



Public Services

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VERN M. REDIFER, P.E. - Director

YAKIMA COUNTY PLANNING DIVISION Findings and Recommendation Of the Administrative Official

PROJECT NAME: Verizon Wireless Communication Facility

REVIEW PROCESS: Type 3 w/ SEPA

FILE NUMBER: PRJ2014-00640 / CUP2017-00080 / SEP2017-00035

ZONING: Remote/Extremely Limit Development Potential (R/ELDP-40)

FUTURE LAND USE DESIGNATIONS: Rural Remote/ELDP

PARCEL NUMBER: 211229-32001

PROPOSAL: The proposal is for a new wireless communication facility on a currently vacant parcel. The facility will be within a 50' x 50' fenced area and include a 150' monopole, radio equipment cabinets, and a back-up generator.

PROPERTY OWNERS: Gail and Dona Thornton
1370 Cowiche Mill Road
Cowiche, WA 98923

AGENT/APPLICANT: Becky Todd
MD7 (on behalf of Verizon)
9725 3rd Avenue NE, Suite 410
Seattle, WA 98115

PREPARED BY: Julia Loudon, Planner, Zoning and Subdivision JL

RECOMMENDATION: Approval with the following conditions

RECOMMENDATION

Based on the findings and analysis, staff recommends APPROVAL of the Type 3 Conditional Use Permit for a new wireless communication facility with a 150' monopole and associated equipment, as described in application CUP2017-00080/SEP2017-00035, subject to the following conditions:

1. **Time Limit:** The conditions of approval for this Conditional Use Permit must be completed within three (3) years of the date of the Hearing Examiner's decision. Extension of time for cause may be granted pursuant to Subsection 19.30.100(4)(c) of the Yakima County Zoning Ordinance.
2. The applicants shall obtain and finalize all necessary Yakima County Public Services: Building & Fire Safety Division permits for the proposed construction. Please contact the Building & Fire Safety Division at (509)574-2300.
3. The applicant shall obtain all necessary local, state, and federal permits relevant to the construction and operation of the communication tower prior to commencement of construction. Proof of approval shall be supplied to the Planning Division before the expiration of the time limit set forth in the Conditional Use Permit. The applicants shall also fill out and submit FAA Form 7460-1, unless they can provide documentation from the FAA that it is no longer needed.
4. The applicants shall ensure that the tower will reflect the visual characteristics of the surrounding environment in which it is placed, using colors and materials as appropriate, in accordance with YCC 19.18.490(7). Transmission support structures shall be designed to blend in with existing surroundings to the extent feasible, provided there is no conflict with FCC and FAA color and lighting requirements for aircraft safety purposes.
5. The applicants shall provide proof of access from Sun Targets Road to the subject lot, across parcels 211229-24001, 211229-31400, 211229-24400, 211229-13400, 211229-14400, 211229-41402, and 211229-21001.
6. The road upgrade shall meet the standards of private shared driveways, which requires the easement to be improved to meet the minimum travel surface and standards as required by the Building and Fire Safety Division. Drainage facilities shall be sufficient to prevent discharge onto any public roadway.
7. The applicants shall provide a road agreement that binds the owners within the development to financially participate in the perpetual maintenance of the private shared driveway. This agreement must be recorded with the Yakima County Auditor and a copy of it must be submitted to the Yakima County Planning Division.
8. The applicants shall submit a stormwater site plan, with supporting documentation, to the Water Resources Division. This stormwater site plan must be approved by Water Resources Division before ground disturbing activities occur.
9. The applicant shall provide one (1) parking space that is surfaced with a minimum of screened gravel or crushed rock, or better, and meets the requirements of YCC 19.22. All required parking shall be established prior to occupancy or commencement of use.
10. The owners, their grantees and assignees in interest will abide by the terms of YCC 16B.07.050 – Compliance, Extension, Expiration and Reinstatement attached to the decision. The applicant shall complete all required conditions, submit documentation that all conditions were met and request County inspection or review to determine that the requirements have been fulfilled within the timeframe specified in the decision and any authorized extensions.

