



CITY OF
BAINBRIDGE ISLAND

**PLANNING COMMISSION REGULAR MEETING
THURSDAY, JANUARY 09, 2020**

BAINBRIDGE ISLAND CITY HALL
COUNCIL CHAMBERS
280 MADISON AVENUE N.
BAINBRIDGE ISLAND, WASHINGTON

AGENDA

1. **CALL TO ORDER/AGENDA REVIEW/CONFLICT DISCLOSURE - 7:00 PM**
2. **PLANNING COMMISSION MEETING MINUTES - 7:05 PM**
 - 2.A. **Planning Commission Minutes - October 24, 2019** 5 Minutes
[PLANNING COMMISSION MINUTES draft 102419.pdf](#)
3. **PUBLIC COMMENT - 7:10 PM**

Public comment on off agenda items.
4. **PUBLIC HEARING - 7:20 PM**
 - 4.A. **Ordinance 2020-02 (formerly 2019-09) related to Accessory Dwelling Units and Tiny Homes** 45 Minutes
[20200109 Staff Memo](#)
[20200109 Ordinance 2020-02 DRAFT.docx](#)
[ADU Use Specific Standards 18.09.030 Attachment A.pdf](#)
[Tiny Homes Handout from WA Building Officials WABO.pdf](#)
[Appendix Q.pdf](#)
5. **NEW BUSINESS - 8:05 PM**

Elect Chair for 2020

 - 5.A. **Elect a 2020 chairperson and vice chairperson to serve the Planning Commission** 5 Minutes
[20200103 Planning Commission Roster.pdf](#)
6. **PLANNING DIRECTOR'S REPORT - 8:20 PM**
7. **ADJOURNMENT - 8:30 PM**

GUIDING PRINCIPLES

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

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

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

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

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

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

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

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



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 Regular Meeting Agenda Bill

MEETING DATE: January 9, 2020

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: Planning Commission Minutes - October 24, 2019

SUMMARY: Review minutes from October 24, 2019 meeting.

AGENDA CATEGORY: Minutes

PROPOSED BY: Planning & Community Development

RECOMMENDED MOTION: Review and approve.

STRATEGIC PRIORITY: Good Governance

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

[PLANNING COMMISSION MINUTES draft 102419.pdf](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



CITY OF
BAINBRIDGE ISLAND

PLANNING COMMISSION PUBLIC PARTICIPATION MEETING OCTOBER 24, 2019

MEETING MINUTES

1) **CALL TO ORDER/ROLL CALL**

Chair William Chester called the meeting to order at 5:59 PM.

2) **PUBLIC PARTICIPATION MEETING**

Chair Chester introduced the public participation meeting process introducing Senior Planner Kelly Tayara who facilitated both public participation meetings.

2.A [Bainbridge Disposal Transfer Station Redevelopment Cover Page](#)

Mr. Miles Yanick presented the proposed project.

2.B [McGraw Short Subdivision \(PLN51569 PRE\) Cover Page PLN51569 PRE McGraw site plan](#)

Ms. Nora McGraw introduced the proposed subdivision.

3) **PLANNING COMMISSION MEETING MINUTES**

3.A [October 10, 2019 Planning Commission Meeting Minutes Cover Page Planning Commission Minutes DRAFT 101019.docx](#)

**Motion: I'll move approval of the minutes from the Planning Commission meeting on
October 10, moving approval as distributed.**

Quitslund/Paar: Passed Unanimously

4) **PUBLIC COMMENT ON OFF AGENDA ITEMS - 7:10 PM**

None.

5) **PUBLIC HEARING**

5.A [Ordinance 2019-33 "Housekeeping" Changes: Revising BIMC Title 2 Administration,...and Land Use Procedures and Title 18 Zoning](#)

[Cover Page](#)

[PC Staff Memo](#)

[DRAFT Ord 2019-33](#)

[Exhibit A Title 2 Housekeeping Changes.pdf](#)

[Exhibit B BIMC 18.09.020 Use Table Excerpt Temporary Uses](#)

[Exhibit C Title 18 Housekeeping Changes](#)

Senior Planner Jennifer Sutton reviewed the changes made by the Commission previously.

The Public Hearing was opened and closed at 7:13 PM.

MOTION: I move to recommend approval of Ordinance 2019-33 to the City Council with the exception of changes related to amending subdivisions, highlighted in green and located on pages 13, 18, 28, 30, 33, 34, 37, 43, 46 and 47 of Exhibit A.
Quitslund/Par: The motion carried unanimously.

6) UNFINISHED BUSINESS

6.A [Ordinance No. 2019-38, Adopting Small Wireless Facilities Design Standards](#)

[Cover Page](#)

[Ordinance No. 2019-38, Adopting Small Wireless Design Standards - 10/24 Draft for PC Review](#)

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

[Industry Comments on Interim SWFs Design Standards \(Ordinance No. 2019-15\)](#)

[T-Mobile Comment Regarding BIMC 18.10A.040.B](#)

Deputy City Attorney Robbie Sepler introduced Mr. Daniel Kenney who reviewed the code revisions.

Public Comment:

Kim Allen spoke for additional work being done on the proposed code.

Bob Russell spoke in favor of antennas as frequently as needed.

Chair called a recess at 8:15 PM.

Meeting reconvened at 8:22 PM.

7) NEW BUSINESS

7.A [Ordinance No. 2019-32 Amending BIMC 2.16.020.S. Housing Design Demonstration Projects \(HDDP\) Program](#)

[Cover Page](#)

[DRAFT ORD 2019-32 HDDP Program](#)

[PLANNING COMMISSION MINUTES 062118.pdf](#)

[Ordinance No. 2018-31 Limiting the Housing Design Demonstration Project Program to Affordable Housing Approved 082818](#)

[HDDP Program Summary for PC](#)

[BIMC 2.16.020.S HDDP Program](#)

Senior Planner Jennifer Sutton facilitated the discussion.

