



# MEDINA, WASHINGTON

## HEARING EXAMINER

A Remote Public Hearing

Wednesday, April 16, 2025 – 10:00 AM

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### AGENDA

#### Virtual Hearing Participation

The scheduled public hearing will be held using remote meeting technology. Please either log in or call in a few minutes prior to the start of the meeting to participate. If a person does not have access to or is unable to attend the virtual hearing online, then please contact the staff contact below by Friday, April 11, 2025 by 4:00 p.m. to allow sufficient time for the City to set up access to the virtual public hearing at City Hall. Written comments may still be submitted prior to the hearing by emailing Jonathan Kesler, AICP, Planning Manager, at [jkesler@medina-wa.gov](mailto:jkesler@medina-wa.gov). Written comments are given the same weight as verbal public testimony.

#### **Join Zoom Meeting:**

<https://medina-wa.zoom.us/j/84156817656?pwd=AaiSlyPxvLiKCWxFdbD7GYFXFLB.1>

Meeting ID: 841 5681 7656

Passcode: 150912

Dial by your location:

- +1 253 215 8782 US (Tacoma)

#### **Public Hearings:**

**NOTE:** *The Hearing Examiner has the discretion to limit testimony to relevant non-repetitive comments and to set time limits to ensure an equal opportunity is available for all people to testify.*

#### **PRE-DECISION HEARING:**

**File Nos.:** P-24-034 Non-Administrative Special Use; P-24-035 Non-Administrative Variance; P-24-036 SEPA Threshold Determination

#### **Applicant or**

**Agent:** VB BTS II, LLC (Vertical Bridge) and T-Mobile West LLC (T-Mobile), collectively Applicants

**Property Owner:** Bellevue School District, #405

**Representative:** Chris DeVoist, Technology Associates, EC Inc., representing Applicants

**Proposal:** Request for SEPA Threshold Determination (P-24-036) in conjunction with a Non-Administrative Special Use to allow modification of an existing wireless facility with a pole replacement (P-24-034). The Applicant also seeks a Non-Administrative Variance (P-24-035) to the 35-foot height limitation to remove the originally approved 65' tall stealth canister pole and replace it with a new 70' tall "monopine" faux tree pole.

**Site address:** 7800 NE 28<sup>th</sup> St., Medina, WA 98039; Parcel # 242504-9104

**Descript./Tax Lot:** GPS Coordinates: 47.636558, -122.238294; Tax Parcel # 242504-9104

**Prepared by:** Dawn Reitan, Asst. City Attorney and Jonathan G. Kessler, AICP, Planning Manager for the City of Medina

## **PART 1 – GENERAL INFORMATION**

**Zoning:** Parks and Public Places (Public)<sup>1</sup>

**Comprehensive Plan Designation:** School/Institution

**Shoreline Environment Designation:** N/A

**Critical Areas:** Geologically Hazardous Area (landslide hazard area)

**Environmental (SEPA) Review:** The Responsible Official issued a Revised Determination of Nonsignificance (Revised DNS) on March 12, 2025. No comment was received by the City, and the Revised DNS was not appealed

### **Exhibits:**

1. Staff Report, dated April 9, 2025
2. Legal Notices:
  - a. Notice of Complete Application, dated October 14, 2024
  - b. Notice of Application ("NOA"), dated October 24, 2024; Declaration of Mailing, dated 10/24/24; Declaration of Posting; Declaration of Publication 10/24/24
  - c. Notice of Revised NOA, March 12, 2025; Declaration of Mailing, dated 3/12/25 Declaration of Posting; Declaration of Publication 3/12/25
  - d. Notice of Determination of Significance ("DNS"), dated March 3, 2025; Declaration of Mailing, dated 3/25/25; Declaration of Posting; Declaration of Publication 3/3/25
  - e. Notice of Revised DNS, issued and published on March 12, 2025 (with withdrawal of original DNS on March 12, 2025); Declaration of Mailing, dated 3/12/25; Declaration of Posting; Declaration of Publication 3/12/25
  - f. Notice of Virtual Public Hearing, dated March 17, 2024; Declaration of Mailing, dated 3/17/25; Declaration of Posting; Declaration of Publication

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<sup>1</sup> Medina Municipal Code ("MMC") Table 16.20.010 Comprehensive Plan and Zoning).

3. City of Medina Revised Determination of Nonsignificance, issued March 12, 2025
4. Project Narrative Non-Administrative Variance Application, US-WA-7001 Evergreen Point – School Dist. (T-Mobile SE2481B)
5. Project Narrative Non-Administrative Special Use Permit Application US-WA-7001 Evergreen Point – School Dist. (T-Mobile SE02481B)
6. SEPA Submittal Statement – Supplemental SEPA Checklist Submittal – US-WA-7001 Evergreen Point – School Dist. (T-Mobile SE02481B)
7. SEPA Environmental Checklist
8. Statement of Code Compliance – WCF Non-Administrative Variance Permit Application – US-WA-7001 Evergreen Point – School Dist. (T-Mobile SE02481B)
9. Statement of Code Compliance – WCF Non-Administrative Special Use Application - US-WA-7001 Evergreen Point – School Dist. (T-Mobile SE02481B)
10. Non-Administrative Special Use Permit Checklist & Application
11. Non-Administrative Variance Checklist & Application
12. Site Plan
13. Plan Set
14. Signed property owner declaration of agency
15. Historic Reference Documentation (Original Determination of Nonsignificance (DNS), dated December 20, 2016
16. Proof of ownership deed, dated August 31, 1960
17. Photograph simulation Location Map, Evergreen PT SE02481B
18. Mailing label maps, provided by Applicants
19. Mailing labels in word format
20. Non-Ionizing Electromagnetic Exposure Analysis Engineering & Certification Report (NEIR), dated August 3, 2021
21. T-Mobile FCC licenses (to be used at this facility)
22. Radio Frequency (RF) engineering analysis need letter for replacement of an existing canister pole with a replacement monopine, dated June 25, 2024
23. Map of all T-Mobile facilities in and within 1 mile of Medina
24. City of Medina pre-application correspondence (emails dated September 25, 2025 and September 13, 2023)
25. City of Medina Hearing Examiner Findings, Conclusions, and Decision (T-Mobile No. PI-16-034, PL 16-036), dated January 1, 2017
26. Letter from T-Mobile to Medina Mayor and City Council, dated June 28, 2024
27. Revised SEPA Checklist, date submitted June 27, 2024; revised January 13, 2025
28. Revisions Corrections Needed for P-24-035, dated November 14, 2024
29. Revisions Corrections Needed for P-24-036, dated November 4, 2024
30. Signing authority for Jack McLeod, dated September 27, 2024
31. Supp. information – Cover Letter – Request for Monopine Examples and Design Alternatives, dated January 31, 2025
32. Supp. information - Requested Monopine Examples, dated January 31, 2025
33. Supp. Information – Photo-simulation Stealth Cannister
34. Supp. Information – Photo-simulation Non-Stealth Structure
35. T-Mobile comment, Emails dated January 14, 2025 and January 14, 2025

36. Statement of Code Compliance – WCF Non-Administrative Variance Permit Application, US-WA-7001 Evergreen Point – School Dist. (T-Mobile SE02481B)
37. Response Memo – Non-Administrative Variance Application – First Review Comment Letter (Nov. 2024), dated January 31, 2025
38. Letter from T-Mobile – Proposed replacement of canister pole with monopole – Supp. RF Analysis – Height Justification for Replacement Structure, dated January 31, 2025
39. Revised Non-administrative Variance Checklist and Application, dated January 3, 2025

## **PART 2 – SITE CHARACTERISTICS**

### **Existing Conditions:**

The primary use of the subject property is the Bellevue Christian Elementary School (a private school). The property also contains an existing wireless communications facility (WCF) approved by the City under special use permit (PL-16-034) and variance (PL-16-036) (hereinafter, 2016 WCF) (Ex. 25). The property is zoned Parks and Public Places, and is owned by the Bellevue School District 405.

