



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

Hayford Well Administrative Conditional Use File Number CU-25-00001

FINDINGS OF FACT, DECISION, AND CONDITIONS OF APPROVAL

I. GENERAL INFORMATION

Requested Action: The proposed project is for a wireless broadband radio site with a 110 ft. tall ductile pole. Communication facilities may be authorized in all zoning districts with an administrative conditional use permit. The subject property is zoned Agriculture 20.

Location: Passmore Road, One (1) parcel #954918, located approximately 2.5 miles Northwest of Ellensburg, In a portion of the Southwest ¼ of Section 17, Township 18, Range 18, W.M.; Kittitas County assessor's map number 18-18-17000-0042.

II. SITE INFORMATION

Total Property Size:	3.44 acres
Number of Lots:	1
Power/Electricity:	Available
Fire Protection:	Kittitas Valley Fire and Rescue (Fire District 2)
Irrigation District:	Cascade

Site Characteristics:

North: Low-density residential development with associated agricultural activity in an Agriculture-20 zoning designation.

South: Low-density residential development with associated agricultural activity in an Agriculture-20 zoning designation. Includes very steep topography that gives way to flatlands surrounding the Yakima River. Interstate 90 transportation corridor lies in this direction.

East: Low-density residential development with associated agricultural activity in an Agriculture-20 zoning designation.

West: Low-density residential development with associated agricultural activity in an Agriculture-20 zoning designation. Includes very steep topography that gives way to flatlands surrounding the Yakima River. Interstate 90 transportation corridor lies in this direction.

Access: The site is accessed off Passmore Road, via Sundance Lane and Valley Vista Drive, a mixture of public and private roads.

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 tower will be essential in providing publicly available wireless internet service for unserved properties within the designated project area in Kittitas County. The facility will comply fully with all Federal Communications Commission (FCC) safety standards.”

Staff Response:

Utility Facilities are allowed by administration conditional use permit within the Agriculture-20 zone. The proposal is located on approximately 3.44 acres and the facility will consist of a single 110 ft. tall ductile pole. The property is located near a few residences and hilly agricultural land. CDS does not anticipate the proposed use as conditioned will 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:

“The tower location was strategically chosen to leverage existing access corridors as well as city owned easements and infrastructure. The proposed tower will not be a detriment to the County or public, or require additional construction or use additional infrastructure.”

Staff Response:

Staff has provided Kittitas County Public Health and the Washington State Department of Health with the opportunity to comment on this project. KCPH stated they have no concerns and the WSDOH asked several clarifying questions that the applicants provided answers to. Kittitas County Public Works provided comments noting road standards and transportation concurrency evaluation thresholds. The site is within KVFR Fire District #2.

- 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 in compliance with KCC 17.61.040. A waiver to Requirement 3 of 17.61.040 will be requested to facilitate wireless transmission capabilities. 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 the 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 Response:

The Utility Facility use is consistent with the relevant development standards and criteria including KCC 17.15.060. The Utility Facility use is permitted in the Agriculture-20 zone through an Administrative Conditional Use permit.

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

Applicant Response:

“The subject parcel is zoned Agricultural 20, consistent with other parcels in the vicinity. The subject parcel is currently used for City services, and the proposed use is an additional service with minimal impact benefitting nearby residents.”

Staff Response:

The project site is outside all critical area buffers. Impacts from aspects such as traffic is mitigated through conditions.

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

Applicant Response:

“The subject parcel is zoned Agricultural 20, consistent with other parcels in the vicinity. The proposed pole has a “weathered” finish to more adequately blend in with the surroundings. The location of the structure will not negatively impact neighboring zones.”

Staff Response:

There are few residences in the area and any impacts should be minimal to the neighboring land uses. Staff has conditioned the proposal to meet all noise ordinances in County Code.

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 17.61.040.”

Staff Response:

The proposed project is located in Agriculture-20 zoning. The purpose and intent of the Agriculture-20 zone is to facilitate development wherein farming, ranching and rural life styles 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. Kittitas County Comprehensive Plan and Zoning Code have allowed Utility Facilities in AG-20 zones in KCC 17.15.060(1) with an administrative conditional use permit. Kittitas County believes that Utility Facilities are necessary to provide services to rural areas and for people to enjoy living in rural areas of the county.

