



**PLANNING COMMISSION REGULAR MEETING
THURSDAY, APRIL 25, 2024**

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

AND

ZOOM WEBINAR
[HTTPS://BAINBRIDGEWA.ZOOM.US/J/81285913438](https://bainbridgewa.zoom.us/j/81285913438)
OR TELEPHONE: US: +1 253 205 0468
WEBINAR ID: 812 8591 3438

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.
 - 2a. **Minutes** 5 Minutes
[PC Minutes 04112024.pdf](#)
3. **PUBLIC COMMENT - 6:10 PM**
 - 3a. **Public Comment** 10 Minutes
[Instructions for Providing Public Comment at Hybrid Meetings.pdf](#)
4. **NEW BUSINESS - 6:20 PM**
 - 4a. **Noise Variance for City of Bainbridge Island Public Works to pour concrete for the new water tank** 10 Minutes
[Noise Variance - Project Narrative.pdf](#)

[Site Map.pdf](#)

- 4b. [Discuss how hotels could be regulated in downtown Winslow zoning districts](#) 30 Minutes
[Apr 25 2024 Hotels PC Presentation.pdf](#)

5. **UNFINISHED BUSINESS - 7:00 PM**

[Puget Sound Energy \(PSE\) Code Amendment Requests - Options for Discussion](#) 30 Minutes
[Options for Discussion_04252024.pdf](#)

6. **PLANNING DIRECTOR'S REPORT AND ONGOING DISCUSSION OF SB 5290 ON PERMIT REVIEW TIMES - 7:30 PM**

7. **FOR THE GOOD OF THE ORDER - 7:40 PM**

8. **ADJOURNMENT - 7:45 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: April 25, 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 approve the March 28, 2024, meeting minutes as presented.

SUMMARY:

BACKGROUND:

ATTACHMENTS:



Planning Commission April 11, 2024

Meeting Minutes

1) CALL TO ORDER/LAND ACKNOWLEDGMENT/AGENDA REVIEW

Acting Chair Blossom called the meeting to order at 6:02 PM, in the Council Chamber and on the Zoom platform. She read the Land Acknowledgement. There were no changes to the agenda and no conflicts of interest disclosed.

Present in the Council Chambers were Commissioners Blossom, Schaab, Birtley, and Deines. Commissioner Sullivan was present via the Zoom platform and Commissioner Subramanian was excused. Planning & Community Development Director - Patty Charnas, City Planner – Joanne Mendenhall, and City Council Liaison - Ashley Mathews were also present.

2) PLANNING COMMISSION MEETING MINUTES

2.a Minutes
[Cover Page](#)
[PC Minutes 03282024.pdf](#)

MOTION: I move to approve the March 28, 2024, meeting minutes as presented.

Schaab/Deines: The motion passed unanimously.

3) PUBLIC COMMENT

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

No public comments were made.

4) PUBLIC PARTICIPATION MEETING

4.a Puget Sound Energy (PSE) Revised Murden Cove Substation Expansion Project -Public Participation Meeting (PPM)
[Cover Page](#)
[PLN52612_UPDATED Site Plan_Murden Cove Substation_03082024.pdf](#)

Acting Chair Blossom opened the Public Participation Meeting and introduced Planner - Joanne Mendenhall, who then summarized the project and introduced the PSE representatives who were present to talk about the revisions. Kerry Kriner of PSE presented the project and was joined by Molly Green and Jackson Knoll, to describe the revisions and answer questions. Acting Chair Blossom closed the Public Participation Meeting at 6:37 PM. There were no public comments made.

5) PLANNING DIRECTOR'S REPORT

Director Charnas provided information via PowerPoint regarding SB5290 - the permitting process reviewing times and basic information regarding permits, followed by Q/A from the commissioners.

6) FOR THE GOOD OF THE ORDER

Nothing was offered for the good of the order.

7) ADJOURNMENT - 7:02 PM



CITY OF
BAINBRIDGE ISLAND

Planning Commission Regular Meeting Agenda Bill

MEETING DATE: April 25, 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:

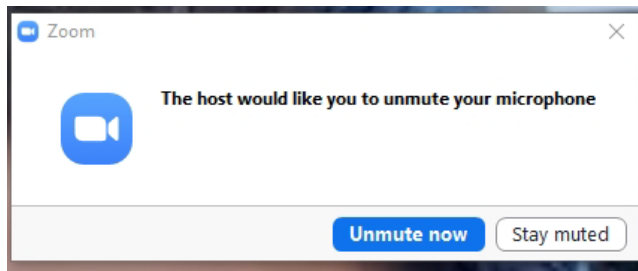


PLANNING AND COMMUNITY DEVELOPMENT

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: April 25, 2024

ESTIMATED TIME: 10 Minutes

AGENDA ITEM: Noise Variance for City of Bainbridge Island Public Works to pour concrete for the new water tank

AGENDA CATEGORY: Review and
Recommendation

PROPOSED BY: HB Harper

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

PREVIOUS COUCIL REVIEW DATE(S):

RECOMMENDED MOTION:

I move to approve a noise variance for the Winslow Water Tank Replacement Project to occur on Saturday May 11, 2024 for up to 16 hours starting at 4:00AM.

SUMMARY:

A variance from the noise standards may be granted by the Planning Commission (BIMC 16.16.030). Maximum environmental noise levels are established pursuant to BIMC 16.16.020 wherein WAC 173-60-040 standards are adopted by reference. WAC 173-060-040 establishes maximum permissible environmental noise levels during both daytime and nighttime hours. COBI Public Works request a noise variance for the concrete pour for the pile cap planned for May 11, 2024. It needs to be done in one pour to eliminate cold joints and retain its structural integrity. The pour will consist of 1,200 cubic yards of concrete, which is approximately 120 truckloads. It is worth noting that the pile cap bid item itself is worth \$1.65M and would be costly to redo.

