



**PLANNING COMMISSION SPECIAL MEETING
THURSDAY, MAY 28, 2020**

THE PLANNING COMMISSION WILL HOLD THIS MEETING USING A VIRTUAL, ZOOM WEBINAR PLATFORM, PER GOVERNOR INSLEE'S "STAY HOME, STAY HEALTHY" ORDERS. MEMBERS OF THE PUBLIC WHO DO NOT WISH TO VIEW THE MEETING VIA THE BKAT BROADCAST OR THE CITY'S WEBSITE STREAMING WILL BE ABLE TO CALL IN TO THE ZOOM MEETING.

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AGENDA

1. **CALL TO ORDER/ROLL CALL - 5:00 PM**
2. **PLANNING COMMISSION MEETING MINUTES 5:05 PM**
 - 2.a **Review and Approve Minutes** 5 Minutes
[Planning Commission Minutes DRAFT 051420.pdf](#)
3. **PUBLIC COMMENT - 5:10 PM**
Public comment on off-agenda items.
4. **UNFINISHED BUSINESS - 5:20 PM**
 - 4.a **5:20 PM - Ordinance No. 2020-04, Adopting Small Wireless Facility Design Standards** 30 Minutes
Memo - Changes to Ordinance No. 2020-04 Since Last Planning Commission Review
Ordinance No. 2020-04, Adopting Small Wireless Facility Design Standards - Clean Copy

- 4.b 5: 50 PM - Bonus Floor Area Ratio (FAR) Options, BIMC 18.12.030.E.** 60 Minutes
- [BIMC_1812.030_FAR_BONUS_OPTIONS.pdf](#)
[RES_2003-25_FULL_CITY_COUNCIL_FOR_DECISION_MAKING_RE_FLOOR_AREA_RATIO_BONUSES.pdf](#)
[RES_2001-54_DISTRIBUTION_OF_FUNDS_FROM_PURCHASE_OF_FLOOR_AREA_RATIO_BONUSES.pdf](#)
[MUTC Zoning Districts Map.pdf](#)
[Planning Commission Minutes and Addendum DRAFT 031220.pdf](#)
[20200424_CC_Staff_Memo \(10\).docx](#)
[FAR_USAGE_BY_PROJECT.pdf](#)
[FAR Usage Winslow Hotel](#)
[Quitslund request for Info in the PC Packet FAR Discussion 5.12.2020.docx](#)
[P C Subcommittee Recommendations on FAR Policies, 4.27.2020.docx](#)
[Comp_Plan_Goals_Policies_Related_to_FAR.pdf](#)
[Chapter 2 WMP.pdf](#)
[Admin Manual .pdf](#)
[Ordinance_No._2020-10_Adopting_Interim_Zoning_Control_Related_to_Bonus_Density](#)
[BIMC Table 18.12.020-3.docx](#)
[Subcommittee Recommendation - Changes to Base & Bonus FAR policies, 5.22.2020.docx](#)

5. PLANNING DIRECTOR'S REPORT - 6:50 PM

6. ADJOURNMENT - 7:00 PM

GUIDING PRINCIPLES

Guiding Principle #1 - Preserve the special character of the Island, which includes downtown Winslow's small town atmosphere and function, historic buildings, extensive forested areas, meadows, farms, marine views and access, and scenic and winding roads supporting all forms of transportation.

Guiding Principle #2 - Manage the water resources of the Island to protect, restore and maintain their ecological and hydrological functions and to ensure clean and sufficient groundwater for future generations.

Guiding Principle #3 - Foster diversity with a holistic approach to meeting the needs of the Island and the human needs of its residents consistent with the stewardship of our finite environmental resources.

Guiding Principle #4 - Consider the costs and benefits to Island residents and property owners in making land use decisions.

Guiding Principle #5 - The use of land on the Island should be based on the principle that the Island's environmental resources are finite and must be maintained at a sustainable level.

Guiding Principle #6 - Nurture Bainbridge Island as a sustainable community by meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Guiding Principle #7 - Reduce greenhouse gas emissions and increase the Island's climate resilience.

Guiding Principle #8 - Support the Island's Guiding Principles and Policies through the City's organizational and operating budget decisions.



Planning Commission meetings are wheelchair accessible. Assisted listening devices are available in Council Chambers. If you require additional ADA accommodations, please contact the Planning & Community Development Department at (206) 780-3750 or pcd@bainbridgewa.gov by noon on the day preceding the meeting.

Public comment may be limited to allow time for the Commissioners to deliberate. To provide additional public comment, email your comment to pcd@bainbridgewa.gov or mail it to Planning and Community Development, 280 Madison Avenue North, Bainbridge Island, WA 98110.



CITY OF
BAINBRIDGE ISLAND

Planning Commission Special Meeting Agenda Bill

MEETING DATE: May 28, 2020

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: Review and Approve Minutes

AGENDA CATEGORY: Minutes

PROPOSED BY: Jane Rasely

**PREVIOUS PLANNING COMMISSION
REVIEW DATE(S):**

PREVIOUS COUCIL REVIEW DATE(S):

RECOMMENDED MOTION:

I move to approve the Planning Commission Minutes as distributed.

SUMMARY:

BACKGROUND:

ATTACHMENTS:



PLANNING COMMISSION SPECIAL REMOTE MEETING MAY 14, 2020

MEETING MINUTES

1) **CALL TO ORDER/AGENDA REVIEW/CONFLICT DISCLOSURE**

Chair William Chester called the meeting to order at 5:14 PM. Planning Commissioners in attendance were Mack Pearl, Jon Quitslund, Lisa Macchio, Kimberly McCormick Osmond and Joe Paar. Don Doman was absent. City Staff present were Planning Director Heather Wright, Senior Planner Jennifer Sutton and Administrative Specialist Jane Rasely who monitored recording and prepared minutes.

The agenda was reviewed. There were not any conflicts of interest noted.

2) **PLANNING COMMISSION MEETING MINUTES**

2.a Review and Approve Minutes

[Cover Page](#)

[Planning Commission Minutes DRAFT 021320.pdf](#)

Motion: I move approval of the minutes for the regular meeting of the Planning Commission for February 13, 2020 as included on the agenda for tonight's meeting.

Quitslund/Paar: Passed Unanimously

[Planning Commission Minutes DRAFT 022720.pdf](#)

Motion: I move approval of the minutes for the regular meeting of the Planning Commission for February 27, 2020 as included on the agenda for tonight's meeting.

Quitslund/Paar: Passed Unanimously

[Planning Commission Minutes DRAFT 031220.pdf](#)

Motion: I move approval of the minutes for the regular meeting of the Planning Commission for March 12, 2020 with the addendum providing rationale for the recommendation on Ordinance 2020-10 as included on the agenda for tonight's meeting.

Quitslund/McCormick Osmond: Passed Unanimously

3) **PUBLIC COMMENT ON OFF AGENDA ITEMS**

3.a Instructions for Providing Public Comment in Remote Meetings

[Cover Page](#)

[Instructions for Providing Public Comment at Remote Meetings.pdf](#)

Bob Russell spoke with concern about remanding the Hearing Examiner's decision back to the City.

Kirsten Hytopoulos spoke about taking another look at the Hearing Examiner's decision on the Winslow Hotel permit application.

4) UNFINISHED BUSINESS

4.a Bonus Floor Area Ratio (FAR) Options, BIMC 18.12.030.E.

[Cover Page](#)

[BIMC_1812.030_FAR_BONUS_OPTIONS.pdf](#)

[RES_2003-](#)

[25_FULL_CITY_COUNCIL_FOR_DECISION_MAKING_RE__FLOOR_AREA_RATIO_BONUS ES.pdf](#)

[RES_2001-](#)

[54_DISTRIBUTION_OF_FUNDS_FROM_PURCHASE_OF_FLOOR_AREA_RATIO_BONUS S.pdf](#)

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[Comp_Plan_Goals___Policies_Related_to_FAR.pdf](#)

[Chapter 2 WMP.pdf](#)

[Admin Manual .pdf](#)

Discussion included recommendations from the Planning Commission's subcommittee.

5) NEW BUSINESS

5.a PCD 2020 Work Plan and Upcoming Planning Commission (PC) Meetings

[Cover Page](#)

Planning & Community Director Heather Wright provided an update on the workplan options for the Planning Commission.

6) PLANNING DIRECTOR'S REPORT

Included in New Business.

7) ADJOURNMENT

Chair William Chester adjourned the meeting at 6:53 PM.

William Chester, Chair

Jane Rasely, Administrative Specialist



Planning Commission Special Meeting Agenda Bill

MEETING DATE: May 28, 2020

ESTIMATED TIME: 30 Minutes

AGENDA ITEM: 5:20 PM - Ordinance No. 2020-04, Adopting Small Wireless Facility Design Standards

AGENDA CATEGORY: Ordinance

PROPOSED BY: Robbie Sepler

PREVIOUS PLANNING COMMISSION

REVIEW DATE(S): September 12, 2019, October 24, 2019, December 12, 2019, January 23, 2020.

PREVIOUS COUCIL REVIEW DATE(S): May 14, 2019; June 11, 2019; August 13, 2019; October 8, 2019; October 22, 2019; April 14, 2020; and April 28, 2020.

RECOMMENDED MOTION:

I move to request that staff schedule a public hearing on Ordinance No. 2020-04 for the next available Planning Commission Meeting.

SUMMARY:

Continued review of proposed small wireless facility design standards to govern the deployment and modification of small wireless facilities on Bainbridge Island.

In previous Planning Commission discussions, this ordinance was numbered as "Ordinance No. 2019-38." As it is now 2020, the ordinance has been renumbered to be "Ordinance No. 2020-04."

BACKGROUND: Under federal law, the Federal Communications Commission ("FCC") is granted extensive powers to regulate telecommunication services in the United States. On September 5, 2018, the FCC issued an order ("FCC Order") that dramatically changed how local governments can regulate deployments of small wireless facilities ("SWFs"). Some of the order came into effect on January 14, 2019, while the rest of the order came into effect on April 14, 2019. The FCC Order imposes limitations on local municipalities, including the City of Bainbridge Island ("City"), regarding processing and review of all permits associated with the deployment of SWFs, and permanent regulations are needed to ensure that the City is in compliance with what Federal law requires.

The purpose of SWFs is to augment capacity for wireless data traffic in dense areas (primarily downtown cores and residential neighborhoods). SWFs typically consist of an antenna less than 3 cubic feet in volume, an equipment box, and

wiring or "fiber." SWFs are typically mounted on utility or light poles in the right-of-way, or on an existing building or structure located outside of the right-of-way.

On May 14, 2019, in response to the FCC Order, the City Council approved Ordinance No. 2019-15, adopting an interim official control that: created a new Chapter 18.10A, establishing interim small wireless facility design standards; amended Table 18.09.020, BIMC 18.09.030, and BIMC 18.10.010; and repealed and replaced Chapter 18.11 BIMC ("Interim SWFs Design Standards").

On June 11, 2019, the City Council held a public hearing on Ordinance No. 2019-15 to receive public comment on the Interim SWFs Design Standards adopted by Ordinance No. 2019-15.

On August 13, 2019, the City Council directed the Planning Commission to begin work on permanent regulations to replace the Interim SWFs Design Standards adopted by Ordinance No. 2019-15.

On September 12, 2019, the Planning Commission began consideration of permanent regulations to replace the Interim SWFs Design Standards adopted by Ordinance No. 2019-15.

The Interim SWFs Design Standards, adopted by Ordinance No. 2019-15, took effect on May 14, 2019, and were initially set to expire on November 14, 2019. On October 8, 2019, the Council set a public hearing on Ordinance No. 2019-31, proposing to extend the Interim SWFs Design Standards for an additional six-month period. On October 22, 2019, the Council approved Ordinance No. 2019-31, extending the Interim SWFs Design Standards for an additional six-month period, unless terminated earlier by the City Council.

On October 24, 2019, the Planning Commission discussed Ordinance No. 2019-38 and reviewed comments submitted by industry. The Commission requested the following five items from staff:

- (1) A table outlining industry comments;
- (2) Pictures of actual SWFs deployments;
- (3) Map of design zones;
- (4) An option for the placement of SWF equipment on the ground in the right-of-way; and
- (5) An option to allow SWFs on private drives/access easements, which would otherwise be prohibited as a residential use in a residential zone.

On December 12, 2019, the Planning Commission reviewed the items requested on October 24, 2019, and subsequently provided by staff for the meeting. The Planning Commission requested several changes be made to the draft ordinance.

On January 23, 2020, the Planning Commission continued its review of Ordinance No. 2020-04 and requested several minor changes to the proposed ordinance, which are summarized in the attached staff memo. The Planning Commission then indicated its desire to hold a public hearing on the proposed ordinance.

Before a public hearing could be held, the COVID-19 public health emergency began. On February 29, 2020, Governor Jay Inslee declared a state of emergency in response to the spread of COVID-19 in Washington State. On March 9, 2020, the City Manager, as the executive head of the City for purposes of emergency management, issued a Proclamation of Emergency in response to the COVID-19 public health emergency, which proclamation was affirmed by the City Council on March 10, 2020. The COVID-19 public health emergency has significantly disrupted City operations and led to the cancellation of multiple meetings of the Planning Commission.

The Interim SWFs Design Standards, as extended by Ordinance No. 2019-31, were set to expire on May 14, 2020, unless extended by Council. To preserve the City's rights under federal law, on April 14, 2020, the City Council set a public hearing on Ordinance No. 2020-11, proposing to extend the Interim SWFs Design Standards for an additional six-month period. On April 28, 2020, the Council approved Ordinance No. 2020-11, extending the Interim SWFs Design Standards for an additional six-month period to November 14, 2020, unless terminated earlier by the City Council, to provide the Planning Commission time to finalize its recommendation on Ordinance No. 2020-04 and for the City Council to review the recommendation.

In addition to the changes requested by the Planning Commission on January 23, 2020, the attached draft of Ordinance No. 2020-04 also includes a number of housekeeping items relating to the City's various telecommunications regulations. These housekeeping items are described in more detail in the attached staff memo.

Before finalizing its recommendation, the Planning Commission is required to hold a public hearing on Ordinance No. 2020-04.

ATTACHMENTS:



CITY OF
BAINBRIDGE ISLAND

Office of the City Attorney
Memorandum

Date: May 22, 2020

To: Planning Commission

From: Robbie Sepler, Deputy City Attorney

Re: Summary of Changes to Draft Ordinance No. 2020-04

On January 23, 2020, the Planning Commission requested several minor modifications to Ordinance No. 2020-04. In response, Daniel Kenny, the City's outside counsel advising the City on this matter, made the following changes:

- **BIMC 18.10A.040.B.12.** Daniel removed the unified enclosure language from this section (the wooden pole section) and moved it to the general requirements section as BIMC 18.10A.050.E.2. By having it in the general section, it would then apply to both non-wooden and wooden poles. Industry may want to roll this technology out on either and the City cannot dictate the technology they use. This section includes language that exempts unified enclosures from the requirements of E.1. This makes sense because they cannot locate the unified enclosure anywhere else such as on the ground or in the pole—the equipment and antenna are one unit.
- **BIMC 18.10A.040.E.** On January 23, 2020, the Planning Commission commented that there could be locations within the zones identified where the preferred equipment location does not make sense. For example, a view area within the downtown zones where equipment on the pole is not actually preferred. In order to allow some flexibility for situations like this, Daniel added language similar to that which already exists in the new pole section. That language gives the Director of Planning and Community Development flexibility to allow something that would not otherwise be allowed if it is in the interests of the City. So, Daniel modified that and added the following:

Even if one of the designated equipment locations is technically feasible, the Director may determine that equipment located in the non-preferred location is in fact a superior alternative based on the impact to the City, its residents, the City's Comprehensive Plan and/or the added benefits to the community.

- **BIMC 18.10A.050.** The title to this section erroneously referred to “design zones.” This was changed to remove reference to installations in the design zone, which was a concept that went away following the Planning Commission’s December 12, 2019 Meeting.

The following housekeeping change has also been made to Chapter 18.10A BIMC, as proposed to be adopted under Ordinance No. 2020-11:

- **BIMC 18.10A.040.A.6 and .B.3.** As a housekeeping measure to avoid confusion, these subsections have been updated to reference the discretion, already given to the Director under BIMC 18.10A.050.C.1, to approve a variation of a replacement pole due to aesthetic or safety concerns.

In addition, during the Planning Commission’s initial review of Ordinance No. 2020-11, members of the Commission raised concerns relating to consistency among definitions in the City Code relating to telecommunications. The version of Ordinance No. 2011-20 in the packet for the May 28, 2020 Planning Commission Meeting contains several recommended housekeeping changes to various provisions of the City Code relating to telecommunications. In summary, the proposed housekeeping changes are as follows:

- Repeal the following definitions contained in BIMC 18.36.030:
 - o “Accessory antenna device”
 - Term is not used in the City Code.
 - o “Attached wireless communication facility”
 - Term only used in BIMC 18.36.030’s definition of “Wireless communication facility”
 - o “Co-location”
 - BIMC 18.10.020, BIMC 18.10A.030, and BIMC 18.11.010 all contain definitions of “Co-location” specific to each chapter. The term is not used outside of these chapters and therefore a general definition in BIMC 18.36.030 is not needed.

- o “Wireless communication facility”
 - Chapter 18.10 BIMC contains a conflicting definition. BIMC 18.36.030’s definition of wireless communication facility dates back to 1997 and should have been repealed when Chapter 18.10 BIMC was adopted in 2015.
- o “Facility I”
 - Chapter 18.10 BIMC contains a conflicting definition. BIMC 18.36.030’s definition of Facility I dates back to 1997 and should have been repealed when Chapter 18.10 BIMC was adopted in 2015.
- o “Facility II”
 - Chapter 18.10 BIMC contains a conflicting definition. BIMC 18.36.030’s definition of Facility II dates back to 1997 and should have been repealed when Chapter 18.10 BIMC was adopted in 2015.
- o “Facility III”
 - Term is not used in Chapter 18.10 BIMC. BIMC 18.36.030’s definition of Facility III dates back to 1997 and should have been repealed when Chapter 18.10 BIMC was adopted in 2015.
- Amend the Utility and Telecommunications section of Table 18.09.020 to correctly reflect the requirements of Chapter 18.10 BIMC.
 - o Table 18.09.020 erroneously reflects the City’s 1997 wireless communication facility regulations. The Utility and Telecommunications section of Table 18.09.020 should have been revised when Chapter 18.10 BIMC was adopted in 2015 to reflect the requirements of BIMC 18.10.030.
 - o A new Subsection 18.09.030.F.4 is added to the BIMC to echo the requirements of Chapter 18.10 BIMC.
- Move the definitions of “lattice tower” and “monopole” from BIMC 18.36.030 to BIMC 18.10.020 and correct several drafting errors.
 - o The terms “lattice tower” and “monopole” are essential terms to Chapter 18.10 BIMC and should be included in the chapter to avoid confusion.
 - o This move necessitates minor revisions to BIMC 18.36.030’s definition of “wireless communication support structures.”

- Amend BIMC 18.10.030 to clarify that height standards are set by Chapter 18.12 BIMC for each zone.
 - o Clarification needed as “wireless communication facilities” are not “buildings” under the definitions of “building” and “structure” found in BIMC 18.36.030.
- Correct a drafting error in BIMC 2.16.040
 - o The defined term is “wireless communication facilities” not “wireless communications facilities.”

ORDINANCE NO. 2020-04

AN ORDINANCE of the City of Bainbridge Island, Washington, concerning telecommunications facilities; Amending Title 18 of the Bainbridge Island Municipal Code; Adding a new Chapter 18.10A BIMC, authorizing and establishing design and concealment standards for small wireless facilities; Amending BIMC 18.10.020 and BIMC 18.36.030 regarding definitions; Revising BIMC 18.10.010 to adopt applicability section; Repealing and replacing in full Chapter 18.11 BIMC concerning eligible facilities requests; Amending Table 18.09.020, BIMC 18.09.030, BIMC 18.10.030, and BIMC 2.16.040 to correct drafting errors; Repealing interim official control established by Ordinance No. 2019-15 and extended by Ordinance No. 2019-31 and Ordinance No. 2020-11.

WHEREAS, the Federal Communications Commission (“FCC”) recently adopted a Declaratory Ruling, Order, and Regulation (“FCC Order”), which imposes limitations on local municipalities including the City of Bainbridge Island (“City”) regarding processing and review of all permits associated with the deployment of small wireless facilities; and

WHEREAS, the adoption of aesthetic standards for deployment of small wireless facilities and utilization of a concurrent process emphasizing administrative review enables compliance with the federal presumptively reasonable time limits for review; and

WHEREAS, the City was required to enact administrative procedures and process to comply with the new presumptive federal safe harbors on or before January 14, 2019; and

WHEREAS, separately, federal law and regulation sets time limits on the processing of applications for eligible facility requests to expand existing structures which do not substantially change the height or profile of the structures used to collocate wireless communications facilities, and which regulations will replace Chapter 18.11 BIMC; and

WHEREAS, the City Council found that the existence of the federal regulations requires the immediate enactment of administrative procedures and processes which can comply with the FCC Order; and

WHEREAS, the City is authorized by state law, including RCW 36.70A.390, to expeditiously adopt interim official control ordinances due to a public emergency for the protection of the public peace, safety, or health while permanent regulations are developed, vetted, and processed through the City’s standard legislative procedures; and

WHEREAS, the City Council found that the adoption of this interim official control ordinance allowed the City to put in place standards to come into compliance with the FCC Order, while providing a meaningful opportunity for its citizens to provide input regarding design, concealment, and other aesthetic standards within the longer timeframe permitted by use of an interim official control ordinance; and

WHEREAS, on May 14, 2019, in response to the FCC Order, the City Council approved Ordinance No. 2019-15, adopting an interim official control that: created a new Chapter 18.10A, establishing interim small wireless facility design standards; amended Table 18.09.020, BIMC 18.09.030, and BIMC 18.10.010; and repealed and replaced Chapter 18.11 BIMC; and

WHEREAS, on May 14, 2019, the City Council also enacted amendments to its existing master permit code provisions contained in Title 19 BIMC and adopted a new Chapter 19.10 BIMC in order to provide a clear permitting procedure for the deployment of small wireless facilities; and

WHEREAS, on June 11, 2019, the City Council held a public hearing on Ordinance No. 2019-15 to receive public comment on the interim official control; and

WHEREAS, on August 13, 2019, the City Council directed the Planning Commission to begin work on permanent regulations to replace the interim official control adopted by Ordinance No. 2019-15; and

WHEREAS, on September 12, 2019, and October 24, 2019, the Planning Commission considered permanent regulations to replace the interim official control adopted by Ordinance No. 2019-15;

WHEREAS, the interim official control, adopted by Ordinance No. 2019-15, took effect on May 14, 2019, and would expire on November 14, 2019, unless extended by the City Council; and

WHEREAS, on October 8, 2019, the City Council set a public hearing for October 22, 2019, on Ordinance No. 2019-31, extending the interim official control originally adopted by Ordinance No. 2019-15 until May 14, 2020; and

WHEREAS, on October 22, 2019, the City Council held a public hearing on Ordinance No. 2019-31 and adopted the ordinance following the close of the public hearing; and

WHEREAS, on October 24, 2019, the Planning Commission considered Ordinance No. 2019-38 and reviewed comments submitted by industry representatives; and

WHEREAS, on December 12, 2019, the Planning Commission further considered Ordinance No. 2019-38; and

WHEREAS, on January 1, 2020, draft Ordinance No. 2019-38 was renumbered to be Ordinance No. 2020-04; and

WHEREAS, on January 23, 2020, the Planning Commission further considered Ordinance No. 2020-04; and

WHEREAS, on February 29, 2020, Governor Jay Inslee declared a state of emergency in response to the spread of COVID-19 in Washington State; and

WHEREAS, on March 8, 2020, the Kitsap Public Health District was notified of the first Kitsap County resident testing positive for COVID-19, an individual residing on Bainbridge Island; and

WHEREAS, on March 9, 2020, the City Manager, as the executive head of the City for purposes of emergency management, issued a Proclamation of Emergency in response to the COVID-19 public health emergency; and

WHEREAS, on March 10, 2020, the City Council adopted Resolution No. 2020-06, affirming the Proclamation of Emergency; and

WHEREAS, the COVID-19 public health emergency has significantly disrupted City operations and led to the cancellation of multiple meetings of the Planning Commission; and

WHEREAS, on April 14, 2020, the City Council set a public hearing for April 28, 2020, on Ordinance No. 2020-11, extending the interim official control originally adopted by Ordinance No. 2019-15 until November 14, 2020; and

WHEREAS, on April 28, 2020, the City Council held a public hearing on Ordinance No. 2020-11 and adopted the ordinance following the close of the public hearing; and

WHEREAS, on May 28, 2020, the Planning Commission resumed consideration of Ordinance No. 2020-04 and directed staff to schedule a public hearing on Ordinance No. 2020-04 at the next available meeting of the Planning Commission; and

WHEREAS, on [insert date of public hearing], the Planning Commission held a public hearing on Ordinance No. 2020-04 and [insert outcome of Planning Commission consideration]; and

WHEREAS, on [insert date], the City Council considered the Planning Commission's recommendation and [insert outcome of Council consideration].

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Repeal of Interim Official Control. The interim official control, originally adopted under Ordinance No. 2019-15 and subsequently extended by Ordinance No. 2019-31 and Ordinance No. 2020-11, is hereby repealed in its entirety and shall no longer be in force or effect.

Section 2. Amendment of BIMC 18.10.010. Section 18.10.010 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

18.10.010 – Purpose. General Provisions.

A. This chapter addresses the issues of location and appearance associated with wireless communication facilities (“WCFs”). It provides adequate siting opportunities through a wide range of locations and options which minimize safety hazards and visual impacts sometimes associated with wireless communications technology. The chapter encourages siting of facilities on existing buildings or structures, co-location of several providers’ facilities on a single support structure, and visual mitigation measures to maintain neighborhood appearance and reduce visual clutter in the city.

B. Applicability

1. Applicability. The provisions of this chapter shall apply to all new WCFs located within the boundaries of the City, and for any modification to an existing WCF that is not governed by Chapter 18.11 BIMC, provided that this chapter shall not apply to small wireless facilities permitted under Title 19 BIMC and are subject to Chapter 18.10A BIMC.
2. Permit Required. Any person who desires to place any WCF within the boundaries of the city must apply to the city for the appropriate wireless communication facility permit.
3. Lease Required. In addition to the requirement of obtaining the appropriate wireless communication facility permit, if all or a portion of the WCF will be located upon a city-owned structure, or upon non-right-of-way property which is either city-owned or city-leased, the applicant shall be required to enter into a lease agreement with the city for the use of the city property.
4. Master Permit Required. In addition to the requirement of obtaining the appropriate wireless communication facility permit, if all or a portion of the WCF will be located within the city’s right-of-way, the applicant shall be required to obtain a master permit, consistent with Title 19 BIMC, from the city for the use of the city’s right-of-way.

Section 3. Amendment of BIMC 18.10.020. Section 18.10.020 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

For the purpose of this chapter, the following terms, phrases, words, and abbreviations shall have the meanings given herein. Words not otherwise defined shall have their common and ordinary meaning:

A. “Antenna(s)” means any system of electromagnetically tuned wires, poles, rods, reflecting discs or similar devices used to transmit or receive electromagnetic waves between terrestrial and/or orbital based points, including, but not limited to:

1. Omni-directional (or “whip”) antenna(s), which transmits and receives radio frequency signals in a 360-degree radial pattern;

2. Directional (or “panel”) antenna(s), which transmits and receives radio frequency signals in a specific directional pattern of less than 360 degrees;

3. Parabolic antenna(s) (or “dish” antenna(s)), which is a bowl-shaped device for the reception and/or transmission of communications signals in a specific directional pattern; and

4. Ancillary antenna(s), which is an antenna less than 12 inches in its largest dimension and is not directly used to provide personal wireless communications services, such as a global positioning satellite (GPS) antenna.

B. “Co-location” means placing and arranging multiple providers’ antennas and equipment on a single support structure or equipment pad area.

C. “Electromagnetic field” or “EMF” means the field produced by the operation of equipment used in transmitting and receiving radio frequency signals.

D. “Equipment facility” means any structure used to house electronic equipment, cooling systems and back-up power systems associated with a WCF, including shelters, enclosures, cabinets and other similar structures.

E. “Facility I” means a wireless communication facility consisting of an antenna that is either: (1) four feet or less in height and with an area of not more than 580 square inches in the aggregate; or (2) if a tubular antenna, no more than four inches in diameter and no more than six feet in length.

F. “Facility II” means a wireless communication facility consisting of up to three antennas, each of which is a microcell with associated equipment facilities six feet or less in height and no more than 48 square feet in floor area.

G. “Lattice tower” means a wireless communication support structure that consists of metal crossed strips or bars to support antennas and related equipment.

H. “Monopole” means a wireless communication facility that consists of a support structure, the height of which shall not exceed 120 feet in height not including antennas.

~~G~~I. “Support structure” means any structure, designed and constructed specifically to support an antenna array, including a monopole, self-supporting (lattice) tower, guy-wire support tower and any other similar structures. Any device (attachment device) used to attach a WCF to an existing structure or building (attachment structure) shall be excluded from the definition of and regulations applicable to support structures.

~~H~~J. “Wireless communication facility” or “WCF” means an unstaffed facility for the transmission and/or reception of radio frequency, microwave or other signals for commercial communications purposes, including and typically consisting of antennas, ~~equipment shelter or~~

~~cabinet equipment facilities~~, transmission cables, a support structure required to achieve the necessary elevation, and reception and transmission devices and antennas.

~~K.~~ “Wireless communication services” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.

Section 4. Amendment of BIMC 18.10.030. Subsection 18.10.030.B.1 of the Bainbridge Island Municipal Code to read as follows:

1. A facility I or II, or a monopole or lattice tower located in a nonresidential zone that does not exceed the maximum building height of the zone established in Chapter 18.12 BIMC; or

Section 5. Amendment of Table 18.09.020. The Utility and Telecommunications section of Table 18.09.020 of the Bainbridge Island Municipal Code is hereby amended to read as shown on attached **Exhibit A**.

Section 6. Amendment of BIMC 18.09.030. Section 18.09.030 of the Bainbridge Island Municipal Code is hereby amended to include a new Subsection 18.09.030.B.5, to read as follows:

5. Small wireless facilities. Except for locations in the right-of-way, small wireless facilities are prohibited on any property containing a residential use in the residential zones. Except where small wireless facilities are intended to be located more than 400 feet from a right-of-way and within an access easement over residential property, the location may be allowed if the applicant affirms that they have property owner permission to locate the facility in the desired location, that the property owner where the facility will be installed has authority to grant such permission to locate the facility and related infrastructure at the designated location pursuant to the terms of the access easement, that the installation is allowed by and consistent with the access easement, that such installation will not frustrate the purpose of the easement or create any access or safety issue, and shall be in compliance with all land use regulations such as, but not limited to, setback requirements.

Section 7. Amendment of BIMC 18.09.030. Section 18.09.030 of the Bainbridge Island Municipal Code is hereby amended to include a new Subsection 18.09.030.F.4, to read as follows:

4. In accordance with Chapter 18.10 BIMC, the department of planning and community development may grant permit approval for:

a. A facility I or II, or a monopole or lattice tower located in a nonresidential zone that does not exceed the maximum height of the zone; or

b. A facility I or II in a multifamily, business, commercial, or town center zone on an existing building or structure; provided, that the facility is no higher than 15 feet above the existing building or structure or the permitted height for the zone, whichever is higher; or

c. A facility I or II in a residential zone on a nonresidential building or structure; provided, that the facility is no higher than 15 feet above the permitted height in the zone.

d. All other WCFs require conditional use permit review and approval by the city hearing examiner.

e. For the purposes of this subsection and Table 18.09.020, the terms “Facility I” and “Facility II” and “Monopole” and “Lattice Tower” and “WCF” and “Wireless Communication Facility” shall have the same meaning as defined in Chapter 18.10 BIMC.

Section 8. Adoption of New Chapter 18.10A BIMC. Title 18 of the Bainbridge Island Municipal Code is hereby amended to include a new Chapter 18.10A BIMC, to read as follows:

Chapter 18.10A
USE REGULATIONS - SMALL WIRELESS FACILITIES

- 18.10A.010 Purpose.
- 18.10A.020 Applicability.
- 18.10A.030 Definitions.
- 18.10A.040 Design and Concealment standards for small wireless facilities.
- 18.10A.050 New poles for small wireless facilities.

18.10A.010 Purpose.

The purposes of this chapter are to set forth regulations for the placement and development of small wireless facilities. Among the purposes included are to:

- A. Manage reasonable access to the right-of-way of the City for communication purposes on a nondiscriminatory basis.
- B. Conserve the limited physical capacity of the public rights-of-way held in public trust by the City.
- C. Ensure that all service providers maintaining facilities or providing services within the City comply with the ordinances, rules, and regulations of the City.
- D. Reduce unnecessary local regulation of providers and services.
- E. Ensure that the City can continue to fairly and responsibly protect the public health, safety, and welfare.
- F. Encourage the provision of advanced and competitive telecommunications, on the widest possible basis to the businesses, institutions, and residents of the City.

- G. Minimize potential adverse visual, aesthetic, and safety impacts of small wireless facilities.
- H. Encourage the design of such small wireless facilities to be aesthetically and architecturally compatible with the surrounding built and natural environments where possible.
- I. Encourage the collocation or attachment of small wireless facilities on existing support structures to help minimize the total number and impact of such structures throughout the community.
- J. Reserve to the City and provide for the fullest exercise possible of the authority and discretion of the City to require that:
1. Facilities are installed and maintained within the public rights-of-way in such manner and at such points so as not to inconvenience the public use of the public rights-of-way or to adversely affect the public safety and welfare; and
 2. All non-City users of the rights-of-way shall be required to reimburse and hold harmless the City for the actual costs incurred by the City by reason of the construction or presence in the public rights-of-way of the facilities of such other users.

18.10A.020 Applicability.

Any application for a small wireless facility both inside and outside of the right-of-way shall comply with the following application requirements for a small wireless facility permit described in this chapter. Applications must also comply with the small wireless facility permit requirements of Title 19 BIMC. For small wireless facilities inside the right-of-way, the applicant must also obtain a master permit as may be required under Title 19 BIMC.

18.10A.030 Definitions.

For the purpose of this chapter, the following terms, phrases, words, and abbreviations shall have the meanings given herein. Words not otherwise defined shall have their common and ordinary meaning:

- A. “Antenna” means an apparatus designed for the purpose of emitting radiofrequency (“RF”) radiation, to be operated or operating from a fixed location pursuant to FCC authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under 47 CFR Part 15.
- B. “Applicant” means any person submitting an application for a small wireless facility permit.
- C. “City property” means any real property owned by the City, whether in fee or other ownership estate of interest.

D. “Collocation” means (1) mounting or installing an antenna facility on a pre-existing structure, and/or (2) modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

E. “Director” means the Director of Planning and Community Development or their designee.

F. “FCC” or “Federal Communications Commission” means the federal administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services, and providers on a national level.

G. “Grantee” means a person holding a master permit.

H. “Light Pole” means a pole used primarily for lighting streets, parking areas, parks, or pedestrian paths.

I. “Master Permit” means the authorization granted by the City to an operator of a telecommunications system, under Title 19 BIMC, giving the operator the nonexclusive right to occupy the space, or use facilities upon, across, beneath, or over any public right-of-way in the City, to provide a specified service within a master permit area. Such master permit shall not include or be a substitute for:

1. Any other permit or authorization required for the privilege of transacting and carrying on a business within the City required by the ordinances and laws of the City;

2. Any permit, agreement, or authorization required in connection with operations on or in public streets or property, including, by way of example and not limitation, street cut permits;

3. Any permits or agreements for occupying any other property of the City or private entities to which access is not specifically granted by the master permit including, without limitation, permits and agreements for placing devices on or in poles, conduits, other structures, or railroad easements, whether owned by the City or a private entity; or

4. The right to place devices in the right-of-way, such as pay telephones, for end user use in terminating or originating transmissions.

By way of example, and without limiting the foregoing, this title shall not be read to diminish or in any way affect the authority of the City to control the use of the City’s real estate, fixtures, or personal property. Therefore, any person who desires to use such property must obtain additional approvals, or agreements for that purpose, as may be required by the City.

J. “Public right-of-way” or “right-of-way” means land acquired or dedicated for public roads and streets but does not include:

1. State highways;

2. Land dedicated for road, streets, and highways not opened and not improved for motor vehicle use by the public;

3. Structures, including poles and conduits, located within the right-of-way;
4. Federally granted trust lands or forest board trust lands;
5. Lands owned or managed by the state parks and recreation commission; or
6. Federally granted railroad rights-of-way acquired under 43 U.S.C. Sec 912 and related provisions of federal law that are not open for motor vehicle use.

K. “Service provider” is defined consistently with RCW 35.99.010(6). Service provider shall include those infrastructure companies that provide telecommunications services or equipment to enable the deployment of telecommunication services.

L. “Small wireless” and “small wireless facility” shall have the same meaning as a “small wireless facility” as set forth in 47 CFR 1.6002.

M. “Structure” means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of telecommunications service (whether on its own or comingled with other types of services).

N. “Telecommunications facilities” means the plant, equipment, and property including, but not limited to, cables, wires, conduits, ducts, pedestals, electronics, and other appurtenances used or to be used to transmit, receive, distribute, provide, or offer wireline or wireless telecommunications service.

O. “Telecommunications service” means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means for hire, sale, or resale to the general public. For the purpose of this subsection, “information” means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. For the purpose of this chapter, telecommunications service excludes the over-the-air transmission of broadcast television or broadcast radio signals.

P. “Traffic Signal Poles” means a pole that supports equipment used for controlling traffic, including but not limited to traffic lights, rapid flashing beacons, speed radar, and school zone flashers.

Q. “Transmission equipment” means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

R. “Unified enclosure” means a small wireless facility providing concealment of antennas and equipment within a single enclosure.

S. “Utility pole” means a structure designed and used primarily for the support of electrical wires, telephone wires, television cable, traffic signals, or lighting for streets, parking areas, or pedestrian paths.

T. “Wireline” means services provided using a physically tangible means of transmission, including without limitation wire or cable, and the apparatus used for such transmission.

18.10A.040 Design and Concealment standards for small wireless facilities.

Small wireless facility deployments permitted inside or outside the right-of way shall conform to the following design standards:

A. Small wireless facilities attached to existing or replacement non-wooden light poles or utility poles in the right-of-way or non-wooden light poles or utility poles outside of the right-of-way shall conform to the following design criteria:

1. Upon adoption of a City standard small wireless facility pole design(s) within the Design and Construction Standards, an applicant is encouraged to first consider using or modifying the standard pole design to accommodate its small wireless facility without substantially changing the outward visual and aesthetic character of the design. The applicant, upon a showing that use or modification of the standard pole design is either technically or physically infeasible, or that the modified pole design will not comply with the City's ADA, sidewalk clearance requirements, and/or would violate electrical or other safety standards, may deviate from the adopted standard pole design and use the design standards as adopted in this subsection A.
2. The applicant shall minimize to the extent possible the antenna and equipment space and shall use the smallest amount of enclosure possible to fit the necessary equipment. The antennas and equipment shall be located consistent with BIMC 18.10A.040.E.1.
3. The furthest point of any equipment enclosure may not extend more than twenty-eight (28) inches from the face of the pole. Any equipment or antenna enclosures must meet WSDOT height clearance requirements.
4. All conduit, cables, wires, and fiber must be routed internally in the non-wooden pole. Full concealment of all conduit, cables, wires, and fiber is required within mounting brackets, shrouds, canisters, or sleeves if attaching to exterior antennas or equipment.
5. An antenna on top of an existing pole may not extend more than six (6) feet above the height of the existing pole and the diameter may not exceed sixteen (16) inches, measured at the top of the pole, unless the applicant can demonstrate that more space is technically needed. The antennas shall be integrated into the pole design so that it appears as a continuation of the original pole, including colored or painted to match the pole, and shall be shrouded or screened to blend with the pole except for canister antennas which shall not require screening. All cabling and mounting hardware/brackets from the bottom of the antenna to the top of the pole shall be fully concealed and integrated with the pole.

6. Any replacement non-wooden pole shall substantially conform to the design of the pole it is replacing or the neighboring pole design standards utilized within the contiguous right-of-way, unless the Department of Planning and Community Development otherwise approves a variation due to aesthetic or safety concerns. Any replacement non-wooden pole located in the right-of-way shall be placed as close to the original pole as possible, but no more than five (5) feet from the existing pole location.

7. The height of any replacement pole may not extend more than six (6) feet above the height of the existing pole or the minimum additional height technically necessary; provided, that the height of the replacement pole cannot be extended further by additional antenna height.

8. The diameter of a replacement pole shall comply with the City's setback and sidewalk clearance requirements and shall, to the extent technically feasible, not be more than a twenty (20) inches measured at the base of the pole, unless additional diameter is needed in order to conceal equipment within the base of the pole, and shall comply with the requirements in subsection E.5 below.

9. The use of the pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

B. Wooden pole design standards. Small wireless facilities located on existing or replacement wooden poles shall conform to the following design criteria:

1. The wooden pole at the proposed location may be replaced with a wooden pole for the purpose of accommodating a small wireless facility; provided, that the replacement pole shall not exceed a height that is a maximum of ten (10) feet taller than the existing pole, unless a further height increase is required and confirmed in writing by the pole owner and that such height extension is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.

