



Richland

## NOTICE OF DECISION

PURSUANT TO RICHLAND MUNICIPAL CODE SECTIONS 19.60.080 & 23.46.050, NOTICE IS HEREBY GIVEN THAT THE RICHLAND HEARING EXAMINER HELD A PUBLIC HEARING ON JUNE 10, 2024, TO CONSIDER AN APPLICATION SUBMITTED BY LES COOLEY, SAGE HILL FOR A SPECIAL USE PERMIT TO ALTER THE APPEARANCE OF AN EXISTING STEALTH CELLULAR SERVICE MONOPOLE. ALTERATIONS INCLUDE REDUCING THE OVERALL HEIGHT FROM 80 FEET TO 70 FEET TALL AND ADDING A PLATFORM AND ANTENNA AROUND THE EXTERIOR OF THE POLE. THE PROJECT SITE IS LOCATED ON ASSESSOR'S PARCEL NUMBER 102983020732045. ON JULY 30, 2024 THE EXAMINER ISSUED A WRITTEN DECISION TO APPROVE SPECIAL USE PERMIT # 2024-101.

**REQUEST:** Special Use Permit to alter the appearance of an existing stealth cellular service monopole. alterations include reducing the overall height from 80 feet to 70 feet tall and adding a platform and antenna around the exterior of the pole.

**LOCATION:** 1515 George Washington Way, Parcel Number 102983020732045

**DESCRIPTION OF ACTION:** Request approved subject to the conditions as enumerated in the Hearing Examiner's written decision, attached below.

**SEPA REVIEW:** The above referenced action was reviewed in compliance with the requirements of the State Environmental Policy Act (RCW 43.21c). A SEPA Threshold Determination of Non-Significance was issued by the City of Richland on June 3, 2024 after utilizing the Optional DNS Method.

**APPEAL PROCEDURES:** This Special Use Permit is a Type II Permit action under RMC 19.20.010.B.9. RMC 19.70.010 explains that project permit applications shall be appealable as provided in the framework in RMC 19.20.030, which provides that Type II Permit decisions are not subject to a closed record appeal before the City Council but may be appealed to Superior Court. RMC 19.70.060, captioned "Judicial appeals", reads as follows:  
*Except in the event of legal authority providing for a different appeal process, the city's final decision on an application may be appealed by a party of record with standing to file a land use petition in Benton County superior court. Such petition must be filed within 21 days of issuance of the decision, as provided in Chapter 36.70C RCW.*

**DATE OF DECISION:** August 1, 2024

Mike Stevens  
Planning Manager

August 2, 2024  
Date

**BEFORE THE HEARING EXAMINER  
FOR THE CITY OF RICHLAND**

Regarding an Application for a Special )  
Use Permit to modify an existing )  
wireless communications facility (80' )  
monopole), reducing overall height to )  
70', eliminating current equipment )  
concealment by installing a platform and )  
antenna around the exterior of the )  
monopole to accommodate new service )  
needs, located in the C-2 (Retail )  
Business) Zone, submitted by )  
Lester Cooley, of Sage Hill permit )  
consulting firm, on behalf of )  
**VERIZON WIRELESS,** )  
Applicant, )

**File No. SUP 2024-101**

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW, AND DECISION**

*(The site is located at 1515 George Washington Way, Van  
Giesen Street, Parcel No. 102983020732045, in the City of  
Richland)*

**I. SUMMARY OF DECISION.**

The applicant met its burden of proof to demonstrate that its Special Use Permit application to modify its existing 80-foot tall wireless communications facility (monopole), by reducing height to 70', adding a platform and antenna around the exterior of the monopole to accommodate changes in service needs since the original structure was installed, located in the C-2 (Retail Business) Zone, merits approval, subject to appropriate conditions of approval.

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WIRELESS COMMUNICATIONS FACILITY  
(MONOPOLE TOWER) ON PROPERTY IN THE C-2  
ZONE – FILE NO. SUP 2024-101**

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**HEARING EXAMINER FOR THE CITY OF RICHLAND**  
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1 **II. BACKGROUND and APPLICABLE LAW.**

2 In this matter, the Hearing Examiner has jurisdiction to conduct an open record public  
3 hearing and issue a Decision regarding the pending application for a Special Use Permit  
4 (SUP) authorizing a substantial change to an existing monopole in a C-2 (Retail Business)  
5 zoning district. *See RMC 23.46.025(A)(6), RMC 23.46.060, and RMC 23.62.020.*

6 The applicant bears the burden of proof to show that its application conforms to the  
7 relevant elements of the city’s development regulations and comprehensive plan, and that  
8 any significant adverse environmental impacts have been adequately addressed. RMC  
9 19.60.060.

10 Chapter 23.62 RMC is designated as the City of Richland’s “wireless  
11 communications facilities chapter,” the purpose of which is “to minimize the unsightly  
12 characteristics associated with wireless communications facilities and to provide for a wide  
13 range of locations and options for wireless communications providers and to encourage  
14 creative approaches in locating wireless communications facilities, which will blend in with  
15 the surroundings of such facilities.” *RMC 23.62.010.*

16 There is no dispute that the applicant’s proposed modifications to its existing 80’  
17 monopole tower – to reduce height to about 70’, install a platform and antenna around the  
18 monopole, which would no longer conceal antenna equipment as on the existing structure –  
19 qualifies as a “Substantial Change” to the existing monopole facility, triggering the need for  
20 a Special Use Permit. (See RMC 23.62.020, definition of “Substantial Change”, which  
21 means: “... a modification that substantially changes the physical dimensions of an eligible  
22 support structure if it meets any of the following criteria: [...] E. It would defeat the  
23 concealment elements of the eligible support structure.”; and Staff Report, page 2). Major  
24 changes to a previously approved special use permit shall be considered as a new application  
25 for an SUP. (*See RMC 23.46.075(A), re: Modification of special use permits.*)

26 Specific Development Standards apply to all monopole towers in the City of  
Richland, whether they are permitted outright or when a special use permit it required. Those  
standards are found at RMC 23.62.050, and read as follows:

**RMC 23.62.050 Development standards for monopoles and lattice towers.**

A. All monopoles and lattice towers exceeding 60 feet in height shall be designed to  
accommodate two or more wireless communications facilities.

B. Macrofacilities are the largest wireless communications facilities allowed on a monopole

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1 or lattice tower. Antennas not exceeding 15 feet in height which extend above the wireless  
2 communications support structure shall not be calculated as part of the height of the wireless  
3 communications support structure.

4 C. On monopoles, antennas and antenna arrays together with any associated antenna mount  
5 shall be designed utilizing the narrowest dimensions possible, and in no instance shall they  
6 extend further, as measured horizontally, from the centerline of the monopole than a distance  
7 of 15 feet.

8 D. On lattice towers, antennas and antenna arrays together with any associated mounts shall  
9 extend no further, as measured horizontally, than 15 feet from the portion of the lattice tower  
10 to which the antennas are mounted.

11 E. Co-location on an existing support structure shall be permitted.

12 F. The shelter or cabinet, if necessary, used to house radio electronics equipment and the  
13 associated cabling connecting the equipment or cabinet to the monopole or lattice tower shall  
14 be concealed, camouflaged or underground.

15 G. When a monopole or lattice tower is adjacent to a suburban agricultural (SAG), single-  
16 family residential – 12,000 (R-1-12), single-family residential – 10,000 (R-1-10), medium-  
17 density residential (R-2), medium-density residential small lot (R-2S) or multiple-family  
18 residential (R-3) zoning district, the wireless communications support structure must be set  
19 back a distance equal to twice the height of the wireless communications support structure  
20 from the nearest residential lot line.

21 H. All monopoles and lattice towers shall be lighted and painted, if necessary, in accordance  
22 with Federal Aviation Administration regulations.

23 RMC 23.46.040 specifies the hearing process and criteria that must be satisfied by an  
24 applicant to obtain a Special Use Permit, and reads as follows:

25 **23.46.040 Hearings – Findings – Conditions.**

26 The hearing body shall conduct an open record public hearing on an application for special  
use permit as required by RMC Title 19 for a Type III permit application.

A. Any person may appear at the public hearing in person, or by agent or attorney.

B. The hearing body shall make a finding that it is empowered under the section of this code  
described in the application to consider the application for the special use permit.