BACKGROUND: The Winslow Water Tank System includes two tanks and is located on the Bainbridge Island School District property at 9530 NE High School Road. Tank 1 was built in the 1970s and Tank 2 was built in the 1990s. Tank 1 will be demolished and replaced with a new tank (Tank 3) as part of this project. Tank 2 will be emptied and left in place to be used as backup.

This variance request is being put forth as the contractor and the City would like to do the work on a Saturday to lessen the risk of conflicts on the highway and interruptions to the pour. The concrete pour is likely to take 12 to 16 hours so an early start time of 4 AM is proposed. The City will be offering to reserve hotel rooms for the families residing adjacent to the work site to try and mitigate the disruption to their lives.

ATTACHMENTS:

**Winslow Water Tank Replacement Project
Project Narrative for Noise Variance Request
Planning Commission Meeting – April 25, 2024**

The Winslow Water System operated by the City of Bainbridge Island (City) serves 4,775 Equivalent Residential Units in the Winslow and Fletcher Bay areas. The City has two existing reservoirs located within the Bainbridge Island School District property at 9530 NE High School Road, referred to here as Tank 1 and Tank 2. Tank 1 was built in the 1970s and Tank 2, the 1990s. As part of this project, Tank 1 will be demolished and replaced with a new tank (Tank 3) just north of Tank 2 (see site map). Tank 2 will be emptied and left in place to be used as a backup for when the new elevated tank is taken down for maintenance and for emergency use.

At present, the new water tank is under construction. To date, the land has been cleared, seventy-two 30-inch diameter, 58.5 feet deep auger cast piles have been installed, and the pile cap has been formed and rebar installed.

The concrete pour for the pile cap is planned to occur on May 11, 2024. It needs to be done in one pour to eliminate cold joints and retain its structural integrity. The pour will consist of 1,200 cubic yards of concrete, this is approx. 120 truckloads. It is worth noting that the pile cap bid item itself is worth \$1.65M and would be costly to redo.

This variance request is being put forth as the contractor and the City would like to do the work on a Saturday to lessen the risk of conflicts on the highway and interruptions to the pour. The concrete pour is likely to take 12 to 16 hours so an early start time of 4 AM is proposed. The City will be offering to reserve hotel rooms for the families residing adjacent to the work site to try and mitigate the disruption to their lives.

Chapter 16.16 NOISE REGULATIONS

Sections:

- 16.16.001 Declaration of policy.**
- 16.16.005 Definitions.**
- 16.16.010 Motor vehicle noise performance standards.**
- 16.16.020 Maximum environmental noise levels.**
- 16.16.025 Limitation on construction activities.**
- 16.16.030 Variance procedures.**
- 16.16.040 Designation of zoned areas.**
- 16.16.050 Violation – Penalty.**
- 16.16.060 Enforcement and authority – Civil infractions.**

16.16.001 Declaration of policy.

The city council finds that inadequately controlled noise adversely affects the health, safety and welfare of the people, the value of property, and the quality of the environment. Therefore, it is declared to be the policy of the city to minimize the exposure of citizens to the harmful, physiological and psychological effects of excessive noise. It is the express intent of the city to control the level of noise in a manner which promotes use, value and enjoyment of property, sleep and repose, and quality of the environment and commerce. (Ord. 2001-04 § 1, 2001)

16.16.005 Definitions.

“Self-help housing program” means an affordable housing program sponsored by a nonprofit housing organization, which requires that an owner perform a certain percentage of construction labor, earning a portion of equity in the home. These programs are also known as “sweat equity” programs. (Ord. 2001-04 § 2, 2001)

16.16.010 Motor vehicle noise performance standards.

WAC [173-62-020](#), [173-62-030](#) and [173-62-040](#) are adopted by reference. (Ord. 75-13 § 1, 1975)

16.16.020 Maximum environmental noise levels.

WAC [173-60-020](#), [173-60-040](#) and [173-60-090](#) are adopted by reference. WAC [173-60-050](#) is also adopted by reference, except as to WAC [173-60-050](#)(3)(a). (Ord. 2001-04 § 3, 2001; Ord. 75-13 § 2, 1975)

16.16.025 Limitation on construction activities.

The following noise limitations apply to construction activities in residential zones (Class A EDNAs):

A. Construction activities within residential zones or within 100 feet of residential zones shall be prohibited between the hours of 7:00 p.m. and 7:00 a.m. on weekdays that do not constitute legal holidays.

B. Construction activities within residential zones or within 100 feet of residential zones shall be prohibited before 9:00 a.m. and after 6:00 p.m. on Saturdays that do not constitute legal holidays.

C. Construction activities within residential zones or within 100 feet of residential zones shall be prohibited on Sundays and all legal holidays except that work on the inside of an enclosed structure may occur between the hours of 10:00 a.m. and 4:00 p.m.

