

*City of Cle Elum*  
119 West First Street  
Cle Elum, WA 98922



Phone: (509) 674-2262  
Fax: (509) 674-4097  
www.cityofcleelum.com

**CITY OF CLE ELUM**  
**Conditional Use Permit / Variance**  
**STAFF REPORT**  
*(Including administrative Site & Design Review)*

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<b>PROJECT:</b>	Vertical Bridge US-WA-5105 Cle Elum / T-Mobile SE09034J Cle Elum DT-VB, CUP-2019-002 & SDR-2019-002
<b>APPLICANT:</b>	SAC Wireless on behalf of: Vertical Bridge Development, LLC and T-Mobile West LLC, 8880 Cal Center Drive, Suite 130, Sacramento, CA 95826
<b>DESCRIPTION:</b>	Proposed unmanned Wireless Telecommunications Facility in City Owned parcel (CEMC 17.100). Site and Design Review (CEMC 17.76) for site development and construction. Conditional Use Permit (CEMC 17.16.030 - zoning, CEMC 17.80 - CUP) for a Conditional Use within the Residential zone.
<b>LOCATION:</b>	East of 5 <sup>th</sup> Street, Cle Elum, WA 98922 Parcel 621534, Map # 20-15-26050-2401 Parcel 950421, Map # 20-15-26050-2403
<b>LOT DESCRIPTION:</b>	CD. 4304; CLE ELUM, HILLCREST ADDITION LOTS 1 & 2; BLOCK 24; CLE ELUM, HILLCREST ADDITION LOT 3, BLOCK 24
<b>ZONING:</b>	Residential (CEMC 17.16)
<b>SEPA:</b>	Checklist and DNS
<b>APPLICATION TYPE:</b>	Type III
<b>PREPARED BY:</b>	Lucy Temple, Planner
<b>DATE:</b>	August 5, 2019
<b>RECOMMENDATION:</b>	Review staff report for CUP-2019-002, discuss, deliberate, and decide upon related actions. <i>SDR2019-002 is administrative and does not require Planning Commission decision.</i>
<b>APPEAL:</b>	The appeal process for Type III decisions is found in CEMC 17.100.130



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## BACKGROUND INFORMATION:

The Applicant submitted a complete application for a Variance, Conditional Use Permit, and Site & Design Review on April 19, 2019 (see Exhibit I) for a proposed unmanned wireless telecommunications facility on two parcels of land located east of 5<sup>th</sup> Street, Cle Elum, WA 98922 (Parcel 621534, Map # 20-15-26050-2401; Parcel 950421, Map # 20-15-26050-2403). Notices of application and of the public hearing were mailed separately to properties within 300 feet of the proposed site and emailed to agencies with jurisdiction (see Exhibit II). The applicant is currently leasing the property from the City of Cle Elum. The property was zoned Residential at the time applications were received.

## CONDITIONAL USE PERMIT APPROVAL CRITERIA AND FINDINGS

(CEMC 17.80.050 Criteria for granting Conditional Use Permits)

The proposed project is a permitted Conditional Use within the residential zone per [CEMC 17.16.030\(E\)](#) "Telephone exchanges, electric substations and similar installations for public service."

1. *The proposed use will be designed and operated in a manner which is compatible with the character, appearance, and operation of existing or proposed development in the vicinity of the subject property;*

### Staff Response

The proposed use will be consistent with the design and operation of the surrounding properties due to the location of the property. The site does not abut any developed properties because the area is primarily steep forested and exposed bedrock slopes and due to the limitation of extending utilities to this area. Therefore, since there are no nearby developments, there is nothing to compare to this criteria.

The proposed construction will be an unmanned wireless communications facility housed within an approximately 4,000 square foot lease area and consisting of a 153-foot cellular tower and associated equipment shelter, fuel tank, diesel generator, and power and fiber utilities, within a chain link fenced area and retaining wall with a drainage system consistent with the surrounding properties and City building regulations. There will be no extension of City utilities, and is not anticipated to attract activity due to the unmanned nature as a quiet facility.

Furthermore, the facility including the tower and all ground equipment will be color matched to the adjacent ground and vegetation to blend into the natural surroundings.

2. *The hours and manner of operation of the proposed use are not inconsistent with adjacent or nearby uses;*

### Staff Response

The proposed use is not inconsistent with adjacent or nearby uses, as it is an unmanned Wireless Telecommunications Facility with a fenced perimeter. The site may be accessed 24/7 via a shared access tamper-proof gate using an access code in case of an emergency and a technician will visit the site for periodic maintenance.

3. *The proposed use is compatible with the physical characteristics of the subject property and neighboring properties;*

### Staff Response

See 1. Undeveloped land. The property is on a 30-35% slope area. The applicant has conducted geotechnical testing and engineered a retaining wall to prevent erosion.

4. *The location, nature and intensity of outdoor lighting is such that it is consistent with the surrounding neighborhood and does not cast light or glare on adjoining properties;*

### Staff Response

The proposed use may post downward facing lighting inside the equipment shelter. The proposed lighting is consistent with the surrounding neighborhood and will not cast light or glare on adjoining, adjacent, or down-slope properties.

5. *The proposed use is such [that] pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;*

**Staff Response**

The proposed use requires larger vehicles during a 45-60 day construction phase as well as periodic maintenance during operation. The proposal would include city road improvement to make it passable by larger construction vehicles. However, the site would then be fenced to limit increased traffic on the newly-improved roadway. This road is proposed to be accessible only by maintenance and emergency vehicles only. No impacts to pedestrian uses are anticipated, other than temporary impacts during construction.

6. *The proposed use is capable of being served by public facilities and services, and will not adversely [impact] the level of service to surrounding areas;*

**Staff Response**

The proposed use does not require water or sewer utilities. The Wireless Telecommunications Facility is proposed to be connected to electricity and fiber by trenching to the facility via an underground utility easement along Fifth Street Extension.

7. *The proposed use is not detrimental to the public health, safety, or welfare;*

**Staff Response**

The Telecommunications Act of 1996 contains provisions providing the Federal Communications Commission (“FCC”) jurisdiction to regulate human exposure to radio frequency emissions. Section 704 of the Act states that, “[n]o State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.” The FCC has promulgated regulations governing radio frequency emissions. More information about radio frequency emissions can be found on the FCC’s website, at: <https://www.fcc.gov/engineering-technology/electromagnetic-compatibility-division/radio-frequency-safety/faq/rf-safety#Q27>.

The Cle Elum Roslyn Police Department and Cle Elum Fire Department are anticipated to be made aware of the property’s status as an Unmanned Telecommunications Facility. This Conditional Use Permit will be reviewed and reconsidered should issues arise that impact public health, safety, or welfare that are within the City of Cle Elum’s legal authority to regulate.

8. *The proposed use is consistent with the goals and policies of the comprehensive plan;*

**Staff Response**

The Conditional Use Permit is consistent with the existing City of Cle Elum Comprehensive Plan, as detailed in Exhibit III.

9. *The subject site can accommodate the proposed use considering the size, shape, topography and drainage.*

**Staff Response**

The proposed site can accommodate the proposed use in terms of size, shape, topography, and drainage. Due to the sloping ground topography, a retaining wall with a drainage system is proposed to be installed around the facility to preserve existing site runoff southward into the existing City of Cle Elum drainage system. The project proposes full dispersion as the primary means of stormwater management in the developed condition. Area drains located along the southern margin of the lease area are proposed to collect flow and convey it to

a 50LF dispersion trench which would then disperse flows southward in a manner consistent with the predeveloped flow path.

## **VARIANCE APPROVAL CRITERIA FACTS AND FINDINGS**

### **CEMC 17.85.040, 17.100.090**

*The review authority may grant a variance only in those cases where findings are made that all of the following conditions and criteria are met:*

- A. *There are unusual, exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other property in the same vicinity or district. Such conditions may include topography, unique natural conditions, surroundings and size or unusual shape of the lot.***

#### **Staff Response**

The Type III variance is requested to construct a 153-foot wireless communications facility which exceeds the 35-foot height limit within the City of Cle Elum ([CEMC 17.16.080](#)). The facility is proposed on a slope above the north side of the currently-developed Cle Elum city footprint. The maximum slope adjacent to the proposed site is such that other development surrounding the project area is unlikely. This location has limited scope for development and interference with the intended uses, or interference with other existing property uses including recreational uses. Other sites investigated within the service gap area were determined to have larger potential aesthetic and natural resource impacts than this site (e.g., blocking general City view of Peoh Point, within the Mountains to Sound National Scenic Byway corridor adjacent to I-90, within the FEMA Floodplain).

- B. *The unusual circumstances or conditions and the strict application of this title cause the loss of a substantial property right possessed by the owners of other properties in the same vicinity or district.***

#### **Staff Response**

City Zoning code 17.16.030(E) allows telephone exchanges, electric substations and similar installations for public service, all of which are likely to be structures exceeding the 35-foot City height limitation. Precedence having been set by other similar installations, including the 135-foot US Cellular tower on another City-owned parcel nearby. The proposed wireless communication facility will provide cellular coverage to the community. The lack of this coverage potentially limits not only personal, but emergency communications.

- C. *The granting of a variance to remedy the hardship will not be detrimental to the public welfare or injurious to properties in the vicinity or district in which the property is located and the variance will be in general keeping with the purpose and intent of this title.***

#### **Staff Response**

The requested variance is not anticipated to impact public welfare or negatively impact adjacent properties or the district. The applicant proposes to build a 153-foot cellular tower, which exceeds the 35-foot limit. The site will also include an eight-foot fence to ensure the safety and security of the unmanned facility. All submitted information and staff research have determined this proposal is consistent with the intent of this title.

- D. *The variance approved will be for the least amount that will make possible the legal use of the land, building or structure and will not provide a special privilege inconsistent with the limitations upon use of other properties in the vicinity or use district.***

#### **Staff Response**

The proposed variance is the height required for the proposed use. The existing wireless communication facility located on another City-owned property on the same ridge is 135 feet tall with permits pending that would raise it by 20-feet bringing it to the same height at the currently proposed facility.

- E. *The variance will not adversely affect the realization of the comprehensive plan.***

**Staff Response**

The proposed development is consistent and compatible with the applicable goals, policies and objectives of the comprehensive plan. The variance will not have an adverse impact on the realization of the comprehensive plan for this area.

***F. The need for the variance was not caused by the actions of the applicant or property owner.***

**Staff Response**

The proposed facility is a commonly-found structure in many communities in the U.S., and is typical of urban areas. The height requirements are necessary for proper functionality of the proposal.