2. A pole extender may be used instead of replacing an existing wooden pole but may not increase the height of the existing wooden pole by more than ten (10) feet, unless a further height increase is required and confirmed in writing by the pole owner and that such height increase is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities. A "pole extender" as used herein is an object affixed between the pole and the antenna for the purpose of increasing the height of the antenna above the pole. The pole extender shall be painted to approximately match the color of the pole and shall substantially match the diameter of the pole measured at the top of the pole.

3. Replacement wooden poles must either match the approximate color and materials of the replaced pole or shall be the standard new wooden pole used by the pole owner in the City, unless the Department of Planning and Community Development otherwise approves a variation due to aesthetic or safety concerns.
4. Antennas, equipment enclosures, and all ancillary equipment, boxes, and conduit shall be colored, tinted, or painted to match the approximate color of the surface of the wooden pole on which they are attached.
5. Antennas shall not be mounted more than twelve (12) inches from the surface of the wooden pole.
6. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness. Multiple antennas are permitted on a wooden pole provided that each antenna enclosure shall not be more than three (3) cubic feet in volume.
7. A canister antenna may be mounted on top of an existing wooden pole, which may not exceed the height requirements described in subsection B.1 above. A canister antenna mounted on the top of a wooden pole shall not exceed sixteen (16) inches in diameter, measured at the top of the pole, and shall be colored or painted to match the pole. The canister antenna must be placed to look as if it is an extension of the pole. In the alternative, the applicant may propose a side mounted canister antenna, so long as the inside edge of the antenna is no more than twelve (12) inches from the surface of the wooden pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the wooden pole.
8. The furthest point of any antenna or equipment enclosure may not extend more than twenty-eight (28) inches from the face of the pole. Any equipment or antenna enclosures must meet WSDOT height clearance requirements.
9. An omni-directional antenna may be mounted on the top of an existing wooden pole, provided such antenna is no more than four (4) feet in height and is mounted directly on the top of a pole or attached to a sleeve made to look like the exterior of the pole as close to the top of the pole as technically feasible. All cables shall be concealed within the sleeve between the bottom of the antenna and the mounting bracket.
10. All related equipment, including but not limited to ancillary equipment, radios, cables, associated shrouding, microwaves, and conduit which are mounted on wooden poles shall not be mounted more than six (6) inches from the surface of the pole, unless a further distance is technically required, and is confirmed in writing by the pole owner.
11. Equipment for small wireless facilities shall be located consistent with BIMC 18.10A.040.E.1. If equipment is allowed to be placed on the wooden pole, the equipment must be placed in the smallest enclosure possible for the intended purpose. The visual effect of the small wireless facility on all other aspects of the appearance of the wooden pole shall be minimized to the greatest extent possible.

12. The use of the wooden pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a wooden pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

13. The diameter of a replacement wooden pole shall comply with the City's setback and sidewalk clearance requirements and shall not be more than a 25% increase of the existing wooden pole measured at the base of the pole, unless additional diameter is needed for structural integrity of the pole, and shall comply with the requirements in subsection E.5 below.

14. All cables and wires shall be routed through conduit along the outside of the wooden pole. The outside conduit shall be colored or painted to match the pole. The number of conduit shall be minimized to the number technically necessary to accommodate the small wireless facility.

C. Small wireless facilities attached to existing buildings shall conform to the following design criteria:

1. Small wireless facilities may be mounted to the sides of a building if the antennas do not interrupt the building's architectural theme.

2. The interruption of architectural lines or horizontal or vertical reveals is discouraged.

3. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if it complements the architecture of the existing building.

4. Small wireless facilities shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building.

5. Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas. Exposed cabling/wiring is prohibited.

6. Small wireless facilities shall be colored, painted, and textured to match the adjacent building surfaces, unless otherwise technically infeasible.

7. Small wireless facilities must meet the height requirement of the underlying zoning district.

8. Feed lines and coaxial cables shall be located below the parapet of the rooftop.

9. If a cabinet enclosure cannot be located within the building where the wireless communication facilities will be located, then the City's first preference is for the wireless telecommunication carrier to locate the equipment on the roof of the building. If the equipment can be screened by placing the equipment below the parapet walls, no additional screening is required. If screening is required, the proposed screening must be consistent with the existing building in terms of color, design, architectural style, and material. If the cabinet equipment cannot be located on the roof or within the building then it shall be located underground consistent with BIMC 18.10A.040.E.1.

D. Small wireless facilities mounted on cables strung between existing utility poles shall conform to the following standards.

1. Each strand mounted facility shall not exceed four (4) cubic feet in volume.
2. Only one strand mounted facility is permitted between any two existing poles.
3. The pole must be able to support the necessary load requirements of the strand mounted facility.
4. The strand mounted devices shall be placed as close as possible to the nearest utility pole, in no event more than five (5) feet from the pole unless a greater distance technically necessary or is required by the pole owner for safety clearance.
5. No strand mounted device shall be located in or above the portion of the roadway open to vehicular traffic.
6. Ground mounted equipment to accommodate a shared mounted facility is not permitted except when placed in pre-existing equipment cabinets.
7. Pole mounted equipment shall comply with the requirements of subsections A or B above, as applicable.
8. Such strand mounted devices must be installed to cause the least visual impact and without excess exterior cabling or wires (other than the original strand).
9. Strand mounted facilities are only permitted on poles that have existing overhead wirelines.

E. General requirements for all installation types.

1. All equipment, except antennas and conduit, associated with installations in the R-0.4 zoning district shall be ground mounted, placed underground, completely concealed within the pole, or placed on private property consistent with the regulations identified in (a), (c), (d), and (e) below unless the applicant can demonstrate that each of those possible locations are technically infeasible, in which case the equipment may be placed in accordance with (b) below. All equipment associated with installations in the Mixed Use Town Center, High School Road I and II, and Neighborhood Center zoning districts shall be located on the pole, completely concealed within the pole, or placed on private property consistent with the regulations identified in (a), (b), and (d) below unless the applicant can demonstrate that each of those allowed locations are technically infeasible, in which case the equipment may be placed in accordance with (c) or (e) below. All equipment associated with installations in any other zone not identified above may be installed consistent with one of the methods identified in (a) through (e) below. Even if one of the designated equipment locations is technically feasible, the Director may determine that equipment located in the non-preferred location is in fact a superior alternative based on the impact to the City, its residents, the City's Comprehensive Plan, and/or the added benefits to the community.

(a) Concealed completely within the pole or pole base. If antennas and associated equipment enclosures (including disconnect switches and other appurtenant devices) are located within the pole or pole base, they shall be fully concealed within the pole. Further, if located within the pole base, the base shall meet the ADA requirements and not impact the pedestrian access route.

(b) Located on a pole. If located on a pole, antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) must be colored, tinted, or painted to match the approximate color of the surface of the pole and appear as an integral part of the pole or flush mounted to the pole, meaning for antennas no more than twelve (12) inches off of the pole and for associated equipment no more than six (6) inches off the pole, and must be the minimum size necessary for the intended purpose, but in no event shall any antenna exceed three (3) cubic feet in volume. The equipment enclosure and all other wireless equipment associated with the pole (including but not limited to conduit), including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole, may not exceed twenty-eight (28) cubic feet. Multiple equipment enclosures may be acceptable if designed to more closely integrate with the pole design and does not cumulatively exceed twenty-eight (28) cubic feet. If the equipment enclosure is permitted on the exterior of the pole, the applicant is required to place the equipment enclosure behind any banners or road signs that may be on the pole, provided that such location does not interfere with the operation of the banners or signs or the equipment itself. The applicant may propose a side mounted canister antenna, so long as the inside edge of the antenna is no more than six (6) inches from the surface of the pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the pole.

(c) Underground in a utility vault. If located underground, the access lid to the equipment enclosure shall be located outside the footprint of any pedestrian curb ramp and shall have a nonskid surface meeting ADA requirement if located within an existing pedestrian access route. Antennas are not subject to this paragraph due to technological limitations of such placement.

(d) On private property. If located on private property, the applicant shall submit a copy of a letter of authority from the private property owner prior to the small wireless facility permit issuance. Any such installation on private property must conform to all applicable regulations, including but not limited to zoning regulations, that apply to that property.

(e) On the ground in the right-of-way. If the equipment is located on the ground in the right-of-way, the equipment enclosure on the ground and all other wireless equipment associated with the pole (including but not limited to conduit), including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole, may not exceed twenty-eight (28) cubic feet. The equipment located on the ground shall be placed within one enclosure not to exceed four (4) feet in height. Such enclosure must be colored and designed in a manner that minimize the visual impact of the enclosure. The location of the equipment on the ground must comply with all applicable setback and access requirements including ADA requirements. Prior to the issuance of any permit related to a facility which includes ground mounted equipment in the right-of-way, the applicant must obtain a site-specific agreement from the City to locate such ground mounted equipment.

2. An applicant who desires to enclose both its antennas and equipment within one unified enclosure may do so, provided that such enclosure is the minimum size necessary for its intended purpose and the enclosure and all other wireless equipment associated with the pole, including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole does not exceed twenty-eight (28) cubic feet. The unified enclosure may not be placed more than twelve (12) inches from the surface of the pole. To the extent possible, the unified enclosure shall be placed so as to appear as an integrated part of the pole or behind banners or signs, provided that such location does not interfere with the operation of the banners or signs or the equipment itself. Requirements related to the location of equipment as outlined in BIMC 18.10A.050.E.1 do not apply if the antennas and equipment are located within one unified enclosure

3. No equipment shall be operated so as to produce noise in violation of Chapter 16.16 BIMC.

4. Small wireless facilities are not permitted on traffic signal poles unless denial of the siting could be a prohibition or effective prohibition of the applicant's ability to provide telecommunications service in violation of 47 USC §§ 253 and 332.

5. Replacement poles and new poles shall comply with the Americans with Disabilities Act (ADA), City construction and sidewalk clearance standards, City ordinance, and state and federal laws and regulations in order to provide a clear and safe passage within the rights-of-way. Further, the location of any replacement or new pole must: be physically possible, comply with applicable traffic warrants, not interfere with utility or safety fixtures (e.g., fire hydrants, traffic control devices), and not adversely affect the public welfare, health, or safety.
6. No signage, message, or identification other than the manufacturer's identification or identification required by governing law is allowed to be portrayed on any antenna or equipment enclosure. Any permitted signage shall be located on the equipment enclosures and be of the minimum amount possible to achieve the intended purpose (no larger than 4x6 inches); provided, that signs are permitted as concealment element techniques where appropriate.
7. Antennas and related equipment shall not be illuminated except for security reasons, required by a federal or state authority, or unless approved as part of a concealment element plan.
8. Side arm mounts for antennas or equipment must be the minimum extension necessary and may not create a gap of more than twelve (12) inches for wooden poles and no more than six (6) inches for non-wooden poles between the pole and the antennas or equipment.
9. The preferred location of a small wireless facility on a pole is the location with the least visible impact.
10. Antennas, equipment enclosures, and ancillary equipment, conduit, and cable, shall not dominate the structure or pole upon which they are attached.
11. Except for locations in the right-of-way, small wireless facilities are prohibited on any property containing a residential use in the residential zones. Except where small wireless facilities are intended to be located more than 400 feet from a right-of-way and within an access easement over residential property, the location may be allowed if the applicant affirms that they have property owner permission to locate the facility in the desired location, that the property owner where the facility will be installed has authority to grant such permission to locate the facility and related infrastructure at the designated location pursuant to the terms of the access easement, that the installation is allowed by and consistent with the access easement, that such installation will not frustrate the purpose of the easement or create any access or safety issue, and shall be in compliance with all land use regulations such as, but not limited to, setback requirements.

12. The City may consider the cumulative visual effects of small wireless facilities mounted on poles within the rights-of-way when assessing proposed siting locations so as to not adversely affect the visual character of the City. This provision shall not be applied to limit the number of permits issued when no alternative sites are reasonably available nor to impose a technological requirement on the applicant.

13. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would effectively prohibit the applicant from providing a wireless service, alternative forms of concealment or deployment may be permitted which provide similar or greater protections from negative visual impacts to the streetscape.

18.10A.050 New poles for small wireless facilities.

A. New poles for small wireless facilities are only permitted if the applicant can establish that:

1. The proposed small wireless facility cannot be located on an existing utility pole or light pole, electrical transmission tower, or on a site outside of the public rights of way such as public non-park property, a building, a transmission tower, or in or on a non-residential use in a residential zone whether by roof or panel-mount or separate structure;
2. The proposed small wireless facility complies with the applicable requirements of BIMC 18.10A.040;
3. The proposed small wireless facility receives approval for a concealment element design, as described in subsection C below;
4. The proposed small wireless facility also complies with Shoreline Management Act, SEPA, and any other relevant law or regulation if applicable; and
5. No new poles shall be located in a critical area or associated buffer or setback required by Chapter 16.20 BIMC except when determined to be exempt pursuant to Chapter 16.20 BIMC.

B. An application for a new pole is subject to review and approval or denial by the Director.

C. The concealment element design shall include the design of the screening, fencing, or other concealment technology for a tower, pole, or equipment structure, and all related transmission equipment or facilities associated with the proposed small wireless facility, including but not limited to fiber and power connections.

1. The concealment element design should seek to minimize the visual obtrusiveness of the small wireless facility. The proposed pole or structure should have similar designs to existing neighboring poles in the rights-of-way, including similar height to the extent technically feasible. If the proposed small wireless facility is placed on a replacement pole, then the replacement pole shall be of the same general design as the pole it is replacing, unless the Department of Planning and Community Development otherwise approves a variation due to aesthetic or safety concerns. Any concealment element design for a small wireless facility should attempt to mimic the design of such pole and integrate the small wireless facility into the design of the pole. Other concealment methods include, but are not limited to, integrating the installation with architectural features or building design components, utilization of coverings or concealment devices of similar material, color, and texture - or the appearance thereof - as the surface against which the installation will be seen or on which it will be installed, landscape design, or other camouflage strategies appropriate for the type of installation. Applicants are required to utilize designs in which all conduit and wirelines are installed internally in the structure.

2. If the Director has already approved a concealment element design either for the applicant or another small wireless facility along the same public right-of-way or for the same pole type, then the applicant shall utilize a substantially similar concealment element design, unless it can show that such concealment element design is not physically or technologically feasible, or that such deployment would undermine the generally applicable design standards.

D. Even if an alternative location is established pursuant to BIMC 0.A.1, the Director may determine that a new pole in the right-of-way is in fact a superior alternative based on the impact to the City, the concealment element design, the City's Comprehensive Plan, and/or the added benefits to the community.

E. Prior to the issuance of a permit to construct a new pole or ground mounted equipment in the right-of-way, the applicant must obtain a site-specific agreement from the City to locate such new pole or ground mounted equipment. The requirement also applies to the placement of replacement poles when the replacement is necessary for the installation or attachment of the small wireless facility, the replacement structure is higher than the replaced structure, and the overall height of the replacement structure and the wireless facility is more than sixty (60) feet.

F. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would unreasonably impair the function of the technology chosen by the applicant, alternative forms of concealment or deployment may be permitted which provide similar or greater protections of the street scape.

Section 9. Repeal and Replacement of Chapter 18.11 BIMC. Chapter 18.11 of the Bainbridge Island Municipal Code is hereby repealed in its entirety and replaced by the following:

**Chapter 18.11
Eligible Facilities Requests**

- 18.11.010 Definitions.
- 18.11.020 Application.
- 18.11.030 Qualification as an Eligible Facilities Request.
- 18.11.040 Timeframe for Review.
- 18.11.050 Tolling of the Time Frame for Review.
- 18.11.060 Determination That Application Is Not an Eligible Facilities Request.
- 18.11.070 Failure to Act.
- 18.11.080 Enforcement

18.11.010 Definitions

The following definitions shall apply to Eligible Facilities Requests only as described in this Chapter 18.11 BIMC.

A. “Base Station”: A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein nor any equipment associated with a tower. Base Station includes, without limitation:

1. Equipment associated with wireless communications services as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (“DAS”) and small wireless networks).
3. Any structure other than a tower that, at the time the relevant application is filed (with jurisdiction) under this section, supports or houses equipment described in subparagraph (i) and (ii) above that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.
4. The term does not include any structure that, at the time the Eligible Facilities Request application is filed with the City, does not support or house equipment described in subparagraph 1.a and 1.b above.

B. “Collocation”: The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes.

C. “Eligible Facilities Request”: Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

1. Collocation of new transmission equipment;
2. Removal of transmission equipment; or
3. Replacement of transmission equipment.

D. “Eligible support structure”: Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the City.

E. “Existing”: A constructed tower or base station is existing if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

F. “Substantial Change”: A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

1. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten (10) feet, whichever is greater;
2. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;
3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and Base Stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
4. It entails any excavation or deployment outside the current site;
5. It would defeat the concealment elements of the eligible support structure; or

6. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided, however, that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified above.

G. “Tower”: Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul and the associated site.

H. “Transmission equipment”. Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

18.11.020 Application.

The Director shall prepare and make publicly available an application form used to consider whether an application is an Eligible Facilities Request. The application may not require the applicant to demonstrate a need or business case for the proposed modification. Prior to the issuance of an Eligible Facilities Request permit, the applicant shall pay a permit fee in an amount as determined by the City Council and adopted by resolution.

18.11.030 Qualification as an Eligible Facilities Request.

Upon receipt of an application for an Eligible Facilities Request, the Director shall review such application to determine whether the application qualifies as an Eligible Facilities Request.

18.11.040 Timeframe for Review.

A. Within sixty (60) days of the date on which an applicant submits an Eligible Facilities Request application, the Director shall approve the application unless it determines that the application is not covered by 47 CFR §1.40001 and this Chapter 18.11 BIMC.

B. A permit issued pursuant to this chapter, and any applications deemed granted under BIMC 18.11.070, shall be valid for a term of 12 months from the date of issuance or the date the application has been deemed granted under BIMC 18.11.070.

18.11.050 Tolling of the Time Frame for Review.

A. The sixty (60) day review period begins to run when the application is filed and may be tolled only by mutual agreement by the Director and the applicant or in cases where the Director determines that the application is incomplete. .

1. To toll the timeframe for incompleteness, the Director shall provide written notice to the applicant within thirty (30) days of receipt of the application, clearly and specifically delineating all missing documents or information required in the application.
2. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the Director's notice of incompleteness.
3. Following a supplemental submission, the Director will notify the applicant within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this subsection. Second or subsequent notice of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

18.11.060 Determination That Application Is Not an Eligible Facilities Request.

If the Director determines that the applicant's request does not qualify as an Eligible Facilities Request, the Director shall deny the application.

18.11.070 Failure to Act.

In the event the Director fails to approve or deny an application for an Eligible Facilities Request within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed granted application does not become effective until the applicant notifies the Director in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

18.11.080 Enforcement.

Compliance with the provisions of this chapter is mandatory. Any violation of this chapter shall be enforced, and penalties assessed, in accordance with Chapter 1.26 BIMC.

Section 10. Amendment to BIMC 18.36.030. Subsections 18.36.030.7 ("Accessory antenna device"), 18.36.030.32 ("Attached wireless communication facility"), 18.36.030.53 ("Co-location"), 18.36.030.273 ("Wireless communication facility"), 18.36.030.273.a ("Facility I"), 18.36.030.273.b ("Facility II"), and 18.36.030.273.c ("Facility III") of the Bainbridge Island Municipal Code are hereby repealed.

Section 11. Amendment to BIMC 18.36.030. Subsection 18.36.030.276 (“Wireless communication support structure”) of the Bainbridge Island Municipal Code is hereby amended to read as follows:

“Wireless communication support structure” means the structure erected to support wireless communication antennas and connecting appurtenances. Support structure types include, but are not limited to, stanchions, monopoles, lattice towers, wood poles or guyed towers. “Monopoles” and “lattice towers” shall have the same meaning as defined in Chapter 18.10 BIMC.

Section 12. Amendment to BIMC 18.36.030. Subsection 18.36.030.249 (“Structure”) of the Bainbridge Island Municipal Code is hereby amended to read as follows:

“Structure” means any manmade assemblage of materials extending above or below the surface of the earth and affixed or attached thereto. “Structure,” for the purposes of this title, except for BIMC 18.09.030.F.1, does not include “wireless ~~communications~~ communication facilities” as that term is defined in Chapter 18.10 BIMC.

Section 13. Amendment to BIMC 2.16.040. Subsection 2.16.040.B.1.d of the Bainbridge Island Municipal Code is hereby amended to read as follows:

d. The construction of new wireless ~~communications~~ communication support structures (but not the location of wireless facilities on existing buildings).

Section 14. Corrections. The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this Ordinance or to the City Code including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 15. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 16. Effective Date. This ordinance shall take effect and be in force five (5) days from its passage and publication as required by law.

PASSED by the City Council this ____ day of _____ 2020.

APPROVED by the Mayor this ____ day of _____ 2020.

Leslie Schneider, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NUMBER:

2020-04

Exhibit A

Exhibit A
Amendments to Utility and Telecommunications Section of Table 18.09.020

UTILITY AND TELECOMMUNICATIONS																				
Note: Utility and telecommunications uses may be subject to additional requirements in BIMC 16.12.030.C.7.																				
ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-1	Use-Specific Standards BIMC 18.09.030
											CC	MA	EA	Gate	Ferry [1]					
USE CATEGORY/TYPE																				
Monopole or Lattice Tower	<u>P/C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>F-4</u>
Small Wind Energy Generator	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P/C	P/C	P/C	F-1
Utility, Primary	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	F-2
Public Communications Tower	P	P	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	P	A	F-3
Wireless Communication Facilities, Facility I	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>F-4</u>
Wireless Communication Facilities, Facility II	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>F-4</u>
All Other Wireless Communication Facilities, Facility III	<u>P/C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P/C</u>	<u>P/C</u>	<u>F-4</u>
Small Wireless Facilities	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>B-5</u>

ORDINANCE NO. 2020-04

AN ORDINANCE of the City of Bainbridge Island, Washington, concerning ~~wireless communication~~telecommunications facilities; Amending Title 18 of the Bainbridge Island Municipal Code; ~~to~~Adding a new Chapter 18.10A BIMC, authorizing and establishing design and concealment standards for small wireless facilities; Amending BIMC 18.10.0230and BIMC 18.36.030 regarding definitions; Revising BIMC 18.10.010 to adopt applicability section; Repealing and replacing in full Chapter 18.11 BIMC concerning eligible facilities requests; Amending Table 18.09.020, BIMC 18.09.030, BIMC 18.10.030, and BIMC 2.16.040 to correct drafting errors; Repealing interim official control established by Ordinance No. 2019-15 and extended by Ordinance No. 2019-31 and Ordinance No. 2020-11.

WHEREAS, the Federal Communications Commission (“FCC”) recently adopted a Declaratory Ruling, Order, and Regulation (“FCC Order”), which imposes limitations on local municipalities including the City of Bainbridge Island (“City”) regarding processing and review of all permits associated with the deployment of small wireless facilities; and

WHEREAS, the adoption of aesthetic standards for deployment of small wireless facilities and utilization of a concurrent process emphasizing administrative review enables compliance with the federal presumptively reasonable time limits for review; and

WHEREAS, the City was required to enact administrative procedures and process to comply with the new presumptive federal safe harbors on or before January 14, 2019; and

WHEREAS, separately, federal law and regulation sets time limits on the processing of applications for eligible facility requests to expand existing structures which do not substantially change the height or profile of the structures used to collocate wireless communications facilities, and which regulations will replace Chapter 18.11 BIMC; and

WHEREAS, the City Council found that the existence of the federal regulations requires the immediate enactment of administrative procedures and processes which can comply with the FCC Order; and

WHEREAS, the City is authorized by state law, including RCW 36.70A.390, to expeditiously adopt interim official control ordinances due to a public emergency for the protection of the public peace, safety, or health while permanent regulations are developed, vetted, and processed through the City’s standard legislative procedures; and

WHEREAS, the City Council found that the adoption of this interim official control ordinance allowed the City to put in place standards to come into compliance with the FCC Order, while providing a meaningful opportunity for its citizens to provide input regarding design, concealment, and other aesthetic standards within the longer timeframe permitted by use of an interim official control ordinance; and

DRAFT

WHEREAS, on May 14, 2019, in response to the FCC Order, the City Council approved Ordinance No. 2019-15, adopting an interim official control that: created a new Chapter 18.10A, establishing interim small wireless facility design standards; amended Table 18.09.020, BIMC 18.09.030, and BIMC 18.10.010; and repealed and replaced Chapter 18.11 BIMC; and

WHEREAS, on May 14, 2019, the City Council also enacted amendments to its existing master permit code provisions contained in Title 19 BIMC and adopted a new Chapter 19.10 BIMC in order to provide a clear permitting procedure for the deployment of small wireless facilities; and

WHEREAS, on June 11, 2019, the City Council held a public hearing on Ordinance No. 2019-15 to receive public comment on the interim official control; and

WHEREAS, on August 13, 2019, the City Council directed the Planning Commission to begin work on permanent regulations to replace the interim official control adopted by Ordinance No. 2019-15; and

WHEREAS, on September 12, 2019, and October 24, 2019, the Planning Commission considered permanent regulations to replace the interim official control adopted by Ordinance No. 2019-15;

WHEREAS, the interim official control, adopted by Ordinance No. 2019-15, took effect on May 14, 2019, and would expire on November 14, 2019, unless extended by the City Council; and

WHEREAS, on October 8, 2019, the City Council set a public hearing for October 22, 2019, on Ordinance No. 2019-31, extending the interim official control originally adopted by Ordinance No. 2019-15 until May 14, 2020; and

WHEREAS, on October 22, 2019, the City Council held a public hearing on Ordinance No. 2019-31 and adopted the ordinance following the close of the public hearing; and

WHEREAS, on October 24, 2019, the Planning Commission considered Ordinance No. 2019-38 and reviewed comments submitted by industry representatives; and

WHEREAS, on December 12, 2019, the Planning Commission further considered Ordinance No. 2019-38; and

WHEREAS, on January 1, 2020, draft Ordinance No. 2019-38 was renumbered to be Ordinance No. 2020-04; and

WHEREAS, on January 23, 2020, the Planning Commission further considered Ordinance No. 2020-04 ~~and directed staff to schedule a public hearing on Ordinance No. 2020-04 at the next available meeting of the Planning Commission;~~ and

WHEREAS, on February 29, 2020, Governor Jay Inslee declared a state of emergency in response to the spread of COVID-19 in Washington State; and

WHEREAS, on March 8, 2020, the Kitsap Public Health District was notified of the first Kitsap County resident testing positive for COVID-19, an individual residing on Bainbridge Island; and

WHEREAS, on March 9, 2020, the City Manager, as the executive head of the City for purposes of emergency management, issued a Proclamation of Emergency in response to the COVID-19 public health emergency; and

WHEREAS, on March 10, 2020, the City Council adopted Resolution No. 2020-06, affirming the Proclamation of Emergency; and

WHEREAS, the COVID-19 public health emergency has significantly disrupted City operations and led to the cancellation of multiple meetings of the Planning Commission; and

WHEREAS, on April 14, 2020, the City Council set a public hearing for April 28, 2020, on Ordinance No. 2020-11, extending the interim official control originally adopted by Ordinance No. 2019-15 until November 14, 2020; and

WHEREAS, on April 28, 2020, the City Council held a public hearing on Ordinance No. 2020-11 and adopted the ordinance following the close of the public hearing; and

WHEREAS, on May 28, 2020, the Planning Commission resumed consideration of Ordinance No. 2020-04 and directed staff to schedule a public hearing on Ordinance No. 2020-04 at the next available meeting of the Planning Commission; and

WHEREAS, on February 27, 2020 [insert date of public hearing], the Planning Commission held a public hearing on Ordinance No. 2020-04 and [insert outcome of Planning Commission consideration]; and

WHEREAS, on [insert date], the City Council considered the Planning Commission's recommendation and [insert outcome of Council consideration]; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Repeal of Interim Official Control. The interim official control, originally adopted under Ordinance No. 2019-15 and subsequently extended by Ordinance No. 2019-31 and Ordinance No. 2020-11, is hereby repealed in its entirety and shall no longer be in force or effect.

Section 2. Amendment of BIMC 18.10.010. Section 18.10.010 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

18.10.010 – Purpose: General Provisions.

A. This chapter addresses the issues of location and appearance associated with wireless communication facilities (“WCFs”). It provides adequate siting opportunities through a wide range of locations and options which minimize safety hazards and visual impacts sometimes associated with wireless communications technology. The chapter encourages siting of facilities on existing buildings or structures, co-location of several providers’ facilities on a single support structure, and visual mitigation measures to maintain neighborhood appearance and reduce visual clutter in the city.

B. Applicability

1. Applicability. The provisions of this chapter shall apply to all new WCFs located within the boundaries of the City, and for any modification to an existing WCF that is not governed by Chapter 18.11 BIMC, provided that this chapter shall not apply to small wireless facilities permitted under Title 19 BIMC and are subject to Chapter 18.10A BIMC.
2. Permit Required. Any person who desires to place any WCF within the boundaries of the city must apply to the city for the appropriate wireless communication facility permit.
3. Lease Required. In addition to the requirement of obtaining the appropriate wireless communication facility permit, if all or a portion of the WCF will be located upon a city-owned structure, or upon non-right-of-way property which is either city-owned or city-leased, the applicant shall be required to enter into a lease agreement with the city for the use of the city property.
4. Master Permit Required. In addition to the requirement of obtaining the appropriate wireless communication facility permit, if all or a portion of the WCF will be located within the city’s right-of-way, the applicant shall be required to obtain a master permit, consistent with Title 19 BIMC, from the city for the use of the city’s right-of-way.

Section 3. Amendment of BIMC 18.10.020. Section 18.10.020 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

For the purpose of this chapter, the following terms, phrases, words, and abbreviations shall have the meanings given herein. Words not otherwise defined shall have their common and ordinary meaning:

A. “Antenna(s)” means any system of electromagnetically tuned wires, poles, rods, reflecting discs or similar devices used to transmit or receive electromagnetic waves between terrestrial and/or orbital based points, including, but not limited to:

1. Omni-directional (or “whip”) antenna(s), which transmits and receives radio frequency signals in a 360-degree radial pattern;

2. Directional (or “panel”) antenna(s), which transmits and receives radio frequency signals in a specific directional pattern of less than 360 degrees;

3. Parabolic antenna(s) (or “dish” antenna(s)), which is a bowl-shaped device for the reception and/or transmission of communications signals in a specific directional pattern; and

4. Ancillary antenna(s), which is an antenna less than 12 inches in its largest dimension and is not directly used to provide personal wireless communications services, such as a global positioning satellite (GPS) antenna.

B. “Co-location” means placing and arranging multiple providers’ antennas and equipment on a single support structure or equipment pad area.

C. “Electromagnetic field” or “EMF” means the field produced by the operation of equipment used in transmitting and receiving radio frequency signals.

D. “Equipment facility” means any structure used to house electronic equipment, cooling systems and back-up power systems associated with a WCF, including shelters, enclosures, cabinets and other similar structures.

E. “Facility I” means a wireless communication facility consisting of an antenna that is either: (1) four feet or less in height and with an area of not more than 580 square inches in the aggregate; or (2) if a tubular antenna, no more than four inches in diameter and no more than six feet in length.

F. “Facility II” means a wireless communication facility consisting of up to three antennas, each of which is a microcell with associated equipment facilities six feet or less in height and no more than 48 square feet in floor area.

G. “Lattice tower” means a wireless communication support structure that consists of metal crossed strips or bars to support antennas and related equipment.

H. “Monopole” means a wireless communication facility that consists of a support structure, the height of which shall not exceed 120 feet in height not including antennas.

GI. “Support structure” means any structure, designed and constructed specifically to support an antenna array, including a monopole, self-supporting (lattice) tower, guy-wire support tower and any other similar structures. Any device (attachment device) used to attach a WCF to an existing structure or building (attachment structure) shall be excluded from the definition of and regulations applicable to support structures.

HJ. “Wireless communication facility” or “WCF” means an unstaffed facility for the transmission and/or reception of radio frequency, microwave or other signals for commercial communications purposes, including and typically consisting of antennas, ~~equipment shelter or cabinet~~ equipment facilities, transmission cables, a support structure required to achieve the necessary elevation, and reception and transmission devices and antennas.

HK. “Wireless communication services” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.

Section 4. Amendment of BIMC 18.10.030. Subsection 18.10.030.B.1 of the Bainbridge Island Municipal Code to read as follows:

1. A facility I or II, or a monopole or lattice tower located in a nonresidential zone that does not exceed the maximum building height of the zone established in Chapter 18.12 BIMC; or

Section 53. Amendment of Table 18.09.020. The Utility and Telecommunications section of Table 18.09.020 of the Bainbridge Island Municipal Code is hereby amended to read as follows shown on attached Exhibit A.:

Section 64. Amendment of BIMC 18.09.030. Section 18.09.030 of the Bainbridge Island Municipal Code is hereby amended to include a new Subsection 18.09.030.B.5, to read as follows:

5. Small wireless facilities. Except for locations in the right-of-way, small wireless facilities are prohibited on any property containing a residential use in the residential zones. Except where small wireless facilities are intended to be located more than 400 feet from a right-of-way and within an access easement over residential property, the location may be allowed if the applicant affirms that they have property owner permission to locate the facility in the desired location, that the property owner where the facility will be installed has authority to grant such permission to locate the facility and related infrastructure at the designated location pursuant to the terms of the access easement, that the installation is allowed by and consistent with the access easement, that such installation will not frustrate the purpose of the easement or create any access or safety issue, and shall be in compliance with all land use regulations such as, but not limited to, setback requirements.

Section 7. Amendment of BIMC 18.09.030. Section 18.09.030 of the Bainbridge Island Municipal Code is hereby amended to include a new Subsection 18.09.030.F.4, to read as follows:

4. In accordance with Chapter 18.10 BIMC, the department of planning and community development may grant permit approval for:

a. A facility I or II, or a monopole or lattice tower located in a nonresidential zone that does not exceed the maximum height of the zone; or

b. A facility I or II in a multifamily, business, commercial, or town center zone on an existing building or structure; provided, that the facility is no higher than 15 feet above the existing building or structure or the permitted height for the zone, whichever is higher; or

c. A facility I or II in a residential zone on a nonresidential building or structure; provided, that the facility is no higher than 15 feet above the permitted height in the zone.

d. All other WCFs require conditional use permit review and approval by the city hearing examiner.

e. For the purposes of this subsection and Table 18.09.020, the terms “Facility I” and “Facility II” and “Monopole” and “Lattice Tower” and “WCF” and “Wireless Communication Facility” shall have the same meaning as defined in Chapter 18.10 BIMC.

Section 87. Adoption of New Chapter 18.10A BIMC. Title 18 of the Bainbridge Island Municipal Code is hereby amended to include a new Chapter 18.10A BIMC, to read as follows:

**Chapter 18.10A
USE REGULATIONS - SMALL WIRELESS FACILITIES**

- 18.10A.010 Purpose.
18.10A.020 Applicability.
18.10A.030 Definitions.
18.10A.040 Design and Concealment standards for small wireless facilities.
18.10A.050 New poles for small wireless facilities ~~and installations in a Design Zone.~~

18.10A.010 Purpose.

The purposes of this chapter are to set forth regulations for the placement and development of small wireless facilities. Among the purposes included are to:

- A. Manage reasonable access to the right-of-way of the City for communication purposes on a nondiscriminatory basis.
- B. Conserve the limited physical capacity of the public rights-of-way held in public trust by the City.
- C. Ensure that all service providers maintaining facilities or providing services within the City comply with the ordinances, rules, and regulations of the City.
- D. Reduce unnecessary local regulation of providers and services.
- E. Ensure that the City can continue to fairly and responsibly protect the public health, safety, and welfare.

F. Encourage the provision of advanced and competitive telecommunications, on the widest possible basis to the businesses, institutions, and residents of the City.

G. Minimize potential adverse visual, aesthetic, and safety impacts of small wireless facilities.

H. Encourage the design of such small wireless facilities to be aesthetically and architecturally compatible with the surrounding built and natural environments where possible.

I. Encourage the collocation or attachment of small wireless facilities on existing support structures to help minimize the total number and impact of such structures throughout the community.

J. Reserve to the City and provide for the fullest exercise possible of the authority and discretion of the City to require that:

1. Facilities are installed and maintained within the public rights-of-way in such manner and at such points so as not to inconvenience the public use of the public rights-of-way or to adversely affect the public safety and welfare; and

2. All non-City users of the rights-of-way shall be required to reimburse and hold harmless the City for the actual costs incurred by the City by reason of the construction or presence in the public rights-of-way of the facilities of such other users.

18.10A.020 Applicability.

Any application for a small wireless facility both inside and outside of the right-of-way shall comply with the following application requirements for a small wireless facility permit described in this chapter. Applications must also comply with the small wireless facility permit requirements of Title 19 BIMC. For small wireless facilities inside the right-of-way, the applicant must also obtain a master permit as may be required under Title 19 BIMC.

18.10A.030 Definitions.

For the purpose of this chapter, the following terms, phrases, words, and abbreviations shall have the meanings given herein. Words not otherwise defined shall have their common and ordinary meaning:

A. “Antenna” means an apparatus designed for the purpose of emitting radiofrequency (“RF”) radiation, to be operated or operating from a fixed location pursuant to FCC authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under 47 CFR Part 15.

B. “Applicant” means any person submitting an application for a small wireless facility permit.

C. “City property” means any real property owned by the City, whether in fee or other ownership estate of interest.

D. “Collocation” means (1) mounting or installing an antenna facility on a pre-existing structure, and/or (2) modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

E. “Director” means the Director of Planning and Community Development or their designee.

F. “FCC” or “Federal Communications Commission” means the federal administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services, and providers on a national level.

G. “Grantee” means a person holding a master permit.

H. “Light Pole” means a pole used primarily for lighting streets, parking areas, parks, or pedestrian paths.

I. “Master Permit” means the authorization granted by the City to an operator of a telecommunications system, under Title 19 BIMC, giving the operator the nonexclusive right to occupy the space, or use facilities upon, across, beneath, or over any public right-of-way in the City, to provide a specified service within a master permit area. Such master permit shall not include or be a substitute for:

1. Any other permit or authorization required for the privilege of transacting and carrying on a business within the City required by the ordinances and laws of the City;

2. Any permit, agreement, or authorization required in connection with operations on or in public streets or property, including, by way of example and not limitation, street cut permits;

3. Any permits or agreements for occupying any other property of the City or private entities to which access is not specifically granted by the master permit including, without limitation, permits and agreements for placing devices on or in poles, conduits, other structures, or railroad easements, whether owned by the City or a private entity; or

4. The right to place devices in the right-of-way, such as pay telephones, for end user use in terminating or originating transmissions.

By way of example, and without limiting the foregoing, this title shall not be read to diminish or in any way affect the authority of the City to control the use of the City’s real estate, fixtures, or personal property. Therefore, any person who desires to use such property must obtain additional approvals, or agreements for that purpose, as may be required by the City.

J. “Public right-of-way” or “right-of-way” means land acquired or dedicated for public roads and streets but does not include:

1. State highways;

2. Land dedicated for road, streets, and highways not opened and not improved for motor vehicle use by the public;
 3. Structures, including poles and conduits, located within the right-of-way;
 4. Federally granted trust lands or forest board trust lands;
 5. Lands owned or managed by the state parks and recreation commission; or
 6. Federally granted railroad rights-of-way acquired under 43 U.S.C. Sec 912 and related provisions of federal law that are not open for motor vehicle use.
- K. “Service provider” is defined consistently with RCW 35.99.010(6). Service provider shall include those infrastructure companies that provide telecommunications services or equipment to enable the deployment of telecommunication services.
- L. “Small wireless” and “small wireless facility” shall have the same meaning as a “small wireless facility” as set forth in 47 CFR 1.6002.
- M. “Structure” means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of telecommunications service (whether on its own or comingled with other types of services).
- N. “Telecommunications facilities” means the plant, equipment, and property including, but not limited to, cables, wires, conduits, ducts, pedestals, electronics, and other appurtenances used or to be used to transmit, receive, distribute, provide, or offer wireline or wireless telecommunications service.
- O. “Telecommunications service” means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means for hire, sale, or resale to the general public. For the purpose of this subsection, “information” means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. For the purpose of this chapter, telecommunications service excludes the over-the-air transmission of broadcast television or broadcast radio signals.
- P. “Traffic Signal Poles” means a pole that supports equipment used for controlling traffic, including but not limited to traffic lights, rapid flashing beacons, speed radar, and school zone flashers.
- Q. “Transmission equipment” means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- R. “Unified enclosure” means a small wireless facility providing concealment of antennas and equipment within a single enclosure.

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S. “Utility pole” means a structure designed and used primarily for the support of electrical wires, telephone wires, television cable, traffic signals, or lighting for streets, parking areas, or pedestrian paths.

T. “Wireline” means services provided using a physically tangible means of transmission, including without limitation wire or cable, and the apparatus used for such transmission.

18.10A.040 Design and Concealment standards for small wireless facilities.