C. The hearing body shall approve, approve with conditions or deny an application for a  
special use permit based on findings of fact with respect to the following criteria:

1. The size and dimensions of the site provide adequate area for the proposed use;

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1 2. The physical conditions of the site, including size, shape, topography, and  
2 drainage, are suitable for the proposed development;

3 3. All required public facilities necessary to serve the project have adequate  
4 capacity to serve the proposed project;

5 4. The applicable requirements of this zoning regulation (RMC Title 23), the city  
6 comprehensive plan, the city sensitive area regulations (RMC Title 20), the city  
7 shoreline management regulations (RMC Title 26) and the city sign regulations  
8 (RMC Title 27) have been met; and

9 5. Identified impacts on adjacent properties, surrounding uses and public facilities  
10 have been adequately mitigated.

11 D. The hearing body may impose conditions on the approval of a special use permit in  
12 addition to or above and beyond those required elsewhere in this title, which are found  
13 necessary to ensure the use is compatible with the public interest. These conditions may  
14 include, but are not limited to, the following:

- 15 1. Limiting the hours, days, place and/or manner of operation;
- 16 2. Requiring design features which minimize environmental impacts such as noise,  
17 vibration, air pollution, glare, odor and/or dust;
- 18 3. Requiring additional setback areas, lot area and/or lot depth or width;
- 19 4. Limiting the building height, size or lot coverage, and/or location on the site;
- 20 5. Designating the size, number, location and/or design or vehicle access points;
- 21 6. Requiring street right-of-way dedication and/or street improvement;
- 22 7. Requiring additional landscaping, berms and/or screening of the proposed use  
23 and/or its parking or loading areas and designating the required size, height, type  
24 and/or location of fencing and landscaping materials;
- 25 8. Limiting the number, size, location, height and/or lighting of signs.

26 E. Violation of any conditions, requirements, and safeguards, when made a part of the terms  
under which the special use permit is granted, shall be deemed a violation of this code and  
punishable under RMC 23.70.270.

F. The hearing body may prescribe a time limit within which the action for which the special  
use permit is required shall be begun and/or completed. Failure to begin and/or complete such  
action within the time limit set shall void the special use permit. The time limits may be  
extended by the hearing body for good cause shown. In the event that no specific time limit  
to begin or complete a special use permit is identified, then the special use permit shall remain

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valid for a period of two years from the date that the permit was issued. The hearing body may authorize issuance of a special use permit for a specified probationary period of time, at the termination of which the applicant must resubmit a new application in accordance with the provisions of RMC 23.46.020.

Finally, RMC 23.62.070 mandates the following, additional, and specific review criteria for monopoles such as that proposed in this matter:

**RMC 23.62.070 Special use permit criteria for monopoles and lattice towers.**

Requests for special use permits shall be considered in accordance with the provisions of Chapter 23.46 RMC. In addition to the provisions of Chapter 23.46 RMC, the following specific criteria shall be met before a special use permit can be granted:

**A. Visual Impact.**

- 1. Antennas may not extend more than 15 feet above their supporting structure, monopole, lattice tower, building or other structure.
- 2. Site location and development shall preserve the pre-existing character of the surrounding buildings and land uses and zone district to the extent consistent with the function of the communications equipment. Wireless communications towers shall be integrated through location and design to blend in with the existing characteristics of the site to the extent practical. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.
- 3. Accessory equipment facilities used to house or contain wireless communications equipment should be located within buildings when possible. When they cannot be located in buildings, equipment shelters or cabinets shall be screened and landscaped.
- 4. All monopoles and lattice type facilities shall be screened with trees, shrubs and landscaping planted in sufficient depth to form an effective and actual sight barrier within five years. Said landscaping shall have a minimum mature height of eight feet.

**B. Noise.** No equipment shall be operated so as to produce noise in levels above 45 dBA as measured from the nearest property line on which the attached wireless communications facility is located.

**C. Availability of Suitable Existing Towers or Other Structures.** Applications for a special use permit shall reasonably demonstrate that alternatives such as lower structures that are permitted without special use permit or other existing support structures are not capable of accommodating the applicant’s needs. Evidence and information shall be submitted to establish the following:

- 1. Permitted shorter support structures are not of sufficient height to meet the applicant’s engineering requirements.

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1 2. No existing support structures are located within the geographic area required to meet  
the applicant's engineering requirements.

2 3. Existing support structures do not have sufficient structural strength to support the  
proposed antenna and related equipment.

3 4. The applicant's antenna would cause electromagnetic interference with antennas on  
4 the existing support structures, or the antenna on the existing support structures would  
cause interference with the applicant's proposed antenna.

5 5. The fees, costs, or contractual provisions required in order to share or adapt an  
6 existing support structure for sharing are unreasonable. Costs exceeding new tower  
development are presumed to be unreasonable.

