



CITY COUNCIL COMMITTEE MEETING AGENDA

Public Works Committee

This meeting will be conducted in person in the City Hall conference room located at 10220 270th ST NW Stanwood WA 98292.

MONDAY, December 5th, 2022, 5:30 PM

1. Dish Wireless LLC Lease Agreement 2nd Review
2. Street Vacation/Easements



**CITY OF STANWOOD
PUBLIC WORKS/PARKS COMMITTEE
AGENDA STAFF REPORT**

ITEM NUMBER: 1

DATE: December 5, 2022

SUBJECT: Dish Wireless LLC Lease Agreement

FROM: Patricia Love, Community Development Director
Tansy Schroeder, City Planner

ATTACHMENTS: A: NONEXCLUSIVE SITE LEASE AGREEMENT

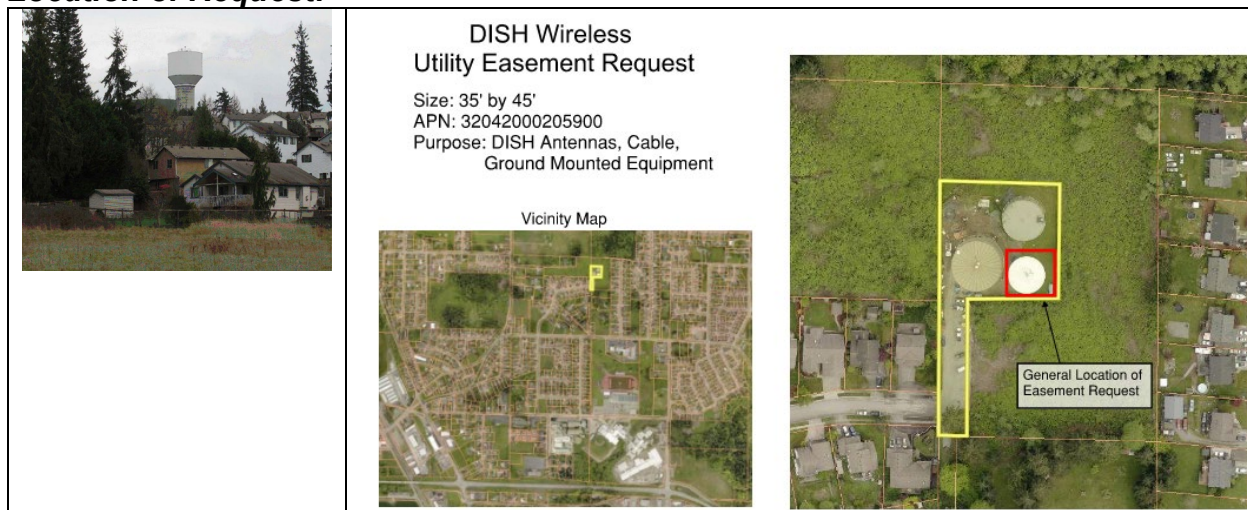
PURPOSE

The Public Works Committee is being asked to review and provide input and direction to staff on a site lease agreement (Attachment A) with Dish Wireless LLC. This proposal went before the Public Works Committee on October 3, 2022 and has been revised and updated in response to Committee comments.

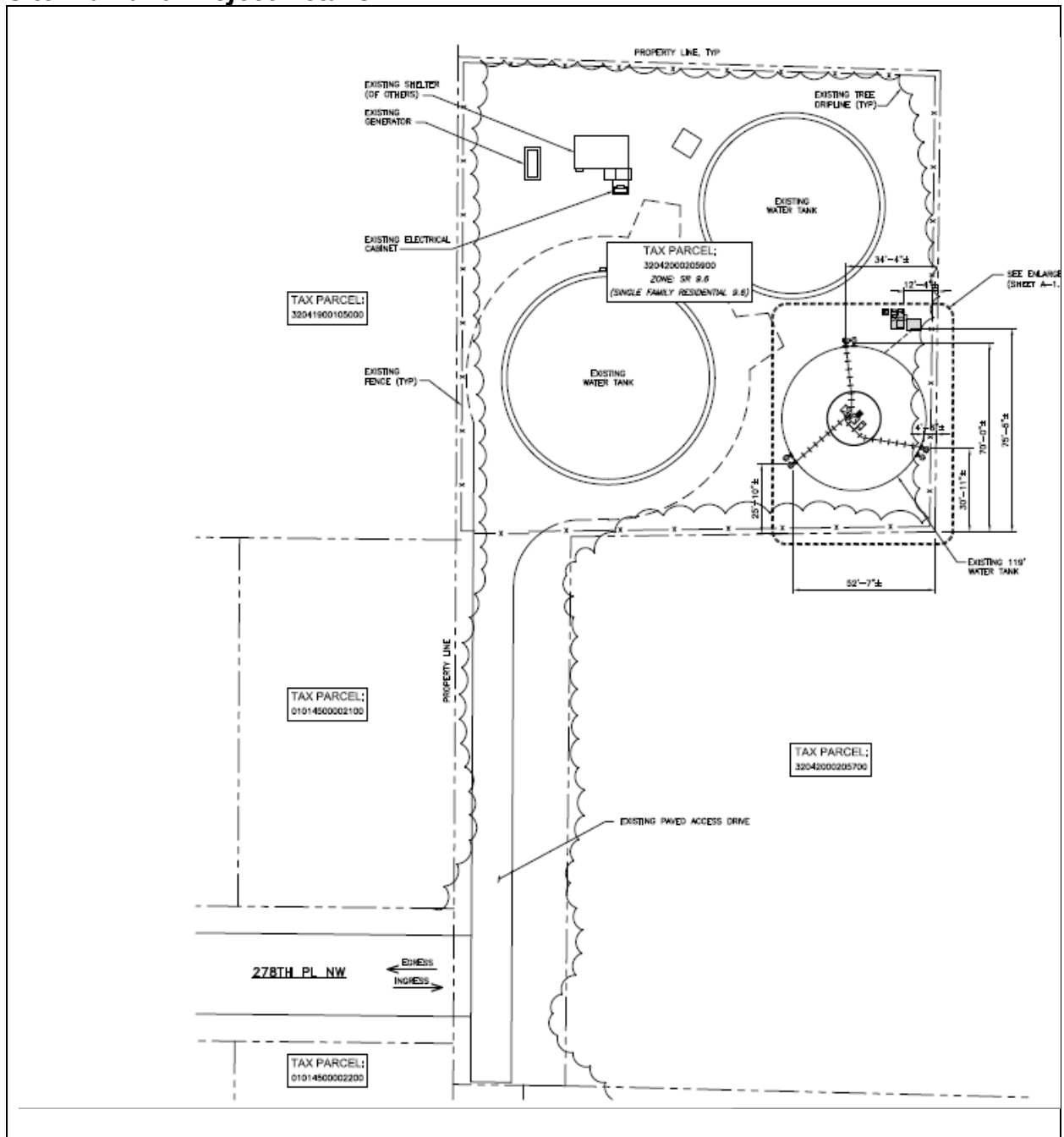
BACKGROUND

DISH proposes the development of a new wireless communications facility (WCF) in the City of Stanwood at 7620 278TH PL NW. The communications facility will be one of the nation's first 5G networks. Once constructed, the facility will increase internet speeds and availability, improve the reliability and capacity of service. They are wanting to use magnets plates to flush-mount antennas on the side wall of an existing city-owned water tank. As part of the project, DISH Wireless is requesting a non-exclusive 35' x 45' easement from the City on the southeast corner of the parcel. DISH Wireless shall use the space to install a concrete pad to install an equipment cabinet with conduit and underground cable feeding six (6) new antennas attached to the existing water tower.

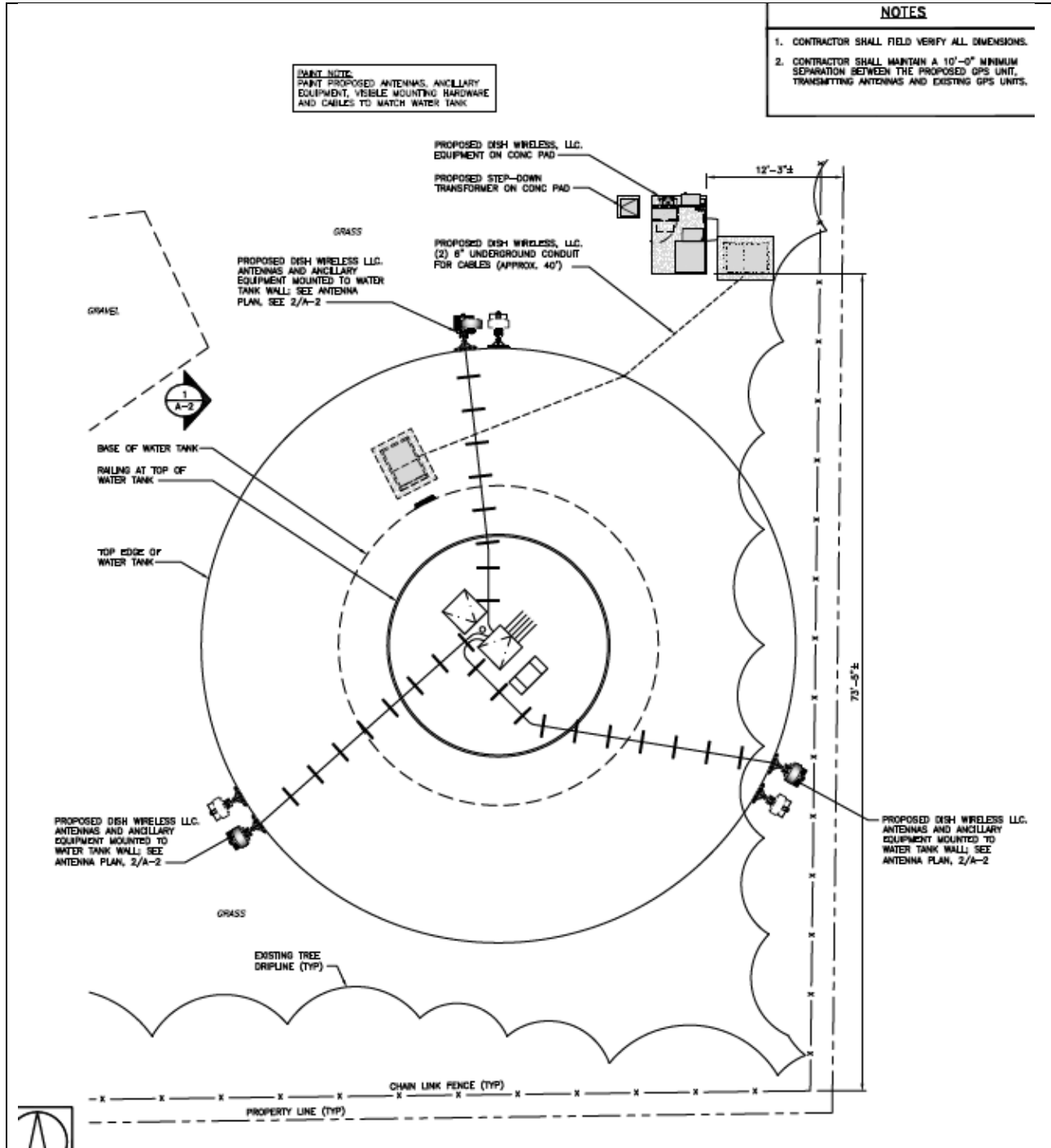
Location of Request:



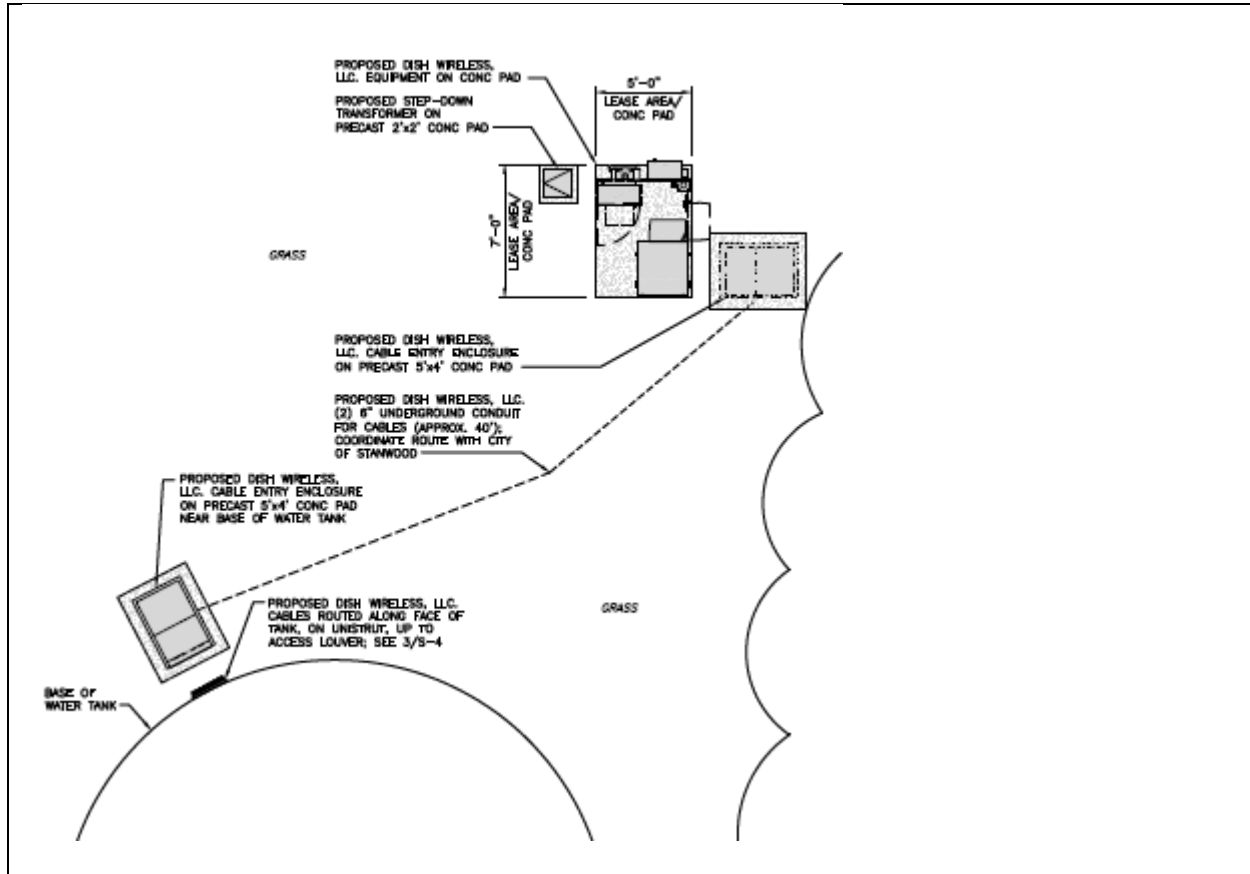
Site Plan and Project Details:



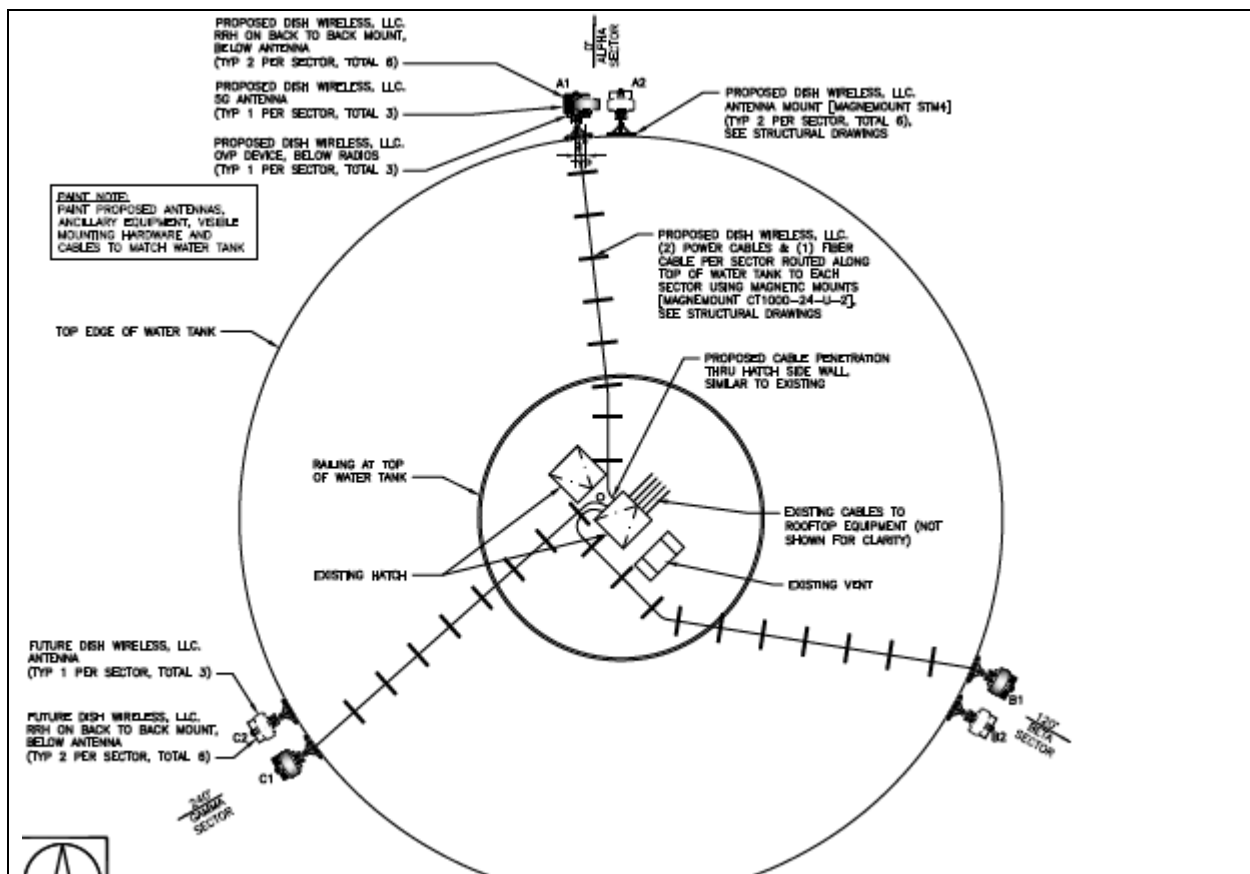
Attachment Details:



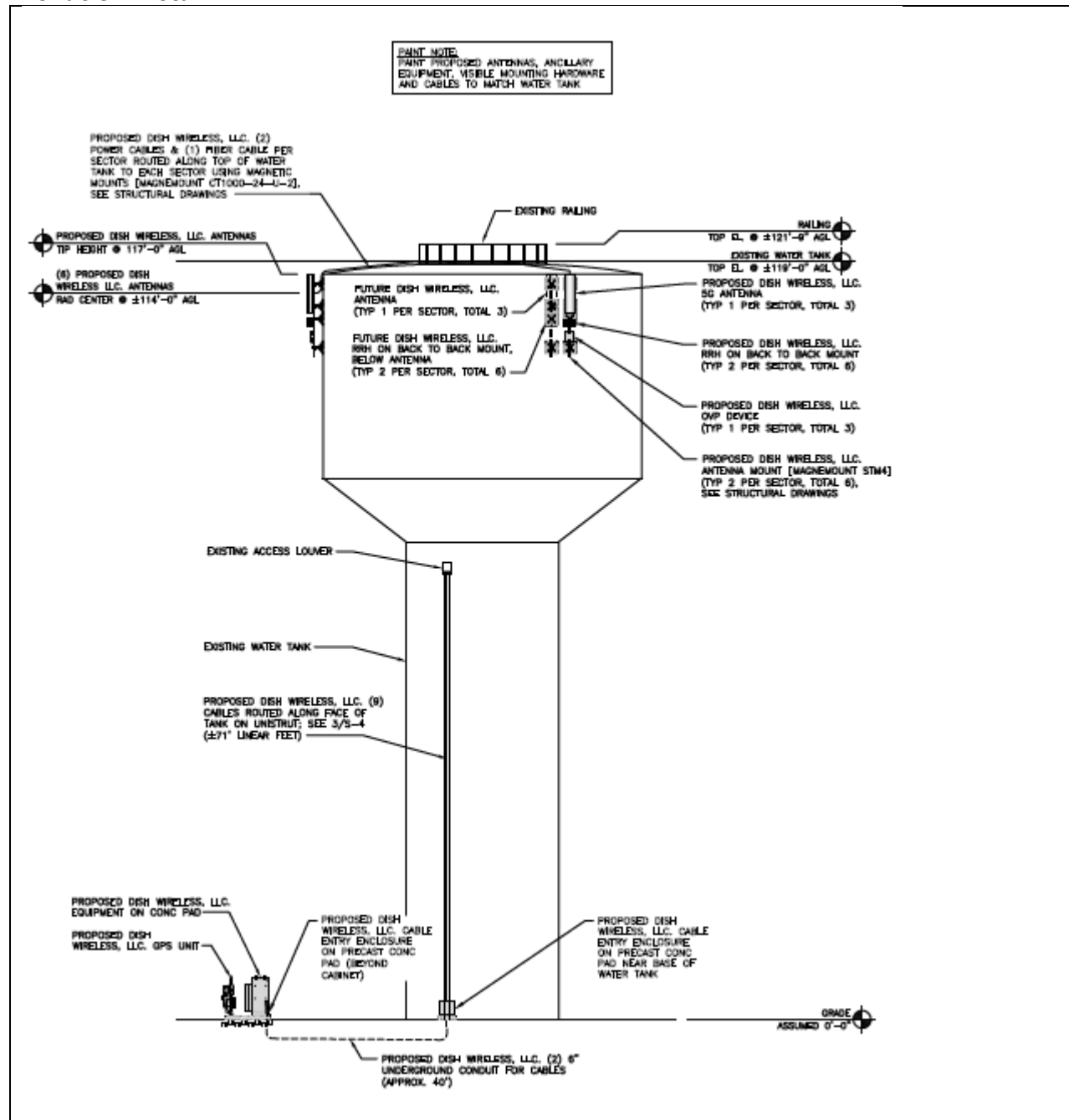
Cabinet Details:



Antenna Details:



Elevation Detail:



Project Example:



Criteria Analysis:

Prior to making a recommendation to the City Council or Mayor to grant an easement, the easement request is reviewed against the below listed criteria.