The following are ongoing conditions that apply to the project for the life of the permitted use. Failure at any time to comply with these conditions can result in the revocation of the permit.

11. The project shall be completed in conformance with the project description and site plan submitted with the application referenced as file number CUP2017-00080/SEP2017-00035. Any changes may require a modification to this authorization. If changes are planned in the future, please contact the Yakima County Public Services Department: Planning Division at (509)574-2300 for assistance with the permitting process.
12. Should the tower ever become non-operational, the tower and the support structures shall be removed within a year of ceasing use or operation. Antennas shall be removed from support structures within one hundred eighty days after the antenna is no longer operational.
13. The applicants shall ensure that a vision clearance triangle as described in YCC 19.10.040(7)(b) is maintained.
14. The applicants shall ensure that fencing and lighting installed meet the requirements as outlined below and in YCC 19.10.040.
15. The applicants shall retain all surface water runoff on-site and comply with the requirements of YCC 12.10.250. Any natural drainageways must not be altered or impeded. A Washington State Department of Ecology Construction Stormwater Permit may be required for construction that disturbs more than one acre of ground.

Based upon information supplied by the applicant, comments from public agencies, and a review of the Yakima County Comprehensive Plan – *Plan 2015* and Yakima County Code Title 19 (the Unified Land Development Code), the Administrator enters the following:

FINDINGS AND ANALYSIS

Location:

1. The subject parcel is located about $\frac{3}{4}$ of a mile southwest from the end of the county maintained portion of Sun Targets Road, about $1\frac{3}{4}$ miles south of the intersection of Sun Targets Road and State Route 24, approximately 8 miles southeast of the City of Moxee, WA.

Project Description:

2. The applicants are proposing to install a new wireless communication facility on a currently vacant parcel. The intent is to provide expanded cellular coverage along Highway 24, between Yakima and the Hanford area. The facility will be within a 50' x 50' fenced area and include a 150' monopole, radio equipment cabinets, and a backup generator. The tower will be engineered to also accommodate future equipment collocations for three additional carriers. The monopole, antennas, and appurtenances will be designed to have a light, natural-toned non-glare finish to blend in with surroundings. The facility will be unplumbed and unstaffed. There will be occasional field visits 1-2 times per month. The site will be operational 24 hours a day, 7 days a week. The access road to the site will be improved to meet fire protection and stormwater standards.

Zoning, Land Use, and Comprehensive Plan:

3. Pursuant to the Yakima County Unified Land Development Code, Title 19, the subject parcel is zoned Remote/Extremely Limited Development Potential (R/ELDP-40) zoning district. The

intent of the R/ELDP-40 zoning district is to “to recognize areas and allow development consistent with service availability and environmental constraints in remote areas and other places with extremely limited development potential.” (YCC 19.11.030(1)(a))

In accordance with the Yakima County Comprehensive Plan (*Plan 2015*), the property is designated Rural Remote/ELDP. The intent of this designation is to implement the Growth Management Act planning goal related to reducing sprawl, protecting the environment and retention of open spaces. The *Plan 2015* goal and policies that apply to the proposed tower are as follows:

Natural Setting

POLICY NS 6.5 Encourage new telecommunications towers to be located and designed to minimize visual and land use impacts.

Utilities

GOAL UT 18: Promote reliable and cost-effective telecommunication systems to facilitate communication among members of the public, public institutions, and business.

POLICY UT 18.1 The County’s development regulations should be flexible and receptive to innovations and advances in telecommunications technology.

POLICY UT 18.2 Minimize visual impacts when authorizing the siting of new telecommunication facilities by requiring low visibility technology, including: reduced heights; low mass/slender profile poles; use of existing towers and buildings; co-locating multiple users on a single site/facility; and, requiring abandonment of older telecommunication sites when new site approvals are authorized.