Public Comment:

Herb Hethcote spoke in favor of continuing only Tier 3 of HDDP program.

Kirsten Hytopoulos spoke about the boundary of the area allowed for HDDP and in favor of affordability in perpetuity.

Ron Peltier spoke about the HDDP program not being consistent with the Comprehensive Plan.

Michael Gray spoke against extending the HDDP program.

Erica Shriner spoke against extending the HDDP program.

Sarah Blossom spoke in support of extending the HDDP program.

8) PLANNING DIRECTOR'S REPORT

Planning Director Heather Wright provided an update on City Council actions of interest to the Planning Commission.

9) FUTURE PLANNING COMMISSION AGENDAS

10) ADJOURNMENT

Meeting was adjourned at 9:52 PM.

William Chester, Chair

Jane Rasely, Administrative Specialist

DRAFT



CITY OF
BAINBRIDGE ISLAND

Planning Commission Regular Meeting Agenda Bill

MEETING DATE: January 9, 2020

ESTIMATED TIME: 45 Minutes

AGENDA ITEM: Ordinance 2020-02 (formerly 2019-09) related to Accessory Dwelling Units and Tiny Homes

AGENDA CATEGORY: Ordinance

PROPOSED BY: Jennifer Sutton

PREVIOUS PLANNING COMMISSION

REVIEW DATE(S): December 12, 2019

PREVIOUS COUCIL REVIEW DATE(S): October 23, 2018; June 18, July 23, September 10 and October 22, 2019

RECOMMENDED MOTION:

Hold Public Hearing. I move to recommend approval of Ordinance 2020-02 to the City Council.

SUMMARY:

Ordinance 2020-02 (formerly 2019-09) revises ADU standards and zoning definitions regarding common ownership, lot coverage, and tiny homes.

BACKGROUND: Beginning in Fall, 2018, the City Council has conducted a review of rules related to Accessory Dwelling Units (ADUs) in response to Recommendation #3 from the Affordable Housing Task Force (2018) to "adopt procedures to encourage Accessory Dwelling Units." The City Council discussed a variety of accessory dwelling unit and small-unit housing topics during 5 meetings over a 12-month period: October 23, 2018, June 18, July 23, September 10 and October 22, 2019. These City Council meetings and materials can be read and viewed from the City's website. The City Council's final policy direction from their October 22, 2019 meeting is captured in Draft Ordinance 2019-09 that makes the following changes to accessory dwelling unit regulations (BIMC Section 18.09.030.I.5) and zoning definitions (BIMC Section 18.36.030), described further in this memo:

- Requires common ownership of new ADUs, such that sale or ownership of an ADU separate from the primary single-family dwelling is prohibited.
- Removes "lot coverage" standard as a barrier to constructing ADUs for properties that are less than 40,000 square feet in size in residential zones.
- Acknowledges that residential subdivisions (and consequently, ADUs) are now permitted in the Mixed Use Town Center and High School Road zoning districts with approval of the new subdivision regulations (Ordinance 2019-03) by removing current BIMC Section 18.09.030.I.5.n.

- Adds new definition for “tiny home”- a dwelling smaller than 400 square feet. A tiny home could be the primary or accessory dwelling unit on a property.

On October 22, the City Council finalized their policy direction on modifications to ADU regulations for the Planning Commission, and Ordinance 2019-09 executes that Council policy direction.

ATTACHMENTS:

Memorandum

Date: January 9, 2020
To: Planning Commission
From: Jennifer Sutton, AICP
Senior Planner
Subject: Public Hearing: Ordinance 2020-02 (formerly 2019-09): Accessory Dwelling Unit Regulations

I. Council Policy Direction for Accessory Dwelling Unit (ADU) Regulations

The City Council discussed a variety of accessory dwelling unit and small-unit housing topics during 5 meetings over a 12-month period: October 23, 2018, June 18, July 23, September 10 and October 22, 2019. These City Council meetings and materials can be read and viewed from the [City's website](#). The City Council's final policy direction from their October 22, 2019 meeting is captured in Draft Ordinance 2020-02 (formerly 2019-09) that makes the following changes to accessory dwelling unit regulations (BIMC Section 18.09.030.1.5) and zoning definitions (BIMC Section 18.36.030), described further in this memo:

- Requires common ownership of new ADUs, such that sale or ownership of an ADU separate from the primary single-family dwelling is prohibited.
- Removes "lot coverage" standard as a barrier to constructing ADUs for properties that are less than 40,000 square feet in size in residential zones.
- Acknowledges that residential subdivisions (and consequently, ADUs) are now permitted in the Mixed Use Town Center and High School Road zoning districts with approval of the new subdivision regulations (Ordinance 2019-03) by removing current BIMC Section 18.09.030.1.5.n.
- Adds new definition for "tiny home" - a dwelling smaller than 400 square feet. A tiny home could be the primary or accessory dwelling unit on a property.

II. Common Ownership Requirement for ADU & Primary Residence

On October 23, 2018, the City Council was briefed by the City Attorney's office about the City's ADU regulations and state condominium law. The City currently allows ADUs as an accessory use to single-family residences ([BIMC Table 18.09.020](#)) and applies additional regulations to ADUs in [BIMC 18.09.030.1.5](#). The Council had requested the briefing from the City Attorney's office on the following question:

Can the City of Bainbridge Island prohibit, regulate, or otherwise discourage property owners from making condominiums out of accessory dwelling units (ADUs) located on their property, which then may be sold separately from the primary dwelling?

Brief Answer: A local regulation directly prohibiting the creation of condominiums would likely be preempted by state law and impermissible. However, there are other avenues through which the

City can address or mitigate unwanted effects of property owners making condominiums out of ADUs.

