



## KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

### **Weis Tower LLC Administrative Conditional Use File Number ACU-25-00003**

#### **FINDINGS OF FACT, DECISION AND CONDITIONS OF APPROVAL**

##### **I. GENERAL INFORMATION**

Requested Action: The applicants are proposing a 197-foot-tall Wireless Communications Tower (WCT) and associated equipment, which will include clearing and tree removal over an area of 6,000 square feet, as well as the construction of a 500-foot-long road that will involve up to 700 cubic yards of excavation and infill. The subject parcel is zoned Rural 5 and has a Mineral Lands land use designation.

Location: Parcel #952139, located at 520 Jenkins Drive 0.25 miles east from the intersection of Jenkins Drive and Bullfrog Road in Cle Elum, WA. Section 31, Township 20, Range 15; Kittitas County parcel map number 20-15-31050-0001.

##### **II. SITE INFORMATION**

Total Property Size:	17.74 acres
Number of Lots:	1
Domestic Water:	N/A
Sewage Disposal:	N/A
Power/Electricity:	Puget Sound Energy
Fire Protection:	Fire District 7 (Cle Elum)
Irrigation District:	N/A

##### Site Characteristics:

<u>North:</u>	Suncadia Master Planned Resort
<u>South:</u>	Interstate 90
<u>East:</u>	Suncadia Master Planned Resort
<u>West:</u>	Suncadia Master Planned Resort

Access: The site is accessed via Jenkins Drive.

##### **III. ADMINISTRATIVE REVIEW**

Deem Complete: An administrative conditional use permit application for Weis Tower LLC (ACU-25-00003) was submitted to Kittitas County Community Development Services Department on December 22, 2025. The application was deemed complete on January 16, 2026.

Notice of Application: A Notice of Application for the Weis Tower LLC Administrative Conditional Use Permit (ACU-25-00003) was mailed to adjacent landowners located within 500 feet of any portion of the boundary of the proposal's tax parcel and associated Agencies on January 22, 2026. 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 January 22, 2026, all in conformance with the Kittitas County Project Permit Application Process (Title 15A).

##### **IV. ZONING AND DEVELOPMENT STANDARDS**

The subject property is zoned Rural and has a Mineral Lands land use designation. The purpose and intent of the Rural-5 zone is to provide areas where residential development may occur on a low-density basis. A primary goal and intent in sitting R-5 zones will be to minimize adverse effects on adjacent natural resource lands.

The proposed WCT is classified as "communication facility." As defined in KCC 17.61.010, "communication facility" or "communication facilities" means any real property or portion thereof used for the reception, transmission and/or regeneration of electromagnetic and light signals, including but not limited to cellular, fiber-

optic, microwave, mobile radio, radio, satellite, and television mediums. The term does not include poles or lattice-work tower supporting aboveground distribution or transmission lines for utility services such as electricity, telephone, or cable television. Communication facilities consist of all buildings, transmission structures, and other appurtenant improvements necessary for the support, shelter, and operation of applicable communication equipment.

Communication facilities are authorized by the Community Development Services director as an administrative conditional use in all zoning districts, pursuant to the criteria and procedures of KCC 17.60A, KCC 17A, and KCC 17.61.040. The applicant must demonstrate that the proposal **has met all seven (7) criteria** outline in KCC 17.60A.015. The following is a summary describing whether each criterion has been satisfactorily demonstrated:

**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 proposal is essential to public convenience as it increases broadband and wireless communication capabilities of the area. It is not detrimental in any way as it will be constructed to handle local environment and weather conditions and is away from population and recreation areas and so will not be noticeable from any public location.”*

Staff Response:

Staff agrees with the applicant that the proposed use will not be detrimental or injurious to the public health, peace, safety, or to the character of the surrounding neighborhood and that a WCT is essential to public convenience.

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 proposal will not be detrimental to the County as it will not create any cost to public facilities because the applicant will be creating access to the site as well as maintaining the site after completion. It will also have no cost to the public or economic detriment being in a publicly distant location and creating value with increased broadband.”*

Staff Response:

The proposed WCT will not be detrimental to the economic welfare of the county, and it will not create excessive public cost for facilities and services because the access and site maintenance are private.

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 proposal is designed and permitted in compliance with KCC Ch 17 provisions.”*

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 proposal will mitigate impacts as the total disturbed area will be about a percent of the total site area not impacting local drainage patterns and creating inconsequentially small amounts of impervious surfaces. Distance from population and trees in the area mitigate any impact of public concern.”*

Staff Response:

The application and staff review have identified no potential environmental impacts.

