



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

AT&T TELECOM FACILITY FILE #: PLN51880A CUP/WCF

Prepared by: Ellen Fairleigh, Associate Planner

Date: May 27, 2021

Request: Major Conditional Use Permit (CUP) – PLN51880A CUP
Wireless Communication Facilities (WCF) – PLN51880A WCF

Applicant: Smartlink Group on behalf of AT&T

Property Owner: Kitsap Public Utility District (KPUD)

Location: NE Baker Hill Rd.

Tax Parcel: 042402-1-054-2005

Project Description: AT&T proposes to install an unmanned telecommunications facility on an existing 35'7" KPUD water tower. The proposal includes the attachment of 12 antennas, 18 remote radio units, two surge protectors, and fiber/DC cables. Ground equipment includes two equipment cabinets on a 20'x6' concrete pad and a retaining wall within the existing KPUD facility.

Part 1: Process

- 1. Land Use Review:** Pursuant to BIMC 18.10.030.C, this proposal is a WCF that requires review and approval by the City Hearing Examiner.
- 2. Environmental Review:** The project is exempt from State Environmental Policy Act (SEPA) review as provided in Washington Administrative Code (WAC 197-11-800(25)(a)(i)).
- 3. Design Review Board (DRB) Process:** This project is exempt from Design Review Board (DRB) review in accordance with BIMC 2.14.040.D.1 which states that applications related to utility facilities are exempt from design review board consideration. The definition of "utility" in BIMC 18.36.030 Definitions includes structures related to communication signals.

4. **Planning Commission Process:** As provided in BIMC 2.16.110, the Planning Commission shall review the application prior to recommendation by the Department of Planning and Community Development Director. The Planning Commission shall review the project for consistency with applicable design guidelines, decision criteria, and the Comprehensive Plan. The Planning Commission shall consider the application at a public meeting where public comments will be taken and forward its recommendation to the Director.
5. **Consolidated Review Process:** Through the Master Land Use Application, the applicant requested consolidated permit review of the Wireless Communication Facilities (WCF) and Major Conditional Use Permit (CUP) in accordance with BIMC 2.16.170. A consolidated project permit application shall follow the application and notice procedure that results in the most extensive review and decision process.
6. **Decision Process:** Pursuant to BIMC 2.16.110.E, the Director shall review the application materials, staff report, and the recommendation of the Planning Commission and shall prepare a report to the Hearing Examiner recommending approval, approval with conditions, or disapproval of the application. The Planning Commission's recommendation shall hold substantial weight in the consideration of the application by the Director. Any deviation from that recommendation shall be documented in the Director's report. The Hearing Examiner shall consider the application materials and the Director's recommendation at a public hearing. The Hearing Examiner shall make compliance with the recommendation of the Planning Commission a condition of approval, unless the Hearing Examiner concludes that the recommendation reflects inconsistent application of design guidelines or any applicable provisions of this code, exceeds the authority of the Planning Commission, conflicts with SEPA conditions or other regulatory requirements applicable to the project or conflicts with requirements of local, state, or federal law.
7. **Appeal Process:** Pursuant to BIMC 2.16.020.R.2, the decision of the Hearing Examiner shall be final unless, within 21 days after issuance of a decision, a person with standing appeals the decision in accordance with Chapter 36.70 RCW or its successor.

[illegible]

The image contains two maps. The left map, titled "Vicinity Map", shows the City of Bainbridge Island with a blue star indicating the location of the subject property. The right map, titled "Surrounding Zoning", is an aerial view showing the subject property (R-5) and its neighbors (R-1). The subject property is located at the intersection of a road and a creek, with a large green area to its north and a smaller green area to its south.