The City Council discussed these issues at their meeting on October 23, 2018. At the end of the discussion, the Council voted to direct staff to bring back an ordinance to require common ownership of ADUs. See page 2 of Ordinance 2020-02 that proposes to add new provisions to BIMC 18.09.030.I.5.e.

III. Relaxing ADU Development Standards: Lot Coverage

The City Council has discussed the Affordable Housing Task Force final report and recommendations on several occasions, and endorsed a City work plan to address the "Priority" and "Quick Win" recommendations. Priority Recommendation #3 is Adopt procedures to encourage ADUs. There has been a total of 220 ADU building permits issued since 1991, as far back as City electronic permit records go. The City will work toward accomplishing Priority Recommendation #3 goal in several different ways, including considering expedited permitting and fee reductions/waivers.

Ordinance 2020-02 modifies ADU development regulations so that new ADU building footprints would not count toward overall lot coverage limits for residentially zoned properties smaller than 40,000 square feet in size- see section 18.09.030.I.5.m in the ordinance. Note: one acre equals 43,560 square feet in sized. This change could allow for construction of ADUs on smaller properties, such as properties and would not modify any other development standards such as setbacks, building height, aquifer recharge protection area or stormwater management requirements for new hard surfaces.

For reference, see lot coverage definition below and lot coverage standards by zone.

BIMC 18.12.050.K. (Lot Coverage.) "Lot coverage" means that portion of the total lot area covered by buildings, excluding up to 24 inches of eaves on each side of the building, any building or portion of building located below predevelopment and finished grade. Any portion of a slatted or solid deck located more than five feet above grade shall be counted towards lot coverage. Also excluded are ground-mounted accessory small wind energy generators, solar panels, composting bins, rain barrels/cisterns, and covers designed to shade ground-mounted heat pumps and air conditioners to increase their efficiency.

Zone	Lot Coverage Standard (BIMC Table 18.12.020-2)
R-0.4	10%
R-1	15%
R-2	20%
R-2.9	25%
R-3.5	25%
R-4.3	25%
R-5	25%
R-8	25%
R-14	40%

IV. Tiny Homes

At its March 5, 2019 meeting, the City Council discussed tiny homes, and indicated that they wanted to consider whether to allow tiny homes with wheels to be approved as permanent residences. Tiny homes with wheels are currently classified as recreational vehicles ("RVs") and are not considered to be permanent residences, while tiny homes that are set on a foundation can be considered as a permanent residence. Current [ADU Use Specific Standards, BIMC Section 18.09.030.I.5.i](#) provides that RVs, and therefore tiny homes with wheels, shall not be ADUs.

Recent State Legislation related to Tiny Home & Tiny Home Communities ([ESSB 5383](#)): During the 2019 legislative session the Washington State Legislature approved [ESSB 5383](#), a bill which promotes tiny homes and tiny home communities as described below:

- Provides that tiny homes on wheels are allowed as primary residences in manufactured or mobile home communities;
- Added new Chapter 35.21 RCW to describe how a City or town may adopt an ordinance to regulate the creation of tiny house communities;

- Directs the State Building Council to adopt standards specific to tiny homes by December 31, 2019. The legislature expects the newly-issued IRC guidance to become the basis for these standards. Local governments, in turn, can amend their building codes to include these new provisions. In 2018, the International Code Council issued tiny house building standards in [Appendix Q](#) of the International Residential Code (IRC). The City will need to update our Building Code once the state updates its standards.

With the state building code being updated for tiny homes (with or without wheels), the City's zoning code will be updated to reflect this new type of housing (see new definition, page 3 of Ordinance 2020-02). Currently, tiny home of any kind cannot be permitted as dwellings on Bainbridge Island. The changes related to tiny homes in Ordinance 2020-02 mean that tiny homes would be treated like other legal dwellings- primary or accessory.

On-site Septic, Sewer and Water: The Kitsap Public Health District will require the same water and sanitation standards for tiny homes (with or without wheels) as permanent residences as they do for ADUs. For properties served by on-site septic, this means having two-bedrooms of a septic system allocated to the tiny home. If the property is served by sewer and/or a public water system, the tiny home may or may not need a separate sewer or water connection depending on the location of the utility lines and primary residence. If the property is served by a private well, then the well would need to be approved as a two-party (or more) well by the Health District. Like an ADU, a tiny home would count as a separate party.

V. PLANNING COMMISSION REVIEW

The Planning Commission discussed this ordinance on December 12, 2019 and amended the subsection (i) to clarify how the regulation applies to internal and external access- see page 2 of the ordinance. The Planning Commission also discussed prohibiting the potential use of a tiny home and ADU as a short term rental.

IV. NEXT STEPS

The Planning Commission will hold a public hearing on Ordinance 2020-02 prior to making a recommendation on the ordinance to the City Council. A public hearing is scheduled for January 9, 2020.

The City Council's summer 2019 discussion of limiting common ownership for ADUs and tiny homes had expanded to include the topics of tiny home communities (see [ESSB 5383](#) discussion above) and allowing recreational vehicles (RVs) to be permitted as residences. During their discussion on September 10, the City Council opted to continue discussion of RVs and tiny home communities separately from the other changes to ADU regulations in draft Ordinance 2019-09, and those topics have been removed from the draft ordinance. RVs and tiny home communities will be scheduled for City Council discussion in the second quarter 2020.

ORDINANCE NO. 2020-02
(formerly 2019-09)

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to accessory dwelling units and tiny homes and amending Section 18.09.030.I.5 and Section 18.36.030 of the Bainbridge Island Municipal Code.