The subject parcel is currently 232.21 acres in size and is vacant. Parcels to the north are in the Agriculture (AG) zoning district and contain agricultural, with some residential, uses. An outdoor shooting range is also located on an AG lot to the north. Parcels to the east, west, and south are within the R/ELDP zoning district and are vacant lands. There are also several parcels north of the east side of the subject property that are categorized as a Mineral Resource Sites. The AG lots and Mineral Resource Site lots range in size from 10 acres to 240 acres.

Jurisdiction and Process:

4. This proposal is being reviewed as communication tower, which is defined in YCC 19.01.070(3) as:

“any tower, pole, mast, whip or antenna or any combination thereof used for transmitting electronic communication through the air. This definition includes towers erected for use in the amateur radio service.”

According to YCC Table 19.11.030-2, there is no specified building height in the R/ELDP-40 zoning district. YCC 19.18.490(2) defines the levels of review for communications towers that are located in zoning districts without height limitations. YCC 19.18.490(2)(c) states that “towers that are 100 feet or greater in height shall be subject to Type 3 review”. Type 3 uses are generally not appropriate throughout the zoning district and require Hearing Examiner review of the application. According to YCC 16B.03.030(1)(c), “type 3 applications are quasi-judicial actions

and require an open record public hearing by the Hearing Examiner. The Hearing Examiner's written decision constitutes the final decision."

Timeline of Application Process

5. Application intake	August 23, 2017
Application incomplete – Notice of Incompleteness sent	September 20, 2017
• SEPA incomplete	
Information received	October 4, 2017
• Revised SEPA checklist received	
Application complete	October 16, 2017
Notice of Application/Completeness/Environmental Review/ Future Hearing sent and published	October 23, 2017
Comment from the Yakama Nation Received	November 2, 2017
• Cultural Resources Survey required	
Request for Additional Information (45 day deadline)	November 7, 2017
Information Received	November 15, 2017
• Cultural Resources report received	
Determination that application processing may continue	November 20, 2017
Notice of SEPA Threshold Determination/Notice of Hearing sent and published	December 21, 2017
Comment from the Department of Ecology received	January 2, 2018
SEPA Notice of Final Action	January 11, 2018

Notice Procedures:

6. This proposal is being reviewed as a Type 3 application with a SEPA environmental review, therefore it is subject to public notice requirements (YCC 16B.03.030(1)(c)). After the application was submitted, an internal notice of project review was emailed to representatives of the Building and Fire Safety Division, the Environmental and Natural Resources Planning Section, the Water Resources Division, the Transportation Division, the Utilities Division, the Right-of-Way Division, and the Yakima Health District on August 24, 2017. Comments were received from the Transportation Division and the Water Resources Division and are addressed under Findings 10(c) and 10(l).

Once the application was determined complete, a combined Notice of Application, Notice of Completeness, Notice of Environmental Review, and Notice of Future Hearing were mailed to property owners within 300 feet of the property and to agencies having jurisdiction or interest in the proposal on October 23, 2017, with the comment period ending November 6, 2017. The public hearing was set for February 1, 2018. The Notice of SEPA Threshold Determination and Notice of Hearing was then mailed to property owners within 300 feet of the property and to agencies having jurisdiction or interest in the proposal on December 21, 2017, with the comment period ending January 4, 2018.

Notice was provided in accordance with the applicable ordinance requirements in the following ways:

Notice of Application/Completeness/Environmental Review/Future Hearing sent and published	October 23, 2017
Notice of SEPA Threshold Determination/Notice of Hearing sent and published	December 21, 2017

SEPA Notice of Final Action
Posting of hearing notice on the property

January 11, 2018
January 16, 2018

Comments:

7. Two external comments were received and are addressed as follows:

- a. **Confederated Tribes and Bands of the Yakama Nation:** The Yakama Nation commented that the project area is “situated within an area of high to moderate probability for encountering cultural resources”. The letter also stated that there have been previously recorded archaeological resources near the site and that the area is a known location for gathering traditional foods. The Nation requested that a cultural resources survey be performed at the project area.

Staff Finding: A copy of the comment letter is attached for further detail. Based on the Yakama Nation’s comment, a Request for Additional Information was sent out on November 7, 2017 to request a cultural resources survey of the project area. The agent provided a cultural resources report via email on November 15, 2017. It was determined that processing may continue and a copy of the report was emailed to the Yakama Nation on November 20, 2017. No additional comments were received from the Yakama Nation during the second comment period.

