



CITY OF  
BAINBRIDGE ISLAND

**CITY COUNCIL STUDY SESSION  
TUESDAY, DECEMBER 15, 2020**

REMOTE MEETING ON ZOOM

PLEASE CLICK THE LINK BELOW TO JOIN THE WEBINAR:

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WEBINAR ID: 983 1866 5858

**AGENDA**

1. **CALL TO ORDER / ROLL CALL - 6:00 PM**
2. **EXECUTIVE SESSION**
  - 2.A **(6:05 PM) Pursuant to RCW 42.30.110(1)(g), to evaluate the qualifications of an applicant for employment or to review the performance of a public employee.** 60 Minutes
3. **APPROVAL OF AGENDA/ CONFLICT OF INTEREST DISCLOSURE - 7:05 PM**
4. **MAYOR'S REPORT - 7:10 PM**
5. **FUTURE COUNCIL AGENDAS - 7:15 PM**
  - 5.A **Future Council Agendas,** 10 Minutes  
[January 5 City Council Study Session.pdf](#)  
[January 12 City Council Regular Business Meeting.pdf](#)
6. **NORTH WARD COUNCIL VACANCY**
  - 6.A **(7:25 PM) Selection and Appointment of North Ward Council Member,** 10 Minutes  
[Brenda Fantroy-Johnson Council Vacancy Application\\_Redacted.pdf](#)
7. **UNFINISHED BUSINESS**
  - 7.A **(7:35 PM) Policy Options for Lots Less than 12,500 Square Feet in the R-1, R-2 & R-0.4 Zoning District - Planning,** 30 Minutes

Council Member Carr Small Lots Regulatory Option Memo  
Staff Memo, Small Lots for CC 12152020

- 7.B (8:05 PM) Staff Update on Joint City Council/Planning Commission Land Use Subcommittee Recommendations and Timeline, Phase 1 - Planning, 30 Minutes**  
Staff Memo Update and Discussion 20201211  
Background Memo, Initial Recommendations  
Background Memo, Attachment A  
Triage Phase I & II Planning Commission comments

**8. COUNCIL DISCUSSION**

- 8.A (8:35 PM) Safe Routes to School Pop-Up Projects Introduction - Councilmember Carr, 15 Minutes**  
Safe routes to School.pdf
- 8.B (8:50 PM) Grow Avenue Traffic Considerations - Councilmember Nassar, 10 Minutes**
- 8.C (9:00 PM) Discussion of eCommerce Alternatives - Economic Recovery Council Ad Hoc Committee, 20 Minutes**  
City Manager and Staff Feedback on Digital Storefront RFP - for CC 12152020  
EXAMPLE RFP: Greenhouse Emissions RFP

**9. FOR THE GOOD OF THE ORDER - 9:20 PM**

**10. ADJOURNMENT - 9:30 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.



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CITY OF  
BAINBRIDGE ISLAND

## City Council Study Session Agenda Bill

**MEETING DATE:** December 15, 2020

**ESTIMATED TIME:** 60 Minutes

**AGENDA ITEM:** (6:05 PM) Pursuant to RCW 42.30.110(1)(g), to evaluate the qualifications of an applicant for employment or to review the performance of a public employee.

**SUMMARY:** Council will hold an executive session pursuant to RCW 42.30.110(1)(g).

**AGENDA CATEGORY:** Discussion

**PROPOSED BY:** City Council

**RECOMMENDED MOTION:** Executive session discussion only.

**STRATEGIC PRIORITY:** Good Governance

**FISCAL IMPACT:**

|                                    |  |
|------------------------------------|--|
| <b>Amount:</b>                     |  |
| <b>Ongoing Cost:</b>               |  |
| <b>One-Time Cost:</b>              |  |
| <b>Included in Current Budget?</b> |  |

**BACKGROUND:**

**ATTACHMENTS:**

**FISCAL DETAILS:**

**Fund Name(s):**

**Coding:**



CITY OF  
BAINBRIDGE ISLAND

## City Council Study Session Agenda Bill

**MEETING DATE:** December 15, 2020

**ESTIMATED TIME:** 10 Minutes

**AGENDA ITEM:** Future Council Agendas,

**SUMMARY:** Council will review future Council agendas.

**AGENDA CATEGORY:** Discussion

**PROPOSED BY:** Executive

**RECOMMENDED MOTION:** Discussion.

**STRATEGIC PRIORITY:** Good Governance

**FISCAL IMPACT:**

|                                    |  |
|------------------------------------|--|
| <b>Amount:</b>                     |  |
| <b>Ongoing Cost:</b>               |  |
| <b>One-Time Cost:</b>              |  |
| <b>Included in Current Budget?</b> |  |

**BACKGROUND:**

**ATTACHMENTS:**

[January 5 City Council Study Session.pdf](#)

[January 12 City Council Regular Business Meeting.pdf](#)

**FISCAL DETAILS:**

**Fund Name(s):**

**Coding:**



CITY OF  
BAINBRIDGE ISLAND

**CITY COUNCIL STUDY SESSION  
TUESDAY, JANUARY 05, 2021**

REMOTE MEETING ON ZOOM

**AGENDA**

1. CALL TO ORDER / ROLL CALL - 6:00 PM
2. EXECUTIVE SESSION
3. APPROVAL OF AGENDA/ CONFLICT OF INTEREST DISCLOSURE
4. MAYOR'S REPORT
5. APPOINTMENT OF MAYOR AND DEPUTY MAYOR
  - 5.A **Nomination and Appointment of Mayor**, 10 Minutes
  - 5.B **Nomination and Appointment of Deputy Mayor**, 10 Minutes
6. FUTURE COUNCIL AGENDAS
7. PRESENTATIONS
8. UNFINISHED BUSINESS
  - 8.A **(x PM) Update from Joint City Council and Planning Commission Land Use Subcommittee - Councilmembers Carr, Hytopoulos, and Pollock**, 10 Minutes
9. NEW BUSINESS
10. CITY COUNCIL DISCUSSION
11. FOR THE GOOD OF THE ORDER
12. ADJOURNMENT

**GUIDING PRINCIPLES**

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CITY OF  
BAINBRIDGE ISLAND

CITY COUNCIL REGULAR BUSINESS MEETING  
TUESDAY, JANUARY 12, 2021

REMOTE MEETING ON ZOOM

**AGENDA**

1. CALL TO ORDER/ROLL CALL - 6:00 PM
2. EXECUTIVE SESSION
3. APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE
4. PUBLIC COMMENT
  - 4.A **(6:10 PM) Instructions for Providing Public Comment - City Clerk**, 15 Minutes  
[Instructions for Providing Public Comment at Remote Meetings.docx](#)
5. MAYOR'S REPORT
6. CITY MANAGER'S REPORT
7. FUTURE COUNCIL AGENDAS
8. PRESENTATION(S)
9. PUBLIC HEARING(S)
10. UNFINISHED BUSINESS
  - 10.A **(X PM) Revisions to City's Ethics Program - Council**, 30 Minutes  
[102720 Motions](#)  
[Deputy Mayor Deets\\_Suggested Motions for Council Ethics Discussion](#)  
[Ethics Board Operating Rules - Revised and Adopted 10-19-2020](#)  
[Resolution No. 2020-13 Updating the Code of Conduct and Ethics Program Approved 081120](#)
  - 10.B **(X PM) Expectations for Council Liaisons - Mayor Schneider**, 20 Minutes
  - 10.C **COBI/BI Parks Trails Inter-local Agreement and Budget Amendment - Public Works**, 15 Minutes
11. NEW BUSINESS

**11.A Ordinance No. 2021-xx Fire Code Update - Public Works,** 20 Minutes

**11.B Resolution No. 2021-01 to Update the City Fee Schedule - Finance,** 5 Minutes

**12. CONSENT AGENDA**

**13. COMMITTEE REPORTS**

**14. FOR THE GOOD OF THE ORDER**

**15. ADJOURNMENT**

### **GUIDING PRINCIPLES**

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CITY OF  
BAINBRIDGE ISLAND

## City Council Study Session Agenda Bill

**MEETING DATE:** December 15, 2020

**ESTIMATED TIME:** 10 Minutes

**AGENDA ITEM:** (7:25 PM) Selection and Appointment of North Ward Council Member,

**SUMMARY:** Jane Lindley withdrew her application for the Council vacancy on Friday, December 11, leaving one finalist, Brenda Fantroy-Johnson, for the position.

**AGENDA CATEGORY:** Discussion

**PROPOSED BY:** City Council

**RECOMMENDED MOTION:** I move to appoint Brenda Fantroy-Johnson to the North Ward, District 2, City Council position.

**STRATEGIC PRIORITY:** Good Governance

**FISCAL IMPACT:**

|                                    |  |
|------------------------------------|--|
| <b>Amount:</b>                     |  |
| <b>Ongoing Cost:</b>               |  |
| <b>One-Time Cost:</b>              |  |
| <b>Included in Current Budget?</b> |  |

**BACKGROUND:**

**ATTACHMENTS:**

[Brenda Fantroy-Johnson Council Vacancy Application Redacted.pdf](#)

**FISCAL DETAILS:**

**Fund Name(s):**

**Coding:**

## APPLICATION FOR APPOINTMENT TO BAINBRIDGE ISLAND CITY COUNCIL POSITION #2

### Applicant Information

(Please type or print)

Applicant Name: Brenda Fantroy-Johnson

Residence Address: [REDACTED]

Home Phone: [REDACTED] Work/Cell Phone same

E-Mail: [REDACTED]

### Cover Letter & Resume

Please attach a one-page cover letter and a resume of no more than two pages to this application.

### Supplemental Questions

Please respond to the following questions regarding your interest in the position of Councilmember for the City of Bainbridge Island on separate pages using no more than 3 pages total:

1. Why are you interested in serving as a Bainbridge Island City Councilmember?
2. What strength would you bring to the Council?
3. What are the three highest priorities and/or issues you believe the City needs to address? How would you propose to address these issues?
4. Explain your current and past community involvement and/or service on city, nonprofit, or public boards, committees, task forces, or commissions and how this has contributed to the Bainbridge Island community. Address its relevance to the position of Bainbridge Island City Councilmember.
5. What do you wish to accomplish during this appointed term as a Bainbridge Island City Councilmember?
6. What is your vision for our City and community?
7. Is there anything else that you may wish to add that would help us get to know you a little better?

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Please return this form, your cover letter, resume, and answers to the supplemental questions to the City Clerk at Bainbridge Island City Hall (280 Madison Avenue North, [cityclerk@bainbridgewa.gov](mailto:cityclerk@bainbridgewa.gov)) **no later than 4:00 pm on Wednesday, November 25, 2020**. Applications received after 4:00 pm will not be accepted. The application and any correspondence should be addressed to:

**Christine Brown, City Clerk**  
**Councilmember Recruitment**  
**280 Madison Avenue North**  
**Bainbridge Island, WA 98110**  
**[cityclerk@bainbridgewa.gov](mailto:cityclerk@bainbridgewa.gov)**

Brenda Fantroy Johnson

November 9, 2020

Mayor Leslie Schneider, Deputy Mayor Joe Deets, Councilmember Rasham Nassar, Councilmember Kirsten Hytopoulos, Councilmember Michael Pollock, Councilmember Christy Carr  
City of Bainbridge Island

Dear Mayor Schneider, Deputy Mayor Deets and Councilmembers,

I am excited for the opportunity to submit my application as the next Councilmember for the North Ward of Bainbridge Island. This appointment will allow me to continue my goal of being of service to my community and my fellows.

My career in information security has always been about understanding the needs of people and supporting companies to maintain trust by ensuring information is protected. I find that I am at my best when I am in a position of collaboration and unity. I believe in problem identification before resolution, understanding the symptoms of problems, and the need to dig to determine the root cause. My current role with AT&T allows me to meet with a diverse global group of people from many different business units and backgrounds. It is here that I am able to practice my favorite saying: "Principals over Personalities." I am able to listen to all sides of a discussion and I have many times been able to hear the majority and lift up the minority so that their voice can also be heard.

Over the past three years I have had the privilege of supporting the Bainbridge Island community on a local level. In particular, I have invested time to learn and absorb the ideas outlined in the Comprehensive Plan. My time working with, and leading, the Race Equity Task Force and the Sustainable Transportation Task Force has given me a new view into how I can contribute. I have learned a great deal by attending many city council and committee meetings. I am also involved with local community groups such as Kitsap ERACE (Equity Race and Community Engagement), NAACP, YWCA, and Kitsap SURJ (Showing Up for Racial Justice). I believe that I can add a unique perspective to the goals we all have for our city.

I believe that joining the city council is a tremendous opportunity to engage with local government and fulfill my civic duty to provide a voice for marginalized people. I am willing to jump right in, to get my hands dirty, and to do the work.

Sincerely,



Brenda Fantroy-Johnson

1. *Why are you interested in serving as a Bainbridge Island City Councilmember?*

I have served on multiple Bainbridge Island city committees and task forces. I believe that the city council and its committees would benefit from increased representation in its decision-making process by including more diverse voices and perspectives. I have lived here for 14 years and I love this island. I knew when I moved here that it was paradise. One only has to look at the Growth Management Plan to know that the world is changing. Along with that change we are becoming more diverse. Washington State is an attractive place for new young families that are being hired at many of the companies that call Washington home. People of all cultures and genders are looking for homes near Seattle. If we want to have a diverse city, and the council has shown us that this is a goal, we have to start at the local level.

2. *What strength would you bring to the Council?*

As a longtime professional in the information security area, I am bound by an oath of ethics that dictates professional and moral values. I believe that everyone has value, everyone's voice matters, and that no one should be turned away. My strengths would also come from my life experiences—having experienced both poverty and a middle-class life. Whether rich or poor, we all want the same things for our family: a home, food, safety, good schools, and warmth. I believe that I have unique strengths that can help all Bainbridge Islanders maintain a sense of place. Most of all, I am always willing to help and become knowledgeable about council matters because of my passion for the culture and beauty of Bainbridge Island.

3. *What are the three highest priorities and/or issues you believe the City needs to address? How would you propose to address these issues?*

Low-income housing, sustainable transportation, and racial equity are my top three priorities. Working with the Race Equity Task Force (RETF) has given me insight into how democracy can work in favor of marginalized communities. With the council's support we have softened the years of distrust and uncertainty that citizens may have had with local government. When we were told, "Nothing is going to change," we did not turn and run. Instead we stayed at the table where we could have our issues heard and discussed. This allowed me to see that a few determined voices can make a big difference.

I would like to see more low-income housing planned as an addition to any building planning that is approved by the city. For every apartment building approved, a number of low-income apartments should also be incorporated in the deal. We need more data to help us to identify how many people need low-income housing in order to better address this growing issue.

Closely tied to housing and equity is the issue of transportation. I have submitted a number of ideas to the Sustainable Transportation Task Force and am committed to working collaboratively with all stakeholders to thread these issues together to come up with a long-term solution. The next big idea may come from anywhere, and the council needs to create as many avenues as possible to welcome innovation.

4. *Explain your current and past community involvement and/or service on city, nonprofit, or public boards, committees, task forces, or commissions and how this has contributed to the Bainbridge Island community. Address its relevance to the position of Bainbridge Island City Councilmember.*

When I moved to Bainbridge Island in 2004, I took it upon myself to create an emergency awareness event for my neighbors. This was out of my concern of earthquakes, but the project led to positive community involvement. I have seen that when people have shared issues that are important to them, they will get involved if someone presents the opportunity.

As a black woman on the island, I could not stand by when I was called to tell my story about the racism that I had experienced on the island. This is how the RETF was born, out of individuals coming together to right a wrong. I am now the co-chair of the RETF, a member of the Sustainable Transportation Task Force, as well as on the interview committee for the Planning Commission. I am also working with the Climate Change Committee on incorporating racial equity into their process.

5. *What do you wish to accomplish during this appointed term as a Bainbridge Island City Councilmember?*

I would like to act as a uniting presence on the council with a goal of working cooperatively to achieve the mission of the Comprehensive Plan. Regardless of where each of us stands, it's of utmost importance that we work collaboratively to represent the people of the island. I would also like to see that we move forward with establishing core values of equity and inclusion. I am deeply interested in becoming more involved in the climate commission initiatives, low-income housing, sustainable transportation, the ethics committee, and the green building initiatives.

