



Hearing Examiner Staff Report and Recommendation

Report Date: March 19, 2021
Hearing Date: April 8, 2021

Application Submittal Date: May 28, 2020
Application Complete Date: August 28, 2020

Project Name: BR0297 Port Orchard Wildwood New Cingular Wireless (AT&T)-
Type of Application: Conditional Use Permit
Permit Number: 20-02223

Project Location

SW Youngwood Way and William Heights
Lane SW
Port Orchard, WA 98367
Commissioner District #2

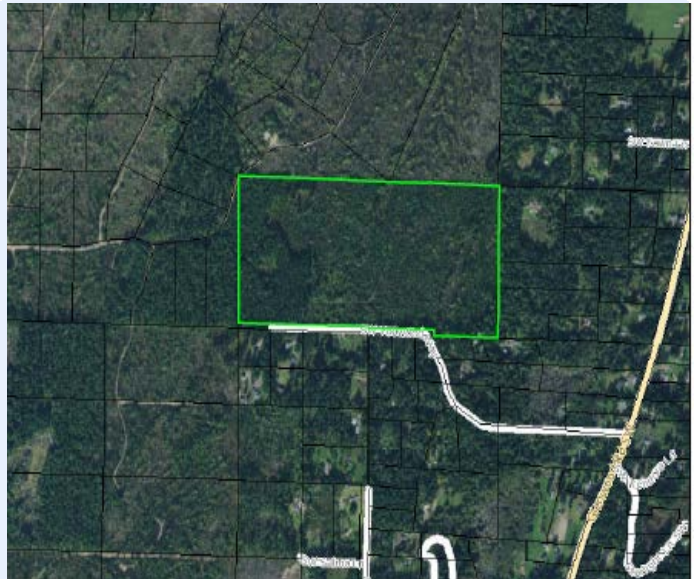
Assessor's Account

282301-2-007-2005

Applicant/Owner of Record

ALPINE EVERGREEN CO INC
7124 ST HWY 3 SW
BREMERTON, WA 98312-4974

VICINITY MAP



Recommendation Summary

Approved subject to conditions listed under section 13 of this report.

1. Background

New Cingular is requesting Conditional Use Permit approval to construct a new 150' monopole tower and automated telecommunications facility within a 3,600-square foot secured lease area. The tower and associated ground equipment and generator will be contained in a 60' x 60' lease area. The tower will include a top hat support 12 antennas, 18 remote radio units with associated ground equipment located in an 8'x16' equipment shelter. The intent of the facility is to improve voice and data capacity as well as fill a coverage gap in the rural area East of Port Orchard.

The wireless communication facility (WCF) has been reviewed for consistency Kitsap County Code (KCC) 17.530 Wireless Communication Facilities. The new tower-based wireless communication facility (WCF) is required to be reviewed pursuant KCC 17.550 Conditional Use Permit to determine if the facility is compatible with surrounding residential land uses and not create more than a moderate visual impact upon significant viewsapes. The

Review Authority for the permit is the Kitsap County Hearing Examiner, pursuant to KCC Title 21 Land Use and Development Procedures.

2. Project Request

The applicant seeks approval for a Conditional Use Permit to construct a new tower-based facility in South Kitsap County.

3. SEPA (State Environmental Policy Act)

The State Environmental Policy Act (SEPA), found in Chapter 43.21C RCW (Revised Code of Washington), is a state law that requires the County to conduct an environmental impact review of any action that might have a significant, adverse impact on the environment. The review includes the completion of an Environmental Checklist by the applicant and a review of that checklist by the County. If it is determined that there will be environmental impacts, conditions are imposed upon the applicant to mitigate those impacts below the threshold of "major" environmental impacts. If the impacts cannot be mitigated, an environmental impact statement (EIS) must be prepared. The decision following environmental review, which may result in a Determination of Nonsignificance (DNS), Mitigated DNS, or the necessity for an EIS is called a threshold determination. A separate notice of the threshold determination is given by the County. If it is not appealed, it becomes part of the hearing record as it was issued, since it cannot be changed by the Hearing Examiner.

Pursuant to WAC 197-11-355, the optional DNS process was utilized for this project. The SEPA Comment period previously occurred concurrent with the Notice of Application dated 09/11/2020 (Exhibit 18). A Determination of Nonsignificance (DNS) was issued on 03/25/2021 (Exhibit 31). SEPA noted the following information/SEPA mitigation conditions have been imposed and are listed under conditions 21-23 at the end of this report:

COMMENTS:

The SEPA comment period previously occurred concurrent with the Notice of Application dated 09/11/2020. There was one comment received in support of the proposal.

PROJECT CONDITIONS:

1. The proposed activity will be conditioned to use stealth paint schemes to reduce potential visual impacts on surrounding properties.
2. Using existing tree stands, the monopole will be consistent with the rural character surrounding the property owned by Alpine Evergreen, Company.
3. There are wetlands and a seasonal creek on the property. The project will be conditioned per KCC Title 19.200 and 19.300. All associated critical buffers are met with the proposal.
4. The project is conditioned for stormwater control, per KCC Title 12.

The SEPA appeal period expires 04/24/2021. if no appeals filed; the SEPA determination is final.

4. Physical Characteristics

The subject property is 75.62 acres in size and in forestry tax program. The property includes streams, wetlands and steep slopes. The site is vacant land and portions of the property has been logged by the landowner Alpine Evergreen. The property straddles two watersheds southern reach of Blackjack Creek watershed and within the Key Peninsula Frontal Carr Inlet.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Rural Residential Zone: Rural Residential	Standard	Proposed
Minimum Density	NA	NA
Maximum Density	75.62 acres =15 units maximum	
Minimum Lot Size	NA	NA
Maximum Lot Size	NA	NA
Minimum Lot Width	NA	NA
Minimum Lot Depth	NA	NA
Maximum Height	35 feet	2 stories, <35 feet
Maximum Impervious Surface Coverage	NA	NA
Maximum Lot Coverage	NA	NA

Applicable footnotes: KCC 17.410.050 #16 Utility standards do not apply and subject to a Conditional Use Permit per KCC 17.530

Staff Comment: Pursuant to KCC 17.

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (South)	50 feet	99 feet
Side (East)	20 feet	1,884 feet
Side (West)	20 feet	671 feet
Rear (North)	20 feet	1,172 feet

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Undeveloped.	Rural Residential (RR)
South	Single-family residences	RR
East	Undeveloped and single-family residences	RR
West	Undeveloped	RR

Table 4 - Public Utilities and Services

	Provider
Water	Kitsap PUD #1
Power	Puget Sound Energy
Sewer	Kitsap County
Police	Kitsap County Sheriff
Fire	South Kitsap Fire & Rescue
School	South Kitsap School District #401

5. Access

The wireless communication facility will receive access from a 20-foot wide gravel driveway/road located off SW Youwood Way. SW Youwood Way is a privately maintained road that has a functional classification as a local access road. SW Youwood Lane intersects with Glenwood Road SW which has functional classification as Rural Major Collector.

6. Site Design

The new WCF was reviewed pursuant to KCC 17.550 CUP review process and standards in KCC 17.530 WCF standards for landscaping and promote a stealth design. The following analysis below provides information on consistency with design standards for land use review.

7. Policies and Regulations Applicable to the Subject Proposal

The Growth Management Act of the State of Washington, RCW 36.70A, requires that the County adopt a Comprehensive Plan, and then implement that plan by adopting development regulations. The development regulations must be consistent with the Comprehensive Plan. The Comprehensive Plan process includes public involvement as required by law, so that those who are impacted by development regulations have an opportunity to help shape the Comprehensive Plan which is then used to prepare development regulations.

Kitsap County Comprehensive Plan, adopted June 30, 2016, amended in 2018 and 2020.

The following Comprehensive Plan goals and policies are most relevant to this application:

CapF and Utilities Goal 8

Ensure utilities are provided in an efficient, coordinated and timely manner between Utility providers to meet the needs of the County's population.

CapF and Utilities Policy 25

Encourage siting of large, above ground utilities (e.g. antennas, towers) in industrial or commercial areas or along appropriate transportation and utility corridors.

CapF and Utilities Policy 27

Minimize the visual impact of utility facilities on view corridor, vistas and adjacent properties by developing design standards for cellular towers, antennas and other types of utility facilities.

The County’s development regulations are contained within the Kitsap County Code. The following development regulations are most relevant to this application:

Code Reference	Subject
Title 12	Storm Water Drainage
Title 13	Water and Sewers
Title 14	Buildings and Construction
Title 17	Zoning
Title 19	Critical Areas Ordinance
Chapter 18.04	State Environmental Policy Act (SEPA)
Chapter 21.04	Land Use and Development Procedures

8. Documents Consulted in the Analysis

A complete index of exhibits is located in the project file. To date, the index to the record consists of Exhibits 1-31.

Exhibit #	Document	Dated	Date Received
1	Permit Questionnaire		05/29/20
2	Arborist Report		05/29/20
3	Authorization Letter		05/29/20
4	Carrier Certification of Mailings: Notice to Construct and Visual Impact		05/29/20
5	FCC License – Bremerton		05/29/20
6	Non-Ionizing Electromagnetic Exposure Analysis & Engineering Certification		05/29/20
7	Noise Report		05/29/20
8	Photo Simulation		05/29/20
9	Pre-Development Meeting (3/25/19) Notes		05/29/20
10	Project Narrative		05/29/20
11	Radio Frequency (RF) Justification		05/29/20
12	TOWAIR Determination Results		05/29/20
13	SEPA Checklist		06/01/20
14	Stormwater Worksheet		06/11/20
15	Correction Response Letter		08/24/20
16	Notice of Complete Application	08/28/20	
17	Zoning Drawings (revised)		08/31/20
18	Notice of Application	09/17/20	
19	Interested Party Comment – Goss		12/02/20
20	Signed Extension Letter		01/04/21

21	Comment Response Letter		02/23/21
22	Critical Areas Report		02/23/21
23	Engineered Drainage Plans		02/23/21
24	Engineered Drainage Report		02/23/21
25	Survey Plans		02/23/21
26	Preliminary Stormwater Conditions Memo	03/09/21	
27	Notice of Public Hearing	03/24/21	
28	2 nd Signed Extension Letter		03/26/21
29	Maps	03/29/21	
30	Certification of Public Notice	03/30/21	
31	SEPA Determination of Non-Significance	03/25/21	

9. Public Outreach and Comments

Pursuant to KCC Title 21, Land Use and Development Procedures, the Department gave proper public notice 800 feet around the project site for the Conditional Use Permit. To date, the Department has only received written public comments from John and Linda Parrish, that reside at 2000 SW Youwood Way. They support the proposal for a new tower but had several comments to reduce potential impacts.

