



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

Horizon Towers Administrative Conditional Use File Number ACU-24-00001 FINDINGS OF FACT, DECISION, AND CONDITIONS OF APPROVAL

I. GENERAL INFORMATION

Requested Action: The applicants are proposing to construct a 120' monopole tower for wireless communication facilities. Communication facilities may be authorized in all zoning districts with an administrative conditional use permit. The subject property is zoned Agriculture 20.

Location: One (1) parcel #346233, Section 20, T18, R18, WM in Kittitas County, bearing Assessor's map number 18-18-20030-0006.

II. SITE INFORMATION

Total Property Size:	111.93 acres
Number of Lots:	1 (no new lots are being proposed)
Power/Electricity:	Available
Fire Protection:	Kittitas Valley Fire and Rescue (Fire District 2)
Irrigation District:	Ellensburg Water

Site Characteristics:

North: Privately owned land primarily used for agricultural and/or residential purposes.

South: Privately owned land primarily used for agricultural and/or residential purposes.

East: Privately owned land primarily used for agricultural and/or residential purposes.

West: Privately owned land primarily used for agricultural and/or residential purposes. I-90. Yakima River.

Access: The site is accessed from Highway 97.

Zoning and Development Standards: The subject property has a zoning designation of Agriculture 20 with a land use designation of Rural Working. The agriculture (A-20) zone is an area wherein farming, ranching and rural lifestyles are dominant characteristics. The intent of this zoning classification is to preserve fertile farmland from encroachment by nonagricultural land uses; and protect the rights and traditions of those engaged in agriculture. The proposed project is classified as a "Utility". Utilities shall be permitted within all zoning districts. Communication facilities may be permitted with an Administrative Conditional Use permit per KCC 17.61.040.

This Administrative Conditional Use 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:

“The proposed facility will comply fully with all Federal Communications Commission (FCC) safety standards. The FCC developed those standards in consultation with numerous other agencies, including the Environmental Protection Agency, the Food and Drug Administration, and the Occupational Safety and Health Administration. The standards were developed by expert scientists and engineers after extensive reviews of the scientific literature related to RF biological effects over decades of wireless usage.”

Staff Response:

Staff agrees the proposed use, as conditioned, will not be detrimental or injurious to the public health, peace, 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.**

Applicant Response:

“Verizon Wireless is committed to serving its customers with an optimum level of service and is mandated by the FCC to provide wireless communication services for the benefit of the public good. Network engineers gather information from many sources including customer feedback, exhaustive network testing, and data from third parties.

There are two main drivers prompting the need to develop a new wireless facility. One lacks coverage and the other is lack of capacity. Coverage deficiencies give rise to the need to expand wireless service into an area that either has no service or inadequate service. The request for service often comes from customers or emergency personnel. Expansion of service could mean improving the signal levels in a large apartment complex or new residential community. It could also mean providing new service along a newly built highway.

Capacity deficiencies create the need for additional wireless resources. Wireless facilities have finite capacities to process voice calls, data connections, and data volume. When capacity is reached, user experience quickly degrades. Customers may no longer be able to make or receive calls nor be able to access the internet. It could also mean that webpages are slow to download or don't download at all. Lack of coverage, lack of capacity, or a combination of both results in a significant gap in coverage.”

Staff Response:

The proposed communications tower will be adequately serviced by existing facilities and public services. No additional water, sewer, fire, or police service will be required.

- 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:

“This proposal is in compliance with KCC 17.61.040.”

Staff Response:

The project, as conditioned, complies with Kittitas County Development standards.

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

Applicant Response:

“The subject parcel is zoned AG as are the parcels in the immediate vicinity. The location of the structure will not pose material impacts on development.”

Staff Response:

As conditioned, the proposal mitigates for potential impacts.

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

Applicant Response:

“The subject parcel is zoned AG as are the parcels in the immediate vicinity. The location of the structure will not negatively impact the neighboring zones.”

Staff Response:

The proposed use is consistent with other utility focused uses in Kittitas County. Surrounding uses include undeveloped land and residential properties. CDS finds the use, as conditioned, compatible with existing neighboring land uses and in turn consistent with this criterion.

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

Applicant Response:

“Wireless Facilities are allowed in all zones throughout Kittitas county pursuant to KCC 17.61040.”

Staff Response:

CDS staff has confirmed that, per KCC 17.61.040, “Communication Facilities” may be permitted with an Administrative Conditional Use application in Agriculture 20 zone. This project is consistent with the “Communication facility” definition which has been identified as a compatible use within the Agriculture 20 zone per KCC 17.15.060.1.