D. For purposes of this section, “construction activities” means any site preparation, assembly, construction, erection, demolition, substantial repair, alteration or similar action on property, buildings, structures or utilities. “Construction activities” shall not include activities involving projects by homeowners for home improvements, maintenance or repair of residential structures, grounds and appurtenances or homeowners building their house under a self-help housing program, which activities shall continue to be governed by BIMC [16.16.020](#). (Ord. 2001-04 § 4, 2001)

16.16.030 Variance procedures.

A variance from the provisions of BIMC [16.16.020](#) may be granted by the planning commission. For any such variance, application shall be made in writing and upon forms provided by the city and no variance shall be granted for longer than 30 days, except after a public hearing has been held. The planning commission may, in its discretion, hold a public hearing on any application when substantial public interest is shown. Any person may appeal the granting or denial of a variance by the planning commission by filing an appeal with the Pollution Control Hearing Board pursuant to Chapter [43.21B](#) RCW under the procedures of Chapter [371-08](#) WAC. (Ord. 2001-41 § 4, 2001: Ord. 75-13 § 3, 1975)

16.16.040 Designation of zoned areas.

The EDNA (Environmental Designation for Noise Abatement) is established as follows:

A. Residential zones, Class A EDNA;

B. Commercial zones, Class B EDNA;

C. Industrial zones, Class C EDNA. (Ord. 75-13 § 4, 1975)

16.16.050 Violation – Penalty.

A. Violations – Unlawful. The violation or failure to comply with any provisions of this chapter is declared to be unlawful.

B. Civil Infraction. Any violation of any provision of this chapter is a civil infraction as provided in Chapter [1.26](#) BIMC for which a monetary penalty may be assessed. The monetary penalty shall be as follows:

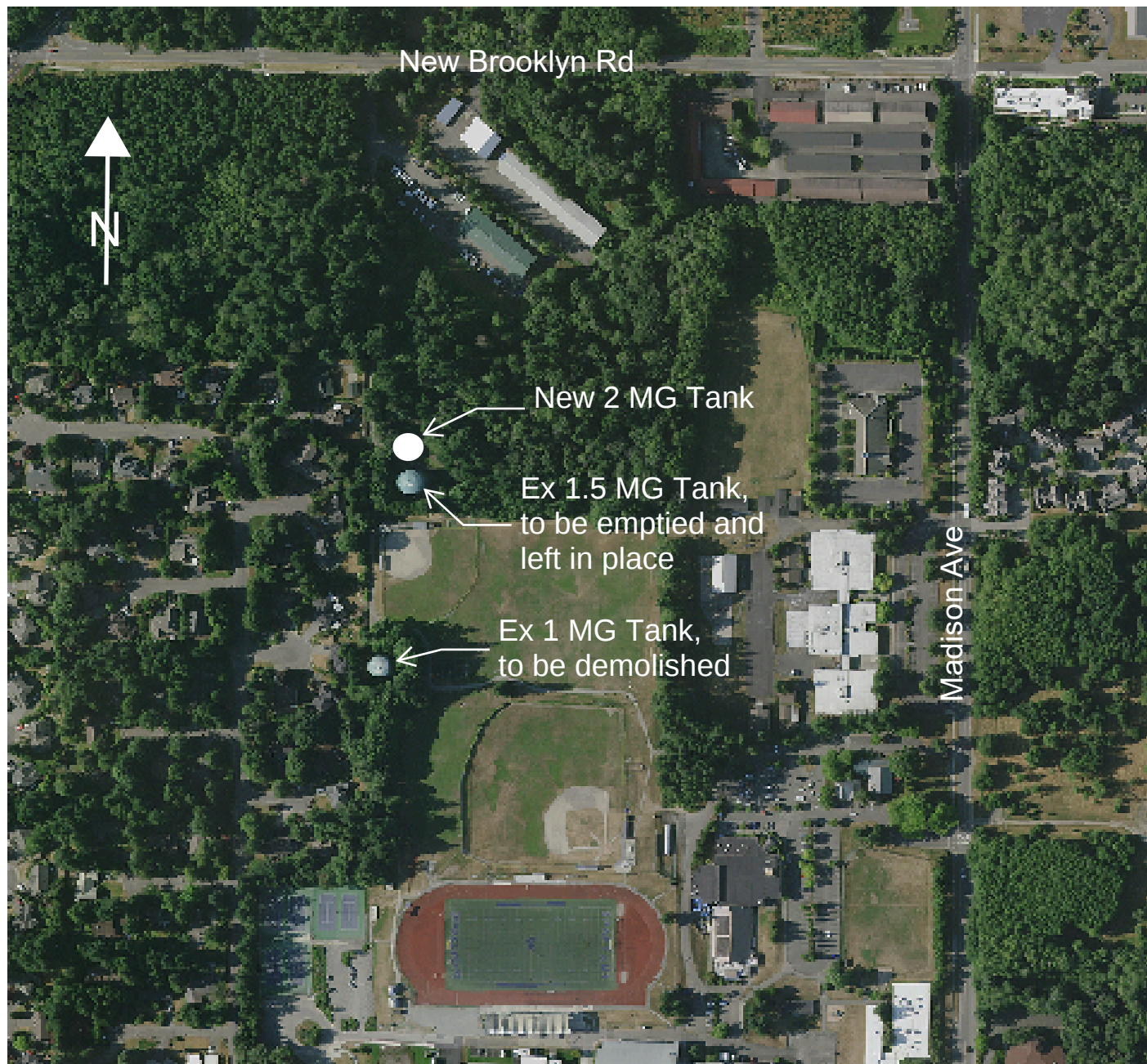
1. If a person violates this chapter and has not committed a violation under this chapter at any location within the city in the two-year period preceding the most recent violation, a warning citation shall be issued but no monetary penalty shall be assessed.

2. If a person violates this chapter and has previously committed one or more violations under this chapter at any location in the city within the two-year period preceding the most recent violation, a citation shall be issued assessing a monetary penalty as established by city council resolution.

