CITY OF
BAINBRIDGE ISLAND

CITY COUNCIL STUDY SESSION
TUESDAY, JUNE 18, 2019

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

AGENDA

1. CALL TO ORDER / ROLL CALL - 6:00 PM

Councilmember Tirman to leave at 9 PM and participate by phone for the remainder of the meeting.

2. APPROVAL OF AGENDA/ CONFLICT OF INTEREST DISCLOSURE - 6:05 PM

3. MAYOR'S REPORT - 6:10 PM

4. PRESENTATIONS

4.A (6:15 PM) Fire Code Revisions - Utility Advisory Committee (UAC) Recommendations - Public Works, 15 Minutes
UAC Fire Code Impact Memo 5-9-18

4.B (6:30 PM) Heightened Utility Review Process - Utility Advisory Committee Recommendations - Public Works, 20 Minutes
Heightened Utility Review Process Recommendation for Council 26 Jun 18.pptx
UAC Utility Review Presentation_CC_6_18_19.pptx

4.C (6:50 PM) Discussion of the Climate Change Advisory Committee (CCAC) 2019 Work Plan - Council, 30 Minutes
CCAC 2018 Report and 2019 Workplan.pdf
CCAC Detailed 2019 2020 Workplan.pdf
List of CCAC Study Session Topics.pdf
CCAC Presentation Council study session June 18th 2019
COBI Council Sea Level Rise

5. UNFINISHED BUSINESS

5.A (7:20 PM) Ordinance No. 2019-04, Updating the City's Sign Code - Planning, 45 Minutes
Sign Code Matrix and Definitions of Key Terms

5.B (8:05 PM) Sustainable Transportation Project - Public Works, 30 Minutes
Presentation_CC mtg_2019-06-18.pdf
Sustainable Transportation_RFQ_Advertise.pdf
CC_Sustainable_Transportation_Proposal_.pdf

5.C (8:35 PM) Update on Moratorium - Planning, 10 Minutes
20190604 Moratorium work program status report.docx
Ordinance No. 2019-10 Extending the Development Moratorium
Development Moratorium Summary Effective 20190403.docx

5.D (8:45 PM) Ordinance No. 2019-09 Relating to Accessory Dwelling Units (ADUs) - Planning, 30 Minutes
CC Staff Memo-Affordable Housing Topics
Ordinance 2019-09
City Attorney ADU Memo
Attachment A BIMC 18.09.030.I.5 ADU Use Specific Standards
Attachment B Sample Owner Occupancy Notice to Title
Tiny Homes Handout from WA Building Officials
MRSC handout on Tiny Home Legislation

5.E (9:15 PM) Discussion of Potential Changes to Ethics Program - Mayor Medina, 20 Minutes

6. FUTURE COUNCIL AGENDAS

6.A (9:35 PM) Future Council Agendas, 10 Minutes
City Council Regular Business Meeting, June 25, 2019.pdf
City Council Study Session, July 2, 2019.pdf
City Council Regular Business Meeting, July 9, 2019.pdf

7. FOR THE GOOD OF THE ORDER - 9:45 PM

8. ADJOURNMENT - 9:55 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.

City Council meetings are wheelchair accessible. Assisted listening devices are available in Council Chambers. If you require additional ADA accommodations, please contact the City Clerk's Office at 206-780-8604 or cityclerk@bainbridgewa.gov by noon on the day preceding the meeting.

City Council Study Session Agenda Bill

CITY OF BAINBRIDGE ISLAND

MEETING DATE: June 18, 2019 **ESTIMATED TIME:** 15 Minutes

AGENDA ITEM: (6:15 PM) Fire Code Revisions - Utility Advisory Committee (UAC) Recommendations - Public Works,

STRATEGIC PRIORITY: Reliable Infrastructure and Connected Mobility

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Discussion **PROPOSED BY:** Public Works

RECOMMENDED MOTION:

Discussion only.

SUMMARY:

The UAC and City Fire Marshal recommend that a working group be created of various interested parties including representatives of Group A water systems and the Fire Marshal to focus on City Fire Code issues so as to encourage better fire safety on the island.

The revised International Fire Code is due to adopted by the City in 2019, and the working group could provide input about any and all issues that smaller water systems were encountering in following the fire and other municipal codes when upgrading their systems.

The objective of these meetings would be to work with the Fire Marshal and the Public Works Department to create revised codes that would encourage more cost effective upgrades to small water systems to improve water quality and fire flow where possible.

FISCAL IMPACT:

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

BACKGROUND:

The Bainbridge Island Municipal Code sections applicable to water systems understandably focus on the City owned systems. Today's code is likely a holdover from when Winslow was the City. Today, there are 28 Class A water systems on the island (two are owned by COBI and four are owned by the Kitsap Public Utility District) and approximately 155 Class B water systems.

In 2016, the Utility Advisory Committee responded to concerns that small rural water systems were forestalled from upgrading due to interpretation of the BIMC and construction requirements. The UAC thus recommended the inclusion of a policy in the Utility Element of the Comprehensive Plan to encourage cost effective upgrades of water systems to improve both water quality and possibly fire flow. The City Council thereafter adopted the following Policy as part of the Utilities Element of the Comprehensive Plan:

Policy U11.5 : Adopt standards that differentiate between urban and non-urban density fire flow requirements. A differential policy is needed to promote cost effective water system upgrades by the many small water systems on the island.

In 2017, the City Council added implementation of this policy to the UAC's work plan. Accordingly, a subcommittee of the UAC began research on governmental regulations of upgrades of water systems serving single family residences in an effort to develop the standards and /or policy that would accomplish the goals of Policy U11.5.

Attached is a memo from May 2018 prepared by the UAC to the City Council that addresses this matter in more detail.

ATTACHMENTS:

UAC Fire Code Impact Memo 5-9-18

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF BAINBRIDGE ISLAND

MEMORANDUM

TO: City Council

FROM: Utility Advisory Committee

DATE: May 9, 2018

SUBJECT: Recommendations on Fire and Other Municipal Codes Impacting Island Water Systems

Background

The COBI municipal code sections applicable to water systems understandably focuses on the City owned systems. Today's code is likely a holdover from when Winslow was the City. Today, there are 28 Class A[1] water systems on the island (two are owned by COBI and four owned by Kitsap Public Utility District) and approximately 155 Class B[2] water systems.

In 2016 the Utility Advisory Committee responded to concerns that small rural water systems were forestalled from upgrading due to interpretation of the BIMC and construction requirements by recommending the inclusion of a policy in the Utility Element of the Comprehensive Plan to encourage cost effective upgrades of water systems to improve both water quality and possibly fire flow.

The City Council thereafter adopted the following Policy as part of the Utilities Element of the Comprehensive Plan:

> *Policy U11.5: Adopt standards that differentiate between urban and non-urban density fire flow requirements. A differential policy is needed to promote cost effective water system upgrades by the many small water systems on the island.*

In 2017, the City Council added implementation of this policy to the UAC's work plan. Accordingly, a subcommittee of the UAC began research on governmental regulations of upgrades of water systems serving single family residences in an effort to develop the standards and /or policy that would accomplish the goals of Policy U11.5.

The subcommittee's research included review of the current COBI Fire Code and other relevant City codes, review of fire codes from other jurisdictions, meetings with Bainbridge Island Fire Marshal Luke Carpenter, the Fire Marshal of Kitsap County, KPUD, City staff, and managers of various small water systems, and discussions with the Public Works Department regarding the City's Design and Construction Standards.

The subcommittee's research uncovered the following findings:

1) Water systems upgrades and improvements are subject to COBI's Fire Code, The City's Right of

[1] Having 15 or more connections or serving public schools.
[2] Having 3 to 14 connections.

Way Design and Construction Standards, and regulations contained in the Washington Administrative Code and promulgated by the Department of Ecology and the Department of Health's Office of Drinking Water.

2) There appears to be a differential review process by the City of Bainbridge Island with regard to water system projects. What governs the review process seems to be determined by :
   a) Whether the system is owned by the City or one of the independent water purveyors such as KPUD,
   b) Whether the water system construction/extension is in response to a building permit for new or remodeled structures, and
   c) Whether the work will be performed in the City's right-of-way or private property.

3) BIMC sections that address water systems are:
   a) BIMC Title 13, chapters 13.08, 13.10, 13.18, and 13.20 Public Services –Water – Codifies the policies and procedures of presumably the City owned water systems.
   b) BIMC Title 20 Fire Code – Codifies requirements for buildings not water systems
   c) BIMC Design and Construction Standards, sections 10-15 – Codifies construction practices and specifies materials for water system infrastructure in the city right-of-way.

4) BIMC Title 13 appears to apply to only City-owned water systems while Title 20 of the Fire Code applies to the entire Island. However, there are 11 references in Title 20 to Title 13. It is therefore unclear whether specific chapters of 13 that are referenced in Title 20 of the code apply to non-city systems.

5) Amendment B 105.1 of the COBI Fire Code,[3] section 20.04.110, provides the foundation for fire flow requirements for one and two family dwellings of 3600 square feet or smaller at a rate of 1,000 gallons per minute. The section then provides various exceptions which are intended for construction where the mandated flow is not available. While the section does not provide for a required time period, the IFC code as adopted specifies one hour. Thus, this Code, by reference, implies a requirement that water systems have a fire flow storage capacity of 60,000 gallons.

   In Addition to fire flow storage, the Department Health's Office of Drinking Water requires a water system to have sufficient water storage to provide for peak day service during an event.

6) The Design and Construction standards outlined in section 10-15 for the installation of water systems in the City Right-of-Way are extensive and appear to have been originally written for extensions to the Winslow system. However, as currently written, these standards can be construed to apply to independent water systems creating an undue burden on smaller systems outside of the City's Winslow core.

[3] Based on the International Fire Code

7) Achieving the requirements of the fire code and the right-of-way code, as written, along with other jurisdictional codes may result in water system upgrade designs that are cost prohibitive for many of the water systems on the island. As a result, aging water systems may find the financial and physical requirements beyond their capacity. The unintended consequence of the current regulations may actually be impeding implementation of water quality and fire flow improvements and disaster preparedness.

8) Kitsap County's Fire Code amends the International Fire Code, the basis for all fire codes including COBI's Fire Code, to reduce the required fire flow requirements to 500 gallons per minute for 30 minutes. Apparently, many other communities do the same, and this standard is also contained in the Washington Survey and Ratings Bureau standards. This standard reduces the required fire flow storage to 15,000 gallons.

9) Based on discussions with the Fire Marshal and Public Works director, there is not currently an expectation that independent water systems comply with the standards as strictly interpreted.

10) While the current COBI Fire Code does not on its face provide for water systems to depart from the 1000 GPM fire flow standard based on size or capacity, former Fire Marshal Luke Carpenter used his discretion, as authorized under section B 103.1 of the IFC, to provide a more pragmatic and reasonable approach for single family residences under 5000 square feet. He permits construction of such a structure if the serving water system can provide 500 gallons per minute and further requires sprinklers for houses over 5000 square feet.

11) The Fire Department estimates that 40% of homes on Bainbridge island do not have access to a fire hydrant.

12) Pragmatically, the current governmental review process for water systems is different depending on whether the system is new, is connected to City, KPUD, or smaller preexisting water systems, or is served by an individual well. The level of City review is also affected by whether the water system work is to be performed in a City right of way.

13) When a water systems seeks to upgrade its facilities, there needs to be greater clarity and certainty about the review by the Planning Department, Public Works Department, and the Fire Marshal.

After drafting an initial proposal, the subcommittee had several meetings with the Utility Advisory Committee at large and with the Fire Marshals Carpenter and Moravec.

At these meetings the UAC and the Fire Marshals agreed that it would be useful to create a working group of various interested parties including representatives of Group A and B water systems and the Fire Marshal to focus on these issues so as to encourage better fire safety on the island. Also, there was a recommendation that a member of the City Public Works Department attend these meetings to assist with any questions regarding the City's Design and Construction Standards.

Fire Marshal Carpenter also noted that the International Fire Code is due to be revised in 2018 and by the City in 2019, and the working group could provide input about any and all issues that smaller water systems were encountering in following the fire and other municipal codes when upgrading their systems.

The objective of these meetings would be to work with the Fire Marshal and the Public Works

systems to improve water quality and fire flow where possible.

UAC Recommendations:

1. Assemble a working group of Group A and B representatives to discuss their concerns with the Fire Marshal and the city's Public Works department.
2. Clarify Code section BIMC 20.04.110 to reflect the Fire Marshal's actual current approach for residential construction. See Background #13 above.
3. Review and update the fire code standards ~~that~~ to provide clarity for both new developments and water systems seeking to upgrade their facilities.
4. Review and clarify Utilities and Right of Way uses section 10-15 water line requirements.
5. Review and provide clarity regarding BIMC 13 sections on water as to its impact, if any, on non-city owned systems.
6. Revise and map current and projected infrastructure to determine areas that can be upgraded.
7. Work with City staff, major water systems and the fire marshal to develop uniform water system standards for design, construction, and fire flow for island water systems. These standards need to be sensitive to the limitations of small water systems

Approved unanimously at the Utility Advisory Meeting of May 9, 2018

Co-Chair Andrew Maron

Co-Chair Jeff Kanter

Jim Thrash

Nancy Nolan

Emily Sato

Steve Johnson

Ted Jones

Attachments: Excepts from Bainbridge Island Comprehensive Plan and Code sections of other jurisdictions

Additional Comprehensive Plan Policies -

Policy U 11.6 - "Encourage and support water utilities to enter into cooperative activities, such as jointly managed operations, shared storage, and construction of interties, to manage water resources and systems more efficiently, economically, and safely."

And,

Policy U 11.7 - "Encourage and facilitate consolidation of water systems, with particular emphasis on mergers of contiguous and small systems, to manage water resources and systems more efficiently, economically, and safely."

Kitsap County

Municipal Code B105.1 One – and two- family dwellings. The minimum fire-flow requirements for one- and two – family dwellings in subdivisions shall be 500 gallons per minute for thirty (30) minutes.

Developments of 6 homes or less, not exceeding 3,600 sq. ft. are not required to provide fire flow.– (based on discussion with Morgan Johnson, general manager of Silverdale Water District)

Mason County Interim Fire Flow Standards for Group A Public Water Systems, Existing Residential Development -

- Fire suppression storage shall based on a minimum of 500 gallons per minute (gpm) flow for 30 minutes duration, which equates to 15,000 gallons for fire protection, and is also consistent with stipulations in the State Water System Coordination Act. The minimum dedicated fire suppression storage volume at any time shall not be less than 15,000 gallons. This minimum would be in addition to other storage volumes required for public water systems under the state drinking water rules and design requirements.

- If water is provided from other sources for fire control purposes, the gallon requirements for fire storage requirement may be reduced by 25%.

King County recognizes a differential requirement based on the following:

17.08.030 Exemptions.

A. The following permits and approvals are exempt from the water flow and fire hydrant requirements of this chapter. These exemptions do not exempt any development from compliance with the requirements of state law.

1. Subdivisions and short subdivisions located outside an Urban Growth Area designated by the King County comprehensive Plan and that do not contain a lot less than thirty-five thousand square feet in size.

4. Building permits for structures that:

a. do not exceed two-thousand-five hundred square feet in floor area (excluding garage);

b. are served by a Group B water system; and

c. are located outside an Urban Growth Area.

5. Building permits for structures that exceed the two-thousand-five hundred square feet limit provided for in subsection A.4.a. of this section, but comply with subsection A.4.b. and c. of this section, shall be exempt from this chapter if the fire marshal determines that the project will not create a substantial fire hazard.

B. The fire marshal shall have the authority to impose conditions including, but not limited to, increased setbacks, use of fire retardant materials or sprinkler system requirements on permits exempt under subsection A. of this section where necessary to mitigate identified fire hazards.

Thurston County exempts private water systems from meeting the code as flows:

Thurston County 14.32.110 - Section 507 amended—Fire protection water supplies.

International Fire Code sections 507.1, 507.2, 507.3 and 507.5.1 are amended, and section 507.6 is added to read as follows:

507.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings, or portions of buildings are hereafter constructed, or are converted from a single/two family dwelling or townhome to a non-residential use, or are substantially improved or moved into or within the jurisdiction.
Exceptions:
1. Group U Occupancies.
2. Private residences, townhouses and their accessory structures not served by a municipal water supply. However, if a municipal water system supplies hydrants for group R-3 and U occupancies, the hydrants shall comply with Appendix C as amended by Thurston County.
(Group A and B water systems are not considered municipal water supplies)

City Council Study Session Agenda Bill

CITY OF BAINBRIDGE ISLAND

MEETING DATE: June 18, 2019 **ESTIMATED TIME:** 20 Minutes

AGENDA ITEM: (6:30 PM) Heightened Utility Review Process - Utility Advisory Committee Recommendations - Public Works,

STRATEGIC PRIORITY: Reliable Infrastructure and Connected Mobility

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Discussion **PROPOSED BY:** Public Works

RECOMMENDED MOTION:

For discussion only.

SUMMARY:

Our City's Comprehensive Plan includes as a High Priority (Action#1 and Goal U-9) the call for a periodic review of island utility services. In June 2018, the UAC submitted to the City Council a recommended process for conducting these heightened reviews. The next step in that proposed process is for the UAC to recommend the order for conducting reviews of all major utilities operating in the City. The UAC is recommending to the Council a schedule of utilities to be subjected to heightened reviews in 2019 and going forward.

FISCAL IMPACT:

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

BACKGROUND:

The UAC believes that the intent of the Comprehensive Plan is to foster review of utilities that affect impact Bainbridge Islanders. The committee has included those operated by the city: sewer, water, and storm water. The Committee has also included non-city owned utilities: electricity, telecommunications, and solid waste. For these utilities, we have often only considered the responsibilities of the utility when it operates in City owned right of way for which a franchise agreement is the usual method to memorialize these responsibilities.

Increasingly, municipalities in our region have used the franchise negotiation process to obtain binding commitments from utility providers with regard to performance, and scope.

ATTACHMENTS:

Heightened Utility Review Process Recommendation for Council_26 Jun 18.pptx

UAC Utility Review Presentation_CC_6_18_19.pptx

FISCAL DETAILS:

Fund Name(s):

Coding:

UAC Recommendation to COBI Council for a Periodic Utility Review Process

City of Bainbridge Island | Utility Advisory Committee

July 2018

Periodic Utility Review Process Goals

- Council requested UAC to: Establish a process to review island utility services on a three-year cycle. Specifically from the 2018 UAC Work Plan

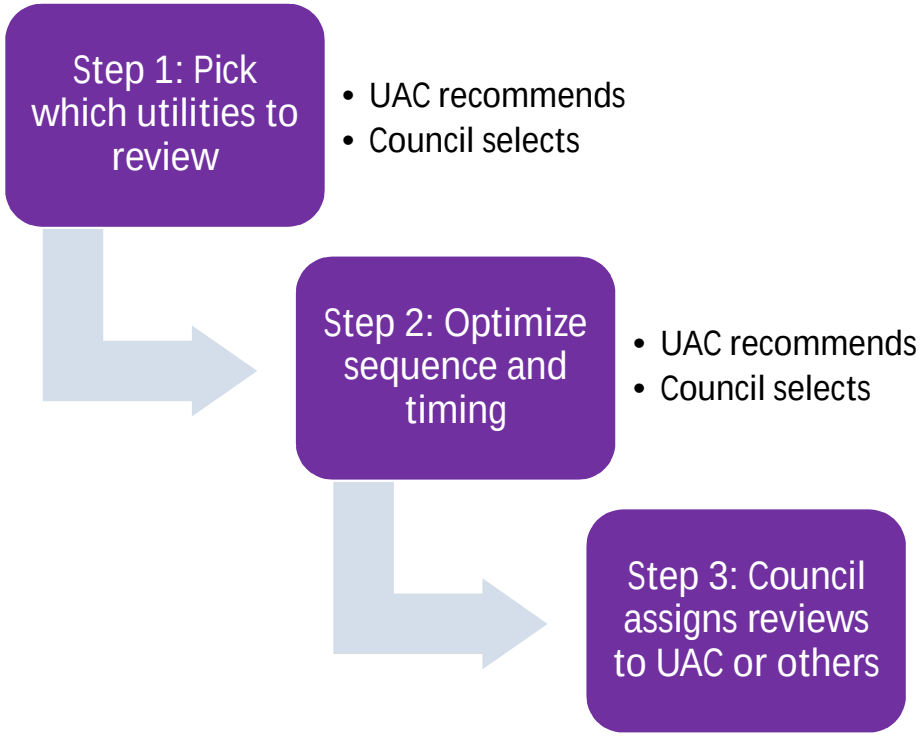
  d) Sewer System Review. The UAC will consider conducting a "heightened review" of the sewer system, which has been described as a review of "performance, reliability and cost of service."

  g) Review of Utilities. Develop a process for periodic review of island utility services. (This is a High Priority Action in the Utilities Element of the 2017 Comprehensive Plan.)

