CITY OF PORT ORCHARD
Planning Commission
216 Prospect Street, Port Orchard, WA 98366
(360) 874-5533 planning@cityofportorchard.us

PLANNING COMMISSION MEETING AGENDA

Tuesday, April 5, 2022 – 6:00 pm

Join Zoom Meeting, Public Link: https://us02web.zoom.us/j/87444276232

Dial-in (phone audio) only: +1 253 215 8782

Webinar ID: 874 4427 6232

Planning Commissioners please use individual webinar links.

Note: *This meeting will be held remotely via telephone and Zoom webinar pursuant to the Governor's "Stay Home, Stay Healthy Proclamation" No. 20-25, as amended.*

1. **Call to Order: 6:00 p.m.**
   Pledge of allegiance**.**

2. **Welcome and Introduction.**
   Planning Commission and City Staff Introductions.

3. **Audience Comments:** Topics not listed for public hearing on tonight's agenda.
   Please limit comments to **3 minutes.**

4. **Approval of Minutes from March 1, 2022.** *(Attachment)* *(ACTION)*

5. **Business Items:**

   a) 2022 Comprehensive Plan Amendments *(Attachment)* *(DISCUSSION)*

   In compliance with POMC 20.04.060(3), the Director is required to compile and maintain for public review a recommended final comprehensive plan amendment agenda (docket). The Director has based the docket recommendations on a preliminary evaluation of the need, urgency, and appropriateness of the suggested comprehensive plan amendments, as well as the staff and budget availability to accommodate the public review process. The City initiated three amendments to the Comprehensive Plan by the deadline of January 31, 2022.

   The following preliminary docket is provided for the 2022 update to the Port Orchard Comprehensive Plan:

   i. Parks Plan/Element

   Update to the Parks Element and adopt the Park, Recreation and Open Space Plan (PROS) by reference. Several edits are proposed to the Parks Element to reference the updated PROS Plan. However, no substantive changes to the Parks Element are proposed through the 2022 Amendment process.

   ii. Transportation Improvement Program (TIP)

   Updates to the 6-year and 20-year TIP which generally includes prioritizing project, adjusting budgets, and the inclusion of a TIP-funded complete street grant project into the 6-year TIP. The TIP is color coded to provide additional clarity. Please note highlighted rows which depict alterations to previous TIP where red indicated an item for deletion, yellow identifies project with significant modifications and green rows indicate new projects.

   iii. Water Systems Plan

   Adopt the 2021 Amendment to the Water System Plan.

b) Hearing: Cell Tower Ordinance *(Attachment)* *(DISCUSSION + ACTION)*

The City is considering amendments to the Port Orchard Municipal Code to adopt chapters POMC 20.70 Wireless Communication Facilities and POMC 20.72 Small Cell Wireless Communication Facilities. The purpose of the ordinance is to regulate the placement, construction, and modification of wireless communication facilities and small cell wireless telecommunication facilities, in order to protect the health, safety and welfare of the public, while not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in Port Orchard.

6. Adjourn

Next Planning Commission Meeting – May 3, 2022

CITY OF PORT ORCHARD
Planning Commission Minutes
216 Prospect Street, Port Orchard, WA 98366
Phone: (360) 874-5533 • Fax: (360) 876-4980

Planning Commission Meeting Minutes
March 1, 2022
Zoom Teleconference

COMMISSIONERS:
Present: Annette Stewart (Chair), Bek Ashby, Joe Morrison, Tyler McKlosky, Stephanie Bailey, Dave Bernstein.
Absent: Phil King.

STAFF:
Community Development Director Nick Bond, Senior Planner Jim Fisk, Assistant Planner Josie Rademacher.

1. CALL TO ORDER: Chair Stewart called the meeting to order at 6:05 p.m. and led the Pledge of Allegiance.

2. PUBLIC COMMENTS: Isaac Nguyen, 8th grader at Cedar Heights Middle School, presented a proposal to the Planning Commission for a Futsal Court in Port Orchard. The presentation included what a Futsal court is, the diversity of the court and game, benefits to the addition of a Futsal Court, and 229 signatures from other students and community members in support of the proposal.
Rowan Galvin, teammate of Isaac Nguyen, expressed his support for the Futsal Court proposal.

3. APPROVAL OF MINUTES FROM DECEMBER 7, 2021: Commissioner Bailey made a motion to approve the minutes as written from the December 7th meeting. Commissioner Bernstein seconded the motion. The motion passed unanimously.

4. BUSINESS ITEMS:

A. ELECT CHAIR AND VICE CHAIR.
Commissioner Morrison made the motion, nominating Chair Stewart as the Chair, and Commissioner Ashby as the Vice Chair on the slate. Commissioner Bailey seconded the motion. The motion passed unanimously.

B. VISION 2050/CPP'S/PERIODIC UPDATE PRESENTATION
Assistant Planner Josie Rademacher gave a presentation on the 2024 Comprehensive Plan Periodic Update to give Commissioners and any interested public an insight into the process of updating the plan, the policies and goals required, and the steps towards adoption.

C. PC TRAINING UPDATE, AND APA PC MEMBERSHIP
Community Development Director Nick Bond gave an introduction on the American Planning Association (APA) and its benefits for professional planning staff and planning commissioners. The membership offered through the APA is offered to the Planning Commission as a whole. Any interested commissioners were encouraged to sign up.

Additionally, Bond shared an opportunity for Planning Commission training that includes Roberts Rules of Order and the mechanics of holding a meeting through the organization Jurassic Parliament. Any interested commissioners were encouraged to sign up.

D. ACCESSORY DWELLING UNIT (ADU) OWNER OCCUPANCY REQUIREMENTS.

Senior Planner Jim Fisk introduced the potential update to Accessory Dwelling Unit (ADU) Owner Occupancy Requirements. The Washington Legislature passed House Bill 1220 (HB1220) which relates to emergency shelters and housing related to planning and development. One of the items in the Bill for cities to consider is removing the owner occupancy requirements for ADUs. The City, in the McCormick Village Overlay district made the exception to remove the owner occupancy requirements. This potential update would result in the change of requirements for the City as a whole. This update would allow more opportunities for housing and housing options.

Additionally, Fisk states that the City has been awarded a grant for a Housing Action Plan which would include working with a consultant, which in turn will be reflected in the Housing Element of the Comprehensive Plan Periodic Update.

E. CELL TOWER ORDINACNCE.

Community Development Director Nick Bond introduced the proposed Cell Tower Ordinance would mitigate the visual impacts that cell towers can have by requiring projects to meet certain design standards. The two proposed chapters includes one for cell towers and the other for small cell towers. As development increases, Bond states that the likelihood of more applications for cell tower projects is high. Bond indicated that the hearing for the Cell Tower Ordinance is tentatively scheduled for April's PC meeting.

F. 2022 COMPREHENSIVE PLAN DOCKET.

Community Development Director Nick Bond shared that the City has initiated the process for the 2022 annual amendments to the Port Orchard Comprehensive Plan. The City prepared applications for three text amendments; the Capital Facilities Element; the Parks Element; and the Transportation Improvement Program (TIP). Bond provided an overview of the proposed amendments and indicated that the amendments would likely be scheduled for a May 3, 2022 hearing.

ADJOURN: Chair Stewart adjourned the meeting at 7:25 pm.

Annette Stewart, Chair

Nick Bond, Community Development Director

CITY OF PORT ORCHARD
DEPARTMENT OF COMMUNITY DEVELOPMENT

216 Prospect Street, Port Orchard, WA 98366
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PLANNING COMMISSION STAFF REPORT

Agenda Item No:	5(a)	**Meeting Date:**	4/5/2022
Subject:	2022 Comprehensive Plan Amendments	**Prepared by:**	Nick Bond, Development Director

Summary: The City initiated three amendments to the Comprehensive Plan by the deadline of January 31, 2022. The following amendments were approved to be placed on the Comprehensive Plan Amendment docket by the City Council:

City-Initiated Text Amendments

a) Parks Element. Update the Parks Element and adopt the Parks, Recreation and Open Space (PROS) Plan by reference. Several edits are proposed to the Parks Element to reference the updated PROS Plan. However, no substantive changes to the Parks Element are proposed through the 2022 Amendment process.
b) Transportation Improvement Program (TIP). Updates to the 6-year and 20-year TIP which generally includes prioritizing projects, adjusting budgets and the inclusion of a TIB-funded complete street grant project into the 6-year TIP. The TIP is color-coded to provide additional clarity. Please note highlighted rows which depict alterations to previous TIP where red indicated an item for deletion, yellow identifies projects with significant modifications and green rows indicate new projects.
c) Capital Facilities Element. Adopt the 2021 Amendment to the Water System Plan

The City Council reviewed and approved the Comprehensive Plan amendment docket at their March 8, 2022 meeting. The Planning Commission is now tasked with reviewing the proposed amendments and making a recommendation to the City Council after holding a public hearing. Staff anticipates a public hearing before the Planning Commission at its May 3, 2022 meeting to solicit public input on the proposed changed prior to deliberations.

Relationship to Comprehensive Plan: Pursuant to RCW 36.70A.470 and 36.70A.106, the City may annually adopt amendments to the City's Comprehensive Plan.

Recommendation: The Planning Commission should review the proposed amendments prior to scheduling a pubic hearing. Staff recommends that a public hearing be scheduled for May 3, 2022 on the proposed amendments.

Attachments:
Amended Parks Element (The PROS Plan is available for review on the City's website at https://www.cityofportorchard.us/parks-plan-update/
Amended TIP
Appendix B

Chapter 4. PARKS

4.1. Introduction

This Parks Element of the 2016 Comprehensive Plan ~~Update~~ provides direction and guidance, based on citizen input, ~~in order to~~to improve and maintain the City's existing parks and create new parks to meet the needs of a growing population. This element is supplemented by the 2022 Parks, Recreation, and Open Space (PROS) Plan adopted by reference in Appendix B to the City's Comprehensive Plan. This ~~document~~ element ~~is a reflection of~~reflects the community's vision, goals and expectations regarding existing City park facilities and future parks. ~~This Parks Element~~It has been developed as a collaborative effort with input from members of the public, elected and appointed officials, and Planning Department staff. The Element was updated to reflect current ~~—~~(2015) data, facilities, and population, with the planning horizon projected to 2036.

Parks Vision

Parks and green space are essential components in the fabric of a vibrant city. Our safe and well-maintained parks and recreation facilities knit the community together, stabilize and enhance residential neighborhoods and add vitality to the downtown while encouraging and supporting increased shoreline access and recreation.

The Parks Element, in conjunction with the ~~Comprehensive Parks Plan~~PROS Plan, is the guiding document that the City will use to achieve its goals of providing parks, open space, active recreation opportunities, and related services to meet the needs and expectations of Port Orchard's citizens. The Parks Element serves as a guide for general improvements to the park system while the ~~Comprehensive Parks~~PROS Plan provides more detailed plans for a c~~C~~ity-wide ~~P~~park and trail network and specific plans for individual parks. The City of Port Orchard regulatory and non-regulatory decisions and programs, as well as budget decisions related to parks, should be consistent with this Parks Element and with the ~~Comprehensive Parks~~PROS Plan. Used in this way, comprehensive parks planning minimizes conflict in decision-making and promotes coordination among programs and r

egulations to best serve the whole Port Orchard community.

Over the next ~~twenty~~ 20 years, the City of Port Orchard plans to focus on maintaining existing parks facilities while slowly expanding to meet future needs~~,~~. To meet the needs of a growing community for parks, trails, recreation and open space, maintenance of existing facilities and creation of new facilities would be funded by annual budget expenditures, grants, impact fees and other financial means available to the City. The Port Orchard ~~Comprehensive Parks~~PROS Plan is the planning document that allows the City to budget its resources to meet the goals and objectives for municipal parks.

Although the emphasis is to maintain the existing park system, the number of parks and trails will need to increase to meet the demands of the new population. Based on the levels of service identified in the City's ~~Parks~~ PROS Plan, over the next 20 years the City should acquire ~~a minimum of 5~~ additional acres for new parks, recreation and open space opportunities consistent with the PROS Plan.

The City's goals within the 20~~-~~ year planning horizon include non-motorized transportation options (trails and walking/bicycle paths) to connect the local centers established in the Land Use Element of the 2016 Comprehensive Plan ~~Update~~ and to provide all of Port Orchard's residents opportunities to enjoy active recreation and open spaces. The City continues to work toward expanding the non-motorized~~-~~ path along Sinclair Inlet as part of the regional Mosquito Fleet Trail. The City also plans, as funds become available, to update and expand the existing parks facilities to provide each local center with access to parks and recreation opportunities. Existing and future parks and trails are depicted on Map 1.

4.2. Public Involvement and History of Parks Planning

To ensure that the plan meets public needs, it is based on public input. Public opinion has been sought during Comprehensive Plan Updates and Parks Plan Updates for decades. City staff, appointed and elected officials have been gauging community opinions through surveys and public hearings since 1975. The entire community is invited to comment, which helps to introduce different perspectives into the policy and goal setting process.

2015 Parks Survey

In 2015, as a part of the 2016 Comprehensive Plan Update process, staff sent an online survey, created using Google forms, to City

organizations, citizens who have asked to be notified about Comprehensive Plan Updates, and elected and appointed officials. The 2015 Parks Survey was conducted to help update the Parks Element of the 2016 Comprehensive Plan (Vision Port Orchard) and the City's Parks Plan. It was structured similarly to past parks surveys, but was only distributed in an online electronic format and included a variety of updated and new questions related to recent developments in parks planning. The goal of the survey was to provide guidance on how to plan, operate, maintain, and fund Port Orchard's parks over the next 20 years.

The survey was first announced via e-mail and the City's official Facebook page on July 20, 2015, and was closed August 23, 2015. A total of 184 respondents were recorded. The Vision Port Orchard e-mail list gained 73 new subscribers for an updated total of 263 subscribers. Survey respondents expressed a consistent desire for a few key park features: walking/jogging/running paths, restrooms, picnic areas, and playgrounds. Other types of features, such as meeting areas and athletic facilities, received support as well but were discussed less in written comments. The results of the 2015 electronic surveys are included in Appendix G of the City's Comprehensive Parks Plan.

YMCA Feasibility Study

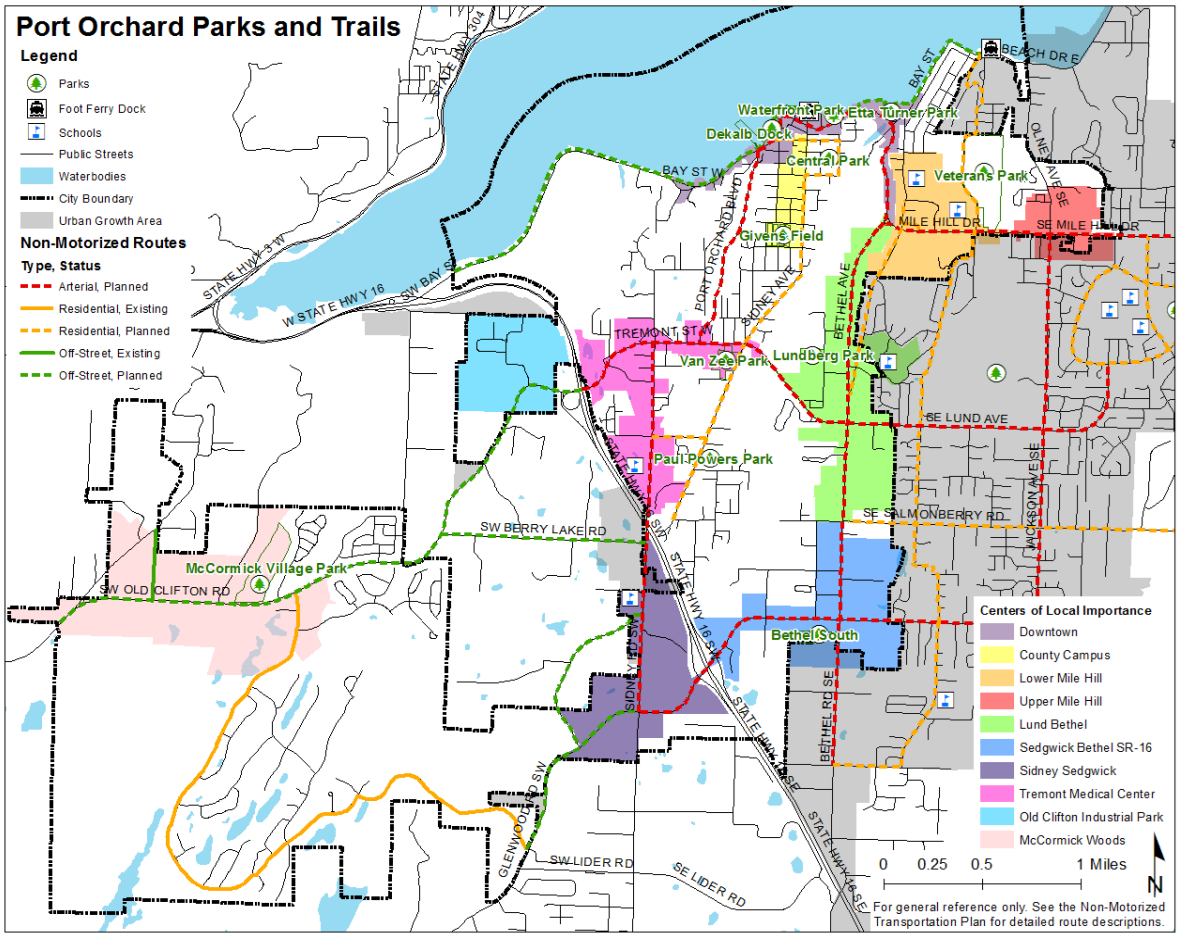
In 2016, the YMCA of Pierce and Kitsap Counties and several local agencies, including the City of Port Orchard, hired a consultant to conduct a study on the feasibility of developing a YMCA community center to serve the South Kitsap/Port Orchard community. The study included a telephone survey of 402 random residents of the local area. The study indicated that for themselves, adult residents are most interested in a swimming pool, cardiovascular and strength training equipment, and for their children and teens they are most interested in having a swimming pool, youth sports and a safe "meeting place". South Kitsap Regional Park (outside of the city limits) was the identified preferred location for the facility. The study suggested a strong demand for a YMCA in the identified area. It is anticipated that the City

and other agencies will continue to explore this possibility in future planning and budgetary efforts.

4.3. Parks Vision – Connections

The City of Port Orchard 2016 Comprehensive Plan Update identifies ~~ten~~ eleven (~~10~~11) designated Centers ~~of Local Importance~~. The vision of the Parks Element and ~~Comprehensive Parks~~PROS Plan is to ensure that every center contains and/or is connected to a park by safe non-motorized routes. ~~The Port Orchard Parks and Trails map on the following page depicts existing park facilities in relation to the ten local centers as well as the planned trail connections between local centers depicted with dashed lines.~~

Walking/jogging/running paths were a top priority identified in the 2015 Parks Survey. Connecting local centers and parks with safe non-motorized routes, including those in public right-of-way such as bike lanes and walking shoulders, will increase access to active transportation for all residents and benefit the entire community. The Non-Motorized section of the Transportation Element provides further detail on existing and future trails.



Map 1: Parks and Trails are shown in relation to the City's Designated Centers ~~of Local Importance~~.

4.4. Existing Conditions

Port Orchard is a community which provides a full range of parks, recreation, open space, and ecosystem services by protecting native wildlife habitat, restoring and preserving natural systems, enjoying majestic marine and mountain views, and ensuring new development enhances the natural environment. The existing City parks system is

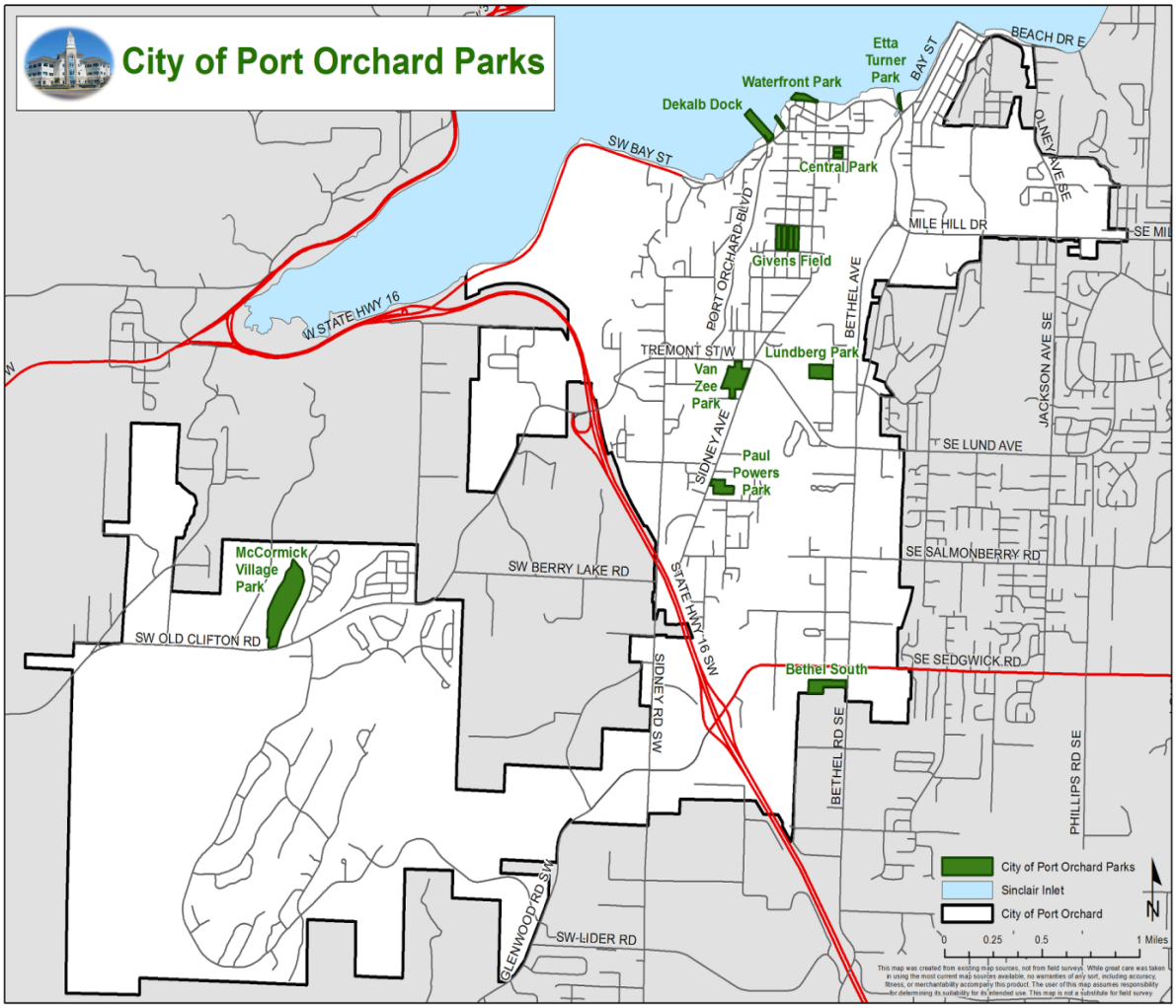
supplemented by the schools of the South Kitsap School District, and the Kitsap County Parks and Recreation Department. An inventory of current parks facilities and maps showing park facility locations is included in the PROS Plan.

~~Current Parks Facilities~~

~~Park Name~~	~~Size~~	~~Facilities~~
~~Van Zee~~	~~8.3 Acres~~	~~Picnic Areas and shelters, trails, two baseball diamonds, playground, sports field, lighted tennis courts, horseshoe court, restroom~~
~~Central/Clayton Park~~	~~1.4 Acres~~	~~Picnic tables, playground, sports field, basketball court, picnic shelter~~
~~Givens Field/Active Club~~	~~6.7 Acres~~	~~2 Baseball Diamonds (under lease, not available for public use), lighted tennis courts, lighted horseshoe courts, restrooms, picnic area, playground~~
~~Lundberg Park~~	~~4.8 Acres~~	~~Not open to the public, no facilities~~
~~Paul Powers, Jr. Park~~	~~3.75 Acres~~	~~Field, playground, basketball court~~
~~Boat Ramp~~	~~0.3 Acres~~	~~Municipal boat ramp, restroom, parking~~
~~DeKalb Pedestrian Pier~~	~~4.1 Acres~~	~~169 feet of pier, 359 feet of floats, picnic tables~~
~~Etta Turner Park~~	~~0.6 Acres~~	~~Gazebo, benches, view of Sinclair Inlet, trail connection~~
~~McCormick Village Park~~	~~28.6 Acres~~	~~Trails, restrooms~~
~~Seattle Ave Waterway Property~~	~~1.88 Acres *tidelands included~~	~~Trail connection~~

~~Waterfront Park~~	~~1.9 Acres~~	~~Sidewalks, picnic table, bench, viewing platform~~
~~Waterfront Park Expansion~~	~~.5 Acre~~	~~Trail connection, farmers market area, viewing and picnic areas, public restroom~~
~~Westbay Easements~~	~~N/A~~	~~Trail connection, beach access~~
~~Rockwell Park~~	~~.29 acre (not including tidelands)~~	~~Trail connection, beach access, picnic and viewing areas, small boat launch~~
~~Bethel South Property~~	~~5.3 Acres~~	~~Not open to the public, no facilities~~

4.5. Future Planned Parks Facilities



~~Future Plans~~

~~A master park planning effort is needed to establish a~~The PROS Plan provides a ~~long term~~long-term vision and goals for the entire parks network, for non-motorized transportation linkages, and for specific City~~-~~owned properties~~.~~ as well as a capital improvement program for parks.

~~McCormick Village Park Improvements~~

~~Design and construction of Phases 2 and 3 of the McCormick Village Park are currently underway and planned for the near future.~~

~~Long Range Vision~~

~~The Port Orchard Community values its parks. To meet the long range population growth and needs of the Port Orchard community, there may be a need for dedicated staff to achieve the goals and policy objectives of this plan.~~

~~4.5.~~4.6. Challenges and Opportunities

Challenges

The City of Port Orchard faces a rapidly growing population. To provide adequate parks, trails and recreational opportunities for the growing community, the City is working to expand the McCormick Village Park, purchase the Seattle Avenue property to serve as a small park and trail connection for the Bay Street Pedestrian Pathway, and lease a landscaped area near the Westbay Center where public art will be installed. As the City's population and parks facilities grow, limited City resources, including staff time are taxed. In the future, the City may wish to contemplate creating a Parks Department.

The relative lack of safe non-motorized transportation infrastructure (i.e. walking and bicycling paths) within the city is identified as a significant issue in the Non-Motorized section of the Transportation Element. It is also a challenge for parks and recreation planning, as one of the City's identified goals is to create non-motorized trail and path connections between local centers, parks, the waterfront, and other areas where people live and work within the community.

Opportunities

The City of Port Orchard benefits from its proximity to centers for recreation, open space, and sports fields outside City Limits and/or held by other agencies or groups, such as the South Kitsap School District and Kitsap County. ~~-~~Creating and strengthening regional partnerships will enable Port Orchard and its partners to provide greater facilities and opportunities than would be possible alone.

The City of Port Orchard is already working with Kitsap County and other nearby jurisdictions to expand a regional water trail including shoreline access with launch points, rest areas, and parking facilities. As identified in the Non-Motorized Transportation Plan, additional improvements to the City's non-motorized transportation network should be a priority, and will expand and enhance the ability of residents and visitors to enjoy a~~n~~ safe, interconnected system of parks and trails.

~~4.6.~~4.7. Goals and Objectives

The City of Port Orchard has maintained a consistent set of goals and objectives in its endeavor to provide recreational opportunities to the community. The overall goal of the Parks element is as follows:

> **To develop and maintain adequate and convenient Parks, Recreation, and Open Space areas and facilities for all age groups and to better serve both the existing and future population of Port Orchard and surrounding areas. This goal can be achieved by several objectives.**

Objective 1: Increase public access to the marine shoreline.

Objective 2: Preserve active and scenic open space by:

a. enhancing and expanding park facilities

b. discouraging obstructions of scenic views

Objective 3: Increase the size and number of parks and open spaces by:

a. establishing partnerships with other agencies to jointly utilize public facilities

b. promoting through public and private investments, the acquisition of open space facilities and assuring proper maintenance thereof

c. using public input to develop plans for public parks

d. providing for a mixture of active and passive open spaces within residential and commercial areas

As South Kitsap County and Port Orchard continue to grow, the importance of the limited recreational resources continues to increase. Greater population pressures demand well-defined goals and priorities. In order to achieve these comprehensive goals and objectives, concise and realistic goals must be specified:

Goal 1: Establish a coordinated and connected system of open space throughout the City that:

- Preserves natural systems
- Protects wildlife habitat and corridors
- Provides land for both active and passive recreation
- Increases opportunities for physical activity

- Preserves natural landforms and scenic areas
- Is accessible by a safe non-motorized transportation system

Policy PK-1 Preserve and enhance the natural and aesthetic qualities of shoreline areas while allowing reasonable development to meet the needs of residents.

Policy PK-2 Promote visual and public access to shorelines where it is not in conflict with preserving environmentally sensitive areas or protecting significant wildlife habitat.

Policy PK-3 Distribute parks and open spaces throughout the City, but particularly focus new facilities in or near:

- Designated centers ~~of local importance~~ that do not currently contain parks or open spaces
- Residential neighborhoods facing the greatest population growth where populations are currently or are projected to be underserved by existing parks facilities
- Areas where existing facilities are deficient
- Areas where connections could be made

Policy PK-4 Work with nearby jurisdictions and state, federal, and tribal governments to identify and protect open space networks to be preserved within and around Port Orchard.

Policy PK-5 Preserve environmentally sensitive areas to delineate neighborhood boundaries and create open space corridors.

Goal 2: Encourage the development and maintenance of open space and recreational facilities, where possible, in the established areas of the City.

Policy PK-6 Obtain and preserve open space areas and recreational facilities to meet established recreational levels of service and to link open spaces within a connected network accessible to the existing and future population of the City.

Policy PK-7 Preserve the ecological functions of the Blackjack Creek watershed, the shoreline, and adjacent areas in balance with residential, commercial, and other uses.

Policy PK-8 Shape and seek the right balance for urban development through the use of open space, thereby strengthening the beauty, identity, and aesthetic qualities of the City and surrounding areas.

Policy PK-9 Maintain and/or expand shoreline parks, including walking and biking trails, which would link the downtown core to the shoreline. Proposed walking and biking trails should also be designed to serve residential areas.

Policy PK-10 Encourage safe parks and recreational equipment by maintaining existing facilities.

Policy PK-11 Develop covered play structures whenever feasible to encourage use of parks and facilities in inclement weather.

Policy PK-12 Work with the Port of Bremerton to identify areas within the existing Port-owned waterfront parking lots that are suitable for conversion to open space. Upon mutual agreement of the parking areas to be converted, develop a plan for the creation of waterfront open space in these areas, with a focus on connection to existing and planned shoreline access points and pedestrian pathways.

Goal 3: To provide open space or natural landscaping throughout the City limits.

Policy PK-13 Zoning ordinances shall identify and preserve open space areas.

Policy PK-14 Landscaping, such as trees and shrubbery, should be included in the commercial areas of the City.

Policy PK-15 Vacant municipal land not required for municipal services shall be maintained to provide a pleasing natural condition.

Goal 4: Neighborhood parks and recreational facilities should be conveniently located throughout the City.

Policy PK-16 The Active Club should continue to be maintained and improved.

Policy PK-17 A community recreation center should be encouraged.

Policy PK-18 To ensure that the City's parks and recreational facilities are welcoming to all, new facilities shall be designed for accessibility to meet the requirements of the federal American Disabilities Act, and existing facilities

should be retrofitted for increased accessibility where feasible and appropriate.

Policy PK-19 Maximize the use of State and Federal grants for future improvements whenever possible.

Policy PK-20 Coordinate with other governmental entities and civic organizations to provide new facilities to the public.

Policy PK-21 Encourage commercial enterprises to establish facilities which are harmonious with the community vision and goals.

Goal 5: Athletic endeavors and organized sports should be encouraged throughout the community.

Policy PK-22 Athletic fields should be supplemented with picnic and playground facilities to encourage family participation.

Policy PK-23 Any vacant public land large enough for an athletic field should be considered for this purpose, when feasible.

Policy PK-24 Private sports programs should be encouraged.

Policy PK-25 Coordinate with sports councils and committees when possible.

Goal 6: The waterfront should be preserved and protected to enhance public use.

Policy PK-26 Boat docks and marinas should be encouraged; however, these activities are not to be construed as the sole resource of the waterfront.

Policy PK-27 Public access to the water is required for new municipal development, unless such access is shown to be incompatible due to reasons of safety, security or impact to the shoreline environment, and it should be provided for new commercial development unless such improvements are demonstrated to be infeasible or present hazards to life and property.

Policy PK-28 Viewing decks and similar pedestrian-oriented structures are needed and should be constructed in the urban waterfront area.

Policy PK-29 The Bay Street Pedestrian Path system should be maintained and expanded.

Policy PK-30 Beach access should be identified and developed. This should be integrated with the Bay Street Pedestrian Path trail system and Kitsap Peninsula Water Trails system.

Goal 7. Provide a variety of water and shoreline related recreational opportunities for the public.

Policy PK-31 The City, in conjunction with other agencies and organizations, should work to maintain and enhance existing recreational opportunities for the public.

Policy PK-32 The City, in conjunction with other jurisdictions, should work to develop new and diverse water and shoreline related recreational opportunities for the public.

Goal 8. Provide open space within residential and commercial developments and preserve critical areas within open space.

Policy PK-33 Buffers and open space should be a required design element in new developments.

Policy PK-34 Steep slopes and sensitive areas within open space should be protected with critical area restrictions.

Goal 9. Promote the acquisition and maintenance of open space through public and private investment.

Policy PK-35 Countywide open space acquisition should be encouraged.

Policy PK-36 Maintenance of City-owned open space should take precedence over acquisition of new City parks, unless the proposed park serves an identified need in the City's Parks Plan.

Goal 10. Enhance and expand existing park facilities.

Policy PK-37 Improvements in parks should be done continually.

Goal 11. Place and construct community entry monuments on arterial city entrances.

Policy PK-38 Maintain and landscape existing Gateway areas.

Policy PK-39 Install wayfinding signage according to wayfinding system plan.

Goal 12. Provide dedicated oversight and encourage citizen participation in planning for City parks and recreation facilities.

Policy PK-40 The City should establish a parks commission or similar citizen board that would review major parks development plans, proposals to purchase or sell City parks property, and related matters, and provide recommendations to the Planning Commission and City Council.

Policy PK-41 The City should consider creating a Parks Department to operate and maintain City parks and recreation facilities, and to plan and budget for future acquisitions and improvements.

City of Port Orchard Six-Year Transportation Improvement Program
For 2023-2028 TIER 1 (Reasonably Constrained)

Proj# (TIF Proj#)	Project Title/Project Description	Road Name Begin Termini End Termini	Total Project Length	Total Est. Cost	Spent Prior to 2022	2022	Future Expenditures	2023	2024	2025	2026	2027	2028	Phase Start Year	Funding Status	Phase	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds
Capital Projects																					
1.1	**Bay Street Ped. Pathway ROW Phase**	PO Shoreline: Sidney Ave. Foot Ferry to Annapolis Foot Ferry																			
	Add 14-ft Multi-Modal (bikes & pedestrians) waterfront pathway & cantilevered retaining wall following historic Mosquito Fleet trail and pedestrian bridge across Black Jack Creek.		1.2	2,280,000	1,140,000	1,140,000	0	0	0	0	0	0	0	2013	S	ROW	STP(U)	1,923,590		0	300,212
				3,000,000		3,000,000	0	0	0	0	0	0	0	2018	P	ROW				0	581,000
N/A																					
1.2	**Bay Street Pedestrian Pathway Construction (S#1, S#6-11)**																				
	The CN phase for the 14-ft Multi-Modal (bike & ped) waterfront pathway/cantilevered retailing wall following the historic Mosquito Fleet trail. Includes the demolition/removal of (5) overwater structures. Includes Sec #2 Ad Ready Doc Prep		1.2	650,000	650,000	0	0	0	0	0	0	0	0	2018	S	CN					
				3,000,000	0	0	3,000,000	1500000	1,500,000	0	0	0	0	2021	S	CN					
N/A																					
1.3	**Bay Street Pedestrian Pathway West**	Port Orchard Blvd and Bay St: Ft Ferry to Tremont																			
	Situational study		1.5	566,474	0	566,474	0	0	0	0	0	0	0	2022	P	PL		490,000		0	76,474
N/A																					
1.4	**Old Clifton/ Anderson Hill Intersection Improvements**	Old Clifton Rd / Anderson Hill Rd. Intersection																			
	Intersection Improvements (roundabout) as identified in the McCormick Urban Village Trans Plan and partially funded by Bayside Mit Funds.		0	258,000	200,000	0	58,000			0	58,000	0	0	2016	S	PE				0	258,000
				1,680,000	0	0	1,680,000		0	0	840,000	840,000	0	2021	P	CN			Grant?	1,213,000	525,000
TIF 1.4																					
1.5	**Old Clifton Rd Non-Motorized Improvements**	Old Clifton Road: Campus PKWY to Anderson Hill Rd.																			
	Rodway Improvements identified in the McCormick Urban Village Trans Plan. Design and Construction.		0.75	450,000	0	150,000	450,000	0	0	450,000	0	0	0	2022	P	PE				0	450,000
							2,000,000				2700000			2026	P	CN	STP(U), RCO		TIB/CS		
TIF 1.5, 2.07	Seperated pathway and shoulder facilities. Coordinate																				
1.7	**Bethel/Sedgwick Phase 5a - Bethel/Lincoln RAB**	Bethel/Lincoln/Lunberg/ Mitchell																			
	Safety and capacity improvements to intersection and reconfiguration of approaches.		0	3,674,000	326,000	474,000								2021	S	PE					800,000
					0	0	3,200,000	3200000						2022	S	CN	HSP	1,500,000	TIB UAP	1,100,000	700,000
TIF 2.04e																					
1.8	**Bethel/ Sedgwick Cooridor Phase 1a - Blueberry RAB**	Bethel Road: blueberry Intersection																			
	Phase 1a. Bethel/ Blueberry RAB 60% PE in 2022 and start ROW for Phase 1a/b.		0	2,094,000	0	250,000	170,000	100,000	0	70,000				2022	S	PE		0		344,374	74,626
							0	268,000						2023	S	ROW				220,238	47,732
TIF 2.04a							1,924,000				1924000			2025	P	CN			TIB/ UAP/CS	1,568,178	307,051
1.9	**Bethel/ Sedgwick Corridor Phase 1b - Salmonberry RAB**	Bethel Road: Salmonberry intersection																			
	Phase 1b. Bethel/ Salmonberry RAB Round and roadway segment design from Blueberry to Salmonberry. 60% PE in 2022.		0	5,056,450	0	0	800,000	100,000			450000	50,000	200,000	2023	P	PE		0		328,058	57,893
							1,328,450	1,328,450		0				2023	p	ROW				1,129,183	199,238
TIF 2.04a							2,928,000						2928000	2028	P	CN			TIB/UAP/ CS	2,489,055	439,245
1.10	**Vallair Ct Connector**	Bethel Road / Walmart Drive Intersection																			
	Road extension and intersection improvements previously included in the Bethel Road Corridor ROW & Construction project.		0.25	1,000,000	0	0	1,000,000	0	0	0	0	1,000,000	0	2027	P	PE & ROW		0		0	1,000,000
				1,000,000	0	0	1,000,000	0	0	0	0	0	1,000,000	2028	P	CN		0	TIB	0	1,000,000
TIF 1.7																					
1.11	**Sidney Road SW Design - 60%**	Sedgwick Rd. to Berry Lake Rd.																			
	Sidney Avenue is currently two lanes wide, it needs to be widened to three lanes (additional TWTL) including bike lanes, sidewalks, traffic calming, and stormwater system improvements. (COMPLETE STREET).		0.95	500,000	0	0	500,000	0	0	0	0	0	500,000	2027	P	PL		0		0	500,000
TIF 2.05																			TIB		

City of Port Orchard Six-Year Transportation Improvement Program
For 2023-2028 TIER 1 (Reasonably Constrained)

Proj# (TIF Proj#)	Project Title/Project Description	Road Name Begin Termini End Termini	Total Project Length	Total Est. Cost	Spent Prior to 2022	2022	Future Expenditures	2023	2024	2025	2026	2027	2028	Phase Start Year	Funding Status	Phase	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds
1.12	**Sedgwick Road West Study - 30% Design**	SR16 to Sidney Rd.																			
	Establish alignments and cross sections. Develop mitigation alternatives and identify right-of-way needs for roadway and identify potential sites to accommodate stormwater run off and mitigation for filling wetlands.			300,000	0	0	300,000		300,000					2023	P	Study					
TIF 2.02,2.03	Include stormwater element for upgrading existing																				
1.13	**Lippert Sidewalk Retrofit and Pavement Repair**	Sidney Rd. S. to Pottery																			
	ADA ramp and driveway retrofits, sidewalk reparis, pavement repairs, stormwater retrofit. In house des with consulted survey & basemap		0.95	35,000	0	35,000	0							2021	S	PE					35,000
				778,000			0							2022	S	CN	CDBP	244,000			544,000
N/A						788,000															
1.14	**Sidney Road Sidewalk**	Sidney Glen Elementary Sidewalk																			
	Address gap in sidewalk along school frontage		0.95	500,000	0	0	0	35,000						2023	P	PE					35,000
TIF 2.05									250,000					2024	P	CN	SRTS	250,000			250,000
1.15	**Pottery Avenue Non Motorized Improvements**	SR16 to Lippert Dr.																			
	Address sidewalk gap from Sunset to Clay near Tremont.		0.95	840,000	0	35,000	0							2022	P	PE					35,000
	Road diet and road widening to provide bikeable shoulders and sidewalk improvements.					150,000								2022	P						150,000
TIF 2.14	Safety enhancement at Pottery Lippert Intersection and School Crossing.						655,000	655,000						2023	S	CN	TIB CS	644,000			0
1.16	**SR166/ Bay Street Reconstruction**	SR166 from Geiger to Frederick																			
	Raise street to address sea level rise and improve to current standard in accordance with redevelopment plans.			3,171,000	200,000	0	480,000	0	400,000	80,000				2025	P	PE					680,000
	Amount shown does not include water and sewer utility improvments.						2,649,000				2,649,000			2026	P	CN	KRCC	2,291,000			358,000
N/A																					
1.17	**Street Lighting Improvements**	City wide corridors, highest priority locatoins																			
	Cooridors include: Tremont, Pottery, Sidney Rd SE			1,100,000	0	0	100,000	10,000						2023	P	PE	HSIP	100,000			0
								1,000,000						2024	P	CN	HSIP	1,000,000			0
N/A																					
Total Capital P				**25508924**	**2,316,000**	**5580474**	**20,338,450**	**6496450**	**1,800,000**	**520000**	**5972000**	**1890000**	**4628000**					**3,913,590**		**8,392,086**	**7,316,471**

Maintenance Projects		Total		2,022	Future Exp	2023	2024	2025	2026	2027	2028						
1.51	**Annual Pavement Maintenance**																
	Includes patching, crack-sealing , striping, and other activities	566,000	53,000	56,500	456,500	56,500	100,000	100,000	100,000	100,000	0	On going	S	CN			456,500
1.52 *	**Annual Sidewalk & ADA Upgrade Program**																
	Repair and replace concrete sidewalks and curb ramps as identified in the program	976,000	38,000	38,000	900,000	180,000	180,000	180,000	180,000	180,000	0	On going	S	CN			900,000
1.53 **	**Annual Pavement Management System Paving Projects**																
	Pavement replacement projects as identified in the pavement management system program	2,585,000	300,000	535,000	1,750,000	350,000	350,000	350,000	350,000	350,000	0	On going	S	CN			1,750,000
1.55	**Overlay**																
	Pavement preparation and overlay. Tremont: PO Blvd. to Bridge, Old Clifton: SR16 to City Limits, Old Clifton Anderson Hill to McCormick Woods Dr.	Tremont Str./ Lund Ave./ Old Clifton Rd. 1.2	1,000,000	0	0	1,000,000	0	0	1,000,000	0	0	0	2025	P	PE,CN	KRCC	865,000	135,000
Total Maintenance Projects		**5,127,000**	**391,000**	**629,500**	**4,106,500**	**586,500**	**630,000**	**1,630,000**	**630,000**	**630,000**	**0**					**865,000**	**0** **3,241,500**

* Per 2016 ADA transition plan: $180,000 annually over 20 years to comply on arterial streets.

** Per 2016 Pavement Management Analysis Report: $1.45 million annually to maintain network condition (PCI of 70), $500k to keep network PCI above 65 after 5 years.

City of Port Orchard Transportation Improvement Program (TIP)
For 2029-2042 TIER 2 (Unconstrained)

Priority Number	Project Title/Project Description	Road Name Begin Termini End Termini	Total Project Length	Total Est. Cost	2029-2034	2035-2042	Phase Start Year	Funding Status	Phase	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds
Capital Projects														
2.01	**Sidney Avenue (North of SR 16)**	Tremont Street to Fireweed	1	3,750,000	3,750,000	0	2029	P	PE/RW	STP(U)	0		0	3,750,000
	The design, permitting, right-of-way acquisition and construction for this project with bike lanes, storm drainage and sidewalks. (COMPLETE STREET)			6,750,000	6,750,000	0	2031	P	CN	STP(U)	0		0	6,750,000
TIF 2.01														
2.02A	**Sedgwick Road West - Design, Permitting & ROW**	SR 16 Interchange to Sidney Avenue	0.4	462,428	462,428	0	2029	P	PE	STP(U)	400,000		0	62,428
	The design, permitting and right-of-way acquisition phase for this widening project with 3 lanes (continuous TWTL), bike lanes, sidewalks and box culvert across Blackjack Creek.)			693,642	693,642	0	2030	P	RW	STP(U)	600,000		0	93,642
TIF 2.02														
2.02B	**Sedgwick Road West - Construction**	SR 16 Interchange to Sidney Avenue	0.4	3,468,208	3,468,208	0	2031	P	CN	STP(U)	3,000,000		0	468,208
	The construction phase for this widening project with 3 lanes (continuous TWTL), bike lanes, sidewalks and box culvert across Blackjack Creek.)													
TIF 2.02														
2.04A.1	**Bethel/Sedgwick Corridor Phase 1 - ROW and Construction**	Bethel Road: Salmonberry to Blueberry.												
	ROW acquisition and construction of the first phase of the street improvements per the Bethel/Sedgwick Corridor Plan (2018). Includes improvements to Ramsey Road for detour per 2.04A.2 below.		0.75	2,056,000 9,124,000	2,056,000 9,124,000	0 0	2029 2031	P P	RW CN		0 9,124,000		0 0	2,056,000 0
TIF 2.04A														
2.04A.2	**Ramsey Road Widening**	Sedgwick Road to Salmonberry Road												
	Widen road to two travel lanes with bike lanes, sidewalks and stormwater system improvements.		0.5	2,500,000	0	2,500,000	2029	P	ALL		0		0	0
TIF 2.04A														
2.04B	**Bethel/Sedgwick Corridor Phase 2 - Design, ROW and Construction**	Sedgwick Road: SR-16 interchange to Bethel												
	Design, ROW acquisition and construction of the second phase of the street improvements per the Bethel/Sedgwick Corridor Plan (2018).		0.7	1,110,000 2,802,000 12,757,000	1,110,000 2,802,000 12,757,000	0 0 0	2030 2031 2032	P P P	PE RW CN		0 0 12,725,000		0 0 0	1,110,000 2,802,000 0
TIF 2.04B														
2.04C	**Bethel/Sedgwick Corridor Phase 3 - Design, ROW and Construction**	Bethel Road: Blueberry to Sedgwick												
	Design, ROW acquisition and construction of the third phase of the street improvements per the Bethel/Sedgwick Corridor Plan (2018).		0.25	422,000 541,000 4,859,000	422,000 541,000 4,859,000	0 0 0	2032 2033 2034	P P P	PE RW CN		0 0 4,859,000		0 0 0	422,000 541,000 0
TIF 2.04C														
2.04D	**Bethel/Sedgwick Corridor Phase 4 - Design, ROW and Construction**	Bethel Road: Lund to Salmonberry												
	Design, ROW acquisition and construction of the		0.5	616,000 1,041,000	0 0	616,000 1,041,000	2034 2035	P P	PE RW		0 0		0 0	616,000 1,041,000

City of Port Orchard Transportation Improvement Program (TIP)
For 2029-2042 TIER 2 (Unconstrained)

Priority Number	Project Title/Project Description		Road Name Begin Termini End Termini	Total Project Length	Total Est. Cost	2029-2034	2035-2042	Phase Start Year	Funding Status	Phase	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds
	fourth phase of the street improvements per the Bethel/Sedgwick Corridor Plan (2018).				7,087,000	0	7,087,000	2036	P	CN		7,087,000		0	0
TIF 2.04D															
2.04E	**Bethel/Sedgwick Corridor Phase 5 - ROW and Construction**	**Design,**	Bethel Road: Mile Hill Drive to Lund		720,000	0	720,000	2036	P	PE		0		0	720,000

City of Port Orchard Transportation Improvement Program (TIP)
For 2029-2042 TIER 2 (Unconstrained)

Priority Number	Project Title/Project Description	Road Name Begin Termini End Termini	Total Project Length	Total Est. Cost	2029-2034	2035-2042	Phase Start Year	Funding Status	Phase	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds
	Design, ROW acquisition and construction of the fifth phase of the street improvements per the Bethel/Sedgwick Corridor Plan (2018).		1.1	1,532,000	0	1,532,000	2037	P	RW		0		0	1,532,000
				8,283,000	0	8,283,000	2038	P	CN		8,283,000		0	0

TIF 2.04E

City of Port Orchard Transportation Improvement Program (TIP)
For 2029-2042 TIER 2 (Unconstrained)

Priority Number	Project Title/Project Description	Road Name Begin Termini End Termini		Total Project Length	Total Est. Cost	2029-2034	2035-2042	Phase Start Year	Funding Status	Phase	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds
2.05	**Sidney Road SW Widening**	Sidney Road SW:	SR												
	Sidney Avenue is currently two lanes wide, it needs to be widened to three lanes (additional TWTL) including bike lanes, sidewalks, traffic calming, and stormwater system improvements. (COMPLETE STREET).	16 Overpass to Sedgwick Road		0.95	500,000	500,000	0	2028	P	PE		0		0	500,000
					5,761,850	5,761,850	0	2029	P	CN	STP(U)	3,600,000	TIB	1,600,000	561,850
TIF 2.05															
2.06	**Pottery Avenue Widening**	Pottery Avenue: Tremont Place to Melcher Street		0.22	1,600,000	1,600,000	0	2029	P	ALL		0		0	1,600,000
	Widen road to two travel lanes with bike lanes, sidewalks and stormwater system improvements.														
TIF 2.06															
2.07	**Old Clifton Rd Shoulder & Pedestrian Improvements**	Old Clifton Road: Anderson Hill to Westerly City Limits		1.35	2,700,000	2,700,000	0	2028	P	CN		0		0	2,000,000
	Design and construction of shoulder widening, street lighting, watermain extension and grade-seperated Pedestrian Path as identified in the McCormick Urban Village Trans Plan.														
TIF 2.07															
2.08	**O. Clifton Rd & McC. Woods Dr. Intersection**	Old Clifton Rd/ McCormick Woods Dr. Intersection		0	250,000	0	250,000	2032	P	PE		0		0	250,000
	Design and construction of intersecion (roundabout) improvements including street lighting, as identified in the McCormick Urban Village Trans Plan.				750,000	0	750,000	2033	P	CN		0		0	750,000
TIF 2.08															
2.09	**Melcher Street Widening**														
	Melcher Street West is currently a narrow two-lane road. The reconstruction would widen the road to allow two safe travel lanes, bike lanes, sidewalks and a stormwater system.	Melcher Street: Pottery Avenue to Sherman Avenue		0.4	600,000	0	600,000	2032	P	ALL		0		0	750,000
TIF 2.09															
2.10	**Fireweed Road Widening**														
	Fireweed is currently a narrow two lane road. The reconstruction would widen the road to allow for safe travel lanes, bike lanes, sidewalks and a stormwater system.	Fireweed Road: Sidney Avenue to South Flower Avenue		0.25	375,000	0	375,000	2035	P	ALL		0		0	750,000
TIF 2.10															
2.11	**Sherman Avenue Widening**	Sherman Avenue: Fireweed Road to Terminus at SR 16		0.35	525,000	0	525,000	2032	P	ALL		0		0	750,000
	Sherman Avenue is currently a narrow two-lane road. The reconstruction would widen the road to allow two safe travel lanes, bike lanes, sidewalks and a stormwater system.														
TIF 2.12															
2.12	**Tremont St Widening - Port Orchard Blvd (Ph. 2)**	Port Orchard Blvd. Tremont Street to Bay Street (SR166)		1.1	809,250	0	809,250	2033	P	PE	STP(U)	700,000		0	109,250
	Construct roundabouts at Tremont Street/PO Blvd. and Bay Street (SR166)/PO Blvd. and curb, gutter, bike lanes, sidewalks, street lighting, storm drainage and Schedule 74 Undergrounding.				520,231	0	520,231	2035	P	RW	STP(U)	450,000		0	70,231
					7,225,434	0	7,225,434	2037	P	CN	STP(U)	6,250,000		0	975,434
TIF 2.13															
2.13	**Pottery Avenue Widening Tremont to SR16**	Pottery Avenue Tremont Street SR 16 Overpass		0.95	500,000	500,000	0	2030	P	PE	STP(U)	432,500			67,500
	Pottery is currently a two-lane road, it needs to be widened to a four-lane road, with sidewalks, traffic calming and upgrades to the stormwater system.				750,000	750,000	0	2031	P	RW	STP(U)	648,750			101,250

City of Port Orchard Transportation Improvement Program (TIP)
For 2029-2042 TIER 2 (Unconstrained)

Priority Number	Project Title/Project Description	Road Name Begin Termini End Termini	Total Project Length	Total Est. Cost	2029-2034	2035-2042	Phase Start Year	Funding Status	Phase	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds
TIF 2.14	[illegible] upgrades to the stormwater system			2,950,000	2,950,000	0	2033	P	CN	STP(U)	2,292,250		0	657,750

City of Port Orchard Transportation Improvement Program (TIP)
For 2029-2042 TIER 2 (Unconstrained)

Priority Number	Project Title/Project Description	Road Name Begin Termini End Termini	Total Project Length	Total Est. Cost	2029-2034	2035-2042	Phase Start Year	Funding Status	Phase	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds
2.14	**Old Clifton Berry Lake Road Intersection** Intersection Improvement by Kitsap County		0	0	0	0					0		0	0
2.15 TIF 2.16	**Blueberry Road Widening** Widen road to two travel lanes with bike lanes, sidewalks and stormwater system improvements.	Geiger Road to Bethel Road	0.4	600,000	0	600,000	2036	P	ALL		0		0	0
2.16 TIF 2.17	**Geiger Road Widening** Widen road to two travel lanes with bike lanes, sidewalks and stormwater system improvements.	Sedgwick Road to Blueberry Road	0.25	375,000	0	375,000	2034	P	ALL		0		0	0
2.17 TIF 2.18	**Salmonberry Road Widening** Widen road to two travel lanes with bike lanes, sidewalks and stormwater system improvements.	Ramsey Road to Bethel Road	0.15	225,000	0	225,000	2028	P	ALL		0		0	0
2.18 TIF 2.19	**Piperberry Way Extention** Provide an extetion of Piperberry from Ramsey to Geiger and a new street connection to the proposed round about on Sedgwick.	Geiger Road to Ramsey Road	0.25	575,000	0	575,000	2034	P	ALL		0		0	0
2.19 TIF 2.21	**Old Clifton & Feilgly Intersection** Complete streets improvemets indentified in the McCormicks Urban Village Transportation Plan. Continuation of 1.5A	Feigly intersection	0	2,800,000	0	2,800,000	2040	P	ALL		0		0	0
2.20	**Bay Street Pathway - West** Continuation of project following study in 1.8	Tremont to Footferry	0	4,000,000	4,000,000	0	2030	P	ALL		0		0	0
2.21 TIF 2.04A	**Walmart to Salmonberry Connector** Complete roadway connnection	Salmonberry	0	800,000	0	800,000	2040	P	ALL		0		0	0
2.22	**Downtown Bay Street Study** Study main street in downtown port orchard for complete streets with bikelanes and streetscape for pedestrians and storefronts. Study to address traffic cirulcation and raising streets for seal level rise and assocated stormwater and other utility improvements	Port Orchard Blvd to Mile Hill Dr intersection with Bay Street.	0	1,000,000	0	1,000,000	2033	P	ALL		0		0	0
2.23	**Bay Street Improvements**	Port Orchard Blvd to Mile												

City of Port Orchard Transportation Improvement Program (TIP)
For 2029-2042 TIER 2 (Unconstrained)

Priority Number	Project Title/Project Description	Road Name Begin Termini End Termini	Total Project Length	Total Est. Cost	2029-2034	2035-2042	Phase Start Year	Funding Status	Phase	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds
	Complete Street and utlitiy improvements. Refer to Study.	Hill Dr intersection with Bay Street.	0	10,000,000	0	10,000,000	2040	P	ALL		0		0	0
2.24	**Bay St. & Port Orchard Blvd Intersection**	Bay Street at Port Orchard												

City of Port Orchard Transportation Improvement Program (TIP)
For 2029-2042 TIER 2 (Unconstrained)

Priority Number	Project Title/Project Description	Road Name Begin Termini End Termini	Total Project Length	Total Est. Cost	2029-2034	2035-2042	Phase Start Year	Funding Status	Phase	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds
	Single Lane Round About to address safety and capacity. Bay Street Pathway crossing. Assumed creek is not impacted by project/ no major mitigation.	Bulivard	0	3,000,000	0	3,000,000	2040	P	ALL		0		0	0
2.25	**Bay St. & Kitsap Street Intersection Improvement** Re-align Kitsap intersection to addres safety and capacity. Cline to end at Kitsap. Relocate flag pole. Signalized Intersection?	Bay Street at Kitsap Street	0	2,000,000	0	2,000,000	2040	P	ALL		0		0	0
2.26	**Bay St. & Mitchell and Wetzil** Reconfigure intersections to address safety and capacity.	Bay Street at Mitchell Avenue and Guy Wetzil Rd.	0	2,500,000	0	2,500,000	2040	P	ALL		0		0	0
2.27	**Sidney Avenue Improvements** Sidewalk and streetscape improvements. Developer Imrpovements?	Prospect St. to the Waterfront	0	1,500,000	0	1,500,000	2040	P	ALL		0		0	0
2.28	**Harrison Avenue Improvements** Sidewalk and streetscape improvements. Signal replacement? Developer Project?	Bay Street to the Waterfront	0	1,000,000	0	1,000,000	2040	P	ALL		0		0	0
2.28	**Fredrickson Ave Impr.** Convert to two way street with angled parking. Provide sidewalk and streetscape impr.	Cline St. to Sidney Ave.	0	1,500,000	0	1,500,000	2040	P	ALL		0		0	0
2.29	**New Waterfront Street** Sidewalk and streetscape improvements. "Shared Street" concept. Developer Improvement?	Cline Street to Harrson Avenue	0	2,500,000	0	2,500,000	2040	P	ALL		0		0	0
2.30	**Tremont St Widening - Port Orchard Blvd (Ph. 3)** Center median, bike lane, sidewalk, and streetscape improvements on Tremont and Sidney. Round about at the Tremont/ Sidney intersection for non-motorized safety. Accomodation for fire station.	Port Orchard Blvd. to Sidney Ave.	0	5,000,000	0	5,000,000	2041	P	ALL	STP(U)	0	ΓIB, Ped Bike	0	0

City of Port Orchard Transportation Improvement Program (TIP)
For 2029-2042 TIER 2 (Unconstrained)

Priority Number	Project Title/Project Description	Road Name Begin Termini End Termini	Total Project Length	Total Est. Cost	2029-2034	2035-2042	Phase Start Year	Funding Status	Phase	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds
Total Tier 2 Capital Projects				**98,166,043**	**63,557,128**	**34,608,915**					**60,451,500**		**1,600,000**	**31,857,543**

City of Port Orchard Transportation Improvement Program (TIP)
For 2029-2042 TIER 2 (Unconstrained)

Priority Number	Project Title/Project Description	Road Name Begin Termini End Termini	Total Project Length	Total Est. Cost	2029-2034	2035-2042	Phase Start Year	Funding Status	Phase	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds
Maintenance Project														
2.51	**Cline Avenue Repairs**													
	Replace sidewalk and parking strip.	Cline Avenue: Kitsap Street to Dwight Street	0.13	200,000	0	0		P	ALL					200,000
Total Tier 2 Maintenance Projects				**200,000**	**0**	**0**					**0**		**0**	**200,000**

Appendix B: Plans Adopted by Reference

PLAN OR DOCUMENT
South Kitsap School District 2014-2019 Capital Facilities Plan
West Sound Utility District / Joint Wastewater Treatment Facility 2009 Capital Facilities Plan
West Sound Utility District 2007 Sewer Plan
West Sound Utility District 2013 Water Plan
Kitsap County 2003 South Kitsap UGA/ULID#6 Sub-Area Plan & EIS
Kitsap County 2012 Port Orchard/South Kitsap Sub-Area Plan
2016 Kitsap County Comprehensive Plan 10-Year Update
Blackjack Creek Watershed Assessment and Protection & Restoration Plan (2017)
City of Port Orchard 1994 Ross Creek Comprehensive Management Plan
City of Port Orchard 2005 Economic Development Plan
City of Port Orchard 2010 McCormick Village Park Plan
City of Port Orchard 2012 Shoreline Master Program
City of Port Orchard 2013 Public Art Program
City of Port Orchard 2014 – 2021 Capital Facilities Plan
City of Port Orchard 2020 Water System Plan
City of Port Orchard 2020 Comprehensive Sanitary Sewer Plan Update
City of Port Orchard 2016 Transportation Plan Update
City of Port Orchard 2016 Comprehensive Parks Plan
City of Port Orchard 2016 Transportation Impact Fee Project List
City of Port Orchard 2022 Parks, Recreation, & Open Space (PROS) Plan
City of Port Orchard 2022~~23~~-202~~78~~/2022~~98~~-2042~~21~~ – 6 Year/20 Year Transportation Improvement Plan
City of Port Orchard Bethel/Sedgwick Corridor Plan and Appendices A-F
City of Port Orchard 2020 City Hall Space Analysis

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Agenda Staff Report

Agenda Item No.:	5(b)	Meeting Date:	April 5, 2022
Subject:	POMC Title 20 Amendments to Adopt POMC 20.70 and POMC 20.72	Prepared by:	Nick Bond DCD Director
		Atty Routing No.:	NA
		Atty Review Date:	NA

Summary: The Planning Commission is asked to consider recommending the adoption of proposed chapters POMC 20.70 Wireless Communication Facilities and POMC 20.72 Small Cell Wireless Communication Facilities. The purpose of the codes is to regulate the placement, construction, and modification of wireless communication facilities and small cell wireless telecommunication facilities, in order to protect the health, safety and welfare of the public, while not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in Port Orchard. The proposed chapters include standards for the design and aesthetics associated with these facilities.

- Protect residential areas and land uses from potential adverse impacts that wireless telecommunication facilities might create;
- Encourage providers of wireless communication facilities to locate these facilities, to the extent possible, in areas where the adverse impact on the community is minimal;
- Encourage the location of wireless communication facilities in nonresidential areas and allow wireless communication facilities in residential areas only when necessary, to meet functional requirements of the telecommunications industry;
- Minimize the total number of wireless communication facilities in residential areas;
- Require cooperation between competitors and, as a primary option, joint use of new and existing towers, tower sites and suitable structures to the greatest extent possible, in order to reduce cumulative negative impact upon the City;
- Allow wireless communication companies to use City property;
- Ensure wireless communication facilities are configured in a way that minimizes the adverse visual impacts of wireless communication facilities;
- Enhance the ability of the providers of telecommunication services to provide such services to the community quickly, effectively, and efficiently;
- Provide for the removal of abandoned or no longer inspected for safety concerns and Building Code compliance wireless communication facilities.
- Avoid potential damage to adjacent properties from tower failure, through engineering, careful siting, height limits, and maintenance of wireless communication facilities;
- Provide a means for public input.

Recommendation: The Planning Commission should hold a public hearing and after hearing public testimony, should deliberate on the proposed code amendment and make a recommendation to the City Council.

Motion for consideration: “I move that the Planning Commission recommend approval of an ordinance adopting POMC 20.70 Wireless Communication Facilities and POMC 20.72 Small Cell Wireless Communication Facilities to create standards for future cell tower development within the City, as presented to the City Council.”

Attachments:

1. POMC 20.70 Wireless Communications Facilities
2. POMC 20.72 Small Cell Wireless Communication Facilities

Amend Section 20.39.270 POMC as follows:

20.39.270 Wireless Telecommunication facilities.

(1) "Wireless telecommunication facility" and "wireless communication facility" both mean~~s~~ a facility for the provision of radio waves or wireless telephone or data services and includes the following:

(a) "Amateur radio operator tower" means a facility used for personal, noncommercial radio licensed by the Federal Communications Commission.

(b) "Small cell wireless telecommunication facility" is a facility that meets the definition contained in POMC 20.72.030. ~~means a wireless telecommunication facility that meets both of the following qualifications:~~

~~(i) Each antenna is located inside an antenna enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and~~

~~(ii) All other equipment associated with the facility (excluding antennas) is cumulatively no more than 28 cubic feet in volume.~~

(c) "Wireless telecommunication tower" means any mast, pole, monopole, lattice tower or other structure designed and primarily used to support antennas as further defined in POMC 20.70.200.B and 20.72.030.

(2) Small cell wireless telecommunication facilities shall be installed in accordance with the city's adopted Public Works and Engineering Standards and Specifications (PWESS) and shall meet the requirements of Chapter 20.72 POMC.

(3) Wireless communication facilities shall be installed in accordance with the requirements of Chapter 20.70 POMC.

Adopt a new Chapter 20.72 POMC as follows:

CHAPTER 20.72

SMALL WIRELESS COMMUNICATION FACILITIES

Sections:

20.29.10 Purpose and Scope

A. The purpose of this chapter, in addition to implementing the general purposes of the Comprehensive Plan and development regulations, is to regulate the activities of permitting, placement, construction and modification of small wireless facilities in order to protect the health, safety and welfare of the public while not unreasonably interfering with the development of a competitive wireless telecommunications marketplace within the City.

B. This chapter provides permitting and review regulations as well as aesthetic, design and concealment standards for the construction of small wireless facilities both inside and outside of the public right-of-way. It also provides siting options at appropriate locations within the City to support existing communications technologies, to adapt to new technologies as needed, and to minimize associated safety hazards and visual impacts. The siting of small wireless facilities on existing buildings and structures, colocation of facilities on a single support structure and visual mitigation strategies are encouraged to preserve neighborhood aesthetics and reduce visual clutter in the City.

20.72.020 Exemptions

The following facilities are exempt from the provisions of this chapter and shall be permitted consistent with the applicable development standards outlined in the Land Uses Table in POMC 20.39.040:

1. Wireless Communications Facilities (WCFs) used for temporary emergency communications in the event of a disaster, or emergency preparedness, and for any other public health or safety purpose, including, by way of illustration and not limitation, any communications systems utilized by first responders such as police or fire.

2. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC.

3. Citizen band radios or antennas operated by federal licensing amateur ("ham") radio operators.

4. Satellite dish antennas less than two meters in diameter, including direct-to-home satellite services, when used as secondary use of the property.

5. Automated meter reading ("AMR") facilities for collecting utility meter data for use in the sale of utility services, except for WIP and other antennas greater than two feet in length, so long as the AMR facilities are within the scope of activities permitted under a valid franchise agreement between the utility service provider and the city.

6. Eligible facilities requests. See POMC Section 20.70.200.

20.72.030 Definitions

For the purposes of this chapter, the following terms shall have the meaning ascribed to them below.

1. **"Antenna(s)"** in the context of small wireless facilities and consistent with 47 CFR 1.1320(w) and 1.6002(b) means an apparatus designed for the purpose of emitting radiofrequency ("RF") radiation, to be operated or operating from a fixed location pursuant to FCC authorization, for the provision of personal wireless and any commingled information services. For the purposes of this definition, the term "antenna" does not include an unintentional radiator, mobile station, or device authorized by 47 CFR Title 15.

2. **"Antenna equipment,"** consistent with 47 CFR 1.1320(d), means equipment, switches, wiring, cabling, power sources, shelters, or cabinets associated with an antenna, located at the same fixed location as the antenna, and when collocated on a structure, are mounted or installed at the same time as the antenna.

3. **"Applicant"** means any person submitting an application for a small wireless facility permit pursuant to this Chapter.

4. **"Collocation"** means:

   a. Mounting or installing antenna equipment on a preexisting structure; and/or

   b. Modifying a structure for the purpose of mounting or installing antenna equipment on that structure.

5. **"Director"** means the Community Development Director or designee.

6. **"Equipment enclosure"** means a facility, shelter, cabinet, or vault used to house and protect electronic or other associated equipment necessary for processing wireless communication signals. "Associated equipment" may include, for example, air conditioning, backup power supplies, and emergency generators.

7. **"FCC"** or **"Federal Communications Commission"** means the federal administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers on a national level.

8. **"Permittee"** means a person who has applied for and received a small wireless facility permit pursuant to this chapter.

9. **"Personal wireless services"** means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

10. **"Person"** includes corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, other entities, and individuals.

11. **"Public right-of-way"** or **"right-of-way"** means land acquired or dedicated for public roads and streets but does not include:

a. State highways;

b. Land dedicated for road, streets, and highways not opened and not improved for motor vehicle use by the public;

c. Structures, including poles and conduits, located within the right-of-way;

d. Federally granted trust lands or forest board trust lands;

e. Lands owned or managed by the state parks and recreation commission; or

f. Federally granted railroad rights-of-way acquired under 43 U.S.C. 912 and related provisions of federal law that are not open for motor vehicle use.

12. **"Service provider"** shall be defined in accord with RCW 35.99.010(6). "Service provider" shall include those infrastructure companies that provide telecommunications services or equipment to enable the construction of wireless communications.

13. **"Small wireless facility"** shall mean a wireless telecommunication facility that meets both of the following qualifications:

a. Each antenna is located inside an antenna enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and

b. All other equipment associated with the facility (excluding antennas) is cumulatively no more than 28 cubic feet in volume.

Provided, however, if there is a conflict between this definition and the definition contained under federal law (47 CFR 1.6002(l)) then the federal law definition shall apply.

14. **"Stealth Technique"** means stealth techniques specifically designated as such at the time of the original approval of the small wireless facility for the purposes of rendering the appearance of the small wireless facility as something fundamentally different than a small wireless facility including but not limited to the use of nonreflective materials, appropriate colors, and/or a concealment canister.

15. **"Structure"** means a pole, tower, base station, or other building, whether or not it has an existing antenna equipment, that is used or to be used for the provision of personal wireless service (on its own or commingled with other types of services).

16. **"Telecommunications service"** shall be defined in accord with RCW 35.99.010(7).

17. **"Tower"** means any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communication services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services, and fixed wireless

services such as microwave backhaul and the associated site.

18. **"Traffic signal pole"** means any structure designed and used primarily for support of traffic signal displays and equipment, whether for vehicular or nonmotorized users.

19. **"Transmission equipment"** means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communication services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

20. **"Unified enclosure"** means a small wireless facility providing concealment of antennas and equipment within a single enclosure.

21. **"Utility pole"** means a structure designed and used primarily for the support of electrical wires, telephone wires, television cable, or lighting for streets, parking lots, or pedestrian paths.

22. **"Wireless communications facilities"** or **"WCF"** means facilities used for personal wireless services.

23. **"Wireline"** means services provided using a physically tangible means of transmission including, without limitation, wire or cable, and the apparatus used for such transmission.

20.72.040 Federal Regulatory Requirements

A. These provisions shall be interpreted and applied in order to comply with the provisions of federal law. By way of illustration and not limitation, any small wireless facility that has been certified as compliant with all FCC and other government regulations regarding the human exposure to radio frequency emissions will not be denied on the basis of RF radiation concerns.

B. Small wireless facilities shall be subject to the requirements of this Code to the extent that such requirements:

1. Do not unreasonably discriminate among providers of functionally equivalent services; and

2. Do not prohibit or have the effect of prohibiting wireless service within the City.

20.72.050 Small Wireless Facility Application Process

A. **Applicability.** Any application for a small wireless facility both inside and outside of the public right-of-way shall comply with the application requirements for a small wireless facility permit described in this chapter. For small wireless facilities inside the right-of-way, the applicant must also comply with the requirements pursuant to Title 12 POMC.

B. **Completeness.** An application for a small wireless facility is not complete until the applicant has submitted all the applicable items required by POMC Section 20.72.060 and, to the extent relevant, has submitted all the applicable items in POMC Section 20.72.050.C and the City has confirmed that the application is complete. Franchisees with a valid franchise for small wireless facilities may apply for a small wireless permit for the initial or additional phases of a small wireless facilities deployment at any time subject to the commencement of a new completeness review time period for permit processing.

C. **Application Components.** The Director is authorized to establish franchise and other application forms to gather the information required from applicants to evaluate the application and to determine the completeness of the application as provided herein. The application shall include the following components as applicable:

1. ***Franchise.*** If any portion of the applicant's facilities are to be located in the right-of-way, the applicant shall apply for, and receive approval of a franchise, consistent with the requirements in Title 12 POMC. An application for a franchise may be submitted concurrently with an application for small wireless facility permit(s).

2. ***Small Wireless Facility Permit.*** The applicant shall submit a small wireless facility permit application as required in the small wireless facility application requirements established in POMC Section 20.72.060 and pay the applicable permit fee as set forth in the fee schedule adopted by resolution of the City Council and which may be amended by the City Council from time to time.

3. ***Associated Application(s) and Checklist(s).*** Any application for a small wireless permit which contains an element not categorically exempt from SEPA review shall simultaneously apply under Chapter 43.21C RCW and POMC Title 20. Further, any application proposing small wireless facilities in a shoreline area (pursuant to POMC Chapter 20.164) or in any critical area (pursuant to POMC Chapter 20.162) shall indicate why the application is exempt or comply with the review processes in such codes. Applications for small wireless facilities for new poles shall comply with the requirements in POMC Section 20.72.100.E.

4. ***Leases.*** An applicant who desires to attach a small wireless facility on any utility pole, light pole, or other structure or building owned by the City shall obtain a lease as a component of its application. Utility poles and the use of other public property, structures or facilities including, but not limited to any park land or facility, any utility land or facility, require City Council approval of a lease or master lease agreement.

20.72.060 Small Wireless Facility Application Requirements

The following information shall be provided by all applicants for a small wireless permit.

A. The application shall provide specific locational information including GIS coordinates of all proposed small wireless facilities and specify where the small wireless facilities will utilize existing, replacement or new poles, towers, existing buildings and/or other structures. The applicant shall specify ground-mounted equipment, conduit, junction boxes and fiber and power connections necessary for and intended for use in the small wireless facilities system regardless of whether the additional facilities are to be constructed by the applicant or leased from a third party. The applicant shall provide detailed schematics and visual renderings of the small wireless facilities, including engineering and design standards. The application shall have

sufficient detail to identify:

1. The location of overhead and, to the extent applicable, underground public utilities, telecommunication, cable, water, adjacent lighting, sewer drainage and other lines and equipment within 50 feet of the proposed project area (which the project area shall include the location of the fiber source and power source). Further, the applicant shall include all existing and proposed improvements related to the proposed location, including but not limited to poles, driveways, ADA ramps, equipment cabinets, street trees and structures within 50 feet of the proposed project area.

2. The specific trees, structures, improvements, facilities, lines and equipment, and obstructions, if any, that applicant proposes to temporarily or permanently remove or relocate and a landscape plan for protecting, trimming, removing, replacing, and restoring any trees or significant landscaping to be disturbed during construction. The applicant is discouraged from cutting/pruning, removing or replacing trees, and if any such tree modifications are proposed the applicant must comply with applicable provisions of Chapter 20.129 POMC.

3. The applicant's plan for fiber and power service, all conduits, cables, wires, handholes, junctions, meters, disconnect switches and any other ancillary equipment or construction necessary to construct the small cell facility, to the extent to which the applicant is responsible for installing such fiber and power service, conduits, cables, and related improvements. Where another party is responsible for installing such fiber and power service, conduits, cables, and related improvements, applicant's construction drawings shall include such utilities to the extent known at the time of application, but at a minimum applicant must indicate how it expects to obtain power and fiber service to the small cell facility.

4. A photometric analysis of the roadway and sidewalk within 150 feet of the existing light if the site location includes a new or replacement light pole.

5. Compliance with the applicable aesthetic requirements pursuant to POMC Section 20.72.100.

B. The applicant must show written approval from the owner of any pole or structure for the installation of its small wireless facilities on such pole or structure. Such written approval shall include approval of the specific pole, engineering and design specifications for the pole, as well as assurances that the specific pole can withstand wind and seismic loads as well as assurances in accordance with POMC Section 20.72.060.F, from the pole owner, unless the pole owner is the City. For City-owned poles or structures, the applicant shall obtain a lease from the City prior to or concurrent with the small wireless facility permit application so the City can evaluate the use of a specific pole.

C. The applicant is encouraged to batch the small wireless facility sites within an application in a contiguous service area and/or with similar designs.

D. The applicant shall submit a sworn affidavit signed by a Radio Frequency (RF) engineer with knowledge of the proposed project affirming that the small wireless facility will be compliant with all FCC and other governmental regulations in connection with human exposure to radio frequency emissions for every frequency at which the small wireless facility will operate. If facilities that generate RF radiation necessary to the small wireless facility are to be provided by a third party, then the small wireless permit shall be conditioned on an RF certification showing the cumulative impact of the RF emissions from the entire installation.

The applicant may provide one emissions report for the entire batch of small wireless facility applications if the applicant is using the same small wireless facility configuration for all installations within that batch or may submit one emissions report for each subgroup installation identified in the batch.

E. The applicant shall provide proof of FCC or other regulatory approvals required to provide the service(s) or utilize the technologies sought to be installed.

F. A professional engineer licensed by the State of Washington shall certify in writing, over his or her seal, that construction plans of the small wireless facilities and structure or pole and foundation are designed to reasonably withstand wind and seismic loads as required by applicable codes.

G. A right-of-way use permit application as required by POMC Section 12.04.030.

H. Proof of a valid City of Port Orchard business license.

I. Recognizing that small wireless facility technology is rapidly evolving, the Director is authorized to adopt and publish standards for the structural safety of City-owned poles and structures, and to formulate and publish application questions for use when an applicant seeks to attach to City-owned poles and structures.

J. Such other information as the Director, in his/her reasonable discretion, shall deem appropriate to effectively evaluate the application based on technical, engineering and aesthetic considerations.

20.72.070 Small Wireless Facility Review Criteria and Process

A. The following provisions relate to the review of applications for a small wireless facility permit:

1. In any zone, upon application for a small wireless permit, the City will permit small wireless facilities only when the application meets the criteria of Chapter 20.72 POMC.

2. Vertical clearance shall be reviewed by the Director to ensure the small wireless facilities will not pose a hazard to other users of the rights-of-way.

3. Replacement poles, new poles, and ground- mounted equipment shall only be permitted pursuant to the applicable standards in POMC Section 20.72.100.

4. No equipment shall be operated so as to produce noise in violation of POMC 9.24.050 or Chapter 173-60 WAC.

5. Small wireless facilities may not encroach onto or over private property or property outside of the right-of-way without the property owner's express written consent pursuant to POMC Section 20.72.100.A.1.

B. **Decision.** All small wireless facility applications shall be reviewed and approved or denied by the Director. The Director's decision shall be final and is not subject to appeal under City code or further review by the City.

C. **Eligible Facilities Requests.** Small wireless facilities may be expanded pursuant to an eligible facility request so long as the expansion:

1. does not defeat the specifically designated stealth techniques; and

2. incorporates the aesthetic elements required as conditions of approval set forth in the original small wireless facility approval in a manner consistent with the rights granted an eligible facility; and

3. does not exceed the conditions of a small wireless facility as defined by 47 CFR 1.6002(l).

D. **Public Notice.** The City shall provide notice of a complete application for a small wireless permit on the City's website with a link to the application. Prior to construction, the applicant shall provide notice of construction to all impacted property owners within 100 feet of any proposed small wireless facility via a doorhanger that shall include an email contact and telephone number for the applicant. Notice is for the public's information and is not a part of a hearing or part of the land use appeal process.

E. **Withdrawal.** Any applicant may withdraw an application submitted at any time, provided the withdrawal is in writing and signed by all persons who signed the original application or their successors in interest. When a withdrawal is received, the application shall be deemed null and void. If such withdrawal occurs prior to the Director's decision, then reimbursement of fees submitted in association with said application shall be reduced to withhold the amount of actual and objectively reasonable City costs incurred in processing the application prior to time of withdrawal. If such withdrawal is not accomplished prior to the Director's decision, there shall be no refund of all or any portion of such fee.

F. **Supplemental Information.** Failure of an applicant to provide supplemental information as requested by the Director within 60 days of notice by the Director shall be grounds for denial of that application unless an extension period has been approved by the Director. If no extension period has been approved by the Director, the Director shall notify the applicant in writing that the application is denied.

G. **Consolidated Permit.** The issuance of a small wireless permit grants authority to construct small wireless facilities in the rights-of-way in a consolidated manner to allow the applicant, in most situations, to avoid the need to seek duplicative approval by both the Public Works and the Community Development departments. As an exercise of police powers pursuant to RCW 35.99.040(2), the small wireless facility permit is not a right-of-way use permit, but instead a consolidated public works and land use permit and the issuance of a small wireless facility permit shall be governed by the time limits established by federal law for small wireless facilities. The general standards applicable to the use of the rights-of-way described in Chapter 12.04 POMC shall apply to all small wireless facility permits.

20.72.080 Small Wireless Facility Permit Requirements

A. **Permit Compliance.** The permittee shall comply with all of the requirements within the small wireless facility permit.

B. **Post-Construction As-Builts.** Upon request, the permittee shall provide the City with as-builts of the small wireless facilities within 30 days after construction of the small wireless facility, demonstrating compliance with the permit, visual renderings submitted with the permit application and any site photographs taken.

C. **Construction Time Limit.** Construction of the small wireless facility must be completed within 12 months after the approval date by the City. The permittee may request one extension of no more than six months, if the permittee provides an explanation as to why the small wireless facility cannot be constructed within the original 12-month period.

D. **Site Safety and Maintenance.** The permittee must maintain the small wireless facilities

in safe and working condition. The permittee shall be responsible for the removal of any graffiti or other vandalism of the small wireless facility and shall keep the site neat and orderly, including but not limited to following any maintenance or modifications on the site.

E. **Operational Activity.** The permittee shall commence operation of the small wireless facility no later than six months after installation. The permittee may request one extension for an additional six-month period if the permittee can show that such operational activity is delayed due to inability to connect to electrical or backhaul facilities.

20.72.090 Small Wireless Facility Modification

A. If a permittee desires to modify their small wireless facilities, including but not limited to expanding or changing the antenna type, increasing the equipment enclosure, placing additional pole-mounted or ground-mounted equipment, or modifying the stealth techniques, then the permittee shall apply for a new small wireless permit.

B. A small wireless permit shall not be required for routine maintenance and repair of a small wireless facility within the rights- of-way, or the replacement of an antenna or equipment of similar size, weight, and height; provided, that such replacement does not defeat the stealth techniques used in the original small wireless facility and does not impact the structural integrity of the pole. Further, a small wireless permit shall not be required for replacing equipment within the equipment enclosure or reconfiguration of fiber or power to the small wireless facilities. An annual blanket right-of-way permit will be required for such routine maintenance, repair, or replacement and can cover all facilities owned by the applicant.

C. Even if a modification is exempt under this Section, any work on a small wireless facility in or near the right of way which will impact traffic will require an approved traffic management plan prior to commencing work.

20.72.100 Small Wireless Facility Aesthetic, Concealment, and Design Standards

A. All small wireless facilities shall conform with the following general aesthetic, concealment, and design standards, as applicable:

1. Except for locations in the right-of-way, small wireless facilities are prohibited on any property containing a residential use in a residential zone; provided that where small wireless facilities are intended to be located more than 400 feet from a right-of-way and within an access easement over residential property, the location may be allowed if:

a. the applicant affirms they have received an access easement from the property owner to locate the facility in the desired location; and

b. the property owner where the facility will be installed has authority to grant such permission to locate the facility and related equipment at the designated location pursuant to the terms of the access easement; and

c. the installation is allowed by, and consistent with, the access easement; and

d. such installation will not frustrate the purpose of the easement or create any access or safety issue; and

e. the location is in compliance with all land use regulations such as, but not limited to, setback requirements.

2. In the event power is later undergrounded in an area where small wireless

facilities are located above ground on utility poles, the small wireless facilities shall be removed and may be replaced with a facility meeting the design standards for new poles in POMC Section 20.72.100.E.

3. Ground-mounted equipment in the rights-of-way is prohibited, unless such facilities are placed underground, or the applicant can demonstrate that pole-mounted or undergrounded equipment is technically infeasible. If ground-mounted equipment is necessary, then the applicant shall submit a stealth technique plan substantially conforming to the applicable standards in POMC Section 20.72.100.E.3 and comply with the Americans with Disabilities Act ("ADA"), City construction standards, and state and federal regulations in order to provide a clear and safe passage within the public rights-of-way. Generators located in the rights-of-way are prohibited.

4. No signage, message, or identification other than the manufacturer's identification or identification required by governing law is allowed to be portrayed on any antenna or equipment enclosure. Any permitted signage shall be located on the equipment enclosures and be of the minimum amount possible to achieve the intended purpose (no larger than four by six inches); provided, that signs may be permitted as stealth technique where appropriate and safety signage as required by applicable laws, regulations, and standards is permitted.

5. Antennas and related equipment shall not be illuminated except for security reasons, required by a federal or state authority, or unless approved as part of the stealth techniques requirements pursuant to POMC Section 20.72.100.E.3.

6. The design standards in this chapter are intended to be used solely for the purpose of concealment and siting. Nothing contained in this chapter shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would render the small wireless facility technically infeasible or otherwise have the effect of prohibiting wireless service, alternative forms of aesthetic design or concealment may be permitted which provide similar or greater protections from negative visual impacts to the streetscape.

B. **General Pole Standards.** In addition to complying with the applicable general standards in POMC Section 20.72.100.A, all small wireless facilities on any type of utility pole shall conform to the following general pole design requirements as well as the applicable pole specific standards:

1. The preferred location of a small wireless facility on a pole is the location with the least visible impact.

2. The City may consider the cumulative visual effects of small wireless facilities mounted on poles within the rights-of- way when assessing proposed siting locations so as to not adversely affect the visual character of the City. This provision shall neither be applied to limit the number of permits issued when no alternative sites are reasonably available nor to impose a technological requirement on the applicant.

3. Small wireless facilities are not permitted on traffic signal poles unless denial of the siting could be a prohibition or effective prohibition of the applicant's ability to provide telecommunications service in violation of 47 USC 253 and 332.

4. Replacement poles and new poles shall comply with the Americans with

Disabilities Act, City construction and sidewalk clearance standards, City development standards, City ordinances, and state and federal laws and regulations in order to provide a clear and safe passage within the rights-of-way. Further, the location of any replacement or new pole must: be physically possible, comply with applicable traffic warrants, not interfere with utility or safety fixtures (e.g., fire hydrants, traffic control devices), and not adversely affect the public welfare, health, or safety.

5. Replacement poles shall be located as near as possible to the existing pole, but in no event further than five feet from the existing pole, and the existing pole shall be removed.

6. Side arm mounts for antennas or equipment must be the minimum extension necessary, and for wooden poles may be no more than 12 inches off the pole, and for non-wooden poles no more than six inches off the pole.

7. The use of the pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

C. **Non-wooden Pole Design Standards.** In addition to complying with the applicable general standards in POMC Section 20.72.100.A and POMC Section 20.72.100.B, small wireless facilities attached to existing or replacement non-wooden poles inside or outside the right-of-way shall conform to the following design criteria:

1. Upon adoption of a City standard small wireless facility pole design(s) within the City's Infrastructure Design and Construction Standards, an applicant shall first consider using or modifying the standard pole design to accommodate its small wireless facility without substantially changing the outward visual and aesthetic character of the design. The applicant, upon a showing that use or modification of the standard pole design is either technically or physically infeasible, or that the modified pole design will not comply with the City's ADA or sidewalk clearance requirements and/or would violate electrical or other safety standards, may deviate from the adopted standard pole design and use the design standards as described in this POMC Section 20.72.100.C., subsections 2 through 8. In addition, if the City has not yet adopted such Infrastructure Design and Construction Standards, then subsection 2 through 8 will apply.

2. Antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) shall be fully concealed within the pole, unless such concealment is technically infeasible, or is incompatible with the pole design, then the antennas and associated equipment enclosures must be camouflaged to appear as an integral part of the pole or flush- mounted to the pole, meaning no more than six inches off of the pole, and must be the minimum size necessary for the intended purpose, not to exceed the volumetric dimensions of small wireless facilities. If the equipment enclosure is permitted on the exterior of the pole, the applicant is required to place the equipment enclosure behind any banners or road signs that may be on the pole; provided, that such location does not interfere with the operation of the banners or signs, or the small wireless facility.

For purposes of this section, "incompatible with the pole design" may include a demonstration by the applicant that the visual impact to the pole or the streetscape would be

reduced by placing the antennas and equipment exterior to the pole.

3. The farthest point of any antenna or equipment enclosure may not extend more than 28 inches from the face of the pole.

4. All conduit, cables, wires, and fiber must be routed internally in the pole. Full concealment of all conduit, cables, wires, and fiber is required within mounting brackets, shrouds, canisters, or sleeves if attaching to exterior antennas or equipment.

5. An antenna on top of an existing pole may not extend more than 6 feet above the height of the existing pole and the diameter may not exceed 16 inches, measured at the top of the pole, unless the applicant can demonstrate that more space is needed. The antennas shall be integrated into the pole design so that they appear as a continuation of the original pole, including colored or painted to match the pole, and shall be shrouded or screened to blend with the pole except for canister antennas, which shall not require screening. To the extent technically feasible, all cabling and mounting hardware/brackets from the bottom of the antenna to the top of the pole shall be fully concealed and integrated with the pole.

6. Any replacement pole shall substantially conform to the design of the pole it is replacing (including but not limited to color, shape and style) or the neighboring pole design standards utilized within the contiguous right-of-way.

7. The height of any replacement pole and antenna(s) may not extend more than 10 feet above the height of the existing pole or the minimum additional height necessary; provided, that the height of the replacement pole cannot be extended further by additional antenna height.

8. The diameter of a replacement pole shall comply with the City's setback and sidewalk clearance requirements and shall, to the extent technically feasible, not be more than a 25 percent increase of the existing pole measured at the base of the pole, unless additional diameter is needed in order to conceal equipment within the base of the pole.

D. **Wooden Pole Design Standards.** In addition to complying with the applicable general standards in POMC Section 20.72.100.A and POMC Section 20.72.100.B, small wireless facilities attached to existing or replacement wooden utility poles and other wooden poles inside or outside the right-of-way shall conform to the following design criteria:

1. The wooden pole at the proposed location may be replaced with a taller pole for the purpose of accommodating a small wireless facility; provided, that the replacement pole shall not exceed a height that is a maximum of 10 feet taller than the existing pole, unless a further height increase is required and confirmed in writing by the pole owner and that such height extension is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.

2. A pole extender may be used instead of replacing an existing pole, but may not increase the height of the existing pole by more than 10 feet, unless a further height increase is required and confirmed in writing by the pole owner and that such height increase is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.

A “pole extender” as used herein is an object affixed between the pole and the antenna for the purpose of increasing the height of the antenna above the pole. The pole extender shall be painted to approximately match the color of the pole and shall substantially match the diameter of the pole measured at the top of the pole.

3. Replacement wooden poles must either match the approximate color and materials of the replaced pole or shall be the standard new wooden pole used by the pole owner in the City.

4. The diameter of a replacement pole shall comply with the City’s setback and sidewalk clearance requirements and shall not be more than a 25 percent increase of the existing utility pole measured at the base of the pole or the otherwise standard size used by the pole owner.

5. All cables and wires shall be routed through conduits along the outside of the pole. The outside conduit shall be colored or painted to match the pole. The number of conduits shall be minimized to the number technically necessary to accommodate the small wireless facility.

6. Antennas, equipment enclosures, and all ancillary equipment, boxes and conduit shall be colored or painted to match the approximate color of the surface of the wooden pole on which they are attached.

7. Antennas shall not be mounted more than 12 inches from the surface of the wooden pole.

8. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness. Multiple antennas are permitted on a wooden pole; provided, that each antenna shall not be more than three cubic feet in volume.

9. A canister antenna may be mounted on top of an existing or replacement wooden pole, which may not exceed the height requirements described in POMC Section 20.72.100.D.1. A canister antenna mounted on the top of a wooden pole shall not exceed 16 inches in diameter, measured at the top of the pole and, to the extent technically feasible, shall be colored or painted to match the pole. The canister antenna must be placed to look as if it is an extension of the pole. In the alternative, the applicant may install a side-mounted canister antenna, so long as the inside edge of the antenna is no more than 12 inches from the surface of the wooden pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the wooden pole.

10. The farthest point of any antenna or equipment enclosure may not extend more than 28 inches from the face of the pole.

11. An omnidirectional antenna may be mounted on the top of an existing wooden pole, provided such antenna is no more than four feet in height and is mounted directly on the top of a pole or attached to a sleeve made to look like the exterior of the pole as close to the top of the pole as technically feasible. All cables shall be concealed within the sleeve between the bottom of the antenna and the mounting bracket.

12. All related antenna equipment, including but not limited to ancillary equipment, radios, cables, associated shrouding, microwaves, and conduit which are mounted on wooden poles, shall not be mounted more than six inches from the

surface of the pole, unless a further distance is technically required and is confirmed in writing by the pole owner.

13. Equipment for small wireless facilities must be attached to the wooden pole, unless otherwise permitted to be ground mounted pursuant to POMC Section 20.72.100.A.3. The equipment must be placed in the smallest enclosure possible for the intended purpose. The equipment enclosure and all other wireless equipment associated with the utility pole, including wireless equipment associated with the antenna, and any preexisting associated equipment on the pole, may not exceed 28 cubic feet. Multiple equipment enclosures may be acceptable if designed to more closely integrate with the pole design and do not cumulatively exceed 28 cubic feet. The applicant is encouraged to place the equipment enclosure(s) behind any banners or road signs that may be on the pole; provided, that such location does not interfere with the operation of the banners or signs, or the small wireless facility.

14. An applicant who desires to enclose both its antennas and equipment within one unified enclosure may do so; provided, that such enclosure is the minimum size necessary for its intended purpose and the enclosure and all other wireless equipment associated with the pole, including wireless equipment associated with the antenna and any preexisting associated equipment on the pole, do not exceed 28 cubic feet. The unified enclosure may not be placed more than six inches from the surface of the pole, unless a further distance is required and confirmed in writing by the pole owner. To the extent possible, the unified enclosure shall be placed so as to appear as an integrated part of the pole or behind banners or signs; provided, that such location does not interfere with the operation of the banners or signs.

E. **Standards for small wireless facilities on new poles in the rights-of-way**. In addition to complying with the applicable general standards in POMC Section 20.72.100.A and POMC Section 20.72.100.B, small wireless facilities proposed to be attached to new poles shall comply with the following:

1. New poles within the rights-of-way are only permitted if the applicant can establish that:

a. The proposed small wireless facility cannot be located on an existing utility pole, electrical transmission tower, or on a site outside of the public rights-of-way such as a public park, public property, building, transmission tower or in or on a nonresidential use in a residential zone, whether by roof or panel mount or separate structure; and

b. The proposed small wireless facility receives approval for a stealth technique design, as described in POMC Section 20.72.100.E.3; and

c. The proposed small wireless facility also complies with the Shoreline Management Act, Growth Management Act, and State Environmental Policy Act, if applicable; and

d. No new poles shall be located in a critical area or associated buffer required by the City's Critical Areas ordinance, Chapter 20.162 POMC, except when determined to be exempt pursuant to said ordinance.

2. An application for a new pole is subject to administrative review by the Director.

3. All new poles shall conform to the City's standard pole design adopted in the City's Infrastructure Design and Construction Standards. If no existing metered service is available, the applicant shall provide new metered electrical service. If the City's standard pole design is technically infeasible, or such standards have not yet been adopted by the City, then the new pole shall meet the following:

a. The stealth technique design shall include the design of the screening, fencing, or other concealment technology for the pole, equipment enclosure, and all related transmission equipment or facilities associated with the proposed small wireless facility, including but not limited to fiber and power connections.

b. The stealth technique design should seek to minimize the visual obtrusiveness of the small wireless facility. The proposed pole or structure should have similar designs to existing neighboring poles in the rights-of-way, including similar height to the extent technically feasible. If the proposed small wireless facility is placed on a replacement pole in an area with design standards, then the replacement pole shall be of the same general design as the pole it is replacing, unless the Director otherwise approves a variation due to aesthetic or safety concerns. Any stealth technique design for a small wireless facility on a decorative pole should attempt to mimic the design of such pole and integrate the small wireless facility into the design of the decorative pole. Other stealth technique methods include, but are not limited to, integrating the installation with architectural features or building design components; utilization of coverings or concealment devices of similar material, color, and texture—or the appearance thereof—as the surface against which the installation will be seen or on which it will be installed; landscape design; or other camouflage strategies appropriate for the type of installation. Applicants are required to utilize designs in which all conduit and wires are installed internally within the structure. Further, applicant designs should, to the extent technically feasible, comply with the generally applicable design standards adopted pursuant to POMC Section 20.72.100.A.

c. If the Director has already approved a stealth technique design either for the applicant or another small wireless facility along the same public right-of-way or for the same pole type, then the applicant shall utilize a substantially similar stealth technique design, unless it can show that such stealth technique design is not technically feasible, or that such design would undermine the generally applicable design standards adopted pursuant to POMC Section 20.72.100.A.

d. Even if an alternative location is established pursuant to POMC Section 20.72.100.E.1.a, the Director may determine that a new pole in the right-of-way is in fact a superior alternative based on the impact to the City, the stealth technique design, the City's Comprehensive Plan and the added benefits to the community.

e. Prior to the issuance of a permit to construct a new pole or ground-mounted equipment in the right-of-way, the applicant must obtain a master lease agreement from the City to locate such new pole or ground-mounted equipment. This

requirement also applies to replacement poles that are taller than the replaced pole, when the overall height of the replacement pole and the proposed small wireless facility is more than 60 feet.

F. **Standards for small wireless facilities attached to cables**. In addition to complying with the applicable general standards in POMC Section 20.72.100.A, all small wireless facilities mounted on existing cables strung between existing utility poles shall conform to the following standards:

1. Each strand-mounted facility shall not exceed three cubic feet in volume;

2. Only one strand-mounted facility is permitted per cable between any two existing poles on an existing cable;

3. The strand-mounted devices shall be placed as close as feasible to the nearest utility pole, in no event more than five feet from the pole unless that location is technically infeasible or is not allowed by the pole owner for safety clearance;

4. No strand-mounted device shall be located in or above the portion of the roadway open to vehicular traffic;

5. Ground-mounted equipment to accommodate a shared mounted facility is not permitted except when placed in preexisting equipment cabinets or required by a third party electrical service provider; and

6. Pole-mounted equipment shall comply with the requirements of POMC Section 20.72.100.A and POMC Section 20.72.100.B.

7. Such strand-mounted devices must be installed to cause the least visual impact and without excess exterior cabling or wires (other than the original strand).

G. **Standards for small wireless facilities attached to existing buildings**. In addition to complying with the applicable general standards in POMC Section 20.72.100.A, all small wireless facilities attached to existing buildings shall conform to the following design criteria:

1. Small wireless facilities may be mounted to the sides of a building if the antennas do not interrupt the building's architectural theme.

2. The interruption of architectural lines or horizontal or vertical reveals is discouraged.

3. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if it complements the architecture of the existing building.

4. Small wireless facilities shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building.

5. Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas. Exposed cabling/wiring is prohibited.

6. To the extent technically feasible, small wireless facilities shall be painted and textured to match the adjacent building surfaces.

20.72.110 Removal of Abandoned Small Wireless Facility

Any small wireless facility that, after the initial operation of the facility, is not used for the purpose for which it was intended at the time of filing of the application for a continuous period of 12 months shall be considered abandoned, and the owner of such facility shall remove same within 90 days of receipt of notice from the City notifying the owner of such abandonment. Failure to remove such abandoned facility shall result in the City declaring the facility a public nuisance. If there are two or more users of a single pole or structure, then this section shall not become effective as to require removal of the pole/structure/tower itself until all users cease using the pole/structure/tower.

20.72.120 Revocation of Permit

A permit issued under this chapter may be revoked, suspended or denied for any one or more of the following reasons:

1. Failure to comply with any federal, state, or local laws or regulations.
2. Failure to comply with the terms and conditions imposed by the City on the issuance of a permit.
3. When the permit was procured by fraud, false representation, or omission of material facts.
4. Failure to comply with federal standards for RF emissions.

CHAPTER 20.70

WIRELESS COMMUNICATION FACILITIES

Sections:

20.70.010 Purpose

A. The purpose of this Chapter is to regulate the placement, construction and modification of wireless communication facilities, in order to protect the health, safety and welfare of the public, while not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the City. The purpose of this Chapter will be achieved through adherence to the following objectives:

1. Establish clear and nondiscriminatory local regulations concerning wireless telecommunications providers and services that are consistent with Federal and State laws and regulations pertaining to telecommunications providers;

2. Protect residential areas and land uses from potential adverse impacts that wireless communication facilities might create, including but not limited to impacts on aesthetics, environmentally sensitive areas, historically significant locations, flight corridors, and health and safety of persons and property;

3. Encourage providers of wireless communication facilities to locate these facilities, to the extent possible, in areas where the adverse impact on the community is minimal;

4. Encourage the location of wireless communication facilities in nonresidential areas and allow wireless communication facilities in residential areas only when necessary, to meet functional requirements of the telecommunications industry;

5. Minimize the total number of wireless communication facilities in residential areas;

6. Require cooperation between competitors and, as a primary option, joint use of new and existing towers, tower sites and suitable structures to the greatest extent possible, in order to reduce cumulative negative impact upon the City;

7. Allow wireless communication companies to use City property (i.e. City Hall, Community Center, utilities property, parks, etc.) for the placement of wireless facilities, where consistent with other public needs, as a means to generate revenue for the City;

8. Ensure wireless communication facilities are configured in a way that minimizes the adverse visual impact of the wireless communication facilities, as viewed from different vantage points, through careful design, landscape screening, minimal impact siting options and camouflaging techniques, and through assessment of technology, current location options, siting, future available locations, innovative siting techniques and siting possibilities beyond the jurisdictional boundaries of the City;

9. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently;

10. Provide for the removal of wireless communication facilities that are abandoned or no longer inspected for safety concerns and Building Code compliance, and provide a mechanism for the City to cause these abandoned wireless communication facilities to be removed, to protect the residents from imminent harm and danger;

11. Avoid potential damage to adjacent properties from tower failure, through engineering, careful siting, height limits, and maintenance of wireless communication facilities; and

12. Provide a means for public input on major wireless communications facility placement, construction and modification.

B. In furtherance of these objectives, the City shall give due consideration to the Comprehensive Land Use Plan, zoning code, existing land uses, and environmentally sensitive areas in approving sites for the location of communication towers and antennas.

C. These objectives were developed to protect the public health, safety and welfare, to protect property values, and to minimize visual impact, while furthering the development of enhanced telecommunication services in the City. These objectives were designed to comply with the Telecommunications Act of 1996. The provisions of this Chapter are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting personal wireless services. This Chapter shall not be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent personal wireless services.

D. To the extent that any provision of this Chapter is inconsistent or conflicts with any other City ordinance, this Chapter shall control. Otherwise, this Chapter shall be construed consistently with the other provisions and regulations of the City.

E. In reviewing any application to place, construct or modify wireless communication facilities, the City shall act within a reasonable period of time after an application for a permit is duly filed, taking into account the nature and scope of the application. Any decision to deny an application shall be in writing, supported by substantial evidence contained in a written record. The City shall approve, approve with conditions, or deny the application in accordance with Title 20 of the Port Orchard Municipal Code, this Chapter, the adopted Port Orchard Comprehensive Plan, and other applicable ordinances and regulations.

20.70.020 Authority and Application.

The provisions of this Chapter shall apply to the placement, construction or modification of all wireless communication facilities, except as specifically exempted in POMC Section 20.70.030.

20.70.030 Exemptions.

The provisions of this Chapter shall not apply to the following:

1. Wireless communication facilities permits are not required for subparagraphs 1.a through 1.e of this section; however, other permits, such as a grading permit, street excavation permit, traffic management plan, or building permit may be required:

a. Routine maintenance and repair of wireless communication facilities when no traffic impacts will occur. This shall not include changes in height or dimensions of towers or buildings; provided that the wireless communication facility received approval from the City of Port Orchard or Kitsap County for the original placement, construction or subsequent modification. When traffic impacts will occur, a traffic control plan approved by the City is required.

b. Changing of antennas on wireless communication facilities is exempt from wireless facilities permits, provided the total area of the new antennas and support structure is not increased more than 10% of the previous area or the area is reduced.

c. Changing or adding additional antennas within a previously permitted concealed building-mounted installation is exempt provided there is no visible change from the outside.

d. Bird exclusionary devices may be added to towers and are not subject to height limitations.

e. Additional ground equipment may be placed within an approved equipment enclosure, provided the height of the equipment does not extend above the screening fence.

2. An antenna that is designed to receive or send direct broadcast satellite service and/or broadband signals, or other means for providing internet service including direct-to-home satellite services, and that is 1 meter or less in diameter or diagonal measurement, and when the antenna is attached to the residence or business that is utilizing the service.

3. An antenna that is designed to receive video programming services via multipoint distribution services, including multi-channel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, and that is 1 meter or less in diameter or diagonal measurement.

4. An antenna that is designed to receive television broadcast signals.

5. Antennas for the receiving and sending of amateur radio devices or HAM radios, provided that the antennas meet the height requirements of the applicable zoning district, and are owned and operated by a Federally-licensed amateur radio station operator or are used exclusively for receive-only antennas. In order to reasonably accommodate licensed amateur radio operators as required by Federal Code of Regulations, 47 CFR Part 97, as amended, and Order and Opinion (PRB-1) of the Federal Communication Commission of September 1985, and RCW 35A.21.260, a licensed amateur radio operator may locate a tower not to exceed the height requirements of the applicable zoning district, provided the following requirements are met for such towers located in a residentially-zoned district:

a. The tower and any antennas located thereon shall not have any lights of any kind on it and shall not be illuminated either directly or indirectly by any artificial means;

b. The color of the tower and any antennas located thereon must all be the same and such that it blends into the sky, to the extent allowed under requirements set forth by the Federal Aviation Administration;

c. No advertising logo, trademark, figurine or other similar marking or lettering shall be placed on the tower or any wireless communication facilities mounted or otherwise attached thereto or any building used in conjunction therewith;

d. The tower shall be located a distance equal to or greater than its height from any existing residential structure located on adjacent parcels of property, including any attached accessory structures;

e. A tower must be at least three-quarters of its height from any property line on the parcel of property on which it is located, unless a licensed engineer certifies that the tower will not collapse or that it is designed in such a way that, in the event of collapse, it falls within itself, and in that event, it must be located at least one-third of its height from any property line;

f. No signs shall be used in conjunction with the tower, except for one sign not larger than 8½" high and 11" wide and as required by Federal regulations;

g. Towers shall not be leased or rented to commercial users, and shall not otherwise be used for commercial purposes; and

h. All towers must meet all applicable State and Federal statutes, rules and regulations, including obtaining a building permit from the City, if necessary.

6. Emergency communications equipment during a declared public emergency, when the equipment is owned and operated by an appropriate public entity.

7. Any wireless internet facility that is owned and operated by a government entity.

8. Antennas and related equipment no more than 3 feet in height that are being stored, shipped or displayed for sale.

9. Radar systems for military and civilian communication and navigation.

10. Small wireless facilities as defined by POMC Section 20.29.030.

20.70.040 Permits Required.

A. No person may place, construct or modify a wireless communication facility subject to this Chapter without first having in place a permit issued in accordance with this Chapter. Except as otherwise provided herein, the requirements of this Chapter are in addition to the applicable requirements of POMC Title 20.

B. Any application submitted pursuant to this Chapter shall be reviewed and evaluated by the Director for all projects located on public or private property. The Director of Public Works or his/her designee shall review all proposed wireless communication facilities that are totally within City right-of-way. If a project is both on private or public property and City right-of-way, the Community Development Director shall review the application. Regardless of whether the Community Development Director or the Director of Public Works is reviewing the application, all applications will be reviewed and evaluated pursuant to the provisions of this Chapter.

C. The applicant is responsible for obtaining all other permits from any other appropriate governing body (i.e., Washington State Department of Labor and Industries, Federal Aviation Administration, etc.).

D. This Chapter provides guidelines for the placement and construction of wireless communication facilities, not exempt as set forth in POMC Section 20.70.030 from its provisions and modification of wireless communication facilities.

E. No provision of this Chapter shall be interpreted to allow the installation of a wireless communication facility to reduce the minimum parking or landscaping on a site.

F. Wireless communication facilities that are governed under this Chapter shall not be eligible for variances under POMC Chapter 20.28. Any request to deviate from this Chapter shall be based on the exceptions or waivers set forth in this Chapter.

G. Third Party Expert Review. Applicants use various methodologies and analyses, including geographically-based computer software, to determine the specific technical parameters of the services to be provided utilizing the proposed wireless communication facilities, such as expected coverage area, antenna configuration, capacity, and topographic constraints that affect signal paths. In certain instances, a third party expert may be needed to review the engineering and technical data submitted by an applicant for a permit. The City may at its discretion require an engineering and technical review as part of a permitting process. The costs of the technical review shall be borne by the applicant.

H. The selection of the third-party expert may be by mutual agreement between the applicant and the City, or at the discretion of the City, with a provision for the applicant and

beneficially interested parties to comment on the proposed expert and review his/her qualifications. The third party expert review is intended to address interference and public safety issues and be a site-specific review of engineering and technical aspects of the proposed wireless communication facilities and/or a review of the applicants' methodology and equipment used, and is not intended to be a subjective review of the site which was selected by an applicant. Based on the results of the expert review, the City may require changes to the application. The expert review shall address the following:

1. The accuracy and completeness of submissions;
2. The applicability of analysis techniques and methodologies;
3. The validity of conclusions reached;
4. The viability of other sites in the City for the use intended by the applicant; and
5. Any specific engineering or technical issues designated by the City.

I. Any decision by the Community Development Director, Director of Public Works, or Hearing Examiner shall be given substantial deference in any appeal of a decision by the City to either approve, approve with conditions, or deny any application for a wireless communication facility.

J. No alterations or changes shall be made to plans approved by the Director, Director of Public Works, or Hearing Examiner without approval from the City. Minor changes which do not change the overall project may be approved by the Community Development Director as a minor modification.

20.70.050 Types of Permits-Priority--Restrictions.

A. Applications will be reviewed based on the type of wireless communication facilities requested to be permitted. Each wireless communication facility requires the appropriate type of project permit review, as shown in Table A. In the event of uncertainty on the type of a wireless facility, the Community Development Director shall have the authority to determine how a proposed facility is incorporated into Table A.

TABLE A
Type of Permit Required, Based on Type of Wireless Communication Facility

	Zoning(1)		
Type of Facility	**Residential**	**Commercial**	**Industrial**
Adding antennas to an existing tower or utility pole	Type 1 (2)	Type 1(2)	Type 1(2)
Eligible facilities modification	Type 1	Type 1	Type 1
Utility pole co-location	Type 2	Type 2	Type 2
Concealed building attached	Type 2 (3)	Type 2 (3)	Type 1

Non-concealed building attached	Type 2 (4)	Type 2	Type 1
New tower or height adjustment request	Type 3 (4)	Type 3	Type 3

(1) Zoning for any private/public property or right-of-way: Residential – R1, R2, R3, R4, R5, R6, RMU. Commercial – NMU, BPMU, CMU, DMU, GMU, CC, CH, IF. Industrial – LI, HI.

(2) Provided the height of the tower or utility pole does not increase and the square footage of the enclosure area does not increase.

(3) An applicant may request to install a non-concealed building attached facility, under POMC Section 20.70.140.

(4) LI or HI only.

B. The priorities for the type of wireless communication facility shall be based upon their placement in Table A; most- desirable facilities are located toward the top and least-desirable facilities toward the bottom. Any application for a wireless communication facility must follow the hierarchy of Table A. For example, an applicant must demonstrate by engineering evidence that using a transmission tower co-location is not possible before moving to a utility pole replacement for co-location, and so forth, with the last possible siting option being a new tower or waiver request.

C. The City's preferences for locating new wireless communication facilities are as follows:

1. Place antennas on existing structures, such as buildings, towers, water towers, or electrical transmission towers.

2. Place wireless communication facilities in non- residentially-zoned districts and non-residential property.

3. Place antennas and towers on public property and on appropriate rights-of-way if practical, provided that no obligation is created herein for the City to allow the use of City property or public right-of-way for this purpose.

4. City Property/Public Rights-of-Way. The placement of personal wireless communication facilities on City- owned property and public rights-of-way will be subject to other applicable sections of the Port Orchard Municipal Code and review by other departments (i.e., Public Works, Parks and Recreation, etc.) and may require a facilities lease.

5. Wireless communication facilities shall not be permitted on property designated as landmark or as part of a historic district.

D. Applicants shall submit all of the information required pursuant to POMC Section 20.24.030 and the following:

1. Type 1**:** Applicant shall submit:

a. A completed application form provided by the Department of Community Development.

b. Four sets of plans prepared by a design professional. The plans shall include a

vicinity map, site map, architectural elevations, method of attachment, proposed screening, location of proposed antennas, and all other information which accurately depicts the proposed project. Minimum size is 8.5'' by 11". Plans shall be no greater than 24" x 36".

a. A letter from the applicant outlining the proposed project and an evaluation from the applicant with regard to the City's Code requirements and whether the proposal qualifies for review under Section 6409 of the Spectrum Act.
b. Information sufficient to determine whether a proposed facilities modification per POMC Section 20.70.200 would be a substantial change to an existing eligible support structure.
c. Sensitive Area studies and proposed mitigation (if required).
d. If an outdoor generator is proposed, a report prepared by an acoustical engineer demonstrating compliance with Chapter 173-60 WAC and POMC 9.24.050.
e. SEPA Application (if required).

2. Type 2: Applicant shall submit all information required for a Type 1 application, plus the following:

a. Four sets of photo simulations that depict the existing and proposed view of the proposed facility.

b. Materials board for the screening material.

c. If landscaping is proposed, four sets of a landscaping plan prepared by a Washington State-licensed landscape architect.

d. Letter from a radio frequency engineer that demonstrates that the facility meets Federal requirements for allowed emissions.

e. If the facility is located within a residential zone, a report from a radio frequency engineer explaining the need for the proposed wireless communication facility. Additionally, the applicant shall provide detailed discussion on why the wireless communication facility cannot be located within a commercial or industrial zone.

3. Type 3: The applicant shall submit all the information required for Type 1 and Type 2 applications, plus the following:

a. All information required for new towers under POMC Section 20.70.060.

b. The radio frequency engineer report shall include a discussion of the information required under POMC Section 20.70.060. The report shall also explain why a tower must be used instead of any of the other location options outlined in Table A.

c. Provisions for mailing labels for all property owners and tenants/residents within 500 feet of the subject property.

d. Engineering plans for the proposed tower.

e. A vicinity map depicting the proposed extent of the service area.

f. A graphic simulation showing the appearance of the proposed tower and ancillary structures and ancillary facilities from five points within the impacted vicinity. Such points are to be mutually agreed upon by the Director of Community Development and applicant. All plans and photo simulations shall include the maximum build-out of the proposed facility.

g. Evidence of compliance with minimum Federal Communications Commission

(FCC) requirements for radio frequency emissions.

h. Evidence of compliance with Federal Aviation Administration (FAA) standards for height and lighting and certificates of compliance from all affected agencies.

i. Evidence that the tower has been designed to meet the minimum structural standards for wireless communication facilities for a minimum of three providers of voice, video or data transmission services, including the applicant, and including a description of the number and types of antennas the tower can accommodate.

20.70.060 New Towers.

A. New towers are not permitted within the City unless the Hearing Examiner finds that the applicant has demonstrated by a preponderance of the evidence that:

1. *Coverage objective:*There exists an actual (not theoretical) significant gap in service, and the proposed wireless communication facility will eliminate such significant gap in service; and

2. *Alternates:* No existing tower or structure, or other feasible site not requiring a new tower in the City, can accommodate the applicant's proposed wireless communication facility; and

3. *Least intrusive:* The proposed new wireless communication facility is designed and located to remove the significant gap in service in a manner that is, in consideration of the values, objectives and regulations set forth in this chapter, POMC Title 20, and the Comprehensive Land Use Plan, the least intrusive upon the surrounding area.

B. The Hearing Examiner shall be the reviewing body on the application to construct a new tower, and shall determine whether or not each of the above requirements are met. Examples of evidence demonstrating the foregoing requirements include, but are not limited to, the following:

1. That the tower height is the minimum necessary in order to achieve the coverage objective;

2. That no existing towers or structures or alternative sites are located within the geographic area required to meet the applicant's engineering requirements to meet its coverage objective (regardless of the geographical boundaries of the City);

3. That existing towers or structures are not of a sufficient height or could not feasibly be extended to a sufficient height to meet the applicant's engineering requirements to meet its coverage objective;

4. That existing structures or towers do not have sufficient structural strength to support the applicant's proposed antenna and ancillary facilities;

5. That the applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing structures would cause interference with the applicant's proposed antenna;

6. That the fees, costs or contractual provisions required by the owner or operator in order to share an existing tower or structure, or to locate at an alternative site, or to adapt an existing tower or structure or alternative site for sharing, are unreasonable. Costs exceeding new tower construction by 25% are presumed to be unreasonable;

7. The applicant demonstrates other limiting factors that render existing towers and structures or other sites unsuitable.

All engineering evidence must be provided and certified by a Washington registered and qualified professional engineer and clearly demonstrate the evidence required.

C. The Hearing Examiner, after holding a public hearing, shall either approve, approve with conditions, or deny the application, or remand the application back to staff for further investigation in a manner consistent with the Hearing Examiner order.

20.70.070 General Requirements.

The following shall apply to all wireless communication facilities regardless of the type of facility:

1. *Noise:* Any facility that requires a generator or other device which will create noise must demonstrate compliance with Chapter 173-60 WAC and POMC 9.24.050. A noise report, prepared by an acoustical engineer, shall be submitted with any application to construct and operate a wireless communication facility that will have a generator or similar device. The City may require that the report be reviewed by a third party expert at the expense of the applicant.

2. *Signage:* Only safety signs or those mandated by other government entities may be located on wireless communication facilities. No other types of signs are permitted on wireless communication facilities.

3. *Parking:* Any application must demonstrate that there is sufficient space for temporary parking for regular maintenance of the proposed facility.

4. *Finish:* A tower shall either maintain a galvanized steel finish or, subject to any applicable standards of the FM or FCC, be painted a neutral color so as to reduce its visual obtrusiveness.

5. *Design:* The design of all buildings and ancillary structures shall use materials, colors, textures, screening and landscaping that will blend the tower facilities with the natural setting and built environment.

6. *Color:* All antennas and ancillary facilities located on buildings or structures other than towers shall be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and ancillary facilities as visually unobtrusive as possible.

7. *Lighting:* Towers shall not be artificially lighted unless required by the FM, FCC or other applicable authority. If lighting is required, the reviewing authority shall review the lighting alternatives and approve the design that would cause the least disturbance to the surrounding areas. No strobe lighting of any type is permitted on any tower.

8. *Advertising:* No advertising is permitted at wireless communication facility sites or on any ancillary structure or facilities equipment compound.

9. *Equipment Enclosure:* Each applicant shall be limited to an equipment enclosure of 360 square feet at each site. However, this restriction shall not apply to enclosures located within an existing commercial, industrial, residential or institutional building or eligible facilities

modifications.

20.70.080 Specific Development Standards for Electrical Transmission Tower Co-Location.

The following requirements shall apply:

1. *Height*- There is no height requirement for antennas that are located on electrical transmission towers.

2. *Antenna aesthetics:* There are no restrictions on the type of antennas located on the electrical transmission tower. The antennas must be painted to match the color of the electrical transmission tower.

3. *Antenna intensity:* There is no limit on the number of antennas that may be located on an electrical transmission tower structure.

4. *Feed lines and coaxial cables:* Feed lines and coaxial cables shall be attached to one of the legs of the electrical transmission tower. The feed lines and cables must be painted to match the color of the electrical transmission tower.

5. *Cabinet equipment:* Cabinet equipment shall be located directly under the electrical transmission tower where the antennas are located or a concealed location. The wireless communication equipment compound shall be fenced; the fence shall have a minimum height of 6 feet and a maximum height of 8 feet. The fence shall include slats, wood panels, or other materials to screen the equipment from view. Barbed wire is not allowed.

6. *Setbacks:* Since the facility will be located on an existing electrical transmission tower, setbacks shall not apply.

20.70.090 Specific Development Standards for Adding Antennas to Existing WCF Tower.

The following requirements shall apply:

1. *Height:* The height must not exceed what was approved under the original application to construct the tower. If the height shall exceed what was originally approved, approval as a Type 2 decision is required.

2. *Antenna aesthetics:* Antennas shall be painted to match the color scheme of the tower.

3. *Antenna intensity:* There is no limit on the number of antennas that may be located on an existing tower.

4. *Feed lines and coaxial cables:* Feed lines and coaxial cables shall be located within the tower. Any exposed feed lines or coaxial cables (such as when extended out of the tower to connect to the antennas) must be painted to match the tower.

5. *Cabinet equipment:* A new cabinet shall be located within the equipment enclosure that was approved as part of the original application. If the applicant wishes to expand the equipment enclosure from what was approved by the City or County under the previous application, the applicant shall seek a wireless communication facility (Type 2) application for only the equipment enclosure increase.

6. *Setbacks:* Setbacks shall not apply when an applicant installs new antennas on an

existing tower and uses an existing equipment enclosure. If the equipment enclosure is increased, it must meet setbacks.

20.70.100 Concealed Building Mounted Development Requirements.

The following requirements shall apply:

1. *Height:* The proposed facility must meet the height requirement of the applicable zoning category. The antennas can qualify under POMC Section 20.127.360, "Roof-Mounted Mechanical Equipment", if the antennas are located in a church spire, chimney or fake chimney, elevator tower, mechanical equipment room, or other similar rooftop appurtenances usually required to be placed on a roof and not intended for human occupancy. Stand-alone antennas shall not qualify as rooftop appurtenances.

2. *Antennas aesthetics:* The antennas must be concealed from view by blending with the architectural style of the building. This could include steeple-like structures and parapet walls. The screening must be made out of the same material and be the same color as the building. Antennas shall be painted to match the color scheme of the building(s).

3. *Feed lines and coaxial cables:* Feed lines and cables should be located below the parapet of the rooftop.

4. *Cabinet equipment*- If cabinet equipment cannot be located within the building where the wireless communication facilities will be located, then the City's first preference is to locate the equipment on the rooftop of the building. If the equipment can be screened by placing the equipment below the parapet walls, no additional screening is required. If screening is required, then the proposed screening must be consistent with the existing building in terms of color, style, architectural style and material. If the cabinet equipment is to be located on the ground, the equipment must be fenced with a 6-foot-tall fence, and materials shall be used to screen the equipment from view. Barbed wire may not be used.

5. *Setbacks:* The proposed wireless communication facilities facility must meet the setback of the applicable zoning category where the facility is to be located.

20.70.110 Non-concealed Building Mounted Development Requirements.

The following requirements shall apply:

1. *Height:* The proposed facility must meet the height requirements of the applicable zoning category. If the building where the facility is located is at or above the maximum height requirements, the antennas are permitted to extend a maximum of 3 feet above the existing roof line. Non-concealed building mounted facilities shall not qualify as ""Roof-Mounted Mechanical Equipment" under POMC Section 20.127.360.

2. *Antenna aesthetics:* The first preference for any proposed facility is to utilize flush-mounted antennas. Nonflush mounted antennas may be used when their visual impact will be negated by the scale of the antennas to the building. "Shrouds" are not required unless they provide a better visual appearance than exposed antennas. Antennas shall be painted to match the color scheme of the building(s).

3. *Feed lines and coaxial cables:* Feed lines and cables should be located below the parapet of the rooftop. If the feed lines and cables must be visible, they must be painted to match the color scheme of the building(s).

4. *Cabinet equipment*- If cabinet equipment cannot be located within the building where the wireless communication facilities will be located, then it must be located on the rooftop of the building. If the equipment can be screened by placing the equipment below the parapet walls, no additional screening is required. If screening is required, then the proposed screening must be consistent with the existing building in terms of color, style, architectural style and material. If the cabinet equipment is to be located on the ground, the equipment must be fenced with a 6-foot-tall fence and materials shall be used to screen the equipment from view. Barbed wire may not be used.

20.70.120 Utility Pole Co-location.

The following requirements shall apply:

1. *Height:* The height of a utility pole co-location is limited to 10 feet above the replaced utility pole, and may be not greater than 50 feet in height in residential zones. Within all other zones, the height of the utility pole is limited to 50 feet or the minimum height standards of the underlying zoning, whichever is greater.

2. *Replacement pole:* The replaced utility pole must be used by the owner of the utility pole to support its utility lines (phone lines or electric). A replaced utility pole cannot be used to provide secondary functions to utility poles in the area.

3. *Pole aesthetics*- The replaced utility pole must have the color and general appearance of the adjacent utility poles.

4. *Coaxial cables:* Coax cables limited to ½" in diameter may be attached directly to a utility pole. Coax cables greater than ½" must be placed within the utility pole. The size of the cables is the total size of all coax cables being utilized on the utility pole.

5. *Pedestrian impact:* The proposal shall not result in a significant change in the pedestrian environment or preclude the City from making pedestrian improvements. If a utility pole is being replaced, consideration must be made to improve the pedestrian environment if necessary.

6. *Cabinet equipment:* Unless approved by the Director of Public Works, all cabinet equipment and the equipment enclosure must be placed outside of City right-of-way. If located on a parcel that contains a building, the equipment enclosure must be located next to the building. The cabinet equipment must be screened from view. The screening must be consistent with the existing building in terms of color, style, architectural style and material. If the cabinet equipment is to be located on the ground, the equipment must be fenced with a 6-foot-tall fence and materials shall be used to screen the equipment from view. Barbed wire is not allowed.

7. *Setbacks:* Any portion of the wireless communication facilities located within City right-of-way is not required to meet setbacks. The City will evaluate setbacks on private property under the setback requirements set forth in POMC Section 20.70.170.

20.70.130 Towers-Specific Development Standards.

The following requirements shall apply:

1. *Height:* Any proposed tower with antennas shall meet the height standards of the zoning district where the tower will be located. Bird exclusionary devices are not subject to height limitations.

2. *Antenna and tower aesthetics:* The applicant shall utilize a wireless communication concealed facility and shall use such methods as to help the tower to blend with the natural and built environment. The choice of concealing the wireless communication facility must be consistent with the overall use of the site. For example, having a tower appear like a flagpole would not be consistent if there are no buildings on the site. If a flag or other wind device is attached to the pole, it must be appropriate in scale to the size and diameter of the tower.

3. *Setbacks:* The proposed wireless communication facilities must meet the setbacks of the underlying zoning district. If an exception is granted under POMC Section 20.70.170 with regards to height, the setback of the proposed wireless communication facilities will increase 2 feet for every foot in excess of the maximum permitted height in the zoning district.

4. *Color*- The color of the tower shall be based on the surrounding land uses.

5. *Feed lines and coaxial cables:* All feed lines and cables must be located within the tower. Feed lines and cables connecting the tower to the equipment enclosure, which are not located within the wireless communication facility equipment compound, must be located underground.

20.70.140 Request to Use Non-concealed Building Attached in Lieu of a Concealed Building Attached.

The use of concealed building facilities shall have first priority in all residential and commercial zones. However, an applicant may request to construct a non-concealed building attached wireless communication facility in lieu of a concealed wireless communication facility. The following criteria shall be used:

1. Due to the size of the building and the proposed location of the antennas, the visual impact of the exposed antennas will be minimal in relation to the building.

2. Cables are concealed from view and any visible cables are reduced in visibility by sheathing or painting to match the building where they are located.

3. Cabinet equipment is adequately screened from view.

4. Due to the style or design of the building, the use of a concealed facility would reduce the visual appearance of the building.

5. The building where the antennas are located is at least 200 feet from any body of water or waterway that is designated as either shoreline or critical area.

20.70.150 Landscaping/Screening.

A. The visual impacts of wireless communication facilities may be mitigated and softened

through landscaping or other screening materials at the base of the tower, facility equipment compound, equipment enclosures and ancillary structures, with the exception of wireless communication facilities located on transmission towers, or if the antenna is mounted flush on an existing building, or camouflaged as part of the building and other equipment is housed inside an existing structure. The Community Development Director, Director of Public Works or Hearing Examiner, as appropriate, may reduce or waive the standards for those sides of the wireless communication facility that are not in public view, when a combination of existing vegetation, topography, walls, decorative fences or other features achieve the same degree of screening as the required landscaping; in locations where the visual impact of the tower would be minimal; and in those locations where large wooded lots and natural growth around the property perimeter may be sufficient buffer.

B. Landscaping shall be installed on the outside of fences. Existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or as a supplement to landscaping or screening requirements. The following requirements apply:

1. Screening landscaping shall be placed around the perimeter of the equipment cabinet enclosure, except that a maximum 10-foot portion of the fence may remain without landscaping in order to provide access to the enclosure.

2. The landscaping area shall be a minimum of 5 feet in width around the perimeter of the enclosure.

3. The applicant shall utilize evergreens that shall be a minimum of 6 feet tall at the time of planting.

4. Applicant shall utilize irrigation or an approved maintenance schedule that will insure that the plantings are established after two years from the date of planting.

C. The applicant shall replace any unhealthy or dead plant materials in conformance with the approved landscaping development proposal, and shall maintain all landscape materials for the life of the facility. In the event that landscaping is not maintained at the required level, the Community Development Director, after giving 30 days advance written notice, may maintain or establish the landscaping at the expense of the owner or operator and bill the owner or operator for such costs until such costs are paid in full.

20.70.160 Zoning Setback Exceptions.

A. Generally, wireless communication facilities placed on private property must meet setbacks of the underlying zoning. However, in some circumstances, allowing modifications to setbacks may better achieve the goal of this Chapter of concealing such facilities from view.

B. The Community Development Director or Hearing Examiner, depending on the type of application, may permit modifications to be made to setbacks when:

1. An applicant for a wireless communication facility can demonstrate that placing the facility on certain portions of a property will provide better screening and aesthetic considerations than provided under the existing setback requirements; or

2. The modification will aid in retaining open space and trees on the site; or

3. The proposed location allows for the wireless communication facility to be located a greater distance from residentially-zoned properties.

C. This zoning setback modification cannot be used to waive/modify any required setback required under the State Building Code or Fire Code.

20.70.170 Height Waivers.

A. Where the Hearing Examiner finds that extraordinary hardships, practical difficulties, or unnecessary and unreasonable expense would result from strict compliance with the height limitations of the Zoning Code, or the purpose of these regulations may be served to a greater extent by an alternative proposal, it may approve an adjustment to these regulations; provided that the applicant demonstrates that the adjustments are consistent with the values, objectives, standards, and requirements of this Chapter, POMC Title 20, and the Comprehensive Land Use Plan, and demonstrate the following:

1. A particular and identifiable hardship exists or a specific circumstance warrants the granting of an adjustment. Factors to be considered in determining the existence of a hardship shall include, but not be limited to:
    a. Topography and other site features;
    b. Availability of alternative site locations;
    c. Geographic location of property; and
    d. Size/magnitude of project being evaluated and availability of co-location.

B. In approving the adjustment request, the Hearing Examiner may impose such conditions as it deems appropriate to assure consistency with the values, objectives, standards and requirements of this Chapter, POMC Title 20, and the Comprehensive Land Use Plan and to ensure that the granting of the height adjustment will not be detrimental to the public safety, health or welfare, or injurious to other property, and will promote the public interest.

C. A petition for any such adjustment shall be submitted, in writing, by the applicant with the application for Hearing Examiner review. The petition shall state fully the grounds for the adjustment and all of the facts relied upon by the applicant.

20.70.190 Removal of Abandoned Wireless Communication Facilities.

Any antenna or tower that, after the initial operation of the facility, is not used for the purpose for which it was intended at the time of filing of the application for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the City notifying the owner of such abandonment. Failure to remove such abandoned tower shall result in declaring the antenna and/or tower a public nuisance. If there are two or more users of a single tower, then this section shall not become effective until all users cease using the tower.

20.70.200 Standards for Eligible Facilities Modifications.

A. This section implements § 6409 of the "Middle Class Tax Relief and Job Creation Act of 2012" (the "Spectrum Act", PL-112- 96; codified at 47 U.S.C. § 1455(a)), which requires the City to approve any eligible facilities request for a modification of an existing tower or base

station that does not substantially change the physical dimensions of such tower or base station. The intent is to exempt eligible facilities requests from zoning and development regulations that are inconsistent with or preempted by Section 6409 of the Spectrum Act, while preserving the City's right to continue to enforce and condition approvals under this chapter on compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety.

B. Definitions.

1. *"Base station"* shall mean and refer to the structure or equipment at a fixed location that enables wireless communications licensed or authorized by the FCC, between user equipment and a communications network. The term does not encompass a tower as defined in this chapter or any equipment associated with a tower.

a. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

b. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).

c. The term includes any structure other than a tower that, at the time an eligible facilities modification application is filed with the City under this chapter, supports or houses equipment described in subparagraphs (a) and (b) of POMC Section 20.70.200.B, and that has been reviewed and approved under the applicable zoning or siting process, or under another State, county or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

d. The term does not include any structure that, at the time a completed eligible facilities modification application is filed with the City under this section, does not support or house equipment described in subparagraphs (a) and (b) of POMC Section 20.70.200.B.

2. *"Eligible facilities modification"* shall mean and refer to any proposed facilities modification that has been determined pursuant to the provisions of this chapter to be subject to this chapter and that does not result in a substantial change in the physical dimensions of an eligible support structure.

3. *"Eligible support structure"* shall mean and refer to any existing tower or base station as defined in this chapter, provided it is in existence at the time the eligible facilities modification application is filed with the City under this chapter.

4. *"Existing"* shall mean and refer to a constructed tower or base station that was reviewed and approved under the applicable zoning or siting process and lawfully constructed.

5. *"Proposed facilities modification"* shall mean and refer to a proposal submitted by an applicant to modify an eligible support structure the applicant asserts is subject to review under Section 6409 of the Spectrum Act, and involving:

a. collocation of new transmission equipment;

b. removal of transmission equipment; or

c. replacement of transmission equipment.

6. *"Site"* shall mean and refer to the current boundaries of the leased or owned property surrounding a tower (other than a tower in the public rights-of-way) and any access or utility easements currently related to the site and, for other eligible support structures, shall mean and be further restricted to, that area in proximity to the structure and to other transmission equipment already deployed on the ground.

7. *"Substantial Change".* A proposed facilities modification will substantially change the physical dimensions of an eligible support structure if it meets any of the following criteria:

a. For towers not in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than 10 feet, whichever is greater.

Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

b. For towers not in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than 6 feet.

c. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed 4 cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure.

d. For any eligible support structure:

(1) it entails any excavation or deployment outside the current site;

(2) it would defeat the concealment elements of the eligible support structure; or

(3) it does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment provided, however, that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in this section.

8. *"Tower"* shall mean and refer to any structure built for the sole or primary purpose of supporting any antennas and their associated facilities, licensed or authorized by the FCC, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

9. "*Transmission Equipment*" shall mean and refer to equipment that facilitates transmission for any wireless communication service licensed or authorized by the FCC, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

C. Proposed facilities modification applications are not subject to the application requirements set forth in POMC Section 20.24.020 but may still require construction permits such as grading, street excavation, and building permits, and will also require approval of traffic control plans if traffic will be impacted.

D. City decisions on eligible facilities modifications shall be issued within 60 days from the date the application is received by the City, subtracting any time between the City's notice of incomplete application or request for additional information and the applicant's resubmittal. Following a supplemental submission, the City will respond to the applicant within 10 days, stating whether the additional information is sufficient to complete review of the application. This timing supersedes Chapter 20.24 POMC.

E. If the City fails to approve or deny an eligible facilities modification within the time frame for review, the applicant may notify the City in writing that the review period has expired, and that the application has therefore been deemed granted. In such case, all performance standards contained in this chapter shall be considered conditions of such approval.

F. Applicants and the City may bring claims related to Section 6409 (a) to any court of competent jurisdiction.

20.70.210 Expiration of Wireless Facility Permits.

A wireless facility permit shall automatically expire one year after a Notice of Decision approving the permit is issued unless a building permit conforming to plans for which the wireless facility permit was granted is obtained within that period of time. If a building permit is not required for the proposed work, such as changing antennas on an existing tower, then the substantial construction of the proposed work shall be completed within one year after a Notice of Decision approving the permit is issued. The Director of Community Development may authorize a longer period for completion of work if the applicant can demonstrate why additional time is required and submits a written request for extension prior to expiration of the wireless facilities permit.