### **Surrounding Zoning:**

<b>Direction</b>	<b>Zoning</b>	<b>Present Use</b>
North	P-Public	Fairweather Nature Preserve
South	R-16, Residential	Residential
East	Town of Hunts Point	Residential
West	R-20, Residential	Residential

### **Access:**

Ingress and egress to the WCF site is via an existing gravel driveway connected to Evergreen Point Road. (Ex. 5)

## **PART 3 – REVIEW PROCEDURE & AGENCY/PUBLIC COMMENTS**

**Applications:** The applications were received on July 10, 2024, and were determined complete on October 14, 2024, pursuant to MMC 16.80.100. The NOA was issued on October 24, 2025, with a mailing to property owners pursuant to MMC 16.80.140(B)(2); posting on-site; and posting at other public notices locations (City Hall, Medina Post Office, Park Board, and City of Medina website). A 14-day comment period was provided pursuant to MMC 16.80.110(B)(7).

A Revised NOA was issued on March 12, 2025, with a mailing to property owners pursuant to MMC 16.80.140(B)(2); posting on-site; and posting at other public notices locations (City Hall, Medina Post Office, Park Board and City of Medina website). A 14-day comment period was provided pursuant to MMC 16.80.110(B)(7).

A Notice of Virtual Hearing was issued on March 17, 2025, consistent with MMC 16.80.120. The notice was mailed to property owners pursuant to MMC 16.80.140(B)(2), published in *The Seattle Times* newspaper, and posted on the site and other public notice locations (City Hall, Medina Post Office, the Posting Board in Medina Park and the City of Medina website).

**Agency Comments:** No agency comments were received.

**General Public Comments:** As of the date of the staff report, the City received the following public comment(s) regarding the proposed project.

1. Ex. 35. Email from Mac Johnston to Steve Wilcox, dated January 13, 2025; Stating he was fine with monopine and thought it would look better than just a pole.

## **PART 4 – COMPREHENSIVE PLAN**

The following Comprehensive Plan elements, policies, and goals apply to the Proposal:

### **Land Use Element:**

#### **Non-Residential Uses: (p. 10)**

Most of the non-residential land uses that exist in Medina have been in place since before or around the time of the City's incorporation and have become an accepted and integral part of the community. These non-residential uses are subject to the City's special use provisions under the Municipal Code. Since Medina is fully developed, there are few vacant tracts of land currently available for further development. In addition, property currently used or designated for residential use is discouraged from being utilized for additional churches, clubs, fraternal societies, schools, museums, historic sites, conference centers, or other additional non-residential facilities; these larger scale facilities create additional traffic and disrupt residential traffic patterns, which increase greenhouse gas emissions.

LU-G1 To maintain Medina's high-quality residential setting and character, while considering creative housing solutions to accommodate community members of all socioeconomic groups.

LU-P5 Existing non-residential uses are encouraged to be maintained. Existing non-residential uses include:

\* \* \*

- Three Points Elementary School (now Bellevue Christian Elementary)

\* \* \*

- Utilities

LU-P9 The City should encourage input from all stakeholders prior to any land use decision, including consideration of the potential physical, economic, and cultural displacement risk to residents, particularly to communities that have historically faced greater risk of displacement.

### **Community Design Element:**

#### **Community Spaces (p. 47)**

The City's parks, natural spaces and green spaces, its small town businesses, schools, church, and other amenities are defining elements of Medina's community character.

CD-G2 Maintain the informal, natural appearance and safety of the Medina's street rights-of-way and public areas. (p. 48)

### **Parks and Open Space Element:**

#### **Other Recreation Facilities** (p. 83):

##### **Three Points Elementary School Playground (Private School on Public Property)**

Located at 7800 NE 28<sup>th</sup> Street, the school has approximately four acres of land. The playfield is in the westerly portion of the elementary school property that is leased from the Bellevue School District by Bellevue Christian School. The playground has a grass sport field, play structure, and covered play area for the students.

### **Capital Facilities Element:**

#### **Schools** (p. 87)

The Bellevue School District maintains two facilities in Medina. Medina Elementary School is located on NE 8<sup>th</sup> Street between Evergreen Point Road and 82<sup>nd</sup> Avenue NE. The school is an approximately 67,000 square foot facility. Current enrollment is 550 students, which is near capacity. The second Bellevue School District facility is the former Three Points School, which is now leased by Bellevue Christian Schools, a private school, for their elementary school campus. It is located on NE 28<sup>th</sup> Street adjacent to Evergreen Point Road and SR 520.

(Private schools are mentioned only because they may contribute to, or reduce the demand on public facilities.)

### **Utilities Element:**

#### **Existing Conditions** (p. 95):

Numerous companies provide cell phone, land-line telephone and internet service to Medina. Small wireless facilities, as regulated by Section 16.38 of the Medina Municipal Code, provide cell coverage throughout the City. Comcast/Xfinity provides traditional cable TV service, in addition to high-speed internet connections to local residential customers. Fiber optic cable is not available in Medina to residential users.

#### **Utilities Plan** (p. 95-96)

Given the recent trends in emerging technologies, opportunities to work from home, and the potential for land to be used more densely in the next ten years, the utility demand, particularly for electrical power, is likely to grow. The trend of replacing small homes with larger homes or developing multiple dwelling units on residential lots, and new technologies like residential EV charging stations and remote work opportunities, will spur this increased demand. Upgrades to the existing system, and exploration of providing additional utilities (such as fiber optic cable) will be necessary to maintain and/or improve efficiency, reliability and/or capacity. Additional gas, internet, telephone, and electrical hook-ups will be made on an individual, as-needed basis. Providers will need to review their plans and may need to locate major/minor new facilities in the City, based on their future projections.

UT-G1 To maintain and upgrade utility services sufficient to serve the City's projected housing-size growth and other needs, and to provide utility access to all communities, especially underserved ones, over the next ten years.

UT-P1 The City should coordinate with applicable electric, gas, landline telephone, cell telephone, internet service, and fiber optic cable providers, and with counties, cities, tribes, and special purpose districts to seek repairs and upgrades to existing utility facilities as necessary to maintain and/or improve efficiency, reliability, and/or capacity. Coordination should support the Regional Growth Strategy, including addressing long-term needs, supply, and the use of conservation and demand management.

