



CITY OF
BAINBRIDGE ISLAND

**PLANNING COMMISSION SPECIAL MEETING
THURSDAY, SEPTEMBER 24, 2020**

THE PLANNING COMMISSION WILL HOLD THIS MEETING USING A VIRTUAL, ZOOM WEBINAR PLATFORM, PER GOVERNOR INSLEE'S "STAY HOME, STAY HEALTHY" ORDERS. MEMBERS OF THE PUBLIC WHO DO NOT WISH TO VIEW THE MEETING VIA THE BKAT BROADCAST OR THE CITY'S WEBSITE STREAMING WILL BE ABLE TO CALL IN TO THE ZOOM MEETING.

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AGENDA

1. **CALL TO ORDER/ROLL CALL/AGENDA REVIEW - 6:00 PM**
2. **PLANNING COMMISSION MEETING MINUTES - 6:05 PM**
 - 2.a **(6:05 PM) - Amendment of Previously Approved Minutes from February 27, 2020 Meeting** 5 Minutes
[Planning Commission Minutes 022720.pdf](#)
3. **PUBLIC COMMENT - 6:10 PM**
4. **UNFINISHED BUSINESS - 6:20 PM**
 - 4.a **(6:20 PM) - Ordinance 2020-16 Amending Bonus Floor Area Ratio (FAR) Options, BIMC 18.12.030.E.** 45 Minutes
[20200924_PC_Staff_Memo.docx](#)
[DRAFT Ordinance No. 2020-16.docx](#)
[Exhibit A Option 1 Excerpt BIMC_Table_18.12.020-3.pdf](#)
[Exhibit_A_Option_2_Excerpt_BIMC_Table_18.12.020-3 REV MU Bonus MUTC Zoning Districts Map.pdf](#)
[WMP Goals & Policies Related to FAR.pdf](#)

5. NEW BUSINESS - 7:05 PM

5.a (7:05 PM) - Self-service Storage Facilities Discussion & Draft Code Changes 45 Minutes

20200924 PC Memo.pdf

Attachment 1 existing storage data table.pdf

Attachment_2_Regulations_from_Other_Communities.pdf

Self Storage Potential Map in Bus Ind.pdf

Self Storage Potential Map in NC.pdf

Reliable Storage Email with Information and Public comment.pdf

DRAFT_Code_Changes_to_Prohibit_Self_Storage for PC discussion

Ordinance No. 2020-12 Extending Moratorium on Self-Service Storage Facilities

Approved_051220.pdf

6. PLANNING COMMISSION SUB-COMMITTEE UPDATES - 7:50 PM

7. PLANNING DIRECTOR'S REPORT - 7:55 PM

8. ADJOURNMENT - 8:00 PM

GUIDING PRINCIPLES

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

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

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

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

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

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

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

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



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

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



CITY OF
BAINBRIDGE ISLAND

Planning Commission Special Meeting Agenda Bill

MEETING DATE: September 24, 2020

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: (6:05 PM) - Amendment of Previously Approved Minutes from February 27, 2020 Meeting

AGENDA CATEGORY: Minutes

PROPOSED BY: Jane Rasely

PREVIOUS PLANNING COMMISSION

REVIEW DATE(S): May 15, 2020

PREVIOUS COUCIL REVIEW DATE(S):

RECOMMENDED MOTION:

I move the minutes for the February 27, 2020 meeting be amended as proposed.

SUMMARY:

BACKGROUND: Commissioner McCormick Osmond asked for the corrections as she was not in attendance at the February 27, 2020 Planning Commission Meeting. It is suggested to strike the sentence: "Commissioner McCormick Osmond then summarized those recommendations to the full commission."

ATTACHMENTS:



Planning Commission Regular Meeting February 27, 2020

Meeting Minutes

1) CALL TO ORDER/ROLL CALL

Chair William Chester opened the meeting at 7:00 PM. Commissioners in attendance were J. Mack Pearl, Jon Quitslund, Don Doman and Joe Paar.

The agenda was reviewed. There were not any conflicts disclosed.

2) PLANNING COMMISSION MEETING MINUTES

2.a Review and Approve Meeting Minutes

Cover Page

Planning Commission Minutes DRAFT 121219.pdf

Motion: I move approval of the minutes from the Planning commission meeting of December 12, 2019 as distributed.

Quitslund/Paar: Passed Unanimously

3) PUBLIC COMMENT

None.

4) UNFINISHED BUSINESS

4.a Ordinance 2020-02 (formerly 2019-09) related to Accessory Dwelling Units

Cover Page

Staff Memo on ADUs.docx

Ordinance 2020-02 DRAFT.docx

Planning Commission Subcommittee Recommendations Regarding ADUs

ADU Use Specific Standards 18.09.030 Attachment A.pdf

Senior Planner Jennifer Sutton provided a summary introduction. The Planning Commission subcommittee (Commissioners Pearl, McCormick Osmond, and Doman) met and forwarded their recommendation for Ordinance 2020-02 on to the full Planning Commission. **Commissioner McCormick Osmond then summarized those recommendations to the full commission.**

Public Comment

Pascal Schuback spoke in favor of increasing the lot coverage requirements.

Bob Russell spoke in favor of not counting the ADU as part of the lot coverage and reducing impact fees.

4.b [Ordinance No. 2020-05, Updating the City's Sign Code](#)

[Cover Page](#)

[Staff Memo - Sign Code Matrix and Q&A \(2-13-20 PCM\)](#)

[Ordinance No. 2020-05, Updating The City's Sign Code - Chapter 15.08 BIMC - for 2-13-20 PCM](#)

[Reed v. Town of Gilbert Article](#)

[Model Sign Code .pdf](#)

[Commissioner Quitslund Memo to Planning Commission and Staff.pdf](#)

[Commissioner Quitslund Sign Code Discussion Items.pdf](#)

Deputy City Attorney Robbie Sepler facilitated discussion.

Bob Russell spoke about sandwich signs fading out in the future as people are using wayfinder apps.

Andrew Berg spoke in favor of sandwich boards saying it was a very important part of their marketing strategy.

Commissioners felt they were ready to schedule a public hearing and directed staff to find a time in their schedule.

5) **NEW BUSINESS**

5.a **New Business**

[Cover Page](#)

Chair Chester spoke about important goals for the Planning Commission: prioritizing conflicts within the code to the Comprehensive Plan; defining how CUPs were used; Floor Area Ratio with Affordable Housing; and the Shoreline Management Program Amendment and Periodic Review.

6) **PLANNING DIRECTOR'S REPORT**

7) **ADJOURNMENT**

The meeting was adjourned at 9:55 PM.

William Chester, Chair

Jane Rasely, Administrative Specialist



CITY OF
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Planning Commission Special Meeting Agenda Bill

MEETING DATE: September 24, 2020

ESTIMATED TIME: 45 Minutes

AGENDA ITEM: (6:20 PM) - Ordinance 2020-16 Amending Bonus Floor Area Ratio (FAR) Options, BIMC 18.12.030.E.

AGENDA CATEGORY: Discussion

PROPOSED BY: Jennifer Sutton

PREVIOUS PLANNING COMMISSION

REVIEW DATE(S): February 27, March 12, May 14 and 28, June 11, June 25, July 9, August 27, and September 10, 2020.

PREVIOUS COUCIL REVIEW DATE(S): February 4, 11, 25, March 3, 10, & April 14 & 28, August 25, 2020

RECOMMENDED MOTION:

Discuss DRAFT Ordinance No. 2020-16; provide staff direction on Exhibit A, changes to BIMC Table 18.12.020-3.

SUMMARY:

At the June 11 meeting, the full Planning Commission came to consensus on changing the Bonus FAR program based on a Commission subcommittee recommendations. These changes were captured in DRAFT Ordinance 2020-16, and were discussed on June 25. During the June 25 discussion, the focus was on the Commission's ideas for reducing parking demand in downtown Winslow and existing ferry parking. Currently there is a bonus FAR provision in the Ferry Terminal District for relocating existing surface ferry parking to a garage (BiMC 18.12.030.E.7). Staff included DRAFT Ordinance No. 2020-16 and information in the July 9 Commission packet about existing parking requirements for residential and commercial development in the MUTC and HS Road zones to support the Commission's discussion of incentivizing development that improves the parking situation in downtown Winslow. On July 9, the Commission also discussed how to pursue eliminating the sale of Islander Mobile Home Park residential FAR.

On August 27, 2020, the Planning Commission discussed a memo from staff that provided analysis on the proposal to the Bonus FAR program to the Comprehensive Plan. The purpose of tonight's discussion is to formalize a recommended changes for Ordinance No. 202-16 prior to a check-in with the City Council on the Bonus FAR program on October 20, 2020 and holding a public hearing on the ordinance.

BACKGROUND: The City Council has engaged in multiple discussions regarding bonus FAR density options. The following is a chronological legislative history summary of discussions and decisions made by the Council and the Planning

Commission thus far related to Ordinance No. 2020-10, as well as related to consideration of FAR density options more generally. The summary is based on the agenda packet materials and the minutes of the meetings as below described.

At the February 4, 2020 City Council study session, Councilmembers expressed an interest in discussing whether to eliminate the option to purchase bonus FAR. The fees for FAR have been established by resolution (Resolution Nos. 2001-02 & 2006-50) and are included within the City's Fee Schedule. The fees are \$18 per square foot for residential development, \$25 per square foot for mixed use development, and \$34 per square foot for commercial development. The funds are split between public amenities (40%) and farm/agriculture (60%).

Options considered by the Council at the February 4 meeting included pursuing a suspension of the bonus FAR regulations via adoption at a future meeting of an interim control ordinance that would be effective immediately (if adopted on an emergency basis) or five days after passage and publication (if enacted on a non-emergency basis). The Council also discussed the option of seeking to otherwise consider revisions to or elimination of the FAR bonus option by referring the matter to the Planning Commission for review and recommendation, and the Council would then consider that recommendation before taking action.

At the February 11, 2020 City Council business meeting, the Council passed a motion directing the City Manager to pursue an interim zoning control related to BIMC 18.12.030.E. to suspend that section (relating to bonus FAR). A motion to direct the Planning Commission to review Chapter 18.12 BIMC relating to FAR and Chapter 18.21 BIMC relating to affordable housing was tabled. Following further discussion, the Council decided to revisit the first motion and approved a motion to reconsider that motion relating to the development of an interim control ordinance at the Council's February 25, 2020 meeting.

At the February 25, 2020 City Council meeting, the Council reconsidered the motion directing the City Manager to develop an interim control ordinance related to suspending BIMC 18.12.030.E. regarding use of bonus FAR density. That motion failed. Other motions also failed related to directing the City Manager to pursue an interim zoning control that would suspend BIMC 18.12.030.E. in different ways. However, the Council passed unanimously (6-0, with Councilmember Pollock absent) the following motion:

I move to direct the City Manager to work with the Planning Commission and any other appropriate City committees or commissions to bring back to Council as quickly as possible an ordinance that will reform the City's bonus FAR programs so as to only allow bonus FAR in relation to Affordable Housing, Historic Preservation, and Transfer of Development Rights.

At the February 27, 2020 Planning Commission meeting, City staff briefly discussed with the Planning Commission the City Council's action directing the City Manager to work with the Planning Commission to bring back to the Council as quickly as possible an ordinance to reform the City's bonus FAR programs so as to only allow bonus FAR in relation to affordable housing, historic preservation, and transfer of development rights.

At the March 3, 2020 City Council meeting, Councilmember Medina was absent and Councilmember Pollock, who was absent for the February 25 meeting, was present. Councilmember Pollock moved and Councilmember Deets seconded a motion to add a discussion regarding an interim zoning control related to BIMC 18.12.030.E. to that night's agenda under Unfinished Business. The Council approved the agenda as amended. The Council then unanimously passed a motion to

suspend the rules for the purpose of taking up this motion again after having voted on it at the last meeting on February 25. The Council then unanimously passed the following motion:

I move to direct the City Manager to prepare an interim zoning control ordinance for consideration at the Council's March 10 meeting related to BIMC 18.12.030.E. to suspend the applicability and use of that Section E., except that subsections E.1. (related to Optional Affordable Housing) and E.6. (related to Historic Structure Preservation) would not be suspended and waiving any procedural requirements that would otherwise apply to the motion that was passed.

At the March 10, 2020 City Council meeting, the Council considered the interim control ordinance that was prepared as directed by the Council at its March 3, 2020 meeting related to suspending the applicability and use of BIMC 18.12.030.E., except that subsections E.1. (related to Optional Affordable Housing) and E.6. (related to Historic Structure Preservation) would not be suspended. The ordinance was prepared as an emergency ordinance, meaning that it would be effective immediately upon passage. The ordinance also included suspension of the applicability and use of BIMC 18.27.080 and footnote three of Table 18.12.020-3 because those provisions relate directly to the provisions that were being suspended in BIMC 18.12.030.E.

As part of that March 10, 2020 Council meeting, the Council passed various motions to revise the ordinance as drafted. The first such motion was to add an additional exclusion to the interim zoning control as follows:

I move to amend Ordinance No. 2020-10, Section 2.B., to add an exclusion to the interim zoning control for development projects that filed a complete land use permit application with the City and have purchased from the City or otherwise acquired development rights, including related to bonus floor area ratio, through an executed covenant, development agreement, or contract, prior to the effective date of this ordinance.

The Council then adopted motions to remove two recital "Whereas" clauses in the draft ordinance. The Council then voted unanimously to approve Ordinance No. 2020-10 with the following motion:

I move to approve Ordinance No. 2020-10, relating to an interim zoning control to hereby suspend BIMC 18.12.030.E. and related provisions as described in the ordinance regarding floor area ratio bonus density options, except for Sections E.1. and E.6. of BIMC 18.12.030.E. as amended.

At the March 12, 2020 Planning Commission meeting, the Planning Commission ("Commission") had an item on their agenda entitled "FAR Discussion." Included as part of the materials for that agenda item was the February 27, 2020 memorandum written by Planning Director Heather Wright that is referenced above in relation to the Commission's February 27 meeting. Under the "Council Action" section of the memorandum, it states:

On February 25, 2020, the City Council approved a motion that the City Manager work with the Planning Commission and appropriate City Committees or Commissions to bring back to Council as quickly as possible an Ordinance that will reform the City's bonus FAR programs so as to only allow bonus FAR in relation to Affordable Housing, Historic Preservation and Transfer of Development Rights.

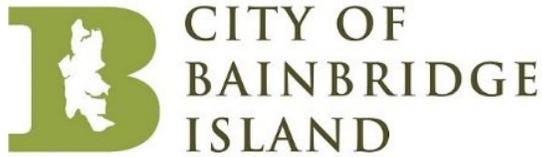
Based on the draft minutes for this Commission meeting on March 12, 2020 (attached as Attachment B below), Planning Director Heather Wright introduced the interim zoning control ordinance. Following, there was public comment, including from Councilmember Pollock. After the public comment, the Commission unanimously passed a motion that recommended changes to the interim control to the City Council.

At the April 14, 2020 City Council meeting, the Council scheduled a public hearing regarding Ordinance No. 2020-10 for April 28, 2020. The Council took action to set the public hearing pursuant to RCW 35A.63.220 and RCW 36.70A.390, which require the Council to hold a public hearing within 60 days of adoption of Ordinance No. 2020-10 (i.e., by May 10, 2020) in order to take public testimony and to consider adopting further findings of fact.

On April 28, 2020, the City Council held a public hearing on Ordinance 2020-10 and no changes to the Ordinance were made.

The Planning Commission formed a subcommittee of 3 members (Chester, Paar, Quitslund) to begin working on a revised FAR ordinance. The Planning Commission discussed Subcommittees information and recommendations on changes to bonus FAR regulations on at their May meetings and on June 11. City Staff integrated the June 11 recommendations into DRAFT Ordinance No. 2020-16. Those changes were discussed and refined by the Planning Commission on July 9, August 27 and September 10, 2020. See attached staff memo and DRAFT Ordinance No. 2020-16 for additional information.

ATTACHMENTS:



Department of Planning and Community Development

Memorandum

Date: September 24, 2020
To: Planning Commission
From: Jennifer Sutton, AICP
Senior Planner
Subject: Planning Commission Review of DRAFT Ordinance No. 202-16 Re: Bonus FAR Program

I. BACKGROUND

On March 10, 2020, the City Council approved an [interim zoning control ordinance](#) related to Floor Area Ratio ("FAR") bonus options ([Ordinance No. 2020-10](#)). The interim control became effective immediately and paused the use of bonus FAR, which increases the amount of residential, commercial, or mixed-use development that can be built for some types of projects in some instances. At their [August 25, 2020 meeting](#), the City Council will held a public hearing on Ordinance No. 2020-20 and voted to extend the Interim Zoning Control until March 10, 2021.

The FAR and Bonus FAR development provisions only apply within the Mixed Use Town Center (MUTC) and High School Road zoning districts, otherwise known as downtown Winslow or Winslow. See attached map and excerpt of [BIMC Table 18.12.020-3](#). See definitions of Floor Area and Floor Area Ratio below ([BIMC 18.12.050](#)).

F. Floor Area. Floor area is measured as the total area of all floors within the exterior vertical walls of a building. If any room has a sloping ceiling, no portion of the room measuring less than five vertical feet from the finished floor to the finished ceiling shall be included in the computation of total area.

G. Floor Area Ratio (FAR). "Floor area ratio" is a figure that expresses the total floor area as a multiple of the lot area. This figure is determined by dividing the floor area of all buildings on a lot by the lot area prior to removal of lot area for dedication. Portions of parking located underneath a building footprint are not counted in floor area ratio calculations.

The City's Bonus FAR program was created in the late 1990's as part of implementing the [Winslow Master Plan \(WMP\)](#); as described in the [WMP](#), bonus FAR incentivizes developers to provide or integrate a variety of community benefits as a way to earn bonus FAR. Each district has different FAR standards for residential, commercial, and mixed-use FAR, and in several districts, the program has a "built-in" incentive for mixed-use development by having a higher mixed-use FAR standard than straight commercial or residential development.

In addition, the Bonus FAR could be purchased from the City to support public farmland and improved amenities downtown. As a result of the interim zoning control, Bonus FAR choices were limited and can now only be obtained or used currently under the following circumstances:

- Providing affordable housing as defined in Chapter 18.36 BIMC in accordance with BIMC 18.12.030.E.1.a;
- Transferring unused FAR from the Islander Mobile Home Park to another parcel or parcels in the Mixed Use Town Center District for residential development in accordance with BIMC 18.12.030.E.1.b; or
- Preserving an historic structure located on a state, local, or federal register in accordance with BIMC 18.12.030.E.6. such that, when an historic structure is preserved, the square footage of that structure will not count toward the FAR calculation.

[Ordinance No. 2020-10](#) includes an exclusion recognizing development rights that were purchased from the City or otherwise acquired prior to the effective date of the ordinance, as well as a provision recognizing vested rights. On August 25, 2020, the City Council voted to extend the interim control March 10, 2021.

II. DRAFT Ordinance No. 2020-16

As directed by the City Council on February 25, 2020, the Planning Commission has been tasked to bring back to Council as quickly as possible an ordinance that will reform the City's bonus FAR program so as to only allow bonus FAR in relation to Affordable Housing, Historic Preservation, and Transfer of Development Rights. The Planning Commission began their discussion on [March 12, 2020](#), and it continued on [May 14 and 28, June 11, June 25, July 9, August 27, and September 10, 2020](#). The Planning Commission had formed a subcommittee that came back with recommendations on revising the Bonus FAR program on June 11. The Commission affirmed the committee's recommendations for revising the Bonus FAR program, and those recommendations were integrated into DRAFT Ordinance No. 2020-16.

DRAFT Ordinance No. 2020-16 removes all the bonus FAR provisions of BIMC 18.12.030.E except for the affordable housing provisions of Subsection E.1.a. The Planning Commission recommends relocated the FAR provisions related to preserving historic buildings to the [BIMC Chapter 18.24 Historic Preservation Program](#). By removing all of the ways of achieving bonus FAR except through the provisions of affordable housing, DRAFT Ordinance No. 2020-16 de facto eliminates all of the ways to achieve bonus FAR for commercial-only developments (except for those properties with historic buildings- see above).

This change means that there would not be a base AND bonus FAR for commercial development, only a FAR standard for commercial development. This change would be made BIMC Table 18.12.020-3- see EXHIBIT A to DRAFT Ordinance No. 2020-16. Staff has included two options for EXHIBIT A for the Planning Commission to consider. EXHIBIT A Option 1 sets the commercial FAR standard at the level of the current maximum commercial FAR. Staff recommends this Option as best supported by the Comprehensive Plan (see discussion below). EXHIBIT A Option 2 sets the commercial FAR standard at the level of the current base commercial FAR.

III. Comprehensive Plan

As mentioned above, the bonus FAR program was originally added in the late 1990's as part of implementing the [Winslow Master Plan \(WMP\)](#), which was originally approved in 1998 and substantially updated in 2006. The WMP went into the details about how Winslow could grow and change to support the broader smart growth principles of the City's [Comprehensive Plan](#). Those smart growth principles were reaffirmed in the recent Comprehensive Plan Update, including the [Land Use Vision 2036](#) and the City's growth plan, the Island-wide Conservation and Development Strategy.

ISLAND-WIDE CONSERVATION AND DEVELOPMENT STRATEGY GOAL LU-4

As part of a long-term Island-wide Conservation and Development Strategy, focus residential and commercial development in designated centers, increase a network of conservation lands, maximize public access while protecting the shoreline, minimize impacts from the SR 305 corridor and conserve the Island's ecosystems and the green and open character of its landscape.

The Island-wide Conservation and Development Strategy, Land Use Element Goals LU-5 through LU-8 and supporting policies promote housing and commerce in designated centers including downtown Winslow and describe the positive benefits of that growth pattern.

Policy LU 5.1 Winslow is the urban core of the Island while the Neighborhood Centers are smaller-scale mixed-use centers. In order to achieve the goals of the GMA this Plan:

- Encourages development in areas where public facilities and services exist or can be provided in an efficient and effective manner.
- Provides a vibrant, pedestrian-oriented core.
- Reduces sprawl.
- Provides choice of housing location and lifestyle.
- Maintains and protects environmentally sensitive and resource lands.
- Encourages the retention of open space.
- Maintains and enhances fish and wildlife habitat.

GOAL LU-6 Ensure a development pattern that is true to the Vision for Bainbridge Island by reducing the conversion of undeveloped land into sprawling development. Encourage improvement of aging or underutilized developments over development of previously undeveloped property.

Policy LU 6.1 Land use designations reflect the priority of Bainbridge Island to remain primarily residential and agricultural with nonresidential development concentrated in the designated centers.

Policy LU 6.2 Promote dense residential and commercial development and encourage human activity within Winslow, the heart of Bainbridge Island. In order to create a vibrant city center direct growth where infrastructure exists, reduce reliance on the automobile, provide opportunities for affordable housing and absorb growth that would otherwise be scattered in outlying areas. Plan for adequate parking in Winslow to accommodate residents and visitors who drive downtown for shopping, participation in local government, attendance at cultural events and centers, and to use other resources in Winslow.

GOAL LU-7 The Winslow mixed use and commercial districts are designed to strengthen the vitality of downtown Winslow as a place for people to live, shop and work. The Winslow Mixed Use Town Center (MUTC) is intended to have a strong residential component to encourage a lively community during the day and at night. The high residential density of Winslow requires the Central Core Overlay District to provide services and products that meet the needs of residents as well as visitors.
Policy

LU 7.1 The Island's major center for new commercial development is the Mixed Use Town Center (MUTC) and the other commercial districts in Winslow. Development within the MUTC and High School Road Districts shall be consistent with the Winslow Master Plan. The level of development is determined using Floor Area Ratio (FAR) rather than dwelling units per acre. The use of FAR may result in an increase in the base level of development (density) over the existing zoning, but will provide greater flexibility in type and size of housing units that will further the goals of this Plan.

The above Land Use Element policies are merely a smattering that support the City's [Comprehensive Plan](#) anti-sprawl land use strategy. Additional support can be found in the Comprehensive Plan Elements hyperlinked below.

[Introduction](#)

[Land Use Element](#)

[Economic Element](#)

[Housing Element](#)

[Transportation Element](#)

[Winslow Master Plan](#)

As mentioned above, the [Winslow Master Plan \(WMP\)](#) describes a Winslow that is a major component of the City's overall land use strategy as the Island's primary center for commerce and housing. The "bonus FAR tool" is described in the [WMP](#) as a way to achieve community benefits above and beyond what is required by the BIMC. See attached document of [WMP](#) goals, policies and information specifically related directly to the bonus FAR program. The very first page of the [WMP](#) distills these community goals (below):

WHY A MASTER PLAN FOR WINSLOW?

The Comprehensive Plan establishes the vision and overall framework for the future of Winslow. It is designated as the major area of urban concentration — the commercial, cultural and commuter hub of the Island.

Higher intensity of residential and commercial activity is recommended for Winslow to 1) encourage development where public facilities and services exist or can be efficiently expanded, 2) provide choice of housing for all economic segments of the population, 3) reduce sprawl elsewhere on the Island, 4) encourage efficient multimodal transportation, and 5) encourage economic development within Winslow.

WMP Chapter 1 Introduction & Summary

BONUS FAR Changes Reduces New Commercial Development

As seen above, the [Comprehensive Plan](#) and [WMP](#) identify and promote Winslow as the commercial center for Bainbridge Island. The Planning Commission recommendation to modify the bonus FAR provisions, DRAFT Ordinance No. 2020-16, eliminates the ability to purchase FAR from the City would limit the ability of commercial development to achieve bonus FAR to 1) projects that can integrate preserving a historic building and 2) mixed-use developments that provides affordable housing pursuant to [BIMC 18.12.030.E.1.a](#). To summarize, the changes currently contemplated by the Planning Commission de facto limit most commercial development to the base FAR levels of [BIMC Table 18.12.020-3](#).

In addition to supporting the goals and policies that put Winslow as the center of Bainbridge Island commerce and public life, the Growth Management Act requires that that comprehensive plans and zoning plan for future jobs, not just future residences. It is well known that the City's 2016 Comprehensive Plan needed to plan for or accommodate a future population of 28,660 persons. Lesser known is that comprehensive plans need to accommodate enough land with commercial development potential to accommodate future jobs. Kitsap County and its cities coordinated on the [2014 Buildable Lands Report](#) (see Chapter 5 and Appendix C for more information on commercial capacity analysis) in advance of the comprehensive plan update. Page 18 of [Introduction](#) to the Comprehensive Plan summarizes this work and is excerpted below:

The Plan has been updated based on residential and employment targets that align with [Vision 2040](#), as demonstrated through the population and employment capacity analysis in

the [Kitsap County 2014 Buildable Lands Report](#). The City's existing residential and commercial zoning accommodates those target- see tables below.

Table IN-1: City of Bainbridge Island Population Capacity and Demand	
2036 Residential Population Forecast/Target	28,660
Population Capacity Under Existing Zoning	6,814
2010-2036 Allocated Population Growth	5,635
Net 20-Year Population Capacity (+ or -)	+1,179
Population Capacity/Demand Ratio	1.21

Table IN-2: City of Bainbridge Island Employment Capacity and Demand	
Employment Capacity Under Existing Commercial Zoning	2,941 jobs
2036 Employment Growth Forecast/Target	2,808 jobs
Net 20-Year Population Capacity (+ or -)	+133 jobs
Employment Capacity/Demand Ratio	1.04

Table IN-2 shows that the City has just enough land with commercial development capacity to accommodate 2,808 future jobs. The [2014 Buildable Lands Report](#) commercial capacity analysis for the MUTC and HS road zones utilized the bonus commercial FAR standard to calculate employment growth capacity. The Growth Management Act requirement to plan for future commercial development is another reason to not reduce the availability of commercial FAR, and instead, to consider other options for bonus FAR. An option presented by staff at the August 13 planning commission meeting (EXHIBIT A Option 1) would be to make the current bonus commercial FAR as maximum FAR. Another option would be for the Planning Commission to recommend an alternative bonus FAR option, such as amenities or consideration of an increased fee for community benefits.

Affordable Housing

Increasing the amount of affordable housing and improving housing affordability generally are goals that permeate several elements of the [Comprehensive Plan](#), notably the [Land Use](#), [Housing](#) and [Economic](#) Elements. To achieve the affordable housing goals and policies in the [Comprehensive Plan](#), City Council created a short-term Affordable Housing Task Force (AHTF) in 2017 to assist the City in prioritizing a variety of affordable housing actions.

The City changed its mandatory affordable housing requirement to voluntary in 2005 ([BIMC 18.21](#)), and developers have opted not to use it, including in downtown Winslow ([BIMC 18.12.030.E.1.a](#)). Although the City has succeeded in building a high proportion of new residences in Winslow in the last 20 years, few of the units have been designated as "Affordable Housing". Despite the aspirational goals of the [Comprehensive Plan](#) and [WMP](#), the City's development code is not producing affordable units.

The City has hired firm ECONorthwest to provide economic analysis and feasibility study regarding a new Inclusionary Zoning program and adoption of a Multifamily Tax Exemption (MFTE). Council discussed these issues on [June 19](#), [October 2](#) and [December 4](#), 2018. On [February 19, 2019](#), ECONorthwest presented a final report to City Council. The final analysis indicated that the City's FAR (too low), building height (too low) and parking standards (too high) are outdated, and need to be changed in order to create an inclusionary zoning program that relies on the private market to produce affordable housing. Council has considered adoption of an MFTE and/or an inclusionary zoning program and continued to

make progress on these complex issues at their [September 17, 2019](#) and [February 4, 2020](#) meetings, however the Council has not finalized a policy direction to design an inclusionary zoning program that could be successful.

Although limiting bonus FAR to those projects that include affordable housing as required by [BIMC 18.12.030.E.1.a](#) seems a likely way to ensure that affordable housing is constructed in lieu of market rate and commercial development, it is unlikely that any private development project would utilize this section, because it hasn't been utilized for 15 years. The City's base and bonus FAR levels have not been updated since the WMP was originally implemented- more than 20 years ago.

The [February 2019 Final Report on Inclusionary Zoning](#) by ECONorthwest indicates that the current available FAR is too low, and the affordability requirement too high (requiring the entirety of any bonus FAR to be designated affordable housing) to produce any private development projects. The modeling done by ECONorthwest was utilizing a 10% affordable housing requirement. Given that building and implementing designated affordable housing is expensive, the lower the income targeted, the higher the number of market-rate units needed to support those affordable units. Add in the incredible low vacancy for rental units at this time, and for these reasons, City Planning staff suggests making the other changes to FAR, building height and parking that are described in [February 2019 Final Report on Inclusionary Zoning](#) by ECONorthwest. As described above, the [Comprehensive Plan](#) and [WMP](#) describe a Winslow where both commerce and diverse housing types are appropriate.

IV. Islander MOBILE HOME PARK RESIDENTIAL FAR

In 2004, the residents of the Islander Mobile Home Park (IMHP) succeeded in their multi-year effort to purchase their mobile home park property to prevent it from being sold and likely, redeveloped. This purchase was the result of a wide-scale community effort to raise money to preserve the IMHP to preserve this pocket of affordability in downtown Winslow. The City was an integral partner in the preservation of the IMHP. The IMHP is in the MUTC/Central Core District in the center of downtown Winslow, which allows the most intense development. Preserving the IMHP as a mobile home park with a relatively low level of development left the IMHP with more than 137,000 square feet of unused "Residential" FAR.

The City is party to a 2004 Covenant with the then newly formed IMHP Residents Association that outlines the ability of the IMHP to "sell" or "transfer" the unused residential FAR with City oversight. Most of the IMHP residential FAR has been sold and used in development throughout Winslow, however some of the IMHP residential FAR remains unsold or unused.

On July 9, the Planning Commission recommended eliminating BIMC 18.12.030.E.1.b, the IMHP bonus FAR provision, and that the City should purchase the balance of IMHP FAR. In making this recommendation, the Commission acknowledged that to do so would require legal review and budget analysis to inform a City Council decision on this task. Eliminating this provision would also require amending that 2004 Covenant in coordination with the other parties. Part of the Commission's rationale for eliminating the IMHP FAR is because the City doesn't otherwise have mandatory affordable housing provisions, such as mandatory inclusionary zoning, that the residential bonus FAR could be used to build only market-rate housing in downtown Winslow. This provision is in the Affordable Housing portion of Section E because of the affordable units MAINTAINED by preserving the IMHP.

V. NEXT STEPS & PUBLIC OUTREACH

Staff has scheduled a Planning Commission check-in with the City Council regarding the Planning Commission regarding the entire Planning Commission proposal for updating the Bonus FAR program, including the proposal to pursue eliminate the Mobile Home Park bonus FAR provisions, for October 20,

2020, prior to the Planning Commission holding a public hearing and completing their recommendation on Ordinance No. 2020-16.

City staff will collaborate with the City's Communications Coordinator to improve outreach about the proposed changes to the Bonus FAR program, to ensure that the Winslow community, including the business community, is informed about this effort prior to the Planning Commission holding a public hearing on Ordinance No. 2020-16.

ORDINANCE NO. 2020-16

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to bonus floor area ratio and amending Section 18.12.030.E of the Bainbridge Island Municipal Code.

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt interim zoning controls related to land uses; and

WHEREAS, the City Council of the City of Bainbridge Island (“City”) updated the City’s Comprehensive Plan in February of 2017; and

WHEREAS, balancing affordable housing, historic preservation, growth management, and sustainable development continues to be a local, regional, and national challenge due to many social and economic factors; and

WHEREAS, the City has encouraged affordable housing construction by adopting “bonus density” programs that allow for increases in density above the underlying zoning if the additional density creates affordable homes; and

WHEREAS, the intent of the Comprehensive Plan is to place residential density, inclusive of affordable housing, in the Winslow core area near infrastructure such as transportation hubs (e.g., ferry service, bus service, highway access), sewer, water, reliable electrical power, and retail stores; and

WHEREAS, the intent of such policies is to manage growth consistent with the Growth Management Act, reduce infrastructure costs, and follow general principles of sustainable community development; and

WHEREAS, the City Council is interested in evaluating the applicability, use, and effectiveness of the bonus density options provided for and as described in BIMC 18.12.030.E. and Table 18.12.020-3, including related to the purchase of development rights, the provision of public amenities and/or infrastructure, the provision of community open space, floor area ratio transfers related to the Mixed Use Town Center and High School Road districts, and ferry-related parking; and

WHEREAS, on February 25, 2020, the Council passed unanimously the following motion: I move to direct the City Manager to work with the Planning Commission and any other appropriate City committees or commissions to bring back to Council as quickly as possible an ordinance that will reform the City’s bonus FAR programs so as to only allow bonus FAR in relation to Affordable Housing, Historic Preservation, and Transfer of Development Rights; and

WHEREAS, on March 10, the City Council approved an interim zoning control ordinance related to Floor Area Ratio ("FAR") density bonus options (Ordinance 2020-10); and

WHEREAS, the Planning Commission discussed these policies on February 27 and March 12, and formed a subcommittee of Commissioners Chester, Paar and Quitslund to work on this topic; and

WHEREAS, the subcommittee brought back their recommendations to the full Planning Commission for discussion on May 14 and 28, met again, and brought back revised recommendations for the June 11, 2020 Commission meeting and the full Planning Commission came to consensus on a set of amendments to bonus FAR regulations; and

WHEREAS, the Planning Commission and City Council held a joint meeting on June 22, 2020 to discuss the bonus FAR regulations and how they are interrelated with other land use issues such as improving affordable housing and transfer of development rights programs; and

WHEREAS, the Planning Commission discussed Ordinance 2020-16 on June 25 and July 9, 2020 and made additional recommendations on revising BIMC 18.12.030.E; and

WHEREAS, the Planning Commission recommends retaining and revising Subsection E.1.a and eliminating all other provisions related to obtaining Bonus FAR; and

WHEREAS, the Planning Commission recommends that Subsection E.2, related to obtaining Bonus FAR through the City's Transfer of Development Rights (TDR) program, be deleted at this time and reconsidered at a later date as part of updating the TDR program; and

WHEREAS, the Planning Commission recommends moving Subsection E.6 Historic Structure provisions to BIMC 18.24 Historic Preservation and to BIMC 18.12.050; and

WHEREAS, the Planning Commission recommends that the City pursue eliminating the Bonus FAR provisions related to the Islander Mobile Home Park and selling its unused residential FAR, if legally and economically feasible; and

WHEREAS, the Planning Commission continued discussion of, Ordinance No. 2020-16 revising the Bonus FAR Program on September 10 and 24, 2020; and

WHEREAS, after holding and closing a public hearing on XXXX, 2020, the Commission recommended of approval of Ordinance 2020-16 to the City Council; and

WHEREAS, notice was given on XXXX, 2020, to the Office of Community Development at the Washington State Department of Commerce in conformance with RCW 36.70A.106; and

WHEREAS, the City Council considered Ordinance 2020-16 at its meeting on XXXX, 2020; and

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

Section 1. Table 18.12.020-3 of the Bainbridge Island Municipal Code is hereby amended as shown in Exhibit A.

Section 2. Section 18.12.030.E of the Bainbridge Island Municipal Code is hereby amended to read as follows:

BIMC 18.12.030

E. Bonus Density to incentivize affordable housing in Winslow Mixed Use and High School Road Districts. Eligible properties that include affordable housing may increase FAR ~~achieve a maximum level of development~~ above the base FAR, as provided for in Table 18.12.020-3, ~~by using one, or a combination of, the following FAR bonus provisions. The FAR bonus provisions may be combined to achieve the maximum level of development established for each district. In no case shall the total commercial, residential or mixed use FAR exceed the maximum FAR as provided for in Table 18.12.020-3.~~

~~1. Optional Affordable Housing.~~

~~FAR Bonus.~~ Up to 100 percent of the maximum residential FAR bonus must ~~may~~ come from providing affordable housing as defined in Chapter 18.36 BIMC; provided, that the difference between the base residential FAR and the maximum residential FAR shall be dedicated to affordable housing. A portion of the total floor area that is of common use and benefit to the entire residential development (for example, interior halls, stairwells, laundry rooms, exercise rooms) may be included in the calculation of the affordable housing component. This portion shall be the same percentage as the affordable housing provided. For example, if 20 percent of the living unit floor area is for affordable housing, then 20 percent of the common floor area may be included in the total affordable housing calculation. Development of the optional affordable housing shall be in accordance with Chapter 18.21 BIMC and Table 18.12.030.

Table 18.12.030: Optional Affordable Housing Bonus Summary Table

Size of Development	Residential development less than 10,000 sq. ft.	Residential development of 10,000 sq. ft. but less than 60,000 sq. ft.	Residential development more than 60,000 sq. ft.
Affordable Housing FAR Bonus	Must provide 100 percent of bonus square footage for extremely low, very low, or moderate income groups.	Must comply with following ratios: (a) 100 percent of bonus for all moderate; OR (b) 0.2 of bonus for extremely low, very low, or low income groups; 0.5 of bonus for moderate income group; and 0.3 of bonus for middle income group.	Must comply with following ratios: 0.1 of bonus for extremely low, very low or low income groups; 0.6 of bonus for moderate income group; and 0.3 of bonus for middle income group.

~~b. Preservation of the Islander Mobile Home Park. Preservation of the Islander Mobile Home Park as an existing park site for manufactured homes shall be encouraged through the following provisions:~~

~~i. Unused FAR from the parcel on which the mobile home park is located may be transferred to another parcel or parcels within the Mixed Use Town Center. For example, the base FAR for the mobile home park would be calculated, less the FAR of the mobile homes. In exchange for permanently preserving the mobile home park, the owner of the property may transfer the unused FAR to another parcel or parcels in the Mixed Use Town Center, where it may be used as bonus FAR above the base FAR for that district.~~

ii. Permanent preservation of the mobile home park may be used as an affordable housing bonus on another parcel or parcels within the Mixed Use Town Center. For example, in exchange for preserving the mobile home park, the owner of the property would be deemed to have met the affordable housing bonus provisions of subsection A.1 of this section, and could achieve the maximum FAR bonus for residential development on another parcel or parcels in the Mixed Use Town Center. The owner of the mobile home park may either apply the FAR bonus to another parcel(s) he or she owns, or transfer or sell the bonus to another property owner in the Mixed Use Town Center.

2. Purchase of Development Rights. Up to 100 percent of the maximum residential, commercial or mixed-use FAR bonus may come from the purchase of development rights as provided for in Chapter 18.27 BIMC. The cost of development rights shall be established by resolution of the city council.

3. Public Amenities and/or Infrastructure. At the applicant's option, a portion of the bonus may be earned through the provision of public amenities, infrastructure, and/or preservation of a heritage tree(s) on site, pursuant to an adopted city council resolution clarifying the amount of credit awarded for different provision of different public amenities and/or infrastructure, as follows:

a. Up to 40 percent of the maximum residential, commercial or mixed-use FAR bonus may come from monetary contributions toward public amenities and/or infrastructure beyond that required for SEPA mitigation. The amount of the contribution shall be established by resolution of the city council. Funds contributed to the public amenities and/or infrastructure shall be used exclusively in the Mixed Use Town Center or High School Road districts, for projects identified in the six-year capital facilities program, or approved by the city.

b. In lieu of the contribution of funds as provided for in subsection E.3.a of this section, and subject to approval by the director or designee, the public amenities FAR bonus may be achieved by the preservation of a heritage tree(s) on site, construction of public amenities and/or infrastructure beyond that required to mitigate the impacts of development. Public amenities and/or infrastructure projects shall be located in the Mixed Use Town Center or High School Road districts, and shall be chosen from projects identified in the six-year capital facilities program, or approved by the city.

~~4. Community Open Space. In the ferry terminal district, up to 60 percent of the maximum residential, commercial or mixed use FAR bonus may be achieved by providing community open space of one acre, or 20 percent of the parcel area, whichever is greater. The community open space shall be located in or in the immediate vicinity of locations identified in Figure 4.1 of the Winslow master plan. The open space must be located on the same parcel that is being developed, and must be on land that would be otherwise buildable. Adequate public access to the community open space must be provided. The city shall consider approving the bonus, taking into consideration the configuration, public use and accessibility of the proposed open space. In cases where a development project utilizes the community open space bonus provision in conjunction with the purchase of development rights bonus provision, all funds collected from the purchase of development rights shall go toward the preservation of agricultural lands fund.~~

~~5. Winslow Town Center Mixed Use/High School Road FAR Transfers. Up to 20 percent of the maximum residential, commercial or mixed use FAR bonus may come from transfers of FAR from parcels within the Mixed Use Town Center and the High School Road districts. The transfer shall create permanent open space through open space preservation covenants on sending parcels that contain critical areas as defined in Chapter 16.20 BIMC. For example, development potential in the ravine of the gateway district may be shifted to the upland area; provided, that the requirements of Chapter 16.20 BIMC are satisfied.~~

~~6. Historic Structure Preservation. When an historic structure is preserved on site, the FAR of that historic structure shall not be included in the calculation of total FAR for the site. The historic structure must be included on a state, local or federal register.~~

~~7. Ferry Related Parking. In the ferry terminal district, an additional 0.2 FAR may be achieved by relocating existing legal surface ferry commuter parking on site (as shown on Figure 6.2 of the Winslow master plan) to under building or below grade parking. The percentage of the additional FAR that is achieved shall be dependent upon the percentage of parking that is relocated. For example, if 50 percent of existing surface ferry commuter parking on site is relocated under building or below grade, then 50 percent of the total additional FAR (or 0.1 FAR) may be achieved.~~

Section 3. Section 18.12.050 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

G. Floor Area Ratio (FAR). “Floor area ratio” is a figure that expresses the total floor area as a multiple of the lot area. This figure is determined by dividing the floor area of all buildings on a lot by the lot area prior to removal of lot area for dedication. Portions of parking located underneath a building footprint are not counted in floor area ratio calculations. When an historic structure is preserved on site, the FAR of that historic structure shall not be included in the calculation of total FAR for the site. The historic structure must be included on a state, local or federal register.

Section 4. Section 18.24.010 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

C. Zoning Code Relief. Designated local register properties may be authorized for a use not otherwise permitted in a certain zone. The planning director may approve said use through an administrative conditional use (BIMC [2.16.050](#)). The planning director may also waive or modify development standards such as: setbacks, open space, lot coverage, landscape buffers and parking requirements. When an historic structure is preserved on site, the FAR of that historic structure shall not be included in the calculation of total FAR for the site. The historic structure must be included on a state, local or federal register.

Section 5. Section 18.27.040 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

18.27.040 Receiving areas for development rights.

~~A. Winslow Mixed Use Town Center and High School Road Districts. Developments in the Mixed Use Town Center (MUTC) and the High School Road districts are eligible for increases in floor area ratio as provided for in BIMC [18.12.030.E.1](#).~~

~~B. NC Districts. The neighborhood centers (NC) are eligible for increased density through the purchase or transfer of development rights in accordance with BIMC [18.12.030.D.1](#) and D.3, as amended.~~

~~C. R-8 Districts. The urban single family overlay district (R-8SF) is eligible for increased density through the purchase or transfer of development rights for specified lots in the R-2.9, R-3.5, and R-4.3 zone districts.~~

Section 6. Section 18.27.080 of the Bainbridge Island Municipal Code is hereby repealed as follows:

~~18.27.080 Use of development rights in Mixed Use and High School Road districts.~~

~~A. In order to use development rights to increase floor area ratio within the Mixed Use Town Center or High School Road districts as provided in BIMC 18.12.030.E, an applicant must out an application in a form approved by the city. The application shall include the amount of the requested increase in floor area ratio, and the fee, if any, of the increased floor area ratio. The fee for development rights to increase floor area ratio shall be established by resolution of the city council.~~

~~B. The approved application to utilize development rights to increase floor area ratio within the receiving area must be part of a site plan and design review application under BIMC Title 2. The site plan must indicate the increase in floor area ratio (FAR).~~

~~C. The use of development rights shall be reviewed for conformance with atthe design review provisions of BIMC 18.18.030.~~

Section 7. This ordinance shall take effect and be in force five (5) days from its passage and publication as required by law.

PASSED BY THE CITY COUNCIL this _____ day of _____, 2020.

APPROVED BY THE MAYOR this _____ day of _____, 2020.

Leslie Schneider, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, City Clerk

FILED WITH THE CITY CLERK: XXX, 2020
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NUMBER: 2020-16

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]	
DIMENSIONAL STANDARD						
Basic Maximum						
Commercial and Other Nonresidential Uses	<u>0.6</u> 1.0	<u>0.4</u> 0.6	<u>0.3</u> 0.6	<u>0.15</u> 0.3	<u>0.1</u> 0.2	<u>0.3</u> 0.6
Residential	0.4	0.4	0.3	0.5	0.4	0.3
Mixed Use [2]	1.0	0.5	0.5	0.5	0.5	0.3
Maximum with Bonus	Bonus densities require compliance with BIMC 18.12.030.E					
Commercial and Other Nonresidential Uses	1.0	0.6	0.6	0.3	0.2	0.6
Residential	1.0	0.6	0.6	1.0	1.1	0.6
Mixed Use [2]	1.5	1.0	1.0	1.0	1.3 (1.5 pursuant to note [3])	1.0

[1] If the existing FAR for a developed property as of May 21, 1998, is higher than the base FAR for that district, then the existing FAR will be considered the base FAR for that developed property. Total FAR may not be exceeded.

[2] In mixed use development, the established FAR in the residential and commercial components shall not be exceeded. For the residential FAR bonus provisions for qualifying housing design demonstration project, refer to the bonus density provisions in BIMC [2.16.020.S.8](#).

~~[3] In mixed use development in the ferry terminal district, an additional 0.2 FAR is permitted in accordance with BIMC [18.12.030.E.7](#). The additional FAR may be applied to either the residential or commercial component of the mixed use development.~~

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]	
DIMENSIONAL STANDARD						
Basic Maximum						
Commercial and Other Nonresidential Uses	0.6	0.4	0.3	0.15	0.1	0.3
Residential	0.4	0.4	0.3	0.5	0.4	0.3
Mixed Use [2]	1.0	0.5	0.5	0.5	0.5	0.3
Maximum with Bonus	Bonus densities require compliance with BIMC 18.12.030.E					
Commercial and Other Nonresidential Uses	1.0	0.6	0.6	0.3	0.2	0.6
Residential	1.0	0.6	0.6	1.0	1.1	0.6
Mixed Use [2]	1.5	1.0	1.0 <u>.9</u>	1.0	1.3 (1.5 pursuant to note [3]) <u>1.2</u>	1.0 <u>.9</u>

[1] If the existing FAR for a developed property as of May 21, 1998, is higher than the base FAR for that district, then the existing FAR will be considered the base FAR for that developed property. Total FAR may not be exceeded.

[2] In mixed use development, the established FAR in the residential and commercial components shall not be exceeded. For the residential FAR bonus provisions for qualifying housing design demonstration project, refer to the bonus density provisions in BIMC [2.16.020.S.8](#).

~~[3] In mixed use development in the ferry terminal district, an additional 0.2 FAR is permitted in accordance with BIMC [18.12.030.E.7](#). The additional FAR may be applied to either the residential or commercial component of the mixed use development.~~

WMP CHAPTER 2 LAND USE

Overall Land Use Goal WMP 2-1

Strengthen Winslow—the Island’s commercial, cultural and commuter hub—as a sustainable, affordable, diverse, livable and economically vital community, by:

- Encouraging downtown living;
- Providing an enhanced pedestrian experience, with linked access to retail shopping, the ferry, major public facilities, open space and residential areas, and promoting and retaining visual access to Eagle Harbor;
- Promoting the efficient use of land;
- Encouraging the retention and expansion of retail that serves the needs of community members and visitors;
- Providing opportunities for business expansion and private reinvestment;
- Promoting development that is sustainable and supports community values; and
- Developing strategies that result in the creation of less expensive housing and retail space, thereby increasing diversity while minimizing dependence on the automobile.

Goal WMP 2-3: Maintain and Enhance Community Character in the Mixed-Use Town Center and High School Road Districts

Policy WMP 2-3.1: Promote architecture that encourages green building, natural light, ventilation and rooftop gardens.

Policy WMP 2-3.2: Through the use of design guidelines, development standards and incentives, promote the development of courtyards that create a pattern of linked public and private gardens and gathering places, providing opportunities for pedestrian movement.

Policy WMP 2-3.3: Through the use of design guidelines, development standards and incentives encourage stepped-back buildings that result in a softer street edge, the retention and enhancement of visual connections to Eagle Harbor and the creation and preservation of sun-filled public gathering spaces.

Policy WMP 2-3.4: Preserve, protect, adapt and restore sites, buildings and trees of historic significance.

Policy WMP 2-3.5: Retain and expand the historic pattern of narrow pedestrian passages.

Policy WMP 2-3.6: Enhance the livability of the downtown with trees and small gardens on the streets, along paths and in courtyards.

Policy WMP 2-3.7: Collaborate with the Arts and Humanities Council and downtown organizations to solicit sponsors for public art in the downtown.

Policy WMP 2-3.8: Enhance the experience of Winslow as a waterfront town that is connected to Eagle Harbor by activity, trails, views, lanes and design features:

- Utilize FAR levels, development standards and incentives to encourage development and redevelopment along Bjune Drive.
- Actively work to acquire land, easements and permits needed to extend the Waterfront Trail and develop a ravine trail.
- Develop new facilities for visitors, residents and the community, including public road ends, beaches, concessions, docks, marinas and mooring.
- Plan for a future water taxi connection between the Winslow and Egleddale waterfronts.
- Improve water quality through restoration projects, management practices and environmentally responsible building techniques.
- Retain views of the harbor from public lands and streets.

Goal WMP 2-4: Sustain and Enhance the Economic Vitality of the Mixed-Use Town Center and High School Road Districts

Policy WMP 2-4.1: Establish policies, programs and development standards that facilitate business expansion and private reinvestment.

Policy WMP 2-4.2: To stimulate investment in the downtown, create an organizational and funding structure that encourages partnerships and participation by the property owners, developers, businesses and island residents.

Policy WMP 2-4.3: Develop an organizational structure in city government as needed to implement the long-term vision for Winslow.

Policy WMP 2-4.4: Integrate sustainable solutions that address economic, social and ecological concerns into land use planning and building processes.

Goal WMP 2-5: Determine density and intensity of development in the Mixed-Use Town Center and High School Road Districts through the Floor Area Ratio (FAR) method.

Discussion: Floor area ratio refers to a figure that expresses the total allowable floor area in relation to the total lot area. This figure is determined by dividing the floor area of all buildings on a lot by the lot area. For example, if a lot is 25,000 square feet and the FAR is 1.0, then the total square footage allowed would be: $25,000 \times 1 = 25,000$ sq. ft. A development of 1 FAR could have up to 25,000 sq. ft. of development that could be commercial or residential.

Although density is frequently defined by dwelling units per acre in suburban communities that are comprised of single-use districts, it is less useful in areas where a mixture of uses is desired. Using FARs provides flexibility to design a project to address a particular site. The use of FAR allows the market to determine the number and size of units and the mix in the type of development. (Conventional density limits can discourage affordability since smaller, less expensive units count the same as larger, more expensive ones.)

It is possible to relate FAR to a range of achievable units per acre, as follows:

0.4 FAR would produce 8-20 units per acre

0.8 FAR would produce 16-40 units per acre

1.5 FAR would produce 24-60 units per acre

The unit range results from the variety of unit sizes that can occur.

Parking requirements also influence the number of units that a site could accommodate. The form of parking also affects the extent to which a development actually reaches the densities suggested by each range. Surface parking coupled with larger average unit sizes would tend to produce the lower end of the range, while structured parking coupled with smaller average unit sizes would allow the higher end to be possible.

FAR allows uses to be weighted according to the characteristics of a particular district. For example, one district might allow an FAR of 0.4 for commercial and 0.4 for residential, while another might allow 0.4 for commercial and 0.8 for residential. Each development would be a unique blend of uses and unit sizes.

Policy WMP 2-5.1: Establish base floor area ratio levels for commercial, residential and mixed-use development (FAR) for each of the five overlay districts in the MUTC and the High School Road Districts, in coordination with a study of the necessary infrastructure, particularly transportation.

Policy WMP 2-5.2: Establish maximum FAR levels of development beyond the base for each of the districts through the use of bonus FAR provisions. The bonus FAR provisions are a means of advancing specific Comprehensive Plan policies and community values. Bonus FAR may be achieved by:

- Preserving open space, agricultural land and critical areas, through participation in a Transfer of Development Rights (TDR) program or contribution to a land preservation effort;
- Providing public open space that is visibly accessible to the public, with adequate access from a public corridor.
- Contributing toward or providing public amenities (above and beyond what is required to mitigate the impacts of the project itself) that serve the community and enhance the livability and vitality of Winslow. Public amenities may include, but are not limited to, pedestrian connections; on-site places for public gathering; streetscape improvements; public art; and other public benefits as determined by the City;

- Preserving exceptional and/or legacy trees or trees within designated greenways.
- Preserving historic structures;
- Providing affordable housing;
- Utilizing green building and low impact development techniques;
- Creation of permanent open space on parcels that contain critical areas, by transferring development potential from the critical areas to another parcel within the Mixed-Use Town Center or High School Road Districts; and
- Relocating existing surface commuter parking to underbuilding (Ferry Terminal District only).

Priorities among the bonus FAR provisions may be established in the zoning code through the level of bonus that can be achieved through each of the provisions, and by phasing implementation of the provisions.

Policy WMP 2-5.3: The bonus FAR provisions may be changed based on future conditions without amending the Master Plan, as long those changes continue to meet the goals of the Comprehensive Plan and Winslow Master Plan, and provided that changes are made in coordination with a study of the necessary infrastructure, particularly transportation.

Policies for Specific Districts

Specific land use policies in the MUTC and High School Road Districts are as follows:

Central Core Overlay District

Policy WMP 2-6.1: Establish FARs and development standards that support mixed-use development at a level that encourages downtown living with a variety of housing sizes and types, provides commercial and retail services that meet the needs of the community, and enhances the vitality of the downtown.

Policy WMP 2-6.2: Encourage the retention and development of ground floor retail on Winslow Way, Madison Avenue, Bjune Drive and other appropriate areas, and establish the implementing FAR levels and development regulations.

Policy WMP 2-6.3: Increase the vitality of the civic plaza — currently comprised of the Farmers’ Market, BPA and City Hall — by developing better circulation and enhanced pedestrian amenities, providing opportunities for future civic and cultural buildings; and encouraging a greater variety of activities.

Policy WMP 2-6.4: Design Winslow Way as the community’s “living room”— the stage for community gatherings and a gallery to showcase art and gardens. The central section of Winslow Way should function as a civic plaza, with artistic gathering spaces and unique design features.

Ericksen Overlay District

Policy WMP 2-7.1: Establish FARs and development standards that provide for a mix of residential and small-scale commercial development, while preserving the unique and historical features of the Ericksen Avenue neighborhood.

Madison Overlay District

Policy WMP 2-8.1: Establish FARs and development standards that provide for a mix of residential and small-scale commercial development, with retail located on the ground floor.

Gateway Overlay

Policy WMP 2-9.1: Establish FARs and development standards that provide for commercial, multifamily, and tourist-oriented uses while ensuring protection of the natural character of the Ravine.

Policy WMP 2-9.2: Development within the district should include provisions for pedestrian access to adjoining parcels and neighborhoods, and as part of the pedestrian link to the ferry terminal and waterfront.

Policy WMP 2-9.3: Implement policies to restore and protect the habitat, forest and water resources of the Ravine and provide for non-motorized public access.

Ferry Terminal Overlay District

Discussion: The Ferry Terminal Overlay District — currently dominated by parking — could undergo significant change as it transforms from surface parking lots for commuters to a new pedestrian and transit oriented, mixed-use neighborhood. Although the Core District is designated for the most intense development in the Mixed Use Town Center, new development in the Ferry Terminal District should complement the character and vitality of the Core District. Higher density housing is appropriate for this area because of its proximity to the ferry and downtown and because it is a prime view location. Parking for both commuters and new development may be integrated within (or under) housing or in adjacent garages.

Policy WMP 2-10.1: Establish FARs and development standards that provide for a pedestrian/transit oriented, mixed-use neighborhood with higher density residential development, commercial development, and some retail, while protecting the adjacent residential neighborhoods.

Policy WMP 2-10.2: Enhance the district's status as the "gateway" to Winslow by maximizing opportunities for visual and physical access to the shoreline while protecting, reclaiming and sustaining high quality, native shoreline vegetation. Civic and public uses should be provided along the waterfront.

Policy WMP 2-10.3: The area south of Winslow Way is intended to redevelop as a transit and pedestrian friendly mixed-use neighborhood, with small blocks served by a network of streets, alleys, public open space and pedestrian walkways.

Policy WMP 2-10.4: Allow additional parking spaces in structured parking in the Ferry Terminal District for use by non-commuter ferry passengers in off-peak hours (e.g., after 9:00 a.m.), when constructed in conjunction with placement of an equivalent amount of existing surface ferry parking in structure.

Policy WMP 2-10.5: Any redevelopment of the ferry terminal and/or related transit services should maximize public open space and minimize the development footprint, and should provide shoreline views, a public plaza and a pedestrian accessible waterfront.

Discussion: The transit center should address multimodal users and should integrate access to the public plaza and shoreline. “Stacking” of vehicle holding, transit and terminal activities is preferred.

Policy WMP 2-10.6: Commuter parking located in the Ferry Terminal Overlay District shall be limited in number and/or area to achieve the following objectives:

- Protect the character of the district from being further dominated by parking;
- Encourage the redevelopment of the district;
- Limit traffic impacts; and
- Encourage transit, non-motorized, and other travel methods as alternatives to low-occupancy vehicles.

Policy WMP 2-10.7: North of Winslow Way, the City shall protect adjacent residential neighborhoods from adverse impacts associated with development by establishing transition standards, such as landscaped buffers, lower height limits, small-scale buildings and other appropriate measures.

High School Road I and High School Road II

Policy WMP 2-11.1: Establish FARs and development standards that provide for a variety of commercial uses that complement downtown Winslow and benefit from automobile access near the highway, while creating a pedestrian-friendly retail area. In High School Road II, retail uses shall be limited to 14,400 sq. ft. (See Land Use Element Policy W 5.3.)

WMP CHAPTER 3 HOUSING

Goal WMP 3-1: Promote and facilitate the provision of diverse and affordable housing choices in a manner that encourages socio-economic diversity.

Policy WMP 3-1.1: Through FAR levels, development standards and incentives, encourage a variety of housing sizes and types that meet the needs of a broad range of households, including smaller units suitable for small families, single individuals and senior citizens.

Policy WMP 3-1.2: The bonus FAR program established for the Mixed Use Town Center and High School Road districts may include a provision that allows bonus FAR to be achieved in exchange for providing for-rental and for-purchase income-qualified housing.

WMP CHAPTER 4 OPEN SPACE AND TRAILS

Goal WMP 4-1: Incorporate open space and green spaces throughout Winslow by:

- enhancing existing parks and developing new parks;
- providing street trees, small gardens and other landscaping that provides visual relief and enhances the character;
- providing a series of green spaces, plazas and corridors that connect the community, define character and protect resources; and
- celebrating and connecting the town to the Harbor and the Ravine.

WMP 4-1.1: Development standards, design guidelines, and incentives should be provided to encourage retention or development of open space, public gathering spaces and parks.

WMP CHAPTER 6 TRANSPORTATION

Goal WMP 6-13: Commuter parking within the Ferry Terminal Overlay District shall be limited and planned to ensure consistency with a new mixed-use neighborhood in the District and limit traffic impacts within the District, Winslow, SR-305, and Island-wide.

Policy WMP 6-13.1: Commuter parking located in the Ferry Terminal Overlay District shall be limited to achieve the following objectives:

- Protect the character of the district from being further dominated by parking;
- Encourage the redevelopment of the district;
- Limit traffic impacts within the Ferry Terminal Overlay District, Winslow, and Island-wide; and

- Encourage transit, non-motorized, and other travel methods as alternatives to low-occupancy vehicles.

Policy WMP 6-13.2: The City should develop an overall parking management strategy that balances the parking needs of downtown residents and visitors, long-term and short-term ferry commuters, and commercial uses. The parking management strategy should include:

- Promoting the availability and use of park & ride lots and transit to reduce the number of vehicle trips and associated parking demand in the downtown.
- Improving parking enforcement.
- Offering incentives for providing parking for non-commuter ferry passengers in off-peak hours (e.g., after 9:00 a.m.).
- Encouraging the owners of existing parking lots to redevelop their properties in a coordinated manner to ensure enhanced pedestrian safety and efficient traffic flow.
- Developing strategies and innovative financing techniques to promote the construction of commuter parking structures by a private entity or public/partnership, in conjunction with mixed-use projects.
- Creating a mechanism to hold funds generated in the Ferry Terminal Overlay District from any future paid parking revenues, including but not limited to a fee-in-lieu program and/or meter revenue.

Planning Commission Recommendations on FAR Bonus Density Provisions in the Bainbridge Island Municipal Code

In response to the City Council's request for Planning Commission evaluation of existing FAR bonus density provisions in the Bainbridge Island Municipal Code, the Planning Commission makes the following recommendations for immediate revisions to those code provisions.

1. We recommend reducing reliance on Bonus FAR and limiting the use of this incentive to projects that will achieve specific community benefits. The amounts of Base and Bonus FAR currently allowed in the several MUTC and HSR zoning districts should be studied and revised where appropriate. A project that is well suited to its zoning overlay context, and that meets our design guidelines and standards, should be feasible within the limits set by Base FAR allowances.
2. Within limits yet to be determined, Bonus FAR should be allocated in order to achieve, within the project itself, specific community benefits that would otherwise not be feasible. We recommend using Bonus FAR solely for the purpose of providing affordable housing for income-qualified tenants, in conjunction with moderately priced market-rate housing.
3. Re: BIMC 18.12.030.E, all but one of the current provisions for Bonus Density (i.e., Bonus FAR) in this subsection should be discontinued.
4. Re: 030.E.1.a (Optional Affordable Housing FAR Bonus) and Table 18.12.030, these provisions, revised, may become part of BIMC 18.21 (Affordable Housing) when that chapter is revised; provisions in BIMC 18.12 and 18.21 will complement one another.
5. Re: 030.E.1.b (Preservation of the Islander Mobile Home Park), we recommend that any remaining units of value held by the owner(s) of the mobile home park be purchased by COBI and transferred to a "development bank" account, to be used in a T D R program.
6. Re: 030.E.2 (Purchase of Development Rights), noting that current provisions in BIMC 18.27 have seen very little use, we support instituting an effective T D R program, which may be pertinent to development in some parts of the Winslow Study Area.
7. Re: 030.E.3.a & .b (Public Amenities and/or Infrastructure), we recommend discontinuing a policy that awards Bonus FAR for meeting a requirement.
8. Re: 030.E.4 (Community Open Space in the ferry terminal district), we recommend, again, discontinuing a policy that awards Bonus FAR for meeting a requirement.
9. Re: 030.E.5 (FAR Transfers), we don't believe that any "development potential" in parcels that contain critical areas should be converted into Bonus FAR.
10. Re: 030.E.6 (Historic Structure Preservation), we recommend that when a historic structure is preserved and incorporated in redevelopment of the site, that structure's floor area shall not be included in the project's FAR calculation.
11. Re: 030.E.7 (Under-building Parking in the Ferry Terminal District), we recommend eliminating this use of Bonus FAR.
12. After revision, in BIMC 18.12 and its Table of FAR-Based Dimensional Standards, the allowances for Base and Bonus FAR should not be regarded as permanent, or as conferring a right to develop to the limit. They should be reviewed periodically and revised in the light of experience, as circumstances in the community and the built environment change.
13. Next steps in the implementation of these recommendations remain to be determined. Further work can be done in the Planning Commission on the basis of policy guidance from the City Council. An Ad Hoc Committee or a Task Force might be formed. A consultant might contribute expertise that is not available within our community.



CITY OF
BAINBRIDGE ISLAND

Planning Commission Special Meeting Agenda Bill

MEETING DATE: September 24, 2020

ESTIMATED TIME: 45 Minutes

AGENDA ITEM: (7:05 PM) - Self-service Storage Facilities Discussion & Draft Code Changes

AGENDA CATEGORY: Discussion

PROPOSED BY: Jennifer Sutton

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

PREVIOUS COUCIL REVIEW DATE(S): November 26, 2019 (Moratorium Enacted)
April 28, May 12 (Moratorium Extended for 6-months), June 16, and September 8, 2020

RECOMMENDED MOTION:

Consider draft Code Changes and confirm with staff whether the next Planning Commission meeting should be a study session or public hearing.

SUMMARY:

Update on research regarding self-service storage facilities capacity, vacancy, tenant use, existing amount of square footage per person, amount of jobs created, potential environmental impacts, and a sharing of regulations from surrounding communities on the west sound, pursuant to our adopted Work Plan. On September 8, 2020, The City council directed staff to begin work on an ordinance to prohibit self-service storage facilities and discussed the possibility of allowing expansion for existing facilities.

The self-service storage moratorium is set to expire on November 26, 2020. Staff is aiming to bring draft regulations to the Planning Commission in late September or early October and return to the Council at the end of October and early November to adopt an ordinance prohibiting this use prior to the moratorium expiring.

Draft Code Changes are included in the materials for tonight's discussion. These changes will be integrated into a DRAFT ordinance for the next Planning Commission Discussion.

BACKGROUND: On November 26, 2019 the City Council imposed a temporary six-month moratorium on the acceptance of building permit or land use permit applications for new self-service storage facilities in the Business/Industrial (B/I) and Neighborhood Service Center (NSC) zoning districts. The moratorium does not apply to permits required for upkeep, repair, or maintenance of existing self-service storage structures or to building permits and other land use approvals related to self-service storage facilities that received land use approval for such a facility prior to the effective date of this moratorium and for which self-service storage facilities exist currently on the subject property,

and for which any new structures are included within what was approved for the site prior to the effective date of the moratorium. The moratorium is in effect until November 26, 2020, unless terminated or renewed by the City Council.

The Council adopted a work plan with Ordinance No. 2020-12, and on June 16, 2020, the Council directed staff to move forward with gathering information for the self-service storage facilities moratorium workplan. Staff compiled information on existing self-service storage facilities on Bainbridge Island (Attachment 1) as well as research regulations of other local jurisdictions (Attachment 2) regarding self-service storage. The Council also requested that staff look at the environmental impacts of self-service storage and the existing self-service storage square footage and how much that equates to square footage per person. The information provided in Attachments 1, 2 and maps of development potential in the Business/Industrial and Neighborhood Center zones is included in the materials for tonight's meeting. Also included is a comment from the owner of the Reliable Storage facility.

ATTACHMENTS:



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

MEMORANDUM

Date: September 24, 2020
To: City Council
From: Jennifer Sutton, Senior Planner
Heather Wright, Director of Planning and Community Development
Subject: Self-service storage moratorium research and prohibition

I. BACKGROUND

On May 12, 2020, the City Council passed a six-month extension of the self-service storage development moratorium with an adopted work plan (see Ord 2020-20, Exhibit A). As part of the public hearing on the extension Ordinance, the City Council raised questions about the proposed work plan. Specifically, the Council proposed that Staff proceed with an Ordinance that prohibits self-service storage as a permitted use. On June 9, 2020, Staff returned to Council for further direction, and Council requested that Staff continue with their research on the following items:

- Self-service storage capacity and demand;
- Vacancy rate of existing facilities;
- Existing self-service storage square footage and how much that equates to square footage per person.
- Number of jobs that self-service storage facilities directly generate;
- Environmental impacts of self-service storage;
- Regulations of other local jurisdictions regarding self-service storage

On September 8, 2020 staff presented the research on described below to the City Council. The City Council completed their discussion with a motion to direct staff to develop an ordinance to prohibit new self-storage facilities- this use is currently permitted in the Business/Industrial (B/I) District and conditional in the Neighborhood Center (NC) zone. See attached DRAFT Code Changes for the September 24, 2020 Planning Commission discussion.

II. RESULTS AND ANALYSIS

CAPACITY: The City has 8 self service storage facilities on the Island with a total square footage of **298,289 square feet**. Four of the facilities are located in the B/I district, three are in the NC district and 1 is located in R-2 zone. The City is aware that Storage 98110 will be submitting a building permit for an expansion for 42,300 square feet (Site Plan and Design review phase completed) and 1 facility proposed at 67,000 square feet that is currently subject to this moratorium, both in the B/I district.

VACANCY RATE: Staff queried the eight existing self-service storage facilities. Many of the owners affirmed anecdotal reports that vacancy rates are generally low, ranging from 0-15%, and fluctuate based on circumstance. See Attachment 1.

SELF-STORAGE TENANTS: Local businesses and non-profits utilize self-storage facilities to store equipment, supplies or inventory that does not fit within the primary business. Each self-storage facility that responded indicated that businesses make up a portion of their tenants, ranging between 5-30%. See Attachment 1.

EXISTING SELF-SERVICE STORAGE SQUARE FOOTAGE/PER PERSON: With a total of 298,289 square feet of existing self-service storage, approximately 236,842 square feet (Attachment 1) are used for residential purposes. With an estimated population of 25,510 (based on the recent estimate from the Washington State Office of Financial Management), the average amount of self-storage used by residents (not business) square footage per person is 9 square feet. According to an article from the U.S. Self-Service Storage Industry Statistics, dated March 7, 2020, the average amount of rentable self-service storage space per person in the United States is 5.4 square feet per person (Self-Storage Almanac, 2019). Additionally, according to the same article, the percentage of U.S. households that rent a self-storage unit is 9.4%.

JOBS: Based on the information collected (Attachment 1), Staff finds that of the existing self-service storage facilities, 13.5 jobs are provided. The total square footage of these facilities is estimated to be 298,289 sq. ft. This equates to 1 job per 22,095 square feet of storage facilities. In other words, each facility supports approximately 1-2 jobs.

POTENTIAL FOR NEW SELF STORAGE UNDER EXISTING CODE: The B/I and NC districts each have a maximum lot coverage of 35%. City GIS staff have mapped the existing lot coverage for properties in these two zones, and staff have estimated where new or expanded self-storage (additional lot coverage) could take place. See attached maps. Examining the existing development in these zones, the potential for additional self-storage under the current provisions is:

B/I District: The B/I area on the Day Road East and on the north side of Day Road West has potential to site future self-storage.

The B/I area on the north side of New Brooklyn Road has potential to site future self-storage.

NC District: In the Rolling Bay NC area, only one property on the NW side of the Sunrise Drive/Valley Road intersection has potential to site future self-storage.

The Island Center NC area does not have future new self-storage potential at this time because of existing development and critical area buffers. The North Pacific Mini Storage property has some room for expansion- the current lot coverage is less than 28%.

The Lynwood Center NC area has two areas with potential to site future self-storage: south of Pleasant Beach Village on the east side of Lynwood Center Road, and the property at the NW side of the Point White Drive/Lynwood Center Road, although this second area seems less likely.

ENVIRONMENTAL IMPACTS: Staff's research on the environmental impacts of self-service storage resulted in various options for reducing operational impacts and utilizing innovative construction methods. Below is a summary of some options available to reduce the impact of these facilities that could become conditions of approval if incorporated into an ordinance;

- Mandate paperless operations for all transactions;
- Require the sell of recycled boxes, packaging materials, etc.
- Require solar panels, retrofitting of lighting (LED, motion activated), and use of energy efficient HVAC systems (heating and cooling).

Some facilities are not climate controlled, thus potentially having less of an environmental impact when compared to other buildings that are. A potential environmental impact of prohibiting new self-storage may be that residents and business Bainbridge Island are that tenants may drive off Island to store goods if not current facilities do not have vacancy.

SURROUNDING JURISDICTIONS REGULATIONS: Staff researched 8 surrounding jurisdictions including; Poulsbo, Port Orchard, Gig Harbor, Sequim, Bremerton, and Kitsap and Jefferson Counties. Staff found some consistent themes and varying use specific standards. Attachment 2 provides the full research, and key findings are summarized below.

- Each jurisdiction allowed the use as permitted or conditional or a combination. None of the jurisdictions prohibited the use.
- Each jurisdiction had a size limitation, and most regulated by lot coverage and also regulated by stormwater and buffering or landscaping requirements.
- Each jurisdiction had buffer and/or landscaping requirements and some required fencing.
- Three of the jurisdictions required the use to either 1) serve the immediate population, 2) to be used for excess personal use (i.e. not allowed for commercial) and 3) to provide a demand analysis.
- For some, mitigation was required when abutting residential uses (hours and buffering).

For comparison, Bainbridge Island regulates the use in the following ways:

- The City allows self-service storage as a permitted use in the B/I district and conditional use in the NC district.
- The City's current Code regulates the use by other standards such as lot coverage, setbacks and landscape buffers.
- Unlike the other jurisdictions, the City does not require a demand analysis or limit who stores within a facility nor that the environmental impacts are reduced in some of the ways mentioned.

III. NEXT STEPS

The City Council completed their discussion with a motion to direct staff to develop an ordinance to prohibit new self-storage facilities. See attached DRAFT Code Changes for the September 24, 2020 Planning Commission discussion. In addition to striking out self-storage facilities from these zones, the DRAFT Code Changes includes language to allow future expansion of existing facilities. If self-service storage is prohibited on the Island, then the existing uses will become nonconforming. Pursuant to BIMC 18.30.020, a nonconforming use may be continued, provided that:

- 1) the use is not enlarged, increased, or extended to occupy a greater area of land or structure than was occupied on the date of adoption of this code;
- 2) the use is not moved in whole or in part to any other portion of the lot or parcel; and
- 3) if the use ceases for a period of more than 180 days, the subsequent use of the land shall be conforming

In addition to striking out self-storage facilities from these zones, the DRAFT Code Changes attached includes language to allow future expansion of existing facilities.

The Planning Commission should discuss the DRAFT Code Changes and suggest any modifications to staff. The code changes will then be integrated into an ordinance. The Planning Commission could have a study session on the ordinance at the October 8 meeting, followed by a public hearing on October 22. The current moratorium on self-storage facilities expires on November 26, 2020.

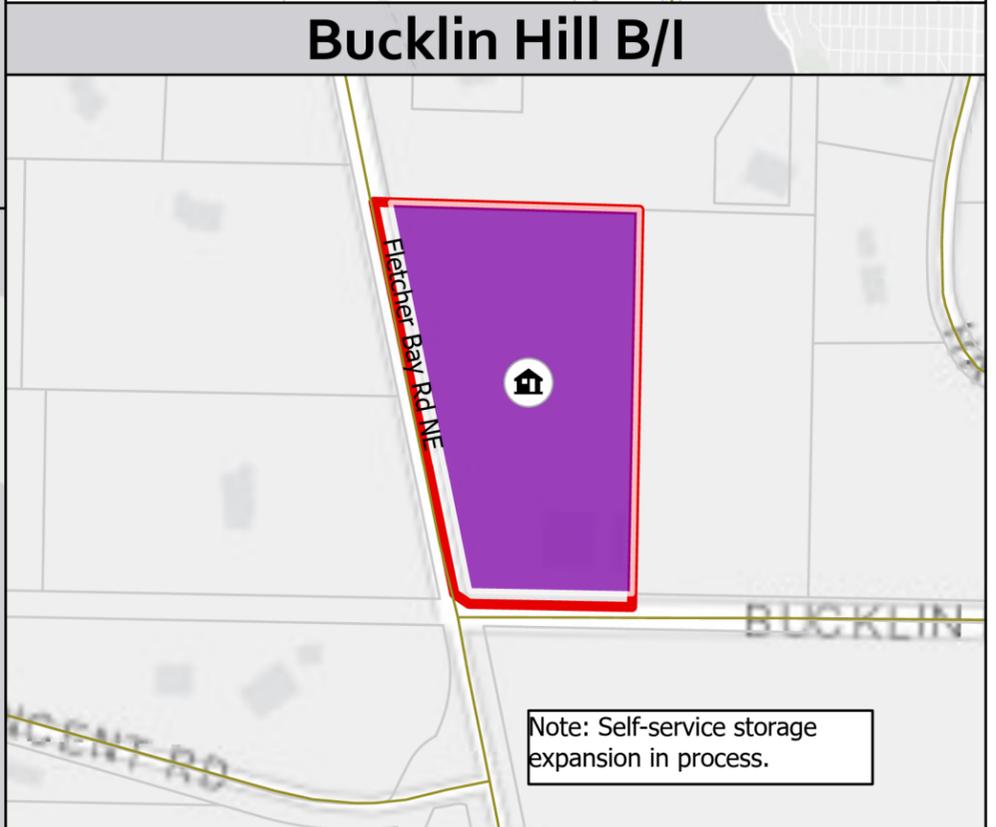
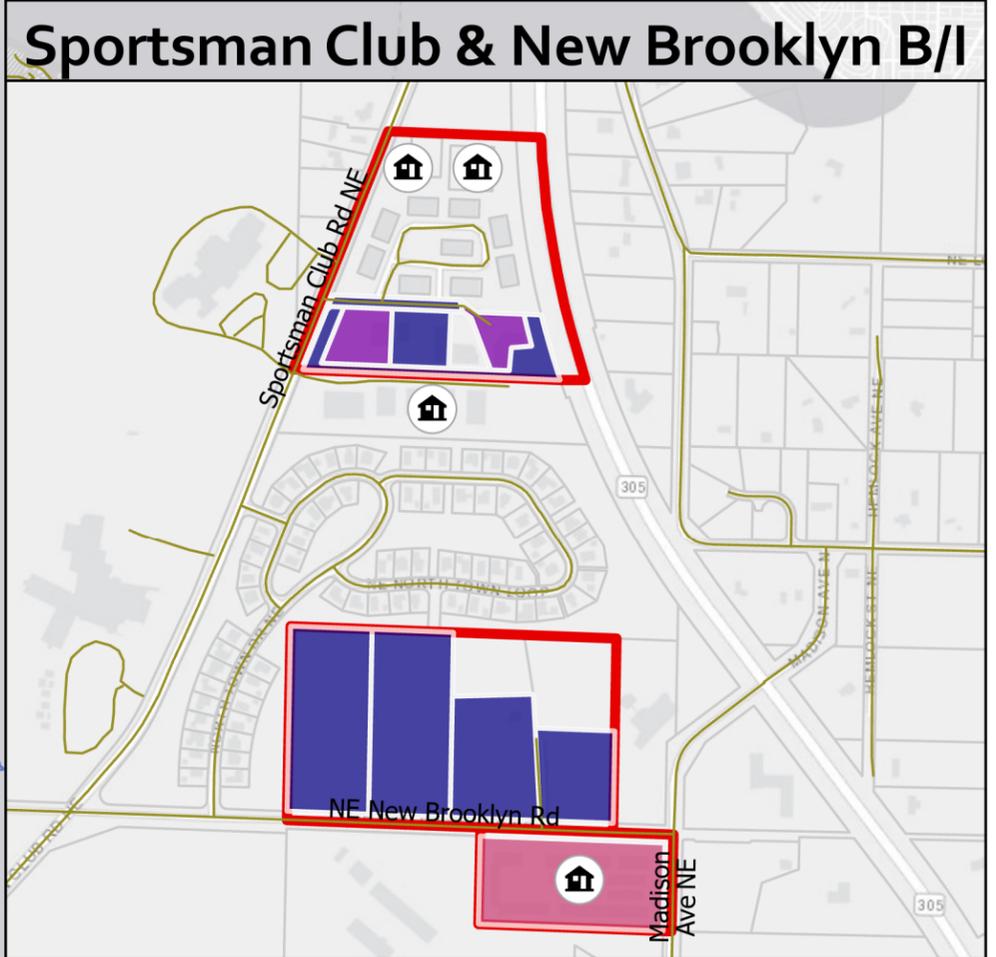
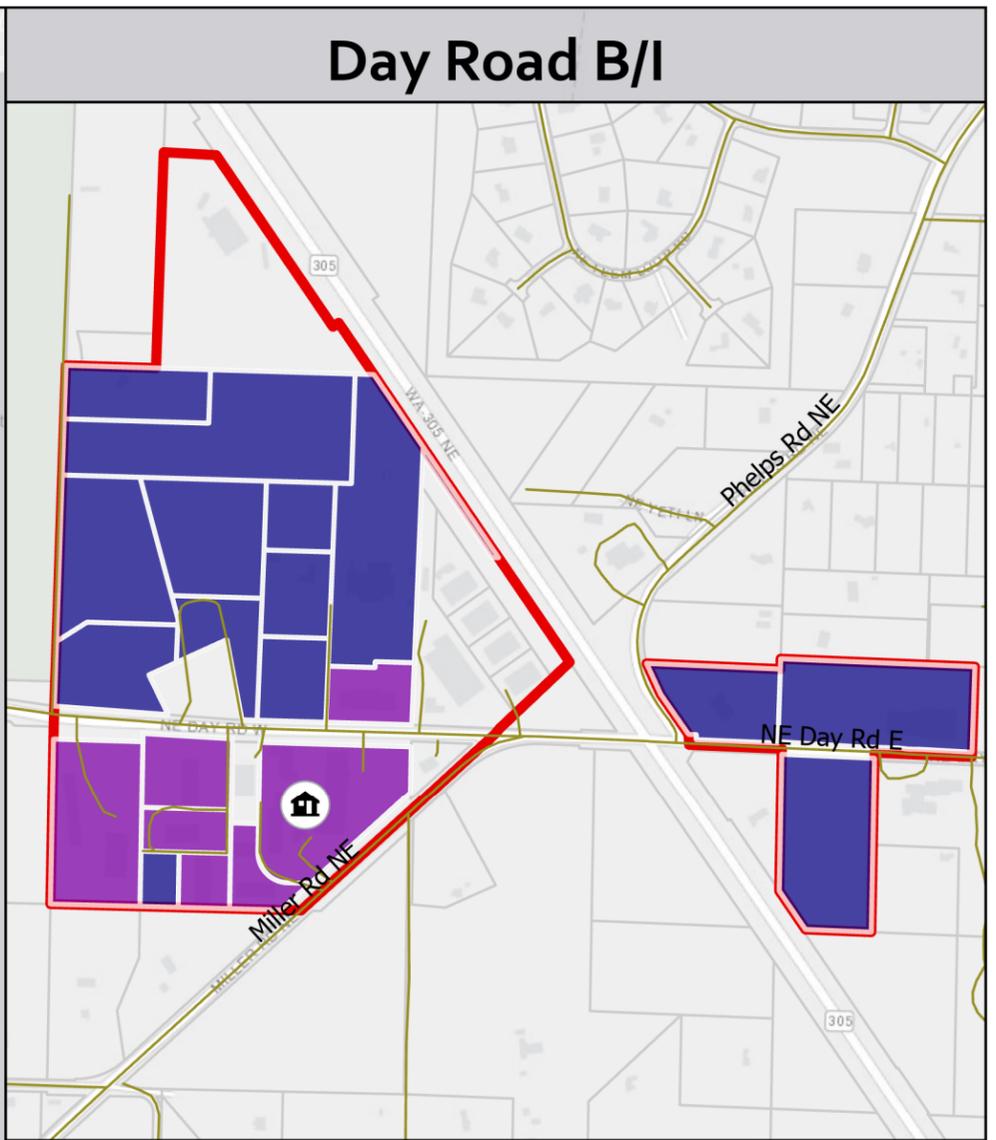
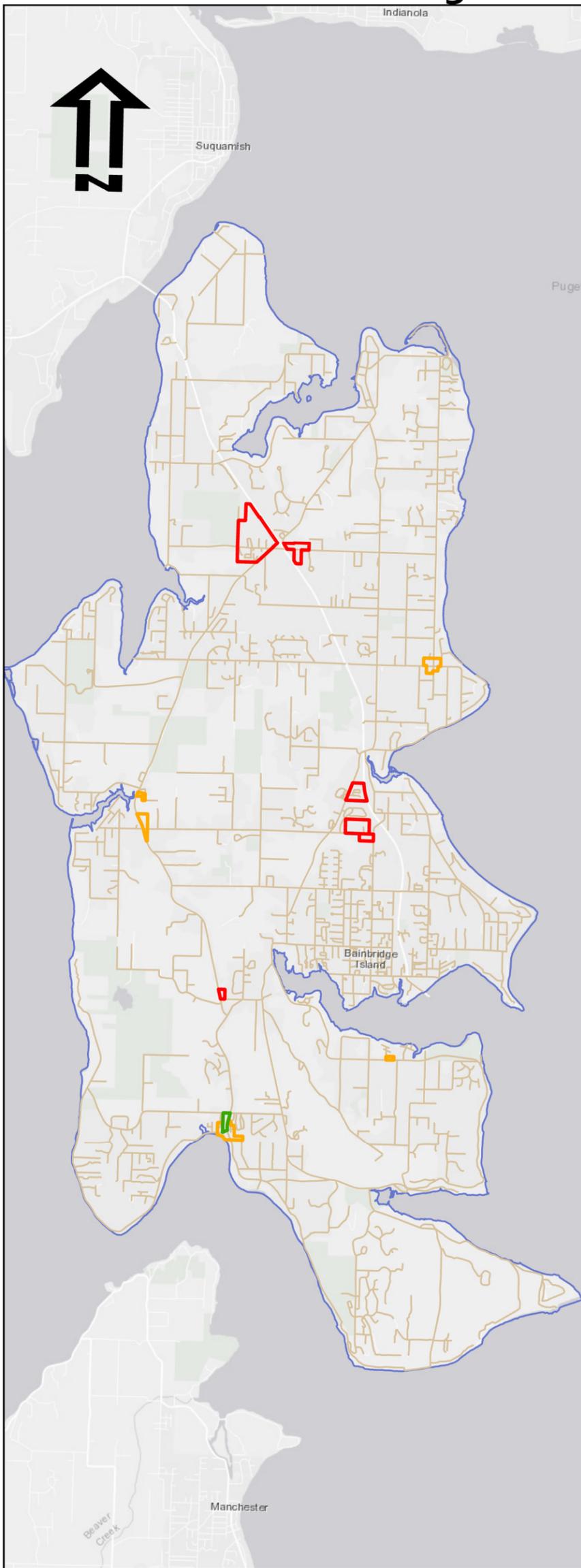
Name	Address	Zone	Tenants	Vacancy Rate	Jobs Supported by Facility	Year Built	Size (sq. ft.)
Island Center Self Storage	8820 Miller Road	NC	80 % Residential 20% Commercial	5%	0.5 FTE	1972 (estimate)	Total: 22,007 Res: 17,605 Com: 4,402
Bainbridge North Storage	12715 Miller Road	B/I	70% Residential 30% Commercial	3% for each property; Waiting list-yes	2-3 FTE	1969 - 1976	Total: 37,282 Res: 26,097 Com: 11,185
Bainbridge Self Storage	9300 Sportsman Club Road	R-2	70% Residential 30% Commercial	3% for each property; Waiting list-yes	2-3 FTE	1999	Total: 73,500 Res: 51,450 Com: 22,050
Coppertop Park Self Storage	9440 Sportsman Club Road	B/I	90% Residential 10% Commercial	Ranges 4-22% Seasonally (Summer/Winter)	1 FTE	2017	Total: 42,000 Res: 37,800 Com: 4,200
Reliable Storage	9551 New Brooklyn Road	B/I	85% Residential 15% Commercial	Ranges 3-15% Seasonally	3 FTE	1977 - 1990	Total: 87,000 Res: 73,950 Com: 13,050
Storage 98110	6544 Fletcher Bay Road / 7480 Bucklin Hill Road	B/I	90% Residential 10% Commercial	0% vacancy Waiting list-yes	2 FTE	2018	Total: 14,700 Res: 13,230 Com: 1,470
Rolling Bay Storage	10255 NE Valley Road	NC	55% Residential 45% Commercial	10 – 15%	1 FTE		10,000 Res: 5,500 Com: 4,500
North Pacific Mini Storage	8926 Miller Road	NC	95% Residential 5% Commercial	Less than 2% on an annual basis.	1 FTE	1982	11,800 Res: 11,210 Com: 590
					TOTAL SELF-STORAGE (ESTIMATE)		298,289 sq. ft. Res: 236,842 sq. ft. Com: 61,447

Attachment 2: Self-Storage/ Mini Storage Regulations in West Sound Jurisdictions

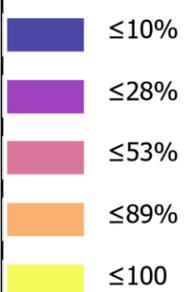
	Zones Allowing Self-Storage (P or C)	Maximum Building Footprint	Perimeter Buffers/Landscaping	Other Special Requirements/Conditions
Kitsap County	C: Urban Residential zones & most Commercial Zones P: Industrial, Rural Employment Center, Keyport Rural Village	Max. Lot Coverage by Zone; same standards as underlying zone	Buffer	Rural Commercial/Industrial zone: must demonstrate how the storage would serve the immediate population.
Jefferson County	P: Most Rural Commercial Zones; Light Industrial/ Commercial & Light Industrial/ Manufacturing	Between 5,000 - 20,000 sq. ft. by zone	Buffer	Must be on an Arterial or Collector Road Design modifications of structures may be required when necessary to assure compatibility with adjoining residential district Use of the facility shall be limited to the storage of excess personal property. (not business storage)
Poulsbo	P: Viking Ave & College Marketplace Commercial C: Residential High	50% Max. Lot Coverage	Setback landscaping (RH) Commercial landscaping standards	Building & design requirements for commercial zones Business office pedestrian entrance on the street. Site obscuring fence around storage required when adjacent to residential fence
Bremerton	P: Freeway Corridor; Industrial (FC, I) C: General Commercial	Limited By other Standards (FC) 50% Max. Lot Coverage	Buffers (FC) Commercial Landscaping Standards	Doors for the storage units may not face the public right-of-way Mini-storage facilities located adjacent to a residential zone shall not operate or allow tenant access between the hours of 10:00 p.m. and 7:00 a.m.

	Zones Allowing Self-Storage (P or C)	Maximum Building Footprint	Perimeter Buffers/Landscaping	Other Special Requirements/Conditions
Port Orchard	C: Commercial Mixed Use, Commercial Corridor, Commercial Heavy & Industrial Flex Must also be Within Self-Storage Overlay District	70-80 % Max. Hard Surface Coverage	Commercial Landscaping Standards	The proposed self-service storage use will provide self-storage units that are necessary to meet the needs of Port Orchard's population, as demonstrated by a demand analysis and report provided by the applicant. The self-storage facility shall be at least two stories in height.
Gig Harbor	P:Planned Community Development (Commercial) C: Residential & Business, General Business, Commercial, and Employment Districts	6,000-65,000 sq. ft. max gross floor area; Max Hard Surface Limits	Commercial Landscaping Standards	NA
Sequim	Permitted in some zones with a site plan and design review, and allowed as a special use with approval from the city council in other zones	As determined to meet stormwater management (Chapter 13.104 SMC) and landscape requirements (Chapter 18.22 SMC and SMC 18.24.130)	Yes	Where possible, offices, retail storefronts, and other appropriate mixed uses associated with mini-storage and self service storage facilities should be established adjacent to developed street frontages. Security fencing must not be located within 20 feet of the primary street frontage. Security fencing should be located behind street-fronting buildings. When located adjacent to residential districts, hours of operation should not extend beyond 10:00 p.m. nor occur prior to 7:00 a.m.

