



## Hearing Examiner Staff Report and Recommendation

**Report Date:** December 12, 2018 2018  
**Hearing Date:** December 20, 2018

**Application Submittal Date:** May 22, 2018  
**Application Complete Date:** July 11, 2018

**Project Name:** ECO-Site Keystone Court Mullenix Road 180-foot Multi-Tenant Wireless Communication Facility

**Type of Application:** Conditional Use Permit

**Permit Number:** 18-02544

### Project Location

3091 SE Mullenix Road  
Port Orchard  
Commissioner District #2

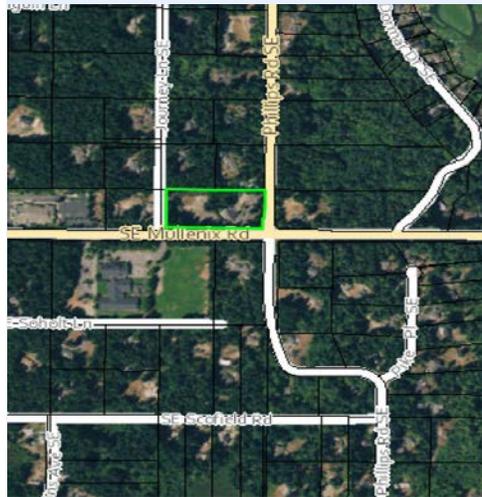
### Assessor's Account #

192302-2-032-2004

### Applicant/Owner of Record

Eco-Site LLC  
240 Leigh Farm Road, Suite 415  
Durham, NC 277707

### VICINITY MAP



### Recommendation Summary

Approved subject to 22 conditions listed under section 13 of this report.

#### 1. Background

The request is to construct a 180-foot unmanned multi-tenant wireless communications facility (WFC) on property owned by the Spirit of Life Lutheran Church. The monopole will be painted a flat earth (Hunter Green) to be located within a 50'x50' lease area for associated ground equipment, which will be screened by site obscuring fence and landscaping. ECO-Site is a tower company and T-Mobile has signed an agreement to be a tenant on the wireless communication facility. The proposal will be reviewed for compatibility within the rural neighborhood and consistency with 17.530 Wireless Communication Facilities. The Hearing Examiner is the review authority per Title 21 Land Use and Development Procedures.

#### 2. Project Request

ECO-Site is requesting Conditional Use Permit approval to construct a 180-foot high monopole to improve coverage for T-Mobile in South Kitsap

### **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 July 20, 2018 (Exhibit 26). A Mitigated Determination of Nonsignificance (MDNS) was issued on November 27, 2018 (Exhibit 44). SEPA noted the following information/SEPA mitigation conditions have been imposed and are listed under conditions XX at the end of this report:

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 tower shall be painted hunter green, a site-obscuring fence and planting provided around the perimeter. Existing and planted trees and vegetation shall remain.
3. A noise barrier shall be constructed along the northern perimeter per the Acoustical Report by SSA acoustics, dated August 29, 2017.
4. 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.

The SEPA appeal period expired December 11, 2018. No appeals were filed; therefore, the SEPA determination is final.

### **4. Physical Characteristics**

The proposed site is located on a 3.83-acre property, rectangle shaped, with a church previously approved on August 7, 1995 by Conditional Use Permit (Files LU-3747 and LU-4450). The proposed project site is flat, with the gentle slopes up to the west, flat to the south

and north, and generally sloping down to the east of the project area. There is a small depression east of the proposed project area that has one side with an approximately 18% slope on one side. The Soil Survey of Kitsap County identifies Indianola loamy sand 6 to 15% on the subject property. The soil is deep, somewhat excessively drained located on broad uplands. It is formed on in sandy glacial outwash. Except for a portion northwest corner of the property there are tall stands of Douglas fir trees around the perimeter that provide a functional screen from SE Mullenix Road and Philipps Road SE of the church and off-street parking area. The existing church was approved through a Conditional Use Permit, constructed in 1993 and is 10,322 square feet in size. The church site was conditioned by the Kitsap County Hearing Examiner to retain the natural buffer around the perimeter for a functional screen.