## **PART 5 – STAFF ANALYSIS**

### **General:**

1. Applicants, VB BTS, LLC (Vertical Bridge), and T-Mobile West LLC (T-Mobile), as represented by Technologies Associates, EC Inc., (collectively, Applicants) are requesting to modify an existing WCF located at 7800 NE 28<sup>th</sup> Street in the City of Medina (Property). The Property is owned by Bellevue School District 405.
2. The existing WCF is located on the northwest corner of the Property, in an existing 35' x 25' leased area on the Property, which was approved by the City under the Non-Administrative Special Use Permit (PL-16-034), and Non-Administrative Variance (PL-16-036) (collectively, 2016 WCF).
3. Applicants request to remove the existing 65-foot stealth monopole and replace it with a 70-foot "monopine faux tree pole," which will continue to be an "unmanned wireless facility." (Ex. 5 at 5) (the Proposal).
4. The leased area is surrounded by a 6-foot tall fence with non-reflective black privacy slats (Ex. 5 at 4). There is no expansion proposed for the existing lease area. (Ex. 5 at 4) The leased area is accessed via an existing locked 10' wide double swing gate that matches the fence. The existing fence and gate approved under the 2016 WCF are not proposed to be modified. (Ex. 5 at 5)
5. There is an existing 12' wide gravel driveway/easement which provides ingress/egress and access/parking to the leased area. The driveway is not proposed to be modified. (Ex. 5 at 5)
6. An existing 12' x 8' equipment building approved under the 2016 WCF houses the base station equipment. All ground equipment is proposed to be located in the existing equipment building. No modifications are proposed to the existing equipment building. (Ex. 5 at 6). There are no outdoor cabinets associated with the existing WCF or requested under the Proposal.
7. The landscaping for the leased area was approved under the 2016 WCF, and is not proposed to be modified by the Proposal. (Ex 5 at 6)
8. There is no existing or proposed lighting associated with the leased area or Proposal. (Ex. 5 at 6)
9. An existing previously identified geohazard area is shown in the plans that were approved under the 2016 WCF and addressed in the associated SEPA review. The Proposal does not propose any activities within the geohazard buffer area. (Ex. 5 of 7)
10. The existing conditions and Proposal are depicted in the Overall Site Plan (Ex. 12), and Plan Set (Ex. 13)

11. Applicants represent that the current facility is out of date and needs to be upgraded to allow all the current T-Mobile licensed frequencies and technologies, including 5-G, to provide the “best coverage”. (Ex. 5 at 5). As such, “the current standard for T-Mobile technologies requires a significantly larger footprint of antennas and remote equipment to provide those additional technologies”. (Ex. 5 at 5). Applicants also state:

To accommodate T-Mobile’s needed upgrade, Applicants are proposing to replace the existing canister pole with a new monopine faux tree pole. This design will successfully maintain the code requirement for being concealed while allowing the currently proposed, and any future upgrades to the Facility, to be made without the need for continuous replacement of the support structure and its visual profile. (Ex. 5 at 5)

#### **Environmental (SEPA) Review:**

12. The Applicants submitted a SEPA Environmental Checklist (Ex. 7) and a supplemental SEPA Checklist (Ex. 27).<sup>2</sup> The Responsible Official issued a Revised Determination of Nonsignificance (“Revised DNS”) on March 12, 2025, pursuant to WAC 197-11-340(2). The City did not receive any comments, and the Revised DNS was not appealed.

#### **Zoning Analysis - General WCF Requirements (Chap. 16.37 MMC):**

WCF that are proposed to be located outside of the City’s rights-of-way (ROW) are subject to the site requirements of Chap. 16.37 MMC. The code sections which apply to the Proposal are discussed below:

13. MMC 16.37.030 – Applicability: MMC 16.37.030 identifies that the chapter applies to “all new and expansion and/or alteration of wireless communications facilities located within the boundaries of the city”. Thus, the requirements of Chap. 16.37 MMC apply to the Proposal.<sup>3</sup>
14. MMC 16.37.050 – Permitted locations: MMC 16.37.050 provides that WCF may be permitted in the following zones: Properties zoned parks and public places, subject to the limitations set forth in MMC 16.37.060.<sup>4</sup> The Proposal would be located on property zoned parks and public places, which is permitted in the zone.
15. MMC 16.37.070 – Site requirements – outside of city ROW: MMC 16.37.070 identifies site requirements that shall apply to WCF that are located pursuant to MMC 16.37.050(C)(properties zoned parks and public places). Thus, the following site requirements of MMC 16.37.070.B(1), (2), (4), (5) and (6) apply to the Proposal:<sup>5</sup>

#### **MMC 16.37.070.B.1.a-c:**

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<sup>2</sup> The Supp. Checklist was provided in response to Staff Comments relating to additional information. See Ex. 29.

<sup>3</sup> The exemptions noted in MMC 16.37.030.A(1)-(9) do not apply.

<sup>4</sup> The limitations of MMC 16.37.060 apply to city parks, and do not apply to the proposed Project.

<sup>5</sup> MMC 16.37.070.A does not apply to the Project (WCF on nonresidential building). MMC 16.37.070.B.3(a)-(d), does not apply to the Project (height limit of 80 feet without a variance).



**B. An antenna may be mounted to a support structure such as a lattice tower, monopole and similar freestanding structures; provided, that:**

**1. The support structure shall be designed and placed on the site in a manner that uses existing trees, mature vegetation, and existing structures to:**

- a. Screen as much of the total facility from prevalent views;**
- b. Provide background in a manner that the total facility blends to the maximum extent feasible into the background with increased sight distances; and**
- c. Integrates the existing trees and mature vegetation to the maximum extent feasible with concealment requirements.**

**APPLICANTS' RESPONSE:** See Applicants' submittals:

- Ex. 5. Project Narrative Non-Administrative Special Use Permit Application
- Ex. 9. Statement of Code Compliance WCF Non-Administrative Special Use Permit Application
- Ex. 26. Letter from T-Mobile to Medina Mayor and City Council, dated June 28, 2024
- Ex. 32. Requested Monopine Examples, dated January 31, 2025
- Ex. 33. Photo-simulation Stealth Cannister
- Ex. 34. Photo-simulation Non-Stealth Structure

**STAFF'S RESPONSE:** Proposed installations of monopoles with antennas, or similar free-standing structures must incorporate concealment techniques. The Proposal includes locating the new pole further to the north of the existing pole within an existing fenced security enclosure. Applicants are proposing to modify the existing facility by removing the existing 65-foot stealth monopole (see Exs. 33 and 34) and replacing it with a 70-foot "monopine faux tree pole." (Ex. 5 at 5A) A monopine is an imitation tree likely constructed of metals and plastics. Examples of monopines are provided in Ex. 32. Photo-simulations of the existing WCF and additional concealment technique options such as stealth cannister and nonstealthed structure are provided in Exs. 33 and 34.

The site plan (Ex. 12, sheet A-1.1) illustrates that the existing 2016 WCF monopole is much smaller in area than the proposed monopine faux tree (Ex. 12, sheet A.1.2), with an approximation that the Proposal exceeds the area and dimensions of the existing 2016 WCF by as much as two to three times although the gross diameter of the monopine was not provided. The photo-simulations of the existing, stealth cannister, nonstealthed structure emphasize the increased bulk of the monopine as opposed to the existing conditions, and to the other concealment options provided. (Exs. 34, 25). The requirement of increased sight distance if it relates to traffic is not relevant at this location, but if the intent is aesthetics, then the proposed monopine does not increase sight distance to blend to the maximum extent feasible into the background. The options of a stealthed cannister (Ex. 33) or unstealthed structure (Ex. 34) are the preferred concealment options because

while obtrusive, both of these are visually expected while a monopine faux tree could become an undesired feature along Evergreen Point Road.

