



**Atlas Administrative Conditional Use
File Number ACU-23-00003**

FINDINGS OF FACT, DECISION, AND CONDITIONS OF APPROVAL

I. GENERAL INFORMATION

Requested Action: Atlas Tower 1 LLC, authorized agent, and Victor Strand, landowner, are proposing the placement of a telecommunication tower and associated 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 #818833, Section 18, T17, R18, WM in Kittitas County, bearing Assessor’s map number 17-18-18010-0001.

II. SITE INFORMATION

Total Property Size:	4.00 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:	Kittitas Reclamation District

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.

Access: The site is accessed from Manastash Road.

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:

“Atlas Tower will ensure the structural integrity of towers, ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, Kattitas County concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards, unless a longer time is reasonably necessary. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.”

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. As stated in chapter 6.1 (Utilities) of the Kittitas County Comprehensive Plan, *“Virtually all land uses require one or more of the utilities discussed in this Chapter. Local land use decisions drive the need for new or expanded utility facilities. In other words, utilities follow growth. Expansion of the utility systems is a function of the demand for reliable service that people, their land uses, and activities place on the systems.”*. The project should help alleviate network coverage issues and provide more reliable service to the community and first responders.

- 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:

“On average, after initial installation, a carrier or its contactors would likely visit the facility about one to four times a year for maintenance, though this number could vary depending on the specific circumstances of the facility.”

” This project will provide the needed mobile network coverage while reducing the need for additional cellular facilities in the future. This project is being proposed and this justification is being provided in an effort to alleviate current mobile network voice, data, and first responder issues in an area that is severely lacking reliable network coverage and capacity.”

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. The expanded coverage will provide more reliable service to the community and first responders.

- 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:

“Atlas Tower will ensure the structural integrity of towers, ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time.”

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 proposed site is zoned AG-20 where coverage is lacking, and the capacity of the existing infrastructure is reaching its limit. As the area develops further, and the existing users demand more data for their existing devices, existing infrastructure will reach capacity limits and be unable to meet coverage needs. This tower and facility will be used for structural support of up to four wireless providers.”

Staff Response:

As conditioned, both the SEPA and ACU application mitigate possible impacts.

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

Applicant Response:

“The surrounding area is largely rural with low density residential zones nearby. The proposed site is chosen to maximize visual aesthetic and distance from residential homes.”

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:

“The purpose of this request is to build an 100’ monopole telecommunications tower within a 50 x 50 wireless facility. This facility will provide critical wireless coverage to the surrounding area. The proposed site is zoned AG-20.”

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. “Yes. The coverage will provide more opportunities for residents working from home, schools, and future development and growth.”*
- ii. “The wireless tower will provide a service while still maintaining the “rural character.” If, upon inspection, Kittitas County concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards, unless a longer time is reasonably necessary.”*
- iii. “The wireless tower will not require any rural government services.”*
- iv. “The wireless tower will improve the long term viability of the designated resource lands by offering a wireless service for emergencies.”*

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 13, 2023. This application was deemed incomplete on July 28, 2023. An updated site plan was submitted to CDS on August 1, 2023. The application was deemed complete on August 2, 2023. A Notice of Application for the Atlas Administrative Conditional Use Permit (ACU-23-00003) 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 8, 2023. 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 8, 2023, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). To provide additional time for public review, the comment period was extended to September 7, 2023.

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. Additionally, the comment period was extended an additional 15 days to allow for further public review.

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 for the community and first responders.

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 supports rural government services such as first responders.

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. Health-related concerns were a focus of the comments received from the public. Rules and regulations surrounding the safety of wireless technology are under the authority of the Federal Communications Commission. The SEPA has been conditioned to comply with FCC regulations. Following the concurrent comment period, CDS issued a Mitigated Determination of Non-Significance on October 26, 2023. The appeal period for the SEPA MDNS concludes on November 9, 2023.

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

Confederated Tribes of the Colville Reservation

The Confederated Tribes of the Colville Reservation stated the proposed project lies within their traditional territory and requested a cultural resource survey prior to implementation and during implementation that an IDP (inadvertent discovery plan) be in place.

