



## KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

614 DIVISION STREET MS-36, PORT ORCHARD WASHINGTON 98366-4682  
(360) 337-7181 FAX (360) 337-4925 HOME PAGE - [www.kitsapgov.com/dcd/](http://www.kitsapgov.com/dcd/)

Larry Keeton, Director

*Reissued*

### NOTICE OF ADMINISTRATIVE DECISION

June 15, 2010

To: Interested Parties and Parties of Record

RE: Project Name: SE06082 Kitsap Relocate T-Mobile  
Fairgrounds (Flagpole)  
Application: Administrative Conditional Use Permit  
File Number: LIS# 10 88409

Enclosed is the Administrative Decision issued by the Kitsap County Department of Community Development (DCD) for the above referenced application.

**THE DECISION OF THE DEPARTMENT IS FINAL, UNLESS APPEALED TO THE KITSAP COUNTY HEARING EXAMINER BEFORE THE CLOSE OF BUSINESS ON JUNE 29, 2010.**

Pursuant to the Kitsap County Land Use and Development Procedures, an appeal may be filed objecting to the Department's Decision. An appeal must be made in writing, and received by the Department of Community Development (DCD). At the time of filing the appeal, the appellant shall pay the sum of **five hundred and ninety dollars (\$590.00)**. This fee is non-refundable and subject to change. Make check payable to Kitsap County Department of Community Development (DCD).

The written appeal shall be made on, or attached to, an appeal form provided by DCD, and shall contain the following information.

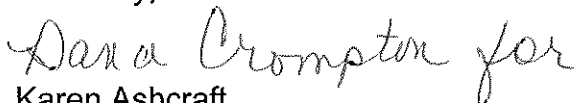
1. The project name, project applicant, application type, and file number designated by the County;
2. The name, address, and signature of each appellant. If multiple parties file a single appeal, the appeal document shall designate, in writing, one party as the contact representative for all contact with the DCD Director and the Office of the Hearing Examiner. All contact between the County and the appellants regarding the appeal, including notices, shall be through this contact representative; and
3. A written statement of the specific aspect(s) of the Decision and/or SEPA determination being appealed, the reasons why each is in error as a matter of fact or law, and the evidence relied upon to prove the error

Notice of Administrative Decision – SE06082 Kitsap Relocate T-Mobile  
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The complete application file will be available for review at the Department of Community Development, Monday through Thursday, except holidays, from 10:00 a.m. to 3:45 p.m. by appointment only. You may make an appointment by calling me at (360) 337-4487.

If you have questions, please contact me at (360) 337-4487 or Jeff Smith at (360) 337-5777.

Sincerely,



Karen Ashcraft  
Clerk of the Examiner

C: T-Mobile, c/o Jeffrey S. Smith, [jssmithconsulting@gmail.com](mailto:jssmithconsulting@gmail.com)  
Jim Duneiddie, Director, KC Parks & Recreation  
[jdunwiddie@co.kitsap.wa.us](mailto:jdunwiddie@co.kitsap.wa.us)  
B. J. Thomas, 7607 80<sup>th</sup> Avenue NE, Marysville, WA, 98270

Interested Parties:  
(None)



## **KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT**

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Larry Keeton, Director

# **STAFF REPORT**

## **ADMINISTRATIVE DECISION**

**Date:** June 14, 2010

**Application Date:** February 25, 2010

**Project:** SE06082 Kitsap Relocate T-Mobile Fairgrounds (Flagpole)

**Type of Application:** Administrative Conditional Use Permit

**Permit #:** 10 88409

### **Request:**

The request is for approval of an Administrative Conditional Use Permit, Type-II application to move a 120-foot wireless communication facility with a stealth design as a flagpole from Gordon Field to a site southwest of Thunderbird Stadium grandstands and pens. The facility will include associated ground equipment within a 360 square foot fenced compound. The new wireless communication facility will replace an existing facility on County property to comply with restrictions for use of the property imposed by the Federal government grant.

