, where the noise standards may be exceeded on a temporary basis. Air conditioning and ventilation equipment associated with the ancillary equipment of the WCF shall be designed and configured in a manner so that noise impacts on adjacent properties with residential uses are minimized to the maximum extent practicable through the use of baffling and/or other noise attenuation techniques and that the noise levels generated by the ancillary equipment otherwise comply with applicable noise regulations adopted by the city. In descending order, preference shall be given to the following configurations of air conditioning and ventilation equipment: (1) orientation toward properties with nonresidential uses; (2) orientation toward streets; and (3) orientation toward the furthest residential use.

RESPONSE: Proposed WCF ground equipment will be contained within the proposed equipment shelter. Per Exhibit 10 (Noise Report), the proposed installation will comply with the maximum permissible noise levels of the zone. A generator will be used for back-up purposes only and will run for short periods of time during periodic testing. The average measured sound levels are 71.7 dBA at close proximity, but the generator will be housed inside a building and it is unlikely that the generator will be audible from neighboring properties.

i. Colocation: It is the policy of the city to minimize the number of detached WCFs and to encourage the colocation of more than one WCF on a single support tower. No new detached WCFs may be constructed unless it can be demonstrated to the satisfaction of the permit authority that existing support towers are not available for colocation of an additional WCF, or that their specific locations do not satisfy the operational requirements of the applicant. In addition, all detached WCFs shall be designed to promote facility and site sharing. All facilities shall make available unused space for colocation of other telecommunication facilities, including space for those entities providing similar, competing services. Colocation is not required if the host facility can demonstrate that the addition of the new service or facilities would impair existing service or cause the host to go off-line for a period of time. Nothing in this section shall prohibit the owner of an existing facility from charging a reasonable fee for colocation of other telecommunications facilities.
RESPONSE: The proposed WCF tower will provide for the colocation of two (2) additional carriers.

j. Abandonment and obsolescence: A WCF shall be removed by the facility owner within six months of the date it ceases to be operational or if the facility falls into disrepair.

RESPONSE: The WCF will be removed by the WCF within six months of the date it ceases to be operational or if the facility falls into disrepair.

k. Maintenance: All WCFs shall be maintained in good and safe condition and in a manner that complies with all applicable federal, state and local requirements.

RESPONSE: Applicant will maintain the WCF in a manner that is safe and will comply with all applicable federal, state and local requirements.

l. Electromagnetic emissions: All applicants shall demonstrate compliance with all applicable FCC regulations regarding the radio-frequency emissions of WCFs. If at any time radio frequency emissions exceed any of the standards established by the FCC, the applicant shall immediately discontinue use of the WCF and notify the city. Use of the WCF may not resume until the applicant demonstrates that corrections have been completed which reduce the radio-frequency emissions to levels permitted by the FCC.

RESPONSE: Proposed WCF complies with all applicable FCC regulations regarding radio-frequency emissions. Please refer to Exhibit 11 (NIER Report).

m. Special exceptions: When adherence to the development standards listed in this section result in a physical barrier which would block signal reception or transmission, or prevent service coverage in the targeted area, a special exception may be granted by the approval authority. When considering a special exception request, the permit authority shall consider:

i. The height of the proposed WCF shall be no greater than necessary to transmit and receive signals of an acceptable quality.

RESPONSE: The 120-foot antenna tip height of the proposed WCF tower is the minimum height necessary to provide AT&T with the coverage objective it needs for area. Refer to Exhibit 9 (RF Justification). (An additional 5 feet of height is required for the faux branches of the monopine to form natural looking taper, for a total height of 125 feet.) The proposed height will provide for colocation of additional carriers. (See also, Response to Subsection 17.16.040.B.37.d (height requirements), above.)

ii. The applicant has demonstrated that aesthetic impacts associated with the proposed WCF have been minimized to the maximum extent possible using concealment technology, site design, and/or architecturally compatible improvements to existing structures.

RESPONSE: As shown in Exhibit 4 (Site Plans) and Exhibit 7 (Photo Simulations), the proposed WCF is the least intrusive means of extending AT&T’s service to fill its 4G LTE coverage gap. The proposal is the least invasive wireless facility design, a “monopine,” which is a stealth monopole designed to look like a pine tree. This faux tree design will be less intrusive than a monopole tower, and the design will blend in with the existing surrounding trees. The WCF will
be surrounded by a 6-foot fence and vegetation. (See also, Response to Subsection 17.16.040.B.37.g (concealment technology requirements), above.)

iii. The levels, types, and availability of the telecommunications services proposed by the applicant are designed to serve areas primarily within the city.

RESPONSE: The proposed WCF will provide seamless 4G LTE coverage to the surrounding community. See Exhibit 9 (RF Justification). This includes more reliable wireless service indoors, outdoors, and in-vehicle for the City of Mukilteo.

iv. Alternative locations are not available for the proposed WCF.

RESPONSE: The lack of existing structures and towers restrict alternatives available for all wireless service providers seeking to provide coverage in the City of Mukilteo. AT&T's 4G LTE coverage gap is within a residential area with very few existing above ground structures suitable for a WCF installation. The nearest existing structure, a T-Mobile tower, is 0.74 miles away and will not provide AT&T with the needed coverage. Utility poles in the search ring are not tall enough to provide the desired coverage. See Exhibit 9 (RF Justification). The proposal is the least invasive wireless facility design, comprising a monopine and a 10-foot deep landscaping buffer.

n. Use of city right-of-way: Any telecommunications carrier who desires to construct, install, operate, maintain, or otherwise locate telecommunication facilities in, under, over, or across any public right-of-way of the city for the purpose of providing telecommunications services shall obtain permission from the city, authorizing use of the city right-of-way. WCFs attached to utility poles, streetlights and traffic signals may be exempted from the setback requirements at the discretion of the planning director.

RESPONSE: This proposal does not include a WCF in a city right-of-way. (Utility poles in the search ring are not tall enough to provide the desired coverage. See Exhibit 9 (RF Justification).)

o. Conditional use permit criteria: In addition to the performance standards listed in Section 17.64.020, a conditional use permit for a detached WCF shall only be approved if the wireless provider can demonstrate that no other attached WCF alternative(s) are available that can provide the same level of service coverage to the targeted area.

RESPONSE: The lack of existing structures and towers restrict alternatives available for all wireless service providers. The 4G LTE coverage gap is within a residential area with very few existing above ground structures suitable for a WCF installation. The nearest existing structure, a T-Mobile tower, is 0.74 miles away and will not provide AT&T with the needed coverage. Utility poles in the search ring are not tall enough to provide the desired coverage. See Exhibit 9 (RF Justification). The proposal is the least invasive wireless facility design, including of a monopine and a 10-foot deep landscaping buffer. Please refer to the Alternative Site Analysis Grid below.
**Alternative Site Analysis**

<table>
<thead>
<tr>
<th>Type of Property</th>
<th>Description</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Existing</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Structures</td>
<td>1       Existing T-Mobile tower 0.74 miles away</td>
<td>Located far away from the intended target area and terrain significantly impacts this site. Coverage as shown in Exhibit 9 (RF Justification: Exhibit D3).</td>
</tr>
<tr>
<td>Within or Near</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Search Ring</td>
<td>2       Utility Pole</td>
<td>Intended coverage area is significantly reduced due to lower antenna tip height even though this site is close to proposed site. Coverage as shown in Exhibit 9 (RF Justification: Exhibit D4).</td>
</tr>
<tr>
<td><strong>Rawland</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Within or Near</td>
<td>3       Existing Water Tank</td>
<td>Located far away from the intended target area, due to lower antenna tip height and terrain significantly impacts this site. Coverage as shown in Exhibit 9 (RF Justification: Exhibit D5).</td>
</tr>
<tr>
<td>Search Ring</td>
<td>4       Rawland Monopole in the PL Zone</td>
<td>As shown in Exhibit 9 (RF Justification), this site is in an industrial zone, but far away from the intended target area. Coverage from this site is shown at Exhibit D1 of Exhibit 9 (RF Justification). Terrain significantly impacts this site. It is ineffective as shown.</td>
</tr>
<tr>
<td></td>
<td>5       Rawland Monopole in the PL zone</td>
<td>As shown in Exhibit 9 (RF Justification), this site is in an industrial zone, but far away from the intended target area. Coverage from this site is shown at Exhibit D2 of Exhibit 9 (RF Justification). Terrain significantly impacts this site. It is ineffective as shown.</td>
</tr>
</tbody>
</table>

In summary, there are no other existing structures or rawland alternatives within or near the search ring that will meet AT&T's coverage objectives.