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. “The proposed tower is consistent with GPO 8.8, “A certain level of mixed uses in rural areas and rural service centers is acceptable and may include limited commercial, service and rural industrial uses.””*
- ii. “The proposed tower is single pole structure designed to blend in with the existing landscape and existing overhead power utility structures on adjacent properties. Following the erection of the pole, it is estimated that a maximum of one vehicle trip per month will be required for maintenance.”*
- iii. “The proposed tower doesn’t require government services that are not currently available at the parcel.”*
- iv. “The proposed tower does not impact the long-term viability of designated resource lands. The tower is located on a parcel that has been permitted for City of Ellensburg water service use and will provide an additional City service. The tower will have minimal impact on existing roads and no impact on other public infrastructure.”*

Staff Response:

The proposal is consistent with the Kittitas County Comprehensive Plan as described below in Section IV. The use will not conflict with rural character, requires only rural government services and will not compromise agricultural or resource lands.

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 January 13, 2025. The application was deemed complete on January 23, 2025. A Notice of Application for the Hayford Well 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 January 27, 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 January 27, 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:

RR-P4: A certain level of mixed uses in rural areas and rural service centers is acceptable and may include limited commercial, service, and rural industrial uses.

Staff Consistency Statement: *The proposed project is intended to provide an essential service to residents in the rural area where the project is located. The facility will provide internet service to rural residents of Kittitas County without compromising rural character with the same service infrastructure found in urban areas.*

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

Staff Consistency Statement: *The proposed project's purpose is to provide a higher quality of wireless internet to rural residents in this area of Kittitas County. By allowing construction of this facility, the County is demonstrating a commitment to providing infrastructure and services to facilitate rural development.*

This application is consistent with the goals, policies, and objectives of the Kittitas County Comprehensive Plan as outlined above.

V. ENVIRONMENTAL REVIEW

A review by CDS staff indicated no stream or wetland buffers extend to the project site. An irrigation canal is present to the West, which is not regulated as a natural wetland or stream. The nearest mapped wetlands are approximately 350 feet away from the project site, well beyond any required setbacks under KCC 17A.04.030. As the land is not covered by water and the proposal does not include buildings greater than 12,000 square feet with more than 40 parking spaces, SEPA is not required under WAC 197-11-800(1)(d) and KCC 15.04.090(1)(c).

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, Cascade Irrigation District, Confederated Tribes of the Colville Reservation, Kittitas County Public Health, Washington State Dept. of Health (Office of Drinking Water), Kittitas County Public Works, Washington State Dept. of Fish and Wildlife.

Bonneville Power Administration (BPA)

BPA stated that the proposed project will not impact their facilities and they have no concerns.

Staff Response: As the provided comments indicated BPA has no concerns, staff has no further comment.

Cascade Irrigation District (CID)

CID stated that the proposed project will not impact their infrastructure and they have no comments.

Staff Response: As the provided comments indicated CID has no concerns, staff has no further comment.

Confederated Tribes of the Colville Reservation (CTCR)

CTCR provided comments pointing out that the FCC will likely have further review requirements. CTCR requested a cultural resources survey with subsurface testing be conducted.

Staff Response: Applicants have stated the following – “Please review documentation in the link for approval and a copy of the cultural and environmental report; included in this report is an Inadvertent Discovery Plan.”

Applicant included a link to the aforementioned documentation.

As the applicants stated they will comply with requests for cultural/environmental reports and an Inadvertent Discovery Plan (IDP), staff has conditioned approval upon sharing data from these reports with the CTCR. Applicants shall also be required to adhere to an Inadvertent Discovery Plan and post said plan during all phases of construction. Construction workers will be required to review the IDP prior to starting work.

Kittitas County Public Health (KCPH)

KCPH stated they have no comments and no objections to the approval of this project.

Staff Response: As the provided comments indicated KCPH has no concerns, staff has no further comment.