**Project Location:** The subject property is located at 7299 Tibardis Road NE, Bremerton in Central Kitsap County.

**Assessor's Account #:** 272501-2-009-2002

### **Applicant and Project**

T-Mobile c/o  
Jeffrey S. Smith  
19807 North Creek Parkway North  
Bothell, WA 98011

### **Owner of Record**

Kitsap County  
619 Division Street  
Port Orchard, 98366-4682

### **Representative:**

Jim Dunwiddie, Director  
Parks and Recreation  
1200 NW Fairgrounds Road  
Bremerton, WA 98311  
Marysville, WA 98270

### **Engineer:**

B.J. Thomas, P.E.  
7607 80<sup>th</sup> Avenue NE  
Marysville, WA 98270

**State Environmental Policy Act (SEPA) Status:**

Pursuant to WAC 197-11-340, the Responsible Official signed a Determination of Nonsignificance on May 13, 2010.

Comments: The proposed activity will be conditioned to maintain the appearance as a flag pole, reducing potential visual impacts on surrounding properties. The stealth flag pole technology will be consistent with fairground appearances, and the paint scheme will blend in with the surrounding fairground landscape.

**Physical Characteristics:**

The subject property is 111.38 acres zoned Parks, located at 7299 Tibardis Road NE, Bremerton in Central Kitsap County. The wireless communication facility site is proposed to be re-located to a site southwest for the Thunderbird Stadium and northwest of the ball fields in an area used for off-street parking. The proposed site separated by a vegetative strip adjacent to Tibardis Road NE. The parking lot is used for off-street parking during Kitsap County Fair and for other events.

**Comprehensive Plan Designation and Existing Zoning:** The subject property has a Comprehensive Plan designation "public facility" and a zoning of Parks. The intent of the zone is to create long-term consistency between the purpose for the purchase of parks and open space properties and the development regulations that apply to their development. Parks properties are intended for the development of parks, open space areas and open space recreational facilities for the benefit of Kitsap County.

Minimum Lot Area = N/A

Minimum Lot Width = N/A

Minimum Lot Depth = N/A

Maximum Height = 35 feet

Minimum Setbacks = 20 feet front yard

= 10-feet side yard

= 10 feet rear yard

**Surrounding Land Use and Zoning:**

The surrounding properties on west side of the parks property include single-family homes and are zoned Urban Restricted (1 to 5 dwelling units per acre). Properties east and south of the parks property is zoned Urban Low Residential. North of the parks property is rural greenbelt.

**Public Utilities and Public Services:**

Water: City of Bremerton

Power: Puget Sound Energy

Sewer: Kitsap County

Police: Kitsap County Sheriff  
Fire: Central Kitsap Fire and Rescue  
Schools: Central Kitsap School District #401

**Transportation:**

Primary access to the site will be from Tibardis Road NE. Development Engineering has reviewed the unmanned project proposal and determined the project will not generate a significant amount of vehicle trips impacting local transportation facilities.

**Storm Drainage:**

The project is considered a minor new development and will not require civil engineering for storm water. Development Engineering has reviewed the project proposal and it to be consistent with KCC Title 12, Road Standards.

**Off-Street Parking and Loading:**

The facility is unmanned, will only require periodic maintenance, and will not require off-street parking. There is adequate area for parking on the Kitsap County Fairgrounds property for maintenance vehicles.

**Policies and Regulations Applicable to the Subject Proposal:**

*Kitsap County Zoning Ordinance (February 15, 1999)*

*Road Standards, Title 11*

*Stormwater Drainage, Title 12*

*Zoning, Title 17, (February 15, 1999/ as amended)*

- Chapter 110 Definitions
- Chapter 377 Parks Zone
- Chapter 382 Density, Dimensions and Design
- Chapter 385 Landscaping
- Chapter 400 Land Use Review
- Chapter 420 Administrative Conditional Use Permit
- Chapter 435 Off-Street Parking and Loading
- Chapter 520 Appeals
- Chapter 525 Revocations of Permits or Variances

*KCC, State Environmental Policy Act, Section 18.04*

*Critical Areas Ordinance, Title 19*

*Kitsap County Land Use and Development Procedures Title 21, (May 18, 1998 and as amended)*

*Kitsap County Comprehensive Plan (May 7, 1998 and as amended)*

The following provisions are Goals of the Comprehensive Plan addressing the land use element:

Goal 2 Ensure Utility Services are provided in an efficient and coordinated manner

Policy UT-11 Encourage the joint use of utility corridors and sites, provided such joint use is consistent with applicable law and prudent utility practice.

Goal 4- Minimize environmental impacts of utility facilities and Policy

Policy UT-19 Minimize the visual impact of utility facilities on view corridors, vista and adjacent properties by developing design guidelines for cellular towers, antennas and other utility facilities.