- Each review would:

1. Review current operation; performance and cost
2. Assess risks and opportunities
3. Take citizens' perspective (both as taxpayers and ratepayers)
4. Provide facts and insight to Council
5. Potentially recommend actions

Steps in Getting Organized



Details of Step 2: Optimize Sequence and Schedule

City Owned Utilities

- Sewer
- Water
- Storm water

Non-Owned Utilities

- Electricity
- Telecom
  - Phone
  - Cellular
  - Cable
  - Internet
- Solid waste

Considerations

- Time since prior review (s)
- Regulators' Requirements
- Franchise Renewal Deadlines
- Urgency of Risk or opportunity
- Capacity of UAC and COBI staff

Steps in Planning Each Utility Review

Step 1: UAC populates planning template

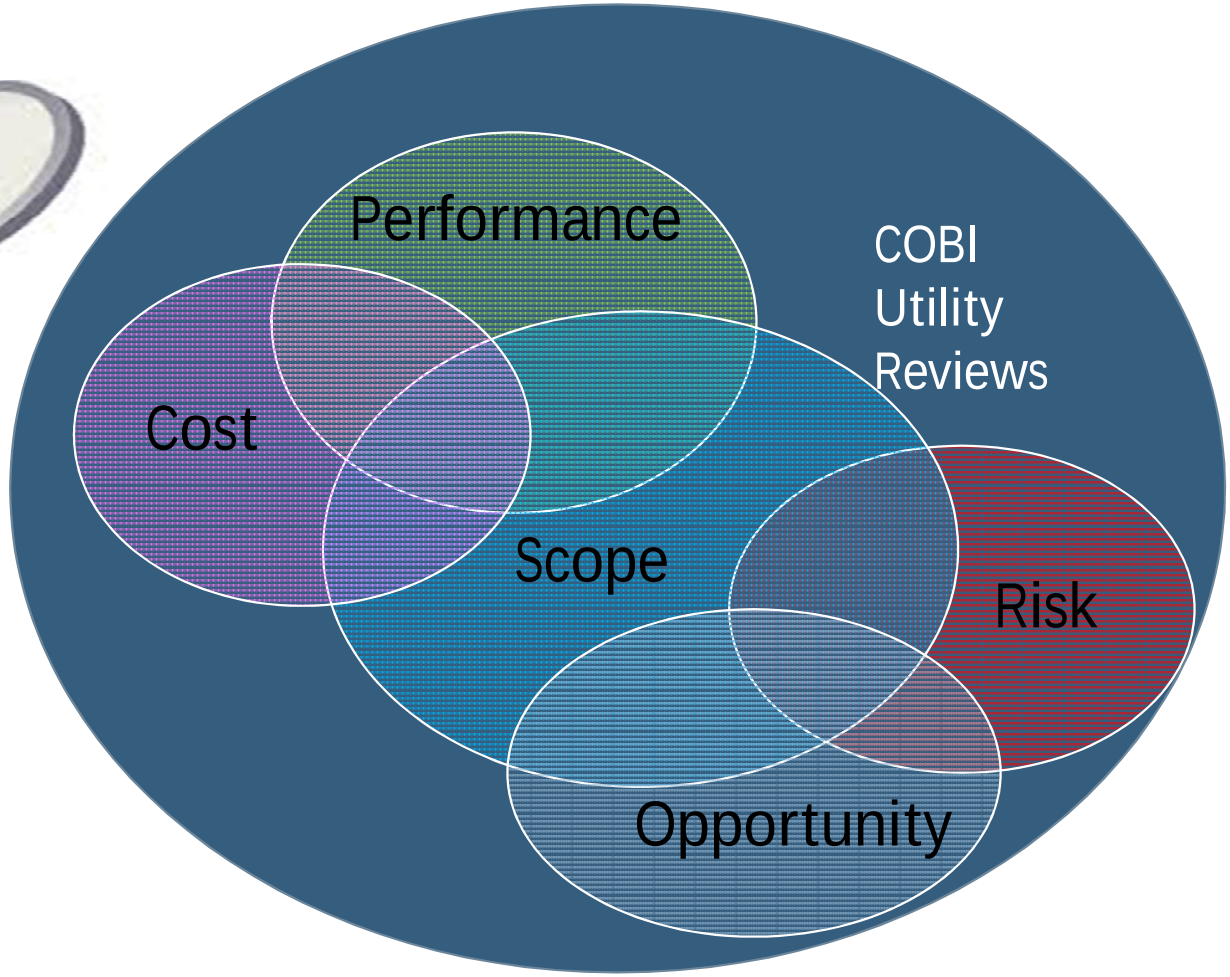
- Scope and methods
- Cost estimate
- Schedule
- Other support needed

Step 2: UAC presents plan for utility review (s) to Council

- UAC recommends
- Public input
- Council selects

Step 3: Council authorizes scope, schedule and budget

Step 4: Perform review and report


Performance
COBI
Utility
Reviews
Cost
Scope
Risk
Opportunity

Scalable and Tailorable Template

- Establish general template that can be used for each utility review
- At highest level major element of every review is the same. Template ensures scope is comprehensive.
- Many measures are common to all of our utilities, but
  - Some may be omitted if not germane
  - Some may need significant expansion for a particular utility
- Excel worksheets to help UAC define, structure and execute the reviews

Step 1: Populate Scoping Spreadsheet Template for Each Utility

Rows = Topics (multiple elements in 5 categories)

- Performance (effectiveness)
- Cost (efficiency)
- Vulnerability (risk)
- Opportunity
- Scope

Columns = data elements

- Data to review
- How to obtain / analyze the data
- Approximate cost
- Schedule
- Importance / priority

Example: Portion of Sewer Template *(working draft)*

Element	Measure Number	Measure	Importance (5 High - 1 Low)	What to review	How to obtain / analyze	Cost	Duration (weeks)	Other Considerations
Performance (Effectiveness)	P1	Unexpected Interruptions	3	COBI Utility Records	COBI Staff	low	2	How far back are records? Pretty rare
	P2	Large Spills to enviro (equip failure)	5	COBI Utility Records	COBI Staff	low	3	very accurate also Kitsap Health District
	P3	Impact on homes and business (equip failure)	5	Records				Most failures are reported
	P4	(denial of service)Maintenance down time	1	don't know				Very rare
	P5	Customer satisfaction	2	Customer rating/comments	Survey or complaints	med		see-click-fix reports. Survey is overkill
	P6	Effluent quality (required)	5	COBI Utility Records	daily city sampling reports			Discharge monitoring report to DOE
	P7	Solids management	5	COBI Utility Records				
	P8	Comp Plan - progress towards vision	3	environmental, land use and utility goals	Comp Plan review			
	P9	Inflow and Infiltration (I&I)	5	PW records	COBI Staff			
Cost (Efficiency)	C1	Rate payer bills	5	benchmark local systems	Consultant	med		possibly UAC
	C2	Operating costs	4	Rate Study	Consultant	med		
	C3	Admin costs	4	Rate Study	Consultant	med		

Potential Elements for Any Utility Review

A. Utility Performance (*Effectiveness*)
   - Is it doing what it is established to do?
   - Reliability and quality
   - Is COBI community satisfied?
   - Are regulators satisfied?

B. Utility Cost (*Efficiency*)
   - Are rates competitive against benchmarks?
   - Are rates fair to all rate classes?
   - Are rate payers satisfied?

Potential Elements for Any Utility Review

c. Vulnerabilities (*Risks*)

- Financial Risk: Is there a surprise bill looming?
  - Decaying Infrastructure [Example: collapsing culverts]
  - Mandatory additional expenses [Example: fish passages]
- Performance Risk: What could compromise service?
  - Ordinary redundancy and disaster survivability/recovery
- Safety Risk: Explosion, flood…
- Health Risk: Toxic cloud, EM radiation, pathogens, chemicals…
- Environmental Risk: water, air, soil pollution, habitat
- Technological Risks: Obsolescence, cyber security…

Potential Elements for Any Utility Review

D. Opportunities
- Technology advances
- Funding / financing opportunities
- Collaboration and partnership opportunities
- Disaster preparedness: survival, restoration and recovery

E. Scope
- Consistency with Comprehensive Plan
- Compliant with applicable laws, polices, and best practices
- Service area
- Service levels

Finite UAC Capability to Conduct Reviews

- For each utility review, UAC (with Council validation) must decide which elements are most important and which ones may be responsibly omitted

- For each review, UAC will need to chose how to assess each element
  - Some may be a natural fit for COBI staff
  - Some study can be performed by UAC members themselves
  - Some may need to be contracted (requires Council action)
  - Some may involve public participation including workshops or polls

UAC Engagement with Council

1. Advise on selection of utilities to review
2. Advise on selecting elements to be in or out of scope
3. Request any significant staff support beyond routine PW support
4. Request and justify use of consultants if needed
5. Obtain community outreach as needed (workshops, polls, etc.)
6. Inform Council of status
7. Make interim and final recommendations; reports and presentations

Next Steps

1. Council approves this process
2. Council asks us to initiate first reviews(s)

Utility Review Proposal

Utility Advisory Committee Presentation to City Council

For 18 June 2019

Who Owns and Operates Utilities on Bainbridge Island?

<u>COBI</u>

- Water
  - Specific service areas
  - Rate payer funded
- Sewer
  - Specific service areas
  - Rate payer funded
- Storm Water
  - Island-wide
  - All island taxed

<u>Other governmental entities and private providers</u>

- Water
  - *KPUD*
  - *Private Group A & B systems*
- Sewer
  - *Sewer District 7*
- Electricity – *PSE*
- Telecom
  - Phone (traditional land line) – Century Link
  - Cellular – *AT&T, Sprint, Verizon, T-Mobile…*
  - Cable (broadband, internet) – *Comcast…*
- Solid Waste and Recycling– *Bainbridge Disposal*

Summary of Tasking from Council to UAC

Establish a process to periodically review utility. Specifically from the 2018 UAC Work Plan:

(d) Sewer System Review. The UAC will consider conducting a "heightened review" of the sewer system, which has been described as a review of "performance, reliability and cost of service."

(g) Review of Utilities. Develop a process for periodic review of City and other island utility services. (This is a High Priority Action in the Utilities Element of the 2017 Comprehensive Plan.)

Sewer and Water Rate Study completed 2019. Water system plan refreshed 2018

Sewer system plan refreshed 2015. SSWM infrastructure reviewed annually in CIP budget development.

Summary of Tasking from Council to UAC

Purpose tonight is to discuss a way ahead on Non-City Owned Utilities

Each (non-City) Utility Review will:

1. Review current operation; performance and cost
2. Objectively and impartially assess risks and opportunities
3. Take citizens' perspectives (both as taxpayers and ratepayers)
4. Provide timely analysis and insight to Staff; potentially reducing their burden
5. Potentially recommend decisions and or actions to Council

UAC Prioritized Non-City Utilities to Review

Considerations

A. Impact on Islanders

B. Time since prior studies

C. Franchise renewal deadlines

D. Concerns raised by community to date

E. Limited Resources

- Capacity of UAC and COBI staff
- External costs

Ranking by UAC

1. Electricity - *PSE*
2. Cable Telecommunications
3. Cell Phones

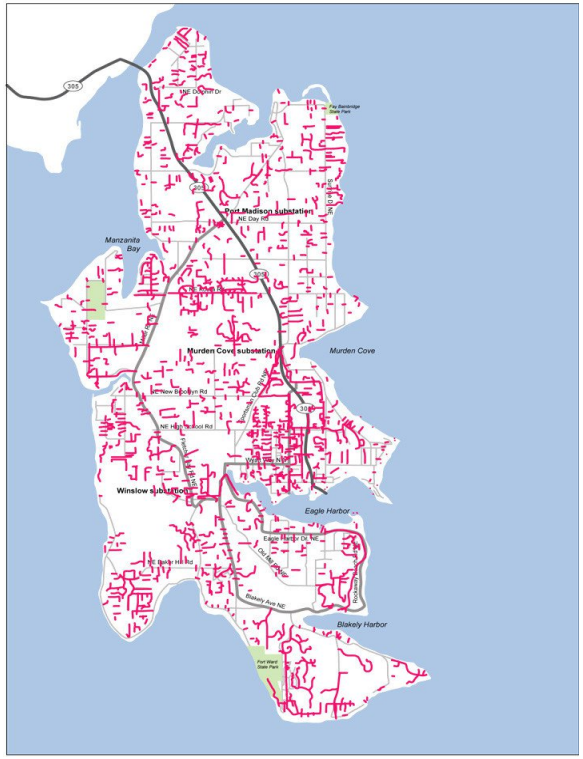
Why Electricity First?

A. Impact to Islanders

- >$22M annual revenue
- O&M impacts streets, sidewalks and other right of ways
- Known capital projects include tree wire and undergrounding
- Potential projects include;
  - Ferry, Bus & Auto infra-structure electrification
  - Fourth substation addition
  - Substation interconnections

– Reach of Infrastructure

PSE Investments
Underground distribution lines - 2016



– Scale & Breadth of Projects

PSE Investments Bainbridge Island 2010 - 2019

Past Projects (2010-2018)
- Underground
- Tree wire
- Mixed
- Transmission lines

Future Projects
- Underground
- Tree wire
- Overhead

PUGET SOUND ENERGY

5971 03/19

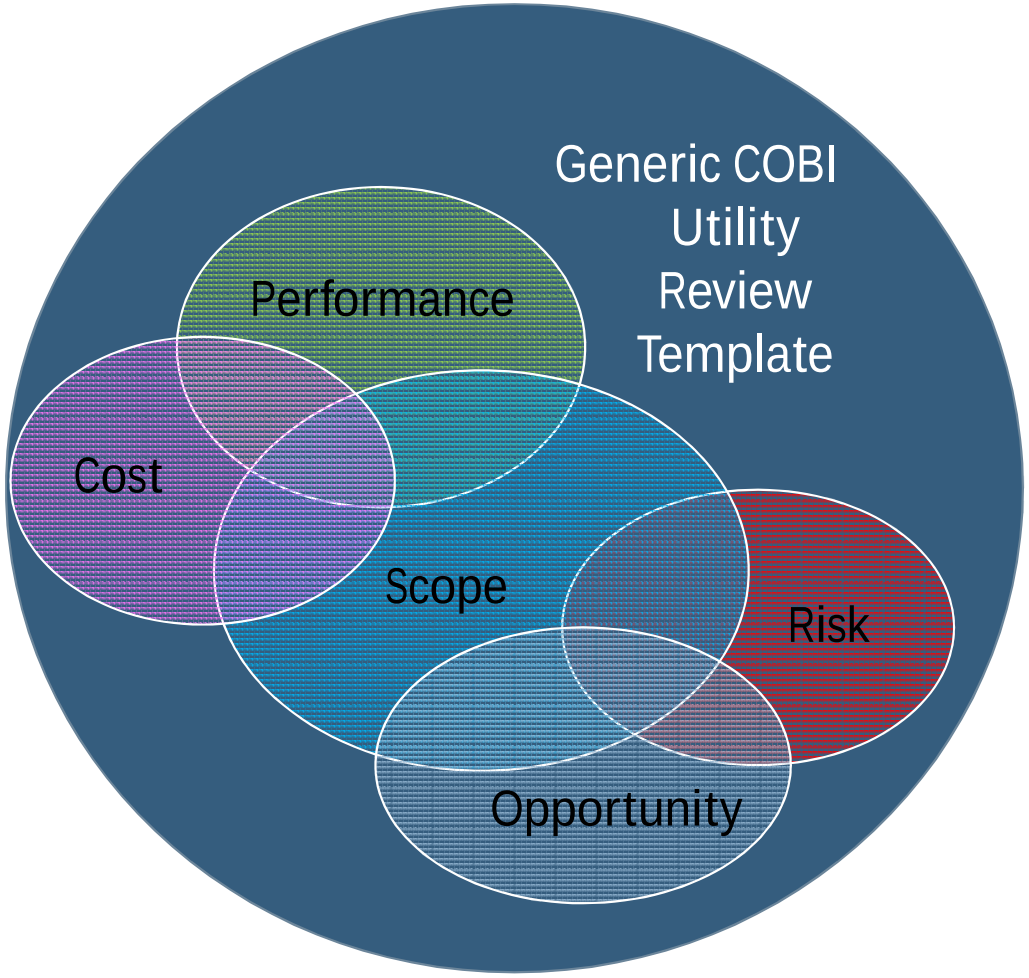
Why Electricity first?

B. Prior studies; Not done before

C. Franchise renewal; in 2022. Primarily addresses Right-of-Way issues now.

D. Community Concerns
- Global Warming
- Reliability
- Tree trimming/removal
- Safety

E. Analysis workload vs. capability
- Multi-year effort with UAC doing most of the work
  - Joint coordination with CCAC (Enviro focus)
- Expect PSE to provide most data City requests for FREE
- Raise and air issues in public well ahead of franchise talks
- No consultants anticipated. Maybe some City outreach support needed.



Preliminary *Electricity* Review Areas

- Performance (Effectiveness)
  - Frequency and duration of power outages; why is BI least reliable area in service area?
- Cost
  - Regulated by UTC, but are we getting fair share of investment?
- Risk (Vulnerability)
  - Global Warming; green house gasses
  - Safety
    - Falling poles
    - Starting forest fires
- Opportunity
  - Encourage and capture local renewable generation
  - Partner on community solar projects & battery storage
- Scope
  - Scale and impact of transportation electrification

Telecom and Cell Phones

A. Impact to islanders
- Also critical for every business and household

B. Prior studies; Not done before

C. Franchise renewals; Few, and pertain to RoW issues (COMCAST April 2021)

D. Community Concerns
- Cell coverage has huge gaps
- Internet speed often not as advertised
- Business impact especially for home businesses
- Technology is changing rapidly;
  - 4G becoming 5G

E. Analysis workload vs. capability
- UAC in very early phases of learning curve
  - Too early to further define investigation areas
  - Can do learning in parallel to Electricity Review
- No costs identified yet

Requested Decision of Council

1. Authorize UAC or others to begin review of Electric Utility in 2019

2. Authorize UAC or others to begin parallel review of Telecom/Broadband and Cell Phone utilities

City Council Study Session Agenda Bill

CITY OF BAINBRIDGE ISLAND

MEETING DATE: June 18, 2019 **ESTIMATED TIME:** 30 Minutes

AGENDA ITEM: (6:50 PM) Discussion of the Climate Change Advisory Committee (CCAC) 2019 Work Plan - Council,

STRATEGIC PRIORITY: Green, Well-Planned Community

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Presentation **PROPOSED BY:** Executive

RECOMMENDED MOTION:

Discussion.

SUMMARY:

The CCAC has requested this time for the City Council to discuss the CCAC's work plan and provide guidance for areas of focus for 2019.

In addition, the CCAC requested time to provide the Council with a briefing on the topic of sea level rise.

FISCAL IMPACT:

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

BACKGROUND:

On February 26, 2019 the CCAC presented their 2018 Annual Report and 2019 Workplan to the City Council. The Council reviewed and approved the workplan as presented (see attached two-page document "CCAC 2018 Report and 2019 Workplan").

Subsequently, the CCAC developed a more detailed workplan, with a range of identified activities (see attached 20-page document "CCAC 2019 2020 Detailed Workplan"). The CCAC also developed a list of potential

discussion topics for this study session (see attached one-page document "List of CCAC Study Session Topics").

The CCAC has also requested time to present Council with a briefing on the topic of sea level rise. The materials for this briefing are attached.

ATTACHMENTS:

CCAC 2018 Report and 2019 Workplan.pdf

CCAC Detailed 2019 2020 Workplan.pdf

List of CCAC Study Session Topics.pdf

CCAC Presentation Council study session June 18th 2019

COBI Council Sea Level Rise

FISCAL DETAILS:

Fund Name(s):

Coding:

Climate Change Advisory Committee:
2018 Annual Report and Work Plans for 2019 and 2020

We wanted to provide the City Council with a report on the actions taken by the Climate Change Advisory Committee (CCAC) in 2018 and our plans for 2019 and 2020.

1. 2018 Annual Report

Over the past year the CCAC has:

- Developed the scope of work for an Island-wide greenhouse gas (GHG) inventory and worked with the City to find a consultant to complete the work. Following a formal RFP process, a finalist was selected, and we are now awaiting contract creation and commencement of work.
- Created an inventory of past COBI GHG emissions reductions commitment.
- Developing a workplan for 2019 and 2020 that will propose GHG emission reduction targets for the City at a level that is relevant to climate protection and in agreement with past commitments.
- Developing strategies to reduce GHG emissions and meet COBI's existing targets along with strategies to reduce Island wide vulnerability to climate change, and to increase community engagement related to climate change.

2. Outline for 2019 and 2020 Work Plan

The CCAC is developing an operationalized version of the workplan for 2019 and 2020 provided here, and that version will also be available on the CCAC website after approval. We are including 2020 because we believe the actions we are proposing will cover a multi-year timeframe. The workplan will address three main work areas.

- Mitigation;
- Adaptation; and
- Community Engagement.

We believe these three work areas are consistent with the guiding principles in the Comprehensive Plan and in the specific tasks that were included in the Ordinance that established the CCAC (Ordinance 2017-13).

We will propose long-term Island-wide targets for reducing GHG emission and shorter-term targets for adaptation and community engagement along with actions needed to meet those targets.

- Targets**:** We believe that in order to achieve the comprehensive plans guiding principles for climate change and complete the specific tasks requested by the City Council, the City needs to establish targets that can be measured and tracked over time. The City would use the results from the GHG inventory as the baseline for comparing progress in reducing greenhouse gases over time.

- Actions: We will propose specific actions that can be taken by City, community, businesses, and individuals to meet the targets for each work area and include the following for each action: 1) whether the action is a high, medium, or low priority; 2) description of the action; 3) a timeline to complete; and 4) resources needed to accomplish.

2.1 Mitigation: In our workplan, we will identify eight areas for reducing Island-wide GHG emissions.

- Electrical generation;
- Transportation;
- Buildings;
- Land Use;
- Waste Management;
- Forestry and agriculture; and
- Consumption

In addition, when appropriate, we will break down each of the work areas above into subcategories. For example, for transportation we would break it down into public transportation, electric vehicles, and non-motorized transportation.

2.2 Adaptation: Similar to the mitigation section, we will establish targets and specific actions to help the Island meet the adaptation targets. We will identify two main work areas for adaptation.

- Vulnerability Assessments: We will propose that the City expands the Bainbridge Island Climate Impact Assessment to complete mapped assessments of the threat to the island from sea level rise, altered precipitation and recharge potential, and other impacts.

- City Operations: We will propose that the City adopt policy guidance/asset management strategies that will minimize or ameliorate the impacts of climate change on our community and our Island's ecosystems through climate-informed policies, programs and development regulations.

2.3 Community Engagement: An important work area for the CCAC is to work in collaboration with the City and other Island groups to provide education and outreach on climate change to the community. We will identify three main work areas for community engagement.