**SITE & DESIGN REVIEW APPROVAL CRITERIA AND FINDINGS**

(CEMC 17.76.040(F) Criteria for Design Review Approval)

***F. 2.***

***1. The proposed use is permitted within the zoning district in which it is located.***

**Staff Response**

The proposed use is an allowed use with an approved Conditional Use Permit (CEMC 17.32.030(6)) for a Conditional Use within the Residential District (CEMC 17.16.030).

***2. The proposed use is permitted within the zoning district including lot, yard, building height, and other requirements.***

**Staff Response**

The proposed project will exceed the 35-foot height maximum and the applicants have submitted a Type III Variance (CEMC 17.85) for tower height on the proposed Wireless Telecommunications Facility.

***3. The proposed design meets landscaping, screening and buffering standards of CEMC 17.64.***

**Staff Response**

A landscape plan is not required for this permit.

***4. The proposed design meets the off-street parking and loading requirements of 17.56.***

**Staff Response**

Due to the nature of the development as an unmanned wireless telecommunication facility, no off-street parking is required.

***5. The standards of Chapter 18.01, maintenance, enhancement and preservation of critical areas are met.***

**Staff Response**

The proposed location is relatively flat, however, a retaining wall will be constructed downslope to maintain level site configuration. Surrounding slopes area considered critical areas due to increased slope ratio. The current Cle Elum Municipal Code assesses critical areas through SEPA, which was completed in May, 2019.

***6. The proposed design and use meets all other applicable sections of Cle Elum Municipal Code.***

**Staff Response**

The proposed design meets applicable sections of the CEMC. Applicable reviews of the Conditional Use Permit would take place as needed to remain in compliance CEMC.

***7. Public improvements are completed in compliance with applicable code sections.***

**Staff Response**

Due to the rural undeveloped nature of the site location, full public improvements are not required. However, the existing access road is required to be graded from the edge of the asphalt to the tower with an acceptable



base, crushed surfacing maintained by the tower company and with space for parking/routine maintenance. The Applicant would be required to install a shared access tamper-proof gate at a location determined by the City near the western end of the access road. The City recommends an additional gate on the east end of the access road, which would be negotiated between the private landowner and the Applicant. The improved road could attract more traffic in this area, which would be prevented by the gates.

**8. *The Adequate and safe provisions are made for pedestrian and vehicle access.***

**Staff Response**

See Supplementary Development Standard A, below.

**9. *The All conditions of applicable previous approvals (SEPA review, CUP, rezones) are met.***

**Staff Response**

All conditions of other approvals have been met. The applicant has met the conditions of the Conditional Use Permit process and SEPA.

**10. *The All applicable conditions and criteria found in other Cle Elum Municipal Code titles are met.***

**Staff Response**

The design does and will adhere to CEMC. Reviews will take place as needed to remain in compliance with the Conditional Use Permit.

**SUPPLEMENTARY DEVELOPMENT STANDARDS**

(CEMC 17.76.050)

**A. *A continuous pedestrian walkway shall be provided from the public street to access building entrances. The pedestrian walkway shall be a minimum of six feet wide and shall be elevated, protected by a curb, bollards, or landscaping otherwise protected to prevent vehicles from parking, driving or entering the walkway. The required six feet may not be encroached by vehicle overhangs. The walkway shall be composed of Portland cement concrete, brick pavers or other similar surface. Where a walkway must cross a vehicle access aisle it shall be distinguished from the driving areas by use of an alternative paving material which may be brick, pavers, or scored, brushed or colored concrete.***

**Staff Response**

Due to the nature of the development as an unmanned Wireless Telecommunications Facility, and its location with tamper-proof gate, people will be accessing the site on foot via the existing road. The proposed site would be designed for minimal vehicular access where a light duty truck would park outside the facility for periodic maintenance purposes, and the site would be accessible by City maintenance and emergency vehicles. Therefore, no pedestrian walkways are required.

**B. *Ground level mechanical equipment shall be screened with visual barriers from adjacent property, public roadways, parks or other public areas. Mechanical equipment on roofs shall be screened from ground level.***

**Staff Response**

Ground equipment is proposed to be shielded through an equipment shelter housing wireless carrier cabinets, and a proposed eight (8) foot chain link fence is proposed to further provide a visual barrier to the compound area. The monopole tower is proposed to be painted a City determined color to match the surrounding ponderosa pine color.

**C. *A storage area for garbage and recycling containers shall be provided. The area shall be fully screened by a fence, wall, landscaping or combination thereof. Storage areas may not be located in a public right-of way and where an alley serves the site, shall only be accessed from the alley.***

**Staff Response**

The Wireless Telecommunications Facility is unmanned and is not proposed to have garbage or recycling containers.

- D. Predominant building materials shall be those materials that are characteristic of the historic buildings in the city or characteristic of central Washington, such as brick, wood, native stone, and tinted and textured masonry. Visible roofs should be metal. Architectural methods, such as parapets, shall be used to conceal flat roofs. Mansard roofs are prohibited.***

**Staff Response**

The proposed buildings have been designed to meet this standard and screening materials are proposed to be consistent with City requirements.

- E. Outdoor storage and display of materials shall be screened from streets, rights-of-way and adjacent properties may a fully site obscuring buffer consisting of appropriate fencing and landscaping.***

**Staff Response**

The proposed facility does not have outdoor storage other than what has been proposed for outdoor buildings. All signage beyond the footprint of the leased project site is intended to be under the direct approval of the City.

- F. For all uses creating over two thousand square feet of new impervious surfaces a stormwater control plan is required that treats and retains all stormwater on-site. Impervious surfaces shall include cement, concrete, packed earth and gravel or other similar surface which changes the runoff patterns from native soils.***

**Staff Response**

A Stormwater Pollution Prevention Plan (SWPPP) has been created and will be updated, maintained and implemented. The project proposes full dispersion as the primary means of stormwater management in the developed condition. Area drains located along the southern boundary of the lease area are proposed to collect flows from the project site and convey it to a 50LF dispersion trench which will disperse flows southward in a manner consistent with the pre-developed flow path. A combination of silt fence and inlet protection is proposed to be utilized to contain sediment-laden runoff associated with development activities. Final stabilization of the project site will be conducted according to the SWPPP. No contaminated soils and/or sources of contaminated groundwater are known to be present within the project area.

- G. Roofs shall be designed such that snow from the roof will not be deposited on adjacent public or private properties.***

**Staff Response**

The building roofs have been designed to meet this standard (Exhibit I – see site plans), and will be regulated under the building permit process.

## **STATE ENVIRONMENTAL POLICY ACT (SEPA)**

The proposed CUP is exempt from further State Environmental Policy Act (SEPA) review (WAC 197-11). The SEPA Checklist was completed on April 19, 2019 and the City issued a Determination of Nonsignificance (DNS) on May 14, 2019. See Exhibit I for the complete SEPA Package and additional environmental documentation submitted as part of the application package.

## **AGENCY AND PUBLIC COMMENTS**

All comments received prior to the August 5, 2019 are included in Exhibit IV of this staff report. Additional written comments and summarized verbal comments will be included in the final permit package.

## STAFF RECOMMENDATION

Staff recommends the Planning Commission to consider the following conditions should the Commission vote to approve this Conditional Use Permit for the Wireless Telecommunications Facility.

1. **Stormwater.** All stormwater shall be captured and treated onsite. Stormwater shall be prevented from entering adjacent properties and public right of way.
2. **Public Improvements.** To fulfill this requirement, the existing access road is required to be graded per City standards, as directed by City Public Works from the edge of the existing asphalt to the project location, and eastward to the edge of the proposed roadway improvements. The entire roadway improvement area (whether on public or private property) shall be required to be built to City standards. Roadway maintenance on City property shall be the applicants. The applicants shall install a shared access tamper-proof gate at a location determined by the City near the western end of the access road. The City recommends an additional shared access tamper-proof gate on the east end of the access road to prevent vehicle access that would not be able to turnaround safely, which would require extensive backing maneuvers in order to exit. This private property gate would be negotiated between the private landowner and Vertical Bridge Development, LLC, but gate access shall be provided to City emergency services for fire and other emergency through-access.
3. **Lighting.** Lighting shall be aimed downward to prevent disruption to adjacent roadways and properties. Temporary lighting during construction will avoid impacts as much as possible.
4. **Screening.** Ground level mechanical equipment shall be screened with visual barriers from adjacent property, public roadways, parks or other public areas. Mechanical equipment on roofs shall be screened from ground level. All mechanical equipment, fencing, and other ground-level structures and equipment shall be required to be color matched to the surrounding trees for maximum blending with the natural setting, as determined by the Mayor or his designee.
5. **Insurance\*.** The applicant or his/her designee shall maintain on file at City Hall an up-to-date certificate of insurance documenting that the facility is appropriately insured for the proposed use.
6. **Additional Permits and Licenses\*.** The applicant shall obtain all approvals listed in the Additional City Permits & Licenses section below, prior to construction or operation, as applicable.
7. **Noise.** Construction activities that produce audible noise to neighbors will take place only between the hours of 7:00 am - 10:00 pm, Monday – Saturday, unless applicants have secured written City Council permission.

*\*This condition shall be met before the final proposed project may begin operation.*

## ADDITIONAL CITY PERMITS & LICENSES

Site & Design Review\* SDR-2019-002

SEPA\* SEP-2019-002

Variance\* VAR-2019-002

Building Permit

Fence Permit

Business License

*\*denotes current review*



## **EXHIBIT I. COMPLETE APPLICATION**

The application package is very large, so it is located at the following link:

<https://app.box.com/s/8z184a0p8hjgfy7ewl9l5waqkvfsbnhq>



## **EXHIBIT II. AFFIDAVIT OF MAILING**





1 CITY OF CLE ELUM

2 119 W. First Street

3 Cle Elum WA 98926

4  
5 In the matter of \_T-Mobile Cellular Tower CUP-2019-002, SDR-2019-001, & VAR-  
6 2019-001\_)

7 AFFIDAVIT OF MAILING

8 STATE OF WASHINGTON )

9 ) ss.

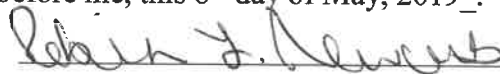
10 County of Kittitas )

11 The undersigned being first duly sworn on oath states:

12 That on the \_\_8<sup>th</sup>\_\_ day of \_\_May\_\_, 2019\_\_, affiant deposited into the first class  
13 mail of the United States, properly stamped and addressed envelopes or sent by email  
14 directed to the attached address list, containing the notice of application, comment period,  
15 hearing date, and vicinity map for a Variance application.

16 Signature: 

17 SUBSCRIBED AND SWORN TO before me, this 8<sup>th</sup> day of May, 2019\_.

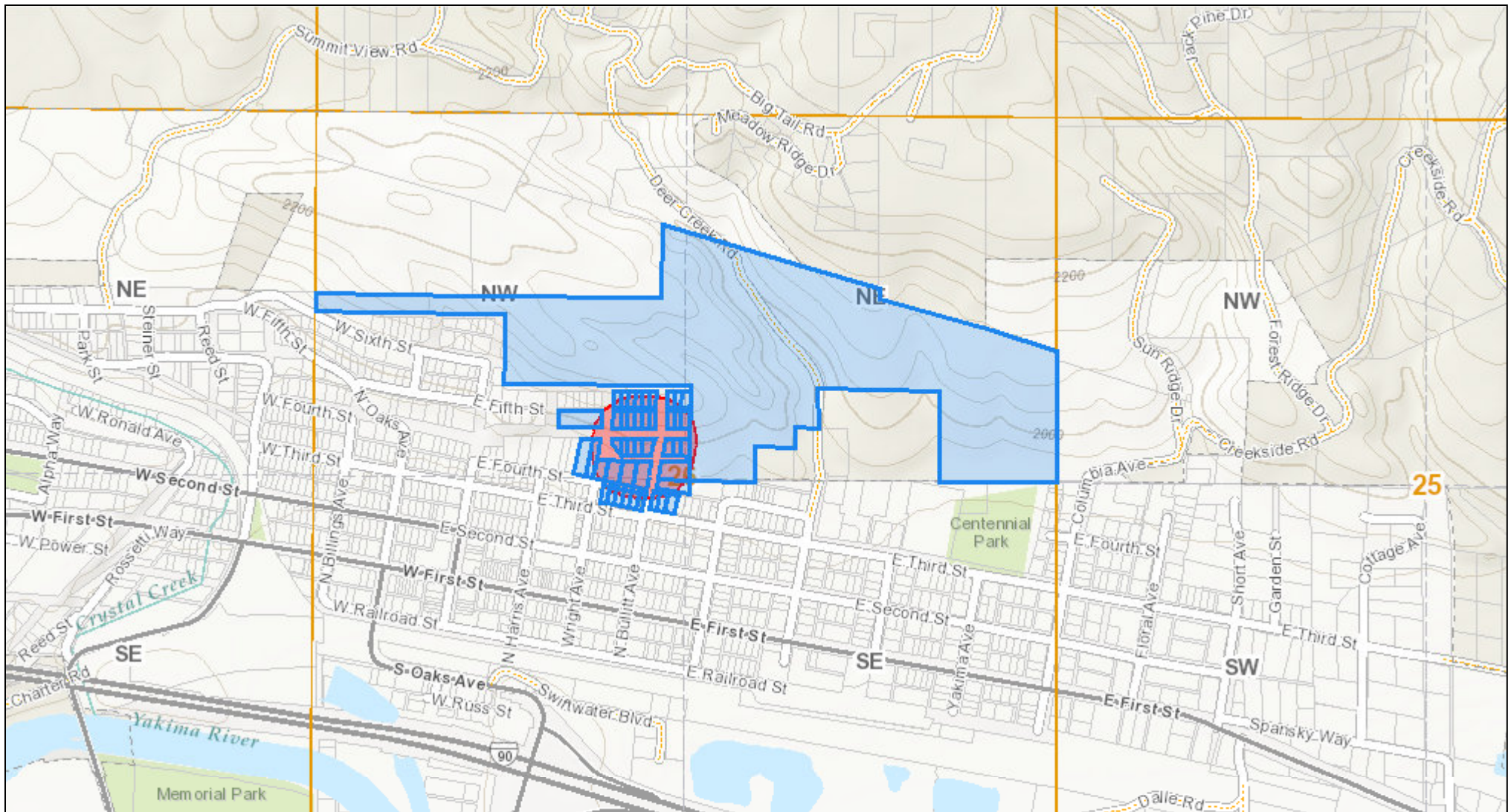
18   
19 Notary Public in and for the State of Washington

20 My commission expires: 10-8-21

Robin L. Newcomb



# T-Mobile Cell Tower Project - 300-ft Mailing



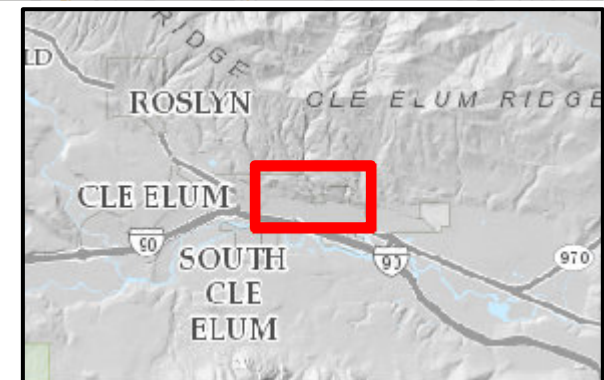
Date: 5/6/2019

1 inch = 1,505 feet  
Relative Scale 1:18,056

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0 0.075 0.15 0.3 0.45 0.6 mi



DOBBS DUANE D  
100 QUAIL VALLEY RD  
CLE ELUM,WA 98922

Occupant  
212 E FOURTH ST  
CLE ELUM,WA 98922

Occupant  
401 E THIRD ST  
CLE ELUM,WA 98922

Occupant  
403 E THIRD ST  
CLE ELUM,WA 98922

Occupant  
312 E FOURTH ST  
CLE ELUM,WA 98922

Occupant  
311 E THIRD ST  
CLE ELUM,WA 98922

Occupant  
307 E THIRD ST  
CLE ELUM,WA 98922

OLESON STEVEN  
4548 138TH AVE SE  
BELLEVUE,WA 98006-2208

MAGGS CLIFFORD N ETAL  
405 W 13TH AVE  
ELLENSBURG,WA 98926-2419

Occupant  
220 DEER CREEK RD  
CLE ELUM,WA 98922

ROBBINS JOHN T ETUX  
9622 26TH AVE SW  
SEATTLE,WA 98106-2640

HANSEN LEVI M & ASHLEE N  
PO BOX 1256  
CLE ELUM,WA 98922-2256

BARR GREGORY A  
407 E 3RD  
CLE ELUM,WA 98922

Occupant  
302 E FOURTH ST  
CLE ELUM,WA 98922

ENGELS MATTHEW C  
PO BOX 773  
CLE ELUM,WA 98922-0773

JONES CHRISTOPHER J &  
JOSIANE  
7807 222ND ST SW  
EDMONDS,WA 98026-7968

FERGUSON DANNY V  
303 E 3RD  
CLE ELUM,WA 98922

CASCADIA SNOWCAP LP  
6060 N CENTRAL EXPY STE 200  
DALLAS,TX 75206-5355

LEE BRIAN  
308 E 4TH ST  
CLE ELUM,WA 98922

ROBERTS DAVID J  
16229 34TH DR SE  
MILL CREEK,WA 98012-8348

ROGERS LUISA S  
210 E 4TH ST  
CLE ELUM,WA 98922-1118

AARDE TERRE A  
PO BOX 510  
ROSLYN,WA 98941-0510

ARMSTRONG JENNIFER K  
309 E 3RD ST  
CLE ELUM,WA 98922-1211

Occupant  
305 E THIRD ST  
CLE ELUM,WA 98922

Occupant  
301 E THIRD ST  
CLE ELUM,WA 98922

## 2019 Comprehensive Plan SEPA Agency email list

[jim@nkctribune.com](mailto:jim@nkctribune.com); [nolan@inlandnet.com](mailto:nolan@inlandnet.com); [David.Hoffman@pse.com](mailto:David.Hoffman@pse.com); [sandy.leek@pse.com](mailto:sandy.leek@pse.com); [rholden@kvhealthcare.org](mailto:rholden@kvhealthcare.org); [mayormcgowan@cityofcleelum.com](mailto:mayormcgowan@cityofcleelum.com); [Firechief@cityofcleelum.com](mailto:Firechief@cityofcleelum.com); [sferguson@cityofcleelum.com](mailto:sferguson@cityofcleelum.com); Planning Commission; [planner@ci.roslyn.wa.us](mailto:planner@ci.roslyn.wa.us); [townofsouthcleelum@gmail.com](mailto:townofsouthcleelum@gmail.com); [sce@inlandnet.com](mailto:sce@inlandnet.com); [sackettk@ci.ellensburg.wa.us](mailto:sackettk@ci.ellensburg.wa.us); [laura.osiadacz@co.kittitas.wa.us](mailto:laura.osiadacz@co.kittitas.wa.us); [Lindsey.ozbolt@co.kittitas.wa.us](mailto:Lindsey.ozbolt@co.kittitas.wa.us); [mark.cook@co.kittitas.wa.us](mailto:mark.cook@co.kittitas.wa.us); [environmentalhealth@co.kittitas.wa.us](mailto:environmentalhealth@co.kittitas.wa.us); [kprdpos1@gmail.com](mailto:kprdpos1@gmail.com); [sepa@dahp.wa.gov](mailto:sepa@dahp.wa.gov); [sepadesk@dfw.wa.gov](mailto:sepadesk@dfw.wa.gov); [Jennifer.Nelson@dfw.wa.gov](mailto:Jennifer.Nelson@dfw.wa.gov); [sepaunit@ecy.wa.gov](mailto:sepaunit@ecy.wa.gov); [separegister@ecy.wa.gov](mailto:separegister@ecy.wa.gov); [sepacenter@dnr.wa.gov](mailto:sepacenter@dnr.wa.gov); [reviewteam@commerce.wa.gov](mailto:reviewteam@commerce.wa.gov); [johnson\\_meninick@yakama.com](mailto:johnson_meninick@yakama.com); [prigdon@yakama.com](mailto:prigdon@yakama.com);

### COMMUNITY

Northern Kittitas County Tribune – Reporter, Jim Fossett  
Inland Networks – Owner, Nolan Weis  
Puget Sound Energy, David Hoffman & Sandy Leek  
KVH – Rhonda Holden

### LOCAL

#### Cle Elum

Mayor Jay McGowan  
Cle Elum Fire Department  
Cle Elum Police  
Planning Commission, (Group Email)  
City Council – *Hard copies distributed*

#### Other Cities

City of Roslyn – Planner, Michelle Geiger  
Town of South Cle Elum – Staff, Dora Bannister  
City of Ellensburg – Planning Director, Kirsten Sacket

### COUNTY

Board of County Commissioners, General email  
Commissioner; District #2 - Laura Osiadacz  
SEPA & Planning Official, Lindsey Ozbolt  
Public Works Director, Mark Cook  
Parks & Recreation District #1, John Storch

### STATE

DAHP – SEPA Review  
WDFW – SEPA Review  
WDFW – Area Habitat Biologist, Jennifer Nelson  
Ecology – SEPA Review  
Ecology – SEPA Register  
DNR SEPA Center

Commerce Review Team

Yakama Nation – Cultural Resources Program, Johnson Meninick

Yakama Nation – Natural Resources Program, Phil Rigdon

**From:** [Cle Elum Planning](#)  
**To:** [Lucy Temple](#)  
**Bcc:** [jim@nkctribune.com](#); [nolan@inlandnet.com](#); [David.Hoffman@pse.com](#); [sandy.leek@pse.com](#); [rholden@kvhealthcare.org](#); [mayormcgowan@cityofcleelum.com](#); Fire Chief; [Scott Ferguson](#); [planner@ci.roslyn.wa.us](#); [townofsouthcleelum@gmail.com](#); [sce@inlandnet.com](#); [sackettk@ci.ellensburg.wa.us](#); [laura.osiadacz@co.kittitas.wa.us](#); [Lindsey.ozbolt@co.kittitas.wa.us](#); [mark.cook@co.kittitas.wa.us](#); [environmentalhealth@co.kittitas.wa.us](#); [kprdpos1@gmail.com](#); [Jennifer.Nelson@dfw.wa.gov](#); [johnson\\_meninick@yakama.com](#); [prigdon@yakama.com](#); [dedavis1310@gmail.com](#); [Devin Smith](#); [Kerry Clark](#) ([swiftwaterbusinesspark@gmail.com](#)); [Marc Kirkpatrick](#); [Matt Fluegge](#); [Matthew Lundh](#); [Pam Hawk](#); [Theo Leonard](#) ([TLeonard@encompasses.net](#)); [Travis Harris](#) ([zerospin2003@yahoo.com](#))  
**Subject:** Cle Elum Notice of Application  
**Date:** Wednesday, May 8, 2019 4:10:00 PM  
**Attachments:** [image001.png](#)  
[19-0507\\_CUP-2019-002\\_NOA-PKG-FINAL.PDF](#)

---

This email is a notice to agencies with jurisdiction that the City of Cle Elum did, on April 22, 2019, receive a complete Site Design Review application and Conditional Use Permit application from SAC Wireless on behalf of Vertical Bridge Development, LLC and T-Mobile West LLC for the purpose of constructing a Cellular Tower on City owner property (Parcel No. 621534 & 950421) within the Residential Zone. The applicants on April 22, 2019 also submitted a Variance application for a deviation from the 35-foot height maximum in the residential zone for the same project.

The application and related documents may be examined at City Hall, located at 119 W First Street, or upon request. Once the open public hearing is scheduled and the staff report for the applications are available you will be notified.

Please see the attached notice of application and vicinity map and let me know if you have any questions or comments.

Sincerely,

Isaac Anzlovar  
Planning Technician



119 W First Street  
Cle Elum, WA 98922  
(509) 674-2262 ext. 105  
[www.cityofcleelum.com](http://www.cityofcleelum.com)



*City of Cle Elum*  
119 West First Street  
Cle Elum, WA 98922



Phone: (509) 674-2262  
Fax: (509) 674-4097  
[www.cityofcleelum.com](http://www.cityofcleelum.com)

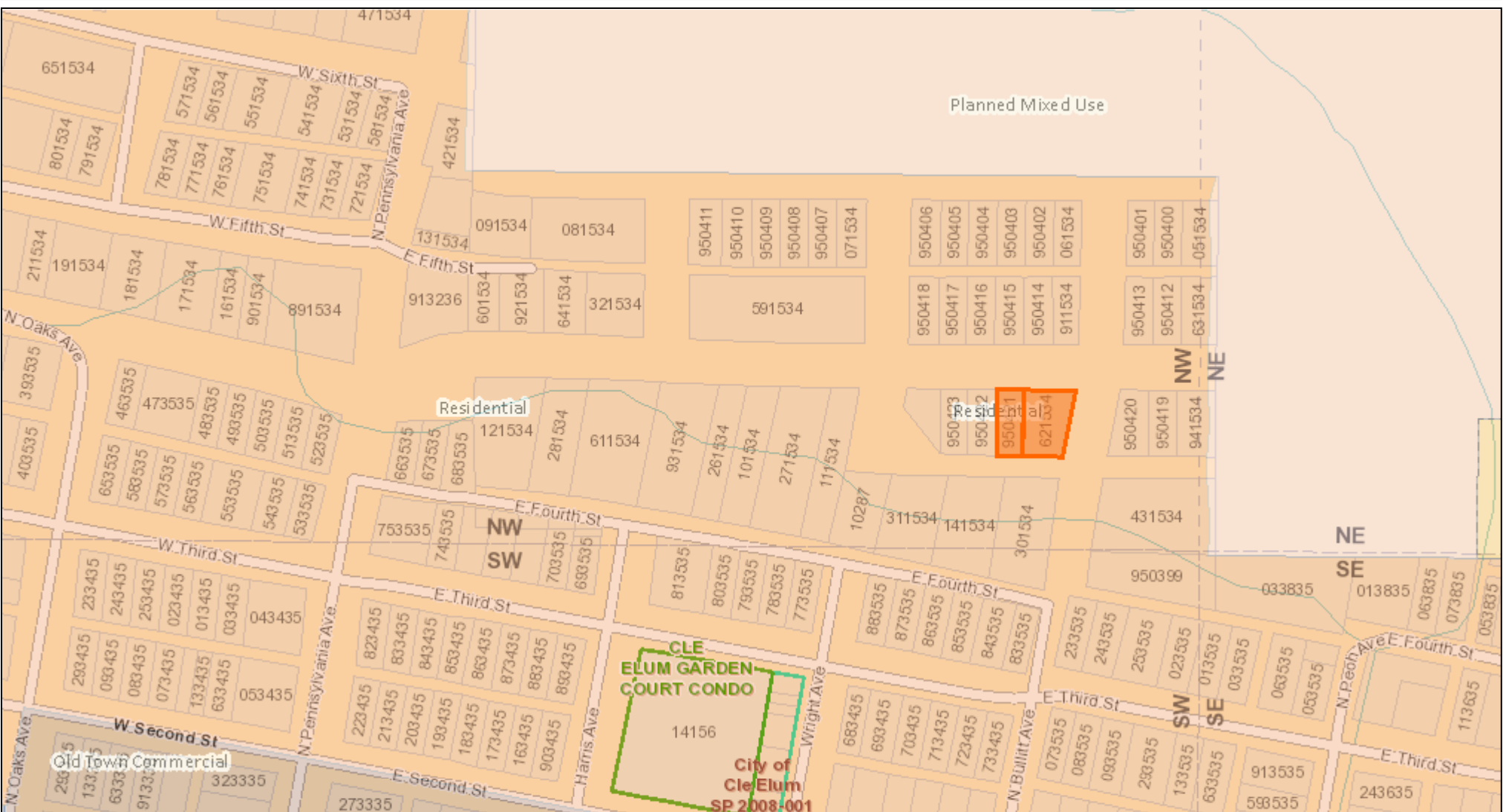
CITY OF CLE ELUM  
NOTICE OF APPLICATION

Pursuant to RCW 36.70B and CEMC 17.100.110, notice is hereby given that the City of Cle Elum did, on April 22, 2019, receive a complete Site Design Review application and Conditional Use Permit application from SAC Wireless on behalf of Vertical Bridge Development, LLC and T-Mobile West LLC for the purpose of constructing a Cellular Tower on City owner property (Parcel No. 621534 & 950421) within the Residential Zone. The applicants on April 22, 2019 also submitted a Variance application for a deviation from the 35-foot height maximum in the residential zone for the same project.

An **Open Record Public Hearing** will be advertised once it is scheduled. Written comments on the application may be submitted to the City Planning Department at the address below or by email at [planning@cityofcleelum.com](mailto:planning@cityofcleelum.com) until the time of the hearing.

**The application and related documents may be examined at City Hall**, located at 119 W First Street, **until 4:30 pm on Wednesday May 22, 2019**. City Hall office hours are 9am-4:30pm Mon-Th and 7am-3:30pm Fri. City Hall can be reached at 509-674-2262 or at the address above. Documents may also be found online at <http://cityofcleelum.com/city-services/administrative-services/public-notices/>

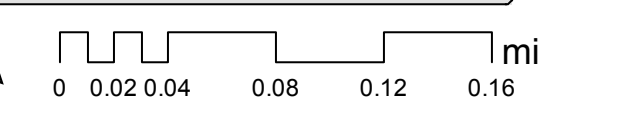
## T-Mobile Tower Project - Vicinity Map



Date: 5/6/2019

*Disclaimer:*  
*Kittitas County makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data, its use, or its interpretation. Kittitas County does not guarantee the accuracy of the material contained herein and is not responsible for any use, misuse or representations by others regarding this information or its derivatives.*

1 inch = 376 feet  
Relative Scale 1:4,514





1 CITY OF CLE ELUM

2 119 W. First Street

3 Cle Elum WA 98926

4  
5 In the matter of \_\_CUP-2019-002, SDR-2019-001, & VAR-2019-001 AFFIDAVIT OF  
6 MAILING

7 STATE OF WASHINGTON )

8 ) ss.

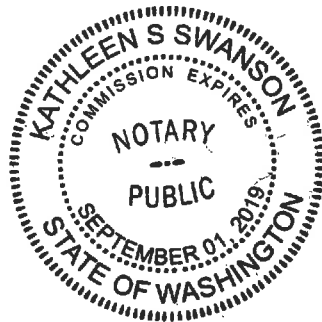
9 County of Kittitas )

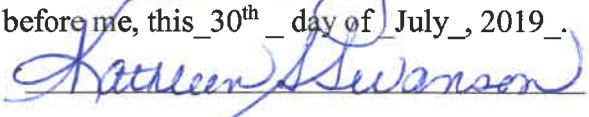
10 The undersigned being first duly sworn on oath states:

11 That on the \_30<sup>th</sup>\_ day of \_July\_, 2019\_, affiant deposited the attached public  
12 hearing notice for the proposed wireless communication facility into the first class mail  
13 of the United States, properly stamped and addressed envelopes directed to: \_the mailing  
14 lists as found attached.

15  
16  
17 Signature: 

18 SUBSCRIBED AND SWORN TO before me, this \_30<sup>th</sup>\_ day of \_July\_, 2019\_.



  
Notary Public in and for the State of Washington

My commission expires: 9/1/19

*City of Cle Elum* Phone:

119 West First Street Fax:  
98922



(509) 674-2262

(509) 674-4097 Cle Elum, WA  
[www.cityofcleelum.com](http://www.cityofcleelum.com)

CITY OF CLE ELUM  
NOTICE OF APPLICATION

Pursuant to RCW 36.70B, CEMC 17.100.090(a), CEMC 17.100.110, notice is hereby given that the City of Cle Elum will hold an **Open Record Public Hearing** at 6pm on August 20, 2019 to hear public comments on a Conditional Use Permit (CUP-2019-002) and Variance (VAR-2019001) for the purpose of constructing a Cellular Tower on City owned property (Parcel No. 621534 & 950421) within the Residential Zone. Applicants are SAC Wireless on behalf of Vertical Bridge Development, LLC and T-Mobile West LLC.

Written comments on the application may be submitted to the City Planning Department at the address below or by email at [planning@cityofcleelum.com](mailto:planning@cityofcleelum.com) until the time of the hearing.

**The applications and related documents may be examined at City Hall**, located at 119 W First Street, **until 4:30 pm on Tuesday August 20, 2019** or online at <http://cityofcleelum.com/city-services/administrative-services/public-notices/proposed-wirelesscommunication-facility/>.

City Hall office hours are 9am-4:30pm Mon-Th and 7am-3:30pm Fri. City Hall can be reached at 509-674-2262 or at the address above.

DOBBS DUANE D  
100 QUAIL VALLEY RD  
CLE ELUM, WA 98922

Occupant  
220 DEER CREEK RD  
CLE ELUM, WA 98922

CASCADIA SNOWCAP LP  
6060 N CENTRAL EXPY STE 200  
DALLAS, TX 75206 - 5355

Occupant  
212 E FOURTH ST  
CLE ELUM, WA 98922

ROBBINS JOHN T ETUX  
9622 26TH AVE SW  
SEATTLE, WA 98106-2640

LEE BRIAN  
308 E 4TH ST  
CLE ELUM, WA 98922

Occupant  
401 E THIRD ST  
CLE ELUM, WA 98922

HANSEN LEVI M & ASHLEE N  
PO BOX 1256  
CLE ELUM, WA 98922-2256

ROBERTS DAVID J  
16229 34TH DR SE  
MILL CREEK, WA  
98012-8348

Occupant  
403 E THIRD ST  
CLE ELUM, WA 98922

BARR GREGORY A  
407 E 3RD  
CLE ELUM, WA 98922

ROGERS LUISA S  
210 E 4TH ST  
CLE ELUM, WA 98922-1118

Occupant  
312 E FOURTH ST  
CLE ELUM, WA 98922

Occupant  
302 E FOURTH ST  
CLE ELUM, WA 98922

AARDE TERRE A  
PO BOX 510  
ROSLYN, WA 98941-0510

Occupant  
311 E THIRD ST  
CLE ELUM, WA 98922

ENGELS MATTHEW C  
PO BOX 773  
CLE ELUM, WA 98922-0773

ARMSTRONG JENNIFER K  
309 E 3RD ST  
CLE ELUM, WA 98922-1211

Occupant  
307 E THIRD ST  
CLE ELUM, WA 98922

JONES CHRISTOPHER J &  
JOSIANE  
7807 222ND ST SW  
EDMONDS, WA 98026-7968

Occupant  
305 E THIRD ST  
CLE ELUM, WA 98922

OLESON STEVEN  
4548 138TH AVE SE  
BELLEVUE, WA 98006-2208

FERGUSON DANNY V  
303 E 3RD  
CLE ELUM, WA 98922

Occupant  
301 E THIRD ST  
CLE ELUM, WA 98922

MAGGS CLIFFORD N ETAL  
405 W 13TH AVE  
ELLENSBURG, WA 98926

## T-Mobile Tower Permitting - Agency email list

[jim@nkctribune.com](mailto:jim@nkctribune.com); [nolan@inlandnet.com](mailto:nolan@inlandnet.com); [David.Hoffman@pse.com](mailto:David.Hoffman@pse.com); [sandy.leek@pse.com](mailto:sandy.leek@pse.com); [mayormcgowan@cityofcleelum.con](mailto:mayormcgowan@cityofcleelum.con); [Firechief@cityofcleelum.com](mailto:Firechief@cityofcleelum.com); [kbland@cityofcleelum.com](mailto:kbland@cityofcleelum.com); [Planning Commission](#); [planner@ci.roslyn.wa.us](mailto:planner@ci.roslyn.wa.us); [townofsouthcleelum@gmail.com](mailto:townofsouthcleelum@gmail.com); [sce@inlandnet.com](mailto:sce@inlandnet.com); [bocc@co.kittitas.wa.us](mailto:bocc@co.kittitas.wa.us); [laura.osiadacz@co.kittitas.wa.us](mailto:laura.osiadacz@co.kittitas.wa.us); [Lindsey.ozbolt@co.kittitas.wa.us](mailto:Lindsey.ozbolt@co.kittitas.wa.us); [environmentalhealth@co.kittitas.wa.us](mailto:environmentalhealth@co.kittitas.wa.us); [kprdpos1@gmail.com](mailto:kprdpos1@gmail.com); [johnson\\_meninick@yakama.com](mailto:johnson_meninick@yakama.com); [prigdon@yakama.com](mailto:prigdon@yakama.com);

## COMMUNITY

Northern Kittitas County Tribune – Reporter, Jim Fossett

Inland Networks – Owner, Nolan Weis

Puget Sound Energy, David Hoffman & Sandy Leek

## LOCAL

### Cle Elum

Mayor Jay McGowan

Cle Elum Fire Department

Cle Elum Police

Planning Commission, (Group Email)

City Council – *Hard copies distributed*

### Other Cities

City of Roslyn – Planner, Michelle Geiger

Town of South Cle Elum – Staff, Dora Bannister

## COUNTY

Board of County Commissioners, General email

Commissioner; District #2 - Laura Osiadacz

Planning Official, Lindsey Ozbolt

Kittitas County Public Health

Parks & Recreation District #1, John Storch

## TRIBAL

Yakama Nation – Cultural Resources Program, Johnson Meninick

Yakama Nation – Natural Resources Program, Phil Rigdon

**From:** [Lucy Temple](#)  
**To:** [Lucy Temple](#)  
**Bcc:** [Jim Fossett \(jim@nkctribune.com\)](#); [Nolan Weis - Inland](#); [David Hoffman \(David.Hoffman@pse.com\)](#); [Leek, Sandy](#); ["mayormcgowan@cityofcleelum.con"](#); [Fire Chief](#); [Kirk Bland](#); [Michelle Geiger \(Planner@ci.roslyn.wa.us\)](#); ["townofsouthcleelum@gmail.com"](#); ["sce@inlandnet.com"](#); [Board of Commissioners](#); [Laura Osiadacz \(laura.osiadacz@co.kittitas.wa.us\)](#); [Lindsey Ozbolt \(Lindsey.ozbolt@co.kittitas.wa.us\)](#); ["environmentalhealth@co.kittitas.wa.us"](#); [kprdpos1@gmail.com](#); ["johnson\\_meninick@yakama.com"](#); ["prigdon@yakama.com"](#); [dedavis1310@gmail.com](#); [Devin Smith](#); [Kerry Clark \(swiftwaterbusinesspark@gmail.com\)](#); [Marc Kirkpatrick](#); [Matt Fluegge](#); [Matthew Lundh](#); [Pam Hawk](#); [Theo Leonard \(tleonardGCS@outlook.com\)](#); [Travis Harris \(zerospin2003@yahoo.com\)](#)  
**Subject:** Cle Elum Public Hearing Notice: T-Mobile Tower  
**Date:** Tuesday, July 30, 2019 6:09:00 PM  
**Attachments:** [19-0730\\_CUP-2019-002\\_HearingNotice.pdf](#)

---

Please see the attached City of Cle Elum notice of public hearing.  
Thank you for your time.

**Lucy Temple, Planner**



119 West First Street  
Cle Elum, WA 98922  
(509) 674-2262 x102  
[www.cityofcleelum.com](http://www.cityofcleelum.com)

**From:** [Lucy Temple](#)  
**To:** ["jana@nkctribune.com"; "terry@nkctribune.com"](#)  
**Cc:** [Jim Fossett \(jim@nkctribune.com\); Kathi Swanson](#)  
**Subject:** 19-0730\_CUP-2019-002\_HearingNotice  
**Date:** Tuesday, July 30, 2019 5:33:00 PM  
**Attachments:** [19-0730\\_CUP-2019-002\\_HearingNotice.DOCX](#)

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Hello Tribune!

Would you please print the attached legal notice in the August 1 and August 8 newspapers? And send me a confirmation?

Thanks!!

Lucy

### **EXHIBIT III. 2019 COMPREHENSIVE PLAN CONSISTENCY**





## Capital Facilities

Goal CF-3: To assure that capital improvements necessary to carry out the comprehensive plan are provided when they are needed.

Policies: CF –3.1 Development shall be allowed only when and where all public facilities are adequate and only when such development can be adequately served by essential public services without reducing level of service standards else-where.

CF–3.4 Require that development proposals are reviewed by the various providers of services, such as school districts, sewer, water, and fire departments, for available capacity to accommodate development and needed system improvements.

CF–3.7 Development proposals within the City should incorporate construction designs which minimize water and energy consumption.

Goal CF-4: To finance the City’s needed capital facilities in as economic, efficient, and equitable a manner as possible.

CF –4.2 General revenues should be used only to fund projects that provide a general benefit to the entire community or the general government functions of the City.

## Land Use

Goal LU-1: Management and Implementation

### Policies

LU –1.2 Land use changes should be guided by topography, soils conditions, adjacent land uses, and the ability of the City to provide facilities and services.

LU –1.5 The City will coordinate concurrency management review. Developers shall provide information relating to impacts that the proposed development will have on public facilities and services.

LU –1.8 Conditional Use Permits, street vacations, variances and other special applications shall only be permitted when there is an overriding permanent public benefit consistent with the goals and policies of this Comprehensive Plan.

Goal LU-3: Preserve Cle Elum’s natural environment while allowing for growth and development.

LU –3.5 All new development must be in compliance with the provisions of the 2019Stormwater Management Manual for Eastern Washington and the Washington State Department of Ecology Best Management Practices.

LU –3.8 Developments in steep slope areas [as defined by CEMC 18.01] shall not be permitted unless information is provided to the City, that is both adequate and acceptable, that addresses erosion, slope and soil stability, drainage, stormwater runoff and diversion.

Goal LU-12: Water Quality & Quantity

### Policies

LU –12.3 The City shall consider the impacts of new development on water quality as part of its review process and will require any appropriate mitigating measures.

LU –12.4 Protect members of the public and public resources and facilities from injury, loss of life, or property damage due to landslides and steep slope failures, erosion, seismic events, or flooding.

LU –12.5 Direct activities not dependent on critical areas resources to less ecologically sensitive sites and mitigate unavoidable impacts to critical areas by regulating alterations in and adjacent to critical areas.

LU –12.6 Adequate on-site disposal of surface water runoff shall be provided by all types of development.

**Goal LU-13: Drainage, flooding, and stormwater runoff**

LU –13.2 Development shall take adequate measures to minimize significant erosion and flash flooding conditions by: Limiting the total amount of impervious surface to be created; Planting sufficient vegetation to offset the effects of the impervious surfaces created; and/or providing sufficient drainage facilities to control storm runoff.

LU –13.3 Where there is a high probability of erosion, grading should be kept to a minimum and disturbed vegetation should be restored as soon as is feasible. In all cases, appropriate measures to control erosion and sedimentation shall be required.

LU –13.4 Review available best management practices which can be used to reduce erosion and sedimentation associated with development within Cle Elum. Investigate the need for additional erosion control measures for construction projects.

**Parks, Recreation, & Open Spaces**

**Goal PRO-1: Develop an outstanding parks, recreation and open space system in Cle Elum to meet the needs of a diverse community.**

PRO-1.1 Preserve a wide variety of lands for park, recreation, and open space purposes including, but not limited to:

- a) Natural areas and natural features with scenic or recreational value.
- b) Land that may provide public access to water bodies, trails, natural areas and parks.
- c) Lands that visually or physically connect natural areas or provide important linkages for recreation and wildlife habitat.
- d) Environmentally sensitive areas, including steep slopes, floodways, wetlands, stream corridors, and habitat.

**Goal PRO-2: Acquire and develop a City-wide, integrated, multiple-use track, trail, and connection system that is functional, safe, and convenient.**

PRO-2.6 Create a comprehensive system of on-road trails to improve connectivity for the pedestrian and bicycle commuter, recreationalist, and touring enthusiast using local road rights-of-way and alignments.

**Goal PRO-8: Investigate and implement methods of financing parks, recreation, and open space acquisitions and improvements, such as grant funding and public-private partnerships.**

PRO-8.1 Investigate innovative and available methods such as growth impact fees, other mitigation, land set-a-side, or fee-in-lieu-of-donation ordinances, and inter-local agreements, to finance facility development, maintenance, and operating needs in order to reduce costs, retain financial flexibility, match use benefits with interests, and increase services.

## Transportation

Objective 2: Create a comprehensive street system that provides reasonable vehicular circulation throughout the City while enhancing the safety and function of the overall local transportation. (CWPP 4.1; KC Comp Plan GPO 4.1, 4.3, 4.4)

PolicyT-15 Provide a balance between protecting neighborhoods from increased through traffic while maintaining access to neighborhoods.

PolicyT-17 Develop strategies to reduce adverse traffic impacts on local areas. Areas of the City that require this type of planning should be identified and addressed through the sub-area planning process, neighborhood plans, or traffic mitigation programs that are implemented through development review.

Objective 3: Evaluate existing and future land use for its impacts to the circulation system; ensure that a consistent level of service is provided to the public; and any improvements that may be required, are concurrent to the development. (RCW 36.70(A).040; CWPP 4.8; KC Comp Plan GPO 4.16, 4.18)

Policy T-22 The City shall not issue development permits where the project requires transportation improvements that exceed the City's ability to provide these in accordance with the adopted Level of Service standard, unless the developer accepts full responsibility for such improvements.

PolicyT-23 New development shall be allowed only when and where all transportation facilities are adequate at the time of development, or unless a financial commitment is in place to complete the necessary improvements or strategies which will accommodate the impacts within six years; and only when and where such development can be adequately served by essential transportation facilities without reducing level of service elsewhere.

Objective 4: Promote the development and enhancement of non-motorized transportation Citywide. (CWPP 4.6; KC Comp Plan GPO 4.14.)

PolicyT-29 Streets and pedestrian paths in residential neighborhoods should be arranged as interconnecting networks and should connect to other streets.

## Utilities

Goal U1: Designate the general location, proposed location, and capacity of existing and proposed utility facilities in the City and Urban Growth Area (UGA).

Policy U1.3: Where safe and practical, use regional and local power, natural gas, and telecommunication corridors for the development of recreational trails, open spaces, parking lots, or other land uses that may provide multiple benefits to the local community or neighborhood.

Policy U1.5: Promote whenever feasible emerging and innovative technologies which can be used to broaden the types of alternative forms of energy in or for new public and private utility distribution facilities.

GOAL U3: Decisions made by the City of Cle Elum regarding utility services within the City will be made in a manner consistent with and complementary to regional demands and resources.

Policy U3.2: Site utilities away from critical areas, or site them in a manner that is compatible with critical areas.

Policy U3.3: New development shall be allowed only when and where utilities are adequate, and only when and where such development can be adequately served by essential public utilities, or provided by the developer, without significantly degrading level of service elsewhere.

GOAL U4: Additions to and improvements of utility services will be allowed to occur at a time and in a manner sufficient to serve planned growth.

Policy U4.1: Process permits and approvals for all utility facilities in a fair and timely manner, and in accordance with land development regulations that ensure predictability and project concurrency.

Goal U5: Planning by the City of Cle Elum for utility facilities development within the City and UGA will be coordinated with planning by other jurisdictions for utility development.

Policy U5.3: Provide timely and effective notice to utilities of the construction, maintenance or repair of streets, roads, highways, or other facilities, and coordinate such work with the serving utilities to ensure that utility needs are appropriately considered.

Policy U5.4: Promote whenever feasible co-location of new public and private utility distribution facilities in shared trenches and physical locations, and coordinate construction timing to minimize construction-related disruptions and reduce the cost of utility delivery.

#### **EXHIBIT IV. COMMENTS RECEIVED**

Written comments received through August 5, 2019 are included in this staff report. Other written comments received at or before the August 20, 2019 hearing will be included in the final permit package.



**From:** [M Leslie](#)  
**To:** [Lucy Temple](#)  
**Subject:** Tower Question  
**Date:** Saturday, August 3, 2019 10:26:15 AM

---

Lucy,

I read through the report to find out exactly where the proposed tower will be located. It will either be directly in front of my mom's house or just to the side. When we sit on our couch, we look at the ridge, so we will now look directly at the cell tower. Our property value will be halved if not worse.

I've been up on the ridge many times as people walk their dogs up there, and I'm sad that the city allowed T-mobile to take away a greenbelt, park space when other options could be explored. Every house in Cle Elum will be affected sadly, ours is just the worst.

Could you clarify which of the two parcels will be the actual tower? One is to the left of Bullitt, and the other to the right?

We don't have any recourse to stop this and you can probably understand how crushed my Mom is as she has almost paid off her house. She is stressing out and has had some health issues so we are trying to mitigate with clear information.

--

*Martha Leslie (for Dorothy Olson)*  
*312 E. Third St.*  
*Cle Elum, WA . 98922*

**From:** [M Leslie](#)  
**To:** [Lucy Temple](#)  
**Subject:** Tmobile Tower  
**Date:** Thursday, August 1, 2019 12:30:01 PM

---

Hi Ms. Temple,

I have a question about the location of the T-mobile tower that I am hoping you can answer. My mom lives at 312 E. Third St. and is concerned that it is just on the hill above her house. We could not tell from the artist's rendition in the paper. The land above has been empty for as long as I can remember, and we played up there as children so I am thinking that this is the property gifted to the city. Could you give me either coordinates or a physical crossing street? My mom is concerned and we are worried about her worrying. Thank you so much.

--

*Martha Leslie*  
*17101 124th Ave E. K201*  
*Puyallup, WA . 98374*



**From:** [Sean Northrop](#)  
**To:** [Lucy Temple](#)  
**Cc:** [Gregg Dohrn](#)  
**Subject:** RE: cell tower  
**Date:** Wednesday, June 12, 2019 11:41:55 AM

---

Nice job!  
thanks Lucy-

## **TRAILSIDEHOMES™**

Sean Northrop

Founder, CEO

116 ½ South Washington Street, Seattle, WA 98104

**M:** 206.459.3490 | **O:** 206-388-3585

[www.TrailsideHomes.com](http://www.TrailsideHomes.com)

[www.TrailsideCollection.com](http://www.TrailsideCollection.com)

---

**From:** Lucy Temple <[lucy@cityofcleelum.com](mailto:lucy@cityofcleelum.com)>  
**Sent:** Wednesday, June 12, 2019 11:25 AM  
**To:** Sean Northrop <[sean@trailsidehomes.com](mailto:sean@trailsidehomes.com)>  
**Cc:** Gregg Dohrn <[greggdohrn@comcast.net](mailto:greggdohrn@comcast.net)>  
**Subject:** RE: cell tower

Hello Sean,

Yes, there was extensive discussion about creating a “stealth” aesthetic. We were able to negotiate color matching of all equipment, including antennas and required them to keep all cables, wires, etc. internal to the structure.

The project documents, including the lease (which has the color matching information) are located here: <http://cityofcleelum.com/city-services/administrative-services/public-notices/proposed-wireless-communication-facility/>

Take care,  
Lucy

---

**From:** Sean Northrop [<mailto:sean@trailsidehomes.com>]  
**Sent:** Tuesday, June 11, 2019 6:06 PM  
**To:** Lucy Temple; Gregg Dohrn  
**Subject:** cell tower

Was there any discussion about making this tower more aesthetically pleasing and in line with the surroundings? I’ve seen a lot of them that are close to invisible, disguised as trees....

## **TRAILSIDEHOMES™**

Sean Northrop

Founder, CEO

116 ½ South Washington Street, Seattle, WA 98104

**M:** 206.459.3490 | **O:** 206-388-3585

[www.TrailsideHomes.com](http://www.TrailsideHomes.com)

[www.TrailsideCollection.com](http://www.TrailsideCollection.com)

(attachment(s) by the intended recipient of the attachment or others after this email leaves the system.  
Wintbauer, Hamak, Stothower & Denison L.L.P. email server)

From: Douglas W. Nicholson

Sent: Tuesday, May 28, 2019 12:25 PM

To: [planning@cityofcleelum.com](mailto:planning@cityofcleelum.com)

Cc: Mike Miller <[Mikemiller609@hotmail.com](mailto:Mikemiller609@hotmail.com)>; Kimberly Bailes <[kbailes@twhsd.com](mailto:kbailes@twhsd.com)>

Subject: FW: Attached image

To: Lucy Temple, City Planner and SEPA Official

Re: City of Cle Elum's SEPA Checklist and DNS for Applicant SAC Wireless for Vertical Bridge & T-Mobile

for a 153-foot wireless communications facility (i.e., a cell tower and related infrastructure)

Dear Ms. Temple:

This firm, through the undersigned, represents Mike and Shirley Miller, who hereby object to the above-referenced project, for at least the following reasons:

- The 4,000-sq. ft. parcel on which the proposed communications facility is to be constructed includes Tax Parcel Nos. 621534 and 950421 (see page 3 of the SEPA Checklist and DNS).
- These two parcels are part of the "Miller-Guzzie Park", which is identified as one of the City of Cle Elum's nine parks located within the city limits (see City's 2019 Comprehensive Plan Update).
- Miller-Guzzie Park was created pursuant to the "Donation Agreement" between the City of Cle Elum and the Millers (see Exhibit A to the attached complaint, filed March 13, 2018, which is an active case pending in the Kittitas County Superior Court).
- On April 10, 2018 (after the complaint was filed, and in an apparent response thereto), in its Regular City Council Meeting of that date, the City of Cle Elum adopted Resolution No. 2018-012, designating the Miller-Guzzie Park within the City Parks System.
- The proposed wireless communications facility is incompatible with the use of the site as the Miller-Guzzie Park.

- \* This proposed wireless communications facility also violates the letter and spirit of the "Donation Agreement" between the City of Cle Elum and the

\*\*\*\*\*

It is clear from the City of Cle Elum's SEPA Checklist and DNS that the City failed to take the above facts into consideration. Accordingly, the Millers will be amending their complaint to seek injunctive relief, and possibly other remedies, if the project proceeds any further.

Sincerely,

**Douglas W. Nicholson**

Lathrop, Winbauer, Harrel, Slothower & Denison, L.L.P.

PO Box 1088 201 W. 7th Avenue

Ellensburg WA 98921

Phone: (509) 925-6910

Fax: (877) 463-9800

Email: [dnicholson@lwbsd.com](mailto:dnicholson@lwbsd.com)

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From: Cooler <[FileClerk@lwbsd.com](mailto:FileClerk@lwbsd.com)>

Sent: Tuesday, May 28, 2019 11:41 AM

To: Douglas W. Nicholson <[dnicholson@lwbsd.com](mailto:dnicholson@lwbsd.com)>

Subject: Attached Image



Attn: Huey Temple

City of Columbus  
Planning Dept

CBS NEWS / April 4, 2019, 7:45 AM

# After several childhood cancer cases at one school, parents question radiation from cell tower

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PROVIDED AS COMMENT  
KENT MCCORMACK

Sprint shut down a cellphone tower on the campus of a California elementary school after some parents said it may be linked to several recent cases of childhood cancer. Those families at Weston Elementary School in Ripon claim the tower could have exposed their kids to harmful radiation. Sprint said the tower is safe and has operated well below federal safety limits, but the company turned it off anyway and plans to move it to a new location.

Kellie Prime's son, Kyle, was just 10 years old when he was diagnosed with kidney cancer in 2016.

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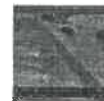
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"My son missed growing up with his friends. My son lost all of his hair," Prime said, choking up with emotion. "It's not something that I wish on anybody to watch their child go through what our children have gone through."

Five months later, Kyle's friend and classmate, Mason Ferrulli, developed brain cancer.

"Fourteen hours to get the tumor out and he had five weeks of inpatient rehabilitation. He had to learn to walk, talk, eat, everything all over again," said Mason's mother, Monica Ferrulli.

Two more kids at the school were diagnosed this year.

"At what point are you saying, we gotta take a close look at the school here?" CBS News correspondent Carter Evans asked.

"The moment that I found out that Mason had been diagnosed... it popped into my mind that something was not OK," Prime said.

The moms believe the recent increase in cancer cases could be caused by radiation from radio frequency, or RF, waves coming from a cell tower located on the elementary school campus.



Cell phone tower at Weston Elementary School in Ripon, California / CBS NEWS

"It is classified as a possible carcinogen. That tells us that there is some evidence out there," Ferrulli said. "We're not naive to the fact that there could be other components out there -- other environmental influences... but the bottom line that we feel in regards to this tower is it doesn't belong there... if there's any indications that it's unsafe."

Ferrulli said it's "absolutely" not worth the risk.

The district hired engineers to measure the exposure and concluded the tower met "government and industry standards in all respects" and posed "no threat to student safety."

The parents hired their own investigator who found much higher RF levels than the district did, but still within government safety standards.

Sprint network project manager Dharma Nordell said three tests have shown the

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TOMORROW on @CBSThisMorning, #PlannedParenthood CEO @DrLeanaWen will join us live. [cbsn.ws/2JLTSur](https://www.cbsnews.com/2JLTSur)



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tower is operating 100 times below the federal limit.

"Does Sprint believe that tower could be causing cancer?" Evans asked her.

"Absolutely not," Nordell said. "It is not a safety concern to the community but we do hear the community's concerns, so we're quickly working to relocate the tower."

CBS News medical contributor and oncologist Dr. David Agus said the number of cases warrants further investigation.

"Whenever you hear of cases of cancer in a child obviously that itself is alarming. When there's several cases in one school... that's even more alarming," Agus said.

But he said people exposed to RF waves at normal levels have not been found to be at higher risk for developing cancer.

"The way to study this is to look at the incidents of cancer in proximity to these towers," Agus said. "We have to look at epidemiologic data... but the data today both in adults and children don't point to these causing cancer."

The American Cancer Society said there is "very little evidence" to support the idea that being near a cell tower might increase the risk of cancer, but they also said "very few human studies have focused specifically" on that risk.

"Do you believe the oncologists who say cell towers can't cause cancer?" Evans asked.

"I believe that everybody wants to believe our government," Prime said. "Technology is what it is and it's growing and it's growing out of control."

Ferruli's son's cancer has returned and he's now undergoing treatment. Prime's son, Kyle, is in remission, but still undergoes scans every three months.

"I've looked into his eyes and I've looked at the fear that he has as a 9-year-old facing something, asking me, 'Mom am I going to die?'" Prime said. "It would push you to fight as well. It would push any parent to fight. I won't stop until it's done, until that thing is gone."

The school district tells CBS News it has been in touch with the California Department of Health and has tested the school's soil and water. It is waiting for the results of those tests.

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## Fourth child diagnosed with cancer while attending school with cell phone tower on campus

By Anna Gibbs On 3/13/19 at 10:23 PM EDT  
4-5 minutes

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Parents in Ripon, California say a cell phone tower in a local schoolyard is to blame for the cancer diagnoses of four students in the last three years.

The tower, which is located at Weston Elementary, is the same as others scattered throughout the town. However, one parent told [CBS Sacramento](#) that its proximity to her son led to his 2017 brain cancer diagnosis.

"We had a doctor tell us that it's 100 percent environmental, the kind of tumor that he has," Monica Ferrulli said in the interview. "It's indescribable, it's really tough."

Ferrulli's son Mason was the second child to be diagnosed with cancer in just three years at the school. Mason walked by the cell phone tower daily.

She also told the *Modesto Bee* that when questioned, the school district cited an "obsolete American Cancer Society study" as the reasoning for keeping the tower in its current location. Ferrulli told the newspaper that parents will continue to fight and keep their children out of the school.

On Tuesday, more than 200 children were absent from Weston Elementary as a form of protest. Tuesday night, the children's parents attended a meeting of the Ripon Unified School District.

Richard Rex, whose family lives across the street from Weston School, said a bump appeared on his 11-year-old son's abdomen a month ago. He said his son's classroom is near the tower.

Rex's son was taken to doctors for examinations and tests that found a tumor wrapped around his liver. The boy now has a portal for starting cancer treatment, his parents told the *Bee*.

"They said they can shrink it and cut it out. They're also talking liver transplant. It is very scary," Rex said.

In a statement to *Newsweek* from RUSD said the school board and administration "empathizes with and support these children and their families in their recovery." The statement also said

independent tests shown the tower is performing within the guidelines established as safe by current government and global standards.

RUSD is 10 years into a 25-year contract with the tower's owner, Sprint, which requires it to honor the lease for this tower location.

"There is no legal contractual basis on which the district can demand the cell phone company remove the tower, however, we are working together with them to come to a mutual resolution," the statement said.

Adrienne Norton, a Sprint representative, indicated that the company's goal is to provide wireless service to Ripon residents.

"When it comes to the deployment of network infrastructure, we always strive to achieve a win/win process with local municipalities and residents," Norton wrote.

The school district is working with Sprint to address the concerns of the community, the statement said.

A group of parents were unconvinced by the district's reassurances and hired Eric Windheim, an electromagnetic radiation specialist.

"I wouldn't send my kids there at all, it absolutely is dangerous," Windheim said in an interview with CBS Sacramento. "Children are still developing and their cells are still being divided. It's the worst possible time in their life to be exposed."

The Cochran Firm of Los Angeles has been hired to look at health effects of the cell tower and water contamination as a possible source.

According to the American Cancer Society, very few studies have focused on cell phone towers and the risk of cancer connected to them.

In one study, researchers compared a group of more than 2,600 children with cancer to a group of similar children without cancer. The results indicated that children who lived in a town with "higher than average RF radiation" from cell towers had a slightly increased chance of developing cancer. However, there was no limit to the type of cancer found in those children.

This study estimated the children's possible exposure based on the number of towers in their town and how strong the signals were from the towers. It did not look at actual exposure of any individual child based on how far their home or school was from a tower.

"This limitation reduces confidence in the results of the study," the American Cancer Society article said.

- 

-

**From:** [Jeffery A Head](#)  
**To:** [Cle Elum Planning](#)  
**Cc:** [Terri@headmechanical.com](mailto:Terri@headmechanical.com)  
**Subject:** Cell Tower  
**Date:** Friday, May 24, 2019 9:02:48 AM

---

I just want to let known my support of the T-Mobile cell tower. We shouldn't let the unfounded concerns of a few people hold up the progress of the rest of the citizens. Cell phone reception in this area is poor at best and it is my expectation this would be greatly improved with this new tower. I also realize that 5g is coming soon and would also expect this new tower would be compatible with that technology. These cell towers not only provide better communications for the public, they help with emergency services, and affordable internet for everyone. Cle Elum needs to continue to move forward with the state of the art tele communications.

I would find it very disappointing if these chem-trail conspiracy theorist on the internet would find a way to stop this progress without any real fact-based arguments. I find it ironic they are using the very technology they are protesting, to protest this project.

