



**PLANNING COMMISSION REGULAR MEETING
THURSDAY, MARCH 14, 2024**

BAINBRIDGE ISLAND CITY HALL
COUNCIL CHAMBERS
280 MADISON AVENUE N
BAINBRIDGE ISLAND, WA

AND

ZOOM WEBINAR
[HTTPS://BAINBRIDGEWA.ZOOM.US/J/86561143070](https://bainbridgewa.zoom.us/j/86561143070)
OR TELEPHONE: US: +1 253 205 0468
WEBINAR ID: 865 6114 3070

AGENDA

1. **CALL TO ORDER/LAND ACKNOWLEDGMENT/AGENDA REVIEW - 6:00 PM**
We would like to begin by acknowledging that the land on which we gather is within the ancestral territory of the Suquamish, "People of Clear Salt Water." Expert fishermen, canoe builders and basket weavers, the Suquamish live in harmony with the lands and waterways along Washington's Central Salish Sea as they have for thousands of years. Here, the Suquamish live and protect the land and waters of their ancestors for future generations as promised by the Point Elliot Treaty of 1855.
2. **PLANNING COMMISSION MEETING MINUTES - 6:05 PM**
Review and approve meeting minutes.
 - 2.a **Minutes** 5 Minutes
[02222024 Planning Commission Regular Meeting Minutes.pdf](#)
3. **PUBLIC COMMENT - 6:10 PM**
 - 3.a **Public Comment** 10 Minutes
[Instructions for Providing Public Comment at Hybrid Meetings.pdf](#)
4. **PUBLIC PARTICIPATION MEETING - 6:20 PM**
 - 4.a **Finch Green Subdivision Public Participation Meeting** 30 Minutes
[Finch Green - PPM - packet.pdf](#)

5. UNFINISHED BUSINESS - 6:50 PM

5.a Analysis of Puget Sound Energy (PSE) code amendment requests- Part I: review of proposed amendments to critical areas ordinance and zoning code. 30 Minutes

Review and Analysis of Amendment Requests_Pro Pros and Cons.pdf
PSE Submittal_Code Amendment Cover Letter.pdf
PSE Submittal_Code Amendment Narrative.pdf
PSE Submittal_Best Available Science Review by HDR.pdf
PSE Submittal_Bainbridge Code Amendment Comparison Analysis.pdf
PSE Submittal_Structures and Equipment photo glossary.pdf
PSE Submittal_Example of Typical PSE Roadside Electrical Lines.pdf
PSE Submittal_SEPA Checklist.pdf

6. NEW BUSINESS - 7:20 PM

6.a Nominations for Selection Panel for New Appointments to Planning Commission 5 Minutes

7. PLANNING DIRECTOR'S REPORT - 7:25 PM

8. FOR THE GOOD OF THE ORDER - 7:30 PM

9. ADJOURNMENT - 7:35 PM

GUIDING PRINCIPLES

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

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

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

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

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

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

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

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



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

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



CITY OF
BAINBRIDGE ISLAND

Planning Commission Regular Meeting Agenda Bill

MEETING DATE: March 14, 2024

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: Minutes

AGENDA CATEGORY: Minutes

PROPOSED BY: Renee Argetsinger

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

PREVIOUS COUCIL REVIEW DATE(S):

RECOMMENDED MOTION:

I approved the February 22, 2024, minutes as presented.

SUMMARY:

BACKGROUND:

ATTACHMENTS:



Planning Commission Regular Meeting February 22, 2024

Meeting Minutes

1) **CALL TO ORDER/LAND ACKNOWLEDGMENT/AGENDA REVIEW**

Acting Chair Sarah Blossom called the meeting to order at 6:03 PM, in the Council Chambers and on the Zoom platform and read the land acknowledgement.

Present were Planning Commissioners – Sarah Blossom, Ariel Birtley, Benjamin Deines, Peter Schaab and Sean Sullivan. Commissioner Yesh Subramanian was excused. Also present was Council Liaison – Ashley Mathews, City Staff – Planning and Community Development Director – Patty Charnas, Senior Planner - Jennifer Sutton, and Planner – Joanne Mendenhall.

2) **PLANNING COMMISSION MEETING MINUTES**

2a. Minutes
Cover Page
[PC Minutes 01112024.pdf](#)

MOTION: I move to approve the January 11, 2024, Meeting Minutes as presented.
Schaab/Deines: – The motion carried unanimously.

3) **PUBLIC COMMENT**

3a. Public Comment
Cover Page
[Instructions for Providing Public Comment at Hybrid Meetings.pdf](#)

I. Kim McCormick expressed concerns and comments regarding the PSE Municipal Code Amendment Request that is item #6 on this agenda.

4) **PUBLIC HEARING**

Bates Open Space Current Use Taxation Application
Cover Page
[Bates PC Staff Memo.docx](#)
[Bates Property Critical Areas and Aerial Photo.pdf](#)

[Bates Open Space Site Plan.pdf](#)
[Bates Current Use Application.pdf](#)
[Pictures of Bates Property.pdf](#)
[County Assessor Current Use Tax Shift Estimate.pdf](#)

Acting Chair Blossom opened the Public Hearing and introduced Senior Planner - Jennifer Sutton who presented the project.

Senior Planner - Jennifer Sutton is recommending to the Planning Commission approval of the project as Open Space. This recommendation goes to the Kitsap County Commissioners as well as to Bainbridge Island City Council. Planner Sutton introduced the applicant, Ms. Bates. Ms. Bates offered additional information about the project.

Question & Answer session followed, no public comments were made, and Chair Blossom closed the Public Hearing at 6:26 PM.

MOTION:

I move to recommend approval of the Bates current-use application to the City Council and to the County Commission.

Schaab/Sullivan – The motion carried unanimously.

5) PUBLIC PARTICIPATION MEETING

Helpline House Public Participation Meeting
[Cover Page](#)
[Helpline House - Project Narrative submitted Feb052024.pdf](#)
[Helpline House - DRB Design Guidance 030424 - REV Site Plan.pdf](#)
[PLN52710 Preapplication letter.pdf](#)

Chair Blossom opened the Public Participation Meeting at 6:26 PM, introduced Planner Joanne Mendenhall.

Planner Joanne Mendenhall provided a brief summary of the proposed project and introduced the applicant. The applicant, Maria Metzler, of Helpline House, offered further details about the project.

Jonathan Davis, the project architect, presented and discussed the site plan.

Q&A by the Planning Commission followed.

Chair opened Public Comment –

1. Rich Gawlowski, Helpline House Board Member, commented on the limitations and challenges of the current facility for those who are disabled and/or elderly.
2. Brian McKenna, a volunteer at Helpline House - spoke about the limited current condition of the shopping area and that it's often crowded.

3. Joan Spencer, a volunteer at Helpline House - Helpline House promotes equity and helps a wide variety of people and it's a growing need. Helpline House offers value to the people who use Helpline House and there are many Bainbridge Island residents who need these services and who often are not otherwise heard or recognized.
4. Julie Matthews, a volunteer, and board member of Helpline House - is looking forward to this project, currently it's small and it's hard for volunteers to restock. The new facility will allow more people to shop at one time. It offers more space for donations and storage. Sakai food drive brought in over 30,000 pounds of food but currently face challenges in storing it all. It will allow for more effective food handling and distribution.
5. Joan Hemphill, President of the Board of Directors of Helpline House - currently they can't help everyone who needs it. Challenges exist with helping people who need mental health services, those who are now on waiting lists, storage, have had to turn away food donations because of lack of space and citizens leaving because they can't wait to use the food bank. The new facility will offer a meeting room for other organizations in the community to be able to use.
6. Dean Lierle, Development Manager at Helpline House - it's a place of healing, developed group therapy program but lacks the space to be able to conduct these therapy sessions and offer connection and healing. Need to provide more services to younger children, especially post-COVID, can't consider expanding this service without the new facility. The new community room could offer recovery options and meet in a community space - very excited about the opportunity.

Chair Blossom closed the PPM at 7:08 PM.

6) **NEW BUSINESS - 7:10 PM**

PSE Municipal Code Amendment Request

[Cover Page](#)

[Staff_Memo_to_Planning_Commission_22FEB2024__1_.pdf](#)

[PSE Proposed Code Language.pdf](#)

Chair Blossom opened the PSE code amendment request. Director Charnas offered some information about the process. There is a lot to this project and the staff is digesting a great deal of information, it affects many people and currently the City does not have a position on this project. Director Charnas introduced Planner - Joanne Mendenhall, who laid out that study sessions will need to take place. PSE is requesting a change to the BIMC in 6 areas and briefly listed each of those areas. Planner Mendenhall introduced Kerry Kriner of PSE, who presented the BIMC code change requests. Ms. Kriner answered questions of the Planning Commission, offering clarifications of some of the requests that PSE is asking for. Director Charnas proposed a process plan moving forward to examine each of the changes asked for by PSE and that studies and statements will need to be made, reviewed, and refined, before we come to the point of a Public Hearing on this subject. Chair Blossom asked that staff make recommendations that facilitate those goals.

MOTION: I move to direct the Planning Director to come back to the March 14, 2024, Planning Commission meeting, with a staff analysis of the critical areas and zoning regulation changes and an overall plan that addresses alternatives from the applicant. And to bring back to the March

28, 2024, Planning Commission meeting, the property owner/eminant domain concerns and issues and public involvement and outreach.

Blossom/Deines – The motion carried unanimously.

7) PLANNING DIRECTOR'S REPORT

Director Charnas offered an update on the status of two WA State laws that COBI is required to comply with by 2025. There will be new rules and procedures (standards) for Permit Processing and Design Review times. The DRB will be the principal entity that handles HB 1293. For Senate Bill 5290 - Director Charnas is asking for assistance from the Planning Commission on the Permit Processing and would like to present a draft Work Plan at the March 28, 2024, Planning Commission meeting, for review and input. Clerk to the Planning Commission to forward both laws to the Planning Commission for review.

8) FOR THE GOOD OF THE ORDER

Commissioner Deines - shared the information he gathered about the plans for the property where the old police station is located (Winslow & 305) and would like the Planning Commission to participate in what's next for that property, especially with how that will fit in with the Winslow Subarea Plan. He wanted to voice his opinion and hopes that more considerations are being looked at for that corner, in addition to the affordable housing that has been mentioned.

Commissioner Sullivan offered that his family is expecting a new baby and that his participation on the Planning Commission could be challenged for a period of time.

9) ADJOURNMENT - 8:35 PM

Sarah Blossom, Acting Chair

Renee Argetsinger, Clerk to the Planning Commission



CITY OF
BAINBRIDGE ISLAND

Planning Commission Regular Meeting Agenda Bill

MEETING DATE: March 14, 2024

ESTIMATED TIME: 10 Minutes

AGENDA ITEM: Public Comment

AGENDA CATEGORY: Discussion

PROPOSED BY: Renee Argetsinger

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

PREVIOUS COUCIL REVIEW DATE(S):

RECOMMENDED MOTION:
Instructions for Providing Public Comment.

SUMMARY:

BACKGROUND:

ATTACHMENTS:

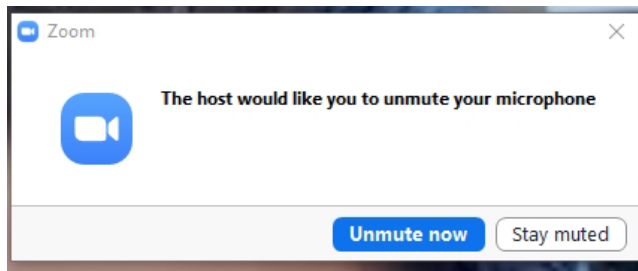


PLANNING AND COMMUNITY DEVELOPMENT

Members of the public are encouraged to submit written public comment to the Planning Commission at any time by emailing Commissioners directly or sending comments to pcd@bainbridgewa.gov and City staff will forward your comment directly to Commissioners on your behalf. Members of the public who wish to provide public comment may attend the meeting in Council Chambers or may participate remotely by following the instructions outlined below. If you are attending in-person, please sign up to speak on the sign-in sheet by the Chamber doors. The Chair or Acting Chair will call the people signed up on the sign-in sheet in Council Chambers first, and speakers will have three minutes to speak from the podium. Following the in-person comment, people who have raised their hands in the Zoom meeting will be called on next. A timer on the screen will indicate when 3 minutes have elapsed. Guidelines for public comment are also attached.

INSTRUCTIONS FOR PROVIDING PUBLIC COMMENT REMOTELY

1. Join the Zoom webinar by following the link posted on the agenda and on the City calendar.
2. Sign in to Zoom with your full name.
3. The Chair will indicate when it is time for public comment.
4. Attendee indicates desire to speak by clicking on “Raise Hand” option at the bottom of the screen. If you are calling in by phone and would like to make a comment, *6 mute/unmute *9 raise/lower hand to be called on to speak.
5. Attendee clicks button “Unmute now” after they are called to speak by the Chair.



6. Attendee will appear on screen with other panelists, but without video, just name.

IMPORTANT NOTE: If you do not have the latest version of Zoom, you will be promoted to panelist. You will then appear with video enabled. Look for the video icon in the bottom left-hand corner of the screen to turn off your video.

7. Attendee provides comment.
8. A timer on the screen will track your time.
9. Stop speaking when the timer reaches the 3-minute mark.
10. Attendee is returned to attendee group, and microphone is muted.
11. Public comment is simply received by the Planning Commission, with no response.



CITY OF
BAINBRIDGE ISLAND

Planning Commission Regular Meeting Agenda Bill

MEETING DATE: March 14, 2024

ESTIMATED TIME: 30 Minutes

AGENDA ITEM: Finch Green Subdivision Public Participation Meeting

AGENDA CATEGORY: Discussion

PROPOSED BY: Jo Mendenhall

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

PREVIOUS COUCIL REVIEW DATE(S): None.

RECOMMENDED MOTION:
Presentation and Discussion

SUMMARY:

This Public Participation Meeting (PPM) is for the Finch Green subdivision, a 24 lot affordable housing development by Bethany Lutheran Church. The PPM is required as part of the preapplication phase of the site plan and design review process.

BACKGROUND: In response to RCW 36.70A.545, an affordable housing density bonus program for properties owned or controlled by a religious organization was approved in 2022 through Ordinance 2022-02. This project, proposed by Bethany Lutheran Church, will be the first to utilize Bainbridge Island Municipal Code 18.21.050 Affordable Housing Development on Property Owned or Controlled by a Religious Organization which allows them up to 24 lots.

ATTACHMENTS:



FINCH GREEN

Finch Green Affordable Housing

APN # 272502-2-002-2008

7968 Finch Road NE
Bainbridge Island, WA 98110

Revision	Date

DRB - Concept Meeting
Cover - aerial
1" = 40' UNO
February 20, 2024

Project Narrative

PROPERTY

The property, currently owned by the Bethany Lutheran Church, is a developed 8-acre parcel located at 7968 Finch Road NE. There is an existing church and pre-school at the north end of the property and an existing 159-space asphalt and gravel parking lot to the south of these buildings. The property is bordered on its three sides by Finch Road, High School Road, and Sportsman Club Road. The area of the property is 367,210 SF, per COBI GIS.

PROPOSED PROJECT

Finch Green, a registered nonprofit, in partnership with HRB plans to build up to twenty-four residential units on a portion of the property that is being donated to the community by the Bethany Lutheran Church congregation.

PROJECT CONCEPT

Finch Green’s vision is to create housing that meets the greatest need, allowing purpose and the people we serve to drive the design of our community. Our vision includes designing and building homes in an environmentally sensitive manner and creating a neighborhood that reflects a profound awareness of the land.

Given the existing church and school on the property, the project is conceptualized as a small village centered around community outdoor spaces, where gathering, connection, food production and landscape can come together to support a safe, nurturing, and inclusive community. Homes will be sited in pocket neighborhoods with paths winding throughout the village. Community gardens and other gathering spaces will provide opportunities for neighbors to connect.

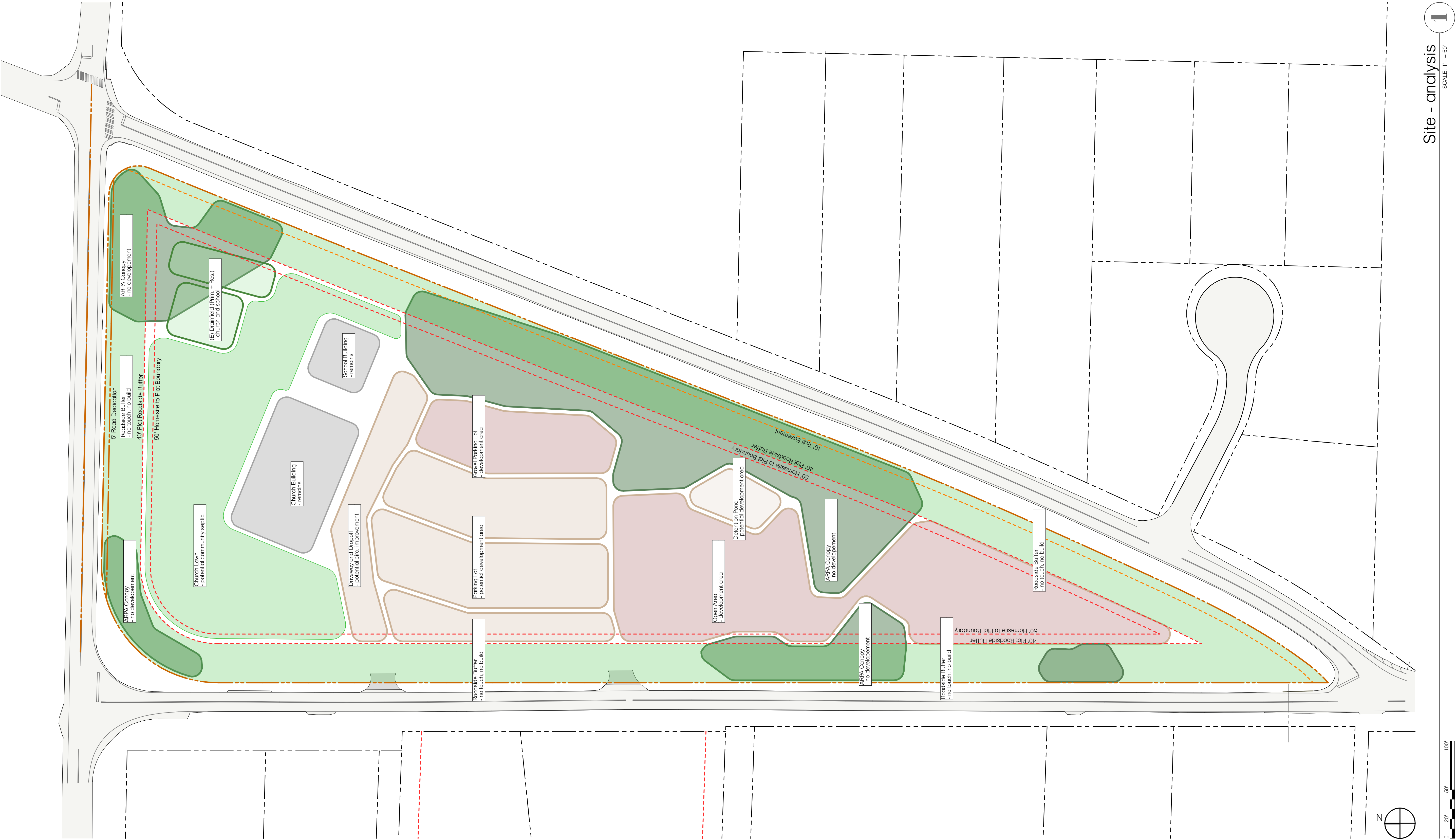
The homes will be sited so as to preserve the existing healthy tree canopy. Trees and vegetation in roadside buffers will be protected and enhanced to buffer the homes from traffic. Rain-gardens will be installed to retain and filter stormwater on the property. A trail system will be designed to preserve existing neighborhood paths of travel to the bus stop at the park and ride.

We envision a multigenerational community of 2, 3 and 4-bedroom single-family homes designed for young families, single parents with children and elders. At a minimum, the homes will be designed to meet the Evergreen Standard for sustainability. We plan to design for solar panels to reduce the cost of living in the homes.

The plan is the homes will be managed by HRB and will be made available to income qualifying households making less than 80% of the Area Median Income. The homes will be designated affordable in perpetuity either through a covenant on the property or through a community land trust.

Our intent is that this project will be a model for how affordable housing can achieve multiple objectives – well designed housing that works for the people who need it most, neighborhoods that can integrate well into the surrounding community, and homes that live lightly on the planet.

Revision	Date



Site - analysis

Finch Green Affordable Housing

APN # 272502-2-002-2008

7968 Finch Road NE
Bainbridge Island, WA 98110

Davis Studio Architecture + Design, LLC
310 Madison Ave S, Suite A
Bainbridge Island, WA 98110
206.842.5543
JD@davisstudioAD.com
davisstudioAD.com
Finch Green Affordable Housing
© 2023, Davis Studio Architecture + Design, LLC

Revision	Date

DRB - Concept Meeting
Site - analysis
1" = 40' UNO
February 20, 2024



December 18, 2023

Johnathan Davis
310 Madison Avenue South, Suite A
Bainbridge Island, WA 98110
(sent via email: jd@davisstudioad.com)

Re: Finch Green

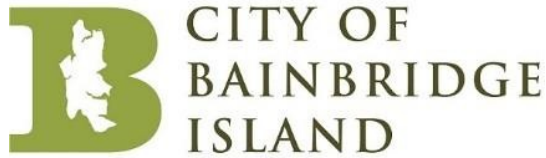
Dear Applicant:

Thank you for meeting with City staff on November 28, 2023 to discuss your proposal to subdivide the properties with parcel numbers 272502-2-002-2008 and 272502-2-039-2005 into no more than 24 lots. As the submittals do not include a specific subdivision proposal, this letter will address the project in general terms with the expectation that this project will be a mixed-use subdivision with single family, multi-family, and Public and Institutional elements. A summary of the land use review process, applicable Bainbridge Island Municipal Code (BIMC) regulations, comments from reviewers, fees, submittal requirements, and next steps is provided below.

General Information	
Pre-Application Conference Date:	November 28, 2023
Project Name and Number:	Finch Green / PLN52690
Project Description:	Affordable Housing Development
Project Address:	7968 Finch Rd NE
Tax Parcel Number(s):	272502-2-002-2008 & 272502-2-039-2005
Tax Parcel Size:	Approximately 8.43 acres or approx. 367,210 sq. ft.
Zoning/Comp Plan Designation:	R-0.4/Residential-0.4
Planning Contact:	Joanne Mendenhall
Development Engineer:	Nick Rasor

Land Use Review Process			
Reviews required prior to Land Use Application/Required Land Use Application(s)			
Review/Permit	Process	Recommendation / Decision	Current Fee*
Preapplication Conference	BIMC 2.16.020.I	N/A	\$2,850.00 (paid)
DRB Conceptual Review Meeting**	BIMC 2.16.040.D	N/A	\$930.00 (paid)
Public Participation Meeting		N/A	\$930.00 (paid)
DRB Guidance Meeting**		N/A	

280 Madison Avenue North
Bainbridge Island, Washington 98110-1812
www.bainbridgewa.gov
206.842.7633



DRB Final Review Meeting**		DRB	
Long Subdivision	BIMC 2.16.125	Planning Commission / PCD Director / Hearing Examiner	\$32,360.00
Site Plan and Design Review Permit***	BIMC 2.16.040	Planning Commission / PCD Director	\$17,530.00 (major) \$9,510.00 (minor)
Conditional Use Permit (Major)	BIMC 2.16.110	Planning Commission / PCD Director / Hearing Examiner	\$20,020.00
Consolidate Project Review****	BIMC 2.16.170	Planning Commission / PCD Director / Hearing Examiner	The highest permit fee plus 1/3 all others
Plat Utilities Permit	Contact Development Engineer for process and fee		
Final Plat	BIMC 2.16.160	PCD Director / City Council	Currently no additional fee.*
Health District Review	Dependent on final design. Contact Health District for process and fee.		
Building Permit Fees	Dependent on final design. Per Resolution No. 2023-07: A private, nonprofit housing development applicant with a project that is building four or more units that are 100% designated affordable housing units at or below 80% AMI (in compliance with BIMC 18.21.020) is eligible for a City fee contribution up to \$30,000 towards building permit and utility fees.		

Per Resolution No. 2023-07: An applicant with a project that integrates designated affordable housing units (in compliance with BIMC 18.21.020) as described below may request that the City's Affordable Housing Fund pay a portion of the fee(s) for applicable land use permits.

For projects by private, nonprofit affordable housing developers that will provide affordable units to those income-qualified households at or below 80% AMI (low income of below)

- Providing between 25-50% designated affordable housing units: eligible for AHF monies for 10% of land use permit fee(s).
- Providing between 51-75% designated affordable housing units: eligible for AHF monies for 25% of land use permit fee(s).
- Providing between 76-99% designated affordable housing units: eligible for AHF monies for 50% of land use permit fee(s).
- Providing 100% designated affordable housing units: eligible for AHF monies for 100% of land use permit fee(s). ***This tier is the only discount available to public agencies or for-profit developers.***

An applicant can submit a request(s) for assistance from the AHF to the Director of Planning and Community Development. The request will be reviewed and approved by the City Manager. Changes or withdrawal of a permit application after receiving AHF assistance may result in a need for the applicant to reimburse the AHF fully or in part depending on the specifics of the situation. Please see Resolution No. 2023-07 for more information on this subject.



- * We are expecting fees to increase 1/1/2024. Please verify permit fees at the time of application submittal.
- ** All DRB meetings are included in the one-time fee.
- *** If the final design is a subdivision consisting only of single-family residences with the church and daycare facility remaining on a parcel separate from the residences, an SPR will not be required. If a multi-family or a mixed-use parcel is created, an SPR may be required. Determination of major or minor SPR will depend on the specifics of the project at submittal.
- **** Consolidated Project Review (BIMC 2.16.170): A consolidated review process is available at the applicant's option when a proposal requires more than one of the approvals listed in BIMC 2.16.010. A consolidated application shall follow the application and notice procedures that result in the most extensive review and decision process.

Application Submittal Requirements

- DRB meetings: Follow the instructions on the City's website [Submitting a Building or Land Use Permit Application](#). If you have any questions about submittal, please contact a permit specialist through permittingsubmittal@bainbridgewa.gov or telephone 206.780.3770. Please submit all information identified in [Design for Bainbridge](#), Appendix A.
- Public Participation Meeting: This meeting is scheduled with the Planning Commission; it meets the 2nd and 4th Thursday of each month. Contact the project planner at least three weeks ahead of the requested meeting to schedule. There are no submittal requirements, but Planning Commission expects that the applicant will make a brief presentation, and is typically provided the applicant's proposal from the preapplication or conceptual meeting materials.
- Land use application: Follow the instructions on the City's website [Submitting a Building or Land Use Permit Application](#). If you have any questions about submittal, please contact a permit specialist through permittingsubmittal@bainbridgewa.gov or telephone 206.780.3770. Please submit all information identified in the [Administrative Manual for Land Use Permits](#), in addition to submittals listed below.
- **Additional required plans, studies, reports, and any other requirements for complete land use application submittal:**
 - Master Land Use Application
 - SEPA Checklist
 - Traffic Impact Analysis (contact Department of Public Works for scope approval)
 - Depict views of proposed houses from exterior roads and abutting properties vis-à-vis natural topography and existing vegetation.
 - Non-binding water availability letters (and sewer availability letters if public sewer will be used)
 - Document requested departures from subdivision standards. Address consistency with general purpose of intent of the subdivision chapter, the intent of the four-step design process, and the specific standard from which the departure is requested.

Bainbridge Island Municipal Code Requirements

BIMC 15.04 – Building Code

The project and all proposed construction shall comply with all applicable provisions of the adopted Building Code.

*Please note that The City of Bainbridge Island Building Department is currently reviewing projects under the 2018 International Codes, but is expecting to update to the 2021 International Code (including the 2021 Washington State Energy Code and the 2021 Wildland Urban Interface Code) in 2024.

BIMC 16.04 – Environmental Policy

The project includes more than four attached or detached single family homes and is subject to the State Environmental Policy Act (SEPA) review.

If more than ten significant trees will be removed with this project, a Forest Practices permit from DNR may be required.

The Bainbridge Island critical area map shows an undelineated wetland to the east of the property within 300 feet. However, Sportsman Club Rd NE is a paved street that breaks the buffer both on the ground and for tree canopy. Per current City practice, Sportsman Club Rd NE qualifies as “an existing permanent substantial development, use or activity which serves to eliminate or greatly reduce the impact of the proposed activity on the critical area” and the critical area permit exemption BIMC 16.20.040.B.1 applies.

BIMC 16.12 – Shoreline Master Program

The subject property is outside of shoreline jurisdiction.

BIMC 16.20 – Critical Areas

BIMC 16.20.100 - Aquifer Recharge Area

An application for long subdivision in zone R-0.4 requires that the plat designate an Aquifer Recharge Protection Area (ARPA). The proposed as ARPA must meet the design standards in BIMC 16.20.100. The ARPA is calculated using the amount of healthy, existing trees and vegetation on the lot, up to a maximum of 65% of the total site area (approximately 238,686 sq. ft.). Priority is given to native vegetation and healthy significant trees.

Proposed ARPA area was included on the preapplication submittal documents, but is less than 65%. It does not appear to include all of the healthy, existing trees and vegetation.

Please note that on-site sewage drainfield facilities are allowed in designated ARPA only if construction of the system will not require the use of heavy equipment or removal of significant trees. Storm drainage facilities are only allowed in designated ARPA if the applicant can demonstrate that (i) the system meets the low impact design (LID) standards of Chapter 15.20 BIMC, and (ii) construction of the system will not require the use of heavy equipment or removal of significant trees.

BIMC 17.12 – Subdivision Design Standards

17.12.020 - Subdivision Design Guidelines

Subdivision development in all zoning districts shall comply with the requirements of the Bainbridge Island design review regulations – “*Design for Bainbridge*” as follows:

- Detached single-family residential subdivision development shall comply with Chapters 1, 2, 3 and 5, as applicable, and Chapter 6.
- **The applicant will need to provide this prior to their DRB Guidance Meeting.**

17.12.030 - Four-step Design Process

The city’s approach to planning for subdivisions requires a four-step process that gives the highest priority to identification and conservation of existing natural site features. This design process is required for all residential subdivisions. The process is further defined in BIMC [2.16.125.D](#); and consists of four steps: (A) delineate natural area; (B) locate homesites and community space; (C) define access; and (D) draw lot lines.

This process will need to be documented for the DRB Conceptual Review Meeting.

17.12.040 - Administrative Departures

A departure from existing subdivision standards may be requested only by an applicant to allow use of an alternative standard not listed among the applicable requirements of BIMC [17.12.050](#) through [17.12.070](#). A departure shall not be allowed from the following standards: Natural area, Community space, and Homesite size.