Criteria #1: The easement provides a benefit to the residents of Stanwood.

City Response: DISH Wireless is leading the nation in developing an equitable 5G network and has selected Stanwood as one of its pilot locations. The intent of the project is to improve the reliability and speed of internet. The project will result in faster internet speeds for DISH Wireless users within the vicinity of the site, including Stanwood residents.

The proposed mounting location is in an area that is primarily residential. Utilization of the water tank limits the proliferation of stand-alone wireless facilities. It also creates a source of passive income for the City that was not previously available. Mounting on the tank provides screening to minimize the visual impacts. DISH Wireless is also proposing that the equipment on the tank be painted to match the water tank to contribute to minimizing the visual impact in the area. The City property that the tank is located on is also screened with existing evergreen and deciduous trees which are another method of minimizing visual impact.

The DISH service will provide additional opportunities for cell coverage for the citizens of Stanwood and beyond. DISH is currently operating under “Boost” with roaming agreements, so they are already an established carrier. Under the new proposed system, DISH will launch as “Boost Infinite” and will incorporate faster speeds and economical customer cost for their network service. The current proposed. The initial launch will be targeting approximately 18,847 current and potential customers.

Criteria #2: The easement request does not conflict or interfere with future city projects.

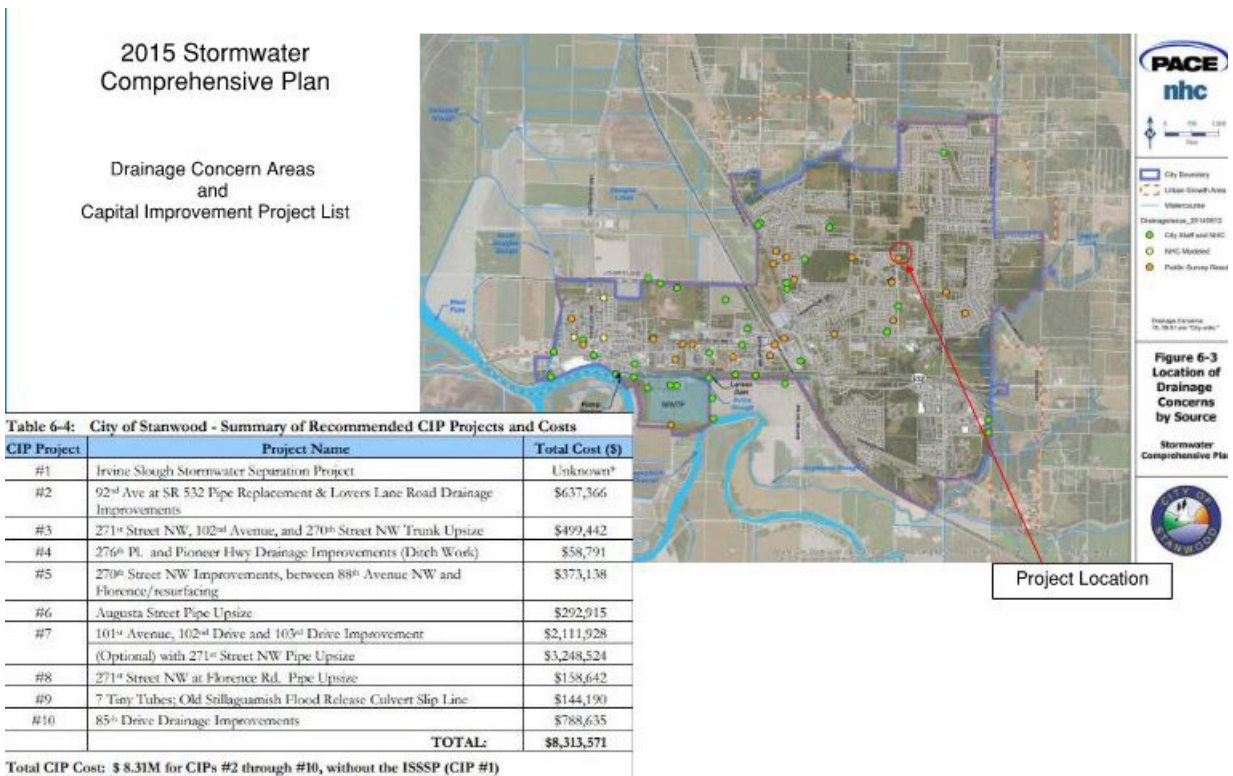
City Response: City staff conducted a review of the City's existing Comprehensive Plans to determine if there are any conflicts with existing or future plans: Stormwater, Sewer, Water, and Transportation. The graphics below show the location of the proposed easement in relationship to city infrastructure.

Stormwater: No conflicts with existing infrastructure or future stormwater projects.

Sewer: No conflicts with existing infrastructure; there is an existing sewer line under an adjacent access road which will not be affected by the project.

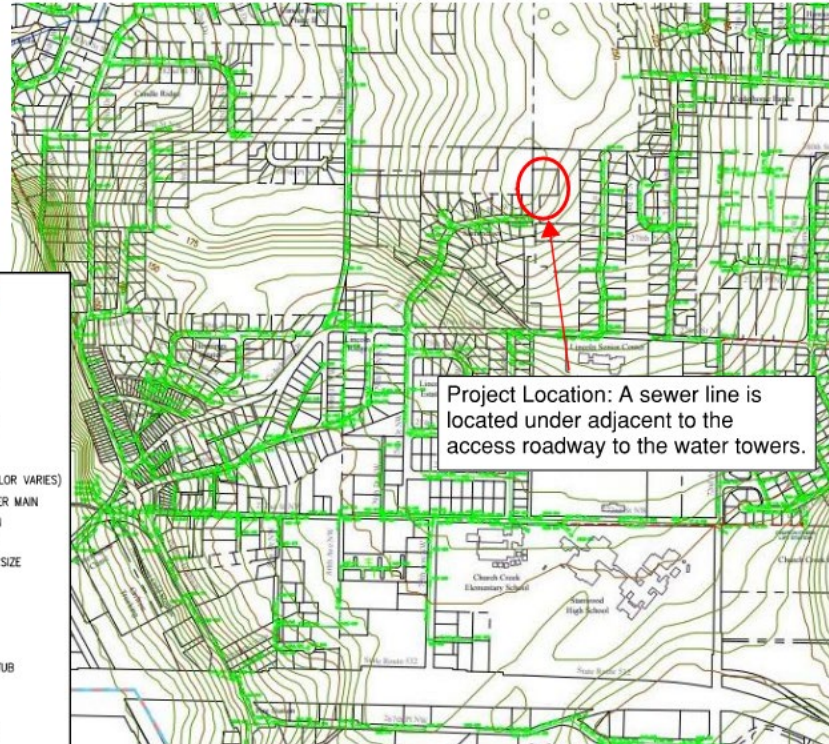
Water: No conflicts with existing infrastructure. There is a 12" water line located adjacent to the access road which will not be affected by the project.