(Ord. 2001-04 § 5, 2001: Ord. 75-13 § 5, 1975)

16.16.060 Enforcement and authority – Civil infractions.

The police department and the code enforcement officer shall be responsible for the enforcement of this chapter and are authorized to issue, serve and file notice of infraction in the manner set forth in Chapter [1.26](#) BIMC for violations of the provisions of this chapter. (Ord. 2002-10 § 1, 2002: Ord. 2001-04 § 1, 2001)



Winslow Water Tank Replacement Project
Site Map



CITY OF
BAINBRIDGE ISLAND

Planning Commission Regular Meeting Agenda Bill

MEETING DATE: April 25, 2024

ESTIMATED TIME: 30 Minutes

AGENDA ITEM: Discuss how hotels could be regulated in downtown Winslow zoning districts

AGENDA CATEGORY: Discussion

PROPOSED BY: Jennifer Sutton

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

PREVIOUS COUCIL REVIEW DATE(S): December 12, 2023

RECOMMENDED MOTION:

Discussion only. City planning staff is seeking policy recommendations from the Planning Commission on new regulations for hotels in downtown Winslow zoning districts.

SUMMARY:

Per City Council direction, Planning staff will give a presentation to the Planning Commission regarding:

1. how hotels are currently regulated on Bainbridge Island, and
2. considerations for where and how hotels could be allowed.

This information is a starting point for the Planning Commission discussion. Planning Commission policy recommendations will be integrated into a draft ordinance for review, public hearing, and a recommendation to City Council.

BACKGROUND: Hotels are currently not allowed in downtown Winslow. On April 13, 2021, the City Council approved Ordinance No. 2021-03, prohibiting hotels in the Central Core, Gateway, and Ferry Terminal zones (“downtown” Winslow). Prior to approval of the ordinance, hotels had been allowed in those zones as a “Conditional Use.” Hotels continue to be allowed as a permitted use in the High School Road zones.

In July, 2021, the City Council directed that the Planning Commission provide an initial advisory recommendation on whether hotels in the downtown Winslow area can be considered a consistent use relative to Comprehensive Plan goals and policies. In October, 2021, the Planning Commission concluded that hotels in the downtown Winslow area can be considered consistent with the goals and policies of the Comprehensive Plan, provided there is a review and revision, if necessary, of the definition of hotels and of hotel-specific use and development standards, beyond the zoning dimensional standards.

On December 12, 2023, the City Council referred the issue of updating the development code for hotels to the Planning Commission for a recommendation, including the following parameters:

1. permit hotels in additional Winslow area mixed use zoning districts, and
2. add new "Use Specific Standards" for hotels, considering issues such as outdoor noise, physical size, and number of rooms.

ATTACHMENTS:

How to allow *Hotels* in Winslow

Planning Commission Discussion
April 25, 2024



Meeting Purpose

Discuss potential regulations for hotels in downtown Winslow.

City Council motion asked for recommendations on updated code for hotels that:

- 1) permits hotels in additional Winslow area mixed use zoning districts, and
- 2) adds new "Use Specific Standards" for hotels, considering issues such as **outdoor noise, physical size, and number of rooms.**



Background: Zoning Definitions

“Hotel” means a building (or group of buildings) containing guest rooms, where lodging is provided for transient visitors.

- May contain one or more restaurants
- Not a bed and breakfast lodging or inn
- Not a short-term rental of a single-family residence

“Inn” means a building (or group of buildings) containing up to **15 guest rooms**, where lodging is provided for transient visitors.

- May contain a kitchen and/or dining room for serving meals
- Individual rooms may include a bar-type sink and under-counter refrigerator but may not include a full sink, full-sized refrigerator or cooking range.
- Not a motel or bed and breakfast

