



## KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

### **Mastec Communications Administrative Conditional Use File Number ACU-25-00001 FINDINGS OF FACT, DECISION, AND CONDITIONS OF APPROVAL**

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

**Requested Action:** The applicants are proposing to construct a new 23' by 36' communications equipment shelter on a new 36' by 46'9" concrete pad, defined as a communication facility. Communication facilities may be authorized in Agriculture-5 zoning designations with an administrative conditional use permit. The subject property is zoned Agriculture-5.

**Location:** One (1) parcel #14223, in a portion of the SW ¼ of the SW ¼ of Sec. 31, T. 20, R. 16, WM in Kittitas County, bearing Assessor's map number 20-16-31030-0021.

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

Total Property Size:	3.00 acres
Number of Lots:	1 (no new lots are being proposed)
Power/Electricity:	Available
Fire Protection:	Fire District #7 (Cle Elum)
Irrigation District:	Kittitas Reclamation District

##### Site Characteristics:

- North:** Existing low-density residential development in a Forest & Range zoning designation. Interstate-90 lies in this direction.
- South:** Existing low-density residential development in an Agriculture-5 zoning designation with associated agricultural activities.
- East:** Existing low-density residential development in an Agriculture-5 zoning designation with associated agricultural activities.
- West:** Existing low-density residential development in an Agriculture-5 zoning designation with associated agricultural activities.

**Access:** The site is accessed from Lower Peoh Point Road.

**Zoning and Development Standards:** The subject property has a zoning designation of Agriculture-5 with a land use designation of Rural-Residential. The agriculture (A-5) zones are predominately agricultural-oriented lands. The intent of this zoning classification is to provide for an area where various agricultural activities and low density residential developments co-exist compatibly. 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.**

Staff Response:

Staff finds 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.**

Staff Response:

The proposed communication facility 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.**

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.**

Staff Response:

As conditioned, the proposal mitigates for potential impacts.

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

Staff Response:

The proposed use is consistent with other utility focused uses in Kittitas County. Surrounding uses include agricultural 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.**

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 5 zones. This project is consistent with the “Communication Facility” definition which has been identified as a compatible use within the Agriculture 5 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.**

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 February 12, 2025. The application was deemed complete on February 19, 2025. A Notice of Application for the Mastec Communications Administrative Conditional Use Permit (ACU-25-00001) was mailed to adjacent landowners located within 500 feet of any portion of the boundary of the proposal's tax parcel & associated Agencies on February 19, 2025. 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 February 19, 2025, 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-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.*

U-P4: Additions to and improvements of utilities facilities will be allowed to occur at a time and in a manner sufficient to serve growth.

*Staff Consistency Statement: The proposed project will allow a greater amount of storage capabilities to the established communication facility. This project is in keeping with the goals and policies of Kittitas County as they relate to utilities.*

RR-P20: Residential and commercial buildings outside Type 1 LAMIRDs will be located in areas buffered by vegetation to maintain Kittitas County's historic rural character.

*Staff Consistency Statement: Among the conditions applied to this project are conditions which mandate tree screening of a level that is sufficient to maintain the rural character of the surrounding neighborhood.*

## **V. ENVIRONMENTAL REVIEW**

SEPA review was not required for this project proposal. SEPA review was conducted for the initial siting of the facility on file C-2000-07 where an MDNS was issued requiring visual screening including vegetative plantings and a pole barn roof structure over the enclosures to preserve the rural character.

CDS performed a critical area review of the property. No critical areas or associated buffers were located within the immediate project area. Further, there are no identified critical areas that exist on-site. An irrigation feature is identified on the Southern boundary of the parcel and is not regulated as a natural stream or wetland.

## **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: Bonneville Power Administration, Confederated Tribes of the Colville Reservation, Kittitas County Fire Marshal, Kittitas County Public Works.

### **Bonneville Power Administration**

BPA stated that they have no objections to the approval of this project.

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

*Staff Response: As the comments provided stated that BPA does not object to this project, staff has no further comment.*

### **Confederated Tribes of the Colville Reservation**

CTCR stated that all cultural concerns will be adequately addressed by other tribes in closer proximity.

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

*Staff Response: As CTCR stated that they defer to the concerns of other tribes, staff has no further comment.*

#### **Kittitas County Fire Marshal**

KCFM provided comments stating that there will be further requirements that will be established at the time of building construction through the permit review and approval process. KCFM further stated that all construction shall adhere to building and fire codes. KCFM stated that there shall be no gate allowed to be constructed in a manner that would block fire department access without a permit issued by the Fire Marshal's office. KCFM also stated that all commercial properties must be equipped with a Knoxbox access system for emergency services, and that any new generators installed must have review and permitting through the Fire Marshal's office.

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

*Staff Response: As KCFM's comments included requirements and references to regulations, staff has conditioned this project upon successfully adhering to all listed KCFM requirements.*

#### **Kittitas County Public Works**

KCPW provided comments listing requirements related to access, driveway maintenance, road standards, grading and filling. KCPW also provided information regarding the threshold for requiring a Transportation Concurrency Evaluation.

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

*Staff Response: As KCPW provided comments that included requirements and thresholds, staff has conditioned this project upon successfully adhering to all provided KCPW 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-P6, U-P4, RR-P20.**

**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 17.28A, A-5 Agriculture Zone:

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

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: Bonneville Power Administration, Confederated Tribes of the Colville Reservation, Kittitas County Fire Marshal, Kittitas County Public Works. 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. Additional specific requirements shall be made at the time of building construction as a result of the permit review and approval process.

- 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 shall require additional project review from Kittitas County.
- D. No gate may be installed across a required fire department access road or driveway without first obtaining a permit from the Kittitas County Fire Marshal's office. Inspection and testing of any gate shall be required.
- E. All commercial properties within Kittitas County must be equipped with a Knoxbox access system for emergency services.
- F. Any generators installed shall require review and permitting through the Kittitas County Fire Marshal's office, a final inspection of the generator shall be required.
- G. The contractor responsible for construction of the facility shall adhere to the previously established visual screening conditions attached to project "CU-00-00007 Level 3 Cle Elum" (see attached) which stipulates the specific quantity and species of tree screening required to obscure views of the facility from adjacent property owners. Additional vegetative screening shall be installed to obscure the addition to this facility from neighboring property views. Any plantings that have been removed or not survived shall also be replaced.

## **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. An approved access permit for access shall be required from the Kittitas County Department of Public Works prior to creating any new driveway access or altering an existing access. A new access shall require a Road Variance.
- C. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
- D. The applicant shall comply with all applicable Kittitas County Road Standards.
- E. The applicant shall receive a traffic concurrency evaluation and determination from Kittitas County Public Works if the proposed development is projected to have an impact upon the transportation corridor or intersection. Developments generating 41 or fewer daily trips are exempt from the Traffic Impact Analysis (TIA) and concurrency evaluation requirements.

## 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 April 11, 2025, at 5:00p.m.**

**Responsible Official**



Zach Torrance-Smith

**Title:** Staff Planner

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**Date:** March 27, 2025