Issue Ref. No.	Summary of Concern (See corresponding responses in the next table)	Comment Letter Exhibit Reference No.
1.	Heavy construction vehicles likely to kick up dust	
2.	Mechanisms in place to address the spreading and rutting of gravel and not spread in wetlands on either side.	
3.	If gravel goes into the stream at the culvert, there should be appropriate mitigation.	
4.	If culvert is destroyed by heavy construction vehicles, the culvert should be replaced with fish accessible passage.	
5.	Pullover use by construction vehicles should be avoided whenever possible to protect adjacent wetlands.	
6.	Agreements should be made with each impacted property owner if their driveway exits or pullovers must be used.	

Issue Ref. No.	Issue	Staff Response
1.	Dust Control	Dust control is an aspect of Minimum Requirement #3 Source Control of Pollution; the project is required to demonstrate compliance with Minimum Requirements #1-5 and is conditioned to demonstrate this with the Site Development Activity Permit.
2.	Gravel Road Maintenance	The private easement road shall be restored to its previously existing condition at completion of project construction.
3.	Drainage Impacts	Impacts to critical areas should be avoided to protect water quality. Recommended the applicant follow Best Management Practice to protect water quality. .
4.	Culvert Replacement	See response #1
5.	Protect Adjacent Wetlands	See response #3
6.	Road Maintenance Agreement	The applicant may enter into an agreement for maintenance of the private easement.

10. Analysis

a. Planning/Zoning

The rural property is designated through the Comprehensive Plan Land Use Designation Map as RR and zoned RR. The New Cingular Wireless facility is classified as new tower, which requires an CUP in compliance with KCC Ch 17.530.030 Wireless Communication Facilities- Permitting - Table 1 Wireless Communications Facility Permit Review Summary. The CUP application is reviewed pursuant to requirements KCC 17.530.030, 040, 050 and 060 for permitting, general development standards and tower based WCFs. Per the purpose statement in KCC 17.530.010, the intent is to minimize or even eliminate visual impacts to properties within the vicinity of the WCF. Encourage creative approaches to locating facilities that are compatible with surroundings.

b. Lighting

Artificial outdoor lighting should be arranged so that light is fully shielded from the side view, directed downward, and away from adjacent residential properties and so that no more than one-foot candle of illumination leaves the property boundaries consistent with KCC 17.105.110 Obnoxious Things.

c. Off-Street Parking

If applicable, the projects are required to provide adequate off-street parking consistent with the standards in KCC Chapter 17.490 Off-street Parking and Loading.

Pursuant to KCC 17.490.030 Number of required spaces, projects are required to provide minimum off-street parking for land use project. Parking WCF will be within the 45x28 ft turn around area in front of the compound.

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Automated Facility	1	1	3
Total			3

d. Signage

NA

e. Landscaping

The project is required to be reviewed for consistency with KCC 17.500 Landscaping and 17.530.060. The Landscaping Plan is required to show how all disturbed areas are to be landscaped around the tower and ground equipment compound. As outlined in below KCC 17.530.040 and 060 the landscaping plan will help demonstrate screening with native growth vegetation planted nursery stock.

Table 6 - Landscaping Table

	Required	Proposed
Required Landscaping (Sq. Ft.) 15% of Site	NA	NA
Required Buffer(s)KCC 17.500.027		
North	Screening Buffer	Screening Buffer
South	Screening Buffer	Screening and Setback Buffer
East	Screening Buffer	Screening Buffer
West	Screening Buffer	Screening Buffer
Street Trees	NA	NA

f. Frontage Improvements

NA

g. Design Districts/Requirements

NA

h. Development Engineering/Stormwater

Development Services and Engineering has reviewed the above land use proposal and finds the concept supportable in its approach to civil site development. Proposed utility work is exempt from requiring a Site Development Activity Permit, per KCC 12.10.040(5) Underground Utilities; the wireless facility ground equipment and tower is considered a small development and will require a Site Development Activity Permit.

i. Environmental

The project is required to be reviewed pursuant to the Kitsap County Critical Areas Ordinance, KCC Title 19. Critical Areas regulated under the KCC Title 19 (CAO) include geologically hazardous areas, frequently flooded areas, critical aquifer recharge area, wetlands, and Fish and Wildlife habitat conservation areas and wetlands. After review of the Kitsap County resource maps, staff observed that the project may create potential impacts to adjacent stream and wetlands. On October 8, 2020, an information request was sent to the applicant requesting additional analysis to verify compliance with the CAO.

On December 2, 2020, the applicant hired a qualified environmental consultant to conduct a site assessment of the project site. The analysis addressed within 300 feet of the access road, and the cell tower site. During the site assessment two wetlands and one stream were delineated onsite. Wetland-A is a Category III, 9,003 square feet in size, wetland-B is 3,809 square feet, which includes proposed buffer of 150 feet. The identified a seasonal stream is a tributary to Blackjack Creek, Type-N (non-fish bearing), with a proposed 50-foot buffer.

j. Access, Traffic and Roads

NA

k. Fire Safety

NA

l. Solid Waste

NA

m. Water/Sewer

NA

n. Kitsap Public Health District

The facility is automated, and the Health District has no comment on the proposal.

11. KCC Chapter 17.530 Wireless Communication Facility Development Standards

Pursuant to the requirements in KCC 17.550 for the Conditional Use Permit, the following discussion addresses consistency with standards for review of the New Cingular Wireless tower-based facility:

17.530.030 Permitting.

A. Permits Required. An applicant shall obtain a land use permit from the department prior to the installation or construction of any wireless communication facility (facility). This chapter requires a(n):

1. Letter of exemption to:
 - a. Collocate a nontower facility that does not substantially change an existing, approved facility.
 - b. Collocate a small wireless facility on any existing structure.
 - c. Replace a wireless support structure with a support structure of the same height, width, and appearance, or smaller dimensions and a less intrusive appearance.

Applicant Response: Applicant is proposing a new WCF and this section does not apply.

2. Administrative conditional use permit (ACUP) to:
 - a. Collocate a nontower facility that substantially changes an existing, approved facility.
 - b. Collocate a nontower facility on an existing structure that has not previously been approved as a facility.
 - c. Construct a small wireless facility on a new structure.
 - d. Locate a tower-based facility within five hundred feet of an existing tower-based facility.
 - e. Construct a tower-based facility disguised through stealth technology as a tree, natural feature, or structure (e.g., silo, church steeple, or clock tower) that is compatible with its surroundings and meets the requirements of Section 17.530.040(B), "Visual Appearance."

Applicant Response: Applicant is proposing a new non-stealth monopole WCF and this section does not apply.

3. Conditional use permit (CUP) to construct a tower-based facility that does not qualify for an administrative conditional use permit (ACUP) in subsection (A)(2) of this section.

Table 1 – Wireless Communications Facility (Facility) Permit Review Summary

New Facility and Support Structure				
Type of Facility	Number of Days for Decision 17.530.030(H)	Land Use Permit		
		Letter of Exemption	ACUP	CUP

Tower-based facility that does not qualify for the Administrative Conditional Use Permit (ACUP) process	150			X
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[Applicant Response: Applicant is applying for a CUP as required per this section.](#)

B. Preapplication Meeting. A preapplication meeting (see Section 21.04.120) is encouraged, not required. The meeting may occur by telephone or in person as deemed necessary by the department. The department shall indicate in writing when it agrees that a particular document or specific information is not required for an adequate review of the application.

[Applicant Response: The applicant met with Sr. Planner, Jeff Smith January 18, 2019 and March 25, 2019, informally, to discuss the project \(see Pre-Dev Meeting Notes – Attachment 3\). At the January 18th meeting Applicant was told a formal preapplication meeting was not required.](#)

C. Applications for a Letter of Exemption.

1. All applications must include documentation that the proposed facility, in conjunction with other facilities, shall not generate radio frequency emissions that exceed the standards and regulations of the FCC.
2. Where a new or replaced nontower facility is proposed that does not substantially change an existing facility, the application for a letter of exemption shall contain all information necessary to determine compliance with 47 U.S.C. § 1455(a) and 47 CFR 1.16100, as now or hereafter amended. While no further information in the application is required, all facilities shall comply with Section 17.530.040, “General development standards,” except for Section 17.530.040(A) and (B).
3. Where a small wireless facility on an existing structure is proposed, the application for a letter of exemption shall contain all necessary information to verify that the facility meets the definition of a small wireless facility and to determine compliance with this chapter.
4. Where the replacement of a support structure with a support structure of the same height, width, and appearance or smaller dimensions and a less intrusive appearance is proposed, the application for a letter of exemption shall contain engineer-stamped structural drawings that include:
 - a. The existing support structure and the proposed support structure.
 - b. Descriptions of each structure not shown on the drawings.
 - c. A description of all existing and proposed facilities to be placed on the proposed support structure.

Applicant Response: Applicant is not applying for a Letter of Exemption and this section does not apply.

D. Applications for an Administrative Conditional Use Permit (ACUP). An ACUP application shall contain all information necessary to determine compliance with this chapter. Unless noted otherwise, the application requires at least:

1. A site plan drawn to scale.

Applicant Response: Please see Attachment 4-Zoning Drawings which contain the Site plan on pages Z-1 & Z-2.

2. A landscape plan drawn to scale.

Applicant Response: Applicant is proposing to supplement the existing vegetation and trees as the screening buffer. Please see responses below to Section 17.530.060. 3. Except for small wireless facilities, a report describing the proposed facility with technical reasons for its design. The report shall describe the height, dimension, and location of the proposed facility.

Staff Comments: The applicant hired a certified arborist to review existing vegetation and provide input on the landscape plan on how to maximize screening. Staff supports the applicant's proposal to supplement the existing vegetation as documented by the landscape plan to provide a long-term functional screen of the tower and ground equipment.

3. Except for small wireless facilities, a report describing the proposed facility with technical reasons for its design. The report shall describe the height, dimension, and location of the proposed facility.

Applicant Response: The Zoning Drawings, Attachment 4, include a description of the tower with technical reasons for its design. Applicant proposes to construct a 150' Monopole, with an antenna tip height of 150' located within a fenced 60' x 60' lease area. The tower has been designed to accommodate two additional future collocations. The proposed antenna tip height is the minimum necessary to help fill the coverage gap relative to nearby complementary AT&T wireless facilities. See Attachment 5, RF Justification.

4. Documentation that the proposed facility complies with all applicable state and federal laws

Applicant Response: Applicant will comply with this provision. Please see Attachment 6—TOWAIR Determination; Attachment 7—NIER Letter; and Attachment 8—SEPA Checklist

5. Documentation that the proposed facility complies with this chapter.

Applicant Response: This Statement of Code Compliance addresses this requirement.

6. A visual impact analysis as described in Section 17.530.040(B)(1).

[Applicant Response: Please see Attachment 9—Photo Simulations.](#)

7. Construction documents for structures:

- a. That include a seal and signature of a professional structural engineer, licensed in the state of Washington.
- b. Designed to sixty percent completion to consider an application complete for noticing requirements in subsection (G)(2) of this section.
- c. Designed to one hundred percent completion prior to a site development activity permit, building permit, or both. Construction documents designed to one hundred percent completion that significantly deviate from the initial submittal will result in denial of the permit.

[Applicant Response: Applicant proposes to construct a 150' monopole, with an antenna tip height of 150' located within a fenced 60' x 60' lease area. Please see Attachment 4-Zoning Drawings. A representative set of full tower construction drawings, with engineering stamps and signature, for a 150' monopole, will be submitted with the Building Permit application.](#)

Staff Comment: The wireless facility ground equipment is considered a small project under Title 12 and will require a Site Development Activity Permit. The applicant is required to submit information for the permit and include a Final Landscape planting plan consistent with the abbreviate site plan.

8. When the facility is located on property not owned by the applicant, a copy of the document that grants the applicant authority to use all areas proposed and needed to comply with this chapter, including but not limited to screening, setbacks, parking, and vehicular and utility access. This submittal item:

- a. Includes a letter of authorization with the initial application. The letter must reference all areas proposed and needed to comply with this chapter and shown on the site plan as required by subsection (D)(1) of this section.
- b. Must be provided prior to the review of a site development activity permit, building permit, or both.
- c. Must include a copy of the document that grants the applicant authority as a condition of approval and cannot be waived. An application will not be approved without legal authorization to use areas that are necessary to approve construction of the facility.

[Applicant Response: The applicant will comply with this provision. A letter of authorization from the property owner and the deed are attached to the application.](#)

9. If the applicant is not a carrier, proof that an agreement exists between the applicant and a carrier committing the carrier to use the proposed facility in carrier's service network. This submittal item:

- a. Must be provided prior to the review of a site development activity permit, building permit, or both.
- b. Will be a condition of approval and cannot be waived. An application will not be approved without such commitment.

[Applicant Response: Applicant is a carrier and this section is not applicable.](#)

10. A State Environmental Policy Act (SEPA) checklist when required by WAC 197-11-800, as now or hereafter amended, and Chapter 18.04. Applicant Response: A completed SEPA Checklist is included as Attachment 8.

E. Applications for a Conditional Use Permit (CUP). A CUP application shall contain all information necessary to determine compliance with this chapter. The application requires at least:

1. All information required in subsection (D) of this section, "Applications for an Administrative Conditional Use Permit (ACUP)."

[Applicant Response: Please see responses to 17.530.030 Permitting D. above.](#)

2. Documented actual and reasonable efforts to collocate the facility. The documentation shall demonstrate that the applicant contacted the owners of and sought permission to install a facility on:
 - a. All existing wireless support structures.
 - b. Other tall structures or buildings within a one-mile radius of the proposed site.

[Applicant Response: There are no existing wireless support structures or other tall structures within a one-mile radius that are available and meet the coverage requirements of applicant as documented in the RF Justification included as Attachment 5.](#)

Staff Comments: As the applicant stated above, there is not a reasonable alternative to collocate on another support structure within 1-mile of another facility. The applicant has demonstrated there is no reasonable alternative and provided justification for the new tower.

3. Propagation Studies. The application shall include at least one propagation study that shows wireless coverage or capacity for a tower-based facility that exceeds sixty feet in height.
 - a. The propagation studies shall include, at a minimum, the following information:

- i. The current service and the service for at least two adjustment options at existing sites, if possible.
 - ii. A description of the type and manufacturer of the proposed transmission/radio equipment.
 - iii. The frequency range (megahertz band) assigned to the carrier.
 - iv. The power, in watts, at which the carrier transmits.
 - v. Any relevant related tests conducted by the applicant or carrier in determining the need for the proposed site and installation. All reasonable designated confidential proprietary information may be redacted.
- b. Only an adjustment will be allowed if a study demonstrates that the adjustment will eliminate a coverage or capacity gap.
- c. An adjustment may be required as a condition of approval if a study demonstrates that the adjustment will reduce the coverage or capacity gap.

Applicant Response: Applicant is proposing to install LET 700/PCS/AWS/850/FN that will operate as follows:

Alpha Sector= 1950MHz, 728MHz, 849MHz (320W and 160W)
Bravo Sector= 1950MHz, 728MHz, 849MHz (320W and 160W)
Gamma Sector= 1950MHz, 728MHz, 849MHz (320W and 160W)

Please see Attachment 5-RF Justification for propagation studies.

4. Future Collocation. The application shall include:

- a. Documentation that the applicant requested Kitsap 911 to determine the feasibility of collocating emergency service communications facilities. The proposed tower-based facility location and technical specifications shall be included with the request.

Applicant Response: Applicant provided notice of its proposal to Kitsap County CENCOM on February 14, 2019 as certified to in Attachment 10A-Certification of Mailing.

Staff Comment: Kitsap County Central Emergency Communications was notified as required.

- b. A written commitment that the applicant will allow other antennas to collocate on the tower-based facility where technically feasible.

Applicant Response: As shown on Attachment 4-Zoning Drawings, AT&T has designed the monopole to support two additional carriers. Please see Attachment 11-Agreement to Collocate.

Staff Comment: Pursuant to definition KCC 17.110.168, collocation means the use or addition of one or more wireless communications facilities on any existing structure, whether, or not already used as a wireless communication facility. The purpose of collocation is to reduce visual impacts on the surrounding viewscape. The applicant's proposal is designed for multiple carriers and is consistent with the collocation requirement.

5. FCC License. Each applicant that proposes a tower-based facility shall submit a copy of its FCC license for the proposed location. The license shall include the name, address, and emergency telephone number for the operator of the facility.

[Applicant Response: Please see Attachment 12-FCC License.](#)

F. Fees. All applications for permits or requests for actions by the county shall be accompanied by a filing fee in an amount established by county resolution. Fees for small wireless facilities must be:

1. A reasonable approximation of the county's costs.
2. Only objectively reasonable costs.
3. No higher than the fees charged to similarly situated competitors in similar situations.

[Applicant Response: All fees will be paid electronically upon request. Applicant is not proposing a small wireless facility and subsection 1-3 do not apply.](#)

G. Notice.

1. Letters of exemption shall not require public notice.
2. ACUPs and CUPs. Within fourteen calendar days from the submission of a complete application, the department shall:
 - a. Mail notice to every property owner within one thousand two hundred feet of the proposed facility. New small wireless facility support structures located in the right-of-way are exempt from this requirement.
 - b. Post notice on the property.

The applicant is responsible for all costs associated with such notice. All notices shall contain the applicable information required by Section 21.04.210, "Notice of application," or be a summary postcard with a link to such information.

[Applicant Response: Applicant understands its responsibility for costs associated with this section.](#)

H. Time for Review.

1. Completeness.

- a. The county shall notify the applicant in writing of any information that is required to complete an application within ten calendar days of filing the application. The permit application automatically expires if the applicant fails to submit the requested information within thirty days of the department's written request.

b. Prior to the expiration date, the applicant may request an extension to provide the required information. The department may grant up to one thirty-day extension if it is determined that the required studies or information warrants additional time. Financial hardship shall not be considered for extensions of deadlines.

c. Once the applicant has submitted the required information, the county shall notify the applicant within ten days of the submittal if the application remains incomplete.

d. The time tolled between the date of the county's written notifications to the date all requested information is received shall not count towards the number of days an application is in review for a decision.

e. The county shall follow procedures in Section 21.04.170 when an applicant does not provide information requested by the department regarding a project permit application that has been deemed complete for processing.

Staff Comment: The shot clock was extended beyond 150 days by agreement between Kitsap County and the applicant, AT&T.

2. Letters of Exemption. Once an initial application has been filed, regardless of the deadlines for notice, the county has sixty calendar days, after accounting for the tolling provided above and restart time in review per subsection (H)(5) of this section, to make its final decision on the application and to advise the applicant in writing of such decision.

3. ACUPs. Once an initial application has been filed, the county has one hundred fifty calendar days for tower-based facilities and ninety calendar days for nontower facilities, after accounting for the tolling provided above and restart time in review per subsection (H)(5) of this section, to make its final decision on the application and to advise the applicant in writing of such decision.

4. CUPs. Once an initial application has been filed, the county has one hundred fifty calendar days, after accounting for the tolling and restart time in review per subsection (H)(5) of this section, to make its final decision on the application and to advise the applicant in writing of such decision.

5. Restart Time in Review.

a. Small Wireless Facilities. Submittal of information requested through subsections (H)(1)(a) and (H)(1)(c) of this section shall restart the time in review of an application once. Requests for information by the county after the first restart shall not restart the time in review of an application again.

b. All Other Facilities. Submittal of information requested through subsections (H)(1)(a) and (H)(1)(c) of this section shall not restart time in review of an application.

6. Batching. Applicants for small wireless facilities may batch requests into a single application.

I. Experts. The department may hire any consultant(s) and/or expert(s) necessary to assist the department in reviewing and evaluating an application for a proposed facility. The applicant and/or owner of the facility shall reimburse the county for all reasonable and actual costs of the county's consultant(s) in providing expert evaluation and consultation in connection with these activities.

J. Approval. The department may approve, conditionally approve, or deny a permit for a facility. Approval or conditional approval may only be granted when the requirements of this chapter have been met. Approval may be revoked as provided in Kitsap County Code.

K. Permit Duration and Extensions. A letter of exemption issued under this chapter expires within twelve months from the date issued if construction is not complete at that time. An administrative conditional use permit (ACUP) or conditional use permit (CUP) issued under this chapter expires within four years from the date issued if construction is not complete at that time. Incomplete construction by the permit expiration date requires submittal of a new permit application. The department may grant one one-year extension when all the following conditions are met:

1. The extension request is submitted in writing at least thirty calendar days prior to the expiration of the permit.
2. Significant concerns with the extension can be mitigated by minor revisions to the permit.
3. Tangible progress has been made toward completion.
4. An extension would not adversely impact public health, safety or general welfare.

L. Director Interpretations. A director's interpretation per Section 21.04.040, "Director's interpretations," may resolve disputes regarding the interpretation of this chapter.

M. Appeals. A decision on a letter of exemption or an ACUP may not be appealed to the hearing examiner in accordance with Section 21.04.290, "Appeals."

N. Revoked Permit. The county may revoke a permit pursuant to Section 17.600.010, "Revocation for noncompliance with conditions." A facility with a revoked permit shall be considered abandoned and subject to Section 17.530.080(B).

[Applicant Response: Understood.](#)

17.530.040 General development standards.

A. Height. Wireless communication facilities (facilities) shall not exceed heights authorized in this chapter. Height is measured as the total vertical distance from the ground level, including any base pad, to the highest point of the facility, including any antennas, appurtenances, or related equipment.

Applicant Response: Applicant is proposing a 150' monopole as allowed by a Conditional Use Permit under KCC 17.0530.030 A3.

B. Visual Appearance. All facilities shall employ the most current stealth technology to be the least visually and physically intrusive. All facilities shall also be aesthetically and architecturally compatible with the surrounding environment and shall be designed to blend with the existing surroundings.

Staff Comment: The applicant's proposed design is consistent with the requirements above to incorporate elements of the building design to improve the visual appearance.

Visual Impact Analysis.

- a. Compatibility and visual impact shall be determined through a visual impact analysis. The analysis must use maps, photographs, photo simulation, and other appropriate methods to show the existing topographical contours of the area and areas within a one-mile radius where any portion of the proposed facility can be seen. Line of sight includes from the ground to the rooftop of adjacent buildings.
- b. When more than a moderate visual impact is likely, the visual impact analysis shall include a visual demonstration, such as the erection of a crane, a balloon in a color similar to that of the proposed structure and of a size not less than four feet and not to exceed six feet, or similar device, used to simulate the proposed dimensions and height of the structure. Ten working days prior to the demonstration, the applicant shall notify:
 - i. The department.
 - ii. All properties within eight hundred feet of the parcel where the demonstration will occur. The department shall provide the list of properties within eight hundred feet.

Applicant Response: A visual impact analysis, utilizing a balloon test, was conducted from 9:00 am to 12:00 pm on April 22, 2019. Due to the clouds and rain, a 5' red balloon was employed. Please Attachment 9-Photo Simulations. Notice of the test was provided to all properties within 800 ft of the parcel on April 5, 2019. Please see Attachment 10A-Certification of Mailing. Applicant received no responses to the mailing. One neighbor did come out but had no comment.

Staff Comment: The public notice was mailed out to abutting property owners as required by Code. The photo simulation created from the balloon test seemed to be accurate to help provide multiple vantage points of the tower from the existing residential homes along SW Youwood Lane.

1. More than a Moderate Visual Impact. A facility shall not be considered aesthetically compatible with the surrounding land uses if, within a one-mile radius, it results in more than a moderate visual impact. A “more than moderate” visual impact occurs when one or more of the following exist:
 - a. The facility becomes a predominant feature in the viewscape.
 - b. The facility disrupts a largely intact and unobstructed view of visually sensitive areas, which are those locations that provide views of one or more of the following: Puget Sound, lakes, large wetland complexes, major streams, valleys and ravines, large tracts of forested land, Mount Rainier, the Cascade mountain range or the Olympic mountain range. These views are particularly sensitive from certain places of the county, including residential areas, commercial areas, major transportation corridors and arterials in rural areas.
 - c. The facility is not designed and painted to blend in with the surrounding environment.
 - d. The facility is sited above visually predominant ridge lines.
 - e. The facility extends forty feet or more above the tree line determined by an analysis of site potential tree height at fifty years (SPTH (50)), based on soil types.
 - f. Except for small wireless facilities, a nontower facility is proposed in a visually sensitive area and cannot be completely enclosed within the existing structure or camouflaged as another structure compatible with the surrounding environment.

Applicant Response: AT&T is proposing to build a 150’ monopole on vacant land 165 feet north of SW Youwood Way. The Monopole and associated equipment will be painted a non-reflective dark green color to match the surrounding. The proposed facility will be surrounded by natural vegetation. It is not a predominant feature in the viewscape; it does not disrupt intact and unobstructed views of visually sensitive areas; it is not located above visually predominant ridge lines; it does not extend forty feet or more above the tree line at 50 years referencing the Site Potential Tree Height(SPTH(50)); and it is not in a visually sensitive area. Please see Attachment 4-Zoning Drawings and Attachment 9-Photo Simulations.

Staff Comment: The tower may be slightly visible from at least one property. However, the tower should avoid creating more than a moderate visual impact as proposed. This is based on a combination of the tower setbacks, the implementation of mitigation measures such as painting the tower an earth-tone (dark green), tree retention and tree planting to help provide a functional screen.

3. Other Visual Requirements. A facility must:

- a. Place all required stickers or other identifying labels on the underside of related equipment, or away from public view on ground-mounted equipment, and not near ground level if on a tower-based facility.

Applicant Response: All identifying labels will be placed away from public view in compliance with this section.

- b. Place and size antennas and related equipment to blend into the architectural detail of the supporting structure. Paint or another coating may be required to be visually compatible with the support structure.

Applicant Response: Please see the photo sims attached as Exhibit E submitted with this application.

- c. Screen electrical meter cabinets to blend with the surrounding area. Use of smart meters is preferred.

Applicant Response: Electrical cabinets will be placed behind fencing and landscape area in compliance with this section.

Staff Comment: The ground equipment will be properly screened with a combination of fencing and landscaping to help better blend with the existing natural vegetation.

- d. For proposed fences, the fence must:

- i. Be at least six feet in height and no more than eight feet in height.

- ii. Be of a nonobtrusive material, such as a dark vinyl coated chain link that blends with the surrounding area.

Applicant Response: AT&T is proposing to paint the monopole, antennas and ancillary equipment a nonreflective dark green. The monopole and ground equipment will be surrounded by a 6-foot black chain link fence with wooden slats. Please see Attachment 4- Zoning Drawings.

Staff Comment: As demonstrated in the photo simulation prepared by the applicant, the tower will be painted, screened, and the color of fencing will be consistent with the surrounding vegetation.

C. Lighting.

1. This chapter prohibits all artificially lighted facilities except:

a. Permanent 911 public safety facilities. This includes fire, police and emergency medical response services.

b. Facilities located at a seven-hundred-foot elevation and more than one-half mile from a residential area.

2. The applicant shall provide a detailed plan for lighting if an artificially lighted facility is allowed. The plan shall demonstrate that the proposed lighting does not have a negative impact on adjacent properties and complies with state and federal regulations for lighting. The applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the county.

3. Any facility needing lighting per FAA regulations shall be altered to avoid the need for lighting unless subsection (C)(1) of this section applies.

4. The department may allow security lighting for ground mounted related equipment. Security lighting shall be directed away from adjoining properties through shielding and arrangement. No more than one foot-candle of illumination may leave the property boundaries.

Applicant Response: As indicated in Attachment 6-TOWAIR Determination, no lighting is required for this proposed structure. Any security lighting will be at the ground level and will be appropriately down shielded.

Staff Comment: At a height of 150 feet the tower is not likely trigger need for lighting. The applicant states that the tower height is consistent with FAA requirements would not create a hazard to air navigation in the area and require lighting.

D. Noise. Facility operation and maintenance shall comply with Chapter 10.28, "Noise."

Applicant Response: The generator exceeded the maximum permissible level and will be modified with an exhaust muffler to reduce the noise by 14-20 dBA. Following installation, the proposed facility will emit noise levels below the maximum permissible environmental noise levels outlined in KCC 10.28.040. Please see Attachment 13-Noise Study.

Staff Comment: The applicant's noise consultant estimated the sound level at 59 dBA at the nearest receiving property line for the proposed emergency generator with a muffler. The generator will be consistent with KCC Chapter 10.28.040 for receiving properties and meets the 60-dBA code limit.

E. Related Equipment for Small Wireless Facilities.

1. Antennas and antenna elements shall be enclosed within the facility.

2. Antennas and antenna elements unable to be enclosed within the facility require the applicant to demonstrate the inability to do so. In such cases, the antenna and antenna elements shall be within a shroud mounted at the top of the facility. An opaque cover (e.g., dyed film) may be used to cover the antenna face. The offset distance between an antenna and pole must not exceed twelve inches. The shroud and opaque cover:
 - a. Shall cover all antenna and antenna elements in a single antenna shroud.
 - b. Shall match the support structure color, finish, and visually conceal all contents and/or wiring to the greatest extent possible. A solid shroud is preferred.
 - c. Shall be cylindrical for pole facilities and match the pole shaft diameter, when feasible. The shroud diameter shall not exceed 18 inches. Once transitioned from the support structure shaft, the shroud diameter shall remain consistent.
 - d. Shall not exceed a height of five feet. For light standards, this dimension is measured from the top of the luminaire mast arm attachment point.
3. Antennas and antenna elements unable to be enclosed within the facility or shrouded at the top of the facility require the applicant to demonstrate the inability to do so. In such cases, a shrouded, externally mounted antenna package may be allowed if:
 - a. The shroud protrudes no more than thirty-six inches from the outer circumference of the support structure.
 - b. The shroud height does not exceed five feet, mounted longitudinally to the structure shaft.
 - c. The shroud and all parts of the antenna package are at least seven feet from the ground.
4. A base shroud shall fully enclose all remaining equipment located on the structure. This may include radios not mounted at top of structure, electric meters, and grounding equipment. The base shroud shall:
 - a. Be structurally sound to fully support the proposed structure and maximize equipment volume.
 - b. Not exceed a height of six feet.
 - c. Match the support structure color, finish, and visually conceal and lock all contents and/or wiring to the greatest extent possible. A solid shroud is preferred.

d. Where the facility is a pole, install a shroud that is cylindrical with a maximum consistent diameter of eighteen inches not including small architectural banding features. This diameter may increase up to twenty inches if the location combines multiple carriers or uses.