**Table 1 - Comprehensive Plan Designation and Zoning**

Comprehensive Plan: Rural Residential Zone: Rural Residential	Standard	Proposed
Minimum Density	NA	NA
Maximum Density	5 acres	
Minimum Lot Size	5 acres	3.83 acres
Maximum Lot Size	NA	NA
Minimum Lot Width	140-feet	279-feet
Minimum Lot Depth	140-feet	608 feet
Maximum Height	35 feet	180-feet
Maximum Impervious Surface Coverage	NA	NA
Maximum Lot Coverage	NA	NA

Applicable footnotes: NA

**Table 2 - Setback for Zoning District**

	Standard	Proposed
Front (East)	50 feet	391-feet
Side (South)	20-feet	215-feet
Side (West)	20-feet	232-feet
Rear (North)	20 feet	65-feet

**Table 3 - Surrounding Land Use and Zoning**

Surrounding Property	Land Use	Zoning
North	Currently developed. Single-Family Home.	Rural Residential (RR)

South	Single Family Home /Mullenix Elementary School	Rural Residential (RR)
East	Single-family residences	Rural Protection (RP)
West	Single Family Home	Rural Residential

**Table 4 - Public Utilities and Services**

	Provider
Water	Well
Power	Puget Sound Energy
Sewer	Onsite Septic
Police	Kitsap County Sherriff
Fire	South Kitsap Fire & Rescue
School	South Kitsap School District #402

**5. Access**

The church property receives primary access from Phillips Road SE which has a classification as a major rural collector and the secondary access is from Journey Lane SE, a private local access road.

**6. Site Design**

The proposed wireless communication tower is classified as an accessory commercial use or structure to the existing church 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 will receive access from the existing driveway serving the rear of the with unimproved overflow parking. The tower is an unmanned facility with maintenance from T-Mobile staff visiting the site several times a month. The tower and the associated ground equipment will occupy 2,500 square feet of lease area adjacent the drainfield and the rear property line.

**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 1-52.

Exhibit #	Document	Dated	Date Received
1	EMAIL – from DCD RE: Applicant Request for Landscape Requirement documentation	09/05/17	
2	DCD Code Enforcement Letter RE: Landscape Buffers	10/23/17	
3	Letter of Authorization		06/28/18
4	Health District Documentation		06/28/18
5	Site Plans		06/28/18
6	Concurrency Application		06/28/18
7	Photo Simulation		06/28/18
8	Propagation Map		06/28/18
9	Floor Plans		06/28/18
10	Tower Elevations		06/28/18
11	Lease Agreement		06/28/18
12	Adjacent Property Owner Notice		06/28/18
13	Affidavit of Mailing – Visual Impact Study		06/28/18
14	Noise Report		06/28/18
15	Landscape Plans		06/28/18
16	Stormwater Worksheet Packet		06/28/18
17	Engineered Drainage Plans		06/28/18
18	Engineered Drainage Report		06/28/18
19	Submittal Waiver		06/28/18
20	Project Narrative		07/02/18
21	Parking Analysis		07/02/18
22	Project Application		07/03/18
23	Photos – Balloon Test		07/03/18
24	FAA Report		07/11/18
25	Tree Survey Plans		07/12/18
26	Notice of Application		07/26/18
27	Interested Party Comment & Article – Chavez		07/26/18
28	Interested Party Comment – Gunyan		07/26/18
29	Interested Party Comment – Johnson, So Kitsap School Dist.		07/27/18
30	Notice of Application – REVISED		07/30/18
31	Interested Party Comment – Gunyan-2		07/31/18
32	Interested Party Comment – Weidman		08/02/18
33	Interested Party Comment – Welch, Port Gamble S’Klallam Tribe		08/02/18
34	Interested Party Comment – Leopold		08/05/18
35	FCC Standards Letter		08/24/18
36	Community Meeting Notice – ECO-Site		09/06/18

37	Community Meeting Summary Write-Up, Materials		10/24/18
38	SEPA Checklist		11/01/18
39	SEPA Checklist – Phase 1 Enviro & NEPA Reports		11/01/18
40	Engineer Calculations		11/06/18
41	Geotechnical Report		11/06/18
42	EMAIL – from Slotemaker RE: Landscape Restoration		11/01/18
43	Applicant Response to Info Request		11/06/18
44	SEPA Mitigated Determination of Non-Significance (MDNS)	11/27/18	
45	Notice of Public Hearing	12/04/18	
46	Certification of Public Notice	12/05/18	
47	Map – Zoning	12/10/18	
48	Map – Critical Areas	12/10/18	
49	Map – Aquifer Recharge Area	12/10/18	
50	Map – Comprehensive Plan	12/10/18	
51	Map – Aerial	12/10/18	
52	Map – Assessor’s Parcel	12/11/18	

**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 received comments on the new tower site. The Department received comments from the following interested parties:

- Randi & Nicholas Gunyan, 8602 Journey Lane SE, Port Orchard, WA 98367
- Abigail Welch, 8122 Journey Lane SE Port Orchard, WA 98367
- Robert and Susan Weidman, 8223 Journey Lane SE, Port Orchard, WA 98367
- Shawn and Phil Leopold, 8429 Phillips Road SE, Port Orchard, WA 98367
- Darryl Johnson South Kitsap School District, 1650 SE Cedar Road Port Orchard, WA 98366

The applicant's representative conducted a neighborhood informational meeting on September 18, 2018 to provide additional public outreach earlier in the review process as recommended through KCC Section 21.04.130 Neighborhood meeting. The Echo Site's Director of Sales, T-Mobile's Radio Frequency Engineer, Project Manager and Construction Manager were present. The purpose was to explain public need based on the lack of current coverage, site design, visual impact analysis and radio frequency emissions.

