



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

Horizon Cell Towers Administrative Conditional Use File Number ACU-18-00002 FINDINGS OF FACT, DECISION AND CONDITIONS OF APPROVAL

I. GENERAL INFORMATION

Requested Action: Angela Raymond, agent for William Hart, is proposing the development of a 89 foot Wireless Communication Tower to expand communication access in the area. The proposed tower would be built within an existing storage facility property.

Location: Parcel 015135, located at 3851 HWY 970, Cle Elum, WA 98922. SE 1/4 Section 32 T20N R16E WM in Kittitas County. Map Number 20-16-32054-0001.

II. SITE INFORMATION

Total Property Size:	3.49 acres
Number of Lots:	1 (no new lots are being proposed)
Domestic Water:	Well
Sewage Disposal:	Onsite Septic
Power/Electricity:	Kittitas County PUD
Fire Protection:	Fire District 7
Irrigation District:	N/A

Site Characteristics:

North: Privately owned land primarily undeveloped

South: SR 970 and privately owned land with some single family residences

East: Privately owned land primarily used for residential and business purposes

West: Privately owned land primarily undeveloped with some single family residences

Access: The site is accessed from State Route 970.

III. Zoning and Development Standards

The subject property is located approximately 1.7 miles east of the City of Cle Elum and has a zoning designation of Forest and Range. The purpose and intent of this zone is to provide for areas of Kittitas County wherein natural resource management is the highest priority and where the subdivision and development of lands for uses and activities incompatible with resource management are discouraged. The Forest and Range zone allows for a vast array of permitted and conditional uses; this project is being proposed under KCC 17.60B.050, 17.60A.015, and 17.61.040. This use is an Administrative Conditional Use and requires that the following be met:

KCC 17.60A.015 Review Criteria

1. The proposed use is essential or desirable to the public convenience and not detrimental or injurious to the public health, peace, or safety or to the character of the surrounding neighborhood.

Applicant Response: The proposed WCF is essential and desired for the public convenience particularly in the sense of emergency service along I-90, SR10 and SR 970. There is a significant gap in wireless coverage along these major stretches of highway and a new WCF will aid in the emergency response time. See Exhibit C for map and coverage details. The WCF will not be detrimental or injurious to the public health, peace, or safety or to the character of the surrounding neighborhood. The WCF is regulated by the FCC and as shown in Exhibit D the proposed WCF will comply with the FCC and local rules and guidelines regarding human exposure to radio frequency electromagnetic fields. The facility will be fully enclosed with a chain link fence with green privacy slats and will blend in with the existing commercial use on-site.

Staff Response: CDS has concluded that the proposed wireless communication facility will increase wireless coverage for the area and in turn is desirable to the public convenience. CDS does not find any indication the project would be injurious to the public health, peace, safety or character of the surrounding neighborhood.

2. The proposed use at the proposed location will not be unreasonably detrimental to the economic welfare of the county and that it will not create excessive public cost for facilities and services by finding that
 - a. The proposed use will be adequately serviced by existing facilities such as highways, roads, police and fire protection, irrigation and drainage structures, refuse disposal, water and sewers, and schools; or
 - b. The applicant shall provide such facilities; or
 - c. The proposed use will be of sufficient economic benefit to offset additional public costs or economic detriment.

Applicant Response: The proposed WCF will be adequately served by the existing public services. The WCF is unmanned with no proposed water or sewer. There will be very little to no impact on the existing public facilities. See Exhibit A for details.

Staff Response: The subject parcel is currently used for commercial purposes and is adequately served by public facilities. The addition of a WCF at this location will not require additional public facilities or have a negative impact on the economic welfare of the county.

3. The proposed use complies with relevant development standards and criteria for approval set forth in this title or other applicable provisions of Kittitas County Code.

Applicant Response: The proposed WCF complies with all development standards including setbacks, height and design standards set forth in section 17.56, 17.60A and 17.61,. See Exhibit A for details.

Staff Response: KCC 17.61.040(3) requires 1.2 times the height of the structure property line setback. The applicant requested a setback reduction of 6'8" on the north side property line and 56'8" setback reduction on the east property line. This code section allows for a reduction of this setback per the Planning Director provided the applicant can show that a collapse of the tower would not fall onto neighboring parcels, and that the proposed structure location would increase transmission, audible or visual screening. The applicant provided a stamped engineer letter stating that a potential collapse would not endanger neighboring parcels. The proposed location behind an existing storage structure will provide increased visual screening from

SR970 as required in this code section to be considered for a setback reduction. Upon review of this information CDS concurs that the applicant's proposal complies with all development and design standards.

4. The proposed use will mitigate material impacts of the development, whether environmental or otherwise.

Applicant Response: All material impacts of the proposed WCF will be mitigated by the applicant in accordance with Kittitas county Code. The proposed WCF anticipates no material impacts. See Exhibit A for details.

Staff Response: CDS concurs with the applicant anticipating no material impacts from this project.

5. The proposed use will ensure compatibility with existing neighboring land uses.

Applicant Response: The proposed WCF will be compatible with the existing neighborhood. The existing use of the parcel is commercial with storage units. Other surrounding land is vacant/forest land and some residential units across SR 970. The WCF will be screened by the existing storage units and be fully enclosed with a chain link fence with green privacy slats to mitigate visual impact.

Staff Response: Much of the property surrounding the subject parcel is undeveloped. Some single family residences and commercial structures exist in the vicinity as well. CDS does not see any conflict with this proposed use to neighboring uses.

6. The proposed use is consistent with the intent and character of the zoning district in which it is located.

Applicant Response: The proposed use is consistent with the intent and character of the zoning district in that the WCF will be fully screened and located behind existing builds to blend in with the natural environment.

Staff Response: Wireless Communication Facilities are an allowed use, subject to an administrative conditional use permit, in the zoning district Forest and Range. CDS concurs with the applicant that the proposed use is consistent with the intent and character of the zoning district.

7. For conditional uses outside of Urban Growth Areas, the proposed use:

- a. Is consistent with the intent, goals, policies, and objectives of the Kittitas County Comprehensive Plan, including the policies of Chapter 8, Rural and Resource Lands;
- b. Preserves "rural character" as defined in the Growth Management Act
- c. Requires only rural government services ; and
- d. Does not compromise the long term viability of designated resource lands.

Applicant Response: (A) The proposed use is consistent with the goals, policies, and objectives of the Kittitas Comprehensive Plan, including the policies of Chapter 8, Rural and Resource Lands. The proposed facility falls under Chapter 7 of the Comprehensive Plan. The facility will support the residences and tourism of the Snoqualmie Pass area as well as provide emergency services. The facility will also help support economic growth for the area. When constructing the proposed facility environmentally sensitive areas like the slope will be protected. The visual impact will be minimal with the screened in fenced leased area and the pole being painted green to blend in with the natural environment. The facility will be designed to accommodate at least one other carrier for future use. In response to Chapter 8 the facility will not impact the rural character of the land. The only public services being proposed is power and telco, which will be at the cost of the applicant. (B) The WCF will be screened by the existing storage units and be fully enclosed with a chain link fence with green privacy slats to mitigate visual impact. (C) Services proposed are electric and telephone. (D) The WCF will have minimal impact on the land. The disturbed area will be 1,925 square feet and will use existing roads and access.

Staff Response: CDS staff concurs with the applicant. The project as proposed is consistent with the Comprehensive Plan as expressed in the GPO's provided in section V of this document. The project is also consistent with the Growth Management Act's definition of rural character and will not require any additional public services beyond existing levels. Long term viability of designated resource lands will not be compromised by this project.

Staff Conclusions

Staff finds that the proposed use will not be injurious to the public or surrounding neighborhood and adequate public services exist to accommodate the new use. Staff finds that the proposed use will be beneficial to the public by expanding the wireless coverage area without additional public cost or economic detriment. Kittitas County permits utilities in all zoning districts. Staff finds that the project, as conditioned, is consistent with the provisions outlined in KCC 17.60A.015 Review Criteria.

KCC 17.61.040 Communication Facilities- Administrative Review- General Requirements

1. Communication facilities may be authorized by the Community Development Services director as an administrative conditional use in all zoning districts, pursuant to the criteria and procedures of this chapter and [KCC Title 15A](#) and [KCC 17.60](#). An administrative conditional use permit is not required for the operation of amateur or noncommercial communication equipment as defined by FCC regulations under Part 95D and Part 97 CFR (i.e., citizen band, ham radio).

Staff Response: The project proposed is a commercial wireless communication facility and is subject to the Administrative Conditional Use process.

2. Construction of all improvements shall be completed within one year of the date of permit issuance except as provided for in subsections E and F of this section.

Staff Response: The permit expiration schedule is noted at the end of this document.

3. The property line setback shall be 1.2 times the height of the structure. The lot line setback requirements of this title may be reduced by the Community Development Services director, in order to improve the facilities' reception and/or transmission capabilities or to achieve greater levels of audible or visual screening provided the applicant can provide evidence that it would not be possible for the tower to fall on neighboring properties. Communication facilities shall be designed to blend with existing surroundings; provided, no conflicts exist with existing Federal Communications Commission and the Federal Aviation Administration regulations relating to aircraft safety. This should be achieved through the use of compatible colors and materials, and alternative site placement to allow the use of topography, existing vegetation or other structures to screen the proposed transmission support structure from adjacent lands.

Staff Response: The applicant requested setback reductions for the east and north property lines from the CDS Director. The specifics of this request are outlined in the Project Analysis section VIII of this document.

4. The co-location of antennas on both existing and proposed transmission structures is encouraged. Communication antennas shall be permitted outright in all zoning districts provided the following:
 - a. An antenna shall not extend more than six feet horizontally from any structure to which it is attached.
 - b. An antenna shall not extend vertically more than 15 feet above the uppermost portion of the structure to which it is mounted or attached.

Staff Response: The project is not being proposed as a co-location project, however the applicant does express that the tower will be designed to accommodate co-locating antennas in the future.

5. Modifications to, including the expansion of, existing approved communication facilities shall be outright permitted; provided, there is no increase in the height of the transmission tower. For purposes of this subsection, "transmission tower" means a pole or lattice-work structure specifically designed and intended to support antenna and related communication equipment.

Staff Response: This application is for a new facility. This section does not apply.

Staff Conclusions

Staff finds that the proposed use is consistent with the provisions of this chapter. The applicant has requested a reduction in the property line setbacks under section three (3) of this chapter. The specifics of the requested reductions to this title are outlined in section VIII, "Project Analysis" below.

Administrative Conditional Uses:

This application is consistent with KCC 17.60A.015 and KCC 17.61.040. There are a number of requirements that must be met; these are addressed in more detail under the Project Analysis section VIII below.

IV. ADMINISTRATIVE REVIEW

Notice of Application: An administrative conditional use permit application for the Horizon Cell Tower (ACU-18-00002) was submitted to Kittitas County Community Development Services department on February 27, 2018. The application was deemed complete on March 20, 2018. A notice of application and a notice of SEPA for the Horizon Cell Tower Administrative Conditional Use Permit (ACU-18-00002) were mailed to adjacent landowners located within 500 feet of any portion of the boundary of the proposal's tax parcel & associated Agencies. Notice was given to and published in the official newspaper of record for Kittitas County, and notice was posted to the Kittitas County Website on April 2, 2018, all in conformance with the Kittitas County Project Permit Application Process (Title 15A).

V. COMPREHENSIVE PLAN

The Kittitas County Comprehensive Plan designates the proposal as a Utility. Kittitas County has established the following goals and policies to guide activities that are designated Utilities. These goals and policies were developed in response to identified needs within the county, and support the County Wide Planning Policies:

GPO 6.3: The Kittitas County's plan for utility facilities will be formulated, interpreted and applied in a manner consistent with and complimentary to the serving utility's public service obligations.

Staff Consistency Statement: The applicant's narrative describes a significant gap in wireless coverage in the vicinity of the proposed wireless cell tower. The proposed cell tower would increase coverage reliability for both emergency and general public use.

GPO 6.7: Decisions made by Kittitas County regarding utility facilities will be made in a manner consistent with and complementary to regional demands and resources.

Staff Consistency Statement: The proposed use would assist in meeting regional demands for reliable wireless cell coverage in the vicinity. Existing public infrastructure is sufficient as to not require additional public resources to service the proposed use.

GPO 6.18: Decisions made regarding utility facilities should be consistent with and complementary to regional demand and resources and should reinforce an interconnected regional distribution network.

Staff Consistency Statement: The vicinity of the proposed use has been identified by the proponent as lacking in sufficient service levels for both general and emergency use. The addition of a wireless cell tower in the proposed location will increase general service levels to the interconnected regional distribution network.

This application is consistent with the goals, policies, and objectives of the Kittitas County Comprehensive Plan as outlined above.

VI. ENVIRONMENTAL REVIEW

Based upon review of the submitted application materials including an environmental checklist, correspondence received during the 15 day comment period and other information on file with Community Development Services, a Determination of Non-Significance (DNS) was issued on July 31, 2018. The appeal period ends on August 14, 2018 at 5:00 p.m.

VII. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments are on file and available for public review.

VIII. PROJECT ANALYSIS

In review of this proposal it is important to consider the goals and policies of the comprehensive plan, applicable county code, public and agency comments, any identified environmental concerns and state and federal requirements. Identified below is planning staff's analysis and consistency review for the subject application.

Consistency with the Comprehensive Plan:

The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. As referenced above in Section V of this staff report, the following Comprehensive Plan GPO's apply to this proposal: GPO 6.3, 6.7 and 6.18.

Provided the applicant follows and maintains the GPOs, they shall be in compliance with the Kittitas County Comprehensive Plan. The applicant is proposing a communications facility which improves the utilities for the county. Therefore the County and applicant are in compliance with the Comprehensive plan.

Consistency with the provisions of KCC 17.56, Forest and Range zoning:

This proposal is consistent with the Kittitas County Zoning Code 17.56 as conditioned.

Consistency with the provision of KCC 17.61.040, Utilities:

This proposal is consistent with the Kittitas County Zoning Code 17.61.040 as conditioned. The applicant has requested a reduction of 6 feet 8 inches from the northern property line setback requirement of 106 feet 8 inches resulting in a northern property line setback of 100 feet. In addition the applicant is requesting a reduction in the 106 foot 8 inch east side setback by 56 feet 8 inches, resulting in a 50 foot side yard setback. KCC 17.61.040(3) allows for the Community Development Services Director to allow a

reduction in the property line setbacks provided the applicant can demonstrate that the structure is designed to ensure it cannot fall onto neighboring properties. The applicant stated in their project narrative that the upper section of the tower will be designed to collapse vertically onto itself, leaving only 44 feet 5 inches of the tower susceptible to falling horizontally. With a minimum property line setback of 50 feet, a structural collapse would be contained within the property boundaries as required by the provisions of this chapter. Upon CDS request, the applicant provided a stamped engineering letter stating that a potential collapse would not impact surrounding properties.

Consistency with the provisions of KCC 17.60A, Conditional Uses:

This proposal, as conditioned, is consistent with the Kittitas County Zoning Code for Administrative Conditional Uses. The proposed administrative conditional use will be adequately served by rural levels of service. As conditioned, staff finds the proposal is 1) desirable to public convenience, 2) will not be detrimental to public health, safety or welfare, 3) is not economically detrimental to the public, 4) is adequately serviced by public facilities, 5) is compatible with the neighborhood character, and 6) is consistent with the character of the zoning district.

Consistency with the provisions of the KCC Title 14.04, Building Code:

All buildings must be consistent with International Building Codes.

Consistency with the provisions of KCC Title 12, Roads and Bridges:

As conditioned, the proposal must be consistent with the provisions of KCC Title 12.

Consistency with the provisions of KCC Title 20, Fire and Life Safety:

As conditioned, the proposal must be consistent with the provisions of KCC Title 20.

Agency Comments:

The following agencies provided comments during the comment period: Kittitas County Public Works, Kittitas County Public Health, Kittitas County Fire and Rescue, Washington State Department of Transportation, Washington State Department of Fish and Wildlife and WA Department of Ecology. All comments are on file and available for public review.

Public Comments:

There were no public comments submitted during the comment period.

IX. Findings of Fact

1. Angela Raymond, agent for William Hart, is proposing the development of an 89 foot Wireless Communication Tower to expand communication access in the area. The proposed tower would be built within an existing storage facility property.
2. The subject property consists of on parcel #015135, located at 3851 HWY 970, Cle Elum, WA 98922. SE 1/4 Section 32 T20N R16E WM in Kittitas County. Map Number 20-16-32054-0001.
3. Site Information

Total Property Size:	3.49 acres
Number of Lots:	1 (no new lots are being proposed)
Domestic Water:	Well
Sewage Disposal:	Onsite Septic
Power/Electricity:	Kittitas County PUD
Fire Protection:	Fire District 7

Irrigation District: N/A

4. Site Characteristics:

North: Privately owned land primarily undeveloped

South: SR 970 and privately owned land with some single family residences

East: Privately owned land primarily used for residential and business purposes

West: Privately owned land primarily undeveloped with some single family residences

- 5.** The Comprehensive Plan land use designation is “Rural Working.”
- 6.** The subject property is zoned “Forest and Range.”
- 7.** An administrative conditional use permit application for the Horizon Cell Tower (ACU-18-00002) was submitted to Kittitas County Community Development Services department on February 27, 2018. The application was deemed complete on March 20, 2018. A notice of application and a notice of SEPA for the Horizon Cell Tower Administrative Conditional Use Permit (ACU-18-00002) were mailed to adjacent landowners located within 500 feet of any portion of the boundary of the proposal's tax parcel & associated Agencies. Notice was given to and published in the official newspaper of record for Kittitas County, and notice was posted to the Kittitas County Website on April 2, 2018, all in conformance with the Kittitas County Project Permit Application Process (Title 15A).
- 8.** This application is consistent with the goals, policies, and objectives of the Kittitas County Comprehensive Plan as outlined in section V “Comprehensive Plan” of this CPA determination, the following Comprehensive Plan GPO’s apply to this proposal: GPO 6.3, 6.7, 6.18.
- 9.** The proposal is consistent with Kittitas County Review Criteria 17.60A.015 and Communication Facilities 17.61.040 as described in section VIII “Project Analysis” of this determination. Utility development is a permitted use in all Kittitas County zoning districts.
- 10.** The following agencies provided comments during the comment period: Kittitas County Public Works, Kittitas County Public Health, Kittitas County Fire and Rescue, Washington State Department of Transportation, Washington State Department of Fish and Wildlife and WA Department of Ecology.
- 11.** No comments from the public were received as of the time of this staff report.
- 12.** A SEPA DNS was issued on July 31, 2018, following staff review of the submitted SEPA checklist and in consideration of comments submitted during the mandatory comment period pursuant to WAC 197-11-340(2) and KCC 15.04.160 using the optional SEPA process.
- 13.** Road Standards and access requirements along State routes are subject to KCC 12.01.080, requiring deference to the standards of the State agency of jurisdiction in relation to any applicable standards. The proposed project is accessed from State Route 970, requiring the applicant to gain all necessary access and/or road permits from Washington State Department of Transportation.
- 14.** Kittitas County Fire Marshal requires consistency with KCC Title 20 upon issuance of any building permits.

15. WAC 173-400-035 “Nonroad engines,” requires a pre-construction air quality permit for any emergency generator greater than 500 brake horsepower.

X. Conclusions:

1. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.
2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
3. Public use and interest will be served by approval of this proposal.
4. As conditioned, the proposal is consistent with Kittitas County Code Title 17 Zoning, Title 14.04 Building Code, Title 12 Roads and Bridges, and Title 20 Fire and Life Safety.

XI. Decision and Conditions of Approval:

Kittitas County grants *preliminary approval* of the Horizon Wireless Communication Tower ACU-18-00002 based on the above staff analysis, findings of fact, and conclusions with the following conditions of approval.

1. Building

- A. All new construction must meet the International Building Code requirements.
- B. Construction of all improvements shall be completed within one year of the date of permit issuance pursuant to KCC 17.61.040 (2).

2. Roads and Transportation

- A. An updated access permit will be required through WSDOT.
- B. Access to the Horizon Cell Tower is located off of State Route 970. The Applicant shall comply with all Washington State Department of Transportation requirements and participate in cooperative testing to identify any potential interference with WSDOT emergency radio frequencies.

3. State and Federal

- A. Applicant must meet all applicable state and federal regulations.

4. Fire & Life Safety

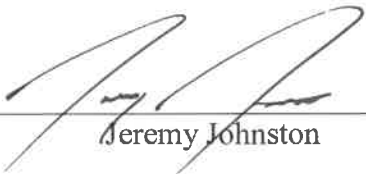
- A. All development, design and construction shall comply with the International Fire Code requirements.
- B. A knox box or knox padlock is required on all gates for access.

C. The property must be clearly addressed.

From these conclusions and findings, the proposed Administrative Conditional use is approved with the above conditions. Kittitas County Code (Chapter 15A.07.010) stipulates that an appeal of this land use decision must be filed within 10 (ten) working days by submitting specific factual objections and a fee of \$1,400 to the Kittitas County Board of Commissioners at 205 West 5th, Room 108 Ellensburg, WA 98926. The appeal deadline for this project is August 14, 2018 at 5:00p.m.

This decision is not final approval. The applicant shall complete all construction activities within one year of building permit issuance pursuant to KCC 17.61.040(2). A final CUP shall be obtained through Kittitas County CDS within 5 years of the date of preliminary approval pursuant to KCC 17.60A.090.

Responsible Official



Jeremy Johnston

Title: Planner

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Date: July 31, 2018