

# CITY OF PORT ORCHARD Planning Commission Minutes

CITY HALL • 216 Prospect Street, Port Orchard, WA 98366  
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## Planning Commission Meeting Minutes January 29, 2007

### **Commissioners Present:**

Gil Michael, Chairman  
Bek Ashby  
Stephanie Bailey  
Noel Larson  
Annette Stewart  
Tim Drury  
Kim Ruona  
Tadina Crouch

### **Staff Present:**

Joanne Long-Woods, Planning Director  
Jennifer Haro, Associate Planner

### **CALL TO ORDER:**

Chairman Michael called the meeting to order at 7:06 p.m.

### **OLD BUSINESS:**

Chairman Michael requested a change in the order of business to allow the Police Chief to address Bed & Breakfast parking, listed under Old Business. Additional discussion will follow the regular agenda.

Police Chief Townsend stated that he sees no problem from an enforcement point of view to have permitted parking on the street for Bed & Breakfasts as long as there is a clear method for the vehicle to display the permit. He stated that it did not matter from enforcement perspective how many vehicles were permitted, as long as the permit is clearly visible.

### **NEW BUSINESS:**

#### **Public Meetings:**

#### **A. CUP 021-06/SDP69-06/V-1176. Cell Tower for Verizon on Bay Street - Conditional Use/Shoreline Substantial Development Permit/Variance**

Associate Planner Jennifer Haro stated that the application was for a 100' flag pole-type wireless antenna tower located on a parcel zoned commercial. Staff report reviewed the comprehensive plan and zoning ordinance and found nothing that addresses this particular type of tower. Staff determined that there are conditions for a variance for the View Overlay District that apply. Height restrictions in a Shoreline Environment are limited to 36', which is the reason for the Conditional Use permit.

There was discussion between Planning Commissioners and staff in regard to the Shoreline Master Program, SEPA process, setbacks, and what options are available for the Planning Commission and City Council if they find it is not compatible with adjacent land uses.

Andy King, Meridian Group, 1910 N 41<sup>st</sup> Street, Seattle, WA 98103, representing the applicant, Verizon Wireless, described the project as a stealth flag pole with the antennas inside. Mr. King explained that because wireless signals are line-of-sight, the signal is blocked along the major corridor due to the topography or vegetation, and that this location will provide the additional coverage. The antenna needs to be higher than the surrounding buildings and topographic features. The stealth pole design minimizes view obstruction and won't affect solar access to neighboring lots. The applicant had non-ionizing emissions analysis prepared by a professional engineer, and found it to be lower than current FCC exposure levels. Mr. King stated that the applicant has no objection to possible co-location by other services in the future, and that the pole is designed for antennas to be located inside.

There was discussion between Commissioners as to types of flags to recommend and addressed Mr. King with regard to flying a flag on the pole. Mr. King stated that they preferred not to as it raised other issues, such as potential view obstruction, noise, and lighting.

Commissioner Crouch made the motion to fly either the Washington state flag or the U.S. flag. No second. Motion failed.

Commissioners discussed the pole and concrete pad size, painting the pole to blend with surroundings, maintenance, fencing, and landscaping. There were some wording changes made by Commissioners.

Motion was made by Commissioner Crouch, seconded by Commissioner Ruona to approve the Conditional Use Permit with the findings and recommendations as corrected and stated. Upon vote, the motion passed 4 – 2. Commissioner Bailey and Commissioner Stewart dissented.

Planning Commission moved on to the Shoreline Substantial Development Permit portion of the Verizon Cell Phone Tower application. Planning Director Long-Woods stated that anything within 200' of the shoreline requires review by the Shoreline Master Program. One concern is if the applicant digs down as deep as 25' there is the possibility of salt water intrusion. Since this was only recently mentioned, there has been no notification to State Fish & Wildlife for comments. Mr. King responded that the design of the foundation is only speculation at this point because there is no report yet for subsurface conditions. They are looking at two options:

1. Drilled pier foundation. This would be about 8' in diameter and as deep as 25' down. If high water table is a concern, then:
2. Mat foundation. This would be wider, perhaps 15' in diameter and 2' – 3' deep.