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:

- i. “Not applicable.”
- ii. *“The proposed wireless communications facility is unmanned. Following construction, it is estimated that one vehicle trip per month will be required for regular maintenance. The wireless facility will have virtually no impact on existing streets, public facilities and services.”*
- iii. *“The proposed wireless communications facility is unmanned. Following construction, it is estimated that one vehicle trip per month will be required for regular maintenance. The wireless facility will have virtually no impact on existing streets, public facilities and services.”*
- iv. *“The proposed wireless communication facility will not adversely impact surrounding resource lands. The proposed wireless facility is unmanned and will have no impact on public infrastructure. The location of the proposed facility was carefully chosen to minimize impacts to surrounding properties and is the least intrusive viable location in this service area. The proposed wireless facility is the least intrusive means to bridge the significant gap in service coverage..”*

Staff Response:

CDS staff finds that this project, as conditioned, is consistent with the Kittitas County Comprehensive Plan as described in section IV of this staff report, preserves rural character, requires only rural government services, and does not compromise long term viability of resource lands. The proposed use is consistent with the character and impact of surrounding neighborhood uses.

Conditional Uses:

This application is consistent with the requirements of KCC 17.60A.015 as demonstrated above.

KCC 17.15.060.1 Footnote #9

9. Utilities are defined and regulated by KCC Chapter 17.61 Utilities.

Staff Consistency Statement: *The proposed project as conditioned, is consistent with this footnote and the referenced KCC 17.61 Utilities.*

KCC 17.61.040 – Utilities

Staff Consistency Statement: *The proposed project as conditioned, is consistent with KCC 17.61.040.*

III. ADMINISTRATIVE REVIEW

Notice of Application: An Administrative Conditional Use permit application was submitted to Kittitas County Community Development Services department on July 30, 2024. The application was deemed complete on July 31, 2024. A Notice of Application for the Horizon Towers Administrative Conditional Use Permit (ACU-24-00001) was mailed to adjacent landowners located within 500 feet of any portion of the boundary of the proposal's tax parcel (and contiguously owner parcel) & associated Agencies on August 6, 2024. 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 August 6, 2024, all in conformance with the Kittitas County Project Permit Application Process (Title 15A).

IV. COMPREHENSIVE PLAN

The Kittitas County Comprehensive Plan has established specific goals and policies associated with Rural lands and utilities. The following goals and policies guide activities on Rural lands throughout the County. These goals and policies were developed in response to identified needs within the county, and support the County Wide Planning Policies:

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 proposed project provides infrastructure for communications facilities in an area in need of expanded coverage.

U-P3: Decisions made by the Kittitas County regarding utility facilities will be made in a manner consistent with and complementary to regional demands and resources.

Staff Consistency Statement: The proposed project provides infrastructure for communications facilities in an area in need of expanded coverage.

U-P6: Community input should be solicited prior to county approval of utility facilities, which may significantly impact the surrounding community.

Staff Consistency Statement: The proposed project is consistent with the requirements of KCC 15A which outlines the requirements for public notice.

RR-G11: The County should provide for infrastructure and services necessary to rural development.

Staff Consistency Statement: The proposed project provides communications infrastructure within rural lands. The proposed project expands communications coverage.

RR-G25: Provide areas of low intensity land use activities within the agriculture and forest activities.

Staff Consistency Statement: The proposed communications tower is of low-intensity use.

RR-P9: Encourage development activities and establish development standards which enhance or result in the preservation of rural lands.

Staff Consistency Statement: The proposed communications tower may support rural government services.

V. ENVIRONMENTAL REVIEW

A SEPA Checklist was submitted with the conditional use application and processed concurrently using the Optional DNS process under WAC 197-11-355. CDS issued a Determination of Non-Significance on September 24, 2024. The appeal period for the SEPA DNS concludes on October 8, 2024.

In addition, CDS performed a critical area review of the properties. No critical areas or associated buffers were located within the immediate project area.

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. The following agencies provided comments during the comment period.

Kittitas PUD

Kittitas PUD stated they do not have facilities in the project area.

Applicant Response: Applicant did not provide a response to comments.

Staff Response: Staff has no response.

Snoqualmie Tribe

Snoqualmie Tribe stated they have no substantive comments at this time.

Applicant Response: Applicant did not provide a response to comments.

Staff Response: Staff has no response.