Small wireless facility deployments permitted inside or outside the right-of way shall conform to the following design standards:

A. Small wireless facilities attached to existing or replacement non-wooden light poles or utility poles in the right-of-way or non-wooden light poles or utility poles outside of the right-of-way shall conform to the following design criteria:

1. Upon adoption of a City standard small wireless facility pole design(s) within the Design and Construction Standards, an applicant is encouraged to first consider using or modifying the standard pole design to accommodate its small wireless facility without substantially changing the outward visual and aesthetic character of the design. The applicant, upon a showing that use or modification of the standard pole design is either technically or physically infeasible, or that the modified pole design will not comply with the City's ADA, sidewalk clearance requirements, and/or would violate electrical or other safety standards, may deviate from the adopted standard pole design and use the design standards as adopted in this subsection A.
2. The applicant shall minimize to the extent possible the antenna and equipment space and shall use the smallest amount of enclosure possible to fit the necessary equipment. The antennas and equipment shall be located consistent with BIMC 18.10A.040.E.1.
3. The furthest point of any equipment enclosure may not extend more than twenty-eight (28) inches from the face of the pole. Any equipment or antenna enclosures must meet WSDOT height clearance requirements.
4. All conduit, cables, wires, and fiber must be routed internally in the non-wooden pole. Full concealment of all conduit, cables, wires, and fiber is required within mounting brackets, shrouds, canisters, or sleeves if attaching to exterior antennas or equipment.
5. An antenna on top of an existing pole may not extend more than six (6) feet above the height of the existing pole and the diameter may not exceed sixteen (16) inches, measured at the top of the pole, unless the applicant can demonstrate that more space is technically needed. The antennas shall be integrated into the pole design so that it appears as a continuation of the original pole, including colored or painted to match the pole, and shall be shrouded or screened to blend with the pole except for canister antennas which shall not require screening. All cabling and mounting hardware/brackets from the bottom of the antenna to the top of the pole shall be fully concealed and integrated with the pole.

6. Any replacement non-wooden pole shall substantially conform to the design of the pole it is replacing or the neighboring pole design standards utilized within the contiguous right-of-way, unless the Department of Planning and Community Development otherwise approves a variation due to aesthetic or safety concerns. Any replacement non-wooden pole located in the right-of-way shall be placed as close to the original pole as possible, but no more than five (5) feet from the existing pole location.

7. The height of any replacement pole may not extend more than six (6) feet above the height of the existing pole or the minimum additional height technically necessary; provided, that the height of the replacement pole cannot be extended further by additional antenna height.

8. The diameter of a replacement pole shall comply with the City's setback and sidewalk clearance requirements and shall, to the extent technically feasible, not be more than a twenty (20) inches measured at the base of the pole, unless additional diameter is needed in order to conceal equipment within the base of the pole, and shall comply with the requirements in subsection E.5 below.

9. The use of the pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

B. Wooden pole design standards. Small wireless facilities located on existing or replacement wooden poles shall conform to the following design criteria:

1. The wooden pole at the proposed location may be replaced with a taller wooden pole for the purpose of accommodating a small wireless facility; provided, that the replacement pole shall not exceed a height that is a maximum of ten (10) feet taller than the existing pole, unless a further height increase is required and confirmed in writing by the pole owner and that such height extension is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.

2. A pole extender may be used instead of replacing an existing wooden pole but may not increase the height of the existing wooden pole by more than ten (10) feet, unless a further height increase is required and confirmed in writing by the pole owner and that such height increase is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities. A "pole extender" as used herein is an object affixed between the pole and the antenna for the purpose of increasing the height of the antenna above the pole. The pole extender shall be painted to approximately match the color of the pole and shall substantially match the diameter of the pole measured at the top of the pole.

3. Replacement wooden poles must either match the approximate color and materials of the replaced pole or shall be the standard new wooden pole used by the pole owner in the City, unless the Department of Planning and Community Development otherwise approves a variation due to aesthetic or safety concerns.
4. Antennas, equipment enclosures, and all ancillary equipment, boxes, and conduit shall be colored, tinted, or painted to match the approximate color of the surface of the wooden pole on which they are attached.
5. Antennas shall not be mounted more than twelve (12) inches from the surface of the wooden pole.
6. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness. Multiple antennas are permitted on a wooden pole provided that each antenna enclosure shall not be more than three (3) cubic feet in volume.
7. A canister antenna may be mounted on top of an existing wooden pole, which may not exceed the height requirements described in subsection B.1 above. A canister antenna mounted on the top of a wooden pole shall not exceed sixteen (16) inches in diameter, measured at the top of the pole, and shall be colored or painted to match the pole. The canister antenna must be placed to look as if it is an extension of the pole. In the alternative, the applicant may propose a side mounted canister antenna, so long as the inside edge of the antenna is no more than twelve (12) inches from the surface of the wooden pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the wooden pole.
8. The furthest point of any antenna or equipment enclosure may not extend more than twenty-eight (28) inches from the face of the pole. Any equipment or antenna enclosures must meet WSDOT height clearance requirements.
9. An omni-directional antenna may be mounted on the top of an existing wooden pole, provided such antenna is no more than four (4) feet in height and is mounted directly on the top of a pole or attached to a sleeve made to look like the exterior of the pole as close to the top of the pole as technically feasible. All cables shall be concealed within the sleeve between the bottom of the antenna and the mounting bracket.
10. All related equipment, including but not limited to ancillary equipment, radios, cables, associated shrouding, microwaves, and conduit which are mounted on wooden poles shall not be mounted more than six (6) inches from the surface of the pole, unless a further distance is technically required, and is confirmed in writing by the pole owner.
11. Equipment for small wireless facilities shall be located consistent with BIMC 18.10A.040.E.1. If equipment is allowed to be placed on the wooden pole, the equipment must be placed in the smallest enclosure possible for the intended purpose. The visual effect of the small wireless facility on all other aspects of the appearance of the wooden pole shall be minimized to the greatest extent possible.

~~12. — An applicant who desires to enclose both its antennas and equipment within one unified enclosure may do so, provided that such enclosure is the minimum size necessary for its intended purpose and the enclosure and all other wireless equipment associated with the pole, including wireless equipment associated with the antenna and any preexisting associated equipment on the pole does not exceed twenty-eight (28) cubic feet. The unified enclosure may not be placed more than twelve (12) inches from the surface of the pole. To the extent possible, the unified enclosure shall be placed so as to appear as an integrated part of the pole or behind banners or signs, provided that such location does not interfere with the operation of the banners or signs.~~

12. The use of the wooden pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a wooden pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

13. The diameter of a replacement wooden pole shall comply with the City's setback and sidewalk clearance requirements and shall not be more than a 25% increase of the existing wooden utility pole measured at the base of the pole, unless additional diameter is needed for structural integrity of the pole, and shall comply with the requirements in subsection E.5 below.

14. All cables and wires shall be routed through conduit along the outside of the wooden pole. The outside conduit shall be colored or painted to match the pole. The number of conduit shall be minimized to the number technically necessary to accommodate the small wireless facility.

C. Small wireless facilities attached to existing buildings shall conform to the following design criteria:

1. Small wireless facilities may be mounted to the sides of a building if the antennas do not interrupt the building's architectural theme.
2. The interruption of architectural lines or horizontal or vertical reveals is discouraged.
3. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if it complements the architecture of the existing building.
4. Small wireless facilities shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building.
5. Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas. Exposed cabling/wiring is prohibited.
6. Small wireless facilities shall be colored, painted, and textured to match the

adjacent building surfaces, unless otherwise technically infeasible.

7. Small wireless facilities must meet the height requirement of the underlying zoning district.
8. Feed lines and coaxial cables shall be located below the parapet of the rooftop.

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9. If a cabinet enclosure cannot be located within the building where the wireless communication facilities will be located, then the City's first preference is for the wireless telecommunication carrier to locate the equipment on the roof of the building. If the equipment can be screened by placing the equipment below the parapet walls, no additional screening is required. If screening is required, the proposed screening must be consistent with the existing building in terms of color, design, architectural style, and material. If the cabinet equipment cannot be located on the roof or within the building then it shall be located underground consistent with BIMC 18.10A.040.E.1.

D. Small wireless facilities mounted on cables strung between existing utility poles shall conform to the following standards.

1. Each strand mounted facility shall not exceed four (4) cubic feet in volume.
2. Only one strand mounted facility is permitted between any two existing poles.
3. The pole must be able to support the necessary load requirements of the strand mounted facility.
4. The strand mounted devices shall be placed as close as possible to the nearest utility pole, in no event more than five (5) feet from the pole unless a greater distance technically necessary or is required by the pole owner for safety clearance.
5. No strand mounted device shall be located in or above the portion of the roadway open to vehicular traffic.
6. Ground mounted equipment to accommodate a shared mounted facility is not permitted except when placed in pre-existing equipment cabinets.
7. Pole mounted equipment shall comply with the requirements of subsections A or B above, as applicable.
8. Such strand mounted devices must be installed to cause the least visual impact and without excess exterior cabling or wires (other than the original strand).
9. Strand mounted facilities are only permitted on poles that have existing overhead wirelines.

E. General requirements for all installation types.

1. All equipment, except antennas and conduit, associated with installations in the R-0.4 zoning district shall be ground mounted, placed underground, completely concealed within the pole, or placed on private property consistent with the regulations identified in (a), (c), (d), and (e) below unless the applicant can demonstrate that each of those possible locations are technically infeasible, in which case the equipment may be placed in accordance with (b) below. All equipment associated with installations in the Mixed Use Town Center, High School Road I and II, and Neighborhood Center zoning districts shall be located on the pole, completely concealed within the pole, or placed on private property consistent with the regulations identified in (a), (b), and (d) below unless the applicant can demonstrate that each of those allowed locations are technically infeasible, in which case the equipment may be placed in accordance with (c) or (e) below. All equipment associated with installations in any other zone not identified above may be installed consistent with one of the methods identified in (a) through (e) below. Even if one of the designated equipment locations is technically feasible, the Director may determine that equipment located in the non-preferred location is in fact a superior alternative based on the impact to the City, its residents, the City's Comprehensive Plan, and/or the added benefits to the community.

(a) Concealed completely within the pole or pole base. If antennas and associated equipment enclosures (including disconnect switches and other appurtenant devices) are located within the pole or pole base, they shall be fully concealed within the pole. Further, if located within the pole base, the base shall meet the ADA requirements and not impact the pedestrian access route.

(b) Located on a pole. If located on a pole, antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) must be colored, tinted, or painted to match the approximate color of the surface of the pole and appear as an integral part of the pole or flush mounted to the pole, meaning for antennas no more than twelve (12) inches off of the pole and for associated equipment no more than six (6) inches off the pole, and must be the minimum size necessary for the intended purpose, but in no event shall any antenna exceed three (3) cubic feet in volume. The equipment enclosure and all other wireless equipment associated with the pole (including but not limited to conduit), including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole, may not exceed twenty-eight (28) cubic feet. Multiple equipment enclosures may be acceptable if designed to more closely integrate with the pole design and does not cumulatively exceed twenty-eight (28) cubic feet. If the equipment enclosure is permitted on the exterior of the pole, the applicant is required to place the equipment enclosure behind any banners or road signs that may be on the pole, provided that such location does not interfere with the operation of the banners or signs or the equipment itself. The applicant may propose a side mounted canister antenna, so long as the inside edge of the antenna is no more than six (6) inches from the surface of the pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the pole.

(c) Underground in a utility vault. If located underground, the access lid to the equipment enclosure shall be located outside the footprint of any pedestrian curb ramp and shall have a nonskid surface meeting ADA requirement if located within an existing pedestrian access route. Antennas are not subject to this paragraph due to technological limitations of such placement.

(d) On private property. If located on private property, the applicant shall submit a copy of a letter of authority from the private property owner prior to the small wireless facility permit issuance. Any such installation on private property must conform to all applicable regulations, including but not limited to zoning regulations, that apply to that property.

(e) On the ground in the right-of-way. If the equipment is located on the ground in the right-of-way, the equipment enclosure on the ground and all other wireless equipment associated with the pole (including but not limited to conduit), including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole, may not exceed twenty-eight (28) cubic feet. The equipment located on the ground shall be placed within one enclosure not to exceed four (4) feet in height. Such enclosure must be colored and designed in a manner that minimize the visual impact of the enclosure. The location of the equipment on the ground must comply with all applicable setback and access requirements including ADA requirements. Prior to the issuance of any permit related to a facility which includes ground mounted equipment in the right-of-way, the applicant must obtain a site-specific agreement from the City to locate such ground mounted equipment.

2. An applicant who desires to enclose both its antennas and equipment within one unified enclosure may do so, provided that such enclosure is the minimum size necessary for its intended purpose and the enclosure and all other wireless equipment associated with the pole, including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole does not exceed twenty-eight (28) cubic feet. The unified enclosure may not be placed more than twelve (12) inches from the surface of the pole. To the extent possible, the unified enclosure shall be placed so as to appear as an integrated part of the pole or behind banners or signs, provided that such location does not interfere with the operation of the banners or signs or the equipment itself. Requirements related to the location of equipment as outlined in BIMC 18.10A.050.E.1 do not apply if the antennas and equipment are located within one unified enclosure

3. No equipment shall be operated so as to produce noise in violation of Chapter 16.16 BIMC.

4. Small wireless facilities are not permitted on traffic signal poles unless denial of the siting could be a prohibition or effective prohibition of the applicant's ability to provide telecommunications service in violation of 47 USC §§ 253 and 332.

5. Replacement poles and new poles shall comply with the Americans with Disabilities Act (ADA), City construction and sidewalk clearance standards, City ordinance, and state and federal laws and regulations in order to provide a clear and safe passage within the rights-of-way. Further, the location of any replacement or new pole must: be physically possible, comply with applicable traffic warrants, not interfere with utility or safety fixtures (e.g., fire hydrants, traffic control devices), and not adversely affect the public welfare, health, or safety.

6. No signage, message, or identification other than the manufacturer's identification or identification required by governing law is allowed to be portrayed on any antenna or equipment enclosure. Any permitted signage shall be located on the equipment enclosures and be of the minimum amount possible to achieve the intended purpose (no larger than 4x6 inches); provided, that signs are permitted as concealment element techniques where appropriate.

7. Antennas and related equipment shall not be illuminated except for security reasons, required by a federal or state authority, or unless approved as part of a concealment element plan.

8. Side arm mounts for antennas or equipment must be the minimum extension necessary and may not create a gap of more than twelve (12) inches for wooden poles and no more than six (6) inches for non-wooden poles between the pole and the antennas or equipment.

9. The preferred location of a small wireless facility on a pole is the location with the least visible impact.

10. Antennas, equipment enclosures, and ancillary equipment, conduit, and cable, shall not dominate the structure or pole upon which they are attached.

11. Except for locations in the right-of-way, small wireless facilities are prohibited on any property containing a residential use in the residential zones. Except where small wireless facilities are intended to be located more than 400 feet from a right-of-way and within an access easement over residential property, the location may be allowed if the applicant affirms that they have property owner permission to locate the facility in the desired location, that the property owner where the facility will be installed has authority to grant such permission to locate the facility and related infrastructure at the designated location pursuant to the terms of the access easement, that the installation is allowed by and consistent with the access easement, that such installation will not frustrate the purpose of the easement or create any access or safety issue, and shall be in compliance with all land use regulations such as, but not limited to, setback requirements.

12. The City may consider the cumulative visual effects of small wireless facilities mounted on poles within the rights-of-way when assessing proposed siting locations so as to not adversely affect the visual character of the City. This provision shall not be applied to limit the number of permits issued when no alternative sites are reasonably available nor to impose a technological requirement on the applicant.

13. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would effectively prohibit the applicant from providing a wireless service, alternative forms of concealment or deployment may be permitted which provide similar or greater protections from negative visual impacts to the streetscape.

18.10A.050 New poles for small wireless facilities ~~and installations in a Design Zone.~~

A. New poles for small wireless facilities ~~or for installations of small wireless facilities in a Design Zone~~ are only permitted if the applicant can establish that:

1. The proposed small wireless facility cannot be located on an existing utility pole or light pole, electrical transmission tower, or on a site outside of the public rights of way such as public non-park property, a building, a transmission tower, or in or on a non-residential use in a residential zone whether by roof or panel-mount or separate structure;
2. The proposed small wireless facility complies with the applicable requirements of BIMC 18.10A.0450;
3. The proposed small wireless facility receives approval for a concealment element design, as described in subsection C below;
4. The proposed small wireless facility also complies with Shoreline Management Act, SEPA, and any other relevant law or regulation if applicable; and
5. No new poles shall be located in a critical area or associated buffer or setback required by Chapter 16.20 BIMC except when determined to be exempt pursuant to Chapter 16.20 BIMC.

B. An application for a new pole ~~or installation in a Design Zone~~ is subject to review and approval or denial by the Director.

C. The concealment element design shall include the design of the screening, fencing, or other concealment technology for a tower, pole, or equipment structure, and all related transmission equipment or facilities associated with the proposed small wireless facility, including but not limited to fiber and power connections.

1. The concealment element design should seek to minimize the visual obtrusiveness of the small wireless facility. The proposed pole or structure should have similar designs to existing neighboring poles in the rights-of-way, including similar height to the extent technically feasible. If the proposed small wireless facility is placed on a replacement pole ~~in a Design Zone~~, then the replacement pole shall be of the same general design as the pole it is replacing, unless the Department of Planning and Community Development otherwise approves a variation due to aesthetic or safety concerns. Any concealment element design for a small wireless facility should attempt to mimic the design of such pole and integrate the small wireless facility into the design of the pole. Other concealment methods include, but are not limited to, integrating the installation with architectural features or building design components, utilization of coverings or concealment devices of similar material, color, and texture - or the appearance thereof - as the surface against which the installation will be seen or on which it will be installed, landscape design, or other camouflage strategies appropriate for the type of installation. Applicants are required to utilize designs in which all conduit and wirelines are installed internally in the structure.

2. If the Director has already approved a concealment element design either for the applicant or another small wireless facility along the same public right-of-way or for the same pole type, then the applicant shall utilize a substantially similar concealment element design, unless it can show that such concealment element design is not physically or technologically feasible, or that such deployment would undermine the generally applicable design standards.

D. Even if an alternative location is established pursuant to BIMC 0.A.1, the Director may determine that a new pole in the right-of-way is in fact a superior alternative based on the impact to the City, the concealment element design, the City's Comprehensive Plan, and/or the added benefits to the community.

E. Prior to the issuance of a permit to construct a new pole or ground mounted equipment in the right-of-way, the applicant must obtain a site-specific agreement from the City to locate such new pole or ground mounted equipment. The requirement also applies to the placement of replacement poles when the replacement is necessary for the installation or attachment of the small wireless facility, the replacement structure is higher than the replaced structure, and the overall height of the replacement structure and the wireless facility is more than sixty (60) feet.

F. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would unreasonably impair the function of the technology chosen by the applicant, alternative forms of concealment or deployment may be permitted which provide similar or greater protections of the street scape.

Section 96. Repeal and Replacement of Chapter 18.11 BIMC. Chapter 18.11 of the Bainbridge Island Municipal Code is hereby repealed in its entirety and replaced by the following:

Chapter 18.11 Eligible Facilities Requests

18.11.010	Definitions.
18.11.020	Application.
18.11.030	Qualification as an Eligible Facilities Request.
18.11.040	Timeframe for Review.
18.11.050	Tolling of the Time Frame for Review.
18.11.060	Determination That Application Is Not an Eligible Facilities Request.
18.11.070	Failure to Act.
18.11.080	Enforcement

18.11.010 Definitions

The following definitions shall apply to Eligible Facilities Requests only as described in this Chapter 18.11 BIMC.

A. “Base Station”: A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein nor any equipment associated with a tower. Base Station includes, without limitation:

1. Equipment associated with wireless communications services as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (“DAS”) and small wireless networks).
3. Any structure other than a tower that, at the time the relevant application is filed (with jurisdiction) under this section, supports or houses equipment described in subparagraph (i) and (ii) above that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.
4. The term does not include any structure that, at the time the Eligible Facilities Request application is filed with the City, does not support or house equipment described in subparagraph 1.a and 1.b above.

B. “Collocation”: The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes.

C. “Eligible Facilities Request”: Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

1. Collocation of new transmission equipment;
2. Removal of transmission equipment; or
3. Replacement of transmission equipment.

D. “Eligible support structure”: Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the City.

E. “Existing”: A constructed tower or base station is existing if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

F. “Substantial Change”: A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

1. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten (10) feet, whichever is greater;
2. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;
3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and Base Stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
4. It entails any excavation or deployment outside the current site;
5. It would defeat the concealment elements of the eligible support structure; or

6. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided, however, that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified above.

G. “Tower”: Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul and the associated site.

H. “Transmission equipment”. Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

18.11.020 Application.

The Director shall prepare and make publicly available an application form used to consider whether an application is an Eligible Facilities Request. The application may not require the applicant to demonstrate a need or business case for the proposed modification. Prior to the issuance of an Eligible Facilities Request permit, the applicant shall pay a permit fee in an amount as determined by the City Council and adopted by resolution.

18.11.030 Qualification as an Eligible Facilities Request.

Upon receipt of an application for an Eligible Facilities Request, the Director shall review such application to determine whether the application qualifies as an Eligible Facilities Request.

18.11.040 Timeframe for Review.

A. Within sixty (60) days of the date on which an applicant submits an Eligible Facilities Request application, the Director shall approve the application unless it determines that the application is not covered by 47 CFR §1.40001 and this Chapter 18.11 BIMC.

B. A permit issued pursuant to this chapter, and any applications deemed granted under BIMC 18.11.070, shall be valid for a term of 12 months from the date of issuance or the date the application has been deemed granted under BIMC 18.11.070.

18.11.050 Tolling of the Time Frame for Review.

A. The sixty (60) day review period begins to run when the application is filed and may be tolled only by mutual agreement by the Director and the applicant or in cases where the Director determines that the application is incomplete. .

1. To toll the timeframe for incompleteness, the Director shall provide written notice to the applicant within thirty (30) days of receipt of the application, clearly and specifically delineating all missing documents or information required in the application.
2. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the Director's notice of incompleteness.
3. Following a supplemental submission, the Director will notify the applicant within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this subsection. Second or subsequent notice of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

18.11.060 Determination That Application Is Not an Eligible Facilities Request.

If the Director determines that the applicant's request does not qualify as an Eligible Facilities Request, the Director shall deny the application.

18.11.070 Failure to Act.

In the event the Director fails to approve or deny an application for an Eligible Facilities Request within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed granted application does not become effective until the applicant notifies the Director in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

18.11.080 Enforcement.

Compliance with the provisions of this chapter is mandatory. Any violation of this chapter shall be enforced, and penalties assessed, in accordance with Chapter 1.26 BIMC.

Section 10. Amendment to BIMC 18.36.030. Subsections 18.36.030.7 ("Accessory antenna device"), 18.36.030.32 ("Attached wireless communication facility"), 18.36.030.53 ("Co-location"), 18.36.030.273 ("Wireless communication facility"), 18.36.030.273.a ("Facility I"), 18.36.030.273.b ("Facility II"), and 18.36.030.273.c ("Facility III") of the Bainbridge Island Municipal Code are hereby repealed.

Section 11. Amendment to BIMC 18.36.030. Subsection 18.36.030.276 (“Wireless communication support structure”) of the Bainbridge Island Municipal Code is hereby amended to read as follows:

“Wireless communication support structure” means the structure erected to support wireless communication antennas and connecting appurtenances. Support structure types include, but are not limited to, stanchions, monopoles, lattice towers, wood poles or guyed towers. “Monopoles” and “lattice towers” shall have the same meaning as defined in Chapter 18.10 BIMC.

Section 12. Amendment to BIMC 18.36.030. Subsection 18.36.030.249 (“Structure”) of the Bainbridge Island Municipal Code is hereby amended to read as follows:

“Structure” means any manmade assemblage of materials extending above or below the surface of the earth and affixed or attached thereto. “Structure,” for the purposes of this title, except for BIMC 18.09.030.F.1, does not include “wireless ~~communications~~ communication facilities” as that term is defined in Chapter 18.10 BIMC.

Section 13. Amendment to BIMC 2.16.040. Subsection 2.16.040.B.1.d of the Bainbridge Island Municipal Code is hereby amended to read as follows:

d. The construction of new wireless ~~communications~~ communication support structures (but not the location of wireless facilities on existing buildings).

Section 147. Corrections. The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this Ordinance or to the City Code including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 158. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 169. Effective Date. This ordinance shall take effect and be in force five (5) days from its passage and publication as required by law.

PASSED by the City Council this ____ day of _____ 2020.

APPROVED by the Mayor this ____ day of _____ 2020.

Leslie Schneider, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NUMBER:

2020-04

Exhibit A

Exhibit A
Amendments to Utility and Telecommunications Section of Table 18.09.020

<u>UTILITY AND TELECOMMUNICATIONS</u>																				
Note: Utility and telecommunications uses may be subject to additional requirements in BIMC 16.12.030.C.7.																				
<u>ZONING DISTRICT</u>	<u>R-0.4</u>	<u>R-1</u>	<u>R-2</u>	<u>R-2.9</u>	<u>R-3.5</u>	<u>R-4.3</u>	<u>R-5</u>	<u>R-6</u>	<u>R-8</u>	<u>R-14</u>	<u>Winslow Mixed Use Town Center</u>					<u>HSR I and II</u>	<u>NC</u>	<u>B/I</u>	<u>WD-1</u>	<u>Use-Specific Standards BIMC 18.09.030</u>
<u>USE CATEGORY/TYPE</u>											<u>CC</u>	<u>MA</u>	<u>EA</u>	<u>Gate</u>	<u>Ferry [1]</u>					
<u>Monopole or Lattice Tower</u>	<u>P/C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>F-4</u>
<u>Small Wind Energy Generator</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>F-1</u>
<u>Utility, Primary</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>C</u>	<u>F-2</u>
<u>Public Communications Tower</u>	<u>P</u>	<u>P</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>P</u>	<u>A</u>	<u>F-3</u>
<u>Wireless Communication Facilities, Facility I</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>F-4</u>
<u>Wireless Communication Facilities, Facility II</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>F-4</u>
<u>All Other Wireless Communication Facilities, Facility III</u>	<u>P/C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P/C</u>	<u>P/C</u>	<u>F-4</u>
<u>Small Wireless Facilities</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>B-5</u>

Small Cell Siting and Rights-of-Way:



OGDEN
MURPHY
WALLACE
ATTORNEYS

Las Vegas Strip



Las Vegas



Los Angeles



Los Angeles

Courtesy of
Jonathan Kramer



Seattle



Seattle – AT&T on Light Pole



Bellevue



Mercer Island



Seattle – T-Mobile



Contact Us

Ogden Murphy Wallace: (206) 447-7000

Daniel Kenny – dpkenny@omwlaw.com





CITY OF
BAINBRIDGE ISLAND

Planning Commission Special Meeting Agenda Bill

MEETING DATE: May 28, 2020

ESTIMATED TIME: 60 Minutes

AGENDA ITEM: 5: 50 PM - Bonus Floor Area Ratio (FAR) Options, BIMC 18.12.030.E.

AGENDA CATEGORY: Discussion

PROPOSED BY: Heather Wright

PREVIOUS PLANNING COMMISSION

REVIEW DATE(S): February 27 & March 12, (minutes, motion and addendum attached), May 14, 2020

PREVIOUS COUCIL REVIEW DATE(S): February 4, 11, 25, March 3, 10, & April 14 & 28, 2020

RECOMMENDED MOTION:

Discuss Bonus FAR options and review the subcommittees recommendation (Changes to Base and Bonus FAR Policies).

SUMMARY:

Prior to the enactment of Ordinance No. 2020-10, the provision of the Bainbridge Island Municipal Code ("BIMC") that the ordinance primarily impacts, BIMC 18.12.030.E., described various options for achieving bonus density in the Winslow Mixed Use Town Center and High School Road Districts. For example, 100% density could be achieved by providing affordable housing or purchasing development rights, whereas a portion of density could be achieved by providing public amenities and/or infrastructure, and/or by preserving heritage trees on site, and/or via a transfer of development rights. The Ferry Terminal District had two additional options related to providing community open space and ferry related parking.

As a result of the interim zoning control enacted via Ordinance No. 2020-10, Floor Area Ratio ("FAR") bonus density can only be obtained or used currently under the following circumstances:

- o Providing affordable housing as defined in Chapter 18.36 BIMC in accordance with BIMC 18.12.030.E.1.;
- o Transferring unused FAR from the Islander Mobile Home Park to another parcel or parcels in the Mixed Use Town Center District for residential development in accordance with BIMC 18.12.030.E.1.; or
- o Preserving an historic structure located on a state, local, or federal register in accordance with BIMC 18.12.030.E.6. such that, when an historic structure is preserved, the square footage of that structure will not count toward the FAR calculation.

In addition to the exclusions described above in the bulleted items, Ordinance No. 2020-10 also includes an exclusion recognizing development rights that were purchased from the City or otherwise acquired prior to the effective date of the ordinance, as well as a provision recognizing vested rights. The ordinance also suspends the applicability and use of BIMC 18.27.080 and footnote three to Table 18.12.020-3 because those provisions relate directly to the provisions that are suspended in BIMC 18.12.030.E.

BACKGROUND: The City Council has engaged in multiple discussions regarding bonus FAR density options. The following is a chronological legislative history summary of discussions and decisions made by the Council and the Planning Commission thus far related to Ordinance No. 2020-10, as well as related to consideration of FAR density options more generally. The summary is based on the agenda packet materials and the minutes of the meetings as below described.

At the February 4, 2020 City Council study session, Councilmembers expressed an interest in discussing whether to eliminate the option to purchase bonus FAR. The fees for FAR have been established by resolution (Resolution Nos. 2001-02 & 2006-50) and are included within the City's Fee Schedule. The fees are \$18 per square foot for residential development, \$25 per square foot for mixed use development, and \$34 per square foot for commercial development. The funds are split between public amenities (40%) and farm/agriculture (60%).

Options considered by the Council at the February 4 meeting included pursuing a suspension of the bonus FAR regulations via adoption at a future meeting of an interim control ordinance that would be effective immediately (if adopted on an emergency basis) or five days after passage and publication (if enacted on a non-emergency basis). The Council also discussed the option of seeking to otherwise consider revisions to or elimination of the FAR bonus option by referring the matter to the Planning Commission for review and recommendation, and the Council would then consider that recommendation before taking action.

At the February 11, 2020 City Council business meeting, the Council passed a motion directing the City Manager to pursue an interim zoning control related to BIMC 18.12.030.E. to suspend that section (relating to bonus FAR). A motion to direct the Planning Commission to review Chapter 18.12 BIMC relating to FAR and Chapter 18.21 BIMC relating to affordable housing was tabled. Following further discussion, the Council decided to revisit the first motion and approved a motion to reconsider that motion relating to the development of an interim control ordinance at the Council's February 25, 2020 meeting.

At the February 25, 2020 City Council meeting, the Council reconsidered the motion directing the City Manager to develop an interim control ordinance related to suspending BIMC 18.12.030.E. regarding use of FAR for bonus density. That motion failed. Other motions also failed related to directing the City Manager to pursue an interim zoning control that would suspend BIMC 18.12.030.E. in different ways. However, the Council passed unanimously (6-0, with Councilmember Pollock absent) the following motion:

I move to direct the City Manager to work with the Planning Commission and any other appropriate City committees or commissions to bring back to Council as quickly as possible an ordinance that will reform the City's bonus FAR programs so as to only allow bonus FAR in relation to Affordable Housing, Historic Preservation, and Transfer of Development Rights.

At the February 27, 2020 Planning Commission meeting, City staff briefly discussed with the Planning Commission the City Council's action directing the City Manager to work with the Planning Commission to bring back to the Council as quickly as possible an ordinance to reform the City's bonus FAR programs so as to only allow bonus FAR in relation to affordable housing, historic preservation, and transfer of development rights.

At the March 3, 2020 City Council meeting, Councilmember Medina was absent and Councilmember Pollock, who was absent for the February 25 meeting, was present. Councilmember Pollock moved and Councilmember Deets seconded a motion to add a discussion regarding an interim zoning control related to BIMC 18.12.030.E. to that night's agenda under Unfinished Business. The Council approved the agenda as amended. The Council then unanimously passed a motion to suspend the rules for the purpose of taking up this motion again after having voted on it at the last meeting on February 25. The Council then unanimously passed the following motion:

I move to direct the City Manager to prepare an interim zoning control ordinance for consideration at the Council's March 10 meeting related to BIMC 18.12.030.E. to suspend the applicability and use of that Section E., except that subsections E.1. (related to Optional Affordable Housing) and E.6. (related to Historic Structure Preservation) would not be suspended and waiving any procedural requirements that would otherwise apply to the motion that was passed.

At the March 10, 2020 City Council meeting, the Council considered the interim control ordinance that was prepared as directed by the Council at its March 3, 2020 meeting related to suspending the applicability and use of BIMC 18.12.030.E., except that subsections E.1. (related to Optional Affordable Housing) and E.6. (related to Historic Structure Preservation) would not be suspended. The ordinance was prepared as an emergency ordinance, meaning that it would be effective immediately upon passage. The ordinance also included suspension of the applicability and use of BIMC 18.27.080 and footnote three of Table 18.12.020-3 because those provisions relate directly to the provisions that were being suspended in BIMC 18.12.030.E.

As part of that March 10, 2020 Council meeting, the Council passed various motions to revise the ordinance as drafted. The first such motion was to add an additional exclusion to the interim zoning control as follows:

I move to amend Ordinance No. 2020-10, Section 2.B., to add an exclusion to the interim zoning control for development projects that filed a complete land use permit application with the City and have purchased from the City or otherwise acquired development rights, including related to bonus floor area ratio, through an executed covenant, development agreement, or contract, prior to the effective date of this ordinance.

The Council then adopted motions to remove two recital "Whereas" clauses in the draft ordinance. The Council then voted unanimously to approve Ordinance No. 2020-10 with the following motion:

I move to approve Ordinance No. 2020-10, relating to an interim zoning control to hereby suspend BIMC 18.12.030.E. and related provisions as described in the ordinance regarding floor area ratio bonus density options, except for Sections E.1. and E.6. of BIMC 18.12.030.E. as amended.

At the March 12, 2020 Planning Commission meeting, the Planning Commission ("Commission") had an item on their agenda entitled "FAR Discussion." Included as part of the materials for that agenda item was the February 27, 2020 memorandum written by Planning Director Heather Wright that is referenced above in relation to the Commission's February 27 meeting. Under the "Council Action" section of the memorandum, it states:

On February 25, 2020, the City Council approved a motion that the City Manager work with the Planning Commission and appropriate City Committees or Commissions to bring back to Council as quickly as possible an Ordinance that will reform 84

the City's bonus FAR programs so as to only allow bonus FAR in relation to Affordable Housing, Historic Preservation and Transfer of Development Rights.

Based on the draft minutes for this Commission meeting on March 12, 2020 (attached as Attachment B below), Planning Director Heather Wright introduced the interim zoning control ordinance. Following, there was public comment, including from Councilmember Pollock. After the public comment, the Commission unanimously passed a motion (attached):

At the April 14, 2020 City Council meeting, the Council scheduled a public hearing regarding Ordinance No. 2020-10 for April 28, 2020. The Council took action to set the public hearing pursuant to RCW 35A.63.220 and RCW 36.70A.390, which require the Council to hold a public hearing within 60 days of adoption of Ordinance No. 2020-10 (i.e., by May 10, 2020) in order to take public testimony and to consider adopting further findings of fact.

On April 28, 2020, the City Council held a public hearing on Ordinance 2020-10 and no changes to the Ordinance were made.

The Planning Commission formed a subcommittee of 3 members to begin working on a revised FAR ordinance. Prior to this meeting, one member requested for specific policies of the Comprehensive Plan and Winslow Master Plan be included (Attached), as well as the Administrative Manual. For background, those documents are included as well as the Subcommittees draft recommendation on FAR policies from 4.27.2020.

ATTACHMENTS:

BIMC 18.12.030.E. Bonus Density in Winslow Mixed Use and High School Road Districts. Eligible properties may achieve a maximum level of development above the base FAR, as provided for in Table 18.12.020-3, by using one, or a combination of, the following FAR bonus provisions. The FAR bonus provisions may be combined to achieve the maximum level of development established for each district. In no case shall the total commercial, residential or mixed use FAR exceed the maximum FAR as provided for in Table 18.12.020-3.

1. Optional Affordable Housing.

a. FAR Bonus. Up to 100 percent of the maximum residential FAR bonus may come from providing affordable housing as defined in Chapter [18.36](#) BIMC; provided, that the difference between the base residential FAR and the maximum residential FAR shall be dedicated to affordable housing. A portion of the total floor area that is of common use and benefit to the entire residential development (for example, interior halls, stairwells, laundry rooms, exercise rooms) may be included in the calculation of the affordable housing component. This portion shall be the same percentage as the affordable housing provided. For example, if 20 percent of the living unit floor area is for affordable housing, then 20 percent of the common floor area may be included in the total affordable housing calculation. Development of the optional affordable housing shall be in accordance with Chapter [18.21](#) BIMC and Table 18.12.030.

Table 18.12.030: Optional Affordable Housing Bonus Summary Table

Size of Development	Residential development less than 10,000 sq. ft.	Residential development of 10,000 sq. ft. but less than 60,000 sq. ft.	Residential development more than 60,000 sq. ft.
Affordable Housing FAR Bonus	Must provide 100 percent of bonus square footage for extremely low, very low, or moderate income groups.	Must comply with following ratios: (a) 100 percent of bonus for all moderate; OR (b) 0.2 of bonus for extremely low, very	Must comply with following ratios: 0.1 of bonus for extremely low, very low or low income groups; 0.6 of bonus for moderate income group; and

Table 18.12.030: Optional Affordable Housing Bonus Summary Table

Size of Development	Residential development less than 10,000 sq. ft.	Residential development of 10,000 sq. ft. but less than 60,000 sq. ft.	Residential development more than 60,000 sq. ft.
		low, or low income groups; 0.5 of bonus for moderate income group; and 0.3 of bonus for middle income group.	0.3 of bonus for middle income group.

b. Preservation of the Islander Mobile Home Park. Preservation of the Islander Mobile Home Park as an existing park site for manufactured homes shall be encouraged through the following provisions.

i. Unused FAR from the parcel on which the mobile home park is located may be transferred to another parcel or parcels within the Mixed Use Town Center. For example, the base FAR for the mobile home park would be calculated, less the FAR of the mobile homes. In exchange for permanently preserving the mobile home park, the owner of the property may transfer the unused FAR to another parcel or parcels in the Mixed Use Town Center, where it may be used as bonus FAR above the base FAR for that district.

ii. Permanent preservation of the mobile home park may be used as an affordable housing bonus on another parcel or parcels within the Mixed Use Town Center. For example, in exchange for preserving the mobile home park, the owner of the property would be deemed to have met the affordable housing bonus provisions of subsection A.1 of this section, and could achieve the maximum FAR bonus for residential development on another parcel or parcels in the Mixed Use Town Center. The owner of the mobile home park may either apply the FAR bonus to another parcel(s) he or she owns, or transfer or sell the bonus to another property owner in the Mixed Use Town Center.

2. Purchase of Development Rights. Up to 100 percent of the maximum residential, commercial or mixed use FAR bonus may come from the purchase of development rights as provided for in Chapter [18.27](#) BIMC. The cost of development rights shall be established by resolution of the city council.

3. Public Amenities and/or Infrastructure. At the applicant's option, a portion of the bonus may be earned through the provision of public amenities, infrastructure, and/or preservation of a heritage tree(s) on site, pursuant to an adopted city council resolution clarifying the amount of credit awarded for different provision of different public amenities and/or infrastructure, as follows:

a. Up to 40 percent of the maximum residential, commercial or mixed use FAR bonus may come from monetary contributions toward public amenities and/or infrastructure beyond that required for SEPA mitigation. The amount of the contribution shall be established by resolution of the city council. Funds contributed to the public amenities and/or infrastructure shall be used exclusively in the Mixed Use Town Center or High School Road districts, for projects identified in the six-year capital facilities program, or approved by the city.

b. In lieu of the contribution of funds as provided for in subsection E.3.a of this section, and subject to approval by the director or designee, the public amenities FAR bonus may be achieved by the preservation of a heritage tree(s) on site, construction of public amenities and/or infrastructure beyond that required to mitigate the impacts of development. Public amenities and/or infrastructure projects shall be located in the Mixed Use Town Center or High School Road districts, and shall be chosen from projects identified in the six-year capital facilities program, or approved by the city.

4. Community Open Space. In the ferry terminal district, up to 60 percent of the maximum residential, commercial or mixed use FAR bonus may be achieved by providing community open space of one acre, or 20 percent of the parcel area, whichever is greater. The community open space shall be located in or in the immediate vicinity of locations identified in Figure 4.1 of the Winslow master plan. The open space must be located on the same parcel that is being developed, and must be on land that would be otherwise buildable. Adequate public access to the community open space must be provided. The city shall consider approving the bonus, taking into consideration the configuration, public use and accessibility of the proposed open space. In cases where a development project utilizes the community open space bonus provision in conjunction with the purchase of development rights bonus provision, all funds collected from the purchase of development rights shall go toward the preservation of agricultural lands fund.

5. Winslow Town Center Mixed Use/High School Road FAR Transfers. Up to 20 percent of the maximum residential, commercial or mixed use FAR bonus may come from transfers of FAR from parcels within the Mixed Use Town Center and the High School Road districts. The transfer shall create permanent open space through open space preservation covenants on sending parcels that contain critical areas as defined in Chapter [16.20](#) BIMC. For example, development potential in the ravine of the gateway district may be shifted to the upland area; provided, that the requirements of Chapter [16.20](#) BIMC are satisfied.