Any request for one or more departures shall be made at the design guidance review meeting as part of the preapplication phase of the project. Departures shall be reviewed concurrently with a preliminary application for subdivision. The design review board may include an administrative departure in its recommendation to the planning commission, if all of the following criteria are met:

1. Because of unusual shape, exceptional topographic conditions, environmental constraints or other extraordinary situation or condition in connection with a specific piece of property, strict adherence to the existing standard would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the subdivision ordinance as provided in BIMC 17.04.010;
2. The granting of the departure results in a subdivision with greater natural resource conservation value, less adverse impact to adjoining properties, or more practical design because of topography, critical area, or other extenuating circumstance; and
3. All possible efforts to comply with the standard or minimize potential harm or adverse impacts have been undertaken. Economic consideration may be taken into account but shall not be the overriding factor in approval; and
4. The departure is consistent with other applicable regulations and standards; and
5. The granting of any departure will not be unduly detrimental to the public welfare nor injurious to the property or improvements in the vicinity in which the property is located.

If the design review board’s recommendation is to grant the departure(s), the departure shall be

included as a component of the project in subsequent reviews pursuant to BIMC 2.16.110.D.1 and 2.16.110.E. The departure(s) shall be included in the director's recommendation to the hearing examiner unless a deviation from the recommendation is documented in the director's report pursuant to BIMC 2.16.110.E.3.b.

During their preapplication conference, applicant stated the intent to request the following departures:

- 1. Not requiring additional planting in the Roadside Buffer in the areas already developed.**
- 2. A waiving of the Design Diversity requirement in BIMC 17.12.070.Q**
- 3. A reduction in the homesite boundary to lot line setback to zero feet for all homes attached or detached.**

17.12.050 - Natural Area and Community Space

All residential subdivisions shall provide natural area. Natural areas consist of primary and secondary natural areas.

- Primary Natural Areas (PNA). PNAs include the following: (1) Critical areas other than critical aquifer recharge areas; (2) Critical area buffers and setbacks; and (3) Shoreline buffers.
- Secondary Natural Areas (SNA). SNAs are noteworthy or significant features of the natural landscape. SNAs include the following: (1) Farmland, pastures, meadows, and orchards; (2) Mature trees and shrubs; (3) Wildlife corridors; (4) Greenways and trails; (5) Scenic viewsheds; (6) Mature vegetation on ridgelines; and (7) Freestanding landmark trees, as defined in Chapter [16.32](#) BIMC, and their critical root zone (as identified by a consulting arborist).
 - **This project site has identified secondary natural area consisting of mature trees and shrubs.**
 - Amount of natural area required: up to 65 percent depending on the amount of healthy, existing trees and vegetation on site. If the required ARPA is greater than the required natural area (55 percent in this case), the natural area shall be increased to achieve the required ARPA area. Minimum width of the natural area is 50 foot (see BIMC Table [17.12.070-1](#) Subdivision Dimensional Standards).
 - **Natural area in the form of an ARPA has been identified on the proposed plan, but appears to be less than the required amount. If the area being subdivided contains less than the percentage of natural area shown in Table 17.12.070-1, then the designated natural area is identified accordingly and community space is required pursuant to BIMC 17.12.050.B.**
- Aquifer Recharge Protection Area (ARPA). Subdivisions in the R-0.4, R-1, and R-2 zoning districts shall meet the requirements of [BIMC 16.20.100](#).
 - **Aquifer Recharge Protection Area (ARPA). Subdivisions in the R-0.4, R-1, and R-2 zoning districts shall meet the requirements of BIMC 16.20.100 and the following standards:** If a proposed subdivision includes more than one parcel, the ARPA shall be calculated based on the total square footage of all parcels. ARPAs within subdivisions shall be consistent with the ARPA development standards listed in BIMC 16.20.100.D and BIMC 16.20.100.E.

- Natural Area Configuration. Designated natural areas shall be configured in a manner that enhances and promotes the natural resource characteristics of the property and development pattern of the surrounding area.
- Natural area should be concentrated in large, consolidated areas; should connect to adjacent off-site open space areas, designated wildlife corridors and trails, and/or critical areas where feasible; and should be delineated with a low perimeter-to-area ratio. Natural area shall have a minimum width of 5 feet per BIMC Table [17.12.070-1](#).
- Natural area Fencing, Signage, and Management Standards: Fencing or signs delineating the natural area is required per [BIMC 17.12.050.A.6](#). The director shall determine which option (fence or sign) is required.
- Natural area ownership: Can be private, common, or public (BIMC 17.12.050.A.7). This needs to be established by easements, restrictive covenants, a natural area management plan (NAMP), or other legal means; **a draft must be submitted with the preliminary application, and a final agreement must be submitted with the final plat application.**
- A Natural Area Management Plan (NAMP) is required (BIMC 17.12.050.A.8). A draft is required at the time of preliminary plat application, and a final NAMP is required for final plat approval. The NAMP must contain a list of all approved uses in the natural areas and a maintenance plan detailing the frequency and scope of maintenance activities and how it will be preserved.
- Please see BIMC 17.12.050.A.9 for allowed uses in natural area.
 - **The NAMP must clearly specify which uses are allowed within the natural area.**

Community Space: Community Space Required. All residential subdivisions, except short subdivisions and as modified in subsection B.2 of this section, shall provide community space consistent with Chapter 17.28 BIMC, Definitions, Table 17.12.070-1, and the following standards:

- Community space shall accomplish one or more of the following objectives:
 - Provide a place for residents to gather in shared space
 - Provide common buildings, open space, or gardens
 - Provide space for unstructured recreation.
 - Enhance a felt and actual sense of security, identity, and community.
 - Provide a protected, traffic-free environment.
- Community space is not required if the maximum natural area is provided. **Otherwise, a minimum of 5% community space shall be provided.** Instead of providing the required 5% community space, that area may be added to the required natural area if it can be demonstrated that greater conservation area can be achieved.
- Community space should adjoin the largest practicable number of lots within the development. Non adjoining lots shall be provided with safe and convenient pedestrian access to community space. Community space shall not include perimeter or roadside buffers.
- Ownership of community space shall be established consistent with one of the forms of ownership set forth in BIMC 17.12.050.A.7.
- A Community Space Management Plan (CSMP) is required (BIMC 17.12.050.B.4). A draft is required at the time of preliminary plat application, and a final CSMP is required for final

plat approval. The CSMP must contain a list of all approved uses in the community space and a maintenance plan detailing the frequency and scope of maintenance activities and how it will be preserved.

- Please see BIMC 17.12.050.B.6 for allowed uses in community space.

17.12.060 - Homesites

All single-family residential subdivisions require homesites located and designed consistent with BIMC [17.12.060](#), Definitions, Table 17.12.070-1, and the following standards:

- Homesite Area
 - A single homesite area no greater than the maximum area of 10,000 to 12,000 square feet shall be provided for each lot and shall be depicted on the face of the plat.
 - **The homesite area shall include the primary residential dwelling, accessory buildings, and on-site parking, if provided on each lot within the subdivision. Per the requirements of BIMC 18.21.050.G (for affordable housing development on property owned or controlled by a religious organization), accessory dwelling units are not allowed for the currently proposed project.**
 - Other allowed uses and structures include residential landscaping, pathways, turf, and fences; individual water, stormwater, and septic infrastructure.
 - Homesites may not include portions of an aquifer recharge protection area.

17.12.060.B: Homesite Clustering Requirements

- The four-step design process outlined in [BIMC 17.12.030](#) is intended to allow the characteristics of the land to determine the most suitable location of homesites. Homesites shall be sited to meet the following standards:
 1. Homesite locations shall be configured to maintain the natural features of the site and minimize topographic alteration and clearing of existing vegetation.
 2. Homesite locations shall facilitate the efficient use of land by limiting areas of disturbance, impervious surfaces, utility extensions, and roadways.
- **Per Table 17.12.060-1 Maximum homesite separation for 10+ lots is 50 feet in zone R-0.4.**

17.12.070 - General Residential Subdivision Standards

- Platted Lots. The platted lot defines the extent of private ownership of land within the subdivision. The size, shape and potential uses of a lot depend on many factors that will be considered in the subdivision design process. Establishing lot lines is the last step in the design process, but a desired result will affect decisions throughout the process, and the physical characteristics of the entire property will present both constraints and opportunities.
- Remaining Area. Any area not designated as public or private access, buffers, lots, or utility tracts shall be designated as either natural area or community space, in accordance with the objectives in either [BIMC 17.12.050.A.1](#) or 17.12.050.B.1.
- Site Disturbance. The extent of land disturbing activities, as defined in BIMC 15.20.020.22, shall be limited to the minimum required for site preparation and construction.

- Compatibility with Adjacent Development. Subdivisions shall be designed and located to ensure compatibility with existing adjacent development. Views of house lots from exterior roads and abutting properties shall be minimized by preserving the natural topography and existing vegetation to the greatest extent possible.
- Septic Systems: Locations of individual or community drainfields and associated reserve drainfields shall comply with all applicable standards established by the Kitsap Public Health District or Washington Department of Health. Reserve drainfield areas shall remain undisturbed until such time as their use is required. This standard shall be noted on the face of the preliminary and final plat.
- Streets and Vehicle Access: Roads and access must comply with “City of Bainbridge Island Design and Construction Standards”. Each lot in a residential subdivision shall have direct access to a public or private street. Street names and traffic regulatory signs shall be provided, and their locations shall be indicated on the plat/plan. The locations of mailboxes and traffic regulatory signs are only required on the plat/plan when other public improvements are required.
- Parking and Garages: Parking shall be provided consistent with BIMC 18.15.020. Parking spaces provided on individual lots must be located within the designated homesite. Parking spaces may be located outside of individual lots, consolidated in a remote or satellite parking area, or in individual or shared garages. Consolidated parking areas shall be landscaped in accordance with BIMC 18.15.010.F. Shared garages are limited to five vehicle spaces and shall not exceed 60 feet in length or 1,440 square feet total. **Per BIMC 18.21.050.H, the amount of parking required for the proposed project type shall be determined as part of a transportation study or mobility assessment.**
- Circulation and Access: All subdivisions shall include a circulation and access system of walkways, paths, or trails that interconnect lots, commonly owned natural area, community space, and adjacent access facilities. Multimodal facilities shall be consistent with the applicable standards of the “City of Bainbridge Island Design and Construction Standards and Specifications.”
- Fencing: Sight-obscuring fencing is prohibited at the exterior boundary of a subdivision. Proposed fencing must comply with BIMC 17.12.070.M as applicable.
- Landscaping: Individual homeowners are responsible for the maintenance and modification of landscaping on their lots, subject to any rules and guidelines established by a homeowners’ association or similar body. Native vegetation on the site should be retained and maintained where possible and landscaping should be responsive to the natural contours of the lot.
- Perimeter Buffers: Perimeter buffers are not required along public rights-of-way.
 - **Project site is surrounded by public rights-of-way. A Perimeter Buffer is not required.**
- Roadside Buffers: Roadside buffers are required for all subdivisions along collector or arterial roads in the R-0.4, R-1, and R-2 zoning designations. The minimum width of roadside buffers is 40 feet.
 - **Project requires a 40 foot buffer along all three sides of the lot.**
 - Roadside buffers shall be shown on the face of the preliminary plat. Roadside buffers may be part of individual lots or contained in a separate tract.
 - No structures, buildings, or parking facilities may be located within roadside buffers,

except that utility lines and boxes, mailboxes, entry signs, bus shelters, and transit stops may be located within roadside buffers. Local access streets and trails may cross roadside buffers, provided no significant trees are removed.

- Existing native vegetation, including significant trees and tree stands, shall be retained within roadside buffers. Tree retention, protection, and replacement requirements in BIMC 18.15.010.C apply to roadside buffers.
- If existing vegetation provides an effective visual screen, or is consistent with existing roadside character, no additional planting is required. If existing vegetation does not provide an effective year-round visual screen, additional plant material shall be installed:
 - Additional plant material shall be installed to achieve the full screen landscape standard provided in BIMC 18.15.010.D.4.a. Any additional plant material shall be native species and no turf or lawn is permitted; **Applicant as indicated they intend to request an administrative departure for this requirement in regards to the areas of the lot already developed.**
 - Additional plant material is not required if mature forest or other dense vegetation is not part of the existing roadside character.
- Roadside buffers may be included as a portion of the natural area or community space required in BIMC 17.12.050.
- The performance and maintenance assurance requirements of BIMC 18.15.010.H apply to perimeter buffers.
- The irrigation and maintenance standards of BIMC 18.15.010 apply to perimeter buffers.
- For subdivisions designating community space that is intended for agricultural use and would be adversely impacted by the addition of screening landscaping, a roadside buffer shall be required to use screening landscaping that does not adversely impact the proposed agricultural use.
- Design Diversity. All single-family residential subdivisions outside of the Neighborhood Center, Mixed Use Town Center, High School Road,, R-8 and R-14 zoning districts shall avoid a uniform appearance and repetitive building types by incorporating measures that promote design diversity including:
 - The same model and elevation shall not be built next to each other. Different models are defined as having variations in floor plans.
 - Home designs shall be varied to achieve a minimum of one floor plan for each three homes. Mirrored floor plans to not count as different floor plans. Methods to provide variation include building modulation and secondary building forms (e.g. covered porches, dormers, window bays. **For 12 or mor homes: four plans per home is required.**
 - In long subdivisions, at least 20 percent of the homes must be at least 25 percent smaller than average home size and 20 percent may be up to 25 percent larger than average home size. If 20 percent of the homes is a fraction, round to the nearest whole number.

Applicant has indicated they will be requesting an administrative departure regarding this requirement.

- No City Maintenance of Streets in Short Subdivisions: Streets within a short subdivision shall

not be maintained by the city unless such streets have been dedicated as a right-of-way, improved to current city standards, and accepted as part of the approved short subdivision. Therefore, unless accepted, the responsibility for maintenance shall lie with the owners of the lots.

Table 17.12.080 Multifamily and Non-Residential Subdivisions

- Subdivisions established for multifamily and nonresidential uses shall comply with all provisions of [BIMC Title 18](#) (Zoning) applicable to the zone district where the property is located, and for the type of development anticipated. This requirement shall include, without limitation, compliance with design guidelines and standards for lot areas, dimensions, mobility and access, landscaping, screening, and vegetative buffers. (Ord. 2019-03 § 5 (Exh. A), 2019)

Table 17.12.070-1 Subdivision Dimensional Standards

- Minimum Lot Area: If the site is not served by a public sewer system, the minimum individual lot area shall be determined by the Kitsap Public Health District in accordance with Section 15 of the Kitsap County Board of Health Ordinance 2008A-01, amended June 7, 2011, *Onsite Sewage System and General Sewage Sanitation Regulations*, as amended. If the site is served by a public sewer system, there is no minimum lot area.
- Base Density (min. lot area per dwelling unit): 100,000 sq. ft.
 - **If the project meets the requirement to receive the density bonus under 18.21.050, allowed base density would be 2.9 units/acre (15,000 sq. ft.) as the project is within on quarter mile of the Winslow Subarea Plan Study Area.**
- Natural Area: up to 65 percent (55 percent or if the required ARPA is greater than the required natural area, the natural area shall be increased to achieve the required ARPA area.)
- Minimum Width of Natural Area: 50 feet.
- Community Space: 5% (community space not required if maximum natural area is provided. Instead of providing the required 5% community space, that area may be added to the required natural area if it can be demonstrated that greater conservation area can be achieved.)
- Homesite: 10,000 to 12,000 square feet maximum. The homesite area for each lot must be depicted on the face of the plat.
- Home Size Maximum: 1,400 square feet (per BIMC 18.21.050.I)
- Lot Coverage: 10% (based on the "lot area" of the existing lot). A portion of the aggregate allowable lot coverage shall be assigned to each lot at the time of preliminary plat approval.
- Building to Homesite Boundary (Net building size 1600 sq.ft. or less): 5 ft. min, 10 ft. total. This standard must be listed on the face of the plat. (attached or zero lot line, or zero homesite boundary, is allowed in all districts if building is 1,600 sq. ft. or less)
- Building Outside Homesite to Exterior Plat Boundary Line (Net Building size 200 sq.ft. or less): 50 ft. This standard must be listed on the face of the plat.
- Building Outside Homesite to Exterior Plat Boundary Line (Net Building size 201 sq.ft. or more): 50 ft. This standard must be listed on the face of the plat.
- Homesite to Exterior Plat Boundary Line: 50 ft. This standard must be listed on the face of the

plat.

- Homesite to edge of arterial and collector right-of-way: 25 ft.
- Building outside homesite to edge of arterial and collector right-of-way: 40 ft.
- Any Building, other than shared garage, to Subdivision Access Road: 10 ft. This standard must be listed on the face of the plat.
- Maximum Building Height: 30 ft.

BIMC 18.09

Table 18.09.020 Use Table

- Single-family dwelling is a permitted use under Table [18.09.020](#).
- Multifamily Dwellings are a conditional use under Table 18.09.020.
- Religious Facilities are a conditional use under Table 18.09.020.
 - [BIMC 18.09.030](#).C.3.c Lot coverage for religious facilities in residential zones is reduced by 50 percent of the allowable lot coverage in the zone where the religious facility is located. See Table [18.12.020-2](#) for lot coverage standards in residential zones. This lot coverage reduction does not apply to affordable housing development on properties owned or controlled by religious organizations, as described in BIMC 18.21.050.

BIMC 18.15 – Development Standards and Guidelines

Subdivisions established for multifamily and nonresidential uses shall comply with all provisions of [BIMC Title 18](#) (Zoning) applicable to the zone district where the property is located, and for the type of development anticipated. This requirement shall include, without limitation, compliance with design guidelines and standards for lot areas, dimensions, mobility and access, landscaping, screening, and vegetative buffers. (Ord. 2019-03 § 5 (Exh. A), 2019)

Table [18.12.020-2](#) Standard Lot Dimensional Standards for Residential Zone Districts applies for multifamily and non-residential uses within the proposed subdivision.

18.15.010 Landscaping, screening, and tree retention, protection, and replacement.

- BIMC 18.15.010.C applies to roadside buffer areas.
- Consolidated parking areas shall be landscaped in accordance with BIMC 18.15.010.F.
- The performance and maintenance assurance requirements of BIMC 18.15.010.H apply to roadside and perimeter buffers.
- The irrigation and maintenance standards of BIMC 18.15.010 apply to roadside and perimeter buffers.

18.15.020 Parking and Loading

Future development will need to comply with the parking and loading standards in [18.15.020](#). See Table 18.15.020-5 for parking space dimensions.

- Two-track driveways are encouraged
- Only a single access to public right-of-way is allowed per individual lot.
- The amount of parking shall be determined as part of a transportation study or mobility assessment per BIMC 18.21.050.H.

18.15.020.C.3

Electric vehicle charging infrastructure shall be provided for new or expanded buildings, and new paved surface parking lots and parking garages, according to this section and Tables 18.15.020-3 and 18.15.020-4. Where a building or development contains more than one occupancy, the electric vehicle charging infrastructure percentages of Table 18.15.020-3 shall be applied to the number of spaces required for each occupancy. We are expecting an update to code in March 2024 that would increase the requirements for electric vehicle parking and may impact this project.

BIMC 18.21 – Affordable Housing

18.21.020 General Provisions for Optional Affordable Housing

Siting of Affordable Dwelling Units or Residential Building Lots. The affordable units constructed under the provisions of this chapter shall be included within the parcel of land for which the density bonus is granted. Segregation of affordable housing units within the development from market rate housing units shall be avoided whenever practical.

- The department of planning and community development shall calculate and publish annually the maximum purchase prices and maximum rents applicable to each of the following income groups:
 - Extremely low income: less than 30 percent of median household income;
 - Very low income: 31 percent through 50 percent of median household income;
 - Low income: 51 percent through 80 percent of median household income;
 - Moderate income: 81 percent through 95 percent of median household income;
 - Middle income: 96 percent through 120 percent of median household income.
- For development projects that filed a complete land use permit application with the city subsequent to the effective date of Ordinance No. 2021-11 on February 11, 2021, affordable home ownership units created as a result of the provisions of this chapter shall be sold to income-qualified households and shall remain affordable for a period of 99 years from the time of first occupancy. The affordable housing unit(s) shall be secured by a recorded agreement and covenant in accordance with BIMC 18.21.020.C.
- Prior to the final approval of any land use application to which this chapter is applicable, the owner of the affected parcels shall deliver to the city a duly executed covenant running with the land, binding all the assigns, heirs, and successors of the owner of the affected parcels, in a form approved by the city attorney, identifying the units or parcels and acknowledging their obligation under this section. The applicant shall be responsible for the cost and recording of the covenant.
- When dwelling units subject to this chapter will be constructed in phases, or over a period of more than 12 months, a proportional amount of affordable housing units must be completed at or prior to completion of the related market rate dwellings, or as approved by the director.
- If a project is to be phased, the proportion of affordable units or residential building lots to be completed with each phase shall be determined as part of the phasing plan approved by the director.
- In single-family developments where there are two or more affordable units, side yard setbacks may be waived to allow for attached housing units for affordable units only. The placement and exterior design of the attached units must be such that the units together resemble as closely as possible a single-family dwelling.

18.21.050 Affordable housing development on property owned or controlled by a religious organization. - For the purposes of this section, “religious organization” is defined as provided in RCW 36.70A.545.

- Pilot Project Phase. In order to implement the requirements of RCW 36.70A.545 consistent with local needs, the city will utilize a pilot project phase as part of a broader application and implementation of the regulations. Initially, implementation of this section shall be limited to the only request from a religious organization for an increased density bonus for an affordable housing development that the city has received related to RCW 36.70A.545, as of adoption of the ordinance codified in this section, which relates to the approximately eight-acre property collectively known as “Bethany Lutheran Church,” located at the southwest intersection of NE High School Road and Sportsman Club Road NE and zoned R-0.4. The pilot project phase shall be in effect until December 31, 2027. Beginning January 1, 2028, the pilot project phase of these regulations will no longer be in effect and this section will apply to all requests submitted in accordance with RCW 36.70A.545 and this code, regardless of the location of the property within the city’s jurisdictional limits.
- All projects shall comply with existing land use permit review procedures depending on the type of housing development that is proposed. Multifamily housing shall be reviewed in accordance with the site plan and design review process set forth in BIMC 2.16.040, and subdivisions shall be reviewed in accordance with the short or long subdivision process set forth in BIMC 2.16.070 or 2.16.125 (respectively), unless specifically modified by this section.

Applicant stated an intent to incorporate both multifamily housing and single-family housing, so both a Site Plan Review and Long Subdivision are included in the land use application requirements. If final proposal is for a single family subdivision with the church and daycare on it’s own separate parcel (so that a mixed use parcel is not created), an Site Plan Review will not be required.

- All projects shall be subject to applicable residential development standards for BIMC Titles 15, 16, 17, and 18, unless specifically modified by this section. All projects shall comply with the requirements of the city and the Kitsap Public Health District for providing drinking water and on-site septic, if applicable.
- For projects within the Winslow Subarea Plan Study Area or within one quarter mile of the Winslow Subarea Plan Study Area, property in zone R-0.4 have a total allowed density of 2.9 units/acre.
- Accessory Dwelling Units (“ADU”) are prohibited for projects governed by this section.
- All dwelling units planned and constructed through this section shall meet the following requirements:
 - All units shall be used exclusively for affordable housing purposes for at least 99 years.
 - Housing units shall be used as the primary residence of a low income household. “Low income households” are defined as set forth in RCW 36.70A.545.
 - Unless otherwise specified, the price of affordable housing units shall be based on the requirements set forth in RCW 36.70A.545.
 - An agreement in a form approved by the city shall be executed by the applicant, or its successor organization, and recorded with the Kitsap County Auditor’s Office, requiring the affordable housing to remain for 99 years. This agreement shall be a covenant running with the land, binding on assigns, heirs, and successors of the applicant.
 - The city shall require documentation to be signed through the land use and building permitting processes to ensure ongoing compliance with the income requirements.
 - The city may approve a formula, based on a form prepared by the city and submitted

by the applicant when a project application is submitted for review, for calculating maximum affordable prices for sales subsequent to the initial sale to allow modest growth in homeowner equity while maintaining long term affordability for future buyers.

- The amount of parking shall be determined as part of a transportation study or mobility assessment.
- The maximum dwelling unit size shall be limited to 1,400 square feet.
- Projects proposed and constructed on the same property(ies) as existing buildings may result in a permitted mixed-use property.
- Projects proposed and constructed under this section shall comply with the Fair Housing Act which prohibits discrimination in housing because of race, color, national origin, religion, sex (including gender identity and sexual orientation), familial status, or disability. (Ord. 2022-02 § 4, 2022)

BIMC 20.04 – City Fire Code

- Any future development shall comply with all provisions of the adopted Fire Code.
- Private fire apparatus access roads shall be not less than 12' wide drivable surface with 13.5 feet overhead clearance. Dead ends greater than 150' require approved turnarounds.
- The grade of existing private fire apparatus access roads shall not exceed 12%. Private fire apparatus access roads where grades are greater than 12% but not exceeding 15% shall be paved, or in lieu of paving, shall have an automatic fire sprinkler system installed in any new structure. Grades exceeding 15% will require the fire apparatus access road to be paved, all new structures to be equipped with automatic fire sprinkler systems, and special approval by the fire code official.
- Residential fire sprinklers or a fire hydrant may be required to meet fire flow for future development.

Department/Agency Comments

City Survey Program Manager Comment:

The City Survey Program Manager reviewed the provided documents and has added the note: "Please note the source of the survey information shown any plans using the survey base map."

Rob Grant can be reached at (206) 842-3742 or rgrant@bainbridgewa.gov.

Development Engineer Comment:

Development Engineer, Nick Rasor – Development Engineer's notes will be provided separately. Nick Rasor can be reached at (206)780-3745 or nrasor@bainbridgewa.gov.

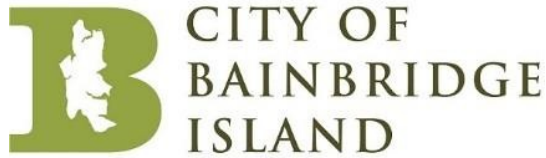
Bainbridge Island Fire District Comment:

Fire Marshal, Jackie Purviance, provided the attached comments and can be reached at (206) 451-2033 or jpurviance@bifd.org

Building Official Comment:

The City Building Official reviewed the provided documents and has the following comment:

1. The proposed project shall comply with 2018 ICC codes.
2. The proposed project shall comply with 2018 Washington State Energy Code (WSEC).
3. If applying after March 15, 2024, applications will be required to meet 2021 ICC codes and 2021



WSEC.

Blake Holmes can be reached at 206-780-3715 or bholmes@bainbridgewa.gov.

Kitsap Public Health District:

Please contact the Kitsap Public Health District (KPHD) separately to determine requirements for KPHD review of this proposal.

If you have any questions, please contact me at (206) 780-3771 or jmendenhall@bainbridgewa.gov.

Sincerely,

A handwritten signature in blue ink that reads 'Joanne Mendenhall'.

Joanne Mendenhall
Planner

Please note that information provided at the pre-application conference and in this letter reflects existing codes and standards, currently available information about the site and environs, and the level of detail provided in the pre-application conference submittal. Comments provided pursuant to pre-application review shall not be construed to relieve the applicant of conformance with all applicable fees, codes, policies, and standards in effect at the time of complete land use permit application. The comments on this proposal do not represent or guarantee approval of any project or permit. While we have attempted to cover as many of the Planning, Engineering, Building and Fire related aspects of your proposal as possible during this preliminary review, subsequent review of your land use permit application may reveal issues not identified during the initial review. If the city's pre-application review indicates that the City intends to recommend or impose one or more conditions of permit approval, and if the applicant objects to any of said conditions, the applicant is hereby requested and advised to provide written notice to the City of which conditions the applicant objects to and the reasons for the applicant's objections.



MEMO

Date: November 15, 2023
To: Joanne Mendenhall, Planning Department
From: Jackie Purviance, Fire Marshal
Re: Finch Green PRE PLN52690

The submittal has been reviewed resulting in the following comments:

1. Any future development shall comply with all provisions of the adopted Fire Code.
2. Fire apparatus access roads shall be not less than 12' wide with 13.5 feet overhead clearance. Dead ends greater than 150' require approved turnarounds.
3. The grade of existing private fire apparatus access roads shall not exceed 12%. Private fire apparatus access roads where grades are greater than 12% but not exceeding 15% shall be paved, or in lieu of paving, shall have an automatic fire sprinkler system installed in any new structure. Grades exceeding 15% will require the fire apparatus access road to be paved, all new structures to be equipped with automatic fire sprinkler systems, and special approval by the fire code official.
4. Residential fire sprinklers or a fire hydrant may be required to meet fire flow for future development.

MEMO

Date: December 8, 2023

To: Joanne Mendenhall, Planning Department

From: Blake Holmes, Building Official

Re: Finch Green Affordable Housing Development

PLN 52690

The project has been reviewed and building has the following comments:

1. The purposed project shall comply with 2018 ICC codes.
2. The purposed project shall comply with 2018 Washington State Energy Code (WSEC).
3. If applying after March 15, 2024 applications will be required to meet 2021 ICC codes and 2021 WSEC.



CITY OF
BAINBRIDGE ISLAND

Planning Commission Regular Meeting Agenda Bill

MEETING DATE: March 14, 2024

ESTIMATED TIME: 30 Minutes

AGENDA ITEM: Analysis of Puget Sound Energy (PSE) code amendment requests- Part I: review of proposed amendments to critical areas ordinance and zoning code.

AGENDA CATEGORY: Discussion

PROPOSED BY: Patricia Charnas

PREVIOUS PLANNING COMMISSION

REVIEW DATE(S): February 22, 2024

PREVIOUS COUCIL REVIEW DATE(S):

RECOMMENDED MOTION:

Information only

SUMMARY:

Staff will present and discuss with Planning Commission members four of five requested code amendments made by Puget Sound Energy (PSE) in support of their broad work plan to upgrade electrical transmission and distribution lines. PSE will present their work plan so that Planning Commission members can see the project scope and understand better the locations of planned PSE activities.

BACKGROUND: Puget Sound Energy (PSE) submitted an application for code amendments under Bainbridge Island Municipal Code (BIMC) 2.16.180 which normally follows a study session(s) with the Planning Commission followed by a public hearing and Planning Commission recommendation to the City Council. The code amendments are requested to support the installation, upgrade and maintenance of PSE's linear distribution and transmission line infrastructure. At the February 22, 2024, Planning Commission meeting, it was decided to break up across several Planning Commission meetings the review and discussion of the various code amendment requests. Tonight's discussion will focus on the PSE requested amendments to aquifer recharge protection area designation requirements; requested amendments to the standards for regulated wetlands and their buffers; requested amendments to zoning setback requirements; and, requested amendments to height requirements in the zoning code.

