



**JULY RESUBMISSION – #CUP-22-0002**

**CITY OF WALLA WALLA**

**ATT WL4557 WALLA WALLA SITE**

**Property Address: 028 Sturm Avenue, WA 99362**

**Parcel Number: 360728140121**

**Date: July 28, 2023**

On behalf of New Cingular Wireless PCS LLC (AT&T), J5IP is submitting information per letter dated July 7, 2023, from Mr. Preston Frederickson, Development Services Director, City of Walla Walla. The following is the written description of the materials requested by staff followed by a response in ***bold italicized blue text***.

1. Walla Walla Municipal Code 20.170.070(A)(1) requires that *“Applications shall be required to provide documentation that comprehensive efforts to identify alternative locations were made.”*

The applicant has provided some documentation of its efforts to identify alternative location for the siting of its wireless facility including an “Alternative Site Analysis” provided on February 21, 2023. As stated verbally in the March 31, 2023, virtual meeting, it is staff’s position that this documentation does not adequately show the “comprehensive efforts” of the applicant. Thus, additional information and documentation showing the “comprehensive efforts” to identify alternative locations for the siting of its facilities must be provided by the applicant. Such information and documentation shall at a minimum include:

1. The name and title of the person(s) contacted.
2. Documentation on the method used to contact them (letters, phone, email, visit, etc.)
3. Date(s) of the contact(s)
4. How was this response documented (returned phone call, email, meeting)
5. Comprehensively described results of applicants attempts to identify alternative siting locations.

***Response: Please see revised Attachment 18 – Alternative Sites Analysis (Revised) addressing these requirements.***

2. WPMC 20.170.070(D)(a) requires the “wireless communication facility, antenna support structure and all related structures to be set back a distance equal to the height of the wireless

communication facility from the nearest residential property line.” As shown in the site plan, the proposed facility lies within 5 feet of the nearest northern residential property line. While the City understands that the subject property and northern property is owned by the Blue Mountain Church, it does not absolve the applicant’s responsibility to comply with this code requirement. If permitted as currently designed, should that northern residentially zoned property be subsequently sold and/or developed, the current site of the proposed wireless communication’s facility would create a non-conforming situation that the municipal code seeks to prevent. Therefore, staff will make a recommendation to the Hearing Examiner that the applicant be required as a condition of approval, elimination or moving of the northern property line, via a Boundary Line Adjustment land survey application to ensure that there is at least a 65-foot (based on the proposed height of the tower) setback from every residential property line.

***Response: The applicant and Church agree to this requirement and will proceed upon approval of this application.***

3. As previously noted, WWMC 20.170.070(D)(a) requires the “wireless communication facility, antenna support structure and all related structures to be set back a distance equal to the height of the wireless communication facility from the nearest residential property line.” The submitted site plan is currently drawn to show that only the fence is lying at 65 feet from the southern residential property line; however, the mono-pine structure is clearly hanging over the facility fence a certain unmeasured amount. The applicant must show the “drip line” of the proposed mono-pine on the site plan drawing and demonstrate that the entire wireless communications facility, which includes the entire mono-pine (measured from the drip line), is a minimum 65-foot setback from the residential property line.

***Response: The plans have been revised to have the “dripline” within the fenced area—which is set back a minimum of 65 feet from the south, east, and west property lines. As stated above, this setback requirement will be met to the north once the boundary line adjustment is completed by the applicant and landowner. Attachment 17 - Zoning Plan Set (Revised).***

4. WWMC 20.170.032(D) requires a site map showing the proposed facility from street level from North, South, East and West perspectives. The site plan map provided by the applicant only shows the North and West elevations. The applicant must provide the south and east elevations. All elevations must be proposed “as it will appear when completed, including any proposed features to conceal, camouflage, or visually blend the proposed facility into its surroundings” including landscaping. Landscaping for the proposed wireless communication facility was only shown in the aerial view plan. See paragraph 7 below for additional landscaping requirements.

***Response: Please see the additional elevations in the revised plan set. The new plan set shows elevations of the “Compound Only” and from the “Property Line” from the north, south, east, and west directions. Attachment 17 - Zoning Plan Set (Revised).***

5. The plan set provided by the applicant does not show the recommendations of the acoustical report mitigation conditions. The applicant must provide a revised site plan set that shows the landscaping and noise screening on the site plan to reflect compliance with the acoustical report

mitigation conditions. Staff recognizes that the noise mitigation proposed is to ensure compliance with the maximum allowable noise levels of WVMC 8.13. However, given the nature of the facility, its location within a residential zone, and the types of noises that will be emitted from the site, staff intends to recommend that, as a condition of Conditional Use Permit approval, the applicant must enclose the entire wireless communication facility with the noise mitigating wall and partial roof as proposed in the noise mitigation report, or enclose any noise emitting equipment in a permanent enclosed structure. This condition also ensures compliance with the development standards for screening and must be camouflaged to the greatest practicable extent to reduce visibility as viewed from any street or residential property and from the yards and main floors living areas of any residential properties as required in WVMC 20.170.080(A). Lastly, the staff recommendation is not only to mitigate noise conditions, but also a “visual mitigation tactic [...] to preserve neighborhood aesthetics and reduce visual clutter in the community.” WVMC 20.170.010(C). If the applicant wishes to propose an alternative design that meets both the noise and visual impact mitigation requirements of the municipal code, we will consider it.

***Response: Per several conversations with staff, we have revised the design to enclose the generator and equipment on four (4) sides that will be 6’ tall with a sloped partial FRP roof (4.5 feet) extending to a minimum of 10’-6” above grade.***

***With this mitigation design, the operation of the emergency generator, which is exempt from the noise code (WVMC 8.13.060), will meet the hourly code limits during emergency operations, during both the day and nighttime. See details in Attachment 11 – Noise Report (Revised). Furthermore, there is existing/proposed landscaping around the compound and along the perimeter (south and west) that will also dampen the amount of any noise from the project.***

***Finally, both the enclosure for noise mitigation and proposed landscaping (around the fenced lease area and along the east and south property lines) provide visual mitigation to maintain the character of the neighborhood. See especially the elevations in Attachment 17 – Zoning Plan Set (Revised).***

6. WVMC requires that all projects be designed to meet the Design Requirements of WVMC 15.04.005 and particularly for Seismic Design Category “D”. The proposed plan set shows the seismic design category as “C” and is designed in accordance with the 2018 International Building Codes. The applicant shall revise its plan sets to reflect the seismic design category “D” and ensure that the facility is designed to meet the currently adopted building codes when it applies for a building permit, should the Conditional Use Permit be granted. The applicant should note that the city anticipates adopting the 2021 buildings codes which will become effective October 29, 2023.

***Response: This revision has been made and is noted on the Title Sheet of the revised plan set.***

7. The applicant proposes landscaping in the form of evergreen bushes and trees as a method of concealment in order to minimize the visual effects of the proposed facility. WVMC 20.106.045(B) requires that any development which includes required landscaping, must provide for a permanent



irrigation system to ensure regular watering at least until the plantings have been adequately established. Such length of watering shall be determined by the City Arborist.

The applicant has proposed the planting of 21 evergreen trees with a 10' to 12' maximum height around the perimeter of the wireless communications facility and an additional 12 evergreen trees with a 30' 40' foot maximum height. Title 12.49, Urban Forestry Practices, of the WWMC requires a "biodiversity in the species, genus, and family of trees is extremely important to the overall health and longevity of a tree population since insects and diseases general impact certain tree species and their close relatives." However, the city understands from statements of the applicant at the March 29, 2023, meeting that evergreens were chosen because they keep their foliage year-round providing greater aesthetic and noise protection and deciduous trees drop leaves thereby reducing the mitigating effect. The city requests a statement of justification for why it has chosen the particular evergreen trees for the landscaping. Therefore, the proposed landscaping plan for the wireless communication facility shall be provided to and approved by the City Arborist as a condition of permit approval. The landscaping plan must meet the intent of the Urban Forest code as well as the aesthetic and visual impacts of the proposed Wireless Communication Facility. In any event all such plantings shall be performed in accordance with the city's arboricultural standards and specifications." See WWMC 12.49.110 and WWMC 20.160.045(C).