Self-Storage Potential in B/I Zoned Areas



Pct of Lot Developed

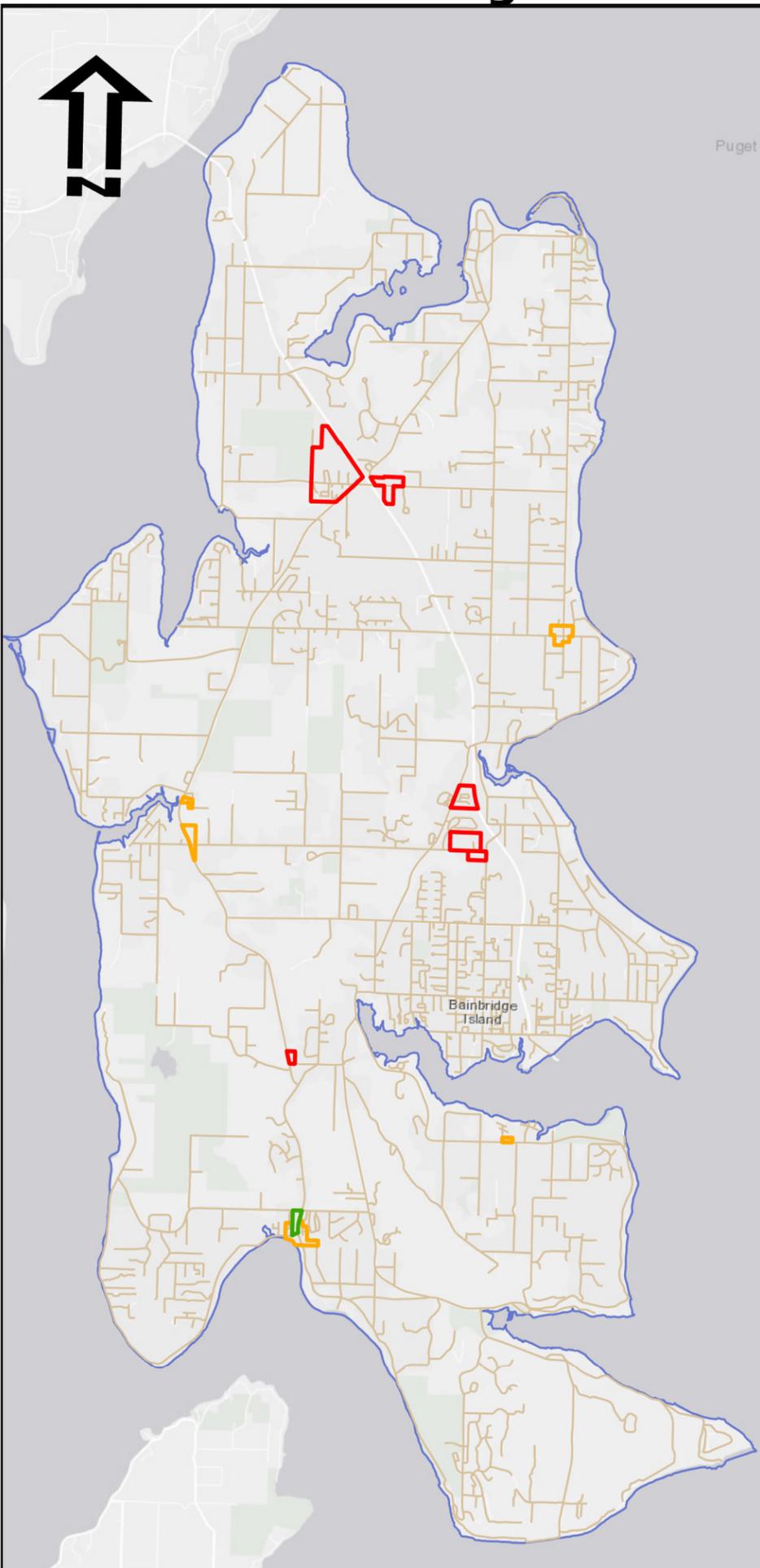


Zoning

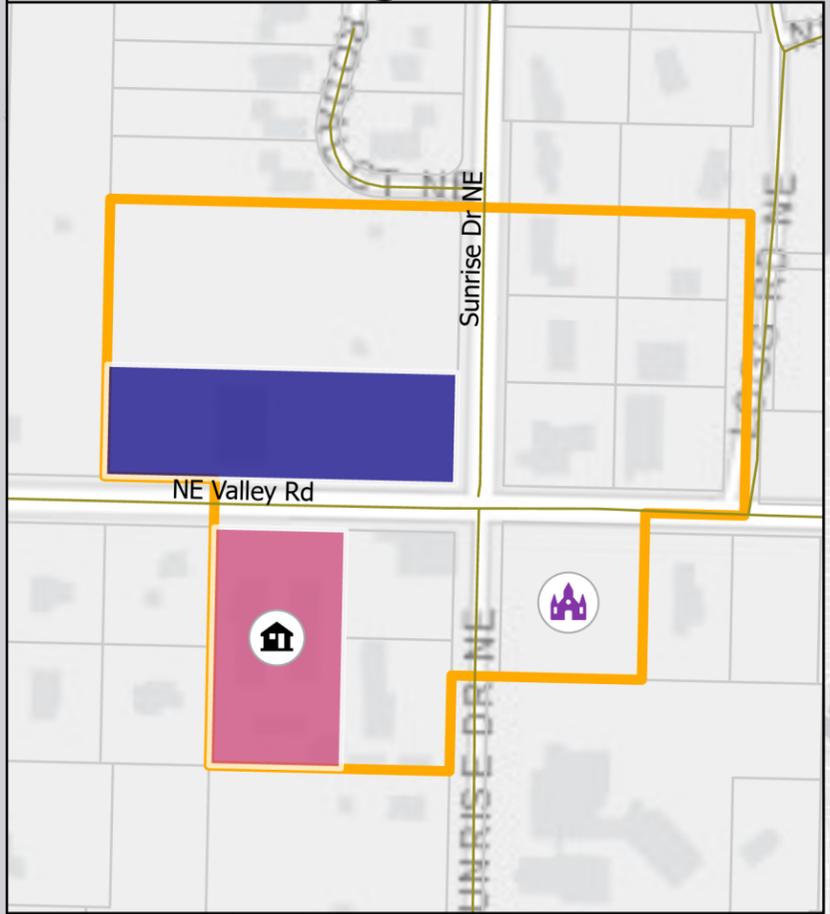


Note: Max Lot coverage in B/I Zone is 35%

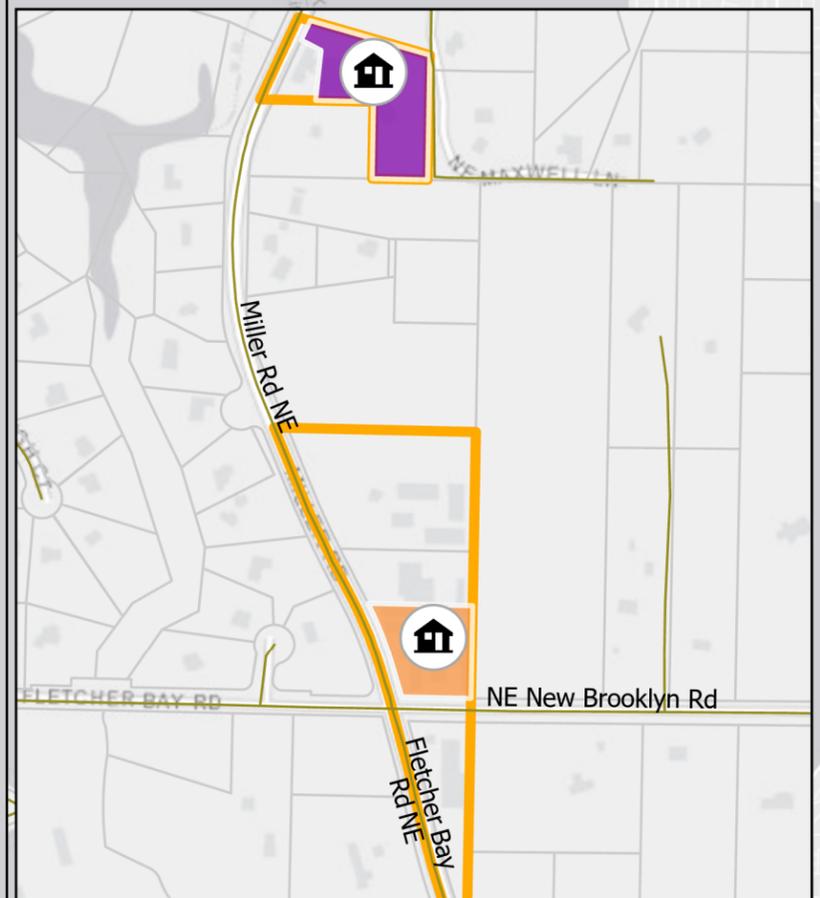
Self-Storage Potential in NC Zoned Areas



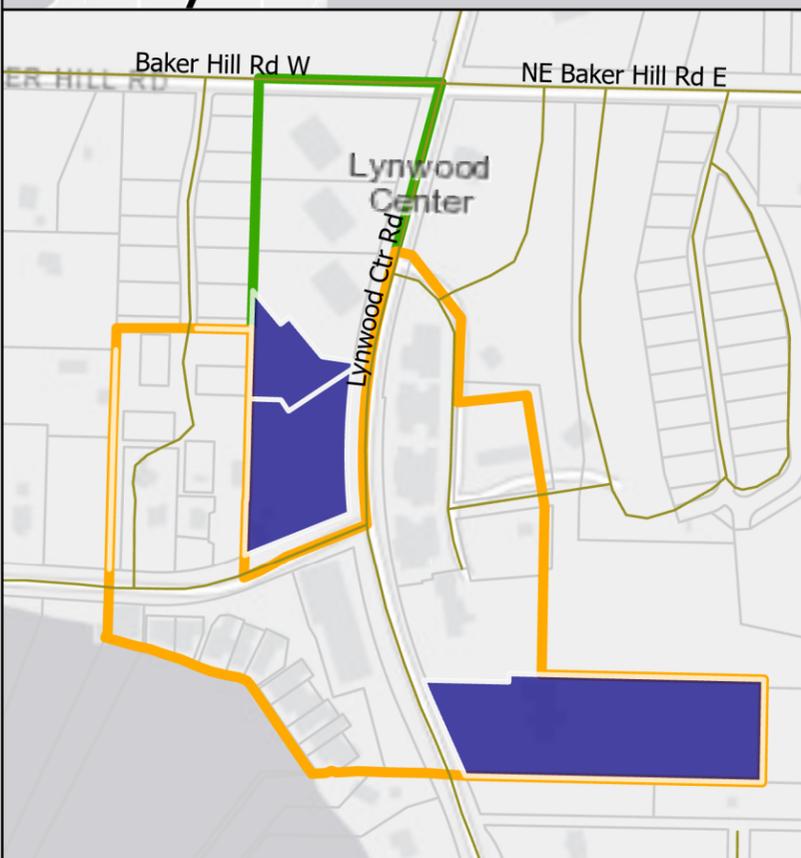
Rolling Bay NC



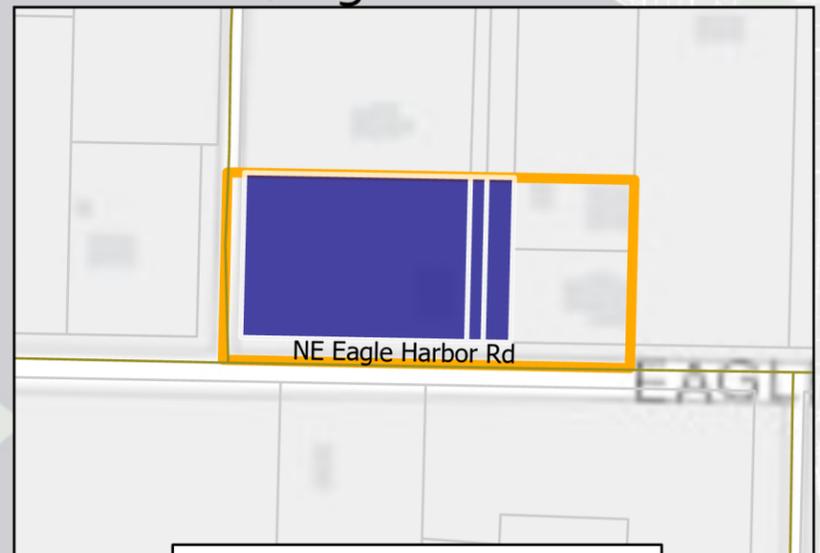
Island Center NC



Lynwood Center NC



Eagledale NC



Pct of Lot Developed

- | | |
|---------|-----------|
| ■ ≤10% | ■ Zoning |
| ■ ≤28% | ■ B/I |
| ■ ≤53% | ■ NC |
| ■ ≤89% | ■ NC-R-12 |
| ■ ≤100% | |

Note: Max. lot coverage in NC Zone is 35%



Jennifer Sutton

From: Ellen Fairleigh
Sent: Monday, September 14, 2020 10:50 AM
To: Jennifer Sutton
Subject: FW: Self-service storage information

Hi Jennifer,

I just received this email response- see below in red- from the owner of Reliable Storage. Not sure if you still will find it useful- but I'm passing it along just in case.

Thanks,

Ellen

From: Ellen Fairleigh
Sent: Monday, September 14, 2020 10:45 AM
To: Andrew Sherrard <andrew@reliablestorage.com>
Subject: RE: Self-service storage information

Andrew,

Thank you for providing this information. I will pass it on to the project lead. I am so sorry to hear about the loss of your father. My deepest sympathies to you and your family.

Take care.

Best,

Ellen

From: Andrew Sherrard <andrew@reliablestorage.com>
Sent: Monday, September 14, 2020 10:37 AM
To: Ellen Fairleigh <efairleigh@bainbridgewa.gov>
Subject: Re: Self-service storage information

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Ellen-

Apologies for being slow on the response. My father passed away 2 weeks ago after a long battle with dementia and I lost track of this request. My thoughts below. Take care-

Andrew
Get [Outlook for iOS](#)

From: Ellen Fairleigh <efairleigh@bainbridgewa.gov>

Sent: Monday, August 17, 2020 8:49 AM

To: Andrew Sherrard

Subject: RE: Self-service storage information

Hi Andrew,

Thank you for contacting me. I can call you at around 11:30am today to discuss the context of the questions.

I am flexible on the time, and can call later as well if your schedule changes.

Thank you,

Ellen



ELLEN FAIRLEIGH

City Planner

www.bainbridgewa.gov

[facebook.com/citybainbridgeisland/](https://www.facebook.com/citybainbridgeisland/)

206.780.3767 (office) 206.780.0955 (fax)

Due to the City's COVID-19 response, the Planning and Community Development Department (PCD) has modified its operations. Please see the PCD webpage (<https://www.bainbridgewa.gov/154/Planning-Community-Development>) for current information.

From: Andrew Sherrard <andrew@reliablestorage.com>

Sent: Sunday, August 16, 2020 4:38 PM

To: Ellen Fairleigh <efairleigh@bainbridgewa.gov>

Cc: Andrew Sherrard <andrew@reliablestorage.com>

Subject: Fwd: Self-service storage information

CAUTION: This email originated from outside the City of Bainbridge Island organization. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Ellen-

Thanks for your note, our operations manager, Jim Helfrick, passed it on to me. Could we chat tomorrow so I could get a bit more context for your questions? I am available from 11-3 p.m. tomorrow. Let me know if you have 10-15 minutes in that window when we could talk.

