



CITY OF  
BAINBRIDGE ISLAND

**PLANNING COMMISSION SPECIAL MEETING  
THURSDAY, MARCH 11, 2021**

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/AGENDA REVIEW/CONFLICT DISCLOSURE - 6:00 PM**

**2. LAND ACKNOWLEDGMENT - 6:05 PM**

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

**3. PLANNING COMMISSION MEETING MINUTES - 6:10 PM**

**3.a (6:10 PM) - Review and approve meeting minutes.** 5 Minutes  
[Planning Commission Minutes DRAFT 022521.pdf](#)

**4. PUBLIC COMMENT - 6:15 PM**

Public comment on off-agenda items.

**5. UNFINISHED BUSINESS - 6:25 PM**

**5.a (6:25 PM) - Joint City Council/Planning Commission Land Use Subcommittee Code Changes -**

**Update** 15 Minutes

[UPDATE on Planning Commission Workplan for Joint Land Use Subcommittee Recommendations](#)  
[BACKGROUND Planning Commission Workplan for Joint Land Use Subcommittee Recommendations.docx](#)  
[BACKGROUND Joint Land Use Subcommittee Memorandum Initial Recommendations](#)

**6. NEW BUSINESS - 6:40 PM**

**6.a (6:40 PM) - Draft Ordinance No. 2021-12 & Resolution 2021-07: Phase 2 Triage Code Changes**

**Related to Improving the Pre-application Phase** 45 Minutes

[DRAFT ORDINANCE No. 2021-12 Phase Two Triage Code Changes](#)

[Exhibit A Phase Two Triage Code Changes - Design for Bainbridge Revisions](#)

[DRAFT RESOLUTION No 2021-07 Public Participation Meeting](#)

[BACKGROUND RESOLUTION 2010-32 Public Participation Meeting](#)

**7. FOR THE GOOD OF THE ORDER - 7:25 PM**

**8. PLANNING DIRECTOR'S REPORT - 7:35 PM**

**9. ADJOURNMENT 7:45 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](mailto: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](mailto:pcd@bainbridgewa.gov) or mail it to Planning and Community Development, 280 Madison Avenue North, Bainbridge Island, WA 98110.



CITY OF  
BAINBRIDGE ISLAND

## Planning Commission Special Meeting Agenda Bill

**MEETING DATE:** March 11, 2021

**ESTIMATED TIME:** 5 Minutes

**AGENDA ITEM:** (6:10 PM) - Review and approve meeting minutes.

**AGENDA CATEGORY:** Minutes

**PROPOSED BY:** Jane Rasely

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

**PREVIOUS COUCIL REVIEW DATE(S):**

**RECOMMENDED MOTION:**

I move to approve the minutes from the February 25, 2021 Planning Commission meeting.

**SUMMARY:**

**BACKGROUND:**

**ATTACHMENTS:**



## **Planning Commission Special Meeting February 25, 2021**

### **Meeting Minutes**

#### **1) CALL TO ORDER/AGENDA REVIEW/CONFLICT DISCLOSURES**

Chair McCormick Osmond called the meeting to order at 6:01 PM. Commissioners in attendance were Vice-chair Joe Paar, Jon Quitslund, Lisa Macchio, Sarah Blossom and Ashley Mathews. William Chester was absent and excused. City Staff present were Planning Manager David Greetham, Senior Planner Kelly Tayara, Associate Planner Ellen Fairleigh and Administrative Specialist Jane Rasely who monitored recording and prepared minutes.

The agenda was reviewed. Commissioner Quitslund asked to change the order of the last two agenda items. There were not any conflicts disclosed.

#### **2) PUBLIC PARTICIPATION MEETINGS**

2.a [Public Participation Meeting- AT&T Telecom Facility PLN51880A PRE Cover Page 51880A PRE Plan Set.pdf](#)

#### **Public Comment**

Ross Abbot - Asked questions about level of RF emission from the towers.

PPM was closed at 6:21 PM.

Review and approval of meeting minutes was moved up to fill time until the second Public Participation Meeting start time.

#### **3) PLANNING COMMISSION MEETING MINUTES**

3.a Review and approve meeting minutes.

[Cover Page Planning Commission Minutes DRAFT 021121.pdf](#)

**Motion: I move approval of the minutes of the February 11, 2021 meeting minutes as distributed.**

**Quitslund/Blossom: Passed Unanimously**

Commissioner Quitslund provided an update of the Planning Commission Affordable Housing Subcommittee.

2.b Wintergreen Townhomes Subdivision Public Participation Meeting

Cover Page

WINTERGREEN PPM PRESENTATION.pdf

Wintergreen Preapplication Conference Summary.pdf

Chair McCormick Osmond provided an introduction to the Public Participation Meeting process and Associate Planner Ellen Fairleigh.

**Public Comment**

Joe Dunstan - Spoke about the issues the Design Review Board had with the project.

Mary Bass - Spoke against the project.

Nick Smith - Responded to issues Mr. Dunstan brought up.

Eleanor Foote Weinel - Spoke about traffic issues in the area and the relationship of the buildings to each other with corresponding open space.

Linda Andrews - Spoke against the trash enclosure being right next to the Stonecress neighborhood.

Cyndi - Spoke about noise issues not being addressed by noise study and long-term affordability.

Robert Weschler - Spoke about a circulator bus instead of extra parking spaces.

George Syvertsen - Spoke in favor of this project as affordable housing.

Linda Andrews - Asked how long the units would remain affordable.

**6) PLANNING DIRECTOR'S REPORT**

Planning Manager David Greetham provided an update in Planning & Community Development Director Heather Wright's absence.

**5) FOR THE GOOD OF THE ORDER**

Commissioner Mathews suggested starting the Planning Commission meetings with the Suquamish Land Acknowledgment. The Planning Commission agreed to do so.

**4) PUBLIC COMMENT**

Council Member Joe Deets asked if one of the Commissioners would like to join the Council on March 4, 2021 from 1:00 PM - 4:00 PM KRCC Retreat focusing on equity. Commissioner Quitslund stated he would like to attend.