- b. **State of Washington Department of Ecology (DOE):** The Dept. of Ecology Water Resources section commented on water rights for the site. If water is to be used for dust suppression, a legal right must be shown. The DOE stated that temporary permits may be obtained and there may be instances where water may need to be hauled in.

Staff Finding: If water is to be used on site for the proposed communication facility, the applicants shall contact the Department of Ecology to determine what permits may be needed regarding water rights.

- c. **Federal Aviation Administration (FAA):** The FAA provided an email stating that the attached form needed to be filled out and returned to them. The attached form was an FAA Form 7460-1.

Staff Finding: The email did not have the physical or post office address of the sender and therefore cannot be considered, per YCC 16B.05.040. The agent was forwarded the email and the attached form. The applicants will be required to obtain all necessary local, state, and federal permits relevant to the construction and operation of the communication tower prior to commencement of construction. Proof of approval shall be supplied to the Planning Division before the expiration of the time limit set forth in the Conditional Use Permit.

Environmental Review:

8. According to the Yakima County Critical Areas maps, Type 5 streams/drainageways are located near the center of the subject parcel and in the northwestern and the southwestern corners. Intermediate and high risk oversteepened slopes are also present on the parcel. This application is subject to review under the State Environmental Policy Act (SEPA) as it is not considered exempt from the review process (WAC197-11-800(25)(a)).

***Staff Finding:** Yakima County is lead agency under SEPA and performed environmental review under file number SEP2017-00035. The lead agency has determined that the subject proposal will not have a probable significant adverse impact on the environment and an Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). Yakima County issued a Final Action on January 11, 2018 of a Determination of Non-Significance (DNS).*

According to the site plans, the proposed tower and road upgrades are not near the mapped Type 5 streams. Type 5 streams are not regulated through buffer requirements per YCC 16C.06.16. According to YCC 16C Table 6-1, "activities such as clearing, grading, dumping, filling, or activities that restrict or block flow, redirect flow to a point other than the original exit point from the property or result in the potential to deliver sediment to a drainage way/channel, are regulated under clearing and grading regulations." Regarding the oversteepened slopes, geologic-hazards are addressed through building and grading permit reviews.

Review Criteria for Towers and Support Structures:

9. The following provisions govern the placement of towers and support structures, as outlined in YCC 19.18.490:

a. Towers that are located in zoning districts without height limitations and are 100 feet or greater in height shall be subject to Type 3 review.

***Staff Finding:** The project site is located within the Remote/Extremely Limited Development Potential (R/ELDP-40) zoning district, which does not have a specified maximum building height. As the proposed tower will be 150' tall, as measured from finished grade to the top of the monopole and the top of the proposed antennas, the proposal is subject to Type 3 review.*

b. Proposals to co-locate on existing towers, buildings, structures and facilities without an increase in height and have antennae, rotors and other attachments with a diameter of less than nine feet, the tower shall be subject to Type 1 review. Towers with an increase of less than ten percent of the tower height are subject to a Type 1 modification if a higher threshold of review is not exceeded.

***Staff Finding:** The applicants are proposing to construct a new tower. The project does not involve modifications or co-location of antennas on an existing tower.*

c. All towers and items fixed thereto, guy wires, or supports shall meet the setback standards of the zoning district in which they are located. Greater setbacks may be required by the Reviewing Official.

***Staff Finding:** Based on the provided site plan, the proposed tower does not appear to encroach on the required setbacks of the R/ELDP-40 zoning district. The required setbacks are discussed in Section 10(f) of this recommendation below.*

d. All towers and items affixed thereto, guy wires, or supports shall adhere to the requirements of the Airport Safety Overlay (ASO), when applicable.