ATTACHMENTS:

CITY OF BAINBRIDGE ISLAND MUNICIPAL CODE AMENDMENT

APPLICATION BY PUGET SOUND ENERGY (PSE)

BIMC 16.20.100 AQUIFER RECHARGE AREAS

THE REQUEST:

Amend BIMC 16.20.100.E.1 to include a provision that utility corridors on easements for properties not owned by the utility provider (in this case PSE) be exempt from the Aquifer Recharge Protection Area (ARPA) dedication requirement.

SUPPORTING ARGUMENT	NO CHANGE ARGUMENT
PSE's easement rights grant PSE use of a limited portion of a parcel for the limited purpose of installing, operating and maintaining linear electrical distribution and transmission infrastructure. The easement area is based upon the limits of PSE's operational needs as determined by PSE. PSE does not have rights on private property outside of necessary easement areas and cannot record restrictions, on title, that will overburden a property for purposes that are not consistent with, and for the benefit of, utility operational needs.	Groundwater recharge is of particular concern for the City because the Island's drinking water is supplied solely by groundwater. If a project proposes ground disturbance that presents a potential impact on aquifer recharge in zoning districts R-0.4, R-1, or R-2, local code requires designation of an aquifer recharge protection area (ARPA) to preserve the volume of recharge available to the aquifer system and to protect groundwater from contamination.
ARPA cannot be dedicated within utility easement area due to the need to actively maintain infrastructure and vegetation. The easement only grants rights of ingress and egress for the limited purpose of installing, operating and maintaining linear electrical distribution and transmission infrastructure.	Per current code, any structure or activity is allowed within a designated ARPA, as long as the new structure or activity is shown to maintain 100 percent of the annual average ground water recharge volume through use of the 2012 Western Washington Hydrology Model (WWHM2012) recharge module, as amended.
PSE linear projects can span several parcels over miles of corridor. Development on a single parcel is not substantial enough to require an ARPA dedication. It's the impacts that are added up over the linear distance that trigger the need for dedication of an ARPA, but the impacts on any one parcel do not.	ARPA is the primary vehicle to address the avoidance of groundwater recharge impacts of proposed developments. Current code requires the application's development activity to be reviewed as a whole.
The code does not distinguish between development and activities by a fee owner of a parcel who may develop and use the entire parcel versus development/activities by an easement holder who only has rights to use a portion of the property for a specified use or	

SUPPORTING ARGUMENT	NO CHANGE ARGUMENT
activity and does not hold fee interest in the property.	
The City's Comprehensive Plan policies support ensuring reliable utility services, providing adequate services for current and future demands, ensuring minimal adverse impacts on residents, and ensuring the permit process for utility facilities are fair and timely.	

POSSIBLE OUTCOMES IF THE CODE IS NOT AMENDED:

- Linear utility line projects planned within zoning districts R-0.4, R-1, and R-2 (the majority of the island) will not be able to meet the requirement of BIMC 16.20.100 unless the ground disturbance levels do not trigger the need for an ARPA to be designated. If the requirements cannot be met, the permits would be denied. This would prevent PSE from completing planned projects.

POSSIBLE ALTERNATIVES:

- Determine that no probable adverse environmental impact exists and approve the applicant's request to allow a blanket exemption from designating ARPA for projects within utility corridors on easements not owned by the utility provider.
- Provide a conditional allowance for the exemption of projects within utility corridors on easements for properties not owned by the utility provider if the utility provider can demonstrate the project area will maintain 100 percent of the annual average ground water recharge volume after development through use of the 2012 Western Washington Hydrology Model (WWHM2012) recharge module, as amended.

BIMC 16.20.140.G Wetlands – Prohibited activities

THE REQUEST:

Amend BIMC 16.20.140.G.2 to allow maintenance and upgrades for infrastructure already in Category I and II wetlands and allow installation of new linear utility infrastructure along or adjacent to road right-of-way within Category II wetlands and their buffers.

SUPPORTING ARGUMENT	NO CHANGE ARGUMENT
PSE has existing infrastructure within Category I and II wetlands. PSE is not able to upgrade the infrastructure in these areas or install new infrastructure in Category II wetlands even when there are no other feasible alternatives. The amendment is needed to allow PSE to fulfill the state mandate to provide safe and reliable power.	As an island, the City's Category I and II wetlands are relatively rare and vulnerable to the effects of development. As such, this prohibition on new utility lines and maintenance of existing lines supports the mandate to ensure no net loss of critical area functions and values.
In siting new transmission line infrastructure between Murden Cove and Winslow Substations, there are no route options along existing road right-of-way that would avoid crossing Category II wetlands. There are instances where Category II wetlands are present on both sides of a road right-of-way. PSE is proposing to use an existing distribution line route that already crosses Category II wetlands.	Road rights-of-way do not impact wetland rating—if a Category II wetland is delineated along or across a road, it is still a Category II wetland. Note that underground installation is preferable provided there is low-to-no impacts to wetland hydrology.
PSE needs the ability to manage vegetation before it conflicts with power lines. Permitting is required for tree removal within wetlands and their buffers. PSE may not be able to safely operate existing infrastructure in these areas during the permit process. Trees may pose a threat to the provision of safe and reliable power and PSE would like the ability to remove incompatible vegetation and replant with compatible species.	The City's Category I and II wetlands are relatively rare and vulnerable to the effect of development. Tree and tree assemblages in Category I and II wetlands and their buffers are an important part of how the state wetlands rating system categorizes wetlands. The applicant's Best Available Science review could have addressed this subject in more detail for better decision support.
To avoid encumbering private property as much as possible, PSE prefers to locate infrastructure within road rights-of-way. Per City Standards, and to ensure safety of motorized and non-motorized traffic, PSE infrastructure is placed at the edge of right-of-way. This area is often unimproved (not paved or graveled) and wetlands can extend into this	The applicant's request would lift the prohibition on all primary utilities (facilities that produce, transmit, carry, store, distribute, or process electric power, gas, water, sewage, or information), not just PSE infrastructure.

SUPPORTING ARGUMENT	NO CHANGE ARGUMENT
area; therefore PSE cannot avoid crossing the wetland area.	

POSSIBLE OUTCOMES IF THE CODE IS NOT AMENDED:

- For existing power lines that cross Category I and II wetlands, the community would be forced to accept unreliable power in unsafe corridors, and PSE would be in violation of state and federal requirements to provide safe, reliable power. PSE also could not upgrade existing infrastructure.
- To install the needed Murden Cove-Winslow transmission line, PSE would have to evaluate constructing new cross-country corridors, requiring new and more extensive tree clearing, and encumbering/inconveniencing more private property owners. It is unknown if a new cross-country corridor is an available or viable option. If it is determined that there are no feasible cross-country routes that can avoid Category I and/or II wetlands, and there are no allowances for compensatory mitigation, this project will not be able to happen.
- Existing systems will not be able to take advantage of upgrades that can lessen wetland impacts and provide improved safety and reliability. For example, currently, PSE is precluded from reducing the number of poles in Category II wetlands (a net benefit to the wetlands), because the project would have required a nominally larger pole than the existing pole (to support increased span length between poles) in place of multiple poles.

POSSIBLE ALTERNATIVES:

- Remove the prohibition for all primary utilities. Require compensatory mitigation to achieve no net loss.
- Remove the prohibition specifically for transmission and distribution line infrastructure. Require compensatory mitigation to achieve no net loss.
- Request more detailed Best Available Science be provided. The January 25, 2023 Technical Memorandum entitled “Bainbridge Island Code Amendment – Best Available Science (BAS)” by HDR for PSE discussed in general the types of impacts that occur with the installation and maintenance of overhead and underground utility lines, but did not quantify estimated extent of crossings, installations and maintenance work that occurs or will occur in the island’s Category I and II wetlands and their buffers. Another missing detail would be to estimate what, if any, reductions in overall wetland rating scores could happen if utility line installation and maintenance is allowed. Requesting this information from PSE could aid in decision-making.
- Explore the possibility of requiring net resource gain rather than no net loss as part of removing the prohibition.

BIMC 18.12.020 - CONDITIONAL USE FOR HEIGHT

THE REQUEST:

Amend BIMC 18.12.020 to make it clear that if a project is allowed a modification to height requirements under BIMC Table 18.12.040, then it does not require a conditional use permit to take advantage of the modification.

SUPPORTING ARGUMENT	NO CHANGE ARGUMENT
The exemption statement in BIMC 18.12.020 that “Alternative height limits may apply for nonresidential uses if additional conditional use permit provisions of BIMC Title 2 are met. Some encroachments through height limits are permitted under BIMC 18.12.040” is unclear and can lead to different interpretations regarding when a conditional use permit is required.	In referring to “all” nonresidential uses, it may be that structures such as poles were intended to be included. If so, modifications to height limits or setbacks should have an in-depth review through a conditional use permit.
BIMC 18.12.040 does not make mention of a conditional use permit being required to use the permitted setback and height modifications listed in BIMC Table 18.12.040. Additionally, the table does not state that these modifications are only allowed for residential use.	BIMC 18.12.040 lists the allowed modifications, but BIMC 18.12.020 indicates that for nonresidential projects, those modifications require a conditional use permit.
Clarifying this section of code will lead to more consistency in code interpretation and allow applicants to better prepare for application requirements and expected review timelines.	

POSSIBLE OUTCOMES IF THE CODE IS NOT AMENDED:

- Continued lack of clarity around appropriate permit processes will delay permit review and issuance.

POSSIBLE ALTERNATIVES:

- Approve the applicant’s request to allow modifications to height requirements without a conditional use permit via a clarifying code amendment.
- Approve the applicant’s request to allow modifications to setback and height requirements without a conditional use permit via an administrative code interpretation instead of a code amendment.
- Require a conditional use permit for height exemption and setback encroachment and document this requirement in an administrative code interpretation.

BIMC TABLE 18.12.040 - SETBACK ENCROACHMENT

THE REQUEST:

Amend BIMC Table 18.12.040 to allow overhead and underground primary utilities as well as the already allowed accessory utilities in setbacks.

SUPPORTING ARGUMENT	NO CHANGE ARGUMENT
Overhead and underground accessory utilities are already allowed in setbacks. It is unclear why primary utilities are not included in this allowance as primary utility infrastructure is commonly placed in setback areas.	Primary utility infrastructure may be larger in nature than accessory utilities associated with residences and may benefit from a more in-depth review.
Existing distribution and transmission line infrastructure is commonly placed within and overhanging setback areas. Code around existing nonconforming structures only allows replacement, not system upgrades.	There are already allowances for maintaining existing nonconforming structures in code under BIMC 18.30.030.
Safety considerations require placement of overhead and underground electric utility infrastructure at the edge of road right-of-way or on adjacent private properties.	Applicant can apply for a variance to request a change to setback size.
Transmission and distribution lines must cross setbacks to connect to substations.	
Setbacks are conceptually related to the primary interior development of the parcel, and are not generally intended to regulate exterior infrastructure	

POSSIBLE OUTCOMES IF THE CODE IS NOT AMENDED:

- All new primary linear utility infrastructure will be required to go through a variance permit which may be overly burdensome and can delay permitting and project delivery.

POSSIBLE ALTERNATIVES:

- Approve the applicant's request to allow both primary and accessory overhead and underground utilities in setbacks.
- Redefine utility poles as being separate and distinct from primary utility infrastructure and then allow in setbacks.
- Leave code as is.

BIMC TABLE 18.12.040 - HEIGHT OF POLES

THE REQUEST:

Amend BIMC Table 18.12.040 so that allowed height modifications apply to both replacement distribution or transmission poles and to new poles added along an existing distribution or transmission corridor.

SUPPORTING ARGUMENT	NO CHANGE ARGUMENT
Allowing a height modification for new poles added along an existing distribution or transmission corridor will not increase the height encroachment that already exists along the corridor.	Applicant can apply for a conditional use permit to request a change to height allowances.
Allowing additional poles of the same height along existing corridors allows for less vegetation management and more tree retention.	

POSSIBLE OUTCOMES IF THE CODE IS NOT AMENDED:

- Projects to update existing distribution and/or transmission line infrastructure will either require a conditional use permit or PSE may choose to not implement upgrades that would require additional pole placement to achieve better service outcomes.

POSSIBLE ALTERNATIVES:

- Approve the applicant's request to allow a height modification for new distribution and transmission poles along existing corridors.
- Leave code as is.



January 26, 2024

Jennifer Sutton, AICP
Senior Planner
City of Bainbridge Island
jsutton@bainbridgewa.gov

Re: Legislative Review of Development Regulations Request
BIMC 16.20, 18.12, and 2.16

Dear Jennifer:

Puget Sound Energy (PSE) is requesting to amend Bainbridge Island's Municipal Code (BIMC) in order to continue to maintain, upgrade and install new electric infrastructure to support reliability and capacity needs on the Island. There are many sections of the code that do not contemplate utility infrastructure as an essential element of the Bainbridge Island community, particularly linear infrastructure. PSE is requesting amendments to the following code provisions:

- BIMC 16.20.100.E: Development Standards – Aquifer Recharge Protection Areas (ARPA). PSE does not have the authority to dedicate ARPAs on property not owned by PSE.
- BIMC 16.20.140.G: Wetlands – Prohibited Activities. This prohibition prevents any impact to Category I and II wetlands from activities involving upgrading and installing new infrastructure.
- BIMC 18.12.020: Table of dimensional standards – Exemption. This code language is interpreted to require Conditional Use approval for installation of new poles along existing corridors.
- BIMC 18.12.040: Modifications to required setbacks and height. This code language is interpreted to prevent installation of primary utilities, including distribution and transmission lines, within zoning setbacks. Additionally, the height allowance language targets replacement poles and does not appear to consider adding a pole to an existing corridor.
- BIMC 2.16.020.D: General provisions – Who Can Apply. This code provision does not contemplate infrastructure installation on easement for the benefit of the public.

Background. In 2019, PSE introduced electrical reliability and capacity solutions to the Bainbridge Island community and began a public siting process for a new transmission line, a proposal to rebuild an existing transmission line and upgrades to our 3 existing substations. In

exploring applicable codes and approvals for the solution project components, PSE began discussions with the City of Bainbridge Island in 2020 regarding application of certain code provisions to construction, upgrades and maintenance within linear electrical distribution and transmission corridors. The City determined that 3 code amendments were needed to facilitate these ongoing activities. These amendments include: an exemption from the requirement to dedicate an ARPA in BIMC 16.20.100.E.4 for linear facilities on property not owned by the utility, modifications to the prohibition on Primary Utilities in Category I and II wetlands in BIMC 16.20.140.G.2, and an allowance for linear Primary Utilities within zoning setbacks within Table 18.12.040. The City committed to processing the ARPA and setback amendments and included the ARPA amendment with their tree code amendments that were reviewed by the Planning Commission and City Council beginning in October 2020. The tree code amendments were sent back to the Planning Commission from the City Council on May 25, 2021 due to substantive and procedural issues documented by a councilmember (unrelated to the ARPA amendment request) and were shelved due to the City Arborist leaving the City in November 2021. In early February 2022, the City confirmed the intention to include the setback code amendment as part of their 2022 housekeeping amendments and indicated that the most efficient path forward for the ARPA amendment would be if PSE applied for that amendment. With this understanding, PSE submitted an application for the ARPA and wetland code amendments on April 20, 2022. The City issued the Notice of Application for the code amendments on May 6, 2022.

In September 2022, PSE was notified by the City that they were interpreting another code provision (Maximum Building and Structure Height Exemption in Table 18.12.020-2 and 3) that would impact PSE's ability to install a new distribution pole along an existing distribution line that is inconsistent with another section of code related to pole height that was amended in 2014 (Table BIMC 18.12.040). It was suggested that PSE also pursue a code amendment to rectify the inconsistency. In October 2022, PSE learned that the City did not have any housekeeping code amendments in their work plan and the setback amendment was not being processed. It was determined that the setback and height code amendments should be added to PSE's code amendment request that was submitted in April 2022.

PSE informally provided supplemental information to the City to support both the setback and height code amendments on March 1, 2023. After submitting permit applications to rebuild the existing Winslow Tap transmission line, PSE was informed of a code interpretation regarding our ability to submit applications that impact property not owned by PSE. This interpretation was not consistent with previous direction provided by the City in discussions and written correspondence on this matter in 2019 and 2021. After further discussion over several months, the City allowed the Notice of Application for the project to be issued in September 2023, but will not allow issuance of any permit until property owner authorization is acquired. To avoid potential issues with this code section in the future and ensure rights acquisition timing is in the best interest of all parties, PSE is proposing another code amendment to provide clarity on our ability to apply for permits for work within linear corridors on property not owned by PSE.

This code amendment request serves to amend the existing code amendment application submitted on April 20, 2022 to formally include the 3 additional code amendments related to primary utilities in zoning setbacks, applicability of height restrictions on pole installation, and PSE's ability to submit applications for essential public utility projects on the Island. This request

includes amended application materials, including the supplemental materials submitted on March 1, 2023 with additional information regarding PSE's ability to submit applications for projects on property not owned by PSE.

Included with this request are:

1. A revised land use application,
2. A revised code amendment request and comprehensive plan consistency narrative, including proposed language for each code section,
3. A revised SEPA checklist covering all requested amendments,
4. A code amendment support regulatory analysis and code comparative analysis (updated from March 1, 2023 submittal),
5. A Best Available Science memo to support the BIMC 16.20.140.G.2 amendment request (updated per City request from version submitted in April 2022), and
6. Graphics depicting power lines along road right-of-way to support the code amendments (as submitted on March 1, 2023).

Should you have questions about this submittal or need additional information, feel free to contact me at 425-462-3821 or kerry.kriner@pse.com.

Sincerely,



Kerry Kriner, AICP
Consulting Land Planner



Code Amendment Request Narrative and Comprehensive Plan Consistency

Puget Sound Energy (PSE) is requesting that the City of Bainbridge Island (City) amend sections of the Municipal Code (BIMC) through the Legislative Review of Land Use Regulations process in BIMC 2.16.180 to facilitate maintaining, upgrading and installing new electrical distribution and transmission lines on Bainbridge Island. The amendments are focused on supporting PSE's linear infrastructure (i.e. distribution and transmission lines and associated equipment and activities and not primary use of a site by a utility facility, such as a substation. These amendments include changes to language within the following sections of code:

- BIMC 16.20 – Critical Areas,
- BIMC 18.12- Dimensional Standards, and
- BIMC 2.16 – Land Use Procedures.

Although these amendments are being requested by PSE for the benefit of providing reliable electrical service to the community, all linear primary utilities are regulated by these code provisions, including water, stormwater, sewer, and communication facilities (see definition of "Utility, primary" in BIMC 18.36) and so these facilities may also be constrained by these code provisions. It should be noted that these amendments will not allow PSE to create a condition that does not now exist on Bainbridge Island today. The standard operation of PSE's electrical system that has been in place in some capacity since the 1940s has resulted in the placement of infrastructure in locations that are now regulated as critical areas, zoning setbacks, and pole heights that exceed the regulatory height of buildings.

Amendment Requests

BIMC 16.20 Critical Areas: The code sections that PSE seeks to amend within the Critical Areas regulations focus on development, use and activity prohibitions in Category I and II wetlands (BIMC 16.20.140.G.2) and the required designation of Aquifer Recharge Protection Areas (ARPAs) based on certain development triggers (16.20.100.E.1). To continue to maintain, upgrade and install new linear electrical utility infrastructure to improve reliability and serve the electrical needs of the Bainbridge Island community, PSE is requesting an amendment to BIMC 16.20.100.E.1 to include a provision that utility corridors on easement on property not owned by PSE not be subject to the ARPA dedication requirement. PSE is also requesting an amendment to BIMC 16.20.140.G.2 to provide an allowance for

the maintenance and upgrade of existing infrastructure in Category I and II wetlands and installation of new linear utility infrastructure along or adjacent to road right-of-way within Category II wetlands.

Dimensional Standards – BIMC 18.12. PSE is requesting amendments within the dimensional standards section of the code related to pole height and linear utilities in zoning setbacks. These amendments seek to provide clarity on the interpretation of these code sections. There is a discrepancy in review processes between BIMC 18.12.020 and 18.12.040 for distribution and transmission line poles when a pole is replaced or a new pole is added within an existing utility corridor. The dimensional tables in BIMC 18.12.020 state that conditional use permit review is required for nonresidential uses that exceed the height limits provided for buildings and structures. There is a reference to some encroachments allowed in BIMC 18.12.040, which allows replacement poles over certain thresholds to be approved through minor site plan review. The code amendment seeks to resolve the discrepancy in permit review processes and ensure there are no gaps in the regulations.

BIMC 18.12.040 also regulates allowances for encroachment into zoning setbacks. Table 18.12.040 includes an allowance for overhead and underground accessory utilities, but does not provide an allowance for primary utilities. The presence of distribution and transmission line infrastructure within and overhanging setback areas is commonplace on Bainbridge Island and essential to utility operation. Other city standards as well as safety considerations require placement of overhead and underground electric utility infrastructure at the edge of road right-of-way or on adjacent private property. Additionally, transmission and distribution lines must cross setbacks to connect to substations. The code amendment would allow encroachment by linear primary utilities as well as accessory utilities.

Land Use Procedures – BIMC 2.16. PSE is requesting an amendment to BIMC 2.16.020.D, which identifies who can apply for a permit. BIMC 2.16.020.D states in pertinent part: “A property owner, a contract purchaser, or an agent of the owner with authorized written proof of agency may apply for any type of permit.” Read alone, BIMC 2.16.020.D does not appear to contemplate PSE as a permissible applicant for a range of common utility activities. PSE is requesting to modify the language in BIMC 2.16.020.D to allow PSE to apply for permits for essential utility projects on property where PSE is not the underlying property owner.

Background

PSE provides electrical service to Bainbridge Island through a system of transmission lines, distribution lines, and substation. The Bainbridge electrical system is comprised of approximately 13 miles of transmission lines, 3 substations that step down the voltage from transmission voltage (115 kV) to distribution voltage (12.5 kV), and approximately 320 miles of overhead and underground distribution lines. Like other utility infrastructure on the island, PSE has installed these facilities in response to need and growth over time. As the community grows, some infrastructure is upgraded and new infrastructure is installed. Additionally, as infrastructure ages, it must be repaired, replaced and upgraded provide reliability and comply with newer standards. Due to the linear nature of PSE’s

distribution and transmission line infrastructure and the necessity to link defined locations in the system, it not possible to completely avoid crossing features that are located throughout the City, such as critical area crossings, specific zoning districts, and setback areas. Finally, as Washington State, the City and PSE work to achieve greenhouse gas reduction goals, additional electrical facilities will likely be needed to provide for the electrification of building, the transportation sector (ranging from cars to ferries) and other emerging needs.

Ranges of Regulated Activities

Activities that PSE needs to perform on the electrical system on Bainbridge Island include maintaining and repairing or upgrading existing infrastructure or installing new infrastructure. These activities can be regulated by provisions in Bainbridge Island code depending upon intensity and level of impact. Based on these ranges of activities, there is no “one size fits all” regulatory approach for each category. The general parameters of these activities include:

Repair and maintenance: The electrical infrastructure on Bainbridge Island varies in age. A normal part of repair and or maintenance needs of this infrastructure is to replace equipment, poles, and conductor as well as to maintain safety clearances from equipment and wires through trimming and removing incompatible vegetation. Operational standards and field conditions can change over time; therefore, when infrastructure is replaced, equipment can change in size, poles size or height can increase incrementally, and accessory components attached to poles can change size or configuration. PSE also cannot control the natural growth of vegetation in the field over time. Existing incompatible trees are trimmed and/or removed as part of maintenance. Trees can grow and become incompatible with the lines or equipment that haven’t historically been maintained. All of these factors can result in a repair or maintenance activity going over the threshold of an “exempt” activity under Bainbridge Island codes and regulations.

Upgrades: A number of activities fall under the category of infrastructure upgrades. These activities generally involve a level of intensification or expansion of existing infrastructure. This can involve replacement of existing infrastructure, but also adding equipment or replacing equipment with equipment that meets different operational standards and/or adds capacity to the system.

New Installation: New installations are more extensive than upgrading existing facilities and include adding a new distribution or transmission lines to the system. New installations can vary in intensity. Adding a new power line does not necessarily entail establishing a new corridor. Distribution lines can be aerial or underground and depending on location of need, can be collocated with other utilities within or adjacent to road right-of-way. New transmission lines can involve the establishment of a new corridor cross country, installation of new poles within or adjacent to road right-of-way, or collocating with existing above ground distribution infrastructure by replacing select poles with taller poles that can support both distribution and transmission lines (referred to as “overbuilding”).

BIMC 16.20 – Critical Areas

PSE's linear utility infrastructure is generally located within or adjacent to public road right-of-way or sometimes within easements that cross private and public property. Poles, conductor, underground distribution conduit and cables and other equipment have been installed over time to serve community needs and customer demand. When PSE's above ground distribution and transmission poles are located within road right-of-way, they are placed to avoid conflict with other uses in the right-of-way including motorized and non-motorized uses, other above and below ground utilities, among other features. In many cases, this pushes PSE's poles to the very edge of the right-of-way (which is often unimproved) or onto private property. Even when poles are not physically located on private property, there can be a need for PSE to acquire easements on property adjacent to the right-of-way to accommodate required clearance for overhead conductors. These easements vary in size based on operational need and allow for the conductor on the poles to overhang the adjacent property or to accommodate for the swinging of the wire due to wind and heat. These easements also allow PSE to maintain vegetation and meet clearance standards from the conductor. PSE also acquires easements to support guys and anchors and for vaults and ground mounted equipment to support underground distribution lines when placement in the right-of-way is not possible.

Additionally, because PSE's infrastructure (above and below ground) is often located in the unimproved portion of the right-of-way and may at times require easements on adjacent properties, PSE is unable to avoid properties that are zoned R-0.4, R-1, or R-2, impacts to critical areas such as wetlands that are located within or adjacent to the unimproved portion of the road right-of-way, or placing utility infrastructure in zoning setbacks. Much of the unimproved road right-of-way or frontage area on low density residential lots contains tree canopy screening. PSE often must selectively trim or remove vegetation in these areas that conflict with safe conductor clearances. The majority of impact caused to a wetland or vegetative screen by a linear utility line is due to the need to maintain vegetation from the conductor, not from the poles or other equipment. For underground distribution lines, vaults, pad mount transformers or similar equipment may need to be placed on private property within easements adjacent to road right-of-way even if the lines are located within road right-of-way. Under City of Bainbridge Island Public Works policy and the terms of PSE's franchise, wet utilities such as sewer and water have a preference to be sited under improved right-of-way (pavement) and dry utilities such as electric lines are generally pushed out into the unimproved portion of right-of-way in the road shoulder.

BIMC 16.20.040 Exemptions contains a provision applicable to the maintenance of utility infrastructure in regulated critical areas. This exemption applies both to the requirements of BIMC 16.20.140.G.2 pertaining to the prohibition of primary utilities in Category I and II wetlands and BIMC 16.20.100.E.1 pertaining to the dedication of ARPAs. BIMC 16.20.040.A.6 states, "[n]ormal and routine repair and maintenance of existing utility structures within a right-of-way or existing utility corridor or easement, including the cutting, removal and/or moving of vegetation above the ground that utilizes best management practices and does not expand the use, activity or structure further into a critical area." The City's interpretation of this code section has varied over time, but has generally been limited to allowing replacement of existing poles, conductor and equipment with like or similar appurtenances, as

well as routine management of vegetation within existing corridors. However, the constrained nature of this interpretation has resulted in, what PSE believes, are unintended and illogical results.

More specifically, depending upon the scope of maintenance or upgrade activities along a utility corridor, maintaining existing infrastructure can result in additional impacts to a critical area. This could be due to changes to engineering standards over time, the need to modify pole position and conductor span length to meet regulations and standards (such as control zone), or the need to modify pole size to support upsized conductor, fiber lines, communication utility lines, or other infrastructure changes. There can also be unintended regulatory consequences. For example, PSE analyzed lessening impacts to Category II wetlands along an existing transmission corridor constructed in the 1960s. This would entail reducing the number of poles physically located in the wetlands by increasing the span length (distance) between poles. The overall net impact to wetlands would have been reduced by having fewer poles in wetland areas. However, to accomplish this, one of the poles that would have to be replaced in a wetland would have to be nominally larger in diameter to support the increased span length between poles. The City concluded this was not allowed in a Category II wetland, as it did not qualify as “normal and routine repair and maintenance” since the ground area impact of the pole would increase in that location, even though the overall net impact in Category II wetlands would decrease by removing poles in other locations. Therefore, PSE had to replace the existing poles in their existing locations to meet the exemption and could not provide the alternative net benefit to wetlands due to the existing prohibition in BIMC 16.20.040.G.2. Adoption of PSE’s proposed code amendments would allow for greater flexibility in minimizing and avoiding impacts to Category II wetlands, in addition to allowing continued operation of the electrical system on the Island.

It should be noted that based on the City’s GIS data, Category I wetlands are not a common occurrence on Bainbridge Island. This is particularly the case in areas adjacent to road rights-of-way where PSE’s proposed amendment would most often apply. PSE is aware of only one occurrence where an existing transmission line facility spans a Category I wetland. Based on available mapped data there are no other known occurrences; however PSE would like to reserve the right to maintain and upgrade any existing infrastructure found to overlap with a Category I wetland should such conditions be encountered on a project-specific basis in the future. Maintenance impacts generally consist of replacing existing aging infrastructure and maintaining vegetation to meet safety clearances around power lines. Some temporary impacts could occur during maintenance access, but these impacts would be restored. In most cases, maintenance activities fall under the critical areas exemptions in BIMC 16.20.040, however there are some instances where maintenance may result in minor new unavoidable impacts to critical areas. See “Bainbridge Island Code Amendment Best Available Science Review” document for additional discussion on the wetland code amendment and potential impacts.

Existing and Proposed Code Provisions

In 2018, the City of Bainbridge Island updated the Critical Areas regulations in BIMC 16.20. As part of that update, BIMC 16.20.100 Aquifer Recharge Areas was added to the Critical Areas regulations and

BIMC 16.20.140.G.2 was modified to add prohibitions for overhead primary utilities in Category I wetlands and overhead and underground primary utilities in Category II wetlands.

BIMC 16.20.100: Aquifer Recharge Areas

In 2018, the City of Bainbridge Island adopted an update to the Critical Areas regulations including provisions regulating aquifer recharge areas. The entire island is designated as an aquifer recharge area due to its status as a sole source aquifer. As a means of implementing new state stormwater regulations that emphasize the use of Low Impact Development (LID), the City adopted a new requirement that when development occurs on property located within the R-0.4, R-1 and R-2 zoning districts, up to 65 percent of the site be designated an Aquifer Recharge Protection Area (ARPA). The code regulates any proposed development or activity requiring site assessment review (SAR) that is located within the R-0.4, R-1, or R-2 zoning districts and requires these activities to designate an ARPA that is recorded on a property title. The triggers for SAR review include over 800 square feet of new hard surface, grading or clearing activities over 7,000 square feet or 35% of a site (whichever is smaller), and underground utilities not under existing hard surface.

The code does not distinguish between development and activities by a fee owner of a parcel who may develop and use the entire parcel versus development/activities by an easement holder who only has rights to use a portion of the property for a specified use or activity and does not hold fee interest in the property. PSE's easement rights grant PSE use of a limited portion of a parcel for the purpose of installing, operating and maintaining linear electrical distribution and transmission infrastructure. The easement area is based upon operational needs determined by PSE. Other than rights of ingress and egress granted under state law, PSE does not have rights on private property outside of its easement areas and cannot record restrictions on title that will overburden a property for purposes that are not consistent with and for the benefit of utility operational needs. Therefore, PSE as a regulated utility cannot meet the aquifer recharge area requirement to set aside 65 percent of a property owner's site within an ARPA.

PSE is requesting that the City amend BIMC 16.20.100.E.1 to add a provision that excludes utility installation, upgrade and maintenance activities on property not owned by the utility. Accordingly, PSE would comply with ARPA dedication requirements on its own property when applicable. However where PSE's interest in the property is limited to a utility easement, the requirement would be waived as to PSE's use but still apply to the parcel owner. Although this amendment is being requested by PSE, such a provision would also benefit other utilities. Suggested language includes adding a subsection e. that states, "Activities related to the installation, upgrade and maintenance of utility facilities and corridors, when located on property not owned by the utility provider." See Attachment 1: Proposed Code Language.

BIMC 16.20.140.G.2: Prohibited Activities in Category I and II Wetlands

Prior to the Critical Areas regulation amendments adopted in 2018, the Wetlands section of the Critical Areas code included a use table that specified whether uses and activities were allowed outright, permitted subject to development standards, allowed with special use permit approval, or prohibited

when located within a wetland or wetland buffer (see Table 8 below). The regulations at that time specified that overhead utility lines were allowed in Category I-III wetlands and buffers with special use permit approval and permitted subject to development standards in Category IV wetlands. For underground utility lines, the regulations stipulated these were prohibited in Category I wetlands, but allowed in Category I wetland buffers and allowed with special use permit approval in Category II – IV wetlands and their buffers.

Table 8: Regulated Uses and Activities in Regulated Wetlands and Buffers

	Category I		Category II		Category III		Category IV	
	W	B	W	B	W	B	W	B
32. Utility Line-Overhead	S	S	S	S	S	S	P	P
33. Utility Line - Underground	X	S	S	S	S	S	S	S

P = Permitted Subject to Development Standards and Underlying Permit, S = Special Use Permit Required, X = Prohibited

Publicly available supporting documentation for the 2018 code amendments indicate that the formatting of Table 8 was changed to a list for ease of reading the regulations, but does not include an explanation as to why overhead utilities were determined to be prohibited in Category I wetlands and both overhead and underground utilities were determined to be prohibited in Category II wetlands. PSE's consultant has provided best available science documentation to support an allowance for linear new utility lines to be located within Category II wetlands where impacts can be limited and an allowance for the repair and upgrades of existing utility facilities in Category I and II wetlands (see *Bainbridge Code Amendment BIMC 16.20.140.G: Prohibited Activities – Best Available Science*, HDR, January 2023 memo).

In order to continue to maintain and upgrade existing linear infrastructure located in cross-country corridors (generally existing transmission lines) and maintain, upgrade and install new linear facilities within and adjacent to road right-of-way, PSE is requesting an amendment to BIMC 16.20.140.G.2 to narrow the prohibition on new primary utilities in Category II wetlands based on balancing the needs of the community with Best Available Science to support limited impacts to these critical areas. Although PSE is requesting this code amendment, it has the potential to impact all linear primary utilities, including sewer and water line within unimproved portions of road right-of-way. See for example, the storm sewer lines mapped in the City of Bainbridge Island's SAR Web Application which shows the location of utilities and critical areas.

PSE is proposing to amend the language in BIMC 16.20.140.G.2 to limit the primary utility prohibition to new utility facilities in Category I wetlands and in Category II wetlands where a new utility facility is not placed within or adjacent to road right-of-way (i.e. no new cross country corridors). This will allow for

the continued maintenance and upgrade of existing facilities in cross country corridors where they cross Category I and II wetlands and for the establishment of new facilities in Category II wetlands only where impacts can be limited to the area within or adjacent to road right-of-way; which is often already disturbed and of diminished ecological value. As noted earlier in this document, PSE is only aware of one instance of an existing primary utilities located within Category I wetlands based on mapped data, but would like to reserve the right to maintain and upgrade existing facilities should Category I conditions be encountered in the field on a project specific basis. See Attachment 1: Proposed Code Language.

BIMC 18.12 Dimensional Standards

The Permitted Height Modifications section of Table 18.12.040 was amended in 2014 (Ordinance 2014-05) to adopt land use review pole height thresholds. At this time, PSE was in the process of replacing the steel transmission tower that held the two transmission lines crossing Agate Pass from Kitsap County with two steel monopoles. These 140-foot monopoles are of a greater height compared to other poles on the Island due to the length of the crossing and the need to meet safety clearances from Agate Pass Bridge. Table 18.12.040 at that time did not allow poles over 50 feet in height and no variance requests were allowed. The adopted code language distinguishes between distribution and transmission line poles and allows incremental increases in pole height and changes in location without land use review and imposes thresholds for requiring minor site plan review. What was not contemplated at that time was the occasional need to add a pole or poles along an existing distribution or transmission corridor to facilitate system upgrades. The City interprets the exemption language in BIMC Table 18.12.020-2 and 18.12.020-3 to require conditional use approval for any new pole installation that is over the height of the underlying zoning district, particularly since the language in Table 18.12.040 is focused on replacement poles, however the current language is not specific to new uses. To clarify the discrepancy between the language in Table 18.12.020-2 and 18.12.020-3 and Table 18.12.040 regarding land use review, additional language to clarify the intent of those code sections is proposed. Additionally, the language in the last row of Table 18.12.040 was meant to be replaced with the adopted language regarding distribution and transmission pole height. This language was proposed to be stricken as part of the 2014 amendments, but inadvertently left in the final adopted ordinance.

Also within Table 18.12.040, under Permitted Setback Modifications, the language pertaining to an allowance for accessory utilities in zoning setbacks inadvertently prohibits primary utilities in setback. Linear distribution and transmission conductor (wires) along road rights-of-way often extend over adjacent setback areas and occasionally poles are placed within setbacks to avoid conflicts with and provide clearance from uses within the road right-of-way. Even when underground distribution lines are placed within road right-of-way, ancillary equipment such as vaults and pad mounted transformers can be placed within easement areas that overlap with zoning setbacks. Alternatively, distribution and transmission lines can extend perpendicularly through setbacks, particularly when they are going into or out of a substation facility to connect with linear infrastructure within road right-of-way. PSE is requesting the language be amended to reflect the common presence of overhead or underground linear infrastructure within zoning setbacks, however this language will not allow parcel-based primary utility facilities that occupy a site as a primary use to extend into zoning setbacks. Like other proposed

amendments, other linear primary utilities defined under BIMC 18.36.030 will fall under this amendment, including water, sewer, storm, and communication lines. See Attachment 1: Proposed Code Language.

BIMC 2.16.020.D – Who Can Apply

In many instances, PSE is not, and likely never would be, a property owner as defined under BIMC 18.36.030. The code defines “owner” as “the party or parties having the fee interest in land”. For many common utility activities and projects, particularly related to linear utility facilities, PSE holds or acquires easement rights to use a portion of a property, not fee interests which would have a more intrusive effect on the use of the property by the owner. Further, PSE is not acting as an agent of the owner. PSE’s projects and activities are essential infrastructure projects to fulfill a state mandate to provide reliable, safe, and reasonable cost energy to the community.

The existing code does not acknowledge the discretionary nature of many permit review processes and how that relates to the process of acquiring rights for utility infrastructure. PSE may not be able to precisely identify needed rights before going through land use and environmental permit processes, as the City may request slight shifts in pole placement or the location of other infrastructure which can impact easement size and configuration. Therefore, requiring PSE to acquire rights before a permit is applied for may result in PSE acquiring rights it does not need or in having insufficient rights, both of which have the potential to negatively impact Bainbridge Island property owners and is not in the best interest of PSE rate payers. These discretionary permit processes often include public notice requirements, including public hearings for some levels of review. These processes provide community transparency and provide the opportunity for public review and comment on a project, even beyond the impacted property owners within a project area.

It does not make practical sense to preclude the City’s electric service provider from being an “applicant” to apply for permits for its essential infrastructure projects. Certain code provisions arguably provide the City with flexibility to process PSE’s applications without property owner authorization, including BIMC 2.16.020.J.1.d and BIMC 2.16.020.J.2.a which provide the Director with discretion to waive submittal requirements deemed unnecessary for the review of an application and provide the ability for the City to deem an application complete when materials submitted are sufficient for accurate review, even if additional information may be required or project modifications made. The requested amendment allows PSE to apply for permits and acquire rights, but preserves the City’s authority to not issue construction permits until proof of rights is provided by PSE. See Attachment 1: Proposed Code Language.

BIMC 2.16.180: Legislative review of land use regulations.

BIMC 2.16.180 applies to the adoption of amendments to the BIMC related to land use procedures and regulations. Although the code does not contain specific decision criteria for legislative review of land

use regulations, it does specify consideration of the Comprehensive Plan. Comprehensive Plan policies that support the requested code amendments include:

Goal U-1: Ensure that reliable utility services are available to all Bainbridge Island residents.

Response: Continuing to maintain, upgrade, and install new linear distribution and transmission facilities on the island is cornerstone to ensuring the ability to provide reliable electric service to the community. This will become increasingly true as the use of electricity expands in the transportation sector and to support other emerging technologies. The inability to upgrade or install infrastructure in unavoidable locations or for PSE to apply for permits is inconsistent with PSE's state mandate to serve the community with safe, reliable, and cost efficient energy.

Goal U-3: Ensure that utility services are adequate to meet current demands, and that utility providers plan for future demands.

Response: Providing adequate utility service means that PSE must continue to maintain, upgrade and install new linear distribution and transmission facilities in geographic areas that meet the need. Installing, upgrading and maintaining linear infrastructure can mean impacts to critical areas or placement of utility infrastructure or management of vegetation in the roadway or along private property frontage due to the need to install and maintain infrastructure between two connected points (generally substations). In order to ensure that utility services are adequate, PSE needs clarity regarding its ability to apply for permits.

Goal U-5: Ensure that new or major renovations to existing utility facilities are designed to minimize adverse impacts on residents and the environment.

Response: The ability apply for permits and to maintain and upgrade existing utility facilities will minimize impacts to residents and the environment, as these facilities can remain in place. Allowing for installation of new utility facilities within and adjacent to road rights-of-way will minimize impacts as these areas are generally already disturbed by the adjacency with the motorized roadway and use areas of properties that are set aside from use by primary structures.

Goal U-6: Ensure that permits and approvals for utility facilities are processed in a fair, timely manner and in accord with development regulations and this Plan and **Policy LU-6.5:** Process applications for development approval on Bainbridge Island within the timelines established in the City's land development regulations in order to ensure affordability, fairness, citizen notification and predictability in the land development process.

Response: There is a need for clarity and modifications to the code to allow submittal and review of PSE project permits. The ability to provide essential facility upgrades and installations within the community is currently being hindered by the inability for permits to be submitted and reviewed in a timely manner. PSE submitted its application materials for the Winslow Tap 115 KV Transmission Line Rebuild Project on February 9, 2023. The application has not been processed within the timelines established in the City's code due to lack of clarity in BIMC 2.16.020.D as well as needed modifications to other provisions in the code hindering this and other projects from being approved.

Policy U-14.3: Encourage the electric service provider to improve reliability, with particular attention to adding transmission redundancy and mitigating impacts on service from storms or other natural events.

Response: PSE needs the ability to continue to maintain, upgrade and install new infrastructure to ensure reliable power can be provided to meet the needs of the community. Due to the linear nature of PSE's facilities and the need to provide connections between two defined points, limited impacts to wetlands and encroachment onto private property are often unavoidable. PSE needs the ability to not only install new infrastructure, but continue to maintain and upgrade existing infrastructure that was installed within these areas prior to existing regulations. In limited circumstances, upgrading a facility can entail adding one or more poles within an existing power line alignment may be required to maintain the engineering integrity of the system.

Approval of the requested code amendments will not absolve PSE or other linear utility providers from meeting other applicable sections of the BIMC. For example, the ARPA amendment would exempt linear utility facilities on property not owned by the utility from having to designate an ARPA. However, other applicable aquifer recharge area related protections will still apply, including compliance with stormwater standards and regulations. In terms of allowing for limited impacts from new primary utilities within Category II wetlands, mitigation sequencing and other applicable critical areas standards will still apply to any project that impacts a Category II wetland. The dimensional and application amendments intend to clarify language in the code to reduce impractical impediments and allow for timely processing of essential energy project permits.

BIMC 16.20.100 Proposed Code Language

BIMC 16.20.100 Aquifer recharge areas

E. Development Standards – Aquifer Recharge Protection Area (ARPA)

1. Any proposed development or activity requiring a site assessment review (SAR) pursuant to Chapters 15.19 and 15.20 BIMC located within the R-0.4, R-1, or R-2 zoning designations requires designation of an ARPA; except, designation of an ARPA is not required for the following:
 - a. Removal of invasive species;
 - b. Construction of public trails provided that standards set forth in BIMC 16.20.110.G.5. a through e are met;
 - c. Replacement of hard surfaces; ~~and~~
 - d. Development and activities located on properties protected in perpetuity by a legal instrument acceptable to the city attorney wherein at least 65 percent of the site meets the development standards for aquifer recharge protection areas of this section-; and
 - e. Activities related to the installation, upgrade and maintenance of utility facilities and corridors, when located on property not owned by the utility provider.

BIMC 16.20.140 Proposed Code Language

BIMC 16.20.140 Wetlands

G. Prohibited Activities

1. The following development, uses and activities are prohibited in wetlands:
 - a. Draining, excavation, placement of fill material and flooding not associated with an exempt or regulated use;
 - b. Forest Practices – Class IV general or conversion options harvest plan;
 - c. New or expanded agriculture; or
 - d. On-site sewage facility.
2. The following development, uses and activities are prohibited in Category I and II wetlands:
 - a. Fish hatchery;
 - b. Golf course;
 - c. Mineral extraction;
 - d. Public facility;
 - e. Public communication tower;
 - f. New public road/street;
 - g. New private access road or driveway;
 - h. Stormwater retention/detention facility; or
 - i. New primary utility not within or directly adjacent to an existing road right-of-way in Category II wetlands. New primary utilities are prohibited in Category I wetlands.

BIMC 18.12.020 Proposed Code Language

BIMC 18.12.020 Table of dimensional standards.

Tables 18.12.020-2 and 18.12.020-3 set forth applicable dimensional standards. Where a property is located in more than one zone district, units permitted by density calculations in each zone district must be constructed on the portion of property located within that zone district and required setbacks for each zone district must be met. Permitted densities are not “blended” across the zone district line.

Table 18.12.020-2 Standard Lot Dimensional Standards for Residential Zone Districts

[Numbers in brackets indicate additional requirements listed at the end of the table]

ZONING DISTRICT DIMENSIONAL STANDARD	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14
MAXIMUM BUILDING AND STRUCTURE HEIGHT [4]										
Note: Bonus may not be available in shoreline jurisdiction										
All lots										
Base	30 ft.	30 ft.		25 ft.				30 ft.	35	
Bonus for Nonresidential Uses if Conditional Use Permit Conditions are Met	35 ft.	35 ft.		30 ft.				35 ft.	40 ft.	40 ft. See BIMC 18.12.030.B
Exemption	Alternative height limits may apply for nonresidential uses if additional conditional use permit provisions of BIMC Title 2 are met. Some encroachments through height limits are permitted under BIMC 18.12.040 <u>without conditional use permit approval</u> .									
Shoreline Jurisdiction	See Table 16.20.030-2, Dimensional Standards Table, and BIMC 16.12.030.B.3.i, Regulations – Shoreline Structure Setback View Requirement.									

[4] For community and educational facilities (as listed in Table 18.09.020), spires, towers and other vertical features with horizontal cross-sections no more than five percent of the footprint of the primary structure may have a maximum height of 10 feet above the maximum base height, and shall be reviewed through a conditional use permit.

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONE DISTRICT	Mixed Use Center					HRS I and II	NC	B/I	WD-I
	Central Core Overla y	Madiso n Avenue Overlay	Erickson Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
DIMENSIONAL STANDARD									
MAXIMUM BUILDING AND STRUCTURE HEIGHT [5]									

Note: Bonus may not be available in shoreline jurisdiction									
Base	35 ft.; 25 ft. max. south of Parfitt	25 ft.; 35 ft. north of High School Road	25 ft.	35 ft.	BIMC 18.12.030.C standard height north of Winslow Way; 35 ft. south of Winslow Way	35 ft.	35 ft.	35 ft.	35 ft. except that Chapter 16.12 BIMC applies within shoreline jurisdiction
Bonus 1 if parking under building [6]	45 ft.; 35 ft. south of Parfitt	35 ft.; 45 ft. north of High School Road	35 ft.	45 ft.	BIMC 18.12.030.C optional height north of Winslow Way; 45 ft. south of Winslow Way	45 ft.			
Bonus 2 for Nonresidential Uses with Major Conditional Use Permit							45 ft.	45 ft.	45 ft.
Bonus 3 Structure Height	Alternative height limits may apply if the conditional use permit provisions of BIMC Title 2 are met. Some encroachments through height limits are permitted under BIMC 18.12.040 <u>without conditional use permit approval</u> .								

BIMC 18.12.040 Proposed Code Language

BIMC 18.12.040 Modifications to required setbacks and height

A. Permitted Setback/Height Modifications. Minimum and maximum setbacks and maximum heights established in Tables 17.12.070-1, 18.12.020-2, and 18.12.020-3 and in BIMC 18.12.030 may be encroached as set forth in Table 18.12.040 and may also be modified by applicable provisions of adopted fire codes, the shoreline master program, and/or the building code. These modifications are not permitted in required perimeter or roadside buffers.

Table 18.12.040: Permitted Setback/Height Modifications

Type of Encroachment	Encroachment Permitted	Conditions
Permitted Setback Modifications		
Fence or combined fence and berm up to 6 feet high	In any required setback subject to applicable regulations in BIMC Title 15	Except as provided in BIMC 18.12.040.B and Chapter 16.12 BIMC
Nonscreening fences or combined nonscreening fence and berm up to 8 feet high	In any required setback subject to applicable regulations in BIMC Title 15	Except as provided in Chapter 16.12 BIMC
Chimneys, flues, awnings, bay windows, and greenhouse windows	Up to 18 inches into any required setback	
Covered porches, bay windows and eaves within the Ericksen Avenue overlay district	Up to 5 feet into the front yard	Bay windows must be cantilevered outward from the wall, and may not result in any portion of the building floor area extending into the setback
Any structures, including but not limited to uncovered steps, porches, and decks less than or equal to 30 inches in height	Up to 2 feet in front and side setbacks. Up to 5 feet into required rear setbacks.	
Eaves	May extend up to 24 inches into any required setback except shoreline structure setback	
At or near grade structures such as uncovered patios, sidewalks, and driveways	In any required setback	May not exceed 4 inches in height
Signs	In any required setback	Must conform to Chapter 15.08 BIMC
Overhead or underground <u>primary or accessory utilities that are not the primary use of the site</u>	In any required setback, perimeter or roadside buffer	Must conform to Chapters 16.12 and 16.20 BIMC. Does not apply to above ground utilities such as propane tanks.
Composting bins	In side or rear setback areas	
Bioretention/rain gardens	In any required setback	In accordance with Chapter 15.20 BIMC
Rain barrels/cisterns	In any required setback	In accordance with Chapter 15.20 BIMC

Wall-mounted on-demand hot water heaters	Up to 18 inches in side and rear setbacks	Permitted if buffered or enclosed to prevent noise impacts to neighboring properties
Below-ground geothermal equipment	In any required setback, perimeter or roadside buffer	Must conform to Chapters 16.12 and 16.20 BIMC. Permitted if any excavated areas are promptly relandscaped after installation is complete.
Rockerries and retaining walls less than 4 feet in height	In any required setback	Rockerries and retaining walls greater than 4 feet in height may be permitted with qualified geotechnical engineer determination, and city concurrence, that is necessary for slope stabilization.
Public communication towers	In any required setback subject to applicable regulations in BIMC Title 15	Must conform to Chapters 16.12 and 16.20 BIMC
Permitted Height Modifications		
Small wind energy generators	Up to 18 inches above the maximum building height in the district	
Solar panels	Up to 18 inches above the maximum building height in the district	
Noncommercial, nonparabolic antennas affixed to noncommercial communication towers	Up to 50 feet in height above grade	
One flagpole per parcel	UP to 45 feet in height above grade	
Public communications tower	Up to 120 feet in height above grade	A building permit is required for a public communication tower. A conditional use permit shall be required for a public communications tower to be constructed between 71 feet and 120 feet above grade. A public communications tower shall not exceed 120 feet in height.
Distribution utility poles	Up to 55 feet in height above grade	Replacement poles over 55 feet in height, see BIMC 18.09.030.F.2.b. For new distribution utility facilities or corridors, see Table 18.09.020. Poles shall not be moved more than 20 feet from the original location <u>or a new pole added along an existing distribution line corridor</u> unless permitted under BIMC 18.09.030.F.2.b.
Transmission utility poles	Up to a 25 percent increase above existing pole height above grade with a maximum height of 100 feet	Replacement poles over the 25 percent increase or 100 feet in height, see BIMC 18.09.030.F.2.b. For new transmission utility

		facilities or corridors, see Table 18.09.020. Poles shall not be moved more than 20 feet from the original location <u>or a new pole added along an existing transmission line corridor</u> unless permitted under BIMC 18.09.030.F.2.b.
Utility structures existing on the effective date of the ordinance codified in this subsection	Existing height	May also be replaced or modified, provided, that the structure is not larger or taller than the original structure and is not moved more than 20 feet from its original location.

BIMC 2.16.020 Proposed Code Language

BIMC 2.16.020 General provisions.

A. Jurisdiction. Jurisdiction of the department director or the hearing examiner is limited to those issues where ordinance or other appropriate authority grants the authority to issue a decision, recommendation, or issue an order.

B. State Environmental Policy Act May Apply. The State Environmental Policy Act (SEPA) and the Bainbridge Island SEPA ordinance (Chapter 16.04 BIMC) may also apply to applications processed under this section. For a consolidated land use application subject to Chapter 43.21C RCW and Chapter 16.04 BIMC, the SEPA threshold determination shall be issued and any required public comment period shall be completed prior to a public hearing.

C. Types of Land Use Applications. Land use applications are classified into four major categories based on the review process: (1) administrative, (2) quasi-judicial decisions by a hearing examiner, (3) quasi-judicial decisions by city council, and (4) legislative approvals. The specific types of applications in each category are show in the table in BIMC 2.16.010.

1. Administrative land use decisions are made by a department director pursuant to the process in BIMC 2.16.030, and pursuant to specific standards in BIMC 2.16.040 through 2.16.090 as applicable.
2. Quasi-judicial decisions by a hearing examiner are made pursuant to the process in BIMC 2.16.100, and pursuant to specific standards in BIMC 2.16.110 through 2.16.120 as applicable.
3. Quasi-judicial decisions by city council are made pursuant to the process in BIMC 2.16.130, and pursuant to specific standards in BIMC 2.16.140 through 2.16.160 as applicable. This category includes consolidated project review, which is an option available for a land use proposal that requires more than one related land use permit, and in which decisions are made pursuant to BIMC 2.16.170. In some cases, consolidated project reviews may be quasi-judicial decisions by a hearing examiner.
4. Legislative approvals are non-site specific decisions related to land use in the city but not related to a specific land use application filed by a property owner. These decisions are made pursuant to BIMC 2.16.180, and pursuant to specific standards in BIMC 2.16.180 through 2.16.210 as applicable.

D. Who Can Apply

1. A property owner, a contract purchaser, or an agent of the owner with authorized written proof of agency may apply for any type of permit.
2. A resident who is not the owner of the dwelling may apply for permits and licenses pertaining to a home occupation.
3. A public or private utility that provides written documentation of their authority to exercise eminent domain under Title 8 RCW.
- 3 4. Any person may request an interpretation of the zoning code, shoreline master program, or subdivision regulations. The director of planning and community development may issue interpretations of the zoning

code, shoreline master program, or subdivision regulations as needed, and shall post issued interpretations on the city website.

Technical Memorandum



To: Kerry Kriner (PSE)
From: Tobin Story, PWS (HDR), Kirk Moughamer (HDR)
Date: January 25, 2023
Subject: Bainbridge Island Code Amendment – Best Available Science

1.0 Introduction

Puget Sound Energy (PSE) is proposing to amend Bainbridge Island Municipal Code (BIMC) 16.20.140.G.2, which prohibits a list of development, uses and activities in Category I and II wetlands, including primary utilities. BIMC 18.36.030 includes utility lines, both distribution and transmission, under the definition of “Utility, primary”. PSE installs, operates, and maintains electrical utility lines along public road rights-of-way and cross-country corridors throughout Bainbridge Island. This includes above ground transmission lines and both above and below ground distribution lines. Existing distribution and transmission lines cross through and/or span over wetlands in some areas, including within and adjacent to public road rights-of-way. The ability to maintain, upgrade or install new electric facilities is needed to continue to provide reliable electric service to PSE’s customers on Bainbridge Island, however, the linear nature of these lines makes it impractical to avoid wetlands entirely. The PSE requested code amendment includes provisions for the maintenance, repair, and upgrade of PSE transmission and distribution facilities in and adjacent to road rights-of-way and in existing cross country corridors that cross through Category I or II wetlands. The proposed amendment does not allow for the establishment of new cross country transmission or distribution corridors through Category I or II wetlands.

The purpose of this technical memorandum is to discuss PSE’s existing electrical system and summarize relevant science-based information applicable to the development of the proposed code amendment. Revised Code of Washington (RCW) 36.70A.172 requires that cities and counties include “the best available science in developing policies and development regulations to protect the functions and values of critical areas.” The intent of the code amendment is to facilitate maintaining, upgrading and constructing new distribution and transmission facilities to provide essential electric service to Bainbridge Island, while following best available science and limiting impacts to wetland resources. This would include:

- Maintaining and upgrading existing aerial transmission and distribution lines in and adjacent to improved road rights-of-way.
- Maintaining and upgrading existing aerial transmission and distribution lines within cross country corridors on easements.
- Maintaining and upgrading existing underground distribution lines in and adjacent to improved road rights-of-way or within cross country corridors on easements.
- Installing new aerial distribution and transmission lines within or adjacent to road rights-of-way; or as an overbuild or underbuild to an existing aerial primary utility within cross country corridors on easement.

- Installing new underground distribution lines within or adjacent to improved road rights-of-way or within cross country corridors on easements.

2.0 Regulatory Review

The City updated its Critical Areas Regulations in BIMC Chapter 16.20 in February 2018 (Ordinance 2018-01). Prior to the February 2018 update, BIMC prohibited underground utility lines in Category I wetlands and permitted aerial utility lines in Category I and II wetlands and underground utility lines in Category II wetlands. Primary utilities are defined in BIMC 18.36.030 as *facilities that produce, transmit, carry, store, distribute, or process electric power, gas, water, sewage, or information and do not meet the definition of an accessory utility. Primary utilities include solid waste handling and disposal facilities, wastewater treatment facilities, utility lines, electrical power generating or transfer facilities, radio cellular telephone and microwave towers, and gas distribution and storage facilities.*

Primary utilities on Bainbridge Island currently operated by PSE include electrical distribution and transmission lines (including fiber communication lines) and electrical substations. Following the 2018 update primary utilities are prohibited in Category I and II wetlands (BIMC 16.20.140.G). Outside of Category I and II wetlands, installation of utilities within wetlands may be allowed, subject to the provisions of BIMC 16.20.140.H.5.

HDR evaluated *Wetland Guidance for CAO Updates: Western Washington Version* (Washington State Department of Ecology 2016). HDR found that BIMC 16.20.140.G.2 generally exceeds the minimum standards for Critical Area Regulations as outlined in the Ecology 2016 guidance, which lists allowed uses including normal and routine maintenance and repair of existing facilities within existing ROW, but does not specifically list prohibited wetland uses.

3.0 Existing PSE Infrastructure on Bainbridge Island

Based on the breadth of uses included within the definition of primary utility, linear facilities such as transmission and distribution lines stand out as being functionally different than the other primary utilities that are typically installed within a single parcel of land. Electrical substations, water treatment plant infrastructure, solid waste facilities, and other parcel-based developments intrinsically require more space and can result in greater impacts to wetlands, including more substantial permanent wetland impacts. Permanent impacts, particularly wetland fill, result in a loss of wetland area and corresponding loss of hydrologic, water quality and habitat functions. By comparison, linear facilities can span over or be directionally bored under wetlands, avoiding wetland fill and the corresponding permanent loss of hydrologic, water quality and habitat functions.

This code amendment focuses on three categories of work which PSE may perform: 1. Maintenance of existing linear transmission and distribution facilities, 2. Upgrading/expanding existing linear transmission and distribution facilities, and 3. Constructing new linear transmission and distribution facilities in or adjacent to road ROW. The permanent fill footprint of PSE electric utility corridors is typically limited to poles, which are generally spaced 150-200 feet apart for distribution lines and 300-400 feet apart for transmission lines with the pole footprints typically ranging from 1-3 feet in diameter. The situation is similar for an underground distribution line which could be installed by trenching or horizontal directional boring. Where wetlands need to be avoided directional boring would allow for the avoidance of impacts, while trenching would result in temporary disturbances. A typical underground distribution line requires an underground vault approximately every 500 feet, which are generally installed immediately adjacent to a stable surface like a road shoulder to provide

access. For aerial and underground linear facilities, wetland soil and vegetation compatible with these facilities can remain undisturbed or be temporarily removed and replaced back into the wetland. In either case, the wetland will continue to provide habitat, hydrologic, and water quality functions. Linear facilities can be placed on the disturbed edge of a wetland or wetland buffer in the area abutting existing roadways (see Exhibit 1).