Project Site

Part II: General Information and Site Characteristics

Basic Information	
Zoning District	R-5
Lot Area	0.52 acres or 22,500 square feet per survey
Soils and Terrain	Soils consist primarily of Cathcart silt loam with 15-30% slopes.
Critical Areas	The property contains 15-39% slopes and small areas of 40% or greater slopes near the existing building and in the southwest corner.
Existing Development	The subject parcel is currently developed with a water tank, utility building, and supporting vaults/cabinets. There is an existing chain link fence around the development on the property which includes privacy slats on the west side.
Access	The subject parcel is currently accessed from NE Baker Hill Road. No change to the access is proposed. There is a locked gate at the access from NE Baker Hill Road.
Public Services and Utilities	
Police	City of Bainbridge Island Police Department
Fire	Bainbridge Island Fire District
Schools	Bainbridge Island School District
Water	KPUD- South Bainbridge Water

Sewer	N/A
Storm Drainage	N/A- dispersion

Part III: Background and Application History

Background: Existing development and use on the property is for a primary utility for a Kitsap Public Utility District (KPUD) water system. The existing building on site was permitted in 2004 (City file no. BLD12803MIS) as a pump house. There is currently no wireless equipment on site. The applicant previously submitted similar applications to install a WCF on the property in June 2020 (City file no. PLN51880 CUP/WCF). These applications were placed on hold by the applicant in August 2020 due to a pending design change, and subsequently voided by the City due to inactivity in October 2020.

Date & Action	Summary
<i>February 23, 2021</i> Pre-Application Conference	Permit process and requirements were discussed between the applicant and staff.
<i>February 23, 2021</i> Application Submitted	Major Conditional Use and Wireless Communication Facilities application.
<i>February 25, 2021</i> Public Participation Meeting	Comments and concerns were related to noticing, proposed signage, construction parking and traffic, and the power and RF emissions of the proposed equipment.
<i>March 17, 2021</i> Notice of Incomplete Application	Application deemed incomplete.
<i>March 22, 2021</i> Applicant Response to Notice of Incomplete Application	Applicant responds to Notice of Incomplete Application with requested information.
<i>March 24, 2021</i> Notice of Complete Application	Application deemed complete.
<i>April 19, 2021 & May 13, 2021</i> Site Visit	City staff site visit.

Part IV: Comprehensive Plan Goals and Policies

The Comprehensive Plan designation for the site is Urban Residential -5 and is identified as being part of Lynwood Center in the Lynwood Center Subarea Plan. The guiding principles, goals and policies of the Comprehensive Plan, along with implementing regulations in the Municipal Code, are used to evaluate the proposal and weigh the project benefits and impacts. The following goals and policies apply to the development proposal:

Elements	Goals and Policies
Land Use Element	Island-Wide Conservation – Policy LU-4.1: Focus development and redevelopment on the Island over the next fifty years in designated centers that have or will have urban levels of services and infrastructure while increasing conservation, protection

	and restoration on the Island, including shorelines, especially where there is interaction between the fresh and saltwater environments.
	Designated Centers – Goal LU-6: Ensure a development pattern that is true to the Vision for Bainbridge Island by reducing the conversion of undeveloped land into sprawling development. Encourage improvement of aging or underutilized developments over development of previously undeveloped property.
	Designated Centers – Policy LU-6.1: Land use designations reflect the priority of Bainbridge Island to remain primarily residential and agricultural with nonresidential development concentrated in the designated centers.
	Standards for Neighborhood Centers – Policy LU 9.8: The Neighborhood Centers achieve a mix of neighborhood-scale businesses, public uses and housing which are compatible with the scale and intensity of the surrounding residential neighborhood and which minimize the impact of noise, odor, lighting, fire safety and transportation on the neighborhood.
Economic Element	Infrastructure – Goal EC-2: Provide sufficient and resilient infrastructure that is supportive of a healthy economy and environment, particularly telecommunications and electrical reliability.
	Infrastructure – Policy EC-2.2: Support infrastructure enhancement to accommodate new information technology and changing conditions.
	Infrastructure – Policy EC-2.3: Implement infrastructure and technology improvements around designated centers to provide enhanced service and to retain and attract business.
Utilities Element	Telecommunication – Goal U-16: Ensure adequate, cost effective, reliable, and environmentally responsible telecommunication service to the citizens of Bainbridge Island.
	Telecommunication – Policy U-16.2: Require the placement of cellular and/or wireless communication facilities in a manner that minimizes the adverse impacts on adjacent and surrounding land uses.
	Telecommunication – Policy U-16.3: Encourage major telecommunication utility providers to work with the City to identify potential sites for infrastructure and facility expansion to address future growth and development and meet the demands for additional utility service.
	Telecommunication – Policy U-16.4: Encourage all providers to serve all parts of the City equally.
	Telecommunication – Policy U-16.5: The City expects all providers to evaluate the capacity of their facilities regularly to ensure that new facilities are installed in a timely basis to meet new and future demand. Providers are expected to provide facilities to accommodate growth within the City.
	Telecommunication – Policy U-16.6: Pursue internet and cellular service of the highest standards for governmental and educational institutions, business and commerce and personal use.
	Telecommunication – Policy U-16.7: Require new development to have underground conduits suitable for existing and foreseeable new utilities such as cable and broadband.