7 6. The applicant demonstrates that there are other limiting factors that render existing  
8 towers and structures unsuitable.

9 **III. QUESTION PRESENTED.**

10 Whether the application for a Special Use Permit satisfies the approval criteria set  
11 forth in applicable city codes and regulations, particularly RMC 23.46.040(C) and the  
12 specific requirements for wireless communications facilities found in Chapter 23.62 RMC?

13 Short Answer: Yes, subject to specific conditions of approval.

14 **IV. RECORD AND EXHIBITS.**

15 Exhibits entered into evidence as part of the record, and an audio recording of the  
16 public hearing, are maintained by the City of Richland, and may be examined or reviewed by  
17 contacting the City Clerk's Office.

18 **Hearing Testimony:** The following individuals presented testimony under oath at the  
19 duly noticed public hearing for the underlying application, held on June 10, 2024:

- 20 1. Kyle Hendricks, Planner, for the City of Richland. Mr. Hendricks  
21 summarized the Staff Report, existing site conditions that would change and  
22 those that would stay the same, staff analysis of proposal, suggested  
23 conditions, and his recommendation of approval. Mr. Hendricks did not  
object to the applicant's request to waive a noise study requirement, given  
existing noise generated around the site by traffic, air conditioner equipment,

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and the like; and

2. Les Cooley, the applicant's agent and hearing representative, explained his client's reasons for requesting changes to the existing tower, generally accepted the Staff Report analysis and recommended conditions, except for a possible noise study, arguing that the project will have no adverse noise impacts, given that background noise at the site exceeds noise generated by the wireless facility, noting traffic sounds from George Washington Way.

**Exhibits:** The Development Services Division Staff Report, including a recommendation of approval, was provided to the Examiner in the week before the hearing. The Staff Report, and the following Exhibits, were all accepted into the Record in their entirety without modification:

1. Application Materials
2. Site Plan
3. SEPA Checklist
4. EA2024-113, SEPA Determination of Non-Significance (DNS) issued for proposal
5. Public Notice and Affidavits
6. Agency Comments

The Examiner visited the road network and vicinity of the proposed Special Use Permit in the weeks following the public hearing, and is fully advised on matters at issue herein, including without limitation applicable law, application materials, and relevant codes.

## V. FINDINGS OF FACT.

Based upon the record, the undersigned Examiner issues the following Findings of Fact.

### ***Jurisdiction***

1. As required by RMC 23.46.040(B), the Examiner expressly finds that he is empowered by RMC 23.46.025(A)(6), RMC 23.46.060, RMC 19.20.030, RMC 23.62.020(E), and RMC 23.46.075(A) to consider this pending application for a special use permit to make a major modification (aka substantial change) to an existing 80-foot tall wireless communications facility (monopole tower) on a portion of private property located in the C-2 (Retail Business) zoning district.

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1  
2 ***Application, Public Notice, and Review***

3 2. In April of 2024, agents for the applicant, Verizon Wireless, submitted an application  
4 for a Special Use Permit (“SUP”) needed to undertake a substantial change, aka major  
5 modification, to an existing 80-foot monopole tower on a portion of C-2 Zoned property  
6 located in the City of Richland. *Staff Report, page 10; Exhibit 1, application materials.* Staff  
7 determined the application materials to be complete in the following month, when Staff  
8 issued, posted, and mailed a Notice of Application, Public Hearing and Environmental  
9 Determination (an Optional DNS). *Staff Report pages 9-10; Exhibit 6.*

10 3. As part of the SUP review, the applicant filed a completed SEPA Checklist disclosing  
11 various project features that could impact aspects of the surrounding environment. *Exhibit 3.*  
12 Staff reviewed the completed checklist and issued a Determination of Non-Significance for  
13 the underlying SUP application. *Exhibit 4, DNS.* No one offered comments or questions  
14 challenging the DNS issued for the pending proposal.

15 4. Following issuance of notices inviting comments from agencies, surrounding  
16 property owners, and members of the public, no one submitted any written comments  
17 questioning or opposing the pending application. There was no evidence showing that the  
18 location of the modified tower proposal would be contrary to site location preferences  
19 currently codified in portions of the City’s specific development regulations for  
20 telecommunications equipment such as that proposed herein. For instance, monopoles up to  
21 80 feet in height may be permitted in the parks and public facilities (PPF), business commerce  
22 (B-C), central business district (CBD) and retail business (C-2) zoning districts subject to  
23 issuance of a special use permit. (*See RMC 23.62.060(A), re: Permitted zones for monopoles  
24 and lattice towers*). This application would *reduce* the tower height to about 70-feet, and add  
25 antenna equipment to provide better service and satisfy customer needs that have changed  
26 since the existing tower was constructed. There is no dispute that the proposed tower location  
is entirely within a property zoned C-2, so this requested special use permit and conditions  
are intended to assure that the applicant’s facility will not be detrimental to the surrounding  
area and uses.

20 ***Proposal description and location.***

21 5. The Special Use Permit addressed in this decision would authorize the applicant,  
22 Verizon Wireless, to modify and implement a substantial change to its existing 80-foot tall  
23 monopole tower. The project site is located at 1515 George Washington Way, on Parcel No.  
102983020732045.

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1 6. The existing 80' monopole tower generally conceals antenna equipment, but customer  
2 needs have changed since its installation, resulting in the applicant's current proposal to  
3 substantially change the existing tower, lowering height to about 70', adding a platform and  
4 new antenna equipment around the exterior of the monopole. (*Staff Report, page 2; Ex. 1,*  
*Application materials*).

5 7. The project site is located along one of the City's busiest traffic corridors, along  
6 George Washington Way, just north of the intersection with Torbett Street, South of Van  
7 Giesen Street. The surrounding area includes a number of commercial businesses, including  
8 small retail, with a car wash to the east along Van Giesen. (*Site visits; Findings for 2023*  
*SUP issued by the Examiner for Dish Wireless facility to the east on Van Giesen*).

9 8. The site of the proposal covers a small portion of the existing lot, which is currently  
10 used for The Franklin studio apartments and La Bella Vita restaurant, sharing the same  
11 building. The fenced area where the existing stealth monopole stands is to remain unchanged  
12 and is located near the southwest corner of the building. (*Staff Report, page 6; Site Visit*).

13 9. Based on a site visit by Planning Staff on May 29<sup>th</sup>, the existing ground story  
14 equipment is sheltered in a small building and is screened from view with a six-foot-tall fence  
15 and a reasonable amount of vegetation. Staff could not discern any specific sounds coming  
16 from the equipment. Staff observed that the nearby air conditioning units and George  
17 Washington Way traffic were substantially louder. (*Staff Report, page 6*).

18 10. The lot is almost entirely flat and not within any critical areas or parts of the City's  
19 shoreline jurisdiction. (*Id.*).

20 11. The site of the existing stealth monopole is located a reasonable distance from any  
21 nearby property boundaries. The nearest property boundary is approximately 50 feet to the  
22 south, where a small shopping and office center is located. To the west, approximately 280  
23 feet away, a variety of residential uses, like apartments and townhomes, stand. The eastern  
24 property boundary is approximately 200 feet from the site, with Jefferson Elementary and an  
25 early learning center across George Washington Way. The northern property boundary,  
26 shared with Rite Aid, is approximately 320 feet from the site area. (*Staff Report, page 6; Site*  
*visit*).

**Noise.**

12. Part of reviewing a project of this sort involves consideration of potential noise  
impacts on the surrounding area. (*See RMC 23.62.070(B), "No equipment shall be operated*

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1 so as to produce noise in levels above 45 dBA as measured from the nearest property line on  
2 which the wireless communications facility is located.”). For comparison purposes, the  
3 Examiner takes notice of the Washington State Department of Ecology online FAQ providing  
4 General Noise Pollution Information, which provides the following list of common noise  
5 levels:

- 6 • Airport plan take-off - 120dB
- 7 • Rock concert - 105dB
- 8 • Lawn Mower - 100dB
- 9 • Blender - 90dB
- Garbage disposal - 80dB
- **Traffic noise - 70-80dB**
- Vacuum - 70dB
- Office - 60-65dB
- Library - 35dB
- Breathing - 10dB

10 9. Again, the Staff Report explains that the existing ground equipment is sheltered and  
11 screened from view, and that Staff could not discern any specific sounds coming from the  
12 ground equipment, noting that the nearby air conditioning units and traffic from George  
13 Washington Way was substantially louder. (*Staff Report, page 6*).

14 10. The record is absent any evidence that the existing ground equipment has ever  
15 violated existing city noise standards, and there are no code violation reports included in this  
16 record for the applicant’s existing facility.