Transportation: No conflicts with existing or proposed road or sidewalk projects. Construction will not impact public paths or roadways.



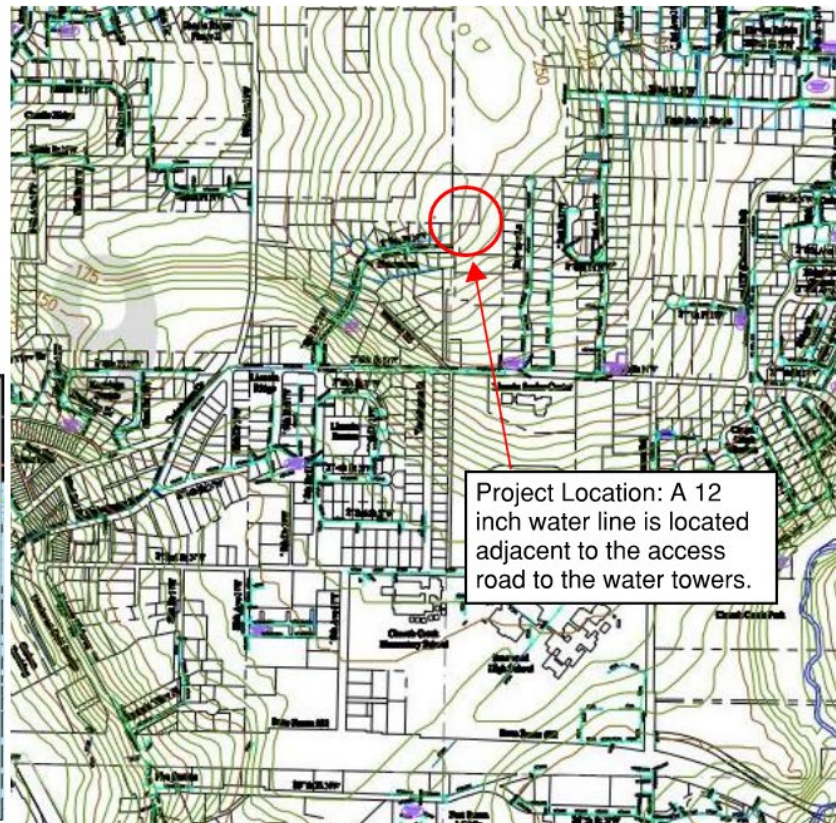
2015 Comprehensive Sewer Plan

LEGEND	
GENERAL	
	CITY LIMITS
	UGA BOUNDARY
	SECTION LINE
	PROPERTY LINE
	RIGHT OF WAY
SANITARY SEWER	
	GRAVITY SEWER (COLOR VARIES)
	16" AND GREATER MAIN
	10" ⇒ 14" MAIN
	6" ⇒ 8" MAIN
	UNKNOWN MAIN SIZE
	FORCE MAIN
	SIDE SEWER
	MANHOLE
	CLEANOUT
	CAPPED PIPE STUB
	LIFT STATION
	METER
	FLOW DIRECTION



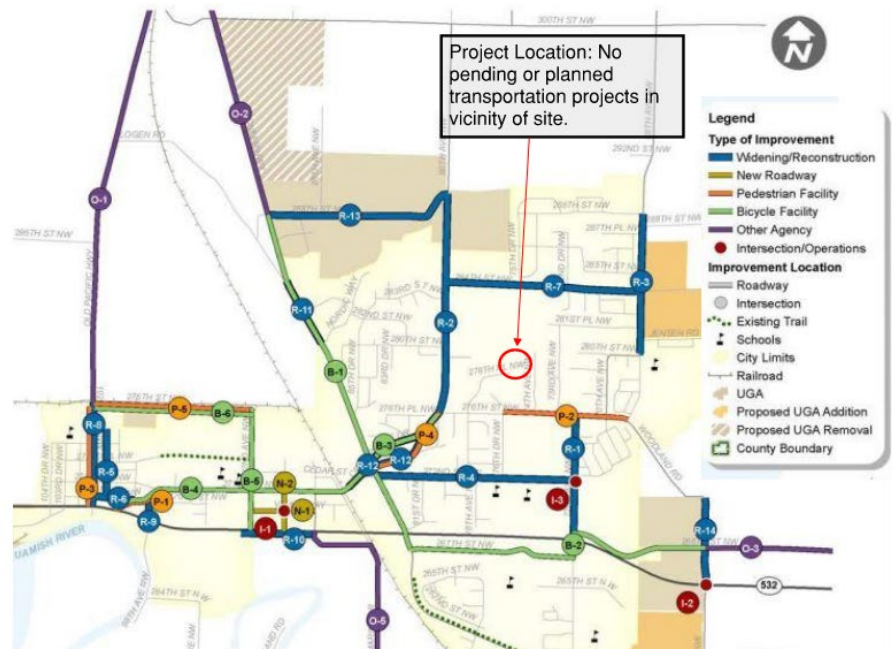
2015 Comprehensive Water Plan

LEGEND	
GENERAL	
	CITY LIMITS
	URBAN GROWTH AREA
	SECTION LINE
	PROPERTY LINE
	RIGHT OF WAY
STORM SEWER	
	STORM SEWER (COLOR VARIES)
	32" AND GREATER MAIN
	21" ⇒ 30" MAIN
	12" ⇒ 20" MAIN
	6" ⇒ 10" MAIN
	UNKNOWN MAIN SIZE
	SIDE SEWER
	CATCH BASIN
	FLOW DIRECTION



2015 Transportation
Plan

Transportation
Improvement Projects



Criteria #3: The easement is not in conflict with any other public overlay easement or restrictive covenant

City Response: There are no conflicts with public overlay easement or restrictive covenants.

Criteria #4: The easement does not limit access or public use of the property by the City or city residents

City Response: There will be no impact to surrounding properties after the antennas and associated equipment have been installed. The site is only accessible to municipal staff and DISH technicians. There will be no impacts nearby traffic, walking paths, or views.

Criteria #5: The easement does not limit or interfere with the any existing public works maintenance operations

City Response: This application is for a non-exclusive easement. The addition of DISH Wireless equipment will not interfere with Public Works standard maintenance activities. Access to the site and water towers will be maintained at all times. Public Works has reviewed this application and confirmed that antenna attachment to the tank is permissible.

Easement Terms:

The draft easement has been reviewed by staff and the City Attorney: all of which are recommending approval. The easement:

- Provides a non-exclusive right to use a 35 X 45 square foot area for the purpose of installing an electrical cabinet, power lines and conduits on city owned property.
- Dish is responsible for providing independent electrical service to their equipment; stubs are available to site.
- The total term of the agreement is for 25 years in 5-year intervals.
- Dish will pay the City \$2,500.00 per month for the lease payment with an annual 3% rent inflator.