6. *What is your vision for our City and community?*

My vision for Bainbridge Island is that it continues to be a place where nature is more prevalent than the infrastructure that we build on it. I would aspire to work towards the shared goals of helping our local government and city staff represent the needs of the people, and not external stakeholders. In essence I would like for us to not only have proclamations that only speak to our hope for the island

but action plans to carry those words out into our community. My beliefs are in line with the Bainbridge Island Vision 2026 and the five principles of our comprehensive plan.

7. *Is there anything else that you may wish to add that would help us get to know you a little better?*

I am married and live with my husband, Harvey, and my perfect Labrador retriever, Tama. I have 5 adult children and 4 grandchildren. I love writing and authored a 2017 memoir titled, "Imagine Me." I am an instructor of information security and other certification courses. I am also an avid hiker and mountaineer. In 2013, I climbed Mt Rainier, and in 2014 I traveled to Nepal and completed the Mt. Everest Base Camp trek. In 2016, I traveled to Spain to do the North Shore Camino trek.

**Brenda Fantroy-Johnson**



**Experience**

Manager - Risk Management November 2006 to Current  
*AT&T Bothell, WA*  
Chief Security Office – Audit Tech Manager (2008 – 2009), Risk Management Lead (2006- 2008)

The Risk Management process has been refined using the NIST and ISO 27000 frameworks. I am the facilitator of the Risk Management Front door process. I am the Risk Go To person, specializing in SOX, PCI and SPI. I also created new vetting processes and new procedures to streamline the risk intake and assignment process which I also manage. It is my responsibility to integrate information security into the enterprise and to link risk management to the business unit processes. This includes continuous monitoring and providing senior management with information to make informed risk-based decisions.

Senior Security Analyst November 2005 to November 2006  
*Nordstrom Seattle, WA*

I created the Nordstrom Security Awareness Program, facilitated all awareness training for over 500+ IT employees, managers and C-Level executives. In this role I was also responsible for creating new standards and policy for compliance projects mainly Visa PCI and SOX compliance. I created the remote access standard, the media standard and the vendor security review process. I was responsible for building security best practices into the contract management process. This process was enhanced by my creation of checklists and security contract language which was then embedded into the RFP Process.

IT System Administrator – Senior January 2005 to October 2005  
*American Electric Power Columbus, Ohio*

Perform the planning, evaluation, analysis, and recommendation of technical computing products on medium to large scale projects – recognized as an expert throughout the company. Provide advanced level technical product support including response to user questions, installation, system monitoring, testing, program diagnosis, tracking, resolution and routine maintenance.

Information Security Specialist October 1998 to January 2005  
*State of MI - Office of Security & Disaster Recovery Lansing, Michigan*

Serves as Information Security Specialist consultant to develop, coordinate, research, design & publish statewide information technology security strategic and tactical plans. Define security functions and assist in implementing security recommendations. Homeland Security team member. I conducted department wide security and awareness training using NIST standards and best practices.

### **Education**

M.B.A., Computer Science, Minor: Accounting    May 2004  
*Spring Arbor University Spring Arbor, Michigan*  
GPA: 3.7.

B.A., Micro Computers and Network Management    June 2001  
*Davenport University Lansing, Michigan*  
GPA: 4.0. Graduated with high honors  
Dean's List

### **Professional Achievements**

- Certified Information Systems Security Professional (CISSP) #24013
- Certified Information Security Manager (CISM)
- Certified Information Privacy Professional (CIPP)
- Certified in Risk and Information Systems Control (CRISC)
- Certificate of Cloud Security Knowledge (CCSK)
  - GIAC Certified ISO-27000 Specialist (GS2700)
  - GIAC Security Policy and Awareness (GSPA)
  - Lean Six Sigma Green Belt Level II
- Past President Lansing Chapter Information Systems Security Association (ISSA)
- Member – Information Systems Security Association Puget Sound Chapter
- Member – Infragard Seattle Chapter
- Member – Information Systems Audit and Control (ISACA)
  
- Knowledge of the following Security Policy Models and Regulations
  - ISO 17799 (27000)
  - HIPPA
  - GLBA
  - SOX
  - PCI
  - NIST
  - COBIT



CITY OF  
BAINBRIDGE ISLAND

## City Council Study Session Agenda Bill

**MEETING DATE:** December 15, 2020

**ESTIMATED TIME:** 30 Minutes

**AGENDA ITEM:** (7:35 PM) Policy Options for Lots Less than 12,500 Square Feet in the R-1, R-2 & R-0.4 Zoning District - Planning,

**SUMMARY:** Staff will provide a discussion of the options presented in the memo from Councilmember Carr dated November 24, 2020. It is expected that the Council will provide direction related to development policies for these smaller lots. Depending on the preferred option, there may be a need for additional legal, planning, and/or financial analysis.

**AGENDA CATEGORY:** Discussion

**PROPOSED BY:** City Council

**RECOMMENDED MOTION:** Discussion and policy direction.

**STRATEGIC PRIORITY:** Green, Well-Planned Community

**FISCAL IMPACT:**

|                                    |  |
|------------------------------------|--|
| <b>Amount:</b>                     |  |
| <b>Ongoing Cost:</b>               |  |
| <b>One-Time Cost:</b>              |  |
| <b>Included in Current Budget?</b> |  |

**BACKGROUND:** The attached "Council Member Carr Small Lots Regulatory Options Memo" from Councilmember Carr and the preliminary response from Planning staff (CC Staff Memo Small lots) provide background for this agenda item.

**ATTACHMENTS:**

[Council Member Carr Small Lots Regulatory Option Memo](#)

[Staff Memo, Small Lots for CC 12152020](#)

**FISCAL DETAILS:**

**Fund Name(s):**

**Coding:**

## Background and Regulatory Options for Small Lot Development in the Conservation Areas (R-0.4, R-1, and R-2 zoning districts)

What are “small lots”?

The City’s Comprehensive Plan includes a “conservation area,” which includes its R-0.4, R-1, and R-2 zoning districts. These zoning districts are the less dense, more rural residential areas of the island, and areas with the most potential for aquifer recharge. They represent approximately 80 percent of the island’s geographic area. “Small lots” can generally be considered those that are less than the minimum lot size for the underlying zoning district as required by BIMC 18.09 -- R-0.4 (100,000 square feet), R-1 (40,000 square feet), and R-2 (20,000 square feet). These are “legal lots;” that is, development in accordance with the underlying zoning district is allowed even though they are “nonconforming” with regard to lot size.

It is important to note that the island has 100s of “nonconforming” lots with regard to minimum lot size. The City developed its minimum lot standard decades after, in many cases, these lots were created. Given this discrepancy, the City is left with a “legacy” of many nonconforming lots, many of which are “substandard” relative to minimum size as required by the City’s municipal code. The City’s zoning code allows for development on these lots, subject to applicable land use, building, and zoning regulations.

What does the Comprehensive Plan say about development in the “conservation areas”?

A number of Comprehensive Plan goals and policies address development within the conservation areas, including (emphasis added):

- Policy LU 4.10 Lands shown on Fig. LU-3 as “Conservation Areas” are appropriate for residential, recreational, agricultural, habitat and open space uses. The City will use a variety of conservation tools, including public acquisition of certain properties, regulatory protection of critical areas and innovative tools such as aquifer conservation zoning and conservation villages to minimize the development footprint within these Conservation Areas.
- Policy LU 4.11 To the greatest degree practical, prohibit clearcutting and grading of the natural landscape.
- GOAL LU-14 Develop context-sensitive regulations for residential development in areas designated R-2, R-1 or R-0.4, in order to limit clearing, soil disturbance, promote low impact development and reconcile development and conservation.
- Policy EN 19.3 In pre-application conferences and as part of the review of development applications, encourage property owners to maximize the preservation of trees and to maintain and enhance the cohesive quality of tree groves through appropriate site design and construction methods as well as open space dedication of areas that contain these resources. Incentives such as a building height bonus could be used to encourage tree preservation greater than the preservation required by code during site design.

How does the aquifer recharge protection area fit in?

In 2018, the City adopted a new “aquifer recharge protection area” (ARPA) provision as part of the critical areas ordinance (CAO) update, that applies only to the R-0.4, R-1, and R-2 zoning districts. The ARPA is intended to provide a mechanism for the purpose of ensuring sufficient groundwater recharge,

defined as maintaining 100 percent of the annual average pre-construction groundwater recharge volume for the site. ARPA development standards include the following: "The ARPA shall include all existing native vegetation on a site, up to a maximum of 65 percent of the total site area. A lower percentage is allowed if necessary to achieve a development area of at least 12,500 square feet on a parcel" (see BIMC16.20.100.E.2.b). The 12,500 square foot "development area" – the area of a lot dedicated to construction and related site improvements – allowed regardless of the parcel size.

Recently, there have been instances where lots less than 12,500 square feet have been described as "exempt" from the ARPA requirement. This is an accurate application of the ARPA regulations, because a 12,500 square foot development area is allowed regardless of parcel size. In these cases, most – if not all – of the existing vegetation has been cleared/removed from the site. In the "conservation area" zoning districts (R-0.4, R-1 and R-2), there are no regulations requiring a reduction/minimization in site disturbance and/or tree retention associated with new development (Note: applicants may chose, but are note required, to minimize site disturbance or tree removal to meet stormwater requirements and tree retention may be required for developed or vacant lots when not associated with new development.)

What are recent issues associated with small lot development?

As noted above, lots in the R-0.4, R-1, and R-2 zoning districts (the island's conservation area) less than 12,500 square feet in size do not require an ARPA because the ARPA provisions allow for a 12,500 square foot development area. This means that lots less than 12,500 square feet can be clear cut. Property line to property line, there is no restriction to cutting down every tree. City staff identified a significant number of parcels where this could occur in the future.

Additional problems associated with small lot development have been identified, and fall into several sections of the municipal code; e.g.: tree retention, home size, and notification of pending development. It is important to consider these issues separately before launching into a "one size fits all" approach to solving perceived problems with "small lot development." Based on community input, the following issues related to small lot development have been identified to date:

- Too many trees cut down
- Too much site disturbance
- House/s too big/out of scale or character with neighborhood
- Lack of buffer between new development and established/existing open space (e.g., parks)
- Neighbors not notified
- Insufficient consistency/coordination with City/County regulations

What are potential solutions?

There are a number of regulatory options that could address the identified problems with small lot development. They should be considered based on their relative ability to address the full suite of identified problems (degree of impact) vs. any identified issues with implementation (degree of ease/difficulty).

One or more of the following regulatory options could be considered. In addition, a "small lot" section of the zoning code could be created to provide clarity and specificity for these parcels. The section could

include a menu of regulatory options to provide flexibility for site development while meeting Comprehensive Plan goals and polices (e.g. reconcile development and conservation). Potential regulatory options include, in no particular order:

1. Do not allow significant tree (by size) removal unless maximum lot coverage cannot be achieved or primary structure cannot achieve a minimum width, to be determined
2. Require documentation of mitigation sequencing (first avoid, then minimize) before allowing significant tree removal – City can ask for development relocation/reconfiguration to avoid tree removal/protect retained trees
3. Allow encroachment into required yard setbacks only to accommodate tree retention (maximum encroachment to be determined; cannot exceed area of tree protection zone)
4. Lower 12,500 square foot ARPA threshold for small lots based on sliding scale
5. Allow only one (or no) variances from zoning standards
6. Allow increase in maximum height to accommodate tree protection
7. Reconsider maximum lot coverage based on sliding scale (percentage of minimum lot size)
8. Consider maximum home size
9. Require 300-foot notification per BIMC 2.16
10. Require administrative land use review (vs. only a construction permit)
11. Require planted landscape buffers on small lot perimeter
12. Require replacement trees to achieve prior tree canopy

Additionally, from a business practice standpoint, the City could:

1. Revisit its communication/coordination practices with Kitsap Public Health District to identify potential areas for improvement and increased efficiencies related to on-site sewage systems
2. Review site development sequencing – from pre-development tree removal allowances, site assessment review (SAR), demolition permit, to construction permit and permit inspections – to maximize tree retention and context sensitive design

Next steps

If the City Council would like to address identified issues with small lot development, next steps might include:

- Determining its priority among other 2021 work plan items
- Refer to a future study session for additional general Council discussion
- Remove “non-starters” from the list of potential regulatory options, above
- Request staff support for exploring effectiveness and feasibility of different regulatory options, including development engineer (stormwater regulations), planner, and arborist
- Identify immediate, short-term code fixes
- Request input from the Environmental Technical Advisory Committee (ETAC)
- Other steps as recommended by staff and/or suggested by councilmembers



Department of Planning and Community Development

## Memorandum

Date: December 11, 2020  
To: City Council  
From: Heather Wright, AICP  
Planning Director  
Nick Snyder  
Arborist  
Subject: Consideration for Regulating Small Lot Development in R-0.4, R-1 and R-2

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### I. LEGISLATIVE HISTORY: CRITICAL AREAS AND THE TREE REMOVAL, FOREST STEWARDSHIP AND VEGETATION MAINTENANCE ORDINANCES

In 2018, the City of Bainbridge Island updated its critical areas ordinance and created a new chapter for a critical area known as the Aquifer Recharge Area (BIMC 16.20.100). The entirety of Bainbridge Island is classified as an aquifer recharge area to preserve the volume of recharge available to the aquifer system and to protect groundwater from contamination.

Under this new chapter, any development that required a Site Assessment Review (SAR) in the R-1, R-2 and R-0.4 zoning districts require the designation of an Aquifer Recharge Protection Area (ARPA). The City's regulations allow for some exceptions to the 65% standard when a lower percentage is necessary to guarantee a development area of at least 12,500 square feet, or if the site has less than 65% native vegetation.

Shortly after this new regulation, the City also updated its tree and vegetation Chapter 16.18 (Tree Removal, Forest Stewardship and Vegetation Maintenance) (formally known as 'Clearing' and 'Vegetation Management' Chapters). With the new critical areas ordinance vegetation protections through the ARPA in the R-1, R-2 and R-0.4 zones, the tree and vegetation regulations provided protections that were limited to the R-2.9, R-3.5 and R-4.3 zones requiring at least 30 tree units per acres or at least as many tree units as the property had on October 31, 2018.

A recent clearing activity on two abutting R-1 lots off of Olympic View Drive brought attention to the fact that lots less than 12,500 square feet in the R-1 zoning district (and the R-2, and R-0.4 districts) could potentially be completely cleared if there are not any underlying critical areas as ARPA and tree unit requirements do not apply to such properties.

**II. IMPACTED PROPERTIES**

A query of the City’s parcel database indicates that there are a total of 990 parcels in the R-1, R-2 and R-0.4 zoning districts that are less than 12,500 square feet and of those, 346 are undeveloped. That means that there are an estimated 346 undeveloped parcels that could potentially be developed and such parcels would not be subject to ARPA or any tree unit requirements.

Parcels less than 12,500 square feet by Zoning District (Table 1)

| Zoning | Developed | Undeveloped |
|--------|-----------|-------------|
| R-2    | 579       | 241         |
| R-1    | 54        | 53          |
| R-0.4  | 11        | 52          |
| Total: | 644       | 346         |

If all of the 346 lots at issue are assumed to be 12,500 square feet this would comprise 99.28 acres or 0.24% of the island’s total land area (41,591.2 acres).

**III. TREE REGULATION UPDATE: BACKGROUND AND COUNCIL’S DIRECTION**

Concurrent with the recent example of clearing on Olympic View Drive, the City’s Arborist was working on the tree and vegetation updates that are a continuation of the Landmark Tree Ordinance work plan. While the focus on those regulations is primarily limited to BIMC Chapters 16.18 (Tree Removal, Forest Stewardship and Vegetation Maintenance), 18.15 (Development Standards and Guidelines) and 16.32 (Protection of Landmark Trees), there are also some minor housekeeping changes proposed in the critical area chapter. This update proposed to address the small lot development issue utilizing the existing tree unit paradigm in BIMC 18.15.010 (Landscaping, screening, and tree retention, protection and replacement).

At the request of the City Council, staff presented the issue of small lot clearing on October 20, 2020 at a Council Study Session. Staff provided background on the Olympic View clearing near Fairy Dell Trail and briefly outlined a potential proposal to address the issue with the

existing tree unit language. The Council directed staff to not address this issue with the tree unit paradigm, but to explore other options for achieving tree retention on nonconforming lots in the R-0.4, R-1, and R-2 districts. Based on that direction, staff has removed all proposed language that utilizes tree units in the less dense zoning districts from the current tree and vegetation regulation update process.

Staff also began internal conversations around this issue and was informed that Councilmember Carr would provide options for consideration. Staff received a Small Lots Regulatory Options memo from Councilmember Carr on November 24<sup>th</sup>, 2020.

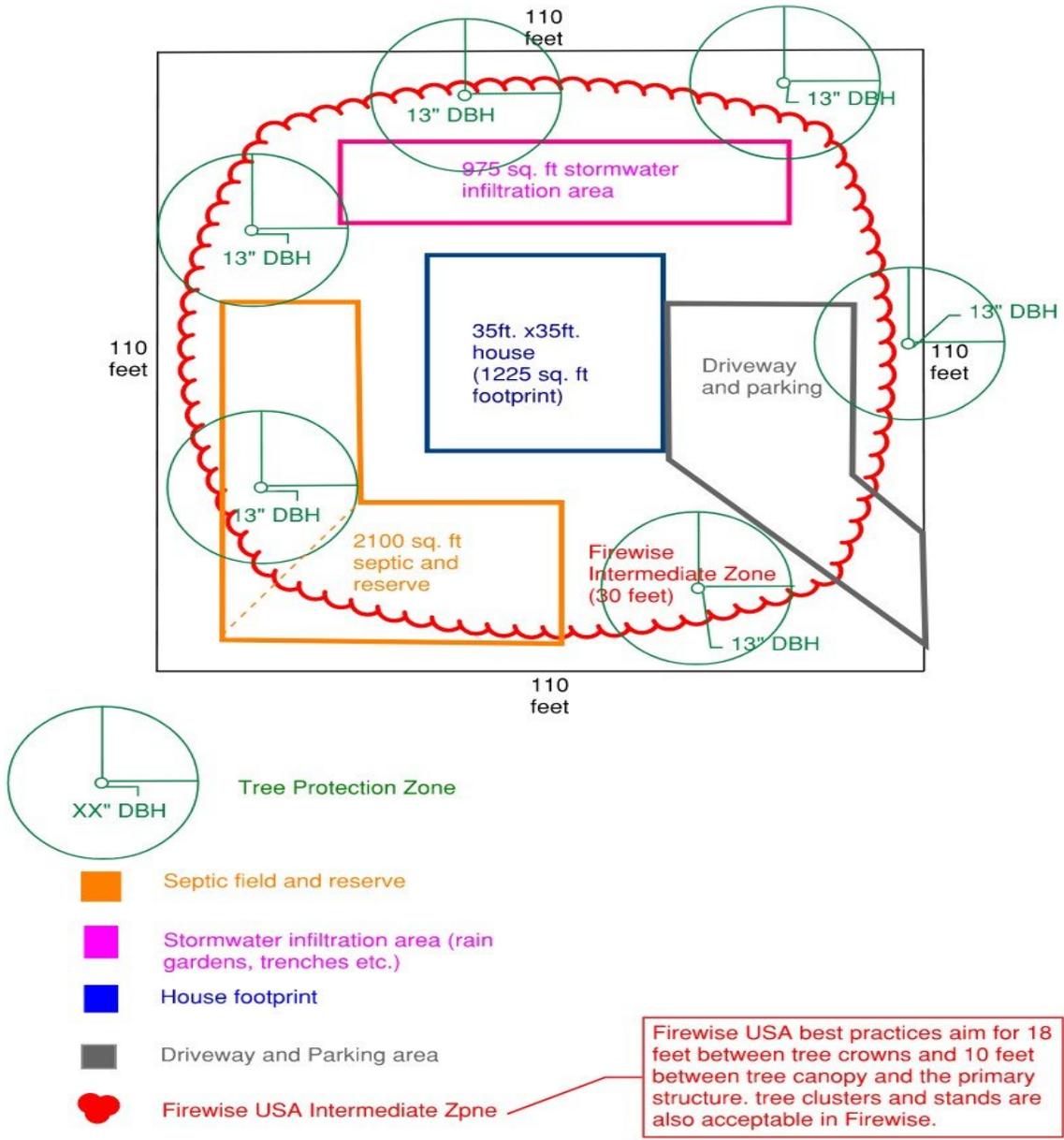
For the Council's consideration of this topic at its December 15, 2020 meeting, Staff is providing responses to the options proposed by Councilmember Carr for consideration, as well as identification of considerations for each (see Table 2 below).

Staff used the following diagram in Figure 1 below to determine rough minimum areas needed for development in response to the regulatory options presented. The data in Figure 1 are independently-generated numbers and details and are not meant to depict any actual existing development but rather serve as a tool to visualize site needs. Please note that FireWise guidelines are not mandated by the development code, but that they are recommended by our Fire District and included as a priority action in the Bainbridge Island Climate Action Plan (6.A.3.b).

Single Family Residential Development

12,100 square foot lot

(Figure 1)



IV. POTENTIAL SOLUTIONS AND RESPONSE TABLE

Below is the table provided from Councilmember Carr that has been modified to include a staff response column.

Potential Solutions and Response (Table 2)

| Regulatory Options from Nov. 24, 2020 memo from Councilmember Carr   | Initial Staff Response   |
|--|--|
| <p>1. Do not allow significant tree (by size) removal unless maximum lot coverage cannot be achieved, or primary structure cannot achieve a minimum width (to be determined).</p>  | <p>Dimensional standards (lot coverage and lot width) do not appear to be the only cause for site clearing. The site requirements of septic, stormwater, access, etc. (see figure 1 above) also contribute to tree removal in these small lots. This option would need to include consideration for these other appurtenances.</p>   |
| <p>2. Require documentation of mitigation sequencing (first avoid, then minimize) before allowing significant tree removal – City can ask for development relocation/reconfiguration to avoid tree removal/protect retained trees.</p> | <p>Tree prioritization guidelines exist and could be modified to apply to these zoning districts:</p> <p>“b. In determining which trees will be retained on a property to meet the tree unit requirements of subsection G.4 of this section, an applicant shall attempt to retain trees greater than 15 inches, trees in tree stands, and trees adjacent to tree stands on adjacent properties, unless such retention would prevent reasonable use of a property and no other alternative is feasible.”</p> <p>This may work well if combined with options 10, 11 and 12 to ensure that the trees that are able to be retained are the most significant.</p> |
| <p>3. Allow encroachment into required yard setbacks only to accommodate tree retention (maximum encroachment to be determined; cannot exceed area of tree protection zone) .</p>  | <p>The variance chapter has been applied to allow encroachment for the protection of landmark trees.</p>   |
| <p>4. Lower 12,500 square foot ARPA threshold for small lots based on sliding scale</p>  | <p>Current Code Language:<br/>The ARPA shall include all existing native vegetation on a site, up to a maximum of 65 percent of the total site area. A lower percentage is allowed if necessary to achieve a development area of at least 12,500 square feet on a parcel.</p> <p>Even if the APRA threshold is adjusted as proposed, Staff is concerned that the amount of space necessary to construct a single-family residence and normal</p>   |

|   |  |
|---|--|
|   | <p>appurtenances (see Figure 1) may not result in the ability to require an ARPA area that meets the existing ARPA design standards.</p>   |
| <p>5. Allow only one (or no) variances from zoning standards</p>                                  | <p>This appears to conflict with 3 above. Variances have been allowed for the protection of landmark trees. However, the Code could be modified to prohibit a variance from lot coverage.</p>  |
| <p>6. Allow increase in maximum height to accommodate tree protection</p>                         | <p>Maximum building height is 30' in the R-0.4 and R-1 zoning districts and 25' in the R-2 zoning district.</p> <p>The aesthetic impacts of increasing height in a neighborhood would need to be evaluated. Concerns include: creating large, imposing walls and competition for solar access on neighboring properties.</p>   |
| <p>7. Reconsider maximum lot coverage based on sliding scale (percentage of minimum lot size)</p> | <p>Lot coverage is 10% in R-0.4, 15% in R-1 and 20% in R-2. These lots generally provide for a small home size because they are less than 12,500 square feet.</p> <p>This means the largest footprints allowed are between 1,250 and 2,500 square feet if the lot is 12,500 square feet, and less if the lot is smaller.</p> <p>The space requirements for septic, driveway, stormwater and building footprint may not provide much remaining area for the long-term protection of existing trees.</p> |
| <p>8. Consider maximum home size</p>  | <p>Home size is currently a standard that applies when a lot is subdivided in the R-8, R-14, NC and MUTC and HS Road zoning districts. In those districts, the maximum home size is 1,600 square feet.</p> <p>Staff would need to perform analysis to support a maximum home size in these zoning districts as this hasn't been contemplated or applied to existing lots that aren't subdividing or located in these zoning districts.</p>   |
| <p>9. Require 300-foot notification per BIMC 2.16</p>   | <p>If this becomes an administrative approval, then staff could require noticing as part of the process.</p>   |
| <p>10. Require administrative land use review (vs. only a construction permit)</p>                | <p>If this option is preferred, decision criteria could include some of the options discussed in this memo (i.e. mitigation sequencing, noticing, increase in height, no variance for lot coverage),</p>   |
| <p>11. Require planted landscape buffers on small lot perimeter</p>                               | <p>This option may be preferable for incentivizing solar or if strictly addressing aesthetics rather than environmental impacts. The code could be added to the existing tree retention and landscaping perimeter language in 18.15.010, which addresses screening between</p>   |

|  |   |
|--|---|
|  | residential projects. Consider combining with #2 and #12.   |
| 12. Require replacement trees to achieve prior tree canopy | This option could be a deviation of the existing tree unit paradigm in BIMC 18.15.010, which includes replanting standards for trees removed during development. Consider combining with #2 and #11 for a comprehensive approach. |

V. ANALYSIS AND DISCUSSION

The area necessary to support the septic, stormwater and access needs for a single-family home reduce the number of trees that can be preserved on these small lots. Therefore, staff recommends that the focus be on preserving some of the most valued, existing trees, if possible, while also requiring landscape buffering to lessen the impacts of these developments on neighboring properties.

However, acknowledging that this Council is seeking as much tree protection as possible in these small lots, staff suggests consideration of further options, including one which is introduced below.

Staff Proposal 1, Combining Options:

Staff identified items #2, #11, and #12 (and potentially #10) above as being closely linked, and as potentially very effective if combined. If those suggestions were merged into a cohesive set of regulations for small lot development, such a set of revised regulation could provide a reasonable and effective approach that addresses many of the problems identified by the public. Much of the required language for these regulations is already existing in some form within the Tree Unit regulations in BIMC 18.15.010 and newly revised regulations as described above could be based on text and approaches from that code section. Under this proposed approach, applicants would be required to show proper sequencing, or to use some (to be determined) tree prioritization protocol to select trees that are possible to retain. After tree retention is determined, tree units would be applied and any required replanting would be documented and conditioned to the permit. Landscaping buffer requirements could also be applied through the existing language in BIMC 18.15.010 where development creates aesthetic concerns.

From staff’s perspective, such an approach could be executed relatively expeditiously given that the language and methodology exist within the existing code. While staff was aiming to complete their legislative work on the tree and vegetation standards with the Planning Commission by December 17, 2020, a change in approach may push out the completion of such regulations until February 2021 based on other legislative items already planned. Under this approach, it is anticipated that the topic would come to the Council in Q1, 2021.

Staff Proposal 2, Consider other preservation options:

Given the site constraints for development of a single family residence on these small sites (less than or equal to 12,500 square feet), staff believes the actual amount of trees that can preserved may be low. Additionally, given recent trends in development it seems reasonable to assume that the future will likely see most, if not all developable lots being built on. Staff could provide options for council to consider ensuring long term preservation of these lots; including changes to our nonconforming standards, conservation easements, or other approaches.

## VI. CONCLUSION

In conclusion, some of the options provided in the November 24, 2020 memo could be considered for implementation in 2021, however others will take additional legal, planning and/or financial analysis.

It would be helpful for the Council to articulate the policy goal(s) that the options are intended to support so that staff can consider different implementation approaches and bring back additional options and background information for Council consideration.

We look forward to continuing to support the policy development and regulatory implementation.



CITY OF  
BAINBRIDGE ISLAND

## City Council Study Session Agenda Bill

**MEETING DATE:** December 15, 2020

**ESTIMATED TIME:** 30 Minutes

**AGENDA ITEM:** (8:05 PM) Staff Update on Joint City Council/Planning Commission Land Use Subcommittee Recommendations and Timeline, Phase 1 - Planning,

**AGENDA CATEGORY:** Discussion

**PROPOSED BY:** Heather Wright

**PREVIOUS PLANNING COMMISSION  
REVIEW DATE(S):**

**PREVIOUS COUCIL REVIEW DATE(S):** October 13, 2020

**RECOMMENDED MOTION:**  
Discussion.

**SUMMARY:**

On October 13, 2020, the subcommittee requested and received the City Council's approval that the Planning Commission complete its portion of the required legislative work as follows (see Background Memo - attached):

1. Miscellaneous code revisions December 31, 2020 (see Background Memo, Attachment A)
2. Major projects decision criteria January 31, 2021
3. MFTE program December 31, 2020

The purpose of this agenda item is to update the City Council on the Planning Commission and City staff's work on these items and to provide an anticipated timeline for completion.

**BACKGROUND:** On June 22, 2020, the City Council formed a City Council and Planning Commission joint land use subcommittee (subcommittee) consisting of Councilmembers Carr, Hytopoulos, and Pollock. The Planning Commission selected commissioners Bill Chester, Kim McCormick-Osmond, and Lisa Macchio to serve on the subcommittee. The City Council directed the subcommittee to “provide recommendations to the Council on a process to clarify an approach for affordable housing initiatives as well as to develop a process and list for undertaking work on priorities for land use code revisions.”

The subcommittee first met on August 3, 2020 and has met a total of five times.

**ATTACHMENTS:**



Department of Planning and Community Development

## Memorandum

Date: December 11, 2020  
To: City Council  
From: Heather Wright, AICP  
Planning Director  
Subject: Joint Land Use Subcommittee, Legislative Update

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### I. BACKGROUND

On June 22, 2020, the City Council formed a City Council and Planning Commission joint land use subcommittee (subcommittee) consisting of Councilmembers Carr, Hytopoulos, and Pollock and Planning Commissioners Bill Chester, Kim McCormick-Osmond and Lisa Macchio.

The City Council directed the subcommittee to “provide recommendations to the Council on a process to clarify an approach for affordable housing initiatives as well as to develop a process and list for undertaking work on priorities for land use code revisions.”

After beginning their bi-monthly meetings in August 2020, the Joint City Council/Planning Commission land use subcommittee presented a list of recommended priority code changes to the Council on October 13, 2020. The Council approved the list and recommended it be forwarded to the Commission for immediate legislative work, with only item #13 related to site-specific rezones not endorsed for immediate work (See attached Background Memo’s in council packet dated October 13, 2020).

The subcommittee requested, with the Council's approval, that the Planning Commission complete its piece of the required legislative work as follows:

1. Miscellaneous code revisions December 31, 2020
2. Major projects decision criteria January 31, 2021
3. MFTE program December 31, 2020

The Council passed their motion approving the list of recommended changes without a discussion with staff about the feasibility of completing this work in the anticipated timeline. At the Council meeting on December 15, 2020, City staff will provide the Council an update on the work that has been done to date and present a suggested timeline with a brief discussion on the impact that this work may have on other legislative items.

## II. MISCELLANEOUS CODE REVISIONS

The Planning Commission first discussed the code changes at their meeting on October 29, 2020. The Planning Commission recommended separating the list of changes into two categories (see attached Triage Phase 1 & 2, Planning Commission comments in the council packet) as follows:

1. Disparate Code changes identified by the Joint subcommittee as "Triage" or housekeeping changes will move forward with Planning Commission review in a Phase 1 "Triage" ordinance. Code changes are described by the Joint subcommittee in the attached Planning Commission work plan. Draft Ordinance No. 2020-40 makes these Phase 1 changes.

2. Code changes that relate to the nature and order of meetings and requirements that occur prior to applying for a land use permit (i.e. conceptual meeting, design guidance, preapplication conference). The Code changes focus on how and when the Design Review Board and Planning Commission are involved in these early meetings. Representatives from the Planning Commission are discussing these issues with the Design Review Board and staff. This work would then be integrated into a 2nd "triage" ordinance, or Phase 2.

The Commission discussed the two-phase workplan again at the November 12 Planning Commission meeting, and confirmed that the Phase 1 changes should be integrated into a draft ordinance. The Planning Commission then reviewed Draft Ordinance No. 2020-40 on November 19, and forwarded the ordinance to a public hearing on December 10, 2020. The public hearing was held on December 10, 2020 and the Planning Commission made a unanimous recommendation of approval.

Phase 2 code changes are specific to the pre-application process. The Design Review Board (DRB) formed a subcommittee with the Planning Commission to ensure that the changes requested by the DRB were captured. The PC presented a draft table to the PC at their November 19, 2020 meeting. Following the meeting, the table was distributed to planning staff for comment. The Planning Commission is scheduled to continue their discussion and the proposed staff suggestions on December 17, 2020.

For reference, the pre-application process was amended on December 19, 2018. That process lasted 10 months and included input from the Design Review Board, Planning Commission, staff and the City Council.

## III. MAJOR PROJECTS DECISION CRITERIA

The subcommittee identified that the decision criteria for major conditional use permits and preliminary subdivisions is in need of revisions. For reference, the decision criteria for conditional use permits were recently revised on December 10, 2019 via Ordinance 2019-24, as part of the Development Moratorium work plan by the Planning Commission and City Council. The adoption process took approximately 5 months.

Staff has not had any formal discussions on this topic with the Planning Commission outside of the first introduction on this item on October 29, 2020 due to our continued work on the miscellaneous code revisions and other scheduled planning commission items.

## IV. MULTIFAMILY TAX EXEMPTION PROGRAM (MFTE), 12 YEAR

The subcommittee recommended that the City Council adopt a 12-year multi-family tax exemption (MFTE) program by the end of 2020. The subcommittee noted that the MFTE program may lead to more affordable units or “deeper” affordability when used in tandem with inclusionary zoning.

Staff has not had any formal discussions with the Planning Commission outside of the first introduction on this item on October 29, 2020. However, an affordable housing subcommittee of the Planning Commission has drafted an Ordinance and it is scheduled to be discussed with the Planning Commission on December 17, 2020.

There are multiple policy decisions and administrative actions that must occur to adopt a MFTE program as outlined below, including the following:

1. Determination of Local Designation Area: The residential target area where the MFTE is available needs to be determined. The determination of this area requires a public hearing and specific noticing requirements in state law and requires substantial public outreach.
2. Determination of Project Threshold: Under state law (RCW 84.14.030), a project must create at least 4 multifamily units in order to be eligible to apply for the MFTE program. Other jurisdictions have raised this threshold in their local regulations, including Bremerton, which has a threshold of 10 units.
3. Determination of Rental vs Occupancy: Should home ownership projects be able to participate in the MFTE program? Or should it only be available for rental?
4. Determine the cost of the application review fee: This will require research into the fees of other jurisdiction fees and a proposal to Council.
5. Determine City staff support of administration requirements: MFTE application forms and annual compliance forms are required as well as annual reporting to the state.

Staff proposes to have the Planning Commission provide a recommendation to the City Council on the first three items before scheduling a public hearing on the local designation area with the Council. Note: The MFTE program will be in Title 3 of the Bainbridge Island Municipal Code and will therefore require a public hearing by the City Council.

## V. TIMING AND FURTHER COUNCIL CONSIDERATIONS

The MFTE program would be a significant addition to the City's code. Implementing this new program, with steps including those listed above and likely others as more research is completed, will require focus from several staff members, including senior staff and department directors in Planning and Finance, as well as legal support. Staff expects that this will be included in a larger review of the department's 2020 progress and 2021 work plan, which will be scheduled early in 2021.

Examples of how adding this program to the work plan could affect ongoing work include:

- 1) Continuing to defer City staff work on the sign code
- 2) Continuing to defer City staff work on code enforcement

- 3) Acknowledging that a next step for the ongoing work related to the Shoreline Master Program (SMP) periodic review will include a staff discussion with the Planning Commission about the SMP in late January and early February 2021. The SMP timeline is set by the state and will require prioritizing time for these discussions on the Planning Commission agenda;

The order in which these proposals should be addressed is also an important consideration and decision point. Staff suggests continuing their work on the MFTE program and Phase 2 Triage Ordinance before addressing the major project decision criteria. However, the Planning Commission would like to see the decision criteria for major project and MFTE program go forward at the same time based on concern that projects in the pipeline will be reviewed under the existing criteria.

If Council supports these assumptions, staff proposes the following timeline as a potential starting point, to be considered with the larger work plan discussion in early 2021, as follows:

|                                 | Council Requested Time period for Planning Commission to complete their work on these items | Staff Anticipated Date for adoption |
|---------------------------------|---|-------------------------------------|
| Phase I Triage Ordinance        | December 31, 2020   | (Q1 2021)                           |
| Phase 2 Triage Ordinance        | December 31, 2020   | (Q1/Q2 2021)                        |
| MFTE Program                    | December 31, 2020   | (Q2 – Q4 2021)                      |
| Major Project Decision Criteria | January 31, 2021  | (Q3/Q4 2021)                        |



CITY OF  
BAINBRIDGE ISLAND

City council and planning commission  
joint land use sub-committee

## Memorandum

Date: October 13, 2020  
To: City Council  
From: City Council and Planning Commission Joint Land Use Subcommittee  
Subject: Initial Recommendations for Land Use Code Revisions

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### I. Introduction

This memorandum presents the joint land use subcommittee's recommendations on priorities for land use code revisions and requests that the City Council forward them to the Planning Commission for immediate legislative work. The recommendations are grouped into three focus areas: miscellaneous code revisions, major projects decision criteria, and adoption of a multi-family tax exemption program. Additional detail about these recommendations and the joint land use subcommittee's work in general is provided below.

### II. Background

On June 22, 2020, the City Council formed a City Council and Planning Commission joint land use subcommittee (subcommittee) consisting of Councilmembers Carr, Hytopoulos, and Pollock. The Planning Commission selected commissioners Bill Chester, Kim McCormick-Osmond and Lisa Macchio to serve on the subcommittee. The City Council directed the subcommittee to "provide recommendations to the Council on a process to clarify an approach for affordable housing initiatives as well as to develop a process and list for undertaking work on priorities for land use code revisions."

The subcommittee meets twice monthly on Mondays from noon – 2 pm via Zoom. The subcommittee first met on August 3, 2020 and has met a total of five times.

In general, the subcommittee is approaching its work in two phases:

- Short-term revisions to the land use code: This work addresses the City Council's direction to provide a "process and list for undertaking work on priorities for land use code revisions." These

are items almost all of which have been previously identified by City Council members and/or the Planning Commission as specific provisions of the land use code that are urgent, and that can be addressed relatively quickly. Many of these items have been discussed at one or more Planning Commission (and/or Design Review Board) meetings as a result of their role in major project review, including conditional use permits (CUPs).

- Long-term approach to revisions to the land use code, in particular affordable housing initiatives and associated policy and regulatory tools: This work addresses the City Council's direction to "provide recommendations to the Council on a process to clarify an approach for affordable housing initiatives." The "approach for affordable housing initiatives" is understood to include a broad suite of policy and regulatory tools associated with affordable housing initiatives, including inclusionary zoning, MFTE program, floor area ratio (FAR), TDR program, agricultural resource lands (ARL) designation, and Winslow Master Plan.

This memorandum provides an overview of the subcommittee's recommendations for short-term revisions to the land use code.

### III. Overview of Short-Term Recommendations for Land Use Code Revisions

This work responds to the Council's direction to provide a list of priorities for land use code revisions. The subcommittee's recommendations fall into three categories:

#### 1. Miscellaneous code revisions

The subcommittee is recommending a number of revisions to the municipal code that can be addressed relatively quickly. As noted above, most have been previously identified through the City's review of major projects. These proposed revisions are shown in Attachment A. The revisions focus on specific provisions of four subsections of the municipal code:

- Land use review procedures (weight of decisions; sequence of review) – BIMC 2.16
- Hearing Examiner rules (clarity of remand) – BIMC 2.14
- Permitted use table (hotel in certain zoning districts) – BIMC 18.09
- Affordable housing (duration of affordability) – BIMC 18.21

Proposed revisions to the municipal code are grouped by "issue." For each issue, the goal and rationale for the revision(s) is provided. In some cases, a brief background and/or example is included to provide additional context from the subcommittee's discussion. Each issue has one or more specific code sections proposed for revision.

#### 2. Major projects decision criteria

During discussions on these short-term items, the subcommittee identified two additional items to be addressed: decision criteria for major conditional use permits and preliminary long subdivisions (BIMC 2.16.110.F and BIMC 2.16.125.F, respectively). The subcommittee considers these items to be urgent but recognizes that they make take longer to address. While decision criteria for major projects were revised relatively recently, recent project review by the Planning Commission has demonstrated that they warrant further review, clarification, and potential additions.

### 3. Multi Family Tax Exemption Program

The subcommittee recommends that the City Council adopt a 12-year multi-family tax exemption (MFTE) program. This was a recommendation of the Affordable Housing Task Force in 2018 and the Planning Commission in 2019. The subcommittee recognizes that a MFTE program may achieve more affordable units or “deeper” affordability when used in tandem with inclusionary zoning. That said, it is a stand-alone program that could produce affordable units on its own. Given the low complexity of adopting a MFTE program, there is little benefit to further delay.

#### IV. Next Steps

The subcommittee is requesting that the City Council forward the recommendations herein to the Planning Commission and to direct the Planning Commission to complete its piece of the required legislative work as follows:

|                                     |                   |
|-------------------------------------|-------------------|
| 1. Miscellaneous code revisions     | December 31, 2020 |
| 2. Major projects decision criteria | January 31, 2021  |
| 3. MFTE program                     | December 31, 2020 |

The subcommittee anticipates that the process for this work will follow the typical legislative review process as articulated in BIMC 2.16.180 (Legislative review of land use regulations and area-wide rezones). This process includes review by the Planning Commission, including a public hearing. The Planning Commission’s written recommendation on the proposed amendments will be forwarded to the City Council. The City Council has the option to hold a public hearing. The City Council may approve the revisions (through adoption of an ordinance) or return the matter to the subcommittee, City staff, or Planning Commission for further review.

Once these items are forwarded to the Planning Commission, the subcommittee will pivot to its second phase of work (Long-term approach to affordable housing initiatives and associated land use policy and regulatory tools).

Attachment A  
 City Council/Planning Commission Joint Subcommittee on Land Use  
 Recommended Short-Term Land Use Code Revisions – DRAFT for October 13, 2020 City Council Meeting

| Item  | Code Reference  | Recommendation  |
|---|---|---|
| <p>**Note: If specific new/revised language is being proposed, <u>it is underlined</u>.</p> |   |   |
| ISSUE   | Revisions to Chapter 2.16 regarding <u>Land Use Review Process</u>  |   |
| GOAL  | Provide comprehensive early review of proposed projects to identify potential Comprehensive Plan consistency issues and provide clarity to role of PC in review and weight given to PC recommendations by decisionmakers  |   |
| RATIONALE   | The intent of these proposed changes to the review process is to alert project applicants at an early stage of project development to the potential for Comprehensive Plan consistency issues, thereby reducing the amount of time and money spent on proposed project elements that may have Comp Plan issues/problems. The intent of proposed changes to the weight given to PC recommendations is to provide clarity to the decisionmaker with respect to those recommendations, including a recommendation of denial. |   |
| 1   | 2.16.020.I.5  | Preapplication Procedure – Revise the two-step preapplication process for projects where DRB review and a preliminary application conference are required to make the first step a joint meeting with the DRB and PC to discuss design concept and comprehensive plan consistency, with the second step to be a preapplication conference.  |
| 2   | 2.16.020.I.6  | Preapplication Procedure – move public participation meeting (PPM) for long subdivision, major site plan and design review permits and major conditional use permits to follow the preapplication conference.<br><br>Background: PPM happens after first conceptual design meeting with DRB; trying to cut down number of times applicant has to go back to advisory body/meeting; want PPM to be as meaningful as possible; project can change significantly after PPM with the current review procedure |
| 3   | 2.16.020.S  | Remove or revise Housing Design Demonstration Projects section to conform with revisions to the HDDP program  |
| 4   | 2.16.030  | Revise Administrative Review section to conform with proposed changes to order of meetings re DRB/PC/Staff and Preapplication conference  |
| 5   | 2.16.030.D.3  | Administrative Review decision procedures – PC recommendation – revise last sentence ( <u>underlined below</u> ) to state “The planning commission’s written recommendation and other documents upon which its decision is  |

| Item  | Code Reference | Recommendation   |
|---|----------------|--|
| <p>**Note: If specific new/revised language is being proposed, <u>it is underlined</u>.</p> |                |  |
|   |                | <p>based shall be immediately transmitted to the director <u>and shall be given substantial weight by the director in making a decision.</u>"</p>  |
| 6   | 2.16.040.D     | <p>Site plan and design review – Review Procedures – Proposal stage. Make changes consistent with earlier suggestions for joint DRB/PC initial meeting and PC participation in Preapplication Conference.</p>  |
| 7   | 2.16.040.E.5.e | <p>Review procedures – application stage. Review and Recommendation by PC – add <u>"The planning commission's recommendation shall be given substantial weight by the director in making a decision."</u></p>  |
| 8   | 2.16.040.E.6   | <p>Review and Approval by the Director – add the following subsection c.: <u>"The director shall adopt a planning commission recommendation of denial of an application unless the director concludes that the recommendation: (i) reflects inconsistent application of design guidelines, the Comprehensive Plan or any applicable provisions of this code; (ii) exceeds the authority of the design review board or planning commission; (iii) conflicts with SEPA conditions or other regulatory requirements applicable to the project; or (iv) conflicts with requirements of local, state or federal law."</u></p> <p>Background: This proposed new language is same as existing code language for approval/approval with conditions; this adds same standard for denial.</p>  |
| 9   | 2.16.040.F.1   | <p>Decision Criteria – revise to read as follows: <u>"The site plan and design is consistent with all applicable provisions of the BIMC, design guidelines, the Comprehensive Plan and applicable subarea and master plans."</u></p> <p>Background: Want to verify that we can require consistency with Comprehensive Plan, subarea plans, and master plans when there is not a specific provision in municipal code. Is this proposed language the correct way to do it? Need clarity/legal opinion.</p>  |
| 10  | 2.16.110.D, E  | <p>Major Conditional Use Permit Review Procedures – revise to conform with proposed changes to order of meetings re DRB/PC/Staff and preapplication conference, substantial weight to be given to PC recommendation by Director. Add: <u>"The director shall adopt a planning commission recommendation of denial of an application unless the director concludes that the recommendation: (i) reflects inconsistent application of design guidelines, the Comprehensive Plan or any applicable provisions of this code; (ii) exceeds the authority of the design review board or planning commission; (iii) conflicts with SEPA conditions or other regulatory requirements applicable to the project; or (iv) conflicts with requirements of local, state or federal law."</u></p> |
| 11  | 2.16.110.E.5   | <p>Review and public hearing with Hearing Examiner: Add: <u>"The hearing examiner shall adopt a planning commission recommendation of denial of an application unless the hearing examiner concludes that the</u></p>  |

| Item   | Code Reference  | Recommendation   |
|--|-----------------|--|
| **Note: If specific new/revised language is being proposed, <u>it is underlined</u> .                                      |                 |  |
|  |                 | <u>recommendation: (i) reflects inconsistent application of design guidelines, the Comprehensive Plan or any applicable provisions of this code; (ii) exceeds the authority of the design review board or planning commission; (iii) conflicts with SEPA conditions or other regulatory requirements applicable to the project; or (iv) conflicts with requirements of local, state or federal law."</u>   |
| 12   | 2.16.125.D, E   | Preliminary long subdivisions – Review Procedures – revise to conform with proposed changes to order of meetings re DRB/PC/Staff and preapplication conference, substantial weight to be given to PC recommendation by Director. Add: <u>"The hearing examiner shall adopt a planning commission recommendation of denial of an application unless the hearing examiner concludes that the recommendation: (i) reflects inconsistent application of design guidelines, the Comprehensive Plan or any applicable provisions of this code; (ii) exceeds the authority of the design review board or planning commission; (iii) conflicts with SEPA conditions or other regulatory requirements applicable to the project; or (iv) conflicts with requirements of local, state or federal law."</u> |
| 13   | 2.16.140.C      | Site specific rezones – no PC or DRB review or recommendation currently required. (see item 13 above)  |
| 14   | 2.16.190.G, H   | Legislative comprehensive plan amendments – review process and decision criteria – revise to add PC to preapplication conference to provide early identification of potential Comp Plan consistency issues; review decision criteria for additions/revisions   |
| ISSUE  |                 |  |
| Hearing Examiner rules do not specify when the HEX is required or authorized to remand a decision                          |                 |  |
| GOAL   |                 |  |
| Clarify Hearing Examiner remand  |                 |  |
| RATIONALE  |                 |  |
| The Hearing Examiner rules need clarification on remand  |                 |  |
| 15   | BIMC 2.14.030   | Add language specifying when HEX is required or authorized to remand a decision.   |
| ISSUE  |                 |  |
| Hotels of any size are allowed by conditional use permit in the Central Core, Gateway, and Ferry Terminal zoning districts |                 |  |
| GOAL   |                 |  |
| Prohibit hotels in Central Core, Gateway, and Ferry Terminal zoning districts  |                 |  |
| RATIONALE  |                 |  |
| As currently defined, hotels in these districts are not consistent with the Comprehensive Plan                             |                 |  |
| 16   | Table 18.09.020 | In the short-term, hotels should be prohibited in these zoning districts while review of definition and use-specific standards is completed to determine if/how hotels within these zoning districts is a use consistent with the Comprehensive Plan.  |
|  | Definition      |  |

| Item  | Code Reference | Recommendation  |
|---|----------------|---|
| <p>**Note: If specific new/revised language is being proposed, <u>it is underlined</u>.</p> |                |   |
|   | 18.36.030      |   |
| ISSUE   |                | No minimum duration of affordability for home ownership units specified; ownership affordable housing available as affordable only once, then can be sold at market rate  |
| GOAL  |                | Create long-term affordable housing for home ownership units in perpetuity (or 99 years?)   |
| RATIONALE   |                | Period of affordability needed to justify the added density   |
| 17  | 18.21.020.B.2  | <p>Revise code language to specify duration of affordability for home ownership units. Ensure consistency with BIMC 18.12 cross-references.</p> <p>Background: This is a stop-gap until broader AH program completed and specific questions answered, such as: What is mechanism to allow for some value capture/return on investment at sale for owner? Look into HRB Ferncliff Village – CLT model. Do we need to recommend the CLT model? Or create mechanism within City?</p> <p>Example: See BIMC 2.16.020.S.4.a.iii (HDDP program) -- Designated affordable housing shall remain affordable for 99 years from the time of final inspection on the affordable unit. The applicant shall record covenants that demonstrate how the unit will remain affordable and be managed for 99 years.</p> |
| 18  | 18.21.020.B    | <p>Existing code: Rental Units. Affordable rental housing units created as a result of the provisions of this chapter shall remain affordable for a period of 30 years from the time of first occupancy and shall be secured by recorded agreement and covenant running with the land, binding all the assigns, heirs and successors of the applicant.</p> <p>Should the current code for rental units be changed from 30 to 50 years to be consistent with state law? Need legal review of duration of affordability for rental units to ensure consistency with RCW 36.70A.540 (minimum 50 year affordability required; does this apply?)</p>   |

City Council/Planning Commission Joint Subcommittee on Land Use  
 Recommended Short-Term Land Use Code Revisions Confirmed by City Council on October 13, 2020

| Item  | Code Reference | Joint City Council/Planning Commission Recommendation   | 10/29/20 Planning Commission Workplan Discussion & Staff Notes  |
|---|----------------|---|---|
| **Note: If specific new/revised language is being proposed, <u>it is underlined</u> . |                |   |   |
| ISSUE   |                | Revisions to Chapter 2.16 regarding Land Use Review Process   |   |
| GOAL  |                | Provide comprehensive early review of proposed projects to identify potential Comprehensive Plan consistency issues and provide clarity to role of PC in review and weight given to PC recommendations by decisionmakers  |   |
| RATIONALE   |                | The intent of these proposed changes to the review process is to alert project applicants at an early stage of project development to the potential for Comprehensive Plan consistency issues, thereby reducing the amount of time and money spent on proposed project elements that may have Comp Plan issues/problems. The intent of proposed changes to the weight given to PC recommendations is to provide clarity to the decisionmaker with respect to those recommendations, including a recommendation of denial. |   |
| 1   | 2.16.020.I.5   | Preapplication Procedure – Revise the two-step preapplication process for projects where DRB review and a preliminary application conference are required to make the first step a joint meeting with the DRB and PC to discuss design concept and comprehensive plan consistency, with the second step to be a preapplication conference.  | Planning Commission will meet with the Design Review Board (full DRB or representatives) to review and discuss proposed changes to the early phases of development review. DRB and PC will confirm what code changes are necessary to achieve more effective feedback and participation by the right land use body at the right time during the early phase of development review, with a goal of reducing the total number of early meetings that an applicant needs to attend.<br><br>These changes will be combined into a 2 <sup>nd</sup> “Triage” ordinance once the DRB and PC are done with their review/discussion. |
| 2   | 2.16.020.I.6   | Preapplication Procedure – move public participation meeting (PPM) for long subdivision, major site plan and design review permits and major conditional use permits to follow the preapplication conference.<br><br>Background: PPM happens after first conceptual design meeting with DRB; trying to cut down number of times applicant has to go back to advisory body/meeting; want PPM to be as meaningful as possible; project can change significantly after PPM with the current review procedure                 |   |

| Item  | Code Reference | Joint City Council/Planning Commission Recommendation  | 10/29/20 Planning Commission Workplan Discussion & Staff Notes  |
|---|----------------|--|---|
| **Note: If specific new/revised language is being proposed, <u>it is underlined</u> . |                |  |   |
| 3   | 2.16.020.S     | Remove or revise Housing Design Demonstration Projects section to conform with revisions to the HDDP program   | No Code Change Needed. Staff clarification at meeting that HDDP program relies on underlying land use permits (e.g. Site Plan and Design Review or Preliminary Subdivision ,see BIMC 2.16.020.S.3). |
| 4   | 2.16.030       | Revise Administrative Review section to conform with proposed changes to order of meetings re DRB/PC/Staff and Preapplication conference   | For 2 <sup>nd</sup> "Triage" ordinance, see #1 and #2 above   |
| 5   | 2.16.030.D.3   | Administrative Review decision procedures – PC recommendation – revise last sentence (underlined below) to state "The planning commission's written recommendation and other documents upon which its decision is based shall be immediately transmitted to the director <u>and shall be given substantial weight by the director in making a decision.</u> "  | Consider for 1 <sup>st</sup> Triage Ordinance   |
| 6   | 2.16.040.D     | Site plan and design review – Review Procedures – Proposal stage. Make changes consistent with earlier suggestions for joint DRB/PC initial meeting and PC participation in Preapplication Conference.   | For 2 <sup>nd</sup> "Triage" ordinance, see #1 and #2 above   |
| 7   | 2.16.040.E.5.e | Review procedures – application stage. Review and Recommendation by PC – add " <u>The planning commission's recommendation shall be given substantial weight by the director in making a decision.</u> "   | Consider for 1 <sup>st</sup> Triage Ordinance   |
| 8   | 2.16.040.E.6   | Review and Approval by the Director – add the following subsection c.: " <u>The director shall adopt a planning commission recommendation of denial of an application unless the director concludes that the recommendation: (i) reflects inconsistent application of design guidelines, the Comprehensive Plan or any applicable provisions of this code; (ii) exceeds the authority of the design review board or planning commission; (iii) conflicts with SEPA conditions or other regulatory requirements applicable to the project; or (iv) conflicts with requirements of local, state or federal law.</u> "<br><br>Background: This proposed new language is same as existing code language for approval/approval with conditions; this adds same standard for denial. | Consider for 1 <sup>st</sup> Triage Ordinance   |

| Item   | Code Reference | Joint City Council/Planning Commission Recommendation  | 10/29/20 Planning Commission Workplan Discussion & Staff Notes   |
|--|----------------|--|--|
| <p><b>**Note:</b> If specific new/revised language is being proposed, <u>it is underlined</u>.</p> |                |  |  |
| 9  | 2.16.040.F.1   | <p>Decision Criteria – revise to read as follows: <u>“The site plan and design is consistent with all applicable provisions of the BIMC, design guidelines, the Comprehensive Plan and applicable subarea and master plans.”</u></p> <p>Background: Want to verify that we can require consistency with Comprehensive Plan, subarea plans, and master plans when there is not a specific provision in municipal code. Is this proposed language the correct way to do it? Need clarity/legal opinion.</p>  | <p>Consider for 1<sup>st</sup> Triage Ordinance. In adding reference to the design guidelines, comprehensive plan and other applicable plans to section F.1, the same reference to consistency for design guidelines (section F.6) and comp plan/other plans (section F.8) can be deleted.</p> |
| 10   | 2.16.110.D, E  | <p>Major Conditional Use Permit Review Procedures – revise to conform with proposed changes to order of meetings re DRB/PC/Staff and preapplication conference, substantial weight to be given to PC recommendation by Director. Add: <u>“The director shall adopt a planning commission recommendation of denial of an application unless the director concludes that the recommendation: (i) reflects inconsistent application of design guidelines, the Comprehensive Plan or any applicable provisions of this code; (ii) exceeds the authority of the design review board or planning commission; (iii) conflicts with SEPA conditions or other regulatory requirements applicable to the project; or (iv) conflicts with requirements of local, state or federal law.”</u></p> | <p>Consider for 1<sup>st</sup> Triage Ordinance; additional legal review necessary.</p> <p>Section D or E may have to be updated again in 2<sup>nd</sup> round.</p>  |
| 11   | 2.16.110.E.5   | <p>Review and public hearing with Hearing Examiner: Add: <u>“The hearing examiner shall adopt a planning commission recommendation of denial of an application unless the hearing examiner concludes that the recommendation: (i) reflects inconsistent application of design guidelines, the Comprehensive Plan or any applicable provisions of this code; (ii) exceeds the authority of the design review board or planning commission; (iii) conflicts with SEPA conditions or other regulatory requirements applicable to the project; or (iv) conflicts with requirements of local, state or federal law.”</u></p>  | <p>Consider for 1<sup>st</sup> Triage Ordinance, additional legal review necessary</p>   |

| Item  | Code Reference | Joint City Council/Planning Commission Recommendation  | 10/29/20 Planning Commission Workplan Discussion & Staff Notes   |
|---|----------------|--|--|
| **Note: If specific new/revised language is being proposed, it is underlined. |                |  |  |
| 12  | 2.16.125.D, E  | Preliminary long subdivisions – Review Procedures – revise to conform with proposed changes to order of meetings re DRB/PC/Staff and preapplication conference, substantial weight to be given to PC recommendation by Director. Add: “ <u>The hearing examiner shall adopt a planning commission recommendation of denial of an application unless the hearing examiner concludes that the recommendation: (i) reflects inconsistent application of design guidelines, the Comprehensive Plan or any applicable provisions of this code; (ii) exceeds the authority of the design review board or planning commission; (iii) conflicts with SEPA conditions or other regulatory requirements applicable to the project; or (iv) conflicts with requirements of local, state or federal law.</u> ” | Consider for 1 <sup>st</sup> Triage Ordinance, additional legal review necessary.<br><br>Section D or E may have to be updated again in 2 <sup>nd</sup> round. |
| 13  | 2.16.140.C     | Site specific rezones – no PC or DRB review or recommendation currently required. NOTE: 10/13 City Council Meeting Recommended NOT moving this forward.  | Do not move forward at this time.  |
| 14  | 2.16.190.G, H  | Legislative comprehensive plan amendments – review process and decision criteria – revise to add PC to preapplication conference to provide early identification of potential Comp Plan consistency issues; review decision criteria for additions/revisions   | Consider for 1 <sup>st</sup> Triage Ordinance PC to Review Decision Criteria on 11/12  |
|   |                |  |  |
| ISSUE   |                | Hearing Examiner rules do not specify when the HEX is required or authorized to remand a decision  |  |
| GOAL  |                | Clarify Hearing Examiner remand  |  |
| RATIONALE   |                | The Hearing Examiner rules need clarification on remand  |  |
| 15  | 2.14.030       | Add language specifying when HEX is required or authorized to remand a decision.   | Consider for 1 <sup>st</sup> Triage Ordinance, Pending additional legal review necessary.  |
|   |                |  |  |
| ISSUE   |                | Hotels of any size are allowed by conditional use permit in the Central Core, Gateway, and Ferry Terminal zoning districts   |  |
| GOAL  |                | Prohibit hotels in Central Core, Gateway, and Ferry Terminal zoning districts  |  |

| Item  | Code Reference                                | Joint City Council/Planning Commission Recommendation   | 10/29/20 Planning Commission Workplan Discussion & Staff Notes |
|---|---|---|--|
| **Note: If specific new/revised language is being proposed, <u>it is underlined</u> . |   |   |  |
| RATIONALE   |   | As currently defined, hotels in these districts are not consistent with the Comprehensive Plan  |  |
| 16  | Table<br>18.09.020<br>Definition<br>18.36.030 | In the short-term, hotels should be prohibited in these zoning districts while review of definition and use-specific standards is completed to determine if/how hotels within these zoning districts is a use consistent with the Comprehensive Plan.   | Consider for 1 <sup>st</sup> Triage Ordinance                  |
| ISSUE   |   | No minimum duration of affordability for home ownership units specified; ownership affordable housing available as affordable only once, then can be sold at market rate  |  |
| GOAL  |   | Create long-term affordable housing for home ownership units in perpetuity (or 99 years?)   |  |
| RATIONALE   |   | Period of affordability needed to justify the added density   |  |
| 17  | 18.21.020.B.2                                 | <p>Revise code language to specify duration of affordability for home ownership units. Ensure consistency with BIMC 18.12 cross-references.</p> <p>Background: This is a stop-gap until broader AH program completed and specific questions answered, such as: What is mechanism to allow for some value capture/return on investment at sale for owner? Look into HRB Ferncliff Village – CLT model. Do we need to recommend the CLT model? Or create mechanism within City?</p> <p>Example: See BIMC 2.16.020.S.4.a.iii (HDDP program) -- Designated affordable housing shall remain affordable for 99 years from the time of final inspection on the affordable unit. The applicant shall record covenants that demonstrate how the unit will remain affordable and be managed for 99 years.</p> | Consider for 1 <sup>st</sup> Triage Ordinance                  |

| Item   | Code Reference | Joint City Council/Planning Commission Recommendation   | 10/29/20 Planning Commission Workplan Discussion & Staff Notes |
|--|----------------|---|--|
| <p><b>**Note:</b> If specific new/revised language is being proposed, <u>it is underlined</u>.</p> |                |   |  |
| 18   | 18.21.020.B    | <p>Existing code: Rental Units. Affordable rental housing units created as a result of the provisions of this chapter shall remain affordable for a period of 30 years from the time of first occupancy and shall be secured by recorded agreement and covenant running with the land, binding all the assigns, heirs and successors of the applicant.</p> <p>Should the current code for rental units be changed from 30 to 50 years to be consistent with state law? Need legal review of duration of affordability for rental units to ensure consistency with RCW 36.70A.540 (minimum 50 year affordability required; does this apply?)</p> | Consider for 1 <sup>st</sup> Triage Ordinance.                 |



CITY OF  
BAINBRIDGE ISLAND

## City Council Study Session Agenda Bill

**MEETING DATE:** December 15, 2020

**ESTIMATED TIME:** 15 Minutes

**AGENDA ITEM:** (8:35 PM) Safe Routes to School Pop-Up Projects Introduction - Councilmember Carr,

**SUMMARY:** This agenda item is to introduce a Safe Routes to School project currently being developed by a group including representatives from the school district, Parks, Squeaky Wheels, Bainbridge PTO, Bainbridge Greenways, Sustainable Transportation Plan Task Force, and island parents. Members of the school district staff and Squeaky Wheels will be present at the meeting to share their ideas and answer questions.

**AGENDA CATEGORY:** Discussion

**PROPOSED BY:** City Council

**RECOMMENDED MOTION:** Discussion.

**STRATEGIC PRIORITY:** Green, Well-Planned Community

**FISCAL IMPACT:**

|                                    |  |
|------------------------------------|--|
| <b>Amount:</b>                     |  |
| <b>Ongoing Cost:</b>               |  |
| <b>One-Time Cost:</b>              |  |
| <b>Included in Current Budget?</b> |  |

**BACKGROUND:** The project is intended to address the significant challenge that the school district will face when kids return to school (buildings) and kids getting to school by bus drops by 65 percent. Given that the school district’s current planning calls for a return to school as early as January, there is urgency for the City Council to consider this before the end of the year. In a nutshell, the project is a series of “pop up” projects – drop and walk locations and separated bike/walk ways created with traffic delineators – in critical locations intended to encourage kids to bike or walk at least a portion of their route to school. While these projects are intended to be short-term and low cost, the planning team anticipates that they provide the potential to kick-start the behavior change and travel mode shift that is essential to meeting the long-term goals of our Sustainable Transportation Plan.

The agenda item will provide a quick overview of the project and describe the potential role/s of the City. Next steps would include the Council requesting City staff to bring back more information – including detail on project specifications, cost, staffing needs – to a Council meeting in early/mid-January.

**ATTACHMENTS:**

[Safe routes to School.pdf](#)

**FISCAL DETAILS:** N/A

**Fund Name(s):**

**Coding:**

# Safe routes to school Final recommendations

*Working group composed of members from: BISD, COBI, Bainbridge PTO,  
BI Sustainable Transportation committee, Bainbridge Greenways,  
Squeaky Wheels and island parents*

November 23, 2020

# Overview of Schools and Options



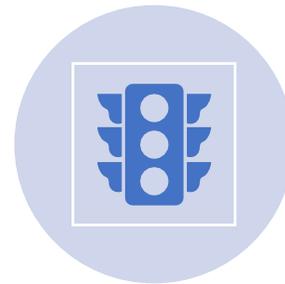
**North and South area schools** have limited options. Wilkes, Island School, Sakai and Hyla are located in hilly rural areas on roads with no shoulders and heavy traffic.



--Solutions should focus on traffic calming, education and PE credit and incentives.



**Central area schools** have many options and will cause most traffic issues. Six schools are located within one mile of each other and the densely populated area of Winslow: BHS, Ordway, Commodore Options, St. Cecilia, Woodward and Sakai.



--Solutions should focus on pop up traffic projects, bike and walk trains, education, PTO and parent support, and PE credit and incentives.

# BISD solutions for all schools

| Maps   | PE credit  | Offer videos   | Credit for classes   | Safe parking   | Coffee stations   |
|--|--|--|--|--|---|
| Use maps created by the working group to set up a professional Safe Routes to School website and materials to be sent to all parents | Offer PE credit to all children who walk or bike to school | Offer safe biking and walking videos as part of school PE curriculum | Give credit for bike and walk to school classes by BI Parks District | Provide covered bike parking and safe places to lock up bicycles | Offer parent incentives such as a covered coffee/tea station for parents arriving at school with kids by bike or foot |

# Overview of COBI/BISD solutions

1

Enforce traffic calming measures at all schools: speed limits, fines for cars that do not stop at crosswalks, and larger slow speed zones

2

Create pop up bike/walk lanes in critical locations

3

Set up parent drop off areas near Central District schools

4

Put up signs indicating safe walk/bike routes on connector trails

# Create pop up bike/walk lanes in critical locations

| Pop up                            | Pop up   | Pop up   | Pop up  |
|-----------------------------------|--|--|---|
| Pop up bike/walk lane on Grow Ave | Pop up bike/walk lane on Day Road between Wilkes and Kalgren | Pop up bike/walk lane and crossing on Sportsman Club from Island Church to | Pop up bike/walk lane in Aquatic Center to Dana's trail |



Parent drop  
off areas  
near Central  
District  
schools

- Island Church for Woodward and Sakai
- BI library for Ordway, Commodore, St. Cecilia and BHS
- Baptist Church for all Central Schools



# Signs for safe walk/bike routes on connector trails

Entrances to Dana's trail

Showing access to trail from Capstan to BHS

Showing access to trail from Ferncliff and Wing Point to STO

Instructing cyclists where to go in Woodward parking lot

Instructing cyclists where to go in Wilkes parking lot

# Parent, PTO and community solutions

- Form parent walk/bike groups using MeetUp
- Parenting is very isolating right now. Set time and places for parents to meet and socialize (used to be bus stop) and drop off kids and/or walk/bike with kids
- Support covered parent coffee stations at schools
- Create scavenger hunts/geocaching for kids along walk/bike routes
- Provide prizes for classrooms and kids who walk/bike to school (Squeaky Wheels)
- Get word out via PTO newsletter and social media
- Create BI bike/walk to school Facebook page
- Create BI bike/walk to school parent support group
- Parent/senior volunteer crossing guards



CITY OF  
BAINBRIDGE ISLAND

## City Council Study Session Agenda Bill

**MEETING DATE:** December 15, 2020

**ESTIMATED TIME:** 10 Minutes

**AGENDA ITEM:** (8:50 PM) Grow Avenue Traffic Considerations - Councilmember Nassar,

**SUMMARY:** The City Council and staff will engage in a discussion regarding traffic impacts on Grow Avenue.

**AGENDA CATEGORY:** Discussion

**PROPOSED BY:** City Council

**RECOMMENDED MOTION:** Discussion.

**STRATEGIC PRIORITY:** Green, Well-Planned Community

**FISCAL IMPACT:**

|                                    |     |
|------------------------------------|-----|
| <b>Amount:</b>                     | N/A |
| <b>Ongoing Cost:</b>               |     |
| <b>One-Time Cost:</b>              |     |
| <b>Included in Current Budget?</b> | No  |

**BACKGROUND:** Over the last several months, there has been a significant focus on Grow Avenue traffic impacts both at the community level, and as part of Council discussions on the Capital Improvement Plan, the Safe Routes to School Proposal, and the Wyatt Way Reconstruction Project.

In light of these recent discussions, the Council and staff will review the status of traffic impact mitigation proposals for Grow Avenue, and will also discuss alternatives and related impacts of opening or closing Grow Avenue through the remaining duration of Wyatt construction project.

**ATTACHMENTS:**

**FISCAL DETAILS:** N/A

**Fund Name(s):**

**Coding:**



CITY OF  
BAINBRIDGE ISLAND

## City Council Study Session Agenda Bill

**MEETING DATE:** December 15, 2020

**ESTIMATED TIME:** 20 Minutes

**AGENDA ITEM:** (9:00 PM) Discussion of eCommerce Alternatives - Economic Recovery Council Ad Hoc Committee,

**SUMMARY:** The City Council will discuss eCommerce alternatives.

**AGENDA CATEGORY:** Discussion

**PROPOSED BY:** City Council

**RECOMMENDED MOTION:** Discussion.

**STRATEGIC PRIORITY:** Vibrant Economy

**FISCAL IMPACT:**

|                                    |  |
|------------------------------------|--|
| <b>Amount:</b>                     |  |
| <b>Ongoing Cost:</b>               |  |
| <b>One-Time Cost:</b>              |  |
| <b>Included in Current Budget?</b> |  |

**BACKGROUND:** On July 28, 2020, a Council Ad Hoc Committee, comprised then of Deputy Mayor Deets, Mayor Schneider, and Councilmember Medina, provided the full Council with a COVID-19 Economic Recovery Plan for Bainbridge Island. The plan consisted of a suite of actions that the City could take to assist local businesses affected by the pandemic. Approved at that Business Meeting was the expenditure of up to \$20,000 to support a “Save Our Stores” (SOS) campaign initiated and led by the Chamber of Commerce and the Downtown Association, as well as reimbursing these organizations, up to \$5,000, for their COVID-19 related expenses. Prior to this, on June 23rd \$10,000 was approved for the purchase of disposable and reusable face masks for distribution to local businesses.

On October 13th, the Council authorized the City Manager to move forward in issuing a Request for Proposals (RFP) for a Bainbridge Island Digital General Store. In early December, The Rotary Club, in partnership with the Bainbridge Island Downtown Association and Chamber of Commerce, launched an online Bainbridge Island General Store to make it easier to shop local and allow residents to benefit from the creativity, skills and services of our island businesses.

The ad hoc committee proposes a discussion with the intent to seek agreement that the City broaden the RFP, allowing for the submission of a diversity of eCommerce proposals. Specifically, that more than one proposal may be submitted by the same entity, or group of entities - and more than one proposal may be funded.

**ATTACHMENTS:**

[City Manager and Staff Feedback on Digital Storefront RFP - for CC 12152020](#)

[EXAMPLE RFP: Greenhouse Emissions RFP](#)

**FISCAL DETAILS:**

**Fund Name(s):**

**Coding:**



CITY OF  
BAINBRIDGE ISLAND

## Memorandum

Date: 11/30/2020

To: Ad Hoc Committee on Economic Recovery  
Mayor Leslie Schneider  
Deputy Mayor Joe Deets

From: Morgan Smith, City Manager

Subject: Feedback on Proposed Digital Storefront Request for Proposals (RFP)

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A draft scope of work for the proposed RFP has been developed, based on the information provided in the memo presented to Council on October 13, 2020. A clean version of that working draft is provided below.

City staff from Legal, Finance, Information Technology and Executive have reviewed the draft scope of work and have identified numerous areas which may need clarification. That staff feedback is provided in the section following the draft scope of work.

The staff feedback provided in this memo is not intended to be comprehensive. Rather, the purpose is to highlight some particular issues of concern that staff have identified at this point.

For reference, I am also providing a fairly recent RFP (and associated professional services agreement) used in 2018 for the Greenhouse Gas Emissions Inventory project. I anticipate that the City will follow a similar model and outline for this proposed RFP.

Given which, submitted proposals should include key information, including the following:

- A general statement of the consultant's understanding of the scope of services;
- The project team, including proposed subconsultants;
- The project team's experience related to the concept of an online digital store or a similar eCommerce platform and related tasks;
- The experience of the proposed project manager and individuals who will be working on the project;
- A proposed task list and level of effort for each task;
- A schedule for completing the project;

- A description of the consultant's approach to managing and completing the project; and
- A description of the consultant's approach to communicating with the client.

#### DRAFT – Scope of Work: Digital General Store

The City seeks proposals for the creation, launch, and ongoing management of a Digital General Store to support expanded eCommerce options for local Bainbridge Island based businesses ("Participants"). The Digital General Store seeks to meet the following needs:

- To develop, launch, and operate a compelling and simple "one stop" site to connect shoppers ("Customers") with Bainbridge Island businesses.
- To provide technical support to Bainbridge Island businesses, by working with these businesses to create custom webpages within the Digital General Store, or by creating links within the Digital General Store to existing external websites.
- To provide subsidized technical assistance to increase the online skills and knowledge base of Bainbridge Island businesses, by connecting these businesses with free online resources and subsidized local experts.

The "Operator" would develop, maintain, and manage the Digital General Store website through which any Bainbridge Island resident with a business license and local address could offer their goods or services for sale online.

Proposals for the Digital General Store project should have the following aspects:

#### Digital General Store Features and Participants:

- Participation would be available to any Bainbridge Island resident who has a business license and local address ("Participants").
- There would be no requirement that a Participant have an existing website or transaction platform.
- The Digital General Store could be designed to link to a Participant's existing external website, if the Participant elects to do so.
- When requested, the Operator would develop and host a custom webpage for the Participant, to include graphics and other content.
- For Customers, the Digital General Store would provide search capabilities based on categories of businesses.
- For Customers, the Operator would provide troubleshooting and customer service options as needed.
- For Participants, the Digital General Store would include free online guides and workshops in eCommerce and digital marketing that would be available to Participants at no cost.
- For Participants, the website would include links to local experts who can provide Participants with subsidized services.
- The Operator must demonstrate the previous experience, capacity, and skills to support at least 100 Participants within 90 days of launch.
- The Operator must demonstrate the previous experience, capacity, and skills to provide technical support and customer support functions to both Customers and Participants.

- The Operator must demonstrate sufficient access to, and understanding of, the potential online technical resources and technical assistance programs to be provided to Participants via local experts.

Digital General Store Business Model:

- The Operator must clearly identify the revenue model and assumptions they propose, and the portion of sales revenue they will retain.
- The Operator must identify applicable taxes and describe how they will be paid.
- The Operator must present a business proposal that results in the City's financial support stepping down in later phases of operation, with a result of zero City support by 24 months after launch.
- The Operator must provide a proposal that includes at a minimum quarterly forecasts for number of participants, sales activity, revenue, expenses, and net income.

Digital Store Other Considerations:

- Must meet public records requirements.
- Must meet financial reporting requirements.
- Must meet City's nondiscrimination policy.

FEEDBACK/QUESTIONS FROM CITY STAFF:

1. How will the City address requirements related to public records, including the Public Records Act ("PRA") and records retention?

To the extent that the consultant will be acting on behalf of the City based on the consultant's activities that are funded by the City, the consultant (and potentially subconsultants) will be creating and using public records to which state law records retention and PRA requirements will apply. There will be significant legal complexities associated with determining definitively which records are public records, and what information in such records may be exempt from public disclosure. Likely, the consultant, as well as participants and customers of such an online store, won't be familiar with such legal requirements and will be displeased with the limited scope of the exemptions under the PRA to protect information that many would regard as non-public in other circumstances (e.g., when a customer purchases a product via an online retailer).

2. How will the City address considerations relating to use of City funds if those funds are primarily benefitting for-profit private businesses?

Although the City has discretion to provide City funding for certain activities related to economic development, especially in the unique context of the COVID pandemic, the general rule is that the City must use its funds for the public benefit and for valid municipal government purposes. It will be instructive for the City to conduct research to determine how other cities and counties in Washington state have addressed the issue of using city or county funds to assist for-profit businesses associated with economic distress caused by the COVID pandemic.

3. How will the City address considerations relating to using City funds in a nondiscriminatory manner?

There are state law requirements and City policies and practices related to using City funds in a nondiscriminatory manner. More specifically, the City's professional services agreement includes the following provisions:

- A. The Consultant agrees not to discriminate against any employee or applicant for employment or any other person in the performance of this Agreement because of race, creed, color, national origin, marital status, sex, sexual orientation, age, disability, gender identity, or other circumstance prohibited by federal, state, or local law or ordinance, except for a bona fide occupational qualification.
- B. The Consultant shall comply with all federal, state, and local laws and ordinances applicable to the work to be done under this Agreement.
- C. Violation of this Section 6 shall be a material breach of this Agreement and grounds for cancellation, termination, or suspension by the City, in whole or in part, and may result in ineligibility for further work for the City.

4. Related to Question 3 above, how will the City protect itself from potential exposure to legal liability related to complaints by customers of such a proposed online store that involve allegations that a vendor is treating a customer unlawfully, including by treating them in a discriminatory manner?
5. More generally related to customer complaints for such an online store, who will be responsible for addressing such complaints? Additionally, to the extent that customers are unsatisfied with their experience with such an online store, isn't it likely that such customers will bring their complaints to the City and hold the City responsible for addressing such complaints?
6. Given that it has taken Amazon and other online retailers many years to work through the various complexities with providing an effective online eCommerce platform, how will the City address such complexities without the requisite experience and expertise in this area of activity? For example, how will issues be addressed related to sales taxes, deliveries, refunds, sale discounts, and the variety of other issues associated with online commerce?
7. Presumably, there will be intellectual property aspects associated with the proposed activity, including related to proprietary information, copyrights, and trademarks, and those issues will need to be addressed by the City. The City will need to legally protect itself from disputes arising between private parties related to intellectual property matters and proprietary interests.
8. Related to Point 7 directly above, if the City will be entering into a terms of service agreement with an information technology company, such agreements often contain provisions that are unique to information technology activities due to the specialized nature of the services provided and such agreements present the City with non-standard legal considerations.
9. Need to clarify eligibility rules for participating businesses. Will any type of business be allowed (for example, adult services, or other potentially controversial products and services)? If not, who will screen/approve the participating businesses and/or products and/or services?
10. What if the owner is a Bainbridge Island resident but the business operates remotely? What if the Bainbridge Island resident is a partial owner? What if the business provides services on Bainbridge Island but the owner is not a resident (for example, a legal services firm that performs services on Bainbridge Island but is owned by a Bremerton resident)?
11. Need to clarify the concept that the site will provide links to local experts who can provide Participants with subsidized services. What types of services are desired/allowed? Who will select the "expert" providers? How will they be subsidized? To what degree?
12. Will the ability for product reviews and/or product questions need to be incorporated in the site?
13. What payment gateways will be accepted by the Store?

14. Will there be allowances for discount codes built in?
15. Will there be transaction fees in addition to a percentage of sales charged to merchants?
16. Who will process refunds and how will they be paid?
17. Will email and/or chat support be required for users of the Store? Who will provide that service?
18. How will Digital Store data be backed-up? How often? Who will have access to the data?
19. Who will be responsible for marketing of merchandise? What platforms (i.e., internet ads, print, Facebook, Instagram) will be utilized?
20. Do usernames and passwords need to be implemented for users of the site? For merchants?
21. What kind of security will be implemented? How often will regular maintenance be scheduled? Will SSL Certificates be used?
22. Who is responsible for merchandise photos and/or descriptions? Will videos be allowed? What are the technical requirements for photos and/or descriptions?
23. Will personal information (i.e., credit card numbers, addresses), if any, be stored on the website?
24. Who has decision-making authority on website design?
25. Are there reporting requirements for users and/or merchants?
26. What, if any, analytics will be available and who will have access to analytic data?
27. Are there other examples in Washington state of a city-sponsored investment like this? If so, can we contact them for lessons learned?
28. Who will have access and be responsible for pulling information to respond to public records requests? What information will be available to provide and how will it be provided?
29. Who is responsible for authorizing sales of potentially controversial items, if anyone?
30. Who is responsible in the event of a data breach, especially if potentially sensitive information (credit card info, personal info) is being housed on the Store site?
31. Who will be responsible for Store branding? Will it be copyrighted?

32. What is the City's responsibility if a major fraud happens against a merchant? It is the City Information Technology Division's understanding that the liability for accepting a fraudulent transaction rests with the retailer by law rather than the issuing bank. How will that be communicated to Island merchants who wish to set up a portal? How will the City address what its responsibilities will/will not be?
33. Who is making sure the stores/merchants are PCI (payment card industry) compliant and remain that way on an ongoing basis?
34. Who is responsible for oversight of the vendor and the ongoing costs to maintain the website to ensure security?
35. Who is responsible for suspicious activity at a vendor's website or the security of sensitive customer data?
36. What about payments to vendors by phone? How will that be addressed or will it?
37. Who is responsible for customer service follow-up for online sales issues or technical glitches?



**GREENHOUSE GAS EMISSIONS INVENTORY  
REQUEST FOR PROPOSALS (RFP)**

**Project Title: Greenhouse Gas Emissions Inventory**

**Proposals Due: 4:00 p.m. May 25, 2018**

The City of Bainbridge Island is requesting proposals from qualified consultants to develop a baseline greenhouse gas emissions inventory for City and community emissions.

Proposals should include:

- A general statement of the Consultant's understanding of the scope of services;
- The project team, including proposed subconsultants;
- The project team's experience in greenhouse gas inventories and related tasks;
- The experience of the proposed project manager and individuals who will be working on the project;
- A proposed task list and level of effort for each task;
- A schedule for completing the project;
- A description of the Consultant's approach to managing and completing the project; and
- A description of the Consultant's approach to communicating with the client.

**Submission Instructions:**

- The City will only accept proposals in electronic format. Submit the proposal to: [cityadmin@bainbridgewa.gov](mailto:cityadmin@bainbridgewa.gov)
- Proposals must be presented as a single, combined file that contains all proposal materials and any supporting documents. The use of a pdf format is encouraged.
- Proposals are due **no later than 4:00 pm, Friday, May 25, 2018**. Late proposals will not be accepted. Applicants are solely responsible for ensuring that proposals are submitted and received on time. Applicants will receive an email acknowledging the City's receipt of their proposal.
- Questions related to this RFP should be submitted via email to: [cityadmin@bainbridgewa.gov](mailto:cityadmin@bainbridgewa.gov)

Any firm failing to submit information in accordance with the procedures set forth in the Request for Proposals may not be considered responsive and may therefore be subject to disqualification by the City.

# GREENHOUSE GAS EMISSIONS INVENTORY REQUEST FOR PROPOSALS

## 1. INTRODUCTION

- A. Through the City Manager's Office, the City is seeking a consultant or team of consultants ("Consultant") to conduct a GHG inventory. This Request for Proposals ("RFP") outlines the information necessary to understand the Consultant selection process and the required documentation a Consultant must submit. After reviewing this RFP, any Consultant that determines it has the necessary expertise and experience and could successfully perform the required services may submit its Submittal, addressing the items set forth herein. A general overview of the selection process is as follows:
1. Submittals shall be emailed to the City no later than **4:00 p.m. on May 25, 2018**, after which time they will be reviewed and evaluated. The Submittal shall be emailed to: [cityadmin@bainbridgewa.gov](mailto:cityadmin@bainbridgewa.gov)
  2. The City may, at its option, contact a Consultant and ask clarifying questions concerning the Consultant's Submittal.
  3. At the City's option, the City may conduct interviews with Consultants qualifying as finalists.
- B. The purpose of this RFP is to obtain a qualified Consultant to provide professional services to develop a baseline greenhouse gas emissions inventory for City and community emissions. A preliminary scope of services is provided as follows.

## 2. PROJECT BACKGROUND

### 2.1 Scope of Services

The City of Bainbridge Island is seeking technical assistance in developing a baseline greenhouse gas emissions inventory for City and community emissions.

### 2.2 Background

The Bainbridge Island City Council has set the ambitious goal to reduce greenhouse gas emissions on Bainbridge Island through compliance with federal, state, and regional policies while developing local strategies to reduce emissions further. As a first step in developing a climate change plan to meet this goal, the City is seeking to establish a baseline of greenhouse gas (GHG) emissions and obtain the capability to track GHG emissions on Bainbridge Island on an ongoing basis. The GHG inventory will cover emissions from City municipal operations as well as emissions in the community, including the residential and commercial sectors. The GHG inventory analysis will also provide a baseline of energy usage in the City and community and future energy usage and GHG emissions projections. As an early input to the City's climate change planning process, the GHG inventory will be critical in helping the City and stakeholders on Bainbridge Island develop a roadmap for climate change action. The GHG inventory is expected to be the first phase in a multi-phase long-term climate change planning effort.

The Bainbridge Island community has a longstanding and passionate interest in reducing GHG emissions, as demonstrated by the many City and community groups that focus on addressing climate change. Bainbridge Island was designated as the Green Power Community of the year by the U.S. Environmental Protection Agency in 2017. The City's newly formed Climate Change Advisory Committee, which is composed of scientists and other subject matter experts, will provide guidance on the GHG inventory. The City Manager's Office will provide guidance on municipal operations and facilitate access to City-owned data.

## 2.3 Scope of Work

Through the City Manager's Office, the City is seeking a consultant or team of consultants ("Consultant") to conduct a GHG inventory. The GHG inventory project will consist principally of six main tasks; Consultant and City responsibilities for these tasks are described below. In their proposals, Consultants are encouraged to provide a detailed technical and project management approach that incorporates and expands on these tasks.

### A. Define methodology

The GHG inventory shall be developed in accordance with the ICLEI U.S. Community Protocol for Accounting and Reporting of Greenhouse Gas Emissions ("Community Protocol"). The City seeks a GHG inventory that is transparent, replicable year-over-year, and allows for future benchmarking to regional and other municipal inventories. Components of the GHG inventory that will be defined include, but are not limited, to:

- Selection of the base year;
- Confirmation of data sources, calculation methods, emissions factors, context data, and analytical tools; and
- Confirmation of categories for GHG tracking and reporting, including emission sources and activities that will be included and excluded. GHG emissions should be reported for major sectors (e.g., residential, commercial, industrial, transportation, waste).

In consultation with the City, the Consultant will recommend a process for selecting which GHG emissions sources and activities to include in the GHG inventory beyond the five "Basic Emissions Generating Activities" prescribed by the Community Protocol. Additional components should include municipal operations, analyzed by major end use (e.g., school facilities, fleet), and may include:

- Emissions from community ferry and air travel;
- Community-wide consumption-based emissions (including upstream GHG emissions associated with consumption of household goods, food, and services);
- Net emissions and/or sequestration from agriculture, forestry, and other land use activities. This shall include an island-wide carbon inventory of existing forested lands (public and private) and accompanying estimates of the aggregated CO<sub>2</sub> sequestration rate.

The Consultant should propose options (e.g., identify possible methods and data sources) for including these components in the inventory, along with estimated time and cost associated with such options.

The City anticipates receiving recommendations regarding which non-CO<sub>2</sub> GHGs, from which sources, should be included in the GHG inventory (e.g., methane, N<sub>2</sub>O emissions, or any industrial gas emissions).

### B. Data collection

The Consultant will collect data necessary for developing the GHG inventory. The City will review the Consultant's data needs and provide assistance in locating data owned by the City. The Consultant will lead collection of data from utilities and other entities; the City will assist where possible. The Consultant will identify and review any energy and/or GHG analysis conducted by entities that have a footprint in Bainbridge Island. The City is open to considering the Consultant's use of innovative data collection approaches for community sectors, such as crowdsourcing or surveys, including for consumption-based emissions estimates.

### **C. Data analysis**

Based on the agreed upon methodology, the Consultant will calculate baseline energy usage and emissions for municipal operations and the community. Analysis must be done using non-proprietary methods and all assumptions, calculations, data sources, and key contacts must be made available to the City. At a minimum, the analysis will calculate emissions in each municipal operations and community category as well as combined emissions.

### **D. GHG emissions report**

In consultation with the City, Consultant will recommend frameworks for presenting and reporting GHG emissions data in accordance with the Community Protocol. The Consultant will prepare a report that textually and graphically presents the GHG inventory and identifies emissions over which the City may have significant influence as well as additional community-wide emissions. When possible, the City will provide content, such as photographs and quotations. The report will identify top-priority sources of GHG emissions for which reduction strategies could be developed in later phases of Bainbridge Island's climate change planning process.

### **E. Training and tracking hand-off**

In addition to providing base year GHG emissions, this effort is intended to supply the City with the means to update the GHG inventory on an ongoing basis. The Consultant will provide the City with the information and materials necessary to replicate the GHG emissions calculations used for the base year GHG inventory, track progress, and generate reports. The Consultant will provide the City with an electronic version of the base year analysis. The Consultant will hold training sessions (no less than two) for City staff to learn how to update the inventory.

### **F. Project management**

The City Manager's Office will oversee the work of the Consultant. The City's Climate Change Advisory Committee will serve in an advisory capacity, as its members are charged with providing advice and/or recommendations to the city council or city staff, as appropriate, related to the City's GHG emission reduction targets. During the project, the Consultant will be available for approximately three meetings to provide project status updates to and answer technical questions from the City's Climate Change Advisory Committee and the City Council.

## **2.4 Specifications and Requirements**

### **A. Consultant Capabilities**

The City is seeking a Consultant who has experience conducting similar GHG analyses for other municipalities. Consideration will be given to the Consultant's ability to demonstrate knowledge transfer to municipal clients in terms of their success in updating initial GHG inventories. The City is seeking to capitalize on the Bainbridge Island community's great interest in climate by engaging stakeholders with a thoughtful, creative, and understandable GHG emissions report. The Consultant should be capable of producing both sound analysis and high-quality reporting materials.

The scope of services for this RFP does not include the development of GHG reduction strategies, as this will be a principal activity in the upcoming climate change planning process; however, Consultants with experience in GHG mitigation strategy are encouraged to demonstrate in their proposals how their approach to the baseline inventory and projections may provide advantages in future phases of the climate change planning process.

## B. Existing Data

The City will provide the Consultant with reports and data, including the following:

- List of municipally-owned vehicles and vehicle fuel consumption, FY16-present;
- Location and capacity of renewable energy systems located on City property (PV and solar thermal);
- Year and square footage for municipal buildings;
- Current land use and zoning data, as well as projected/planned development in Navigate Bainbridge, the City's Comprehensive Plan; and
- Data on current open space and tree canopy.

## 3. PROCUREMENT PROCESS

### A. General Information

1. Compliance with Legal Requirements.
  - a. The procurement of these consultant services will be in accordance with applicable City, federal, state, and local laws, regulations, and procedures. The City reserves the right to reject any and all Submittals received. Any Consultant failing to submit information in accordance with the procedures set forth herein may not be considered responsive and may therefore be subject to disqualification by the City.
  - b. In accordance with the provisions of this RFP, the City will evaluate the Submittals. The final selection, if any, will be that Consultant which, in the opinion of the City, best meets the requirements set forth in the RFP and is determined to be the most highly qualified for the services requested.
2. Clear and Concise Submittal. Consultants are discouraged from submitting lengthy Submittals. The City requests that Submittals be concise and clearly written containing only essential information.
3. Costs borne by Consultants. All costs incurred in the preparation of a Submittal and participation in this RFP and negotiation process shall be borne by the proposing firms.
4. Public Disclosure. Once in the City's possession, Submittals shall become property of the City and considered public records under applicable Washington State laws. All documentation that is provided to the City may be subject to disclosure in accordance with Washington State public disclosure laws.

### B. Schedule

1. Anticipated Schedule. The selection process is anticipated to proceed as outlined below and is subject to change:
  - May 25, 2018 Submittals Due (4:00 p.m.)**
  - June 4, 2018 (week of) Select Finalists**
  - June 11, 2018 (week of) Finalist Interviews, if necessary**
  - July, 2018 City Council approval of selected consultant**
2. Notification. The City will notify appropriate firms of changes in the RFP and Notice of Selection.

3. Addenda. In the event it becomes necessary to revise any part of the RFP, addenda will be provided to all firms still under consideration at the time the addendum is issued. If any firm has reason to doubt whether the City is aware of the firm's interest, it is the responsibility of the firm to notify the City to be sure that addenda are received.

### C. Negotiations

1. At the completion of the selection process, the selected Consultant will enter into contract negotiations with the City. Negotiation of a contract will be in conformance with applicable federal, state, and local laws, regulations, and procedures. The negotiated cost and pricing data, once agreed to by the City and the Consultant, shall form the basis for a billing/payment provision.
2. At the beginning of negotiations, the selected Consultant and City shall meet to establish a Negotiation Schedule. Negotiations shall begin with the Scope of Work (SOW) identified in the Qualifications Statement and the Work Plan Level of Effort (LOE) submitted by the selected Consultant. A Project Schedule shall accompany all revisions to the SOW and LOE. The SOW, LOE, and Project Schedule should be interrelated and identify tasks and subtasks by the same numbers.
3. If the City and selected Consultant cannot come to terms on LOE and SOW after three (3) revisions to the SOW and LOE, the City may discontinue negotiations and go to next highest ranked Consultant. Failure to reach agreement after three (3) revisions demonstrates an inability to reach agreement within a reasonable timeframe.

### D. Cost and Pricing Data

1. The selected Consultant shall provide the following information within **five (5) business days** after Notice of Selection has been received. Failure to provide such information in a timely manner may result in the City determining to discontinue negotiations with the selected Consultant and start negotiations with the next highest ranked Consultant.

a. **Direct Salaries.** Selected Consultant and its subconsultants shall submit the following information:

- (1) List of employees, in alphabetical order (last name first), with job classification, rate of pay, and salary review date.

b. **Overhead Rates.** Selected Consultant and its subconsultants shall provide the following information:

- (1) Provide current audited overhead schedule, audit report, and cost detail by general ledger account.
- (2) Provide a listing of all personnel who will perform work on this Project whose salaries, in full or in part, are included in overhead for the current and previous year. For each person, identify his or her title, classification, position in company, and salary rate.

c. **Billing Rates.** Submit only for certain qualifying small firms.

- (1) Small firms that do not have an accounting system in place that identifies direct and indirect costs separately, generally use billing rates. Fully burdened billing rates, which include labor, overhead costs, and profit are allowed on a case-by-case basis for those firms that typically use this method for billing purposes.

d. **Other Direct Cost(s).** Selected Consultant and its subconsultants shall provide the following information:

(1) Identify all Other Direct Cost(s) (ODC) for this project and the rationale used as a basis for this cost.

(2) For each ODC, provide the unit prices and/or rates with supporting rationale, historical data, and estimating methodology used to validate these rates.

(3) Failure to identify ODC results in a presumption that there are no ODC.

e. **Profit.** Selected Consultant and its subconsultants shall provide the following:

(1) Proposed profit; and

(2) Rationale and justification for the proposed profit rate.

f. **Markup on Subconsultant Costs and ODC.** Selected consultant and its subconsultants shall provide the following:

(1) Proposed markup on subconsultant costs and ODC; and

(2) Rationale and justification for the proposed markups.

#### **4. INSURANCE REQUIREMENTS**

Prior to execution of the Agreement, the selected Consultant shall file with the City certificates of insurance and endorsements from their insurer(s) certifying to the coverage of all insurance required in accordance with the City's standard agreement.

#### **5. EVALUATION AND SELECTION CRITERIA**

##### **5.1 Consultant Selection Panel**

All Submittals will be evaluated by a Consultant Selection Panel ("Panel"), which will be responsible for ranking of the Submittals. The criteria outlined below will be used in evaluating the Submittals and determining the most qualified Consultant. Evaluation criteria include:

- Qualifications of the Consultant;
- Relevant past project experience of the Consultant;
- Resumes of key individuals;
- Familiarity with regional and local conditions, as evidenced in previous projects; and
- Past history with the City.

##### **5.2 Interviews**

The City may determine that an interview with one or more Consultants may be necessary. The number of Consultants to participate in interviews, if any, will be determined by the City based on the recommendation of the evaluation. The City may choose to use different criteria for the interview, in which case the finalists will be so notified in writing. The interview process may or may not include a Consultant presentation and the Consultants will not be given questions to prepare for in advance of the interview.

#### **6. DOCUMENTATION**

Each Submittal shall comply with the following requirements:

A. Each Consultant shall submit **one (1)** electronic version of the Submittal.

B. Submittals shall be 25 pages or less, including any resumes and cover letter.

C. The Submittal shall consist of the following parts:

1. **Letter of Interest.** The Letter of Interest shall contain the following information:

- RFP Title;
- Consultant's name, mailing address, contact person, telephone and fax numbers; and
- Complete list of proposed subconsultants.

2. **Qualifications Statement.** The submittal shall include:

- A general statement of the Consultant's understanding of the scope of services;
- The project team, including proposed subconsultants;
- The project team's experience in greenhouse gas inventories and related tasks;
- The experience of the proposed project manager and individuals who will be working on the project;
- A proposed task list and level of effort for each task;
- A schedule for completing the project;
- A description of the Consultant's approach to managing and completing the project; and
- A description of the Consultant's approach to communicating with the client.

D. The submittal shall be presented in a clear, comprehensive and concise manner and shall be submitted in a complete package by the Consultant.

**AGREEMENT FOR PROFESSIONAL SERVICES**

**THIS AGREEMENT FOR PROFESSIONAL SERVICES** (“Agreement”) is entered into between the City of Bainbridge Island, a Washington State municipal corporation (“City”), and [Name of Consultant], [a Washington State corporation] (“Consultant”).

**WHEREAS**, the City needs professional services in connection with developing a baseline greenhouse gas emissions inventory for City and community emissions; and

**WHEREAS**, the Consultant has the expertise and experience to provide said services and is willing to do so in accordance with the terms and conditions of this Agreement.

**NOW, THEREFORE**, in consideration of the mutual covenants, conditions, promises, and agreements set forth herein, it is agreed by and between the City and the Consultant as follows:

**1. SERVICES BY CONSULTANT**

The Consultant shall provide the professional services as defined in this Agreement and as necessary to accomplish the scope of services attached hereto as **Attachment A** and incorporated herein by this reference as if set forth in full. The Consultant shall furnish all services, labor, and related equipment to conduct and complete the work, except as specifically noted otherwise in this Agreement.

**2. TERM AND TERMINATION OF AGREEMENT**

A. This Agreement shall become effective upon execution by both parties and shall continue in full force and effect until [Month and Day, 20\_\_], unless sooner terminated by either party as provided below.

B. This Agreement may be terminated by either party without cause upon thirty (30) days’ written notice to the other party. In the event of termination, all finished or unfinished documents, reports, or other material or work of the Consultant pursuant to this Agreement shall be submitted to the City, and the Consultant shall be entitled to just and equitable compensation at the rate set forth in Section 3 for any satisfactory work completed prior to the date of termination.

**3. PAYMENT**

A. The City shall pay the Consultant for such services: (check one)

[ ] Hourly, plus actual expenses, in accordance with **Attachment A**, but not more than a total of [write out the total payment for services] (\$\_\_\_\_\_);

[ ] Fixed Sum: a total amount of \$\_\_\_\_\_;

[ ] Other: \$\_\_\_\_\_, for all services performed and incurred under this Agreement, to be billed monthly in equal amounts.

B. The Consultant shall submit, in a format acceptable to the City, monthly invoices for services performed in a previous calendar month. Each project and each task within a project shall be the subject of a separate invoice. The Consultant shall maintain time and expense records and provide them to the City upon request.

C. The City shall pay all invoices by mailing a City check within sixty (60) days of receipt of a proper invoice from the Consultant.

D. If the services rendered do not meet the requirements of this Agreement, the Consultant shall correct or modify the work to comply with this Agreement. The City may withhold payment for such work until it meets the requirements of this Agreement.

#### **4. INSPECTION AND AUDIT**

The Consultant shall maintain all books, records, documents, and other evidence pertaining to the costs and expenses allowable under this Agreement in accordance with generally accepted accounting practices. All such books and records required to be maintained by this Agreement shall be subject to inspection and audit by representatives of the City and/or the Washington State Auditor at all reasonable times, and the Consultant shall afford the proper facilities for such inspection and audit. Representatives of the City and/or the Washington State Auditor may copy such books, accounts, and records if necessary to conduct or document an audit. The Consultant shall preserve and make available all such books of account and records for a period of three (3) years after final payment under this Agreement. In the event that any audit or inspection identifies any discrepancy in such financial records, the Consultant shall provide the City with appropriate clarification and/or financial adjustments within thirty (30) calendar days of notification of the discrepancy.

#### **5. INDEPENDENT CONTRACTOR**

A. The Consultant and the City understand and expressly agree that the Consultant is an independent contractor in the performance of each and every part of this Agreement. The Consultant expressly represents, warrants, and agrees that the Consultant's status as an independent contractor in the performance of the work and services required under this Agreement is consistent with and meets the six-part independent contractor test set forth in RCW 51.08.195. The Consultant, as an independent contractor, assumes the entire responsibility for carrying out and accomplishing the services required under this Agreement. The Consultant shall make no claim of City employment nor shall the Consultant claim any related employment benefits, social security, and/or retirement benefits.

B. The Consultant shall be solely responsible for paying all taxes, deductions, and assessments, including but not limited to federal income tax, FICA, social security tax, assessments for unemployment and industrial injury, and other deductions from income which may be required by law or assessed against either party as a result of this Agreement. In the event the City is assessed a tax or assessment as a result of this Agreement, the Consultant shall pay the same before it becomes due.

C. The City may, during the term of this Agreement, engage other independent contractors to perform the same or similar work that the Consultant performs hereunder.

D. The Consultant shall obtain a business license and, if applicable, pay business and occupation taxes pursuant to Title 5 of the Bainbridge Island Municipal Code.

#### **6. NONDISCRIMINATION AND COMPLIANCE WITH LAWS**

A. The Consultant agrees not to discriminate against any employee or applicant for employment or any other person in the performance of this Agreement because of race, creed, color, national origin, marital status, sex, sexual orientation, age, disability, or other circumstance prohibited by federal, state, or local law or ordinance, except for a bona fide occupational qualification.

B. The Consultant shall comply with all federal, state, and local laws and ordinances applicable to the work to be done under this Agreement.

C. Violation of this Section 6 shall be a material breach of this Agreement and grounds for cancellation, termination, or suspension by the City, in whole or in part, and may result in ineligibility for further work for the City.

## **7. OWNERSHIP OF WORK PRODUCT**

All data, materials, reports, memoranda, and other documents developed under this Agreement, whether finished or not, shall become the property of the City and shall be forwarded to the City in hard copy and in digital format that is compatible with the City's computer software programs.

## **8. GENERAL ADMINISTRATION AND MANAGEMENT**

The City Manager of the City, or designee, shall be the City's representative, and shall oversee and approve all services to be performed, coordinate all communications, and review and approve all invoices, under this Agreement.

## **9. HOLD HARMLESS AND INDEMNIFICATION**

A. The Consultant shall defend, indemnify, and hold the City, its officers, officials, employees, and volunteers harmless from any and all claims, injuries, damages, losses, or suits including attorney fees, arising out of or resulting from the acts, errors, or omissions of the Consultant in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

B. Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the City, its officers, officials, employees, and volunteers, the Consultant's liability, including the duty and cost to defend hereunder, shall be only to the extent of the Consultant's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Consultant's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

C. The City's inspection or acceptance of any of the Consultant's work when completed shall not be grounds to void, nullify, and/or invalidate any of these covenants of indemnification.

D. Nothing contained in this Agreement shall be construed to create a liability or a right of indemnification in any third party.

## **10. INSURANCE**

The Consultant shall maintain insurance as follows:

- Commercial General Liability as described in **Attachment B**.
- Professional Liability as described in **Attachment B**.
- Automobile Liability as described in **Attachment B**.
- Workers' Compensation as described in **Attachment B**.
- None.

## **11. SUBLETTING OR ASSIGNING CONTRACT**

This Agreement, or any interest herein or claim hereunder, shall not be assigned or transferred in whole or in part by the Consultant to any other person or entity without the prior written consent of the City. In the event that such prior written consent to an assignment is granted, then the assignee shall assume all duties, obligations, and liabilities of the Consultant as stated herein.

## **12. EXTENT OF AGREEMENT/MODIFICATION**

This Agreement, together with attachments or addenda, represents the entire and integrated Agreement between the parties and supersedes all prior negotiations, representations, or agreements, either written or oral. This Agreement may be amended, modified, or added to only by written instrument properly signed by both parties.

## **13. SEVERABILITY**

A. If a court of competent jurisdiction holds any part, term, or provision of this Agreement to be illegal or invalid, in whole or in part, the validity of the remaining provisions shall not be affected, and the parties' rights and obligations shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

B. If any provision of this Agreement is in direct conflict with any statutory provision of the State of Washington, that provision which may conflict shall be deemed inoperative and null and void insofar as it may conflict, and shall be deemed modified to conform to such statutory provision.

## **14. FAIR MEANING**

The terms of this Agreement shall be given their fair meaning and shall not be construed in favor of or against either party hereto because of authorship. This Agreement shall be deemed to have been drafted by both of the parties.

## **15. NONWAIVER**

A waiver by either party hereto of a breach by the other party hereto of any covenant or condition of this Agreement shall not impair the right of the party not in default to avail itself of any subsequent breach thereof. Leniency, delay, or failure of either party to insist upon strict performance of any agreement, covenant, or condition of this Agreement, or to exercise any right herein given in any one or more

instances, shall not be construed as a waiver or relinquishment of any such agreement, covenant, condition, or right.

**16. NOTICES**

Unless stated otherwise herein, all notices and demands shall be in writing and sent or hand-delivered to the parties at their addresses as follows:

To the City:                   City of Bainbridge Island  
                                      280 Madison Avenue North  
                                      Bainbridge Island, WA 98110  
                                      Attention: City Manager

To the Consultant:         [Business name/address/contact person]

or to such addresses as the parties may hereafter designate in writing. Notices and/or demands shall be sent by registered or certified mail, postage prepaid, or hand-delivered. Such notices shall be deemed effective when mailed or hand-delivered at the addresses specified above.

**17. SURVIVAL**

Any provision of this Agreement which imposes an obligation after termination or expiration of this Agreement shall survive the term or expiration of this Agreement and shall be binding on the parties to this Agreement.

**18. GOVERNING LAW**

This Agreement shall be governed by and construed in accordance with the laws of the State of Washington.

**19. VENUE**

The venue for any action to enforce or interpret this Agreement shall lie in the Superior Court of Washington for Kitsap County, Washington.

**20. COUNTERPARTS**

This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same Agreement.

**IN WITNESS WHEREOF**, the parties have executed this Agreement as of the later of the signature dates included below.

[Business Name]

CITY OF BAINBRIDGE ISLAND

Date: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

Name \_\_\_\_\_

Douglas Schulze, City Manager

Title \_\_\_\_\_

Tax I.D. # \_\_\_\_\_

City Bus. Lic. # \_\_\_\_\_

**ATTACHMENT A  
SCOPE OF SERVICES**

**ATTACHMENT B  
INSURANCE REQUIREMENTS**

**A. Insurance Term**

The Consultant shall procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.

**B. No Limitation**

The Consultant's maintenance of insurance as required by the Agreement shall not be construed to limit the liability of the Consultant to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

**C. Minimum Scope of Insurance**

The Consultant shall obtain insurance of the types and coverage described below:

1. Automobile Liability insurance covering all owned, non-owned, hired, and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage.
2. Commercial General Liability insurance shall be at least as broad as ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, stop-gap liability, independent contractors, and personal injury and advertising injury. The City shall be named as an additional insured under the Consultant's Commercial General Liability insurance policy with respect to the work performed for the City using an additional insured endorsement at least as broad as ISO CG 20 26.
3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
4. Professional Liability insurance appropriate to the Consultant's profession.

**D. Minimum Amounts of Insurance**

The Consultant shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
2. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.
3. Professional Liability insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit, as applicable.

**E. Other Insurance Provision**

The Consultant's Automobile Liability and Commercial General Liability insurance policies are to contain, or be endorsed to contain, that they shall be primary insurance as respect to the City. Any insurance, self-insurance, or self-insured pool coverage maintained by the City shall be excess of the Consultant's insurance and shall not contribute with it.

**F. Acceptability of Insurers**

Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

**G. Verification of Coverage**

Before commencing work and services, the Consultant shall provide to the person identified in Section 8 of the Agreement a Certificate of Insurance evidencing the required insurance. The Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work. The City reserves the right to request and receive a certified copy of all required insurance policies.

**H. Notice of Cancellation**

The Consultant shall provide the City with written notice of any policy cancellation within two business days of their receipt of such notice.

**I. Failure to Maintain Insurance**

Failure on the part of the Consultant to maintain the insurance as required shall constitute a material breach of contract, upon which the City may, after giving five (5) business days' notice to the Consultant to correct the breach, immediately terminate this Agreement or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand, or at the sole discretion of the City, offset against funds due the Consultant from the City.

**J. City Full Availability of Consultant Limits**

If the Consultant maintains higher insurance limits than the minimums shown above, the City shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the Consultant, irrespective of whether such limits maintained by the Consultant are greater than those required by this Agreement or whether any certificate of insurance furnished to the City evidences limits of liability lower than those maintained by the Consultant.