- Awareness: We will propose that the CCAC in collaboration with the City and others convene at least quarterly programs on issues relating to climate change and how the City is addressing this in their daily business and to conduct a yearly Climate Change Awareness Week in Conjunction with Earth Month.
- Island Collaboration: We will propose to work with the City to establish formal collaborations with existing Island efforts by island organizations (e.g., non-profits, community groups) and create a multi-governmental task force to create a collaborative approach to implementing actions to achieve all City goals that includes other relevant entities on Bainbridge Island (e.g., BISD, BIFD, and Parks and Rec).
- Regional Collaboration: We will propose to support and advise the City in engaging in regional climate change efforts with benefits such as sharing best practices and lessons learned and improve collaboration across jurisdictions.

If you have questions or would like us to attend a Council meeting to discuss these issues in more depth please contact either James Rufo-Hill or Lara Hansen.

Bainbridge Island Climate Change Advisory Committee: Draft 2019/2020 Workplan (March 14th, 2019)

Section 1: Background

The Bainbridge Island City Council established the Climate Change Advisory Committee (CCAC) in the fall of 2017[1]. The CCAC was established to serve as a technical and planning advisory committee to the city council, city manager, and department of planning and community development staff on issues related to climate change as directed by the City Council.

More specifically, the CCAC was tasked with assisting the city in implementing the climate related goals and policies of the comprehensive plan[2] by undertaking several tasks as expeditiously as committee and city resources allow as outlined in Ordinance 2017-13[3].

The plan that follows is for calendar year 2019 and 2020. We believe it is more efficient to provide a workplan for two years as many of the actions will occur over two years or more.

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[1] Bainbridge Island City Council. Ordinance 2017-13. May 17. 2017. https://www.bainbridgewa.gov/DocumentCenter/View/8510/Ordinance-No-2017-13-Climate-Action-Advisory-Committee-Approved-050917?bidId=

[2] **Guiding Principle #7 Reduce greenhouse gas emissions and increase the Island's climate resilience.**
Guiding Policy 7.1 Mitigation: Participate with state, regional and local partners to reduce greenhouse gas emissions consistent with the 1990 benchmark and future year targets set forth in state law, educate the public about climate change and incentivize Island activities including land use patterns and building practices that reduce greenhouse gas emissions.
Guiding Policy 7.2 Adaptation: Minimize or ameliorate the impacts of climate change on our community and our Island's ecosystems through climate-informed policies, programs and development regulations.
Guiding Policy 7.3 Evaluate the climate vulnerabilities and implications of City actions and identify policies that alleviate those vulnerabilities. Consider the effects of shifting conditions (sea level rise, changing rainfall patterns, increasing temperatures and more extreme weather events) and the effects they cause (altered vegetation, changing water demands, economic shifts).

[3] **Tasks for CCAC**
1. Provide advice and/or recommendations to the city council or city staff, as appropriate, on methods of completing a baseline island-wide greenhouse gas (GHG) inventory for the city.
2. To the degree directed by the city council, assist with or manage the completion of a baseline island-wide GHG inventory.
3. Provide advice and/or recommendations to the city council or city staff, as appropriate, related to city GHG emission reduction targets.
4. Work with city staff, as appropriate, to complete and recommend to the city council a city climate action plan and implementation strategy.
5. Provide advice and /or recommendations to the city council or city staff, as appropriate, on how to measure progress toward meeting the city's GHG emission reduction targets and adaptation actions.
6. As directed by the city council, assist the city with participation in regional climate change efforts.
7. Provide education and outreach to the public regarding climate change and the work of the committee and the city relating to climate change.

Section 2: Proposed Goals

The CCAC believes that in order to achieve the comprehensive plans guiding principles for climate change and complete the specific tasks requested by the City Council, the CCAC needs to establish goals that can be measured and tracked over time. At this time, the CCAC is proposing one goal in each of the three areas: mitigation, adaptation, and community engagement. The mitigation goal has a specific timeframe while the adaptation and community engagement goals are more qualitative in nature. As we progress in the implementation our workplan we may develop more quantitative goals for the adaptation and community engagement areas. The CCAC believes these three areas are consistent with the guiding principles in the Comprehensive Plan. The goal and the basis for the goal are included in Table 1.

Table 1: Proposed Goals for Mitigation, Adaptation, and Community Engagement

Area	Goal	Basis
Mitigation	By 2040 Bainbridge Island will reduce its greenhouse gas emissions by 80% compared to 2013 levels and strive to reduce by 90% with interim goals of reducing greenhouse gases by 25% by 2023 and 60% by 2033 compared to 2013 levels.[4]	The urgency to dramatically reduce our greenhouse gas emissions is highlighted in a 2018 report from the Intergovernmental Panel on Climate Change[5] that indicated in order to keep global temperatures below 1.5 degrees Celsius compared to post-industrial levels will require net zero global carbon emissions by 2050. Net zero global carbon emissions mean some of those emissions can be offset with carbon credits. We selected an 80% greenhouse gas emissions goal, with aspirational goal of 90%, because we did not want to utilize carbon offsets in our goal because we believe carbon offsets can be difficult to evaluate and verify. We selected the year 2040 because we wanted to achieve our goal earlier than 2050. We selected 2013 because this is the baseline year that Cascadia will use in the GHG inventory. We will evaluate after we receive the GHG inventory if it is possible to hindcast to 2005. This is the year used by the USA in the Paris agreement. We selected interim targets of 2023 and 2033 because this provides a 10 year progress report for the Island.

[4] We will revisit this goal after the 2019 State Legislative session. There are several bills that may impact meeting this goal.

[5] IPCC, 2018: Summary for Policymakers. In: Global warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty. https://www.ipcc.ch/sr15/

Area	Goal	Basis
Adaptation	Bainbridge Island is climate savvy, and can withstand the impacts of climate change (e.g., sea level rise, warming temperatures, and changing precipitation patterns, changing vegetation).	As an Island community Bainbridge Island is vulnerable to climate change. In fact, we are already experiencing the effects of climate change and are committed to much more change in the coming years. To this end, it is prudent governance to both understand the potential implications of climate change (vulnerabilities) and reduce those vulnerabilities to our community (risk reduction or adaptation). Failing to plan for the impacts of climate change and act to avoid them would result in long-term harm to our Island's people, culture, economy and environment. By 2020, Bainbridge Island will have a formal process to evaluate all permits and expenditures for their climate vulnerability and a standardized approach to reduce that vulnerability. By 2019, Bainbridge Island will have tools to educate the community about climate vulnerability and the need to implement adaptation.
Community Engagement	The City of Bainbridge Island inspires action across the community and partners with local and regional organizations to take meaningful climate change mitigation and adaptation actions.	Community engagement is essential to effectively implement actions throughout this workplan and to achieve the overarching mitigation and adaptation goals; as such, community engagement is interwoven in the mitigation and adaptation sections. Given its importance and its cross-cutting nature, we are also calling it out with its own goal. We need to increase public understanding and awareness of the magnitude and consequences of climate change in order to create engagement in and support for mitigation actions. We need to work with extant community groups to disseminate information and achieve adaptation and mitigation goals and improve coordination/collaboration with other City advisory committees and Bainbridge Island taxing entities. We need to foster regional collaboration to support and advise the City in engaging in regional climate change efforts, with benefits such as sharing best practices and lessons learned.

Over time the CCAC plans to propose additional goals for the different areas. For example, the CCAC envisions proposing goals for moving the Island to 100% clean, renewable energy or dramatically reducing greenhouse gas emissions from transportation or establish green building standards for all Island projects.

Table 2 provides a road map for the different areas the CCAC will be concentrating its efforts over the next two years.

Table 2: Road Map for CCAC 2019/2020 Workplan

Area	Sub-Work Areas
Mitigation	Greenhouse Gas Emissions Inventory
	Energy Use - Energy provider - Energy conservation and energy efficiency - Local renewable energy sources
	Transportation - Public Transportation - Electric Vehicles - Non-motorized transportation infrastructure
	Buildings
	Land-Use/Forestry/Agriculture
	Waste Management
	Consumption
Adaptation	Vulnerability Assessments
	Risk Reduction
Community Engagement	Community Awareness
	Island Collaboration
	Regional Collaboration

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Section 3: Mitigation

As highlighted above, the urgency to dramatically reduce our greenhouse gas emissions is highlighted in a 2018 report from the Intergovernmental Panel on Climate Change[6] that indicated in order to keep global temperatures below 1.5 degrees Celsius compared to post-industrial levels will require net zero global carbon emissions by 2050. This is also supported by the 4th National Climate Assessment[7] and many other scientific publications that indicated the impacts of climate change on our communities.

Goal: By 2040 Bainbridge Island will reduce its greenhouse gas emissions by 80% compared to 2013 levels and strive to reduce by 90% with interim goals of reducing greenhouse gases by 25% by 2023 and 60% by 2033 compared to 2013 levels.[8]

We are proposing actions in seven areas for mitigation for 2019/2020.

1. Greenhouse gas emissions - Need to complete GHG emissions inventory to establish baseline for measuring progress;

2. Energy Use – Need to move towards 100% clean, renewable electrical energy source for Island, increase energy conservation and energy efficiency in our buildings, and encourage use of renewable energy on the Island.

3. Transportation – Need to increase use of public transportation, encourage electrification of ferry fleet, increase use of electric vehicles; and support development of infrastructure to increase biking and walking on Island.

4. Buildings – Need to develop green building standards for public, residential, and commercial buildings on Island.

5. Land Use/Forestry/Agriculture – Need to develop guidelines and strategies to reduce GHG emissions in development and work with local entities to develop strategies to preserve the existing stock of forest and to promote sustainable agriculture on the Island;

6. Waste Management – Need to develop food waste diversion programs and evaluate our wastewater facility to reduce GHG emissions.

7. Consumption – Need to provide education how individuals and businesses can reduce their carbon footprint by their individual choices.

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[6] IPCC, 2018: Summary for Policymakers. In: Global warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty. https://www.ipcc.ch/sr15/

[7] Fourth National Climate Assessment. Volume 11: Impacts, Risks, and Adaptation in the United States. 2018. https://nca2018.globalchange.gov/

[8] We will revisit this goal after the 2019 State Legislative session. There are several bills that may impact meeting this goal.

For each of the actions areas we include: 1) description of the action; 2) whether the action is a high, medium, or low priority; a timeline to complete; 4) resources needed to accomplish; 5) CCAC Lead; and 6) status for each action. These tables will be updated every 6 months and presented to the City Council.

Section 3.1: Greenhouse Gas Emissions

In order to measure progress in reducing greenhouse gas emissions it is necessary to have a baseline from which to measure progress. Currently, Bainbridge Island does not have a baseline for greenhouse gas emissions. The GHG emissions inventory will provide that baseline. In addition, it will be important to update the GHG emissions inventory periodically to evaluate what programs are successful and which programs need to be modified. Table 3 provides the actions for 2019/2020 for greenhouse gas emissions.

Table 3: Greenhouse Gas Emissions

Action	Priority	Timeline	Staff Time	CCAC Lead	Status
3.1: Complete Island-wide GHG Inventory: City will hire consultant to complete and Island-wide GHG emissions inventory	High	2019		Derik and Gary	Draft: May/June Final: June/July
3:2: Work with High School on Annual update to GHG Inventory: CCAC will collaborate with BISD/BHS/Eagle Harbor High to add curriculum module that will include an annual GHG inventory by students	High	2020		Lara	
3:3: Develop COBI internal carbon pricing program: COBI would incorporate a shadow price for carbon in evaluating all new capital and procurement decisions, and/or implement a carbon fee for operations, revenues from which could be invested in energy efficiency and clean energy projects at city facilities. Each department is given a carbon budget (as well as a financial budget) for the year.	Medium	2020		Derik and Lara	CCAC members will meet with City Council and city staff to discuss.

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Section 3.3: Energy Use

Currently the City of Bainbridge Island receives about 5%[9] of its electricity from clean, renewable energy sources. In Washington State electricity generation contributes about 20% of the States greenhouse gases[10]. Bainbridge Island is currently conducting a greenhouse gas inventory for the Island, but it is anticipated that the contribution from electrical generation maybe higher than the State average since a large percentage of electrical generation in the State is from hydroelectricity. Bainbridge gets its electricity from Puget Sound Energy that has a fuel mix of over 60% fossil fuels. It is anticipated that Bainbridge Islands percent of greenhouse gases from electricity generation will be greater than the State average. The values from the inventory will be used as a baseline for evaluating potential reductions in emissions.

The Washington State legislator is considering establishing a goal of achieving 100% clean energy from electricity generators by 2045[11]. Across the U.S. over 90 cities, more than ten counties and two states, have already adopted ambitious 100% clean energy goals. Six cities in the U.S.--Aspen, Burlington, Georgetown, Greensburg, Rock port, and Kodiak Island--have already hit their targets[12].

We believe Bainbridge Island should strive to achieve 100% clean, renewable energy in order to do our part to keep global temperatures below 1.5 degrees Celsius compared to post-industrial levels. The CCAC will be working over the next year to determine the correct timeframe and interim goals to achieve 100% clean, renewable energy.

Table 4 provides specific actions for 2019 and 2020 in three areas:

- Energy provider:
- Energy conservation and energy efficiency; and
- Local renewable energy sources

[9] Greenhouse Gas Emissions Inventory, Prepared for the Puget Sound Clean Air Agency by Cascadia Consulting Group. June 2018. Assume fuel mix for PSE on Page 17 was the same for Bainbridge Island.
[10] Washington State Greenhouse Gas Emissions Inventory: 1990-2015. Report to the Legislature. December 2018. Publication No. 18-02-043. https://fortress.wa.gov/ecy/publications/documents/1802043.pdf
[11] SB-5116- 2019-20. https://app.leg.wa.gov/billsummary?BillNumber=5116&Initiative=false&Year=2019. Accessed February 5th 2019.
[12] 100% Commitments in Cities, Counties, and States. Sierra Club Home Page. Accessed February 5th 2019. https://www.sierraclub.org/ready-for-100/commitments.

Table 4: Energy Use

Action	Priority	Timeline	Staff Time	CCAC Lead	Status
Energy Provider					
4.1: Ensure energy delivered to Bainbridge Island is from renewable, lowest GHG emissions sources: Work with the City and UAC to develop an RFP and criteria for the renewal of our island electric utility provider franchise agreement that requires delivery of 100% lowest carbon, renewable energy to all consumers on Bainbridge Island that is additive to the fuel mix of the energy provider (unless they are already 100% renewable carriers with excess product to sell).	High	2020		James, David, Gary, and Derik	CCAC members will meet with Council and members of the UAC.
Energy Conservation and Efficiency					
4.2: Incentivize reduction in propane use: Work with the City and propane provides to develop strategies to reduce GHG emissions and improve air quality from generation, transportation and combustion of propane.	Medium	2020		David	
4.3: Limit GHG emissions from buildings: Work with the City and the design review board to develop regulations that would require that all new and re-development minimizes GHG emissions by 1) maximizing energy efficiency and 2) increasing renewable generation either on site or at a community renewable energy investment site. This will decrease our total grid demand decreasing the need to expand our energy delivery infrastructure (which is costly) and decrease greenhouse gas emissions from a mixed grid.	High	2019/2020		Mike and Lara	Attend Design Review board meetings and provide input when needed.
Island Renewable Energy					
4.4: Create community renewable energy project sites: Work with the City and others to develop renewable energy projects on the Island. Not all sites on Bainbridge Island are suitable for renewable energy generation, but local renewable generation is part of building our resilience while decreasing our GHG	High	2019/2020		David and Mike	Work with Climate Action Bainbridge to complete an analysis of

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Action	Priority	Timeline	Staff Time	CCAC Lead	Status
emissions. Giving community members the opportunity to invest in and benefit from local generation (including financially through benefit from selling electrons into the grid) can increase local generation for those sited where it is not a functional option, and protect local tree canopy in those locations.					potential for community solar projects on Island.
4.5: Develop Local Micro-grids: Work with the City to evaluate harnessing local renewable energy production into local micro-grids to increase our resilience including increasing reliability.	Medium	2020		David and Mike	

Section 3.4: Transportation

In Washington State, transportation is estimated to produce almost 43%[13] of greenhouse gases. Bainbridge Island is currently conducting a greenhouse gas inventory for the Island, but it is anticipated that the contribution from transportation will be similar to the State wide percent of emissions. The values from the Inventory will be used as a baseline for evaluating potential reductions in emissions from transportation.

Table 5 provides specific actions for 2019 and 2020 in three areas:

- Public transportation;
- Electric vehicles; and
- Non-motorized transportation infrastructure

Table 5: Transportation

Action	Priority	Timeline	Staff Time	CCAC Lead	Status
Public Transportation					
5.1: Develop better understanding of park and rides: CCAC and City staff would meet with Kitsap Transit to improve the park and ride system on the Island to potential	High	2019		Nora	

[13] Washington State Greenhouse Gas Emissions Inventory: 1990-2015. Report to the Legislature. December 2018. Publication No. 18-02-043. https://fortress.wa.gov/ecy/publications/documents/1802043.pdf

Action	Priority	Timeline	Staff Time	CCAC Lead	Status
reduce GHG emissions. We would need to better understand the current locations, how are they planned and is there a plan for future park and rides.					
Electric Vehicles					
5.2: Support and incentivize electrification of transportation on island: CCAC would work with the City to create incentives to move our Island transportation fleet toward electrification in order to reduce GHG emissions and improve local air quality (e.g., reduce local car tabs for electric vehicles and develop electrical charging stations around Island).	High	2020		Deb	
5.3: Encourage School District/COBI/Parks to move towards electric fleets: CCAC would work with the school district, parks, and COBI to move towards electrification of their fleet and battery storage. Some examples can be found at https://driveevfleets.org/ of ideas from other cities.	High	2019		James and Deb	
5.4: Support Washington State Ferries Efforts towards electrification: City would continue to work with Washington State Ferries on the electrification of the ferries and continue to supports efforts to use VW funds to make this conversion. Also ask the WSF to consider lower rates for electric cars as it would also provide health benefits for their deck hands.	High	2019		David and Deb	
5.5: Explore Options with Kitsap Transit to move towards electrification of their fleet: City, CCAC, and Multi-Modal committee would meet with Kitsap Transit to learn of their plans for fleet electrification and how they could increase the use of electric buses.	High	2019		James and Nora	
5.6: Develop strategies to encourage use of electric vehicles: City would develop strategies for increasing electric vehicle infrastructure and access for high density housing. CCAC would evaluate how many electric cars on the Island and explore innovate ways to use cars during low	Medium	2020		David, Deb, Derik, and James	

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Action	Priority	Timeline	Staff Time	CCAC Lead	Status
production time.					
5.7: Explore the use of electric vehicles with UPS/Fedex/USPS: CCAC would meet with the deliver companies to determine if they have pilot programs with electrification or if we could work with them to develop a pilot program. Also, we could prompt anti-idling programs with them.	Medium	2020		Derik	
Non-Motorized Transportation Infrastructure					
5.8: Work with the Council, Multi-modal Committee (MMC), and Bainbridge Mobility Alliance (BMA) on possible second levy for non-motorized transportation: CCAC would work with all the groups to provide support on efforts to advance non-motorized transportation on the Island and increase island non-autocentric transit paths.	High	2019		Mike	Had meeting with BMA and will meet with City Council.
5.9: Introduce hierarchy of transit concept for adoption by council: CCAC would work with the MMC and BMA to develop strategies that that promote transit equity and community safety by considering the most vulnerable, then design and implement transit to support pedestrians, bicycles, mass transit and individual cars, in that order.	Medium	2020		Deb and Mike	
5.10: Anti-idling ordinance: CCAC would work with MMC and BMA to develop an anti-idling ordinance for the Island especially for the ferries.	Medium	2020		James	

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Section 3.5: Buildings

In Washington State, residential, commercial, and industrial buildings are estimate to provide almost 21% of greenhouse gases[14]. Bainbridge Island is currently conducting a greenhouse gas inventory for the Island, but it is anticipated that the contribution from buildings will be similar to

[14] Washington State Greenhouse Gas Emissions Inventory: 1990-2015. Report to the Legislature. December 2018. Publication No. 18-02-043. https://fortress.wa.gov/ecy/publications/documents/1802043.pdf

the State wide percent of emissions. The values from the greenhouse inventory will be used as a baseline for evaluating potential reductions in emissions.

Table 6 provides specific actions for 2019/2020 for buildings.

Table 6: Buildings

Action	Priority	Timeline	Staff Time	CCAC Lead	Status
6.1: Support development of mandatory Green Building standards for all City-owned buildings over 5000 square feet: Work with Design Review board, city staff, and others to develop a mandatory green building program.	High	2019		Mike, Lara, and Deb	
6.1: Support development of incentive programs for residential and commercial development: Work with the design review board and City to develop incentive programs that could include reducing plan check and building permit fees and expedited permit review for those projects that pursue some minimum green building standards.	High	2019		Mike, Lara, and Deb	

Section 3.6: Land Use/Forestry/Agriculture

Decisions about land use and land cover can affect, positively and negatively, how much our climate will change and what kind of vulnerabilities humans and natural systems will face as a result. Because humans control land use, and to a large extent, land cover, individuals, businesses, non-profit organizations, and governments can make land decisions to adapt to and/or reduce the effects of climate change. Adaptation options include varying the local mix of vegetation or elevating homes to reduce exposure to sea level rise or flooding. Land use options for mitigating climate change include expanding forests to accelerate removal of carbon from the atmosphere and altering agricultural management practices to increase carbon storage in soil[15].

[15] Fourth National Climate Assessment. Volume 11: Impacts, Risks, and Adaptation in the United States. 2018. Land Use and Land Change Chapter. https://nca2014.globalchange.gov/report/sectors/land-use-and-land-cover-change.

Table 7 provides specific actions that we propose to assist to meet the building and land use targets.

Table 7: Land Use/Forestry/Agriculture

Action	Priority	Timeline	Staff Times	CCAC Lead	Status
7.1: Create Island-wide land use plan that reflects mitigation and adaptation goals: City would develop guidelines to encourage siting of projects to reduce greenhouse gas emissions: This could include where to develop to decrease GHG emissions (e.g., decrease miles driven), maintain open space services (e.g., water recharge, water filtration, air filtration, temperature amelioration), increase permeable surfaces (built and natural), manage for change, etc.	High	2019		Michelle, Deb, and Lara	

Section 3.7: Waste Management

In Washington State, solid waste and wastewater management contribute about 4% of total greenhouse gases[16]. Bainbridge Island is currently conducting a greenhouse gas inventory for the Island, but it is anticipated that the contribution from solid waste and wastewater management will be similar to the State-wide percent of emissions. The values from the greenhouse inventory will be used as a baseline for evaluating potential reductions in emissions. Table 8 provides specific actions to reduce GHG emissions for waste management.

Table 8: Waste Management

Action	Priority	Timeline	Staff Time	CCAC Lead	Status
8.1: Increase use of greenwaste bins for	Medium	2019		David and	

[16] Washington State Greenhouse Gas Emissions Inventory: 1990-2015. Report to the Legislature. December 2018. Publication No. 18-02-043. https://fortress.wa.gov/ecy/publications/documents/1802043.pdf

Action	Priority	Timeline	Staff Time	CCAC Lead	Status
household and commercial food waste: City would develop food waste diversion program for households and commercial businesses to greenwaste bins for compost or energy production to eliminate landfilling of food waste which causes methane emissions				Nora	

Section 3.8: Consumption

The consumption of goods and services by humans contributes significantly to greenhouse gases. The choices we make on the food we eat, the type of vehicle we drive, how often we travel by airplane, the amount of goods we purchase, and the type of housing we select all have a large impact on global greenhouse gas emissions. When developing the actions outlined in this workplan we will strive to include discussion of what we can do as a City, Community, and individually to make different choices on how we use goods and services. Table 9 includes actions for 2019 and 2020.

Table 9: Consumption

Action	Priority	Timeline	Staff Time	CCAC Lead	Status
9.1: Work with City Green Team: CCAC would work with the City Green Team on sustainable purchasing and other activities to reduce the City's greenhouse gas footprint.	Medium	2019		Mike	
9.2: Present findings from greenhouse gas consumption inventory: CCAC will work with City staff to present findings from the greenhouse gas consumption inventory to the public.	Medium	2019		Derik	

DRAFT

Section 4: Adaptation

As an Island community Bainbridge Island is vulnerable to climate change. In fact, we are already experiencing the effects of climate change and are committed to much more change in the coming years. To this end, it is prudent governance to both understand the potential implications of climate change (vulnerabilities) and reduce those vulnerabilities to our community (risk reduction or adaptation). Failing to plan for the impacts of climate change and act to avoid them would result in long-term harm to our Island's people, culture, economy and environment.

Goal: Bainbridge Island is climate savvy, and can withstand the impacts of climate change (e.g., sea level rise, warming temperatures, changing precipitation patterns, changing vegetation).

We propose actions in two areas.

1. Vulnerability Assessments – We would work with the City to conduct vulnerability assessments around the Island and provide that information in community forums.

2. Risk Reduction – We would work with the City to develop a process for using the information from the vulnerability assessments for evaluating projects on the Island and communicating that process to citizens.

Table 10 provides specific actions for 2019/2020 for adaptation.

Table 10: Adaptation

Action	Priority	Timeline	Staff Lead	CCAC Lead	Status
Vulnerability Assessments					
10.1: Map Climate Impacts to COBI assets: CCAC in collaboration with City staff would start with a sea level rise evaluation to evaluate the vulnerability of COBI assets including roads (motorized & non), other infrastructure (sewage treatment, water, buildings), and marine access. This first assessment will also provide a template for subsequent assessments. As needed, City staff will map additional climate impacts (e.g., fire, drought, vegetation change, precipitation changes).	High	2019 – Sea level rise 2020 – Other Analysis		James	

Action	Priority	Timeline	Staff Lead	CCAC Lead	Status
10.2: Hold community discussions around vulnerable COBI sites: City would host community conversations from the sea-level analysis and other analyses regarding findings and how to adapt to those changes.	High	2019		James and David	
10.3: Create tool for use in the evaluation of vulnerability of COBI and non-COBI assets and activities on Bainbridge Island: CCAC would work with City to identify, and eventually require, the use of a tool (e.g., Climate Change Adaptation Certification) for use in evaluation of climate vulnerability of any activity or investment on Bainbridge Island. This would also include training for City staff, Council, and Committees in the use of the tool. Aforementioned climate impact maps, may be used to inform these vulnerability assessments.	High	2019		Lara	
Risk Reduction					
10.4: Incorporate vulnerability evaluation tool into all COBI (departments, committees and council) workflow in order to identify vulnerability and risk reduction opportunities: City, Council and committees will develop processes by which all decisions, including permits and expenditures, are evaluated for their vulnerability to climate change, and determinations can be made based on this assessment in order to ensure better long-term outcomes in the face of factors such as sea level rise, altered precipitation patterns, increasing temperatures and other climate related hazards. CCAC can advise in this process.	High	2020		Lara, Deb, and Mike	
10.5: Apply the tool in permitting, planning and budgetary decisions: Results from application of the vulnerability assessment tool are used by the	High	2020		Lara, Deb, and Mike	

DRAFT

Action	Priority	Timeline	Staff Lead	CCAC Lead	Status
City in decision-making to reduce risk and improve long-term benefits. This includes training of City staff, Council and committees in use of necessary tools.					
10.6: Community training on adopted risk reduction process: City would host community conversations with vulnerable sites and how to adapt to those changes.	High	2020		Lara, Deb, and Mike	

DRAFT

Section 5: Community Engagement

Community engagement is essential to effectively implement actions throughout this workplan and to achieve the overarching mitigation and adaptation goals; as such, community engagement is interwoven in the mitigation and adaptation sections. Given its importance and its cross-cutting nature, we are also calling it out with its own goal. Areas of the workplan where community engagement is essential for success include:

- Working with community groups is an integral component of the actions in Tables 4, 5, 6, and 8;
- Working with the Council, Multi-modal Committee, and Mobility Alliance on possible second levy for non-motorized transportation is included in Table 5;
- Increasing awareness and helping with community preparation is embedded the actions on vulnerability assessments and integration in City Operations in Table 8 and 9; and
- Holding community discussions around vulnerable sites, in Table 10, is also an example of community engagement.

Goal: The City of Bainbridge Island inspires action across the community and partners with local and regional organizations to take meaningful climate change mitigation and adaptation actions.

We propose actions in three areas for 2019/2020.

1. Increase Community Awareness –Increase public understanding and awareness of the magnitude and consequences of climate change in order to create engagement in and support for mitigation actions.

2. Encourage and Support Island Collaboration – Work with extant community groups to disseminate information and achieve adaptation and mitigation goals and improve coordination/collaboration with other City advisory committees and Bainbridge Island taxing entities.

3. **Foster Regional Collaboration –** Support and advise the City in engaging in regional climate change efforts, with benefits such as sharing best practices and lessons learned.

Table 11 provides specific actions that we propose for community engagement in 2019-2020.

Table 11: Community Engagement

Action	Priority	Timeline	Staff Time	CCAC Lead	Status
Increase Community Awareness					
11.1: Create Climate Change Week: Council proclamation to designate a week each year (in conjunction with Earth Month) for City and community evaluation of the progress made on meeting our community commitments and goals relating to reducing our contribution and vulnerability to climate change.	Medium	2020		Mike and Lara	Work with Sustainable Bainbridge this year on Earth Month but do not have a separate event.
11.2: Convene semi-annual City events: Collaborate with the City to convene at least semi-annual programs on issues relating to climate change and how the City is addressing this in their daily operations as well as future planning.	High	2019		All	**June 22**: Share work of BI committees on Climate Change **September:** GHG Inventory
Encourage and Support Island Collaboration					
11.3: Support community events on climate change: Participate in ongoing information forums such as the Climate and Energy Forum and the Movies that Matter.	High	Ongoing		All	CCAC members are active in organizing and participating in ongoing events
11.4: Increase cooperation with other City advisory committees: Attend other relevant City Advisory Committees (e.g., Multi-modal, UAC, and ETAC) at least twice a year.	High	Ongoing		Liaisons TBD at meeting	Possible Committees: - Multi-Modal - Utilities - ETAC - Design Board
11.5: Attend Intergovernmental Working Group (IWG) – COBI, BIFD, BIPD, and BISD: Work with IWG in a collaborative approach to identify and implement mitigation and adaptation actions with buy-in, engagement, and leadership from all of these relevant entities.	High	2019 – Initial Contact 2020 – Identify actions		Mike	Need to work with other taxing entities as other parts of workplan indicate need to work with BISD, BIFD, and Parks.

DRAFT

Foster Regional Collaboration					
11.6: Foster regional collaboration: Make a recommendation to the City on regional collaborations that Bainbridge Island should participate in and the form that involvement should take. (For example, Puget Sound Climate Preparedness Collaborative; Kitsap Public Transportation, and WSF)	Medium	2020		Nora	Identify groups and evaluate possible role of CCAC.

DRAFT

From: Michael Cox <michael.cox@cobicommittee.email>
Sent: Friday, May 3, 2019 9:38 PM
To: Joe Deets <jdeets@bainbridgewa.gov>; David McCaughey <David.McCaughey@cobicommittee.email>
Cc: Michael Cox <michael.cox@cobicommittee.email>
Subject: Re: Re[2]: Re[2]: Climate Change Advisory Committee: Follow-up to April 16th Meeting

Here are my ideas for a study session in terms of specific areas for CCAC work. In no particular order. If you think appropriate share at the next CCAC meeting after you have a chance to modify, correct, etc. Thanks.

1.Shoreline Management Plan (Update in 2020)

Role of CCAC: Work with staff to complete sea level rise assessment for Island and present findings to staff and City Council (Action 10.1) and work with staff to consider climate change in SMP updates. Participate in community discussions with staff about sea level rise assessment and other climate change impacts (Action 10.2).

2. PSE Franchise (Renewal in 2022)

Role of CCAC: Work with UAC to gather information and develop recommendations for City Council on issues related to the PSE Franchise renewal (Action 4.1).

3. Greenhouse Gas Inventory (Completed in Summer of 2019)

Role of CCAC: Review draft GHG inventory and provide comments to contractor (Action 3.1). Present findings to staff, City Council and community (Action 3.2) and provide recommendations to City Council on next steps.

4. Green Building Standards (Fall 2019)

Role of CCAC: Provide support to City Staff on development of green building standards (Action 4.3, 6.1, and 6.2) and provide recommendations to City Council.

5. Community Solar Projects (Ongoing)

Role of CCAC: Work with Western Washington University students to complete report on potential for Community Solar project on the Island (Action 4.4) and provide recommendations to City Council on next steps.

6. Climate Change Adaptation Certification Tool (Start Summer 2019)

Role of CCAC: Provide training to City staff on use of Adaptation tool for use in evaluating climate vulnerability of COBI and non-COBI assets (Action 10.3 and 10.6) and use tool in permits, planning, and budgetary decisions (Action 10.4 and 10.5)

7. Transportation (Ongoing)

Role of CCAC: Gather information from different entities (e.g., School District, Parks, Kitsap Transit, and WSF) on their activities related to reducing greenhouse gases (Action 5.1, 5.3, 5.4 , and 5.5) and provide recommendation to City Council on next steps. Work with the City to develop strategies to encourage use of electric vehicles (Action 5.6) and provide recommendations to City Council. Work with other City Committees on non-motorized issues (Action 5.8) and provide recommendations to the City Council.

8. Public Engagement (Ongoing)

Role of CCAC: Work with the City on outreach activities throughout the Island on climate change (multiple actions) and support community events on climate change (Action 11.3).

9. Waste Management (Fall 2019)

Role of CCAC: Work with BI Zero Waste group and others to help reduce food waste that goes into landfills (Action 8.1) and explore local ordinance for plastic waste reduction (Action 8.2) and provide recommendations to City Council on next steps.

Climate Change Advisory Committee (CCAC)

City Council Study Session

Tuesday June 18th, 2019

Council Charge (Chapter 2.37)

Climate Action Plan: Develop plan/implementation strategy.

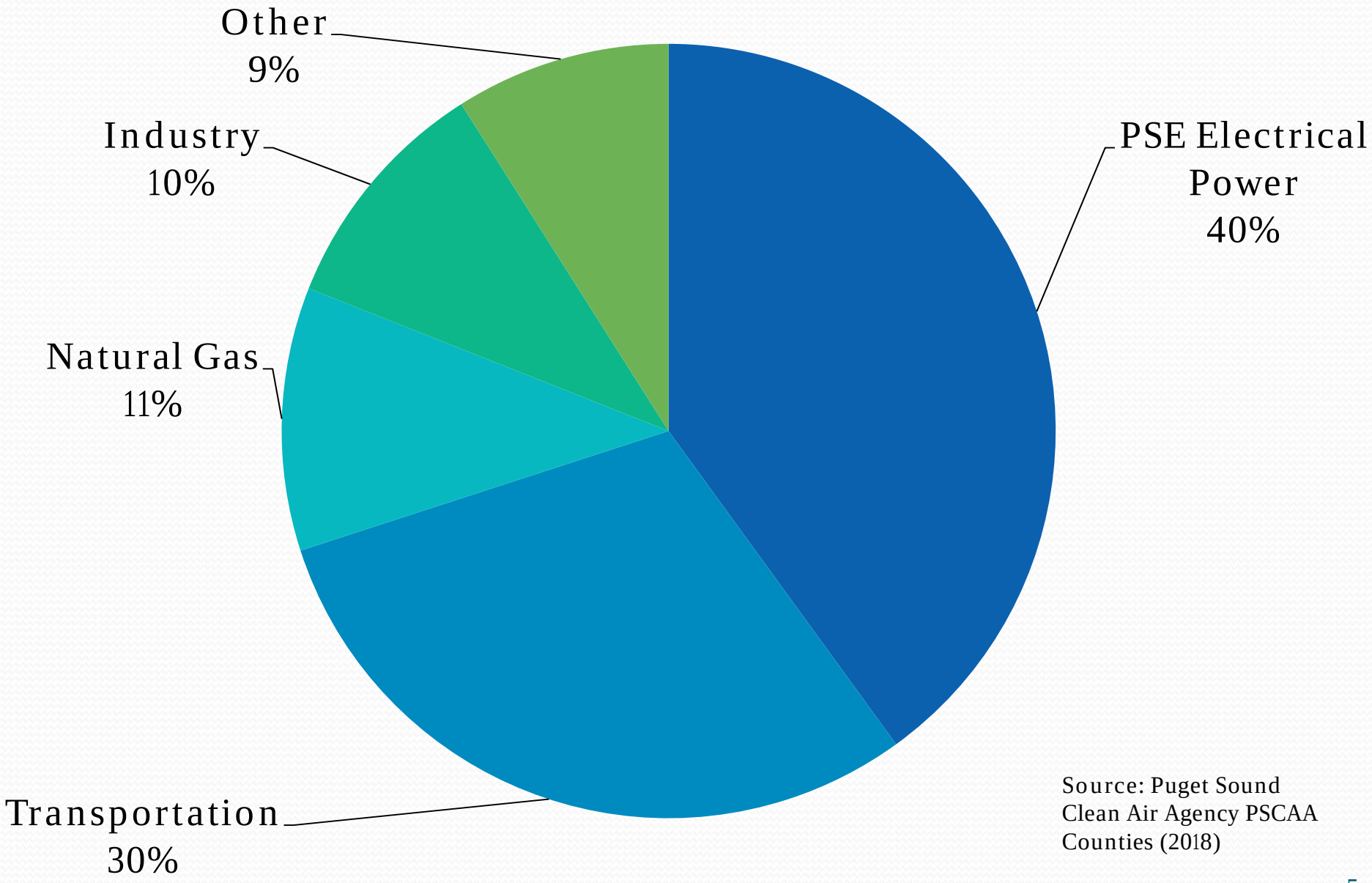
- Inventory/Targets: Complete GHG emissions inventory/targets.
- Mitigation: Develop strategies to reduce Island GHG emissions.
- Adaptation: Develop strategies to prepare Island for impacts.
- Community Engagement: Provide education/outreach.

CCAC 2019/2020 Workplan serves as a template for Climate Action Plan/Implementation Strategy

(In your package)[67]

Apply Climate Lens

Kitsap County 2015 GHG Emissions, %

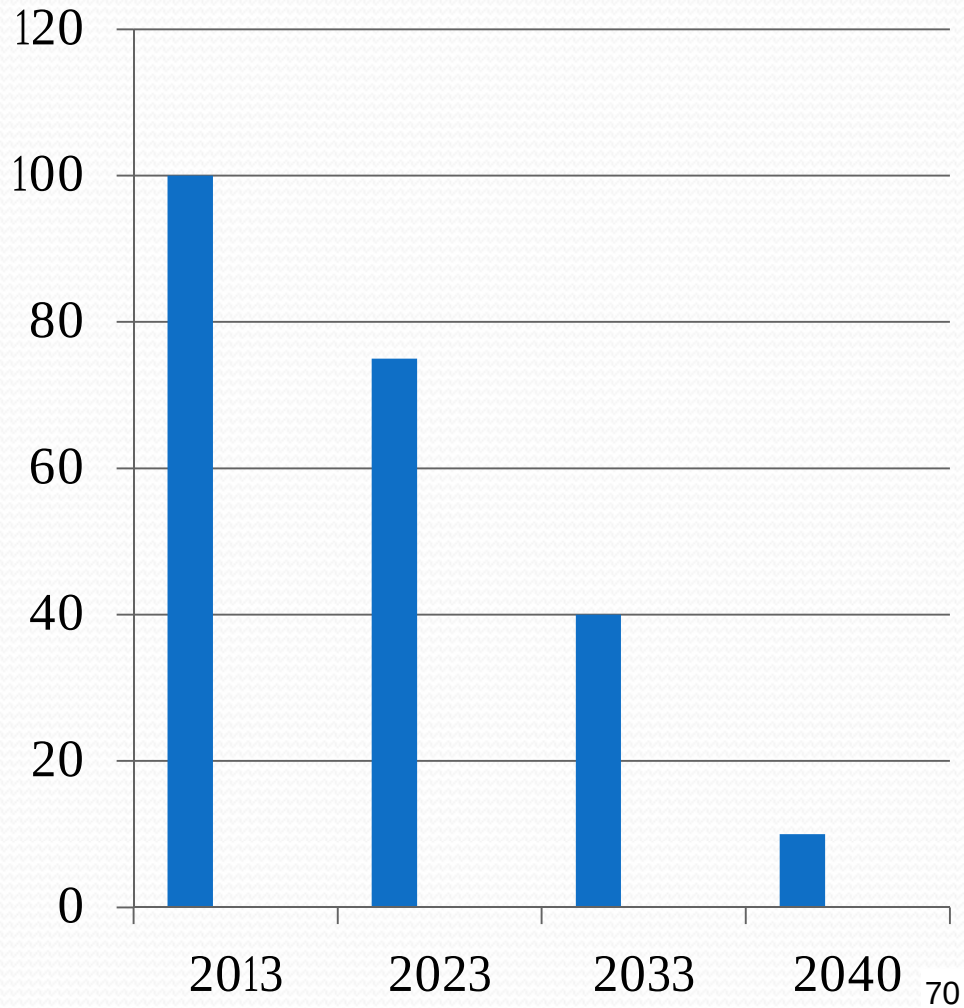


Source: Puget Sound Clean Air Agency PSCAA Counties (2018)

BI GHG Emission Goal

By 2040, reduce GHG emissions Island-wide by:

- 90% compared to 2013 levels
  - 25% by 2023
  - 60% by 2033



Mitigation Strategies

- Energy Use
- Transportation
- Buildings
  - Land Use/Forestry
  - Waste Management
  - Consumption

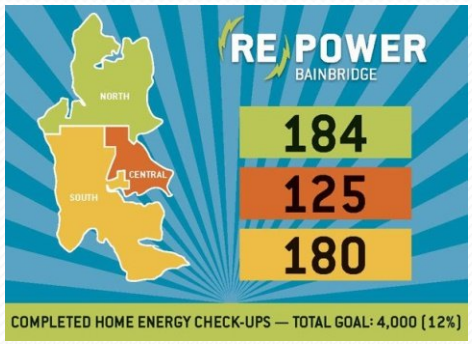
Mitigation: Energy Use (Actions 4.1 to 4.5)

Supply

- PSE: Green supply
- Generate on-Island

Demand

- Energy Conservation and Efficiency



Mitigation: Transportation (Actions 5.1 to 5.11)

- Public Transportation

- Electric Vehicles

- Non-Motorized Infrastructure

Mitigation: Buildings (Actions 6.1. and 6.2)

- Develop Green Building Program
- Establish incentive and/or mandatory programs for development

Adaptation: Assessments (Actions 10.1 and 10.2)

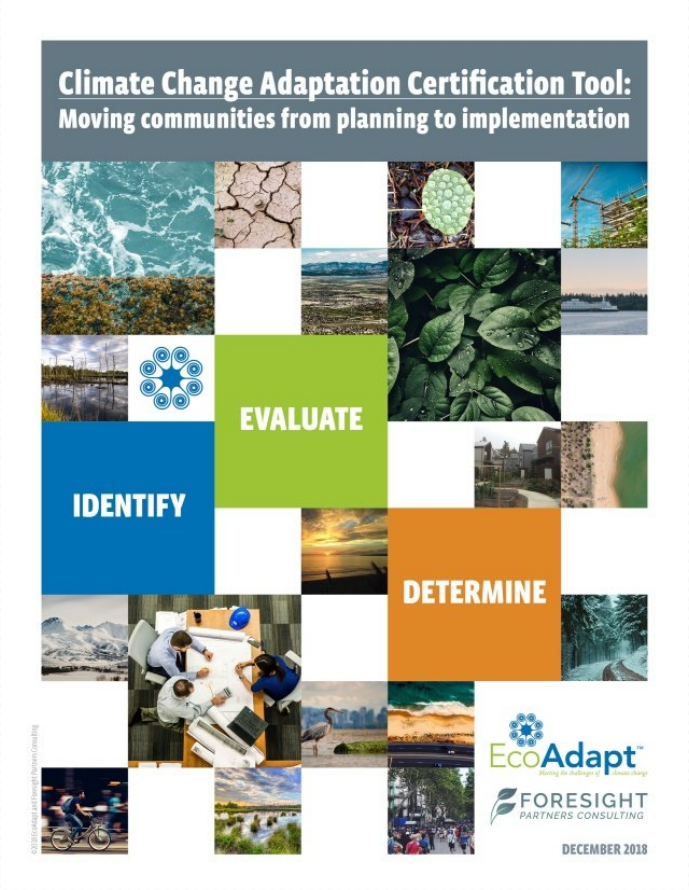
Shoreline Management Program

- Complete sea-level rise assessment.
- Participate in community outreach.
- Work w/staff to consider impacts in SMP revisions.