- Access to and from the site must be coordinated with Public Works staff. In the event of an emergency and off-hours access is required Dish will pay the overtime costs to access the site.
- In the event that there is substantial damage to the water tower, Dish may terminate the lease agreement or add a mobile structure to the site at an agreeable location.
- City is responsible for maintenance of the water tower; Dish is responsible to maintenance of their equipment.
- City and DISH attorneys have agreed upon language for surrender, defaults, indemnification, insurance and warranties.

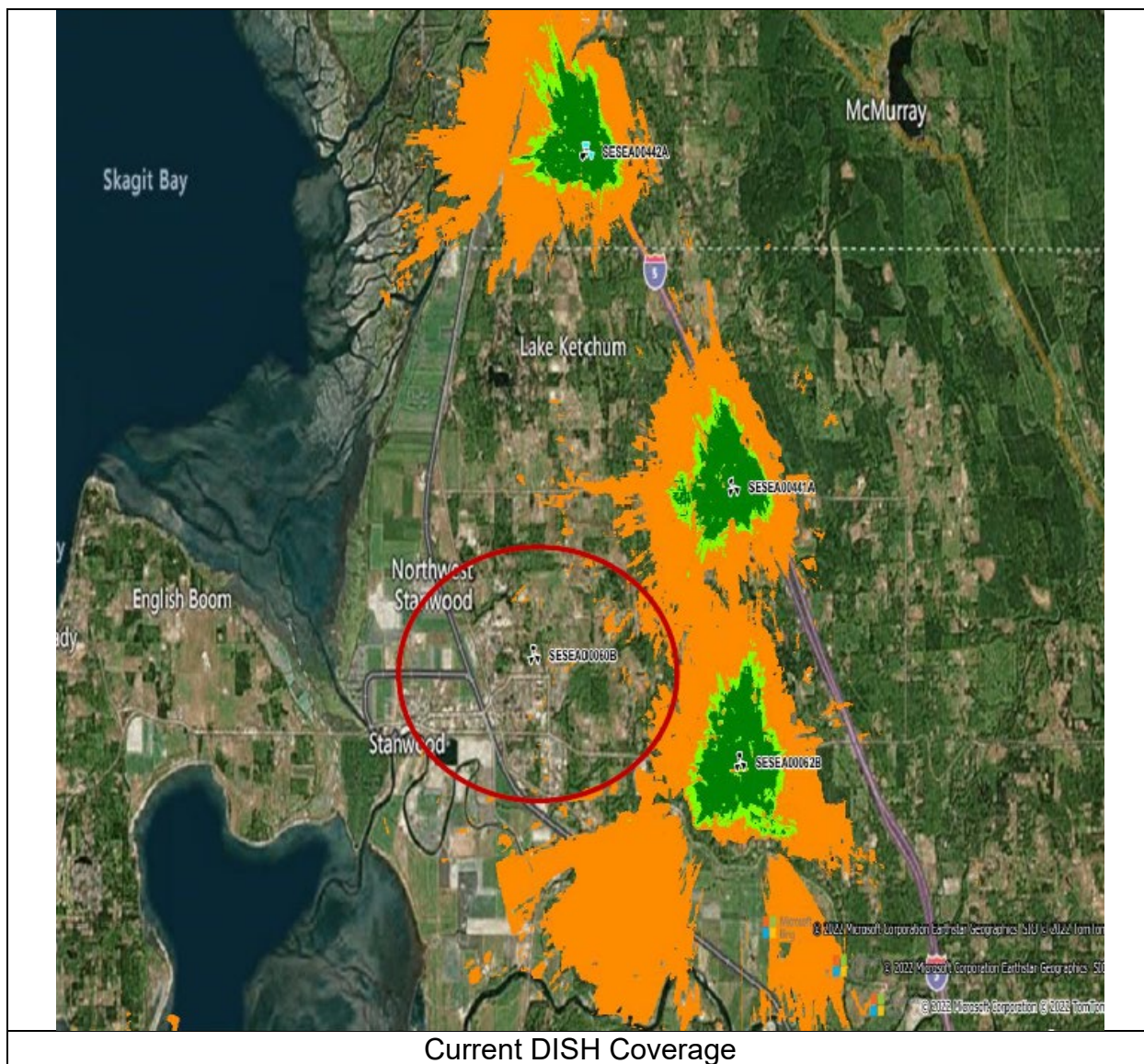
FISCAL IMPACT

The tenant will pay the city rent for the premises in the amount of \$2,500.00 per month plus any leasehold excise tax due and an annual 3% rent inflator.