Washington State Dept. of Health (Office of Drinking Water)

WSDOH provided comments including questions regarding the project’s distance from the nearby well, as well as logistical questions regarding where service and maintenance vehicles will gain access to the facility and where they will park.

Staff Response: Applicants have stated the following – “The pole distance from the well is approximately 246 ft. There is a roundabout section, in which contractors acting on behalf of the City of Ellensburg will park to access the pole. Please see attached photo in Exhibit B.” Staff finds that the applicants have answered all WSDOH questions adequately.

Kittitas County Public Works (KCPW)

KCPW provided comments regarding recorded easements (utility and access), access permits, address applications, maintenance and road standards language, grading and filling requirements, and transportation concurrency requirements.

Staff Response: Applicants have stated the following – “All work will be done on the City of Ellensburg property at 544 Valley Vista Drive #Telecom. No new driveways or access routes are being created.” As the provided comments included requirements, staff hereby reaffirms all requirements set forth by KCPW and has conditioned approval of this project upon successfully adhering to all provided requirements.

Washington State Department of Fish and Wildlife (WDFW)

WDFW provided comments noting that the application does not address overall disturbance and impacts upon the shrubsteppe environment. WDFW requested a complete site plan that shows temporary and permanent disturbance to facilitate mitigation of disturbance to the natural environment. WDFW recommended adhering to

USFWS Recommended Best Practices to minimize issues related to bird species that are present. WDFW also noted they would be pleased to do a site visit to evaluate habitat impacts and mitigation plans.

*Staff Response: Applicants have stated the following – “ Please see attached approval and link to the cultural and environmental report. It is determined in the report that despite relative proximity to shrub-steppe, the proposal occurs in previously disturbed areas that no longer function as or have characteristics of shrub-steppe. There is no likelihood that this project will occur in environmentally sensitive or unique geographical areas.” *Applicant included a link to the aforementioned documentation. * Staff finds the applicants have adequately addressed WDFW’s concerns and encourages WDFW to review their updated site plan to ensure it addresses all concerns they may have.*

Public Comment

No comments were received by Kittitas County during the public comment period.

This staff report includes condition recommendations to address the comments submitted.

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: RR-P4 and RR-G11.

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: Bonneville Power Administration, Cascade Irrigation District, Confederated Tribes of the Colville Reservation, Kittitas County Public Health, Washington State Dept. of Health (Office of Drinking Water), Kittitas County Public Works, Washington State Dept. of Fish and Wildlife.

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. The project shall proceed in substantial conformance with the plans and application materials on file with CDS that were received on January 13, 2025, and subsequent information included in the complete file index except as amended by the conditions herein.
2. An approved access permit shall be required from Kittitas County Public Works prior to creating any new driveway access or altering an existing access. An Address Permit Application may be required if separate utilities are needed, per KCPW.
3. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
4. All applicable Kittitas County Road Standards apply to this parcel. Access is not guaranteed to any existing or created parcel.
5. A concurrency evaluation and determination shall be required for all development applications in which 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 TIA and concurrency evaluation requirements, per KCC 12.04.02.020.

6. Any grading over 100 cubic yards of material requires a grading permit through Kittitas County Public Works. Any grading over 500 cubic yards shall be accompanied by an engineered grading plan. All conditions must be met in any approved grading permit. Grading over 500 cubic yards also requires a SEPA checklist to be submitted and approved by Kittitas County Community Development Services.
7. All development, design and construction shall comply with International Fire Code requirements and KCC Title 20 Fire and Life Safety. Please contact the Kittitas County Fire Marshal for specific requirements.
8. The applicant shall comply with all local, state and federal regulations at the time of building permit submittal.
9. 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 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.
10. Failure to comply with conditions of approval may result in limitation or revocation of the conditional use permit in accordance with KCC 17.60A.100.
11. Applicants shall share all data from all cultural and environmental reports with the Confederated Tribes of the Colville Reservation. Applicants shall be required to adhere to an Inadvertent Discovery Plan (IDP) and post said plan during all phases of construction. All construction workers shall be required to review the IDP prior to beginning work

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 24, 2025, at 5:00p.m.

Responsible Official



Zach Torrance-Smith

Title: Staff Planner

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Date: March 7, 2025