WHEREAS, the City has permitted and regulated accessory dwelling units as an accessory use to single-family residences for many years; and

WHEREAS, accessory dwelling units are recognized as a type of affordable housing; and

WHEREAS, the City is aware of a limited number of property owners who have turned an accessory dwelling unit into a condominium pursuant to Chapter 64.34 RCW, and some of those units may have been sold to a person other than the owner of the single-family residence (primary dwelling unit); and

WHEREAS, given the high real estate prices on Bainbridge Island, the sales price of an accessory dwelling unit sold as a condominium is unlikely to meet the definition of “affordable housing” as it relates to an income qualified household earning a middle-income or below, which is generally defined by Chapter 18.21 BIMC and BIMC 18.36.030.16 as one-hundred and twenty percent (120%) or below of the Department of Housing and Urban Development median income levels for the Bremerton-Silverdale metropolitan statistical area; and

WHEREAS, the City Council desires to maintain the affordability of accessory dwelling units by limiting the ability to sell them separately from the primary dwelling unit; and

WHEREAS, in addition to considering issues related to accessory dwelling unit ownership, the City Council has considered issues related to allowing tiny homes, with or without wheels, to be considered as permanent residences as a way to increase affordable housing options; and

WHEREAS, the City Council approved updated subdivision regulations, via Ordinance 2019-03, on September 24, 2019, and those new regulations now allow new single-family residences in the Mixed Use Town Center and High School Road zones and, therefore, accessory dwelling units will also be allowed in those zones.

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

Section 1. Section 18.09.030.I.5 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

Section 18.09.030.I.5 Accessory Dwelling Unit

In addition to all other applicable location and use regulations in Titles 16, 17 and 18, the following regulations apply to accessory dwellings units (ADU), including tiny homes utilized as ADU.

a. ~~An accessory dwelling unit (ADU)~~ may be created within, or detached from, any single-family dwelling, whether existing or new, as a subordinate use, where permitted (“P”) by this chapter.

e. Sale or ownership of an ADU separate from the primary single-family dwelling is prohibited. This prohibition does not apply to an accessory dwelling unit that is owned in the condominium form of ownership prior to the effective date of this ordinance. Further, this prohibition does not apply to an accessory dwelling unit that was lawfully in existence prior to the effective date of this ordinance, or an accessory dwelling unit for which a complete building permit application has been submitted for that accessory dwelling unit prior to the effective date of this ordinance.

ef. One off-street parking space shall be provided in addition to off-street parking that is required for the primary dwelling.

fg. Accessory dwelling units shall be designed to maintain the appearance of the primary dwelling as a single-family dwelling, containing 900 square feet of floor area or less. However, if the accessory dwelling unit will be located within a building existing as of the approval date of Ordinance No. 2015-16 (for example, in a basement) the city may allow an increased size in order to efficiently use all floor area. If a separate outside entrance is necessary for an accessory dwelling unit located within the primary dwelling, that entrance must be located either on the rear or side of the building.

gh. If an accessory dwelling unit is constructed in conjunction with a garage, the square footage of the garage shall not count towards the 900-square-foot limitation.

hi. An accessory dwelling unit not attached to the single-family dwelling may not contain an internal connection to any accessory use other than a garage. In these circumstances, access to second-story accessory dwelling units shall be from external stairs.

ij. No recreational vehicle shall be an accessory dwelling unit.

~~jk.~~ When stairs utilized for the ADU are enclosed within the exterior vertical walls of the building, they shall not count towards the floor area of the ADU.

~~kl.~~ The ADU shall share a single driveway with the primary dwelling.

~~lm.~~ School impact fees and qualified exemptions from those fees as provided in Chapter 15.28 BIMC shall apply.

~~mn.~~ All other applicable standards including, but not limited to, ~~lot coverage~~, setbacks, parking requirements, and health district or city requirements for water, sewer, and/or septic must be met. Accessory dwelling units are excluded for the purposes of calculating lot coverage requirements on lots smaller than 40,000 square feet.

~~n. In the Mixed Use Town Center, new accessory dwelling units are only permitted as part of a housing design demonstration project single family subdivision approved pursuant to BIMC 2.16.020.S.~~

Section 2. Section 18.36.030 of the Bainbridge Island Municipal Code is hereby amended to add the following:

18.36.030 Definitions

10. “Accessory dwelling unit” means a dwelling separate living quarters containing kitchen facilities, where the living quarters are contained within or detached from a single-family dwelling on a single lot.

80. “Dwelling” or “dwelling unit” means a building or portion of a building that provides independent living facilities with provisions for sleeping, eating and sanitation; provided a tiny home is considered a dwelling, however a recreational vehicle or bus is not a dwelling or dwelling unit. A facility for sleeping is a habitable room large enough for a couch, bed or cot. A closet in the room is not necessary for the room to be considered a bedroom. Provisions for sanitation mean that bathing facilities are provided, e.g., a shower or a tub. A toilet and sink in a room are not considered bathing facilities. A kitchen is necessary to provide facilities for eating (see definition of “Kitchen”).

259. “Tiny home” means a dwelling less than 400 square feet in size that provides independent living facilities with provisions for sleeping, eating, cooking, and sanitation and is constructed to meet the requirements of the

International Residential Code. Tiny homes can be on a foundation or on wheels.

Section 3. 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.

XXXX, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, City Clerk

FILED WITH THE CITY CLERK:	October 15, 2019
PASSED BY THE CITY COUNCIL:	
PUBLISHED:	
EFFECTIVE DATE:	
ORDINANCE NUMBER:	2020-02

18.09.030.I.5. Accessory Dwelling Unit.

- a. An accessory dwelling unit (ADU) may be created within, or detached from, any single-family dwelling, whether existing or new, as a subordinate use, where permitted (“P”) by this chapter.
- b. In the shoreline jurisdiction, an accessory dwelling unit may be created within, or detached from, any single-family dwelling, whether existing or new, as a subordinate use, where conditional (“C”) pursuant to this chapter. See Chapter [16.12](#) BIMC for shoreline conditional use process.
- c. Only one accessory dwelling unit may be created per parcel.
- d. No variances shall be granted for an accessory dwelling unit.
- e. One off-street parking space shall be provided in addition to off-street parking that is required for the primary dwelling.
- f. Accessory dwelling units shall be designed to maintain the appearance of the primary dwelling as a single-family dwelling, containing 900 square feet of floor area or less. However, if the accessory dwelling unit will be located within a building existing as of the approval date of Ordinance No. 2015-16 (for example, in a basement) the city may allow an increased size in order to efficiently use all floor area. If a separate outside entrance is necessary for an accessory dwelling unit located within the primary dwelling, that entrance must be located either on the rear or side of the building.
- g. If an accessory dwelling unit is constructed in conjunction with a garage, the square footage of the garage shall not count towards the 900-square-foot limitation.
- h. An accessory dwelling unit not attached to the single-family dwelling may not contain any accessory use other than a garage.
- i. No recreational vehicle shall be an accessory dwelling unit.
- j. When stairs utilized for the ADU are enclosed within the exterior vertical walls of the building, they shall not count towards the floor area of the ADU.
- k. The ADU shall share a single driveway with the primary dwelling.
- l. School impact fees and qualified exemptions from those fees as provided in Chapter [15.28](#) BIMC shall apply.
- m. All other applicable standards including, but not limited to, lot coverage, setbacks, parking requirements, and health district or city requirements for water, sewer, and/or septic must be met.
- n. In the Mixed Use Town Center, new accessory dwelling units are only permitted as part of a housing design demonstration project single-family subdivision approved pursuant to BIMC [2.16.020.S](#).

Washington State Labor & Industries Factory Assembled Structures (FAS) Program

August 22, 2017

What you need to know about “Tiny Homes”

L&I frequently receives inquiries regarding the rules and requirements for “tiny homes”.

There is no official definition of “tiny home”. All “tiny homes” in Washington must meet either the [State Building Code requirements](#) (RCW 19.27.031), Park Model RV (PMRV) requirements, the Recreational Vehicle (RV) requirements (RCW 43.22.340) or the HUD Manufactured Home Construction and Safety Standard (CFR 3280) depending on how it will be used and constructed.

Please note that while L&I inspects and labels several of these types of structures, or units, cities and counties are responsible for regulating how all structures, or units, including, RV’s, PMRV’s modular buildings and manufactured homes can be used within their jurisdictions. If you have questions about using an RV, PMRV, modular building or manufactured home as a “tiny home”, please contact your [local building department](#) first. **L&I can only approve the construction of RV’s, PMRV’s and modular buildings, not how they are used or where they can be located.**

Step by step – Getting your tiny home approved by L&I.

Step 1). Determine if your structure, or unit, can be approved by L&I.

- Your structure cannot be approved by L&I if:
 - The home will be used to live in as a *dwelling unit** and –
 - The home is being built on the site where it will be used or
 - The home is a HUD approved manufactured home or
 - The home is converted from something else such as a shipping container, shed or other open framed building (like those found home improvement stores, or ordered online), and the conversion is taking place on the site where it will be used.

** DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.*

Site built, or converted tiny homes are regulated by the local cities and counties, [please contact your local building department with questions about permitting and inspections.](#)

- Your structure can be approved by L&I as a modular building if:
 - The home will be used to live in as a *dwelling unit** (this is the only type of structure approved by L&I to be used as a *dwelling unit**) and –
 - The home is being constructed somewhere other than where it will be used and

- The home is built to the [State Building Code requirements](#). NOTE: The building can be any size allowable by the code(s).

** DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.*

- Your unit can be approved by L&I as a Park Model RV (PMRV) if:
 - The home is primarily designed to provide temporary living quarters for recreational, camping or seasonal use and -
 - The home is built on a single chassis, mounted on wheels so that it can be moved around. PMRV's may be wider than 8'-6" (but must be transportable on the road, contact the Washington State Patrol and Department of Transportation for more information) and
 - the unit does not exceed 400 square feet when set up. If square footage will exceed 400 square feet see the modular building requirements. NOTE: this is not a complete definition. [See WAC 296-150P](#) for complete details.
- Your unit can be approved by L&I as a Recreational Vehicle (RV) if:
 - The home is designed primarily for recreational camping or travel use and -
 - The home no wider than 8'-6" in travel mode and is a vehicular type unit, or built on a vehicle chassis, so that it can be moved around and
 - does not exceed 400 square feet in area when set up. NOTE: this is not a complete definition. [See WAC 296-150R](#) for complete details.

Step 2). Submit plans showing how you will build your Modular "tiny home", RV or Park Model RV. We will review your plans to the codes, or standards, that apply. Please see the following fact sheets RV's ([link](#)), PMRV's ([link](#)), modular homes ([link](#)) for additional information.

Step 3). Have your structure, or unit, inspected. Once your plans are approved we will provide you instructions on how to schedule inspections. We will charge you for the time and mileage to do the inspection, normally around \$200 each trip (within the state). Two to three trips are typically required.

Modular "home" fact sheet.

Modular homes are structures, which are used as dwellings and are built somewhere other than where they will be used or installed. They can be mounted on chassis or moved by means of a separate trailer. Modular homes can be installed permanently or moved from place to place but the installation and use always requires permits from the local city or county building department. All modular buildings must meet the requirements of the Washington State Building Code and must be inspected and approved by

Labor & Industries. Any foundation system for a modular home, including types such as a chassis, post & pier, footing & stem wall, etc. must be permitted, reviewed and approved by the local building department. Modular homes can be of any size and shape within the broad limits of the building code.

To have your modular home approved by L&I, first prepare construction plans for your home showing that it will meet the requirements of the Washington State Building code. You can find out more about the codes that apply to your project at the Washington State Building Code website <https://fortress.wa.gov/ga/apps/sbcc/Default.aspx>. If you are unfamiliar with building code requirements or with construction techniques, you should employ a design professional such as a Professional Engineer or Architect to help you.