Motion was amended by Commissioner Drury, seconded by Commissioner Crouch to approve the Shoreline Substantial Development Permit, subject to staff review of site development and building permit. Motion passed 4 – 2. Commissioners Bailey and Stewart dissented.

Planning Commission moved on to the variance to the View Protection ordinance, specifically for the height of the tower to allow a 100' tower. Motion was made by Commissioner Crouch and seconded by Commissioner Ashby. Motion passed 4 – 2. Commissioners Bailey and Stewart dissented.

#### **B. SUBDIV 05-05 A1. Forest Song Plat/PRD – Plat Amendment**

Associate Planner Haro stated that this project is for 86 townhomes and has a Type 5 stream on the property. The plat was approved earlier this year, but Council included a condition that prohibited any grading or improving surface within 40' of the top of the stream bank. This condition would affect a significant number of the proposed houses. The developer hired professionals to mark the stream and have it surveyed, and is asking to revise the condition to change the buffer to 25' from the ordinary high water mark of the stream, and a 15' building setback 40' total.

Planning Director Long-Woods explained that in the Critical Areas Ordinance if the ordinary high water mark is not known, then the top of the slope is used to measure the 25' buffer. The in-stream storm water detention ponds were part of the original approval. Shifting of the stream bed has to be approved by State Fish & Wildlife as part of their hydraulic project approval.

William M. Palmer, Land Use Planner for the project, stated that since the earlier approval, the stream had been surveyed and flagged for ordinary high water. The site plan includes two detention ponds and the re-routing of the streambed. The re-routing is meant to address an objection by State Fish & Wildlife to having the stream go through the ponds. There was discussion between Mr. Palmer and the Commissioners regarding maintaining vegetation, the buffer size by the manmade portion of the streambed, fencing, and traffic.

Scott Walker, representing Oak Ridge Homes, stated that the purpose of the application was to address the setback requirements now that ordinary high water for the stream has been established. There was discussion between Planning Commissioners and Mr. Walker concerning fencing, and about the potential for trees toppling in storms. Mr. Walker is open to a perimeter fence along Melcher, however the topography along Sherman acts as a natural buffer.

Peggy Samson, 1117 Sherman Avenue, Port Orchard WA 98366, stated that the development will impact trees along Sherman and wants the trees to come down.

Mary Phelps, 1050 Hull Avenue, Port Orchard WA 98366, asked about various details of the development. She expressed concern about increased traffic. She would like to see a fence on Hill Road and recommended that the big trees come down and smaller ones be planted.

In response to Ms. Phelps questions, Mr. Palmer described the street improvements associated with the project as providing additional right-of-way, and putting curb, gutter, and sidewalks along Sherman and Melcher. Trees have been evaluated for long-term viability and most of the large trees will be removed. The plan includes planting about 300 new trees, both flowering and conifer. The total acreage of the project is 9.5 acres; lot size is 28' or 32' wide, depending on if it is an interior or an end lot. End lots have an additional 5' of designated open space between them. The homes are expected to be priced in the mid-\$200's. The drainage is mandated by the state to treat the storm water runoff from development.

Motion was made by Commissioner Drury, seconded by Commissioner Crouch to recommend the amendment with a condition of approval that a wood fence no higher than 6' be installed along Hill Drive. Motion carried 5 – 1. Commissioner Bailey dissented.

### **C. Selection of New Planning Commission Chairperson, and Chair Pro-tem.**

Motion was made by Council member Commissioner Ruona, seconded by Tim Drury for Gil Michael to continue as Chair. Motion carried unanimously.

Motion was made by Council member Commissioner Ruona, seconded by Commissioner Ashby for Tim Drury to act as Chair Pro-tem. Motion carried unanimously.

### **OLD BUSINESS**


Parking requirements for Bed & Breakfasts was moved to the next meeting.

### **Item for Discussion**

Chairman Michael stated that Council has asked for a summary of tonight's actions and that he will provide that to them. Commissioner Drury asked that he include those things that aren't approved.

### **ADJOURN**

Chairman Michael adjourned the meeting at 9:48 p.m.

  
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Joanne Long-Woods, Planning Director

  
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Gil Michael, Chairman