



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

"Building Partnerships – Building Communities"

ATT Teanaway Administrative Conditional Use

File Number ACU-19-00001

FINDINGS OF FACT, DECISION AND CONDITIONS OF APPROVAL

I. GENERAL INFORMATION

Requested Action: Diego Hernandez, agent for Velocitel, is proposing the construction of a new wireless communication tower to fill a gap in cellular signal coverage.

Location: Parcel 545635, located approximately 8 miles east of Cle Elum, in Section 34, T20N R17E, at Assessor's Map Number 20-17-34000-0005.

II. SITE INFORMATION

Total Property Size:	120 acres
Number of Lots:	1 (no new lots are being proposed)
Domestic Water:	N/A
Sewage Disposal:	N/A
Power/Electricity:	Onsite propane powered generators with supplemental solar array
Fire Protection:	Onsite fire extinguishers, outside of fire districts
Irrigation District:	N/A

Site Characteristics:

North: Undeveloped, wooded area

South: Cleared, undeveloped land

East: Undeveloped, wooded area

West: Undeveloped, wooded area

Access: The site is accessed via a private road accessed from US 97, southeast of the SR 970 and US 97 junction.

III. ZONING AND DEVELOPMENT STANDARDS

The subject property 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 17.60A.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 requires that the following be met:

KCC 17.60A.015 Review Criteria- Conditional Uses

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

“AT&T acknowledges and understands this provision. The proposed WCF is essential and desirable to the public convenience as it is intended to provide seamless coverage along major roads in the area in AT&T's high band 4G LTE coverage experienced by its customers on this side of Ellensberg. In addition to AT&T LTE commercial facilities, this proposed WCF will provide an important public benefit by including facilities to support the FirstNet Nationwide Safety Public Broadband Network (the "FirstNet Network"). As a FirstNet site, this proposed WCF is part of a more significant, state-wide initiative by AT&T to upgrade existing wireless sites and to build new sites, including in rural area with less coverage such as those along HWY-97 and HWY-970, to support the FirstNet Network and deploy the new frequency band for first responders ("Band 14"). The proposed WCF will not be detrimental or injurious to the public health, peace, or safety or to the character of the surrounding lands as the proposed operation at the site would not result in exposure of the Public to excessive levels of radio-frequency energy as defined in the FCC Rules and Regulations, specifically 47 CFR 1.1307. Please see Attachment 7_NIER Report. Additionally, AT&T's proposed Facility will be located next to an existing communication tower, thereby clustering similar uses together to minimize the impact to the subject property and the surrounding uses. Please see Attachment 1-Project Narrative and Attachment 8-Final Zoning Drawings for details regarding the location and design of the proposed new Facility and Attachment 3-RF Justification regarding the projected new service coverage area”.

Staff Response

CDS has concluded that the proposed facility will allow improved 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. In addition, the project will support the emergency communication services provided by the FirstNet network, deploying a new frequency band for first responders.

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 unmanned WCF at this proposed location will neither be unreasonably detrimental to the economic welfare of the county nor will it create excessive public costs for facilities and services as this site will be accessed via existing roads and will not require refuse disposal, water, or sewage. Additionally, due to the remoteness of this site, this WCF will be run off of prime power generators that will be provided and maintained by AT&T. Finally, as discussed above, this site will provide an important public benefit by providing essential wireless capabilities to police, sheriffs and fire fighters via the FirstNet Network. Please see Attachment 1_Project Narrative and Attachment B_Final Zoning Drawings”.

Staff Response

Staff have concluded that the project will be adequately served by rural levels of service. The planned private dirt road will not require publicly funded maintenance. The project will provide its own power. No new residences are proposed. The proposed project is outside of existing fire districts, and may require extension of firefighting services beyond the areas where they are currently provided. If the project complies with condition # 1b, the project is consistent with these provisions.

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 unmanned WCF was designed to comply with all relevant development standards including setbacks, height and design standards set forth in 17.56, 17.60A and 17.61 of the KCC. Please see Attachment B_Final Zoning Drawings for details”.

Staff Response

As conditioned, the project complies with all relevant sections of Kittitas County Code.

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

Applicant Response

“AT&T acknowledges and understands this provision. There are no known material impacts that could occur as a result of this proposal”.

Staff Response

During CDS project review and agency comment, several impacts were identified. These include:

- a. Impacts to wildlife within the Teanaway Community Forest were identified in a comment letter from the Washington Department of Fish and Wildlife.
- b. Fire hazards associated with generators, solar power array, and propane tank.
- c. The possibility of uncontrolled vegetation.

The project is conditioned to mitigate these impacts.

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

Applicant Response

“AT&T Response: AT&T's proposed Facility will be located next to an existing communication tower, thereby clustering similar uses together to minimize the impact to the subject property and the surrounding uses. Please see Attachment 1-Project Narrative and Attachment 8-

Final Zoning Drawings for details regarding the location and design of the proposed new Facility”.

Staff Response

Surrounding properties are classified as public use, forest land, agricultural land, and residential uses; 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

“The proposed use is consistent with the intent and character of the F-R Forest and Range Zoning District as this proposed WCF this site will provide an important public benefit by providing essential wireless capabilities to police, sheriffs and fire fighters in and around this rural area. Please see Attachment 1 _Project Narrative and Attachment 3 _RF Justification for more detail”.

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;

Applicant Response

“The proposed facility falls under Chapters 2.5, 6 and 8 of the Comprehensive plan . . . By offering expanded and improved 4G LTE coverage on these rural working lands, the proposed Facility will promote the economic health of the farming and ranching economy and community by enabling farmers and ranchers, first responders, residents, and individuals traveling through the county to benefit from access to fast, reliable wireless services. Additionally, AT&T's proposed Facility will be located next to an existing communication tower, thereby clustering similar uses together to minimize the impact to the subject property and the surrounding agricultural and/or forest activities. The proposed location and clustering of uses also minimizes and prevents any significant or unnecessary loss of prime agricultural ground. Please see Attachment 1-Project Narrative and Attachment 8-Final Zoning Drawings for details regarding the location and design of the proposed new Facility and Attachment 3-RF Justification regarding the projected new service coverage area”.

Staff Response

The proposed use is consistent with the Comprehensive Plan. No conflicts with the Goals, Policies, or Objectives of the Plan are anticipated.

- b. Preserves “rural character” as defined in the Growth Management Act.

Applicant Response

“As noted, the proposed facility will be sited in close proximity to an existing communications facility and will not directly impact the patterns of land use and development established by Kittitas County in the rural elements of their comprehensive plan. Please see Attachment 8, Final Zoning Drawings”.

Staff Response

The proposed communication facility is set back from the road and property line such that any impacts to observable rural character will be mitigated. The project is proposed on a parcel already developed with an existing communication tower, mitigating impacts to surrounding properties by clustering similar uses together.

- c. Requires only rural government services ; and

Applicant Response

“AT&T acknowledges, understands and intends to comply with this provision. As discussed above, this is an unmanned WCF and will not require any additional government services other than those already provided to the rural area in which this site is proposed to be located. Please see Attachment 8, Final Zoning Drawings”.

Staff Response

The project, as conditioned, will require only rural levels of service.

- d. Does not compromise the long term viability of designated resource lands.

Applicant Response

“AT&T acknowledges, understands and intends to comply with this provision. The proposed unmanned WCF will not compromise the long term viability of the land. AT&T's proposed Facility will be located next to an existing communication tower, thereby clustering similar uses together to minimize the impact to the subject property and the surrounding agricultural and/or forest activities. Please see Attachment 8_Final zoning Drawings”.

Staff Response

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 any needed extension of services will be mitigated by conditions herein. 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 communication services without additional public cost or economic detriment. Kittitas County allows communication facilities as administrative conditional uses in all zoning districts. Staff finds that the project, as conditioned, is consistent 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).

Applicant Response

“AT&T acknowledges, understands, and intends to comply with these provisions, as well as all relevant provisions in Title 15A and KCC 17.60”.

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.

Applicant Response

“AT&T acknowledges, understands, and intends to comply with this provision”.

Staff Response

The applicant acknowledges this provision.

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

“The proposed location of the support tower is a minimum of 1.2 times the height of the structure back from the property line of the parent parcel and more than 5000+ ft. from the nearest residence on adjacent parcels. Additionally, AT&T’s proposed facility will be located next to an existing communication tower, thereby clustering similar uses together to minimize the impact to the subject property and the surrounding lands. Please see Attachment B Final Zoning Drawings. No artificial lighting of the support tower is proposed. Please see Attachment 5, TOWAIR Determination Report, as confirmation that no lighting is required per the FAA. As standard practice, AT&T uses nonglare finish paint for support towers and wireless facilities. Please see Attachment 6 Photo Sims, for a visual demonstration”.

Staff Response

As proposed, the project adheres to all setback and screening requirements.

- 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

“AT&T’s proposed wireless facility has been designed to be consistent with all applicable provisions of this section, including the development and design standards under Section 17.60A.15. Please see Attachment 8, Final Zoning Drawings”.

Staff Response

After review of the engineering drawings submitted, staff agrees with the applicant. All horizontal and vertical extent requirements are met by the proposal. Any future proposed antenna location may require additional review to verify consistency with this chapter and possible permitting.

- 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

“Not Applicable”.

Staff Response

Staff agrees with the applicant’s statement. The current proposal describes a new facility, and does not include modifications to existing ones.

IV. ADMINISTRATIVE REVIEW

Notice of Application: An Administrative Conditional Use permit application was submitted to Kittitas County Community Development Services department on February 4, 2019. The application was deemed complete on February 15, 2019. Notice of Application was sent to property owners within 500 feet and all agencies with

jurisdiction, published in the official newspaper of record for Kittitas County, and posted on the Kittitas County website on February 28, 2019, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). Comments were transmitted to the applicant on March 25, 2019. After the comment period, a letter requesting additional information was sent from CDS to the applicant on March 28, 2019.

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. In the intervening time since the submittal of the permit application for the proposed tower, an update to the Kittitas County Comprehensive Plan was adopted. Numbers identifying corresponding Goals and Policies in the updated Plan are shown in parentheses.

GPO 6.3 (U-P22) 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 extend cellular service to an area not currently served by AT&T. In fulfilling this need, the project as proposed is consistent with this GPO.

GPO 6.7 (U-P3) 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 on a day to day basis and in the event of emergencies. The applicant provided an analysis of existing coverage gap in the Teanaway area around the proposed project demonstrating an expanded coverage area after completion of the project. As proposed, the project is consistent with this GPO.

GPO 6.8 (U-P4) 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 Teanaway area, the need for cellular service will grow with it. As proposed, the project is consistent with this GPO.

GPO 6.18 (U-G6) 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 applicant identified a coverage gap in the area for cellular service. As proposed, the proposal is consistent with this GPO.

GPO 8.8 (RR-P4) 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 **July 8, 2019**. The appeal period ends on **July 23, 2019**.

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 (U-P22), 6.7(U-P3), 6.8(U-P4), 6.18(U-G6), and 8.8(RR-P4).

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 cellular services 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 several Type 4 Non-Fish streams on the subject parcel. The proposed tower is outside of all stream buffers. The project is consistent with critical areas provisions.

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, the Washington Department of Natural Resources, the Washington Department of Ecology, Kittitas County Public Works, the and Washington Department of Fish and Wildlife all provided substantive comments during the comment period. All comments are on file and available for public review.

Kittitas County Building

In a letter dated March 15, 2019, the Kittitas County Building Department provided comments. The following items apply to the proposal:

1. All construction of buildings shall conform to the International Building Codes as adopted at the time of building permit submittal. All buildings over 120 S.F. require a building permit including equipment storage structures.
2. All tower construction per IBC 3108 and TIA-222 and a building permit is required by CDS Building Division.
3. A generator shall be permitted by the Fire Marshal's office.
4. Fuel storage such as propane tanks shall require a permit by the CDS Building Division.
5. Solar array shall require a permit by the CDS Building Division.
6. Any fence over 7'-0" in height shall require a permit by CDS Building Division.
7. Any retaining wall over 4'-0" in height shall be designed by an architect or engineer and permit required by CDS Building Division.

Applicant Response

The revised narrative notes that "*A retaining wall will be built around the western and southern*

half of the Lease Area. AT&T will engineer/ design this wall in compliance with the International Building Code Standards” and that “The lease area will be surrounded by a 8ft chain link fence with privacy slats, topped with a single strand of barbed wire. Access to the lease area will be secured by a locked gate”.

Staff Response

All Building comments have been incorporated as conditions of approval.

Washington Department of Ecology

The Washington Department of Ecology provided a comment letter dated March 12, 2019. Ecology noted concerns about emergency generators and associated air quality issues. In the event that any stationary internal combustion engines greater than 500 brake horsepower require a preconstruction air quality permit.

Applicant Response

The revised narrative does not specifically address the comment. However, the narrative contains no mention of the use of an internal combustion engine, and also reads “*Three (3)1000-gallon propane tanks used to power the generators will be located adjacent to the Lease Area at the prescribed distance required by the International Building Code*”.

Staff Response

No internal combustion generator is proposed in the revised narrative. In the event that such a generator is contemplated, the applicant will contact the Washington Department of Ecology and obtain all required permits.

Washington Department of Natural Resources

In a message dated March 1, 2019, DNR provided the following statements and requests:

1. Diego Hernandez is not an agent for the landowner; he is a proponent requesting a lease.
2. An application for a communication site lease must be submitted to DNR.
3. The SEPA checklist involves State land managed by DNR, as the Teanaway Community Forest.
4. DNR will need to approve any permit applications and sign off as Landowner, if we concur.
5. Section A-10 should read that, “a lease from the DNR is required before any construction can begin.”
6. DNR will not allow a diesel generator, propane may be allowed, but DNR would request that power be part of the project requirements. At a minimum, we need to see a quote from the power company to install an electrical service.
7. A historical/cultural survey of the proposed com site property needs be completed and reviewed by DNR in draft form.
8. Any permit issued by the county, should be subject to a lease being issued by DNR.

Applicant Response

The revised narrative does not directly address DNR comments.

Staff Response

CDS does not have the authority to require a communication site lease, limit the generator to propane, or to require cultural/historical surveys without such a request from the Department of Archeology and Historic Preservation and/or affected tribes. All above requirements can be imposed by the landowner at the landowner's discretion. Any county permit applications must be signed by the landowner, pursuant to KCC 15A.03.030.

Kittitas County Public Works

Kittitas County Public Works submitted two letters, dated March 7th and March 14th, 2019. In the two letters, the department noted the following requirements:

1. Site Access and Addressing Permits: The approach is located on State Route 97 and will require an approval from WSDOT. A copy of the access approval from WSDOT needs to be submitted with the access/address permit for the project site.
2. Access and address permit required: The access road to the cell tower will need to be constructed to Kittitas County Code Chapter 12.04.080 Table 4-4 for a driveway over 150' in length.
3. Fire Apparatus Turnaround: A Fire Apparatus Turnaround will need to be constructed to International Fire Code Appendix D. The turnaround needs to be within 150' of the structure.
4. Storm Water Plan: A single monopole does not require a storm water plan.
5. Grading Permit: A grading permit may be required for any dirt work exceeding 10 cubic yards of material. Please check.
6. The access roadway shall meet the current Kittitas County driveway standard. Greater than 150 feet in length requires a 16 foot all weather surface with two foot clear zones on each side.
7. Stormwater: The creation of greater than 5,000 square feet of new impervious area requires biofiltration swales along the perimeter edge of impervious surfaces allowing treatment and disposal of new impervious area.
8. Hazardous Slopes: The application suggests that potentially hazardous slopes are associated with the tower parcel. Improvement construction should avoid getting too close to steep slopes particularly where the infiltration of improved runoff is likely to occur.

Applicant Response:

The revised narrative addresses access, addressing, and rock work. The project will be accessed "*from an existing gravel access road off of HWY-97 across from the Old Quarry*". The site does not currently have an address, as noted on the first page of the narrative. The revised site plan depicts a fire apparatus vehicular turnaround.

Staff Response

All KCPW requirements have been incorporated into the conditions of approval, and must be met prior to final Conditional Use Permit. The proposed tower sits on a flat area approximately 300 feet from the edge of the hazardous incline.

Washington Department of Fish and Wildlife

In a comment letter dated March 15, 2019, WDFW provided the following comments as co-managers for the Teanaway Community Forest:

1. The project is generally following USFWS guidance for avian protection measures on cell towers, but need clarification or modifications on two points—1. They say no external lighting is planned for the project, but the project should clarify that is true for all external buildings. If any exterior lighting is used, it should be downward facing. 2. There is no exclusion device planned for the top of the tower. If the current design is constructed (see below on proposed alternate design), the project should install a raptor nest exclusion device so that there are not conflicts between raptor nest and cell tower function. There are other trees in the vicinity (potential alternate nest sites), so installing a nest platform as compensation isn't necessary.
2. The project needs to provide more details on the facilities;
 - a. More details on perimeter security fence installed (it needs to be at least 8 foot in height to exclude deer and elk and of a design that will not harm wildlife, single strand barb wire or no top wire),
 - b. Explanation of why the solar panel array and the propane tank is outside of the fence—this is public land, so are there concerns over public having access to either the panels or the propane tanks,
 - c. Clarification on the generator plan, the SEPA checklist states a diesel generator, yet the plans show a propane generator and how do the solar panel array factor into the plan,
 - d. Details on proposed retaining wall for slope stability on the western end, such as a grading plan, what is the footprint disturbance that will need to be restored.
 - e. Weed control; the project is installing a weed block in their fenced area, but no details on how any other disturbed land will be managed for weed control.
 - f. Fire control; the project needs to address how they are ensuring that fire will not be an issue at the site, with propane tank and electrical items such as generator and solar panel array. Further details on the access road are needed—will it be fully rocked so no veg is growing up in the road and creating a potential vehicle hazard for fires?
 - g. Revegetation of any disturbed soils; the project is up in thin lithosol soils, they need to do soil management so that the topsoil can be set aside and replaced on top for best success in reseeding. The project should consult with WDFW on revegetation plan of disturbed areas and suitable native seed mix.
 - h. Aesthetics, to make the tower more easily blend into the forested landscape, the project should consider replacing the proposed lattice tower with a monopine tower which is more aesthetically in line with the surrounding forest for both habitat and recreational interests.

Applicant Response

In the revised narrative, the applicant states that *“The lease area will be surrounded by an 8ft chain link fence with privacy slats, topped with a single strand of barbed wire. Access*

to the lease area will be secured by a locked gate". Also included in the narrative is "The ground equipment will be enclosed within a 22ft. x 24ft. custom-built walk-in equipment shelter ("Shelter") which will be equipped with fire extinguishers for fire prevention and will comply with KCC Title 20, Chapters 20.03, 20.04, 20.05". Although the revised SEPA checklist still makes reference to diesel generators, the site plan submitted with the revised narrative depicts generators running on propane tanks. Further, the revised narrative states that "AT&T will monitor the WCF for any potential nesting and will notify the appropriate authorities if nesting is detected. The tower will be built with no platforms or solid surfaces at higher elevations, making improbable for nesting to occur".

Staff Response

Review of the revised narrative demonstrates that the applicant has adequately addressed items a, and c above. The County cannot require that the solar panel array or propane tanks be within the fenced lease area.

Under KCC 17.60A.015(4), the County can approve conditional use permits provided that *"The proposed use will mitigate material impacts of the development, whether environmental or otherwise"*. Pursuant to this provision, e, f, and g under item 2 above are incorporated into the conditions of approval. Item h can be incorporated at the applicant's discretion. Item d will be required in the event that the retaining wall exceeds 4' in height, as per the Building Department letter and International Building Code Section 105. Detailed engineering plans will need to be submitted with the building permit. Item 1 above is incorporated as a condition of approval. On May 15, 2019, the applicant submitted a preliminary design for a raptor exclusion device.

Public Comments:

Pat Deneen, county resident and developer, commented on the project. The comment letter is on file and available for public review.

IX. FINDINGS OF FACT

1. Diego Hernandez, agent for Velocitel, is proposing the construction of a new wireless communication tower to fill a gap in cellular signal coverage.
2. Parcel 545635, located approximately 8 miles east of Cle Elum, in Section 34, T20N R17E, at Assessor's Map Number 20-17-34000-0005.

3. Site Information

Total Property Size:	120 acres
Number of Lots:	1 (no new lots are being proposed)
Domestic Water:	N/A
Sewage Disposal:	N/A
Power/Electricity:	Onsite propane powered generators with supplemental solar array
Fire Protection:	Onsite fire extinguishers, outside of fire districts
Irrigation District:	N/A

4. Site Characteristics:

North:	Undeveloped, wooded area
South:	Cleared, undeveloped land
East:	Undeveloped, wooded area

West: Undeveloped, wooded area

Access: The site is accessed via a private road accessed from US 97, southeast of the SR 970 and US 97 junction.