***Staff Finding:** The proposed tower is not within an Airport Safety Overlay. Therefore this provision does not apply to the proposed communication tower.*

- e. Towers located in the R/ELDP-40, AG, MIN, M-1, and M-2 zoning districts that qualify as a Type 3 use, but will be removed within three years, are considered temporary in nature and may be reviewed as a Type 2 use by the Reviewing Official. An extension of one year may be requested by the applicant. No more than two extensions will be granted by the Reviewing Official.

***Staff Finding:** The applicants are proposing to construct a permanent tower in the R/ELDP-40 zoning district. Therefore this provision does not apply to the proposed communication tower.*

- f. With consideration to engineering and structural requirements, towers shall be subject to the following visual compatibility standards:
 - a. Towers, rotors/turbines and antenna should reflect the visual characteristics of the structure to which it is attached, or the surrounding environment in which it is placed. This should be achieved through the use of colors and materials, as appropriate. When located on structures such as water towers, the placement of the antenna or rotor/turbine on the structure should reflect the following order of priority to minimize visual impact:
 - A. A location as close as possible to the center of the structure;
 - B. Along the outer edges or side-mounted, provided that, in this instance, additional means, such as screens should be considered and may be required on a case-by-case basis; and
 - C. When located on the outer edge or side mounted, be placed on the portion of the structure less likely to be seen from adjacent lands containing, in descending order of priority: existing residences, public parks and open spaces, and public roadways.
 - b. To the extent that there is no conflict with the color and lighting requirements of the Federal Communications Commission (FCC) and the Federal Aviation Administration (FAA) for aircraft safety purposes, transmission support structures shall be designed to blend in with existing surroundings to the extent feasible. 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 containing, in descending order of priority: existing residences, public parks and open spaces, and public roadways.
 - c. The requirements of Subsection 19.18.490(5) may be modified by the Reviewing Official to achieve greater levels of screening than that which would be available by using the stated setback during the review process.

***Staff Finding:** According to the application, the proposal is for a new tower that will be located 841' to 3,597' from surrounding parcels. A monopole is proposed as the applicants indicate that it will have the least visibility when viewed from non-vacant parcels. The proposed microwaves are to be located lower on the monopole, with low-profile mounts, to reduce any visual impacts. The tower, antennas, and appurtenances will have a light, natural-toned non-glare finish so as to blend in with the skyline.*

The applicants shall ensure that the tower will reflect the visual characteristics of the surrounding environment in which it is placed, using colors and materials as appropriate. Transmission support structures shall be designed to blend in with existing surroundings to the extent feasible, provided there is no conflict with FCC and FAA color and lighting requirements for aircraft safety purposes.

- g. Towers and support structures shall be removed within a year of ceasing use or operation. Antennas shall be removed from support structures within one hundred eighty days after the antenna is no longer operational.

Staff Finding: This recommendation conditions that the tower and support structures shall be removed within one year should it ever become non-operational. Should antennas become non-operational, they shall be removed from support structures within 180 days.

- h. Turbines on personal wind energy towers shall be designed, installed and operated so noise generated by the system shall not exceed fifty decibels (50dba) measured from the nearest property line, except during short term events such as utility outages and severe wind storms.

Staff Finding: A personal wind energy tower is not proposed as part of this project.

- i. Towers will be located not nearer than 50 feet from an edge of right-of-way or easement of a public or private road.

Staff Finding: According to the provided site plan, the proposed tower will be over 50' from the access easement containing the private shared driveway.

- j. No more than one tower, array, or rotor/turbine per parcel in residential districts (SR, RT, RS, R-1, R-2, R-3), and no more than two towers, arrays, or rotors/turbines per parcel in all other zoning districts shall be permitted.

Staff Finding: The applicants have proposed to construct one tower as a part of this project and the subject parcel contains no other towers. According to the provided narrative, the tower and site are designed to accommodate three additional carriers in the event that other providers are interested in collocation.

- k. Support structures and towers may include an equipment enclosure, structure, shelter, cabinet, box or vault designed for and used to house and protect the electronic equipment for air conditioning, ventilation, or auxiliary electricity generators.