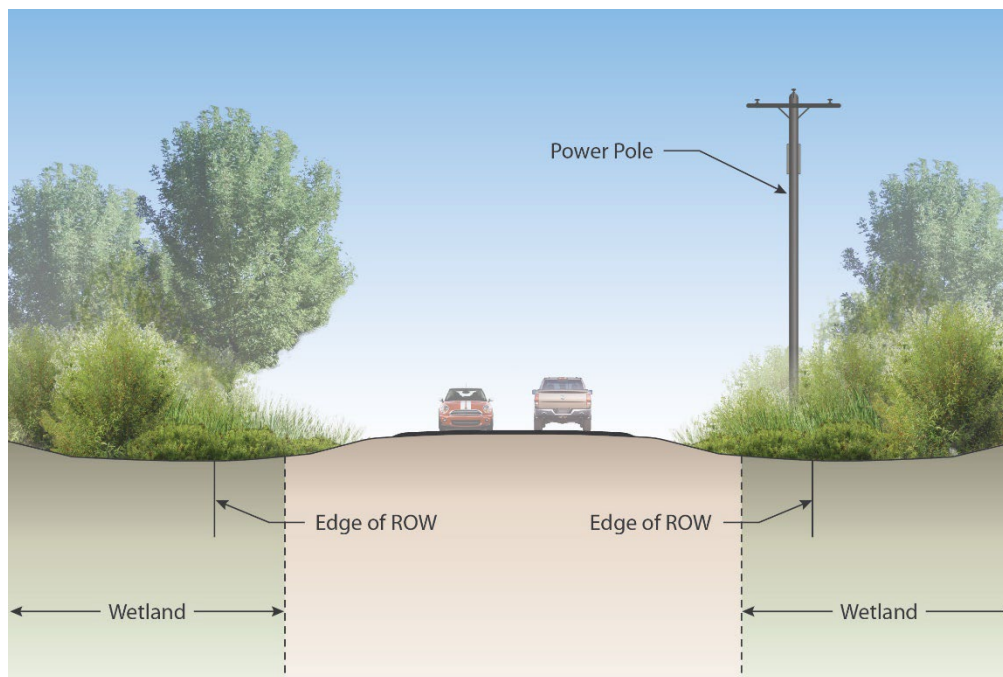


Exhibit 1. An aerial distribution pole along the disturbed wetland edge of a road right-of-way.

The majority of PSE's existing linear utility infrastructure on Bainbridge Island is located within or adjacent to public road right-of-way via operating rights granted by a franchise agreement with the City (see Exhibits 2, 3 and 4). In some instances, particularly pertaining to transmission lines, PSE has acquired easements on property adjacent to the road rights-of-way for conductor (wire) safety, vegetation management clearances, and guy anchors. When these linear facilities are located within a road right-of-way and cross a wetland, they are generally installed within the limits of existing right-of-way disturbance along the edge of the roadway shoulder. The adjacent roadside areas and roadside ditches within the right-of-way often qualify as wetland, even though they are located within the existing area of disturbance of the right-of-way (see Exhibit 1).

Some portions of existing transmission corridors are not located along road rights-of-way but extend along cross-country corridors on easements (see Exhibit 5). PSE's existing cross-country transmission lines were installed when Bainbridge Island was part of rural Kitsap County in the 1960s and 70s prior to modern environmental regulations. Many of the existing road rights-of-way that are currently used as joint utility corridors had not been developed at the time; therefore there were not necessarily opportunities to co-locate within road rights-of-way. PSE's cross country transmission corridors typically range from 50-60 feet in width; generally the width of an arterial road right-of-way. Within PSE cross-country corridors, typical wetland vegetation including salmonberry (*Rubus spectabilis*), hardhack (*Spiraea douglasii*), willow species (*Salix spp.*), and many native emergent species are compatible with transmission line clearances and can generally be left in

transmission line corridors to contribute to wetland functions. PSE cross-country corridors on Bainbridge Island typically do not have permanent access roads in regulated wetlands. When accessing through wetland areas for vegetation management and utility infrastructure repair and maintenance, PSE uses BMPs to avoid and minimize temporary impacts and allow wetland functions to continue.



Exhibit 2. An aerial distribution line along NE Bergman Road.



Exhibit 3. An aerial transmission line along NE Day Road



Exhibit 4. Vaults for an underground distribution line along Blakely Ave NE



Exhibit 5. A cross country aerial transmission line viewed from Agate Pass Road NE

4.0 Review of Best Available Science Documents

HDR conducted a review of best available science (BAS) documents, including current agency guidance regarding code amendments and BAS reviews, documents related to wetland functions

and values, documents related to the impact of development on those functions, and documents specific to wetlands within the City of Bainbridge Island. HDR also used general information available through the following:

- Ecology Best Available Science website, located at <https://ecology.wa.gov/Water-Shorelines/Wetlands/Tools-resources/Best-available-science>
- Ecology Wetland Guidance for Critical Areas Ordinance Updates, located at <https://apps.ecology.wa.gov/publications/documents/1606001.pdf>

A complete list of references is included at the end of this technical memorandum; the following are considered the most relevant sources of BAS:

- Wetlands in Washington State – Volume 1: A synthesis of the Science (Sheldon et al. 2005)
- Wetlands in Washington State – Volume 2: Guidance for Protecting and Managing Wetlands (Granger et al. 2005)
- Wetland Mitigation in Washington State: Part 1: Agency Policies and Guidance – Version 2 (Ecology, U.S. Army Corps of Engineers Seattle District and U.S. EPA Region 10 2021)
- Update on Wetland Buffers: The State of the Science (Hruby 2013)
- City of Bainbridge Island Critical Areas Ordinance Update – Best Available Science Review (2018)
- Citations of Recommended Sources of Best Available Science (Washington State Office of Community Development 2002)
- Direct and Indirect Impacts of Urbanization on Wetland Quality (Wright et al. 2006)

5.0 Discussion of BAS Documents

Based on a review of the above documents, HDR focused on the following key points related to the proposed code amendment:

1. **Existing Wetland Functions and Values.** Wetland habitat functions and values in the immediate vicinity of disturbances, such as adjacent to improved public roadways, are comparatively less relative to wetland habitat functions and values farther from such disturbances.
2. **Limited Frequency and Intensity of Disturbance in Existing Cross-Country Corridors.** Operation and maintenance of PSE distribution and transmission cross corridors typically does not result in significant ongoing impacts to habitat, hydrologic, and water quality wetland functions and values due to lack of frequent disturbance. Vegetation management in such corridors typically occurs on a three year cycle timeline and is selective, which allows shrub and emergent vegetation compatible with conductor clearances to remain intact.
3. **Limited Additional Impact from Expanded, Improved, or New Facilities in and adjacent to existing ROW.** Vegetation management and moderate corridor expansion along existing utility corridors, and especially within and adjacent to road rights-of-way, result in limited additional functional impact due to the ongoing use, operation and maintenance along these corridors, particularly the relatively lower quality of habitat in the vicinity of road rights-of-way.

Avoidance, minimization, and compensatory mitigation measures by PSE can serve to further reduce and mitigate for impacts to wetlands.

These points are discussed in more detail below.

5.1 Existing Wetland Functions and Values

Wetland functions are the physical, biological, chemical, and geologic interactions among different components of the environment that occur within a wetland. Wetland functions typically fall into three broad categories: biogeochemical, hydrologic, and maintenance of food webs and habitats (Sheldon et al. 2005). The functions performed by a wetland are controlled by a wide variety of factors, including those within the wetland itself and those in the surrounding landscape. Urban development in a landscape often results in decreased wetland functions through mechanisms including modification of water movement, human intrusion, introduction of chemical contaminants, increased noise, increased impervious surface area near the wetland, and fragmentation of habitat (Sheldon et al. 2005). Human access and land uses adjacent to wetlands influence the use and habits of wildlife through such factors as noise and light intrusion, as well as degradation of upland habitats (Hruby 2013). Existing roadways in particular tend to concentrate human use, resulting in increasing noise, light intrusion, pollution, and fragmenting contiguous blocks of habitat. PSE facilities located along road rights-of-way contribute no additional noise, lights, or pollution beyond what is inherent in the road right-of-way. They do not result in daily human use and require only infrequent periodic maintenance.

In addition to the landscape scale and cumulative effects on wetland function noted above, additional effects of urbanization on wetland function are directly related to proximity to disturbance. Often, the areas of wetland most affected, and therefore the areas with the least potential function, are those directly bordering the disturbance. For example, existing disturbances including highways and surface streets have been documented to impact wetland plants and wildlife species. In one study, plant species richness in wetlands decreased relative to increases in paved road density, with the most impact on species richness found within 0.6 mile of paved roads (Findlay and Houlahan 1997), which would fully encompass the extent of PSE facilities in road rights-of-way. Other studies focus on the impact of invasive plants in wetlands, noting that invasive plants are more prevalent adjacent to roadways, where they have both a dispersal and an invasion advantage (Zedler and Kercher 2004). This is evident in wetlands throughout Puget Sound, where roadside habitat is frequently of relatively low-quality monocultures of invasive species, including reed canarygrass (*Phalaris arundinacea*) and Himalyan blackberry (*Rubus armeniacus*), which dominate roadsides while providing extremely limited habitat for native wildlife species (Wisconsin RCG Management Working Group 2009; Bennett 2004). Wetland wildlife species show similar trends, with decreased amphibian and bird species' diversity in the immediate vicinity of roadways. Amphibian species' richness and abundance are related significantly to the density of paved roads within 1.2 miles of the wetland edge (Findlay and Houlahan 1997). Bird species richness in wetlands decreases within 0.6 mile of urbanization (Richter and Azous 1997). The 2014 Ecology wetland rating system does not take this variability into account, as the habitat score is based on a series of questions in the habitat functions section and relies on indicators of habitat function that are fixed and visible throughout most of the year. Therefore, the habitat score is related to the amount of different habitat niches present in a wetland as a whole and is not related directly to the species that use those niches (Hruby 2014), nor the specific portions of the wetland they may use.

Literature related to habitat impacts of cross-country transmission lines in wetlands is limited and primarily applicable to large-scale transmission corridors with a large permanent impact footprint. PSE cross-country transmission infrastructure on Bainbridge Island is located within 50-60 foot wide corridors. Tree canopy is managed for conductor clearances, however a shrub understory is often present. As such, the habitat and wildlife impacts documented in the literature (Jackson et al. 1994) are unlikely to occur to the same extent with PSE infrastructure. That said, the majority of observed impacts to wildlife and habitat are associated with construction of new cross-country corridors, not operation and maintenance or expansion of existing corridors. As with PSE corridors in road rights-of-way, cross-country corridors contribute no noise, no light, no pollution, do not introduce daily human use, and require only periodic maintenance. If impacted for construction or maintenance activities, the shrub understory is typically restored post-impact or allowed to remain intact. As such, PSE's typical operation and maintenance activities within existing corridors, and even minor corridor expansion is unlikely to introduce significant, long-term disturbance to wetland habitat functions, and very unlikely to disrupt wetland hydrologic and water quality functions.

In general, although Category II wetlands may in theory provide higher habitat values than Category III or IV wetlands, the portion of Category II wetlands within the road rights-of-way and within or adjacent to existing cross-country transmission corridors is already subject to the effects of human disturbance, and therefore is likely to provide more limited habitat value than the habitat score alone would indicate.

5.2 Minimal Additional Disturbance

PSE's future activities related to Category II wetlands fall into two categories: Maintaining and upgrading existing facilities and constructing new facilities. The proposed code amendment focuses on allowing maintenance and upgrades to existing facilities in Category II wetlands as well as allowing installation of new facilities in Category II wetlands, where they are located within or adjacent to existing road right-of-way; including the overbuilding of existing distribution lines with new transmission lines. It also includes the installation of underground distribution facilities in and along the road right-of-way that may be bored under or trenched through wetlands. For clarity, this PSE requested code amendment would not permit the establishment of new cross country transmission or distribution corridors through Category II wetlands.

The nature of PSE's activities differs for corridors in or adjacent to road right-of way and cross-country corridors. For corridors located in or adjacent to road right-of way, PSE's maintenance, upgrade and installation activities are primarily conducted from the hard surface of pavement, minimizing surface impacts to wetlands. These activities include vegetation removal or trimming for line clearance or to support new installations. Occasional facilities maintenance and repair occurs, with trucks and other heavy equipment generally working from paved surfaces. Activities may occasionally include pole replacement or new pole installation in or adjacent to road rights-of-way. PSE aerial distribution and transmission lines are generally located at the edge of the right-of-way boundary and set back from the fog line for clearances and safety considerations. In areas where wetlands are present, this generally puts poles in the unimproved portion of the road right-of-way, with the conductor spanning over the wetland area between pole locations. For cross-country corridors, PSE's activities include a similar level of vegetation removal and trimming, but also include temporary access routes where permanent access does not exist. When crossing wetlands these temporary access routes typically require cutting of shrub vegetation to enable the temporary placement of mats to cross wetlands and minimize wetland impacts. Generally, temporary access

routes can be designed to avoid significant trees and vegetation removal. Post-construction, the mats are removed and the wetland vegetation is allowed to recover.

Given the previously disturbed nature of these existing corridors and road rights-of-way, additional anticipated impacts on wetland function from PSE maintenance, repairs, upgrades and new facility installations are minimal (see Section 5.1). Whereas impacts from filling or draining a wetland can result in permanent and near-complete loss of wetland functions (Sheldon 2005), the vegetation disturbance typical of PSE's activities may temporarily influence wetland functions but is highly unlikely to result in total loss of functions since the impacts are generally minimal and occur in previously disturbed corridors. This conclusion is further supported by mitigation guidance from the U.S. Army Corps of Engineers and Ecology, which allows for reduced mitigation ratios for vegetation conversion (e.g., forest to scrub/shrub or emergent) in wetlands on the basis that a majority of functions are retained (Ecology, U.S. Army Corps of Engineers, and U.S. Environmental Protection Agency Region 10 2021). In general, hydrologic and water quality functions are largely retained in PSE utility corridors due to the temporary nature of impacts and minimal fill placement associated with pole installation.

Habitat functions are impacted differently depending on the existing vegetation community at the time of the impact. For wetlands with emergent or scrub-shrub communities, impacts typically include brushing for work clearance. If access is required, temporary access mats and appropriate BMP's are installed and removed post construction, resulting in impacts that fit the definition of short-term temporary impacts (Ecology et al. 2021). Impacts of this type do not result in ground disturbance, removal of shrub roots, or placement of permanent fill. In these types of wetlands impacted areas typically recover to pre-construction conditions within one growing season. Impacts of this nature result in negligible habitat function loss.

A utility corridor may cross a Category II forested wetland and require trimming and/or clearing of trees in the wetland, which would constitute a permanent conversion impact that will not be restored because many trees are not compatible with overhead transmission and distribution lines (Ecology et al. 2021). When a forested wetland is permanently converted to an emergent or shrub wetland, some habitat functions are permanently lost or reduced, but other functions remain. As evidence of this, regulatory agencies generally accept one-half of the otherwise recommended mitigation ratios for permanent conversion impacts. While little research that specifically quantifies the impact of vegetation clearing for utility corridor use has been conducted, Adamus (2014) details potential impacts to forested wetlands based on forest practices tree harvest and creation of logging roads. The potential impacts documented by Adamus (2014) have a moderate to low probability of occurrence, even in former undisturbed forested wetland. These potential impacts represent a 'worst-case' scenario for large scale logging of forested wetlands in undisturbed forest and are unlikely to occur with the small-scale tree removal and vegetation clearing necessary for PSE utility corridors, particularly in an urbanized system in which Category II forested wetlands are already bisected by paved roads and utility corridors.

In addition to the results from direct wetland impacts discussed above, habitat functions may also be impacted indirectly outside the footprint of direct wetland impacts (Ecology et al. 2021). Clearing of forest or shrub vegetation, including vegetation in upland buffers adjacent to a wetland, may affect wildlife movement, increase light or noise pollution entering the wetland, or potentially allow sediment or pollutants that were previously filtered by the removed vegetation to enter the wetland. Indirect wetland impacts are limited due to the nature of PSE's activities. PSE's typical maintenance and upgrade activities do not result in fill in wetlands, and for new overhead construction projects fill

is normally limited to the required pole footprint. In the case of underground construction, fill would generally coincide the improved portion of the road right-of-way, limiting indirect impacts to wetlands. PSE's typical maintenance, upgrade and installation activities do not result in changes to land use or topography, and consequently do not change the flow or fluctuation of water, do not result in impacts to drainage, and do not divert surface or groundwater. PSE activities typically do not result in increased stormwater runoff, and applicable BMPs are included as appropriate to protect resources. Therefore, additional indirect impacts on wetland function from PSE maintenance, repairs, upgrades and new facility installations are anticipated to be minimal additional disturbance to wetlands.

5.3 Avoidance and Minimization

When PSE maintains or upgrades an existing utility line or installs a new line, they follow federal, state, and local requirements to avoid and minimize wetland impacts to the extent feasible in accordance with the following preferred mitigation sequence, as outlined in the Interagency Guidance on Wetland Mitigation in Washington State (Ecology et al. 2021) and BMC 16.20.030:

1. Avoid the impact altogether by not taking a certain action or parts of an action;
2. Minimize impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
3. Rectify the impact by repairing, rehabilitating, or restoring the affected environment;
4. Reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action;
5. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments; and
6. Monitor the impact and take appropriate corrective measures.

A typical PSE transmission or distribution project may include the following avoidance and minimization measures:

For corridors within or adjacent to road right-of-way:

- PSE conducts typical ongoing maintenance and operations work from the improved roadway to the greatest degree possible, minimizing wetland impacts.
- For new pole installation or replacement, PSE adjusts pole locations to avoid direct impacts to wetlands wherever operationally feasible.

For maintenance, repair and upgrades in cross-country corridors:

- Engineering and environmental constraints are evaluated by PSE during the initial project reconnaissance and subsequent design phase to avoid and/or minimize impacts associated with both placement of transmission/ distribution infrastructure and temporary or permanent access routes. PSE engineers use information from wetland delineations to adapt project components to avoid wetlands and buffers wherever feasible.
- Where pole replacement or installation must occur in a wetland, PSE employs appropriate BMPs such as temporary timber mats to avoid permanent access road related impacts and designs temporary access routes to minimize impacts to wetlands.

For all PSE transmission and distribution corridors:

- Clearing, land disturbance, and construction impacts are confined to the minimum area necessary to complete the project.
- During construction, appropriate erosion control measures from the Western Washington Stormwater Manual specific to construction activities are implemented to avoid erosion and sedimentation impacts.
- Following construction, temporarily impacted areas are replanted and/or allowed to recover to pre-construction conditions.

6.0 Application of Best Available Science

The inherently linear nature of transmission and distribution lines can make it impractical to avoid wetlands entirely. The goal of this code amendment is to enable PSE to install, upgrade and maintain transmission and distribution facilities while minimizing associated impacts to Category II wetlands by locating those facilities in and along areas that are already impacted by existing development, including existing road rights-of-way and existing cross-country utility corridors. Additional measures to limit impacts include adding additional conductors to existing distribution lines (single phase to multi-phase lines) or replacing existing distribution poles with poles that can also accommodate transmission lines, resulting in incremental or no additional impacts on wetlands. Where impacts must occur, it is preferable to locate them in areas that are previously disturbed by existing uses or adjacent to existing disturbance where the wetlands currently provide the most limited habitat functions. The code amendment will not allow for the construction new facilities in areas that overlap with Category I wetlands or allow for new cross-country transmission and distribution lines in Category II wetlands.

In addition, wetland impacts from vegetation removal, trimming, and occasional facilities maintenance, repair, and replacement do not represent a total loss of wetland functions. Impacts from PSE activities are primarily vegetation management and conversion impacts, rather than fill or soil-disturbance impacts. PSE transmission and distribution corridors that cross through wetlands can retain native shrub and herbaceous species that are similar to those found outside the corridor, meaning that they do not represent a total loss of habitat functions nor a break in connected habitat corridors. In addition, PSE projects follow mitigation sequencing and actively seek to avoid and minimize impacts to wetlands wherever possible. Where complete avoidance is not feasible, permanent wetland impacts from PSE projects are typically very minor. PSE mitigates for permanent wetland impacts from project activities in accordance with applicable federal, state, and local regulations in order to achieve no-net-loss of wetland functions.

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Code Amendment Support Regulatory Context and Code Comparison Analysis

Background

Puget Sound Energy's (PSE) electrical infrastructure delivers an essential service to the Bainbridge Island community through the provision of power to homes and businesses. Much of the electrical infrastructure on the Island, including the existing Winslow Tap, Port Madison Tap and Foss Corner-Port Madison transmission lines and the Port Madison and Winslow substations, was originally constructed in the 1950s and 60s when Bainbridge Island was part of rural unincorporated Kitsap County. In the 1960s, the area that is now the City of Bainbridge Island had a population under 1,000. Today's population is near 25,000. As the Island's population has grown resulting in a greater demand for electricity, the regulatory environment in which PSE installs, maintains, and upgrades electrical infrastructure has become more complex.

Over the last three years, PSE has worked with the City of Bainbridge Island to identify and request code amendments needed to ensure compliance with the Comprehensive Plan, including Goal U-1 to ensure that reliable utility services are available to all residents of Bainbridge Island and to fulfill PSE's obligation under state law to serve the community with reliable power. In April 2022, PSE submitted a code amendment request to process two code amendments under the City's critical areas ordinance (BIMC 16.20); one pertaining to the requirements to dedicate an ARPA in low density residential zoning districts (BIMC 16.20.100) and one pertaining to the prohibition of primary utilities in Category I and II wetlands (BIMC 16.20.140.G) (see *Code Amendment Request Narrative and Comprehensive Plan Compliance* document and *Best Available Science* Technical Memorandum under City of Bainbridge Island File #PLN52234 LDR) . The City and PSE have also identified two additional needed amendments under the zoning code dimensional standards. The first is within the setback permitted modification table (BIMC Table 18.12.040) and it does not include an allowance for PSE to install essential utility infrastructure within zoning setbacks. The second includes the combination of permitted height modifications for poles in BIMC Table 18.12.040 and an associated height exemption provision in BIMC Table 18.12.020-2 that provide inconsistent processes for exceeding the height of a zoning district. Prior to 2022, the City has not interpreted the exemption provision in BIMC Table 18.12.020-2 that requires structures over the height of the zoning district to apply to utility poles. These amendments are needed to support the installation, upgrade and maintenance of PSE's linear distribution and transmission line infrastructure. Additionally, parcel-based facilities must connect to linear facilities in order to serve the community. These amendments will ultimately support the operation of the electrical system on Bainbridge Island. A fifth code amendment request has also resulted from the City's application of BIMC 2.16.020.D to preclude

PSE from submitting permits on property not owned by PSE without written authorization from the underlying property owner. PSE expects that all of the amendments will support the evolving needs of the community as we work towards the delivery of clean energy and meeting the City's Climate Action Plan goals. Flexibility is needed to provide the community with the necessary physical infrastructure to deliver energy.

The purpose of this memo is to provide additional information in support of the requested code amendments, including:

- Background to outline PSE's electrical utility facility operational and regulatory context, and
- A comparative analysis of other jurisdiction codes similar to the codes under consideration for the amendment requests. The jurisdictions selected have one or more characteristics similar to Bainbridge Island.

Linear Transmission and Distribution Infrastructure Operations

Bainbridge Island receives power through two 115 kV transmission lines that cross Agate Pass from Kitsap County. The transmission lines deliver electricity to the three distribution substations on the Island which lower the voltage and send the electricity through a system of 12.5 kV distribution lines and lower voltage service lines to homes and businesses, which are served via lower voltage service lines. Higher voltages are used to move power through transmission lines from generation sources to distribution substations for efficiency over long distances. Lower voltages are used to safely transfer the power through distribution and service lines to homes and businesses. Engineering standards for transmission and distribution facilities vary due to differing voltage standards. Transmission line standards generally result in taller poles with greater distances (or spans) between each pole due to greater clearances required for the conductor from the ground, structures, vegetation and other fixed objects. Distribution lines typically use shorter poles and less distance between poles. Distribution lines may also be located underground and include associated equipment such as transformers and vaults that occur at certain intervals along the alignment. Individual poles locations along a defined corridor and the location of vaults, switches and transformers used with underground distribution lines are based on engineering design and safety standards.

Utility poles are part of expected visual infrastructure in urban and rural environments. In an urban setting, poles are often located within planter strips between the paved street surface and sidewalks or along improved gravel shoulders. On Bainbridge Island, a majority of the roads are lined with maintained vegetation within the road right-of-way, but lacking in improved shoulders and urban features such as curb, gutter, sidewalks and planter strips. Therefore, PSE's poles are often located within the unimproved, maintained vegetation portion of the road right-of-way. PSE must meet safety clearances such as local control zone regulations in order to avoid conflicts with cars and bicycle traffic, which pushes infrastructure to the edge of the legal limits of the road right-of-way, often requiring additional operating rights on adjacent property. Underground distribution infrastructure tends to also be located within unimproved shoulders, as City policy includes a preference for wet utilities to be under the paved surface and dry utilities to be on the outer edge of the right-of-way. Generally, vaults and pad mount transformers that support underground distribution are generally located on easement adjacent to right-of-way, but

are occasionally located within right-of-way in a location that does not interfere with motorized and non-motorized uses. Similar to other utilities such as water, sewer, and communications, the siting of the facilities is based on where the services are transferred from the source of the resource (transmission lines over Agate Pass to substations) to where the it is needed (substations to customers), therefore siting opportunities can be limited.

Regulatory Context

PSE is a regulated utility with a duty to serve our customers with safe, adequate, and efficient power. PSE must comply with state and federal regulations administered by various authorities, including the Washington State Utility and Transportation Commission (WUTC) and the North American Electric Reliability Corporation (NERC). In addition to state and federal requirements that focus on PSE's service to customers, local zoning, environmental and construction codes and standards also apply to PSE's linear infrastructure. A summary of the regulatory context for these linear facilities is outlined below.

State Regulatory Authority

WUTC. The WUTC oversees the provision of electrical service by PSE. The WUTC requires that PSE make its electrical service available to all residents and businesses within the service area in a safe, efficient and reliable manner. This "duty to serve" is codified in state law (RCW 80.28.010). Providing safe and reliable electrical service to our customers, including Bainbridge Island, means minimizing service interruptions and outages. The WUTC controls the rates that can be charged by PSE and has the authority to levy fines against the company for failure to comply with regulatory requirements. Tariffs outlining PSE's services and rates are filed with the WUTC.

Infrastructure projects, including installation of new transmission and distribution lines as well as maintenance and upgrading of existing facilities, can result in costs being borne by customers through rates. For costs to be recovered by PSE, the WUTC makes determinations as to whether the costs incurred were prudent and reasonable. Improvement projects are constructed based on need and designed to keep costs down while meeting safety and reliability requirements. Even after completion of a project that was carefully planned and engineered, the WUTC can decide that certain costs were not prudent and deny PSE the ability to recover those costs through rates. This is a significant incentive for PSE to undertake projects only when necessary and carefully manage costs.

Tariffs. As a regulated utility, tariffs outlining PSE's services and rates are on file with the WUTC. Any changes to the tariffs require review and approval by the WUTC. Although the tariffs are not regulations, PSE is required to comply with the tariff provisions. Tariffs can interact with local jurisdiction regulations. For example, a tariff may apportion utility improvement costs associated with a local requirement to underground electrical lines.

Federal Regulatory Authority

NERC. PSE's transmission system is subject to reliability standards set by the North American Electric Reliability Corporation (NERC), which is subject to oversight by the Federal Energy Regulatory Commission (FERC). The role of NERC is to develop and enforce reliability standards, monitor the transmission systems across the United States, Canada and parts of Mexico, and assess adequacy of systems based on 10-year forecasts and summer and winter forecasts. NERC annually assesses PSE's entire electrical transmission system to ensure standards are met and like the WUTC, NERC has the authority to levy significant fines if it determines PSE is not meeting its standards and has the authority to require the implementation of mitigation to correct violations. At times, NERC reliability requirements change, resulting in the need for PSE to upgrade its infrastructure to meet the new regulations.

Operational Standards

NESC. PSE must follow the National Electrical Safety Code (NESC) standards for installation, operation, and maintenance of transmission and distribution lines. These standards contain the minimum engineering criteria needed for functioning systems to be reliable and resilient. The standards are updated every 5 years to reflect changes in technology and industry practices, and PSE must make changes to its system to meet the new standards. This often means that repair and maintenance activities result in nominally taller poles, different cross arm and/or insulator configurations, and/or greater clearance requirements from structures and other fixed objects. Different standards apply to distribution infrastructure than to transmission infrastructure due to the different voltage of electricity passing through the conductor and greater spacing (or spans) between transmission poles resulting in longer conductor length.

Vegetation Management. A significant factor in PSE's ability to provide safe and reliable power to our customers is the need to manage vegetation along our transmission and distribution corridors. State law provides for the ability to cut or remove vegetation that poses a hazard to the safe operation of PSE infrastructure. PSE has adopted standards for safely managing vegetation that has the potential to interfere with the reliable operation of its electrical infrastructure in order to avoid interruptions and outages.

Eminent Domain. PSE's preference is to acquire needed operating rights on private property through negotiations with property owners. Under state law, PSE can exercise the right of eminent domain if negotiations prove unsuccessful (RCW 80.32.060). PSE works with property owners to only acquire property necessary for the installation and operation of its facilities while limiting impacts to the property. As noted under WUTC authority, it is in PSE's best interest to only acquire the property necessary to install and operate our improvements and to manage costs.

Local Regulations

PSE must also comply with local codes and standards when siting, installing, upgrading and maintaining electrical infrastructure. Due to the linear nature of PSE's transmission and distribution lines, local codes focused on parcel-based development with primary uses where people live or work may not contemplate or incorporate practical regulatory performance standards for the location and operation of PSE's infrastructure. Often, different regulations apply to different portions of a facility depending upon specific locations that are crossed. This includes different zoning and overlay districts, critical areas, shoreline jurisdiction, and areas under the purview of functional plans adopted by local jurisdictions such as transportation improvement plans, parks and recreation plans or subarea plans.

Franchise: PSE has a franchise agreement with the City of Bainbridge Island. The franchise agreement is a contract that outlines the terms in which PSE can use City rights-of-way to locate electrical utility infrastructure to serve the Bainbridge community. Although the franchise is not a regulation, franchise terms can impact installation considerations by the utility. Franchise terms may not align with other City standards and regulations. For example, as discussed later in this document, a utility corridor may extend outside the franchise right-of-way into a zoning setback on private property. Or poles and conductor clearances may need to be located within unimproved portions of a road right-of-way that contain vegetation, critical areas, and buffers to meet safety clearances from traffic.

Local Regulatory Considerations

Local regulations can differ in how electrical utilities are characterized and regulated. PSE encounters differing regulatory standards depending upon specific jurisdiction codes and policies. Electrical utility projects are not common projects encountered by jurisdiction development review staff and jurisdiction development codes are generally focused on primary uses on parcels, not linear facilities that cross several properties and zoning districts and have limited rights unrelated to the primary use of the property. Most utility facilities, including electrical utility facilities, are located within road rights-of-way. PSE's electrical facility operational rights can also extend onto adjacent property. Most jurisdiction standards assume utility placement entirely within improved road right-of-way or as services that are part of parcel-based development such as commercial site plans or subdivisions and do not necessarily contemplate stand-alone utility projects that cross various regulatory environments. Therefore, codes and standards may have gaps that reflect these notions, making implementation of codes and standards in the review of an electrical utility project cumbersome and impractical.

Linear electrical facilities are often located within road right-of-way under a franchise agreement with a jurisdiction collated with other utilities. Unlike sewer or water lines that are often given priority to locate underneath paved services, PSE infrastructure is generally located along the edges of the franchise area, whether above or below ground, with operational rights often extending onto the adjacent property.

