



CITY OF
BAINBRIDGE ISLAND

**PLANNING COMMISSION SPECIAL MEETING
THURSDAY, MARCH 10, 2022**

THE PLANNING COMMISSION WILL HOLD THIS MEETING USING A VIRTUAL ZOOM WEBINAR PLATFORM. MEMBERS OF THE PUBLIC WHO DO NOT WISH TO VIEW THE MEETING VIA THE CITY'S WEBSITE STREAMING WILL BE ABLE TO CALL IN TO THE ZOOM MEETING.

PLEASE CLICK THE LINK BELOW TO JOIN THE WEBINAR:

[HTTPS://BAINBRIDGEWA.ZOOM.US/J/97340072620](https://bainbridgewa.zoom.us/j/97340072620)

OR ONE TAP MOBILE :

US: +12532158782,,97340072620# OR +13462487799,,97340072620#

OR TELEPHONE:

DIAL(FOR HIGHER QUALITY, DIAL A NUMBER BASED ON YOUR CURRENT LOCATION):

US: +1 253 215 8782 OR +1 346 248 7799 OR +1 669 900 9128 OR +1 646 558 8656 OR +1 301 715 8592

OR +1 312 626 6799

WEBINAR ID: 973 4007 2620

AGENDA

**1. CALL TO ORDER/LAND ACKNOWLEDGMENT/AGENDA REVIEW/CONFLICT
DISCLOSURE - 6:00 PM**

We would like to begin by acknowledging that the land on which we gather is within the ancestral territory of the Suquamish, "People of Clear Salt Water." Expert fishermen, canoe builders and basket weavers, the Suquamish live in harmony with the lands and waterways along Washington's Central Salish Sea as they have for thousands of years. Here, the Suquamish live and protect the land and waters of their ancestors for future generations as promised by the Point Elliot Treaty of 1855.

2. PUBLIC COMMENT-6:10 PM

- 2.a (6:10PM) Instructions on How to Make a Public Comment during a Zoom Webinar** 10 Minutes
[Instructions_for_Providing_Public_Comment_at_Remote_Meetings__PlanningCommission.pdf](#)

3. PUBLIC PARTICIPATION MEETING, HYLA HIGH SCHOOL - 6:15 PM

- 3.a (6:15PM) Hyla High School Public Participation Meeting** 60 Minutes
[Hyla High School_Project Narrative_2022-1-18.pdf](#)
[Hyla High School_Zoning Summary_1-18-22.pdf](#)
[220118 Hyla High School PreApplication plan set.pdf](#)

4. PUBLIC HEARING, ORDINANCE 2022-02 - 7:15 PM

- 4.a **(7:15PM) Public Hearing Ordinance No. 2022-02 (formerly 2021-38) to Implement Increased Density Bonus for Affordable Housing Development on Property Owned by Religious Organizations** 60 Minutes
Staff Memo.pdf
Ordinance No. 2022-02 (formerly 2021-38) Relating to Affordable Housing on Religious Properties.pdf
Ordinance No. 2022-02 Exhibit A.pdf
RCW 36.70A.545 Increased density bonus for affordable housing located on property owned by a religious organization.pdf

5. **UNFINISHED BUSINESS - 8:15 PM**
6. **NEW BUSINESS - 8:20 PM**
7. **PLANNING DIRECTOR'S REPORT - 8:25 PM**
8. **FOR THE GOOD OF THE ORDER - 8:30 PM**
9. **ADJOURNMENT - 8:40 PM**

GUIDING PRINCIPLES

Guiding Principle #1 - Preserve the special character of the Island, which includes downtown Winslow's small town atmosphere and function, historic buildings, extensive forested areas, meadows, farms, marine views and access, and scenic and winding roads supporting all forms of transportation.

Guiding Principle #2 - Manage the water resources of the Island to protect, restore and maintain their ecological and hydrological functions and to ensure clean and sufficient groundwater for future generations.

Guiding Principle #3 - Foster diversity with a holistic approach to meeting the needs of the Island and the human needs of its residents consistent with the stewardship of our finite environmental resources.

Guiding Principle #4 - Consider the costs and benefits to Island residents and property owners in making land use decisions.

Guiding Principle #5 - The use of land on the Island should be based on the principle that the Island's environmental resources are finite and must be maintained at a sustainable level.

Guiding Principle #6 - Nurture Bainbridge Island as a sustainable community by meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Guiding Principle #7 - Reduce greenhouse gas emissions and increase the Island's climate resilience.

Guiding Principle #8 - Support the Island's Guiding Principles and Policies through the City's organizational and operating budget decisions.



Planning Commission meetings are wheelchair accessible. Assisted listening devices are available in Council Chambers. If you require additional ADA accommodations, please contact the Planning & Community Development Department at (206) 780-3750 or pcd@bainbridgewa.gov by noon on the day preceding the meeting.

Public comment may be limited to allow time for the Commissioners to deliberate. To provide additional public comment, email your comment to pcd@bainbridgewa.gov or mail it to Planning and Community Development, 280 Madison Avenue North, Bainbridge Island, WA 98110.



CITY OF
BAINBRIDGE ISLAND

Planning Commission Special Meeting Agenda Bill

MEETING DATE: March 10, 2022

ESTIMATED TIME: 10 Minutes

AGENDA ITEM: (6:10PM) Instructions on How to Make a Public Comment during a Zoom Webinar

SUMMARY: Public Comment regarding topics not already on the agenda.

AGENDA CATEGORY: Discussion

PROPOSED BY: Planning & Community Development

RECOMMENDED MOTION: This is the time to make a comment for those items not already on the agenda. If you are planning to make a comment during the meeting, please read the instructions provided. Unless otherwise advised by the Chair of the Planning Commission, you will be given no more than 3 minutes to make your comment. A clock will run on screen while you are making your comment.

STRATEGIC PRIORITY:

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

[Instructions for Providing Public Comment at Remote Meetings PlanningCommission.pdf](#)

FISCAL DETAILS:

Fund Name(s):

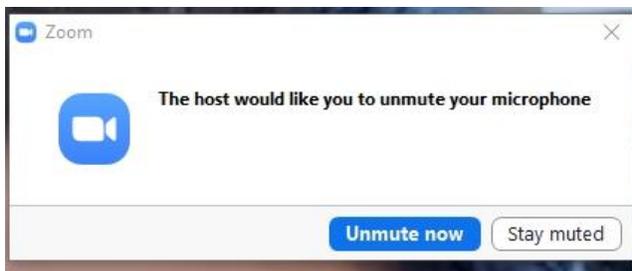
Coding:



Members of the public are encouraged to submit written public comment to the **Planning Commission** at any time by emailing **PCD@bainbridgewa.gov**. Members of the public who wish to provide public comment may participate remotely by following the instructions outlined below. Commissioners and staff are panelists, and members of the public are attendees. Webinar attendees do not interact with one another; they join in listen-only mode. Guidelines for public comment are also attached.

INSTRUCTIONS FOR PROVIDING PUBLIC COMMENT REMOTELY

1. Join the Zoom webinar by following the link posted on the agenda and on the City calendar.
2. Sign in to Zoom with your first and last name in full.
3. The Chair will indicate when it is time for public comment.
4. Attendee indicates desire to speak by clicking on “Raise Hand” option at the bottom of the screen.
5. Attendee clicks button “Unmute now” after they are called to speak by the Chair.



6. Attendee will appear on screen with other panelists, but without video, just name.

IMPORTANT NOTE: If you do not have the latest version of Zoom, the meeting facilitator will promote you to panelist. You will then appear with video enabled. Look for the video icon in the bottom left-hand corner of the screen to turn off your video.

7. Attendee provides their comment.
8. Unless indicated otherwise by the Chairperson, the timer on the screen will track your time.
9. Stop speaking when the timer reaches the 3-minute mark.
10. Attendee is returned to attendee group, and microphone is muted.
11. Public comment is received by the Planning Commission, with no response given.



CITY OF
BAINBRIDGE ISLAND

Planning Commission Special Meeting Agenda Bill

MEETING DATE: March 10, 2022

ESTIMATED TIME: 60 Minutes

AGENDA ITEM: (6:15PM) Hyla High School Public Participation Meeting

AGENDA CATEGORY: Presentation

PROPOSED BY: Kelly Tayara

PREVIOUS PLANNING COMMISSION

REVIEW DATE(S): None

PREVIOUS COUCIL REVIEW DATE(S): None

RECOMMENDED MOTION:

Presentation and Discussion

SUMMARY:

The Public Participation Meeting is required as part of the preapplication phase for Site Plan and Design Review permit, which is required for the proposed development.

BACKGROUND: Hyla High School is a proposal to convert existing office buildings (355/365/375/385 Ericksen Avenue) into an educational facility.

The applicant participated in a preapplication conference with City staff on February 22, 2022, and Conceptual Design Review meeting with the Design Review Board on March 7, 2022.

ATTACHMENTS:

Attn: Planning and Community Development
From: Charles Wenzlau, Wenzlau Architects
Date: January 18, 2022
RE: HYL A HIGH SCHOOL – PROJECT NARRATIVE
PRE-APPLICATION CONFERENCE

INTENDED USE OF THE LAND: Hyla School, an independent school on Bainbridge Island for grades 6 - 8 has been successfully serving students in for 29 years. Hyla is now expanding their program through high school and this will be Hyla's high school campus. The proposal is to renovate (4) office buildings (circa 1988) from office use to an educational facility; a new independent high school. Education facilities are a permitted use within the MUTC. The school will include grades from 9 thru 12 with a maximum enrollment of 160 students.

PHASING: The project will be constructed in 3-4 phases. The goal is to have one building completed per year in time for Fall enrollment. The first building to be renovated is 355 building, to be followed by 385, then 355 and 365. Buildings 355-365 may be constructed as a single phase.

SEQUENCE AND TIMING: Project will begin as soon as building permit for Building 355 is issued. A small portion of the office space will be occupied until tenant leases expire.

PROPOSED LAND OWNERSHIP: The buildings are owned under one ownership as commercial condominiums.

PLANNING REVIEW: The proposed project is being reviewed in relation to each phase of construction as follows.

355 BLDG: This building is currently under permit review as a tenant improvement.

385 BLDG: This building and related site improvements are being reviewed as a minor SPR.

365-375 BLDGS: These buildings are submitted as major SPR.

FAR: The buildings are existing non-conforming in terms of allowable building area. The FAR will not be increased because of the project. Staff has determined that proposed mezzanine areas do not count as FAR. The proposed footprint increase is limited to (2) new elevators which will not increase FAR.

PARKING: A transportation plan has been submitted as part of the review for 385 building. This plan addresses both on-site parking and managing vehicle trips to the campus. To summarize, the off-street parking requirements for the existing office use exceed the parking required for the

completed campus. A phase-by-phase plan has been provided to ensure adequate parking as the offices use is replaced by education uses. The key features of the plan are as follows:

- (2) On street parking spaces will be dedicated to loading zone use for shuttle vans
- Off-street parking will be dedicated for staff and visitors
- Visitor parking can be used during drop-off and pick-up to increase overall capacity and avoid backups onto Ericksen Avenue
- As the commercial tenants' leases expire, the corresponding amount of commercial parking will be reallocated to support school uses while maintaining code required parking.

TRAFFIC: Key to the overall management of traffic impacts is to create a "walk on and walk off campus". This is achieved in the following ways:

- Off street parking for use only by staff and visitors
- Provide adequate pick-up and drop-off capacity within the site to minimize traffic impacts to Ericksen Avenue
- Provide facilities to encourage biking and private shuttle use
- Establish campus protocols to reduce private vehicle trips to campus

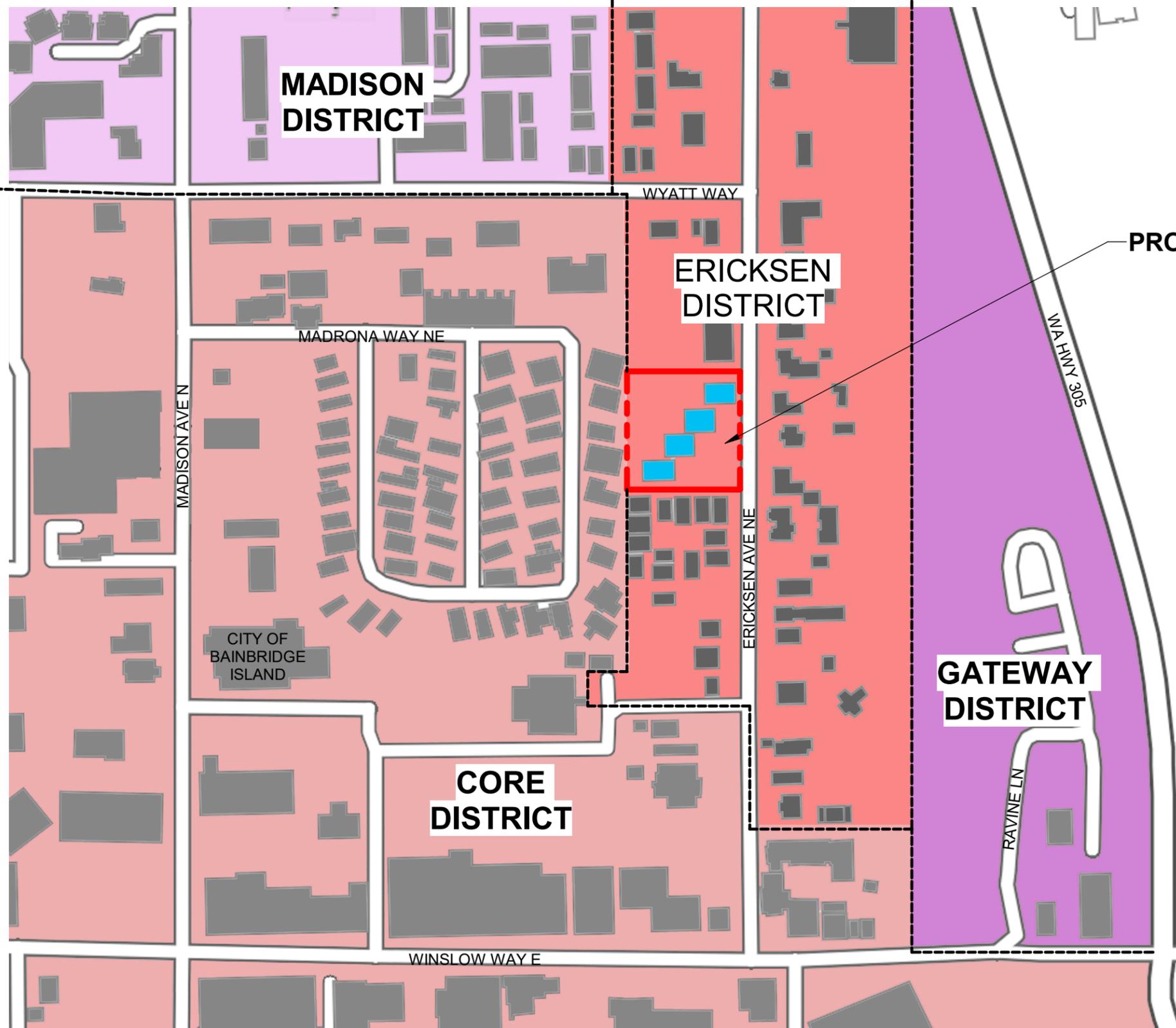
LANDSCAPE: The project does not have any landscape submittal requirements per BIMC 18.15.010, other than tree retention requirements which are indicated on the site plan and parking lot landscaping.

TEMPORARY CLASSROOM SPACE: The overall campus enrollment will increase as each phase is completed. If construction is not completed in time for the next academic year, the school will have a contingency plan to house those students in temporary classroom space, either in modular classroom within the parking area or within one of existing office buildings. The required parking will be maintained for each stage of the construction.

HYLA HIGH SCHOOL ZONING SUMMARY

January 18, 2022

Site Address:	355-385 Ericksen Avenue, Bainbridge Island, WA	
Lot Area:	#8534-000-000-0008 30,056SF (0.69AC) #8534-000-355-0009 2,178SF (0.05AC) #8534-000-365-0007 2,178SF (0.05AC) #8534-000-375-0005 2,178SF (0.05AC) <u>#8534-000-385-0003 2,178SF (0.05AC)</u> 38,768SF (0.89AC)	
Zoning:	MUTC / Ericksen District	
Surrounding Uses:	East: MUTC-Ericksen: Multi-family West: MUTC-Core: Multi-family North: MUTC-Ericksen: Office South: MUTC-Ericksen: Multi-family	
Current Use:	Office (14,260SF, 0.36FAR) Existing non-conforming	
Proposed Uses:	Educational (14,260SF, 0.36FAR) mezzanine, elevator exempt	
Lot Coverage:	Allowable: 35% (13,568SF) Existing: 8,024SF Proposed: 8,500SF (estimated)	
Allowable FAR:	Commercial: 11,630SF (0.30)	
Program:	Educational: 14,260SF (mezzanine and elevators do not count towards FAR)	
Req'd Parking:	Students: 16 spaces <u>Staff: 14 spaces</u> 30 spaces	1/10 students (160 students) 1/staff (14 staff)
Proposed Parking:	On street: 5 (2 dedicated loading stalls) Off street: 30 (student stalls dedicated as visitor stalls)	
Height Limit:	25' (no change to existing)	
Setbacks:	Front: 15', Side/Rear: 5'	
Landscape:	Roadside Buffers: N/A Perimeter Landscape: N/A Tree Retention: 40 tree units/acre x .89AC = 's 36 tree units	



PROJECT SITE

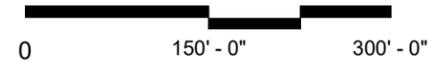
MADISON DISTRICT

ERICKSON DISTRICT

GATEWAY DISTRICT

CORE DISTRICT

CITY OF BAINBRIDGE ISLAND



A 1

CONTEXT ANALYSIS

HYLA HIGH SCHOOL, BLDGS 365 & 375

BAINBRIDGE ISLAND, WA

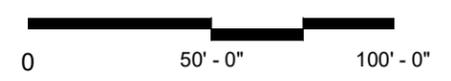
01/18/2022
PRE-APPLICATION



WENZLAU ARCHITECTS



SITE CONTEXT - ADJACENT USES



A 2

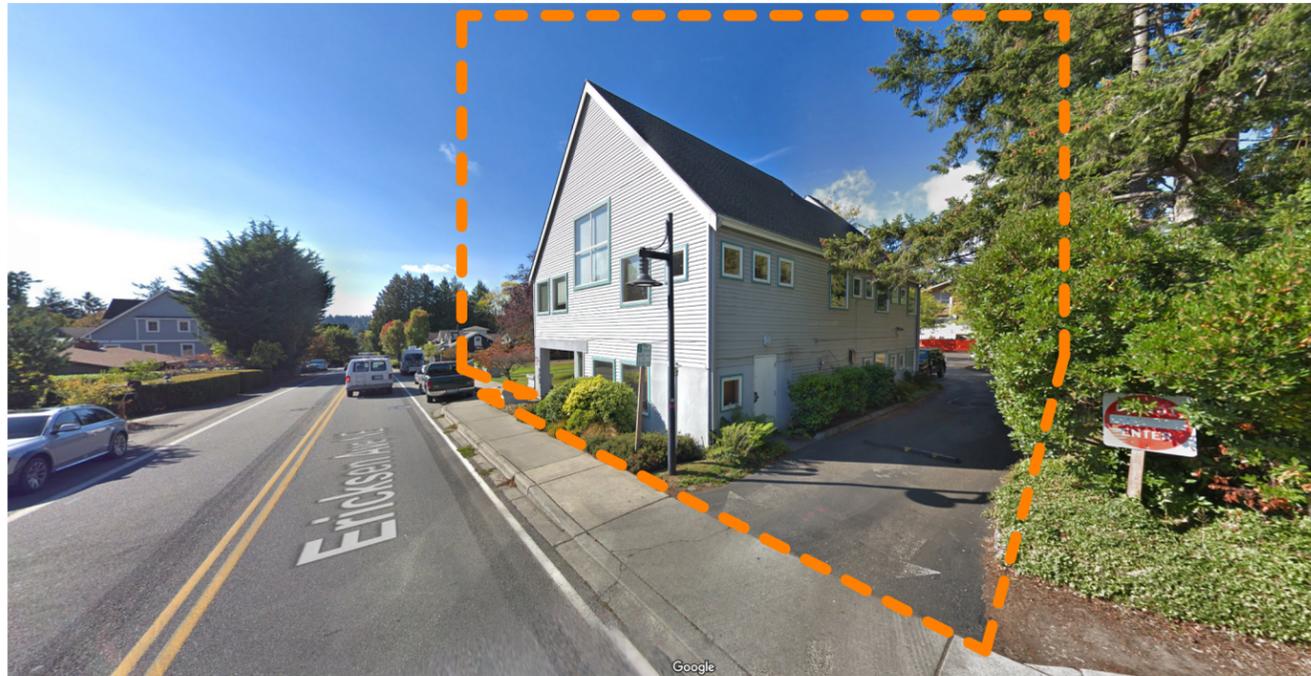
HYLA HIGH SCHOOL, BLDGS 365 & 375

BAINBRIDGE ISLAND, WA

01/18/2022
PRE-APPLICATION



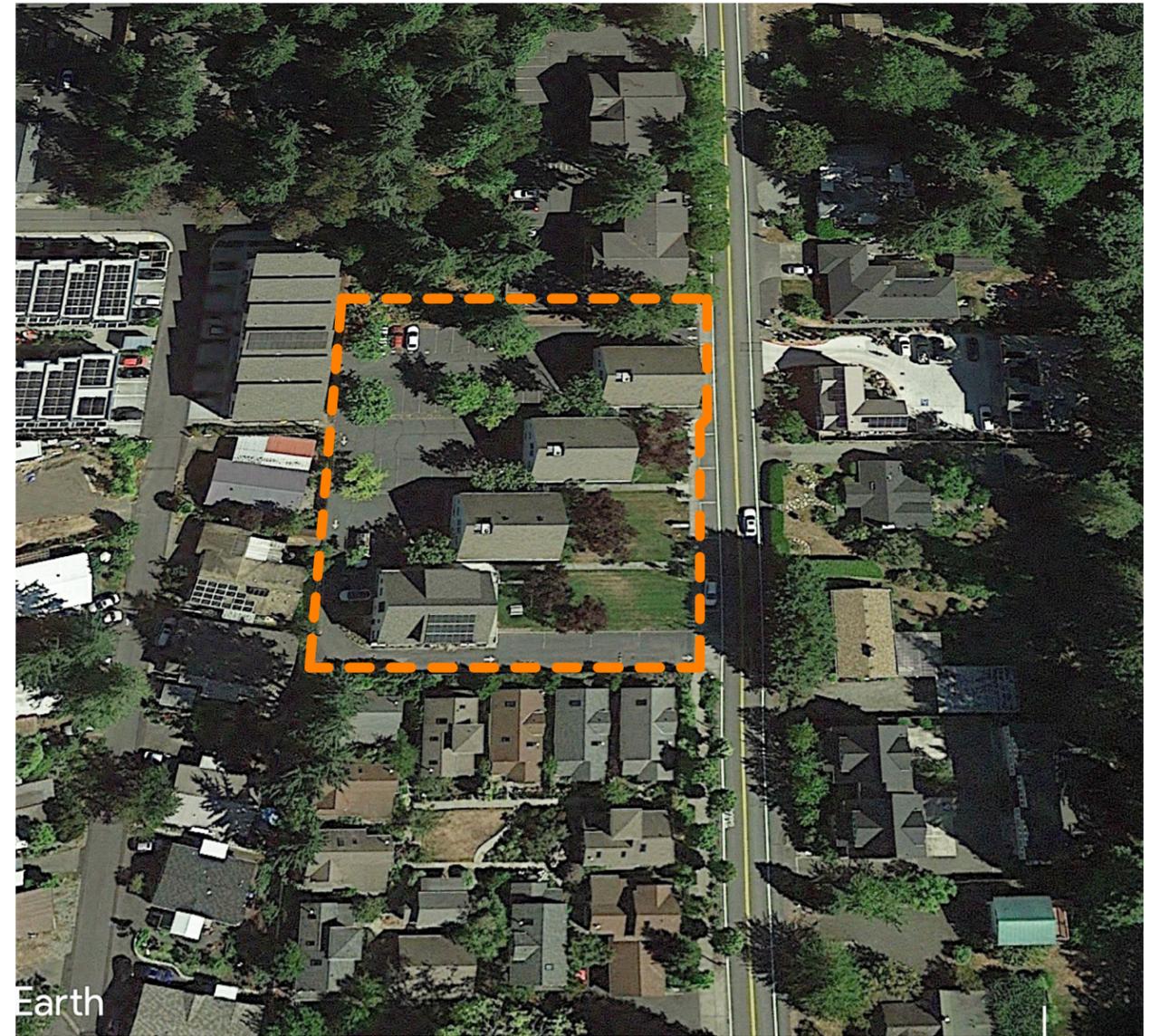
WENZLAU ARCHITECTS



VIEW FROM NORTH APPROACH



VIEW FROM SOUTH APPROACH



AERIAL VIEW

SITE PHOTOS

HYLA HIGH SCHOOL, BLDGS 365 & 375

BAINBRIDGE ISLAND, WA

A 3

01/18/2022
PRE-APPLICATION



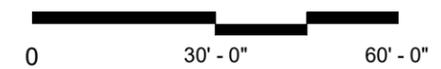
WENZLAU ARCHITECTS



CONCEPTUAL SITE ANALYSIS (EXISTING CONDITIONS)

HYLA HIGH SCHOOL, BLDGS 365 & 375

BAINBRIDGE ISLAND, WA



A 4

01/18/2022
PRE-APPLICATION



WENZLAU ARCHITECTS



HYLA HIGH SCHOOL REMODEL

375 ERICKSEN AVE NE
BAINBRIDGE ISLAND, WA 98110

8534-000-375-0005
UNIT 375, ERICKSEN AVENUE OFFICE PARK CONDOMINIUMS, AS RECORDED IN VOLUME 10 OF CONDOMINIUMS, PAGES 92 - 94, INCLUSIVE, UNDER AUDITOR'S FILE NO. 201905160117, ACCORDING TO THE DECLARATION THEREOF RECORDED UNDER AUDITOR'S FILE NO. 201905160118, RECORDS OF KITSAP COUNTY, WASHINGTON.

365 ERICKSEN AVE NE
BAINBRIDGE ISLAND, WA 98110

8534-000-365-0007
UNIT 365, ERICKSEN AVENUE OFFICE PARK CONDOMINIUMS, AS RECORDED IN VOLUME 10 OF CONDOMINIUMS, PAGES 92 - 94, INCLUSIVE, UNDER AUDITOR'S FILE NO. 201905160117, ACCORDING TO THE DECLARATION THEREOF RECORDED UNDER AUDITOR'S FILE NO. 201905160118, RECORDS OF KITSAP COUNTY, WASHINGTON.

ZONING CLASSIFICATION:
BASE: MUTC; (MIXED USE TOWN CENTER)
OVERLAY: EA; (ERICKSEN AVENUE OVERLAY DISTRICT)

LOT AREA (PER COUNTY RECORDS) = 0.92 ACRES = 40,075 sf

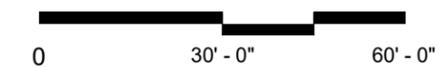
VICINITY MAP



BASIC SITE PLAN

HYLA HIGH SCHOOL, BLDGS 365 & 375

BAINBRIDGE ISLAND, WA

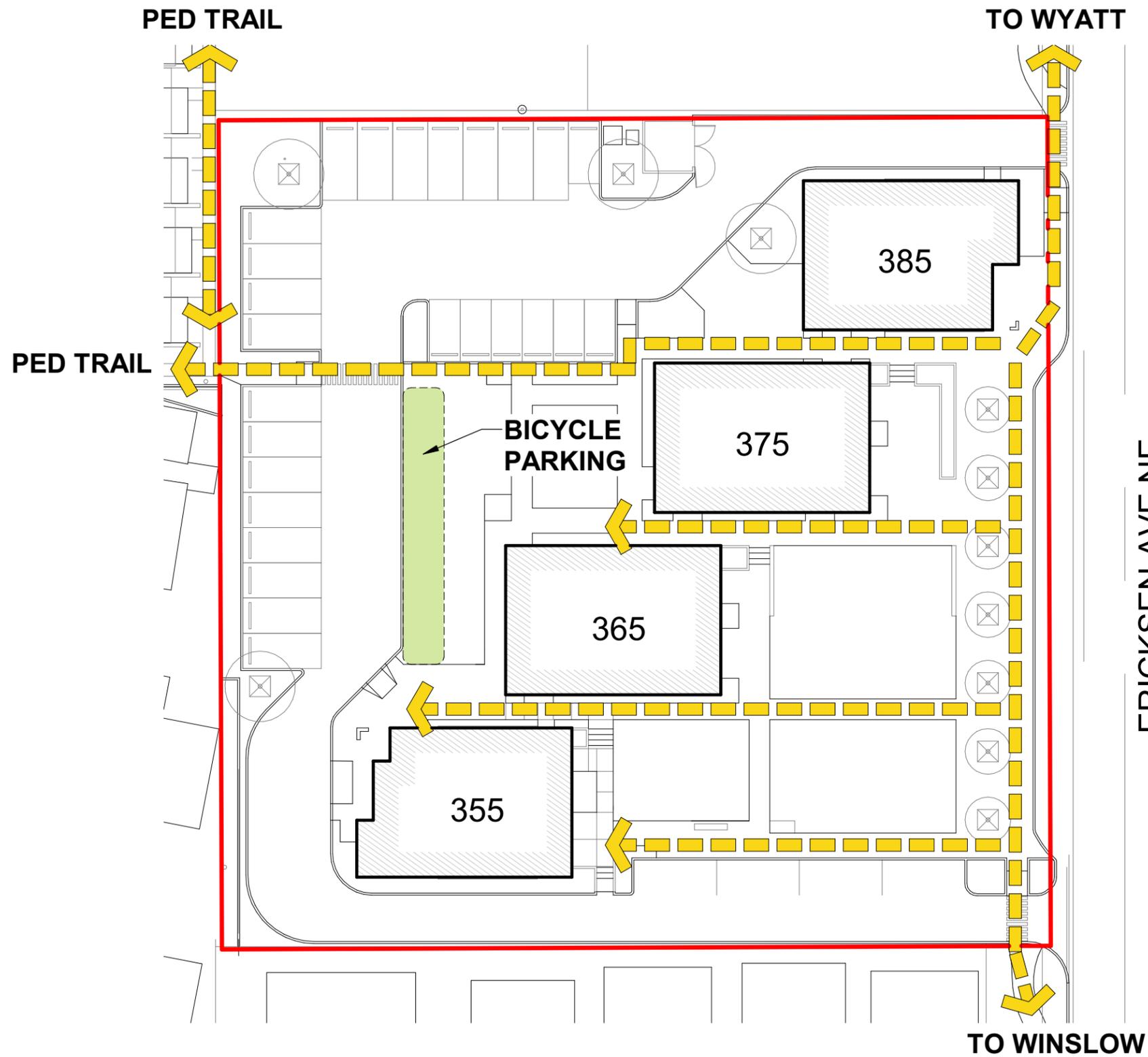


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01/18/2022
PRE-APPLICATION



WENZLAU ARCHITECTS



PEDESTRIAN ACCESS



A 6

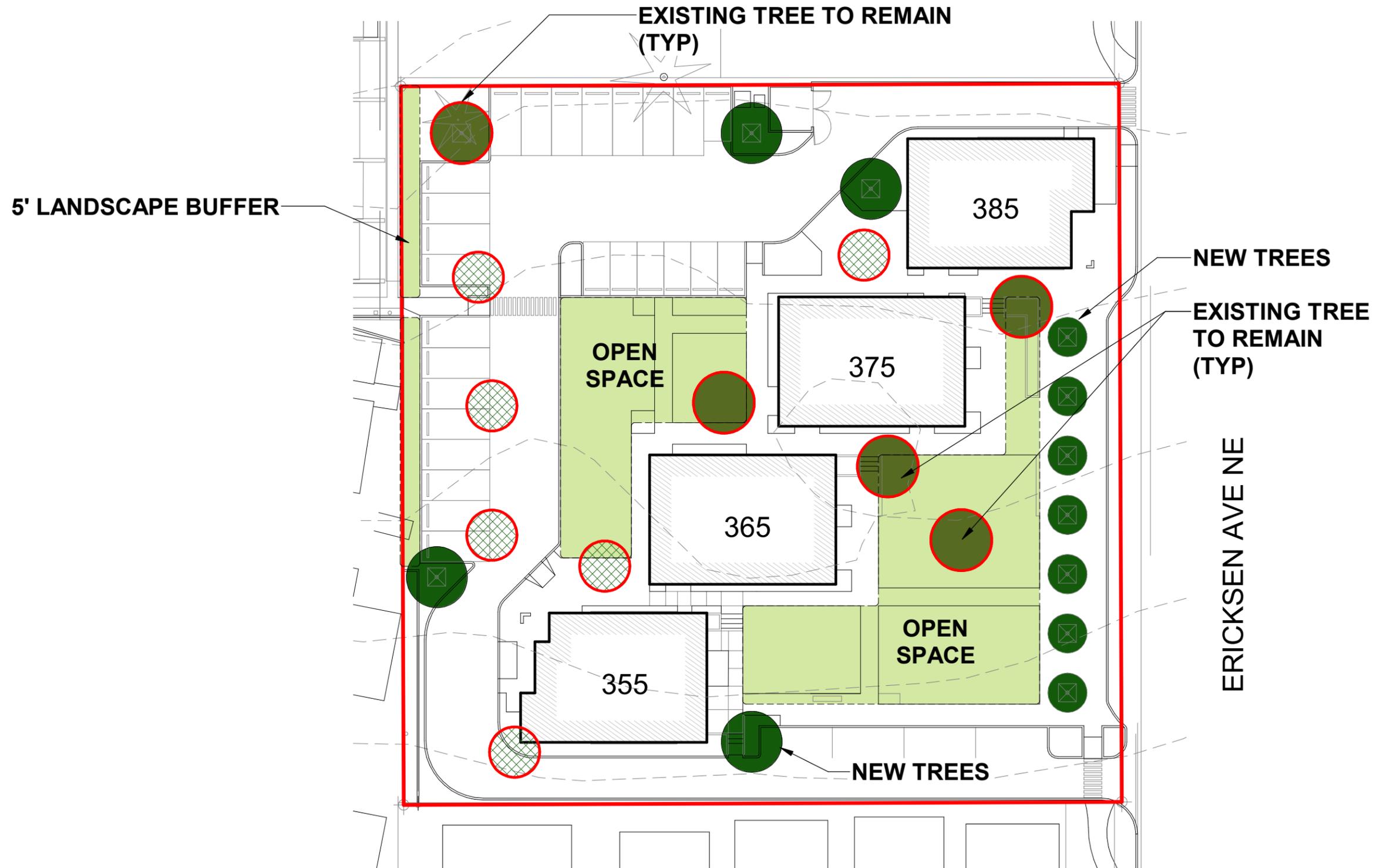
HYLA HIGH SCHOOL, BLDGS 365 & 375

BAINBRIDGE ISLAND, WA

01/18/2022
PRE-APPLICATION



WENZLAU ARCHITECTS



CONCEPTUAL LANDSCAPE PLAN



A 7

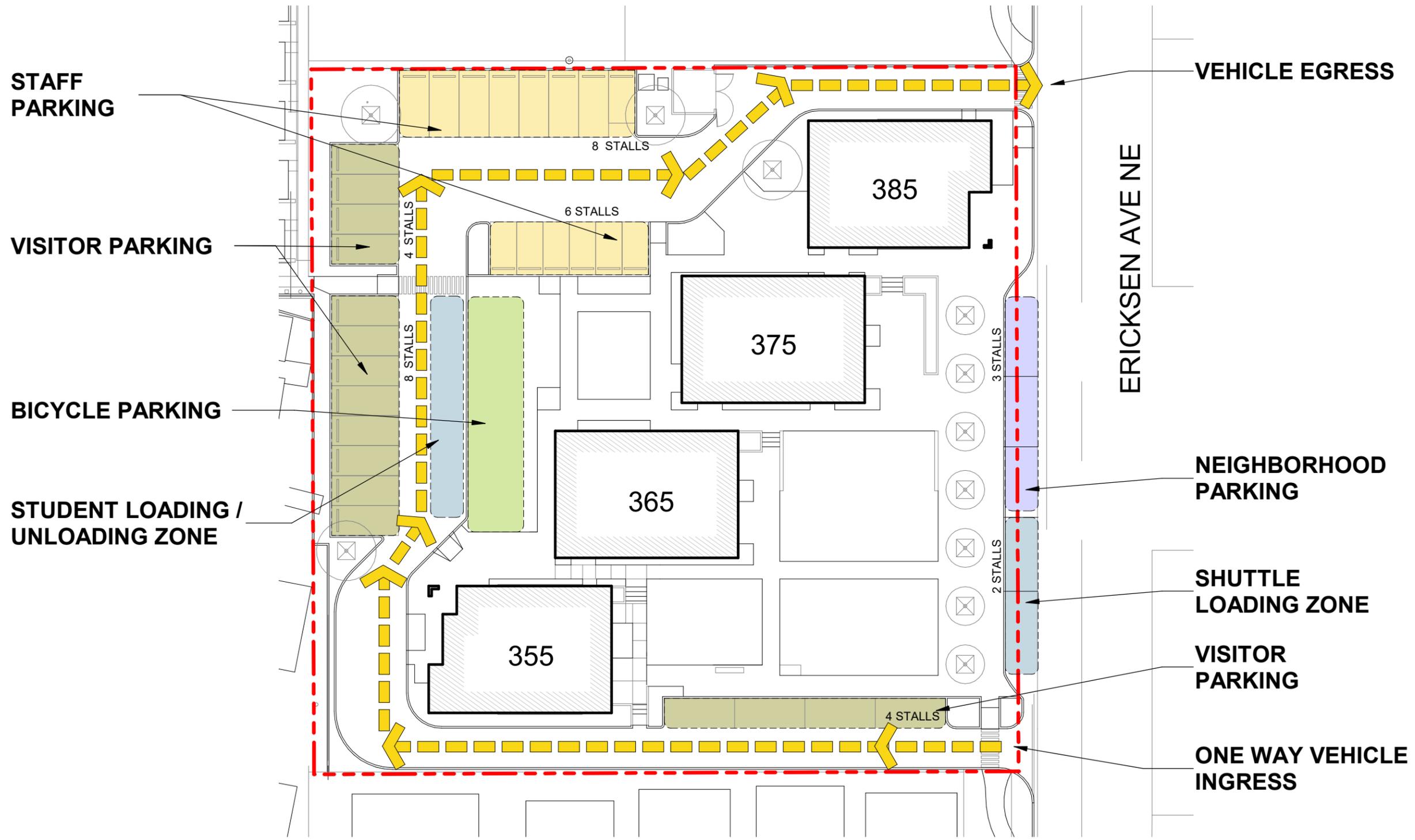
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BAINBRIDGE ISLAND, WA

01/18/2022
PRE-APPLICATION



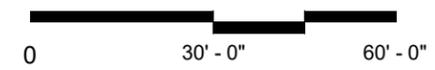
WENZLAU ARCHITECTS



PARKING ACCESS PLAN

HYLA HIGH SCHOOL, BLDGS 365 & 375

BAINBRIDGE ISLAND, WA

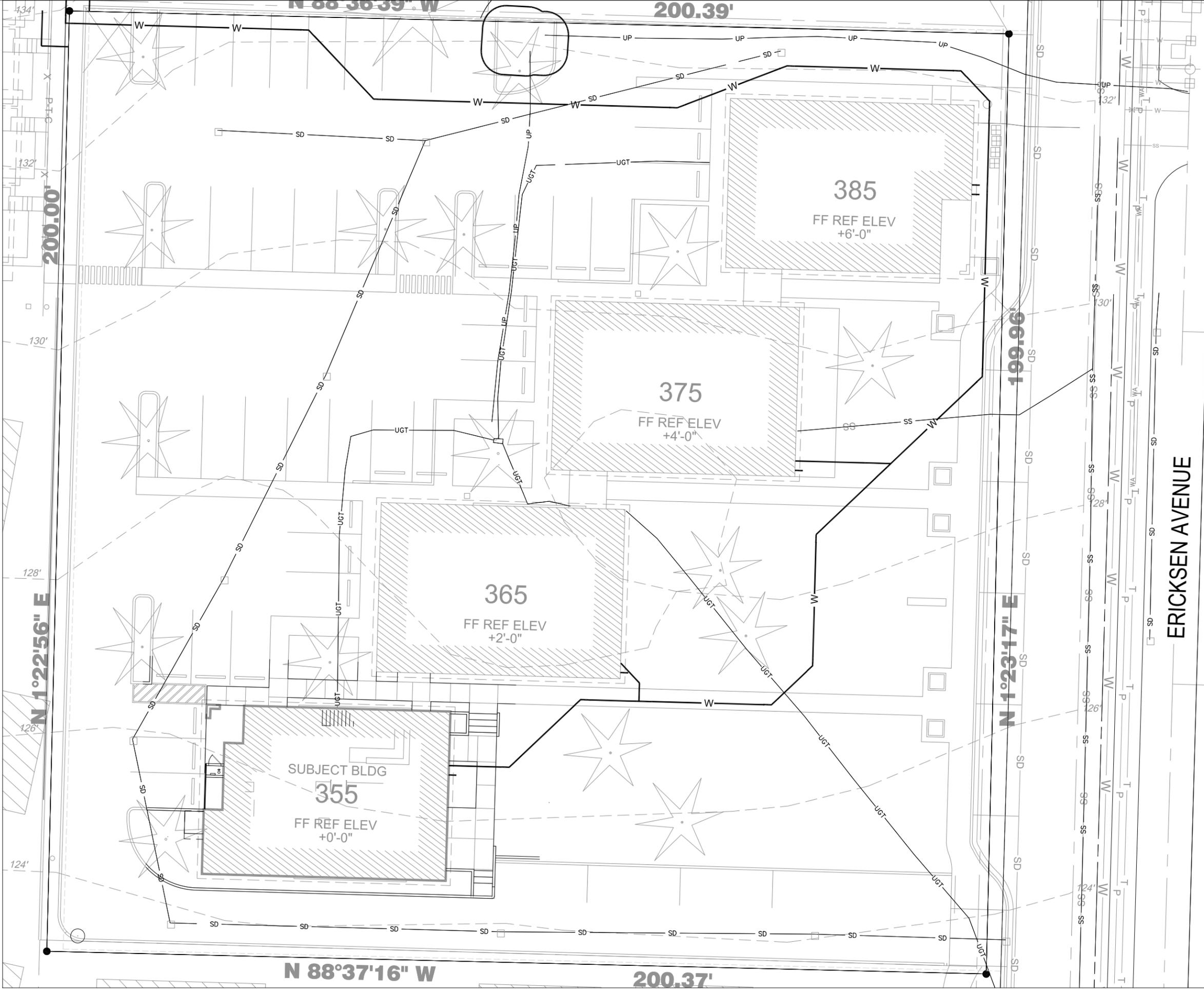


A 8

01/18/2022
PRE-APPLICATION



WENZLAU ARCHITECTS



PLAN

SCALE: 1"=20'



1/18/22

BROWNE • WHEELER
ENGINEERS, INC
 241 ERICKSEN AVENUE NE
 BAINBRIDGE ISLAND, WA 98110
 P 206.842.0605 INFO@BrowneWheeler.COM

CONCEPTUAL UTILITY PLAN
SITE PLAN AND DESIGN REVIEW
HYLA HIGH SCHOOL



CITY OF
BAINBRIDGE ISLAND

Planning Commission Special Meeting Agenda Bill

MEETING DATE:

ESTIMATED TIME: 60 Minutes

AGENDA ITEM: (7:15PM) Public Hearing Ordinance No. 2022-02 (formerly 2021-38) to Implement Increased Density Bonus for Affordable Housing Development on Property Owned by Religious Organizations

AGENDA CATEGORY: Ordinance

PROPOSED BY: Jennifer Sutton

PREVIOUS PLANNING COMMISSION

REVIEW DATE(S): November 18, 2021, January 13 and 27, and February 10 and 24, 2022

PREVIOUS COUCIL REVIEW DATE(S): October 26, 2021

RECOMMENDED MOTION:

Hold Public Hearing. After closing public hearing, the Planning Commission may continue discussion of the ordinance and propose amendments. The Planning Commission could make a motion with a recommendation on the ordinance to the City Council, or schedule additional discussion for a future Planning Commission meeting.

SUMMARY:

The purpose of this agenda item is for the Planning Commission to continue review of Draft Ordinance No. 2022-02 (attached), which amends several sections of the City's zoning regulations consistent with local needs, as directed in the October 26, 2021 motion. This Draft ordinance implements what is intended by RCW 36.70A.545 (attached) and as directed by the City Council, specifically to focus on the Bethany Lutheran property as a pilot project.

The Planning Commission discussed the draft ordinance at their meeting on through January and February. The draft ordinance has been updated to reflect that Planning Commission direction.

During the February 24 2022 Planning Commission discussion, the Commission made several changes to the draft ordinance. The attached public hearing draft of the ordinance has been updated to reflect the changes made by the Commission on February 24.

BACKGROUND: As described in more detail in the staff memorandum attached with this agenda item, in 2019, the Washington State Legislature approved Substitute House Bill (SHB) 1377 which would facilitate affordable housing projects on properties owned or controlled by eligible religious organizations. The law facilitates affordable housing

development by requiring a density bonus, subject to certain conditions. Although current City affordable housing regulations allow a certain amount of affordable housing on properties owned or controlled by religious organizations, including via a density bonus (see staff memo), it is recommended that the City enact regulations to implement the purpose and intent of the 2019 legislation. The applicable state law provision is RCW 36.70A.545 (see attached). Such development is supported by the City's Comprehensive Plan, specifically Housing Element Policy HO 3.4.

Policy HO 3.4 Partner with non-profit housing organizations, churches, the development community, local lending institutions, elected officials and the community at large to assist in meeting affordable housing goals and implementing strategies.

On October 26, 2021, the City Council discussed this topic and passed the following motion (6-1) to refer this topic to the Planning Commission:

I move to refer this topic to the Planning Commission to work with City staff to prepare an ordinance to effectuate what is intended by RCW 36.70A.545, including to develop implementing regulations consistent with local needs, specifically to focus on the Bethany Lutheran property and to consider that as a pilot project.

ATTACHMENTS:

MEMORANDUM

Date: March 4, 2022
To: Planning Commission
From: Jennifer Sutton, AICP, Senior Planner
Subject: Public Hearing on Ordinance No. 2022-02 (formerly 2021-38) Increased Density Bonus for Affordable Housing Development on Property Owned or Controlled by Religious Organizations

I. MEETING PURPOSE

The purpose of tonight’s Planning Commission discussion is to hold a public hearing on and continue review of revised Draft Ordinance No. 2022-02 (attached), which amends several sections of the City's zoning regulations. The ordinance has been revised to reflect the motions approved at the February 24, 2022 Planning Commission meeting, which amended most of the proposed regulations. At that meeting, the Planning Commission also made the following changes to the Ordinance:

- Moved the proposed new regulations from BIMC Section 18.09.030 *Use Specific Standards* to BIMC Chapter 18.21 *Affordable Housing*.
- Modified the ordinance and Exhibit A to designate this type of project a *Conditional Use*, not a *Permitted Use*. This means that in addition to a Subdivision or Site Plan and Design Review Permit, this type of project would also require a Conditional Use Permit.

Draft Ordinance No. 2022-02 implements what is intended by (1) [RCW 36.70A.545](#) to provide a density bonus for any affordable housing development located on property owned by a religious organization, and (2) directed by the City Council on October 26, 2021, specifically to focus on the Bethany Lutheran Church property as a pilot project.

Bethany Lutheran Properties Bethany Lutheran Church owns 2 properties totaling 8.43 acres located at the southwest intersection



of NE High School Road and Sportsman Club Road NE. The properties are zoned R-0.4, which yields a base density of 4 dwelling units. It is located across Sportsman Club Road NE from the R-2 Zone and Winslow Sewer Service Area. Bethany Lutheran Church currently hosts a Kitsap Transit Park and Ride lot, and there is a separated multiuse path along the eastern portion of the property (Sportsman Club Road NE). Paved shoulders and sidewalks are on NE High School Road, east of the Sportsman Club Road NE intersection.

II. DRAFT ORDINANCE 2022-02

Ordinance 2022-02 adds a new type of land use, *Affordable Housing Development on Religious Organization-Owned Properties, including the Bethany Lutheran Affordable Housing Pilot Project*, to the Permitted Use Table, BIMC Table 18.09.020 (see Exhibit A) and new regulations for this use added to BIMC 18.21.050. This new use is added only to the R-0.4 zone, which is the zoning designation for the 2 properties that make up the Bethany Lutheran Church (see Exhibit A). The draft regulations describe that projects which are processed pursuant to [RCW 36.70A.545](#) and must meet any applicable land use and environmental procedures and regulations for BIMC Titles 15, 16, 17, and 18, unless modified by the new regulations, Ordinance No. 2022-02.

Other Standards included by Reference

The additional regulations proposed for a *Bethany Lutheran Affordable Housing Pilot Project* are in addition to underlying land use permitting requirements in BIMC Chapter 2.16 (proposed ordinance new BIMC Section 18.21.050.B) and any applicable land use regulations for BIMC Titles 15, 16, 17, and 18 (proposed ordinance new BIMC Section 18.21.050.D). Examples of BIMC development standards that would apply to a future *Bethany Lutheran Affordable Housing Pilot Project* are:

- Stormwater Management (Chapter 15.20)
- Transportation Concurrency (Chapter 15.32)
- Critical Areas (Chapter 16.20)
- Setbacks, building height (Table 18.12.020.-2)
- Roadside buffers (18.15.010.E)
- *Design for Bainbridge* design guidelines (18.18)
- Permitting Fees (Fee Schedule)

III. NEXT STEPS:

The Planning Commission is tasked with reviewing and possibly revising Ordinance No. 2022-02, holding a public hearing on the ordinance, and eventually, providing a recommendation to the City Council on the ordinance. The City Council will then take up the ordinance for its own review and decision

After the public hearing on March 10, the Planning Commission could continue discussion of the ordinance, and consider additional amendments. At the end of the meeting, the Commission could take the following actions:

1. Schedule additional discussion on Ordinance No. 2022-02 for a future Planning Commission meeting.

AND

2. Make a recommendation to the City Council on Ordinance No. 2022-02.

ORDINANCE NO. 2022-02

(formerly Ordinance No. 2021-38)

AN ORDINANCE of the City of Bainbridge Island, Washington, amending BIMC Table 18.09.020, Section 18.09.030 and Chapter 18.21, related to affordable housing on property owned by religious organizations.

WHEREAS, the City of Bainbridge Island Comprehensive Plan Housing Element Policy HO 3.4 encourages partnering with non-profit housing organizations, churches, the development community, local lending institutions, elected officials and the community at large to assist in meeting affordable housing goals and implementing strategies; and

WHEREAS, the City of Bainbridge Island created a short-term Affordable Housing Task Force (AHTF) in 2017 to help achieve the affordable housing goals and policies in the Comprehensive Plan and help the City prioritize a variety of affordable housing actions, recognizing the current housing crisis in the Puget Sound region, Kitsap County and Island-wide; and

WHEREAS, the Comprehensive Plan Guiding Principle #3 directs us to foster diversity with a holistic approach to meeting the needs of the Island and the human needs of its residents consistent with the stewardship of our finite environmental resources; and

WHEREAS, Guiding Policy 3.1 reads *Ensure a variety of housing choices to meet the needs of present and future residents in all economic segments and promote plans, projects and proposals to create affordable housing*; and

WHEREAS, in 2019, the Washington State Legislature enacted Substitute House Bill (SHB) 1377 to facilitate the development of affordable housing projects on property owned or controlled by religious organizations; and

WHEREAS, the applicable state law provision implementing SHB 1377 is RCW 36.70A.545 and the law facilitates affordable housing development on property owned or controlled by religious organizations by requiring a density bonus; and

WHEREAS, the City Council became aware of an ongoing discussion about constructing affordable housing on the Bethany Lutheran Church properties, and on April 20, 2021, the City Council endorsed moving forward with implementing SHB 1377 in advance of completing a Housing Action Plan; and

WHEREAS, on October 26, 2021, the City Council approved a motion to direct the Planning Commission to work with staff to prepare an ordinance to develop implementing regulations consistent with local needs, specifically to focus on the Bethany Lutheran property and to consider that as a pilot project to implement RCW 36.70A.545; and

WHEREAS, the Planning Commission considered draft Ordinance No. 2022-02 (formerly 2021-38) on November 18, 2021, January 13 and 27, February 10 and 24, 2022; and

WHEREAS, the Planning Commission held a public hearing on Ordinance No. 2022-02 (formerly 2021-38), on March 10, 2022, and after closing the public hearing, made a recommendation of XXX of Ordinance No. 2022-02 (formerly 2021-38) to the City Council; and

WHEREAS, notice was given on XXXX, to the Office of Community Development at the Washington State Department of Commerce in conformance with RCW 36.70A.106; and

WHEREAS, on XXXX, the City Council reviewed Ordinance No. 2022-02; and

WHEREAS, on XXXX, the City Council approved Ordinance No. 2022-02.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Table 18.09.020 of the Bainbridge Island Municipal Code is hereby amended as shown in Exhibit A.

Section 2. Section 18.09.030.C. of the Bainbridge Island Municipal Code is hereby amended to read as follows:

3. Religious Facilities.

- a. In the WD-I district, religious facilities are a conditional (“C”) use. Conference centers with overnight accommodations are not permitted.
- b. In the ferry terminal overlay district, religious facilities are only allowed south of Winslow Way.
- c. Lot coverage for religious facilities in residential zones is reduced by 50 percent of the allowable lot coverage in the zone where the religious facility is located. See Table 18.12.020-2 for lot coverage standards in residential zones. This lot coverage reduction does not apply to Affordable Housing Development on Religious Organization-Owned Properties, as described in Section 18.21.050 BIMC.

Section 3 Chapter 18.21 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

18.21.050 Affordable Housing Development on Religious Organization-Owned Properties, including the Bethany Lutheran Affordable Housing Pilot Project : In order to implement RCW 36.70A.545, the City shall allow a maximum density bonus consistent with Section 18.21.050.E on properties owned by religious organizations, when requested

by such organizations. The projects must meet the provisions of RCW 36.70A.545 and the requirements listed below.

A. Pilot Project. Projects built under BIMC 18.21.050 shall initially be limited solely to the property collectively known as “Bethany Lutheran Church”, as a pilot project, located at the southwest intersection of NE High School Road and Sportsman Club Road NE (see Figure 18.21.050-1 below).

B. The affordable housing proposal shall follow existing land use permit review procedures depending on what type of housing development is proposed. Multifamily housing would be reviewed through the Site Plan and Design Review process of Section 2.16.040 BIMC, and subdivision would be reviewed through the short or long subdivision process of Sections 2.16.070 or 2.16.125 BIMC (respectively), unless specifically modified by this section.

C. All projects developed under this code section, in addition to what is provided under Section 2.16.040 BIMC, shall be subject to the process for Conditional Use Permits (Section 2.16.10.050 or 2.16.110 BIMC) and must be reviewed by the Planning Commission and adhere to the procedures for project review by the Planning Commission.

D. All project proposals shall be subject to applicable residential development standards for Titles BIMC 15, 16, 17 and 18, unless specifically modified by this section. The affordable housing project must meet all requirements of the City and/or Kitsap Public Health District for providing drinking water or on-site septic.

E. Project bonus density. The density for projects may be increased above the base density by the following amounts:

1. Two units per acre for projects located within the Winslow Subarea Plan Study Area or within one-quarter mile of the Winslow Subarea Plan Study Area;
2. Two units per acre for projects located within one-quarter mile of a Neighborhood Center; and
3. One and one-half units per acre for all other projects.

F Accessory Dwelling Units (ADU). ADUs are prohibited.

G. Affordable Housing. All dwelling units planned and constructed through this section must meet the following requirements:

1. All units must be used exclusively for affordable housing purposes for at least ninety-nine years;
2. Units must be sold or rented to households whose adjusted income is less than eighty percent of the Area Median Income;

3. At least ten percent of the units must be sold or rented to households whose adjusted income is less than fifty percent of the Area Median Income;
 4. At least fifty percent of the units must be rental housing; and
 5. The sales price or rent amount, including utilities other than telephone and cable TV, cannot exceed thirty percent of the monthly income of the household. of the income limit for the low-income housing units.
 6. The City shall require documentation to be signed and recorded through the land use and building permitting process to ensure ongoing compliance with the income requirements.
 7. The City will establish by rule a formula for calculating maximum affordable prices for sales subsequent to the initial sale to allow modest growth in homeowner equity while maintaining long term affordability for future buyers.
- H. Parking. The amount of parking will be determined as part of a transportation study/ mobility assessment.
- I. The maximum dwelling unit size shall be limited to 1400 square feet.
- J. Green building. The dwelling units must meet either a green building certification standard of International Living Future Institute Core Certification, BuiltGreen 5 Star Certification, or Evergreen Sustainable Development. The certification program must utilize third-party verification.
- K. Community space. All projects must provide Natural Areas and Community Space consistent with the standards in BIMC 17.12.050, except that, at a minimum, all projects shall provide five percent of the total lot area as Community Space, even when the maximum natural area is provided. Community space should adjoin the largest practicable number of residences within the development. Nonadjoining residences shall be provided with safe and convenient pedestrian access to community space. The community space must be outside of required roadside buffers. The community space must include a neighborhood garden area, and could include other community amenities such as seating, playground or other recreation features.
- L. Projects proposed and constructed on the same property(ies) as existing buildings may result in a permitted mixed-use property. This ordinance shall not apply to religious-owned properties that are expanded or acquired after the effective date of this ordinance, unless the primary purpose of said expansion or acquisition is to provide a new or expanded facility for religious worship.
- M. Pilot Project Evaluation. An evaluation of the Pilot Project shall be developed one year and four year post certificate of occupancy and provided to the Planning

Commission, City Council and the community. The evaluation must, at a minimum, address the following elements/questions, and may include other elements if needed:

1. How did the project address local need and if not why?
2. In what ways did the project address and fit with the upcoming Housing Action Plan/Assessment and if not why?
3. How was the project consistent with elements of the Bainbridge Island Climate Action Plan and B.I. Community-based strategies to reduce Green House Gas Emissions (get better title) if not why?
4. Did the project fit with the existing neighborhood/community? If yes, how and if not why?
5. Did the project satisfy any of the goals set forth in the *Planning for Equity*? If yes, how? If not Why?
6. What were any unintended consequences?
7. How might the ordinance be modified to address unforeseen issues and concerns?

Figure 18.21.050-1



Section 4. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 5. This ordinance shall take effect and be in force five (5) days from its passage and publication as required by law.

PASSED by the City Council this XXX.

APPROVED by the Mayor this XXX.

ATTEST/AUTHENTICATE:

Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NUMBER:

Exhibit A to Ordinance No. 2022-02

EXCERPT Table 18.09.020 Use Table

“P” = Permitted Use	“A” = Accessory Use										Additional use restrictions for Chapters 16.12 and 16.20 BIMC may apply to shoreline or critical area properties									
“C” = Conditional Use	“CA” = Conditional Accessory Use																			
Blank = Prohibited Use	“T” = Temporary Use																			
ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I	Use-Specific Standards BIMC 18.09.030
USE CATEGORY/TYPE											CC	MA	EA	Gate	Ferry [1]					
RESIDENTIAL Note: Residential uses may be subject to additional requirements in BIMC 16.12.040.I, Residential Development.																				
Household Living																				
Single-Family Dwelling	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			B-1
Single-Family Dwelling existing on 4/15/96											P	P	P							B-1
Multifamily Dwellings	C	C	C	C	C	C	P	C	P	P	P	P	P	P	P	P	P			B-2
Commercial/Residential Mixed Use Developments									P	P	P	P	P	P	P	P	P			B-3
Live/Work Units																		P		B-4
<u>NEW: Affordable Housing Development on Religious Organization-Owned Properties, including the Bethany Lutheran Affordable Housing Pilot Project</u>	C																			<u>18.21.050</u>
PUBLIC AND INSTITUTIONAL																				
Community and Educational Facilities																				
Educational Facility	C	C	C	C	C	C	C	C	C	P	P	P	P	C	C	P	C		C	C-1
Vocational/Trade Instruction Facilities	C																	P		
Governmental Facility	C	C	C	C	C	C	C	C	C	P	P	P	P	C	C	P	C		C	C-2
Religious Facility	C	C	C	C	C	C	C	C	C	P	P	P	P	C	C	P	C		C	C-3, <u>18.21.050</u>

RCW 36.70A.545

Increased density bonus for affordable housing located on property owned by a religious organization.

(1) Any city or county fully planning under this chapter must allow an increased density bonus consistent with local needs for any affordable housing development of any single-family or multifamily residence located on real property owned or controlled by a religious organization provided that:

(a) The affordable housing development is set aside for or occupied exclusively by low-income households;

(b) The affordable housing development is part of a lease or other binding obligation that requires the development to be used exclusively for affordable housing purposes for at least fifty years, even if the religious organization no longer owns the property; and

(c) The affordable housing development does not discriminate against any person who qualifies as a member of a low-income household based on race, creed, color, national origin, sex, veteran or military status, sexual orientation, or mental or physical disability; or otherwise act in violation of the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.).

(2) A city or county may develop policies to implement this section if it receives a request from a religious organization for an increased density bonus for an affordable housing development.

(3) An affordable housing development created by a religious institution within a city or county fully planning under RCW 36.70A.040 must be located within an urban growth area as defined in RCW 36.70A.110.

(4) The religious organization developing the affordable housing development must pay all fees, mitigation costs, and other charges required through the development of the affordable housing development.

(5) If applicable, the religious organization developing the affordable housing development should work with the local transit agency to ensure appropriate transit services are provided to the affordable housing development.

(6) This section applies to any religious organization rehabilitating an existing affordable housing development.

(7) For purposes of this section:

(a) "Affordable housing development" means a proposed or existing structure in which one hundred percent of all single-family or multifamily residential dwelling units within the development are set aside for or are occupied by low-income households at a sales price or rent amount that may not exceed thirty percent of the income limit for the low-income housing unit;

(b) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for household size, for the county where the affordable housing development is located; and

(c) "Religious organization" has the same meaning as in RCW 36.01.290.

[2019 c 218 § 3.]