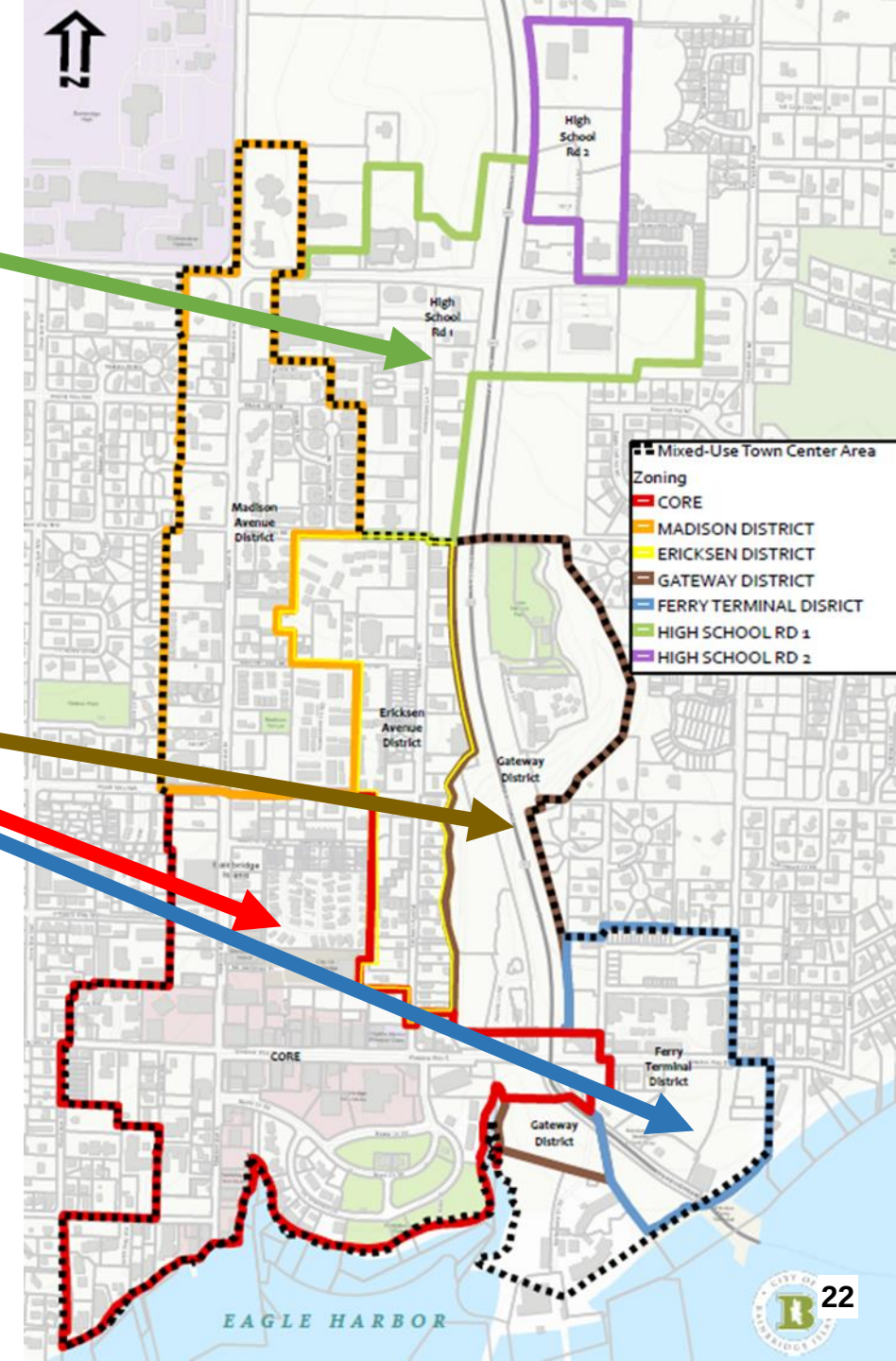


Background

Hotels are a permitted use in the High School Road zones.

In April 2021, the City Council approved Ordinance 2021-03, changing the zoning code to prohibit hotels in the Central Core, Gateway, and Ferry Terminal zones.

Prior to approval of the ordinance, hotels had been allowed as a “Conditional Use” in these three zones.





Why Does Bainbridge Need Hotels?

- Visitors and general tourism
- Seattle spill-over: e.g., cruises, big concerts, sporting events or conferences
- Public and private on-island events: e.g., sports tournaments, conferences, weddings, performing arts





Hotels: Beyond Accommodation

- Meeting or Event Space
- Restaurant or Bar
- Guest Gym or Pool
- Salon or Spa
- Retail
- Entertainment



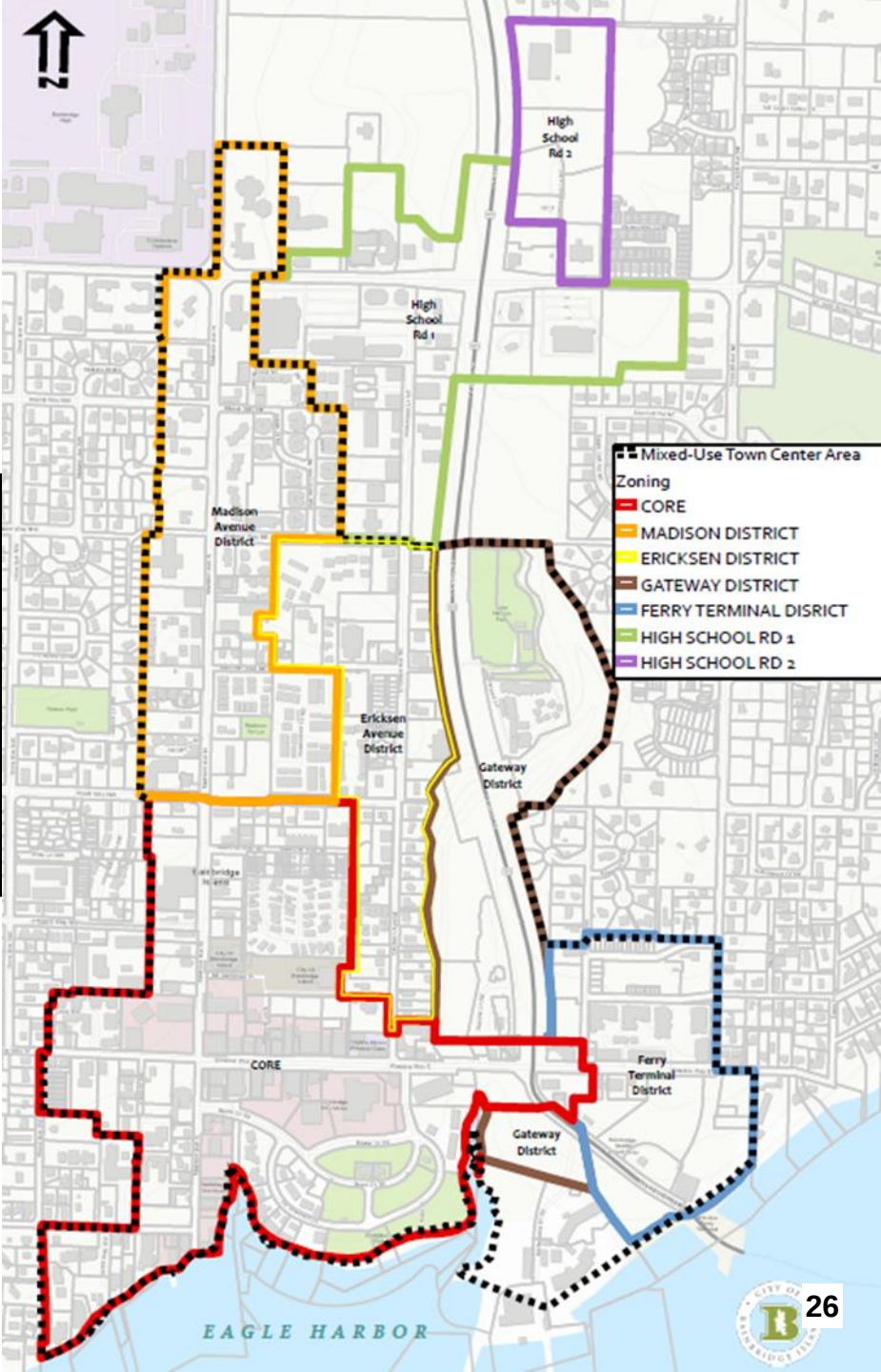
Existing Regulations: BIMC Table 18.09.020 Use Table (excerpt)