Adaptation: Risk Reduction (Actions 10.3 to 10.6)

Climate Change Adaptation Cert. Tool

- Use tool to evaluate vulnerability/risk reduction options for all projects.
- Provide training to staff.



Community Engagement (Actions 11.1 to 11.7)

- Increase Community Awareness
- Prompt Island Collaboration
- Foster Regional Collaboration.

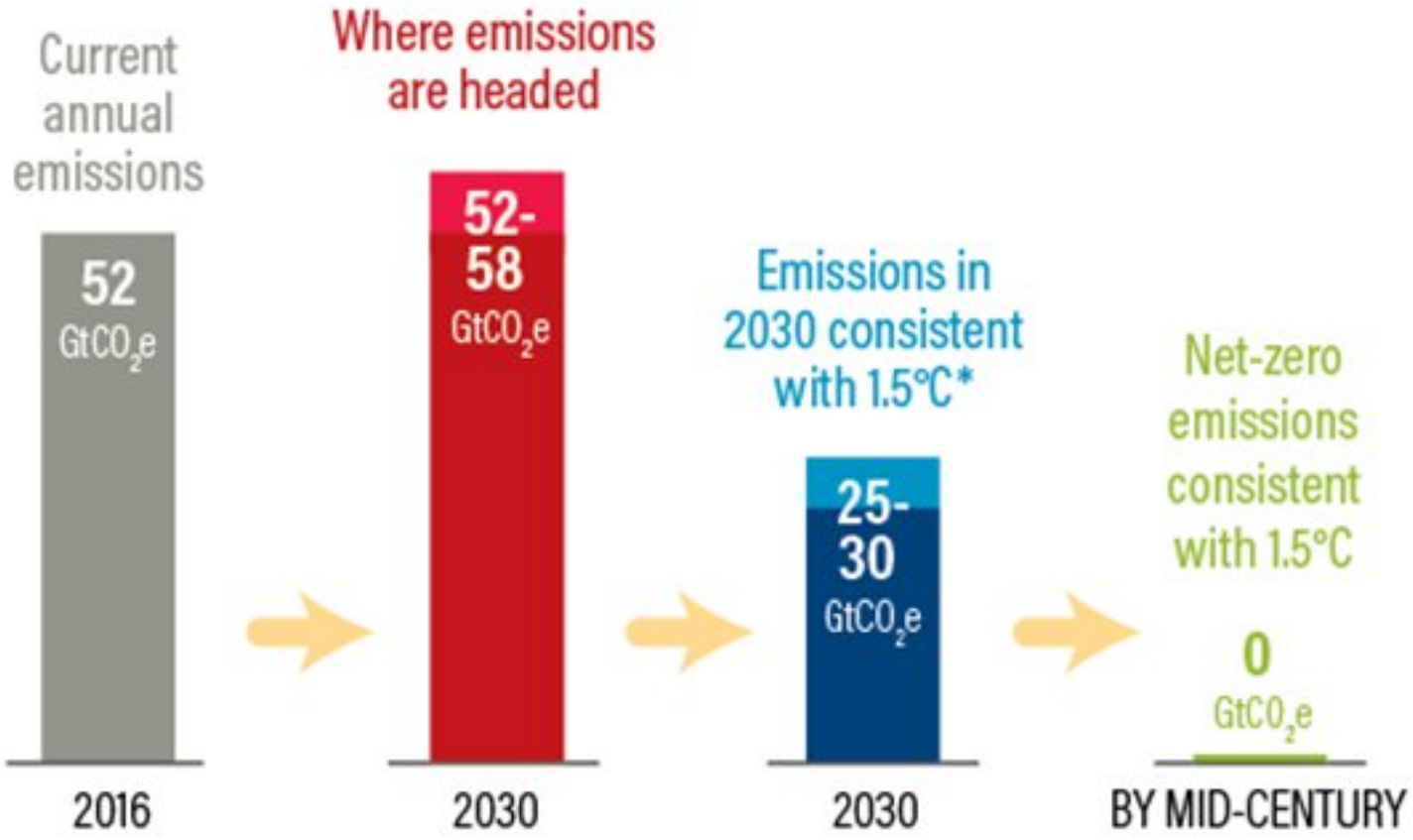
Association of Bainbridge Communities

BAINBRIDGE ISLAND SCHOOL DISTRICT No. 303
STRONG MINDS, STRONG HEARTS, STRONG COMMUNITY

Bainbridge Island Metro Park & Recreation District

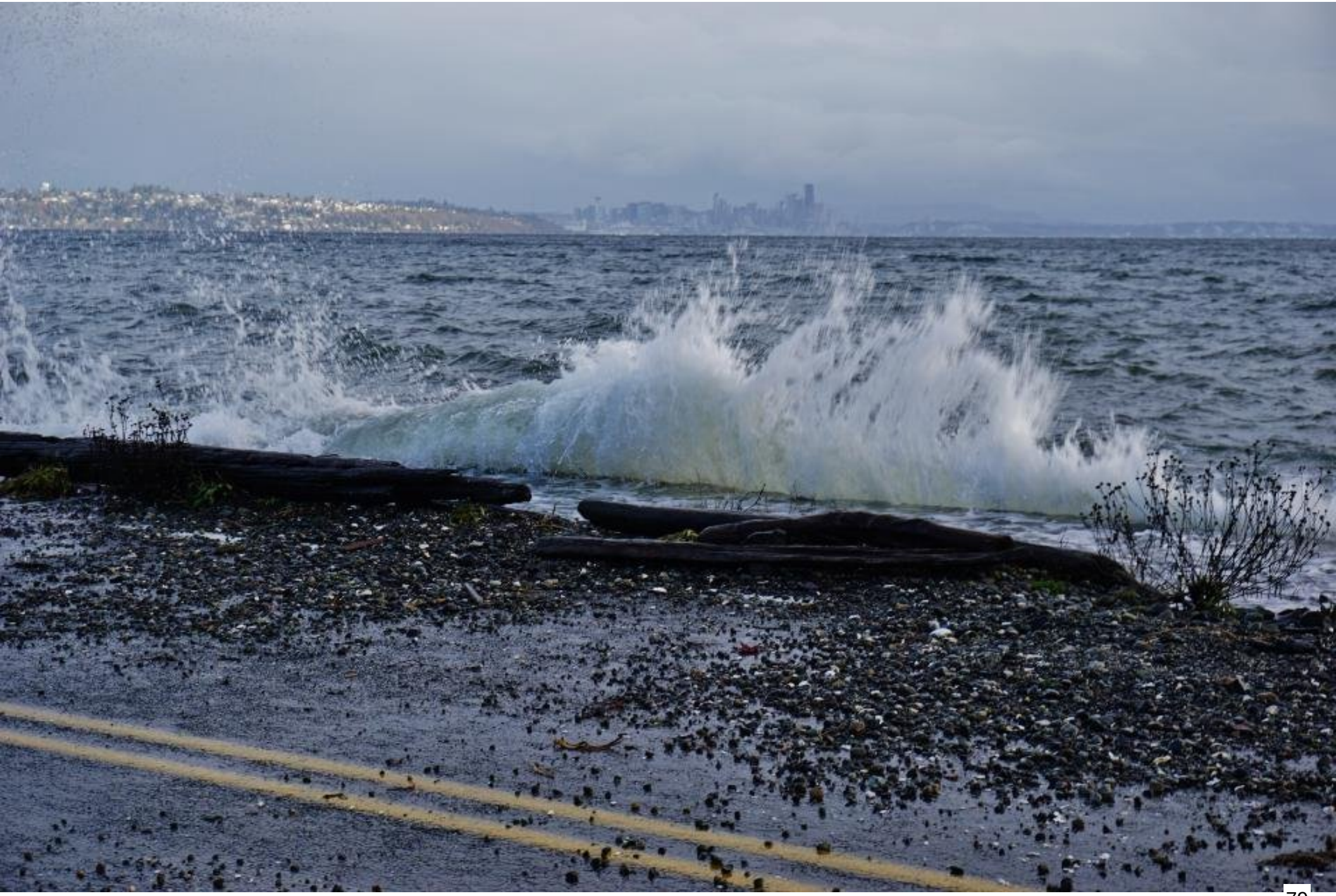
Kitsap Regional Coordinating Council

77



Notes: *on average, no or low overshoot.

WORLD RESOURCES INSTITUTE

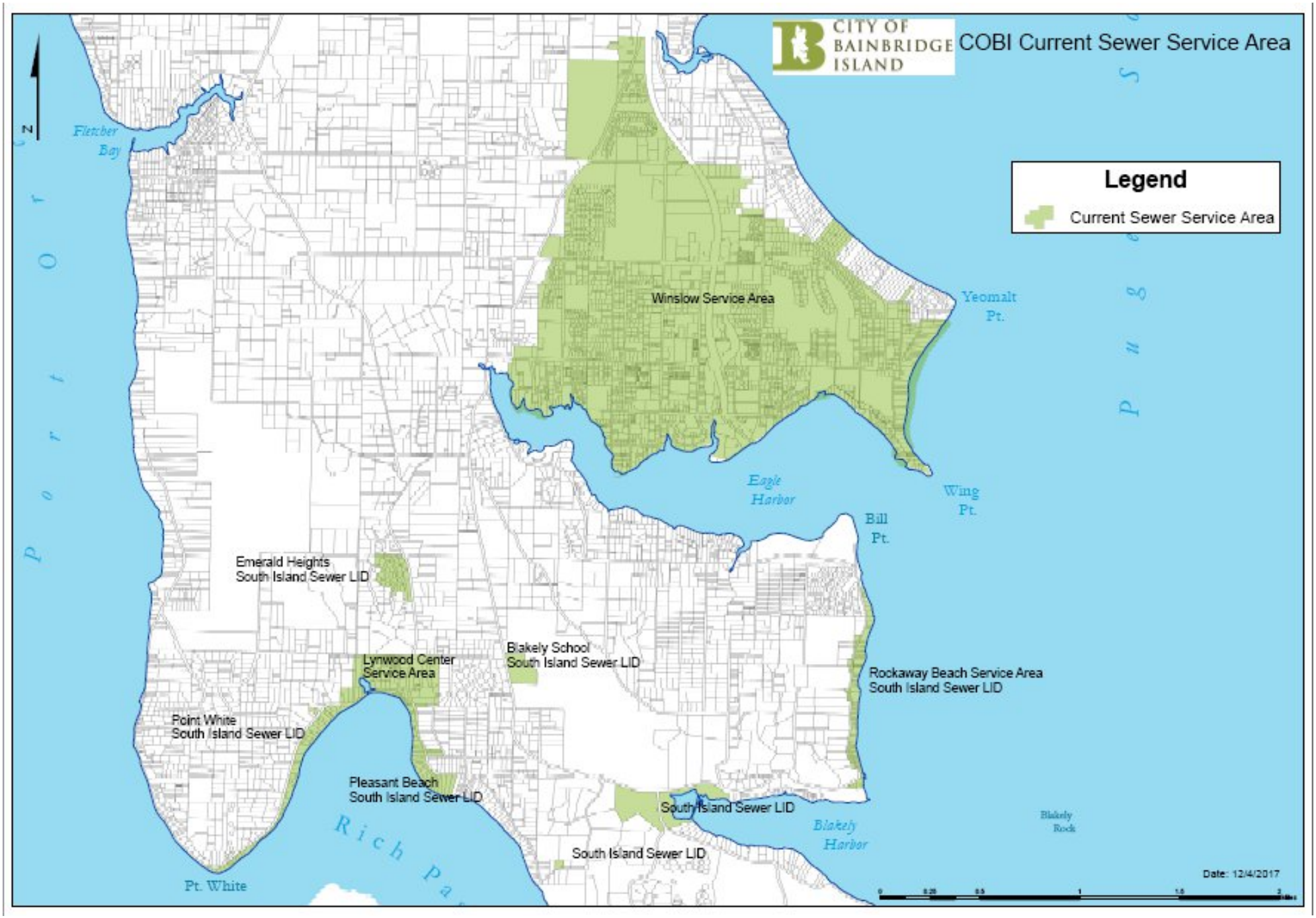


Adaptation to Sea Level Rise

CITY OF
BAINBRIDGE ISLAND

- Puget Sound is rising, will most likely rise between 18-36” by 2100, and will likely accelerate toward 2150.
- More frequent coastal flooding and bluff erosion, followed by permanent inundation and saltwater intrusion.
- COBI exposure is relatively limited; significant private property at risk, as well as WSDOT/WSF infrastructure.
- Some protection is possible, but retreat and relocation will be necessary; alignment with comprehensive planning processes is critical.

Key Points



Adaptation to Sea Level Rise

CITY OF BAINBRIDGE ISLAND

Pleasant Beach

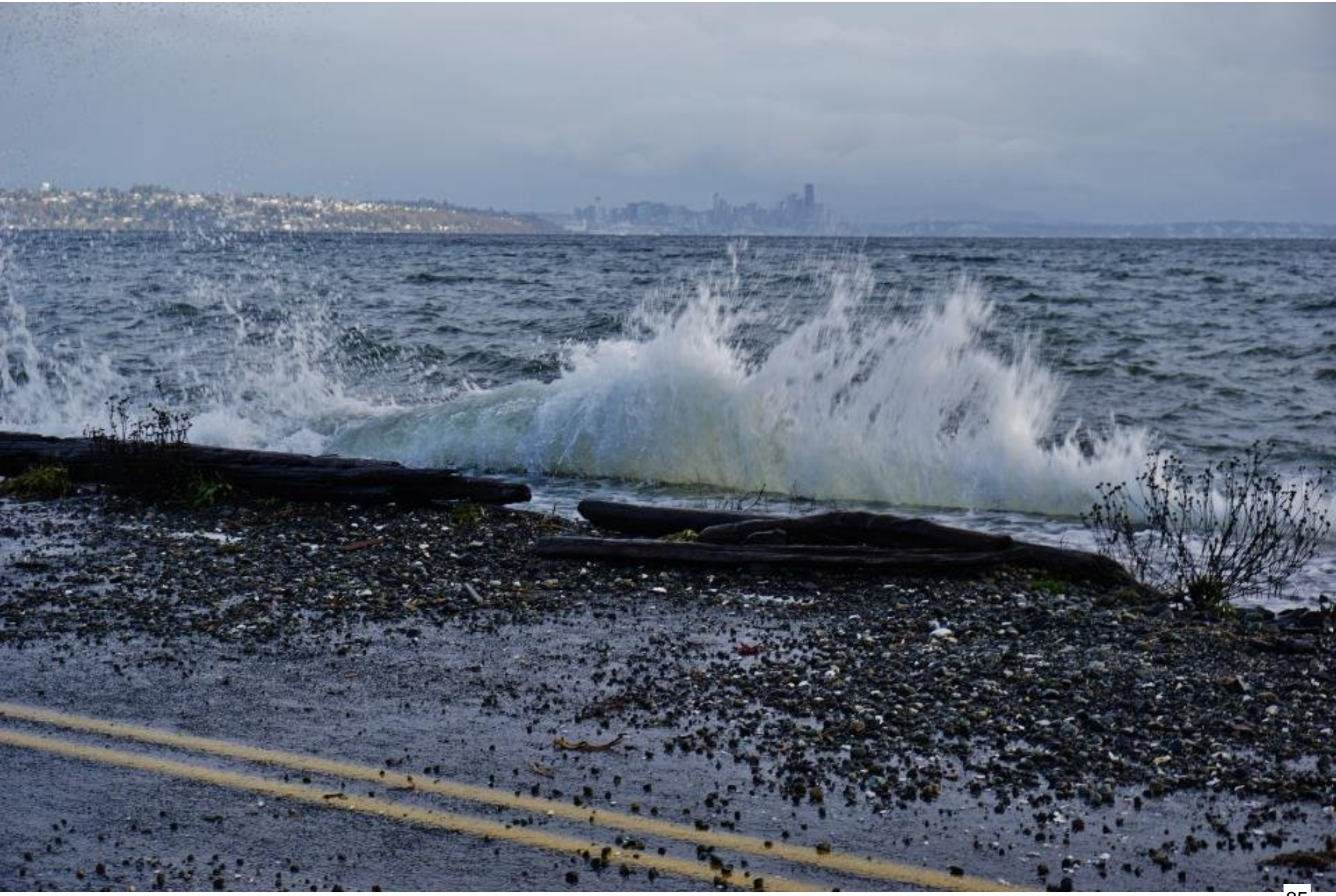
CITY OF
BAINBRIDGE ISLAND

The Spit

CITY OF
BAINBRIDGE ISLAND

Manitou Beach

CITY OF
BAINBRIDGE ISLAND



Adaptation to Sea Level Rise

CITY OF
BAINBRIDGE ISLAND

City Council Study Session Agenda Bill

CITY OF BAINBRIDGE ISLAND

MEETING DATE: June 18, 2019 **ESTIMATED TIME:** 45 Minutes

AGENDA ITEM: (7:20 PM) Ordinance No. 2019-04, Updating the City's Sign Code - Planning,

STRATEGIC PRIORITY: Green, Well-Planned Community

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Ordinance **PROPOSED BY:** Planning & Community Development

RECOMMENDED MOTION:

Council discussion.

SUMMARY:

Continued discussion of proposed updates to the City's sign code.

FISCAL IMPACT:

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

BACKGROUND:

The City Council has previously discussed updates to the City's sign code during the following Council meetings: September 18, 2018, November 27, 2018, March 12, 2019, May 7, 2019, May 14, 2019, and May 28, 2019.

Initially, the Council provided the following direction to staff: (1) Review the City's existing sign code for consistency with the U.S. Supreme Court's ruling in Reed v. Town of Gilbert; (2) Draft changes to the City's existing sign code for consistency with the ruling in Reed v. Town of Gilbert, but keep existing policy to the extent possible; and (3) Present Reed-compliant sign code for Council review and sandwich board discussion.

Staff prepared a draft ordinance (Ordinance No. 2019-04) for Council consideration, and, over the past several meetings, Council has been reviewing the ordinance. In particular, Council discussion has focused on how to address portable signs, including sandwich boards, as well as other temporary signs. To facilitate further

Council discussion on these types of signs, staff have prepared the attached matrix to serve as a starting point for further Council discussion. Included with the matrix are definitions, and examples, for the following terms:

>"Portable Sign"

>"Sandwich Board"

>"Temporary Sign"

>"Commercial Sign"

>"Noncommercial Sign"

>"Right-of-Way"

In anticipation of further revisions, and to avoid confusion, the current draft Ordinance No. 2019-04 is not attached. Upon further direction from Council, staff are prepared to revise the draft Ordinance No. 2019-04, as needed, and return for further Council consideration.

ATTACHMENTS:

Sign Code Matrix and Definitions of Key Terms

FISCAL DETAILS:

Fund Name(s):

Coding:

		Type of Sign		
		Sandwich Board	**Other Temporary Signs**	**All Other Portable Signs (this is a catch all for other shapes)**
Location of Sign	**Private Property**	Yes	Yes	Yes
	Right of Way	No	See Detail Below**	No *Unless authorized**
	Public Property	No *Unless authorized**	No *Unless authorized**	No *Unless authorized**

*Signs in these locations are generally limited to public agency information as needed

**Detail for highlighted cell (Other Temporary Signs located in Right-of-way)

	Other Temporary Signs		
Right of Way	***Winslow***	Noncommercial signs	Yes, if safe
		Commercial signs	No
	Outside Winslow	Noncommercial signs	Yes, if safe, but: • Requires permission from abutting property owner
		Commercial signs	Yes, if safe, but: • Requires permission from abutting property owner; and • Requires City-issued permit to control for number of days, display times, etc.
	Neighborhood Centers	Noncommercial signs	Follow Winslow rules or other?
		Commercial signs	Follow Winslow rules or other?

I. What is a "Portable Sign"?

"Portable signs" is a broad category of signs that are readily moveable, freestanding, and not permanently affixed to the ground. In general, portable signs are constructed out of durable materials. Portable signs include, but are not limited to, sandwich board signs.

Examples of portable signs:

II. What is a "Sandwich Board"?

A "sandwich board" is a specific type of portable sign that consists of two panels hinged or attached at the top or side, designed to be movable and stand on the ground.

Examples of sandwich boards:

III. What is a "Temporary Sign"?

"Temporary signs" is a broad category of signs that are readily moveable, freestanding, and not permanently affixed to the ground. In contrast to portable signs, temporary signs are constructed out of non-durable materials, such as paper, corrugated board, or flexible or foldable plastics.

Examples of temporary signs:

IV. When is a sign a "Commercial"?

A sign is commercial if the sign relates solely to the economic interests of the owner of the sign and her/his audience.