6. Historic Structure Preservation. When an historic structure is preserved on site, the FAR of that historic structure shall not be included in the calculation of total FAR for the site. The historic structure must be included on a state, local or federal register.

7. Ferry-Related Parking. In the ferry terminal district, an additional 0.2 FAR may be achieved by relocating existing legal surface ferry commuter parking on site (as shown on Figure 6.2 of the Winslow master plan) to under-building or below-grade parking. The percentage of the additional FAR that is achieved shall be dependent upon the percentage of parking that is relocated. For example, if 50 percent of existing surface ferry commuter parking on site is relocated under-building or below grade, then 50 percent of the total additional FAR (or 0.1 FAR) may be achieved. (Ord. 2017-02 § 1, 2017; Ord. 2015-04 § 1, 2015; Ord. 2014-04 § 6 (Exh. 4 § 1), 2014; Ord. 2011-02 § 2 (Exh. A), 2011)

RESOLUTION NO. 2003-25

A RESOLUTION of the City of Bainbridge Island, Washington, amending Resolution 2001-54, to designate the full City Council as the decision making authority for proposal to construct public amenities in order to achieve floor area ratio bonuses.

WHEREAS, the Winslow Master Plan, adopted May 21, 1998, includes policies that allow for the purchase of bonus floor area ratio, and/or allow bonus floor area ratio to be achieved by constructing public amenities and/or infrastructure in the Mixed Use Town Center and High School Road Districts; and

WHEREAS, the City Council passed Resolution 2001-54 on October 10, 2001, designating the Public Works and Transportation Committee as the decision-making authority for proposals to construct public amenities; and

WHEREAS, the City Council has subsequently determined that the full Council is the appropriate decision-making authority for proposals to construct public amenities, now, therefore

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND,
WASHINGTON, DOES RESOLVE THAT:

Resolution 2001-54 shall be amended as follows:

Section 1. Funds derived from the purchase of bonus floor area ratio shall be accounted for in a budget subfund, with sixty percent (60%) of the funds directed toward the preservation of agricultural land and forty percent (40%) toward the construction of

public amenities and/or infrastructure, unless one hundred percent (100%) of the maximum bonus is purchased, in which case all of those funds shall be directed toward the preservation of agricultural land.

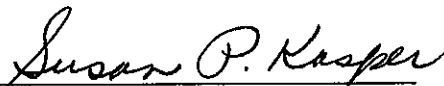
Section 2. Proposals to construct public amenities and/or infrastructure projects for the purpose of obtaining a floor area ratio bonus shall be reviewed and approved by the Public Works and Transportation Committee, upon recommendation of the Director of Public Works, and approved by Resolution of the full City Council.

Section 3. For the purposes of this resolution, public amenities are defined as pocket parks, pedestrian connections, traffic calming treatments, street trees, street furniture and other features, which enhance the livability of Winslow.

PASSED by the City Council this 13th day of August, 2003.


DARLENE KORDONOWY, Mayor

ATTEST/AUTHENTICATE


SUSAN P. KASPER, City Clerk

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
RESOLUTION NO.:

August 6, 2003
August 13, 2003
2003-25

RESOLUTION NO. 2001-54

A RESOLUTION of the City of Bainbridge Island, Washington, establishing the distribution of funds from the purchase of floor area ratio bonuses in the Mixed Use Town Center and High School Road Districts, and designating the decision making authority for proposals to construct public amenities in order to achieve floor area ratio bonuses.

WHEREAS, the City Council passed Ordinance 98-11 on May 21, 1998, adopting the Winslow Master Plan as a sub-area plan of the Comprehensive Plan; and

WHEREAS, the Winslow Master Plan includes policies that allow for the purchase of bonus floor area ratio in the Mixed Use Town Center and High School Road Districts, provided that the resultant funds are used to preserve agricultural land and develop public amenities and/or infrastructure in Winslow; and

WHEREAS, the Winslow Master Plan also includes policies that allow bonus floor area ratio to be achieved by constructing public amenities and/or infrastructure in the Mixed Use Town Center and High School Road Districts; and

WHEREAS, the City Council passed Ordinance 99-17 on September 8, 1999, implementing the Winslow Master Plan; and

WHEREAS, the City Council has determined that appropriate procedures are required to account for funds received from the purchase of bonus floor area ratio and to approve proposals to construct public amenities projects; now, therefore

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND,
WASHINGTON, DOES RESOLVE THAT:

Section 1. Funds derived from the purchase of bonus floor area ratio shall be accounted for in a budget subfund, with sixty percent (60%) of the funds directed toward the preservation of agricultural land and forty percent (40%) toward the construction of

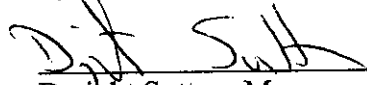
public amenities and/or infrastructure, unless one hundred percent (100%) of the maximum bonus is purchased, in which case all of those funds shall be directed toward the preservation of agricultural land.

Section 2. Proposals to construct public amenities and/or infrastructure projects for the purpose of obtaining a floor area ratio bonus shall be reviewed and approved by the Public Works Committee, upon recommendation of the Director of Public Works.

Section 3. For the purposes of this resolution, public amenities are defined as pocket parks, pedestrian connections, traffic calming treatments, street trees, street furniture and other features, which enhance the livability of Winslow.

PASSED by the City Council this 10th day of October, 2001.

APPROVED by the Mayor this 11th day of October, 2001.


Dwight Sutton, Mayor

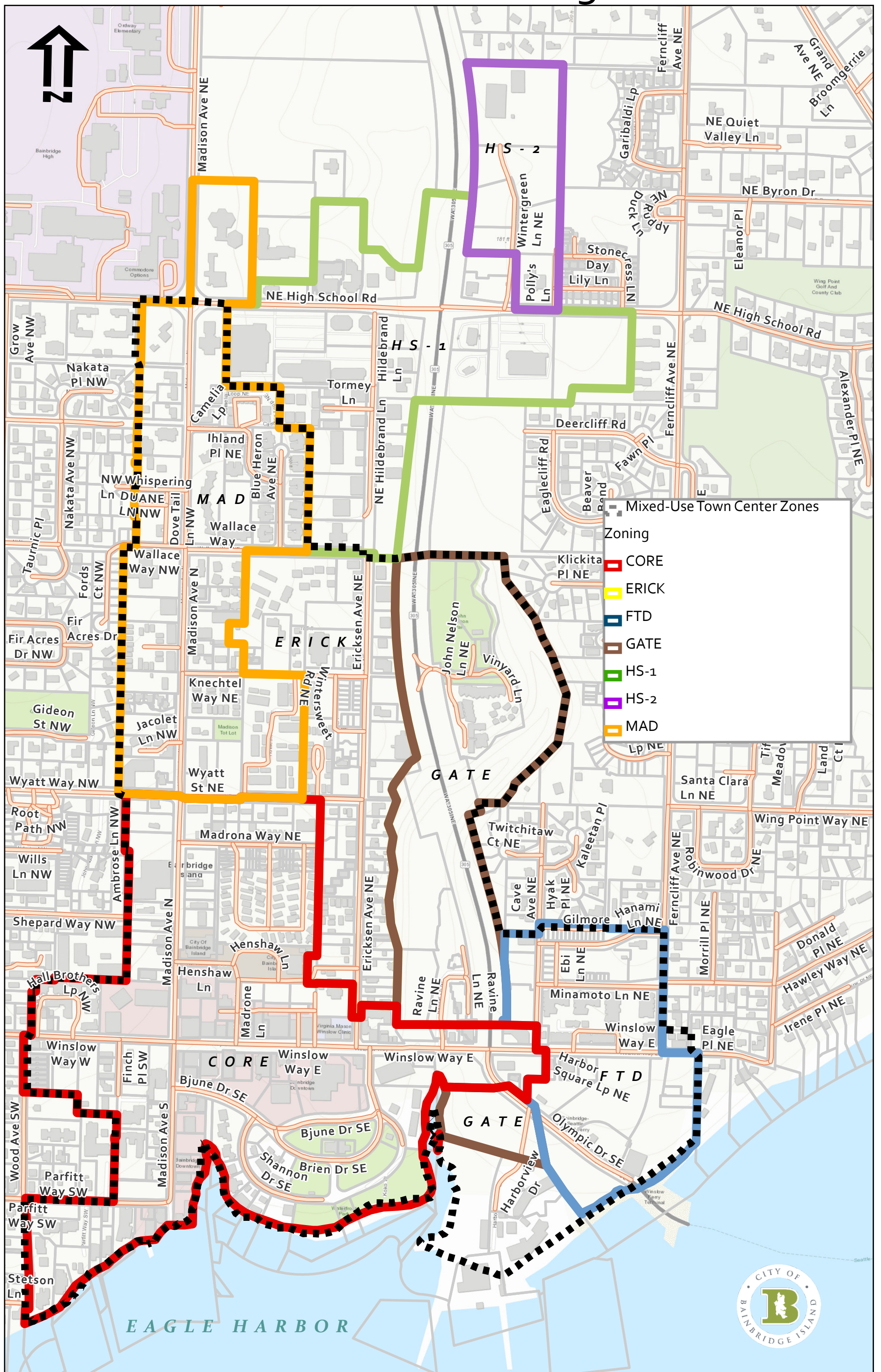
ATTEST/AUTHENTICATE


SUSAN P. KASPER, City Clerk

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
RESOLUTION NO.:

October 3, 2001
October 10, 2001
2001-54

MUTC & HS Zoning Districts





Planning Commission Regular Meeting March 12, 2020

Meeting Minutes

1) CALL TO ORDER/ROLL CALL

Chair William Chester called the meeting to order at 7:01 PM. Planning Commissioners in attendance were Mack Pearl, Jon Quitslund, Lisa Macchio, Kim McCormick-Osmond and Joe Paar. Commissioner Don Doman phoned in to the meeting from home.

The agenda was reviewed. There were not any conflicts of interest reported.

2) PLANNING COMMISSION MEETING MINUTES

- 2.a January 9, 2020 Minutes
- January 23, 2020 Minutes

[Cover Page](#)

[Planning Commission Minutes DRAFT 010920.pdf](#)

[Planning Commission Minutes DRAFT 012320.pdf](#)

Motion: I move approval of the minutes from the January 9 meeting 2020 as distributed, no corrections.

Quitslund/Paar: Passed Unanimously

Motion: I move approval of the minutes from the January 23 meeting 2020 moving them as distributed, no corrections.

Quitslund/Paar: Passed Unanimously

3) PUBLIC COMMENT

None.

4) PUBLIC HEARING

- 4.a Ordinance 2020-02 (formerly 2019-09) related to Accessory Dwelling Units

[Cover Page](#)

[20200312_Staff_Memo_on_ADUs \(1\).docx](#)

[20200312 Ordinance 2020-02 DRAFT.docx](#)

[Planning Commission Subcommittee Recommendations Regarding ADUs](#)

[ADU Use Specific Standards 18.09.030 Attachment A.pdf](#)

Senior Planner Jennifer Sutton provided an overview of the ordinance.

The public hearing was opened at 7:36 PM.

Ron Peltier spoke about the origins of the ADU ordinance they were working on.

Jane Rein spoke for ADUs as a way to have affordable housing.

Michael Pollock spoke as a citizen and for ADUs as a form of affordable housing and was not sure the ordinance as presented would actually increase the supply of affordable housing.

Bob Russell spoke for agricultural lands/farmers being allowed 2 ADUs for farm workers and the incentive of not having the ADU count toward lot coverage.

Joe Dunstan spoke as a citizen and about solving the problem of affordability and that density and affordability are separate. He stated that affordability needed to be subsidized.

The public hearing was closed at 7:54 PM.

MOTION: We move to recommend that Ordinance number 2020-02 be approved by the City Council with the following changes: Whereas sections number 2 and 4 are deleted; Section 18.09.030.I.5.e is modified to reinstate the language that currently is in strikeout; Section 18.09.030.I.5.o adds the following sentence “ADUs cannot be used as a short-term rental unless they have a business license for short term rental before the effective date of Ordinance 2020-02.

McCormick Osmond/Pearl: Passed Unanimously

MOTION: We move to strongly recommend that the City Council consider and adopt a comprehensive affordable housing ordinance that may include as one of its elements incentivizing ADUs as a type of affordable housing. Incentives might include reducing impact fees and determining that an ADU would not count toward lot coverage as ways to encourage affordable housing. We'd also like to urge Council to move forward with drafting regulations to apply to short term vacation rentals to ensure that ADUs remain available as housing and rental properties.

McCormick Osmond/Pearl: Passed unanimously

5) **NEW BUSINESS**

5.a **FAR discussion.**

Cover Page

20200227 FAR Memo to PC .pdf

RES_2001-

54_DISTRIBUTION_OF_FUNDS_FROM_PURCHASE_OF_FLOOR_AREA_RATIO_BONUS
S.pdf

RES_2003-

25_FULL_CITY_COUNCIL_FOR_DECISION_MAKING_RE__FLOOR_AREA_RATIO_BONUS
ES.pdf

BIMC_18.12.030_FAR_BONUS_OPTIONS (2).docx

Comp Plan Goals & Policies Related to FAR.pdf

WMP Goals & Policies Related to FAR.pdf

Planning & Community Development Director Heather Wright introduced the interim zoning control ordinance.

Public Comment

Michael Pollock spoke about the Council not intending the table to be a loophole but to facilitate historic preservation.

Ron Peltier spoke about vesting projects and bonus FAR and hoped they recommended to adopt the ordinance without the amendment.

Motion: I move that we recommend agreeance with the approval of Ordinance number 2020-10 with the deletion under section 2.B.3 under exclusions.

Paar/Quitslund: Passed Unanimously

Commissioner McCormick Osmond agreed to write an addendum explaining the rationale for the motion.

[5.b Planning Liaison to the DRB Bimonthly Update](#)
[Cover Page](#)

Chair Chester briefed Commissioners on the new monthly meeting between the chairs and vice-chairs of the Design Review Board and the Planning Commission.

6) UNFINISHED BUSINESS

6.a 2020 Workplan continued discussion.

[Cover Page](#)

[Memo to Council post PC Retreat.docx](#)

[2020 Workplan memo 3-5-20.pdf](#)

[Quitslund Memo 030920.pdf](#)

Deferred until the next meeting.

7) PLANNING DIRECTOR'S REPORT

8) ADJOURNMENT

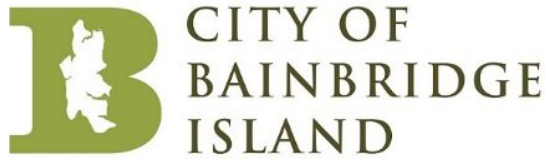
The meeting was adjourned at 9:47 PM.

William Chester, Chair

Jane Rasely, Administrative Specialist

Addendum to Planning Commission recommendation to remove Section 2.B.3 from Ordinance No. 2020-10, providing rationale for the recommendation.

The Planning Commission recommends removal of Section 2.B.3 from Ordinance No. 2020-10 because it appears to create a new and somewhat confusing standard for determining whether an ordinance applies to a project by excluding projects “that filed a complete land use application with the City and have purchased from the City or otherwise acquired development rights, including related to bonus floor area ratio, through an executed covenant, development agreement, or contract, prior to the effective date of this ordinance.” Ordinance No. 2020-10 already includes Section C, which clearly states that “nothing in this ordinance shall be construed to extinguish, limit, or otherwise infringe on any property owner’s or property leaseholder’s vested development rights as defined by state law and City of Bainbridge Island regulations.” If Section 2.B.3 is intended to benefit a specific project or was included to avoid litigation risk to the City, the language should state that in the interest of transparency or be revised to simply exclude the project or projects for which it is intended and explain why they are being excluded.



Department of Planning and Community Development

Memorandum

Date: April 24, 2020
To: City Council
From: Heather Wright
Director of Planning and Community Development
Subject: Public Hearing Regarding Ordinance No. 2020-10: Interim Control Ordinance, BIMC 18.12.030.E., Bonus Density

Introduction

The purpose of tonight's agenda item is to hold a public hearing on Ordinance No. 2020-10.

Prior to the enactment of Ordinance No. 2020-10, the provision of the Bainbridge Island Municipal Code ("BIMC") that the ordinance primarily impacts, BIMC 18.12.030.E., described various options for achieving bonus density in the Winslow Mixed Use Town Center and High School Road Districts. For example, 100% density could be achieved by providing affordable housing or purchasing development rights, whereas a portion of density could be achieved by providing public amenities and/or infrastructure, and/or by preserving heritage trees on site, and/or via a transfer of development rights. The Ferry Terminal District had two additional options related to providing community open space and ferry related parking.

As a result of the interim zoning control enacted via Ordinance No. 2020-10, Floor Area Ratio ("FAR") bonus density can only be obtained or used currently under the following circumstances:

- o Providing affordable housing as defined in Chapter 18.36 BIMC in accordance with BIMC 18.12.030.E.1.;
- o Transferring unused FAR from the Islander Mobile Home Park to another parcel or parcels in the Mixed Use Town Center District for residential development in accordance with BIMC 18.12.030.E.1.; or
- o Preserving an historic structure located on a state, local, or federal register in accordance with BIMC 18.12.030.E.6. such that, when an historic structure is preserved, the square footage of that structure will not count toward the FAR calculation.

In addition to the exclusions described above in the bulleted items, Ordinance No. 2020-10 also includes an exclusion recognizing development rights that were purchased from the City or otherwise acquired prior to the effective date of the ordinance, as well as a provision recognizing vested rights. The ordinance also suspends the applicability and use of BIMC 18.27.080 and footnote three to Table 18.12.020-3 because those provisions relate directly to the provisions that are suspended in BIMC 18.12.030.E. The legislative history and analysis below provide additional detail regarding the exclusions.

For illustrative purposes, attached to this agenda packet is a map entitled, "MUTC & HSR Zoning Districts," which displays the overall area at issue in relation to Ordinance No. 2020-10, as well as the location of the specific districts that are included in that area. The map is a helpful reference tool related to Table 18.12.020-3 (which is included as Exhibit A to the ordinance).

Legislative History

The City Council has engaged in multiple discussions regarding bonus FAR density options. The following is a chronological legislative history summary of discussions and decisions made by the Council and the Planning Commission thus far related to Ordinance No. 2020-10, as well as related to consideration of FAR density options more generally. The summary is based on the agenda packet materials and the minutes of the meetings as below described.

At the February 4, 2020 City Council study session, Councilmembers expressed an interest in discussing whether to eliminate the option to purchase bonus FAR. The fees for FAR have been established by resolution (Resolution Nos. 2001-02 & 2006-50) and are included within the City's Fee Schedule. The fees are \$18 per square foot for residential development, \$25 per square foot for mixed use development, and \$34 per square foot for commercial development. The funds are split between public amenities (40%) and farm/agriculture (60%).

Options considered by the Council at the February 4 meeting included pursuing a suspension of the bonus FAR regulations via adoption at a future meeting of an interim control ordinance that would be effective immediately (if adopted on an emergency basis) or five days after passage and publication (if enacted on a non-emergency basis). The Council also discussed the option of seeking to otherwise consider revisions to or elimination of the FAR bonus option by referring the matter to the Planning Commission for review and recommendation, and the Council would then consider that recommendation before taking action.

At the February 11, 2020 City Council business meeting, the Council passed a motion directing the City Manager to pursue an interim zoning control related to BIMC 18.12.030.E. to suspend that section (relating to bonus FAR). A motion to direct the Planning Commission to review Chapter 18.12 BIMC relating to FAR and Chapter 18.21 BIMC relating to affordable housing was tabled. Following further discussion, the Council decided to revisit the first motion and approved a motion to reconsider that motion relating to the development of an interim control ordinance at the Council's February 25, 2020 meeting.

At the February 25, 2020 City Council meeting, the Council reconsidered the motion directing the City Manager to develop an interim control ordinance related to suspending BIMC 18.12.030.E. regarding use of FAR for bonus density. That motion failed. Other motions also failed related to directing the City Manager to pursue an interim zoning control that would suspend BIMC 18.12.030.E. in different ways. However, the Council passed unanimously (6-0, with Councilmember Pollock absent) the following motion:

I move to direct the City Manager to work with the Planning Commission and any other appropriate City committees or commissions to bring back to Council as quickly as possible an ordinance that will reform the City's bonus FAR programs so as to only allow bonus FAR in relation to Affordable Housing, Historic Preservation, and Transfer of Development Rights.

At the February 27, 2020 Planning Commission meeting, City staff briefly discussed with the Planning Commission the City Council's action directing the City Manager to work with the Planning Commission to bring back to the Council as quickly as possible an ordinance to reform the City's bonus FAR programs so as to only allow bonus FAR in relation to affordable housing, historic preservation, and transfer of development rights. Included as part of the Director's Update for that Planning Commission meeting was discussion related to a memorandum prepared by Heather Wright, Planning Director, regarding the Council's referral of the matter to the Planning Commission. That memorandum is attached as Attachment A below.

At the March 3, 2020 City Council meeting, Councilmember Medina was absent and Councilmember Pollock, who was absent for the February 25 meeting, was present. Councilmember Pollock moved and Councilmember Deets seconded a motion to add a discussion regarding an interim zoning control related to BIMC 18.12.030.E. to that night's agenda under Unfinished Business. The Council approved the agenda as amended. The Council then unanimously passed a motion to suspend the rules for the purpose of taking up this motion again after having voted on it at the last meeting on February 25. The Council then unanimously passed the following motion:

I move to direct the City Manager to prepare an interim zoning control ordinance for consideration at the Council's March 10 meeting related to BIMC 18.12.030.E. to suspend the applicability and use of that Section E., except that subsections E.1. (related to Optional Affordable Housing) and E.6. (related to Historic Structure Preservation) would not be suspended and waiving any procedural requirements that would otherwise apply to the motion that was passed.

At the March 10, 2020 City Council meeting, the Council considered the interim control ordinance that was prepared as directed by the Council at its March 3, 2020 meeting related to suspending the applicability and use of BIMC 18.12.030.E., except that subsections E.1. (related to Optional Affordable Housing) and E.6. (related to Historic Structure Preservation) would not be suspended. The ordinance was prepared as an emergency ordinance, meaning that it would be effective immediately upon passage. The ordinance also included suspension of the applicability and use of BIMC 18.27.080 and footnote three of Table 18.12.020-3 because those provisions relate directly to the provisions that were being suspended in BIMC 18.12.030.E.

As part of that March 10, 2020 Council meeting, the Council passed various motions to revise the ordinance as drafted. The first such motion was to add an additional exclusion to the interim zoning control as follows:

I move to amend Ordinance No. 2020-10, Section 2.B., to add an exclusion to the interim zoning control for development projects that filed a complete land use permit application with the City and have purchased from the City or otherwise acquired development rights, including related to bonus floor area ratio, through an executed covenant, development agreement, or contract, prior to the effective date of this ordinance.

The Council then adopted motions to remove two recital "Whereas" clauses in the draft ordinance. The Council then voted unanimously to approve Ordinance No. 2020-10 with the following motion:

I move to approve Ordinance No. 2020-10, relating to an interim zoning control to hereby suspend BIMC 18.12.030.E. and related provisions as described in the ordinance regarding floor area ratio bonus density options, except for Sections E.1. and E.6. of BIMC 18.12.030.E. as amended.

At the March 12, 2020 Planning Commission meeting, the Planning Commission (“Commission”) had an item on their agenda entitled “FAR Discussion.” Included as part of the materials for that agenda item was the February 27, 2020 memorandum written by Planning Director Heather Wright that is referenced above in relation to the Commission’s February 27 meeting. Under the “Council Action” section of the memorandum, it states:

On February 25, 2020, the City Council approved a motion that the City Manager work with the Planning Commission and appropriate City Committees or Commissions to bring back to Council as quickly as possible an Ordinance that will reform the City’s bonus FAR programs so as to only allow bonus FAR in relation to Affordable Housing, Historic Preservation and Transfer of Development Rights.

Under the “Questions for the Planning Commission” section of the memorandum, it states:

Staff has the following questions of the Commission with the goal to help support their review of this proposed Ordinance:

- What information do you need to foster your conversation?
 - o Staff proposes to bring to the Commission a list of projects that have used the bonus FAR, including the type of bonus used.
- Are there are any Committees the Commission would like to collaborate with on this discussion?
- Would the Commission like Staff to bring forth any Comp Plan Goals and Policies that speak to FAR?
- Is there any other additional information the Commission may need?

Staff is proposing to begin this discussion with the Planning Commission at their March 12th meeting.

Based on the draft minutes¹ for this Commission meeting on March 12, 2020 (attached as Attachment B below), Planning Director Heather Wright introduced the interim zoning control ordinance. Following, there was public comment, including from Councilmember Pollock. After the public comment, the Commission unanimously passed this motion:

I move that we recommend agreeance with the approval of Ordinance number 2020-10 with the deletion under section 2.B.3 under exclusions.

¹ Due to the COVID public health emergency and the proclamations and orders issued by Governor Inslee related to the nature and extent of City business that is allowable during the emergency, the Planning Commission has not met since March 12, 2020. As a result, the Commission has not had the opportunity to approve its minutes.

The draft minutes further state:

Commissioner McCormick Osmond agreed to write an addendum explaining the rationale for the motion.

The draft of that addendum written by Commissioner McCormick Osmond is attached as Attachment C below.²

At the April 14, 2020 City Council meeting, the Council scheduled a public hearing regarding Ordinance No. 2020-10 for April 28, 2020. The Council took action to set the public hearing pursuant to RCW 35A.63.220 and RCW 36.70A.390, which require the Council to hold a public hearing within 60 days of adoption of Ordinance No. 2020-10 (i.e., by May 10, 2020) in order to take public testimony and to consider adopting further findings of fact.

Summary Analysis:

As described above, Ordinance No. 2020-10 suspends the applicability and use of bonus floor area ratio as provided in BIMC 18.12.030.E. (dimensional standards) and the related provisions described in the ordinance, except for subsections E.1. (related to Optional Affordable Housing) and E.6 (related to Historic Structure Preservation).

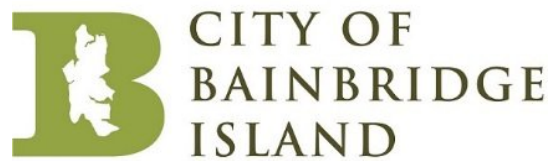
Ordinance No. 2020-10 also excludes development projects that filed a complete land use permit application with the City and which have purchased from the City or otherwise acquired development rights, including related to bonus floor area ratio, through an executed covenant, development agreement, or contract, prior to the effective date of the ordinance (March 10, 2020).

Regarding the suspended option to purchase bonus FAR, the fees for FAR have been established by resolution (Resolution Nos. 2001-02 & 2006-50 – see attached) and are included within the City's Fee Schedule. The fees are \$18 per square foot for residential development, \$25 per square foot for mixed use development, and \$34 per square foot for commercial development. The funds are split between public amenities (40%) and farm/agriculture (60%).

Ordinance No. 2020-10 also suspends the applicability and use of BIMC 18.27.080 and footnote three of Table 18.12.020-3 because those provisions relate directly to the provisions that are being suspended in BIMC 18.12.030.E.

Staff has also included a table (attached to this agenda item) that shows the projects that have been constructed in the MUTC and High School Road Districts since the adoption of the Bonus FAR program. Based on a preliminary analysis, there have been approximately 38 projects total. Of those 38 projects: 18 did not utilize Bonus FAR; 8 would be allowed using the Bonus FAR program as adopted by Ordinance No. 2020-10; 4 would be partially allowed if they utilized some of the remaining Bonus FAR options; and 8 would not be allowed under Ordinance No. 2020-10.

² As referenced in Footnote 1 above, the Planning Commission has not met since March 12, 2020 due to the COVID public health emergency. As a result, the Commission has not had the opportunity to approve Commissioner McCormick Osmond's draft addendum.



Department of Planning and Community Development

Memorandum

Date: February 27, 2020
To: Planning Commission
Cc: City Council
Morgan Smith, City Manager
From: Heather Wright, Planning Director
Subject: Floor Area Ratio

I. BACKGROUND

Pursuant to BIMC 18.12.030.E (attached), there are various options for achieving bonus density in the Winslow Mixed Use Town Center and High School Road Districts, each providing a full or partial option for acquisition. For example, 100% density can be achieved by providing affordable housing or by purchasing development rights. A portion of density can be achieved by providing public amenities and/or infrastructure, and/or by preserving heritage trees on site, and/or via a transfer of development rights. The Ferry Terminal District has two additional options which include providing community open space and ferry related parking.

At the Feb. 4, 2020 study session, councilmembers expressed an interest in discussing whether to eliminate the option to purchase bonus Floor Area Ratio ("FAR"). This item was discussed again on February 11 and February 25, 2020, with a formal recommendation from the City Council on February 25, 2020.

II. COUNCIL ACTION

On February 25, 2020, the City Council approved a motion that the City Manager work with the Planning Commission and appropriate City Committees or Commissions to bring back to Council as quickly as possible an Ordinance that will reform the City's bonus FAR programs so as to only allow bonus FAR in relation to Affordable Housing, Historic Preservation and Transfer of Development Rights.

III. QUESTIONS FOR THE PLANNING COMMISSION

Staff has the following questions of the Commission with the goal to help support their review of this proposed Ordinance:

- What information do you need to foster your conversation?
 - o Staff proposes to bring to the Commission a list of projects that have used the bonus FAR and the types of bonus they used.
- Are there are any Committees the Commission would like to collaborate with on this discussion?
- Would the Commission like Staff to bring forth any Comp Plan Goals and Policies that speak to FAR?
- Is there any other additional information the Commission may need?

Staff is proposing to begin this discussion with the Planning Commission at their March 12th meeting.

**Planning Commission Regular Meeting
March 12, 2020
Meeting Minutes**

1) CALL TO ORDER/ROLL CALL

Chair William Chester called the meeting to order at 7:01 PM. Planning Commissioners in attendance were Mack Pearl, Jon Quitslund, Lisa Macchio, Kim McCormick-Osmond and Joe Paar. Commissioner Don Doman phoned in to the meeting from home.

The agenda was reviewed. There were not any conflicts of interest reported.

2) PLANNING COMMISSION MEETING MINUTES

2.a January 9, 2020 Minutes

January 23, 2020 Minutes

[Cover Page](#)

[Planning Commission Minutes DRAFT 010920.pdf](#)

[Planning Commission Minutes DRAFT 012320.pdf](#)

Motion: I move approval of the minutes from the January 9 meeting 2020 as distributed, no corrections.

Quitslund/Paar: Passed Unanimously

Motion: I move approval of the minutes from the January 23 meeting 2020 moving them as distributed, no corrections.

Quitslund/Paar: Passed Unanimously

3) PUBLIC COMMENT

None.

4) PUBLIC HEARING

4.a Ordinance 2020-02 (formerly 2019-09) related to Accessory Dwelling Units

[Cover Page](#)

[20200312_Staff_Memo_on_ADUs \(1\).docx](#)

[20200312 Ordinance 2020-02 DRAFT.docx](#)

[Planning Commission Subcommittee Recommendations Regarding ADUs](#)

[ADU Use Specific Standards 18.09.030 Attachment A.pdf](#)

Senior Planner Jennifer Sutton provided an overview of the ordinance.

The public hearing was opened at 7:36 PM.

Ron Peltier spoke about the origins of the ADU ordinance they were working on.

Jane Rein spoke for ADUs as a way to have affordable housing.

Michael Pollock spoke as a citizen and for ADUs as a form of affordable housing and was not sure the ordinance as presented would actually increase the supply of affordable housing.

Bob Russell spoke for agricultural lands/farmers being allowed 2 ADUs for farm workers and the incentive of not having the ADU count toward lot coverage.

Joe Dunstan spoke as a citizen and about solving the problem of affordability and that density and affordability are separate. He stated that affordability needed to be subsidized.

The public hearing was closed at 7:54 PM.

MOTION: We move to recommend that Ordinance number 2020-02 be approved by the City Council with the following changes: Whereas sections number 2 and 4 are deleted; Section 18.09.030.I.5.e is modified to reinstate the language that currently is in strikeout; Section 18.09.030.I.5.o adds the following sentence "ADUs cannot be used as a short-term rental unless they have a business license for short term rental before the effective date of Ordinance 2020-02.

McCormick Osmond/Pearl: Passed Unanimously

MOTION: We move to strongly recommend that the City Council consider and adopt a comprehensive affordable housing ordinance that may include as one of its elements incentivizing ADUs as a type of affordable housing. Incentives might include reducing impact fees and determining that an ADU would not count toward lot coverage as ways to encourage affordable housing. We'd also like to urge Council to move forward with drafting regulations to apply to short term vacation rentals to ensure that ADUs remain available as housing and rental properties.

McCormick Osmond/Pearl: Passed unanimously

5) NEW BUSINESS

5.a FAR discussion.

Cover Page

20200227 FAR Memo to PC .pdf

RES_2001-

54_DISTRIBUTION_OF_FUNDS_FROM_PURCHASE_OF_FLOOR_AREA_RATIO_BONUS
S.pdf

RES_2003-

25_FULL_CITY_COUNCIL_FOR_DECISION_MAKING_RE_FLOOR_AREA_RATIO_BONUS
ES.pdf

BIMC_18.12.030_FAR_BONUS_OPTIONS (2).docx

Comp Plan Goals & Policies Related to FAR.pdf

WMP Goals & Policies Related to FAR.pdf

Planning & Community Development Director Heather Wright introduced the interim zoning control ordinance.

3

Public Comment

Michael Pollock spoke about the Council not intending the table to be a loophole but to facilitate historic preservation.

Ron Peltier spoke about vesting projects and bonus FAR and hoped they recommended to adopt the ordinance without the amendment.

Motion: I move that we recommend agreeance with the approval of Ordinance number 2020-10 with the deletion under section 2.B.3 under exclusions.

Paar/Quitslund: Passed Unanimously

Commissioner McCormick Osmond agreed to write an addendum explaining the rationale for the motion.

5.b Planning Liaison to the DRB Bimonthly Update

Cover Page

Chair Chester briefed Commissioners on the new monthly meeting between the chairs and vice-chairs of the Design Review Board and the Planning Commission.

6) UNFINISHED BUSINESS

6.a 2020 Workplan continued discussion.

Cover Page

[Memo to Council post PC Retreat.docx](#)

[2020 Workplan memo 3-5-20.pdf](#)

[Quitslund Memo 030920.pdf](#)

Deferred until the next meeting.

7) PLANNING DIRECTOR'S REPORT

8) ADJOURNMENT

The meeting was adjourned at 9:47 PM.

William Chester, Chair

Jane Rasely, Administrative Specialist

Attachment C

Addendum to Planning Commission recommendation to remove Section 2.B.3 from Ordinance No. 2020-10, providing rationale for the recommendation.

The Planning Commission recommends removal of Section 2.B.3 from Ordinance No. 2020-10 because it appears to create a new and somewhat confusing standard for determining whether an ordinance applies to a project by excluding projects “that filed a complete land use application with the City and have purchased from the City or otherwise acquired development rights, including related to bonus floor area ratio, through an executed covenant, development agreement, or contract, prior to the effective date of this ordinance.” Ordinance No. 2020-10 already includes Section C, which clearly states that “nothing in this ordinance shall be construed to extinguish, limit, or otherwise infringe on any property owner’s or property leaseholder’s vested development rights as defined by state law and City of Bainbridge Island regulations.” If Section 2.B.3 is intended to benefit a specific project or was included to avoid litigation risk to the City, the language should state that in the interest of transparency or be revised to simply exclude the project or projects for which it is intended and explain why they are being excluded.

Project	Year Completed	Project Type	Zone	Property Size	Base FAR	Project FAR	Max Bonus FAR	How was Bonus FAR obtained (if applicable)
FAR USED AS ALLOWED UNDER ORDINANCE NO. 2020-10								
Courtyards on Madison	2001	Residential	MUTC/Madison	1.85 acres	0.4	0.51	0.6	Affordable Housing
Camelia Apartments	2003	Residential	MUTC/Madison	1.76 acres	0.4	0.44	0.6	Affordable Housing
Janet West Home	2003	Residential	MUTC/Madison	0.29 acre	0.4	0.52	0.6	Affordable Housing (HRB)
Madison Square North	2007	Mixed-use	High School 1	2.53 acres	0.3	0.51	1	Affordable Housing & FAR Purchase (IMHP)
310 Ericksen	2008	Mixed-use	MUTC/Ericksen	0.26 acre	0.5	0.65	1	FAR Purchase (IMHP)
Ravine Apartments	2019	Mixed-use	MUTC/Ericksen	0.21 acre	0.5	0.58	1	FAR Purchase (IMHP)
Madison Place	NOT COMPLETE	Residential	MUTC/Madison	0.82 acre	0.4	0.6	0.6	FAR Purchase (IMHP)
The Walk at Madrona	NOT COMPLETE	Residential	MUTC/Core	1.52 acres	0.4	0.8	1	FAR Purchase (IMHP)
FAR USED AND PARTIALLY ALLOWED UNDER ORDINANCE NO. 2020-10								
Island Crossing (Best Western Hotel)	2006	Mixed-use	High School 1	3.2 acres	0.3	0.65	1	Affordable Housing Public Infrastructure
Winslow Building	2004	Mixed-use	MUTC/Core	0.67 acre	1	1.11	1.5	Affordable Housing & FAR Purchase

Wood Ave. Townhomes	2004	Residential	MUTC/Core	0.9 acre	0.4	0.56	1	Affordable Housing & FAR Purchase
Harbor Square	2006	Mixed-use	MUTC/FTD	4.33 acres	0.5	1.26	1.5	Public Open Space Affordable Housing FAR Purchase
FAR ACQUIRED WITH THE OPTION NO LONGER AVAILABLE UNDER ORDINANCE NO. 2020-10								
Rosebud	2004	Residential	MUTC/Core	0.18 acre	0.4	0.91	1	FAR Purchase
The Meridian	2005	Mixed-use	MUTC/Ericksen	1.09	0.5	0.95	1	FAR Purchase
Wyatt Way Courtyard Offices	2007	Commercial	MUTC/Core	0.35 acre	0.6	0.64	1	FAR Purchase
Seabreeze	2008	Mixed-use	MUTC/Core	0.34 acre	1	1.45	1.5	FAR Purchase
Island Gateway (BIMA/KiDiMu)	2014	Commercial	MUTC/ Gate & Core	5.31 acres	0.15 Gate & 0.6 Core	0.17 Gate & 0.59 Core	0.3 Gate & 1.0 Core	FAR Purchase
Rosebud 2	2015	Residential	MUTC/Core	0.17 acre	0.4	0.997	1	FAR Purchase
Bainbridge Landing	NOT COMPLETE	Residential	MUTC/FTD	4.87 acres	0.5	0.78	1.1	Public Open Space
Madison Landing	NOT COMPLETE	Residential	MUTC/Madison	1.95 acres	0.4	0.58	0.6	FAR Purchase Pending

NOTE: Base and Max FAR listed for each project depends on the type of project - commercial, residential, or mixed-use.

Project	Year	Project Type	Zone	Size	Base FAR	Project FAR	Max Bonus
Winslow Hotel	APPEAL 2020	Commercial	MUTC/Core	1.86 ac	0.6	0.91	1

How obtained
Purchase

From: Jon Quitslund <jon.quitslund@cobicommittee.email>
Sent: Sunday, May 3, 2020 9:47 AM
To: William Chester <william.chester@cobicommittee.email>; Kimberly McCormick Osmond
<Kimberly.McCormick.Osmond@cobicommittee.email>; Heather Wright <hwright@bainbridgewa.gov>
Subject: re: Agenda Packet for May 14 P C meeting

Hello Bill, Kim, and Heather,

I am writing to suggest that the agenda packet should include, in its entirety, the portion of the current Winslow Master Plan referenced in the DRAFT Recommendations:

That is, Goal WMP 2-5 and the related Policies (2-5.1 to 3) -- portions of pp. 23 to 25 in the text updated in 2006.

In the Comprehensive Plan, the most relevant passages are Goals LU-7 & 8 and the related Policies.

I wonder if there are any portions of the Administrative Manual that would be relevant to our discussion.

Best wishes,

Jon

April 27, 2020

Planning Commission Subcommittee Recommendations Regarding FAR-Related Policies

Need for a Rationale to Justify Base and Bonus FAR

The Subcommittee finds that within the Municipal Code, the City's policies and procedures for the regulation of development and redevelopment using Floor Area Ratios (FAR) have been in use by COBI for many years, understood by architects and developers, but without a rationale that is well understood by the public. Municipalities of all sorts and sizes employ the FAR methodology to manage development in urban districts. It is adaptable to various circumstances and planning objectives, but the functioning of FAR dimensional standards and related regulations should be monitored, and modified as needed to remain consistent with community needs and goals.

Many years have passed since the dimensional standards and other FAR-related regulations were established. Demographically, the Island has changed in many ways and will continue to change; economic factors affecting development costs have changed radically. Current regulations in the zoning districts where FAR standards are applicable have not been broadly effective in furthering development called for in the goals and policies of the Comprehensive Plan.

The Subcommittee recommends that the dimensional standards in Table 18.12.020-3 be carefully examined, and revised to increase their effectiveness. In BIMC 18.12.030, the "options" available to property owners and developers have been advantageous to some types of development, while other desired development (such as "affordable" and "missing middle" housing) has, for many years, been at a disadvantage – impractical or impossible.