Part V: Public Notice, Public Comments, and Agency Comments

1. Public Notice and Public Comments

Date & Action	Summary
<i>April 2, 2021</i> Notice of Application/Hearing Published	21-day comment period
<i>April 23, 2021</i> End of Comment Period	<p>No public comments received; one has been carried forward from previous application.*</p> <p>*Three Public Comments were received for the previous applications (City file no. PLN51880 CUP/WCF). Staff emailed the three commenters near the end of the comment period to inform them that the applications had been re-submitted and inquire if they wanted their comment carried forward or would submit a new comment. One public comment is carried forward at the request of the commenter. The two other commenters did not respond.</p>

a. Summary of Public Comment and Staff Response

Summary of Public Comment	Staff Response
The comment carried forward indicates support for the project citing concerns about poor coverage and the need for reliable 911 call access. The commenter notes that the benefits outweigh any potential environmental or visual impacts.	N/A

2. Agency Comments

Date & Agency	Summary of Comment
<i>March 3, 2021</i> <i>Bainbridge Island Fire District (BIFD)</i>	The Fire Marshal recommends approval provided that any future development shall comply with all provision of the adopted Fire Code.
<i>May 17, 2021</i> Kitsap Public Health District	The Kitsap Public Health District required a Commercial Building Clearance Exemption for this proposal, which was approved on May 10, 2021. On May 17, 2021, the Kitsap Public Health District completed review of the Conditional Use Permit with no comments.

Part VI: Land Use Code Analysis

1. BIMC Title 16 Environment

a. BIMC 16.20 Critical Areas

i. BIMC 16.20.130 Geologically hazardous areas

Geologically Hazardous Areas	Staff Analysis
Geologically hazardous areas include steep slopes	The property contains an area with steep slopes (40% or greater) behind the existing building. The proposed concrete pad and associated equipment is proposed in this area. However, the submitted survey indicates that the slope is approximately ten feet in height. The City Engineer determined that there are no geological hazards on site. Mapped steep slopes are man-made and less than ten feet high. Development is not proposed within the steep slope area in the southwest portion of the property.

2. BIMC Title 18 Zoning

a. BIMC 18.09 Use Regulations

Proposed Use	Definition
All Other Wireless Communication Facilities	<p>All other wireless communication facilities not meeting the definition of a Facility I or a Facility II are a conditional use in the R-5 district. *</p> <p>*Note: The City determined that BIMC Table 18.09.020 Use Table is not updated to reflect current wireless communication facility regulations. The errors in the Use Table are scheduled to be updated as part of Ordinance 2020-04 concerning telecommunications facilities. The written regulations in BIMC 18.10 govern.</p>

b. BIMC 18.10 Use Regulations – Wireless Communication Facilities

Prioritized Location	Proposed
<p>The following sites are prioritized in order of preference for locating WCFs:</p> <ul style="list-style-type: none">(1) Co-location(2) Public buildings and structures located in nonresidential zones(3) Buildings and structures in business and commercial zoned sites used for research and development, commercial and business uses(4) Buildings and structures in	<p>The WCF is proposed on a structure in a residential zone that is not used for residential purposes and is not a vacant lot.</p> <p>The applicant submitted a Radio Frequency Justification report*. The report notes a gap in 4G LTE service in the SW portion of the City and identifies a targeted service area. The report identifies a search ring to evaluate potential locations that meet the required antenna height to provide sufficient service to surrounding areas. The report evaluates two alternative sites and</p>

