



# KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

## T-Mobile/Suncadia Administrative Conditional Use File Number CU-16-00002 FINDINGS OF FACT, DECISION AND CONDITIONS OF APPROVAL

### I. GENERAL INFORMATION

Requested Action: Amanda Nations, Authorized agent for New Suncadia, LLC, submitted on September 20<sup>th</sup>, 2016, an application for an Administrative Conditional Use permit to construct a cellular communications tower and associated access and structures.

Location: This proposal encompasses 1 parcel, located to the east of the City of Kittitas in a portion of Section 23, T20N, R14E, WM, in Kittitas County, parcel number: 16212 .

### II. SITE INFORMATION

Total Property Size:	547.28
Number of Lots:	1 (no new lots are being proposed)
Domestic Water:	Group A
Sewage Disposal:	None
Power/Electricity:	Kittitas County PUD
Fire Protection:	Kittitas County Fire District 7
Irrigation District:	None

#### Site Characteristics:

North: Tumble Creek Drive, Golf Course.

South: Wooded area, unnamed private road.

East: Homes and wooded areas

West: Wooded area and unnamed private road

Access: The site is accessed from an unnamed private road connecting to Tumble Creek Drive on the east of the property.

Zoning and Development Standards: The subject property is located to the northwest of the City of Cle Elum and has a zoning designation of a Master Planned Resort. The general purpose and intent of Master Planned Resorts is to allow for recreational uses and economic diversification in Kittitas County. Master Planned Resorts allow for a vast array of permitted and conditional uses, including utilities. Utilities in Master Planned Resorts are limited to those necessary to operate and maintain the resort. However, KCC 17.61.020 allows for special utilities as Administrative Conditional Uses in all zones. In order to be approved as a conditional use permit, the proposal must meet the following criteria:

1. The proposed use is essential or desirable to the public convenience and not detrimental or injurious to the public health, peace, or safety or to the character of the surrounding neighborhood.

Applicant Response

**"The proposed facility will offer improved T-Mobile coverage to users in the Kittitas County area. The proposed "monopine" support structure is well integrated into surrounding vegetation and topography as to be harmonious with the surrounding neighborhood. In addition, the T-Mobile facility will operate in compliance with all local, state, and federal regulations and create no detriment or injury to public health, peace, or safety."**

Staff Response

The proposed project will benefit public convenience with improved cellular service. As the site plans show, the project's design will integrate the tower into the surrounding character of the area through a design that makes the tower appear like a needle leaved tree, blending with the surrounding vegetation.

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 proposed facility is unmanned and will not require additional county services for its daily operation. Existing public and private roads are adequate to access the proposed facility and existing public safety services are adequate to serve the facility".**

Staff Response

The only infrastructure work required for the project is replacement of an existing dirt road access to the tower from an existing private road. No additional water, sewer, fire, or police service will be required.

3. The proposed use complies with relevant development standards and criteria for approval set forth in this title or other applicable provisions of Kittitas County Code.

Applicant Response

**"The proposed "monopine" design will be in compliance code section 17.61.40. The proposed location is within a forested area atop a hill at the southeast boundary of the Suncadia Resort Property 797' feet from the nearest property line. The support structure and foliage will be**



**painted green and brown in color to integrate with surrounding natural vegetation. The panel antennas will be attached to the "monopine" support structure at centerline of 106' and will be concealed within the "monopine" foliage. Space for future location has been provided below the T-Mobile antennas."**

Staff Response

As proposed, the project complies with KCC 17.61.040.

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

Applicant Response

**"The proposed facility is in compliance with the standards of KCC 17.61.040 as to mitigate any visual or material impacts of the facility. A SEPA checklist has been provided as part of this application to determine if any measures are necessary to mitigate any environmental impacts".**

Staff Response

As proposed, the project provides sufficient mitigation for environmental impacts. The primary impact will be to the character of the location which is surrounded by forest. The "monopine" design will mitigate these impacts.

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

Applicant Response

**"The proposed T-Mobile design is compatible with the neighboring land uses. Surrounding development includes the Suncadia resort to the northeast and the 1-90 corridor to the south. As demonstrated in the provide photosims the proposed "monopine" will be minimally visible from adjacent land uses as is integrated with existing vegetation along the ridgeline. The base of the "monopine" and fenced equipment area is not visible beyond the project site".**

Staff Response

The proposed structure is located 700 feet from the closest property line, and is within a forested area of the parcel. No major changes to the land use are proposed.

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

Applicant Response

**"The proposed T-Mobile facility is located in the Master Planned Resort Zone of Kittitas County. The Suncadia property is used as a resort with golf course. The proposed "monopine" is located in a ridge of trees on the outer boundary of the property and is harmonious with the natural**

**environment surrounding the course. As such it will be consistent with the intent and character of the MPR zone”.**

Staff Response

The existing use of the MPR will not significantly alter the character of the zoning district.

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;

Applicant Response

**“The proposed facility will not impact the use of rural and resource lands.”**

Staff Response

Considering the small scale of the project, and that the location is within a Master Planned Resort, staff considers the project as meeting the current GPOs of the current Comprehensive Plan related to Master Planned Resorts in the rural area.

- B. Preserves "rural character" as defined in the Growth Management Act (RCW 36.70A.030(15));

Applicant Response

**“The proposed "monopine" will be integrated into natural vegetation and topography. It will bring improved wireless services to the region without impacting the existing rural character”.**

Staff Response

The monopine design will adequately mitigate any changes to the surrounding character.

- C. Requires only rural government services; and

Applicant Response

**“The proposed facility is unmanned and does not require any government services”.**

Staff Response

No additional services will be needed

- D. Does not compromise the long term viability of designated resource lands. (Ord. 2013-012, 2013; Ord. 2013-001, 2013; Ord. 2012-009, 2012; Ord. 2007-22, 2007; Ord. 88-4 § 11 (part), 1988; Res. 83-10, 1983)

Applicant Response

**“The proposed use has no impact on designated resource lands”.**

### Staff Response

The project is proposed 700 feet from the nearest property line. Rural Residential and Rural Working Land uses are adjacent the parcel, but the project itself is sited far enough from these lands as to have no impact.

### Conditional Uses:

**This application is consistent with KCC 17.60A.015. There are a number of requirements that must be met; these are addressed under Project Analysis below.**

## **III. ADMINISTRATIVE REVIEW**

Notice of Application: An Administrative conditional use permit application was submitted to Kittitas County Community Development Services department on September 20<sup>th</sup>, 2016. The application was deemed complete on September 23<sup>rd</sup>, 2016. A notice of application and a notice of SEPA for the T-Mobile/New Suncadia Administrative Conditional Use Permit (CD-16-00002) were mailed to adjacent landowners located within 500 feet of any portion of the boundary of the proposal's tax parcel & associated Agencies. 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 October 4<sup>th</sup>, 2016, all in conformance with the Kittitas County Project Permit Application Process (Title 15A).

## **IV. COMPREHENSIVE PLAN**

The Kittitas County Comprehensive Plan designates the proposal as a Utility within a Master Planned Resort and with a Land Use designation of Rural Recreation. Kittitas County has established the following goals and policies to guide activities that are designated utilities, as well as Land Use policies. These goals and policies were developed in response to identified needs within the county, and support the County Wide Planning Policies. The following goals, policies, and objectives (GPOs) apply to this proposal.

Under Chapter 6, Utilities:

GPO 6.1 The County should promote the joint use of transportation rights-of-way and other utility corridors consistent with the underlying private property rights and easement limitations.

GPO 6.2 Appropriately place utility facilities within public rights-of-way.

GPO 6.3 The Kittitas County's plan for utility facilities will be formulated, interpreted and applied in a manner consistent with and complimentary to the serving utility's public service obligations.

GPO 6.6 Expansion and improvement of utility systems should be recognized primarily as the responsibility of the utility providing the corresponding service.

GPO 6.7 Decisions made by Kittitas County regarding utility facilities will be made in a manner consistent with and complementary to regional demands and resources.

GPO 6.18 Decisions made regarding utility facilities should be consistent with and complementary to regional demand and resources and should reinforce an interconnected regional distribution network.

Under Chapter 8.2.4.3, Rural Recreation:



GPO 8.56 Developments located for commercial, residential/recreational purposes, such as Master Planned Resorts or Planned Unit Developments, shall have adequate water, septic and public facilities to service such development without over-burdening the County public services.

GPO 8.56A Commercial service proposals in Rural Recreation areas shall have provisions within any conditional use decisions to assure compatibility with adjacent rural environments.

GPO 8.57 Require developers to approach project design which provides a visual rural environment characteristic of Kittitas County including preservation of open spaces, adequate buffering between development and natural areas, and preservation of critical areas and forested lands.

GPO 8.65 Specific natural hazards in rural recreation areas shall be considered before creation of habitable or residential structure.

