



**PLANNING COMMISSION SPECIAL MEETING  
THURSDAY, JULY 23, 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.

PLEASE CLICK THE LINK BELOW TO JOIN THE WEBINAR:  
[HTTPS://BAINBRIDGEWA.ZOOM.US/J/99093163225](https://bainbridgewa.zoom.us/j/99093163225)

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WEBINAR ID: 990 9316 3225

INTERNATIONAL NUMBERS AVAILABLE: [HTTPS://BAINBRIDGEWA.ZOOM.US/J/99093163225](https://bainbridgewa.zoom.us/j/99093163225)

**AGENDA**

1. **CALL TO ORDER/ROLL CALL - 6:00 PM**
2. **PUBLIC PARTICIPATION MEETING - 6:05 PM**
  - 2.a **(6:05 PM) Messenger House Phase II** 45 Minutes  
[200717\\_Messenger House DGM PKG.pdf](#)
3. **PUBLIC COMMENT - 6:50 PM**  
Public comment on off-agenda items.
4. **UNFINISHED BUSINESS - 7:00 PM**
  - 4.a **(7:00 PM) Ordinance No. 2020-04, Adopting Small Wireless Facility Design Standards** 30 Minutes  
[Ordinance No. 2020-04, Adopting Small Wireless Facility Design Standards - For 7-23-2020 PCM - Clean Copy](#)

**5. NEW BUSINESS - 7:30 PM**

- 5.a (7:30 PM) Review and Discussion of the 2021-26 Draft Capital Improvement Plan** 30 Minutes  
PC\_CIP Presentation 072320.pdf  
CIP Project List\_DRAFT.pdf
- 5.b (8:00 PM) Commission Top Affordable Housing Initiatives and Land Use Code Priorities** 20 Minutes

**6. PLANNING DIRECTOR'S REPORT - 8:20 PM**

**7. ADJOURNMENT - 8:30 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](mailto: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](mailto: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:** July 23, 2020

**ESTIMATED TIME:** 45 Minutes

**AGENDA ITEM:** (6:05 PM) Messenger House Phase II

**AGENDA CATEGORY:** Discussion

**PROPOSED BY:** Kelly Tayara

**PREVIOUS PLANNING COMMISSION  
REVIEW DATE(S):** None.

**PREVIOUS COUCIL REVIEW DATE(S):** None,

**RECOMMENDED MOTION:**  
Presentation and Discussion

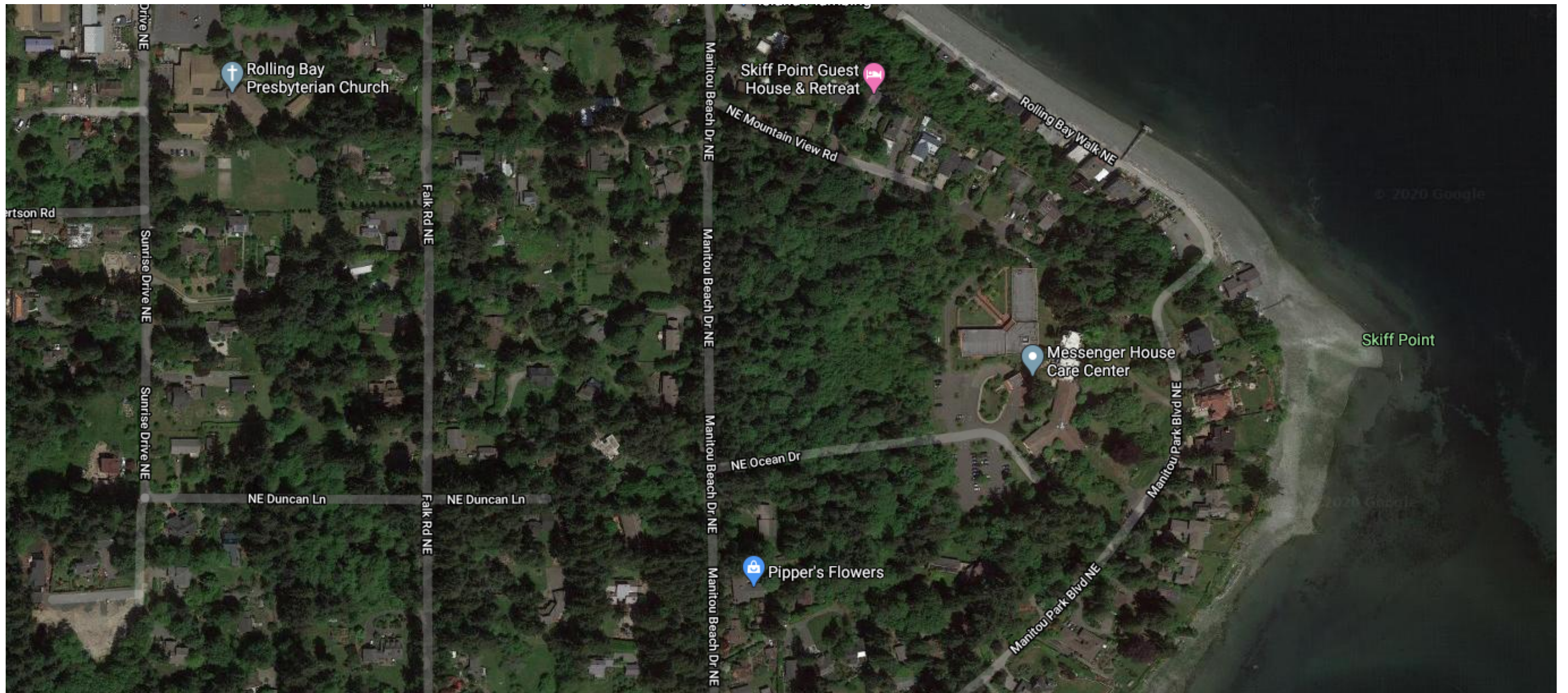
**SUMMARY:**  
Public Participation Meeting is required as part of the preapplication phase of the proposed development.

**BACKGROUND:** Messenger House Phase II is a proposal to replace a one-story building wing with a 55,000 square-foot, three-story building. The property is located at 10861 NE Manitou Park Blvd.

A proposal was reviewed by the Design Review Board (DRB) in Conceptual and Design Guidance meetings. The DRB requested that the applicant revise the proposal to better meet Design Standards and Guidelines, and requested that the revised proposal be presented at a Public Participation meeting prior to a second Design Guidance meeting and preapplication conference.

**ATTACHMENTS:**





## AERIAL CONTEXT

MESSENGER HOUSE PHASE 2 - DESIGN GUIDANCE REVIEW  
BAINBRIDGE ISLAND, WA



06/12/20





SITE BOUNDARIES



06/12/20

## SITE AERIAL

MESSINGER HOUSE PHASE 2 - DESIGN GUIDANCE REVIEW  
BAINBRIDGE ISLAND, WA





VIEW FROM MANITOU BLVD



VIEW FROM OCEAN DR/PARKING LOT

## STREET VIEWS

# MESSENGER HOUSE - CONCEPT REVIEW

BAINBRIDGE ISLAND, WA

03/20/2020





1917 MORAN SCHOOL

03/20/2020

## MESSENGER HOUSE - CONCEPT REVIEW

BAINBRIDGE ISLAND, WA





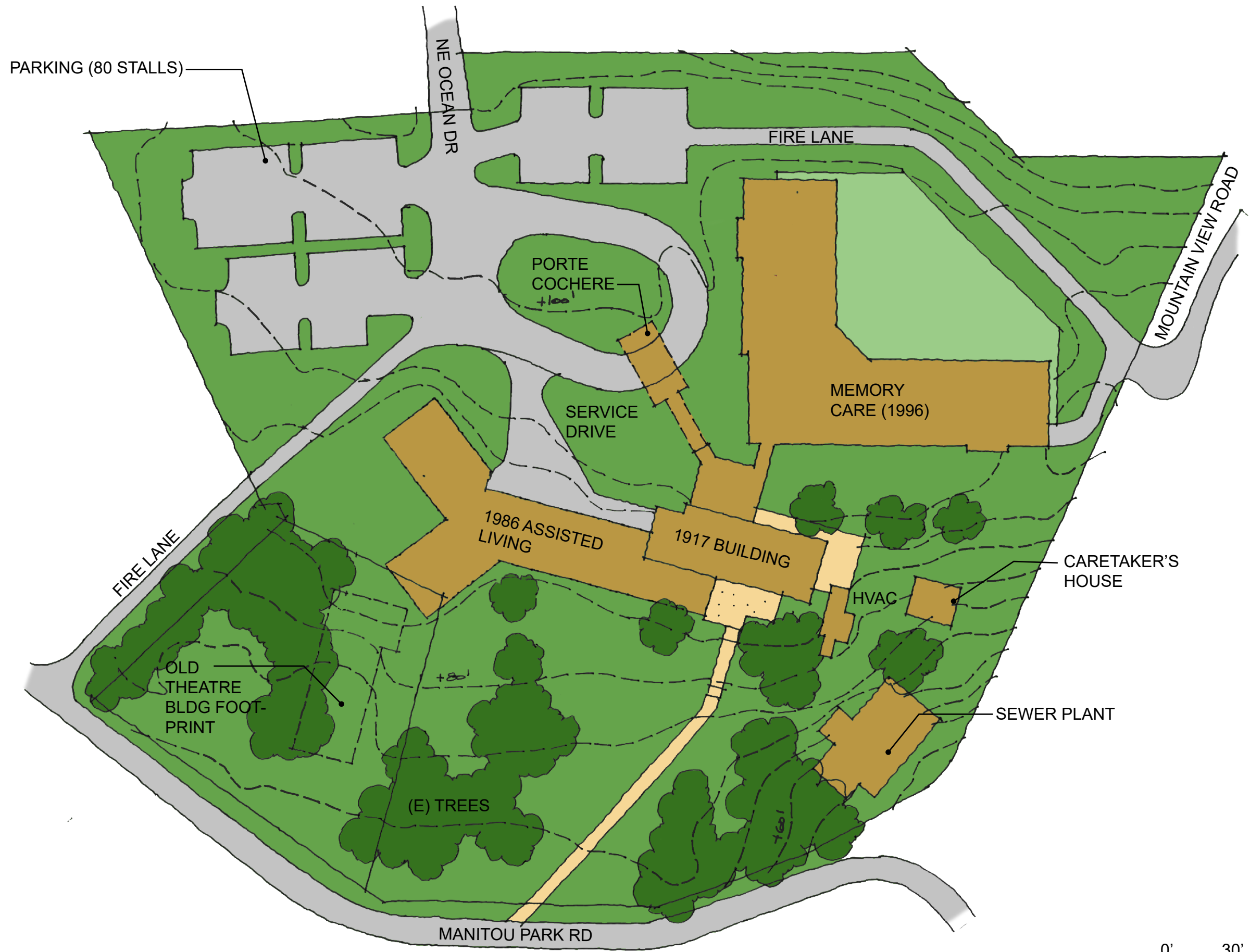
HISTORIC THEATRE BUILDING

03/20/2020

## MESSENGER HOUSE - CONCEPT REVIEW

BAINBRIDGE ISLAND, WA





## SITE PLAN - EXISTING

# MESSENGER HOUSE - CONCEPT REVIEW

BAINBRIDGE ISLAND, WA

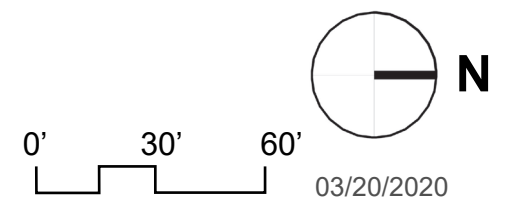




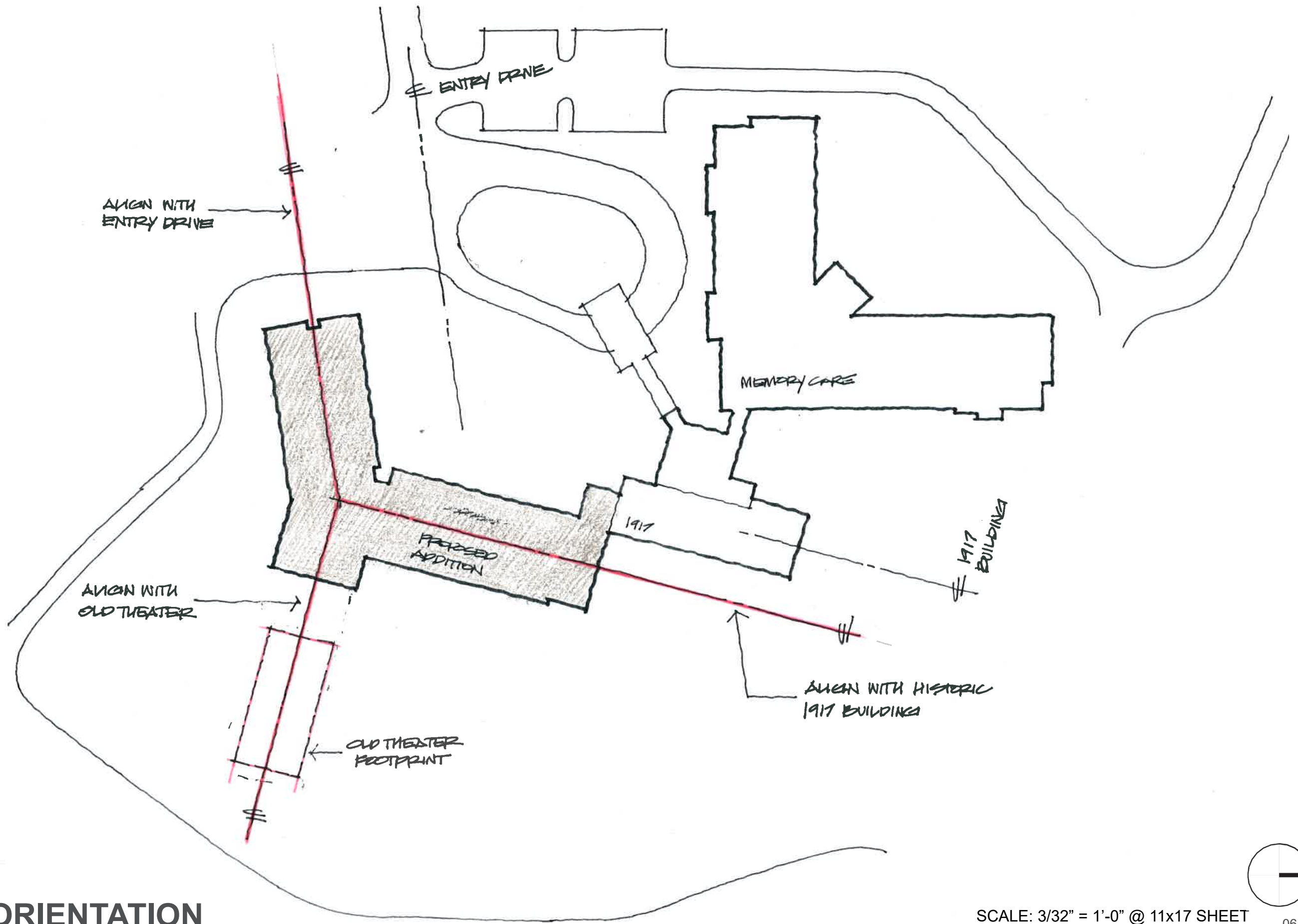
**SITE PLAN - PRELIMINARY PROPOSAL**

**MESSENGER HOUSE - CONCEPT REVIEW**

BAINBRIDGE ISLAND, WA







# BUILDING ORIENTATION

MESSANGER HOUSE PHASE 2- DESIGN GUIDANCE REVIEW  
BAINBRIDGE ISLAND, WA

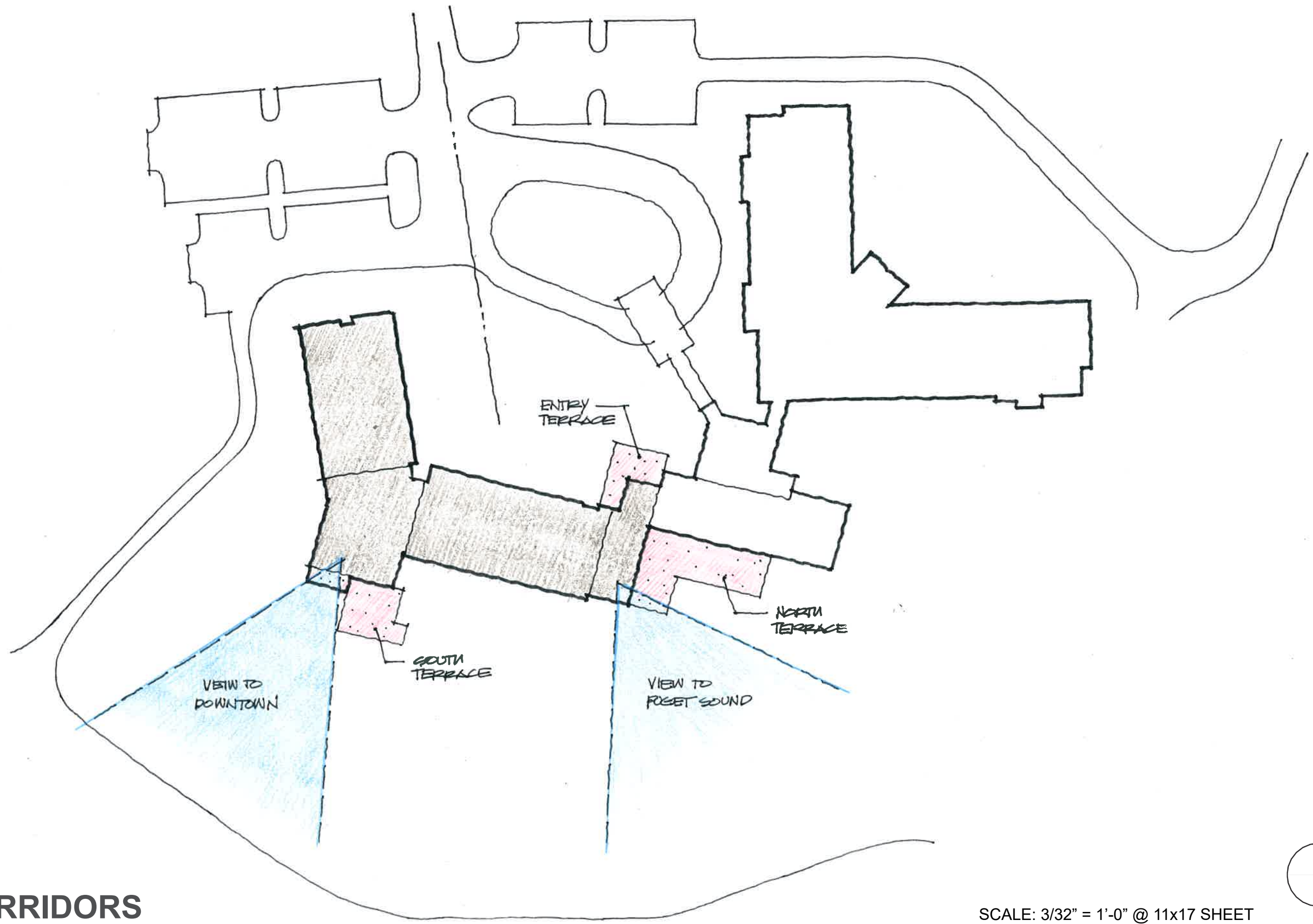
SCALE: 3/32" = 1'-0" @ 11x17 SHEET

06/16/20



WENZLAU ARCHITECTS

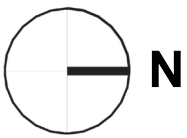




**VIEW CORRIDORS**

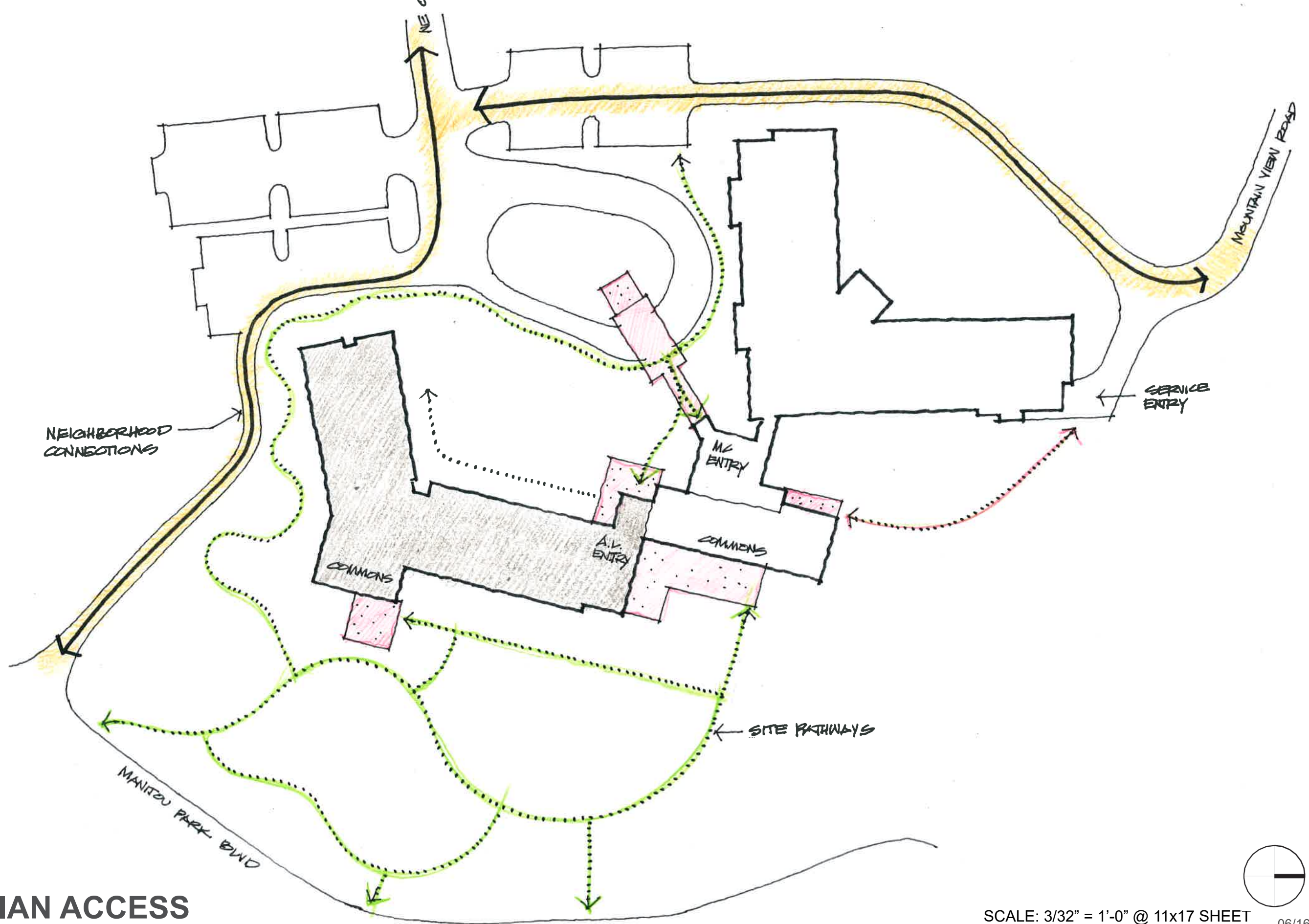
MESSENGER HOUSE PHASE 2- DESIGN GUIDANCE REVIEW  
BAINBRIDGE ISLAND, WA

SCALE: 3/32" = 1'-0" @ 11x17 SHEET



06/16/20





## PEDESTRIAN ACCESS

MESSINGER HOUSE PHASE 2- DESIGN GUIDANCE REVIEW  
BAINBRIDGE ISLAND, WA

SCALE: 3/32" = 1'-0" @ 11x17 SHEET

06/16/20



WENZLAU ARCHITECTS









LEGEND

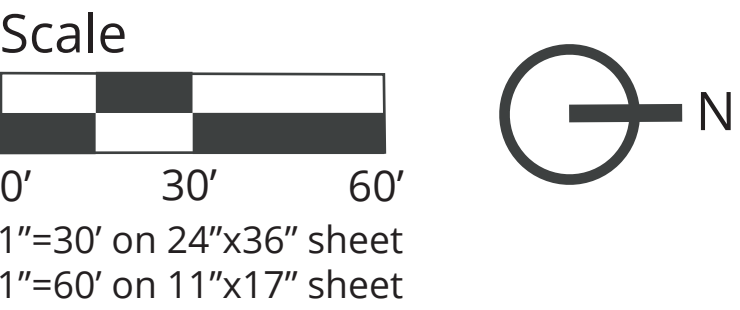
- TREES TO BE RETAINED
- TREES WITHIN BUFFERS OR OUTSIDE OF PROPERTY LINE THAT WILL BE PROTECTED (TREE UNITS NOT INCLUDED)
- ELECTIVE RETENTION TREES (TREE UNITS NOT INCLUDED)
- TREES TO BE REMOVED (EITHER DUE TO DEVELOPMENT OR POOR TREE HEALTH) - SEE ARBORIST REPORT DATED 6/24/2020

TREE RETENTION SUMMARY

- TOTAL PARCEL AREA (7.0 ACRES)  
TREE UNITS REQUIRED 40 T.U.'s/ACRE = 280 T.U.'s REQUIRED
- TREE UNITS RETAINED = 171  
NEW TREE UNITS (PROPOSED) = 109 (POTENTIAL LOCATIONS)  
TOTAL TREE UNITS = 280
- TOTAL AREA OF 7 ACRES INCLUDES BUFFER AREAS. NO TREES IN BUFFERS ARE INCLUDED IN THE QUANTITIES ABOVE.
  - SEVERAL EXISTING TREES IN THE PARKING LOT AND ON NORTH SIDE OF PARKING LOT AND FIRE ACCESS ROAD WILL NOT BE IMPACTED AND ARE NOT CURRENTLY SHOWN.
  - TREE RETENTION PER COBI 18.15.010.G

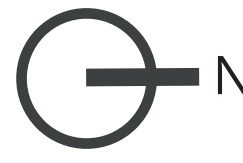
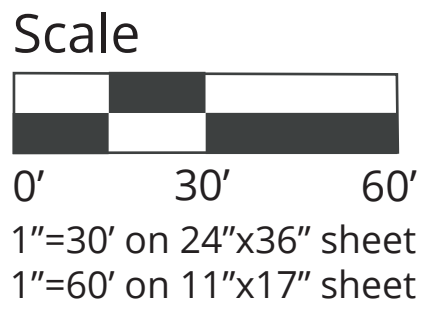
TREE RETENTION DATA

| TREE # | SPECIES              | DIAMETER (INCHES) | TREE UNITS |
|--------|----------------------|-------------------|------------|
| 401    | DOUGLAS FIR          | 32                | 9          |
| 402    | DOUGLAS FIR          | 43                | 12         |
| 403    | DOUGLAS FIR          | 18                | 3.2        |
| 404    | AMERICAN ELM         | 22.5              | 4.6        |
| 408    | COPPER BEECH         | 50                | 13.8       |
| 409    | WESTERN RED CEDAR    | 55                | 13.8       |
| 410    | AMERICAN ELM         | 45                | 12.6       |
| 411    | CRYPTOMERIA          | 25                | 6.2        |
| 412    | SYCAMORE             | 39                | 10.8       |
| 413    | AMERICAN ELM         | 45                | 12.6       |
| 416    | SCARLET OAK          | 26                | 6.2        |
| 418    | SUGAR MAPLE          | 28                | 7          |
| 419    | DOUGLAS FIR          | 30                | 7.8        |
| 420    | DOUGLAS FIR          | 30                | 7.8        |
| 421    | DOUGLAS FIR          | 35                | 9.6        |
| 424    | LAWSONS CYPRESS      | 45                | 12.6       |
| 425    | LAWSONS CYPRESS      | 28                | 7          |
| 428    | LIQUIDAMBAR          | 11.5              | 1.4        |
| 429    | CYPRESS              | 18                | 3.2        |
| 430    | CHAMAECYPARIS        | 17                | 3.2        |
| 435    | THREADBRANCH CYPRESS | 25                | 6.2        |



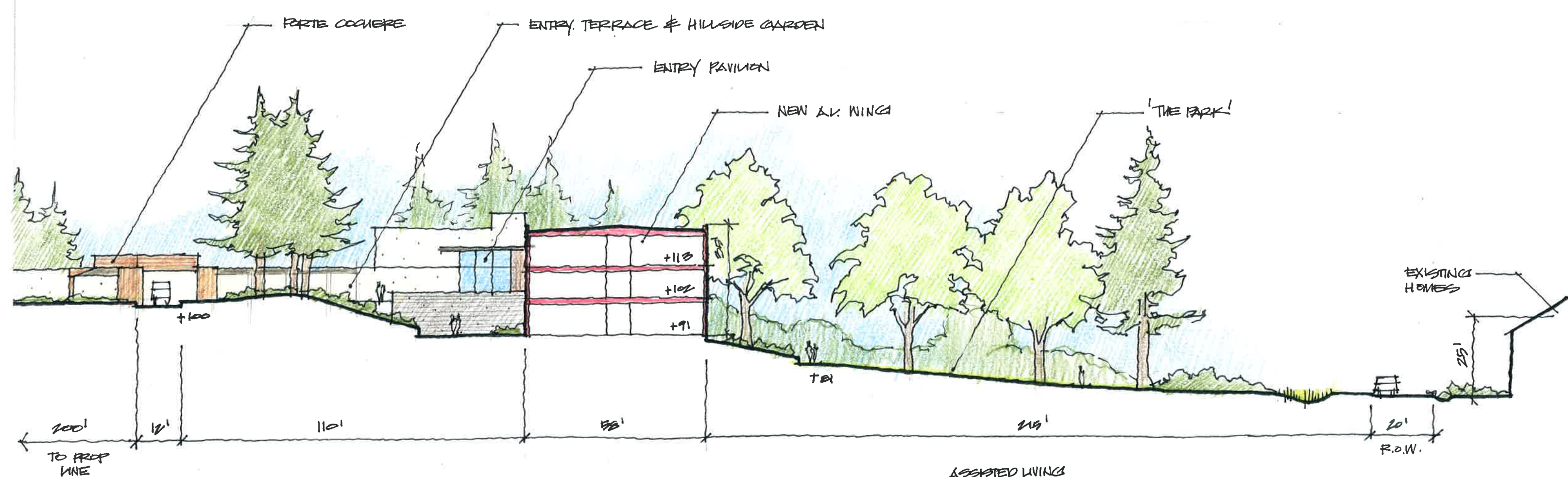
MESSANGER HOUSE PHASE 2 - TREE RETENTION





# MESSINGER HOUSE PHASE 2 - ADA ACCESS ROUTES





LATITUDINAL SITE SECTION - LOOKING NORTH



LONGITUDINAL SITE SECTION - LOOKING EAST

## PRELIMINARY SITE SECTIONS

SCALE: 3/32" = 1'-0" @ 11x17 SHEET

06/16/20

MESSANGER HOUSE PHASE 2- DESIGN GUIDANCE REVIEW

BAINBRIDGE ISLAND, WA





## RENDER - VIEW @ ENTRY

NOT TO SCALE 07/20/20

MESSANGER HOUSE PHASE 2- DESIGN GUIDANCE REVIEW #2  
BAINBRIDGE ISLAND, WA





## RENDER - VIEW ALONG EASTER FACADE

NOT TO SCALE 07/20/20

MESSINGER HOUSE PHASE 2- DESIGN GUIDANCE REVIEW #2  
BAINBRIDGE ISLAND, WA





## RENDER - VIEW FROM SOUTH

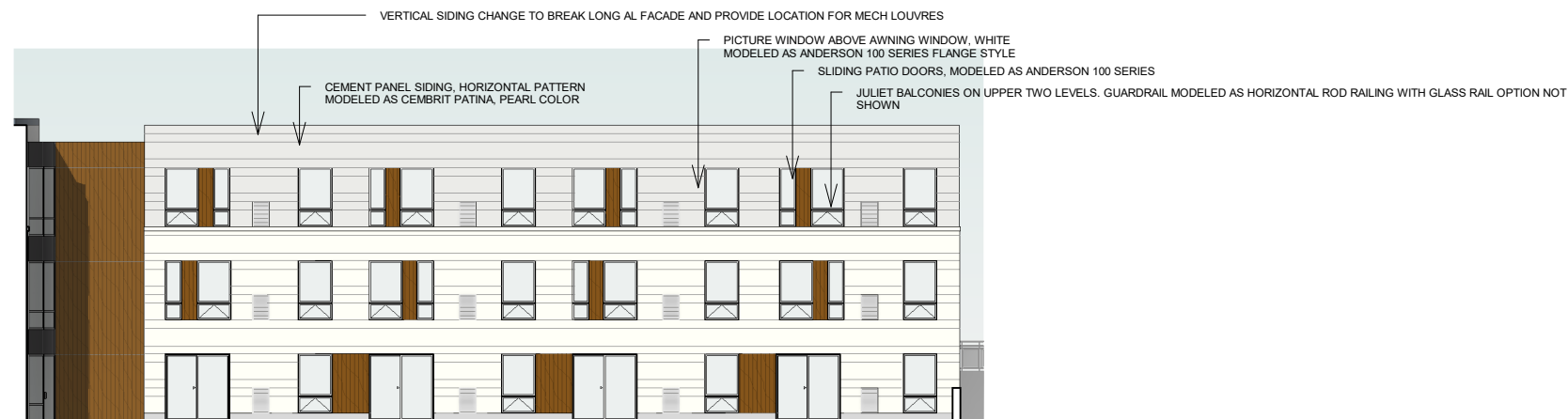
NOT TO SCALE 07/20/20

MESSINGER HOUSE PHASE 2- DESIGN GUIDANCE REVIEW #2  
BAINBRIDGE ISLAND, WA

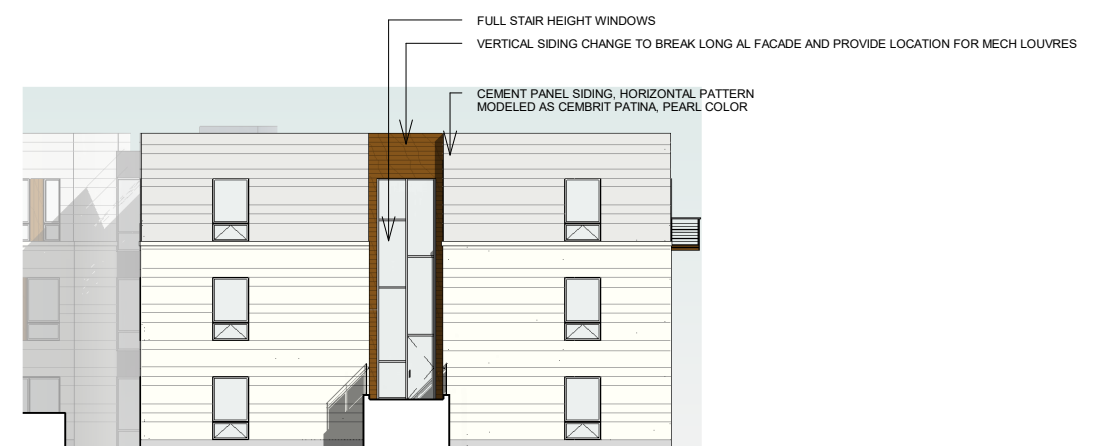




**SOUTH AL - SOUTH**



**SOUTH AL - NORTH**



**SOUTH AL - WEST**

## PRELIMINARY ELEVATIONS

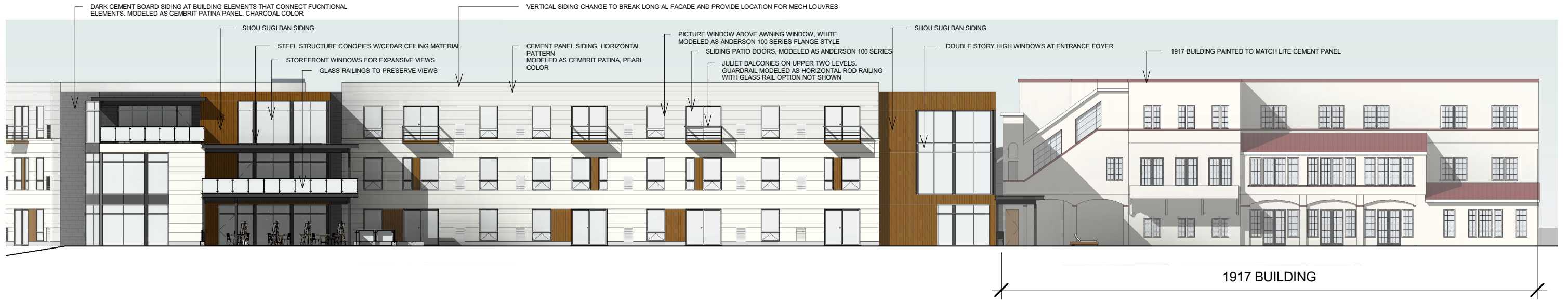
MESSENGER HOUSE PHASE 2- DESIGN GUIDANCE REVIEW #2

BAINBRIDGE ISLAND, WA

SCALE: 3/64" = 1'-0" @ 11x17 SHEET

07/20/20

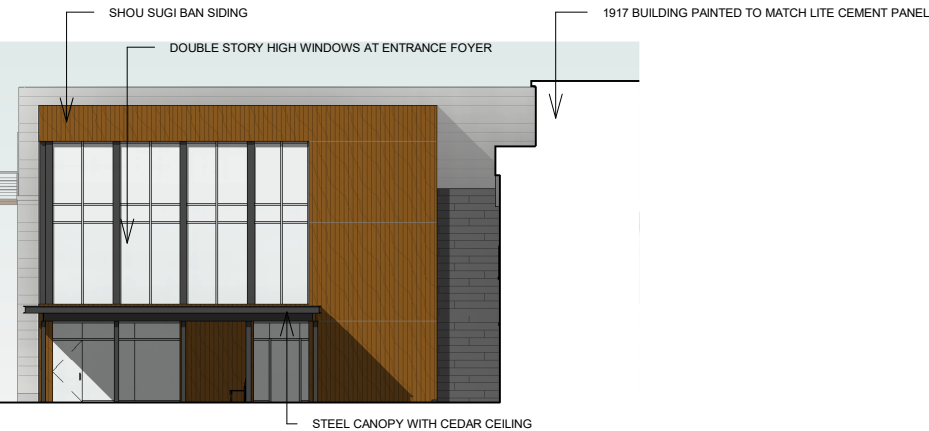




NORTH AL - EAST



NORTH AL - WEST



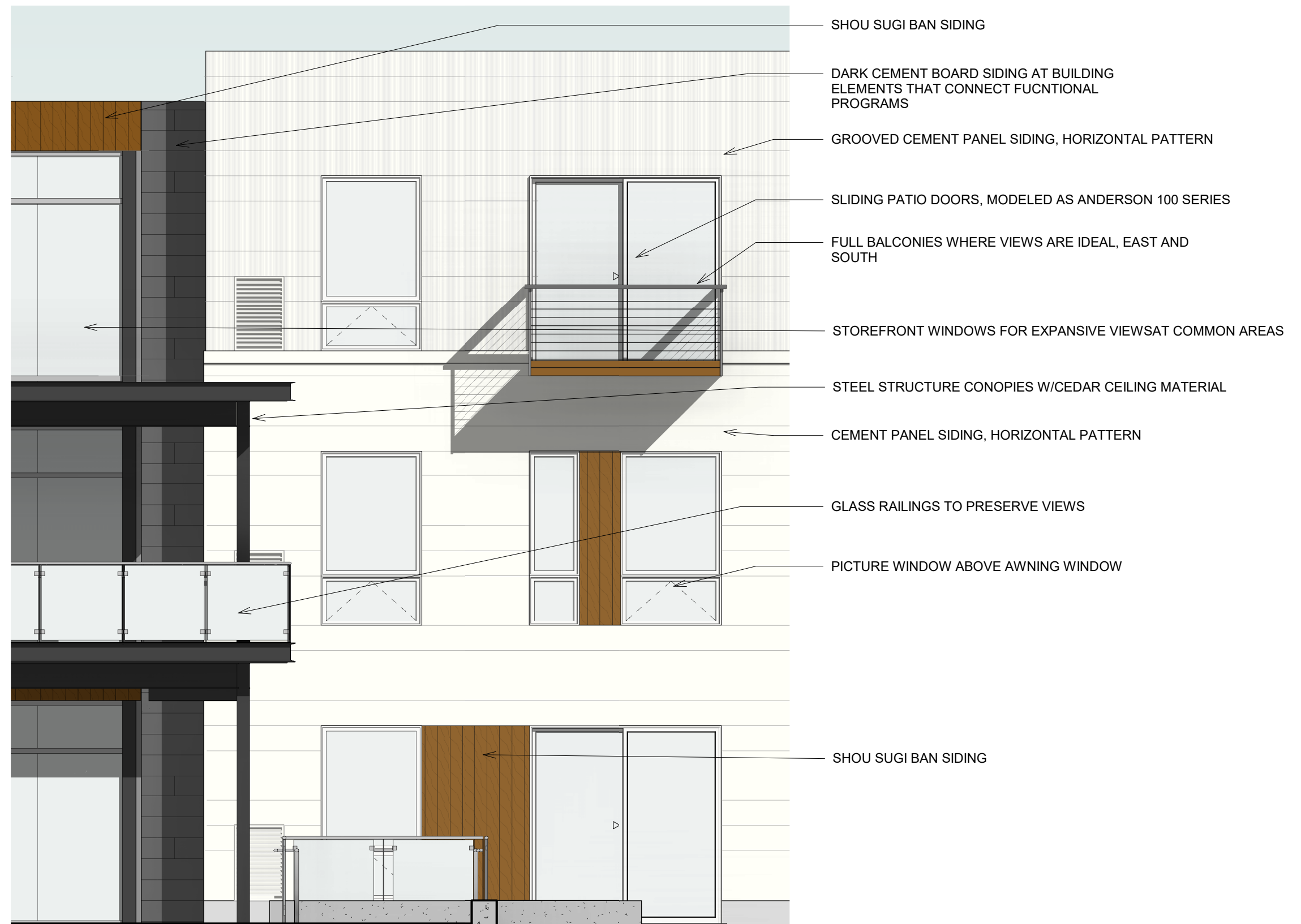
NORTH AL - @ FITNESS

# PRELIMINARY ELEVATIONS

MESSANGER HOUSE PHASE 2- DESIGN GUIDANCE REVIEW #2  
 BAINBRIDGE ISLAND, WA

SCALE: 3/64" = 1'-0" @ 11x17 SHEET 07/20/20





## PARTIAL ELEVATION

NOT TO SCALE 07/20/20

MESSENGER HOUSE PHASE 2- DESIGN GUIDANCE REVIEW #2

BAINBRIDGE ISLAND, WA



1917 BUILDING SQUARE FOOTAGES

GARDEN LEVEL: 6,270 SF  
MAIN LEVEL: 6,100 SF  
SECOND LEVEL: 4,190 SF

TOTAL 16,560 SF

ASSISTED LIVING SQUARE FOOTAGES

GARDEN LEVEL: 18,575 SF  
MAIN LEVEL: 17,990 SF  
SECOND LEVEL: 15,895 SF

TOTAL 52,460 SF

FLOOR PLAN - GARDEN LEVEL

MESSANGER HOUSE PHASE 2- DESIGN GUIDANCE REVIEW  
BAINBRIDGE ISLAND, WA

SCALE: 3/32" = 1'-0" @ 11x17 SHEET

06/16/20



**1917 BUILDING SQUARE FOOTAGES**

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SECOND LEVEL: 4,190 SF

**TOTAL 16,560 SF**

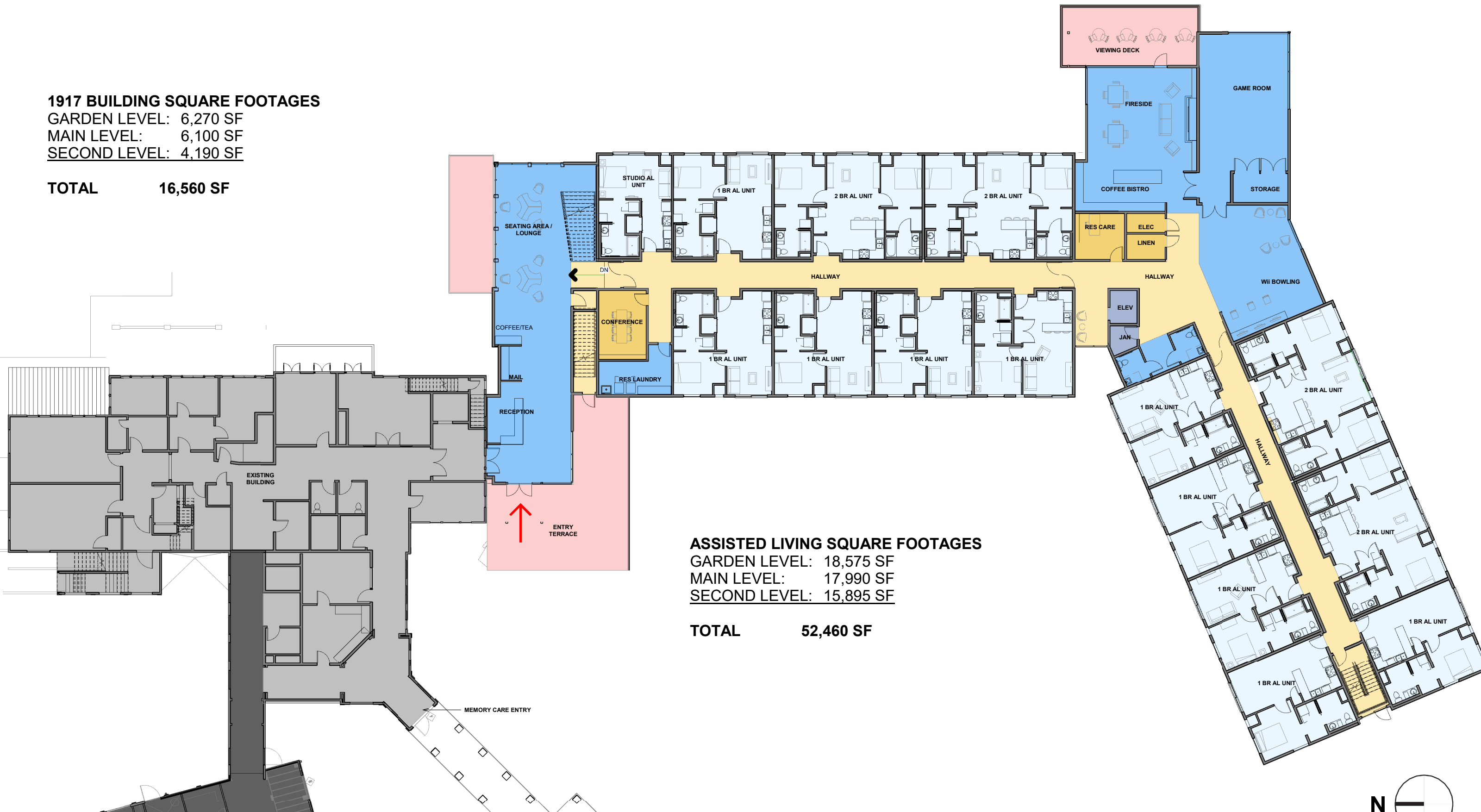
**ASSISTED LIVING SQUARE FOOTAGES**

GARDEN LEVEL: 18,575 SF

MAIN LEVEL: 17,990 SF

SECOND LEVEL: 15,895 SF

**TOTAL 52,460 SF**



**FLOOR PLAN - MAIN LEVEL**

SCALE: 3/32" = 1'-0" @ 11x17 SHEET

06/16/20

MESSENGER HOUSE PHASE 2- DESIGN GUIDANCE REVIEW

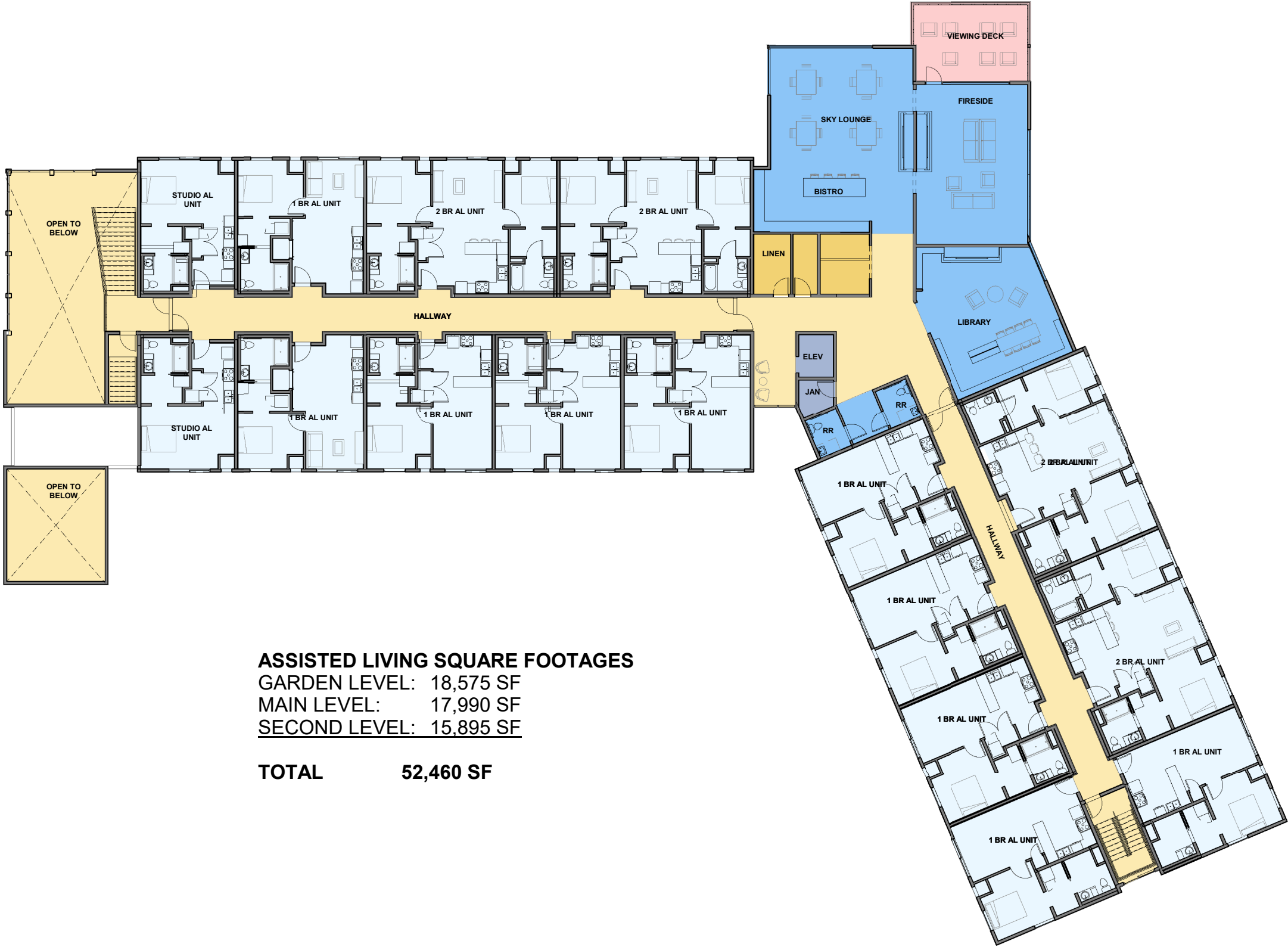
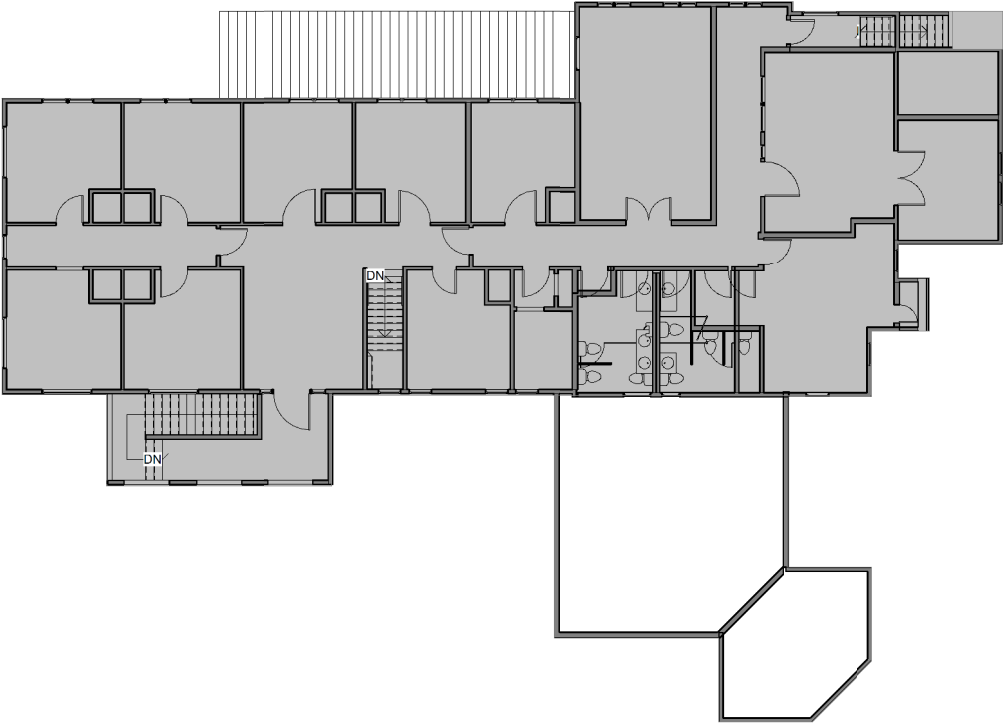
BAINBRIDGE ISLAND, WA



1917 BUILDING SQUARE FOOTAGES

GARDEN LEVEL: 6,270 SF  
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TOTAL 16,560 SF



ASSISTED LIVING SQUARE FOOTAGES

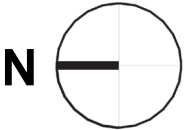
GARDEN LEVEL: 18,575 SF  
MAIN LEVEL: 17,990 SF  
SECOND LEVEL: 15,895 SF

TOTAL 52,460 SF

FLOOR PLAN - UPPER LEVEL

MESSANGER HOUSE PHASE 2- DESIGN GUIDANCE REVIEW  
BAINBRIDGE ISLAND, WA

SCALE: 3/32" = 1'-0" @ 11x17 SHEET



06/16/20





## Planning Commission Special Meeting Agenda Bill

**MEETING DATE:** July 23, 2020

**ESTIMATED TIME:** 30 Minutes

**AGENDA ITEM:** (7:00 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, May 28, 2020, June 11, 2020, and June 25, 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.

Due to the delay caused by COVID-19, on May 28, 2020, the Planning Commission resumed its discussion of Ordinance No. 2020-04 in order to refamiliarize itself with the ordinance prior to the public hearing. At this meeting, the Planning Commission generally considered discussion points raised by Commissioner McCormick Osmond regarding Ordinance No. 2020-04. The Planning Commission requested an updated draft of Ordinance No. 2020-04 addressing, to the extent possible, the discussion points raised by Commissioner McCormick Osmond.

On June 11, 2020, the Planning Commission discussed an updated draft of Ordinance No. 2020-04 and a memo summarizing the changes made to Ordinance No. 2020-04 since the May 28, 2020 meeting as well as responding to the discussion points raised by Commissioner McCormick Osmond. The Commission considered additional discussion points raised by Commissioner McCormick Osmond and requested that staff review the new discussion points with the City's consultant. On June 25, 2020, the Planning Commission reviewed the discussion points with the City's consultant.

Attached for consideration is a revised draft of Ordinance No. 2020-04 that has been updated following the Planning Commission's discussion on June 25, 2020. Specifically, proposed BIMC 18.10A.050, governing the installation of new poles, has been significantly amended to authorize the Public Works Department to adopt a standard pole design and to address the location of new poles in the right-of-way.

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

#### **ATTACHMENTS:**



## **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 further considered the ordinance on June 11, 2020, and June 25, 2020; and

**WHEREAS**, on July 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 [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.



~~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.

~~IK.~~ “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. Small wireless facilities are prohibited on any property containing a residential use in the residential zones except where allowed under BIMC 18.10A.040.E.12.

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



I. 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.
3. Potential adverse visual, aesthetic, and safety impacts of small wireless facilities be minimized.

#### **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. “Pole” means any manmade assemblage of materials extending above or below the surface of the earth and affixed or attached thereto that is capable of supporting a small wireless facility.

K. “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.

L. “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.

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

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

O. “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.

P. “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.

Q. “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.

R. “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.

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

T. “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.

U. “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 poles, including non-wooden light poles or utility poles, shall conform to the following design criteria:

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.



7. 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.6 below.

8. 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, including wooden light poles or utility 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 poles, including light poles or 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.

- (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. Even if one of the designated equipment locations is technically feasible under BIMC 18.10A.040.E.1, the Director may determine that equipment located in a non-preferred location is in fact a superior alternative if the non-preferred location:

(a). Provides equal or greater protection to public vantage points, view corridors, and scenic vistas to support Bainbridge Island's sense of place, identity, and orientation; and

(b). Satisfies one or more of the following criteria:

- i. Has a greater natural resource conservation value;
- ii. Less adverse impact to adjoining properties; or
- iii. Results in a more practical design because of topography, critical area, or other extenuating circumstances.

3. 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

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

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. The preferred location of a small wireless facility on a pole is the location with the least visible impact. When siting a small wireless facility on a pole or structure in the right-of-way adjacent to a residential use, the applicant must first attempt to locate the small wireless facility on a pole or structure located on or near one of the boundary lines of the property containing the residential use. If a location not on or near the boundary line better mitigates the aesthetic impact of the new pole, the Planning Director may approve such alternative location. To the extent siting a small wireless facility on a pole or structure on or near the boundary line is technologically infeasible, the applicant shall attempt to site the small wireless facility on the pole or structure with the least aesthetic impact to the property, such as at a location where the small wireless facility would be concealed from view by trees, vegetation, or other structure.

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

12. For one or more residential uses located more than 400 feet from the right-of-way, a facility may be located within an access easement over residential property, provided that the following conditions are met:

- (a). The owner of the residential property upon which the small wireless facility will be located has granted permission in writing to locate the facility in the desired location and has provided proof of authority to grant such permission;
- (b). The terms of the access easement allow the installation of the small wireless facility in the proposed location;
- (c). The installation of the small wireless facility in the proposed location does not create any access or safety issues;
- (d). Any new pole complies with the requirements of BIMC 18.10A.050;
- (e). Any new structure complies with all applicable requirements of the City Code;
- (f). Any covenants or easements recorded on the property allow the deployment of the small wireless facility on the property;

(g). The proposed small wireless facility complies with all applicable land use regulations, including but not limited to: Chapter 19.10 BIMC, Chapter 18.10A.BIMC, Chapter 16.20 BIMC, and Chapter 16.12 BIMC.

13. 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.

14. 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. All new poles in the right-of-way shall be the standard pole design adopted in the City's Design and Construction Standards. The Public Works Department may adopt standard pole designs for different use cases or different areas within the City in order to most fully protect the aesthetics and safety of the community. All standard designs shall accommodate and not limit the telecommunications technology used. The Public Works Director or designee may approve a deviation from the standard pole design if the Director finds that the proposed pole design is at least as protective of the aesthetic and visual character of the location as the City's adopted standard pole design.

a. If a deviation is approved, all elements of the small wireless facility must be integrated into the design of the pole.

b. Technical feasibility and safety shall be considered by the Public Works Director if any deviation from the City adopted standard pole design is requested.



c. If no standard pole design is adopted, the design of the new pole must mimic the design of adjacent neighboring poles or the pole which is being replaced, including similar height to the extent technically feasible. All elements of the small wireless facility must be integrated into the design of the pole.

d. Upon construction of a new pole complying with the standard pole design, the applicant may convey ownership of the pole to the City and the Public Works Director may accept ownership of the pole on behalf of the City if the pole serves a municipal purpose, including, but not limited to, street lighting or a benefit to a utility operated by a public agency.

4. The proposed small wireless facility receives approval for a concealment element design, as described in subsection C below;

5. The proposed small wireless facility also complies with Shoreline Management Act, SEPA, and any other relevant law or regulation if applicable; and

6. 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 the pole 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.

a. New poles located within the right-of-way must conform to the requirements of BIMC 18.10A.050.A.3 above. Because all new poles are either the City adopted standard pole design or approved poles with all elements of the small wireless facility integrated into the design of the pole, no additional equipment is allowed on or in the ground.

b. When siting a new pole on property located in a residential zone, the applicant must first attempt to locate the new pole on or near one of the boundary lines of that property. If a location not on or near the boundary line better mitigates the aesthetic impact of the new pole, the Planning Director may approve such alternative location. To the extent siting a small wireless facility on a new pole located on or near the boundary line is technologically infeasible, the applicant shall attempt to site the new pole at a location with the least aesthetic impact to the property, such as at a location where the new pole would be concealed from view by trees, vegetation, or other structure.

c. New poles outside of the right-of-way should attempt to mimic the design of existing similarly situated neighboring poles or the pole which is being replaced, including similar height to the extent technically feasible. All equipment and antennas attached to such poles must conform with the standards contained in BIMC 18.10A.040.A or .B, as applicable, and BIMC 18.10A.040.E.

2. If the Director has already approved a concealment element design either for the applicant or another small wireless facility in the same area 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 18.10A.050.A.1, the Director may determine that a new pole in the right-of-way is in fact a superior alternative if the new pole:

1. Satisfies the other requirements of BIMC 18.10A.050.A;
2. Provides equal or greater protection to public vantage points, view corridors, and scenic vistas to support Bainbridge Island's sense of place, identity, and orientation; and
3. Satisfies one or more of the following criteria:
  - (a) Has a greater natural resource conservation value;
  - (b) Less adverse impact to adjoining properties; or
  - (c). Results in a more practical design because of topography, critical area, or other extenuating circumstances.

E. Prior to the issuance of a permit to construct a new pole in the right-of-way, the applicant must obtain a site-specific agreement from the City to locate such new pole. The requirement to obtain a site-specific agreement 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 purposes identified in BIMC 18.10A.010. 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. Amendment to BIMC 19.10.020.D.3.** Subsection 19.10.020.D.3 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

3. Associated Permit(s). The applicant shall attach all associated permit requirements, such as applications or checklists 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 Chapter 18.10A BIMC 18.10A.060.

**Section 15. Amendment to BIMC 19.10.020.E.1.d.** Subsection 19.10.020.E.1.d of the Bainbridge Island Municipal Code is hereby amended to read as follows:

d. Compliance with the aesthetic requirements of Chapter 18.10A BIMC.

**Section 16. Amendment to BIMC 19.10.030.D.** Subsection 19.10.030.D of the Bainbridge Island Municipal Code is hereby amended to read as follows:

~~D. Review of Facilities Compliance with Federal Law.~~ Review of the site locations proposed by the applicant shall be governed by the provisions of 47 U.S.C. Sections 253 and 332 and other applicable statutes, regulations, and case law. Applicants for master permits and small wireless facility permits shall be treated in a competitively neutral and nondiscriminatory manner with other service providers, utilizing supporting infrastructure that is functionally equivalent, that is, service providers whose facilities are similarly situated in terms of structure, placement, or cumulative impacts. Small wireless facility permit review under this chapter shall neither prohibit nor have the effect of prohibiting the ability of an applicant to provide telecommunications services.

**Section 17. 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 18. 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 19. 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:

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Christine Brown, CMC, City Clerk

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

2020-04

Exhibit A

DRAFT

**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 |
| USE CATEGORY/TYPE                                                                                          |            |            |            |            |            |            |            |            |            |            | CC                            | MA         | EA         | Gate       | Ferry [1]    |            |            |            |                                       |
| 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>F-4</u>                            |
| Small Wind Energy Generator                                                                                | <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>                            |
| Utility, Primary                                                                                           | <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>                            |
| Public Communications Tower                                                                                | <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>P</u>   | <u>A</u>   | <u>F-3</u>                            |
| 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>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>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>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>B-5</u>                            |



#### **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 further considered the ordinance on June 11, 2020, and June 25, 2020; and

**WHEREAS**, on ~~June 11~~ July 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 [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.

¶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.



~~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 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. Small wireless facilities are prohibited on any property containing a residential use in the residential zones except where allowed under BIMC 18.10A.040.E.12.

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

I. 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.
3. Potential adverse visual, aesthetic, and safety impacts of small wireless facilities be minimized.

**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. “Pole” means any manmade assemblage of materials extending above or below the surface of the earth and affixed or attached thereto that is capable of supporting a small wireless facility.

**Commented [RS1]:** Included based on feedback from Commissioner McCormick Osmond.

K. “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.

L. “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.

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

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

O. “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.

P. “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.

Q. “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.

R. “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.

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

T. “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.

U. “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 poles, including 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].~~

1. 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.

2. 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.

3. 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.

4. 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.

**Commented [RS2]:** With the incorporation of standard pole design language included in BIMC 18.10A.050, and federal law governing Eligible Facility Requests, this language is no longer required.



5. 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.

6. 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.

7. 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.6 below.

8. 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, including wooden light poles or utility 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 poles, including light poles or 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.

(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. Even if one of the designated equipment locations is technically feasible under BIMC 18.10A.040.E.1, the Director may determine that equipment located in a non-preferred location is in fact a superior alternative if the non-preferred location:

(a). Provides equal or greater protection to public vantage points, view corridors, and scenic vistas to support Bainbridge Island's sense of place, identity, and orientation; and

(b). Satisfies one or more of the following criteria:

- i. Has a greater natural resource conservation value;
- ii. Less adverse impact to adjoining properties; or
- iii. Results in a more practical design because of topography, critical area, or other extenuating circumstances.

3. 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

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

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. The preferred location of a small wireless facility on a pole is the location with the least visible impact. When siting a small wireless facility on a pole or structure in the right-of-way adjacent to a residential use, the applicant must first attempt to locate the small wireless facility on a pole or structure located on or near one of the boundary lines of the property containing the residential use. If a location not on or near the boundary line better mitigates the aesthetic impact of the new pole, the Planning Director may approve such alternative location. To the extent siting a small wireless facility on a pole or structure on or near the boundary line is technologically infeasible, the applicant shall attempt to site the small wireless facility on the pole or structure with the least aesthetic impact to the property, such as at a location where the small wireless facility would be concealed from view by trees, vegetation, or other structure.

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

12. For one or more residential uses located more than 400 feet from the right-of-way, a facility may be located within an access easement over residential property, provided that the following conditions are met: ~~Small wireless facilities are prohibited on any property containing a residential use in the residential zones, with the following two exceptions.~~

~~(a). — Small wireless facilities may be located within the right of way within residential zones; and~~

~~(b). — Small wireless facilities may be located on property containing a residential use in the residential zones where:~~

~~i. The location of the small wireless facility is more than 400 feet from the right of way and within an access easement over residential property;~~

(a). The owner of the residential property upon which the small wireless facility will be located has granted permission in writing to locate the facility in the desired location and has provided proof of authority to grant such permission;

(b). The terms of the access easement allow the installation of the small wireless facility in the proposed location;

(c). The installation of the small wireless facility in the proposed location does not create any access or safety issues;

(d). Any new pole complies with the requirements of BIMC 18.10A.050;

(e). Any new structure complies with all applicable requirements of the City Code;

(f). Any covenants or easements recorded on the property allow the deployment of the small wireless facility on the property;

~~(g).~~ — The proposed small wireless facility complies with all applicable land use regulations, including but not limited to: Chapter 19.10 BIMC, Chapter 18.10A.BIMC, Chapter 16.20 BIMC, and Chapter 16.12 BIMC.

~~(h)-(g).~~

~~14.13.~~ 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.

**Commented [RS3]:** Revised based on feedback from Commissioner Quitslund.

The general rule that SWFs may be located in the right-of-way in residential zones is clear without need of this specific language. The point of this section is to address siting on residential uses located outside of the right-of-way in residential zones.

~~15.14.~~ 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. All new poles in the right-of-way shall be the standard pole design adopted in the City's Design and Construction Standards. The Public Works Department may adopt standard pole designs for different use cases or different areas within the City in order to most fully protect the aesthetics and safety of the community. All standard designs shall accommodate and not limit the telecommunications technology used. The Public Works Director or designee may approve a deviation from the standard pole design if the Director finds that the proposed pole design is at least as protective of the aesthetic and visual character of the location as the City's adopted standard pole design.

a. If a deviation is approved, all elements of the small wireless facility must be integrated into the design of the pole.

b. Technical feasibility and safety shall be considered by the Public Works Director if any deviation from the City adopted standard pole design is requested.

c. If no standard pole design is adopted, the design of the new pole must mimic the design of adjacent neighboring poles or the pole which is being replaced, including similar height to the extent technically feasible. All elements of the small wireless facility must be integrated into the design of the pole.

a.d. Upon construction of a new pole complying with the standard pole design, the applicant may convey ownership of the pole to the City and the Public Works Director may accept ownership of the pole on behalf of the City if the pole serves a municipal purpose, including, but not limited to, street lighting or a benefit to a utility operated by a public agency.

2.4. The proposed small wireless facility receives approval for a concealment element design, as described in subsection C below;

**Commented [DPK4]:** This is to catch anything that might come in at a time when no standard design is adopted. The goal here would be to have new poles, with integrated facilities, look like anything else that is out there. Any new design which is not adopted by the City would stick out as compared to what is there.



~~3.5.~~ The proposed small wireless facility also complies with Shoreline Management Act, SEPA, and any other relevant law or regulation if applicable; and

~~4.6.~~ 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 the pole 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.

a. New poles located within the right-of-way must conform to the requirements of BIMC 18.10A.050.A.3 above. Because all new poles are either the City adopted standard pole design or approved poles with all elements of the small wireless facility integrated into the design of the pole, no additional equipment is allowed on or in the ground.

b. When siting a new pole on property located in a residential zone, the applicant must first attempt to locate the new pole on or near one of the boundary lines of that property. If a location not on or near the boundary line better mitigates the aesthetic impact of the new pole, the Planning Director may approve such alternative location. To the extent siting a small wireless facility on a new pole located on or near the boundary line is technologically infeasible, the applicant shall attempt to site the new pole at a location with the least aesthetic impact to the property, such as at a location where the new pole would be concealed from view by trees, vegetation, or other structure.

c. New poles outside of the right-of-way should attempt to mimic the design of existing similarly situated neighboring poles or the pole which is being replaced, including similar height to the extent technically feasible. All equipment and antennas attached to such poles must conform with the standards contained in 18.10A.040(A) or (B), as applicable, and .040(E).

~~a.d.~~ 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 in the same area~~ 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 18.10A.050.A.1, the Director may determine that a new pole in the right-of-way is in fact a superior alternative if the new pole:

1. Satisfies the other requirements of BIMC 18.10A.050.A;
2. Provides equal or greater protection to public vantage points, view corridors, and scenic vistas to support Bainbridge Island's sense of place, identity, and orientation; and
3. Satisfies one or more of the following criteria:
  - (a) Has a greater natural resource conservation value;
  - (b) Less adverse impact to adjoining properties; or
  - (c) Results in a more practical design because of topography, critical area, or other extenuating circumstances.

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 ~~to obtain a site-specific agreement~~ 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 purposes identified in BIMC 18.10A.010. 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

**Commented [RS5]:** Duplicative of BIMC 18.10A.040.E.1.e and therefore unnecessary.

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. Amendment to BIMC 19.10.020.D.3.** Subsection 19.10.020.D.3 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

3. Associated Permit(s). The applicant shall attach all associated permit requirements, such as applications or checklists 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 Chapter 18.10A BIMC 18.10A.060.

**Section 15. Amendment to BIMC 19.10.020.E.1.d.** Subsection 19.10.020.E.1.d of the Bainbridge Island Municipal Code is hereby amended to read as follows:

d. Compliance with the aesthetic requirements of Chapter 18.10A BIMC.

**Section 16. Amendment to BIMC 19.10.030.D.** Subsection 19.10.030.D of the Bainbridge Island Municipal Code is hereby amended to read as follows:

**D. ~~Review of Facilities~~ Compliance with Federal Law.** Review of the site locations proposed by the applicant shall be governed by the provisions of 47 U.S.C. Sections 253 and 332 and other applicable statutes, regulations, and case law. Applicants for master permits and small wireless facility permits shall be treated in a competitively neutral and nondiscriminatory manner with other service providers, utilizing supporting infrastructure that is functionally equivalent, that is, service providers whose facilities are similarly situated in terms of structure, placement, or cumulative impacts. Small wireless facility permit review under this chapter shall neither prohibit nor have the effect of prohibiting the ability of an applicant to provide telecommunications services.

**Section 17. 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 18. 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 19. 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:

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Christine Brown, CMC, City Clerk

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

2020-04

Exhibit A

DRAFT



**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>                            |



CITY OF  
BAINBRIDGE ISLAND

## Planning Commission Special Meeting Agenda Bill

**MEETING DATE:** July 23, 2020

**ESTIMATED TIME:** 30 Minutes

**AGENDA ITEM:** (7:30 PM) Review and Discussion of the 2021-26 Draft Capital Improvement Plan

**AGENDA CATEGORY:** Discussion

**PROPOSED BY:** Chris Wierzbicki

**PREVIOUS PLANNING COMMISSION  
REVIEW DATE(S):** N/A

**PREVIOUS COUCIL REVIEW DATE(S):** The Council discussed the draft 2021-26 Capital Improvement Plan on May 26th and June 16th 2020.

**RECOMMENDED MOTION:**  
Discussion/information only

**SUMMARY:**

Public Works staff will lead the Planning Commission through a review and discussion of the City's 2021-26 draft Capital Improvement Plan and the relationship to the Comprehensive Plan, in preparation for a public hearing on August 13, 2020.

The presentation will not discuss each project individually, however, a draft list of projects is included in the packet and Commissioners are welcome to ask questions about any of the specific projects.

**BACKGROUND:** The Public Works staff is developing a draft of the 2021-26 Capital Improvement Plan in preparation for the 2021-22 Biennial Budget.

**ATTACHMENTS:**

# 2021-26 Capital Improvement Plan (CIP) Workshop Discussion



# CIP Workshop - Goals

- Review recommended projects and ensure consistency with the City's Comprehensive Plan
- Hold a public hearing on the draft CIP (8/13/20)
- Provide input on the CIP for City Council Consideration during the 2021-22 budget process

# CIP Workshop – Agenda

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- Overview of Capital Facilities Element (context)
- Utilities Element and Projects
- Transportation Element and Projects
- Facility Projects

# Capital Facilities Element

# CIP Workshop – Capital Facilities Element

- Required by, and a critical element of the state's Growth Management Act
- RCW 36.70A.070(3)(d) – “at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes”



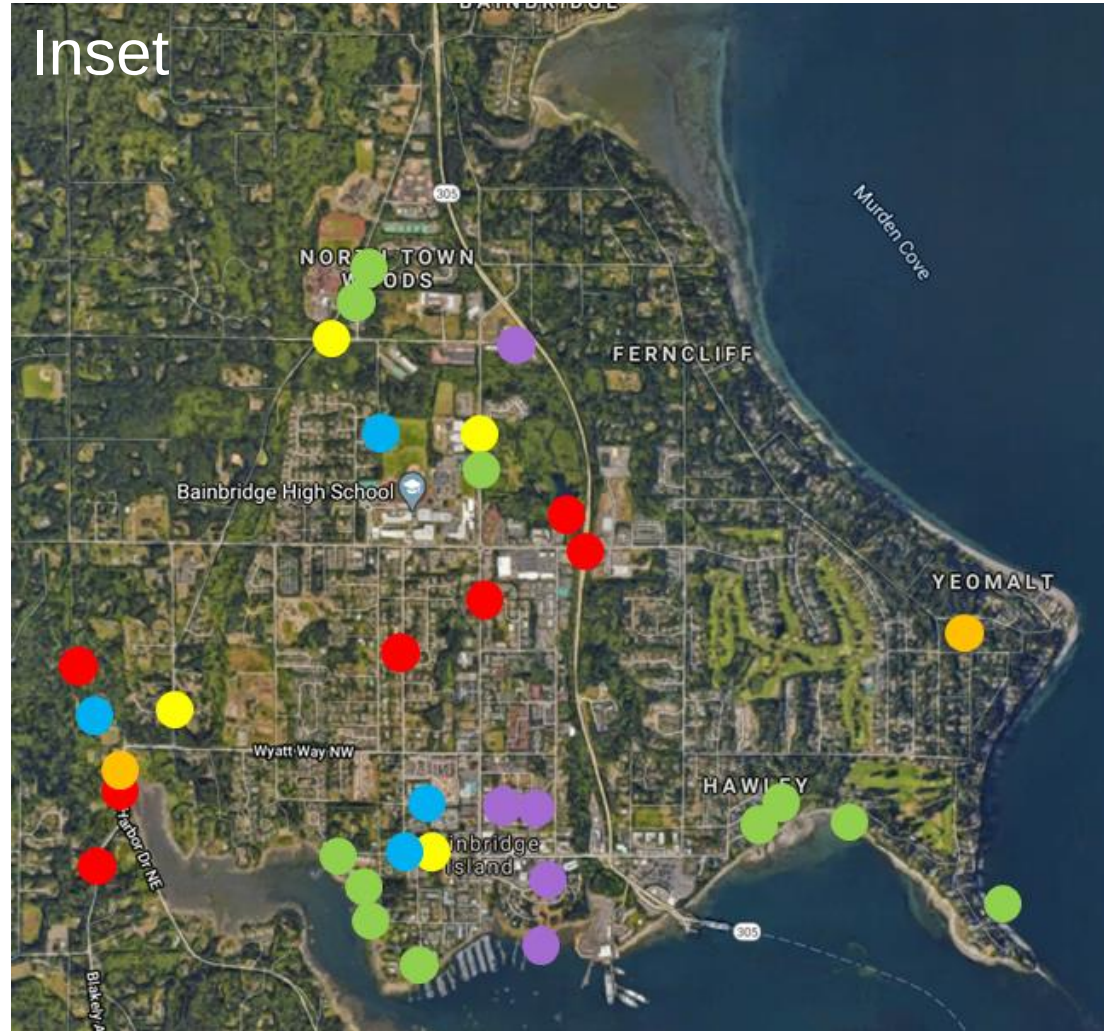
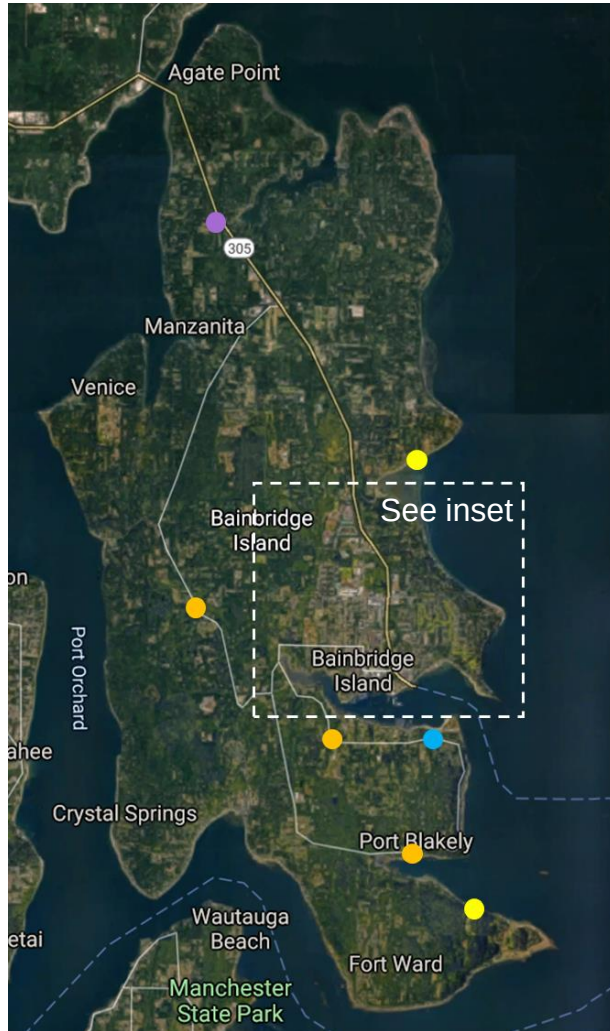
# CIP Workshop – Capital Facilities Element Policies

- **CF1** – Support orderly compact urban growth, protect and support public and private investments, maximize use of existing facilities, promote economic development and redevelopment, increase public well-being and safety, and implement the Comprehensive Plan.
- **CF2** - Serve future development and redevelopment
- **CF3** - Prudently manage fiscal resources
- **CF4** - Meet appropriate safety, construction, energy conservation, durability and sustainability standards.

# CIP Workshop – Capital Improvement Plan Purpose

- In many Cities, the CIP is a tool for ensuring sustainable management proposed growth strategies, expansions of the Urban Growth Area, or significant population growth
- COBI growth strategy is mostly fixed, with no expansions of the UGA, and population growth steadily, but not rapidly expanding
- COBI CIP focuses on:
  - Asset management
  - Service improvements
  - Expanding transportation options and safety

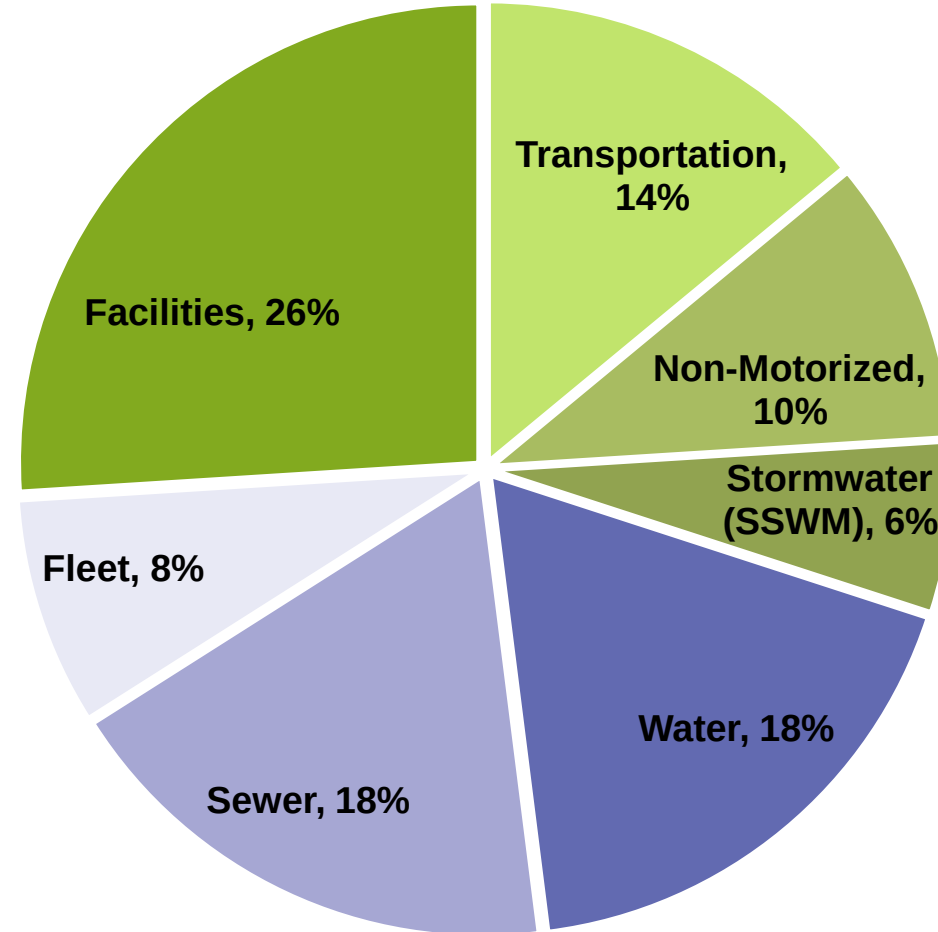
# Project Locations – Support for Compact Development



- Transportation
- Non-Motorized
- Water
- Sewer
- SSWM (Storm)
- Facilities

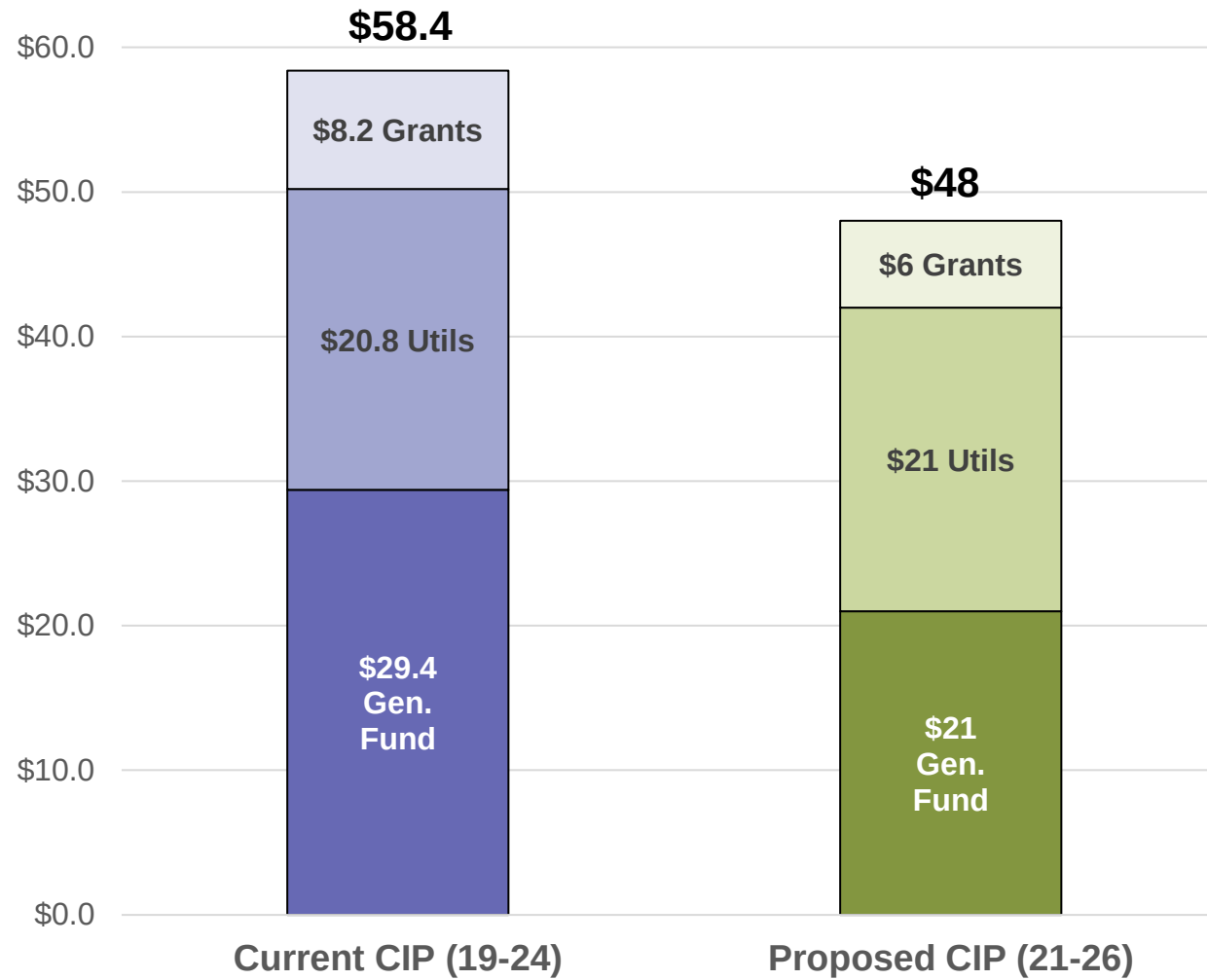
# DRAFT 2021-26 CIP Funding Allocations

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# CIP Comparison - Budget (millions)



*Final budget by fund still to be determined as part of the budget process*

# Utilities Element and Projects

# CIP Workshop – Utilities Element

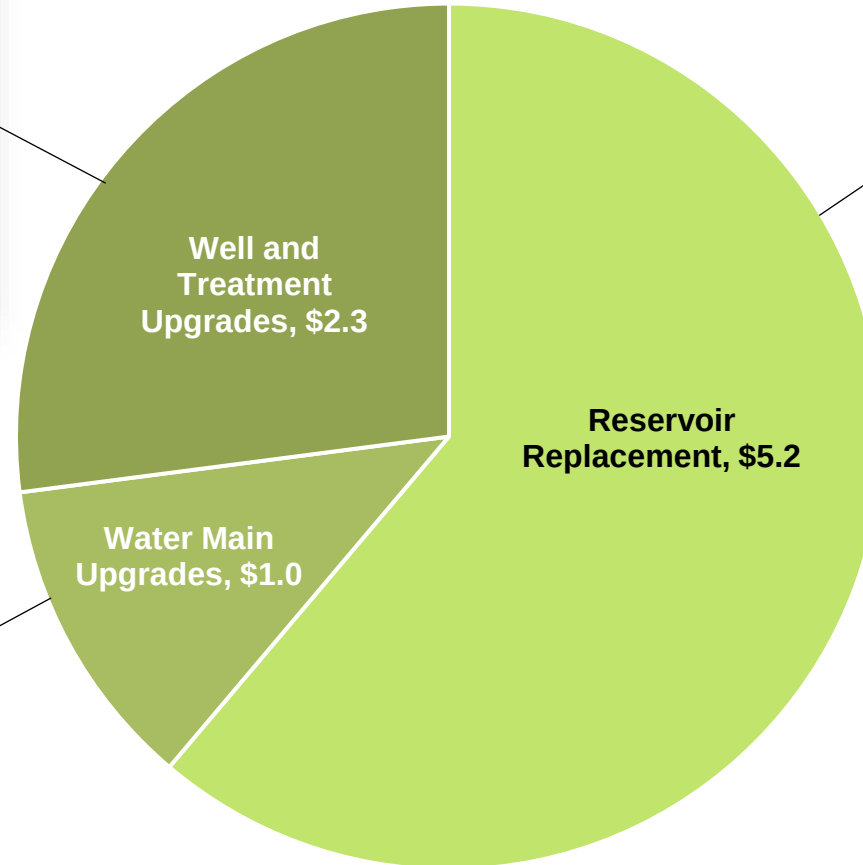
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- **Vision** – Ensure reliable electric, telecommunications, potable water, solid waste and recycling services, and stormwater facilities that prevent flooding and erosion, maximize infiltration and eliminate pollutants.
- **Goal for 21-26** – Focus on major asset management projects that enhance service and improve reliability

# CIP Workshop – Utility Projects (Water)



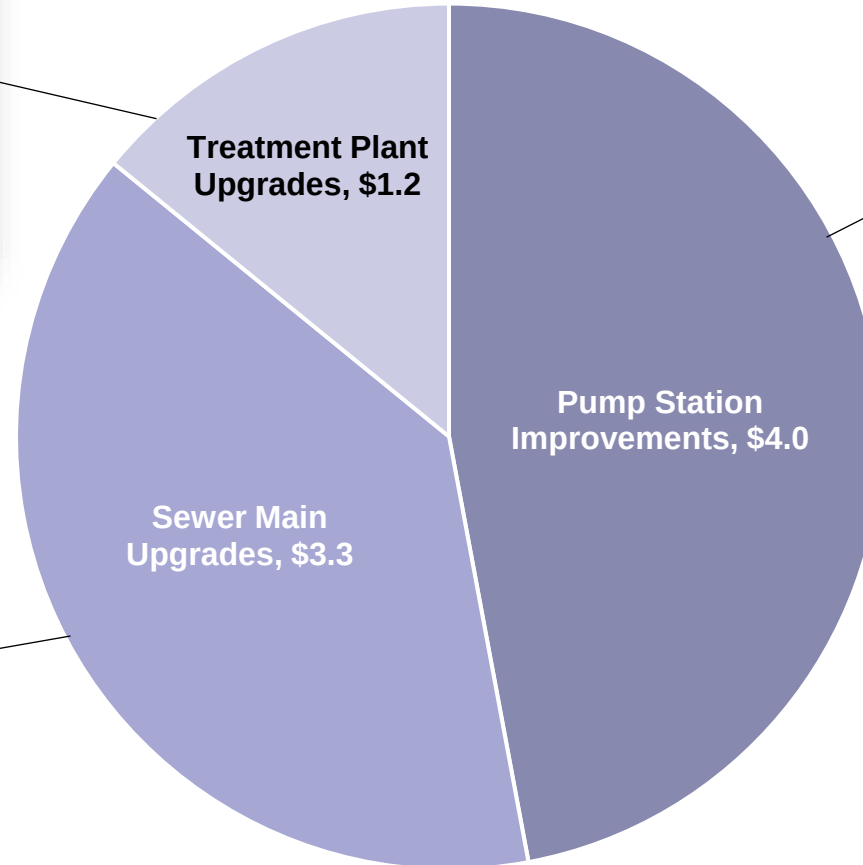
Water Projects - \$8.5M





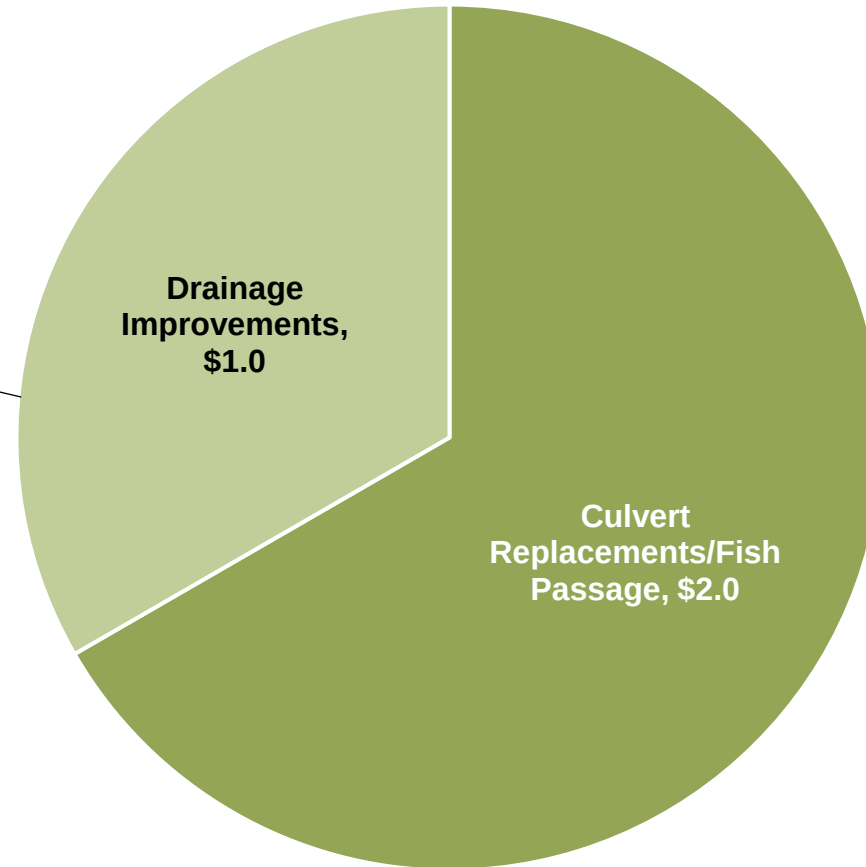
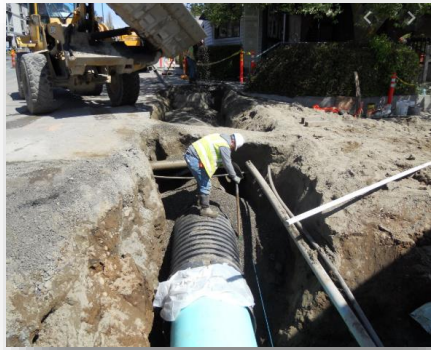
# CIP Workshop – Utility Projects (Sewer)

## Sewer Projects - \$8.5M



# CIP Workshop – Utility Projects (Stormwater)

SSWM (Storm) Projects - \$3.0M



# Transportation Element and Projects

# CIP Workshop – Transportation Element

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- Vision guided by the Comprehensive Plan and Island-wide Transportation Plan:
  - Safe, dependable, properly maintained, and fiscally responsible, multimodal
  - Good facilities for non-motorized users and pedestrians and good access to transit, consistent with and supporting the other Elements of the Comprehensive Plan.
  - Improves mobility and safety for all users while respecting the character of neighborhoods and maintaining a climate resilient environment.
  - Regionally coordinated, adequately financed, and community supported.

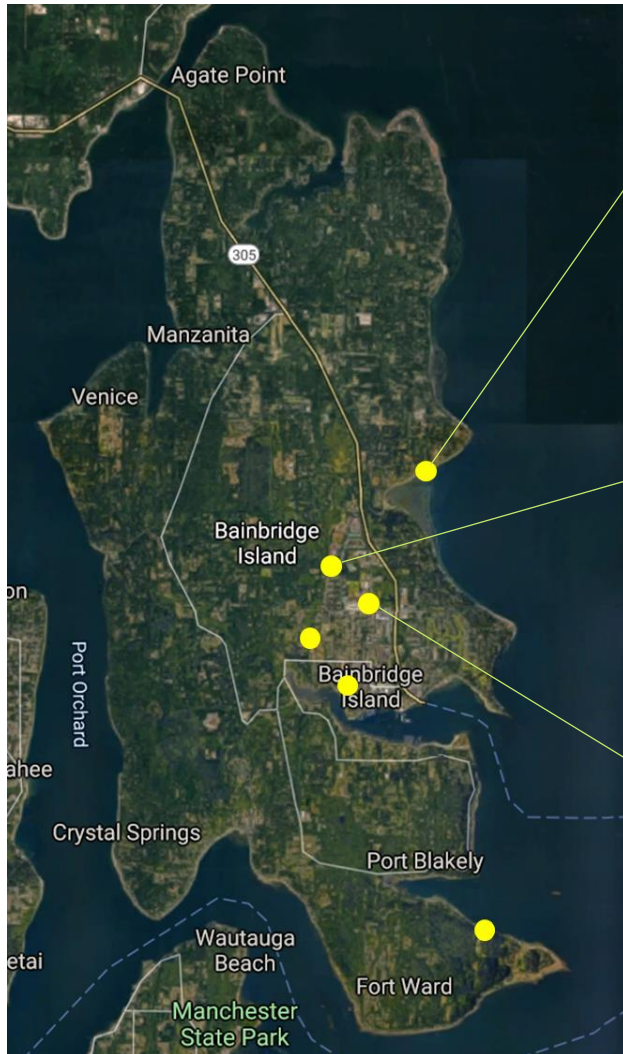


# CIP Workshop – Transportation Element

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- Planning in transition as Council looks to adopt a Sustainable Transportation Plan mid-year 2021
- 2021-26 Focus on asset management, safety and multi-modal improvements

# CIP Workshop – Transportation Projects



\$1.1M - Manitou Road  
Reconstruction/Stabilization



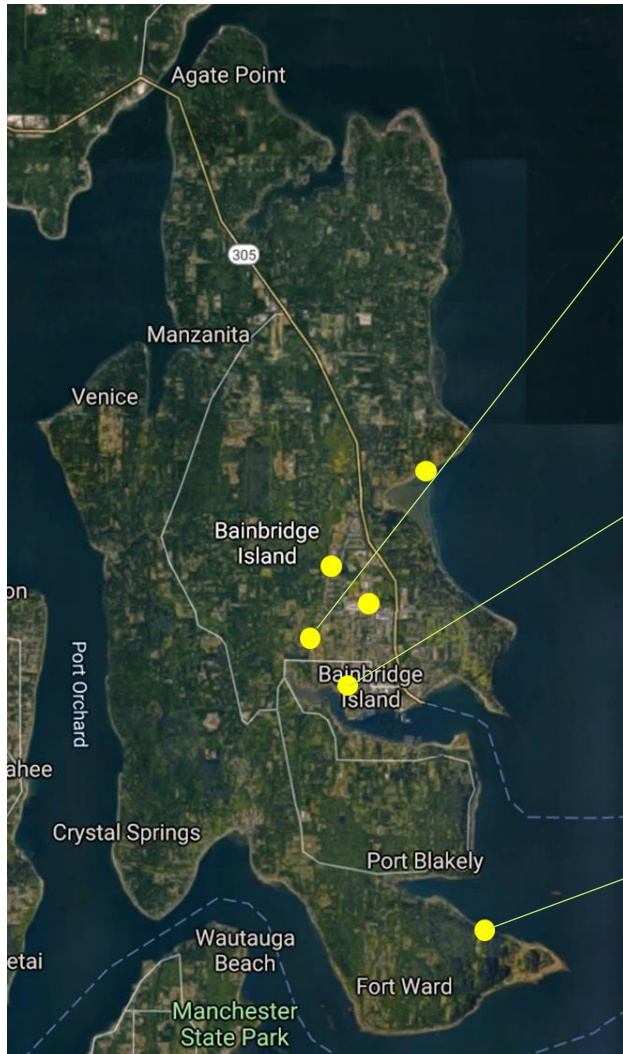
\$650K - Sportsman/New  
Brooklyn Intersection



\$2.5M - Madison Ave.  
Reconstruction



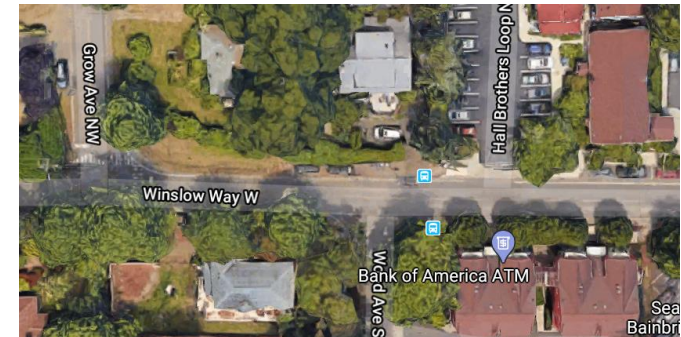
# CIP Workshop – Transportation Projects



\$400K - Finch Road Improvements



\$650K - Winslow Way West Reconstruction

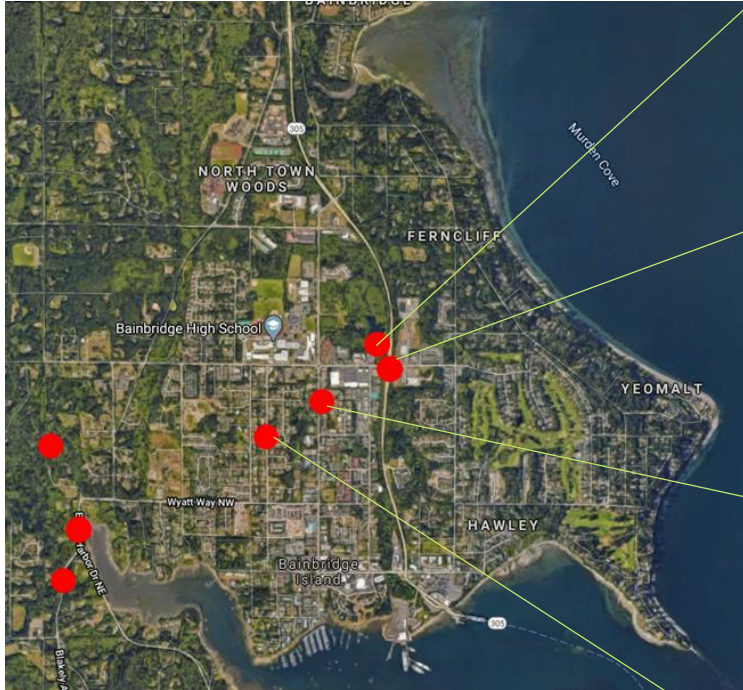


\$750K - Country Club Road and Bulkhead Reconstruction

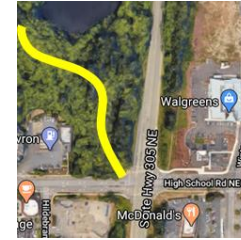




# CIP Workshop – Non-Motorized Projects



\$215K – Visconsi Trail



\$850K – High School/305 Bike Crossings



\$2M – Madison Ave Sidewalk Widening

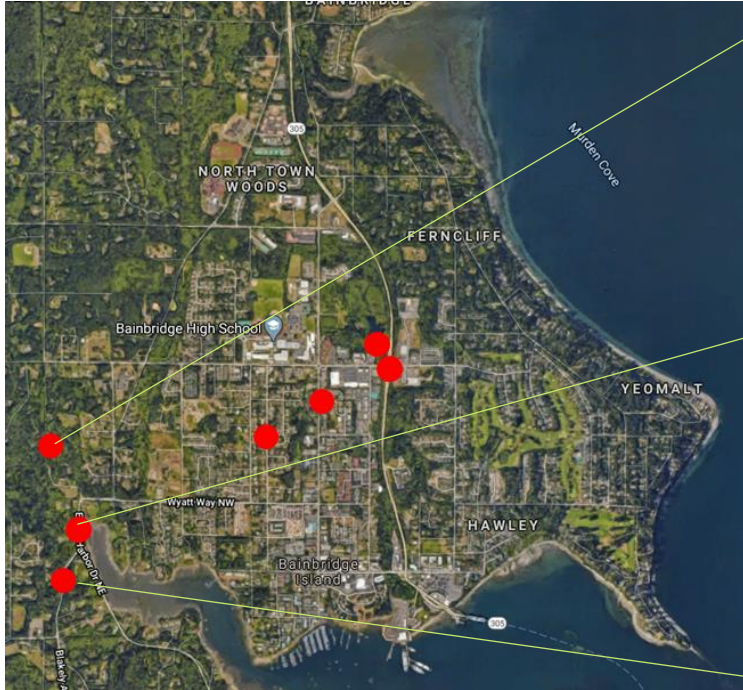


\$350M – Grow Ave. Traffic Calming





# CIP Workshop – Non-Motorized Projects



\$250K – Lost Valley Trail



\$835K - Eagle Harbor Phase 1



\$650 – Bucklin Hill Phase 2



# Facility Projects

# CIP Workshop – Facility Projects

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| Project                            | Current Budget | Proposed Budget                                 |
|------------------------------------|----------------|-------------------------------------------------|
| Farmer's Market Cover              | \$65K          | <b>\$300K – TBD</b><br>(not included in totals) |
| BI Senior Center Improvements      | -              | <b>\$575K – TBD</b><br>(not included in totals) |
| City Dock                          | \$30K          | <b>\$300K – TBD</b><br>(not included in totals) |
| Police/Court Facility              | \$20M          | <b>\$10M (remaining)</b>                        |
| City Hall Security                 | -              | <b>\$150K</b>                                   |
| Salt Storage                       | -              | <b>\$60K</b>                                    |
| City Hall Lower Parking Lot Paving | -              | <b>\$100K</b>                                   |
| City Hall Renovations              | -              | <b>\$450K</b>                                   |

# CIP Workshop – Next Steps

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- Q & A
- Hold public hearing on August 13<sup>th</sup>
- Staff will forward any recommendations to the City Council as part of the budget process



*City of Bainbridge Island*  
*Transportation CIP (2021-2026)*  
*2021-2022 Proposed Budget*

| Project / Location                                                                       | Grant Eligible | Grant Awarded | Grant Funds | General Comp | Strts Component | Wtr Component | Swr Component | SSWM Comp | Prior Years  | 2021         | 2022       | 2023         | 2024       | 2025       | 2026       | 2027 - 2040 | Total         |
|------------------------------------------------------------------------------------------|----------------|---------------|-------------|--------------|-----------------|---------------|---------------|-----------|--------------|--------------|------------|--------------|------------|------------|------------|-------------|---------------|
| <b>TRANSPORTATION PROJECTS - 6-YEAR CIP</b>                                              |                |               |             |              |                 |               |               |           |              |              |            |              |            |            |            |             |               |
| Wyatt Way Reconstruction Phase 1<br><i>Madison - Lovell</i>                              | X              | X             | 2,516       |              | Y               | Y             |               |           | 3,865        | 24           | -          | -            | -          | -          | -          | -           | 3,889         |
| Sportsman Club/New Brooklyn<br><i>Intersection Imprv.</i>                                | X              | X             | 858         |              | Y               |               |               |           | 1,216        | -            | -          | -            | -          | -          | -          | -           | 1,216         |
| Finch Road Improvements<br><i>Finch Road</i>                                             |                |               | 300         |              | Y               |               |               | Y         | -            | 100          | 300        | -            | -          | -          | -          | -           | 400           |
| Country Club Rd Reconstruction & Drainage Improvements<br><i>Past Toe Jam to Seawall</i> |                |               | -           |              | Y               |               |               |           | 7            | 771          | 82         | -            | -          | -          | -          | -           | 861           |
| Madison Avenue Reconstruction<br><i>Madison Avenue</i>                                   |                |               | 2,000       |              | Y               |               |               |           | -            | 250          | -          | 2,250        | -          | -          | -          | -           | 2,500         |
| Manitou Beach Rd & Bulkhead Repair<br><i>Winslow Way West</i>                            |                |               | -           |              | Y               |               |               |           | -            | -            | -          | 150          | 450        | 500        | -          | -           | 1,100         |
| Winslow Way West<br><i>Winslow Way</i>                                                   |                |               |             |              |                 |               |               |           | -            | -            | -          | -            | -          | 90         | 560        | -           | 650           |
| City Funding                                                                             |                |               |             |              |                 |               |               |           | 1,714        | 1,145        | 82         | 400          | 450        | 590        | 560        | -           | 4,942         |
| Grant Totals                                                                             |                |               |             |              |                 |               |               |           | 3,374        | -            | 300        | 2,000        | -          | -          | -          | -           | 5,674         |
| <b>TOTALS</b>                                                                            |                |               |             |              |                 |               |               |           | <b>5,088</b> | <b>1,145</b> | <b>382</b> | <b>2,400</b> | <b>450</b> | <b>590</b> | <b>560</b> | <b>-</b>    | <b>10,616</b> |

*City of Bainbridge Island*  
*Non-Motorized Transportation CIP (2021- 2026)*  
*2021-2022 Proposed Budget*

| Project                                    | Grant Eligible | Grant Awarded | Grant Funds | General Comp | Stirts Comp | Wtr Comp | Swr Comp | SSWM Comp | Prior Years | 2021 | 2022  | 2023 | 2024 | 2025 | 2026 | 2027 - 2040 | Total |
|--------------------------------------------|----------------|---------------|-------------|--------------|-------------|----------|----------|-----------|-------------|------|-------|------|------|------|------|-------------|-------|
| <b>NON-MOTORIZED PROJECTS - 6-YEAR CIP</b> |                |               |             |              |             |          |          |           |             |      |       |      |      |      |      |             |       |
| High School Road Safety Improvements       | X              | X             | 225         |              |             |          |          |           | 228         | -    | -     | -    | -    | -    | -    | -           | 228   |
| <i>SR305 to Grow</i>                       |                |               |             |              |             |          |          |           |             |      |       |      |      |      |      |             |       |
| Eagle Harbor Phase II                      |                |               | 700         |              |             |          |          |           | 925         | -    | -     | -    | -    | -    | -    | -           |       |
| Visconsi Trail                             |                |               |             |              |             |          |          |           | -           | 215  | -     | -    | -    | -    | -    | -           | 215   |
| <i>SR305 at High Schl Rd</i>               |                |               |             |              |             |          |          |           |             |      |       |      |      |      |      |             |       |
| Madison Avenue Sidewalk Improvements       | X              | X             | 1,410       |              | Y           |          |          |           | -           | 318  | 1,863 | -    | -    | -    | -    | -           | 2,180 |
| <i>Wyatt to High School</i>                |                |               |             |              |             |          |          |           |             |      |       |      |      |      |      |             |       |
| Grow Ave Traffic Calming                   |                |               |             |              |             |          |          |           | -           | 50   | 50    | 250  | -    | -    | -    | -           | 350   |
| <i>Grow Ave</i>                            |                |               |             |              |             |          |          |           |             |      |       |      |      |      |      |             |       |
| Lost Valley Trail                          |                |               |             |              |             |          |          |           | -           | -    | -     | -    | 30   | 220  | -    | -           | 250   |
| C40 - Bucklin Ph 2                         | X              |               | -           |              | Y           |          |          |           | 47          | -    | -     | -    | 603  | -    | -    | -           | 650   |
| <i>Blakely - Fletcher Bay</i>              |                |               |             |              |             |          |          |           |             |      |       |      |      |      |      |             |       |
| City Project Funding                       |                |               |             |              |             |          |          |           | 275         | 373  | 713   | 250  | 633  | 220  | 0    | -           | 2,463 |
| Grant Totals                               |                |               |             |              |             |          |          |           | 925         | 210  | 1,200 | 0    | 0    | -    | -    | -           | 2,335 |
| TOTALS .....                               |                |               |             |              |             |          |          |           | 1,200       | 583  | 1,913 | 250  | 633  | 220  | 0    | -           | 4,798 |

*City of Bainbridge Island*  
*FLEET and EQUIPMENT CIP (2021 - 2026)*  
*2021-2022 Proposed Budget*

| Project                                           | Grant Eligible | Grant Awarded | General Comp | Strts Component | Wtr Component | Swr Component | SSWM Comp | 2021 | 2022 | 2023  | 2024 | 2025 | 2026 | Total |
|---------------------------------------------------|----------------|---------------|--------------|-----------------|---------------|---------------|-----------|------|------|-------|------|------|------|-------|
| <b>FLEET &amp; EQUIPMENT - 6-YEAR CIP (1000s)</b> |                |               |              |                 |               |               |           |      |      |       |      |      |      |       |
| Police Vehicles (5)                               |                |               | 1,242        |                 |               |               |           | 187  | 195  | 202   | 211  | 219  | 228  | 1,242 |
| Track Excavator                                   |                |               |              | 160             |               |               |           | 160  | -    | -     | -    | -    | -    | 160   |
| Medium Duty Pickup                                |                |               |              | 66              |               |               |           | 66   | -    | -     | -    | -    | -    | 66    |
| Heavy Duty Pickup with Crane                      |                |               |              |                 | 60            |               | 60        | 120  | -    | -     | -    | -    | -    | 120   |
| Light Duty Pick Up                                |                |               |              | 60              |               |               |           | 60   | -    | -     | -    | -    | -    | 60    |
| Light Duty Pick Up                                |                |               | 13           | 13              | 13            | 13            | 13        | 65   | -    | -     | -    | -    | -    | 65    |
| Police Boat Trailer                               |                |               | 34           |                 |               |               |           | -    | 34   | -     | -    | -    | -    | 34    |
| Police Motorcycle                                 |                |               | 41           |                 |               |               |           | -    | 41   | -     | -    | -    | -    | 41    |
| Police Motorcycle                                 |                |               | 41           |                 |               |               |           | -    | 41   | -     | -    | -    | -    | 41    |
| Heavy Duty Pickup                                 |                |               | 202          |                 |               |               |           | -    | -    | 202   | -    | -    | -    | 202   |
| Van                                               |                |               |              |                 |               | 231           | 231       | -    | -    | 462   | -    | -    | -    | 462   |
| Medium Duty Pickup Truck                          |                |               | 14           | 14              | 14            | 14            | 14        | -    | -    | 70    | -    | -    | -    | 70    |
| Light Duty Pick Up                                |                |               | 22           | 22              | 22            | 22            | 22        | -    | -    | 110   | -    | -    | -    | 110   |
| Manlift                                           |                |               | 13           | 13              | 13            | 13            | 13        | -    | -    | 65    | -    | -    | -    | 65    |
| Electric SUV                                      |                |               | 211          |                 |               |               |           | -    | -    | -     | 70   | -    | -    | 70    |
| CH Vehicle                                        |                |               | 14           | 14              | 14            | 14            | 14        | -    | -    | -     | 70   | -    | -    | 70    |
| Electric SUV                                      |                |               | 65           |                 |               |               |           | -    | -    | -     | 65   | -    | -    | 65    |
| Salt Brine System                                 |                |               |              | 70              |               |               |           | -    | -    | -     | 70   | -    | -    | 70    |
| Police Boat Motor                                 |                |               | 15           |                 |               |               |           | -    | -    | -     | -    | 15   | -    | 15    |
| Heavy Duty Pickup                                 |                |               | 24           | 95              |               |               |           | -    | -    | -     | -    | 119  | -    | 119   |
| Truck Cab and Chassis                             |                |               |              | 140             |               |               |           | -    | -    | -     | -    | 280  | -    | 280   |
| Forklift                                          |                |               | 9            | 9               | 9             | 9             | 9         | -    | -    | -     | -    | -    | 45   | 45    |
| Street Sweeper                                    |                |               |              | 65              |               |               | 260       | -    | -    | -     | -    | -    | 325  | 325   |
| Pup Trailer                                       |                |               |              | 43              |               |               | 43        | -    | -    | -     | -    | -    | 86   | 86    |
| TOTALS .....                                      |                |               |              |                 |               |               |           | 658  | 311  | 1,111 | 486  | 633  | 684  | 3,883 |

*City of Bainbridge Island  
Facilities CIP (2021 - 2026)  
2021-2022 Proposed Budget*

| Project                             | Grant Eligible | Grant Awarded | Grant Funds | General Comp | Strts Component | Wtr Component | Swr Component | SSWM Comp | Prior Years | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 - 2040 | Total  |
|-------------------------------------|----------------|---------------|-------------|--------------|-----------------|---------------|---------------|-----------|-------------|------|------|------|------|------|------|-------------|--------|
| FACILITIES PROJECTS - 6-YEAR CIP    |                |               |             |              |                 |               |               |           |             |      |      |      |      |      |      |             |        |
| Police and Municipal Court Building |                |               |             | Y            |                 |               |               |           | 20,000      | -    | -    | -    | -    | -    | -    | -           | 20,000 |
| City Hall Lower Parking Lot Paving  |                |               |             | Y            |                 |               |               |           | -           | 100  | -    | -    | -    | -    | -    | -           | 100    |
| City Hall Security                  |                |               |             | Y            |                 |               |               |           | -           | 50   | -    | -    | -    | -    | -    | -           | 50     |
| Salt Storage Facility               |                |               |             | Y            |                 |               |               |           | -           | 60   | -    | -    | -    | -    | -    | -           | 60     |
| City Hall Rennovations              |                |               |             | Y            |                 |               |               |           | -           | -    | 100  | 350  | -    | -    | -    | -           | 450    |
|                                     |                |               |             |              |                 |               |               |           |             |      |      |      |      |      |      |             |        |
| City Total                          |                |               |             |              |                 |               |               |           | 20,000      | 210  | 100  | 350  | -    | -    | -    | -           | 20,660 |
| Grant Totals                        |                |               |             |              |                 |               |               |           | -           | -    | -    | -    | -    | -    | -    | -           | -      |
| TOTALS .....                        |                |               |             |              |                 |               |               |           | 20,000      | 210  | 100  | 350  | -    | -    | -    | -           | 20,660 |



*City of Bainbridge Island*  
*Water CIP (2021 - 2026)*  
*2021-2022 proposed Budget*

| Project                                    | Location                 | Grant Eligible | General Comp | Strts Comp | Wtr Comp | Swr Comp | SSWM Comp | Prior Years  | 2021       | 2022         | 2023     | 2024     | 2025      | 2026       | 2027 - 2040 | Total        |
|--------------------------------------------|--------------------------|----------------|--------------|------------|----------|----------|-----------|--------------|------------|--------------|----------|----------|-----------|------------|-------------|--------------|
| <b>WATER PROJECTS - 6-YEAR CIP (1000s)</b> |                          |                |              |            |          |          |           |              |            |              |          |          |           |            |             |              |
| Wyatt Way Reconstruction                   | Wyatt Way                |                |              |            | Y        |          |           | 150          | -          | -            | -        | -        | -         | -          | -           | 150          |
| High Zone Improvements                     | High School/New Brooklyn |                |              |            | Y        |          |           | 900          | -          | -            | -        | -        | -         | -          | -           | 900          |
| SCADA Upgrades                             | Various                  |                |              |            | Y        |          |           | 205          | -          | -            | -        | -        | -         | -          | -           | 205          |
| Chlorine Generator Upgrades                | Various                  |                |              |            | Y        |          |           | 250          | -          | -            | -        | -        | -         | -          | -           | 250          |
| New Storage Tank                           | New Brooklyn             |                |              |            | Y        |          |           | 1,000        | -          | 2,250        | -        | -        | -         | -          | -           | 3,250        |
| Fire Flow Improvements                     | Winslow                  |                |              |            | Y        |          |           | -            | 75         | 350          | -        | -        | -         | -          | -           | 425          |
| Well Development/Rehab                     | Pritchard Park           |                |              |            | Y        |          |           | -            | 200        | -            | -        | -        | -         | -          | -           | 200          |
| Pipeline Improvements                      | Shephard Way             |                |              |            | Y        |          |           | -            | 50         | 300          | -        | -        | -         | -          | -           | 350          |
| Emergency Generator                        | Head of the Bay          |                |              |            | Y        |          |           | -            | 40         | 130          | -        | -        | -         | -          | -           | 170          |
| Water Treatment Improvements               | Head of the Bay          |                |              |            | Y        |          |           | -            | 500        | 1,500        | -        | -        | -         | -          | -           | 2,000        |
| Winslow Way West                           |                          |                |              |            |          |          |           | -            | -          | -            | -        | -        | 30        | 220        | -           | 250          |
| City Project Funding                       |                          |                |              |            |          |          |           | 2,505        | 865        | 4,530        | -        | -        | 30        | 220        | -           | 8,150        |
| Grant Totals                               |                          |                |              |            |          |          |           | -            | -          | -            | -        | -        | -         | -          | -           | -            |
| <b>TOTALS</b>                              |                          |                |              |            |          |          |           | <b>2,505</b> | <b>865</b> | <b>4,530</b> | <b>-</b> | <b>-</b> | <b>30</b> | <b>220</b> | <b>-</b>    | <b>8,150</b> |

*City of Bainbridge Island*  
*Sewer CIP (2021 - 2026)*  
*2021-2022 Proposed Budget*

| Project                                    | Location and/or Phase | Grant Eligible | Grant Awarded | Grant Funds | General Comp | Strts Component | Wtr Component | Swr Component | SSWM Comp | Prior Years | 2021  | 2022  | 2023  | 2024  | 2025 | 2026 | 2027 - 2040 | Total |
|--------------------------------------------|-----------------------|----------------|---------------|-------------|--------------|-----------------|---------------|---------------|-----------|-------------|-------|-------|-------|-------|------|------|-------------|-------|
| <b>SEWER PROJECTS - 6-YEAR CIP (1000s)</b> |                       |                |               |             |              |                 |               |               |           |             |       |       |       |       |      |      |             |       |
| Rehabilitate Pumps                         | Sunday Cove           |                |               | -           |              |                 |               | Y             |           | 150         | 30    | 420   | -     | -     | -    | -    | -           | 600   |
| Lift Station SCADA Upgrades                | Various               |                |               | -           |              |                 |               | Y             |           | 280         | -     | -     | -     | -     | -    | -    | -           | 280   |
| Pump Station & Force Main                  | Wood Ave              |                |               | -           |              |                 |               | Y             |           | 750         | -     | -     | 2,750 | -     | -    | -    | -           | 3,500 |
| Rehabilitate Pump Station (Lower Lovell)   | Lower Lovell          |                |               |             |              |                 |               | Y             |           | 170         | -     | 430   | -     | -     | -    | -    | -           | 600   |
| Rehabilitate Pump Station (Wing Point)     | Wing Point            |                |               | -           |              |                 |               | Y             |           | 100         | -     | -     | -     | 500   | -    | -    | -           | 600   |
| Village Basin Improvements                 |                       |                |               |             |              |                 |               | Y             |           | -           | 750   | -     | -     | -     | -    | -    | -           | 750   |
| WWTP Airgap Replacement                    | Wing Point            |                |               |             |              |                 |               | Y             |           | -           | 85    | -     | -     | -     | -    | -    | -           | 85    |
| Hawley Pump                                | Lower Hawley          |                |               |             |              |                 |               | Y             |           | -           | -     | 100   | -     | 450   | -    | -    | -           | 550   |
| Hawley/Irene Grinder Pumps                 |                       |                |               |             |              |                 |               | Y             |           | -           | 350   | -     | -     | -     | -    | -    | -           | 350   |
| North Town Woods Pump                      |                       |                |               |             |              |                 |               | Y             |           | -           | -     | 100   | 450   | -     | -    | -    | -           | 550   |
| Woodward Pump                              |                       |                |               |             |              |                 |               | Y             |           | -           | -     | -     | 100   | -     | 350  | -    | -           | 450   |
| Extent WWTP Outfall                        |                       |                |               |             |              |                 |               | Y             |           |             |       |       |       |       |      |      |             |       |
| Rehabilitate Pump Station (Island Terrace) | Island Terrace        |                |               | -           |              |                 |               | Y             |           | -           | -     | -     | 150   | 450   | -    | -    | -           | 600   |
| Install Gravity Sewers                     | Sunday Cove           |                |               | -           |              |                 |               | Y             |           | 200         | -     | -     | -     | -     | -    | 450  | -           | 650   |
| Extend WWTP Outfall                        | Wing Point            |                |               | -           |              |                 |               |               |           | -           | 85    | -     | -     | -     | -    | -    | -           | 85    |
| <b>City Total</b>                          |                       |                |               |             |              |                 |               |               |           | 1,650       | 1,300 | 1,050 | 3,450 | 1,400 | 350  | 450  | -           | 9,650 |
| <b>Grant Total</b>                         |                       |                |               |             |              |                 |               |               |           | -           | -     | -     | -     | -     | -    | -    | -           | -     |
| <b>TOTALS</b>                              |                       |                |               |             |              |                 |               |               |           | 1,650       | 1,300 | 1,050 | 3,450 | 1,400 | 350  | 450  | -           | 9,650 |

*City of Bainbridge Island*  
*Stormwater CIP (2021- 2026)*  
*2021-2022 Adopted Budget*

| Project                                               | Grant Eligible | Grant Awarded | Grant Funds | General Comp | Stirts Component | Wtr Component | Swr Component | SSWM Comp | Prior Years | 2021 | 2022 | 2023 | 2024 | 2025  | 2026 | 2027 - 2040 | Total |
|-------------------------------------------------------|----------------|---------------|-------------|--------------|------------------|---------------|---------------|-----------|-------------|------|------|------|------|-------|------|-------------|-------|
| <b>STORMWATER PROJECTS - 6-YEAR CIP (1000s)</b>       |                |               |             |              |                  |               |               |           |             |      |      |      |      |       |      |             |       |
| Eagle Hrbr. Dr. @ McDonald Creek Culvert              |                |               | -           |              |                  |               |               | Y         | 200         | -    | -    | -    | -    | -     | -    | -           | 200   |
| Yeomalt Area Drainage Improvements                    |                |               | -           |              |                  |               |               | Y         | 60          | -    | 590  | -    | -    | -     | -    | -           | 650   |
| Blakely Ave. Drainage Improvements                    |                |               | -           |              |                  |               |               | Y         | -           | -    | -    | 250  | -    | -     | -    | -           | 250   |
| Springbrook Creek Restoration and Culvert Replacement | x              |               | -           |              |                  |               |               | Y         | -           | -    | -    | -    | 200  | 1,200 | -    | -           | 1,400 |
| C40 Eagle Harbor Fish Passage                         |                |               | -           | Y            |                  |               |               | Y         | -           | -    | 100  | -    | -    | 500   | -    | -           | 600   |
|                                                       |                |               |             |              |                  |               |               |           |             |      |      |      |      |       |      |             |       |
| City Funding                                          |                |               |             |              |                  |               |               |           | 260         | -    | 690  | 250  | 200  | 1,700 | -    | -           | 3,100 |
| Grant Totals                                          |                |               |             |              |                  |               |               |           | -           | -    | -    | -    | -    | -     | -    | -           | -     |
| TOTALS .....                                          |                |               |             |              |                  |               |               |           | 260         | -    | 690  | 250  | 200  | 1,700 | -    | -           | 3,100 |



CITY OF  
BAINBRIDGE ISLAND

## Planning Commission Special Meeting Agenda Bill

**MEETING DATE:** July 23, 2020

**ESTIMATED TIME:** 20 Minutes

**AGENDA ITEM:** (8:00 PM) Commission Top Affordable Housing Initiatives and Land Use Code Priorities

**AGENDA CATEGORY:** Discussion

**PROPOSED BY:** Heather Wright

**PREVIOUS PLANNING COMMISSION**

**REVIEW DATE(S):** June 22, 2020

July 9, 2020

**PREVIOUS COUCIL REVIEW DATE(S):** June 22, 2020

July 7, 2020

**RECOMMENDED MOTION:**

Identify top priorities and initiatives.

**SUMMARY:**

The purpose of this agenda item is to identify the top priority items the planning commission would like the commission liaisons to present at their joint meeting (date tbd).

**BACKGROUND:** During a joint meeting of the City Council and Planning Commission on June 22, 2020 to discuss land use code review and affordable housing initiatives, the members decided to form a subcommittee to further address affordable housing initiatives and land use code priorities. In anticipation of their first meeting (date tbd), the Planning Commission can discuss the items the would like the planning commission liaisons to present.

Councilmembers include; Christy Carr, Kirsten Hytopoulos, and Michael Pollock

Commissioners include; Bill Chester, Kimberly McCormick Osmond, and Lisa Macchio.

**ATTACHMENTS:**