



CITY OF
BAINBRIDGE ISLAND

**PLANNING COMMISSION SPECIAL MEETING
THURSDAY, NOVEMBER 19, 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.

PLEASE CLICK THE LINK BELOW TO JOIN THE WEBINAR:

[HTTPS://BAINBRIDGEWA.ZOOM.US/J/93919490652](https://bainbridgewa.zoom.us/j/93919490652)

OR IPHONE ONE-TAP :

US: +16699009128,,99093163225# OR +12532158782,,99093163225#

OR TELEPHONE:

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

US: +1 669 900 9128 OR +1 253 215 8782 OR +1 301 715 8592 OR +1 312 626 6799 OR +1 346 248 7799 OR
+1 646 558 8656

WEBINAR ID: 990 9316 3225

INTERNATIONAL NUMBERS AVAILABLE: [HTTPS://BAINBRIDGEWA.ZOOM.US/U/ABC2WQZA2T](https://bainbridgewa.zoom.us/j/93919490652)

AGENDA

1. **CALL TO ORDER/ROLL CALL, AGENDA REVIEW - 6:00 PM**
2. **PUBLIC PARTICIPATION MEETING - 6:05 PM**
 - 2.a **Wintergreen Public Participation Meeting** 90 Minutes
[PPM PlanningCommission Presentation 1.pdf](#)
3. **PUBLIC COMMENT - 7:35 PM**
Public Comment on off-agenda items.
4. **UNFINISHED BUSINESS - 7:45 PM**
 - 4.a **(7:45 PM) - Ordinance 2020-40 Joint City Council/Planning Commission Land Use Subcommittee Phase I "Triage" Code Changes** 15 Minutes
[20201029 Planning Commission Workplan for Joint Land Use Subcommittee Recommendations.docx](#)
[Ordinance No. 2020-20 Triage Code Updates.docx](#)
[Ord 2020-40 Exhibit A.docx](#)
[Joint_Land_Use_Subcommittee_Memorandum_Initial_Recommendations](#)

- 4.b (8:00 PM) Bonus Floor Area Ratio Options, BIMC 18.12.030.E. - Planning, 30 Minutes**
20201008 PC Cover Letter to CC on Bonus FAR Revisions.docx
DRAFT Ordinance No. 2020-16.docx
Exhibit A Excerpt BIMC Table 18.12.020-3.docx
20200924 PC Staff Memo.pdf
MUTC and HS Rd Map.pdf
WMP Goals & Policies Related to FAR.pdf
ORD NO. 2020-20 EXTENDING INTERIM ZONING CONTROL RELATED TO BONUS DENSITY.pdf
June 11 2020 Planning Commission Meeting Minutes.pdf
July 9 2020 Planning Commission Meeting.pdf
August 27 2020 PLANNING COMMISSION MINUTES.pdf
September 10 2020 PLANNING COMMISSION MINUTES.pdf
September 24 2020 PLANNING COMMISSION MINUTES.pdf

5. SUB-COMMITTEE UPDATES - 8:30 PM

City Council/Planning Commission Joint Land Use Sub-committee
Planning Commission Affordable Housing Sub-committee

6. PLANNING DIRECTOR'S REPORT - 8:40 PM

7. ADJOURNMENT - 8:50 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: November 19, 2020

ESTIMATED TIME: 90 Minutes

AGENDA ITEM: Wintergreen Public Participation Meeting

AGENDA CATEGORY: Presentation

PROPOSED BY: Heather Wright

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

PREVIOUS COUCIL REVIEW DATE(S): None.

RECOMMENDED MOTION:
Hold the Public Participation Meeting:

SUMMARY:

Wintergreen Apartments is a proposal for a 74-townhome long subdivision of 2.94 acres that incorporates affordable housing (as defined in the Municipal Code). The site is on Wintergreen Lane, and is located on the property commonly known as Visconsi.

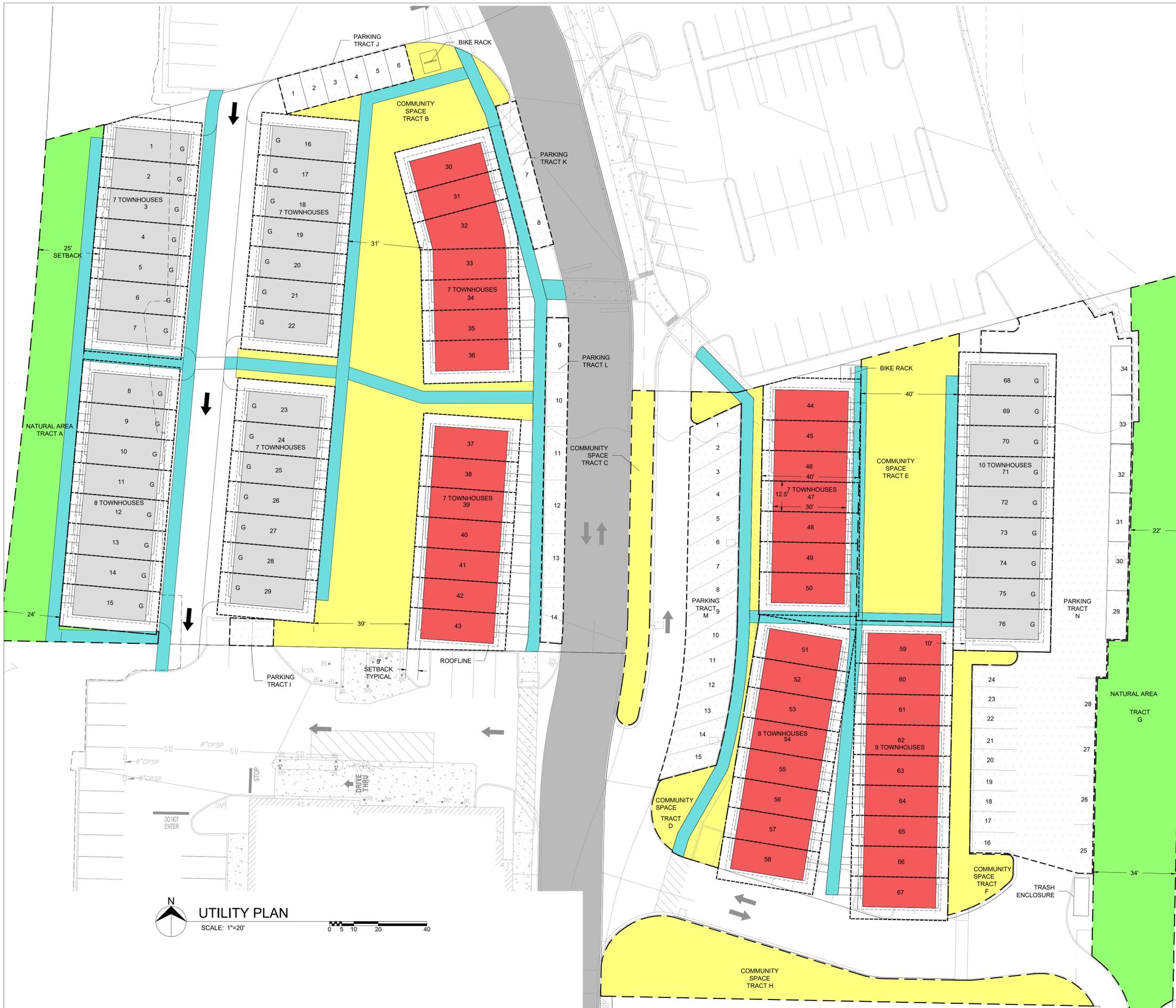
BACKGROUND: The applicant has participated in a Conceptual (October 5) and Design Guidance (November 2) meeting with the Design Review Board.

ATTACHMENTS:



WINTERGREEN TOWNHOMES

 CENTRAL
HIGHLAND HOMES



NATURAL AND COMMUNITY SPACE

WEST LOT 57,499SF
 NATURAL AREA (5%) = 2875 SF REQUIRED
 4957 SF PROPOSED
 COMMUNITY SPACE (10%) = 5750 SF REQUIRED
 10,160 SF PROPOSED

EAST LOT 70,567 SF
 NATURAL AREA (5%) = 3528 SF REQUIRED
 7995 SF PROPOSED
 COMMUNITY SPACE (10%) = 7057 SF REQUIRED
 13,013 SF PROPOSED

LEGEND

- 3 STORY TOWNHOUSE
1 CAR GARAGE PARKING
- 2 STORY TOWNHOUSE
1 OPEN PARKING SPACE
- NATURAL SPACE
- COMMUNITY SPACE
- PATHS AND SIDEWALKS
- PARKING TRACT
- PROPERTY LINE



**SITE PLAN
 CHB VISCONSI
 DESIGN REVIEW BOARD**

BROWNE • WHEELER ENGINEERS, INC 241 ERICKSEN AVENUE NE BAINBRIDGE ISLAND, WA 98110 P 206.842.0605 INFO@BrowneWheeler.COM	CENTRAL HIGHLANDS BUILDERS, INC. P O BOX 2879 POULSBORO, WA 98370	DATE 11/9/2020 DESIGNED AEW DRAWN NDW CHECKED PROJECT # CE02	C1 1 OF 1
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WINTERGREEN TOWNHOMES - BIMC AFFORDABLE PROJECT

PROJECT VISION SUMMARY

We are proposing a 74 townhome platted residential community within the Wintergreen Center that complies with the BIMC affordable housing guidelines. We have chosen to do a plat, with traditional legal lots in order to give our homebuyers a better value, more appreciation and access to better home loans than a condo project, though physically the same project.

Though this project has to be in compliance with BIMC 17.12 and 2.16 land use process for townhome subdivisions there are limitations in that process as follows: The Wintergreen Center's last 2 lots, that will be the site of this project, are subject to an approved site plan and its own design guidelines as well as the Wintergreen CC+Rs. The Wintergreen Center has also received a Mitigated Determination of Non Significance that included substantial open spaces and buffers as shown on the aerial photo, attached, of the project.

To meet the affordable requirements of BIMC, 32 of the 2 story townhomes will meet the affordable requirements to occupy all of the .18 bonus FAR, 24,155sf, being utilized in this project. We have designed both the 2 story and 3 story homes to allow pricing from \$304,500 for the 2 story units, (with a SHOP grant and our own builder subsidy), up to \$439,000 for the highest priced 3 story townhomes. The project will have 36 of the 2 story units, all of which will be offered to HRB, to allow as many low income buyers as the SHOP, DOWN PAYMENT ASSISTANCE AND SUBSIDISED USDA HOME LOAN programs funding will allow. Currently HRB estimates that there are enough funds in these programs to enable about 16 low income families to become homeowners. When the low income buyer programs have been exhausted the balance of the required affordable 32 townhomes will be sold to homebuyers in the moderate and middle income ranges. Please review the attached City of Bainbridge Island, 2019 Median Income Limits by Household Size for the Bremerton - Silverdale MSA (HUD). With mortgage rates lower than 3% even the highest priced townhomes can be afforded by at least "Middle Income" homebuyers. We are pleased to be able to develop this 74 townhome project so every townhome will meet the BIMC affordable guidelines and still make it "pencil" for our investors.

ZONING FOR BOTH THE EAST AND WEST LOTS

SITE ADDRESS: Wintergreen Ln, Bainbridge Island

EAST LOT AREA AP# 232502-3-094-2009 70,567SF (1.62AC)

WEST LOT AREA AP# 232502-3-092-2001 57,499SF (1.32AC)

ZONING: HSI- II

ALLOWABLE USES: COMMERCIAL AND RESIDENTIAL

ALLOWABLE FAR RESIDENTIAL BASE = .3 X 128,066SF = 38,419
BONUS FAR WITH AFFORDABLE HOUSING= .19 X 128,066SF = 24,157
TOTAL FAR 62,574

38 THREE STORY 2 BR OR 1BR PLUS DEN TH, EACH 921SF (TOTAL 34,998)
36 TWO STORY 2BR OR 1BR PLUS DEN TH, EACH 766SF (TOTAL 27,576)
TOTAL SQUARE FOOTAGE ALL 74 TOWNHOMES 62,574

HEIGHT LIMIT 35' OR 45' WITH UNDERBUILDING PARKING

PARKING: 1 SPACE FOR 1 BR TH AND 2 SPACES FOR A 2BR TH
PARKING TOTALS: WEST LOT 28 ONE CAR GARAGES.
EAST LOT 10 ONE CAR GARAGES
WEST LOT 11 OPEN PARKING SPACES
EAST LOT 34 OPEN PAKINGS SPACES
TOTAL PARKING AVAILABLE 83 COMBINED GARAGES AND OPEN SPACES

TRAFFIC IMPACT: The approved Wintergreen project included approval of 23,000 SF of commercial building on the 2 remaining lots with a maximum of 5 peak hour trips per 1000sf of commercial building area. Therefore, 23 X 5 peak hour trips = 115 peak hour trips in either AM or PM hours. Our proposed 74 townhomes will have approximately 40 peak hour trips in either the AM or PM hours. Please see the attached traffic study for townhomes based on ITE standards that is the source of peak hour trips for our townhomes.

FOOTPRINT OF ALL 74 UNITS IS 375SF EACH - TOTAL FOOTPRINTS = 27,750SF

LAND USE PROCESS IS TOWNHOME ZERO LOT LINE SUBDIVISION

DEPARTURES REQUESTED FROM BIMC SUBDIVISION STANDARDS:

WEST LOT LOOP ACCESS DRIVEWAY/ROAD: The loop driveway/ road is one way, counter clockwise, with a 12' width that meets the BIMC pavement width for one way roadways. However, the RW can only be a width of 24', which is adequate to accommodate both wet and dry utilities and maintain required separation between the utility lines.

WEST LOT'S 50' BUFFER PROPOSED REDUCTION: To allow a more creative building layout we request a reduction of the west lot's buffer to 25' in width. BIMC requires only a 25' buffer from HWY 305, as shown on the attached, engineer's site plan that has sited the divided west row of townhomes into 2 angled buildings partially into

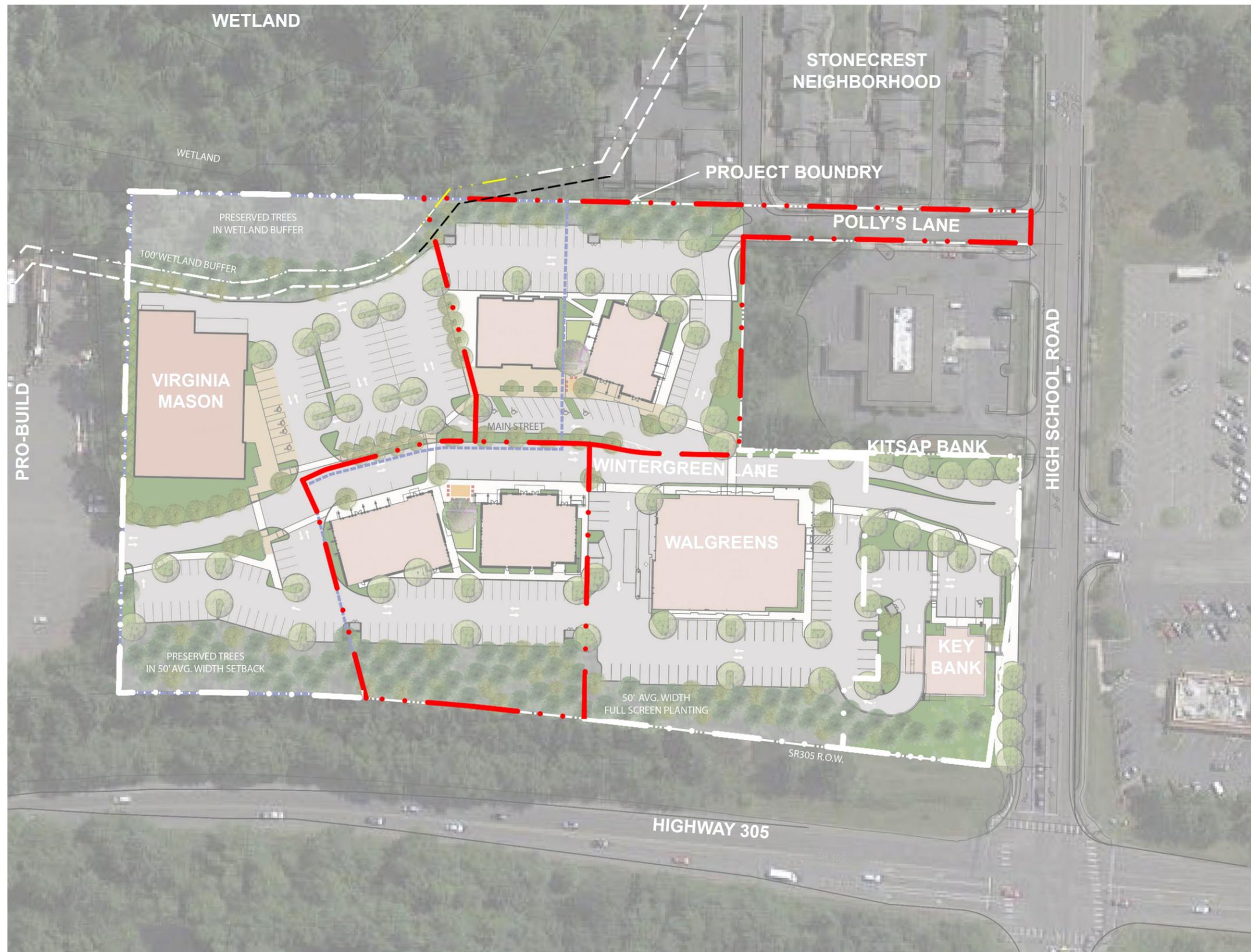
the remaining buffer area. This buffer reduction is mitigated as shown in the attached site plan that has included additional open space in both the west and east lots that will provide more open space than the reduced buffer space. The Wintergreen approved site plan purpose for the west buffer area was to provide space to plant replacement trees for the significant trees that were removed. Our added open space will provide the area needed to replant the trees lost in the buffer reduction area.



CONTEXT PLAN

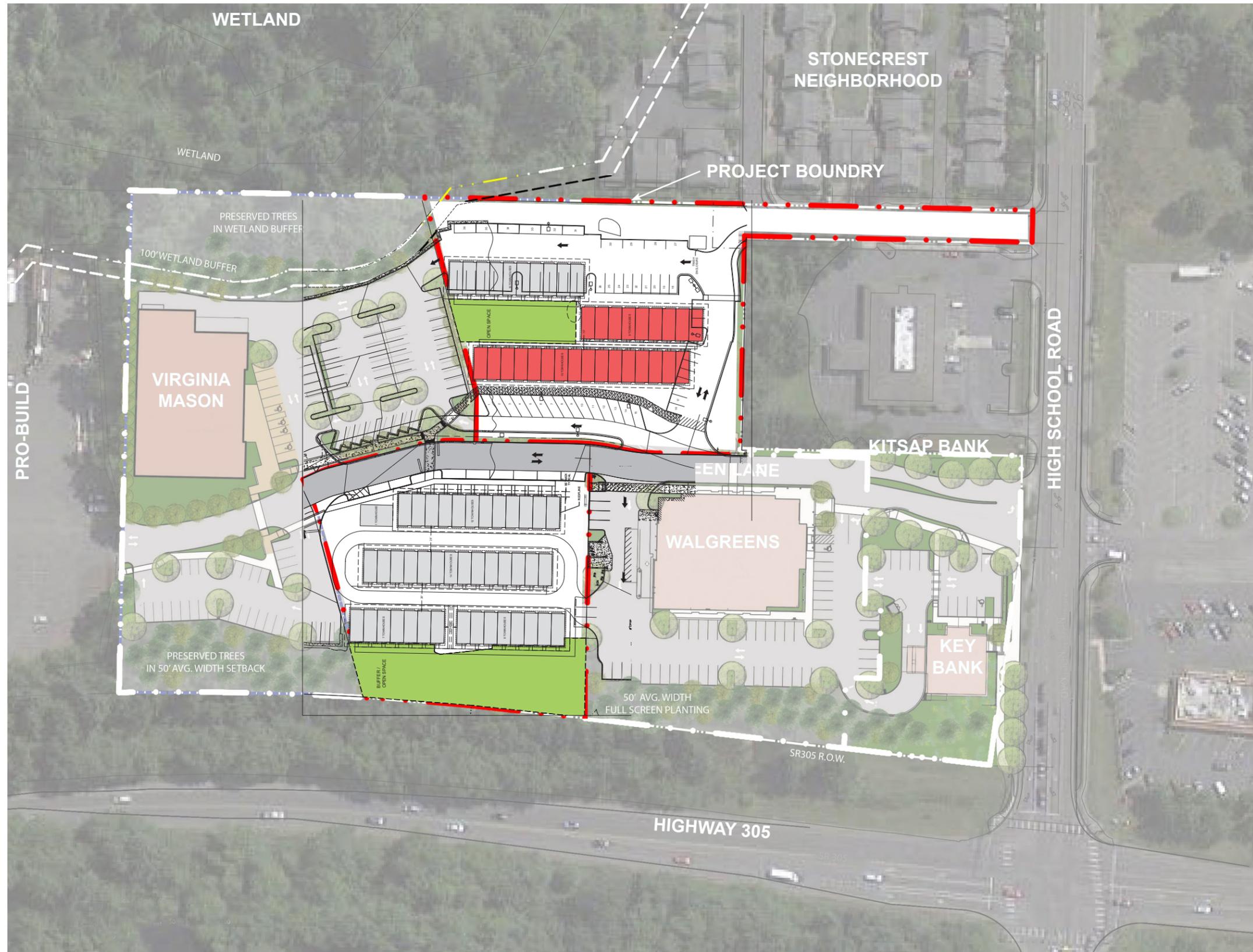
WINTERGREEN TOWNHOMES

CHB VISCONSI



APPROVED MASTERPLAN
WINTERGREEN TOWNHOMES

CHB VISCONSI

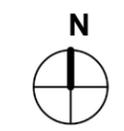
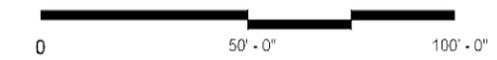


PROPOSED MASTERPLAN
WINTERGREEN TOWNHOMES

CHB VISCONSI



- 3 STORY TOWNHOUSE
1 CAR GARAGE PARKING
- 2 STORY TOWNHOUSE
1 OPEN PARKING SPACE
- OPEN SPACE



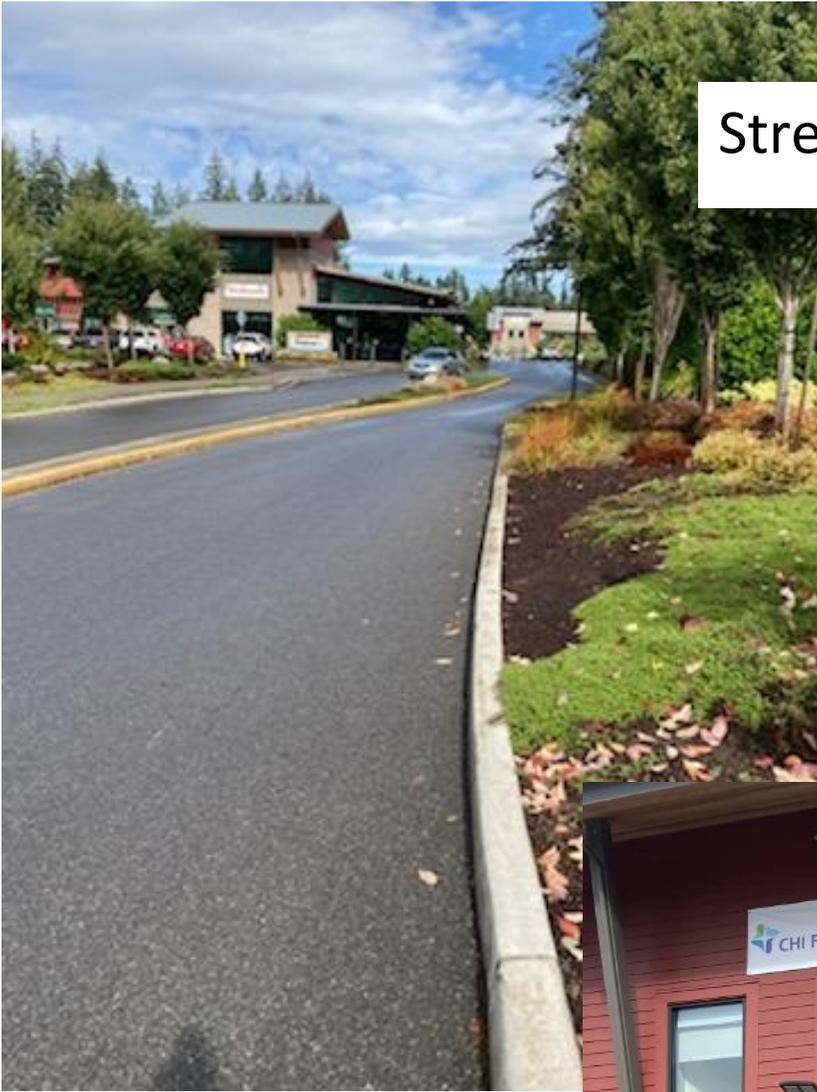
ENLARGED PROPOSED SITE PLAN
WINTERGREEN TOWNHOMES

CHB VISCONSI

Walgreens



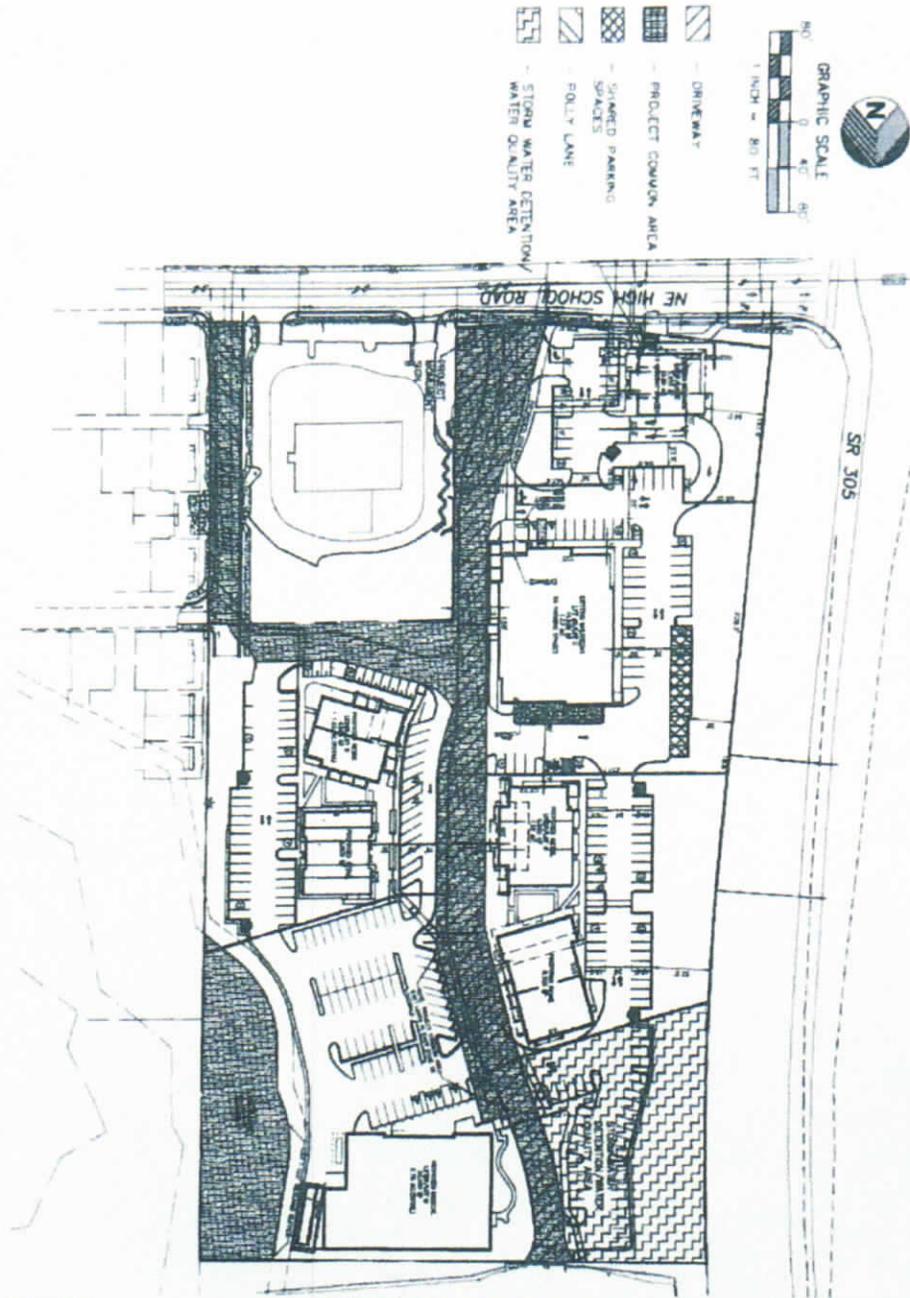
Key Bank



Street Scene



CHI Urgent Care



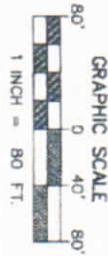
SHEET NO.
EX B

PROJECT NO.	16503227.1
DATE	11/20/08
DESIGNED BY	SA
CHECKED BY	SA
DATE	6/27/08
BY	SA
DATE	11/20/08

DECLARATION
EXHIBIT B
NEC SR 305 & NE HIGH SCHOOL ROAD
BAINBRIDGE, WA

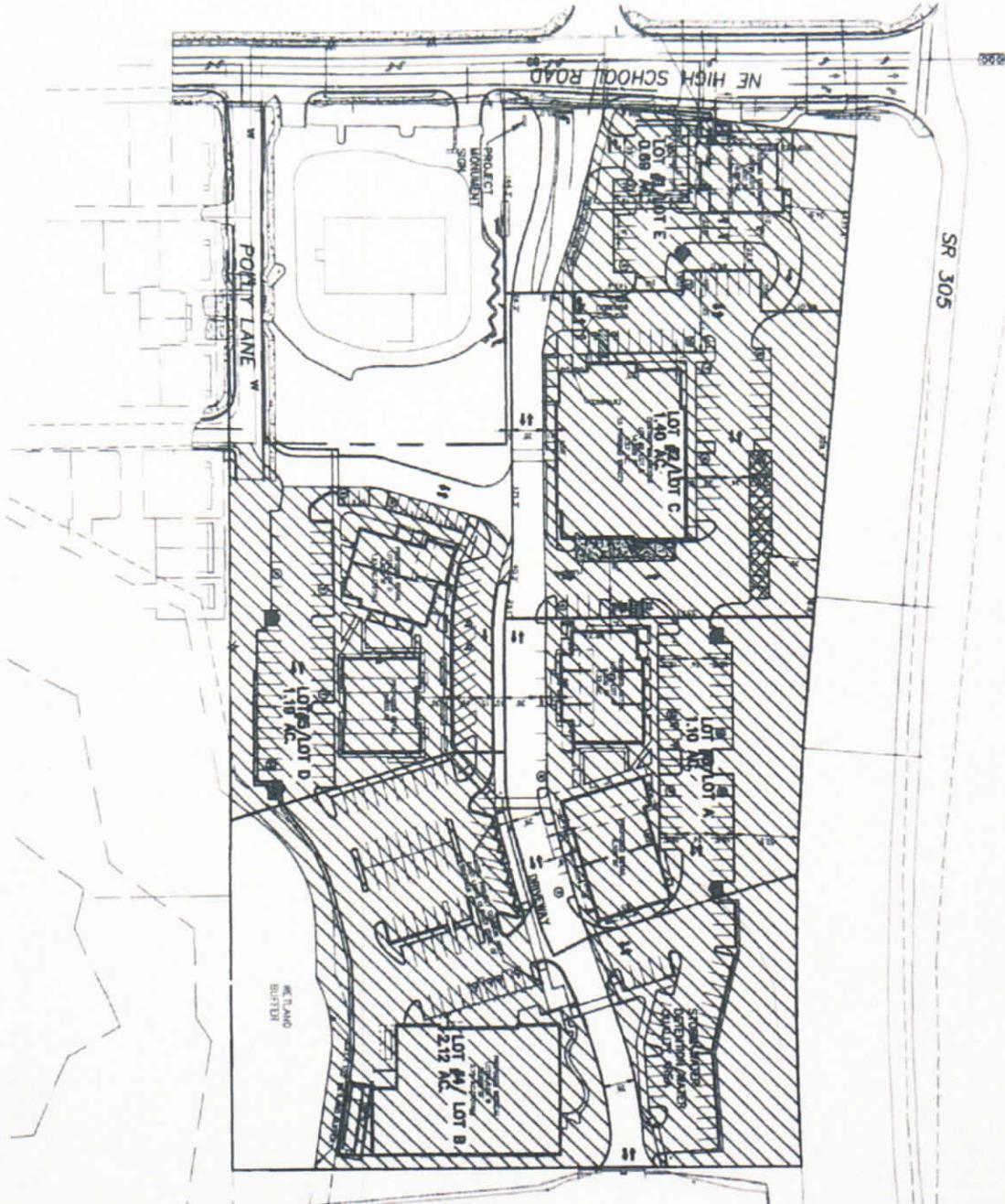


Exhibit B



USABLE AREA	
LOT A/LOT 3:	1.10 AC.
LOT B/LOT 4:	2.12 AC.
LOT C/LOT 2:	1.40 AC.
LOT D/LOT 5:	1.19 AC.
LOT E/LOT 1:	0.69 AC.
TOTAL:	6.50 AC.

 - USABLE AREA



SHEET NO.
EXE

PROJECT No.:
DWG NAME: Bldg. EX-24
DWG SCALE: 1"=80'
DRAWN BY: SAJ
CHECKED BY: SAJ
DATE DRAWN: 8/12/15
REVISION: 11/15/15
12/01/15

**DECLARATION
EXHIBIT E**
NEC SR 305 & NE HIGH SCHOOL ROAD
BAINBRIDGE, WA





VIEW FROM 305 BUFFER



VIEW FROM WALGREENS SIDE PARKING LOT

3 STORY GARAGE UNDER WEST SIDE



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VIEW FROM WALGREENS FRONT PARKING LOT

3 STORY GARAGE UNDER WEST SIDE



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VIEW FROM V.M. PARKING LOT



VIEW FROM THE EAST SIDE



EASTSIDE OVER VIEW



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EASTSIDE OVER VIEW



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WINTERGREEN TOWNHOMES BAINBRIDGE ISLAND, WA 98110

WEST SIDE:
11-2 STORY 1 & 2 BEDROOM
29-3 STORY 1 & 2 BEDROOM

EAST SIDE:
24-2 STORY 1 & 2 BEDROOM
10-3 STORY 1 & 2 BEDROOM



TYPICAL 2 STORY TOWNHOUSE CLUSTER EAST SIDE

NOTE 3 STORY BUILDING IN REAR OF 2 STORY TOWNHOUSES

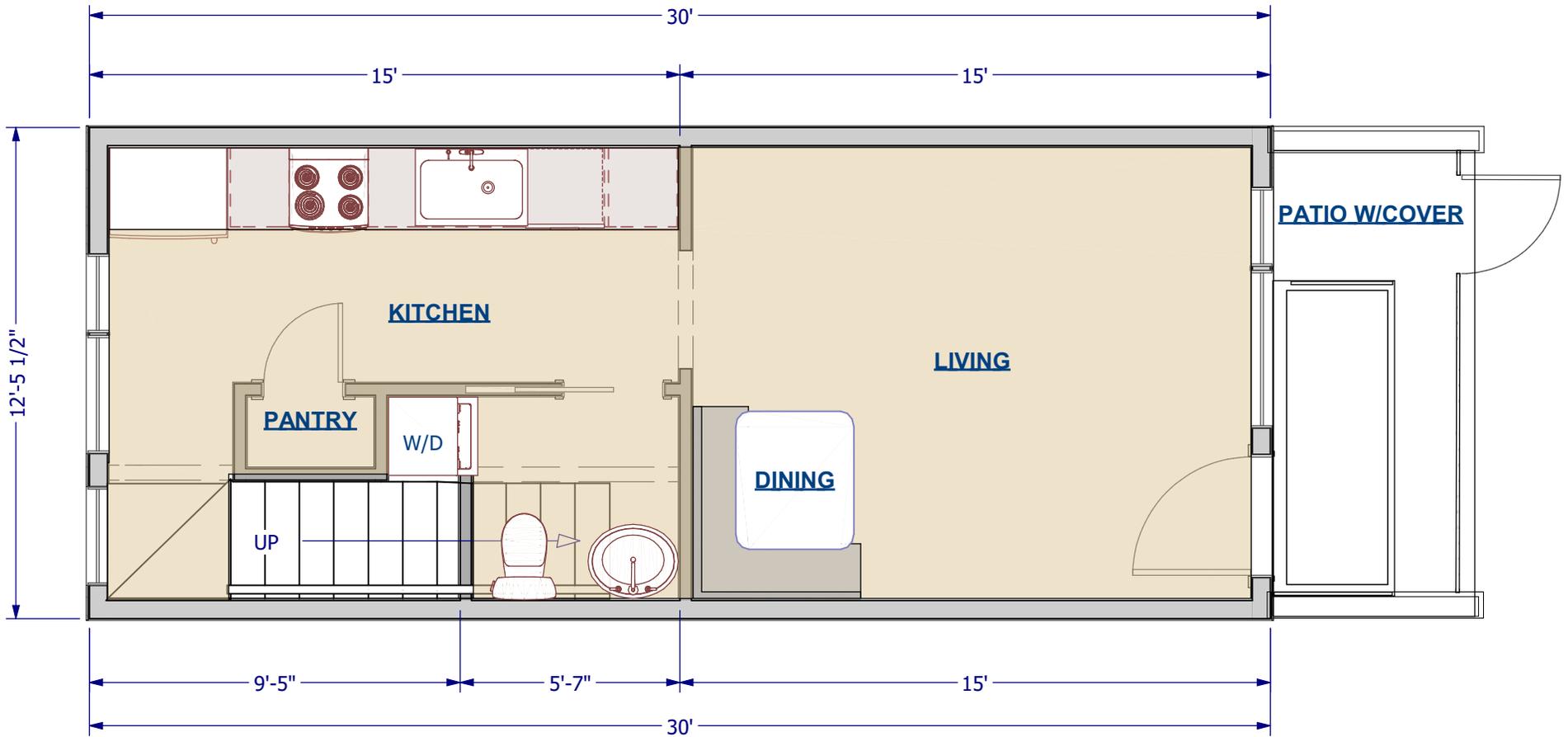


TYPICAL 2 STORY TOWNHOUSE & COURTYARD ACCESS



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PAGE ONE- STREET VIEW 3 STORY EAST & COMMON SPACE
PAGE TWO- ENTRY LEVEL FLOOR PLAN
PAGE THREE- SECOND LEVEL FLOOR 2-BEDROOM FLOOR PLAN
PAGE FOUR- SECOND LEVEL FLOOR 1-BEDROOM W DEN



2 STORY TOWNHOUSE MAIN LEVEL

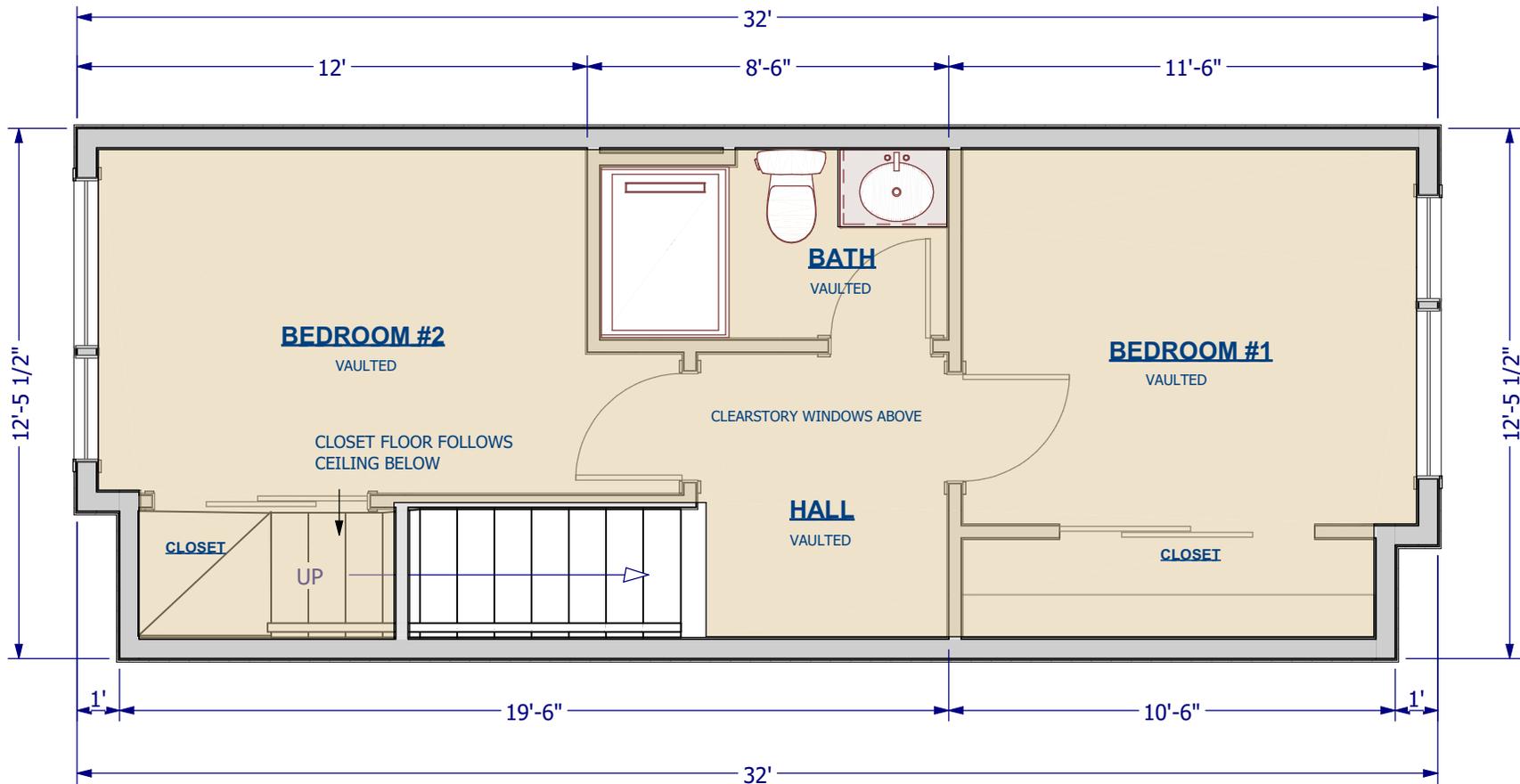
1 & 2 BEDROOM HOMES W/1.5 BATHS

MAIN LEVEL 393 SF

SECOND LEVEL 393 SF =768 SF



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2 STORY TOWNHOUSE SECOND LEVEL 2-BEDROOM

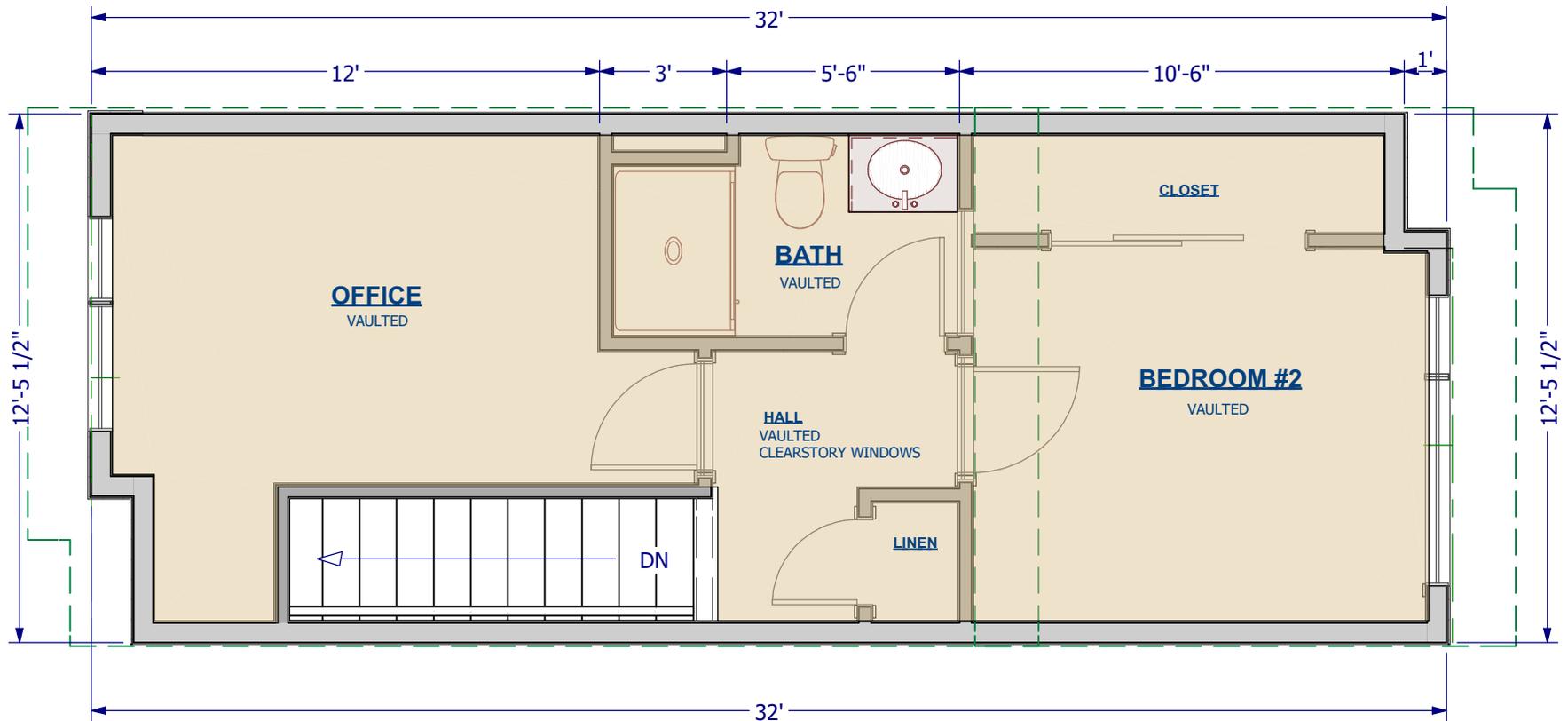
1 & 2 BEDROOM HOMES W/1.5 BATHS

MAIN LEVEL 393 SF

SECOND LEVEL 393 SF =768 SF



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2 STORY TOWNHOUSE SECOND LEVEL 1-BEDROOM

1 & 2 BEDROOM HOMES W/1.5 BATHS

MAIN LEVEL 393 SF

SECOND LEVEL 393 SF =768 SF



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WINTERGREEN TOWNHOMES BAINBRIDGE ISLAND, WA 98110

WEST SIDE:
11-2 STORY 1 & 2 BEDROOM
29-3 STORY 1 & 2 BEDROOM

EAST SIDE:
24-2 STORY 1 & 2 BEDROOM
10-3 STORY 1 & 2 BEDROOM



WINTERGREEN TOWN HOMES EAST w/ CLEARSTORY ROOF
3-STORY, 2-BDRM, & 1-BDRM, 1.5 BATH UNITS 923 SF

CONTENTS:

- PAGE ONE-** STREET VIEW 3 STORY EAST & COMMON SPACE
- PAGE TWO-** REAR VIEW
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- PAGE FOUR-** SECOND LEVEL FLOOR PLAN
- PAGE FIVE-** THIRD LEVEL FLOOR 2-BEDROOM FLOOR PLAN
- PAGE SIX-** THIRD LEVEL FLOOR 1-BEDROOM W DEN



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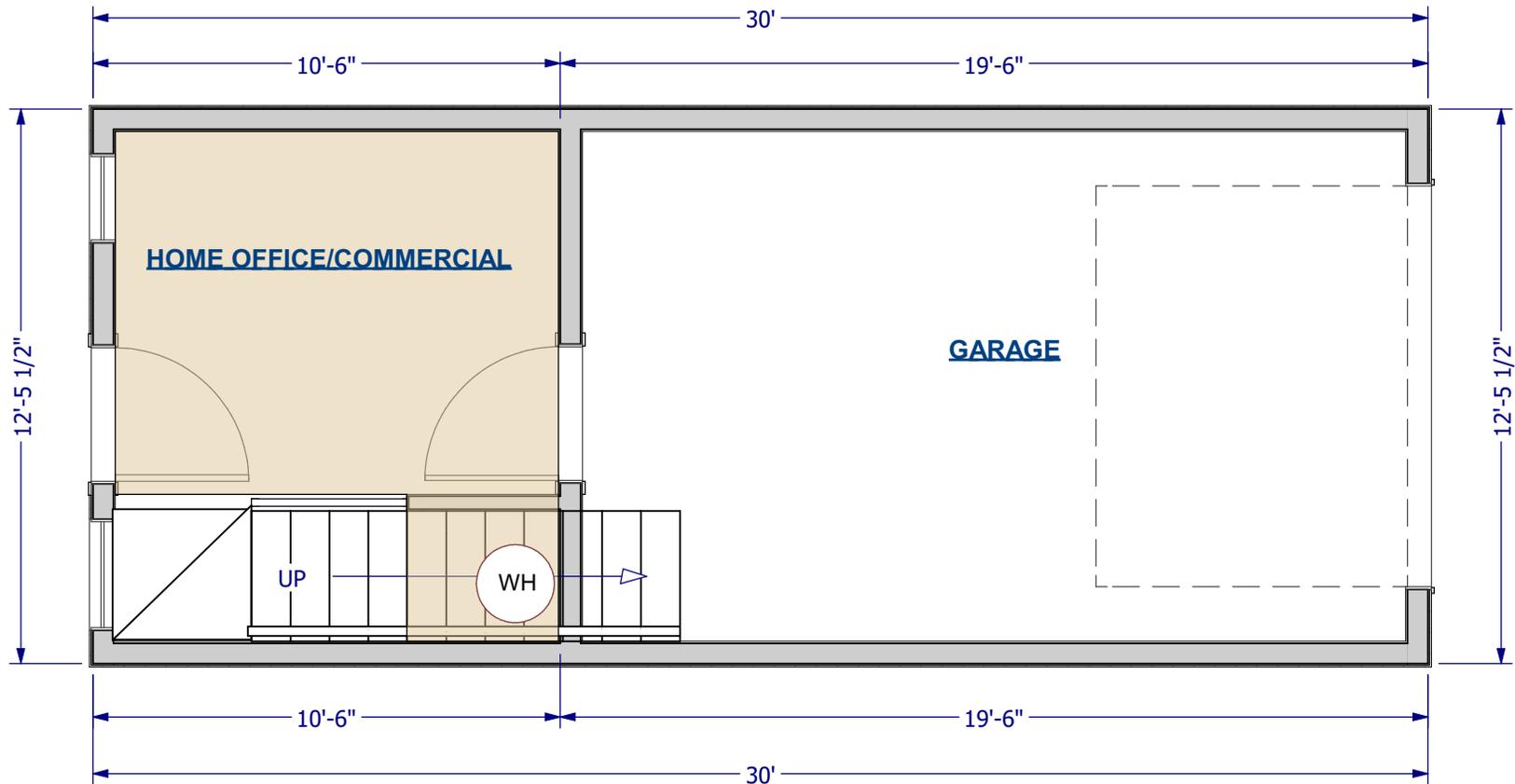


REAR ELEVATION



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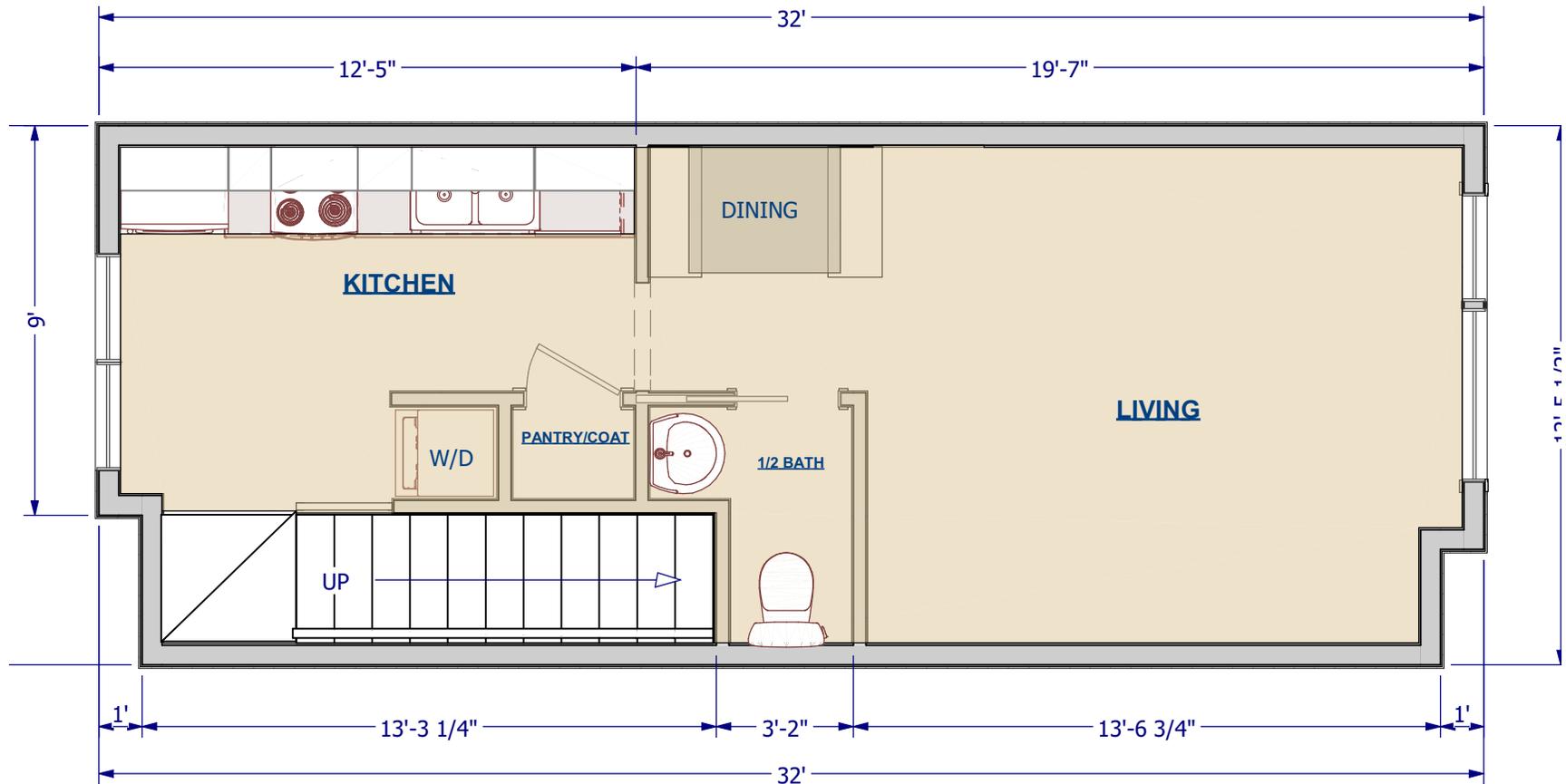
3 STORY TOWNHOUSE ENTRY LEVEL

1 & 2 BEDROOMS W/1.5 BATHS
 ENTRY LEVEL 137 SF
 SECOND LEVEL 393 SF
 THIRD LEVEL 393 SF=923 SF



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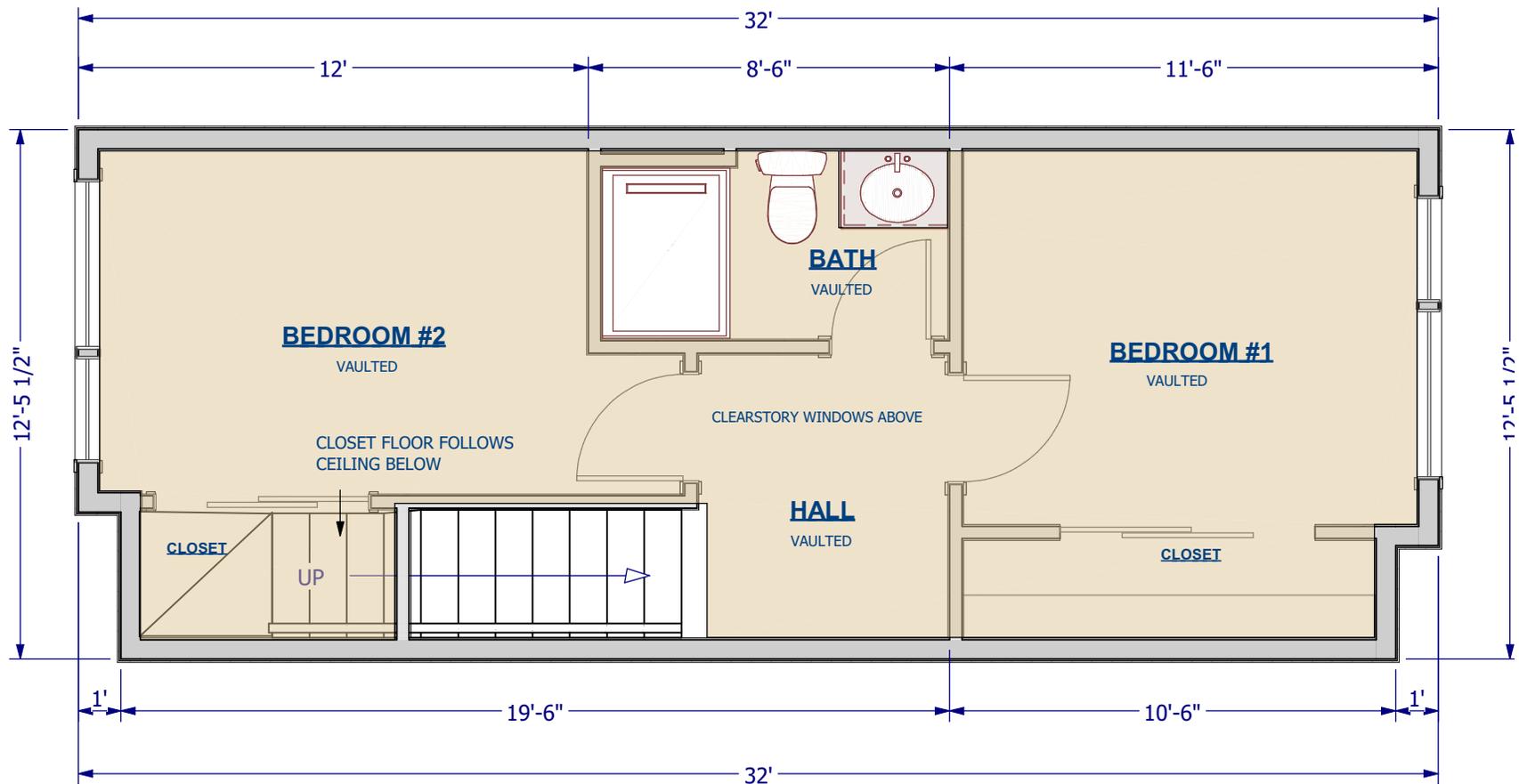
3 STORY TOWNHOUSE SECOND LEVEL

1 & 2 BEDROOMS W/1.5 BATHS
 ENTRY LEVEL 137 SF
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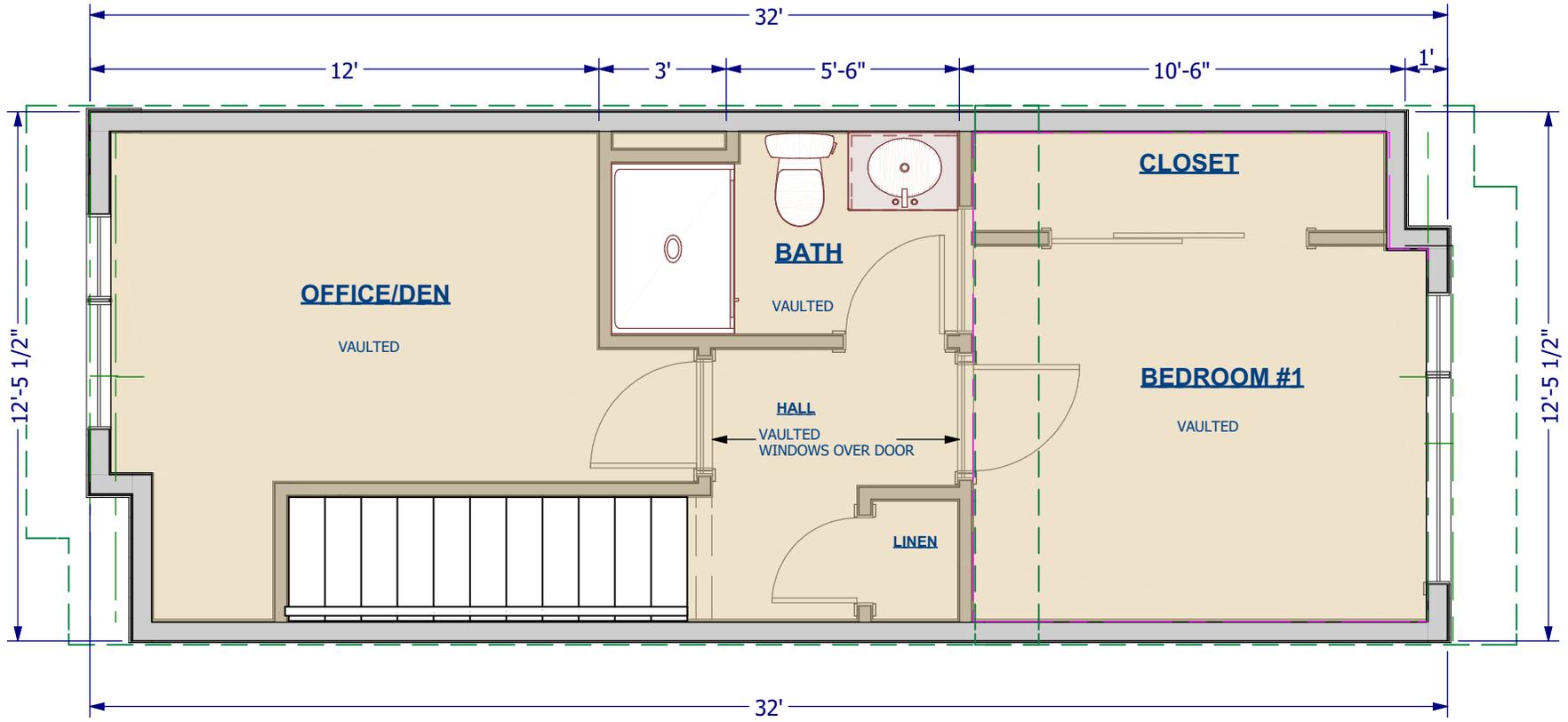
3 STORY TOWNHOUSE THIRD LEVEL 2-BEDROOM

1 & 2 BEDROOMS W/1.5 BATHS
 ENTRY LEVEL 137 SF
 SECOND LEVEL 393 SF
 THIRD LEVEL 393 SF=923 SF



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3 STORY TOWNHOUSE THIRD LEVEL 1-BEDROOM

1 & 2 BEDROOMS W/1.5 BATHS
 ENTRY LEVEL 137 SF
 SECOND LEVEL 393 SF
 THIRD LEVEL 393 SF=923 SF



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10.13.2020

Buffer Photos







CITY OF
BAINBRIDGE ISLAND

CITY OF BAINBRIDGE ISLAND 2019 MEDIAN INCOME LIMITS BY HOUSEHOLD SIZE BREMERTON-SILVERDALE MSA (HUD)

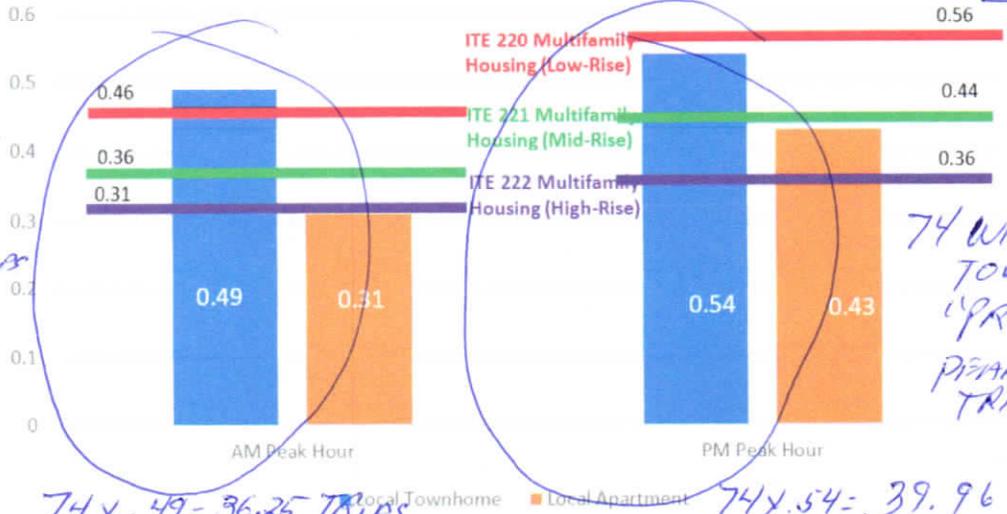
Maximum Income Limits by Category (BIMC 18.21.020)	Household Size							
	1	2	3	4	5	6	7	8
100% of Median Household Income	\$59,875	\$68,438	\$77,000	\$85,500	\$94,063	\$102,606	\$111,150	\$119,694
Extremely Low Income: ≤ 30% of Median Household Income	\$18,000	\$20,550	\$23,100	\$25,650	\$27,750	\$29,800	\$31,850	\$33,900
Very Low Income: 31% - 50% of Median Household Income	\$29,950	\$34,200	\$38,500	\$42,750	\$46,200	\$49,600	\$53,050	\$56,450
Low Income: 51% - 80% of Median Household Income	\$47,900	\$54,750	\$61,600	\$68,400	\$73,900	\$79,350	\$84,850	\$90,300
Moderate Income: 81% - 95% of Median Household Income	\$56,881	\$65,016	\$73,150	\$81,225	\$89,359	\$97,476	\$105,592	\$113,709
Middle Income: 96% - 120% of Median Household Income	\$71,850	\$82,126	\$92,400	\$102,600	\$112,876	\$123,127	\$133,380	\$143,633

10-21-2020

WINTER GREEN TOWN HOME TRAFFIC
PEAK HOUR TRAFFIC
74 TOWNHOMES

WINTER GREEN 2075
IF COMMERCIAL

Peak Hour Trips per Dwelling Unit



23,000
MAX
PEAK HOUR
5 PER 1000 SF

5423 = 115
PEAK HOUR TRIPS
EITHER AM
OR PM

74 WINTER GREEN
TOWN HOMES
"PROBABLE"
PEAK HOUR TRAFFIC
TRIPS

$74 \times .49 = 36.26$ TRIPS

$74 \times .54 = 39.96$ TRIPS

As shown in the charts, our local rates for Townhomes are in line with Multifamily Housing (Low-Rise) in the a.m. and p.m. peak hours, but the local rates are lower for the daily trips. For Apartments, our local data is in line with Multifamily Housing (Mid-Rise) in the p.m. peak hour, but the local rates are lower for the a.m. peak hour and daily trips.

[Download Free Trip Generation Data – TripGeneration.org]

While the locally collected data does not line up 100% with the ITE data, the trend is still the same between the two: as the buildings get taller, the trips per unit get smaller. The reasons behind this are multiple and varied and would take another blog post to get into, so rather than get into that, I will repeat myself because it is fun to rhyme:

As the buildings get taller, the trips per unit get smaller.

Of course, there are many factors that impact trip generation data for each of the new land uses, which is why we encourage everyone to collect trip generation for there region when preparing traffic studies.

What's your experience? How does your regional data compare to the numbers in ITE's Trip Generation Manual? Add your thoughts in the comments below.

Free Trip Generation Data at TripGeneration.org

At **Spack Consulting**, we collect local data on many, if not most, of our traffic studies. And we make this professionally collected data for free. Our document includes over 13,500 hours of data and allows you to see the full 24-hour data collected. Go to **TripGeneration.org** to download the raw data we've collected. Check out our **free parking generation** data as well!



Max Moreland, PE

Max is a traffic engineer with Spack Consulting, an engineering services company, and operations manager with Traffic Data Inc. a traffic data collection company. Both companies are part of the Spack Enterprise family of companies.

He oversee traffic impact studies for clients, organizes traffic counts and is an active contributor in the development of traffic data collection products.

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6 comments

Oldest ▾ comments first

(PEAK HOUR TRAFFIC FOR TOWNHOMES)

COMPARE TO 74 WINTER GLENN TH PROJECT

10-21-2020



By Max Moreland, PE

In the current 10th edition of ITE's Trip Generation Manual, the categorization for a number of land uses has changed from previous editions. One of those changes is for multi-family housing. I thought I would take a closer look at the new ITE multi-family housing land uses to see how it compares to local data we have collected.

In previous versions of ITE's Trip Generation manual, apartments and condominiums/townhomes were separate from one another and the classification is further broken into various classifications such as height, rental versus owner and luxury versus standard. In the 10th edition, apartments and condominiums/townhomes have been combined under the same umbrella of multifamily housing.

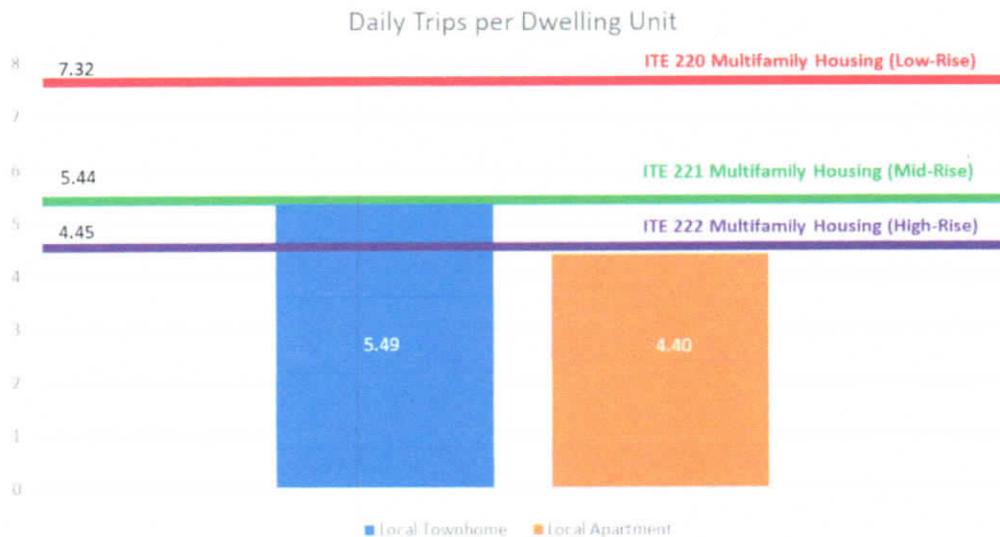
Multifamily housing in the ITE Trip Generation Manual is now broken up into:

- #220 – Multifamily Housing (Low-Rise) – containing one or two floors
- #221 – Multifamily Housing (Mid-Rise) – containing three to ten floors
- #222 – Multifamily Housing (High-Rise) – containing more than ten floors

At TripGeneration.org, we also collected data at multifamily housing locations for the last few years. Our data has been categorized as either Townhomes or Apartments. All the townhomes we collected data at have either one or two floors and all the apartments we have collected data at have between three and ten floors.

Comparing the data we collected locally in the Minneapolis, Minnesota region for TripGeneration.org against the ITE data, our Townhome data fits neatly in the Multifamily Housing (Low-Rise) category and our Apartment data fits neatly in the Multifamily Housing (Mid-Rise) category.

The following charts compare our local Townhome and Apartment data against the three new ITE Multifamily categories.





CITY OF
BAINBRIDGE ISLAND

Planning Commission Special Meeting Agenda Bill

MEETING DATE: November 19, 2020

ESTIMATED TIME: 15 Minutes

AGENDA ITEM: (7:45 PM) - Ordinance 2020-40 Joint City Council/Planning Commission Land Use Subcommittee Phase I "Triage" Code Changes

AGENDA CATEGORY: Ordinance

PROPOSED BY: Jennifer Sutton

PREVIOUS PLANNING COMMISSION

REVIEW DATE(S): October 29 and November 12, 2020,

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

RECOMMENDED MOTION:

Discuss Ordinance 2020-40 and confirm a public hearing draft of the ordinance for planned public hearing on December 10.

SUMMARY:

The list of recommended priority code changes from the Joint City Council/Planning Commission land use subcommittee was presented to the Council on October 13, 2020 and recommended to be forwarded to the Commission for immediate legislative work, with only item #13 related to site-specific rezones not endorsed for immediate work (See attached Joint Land Use Subcommittee Table Attachment A) .

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

1. Miscellaneous code revisions December 31, 2020
2. Major projects decision criteria January 31, 2021
3. MFTE program December 31, 2020 (see memo from Joint subcommittee)

The Planning Commission discussed the code changes forwarded at their meeting on October 29, 2020. The Planning Commission recommended separating the list of changes into two categories (see attached Planning Commission Workplan document):

1. Disparate Code changes identified by the Joint subcommittee as "Triage" or housekeeping changes will move forward with Planning Commission review in a 1st phase "Triage" ordinance. See DRAFT "Triage" Code Changes document for the code changes that would move forward in phase one. Code changes are highlighted yellow.
2. Code changes that relate to the nature and order or meetings and requirements that occur prior to applying for a land use permit (i.e. conceptual meeting, design guidance, preapplication conference) and how and when the Design Review Board and Planning Commission are involved in these early meetings. The Planning Commission indicated that the Commission or representatives from the Commission will discuss these issues with the Design Review Board. This work would then be integrated into a 2nd "triage" ordinance.

The Commission discussed the two-phase workplan again at the November 12 Planning Commission meeting, and confirmed that the Phase 1 changes should be integrated into a draft ordinance. See attached Ordinance 2020-40.

BACKGROUND: On June 22, 2020, the City Council formed a City Council and Planning Commission joint land use subcommittee (subcommittee) consisting of Councilmembers Carr, Hytopoulos, and Pollock. The Planning Commission selected commissioners Bill Chester, Kim McCormick-Osmond and Lisa Macchio to serve on the subcommittee. The City Council directed the subcommittee to “provide recommendations to the Council on a process to clarify an approach for affordable housing initiatives as well as to develop a process and list for undertaking work on priorities for land use code revisions.” The subcommittee first met on August 3, 2020 and has met a total of seven times.

ATTACHMENTS:

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

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

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

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

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

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

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

ORDINANCE NO. 2020-40

AN ORDINANCE of the City of Bainbridge Island, Washington, amending BIMC 2.16.030, 2.16.040, 2.16.110, 2.16.125, 2.16.190Table 18.09.020 and 18.09.030.G and 18.30.020 related to priority clarifying code changes.

WHEREAS, on June 22, 2020, the City Council formed a City Council and Planning Commission joint land use subcommittee (subcommittee) directed by the Council to, among other things, develop a process and list for undertaking work on priorities for land use code revisions; and

WHEREAS, the subcommittee’s first phase of work included identifying urgent land use code changes; and

WHEREAS, the City Council endorsed beginning work on this first phase of work at their meeting on October 13, 2020; and

WHEREAS, the Planning Commission considered the proposed changes on October 29, November 12, and November 19, 2020; and

WHEREAS, the Planning Commission held a public hearing on this ordinance, Ordinance No. 2020-40 on December 10, 2020, and after closing the public hearing, made a recommendation of approval of Ordinance No. 2020-40 to the City Council; and

WHEREAS, notice was given on XXX, 20XX, 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 this ordinance at its meeting on XXX, 2021; and

WHEREAS, the City Council considered Ordinance No. 2020-40 further on XXX, 2021.

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

Section 1. Section 2.16.030.D of the Bainbridge Island Municipal Code is hereby amended to read as follows:

D. Decision Procedures.

1. Criteria for Decision. In making the decision, the department director shall consider the applicable decision criteria of this code, all other applicable law, and any necessary documents and approvals. When no other criteria are specified, the director shall apply the following criteria:

- a. The application must comply with all applicable requirements of the BIMC as well as state and federal law.
 - b. The application is consistent with the adopted comprehensive plan, and specifically with the character or intended character of the area in which the property is located, as described in the comprehensive plan.
2. Environmental Review. For a land use application subject to Chapter 43.21C RCW and Chapter 16.04 BIMC, a SEPA threshold determination may be issued simultaneously with the final decision of the land use application.
 3. Planning Commission Recommendation. When written public comments are received during the public comment period concerning the effect of the land use application on the comprehensive plan, shoreline master program or matters not addressed by specific provisions of this code, the director may request the planning commission to review an application and make a written recommendation prior to the director making a decision. The planning commission will consider the land use application at a public meeting. The planning commission shall recommend approval, approval with conditions or denial of an application. In making a recommendation, the planning commission shall consider the applicable decision criteria of this code, all other applicable law, and any necessary documents and approvals. If the applicable criteria are not met, the planning commission shall recommend the proposal be modified or denied. A planning commission recommendation is not a final decision and therefore there is no appeal of the recommendation. The planning commission's written recommendation and other documents upon which its decision is based shall be immediately transmitted to the director and shall be given substantial weight by the director in making a decision.

Section 2. Section 2.16.040.E.5 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

5. Review and Recommendation by Planning Commission.
 - a. In the case of a major site plan and design review application, the planning commission shall review the application prior to the review and final decision by the director.
 - b. The purpose of the planning commission review and recommendation meeting is to review a proposed project for consistency with applicable design guidelines, BIMC Title 17, and the comprehensive plan.
 - c. The planning commission shall consider the application at a public meeting where public comments will be taken. The planning commission shall recommend approval, approval with conditions or denial of an application. In making a recommendation, the planning commission shall consider the applicable decision criteria, all other applicable law, and the recommendation of the design review board. If the applicable criteria are not met, the planning commission shall recommend the proposal be modified or denied.

- d. The design review board's recommendation shall hold substantial weight in the consideration of the application by the planning commission. Any deviation from the recommendation shall be documented in their written findings of facts and conclusions.
- e. The planning commission will forward its written findings of facts and conclusions, their determination of the project's consistency with the comprehensive plan, and their recommendation, including any conditions attached by the planning commission and design review board, to the staff planner. The planning commission's written findings will be included in the staff report transmitted to the director. The planning commission's recommendation shall be given substantial weight by the director in making a decision.
- f. A planning commission recommendation is not a final decision and therefore there is no appeal of the recommendation.

Section 3. Section 2.16.040.E.6 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

- 6. Review and Approval by Director.
 - a. The director shall review the application materials, information provided by the health district and city engineer, staff report, any public comments received, the recommendations of the design review board and, in the case of major site plan and design review applications, the recommendations of the planning commission, and shall make a final decision based on:
 - i. In the case of a minor site plan and design review application, the final decision on an application is made by the director based on (A) decision criteria in subsection F of this section, (B) the DRB recommendation, and (C) consideration of any public comments received.
 - ii. In the case of a major site plan and design review application, the director will make the final decision based on (A) the decision criteria in subsection F of this section, (B) the recommendation of the planning commission, (C) the recommendation of the design review board, and (D) consideration of any public comments received. The design review board and planning commission's recommendation shall hold substantial weight in the consideration of the application by the director. Any deviation from that recommendation shall be documented in the director's report.
 - b. The director shall make compliance with the recommendations of the design review board and/or planning commission a condition of approval, unless the director concludes that the recommendations:
 - i. Reflect inconsistent application of design guidelines or any applicable provisions of this code;
 - ii. Exceed the authority of the design review board or planning commission;
 - iii. Conflict with SEPA conditions or other regulatory requirements applicable to the project; or

- iv. Conflict with requirements of local, state, or federal law.
- c. The director shall adopt a planning commission recommendation of denial of an application unless the director concludes that the recommendation:
 - (i) reflects inconsistent application of design guidelines, the Comprehensive Plan or any applicable provisions of this code;
 - (ii) exceeds the authority of the design review board or planning commission;
 - (iii) conflicts with SEPA conditions or other regulatory requirements applicable to the project; or
 - (iv) conflicts with requirements of local, state or federal law.

Section 4. Section 2.16.040.F of the Bainbridge Island Municipal Code is hereby amended to read as follows:

- F. Decision Criteria. The director and planning commission shall base their respective recommendations or decisions on site plan and design review applications on the following criteria:
 1. The site plan and design is consistent with all applicable provisions of the BIMC, design guidelines, the Comprehensive Plan and applicable subarea and master plans; and
 2. The locations of the buildings and structures, open spaces, and landscaping result in a context-sensitive design; and
 3. The Kitsap public health district has determined that the site plan and design meets the following decision criteria:
 - a. The proposal conforms to current standards regarding domestic water supply and sewage disposal; or if the proposal is not to be served by public sewers, then the lot has sufficient area and soil, topographic and drainage characteristics to permit an on-site sewage disposal system; and
 - b. If the health district recommends approval of the application with respect to those items in subsection F.3.a of this section, the health district shall so advise the director; and
 - c. If the health district recommends disapproval of the application, it shall provide a written explanation to the director; and
 4. The streets and nonmotorized facilities, as proposed, are adequate to accommodate anticipated traffic; and
 5. The city engineer has determined that the site plan and design meets the following decision criteria:
 - a. The site plan and design conforms to regulations concerning drainage in Chapters 15.20 and 15.21 BIMC; and
 - b. The site plan and design will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use of properties downstream; and
 - c. The streets, nonmotorized facilities, locations of the buildings, structures, and vehicular circulation systems as proposed align with and are otherwise coordinated with streets and nonmotorized facilities serving adjacent

- properties and are adequate, safe, efficient and consistent with the Island-Wide Transportation Plan; and
- d. If a traffic study shows that the proposed development will have an adverse impact on traffic, including nonmotorized traffic, the impact shall be mitigated as required by the city engineer; and
 - e. If the site will rely on public water or sewer services, there is capacity in the water or sewer system (as applicable) to serve the site, and the required service(s) can be made available at the site; and
 - f. The site plan and design conforms to the “City of Bainbridge Island Engineering Design and Construction Standards and Specifications,” unless the city engineer has approved a deviation from the standards; and
- ~~6. The site plan and design is consistent with applicable design guidelines in BIMC Title 18; and~~
- ~~6.7.~~No harmful or unhealthful conditions are likely to result from the proposed site plan; and
- ~~8. The site plan and design is consistent with the comprehensive plan and other applicable adopted community plans; and~~
- ~~7.9.~~ If the subject property contains a critical area or buffer, as defined in Chapter 16.20 BIMC, the site plan and design review permit conforms to all requirements of that chapter; and
- ~~8.10.~~ If the subject property is within the shoreline jurisdiction, as defined in Chapter 16.12 BIMC, the site plan and design review permit conforms to all requirements of that chapter; and
- ~~9.11.~~ If the applicant is providing privately owned open space and is requesting credit against dedications for park and recreation facilities required by BIMC 17.20.020.C, the requirements of BIMC 17.20.020.D have been met;
- ~~10.12.~~ The Bainbridge Island fire department has reviewed the application and determined that the site plan has been properly designed to ensure fire protection; and
- ~~11.13.~~ The site plan and design has been prepared consistent with the purpose and review procedures of this chapter.

Section 5. Section 2.16.110.E.4 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

4. Review by Director.
 - a. The director shall review the application materials, staff report, and the recommendations of the planning commission and shall prepare a report to the hearing examiner recommending approval, approval with conditions, or disapproval of the application.
 - b. The planning commission’s recommendation shall hold substantial weight in the consideration of the application by the director. Any deviation from that recommendation shall be documented in the director’s report.
 - c. The director shall adopt a planning commission recommendation of denial of an application unless the director concludes that the recommendation:
 - (i) reflects inconsistent application of design guidelines, the Comprehensive Plan or any applicable provisions of this code;

- (ii) exceeds the authority of the design review board or planning commission;
- (iii) conflicts with SEPA conditions or other regulatory requirements applicable to the project; or
- (iv) conflicts with requirements of local, state or federal law.

Section 6. Section 2.110.E.5 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

5. Review and Public Hearing with Hearing Examiner.
 - a. The hearing examiner shall consider the application materials and the director’s recommendation at a public hearing following the procedures of BIMC [2.16.100.C](#) and applicable provisions of BIMC [2.16.020](#).
 - b. The hearing examiner shall make compliance with the recommendations of the planning commission a condition of approval, unless the hearing examiner concludes that the recommendations:
 - i. Reflect inconsistent application of design guidelines or any applicable provisions of this code;
 - ii. Exceed the authority of the design review board or planning commission;
 - iii. Conflict with SEPA conditions or other regulatory requirements applicable to the project; or
 - iv. Conflict with requirements of local, state, or federal law.
 - c. The hearing examiner shall adopt a planning commission recommendation of denial of an application unless the hearing examiner concludes that the recommendation:
 - (i) reflects inconsistent application of design guidelines, the Comprehensive Plan or any applicable provisions of this code;
 - (ii) exceeds the authority of the design review board or planning commission;
 - (iii) conflicts with SEPA conditions or other regulatory requirements applicable to the project; or
 - (iv) conflicts with requirements of local, state or federal law.
 - d. The hearing examiner may approve, approve with conditions, deny or remand an application.

Section 7. Section 2.16.125.E.7 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

7. Review and Public Hearing with Hearing Examiner.
 - a. The hearing examiner shall consider the application materials and the director’s recommendation at a public hearing following the procedures of BIMC [2.16.100.C](#) and applicable provisions of BIMC [2.16.020](#).
 - b. The hearing examiner shall make compliance with the recommendations of the planning commission a condition of approval, unless the hearing examiner concludes that the recommendations:

- i. Reflect inconsistent application of design guidelines or any applicable provisions of this code;
 - ii Exceed the authority of the design review board or planning commission;
 - iii. Conflict with SEPA conditions or other regulatory requirements applicable to the project; or
 - iv. Conflict with requirements of local, state, or federal law.
- c. The hearing examiner shall adopt a planning commission recommendation of denial of an application unless the hearing examiner concludes that the recommendation:
- (i) reflects inconsistent application of design guidelines, the Comprehensive Plan or any applicable provisions of this code;
 - (ii) exceeds the authority of the design review board or planning commission;
 - (iii) conflicts with SEPA conditions or other regulatory requirements applicable to the project; or
 - (iv) conflicts with requirements of local, state or federal law.

Section 8. Section 2.16.190.G.1 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

- 1. Preapplication Conference. Prior to submittal of a comprehensive plan amendment application, the applicant or applicant’s representative shall attend a preapplication conference in accordance with the procedures of BIMC 2.16.020.I. City staff will notify the Planning Commission if preapplication conferences are scheduled and representatives from the Planning Commission may attend the preapplication meeting to provide early identification of potential Comprehensive Plan consistency issues. Interested citizens may attend the preapplication meeting.

Section 9. Table 18.09.020 of the Bainbridge Island Municipal Code is hereby amended as shown in Exhibit A.

Section 10. Section 18.09.030.D.1 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

- D. Commercial Sales and Service.
 - 1. ~~Hotel. In the ferry overlay district, hotels are permitted south of Winslow Way only.~~

Section 12. Section 18.21.020.B of the Bainbridge Island Municipal Code is hereby amended to read as follows:

- B. Duration of Affordability.
 - 1. Rental Units. Affordable rental housing units created as a result of the provisions of this chapter shall remain affordable for a period of 30 at least 50 years from the time of first occupancy and shall be secured by a recorded

agreement and covenant running with the land, binding all the assigns, heirs and successors of the applicant.

2. Home Ownership Units. All affordable home ownership units created as a result of the provisions of this chapter shall be initially sold to income-qualified households and thereafter subject to a mechanism that is specified in an appropriate administrative procedure adopted by resolution by the city council allowing the city to capture a share of the appreciation when the unit is sold at market rate shall remain affordable for a period of 99 years from the time of first occupancy and shall be secured by recorded agreement and covenant running with the land, binding all the assigns, heirs and successors of the applicant. The city's share of the proceeds shall be placed in its housing trust fund.
3. A unit that is owned or sponsored by a public or private nonprofit agency that already restricts benefit and resale is exempt from the provisions of subsections B.1 and B.2 of this section.

Section 13. 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 XX day of XXX, 2020.

APPROVED by the Mayor this XX day of XXX, 2020.

Leslie Schneider, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:	XXX, 2020
PASSED BY THE CITY COUNCIL:	XXX, 2020
PUBLISHED:	XXX, 2020
EFFECTIVE DATE:	XXX, 2020
ORDINANCE NUMBER:	2020-40

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]					
COMMERCIAL SALES AND SERVICE Note: Commercial Sales and Service uses may be subject to additional requirements in BIMC 16.12.040.D, Commercial Development.																				
Accommodation																				
Bed and Breakfast (3+ bedrooms)	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P			
Inn											P	P	P	P	P	P	P			
Hotel											€			€	€	P			D-1	



CITY OF
BAINBRIDGE ISLAND

City council and planning commission
joint land use sub-committee

Memorandum

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

I. Introduction

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

II. Background

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

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

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

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

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

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

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

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

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

1. Miscellaneous code revisions

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

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

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

2. Major projects decision criteria

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

3. Multi Family Tax Exemption Program

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

IV. Next Steps

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

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

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

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



CITY OF
BAINBRIDGE ISLAND

Planning Commission Special Meeting Agenda Bill

MEETING DATE: November 19, 2020

ESTIMATED TIME: 30 Minutes

AGENDA ITEM: (8:00 PM) Bonus Floor Area Ratio Options, BIMC 18.12.030.E. - Planning,

SUMMARY: At the June 11, 2020 meeting, the Planning Commission came to consensus on changing the Bonus Floor Area Ratio ("FAR") program based on recommendations from a Planning Commission subcommittee. These changes were captured in DRAFT Ordinance No. 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 Bonus FAR program proposal as it relates to the Comprehensive Plan. On August 27, the Planning Commission confirmed their recommended changes to the Bonus FAR provisions in BIMC 18.12.030.E., and requested that staff bring back an amended ordinance for review at their September 10 and September 24 meetings, prior to the check-in with the City Council scheduled for October 20.

On September 24, the Planning Commission decided to include a cover letter to the City Council along with the other draft materials. At their October 8 meeting, the Commission finalized that cover letter, and also revisited keeping Subsection 18.12.030.E.7. This subsection applies to mixed use development in the Ferry Terminal District and provides for Bonus FAR as an incentive for relocated ferry surface parking to be underground or under a building. Following their discussion, the Planning Commission updated DRAFT Ordinance No. 2020-16 to retain Subsection E.7. Those Planning Commission materials, including DRAFT Ordinance No. 2020-16 and a staff memo analyzing the recommendation, are included in this City Council agenda packet.

On August 25, the City Council approved Ordinance No. 2020-20 extending the Interim Zoning Control on Bonus FAR provisions for an additional six months.

AGENDA CATEGORY: Ordinance

PROPOSED BY: Planning & Community Development

RECOMMENDED MOTION: Debrief City Council discussion from November 17 meeting on Planning Commission recommendation (Ordinance No. 2020-16) and discuss if any modifications to Ordinance 2020-16 are desired for the public hearing draft of the ordinance.

STRATEGIC PRIORITY: Green, Well-Planned Community

FISCAL IMPACT:

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

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 and Ordinance No. 2020-20, 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 a February 27, 2020 memorandum written by Planning Director Heather Wright that relates to what is referenced

above regarding 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.

At this meeting, 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, and Quitslund) to begin working on a revised FAR ordinance. The Planning Commission discussed the subcommittee's information and recommendations on changes to bonus FAR regulations at their May meetings and on June 11, 2020. City staff integrated the June 11 recommendations into DRAFT Ordinance No. 2020-16. Those changes were discussed and refined by the Commission on June 11, 25, July 9, August 27, September 10 and 24, and October 8, 2020. See attached Planning Commission cover letter and staff policy analysis memo for additional information.

ATTACHMENTS:

[20201008 PC Cover Letter to CC on Bonus FAR Revisions.docx](#)

[DRAFT Ordinance No. 2020-16.docx](#)

[Exhibit A Excerpt BIMC Table 18.12.020-3.docx](#)

[20200924 PC Staff Memo.pdf](#)

[MUTC and HS Rd Map.pdf](#)

[WMP Goals & Policies Related to FAR.pdf](#)

[ORD NO. 2020-20 EXTENDING INTERIM ZONING CONTROL RELATED TO BONUS DENSITY.pdf](#)

[June 11 2020 Planning Commission Meeting Minutes.pdf](#)

[July 9 2020 Planning Commission Meeting.pdf](#)

[August 27 2020 PLANNING COMMISSION MINUTES.pdf](#)

[September 10 2020 PLANNING COMMISSION MINUTES.pdf](#)

FISCAL DETAILS: N/A

Fund Name(s):

Coding:



Department of Planning and Community Development

Memorandum

Date: October 8, 2020
To: City Council
From: Planning Commission
Subject: Planning Commission Recommendation to Amend Bonus FAR Program

I. BACKGROUND

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 ([BIMC 18.12.030.E](#)) so as to only allow bonus FAR in relation to Affordable Housing, Historic Preservation, and Transfer of Development Rights. The City Council subsequently approved [Interim Control Ordinance No. 2020-10](#) to suspend [BIMC 18.12.030.E](#) except for bonus FAR in exchange for Affordable Housing (subsection E.1) and Historic Preservation (subsection E.2). At their August 25, 2020 meeting, the City Council held a public hearing on [Ordinance No. 2020-20](#) and approved extending the Interim Zoning Control until March 10, 2021.

The Planning Commission began their discussion on revising the Bonus FAR program on [March 12, 2020](#), and it continued on [May 14 and 28, June 11, June 25, July 9, August 27, September 10 and 24, and October 8, 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 and refined the subcommittee's recommendations for revising the Bonus FAR program, and those recommendations were integrated into DRAFT Ordinance No. 2020-16.

The October 20, 2020 Planning Commission check-in with the City Council regarding DRAFT Ordinance No. 2020-16 is a chance to preview the suggested revisions to [BIMC 18.12.030.E](#) and receive City Council feedback prior to the Planning Commission holding a public hearing and completing their recommendation on the ordinance.

It should be noted that the Planning Commission recommends adoption of Ordinance No. 2020-16 as an interim measure while the City Council, the Planning Commission and Planning Staff address broader revisions to the zoning code, including base FAR and whether to replace it with other measures such as form-based zoning. Once that broader work is completed, it is likely that Ordinance No. 2020-16 will need to be revised.

II. DRAFT Ordinance No. 2020-16

DRAFT Ordinance No. 2020-16 removes all bonus FAR provisions of BIMC 18.12.030.E except the [Subsection E.1.a and Subsection E.7](#), related to affordable housing and relocating surface ferry parking under a building or below ground, respectively. The proposed corresponding changes also have been

made to Table 18.12.020-3, which is part of BIMC 18.12.030.E (see Exhibit A to Ordinance 2020-16). The Planning Commission recommends retaining the FAR provisions related to preserving historic buildings (Subsection E.6) but relocating them to the zoning code relief section of the [BIMC Chapter 18.24 Historic Preservation Program](#) and to the definition of FAR ([BIMC 18.12.050.G](#)). The Planning Commission also recommends deleting the provisions for earning Bonus FAR through a Transfer of Development Rights (TDR) program (Subsection E.2) until the City has updated its TDR program (see Whereas on page 2 of DRAFT Ordinance No. 2020-16).

III. Policy Questions Generated by DRAFT Ordinance 2020-16

On its face, the Council policy direction to the Planning Commission on February 25, 2020 and through the passage of Ordinance 2020-10 seemed straightforward: reform the City's current Bonus FAR program. However, planning staff has raised some policy questions that may result from making the proposed changes, as set forth in the attached staff memo dated September 24, 2020.

A. The Planning Commission currently recommends retaining BIMC 18.12.030.E.1.a. This section establishes an optional inclusionary zoning program that awards Bonus FAR in exchange for providing affordable housing. The Planning Commission acknowledges that the affordable housing Bonus FAR provisions in subsection E.1.a and Table 18.12.030 should be revised since the current provisions have not produced any affordable housing units. However, revising subsection E.1.a and Table 18.12.030 were not part of the direct City Council policy direction to the Planning Commission and the Planning Commission believes such a revision should be part of the overall Inclusionary Zoning policy discussion. The Planning Commission seeks confirmation from Council that subsection E.1.a and Table 18.12.030 should remain the same at this time, to be taken up soon as part of the overall Inclusionary Zoning policy discussion.

B. The Planning Commission recommends eliminating remaining Bonus FAR provisions related to the Islander Mobile Home Park, if legally and economically feasible. On principle, the Planning Commission was opposed to the practice of treating Bonus FAR, which is an incentive in our development regulations, as a financial transaction. Although the Planning Commission requested legal guidance regarding the feasibility of the City's purchase of the balance of the IMHP FAR from Islander Mobile Home Park (IMHP) Association, this guidance has not yet been received. The Planning Commission therefore makes this recommendation acknowledging that legal review and budget analysis is required to inform any City Council decision.

C. Planning staff has advised the Planning Commission that removing all of the ways of achieving Bonus FAR, except through the affordable housing provision, may eliminate ways to achieve Bonus FAR for commercial-only developments (except for those properties with historic buildings). This would result in a single FAR standard for commercial development, as illustrated in the proposed changes to BIMC Table 18.12.020-3 (Exhibit A to Draft Ordinance No. 2020-16). The approach recommended by the Planning Commission in EXHIBIT A sets the commercial FAR standard at the level of the current base commercial FAR, because the Bonus FAR for Commercial and Other Nonresidential Uses would be eliminated. This change would decrease the amount of FAR available for potential future commercial development by eliminating the availability of Bonus FAR.

Planning staff noted in its September 24, 2020 memo that the City used the Maximum FAR with Bonus amount of commercial FAR for the MUTC and HSR zones in Table 18.12.030-3, rather than base FAR, to calculate employment growth capacity in the Kitsap County 2014 Buildable Lands Report. The Planning Commission believes this may raise a policy issue for the City Council to consider – whether the City should use maximum FAR, including Bonus FAR, to calculate employment growth capacity and plan for future commercial development under the Growth Management Act, or whether it is more appropriate

to use base FAR. Because the purpose of Bonus FAR is to obtain community benefits above and beyond what is required in the BIMC, it is only available to commercial projects that propose to provide those types of benefits. The Planning Commission recommends that a better and more transparent approach would be to revisit, and if necessary, revise, base FAR for commercial projects in these zones to determine whether base FAR should be changed to support planned commercial development.

IV. NEXT STEPS & PUBLIC OUTREACH

The Planning Commission will debrief from the City Council check in at their meeting on October 29 and discuss what changes, if any, the Commission would like to make to DRAFT Ordinance 2020-16 as a result of any October 20 City Council policy direction. The Commission will then schedule a public hearing, or possibly schedule another study session prior to holding a public hearing, in November. After the Commission holds a public hearing on Ordinance 2020-16, it will make a recommendation to the City Council. Ordinance 2020-16 will then go to the City Council for consideration.

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, on August 25, 2020 the City Council approved Ordinance 2020-20 extending the interim zoning control on the City's bonus FAR program for six additional months; and

WHEREAS, the Planning Commission continued discussion of, Ordinance No. 2020-16 revising the Bonus FAR Program on September 10, 24, and October 8, 2020; and

WHEREAS, the Planning Commission recommends adoption of Ordinance No. 2020-16 as an interim measure while the City Council, the Planning Commission and Planning Staff address broader revisions to the zoning code, including base FAR and whether to replace it with other measures such as form-based zoning; and

WHEREAS, in recommending Ordinance No. 2020-16 as an interim ordinance, the Planning Commission recommends that the ordinance should sunset or end after 2 years; and

WHEREAS, on October 20, 2020 the City Council discussed Ordinance No. 2020-16, the current amendments to the City's bonus FAR program recommended by Planning Commission together with representatives from the Planning Commission, and the City Council provided policy

guidance to the Planning Commission on outstanding policy questions; 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.~~

2 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. the amendments to the Bainbridge Island Municipal Code approved by Ordinance 2020-16 on [INSERT DATE] will sunset or end after 2 years, [INSERT SUNSET DATE].

Section 8. 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

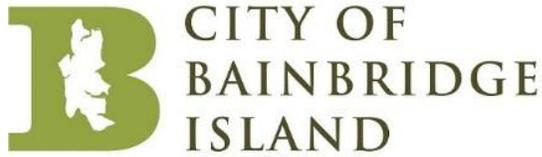
FILED WITH THE CITY CLERK: XXX, 2020
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NUMBER: 2020-16

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	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	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.



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 the [Subsection E.1.a and Subsection E.7](#), related to affordable housing and relocating surface ferry parking under a building or below ground, respectively. 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 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 recommended this Option as best supported by the Comprehensive Plan (see discussion below). EXHIBIT A Option 2 set the commercial FAR standard at the level of the current base commercial FAR. The Commission recommended to move forward with Option 2 at their September 24 meeting (see current Exhibit A to Ordinance 2020-16).

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 and September 10 Planning Commission meeting 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 a 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.

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.

ORDINANCE NO. 2020-20

AN ORDINANCE of the City of Bainbridge Island, Washington, adopted pursuant to RCW 35A.63.220 and RCW 36.70A.390; amending Ordinance No. 2020-10 that imposed a six-month interim zoning control on the use or applicability of certain bonus density options as provided in BIMC 18.12.030.E. and the related provisions described in Ordinance No. 2020-10; continuing the basis for the emergency interim zoning control; recognizing that public hearings have been conducted; adopting a work plan; stating the effect on vested rights; authorizing interpretive authority; providing for severability; leaving the effective date of the interim zoning control unchanged; and extending the duration of the interim control for six months until March 10, 2021.

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. that are being suspended by this interim zoning control, 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, an emergency exists necessitating the continuation of this interim zoning control to suspend the use and applicability of certain bonus density options in order to preserve and protect public health, safety, and welfare; and

WHEREAS, interim zoning controls enacted under RCW 36.70A.390 and RCW 35A.63.200 are methods by which local governments may preserve the status quo so that new policies and regulations will not be rendered moot by intervening development; and

WHEREAS, this interim zoning control will provide the City with additional time to review and potentially revise its public health, safety, and welfare requirements and zoning and land use regulations related to providing density bonuses above and beyond the underlying zoning; and

WHEREAS, the City Council concludes that it must continue this interim zoning control based on concerns as expressed in this ordinance regarding the awarding of density bonuses that are unrelated to affordable housing and historic structure preservation; and

WHEREAS, the City Council has significant concerns regarding whether the use of certain density bonus options is accomplishing the vision and goals of the City's Comprehensive Plan; 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 more than a thousand persons in the state have died due to the virus thus far and during the time period that this interim zoning control 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 interim zoning control to ensure that the vision and goals of the City's Comprehensive Plan are being met to the Council's satisfaction; and

WHEREAS, in spite of this public health emergency, the Planning Commission has met multiple times to discuss revised regulations related to bonus density, including on February 27, 2020, and continuing on March 12, May 14 and 28, June 11 and 25, and July 9, 2020; and

WHEREAS, the City Council has considered the applicability and use of bonus density options at multiple Council meetings, including on February 4, February 11, February 25, March 3, March 10, April 14, and April 28, 2020; and

WHEREAS, on April 28, 2020, the City Council conducted a public hearing on Ordinance No. 2020-10 in accordance with state law; and

WHEREAS, on August 11, 2020, the City Council set a public hearing for August 25, 2020 to accept public comment and consider this Ordinance No. 2020-20 to extend the interim zoning control for another six months; and

WHEREAS, on August 25, 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 August 25, 2020, after considering such public comment, the City Council adopted this ordinance to extend this interim zoning control for six months to March 10, 2021, unless the Council terminates the interim control earlier, and to otherwise amend the interim control 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 interim zoning control imposed herein promotes the public good and is necessary for the protection of public health, property, safety, and welfare; and

WHEREAS, the public emergency that the City Council determined to exist requiring that this interim control become effective immediately upon adoption on March 10, 2020 continues to exist, requiring that this interim control continue to be in effect for an additional six months as set forth in this ordinance.

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 interim zoning control established in Ordinance No. 2020-10.

Section 2. 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 interim zoning control at its meeting on August 25, 2020, and took public testimony and considered further findings of fact.

Section 3. Interim Zoning Control Amended. This interim control is hereby amended, as also stated in Section 9 below, to extend the interim zoning control in its current form as described in Ordinance No. 2020-10 for six months until March 10, 2021.

Section 4. Interim Zoning Control Work Plan. As provided for under RCW 35A.63.220 and RCW 36.70A.390, the City may renew an interim zoning control 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 interim zoning control, Ordinance No. 2020-10, the City is hereby extending the interim zoning control for an additional six months based on the work plan as incorporated herein as Exhibit A to this ordinance.

Section 5. Effect on Vested Rights. The interim zoning control imposed by Ordinance No. 2020-10 and extended by this ordinance shall operate, as of the effective date of Ordinance No. 2020-10 (March 10, 2020), to suspend the applicability or use of BIMC 18.12.030.E. and the related provisions described in Ordinance No. 2020-10, subject to the exclusions stated in Ordinance No. 2020-10, for all properties and development in the Mixed Use Town Center and High School Road Districts. However, nothing in Ordinance No. 2020-10 or this Ordinance No. 2020-20 shall be construed to extinguish, limit, or otherwise infringe on any property owner's or property leaseholder's vested development rights as defined by state law and City of Bainbridge Island regulations.

Section 6. 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 7. 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.

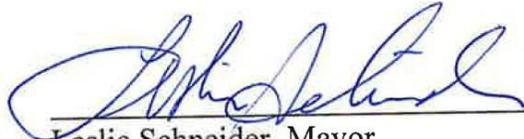
Section 8. No Change to Basis for Declaration of Emergency or Effective Date. This ordinance shall take effect and be in full force five (5) days from and after its passage and publication as required by law. Provided, that this ordinance is not intended to change the basis of the emergency declaration stated in the interim zoning control which preceded this ordinance, Ordinance No. 2020-10, 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 interim zoning were included in the "Whereas" clauses of Ordinance No. 2020-10, 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 interim zoning control, which is March 10, 2020.

Section 9. Change in Duration to March 10, 2021. This ordinance amends Ordinance No. 2020-10 and hereby extends the current interim zoning control, and this ordinance shall cause the interim control to remain effective in its current form until March 10, 2021, unless terminated earlier by the City Council. This ordinance does not change the effective date of the interim control, which is March 10, 2020. The Council may, at its sole discretion, renew the

interim control for one or more six (6) month periods in accordance with state law. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

PASSED by the City Council this 25th day of August, 2020.

APPROVED by the Mayor this 25th day of August, 2020.



Leslie Schneider, Mayor

ATTEST/AUTHENTICATE:



Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:	August 7, 2020
PASSED BY THE CITY COUNCIL:	August 25, 2020
PUBLISHED:	August 28, 2020
EFFECTIVE DATE:	September 2, 2020
ORDINANCE NUMBER:	2020-20

Attached: Exhibit A: Work Plan

EXHIBIT A TO ORDINANCE No. 2020-20



BONUS FAR INTERIM ZONING CONTROL

WORK PLAN (August 11, 2020)

BONUS FAR INTERIM ZONING CONTROL:

On **March 10, 2020**, the City Council imposed a six-month interim zoning control via Ordinance No. 2020-10 to suspend the use and applicability of certain bonus density options related to land use on Bainbridge Island. The initial term of the interim control was for six months, or until **September 10, 2020**, and Ordinance No. 2020-20 extends the term for six months to **March 10, 2021**.

Based on direction from the City Council at the February 25, 2020 Council meeting, the Planning Commission, beginning on February 27, 2020, engaged in multiple discussions regarding a proposed ordinance to amend the bonus floor area ratio ("FAR") program, as well as formed a subcommittee dedicated to the subject. At the Planning Commission's meeting on July 9, 2020, the Commission indicated that it is ready to hold a public hearing on an ordinance to amend the bonus FAR program. However, the ordinance requires analysis by City planning, legal, and finance staff before it is ready for consideration by the City Council. This extension in the duration of the interim zoning control will provide time to complete the analysis and to hold the necessary public hearing(s).

After holding a public hearing on the interim zoning control on August 25, 2020, the City Council voted to extend the interim control in its current form for an additional six months to **March 10, 2021**, via adoption of this current ordinance, Ordinance No. 2020-20, unless terminated earlier or extended further by the Council. Based on the amount of work completed to date by the Planning Commission, it is anticipated that an ordinance will be adopted prior to the end of this six-month extension.

The City has developed the following **Work Plan** described below:

September - November 2020

Complete analysis by City planning, legal, and financial staff of a draft ordinance to amend the bonus FAR program in anticipation of a public hearing with the Planning Commission.

Hold a public hearing with the Planning Commission on a revised bonus FAR ordinance.

November 2020– March 2021

City Council review and consideration of a revised bonus FAR ordinance. After such review and consideration, the Council could take action to approve a revised bonus FAR program via the adoption of an ordinance.



CITY OF
BAINBRIDGE ISLAND

Planning Commission Special Meeting June 11, 2020

Meeting Minutes

1) **CALL TO ORDER/AGENDA REVIEW/CONFLICT DISCLOSURE**

2) **PLANNING COMMISSION MEETING MINUTES**

2.a May 28, 2020

[Cover Page](#)

[Planning Commission Minutes DRAFT 052820.pdf](#)

Motion: I move we approve the minutes for the Special meeting of the Planning Commission on May 28, 2020 as distributed in the agenda packet.

Quitslund/Paar: Passed Unanimously

3) **PUBLIC COMMENT**

3.a DRB Liaison Update

[Cover Page](#)

None. DRB Chair Joe Dunstan

4) **UNFINISHED BUSINESS**

4.a [Police & Court Facility Major Adjustment to Site Plan Review and Conditional Use Permit \(PLN51524 SPRA CUPA\)](#)

[Cover Page](#)

[PLN51524 SPRA CUPA Revised Staff Report to Planning Commission.pdf](#)

1. [PLN51524 SPRA CUPA Site Plan.pdf](#)

2. [PLN51524 SPRA CUPA Floor Plans.pdf](#)

3. [PLN51524 SPRA CUPA Renderings and Sketches.pdf](#)

4. [PLN51524 SPRA CUPA Planting Plan.pdf](#)

5. [PLN51524 SPRA CUPA Parking Space Needs Validation.pdf](#)

6. [PLN51524 SPRA CUPA Trip Generation Analysis from Transpo Group.pdf](#)

7. [PLN51524 SPRA CUPA Traffic Impact Assessment Memo from Project Manager.pdf](#)

8. [PLN51524 SPRA CUPA SEPA Checklist.pdf](#)

9. [PLN51524 SPRA CUPA Issued MDNS and Adoption of Existing Document.pdf](#)

10. [PLN51524 SPRA CUPA Design Review Board Review and Recommendation Agenda and Notes dtd 12.02.2019.pdf](#)

11. [PLN51524 SPRA CUPA Design Review Board Transcript from 6.3.2019 Meeting.pdf](#)

12. [Planning Commission Preliminary Recommendation for Police & Court Facility Major Adjustment to Site Plan Review and Conditional Use Permit February 13, 2020.pdf](#)

- 13. [PLN51524 SPRA CUPA Design Review Board Final Design Review Worksheet.pdf](#)
- 14. [PLN51524 SPRA CUPA Critical Area Report from Wetland Resources Environmental Consulting.pdf](#)
- 15. [PLN51524 SPRA CUPA Supplemental Site Plan with Critical Areas.pdf](#)

Associate Planner Ellen Fairleigh provided a brief update on the previous review accomplished by the Planning Commission. See attached Recorded Motion for recommendation.

4.b [Ordinance No. 2020-04, Adopting Small Wireless Facility Design Standards](#)

[Cover Page](#)

[Memo - Changes to Ordinance No 2020-04 Since May 28, 2020 PCM](#)

[Ordinance No. 2020-04, Adopting Small Wireless Facility Design Standards - 6-11-20 - Track Changes](#)

[Commissioner Osmond - Discussion Points from 5-28-2020 PCM](#)

[Ordinance No. 2020-04, Adopting Small Wireless Facility Design Standards - 6-11-20 - Clean Copy](#)

[Small Wireless Facilities - Sample Photos of Actual Deployments](#)

Deputy City Attorney Robbie Sepler provided a brief overview of the actions taken since the May 28, 2020 Planning Commission meeting. The Commissioners asked to have the excerpts of Kitsap County Code from Commissioner McCormick Osmond's memo incorporated into the ordinance for the small wireless facility design standards.

4.c [Bonus Floor Area Ratio \(FAR\) Options, BIMC 18.12.030.E.](#)

[Cover Page](#)

[BIMC_1812.030_FAR_BONUS_OPTIONS.pdf](#)

[RES_2003-](#)

[25_FULL_CITY_COUNCIL_FOR_DECISION_MAKING_RE__FLOOR_AREA_RATIO_BONUS ES.pdf](#)

[RES_2001-](#)

[54_DISTRIBUTION_OF_FUNDS_FROM_PURCHASE_OF_FLOOR_AREA_RATIO_BONUS S.pdf](#)

[MUTC Zoning Districts Map.pdf](#)

[Planning Commission Minutes and Addendum DRAFT 031220.pdf](#)

[20200424_CC_Staff_Memo \(10\).docx](#)

[FAR_USAGE_BY_PROJECT.pdf](#)

[FAR Usage Winslow Hotel](#)

[Quitslund request for Info in the PC Packet FAR Discussion 5.12.2020.docx](#)

[P C Subcommittee Recommendations on FAR Policies, 4.27.2020.docx](#)

[Comp_Plan_Goals___Policies_Related_to_FAR.pdf](#)

[Chapter 2 WMP.pdf](#)

[Admin Manual .pdf](#)

[Ordinance_No._2020-10_Adopting_Interim_Zoning_Control_Related_to_Bonus_Density](#)

[BIMC Table 18.12.020-3.docx](#)

[Subcommittee Recommendation - Changes to Base & Bonus FAR policies, 5.22.2020.docx](#)

[Subcommittee Recommendations on FAR 6.5.2020.pdf](#)

Commissioner Quitslund presented the Sub-Committee's recommendations to the Planning Commission.

Motion: I move to adopt the recommendations from the Subcommittee (Chester/Paar/Quitslund) for discussion at the Planning Commission’s meeting on June the 11th, 2020 as recommendations from the Planning Commission regarding FAR Bonus Density to be submitted to the City Council.

Amendment to Motion: First, I would like to change the name of the Subcommittee Report to Planning Commission Recommendations on FAR Bonus Density Provisions in the Bainbridge Island Municipal Code. Second, I’d like to add the following opening sentence: 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. The third part of my motion is in subparagraph 2.a., the sentence would be changed to read: Parking alternatives to reduce or eliminate the need for parking on the street or in a dedicated surface lot.

McCormick Osmond/Pearl: Passed Unanimously

5) PLANNING DIRECTOR’S REPORT

6) ADJOURNMENT

Meeting was adjourned at 7:08 PM.

/s/
William Chester, Chair

/s/
Jane Rasely, Administrative Specialist



Planning Commission Special Meeting - Remote July 9, 2020

Meeting Minutes

1) CALL TO ORDER/ROLL CALL/CONFLICT OF INTEREST DISCLOSURE

Chair William Chester opened the meeting. Commissioners in attendance were Vice-chair Kimberly McCormick Osmond, Jon Quitslund, Lisa Macchio, Joe Paar and Sarah Blossom. City Staff present were Planning & Community Development Director Heather Wright, Senior Planner Jennifer Sutton and Administrative Specialist Jane Rasely who monitored recording and prepared minutes.

2) PUBLIC COMMENT

3) NEW BUSINESS

3.a Welcome New Planning Commissioner Sarah Blossom and Re-appointee Planning Commissioner Kimberly McCormick Osmond.

[Cover Page](#)

4) UNFINISHED BUSINESS

4.a Confirm appointments to the PC/CC Land Use Initiative and Affordable Housing Subcommittees and liaison to the Design Review Board (DRB)

[Cover Page](#)

Commissioners Chester, McCormick Osmond and Macchio agreed to serve on the Joint Council/Planning Commission Adhoc Committee. Commissioners Quitslund, Paar and Blossom agreed to serve as the Planning Commission Affordable Housing Subcommittee.

4.b Ordinance 2020-16 Amending Bonus Floor Area Ratio (FAR) Options, BIMC 18.12.030.E.

[Cover Page](#)

[06112020 Planning Commission Recommendations on Bonus FAR.pdf](#)

[Quitslund Memo to Planning Commission 070520.pdf](#)

[Ordinance_No._2020-16_Revising_Bonus_FAR_program.docx](#)

[Residential and Commercial Parking Requirement Summary.pdf](#)

[Ferry Terminal Property Buffers.pdf](#)

[MUTC HS Road Development Standards Table BIMC_Table_18.12.020-3.pdf](#)

[MUTC Zoning Districts Map.pdf](#)

Planning Commission directed Staff to move forward with writing the Ordinance striking all sections except BIMC Section 18.12.030.E.1.a would remain without any changes at this time (acknowledging that the subcommittee would review it), notify the City Attorney to look at the mobile home park agreement related to BIMC Section 18.12.030.E.1.b and all of the other parts



Planning Commission Special Meeting August 27, 2020

Meeting Minutes

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

Chair William Chester began the meeting at 6:00 PM. Planning Commissioners in attendance were Vice-chair Kimberly McCormick Osmond, Jon Quitslund, Lisa Macchio, Joe Paar and Sarah Blossom. City Staff present were Planning & Community Development Director Heather Wright, Senior Planner Jennifer Sutton, Operations and Maintenance Project Manager Joel Goodwin and Administrative Specialist Jane Rasely who monitored recording and prepared minutes.

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

2) **PLANNING COMMISSION MEETING MINUTES**

2.a Review and approve minutes from July 23, 2020 and August 13, 2020 meetings.

[Cover Page](#)

[Planning Commission Meeting Minutes DRAFT 072320.pdf](#)

[Planning Commission Meeting Minutes DRAFT 081320.pdf](#)

Motion: I move approval of the minutes from July 23 as distributed with the agenda packet.

Quitslund/Blossom: Passed Unanimously

Motion: I move approval of the minutes for the meeting of August 13, 2020 as distributed with the agenda packet including attachments on pages 11 and 13 associated with our actions taken.

Quitslund/Paar: Passed Unanimously

3) **PUBLIC COMMENT**

Michael Smith - Spoke in favor of building affordable housing on Suzuki Property.

4) **NEW BUSINESS**

4.a [COBI Dept. of Public Works Noise Variance 51797 for Nighttime Wet Well Cleaning and Maintenance](#)

[Cover Page](#)

[51797 VAR Application.pdf](#)

[51797 VAR PROJECT NARRATIVE.pdf](#)

[51797 VAR Site Plan.pdf](#)

Project Manager Joel Goodwin from the Operations and Maintenance Division presented the variance request.

Motion: I move that we approve the Public Works Noise Variance 51797 for nighttime wet well cleaning as planned for.

Paar/Blossom: Passed Unanimously

5) UNFINISHED BUSINESS

5.a Amending Bonus Floor Area Ratio (FAR) Options, BIMC 18.12.030.E.

Cover Page

20200827 PC Staff Memo.pdf

MUTC Zoning Districts Map.pdf

Excerpt BIMC_Table_18.12.020-3.pdf

July 9 Planning Commission Proposed Changes to Bonus FAR program.pdf

WMP Goals & Policies Related to FAR.pdf

Senior Planner Jennifer Sutton led discussion of proposed options. Commissioners asked for a formal ordinance to be brought to them at their first meeting in September.

6) SUBCOMMITTEE UPDATES

Chair William Chester provided an overview of the City Council/Planning Commission Joint Land Use Subcommittee's work to date.

7) PLANNING DIRECTOR'S REPORT

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

8) ADJOURNMENT

The meeting was adjourned at 8:00 PM.

/s/
William Chester, Chair

/s/
Jane Rasely, Administrative Specialist



Planning Commission Special Meeting September 10, 2020

Meeting Minutes

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

Chair Chester opened the meeting at 6:00 PM by reading a statement regarding the discrepancy of start times on the City's website. Commissioners in attendance were Vice-chair Kimberly McCormick Osmond, Jon Quitslund, Lisa Macchio, Joe Paar and Sarah Blossom. City Staff present were Planning & Community Development Director Heather Wright, Senior Planner Jennifer Sutton, City Arborist Nick Snyder and Administrative Specialist Jane Rasely who monitored recording and prepared minutes.

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

2) **PUBLIC COMMENT**

None.

3) **UNFINISHED BUSINESS**

3.a **Proposal for Updates to Tree and Vegetation Regulations in BIMC 16.18, 16.32, and 18.15.010 - Planning**

[Cover Page](#)

[Draft BMP Manual](#)

[Tree and Veg Update Table, Ord 2020_DRAFT](#)

City Arborist Nick Snyder provided a brief summary of his last presentation and then presented draft changes to the code. Based upon the discussion that occurred, the Planning Commission asked that a formal ordinance be brought forward for their recommendation.

3.b **Ordinance 2020-16 Amending Bonus Floor Area Ratio (FAR) Options, BIMC 18.12.030.E.**

[Cover Page](#)

[20200910_PC_Staff_Memo](#)

[Ordinance No. 2020-16 Revising Bonus FAR program.docx](#)

[MUTC Zoning Districts Map.pdf](#)

[Excerpt BIMC_Table_18.12.020-3.pdf](#)

[WMP Goals & Policies Related to FAR.pdf](#)

Senior Planner Jennifer Sutton presented the draft ordinance for discussion.

Motion: I would move to request that Planning Staff bring back a revised Ordinance No. 2020-16 with the amended language proposed during this Planning Commission meeting for consideration by the Planning Commission at our next meeting on the September 24. I would also like to move to adopt the Planning Commission recommendations on FAR Bonus Density provisions in the Bainbridge

**Island Municipal Code dated September the 10, 2020 as the rationale for the proposed amendments to Ordinance 2020-16.
McCormick Osmond/Quitslund: Passed Unanimously**

4) SUBCOMMITTEE UPDATE

Chair Chester provided an update of the Joint City Council/Planning Commission Land Use Subcommittee.

Commissioner Jon Quitslund provided an update on the Affordable Housing Sub-committee.

5) PLANNING DIRECTOR'S REPORT

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

6) ADJOURNMENT

The meeting was adjourned at 8:33 PM.

/s/
William Chester, Chair

/s/
Jane Rasely, Administrative Specialist



Planning Commission Special Meeting September 24, 2020

Meeting Minutes

1) CALL TO ORDER/ROLL CALL/AGENDA REVIEW

Chair William Chester called the meeting to order at 6:00 PM. Commissioners in attendance were Vice-chair Kimberly McCormick Osmond, Jon Quitslund, Lisa Macchio, Joe Paar and Sarah Blossom. City Staff present were Planning & Community Development Director Heather Wright, Senior Planner Jennifer Sutton and Administrative Specialist Jane Rasely who monitored recording and prepared minutes.

The agenda was reviewed. Commissioner Blossom noted that she had a conflict of interest with the Islander Resident Association and that she would recuse herself if they were included in FAR Bonus discussion.

2) PLANNING COMMISSION MEETING MINUTES

2.a [Amendment of Previously Approved Minutes from February 27, 2020 Meeting Cover Page](#)
[Planning Commission Minutes 022720.pdf](#)

Motion: I move to accept the meeting minutes from February 27, 2020 as amended.

Paar/Blossom: Passed Unanimously.

3) PUBLIC COMMENT

None.

4) UNFINISHED BUSINESS

4.a [Ordinance 2020-16 Amending Bonus Floor Area Ratio \(FAR\) Options, BIMC 18.12.030.E. Cover Page](#)
[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](#)
[Planning Commission Rationale on Revised Recommendations on FAR Bonus Density Provisions.docx](#)

Senior Planner Jennifer Sutton provided a brief synopsis of work accomplished since the Planning Commission's last meeting.

