



Hearing Examiner Staff Report and Recommendation

Report Date: October 3, 2018
Hearing Date: October 10, 2018

Application Submittal Date: February 16, 2018
Application Complete Date: June 7, 2018

Project Name: Puget Sound Emergency Radio Network-New Wireless Communications Facility

Type of Application: Conditional Use Permit
Permit Number:18-00716

Project Location

8994 SE View Park Rd.
Port Orchard, WA 98366
Commissioner District #2

Assessor's Account #
152302-4-001-2001

Applicant/Owner of Record

Rick Cardoza, LDC Inc.
140201 NE 200th Street, Suite 100
Woodinville, WA 98702

Recommendation Summary

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

VICINITY MAP



1. Background

The Puget Sound Emergency Radio Network is proposing to construct a wireless telecommunication facility near the northeast corner of the property, which consists of a 194-foot self-supported lattice tower with 4 antennas, and two microwave dishes on the tower as reviewed under KCC 17.530.060. The facility includes a 50 x 50-foot fenced compound which will include a pre-manufactured equipment shelter with emergency backup generator and 1,000-gallon fuel tank. The primary purpose of the new tower is to improve emergency radio coverage on the west side of Vashon Island which is located within King County.

2. Project Request

Puget Sound Emergency Radio Network is requesting Conditional Use Permit approval to construct a 194-foot high lattice tower to improve emergency radio coverage in west King 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 June 5, 2018 (Exhibit 19). A Determination of Nonsignificance (DNS) was issued on June 20, 2018 (Exhibit 27). SEPA noted the following information/SEPA mitigation conditions have been imposed and are listed under conditions 23 at the end of this report:

COMMENTS:

The SEPA comment period previously occurred concurrent with the Notice of Application dated June 5, 2018. Except for the property to the north, no comments were received based on review of the visual impact analysis, and therefore the following conditions are being applied.

CONDITIONS AND PROJECT MITIGATION:

Pursuant to SEPA substantive authority at KCC 18.04.200(D), including Kitsap County Comprehensive Plan Policies and Zoning Code development standards for determining visual impacts, mitigation measures are required to protect the surrounding viewscape. Kitsap County Comprehensive Plan Cap F and Utilities Goal 8 and Cap F and Utilities Policy 27 direct that the environment and visual impact of utility facilities on view corridors, vistas and adjacent properties be minimized by developing design guidelines for cellular towers, antennas and other utility facilities.

The following shall be mitigation requirements pursuant to KCC Title 17.530.050:

1. The proposal has been reviewed and will be conditioned for Stormwater Control per Kitsap County Code Title 12, Critical Areas per Kitsap County Code Title 19, and Wireless Communication Facilities per Kitsap County Code Title 17.
2. To minimize visual impacts for the surrounding community, the existing tower and new components shall be painted non-reflective earth-tone; final colors to be reviewed and approved by DCD prior to building permit approval. A light gray color is

preferred. Existing tower components are required to be painted to match as upgraded.

3. Flashing red, solid red or white strobe lighting shall not be allowed on the support structure to prevent visual impacts consistent with the above policy.
4. To provide a functional screen, the applicant shall plant two offset rows of Western Red Cedars along the northwest corner and preserve all other existing trees around the perimeter as identified on the site plan, dated 8/31/2018 as native growth protection zone to stay in perpetuity with the tower.

The SEPA appeal period expired September 28, 2018. No appeals were filed; therefore, the SEPA determination is final.