**MMC 16.37.070.B.2:**

**2. The maximum height of the wireless communication facility, including the height of the antenna, shall not exceed 35 feet above original or finished grade, whichever is lower.**

**APPLICANTS' RESPONSE:** Applicants are proposing a 70-foot monopine structure, which exceeds the 35-foot height maximum set forth in MMC 16.37.070.B.2. Applicants have requested a Non-Administrative Variance to the height requirement. See Applicants' submittals:

- Ex. 4. Project Narrative Non-Administrative Variance Application
- Ex. 8. Statement of Code Compliance WCF Non-Administrative Variance Permit Application
- Ex. 11. Non-administrative Variance Checklist & Application
- Ex. 36. Statement of Code Compliance WCF Non-Administrative Variance Permit Application

**STAFF'S RESPONSE:** See Staff Response to request for Non-Administrative Variance at 16-17.

**MMC 16.37.070.B.4-.5:**

**4. Wireless communication facilities, except for security barriers, shall be set back a distance of at least 500 feet from the property line of all residential properties.**

**5. Ancillary facilities may be located on or off site and shall be placed within the interior of an existing nonresidential building or an equipment housing structure. This provision shall not apply to conduit or cabling for power and/or data.**

**APPLICANTS' RESPONSE:** See Applicants' Project submittals:

- Ex. 5. Project Narrative Non-Administrative Special Use Permit Application
- Ex. 9. Statement of Code Compliance WCF Non-Administrative Special Use Permit Application

**STAFF'S RESPONSE:** (MMC 16.37.070.B.4). The existing monopole was granted under the 2016 WCF approval, which included an approved 98-foot setback, as measured from the equipment shelter. Applicants have represented that the "distance from residential properties will not be decreased" by the Proposal (Ex. 9 - response to MMC 16.37.070B.4). If the Proposal does not decrease the 2016 WCF approved setback of 98 feet, then staff believes the criteria has been met.

**MMC 16.37.070.B.5:** Applicants have represented that new/replacement ancillary facilities will be located within an existing equipment shed/structure, and that “no outdoor equipment is proposed” (Ex. 9 - response to MMC 16.37.070.B.5). If the Proposal does not add outdoor equipment or modify/alter the existing equipment structure, then staff believes the criteria has been met.

**MMC 16.37.070.B.6:**

**6. Concealment consistent with MMC 16.37.100 is incorporated to minimize visual impacts and provide appropriate screening.**

**APPLICANTS' RESPONSE:** See Applicants' Project submittals:

- Ex. 5. Project Narrative Non-Administrative Special Use Permit Application
- Ex. 9. Statement of Code Compliance WCF Non-Administrative Special Use Permit Application

**STAFF'S RESPONSE:** See staff's comments to MMC 16.37.100 Concealment at 12-13.

16. **MMC 16.37.090 Security barrier:** MMC 16.37.090 identifies requirements for security barriers, if installed as a fence, and landscaping. The existing lease area is surrounded by a 6-foot chain link fence with non-reflective black privacy slats. An approved landscape plan under PL-16-034 and PL-16-036, as approved in building permit B-17-024, relied on existing vegetative screening around the fence and proposed trees to be located within the fence compound. Applicants represent that they “do not propose to change the existing security barrier” (Ex. 9 – response to MMC 16.37.090). If the prior security barriers and landscaping are not altered, then Staff finds the Proposal consistent with the code criteria.
17. **MMC 16.37.100 - Concealment:** The concealment techniques applicable to the Proposal are set forth below:

**MMC 16.37.100 – Concealment. All wireless communication facilities must incorporate concealment techniques consistent with this section that screen, hide, or disguise facilities in a manner that makes them visually inconspicuous to the extent technically feasible to surrounding properties and city streets.**

**\*\*\***

**B. For support structure mounted installations, such as a lattice tower, monopole and similar freestanding structures, the following concealment techniques must be applied:**

- 1. All components associated with the wireless communication facility mounted on the exterior side of the structure shall be painted to match the predominant color of the support structure;**
- 2. The support structure shall be painted in a nonreflective color that matches the predominate visual background and/or adjacent architecture so as to visually blend in with the surrounding development;**

**3. In certain conditions, such as locations that are readily visible from a large number of residential properties or public spaces, the city may require additional concealment such as disguising the support structure to appear as an attractive architectural or natural feature;**

APPLICANTS' RESPONSE: See Applicants' submittals:

- Ex. 5. Project Narrative Non-Administrative Special Use Permit Application
- Ex. 9. Statement of Code Compliance WCF Non-Administrative Special Use Permit Application

STAFF'S RESPONSE: MMC 16.37.100.B.1-.3: Staff does not support the use of pole and antenna concealment through the use of a monopine faux tree. While an 80" stealth canister or large nonstealth structure are not ideal for the residents of Medina, these two options are preferred over the installation of a monopine faux tree. The Proposal requires concealment techniques that screen, hide or disguise facilities to make them visually inconspicuous to the extent feasible. Applicants are proposing to remove the existing 65-foot stealth monopole (see Exs. 33 and 34) and replace it with a 70-foot pole with antennas concealed by a "monopine faux tree". (Ex. 5 at 5). The top 5-feet of the monopine are above the pole structure and are needed for branches which have no other apparent technical function. A monopine is an imitation tree presumably made of metals and plastics. Examples of monopines are provided in Ex. 32. Photo-simulations of the existing WCF and additional concealment technique options such as stealth cannister and nonstealthed structure are provided in Exs. 33 and 34. Either the stealth cannister or nonstealthed structure options would be less conspicuous than a monopine due to having less overall bulk. The site plan provided shows the pole is to be moved north from its existing location and away from existing natural trees which will further expose it to users of Evergreen Point Road and others which makes it more visually conspicuous than the existing location. A monopine faux tree in of itself combined with the location proposed, may become an obvious feature of attention which is not the intent of the Medina Municipal Code to screen, hide, or disguise the facility.

The site plan (Ex. 12, sheet A-1.1) illustrates that the existing 2016 WCF monopole is much smaller in area than the proposed monopine faux tree (Ex. 12, sheet A.1.2), with an approximation that the Proposal exceeds the existing 2016 WCF in area by as much as two to three times, although the numerical diameter of the monopine has not been disclosed in the plans. The photo-simulations of the existing, stealth cannister, non-stealthed structure (Exs. 33, 34) depict much smaller facilities. This is emphasized when comparing the site plan depiction of the much larger of the monopine (Exs. 12 and 13), compared to the smaller non-stealthed structure. (Exs. 34, 25). The submitted photo simulations and the plans conflict with plan sheet A-1.2 graphically showing and labeling in text the extent of the monopine branches extending beyond the existing fenced site area. Plan sheet E-1 graphically confirms sheet A-1.2 branch extension outside of the T-Mobile fenced site. A side (elevation) photo simulation of the monopine shows the faux tree branches within the T-Mobile fenced site which conflicts with the plans and associated notes. Photo simulations which separately depict each of the monopine, stealth, and nonstealth concealment options do not reflect the relocation of the existing pole further to the north which is away from existing natural tree concealment and into a more visually

conspicuous location. Adding a monopine concealment to the new northerly pole location causes the facility to be more visually dominating of its surrounding area. The options of a stealthed cannister (Ex. 33) or unstealthed structure (Ex. 34) have less bulk than a monopine faux tree and can be painted in a color approved by the City to match the natural background. The monopine proposed is made by a company in southern California (Solar Communications International) which raises concerns about the ability to provide timely repair and maintenance. Metal and plastic structure and parts for appearance can fail and color can fade. There has been no mention by Applicants about insurance specific to monopines, replacement schedule, and maintenance, repair or timeliness of those.

**4. Ancillary facilities, except for conduits or cabling for power and/or data, must be concealed by locating the equipment inside an existing nonresidential building, or in an equipment housing structure, meeting the requirements set forth in subsection (D) of this section;**

**5. Other techniques that prevent the facility from visually dominating the surrounding area.**

APPLICANTS' RESPONSE: See Applicants' submittals:

- Ex. 5. Project Narrative Non-Administrative Special Use Permit Application
- Ex. 9. Statement of Code Compliance WCF Non-Administrative Special Use Permit Application

STAFF'S RESPONSE: MMC 16.37.100.B.4: See General Analysis discussion of equipment structure at 7 and Staff's Response to MMC 16.37.100.B.1-.3 at 12-13. The City requires the approved WCF to be painted in a non-reflective color that matches the predominant visual background so as to ensure visually blending with the surroundings.

**D. Equipment housing structures shall employ the following concealment techniques:**

**1. Except as provided for in subsection (D)(2) of this section, equipment housing structures shall be placed underground and subject to the following:**

- a. Up to five inches may be located above the finished or original grade, whichever is lower;**
- b. All visible portions of the structure shall be screened from the view of neighboring properties and public places by dense vegetation approved by the city; and**
- c. The location of the facility must not interfere with existing uses of public land.**

**2. Up to two small equipment housing structures containing ancillary facilities may be mounted to the outside of a support structure provided:**

- a. It is not technically or economically feasible to locate ancillary facilities within the interior of the support structure;
- b. Each equipment housing structure shall not exceed 4.5 cubic feet in volume, nor protrude more 18 inches as measured perpendicular from the tangent point or surface where the equipment housing structure attaches to the support structure; and
- c. A minimum clearance of ten feet is maintained between the bottom of the equipment housing structure and the ground or sidewalk below.<sup>6</sup>

**APPLICANTS' RESPONSE:** See Applicants' submittals:

- Ex. 5. Project Narrative Non-Administrative Special Use Permit Application
- Ex. 9. Statement of Code Compliance WCF Non-Administrative Special Use Permit Application

**STAFF'S RESPONSE:** MMC 16.37.100.B.4: See General Analysis discussion of 2016 WCF and equipment structure at 7.

18. **MMC 16.37.110 – Co-location.** An applicant for WCF must meet co-location requirements:

**MMC 16.37.110:**

- A. An applicant shall, to the extent commercially reasonable, cooperate with owners of existing wireless communication facilities in co-locating additional antennas on support structures.**
- B. Applicants shall demonstrate that they have made a good-faith effort to co-locate with other support structures currently used for wireless communication facilities, and that no commercially reasonable co-location opportunities that meet the requirements of this Code are available.**
- C. An applicant shall be considered to have demonstrated a good-faith effort when they can demonstrate that:**
  - 1. No existing or approved (but not built) support structures are available within the service area meeting the applicant's engineering requirements;**
  - 2. No existing support structures are available which provide or may be practically modified to provide sufficient height to meet the applicant's engineering requirements;**
  - 3. No existing support structures are available which provide or may be practically modified to provide sufficient structural strength to support the applicant's proposed antenna and related equipment;**

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<sup>6</sup> MMC 16.37.100.C does not apply to the Proposal.

**4. The applicant's proposed antenna would cause electromagnetic interference with existing antennas on the support structure, or the existing antennas would cause electromagnetic interference with the applicant's antenna if it is located on the support structure when properly maintained and operated according to applicable law and manufacturer's guidelines; and**

**5. Other limiting factors are present that render existing support structures unsuitable.**

**D. In the event a dispute arises as to whether an applicant has exercised good faith in determining co-location opportunities, the city may at its discretion require an engineering and technical review, at the applicant's sole cost and expense, as part of a process for approval of the height increase pursuant to MMC 16.37.080(B)(4).**

**E. Failure to comply with the co-location requirements of this section may result in the denial of an application or revocation of an existing permit.**

**F. The city may require new support structures to be constructed so as to accommodate future co-location, based on expected demand for support structures in the service area, provided this requirement would not cause the application to be rejected by the city.**

**APPLICANTS' RESPONSE:** See Applicants' submittals:

- Ex. 5. Project Narrative Non-Administrative Special Use Permit Application
- Ex. 9. Statement of Code Compliance WCF Non-Administrative Special Use Permit Application
- Ex. 20. Non-Ionizing Electromagnetic Exposure Analysis Engineering & Certification Report (NEIR), dated August 3, 2021
- Ex. 21. T-Mobile FCC licenses (to be used at this facility)
- Ex. 22. Radio Frequency (RF) engineering analysis need letter for replacement of an existing canister pole with a replacement monopine, dated June 25, 2024
- Ex. 23. Map of all T-Mobile facilities in and within 1 mile of Medina
- Ex. 36. Statement of Code Compliance – WCF Non-Administrative Variance Permit Application, US-WA-7001 Evergreen Point – School Dist. (T-Mobile SE02481B)
- Ex. 38. Letter from T-Mobile – Proposed replacement of canister pole with monopole – Supp. RF Analysis – Height Justification for Replacement Structure, dated January 31, 2025

**STAFF'S RESPONSE:** MMC 16.37.110. This is a modification to the approved 2016 WCF, which determined that a minimum height of 65-feet was necessary for service needs. (Ex. 25). Applicants submitted an analysis from Nathan Rausch to support the Proposal at this site. (Ex. 38). In Ex. 38, Mr. Rausch states that modeling

and analysis show that “the antenna tip height of 65 feet continues to be the minimum necessary to continue to fill what would otherwise be a significant gap in coverage”. (Ex. 38). The Applicants state the monopine will help with co-location (Ex. 9 at 13), and that the additional 5-feet (to reach a total of 70-feet) is necessary “for the additional stealth features” (Ex. 8 at 1), namely for “the decorative branches needed for the monopine faux tree structure to taper at the ‘treetop’ for aesthetic reasons.” (Ex. 8). Thus, it appears that a minimum of 65-feet is necessary to meet “a significant gap in coverage,” which Applicants state include future co-location opportunities.

#### **Zoning Analysis - Non-Administrative Special Use Permit (Chap. 16.72 MMC):**

19. MMC 16.37.120 requires the approval of a non-administrative special use permit for all wireless facilities pursuant to MMC 16.72.010.
20. Non-administrative special use permits are processed as a Type 3 decision. A Type 3 decision is a quasi-judicial action that requires public notice and predecision hearing. MMC 16.80.040.A.3. The City’s Hearing Examiner holds the predecision hearing and makes the final decision on the matter. (See MMC Table 16.80.050.C – Type 3 Decisions)
21. Pursuant to MMC 16.72.010, a non-administrative special use permit may be approved only if the following criteria are satisfied:

##### **1. The use complies with the adopted goals and policies set forth in the comprehensive plan;**

APPLICANTS’ RESPONSE: See Applicants’ submittals:

- Ex. 5. Project Narrative Non-Administrative Special Use Permit Application
- Ex. 9. Statement of Code Compliance WCF Non-Administrative Special Use Permit Application

STAFF’S RESPONSE: MMC 16.37.100.B.4: See General Analysis discussion of applicable Comprehensive Plan at 5-7. The Proposal is consistent with UG-P1 to coordinate with providers to seek “repairs and upgrades to existing utility facilities as necessary to maintain and/or improve efficiency, reliability, and/or capacity.” With sufficient conditions for aesthetics, the Proposal could meet the goals and objectives of the Comprehensive Plan, including CD-G2 “Maintain the informal, natural appearance and safety of the Medina’s street rights-of-way and public areas.”

##### **2. The use is designed to minimize detrimental effects on neighboring properties;**

APPLICANTS’ RESPONSE: See Applicants’ submittals:

- Ex. 5. Project Narrative Non-Administrative Special Use Permit Application
- Ex. 9. Statement of Code Compliance WCF Non-Administrative Special Use Permit Application



**STAFF'S RESPONSE:** See Staff Response to Non-Administrative Special Use at 16-17.

- 3. The use satisfies all requirements specified for the use;**
- 4. The use complies with all applicable zoning and development standards and requirements; and**

**APPLICANTS' RESPONSE:** See Applicants' submittals:

- Ex. 5. Project Narrative Non-Administrative Special Use Permit Application
- Ex. 9. Statement of Code Compliance WCF Non-Administrative Special Use Permit Application

**STAFF'S RESPONSE:** The Proposal meets the permitted uses for the applicable zoning. See also Parts 1 (General Information), 3 (Comprehensive Plan), and Parts 4 Staff Analysis (Response to Non-Administrative Special Use at 16-17.

- 5. The use will have no materially detrimental effects on neighboring properties due to excessive noise, lighting, off-site traffic generation, or other interferences with the peaceful use and possession of said neighboring properties.**

**APPLICANTS' RESPONSE:** See Applicants' submittals:

- Ex. 5. Project Narrative Non-Administrative Special Use Permit Application
- Ex. 9. Statement of Code Compliance WCF Non-Administrative Special Use Permit Application

**STAFF'S RESPONSE:** The Proposal will remove the existing generator from the leased space, which should reduce noise on the site.

#### **Zoning Analysis – Non-Administrative Variance (Chap. 16.72 MMC):**

- 22. Applicants submitted an application for Non-Administrative Variance (Ex. 11) seeking relief from the maximum 35-foot height limits of MMC 16.37.070.B.2.
- 23. MMC 16.72.030 provides that a Non-Administrative Variance is a Type 3 decision, reviewed under the procedures of Chap. 16.80 MMC. A Type 3 decision is a quasi-judicial action that requires public notice and predecision hearing. MMC 16.80.040.A.3. The City's Hearing Examiner holds the predecision hearing and makes the final decision on the matter. (See MMC Table 16.80.050.C – Type 3 Decisions)
- 24. MMC 16.72.030.E identifies the following applicable limitations to a variance request:<sup>7</sup>

#### ***E. Limitations.***

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<sup>7</sup> MMC 16.72.030.E.3 does not apply.

**1. Nonadministrative variances may be granted where the application of a dimensional standard would result in an unusual or unreasonable hardship due to physical characteristics of the site;**

**APPLICANTS' RESPONSE:** See Applicants' submittals:

- Ex. 4. Project Narrative Variance Application
- Ex. 8. Statement of Code Compliance WCF Variance Permit Application
- Ex. 32. Request for Monopine Examples
- Ex. 33. Photo-simulations – Stealth Cannister
- Ex. 34. Photo-simulations – Non-Stealth Structure
- Ex. 36 Statement of Code Compliance WCF Variance Permit Application
- Ex. 37 Response Memo – Non-Administrative Variance Application – First Review Comment letter (Nov. 2024)
- Ex. 38. Letter from T-Mobile – Proposed replacement of canister pole with monopole – Supp. RF Analysis – Height Justification for Replacement Structure, dated January 31, 2025
- Ex. 39. Revised Non-administrative Variance Checklist and Application, dated January 3, 2025

**STAFF'S RESPONSE:** Applicants request to modify the approved 2016 WCF (Ex. 25). For the existing variance application, Applicants submitted an analysis from a Nathan Rausch to support the Proposal at this site. (Ex. 38). In Ex. 38, Mr. Rausch states that modeling and analysis show that “the antenna tip height of 65 feet continues to be the minimum necessary to continue to fill what would otherwise be a significant gap in coverage”. (Ex. 38). The record appears to show that the physical characteristics of the property and service requirements support the minimum 65-feet to meet “a significant gap in coverage”. (Ex. 25)

**2. Evidence of other variances granted under similar circumstances shall not be considered in the granting of a nonadministrative variance; and**

**APPLICANTS' RESPONSE:** See Applicants' Project submittals:

- Ex. 37 Response Memo – Non-Administrative Variance Application – First Review Comment letter (Nov. 2024)
- Ex. 38. Letter from T-Mobile – Proposed replacement of canister pole with monopole – Supp. RF Analysis – Height Justification for Replacement Structure, dated January 31, 2025
- Ex. 39. Revised Non-administrative Variance Checklist and Application, dated January 3, 2025

**STAFF'S RESPONSE:** In response to Staff's request for information to support the variance application (Ex. 28), other than the 2016 WCF variance, Applicants submitted Exs. 37-39.

25. Pursuant to MMC 16.72.030.F.1, a Non-Administrative Variance may be approved only if the following criteria are satisfied:

- 1. The Variance does not constitute a granting of special privilege inconsistent with the limitations upon uses of other properties in the vicinity and zone in which the subject property is located.***

APPLICANTS RESPONSE: See Applicants' submittals:

- Ex. 4. Project Narrative Variance Application
- Ex. 8. Statement of Code Compliance WCF Variance Permit Application
- Ex. 32. Request for Monopine Examples
- Ex. 33. Photo-simulations – Stealth Cannister
- Ex. 34. Photo-simulations – Non-Stealth Structure
- Ex. 36 Statement of Code Compliance WCF Variance Permit Application
- Ex. 37 Response Memo – Non-Administrative Variance Application – First Review Comment letter (Nov. 2024)
- Ex. 38. Letter from T-Mobile – Proposed replacement of canister pole with monopole – Supp. RF Analysis – Height Justification for Replacement Structure, dated January 31, 2025
- Ex. 39. Revised Non-administrative Variance Checklist and Application, dated January 3, 2025

STAFF RESPONSE: Wireless communications facilities are allowed on the site under applicable zoning (Parks and Public Places).<sup>8</sup> Applicants request to address service coverage gaps and to utilize all FCC licenses does not constitute a grant of special privilege inconsistent with the vicinity and zone in which the property is located. Applicants submitted an analysis from Mr. Rausch, which states that modeling and analysis show that "the antenna tip height of 65 feet continues to be the minimum necessary to continue to fill what would otherwise be a significant gap in coverage". (Ex. 38) The record appears to show that the physical characteristics of the property and service requirements support the minimum 65-feet to meet "a significant gap in coverage". (Ex. 25)

- 2. The Variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located.***

APPLICANTS RESPONSE: See Applicants' response to MMC 16.72.030.F.1.

STAFF RESPONSE: WCF are allowed on the site under the site's zoning (Parks and Public Places).<sup>9</sup> Applicants request a variance to a dimensional standard which would allow Applicants to provide service coverage to identified service gaps and utilize FCC licenses which cannot be utilized with the current 2016 WCF.

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<sup>8</sup> MMC Table 16.20.010 Comprehensive Plan and Zoning.

<sup>9</sup> MMC Table 16.20.010 Comprehensive Plan and Zoning.

- 3. *The Variance is necessary to relieve a material hardship that cannot be relieved by any other means such that the material hardship must relate to the land itself and not to problems personal to the applicant.***

**APPLICANTS RESPONSE:** See Applicants' response to MMC 16.72.030.F.1.

**STAFF RESPONSE:** See Staff Responses to MMC 16.72.030.F.1-.2 at 20. Applicants submitted an analysis which identifies that the minimum 65-feet for 2016 WCF was based on topography, vegetation and other physical characteristics of the site location. (Ex. 38). It also identifies that "the antenna tip height of 65 feet continues to be the minimum necessary to continue to fill what would otherwise be a significant gap in coverage," (Ex. 38) which supports that the variance relates to the land and not to problems personal to Applicants.

- 4. *The granting of such Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.***

**APPLICANTS RESPONSE:** See Applicants' response to MMC 16.72.030.F.1.

**STAFF RESPONSE:** WCF are allowed on the site under applicable zoning (Parks and Public Places). The Proposal to expand service to cover existing gaps will not be materially detrimental to the public or injurious to the property or improvements in the property vicinity and zone. The Proposal is for an "unmanned facility" which should not cause an increase in noise, traffic generation or lighting in the vicinity of the Property.

- 5. *The Variance is the minimum necessary to provide reasonable relief.***

**APPLICANTS RESPONSE:** See Applicants' response to MMC 16.72.030.F.1.

**STAFF RESPONSE:** The variance request to allow a 70-foot monopine faux tree is not the minimum necessary to achieve service objectives. As Ex. 38 identifies, "the antenna tip height of 65 feet continues to be the minimum necessary to continue to fill what would otherwise be a significant gap in coverage".

The only reason for the additional 5-feet beyond the minimum 65-foot needed for coverage is to install a 70-foot "monopine faux tree pole" (Ex. 5 at 5), which is an imitation tree. Examples of monopines are provided in Ex. 32.

In contrast, photo-simulations of the existing WCF and additional concealment technique options such as stealth cannister and nonstealthed structure are provided in Exs. 33 and 34 and only require a 65-foot variance. The site plan (Ex. 12, sheet A-1.1) also illustrates that the existing 2016 WCF monopole is much smaller in area than the proposed monopine faux tree (Ex. 12, sheets A.1.1 and A.1.2), with an approximation that the monopine exceeds the existing 2016 WCF in area by as much as two to three times in

volume and dimension. The monopine option has the potential to provide screening to blend in with the visual background, but there is a significant concern that the "imitation tree" coloring will not blend with the forested background, and that the color will fade to a noticeable degree and not blend with the natural surroundings. The options of a stealthed cannister (Ex. 33) or unstealthed structure (Ex. 34) provide screening that would visually match the predominant visual background and visually blend with surrounding development, as they take up less space visually and can be painted in a color approved by the City to match the forested background. For these reasons, the criteria that the "variance is the minimum necessary to provide reasonable relief is not met.

## **PART 6 – CONCLUSIONS:**

1. Pursuant to MMC 16.72.030.C, MMC 16.72.010.C, and MMC 16.80.050.C (Table 16.80.050.C Type 3 Decisions), the Hearing Examiner has the authority to hold a public hearing and make decisions on the requested applications. The purpose of the requested Non-Administrative Special Use Permit and Non-Administrative Variance is to authorize the removal of an existing 65-foot WCF monopole and replace it with a 70 foot monopine faux tree on the Property.
2. Proper notice for this public hearing has been provided. See discussion at 4.
3. Pursuant to MMC 16.37.070.B, the following general WCF requirements apply:

**B. An antenna may be mounted to a support structure such as a lattice tower, monopole and similar freestanding structures; provided, that:**

**1. The support structure shall be designed and placed on the site in a manner that uses existing trees, mature vegetation, and existing structures to:**

**a. Screen as much of the total facility from prevalent views;**

**b. Provide background in a manner that the total facility blends to the maximum extent feasible into the background with increased sight distances; and**

**c. Integrates the existing trees and mature vegetation to the maximum extent feasible with concealment requirements.**

**2. The maximum height of the wireless communication facility, including the height of the antenna, shall not exceed 35 feet above original or finished grade, whichever is lower.**

**\* \* \***

**4. Wireless communication facilities, except for security barriers, shall be set back a distance of at least 500 feet from the property line of all residential properties.**

**5. Ancillary facilities may be located on or off site and shall be placed within the interior of an existing nonresidential building or an equipment housing structure. This provision shall not apply to conduit or cabling for power and/or data.**

**6. Concealment consistent with MMC 16.37.100 is incorporated to minimize visual impacts and provide appropriate screening.**

**CONCLUSION:** See Staff Analysis at 8-10.

4. Pursuant to MMC 16.37.090, the following general WCF requirements apply:

**16.37.090. - Security barrier.**

**If a security barrier is installed that includes a fence, wall or similar freestanding structure, the following shall apply:**

**A. The height of the structure shall not exceed six feet measured from the point of existing or finished grade, whichever is lower at the exterior side of the structure to the highest point of the structure.**

**B. A sight-obscuring vegetated landscaped barrier shall be installed and maintained to screen the structure and facilities from adjoining properties and city rights-of-way.**

**1. Placement of landscape vegetation shall include areas outside of the barrier and shall obscure the site within 12 months.**

**2. Landscaping and the design of the barrier shall be compatible with other nearby landscaping, fencing and freestanding walls.**

**C. If a chain-linked fence is used, it shall be painted or coated with a nonreflective color.**

**D. The limitations set forth for walls and fences in MMC 16.30.010 shall apply. The limitation for a chain-link fence shall not apply if the wireless communication facility is located in the city rights-of-way.**

**CONCLUSION:** See Staff Analysis at 10-11, 13.

5. Pursuant to MMC 16.37.100, the general WCF provisions apply:

**16.37.100. - Concealment.**

**All wireless communication facilities must incorporate concealment techniques consistent with this section that screen, hide, or disguise facilities in a manner that makes them visually**

**inconspicuous to the extent technically feasible to surrounding properties and city streets.**

**A. For building mounted installations the following concealment techniques must be applied:**

- 1. Screening materials matching color, size, proportion, style, and quality with the exterior design and architectural character of the structure and the surrounding visual environment;**
- 2. Antennas must be mounted inside of the building or behind screening whenever possible;**
- 3. Ancillary facilities, except conduits or cabling for power and/or data, must be concealed by locating the equipment inside an existing nonresidential building, or in an equipment housing structure, meeting the requirements set forth in subsection (D) of this section;**
- 4. Other techniques that prevent the facility from visually dominating the surrounding area.**

**B. For support structure mounted installations, such as a lattice tower, monopole and similar freestanding structures, the following concealment techniques must be applied:**