“P” = Permitted Use		“A” = Accessory Use										Additional use restrictions for Chapters 16.12 and 16.20 BIMC may apply to shoreline or critical area properties								
“C” = Conditional Use		“CA” = Conditional Accessory Use																		
Blank = Prohibited Use		“T” = Temporary Use																		
ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I	Use-Specific Standards BIMC 18.09.030
USE CATEGORY/TYPE											CC	MA	EA	Gate	Ferry [1]					
Hotels & Possible Related Uses																				
Entertainment Facility											P					P	C			
Inn											P	P	P	P	P	P	C			D-1
Hotel																P				
Restaurant											P	P	P	P	P	P	P			
Personal Service											P	P	P	P	P	P	P			D-6
Retail Sales											P	P	P	P		P	P	A		D-9

Policy Direction on Hotels: *Considering Scale*

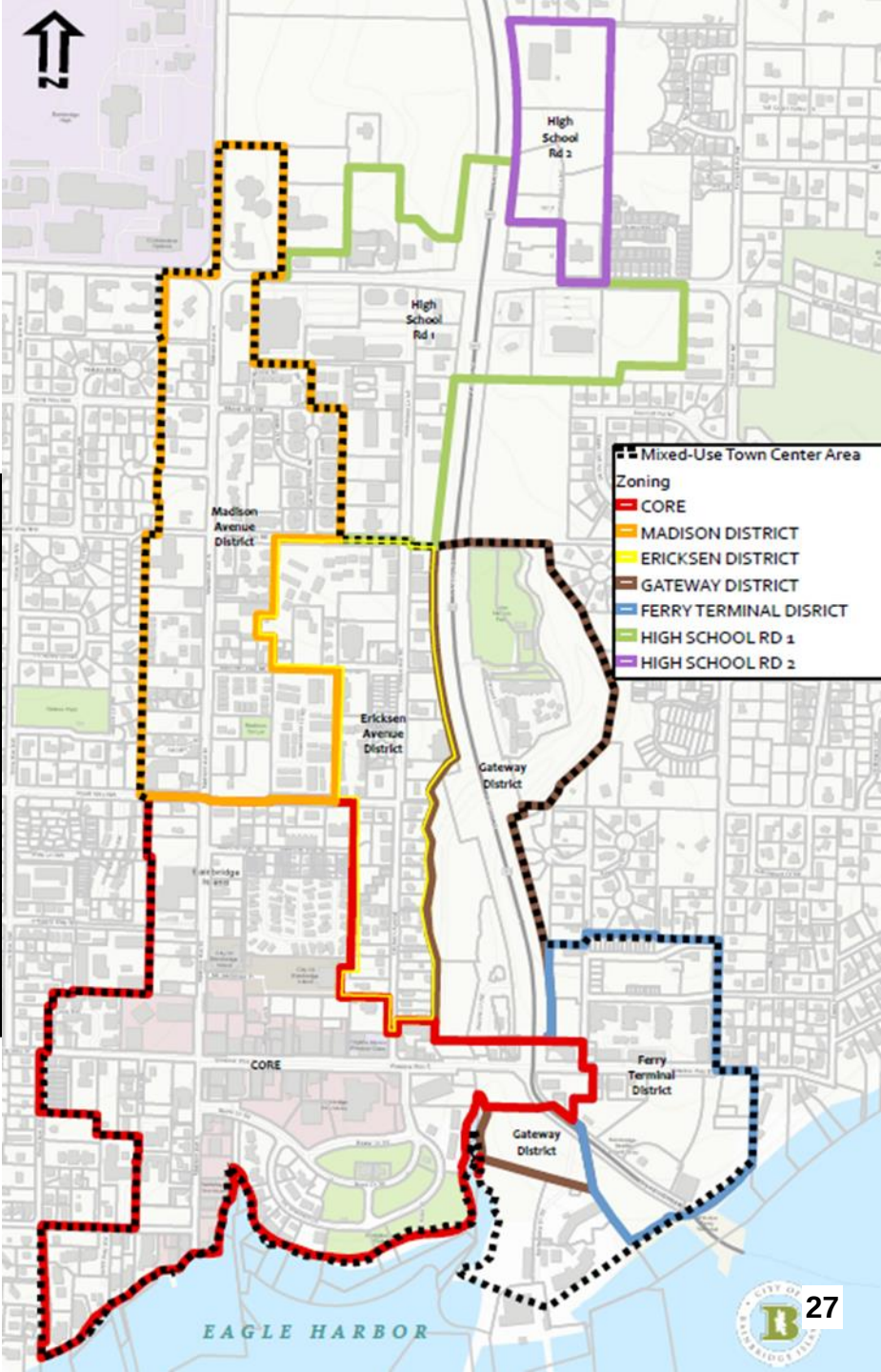
Location: Where Should Hotels be Allowed?	All Winslow Mixed Use Zones	Only in High School, Core, Ferry & Madison Zones
Scale: Consider 2 tiers of hotels	16-60 Rooms	60+ Rooms
Limit Size of Bar/ Restaurant	25% of Hotel Occupancy	No Limit

Permitted through a Site Plan and Design Review (SPR) permit



Policy Direction on Hotels: *Placing Limits*

	All Winslow Mixed Use Zones	Only in High School, Core, Ferry & Madison Zones
Limit spa, salon, and/or retail within hotel	25% of overall hotel size	No Limit
Limit indoor entertainment to zones that already allow entertainment facilities		High School & Core Zones
No outdoor stage or performing area		



Evaluated During Land Use Permitting

- Proposed use(s)
- Building bulk (height, setbacks, size)
- Parking
- Design (Design Review Board)
- Circulation/traffic: pedestrian, bicycle and automobile
- Utilities
- Stormwater management
- Landscaping



Approval Process for SPR Permit

- Review and recommendation by Planning Commission
- Director decision
- Decision criteria include context-sensitive design



How are hotels regulated in other West Sound cities?