Kittitas County Public Health

Kittitas County Public Health stated they have no comments.

Applicant Response: Applicant did not provide a response to comments.

Staff Response: Staff has no response.

Kittitas County Fire Marshal's Office

Kittitas County Fire Marshal's Office provided comments on access and building construction requirements.

Applicant Response: Applicant did not provide a response to comments.

Staff Response: The application has been conditioned to comply with IFC requirements.

Department of Archaeology & Historic Preservation

The Department of Archaeology & Historic Preservation provided comments on cultural resources. DAHP requested an inadvertent discovery plan (IDP) be prepared.

Applicant Response: Applicant did not provide a response to comments.

Staff Response: The application has been conditioned to prepare for the inadvertent discovery of cultural resources.

Kittitas County Public Works

Kittitas County Public Works provided comments on access, grading, and transportation concurrency.

Applicant Response: Applicant did not provide a response to comments.

Staff Response: The application has been conditioned to meet grading, access, and transportation concurrency requirements.

Washington State Department of Transportation

The Washington State Department of Transportation provided comments on access requirements and communication system interference.

Applicant Response: Applicant did not provide a response to comments.

Staff Response: The application has been conditioned to meet these requirements.

Public Comment

No comments were received from members of the public.

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 the 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 Goals and Policies apply to this proposal: U-G6, U-P3, U-P6, RR-G11, RR-G25, RR-P9.

Provided the applicant follows and maintains the Goals and Policies, they shall be in compliance with the Kittitas County Comprehensive Plan. 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 or associated buffers exist within the immediate project area.

Consistency with the provisions of KCC 17.15.060.1 and Footnote #9

This proposal, as conditioned, is consistent with the Kittitas County Zoning Code 17.15.060.1 and Footnote #9.

Consistency with the provisions of KCC 17.61.040, Communication Facilities

This proposal, as conditioned, is consistent with the Kittitas County Zoning Code 17.61.040.

Consistency with the provisions of KCC 17.29, A-20 Agriculture Zone:

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

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 is consistent with Kittitas County Zoning Code 17.60A as described above.

Consistency with the provisions of the KCC Title 14.04, Building Code:
This proposal, as conditioned, is consistent with the provisions of KCC Title 14.

Consistency with the provisions of KCC Title 12, Roads and Bridges:
This proposal, as conditioned, is consistent with the provisions of KCC Title 12.

Consistency with the provisions of KCC Title 20, Fire and Life Safety:
This proposal, as conditioned, is consistent with the provisions of KCC Title 20.

Agency Comments:

The following agencies provided comments during the comment period: Kittitas PUD, Snoqualmie Tribe, Kittitas County Public Health, Kittitas County Fire Marshal's Office, Department of Archaeology & Historic Preservation, Kittitas County Public Works, Washington State Department of Transportation. All comments are on file and available for public review.

Public Comments:

No public comments were received.

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 17.15.060.1 Allowed Uses, Title 17.61.040 Communication Facilities, Title 14.04 Building Code, Title 12 Roads and Bridges, and Title 20 Fire and Life Safety.

Conditions of Approval:

1. Building

- A. The applicant shall conform to Kittitas County Code Title 14 and the International Building and Fire Codes adopted at the time of building permit submittal.
- B. Construction of all improvements shall be completed within one year of the date of building permit issuance except as provided in subsections 4 and 5 of KCC 17.61.040.
- C. Any future modification or expansion which increases the height of the monopole tower shall require additional project review from Kittitas County.

2. State and Federal

- A. The applicant must meet all state and federal regulations.

3. Fire & Life Safety

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

4. Road and Transportation

- A. A grading permit is required for any dirt work exceeding 100 cubic yards of excavation and/or fill. If over 500 cubic yards engineered plans shall be required.
- B. Applicant shall obtain an approved access permit for commercial access from Kittitas County Public Works.
- C. The applicant shall comply with all applicable Kittitas County Road Standards.
- D. The applicant shall receive a traffic concurrency evaluation and determination from Kittitas County Public Works.

5. Archaeology and Historic Preservation

- A. Should ground disturbing or other activities related to the proposed project 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 & Historic Preservation (DAHP). Work shall remain suspended until the findings are 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.

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 \$1,670 to the Kittitas County Community Development Services at 411 N Ruby St. Suite 2; Ellensburg, WA 98926. The appeal deadline for this project is October 8, 2024, at 5:00p.m.

Responsible Official



Chace Pedersen

Title: Staff Planner

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Date: September 24, 2024