5. Enclosures separate from the support structure may be allowed if:

a. The applicant demonstrates the inability to enclose or shroud antenna and antenna equipment as prescribed in subsection (E)(4) of this section.

b. The enclosure is no greater than forty-two inches in any dimension.

Applicant Response: The applicant is not proposing a small wireless facility and this code section does not apply.

F. Related Equipment for Non-small Wireless Facilities.

1. Antenna and antenna elements must match the support structure color, finish, and visually conceal all contents and/or wiring to the greatest extent possible.

2. Remaining equipment must be placed underground, or enclosed and screened through stealth technology or fencing and landscaping in a screening buffer. The buffer requirement shall be contained in a recorded easement. Vegetation shall not be removed without approval by the department of community development. Fencing shall be a nonobtrusive material such as a dark coated chain link to blend in with the surroundings.

Applicant Response: Applicant is proposing to paint the monopole, antennas and ancillary equipment a non-reflective dark green and to enclose the facility with a black chain link fence with privacy slats. Screening is provided by the surrounding vegetation as supplemented in accordance with the recommendations in Attachment 14-Arborist Report.

Staff Comments: Consistent with KCC 17.530 and the SEPA Determination the applicant is proposing to paint the monopole, screen the facility with enhanced natural vegetation as directed by the arborist's recommendations. Pursuant to KCC 17.530.060.A.7.d, the arborist recommended species to screen the tower-based facility.

G. Standard of Care. Facilities shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, and all federal, state and county laws and regulations. These include without limitation the most recent editions of the following:

1. American National Standards Institute (ANSI) Code.

2. National Electrical Safety Code.
3. National Electrical Code.
4. All aviation safety standards.
5. All accepted and responsible workmanlike industry practices of the National Association of Tower Erectors or the Telecommunication Industry Association.

Applicant Response: Applicant understands the standard of care required and intends to comply.

- H. Wind and Ice. Facility structures shall be designed to withstand the effects of wind gusts and ice. The design shall comply with the American National Standards Institute standard design prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA-222, as amended).

Applicant Response: The proposed facility is designed to comply with the American National Standards Institute standard design prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA222, as amended) as will be demonstrated in the final Construction Drawings and Structural Analysis to be submitted with the Building Permit.

Staff Comment: Review of the frequency radiation is outside of the County's jurisdiction, but the County requires documentation to demonstrate compliance with national standards. Staff expects that the applicant will adhere to all Federal frequency EMF standards as part of building permit submittal.

- I. Engineer Signature. Construction documents for structures shall contain a seal and signature of a professional structural engineer, licensed in the state of Washington.

Applicant Response: Construction documents for the proposed structure will contain the seal and signature of a professional structural engineer, licensed in the state of Washington and will be submitted with the Building Permit application.

Staff Comment: All preliminary plans shall include proper certifications consistent with this section.

- J. Interference. Facilities shall comply with Federal Communication Commission regulations regarding interference.

Applicant Response: Applicant understands this requirement and intends to comply. Please see Attachment 7-NIER.

- K. Radio Frequency Emissions. The proposed facility, in conjunction with other facilities, shall not generate radio frequency emissions that exceed the standards and regulations of the FCC. These regulations include at least the FCC Office of Engineering Technology Bulletin 65 entitled, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.

[Applicant Response: Please see Attachment 7-NIER Report](#)

- L. Agreement for Facilities on County Property. The applicant and the county shall execute an agreement to provide terms and conditions to locate a facility on county property. The agreement must:

1. Be completed prior to construction of the facility.

2. Comply with the regulations in this chapter.

3. Be submitted with the application for the facility.

4. Address the following issues:

a. Facilities are subject to the county's right to fix an annual fee for use and occupancy of the property.

b. A financial security must be submitted to protect the county from the costs and expenses due to a failure to comply with the obligations in this chapter. The amount and form of the financial security shall be decided by mutual agreement. The amount of financial security shall be at least one hundred fifty percent of the cost of the facility unless otherwise agreed.

c. Modifications requested by the county.

i. The county may determine that a change to a facility in the ROW is reasonably necessary under the following circumstances:

(a) To facilitate or accommodate the construction, reconfiguration, completion, repair, relocation, or maintenance of a public project within the ROW.

(b) To accommodate the vacation of ROW or the release of a utility easement.

(c) As required by applicable laws or to protect or preserve the public health, safety, or welfare.

ii. Within sixty days of written notice from the county, the owner or operator of a facility in the ROW shall temporarily or permanently change, alter, relocate or remove part or all of the facility. The department may approve up to two ninety-day extensions when all of the following conditions are met:

(a) The extension request is submitted in writing at least thirty calendar days prior to the expiration of the ninety days.

(b) Any significant concerns with the extension can be mitigated.

(c) An extension would not adversely impact public health, safety or general welfare.

(d) Financial hardship shall not be considered for extensions of deadlines.

iii. Where an emergency exists, following notice from the county, the owner or operator of the facility shall immediately effect a temporary or permanent change, alteration, relocation or removal of part or all of the facility. An emergency includes, but is not limited to, any interference with:

iv. The proper operation of a county-owned light pole, traffic control device, or other county facility.

v. ROW operations or pedestrian facilities.

[Applicant Response: The proposed facility is not on County property and this section does not apply.](#)

17.530.060 Regulations for tower-based wireless communication facilities.

A. Development Regulations. Except as provided in subsection (B) of this section, "Development Regulations in the Public Right-of-Way (ROW)," and in addition to Section 17.530.040, "General development standards," the following applies to all tower-based wireless communication facilities (facilities) for which an ACUP or CUP is required.

1. Modification or Collocation.

- a. New tower-based facilities that exceed sixty feet in height and require a CUP are prohibited unless a propagation study shows coverage or capacity gaps cannot be filled through other means. Technical evidence shall demonstrate the inability to fill coverage or capacity gaps through related equipment, such as repeaters or antennas installed on existing structures to extend or infill service.

[Applicant Response: Structures within the search ring and local environment are](#)

residential in nature. There are no existing structures within the search ring with sufficient height (150') to meet coverage/capacity requirement. Please see Attachment 5-RF Justification.

Staff Comment: The applicant has demonstrated there is no reasonable alternative and provided justification for the new tower (see 17.530.030.E.5).

- b. A new tower-based facility that requires a CUP and is within one mile of an existing wireless support structure may not exceed forty feet in height unless collocation has been actually and reasonably considered and, despite good-faith efforts, the nontower facility cannot be accommodated on an existing structure or building for one of the following reasons, or cannot be sited on land owned and maintained by the county:
 - i. The proposed antenna and related equipment exceeds the structural capacity of the existing building, structure or tower.
 - ii. The proposed antenna and related equipment causes radio frequency interference with other existing equipment for that existing building, structure, or tower and the interference cannot be prevented.
 - iii. The existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
 - iv. An agreement could not be reached with the owner of such building, structure, or tower after a good-faith effort.

2. Location.

- a. The location of a tower-based facility that exceeds sixty feet in height and requires a CUP shall be necessary to provide coverage or capacity for the gap shown in the propagation study for the service area.
- b. The location shall be the least visually intrusive to the surrounding community or shall be the only viable location to provide coverage or capacity for a gap shown in a propagation study, when required through Section [17.530.030\(E\)\(3\)](#).

3. Height.

- a. A tower-based facility shall be constructed to:
 - i. The minimum functional height when applicable. A propagation study, when required through Section [17.530.030\(E\)\(3\)](#), will state a minimum functional height necessary for a tower-based facility to fill a gap in coverage or capacity.

- ii. Not exceed forty feet taller than surrounding tree height.
- iii. Not exceed two hundred feet.

Applicant Response: As demonstrated in Attachment 5-RF Justification, the proposed 150 ft monopole is the minimum height necessary to achieve AT&T's coverage objective. As shown in attachment 14-Arborist Report, the tallest trees in the vicinity of the proposed site are currently 70 feet and will mature to their SPTH of 115 feet to 145 feet. This is well within the 50 years required under 17.530.0607.d. In addition to achieving its coverage objective, the proposed 150' height is necessary to accommodate future collocations as required in 17.530.030E.4.b. and to maintain AT&T's coverage objective as the trees mature.

Staff Comments: Staff supports the recommendation and conclusion by the Arborist that the mature tree height around 50 years will help provide a functional screen of the tower and the ground equipment compound. Existing trees on and off the property will help provide screening until trees mature reach up to 75% coverage.

- c. Tower-based facilities over forty feet in height shall be equipped with an anti-climbing feature.

Applicant Response: Applicant is proposing a 6-ft chain link fence topped with 3 strands of barbed wire and a 12-foot locked gate surround the compound.

4. Related Equipment.

- a. Ground-mounted related equipment associated, or connected, with a tower-based facility must be placed underground, or enclosed and screened through stealth technology or fencing and landscaping in a screening buffer. The buffer requirement shall be contained in a recorded easement. Vegetation shall not be removed without approval by the department of community development. Fencing shall be a nonobtrusive material such as a dark coated chain link to blend in with the surroundings.

Applicant Response: Applicant is proposing a black 6 ft chain link fence with wooden privacy slats and the existing vegetation as a screening buffer as supplemented in accordance with the recommendations in Attachment 14-Arborist Report.

- b. All related equipment, utility buildings and accessory structures shall be architecturally and aesthetically designed to blend into the environment in which they are situated and meet the minimum setback requirements of the underlying zone.

Applicant Response: The proposed equipment enclosure exceeds the minimum setback requirements for the Rural Residential zone: Required Setback Enclosure Setback Front 50' 134'7" Rear 20' 107'10" Side 20' 69'3"

	<i>Required Setback</i>	<i>Enclosure Setback</i>
<i>Front</i>	<i>50'</i>	<i>134'7"</i>
<i>Rear</i>	<i>20'</i>	<i>1077'10"</i>
<i>Side</i>	<i>20'</i>	<i>690'3"</i>

5. Signs. Tower-based facilities shall post an easily visible emergency contact sign. The sign shall include the name and phone number for a point of contact in case of an emergency. No other sign is allowed except those required by the FCC or other federal or state agencies.

Applicant Response: Only signs required by local, state or federal agencies will be posted on the outside of the proposed security fence. These will include an easily visible emergency contact sign with the name and phone number for a point of contact.

