



**State Environmental Policy Act SEPA
Mitigated Determination of Non-Significance (MDNS)
File# CUP-22-0002
SEPA File# SEP-22-0020**

Date of Issuance: August 31, 2023

Lead Agency: City of Walla Walla Development Services

Agency Contact: Jon Maland, AICP Senior Planner 509-524-4710

Agency File Number: File# SEP-22-0020, CUP-22-0002

Description of

Proposal: The applicant is requesting a Conditional Use Permit for the construction of a new wireless communication facility (cellular tower) to include a 65-foot monopine (stealth technology) and accessory equipment.

Location of

Proposal: 928 Sturm Avenue, APN 36072814021

Proponent:

J5IP, on behalf of New Cingular Wireless PCS, LLC
23035 SE 263rd Street, Maple Valley, WA 98038

This Mitigated Determination of Non-Significance (MDNS) is issued after using the optional DNS process in WAC 197-11-355. The Notice of Application with Optional Threshold Determination was issued on December 1, 2022. The lead agency, the City of Walla Walla is distributing this MDNS per WAC 197-11-355(5).

Per RCW 36.70B.110(6)(b) this Mitigated Determination of Non-Significance is issued at least fifteen days prior to the public hearing on the proposal. The public hearing shall be open to consideration of the environmental impacts of the proposal. The public hearing will be held on the application by the City of Walla Walla Hearing Examiner on Thursday, September 21, 2023, at 6:30 P.M. at City Hall in the Council Chambers, 2nd Floor; 15 N. 3rd Avenue, Walla Walla, WA (N. 3rd Avenue and Rose Street). Members of the public may also attend and participate in the public hearing virtually, by using this Zoom meeting link: <https://bit.ly/46A7Kzh> or calling: 253-215-8782 and entering meeting ID: 89901286999

The City of Walla Walla Development Services has determined that this proposal will not have a probable significant adverse impact on the environment. Pursuant to WAC 197-11-350(3), the proposal has been clarified, changed, and conditioned to include necessary mitigation measures to avoid, minimize or compensate for probable significant impacts. An environmental impact statement (EIS) is not required under RCW 43.21C.030. In making this determination, existing development regulations

SEPA Mitigated Determination of Non-Significance (MDNS)
File# CUP-22-0002, SEPA File# SEP-22-0020

including the following environmental documents have been reviewed, which are available for viewing at the Development Services Department at 55 East Moore Street, Walla Walla, WA 99362:

- The Walla Walla Comprehensive Plan, Walla Walla 2040, and Final Environmental Impact Statement issued May 22, 2018. The relevant content of these documents is briefly described as an Environmental Impact Statement for the Walla Walla Comprehensive Plan which evaluates proposed actions, alternatives, and environmental impacts of activities allowed by the Walla Walla Comprehensive Plan & Environmental Impact Statement.
- Proponent Application materials, including:
 - SEPA environmental checklist, dated June 20, 2022 (Amended February 17, 2022)
 - Environmental Technical Memo, Dated January 2023
 - Geotechnical Engineering Evaluation Report, Dated April 20, 2021, revised August 1, 2023
 - NIER RF Emissions Compliance Report, February 16, 2023
 - Phase 1 Environmental Assessment, Dated February 24, 2021.
 - Soil Resistivity Survey, Dated April 18, 2021
 - Acoustical (Noise) Report, Dated May 11, 2023.
 - AT&T RF Justification, Dated July 2023
 - Radio Frequency Compliance, Dated May 26, 2022

This determination is based on the following findings of fact and conclusions of law:

FINDINGS OF FACT:

- Application filing date: November 7, 2022.
- Date the application was determined to be substantially complete: November 28, 2022.
- Description of the proposed action: The applicant is requesting a Conditional Use Permit for the construction of a new wireless communication facility (cellular tower) to include a 65-foot monopine (stealth technology) and accessory equipment.
- Comprehensive plan map designation for the location: Residential
- Zoning map designation for the location: Neighborhood Residential
- The Notice of Application with Optional Threshold Determination was issued on December 1, 2022, which stated the SEPA responsible official expected to issue a Determination of Non-Significance.
- The Notice of Application comment period concluded on December 20, 2022.
- The City of Walla Walla Hearing Examiner will conduct a Public Hearing for the Conditional Use Permit for this proposal at the date, time, location, and manner described above.

SEPA Mitigated Determination of Non-Significance (MDNS)
File# CUP-22-0002, SEPA File# SEP-22-0020

- Per Walla Walla Municipal Code 21.08.135.A. “such hearing shall be open to consideration of the environmental impact of the proposal”
- Per RCW 36.70B.110(6): “ A local government shall integrate the permit procedures in this section with environmental review under chapter 43.21C RCW”.

CONCLUSIONS OF LAW AND SEPA DETERMINATION:

The Responsible Official has determined that a Mitigated Determination of Non-Significance (MDNS) shall be issued. That the proposal does not have a probable significant impact on the environment, and an Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c), only if the following below described conditions are met. This decision was made after review of a completed environmental checklist, other information on file with the City of Walla Walla, and existing development regulations. This information is available to the public on request. The mitigation measures are required as authorized under the substantive authority of SEPA in accordance with the guidelines contained in Chapter 21.08 WWMC and shall be implemented by the applicant and property owner should the conditional use permit be approved by the Hearing Examiner:

1. All permits and approvals must be obtained, and construction must begin, within one year from the date of conditional use permit approval pursuant to WWMC 20.224.065.
2. The applicant and property owner shall meet the municipal code requirement that 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 property line (See WWMC 20.170.070(D)(a). As the proposed tower is 65-feet, the applicant and property owner shall, as a condition of approval, eliminate or move the north property line, via a Boundary Line Adjustment land survey application to ensure that there is a least a 65-foot (based on the proposed height of the tower) setback from every residential property line.
3. The development of the wireless communication facility, antenna support structure and all related structures shall be carried forth as represented in the application, specifications, and site plan and construction drawings submitted incident to its application and the representations made at the public hearing.
4. Final building permit approval will only be granted upon satisfactory evidence that the wireless communication facility, antenna support structure and all related structures was installed in substantial compliance with the approved plans and photo simulations. If it is found that the installation of the wireless communication facility, antenna support structure and all related structures, does not substantially comply with the approved plans and photo simulations, the applicant shall

SEPA Mitigated Determination of Non-Significance (MDNS)
File# CUP-22-0002, SEPA File# SEP-22-0020


immediately make any and all such changes required to bring the facility into compliance.

5. A proposed landscaping plan for the wireless communication facility shall be provided to and approved by the City Arborist as part of the building permit application. The landscaping plan must meet the intent of the Urban Forest Code (WWMC 12.49), address the aesthetic and visual impacts of the proposed wireless communication facility as required by WWMC 20.170. Applicant shall also comply with the Landscaping and Screening requirements of WWMC Chapter 20.106, and more particularly the surety and maintenance requirements of that Chapter. The applicant shall also be required to provide a permanent irrigation system to ensure regular watering of the landscaping at least until the plantings have been adequately established. Such length of watering to ensure planting establishment shall be determined by the City Arborist.

Responsible official: J Preston Frederickson, Director

Address: City of Walla Walla
Development Services Department
55 E. Moore Street
Walla Walla, WA 99362

Issue Date: August 31, 2023

Signature:  **Date: August 31, 2023**

Appeal information is addressed in City of Walla Walla Municipal Code (WWMC) 21.08.170. Appeal rights are outlined within WWMC Chapter 20.38 and other code provisions referenced therein. Please contact City of Walla Walla Development Services at (509) 524-4710 to read or obtain a copy of this section of the Municipal Code.