Applicant Response: "Confederated Tribes of the Colville Reservation – Archaeological Report and Phase 1 of NEPA have been complete. Final NEPA report expected 11/3/23. We will coordinate with Confederate Tribes of the Colville Reservation prior to ground breaking."

Staff Response: The application and associated SEPA have been conditioned to require the cultural resources report to be sent to the Washington State Department of Archaeology & Historic Preservation and the Confederated Tribes of the Colville Reservation for concurrency review.

Kittitas Valley Fire & Rescue

Kittitas Valley Fire & Rescue stated they are not the authority having jurisdiction but requested addressing to be visible from both direction of travel on Manastash Road, the access road to be Appendix D compliant, a KVFR Knox lock/box be installed, and strongly encouraged fire resilient landscaping.

Applicant Response: We will work with them and update what is needed in the Construction documents.

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

Washington Department of Transportation - Aviation

WSDOT – Aviation stated they have no comments.

Applicant Response: No response.

Staff Response: Staff has no response.

Kittitas County Public Health

Kittitas County Public Health stated they have no concerns with this application.

Applicant Response: No response.

Staff Response: Staff has no response.

Kittitas County Public Works

Public Works provided comments outlining access and grading permit standards and requirements.

Applicant Response: We will comply with these comments. They will be shown in the Construction design.

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

Kittitas County CDS – Building Official

Kittitas County CDS – Building Official provided comments outlining building permit requirements and design criteria.

Applicant Response: We are aware that a building permit is required for our tower. The carriers will be responsible for their own building permit prior to collocating onto our tower and building any additional structures within the compound area. We will provide the Washington State approved stamped plans along with the tower drawings with calculations for our tower. We will forward the design criteria to the appropriate people.

Staff Response: The application has been conditioned to conform with Kittitas County Code Title 14.

Kittitas County Fire Marshal

Kittitas County Fire Marshal stated the access roadway shall meet current Kittitas County driveway standards and if the access roadway is to exceed 150 feet an approved turnaround shall be installed per the IFC Appendix D.

Applicant Response: We will make sure that the access is in compliance in our Construction Design.

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

Public Comment

Comments were received from 27 members of the public. All comments are available for public review.

Applicant Response: Atlas provided a response to comments regarding health concerns, visual aesthetics, structure safety, location, property values, and potential future extension of the tower. All comments are on file and available for review.

Staff Response: Comments were transmitted to the applicants on September 8, 2023.

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 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. The applicant submitted updated site plans on October 6, 2023, which moved the monopole tower 25' west of the location proposed in the site plans submitted on August 1, 2023. The monopole tower now has a setback from the west property line of 111'-7". The change in monopole tower location allows for a greater distance from adjacent residential properties while still having a setback larger than the height of the monopole tower. The property directly west of the subject is owned by the same landowner as the subject property and is vacant agriculture land.

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:
The proposal, as conditioned, 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: Confederated Tribes of the Colville Reservation, Kittitas Valley Fire & Rescue, Washington State Department of Transportation – Aviation, Kittitas County Public Health, Kittitas County Public Works, Kittitas County Community Development Services – Building Official, Kittitas County Fire Marshal. All comments are on file and available for public review.

Public Comments:
Comments were received from 27 members of the public. All comments are on file and available for public review.

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. The communications tower shall be designed to blend in with existing surroundings through the use of compatible colors and materials.
 - D. Any future modification or expansion which increases the height of the monopole tower shall require additional project review from Kittitas County.
 - E. The tower shall be constructed to allow for the co-location of antennas.

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. If a change in access or addressing occurs, an access/address permit shall be required from Public Works.

5. Archaeology and Historic Preservation

- A. Applicant shall send the completed archaeological survey report to the Department of Archaeology & Historic Preservation and the Confederated Tribes of the Colville Reservation for review. The report shall meet DAHP’s standards for cultural resource reporting.
- B. 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 and 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 November 9, 2023, at 5:00p.m.

Responsible Official 
Chace Pedersen

Title: Staff Planner
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Ellensburg, WA. 98926
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Date: October 26, 2023