Thanks much-

Andrew Sherrard

Partner, Reliable Storage

(425) 442-2885 (mobile)

From: Ellen Fairleigh <efairleigh@bainbridgewa.gov>
Sent: Friday, August 14, 2020 2:29 PM
To: Jim Helfrick <jim@reliablestorage.com>
Subject: Self-service storage information

Hello,

I called your facility at 9551 New Brooklyn Rd. on Friday afternoon and am following up with this email. The City Council is currently considering self-service storage regulations. To help inform their decisions, we are contacting the self-service storage facilities on the island to gain a better understanding of the capacity and demand for current facilities. If you are willing, could you please provide the following information on your facility:

The facility itself has 87,000 square feet of rentable space.

I listened to the Council's last discussion on this topic and wanted to raise a few relevant points. We have no more room for additional buildings on our site as we have built it out. The demand on the island is strong and consistent. From my occasional surveys, most of the storage facilities on Bainbridge remain at similar occupancy levels as our site. Additionally, I believe the other sites on the island are in a similar situation, so it would be difficult to add any storage to the island on the existing footprint.

I think having flexibility of use and allowing storage as a permitted use in industrial zones is prudent. It allows the most flexibility to meet future demand and population growth. The alternative is for Bainbridge residents and businesses to drive off of the island to get these needs met which will have a negative impact on the environment with increased trips. Most of our customers visit their storage units 1-3 times per month, so it's a fairly frequent trip.

1. Use- What percentage of your facility is used by small business as opposed to individual users?

We have about 85% - 90% individual/residential customers and 10% - 15% business/organizational customers, but it varies month to month. We also donate space to a number of non-profits on the island and have been strong supporters of the Rotary Auction and Food Bank over the years.

2. Vacancy rate/waiting list: What is your vacancy rate and do you have a waiting list? Are these rates consistent throughout the year or seasonal?

Since the beginning of 2017 our occupancy has averaged 90%. Over that period our monthly occupancy has been between 85% and 97% occupied. Our occupancy is seasonal and tends to peak in the spring and decline in the fall. We have waiting lists for different size units and/or parking during some months of the year.

3. How many jobs are provided by the facility?

We have 2 managers who live at the facility and work on alternate weeks. We also have a 3 support staff who help keep the facility running and ready for customers who support this site along with our 6 other locations. We also employ a lot of vendors for landscaping, heating, maintenance, etc. to serve our customers.

Again, providing this information is optional. Thank you in advance for your time.

You can find more information concerning this project on our website: <https://www.bainbridgewa.gov/1215/Self-Storage-Facilities-Moratorium>

Thank you,

Ellen



ELLEN FAIRLEIGH

City Planner

www.bainbridgewa.gov

[facebook.com/citybainbridgeisland/](https://www.facebook.com/citybainbridgeisland/)

206.780.3767 (office) 206.780.0955 (fax)

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DRAFT CODE CHANGES TO PROHIBIT SELT-STORAGE FACILITIES

Excerpt Table 18.09.020 Use Table

"P" = Permitted Use		"A" = Accessory Use		Additional use restrictions for Chapters 16.12 and 16.20 BIMC may apply to shoreline or critical area properties															
"C" = Conditional Use		"CA" = Conditional Accessory Use																	
Blank = Prohibited Use		"T" = Temporary Use																	
ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center				HSR I and II	NC	B/I	WD-I	Use-Specific Standards BIMC 18.09.030
USE CATEGORY/TYPE											CC	MA	EA	Gate	Ferry [1]				
Warehouse and Freight Movement																			
Self-Service Storage Facility																			
																	G	P	G-4

18.09.030.G Use Specific Standards- Industrial Uses

~~4. Self-Service Storage Facilities. In the NC district, self-service storage facilities are a permitted ("P") use; provided, that no outdoor storage is visible from abutting properties and public rights-of-way.~~

Proposed Code for Future Expansion Same for Minor Conditional Use Permits: [BIMC 2.16.050.B.2](#)

Options to Consider for Allowing an Expansion:

Staff has provided two options for consideration including allowing an expansion to not exceed 25%, a similar exemption allowed for projects that have a conditional use and to allow an expansion up to lot coverage for the underlying zone (35%).

18.30.020 Nonconforming use of land.

A nonconforming use of land may be continued; provided, that:

DRAFT CODE CHANGES TO PROHIBIT SELF-STORAGE FACILITIES

A. The use is not enlarged, increased, or extended to occupy a greater area of land or structure than was occupied on the date of adoption of this code; except for self-service storage facilities in existence prior to the effective date of Ordinance No. XXXX, a one-time expansion in size (square footage) up to 25 percent is allowed. This expansion would be subject to all other required permits and standards of the BIMC, including requiring a site plan and design review, if applicable.

Or

except for self-service storage facilities in existence prior to the effective date of Ordinance No. XXXX, expansion up to the allowed lot coverage is allowed. This expansion would be subject to all other required permits and standards of the BIMC, including requiring a site plan and design review, if applicable.

B. The use is not moved in whole or in part to any other portion of the lot or parcel; and

C. If the use ceases for a period of more than 180 days, the subsequent use of the land shall be conforming (this provision shall not apply to any dwelling unit constructed as an affordable housing unit under Chapter [18.21](#) BIMC).

ORDINANCE NO. 2020-12

AN ORDINANCE of the City of Bainbridge Island, Washington, adopted pursuant to RCW 35A.63.220 and RCW 36.70A.390; amending Ordinance No. 2019-40 that imposed a moratorium on certain activities related to self-service storage facilities; continuing the basis for the emergency moratorium; providing for severability; leaving the effective date of the moratorium unchanged; and extending the moratorium for six months until November 26, 2020.

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt moratoria related to land uses; and

WHEREAS, the City Council of the City of Bainbridge Island (“City”) updated the City’s Comprehensive Plan in February of 2017; and

WHEREAS, self-service storage facilities are currently a permitted use in the Business/Industrial (B/I) and Neighborhood Center (NC) districts within the City; and

WHEREAS, only 109.23 acres of land on Bainbridge Island are within the B/I district, which constitutes 0.63% of the total acreage of land on Bainbridge Island; and

WHEREAS, Policy 1.5 of the Economic Element of the City’s Comprehensive Plan states that “[i]n order to provide opportunities for business enterprise, adequate space must be provided for efficient use of existing developed areas near public transportation (e.g., ferry, bus service) and for growth that recognizes and protects the Island’s valued natural amenities, its limits of land and water and the quality of its residential neighborhoods”; and

WHEREAS, given the limited amount of land within the B/I district, the City Council has a significant interest in ensuring that the use of such land provides the best opportunities for business enterprise within the City; and

WHEREAS, the City Council has significant concerns regarding further development of self-service storage facilities within the B/I district under current regulations in the context of the vision and goals of the City’s Comprehensive Plan; and

WHEREAS, Policy 15.2 of the Economic Element of the City’s Comprehensive Plan is to “[p]romote manufacturing and business/industrial employment as an important source of family wage jobs on Bainbridge Island”; and

WHEREAS, self-service storage facilities have been found in other Washington jurisdictions to employ approximately one person per acre; and

WHEREAS, the City Council has significant concerns regarding whether self-storage facilities create family wage jobs as compared to other possible permitted uses within the B/I district; and

WHEREAS, the City Council has similar concerns regarding self-service storage facilities located in the NC district as it does with such facilities located in the B/I district; and

WHEREAS, based on these and related concerns, the City Council requires additional time to review the regulations and policies at issue to ensure that the vision and goals of the City's Comprehensive Plan are being met to the Council's satisfaction; and

WHEREAS, due to the COVID-19 public health emergency and pandemic, tens of thousands of persons in Washington State have contracted the virus and hundreds of persons have died due to the virus thus far and during the time period that this moratorium has been in effect, and the public health emergency is ongoing and is expected to continue for many months, and likely much longer; and

WHEREAS, due to the COVID-19 public health emergency and pandemic, the City has been engaged in essential work on a highest-priority basis related to the public health emergency, and as a result City staff and the City Council have had to significantly adjust work priorities accordingly to address the public health crisis, including related to work that the Council has been able to consider at modified Council meetings during this time period; and

WHEREAS, as a result of the public health emergency, City staff and the City Council have not had a meaningful opportunity to substantially review the regulations and policies at issue related to this moratorium to ensure that the vision and goals of the City's Comprehensive Plan are being met to the Council's satisfaction; and

WHEREAS, at its April 28, 2020 meeting, the City Council considered options related to this moratorium and decided to set a public hearing for May 12, 2020 to accept public comment and consider this ordinance to extend the moratorium for another six months; and

WHEREAS, at that April 28, 2020 meeting, the City Council, based on public comment and Council discussion, directed the City Manager to amend the moratorium to exempt projects that are partially constructed and/or at some point built because the Council did not intend for the moratorium to apply to such projects, and this ordinance includes an exemption to meet the Council's intent in that regard; and

WHEREAS, on May 12, 2020, the City Council conducted a public hearing on this ordinance and the Council received and considered public comment related to this ordinance; and

WHEREAS, on May 12, 2020, after considering such public comment, the City Council adopted this ordinance to extend this moratorium for six months, to November 26, 2020, unless the Council terminates the moratorium earlier, and to otherwise amend the moratorium as stated in this ordinance; and

WHEREAS, the City possesses land use jurisdiction and regulatory authority over the City's incorporated lands; and

WHEREAS, the moratorium imposed herein promotes the public good and is necessary for the protection of public health, property, safety, and welfare. The public emergency that existed requiring that this moratorium become effective immediately upon adoption on November 26, 2019 continues to exist.

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

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as additional and supplemental findings of fact to the City Council's initial findings of fact in support of the moratorium established by Ordinance No. 2019-40. The City Council may, in its discretion, adopt additional findings after the public hearing referenced below.

Section 2. Continuation of Existing Moratorium. As authorized by the police powers of the City as set forth, for example, in Article XI, Section 11, of the Washington State Constitution, and pursuant to statutory authority set forth, for example, in RCW 36.70A.390 and RCW 35A.63.220, and unless expressly excluded under this ordinance, the City Council is hereby continuing the imposition of the temporary moratorium that was imposed by Ordinance No. 2019-40, as described in this Section 2, for those properties requesting the following ("Permit Applications"):

All building permit applications or land use applications for self-service storage facilities located, or proposed to be located, in the Business/Industrial or Neighborhood Center districts.

Section 3. Exclusions.

A. The moratorium imposed under Section 2 of this ordinance shall not apply to permits required for upkeep, repair, or maintenance of existing self-service storage structures, or work mandated by the City to maintain public health and safety.

B. The moratorium imposed under Section 2 of this ordinance shall not apply to building permits and other land use approvals related to self-service storage facilities that received land use approval for such a facility prior to the effective date of this moratorium and for which self-service storage facilities exist currently on the subject property, and for which any new structures are included within what was approved for the site prior to the effective date of the moratorium.

Section 4. Moratorium Extended and Amended. The moratorium is hereby amended to extend the moratorium in the amended form as specified in this ordinance for six months, which is until November 26, 2020.

Section 5. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council conducted a public hearing on this extension of the moratorium at its meeting on May 12, 2020, and took public testimony and considered further findings of fact.

Section 6. Moratorium Work Plan. As provided for under RCW 35A.63.220 and RCW 36.70A.390, the City may renew a moratorium for one or more six-month periods if a work plan has been developed, a public hearing has been held, and findings of fact have been made. Pursuant to this ordinance, and based on the findings of fact that are hereby adopted in this ordinance and which were adopted in the previous ordinance related to this moratorium, Ordinance No. 2019-40, the City is hereby extending the moratorium for an additional six months based on the work plan as incorporated herein (see attached Exhibit A). These supplemental findings of fact and the work plan incorporated herein are being adopted after the City Council conducted a public hearing on this moratorium on May 12, 2020.

Section 7. Effect on Vested Rights. The moratorium extended under Section 2 of this ordinance shall apply prospectively only and shall operate to prevent acceptance of Permit Applications submitted after the effective date of this moratorium. Nothing in this ordinance shall be construed to extinguish, limit, or otherwise infringe on any permit applicant's vested development rights as defined by state law and City of Bainbridge Island regulations, provided that such a permit applicant has filed a complete Permit Application before the effective date of this moratorium.

Section 8. Interpretive Authority. The City of Bainbridge Island Director of Planning and Community Development, or designee, is hereby authorized to issue official interpretations arising under or otherwise necessitated by this ordinance.

Section 9. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 10. No Change to Basis for Declaration of Emergency or Effective Date. This ordinance shall take effect and be in full force five (5) days from and after its passage and publication as required by law. Provided, that this ordinance is not intended to change the basis of the emergency declaration stated in the moratorium ordinance which preceded this ordinance, Ordinance No. 2019-40, except as described in the "Whereas" clauses of this ordinance. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641 (1995), non-exhaustive underlying facts necessary to

support the emergency declarations adopted as part of the enactment of this moratorium were included in the “Whereas” clauses of Ordinance No. 2019-40, as well as in this ordinance, and those “Whereas” clauses are adopted as findings of fact. This ordinance does not change the effective date of this moratorium, which is November 26, 2019.

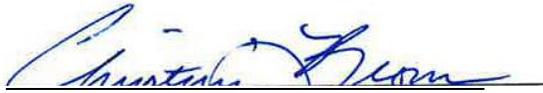
PASSED by the City Council this 12th day of May, 2020.

APPROVED by the Mayor this 12th day of May, 2020.



Leslie Schneider, Mayor

ATTEST/AUTHENTICATE:



Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:	May 1, 2020
PASSED BY THE CITY COUNCIL:	May 12, 2020
PUBLISHED:	May 15, 2020
EFFECTIVE DATE:	May 20, 2020
ORDINANCE NUMBER:	2020-12

Exhibit A (Work Plan)



EXHIBIT A

SELF-SERVICE STORAGE FACILITIES MORATORIUM

WORK PLAN (May 12, 2020)

MORATORIUM – Self-Service Storage Facilities:

On November 26, 2019, the City Council imposed a temporary six-month moratorium on the acceptance of building permit or land use permit applications for new self-service storage facilities in the Business/Industrial (B/I) and Neighborhood Center (NC) zoning districts. The moratorium does not apply to permits required for upkeep, repair, or maintenance of existing self-service storage structures. The moratorium was in effect for 6 months, or until May 26, 2020. On May 12, 2020, the Council voted to extend the moratorium in an amended form for an additional 6 months via adoption of this current ordinance, Ordinance 2020-12. As a result, the moratorium will be in effect until November 26, 2020, unless terminated earlier or extended by the Council.

The City has developed the following **Work Plan** described below to address issues related to self-service storage facilities based on direction provided by the City Council:

Mid-May – June 2020

Staff will gather the applicable visions and goals of the Comprehensive Plan as they relate to the BI and NC zoning districts. Staff will also compile information on self-service storage capacity and demand as well as research regulations of other local jurisdictions regarding self-service storage. Staff will also research the amount of jobs that self-service storage facilities provide and the vacancy rate of existing facilities (if available).

July 2020

Staff will present their findings from their research to the City Council and seek direction from the Council on how to proceed. The various options for the Council to consider may include but are not limited to: 1) limit self-service storage to one of the two zoning districts; 2) develop use specific standards for self-service storage (i.e., design character, require market demand analysis, increased landscape buffers); 3) eliminate self-service storage as an allowed use; or 4) require self-service storage to obtain a conditional use permit in existing or other zoning districts.

August – September 2020

Following direction from the City Council, staff will begin drafting regulations to reflect the Council's direction.

October 2020

Staff will provide to the Planning Commission draft code changes for consideration at a study session. After holding a public hearing, the Planning Commission will make a recommendation to the City Council on a draft ordinance.

November 2020

The City Council will review and take action on the proposed ordinance or consider another six-month extension if such an extension is necessary to complete the work for the adoption of updated regulations.