Staff Finding: The applicants are proposing a 50' x 50' facility that contains the monopole tower and associated ground equipment. Ground equipment will include a pre-fabricated equipment pad, radio equipment cabinets, and an emergency backup power generator. The tower and site are designed to accommodate the current proposed equipment and three additional carriers in the event of future collocation.

Development Standards:

- 10. The development standards that generally apply for the type of project being proposed are as follows:

- a. **Conformity with All Regulations Required:** (YCC 19.10.040(1)) “Any development, structure or part shall conform to all of the regulations specified in this Title for the situation and zoning district in which they are located in order to be authorized, erected, constructed, reconstructed, moved or structurally altered.”

Staff Finding: The proposed tower will conform to all of the applicable regulations of Title 19 and the Remote/Extremely Limited Development Potential (R/ELDP-40) zoning district, provided the above conditions are met.

- b. **Yards, Lots, Open Space and Off-Street Parking and Loading Spaces:** (YCC 19.10.040(2)(a)) “Yards or lots created after the effective date of this Title shall meet at least the minimum requirements established by this Title and shall not be smaller than the minimum standards established in Chapters 19.10 through 19.18. The lot size, width, depth, shape and orientation shall be in accordance with the applicable zoning laws.”

Staff Finding: The proposed tower will meet the minimum requirements for yards.

- c. **Access Required:** (YCC 19.10.040(3)) “All new development shall have a minimum of 20 feet of lot frontage upon a public road or be served by an access easement conforming to the dimensional requirements of Sections 19.23.040 and 19.23.050 to provide for access to the development. The approach location shall be reviewed by the County Engineer for compliance with YCC Chapter 10.08. Approach connections to other public roads are subject to review by the applicable agency. Verification of legal access and a valid road approach permit shall be required prior to final approval of any permit granted under this Title.” The Transportation Division provided the following comments:

- a. The site is accessed via a privately maintained section of Sun Targets Rd. and is not under the jurisdiction of County Roads.

Staff Finding: The applicants are proposing to access the site via a 20' access and utility easement over an existing dirt road. The applicants will be required to provide proof of access from Sun Targets Road to the subject lot, across parcels 211229-24001, 211229-31400, 211229-24400, 211229-13400, 211229-14400, 211229-41402, and 211229-21001. A portion of this access is proposed to be improved. As this portion of the access easement does not serve more than 4 lots, it is considered a private shared driveway and the road upgrade will be required to meet the private shared driveway standards of YCC 19.23.060.

Private shared driveways require the applicants to provide a road agreement that binds the owners within the development to financially participate in the perpetual maintenance of the private shared driveway (YCC 19.23.060(1)(d)). This agreement must be recorded with the Yakima County Auditor and a copy of it provided to the Yakima County Planning Division. According to YCC 19.23.060(2)(a), the driveway easement itself must be improved to meet the minimum travel surface and standards as required by the Building and Fire Safety Division and any drainage facilities must be sufficient to prevent discharge onto any public roadway.

- d. **Land Uses:** (YCC 19.10.040(4)) “Uses allowed within a zoning district are listed as permitted, administrative or conditional uses in the Allowable Land Use Table 19.14-1 within Chapter 19.14.”

Staff Finding: According to Table 19.14-1 Allowable Land Uses, communication towers are reviewed under YCC 19.18.490. The R/ELDP-40 zoning district does not have a specified maximum building height (YCC Table 19.11.030-2) YCC 19.18.490(2) defines the levels of review for communications towers that are located in zoning districts without height limitations. YCC 19.18.490(2)(c) states that "towers that are 100 feet or greater in height shall be subject to Type 3 review". As the proposal is for a 150' monopole communication tower within the R/ELDP-40 zoning district, the project is being reviewed as a Type 3 use with a SEPA.

- e. **Building Permits Required:** (YCC 19.10.040(5)) "No building or other structure shall be erected, moved, added to or structurally altered without a permit issued by the Building Official under RCW 19.27 and YCC Title 13. No building permit shall be issued, except in conformity with this Title."

Staff Finding: The applicants will be required to obtain and finalize any necessary permits for the proposed tower. For more information on building and fire code permits, please contact the Building and Fire Safety Division at (509)574-2300.