GPO 8.66 Personal safety and welfare shall become the highest consideration in permitting rural recreation structures.

**This application is consistent with Kittitas County Comprehensive Plan. There are a number of requirements that must be met, which are stated above under Zoning and Development Standards; some of these are addressed under Project Analysis below.**

## **V. ENVIRONMENTAL REVIEW**

Based upon review of the submitted application materials including an environmental checklist, correspondence received during this 15 day comment period and other information on file with Community Development Services, a Determination of Non-Significance (DNS) was issued on October 26<sup>th</sup>, 2016 under the optional DNS process. The appeal period ends on November 10<sup>th</sup>, 2016 at 5:00 p.m.

## **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.

## **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 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 GPOs apply to this proposal: GPO 6.1, 6.2, 6.3, 6.6, 6.7, 6.18, 8.56, 8.56A, 8.57, 8.65, 8.66.**

**Provided the applicant follows and maintains the GPOs, they shall be in compliance with the Kittitas**

**County Comprehensive Plan. The applicant is proposing a communications facility which improves the utilities for the county. Therefore the County and applicant are in compliance with the Comprehensive plan.**

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

**Staff has conducted an administrative critical area review in accordance with KCC 17A. Although Type 4 Non- Fish streams cross the parcel, none come closer than 1,500 feet to the proposed site.**

Consistency with the provision of KCC 17.37, Master Planned Resort Zoning:

**This proposal is consistent with the Kittitas County Zoning Code 17.37. Utilities are allowed uses within Master Planned Resorts. These are limited to those necessary for the operation and maintenance of the Master Planned Resort. The code further states:**

*“Special utilities may be authorized as a conditional use in all zoning districts, except for minor thermal power plant facilities as provided in subsection C of this section, and communication facilities as provided in KCC 17.61.040. Normal maintenance and repair of existing developments shall be a permitted use for both nonconforming and lawfully established special utilities”.*

Consistency with the provision of KCC 17.61, Utilities:

**This proposal is consistent with the Kittitas County Zoning Code 17.61 as conditioned. The code allows the Director to approve communication facilities as conditional uses in all zoning districts.**

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 will be adequately served by rural levels of service. As conditioned, staff finds the proposal is 1) desirable to public convenience, 2) will not be detrimental to public health, safety or welfare, 3) is not economically detrimental to the public, 4) is adequately serviced by public facilities, 5) is compatible with the neighborhood character, and 6) is consistent with the character of the zoning district.**

Consistency with the provisions of the KCC Title 14.04, Building Code:

**All buildings must be consistent with International Building Codes.**

Consistency with the provisions of KCC Title 12, Roads and Bridges:

**As conditioned, the proposal must be consistent with the provisions of KCC Title 12.**

Agency Comments:

**No substantive Agency comments were received on the proposal.**

Public Comments:

**There were no public comments associated with this application.**

**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 14.04 Building Code, and Title 12 Roads and Bridges.

**Conditions of Approval:**

**1. Water**

Activities such as road widening, stump pulling and clearing, grading and fill work and utility placements may require a NPDES Construction Stormwater Permit issued by the Department of Ecology prior to start of construction. This permit requires the preparation of a Stormwater Pollution Prevention Plan. It is the applicant's responsibility to contact the Department of Ecology.

**2. Fire & Life Safety**

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

**3. Light and Aesthetics**

All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties.

Security lighting shall be downward, directed away from adjoining property, and shall be installed with motion sensors.

**4. Noise**

Development and construction practices for this project shall only occur between the hours of 7:00 am and 7:00 pm to minimize the effect of construction noise on nearby residential properties.

**5. Building**

All new construction must meet the International Building Code requirements.

**6. Roads and Transportation**

New Suncadia, LLC will be responsible for replacing the existing access to the project site.

**7. Historic and Cultural Preservation**

Should ground disturbing or other activities related to the proposed conditional use permit 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 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.

**8. State and Federal**

Applicant must meet all state and federal laws.

**From these conclusions and findings, the proposed Administrative Conditional use is approved with the following 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 \$780 to the Kittitas County Board of Commissioners at 205 West 5<sup>th</sup>, Room 108 Ellensburg, WA 98926. The appeal deadline for this project is November 2<sup>nd</sup>, 2016 at 5:00p.m.**

**Responsible Official**



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Dan Carlson, Director,  
Kittitas Community Development Services

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**Date:** October 26<sup>th</sup>, 2016