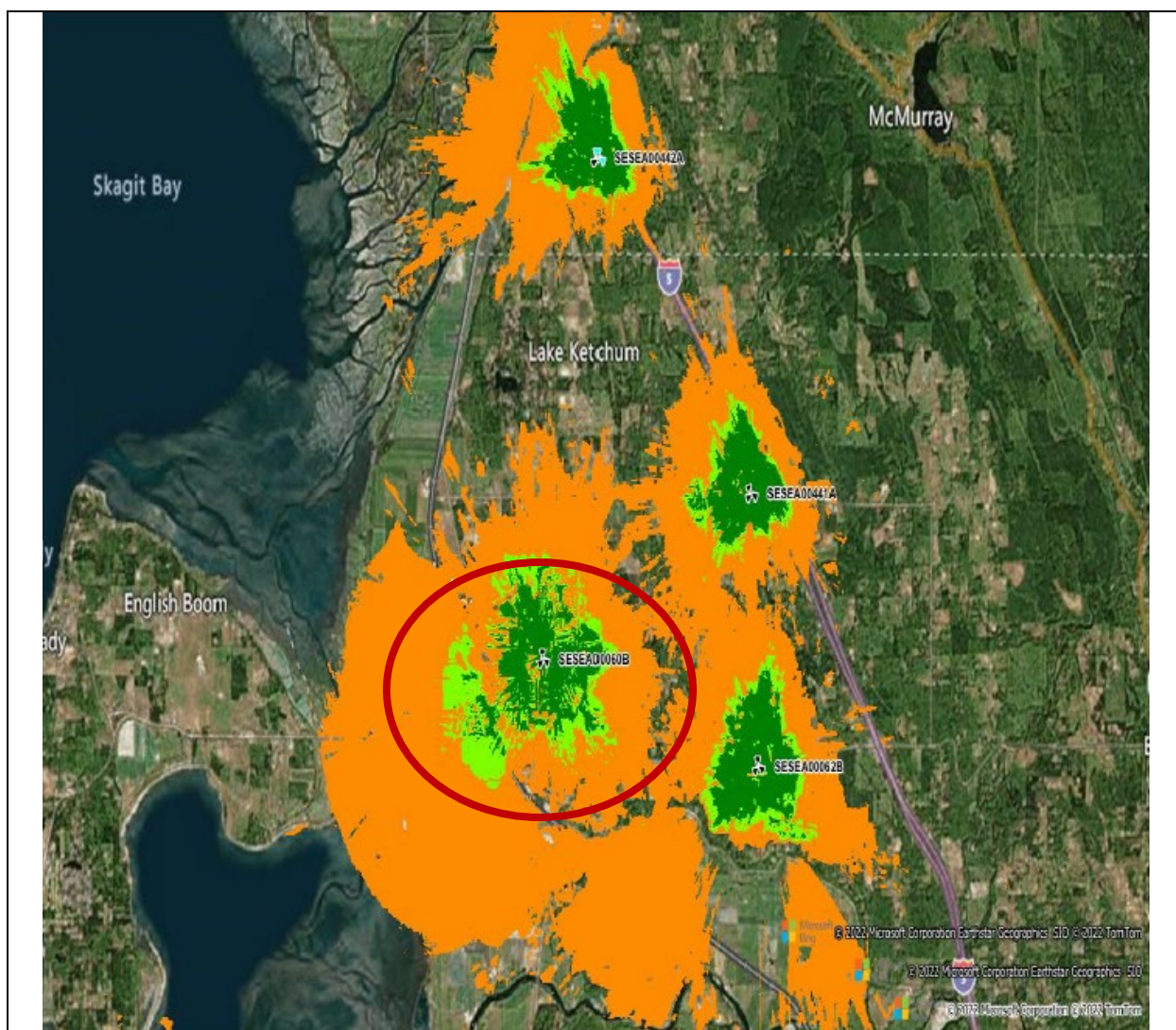
COMMITTEE COMMENTS AND QUESTIONS

If there were upgrades needed at the water tank and the upgrades interfered with tenants' equipment. Would this lease agreement interfere with the city being able to do what is needed?	No, the City can do what it needs to do and will then cooperate with Dish to determine a location to relocate the equipment to.
What if the interference is caused by non-city interference? What might cause interference? If the City allowed another wireless service provider could those cause interference? If so, does that make this exclusive? What if a neighboring resident has something that causes interference?	Wireless communication facilities (WCF) are so highly regulated that interference is a very rare occurrence.
The committee did not like that the city would be responsible for paying to move the equipment. This could be a large expense.	Section 5.2 revised requiring Dish to pay the relocation costs once every 5 years. The City bears the cost only if the City requires Dish to relocate its equipment more than once during a 5-year period.
Committee was concerned about damage being done to the water tank by the tenant's equipment being attached to it. Is there something that requires Dish to pay if their work or equipment causes damage?	Section 9.1 requires Dish to indemnify the City for any loss or damage resulting from its use under the lease agreement.
If there is an act of nature and the tenant's equipment is damaged who is responsible for paying to have it fixed?	Dish's insurance would cover that.
Would it be possible for Dish to put up their own pole at the location to attach their equipment to, so it's not attached to the tower?	The alternative to a co-located WCF would be a new monopole tower. Stanwood Municipal Code expressly encourages and prioritizes the location of WCF on existing

	structures particularly when located on public property. New monopole towers may be located in the General Commercial (GC) and General Industrial (GI) zoning districts and upon any property containing an existing public use within any zoning district through a conditional use permit. New monopoles are permitted to be 120' in height. Community Development Staff's recommendation is that a co-located WCF is preferable over a monopole tower. The proposed co-located facility has been designed to blend in with the water tower and benefits from the existing vegetation screening. A new monopole would have a more substantial visual impact on the surround area.
How many customers do they have in Stanwood city limits?	The proposed wireless communications facility will be targeting approximately 18,847 current and potential customers.
How big is the service area from this? Is this providing more benefit outside of city limits? Who is benefiting from the 5G that is being produced from the equipment on the city's water tank?	DISH's in-house Radio Frequency Engineering Department prepared a report analyzing the quality of service in Stanwood. The below coverage prediction plots exhibit the need for this site at height 114'. The orange shade shows "poor-indoor, normal-outdoor" coverage. The light green shade shows "normal-indoor, good-outdoor" coverage, and the dark green shade shows "good-indoor, excellent-outdoor" coverages. If there is no colored area, it means there is no coverage or very limited coverage.



Current DISH Coverage



Projected DISH Coverage with Proposed Facility

Committee was concerned about the appearance of the equipment being attached to the tank. It would be visible.	Mounting on the tank provides screening to minimize the visual impacts. DISH Wireless is also proposing that the equipment on the tank be painted to match the water tank to contribute to minimizing the visual impact in the area. The City property that the tank is located on is also screened with existing evergreen and deciduous trees which are another method of minimizing visual impact. A monopole would be more visible than a co-located facility.
How would the equipment get serviced? Would tenants have full access to the area?	Dish employees would need to contact city staff to be allowed access into the site.

RECOMMENDATION

1. Recommend bringing the lease agreement to City Council on December 8, 2022.
2. Send back to staff for changes
3. Do not move forward with lease agreement



CITY OF STANWOOD PUBLIC WORKS COMMITTEE

AGENDA STAFF REPORT

MEETING DATES: December 5, 2022

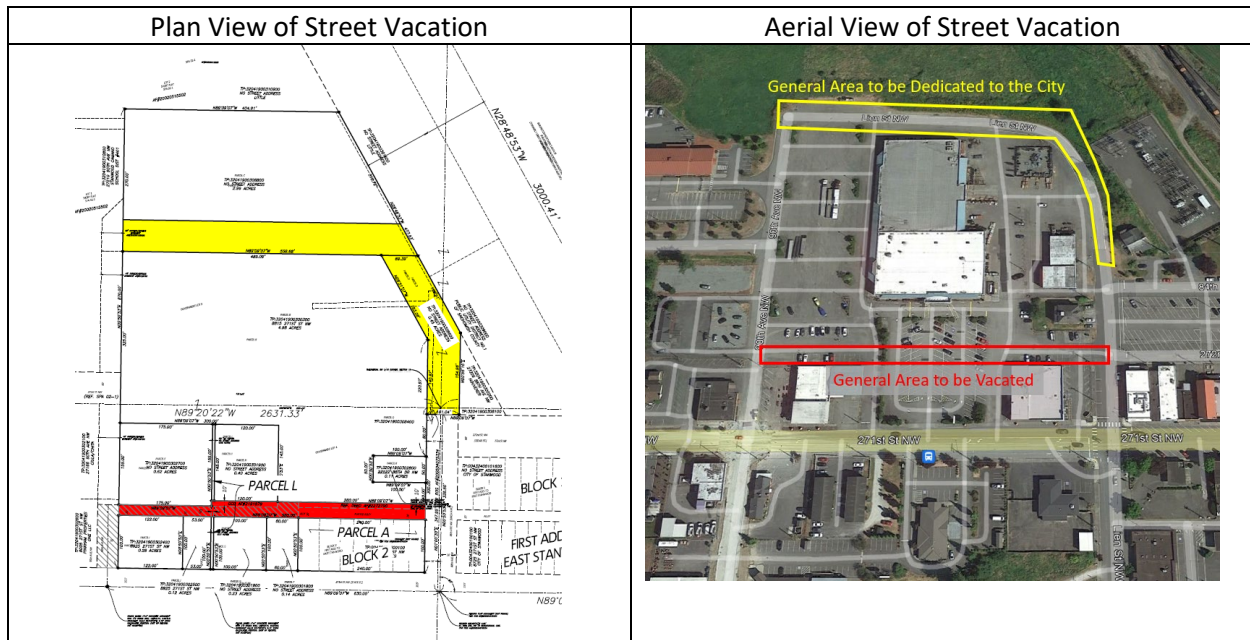
SUBJECT: Country Store Street Vacation
Arts Center Street Vacation
Cedarside Commons Street Vacation
Inland Street Utility Easement Request

CONTACT PERSON: Patricia Love, Community Development Director

Country Store Street Vacation Request

The Country Store recently purchased their building and the surrounding properties and have been in the process of remodeling their building. They will soon begin reconstructing their parking lot to improve pedestrian and vehicle access. As part of this process, they are requesting a street vacation to eliminate the old, unused right-of-way that runs through their front parking lot and in exchange they will dedicate to the City the roadway along the eastern and northern boundaries of their property.

Staff is supportive of this street vacation as the area to be vacated has not been used as a public road in at least 30 years, and what the community uses as a public street is actually on private property. Because the proposal exchanges right-of-way no appraisal is needed, and no payment is required as long as the exchanged parcel is equal or greater in size than the piece being vacated.



1990 Google Aerial



2020 Google Aerial



Arts Center Street Vacation Request:

Carrie Richardson, previous owner of the furniture store, recently spoke at Council meeting and asked that the City donate a portion of 270th Street right-of-way to the Stanwood Camano Arts Advocacy Commission to help facilitate the design and construction of the proposed arts building. The City cannot legally “donate” property without just compensation as it would be considered a gift of public funds. However, a street vacation is a legal means to dispose of unused or unneeded right-of-way.

Investigations of this property shows that the City and Ms. Richardson’s grandparents entered into an agreement in the late 1980’s exchanging property. It appears that the City was proposing to close off Camano Street and use Augusta Street as a “T” intersection with SR 532. This “project” was never completed leaving a portion of Camano Street in private ownership and unusable to the current owners.

To clean up the property lines and to help facilitate the development of the arts center, a street vacation is being proposed which exchanges a portion of the “furniture store parking lot” right-of-way with the Camano Street right-of-way. This exchange returns the property to nearly its historical origins but preserves sufficient area at the corner of 270th Street and Camano Street for the realignment per the Twin City Mile conceptual plans. It also ensures that all of Camano Street is held in public ownership.

Existing Ownership of the Stanwood Camano Arts Advocacy Commission



Proposed SCAAC Street Vacation / Property Exchange



If the amount of land dedicated as public right-of-way is greater than that vacated, no appraisal is needed or nor is any payment for the vacated portion is required.

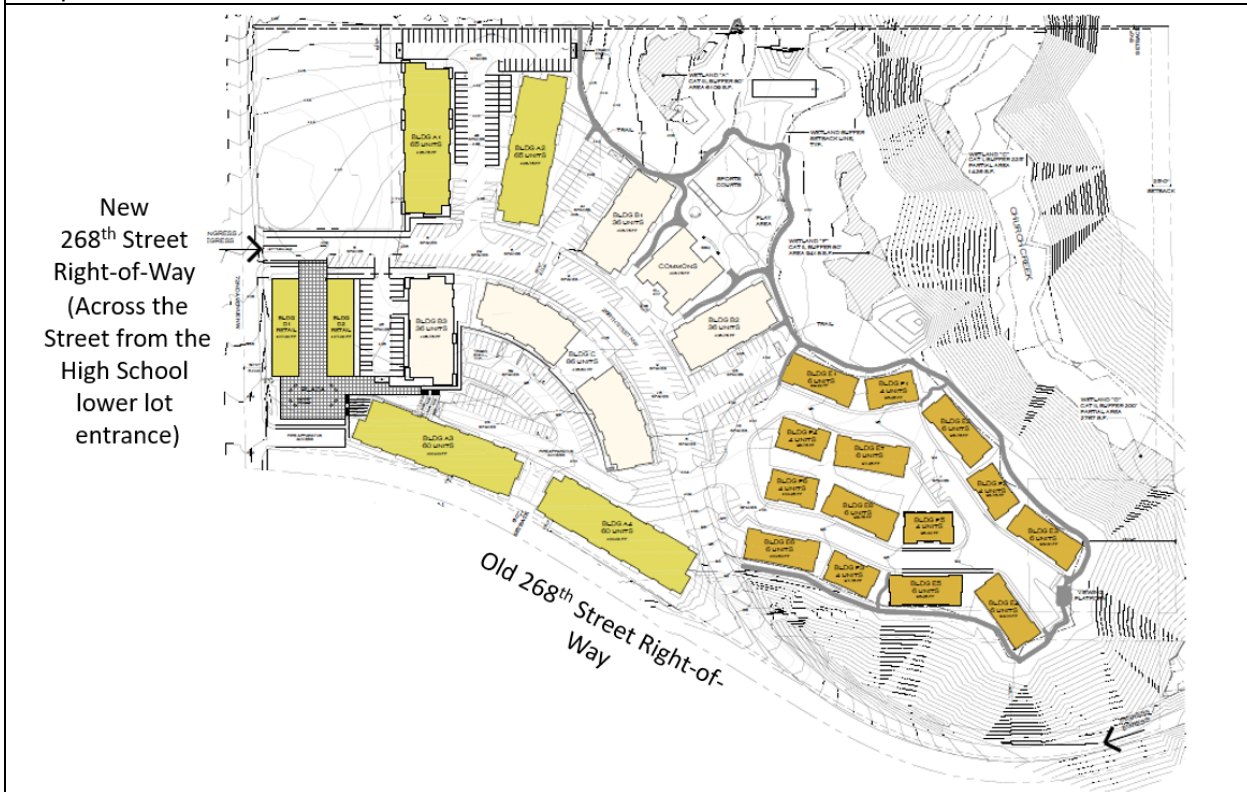
Cedar Side Commons Development Street Vacation Request:

Cedar Side Commons, a mixed-use development, located northeast of the intersection of 72nd Avenue NW and State Route 532 has been submitted for land use permit approvals. The property is zoned Traditional Neighborhood (TN) and the proposal consists of 444 apartment units of varying sizes, and 72 townhome units for a total of 516 residential units in addition to 26,000 square feet of retail and office space, 7,130 square feet of recreational amenities for the residential occupants, and 126,198 square feet of Native Growth Protection Area to preserve the on-site wetlands and stream. The applicant is proposing a street vacation of existing 268th Street NW and reconstructing the road northward. This request is an exchange of property to better facilitate the design of the project as well as moving the 268th Street / 72nd Avenue intersection further north of SR 532.

Existing Site Conditions of Cedarside Commons and 268th Street NW



Proposed Cedarside Commons with Relocated 268th Street



Inland Steel Utility Easement Request:

Inland Steel is in the process of developing their property with two future buildings; 7,779 square feet and 6,622 square feet, on approximately 1.43 acres zoned Light Industrial. The project site is located southeast of the intersection of 272nd Street NW and 92nd Avenue NW. The project includes 29 parking stalls and paving, frontage improvements to 272nd Street NW, landscaping, and installation of storm management and utilities.

Inland Steel and PUD is proposing to bring power to the site via a 20 foot wide city owned parcel. Inland Steel has met with PUD onsite and this is the only viable path to bring power onto their property. There are two power poles within the vicinity of the subject property. The first pole is located at the northern corner of 272nd St and 92nd Ave. This pole would not require an easement from the City, but unfortunately does not have the necessary capacity and power available for the proposed development. The second pole is located on the east side of 92nd Ave, just to the south of K Pro Auto Inc. This pole has the necessary power needed for the development but requires granting of an easement across city-owned property. PUD has no other feasible options on 272nd St, 90th Ave, or 271st St. The proposal would consist of a 3-foot wide trench for conduit which will then be backfilled and compacted.





Next Steps:

If the Public Works Committee is in favor of these requests, staff will proceed with the applications and begin processing the permits.