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

Applicant Response:

*“Existing neighboring land uses are vacant forested land, proposal would keep over 99% of the parcel as the existing use.”*

Staff Response:

The proposed use will have a relatively small footprint. The majority of the parcel will remain forested, which is consistent with neighboring vacant land. 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:

*“The intent and character of the zone of rural 5 is to “minimize adverse effects on adjacent natural resource lands”. Because of the developments small footprint, adjacent resources will not be affected.”*

Staff Response:

CDS staff has confirmed that the WCT is consistent with the intent and character of Rural 5 zoning. The WCT will not contribute to or amplify residential use beyond “low development”. Furthermore, WCT are low maintenance and take up a relatively small footprint. Lack of heavy traffic to and from the site, along with a small, disturbed area, is evidence that there will not be adverse effects on adjacent natural resource lands.

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:

- A. *“The proposal is consistent with ch 8 of the comprehensive plan by having minimal impact on the surrounding area and no impact to the rural character of the area.”*
- B. *“The proposal preserves the rural character as it will have no impact on the natural resources of the surrounding area.”*
- C. *“Because of the minimal operational needs of the proposal, limited rural government services, if any, will be needed.”*
- D. *“The proposal does not compromise resource lands as the very limited scope of the site and work area will be on less than 1% of the land and being a WCF will not cause an increase of traffic or activity of any kind in the surrounding resource area.”*

Staff Response:

CDS staff finds that this project is located outside the UGA of the city of Cle Elum, WA. Therefore rural government services would respond as needed. The proposal does meet the intent of the goals, policies and objectives of the Kittitas County Comprehensive Plan. The building expansion and allowed use does preserve the rural character and does not compromise the long-term viability of designated resource lands.

### **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 Chapter 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).

*Staff Consistency Statement: This administrative conditional use permit satisfies the requirement for communication facilities authorization set forth in KCC 17.61.040(1). This facility will be used for broadband and wireless communication, thus is not considered amateur or noncommercial communication equipment.*

2. Construction of all improvements shall be completed within one year of the date of building permit issuance, except as provided for in subsections 4 and 5 of this section.

*Staff Consistency Statement: This administrative conditional use permit will be conditioned to meet the construction improvement timeline requirement.*

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.

*Staff Consistency Statement: The proposed WCT will be 197 feet tall, and it will be located approximately 212.5 feet from the western property line. Community Development Services is authorizing a reduction to the property line setback of approximately 25 feet. Reducing the setback will not pose as a danger to neighboring properties. This administrative conditional use will be conditioned to meet design requirements for blending in with existing surroundings.*

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.

*Staff Consistency Statement: This administrative conditional use permit will be conditioned to meet antenna placement requirements.*

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.

*Staff Consistency Statement: This administrative conditional use permit will be conditioned to meet modification requirements.*

## **V. COMPREHENSIVE PLAN**

The Kittitas County Comprehensive Plan has established specific goals and policies associated Mineral lands. The following goals and policies guide activities on Rural Resource 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:

RR-G5: Activities generally should not require extension of urban governmental services.

*Staff Consistency Statement: The proposed WCT will not require the extension of urban governmental services. The tower will be located on private property and accessed via private road. The site will not require extension of city water and sewer, and the applicant will be responsible for connecting to Puget Sound Energy infrastructure. Additionally, the site is already located within the boundary for Kittitas County Fire District 7, so emergency services will not require extension.*

RR-P153: The impact of potential residential/commercial development upon Mineral Resource Lands of Long-term Significance shall be considered when determining the compatibility of the proposed development within the Rural area.

*Staff Consistency Statement: The proposed WCT will not adversely affect lands designated for Mineral Resources. The project footprint represents a small portion of the overall parcel acreage and once constructed, it will function as a passive use. The facility will not require the extraction or consumption of on-site mineral resources, nor will it interfere with future mineral extraction activities on the property.*

## **VI. 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 Mitigated Determination of Non-Significance on March 5, 2026. The appeal period for the SEPA DNS concludes on March 19, 2026.

Staff completed a desktop review for critical areas using County GIS data and did not identify any regulated streams or wetlands on or near the property. A small portion of the property is located within the Yakima River Department Fish and Wildlife Priority Habitat, which is a Fish & Wildlife Habitat Conservation Area.

Hazardous slopes with grades of 33 percent or greater covering portions of the property. Footing on or adjacent to descending slopes shall be founded in material with an embedment and setback from the slope sufficient to provide vertical and lateral support for the footing without detrimental settlement. The maximum setback distance is 40 feet unless a reduced distance is calculated by dividing the height of the slope by three (H/3).

Alternative setbacks and clearances are permitted, subject to approval by the Building Official. The Building Official may require an investigation and recommendation from a qualified engineer to demonstrate that the intent of this section has been satisfied. Such an investigation shall include consideration of slope material, slope height, slope gradient, load intensity, and erosion characteristics of the slope material.

## **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. The following parties provided comments during the comment period: Yakama Nation Fisheries, Confederated Tribes of the Colvill Reservation (CTCR), Bonneville Power Administration (BPA), Washington State Department of Transportation Aviation (WSDOT Aviation), Washington State Department of Transportation (WSDOT), Kittitas County Public Works (KCPW), and Kittitas County Fire District 7 (KCFD7).

### **Yakama Nation Fisheries**

Yakama Nation Fisheries stated that the project lies within the Ceded lands/ Usual and Accustomed Area of the Confederated Tribes and Bands of the Yakama Nation. The project review didn't yield any new information that would require further investigation of the potential impacts on Archaeological/cultural Resources.

*Applicant Response: The applicant provided no response.*

*Staff Response: Staff has no response.*

### **Confederated Tribes of the Colvill Reservation**

The CTCR stated that the proposed undertaking lies within the traditional territories of the šnṗ əšqwáw səxw

(people in between) or Wenatchi Tribe, 1 of the 12 constituent tribes of the Confederated Tribes of the Colville Reservation (also known as the Colville Confederated Tribes or CCT), which is governed by the Colville Business Council (CBC). The CBC has delegated to the Tribal Historic Preservation Officer (THPO) the responsibility of representing the CCT with regard to cultural resource management issues throughout the traditional territories of all the constituent tribes under Resolution 1996-29. In addition, the THPO has assumed the responsibilities of a state historic preservation office within the exterior boundaries of the Colville Reservation and associated parcels of trust land that lay outside the current reservation boundaries, as outlined in Section 101 (d) (2) of the National Historic Preservation Act (NHPA).

CCT H/A concurs with the findings of the cultural resource survey report NADB1351452, but recommends archaeological monitoring for any ground disturbing activities due to the proximity of cultural resources to the proposed project area, as well as the availability of an Inadvertent Discovery Plan (IDP) in the event of resources observed without the presence of an SOI- qualified archaeologist.

*Applicant Response: The applicant provided no response.*

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

#### **Bonneville Power Administration**

BPA stated that the proposal will not directly impact BPA facilities over 750 feet north of the subject properties. BPA does not have any objection to the approval of this request currently.

*Applicant Response: The applicant provided no response.*

*Staff Response: Staff has no response.*

#### **Washington State Department of Transportation Aviation**

WSDOT stated that the tower is technically far enough away from local airports to not be an issue. However, the FAA requires any obstacle 200 feet or higher to file a Form 7460-1 to the FAA. They encourage the project sponsor to go through this process anyway in case the tower ends up being higher or for future changes to the tower that might impact its height.

*Applicant Response: The applicant provided no response.*

*Staff Response: The application submitted a Determination of No Hazard to Air Navigation FAA report completed on July 24, 2025.*

#### **Washington State Department of Transportation**

WSDOT provided the following comments:

- The subject property is adjacent to the Interstate 90 (I-90) Bullfrog Road interchange (Exit 80). WSDOT has acquired all access rights to I-90, including the on- and off-ramps and along Bullfrog Road 300' from the westbound ramp terminals. Direct access within the limits of our access control is prohibited.
- As a public safety agency, WSDOT assists with the response to emergencies in which life and property are threatened. Some communications facilities operate at frequencies that interfere with our radio system. Because of this, there is the potential for reception problems for our mobiles operating in those areas. To prevent potential interference with the two systems, we encourage the proponent to do cooperative testing with the WSDOT to identify any problems that may be corrected through the installation of specific protective or interference devices. The applicant should contact Jason Boyd of the WSDOT - South Central Region Office at 577 1980 to discuss any potential interference or coordinate any testing.
- In addition, we are concerned with potential interference from any facilities that may co-locate on this site in the future. To prevent potential interference between our system and any future system, we encourage the proponent to coordinate future co-locates with the WSDOT. Cooperative testing with the WSDOT could be done for these facilities, and any interference corrected through the installation of specific protective or interference devices.

*Applicant Response: The applicant provided no response.*

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

### **Kittitas County Public Works**

#### **Access**

- An approved access permit may be required from the Kittitas County Department of Public Works prior to altering existing access.
- Roads or driveways that exceed 150' in length are required to provide a fire apparatus turnaround in compliance with the International Fire Code.
- Driveways exceeding 10% grade are required to be hard surface, over 12% grade are required to be 20' with 1' gravel shoulder on each side and over 15% grade a road variance is required.
- Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain access.
- In addition to the above-mentioned conditions, all applicable Kittitas County Road Standards apply to this proposal. Access is not guaranteed to any existing or created parcel on this application.

#### **Engineering**

- Except as exempted in KCC 14.05.060, no grading or filling upon a site involving more than one hundred (100) cubic yards shall be performed without a grading permit from the County Engineer or Public Works designee (KCC 14.05.050). An application for grading in excess of five hundred (500) cubic yards shall be accompanied by an engineered grading plan (KCC 14.05.080).

*Applicant Response: The applicant provided no response.*

*Staff Response: The application has been conditioned to meet Public Works requirements.*

### **Kittitas County Fire District 7**

KCFD7 states that their department has experienced longstanding communication challenges in the surrounding area, which have at times impacted operational efficiency and responder safety. They strongly recommend that Weis Tower LLC coordinate directly with Kittcom to explore opportunities for co-locating a radio repeater on the proposed structure. Improved radio coverage in this region would significantly enhance emergency communications and contribute to safer and more reliable response capabilities for all first responders operating in the area. They want to ensure that critical public safety communication needs are considered as part of the installation process.

*Applicant Response: The applicant provided no response.*

*Staff Response: The application has been conditioned to coordinate with KCDF7 to explore opportunities for co-location of a radio repeater on the WCT.*

#### **Public Comments**

No public comments were received.

### **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 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 V of this staff report, the following Comprehensive Plan Goals and Policies apply to this proposal: RR-G5 and RR-P153.

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 the applicant are in compliance with the Comprehensive plan.

Consistency with the provisions of KCC 17.60A, Conditional Use

This proposal as conditioned is consistent with the Kittitas County Zoning Code for Administrative Conditional Uses KCC 17.60A.

Consistency with the provisions of KCC 17.61.040, Communication Facilities

This proposal as conditioned is consistent with the Kittitas County Zoning Code for Communications Facilities KCC 17.61.040.

Consistency with the provisions of KCC 17A, Critical Areas:

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 Mitigated Determination of Non-Significance on March 5, 2026. The appeal period for the SEPA DNS concludes on March 19, 2026.

Staff completed a desktop review for critical areas using County GIS data and did not identify any regulated streams or wetlands on or near the property. A small portion of the property is located within the Yakima River Department Fish and Wildlife Priority Habitat, which is a Fish & Wildlife Habitat Conservation Area. Hazardous slopes with grades of 33 percent or greater covering portions of the property.

Consistency with the provisions of KCC 17.28A, Rural 5 Zone:

This proposal, as conditioned, is consistent with the Kittitas County Zoning Code 17.28A.

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:

The proposal is 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: Yakama Nation Fisheries, Confederated Tribes of the Colvill Reservation (CTCR), Bonneville Power Administration (BPA), Washington State Department of Transportation Aviation (WSDOT Aviation), Washington State Department of Transportation (WSDOT), Kittitas County Public Works (KCPW), and Kittitas County Fire District 7 (KCFD7). All comments are on file and available for public review.

Public Comments:

There were no public comments submitted during the comment period.

## **VX. 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 17.60A Conditional 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 Code adopted at the time of building permit submittal.

**2. State and Federal**

- a. The applicant must meet all state and federal regulations.
- b. The applicant shall work with the Washington State Department of Transportation to conduct cooperative testing to identify potential problems or interference from the WCT with their radio system.

**3. Fire & Life Safety**

- a. All development, design and construction shall comply with Title 20 Fire and Life Safety and the International Fire Code requirements.
- b. The applicant shall coordinate with Kittcom to explore opportunities for co-locating a radio repeater on the WCT to help improve emergency service communication and response capabilities for all first responders operating in the area.

**4. SEPA**

- a. The applicant shall comply with the conditions outlined in SE-25-00020 Weis Tower LLC SEPA Mitigated Determination of Nonsignificant.

**5. Other**

- a. The applicant shall complete construction of all improvements within one (1) year of the date of the building permit issuance, except for co-location of existing and new antennas and modifications including expansion of the approved communication facility.
- b. Antennas co-located on the WCT shall not extend more than six (6) feet horizontally from any structure to which is attached.
- c. Antennas co-located on the WCT shall not extend vertically more than 15 feet above the uppermost portion of the WCT.
- d. If the height of the WCT is modified and increased beyond 197 feet, a new administrative conditional use permit will be required.
- e. If the proposed location of the WCT differs from the location shown on the site plan submitted with this administrative conditional use application, and the revised location places the WCT less than 212.5 feet from any property line, a zoning variance will be required.

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 **March 19, 2026, at 5:00p.m.**

**Responsible Official** 

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**Date:** March 5, 2026