



**CITY OF PORT ORCHARD**  
**Public Works Department**  
Permit Center  
216 Prospect Street, Port Orchard, WA 98366  
Ph.: (360) 874-5533 • permitcenter@portorchardwa.gov

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## **NOTICE OF DECISION**

**Issuance Date:** February 27, 2024

**Applicant:** North Group  
PO Box 2449  
Snohomish, WA 98291

**File Number(s):** PW23-061 / PW23-062

**Project Name:** Horizon Tower

**Type of Application(s):** Major Land Disturbing Activity & Storm Drainage Permit

**Assessor Parcel Number(s):** 082301-2-004-2002

**Site Location:** 4100 SW Old Clifton Rd

### **PROPOSAL:**

Construction of a new telecommunications tower, equipment shelter, access road, and associated utilities.

### **DETERMINATION OF CONSISTENCY 20.24.100**

Administrative applications are reviewed by the City to determine consistency between the proposed project and the applicable regulations and the Comprehensive Plan provisions. A determination of consistency shall consider the type of land use, the level of development, availability of infrastructure, and the character of development. The application shall be found to be consistent with the Comprehensive Plan, the provisions of Title 20, the Washington State Environmental Policy Act (SEPA), and the City's Design Standards.

### **PUBLIC COMMENT AND RESPONSE:**

Notice of Application was issued October 11, 2023 with comment period running through October 25, 2023. The City received no comments during the comment period.

### **FINDINGS MADE BY THE PUBLIC WORKS DIRECTOR/CITY ENGINEER**

1. A counter complete application for LDAP and SDP was submitted on August 30, 2023.
2. Revised documents were submitted on January 24, 2023.
3. The application was determined to be technically complete on September 27, 2023.
4. A Notice of Application was issued October 11, 2023 with a two-week comment period that ended October 25, 2023.
5. The Notice of Application was properly noticed by mailing to surrounding property owners, publishing in the newspaper of record, and posting on the site.

6. No comments were received in response to the Notice of Application.
7. The City determined the project was exempt from the concurrency requirements for a Capacity Reservation Certificate for water, sewer, and transportation.
8. The City of Port Orchard SEPA responsible official issued a Determination of Nonsignificance (DNS) for this project on December 7, 2022 as part of a previously issued Land Use application LU22-CUP-01.
9. A Hearing Examiner's Decision was issued approving the previously issued conditional use permit LU22-CUP-01 on April 27, 2023.
10. The application is consistent with the Comprehensive Plan, the provisions of Title 20, the Washington State Environmental Policy Act (SEPA), and the City's Design Standards. The application is consistent with the criteria of approval as identified in this report.

Approved Documents:

- Civil Plans, stamped received on January 24, 2024 as revised by the City of Port Orchard
- Geotechnical Report, stamped received on August 30, 2023
- Storm Drainage Report, stamped received on August 30, 2023
- SEPA Determination of Nonsignificance (DNS), stamped received on August 30, 2023
- Hearing Examiner's Decision, stamped received on August 30, 2023

**CONDITIONS OF APPROVAL**

1. The decision set forth herein is based upon representations made and information submitted, including development plans and proposals, submitted to the Director. Any substantial change(s) or deviation(s) in such development plans, proposals, or conditions of approval imposed shall be subject to the approval of the Director, and may require additional permitting, public notification and comment.
2. The authorization(s) granted herein is/are subject to all applicable federal, state and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances are conditions precedent to the approvals granted and are continuing requirements of such approvals. By accepting this/these approvals, the applicant represents that the development and activity allowed will comply with such laws, regulations and ordinances. If, during the term of the approvals granted, the developments and activities permitted do not comply with such laws, regulations or ordinances, the applicant agrees to promptly bring such developments or activities into compliance.
3. Upon approval of the application and issuance of the land disturbing activity permit, no work shall be done that is not provided for in the permit.
4. Applicable fees shall be paid prior to permit issuance.
5. The approved permit must be picked up within sixty (60) days of notification. If the permit is not picked up within 60 days of notification, it may be canceled by the director and become null and void. If the permit is canceled, the director shall notify the applicant by mail. Permit review fees are not refundable for a permit that is canceled due to a failure to pick up.
6. The land disturbing permit application expires as specified in POMC 20.140.090(4).

7. Per POMC 20.140.090(4), an issued land disturbing activity permit shall automatically expire or be extended when the building permit expires or is extended; or, if a building permit is not issued for the same site, the LDAP shall expire if the authorized work has not begun within 180 days from the date of permit issuance, or if work is abandoned for over 60 consecutive days, unless an extension has been granted. The applicant shall be responsible for notifying the director, in writing, if delays or unforeseen circumstances are impacting the start or continuation of the work. If the authorized work is continually performed, the permit shall expire one year from the date of issuance, unless a different time frame is specified on the permit or an extension is granted. Up to two one-year extensions may be granted by the director for a land disturbing activity permit, provided the request is in compliance with provisions found in POMC 20.140.090(5).
8. Per POMC 20.150.150, an issued stormwater drainage permit shall expire three years from the date of issuance if the permitted work has not yet commenced. If construction has begun and is continuing, the property owner or permit applicant may request an extension in writing to the director prior to expiration. Inspections performed and approved within every 360 days is evidence that work has commenced and is continuing. The director may grant a one-time extension not to exceed two additional years.
9. Engineering or Architecture: Any changes in proposed construction shall be reviewed by the engineer or architect of record and submitted in writing to the City of Port Orchard Public Works Department prior to any revised construction. All engineering and/or architectural documents are a part of the approved set of plans, shall remain attached thereto, and become a part of the public record at the City. If documents are removed, or changes are made without approval from the architect or engineer and the Public Works Department, approval and occupancy will not be granted.
10. Should the proponent propose phasing of the project, a phasing plan shall be submitted to City Public Works Department for review and approval. The phasing plan shall, as a minimum, address the following items: 1) Time tables indicating the anticipated time between initial site grubbing/grading activity and the completion of construction, including site stabilization of that specific phase. 2) The extent of drainage improvements to be installed during the various phases.
11. Clearing limits shall be marked on-site prior to any land clearing. Clearing limits shall be the minimum necessary to construct and install all facilities. Every effort shall be made to disturb as little of the existing natural vegetation in order to retain the maximum vegetation possible. Please call the Planning Department to schedule your inspection at (360)874-5533.
12. Erosion and sedimentation control devices shall be installed in accordance with best management practices. Provide gravel construction entrance mat and other appropriate BMP's as required. Protect all exposed soils. Contact Port Orchard Permit Center to schedule an inspection by calling (360) 874-5533.
13. Cover and properly locate stockpiles.(1) Earth stockpiles should be set back at least 50 feet from downslope drainage features (eg. channels, catch basins, detention ponds, pavement, stream banks, critical drainage areas); (2) Stockpiles should be located on the uphill side of the excavated area wherever possible so that they can act as diversions; (3) Earth stockpiles should not be placed on pavement without implementation of a procedure to prevent

sediment transport; (4) Earth stockpiles should be completely covered or otherwise stabilized with an appropriate BMP on a daily basis during winter months and within 30 days during dry seasons; (5) The bottom of the stockpile should be circled with an interceptor swale and/or Filter Fabric Fence to catch sediment-laden runoff from the stockpile.