Occasionally, PSE poles are installed on private property, but more often conductor clearances, vegetation management, and equipment such as vaults and transformers require operational rights outside the road right-of-way in the form of an easement. Examples of infrastructure that PSE for which PSE acquires easements are included in the *PSE Structures and Equipment* photo glossary. For examples of operational needs that extend outside of road right-of-way associated with poles and conductor, see the *Typical Roadside Utility Line* exhibit.

When PSE's linear infrastructure is not located in public road right-of-way and is instead situated along multiple properties not adjacent to road right-of-way, operational rights are generally in the form of a series of easements that make up a utility corridor. In some instances, other utilities or features are located within the same easement area, including trails, private access roads or other compatible uses. To limit impacts on the primary use of the property, PSE facilities on private property are often located as close as possible to property lines and in areas that are often rendered undevelopable to the property owner, including building setback areas.

Local Regulation Summary

Within PSE's service territory, Bainbridge Island is unique in its character as an incorporated city that includes the entirety of the Island that is separated from a major City by ferry access only. The population of Bainbridge Island is approximately 25,000 and the majority of Bainbridge Island maintains a rural character outside of designated concentrations of non-residential and higher density residential including Winslow, Island Center and Lynnwood Center. The City of Bainbridge Island regulates PSE's transmission and distribution infrastructure as primary utilities and only differentiates between voltages of infrastructure for the purposes of regulating pole height.

The code comparison table includes sample code references from 10 jurisdictions within PSE's service territory with one or more characteristics similar to Bainbridge Island. For example, another Island city within PSE's service territory is the City of Mercer Island; however a major highway (I-90) crosses the Island and connects two major jurisdictions, the cities of Seattle and Bellevue. Mercer Island's population is just over 25,000, but the island area is smaller than Bainbridge Island with approximately 13 square miles verses 65 square miles. Other islands served by PSE include Vashon and Whidbey. Vashon Island is under the jurisdiction of unincorporated King County and Whidbey Island is predominantly under the jurisdiction of unincorporated Island County, however includes incorporated areas such as Oak Harbor, Coupeville, and Langley. Below is a general summary of Bainbridge's code requirements applicable to utility infrastructure in the categories of zoning height regulations, zoning setback regulations, and critical area regulations applicable to wetlands and considerations for each category. Under each Bainbridge Island summary is a comparative summary of the codes examples found in the code comparison table from the other 10 jurisdictions.

Zoning Dimensional Requirements

Building/Structure Setbacks

Bainbridge Island code. The Bainbridge Island zoning code regulates encroachments allowed within zoning setbacks through a table of allowances (BIMC 18.12.040). The table includes an allowance for overhead or underground accessory utilities. In 2021, the City interpreted this to mean that primary utilities are prohibited in setbacks because they are not included as an allowance within the table. It is not clear if this prohibition is only applicable to physical infrastructure such as poles, guys, anchors and vaults or if it includes easement area and rights for conductor clearances and vegetation management activities.

Primary utilities located in zoning setbacks is a common occurrence on Bainbridge Island. Examples of this include one or more poles along a distribution or transmission line within franchise right-of-way extending onto the adjacent property; guy anchors, wires or stub poles on private property adjacent to road rights-of-way; equipment supporting underground distribution lines, including vaults and transformers; and distribution and transmission lines crossing setbacks to connect to a substation. As noted above, facilities on private property are often located in setbacks to limit impacts to the property's primary use and also because a majority of lines are located in right-of-way, but certain elements or supporting equipment can extend onto private property. PSE operating rights within setback areas also include aerial rights for conductor clearances, access, and vegetation management rights.

Other jurisdiction summary. The 10 jurisdictions differ in their treatment of placement of utility facilities in zoning setbacks. Most codes apply setbacks to buildings and only regulate whether building features or appurtenances associated with the primary use of the property can extend into a setback. Two of the jurisdiction codes acknowledge utility poles as an allowed encroachment in setbacks. Most codes focus on addressing encroachments that are features of the primary use/building and extending outward from the building towards the property lines. Even Bainbridge Island's zoning code acknowledges this in BIMC 18.12.050 noting that setbacks extend from a building to a street. The other jurisdiction codes do not address or prohibit locating a pole on easement in a setback area as an extension of the utility placement in road right-of-way or as a subordinate use in cross country corridors. Most codes are silent as to whether utility poles are an allowed encroachment, but the jurisdictions do not interpret the lack of allowance to mean poles are prohibited in setbacks. None of the codes reviewed specifically prohibit utility poles or other utility features in zoning setbacks.

Under state law, PSE's duty to serve customers requires that the installation and operation of PSE infrastructure cannot be precluded. This necessity is recognized under state law granting PSE the right to exercise eminent domain. By power of eminent domain, PSE has the right to acquire property rights necessary for the installation and operation of our facilities if no other alternative location is feasible, including within zoning setbacks. However, there is no known instance of any jurisdiction denying PSE the ability to locate infrastructure within a zoning setback regardless of whether the local code allows poles in setback areas.

Building/Structure Height

Bainbridge Island code. The same table that provides allowances for encroachments into setbacks in BIMC 18.12.040 also includes modifications to height limits for certain structures, including utility poles. The table provides for height allowances within operational ranges for distribution and transmission poles that are above the building height limits for all zoning districts. These operational heights are based on engineering standards and clearances. The standard typical length for a distribution poles is 40-45 feet, resulting in 34 – 38.5 feet of the pole extending above grade when the pole is embedded in the ground. For transmission poles, heights above grade can typically vary from 60 - 100 feet, but can go higher if design considerations warrant a taller pole, including the collocation of communication lines or the need to increase pole height to cross other right-of-way features such as street lights. An example at the tallest end of the spectrum are the poles supporting the transmission lines crossing Agate Pass, which are 140 feet in height due to the span length and in order to meet regulatory clearances from the Agate Pass Bridge. Operationally, poles generally must exceed the height limits of the underlying zoning districts on Bainbridge Island, particularly in residential zones. BIMC 18.12.020 contains a provision that alternative height limits may apply for nonresidential uses that exceed the maximum building and structure height allowances if conditional use permit provisions in Title 2 are met. BIMC 18.12.040 provides a provision for replacement poles to go through minor site plan review. The City of Bainbridge Island has recently interpreted the conditional use permit requirement in BIMC 18.12.020 to apply to the addition of poles along an existing corridor since the language in Table BIMC 18.12.040 reference replacement poles. In almost every case, operational pole height needs will exceed the base heights allowed in each zoning district in BIMC 18.12.020 and adding poles along existing corridors does not expand or intensify the underlying use.

Other jurisdiction summary. In most cases, height restrictions within zoning dimensional standards are specific to buildings only. A few codes provide exceptions to height standards for utility poles, and none require a permit review process to exceed the underlying zoning height dimensional standard. None of the other codes reviewed include specific height thresholds for distribution and transmission line poles.

PSE determines operational pole height based on NESC standards. As a regulated utility whose costs are scrutinized and passed onto rate payers, PSE does not have incentives to install poles taller than necessary. Heights applicable to buildings do not appropriately transfer to the engineering needs of utility poles. Based on PSE's duty to serve our customers under state law, the installation of poles of appropriate operational heights cannot be precluded by a jurisdiction. The requirement for a lengthy discretionary review process to add a pole to an existing, established use and to maintain and upgrade infrastructure to support an essential public service appears unnecessary and inconsistent with the general approach to regulating utility poles.

Critical Areas - Wetlands

Bainbridge Island Code. The Bainbridge Island critical areas regulations pertaining to wetlands (BIMC 16.20.140) include a provision that prohibits certain uses, activities and developments with Category I and II wetlands, including primary utilities. This provision does not consider that there may be no other

option for the installation of new linear utilities than to cross wetlands, including Category II wetlands that extend into unimproved road right-of-way. It also does not consider the need to upgrade existing utilities within Category I and II wetlands when the upgrade does not qualify as repair and maintenance under the critical areas exemptions. See PSE's *Code Amendment Request Narrative and Comprehensive Plan Compliance* and HDR's *Best Available Science* Technical Memorandum submitted in April 2022 under File #PLN52234 LDR for further discussion.

Other jurisdiction summary. None of the jurisdiction codes reviewed prohibit utilities in wetlands, aside from King County (Vashon Island) not allowing utilities in Category I wetlands. If utilities are not an allowed alteration outright, all jurisdictions provide an allowance through a public utility or alteration exception process, including King County. These exception processes recognize the need to provide essential utilities while balancing environmental protection through appropriate mitigation measures.

Critical Areas – Aquifer Recharge Protection Areas

Bainbridge Island Code. The Bainbridge Island critical areas regulations (BIMC 16.20.100.E.1) require the designation of an Aquifer Recharge Protection Area (ARPA) when development occurs on property located within the R-0.4, R-1 and R-2 zoning districts and Site Assessment Review (SAR) is required. The code does not distinguish between development by a fee owner of a parcel who may develop and use the entire parcel, and development by an easement holder, like PSE, who only has rights to use a portion of the property for a specified use or activity and does not hold fee interest in the property. PSE does not have rights on private property outside of its easement areas, apart from rights of ingress and egress granted under state law, and PSE cannot meet the requirement to dedicate and record an ARPA on property title. See PSE's *Code Amendment Request Narrative and Comprehensive Plan Compliance* document.

Other jurisdiction summary. Bainbridge Island is the only jurisdiction to regulate aquifer recharge areas based on zoning district and not by limiting or assigning performance standards to land uses and activities that can potentially impact groundwater. No other jurisdiction requires dedication of an ARPA or similar conservation easement to protect groundwater. Therefore, other jurisdiction Aquifer Recharge Protection Area codes are not documented in the code comparison table.

Who Can Apply

Bainbridge Island Code. BIMC 2.16.020.D.1 identifies who can apply for any type of permit that requires review and approval under Bainbridge Island code. The code states that, "A property owner, a contract purchaser, or an agent of the owner with authorized written proof of agency may apply for any type of permit." This code section does not appear to contemplate PSE's unique status as an essential utility provider. When PSE facilities are located on easement, PSE is not a property owner as defined in BIMC 18.36.030, as PSE does not have a fee interest in the property. PSE is also not acting as an agent of the underlying property owner, as electric lines and equipment are for the benefit of the public.

Additionally, PSE may not be able to identify the rights needed for a project until after the City approves discretionary permits and the design can be completed.

Other jurisdiction summary. Of the 10 jurisdictions in the comparison table, six require an applicant to be an owner or have written authorization/consent from the owner(s). Two jurisdictions specifically identify public or private utilities as applicants, one jurisdiction does not have a definition of applicant outside the subdivision and wireless provisions in the code, and one allows any person or entity to be an applicant.

In the past ten years, PSE has worked with three other jurisdictions (Pierce County, Bellevue, and Kirkland) that have codes similar to Bainbridge Island that have all processed PSE's permit applications for new transmission line projects, pending PSE's acquisition of easements along the transmission line route. These jurisdictions have accepted a letter from PSE describing its unique status as a regulated utility with the ability to use eminent domain to acquire rights for electrical facility installation and operation under RCW 80.32.060 in lieu of requiring evidence of PSE's easement rights or owner consent. These jurisdictions have processed and issued land use and environmental permits but withheld issuance of ministerial construction permits until PSE has acquired all necessary easement rights and permissions. This process allows for a timely and efficient permit review process while preserving and resolving property rights considerations before any construction may occur. Additionally, PSE recently submitted permits to construct a portion of a new transmission line corridor within unincorporated King County. As the County acknowledges utilities as applicants, PSE was able to submit permits, but the permits were not approved for construction until proof of easement was provided.

Code Comparative Analysis Tables

Jurisdiction: Island County
Size: 517 square miles
Population: 87,432 (2021)

USE DEFINITIONS		
Transmission Lines:		
Utilities, major means public facilities that serve a broader geographic area of the county. Major utilities include generating plants, privately owned refuse collection and transfer stations, processing, recycling or disposal facilities, electrical transmission substations, electrical and gas transmission lines, and similar facilities of public agencies or utilities. Major utilities do not include a throughput transmission facility or communication tower.		
Distribution Lines:		
Utilities, minor means public facilities that serve a localized geographic area of the county. Minor utilities include utility facilities that are necessary to support established uses and involve only minor structures such as, telephone switching facilities, electrical distribution substations, electrical and gas distribution lines and pumphouses. Minor utilities do not include throughput transmission facilities or communication tower.		
SETBACKS		
Definitions		
Yard means an open space, other than a court, on the lot on which a building is situated lying between the front, rear, or side wall of a building and the nearest lot line.		
Applies to:	Buildings	
Are poles included in code:	No	
Allowed Encroachments		
Only addressed in Freeland Zoning Code (Chapter 17.06).	accommodation for disabled, rain barrels and cisterns, uncovered and unenclosed decks or entry stairs, porch encroachment, other architectural features and appurtenant structures.	
HEIGHT		
Definitions		
Height, building shall be defined and measured as provided by the most recent edition of the International Building Code (IBC) and the International Residential Code (IRC).		
Applies to:	Buildings	
Are poles included in code:	No	
Exceptions		
Chimneys, smokestacks, fire or parapet walls, ADA-required elevator shafts, flagpoles, utility lines and poles, water tanks, skylights, silos, communication sending and receiving devices, HVAC and similar equipment, and spires associated with places of worship are exempt from height requirements. (not included under every zoning district; however building height is specified)		
WETLANDS		
Transmission or distribution Lines Prohibited in Wetlands? No		
Allowances		

ICC 17.02B.300 Exempt activities	A. Exemptions 1. No permit is required under this chapter which meets the precise terms of the exempt activities. 2. For development proposals that do not meet the precise terms of an exempt activity, the Planning Director may, through a Type I process, determine whether or not a development should be classified as an exempt activity.
	B. Fish and wildlife habitat conservation areas and wetlands.
	5. Utility repair. Normal and routine maintenance or repair of existing utility facilities or rights-of-way.
	6. Utility construction in improved right-of-way. Installation, construction, relocation, operation, normal maintenance or repair, or alteration of all utility lines, equipment, or appurtenances, not including substations, in improved and maintained road rights-of-way. Replacement may be considered an exempt activity if it is the normal method of repair. Relocation of utility lines, equipment, or appurtenances shall occur as far as feasible from the critical areas and its buffer.
ICC 17.02B.310 –C. Wetlands permitted alterations.	3. Public transportation and utility projects. Alteration of a wetland or wetland buffer for a public transportation or utility project that cannot be avoided as required by chapter 17.02B.080.B shall be approved only under specific conditions.
Definitions	
Critical area permit means a permit issued pursuant to the requirements of this chapter. Critical area permits include: exemption authorizations, permitted alteration permits, and critical area variances.	
Maintenance or repair means usual acts to prevent a decline, lapse, or cessation from a lawfully established condition or restores a development to a state comparable to its original condition, including but not limited to maintaining the same size, shape, configuration, location and appearance, provided such restoration is commenced within a reasonable period of time. Replacement of a structure is not considered normal maintenance or repair, except where specifically authorized by this chapter or section 17.03.230. With respect to structures, repairs that exceed fifty (50) percent of the value of the structure over any three-year period shall constitute replacement and shall not be considered maintenance or repair.	
Applicant	
ICC 17.03.040: Definitions	Applicant means any person who files an application subject to to review under titles 16 or 17 who is either the person(s) identified in the assessor's records as the owner of the property on which the proposed activity would be located or the authorized agent of such person.

Jurisdiction: City of Langley
Size: 1.6 square miles
Population: 1,150 (2021)

USE DEFINITIONS		
“Utilities” means those services provided for private or public use, including electric power lines, gas lines, telephone lines, television cables, sewer lines, water lines, and drainage facilities.		
“Structure” means a combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground, not including utility poles and related pad-mounted or ground-mounted distribution equipment, residential fences less than six feet high, retaining walls, rockeries and other similar improvements of a minor character less than four feet high.		
SETBACKS		
Definitions		
“Encroachment” means any structural element that encroaches.		
“Setback” means the minimum distance required by this title for buildings and/or structures to be set back form the street, side or rear lot lines, rights-of-way or access easements.		
Applies to:	Buildings and structures	
Are poles included in code?	No	
Allowed Encroachments		
All parts of the structure or building including, without limitation, cornices, eaves, canopies, sun shades, gutters, chimneys and flues shall be considered in calculating the location of the structure or building in determining compliance with the setback requirements of this section.		
HEIGHT		
Definitions		
“Building height,” for the purposes of this title, except for Chapter 18.26, means the vertical distance measured from the grade to the highest point of the roof (see exemptions in definition of “grade” below), provided, however, that “building height,” for the purposes of Chapter 18.26 means the vertical extent of a building measured in stories.		
“Grade” means the average of the existing or finished ground level, whichever is lower, at the center of all walls of a building or beneath the proposed structure, whichever is applicable. This following items are exempt when making height determinations: 1. Radio and television aerials and flagpoles. 2. Other Features. Open rails, planters, skylights and chimneys may exceed the height limits by four feet or may extend four feet above the ridge of a pitched roof. 3. Wireless communication antenna arrays up to a height of 15 feet from the highest point of the roof.		
Applies to:	Buildings	
Are poles included in code?	No	
Exceptions		
Height modification allowed in commercial zones applies to building height.		
Wetlands		
Transmission or distribution lines prohibited in wetlands? Yes - alteration of Category I wetlands is prohibited (LMC 16.20.080.B.a.(1)).		
Allowances		
LMC 16.20.075 Wetlands and streams – exemptions.	D. Maintenance, operation and reconstruction of existing roads, streets, utilities and associated structures undertaken pursuant to public works director approved best management practices; provided, that activities shall not increase the impervious area and that disturbed areas are restored to their preexisting condition.	
	H. Construction of new utility facilities or improvements to existing utility facilities that take place within existing improved right-of-way or existing impervious surface that does not increase the amount of impervious surface, or the use of trenchless technology such as boring or tunneling, that would not disturb the habitat.	
LMC 16.20.080 Wetlands and streams -	1. If the application of the wetland and stream provisions of this chapter would prohibit a street, road or utility line proposal by a public agency or utility or the installation of the necessary utilities for a development proposal by a public agency or utility, the agency, utility or private applicant may apply for an exception pursuant to this section. Projects affecting Category I and II wetlands, Type 1 or 2 streams or otherwise requiring review and decision by the hearing examiner shall be decided by the hearing examiner.	
C. Public Agency and Utility Exceptions.		
Definitions		
“Alterations of a wetland or stream” means the placement or erection of any solid material or structure; the discharge or disposal of any dredge material or waste, including filling, grading, channelization, removing, dredging, draining, extraction of any materials; the discharge of any dredge material or waste, including filling, grading; the removal or harvesting of trees or other vegetation; or the modification for use as a stormwater retention/detention facility.		

“Repair or maintenance” means an activity that restores the character, scope, size and design of a serviceable area, structure or land use to its previously authorized and undamaged conditions. Activities that change the character, size or scope of a project beyond the original design and drain, dredge, fill, flood, or otherwise alter critical areas are not included in this definition.

Applicant	
LMC 18.36.010 Applications.	C. Required Submittals. For each application, the required submittals include the following: 1. The applicant, owner or owner's representative names and addresses, a certificate of ownership issued by a title insurance company authorized to do business in the state and indication of the person to be contacted regarding the application.

Jurisdiction: Vashon Island
Size: 36.9 square miles
Population: 10,400 (2020)

USE DEFINITIONS		
Regional utility corridor. A right-of-way tract or easement other than a street right-of-way which contains transmission lines or pipelines for utility companies. Right-of-way tracts or easements containing lines serving individual lots or developments are not regional utility corridors.		
Utility corridor. A narrow strip of land containing underground or above-ground utilities and the area necessary to maintain those utilities. A "utility corridor" is contained within and is a portion of any utility right-of-way or dedicated easement.		
Utility facility. A facility for the distribution or transmission of services, including:		
A. Telephone exchanges;		
B. Water pipelines, pumping or treatment stations;		
C. Electrical substations;		
D. Water storage reservoirs or tanks;		
E. Municipal groundwater well-fields;		
F. Regional surface water flow control and water quality facilities;		
G. Natural gas pipelines, gate stations and limiting stations, limited to local distribution service and excluding fossil fuel facilities;		
H. Propane, compressed natural gas and liquefied natural gas storage tanks serving multiple lots or uses from which fuel is distributed directly to individual users, limited to local distribution service and excluding fossil fuel facilities;		
I. Wastewater pipelines, lift stations, pump stations, regulator stations or odor control facilities; and		
J. Communication cables, electrical wires and associated structural supports.		
SETBACKS		
Definitions		
Setback. The minimum required distance between a structure and a specified line such as a lot, easement or buffer line that is required to remain free of structures.		
Applies to:	Structures	
Are poles included in code?	yes	allowed encroachment below
Allowed Encroachments		
KCC 21A.12.170 Setbacks – projections and structures allowed. Provided that the required setbacks from regional utility corridors of KCC 21A.12.140, the adjoining half-street or designated arterial setbacks of KCC 21A.12.160 and the sight distance requirements of KCC 21A.12.210 are maintained, structures may extend into or be located in required setbacks, including setbacks as required by KCC 21A.12.220.B, as follows:		
H. Telephone, power, light and flag poles.		
I. The following may project into or be located within a setback, but may only project into or be located within a five foot interior setback area if agreement documenting consent between the owners of record of the abutting properties is recorded with the records and licensing services division prior to the installment or construction of the structure:		
1. Sprinkler systems, electrical and cellular equipment cabinets and other similar utility boxes and vaults.		
HEIGHT		
Applies to:	Structures	
Are poles included in code?	yes	exception below
Exceptions		
KCC 21A.12.180 Height – exceptions to limits. The following structures may be erected above the height limits of KCC 21A.12.030-050.		
B. Fire or parapet walls, skylights, flagpoles, chimneys, smokestacks, church steeples, crosses, spires, communication and transmission and receiving structures, utility line towers and poles, and similar structures.		
WETLANDS		
Transmission or distribution lines prohibited in wetlands? No		
Allowances		
KCC 21A.24.070 Alteration exception.	A. The director may approve alterations to critical areas, critical area buffers and critical area setbacks, except for flood hazard areas, not otherwise allowed by this chapter as follows:	
	1. Except as otherwise provided in subsection A.2. of this section, for linear alterations, the director may approved alterations to critical areas, critical area buffers and critical area setbacks only when all of the following are met.	
	a. there is no feasible alternative to the development proposal with less adverse impact on the critical area;	
	b. the proposal minimizes the adverse impact to critical areas to the maximum extent practical;	
	c. the approval does not require the modification of a critical area development standard established by this chapter;	
	d. the development proposal does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest;	
KCC 21A.24.045 Allowed alterations.	e. the linear alteration: (1) connects to or is an alteration to a public roadway, regional light rail transit line, public trail, a utility corridor or utility facility or other public infrastructure owned or operated by a public utility; or (2) is required to overcome limitations due to gravity.	
	Construction of new utility corridor or utility facility	
	- Allowed within existing roadway if conducted consistent with regional road maintenance guidelines.	
	- Limited to pipelines, cables, wires and support structures of utility facilities within utility corridors if there is no alternative location with less adverse impact on the critical area and critical area buffer and meet performance criteria (including maintenance roads).	
	Construction of new residential utility service distribution line	
	- Allowed within existing roadway if conducted consistent with regional road maintenance guidelines.	
	- Allowed for residential utility service distribution lines to residential dwellings, including, but not limited to, well water conveyance, septic system conveyance, water service, sewer service, natural gas, electrical, cable and telephone if there is no alternative location with less adverse impact on the critical area or the critical area buffer and the residential utility service distribution lines meet performance criteria to the maximum extent practical.	
	Maintenance, repair or replacement of utility corridor or utility facility	
	- Allowed within existing roadway if conducted consistent with regional road maintenance guidelines.	
	- Limited to pipelines, cables, wires and support structures of utility facilities within utility corridors if there is no alternative location with less adverse impact on the critical area and critical area buffer and meet performance criteria (including maintenance roads).	
	- Allowed for onsite private individual utility service connections or private or public utilities if the disturbed area is not expanded and no hazardous substances, pesticides or fertilizers are applied.	
	Definitions	
Alteration. any human activity that results or is likely to result in an impact upon the existing condition of a critical area or its buffer. "Alteration" includes, but is not limited to, grading, filling, dredging, channelizing, applying herbicides or pesticides or any hazardous substance, discharging pollutants except stormwater, grazing domestic animals, paving, constructing, applying gravel, modifying topography or removing vegetation or any other human activity that results or is likely to result in an impact to existing vegetation, hydrology, fish or wildlife or their habitats. "Alteration" does not include passive recreation such as walking, fishing or any other similar activities.		
Roadway. The maintained areas cleared and graded within a road right-of-way or railroad prism. For a road right-of-way, "roadway" includes all maintained and traveled areas, shoulders, pathways, sidewalks, ditches and cut and fill slopes. For a railroad prism, "roadway" including the maintained railbed, shoulders, and cut and fill slopes. "Roadway" is equivalent to the "existing, maintained, improved road right-of-way or railroad prism" as defined in the regional road maintenance guidelines.		
Applicant		
KCC 21A.06.070 Applicant.	Applicant: a property owner, a public agency or a public or private utility that owns a right-of-way or other easement or has been adjudicated the right to such an easement under RCW 8.08.040, or any person or entity designated or named in writing by a property or easement owner to be the applicant, in an application for a developmnet proposal, permit or approval.	

Jurisdiction: Mercer Island
Size: 12.9 square miles
Population: 25,442 (2021)

USE DEFINITIONS		
<i>Utilities</i> : Facilities providing infrastructure services by a public utility regulated by the state through fixed wires, pipes, or liens. Such facilities may include water, sewer, storm water facilities (lines, ditches, swales and outfalls) and private utilities such as natural gas lines, telecommunication lines, cable communication lines, electrical lines and other appurtenances associated with these utilities. "Utilities" does not include wireless communication facilities, but do include wireless facilities.		
<i>Utility pole</i> : A structure designed and used primarily for the support of electrical wires, telephone wires, or television cable and may also include lighting. A new utility pole originally constructed for the purpose of providing support for a wireless communication facility (WCF) shall be regulated as a new antenna support structure.		
SETBACKS		
Definitions		
<i>Setback</i> : The distance between a development and other feature such as a property line or critical areas buffer.		
Applies to:	Buildings	
Are poles included in code?	No	
Allowed Encroachments		
Intrusions into required yards (residential): Minor building elements, hardscape and driveways, fences, retaining walls, rockeries, garages and other accessory buildings, heat pumps, air compressors, air conditioning units, and other similar mechanical equipment, architectural features, other structures less than 30" above grade.		
HEIGHT		
Definitions		
<i>Building height</i> : 1. Outside of the Town Center: The vertical distance from the average building elevation to the highest point of the roof structure excluding appurtenances. A mezzanine shall not be counted as a story for determining allowable number of stories when constructed in accordance with the requirements of the construction codes set forth in MICC title 17. 2. Within the Town Center: Building height within the Town Center (TC) zone shall be calculated pursuant to MICC 19.11.030(A).		
Applies to:	Buildings	
Are poles included in code?	No	
Exceptions		
Residential: antennas, lighting rods, plumbing stacks, flagpoles, electrical service leads, chimneys and fireplaces, solar panels, and other similar appurtenances may extend to a maximum of five feet above the height allowed for the main structure.		
Commercial: Rooftop building appurtenances, including but not limited to mechanical equipment, chimneys, and roof access structures, may extend up to ten feet above the maximum building height allowed. Rooftop appurtenances shall be located at least ten feet from the exterior edge of any building and shall not cover more than ten percent of the rooftop area.		
WETLANDS		
Transmission or distribution prohibited in wetlands? No		
Allowances		
MICC 19.07.120 – Exemptions	E.2. Repair and maintenance of existing utility facilities. Repair, maintenance, reconstruction and replacement of utility structures and conveyance systems and their associated facilities, including but not limited to service lines, pipes, mains, poles, equipment and appurtenances, both above and below ground. Exempt, but must follow mitigation sequencing to avoid and minimize. D. 2 Minor expansion of utility structures and conveyance systems and their associated facilities including service lines, pipes, mains, poles, equipment and appurtenances, both above and below ground, following consultation with the code official.	
MICC 19.07.190 – Wetlands	C.3. Prohibited activities. The following uses are prohibited within any wetland or associated buffer: removal, excavation, grading, or dredging of material; draining flooding or disturbing the wetland, water level or water table: construction, reconstruction, demolition, or expansion of any structure.	
MICC 19.07.150 – Public agency exception.	If the application of this chapter would prohibit a development proposal by a public agency, the agency may apply for an exception pursuant to this section. The code official may approve alterations to critical areas, buffers and critical area setbacks by an agency or utility when those alterations are not otherwise able to meet all of the standards in this chapter, and when the criteria in subsections (B)(1) through (B)(5) of the section are demonstrated to be met.	
Definitions		
<i>Ordinary repairs and maintenance</i> : An activity in response to the effects of aging or ordinary use, wear and tear that restores the character, scope, size, footprint or design of a servicable area, structure, or land use to its previously existing, authorized or undamaged condition; however, this is not intended to allow total replacement, substitution or reconstruction of a nonconforming structure. Activities that change the character, size, footprint or scope of a project beyond the original shall not be considered ordinary repairs and maintenance and shall result in loss of nonconforming status.		
Applicant		
MICC 19.15.060 - Application	A. The department shall not commence review of any application until the applicant has submitted the materials and fees specified for a complete applications. An application shall contain all information deemed necessary by the code official to determine if the proposed permit or action will comply with the requirements of the applicable development regulations. The applicant for a development proposal shall have the burden of demonstrating that the proposed development complies with the applicable regulations and decision criteria. All land use applications shall include, at a minimum, the following:	
	8. Verification that the property affected by the application is in the exclusive ownership of the applicant, of that the applicant has a right to develop the site and that application has been submitted with the consent of all owners of the affected property; provided, that compliance with subsection (A)(9) of this section shall satisfy the requirements of this subsection;	
	9. For Type II, III and IV reviews, a title report from a reputable title company indicating that the applicant has either sole marketable title to the development site or has a publicly recorded right to develop the site (such as an easement). If the title report does not clearly indicate that the applicant has such rights, then the applicant shall include the written consent of the record holder(s) of the development site. The code official may waive this requirement if the title report will not substantively inform the review of the development proposal.	