Lastly, WWMC 20.160.060 sets forth the maintenance requirements of landscaping and reads as follows:

WWMC 20.160.060 Maintenance Requirements.

- A. All shrubs, trees and vegetative material used in the screening or landscaping shall be perpetually maintained in a healthy, growing condition. Irrigation systems shall be kept operational. Dead, diseased or dying plant material shall be replaced immediately, and planting areas shall be maintained reasonably free of trash and weeds.
- B. Fences used in screening and landscaping shall be perpetually maintained in an attractive and structurally sound condition.
- C. A maintenance surety in the form of a bond or other security acceptable to the city covering twenty percent of the cost of the original plant materials in place may be required for one year following installation to ensure compliance with this code.
  1. If a maintenance surety is required under this section, the property owner shall provide the city with a nonrevocable notarized agreement granting the city and its agents the right to enter the property and perform any necessary work.
  2. The maintenance surety may be used by the city to perform any maintenance, and to reimburse the city for documented administrative costs associated with the maintenance activity.
  3. Upon completion of the one-year maintenance period, the city shall promptly release the maintenance surety or any remaining portion thereof.

The applicant shall ensure compliance with these maintenance and surety requirements for the landscaping as a condition of the Conditional Use Permit.



*Response: We spoke with the city's arborist at length to determine how to approach the landscaping for this project and to meet the abovementioned requirements. As such, we reviewed the different plant materials that would match up to the objectives of blending with the existing vegetation and providing a sufficient screen. It was also noted that the approval of a final landscape plan needed to coincide with available species at the local nurseries. This plant material must be set aside (purchased) so that the plans reflect what is being placed onsite. Thus, we have purposely kept the actual proposed plants generic until we have an approved project. We do know that new evergreen vegetation along the perimeter will be better screen year-round. There are some existing deciduous trees already, and the new evergreen material will complement it. The applicant is prepared to work with staff and the forester on the actual plant material (from the Mid-Columbia Forestry Council list) on the proper species and mix of trees based on availability and will show all details in a final landscape plan.*

*It is also the intent to keep a solid screen around the perimeter of the fenced lease area. This will help reduce any negative aesthetic impacts—especially when the existing deciduous trees lose their leaves in the Fall. We discussed this with the arborist, and it was suggested not to plant arbor vitae because it is not hardy enough in many cases. Again, the actual plant material that will be proposed on the final plans will come in coordination with staff and the forester using the recommended species mix listed in the Mid-Columbia Forestry Council recommendations and what is available at the nurseries.*

*As it relates to WWMC 20.60.060, we have noted this requirement on the plans (Sheet L-1) and the applicant/proponent is in full agreement and will be compliant with the code.*

*See Attachment 17 – Zoning Plan Set (Revised) for details.*

It is anticipated that these requirements will be established as State Environmental Policy Act (SEPA) mitigation measures and/or recommended conditions for the Conditional Use Permit which is issued by the Hearing Examiner.

Thank you for your time and consideration on the request. Enclosed are the following replacement/additional attachments to AT&T's application:

- 1 – Narrative (Revised)
- 2 – Statement of Compliance (Revised)
- 11 – Noise Report (Revised)
- 15 – RF Justification (Revised)
- 17 – Zoning Plan Set (Revised)
- 18 – Alternative Sites Analysis (Revised)
- 19 – AT&T RF Safety Information (New)

**J5 INFRASTRUCTURE PARTNERS**

*Phil Kitzes*

Phillip Kitzes, Project Manager I