Examples of commercial signs:

V. When is a sign "Noncommercial"?

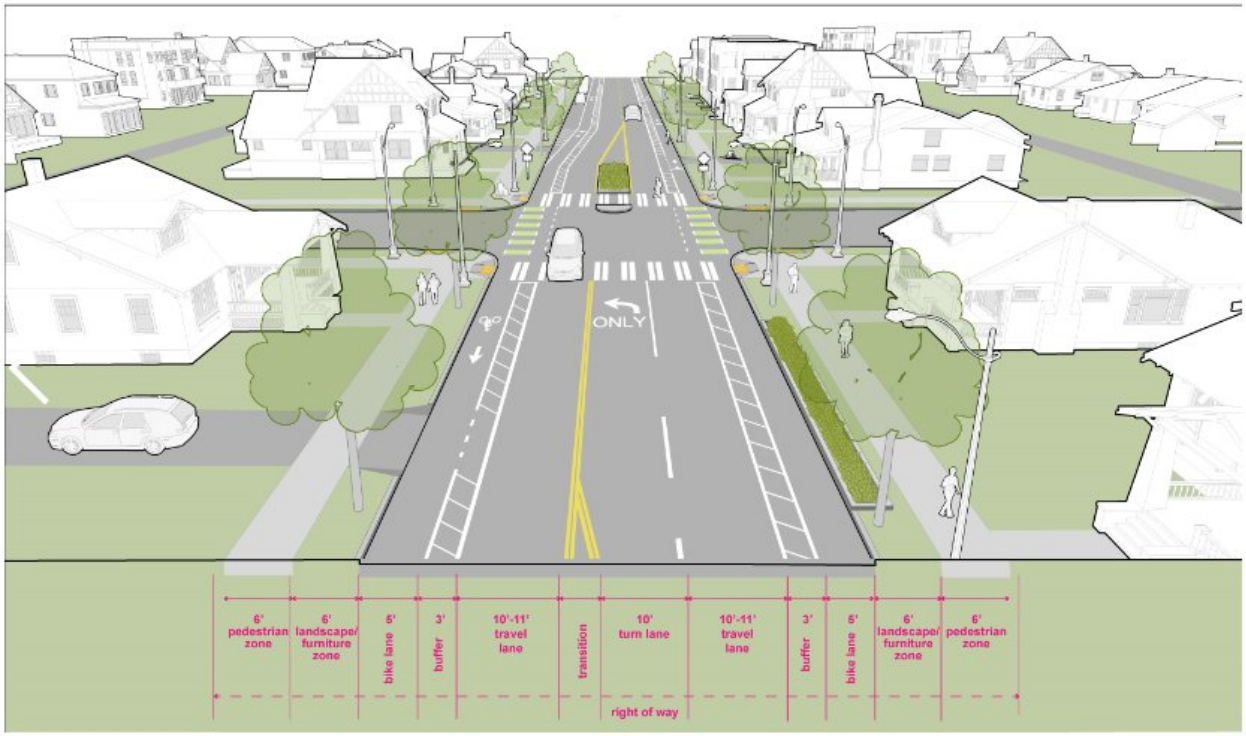
A sign is noncommercial if the sign relates to more than just the economic interests of the owner of the sign and her/his audience.

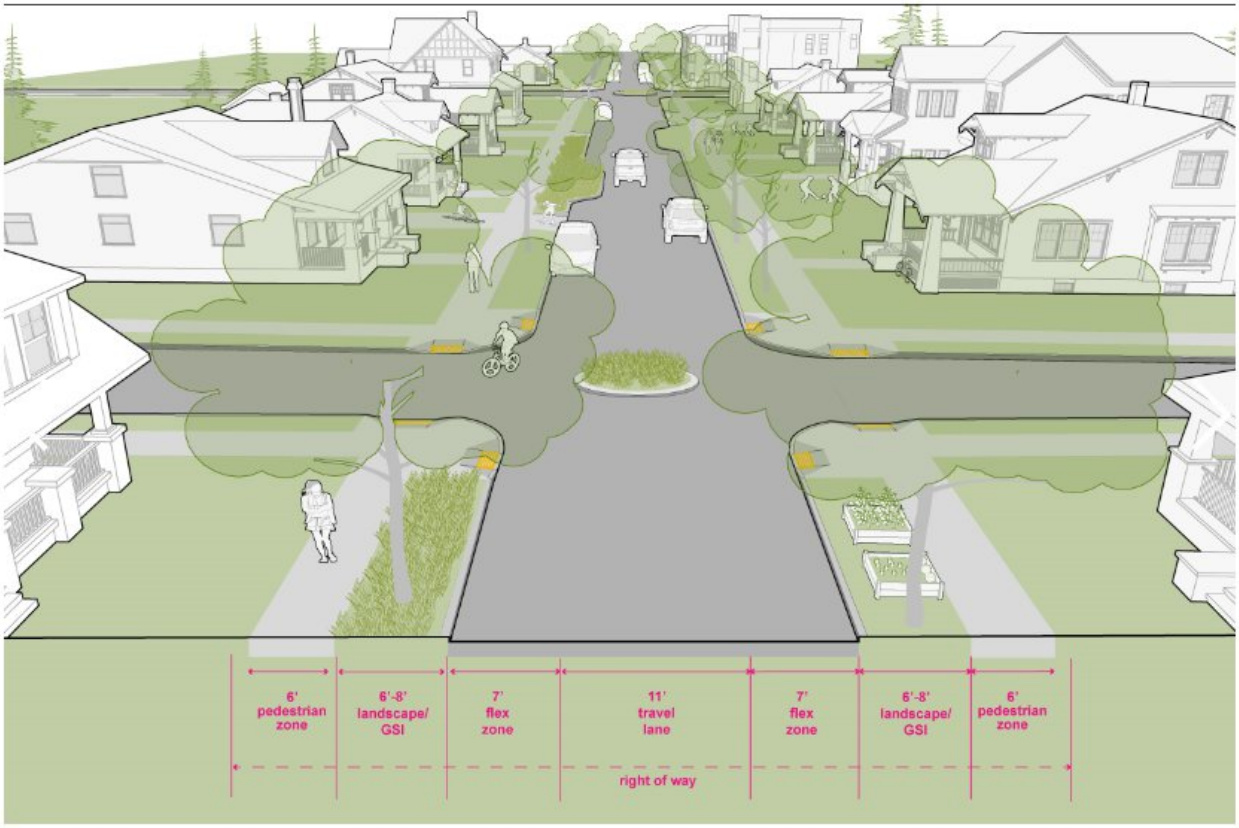
Examples of noncommercial signs:

VI. What is the "Right-of-way"?

In general, "right-of-way" ("ROW") refers to easements, held by the City, over private property for public travel and use. In the graphic below from MRSC, the ROW begins at the dashed red line and includes the sidewalk, planting area, and roadway:

The graphics below further illustrate the various components of typical ROWs found within city limits (*Illustrations Courtesy of Seattle's Right-of-Way Improvements Manual*):





City Council Study Session Agenda Bill

CITY OF BAINBRIDGE ISLAND

MEETING DATE: June 18, 2019 **ESTIMATED TIME:** 30 Minutes

AGENDA ITEM: (8:05 PM) Sustainable Transportation Project - Public Works,

STRATEGIC PRIORITY: Reliable Infrastructure and Connected Mobility

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Discussion **PROPOSED BY:** Public Works

RECOMMENDED MOTION:

Information only.

SUMMARY:

City staff and selected consultant to present preliminary scope and budget for the Sustainable Transportation Plan.

FISCAL IMPACT:

Amount:	N/A
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	Yes

BACKGROUND:

On January 22, 2019, the Council reviewed the final form of a document developed by Councilmembers to describe a Sustainable Transportation project (see attached Sustainable Transportation Proposal). At that time, the Council directed staff to prepare a Request for Qualifications (RFQ) based on the activities identified in the Sustainable Transportation Proposal.

During several Council discussions in March, 2019, the RFQ and selection process were discussed and modified. The City Council approved an RFQ on March 26, 2019. The RFQ was advertised in early April 2019. Three firms – Alta, Toole, and Nelson/Nygaard - submitted their qualifications. All three firms were interviewed on May 15, 2019, and Nelson Nygaard was selected unanimously.

Staff and Nelson/Nygaard have prepared a preliminary scope and budget, based on the tasks identified in the RFQ, for discussion with Council. This information is shown in the attached presentation.

To move forward, the next step would be to refine the project scope and budget to prepare a professional services agreement. This agreement would return to City Council for consideration and approval, due to the expectation that the expenditure will exceed the City Manager's spending authority.

ATTACHMENTS:

Presentation_CC mtg_2019-06-18.pdf

Sustainable Transportation_RFQ_Advertise.pdf

CC_Sustainable_Transportation_Proposal_.pdf

FISCAL DETAILS:

The 2019-2020 biennial budget includes $150,000 for this item under non-motorized transportation planning.

Fund Name(s): General Fund

Coding:

SUSTAINABLE TRANSPORTATON PLANNING

PRELIMINARY
SCOPE OF WORK

COMMUNITY ENGAGEMENT PLAN

PHASE 1

TASK 1.1

- Council approves structure of Stakeholder Group
- Stakeholder Group recruitment
- Council completes appointments
- Consultant/Stakeholder Group develops Community Engagement Plan
- Council reviews and approves Community Engagement plan
- Consultant/Stakeholder group completes community engagement activities

GOALS, OBJECTIVES, & PERFORMANCE MEASURES

- Consultant/Stakeholder group develops Sustainable Transportation "goals and objectives" using results of community engagement
- Develop performance measures for plan objectives
- Develop framework for decision toolbox to be created in Phase 2

PHASE 1

TASK 1.2

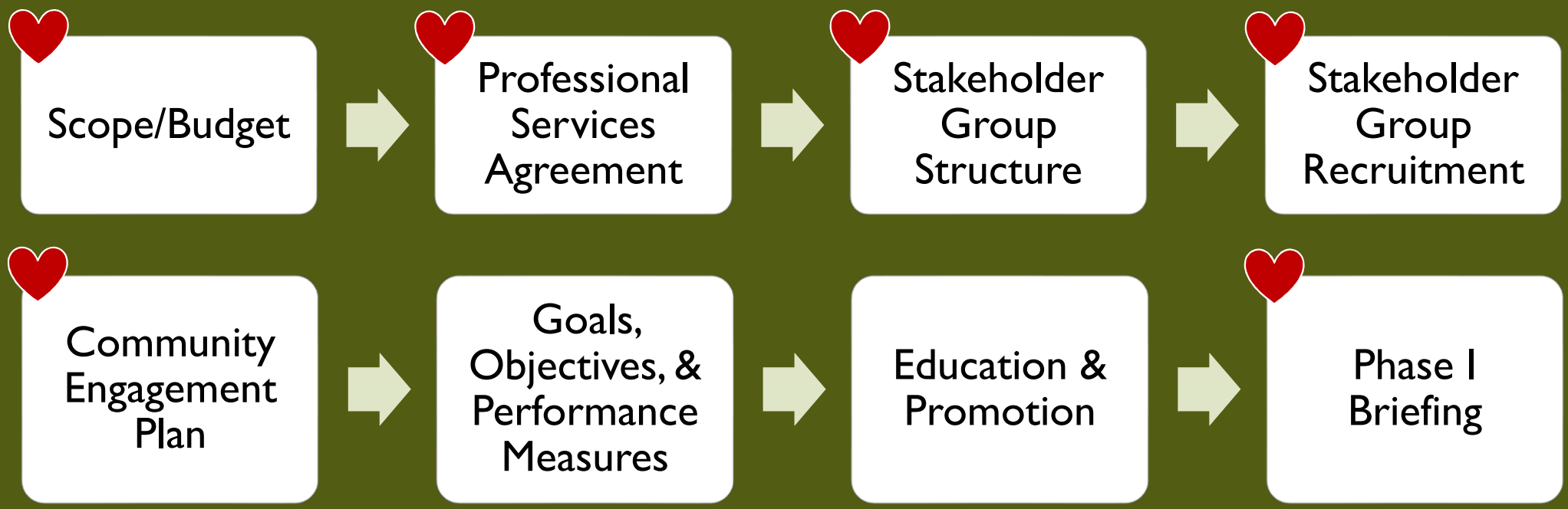
EDUCATION & PROMOTION

- Consultant/Stakeholder Group develops multimedia presentation and other outreach tools
- Consultant/Stakeholder Group completes outreach activities
- Council receives briefing on completion of Phase I: review of community engagement, presentation of proposed goals, objectives, and performance measures

PHASE I

TASK 1.3

PROPOSED PROCESS - PHASE I



Council Approval Milestone

REVIEW EXISTING CONDITIONS & GAP ANALYSIS

PHASE 2

TASK 2.1

- Consultant/Stakeholder Group classify adequacy of existing facilities and identify gaps in the transportation system
- Consultant produces reader-friendly "Existing Mobility Fact Book"

FACILITY DESIGN, DECISION MATRICES, & STANDARDS UPDATES

PHASE 2

TASK 2.2

- Consultant develops a decision matrix for bicycle facilities and for pedestrian crossings
- Consultant develops strategies to increase transit ridership
- Consultant develops updates to Street Standards that complements new Design Guidelines

PROJECT PRIORITIZATION

PHASE 2

TASK 2.3

- Consultant produces active transportation prioritization tool
- Consultant/Stakeholder Group identify and prioritize list for pedestrian, bicycle, trail, and transit-access projects
- Consultant/Stakeholder Group identify a "marquee" project to use as a case study for prioritization tool

EDUCATION & PROMOTION

- Outreach purely informative, but opportunity for feedback on prioritizations
- Focus on fun and inspiration
- Open to ideas specific to our community

PHASE 2

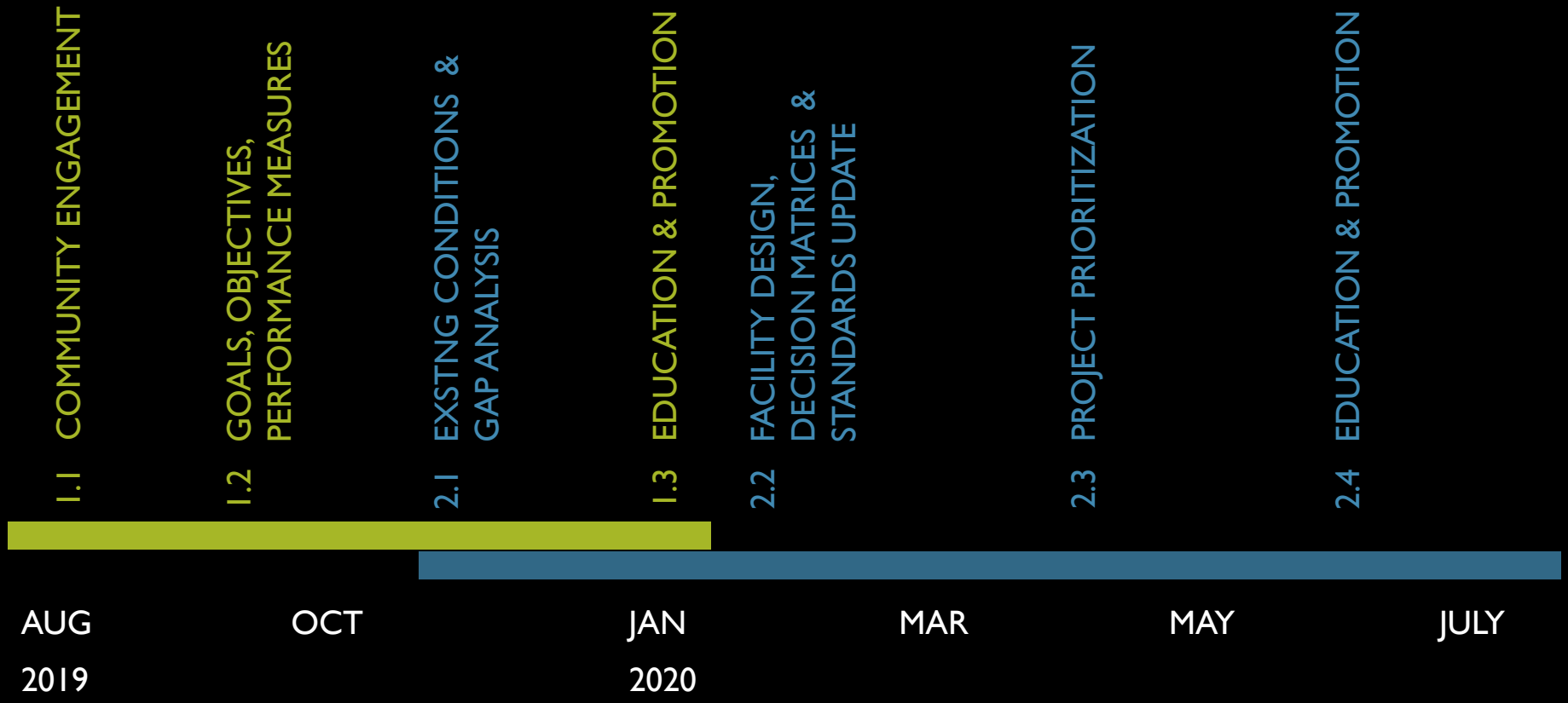
TASK 2.4

PROPOSED PROCESS - PHASE 2

Existing Conditions/ Gap Analysis → Facility Design/ Decision Matrices/ Standards Update → Project Prioritization → Education/ Promotion

Council Approval Milestone

TIMELINE


1.1 COMMUNITY ENGAGEMENT
1.2 GOALS, OBJECTIVES, PERFORMANCE MEASURES
2.1 EXSTNG CONDITIONS & GAP ANALYSIS
1.3 EDUCATION & PROMOTION
2.2 FACILITY DESIGN, DECISION MATRICES & STANDARDS UPDATE
2.3 PROJECT PRIORITIZATION
2.4 EDUCATION & PROMOTION
AUG 2019
OCT
JAN 2020
MAR
MAY
JULY

BUDGET

1.1 COMMUNITY ENGAGEMENT	$30-$35K
1.2 GOALS, OBJECTIVES, PERFORMANCE MEASURES	$15K
1.3 EDUCATION & PROMOTION	$52-$87K
PHASE 1 SUBTOTAL	- $97-$137K
2.1 EXSTNG CONDITIONS & GAP ANALYSIS	$32K
2.2 FACILITY DESIGN, DECISION MATRICES & STANDARDS UPDATE	$38K
2.3 PROJECT PRIORITIZATION	$25K
2.4 EDUCATION & PROMOTION	$38-74K
PHASE 2 SUBTOTAL	- $133-169K
PROJECT TOTAL	$230-306K

SUSTAINABLE TRANSPORTATON PLANNING

PRELIMINARY
SCOPE OF WORK

CITY OF
BAINBRIDGE ISLAND

CITY OF BAINBRIDGE ISLAND

REQUEST FOR QUALIFICATIONS (RFQ)

Sustainable Transportation Planning

I. Project Description

The City of Bainbridge Island (City) is soliciting proposals from qualified firms, or partnership of firms, with rich experience in active transportation, transit and last-mile solutions, greenway development, and community consensus-building to work with stakeholders and the public to establish measurable community goals, evaluate the entirety of the section of the City's Island-Wide Transportation Plan against these goals, and create a strategy for building a sustainable transportation infrastructure for the future of transportation.

II. Background

Reports on climate change indicate that we need to make behavioral changes to reduce our carbon footprint, and our reliance on single occupant vehicle use for primary means of transportation is a sizable contributor. Sustainable transportation initiatives that aim to reduce single-driver trips, promote ridesharing and public transportation, and offer car-free options to Islanders should be at the core of our efforts.

Recent Bainbridge Island surveys show that up to 60% of respondents want and would use new infrastructure for "active transportation" if it felt safe, compared to roughly 5% who currently use active transportation regularly. Bike and car sharing could make housing more affordable by reducing the need for parking requirements. And Bainbridge Island has a built-in incentive to save the cost of driving a car onto the ferry; we can use ferry metrics to help measure success.

The City has identified the following outcomes of this proposal:

- Build consensus and support from stakeholder groups to achieve the greatest sustainable transportation benefit for the most people.
- Define inspiring and measurable goals against which all individual projects can be measured. Measurable goals, for instance, could be to reduce the growth of vehicle use.
- Provide neutral expertise (i.e. not from stakeholders) that can challenge our perceived constraints, suggest best practices, share success stories from other comparable small town/rural communities, apply creative problem solving, and achieve consensus on appropriate standards and guidelines for meeting our goals.
- Include formal partnerships from other jurisdictions (Bainbridge taxing districts, Kitsap Transit, WSDOT, and WSF) to maximize opportunities for new solutions and support for those solutions.

- Communicate a compelling vision and a high-level plan based on these goals and partnerships, with appropriate visualizations, technology enhancements, illustrations, and narrative to tell a story that is accessible to all islanders.

III. Preliminary Scope of Work

This project is envisioned in two phases. The following Scope of Work tasks indicate the broad areas of consideration:

Phase 1

The first phase will consist of developing a community engagement plan and implementing the approved plan. Consultant will provide proposed goals, guidelines, and standards informed by the community engagement.

1.1) Community Engagement Plan/Public Outreach – The consultant team will meet with City representatives to review project goals and strategies, refine working objectives, collect existing data, and establish communication channels. Consultant will develop a community engagement plan that will, at a minimum, include (1) recommending stakeholders to be included in a work group, (2) the process and format for the outreach, and (3) the manner in which the work group will be included in all appropriate aspects of phase 1 and phase 2 of this planning process. The consultant will submit a Community Engagement and Outreach Plan for City approval, then implement the approved plan.

1.2) Develop Goals, Objectives, and Performance Measures – The consultant team will supply sample goals, objectives, and performance measures from other regions to help define measurable goals, objectives, and policies for the city. Consultant will develop performance measures to accurately track and assess the implementation of the Final Plan. Consultant will propose an outreach strategy and communication materials for the subsequent phases of work.

1.3) Education and Promotion – The consultant team will develop a multimedia presentation of the Goals, Objectives, and Performance Measures that provides the narrative, clarity, and specificity needed to communicate with and inspire residents. Consultant team may be asked to bring in additional subject experts (outside the consultant team) for presentations and/or workshops as negotiated in the final scope of work. Consultant will make recommendations for community education and outreach for Phase 2 tasks.

Phase 2

The second phase will consist generally of a gap analysis of existing non-motorized infrastructure and public transportation options, proposed projects and initiatives to further community goals, and recommendations on updates to current transportation plans.

2.1) Review of Existing Conditions and Related Studies – The consultant team will review existing conditions and current related studies to classify the adequacy of existing facilities, and identify and characterize gaps in the bicycle, pedestrian, and paved trail system. Consultant will collect historical data and prepare maps showing: 1) existing bicycle, pedestrian, and paved trail facilities; 2) programmed and planned bicycle, pedestrian, and paved trail facilities; 3) existing

transit routes, bus stops, transit centers, and park-and-ride lots; and 4) key intersection and roadway vehicle counts.

2.2) Develop Alternatives and Other Recommendations – The consultant team will develop bicycle and pedestrian facility decision tools to help the City prioritize appropriate types of facilities to apply to existing streets and neighborhoods. The tools will include a bicycle facility decision matrix and a roadway crossing decision matrix. Consultant will prepare a set of Design Guidelines for transit, bicycle, pedestrian, and paved trail facility design. Consultant will conduct a thorough review and assessment of the current public transportation system in the City and provide options for increasing ridership with last-mile solutions that could include new forms of active transportation. The consultant team will research and solicit a wide network of the most current and innovative expertise and ideas available on the study of sustainable transportation planning and incorporate those experts and ideas into the planning effort.

2.3) Proposed Priorities – The consultant team will recommend a list for a high-priority network of transit, bicycle, pedestrian, and trail facilities for the City in tables and GIS formats, incorporating the existing pedestrian and bicycle network and recommending new routes to address gaps, deficiencies, and needs. Consultant will develop a prioritized project slate and a candidate for a high-profile, "marquee" project. Consultant will provide best practices and examples of funding mechanisms for proposed priority projects.

2.4) Education and Promotion – The consultant team will develop a multimedia presentation of the Final Plan that provides the narrative, clarity, and specificity needed to communicate with and inspire residents. Consultant team may be asked to bring in additional subject experts (outside the consultant team) for presentations and/or workshops as negotiated in the final scope of work. Consultant will make recommendations for education, encouragement, and outreach to increase the use of existing and proposed infrastructure.

A more detailed final scope of work, project timeline, and budget will be developed with the selected consultant firm. All phases will include project management and project coordination tasks.

The City of Bainbridge Island reserves the right to retain the services of the successful firm(s) for any subsequent phases (i.e., further study, plan development, design and alternatives development, preliminary engineering, public outreach and engagement) associated with this project.

IV. Submittal Content

The submittal shall be twenty (20) pages maximum, 8½ x 11 inches, double-sided sheets, 12-point font minimum. All pages count towards the page total *except* the covers, introductory letter (two-page maximum), and organizational chart (if included). The proposal shall be structured per the headings as outlined below.

1. **Description of Firm(s)** – Briefly describe the firm's areas of expertise and other information that helps to characterize the firm(s). Provide the name, title, address, and telephone number of the primary contact for the lead firm.

2. **Project Manager's Experience** – Identify the project manager who will be responsible for this project. List the project manager's relevant experience and similar work, with emphasis on experience with developing active transportation plans with communities similar to Bainbridge Island.

3. **Personnel** – Describe the project team including name and office location of key personnel, including subs. Describe key personnel's proposed roles and responsibilities on this project, and relevant related experience, with emphasis on experience with the scope of work detailed above.

4. **Project Understanding/Approach** – Describe the tasks that must be accomplished to complete the project and a narrative description of how the firm proposes to execute the tasks. Describe resources the firm could provide to enable collection or verification of data in a timely fashion. Describe how the firm will engage the community, and provide examples of graphic products the team could produce. Describe particular challenges which you foresee this project presenting and your approach for addressing these challenges. Show example graphics from past projects that relate to this project.

V. Evaluation Criteria

Proposals will be ranked on qualifications and the City of Bainbridge Island may choose to interview the top ranked firms. However, at its discretion, the City of Bainbridge Island may dispense with interviews and select a firm to perform the work. Firms will be evaluated on the basis of the following factors:

1. Proposal format and organization (5%)
2. Consultant firm's experience (10%)
3. Project manager and team performance preparing innovative sustainable transportation plans in a comparable community. (40%)
4. Project understanding and approach (45%)

A selection committee appointed by the City of Bainbridge Island will assist with firm evaluations. The City of Bainbridge Island will seek to negotiate a contract, a detailed scope of work, fee, and schedule with the preferred firm. If unable to reach an agreement, the City of Bainbridge Island will terminate negotiations and commence negotiations with the second-ranked firm, and so forth.

The City of Bainbridge Island reserves the right to waive minor irregularities in a response, request additional information on any response beyond that required by this RFQ, or reject any and all responses and not award a contract as a result of this request for qualifications.

VI. Submittal Deadline

Five (5) copies of the proposal must be received no later than 3:30 p.m. local time on April 19, 2019 to the following address:

City of Bainbridge Island
Public Works Department
280 Madison Avenue North
Bainbridge Island, WA 98110

Attn: Mark Epstein, Engineering Project Manager

Submittals received after the deadline will not be accepted.

Please also provide a PDF digital copy of the submittal to mepstein@bainbridgewa.gov by the deadline.

Questions regarding the project may be directed to Mark Epstein - Engineering Project Manager, City of Bainbridge Island, (206) 780-3721, mepstein@bainbridgewa.gov.

VII. Additional Information

In submitting qualifications, the respondent agrees to comply with all applicable Federal, State, and City of Bainbridge Island laws, regulations, and procedures in the conduct of the work specified herein. The consultant selected will be required to meet City and State Professional Service Agreement and insurance requirements. The consultant selected to work on this project will be required to obtain a City of Bainbridge Island business license.

Americans with Disabilities Act (ADA) Information

The City of Bainbridge Island in accordance with Section 504 of the Rehabilitation Act (Section 504) and the Americans with Disabilities Act (ADA), commits to nondiscrimination on the basis of disability, in all of its programs and activities. This material can be made available in an alternate format by emailing Mark Epstein at mepstein@bainbridgewa.gov or by calling collect (206) 842-2016.

Title VI Statement

The City of Bainbridge Island in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, Part 21, nondiscrimination in federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, or sex in consideration for an award."

Dates of publication in The Bainbridge Review: March 29, 2019 and April 5, 2019

A 10-year Strategy to Update and Implement the Bainbridge Island Sustainable Transportation Plan

COBI 2016 Comprehensive Plan Update, Transportation Element, Transportation Vision 2036:
"Bainbridge Island has a safe, dependable, properly maintained, and fiscally responsible, multimodal transportation system. The system provides good facilities for non-motorized users and pedestrians and good access to transit, consistent with and supporting the other Elements of the Comprehensive Plan. The transportation system improves mobility and safety for all users while respecting the character of neighborhoods and maintaining a climate resilient environment. The system is regionally coordinated, adequately financed, and community supported."

PROPOSAL: Hire an expert in community consensus-building and active transportation who will work with stakeholders and the public to create measurable goals and a strategy for building out sustainable transportation infrastructure that is aligned with *Transportation Vision 2036*.

Recent reports on climate change indicate that we need to make massive behavioral changes to reduce our carbon footprint, and our reliance on automobiles for primary means of transportation is a sizable contributor. Sustainable transportation initiatives that aim to reduce single-driver trips and offer car-free options to Islanders should be at the core of our efforts

Decades of dedicated committee volunteers and City staff efforts have produced detailed plans for a long list of non-motorized transportation projects. Each project has been thoughtfully scored and documented. But this planning by itself has not compelled public and stakeholder support, and the recent failure of a ballot measure for funding is the latest proof.

Transportation is changing. Car-sharing, ride-share companies such as Uber and Lyft, e-bikes, and bike/scooter sharing are transforming communities. Imagine how weekend and late-night ferry commutes might change if the last-mile problem could be solved with community supported last-mile home, designed to fit the needs and transportation requirements of the user? Further, we must look to our Comprehensive Plan and utilize our Neighborhood Centers as hubs for these above activities, ensuring geographic equity in our approach and as broad access to these initiatives as possible.

Recent Bainbridge Island surveys show that up to 60% of respondents want and would use new infrastructure for "active transportation" if it felt safe, compared to roughly [5%?] who currently use active transportation. Bike and car sharing could make housing more affordable by reducing the need for parking requirements. And Bainbridge Island has a built-in incentive to save the cost of a car on the ferry; we can use ferry metrics to help measure success.

A successful outcome of this proposal will:

- Build **consensus and support from stakeholder groups to achieve the greatest sustainable transportation benefit for the most people**.
- Define **inspiring and measurable goals** against which all individual projects can be measured. Measurable goals for instance could to reduce the growth of vehicle use

- Provide **neutral expertise** (i.e. not from stakeholders) that can challenge our perceived constraints, suggest best practices, share success stories from other comparable small town/rural communities, apply creative problem solving, and get consensus on appropriate standards and guidelines for meeting our goals.
- Include **formal partnership from other jurisdictions (Bainbridge taxing districts, Kitsap Transit, WSDOT)** to maximize opportunities for new solutions and support for those solutions.
- Communicate a compelling vision and high-level plan based on these goals and partnerships, with appropriate **visualizations, technology enhancements, illustrations, and narrative** to tell a story that is accessible to all islanders.

To address these needs for updated infrastructure strategy and planning, the City will:

1. Request the formal involvement of the BI Parks District, the BI School District, and any other interested government entities such as Kitsap Transit and WSDOT in the development of a new strategy.

2. Issue a Request for Proposal for an expert individual or firm with rich experience in active transportation and community consensus-building to work with stakeholders and the public to establish measurable community goals, evaluate the entirety of the City's Island-Wide Transportation Plan against these goals, and create a strategy for building out the sustainable transportation infrastructure over the next 10 years.

THE PROCESS

The Facilitator will lead a process that includes the steps listed below.

A. Determine the stakeholders who will be involved and how they will be involved, including: City staff; the City Multi-Modal Transportation Advisory Committee; Climate Change Advisory Committee; the Race Equity Task Force; the City Council or a subset thereof; other jurisdictions such as the Parks District and the School District; and members of the public. The exact method of involving all of these stakeholders will be decided by the Council with the input of the Facilitator.
B. Identify the measurable community goals that will be used to guide the Plan and project selection (the "Community Goals"). Goals could be related to safety, integration with public transportation, or reducing the number of vehicle trips.
C. A thorough and holistic review of the Island's transportation infrastructure, which will include the following:
    - Review existing conditions/infrastructure to identify gaps between current state and the community goals
    - Review list of currently identified projects to assess/rank projects for their ability to achieve/support the community goals
    - Identify/propose new projects that have the ability to achieve/support the community goals
D. Review and assessment of the current non-motorized systems plan.
E. A thorough review and assessment of the current public transportation system on the Island and options for increasing ridership with last-mile solutions that could include new forms of active transportation.

F. Develop a set guidelines and standards that shall apply to all projects to be built, such as width and paving options for separated paths; width and separation of bike shoulders; requirements for native restoration of disturbed landscapes; etc.
G. Develop a multimedia presentation of the Plan that provides the narrative, clarity, and specificity needed to communicate with and inspire residents.
H. Make recommendations for education, promotion, and incentives to increase use of infrastructure.

City Council Study Session Agenda Bill

CITY OF BAINBRIDGE ISLAND

MEETING DATE: June 18, 2019 **ESTIMATED TIME:** 10 Minutes

AGENDA ITEM: (8:35 PM) Update on Moratorium - Planning,

STRATEGIC PRIORITY: Green, Well-Planned Community

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Report **PROPOSED BY:** Planning & Community Development

RECOMMENDED MOTION:

Moratorium work program and status update. Respond to City Council questions and discussion.

SUMMARY:

City staff have been working to address the issues identified in the development moratorium (Ordinance No. 2018-02, amended by Ordinances Nos. 2018-03, 2018-05, 2018-09, 2018-14, 2018-23, 2018-41, and 2019-10).

On March 26, 2019, after conducting another public hearing regarding the current moratorium on certain development, the City Council adopted Ordinance No. 2019-10 (effective date April 3, 2019) which will extend the moratorium for an additional six months, unless the Council decides to terminate the moratorium earlier based on new information or on completion of remaining tasks on the moratorium work plan. The development moratorium is scheduled to expire on October 3, 2019, unless the Council takes further action before such date.

See attached Work Program Status Report, Ordinance No. 2019-10, and summary.

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

20190604 Moratorium work program status report.docx

Ordinance No. 2019-10 Extending the Development Moratorium

Development Moratorium Summary Effective 20190403.docx

FISCAL DETAILS:

Fund Name(s):

Coding:

Moratorium on Accepting Certain Development Applications: Work Program Status Report – June 4, 2019

Note: Substantive changes to this document since the last version to the City Council are included in blue text.

Moratorium Topic	Status	Timeline
Critical Areas Ordinance (CAO)	The development moratorium was amended by the City Council on April 24, 2018 to continue to apply within the City's shoreline jurisdiction areas (Ordinance 2018-14). This effectively applied the aquifer recharge protection area (ARPA) requirement in the shoreline, although the change did not apply other provisions of the CAO update within the shoreline. At its October 16, 2018 study session, the Council made the policy decision to not include the ARPA requirement in the shoreline area. This policy decision means that "Part B" of the moratorium could be removed. On November 13, 2018, the Council adopted Ordinance 2018-43 (effective date November 21) removing "Part B" (i.e., the ARPA requirement) from the moratorium. The City has a Shoreline Master Program (SMP) Amendment in process to integrate the updated critical areas regulations into the SMP.	On September 11, 2018, the City Council held a public hearing on the SMP amendment. The Council held study sessions on October 2 and 16, 2018, and is continuing to consider the amendment at subsequent Council meetings (see below). The Public Comment Period expired on November 9, 2018. The joint state/local review process requires that the draft amendment and a summary of response to comments be transmitted to the Department of Ecology within 30 days after the end of the Public Comment Period. City staff has requested an extension for this transmittal until January 31, 2019. In the meantime, comments are still being accepted and considered by staff and the Council as part of the Council's ongoing consideration of the SMP amendment. On November 27, 2018, the Council discussed the SMP amendment relating to integration of critical area regulations and regarding nonconforming structures, uses, and lots. On December 11, 2018, the Council discussed this matter and instructed staff to prepare a resolution to transmit the SMP amendment to

Moratorium Topic	Status	Timeline
		the Department of Ecology for its SMA consistency review. On January 8, 2019, the Council passed Resolution No. 2019-05 approving the draft amendment and authorizing staff to transmit the proposed SMP amendment to the Department of Ecology for initial review. The draft SMP amendment was transmitted to Ecology in April 2019. Ecology then sends back the draft amendment with recommended changes and the Council locally adopts the amendment. It is then sent back to Ecology for final approval. The amendment process is expected to be completed in summer 2019.
Status on June 4, 2019:	Complete: CAO update effective outside shoreline jurisdiction. Incomplete: Applicability of CAO update within shoreline jurisdiction.	

Moratorium Topic	Status	Timeline
Subdivisions	The subdivision update includes three components: • Revisions to review process, decision criteria, and decision-making authority • Creation of new design guidelines • Revisions to subdivision standards The Planning Commission completed its review of all three components. The Council accepted the Planning Commission recommendations related to the role of the Planning Commission and Design Review Board in reviewing and making recommendations on preliminary decisions on subdivisions. However, the Council did not agree to the Planning Commission's recommendation that the Council be the decision-maker for preliminary decisions on subdivisions (i.e., preliminary plat approval). On September 25, 2018, the Council removed two-lot short subdivisions in which there is an existing single-family residence from the moratorium with the adoption of Ordinance 2018-41.	May 28: City Council discussion April 2 and 16: City Council discussion March 26: City Council discussion March 19: City Council first reading (staff transmittal of Planning Commission recommendation) On September 27, October 25, and November 8, 2018, the Planning Commission met to discuss subdivision standards and the review process. The Planning Commission continued its discussion in November and December 2018, and in January 2019. On October 23, 2018, the City Council held a public hearing related to Planning Commission/DRB review and recommended roles. The Council deferred taking action until receiving all of the forthcoming Planning Commission recommendations on subdivision design guidelines, standards, review process, and decision criteria.

	The second two components of the subdivision update – new design guidelines and revised standards – are being discussed by the City Council. It is anticipated the City Council will hold a public hearing related to the subdivision update in late May or early June.	On December 4, 2018, the Council discussed Ordinance 2018-20, related to revisions to land use review procedures for major projects, including subdivisions, and on December 11, 2018, held a public hearing and approved the ordinance. On January 8, 2019, the Council adopted Resolution No. 2019-02, updating the administrative manual to address development review process code amendments in Chapter 2.16, BIMC.
Status on June 4, 2019:	Complete: Ordinance 2018-20 approved by the City Council on December 11, 2018, related to revisions to land use review procedures for major projects, including subdivisions. Planning Commission review of revised subdivision standards. Incomplete: City Council review and approval of subdivision update – new design guidelines and revised standards.	

Moratorium Topic	Status	Timeline
Design Guidelines Update (related to Site Plan and Design Review and Conditional Use Permits).	A RFQ for professional services was published and closed on August 17, 2018. On October 23, 2018, the City Council authorized a professional services agreement with Framework to produce an updated set of design guidelines (Chapter 18.18 BIMC).	A City Council briefing was provided June 4. Draft design guidelines were presented at the second public meeting on May 22. The DRB will discussed draft design guidelines on May 6. The consultant met with the Design Review Board (DRB) on March 18 to discuss the existing conditions report and draft design guidelines. The existing conditions report should be available to the public by mid-April. On November 13, 2018, a kick-off meeting with the consultant was held with the DRB. On December 19, 2018, focus groups met to discuss design guideline perceptions, issues, problems, and ideas. On January 30, 2019, a Design Guideline Update Open House was held. On February 5, 2019, the Design Guideline Update project consultant briefed the Council.

		The update to the City's Design Guidelines is expected to be completed before mid-year 2019.
Status on June 4, 2019:	Complete: Consultant professional services agreement approved, kick-off meeting held with the DRB, design guideline open house held, City Council briefed. Incomplete: Updated design guidelines.	

Moratorium Topic	Status	Timeline
Review Process for Land Use Permits (related to Subdivisions, Site Plan and Design Review, and Conditional Use Permits).	The Planning Commission and Design Review Board discussed this topic at their meetings beginning in May and continuing through December 2018. The Planning Commission provided recommendations to the City Council related to roles and responsibilities for the Planning Commission, Design Review Board, and the Council and the legislative review process for amending the BIMC. The Planning Commission will continue its review of site plan and design review and conditional use permit decision criteria as part of a larger housekeeping ordinance for all of BIMC 2.16 and hold a public hearing in May.	On October 23, 2018, the City Council held a public hearing related to the Planning Commission and Design Review Board's land use review roles and responsibilities (Ordinance 2018-20). The Council deferred taking action until receiving all of the forthcoming Planning Commission recommendations on land use review procedures. At its December 4, 2018 meeting, the Council discussed Ordinance No. 2018-20, regarding revisions to BIMC Title 2 related to land use review approval bodies and procedures. On December 11, 2018, the Council held a public hearing and approved the ordinance. On January 8, 2019, the Council adopted Resolution No. 2019-02, updating the administrative manual to address development review process code amendments in Chapter 2.16, BIMC. On March 14, 2019, the Planning Commission reviewed site plan and design review and conditional use permit decision criteria.

		Proposed revisions to decision criteria have been incorporated into a larger housekeeping ordinance for all of BIMC 2.16, which the Planning Commission will discuss and hold a public hearing on in July.
Status on May 28, 2019:	Complete: Ordinance 2018-20 approved by the City Council on December 11, 2018, related to new roles and responsibilities for the Planning Commission and Design Review Board, review procedures for subdivisions, site plan and design review, and conditional use permits, and revisions to the legislative review process for amending the BIMC. Incomplete: Revisions to Chapter 2.16 BIMC related to decision criteria for site plan and design review and conditional use permits. The Planning Commission is currently reviewing a Land Use Code "Housekeeping" ordinance that includes review of these chapters. Staff estimates that the "Housekeeping" ordinance may come before the City Council in August.	

Moratorium Topic	Status	Timeline
Affordable Housing	The Affordable Housing Task Force completed review of its draft final report to the City Council at its meeting on July 11, 2018. On June 12, 2018, the Council approved a contract with ECONorthwest to conduct an economic market analysis and feasibility study regarding a new inclusionary zoning program and updates to the City's Transfer of Development Rights program. On November 13, 2018, the Council dissolved the Affordable Housing Task Force and created a Council Ad Hoc Committee for Affordable Housing. On January 22, 2019, the City Council Affordable Housing Ad Hoc Committee met. On February 5, 2019, the Committee reviewed a draft of the ECONorthwest final report.	The Affordable Housing Task Force Report with recommendations was presented to the City Council on July 24, 2018 and was discussed further at the August 21, 2018 Council Study Session. Council study sessions were held on October 2 and December 4, 2018, to receive an update on the economic market analysis from ECONorthwest. On February 19, 2019, the City Council reviewed and provided staff direction on the ECONorthwest / Forterra final report, the Affordable Housing Task Force report recommendations, and discussed the status of the City Council Affordable Housing Ad Hoc Committee. On April 23 and May 14, the City Council discussed the affordable housing work plan, and endorsed the City Manager's ideas for staffing and implementation.
Status on June 4, 2019:	Complete: City Council discussion and endorsement of *Priority* and *Quick Wins* recommendations from the AHTF Report and City Manager's approach for implementation. Incomplete: Implementation/approval of AHTF recommendations, including adoption of inclusionary zoning regulations. The City is working to secure additional consultant services to assist with this task.	