Why an Interim Zoning Control, with Exceptions, is Needed, and What Is To Be Done

The Subcommittee finds that not only is an interim zoning control on the use of certain bonus density options necessary at this time; now is also the time for City staff, the Council, the Planning Commission, the Design Review Board, and concerned citizens to make concerted efforts to reform several parts of Title 18 (Zoning). Achieving consistency with the Guidelines and Standards in *Design for Bainbridge* should be among our objectives. Creating a solid foundation for the overdue update of the *Winslow Master Plan* should be another overarching objective.

Some substantial changes will be non-controversial, and some controversial issues may have relatively simple solutions.

It is generally understood that development in Winslow, for both residential and other uses, ought to be permitted (even 'incentivized'), at higher densities than could be achieved with the units-per-acre system that governs residential districts and establishes a pattern of varying density across the Island. When the Winslow Master Plan was established in 1998, the FAR methodology was adopted for this purpose. Currently, in the Winslow Town Center and High School Road districts, FAR allowances provide for residential development (both single- and multi-family) and for commercial and other nonresidential uses. BIMC Table 18.12.020-3

provides for an array of different “Basic” limits on the floor area allowed in the various districts, and these ratios interact with limits on lot coverage and building height to establish three-dimensional constraints on what can be built.

Currently, the “Basic Maximum” ratios are set at low levels, and there may be no recent development in Winslow that hasn’t required “Bonus” FAR. There is a meaningful distinction between “Base” and “Bonus” FAR: the Base FAR should allow urban development consistent with the Comprehensive Plan and Winslow Master Plan, and additional Bonus FAR could then be allocated to achieve community objectives (e. g., affordable housing) that would otherwise not be feasible.

The Subcommittee finds that the current set of Base and Bonus FAR allowances has not been consistently achieving community objectives. In the present circumstances, economic considerations (how the project will ‘pencil out’; what return on investment can be expected) have much more to do with what gets built in Winslow than the community development objectives articulated in the Comprehensive Plan and the Winslow Master Plan.

Therefore, now is the time for a careful reconsideration of both the “Basic Maximum” and “Maximum with Bonus” ratios in Table 18.12.020-3. There have been calls for eliminating Bonus FAR altogether, but a reform of the way in which Base and Bonus FAR is allocated may be more appropriate. Further discussion will be found below.

With provisions that support affordable housing and historic structure preservation (i. e., BIMC 18.12.030.E.1 & 6) excluded from the interim zoning control, the City may, in this six-month interim, receive proposals for development that could provide test cases for the utility of new FAR standards.

A Proper Place in the BIMC for Justifying FAR-Based Standards

BIMC 18.06 (Zoning Districts) establishes the Residential districts (R-0.4 to R-14), the Mixed Use Town Center districts (Central Core, Madison Avenue, Ericksen Avenue, Gateway, and Ferry overlays), the two High School Road districts, and a few others (NC, B/I, WD-I, & Fort Ward). The purposes of the Residential districts are sketchily defined in 18.06.020; the purposes of the MUTC and HSR districts are defined in 18.06.030 & .040. From a planning perspective, chapter 18.06 as a whole is out of date and not very useful; the Winslow Master Plan (created in 1998 and last updated in 2006) is also out of date.

In the Comprehensive Plan, Goal LU-7 and Policies LU 7.1 through 7.7 establish the foundation for FAR-based development standards in Winslow, and describe the desired characteristics of development in the MUTC overlay districts. Goal LU-8 and Policies LU 8.1 through 8.6 are similarly prescriptive for the High School Road District. Guidelines and Standards in *Design for Bainbridge* build on that foundation. Policy LU 7.1 states, in part, “The use of FAR may result in an increase in the base level of development (density) over the existing zoning, but will provide greater flexibility in type and size of housing units that will further the goals of this Plan.”

In both the MUTC and HSR districts, the combination of Base and Bonus FAR allowances is supposed to regulate density and to achieve other goals as well, in keeping with characteristics of each overlay district. Effective planning would involve not only identifying the uses that are permitted in these districts, but for each district, which uses are entitled to some level of Bonus FAR. Most Islanders would agree that protecting our natural resources and providing for

diverse and affordable types of housing are equally important goals, but our policies and actions in these two areas have been out of balance, not equally effective.

Something should be said in chapter 18.06 to establish a rationale for the FAR methodology. Here is a DRAFT of such language, to be inserted as **18.06.030.C. FAR-Based Standards for Development:**

In the MUTC and HSR districts, Floor Area Ratio (FAR) allowances are used to regulate building dimensions, achieve desired land use patterns, and ensure that the development and redevelopment of property is subject to clear and consistent standards, serves the public interest, and is consistent with goals and policies of the Comprehensive Plan, the Winslow Master Plan, and applicable regulations in the BIMC. A Base FAR is established for each overlay district in accordance with the proposed use(s). Additionally, Bonus FAR allows projects to achieve increased Floor Area in exchange for specific community benefits.

FAR-Based Standards in the Winslow Master Plan

Although we find no rationale within the BIMC for the City's use of FAR standards, the Dimensional Standards in Table 18.12.020-3 can be understood as implementing **Goal WMP 2-5** in the Winslow Master Plan: "Determine density and intensity of development in the Mixed-Use Town Center and High School Road Districts through the Floor Area Ratio (FAR) method."

Several paragraphs of **Discussion** follow this Goal statement, and **Policy WMP 2-5.2** adds a rationale for Bonus FAR "as a means of advancing specific Comprehensive Plan policies and community values." This portion of the Winslow Master Plan should be read with a critical eye. In the light of years of experience, some of the assumptions and assertions made when it was enacted may be found to be inaccurate or out of date.

Here is part of the Winslow Master Plan justification for using the FAR method:

Although density is frequently defined by dwelling units per acre in suburban communities that are comprised of single-use districts, it is less useful in areas where a mixture of uses is desired. Using FARs provides flexibility to design a project to address a particular site. The use of FAR allows the market to determine the number and size of units and the mix in the type of development. (Conventional density limits can discourage affordability since smaller, less expensive units count the same as larger, more expensive ones.)

Some of what is said here is obviously true, but can we assume that "the market" can be relied upon to deliver the type of development that is called for in our Comprehensive Plan, *Design for Bainbridge*, and the project review and permitting process? It is true that flexibility is needed, along with constraints on density and design, but we have seen that sometimes flexibility provides a "loophole." Is it the case that the FAR methodology has produced "smaller, less expensive units" of residential housing? Like it or not, one result has been smaller but more expensive units. Constraints in the form of FAR maximums that are too low can render some types of development impractical or impossible. Although our FAR standards were supposed to incentivize mixed use development, we have seen too little of it.

The Winslow Master Plan goes on to predict levels of residential density that can be expected with different FAR allowances:

It is possible to relate FAR to a range of achievable units per acre, as follows:

0.4 FAR would produce 8-20 units per acre

0.8 FAR would produce 16-40 units per acre

1.5 FAR would produce 24-60 units per acre

The unit range results from the variety of unit sizes that can occur.

In the light of experience, are these estimates credible? The estimate of “achievable units” with 1.5 FAR is disingenuous, since in our Code there is no provision for residential use at 1.5 FAR: perhaps the intent was to provide a cautionary example, showing what could happen if the FAR allowance is too high. What we don’t need is a “let’s pretend” rationale for policies that won’t produce the desired results.

The provisions in **Policy WMP 2-5.2** for achieving Bonus FAR resemble the more elaborate description of options in BIMC 18.12.030.E, but unless “contribution to a land preservation effort” is construed as providing for a cash-on-the-barrelhead purchase of Bonus FAR, there seems to be no basis in the Winslow Master Plan for allowing (indeed, expecting) developers to purchase FAR at a set price per square foot. The Subcommittee finds that the current practice of charging a bargain price for Bonus square footage, without regard for benefits to the public in the development project itself, should either be drastically revised or entirely discontinued.

Policy WMP 2-5.3 says, in part, “The bonus FAR provisions may be changed based on future conditions without amending the Master Plan, . . . provided that changes are made in coordination with a study of the necessary infrastructure, particularly transportation.” The Subcommittee proposes that Bonus FAR provisions can be a valuable planning tool when directly linked to the provision of public benefits that otherwise could not be achieved.

Recent Planning Efforts to Increase the Stock of Affordable Housing

Concerted efforts to meet the housing needs of an economically diverse population date back to the early years of the City; they have been intermittent but persistent. Only the most recent efforts to implement this aspect of the Comprehensive Plan will be mentioned here. The City’s Affordable Housing Task Force submitted their Final Report on July 11, 2018. Subsequently, consultants were hired to provide an assessment of present conditions and potential for policy changes related to Transfer of Development Rights and Inclusionary Zoning. The Final Report from this group was submitted in February 2019. On September 12, 2019, Morgan Shook from ECONorthwest presented to the Council a “Recap of Framework for Inclusionary Housing and MFTE.” These reports provide valuable data, careful analysis, and specific policy recommendations. To date, neither the City Council nor the Planning Commission has undertaken a thorough analysis and discussion of those policy options.

The “Recap” from ECONorthwest provides fundamental facts and recommendations in a summary form. “The current voluntary affordable housing program has been used once since it was approved in 2005. The lack of use indicates that the current density bonus mechanism needs to be revised.” The consultants’ recommendations for changing both the Base and Bonus FAR parameters include: 1) prioritize affordable housing above other public benefits; 2) allow a new maximum height and FAR increases sufficient to allow an additional floor. The recommended maximum FAR increases in the MUTC and HSR districts go to 3.0 in the HSR, Madison, and Ericksen districts, and 4.5 in the Gateway, Ferry Terminal, and Central Core

districts. The recommended height limits are 55 feet in HSR and 85 feet in the other Winslow districts.

Exhibit 2 in the “Recap” provides, on the basis of a study of vacant and under-developed properties, estimates of the remaining capacity for housing within Winslow. It is proposed that with the recommended increases, potential capacity would increase from 1,731 to 10,585 units. However, under the assumptions made regarding set-asides in a voluntary inclusionary housing program, only 844 units would be “affordable”; additional affordable units could come from adoption of an MFTE program.

Possible Next Steps

The Subcommittee finds in the work of ECONorthwest some starting points for discussion but no ideas that respond precisely and persuasively to the issues we face. Next steps in the development of a coherent and functional program of Base and Bonus FAR standards should take into account the realities on the ground from one district to another in the area now subject to FAR-based development standards, and should be guided by concern for optimal development of the different overlay districts.

Members of the Planning Commission have already expressed a resolve to achieve a thorough make-over of BIMC 18.12 (Dimensional Standards), and to coordinate revised FAR standards with a comprehensive Affordable Housing Ordinance, replacing the currently inadequate BIMC 18.21. Some work has already been done toward those goals.

After discussion of the Subcommittee’s findings and recommendations, the Planning Commission may decide to revise this document and send it forward to the City Council. The Subcommittee has identified several parts of BIMC Title 18 that should be revised. Revision of BIMC Table 18.12.020-3 and 18.12.030.E should come first, responding to a request from the Council back in March. What else should be undertaken under the ‘umbrella’ of the Interim Zoning Control, within the time constraints that it imposes?

How should the work be carried forward? What role is Planning staff prepared to play? The Council could be given several options to pursue in further inquiry and policy development. In this document, we have taken pains to analyze the complexity of relationships between FAR-related policies and the past, present, and future of our community.

Respectfully submitted by Commissioners Chester, Paar, and Quitslund



COMPREHENSIVE PLAN INTRODUCTION

Guiding Policy 1.2

Accommodate new growth in *designated centers* that meet the Island's identified needs for housing, goods, services and jobs while respecting conservation and environmental protection priorities.

Guiding Policy 1.3

The built environment represents an important element of the Island's special character. Improve the quality of new development through a review process that implements the community *vision* and supports long-term goals for the preservation of the Island's special character.

Guiding Principle #3

Foster diversity with a holistic approach to meeting the needs of the Island and the human needs of its residents consistent with the stewardship of our finite environmental resources.

Guiding Policy 3.1

Ensure a variety of housing choices to meet the needs of present and future residents in all economic segments and promote plans, projects and proposals to create *affordable housing*.

Guiding Principle #6

Nurture Bainbridge Island as a *sustainable community* by meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Guiding Policy 6.1

Promote environmental *sustainability* by supplementing the State's mandated 20-year plan horizon with a horizon of one hundred years in order to recognize the longer-term life cycles of natural systems. Tailor *green building* practices and public *infrastructure* investments to be in line with this longer-term perspective.

Guiding Policy 6.2

Promote an equitable social environment on the Island by addressing basic human needs including *affordable housing*, personal health and safety, mobility and increased access to human services, civic and cultural amenities.

Guiding Policy 6.3

Promote economic *sustainability* and work to provide economic opportunities for all community residents.

Fig. IN-6 Sustainable Community



Guiding Policy 8.3

Grow a diversified and vibrant local economy.

Guiding Policy 8.4

Nurture a healthy and attractive community including a focus on the quality of the built environment through progressive *development regulations* and reviews.

Guiding Policy 8.5

Build reliable *infrastructure* and connected mobility that encourages physical activity such as biking and walking while also respecting the Island's scenic qualities.

Guiding Policy 8.6

Grow a green, well-planned, environmentally sustainable community.

LAND USE VISION 2036

The environment, values and culture of our Island community have been protected, conserved and enhanced by managing growth according to the *Comprehensive Plan's Guiding Principles, Goals and Policies*.

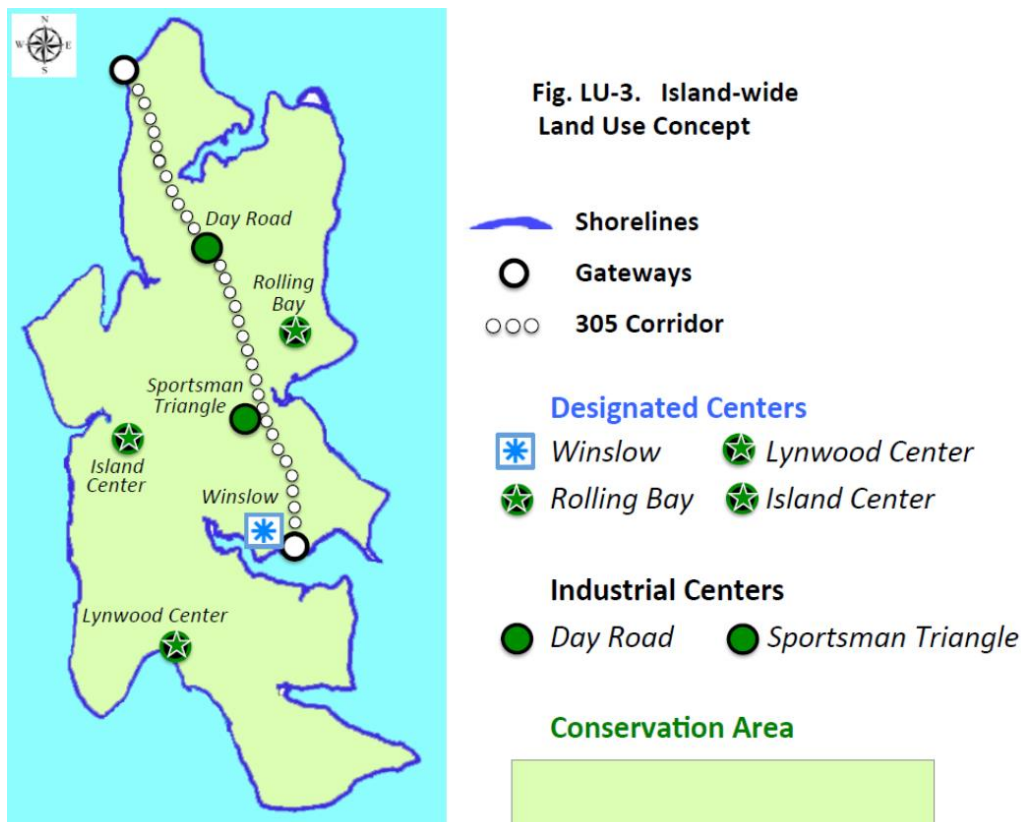
Most of the preceding two decades of growth have been attracted to the high quality of life in the Island's thriving **Designated Centers** where cultural amenities, employment and housing opportunities abound and *public services*, utilities and *infrastructure* are efficiently provided.

These **Designated Centers** are compact, human-scaled and pedestrian-oriented, promoting a healthy lifestyle and are linked to each other and the region by a network of trails and *transit*. (See Fig. LU-1.)

Outside of the **Designated Centers**, almost 90% of the Island is a green and open landscape. The residential *land use* pattern in this **Conservation Area** minimizes the footprint of the built environment and embodies design principles that protect the Island's *aquifers*, surface waters and *fish and wildlife habitat*.

This broad landscape of canopied woodlots, parks and saltwater shorelines is dotted with working *farms*, historic structures, freestanding residences and *conservation villages*. (See Fig. LU-2.)

The evolving **Designated Centers** and **Conservation Areas** on Bainbridge Island embody the successful implementation of the Island Land Use Concept. (See Fig. LU-3.)



LAND USE ELEMENT

ISLAND-WIDE CONSERVATION AND DEVELOPMENT STRATEGY

GOAL LU-4

As part of a long-term Island-wide Conservation and Development Strategy, focus residential and commercial development in *designated centers*, increase a network of conservation lands, maximize public access while protecting the shoreline, minimize impacts from the SR 305 corridor and conserve the Island's ecosystems and the green and open character of its landscape.

Policy LU 4.1

Focus development and redevelopment on the Island over the next fifty years in *designated centers* that have or will have urban levels of services and *infrastructure* while increasing conservation, protection and restoration on the Island, including shorelines, especially where there is interaction between the fresh and saltwater environments.

DESIGNATED CENTERS

GOAL LU-5

Focus Urban Development in *Designated Centers*

The Plan focuses residential, commercial, and industrial growth in Winslow and other *designated centers* with urban services such as the Neighborhood Centers, and the industrial centers at Day Road, and Sportsman Triangle. Collectively, Winslow, the Neighborhood Centers, and the two industrial centers constitute Bainbridge Island's *designated centers*.

This is a change from the 1994 and 2004 Plans both of which specified a numeric growth strategy as follows: accommodate 50% of the population growth in Winslow through the year 2012 and accommodate 5% of population growth in the Neighborhood Centers. The balance of the growth was to be absorbed throughout the remainder of the Island.

Policy LU 5.1

Winslow is the urban core of the Island while the Neighborhood Centers are smaller-scale mixed-use centers. In order to achieve the *goals* of the GMA this Plan:

- Encourages development in areas where *public facilities* and services exist or can be provided in an efficient and effective manner.
- Provides a vibrant, pedestrian-oriented core.
- Reduces sprawl.
- Provides choice of housing location and lifestyle.
- Maintains and protects environmentally sensitive and resource lands.
- Encourages the retention of open space.
- Maintains and enhances fish and wildlife habitat.

Policy LU 5.3

Encourage *residential uses* in a variety of forms and *densities* as part of the use mix in Winslow and neighborhood centers.

Policy LU 5.11

Commercial and residential *density* within *designated centers* may be increased through the use of:

- *Affordable housing.*
- *TDRs (transferable development rights).*
- Contributions to public *infrastructure* and public amenities in excess of what is required to mitigate the impacts of development.
- Transfer of residential *density* within the MUTC and the High School Road Districts or within neighborhood centers.
- Preservation of on-site of historic structures eligible for inclusion on a local, state or federal register of historic places.
- Locating ferry-related parking under building.

Policy LU 6.2

Promote dense residential and commercial development and encourage human activity within Winslow, the heart of Bainbridge Island. In order to create a vibrant city center direct growth where *infrastructure* exists, reduce reliance on the automobile, provide opportunities for *affordable housing* and absorb growth that would otherwise be scattered in outlying areas. Plan for adequate parking in Winslow to accommodate residents and visitors who drive downtown for shopping, participation in local government, attendance at cultural events and centers, and to use other resources in Winslow.

GOAL LU-7

The Winslow mixed use and commercial districts are designed to strengthen the vitality of downtown Winslow as a place for people to live, shop and work. The Winslow Mixed Use Town Center (MUTC) is intended to have a strong residential component to encourage a lively community during the day and at night. The high residential *density* of Winslow requires the Central Core Overlay District to provide services and products that meet the needs of residents as well as visitors.

Policy LU 7.1

The Island's major center for new commercial development is the Mixed Use Town Center (MUTC) and the other commercial districts in Winslow.

Development within the MUTC and High School Road Districts shall be consistent with the Winslow Master Plan. The level of development is determined using Floor Area Ratio (FAR) rather than *dwelling units* per acre. The use of FAR may result in an increase in the base level of development (*density*) over the existing zoning, but will provide greater flexibility in type and size of housing units that will further the *goals* of this Plan.

GOAL LU-8

The High School Road District is intended to provide mixed use and commercial development in a pedestrian-friendly retail area.

Policy LU 8.2

Promote *pedestrian-oriented* mixed use and residential development to offer a variety of housing types and sizes.

GOAL LU-16

Prioritize program *goals* and establish and maintain a *purchase and transfer of development rights* program, to allow transferring development rights from areas intended for conservation and promoting development in areas suitable for denser development.

Policy LU 16.1

Maintain and improve the City's *Purchase of Development Rights* (PDR) and *Transfer of Development Rights* (TDR) programs to enable transferring development rights from the Conservation Areas of the Island into *Designated Centers*. See Fig. LU-3.

GOAL LU-21

Preservation and Enhancement of Historic Resources – An effective *historic preservation* program provides meaningful practical incentives and policies for property owners and developers to preserve historic resources.

Policy LU 21.1

Encourage preservation of existing historic structures and sites as an important tool in building a sustainable and unique community.

ECONOMIC ELEMENT

DIVERSIFIED ECONOMY

GOAL EC-1

Promote economic vitality, growth and stability.

Bainbridge Island has the opportunity to create a robust, resilient and durable economy by demonstrating early leadership and acknowledging the changes that will affect our economy. Planning for these changes and taking actions that support and encourage a local economy will help reduce community vulnerability to issues such as aging demographics, housing availability, transportation constraints, and *climate change*.

By providing enterprises that both serve and employ local residents, Bainbridge Island will be better able to withstand fluctuations in the larger regional economy. In addition, people who live and work in their community are available to invest time and money in their families, organizations, and community life. A key to a healthy, stable and vital economy is to create and undertake business opportunities that anticipate and respond to conditions that affect our community. This would include identifying emerging needs and markets so that Bainbridge Island businesses benefit from being on the leading edge of change.

Policy EC 1.1

Develop and maintain regulations that provide support for our community's businesses.

Policy EC 1.2

The city *should* embrace diverse and innovative business opportunities compatible with community values and develop programs to make Bainbridge Island an attractive location for those businesses.

Bainbridge Island is affected by regional, national, international and global environmental and economic trends and changes in the physical environment. While we cannot control global economic or environmental conditions we can support the local economy by providing *policy* direction and *land use infrastructure* to allow for and encourage robust economic activities that are prepared for and responsive to change.

Policy EC 1.4

Support entrepreneurship by providing adequate *land use* designations in keeping with the character of the Island, while avoiding investment in sectors, activities, or *infrastructure* that will not remain viable in the foreseeable future.

Policy EC 1.5

In order to provide opportunities for business enterprise, adequate space must be provided for efficient use of existing developed areas near public transportation (e.g. ferry, bus service) and for growth that recognizes and protects the Island's valued natural amenities, its limits of land and water and the quality of its residential *neighborhoods*.

INFRASTRUCTURE

GOAL EC-2

Provide sufficient and resilient infrastructure that is supportive of a healthy economy and environment, particularly telecommunications and electrical reliability.

Policy EC 2.3

Implement infrastructure and technology improvements around *designated centers* to provide enhanced service and to retain and attract business.

JOBS/HOUSING BALANCE

GOAL EC-5

Provide a variety of *affordable housing* choices so that more people who work on Bainbridge Island can live here.

The Housing Element of the *comprehensive plan* provides several options for the development of *affordable housing* on the Island.

Policy EC 5.1

Continue to monitor the progress in implementing the Housing Element and evaluate new ways of providing *affordable housing*.

Policy EC 5.2

In concert with the Housing Element's Goals and Policies, pursue a housing strategy that seeks to accommodate a wide variety of housing options, both in design and affordability, to meet the demands of the full range of the population including service sector employees, retirees, students, artists, farmers and craftspeople.

DEVELOPMENT IN DESIGNATED CENTERS

GOAL EC-6

As the city's *designated centers* evolve, balance their functions as places of commerce and employment with their roles helping to meet housing needs and provide focal points for civic engagement and cultural enrichment.

Policy EC 6.1

Enhance the existing *designated centers* to help the Island economy prosper and provide a high quality of life, creating ancillary benefits such as decreasing pollution (including *greenhouse gas emissions*), protecting *open space*, and creating local family wage jobs.

RETAIL AND SERVICES

GOAL EC-8

Maintain and enhance Winslow as the commercial hub of Bainbridge Island. Position the Neighborhood Centers to provide the opportunities for smaller-scale commercial and service activity.

Policy EC 8.1

Reinforce Winslow as the mixed-use center for commerce and exchange by fully implementing the Winslow Master Plan.

SERVICES SECTOR

GOAL EC-9

Grow a healthy service sector to increase employment opportunities, enhance local revenues, and meet emerging needs of the Island's changing demographics.

Policy EC 9.1

Increase availability of housing to enable service sector employees to live on the Island.

Policy EC 9.2

Increase access to transportation options that better enable service sector employees who live off-Island to work on-Island.

Policy EC 9.3

Promote an emerging professional services sector that recognizes the Island's linkage to the Seattle job market for managerial jobs and information-based industries.

Policy EC 9.4

Promote on-Island access to healthcare facilities and medical services, particularly those addressing the needs of the Island's increasing older population.

ENVIRONMENTAL ELEMENT

AGRICULTURAL LANDS

GOAL EN-15

Conserve and protect the Island's existing agricultural uses and increase the acreage of permanently protected and productive farmland by using preservation methods including incentive-based programs.

Policy EN 15.1

Provide owners of *farms* the option of participating in the *transfer of development rights (TDRs)/purchase of development rights (PDRs) program*.

Policy EN 15.5

Utilize the Floor Area Ratio (FAR) Farmland/Agriculture fund for viable farmland preservation projects.

HOUSING ELEMENT

GOAL HO-1

Make steady progress toward the following aspirational targets for increasing the diversity of *housing types* and the supply of *affordable housing*.

Policy HO 1.1

Decrease to 20% or less the number of cost burdened families living in rental housing (down from 40%).

Policy HO 1.2

Decrease to 18% or less the number of cost burdened families owning homes (down from 34%).

Policy HO 1.3

Increase rental housing units to at least 11% of total housing units (up from 7%).

Policy HO 1.4

Increase the Island's percentage of *multifamily* homes to 18% or more of all homes (up from 16%).

Policy HO 1.5

Increase the number of *senior housing units* to 600 or more (up from 344.)

Policy HO 1.7

Achieve a jobs-housing balance of .8 (up from 0.59).

GOAL HO-4

Increase the supply of permanently affordable *multifamily* housing each year through the year 2036 with goals based on data provided by the Housing Needs Assessment and the City's housing reports.

Policy HO 4.1

Encourage new *multifamily* housing in a variety of sizes and forms in *designated centers*.

Policy HO 4.2

Increase the efficiency of the review process and revise development standards for the High School Road and Ferry Terminal districts and other portions of the Winslow Area Master Plan to encourage the transformation of these areas from auto-oriented, low-rise, homogeneous commercial land use districts into walkable, transit-served, mid-rise, mixed-use areas with *affordable housing*.

GOAL HO-6

Facilitate the provision of a diverse *affordable housing* stock in all geographic areas of the community.

Policy HO 6.2

In order to provide for permanently *affordable housing* pursue effective strategies to reduce the land cost component of *affordable housing* which may include alternative land use zoning, *density bonuses* and other incentives.

CHAPTER 2

LAND USE

EXISTING CONDITIONS

(See Appendix A for a More Detailed Discussion)

General Land Use Pattern

Winslow has the land use pattern of a small-scale town that was established during the early decades of the twentieth century and overlaid with post-war development patterns. The original, tightly configured variety of shops, workplaces, and housing began to be replaced with larger buildings surrounded by parking, structures set back from the street and residential subdivisions. In more recent years, with the development of major convenience retail along High School Road, the role of the original town center along Winslow Way has been altered. Figure 2.1 depicts the arrangement of land uses.

Previously, people who lived in Winslow were concentrated within fairly close proximity to the ferry terminal. Indeed, most of the rest of Bainbridge Island was rural and agricultural. Residents could meet most of their needs in the town's commercial center. Over the years, the center has become as much a social center of the community as an economic one. This role still exists today, as neighbors can run into one another on the streets and in the stores, and enjoy the intimacy, cordiality, and personal relationships of a small town. Fortunately, the land use pattern in the older part of Winslow still reinforces this behavior, although it too has been affected by the amount of space consumed by the moving and parking of autos. Although much of its character remains relatively intact, the town has seen its finely grained arrangement of land uses pulled apart by standards, which govern parking and streets.

The land use portion of this Master Plan focuses on those areas referred to in the 1994 Comprehensive Plan as the Mixed-Use Town Center and High School Road Districts. These areas contain most of the retail and office activities of old Winslow and a relatively dense population. The limits of this area are shown as the Primary Study Area on Figure 2.1. For context and connectivity, the Secondary Study Area — which is targeted to receive 25% of the Island's future growth — is also included in the Master Plan (See Figure 2.2).

Total acreage within the study area is estimated at 1,527, of which approximately 120 acres are currently vacant. Total acreage within the Mixed-Use Town Center portion of the study area is estimated at 258 acres, of which approximately 28 acres are currently vacant.

Within Winslow, there are a number of distinct areas. The original town center, along Winslow Way west of SR 305 and lower Madison Avenue contains numerous small uses — convenience stores, specialty shops, banks, services, and cafes largely located within one-story buildings. The major exception is the Town and Country Supermarket, which has a large footprint building and an expansive parking lot. One of the attributes of the retail uses along Winslow Way West is that there has been some degree of turnover, resulting in occasionally vacant storefronts. However, there is still a strong concentration of retail uses

— both convenience and specialty stores — along Winslow Way and Madison. Parfitt Way is lined with small commercial uses next to the marinas. Surrounding the commercial uses that are concentrated in the core are a number of multi-story buildings containing apartments and condominiums. As the Master Plan process began, there were only two examples of “vertical” mixed-use: the Winslow Green and Wyatt’s Corner. The adoption of the Master Plan in 1998 has encouraged the development of a number of mixed-use projects, which have provided more residential units within walking distance of the downtown.

Ericksen Avenue contains a number of historic houses. These are built almost in the form of a New England village. They are close to the street, close to each other and have front porches and relatively consistent architectural character. Virtually all of the older houses now contain commercial uses. This presents a strong image for lower Ericksen that infuses the rest of the town center with a sense of longevity and stability. Upper Ericksen has seen some development that is more suburban in nature, breaking the previous pattern, although very recent development has begun to reflect the more traditional physical relationships. Certainly, the loss of any of the older structures along Ericksen would damage the image of Winslow as a small town with a distinct heritage.

Madison Avenue, in contrast to Winslow Way West, has a more diverse mix of post-war and pre-war development patterns. Buildings are not set close to the street. There is much more of a pattern of separation between buildings, with trees, yards, and parking areas more prevalent. A number of historic structures have been identified on Madison Avenue. Recent development along Madison Avenue has included the new City Hall, a movie theatre complex and several condominium projects. The intersection of Madison Avenue and High School Road is marked by two very important public buildings: the high school, which has a large campus of structures and spaces, and the public library. The other two corners of this intersection are occupied by churches. A roundabout was constructed in 2001 to facilitate traffic flow in the intersection.

The land use pattern along *High School Road* is not unlike that found in many North American suburban communities. Its pattern is largely the product of contemporary zoning regulations, street design standards, and market trends. Large, linear buildings, set back from the street behind parking lots, dominate the area. Individual developments are also pulled apart from each other, with few obvious connections for people on foot. This is exacerbated by the fact that both blocks and parcels are relatively large and have few intervening streets, none of which go through the blocks. Although actual distances are not very great, they seem so due to expanses of asphalt, fast-moving vehicles, and broad streets. Most of the commercial uses are located between SR 305 and Madison Avenue, which is the same length as the concentration along Winslow Way West. This commercial node is accessed principally by automobile. In 2006, sixty residential units were added to High School Road as part of a mixed-use project that includes a hotel.

The SR 305 corridor has significant green space, with mature vegetation associated with a steeply sloping ravine meandering along its alignment between High School Road and Winslow Way. Vegetation in this corridor has diminished over the years as a result of adjacent development. A commercial winery located within the vegetated portion of the

corridor has relocated to east Day Road, and the site has been developed with a mixed-use project that includes forty-five condominiums. In the vicinity of High School Road, there is less vegetation; commercial land uses and parking lots are visually prominent. While these uses are visible from the highway, they are accessible only from High School Road. The limited access highway is largely a greenway dividing Winslow rather than tying it together.

The *Ferry Terminal* end of the SR 305 Corridor also divides uses along Winslow Way. Virtually all of the commercial activity is located along Winslow Way west of SR 305. Winslow Way east of SR 305 contains several office structures, but none of these have the pedestrian-oriented characteristics of the uses west of SR 305. A large mixed-use project on a 4.33-acre parcel on the north side of Winslow Way, across from the ferry terminal, is scheduled for completion in 2007. This project includes 180 residential units and small-scale commercial development intended to serve ferry riders. The parking lots associated with the ferry terminal constitute the major use of land east of SR 305. Although there are a number of privately owned lots, they abut one another and present a large expanse of surface area devoted exclusively to ferry commuter parking. Policies in the Comprehensive Plan suggest the desirability of transforming this area into a new, small neighborhood of multiple family housing, office use, retail uses aimed at commuter traffic, and a new street network that would break up the large tracts.

The edges of the town center quickly graduate downward in intensity from medium density multiple-family housing to single-family detached residential. No commercial uses are found around the perimeter. Residents use both the older area around the center of Winslow and the new area along High School Road for goods and services. These two concentrations of commercial land use, while somewhat competitive, offer residents many choices within close proximity to where they live. Moreover, they serve a social function in that people can easily maintain contacts with friends and other residents. For the most part, this social activity occurs during the daytime; only grocery stores and a few restaurants remain open during the evening.

A number of historical structures and sites in Winslow have been identified and, since adoption of the Winslow Master Plan, the City has established a Historic Preservation Commission that is working toward preservation of these sites and buildings.

Finally, Winslow is a waterfront community. A good measure of its history and image has been tied to uses along the waterfront. Although types of uses along the waterfront have changed over the years, for the most part the community is still cut off from its primary amenity. The waterfront park provides some degree of access, but the trees and structures within it cut off visual access from locations upland. There are still some industrial uses such as the ferry maintenance facility that prevent access. The marinas offer some degree of access, but present a largely private enclave along the water.

Population and Market Background

In order for a vibrant mixed-use town center to succeed as envisioned in the Comprehensive Plan, there must be an underlying source of demand for both the residential and commercial uses. The Master Plan process required an understanding of the trends affecting development

of various uses in Winslow, an evaluation of site-specific development opportunities, and an identification of regulatory approaches and incentives that could increase the likelihood of success. To this end, the City contracted with Property Counselors, an economic consulting firm, to prepare a market analysis. The resulting study, “Winslow Master Plan Economic Analysis” (Property Counselors, 1996--Appendix A(1), provided detailed information on local conditions, an analysis and comparison of conditions in other communities in the region, and projections for potential demand by use. In 2005, Property Counselors updated this study as part of the *Winslow Tomorrow* planning process, in order to determine how recent development has compared to the 1996 projections, and whether opportunities identified then still exist. (“*Winslow Tomorrow* Update of Market and Economic Findings,” Property Counselors, January 2005, Appendix A(4). A summary of these updated findings is discussed below:

Regional Context

Winslow is located in Kitsap County in the Central Puget Sound region, which comprises Kitsap, King, Pierce, and Snohomish Counties. King County is the dominant county of the four with 55% of the regional population in 1990 and 67% of the jobs. The region is projected to grow by 46,000 persons per year between 1990 and 2020. Kitsap County’s share of regional population is projected to increase from 7% to 8% by 2020. The county will continue to be a net exporter of residents to jobs. As the major employment center in the area, downtown Seattle represents a daily destination for residents throughout the region.

Winslow can be compared to other communities in the region. Beyond the first tier of areas around the Seattle Central Business District, existing communities are mature and largely built-out; Winslow can compete effectively in terms of commute time with these areas. Winslow has a small and specialized downtown by regional standards, but it is similar to other waterfront communities in terms of level of employment and scope of its businesses. Winslow offers an opportunity to provide a more balanced distribution of incomes than either the close-in Seattle communities or the other waterfront communities in the region.

Residential

There are two obvious segments of potential demand for residential growth in Winslow: households with one or more members working in downtown Seattle (often younger families just getting started), and current residents of the Island looking for smaller, lower maintenance dwelling units (often empty nesters). Within these groups there is a clear need for affordable housing.

The segments described above are the two most obvious ones. In addition, there will be interest by young families attracted to the local schools and Island lifestyle. While many of them will be attracted to single-family units, there will certainly be a percentage that will be interested in higher density alternatives in Winslow prior to starting their families.

In all cases, the demand for housing in Winslow will be related to the area’s ability to maintain and enhance an active and attractive physical setting. In addition, the demand will depend on housing opportunities in the Seattle Central Business District, Denny Regrade and

South Lake Union. If Seattle's proposed urban villages are slow to realize their visions, Winslow will offer a particularly strong alternative.

Multifamily development was strong in Winslow between 1996-2004, with approximately 300 new units built during this period. Close to 400 new units were underway as of mid-2006. Most of the recent multifamily development has been condominiums, many of which are designed to have the appearance of cottages or stand-alone residences. There has not been much apartment development.

Office

Office-type uses on the Island fall into one of two categories: businesses serving Island residents, and businesses serving a larger market area but choosing to locate on the Island, perhaps because the owner lives here. The demand for office space for the former businesses will grow as the Island population grows; the demand for the latter will depend on whether businesses continue to choose Winslow over alternative locations, and also on the impact of home-based businesses. Enhancement of Winslow as an active, pedestrian-oriented district would increase its attractiveness somewhat for such businesses.

Approximately 78,000 square feet of new office space was added to Winslow during the period 1996-2004, most of which was built outside of the Core District. At the time of the 2005 Property Counselors update, office vacancies were high as a result of recent construction and loss of major tenants. However, actual absorption exceeded previous projections.

Retail

Winslow has the potential to serve in three roles as a retail center:

- for residents in the immediate area,
- for residents of the Island-wide market area, and
- as a specialty destination for visitors from elsewhere in the region.

New residents in Winslow will spend relatively more of their income in Winslow than residents elsewhere. Population growth in the rest of the Island over the next 20 years will also result in increased demand for retail trade and services. The potential demand for new retail space to service visitors is somewhat speculative. (The Economic Element of the Comprehensive Plan addresses the role of tourism in the Island's economy.)

Total commercial potential (office and retail) is estimated at 520,000 square feet through the year 2012. The ability to achieve this number may be limited by available vacant parcels and/or parcels with redevelopment potential. A review of land availability and zoning limitations conducted as part of the 1998 Master Plan effort suggests that approximately 440,000 square feet of new commercial use could actually develop.

During the period 1996-2004, almost 66,000 square feet of new retail development was added to Winslow, most of which is located outside of the Core District. The limited amount of new retail in the Core is due in part to the fact that new development in this area requires

the redevelopment of existing improved sites, the economics of which presents special challenges.

COMPREHENSIVE PLAN FRAMEWORK

The Comprehensive Plan policies identify the Mixed-Use Town Center as the commercial and civic core of the community, with a wide variety of residential choices. New development would be encouraged in the Winslow town center as one strategy to preserve the character of the Island. In addition, planning policies seek to create a core that is active, pedestrian-oriented, and filled with new housing choices to reduce sprawl and encourage multi-modal transportation. Furthermore, Winslow would be the focus of new commercial development.

The Plan recognizes that considerable growth will occur simply due to natural market forces but suggests that improvements and strategies will be required to direct the location, intensity, and quality of development. Civic facilities and recreation would be provided within Winslow, while development standards would guide the form and character of new development. There would be more parking available which would be managed more efficiently. A fundamental concept in the Plan is to achieve increased density in the Town Center through three mechanisms: transferring development rights from outlying agricultural and environmentally “sensitive” lands, density bonuses for providing affordable housing, and density bonuses for contributing to public infrastructure or public amenities beyond what might be required to mitigate the impacts of a development.

The Mixed-Use Town Center establishes five overlay districts with policies intended to reflect different existing conditions and goals for each district. (See Figure 2.3)

The Central Core Overlay District is the most intense, with both single purpose commercial development and mixed-use development. Design standards would recognize the more urban character of this area.

The Ericksen Avenue Overlay District is intended to preserve the unique, small-scale historic character provided by the older single-family houses. Conversion to non-residential use is allowed, but any additions would have to be made to the rear. New development would need to maintain the overall character of the street. The portion of this district between Winslow and Wyatt Way would not be eligible to receive bonus density.

The Madison Avenue Overlay District allows for a mix of residential and small-scale nonresidential development. However, single-purpose commercial development is not allowed; the intent is to emphasize higher density residential use in this area.

The Gateway Overlay District principally addresses the desire to protect the ravine through designation of appropriate land uses and/or acquisition of land or easements. The SR 305 corridor is recognized as an important visual gateway to the Island and as a potential passive open space.

The Ferry Terminal Overlay District contains policies that recognize its potential as a new, higher density residential/office neighborhood. Policies indicate the need to accommodate the functional requirements of this regional transportation hub while enhancing it through means such as underground parking, landscaping, signage, and buffers. Language in the plan indicates the need for coordination between the State, the City, Kitsap Transit, and the owners of property both within the Ferry Terminal District and the Gateway District.

The Commercial High School Road Districts contain policies that promote the provision of goods and services for residents. While some uses may be automobile-oriented, the overall pattern of uses should promote pedestrian access and movement. Development standards would address the form, orientation, and bulk of buildings, as well as landscaping, open space, circulation, and signage.

A policy regarding the **Water-Dependent Industrial District** calls for new and expanded development to provide physical and/or visual access to shorelines and visual access to the facilities. This suggests the need for better relationships between activities along the shoreline and those that are upland.

Another policy calls for retaining the current allowable densities for the **Urban Multi-Family District**, but there is a suggestion that this district might be eligible to receive additional density through Transfer of Development Rights (TDRs). Policies for this district also call for landscape buffers between multiple family and single-family development and indicate a list of possible design standards.

Other policies contained within the section addressing Winslow are relevant to the master plan. Policies call for retaining the pattern of single-family development around the edges of Winslow.

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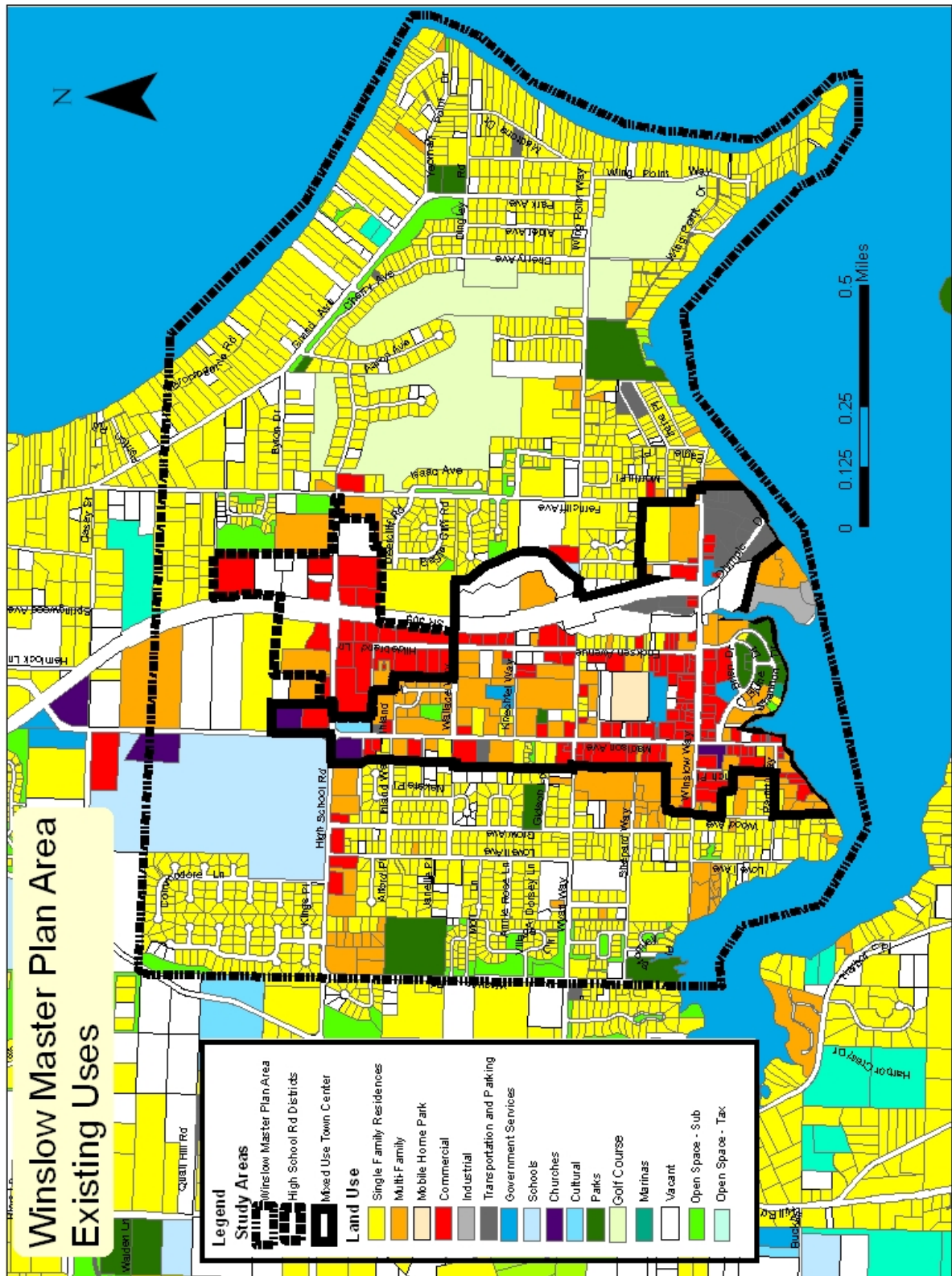


Figure 2.1

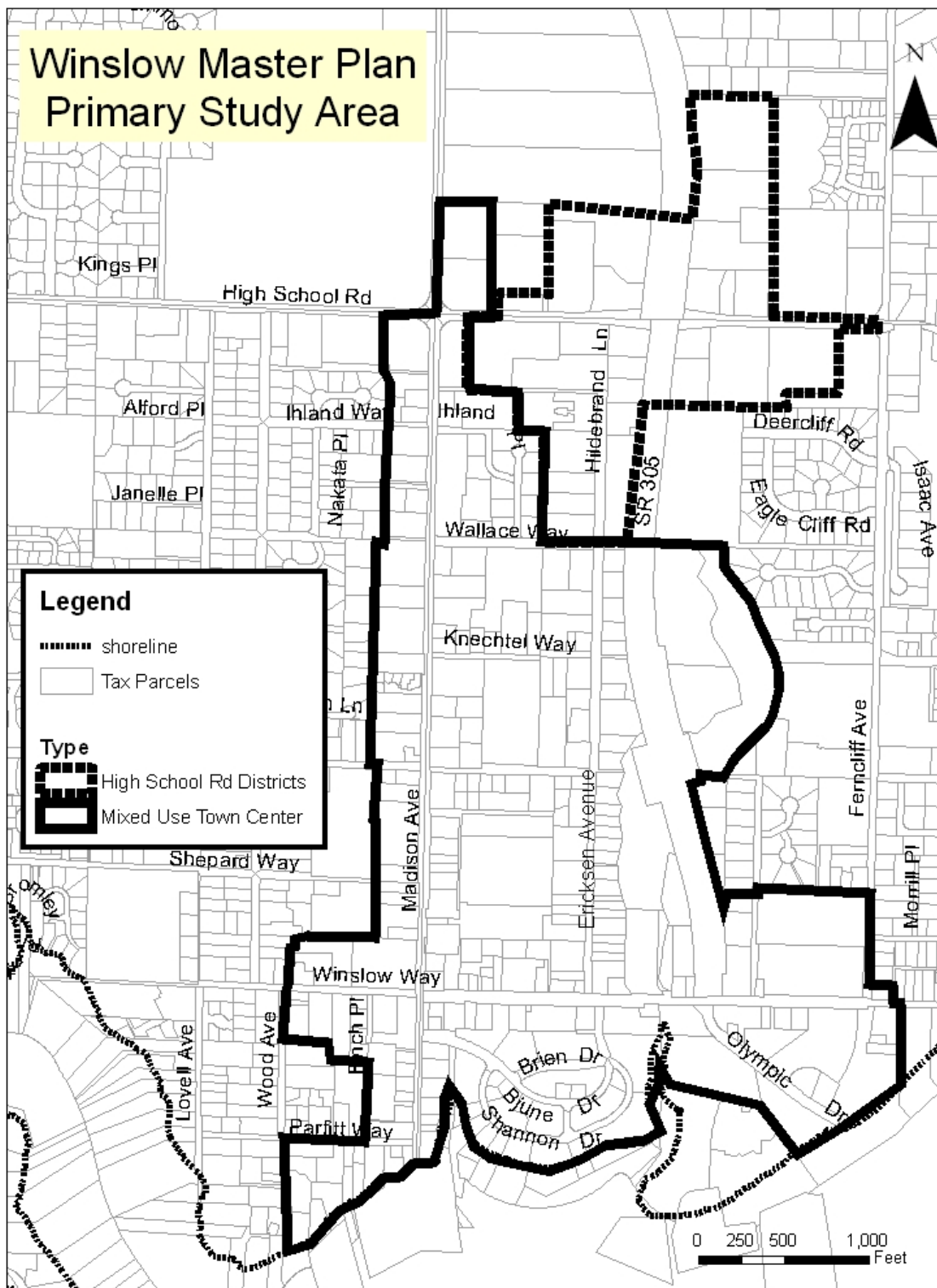


Figure 2.2

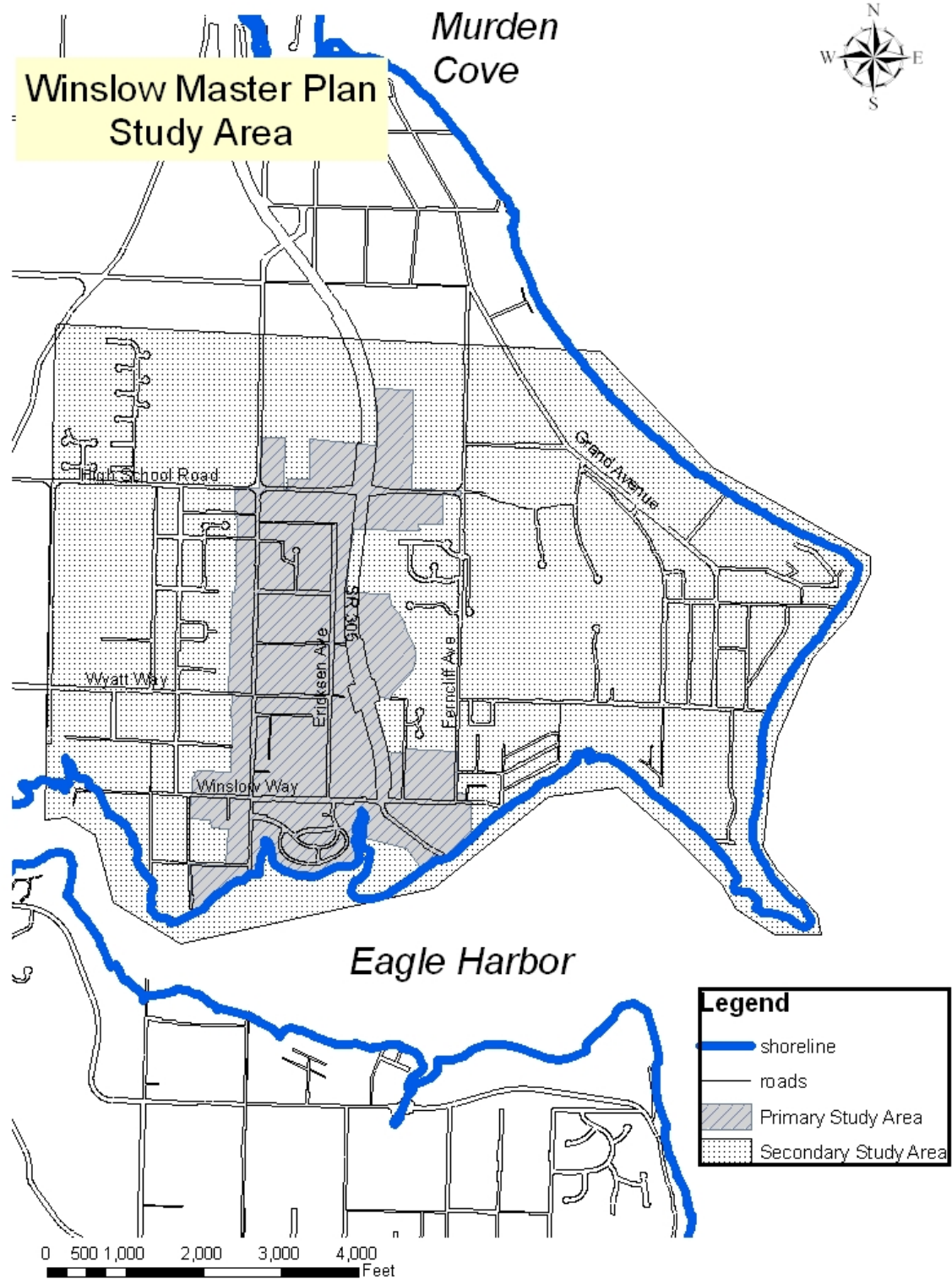


Figure 2.3

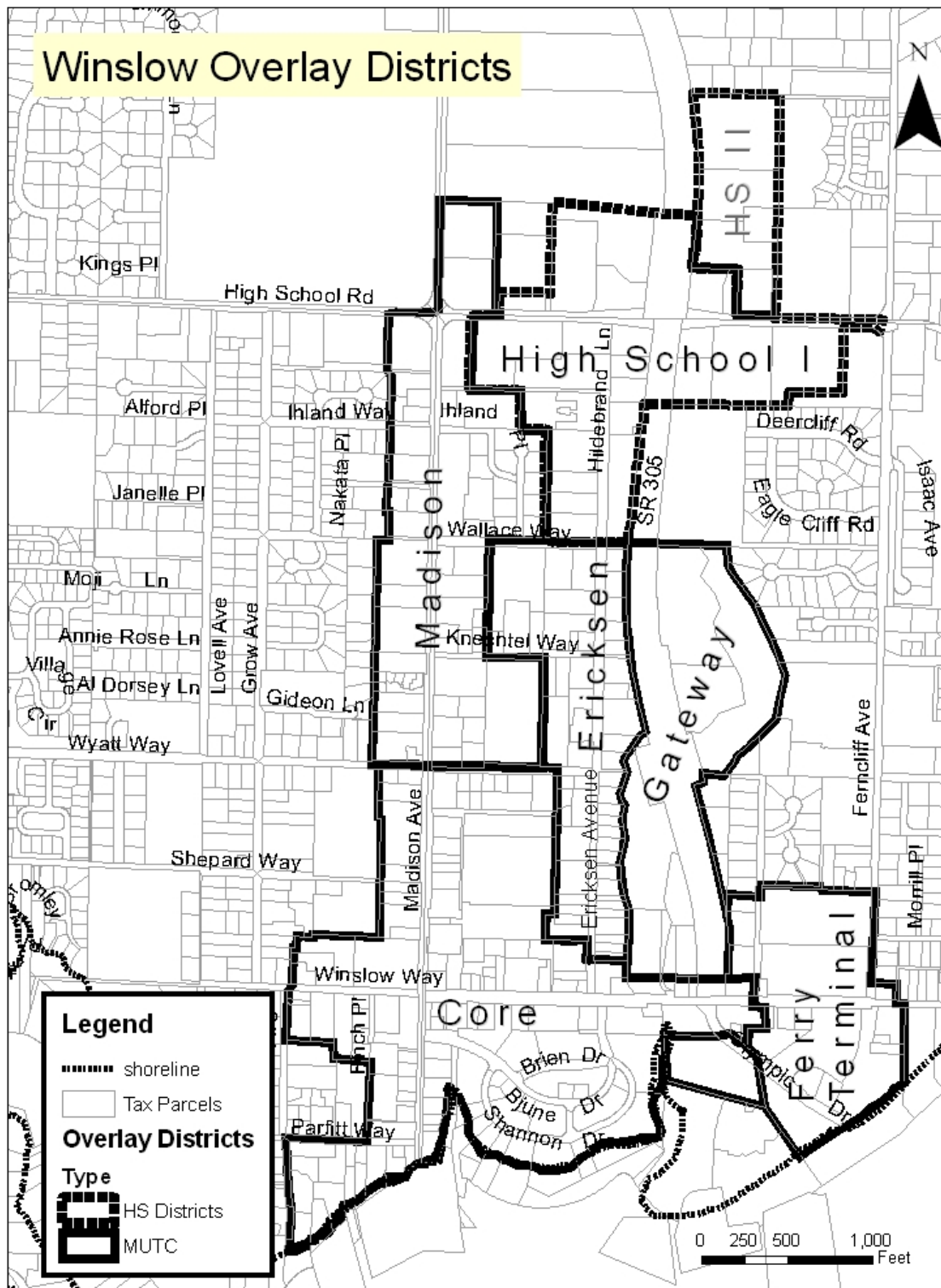


Figure 2.4

MASTER PLAN LAND USE POLICIES

Overview

The Master Plan builds on the goals and policies of the Comprehensive Plan. Producing the effects called for in the Master Plan will require relatively minor adjustments and refinements to the current land use policies and map for Winslow. This is due to the extent of work that was accomplished during the development of the City's Comprehensive Plan. The Comprehensive Plan has defined the parameters into which the Master Plan should fit.

The Plan recognizes and emphasizes the vitality and importance of Winslow and its retail core. The area defined as the Winslow Master Plan study area is designated to receive 50% of the allocation of future growth for the Island. The Master Plan assumes that a sub-target of up to 50% of this new residential development — or 25% of the Island's total growth — will be concentrated within the Mixed-Use Town Center and the High School Road Districts. Based on the City of Bainbridge Island population growth of 7,430 over the period ending 2012, and Winslow's portion thereof at 3,715 people, the associated growth in Winslow housing units would be approximately 1,500 dwelling units.

Discussion: Achieving the population projections, and the associated 1,500 dwelling units, involves some denser single family (on smaller lots) and multiple family developments. This new development, whether in stacked flats, row houses, duplexes, small lot single family or other forms, is expected to be built on both vacant lots and lots that are not developed to the intensity allowed by the existing zoning. The location, intensity, mix and connections between developments would be done in a way that is conducive to walking, biking and transit and that is supported by the availability of public infrastructure — streets, utilities, and public open space.

With the strategies contained in the Master Plan, it should be possible for Winslow to absorb this additional increment without producing a dramatic change in the pattern, intensity or appearance of development. However, the focus and form of development will be somewhat different. The land use policies described below address the issues of focus and form in each of the districts.

Overall Land Use Goal WMP 2-1

Strengthen Winslow—the Island's commercial, cultural and commuter hub—as a sustainable, affordable, diverse, livable and economically vital community, by:

- Encouraging downtown living;
- Providing an enhanced pedestrian experience, with linked access to retail shopping, the ferry, major public facilities, open space and residential areas, and promoting and retaining visual access to Eagle Harbor;
- Promoting the efficient use of land;
- Encouraging the retention and expansion of retail that serves the needs of community members and visitors;
- Providing opportunities for business expansion and private reinvestment;
- Promoting development that is sustainable and supports community values; and

- Developing strategies that result in the creation of less expensive housing and retail space, thereby increasing diversity while minimizing dependence on the automobile.

Goal WMP 2-2: Ensure the Compatibility of New Development in the Mixed-Use Town Center and High School Road Districts

Policy WMP 2-2.1: To promote compatibility between and within districts of the Mixed-Use Town Center and High School Road districts, variations in development standards and design guidelines may be provided within districts.

Policy WMP 2-2.2: Periodically review the City’s adopted design guidelines for the Mixed-Use Town Center and High School Road Districts to ensure that the guidelines remain sensitive to the individual character of the districts.

Policy WMP 2-2.3: Minimize driveways and encourage use of joint driveways.

Policy WMP 2-2.4: A full-screen vegetative buffer shall be maintained along SR 305. A similar screen should be provided within the SR 305 right-of-way. This requirement would not apply to the interior renovation of existing buildings.

Policy WMP 2-2.5: Establish transition standards for other boundaries abutting less intense districts.

Goal WMP 2-3: Maintain and Enhance Community Character in the Mixed-Use Town Center and High School Road Districts

Policy WMP 2-3.1: Promote architecture that encourages green building, natural light, ventilation and rooftop gardens.

Policy WMP 2-3.2: Through the use of design guidelines, development standards and incentives, promote the development of courtyards that create a pattern of linked public and private gardens and gathering places, providing opportunities for pedestrian movement.

Policy WMP 2-3.3: Through the use of design guidelines, development standards and incentives encourage stepped-back buildings that result in a softer street edge, the retention and enhancement of visual connections to Eagle Harbor and the creation and preservation of sun-filled public gathering spaces.

Policy WMP 2-3.4: Preserve, protect, adapt and restore sites, buildings and trees of historic significance.

Policy WMP 2-3.5: Retain and expand the historic pattern of narrow pedestrian passages.

Policy WMP 2-3.6: Enhance the livability of the downtown with trees and small gardens on the streets, along paths and in courtyards.

Policy WMP 2-3.7: Collaborate with the Arts and Humanities Council and downtown organizations to solicit sponsors for public art in the downtown.

Policy WMP 2-3.8: Enhance the experience of Winslow as a waterfront town that is connected to Eagle Harbor by activity, trails, views, lanes and design features:

- Utilize FAR levels, development standards and incentives to encourage development and redevelopment along Bjune Drive.
- Actively work to acquire land, easements and permits needed to extend the Waterfront Trail and develop a ravine trail.
- Develop new facilities for visitors, residents and the community, including public road ends, beaches, concessions, docks, marinas and mooring.
- Plan for a future water taxi connection between the Winslow and Eagledale waterfronts.
- Improve water quality through restoration projects, management practices and environmentally responsible building techniques.
- Retain views of the harbor from public lands and streets.

Goal WMP 2-4: Sustain and Enhance the Economic Vitality of the Mixed-Use Town Center and High School Road Districts

Policy WMP 2-4.1: Establish policies, programs and development standards that facilitate business expansion and private reinvestment.

Policy WMP 2-4.2: To stimulate investment in the downtown, create an organizational and funding structure that encourages partnerships and participation by the property owners, developers, businesses and island residents.

Policy WMP 2-4.3: Develop an organizational structure in city government as needed to implement the long-term vision for Winslow.

Policy WMP 2-4.4: Integrate sustainable solutions that address economic, social and ecological concerns into land use planning and building processes.

Goal WMP 2-5: Determine density and intensity of development in the Mixed-Use Town Center and High School Road Districts through the Floor Area Ratio (FAR) method.

Discussion: Floor area ratio refers to a figure that expresses the total allowable floor area in relation to the total lot area. This figure is determined by dividing the floor area of all buildings on a lot by the lot area. For example, if a lot is 25,000 square feet and the FAR is 1.0, then the total square footage allowed would be: $25,000 \times 1 = 25,000$ sq. ft. A development of 1 FAR could have up to 25,000 sq. ft. of development that could be commercial or residential.

Although density is frequently defined by dwelling units per acre in suburban communities that are comprised of single-use districts, it is less useful in areas where a mixture of uses is

desired. Using FARs provides flexibility to design a project to address a particular site. The use of FAR allows the market to determine the number and size of units and the mix in the type of development. (Conventional density limits can discourage affordability since smaller, less expensive units count the same as larger, more expensive ones.)

It is possible to relate FAR to a range of achievable units per acre, as follows:

0.4 FAR would produce 8-20 units per acre

0.8 FAR would produce 16-40 units per acre

1.5 FAR would produce 24-60 units per acre

The unit range results from the variety of unit sizes that can occur.

Parking requirements also influence the number of units that a site could accommodate. The form of parking also affects the extent to which a development actually reaches the densities suggested by each range. Surface parking coupled with larger average unit sizes would tend to produce the lower end of the range, while structured parking coupled with smaller average unit sizes would allow the higher end to be possible.

FAR allows uses to be weighted according to the characteristics of a particular district. For example, one district might allow an FAR of 0.4 for commercial and 0.4 for residential, while another might allow 0.4 for commercial and 0.8 for residential. Each development would be a unique blend of uses and unit sizes.

Policy WMP 2-5.1: Establish base floor area ratio levels for commercial, residential and mixed-use development (FAR) for each of the five overlay districts in the MUTC and the High School Road Districts, in coordination with a study of the necessary infrastructure, particularly transportation.

Policy WMP 2-5.2: Establish maximum FAR levels of development beyond the base for each of the districts through the use of bonus FAR provisions. The bonus FAR provisions are a means of advancing specific Comprehensive Plan policies and community values. Bonus FAR may be achieved by:

- Preserving open space, agricultural land and critical areas, through participation in a Transfer of Development Rights (TDR) program or contribution to a land preservation effort;
- Providing public open space that is visibly accessible to the public, with adequate access from a public corridor.
- Contributing toward or providing public amenities (above and beyond what is required to mitigate the impacts of the project itself) that serve the community and enhance the livability and vitality of Winslow. Public amenities may include, but are not limited to, pedestrian connections; on-site places for public gathering; streetscape improvements; public art; and other public benefits as determined by the City;
- Preserving exceptional and/or legacy trees or trees within designated greenways.
- Preserving historic structures;
- Providing affordable housing;
- Utilizing green building and low impact development techniques;

- Creation of permanent open space on parcels that contain critical areas, by transferring development potential from the critical areas to another parcel within the Mixed-Use Town Center or High School Road Districts; and
- Relocating existing surface commuter parking to underbuilding (Ferry Terminal District only).

Priorities among the bonus FAR provisions may be established in the zoning code through the level of bonus that can be achieved through each of the provisions, and by phasing implementation of the provisions.

Policy WMP 2-5.3: The bonus FAR provisions may be changed based on future conditions without amending the Master Plan, as long those changes continue to meet the goals of the Comprehensive Plan and Winslow Master Plan, and provided that changes are made in coordination with a study of the necessary infrastructure, particularly transportation.

Policies for Specific Districts

Specific land use policies in the MUTC and High School Road Districts are as follows:

Central Core Overlay District

Policy WMP 2-6.1: Establish FARs and development standards that support mixed-use development at a level that encourages downtown living with a variety of housing sizes and types, provides commercial and retail services that meet the needs of the community, and enhances the vitality of the downtown.

Policy WMP 2-6.2: Encourage the retention and development of ground floor retail on Winslow Way, Madison Avenue, Bjune Drive and other appropriate areas, and establish the implementing FAR levels and development regulations.

Policy WMP 2-6.3: Increase the vitality of the civic plaza — currently comprised of the Farmers’ Market, BPA and City Hall — by developing better circulation and enhanced pedestrian amenities, providing opportunities for future civic and cultural buildings; and encouraging a greater variety of activities.

Policy WMP 2-6.4: Design Winslow Way as the community’s “living room”— the stage for community gatherings and a gallery to showcase art and gardens. The central section of Winslow Way should function as a civic plaza, with artistic gathering spaces and unique design features.

Ericksen Overlay District

Policy WMP 2-7.1: Establish FARs and development standards that provide for a mix of residential and small-scale commercial development, while preserving the unique and historical features of the Ericksen Avenue neighborhood.

Madison Overlay District

Policy WMP 2-8.1: Establish FARs and development standards that provide for a mix of residential and small-scale commercial development, with retail located on the ground floor.

Gateway Overlay

Policy WMP 2-9.1: Establish FARs and development standards that provide for commercial, multifamily, and tourist-oriented uses while ensuring protection of the natural character of the Ravine.

Policy WMP 2-9.2: Development within the district should include provisions for pedestrian access to adjoining parcels and neighborhoods, and as part of the pedestrian link to the ferry terminal and waterfront.

Policy WMP 2-9.3: Implement policies to restore and protect the habitat, forest and water resources of the Ravine and provide for non-motorized public access.

Ferry Terminal Overlay District

Discussion: The Ferry Terminal Overlay District — currently dominated by parking — could undergo significant change as it transforms from surface parking lots for commuters to a new pedestrian and transit oriented, mixed-use neighborhood. Although the Core District is designated for the most intense development in the Mixed Use Town Center, new development in the Ferry Terminal District should complement the character and vitality of the Core District. Higher density housing is appropriate for this area because of its proximity to the ferry and downtown and because it is a prime view location. Parking for both commuters and new development may be integrated within (or under) housing or in adjacent garages.

Policy WMP 2-10.1: Establish FARs and development standards that provide for a pedestrian/transit oriented, mixed-use neighborhood with higher density residential development, commercial development, and some retail, while protecting the adjacent residential neighborhoods.

Policy WMP 2-10.2: Enhance the district's status as the "gateway" to Winslow by maximizing opportunities for visual and physical access to the shoreline while protecting, reclaiming and sustaining high quality, native shoreline vegetation. Civic and public uses should be provided along the waterfront.

Policy WMP 2-10.3: The area south of Winslow Way is intended to redevelop as a transit and pedestrian friendly mixed-use neighborhood, with small blocks served by a network of streets, alleys, public open space and pedestrian walkways.

Policy WMP 2-10.4: Allow additional parking spaces in structured parking in the Ferry Terminal District for use by non-commuter ferry passengers in off-peak hours (e.g., after 9:00 a.m.), when constructed in conjunction with placement of an equivalent amount of existing surface ferry parking in structure.

Policy WMP 2-10.5: Any redevelopment of the ferry terminal and/or related transit services should maximize public open space and minimize the development footprint, and should provide shoreline views, a public plaza and a pedestrian accessible waterfront.

Discussion: The transit center should address multimodal users and should integrate access to the public plaza and shoreline. “Stacking” of vehicle holding, transit and terminal activities is preferred.

Policy WMP 2-10.6: Commuter parking located in the Ferry Terminal Overlay District shall be limited in number and/or area to achieve the following objectives:

- Protect the character of the district from being further dominated by parking;
- Encourage the redevelopment of the district;
- Limit traffic impacts; and
- Encourage transit, non-motorized, and other travel methods as alternatives to low-occupancy vehicles.

Policy WMP 2-10.7: North of Winslow Way, the City shall protect adjacent residential neighborhoods from adverse impacts associated with development by establishing transition standards, such as landscaped buffers, lower height limits, small-scale buildings and other appropriate measures.

High School Road I and High School Road II

Policy WMP 2-11.1: Establish FARs and development standards that provide for a variety of commercial uses that complement downtown Winslow and benefit from automobile access near the highway, while creating a pedestrian-friendly retail area. In High School Road II, retail uses shall be limited to 14,400 sq. ft. (See Land Use Element Policy W 5.3.)

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CITY OF
BAINBRIDGE ISLAND

ADMINISTRATIVE MANUAL

PLANNING PERMIT SUBMITTAL REQUIREMENTS

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Introduction

This Administrative Manual is designed to supplement the permit processes described in the land use, zoning, and environmental sections of the City of Bainbridge Island Municipal Code (BIMC). This manual identifies documents that applicants must submit in order to have a complete application for development review and decision. Consistent submissions to the City of Bainbridge Island help the efficiency of the review process as well as clarifying requirements for applicants. The procedures required for review and approval of most applications are detailed in BIMC Title 2: Administration, Personnel and Land Use Procedures of the BIMC.

The [Master Land Use Application](#) is required to be submitted with each of the land use permits discussed herein. Please see the application for the number of copies for specific permits. A land use permit shall not be considered complete until the required application, [fee](#), and all supporting materials are submitted to the Department. The applicant shall submit an electronic copy of all required documents at the time of application submittal. The Director may waive specific submittal requirements determined to be unnecessary for review of an application.

Most applications also require a separate fee to the Kitsap Public Health District.

The City's [Fee Schedule](#) can be viewed on the City's website.

Additional links referenced in this document

Link	Website address
City of Bainbridge Island Design and Construction Standards Manual	http://www.ci.bainbridge-isl.wa.us/169
Design for Bainbridge Design Review Manual	https://www.bainbridgewa.gov/DocumentCenter/View/12502
Design for Bainbridge checklist / worksheet	
Island-wide Transportation Plan (IWTP)	https://www.bainbridgewa.gov/708
Landscape Materials Matrix	https://www.bainbridgewa.gov/DocumentCenter/View/12756
Shoreline - Joint Aquatic Resources Permit Application (JARPA)	https://www.epermitting.wa.gov
Shoreline Site Specific Analysis Submittal Requirements	http://www.bainbridgewa.gov/DocumentCenter/View/7306
Shoreline Single-family Residence Mitigation Manual	http://www.bainbridgewa.gov/DocumentCenter/View/5663
Sign Permit Worksheet	http://www.bainbridgewa.gov/DocumentCenter/View/7408
Site Assessment Review (SAR)	http://www.ci.bainbridge-isl.wa.us/882

Basic Site Plan

The site plan must be legible and easily understood by professionals as well as the public. Clearly differentiate between existing and proposed development. The information to help prepare a site plan is readily available to the public through these links:

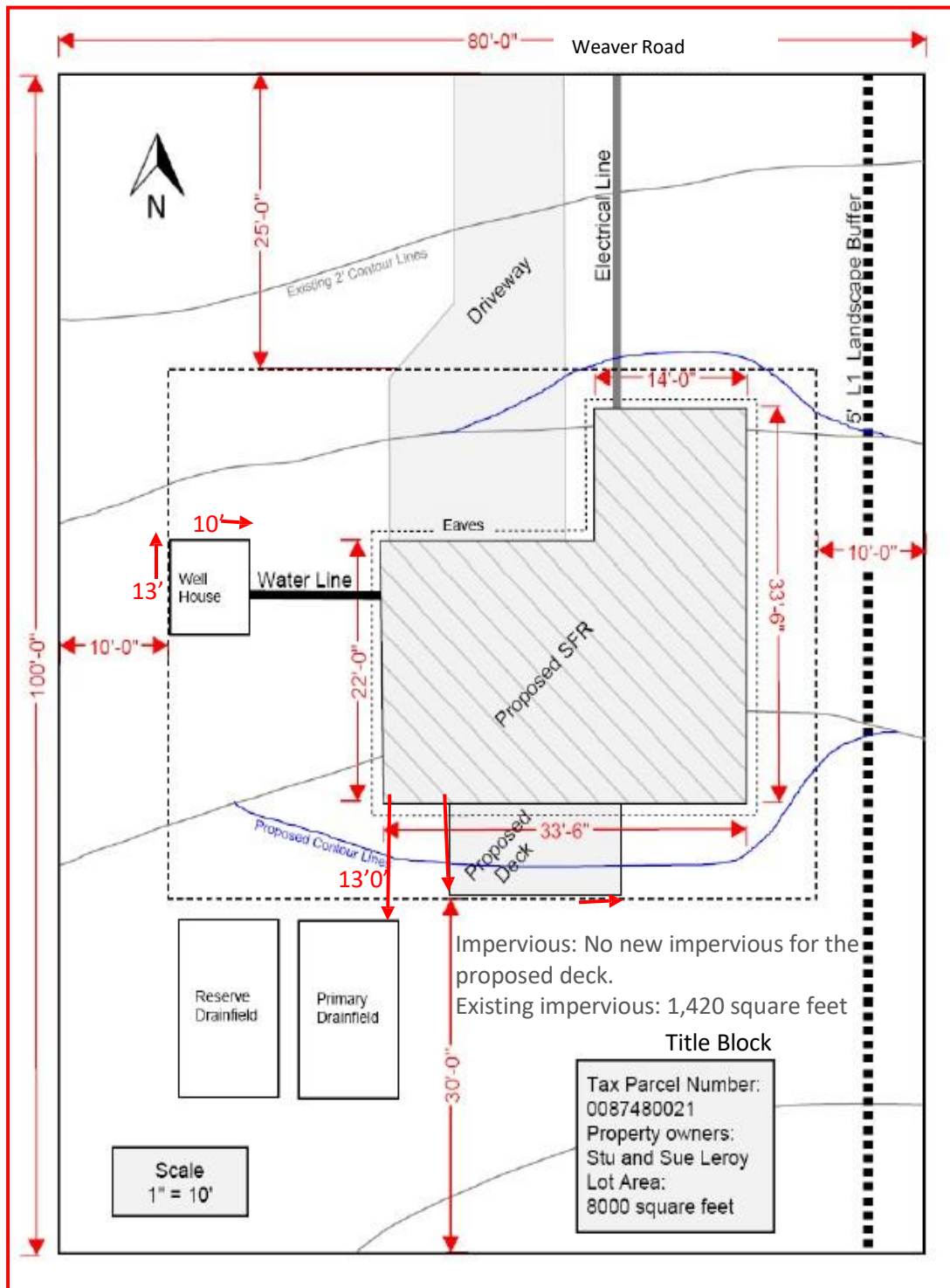
[City Resources](#)

[County Resources](#)

[Public Health District](#)

- ☐ Plan sheet 18" * 24" or 24" * 36" in size
- ☐ Engineer's scale, for example: 1 inch = 20 feet
- ☐ Title block: Project name; owner name; site address, tax parcel number; subdivision name
- ☐ North arrow
- ☐ Vicinity map
- ☐ Quarter section, township and range
- ☐ Depict the entire property and the area within a 150-foot radius of the property
- ☐ Zoning / Comprehensive Plan designation
- ☐ Property boundaries (bold line)
- ☐ Lot size and lot area (BIMC 18.12.050)
- ☐ Easements: Include access, utility, other (e.g. use easements, conservation easements)
- ☐ Zoning setbacks or subdivision setbacks / buffers (as applicable)
- ☐ Contour lines at five foot intervals (existing and proposed)
- ☐ Shoreline jurisdiction: Include OHWM, shoreline structure and side yard setback, shoreline buffer Zones 1 & 2, areas of native vegetation, location and size of significant trees
- ☐ Critical areas and their buffers / setbacks: Dimension required buffers / setbacks and any proposed modifications. Label top/toe of slopes greater than 15 percent and top/toe of slopes 40 percent or greater, floodplain, wetlands, streams
- ☐ Delineate and dimension existing areas of native vegetation
- ☐ Aquifer Recharge Protection Area (ARPA): Delineate the and show the area calculations. Document the ARPA development standards in BIMC 16.20.100.D.
- ☐ Depict vegetation protection areas (e.g. "no-build zones", perimeter and roadside landscape buffers, designated wildlife corridors)
- ☐ Depict and dimension the exterior of all existing and proposed structures: Clearly differentiate between existing and proposed. Label each structure by its use (e.g. garage, landscape / retaining wall, eave, fence, mechanical equipment)
- ☐ Impervious surface areas (existing and proposed): Label and dimension each area (e.g. building, driveway, parking area, patio)
- ☐ Area of disturbance: Separately delineate and dimension earth disturbance areas
- ☐ Stormwater facility: Location / management method (e.g. dispersion, infiltration, detention)
- ☐ Sewer / septic system facility: Include lines, primary and reserve drainfields and setbacks
- ☐ Water / well facility: Include lines, water meters, well house, well protection area
- ☐ Other facilities: Include power lines, generators, propane tanks, heat pumps, solar panels
- ☐ Historically significant structures on or adjacent to the property (i.e. constructed over 50 years ago or listed on the local or national historic register)

Sample Site Plan



Utilities Plan

- ☐ Minor (abbreviated) drainage plan for proposals that do not require engineered plans

OR

- ☐ Engineered preliminary drainage plans
- ☐ Engineered preliminary drainage report

AND

- ☐ Plan sheet 18" * 24" or 24" * 36" in size
 - ☐ Engineer's scale, for example: 1 inch = 20 feet
 - ☐ Location of stormwater facilities
 - ☐ Management method (e.g. dispersion, infiltration, detention)
 - ☐ Existing and proposed structures and improvements on the subject property including:
 - ☐ Driveways
 - ☐ Parking areas
 - ☐ Parking space (dimensioned)
 - ☐ Solid waste facility (dimensioned)
 - ☐ Landscape / retaining walls
 - ☐ Fences
 - ☐ Mechanical equipment
 - ☐ Existing and proposed utilities on the subject property including:
 - ☐ Wells / well head protection areas
 - ☐ Water / Sewer lines
 - ☐ Drainfields (primary and reserve)
 - ☐ Septic system setbacks (Health District)
 - ☐ Power lines, utility poles, telecommunication facilities
 - ☐ Existing and proposed structures / utilities within 150 feet of the property including:
 - ☐ Wells / well head protection areas
 - ☐ Water / Sewer lines
 - ☐ Fire hydrants
 - ☐ Adjacent streets
 - ☐ Adjacent right-of-way with road classification
 - ☐ Existing and proposed right-of-way width
 - ☐ Existing driving surface width and type (e.g. gravel, asphalt, pervious concrete)
 - ☐ Roadside facilities (e.g. shoulder, ditch)
 - ☐ Non-motorized facilities width and type (e.g. sidewalks, trails)

Landscape Plan

A Landscape Plan shall be prepared by a landscape architect licensed in the State of Washington, a Washington certified nursery professional or a Washington certified landscaper and a certified arborist (when required) and include the following information, at a minimum. A helpful [Landscape Materials Matrix](#) is available on the City website.

- ☐ Plan sheet 18" * 24" or 24" * 36" in size
 - ☐ Engineer's scale, for example: 1 inch = 20 feet
 - ☐ North arrow
 - ☐ Title block: Project name; site address, tax parcel number;
 - ☐ Property boundaries (bold line)
- A. Tree and Vegetation Retention Plan. The applicant shall submit a tree and vegetation retention plan concurrent with applicable permit application in to demonstrate compliance with BIMC Section 18.15.010. If multiple permits are required, the applicant must submit the tree retention plan with the first and all subsequent applications. The tree retention plan may be combined with the planting plan (see section 3 below) and shall consist of:
1. A tree survey or aerial photograph that represents current site conditions and identifies the location of all significant trees, tree stands and their associated canopies. The survey needs to include enough information about existing trees on a property to demonstrate compliance with section BIMC Section 18.15.010.G *Total Site Tree Unit Requirements* (if applicable). New planting may be required to meet these requirements (see section 3 below).
 2. For detailed site plans and grading applications, the tree survey may be conducted by a method that locates individual trees and tree stands, their size(s) and species. These trees shall be marked in the field at the time of permit or approval application and maintained through the construction period; and
 3. A development site plan identifying size and species of the trees and tree stands, as defined in BIMC 18.15.010.C, heritage trees, or other existing vegetation that are proposed to be retained.
 4. The International Society of Arboriculture (ISA) valuation for trees:
 - a. Required to be retained for development projects in the R-2.9, R-3.5, R-4.3, R-8, R-14, Mixed Use Town Center (MUTC), High School Road, and Neighborhood Service Center Districts; and
 - b. In all zones where the critical root zone of a tree required to be retained may be impacted by clearing, grading construction, development, or maintenance; and
 5. An analysis prepared by a certified arborist about long-term health and/or viability for trees that will be on the edge of the developed area and "post development" tree health for trees requested for removal in roadside or perimeter buffers. This analysis should also address protection during construction (see below).
 6. Protection during construction strategies for trees and vegetation to be retained.

- B. Description of how the tree retention plan and planting plan meet the *Total Site Tree Unit Requirements*, pursuant to BIMC 18.15.010.G, if applicable.
- C. Planting Plan. All plans must be prepared or approved, by a landscape architect licensed by the state of Washington, a Washington certified nursery professional or a Washington certified landscaper. The proposed landscape planting plan shall be clearly legible and show the following:
 - 1. A title that includes the project name, owner's name, designer's name, date and scale of no less than one inch equals 30 feet. All items shall be labeled, and north shall be oriented towards the top or left of the plan
 - 2. Property boundaries, easements, and ownership as set forth in the legal description;
 - 3. Existing and proposed grades of at least five-foot intervals
 - 4. Rights-of-way, setbacks, streets and utilities within the subject property
 - 5. All proposed construction and planting and any future construction and planting that is not included in the application
 - 6. Location of all existing and proposed buildings, structures, utilities and improvements within the property
 - 7. A plant list for all proposed new planting delineating quantities, scientific and common names and sizes. Names of plants are to follow current edition of the Hortus Third, A Concise Dictionary of Plants Cultivated in the U.S. and Canada; and sizes of plants are to follow the current edition of the American Standard for Nursery Stock, American Association of Nurseryman (AAN).
 - 8. Vegetation clearing strategies
 - 9. Topsoil protection and reuse strategies, including limiting compaction during construction
 - 10. Native soil amendment strategies
 - 11. Planting times and physical limits of construction
 - 12. Areas that require temporary or permanent irrigation

Buffer Enhancement Plan

- A. Basic Site Plan
- B. Terms, conditions, covenants, and agreements under which the subject property is bound
- C. Buffer Enhancement Plan. A buffer enhancement plan prepared in accordance with applicable state and federal agency standards and the requirements in BIMC 16.20.180
- D. Critical area reports by qualified professionals in the area of concern as provided in BIMC 16.20.190 – Definitions;
- E. Any other relevant information and reports that are necessary, in the opinion of the Director, to process and prepare the decision on the application, such as permit applications to other agencies and special studies;
- F. State Environmental Policy Act (SEPA) checklist (if applicable)

Adjustment to an Approved Land Use Permit (Minor & Major)

NOTE: This section does not apply to subdivisions- see Subdivision Alterations below)

A minor adjustment entails small changes in dimensions or siting of structures or the location of public amenities and does not change the intensity or the character of the use. A major adjustment includes modification to the basic design, intensity, density and / or use.

- A. Basic Site Plan
- B. Utilities Plan (as applicable)
- C. Landscape Plan (as applicable) with proposed landscaping as required by BIMC 18.15.010, including any required retention.
- D. Copy of the approved plan
- E. Written description of the proposed change, including a detailed analysis of how the change complies with decision criteria of the application used in the first instance
- F. Authorization of all owners of all lots involved in the change

Administrative Code Interpretation Request

The Director has the authority to provide interpretations of provisions, uses, or definitions in BIMC Titles 16, 17 and 18 and related provisions in BIMC Title 2, and will make these interpretations available to the public. Any person may apply to the director for an interpretation of any provision in these titles. The Director shall provide the interpretation taking into account consistency with the Comprehensive Plan, the nature of the definition or use, and its relationship to the code and its potential impacts, such as:

- A. Whether it involves dwelling units; sales; processing; type of product, storage and amount;
- B. Enclosed or open storage;
- C. Anticipated employment;
- D. Transportation requirements;
- E. Excessive noise, odor, fumes, dust, toxic material, light, glare, and vibration likely to be generated; and
- F. The general requirements for public utilities such as water and sanitary sewer.

The authority to provide an interpretation does not include the authority to add a new permitted ("P") or conditional ("C") use to the use table in BIMC 18.09.020. The Director's interpretation is subject to appeal pursuant to BIMC 2.16.020.P.1.

Agricultural Retail Plan

- A. Basic Site Plan including a delineation of specific use areas (pasture, heavy use area, etc.).
- B. Farm Management Plan, if required pursuant to BIMC 18.09.030.A.1.
- C. Any other materials the department or the reviewing body determines are required to adequately describe the proposal.

Boundary Line Adjustment

- A. Basic Site Plan
- B. Survey drawing
 1. Conventional scale and prepared by a surveyor licensed in the State of Washington
 2. Separate sheets depicting existing conditions and resultant conditions
 3. Zoning and Comprehensive Plan designation
 4. Shoreline upland and water environment designations
 5. Proposed method to meet fire flow requirements
 6. Names and locations of adjacent subdivisions
 7. Gross lot size (in square feet) of each existing and resultant lot
 8. Lot area of each existing and resultant lot/tract (As calculated in BIMC 18.12.050.J)
 9. Zoning or subdivision setbacks, as applicable
 10. Ordinary High Water Mark
 11. Required critical areas, their buffers and setbacks
 12. Required vegetation buffers
- C. Existing and proposed terms, conditions, covenants, and agreements on the subject property
- D. Perimeter lot closures for each existing and resultant lot
- E. Title report dated not more than six months prior to application
- F. Property legal description
- G. Draft agreements (e.g. use easement, road maintenance agreement)
- H. Water and sewer availability letters (public water/sewer) for each resultant lot
- I. Other technical reports (as applicable): Wetland delineation and report or wetland determination; Geotechnical report/assessment

Comprehensive Plan Amendment

A comprehensive plan amendment application and fee as established by city council resolution must include the following:

- A. A complete and detailed written statement including the nature of and reason for the amendment request, any specific suggested changes to the plan or appendices;
- B. A description of how the amendment request is consistent with all of the decision criteria specified in BIMC 2.16.190.H;
- C. A completed SEPA checklist including supplemental sheet for nonproject actions; and
- D. Any other reports or studies identified during the preapplication conference (Ord. 2006-13 § 4, 2006).

Conceptual Proposal Review Meeting

- A. Statement of Intent – A written narrative about the property, the neighborhood, and proposed use. Identify the objectives of the land use process, the objectives of the Comprehensive Plan goals and policies, and the objectives of the Design for Bainbridge design review manual, as they apply to the proposal.
- B. Context Map - Provide sufficient information to evaluate the neighborhood or community characteristics, including: aerial photo, adjacent recreation, conservation, or other protected land, streetscape photos to illustrate road frontage character/conditions, adjacent and nearby houses or structures, nearby historic or cultural features that contribute to the character of the area, nearby transit routes and stops, and existing or planned transportation facilities as shown in the Island-wide Transportation Plan (IWTP).
- C. Site Analysis – The site analysis shall be a map used to determine the conservation areas, conservation areas of greatest importance, and development areas. The site analysis shall show: general topography, critical areas and their buffers/setbacks, viewsheds on and off site, individual significant trees, extent and location of priority natural area (e.g., forested land, agricultural land, wildlife corridors, etc.), existing infrastructure or other built features, existing easements, existing trails, unique site characteristics, historic resources.

Conditional Use Permit (Minor & Major)

- A. Basic Site Plan
- B. Utilities Plan
- C. Site Assessment Review (SAR) or SAR Exemption
- D. Landscape Plan
- E. State Environmental Policy Act (SEPA) checklist (if applicable)
- F. A complete and detailed written statement of the intended use of the land and the sequence and timing of the proposed development
- G. The terms, conditions, covenants, and agreements under which the subject property is bound, if any
- H. Affidavit of ownership or agreement to work on the owner's behalf
- I. Land dedicated for park and recreational facilities, if applicable
- J. For installation of outdoor lighting fixtures, evidence of compliance with the requirements of chapter 18.15.040, Outdoor Lighting
- K. Written statement describing how the application meets all applicable decision criteria
- L. Institutional development in residential zones shall submit the following items:
 - 1. A traffic report, showing the effects on level of service (LOS) on affected roads
 - 2. A fencing plan or alternative methods to protect the public health, safety and welfare
 - 3. Vehicular, pedestrian, and bicycle access and site circulation
- M. Design for Bainbridge checklist / worksheet

Consultation

- A. Property location – 14-digit parcel number or site address.
- B. Basic project information.
- C. List of specific questions.
- D. Conceptual site plan (optional).

Critical Area Permit (Minor and Major)

- A. Basic Site Plan
- B. Terms, conditions, covenants, and agreements under which the subject property is bound
- C. A written narrative describing how the proposal meets the critical area permit review criteria as defined in BIMC 16.20.070.B;
- D. Additional submittal requirements vary depending on the type of critical area. Specific submittal requirements are described in each of the following sections of BIMC 16.20:
 - Trees and vegetation – BIMC 16.20.090.G (minor)
 - Critical aquifer recharge areas – BIMC 16.20.090.B.3 (minor)
 - Fish and wildlife habitat conservation areas – BIMC 16.20.110.D and F (minor or major)
 - Geologically hazardous areas – BIMC 16.20.130.C (minor)
 - Wetlands – BIMC 16.20.140.F (minor or major)
 - Winslow Ravine – BIMC 16.20.150.C (major)
- E. Any other relevant information and reports that are necessary, in the opinion of the director, to process and prepare the decision on the application, such as permit applications to other agencies and special studies;
- F. State Environmental Policy Act (SEPA) checklist (if applicable)
- G. Other plans and drawings deemed necessary by the Director for evaluation of the merits of the proposal.

Design Guidance Review Meeting

- A. Schematic Design - This plan is based on the site analysis and context map and shows location, as applicable, of natural area, community space, significant trees to be retained, homesites, vehicle and non-motorized access, location and size of stormwater and septic systems, and lot lines. The proponent is required to bring one or more development concepts or alternatives to indicate possible design options for the site.
- B. Project vision summary
- C. Design for Bainbridge checklist / worksheet
- D. Conceptual floor plan with estimated commercial and residential square footage
- E. Aerial and streetscape photographs with streets and site boundaries labeled
- F. Basic Site Plan with the following additional requirements
 - 1. Proposed structure footprints and structure entrances
 - 2. Proposed location and description of mechanical equipment
 - 3. Proposed location of trash / recycling structures and accessory structures
- G. Preliminary sections: Transverse and longitudinal site sections extending to adjacent buildings within 100 feet of property; section through the most critical area of the structure(s) with property lines, floor to floor heights, overall height, and spot elevations
- H. Preliminary Elevations: Main elevations of each structure and of adjacent structures; material and color selections; mechanical screens and venting locations
- I. Optional but strongly recommended
 - 1. Renderings: Eye level perspective from major street location; aerial perspective depicting entire project and adjacent buildings in context
 - 2. Exterior Lighting Plan: Location and indication of light spillage at night.
- J. **Additional requirements for subdivisions**
 - 1. Document the four-step design process identified in BIMC 17.12.030
 - 2. Document requested departures from subdivision standards contained in BIMC 17.12.060 and 17.12.070: Address consistency with general purpose of intent of the subdivision chapter, the intent of the four-step design process, and the specific standard from which the departure is requested.
 - 3. Identify [Island-Wide Transportation Plan](#) and [City of Bainbridge Island Design and Construction Standards](#). Document requested deviations.
 - 4. Depict views of proposed houses from exterior roads and abutting properties vis-à-vis natural topography and existing vegetation
 - 5. Additional site plan requirements
 - a. Delineate primary and secondary Natural Areas, provide area calculations for each and proposed form of ownership. Identify the functional characteristics of each Natural Area type in BIMC 17.12.050.A.2.a. i-iii and b. i. – vii.
 - b. Show location of Natural Area fencing and/or signage
 - c. Delineate Community Space, provide area calculation and proposed form of ownership
 - d. Delineate and document Homesite Standards in BIMC 17.12.060 and Table 17.12.060-1, and Subdivision Standards in BIMC 17.12.070 and Table 17.12.070-1

Farm Management Plan

In order to exceed maximum animal density allowances provided for in BIMC 18.09.030, a farm management plan approved by the City, its designee, or a qualified third party must be implemented and maintained. The farm management plan shall contain the following:

- A. Basic site plan, with the following additional information
 - 1. Adjacent residences
 - 2. location and area of all pasture area(s), shelter structure(s), compost and manure storage,
- B. Description of the type of equipment necessary or intended for use in each season and the frequency and duration of anticipated use;
- C. Disclosure of any intent to spray or otherwise apply agricultural chemicals or pesticides, frequency and duration of application, and the plants, diseases, pests or other purposes they are intended for;
- D. Emergency response plan and emergency response contacts
- E. Description of the potential impacts of animal agriculture and use of applicable National Resource Conservation Service (NRCS) conservation practice standards or equivalent measures to mitigate impacts, including:
 - 1. Water Quality and Soils. Impacts of irrigation run-off on adjacent properties, water bodies and environmentally critical areas, and proposed sediment and erosion control measures.
 - 2. Noise and Odor. Impacts related to the location on the lot of the animal pasture and shelter, any trash or compost storage areas, any farm stand or additional accessory structure, and any other noise-generating or odor-generating equipment and practices.
 - 3. Agricultural Chemicals. Impacts related to the use of chemicals, including any manure, fertilizer and pesticide.
 - 4. Mechanical Equipment. Impacts related to the operation of equipment, including noise, odors, and vibration.
 - 5. Traffic and Parking. Impacts related to the number of staff onsite during work hours, and the number of potential visitors regularly associated with the site.
 - 6. Visual Impacts and Screening. Visual impacts relating to the proposed nature, location, design, and size of proposed features, structures and activities, including the location of pasture, composting activities and manure storage, and any existing or proposed screening.

Housing Design Demonstration Project

In addition to any submittal requirements from the underlying land use permitting process, the following additional information is required for a Housing Design Demonstration Project:

- A. Survey prepared by a licensed surveyor, including information showing existing conditions and site information including, but not limited to, topography (contour interval not to exceed 5 feet), an elevation benchmark (located on or within 100 feet of the proposed site), adjacent development, vegetation, utilities, critical areas, property lines, and easements. Whenever possible, survey information should be submitted on City of Bainbridge Island vertical and horizontal datums. All plans must be submitted at an easily reproducible engineering or architectural scale. The survey data should be integrated into all site plans and elevation drawings related to the project and the source of the survey information shall be noted.
- B. Plans descriptive of drawings of the proposed innovative housing types including building footprints and building elevations, floor plans, and roof plans.
- C. A description of the proposed unit type, including proposed square footage, unit mix, and number of bedrooms per unit.
- D. A description of the required development standards, compared with the standards that relief is being requested. This includes, but is not limited to, setbacks, density, or parking requirements. The applicant should explain how relief from specific development standards is needed to achieve the desired innovative design and the goals of this chapter.
- E. Photographs of the subject and adjacent properties key to the basic site plan.
- F. Landscape Plan.
- G. A detailed description of any project phasing.
- H. A description of how the proposed development is consistent with the surrounding neighborhood character.
- I. A description of how the proposed development complies with the goals of BIMC 2.16.020.Q, project evaluation criteria as described in BIMC 2.16.020.Q, and all relevant decision criteria.
- J. A completed green building checklist from Evergreen Sustainable Development, Living Building Challenge standard of the International Living Building Institute, LEED or BuiltGreen programs that require third party verification review with the requisite four and five star levels.

Legislative Review of Development Regulations and Rezoning

Legislative Review of Development Regulations

An application and fee as established by city council resolution shall be made on forms prescribed by the department. The application shall contain the following:

- A. A complete and detailed written statement explaining the existing regulations and proposed changes (including specific language, if possible);
- B. A detailed description of how the proposal meets the goals and policies set forth in the Comprehensive Plan; and
- C. A completed SEPA checklist including supplemental sheet for nonproject actions (if applicable); and
- D. Any other materials the department or the reviewing body determines are required to adequately describe the proposal.

Rezoning (Site-specific and Area-wide)

A rezone application and fee as established by city council resolution shall be made on forms prescribed by the department. The application shall contain the following:

- A. A complete and detailed written statement explaining how the subject property is suitable for the proposed rezone and why the rezone would not be detrimental to surrounding land uses.
- B. A map that shows address topography, streets, adjacent land uses, utilities and other pertinent factors that would justify the proposed rezone;
- C. A detailed description of the proposed use for which the rezone is sought and how such action meets the decision criteria in BIMC 2.16.140;
- D. A legal description of the property(ies) and tax lot number(s);
- E. The names and addresses of all property owners; and
- F. Any other materials the department or the reviewing body determines are required to adequately describe the proposal.
- G. A completed SEPA checklist including supplemental sheet for nonproject actions.

Preapplication Conference

- A. Basic Site Plan
- B. Conceptual Landscape Plan (as applicable). Proposed landscaping as required by BIMC 18.15.010, including any required retention.
- C. Conceptual Utilities Plan
- D. Site Assessment Review (SAR) or SAR Exemption
- E. Design for Bainbridge checklist / worksheet
- F. **Additional requirements for subdivisions**
 - 1. Lot area of each existing and resultant lot (BIMC 18.12.050.J)
 - 2. Proposed covenants or restrictions
 - 3. Site plan – additional requirements
 - a. Separate sheets depicting existing and resultant conditions
 - b. Zoning and Comprehensive Plan designation for subject and adjacent properties
 - c. Shoreline upland / water environment for subject and adjacent properties
 - d. Proposed method to meet fire flow requirements
 - e. Names and locations of adjacent subdivisions;
 - f. Delineate primary and secondary Natural Areas, provide area calculations for each and proposed form of ownership. Identity the functional characteristics of each Natural Area type in BIMC 17.12.050.A.2.a. i-iii and b. i. – vii.
 - g. Show location of Natural Area fencing and/or signage
 - h. Delineate Community Space, provide area calculation and proposed form of ownership
 - i. Delineate and document Homesite Standards in BIMC 17.12.060 and Table 17.12.060-1
 - j. Delineate and document Subdivision Standards in BIMC 17.12.070 and Table 17.12.070-1
 - 4. Document the four-step design process identified in BIMC 17.12.030
 - 5. Document requested departures from subdivision standards contained in BIMC 17.12.060 and 17.12.070, including BIMC Tables 17.12.060-1 and 17.12.070-1: Address consistency with general purpose of intent of the subdivision chapter, the intent of the four-step design process, and the specific standard from which the departure is requested.
 - 6. Identify [Island-Wide Transportation Plan](#) and [City of Bainbridge Island Design and Construction Standards](#). Document requested deviations.
 - 7. Depict views of proposed houses from exterior roads and abutting properties vis-à-vis natural topography and existing vegetation

Reasonable Use Exception

- A. Basic Site Plan
- B. The terms, conditions, covenants, and agreements under which the subject property is bound, if any;
- C. Critical Area Report. A critical areas-report including mitigation plan, if necessary, prepared in accordance with applicable state and federal agency standards. Such studies shall be prepared in accordance with the requirements in BIMC 16.20.180 – Critical area reports by qualified professionals in the area of concern as provided in BIMC 16.20.190 – Definitions;
- D. Any other relevant information and reports that are necessary, in the opinion of the director, to process and prepare the recommendation on the application, such as permit applications to other agencies and special studies;
- E. State Environmental Policy Act (SEPA) checklist (if applicable)
- F. Other plans and drawings deemed necessary by the director for evaluation of the merits of the proposal; and
- G. A complete and detailed written statement of the reason(s) for requesting the reasonable use exception including a detailed description of how the proposal will meet the reasonable use exception criteria as defined in BIMC 16.20.080:
 - 1. The application of Chapter 16.20 would deny all reasonable use of the property;
 - 2. There is no reasonable alternative to the proposal with less impact to the critical area or its required buffer;
 - 3. The proposal minimizes the impact on critical areas in accordance with mitigation sequencing (BIMC 16.20.030);
 - 4. The proposed impact to the critical area is the minimum necessary to allow reasonable use of the property;
 - 5. The inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant, or of the applicant's predecessor, that occurred after February 20, 1992;
 - 6. The proposed total lot coverage does not exceed 1,200 square feet for residential development;
 - 7. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the property;
 - 8. Any alterations permitted to the critical area are mitigated in accordance with mitigation requirements applicable to the critical area altered;
 - 9. The proposal protects the critical area functions and values consistent with the best available science and results in no net loss of critical area functions and values;
 - 10. The proposal addresses cumulative impacts of the action; and
 - 11. The proposal is consistent with other applicable regulations and standards.
- H. A copy of the pre-application conference summary letter.

Revision to a Land Use Permit

A revision is required when there are proposed changes to a project after the application has been submitted but has not been approved. This may arise due to differences between the original proposal and application submittals to actual field conditions, or the customer has changed their mind about an aspect of the project. In all cases, a revision to the existing permit must be submitted, reviewed and approved. Please check with your planner prior to submitting revisions: An intake appointment may be required. All submittal requirements applicable to the original application, including number of copies, are required for revisions. Revisions may be subject to additional fees.

- A. Basic Site Plan
- B. Utilities Plan (as applicable)
- C. Landscape Plan (as applicable) with proposed landscaping as required by BIMC 18.15.010, including any required retention.
- D. Revision documents that clearly identify the proposed change, including a description of the proposed change
- E. Written description of the proposed change, including a detailed analysis of how the change complies with decision criteria of the application used in the first instance
- F. Authorization of all owners of all lots involved in the change

Shoreline - Clearing Permit

- A. Basic Site Plan, including:
 - 1. Species and location of trees or other vegetation proposed to be removed
 - 2. Size (dbh) of trees to be removed
 - 3. Area (square feet) of canopy coverage to be removed. Canopy coverage includes trees and shrubs.
 - 4. Erosion control methods, drainage information or plan, pursuant to BIMC 15.20
- B. Supplemental materials, as applicable:
 - 1. Arborist report, for removal of hazard trees, or any vegetation removal within geologically hazardous areas or buffers/setbacks
 - 2. Geotechnical report, for any vegetation removal within geologically hazardous areas or buffers/setbacks
- C. Replanting plan, including:
 - 1. Species, size, quantity, and location of trees or other vegetation proposed to be planted

Shoreline - Substantial Development Permit/Exemption, Variance, Conditional Use

- A. Basic Site Plan, with the following additional information:
1. Location of Ordinary High Water Mark (OHWM);
 2. Location of Shoreline Buffer;
 3. Location of Shoreline Structure View Setback;
 4. Shoreline dimensional setbacks;
 5. Location of native vegetation and significant trees;
 6. If structures have any attachments (e.g. deck, balcony, etc.), include elevation drawings and calculations of grade
 7. For overwater structures or development: littoral boundaries and elevation drawings with tidal elevations development
 8. For mooring buoys the following additional information:
 - a. Location of proposed buoy with latitude and longitude coordinates and swing circle;
 - b. Location of surrounding buoys, floats, or docks;
 - c. Distance measurement of proposed buoy to surrounding buoys, floats, or docks.

B. No Net Loss Documentation

All shoreline development, use and activities, regardless of whether a permit is required, must result in no net loss of ecological functions and processes necessary to sustain shoreline resources. To demonstrate that the no net loss standard is met, and applicant must either submit with application:

1. The [Single-Family Residence Mitigation Manual](#) checklist and supporting documents or
2. A [Site-specific Analysis](#) that is completed by a qualified professional.

C. Narrative explaining how the project meets the decision criteria in BIMC 2.16.165

D. Additional Documents

Depending on existing site conditions and proposed development activities, your application may require additional reports and/or studies to identify and assess potential project impacts. These include:

1. Wetland delineation and categorization (See BIMC 16.12.060.L)
2. Geotechnical Report (See BIMC 16.12.060.K)
3. Bluff Management Plan (See BIMC 16.12.060.K)
4. Utilities Plan
5. Site Assessment Review (SAR) or SAR Exemption
6. State Environmental Policy Act (SEPA) Checklist
7. Shoreline Stabilization Projects have additional submittal requirements listed in the City's Shoreline Master Program Section 6.2.10

8. For Mooring Buoys, the following additional information:
 - a. Cross-Sectional View Worksheet
 - b. Proof of submittal of site plan with latitude and longitude coordinates, vicinity map, and cross-sectional view worksheet to the Suquamish Tribe. A copy of notification e-mail sent to Alison O’Sullivan, Biologist, Suquamish Tribe is acceptable (aosullivan@suquamish.nsn.us).
 - c. Name and contact information of the diver/biologist qualified to install an embedment style anchor
 - i. An aquatic vegetation dive survey is required if a surface style anchor is proposed (Concrete block, Danforth, etc.)
 - d. Signed copy of Attachment E: Aquatic Use Authorization on Department of Natural Resources (DNR)- managed aquatic lands. This form must be submitted to and signed by DNR prior to making application to the City. Please note that Attachment E is not required for buoys that are proposed to be installed on privately held tidelands.
 - e. Attachment E must include DNR signature at time of submittal to the City to verify that DNR has been notified of the proposed buoy location. Attachment E is submitted to DNR along with a Joint Aquatic Resources Permit Application (JARPA). Attachment E and the JARPA form can be found here: https://www.epermitting.wa.gov/site/alias_resourcecenter/9978/default.aspx
Depending on the location of the buoy, your application may require additional submittal documents, including State Environmental Policy Act (SEPA) Checklist (required only if placement location is not on DNR leased land)

Sign Permit

- A. Basic Site Plan
 1. Position of buildings
 2. Landscaped areas
 3. Sign configuration
 4. Sign size
 5. Sign elevation
- B. [Sign Permit Worksheet](#)
- C. Drawing or photo of proposed sign(s) including dimensions and height above ground.
- D. Engineering specifications (if applicable).

Site Plan and Design Review (Major & Minor)

- A. Basic Site Plan
- B. Utilities Plan
- C. Site Assessment Review (SAR) or SAR Exemption
- D. Landscape Plan
- E. Preapplication conference summary (if applicable)
- F. Public participation meeting summary (if applicable)
- G. State Environmental Policy Act (SEPA) checklist (if applicable)
- H. Terms, conditions, covenants, and agreements under which the subject property is bound
- I. Traffic analysis (if applicable)
- J. Design for Bainbridge checklist / worksheet
- K. Narrative: A complete and detailed written statement describing the proposal, including:
 - 1. Intended use of the land
 - 2. Phasing, including the phasing of on- and off-site improvements
 - 3. Sequence and timing of the proposed development
 - 4. Proposed land ownership
 - 5. Commercial and residential components of the project
 - 6. Addressing the decision criteria per BIMC 2.16.040 E
- L. Documentation of Kitsap Public Health District Concurrent Review, if not on public sewer and water;
- M. Non-binding Water and Sewer availability letters (availability and phasing of system extensions)
- N. The terms, conditions, covenants, and agreements under which the subject property is bound, if any;
- O. Architectural drawings, including floor plans, uses, building elevations, building sections, and roof plans;
- P. Description of proposed stormwater management system and maintenance and operation. See also Utilities Plan.
- Q. Description of any facilities planned for public dedication, e.g. sewage disposal system, roads, non-motorized facilities, utility lines and facilities, parks.
- R. Any other graphic materials required to adequately describe how the proposal meets specific regulations and guidelines, such as color palettes, material boards, and computerized models;
- S. For installation of outdoor lighting fixtures, evidence of compliance with the requirements of chapter 18.15.040, Outdoor Lighting, on the architectural elevations or on a form provided by the department of planning and community development.
- T. A survey may be required depending on project complexity

Subdivision – Preliminary (Short/ Long /Large Lot)

- A. Basic Site Plan
- B. Utilities Plan
- C. Site Assessment Review (SAR) or SAR Exemption
- D. Landscape Plan (as applicable). Proposed landscaping as required by BIMC 18.15.010, including any required retention.
- E. Preliminary Plat
 1. Conventional scale and prepared by a surveyor licensed in the State of Washington
 2. Separate sheets depicting existing conditions and resultant conditions
 3. Zoning and Comprehensive Plan designation
 4. Shoreline upland and water environment designations
 5. Proposed method to meet fire flow requirements
 6. Names and locations of adjacent subdivisions
 7. Gross lot size (in square feet) of each existing and resultant lot
 8. Lot area of each existing and resultant lot / tract (BIMC 18.12.050.J)
 9. Delineate required critical areas, their buffers and setbacks along with any proposed modifications
 10. Aquifer Recharge Protection Area: Clearly show the extent of native vegetation areas. Delineate the ARPA, 12,500 square foot development areas, and show the area calculations. Document the ARPA development standards in BIMC 16.20.100.D.
 11. Delineate primary and secondary Natural Areas, provide area calculations for each and proposed form of ownership. Identity the functional characteristics of each Natural Area type in BIMC 17.12.050.A.2.a. i-iii and b. i. – vii.
 12. Show location of Natural Area fencing and/or signage
 13. Delineate Community Space, provide area calculation and proposed form of ownership
 14. Delineate and document Homesite Standards in BIMC 17.12.060 and Table 17.12.060-1
 15. Delineate and document Subdivision Standards in BIMC 17.12.070 and Table 17.12.070-1
- F. Design for Bainbridge checklist/worksheet
- G. Document the four-step design process identified in BIMC 17.12.030
- H. Document requested departures from subdivision standards contained in BIMC 17.12.060 and 17.12.070, including BIMC Tables 17.12.060-1 and 17.12.070-1: Address consistency with general purpose of intent of the subdivision chapter, the intent of the four-step design process, and the specific standard from which the departure is requested.
- I. [Identify Island-Wide Transportation Plan](#) and [City of Bainbridge Island Design and Construction Standards](#). Document requested deviations.
- J. Depict views of proposed houses from exterior roads and abutting properties vis-à-vis

natural topography and existing vegetation

- K. State Environmental Policy Act (SEPA) checklist (if applicable)
- L. Preapplication conference summary letter
- M. Perimeter lot closures for each existing and resultant lot
- N. Title report dated not more than six months prior to application
- O. Property legal description
- P. Draft Natural Area and/or Community Space Management Plan, including maintenance plan and allowed uses for each area type
- Q. Existing and proposed terms, conditions, covenants, and agreements on the subject property (e.g. road maintenance agreement)
- R. Non-binding water and sewer availability letters (for public water / sewer) for each lot
- S. Traffic impact analysis/application for traffic concurrency or concurrency statement
- T. Other technical reports (as applicable):
 - a. Wetland delineation and report or wetland determination
 - b. Geotechnical report/assessment
 - c. Shoreline Site Specific Analysis
 - d. DNR Forestry permit
 - e. Habitat Management Plan
- U. Other special submittal requirements identified in the pre-application conference summary

Subdivision -Alteration (Short/ Long /Large Lot)

- A. Proposed plat alteration
- B. Narrative including a description of the proposed change and a detailed analysis of how the change complies with decision criteria of the application used in the first instance
- C. A copy of the existing final plat
- D. A copy of the natural area / community space / open space management plan, as applicable

Subdivision - Plat Utility Approval (Short/ Long /Large Lot)

Plat utility standards for civil improvements are found in the [City of Bainbridge Island Design and Construction Standards Manual](#). Please review the specific requirements with the assigned City project engineer for large/complex projects.

A. Construction Plans

Plans must be full-scale drawings on 24-inch by 36-inch paper with margins which are set to provide half-scale drawings on 11-inch x 17-inch paper. Two copies of the construction plan set are required. A digital set in PDF or TIFF format must also be submitted with application.

On-site plans for private property improvements must have a vertical scale of one inch equals five feet and a horizontal scale of one inch equals 50 feet. Profiles may be drawn on plan sheets.

Off-site plans for public improvements (i.e. water, sewer, storm drainage, and streets) shall have a vertical scale of one inch equals five feet and a horizontal scale of one inch equals 40 feet. All off-site plans shall have the corresponding plan/profiles on the same sheet.

See also land use standards for plan requirements (e.g. Aquifer Recharge Protection Areas).

General Plan Requirements:

- ☐ North must be up or to the left on plans, and north must not be shown in a different orientation on the same or connecting sheets.
- ☐ Vicinity map of approximately one square mile with the project site centered scaled one inch = 1000 feet. A scale at least one inch long must be on the map. A north arrow must be on the map and the site address must be below the map.
- ☐ City datum with City-established benchmark (BM) number and elevation. BM information is available from the city's right-of-way specialist.
- ☐ A detailed description of the site, including lot number, quarter section, township and range, unless otherwise noted by the City Engineer.
- ☐ Current zoning of site and of adjacent properties
- ☐ Lot size(s) with perimeter distances and bearings of the site shown on the plan
- ☐ Project name in the title block
- ☐ Owner/developer name, address, and phone number in the title block
- ☐ Design engineer's name, address, and phone number in the title block
- ☐ Boundary and topographic survey of existing conditions with a contour interval of no less than five feet (no less than 10 feet for Large Lot Subdivisions)
- ☐ Clearly identify and dimension existing and proposed rights-of-way and easements. Show Kitsap County recording numbers for all existing easements.
- ☐ All pertinent existing and finish elevations
- ☐ Existing natural drainage ways (e.g. swales, ditches) and flow path with arrows and elevations
- ☐ Lakes, rivers, streams, flood plains, wetlands, sensitive slopes, and other sensitive areas
- ☐ Limits and elevations of 100-Year floodplain with floodway and flood fringe delineated
- ☐ General plan notes consistent with the Standards shall be shown on the plan

Individual Plan Sheet Requirements:

Plans may be incorporated on the same sheet where clarity is not affected.

- ☐ Preliminary conditions of approval
- ☐ Grading, Drainage, and Erosion and Sediment Control (GDESC) Plan
- ☐ Street plan or plat road plan
- ☐ Parking plan
- ☐ Utility plan (water, sewer, and dry/franchise utility location and coordination)
- ☐ Significant tree/tree retention plan
- ☐ Open space management plan, where applicable
- ☐ Landscaping plan

B. Reports and Supporting Documentation/Calculations

- ☐ Stormwater management report consistent with BIMC 15.20 and the current adopted Stormwater and Low Impact Development manuals.
- ☐ Drainage design calculations.
- ☐ Soil logs and infiltration rate determination, where applicable.
- ☐ Geotechnical report, where applicable.
- ☐ Domestic (multi-family), commercial and fire flow calculations.
- ☐ Sewer conveyance calculations.

C. Facilities (Water, Sewer, Storm Water and Streets) Extension Agreement Application

The extension agreement application shall be completed by the owner and submitted with the applicable processing fee consistent with BIMC 13.32.

- ☐ Application shall indicate whether a latecomer reimbursement will be requested.
- ☐ Drawings shall be submitted showing generally the proposed location, type, and size of the utility or street improvements.

Subdivision - Final (Short/ Long /Large Lot)

- A. Plat Utilities Plan (engineered drainage plan / report or minor plan as applicable)
- B. Landscape Plan (as applicable). Proposed landscaping as required by BIMC 18.15.010, including any required retention.
- C. Final terms, conditions, covenants, and agreements (e.g. Natural / Community Space Management Plan, road maintenance agreement)
- D. Statement of compliance listing the plat conditions and how each condition is met
- B. Perimeter lot closures for each existing and resultant lot
- C. Title report dated not more than six months prior to application
- D. Binding water and sewer availability letters (for public water/sewer) for each lot
- E. Final Plat, as modified by conditions of approval
 - 1. Applicable plat conditions of approval
 - 2. Ties to permanent monuments
 - 3. Controlling reference points or monuments
 - 4. Bearing and length of lines
 - 5. Origin of meridian or basis of bearings
 - 6. Surveyor's certificate signed by the surveyor who prepared the final plat:
"I, _____ registered as a professional land surveyor by the State of Washington, certify that this Subdivision is based on an actual survey of the land described herein, conducted by me or under my supervision, during the period of ____, 20__, through ____, 20__ , that the distances, courses, and angles shown hereon correctly; and the lot corners have been staked on the ground as depicted hereon."
 - 7. Disclaimer regarding road maintenance: *"Responsibility and expense for maintenance of streets serving lots within this short plat/subdivision shall rest with the lot owners unless such roads have been accepted by the City."*
 - 8. If plat improvements are assured, a prominent note on the face of the final plat: *"The lots created by this plat are subject to conditions of an assurance device held by the City for the completion of certain necessary facilities. Building permits may not be issued and/or occupancy may not be allowed until such necessary facilities are completed and approved by the City. All purchasers shall satisfy themselves as to the status of completion of the necessary facilities."*
 - 9. Signature and date lines for the City Planning Director
 - 10. Signature and date lines for the Health District (N/A for short plats)
 - 11. County Treasurer and Auditor signature blocks
 - 12. Declaration regarding further subdivision: *"Land in a short subdivision may not be further divided through a short plat within a period of five years recording the final short without meeting the standards of and being reviewed as a long subdivision."*
 - 13. Estimate approved by the City for financial assurance of plat improvements (if applicable)

Tree Removal/Vegetation Maintenance Permit

- A. Basic Site Plan
- B. Trees and vegetation proposed to be removed (also show on Basic Site Plan)
- C. Size (diameter breast height [dbh]) of trees to be removed (Required only for commercial, institutional, multifamily, and mixed-use development and any properties in Mixed Use Town Center, High School Road, R-2.9, R-3.5 and R-4.3 zones. Also show on Basic Site Plan)
- D. Site Assessment Review (SAR) or Exemption (if applicable)
- E. Erosion control methods, drainage information or plan, pursuant to BIMC 15.20 (if applicable).
- F. Planting plan (see Landscape Plan section above) if tree removal brings a property below applicable tree unit requirements (see BIMC Section 18.15.010.G) or is proposed within required vegetation areas (e.g. landscape buffers, no-cut buffers), or any other trees required to be retained through an approved land use permit. Planting plan should ensure that property continues to meet any applicable tree requirements.

Variance – Zoning (Major & Minor)

- A. Basic Site Plan
- B. State Environmental Policy Act (SEPA) checklist (if applicable)
- C. Terms, conditions, covenants, and agreements under which the subject property is bound
- D. Narrative – A complete and detailed written statement describing the proposal, including:
 - 1. Reason for the variance request
 - 2. Detailed description of how the proposal will meet the decision criteria
 - 3. Visual impacts of proposed structures, including proposed screening

Wireless Communication Facility Permit (WCF)

Permit procedures for wireless communication facility permits are detailed in BIMC 18.10.

A. Basic Site Plan

1. Additional requirements
 - a. Location, elevation and dimensions of existing facility components
 - b. Location, elevation and dimensions of proposed facility components
 - c. Existing and proposed site grade
 - d. Area of ground disturbance for construction activities
 - e. Primary viewshed of the proposed WCF
 - f. Proposed height
 - g. Coverage area at proposed height (may be inset map or on separate sheet)
 - h. Inventory of WCF sites in or within a one mile radius of the City that are operated by the applicant

B. Landscape Plan

1. Additional landscape plan information required:
 - a. Type and location of vegetation screen of WCF components in viewshed context
 - b. Height of vegetation screen at maturity (e.g. monopole/tower 2/3 height screening)
 - c. Type and location of topographic or structural screening (e.g. wall, fencing)
 - d. WCF paint/camouflage color scheme in viewshed context
 - e. Security fencing height, vegetation screening and paint/camouflage screening

C. Detail Drawing

1. Antenna
2. Support structure and any protrusion from the support structure
3. Transmission device
4. Equipment shelter

D. Photo/visual simulations of the proposal from affected properties and public rights-of-way at varying distances

E. Narrative

1. An explanation of the need for the proposed WCF
2. Location priority analysis (e.g. co-location vs. commercial building)
3. Height and design of WCF sites in or within one mile of the City
4. Impact of proposal on existing restrictions or requirements (e.g. Conditional Use Permit, Site Plan and Design Review Permit)
5. Feasibility of underground location for equipment facilities
6. Equipment noise evaluation (e.g. dB at nearest property line)

F. Documentation verifying that the proposed WCF complies with Federal Communications Commission and Federal Aviation Administration regulations

- G. Copy of documentation regarding existing restrictions or requirements (e.g. Conditional Use Permit, Site Plan and Design Review Permit)
- H. Additional information required for:
 - 1. Tower modification
 - a. Structural engineering report demonstrating the modification complies with applicable construction/electrical/safety codes including:
 - i. number and types of antennas the tower can support
 - ii. basis for capacity calculation
 - iii. statement that the proposal complies with applicable FCC guidelines and standards
 - 2. Base station modification
 - a. Structural engineering report demonstrating the modification complies with applicable construction/electrical/safety codes
 - 3. Applications for facilities other than Facility I or II
 - a. Documentation of efforts to co-locate on existing facilities
- I. If all or a portion of the WCF will be located upon a city-owned structure, or upon non-right-of-way property which is either city-owned or city-leased, the applicant shall be required to enter into a lease agreement with the city for the use of the city property.
- J. A Master Permit, consistent with Chapter 19.02 and 19.04 BIMC, if all or a portion of the WCF will be located in the right-of-way.