The plans must include floor plans, elevations, cross sections, structural details, truss drawings foundation/anchoring plans, plumbing, mechanical and electrical drawing. A packet of information with more detailed information on modular buildings can be found on the L&I website <http://www.lni.wa.gov/TradesLicensing/FAS/OtherMobileStructures/default.asp>

The structural portions of the plans must be stamped by a Washington State registered Professional Engineer or Architect and include a basic structural analysis showing the building meets the minimum structural design requirements of the building code. Other non-structural drawings such as electrical and plumbing drawings are not required to be stamped except when they have been prepared by a licensed architect or engineer.

Modular homes must also meet the requirements of the Washington State Energy Code. Information on the energy code be found at the Energy WSU website <http://www.energy.wsu.edu/BuildingEfficiency/EnergyCode.aspx>. The web site also has the compliance forms that need to be filled out and submitted with your plans.

When your plans are ready, mail us three complete sets of plans, calculations and supporting documents. Include a completed "plan application" (form F623-006-000) from our web site <http://www.lni.wa.gov/FormPub/results.asp?Section=4&SubSection=102> and the plan review fee. Please contact us at FAS1@lni.wa.gov for help figuring the plan review fee; for a small home under 400 square feet it will be around \$450. Our mailing address is on the application form. You should also include a completed Insignia request (form F623-014-000) and NLEA (form F623-013-000). The insignia/NLEA fee for a home built in one piece is \$310.40. All fees can be on the same check.

New modular plans are put in line for review and normally there is a backlog of several weeks before we start reviewing them. If the plans examiner has questions or needs additional information, we will contact you directly. Once we have reviewed and approved your plans, you will be able to have us inspect your modular home. Depending on the complexity of your home there will be two or more inspections while you are building it. Inspections are about \$200 each (in state) depending on how far the inspector has to travel. The inspector will verify that the modular home meets the requirements of the Washington State Building Code and once your home has passed inspection, he will put the Washington State Modular insignia (gold seal) on the unit.

The work on all electrical and plumbing systems must be performed by Washington State licensed electricians and plumbers with some exceptions for owners working on their own property as allowed by RCW 19.28 and RCW 18.106.

RV fact sheet for units built by an individual or small manufacturer.

Recreational Vehicles (RV's) are trailers or motorized vehicles used for recreational camping or travel and must meet the requirements found in the NFPA 1192 Standard on Recreational Vehicles. RV's must be a licensed legal vehicle so they cannot be over 8'-6" wide or 14' in height when in travel mode and they cannot exceed 400 square feet in set up mode (fifth wheel units are limited to 430 square feet).

While most RV's are built by specialized factories, individuals can also build an RV. Whether you are building an RV for your personal use or you are a small business located in Washington State that is building RV's for in-state consumers, you will need to have your RV inspected and approved by L&I. RV's being built for sale or lease in Washington must pass L&I inspections and have a Washington State RV label. If you are building an RV for your personal use you should have it inspected and labelled by L&I so that it can be licensed and insured. Sometimes people use existing vehicles in alternate ways. L&I is only involved with vehicle conversions if systems such as 110/120V electrical, propane gas, or plumbing systems are added.

To have your RV approved by L&I, first obtain a copy of the NFPA 1192 standard and the UPA-1 plan guide from NFPA.org or the RVIA.org bookstore. Next, prepare construction plans for your RV using the UPA-1 as a guide. The plan set should include the drawings listed in the UPA-1 and show all relevant information as outlined in the guide. You can omit any information that is not applicable to your design. Your plans do not need to be stamped by an engineer or architect.

When your plans are ready, mail us two copies along with a completed "plan application" (form F622-006-000) from our web site <http://www.lni.wa.gov/FormPub/results.asp?Section=4&SubSection=99> and the plan review fee of \$93.90. Our mailing address is on the application form. You should also include a completed RV Insignia order (form F622-021-000) and the \$25 insignia fee. Both fees can be on the same check.

New RV plans are put in line for review and normally there is a backlog of several weeks before we start reviewing them. If the plans examiner has questions or needs additional information, we will contact you directly. Once we have reviewed and approved your plans, you will be able to have us inspect your RV. Depending on the complexity of your RV there will be one or more inspections while you are building it. Inspections are about \$200 each (in state) depending on how far the inspector has to travel. The inspector will verify that the RV meets the requirements of the NFPA 1192 standard and once your RV has passed inspection, he will put the Washington State RV insignia on the unit.

You are not required to use licensed electricians and plumber for wiring and plumbing systems in RV's, however the plumbing, gas and electrical systems must still be designed, and installed, to code. If you

are not familiar with plumbing and electrical systems, you need to employ licensed professional electricians and plumbers to help you and who will make sure the work is installed to code. L&I cannot advise you on, or help you learn, how to do this work.

PMRV fact sheet for units built by an individual or small manufacturer.

Park Model Recreational Vehicles (PMRV's) are trailers that provide temporary living quarters for recreational, camping or seasonal use and must meet the requirements found in the ANSI A119.5 Park Model Recreational Vehicle Standard. PMRV's must be built on a single permanent chassis, mounted on wheels, and be transportable down the highway. If they exceed 8'-6" in width or 14' in height when in travel mode they will need special transportation permits and may be limited on where and how they can be moved over the road. PMRV's cannot exceed 400 square feet in overall floor area, including projections in set up mode.

While most PMRV's are built by specialized factories, individuals can also build a Park Model RV. Whether you are building a PMRV for your personal use or you are a small business located in Washington State that is building Park Models for in-state consumers, you will need to have your PMRV inspected and approved by L&I. Park Model RV's being built for sale or lease in Washington must pass L&I inspections and have a Washington State PMRV label. If you are building a Park Model RV for your personal use you should have it inspected and labelled by L&I so that it can be licensed and insured.

To have your Park Model RV approved by L&I, first obtain a copy of the ANSI A119.5 standard and the UPA-1 plan guide from the RVIA.org bookstore. Next, prepare construction plans for your PMRV using the UPA-1 as a guide. The plan set should include the drawings listed in the UPA-1 and show all relevant information as outlined in the guide. In addition, if your PMRV is over 8'-6" wide you need to provide structural drawings, such as cross sections, framing details, truss drawings and elevations showing that the roof, walls, floor and chassis meet the construction requirements of chapter 5 in the ANSI standard. Other structural designs can be approved, when stamped by a Washington State registered Professional Engineer or Architect.

When your plans are ready, mail us two copies along with a completed "plan application" (form F622-006-000) from our web site <http://www.lni.wa.gov/FormPub/results.asp?Section=4&SubSection=99> and the plan review fee (\$129.90 if over 8'-6" wide otherwise \$98.20). Our mailing address is on the application form. You should also include a completed RV/PMRV Insignia order (form F622-021-000) and the \$25 insignia fee. Both fees can be on the same check.

New PMRV plans are put in line for review and usually there is a backlog of several weeks before we start the review. If the plans examiner has questions or needs additional information, we will contact you directly. Once we have reviewed and approved your plans, you will be able to have us inspect your PMRV. Depending on the complexity of your PMRV there will be two or more inspections while you are building it. Inspections are about \$200 each (in state) depending on how far the inspector has to travel. The inspector will verify that the PMRV meets the requirements of the ANSI A119.5 standard and once your PMRV has passed inspection, he will put the Washington State Park Model RV insignia on the unit.

You are not required to use licensed electricians and plumber for wiring and plumbing systems in PMRV's, however the plumbing, gas and electrical systems must still be designed and installed to code. If you are not familiar with plumbing and electrical systems, you need to employ licensed professional electricians and plumbers to help you and who will make sure the work is installed to code. L&I cannot advise you on or help you learn how to do this work.



2018 International Residential Code

APPENDIX Q TINY HOUSES

First Printing: Aug 2017

APPENDIX Q TINY HOUSES

This provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

User note:

About this appendix: Appendix Q relaxes various requirements in the body of the code as they apply to houses that are 400 square feet in area or less. Attention is specifically paid to features such as compact stairs, including stair handrails and headroom, ladders, reduced ceiling heights in lofts and guard and emergency escape and rescue opening requirements at lofts.

SECTION AQ101 GENERAL

AQ101.1 Scope.

This appendix shall be applicable to *tiny houses* used as single *dwelling units*. *Tiny houses* shall comply with this code except as otherwise stated in this appendix.

SECTION AQ102 DEFINITIONS

AQ102.1 General.

The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of this code for general definitions.

EGRESS ROOF ACCESS WINDOW. A *skylight* or roof window designed and installed to satisfy the emergency escape and rescue opening requirements of Section R310.2.

LANDING PLATFORM. A landing provided as the top step of a stairway accessing a *loft*.

LOFT. A floor level located more than 30 inches (762 mm) above the main floor, open to the main floor on one or more sides with a ceiling height of less than 6 feet 8 inches (2032 mm) and used as a living or sleeping space.

TINY HOUSE. A *dwelling* that is 400 square feet (37 m²) or less in floor area excluding *lofts*.

SECTION AQ103 CEILING HEIGHT

AQ103.1 Minimum ceiling height.

Habitable space and hallways in *tiny houses* shall have a ceiling height of not less than 6 feet 8 inches (2032 mm). Bathrooms, toilet rooms and kitchens shall have a ceiling height of not less than 6 feet 4 inches (1930 mm). Obstructions including, but not limited to, beams, girders, ducts and lighting, shall not extend below these minimum ceiling heights.

Exception: Ceiling heights in *lofts* are permitted to be less than 6 feet 8 inches (2032 mm).

SECTION AQ104 LOFTS

AQ104.1 Minimum loft area and dimensions.

Lofts used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections AQ104.1.1 through AQ104.1.3.

AQ104.1.1 Minimum area.

Lofts shall have a floor area of not less than 35 square feet (3.25 m²).

AQ104.1.2 Minimum dimensions.

Lofts shall be not less than 5 feet (1524 mm) in any horizontal dimension.

AQ104.1.3 Height effect on loft area.

Portions of a *loft* with a sloped ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

Exception: Under gable roofs with a minimum slope of 6 units vertical in 12 units horizontal (50-percent slope), portions of a *loft* with a sloped ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the *loft*.

AQ104.2 Loft access.

The access to and primary egress from *lofts* shall be of any type described in Sections AQ104.2.1 through AQ104.2.4.

AQ104.2.1 Stairways.

Stairways accessing *lofts* shall comply with this code or with Sections AQ104.2.1.1 through AQ104.2.1.5.

AQ104.2.1.1 Width.

Stairways accessing a *loft* shall not be less than 17 inches (432 mm) in clear width at or above the handrail. The width below the handrail shall be not less than 20 inches (508 mm).

AQ104.2.1.2 Headroom.

The headroom in stairways accessing a *loft* shall be not less than 6 feet 2 inches (1880 mm), as measured vertically, from a sloped line connecting the tread or landing platform nosings in the middle of their width.

AQ104.2.1.3 Treads and risers.

Risers for stairs accessing a *loft* shall be not less than 7 inches (178 mm) and not more than 12 inches (305 mm) in height. Tread depth and riser height shall be calculated in accordance with one of the following formulas:

1. The tread depth shall be 20 inches (508 mm) minus four-thirds of the riser height.
2. The riser height shall be 15 inches (381 mm) minus three-fourths of the tread depth.

AQ104.2.1.4 Landing platforms.

The top tread and riser of stairways accessing *lofts* shall be constructed as a *landing platform* where the *loft* ceiling height is less than 6 feet 2 inches (1880 mm) where the stairway meets the *loft*. The *landing platform* shall be 18 inches to 22 inches (457 to 559 mm) in depth measured from the nosing of the landing platform to the edge of the *loft*, and 16 to 18 inches (406 to 457 mm) in height measured from the *landing platform* to the *loft* floor.

AQ104.2.1.5 Handrails.

Handrails shall comply with Section R311.7.8.

AQ104.2.1.6 Stairway guards.

Guards at open sides of stairways shall comply with Section R312.1.

AQ104.2.2 Ladders.

Ladders accessing *lofts* shall comply with Sections AQ104.2.1 and AQ104.2.2.

AQ104.2.2.1 Size and capacity.

Ladders accessing *lofts* shall have a rung width of not less than 12 inches (305 mm), and 10-inch (254 mm) to 14-inch (356 mm) spacing between rungs. Ladders shall be capable of supporting a 200-pound (75 kg) load on any rung. Rung spacing shall be uniform within $\frac{3}{8}$ inch (9.5 mm).

AQ104.2.2.2 Incline.

Ladders shall be installed at 70 to 80 degrees from horizontal.

AQ104.2.3 Alternating tread devices.

Alternating tread devices accessing *lofts* shall comply with Sections R311.7.11.1 and R311.7.11.2. The clear width at and below the handrails shall be not less than 20 inches (508 mm).

AQ104.2.4 Ships ladders.

Ships ladders accessing *lofts* shall comply with Sections R311.7.12.1 and R311.7.12.2. The clear width at and below handrails shall be not less than 20 inches (508 mm).

AQ104.2.5 Loft Guards.

Loft guards shall be located along the open side of *lofts*. *Loft* guards shall be not less than 36 inches (914 mm) in height or one-half of the clear height to the ceiling, whichever is less.

SECTION AQ105 EMERGENCY ESCAPE AND RESCUE OPENINGS

AQ105.1 General.

Tiny houses shall meet the requirements of Section R310 for emergency escape and rescue openings.

Exception: *Egress roof access windows* in *lofts* used as sleeping rooms shall be deemed to meet the requirements of Section R310 where installed such that the bottom of the opening is not more than 44 inches (1118 mm) above the *loft* floor, provided the egress roof access window complies with the minimum opening area requirements of Section R310.2.1.



CITY OF
BAINBRIDGE ISLAND

Planning Commission Regular Meeting Agenda Bill

MEETING DATE: January 9, 2020

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: Elect a 2020 chairperson and vice chairperson to serve the Planning Commission

AGENDA CATEGORY: Appointment

PROPOSED BY: Heather Wright

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

PREVIOUS COUCIL REVIEW DATE(S):

RECOMMENDED MOTION:

Elect a chairperson and vice chairperson for 2020.

SUMMARY:

The 2019 chairperson was William Chester and the vice chairperson was Kimberly McCormick Osmond.

BACKGROUND: Pursuant to BIMC 2.14.020, the officers of the commission shall consist of a chairperson and a vice chairperson elected by the members of the commission for a one-year term. The election of officers shall take place at the first meeting of the year. In the event of the vacancy of the chair, the chairperson would be replaced by the vice chairperson, and the vice chairperson would be replaced by a vote of the members of the commission.

The chairperson shall preside over meetings of the commission and may exercise all the powers usually incident to the office. Duties of the chairperson shall include, but not be limited to, committees of the whole, handling meeting items and discussion, conflict of interest, suspension of meetings, timing or discussion of issues, and clarification of issues and questions. The chairperson shall sign all approved commission minutes, reports or other official documents.

In the absence of the chairperson, the vice chairperson shall perform all the duties incumbent upon the chairperson. The chairperson and the vice chairperson both being absent, the members present may elect for the meeting a temporary chairperson who shall have the full powers of the chairperson during the absence of the chairperson and the vice chairperson.

The chair shall have full power to create subcommittees that would include up to three commissioners. Standing or temporary committees may be charged with such duties, examinations, investigations and inquiries relative to one or more subjects of interest to the commission. No committee shall have the power to commit the commission to the endorsement of any plan or program without the approval of a quorum of the commission.

ATTACHMENTS:

PLANNING COMMISSION ROSTER



<p>Kimberly McCormick Osmond, Position 1</p> <p>Phone: 206-910-4772 City Email: kimberly.mccormick.osmond@cobicommittee.email</p> <p>Term Expires: June 30, 2020</p>		<p>Mack Pearl, Position 2</p> <p>Phone: 206-842-8505 City Email: mack.pearl@cobicommittee.email</p> <p>Term Expires: June 30, 2020</p>
<p>Don Doman, Position 3</p> <p>Phone: 206-931-6106 City Email: don.doman@cobicommittee.email</p> <p>Term Expires: June 30, 2021</p>		<p>Jon Quitslund, Position 4</p> <p>Phone: 206-780-4006 City Email: jon.quitslund@cobicommittee.email</p> <p>Term Expires : June 30, 2021</p>
<p>William Chester, Position 5</p> <p>Phone: 206-842-1775 City Email: william.chester@cobicommittee.email</p> <p>Term Expires: June 30, 2022</p>		<p>Lisa Macchio, Position 6</p> <p>Phone: 206-842-4132 City Email: lisa.macchio@cobicommittee.email</p> <p>Term Expires: June 30, 2022</p>
<p>Joe Paar, Position 7</p> <p>Phone: 206-830-0929 City Email: joe.paar@cobicommittee.email</p> <p>Term Expires: June 30, 2022</p>		
<p>Council Liaison</p> <p>Phone: Email:</p>		<p>Staff Contact Heather Wright, Planning Director Phone: 206-780-3754 Email: hwright@bainbridgewa.gov</p>