



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"

Weis Towers Administrative Conditional Use File Number CU-17-00002 FINDINGS OF FACT, DECISION AND CONDITIONS OF APPROVAL

I. GENERAL INFORMATION

Requested Action: Brian Woods, agent for Lavinal Inc. is proposing the development of a 300 foot guy wired tower to expand communication access in the area. The tower proposed will be secured by three, 240 foot anchor lines. The tower would be accompanied by a 10 foot by 20 foot accessory communication building.

Location: This proposal encompasses 1 parcel, Parcel 675335, located at 22732 HWY 97, Cle Elum, WA 98922. Section 3 T20N R17E WM in Kittitas County. Map Number 20-17-03040-0005.

II. SITE INFORMATION

Total Property Size:	28.97 acres
Number of Lots:	1 (no new lots are being proposed)
Domestic Water:	None
Sewage Disposal:	None
Power/Electricity:	Kittitas County PUD
Fire Protection:	Fire District 7
Irrigation District:	N/A

Site Characteristics:

- North: Privately owned land
- South: Wenatchee National Forest Land
- East: Wenatchee National Forest Land
- West: Wenatchee National Forest Land and US 97

Access: The site is accessed from Highway 97.

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

KCC 17.60A.015 Review Criteria

1. The proposed use is essential or desirable to the public convenience and not detrimental or injurious to the public health, peace, or safety or to the character of the surrounding neighborhood.
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
 - c. Requires only rural government services ; and
 - d. Does not compromise the long term viability of designated resource lands.

KCC 17.60B.050 Administrative Review

1. That the granting of the proposed administrative use permit approval will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity and planned uses; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
2. That the granting of the proposed administrative use permit is consistent and compatible with the intent of goals, objectives and policies of the comprehensive plan, and any implementing regulation.
3. That all conditions necessary to mitigate the impacts of the proposed use are conditions that are measurable and can be monitored and enforced.
4. That the applicant has addressed all requirements for a specific use.

Conditional Uses:

This application is consistent with KCC 17.60A.015 and KCC 17.60B.050. 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 April 24, 2017. This application was deemed incomplete on May 15, 2017 due to an inadequate site plan. The application was deemed complete on October 18, 2017 after CDS received all of the necessary application information. A notice of application and a notice of SEPA for the Weis Towers Administrative Conditional Use Permit (CU-17-00002) were mailed to adjacent landowners located within 500 feet of any portion of the boundary of the proposal's tax parcel & associated Agencies. Notice was given to and published in the official newspaper of record for Kittitas County, and notice was posted to the

Kittitas County Website on October 30, 2017, 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 6.3 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 December 20, 2017. The appeal period ends on January 5, 2018 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 6.3, 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 conducted an administrative critical area review in accordance with KCC 17A. GIS information suggests a type 9 stream located in the northern half of the parcel approximately 155 feet north of the closest anchor point of the proposed tower. This is beyond the 100 foot buffer requirement for type 9 streams.

Consistency with the provisions of KCC 17B Shorelines

This proposal is consistent with the Kittitas County Zoning Code 17B as conditioned. GIS information indicates that the parcel borders Swauk Creek, a Shoreline of the State established as a Rural Conservancy Zone. The closest anchor point of the tower to the Rural Conservancy Zone is well beyond the 200 foot buffer required for shorelines.

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

Public Comments:

There were no public comments submitted during the comment period.

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.

Conditions of Approval:

1. Wildlife

- A. Daytime visual markers along support cables shall be required in accordance with APLIC standards to limit potential collision from avian species.
- B. Lighting shall be installed to the minimum standards of the FAA to mitigate impacts on local and migratory avian species.

2. Air Quality

- A. Any emergency generator that exceeds 500 brake horsepower shall require a preconstruction air quality permit through the Department of Ecology.

3. Building

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

4. Roads and Transportation

- A. A county access permit will be required prior to building permit issuance for the driveway servicing the new commercial structure.
- B. Access to the Weis Towers is located off of HWY 97, a State Route. The Applicant will need to comply with all Washington State Department of Transportation requirements. Public Works will require a copy of the access permit with WSDOT prior to issuance of a building permit.

5. State and Federal

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

6. Fire & Life Safety

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

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. Stormwater

- A. Plans prepared in accordance with the Stormwater Management Manual for Eastern Washington by a Professional Engineer, licensed in the State of Washington, are required to be submitted and approved prior to the issuance of a building permit.

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 \$1,570 to the Kittitas County Board of Commissioners at 205 West 5th, Room 108 Ellensburg, WA 98926. The appeal deadline for this project is January 5, 2018 at 5:00p.m.

Responsible Official



Lindsey Ozbolt

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: December 20, 2017