Poulsbo: Hotels allowed in all commercial zones without any limitations on accessory services (e.g., restaurants) or scale beyond zoning standards.

Port Orchard: Hotels allowed in most mixed use zones and some commercial zones. Restaurants allowed, unclear if other accessory services allowed.

Bremerton: Hotels allowed in some, but not all, commercial and mixed use zones without any limitations on accessory services or scale beyond zoning standards.

Port Townsend: Hotels allowed in some, but not all, commercial and mixed use zones without any limitations on accessory services or scale beyond zoning standards.



Next Steps on Hotels

Planning Commission policy recommendations will be integrated into a *DRAFT* ordinance.

DRAFT ordinance will return to the Planning Commission for review, public hearing and recommendation to City Council.





CITY OF
BAINBRIDGE ISLAND

Planning Commission Regular Meeting Agenda Bill

MEETING DATE: April 25, 2024

ESTIMATED TIME: 30 Minutes

AGENDA ITEM: Puget Sound Energy (PSE) Code Amendment Requests - Options for Discussion

AGENDA CATEGORY: Discussion

PROPOSED BY: Jo Mendenhall

PREVIOUS PLANNING COMMISSION

REVIEW DATE(S): February 22, 2024, March 14, 2024, and March 28, 2024

PREVIOUS COUCIL REVIEW DATE(S):

RECOMMENDED MOTION:

Information only

SUMMARY:

Staff will present and discuss with Planning Commission possible language to address Puget Sound Energy (PSE)'s request for code amendments in support of their broad work plan to upgrade electrical transmission and distribution lines to better provide service to the residents of the City of Bainbridge Island.

BACKGROUND: Puget Sound Energy (PSE) submitted an application for code amendments under Bainbridge Island Municipal Code (BIMC) 2.16.180. 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, commissioners moved to separate out the various code amendment requests to be considered at several Planning Commission meetings. The March 14, 2024, discussion focused 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. The March 28th discussion focused on the PSE-requested amendments to BIMC 2.16.020.D regarding who can apply for permits. Tonight's presentation will review the entirety of all code amendment requests by PSE. Staff will sequentially display the request, followed by the existing code (the "no change" option) and then by the PSE requested code language and staff preliminary recommended code language.

ATTACHMENTS:

OPTIONS FOR DISCUSSION

PSE REQUEST FOR LEGISLATIVE REVIEW OF LAND USE
REGULATIONS

Format of Tonight's Discussion

- For each section of code
 - Nature of request
 - Option 1: no change, keep existing code
 - Option 2: PSE proposed code language
 - Option 3: Preliminary staff recommendation

REQUEST:

Allow a public or private utility to be an applicant if they provide written documentation of their authority to exercise eminent domain under Title 80.32.060 RCW.

OPTION 1 NO CHANGE

Who Can Apply:

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.

Project details involving the location and placement of electric utility poles and wires can change during the permit review process. No change to the definition of applicant may force PSE to acquire rights to property it does not need or where PSE does not have sufficient rights under the RCW code. Both outcomes have the potential to negatively impact Bainbridge Island property owners and is not in the best interest of PSE rate payers.

OPTION 2
PSE PROPOSAL

Allow a public or private utility that provides written documentation of their authority to exercise eminent domain

OPTION 3
PRELIMINARY STAFF
RECOMMENDATION

Allow a public or private utility with powers of eminent domain to apply once they can demonstrate the following:

- Must send a notice sent by the applicant via certified mail, advising the owner that their property will be affected by the project, and
- That the utility will be filing an application with the City for a permit to perform work on the property owner's property.
 - [OPTION 3A] Documentation of owner authorization or necessary property rights shall be required prior to permit issuance.
 - [OPTION 3B] Any permit approvals will be conditioned to require that no construction work may occur on any individual property until all necessary property rights have been secured from the property owner.

REQUEST:

Exempt utility corridors on easements for properties not owned by the utility provider (in this case PSE) from the Aquifer Recharge Protection Area (ARPA) dedication requirement.

OPTION 1 NO CHANGE

Designation of an ARPA is not required for the following:

1. Removal of invasive species;
2. Construction of public trails;
3. Replacement of hard surfaces; and
4. Development and activities located on properties protected in perpetuity by other means...

If ARPA requirements cannot be met, the permits would be denied.
This would prevent PSE from completing planned projects.

OPTION 2
PSE PROPOSAL

Add to the ARPA-exempt activity list:

Activities related to the installation, upgrade and maintenance of utility facilities and corridors, when located on property not owned by the utility provider.

OPTION 3
PRELIMINARY STAFF
RECOMMENDATION



Add PSE to the list of exemptions per their request, but also:

- Require PSE to submit a vegetation restoration plan including:
 - Tree inventory showing existing trees and trees to be removed
 - A minimum ratio of 2:1 replacement trees for each tree removed, or equal canopy coverage replacement
 - Replacement trees may be planted at a nearby location.
 - Additional tree planting may be required to achieve sufficient groundwater recharge, to the satisfaction of the City Arborist.
 - Shrubs and other vegetation may be substituted for trees in locations where trees are infeasible or inappropriate due to compatibility with utility use.