6. Use of Property and Setbacks.

- a. Sole Use. A tower-based facility may be allowed as the only use on a parcel if:

- i. The parcel is at least six thousand square feet; and
- ii. The distance between the base of the tower-based facility and the nearest property line is at least one hundred ten percent of the proposed height of the tower-based facility.

Applicant Response: The proposed site is located on a 3,390,335.784 sf (77.8314 Acre) vacant parcel and the setbacks meet the 110% setback requirement of 165' for a 150' tower. Required Setback Tower Base Setback Front 165' 165'5" Rear 165' 1106'11" Side 165' 727'11"

	<i>Required Setback</i>	<i>Tower Base Setback</i>
<i>Front</i>	<i>165'</i>	<i>165'5"</i>
<i>Rear</i>	<i>165'</i>	<i>1106'11"</i>
<i>Side</i>	<i>165'</i>	<i>727'11"</i>

Staff Comment: The property is considered vacant forest land and the tower being consistent with the 110% setback of the facility will not be a threat to public health and safety.

- b. Combined Use. A tower-based facility may be allowed with an existing use, or on a vacant parcel in combination with another use, subject to the following minimum conditions:

- i. The non-facility use on the property is any allowed use in the zone, except residential, and need not be affiliated with the facility.
- ii. The lot:
 - (a) Complies with the dimensional requirements of the zone; and
 - (b) Is sufficiently sized to accommodate the tower-based facility and any equipment buildings, security fences, buffers and setbacks.
- iii. The minimum distance between the base of a tower-based facility and the nearest property line is at least one hundred ten percent of the proposed tower-based facility height or the minimum setback of the underlying zone, whichever is greater.

Applicant Response: The proposed site will be on a vacant parcel and this code subsection does not apply.

7. Screening, Landscaping, and Fencing.

- a. A tower-based facility disguised through stealth technology as a tree, natural feature, or structure (e.g., silo, church steeple, or clock tower) that is compatible with its surroundings and meets the requirements of Section [17.530.040\(B\)](#), "Visual Appearance," shall be exempt from the tower screening requirements in subsections (A)(7)(b) and (d) of this section. Related equipment screening requirements still apply.
- b. Tower-based facilities shall be screened with landscaping or other screening features. This requirement applies to all associated equipment shelters, cabinets, and other ground-mounted related equipment.
- c. Existing trees, shrubs, and other vegetation shall be preserved to the maximum extent possible. Removal of existing vegetation requires prior approval from the department. Existing vegetation used to screen shall provide, through size and density, adequate, long-term screening. The existing vegetative buffer shall surround the entire facility and be at least five feet wide.

Applicant Response: The proposed site is situated to minimize the amount of vegetation to be removed and to take maximum advantage of the surrounding trees and vegetation which will be supplemented as outlined below. The equipment shelter and other ancillary on-the-ground equipment will be screened from adjacent residential parcels, which are 250+ feet distant, and any public ROW, which is more than 165' distant. Applicant requests that any additional screening be waived.

- d. Screening shall maximize coverage and visually cover at least seventy-five percent of the height of the tower-based facility. Recommended species for screening of tower-based facilities include Douglas fir, big leaf maple, and western red cedar.

Planting height shall be at least six feet for an evergreen tree or two-inch caliper for a deciduous tree. Deciduous trees shall not exceed twenty-five percent of the trees used for screening. An analysis of the site potential tree height at fifty years (SPTH (50)), based on soil types, is required.

Applicant Response: Applicant is proposing to supplement the existing natural screening by planting 8'-12' tall Douglas Fir and Hemlock trees on 30' centers along the north and east side of the site and to plant Douglas fir and bigleaf maple on 30' centers along the south side of the site, as recommended in ATTACHMENT 14-Arborist Report.

Staff comment: The applicant is proposing to paint the monopole, screen the facility with enhanced natural vegetation as directed by the arborist's recommendations. To comply with visual coverage of 75% of the height of the tower, the arborist is proposing to include Douglas fir, Bigleaf maple and Western red cedar. Recommended that the trees be a minimum of 6 feet for evergreen trees and two (2) inch caliper for deciduous trees. At the potential tree height within 50 years a significant portion of the tower will be screen. This area reserved for natural vegetation shall be placed within a Native Growth Protection Easement to prevent logging of the buffer by the property owner.

e. The department may require additional screening to adequately screen adjacent residential properties based on site-specific conditions.

Applicant Response: Applicant understand that additional screening may be required as a condition of approval of the CUP.

f. The department may allow a combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping. The combination of features must:

- i. Achieve the same degree of screening.
- ii. Be consistent with surrounding vegetation.

6. Not obstruct or interfere with the use of the ROW or county work.

Applicant Response: Applicant will comply.

f. Screening requirements shall be recorded as a covenant running with the permit.

Applicant Response: Applicant will comply.

8. Access Road. Tower-based facilities shall provide adequate emergency and service access to the facility. An access road, turnaround space and parking shall be provided. The access must:

- a. Maximize to the extent practicable the use of existing public or private roads.

b. Match road grades to natural contours to minimize visual disturbance, soil erosion, and stormwater impacts.

c. Where the access road is not owned by the applicant, a copy of an easement authorizing the use of the access road shall be submitted to the county.

9. Parking. One tower-based facility requires at least one off-street parking space.

Staff Comment: Service vehicles will visit the site approximately once a month for routine maintenance. The site plan shows there will be enough off-street parking (one space) for service vehicles

10. Future Use. A proposed tower-based facility shall be designed structurally, electrically, and in all respects to accommodate both the proposed antennas and comparable antennas in the future.

B. Development Regulations in the Public Right-of-Way (ROW). The following additional regulations apply to all tower-based facilities located in the ROW. If any conflict exists between these regulations and those elsewhere in this chapter, the regulations herein shall control.

1. Location.

a. All facilities located in the right-of-way shall be located, designed, and installed to match the pole placement and bolt pattern identified by Kitsap County public works design standards.

b. Tower-based facilities are prohibited from locating in the ROW in front of the facade of any structure facing the ROW.

c. Tower facilities and related equipment in the ROW shall not cause any physical or visual obstruction to pedestrian or vehicular traffic, create safety hazards to pedestrians and/or motorists, or inconvenience public use of the ROW.

Applicant Response: The proposed access will be from SW Youwood Way and will be solely on the subject property. It will be graded compacted crushed gravel.

Staff Comment: The County received written comments from a neighbor of the project supporting the overall project. However, they noted concerns on the how private gravel road, wetlands and culverts may impacted with large construction vehicles accessing the development site. As condition of the Site Development Activity Permit the County will require that the private road be restored to the previous condition prior to construction. The applicant will have to follow best management practices to protect water quality around applicable critical areas.

d. All equipment exceeding four inches above the ground shall be placed outside of the clear zone or mitigated in accordance with the current edition of the County Road

Standards. Ground-mounted related equipment, walls, or landscaping shall be located at least eighteen inches from the face of the curb, sidewalk or paved pathway.

e. Unless approved by the county engineer, ground-mounted related equipment is prohibited in a ROW when:

i. The ROW width is fifty feet or less.

ii. Exclusively single-family residential lots front both sides of the street.

2. Height. Tower-based facility height in the ROW shall not exceed forty feet.

3. Design Requirements. Ground-mounted related equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features.

Staff Comments: As proposed, the ground equipment will be properly screened with a combination of fencing and landscaping

4. Construction – Time, Place and Manner. The county shall determine the time, place and manner of construction, maintenance, repair and/or removal of all tower-based facilities in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. All work shall be performed at the applicant's expense.

5. Tree Trimming. Tree trimming around facilities shall comply with industry standards. Tree trimming activities that impact traffic require a traffic control plan approved by the department of public works. Trimming that involves a wireless support structure requires submittal of written permission from the owner of the structure to the county. The county shall not be liable for any damages, injuries, or claims arising from the applicant's actions under this subsection.

17.530.070 Maintenance and repair.

To the extent permitted by law, the following maintenance and repair requirements shall apply:

A. All wireless communication facilities (facilities) shall be fully automated and unattended. Visitation for maintenance or emergency repairs is allowed.

Staff Comment: As stated above, the facility will be automated, and off-street parking will only be required for service vehicles a couple times a month.

B. At all times facilities shall be kept and maintained in good condition, order and repair to eliminate danger to life or property. Maintenance and repairs must:

1. Be completed by qualified maintenance and construction personnel.

2. Use the best available technology for preventing failures and accidents.

Applicant Response: All maintenance and repairs to the proposed facility will be by qualified maintenance and construction personnel. Verizon Wireless will use the best available technology for preventing failures and accidents in compliance with this section.

C. Graffiti. Graffiti on a facility shall be promptly removed at the sole expense of the owner or operator. The owner or operator shall remove graffiti within fourteen calendar days of the date of county notice.

Applicant Response: Applicant understands the requirements of this section and intends to comply.

17.530.080 Abandonment and removal.

A. Abandonment.

1. Notice of Intent to Abandon. The owner or operator of a facility shall provide written notice to the department of the intent to abandon a facility.
2. Nonfunctioning facilities regulated by this chapter that remain unused for a period of three hundred sixty-five days shall be considered abandoned. This presumption may be rebutted by a showing that such utility or device is an auxiliary, back-up, or emergency utility or device not subject to regular use or that the facility is otherwise not abandoned.
3. Effective Date of Abandonment. Abandonment takes effect thirty days after notice is received or after the end of the rebuttable presumption period.

B. Removal.

1. All abandoned facilities, or portions thereof, shall be removed within ninety days of abandonment, unless a time extension is approved. The department may approve up to two ninety-day extensions when all of the following conditions are met:
 - a. The extension request is submitted in writing at least thirty calendar days prior to the expiration of the ninety days.
 - b. Any significant concerns with the extension can be mitigated by minor revisions to the permit.
 - c. Tangible process has been made toward abandonment.
 - d. An extension would not adversely impact public health, safety or general welfare.
2. Removal shall include restoring all affected property to substantially the same condition as it was immediately before the installation of the facility, including restoration or replacement of any damaged trees, shrubs or other vegetation, unless another

arrangement is made with the property owner.

3. Removal and site restoration shall be completed at the sole expense of the owner or operator of the facility. Applicant Response:

Applicant Response: Applicant understands the requirements of this section and intends to comply.