**Project Analysis:**

The wireless communication facilities are regulated pursuant to the Kitsap County Zoning Code (KCC) Chapter 17.470 Wireless Communication Facilities. To minimize the visual impacts to surrounding properties, this section encourages the use of existing supports structures, and creative approaches to locating wireless communication facilities.

Administrative Conditional Use Permit Review

The request for the T-Mobile Flagpole Relocate is considered an accessory structure and exceeds 35 feet in height, and utilizes a ground support facilities and must be reviewed for consistency with 17.470.050(B)(C)and (D) Wireless Communication Facilities – Site Development Standards through an Administrative Conditional. In addition, the wireless communication facility camouflaged as a flagpole is reviewed for consistency with Department Interpretation dated February 13, 2001 for site plan dated February24, 2010. Staff comments are in italics.

A. Prior to issuance of a Building Permit, the applicant shall provide a fully executed lease agreement with the owner of the property.

Staff Comment: *The County and the applicant are currently negotiating the term of the lease agreement for the new facility.*

B. Before the issuance of a Building Permit, the applicant shall submit a copy of the flagpole manufacture's brochure or photo simulation of the pole to be erected to demonstrate actual appearance and scale.

Staff Comment: *Applicant has agreed to submit documentation.*

C. The flagpole should be painted either black or white only and capped.

Staff Comment: *Staff is recommending that the flagpole be painted a dark earth tone to reduce the mass of the structure.*

D. Flagpole shall taper from the base to the top of the pole, be fluted, and be in scale with the surrounding vegetation and existing development in the vicinity.

Staff Comment: *As proposed by the applicant, the design of the wireless communication facility will include the listed design elements that consistent with a flagpole.*

- E. The flag shall be sized appropriately to scale of the pole. Before the issuance of the Building Permit, the applicant shall document the size of the flag that will be used on the flagpole.

Staff Comment: *The applicant is proposing to fly a State of Washington flag. At the time of Building Permit review, the size of the State flag will be evaluated to determine that the flag is in scale with the flagpole and surrounding use.*

- F. The applicant shall be responsible for maintaining the flag that is required to be flown at all times. Provisions for flying the flag at half-staff shall be incorporated into the final design.

Staff Comment: *The flag is should be flown consistent with Federal and State Flag etiquette - Protocol for Displaying Flags for Washington Local Governments, and per RCW 1.20.017.*

- G. If the flag is going to be flying past sunset, the flag shall be illuminated night. Light intensity shall be compatible with urban or rural land use pattern where the flagpole is located. All lighting shall be directed upward and screened from the side view so as not to shine on adjacent properties.

KCC Section 17.470.050 Wireless Communication Facilities – Site Development Standards

Landscaping and Screening: Consistent with Section 17.470.050(B) Landscaping Screening KCC, the applicant is required to have a functional screen at the ground level view within 300-feet of any residential zone.

Staff Comment: *The proposed facility includes landscaping to be planted along the Tibardis Road NE side, consistent with KCC 17.385 Landscaping, and a black coated vinyl chain link fence with slates will be installed to screen the ground equipment. Applicant has demonstrated that due to potential conflicts with traffic circulation around the livestock pens during the fair events, it is unfeasible to install landscaping around the entire fence perimeter. The proposed site is plan is consistent with this requirement.*

Color and Lighting: As proposed, the 120-foot lattice tower should not require lighting by the Federal Aviation Administration (FAA).

Staff Comment: The flag pole shall be painted dark earth tone consistent with the appearance of a flagpole.

Electromagnetic: Must Comply with Field/Radio-Frequency Radiation Standards

Staff Comment: *Staff expects that the facility will comply with all Federal regulations.*

Sharing of support structure and collocation of Facilities: Minimize the number of wireless communication facilities.

Staff Comment: *The Building Permit Site will need to demonstrate there is additional space on the pole and in the ground equipment compound for carriers to collocate.*

Public Comment: The County, pursuant to KCC Title 21, Land Use, and Development Procedures, gave proper public notice. To date the County has not received written comments for the public.

County Health District: No comments

County Development Engineering/ No Comments

County Fire Prevention Bureau: No Comments

Public Input: No comments received to date.