residential zones not used entirely for residential use; provided, that WCFs will not be sited on vacant residential lots	<p>determines that these sites will not provide the needed coverage in Lynwood Center.</p> <p>*Note: The Radio Frequency Justification Report contains an incorrect site address in the upper right-hand corner of sheets 2-6. However, the site depicted is correct.</p>
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Development Standards	Proposed
WCFs must comply with applicable Federal Communications Commission (FCC), Federal Aviation Administration (FAA), state, and City regulations and standards	<p>The applicant submitted documentation stating that the project as proposed is compliant with applicable FCC, FAA, state, and City regulations.</p> <p>The project is conditioned to meet this requirement.</p>
Antennas shall be located, mounted and designed so that visual and aesthetic impacts upon surrounding land uses and structures are minimized, and so that they blend into the existing environment. Panel and parabolic antennas shall be screened from residential views and public rights-of-way	<p>A view shed map analysis submitted by the applicant indicates that the antennas will be visible from eleven residential homes. The homes are located on the west side of Flying Goat Avenue NE and within Pleasant Beach Village. The number of homes is likely greater than eleven as the homes at Pleasant Beach Village are still under construction and some of the residences indicated on the view shed map analysis are duplexes.</p> <p>The applicant proposes to mitigate visual impacts by painting the antenna mounts, antennas, and associated equipment a neutral, non-reflective color that blends in with the surrounding vegetation. The proposed color is dark green. The applicant submitted photo simulations of the proposed antennas and equipment from several surrounding perspectives.</p> <p>The project is conditioned to meet this requirement.</p>
<p>WCFs must be screened or camouflaged employing the best available technology to minimize visibility of the facility from public streets and residential properties.</p> <p>(1) WCF shall be designed and placed or installed on the site in a manner that takes maximum advantage of existing trees, mature vegetation, and structures by:</p> <p>a. Using existing site features to screen the WCF from prevalent views; and</p> <p>b. Using existing site features as a background in a way that the WCF</p>	<p>The proposed antennas and associated equipment will be screened by existing mature vegetation, an existing fence with privacy slats on the west side of the property, topography, and the existing building on site.</p> <p>The applicant is proposing to paint the antennas, associated equipment, and ground equipment a dark green color to blend in with the surrounding vegetation and environment.</p> <p>The project is conditioned to meet this requirement.</p>

<p>blends into the background.</p> <p>(2) As a condition of permit approval, the City may require the applicant to supplement existing trees and mature vegetation to screen the facility.</p> <p>(3) A WCF shall be painted either in a nonreflective color or in a color scheme appropriate to the background against which the WCF would be viewed from a majority of points within its viewshed, and in either case the color must be approved by the City as part of permit approval.</p>	
<p>Equipment facilities shall be placed underground if applicable, or, if above ground, shall:</p> <p>(1) Be screened from any street and adjacent property with fencing, walls, landscaping, structures or topography or a combination thereof; and</p> <p>(2) Not be located within required building setback areas</p>	<p>The applicant responded that an underground vault for the equipment is not feasible because of an underground pipe and future KPUD development plans.</p> <p>The proposed equipment pad is located behind an existing building and is screened by the building, existing mature vegetation, topography, and a fence with privacy slats on the west side of the property. The proposed equipment pad is not within required building setback areas.</p> <p>The project meets this requirement.</p>
<p>Security fencing shall:</p> <p>(1) not exceed six feet in height</p> <p>(2) Be screened from view through the use of appropriate landscaping materials; and</p> <p>(3) If it is a chain-link fence, be camouflaged with appropriate techniques and painted or coated with a nonreflective color</p>	<p>There is an existing chain link fence installed by KPUD that surrounds the development on the property and includes privacy slats on the west side. No additional fencing is proposed as part of this proposal.</p> <p>This development standard is not applicable as no additional security fencing is proposed.</p>
<p>The City shall consider the cumulative visual effects of WCFs mounted on existing structures and/or located on a given permitted site in determining whether additional permits can be granted so as to not adversely affect the visual character of the city</p>	<p>There is currently no other wireless equipment located on this site.</p>
<p>A WCF shall not be used for mounting signs, billboards or message displays of any kind</p>	<p>Per the applicant, all proposed signage depicted in the submitted plan set will be placed on the equipment cabinets.</p>

	The project is conditioned to meet this requirement.
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c. BIMC 18.12 Dimensional Standards

Dimensional Standards	Required/Allowed	Existing/Proposed
Lot Coverage	25 percent	Proposed lot coverage is less than 25 percent and meets this standard.
Front Lot Line Setback	25 feet	The proposed development meets this standard.
Rear Lot Line Setback	15 feet	The existing water tower encroaches into the rear setback. Two of the proposed antennas appear to encroach up to approximately three feet into the rear setback. The project is conditioned to require that the antennas and associated equipment be shifted out of the setback as part of building permit review.
Side Lot Line Setback	5 feet minimum, 15 feet total	The proposed development meets this requirement.
Building/Structure Height	No standard for wireless communication facilities BIMC Table 18.12.020-2 Standard Lot Dimensional Standards for Residential Zone Districts includes an exemption under maximum building and structure height for nonresidential uses. The alternative height limit is evaluated based on compatibility with surrounding uses as determined by the proposal's consistency with the major conditional use permit decision criteria in BIMC 2.16.110.	The existing top of the water tower is 35.7 feet above existing grade. The proposed antennas and ancillary equipment will increase the overall height of the water tower by 20 feet to 55.7 feet above existing grade. The Radio Frequency Justification report submitted by the applicant states that a tip height of 55.7' is minimum necessary to meet AT&T's service objectives within the targeted service area. The report evaluates shorter tip heights and concludes that these heights will result in a reduction of coverage.

d. BIMC 18.15 Development Standards and Guidelines

i. BIMC 18.15.010 – Landscaping, Screening, Tree Retention, Protection and Replacement

Landscaping Requirement	Staff Analysis
Perimeter Landscape Buffer: Full	The subject property is Lot A of Short plat (SPT) 07-31-91-1.

<p>screen, 25 ft. width</p> <p>Roadside Buffer: 25 ft. partial screen/15 ft. minimum</p> <p>Parking Lot Landscaping: No requirement</p> <p>Tree Units: The development parcel will contain at least the same number of tree units after the proposed development as it had before the development or redevelopment</p>	<p>A condition of the short plat requires a minimum 10-foot-wide buffer of shrubs and trees along the north and east sides of the subject parcel. Per the conditions of the short plat, trees naturally existing in the buffer and landscaped areas are required to be preserved.</p> <p>The subject property is bordered on the south and west sides by open space tracts that are part of the Plat of Pleasant Beach Village II, and by R-1 zoned single-family residential lots on the east side that are part of the Blakely Heights neighborhood.</p> <p>On behalf of KPUD, the applicant is requesting that no additional landscape buffer/planting be required due to the small size of the parcel, existing and planned development on site, and existing mature vegetation and topography.</p> <p>There is an existing gravel access lane along the west side of the subject property that continues partially along the southern perimeter behind the existing water tank. The water tower encroaches slightly within the 15-foot rear setback. Additionally, KPUD has future plans to install a filter plant and settling tank just north of the existing water tower near the east property line. The property frontage along NE Baker Hill Road includes existing equipment in the northwest corner and an access gate with some existing vegetation to the east of the gate. Some mature vegetation exists in these areas, most notably on adjacent properties. The existing fence includes privacy slats along the west side of the subject property.</p> <p>The gravel access lane, water tank, existing development and future KPUD development plans restrict opportunities for planting additional landscaping around the frontage and perimeter of the property. Staff is not recommending a requirement for any additional planting associated with this permit due to these restrictions and the existing mature vegetation on and adjacent to the site (Reference: Project Site aerial photo, p.4).</p> <p>There is no parking lot on the subject property and parking lot landscaping does not apply.</p> <p>No tree removal is proposed as part of this proposal, and the same number of tree units will exist on site after the development as before.</p>
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	The proposal is conditioned to maintain existing vegetation on the subject parcel in compliance with Short plat (SPT) 07-31-91-1 and that tree removal is not authorized as part of this development.
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ii. BIMC 18.15.020 – Parking and Loading

Parking Requirements	Required/Allowed	Proposed
Other uses and special cases	Parking requirement established by the Director based on requirements indicated in BIMC Table 18.15.020-1	No parking requirement for this use. There is no office space or employees/visitors on site. Access to the site is restricted by a locked gate at the entrance. Applicant indicates that the use requires one vehicular visit every two to four weeks for routine maintenance. There is adequate room on site for one vehicle to enter and park. The project meets this requirement.

iii. BIMC 18.15.040 – Outdoor Lighting

Lighting Requirements	Required/Allowed	Proposed
Outdoor Lighting	Outdoor lighting shall comply with BIMC 18.15.040. All outdoor lighting fixtures and accent lighting shall be designed, installed, located and maintained such that there is no light trespass. Outdoor fixtures and accent lighting must be shielded and aimed downward.	A light is proposed mounted to the H-frame on the equipment pad to be used for night emergencies only. The project is conditioned to comply with outdoor lighting requirements.

iv. BIMC 18.18 – Design Standards and Guidelines

Design for Bainbridge	Staff Analysis
The applicant submitted responses to Design for Bainbridge standards via the Design for Bainbridge Worksheet	The project is exempt from Design Review Board (DRB) review in accordance with BIMC 2.14.040.D.1. Staff reviewed the submitted worksheet and determined that the design standards do not apply largely due to the scope and nature of the project. The project proposal is for wireless equipment on a site that is not accessible to the public. There are no wetland or streams on site, no tree removal is proposed, and no additional landscaping or buildings are proposed. Chapter 5 Street Types and Frontages is also not applicable because NE Baker Hill Rd. is not one of the identified Street Types on the key street maps.

Part VII: Decision Criteria

1. BIMC 2.16.110.F Major Conditional Use Permit

A conditional use may be approved or approved with conditions if:

Decision Criteria	Staff Analysis
a. 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	The conditional use is exempt from Design Review Board (DRB) review in accordance with 2.14.040.D.1. The applicant submitted responses to Design for Bainbridge standards via the Design for Bainbridge Worksheet. Due to the nature and scope of the project, staff determined that there are no applicable portions of Design for Bainbridge, with the potential exception of Chapter 5 Street Types and Frontages. Based on the street type maps, Chapter 5 is also not applicable as NE Baker Hill Road is not an identified Street Type. The proposal is for an unmanned Wireless Communication Facility (WCF) on a developed lot. The applicant submitted letters stating that the use is in compliance with all Federal and state regulations and standards. As conditioned, the proposed use complies with applicable City regulations. The conditional use is compatible with the site and with the intended character of the neighborhood.
b. The conditional use will not be materially detrimental to uses or property in the vicinity of the subject property; and	As conditioned, the use will not be materially detrimental to uses or property in the vicinity of the subject property.
c. The conditional use is consistent with the comprehensive plan and other applicable adopted community plans, including the Island-Wide Transportation Plan; and	The proposal seeks to enhance wireless infrastructure in a designated center on a developed lot. The proposal supports telecommunication coverage and reliability for both business and residential use. The City Development Engineer finds that the scope of the project is in compliance with the Island Wide Transportation Plan and no frontage improvements are recommended.
d. The conditional use complies with all other applicable provisions of the BIMC; and	As conditioned, the conditional use complies with all other provisions of the BIMC. The proposed height of 55.7' is the minimum necessary to meet AT&T's service objectives within the targeted service area. As conditioned, the proposed height is compatible with the surrounding uses through proposed measures to reduce the visual impacts of the antennas such as painting the antennas a dark green, non-reflective color and

	through existing site conditions such as topography and existing surrounding mature vegetation.
e. 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	Recommended conditions of approval include painting the proposed antennas and associated equipment a dark green, non-reflective color to blend into the surrounding vegetation and landscape. Ground equipment is proposed to be screened by an existing fence with privacy slats, an existing building, topography, and existing vegetation. Tree removal is not proposed or authorized as part of this development, and Short Plat (SPT) 07-31-91-1 requires that trees naturally existing in the buffer and landscaped areas on the site are preserved.
f. Noise levels shall be in compliance with BIMC 16.16.020 and 16.16.040.A ; and	The project is conditioned to meet this requirement. Additionally, the applicant submitted a noise survey dated January 14, 2021 by SSA Acoustics which concludes that the noise levels meet the 45 dBA limit as required by BIMC Chapter 16.16.
g. The streets and nonmotorized facilities as proposed are adequate to accommodate anticipated traffic; and	This proposal will generate one vehicle visit every two to four weeks for routine maintenance. The City Development Engineer finds that the streets and nonmotorized facilities are adequate to accommodate anticipated traffic.
h. The City Engineer has determined that the conditional use meets the following decision criteria:	The City Development Engineer finds that the proposal creates less than 800 square feet of new and replaced hard surfaces and is consistent with applicable regulations and standards as it pertains to surface stormwater drainage per BIMC 15.20 and 15.21, to include the submitted Stormwater Pollution Prevention Plan (aka Erosion Control Plan).
i. The conditional use conforms to regulations concerning drainage in Chapters 15.20 and 15.21 BIMC; and	
ii. 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	The proposal will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use of properties downstream.
iii. 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	The proposal aligns with the streets and nonmotorized facilities and is consistent with the Island Wide Transportation Plan. A traffic study is not required per Chapter 15.40 of the Bainbridge Island Municipal Code.
iv. If a traffic study shows that the use will	The proposal does not rely on public water or

<p>have an adverse impact on traffic, including nonmotorized traffic, the impact shall be mitigated as required by the city engineer; and</p> <p>v. 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</p> <p>vi. 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</p>	<p>sewer services.</p> <p>The site plan as submitted confirms to the City of Bainbridge Island Design and Construction Standards and Specifications.</p>
<p>i. The Kitsap public health district has determined that the conditional use meets the following decision criteria:</p> <p>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</p> <p>b. If the health district recommends approval or disapproval of the application the health district shall so advise the director; and</p>	<p>The Kitsap Public Health District (KPHD) approved a Commercial Building Clearance Exemption for this proposal. KPHD has no comments on this proposal as it does not include on-site septic or water.</p>
<p>j. The Bainbridge Island fire department has reviewed the application and determined that the conditional use will ensure fire protection.</p>	<p>The Bainbridge Island fire department (BIFD) has reviewed the proposal and recommends approval with conditions. Recommended BIFD conditions are incorporated into this report.</p>
<p>k. 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.</p>	<p>This criterion is not applicable.</p>
<p>l. 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.</p>	<p>As conditioned the project meets the decision criteria.</p>

Part VIII: Exhibits

1. PLN51880A CUP WCF Site Plan

2. PLN51880A CUP WCF Plan Set
3. PLN51880A CUP WCF Photo Simulations
4. PLN51880A CUP WCF View Shed Map Analysis
5. PLN51880A CUP WCF Radio Frequency Justification
6. PLN51880A CUP WCF Noise Survey by SSA Acoustics dtd January 14, 2021
7. PLN51880A CUP WCF Radio Frequency Compliance
8. PLN51880A CUP WCF Public Comment
9. PLN51880A CUP WCF Design for Bainbridge Worksheet
10. PLN51880A CUP WCF Site Photos

Part IX: Recommended Conditions of Approval

This report includes the standards of review, relevant Municipal Code and Comprehensive Plan provisions and provisions of other permitting agencies. The staff report includes findings based on evidence in the record. The project file contains the official record and basis for findings, including technical information and documentation.

Appropriate notice of application and hearing was provided. No comments were received during the comment period and one comment was carried forward from the previous applications.

The application is properly before the Planning Commission for recommendation.

Should the Commission recommend approval, staff suggests that the following conditions be considered:

Project Conditions

1. Except as modified by conditions of approval, the project shall be constructed in substantial conformance with the plan set dated January 20, 2021.
2. The WCF must comply with applicable Federal Communications Commission (FCC), Federal Aviation Administration (FAA), state, and City regulations and standards.
3. Prior to construction activity, the applicant shall obtain the appropriate permits from the City of Bainbridge Island, including but not limited to clearing, grading, right-of-way, sign, and building permits as applicable.
4. At the time of building permit submittal, the applicant shall submit plans and engineering with calculations that support loads caused by proposed attachment of antennas to the water tower. Connection details of attachment to water tower are also required.
5. Prior to building permit approval, the applicant shall submit a revised site plan depicting that the proposed antennas and equipment are outside of the required rear setback.
6. Existing significant trees and vegetation shall be retained on the property in compliance with Short plat (SPT) 07-31-91-1.