4. Physical Characteristics

The subject property is 6.01 acres irregular shaped. The site is generally flat with moderate slopes near the southwest corner and steep slopes located on the southeast side, which are mapped by County resource maps as a High Hazard area. Except for a portion along the north property line, much of the property is vegetated around the perimeter with large conifers (cedar) and deciduous trees. The property includes a single-family residence, and half a dozen out buildings. The property includes a sawmill near the center of the property with a log and lumber laydown yard north of the sawmill. The sawmill has been operating over 30 years as a small-scale home business.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Rural Residential Zone: Rural Residential	Standard	Proposed
Minimum Density	N/A	N/A
Maximum Density	5 acres	
Minimum Lot Size	5 acres	6.01 acres
Maximum Lot Size	N/A	NA
Minimum Lot Width	140 feet	487 feet
Minimum Lot Depth	140 feet	540 feet
Maximum Height	35 feet	194 feet
Maximum Impervious Surface Coverage	N/A	N/A
Maximum Lot Coverage	NA	NA

Applicable footnotes: N/A

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (North)	50 feet	87 feet (Tower)
Side (West)	20 feet (5 feet for accessory structures)	214 feet (Tower)
Side (East)	20-feet. (5 feet for accessory structures)	270-feet (Tower)
Rear (South)	20 feet. (5 feet for accessory structures)	439 feet (Tower)

Table 3 - Surrounding Land Use and Zoning

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

Table 4 - Public Utilities and Services

	Provider
Water	Well
Power	Puget Sound Energy
Sewer	Kitsap County
Police	Kitsap County Sherriff
Fire	South Kitsap Fire & Rescue
School	South Kitsap School District #400

5. Access

The property receives access from SE View Park to the north from an easement/driveway across property owned by Sarah Bowley (152302-4-039-2007).

6. Site Design

The proposed wireless communication tower is classified as an accessory commercial use or structure to the existing residential use on the property, pursuant to KCC Table 17.410.040A. Except for the maximum height requirement, the tower is required to comply with the minimum building setbacks per the zone. The facility receives access from the existing road serving the residence and lumber mill. The tower is an unmanned facility with maintenance from PSERN staff visiting the site several times a month. The tower and the associated ground equipment will occupy 2,500 square feet of area formerly used for stacking lumber or logs to be cut.

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

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

Rural Lands Goals and Policies

Land Use Policy 50

Limit the designated rural area to low residential densities that can be sustained by minimal infrastructure improvements, cause minimal environmental degradation, and that will not cumulatively create the future necessity or expectation of urban levels of service.

Land Use Policy 51

Permit residential uses in rural areas consistent with the planned rural character of the surrounding area.

Land Use Policy 54

In accordance with RCW 36.70A070(5)(c):

- Preserve rural character of the County, emphasis controlling rural development.
- Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area,
- Protect critical areas, as provided in RCW 36.70A.060, surface water and groundwater resources, and
- Protect against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170

Capital Facilities and Utilities Goals and Policies

CapF. and Utilities Policy 27

Minimize the visual impact of utility facilities on view corridors, vistas and adjacent properties by developing design standards for cellular tower, 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 14	Buildings and Construction
Title 17	Zoning
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 through 37.

Exhibit #	Document	Dated	Date Received
1	State Environmental Policy Act (SEPA) Checklist		02/21/18
2	Project Narrative		02/21/18
3	Photo Simulation		02/21/18
4	SEPA Addendum		02/21/18
5	Project Application		03/02/18
6	Building Elevations		03/02/18
7	Engineered Drainage Report		03/02/18
8	Adjacent Property Owner Notice Info		03/05/18
9	Propagation Map		03/05/18
10	Collocation Letter		04/25/18
11	FAA Determination Letter		04/25/18
12	Landowner Letter of Authorization		04/25/18
13	Lease Agreement		04/25/18
14	Easement		04/25/18
15	Engineer Calculations		04/25/18
16	Submittal Waiver		04/25/18
17	Concurrency Test		04/25/18
18	Health District Documentation		04/25/18
19	Notice of Application	06/25/18	
20	DSE Preliminary Conditions Memo	07/13/18	
21	Email from Cardoza - Response to Collocation Letter		07/17/18
22	Revised Landscape Plan		08/03/18
23	Boundary Plan Map		08/08/18
24	Response to Info Request		08/08/18
25	Revised Engineered Drainage Plans		08/08/18
26	Revised Site Plans		09/07/18

27	SEPA Mitigated Determination of Non-Significance (MDNS)		09/27/18
28	Email from Cardoza – Paint Color		09/27/18
29	Map – Aerial Imagery	10/01/18	
30	Map – Comprehensive Plan	10/01/18	
31	Map – Critical Areas Imagery	10/01/18	
32	Map – Vicinity	10/01/18	
33	Map – Zoning 2016	10/01/18	
34	Notice of Public Hearing	10/03/18	
35	Certification of Public Notice	10/04/18	
36	Staff Report		
37	Staff Presentation		

9. Public Outreach and Comments

Pursuant to KCC Title 21, Land Use, and Development Procedures, the Department gave proper public notice to properties 800 feet around the project site for the Conditional Use Permit. To date, the Department has not received comments on the new tower site.

10. Analysis

a. Planning/Zoning

Conditional Use Permit Analysis and Agency Recommendations

Pursuant to table KCC 17.530.100 Wireless Communication review process, a new support structure that exceeds 35 feet requires the project to be reviewed through a Conditional Use Permit. The Kitsap County Hearing Examiner is the review authority per KCC Title 21 and subject to standards criteria within KCC Section 17.530.100 and KCC Chapter 17.550 Hearing Examiner Conditional Use Permits. The following analysis was based on the site plan dated September 5, 2018 (Exhibit 26), along with other information for review of the Conditional Use Permit.

b. Lighting

If security lighting is necessary, the lighting should be arranged so that light is fully shielded from the side view, directed downward, and away from adjacent residential properties.

c. Off-Street Parking

The proposed wireless communication facility is an unmanned facility and only visited by maintenance staff a couple times a month to ensure the facility is operating correctly. Staff normally requires one space for service vehicles because of the frequency of site visits, which can be accommodated on this site.

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
N/A	N/A	N/A	N/A

d. Signage

N/A

e. Landscaping

To mitigate tower visual impacts on surrounding properties, new wireless communication facilities require landscaping around the ground equipment enclosure and taller vegetation around the tower base. The applicant has submitted a preliminary landscape plan to mitigate visual impacts.

Table 6 - Landscaping Table

	Required	Proposed
Required Landscaping (Sq. Ft) 15% of Site	N/A	N/A
Required Buffer(s) 17.500.027 17.530.050		
North	Screening Buffer	Planted Screening Buffer
South	Screening Buffer	Screening Buffer
East	Screening Buffer	Screening Buffer
West	Screening Buffer	Planted Separation Buffer
Street Trees	N/A	N/A

f. Frontage Improvements

N/A

g. Design Districts/Requirements

N/A

h. Development Engineering/Stormwater

The storm drainage report indicates slopes are 0 to 6 % on the site. Runoff from the site travels overland to the southeast as sheet flow passes across private property before discharging into an unnamed stream. Surface flows eventually discharge into Puget Sound. The civil engineer concluded that due to the forested- heavy vegetated ground cover adjacent to the lease area, a significant portion of onsite runoff is fully dispersed along the downstream flow path before discharging into the unnamed stream. Development Engineering has reviewed the stormwater proposal for the project and the request falls below the threshold for requiring civil plan review for storm drainage.

i. Environmental

The subject property contains steep slopes along the south property line with existing tree stands above and on the slopes. The proposed tower site is approximately 440 feet north of the south property line and not impacted by the steep slopes. The applicant has performed soil borings at the tower site to review geologic conditions of the site. The information will be included at the time of building permit review.

j. Access, Traffic and Roads

N/A

k. Fire Safety

If the applicant proposes a generator with flammable fuel at the time of construction, the Fire Marshal will review the request through the building permit review process

l. Solid Waste

N/A

m. Water/Sewer

N/A

n. Kitsap Public Health District

The Kitsap Public Health District has reviewed the proposal and determined the request was exempt.

o. Site Development Standards for Wireless Communication Facilities

The proposed Puget Sound Emergency Radio Network Tower is regulated pursuant to KCC Chapter 17.530 Wireless Communication Facilities (WCF). This chapter of the code encourages the use of alternative technology, and creative approaches to first locating wireless facilities on existing support structures. The intent is to minimize the visual impacts to property owners near the WCF. The site plan and architectural elevations that were reviewed are dated September 5, 2018 (Exhibit 26).