5. The Comprehensive Plan land use designation is “Rural Working”.
6. The subject property 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 17.60A.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 February 4, 2019. The application was deemed complete on February 15, 2019. Notice of Application was sent to property owners within 500 feet and all agencies with jurisdiction, published in the official newspaper of record for Kittitas County, and posted on the Kittitas County website on February 28, 2019, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). Comments were transmitted to the applicant on March 25, 2019. After the comment period, a letter requesting additional information was sent from CDS to the applicant on March 28, 2019.
8. 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 (U-P22), 6.7(U-P3), 6.8(U-P4), 6.18(U-G6), and 8.8(RR-P4).
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 proposal is consistent with the Kittitas County Comprehensive Plan:
11. The proposal is consistent with the provisions of KCC 17A, Critical Areas.
12. The proposal is consistent with the provisions of KCC 17B Shorelines
13. The proposal is consistent with the provisions of KCC 17.56, Forest and Range zoning.
14. The proposal is consistent with the provisions of KCC 17.61, Utilities.
15. As conditioned, the proposal is consistent with the provisions of KCC 17.60A, Conditional Uses.
16. The proposal is consistent with the provisions of the KCC 17.60B, Permitted Administrative Uses.
17. As conditioned, the proposal is consistent with the provisions of the KCC Title 14.04, Building Code.
18. The proposal is consistent with the provisions of KCC Title 12, Roads and Bridges.
19. As conditioned, the proposal is consistent with the provisions of KCC Title 20, Fire and Life Safety:

20. The Kittitas County Building Department, the Washington Department of Natural Resources, the Washington Department of Ecology, Kittitas County Public Works, the and Washington Department of Fish and Wildlife all provided substantive comments during the comment period. All comments are on file and available for public review.
21. Pat Deneen, county resident and developer, provided public comment on the proposal. The comment message is available for public review.
22. A SEPA DNS was issued on July 8, 2019, 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.
23. The project must adhere to KCC Title 20, Fire and Life Safety.
24. WAC 173-400-035 “Nonroad engines” requires a pre-construction air quality permit for any emergency generator greater than 500 brake horsepower.
25. In order to approve a Conditional Use Permit, the county must find that “*material impacts are mitigated, environmental or otherwise*”. Material impacts identified include fire risk, disturbance to soils, and weed control issues.
26. The proposed project will require grading a permit for any work exceeding 100 cubic yards of ground disturbance.
27. The project, as proposed, includes 4,900 sq. feet of impervious surface for the shelter, retaining wall and mat tower, in addition to 270 sq. feet for the propane tank foundation, for a total impervious surface exceeding 5,000 sq. feet.
28. The project must adhere to KCC Title 12 Roads and Bridges, Title 10 Vehicles and Traffic, and the International Fire Code. Under these provisions, the project requires access and address permits, along with a fire turnaround.
29. KCC 15A.03.030 requires that all county land use permits be signed by the landowner.

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. Prior to final Conditional Use Permit Approval, the applicant shall submit a detailed Fire Management Plan.
- c. A Fire Apparatus Turnaround will need to be constructed to International Fire Code Appendix D. The turnaround needs to be within 150' of the structure.

2. Light and Aesthetics

- a. Any 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.
- b. Any fence exceeding 7' in height and any retaining wall exceeding 4' in height shall require building permits, and will require submittal of detailed engineering drawings.
- c. All tower construction per IBC 3108 and TIA-222 and a building permit is required by CDS Building Division.
- d. Any generators shall be permitted by the Fire Marshal's office.
- e. Fuel storage such as propane tanks shall require a permit by the CDS Building Division.
- f. Solar array shall require a permit by the CDS Building Division.

5. Roads and Transportation

- a. The project shall comply with all Kittitas County and WSDOT Access requirements.
- b. The access roadway shall meet the current Kittitas County driveway standard. Greater than 150 feet in length requires a 16 foot all weather surface with two foot clear zones on each side.

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.
- b. In the event that a stationary internal combustion engine exceeding 500 brake horsepower is used, the applicant shall obtain an air quality permit from the Washington State Department of Ecology.

8. Animals

- a. The final project shall incorporate a raptor exclusion device, consistent with the submitted materials prior to final approval.

9. Plants

- a. Weed and vegetation management plans shall be submitted prior to final approval.

Pursuant to Chapter 15A.07 KCC, this DNS may be appealed by submitting specific factual objections in writing with a fee of \$1560 to the Kittitas County Board of Commissioners, Kittitas County Courthouse Room 110, Ellensburg, WA 98926. Timely appeals must be received no later than 5:00pm July 23, 2019. Aggrieved parties are encouraged to contact the Board at (509) 962-7508 for more information on the appeal process.

Responsible Official *Dusty Pilkington*
Dusty Pilkington

Title: Staff Planner

Address: Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA. 98926
Phone: (509) 962-7506 Fax: (509) 962-7682

Date: July 8, 2019