12. Review Authority

The Hearing Examiner has review authority for this Conditional Use Permit application under KCC, Sections 17.550.020 and 21.04.100. The Hearing Examiner may approve, approve with conditions, or deny a Conditional Use Permit. The Hearing Examiner may also continue the hearing to allow for additional information necessary to make the proper decision. The powers of the Hearing Examiner are at KCC, Chapter 2.10.

13. Findings

1. The proposal is consistent with the Comprehensive Plan.
2. The proposal complies or will comply with requirements of KCC Title 17 and complies with or will comply with all of the other applicable provisions of Kitsap County Code and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report.
3. The proposal is not materially detrimental to existing or future uses or property in the immediate vicinity.
4. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.

14. Recommendation

Based upon the analysis above and the decision criteria found in KCC 17.550.030.A, the Department of Community Development recommends that the Conditional Use Permit request for Port Orchard Wildwood New Cingular Wireless (AT&T) be **approved**, subject to the following 25 conditions:

a. Planning/Zoning

1. Review the linked Hearing Examiner decision for conditions of approval. The Staff Report conditions below are only recommended conditions to the Hearing Examiner and may not be valid.

2. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
3. The sound level from the proposed emergency generator with the proposed muffler cannot exceed 59-dBA at the nearest receiving property during test cycle operation, to be consistent with the 60-dBA code limit.
4. The uses of the subject property are limited to the uses proposed by the applicant and any other uses will be subject to further review pursuant to the requirements of the Kitsap County Code (KCC). Unless in conflict with the conditions stated and/or any regulations, all terms and specifications of the application shall be binding conditions of approval. Approval of this project shall not, and is not, to be construed as approval for more extensive or other utilization of the subject property.
5. Landscaping shall be installed and maintained in conformance with the requirements of Kitsap County Code (KCC) 17.500. Landscaping shall be installed and inspected prior to requesting a final inspection or guaranteed by means of an assignment of funds or bonded in the amount of 150 percent of the cost of installation.
6. The applicant and property owner shall comply with the Native Vegetation Buffer Easement to ensure that all existing significant natural vegetation remains. The native buffer vegetation easement shall remain in effect for the life of the facility to provide a functional screen from the adjacent residential properties.
7. The structure shall be unlighted, including any daytime strobes or nighttime illumination, including flashing or solid beacons. Should the FAA require such lighting for the purpose of aircraft safety, the facility shall be redesigned to meet FAA regulations without the need for lighting of the structure.
8. The applicant shall meet all requirements of the Federal Communications Commission (FCC) and the Telecommunications Act of 1996 regarding Electromagnetic Field/Radio-Frequency Standards.
9. Prior to issuance of a Building Permit, the applicant shall provide a fully executed lease agreement with the owner of the property (Note: Any propriety information regarding lease rates may be excluded.).
10. The recipient of any conditional use permit shall file a Notice of Land Use Binder with the county auditor prior to any of the following: initiation of any further site work, issuance of any development/construction permits by the county, or occupancy/use of the subject property or buildings thereon for the use or activity

authorized. The Notice of Land Use Binder shall serve both as an acknowledgment of an agreement to abide by the terms and conditions of the conditional use permit and as a notice to prospective purchasers of the existence of the permit. The Binder shall be prepared and recorded by the Department at the applicant's expense.

11. This Conditional Use Permit approval shall automatically become void if no development permit application is accepted as complete by the Department of Community Development within four years of the Notice of Decision date or the resolution of any appeals.
 12. The decision set forth herein is based upon representations made and exhibits contained in the project application. Any change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to further review and approval of the County and potentially the Hearing Examiner.
 13. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition to the approvals granted and is a continuing requirement of such approvals. By accepting this/these approvals, the applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the development and activities permitted do not comply with such laws, regulations, or ordinances, the applicant agrees to promptly bring such development or activities into compliance.
 14. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.
 15. Existing native vegetation shall be retained on the site except for areas to be cleared for the construction of the new tower and associated infrastructure, as depicted on the proposed site plan (insert Exhibit # _____).
 16. Prior to issuance of a Building Permit, the applicant shall provide an executed lease agreement with Native Vegetation Buffer Easement with the owner of the property (Note: Any propriety information regarding lease rates may be excluded.).
- b. Development Engineering**
17. Construction plans and profiles for all roads, storm drainage facilities and appurtenances prepared by the developer's engineer shall be submitted to Kitsap County for review and acceptance. No construction shall be started prior to said plan acceptance.
 18. The information provided demonstrates this proposal is a Small Project as defined in Kitsap County Code Title 12, meets the criteria for an Abbreviated Drainage level

of review, and is required to provide a design demonstrating compliance with Minimum Requirements #1-5, as outlined in the Kitsap County Stormwater Design Manual. As such, after Land Use approval, a Site Development Activity Permit (SDAP) from Development Services and Engineering is required.

19. On-site stormwater management, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12 effective at the time the Conditional Use Permit application was deemed complete, August 28, 2020. The fees and submittal requirements shall be in accordance with Kitsap County Ordinances in effect at the time of SDAP application.
 - a. Soil amendment is required for all areas disturbed during construction that are not covered by hard surface at project completion. The SDAP shall include soil amendment details.
20. If the project proposal is modified from that shown on the submitted site plan accepted for review February 23, 2021, Development Services and Engineering will require additional review and potentially new conditions.

c. Environmental

21. Permit approval subject to chapter 19.150.170 of Kitsap County Code, which states that critical area ordinance (CAO) buffers shall remain undisturbed natural vegetation areas except where the buffer can be enhanced to improve its functional attributes. Refuse shall not be placed in buffers.
22. Permit approval subject to chapter 19.300.315 of Kitsap County Code, which states that buffers or setbacks shall remain undisturbed natural vegetation areas except where the buffer can be enhanced to improve its functional attributes. Refuse shall not be placed in buffers.
23. A 150-foot native vegetation buffer must be maintained along the delineated wetland boundary as depicted on the approved site. In addition, a building or impervious surface setback line of 15 feet is required from the edge of the buffer.

d. Traffic and Roads

24. All rights of access for adjoining properties currently in existence shall be preserved. Any amendment to the existing easement rights of adjoining property owners shall be properly executed and recorded prior to Site Development Activity Permit acceptance.
25. Any work within the County right-of-way shall require a Public Works permit and possibly a maintenance or performance bond. This application to perform work in the right-of-way shall be submitted as part of the SDAP process. The need for and

scope of bonding will be determined at that time.

e. Fire Safety

None


f. Solid Waste

None

g. Kitsap Public Health District

None

Report prepared by:



Jeff Smith, Staff Planner / Project Lead

4/1/21

Date

Report approved by:



Angie Silva, Assistant Director

Date

4/1/21

Attachments:

Attachment A – Site Plan

Attachment B – Architectural/Landscaping Elevations

Attachment C – Zoning Map, etc.

CC: NANCY SEARS w/Smartlink, nancy.sears@smartlinkllc.com

Alpine Evergreen

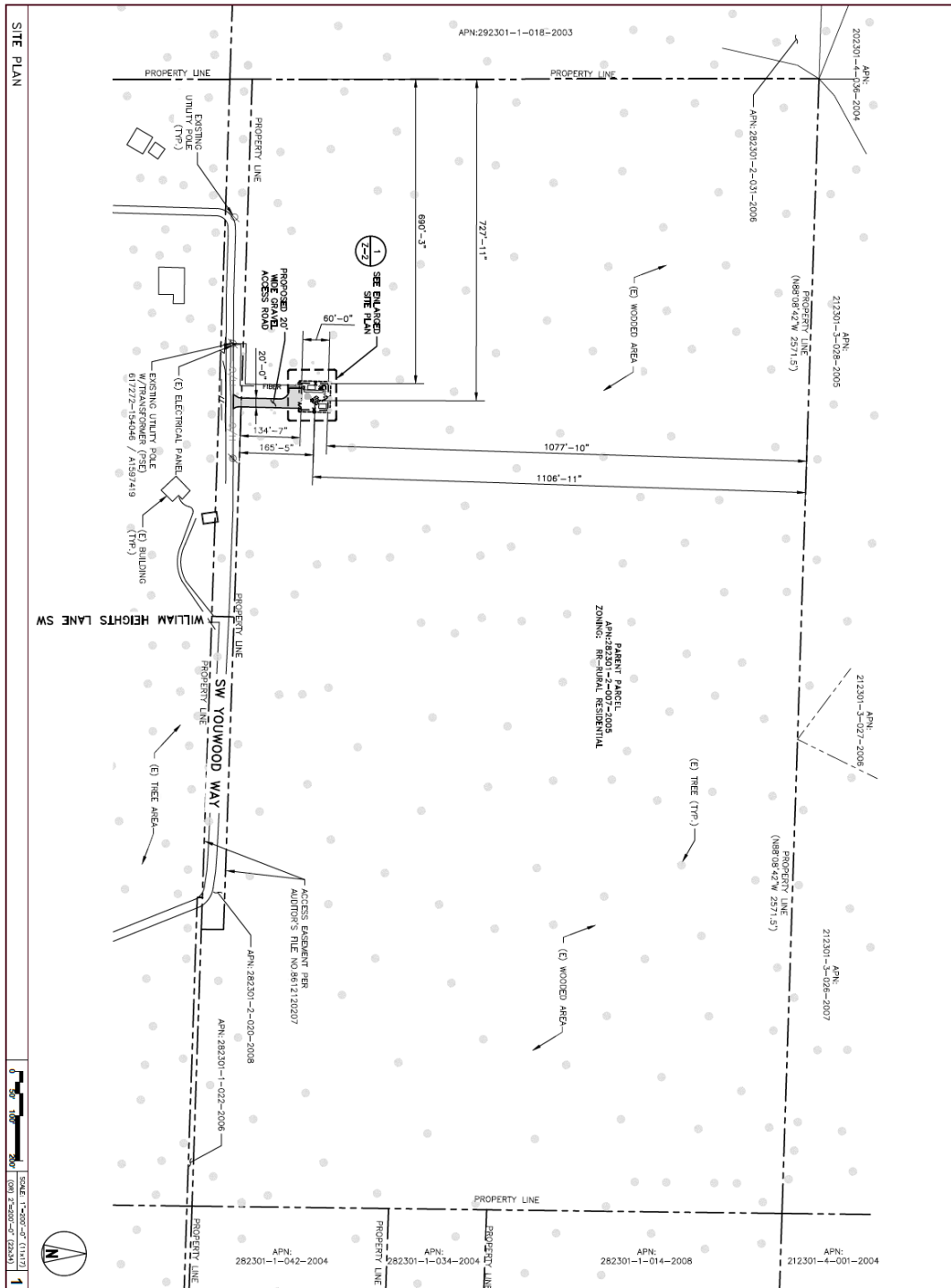
Interested Parties:





Kitsap County Health District, MS-30

Kitsap County Public Works Dept., MS-26

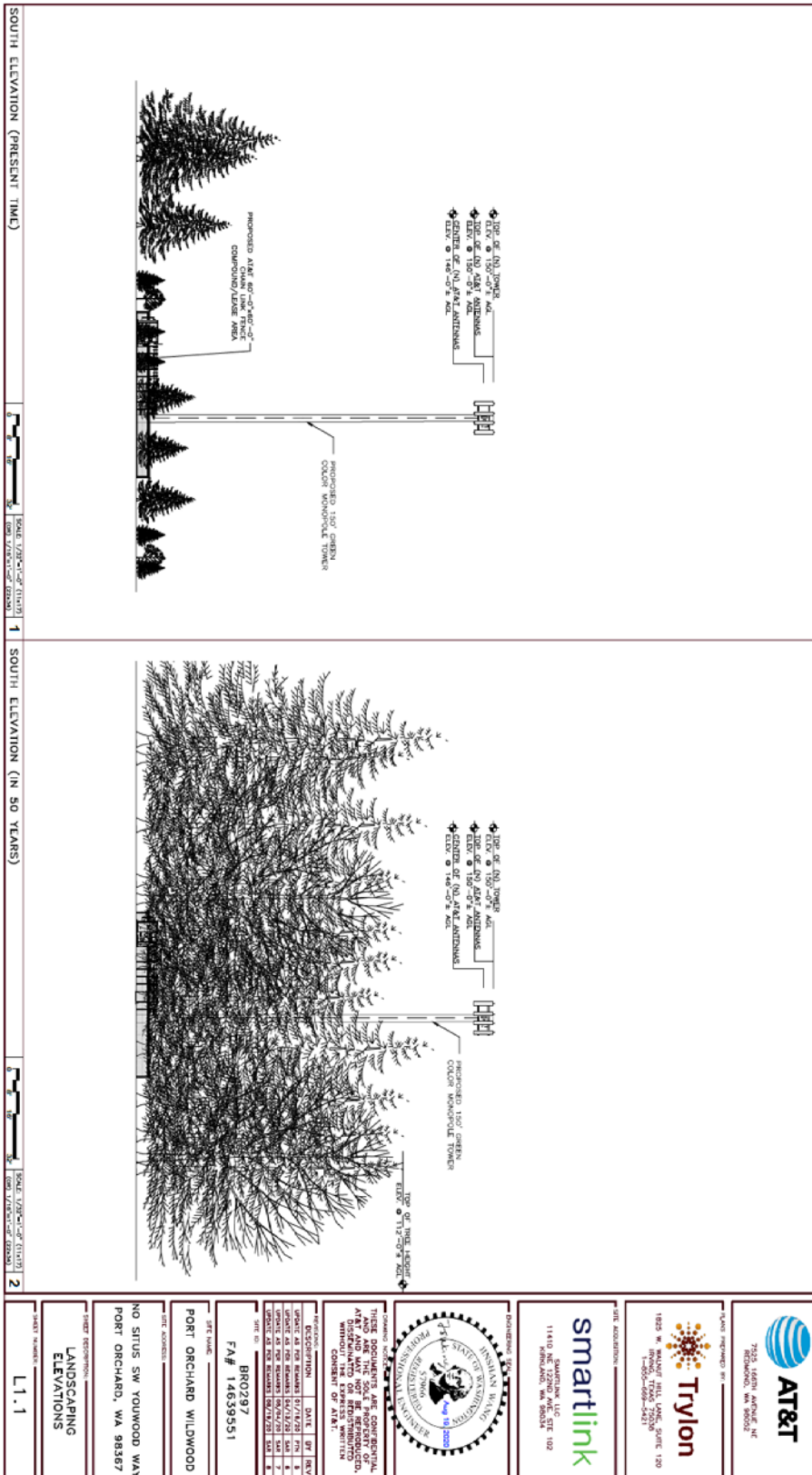
DCD Staff Planner: Jeff Smith

Site Plan



 <p>PLANS PREPARED FOR: 7523 16TH AVENUE NE REDMOND, WA 98052</p>		 <p>PLANS PREPARED BY: 1825 W. WALNUT HILL LANE, SUITE 120 REDMOND, WA 98052 1-855-688-5421</p>		 <p>SITE ACQUISITION: SMARTLINK, LLC 11410 NE 122ND AVE, STE 102 REDMOND, WA 98052</p>		 <p>DATE: 1/2/21 BY: REV CHECKED BY: REV DESIGNED BY: REV DRAWN BY: REV DATE: 1/2/21 DATE: 1/2/21 DATE: 1/2/21 DATE: 1/2/21 DATE: 1/2/21 DATE: 1/2/21</p>	
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<p>SHEET DESCRIPTION: SITE PLAN</p>		<p>SHEET NUMBER: Z-1</p>					

Architectural/Landscaping Elevations



PLANS PROVIDED FOR:

 2020-02223-000000
 2020-02223-000000

PLANS PROVIDED BY:

 1823 W. WALNUT HILL LANE, SUITE 120
 FARMINGTON, CT 06030
 TEL: 860-676-2200

DATE ACQUISITION:

 SMARTLINK, LLC
 11410 MC LIZARD AVENUE, STE 102
 FARMINGTON, CT 06030

PERMITTED BY:

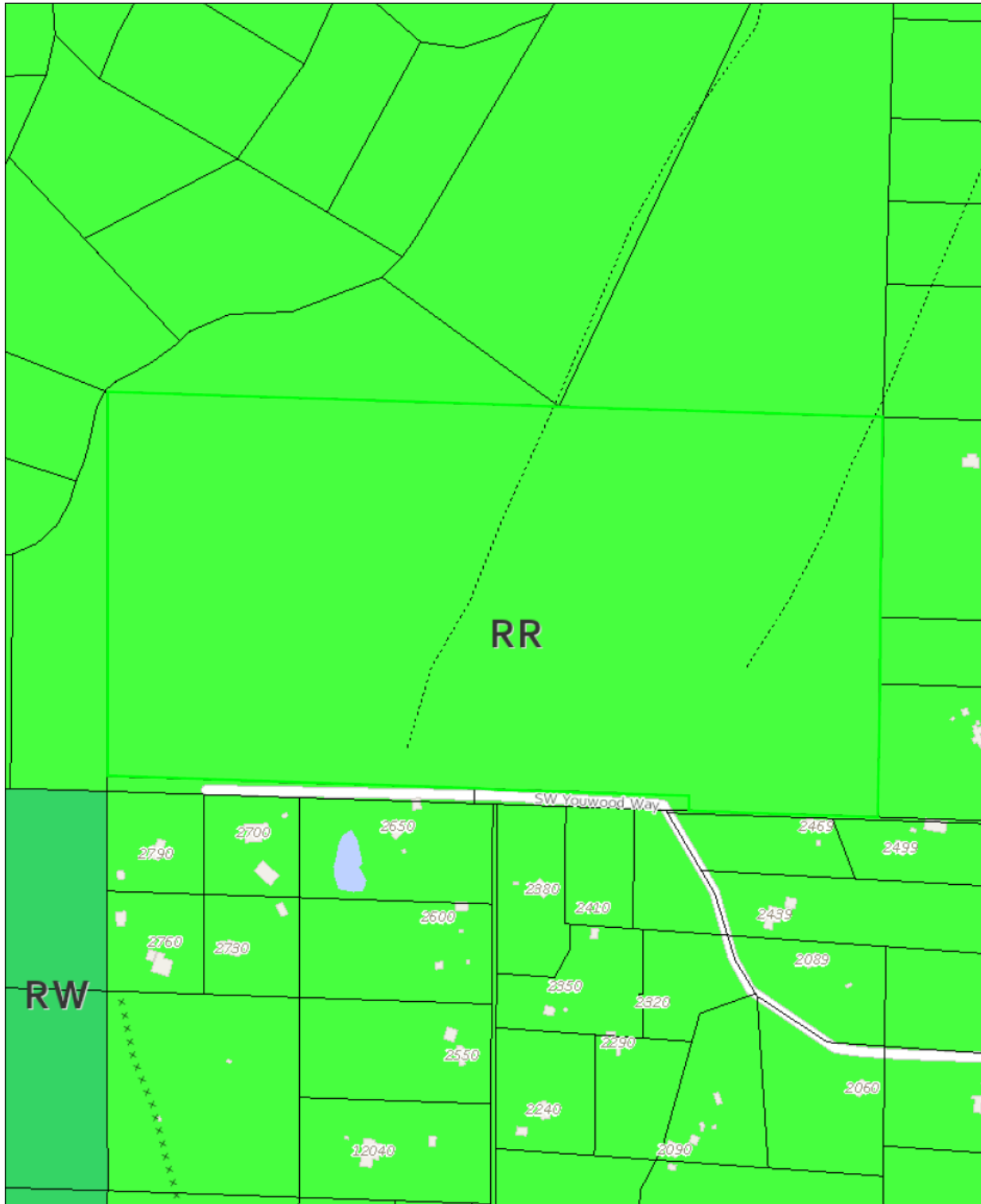
 PORT ORCHARD PLANNING BOARD
 100 W. WALNUT HILL LANE
 PORT ORCHARD, VA 23087
 APR 14 2020

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REVISION	DATE	BY
1	01/14/20	SK
2	02/11/20	SK
3	02/11/20	SK
4	02/11/20	SK
5	02/11/20	SK

PROJECT NO.: BR0297
 FA# 14639551
 SHEET NO.: 1
 PORT ORCHARD WILDWOOD
 NO SITUS SW YOUWOOD WAY
 PORT ORCHARD, VA 23087
 SHEET DESCRIPTION:
 LANDSCAPING ELEVATIONS
 SHEET NUMBER:
 L.1.1

Zoning Map



Comments

** This map is not a substitute for field survey ** Map Scale: 1 inch = 400 feet

Kitsap Co. Parcel Search Application

Parcel No: 282301-2-007-2005 TaxPayer: ALPINE EVERGREEN CO INC Site Address: NO ADDRESS FOUND



Printed March 29, 2021