WCF antenna and support structures exceeding 35 feet in height are processed as a Conditional Use Permit per KCC 530.100 WCF Review Process Table. The Kitsap County decision criteria are set forth in KCC 17.530.060 and are listed below with a response discussing how the proposed WCF satisfies each criterion.

p. Kitsap County Conditional Use Permit Decision Criteria, KCC 17.530.060

The following decision criteria are to determine conditions of approval. The conditions imposed will ensure compatibility of the use with other permitted uses in the surrounding area. Staff responses to the criteria are indicated in italics.

1. It must be demonstrated that there is a need for a WCF to be located within or near (300 feet) residential zone.

The applicant states that the requested tower location and proposed tower height are needed to achieve radio frequency line of sight engineering to coverage objectives on the west side of Vashon Island and back coverage to other parts of King County, due to topography of western slopes and shadowing of areas that could not be covered otherwise. In addition, Level-of-service is needed for microwave connectivity where calls received at the View Park tower can be sent to dishes at Capital Hill and Top Hat sites to provide backhaul of calls to the network center.

Staff believes that the applicant has demonstrated there is a need for the facility to be in the rural areas to improve coverage. As demonstrated with the radio frequency propagation maps, the applicant demonstrates the need for the facility based on the current lack of coverage on the west side of Vashon Island.

2. The applicant's evaluation of operational needs and alternative of other sites within one mile.

Consistent with the above requirement, the applicant has evaluated the operational needs weighed alternative sites and determined this site is the best site, based tower height and compatibility with the rural character. PSERN evaluated the 420-foot KPLU radio tower owned by American Tower Company (152302-4-004-2008) and the 155-foot T-Mobile monopole tower owned by Crown Castle 152302-4-026-2002), and property abutting the two towers (152302-4-027-2001) north of View Park Road. PSERN found the T-Mobile tower was too low to meet coverage objectives and the private property was too small with no vegetation for screening. PSERN is already located on the 420-foot tower, but with the desired coverage objectives and the weight of the new equipment a new lattice tower was required to be built.

3. The proposal is required to be compliant with KCC Section 17.530.050
Wireless Communication facilities - Site Development Standards.

q. Viewscapes - Visual Impact Analysis:

Pursuant to KCC 17.530.050 Site Development Standards, The County must determine if the proposed wireless communication facilities result in more than a moderate visual impact upon significant viewscapes. Visual impacts and mitigation shall be determined through the State Environmental Policy Act review process.

r. Balloon Test:

As required, the applicant sent out public notice to surrounding property owners, performed and documented the balloon test. The applicant performed a balloon test on November 7, 2017, for the site under consideration. Photo simulation was prepared from the public balloon test providing analysis of the potential visual appearance from abutting property.

Visual Impact Analysis: The photo Analysis prepared for Puget Sound Emergency Radio Network (PSERN) includes before the tower construction and after construction to review the potential visual impacts. The 194-foot tower should be consistent with the vertical visual pattern and the flat dark green (Isle of Pines) will blend with the background of existing dark evergreen trees. To date the County has received public comments from one interested party, a neighbor to the north. Based on input from the neighbor, the proposed tower and ground equipment was moved approximately 50 feet east to help improve compatibility.

s. Visual Impact Mitigation Measures-Viewscapes:

Per KCC 17.530.050, visual impact mitigation is determined through the State Environmental Policy Act. Per SEPA substantive authority KCC 18.04.200(D), in reference to Kitsap County Comprehensive Plan CapF Goal 8, and CapF and Utilities Policy 27 to minimize visual impacts and protect view corridors and mitigate visual impacts to protect the surrounding viewscape.