14. Any work within the City right-of-way will require an application to perform work on City right-of-way and possibly a maintenance or performance bond. The need for and scope of bonding will be determined at that time.
15. It is the responsibility of the Contactor to schedule all paving operation inspections for approval.
16. Erosion and sedimentation control devices shall be installed in accordance with best management practices. Provide appropriate gravel entrance mat. Protection of all exposed soils is required. Installation and inspection is required prior to any work commencing on-site. The contractor is responsible for continued maintenance during and after construction.
17. This project meets the definition of a minor development per the City of Port Orchard Municipal Code Title 15.32.020 #40. Major developments require a preliminary and final drainage plan and analysis prepared by a licensed civil engineer. Please submit a design that includes all elements indicated on the attached preliminary drainage checklist. "Minor development" means any new development or any redevelopment activity that: (a) includes the creation or cumulative addition of less than five thousand square feet or greater of impervious surface area from the pre-development conditions(Sept 1987); or (b) includes land disturbing activity of less than one acre or greater; or (c) includes grading involving the movement of less than five thousand cubic yards or more of material. Should you alter your project in such a way as to no longer meet this definition, please submit a new site plan so we may update this memorandum.
18. Submit soil compaction testing reports when complete to the City of Port Orchard Assistant Engineer.
19. LANDSCAPE INSPECTION: The contractor must schedule a landscape inspection for compliance with the approved landscape plan. This inspection must be approved prior to Final Inspection. Schedule the inspection by calling the Permit Center at (360)874-5533 or by emailing [inspections@portorchardwa.gov](mailto:inspections@portorchardwa.gov).
20. Permanent stabilization and restoration of the project site. Final replanting may be delayed to the appropriate season, provided that temporary soil stabilization measures are in place and financial security is provided to assure the completion of work.
21. Completion, to the satisfaction of City of Port Orchard Public Works Department, of all work indicated on the plans.
22. The Contractor must keep track of any field changes which will be turned over to the engineer of record to use in preparation of the as-built drawings for the project. The owner must submit the as-built plan set drawings to the Permit Center for the City's review and approval prior to submitting the final copies. Once approved, submit as-built plans to the Permit Center consisting of one paper copy and an electronic copy of both DWG and vector-converted PDF digital drawings.

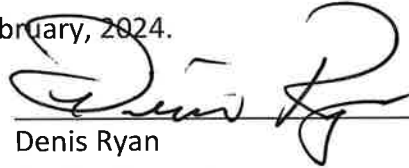
23. SOIL AMENDMENTS: All disturbed areas proposed as landscape or lawn shall install soil amendments per Department of Ecology BMP T5.13 Post-Construction Soil Quality and Depth. Please coordinate soil amendments with Public Works inspector prior to installation.
24. Any changes to type quantity, or layout of landscaping must be submitted to the Permit Center prior to installation. Changes to the landscape plan not previously approved by the City will not be approved in the field.

## **DECISION**

A Type II permit action is reviewed and considered in accordance with the procedures for such actions as set forth in Subtitle II of POMC Title 20 and applicable chapters.

The request to construct a new telecommunications tower, equipment shelter, access road, and associated utilities, as described and set forth in this report and decision, is hereby approved subject to the conditions of approval listed above.

ORDERED this 27th day of February, 2024.



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Denis Ryan  
Public Works Director

The effective date of approval for this request is March 12, 2024, provided no appeal is filed.

### **APPEAL PROCEDURES**

PLEASE NOTE: This approval is subject to a 14-day appeal period per POMC Chapter 20.22.040.

APPEAL PERIOD CLOSES: March 12, 2024 at 4:00 PM.

APPEAL TO HEARING EXAMINER: Pursuant to Section 20.22.040 of the *Port Orchard Municipal Code*, a party of record may file an appeal within fourteen (14) days after the issuance of the Notice of Decision.

### **DISTRIBUTION**

Full Decision transmitted this 27th day of February, 2024 by email and first class mail to:

Bill North OBO Horizon Tower, North Group, PO Box 2449, Snohomish, WA 98291,  
[Billnorth@northgroup.net](mailto:Billnorth@northgroup.net)

Harold Duncanson, 145 SW 155<sup>th</sup> St, Ste. 102, Seattle, WA 98166, [Haroldd@duncansonco.com](mailto:Haroldd@duncansonco.com)

### **CONTACT INFORMATION**

For additional information concerning this permit please contact:

Christian Williams, PE, Civil Engineer II  
Public Works Department  
216 Prospect Street  
Port Orchard, WA 98366  
360-876-4991