

**RESPONSE TO NOTICE OF INCOMPLETE APPLICATION**

**AT&T WCF & CUP – NE Baker Hill Road, Bainbridge Island**

NOTICE RECEIVED: March 17, 2021

<b>PERMIT NUMBER:</b>	PLN51880A WCF and PLN51880A CUP
<b>APPLICANT:</b>	Nancy Sears Smartlink LLC 11232 120 <sup>th</sup> Avenue NE #204 Kirkland, WA 98034 sent via email: Nancy.Sears@smartlinkgroup.com
<b>PROJECT MANAGER:</b>	Ellen Fairleigh
<b>PROJECT DESCRIPTION:</b>	AT&T proposes to install an unmanned Telecommunications facility on the 35'7" KPUD #1 Water Tower. Proposal includes the attachment of 12 antennas, 18 remote radio units, 2 surge protectors & Fiber/DC Cables; Ground equipment includes a 6'8"x6'8" Walk-in Cabinet (WIC) and an emergency power propane generator on a 20'x6' concrete pad within the existing KPUD facility.

**DATE RESPONSE E-MAILED:** March 17, 2021  
**SUBMITTED BY:** Nancy Sears, Smartlink Group on behalf of New Cingular Wireless PCS LLC (AT&T)

Please see below response to the Notice of Incomplete Application dated March 17, 2021

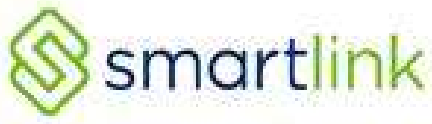
- (1) In accordance with the submittal requirements for a Wireless Communication Facility Permit (WCF) on p. 30 of the Administrative Manual, please submit a statement regarding the feasibility of underground location for equipment facilities.

**Applicant Response:** The property is owned by KPUD and this is their main water facility for District #1 of Kitsap county. Due to the underground pipe and their future development plans that make an underground vault for the equipment not feasible.

- (2) In accordance with the submittal requirements for a Conditional Use Permit (Minor & Major) on p. 12 of the Administrative Manual, please submit a statement regarding whether any outdoor lighting is proposed.

**Applicant Response:** There will a light installed in the compound. It will be on a timer and will only be turned on in the event of an emergency night-time visit. When turned on, the light will be down-shielded.

- (3) In accordance with the submittal requirements for a Conditional Use Permit (Minor & Major) on p. 12 of the Administrative Manual, please subject a written statement describing how the application meets all applicable decision criteria in BIMC 2.16.110.F. The decision criteria evaluated in the current submittal are no longer in effect as Ordinance 2019-24, with an effective date of December 18, 2019, in part revised the decision criteria for a



Major Conditional Use Permit. Please reference the current decision criteria found in the Bainbridge Island Municipal Code (BIMC) on the City's website:

<https://www.codepublishing.com/WA/Bainbridgelsland/#!/Bainbridgelsland02/Bainbridgelsland0216.html#>

F. Decision Criteria. A conditional use may be approved or approved with conditions if:

1. The conditional use is consistent with applicable design guidelines in BIMC Title [18](#). The conditional use is compatible with the established and intended character of the neighborhood, considering factors that include, but are not limited to, hours of operation, the type of activities generated by the use, and the predictable levels of any adverse impacts; and

**Applicant Response:** The proposed WCF is in the R-5 zone and situated to minimized visual impact. The antennas and associated equipment to be collocated on the water tank will be painted a neutral, non-reflective color (as approved by the city) to best blend in with the surroundings. The existing mature trees and vegetation on the site and in the vicinity serve to screen the proposed WCF from other adjacent uses. Further, it is an unmanned facility that puts no demand on public service and creates minimal noise, no waste and no traffic traffic. Please see the Statement of Code Compliance for compliance with BIMC Title 18.

2. The conditional use will not be materially detrimental to uses or property in the vicinity of the subject property; and

**Applicant Response:** As stated above and in the Statement of Code COmpliance, the proposed WCF will not be materially detrimental to uses or property in the vicinity. It will, in fact, benefit its surroundings by providing improved wireless voice and data coverage to the residents and businesses.

3. The conditional use is consistent with the comprehensive plan and other applicable adopted community plans, including the Island-Wide Transportation Plan; and

**Applicant Response:** As stated in the Statement of Code Compliance:  
*As has been demonstrated herein, the proposed Facility is in accord with the Bainbridge Island Comprehensive Plan, including:*

- *Economic Element: Support infrastructure enhancement to accommodate new information technology and changing conditions; and*
- *Utilities Element: Pursue internet and cellular service of the highest standards for governmental and educational institutions, business and commerce and personal use and ensure that emergency communication services are universally available to assist residents in emergencies.*

*People rely on the ability to use their phones and other wireless devices at work and at home, both indoors and outdoors. As the population of the City of Bainbridge Island increases and land development patterns change over time, the demand for urban services also increases and changes.*

*The proposed Facility is in accord with the Comprehensive Plan by providing reliable communications services to a growing community and doing so in a manner that does not affect any viewscapes of the natural beauty of Bainbridge Island. It takes advantage of collocating on an existing structure which avoids the need for construction of an additional communication facility.*

*The proposed WCF further supports economic growth by providing a choice of carriers in the area and providing needed, reliable wireless services for businesses and residents. Increasingly, people are relying on their wireless devices for everything from information gathering to financial transactions to primary home phone service. As such, the enhanced 4G LTE coverage provided by the proposed WCF will improve emergency responses for those making emergency calls (including 911), as well as provide access to the FirstNet Network for first responders.*

4. The conditional use complies with all other applicable provisions of the BIMC; and

**Applicant response:** As demonstrated by AT&T's responses herein, the proposed WCF complies with all other applicable provisions of the BIMC.

5. All necessary measures have been taken to eliminate or reduce to the greatest extent possible the impacts that the proposed use may have on the vicinity of the subject property; and

**Applicant response:** The proposed WCF will not impact the immediate vicinity of the subject property. AT&T is proposing to collocate on an existing structure thus eliminating the need for a new tower. As noted, the Facility is an unmanned passive use. Pursuant to Attachment 8—Noise Report, any noise from the operation of the Facility's equipment will be mitigated and reduced pursuant to the city's code. Additionally, the antenna mounts, antennas, and associated equipment will be painted a neutral, non-reflective color to match the water tank (as approved by the city), and the Facility will be screened and camouflaged by the existing mature trees and vegetation on the subject property and surrounding area to minimize any visual or aesthetic impact.

6. Noise levels shall be in compliance with BIMC [16.16.020](#) and [16.16.040.A](#); and

**Applicant response:** Pursuant to Attachment 8—Noise Report, noise levels are in compliance with BIC 16.16.020 and 16.16.040A.

7. The streets and nonmotorized facilities as proposed are adequate to accommodate anticipated traffic; and

**Applicant response:** This is an unmanned facility with one vehicular visit every 2-4 weeks and the existing streets and nonmotorized facilities are adequate.

8. The city engineer has determined that the conditional use meets the following decision criteria:

- a. The conditional use conforms to regulations concerning drainage in Chapters [15.20](#) and [15.21](#) BIMC; and
- b. The conditional use will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use of properties downstream; and
- c. The streets, nonmotorized facilities, locations of the buildings, structures, and vehicular circulation systems as proposed align with and are otherwise coordinated with streets and nonmotorized facilities serving adjacent properties and are adequate, safe, efficient and consistent with the Island-Wide Transportation Plan; and
- d. If a traffic study shows that the use will have an adverse impact on traffic, including nonmotorized traffic, the impact shall be mitigated as required by the city engineer; and

e. If the conditional use will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the conditional use, and the required service(s) can be made available at the site; and

f. The conditional use conforms to the “City of Bainbridge Island Engineering Design and Construction Standards and Specifications” unless the city engineer has approved a deviation to the standards; and

**Applicant response: The proposed WCF will only add 120 sq.ft. of new hard surfaces for the ground equipment concrete pad and therefore does not qualify as a regulated activity subject to Chapters 15.20 and 15.21 BIMC or the provisions in this subsection i. AT&T intends to implement any erosion control measures required by the city during construction of the proposed Facility.**

9. The Kitsap public health district has determined that the conditional use meets the following decision criteria:

a. The proposal conforms to current standards regarding domestic water supply and sewage disposal; or if the proposal is not to be served by public sewers, then the lot has sufficient area and soil, topographic and drainage characteristics to permit an on-site sewage disposal system; and

b. If the health district recommends approval or disapproval of the application the health district shall so advise the director; and

**Applicant response: The proposed facility consumes no water and creates no sewage. AT&T has applied for a Commercial Building Clearance Exemption from Kitsap PHD.**

10. The Bainbridge Island fire department has reviewed the application and determined that the conditional use will ensure fire protection.

**Applicant response: Applicant has received no indication that the Bainbridge Island fire department has any concerns regarding this conditional use.**

11. If a major conditional use is processed as a housing design demonstration project pursuant to BIMC [2.16.020](#).S, the above criteria will be considered in conjunction with the purpose, goals, policies, and decision criteria of BIMC [2.16.020](#).S.

**Applicant response: Not applicable**

12. A conditional use may be approved, or recommended for approval, with conditions. If no reasonable conditions can be imposed that ensure the permit meets the decision criteria of this chapter, then the permit shall be denied.

**Applicant response: Understood.**