By the way, I do own property within the city limits, as well as the surrounding areas. Including our residence, we are currently building on Summit view, not far from the proposed locations of this tower. Property on Grant, and our current home and place of business on Storie Ln

Sincerely,

Jeffery A. Head  
President,



600 Storie Ln  
Cle Elum, WA. 98922  
Office (509) 674-6972

**From:** [Paulo Lopez](#)  
**To:** [Lucy Temple](#); [Matthew Grugan](#)  
**Subject:** RE: WSDOT SEPA Comment  
**Date:** Wednesday, June 12, 2019 12:12:58 PM

---

Hi Lucy,

This SEPA comment has been addressed.

Per WSDOT:

“This is a hold-over from interference issues that occurred between Nextel and public safety 800Mhz radio systems because some of the frequencies that Nextel was operating on were right in the same band. At this point although we don’t anticipate interference from new wireless installations, we would like to collect contact information from new users should such issues occur in the future. A courtesy notification of when they commence transmitting would also be appreciated.”

We provided contact information and will notify WSDOT when the site goes on air.

Best,

*Paulo Lopez*

**Paulo Lopez | Site Development Specialist | O: (916) 306-7082**  
SAC Wireless | 8880 Cal Center Drive, Suite 130, Sacramento CA 95826  
[paulo.lopez@sacw.com](mailto:paulo.lopez@sacw.com) | [www.sacw.com](http://www.sacw.com)

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---

**From:** Lucy Temple <[lucy@cityofcleelum.com](mailto:lucy@cityofcleelum.com)>  
**Sent:** Monday, May 20, 2019 4:53 PM  
**To:** Matthew Grugan <[MGrugan@verticalbridge.com](mailto:MGrugan@verticalbridge.com)>; Paulo Lopez <[Paulo.Lopez@sacw.com](mailto:Paulo.Lopez@sacw.com)>  
**Subject:** WSDOT SEPA Comment

Hi there,

I don’t plan to send you all comments piecemeal, but the health comment was important to address asap, and the attached comment is from the Washington State Department of Transportation and should be planned for in your project. Please let me know once you address this.

Thank you,

**Lucy Temple, Planner**



119 West First Street  
Cle Elum, WA 98922  
(509) 674-2262 x102  
[www.cityofcleelum.com](http://www.cityofcleelum.com)



**Washington State  
Department of Transportation**

South Central Region  
2809 Rudkin Road  
Union Gap, WA 98903-1648  
509-577-1600 / FAX: 509-577-1603  
TTY: 1-800-833-6388  
[www.wsdot.wa.gov](http://www.wsdot.wa.gov)

May 15, 2019

City of Cle Elum  
119 West First Street  
Cle Elum, WA 98922

Attention: Lucy Temple, SEPA Official

Subject: SAC Wireless for Vertical Bridge & T-Mobile  
SR 903, milepost 1.70 right

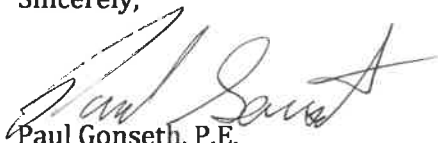
We have reviewed the proposed project and have the following comment.

The proposed project is in the vicinity of State Route 903 (SR 903) and Interstate 90 (I-90). As a public safety agency, WSDOT assists with the response to emergencies in which life and property are threatened. Some communications facilities operate at frequencies that interfere with our radio system. Because of this, there is the potential for reception problems for our mobiles operating in those areas. To prevent potential interference with the two systems, we encourage the proponent to do cooperative testing with the WSDOT to identify any problems that may be corrected through the installation of specific protective or interference devices. The applicant should contact Walt Hoffman of the WSDOT - South Central Region Office at (509) 577-1980 to discuss any potential interference or coordinate any testing.

In addition, we are concerned with potential interference from any facilities that may co-locate on this site in the future. To prevent potential interference between our system and any future system, we encourage the proponent to coordinate future co-locates with the WSDOT.

Thank you for the opportunity to review and comment on this proposal. If you have any questions regarding our comments, please contact Jacob Prilucik at (509) 577-1635.

Sincerely,



Paul Gonseth, P.E.  
Planning & Materials Engineer

PG: jjp/mnk

cc: File #1, SR 903  
Harry Nelson, Area 1 Maintenance Superintendent  
Walt Hoffman, Senior Telecommunications Specialist

**From:** [Amy Pridemore](#)  
**To:** [Lucy Temple](#)  
**Subject:** RE: the cell tower  
**Date:** Monday, May 20, 2019 1:03:54 PM  
**Attachments:** [image001.png](#)

---

Oh! Thanks Lucy! Even better! I have been a little worried about that. It's bad enough that some of my patrons can already see into my back yard and comment on my sleeping habits. I am happy to hear that there won't be anything right there. And you are absolutely correct about the road. It would be good to have it be accessible to fire trucks. Gates would be good too. Sometimes people drive up there. So all is well in my world, and I have some good information to convey when asked. Thanks again!  
Amy

---

**From:** Lucy Temple  
**Sent:** Monday, May 20, 2019 12:36 PM  
**To:** Amy Pridemore  
**Subject:** RE: the cell tower

Amy – great follow-up questions.

First, the gravel road is pretty much already there, but is not easy to traverse. One additional benefit is that this road was identified during the Jolly Mountain Fire as a necessary emergency fire access road, which this would help with! The gravel and partial widening will be so not only a 4wd jeep, but also a fire truck or ambulance would be able to navigate it. Again, it will be gated to all but emergency and maintenance (including the wireless facility maintenance personnel).

Second, the surrounding lots will not be developed, as far as I can see due to the bedrock being at the surface, and the area being designated as a park. It is currently zoned residential, but is called Miller-Guzzie Park and as such no development (other than maybe future firewising activities) is planned.

Cheers,  
Lucy

---

**From:** Amy Pridemore  
**Sent:** Monday, May 20, 2019 12:25 PM  
**To:** Lucy Temple  
**Subject:** RE: the cell tower

Thanks so much Lucy!

I always try to send people your way, and I always tell them how approachable you are and how you know the actual facts about projects in the city. And to not be afraid to go to City Hall and have your voice heard! But sometimes, folks just want to blow off steam and rant. I really have tried everything to not engage on this topic, people get so worked up. But, since I do walk up there every day, and very much value that access, I admit to having some concerns myself. Which you answered. The key one was if it would restrict pedestrian access. I am bummed to possibly have a gravel road up there. It's a pristine beautiful little walk. But working at the library, I am keenly aware of how expensive it is to have reliable cell service here that a lot of people just can't afford. And I suppose an actual road, would be a better fire break than what is there...

The map is great! Thanks for including it ☺

I am thinking a lot of that space in red is going to be developed in the future? I have looked at the maps and tried to figure that out. I am not against growth and change! Lol, but I do love being able to walk into the wild out my back door. Thanks again Lucy!

---

**From:** Lucy Temple  
**Sent:** Monday, May 20, 2019 11:21 AM  
**To:** Amy Pridemore  
**Cc:** Cle Elum Planning  
**Subject:** RE: the cell tower

Thank you for reaching out Amy.

The proposed tower is not yet approved – it will have to go through the permitting process, which includes at least one public hearing. We have received maybe two written comments so far.

The proposal would install a concrete pad on the south side of the 5<sup>th</sup> street extension (on the side closest to the city), and construct a small outbuilding, all of which will be inside fencing. We have required all materials to be color matched.

The construction will require that unimproved road to be upgraded to a drivable gravel road that will allow for large construction equipment to gain access. However, the site will be gated at each end to restrict vehicle use, but will still allow bicycles and pedestrians. The west end is City property. The east end is private property, so we really have no control over that portion.

The City can only regulate the access on the City property. Once the public decides to leave the city property they are on private land. Again, we can neither allow nor prohibit people from being on private property unless there is a directive from landowners. See screenshot below for what area on the hill is owned by the City (red) and what is proposed to be part of the project (blue) – definitely not exact!!

Please continue to direct the public to the City's public notices webpage which has a [Proposed Wireless Facility](#) link or to City Hall or [planning@cityofcleelum.com](mailto:planning@cityofcleelum.com), but certainly don't feel that you in any way need to address this, particularly on your free time while you're out and about and running errands!! Just send them our way.

Thanks!  
Lucy





Amy

T MOBIL

RADIUS SHOWING RADIATION  
RATE AT DIFFERENT DISTANCES.  
HOW FAR FROM CENTER OF  
TOWER BEFORE RADIATIONS  
DROPS OFF TO SAFE  
LEVEL USING 5G POWER-  
OUTPUT W/ ADDITIONAL  
ADD ONS TO PROPOSED  
TOWER.

KENT MCCORMACK  
CELL # 253-797-0235  
PLEASE TEXT ME.

**From:** [David Swory](#)  
**To:** [Lucy Temple](#)  
**Subject:** RE: Proposed Cell Tower  
**Date:** Tuesday, May 14, 2019 2:10:59 PM

---

Thank you Lucy, I'll check it out.

V/r

Dave Swory

---

**From:** Lucy Temple [mailto:lucy@cityofcleelum.com]  
**Sent:** Tuesday, May 14, 2019 2:08 PM  
**To:** David Swory  
**Subject:** RE: Proposed Cell Tower

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Hello again David.

I recall receiving a comment from you this time last year. Please have a look at the website that includes all the information we have received on this project. We have not yet begun reviewing the permit applications, so I cannot answer your questions at this time. Rest assured, we will be reviewing all aspects of this project prior to completing any staff report for the Planning Commission.

Here is a link to the information.

<http://cityofcleelum.com/city-services/administrative-services/public-notice/proposed-wireless-communication-facility/>

**Lucy Temple, Planner**



119 West First Street  
Cle Elum, WA 98922  
(509) 674-2262 x102  
[www.cityofcleelum.com](http://www.cityofcleelum.com)

---

**From:** David Swory [mailto:dswory@kvhealthcare.org]  
**Sent:** Tuesday, May 14, 2019 1:35 PM  
**To:** Lucy Temple  
**Subject:** Proposed Cell Tower

Good Afternoon,

I have to inquire if the city did an impact study regarding the visibility of the new cell tower from the Cle Elum ridge area to the north. The proposed location seems to be directly in the view of my lot, specifically my living room window, from Meadow Ridge which is somewhat lower on the ridge but there are lots higher up (also, if I read the notice correctly, the company was allowed to exceed current height standards for that area, so how tall is this tower going to be. Lots in that area aren't cheap, and are sold based on the views (painting it to look like a tree isn't the same as the views that were natural when purchasing a lot). What guarantees are being made by the city and company that the tower won't disrupt the view and lower the value of the homes in that, and other areas located similarly, let alone the ones directly next to it? And if lots do lose value due to this tower, how will the city and company navigate that?

V/r

Dave Swory

[Dave011272@yahoo.com](mailto:Dave011272@yahoo.com)

(509) 308-9015