



CITY OF
BAINBRIDGE ISLAND

City Council Regular Business Meeting Agenda Bill

MEETING DATE: May 14, 2019

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: (9:40 PM) Ordinance No. 2019-15, Interim Official Control Adopting Small Wireless Facilities Design Standards - Executive,

STRATEGIC PRIORITY: Reliable Infrastructure and Connected Mobility

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Ordinance

PROPOSED BY: Executive

RECOMMENDED MOTION:

I move to adopt Ordinance No. 2019-15 and to set a public hearing on Ordinance No. 2019-15 to be held as part of the June 11, 2019 Business Meeting.

SUMMARY:

Ordinance No. 2019-15 is an interim official control that, if adopted, would set design standards for small wireless facilities ("SWFs") on Bainbridge Island. If adopted, Ordinance No. 2019-15 would take effect immediately and remain in effect for six months unless terminated earlier or subsequently extended by the City Council. A public hearing on Ordinance No. 2019-15 must be held within 60 days of adoption. Staff recommends immediate adoption of Ordinance No. 2019-15 on May 14, 2019, in order to respond to changes in federal law regarding the processing of SWF permits.

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND:

The Federal Communications Commission ("FCC") has taken the position that some local aesthetic requirements for small wireless facilities ("SWFs") are preempted by federal law. Specifically, the FCC has decided that aesthetic requirements are not preempted if they are: (1) reasonable; (2) no more burdensome than those applied to other types of infrastructure deployments; and (3) published in advance.

Staff have consulted attorneys from the law firm Ogden Murphy Wallace ("OMW") regarding what aesthetic requirements the City could adopt related to SWFs. Attorneys from OMW have advised dozens of jurisdictions in Washington on these issues and have worked to develop model code language for local governments in Washington State. Staff and OMW have collaborated to draft the interim design standards contained in Ordinance No. 2019-15, which draw extensively from OMW's model code and experience from other jurisdictions.

Ordinance No. 2019-15 proposes to amend Title 18 BIMC to adopt interim design standards for SWFs. In addition to setting general standards for all SWFs, the interim design standards include specific standards for SWFs:

- >Located on existing or replacement non-wooden light poles or utility poles;
- >Located on existing or replacement wooden poles;
- >Attached to existing buildings;
- >Strung on cables between existing utility poles;
- >Mounted on new poles; and
- >Installed in certain design zones located within the City.

If Ordinance No. 2019-15 is adopted on May 14, 2019, the next step would be for the City Council to hold a public hearing on the interim design standards. Following the public hearing, staff would then begin development of permanent design standards. Under the City Code, Planning Commission review and recommendation is required, including a public hearing before the Planning Commission. Residents, wireless providers, and other interested parties would have the opportunity to submit comments at either of the public hearings or during regular public comment at City Council and Planning Commission meetings.

For additional background outlining the necessity of immediate action on Ordinance Nos. 2019-11 and 2019-15 and Resolutions Nos. 2019-18 and 2019-20, please see the cover page for Ordinance No. 2019-11.

ATTACHMENTS:

[Ordinance No. 2019-15, Interim Official Control Adopting Small Wireless Facilities Design Standards](#)

FISCAL DETAILS:

Fund Name(s):

Coding: