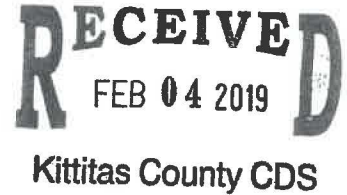


**STATEMENT OF CODE COMPLIANCE**  
**WIRELESS COMMUNICATIONS FACILITY**  
**CONDITIONAL USE APPLICATION**  
**YA4795 TEANAWAY FIRSTNET NSB**  
Submitted to Kittitas County, Washington  
Planning and Land Services



AT&T's proposal for a new wireless communications facility ("WCF" or "Facility") is subject to and complies with the following Kittitas County Code ("KCC") development standards and approval criteria applicable to communication facilities in the ("F-R") Forest and Range zone as an allowed use on Rural Working Non-LAMRID lands.

**TITLE 17 ZONING**

**Chapter 17.60A – CONDITIONAL USES**

Sections:

17.60A.015      Review criteria.

**Chapter 17.61 – UTILITIES**

Sections:

17.61.040      Communication facilities – Administrative Review - General Requirements

**PLEASE NOTE:** AT&T's responses to the above referenced criteria are indicated below in ***bold italicized blue text***. Any reference to an "Attachment" is referring to an attachment included in AT&T's Administrative CUP application for the proposed Facility.

**CHAPTER 17.60A  
CONDITIONAL USES**

**17.60A.015 Review criteria.**

The Director or Board, upon receiving a properly filed application or petition, may permit and authorize a conditional use when the following requirements have been met:

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.

***AT&T 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.*

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.

*AT&T 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 8\_Final Zoning Drawings.*

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.

*AT&T 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 8\_Final Zoning Drawings for details.*



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

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

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

***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.***

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

***AT&T 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.***

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;

***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.***

- B. Preserves "rural character" as defined in the Growth Management Act (RCW 36.70A.030(16));

*AT&T 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.*

C. Requires only rural government services; and

*AT&T 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.*

D. Does not compromise the long term viability of designated resource lands. (Ord. 2013-012, 2013; Ord. 2013-001, 2013; Ord. 2012-009, 2012; Ord. 2007-22, 2007; Ord. 88-4 § 11 (part), 1988; Res. 83-10, 1983)

*AT&T Response: 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.*

## **Chapter 17.61 UTILITIES**

### **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).

*AT&T 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.*

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.

*AT&T Response: AT&T acknowledges, understands, and intends to comply with 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.

***AT&T 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 8\_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.***

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.

***AT&T 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.***

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)

***AT&T Response: Not Applicable.***