- f. **Setbacks, Easements and Right-of-Way:** (YCC 19.10.040(6) & Table 19.11.030-2) Private shared driveways with right-of-way or vehicular access easements 60 feet or less in width require a ten (10) foot from edge of right-of-way or easement building setback in the R/ELDP-40 zoning district. Buildings and structures in the R/ELDP-40 zoning district also have a ten (10) foot interior side and rear setback from property lines.

Staff Finding: The proposed tower does not appear to encroach on the required road or property line setbacks.

- g. **Vision Clearance Triangles at Intersections and Driveways:** (YCC 19.10.040(7)(b)) "A vision clearance triangle shall be maintained at all driveways and curbcuts, and the intersection of an alley with a public street for vision and safety purposes. The vision clearance triangle shall measure 15 feet along the perpendicular street curb lines or pavement edge, or travel lane of the public street and 15 feet along the driveway or alley, as illustrated in Figure 19.10.040-2. The third side of the triangle shall be a straight line connecting the 15 foot sides described above. No sign or associated landscaping shall be placed within this triangle so as to materially impede vision between the heights of two and one-half and ten feet above the centerline grade of the streets."

Staff Finding: The applicants shall ensure that a vision clearance triangle as described in YCC 19.10.040(7)(b) is maintained at the access point.

- h. **Maximum Building Height and Lot Coverage:** (YCC 19.10.040(8)(a) & Table 19.11.030-2) Building height is considered to be the vertical distance from grade plane to the average height of the highest roof surface. The maximum building height is intended to maintain building and structure heights that are compatible with the character and intent of the zoning district. Lot coverage is the percentage of the area of a lot covered by buildings, accessory structures, or other impervious surfaces. According to Table 19.11.030-2, the maximum building height and the maximum lot coverage in the R/ELDP-40 zoning district are not specified.

Staff Finding: As there is no specified maximum lot coverage and no specified maximum building height, this project will not exceed those standards.

- i. **Fences, Walls and Recreational Screens:** (YCC 19.10.040(9)) The provisions of YCC 19.10.040(9) “. . . shall govern the location and height of fences and walls, to allow access to properties by utility employees and emergency response personnel and to maintain good appearance of residential areas and visual access along residential streets and between lots.”

Staff Finding: The applicants are proposing to fence in the 50' x 50' lease area with a 6' chain link fence. Barbed wire will be placed at the top and the total fence height will be approximately 8'. Per YCC 19.10.040(9)(a)(iii), there is no specified maximum fence height in the R/ELDP-40 zoning district, however fences must meet the height requirements of YCC Title 13.

- j. **Exterior Lighting:** (YCC 19.10.040(10)) “Exterior lighting is regulated to minimize light pollution to neighboring properties and encourage true-color, full-spectrum light rendition in projects. Exterior lighting for all uses and signs shall be directed downward and otherwise arranged, fully shaded, screened, shielded, and of a design that results in the light being directed onto the site and of an intensity or brightness that does not reflect or cause glare or light intrusion into any adjacent or nearby residential use or interfere with the safe operation of motor vehicles.” Figures 19.10.040-3 and -4 of the Yakima County Code contain examples of exterior lighting sources and fixtures.

Staff Finding: According to the application, an emergency light with an on-demand timer is proposed on the utility frame. The applicants shall ensure that any exterior lighting installed meets the requirements as outlined above and in 19.10.040(10).

- k. **Floodplain Development:** (YCC 19.10.040(11)) “A pre-application meeting and a Flood Hazard Permit application is required for all new development in floodplains in order to minimize and mitigate potential adverse impacts to property and infrastructure while reducing risks to public health and safety. Yakima County will utilize existing flood hazard data and mapping to assist applicants with the layout and design of their proposal. If the potential adverse impacts cannot be mitigated through the Flood Hazard Permit under YCC 16A.05, 16C.05 and 16D.05, a critical areas and shoreline permit will be required under Yakima County Critical Areas and Shoreline codes.”