17 11. In good faith, Staff proposed a condition of approval, wherein the applicant would  
18 submit noise measurements from property lines, generally in accord with City noise  
19 regulations found in RMC 23.62.070(B), to confirm that noise produced by the ground  
20 equipment does not exceed 45 dBA. (*Staff Report, page 13*).

21 12. At the public hearing, the applicant’s agent, Mr. Cooley, asked that the proposed noise  
22 reading measurement condition be waived, given the higher noise levels generated by traffic  
23 in the area. Staff did not object, based on their own observations at the site, described on  
24 page 6 of the Staff Report.

25 13. The Examiner finds and concludes that a noise study, or special noise measurements  
26 for the applicant’s existing ground equipment, is unnecessary and should be waived, given  
the fact that existing noise levels where the ground equipment is located appear to exceed 45  
dBA, caused by traffic on surrounding streets and HVAC equipment operating on surrounding

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1 buildings not associated with Verizon’s small facility. As noted above, general traffic noise  
2 levels are much higher than 45 dBa, at 70-80 dB.

3 13. Based on a preponderance of evidence in this record, the Examiner finds and  
4 concludes that the existing (and mostly unchanged) ground equipment with fencing and  
5 landscape plants will not be operated in a manner that results in noise levels above 45 dBA  
6 as measured from the nearest property line, because noise at such level is already drowned  
7 out by ambient traffic noise levels.

8 14. Additional mitigation to reduce noise levels for the existing ground equipment would  
9 probably not be noticed on surrounding properties. If on-site uses and surrounding traffic  
10 conditions should change dramatically in the coming years, and ambient noise levels in the  
11 area drop below the 45 dBA threshold, then the Planning Director may find cause to pursue  
12 a code violation matter and/or impose additional noise mitigation measures as a corrective  
13 action for on-site mechanical equipment operated under this Special Use Permit, including  
14 replacement with quieter equipment, construction of a 6 to 8 foot CMU block wall around  
15 the equipment cabinet with substantial perimeter landscape plantings, or other measures  
16 similar to those used in connection with permitting other telecommunication facilities in other  
17 parts of the City where noise levels are much lower than the current project site.

18 *As conditioned, the application satisfies approval criteria.*

19 15. The Staff Report and application materials include substantial, un rebutted evidence  
20 demonstrating and explaining how the pending application, subject to appropriate conditions  
21 of approval, can satisfy applicable approval criteria, including without limitation RMC  
22 19.60.095, 23.46.040, 23.62.050 and .070. Except as modified in this Decision, the Examiner  
23 adopts all findings and statements of fact included in the Staff Report and exhibits referenced  
24 therein as findings of fact supporting issuance of the requested permit.

25 16. In this matter, substantial evidence in the record demonstrates how the application  
26 meets the City’s zoning and specific development regulations applicable to wireless  
communications facilities.

17 17. Any factual matters set forth in the foregoing or following sections of this Decision  
18 are hereby adopted by the Hearing Examiner as findings of fact, and incorporated into this  
19 section as such.

20 18. Based on the record, the applicant demonstrated its special use permit application  
21 merits approval, meeting its burden of proof imposed by RMC 19.60.060.

22 **FINDINGS OF FACT, CONCLUSIONS AND**  
23 **DECISION RE: VERIZON WIRELESS**  
24 **APPLICATION FOR A SPECIAL USE PERMIT TO**  
25 **MODIFY AN EXISTING 80-FOOT TALL**  
26 **WIRELESS COMMUNICATIONS FACILITY**  
**(MONOPOLE TOWER) ON PROPERTY IN THE C-2**  
**ZONE – FILE NO. SUP 2024-101**

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**HEARING EXAMINER FOR THE CITY OF RICHLAND**  
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19. Approval of this special use permit will not and does not constitute, nor does it imply any expectation of, approval of any administrative permit or subsequent reviews that may be required for construction or other activities on the site of the special use permit.

## VI. CONCLUSIONS OF LAW and DISCUSSION.

1. Based on a preponderance of evidence in the Record, and all findings set forth above, the Examiner concludes that the applicant has met its burden to demonstrate that the pending application for a special use permit, as conditioned, meets all applicable review and approval criteria, including without limitation those found in RMC Chapter 23.62 and 23.46.040.
2. No one submitted comments questioning the SEPA DNS issued for this project, so there is no basis to exercise substantive SEPA authority to order mitigation measures beyond those needed to comply with applicable development regulations.
3. No one offered expert or qualified consultant reports or testimony that would serve to rebut or question the credibility or reliability of information and evidence provided in the application materials.
4. As conditioned, the proposed modification to the applicant's existing tower facility merits approval.
5. Any findings or other portions of this Decision that are deemed conclusions of law are hereby adopted as such and included in this section.

