



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"

Zayo Group Administrative Conditional Use

File Number CU-15-00004

FINDINGS OF FACT, DECISION AND CONDITIONS OF APPROVAL

I. GENERAL INFORMATION

Requested Action: Anna Lindseth, authorized agent for Les Nash, landowner has submitted an Administrative Conditional Use application for Communication Facility. This activity will occur inside a 11'-8" x 36'-0" x 12'-3" building on an 81.60 acre parcel.

Location: This proposal encompasses 1 parcel, located to the east of the City of Kittitas in a portion of Section 5, T17N, R20E, WM, in Kittitas County, parcel number: 510533.

II. SITE INFORMATION

| | |
|----------------------|--|
| Total Property Size: | 81.60 acres |
| Number of Lots: | 1 (no new lots are being proposed) |
| Domestic Water: | None |
| Sewage Disposal: | None |
| Power/Electricity: | Kittitas County PUD |
| Fire Protection: | Kittitas County Fire & Rescue District 2 |
| Irrigation District: | Kittitas Reclamation District (KRD) |

Site Characteristics:

North: Vantage Highway, farm land, and homes.

South: Farm Land.

East: Homes and farm land.

West: Farm land.

Access: The site is accessed from Vantage Highway.

Zoning and Development Standards: The subject property is located to the east of the City of Kittitas and has a zoning designation of Agriculture 20. The general purpose and intent of the Agriculture 20 zone is to permit agriculture operations to be conducted in Kittitas County. The Agriculture 20 zone allows for a vast array of permitted and conditional uses; this project is being proposed under KCC 17.06A.015. This use is an Administrative Conditional Use and requires that the following be 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.
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.
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.
 4. The proposed use will mitigate material impacts of the development, whether environmental or otherwise.
 5. The proposed use will ensure compatibility with existing neighboring land uses.
 6. The proposed use is consistent with the intent and character of the zoning district in which it is located.
 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 (RCW 36.70A.030(15));
 - C. Requires only rural government services; and
 - 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)

Conditional Uses:

This application is consistent with KCC 17.60A.015. There are a number of requirements that must be met; these are addressed under Project Analysis below.

III. ADMINISTRATIVE REVIEW

Notice of Application: An Administrative conditional use permit application was submitted to Kittitas County Community Development Services department on September 15, 2015. This application was deemed incomplete on October 7, 2015 additional information was submitted on the same day: October 7, 2015. The application was deemed complete on October 26, 2015. A notice of application and a notice of SEPA for the Zayo Group Administrative Conditional Use Permit (CU-15-00004) 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 29, 2015, all in conformance with the Kittitas County Project Permit Application Process (Title 15A).

IV. 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 6.1 The county should promote the joint use of transportation rights-of-way and other utility corridors consistent with the underlying private property rights and easement limitations.

GPO 6.2 Appropriately place utility facilities within public rights-of-way

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.

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.

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.

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.

V. 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 January 19, 2016. The appeal period ends on February 2, 2016 at 5:00 p.m.

VI. 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.

VII. 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 IV of this staff report, the following Comprehensive Plan GPOs apply to this proposal: GPO 6.1, 6.2, 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 17A, Critical Areas:

Staff has conducted an administrative critical area review in accordance with KCC 17A and found no critical areas on-site.

Consistency with the provision of KCC 17.29, Agriculture 20 zoning:

This proposal is consistent with the Kittitas County Zoning Code 17.29 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 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.

Agency Comments:

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

Public Comments:

There were no public comments associated with this application.

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, Title 14.04 Building Code, and Title 12 Roads and Bridges.

Conditions of Approval:

1. Water

- A. Activities such as road widening, stump pulling and clearing, grading and fill work and utility placements may require a NPDES Construction Stormwater Permit issued by the Department of Ecology prior to start of construction. This permit requires the preparation of a Stormwater Pollution Prevention Plan. It is the applicant's responsibility to contact the Department of Ecology.
- B. Withdrawals of groundwater on the subject property are subject to the rules and regulations adopted and administrated by the Washington State Department of Ecology; this includes the use of water for irrigation. Legally obtained water must be used on-site.

2. Fire & Life Safety

- A. All development, design and construction shall comply with the International Fire Code requirements.

B. A Knox box is required on all gates for access.

3. Light and Aesthetics

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

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

4. 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.

5. Building

A. All new construction must meet the International Building Code requirements.

6. Roads and Transportation

A. The driveway must be constructed to commercial standards, as shown in the WSDOT Design Manual Exhibit 1340-2.

B. An Approved Access permit shall be required from the department of Public Works prior to alteration of the existing access. No new accesses will be allowed.

C. Contact the Kittitas County Rural Addressing Coordinator at (509) 962-7523 to obtain addresses prior to obtaining a building permit. A parcel cannot receive a building permit or utilities until a parcel is identified with a 911 address.

7. 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.

8. 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 following 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 \$780 to the Kittitas County Board of Commissioners at 205 West 5th, Room 108 Ellensburg, WA 98926. The appeal deadline for this project is February 2, 2016 at 5:00p.m.

Responsible Official



Robert "Doc" Hansen

Title: Planning Official

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

Date: January 19, 2016