Staff Finding: Based on the Yakima County Critical Areas maps, the subject property is not located within a floodplain. As such, a pre-application meeting was not required for this proposal.

- l. **Stormwater Requirements:** (YCC 19.10.040(12)) Stormwater quality and quantity concerns for project permits can be addressed through YCC Chapter 12.10, the State Environmental Policy Act environmental review process, or through the requirements of the Washington Department of Ecology. This is to ensure public and private development projects comply with National Pollution Discharge Elimination System (NPDES) permit requirements under the Federal Clean Water Act (CWA) where applicable. The Water Resources Division provided the following comments:

- a. Stormwater must be retained on site and upland drainage, if any, must be conveyed through the property in accordance with criteria found at YCC 12.10.250 (Title 12 was updated 7-18-17). A Washington State Department of Ecology Construction Stormwater Permit may be required for construction that disturbs more than one acre of ground.
- b. Regarding the specific stormwater questions asked by Matthew Merritt in an email October 10, 2014, the answers from our stormwater engineer sent on October 15, 2014 still apply to this project. Contact Water Resources stormwater engineer David Haws at (509) 574-2300 if the revised project generates additional questions.
- c. A stormwater site plan with supporting documentation is required and must be approved by Water Resources Division before ground disturbing activities occur.

Staff Finding: The applicants shall be required to provide a stormwater site plan to Water Resources Division. This stormwater site plan must be approved prior to ground disturbance for the project. The applicants will be required to retain all surface water runoff on-site and comply with the requirements of YCC 12.10.130. Any natural drainageways must not be altered or impeded. For questions regarding soils and stormwater information, contact the Water Resources Division at (509)574-2300.

Parking and Loading:

11. According to YCC 19.22.020, no off-street parking or loading spaces shall be placed, constructed, located, relocated or modified after adoption of this Title without first receiving a development permit from the Reviewing Official. YCC 19.22.050(2) allows the Reviewing Official to make a determination to evaluate a proposed land use based closely on similar land uses listed in Table 19.22-2. The closest land use to communication towers that is listed in Table 19.22-2 is "Utility Services." According to Table 19.22-2 "Utility Services" require one space for each 800 square feet of gross floor area.

Staff Finding: According to the application, one gravel parking space is proposed. The area proposed for the ground equipment is approximately 144 square feet. As one space is required for each 800 square feet of gross floor area, the Reviewing Official has determined that the one proposed parking space is sufficient at this time.

Parking facilities within this zoning district shall be surfaced with a minimum of screened gravel or crushed rock, or better. Parking must be graded and drained so all surface water is disposed of on-site and any grading and drainage facilities are to be designed according to accepted engineering standards, YCC 12.10, and the Stormwater Management Manual for Eastern Washington.

Sewer and Water:

12. According to YCC Table 19.25-1 and YCC Table 19.25-2, new structures in the R/ELDP-40 zoning district require connection to either an existing public water system or an individual well and a County sewer system or an individual on-site septic system.

Staff Finding: This proposal is for 150' tall communication tower on a 232.21 acre vacant parcel. The facility is proposed to be uninhabited, unplumbed, and unstaffed. As the water and sewer options under YCC Tables 19.25-1 and 19.25-2 are required only if a proposed structure requires

potable water and sewage disposal, it has been determined that no additional water or sewer requirements are needed at this time.

CONCLUSION AND RECOMMENDATION

Based upon the above findings, Yakima County staff recommends APPROVAL of the Type 3 Conditional Use Permit for a wireless communication facility and a 150' monopole tower, subject to the conditions listed on Pages 2-3 of this recommendation.

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Yakima County ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color, national origin, or sex in the provision of benefits and services resulting from its federally assisted programs and activities. For questions regarding Yakima County's Title VI Program, you may contact the Title VI Coordinator at 509-574-2300.

If this letter pertains to a meeting and you need special accommodations, please call us at 509-574-2300 by 10:00 a.m. three days prior to the meeting. For TDD users, please use the State's toll free relay service 1-800-833-6388 and ask the operator to dial 509-574-2300.