[Subsections 17.16.040.B.38–65 have been excluded from this analysis because WCFs are specifically addressed at Subsection 37.]
Chapter 17.64 CONDITIONAL USES AND VARIANCES

17.64.010 Permitted conditional uses.
Conditional use permits shall be granted or denied by the city after due consideration has been given to the performance standards set forth in this title and after the applicant has shown that the conditional use would not impinge on the health, safety, welfare, and rights of the residents of the city.

RESPONSE: The proposed facility is a passive use. There are no activities that will produce airborne emissions, odor, vibration, heat, glare, or noxious/toxic materials. The proposed conditional use will not be materially detrimental to the activities or property in the immediate vicinity of the subject Property. The proposed project is consistent with the Conditional Use criteria of the City of Mukilteo Municipal Code as it applies to wireless communication facilities. (See above, Responses to MMC 17.16.040.B.37.) The facility will blend in to the surrounding landscape, and will provide beneficial wireless communications service to the area.

17.64.020 Performance regulations.
The uses set out in the Permitted Use Matrix contained in Section 17.16.040 shall comply with the following standards and regulations in order to qualify for a conditional use permit:

A. All conditional uses must be in accordance with the goals and objectives of the comprehensive plan and they must not violate the purpose of the district in which they will locate.

Applicant’s responses to applicable comprehensive plan goals and objectives are below:

General Development Goal (GD) 3: Ensure compatibility of adjacent land uses through the use of buffers, landscaping, and quality building design to maintain property values, safe living environments, and the City’s unique identity and distinctive entryways.

RESPONSE: The proposal is for a new 125’ tall wireless communications facility. The proposed WCF is designed to blend in with the existing tall trees in the area and will be within a one thousand-square-foot (1000 s.f.), fenced compound and surrounded by a ten-foot (10’) landscaping buffer. The proposed equipment shelter within the fenced compound is approximately 12’-0”x 26’-0”. The proposed WCF is the minimum size for the proper functioning of the WCF and its equipment. It will be setback from Mukilteo Speedway. The design of the WCF, a monopine design, will blend in with the existing trees in the area.

GDS: Provide public infrastructure and services which are cost-effective, efficient, and sensitive to the environment; and which balance the use of private vehicles, cars/vanpools, public transit and non-motorized modes of transportation, including a comprehensive system of bicycle and pedestrian routes, for the movement of people and goods.

RESPONSE: Proposal is for an unstaffed WCF. No public infrastructure and services, cars/vanpools, non-motorized modes of transportation proposed. AT&T is currently upgrading
its wireless services system to provide state of the art 4G LTE technology across the region. The proposed project will fill a 4G LTE gap in Mukilteo, improving the speed and reliability of wireless service for AT&T customers. It will be beneficial to the community as it will provide seamless 4G LTE coverage to schools, police, and fire protection facilities and services in the surrounding area and the City of Mukilteo.

**GD6:** Protect and enhance the City’s critical areas, habitats, and shoreline management zones to support fish and wildlife resources and provide physical and visual access opportunities.

RESPONSE: The proposed use will not cause unreasonably adverse effects to critical areas, shoreline, wildlife habitat, and other sensitive areas. There is an existing development on proposed site. Proposal is on an existing developed residential property. No shoreline, wildlife habitat, and other sensitive areas were identified. A SEPA checklist has been provided for the City to review for any environmental impacts that may occur as a result of the proposal. See SEPA Checklist at Exhibit 5.

**Land Use Policy (LU) 18:** Ensure that all new development occurs in a manner consistent with all elements of the Comprehensive Plan, including capital facilities.