## VII. CONDITIONS OF APPROVAL.

Based on the record and authority specifically granted under applicable city codes, including without limitation RMC 23.46.040(D), the Examiner hereby imposes the following conditions on the approval for the pending special use permit in addition to or above and beyond those required elsewhere in the city's municipal code, specifically finding that such conditions are necessary to ensure the proposed use is compatible with the public interest, and are consistent with Conditions imposed on similar projects in recent years:

1. Construction pursuant to the special use permit shall be completed within 1 year of the date of issuance of the special use permit notice of decision. For good cause, the Planning Manager shall have discretion and authority to grant an extension not to exceed an additional

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1 year.

2. The project shall be developed in substantial conformance with the site development plans on-file, particularly those submitted with the special use permit application included in the Record as Exhibit 2, subject to revisions that may be approved by the Planning Manager to ensure compliance with standards found in RMC 23.62.070.

3. Noise produced by on-ground equipment authorized by this permit shall not exceed 45 dBA or the average ambient sound levels measured at the nearest property line(s), whichever is higher. If current conditions change, so that noise generated by Permittee's ground equipment exceeds such level at property line(s), the Planning Manager shall have full discretion and authority to require sound mitigation measures that must be implemented in order for this permit to remain valid. Failure to implement such measures in a timely manner shall be grounds for revocation of this permit.

4. Signage shall be limited to safety signs or those mandated by other government entities. No other signs are permitted on the telecommunications facility.

5. For the duration of this permit, all ground equipment, including shelter(s) and fencing associated with same, and all vegetation planted to provide screening and sound reduction for this facility, shall be properly maintained, with plants in a live and healthy condition. The Planning Manager has full discretion and authority to mandate replacement or proper maintenance in order to assure this condition is satisfied going forward.

6. Future alterations to the wireless facility shall be reviewed by the Planning Department for general consistency with the special use permit and applicable city telecommunications facility regulations.

7. The applicant shall provide the City of Richland Planning Department with 24-hour contact information for maintenance related matters to be kept in the master file and provided to the public upon request. Said maintenance contact information shall be posted on the exterior of the ground-level equipment enclosure or gate.

8. Consistent with RMC 23.62.100, the wireless communications facility authorized by this permit, including all supporting structures and equipment, 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.

9. Violation of any condition of approval shall be deemed a violation of City codes, including without limitation RMC 23.46.040(E), and punishable under RMC 23.70.270.

*\*End of Conditions.*

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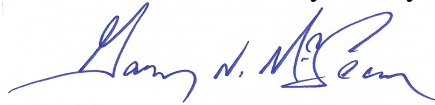
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**VIII. DECISION.**

Based upon the preceding Findings, Conclusions and Conditions of Approval, the Verizon Wireless Special Use Permit application to modify its existing 80-foot tall monopole tower, is hereby APPROVED, as conditioned herein. Consistent with RMC 23.46.060, this Decision authorizes the City’s administrative official to issue a special use permit, subject to the applicant’s compliance with the above-referenced Conditions of Approval.

ISSUED this 30<sup>th</sup> Day of July, 2024



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Gary N. McLean  
Hearing Examiner

**FINDINGS OF FACT, CONCLUSIONS AND  
DECISION RE: VERIZON WIRELESS  
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### Opportunity to Appeal

RMC 19.20.030 details the project permit application framework for various Types of Project Permits. The chart provided in RMC 19.20.030 shows that Type II Permits, which include Special Use Permits issued by the Hearing Examiner (see RMC 19.20.010), *are not* subject to an open record appeal hearing or a closed record appeal hearing before the City Council but are instead subject to Judicial Appeal.

RMC 19.70.060, captioned “Judicial appeals”, reads as follows: *“Except in the event of legal authority providing for a different appeal process, the city’s final decision on an application may be appealed by a party of record with standing to file a land use petition in Benton County superior court. Such petition must be filed within 21 days of issuance of the decision, as provided in Chapter 36.70C RCW.”*

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