Issue Ref. No.	Summary of Concern (See corresponding responses in the next table)	Comment Letter Exhibit Reference No.
	The main points of concerns brought up by the interested parties was mostly health and environmental effects on kids at school residents and trees followed with concerns on the visual impact analysis, property values, review process and noise.	27,28,29,31,32,33,34

Issue Ref. No.	Issue	Staff Response
1.	Health Effects of Radio Frequency Radiation	Except for one interested party, most residents and a representative from the South Kitsap School District expressed a concern in correspondence and the meeting with the potential electromagnetic field radio frequency radiation. The Federal Communication Commission is responsible for setting limits on radiofrequency emissions. Eco-Site has submitted an informational fact sheet into the record explaining how the wireless communication facilities emit very little energy compared to other common devices. Staff has no comments on the RF radiation.
2.	Visual Impact Analysis	Some neighbors expressed a concern about visual impacts. The tower cannot be entirely screened from all property owners. Through the visual impact analysis with the balloon test, staff believes the applicant demonstrated that the tower base and majority of the tower will be screened consistent with the Code.
3.	Property Values	The applicant address concerns on reduction of property values. At the meeting the applicant explained that homebuyers may factor in wireless coverage. Staff has no comments on property values.

**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 WFC is an unmanned facility, resulting in no significant increase in traffic associate with the project and only visited by maintenance staff 1 to 2 visits a month by a technician 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 by existing parking on this site.

**Table 5 - Parking Table**

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
NA			

**d. Signage**

NA

**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. A comprehensive landscape will be required showing existing and proposed landscaping required to provide a functional screen.

**Table 6 - Landscaping Table**

	Required	Proposed
Required Landscaping (Sq. Ft.) 15% of Site	NA	NA
Required Buffer(s) 17.530.050		
North	Screening Buffer	Planted/Natural Screening Buffer

South	Screening Buffer	Screening 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. The approval is based on a review of the Preliminary Drainage Report and Preliminary Engineering Plans received May 22, 2018 to Kitsap County Development Services and Engineering.

**i. Environmental**

The subject property contains steep slopes along the south property line with existing tree stands above and on the slopes. The project is required to follow the site development and construction recommendations of the Geotechnical Report (Delta Oaks Group, 11/2/18).

**j. Access, Traffic and Roads**

NA

**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**

NA

**m. Water/Sewer**

NA

**n. Kitsap Public Health District**

The Kitsap Public Health District has reviewed the proposal and approved a Commercial Building Clearance permit for the tower site.

**o. Site Development Standards for Wireless Communication Facilities**

The proposed Echo-Site Keystone Court Mullenix Road Mullenix Road 180-foot Multi-Tenant WFC 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 June 25, 2018 (Exhibit 5).

A request for 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 proposed monopole support structure location and proposed tower height are needed to achieve radio frequency coverage objectives to provide higher quality service to customers for personal and emergency calls in the area south of Long Lake. T-Mobile currently has a coverage gap in this area as indicated on the coverage mapping supplied by T-Mobile. The proposed wireless facility will nearly fill the identified coverage gaps shown in the document titled SE06085A Port Orchard LTE Coverage Maps (Exhibit 8).

*Staff Comment: 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 southwest of the southern end of Long Lake.*

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

Applicant determined that there are no existing collocation structures exist within one-mile of the proposed location that would have met the required objective. Other sites were evaluated for the proposed site: 1) The green belt area on parcel 5431-000-0-048-0002, 2) Windstone Farm Equestrian Center 8988 Ramiller Lane SE, and 3) The church of Jesus Christ of LDS (Exhibit 20).

*Staff Comment: Consistent with the above requirement, the applicant has evaluated the operational needs weighed alternative sites and determined this site is the best site, based on the tower height and compatibility with the rural residential character. An interested party supports the new facility due to the lack of reception on Phillips Road and inside their home.*

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 June 29, 2018, for the site under consideration. Photo simulation was prepared from the public balloon test, which provides analysis of the potential visual appearance from abutting property.

Visual Impact Analysis: The photo Analysis prepared for Echo-Site Keystone Ct. Wireless Facility includes before the tower construction and after construction to review the potential visual impacts. The 180-foot tower should be consistent with the vertical visual pattern and the flat dark green will blend with the background of existing dark evergreen trees. The County has received comments from interested parties, neighbors to the north regarding potential visual impacts.

**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 180-foot monopole will result in a "more than a moderate visual impact upon the existing viewscapes. There are no territorial views or views of the Olympic Mountains or Mount Rainer due to the quantity of tall trees in the vicinity. The Kitsap County Responsible SEPA Official issued a MDNS on November 23, 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 a non-reflective earth-tone (Hunter Green); final colors to be approved by DCD prior to building permit approval. Existing trees and vegetation shall remain. 3) A noise barrier shall be constructed along the northern perimeter per the Acoustical Report by SSA Acoustics, dated August 29, 2017 (Exhibit 14).4) 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 to provide a visual screen.

**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. Fencing shall be nonobtrusive material such as dark coated vinyl chain link to blend in with surroundings. Within 300 feet of and existing residential zone, the ground level view support structure shall be mitigated by the retention of existing trees with enough 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 monopole to the viewscape along Phillips Road and Mullenix Road. The monopole tower is moderately visible along the north property line, to the west near Journey Lane, and the intersection of Mullenix Road and Phillips Road. Depending on the location, the wireless communication facility extends above the tree line, but the base is screened. The tower is consistent with the vertical pattern with the tree line. As demonstrated there should not be more than a moderate visible impact. The church has control of all existing vegetation used for screening. When or if all the trees in the area are cut, the trees planted on the property will help screen the tower base. The applicant planted a screening buffer along the north property line near the facility, which was conditioned with the Conditional Use Permit for the Spirit of Life Lutheran Church. As the trees mature, the screening buffer will help screen the base of the facility and screen the church property. Echo-Site/T-Mobile and the church are in the process entering into a long-term vegetation protection agreement to protect the existing native and planted vegetation around the perimeter.

**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-24). Eco-Site is proposing a green "Hunter Green". All proposed and future tower components are required to be painted to match as the antennas are upgraded.

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

The review of the frequency radiation is outside of the county's jurisdiction but expects that T-Mobile will adhere to all Federal frequency EMF standards. The proposed ECO-Site/T-Mobile facility will comply with Kitsap County, State, and Federal guidelines applicable to FCC standards for EMF. This requirement is a major concern to the interested parties. Information prepared by Eco-Site was provided to the neighbors at the community meeting to address the radiation concerns. T-Mobile test facilities to ensure facilities remain below thresholds established by the FCC Guidelines. T-Mobile documents test results and has them available to show to the FCC upon request.

**w. Sharing of Support structure and Collocation of Facilities:**

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 5).

**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 monopole tower with a flat earth tone will 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 Echo-Site Keystone Mullenix Road Wireless Communication Facility be **approved**, subject to the following 21 conditions:

#### **a. Planning/Zoning**

1. All required permit 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 November 23, 2018.
3. The structure shall be unlighted, including any daytime strobes or nighttime illumination, including flashing or solid beacons. Should the Federal Aviation Administration (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. All tower components are required to be painted to match as upgraded.
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. Submit a comprehensive Landscape Plan with the development permit to construct the wireless communication facility showing all natural and planted vegetation around the perimeter identified as the screening buffer.

7. 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 (Exhibit 5).
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.

13. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.
- b. Development Engineering**
14. The information provided demonstrates this proposal is a Small Project as defined in Kitsap County Code Title 12, and as such will require compliance with stormwater Minimum Requirements #1-5; on-site stormwater management will be reviewed through required building permit(s).
  15. 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, July 11, 2018.
  16. If the project proposal is modified from that shown on the submitted site plan dated May 22, 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 and landlord shall preserve all existing trees around the perimeter as identified on the site plan.
  19. This project shall follow the site development and construction recommendations of the Geotechnical Report (Delta Oaks Group, 11/2/18). A geotechnical engineer will be required to observe construction practices to confirm that the site conditions do not differ from those conditions anticipated in design. If any variation, the geotechnical engineer shall be contacted immediately to provide revisions and/or additional site exploration as necessary.
- d. Traffic and Roads**
20. Submit plans for construction of the road approach between the edge of existing pavement and the right-of-way line at all intersections with county rights-of-way. Approaches shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 of the Kitsap County Code. Existing approaches may need to be improved to meet current standards.

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 building permit. The need for and scope of bonding will be determined at that time.

e. **Fire Safety**  
NA

f. **Solid Waste**  
NA

g. **Kitsap Public Health District**

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

**Report prepared by:**



\_\_\_\_\_  
Jeff Smith, Staff Planner / Project Lead

12/12/2018 \_\_\_\_\_  
Date

**Report approved by:**



\_\_\_\_\_  
Shawn Alire, Department Manager/Supervisor

2/12/2018 \_\_\_\_\_  
Date

**Attachments:**

- Attachment A – Overall Parent Site Plan
- Attachment B – North Architectural Elevation
- Attachment C – Zoning Map, etc.

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Kitsap County Public Works Dept., MS-26  
DCD Staff Planner: Jeff Smith



**North Architecture Elevation**