The proposed 194-foot lattice tower will result in a "more than a moderate visual impact upon the territorial or significant viewscapes. The Kitsap County Responsible SEPA Official issued a MDNS on September 20, 2018, with four mitigation measures to reduce potential impacts below a moderate threshold. The mitigation includes 1) The proposal has been reviewed under applicable County Code; 2) To minimize visual impacts for the surrounding community, the existing tower and new components shall be painted non-reflective earth-tone; final colors to be approved by DCD prior to building permit approval. 3) Flashing red, solid red or white strobe lighting shall not be allowed on the support structure to prevent visual impacts consistent with the above policy. 4) The applicant shall plant two offset rows of Western Red Cedars along the northwest corner and preserve all other existing trees around the perimeter as identified on the site plan.

t. Landscaping and Screening:

In all zones, equipment shelters, cabinets and other on-the-ground ancillary equipment shall be subject to landscape screening requirements and shall be constructed with a screening buffer. Within 300 feet of an existing residential zone, the ground level view support structure shall be mitigated by the retention of existing trees with sufficient height that will provide a functional screen of substantial portion of the structure height.

The existing vegetation around the perimeter on the property, on the abutting properties, help screen and mitigate visual impacts from the lattice tower to the viewscape along SE View Park Road. The lattice tower is moderately visible in one location north of the site and west of the site near SE View Park Road and Banner Road. The wireless communication facility extends approximately 30 feet or more above the tree line when viewed from the west. The tower is consistent with the vertical pattern with the tree line. As demonstrated there should not be more than a moderate visible impact to the territorial view. When or if all the trees in the area are cut, the trees planted on the property will help screen the tower base.

u. Color and Lighting:

Pursuant to KCC Section 17.530.050.C.2, the applicant shall paint the support structure and antennas a non-reflective, earth tone color which will blend with the surrounding coniferous trees or the sky as agreed upon with the County. The applicant provided a document that the Federal Aviation Administration (FAA) will not require any support structure lighting (Exhibit-00).

PSERN is proposing a green "Isle of Pine". Existing tower components are required to be painted to match as upgraded. If certain parts cannot be painted due to performance issues, staff recommends a light gray hardware instead.

v. Electromagnetic Field/Radio (EMF) and Frequency Radiation Standards:

The proposed PSERN will comply with Kitsap County, State, and Federal guidelines applicable to FCC standards for EMF.

The review of the frequency radiation is outside of the county's jurisdiction but expects that PSERN will adhere to all Federal frequency EMF standards.

w. Sharing of Support structure and Collocation of Facilities:

The applicant is required to send a notice to all the existing carriers (e.g. Clearwire, Sprint Wireless), to collocate on the WCF

The facility is designed for multiple carriers to collocate on the tower consistent with the requirement. The site plan shows area for other carriers to collocate in the ground equipment compound (Exhibit 26). Only Kitsap County Central Emergency Communication and AT&T responded to the tower notice (Exhibit 10).

11. 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 Kitsap County Commissioners have determined that this application requires review and approval of the Hearing Examiner. 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.

12. 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.

The proposal is consistent with KCC Chapter 17.530 Wireless Communication Facilities. The project improves compatibility by retaining existing trees around the perimeter, planting a future buffer and painting the lattice tower with a flat earth tone to help reduce visual impacts.

13. Recommendation

Based upon the analysis above and the decision criteria found in KCC 17.550.030.A and KCC 17.530, the Department of Community Development recommends that the Conditional Use Permit request for the Puget Sound Emergency Radio Network tower be approved, subject to the following 30 conditions:

a. Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. 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 requirements of the Kitsap County (KCC). Unless in conflict with the conditions stated and /or any regulations, all terms and specifications shall be binding conditions of approval. Approval of this project shall not, and is not, to be construed as approval for

extensive or other utilization of the property. The applicant shall comply with mitigation measures outlined in the MDNS, dated September 20, 2018.