Wireless Eligible Facilities Request Permit (EFR)

Permit procedures for wireless eligible facilities request permits are detailed in BIMC 18.11.

- 1. An assertion that the proposed facilities modification is subject to review under Section 6409 of the Spectrum Act.
- 2. An evaluation of the substantial change criteria as found in BIMC 18.11.010.K.
- 3. Copies of any environmental documents required by any federal agency. These shall include the environmental assessment required by 47 C.F.R. Part 1 (Part 1 – Practice and Procedure), Section 1.1307, as amended, or, in the event that an FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment.
- 4. If the applicant is not the owner or person in control of the eligible support structure and/or site: An attestation that the owner or person in control of the eligible support structure and/or site has consented to the proposed facilities modification. If the eligible support structure is located in a public right-of-way, the applicant must also attest that applicant has authorization to install, maintain and operate transmission equipment in, under, and above the public right-of-way.
- 5. A request involving co-location of transmission equipment or the replacement of transmission equipment: Complete copies of the underlying land use approvals for siting of the tower or base station proposed to be modified, establishing that, at the time of submittal of the application, such tower or base station constituted an eligible support structure.

6. A request that will result in an increase in height of the eligible support structure: Record drawings, as-built plans, or the equivalent, showing the height of the eligible support structure (a) as originally constructed and granted approval by the city or other applicable local zoning or similar regulatory authority; or (b) as of the most recent modification received by the city, or other local zoning or regulatory approval, prior to the passage of the Spectrum Act, whichever height is greater.
7. A request to an eligible support structure, which structure, or proposed modification of the same, is subject to preexisting restrictions or requirements imposed by a reviewing official or decision-making body pursuant to authority granted under the city code, or an ordinance or a municipal code of another local government authority: A copy of the document (e.g., CUP or SUP) setting forth such preexisting restrictions or requirements together with a certification that the proposed facilities modification conforms to such restrictions or requirements; provided, that such certification shall have no application to the extent the proposed facilities modification relates solely to an increase in height, increase in width, addition of cabinets, or new excavation, that does not result in a substantial change in the physical dimensions of the eligible support structure.
8. A request to an eligible support structure, which structure, or proposed modification of the same, is subject to preexisting concealment restrictions or requirements, or was constructed with concealment elements: Applicant shall set forth the facts and circumstances demonstrating that the proposed modification would not defeat the existing concealment elements of the eligible support structure. If the proposed modification will alter the exterior dimensions or appearance of the eligible support structure, applicant shall include a detailed visual simulation depicting how the eligible support structure will appear after the proposed modification is complete. The visual simulation shall depict to scale the eligible support structure in relation to the trees, landscaping and other structures adjacent to, or in the immediate vicinity of, the eligible support structure.
9. A request that will protrude from the edge of a nontower eligible support structure: Record drawings, as-built plans, or the equivalent, showing at a minimum the edge of the eligible support structure at the location of the proposed modification.
10. A request to an eligible support structure that will (a) include any excavation; (b) would result in a protrusion from the edge of a tower that exceeds an existing protrusion of any transmission equipment attached to a tower; or (c) would protrude from the edge of a nontower eligible support structure: A description of the boundaries of the site together with a scale drawing based on an accurate traverse, with angular and lineal dimensions, depicting the boundaries of the site in relation to the tower or base station proposed to be modified and depicting the proposed location, elevation and dimensions of the new or replacement transmission equipment. The city may require a survey by a land surveyor licensed in the state of Washington when, in the judgment of the approval authority, a survey is reasonably necessary to verify the boundaries of the site to determine if the proposed facilities modification would result in a substantial change in the physical dimensions of the eligible support structure.

11. A request to the eligible support structure that includes hardening through structural enhancement: A technical report by a qualified engineer accredited by the state of Washington, demonstrating that the structural enhancement is performed in connection with and is necessary to support the proposed co-location, removal, or replacement of transmission equipment and conforms to applicable code requirements. The city may retain the services of an independent technical expert to review, evaluate, and provide an opinion regarding the applicant's demonstration of necessity.
12. A request that proposes a modification to a tower: A stamped report by a Washington State-registered professional engineer demonstrating that the tower with the proposed modifications will comply with applicable structural, electrical, and safety codes, including by way of example, and not limitation, EIA/TIA-222-Revision G, published by the American National Standards Institute (as amended), allowable wind speed for the applicable zone in which the tower is located, and describing the general structural capacity of the tower with the proposed modifications, including:
 - a. The number and type of antennas that can be accommodated;
 - b. The basis for the calculation of capacity; and
 - c. A written statement that the proposal complies with all federal guidelines regarding interference and ANSI standards as adopted by the FCC, including but not limited to nonionizing electromagnetic radiation (NIER) standards. The city may retain the services of an independent technical expert to review, evaluate, and provide an opinion regarding the applicant's demonstration of compliance.
13. A request to a base station: A stamped report by a Washington State-registered professional engineer demonstrating that the base station, with the proposed modifications, will comply with applicable structural, electrical, and safety codes.
14. A request requiring alteration to the eligible support structure, excavation, installation of new equipment cabinets, or any other activities impacting or altering the land, existing structures, fencing, or landscaping on the site: A detailed site plan and drawings, showing the true north point, a graphic scale and, drawn to an appropriate decimal scale, indicating and depicting:
 - a. The location, elevation and dimensions of the existing eligible support structure;
 - b. The location, elevation and dimensions of the existing transmission equipment;
 - c. The location, elevation and dimensions of the transmission equipment, if any, proposed to be co-located or that will replace existing transmission equipment;
 - d. The location, elevation and dimensions of any proposed new equipment cabinets and the intended use of each;
 - e. Any proposed modification to the eligible support structure;
 - f. The location of existing structures on the site, including fencing, screening, trees, and other significant site features; and
 - g. The location of any areas where excavation is proposed showing the elevations, depths, and width of the proposed excavation and materials and dimensions of the equipment to be placed in the area excavated.

Small Wireless Facility Permit (SWF)

Permit procedures for small wireless facility permits are detailed in BIMC 19.10.

1. A Master Permit, consistent with Chapter 19.02 and 19.04 BIMC, if the proposed facilities are located in the right-of-way.
2. Associated Permit(s). Applications or check lists required under the Critical Areas, Shoreline, or SEPA ordinances. Applications for deployment of small wireless facilities in Design Zones or for new poles shall comply with the requirements in BIMC 18.10A.060.
3. Specific locational information including GIS coordinates of all proposed small wireless facilities and specify where the small wireless facilities will utilize existing, replacement, or new poles or towers, existing buildings, or other structures. Ground mounted equipment (if authorized pursuant to Chapter 18.10A BIMC), conduit, junction boxes, and fiber and electrical connections necessary for and intended for use in the deployment shall also be specified regardless of whether the additional facilities are to be constructed by the applicant or leased from a third party. Detailed schematics and visual renderings of the small wireless facilities, including engineering and design standards, shall be provided by the applicant. The application shall have sufficient detail to identify:
 - (a) The location of overhead and underground public utility, telecommunication, cable, water, adjacent lighting sewer drainage and other lines and equipment within 50 feet of the proposed project area (which the project area shall include the location of the fiber source and power source). Further, the applicant shall include all existing and proposed improvements related to the proposed location, including but not limited to poles, driveways, ADA ramps, equipment cabinets, street trees and structures within 50 feet from the proposed project area.
 - (b) The specific trees, structures, improvements, facilities, lines and equipment, and obstructions, if any, that applicant proposes to temporarily or permanently remove or relocate and a landscape plan for protecting, trimming, removing, replacing, and restoring any trees or areas to be disturbed during construction.
 - (c) The construction drawings shall also include the applicant's plan for electric and fiber utilities, all conduits, cables, wires, handholes, junctions, meters, disconnect switches and any other ancillary equipment or construction necessary to construct the small wireless facility, to the extent to which the applicant is responsible for installing such electric and fiber utilities, conduits, cables, and related improvements. Where another party is responsible for installing such electric and fiber utilities, conduits, cables, and related improvements, applicant's construction drawings will include such utilities to the extent known at the time of application, but at a minimum applicant must indicate how it expects to obtain fiber and electric service to the small wireless facility.
 - (d) Compliance with the aesthetic requirements of BIMC 18.10A.050.

4. Written approval from the owner of any pole or structure for the installation of its small wireless facilities on such pole or structure. To extent that the pole or structure is not owned by the applicant, the applicant shall demonstrate in writing that they have authority from the pole owner to install the small wireless facility on the pole or structure. Such written approval shall include approval of the specific pole, engineering and design standards, as well as assurances that the specific pole can withstand wind and seismic loads, from the pole owner, unless the pole owner is the City. Submission of the lease agreement between the pole owner and the applicant is not required. If the proposed small wireless facility is not within the rights-of-way, the applicant must provide written approval from the property owner. For city-owned poles or structures, the applicant must obtain a lease from the City prior to or concurrent with the small wireless permit application and must submit as part of the application the information required in the lease for the City to evaluate the usage of a specific pole.
5. Sworn affidavit signed by an RF Engineer with knowledge of the proposed project affirming that the small wireless facilities will be compliant with all FCC and other governmental regulations in connection with human exposure to radio frequency emissions for every frequency at which the small wireless facility will operate. If facilities which generate RF radiation necessary to the small wireless facility are to be provided by a third party, then the small wireless permit shall be conditioned on an RF Certification showing the cumulative impact of the RF emissions on the entire installation. The applicant may provide one emissions report for the entire small wireless deployment if the applicant is using the same small wireless facility configuration for all installations within that batch or may submit one emissions report for each subgroup installation identified in the batch.
6. Proof of FCC and other regulatory approvals required to provide the service(s) or utilize the technologies sought to be installed.
7. A professional engineer licensed by the State of Washington shall certify in writing, over his or her seal, that the construction plans of the small wireless facilities and the antenna support structure or pole and foundation are designed to reasonably withstand typical loading requirements as well as wind and seismic loads.
8. Proof of a valid Bainbridge Island business license.
9. Such other information as the Director, in his/her discretion, shall deem appropriate to effectively evaluate the application based on technical, engineering, and aesthetic considerations.

Zoning Verification Letter

- A. Property location – 14-digit parcel number or site address
- B. Any known previously approved land use applications or permits.
- C. List of specific questions.

ORDINANCE NO. 2020-10

AN ORDINANCE of the City of Bainbridge Island, Washington, adopted pursuant to RCW 35A.63.220 and RCW 36.70A.390; imposing a six-month interim zoning control on the use or applicability of certain bonus density options as provided in BIMC 18.12.030.E. and the related provisions described in this ordinance; setting forth findings of fact in support of this interim zoning control; imposing the interim zoning control as described herein; stating the effect on vested rights; providing for exclusions; recognizing that a public hearing will be held within 60 days; authorizing interpretative authority; providing for severability; declaring an emergency; setting the duration; and establishing an immediate effective date.

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt interim zoning controls related to land uses; and

WHEREAS, the City Council of the City of Bainbridge Island (“City”) updated the City’s Comprehensive Plan in February of 2017; and

WHEREAS, balancing affordable housing, historic preservation, growth management, and sustainable development continues to be a local, regional, and national challenge due to many social and economic factors; and

WHEREAS, the City has encouraged affordable housing construction by adopting “bonus density” programs that allow for increases in density above the underlying zoning if the additional density creates affordable homes; and

WHEREAS, the intent of the Comprehensive Plan is to place residential density, inclusive of affordable housing, in the Winslow core area near infrastructure such as transportation hubs (e.g., ferry service, bus service, highway access), sewer, water, reliable electrical power, and retail stores; and

WHEREAS, the intent of such policies is to manage growth consistent with the Growth Management Act, reduce infrastructure costs, and follow general principles of sustainable community development; and

WHEREAS, the City Council is interested in evaluating the applicability, use, and effectiveness of the bonus density options provided for and as described in BIMC 18.12.030.E. that are being suspended by this interim zoning control, including related to the purchase of development rights, the provision of public amenities and/or infrastructure, the provision of community open space, floor area ratio transfers related to the Mixed Use Town Center and High School Road districts, and ferry-related parking; and

WHEREAS, an emergency exists necessitating adoption of this interim zoning control to suspend the use and applicability of certain bonus density options in order to preserve and protect public health, safety, and welfare; and

WHEREAS, interim zoning controls enacted under RCW 36.70A.390 and RCW 35A.63.200 are methods by which local governments may preserve the status quo so that new policies and regulations will not be rendered moot by intervening development; and

WHEREAS, this interim zoning control will provide the City with additional time to review and potentially revise its public health, safety, and welfare requirements and zoning and land use regulations related to providing density bonuses above and beyond the underlying zoning; and

WHEREAS, the City Council concludes that it must adopt this interim zoning control based on concerns as expressed in this ordinance regarding the awarding of density bonuses that are unrelated to affordable housing and historic structure preservation; and

WHEREAS, the City Council has significant concerns regarding whether the use of certain density bonus options is accomplishing the vision and goals of the City's Comprehensive Plan; and

WHEREAS, based on these and related concerns, the City Council requires additional time to review the regulations and policies at issue to ensure that the vision and goals of the City's Comprehensive Plan are being met to the Council's satisfaction; and

WHEREAS, the City Council has considered the applicability and use of bonus density options at multiple Council meetings, including on February 4, February 11, February 25, and March 3, 2020; and

WHEREAS, the City possesses land use jurisdiction and regulatory authority over the City's incorporated lands; and

WHEREAS, the interim zoning control imposed herein promotes the public good and is necessary for the protection of public health, property, safety, and welfare; and

WHEREAS, the City Council now determines that a public emergency exists requiring that this interim zoning control become effective immediately upon adoption.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as the City Council's initial findings of fact in support of the interim zoning control established by this ordinance. The City Council may, in its discretion, adopt additional findings after the public hearing referenced in Section 4 below.

Section 2. Interim Zoning Control Imposed. As authorized by the police powers of the City as set forth, for example, in Article XI, Section 11, of the Washington State Constitution, and pursuant to statutory authority set forth, for example, in RCW 36.70A.390 and RCW 35A.63.220, and unless expressly excluded under this Section 2 of this ordinance, the City hereby imposes an interim zoning control, as described in this Section 2, for all properties and development in the Mixed Use Town Center and High School Road Districts as follows:

A. Applicability.

This ordinance hereby suspends the applicability and use of BIMC 18.12.030.E, BIMC 18.27.080, and footnote three to Table 18.12.020-3 related to bonus density options.

B. Exclusions.

The following are excluded from this interim zoning control, meaning that the interim zoning control does not apply to:

1. BIMC 18.12.030.E.1. (which relates to Optional Affordable Housing).
2. BIMC 18.12.030.E.6. (which relates to Historic Structure Preservation).
3. Development projects that filed a complete land use permit application with the City and have purchased from the City or otherwise acquired development rights, including related to bonus floor area ratio, through an executed covenant, development agreement, or contract, prior to the effective date of this ordinance.

C. Effect of This Interim Zoning Control.

For clarity, attached Exhibit A shows BIMC 18.12.030.E., BIMC 18.27.080, and Table 18.12.020-3 and includes as strikethrough text the provisions of BIMC 18.12.030.E., BIMC 18.27.080, and related footnote three to Table 18.12.020-3 that are being suspended by this interim control ordinance, such that the provisions in the strikethrough text shall not be in effect and cannot be used during the period of time in which the interim official control adopted by this ordinance remains in effect.

Section 3. Effect on Vested Rights. The interim zoning control imposed under this ordinance shall operate, as of the effective date of this ordinance, to suspend the applicability or use of BIMC 18.12.030.E. and the related provisions described in this ordinance, subject to the above exclusions, for all properties and development in the Mixed Use Town Center and High School Road Districts. However, nothing in this ordinance shall be construed to extinguish, limit, or otherwise infringe on any property owner's or property leaseholder's vested development rights as defined by state law and City of Bainbridge Island regulations.

Section 4. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council shall hold a public hearing at a City Council meeting within 60 days of adoption of this ordinance in order to take public testimony and to consider adopting further findings of fact.

Section 5. Interpretive Authority. The City of Bainbridge Island Director of Planning and Community Development, or designee, is hereby authorized to issue official interpretations arising under or otherwise necessitated by this ordinance.

Section 6. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 7. Declaration of Emergency; Effective Date; Duration. This ordinance, which the City Council hereby regards as a public emergency ordinance necessary for the protection of the public health, public safety, public property, and public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641 (1995), non-exhaustive underlying facts necessary to support this emergency declaration are included in the "Whereas" clauses above, all of which are adopted by reference as findings of fact as if fully set forth herein. This interim zoning control shall take effect immediately and shall remain effective for six (6) months, unless terminated earlier by the City Council. Provided, that the Council may, at its sole discretion, renew the interim zoning control for one or more six-month periods in accordance with state law. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

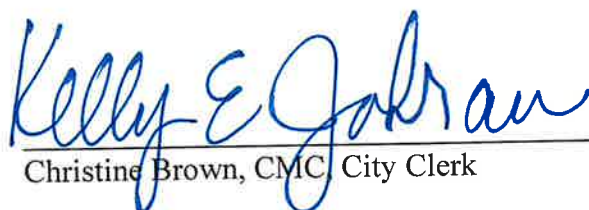
PASSED by the City Council this 10th day of March, 2020.

APPROVED by the Mayor this 10th day of March, 2020.



Leslie Schneider, Mayor

ATTEST/AUTHENTICATE:



Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:	March 6, 2020
PASSED BY THE CITY COUNCIL:	March 10, 2020
PUBLISHED:	March 13, 2020
EFFECTIVE DATE:	March 10, 2020
ORDINANCE NUMBER:	2020-10

Attached: Exhibit A: BIMC 18.12.030.E. and related provisions as above described (with applicable strikethrough text)

Exhibit A

The applicability and use of the provisions below in strikethrough text are hereby suspended by this interim control ordinance.

BIMC 18.12.030

E. Bonus Density in Winslow Mixed Use and High School Road Districts. Eligible properties may achieve a maximum level of development above the base FAR, as provided for in Table 18.12.020-3, by using one, or a combination of, the following FAR bonus provisions. The FAR bonus provisions may be combined to achieve the maximum level of development established for each district. In no case shall the total commercial, residential or mixed use FAR exceed the maximum FAR as provided for in Table 18.12.020-3.

1. Optional Affordable Housing.

a. FAR Bonus. Up to 100 percent of the maximum residential FAR bonus may come from providing affordable housing as defined in Chapter 18.36 BIMC; provided, that the difference between the base residential FAR and the maximum residential FAR shall be dedicated to affordable housing. A portion of the total floor area that is of common use and benefit to the entire residential development (for example, interior halls, stairwells, laundry rooms, exercise rooms) may be included in the calculation of the affordable housing component. This portion shall be the same percentage as the affordable housing provided. For example, if 20 percent of the living unit floor area is for affordable housing, then 20 percent of the common floor area may be included in the total affordable housing calculation. Development of the optional affordable housing shall be in accordance with Chapter 18.21 BIMC and Table 18.12.030.

Table 18.12.030: Optional Affordable Housing Bonus Summary Table

Size of Development	Residential development less than 10,000 sq. ft.	Residential development of 10,000 sq. ft. but less than 60,000 sq. ft.	Residential development more than 60,000 sq. ft.
Affordable Housing FAR Bonus	Must provide 100 percent of bonus square footage for extremely low, very low, or moderate income groups.	Must comply with following ratios: (a) 100 percent of bonus for all moderate; OR (b) 0.2 of bonus for extremely low, very low, or low income groups; 0.5 of bonus for moderate income group; and 0.3 of bonus for middle income group.	Must comply with following ratios: 0.1 of bonus for extremely low, very low or low income groups; 0.6 of bonus for moderate income group; and 0.3 of bonus for middle income group.

b. Preservation of the Islander Mobile Home Park. Preservation of the Islander Mobile Home Park as an existing park site for manufactured homes shall be encouraged through the following provisions.

i. Unused FAR from the parcel on which the mobile home park is located may be transferred to another parcel or parcels within the Mixed Use Town Center. For example, the base FAR for the mobile home park would be calculated, less the FAR of the mobile homes. In exchange for permanently preserving the mobile home park, the owner of the property may transfer the unused FAR to another parcel or parcels in the Mixed Use Town Center, where it may be used as bonus FAR above the base FAR for that district.

ii. Permanent preservation of the mobile home park may be used as an affordable housing bonus on another parcel or parcels within the Mixed Use Town Center. For example, in exchange for preserving the mobile home park, the owner of the property would be deemed to have met the affordable housing bonus provisions of subsection A.1 of this section, and could achieve the maximum FAR bonus for residential development on another parcel or parcels in the Mixed Use Town Center. The owner of the mobile home park may either apply the FAR bonus to another parcel(s) he or she owns, or transfer or sell the bonus to another property owner in the Mixed Use Town Center.

~~2. Purchase of Development Rights. Up to 100 percent of the maximum residential, commercial or mixed use FAR bonus may come from the purchase of development rights as provided for in Chapter 18.27 BIMC. The cost of development rights shall be established by resolution of the city council.~~

~~3. Public Amenities and/or Infrastructure. At the applicant's option, a portion of the bonus may be earned through the provision of public amenities, infrastructure, and/or preservation of a heritage tree(s) on site, pursuant to an adopted city council resolution clarifying the amount of credit awarded for different provision of different public amenities and/or infrastructure, as follows:~~

~~a. Up to 40 percent of the maximum residential, commercial or mixed use FAR bonus may come from monetary contributions toward public amenities and/or infrastructure beyond that required for SEPA mitigation. The amount of the contribution shall be established by resolution of the city council. Funds contributed to the public amenities and/or infrastructure shall be used exclusively in the Mixed Use Town Center or High School Road districts, for projects identified in the six-year capital facilities program, or approved by the city.~~

~~b. In lieu of the contribution of funds as provided for in subsection E.3.a of this section, and subject to approval by the director or designee, the public amenities FAR bonus may be achieved by the preservation of a heritage tree(s) on site, construction of public amenities and/or infrastructure beyond that required to mitigate the impacts of development. Public amenities and/or infrastructure projects shall be located in the Mixed Use Town Center or High School Road districts, and shall be chosen from projects identified in the six-year capital facilities program, or approved by the city.~~

4. Community Open Space. In the ferry terminal district, up to 60 percent of the maximum residential, commercial or mixed use FAR bonus may be achieved by providing community open space of one acre, or 20 percent of the parcel area, whichever is greater. The community open space shall be located in or in the immediate vicinity of locations identified in Figure 4.1 of the Winslow master plan. The open space must be located on the same parcel that is being developed, and must be on land that would be otherwise buildable. Adequate public access to the community open space must be provided. The city shall consider approving the bonus, taking into consideration the configuration, public use and accessibility of the proposed open space. In cases where a development project utilizes the community open space bonus provision in conjunction with the purchase of development rights bonus provision, all funds collected from the purchase of development rights shall go toward the preservation of agricultural lands fund.

5. Winslow Town Center Mixed Use/High School Road FAR Transfers. Up to 20 percent of the maximum residential, commercial or mixed use FAR bonus may come from transfers of FAR from parcels within the Mixed Use Town Center and the High School Road districts. The transfer shall create permanent open space through open space preservation covenants on sending parcels that contain critical areas as defined in Chapter 16.20 BIMC. For example, development potential in the ravine of the gateway district may be shifted to the upland area; provided, that the requirements of Chapter 16.20 BIMC are satisfied.

6. Historic Structure Preservation. When an historic structure is preserved on site, the FAR of that historic structure shall not be included in the calculation of total FAR for the site. The historic structure must be included on a state, local or federal register.

7. Ferry Related Parking. In the ferry terminal district, an additional 0.2 FAR may be achieved by relocating existing legal surface ferry commuter parking on site (as shown on Figure 6.2 of the Winslow master plan) to under building or below grade parking. The percentage of the additional FAR that is achieved shall be dependent upon the percentage of parking that is relocated. For example, if 50 percent of existing surface ferry commuter parking on site is relocated under building or below grade, then 50 percent of the total additional FAR (or 0.1 FAR) may be achieved.

BIMC 18.27.080

~~A. In order to use development rights to increase floor area ratio within the Mixed Use Town Center or High School Road districts as provided in BIMC 18.12.030.E, an applicant must fill out an application in a form approved by the city. The application shall include the amount of the requested increase in floor area ratio, and the fee, if any, of the increased floor area ratio. The fee for development rights to increase floor area ratio shall be established by resolution of the city council.~~

~~B. The approved application to utilize development rights to increase floor area ratio within the receiving area must be part of a site plan and design review application under BIMC Title 2. The site plan must indicate the increase in floor area ratio (FAR).~~

~~C. The use of development rights shall be reviewed for conformance with the design review provisions of BIMC 18.18.030.~~

Table 18.12.020-3

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
DIMENSIONAL STANDARD									
MAXIMUM FAR (Floor Area Ratio) [1]									
Basic Maximum									
Commercial and Other Nonresidential Uses	0.6	0.4	0.3	0.15	0.1	0.3	No max.; limited by other standards		
Residential	0.4	0.4	0.3	0.5	0.4	0.3	No FAR limit: R-2 standards apply		
Mixed Use [2]	1.0	0.5	0.5	0.5	0.5	0.3	No max.; limited by other standards		
Maximum with Bonus									

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
DIMENSIONAL STANDARD									
Commercial and Other Nonresidential Uses	1.0	0.6	0.6	0.3	0.2	0.6	Bonus densities require compliance with BIMC 18.12.030.D	N/A	N/A
	Bonus densities require compliance with BIMC 18.12.030.E								
	1.0	0.6	0.6	1.0	1.1	0.6		N/A	N/A
Residential	Bonus densities require compliance with BIMC 18.12.030.E								
	1.5	1.0	1.0	1.0	1.3 (1.5 pursuant to note [3])	1.0		N/A	N/A
	Bonus densities require compliance with BIMC 18.12.030.E								

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSRI and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Erickson Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
DIMENSIONAL STANDARD									
MINIMUM LOT DIMENSIONS									
Area	N/A	N/A	N/A	N/A	N/A	N/A	N/A	20,000 sq. ft.	20,000 sq. ft.
Depth	N/A	N/A	N/A	N/A	N/A	N/A	80	N/A	N/A
Width	N/A	N/A	N/A	N/A	N/A	N/A	80	N/A	N/A
MAXIMUM LOT COVERAGE									
	100%, excluding setbacks	35%	35% 2,500 sq. ft. max. building footprint south of Wyatt, excluding parking	35%	75%	50%	35%	35%	50%

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
DIMENSIONAL STANDARD									
			structures located below predevelopment and finished grade						
SETBACKS (Minimum required unless otherwise noted) [4] Note: Landscaped areas may serve as setbacks and, in some cases, may exceed the setback requirements. Note: Additional setbacks may be required by: (a) Chapter 16.12 BIMC, Shoreline Master Program; or (b) Chapter 16.20 BIMC, Critical Areas; or (c) BIMC 16.28.040, mining regulations; or (d) BIMC 18.09.030, Use Specific Standards; or (e) BIMC 18.12.030.F, Shoreline Structure Setbacks.									

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
DIMENSIONAL STANDARD									
Front									
	Commercial: 5 ft. max. from sidewalk; Residential: 10 ft. min. and 20 ft. max. from Madison Ave. sidewalk	10 ft. min., 20 ft. max.	15 ft. min., 20 ft. max.	5 ft. max. from sidewalk	5 ft. max. from sidewalk except as modified by transition standards in BIMC 18.12.030.C	10 ft. max. from sidewalk	0 ft. min., 20 ft. max. from any street, planned right-of-way or road easement, unless otherwise provided under special planning	50 ft. min. along any public right-of-way	40 ft. min. from property in residential districts; 10 ft. min. for all other

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center						NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]	HSR I and II			
DIMENSIONAL STANDARD									
Side							area provisions		
	0 ft.; 5 ft. min. when property abuts the Madison Avenue or Ericksen Avenue overlay districts	0 ft.; 5 ft. min. when property abuts the central core overlay district	5 ft. min.	0 ft.	0 ft.	0 ft.	0 ft. when property abuts another NC zone; 15 ft. when property abuts a residential zone	10 ft.; 50 ft. when abutting a residentially zoned property. The city may increase this to a maximum of 100 ft.	40 ft. min. from property in residential districts; 10 ft. min. for all other

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
DIMENSIONAL STANDARD								depending on the type, scale, and intensity of the proposed use, subject to site plan review.	
Rear									
	0 ft.; 5 ft. min. when property abuts the Madison	0 ft.; 5 ft. min. when property abuts	0 ft.; 5 ft. min. when property abuts the central core or Madison	0 ft.	0 ft.	0 ft.	0 ft. when property abuts another NC zone; 15 ft.	15 ft. min.; 50 ft. min. when abutting a residential	40 ft. min. from property in residential districts;

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Erickson Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]			
DIMENSIONAL STANDARD	Avenue or Erickson Avenue overlay districts	the Central Core or Erickson Avenue overlay districts	Avenue overlay districts			when property abuts a residential zone	district. City may increase to a maximum of 100 ft. based on type, scale, and intensity of proposed use, subject to site plan review.	10 ft. min. for all other
Shoreline Jurisdiction	See Table 16.12.030-2, Dimensional Standards Table, and BIMC 18.12.030.F, Shoreline Structure Setback Lines							

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
DIMENSIONAL STANDARD									
MAXIMUM BUILDING HEIGHT [5]									
Note: Bonus may not be available in the shoreline jurisdiction									
Base	35 ft.; 25 ft. max. south of Parfitt	25 ft.; 35 ft. north of High School Road	25 ft.	35 ft.	BIMC 18.12.030.C standard height north of Winslow Way; 35 ft. south of Winslow Way	35 ft.	35 ft.	35 ft.	35 ft. except that Chapter 16.12 BIMC applies within shoreline jurisdiction
Bonus 1 if parking under building [6]	45 ft.; 35 ft. south of Parfitt	35 ft.; 45 ft. north of	35 ft.	45 ft.	BIMC 18.12.030.C optional	45 ft.			

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
DIMENSIONAL STANDARD		High School Road			height north of Winslow Way; 45 ft. south of Winslow Way				
Bonus 2 for Nonresidential Uses with Major Conditional Use Permit							45 ft.	45 ft.	45 ft.

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]	
DIMENSIONAL STANDARD						NC
Bonus 3 Structure Height	Alternative height limits may apply if the conditional use permit provisions of BIMC Title 2 are met. Some encroachments through height limits are permitted under BIMC 18.12.040.					B/I
						HSR I and II

[1] If the existing FAR for a developed property as of May 21, 1998, is higher than the base FAR for that district, then the existing FAR will be considered the base FAR for that developed property. Total FAR may not be exceeded.

[2] In mixed use development, the established FAR in the residential and commercial components shall not be exceeded. For the residential FAR bonus provisions for qualifying housing design demonstration project, refer to the bonus density provisions in BIMC 2.16.020.S.8.

[3] In mixed use development in the ferry terminal district, an additional 0.2 FAR is permitted in accordance with BIMC 18.12.030.E.7. The additional FAR may be applied to either the residential or commercial component of the mixed use development.

[4] When property adjoins a single-family residential zone, building setback shall be in accordance with the landscape ordinance perimeter landscaping requirements.

[5] When property adjoins a lower density residential zone, except in the ferry terminal district, north of Winslow Way, for the first 30 feet of the building from the property line of an adjoining lower density residential zone, the building height shall be the building height of the adjoining lower density residential zone. Optional building height allowed in the adjoining lower density residential district through a conditional use permit may be requested for projects within the Mixed Use Town Center and High School Road zones through the site plan review process. For building height requirements in the ferry terminal district, north of Winslow Way, reference BIMC 18.12.030.C.

[6] The bonus height is only available for the entire building if parking is located under more than 50 percent of the building footprint. If parking is located under 50 percent or less of the building footprint, the bonus may only be used for a portion of the building footprint twice as large as the area with parking located beneath.

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
DIMENSIONAL STANDARD									
MAXIMUM FAR (Floor Area Ratio) [1]									
Basic Maximum									
Commercial and Other Nonresidential Uses	0.6	0.4	0.3	0.15	0.1	0.3	No max.; limited by other standards		
Residential	0.4	0.4	0.3	0.5	0.4	0.3	No FAR limit: R-2 standards apply		
Mixed Use [2]	1.0	0.5	0.5	0.5	0.5	0.3	No max.; limited by other standards		
Maximum with Bonus									
Commercial and Other Nonresidential Uses	1.0	0.6	0.6	0.3	0.2	0.6	Bonus densities require compliance with BIMC 18.12.030.D	N/A	N/A

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
DIMENSIONAL STANDARD									
	Bonus densities require compliance with BIMC 18.12.030.E								
Residential	1.0	0.6	0.6	1.0	1.1	0.6		N/A	N/A
	Bonus densities require compliance with BIMC 18.12.030.E								
Mixed Use [2]	1.5	1.0	1.0	1.0	1.3 (1.5 pursuant to note [3])	1.0		N/A	N/A
	Bonus densities require compliance with BIMC 18.12.030.E								
MINIMUM LOT DIMENSIONS									
Area	N/A	N/A	N/A	N/A	N/A	N/A	N/A	20,000 sq. ft.	20,000 sq.ft.
Depth	N/A	N/A	N/A	N/A	N/A	N/A	80	N/A	N/A
Width	N/A	N/A	N/A	N/A	N/A	N/A	80	N/A	N/A
MAXIMUM LOT COVERAGE									

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
DIMENSIONAL STANDARD	100%, excluding setbacks	35%	35% 2,500 sq. ft. max. building footprint south of Wyatt, excluding parking structures located below predevelopment and finished grade	35%	75%	50%	35%	35%	50%
SETBACKS (Minimum required unless otherwise noted) [4] Note: Landscaped areas may serve as setbacks and, in some cases, may exceed the setback requirements. Note: Additional setbacks may be required by: (a) Chapter 16.12 BIMC, Shoreline Master Program; or									

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I				
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]								
DIMENSIONAL STANDARD													
(b) Chapter 16.20 BIMC, Critical Areas; or													
(c) BIMC 16.28.040 , mining regulations; or													
(d) BIMC 18.09.030 , Use Specific Standards; or													
(e) BIMC 18.12.030.F , Shoreline Structure Setbacks.													
Front													
	Commercial: 5 ft. max. from sidewalk; Residential: 10 ft. min. and 20 ft. max. from Madison Ave. sidewalk	10 ft. min., 20 ft. max.	15 ft. min., 20 ft. max.	5 ft. max. from sidewalk	5 ft. max. from sidewalk except as modified by transition standards in BIMC 18.12.030.C	10 ft. max. from sidewalk	0 ft. min., 20 ft. max from any street, planned right-of-way or road easement, unless otherwise provided under special planning area provisions	50 ft. min. along any public right-of-way	40 ft. min. from property in residential districts; 10 ft. min. for all other				

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
DIMENSIONAL STANDARD									
Side									
	0 ft.; 5 ft. min. when property abuts the Madison Avenue or Ericksen Avenue overlay districts	0 ft.; 5 ft. min. when property abuts the central core overlay district	5 ft. min.	0 ft.	0 ft.	0 ft.	0 ft. when property abuts another NC zone; 15 ft. when property abuts a residential zone	10 ft.; 50 ft. when abutting a residentially zoned property. The city may increase this to a maximum of 100 ft. depending on the type, scale, and intensity of	40 ft. min. from property in residential districts; 10 ft. min. for all other

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
DIMENSIONAL STANDARD									
								the proposed use, subject to site plan review.	
Rear									
	0 ft.; 5 ft. min. when property abuts the Madison Avenue or Ericksen Avenue overlay districts	0 ft.; 5 ft. min. when property abuts the Central Core or Ericksen Avenue	0 ft.; 5 ft. min. when property abuts the central core or Madison Avenue overlay districts	0 ft.	0 ft.	0 ft.	0 ft. when property abuts another NC zone; 15 ft. when property abuts a residential zone	15 ft. min.; 50 ft. min. when abutting a residential district. City may increase to a maximum of 100 ft.	40 ft. min. from property in residential districts; 10 ft. min. for all other

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
DIMENSIONAL STANDARD		overlay districts						based on type, scale, and intensity of proposed use, subject to site plan review.	
Shoreline Jurisdiction	See Table 16.12.030 -2, Dimensional Standards Table, and BIMC 18.12.030 .F, Shoreline Structure Setback Lines								
MAXIMUM BUILDING HEIGHT [5]									
Note: Bonus may not be available in the shoreline jurisdiction									
Base	35 ft.; 25 ft. max. south of Parfitt	25 ft.; 35 ft. north of	25 ft.	35 ft.	BIMC 18.12.030 .C standard height north of Winslow	35 ft.	35 ft.	35 ft.	35 ft. except that Chapter 16.12 BIMC

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
DIMENSIONAL STANDARD									
		High School Road			Way; 35 ft. south of Winslow Way				applies within shoreline jurisdiction
Bonus 1 if parking under building [6]	45 ft.; 35 ft. south of Parfitt	35 ft.; 45 ft. north of High School Road	35 ft.	45 ft.	BIMC 18.12.030.C optional height north of Winslow Way; 45 ft. south of Winslow Way	45 ft.			
Bonus 2 for Nonresidential Uses with Major Conditional Use Permit							45 ft.	45 ft.	45 ft.

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I				
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]								
DIMENSIONAL STANDARD													
Bonus 3 Structure Height	Alternative height limits may apply if the conditional use permit provisions of BIMC Title 2 are met. Some encroachments through height limits are permitted under BIMC 18.12.040 .												

[1] If the existing FAR for a developed property as of May 21, 1998, is higher than the base FAR for that district, then the existing FAR will be considered the base FAR for that developed property. Total FAR may not be exceeded.

[2] In mixed use development, the established FAR in the residential and commercial components shall not be exceeded. For the residential FAR bonus provisions for qualifying housing design demonstration project, refer to the bonus density provisions in BIMC [2.16.020](#).S.8.

[3] In mixed use development in the ferry terminal district, an additional 0.2 FAR is permitted in accordance with BIMC [18.12.030](#).E.7. The additional FAR may be applied to either the residential or commercial component of the mixed use development.

[4] When property adjoins a single-family residential zone, building setback shall be in accordance with the landscape ordinance perimeter landscaping requirements.

[5] When property adjoins a lower density residential zone, except in the ferry terminal district, north of Winslow Way, for the first 30 feet of the building from the property line of an adjoining lower density residential zone, the building height shall be the building height of the adjoining lower density residential zone. Optional building height allowed in the adjoining lower density residential district through a conditional use permit may be requested for projects within the Mixed Use Town Center and High School Road zones through the site plan review process. For building height requirements in the ferry terminal district, north of Winslow Way, reference BIMC [18.12.030](#).C.

[6] The bonus height is only available for the entire building if parking is located under more than 50 percent of the building footprint. If parking is located under 50 percent or less of the building footprint, the bonus may only be used for a portion of the building footprint twice as large as the area with parking located beneath.

(Ord. 2019-03 § 8, 2019; Ord. 2017-02 §§ 1, 22 (Exh. B), 2017; Ord. 2013-25 § 6 (Exh. B), 2013; Ord. 2012-10 § 1, 2012; Ord. 2011-02 § 2 (Exh. A), 2011)

**Recommendations from the Subcommittee (Chester / Paar / Quitslund)
for Discussion in the Planning Commission's Meeting on May 28, 2020**

We recommend reducing reliance on Bonus FAR, and limiting the use of this incentive to projects that achieve specific community benefits.

For some uses, Base FAR allowances should be raised somewhat above current levels. A project that is well suited to its context and meets our design guidelines and standards should be feasible within the limits set by Base FAR allowances. Those limits will take into account the development potential of the different overlay districts in the MUTC and High School Road districts, and the appropriateness in each of certain types of development.

We recommend discontinuing the provisions by which Bonus FAR is achieved by providing an amenity or a public benefit that is external to the project (#3 in the subsections of BIMC 18.12.030.E). Also, provisions for "Community Open Space" (#4 in .030.E) and preservation of a "heritage tree" (#3.b) should not be grounds for an award of Bonus FAR.

Bonus FAR should be made available in order to achieve, within the project itself, specific community benefits that would otherwise not be feasible.

Examples of such community benefits:

1. Parking under the building, reducing or eliminating the need for parking on the street or in a dedicated surface lot.
2. Moderately priced market-rate housing combined with housing for income-qualified tenants.
3. Preservation of a historic structure in such a way that it becomes a functional part of the re-development.

In accordance with the guidelines and standards in *Design for Bainbridge*, projects governed by the Base and Bonus FAR allowances and other dimensional standards must be responsive to their immediate urban context and consistent with the goals and policies of the *Comprehensive Plan* and the *Winslow Master Plan*.

After revision, in **BIMC 18.12** and its Table of **FAR-Based Dimensional Standards**, the allowances should not be regarded as "set in stone" or as conferring any right to develop to the limit. They should be reviewed periodically and revised in the light of experience, as circumstances in the community and the built environment change.

Several of the provisions in the current **BIMC 18.12.030.E** involve some type of purchase or transfer of Bonus FAR. These practices should be discontinued. In subsection .030.E.1.b, there is reference to "unused FAR" in the mobile home park. Any remaining units of value in this account should be purchased by COBI and transferred to a 'development bank' account. In subsection .030.E.5, there is reference to "development potential" in such parts of the town center as the Winslow Ravine. If this potential can be monetized, it belongs in the same 'development bank' account.

We recommend the development of a T D R program (see #2 in subsection .030.E) but see it as a complicated undertaking that, for the time being, should be sidetracked.