RESPONSE: The proposed project is particularly consistent with the Comprehensive Plan Elements described below, including the Capital Facilities Element:

Under the **General Development Element** the City of Mukilteo seeks to “provide[] its citizens with a good place to live, work, shop, and play while maintaining its single-family, owner occupied, residential character.” The proposed project is consistent with this element because it will strengthen wireless services that allow people and businesses to communicate with each other and use wireless data services that are crucial to modern day commerce. Stealth design will be consistent of residential character.

The **Land Use Element** of the Mukilteo Comp Plan, including its land use designations and zoning, addresses the City’s desire to “Develop a community which provides housing, job opportunities, and shopping places compatible with and complementary to the residential character of the neighborhoods and the quality of life of the City.” (LU1.) The proposed WCF is a monopine design, which will blend in with existing tall trees in the neighborhood. The proposed project is consistent with the Conditional Use criteria of the City of Mukilteo Municipal Code as it applies to wireless communications facilities. The facility will not be detrimental to the surrounding area because it is a passive use, will blend in to the surrounding landscape, and will provide beneficial wireless communications service to the area.

Under the **Transportation Element** of Mukilteo’s Comp Plan, the City is “committed to the development of a balanced transportation system providing a high level of accessibility by a variety of modes for all its citizens while minimizing or mitigating any environmental impacts it may cause.” The proposed project will forward this goal by providing higher quality wireless service, and thus allowing for greater opportunity to telecommute and work during off-hours, keeping commuters off the road during peak hours. This could ease traffic and reduce traffic-related pollution.
The City’s Municipal Growth Element, addresses the City’s goal to “Ensure compatibility of adjacent land uses through the use of buffers, landscaping, and quality building design to maintain property values, safe living environments, and the City’s unique identity and distinctive entryways” and “Promote a sustainable Mukilteo by balancing the needs of the environment and current population without jeopardizing future Mukilteans’ capability to meet their own needs.” (GD3 and G8.) The proposed WCF includes buffers, landscaping, and quality building design to help integrate WCF into existing landscape. The WCF will have minimal environmental impact while providing a vital service to Mukilteans’ need for reliable wireless.

The Economic Development Element addresses the City’s goals to “Promote economic development and redevelopment to provide for a tax base that is balanced so the tax burden is shared among residential, commercial and industrial properties” and to “Provide public infrastructure and services which are cost-effective, efficient, and sensitive to the environment.” The subject proposal will provide more reliable wireless network throughout Mukilteo, which is critical for businesses that use this for everything from ordering to processing credit card payments to emailing clients. Thus, the proposed WCF will support economic development while having minimal impact on the environment. The resulting improved speed and reliability of AT&T wireless service will provide seamless 4G LTE coverage to schools, police, and fire protection facilities and services in the surrounding area and the City of Mukilteo.

Under the Capital Facilities Element, the City’s policy is that “Capital facilities shall be planned to meet long-range needs. To the extent feasible facilities should be constructed in phases to meet growing demands so that they can be reasonably financed and to ensure that they are not overbuilt.” (CF2) The proposed project addresses the community’s long-range need and growing demand for wireless service. The installation of 4G LTE 1900 MHz at the proposed site will be critical when 2G/3G are phased out in the near future.

B. It must be demonstrated that all conditional uses if located as proposed would not be injurious or detrimental to the character of the zone or to its abutting or adjoining neighbors.

RESPONSE: The proposed conditional use will not be materially detrimental to the uses or property in the immediate vicinity of the subject property. The proposal is the least invasive wireless facility design, consisting of a monopole and will blend in with the existing surroundings. The compound will be surrounded by a 6-foot fence and vegetation. The proposed project is consistent with the Conditional Use criteria of the City of Mukilteo Municipal Code as it applies to wireless communication facilities. The facility will not be detrimental to the surrounding area as it is a passive use, will blend in to the surrounding landscape, and will provide beneficial wireless communications service to the area.

C. The conditional use must employ reasonable measures of fencing, buffering, traffic restraints, sign and light controls, and any other appropriate measures to protect the surrounding properties and adjoining districts.