Jurisdiction: City of Duval
Size: 2.47 square miles
Population: 8,410 (2021)

USE DEFINITIONS		
"Utility" means enterprises or facilities serving customers by means of an integrated system of collection, transmission, distribution and processing facilities through more or less permanent physical connections between the plant of the serving entity and the premises of the customer, included are systems for the delivery of electricity, natural gas, cable communications, telecommunications, and water and sewer disposal.		
Transmission Lines		
"Subregional Utility" means any above ground structures or facilities (other than buildings, unless buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, or any entity defined as public utility for any purpose by RCW 80.04.015 and is used in connection with production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil or electric signals when these facilities are serving a wider customer base than a local neighborhood.		
SETBACKS		
Definitions		
"Setback" means the minimum required distance between a structure and a lot line, easement or buffer line that is required to remain free of structures.		
"Structure" means object constructed or installed by man, included but not limited to buildings, towers, smokestacks, overhead transmission line, etc., excluding fences retaining walls three feet or less in height, and decks eighteen (18) inches or less above grade/paved area.		
Applies to:	Structures	
Are poles included in code?	Yes	allowed encroachment
Allowed Encroachments		
DMC 14.64.170 - Nonresidential land uses in residential zones.	Except for utility facilities and uses, all nonresidential uses located in residential zones (R4-R20) shall be subject to the following requirements: C. Buildings and structures shall conform to setback requirements set out in DMC 14.12-14.16.	
HEIGHT		
Definitions		
"Structure" means object constructed or installed by man, included but not limited to buildings, towers, smokestacks, overhead transmission line, etc., excluding fences retaining walls three feet or less in height, and decks eighteen (18) inches or less above grade/paved area.		
Applies to:	Structures and buildings	
Are poles included in code?	Yes	exception to limits
Exception		
DMC 14.64.140 - Heights - Exceptions to limits	The following structures may be erected above the height limits to the minimum height necessary to support the use as determined by the director: A. Roof structures housing or screening elevators, fire access stairways, tanks, ventilating fans or similar equipment required for building operation and maintenance, and B. Fire or parapet walls, skylights, flagpoles, chimneys, smokestacks, church steeples, communication transmission structures, private amateur radio facilities, utility line towers and poles, and similar structures.	
WETLANDS		
Transmission or distribution prohibited in wetlands?	Yes, Category I wetlands. Public Agency and Utility Exception provision provides allowance.	
Allowances		
DMC 14.42.050 Allowed Activities	A. Maintenance, operation, and/or repair of existing dikes and drainages, existing stormwater facilities rights-of-way, trails, road, utilities, and buildings within sensitive areas, provided that activity does not further alter, impact, or encroach upon the sensitive area or buffer or further affect the process and functions of sensitive areas, and there is no increased risk to life or property as a result of the proposed operation, maintenance, or repair and provide further that: 1. The applicant shall submit a written description of the maintenance activity to the director with all of the following general information: a. Type, timing, frequency and sequence of the above maintenance activity to be conducted; b. Type of equipment to be used (hand or mechanical); c. Manner in which the equipment will be used; d. Best management practices to be used; and e. Any chemical applications to be used. 2. The applicant's written description may be valid for up to 5 years provided that there is no significant change, as determined by the director, to the activities submitted in the written description for the maintenance activity or to the natural environment.	
DMC 14.42.070 -Exceptions	A. Public Agency and Utility Exception. If the application of this chapter would prohibit a development proposal by a public agency or public utility, the agency or utility may apply for an exception pursuant to this section: 1. The public agency and utility exception shall apply to the department and include a sensitive area study, including mitigation plan, if necessary; and any other project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (Chapter 43.21 RCW). 2. The director may approve alterations to sensitive areas, buffers and sensitive area setbacks by an agency or utility not otherwise allowed by this chapter if the following criteria are met: a. There is no other reasonable alternative to the activity or proposed development with less impact on the sensitive area; and b. The activity or development proposal is designed to avoid, minimize, and mitigate the impact on environmentally sensitive areas consistent with the avoidance and mitigation sequencing requirements in this chapter, and, if applicable: c. The proposed development or activity is of linear nature and is on an existing corridor or connects to public lands, trails, utility corridors, rights-of-way or other public infrastructure, or is required for functional reasons such as gravity flow.	
DMC 14.42.220 - Wetland alterations	The following activities may be permitted in wetlands and/or wetland buffers when all the requirements of this section have been fulfilled: C. Utility lines in Category II, III, and IV wetlands and their buffers and/or Category I wetland buffers when no feasible conveyance alternative is available. Utility lines shall be constructed to minimize physical, hydrological and ecological impacts to the wetland, and meets all of the following: 1. The utility line is located as far from the wetland edge as possible and in manner that minimizes disturbance of soils and vegetation; 2. Wetland alteration is only allowed when consistent with applicability of subbasin management groups. 3. Clearing, grading, and excavation activities are limited to the minimum necessary to install the utility line and the area is restored following utility installation. 4. Buried utility lines shall be constructed in a manner that prevents adverse impacts to subsurface drainage. This may include the use of trench plugs or other devices as needed to maintain hydrology.	
Definitions		
"Maintenance and repair" means work required to keep existing improvements in their existing operational state. This does not include any modification that changes the character, scope, or size of the original structure, facility, utility or improved area.		
"Utilities" means all lines and facilities used to distribute, collect, transmit, or control electrical power, natural gas, petroleum products, information (telecommunications), water, and sewage.		
Applicant		
DMC 14.06.010 A definitions	"Applicant" means a person who applies for any permit or approval to do anything governed by this code and who is the owner of the subject property, the authorized agent of the owner, or the City.	

Jurisdiction: City of Snoqualmie
Size: 7.42 square miles
Population: 13,810 (2021)

USE DEFINITIONS		
"Public Utilities" is not defined.		
SETBACKS		
Definitions		
"Setback" means the distance buildings, structures or uses must be removed from a lot line, and in the case of a building, is measured from the property line to a building's closest vertical wall.		
Applies to:	Buildings and structures	
Are poles included in code?	No	
Allowed Encroachments		
Residential zones: SMC 17.15.040.J: The following architectural features on principal buildings and uses may encroach up to three feet into setbacks, provided, no feature shall encroach into the setback closer to the property line than where fire-resistive construction is required; planter boxes, fireplace structures not wider than 8 feet, not more than one bay window, no more than one garden window, and other similar features.		
Commercial/Industrial zones: No code provision.		
HEIGHT		
Definitions		
"Height" as applied to a building or structure means the vertical distance measured from the average elevation of the proposed finished grade around the building or structure to the highest point of a flat roof and the mean		
Applies to:	Buildings and structures	
Are poles included in code?	No	
Exception		
Commercial/Industrial zones: SMC 17.20.040: Church spires, church towers, flagpoles, antennas, clerestories, and fire towers of a safe height may be permitted as a conditional use.		
Residential zones: SMC 17.15.040: Church spires, church towers, flagpoles, antennas and fire towers of a safe height may be permitted as a conditional use.		
WETLANDS		
Transmission or distribution prohibited in wetlands?	No	
Allowances		
SMC 19.12.040 Allowed Activities.	A.5. Normal and routine maintenance or repair of existing utility or street rights-of-way or utility structures including drainage facilities. Utility or street rights-of-way shall be maintained in a manner that meets the objective of safe and efficient use of the right-of-way, while eliminating the use of chemical herbicides within the corridors. Normal and routine maintenance includes vegetation management performed in accordance with best management practices that is part of ongoing maintenance of structures, infrastructure, or utilities; provided, that such management actions are part of regular and ongoing maintenance, do not expand further into the critical area, are not the result of an expansion of the structure or utility, and do not directly impact an endangered or threatened species.	
	B. Public Agency or Utility Exception. If the application of this chapter would prohibit a development proposal by a public agency or utility, the agency or utility may apply for an exception pursuant to this section. After holding a public hearing, a hearing examiner may approve the exception if he/she finds that there is no other practical alternative to the proposed development with less impact on critical areas and their buffers, and the proposal minimizes the impact on critical areas and their buffers. Any decision of the hearing examiner is final unless appealed.	
SMC 19.12.170 Wetlands	H. Permitted Uses and Alterations. Subject to the requirements of the underlying zoning designation and other applicable codes and ordinances, the following uses and alterations shall be permitted within wetlands and their buffers, in accordance with the standards set forth in this section. Mitigation per the requirements of this chapter shall be required for any impact to the critical area from these permitted uses and alterations.	
	4. Public Utilities. Public utilities may be permitted in the wetland and wetland buffer, provided no practical alternative exists and adequate provision is made to	
Definitions		
"Alteration" means any human-induced action that changes the existing condition of a critical area. Alterations include, but are not limited to: grading; filling; dredging, draining; channelizing; cutting; pruning; topping; clearing;		
Applicant		
	Snoqualmie does not define applicant or who may apply under development review section of the code. Applicant is defined under subdivision and wireless sections of code (not a consistent definition).	

Jurisdiction: City of Woodinville
Size: 5.63 square miles
Population: 13,425 (2021)

USE DEFINITIONS		
"Street/utility pole" means telephone, utility/electric, cable television, or street light poles located in public right-of-way.		
"Regional utility corridor" means a right-of-way tract or easement which contains transmission lines or pipelines for utility companies, excluding distribution lines contained within street rights-of-way or lines serving individual lots or developments.		
"Utilities" means services, facilities and infrastructure that produce, transmit, carry, store, process or dispose of electrical power, gas, water, sewage, communications, oil, stormwater and the like. This includes: (a) Primary: facilities and infrastructure that are provided by a public agency, utility, or franchise which produce, transmit, convey, store, process, or dispose of essential utility services throughout the area. These include, but are not limited to, water storage tanks and lines, reservoirs and booster stations, wastewater interceptors, sewage pump stations and lines, electrical transmission substations and high-tension and distribution power lines, natural gas pipelines, and associated equipment, and including telecommunication facilities provided by a public or private entity. (b) Accessory: on-site utilities that connect directly to uses and are considered part of the primary use.		
SETBACKS		
Definitions		
"Setback" means the minimum distance from the property line, access easement boundary, critical area buffer boundary, or other buffer line to where a structure may be built.		
"Setback area" means the area of a lot or building site between the property line and the limits set by City regulations within which no permanent structure may intrude unless allowed otherwise by law.		
Applies to:	Structures	
Are poles included in code?	No	Above ground utilities in this context refers to ancillary equipment such as transformers, meters, vents, and other related equipment (WMC 15.39.010(4)).
Allowed Encroachments		
WMC 21.32.030(5). The following buildings and structures may protrude into setback areas: (a) Utilities, provided above ground utilities are screened pursuant to WMC15.39.010(5).		
HEIGHT		
Definitions		
"Height" means the vertical distance measured from the designated grade elevation to the highest point of a structure or otherwise allowed, excluding elements specially exempt from height calculations.		
Applies to:	Structures	
Are poles included in code?	No	
Exceptions		
WMC 21.32.040(6) Building and Structure Height Exceptions. The following structures may be erected above the height limits set forth in subsections (2), (3) and (4) of this section. List does not include utility poles.		
WETLANDS		
Transmission or distribution prohibited in wetlands?	Yes	Public entity critical area exception allows impacts to wetlands.
Allowances		
WMC 21.51.040 Complete Exemptions.	1. (c) Modifications to local collection and distribution utility lines, mains, equipment, appurtenances, including electrical facilities with an associated voltage of 55,000 volts or less, not including substations; public sewer local collection; public water local distribution; natural gas, cable communications; or telephone facilities. Modifications to local collection and distribution utilities may be allowed in critical areas or their buffers, as follows: (i) Normal and routine maintenance or repair of existing utility structures; and (ii) Replacement, operation, repair, modification, installation, relocation, or construction when such facilities are located within an improved public road right-of-way or City authorized private roadway.	
WMC 21.51.320 Wetlands - Permitted activities.	(1) Alterations. Alterations to wetlands and their buffers may be allowed if the City determines that there is no practical alternative location with less adverse impacts on the wetland or its buffer, subject to mitigation requirements set forth in this chapter. (b) Public and private utilities. Utilities may be allowed in wetland buffers if the following criteria are met. (see code for criteria) (c) Drilling for Utilities or Utility Corridors under a Wetland. (d) Utility Joint Use. Joint use of an approved utility corridor by other utilities may be allowed.	
WMC 21.51.060 Relief from critical area regulations.	(2) If the application of this chapter would prohibit a development proposal by a public agency or public utility, the public agency or public utility may apply for a public entity critical area exception pursuant to WMC 21.84.030.	
Definitions		
"Alteration, critical area" except when specified otherwise by this title, means any development or human-induced action which changes and/or impacts the existing condition of a critical area or buffer. "Alterations" do not include walking, fishing, other types of passive recreation, or other similar activities.		

Applicant	
WMC 12.30.020 Definitions (Public Utility and Telecommunications Right-of-Way Use)	"Applicant" means any person or entity that applies for permit pursuant to this chapter. "Public right-of-way" means any highway, street, alley, or other public right-of-way, or easement for motor vehicle under the jurisdiction and control of the City which has been acquired, established, dedicated, or devoted to such purposes, but only to the extent of the City's right, title, interest, or authority to grant a permit to occupy and use such streets and easements for telecommunications and utility facilities. "Public utility" as used herein, means a company or entity engaged in any business or service regularly supplying the public with some commodity or service which is a public need and consequence, such as natural gas, electricity, water or sanitary sewer, including any business subject to regulation as to rates and service by the Utilities and Transportation Commission under the provisions of RCW Title 81.
WMC 21.82.010, 020, 030, 040, 050, 060, 070, 080, 090, 100, 110, 120, 130, 150, 160	Any owner may apply for [insert permit type].
WMC 21.82.140	Any applicant may apply for a transportation infrastructure deviation.
WMC 21.11A.020 "A" definitions	"Applicant" means a person who files an application for permits or development approval who is either the property owner or a primary proponent of a project, which can include a contract purchaser, or authorized agent of the property owner.

Jurisdiction: City of Port Orchard

Size: 8.5 square miles

Population: 15,979 (2021)

USE DEFINITIONS		
"Utilities" or "public utilities" means enterprises or facilities serving the public by means of an integrated system of collection, transmission, distribution and processing facilities through more or less permanent physical connections between the plant of the serving entity and the premises of the customer. Included are systems for the delivery of natural gas, electricity, telecommunication services and water, and for the disposal of sewage.		
POMC 20.39.260 Utilities. (1) Defined. Public or private infrastructure serving a limited area with no on-site personnel (minor utility) or serving the general community with on-site personnel (major utility). Utilities include the following:		
(a) Minor utilities, including on-site stormwater retention or detention facility, neighborhood serving telephone exchange/switching center, gas/electric/telephone/cable transmission lines, water and wastewater pump station or lift station, gas gates, reservoir, control structure, drainage well, water supply, water well.		
(b) Major utilities, including aeration facility, electrical substation, electric or gas generation plant, filter bed, transmission towers, waste treatment plant, water pumping facility, water tower or tank.		
SETBACKS		
Definitions		
"Setback" means the minimum required distance between a structure or portion thereof and a lot line of the lot on which it is located, or another line as described in a particular section		
Applies to:	Buildings and structures	
Are poles included in code?	No	Not included as an allowed encroachment under utilities.
Allowed Encroachments		
POMC 20.40.040 Setback encroachments. (5) Mechanical Equipment and Utility Lines.		
(b) Minor structures accessory to utilities (such as hydrants, manholes, transformers, and other cabinet structures and related fence(s) may encroach into a required rear or side		
(c) Minor utilities below and covered by the ground may encroach into a required setback.		
HEIGHT		
Definitions		
"Building height" means, except when otherwise specified in this code, the vertical distance from grade plane to the average height of the highest roof surface.		
Applies to:	Buildings and structures	
Are poles included in code?	No	Not included as an allowed encroachment.
Exceptions		
POMC 20.40.050 (2) Height encroachments. encroachments. Any height encroachment not listed below is prohibited except where the director determines that encroachment is similar to a permitted encroachment listed below. (see code for list of encroachments)		
WETLANDS		
Transmission or distribution prohibited in wetlands?	No	
Allowances		
POMC 20.162.032 Exemptions	(3) The following land use, development, building activities, and uses shall be exempt:	
	(b) Operation Maintenance and Repair. Operation maintenance or repair of existing structures not requiring permits or city approval, only if activity does not further alter or increase the impact to critical areas or their buffers.	
	(f) Activities within Improved Right-of-Way. Construction of new utility facilities, improvements, or upgrades to existing utility facilities that take place within existing improved rights-of-way or existing impervious surfaces that do not increase the amount of impervious surface.	
POMC 20.162.034 Exceptions	(1) Public agencies. Public agencies may make an application for exception to the director for construction of items such as roads, utilities, infrastructure, and associated facilities.	
POMC 20.162.056 Additional development standards for regulated uses.	(7) Utilities in Wetlands or Wetland Buffers.	
	(a) Construction of new utilities outside the road right-of-way or existing utility corridor may be permitted in wetlands or wetland buffers, only when no reasonable alternative location is available and the utility corridor meets the requirements for installation, replacement of vegetation and maintenance outlined below, and as required in the filing and approval of applicable permits and special reports required by this chapter.	
	(c) New utility corridors shall not be allowed when the regulated wetland or buffer has known locations of federal or state listed endangered, threatened or sensitive species, heron rookeries or nesting sites of raptors which are listed as state candidate or state monitor, except in those circumstances where an approved habitat management plan indicates that the utility corridor will not significantly impact the wetland or wetland buffer.	
	(d) New utility construction and maintenance shall protect the regulated wetland and buffer environment by utilizing the following methods:	
	(i) New utility corridors shall be aligned when possible to avoid cutting trees greater than 12 inches in diameter at breast height (four and one-half feet), measured on the uphill side.	
	(ii) New utility corridors shall be revegetated with appropriate native vegetation at preconstruction densities or greater, immediately upon completion of construction, or as soon thereafter as possible, if due to seasonal growing constraints. The utility shall ensure such vegetation survives.	
	(iii) Any additional utility corridor access for maintenance shall be provided as much as possible at specific points, rather than by parallel roads. If parallel roads are necessary, they shall be of a minimum width but no greater than 15 feet; and shall be contiguous to the location of the utility corridor on the side away from the wetland. Mitigation will be required for any additional access through restoration of vegetation in disturbed areas.	
	(iv) The department may require other additional mitigation measures.	
	(e) Utility corridor maintenance shall include the following measures to protect the regulated wetland and buffer environment:	
	(i) Where feasible, painting of utility equipment such as power towers shall not be sprayed or sandblasted, nor should lead-based paint be used.	

	(ii) No pesticides, herbicides or fertilizers may be used in wetland areas or their buffers except those approved by the EPA and Ecology. Where approved, herbicides must be applied by a licensed applicator in accordance with the safe application practices on the label. Within wetlands, applicator must be licensed to use aquatic herbicides.
Definitions	
"Alteration" means any human-induced action that changes the existing condition of a critical area. Alterations include but are not limited to grading; filing; grubbing; dredging; draining; channelizing; cutting; pruning; limbing or topping; clearing, relocating or removing vegetation, except noxious weeds identified by the Washington Department of Agriculture or the Kitsap County cooperative extension; applying herbicides or pesticides or any other hazardous or toxic substance; discharging pollutants, except stormwater; grazing domestic animals; paving; construction; application of gravel; modifying for surface water management purposes; or any other human activity that changes the existing vegetation, hydrology, wildlife or wildlife habitat. Alteration does not include walking, passive recreation, fishing or other similar activities.	
"Public utility" means a business or service, either governmental or having appropriate approval from the state, which is engaged in regularly supplying the public with some commodity or service which is of public consequence and need, such as electricity, gas, sewer and/or wastewater, water, transportation, or communications.	
"Utilities" means facilities and/or structures which produce or carry electric power, gas, sewage, water, communications, oil, publicly maintained stormwater facilities, etc.	
"Utility corridor" means areas identified in the comprehensive plan for utility lines, including electric, gas, sewer, water lines; and public right-of-way and other dedicated utility right-of-way on which one or more utility lines are currently located. The term "other dedicated utility right-of-way" means ownership, easements, permits, licenses or other authorizations affording utilities the right to operate and maintain utility facilities on private property.	
Applicant	
POMC 20.12.010 Definitions	"Applicant" means the owner of land proposed for land development or use or its representative who shall have express written authority to act on behalf of the owner. Written consent shall be required from the legal owner of the property.

Jurisdiction: City of Oak Harbor
Size: 12.32 square miles
Population: 24,709 (2021)

USE DEFINITIONS		
"Public utility" means a public service corporation performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, water supply, electric power, gas and transportation of persons and freight.		
SETBACKS		
Definitions		
"Setback and yard requirements" are the distances that buildings or uses must be removed from their lot lines. Setbacks shall be measured, where applicable, from proposed or actual public		
Applies to:	Buildings and uses	
Are poles included in code?	No	
Allowed Encroachments		
accessory buildings allowed in rear yards.		
HEIGHT		
Definitions		
"Building height" means the vertical distance from the average natural grade level to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roofed. "Average natural grade" shall be defined as the average elevation of the highest and lowest corners of the building.		
Applies to:	Buildings	
Are poles included in code?	No	
Exceptions		
OHMC 19.28.030 Height limits - Exceptions. Buildings and structures shall not exceed the height limitations as specified for the use district in which they are located unless specifically excepted as set out in OHMC 19.28.040 and 19.28.050. Additional height, not to exceed 10 feet, may be used for multifamily and commercial uses permitted in the underlying zone for the projects that are in accordance with low impact development (LID) through the implementation of the LID performance standards or on-site stormwater BMP lists.		
WETLANDS		
Transmission or distribution prohibited in wetlands?	No	
Allowances		
OHMC 20.12.040 Exempt activities.	(2) Operation, maintenance, repair, modification, addition to, or replacement of existing structures, infrastructure improvements, utilities, public or private roads, dikes, levees, or drainage systems, if the activity does not further alter or increase the impacts to, or encroach further within, a critical area or buffer and there is no increased risk to life or property as a result of action. Operation and maintenance include vegetation management performed in accordance with best management practices; provided, that such management actions are part of regular and ongoing maintenance, do not expand further into the critical area, are not the result of an expansion of a structure or utility, and do not directly impact species or habitat protected under Chapter 20.25 OHMC.	
OHMC 20.12.050 Public agency and utility exceptions.	(1) If the application of critical areas regulations in this chapter would prohibit a development proposal by a public agency or public utility, the agency or utility may apply for an exception pursuant to this section.	
Definitions		
"Development" means a land use consisting of the construction or exterior alteration of structures; grading, dredging, drilling, or dumping; filling; removal of sand, gravel, or minerals; bulk heading; driving of pilings; or any other project of a temporary or permanent nature which modifies structures, land, or shorelines and which does not fall within the allowable exemptions contained in the Oak Harbor Municipal Code.		
Applicant		
OHMC 19.48.032 Requirements for application submittal	The applicant shall submit the following items: (2) A verified statement by the applicant that property affected by the application is in the exclusive ownership of the applicant, of that the applicant has submitted the application with the consent of all owners of the affected property.	

Jurisdiction: Town of Coupeville
Size: 1.95 square miles
Population: 1,957 (2021)

USE DEFINITIONS	
"Public utility" means a public service corporation performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, water supply, electric power, sanitary sewer and storm sewer systems for persons and freight.	
SETBACKS	
Definitions	
"Setback" means the lot area between the lot lines and the building area.	
Applies to:	Structures
Are poles included in the code?	No
Allowed Encroachments	
CTC 16.12.030 - Setback standards	E. Projections into required setbacks. The following structures may project into required front, rear or side yards: 1. Paved terraces may project into required front, rear or side setbacks provided that no structures placed there shall violate other requirements of this title. 2. Unroofed landings, decks and stairs may project into required front and rear setbacks only, provided no portion shall extend higher than forty-two (42) inches above the finished grade level. 3. Window sills, belt courses, cornices, eaves and similar incidental architectural features may project not more than 2 feet into any required setback. 4. Open fire escapes may project not more than four feet six inches into any required setback.
HEIGHT	
Definitions	
"Height" means the measurement from the vertical datum to the highest point of the roofline. On any building constructed seaward of mean high higher water, the vertical datum shall be the elevation of the extreme high tide, as shown on the official United States tide table for the year in which the permit is issued.	
Applies to:	Structures
Are poles included in the code?	No
Exceptions	
CTC 16.12.050 B. Exemptions.	The height limitations contained in this title do not apply to spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housing, other structures placed above the roof level, or when a height in excess of twenty-eight (28) feet is necessary to comply with the Ebey's Landing National Historical Reserve Design Guidelines for alterations of historic buildings and structures, provided, however, that no structure or portion of any structure hereafter erected shall interfere with Federal Aviation Administration Regulations on airport approaches.
Wetlands	
Transmission or distribution prohibited in wetlands?	No
Allowances	
CTC 16.34.120 - Exemptions	2. Operation, Maintenance, or Repair. Operation, maintenance, or repair of existing structures, infrastructure improvements, utilities, public or private roads, dikes, levees, or drainage systems. If the activity does not further alter or increase the impact to, or encroach further within, the critical area or buffer and there is no increased risk to life or property as a result of the proposed operation, maintenance, or repair. Operation and maintenance includes vegetation management performed in accordance with best management practices that is part of ongoing maintenance of structures, infrastructure, or utilities, provided that such management actions are part of regular and ongoing maintenance, do not expand further into the critical area, are not the result of an expansion of the structure or utility, and do not directly impact an endangered or threatened species.
CTC 16.34.150 - Allowed activities	C.4. Minor Utility Projects. Utility projects which have minor or short-duration impacts to critical areas, as determined by the town planner in accordance with the criteria below, and which do not significantly impact the function or values of a critical area(s), provide that such projects are constructed with best management practices and additional restoration measures are provided. Minor activities shall not result in the transport of sediment or increased stormwater. Such allowed minor utility projects shall meet the following criteria: a. There is no practical alternative to the proposed activity with less impact on critical areas; b. The activity involves the placement of a utility pole, street signs, anchor, or vault or other small component of a utility facility; and c. The activity involves disturbance of an area less than seventy-five (75) square feet.
CTC 16.34.130 - Exception - Public agency and utility	A. If the application of this chapter would prohibit a development proposal by a public agency or public utility, the agency or utility may apply for an exception pursuant to this section.
Definitions	
<i>Repair or maintenance</i> - Any activity that restores the character, size, scope and design of a serviceable area, structure or land use to its previously authorized and undamaged condition. Activities that change the character, size or scope of a project beyond the original design and drain, dredge, fill, flood or otherwise alter critical areas are not included in this definition.	
Applicant	
dit	"Applicant" means a person or entity that has applied for a project permit.

Additional Jurisdictions

Pierce County	PCC 18.30.020.A	Permits and Approvals Required	The property owner or authorized agent shall obtain applicable permits and approvals prior to commencing development.
Bellevue	LUC 20.25.030.A	Who May Apply	The property owner, authorized agent of the owner, or Regional Transit Authority authorized by LUC 20.25M.010.C to apply for permits may apply for any type of Process I, Process II, or Process III land use decision.
Kirkland	KZC 145.15	Who May Apply	Any person may, personally or through an agent, apply for a decision regarding property he/she owns.

PSE Structures & Equipment

A pictorial guide to typical PSE electrical distribution and transmission system facilities.

Underground Structures	page 2
Overhead Structures	page 7
Transmission Line Structures	page 12

Typical PSE Underground Distribution System Structures & Equipment

Most PSE underground distribution systems operate at between 7,200 volts (7.2kV) and 12,500 volts (12.5kV). Much of our underground distribution system (cables) is located underground along public and private roads, and is never seen. This section displays typical PSE underground distribution facilities mounted above ground.



Typical Underground Distribution
Feeder Cable Pull Vault (11' X 7')



Typical Underground Distribution
Cable Junction Vault (5' X 7')



Typical Underground Distribution
Vista Switch Vault (8' X 9')
(the switch equipment sits completely within the vault)

Typical Underground Distribution Single
Phase Pad-mount Transformer
(2.5' X 2.5' X 2')

Single phase pad-mount transformers are
common in neighborhoods typically serving
1 - 8 homes per transformer





Typical Underground Distribution
Three Phase Pad-mount Transformer
(5' X 5' X 5' typical but can vary by
transformer output rating)



Three phase pad-mount transformers often serve a
single commercial customer (but may serve multiple
customers) and may be pair with single phase
transformers in response to particular service needs

Typical Underground Distribution Pad-mount
Switches (5' X 5' & X 4') & Vaults (11' X 6')

Switches are common in neighborhoods
and are sometimes installed in multiple
adjacent configurations



Typical PSE Overhead Distribution System Structures

Most PSE overhead distribution lines operate at between 7,200 volts (7.2kV) and 12,500 volts (12.5kV). Most of our overhead distribution system support structures are single wood poles located along public and private roads. This section displays typical PSE distribution line structures.



Typical Single Phase Distribution



Typical Single Phase Distribution with
Transformer & Street Light



Typical Single Phase Distribution with
Down Guys & Anchor



Typical Three Phase Distribution on Cross-arm (with single phase transformer and underground service connection)



Typical Three Phase Distribution with Three Phase Transformer Bank (with underground service connections)



Typical Three Phase Distribution with Down Guys & Anchor



Three Phase Distribution on Wing-arm



Three Phase Distribution – Compact Construction



Typical Three Phase Distribution with Sidewalk Guys & Anchor





Three Phase Distribution
with Gang Operated Switch



Three Phase Distribution with Recloser



Three Phase Distribution with Three Phase
Underground Distribution Termination
(where underground cable system
connects to the overhead system)



Typical PSE 115KV Transmission Line Structures

Most PSE transmission lines operate at 115,000 volts (115kV). Many of our transmission line support structures are single wood poles along public roads, and a few are steel. Some transmission lines located in dedicated rights-of-way are supported by two or three wood pole H-Frame structure. This section displays typical PSE transmission line structures.