3. The structure shall be unlighted, including any daytime strobes or nighttime illumination, including flashing or solid beacons. Should the FAA require such lighting for aircraft safety, the facility shall be redesigned to meet FAA regulations without the need for lighting of the structure.
4. To minimize visual impacts for the surrounding community, the existing tower and new components shall be painted non-reflective earth-tone; and the final color to be reviewed and approved by DCD prior to building permit approval. Existing tower components are required to be painted to match as upgraded. The paint color shall be reviewed and approved prior to issuance to Building Permit issuance.
5. The applicant shall meet all requirements of the Federal Communications Commission (FCC) and the Telecommunications Act of 1996 regarding Electromagnetic Field/Radio-Frequency Standards.
6. 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.
7. 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.
8. 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.

9. The decision set forth herein is based upon representations made and exhibits contained in the project application 18-00716. 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.
10. 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.
11. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.

b. Development Engineering

12. 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.
Stormwater
13. The information provided demonstrates this proposal is a Small Project as defined in Kitsap County Code Title 12, and as such will require a Site Development Activity Permit (SDAP), demonstrating that the development adheres to Minimum Requirements 1 – 5, from Development Services and Engineering. The information provided in the Preliminary Drainage Plans and Report indicate the level of drainage review required is Abbreviated Drainage Review.
14. 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, March 14, 2018. The fees and submittal requirements shall be in accordance with Kitsap County Ordinances in effect at the time of SDAP application.
15. Per Volume II, Chapter 5.3.1 of the Kitsap County Stormwater Design Manual, a minimum 100-foot flowpath shall be depicted on the Site Development Activity Permit and shall be maintained for the Full Dispersion flowpath.

16. If the project proposal is modified from that shown on the submitted site plan dated March 14, 2018, Development Services and Engineering will require additional review and potentially new conditions.

c. Environmental

17. To minimize visual impacts for the surrounding community, the existing tower and new components shall be painted non-reflective earth-tone; final colors to be approved by DCD prior to building permit approval.

18. To provide a functional screen, the applicant shall plant two offset rows of Western Red Cedars along the northwest corner and preserve all other existing trees around the perimeter as identified on the site plan.

d. Traffic and Roads

19. Submit an Application for Concurrency Test (KCPW Form 1601) as required by Chapter 20.04.030, Transportation Concurrency, of the Kitsap County Code. The KCPW 1601 form reserves road capacity for the project.

20. 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 SDAP acceptance. Any amendment to the existing easement rights of adjoining property owners shall be properly executed and recorded prior to issuance of the SDAP Acceptance letter.

21. 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

22. The proposed site plan indicates the installation of a 1000-gallon fuel tank. A Fire Code Operation permit will be required as a separate permit for the storage or use of Class II liquids in excess of 60 gallons outside a building.

f. Solid Waste

N/A

g. Kitsap Public Health District

23. This permit shall comply with all Kitsap Public Health District regulations and conditions of approval.

Report prepared by:



Jeff Smith, Staff Planner /Project Lead

10/04/2018
Date

Report approved by:

Shawn Alire, Department Manager / Supervisor

Date

Attachments:

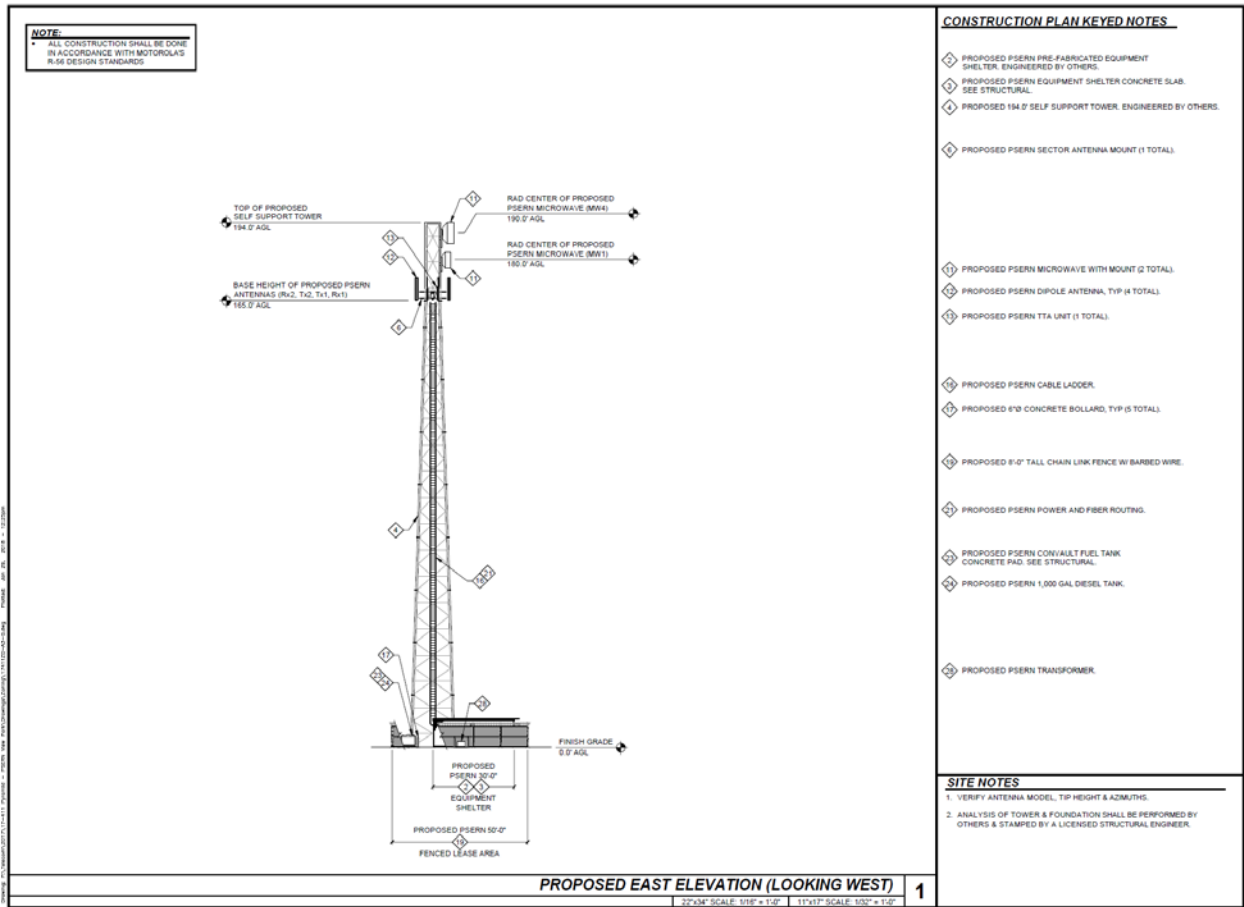
- Attachment A – Boundary Plan
- Attachment B – Existing Tree Conservation
- Attachment C – Proposed East Tower Elevation.
- Attachment D – Landscape Plan

CC: Rick Cardoza, rcardoza@ldccorp.com
Joe & Amy Neal, 8994 SE View Park, Port Orchard, WA 98367-8668
Interested Parties: Rush & Kaye Caley, PO Box 4296, South Colby, WA 98384
Kitsap Public Health District MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Jeff Smith

Site Plan

Drawings: P:\Tolcom\2017\17-411 Pyramid - PSEB\New Path\Drawings\Construction\1741103-A1-0.dwg Printed: Aug 28, 2018 - 10:03am





Drawn: P:\Telecom\2017\17-411 Puget - PDS\New Park\Drawings\Construction\1741100-L1-04.dwg Plotted: Aug 28, 2018 - 12:05pm