**7) ADJOURNMENT**

Meeting adjourned at 8:41 PM.

---

Kimberly McCormick Osmond, Chair

---

Jane Rasely, Administrative Specialist



CITY OF  
BAINBRIDGE ISLAND

## Planning Commission Special Meeting Agenda Bill

**MEETING DATE:** March 11, 2021

**ESTIMATED TIME:** 15 Minutes

**AGENDA ITEM:** (6:25 PM) - Joint City Council/Planning Commission Land Use Subcommittee Code Changes - Update

**AGENDA CATEGORY:** Discussion

**PROPOSED BY:** Heather Wright

### PREVIOUS PLANNING COMMISSION

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

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

### RECOMMENDED MOTION:

Update and Discussion.

### 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.

Tonight, Staff will provide an update on all of these items.

**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 dismantled at the end of 2020.

**ATTACHMENTS:**

Status Update - 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	3/5/20201 Status
<p><b>**Note:</b> 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	2.16.020.1.5	Preapplication Procedure – Revise the two-step preapplication process for projects where DRB review and a preliminary application conference are required to make the first step a joint meeting with the DRB and PC to discuss design concept and comprehensive plan consistency, with the second step to be a preapplication conference.	Planning Commission will meet with the Design Review Board (full DRB or	Draft Ordinance 2021-12 & Resolution 2021-07 – March 11 PC meeting

2	2.16.020.1.6	<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>	<p>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 2<sup>nd</sup> “Triage” ordinance once the DRB and PC are done with their review/discussion.</p>	<p>Draft Ordinance 2021-12 &amp; Resolution 2021-07 – March 11 PC meeting</p>
---	--------------	--	---	---

Item	Code Reference	Joint City Council/Planning Commission Recommendation	10/29/20 Planning Commission Workplan Discussion & Staff Notes	3/5/20201 Status
**Note: If specific new/revised language is being proposed, it is <u>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).	No Code Change Needed.
4	2.16.030	Revise Administrative Review section to conform with proposed changes to order of meetings re DRB/PC/Staff and Preapplication conference	For 2 <sup>nd</sup> "Triage" ordinance, see #1 and #2 above	Draft Ordinance 2021-12 & Resolution 2021-07 – March 11 PC meeting
5	2.16.030.D.3	Administrative Review decision procedures – PC recommendation – revise last sentence ( <u>underlined below</u> ) to state "The planning commission's written recommendation and other documents upon which its decision is based shall be immediately transmitted to the director <u>and shall be given substantial weight by the director in making a decision.</u> "	Consider for 1 <sup>st</sup> Triage Ordinance	Ordinance 2021-03 scheduled for the City Council on March 23, 2021.

Item	Code Reference	Joint City Council/Planning Commission Recommendation	10/29/20 Planning Commission Workplan Discussion & Staff Notes	3/5/20201 Status
<p>**Note: If specific new/revised language is being proposed, <u>it is underlined</u>.</p>				
6	2.16.040.D	Site plan and design review – Review Procedures – Proposal stage. Make changes consistent with earlier suggestions for joint DRB/PC initial meeting and PC participation in Preapplication Conference.	For 2 <sup>nd</sup> “Triage” ordinance, see #1 and #2 above	Draft Ordinance 2021-12 & Resolution 2021-07 – March 11 PC meeting
7	2.16.040.E.5.e	Review procedures – application stage. Review and Recommendation by PC – add <u>“The planning commission’s recommendation shall be given substantial weight by the director in making a decision.”</u>	Consider for 1 <sup>st</sup> Triage Ordinance	Ordinance 2021-03 scheduled for the City Council on March 23, 2021.
8	2.16.040.E.6	<p>Review and Approval by the Director – add the following subsection c.: <u>“The director shall adopt a planning commission recommendation of denial of an application unless the director concludes that the recommendation: (i) reflects inconsistent application of design guidelines, the Comprehensive Plan or any applicable provisions of this code; (ii) exceeds the authority of the design review board or planning commission; (iii) conflicts with SEPA conditions or other regulatory requirements applicable to the project; or (iv) conflicts with requirements of local, state or federal law.”</u></p> <p>Background: This proposed new language is same as existing code language for approval/approval with conditions; this adds same standard for denial.</p>	Consider for 1 <sup>st</sup> Triage Ordinance	Ordinance 2021-03 scheduled for the City Council on March 23, 2021.

Item	Code Reference	Joint City Council/Planning Commission Recommendation	10/29/20 Planning Commission Workplan Discussion & Staff Notes	3/5/20201 Status
**Note: If specific new/revised language is being proposed, <u>it is underlined</u> .				
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>	Consider for 1 <sup>st</sup> Triage Ordinance. In adding reference to the design guidelines, comprehensive plan and other applicable plans to section F.1, the same reference to consistency for design guidelines (section F.6) and comp plan/other plans (section F.8) can be deleted.	Ordinance 2021-03 scheduled for the City Council on March 23, 2021.
10	2.16.110.D, E	<p>Major Conditional Use Permit Review Procedures – revise to conform with proposed changes to order of meetings re DRB/PC/Staff and preapplication conference, substantial weight to be given to PC recommendation by Director. Add: <u>“The director shall adopt a planning commission recommendation of denial of an application unless the director concludes that the recommendation: (i) reflects inconsistent application of design guidelines, the Comprehensive Plan or any applicable provisions of this code; (ii) exceeds the authority of the design review board or planning commission; (iii) conflicts with SEPA conditions or other regulatory requirements applicable to the project; or (iv) conflicts with requirements of local, state or federal law.”</u></p>	<p>Consider for 1<sup>st</sup> Triage Ordinance; additional legal review necessary.</p> <p>Section D or E may have to be updated again in 2<sup>nd</sup> round.</p>	Ordinance 2021-03 scheduled for the City Council on March 23, 2021.

Item	Code Reference	Joint City Council/Planning Commission Recommendation	10/29/20 Planning Commission Workplan Discussion & Staff Notes	3/5/20201 Status
<p>**Note: If specific new/revised language is being proposed, <u>it is underlined</u>.</p>				
11	2.16.110.E.5	<p>Review and public hearing with Hearing Examiner: Add: <u>"The hearing examiner shall adopt a planning commission recommendation of denial of an application unless the hearing examiner concludes that the recommendation: (i) reflects inconsistent application of design guidelines, the Comprehensive Plan or any applicable provisions of this code; (ii) exceeds the authority of the design review board or planning commission; (iii) conflicts with SEPA conditions or other regulatory requirements applicable to the project; or (iv) conflicts with requirements of local, state or federal law."</u></p>	<p>Consider for 1<sup>st</sup> Triage Ordinance, additional legal review necessary</p>	<p>Ordinance 2021-03 scheduled for the City Council on March 23, 2021.</p>
12	2.16.125.D, E	<p>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></p>	<p>Consider for 1<sup>st</sup> Triage Ordinance, additional legal review necessary.  Section D or E may have to be updated again in 2<sup>nd</sup> round.</p>	<p>Ordinance 2021-03 scheduled for the City Council on March 23, 2021.</p>
13	2.16.140.C	<p>Site specific rezones – no PC or DRB review or recommendation currently required. NOTE: 10/13 City Council Meeting Recommended NOT moving this forward.</p>	<p>Do not move forward at this time.</p>	<p>No action.</p>

Item	Code Reference	Joint City Council/Planning Commission Recommendation	10/29/20 Planning Commission Workplan Discussion & Staff Notes	3/5/20201 Status
**Note: If specific new/revised language is being proposed, <u>it is underlined</u> .				
14	2.16.190.G, H	Legislative comprehensive plan amendments – review process and decision criteria – revise to add PC to preapplication conference to provide early identification of potential Comp Plan consistency issues; review decision criteria for additions/revisions	Consider for 1 <sup>st</sup> Triage Ordinance PC to Review Decision Criteria on 11/12	Ordinance 2021-03 scheduled for the City Council on March 23, 2021.
ISSUE				
		Hearing Examiner rules do not specify when the HEX is required or authorized to remand a decision		
GOAL				
		Clarify Hearing Examiner remand		
RATIONALE				
		The Hearing Examiner rules need clarification on remand		
15	2.14.030	Add language specifying when HEX is required or authorized to remand a decision.	Consider for 1 <sup>st</sup> Triage Ordinance, Pending additional legal review necessary.	Ordinance 2021-03 scheduled for the City Council on March 23, 2021.
ISSUE				
		Hotels of any size are allowed by conditional use permit in the Central Core, Gateway, and Ferry Terminal zoning districts		
GOAL				
		Prohibit hotels in Central Core, Gateway, and Ferry Terminal zoning districts		
RATIONALE				
		As currently defined, hotels in these districts are not consistent with the Comprehensive Plan		

Item	Code Reference	Joint City Council/Planning Commission Recommendation	10/29/20 Planning Commission Workplan Discussion & Staff Notes	3/5/20201 Status
<p>**Note: If specific new/revised language is being proposed, <u>it is underlined</u>.</p>				
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 <sup>st</sup> Triage Ordinance	Ordinance 2021-03 scheduled for the City Council on March 23, 2021.
ISSUE		No minimum duration of affordability for home ownership units specified; ownership affordable housing available as affordable only once, then can be sold at market rate		
GOAL		Create long-term affordable housing for home ownership units in perpetuity (or 99 years?)		
RATIONALE		Period of affordability needed to justify the added density		
17	18.21.020.B.2	<p>Revise code language to specify duration of affordability for home ownership units. Ensure consistency with BIMC 18.12 cross-references.</p> <p>Background: This is a stop-gap until broader AH program completed and specific questions answered, such as: What is mechanism to allow for some value capture/return on investment at sale for owner? Look into HRB Ferncliff Village – CLT model. Do we need to recommend the CLT model? Or create mechanism within City?</p> <p>Example: See BIMC 2.16.020.S.4.a.iii (HDDP program) -- Designated affordable housing shall remain affordable for 99 years from the time of final inspection on the affordable unit. The applicant shall record covenants that demonstrate how the unit will remain affordable and be managed for 99 years.</p>	Consider for 1 <sup>st</sup> Triage Ordinance	Ordinance 2021-11 adopted by City Council on February 11, 2021

Item	Code Reference	Joint City Council/Planning Commission Recommendation	10/29/20 Planning Commission Workplan Discussion & Staff Notes	3/5/2021 Status
**Note: If specific new/revised language is being proposed, it is <u>underlined</u> .				
18	18.21.020.B	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.  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?)	Consider for 1 <sup>st</sup> Triage Ordinance.	Ordinance 2021-11 adopted by City Council on February 11, 2021

Item	Code Reference	3/5/2021 Status
Decision Criteria Major Conditional Use	2.16.110	Awaiting further direction from subcommittee
Decision Criteria Preliminary Long Subdivision	2.16.125	Awaiting further direction from subcommittee
Multifamily Tax Exemption	NEW to Title 3	Study Session with Council April 6, 2021

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

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

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

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

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

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

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



CITY OF  
BAINBRIDGE ISLAND

City council 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:** March 11, 2021

**ESTIMATED TIME:** 45 Minutes

**AGENDA ITEM:** (6:40 PM) - Draft Ordinance No. 2021-12 & Resolution 2021-07: Phase 2 Triage Code Changes Related to Improving the Pre-application Phase

**AGENDA CATEGORY:** Ordinance

**PROPOSED BY:** David Greetham

### PREVIOUS PLANNING COMMISSION

**REVIEW DATE(S):** October 29, 2020: The Planning Commission considered the land use subcommittee's proposed "triage" land use code changes and separated the changes into two phases, with the second phase including improvements to the preapplication process and the role of the Design Review Board and Planning Commission.

December 9 and 16, 2020: A subcommittee of the Planning Commission joined the existing three-member Design Review Board subcommittee to continue development of the phase two code improvements related to the preapplication phase of the land use permitting process.

February 11, 2021: The Planning Commission discussed Resolution No. 2010-32 that adopted the mandatory public participation program and that did not specify that the meetings occur at the Planning Commission.

### PREVIOUS COUCIL REVIEW DATE(S):

### RECOMMENDED MOTION:

Discussion of Draft Ordinance & Resolution

### SUMMARY:

AN ORDINANCE of the City of Bainbridge Island, Washington, amending BIMC 2.16.020, 2.16.040, 2.16.050, 2.16.070, 2.16.110, 2.16.125, and 18.18 related to improving the early phases of the land use permitting process.

A RESOLUTION of the City of Bainbridge Island regarding the Public Participation program and the role of the Planning Commission.

**BACKGROUND:** During 2020 the Design Review Board (DRB) identified the need for more detailed background information prior to holding the first DRB meeting with project applicants on early development proposals. The DRB determined that revisions to the preapplication process would address the need for more detailed up front information and appointed a subcommittee to continue more detailed work on proposed revisions to the BIMC (including the Design Guidelines, a stand-alone document incorporated by reference into the BIMC at 18.18). In late 2020, a subcommittee of the Planning Commission joined the DRB subcommittee for two meetings to discuss the proposed process revisions.

Draft Ordinance No. 2021-12 includes recommended code changes relating to the preapplication process. If the Planning Commission chooses, a public hearing may be scheduled for April 11, 2021.

**ATTACHMENTS:**

**ORDINANCE NO. 2021-12**

**AN ORDINANCE** of the City of Bainbridge Island, Washington, amending BIMC 2.16.020, 2.16.040, 2.16.050, 2.16.070, 2.16.110, 2.16.125, and 18.18 related to improving the early phases of the land use permitting process.

**WHEREAS**, in mid-2020, Design Review Board members identified the need for more detailed background information prior to holding a Conceptual Review Meeting on early development proposals; and

**WHEREAS**, on August 17, 2020 the Design Review Board began formal discussion of Design Review Board role and changing the pre-application process; and

**WHEREAS**, the Design Review Board appointed a subcommittee to continue more detailed work on proposed process revisions; and

**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**, on October 19, 2020 the Design Review Board reviewed the subcommittee draft proposed process revisions and made recommendations to reorder required meetings for projects that require Site Plan and Design Review and a Pre-application Conference such that the Preapplication conference is the first step, prior to Design Review Board Conceptual Review and Design Guidance meetings; and

**WHEREAS**, the Planning Commission considered the proposed changes on October 29 and separated the land use code changes into two phases, with the second phase including improvements to the preapplication process and the role of the Design Review Board and Planning Commission; and

**WHEREAS**, two Planning Commissioners joined the existing three member Design Review Board subcommittee to continue development of specific code improvements related to the preapplication phase of the land use permitting process; and

**WHEREAS**, on December 9 and 16, 2020 the newly formed Planning Commission/Design Review Board subcommittee reviewed and finalized proposed recommended revisions to the preapplication process revision recommendations; and

**WHEREAS**, the Design Review Board will complete their review and recommend final code changes on March 15, 2021; and

**WHEREAS**, the Planning Commission discussed the Ordinance No. 2021-12 on March 11 and 25; and

**WHEREAS**, the Planning Commission held a public hearing on this ordinance, Ordinance No. 2021-12 on April 8, 2020, and after closing the public hearing, made a recommendation of approval of Ordinance No. 2021-12 to the City Council; and

**WHEREAS**, notice was given on XXXX, 2021, 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. 2021-12 further on XXXX, 2021, *holding a public hearing on the ordinance, and after closing the public hearing, further discussed the ordinance.*

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

**Section 1.** Section 2.16.020.I of the Bainbridge Island Municipal Code is hereby amended to read as follows:

5. In the case of applications where design review board review and a preliminary application conference are required, the land use application shall be reviewed using a two-step application process. ~~As the schedule allows, the applicant shall first meet with the design review board to discuss the design concept,~~ department staff as described in this section, and shall then meet with the design review board to discuss the design concept.

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

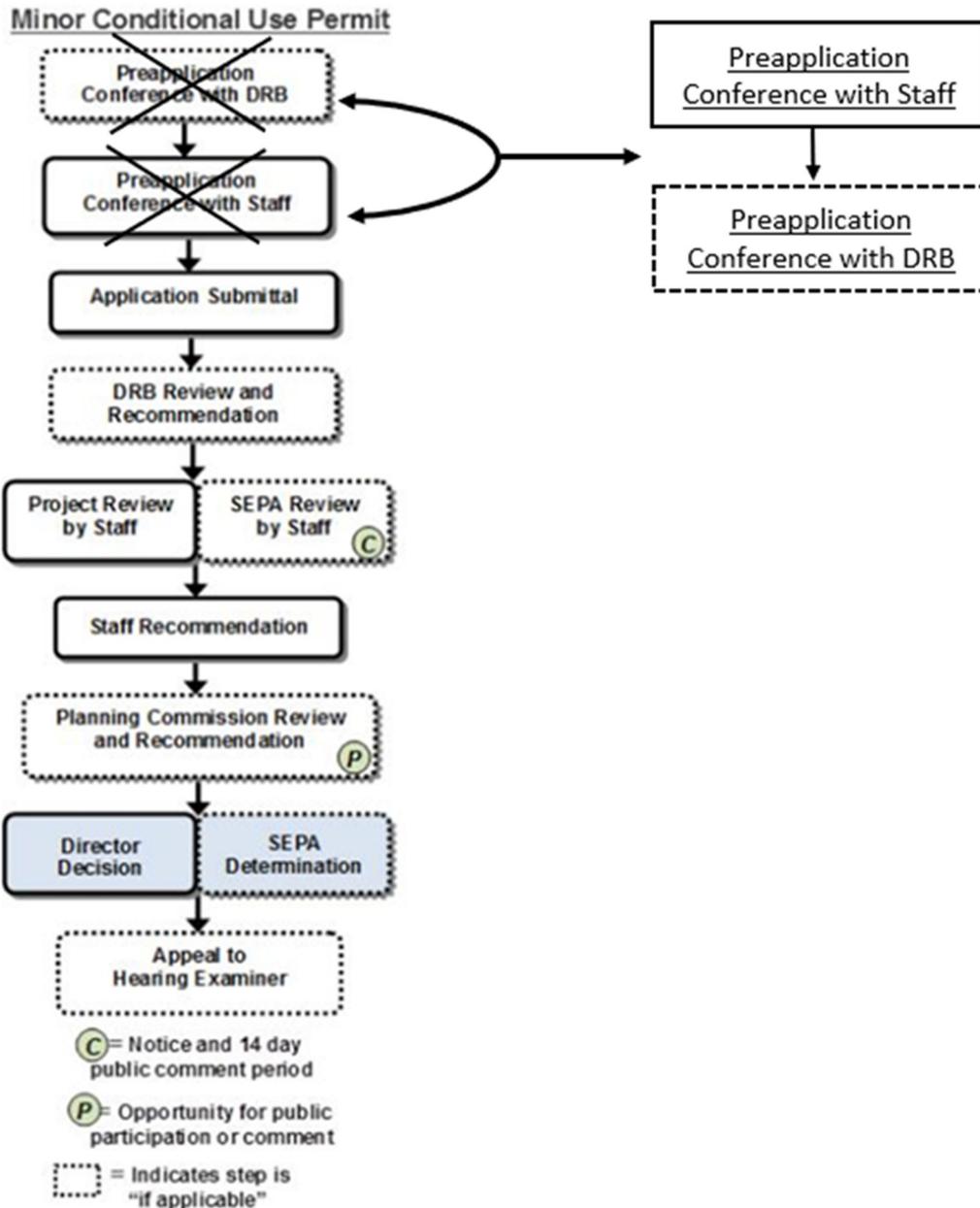
D. Review Procedures – Proposal Stage. Review of site plan and design review proposals shall include all of the following in the order listed:

1. Preapplication Conference. The applicant shall participate in a preapplication conference in accordance with the provisions and requirements in BIMC 2.16.020.I. The preapplication conference application shall be provided to the design review board. Up to two members of the Planning Commission may attend the pre-application

conference with the intent of listening and reporting the proposal to the full Planning Commission at a subsequent meeting.

12. Conceptual Proposal Review Meeting. The conceptual proposal review meeting is a means of screening proposals in their earliest stages of design before proponents are committed to a particular design. The conceptual proposal meeting is an opportunity to ensure that the proponent understands the objectives of the review process, design guidelines, and comprehensive plan goals and policies. This early touch allows review bodies to dialogue in an informal manner with the applicant, review the design guidelines and comprehensive plan goals and policies applicable to the site, and explore design concepts and/or options. It is also a means for staff to acquaint the prospective applicant with the procedural steps for subdivision review. The conceptual proposal review meeting will be held at a meeting of the design review board. Submittal requirements are described in the administrative manual, and include a statement of intent, site analysis, and context map. An applicant may request a waiver from the conceptual proposal review meeting if the applicant demonstrates knowledge and understanding of the city's permit processing procedures.
23. Design Guidance Review Meeting. The design guidance review meeting is intended to provide input and guidance to an applicant on consistency with applicable design guidelines and comprehensive plan goals and policies, including recommendations for how the project could be revised to achieve greater consistency. The applicant should also make known the potential need and rationale for any departure from the design guidelines or the city of Bainbridge Island design and construction standards and specifications. The design guidance review meeting will be held at a meeting of the design review board. Requirements are described in the administrative manual and include a schematic design and completed design guidelines checklist.
34. ~~Preapplication Conference~~ Public Participation Meeting. ~~The applicant shall participate in a preapplication conference in accordance with the provisions and requirements in BIMC 16.20.020.I. As part of the preapplication phase, applicants are required to participate in a community meeting through the city's public participation program outlined in Resolution No. 20210-3207, except that the community meeting shall be held at a planning commission meeting. The preapplication conference application shall be provided to the design review board.~~

**Section 3.** Section 2.16.050.C of the Bainbridge Island Municipal Code is hereby amended to read as follows:



**Section 4.** Section 2.16.070.D of the Bainbridge Island Municipal Code is hereby amended to read as follows:

D. Review Procedures – Proposal Stage. Review of short subdivision proposals shall include all of the following in the order listed except that the division or redivision of land into two lots shall not be required to comply with subsections D.42 and D.23 of this section:

1. Preapplication Conference. The applicant shall participate in a preapplication conference in accordance with the provisions and requirements in BIMC 2.16.020.I.

42. Conceptual Proposal Review Meeting. The conceptual proposal review meeting is a means of screening short subdivision proposals in their earliest stages of design before proponents are committed to a particular design. The conceptual proposal meeting is an opportunity to ensure that the proponent understands the objectives of the review process, design guidelines, and comprehensive plan goals and policies. This early touch allows review bodies to dialogue in an informal manner with the applicant, review the design guidelines and comprehensive plan goals and policies applicable to the site, and explore design concepts and/or options. It is also a means for staff to acquaint the prospective applicant with the procedural steps for subdivision review. The conceptual proposal review meeting will be held at a meeting of the design review board. Submittal requirements are described in the administrative manual, and include a statement of intent, site analysis, and context map. An applicant may request a waiver from the conceptual proposal review meeting if the applicant demonstrates knowledge and understanding of the city's permit processing procedures.

23. Design Guidance Review Meeting. The design guidance review meeting is intended to provide input and guidance to an applicant on consistency with applicable design guidelines and comprehensive plan goals and policies, including recommendations for how the project could be revised to achieve greater consistency. The applicant should also make known the potential need and rationale for any departure from the design guidelines or the city of Bainbridge Island design and construction standards and specifications. The design guidance review meeting will be held at a meeting of the design review board. Submittal requirements are described in the administrative manual and include documentation of the four-step design process, schematic design, and completed subdivision design guidelines checklist. The four-step design process includes:

- a. Delineate Natural Space. The applicant shall prioritize natural resources on the site in terms of their highest to least appropriateness for inclusion in the proposed natural area. On the basis of those priorities and practical considerations given to the site's configuration, its context in relation to natural areas on adjoining and neighboring properties, and the applicant's subdivision objectives, natural space shall be delineated in a manner clearly indicating boundaries as well as the types of resources. The amount of natural space required is provided in Chapter 17.12 BIMC.
- b. Locate Homesites and Community Space. After delineating natural space, homesite areas and community space shall be identified (a "sketch" diagram is acceptable), using the site analysis and context maps produced for the conceptual proposal review meeting as a base map. The amount of community space required is provided in Chapter 17.12 BIMC.

- c. Define Access. After locating the natural space, homesites, and community space, the access network shall be defined. The access network shall provide a safe, convenient, and efficient system for vehicular, pedestrian and bicycle circulation and minimize impacts on proposed natural space.
  - d. Draw Lot Lines. Upon completion of the preceding three steps, draw lot lines to delineate the boundaries of individual lots.
4. ~~Preapplication Conference~~ Public Participation Meeting. ~~The applicant shall participate in a preapplication conference in accordance with the provisions and requirements in BIMC 16.20.020.I.~~ As part of the preapplication phase, applicants are required to participate in a community meeting through the city's public participation program outlined in Resolution No. ~~20210-3207~~; ~~except that the community meeting shall be held at a planning commission meeting.~~ The preapplication conference application shall be provided to the design review board.

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

D. Review Procedures – Proposal Stage. Review of major conditional use permit proposals shall include all of the following in the order listed:

- 1. Preapplication Conference. The applicant shall participate in a preapplication conference in accordance with the provisions and requirements in BIMC 2.16.020.I. The preapplication conference application shall be provided to the design review board.
- ~~2.~~ Conceptual Proposal Review Meeting. The conceptual proposal review meeting is a means of screening proposals in their earliest stages of design before proponents are committed to a particular design. The conceptual proposal meeting is an opportunity to ensure that the proponent understands the objectives of the review process, design guidelines, and comprehensive plan goals and policies. This early touch allows review bodies to dialogue in an informal manner with the applicant, review the design guidelines and comprehensive plan goals and policies applicable to the site, and explore design concepts and/or options. It is also a means for staff to acquaint the prospective applicant with the procedural steps for subdivision review. The conceptual proposal review meeting will be held at a meeting of the design review board. Submittal requirements are described in the administrative manual, and include a statement of intent, site analysis, and context map. An applicant may request a waiver from the conceptual proposal review meeting if the applicant demonstrates knowledge and understanding of the city's permit processing procedures.
- ~~3.~~ Design Guidance Review Meeting. The design guidance review meeting is intended to provide input and guidance to an applicant on consistency with applicable design guidelines and comprehensive plan goals and policies,

including recommendations for how the project could be revised to achieve greater consistency. The applicant should also make known the potential need and rationale for any departure from the design guidelines or the city of Bainbridge Island design and construction standards and specifications. The design guidance review meeting will be held at a meeting of the design review board. Requirements are described in the administrative manual and include a schematic design and completed design guidelines checklist.

4. ~~Preapplication Conference~~ Public Participation Meeting. ~~The applicant shall participate in a preapplication conference in accordance with the provisions and requirements in BIMC 16.20.020.I. As part of the preapplication phase, applicants are required to participate in a community meeting through the city's public participation program outlined in Resolution No. 20210-3207, except that the community meeting shall be held at a planning commission meeting. The preapplication conference application shall be provided to the design review board.~~

**Section 6.** Section 2.16.125.D of the Bainbridge Island Municipal Code is hereby amended to read as follows:

D. Review Procedures – Proposal Stage. Review of long subdivision proposals shall include all of the following in the order listed:

1. Preapplication Conference. The applicant shall participate in a preapplication conference in accordance with the provisions and requirements in BIMC 2.16.020.I. The preapplication conference application shall be provided to the design review board and planning commission.
- ~~12.~~ Conceptual Proposal Review Meeting. The conceptual proposal review meeting is a means of screening long subdivision proposals in their earliest stages of design before proponents are committed to a particular design. The conceptual proposal meeting is an opportunity to ensure that the proponent understands the objectives of the review process, design guidelines, and comprehensive plan goals and policies. This early touch allows review bodies to dialogue in an informal manner with the applicant, review the design guidelines and comprehensive plan goals and policies applicable to the site, and explore design concepts and/or options. It is also a means for staff to acquaint the prospective applicant with the procedural steps for subdivision review. The conceptual proposal review meeting will be held at a meeting of the design review board. Submittal requirements are described in the administrative manual, and include a statement of intent, site analysis, and context map. An applicant may request a waiver from the conceptual proposal review meeting if the applicant demonstrates knowledge and understanding of the city's permit processing procedures.

23. **Design Guidance Review Meeting.** The design guidance review meeting is intended to provide input and guidance to an applicant on consistency with applicable design guidelines and comprehensive plan goals and policies, including recommendations for how the project could be revised to achieve greater consistency. The applicant should also make known the potential need and rationale for any departure from the design guidelines or the city of Bainbridge Island design and construction standards and specifications. The design guidance review meeting will be held at a meeting of the design review board. Submittal requirements are described in the administrative manual and include documentation of the four-step design process, schematic design, and completed subdivision design guidelines checklist. The four-step design process includes:
- a. **Delineate Natural Space.** The applicant shall prioritize natural resources on the site in terms of their highest to least appropriateness for inclusion in the proposed natural area. On the basis of those priorities and practical considerations given to the site’s configuration, its context in relation to natural areas on adjoining and neighboring properties, and the applicant’s subdivision objectives, natural space shall be delineated in a manner clearly indicating boundaries as well as the types of resources. The amount of natural space required is provided in Chapter [17.12](#) BIMC.
  - b. **Locate Homesites and Community Space.** After delineating natural space, homesite areas and community space shall be identified (a “sketch” diagram is acceptable), using the site analysis and context maps produced for the conceptual proposal review meeting as a base map. The amount of community space required is provided in Chapter [17.12](#) BIMC.
  - c. **Define Access.** After locating the natural space, homesites, and community space, the access network shall be defined. The access network shall provide a safe, convenient, and efficient system for vehicular, pedestrian and bicycle circulation and minimize impacts on proposed natural space.
  - d. **Draw Lot Lines.** Upon completion of the preceding three steps, draw lot lines to delineate the boundaries of individual lots.
4. ~~Preapplication Conference~~ **Public Participation Meeting.** ~~The applicant shall participate in a preapplication conference in accordance with the provisions and requirements in BIMC 16.20.020.I. As part of the preapplication phase, applicants are required to participate in a community meeting through the city’s public participation program outlined in Resolution No. 20210-3207, except that the community meeting shall be held at a planning commission meeting. The preapplication conference application shall be provided to the design review board and planning commission.~~

**Section 7.** Section 18.18.030 of the Bainbridge Island Municipal Code is hereby amended as shown in Exhibit A. **DESIGN GUIDELINES DFB PLACEHOLDER**

**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 XX day of XXX, 2021.

APPROVED by the Mayor this XX day of XXX, 2021.

---

Rasham Nassar, Mayor

ATTEST/AUTHENTICATE:

---

Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:	XXX, 2021
PASSED BY THE CITY COUNCIL:	XXX, 2021
PUBLISHED:	XXX, 2021
EFFECTIVE DATE:	XXX, 2021
ORDINANCE NUMBER:	2021-12

## Exhibit A

### Phase Two Triage Code Changes – Design Guidelines Revisions

#### Pp. 10-11 Design Review Process

~~1. Pre-Application Conference. The pre-application conference with City Staff is intended to provide input on preliminary, site, building plans and elevations, and ensure they meet zoning, environmental, and stormwater requirements, and address the Design Standards and Design Guidelines in this document before the application set is finalized. Following the pre-application conference, the applicant will present their concepts to the Planning Commission at a public community meeting before the DRB conducts its final review.~~

~~2. Conceptual Proposal Review. The conceptual proposal review meeting is an informal meeting between the applicant and the Design Review Board to review site-specific conditions and contextual considerations for the design of development on site. This discussion is intended to inform strategies for site planning and massing that respond sensitively to the neighborhood context.~~

~~23. Design Guidance Review. Design guidance review meetings with the Design Review Board offer guidance to potential applicants during the design process on conceptual alternatives. The purpose of the design guidance review meeting is to review how the proposed alternatives fit the surrounding context with a focus on the development's program, uses, site plan, and massing. The Board will also consider any requested departures, the rationale for those departures and their consistency with the intent and principles of the guidelines.~~

~~34. Pre-Application Conference. Public Participation Meeting. The pre-application conference with City Staff is intended to provide input on preliminary, site, building plans and elevations, and ensure they meet zoning, environmental, and stormwater requirements, and address the Design Standards and Design Guidelines in this document before the application set is finalized. Following the Conceptual and Design Guidance Review meetings, the applicant will present their concepts to the Planning Commission at a public community meeting before the DRB conducts its final review.~~

~~45. DRB Review & Recommendation. At this meeting, the Board will review the application plans for compliance with Design Standards and Design Guidelines and ensure that the project reflects any revisions recommended by the Board at previous meetings. The Board will document its findings and transmit a written recommendation to the Planning Commission. The Board's recommendation may include conditions to ensure compliance with all standards.~~

#### P. 11 Discussion Topics & Materials.

*Revise graphic to move Pre-Application Conference to first step. Renumber items 1, 2 and 3 respectively.*

## DISCUSSION TOPICS & MATERIALS



Pp. 12-14, Submittal Requirements.

Revise graphics on pp.12-14 to move Pre-Application Conference to step 1. Renumber items 1, 2 and 3 respectively.

## Submittal Requirements

### 1 Conceptual Proposal Review

Preliminary Development Program (Optional)

### 2 Design Guidance Review

Conceptual site plan & massing cross section

a. Vision statement & design intent;



### 3 Pre-Application Conference

a. Illustrative site plan, including:

d. Sun/shadow graphic analysis;

RESOLUTION NO. 2021-07

A RESOLUTION of the City of Bainbridge Island, Washington, to amend the City's public participation program.

WHEREAS, in 2001, the City Council adopted Resolution No. 2001-11 establishing a voluntary public participation program in order to inform citizens of proposed projects in their neighborhood, and to provide the development community with an awareness of public concerns; and

WHEREAS, in 2010, the City Council adopted Resolution No. 2010-32 to adopt a mandatory public participation program; and

WHEREAS, in 2018, the City Council approved Ordinance No. 2018-08, which moved public participation meetings from special city meetings, sometimes within neighborhoods to the Planning Commission; and

WHEREAS, in 2020, the City Council directed staff to work with the Planning Commission to modify the Pre-application process; and

WHEREAS, after holding public participation meetings for a few years, the Planning Commission identified the need to amend the public participation program to include a broader audience; to solidify their role in the process, and to ensure that the community is receiving accurate and timely information; and

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES RESOLVE AS FOLLOWS:

The City Council of the City of Bainbridge Island, Washington, approved the amendment to the public participation program. The program will be administered by the Department of Planning and Community Development in coordination with the Planning Commission and is described in Exhibit A attached hereto and made a part hereof by the reference.

PASSED by the City Council this X day of April, 2021

APPROVED by the May this X day of April, 2021.

ATTEST/AUTHENTICATE:

---

Christine Brown, City Clerk

FILED WITH THE CITY CLERK:

PASSED BY THE CITY COUNCIL:

RESOLUTION NO: 2021

## THE CITY OF BAINBRIDE ISLAND PUBLIC PARTICIPATION PROGRAM

**Purpose:** The program is intended to bring developers, community members, City Staff and the Planning Commission together in the pre-application process, so that the residents and Planning Commission can learn about any proposed developments in their community and the applicant can be aware of their concerns, if any.

**Format:** The meetings are to be held at the Planning Commission. The Planning Commission is to provide opening remarks, followed by the staff planning lead describing the project and where it is in the review process. Following the PC and Staff introductions, the applicant is to provide an overview with visuals of the project. The meeting is then followed by questions and comments from the public and responses from the applicant and/or staff. Following the Q & A, the Planning Commission provides comments and suggestions based on the Municipal Code and the Comprehensive Plan.

**Notice:** The City shall provide a notice with a brief description of the proposal and make site plans and the pre-application letter available to the public. The City shall use various, available methods to provide notice to reach and engage the broader community to include at a minimum 1) a 500' mailing from the project site, and advertisement in the local paper and 3) other popular means employed by the City including but not limited to the City Manager Report (or its successor) and the City's primary calendar. The City shall also notify the Design Review Board members of the meeting date.

**Post Meeting:** The meeting video and/or minutes shall be made available after the meeting to the public.

**Need for Additional PPM:** If there are substantial changes made to the project after a public participation meeting, the applicant may be required to attend an additional public participation meeting. The decision shall be made by the director in coordination with the planning commission chair.

**RESOLUTION NO. 2010-32**

**A RESOLUTION** of the City of Bainbridge Island, Washington,  
to amend the City's public participation program.

**WHEREAS**, Framework Goal 7 of the City of Bainbridge Island Comprehensive Plan calls for the development of a meaningful process for citizen participation; and

**WHEREAS**, in 2001, the City Council adopted Resolution No. 2001-11 establishing a voluntary public participation program in order to inform citizens of proposed projects in their neighborhood, and to provide the development community with an awareness of public concerns; and

**WHEREAS**, on April 7, 2010, the City Council established the Land Use Public Process small steering group, charged with analyzing and reviewing policies and procedures regarding public involvement in land use permits; and

**WHEREAS**, the steering group began meeting in May 2010, and quickly identified several ways to better solicit public participation in the land use permit process; and

**WHEREAS**, upon the recommendation of the steering group, the City Council directed staff to develop an ordinance (Ordinance No. 2010-25) making the City's "Public Participation Program," as outlined in Resolution No. 2001-11, mandatory for certain larger development projects; and

**WHEREAS**, the steering group wanted the public participation program to involve the community at large for development projects of Island-wide significance; and

**WHEREAS**, the City has decided to adopt a new "Public Participation Program" resolution, instead of amending Resolution No. 2001-11; now therefore,

**THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES RESOLVE AS FOLLOWS:**

The City Council of the City of Bainbridge Island, Washington, approves the amendments to the City's public participation program, making the program mandatory for larger development projects. The program will be administered by the Department of Planning and Community Development, and is described in Exhibit A attached hereto and made a part hereof by this reference.

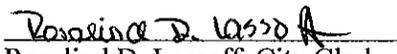
**PASSED** by the City Council this 13<sup>th</sup> day of October, 2010.

**APPROVED** by the Mayor this 13<sup>th</sup> day of October, 2010.



Bob Scales, Mayor

**ATTEST/AUTHENTICATE:**

  
Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK: October 5, 2010  
PASSED BY THE CITY COUNCIL: October 13, 2010  
RESOLUTION NO: 2010-32

## **The City of Bainbridge Island's Public Participation Program**

**Purpose:** The program is intended to bring developers and community members together early in the development application process, so that the residents can learn about proposed developments in the community, and the applicant can be aware of their concerns, if any.

**Format:** The program is designed to be simple, informal and of mutual benefit to all the participants. It involves one meeting between the applicant and the neighbors, typically right before or after a pre-application conference is held. The focus of the meetings is the specific development project and its possible impacts. The meetings are intended to be neighborhood-oriented, but larger projects may be appropriate for a larger public outreach effort. The applicant makes a short presentation on the development project, which is followed by a question-answer session.

**City's Role:** The meetings are organized and advertised by Planning staff. The City will mail notice of the meeting to property owners within 500 feet of the subject property. Additionally, staff identifies the targeted neighborhood (s) on a case-by-case basis, taking into account the size and type of development project, and may mail the meeting notice more widely. The City will provide the applicant with a sign to post on the property, and publish a display ad in the paper of record. A staff member will serve as a neutral facilitator of the meetings. Current Planning staff attends the meeting to answer questions about the City's code and development regulations. Staff also prepares a written summary of the meeting, which is sent to the meeting participants and to the appropriate City reviewing body (Design Review Board, Director, Planning Commission, City Council, Hearing Examiner). A member of the Design Review Board is encouraged to attend the Public Participation meeting to hear the discussion.

### **Benefits:**

- Several recent development projects have shown that good communication between the developer and the neighborhood resulted in general public support and a smoother approval process. This program is designed to increase trust and communication, and to diffuse potentially adversarial situations.
- Recent experience has also shown that some development projects have run into public opposition because neighbors feel they hear "too little, too late." In some cases, their concerns could have been addressed fairly easily if they had been raised early in the process. This program provides the public with accurate and timely information, and allows them to have more input into developments in their neighborhoods. It provides the applicant with the opportunity to understand and possibly address any neighborhood issues.
- This program is not a "hearing" or a separate approval process. It is an informal dialogue, and any modifications that an applicant chooses to make as a result are voluntary.
- The program provides educational opportunities for the public to learn about City development regulations and their relationship to the Comprehensive Plan. In turn, it helps City staff and officials keep abreast of existing and emerging community concerns.