7. Tree removal is not authorized as part of this development. The applicant must maintain the same number of tree units after the proposed development as it had before the development.
8. The antennas and associated equipment shall be painted a dark green nonreflective color to blend in with the surroundings.
9. All activities on the property must comply with the noise regulations in BIMC Chapter 16.16.
10. Construction or installation of the WCF must commence within one year from the date of issuance of the land use permit, with opportunity for a one-year extension; otherwise, the permit shall be revoked without further action of the City and the rights and privileges appurtenant to the permit shall be void.
11. The permittee must allow co-location of proposed WCFs on the permittee's site, unless the permittee establishes to the City's satisfaction that co-location will technically impair the existing permitted use(s) to a substantial degree.
12. The permittee must maintain the WCF in a state of good repair and to maintain or replace, if necessary, vegetation and landscaping required as a condition of approving the permit.
13. The permittee shall notify the City of any sale, transfer, assignment of a site or WCF within 60 days of such event.
14. The permittee shall comply with all provisions of BIMC Chapter 18.10 Use Regulations- Wireless Communication Facilities, and all other applicable City ordinances and rules and regulations.
15. The WCF shall not be used for mounting signs, billboards or message displays of any kind.
16. All WCFs shall be operated in compliance with federal standards for EMF emissions. Within six months after the issuance of its operational permit, the applicant shall submit a project implementation report which provides cumulative EMF power densities of all antennas installed at the subject site. The report shall quantify the EMF emissions and compare the results with established federal standards. Said report shall be subject to review and approval by the City for consistency with the project proposal report and the adopted federal standards. If on review the City finds that the WCF does not meet federal standards, the City may revoke or modify the permit. The applicant shall be given a reasonable time based on the nature of the problem to comply with the federal standards. If the permit is revoked, then the facility shall be removed. This shall be a condition of the building permit.
17. All WCFs shall be operated in a manner that the WCF will not cause localized interference with the reception of area television or radio broadcasts, garage door openers, portable phones and other similar FCC approved devices. If on review of a registered complaint the City finds that the WCF interferes with such reception, the City may revoke or modify the permit. The applicant shall be given a reasonable time based on the nature of the problem to correct the interference. If the permit is revoked, then the facility shall be removed.

18. A WCF shall be removed within 90 days of the date the site's use is discontinued, it ceases to be operational, or the permit is revoked; or if the facility falls into disrepair and is not maintained, within 90 days of a notice from the City to effect repairs and maintenance to the satisfaction of the city. The operator of a WCF shall notify the City upon the discontinued use of a particular facility. Should the operator fail to remove the WCF as required herein, and the property owner fails to remove the WCF within 90 days of the date the City notifies the property owner to remove the WCF, then the WCF shall be a nuisance and subject to appropriate legal proceeding.
19. If any historical or archaeological artifacts are uncovered during excavation or construction, work shall immediately stop and contact the Department of Planning and Community Development and the Washington State Department of Archaeology and Historic Preservation shall be immediately notified. Construction shall only continue thereafter in compliance with the applicable provisions of law.
20. Outdoor lighting shall comply with BIMC 18.15.040 and verified at the time of building permit review. Compliance will require exterior lighting to be shielded and directed downward.
21. Proposed underground utilities (power/fiber, etc.) shall be located/routed to minimize site disturbances to the maximum extent feasible.
22. Use of soil sterilant to construct the lease area pad shall be strictly prohibited.
23. Any concrete retaining wall greater than 48" from base of footing to top of wall requires a separate building permit or structural engineering design/calcs included with any follow-on building permit.
24. The project as proposed is subject to Stormwater Minimum Requirement #2, Temporary Erosion and Sediment Control. During the approved work, erosion and sedimentation control devices shall be installed in accordance with best management practices, but ONLY as site conditions dictate. Applicant is responsible for 13 elements of WA state mandated erosion control plan per 2014 Stormwater Manual for Western Washington. Provide appropriate measures to prevent sediment track out onto COBI maintained roads. Protect all exposed soils to prevent airborne sediment (dust) or sediment laden water from leaving the site during construction.
25. Any future development shall comply with all provisions of the adopted Fire Code.