REQUEST:

Allow maintenance and upgrades for infrastructure already in Category I and II wetlands.

Allow installation of new linear utility infrastructure along or adjacent to road right-of-way within Category II wetlands and their buffers.

OPTION 1 NO CHANGE

The following development, uses and activities are prohibited in Category I and II wetlands:

...

i. Primary utility.

- PSE could not upgrade existing infrastructure resulting in unreliable power in unsafe corridors. Existing systems will not be able to take advantage of upgrades that can lessen wetland impacts and provide improved safety and reliability.
- 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.

OPTION 2
PSE PROPOSAL

The following development, uses and activities are prohibited in Category I and II wetlands:

...

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.

OPTION 3
PRELIMINARY STAFF
RECOMMENDATION

The following development, uses and activities are prohibited in Category I and II wetlands:

...

i. Primary utility. Exceptions for electric utility development may apply if the [following] are met.

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next slide



Continued from
previous slide

OPTION 3
PRELIMINARY STAFF
RECOMMENDATION

Construction of distribution and transmission utility lines may be permitted in category II wetlands provided:

- a. The applicant demonstrates that strict application of the critical area regulations would unreasonably restrict the ability to provide utility services to the public ...
- b. There is no practicable alternative location with less adverse impact on the functions and values of the critical area and buffer
- c. Construction of the utility is within or directly adjacent to an existing road right-of-way;
- d. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site; and
- e. The proposal avoids and minimizes the impact on critical areas in accordance with the required mitigation sequencing and is consistent with best available science.

Similar language for maintenance and upgrades to existing distribution and transmission utility lines may be permitted in category I and II wetlands

REQUEST:

Remove ambiguity around when a conditional use permit is needed for height. Allow height modifications to apply for both replacement distribution or transmission poles and to new poles added along an existing distribution or transmission corridor.

OPTION 1 NO CHANGE

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 the shoreline jurisdiction										
All lots										
Base	30 ft.	30 ft.	25 ft.				30 ft.	35		
Bonus for Nonresidential Uses If Conditional Use Permit Conditions 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.									
Shoreline Jurisdiction	See Table 16.12.030-2, Dimensional Standards Table, and BIMC 16.12.030.B.3.i, Regulations – Shoreline Structure Setback View Requirement.									

ZONING DISTRICT DIMENSIONAL STANDARD	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
MAXIMUM BUILDING AND STRUCTURE HEIGHT [5]									
Note: Bonus may not be available in the shoreline jurisdiction									
Base	35 ft.; 25 ft. max. south of Parfitt	25 ft.; 35 ft. north of High School Road	25 ft.	35 ft.	BIMC 18.12.030.C standard height north of Winslow Way; 35 ft. south of Winslow Way	35 ft.	35 ft.	35 ft.	35 ft. except that Chapter 16.12 BIM C 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.								

“Replacement of a distribution utility pole or a transmission utility pole exceeding the height and/or location standards established in Table 18.12.040 shall require minor site plan review approval in accordance with BIMC 2.16.040 prior to installing the replacement pole.”

Several sections of code

Minor SPR required?

Minor CUP required?

Type of Encroachment	Encroachment Permitted	Conditions
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 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 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.

- Continued lack of clarity
- PSE may choose to not implement upgrades that would require additional pole placement to achieve better service outcomes.

OPTION 2

PSE PROPOSAL

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>					
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>					

Type of Encroachment	Encroachment Permitted	Conditions
Permitted Height Modifications		
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.
<u>Utility structures existing on the effective date of the ordinance codified in this subsection</u>	<u>Existing height</u>	<u>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.</u>

OPTION 3 PRELIMINARY STAFF RECOMMENDATION

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 the shoreline jurisdiction										
All lots										
Base	30 ft.	30 ft.	25 ft.				30 ft.	35		
Bonus for Nonresidential Uses If Conditional Use Permit Conditions Met	35 ft.	35 ft.	30 ft.				35 ft.	40 ft.	40 ft. See BIMC 18.12.03 0.B	
Distribution utility poles	55 feet in height above grade. Alternative height limits may apply if additional conditional use permit provisions of BIMC Title 2.16.050.F are met. See BIMC 18.09.030.F.2 for use standards.									
Transmission utility poles	100 feet in height above grade. Alternative height limits may apply if additional conditional use permit provisions of BIMC Title 2.16.050.F are met. See BIMC 18.09.030.F.2 for use standards.									
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.									
Shoreline Jurisdiction	See Table 16.12.030-2, Dimensional Standards Table, and BIMC 16.12.030.B.3.i, Regulations – Shoreline Structure Setback View Requirement.									

And exact same language in the Winslow zones table

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next slide



OPTION 3

PRELIMINARY STAFF RECOMMENDATION

Plus: A new pole added along an existing distribution or transmission line that does not exceed the height of the surrounding existing poles is considered part of an upgrade to that utility corridor.

And: Replacement, maintenance or upgrade of a distribution utility pole or a transmission utility pole exceeding the height and/or location standards ...shall require ~~minor site plan review~~ minor conditional use approval prior to installing the replacement pole.

REQUEST:

Allow overhead and underground primary utilities (as well as the already allowed accessory utilities) in setbacks.

OPTION 1 NO CHANGE

Type of Encroachment	Encroachment Permitted	Conditions
Permitted Setback Modifications		
Signs	In any required setback	Must conform to Chapter 15.08 BIMC
Overhead or underground accessory utilities	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	

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.

OPTION 2
PSE PROPOSAL &
PRELIMINARY STAFF
RECOMMENDATION

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
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	