Typical 115kV Transmission Pole HPA (horizontal post alternating)



Typical 115kV Transmission Pole HPA with Distribution Under-build



Typical 115kV Transmission Pole HPD (horizontal post directional)



Typical 115kV Transmission Pole HPD with Distribution Under-build



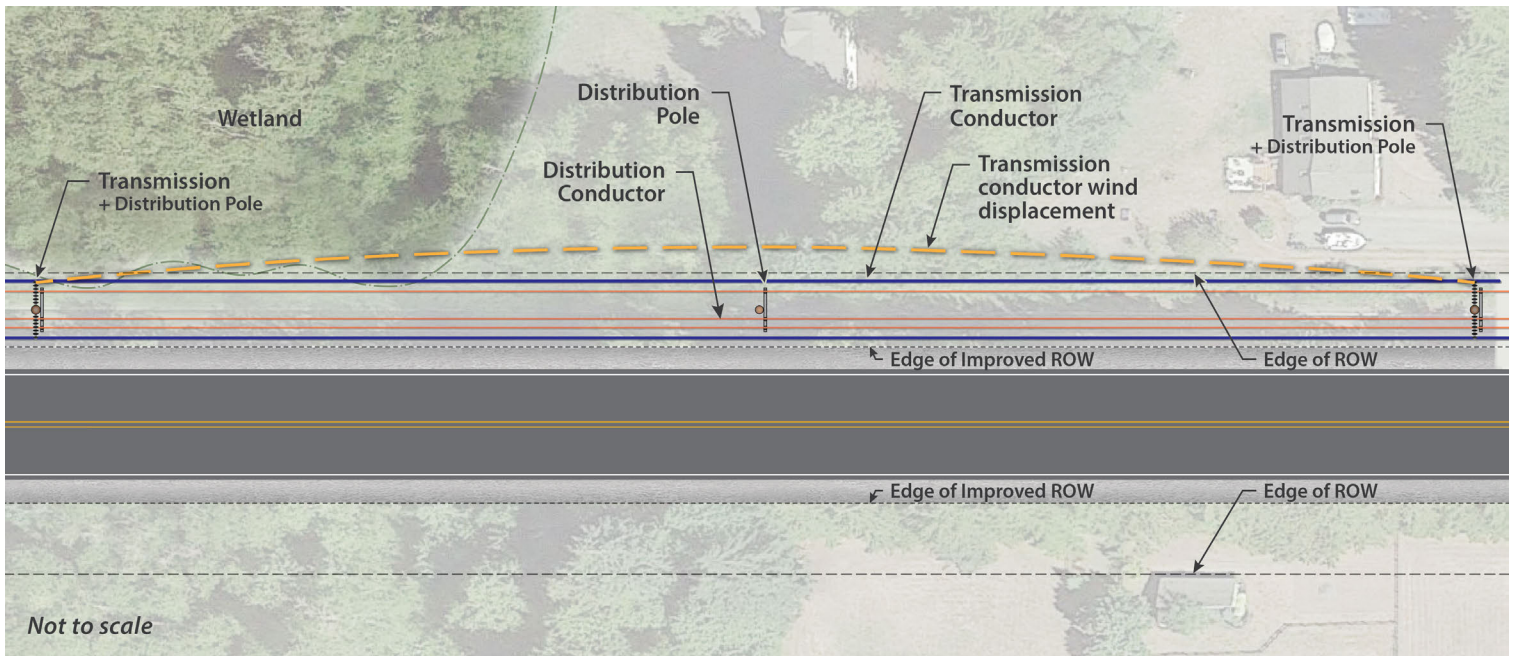
Typical 115kV Transmission Pole Glu-lam
(laminated wood rectangular)



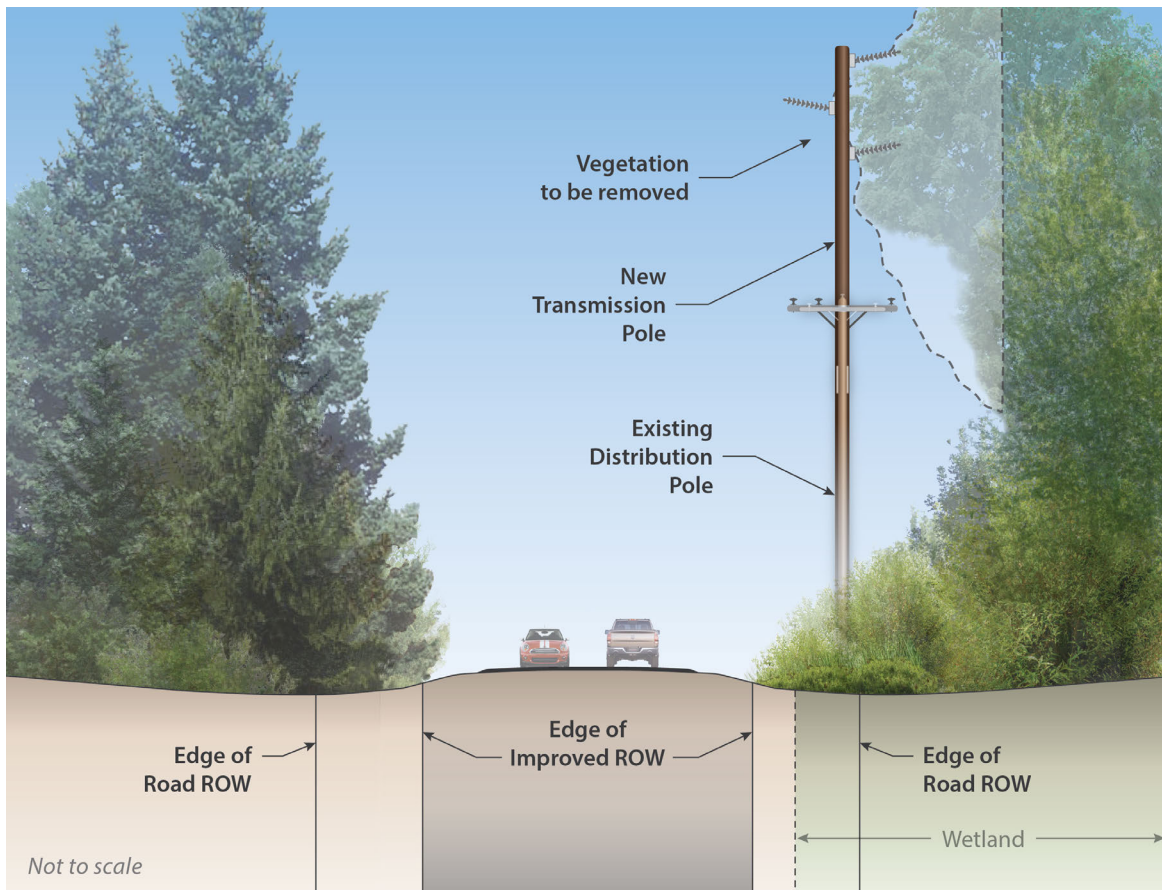
Typical 115kV Transmission Pole Steel



Typical 115kV Transmission H-Frame Structure



Plan View



Cross Section View

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background [\[HELP\]](#)

1. Name of proposed project, if applicable:

PSE Electrical Reliability and Capacity Code Amendments

2. Name of applicant:

Kerry Kriner, Puget Sound Energy

3. Address and phone number of applicant and contact person:

6500 Ursula Place South

4. Date checklist prepared:

April 2022, updated January 2024

5. Agency requesting checklist:

City of Bainbridge Island

6. Proposed timing or schedule (including phasing, if applicable):

Upon Council adoption of amendments

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

Code amendments will facilitate PSE's ability to continue to maintain, upgrade and expand or install new electrical utility infrastructure as needed to serve the Bainbridge Island community.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

*Bainbridge Island Code Amendment BIMC 16.20.140.G – Best Available Science memo,
HDR, Inc. – April 2022*

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

The code amendments will apply city-wide.

10. List any government approvals or permits that will be needed for your proposal, if known.

*Legislative Review of Land Use Regulations approval, City of Bainbridge Island
SEPA Threshold Determination, City of Bainbridge Island*

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) *PSE is requesting approval of five code amendments that impact the ability to maintain, upgrade and install electrical infrastructure on Bainbridge Island and continue to serve the community. Two of the code provisions are located within BIMC 16.20 Critical Areas. The first requested code amendment is to modify BIMC 16.20.140.G.2 which includes an existing prohibition on development, uses and activities in Category I and II wetlands. The list of prohibited uses includes primary utility. The amendment seeks to allow for maintenance, upgrade of existing primary utilities in Category I and II wetlands and installation of new linear electrical primary utility facilities in Cat. II wetlands within or adjacent to public road right-of-way. The second requested code amendment is to modify BIMC 16.20.100.E.1 in regards to application of the Aquifer Recharge Protection Area (ARPA) regulations on property zoned R-0.4, R-1, or R-2. The amendment would add a provision to not require ARPA application to utility corridors where maintenance, upgrades, or new installations occur within an easement on property not owned by PSE. Two requests are within BIMC 18.12 Dimensional Standards. One is related to clarifying permit requirements related to adding new poles within existing electrical distribution and transmission line corridors or on utility facility parcels. Amendments to the language in BIMC Table 18.12.040 – Permitted Height Modifications and Tables 18.12.020-2 and 18.12.020-3 will*

resolve inconsistencies between the tables on which process to follow. Another code amendments relates to the placement of primary utility infrastructure in zoning setbacks. Within Table 18.12.040 – Permitted Setback Modifications, there is language that allows accessory utilities to be located in setbacks, but does not reference primary utilities. The lack of allowance in the table for primary utilities assumes primary utilities are not allowed in setbacks, which is not consistent with current operation of utility systems on Bainbridge Island, and prohibits continued maintenance, upgrade and installation of essential utility infrastructure. The final amendment request is to include language in BIMC 2.16.020.D that will allow PSE to submit for permits on property not owned by PSE. The current language requiring owner authorization does not recognize PSE's unique status as a regulated utility and requires easement rights and other authorizations to be acquired before a final design is approved.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. *The amended code provisions would be applicable city-wide within Category I and Category II wetlands within or adjacent to road right-of-way or on properties zoned R-0.4, R-1, or R-2 where ARPA regulations apply. The pole height, setback, and application code amendments would apply city-wide.*

B. Environmental Elements [\[HELP\]](#)

1. Earth [\[help\]](#)

a. General description of the site: *Since the amendments are not site specific, a site description is not applicable.*

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____

The City of Bainbridge Island includes terrain that is flat, rolling and steep.

b. What is the steepest slope on the site (approximate percent slope)?

The City of Bainbridge Island includes slopes exceeding 40 percent in grade.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. *The code amendments are non-project action requests. Soil conditions will be disclosed on a project specific basis during development permit review as applicable.*

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. *Discrete areas of USGS landslides are mapped throughout Bainbridge Island, predominantly along the shoreline (City of Bainbridge Island Critical Areas Web Application). PSE will provide appropriate evaluation of any work within landslide areas during specific project development and design as applicable.*

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. *No fill, excavation, or*

grading is proposed as part of this non-project action. The purpose, type, area and quantity of filing, excavation and grading will be determined on a project specific basis at the time of project design and development permit review.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. *This is a non-project action code amendment request. Erosion could occur based on specific project scope and location, which will be assessed at the time of project design and development permit review as applicable.*
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? *Impervious surface generally does not result from aerial PSE projects adjacent to existing access or underground distribution lines within existing paved or gravel right-of-way. Projects where access is created or upgraded or equipment such as vaults or junction boxes are added in pervious areas will generate impervious surface which would be determined on a project specific basis as part of design and associated development permit review.*
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: *Appropriate erosion control BMPs will be used on a project specific basis as applicable.*

2. Air [\[help\]](#)

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. *No emissions will result from this non-project action. PSE's electrical infrastructure projects do not generate emissions to air. Limited emissions from construction vehicles may occur during construction or maintenance activities on a project specific basis.*
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. *There are no off-site sources of emissions or odor that will affect future PSE projects that implement the requested code amendments.*
- c. Proposed measures to reduce or control emissions or other impacts to air, if any: *Emissions from future projects that will implement the requested code amendments are not anticipated beyond that generated by construction vehicles, however will be evaluated on a project specific basis. Appropriate reduction measures will be determined as part of specific project permit review as applicable.*

3. Water [\[help\]](#)

- a. Surface Water: [\[help\]](#)
- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. *This is a non-project action request; therefore specific project locations have not been determined at this time. There are surface water bodies including streams and wetlands located on Bainbridge Island that are within the vicinity of existing PSE linear facilities and well as potentially near future facility locations due to the linear nature of these projects. Specific water bodies will be identified at the time of project design and development permit review. One of the code amendments relates specifically to projects within Category I and II wetlands.*

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. *This is a non-project action request. Any work over, in, or adjacent to streams or wetlands will be determined and disclosed on a project specific basis. PSE is only aware of one location where utilities are located within Category I wetlands; however site specific conditions will need to be determined on a project specific basis.*

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. *This is a non-project action request. Any fill or dredge material will be determined and disclosed on a project specific basis and mitigated as necessary.*

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. *This is a non-project action request. Any surface water withdrawals or diversions, which are not common on PSE linear projects, will be determined and disclosed on a project specific basis as part of development permit review.*

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.
This is a non-project action request. Any existing or proposed facilities located within a 100-year floodplain will be determined and disclosed on a project specific basis and evaluated for impacts as necessary.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. *This is a non-project action request. PSE's electrical utility facilities do not discharge waste materials to surface waters.*

b. Ground Water: [\[help\]](#)

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. *This is a non-project action request. PSE's electrical utility facilities do not require withdrawal from a well for any purpose.*

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. *This is a non-project action request. PSE's electrical utility facilities do not discharge waste material into the ground.*

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. *This is a non-project action request. Stormwater runoff from PSE's linear electrical facilities is generally marginal and natural flows are collected through infiltration. All PSE infrastructure*

projects adhere to applicable stormwater regulations. Stormwater will be assessed on a project specific basis during design and development permit review.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

This is a non-project action request. Waste material is not anticipated to enter ground or surface waters as a result of any specific PSE electrical maintenance, upgrade or new installation projects.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. *This is a non-project action request. Drainage patterns from PSE's projects are not anticipated to affect drainage patterns.*

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: *Applicable stormwater regulations and standards will be followed based on project specific design and site conditions during future development permit review.*

4. **Plants** [\[help\]](#)

- a. Check the types of vegetation found on the site:

This is a non-project action request. Site specific vegetation will be disclosed as part of specific project development permit review as applicable. The plants listed below are known to occur on Bainbridge Island.

☒ deciduous tree: alder, maple, aspen, other

☒ evergreen tree: fir, cedar, pine, other

☒ shrubs

☒ grass

☒ pasture

☒ crop or grain

☒ Orchards, vineyards or other permanent crops.

☒ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

☒ water plants: water lily, eelgrass, milfoil, other

☒ other types of vegetation

- b. What kind and amount of vegetation will be removed or altered?

This is a non-project action request. Vegetation removal or alteration resulting from a specific project will be assessed at the time of development permit review and restored or mitigated based on applicable codes. PSE must adhere to standards for safety clearances from conductors and equipment.

- c. List threatened and endangered species known to be on or near the site.

There are no known threatened or endangered plant species on Bainbridge Island (Washington Dept. of Natural Resources Species Lists).

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: *This is a non-project action request. Project specific conditions as well as applicable regulations and standards will be assessed during development permit review for specific electrical projects.*

- e. List all noxious weeds and invasive species known to be on or near the site. This is a non-project action request. *The presence of noxious weeds and invasive species will be assessed on a project and site specific basis. Common invasive species on Bainbridge Island include Himalayan blackberry, Tansy Ragwort, English Laurel,*

English ivy, Scotch Broom, Butterfly Bush, Spurge Laurel, and Stinky Bob (Bainbridge Island Land Trust website, Sustainable Bainbridge 'The Sneaky Seven').

5. Animals [\[help\]](#)

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. *This is a non-project action request. The presence of birds and other animals will be site specific. This information will be determined at the time of specific project design and development permit review. Birds commonly found on or near Bainbridge Island include: American Wigeon, Mallard Duck, Surf Scoter, Bufflehead, Common Goldeneye, Red-breasted Merganser, Horned Grebe, Rufous Hummingbird, Killdeer, Short-billed Gull, Glaucous-winged Gull, Pelagic Cormorant, Double-crested Cormorant, Belted Kingfisher, Northern Flicker, Stellar's Jay, American Crow, Chestnut-backed Chickadee, Violet-green Swallow, Barn Swallow, Ruby-crowned Kinglet, Golden-crowned Kinglet, Cedar Waxwing, European Starling, American Robin, House Finch, Pine Siskin, American Goldfinch, Dark-eyed Junco, Song Sparrow, Spotted Towhee, Orange-crowned Warbler, Yellow-rumped Warbler, and Wilson's Warbler. Other animals include: opossums, shrews, moles, bats, rabbits, rodents, coyote, fox, bear, seals and sea lions, raccoons, otter, skunk, mountain lion, whales, porpoise, deer, and various reptiles and amphibians (the BirdBooker Report website, 2023) and various fish species.*

Examples include:

birds: hawk, heron, eagle, songbirds, other:
mammals: deer, bear, elk, beaver, other: raccoon,
cougar, squirrel, weasels, shrew, opossum, coyote
fish: bass, salmon, trout, herring, shellfish, other _____

- b. List any threatened and endangered species known to be on or near the site.
This is a non-project action request. The potential presence of threatened and endangered species will be evaluated on a project site specific basis during design and development permit review and adhere to applicable regulations as necessary. Species known to occur on Bainbridge Island include Coho (federal candidate) and Pacific Herring (State Candidate) (Washington Department of Fish and Wildlife PHS on the Web).
- c. Is the site part of a migration route? If so, explain.
Bainbridge Island is located within the Pacific Flyway, a bird migratory route between Alaska and Patagonia. (U.S. Department of Fish and Wildlife)
- d. Proposed measures to preserve or enhance wildlife, if any:
This is a non-project action request. Impacts and associated measures to preserve or enhance wildlife will be assessed on a project site specific basis under applicable regulations and standards.
- e. List any invasive animal species known to be on or near the site.
There are no known invasive animal species on Bainbridge Island (Washington Invasive Species Council). Species that have the potential to be present include the bull frog, marine clam, and tunicate.

6. Energy and Natural Resources [\[help\]](#)

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. *This is a non-project action request. PSE's linear electrical infrastructure on Bainbridge Island includes transmission and distribution lines that bring power to the Island and serve the community. PSE also operates three distribution substations on the Island.*

- b. Would your project affect the potential use of solar energy by adjacent properties?
If so, generally describe. *This is a non-project action request. PSE's proposals to maintain, upgrade or install new infrastructure on Bainbridge Island will not affect potential use of solar energy on adjacent properties.*
- c. What kinds of energy conservation features are included in the plans of this proposal?
List other proposed measures to reduce or control energy impacts, if any: *This is a non-project action request and therefore does not include energy conservation features.*

7. Environmental Health [\[help\]](#)

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal?
If so, describe. *There are no environmental health hazards that could occur from this non-project action request. PSE's utility projects that may implement the code amendments in the future will not result in known environmental health hazards.*
- 1) Describe any known or possible contamination at the site from present or past uses.
The proposal is a city-wide non-project action request for code amendments. Contamination possibility will be evaluated and addressed on a site specific basis during project design and development permit review.
 - 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. *The proposal is a city-wide non-project action request for code amendments. The presence of existing hazardous chemicals/conditions that may affect a project will be assessed on a site specific basis during project design and development permit review.*
 - 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. *This is a non-project action request. PSE utility facilities are not known to store, use or produce toxic or hazardous chemicals.*
 - 4) Describe special emergency services that might be required.
No emergency services are known to be required for the non-project code amendments or future PSE proposals to which they will apply.
 - 5) Proposed measures to reduce or control environmental health hazards, if any:
No environmental health hazards are known; therefore no measures are proposed.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? *This is a non-project action request. Noise in the area will be assessed on a project site specific basis. Ambient noise generally does not impact PSE's utility facilities.*
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indi-

cate what hours noise would come from the site. *This is a non-project action code amendment request. PSE's utility facilities generally do not generate operational noise impacts, however this will be assessed on a project specific basis as applicable. There may be limited construction noise from normal construction activities such as vehicles and equipment associated with future maintenance, upgrade, or installation projects to which the amended codes will apply.*

3) Proposed measures to reduce or control noise impacts, if any:

No impacts will result directly from the non-project code amendments; therefore no measures are proposed. The need for temporary or permanent measures associated will be assessed on a project specific basis after the code amendments are approved.

8. Land and Shoreline Use [\[help\]](#)

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. *This is a non-project action request for code amendments that will apply citywide. Project specific locations will be assessed during design and development permit review, as applicable.*

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? *This is a non-project action code amendment request that will apply citywide. Specific project locations will be assessed as part of project design and development permit review as applicable.*

c. Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: *This is a non-project action code amendment request that will apply citywide. Specific project locations will be assessed as part of project design and development permit review as applicable. Farm or forest operations generally do not impact PSE's utility facilities.*

d. Describe any structures on the site.

This is a non-project action code amendment request and not a site specific project. PSE's linear utility facilities are generally located within the road right-of-way or within utility easement on private property. Most structures are not allowed within the easement areas. PSE's substation sites contain equipment and structures that support the operation of the electrical system on Bainbridge Island.

e. Will any structures be demolished? If so, what?

This is a non-project action code amendment request and not a site specific project. The need to demolish structures will be assessed on a project specific basis. PSE's utility facilities generally do not involve demolition of structures, as they are usually located within road right-of-way or within easement along a property boundary where structures are not allowed by code.

f. What is the current zoning classification of the site?

This is a non-project action code amendment request and not a site specific project. Zoning classifications vary on Bainbridge Island, but are predominantly single-family residential. The ARPA code amendment will apply to projects within the R-0.4, R-1, or R-2 zoning districts that trigger over 800 square feet of new impervious surface or 7,000 square feet of clearing, which is not typical for PSE's linear utility facilities along road right-of-

way or with existing permanent access. All other code amendments requested could facilitate utility facility maintenance, upgrades or new installations within any zoning district on Bainbridge Island.

g. What is the current comprehensive plan designation of the site?

This is a non-project action code amendment request that is not site specific. Comprehensive plan designations will be determined on a site specific basis as applicable.

h. If applicable, what is the current shoreline master program designation of the site?

This is a non-project action code amendment request that is not site specific. Shoreline master program designations will be determined on a site specific basis as applicable.

i. Has any part of the site been classified as a critical area by the city or county? If so, specify.

This is a non-project action code amendment request that is not site specific. The presence of critical areas will be assessed on a project specific basis. The wetland prohibition code amendment will apply specifically to linear primary utilities within Category I and Category II wetlands and the ARPA code amendment will apply to projects in R-0.4, R-1, and R-2 zoning districts that trigger ARPA requirements in the critical areas regulations.

j. Approximately how many people would reside or work in the completed project?

This is a non-project action request. PSE's utility facilities are unmanned.

k. Approximately how many people would the completed project displace?

This is a non-project action request. PSE's utility facilities are not known to cause displacement.

l. Proposed measures to avoid or reduce displacement impacts, if any:

Displacement will not result from the non-project action code amendment requests; therefore no measures are proposed.

m. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

This is a non-project action request that is not site specific. Therefore, no measures are proposed.

n. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any: *This is a non-project action request. Impacts to agriculture and forest land are not anticipated; therefore measures are not warranted.*

9. Housing [\[help\]](#)

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. *Housing units are not a part of PSE's non-project action request or utility facilities.*

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. *Housing units are not a part of PSE's non-project action request.*

c. Proposed measures to reduce or control housing impacts, if any:

No impacts are anticipated; therefore no measures are proposed.

10. Aesthetics [\[help\]](#)

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? *This is a non-project action code amendment request. PSE's utility facilities to which the code amendments will apply do not include buildings. Pole and equipment heights will be determined on a project specific basis.*
- b. What views in the immediate vicinity would be altered or obstructed? *This is a non-project action code amendment request. Views will be assessed on a project site specific basis as part of design and development permit review as applicable.*
- b. Proposed measures to reduce or control aesthetic impacts, if any:
Aesthetics impacts will not result from the non-project action code amendments; therefore no measures are proposed.

11. Light and Glare [\[help\]](#)

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? *Light and glare will not result from the non-project action code amendment requests or future PSE proposals to which the code amendments will apply.*
- b. Could light or glare from the finished project be a safety hazard or interfere with views?
Light or glare will not result from PSE's proposal.
- c. What existing off-site sources of light or glare may affect your proposal?
Off-site sources of light or glare will not impact the non-project action code amendments or future proposals to which the amendments will be applied.
- d. Proposed measures to reduce or control light and glare impacts, if any:
No impacts will result from PSE's proposals; therefore no measures are proposed.

12. Recreation [\[help\]](#)

- a. What designated and informal recreational opportunities are in the immediate vicinity?
This is a non-project action code amendment request that is not site specific. Recreational opportunities will be evaluated on a project site specific basis; although PSE's projects do not make direct use of recreational opportunities. PSE infrastructure is generally compatible with and can be collocated with recreational opportunities.
- b. Would the proposed project displace any existing recreational uses? If so, describe.
This is a non-project action code amendment request and will not displace any recreational uses. Recreational opportunities will be evaluated on a project site specific basis; although PSE's proposals are generally compatible with recreational activities where present.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: *The non-project action request will not impact recreation; therefore no measures are proposed.*

13. Historic and cultural preservation [\[help\]](#)

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe. *The non-project action code amendment request is not site specific. The presence of listed or eligible historic structures or sites will be evaluated on a project site specific basis as applicable.*

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. *The non-project action code amendment request is not site specific. The presence of landmarks, features, or other evidence of Indian or historic use or occupation will be evaluated on a project site specific basis as applicable.*
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. *This is a non-project action request that is not site specific. Therefore, methods will be determined on a project site specific basis as applicable to the project scope and location.*
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. *The non-project action code amendment request will not result in disturbance to resources; therefore no measures are proposed.*

14. Transportation [\[help\]](#)

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. *This is a non-project action request that is not site specific. Therefore, site access is not applicable.*
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? *This is a non-project action request that is not site specific. Transit use is not applicable to PSE's electrical utility infrastructure.*
- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? *This is a non-project code amendment request that is not site specific. Dedicated parking is generally not applicable to PSE's linear utility infrastructure.*
- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). *This is a non-project code amendment request that is not site specific. Transportation improvements will be assessed on a project specific basis; however are generally not applicable to PSE's proposed infrastructure maintenance, upgrades or installation.*
- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. *This is a non-project code amendment request. Bainbridge Island is served by ferry. PSE's maintenance staff occasionally use the ferry to travel to and from the Island. Air and rail transportation are not applicable.*
- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? *The non-project action code amendment request will not generate daily vehicular trips. PSE's electrical utility infrastructure does not result in daily vehicular trips.*

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. *The non-project code amendment or any future PSE proposals will not be affected by the movement of agricultural or forest products.*
- h. Proposed measures to reduce or control transportation impacts, if any:
No transportation impacts will result from the non-project action request; therefore no measures are proposed.

15. Public Services [\[help\]](#)

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.
This is a non-project action code amendment request and will not result in an increased need for public services.
- b. Proposed measures to reduce or control direct impacts on public services, if any.
No impacts are anticipated from this non-project action request; therefore no measures are proposed.

16. Utilities [\[help\]](#)

- a. Circle utilities currently available at the site:
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____
This is a non-project action request that is not site specific. Utilities available on the site will be dependent on location of future proposals. PSE's electrical utility infrastructure generally does not use other utility services.
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. *No utilities are proposed associated with the non-project action request. The code amendments will support PSE's ability to maintain, upgrade and install new electrical utility infrastructure to serve the needs of the Bainbridge Island community.*

C. Signature [\[HELP\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Kerry Kriner

Name of signee: Kerry Kriner

Position and Agency/Organization: Consulting Land Planner/Puget Sound
Energy

Date Submitted: 4/20/22, updated 1/15/24

D. Supplemental sheet for nonproject actions [\[HELP\]](#)

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The non-project action code amendment request will not increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances, or production of noise. Any impacts will be assessed on a project specific basis.

Proposed measures to avoid or reduce such increases are:

No increases are anticipated; therefore no measures are warranted.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The non-project action code amendment request will not affect plants, animals, fish or marine life. Future proposals to which the code amendments will be applied will be evaluated on a site and scope specific basis as part of applicable development permit review.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

No impacts are anticipated from the non-project action request; therefore no measures are proposed.

3. How would the proposal be likely to deplete energy or natural resources?

The non-project action code amendment request will not deplete energy or natural resources. The goal of the proposed code amendments is to support PSE's ability to maintain, upgrade and install new electrical utility infrastructure to support the needs of the Bainbridge Island community.

Proposed measures to protect or conserve energy and natural resources are:

The non-project action request will not result in depletion of energy or natural resources; therefore no measures are necessary.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands? *The non-project action code amendment request will not use or affect environmentally sensitive areas or areas designated for governmental protection. The code amendment request includes a proposal to modify the existing prohibition on primary utilities in Category I and II wetlands. The amendment would allow maintenance and upgrades of existing facilities in Category I wetlands (only one instance is known for PSE's facilities). The amendment would also allow for the maintenance, upgrade and installation of new linear utility infrastructure with limited impacts to Category II wetlands. Impacts to other environmentally sensitive areas will be assessed on a site specific basis depending upon the scope and location of future proposals. Applicable analysis and permitting will be applied at that time.*

Proposed measures to protect such resources or to avoid or reduce impacts are:

The impacts to resources will be site and project scope specific. PSE is proposing to limit impacts that will result from the wetland prohibition code amendment by limiting the scope of the amendment to maintaining and upgrading existing cross country facilities and allowing for maintenance, upgrade of linear utility facilities in Category I and II wetlands and the installation of new linear facilities in or adjacent

to public road rights-of-way in Category II wetlands. Installation of new facilities in Category I wetlands and the creation of new cross-country corridors in Category II wetlands will continue to be prohibited. To the extent future impacts occur, PSE will comply with applicable regulations to avoid, minimize and mitigate for impacts.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans? *The non-project action code amendment request will not affect land and shoreline use as it is not site specific. Impacts to land and shoreline use will be analyzed on a site specific basis for future proposals that to which the code amendments will be applied at the time of design and development permit review.*

Proposed measures to avoid or reduce shoreline and land use impacts are:
No impacts are anticipated from the non-project code amendment request; therefore no measures are proposed. To the extent that future impacts occur, PSE will comply with applicable regulations to avoid, minimize and mitigate for impacts.

6. How would the proposal be likely to increase demands on transportation or public services and utilities? *The non-project action code amendment request will not increase demands on transportation or public services and utilities. PSE's infrastructure requires negligible use of transportation or public services.*

Proposed measures to reduce or respond to such demand(s) are:
No impacts will occur from the non-project action request; therefore no measures are proposed.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment. *The non-project action code amendment request does not conflict with local, state, or federal laws or requirements for the protection of the environment. The proposal is to amend sections of the City of Bainbridge Island Municipal Code. PSE is going through the appropriate regulatory process to seek approval of these amendments and that process includes demonstrating need for the amendments and the approved amendments will not conflict with local, state, or federal laws.*



CITY OF
BAINBRIDGE ISLAND

Planning Commission Regular Meeting Agenda Bill

MEETING DATE: March 14, 2024

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: Nominations for Selection Panel for New Appointments to Planning Commission

AGENDA CATEGORY: Appointment

PROPOSED BY: HB Harper

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

PREVIOUS COUCIL REVIEW DATE(S): August 11 and 25, 2020; January 23, 2024 and February 13, 2024

RECOMMENDED MOTION:

I nominate _____ and _____ to the selection panel for new member appointment to the Planning Commission.

SUMMARY:

Earlier this year, the City Council passed an ordinance relating to member appointment and confirmation process for advisory bodies. The ordinance stipulates that recommendations of appointments of members to the Planning Commission shall be provided by a member selection panel composed of two or three Council members, including the Council liaison(s), one or two Planning Commission members, including the chair, and one member or delegate from the Race Equity Advisory Committee, as available. The panel will be invited to review applications and interview applicants in mid-April. Council is anticipated to make appointments in June.

BACKGROUND: On January 23, 2024, Council directed staff to formalize and continue a selection process for the Planning Commission as described by a subcommittee of the City Council and the Planning Commission in 2020. On February 13, 2024, Council approved Ordinance 2024-03, which amended Bainbridge Island Municipal Code 2.01.015 to add the following language: BIMC 2.01.015 B. Recommendations of appointments of members to the Planning Commission shall be provided by a member selection panel composed of two or three Council members, including the Council liaison(s), one or two Planning Commission members, including the chair, and one member or delegate from the Race Equity Advisory Committee, as available.

ATTACHMENTS: