



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

Hyak PSERN Administrative Conditional Use File Number ACU-18-00003 FINDINGS OF FACT, DECISION AND CONDITIONS OF APPROVAL

I. GENERAL INFORMATION

Requested Action: Bryson Burghardt, agent for Washington Department of Transportation is proposing the extension of an existing 60 foot Communication Tower to 90 feet for expanded emergency communication services.

Location: Parcel 028335, located on State Road 906 in Snoqualmie Pass, in Kittitas County. Map Number 22-11-15040-0005.

II. SITE INFORMATION

Total Property Size:	9.48 acres
Number of Lots:	1 (no new lots are being proposed)
Domestic Water:	N/A
Sewage Disposal:	N/A
Power/Electricity:	Puget Sound Energy
Fire Protection:	Snoqualmie Pass Fire District
Irrigation District:	N/A

Site Characteristics:

<u>North:</u>	State Road 906, I-90, Undeveloped Forest Land
<u>South:</u>	WSDOT Real Estate Office, Undeveloped Forest Land
<u>East:</u>	Undeveloped wetlands
<u>West:</u>	Privately owned land

Access: The site is accessed from State Road 906.

III. ZONING AND DEVELOPMENT STANDARDS

The subject property is located in Snoqualmie Pass 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. Under these provisions, this proposal qualifies as a "Utility" and a "Communication Tower" and requires an Administrative Conditional Use permit. The 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

Emergency communication facilities and services are vital to the public interest and safety. The proposed modification is to update and expand an aging system and it is a direct public benefit providing critical emergency communication services to the surrounding communities and within the entire network. The proposed modified facility will provide a significant improvement in emergency communications coverage in the surrounding area and region.

Staff Response

CDS has concluded that the proposed facility will allow improved emergency communications services, and is desirable to public health, peace and safety. CDS does not find any indication that 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

This is an existing communication facility and there will be no change in use or location, only tower upgrades and co-location. Therefore, the emergency communication facility will already be adequately serviced by existing facilities such as highways, roads, etc.

Staff Response

The location is already used as a communication facility and will involve no new residences or infrastructure, and as such will not require any new facilities or public employees.

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 King County PSERN emergency communication facility is consistent with the current use of the facility and will comply with relevant development standards set forth in KCC 17.61.040 and criteria for approval set forth in this title. Please see the below Development Standards section, KCC 17.61.040 Communication facilities- Administrative review-General requirements, for more information.

Staff Response

KCC 17.61.040(3) requires 1.2 times the height of the structure property line setback. As originally proposed, the application did not meet this requirement. In response to the request for additional information sent on September 24th, 2018, a revised site plan was submitted on September 26th, 2018 depicting the location of the tower as meeting these setback requirements.

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

Applicant Response

The proposed King County PSERN emergency communication facility will play a critical role in public safety and the material impacts of development will be insignificant since this is an existing communication facility and there will be no change in use.

Staff Response

All material impacts of the Hyak PSERN tower will be mitigated by the applicant in accordance with Kittitas County Code. The proposed tower anticipates no material impacts.

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

Applicant Response

This is an existing communication facility and there will be no change in use or location. The subject property and neighboring properties have rural, commercial, and forest uses, which are generally where these types of facilities are sited and where they are most compatible.

Staff Response

Surrounding land uses include undeveloped properties, Washington Department of Transportation facilities, and residential lots. CDS anticipates no conflict with the proposed use and neighboring land uses.

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

Applicant Response

This is an existing communication facility and there will be no change in use or location. The proposed King County PSERN emergency communication facility will not affect the purpose and intent of the zone to provide for areas of Kittitas County wherein natural resource management is highest priority.

Staff Response

Wireless communication facilities are an allowed use, subject to an administrative conditional use permit in the Forest and Range zoning district. CDS concurs with the applicant that the 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

The proposed King County PSERN emergency communication facility and network is generally consistent with the intent, goals, policies, and objectives of the Kittitas Comprehensive Plan under the Chapter 6: Utilities element as well as Chapter 8: Rural and Resource Lands element.

Staff Response

CDS staff concurs with the applicant. The project as proposed is consistent with the Comprehensive Plan as expressed in the GPOs 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 allowing improved emergency communication services without additional public cost or economic detriment. Kittitas County permits utilities in all zoning districts. Staff finds that the project, as conditioned, is consistent the provisions outline 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).

Applicant Response

Accordingly, the applicant, King County PSERN, is requesting the approval of the Administrative Conditional Use Permit and State Environmental Protection Act (SEPA) review for the proposed tower extension.

Staff Response

The proposed tower qualifies as a "Communication facility" pursuant to 17.61.010(5), and as such requires an Administrative Conditional Use Permit and SEPA review.

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.
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.

Applicant Response- KCC 17.61.040(2-3)

Setbacks do not apply since this is an existing tower. The tower extension and antennas shall be painted to match the existing. The Federal Aviation Administration (FAA) has issued a Determination of No Hazard to Air Navigation on 06/04/2018 and will not require the tower to be lighted (accompanying document with the application submittal).

Staff Response

Although the tower already exists, expanding the structure would require that the project fully conform to the standards of Kittitas County Code. As initially submitted on August 20, 2018, the site plan did not depict a setback conforming to these provisions. A corrected site plan was submitted on September 26, 2018 depicting a 108' setback radius which does not reach the property line. As shown on the corrected site plan, the project meets the 1.2 times the height setback requirement.

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.

Applicant Response

King County PSERN is co-locating their antennas on an existing tower and their antennas will not extend more than six feet horizontally or 15 feet above the tower.

Staff Response

After review of the engineering drawings submitted, staff agrees with the applicant. All horizontal and vertical extend requirements are met by the proposal.

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. (Ord. 2018-001, 2018; Ord. 2007-22, 2007; Ord. 2001-12 (part), 2001; Ord. 2000-06 (part), 2000).

Applicant Response

King County PSERN is proposing a height increase to the tower by thirty (30') feet. Accordingly, King County PSERN is requesting the approval of an Administrative Conditional Use Permit and SEPA review.

Staff Response

Staff agrees with the applicant's statement. Submitted documents depict a height increase of 30', and the applicant has applied for the appropriate Administrative Conditional Use Permit and SEPA review.

Communication Facilities

As proposed, this application is consistent with KCC 17.61 040. Engineering letters provided in response to requests for additional information have demonstrated that the proposed tower will not fall on neighboring properties. Revised drawings also demonstrate that required setbacks are met.

IV. ADMINISTRATIVE REVIEW

Notice of Application: An Administrative Conditional Use permit application was submitted to Kittitas County Community Development Services department on August 20th, 2018. Additional information was requested in a letter dated September 11th, 2018. A second request for additional information was sent on September 24th, 2018. The application was deemed complete on October 2nd, 2018 after CDS received all of the necessary application information. A notice of application and a notice of SEPA for the Hyak PSERN Administrative Conditional Use Permit (CU-18-00003) 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 October 16th, 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 need for a robust, effective, and reliable emergency communication system within the region. In fulfilling this need, the project as proposed is consistent with this GPO.

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

There is a need for communication facilities to serve the public in the event of emergencies. As proposed, the project is consistent with this GPO.

GPO 6.8 Additions to and improvements of utilities facilities will be allowed to occur at a time and a manner sufficient to serve growth.

Staff Consistency Statement

As growth continues in the Snoqualmie pass area, the need for emergency communications will grow

with it. As proposed, the project is consistent with this GPO.

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

Any emergency communication facility is critical to the regional emergency communication network. As proposed, the proposal is consistent with this GPO.

GPO 8.8 A certain level of mixed uses in rural areas and rural service centers is acceptable and may include limited commercial, service, and rural industrial uses.

Staff Consistency Statement

As proposed, this service use is consistent with this GPO.

This application is consistent with Kittitas County Comprehensive Plan. There are a number of requirements that must be met, which are stated above under Zoning and Development Standards; some of these are addressed under Project Analysis below.

VI. ENVIRONMENTAL REVIEW

Based upon review of the submitted application materials including an environmental checklist, correspondence received during this 15 day comment period and other information on file with Community Development Services, a Determination of Non-Significance (DNS) was issued on November 28, 2018. The appeal period ends on December 12 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 GPOs apply to this proposal: GPO 6.3, 6.7 and 6.18, 8.8.

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 17A, Critical Areas:

Staff conducted an administrative critical area review in accordance with KCC 17A. GIS information indicates no critical areas located on the subject parcel.

Consistency with the provisions of KCC 17B Shorelines

This proposal is consistent with the Kittitas County Zoning Code 17B. GIS information indicates that the parcel does not exist within a shoreline designation.

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, Utilities:

This proposal is consistent with the Kittitas County Zoning Code 17.61 as conditioned.

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 17.60B, Permitted Administrative Uses :

This proposal as conditioned is consistent with the Kittitas County Zoning Code for Permitted Administrative Uses. As conditioned, staff finds the proposal is 1) not detrimental to the public general welfare, surrounding character, or injurious to adjacent properties or their uses, 2) consistent and compatible with the goals and objective of the comprehensive plan, 3) accompanied by measurable/enforceable mitigations to offset impacts, 4) sufficient in addressing all requirements for this specific use.

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 Kittitas County Building Department commented during the comment period. 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. Bryson Burghardt, agent for Washington Department of Transportation is proposing the extension of

an existing 60 foot Communication Tower to 90 feet for expanded emergency communication services.

2. One parcel, number 028335, located on State Road 906 in Snoqualmie Pass, in Kittitas County, bearing Map Number 22-11-15040-0005.

3. Site Information

Total Property Size:	9.48 acres
Number of Lots:	1 (no new lots are being proposed)
Domestic Water:	N/A
Sewage Disposal:	N/A
Power/Electricity:	Puget Sound Energy
Fire Protection:	Snoqualmie Pass Fire District
Irrigation District:	N/A

4. Site Characteristics:

North:	State Road 906, I-90, Undeveloped Forest Land
South:	WSDOT Real Estate Office, Undeveloped Forest Land
East:	Undeveloped wetlands
West:	Privately owned land

Access: The site is accessed from State Road 906.

5. The Comprehensive Plan land use designation is “Rural Working”.
6. The subject property is located in Snoqualmie Pass 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. Under these provisions, this proposal qualifies as a “Utility” and a “Communication Tower” and requires an Administrative Conditional Use permit.
7. An Administrative conditional use permit application was submitted to Kittitas County Community Development Services department on August 20th, 2018. Additional information was requested in a letter dated September 11th, 2018. A second request for additional information was sent on September 24th, 2018. The application was deemed complete on October 2nd, 2018 after CDS received all of the necessary application information. A notice of application and a notice of SEPA for the Hyak PSERN Administrative Conditional Use Permit (CU-18-00003) 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 October 16th, 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”. The following Comprehensive Plan goals, policies and objectives apply to this proposal: GPO 6.7, GPO 6.8, GPO 6.18, and GPO 8.8.

9. The proposal is consistent with the 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, subject to the appropriate Administrative Conditional Use or Conditional Use permits.
10. The Kittitas County Building Department provided comment during the comment period.
11. No comments from the public were received as of the time of this staff report.
12. A SEPA DNS was issued on November 28, 2018, following staff review of the submitted checklist and in consideration of the comments submitted during the mandatory comment period pursuant to WAC 197-11-340(2) 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. The proposed project is accessed from State Route 906, requiring the applicant to gain all necessary access and/or road permits from the Washington State Department of Transportation.
14. The project must adhere to KCC Title 20, Fire and Life Safety.
15. WAC 173-400-035 "Nonroad engines" requires a pre-construction air quality permit for any emergency generator greater than 500 brake horsepower.

X. STAFF 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 17A Critical Areas, 17B Shorelines, Title 14.04 Building Code, Title 12 Roads and Bridges, and Title 20 Fire and Life Safety.

XI. DECISION AND CONDITIONS OF APPROVAL:

1. 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.

2. Light and Aesthetics

- a. All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties. Security lighting shall be

downward, directed away from adjoining property, and shall be installed with motion sensors.

3. Noise

- a. Development and construction practices for this project shall only occur between the hours of 7:00 am and 7:00 pm to minimize the effect of construction noise on nearby residential properties.

4. Building

- a. All new construction must meet the International Building Code requirements.

5. Roads and Transportation

- a. The project shall comply with all Kittitas County and WSDOT Access requirements.

6. Historic and Cultural Preservation

- a. Should ground disturbing or other activities related to the proposed conditional use permit result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the Washington State Department of Archaeology and Historic Preservation (DAHP). Work shall remain suspended until the find is assessed and appropriate consultation is conducted. Should human remains be inadvertently discovered, as dictated by Washington State RCW 27.44.055, work shall be immediately halted in the area and contact made with the coroner and local law enforcement in the most expeditious manner possible.

7. State and Federal

- a. Applicant must meet all state and federal laws.

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 December 12, 2018 at 5:00p.m.

Responsible Official



Dusty Pilkington

Title: Staff Planner

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Date: November 28, 2018