- 1. All components associated with the wireless communication facility mounted on the exterior side of the structure shall be painted to match the predominant color of the support structure;**
- 2. The support structure shall be painted in a nonreflective color that matches the predominate visual background and/or adjacent architecture so as to visually blend in with the surrounding development;**
- 3. In certain conditions, such as locations that are readily visible from a large number of residential properties or public spaces, the city may require additional concealment such as disguising the support structure to appear as an attractive architectural or natural feature;**
- 4. Ancillary facilities, except for conduits or cabling for power and/or data, must be concealed by locating the equipment inside an existing nonresidential building, or in an equipment housing structure, meeting the requirements set forth in subsection (D) of this section;**

**5. Other techniques that prevent the facility from visually dominating the surrounding area.**

**C. For utility support structure installations the following concealment techniques must be applied:**

**1. Except for antennas mounted on top of a pole, all components associated with the wireless communication facility mounted on the exterior of the pole shall be painted to match the predominant color of the pole or utility attachments to the pole;**

**2. Antennas mounted on top of the pole may be painted to match the pole, or may be painted to blend into the background;**

**3. Ancillary facilities, except conduits or cabling for power and/or voice, video, or data lines, must be concealed by locating the equipment inside an existing nonresidential building, or in an equipment housing structure, meeting the requirements set forth in subsection (D) of this section; and**

**4. Other techniques that prevent the facility from visually dominating the surrounding area.**

**D. Equipment housing structures shall employ the following concealment techniques:**

**1. Except as provided for in subsection (D)(2) of this section, equipment housing structures shall be placed underground and subject to the following:**

**a. Up to five inches may be located above the finished or original grade, whichever is lower;**

**b. All visible portions of the structure shall be screened from the view of neighboring properties and public places by dense vegetation approved by the city; and**

**c. The location of the facility must not interfere with existing uses of public land.**

**2. Up to two small equipment housing structures containing ancillary facilities may be mounted to the outside of a support structure provided:**

**a. It is not technically or economically feasible to locate ancillary facilities within the interior of the support structure;**



**b. Each equipment housing structure shall not exceed 4.5 cubic feet in volume, nor protrude more 18 inches as measured perpendicular from the tangent point or surface where the equipment housing structure attaches to the support structure; and**

**c. A minimum clearance of ten feet is maintained between the bottom of the equipment housing structure and the ground or sidewalk below.**

**CONCLUSION:** See Staff Analysis at 11-13.

6. Pursuant to MMC 16.72.010.E.1-5, a Non-Administrative Special Use may only be approved if the following criteria are met:

***E. Criteria for approval.*** The decision authority may approve a nonadministrative special use permit or nonadministrative conditional use permit only if the following criteria are satisfied:

- 1. The use complies with the adopted goals and policies set forth in the comprehensive plan;**
- 2. The use is designed to minimize detrimental effects on neighboring properties;**
- 3. The use satisfies all requirements specified for the use;**
- 4. The use complies with all applicable zoning and development standards and requirements; and**
- 5. The use will have no materially detrimental effects on neighboring properties due to excessive noise, lighting, off-site traffic generation, or other interferences with the peaceful use and possession of said neighboring properties.**

**CONCLUSION:** See Staff Analysis at 16-17.

7. Pursuant to MMC 16.72.030.F.5.1-.5, a Non-Administrative Variance may only be approved if the following criteria are met:

- 1. The Variance does not constitute a granting of special privilege inconsistent with the limitations upon uses of other properties in the vicinity and zone in which the subject property is located.***
- 2. The Variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located.***
- 3. The Variance is necessary to relieve a material hardship that***

***cannot be relieved by any other means such that the material hardship must relate to the land itself and not to problems personal to the applicant.***

- 4. The granting of such Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.***

**CONCLUSION:** See Staff Analysis at 17-21.

- 5. The Variance is the minimum necessary to provide reasonable relief.***

**CONCLUSION:** See Staff Analysis at 19-20.

#### **PART 6 – STAFF RECOMMENDATION & CONDITIONS:**

Staff recommends the Hearing Examiner **deny** the Non-Administrative Variance for a 70-foot monopine faux tree, as it has not been demonstrated to be the minimum necessary to provide reasonable relieve. Instead, Staff recommends **approval** of a maximum 65-foot monopole/structure using concealment techniques consistent with the stealth cannister or un-stealth structure depicted on Exhibits 33 and 34.

If the Hearing Examiner decides approve Staff's recommendation, then Staff requests the approval be subject to the following conditions:

1. Pertinent building construction, right of way use, tree protection, and construction mitigation permits shall be obtained before starting construction activity.
2. All other zoning and development regulations applicable to the Proposal shall be followed and confirmed during the building permit review.
3. No existing landscaping or trees shall be removed, altered, or modified.
4. The 98-foot setback to residential properties approved by 2016 WCF shall not be decreased/reduced in any way.
5. The existing generator shall be removed from the site. Addition of a new generator would be under permits issued by the City of Medina.
6. All replacement and/or ancillary facilities shall be placed within the interior of the existing equipment structure. The existing equipment structure shall not be relocated, expanded, or modified. No equipment or facilities shall be located outside of the existing equipment structure.
7. The existing fence and gate security barriers shall not be modified or altered.

8. No activities shall occur in, and there shall be no impact to, the geohazard area located on the Property.
9. Plans for concealment techniques for a Stealth Cannister or Non-stealthed Structure shall be submitted to the City as part of a complete building permit application and screen, hide, or disguise the facilities to make them visually inconspicuous to the extent technically feasible to surrounding properties and city streets. No building permit shall be issued until the City approves the proposed concealment techniques.
10. The maximum height of the replacement WCF on the Property shall be 65-feet above the finished adjacent grade which will require verification by a Washington State licensed professional surveyor prior to final building inspection approval
11. All components of the WCF on the Property shall be painted in a nonreflective green color that matches the predominate visual background so as to visually blend with the natural surroundings. The City has the discretion to approve or reject the proposed color. This condition shall also be a condition of building permit issuance. Continued maintenance of the approved color shall be a condition of building permit issuance. The proposed color will be submitted by product name and manufacturers identification.
12. A Non-Administrative Special Use permit may not be transferred, nor subleased, unless the provisions of MMC 16.37.150 are met.
13. Maintenance of the WCF, consistent with MMC 16.37.160, shall be required and made a condition of building permit issuance. Applicants shall provide a re-paint schedule consistent with maintenance of the approved color.
14. Abandoned WCF, as defined by MMC 16.37.170, shall be removed no later than 90 days from date of abandonment.
15. The approved Non-Administrative Variance shall expire after one year from the later date of the decision being issued or an appeal becoming final unless a complete building permit application is submitted. A six-month extension may be granted pursuant to MMC 16.72.030(H)(3), if Applicants makes such a request in writing prior to the expiration date and can show good cause for granting the extension.

In the alternative, if the Hearing Examiner determines to approve Applicants' request to install a 70-foot monopile faux tree, then in addition to the proposed conditions 1-15 above, Staff requests the approval be subject to the following conditions:

16. The monopine faux tree shall be a maximum height of 70-feet above the adjacent finished grade as confirmed by a Washington State licensed professional surveyor
17. WCF facilities shall not be located higher than 65-feet on the monopine faux tree.