### **Site Plan Review Findings:**

Staff has reviewed the Administrative Conditional Use Permit for the T-Mobile Flagpole Relocation application against the requirements in KCC 17.382.030 Design Standards. Staff believes the request and satisfies the criteria set forth in KCC Section 17.420.040(A) Findings on each criterion are hereby made as follows:

1. As found above the proposal is consistent with the Capital Facility designation of the comprehensive plan.
2. The proposal complies with applicable requirements of Title 17 KCC, assuming compliance with conditions of approval.
3. The flagpole in the Parks zone will not be materially detrimental to uses or property in the immediate vicinity, which includes significant wireless communication uses.
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.

### **Administrative Conditional Use Permit Decision:**

Based upon the above findings, the Administrative Conditional Use Permit request for T-Mobile Flagpole Relocation is **approved**, subject to the following conditions:

1. Site Plan/Building Permit review by Kitsap County.
2. Ground equipment shall be screened adequately as depicted on the proposed site plan date February 24, 2010.

3. All new fencing shall be dark coated vinyl Chain link fencing and include slates to provide screening.
4. Landscape Plan shall meet the minimum Code requirements including, sizes, spacing irrigation, and treatment of landscape beds consistent with Section 17.385.
5. The applicant is to install landscaping prior to Final Certificate of Occupancy of the buildings. If this cannot be installed at that time, the landscaping can be bonded for 150% of the cost of materials and labor.
6. The Department shall be notified for a final inspection when construction has been completed.
7. Land use approval is limited to the uses proposed by the applicant on the recommended site plan and the SEPA Environmental Checklist dated May 13, 2010. Any modifications or expansion of the project will be subject to further review pursuant to the requirements of the appropriate sections of the Kitsap County Code.
8. Pursuant to KCC 21.04, land use approval is valid for a period of up to three (3) years from the decision date.
9. Prior to issuance of a Building Permit, the applicant shall record a Land Use Permit Binder with the Kitsap County Auditor's Office pursuant to KCC Section 17.421.080 Land Use Binder Required. If conditions are not adhered to, contrary to the Land Use Permit Binder, the Conditional Use Permit may be rescinded and the County may require that the facility be removed at the owner's expense.
  - A. Prior to issuance of a Building Permit, the applicant shall provide a fully executed lease agreement with the owner of the property.
  - B. Before the issuance of a Building Permit, the applicant shall submit a copy of the flagpole manufacture's brochure or photo simulation of the pole to be erected to demonstrate actual appearance and scale.
  - C. The flagpole should be painted either black or white only and capped.
  - D. Flagpole shall taper from the base to the top of the pole, be fluted, and be in scale with the surrounding vegetation and existing development in the vicinity.
  - E. The flag shall be sized appropriately to scale of the pole. Before the issuance of the Building Permit, the applicant shall document the size of the flag that will be used on the flagpole.
  - F. Applicant shall be responsible for maintaining the flag that is required to be flown at all times. Provisions for flying the flag at half-staff shall be incorporated into the final design.

G. If the flag is going to be flying past sunset, the flag shall be illuminated night. Light intensity shall be compatible with urban or rural land use pattern where the flagpole is located. All lighting shall be directed upward and screened from the side view so as not to shine on adjacent properties.

10. The applicant shall adhere to all applicable Health District requirements.

11. The applicant shall adhere to all requirements of the Kitsap County Fire Marshal's Office.

12. Development Engineering accepts the concepts contained in this preliminary submittal and requires the following conditions of approval:

**\*(Attach Site Plan Here)**

**This Administrative Decision issued on June 14, 2010. This Decision of the Director of the Kitsap County Department of Community Development may be appealed to the Kitsap County Hearing Examiner pursuant to Section 120 of the *Kitsap County Land Use and Development Procedures Ordinance (May 18, 1998)*. Appeals must be filed with the Department of Community Development by the close of business on June 28, 2010.**

cc: T-Mobile c/o Jeffrey S. Smith  
\* Kitsap County  
B.J. Thomas, P.E.  
Jim Dunwiddie, Director, Parks, and Recreation  
Interested Parties: **None**  
Kitsap County Health District, MS-30  
Kitsap County Parks & Recreation Dept., MS-6  
Kitsap County Development Engineering / Public Works  
DCD Staff Planner Jeff Smith  
DCD Code Enforcement  
Clerk of Hearing Examiner  
DCD File  
DCD Building Permit File