RESPONSE: The proposed conditional use will employ reasonable measures to protect the surrounding properties and adjoining districts as follows:
**Fencing:** The proposed WCF will be contained within a secure, six-foot (6') fenced area, which will be locked and accessible only by authorized personnel.

**Buffering:** The proposed WCF will be surrounded by a ten (10') landscaping buffer, which will use native vegetation property and screen the fencing from view.

**Traffic restraints:** No traffic restraints are necessary because the proposed WCF is will be unstaffed and the only traffic generated by the completed WCF will be monthly visits by maintenance personnel using a single vehicle. The proposed WCF will not impact the traffic flow and control, emergency vehicle movement, access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities. No parking spaces will be removed.

**Signage & Lighting:** No large signage proposed. Warning signage for RF exposure will be proposed for the fence and the equipment area. Proposed FAA lighting is required due to close proximity to Paine Field.

**Design:** The proposal is the least invasive wireless facility design, consisting of a monopine. The compound will be surrounded by a 6-foot fence and vegetation and will blend in with the existing physical surroundings.

**Service:** The planned service coverage improvement is mostly for the residential communities near the Mukilteo Chamber of Commerce and Olympic View Middle School. This site will also improve road coverage along portions of US Highway 525 (Mukilteo Speedway), 46th West, 48th Avenue West and 16th Street Southwest.

D. **All conditional uses must have adequate site area to accommodate the use.** The minimum site area for a conditional use is no less than that permitted in the underlying district.

**RESPONSE:** The MMC does not provide a minimum site area for a WCF in an RD7.5 zone. The proposed lease area is 50' x 50', which is enough area to accommodate the base of the WCF support structure, AT&T's ground equipment, and ground equipment for 2 potential collocators.

E. **All conditional uses must conform to the dimensional regulations in the individual districts, except that additional restrictions may be imposed to ensure the uses are compatible within the district.**

**RESPONSE:** The MMC does not provide dimensional regulations for a WCF in an RD7.5 zone. The dimensions of the proposed WCF are addressed above, in the Response to MMC 17.16.040.B.37.

F. **All conditional uses having a site area in excess of one acre must provide a buffer of trees and shrubs around the perimeter of lots abutting a residential zone.**

**RESPONSE:** The proposed conditional use is within a 50' x 50' fenced, leased area, within a Residentially zoned property (RD7.5). The proposed 10-foot landscaping buffer will screen the fencing.
G. All applications for conditional uses must be accompanied by layout and development plans drawn to an appropriate scale which show at least the following:

1. Site plans showing landscaping, paving, parking, access, relationship of building to site, outdoor lighting, proposed fencing and topography;
   
   RESPONSE: Please refer to Exhibit 4 (Site Plans). The site plans show proposed landscaping, paving, parking, access, relationship to the site, proposed fencing, and topography.

2. Sections and elevations of proposed structure;
   
   RESPONSE: Please refer to Exhibit 4 (Site Plans), sheet A-3 Elevations

3. Vicinity map showing property, zoning and access;
   
   RESPONSE: Please refer to Exhibit 4 (Site Plans), Sheets T-1 and A-1.

4. Provision for sewage disposal, storm drainage and surface runoff.
   
   RESPONSE: The proposed WCF will not require sewage disposal. Any storm drainage or surface runoff from construction activities will be mitigated to the greatest extent possible. Potential for storm drainage or surface runoff will be minimized through the use of Best Management Practices (BMPs) specified in the project-specific Temporary Erosion and Sediment Control (TESC) plan, and implementation of Stormwater Pollution Prevention Plan (SWPPP). The TESC plan and the SWPPP will be implemented in the construction drawings at the time of the building permit application. A drainage report will be submitted at time of building permit application.

   The Applicants will prepare a storm water management plan upon request.

H. All conditional uses must comply with the parking regulations in Chapter 17.56.

   RESPONSE: No new parking is required or proposed. No parking spaces will be removed.

I. In the course of reviewing the conditional use permit application, the city staff may request a recommendation by the planning commission on matters under its permit authority related to the conditional use permit. The matters may include but are not limited to the comprehensive plan or the nature and intent of the zone in which the conditional use permit is requested.

   RESPONSE: The proposed project is compatible with the City of Mukilteo Comprehensive Plan and the intent of the RD7.5 Single-Family Residential Zone. Please see the Response to MMC 17.64.020.A, above.

17.64.030 Compliance.

A. A conditional use permit shall be declared void if there is a failure to comply with the approved plans or any special condition imposed on a conditional use permit.
RESPONSE: The proposed WCF will comply with the approved plans and any special conditions of approval imposed on the conditional use permit.

B. Modification of plans submitted and approved as part of the original application may be approved by the planning director or his/her designee provided the modification does not violate the original intent of the plan, the conditions of approval, or the public health, safety or general welfare.

RESPONSE: Any modification of plans submitted and approved will not violate the original intent of the plan, the conditions of approval, or the public health safety or general welfare.

Pre-Application Review & Staff Comments

Staff completed a pre-application review on April 7, 2014. Staff had the following comments regarding the City of Mukilteo Development Standards. (Staff comments are in bold and applicant responses are in italics.)

This proposal must provide technical evidence about why the additional height is required.

RESPONSE: The height of the proposed WCF tower is the minimum height necessary to provide AT&T with the coverage objective it needs for area. Refer to Exhibit 9 (RF Justification). The proposed height will provide for colocation for additional carriers. The visual impact of the WCF will be mitigated by its monopine design. See also, Responses to MMC 17.16.040.B.37.d and m.

Required for submittal:

- Provide a copy of FAA approval due to proximity to Paine Field.
  
  RESPONSE: Provided at Exhibit 6 (FAA Approval).

- Provide NIER and Noise to show compliance with Mukilteo codes.

  RESPONSE: Provided at Exhibit 11 (NIER Report) and Exhibit 10 (Noise Study).

- A copy of the draft lease or something in writing from the property owner that a lease is in process with the carrier and property owner prior to the public hearing.

  RESPONSE: Provided at Exhibit 12 (Draft Lease).

- Preserve as many existing trees as possible. If that is not possible, we will need to show replacements.

  RESPONSE: The Applicants propose removal of four (4) existing trees, but will preserve all other existing trees to the greatest extent possible. A landscaping buffer with native vegetation will help mitigate any tree removal (the buffer includes four (4) Eastern Redcedar trees specifically intended to offset the removal of the four (4) existing trees). See Exhibit 4 (Site Plans, Sheet L-1).
- Revise site plan to show topography lines, there appears to be a steep slope on property. Show the top of the slope, there is a minimum of 25’ setback from the top of the slope. The equipment and tower will need to be setback 25’ from the top of the slope.

   RESPONSE: Refer to Exhibit 4 (Site Plans – Sheet A-1). The proposed site plan shows the existing topography lines. As shown on the site plan, the proposed equipment and tower will be set back at least 25’ from the top of the steep slope.

- Provide RF justification of required height.

   RESPONSE: Refer to Exhibit 9 (RF Justification). The 120’ antenna tip of the proposed WCF tower is the minimum height necessary to provide AT&T with the coverage objective it needs for area. The proposed height will provide for colocation for additional carriers. The visual impact of the WCF will be mitigated by its monopine design.

- Photos of existing monopine sites. City wants to see what existing sites will look like.

   RESPONSE: Please refer to Exhibit 14 (Photos of Existing Monopine).

- Additional photo simulations at two locations east of the proposed site on 76th Street SW at 46th Place W. and at 48th Avenue W. These views will be important as property owners will want to see whether their views of the Sound will be affected from the hill.

   RESPONSE: Additional photo simulations have been revised showing the proposed views. Please refer to Exhibit 7 (Photo Simulations). It does not appear that views of Puget Sound will be obstructed by the proposed WCF. Additional photo simulations will be provided upon request.

No community meeting is required for this proposal. If there are comments from the public during the public notice period, the City will recommend a community meeting prior to the public hearing. No appointment required for intake.

5.  CONCLUSION

AT&T’s proposed new wireless telecommunications facility meets all requirements of City of Mukilteo’s land use ordinances. AT&T respectfully requests that the City of Mukilteo approve AT&T’s proposal as designed, subject only to the City of Mukilteo’s standard conditions of approval.