Moratorium Topic	Status	Timeline
Business/Industrial (B/I) zoning district	The Council revisited the inclusion of the B/I zoning district in the moratorium and determined that the results of the moratorium work plan would not have a significant impact on land use applications in that zoning district. On October 23, 2018, the Council made the policy decision to remove from the moratorium certain restrictions related to the B/I zoning district. On November 13, 2018, the Council adopted Ordinance 2018-43 (effective date November 21) exempting from the moratorium B/I zoning district Major Site Plan and Design Review and Major Conditional Use permit proposals.	During their November 13, 2018 discussion of Ordinance 2018-43, and their March 26, 2019 discussion of Ordinance 2019-10, the Council discussed whether commercial subdivisions in the B/I zone should be subject to the moratorium. The Council will discuss at a future meeting whether B/I zoning district commercial subdivisions should also be exempt from the moratorium.* * The City has not held any preapplication conferences for commercial subdivisions in the B/I zone that would indicate a commercial subdivision application is being prepared. Currently, the draft proposed revisions to subdivision standards regarding commercial subdivisions remain the same as the existing municipal code (the noted revisions represent updated code citations).
Status on June 4, 2019:	Complete: Ordinance 2018-43 adopted, which exempted B/I zoning district Major Site Plan and Design Review and Major Conditional Use permit proposals from the moratorium. Incomplete: Policy decision regarding whether B/I zoning district subdivisions should be exempt from moratorium.	

Moratorium Topic	Status	Timeline
Accessory Dwelling Units	On October 23, 2018, the City Council considered whether the City can prohibit, regulate, or otherwise discourage property owners from making condominiums out of accessory dwelling units (ADUs) located on their property.	On October 23, 2018, the Council directed staff to prepare for the Council's consideration an ordinance to require common ownership of ADUs. This issue has been deferred to a future City Council meeting while waiting for the 2019 WA State Legislature to act on proposed ADU bills.
Status on May 28, 2019:	Complete: Began discussions on ADU condominiums. Incomplete: Policy decision planned for June 18 City Council.	

ORDINANCE NO. 2019-10

AN ORDINANCE of the City of Bainbridge Island, Washington, adopted pursuant to RCW 35A.63.220 and RCW 36.70A.390; amending Ordinance No. 2018-43; providing for severability; leaving the effective date of the moratorium unchanged; and extending the moratorium for six months until October 3, 2019.

WHEREAS, on January 9, 2018, the City Council enacted Ordinance No. 2018-02 and thereby established a temporary emergency moratorium on the acceptance and processing of certain Permit Applications, as defined in Section 2 of Ordinance No. 2018-02; and

WHEREAS, the City Council and City staff received feedback and comment from individuals related to the moratorium and, based partly on that feedback and comment, the Council determined that certain exclusions to the moratorium needed to be amended to clarify the Council's intent regarding such exclusions; and

WHEREAS, on January 16, 2018, the Council enacted Ordinance No. 2018-03, which amended Ordinance No. 2018-02 to clarify some of the exclusions; and

WHEREAS, the Council and City staff received additional feedback and comment from individuals related to the moratorium and, based partly on that feedback, the Council determined that further amendment was necessary to clarify which types of activities are subject to the moratorium, and which activities are excluded from the moratorium; and

WHEREAS, on February 15, 2018, the Council enacted Ordinance No. 2018-05, which amended and restated Ordinance No. 2018-02 and Ordinance No. 2018-03; and

WHEREAS, based on additional information and consideration related to educational facilities and preschools, as well as related to the applicability of the moratorium in the Mixed Use Town Center/Central Core Overlay District, on March 13, 2018, the Council approved Ordinance No. 2018-09 to further clarify which types of activities are subject to the moratorium, and which activities are excluded from the moratorium; and

WHEREAS, this moratorium was imposed, in part, to allow the City Council and City staff adequate time to complete the Critical Areas Ordinance Update process, and to address the Council's concerns about the City's development review process, standards, and guidelines, as well as regarding affordable housing related issues; and

WHEREAS, the Council adopted the Critical Areas Ordinance Update (Ordinance No. 2018-01) on February 27, 2018, and the updated Critical Areas Ordinance took effect on April 23, 2018; and

WHEREAS, critical areas within the City's shoreline jurisdiction are regulated by the City's shoreline master program (see, e.g., Chapter 16.12 BIMC, RCW 36.70A.480(3)(b)); and

WHEREAS, integration of applicable critical areas regulations into the shoreline master program is essential to ensuring adequate protection of critical areas within the shoreline jurisdiction and no net loss of shoreline ecological functions; and

WHEREAS, regulations for critical areas within the City's shoreline jurisdiction are in the process of being updated through an amendment of the City's shoreline master program consistent with the Shoreline Management Act and that amendment process was ongoing as of July 9, 2018, which was the original date that the moratorium was set to expire, and that process continues to be ongoing; and

WHEREAS, the City Council approved Ordinance 2018-14 on April 24, 2018, amending the development moratorium in order to have the provisions of Section 3.B. only apply within the City's shoreline jurisdiction areas (Chapter 16.12 BIMC); and

WHEREAS, a number of moratorium priorities were identified at a joint meeting of the City's Design Review Board and Planning Commission on February 22, 2018, including the following:

(1) Revise review procedures for preliminary subdivisions to include the Design Review Board and Planning Commission in process; and

(2) Analyze alternatives to decision-making authority for the Design Review Board, Planning Commission, and Hearing Examiner for subdivisions, conditional use permits, and site plan and design review; and

(3) Identify specific development standards to review/revise in Chapters 18.12 and 18.15 of the Bainbridge Island Municipal Code; and

(4) Initiate rewrite of subdivision design standards in Chapter 17.12 of the Bainbridge Island Municipal Code; and

WHEREAS, at the April 3, 2018, City Council study session, the City's Department of Planning and Community Development provided a briefing on the Design Review Board and Planning Commission joint meeting wherein the Council authorized staff to proceed with a work plan addressing the priorities identified at the joint meeting; and

WHEREAS, on April 2 and 23, May 7 and 21, June 4 and 18, August 6 and 20, September 4 and 17, and October 15, 2018, the City's Design Review Board discussed alternatives for revisions to the City's land use review procedures and/or subdivision design guidelines; and

WHEREAS, on March 22, May 10, June 7, 14, and 21, July 12 and 26, August 9, 23, and 30, September 13 and 27, October 25, November 8 and 29, and December 13, 2018, as well as on January 10, and February 13 and 28, 2019, the City's Planning Commission discussed alternatives for revisions to the City's land use review procedures, subdivision design guidelines, and/or subdivision standards; and

WHEREAS, the City provided legal background on the roles of land use bodies, presented in a memorandum from attorney James E. Haney (outside legal counsel for the City) entitled, "*Roles of City Council, Planning Commission, Design Review Board, and Hearing Examiner in Land Use Permits,*" dated June 1, 2018, and the City Council had a special workshop related to land use review procedures on August 27, 2018; and

WHEREAS, the City's Planning Commission completed their review of land use review procedures and forwarded their recommendations on those issues to the City Council, and on December 11, 2018, the Council enacted Ordinance No. 2018-20 related to revisions and updates to the City's land use review procedures; and

WHEREAS, as part of the Planning Commission's review and consideration of the City's subdivision review procedures, design guidelines, and standards, the Commission has been considering a proposed ordinance, Ordinance No. 2019-03; and

WHEREAS, on February 13, 2019, and continuing to February 28, 2019, the Planning Commission conducted a public hearing on Ordinance No. 2019-03, and subsequently forwarded the proposed ordinance and their recommendations to the City Council; and

WHEREAS, each of the multiple Design Review Board and Planning Commission meetings as described above included an opportunity for public comment on the alternatives for revisions to the City's subdivision guidelines, standards, dimensional standards, and/or land use review procedures; and

WHEREAS, the City Council reviewed and considered proposed updates to the City's subdivision regulations at regularly scheduled meetings on September 4 and 11, October 9, and December 4, 2018, and January 22, 2019; and

WHEREAS, the City Council is in the process of considering the Planning Commission's recommendations related to proposed updates to the City's subdivision regulations as included in Ordinance No. 2019-03, including at the Council's meeting on March 19, 2019, and the Council will consider those subdivision regulations further at subsequent meetings; and

WHEREAS, City staff is working with the Design Review Board and a consultant team related to updating the City's Design Guidelines (BIMC 18.18.030) more generally (i.e., the design guidelines that aren't included in the separate effort described above related to design guidelines for subdivisions), and that work is not expected to be completed until the end of July 2019; and

WHEREAS, on June 12, 2018, the City Council authorized the execution of a professional services agreement to conduct an economic market analysis and feasibility study regarding a new inclusionary zoning program and updates to the City's Transfer of Development Rights program, both of which address affordable housing related issues; and

WHEREAS, on July 24, 2018, the Affordable Housing Task Force ("AHTF") presented its final report to the City Council and the Council discussed the recommendations more thoroughly on August 21, 2018; and

WHEREAS, on October 2 and December 4, 2018, the City Council received a project update on the economic market analysis from the consultant (ECONorthwest/Forterra) related to inclusionary zoning and possible updates to the City's Transfer of Development program; and

WHEREAS, on February 19, 2019, the City Council reviewed and provided direction to staff related to the ECONorthwest/Forterra final report and the AHTF report recommendations, and the Council discussed the status of the Council's Affordable Housing Ad Hoc Committee; and

WHEREAS, City staff members are currently working on prioritizing and organizing work on the inclusionary zoning and other AHTF report recommendations which were endorsed by the Council at its February 19, 2019, meeting and work is ongoing in this effort; and

WHEREAS, on February 27, 2018, the City Council was provided with a moratorium work program; and

WHEREAS, on April 10, May 22, June 5, June 19, July 17, August 21, September 4 and 18, October 2 and 16, November 6 and 20, and December 4, 2018, as well as on January 15, February 5 and 19, and March 5 and 19, 2019, the City Council was provided further moratorium work program status report updates; and

WHEREAS, on June 26, 2018, the City Council held a public hearing and approved Ordinance 2018-23, extending the development moratorium for another 90 days until October 9, 2018; and

WHEREAS, on September 25, 2018, the City Council held a public hearing and approved Ordinance 2018-41, and thereby extended the development moratorium for another six (6) months, and in so doing narrowed the moratorium to remove two-lot short subdivisions in which there is an existing single-family residence from the moratorium; and

WHEREAS, on October 16, 2018, the City Council discussed integrating critical area regulations into the Shoreline Master Program (Chapter 16.12 BIMC) and made the policy decision to not apply new Aquifer Recharge Protection Area regulations (BIMC 16.20.100) within the City's shoreline jurisdiction areas; and

WHEREAS, as a result of that policy decision, and the City Council's affirmation on October 23, 2018, that the moratorium should be narrowed in that manner, the Council directed staff to prepare an ordinance to entirely remove Section 3.B. (which, in effect, applied the Aquifer Recharge Protection Area regulations in the City's shoreline jurisdiction areas) from the moratorium; and

WHEREAS, on October 23, 2018, the City Council discussed additional revisions to the development moratorium, including related to excluding from the moratorium certain permit applications for development in the Business/Industrial zoning district, and the Council directed staff to prepare an ordinance to narrow the moratorium accordingly; and

WHEREAS, on October 23, 2018, the City Council also discussed potentially further narrowing provisions of the moratorium related to applications for new short subdivisions that the Council had previously narrowed, and the Council decided to not take such action at that time pending the Planning Commission's ongoing but not yet completed work related to subdivisions, including new subdivision design guidelines and revised subdivision standards and review procedures; and

WHEREAS, on October 23, 2018, the City Council also discussed issues related to making condominiums out of accessory dwelling units ("ADUs") and common ownership of ADUs, and the Council directed staff to work on possible revisions to the BIMC to allow the Council to further consider the common ownership issue related to ADUs; and

WHEREAS, given that the Washington State Legislature is considering in the current legislative session bills that would impact the regulation of ADUs, the City is awaiting possible action by the Legislature because such action could impact the City's efforts on this issue; and

WHEREAS, on November 13, 2018, the City Council approved Ordinance 2018-43, and thereby narrowed the moratorium as requested by the Council and described above related to entirely removing Section 3.B. (which, in effect, applied the Aquifer Recharge Protection Area regulations in the City's shoreline jurisdiction areas) from the moratorium, and broadening an exclusion related to certain Major Site Plan and Design Review and Major Conditional Use Permit proposals to include in that exclusion such proposals for properties located in the Business/Industrial District; and

WHEREAS, although the City has been working to address the land use issues identified in the development moratorium, as described above, the work is ongoing and not yet completed; and

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

WHEREAS, the moratorium promotes the public good and is necessary for the protection of public health, property, safety, and welfare, and the public emergency on which this moratorium was imposed continues to exist and this ordinance does not change the basis for that declaration of emergency, except as described above, nor the effective date of the moratorium, which is January 9, 2018.

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

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as additional and supplemental findings of fact to the City Council's initial findings of fact in support of the moratorium, as established by Ordinance Nos. 2018-02, 2018-03, 2018-05, 2018-09, 2018-14, 2018-23, 2018-41, and 2018-43.

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 moratorium at its meeting on March 26, 2019, and took public testimony and considered further findings of fact.

Section 3. Moratorium Amended. The moratorium is hereby amended, as also stated in Section 6 below, to extend the moratorium until October 3, 2019, which is six (6) months beyond the current duration of the moratorium, based on an effective date of this ordinance of April 3, 2019.

Section 4. Moratorium Work Plan. As provided for under RCW 35A.63.220 and RCW 36.70A.390, the City may renew a moratorium for one or more six-month periods if a work plan has been developed, a public hearing has been held, and findings of fact have been made, and the City has thereby previously extended the moratorium as described herein based on the work plan that has been developed and the findings of fact that have been made in this ordinance and the previous ordinances related to this moratorium, and the City is hereby renewing and extending the moratorium for an additional six months based on an updated work plan (see attached Exhibit A), conducting another public hearing, and adopting additional findings of fact as stated in this ordinance.

Section 5. 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 6. No Change to Basis for Declaration of Emergency; Effective Date; Duration. This ordinance shall take effect and be in 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 declarations stated in the moratorium ordinances which preceded this ordinance, Ordinance Nos. 2018-02, 2018-03, 2018-05, 2018-09, 2018-14, 2018-23, 2018-41, and 2018-43, except as described in the "Whereas" clauses of this ordinance. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641 (1995), non-exhaustive underlying facts necessary to support the emergency declarations adopted as part of the enactment of this moratorium were included in the "Whereas" clauses of Ordinance No. 2018-02 and Ordinance No. 2018-03, and were restated and supplemented in Ordinance No. 2018-05 and Ordinance No. 2018-09, and Ordinance Nos. 2018-14, 2018-23, 2018-41, and 2019-43, as well as in this ordinance, and those "Whereas" clauses are adopted as findings of fact. This ordinance amending the moratorium shall remain effective for the updated period as established for the moratorium, which is currently scheduled to expire based on this ordinance on October 3, 2019, unless terminated earlier by the City Council. This ordinance does not change the effective date of the moratorium, which is January 9, 2018. The Council may, at its sole discretion, renew the

moratorium 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 26th day of March, 2019.

APPROVED by the Mayor this 26th day of March, 2019.

Kol Medina, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK	March 15, 2019
PASSED BY THE CITY COUNCIL	March 26, 2019
PUBLISHED:	March 29, 2019
EFFECTIVE DATE:	April 3, 2019
ORDINANCE NO:	2019-10

Attached: Exhibit A (Work Plan)

Exhibit A

Moratorium on Certain Developments Work Plan Schedule, Ordinance No. 2019-10 (April – October 2019)

Work Program Item	Description
Subdivision Standards	Revise the subdivision standards to result in residential development that reflects Comprehensive Plan goals and policies included in the land use, housing, and environmental elements.
Design Guidelines	Update and improve the design guidelines and review process to result in higher quality development that reflects the Island's values and character.
Conditional Use / Site Plan Decision Criteria	Revise criteria to reduce subjectivity in decision-making and better ensure outcomes consistent with the Comprehensive Plan.
Affordable Housing	Develop an affordable housing work program in response to Inclusionary Zoning / Transfer of Development Rights and Affordable Housing Task Force reports.

CITY OF BAINBRIDGE ISLAND

April 3, 2019

DEVELOPMENT MORATORIUM SUMMARY: Effective beginning January 9, 2018 until October 3, 2019. (Ordinance No. 2018-02, amended by Ordinance Nos. 2018-03, 2018-05, 2018-09, 2018-14, 2018-23, 2018-41, 2018-43 and 2019-10).

Development Activity PROHIBITED During the Moratorium:

A. All applications for new short subdivisions (BIMC 2.16.070), except two-lot short subdivisions in which there is an existing single-family residence, new preliminary long subdivisions (BIMC 2.16.125), and new large lot subdivisions (BIMC 2.16.080).

B. Major Site Plan and Design Review and Major Conditional Use Permit proposals that are not otherwise subject to this moratorium and that did not, before the effective date of the moratorium, have a pre-application conference on the Planning Department's calendar. Provided, that the moratorium does not apply to Major Site Plan and Design Review and Major Conditional Use Permit proposals for properties located in the Mixed Use Town Center/Central Core Overlay District or the Business/Industrial District.

EXCEPTIONS to the Above Development Activities Prohibited During the Moratorium:

A. Permits and approvals for affordable housing projects that qualify as Housing Design Demonstration Project (HDDP) Tier 3 projects pursuant to BIMC 2.16.020.Q. and Table 2.16.020.Q-1, and

B. Permits and approvals for government facilities and structures; educational facilities and preschools; wireless communication facilities; and emergency medical and disaster relief facilities.

City Council Study Session Agenda Bill

CITY OF BAINBRIDGE ISLAND

MEETING DATE: June 18, 2019 **ESTIMATED TIME:** 30 Minutes

AGENDA ITEM: (8:45 PM) Ordinance No. 2019-09 Relating to Accessory Dwelling Units (ADUs) - Planning,

STRATEGIC PRIORITY: Green, Well-Planned Community

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Ordinance **PROPOSED BY:** Planning & Community Development

RECOMMENDED MOTION:

Discuss draft ordinance related to common ownership regulation and other ADU related topics. Confirm that a legislative review process be initiated with the Planning Commission.

SUMMARY:

On October 23, 2018, the City Council was briefed by the City Attorney's office about the City's accessory dwelling unit (ADU) regulations and state condominium law. The City currently allows ADUs as an accessory use to single-family residences (BIMC Table 18.09.020) and applies additional regulations to ADUs in BIMC 18.09.030.I.5 (See Deputy City Attorney Memo Attachment A). The Council had requested the briefing to hear from the City Attorney's office about whether the City can prohibit, regulate, or otherwise discourage property owners from making condominiums out of accessory dwelling units (ADUs) located on their property. The Council voted to direct staff to bring back an ordinance to require common ownership of ADUs. See Attached DRAFT Ordinance 2019-09. If the Council decides to continue to pursue this ordinance, it would need to be reviewed by the Planning Commission through the legislative process prior to Council adoption.

It is recommended that the Council discuss two additional topics related to the ADU development regulations: (a) tiny homes with wheels, (b) and relaxing standards such as lot coverage and parking. Either issue would also be regulated by the ADU Use Specific Standards, BIMC 18.09.030.I.5.

(a) At its March 5, 2019, meeting, the Council discussed tiny homes, and indicated that they wanted to consider whether to allow tiny homes with wheels to be approved as permanent residences. (See attached staff memo for policy questions on this topic, and information from the Washington State Department of Labor and Industries.)

(b) The Council has discussed the Affordable Housing Task Force final report and recommendations on several occasions, and endorsed a City work plan to address the "Priority" and "Quick Win" recommendations. Priority Recommendation #3 is: Adopt procedures to encourage ADUs. See attached staff memo for additional information.

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

BACKGROUND: See attached staff memorandum.

ATTACHMENTS:

CC Staff Memo-Affordable Housing Topics

Ordinance 2019-09

City Attorney ADU Memo

Attachment A BIMC 18.09.030.I.5 ADU Use Specific Standards

Attachment B Sample Owner Occupancy Notice to Title

Tiny Homes Handout from WA Building Officials

MRSC handout on Tiny Home Legislation

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF BAINBRIDGE ISLAND

Department of Planning and Community Development

Memorandum

Date:	June 14, 2019
To:	City Manager City Council
From:	Jennifer Sutton, AICP Senior Planner
Subject:	Accessory Dwelling Units, Proposed Ordinance 2018-09

I. BACKGROUND

There are three Accessory Dwelling Unit ("ADU") development code topics that City staff recommends for City Council discussion and consideration at the June 18, 2019 meeting:

- Adding a common ownership requirement (see proposed DRAFT Ordinance 2019-09);
- Allowing Tiny Homes with wheels or Recreational Vehicles (RVs) as permanent residences; and
- Relaxing ADU development standards such as lot coverage to promote new ADU construction.

II. Common Ownership Requirement for ADU & Primary Residence

On October 23, 2018, the City Council was briefed by the City Attorney's office about the City's ADU regulations and state condominium law. The City currently allows ADUs as an accessory use to single-family residences (BIMC Table 18.09.020) and applies additional regulations to ADUs in BIMC 18.09.030.I.5 (See Deputy City Attorney Memo Attachment A). The Council had requested the briefing from the City Attorney's office on the following question:

> Can the City of Bainbridge Island prohibit, regulate, or otherwise discourage property owners from making condominiums out of accessory dwelling units (ADUs) located on their property?
>
> *Brief Answer:* A local regulation directly prohibiting the creation of condominiums would likely be preempted by state law and impermissible. However, there are other avenues through which the City can address or mitigate unwanted effects of property owners making condominiums out of ADUs.

The City Council discussed these issues at their meeting on October 23, 2018. At the end of the discussion, the Council voted to direct staff to bring back an ordinance to require common ownership of ADUs. See page 2 of DRAFT Ordinance 2019-09 that proposes to add new provisions to BIMC 18.09.030.I.5.e . If the Council decides to continue to pursue this ordinance, it would need to be reviewed by the Planning Commission through the legislative process prior to Council adoption.

Council Decision Point: Consider directing staff to begin the legislative process to add common ownership requirement for ADUs (DRAFT Ordinance 2019-09).

III. Tiny Homes with Wheels and Recreational Vehicles

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

In considering this issue, city staff recommends that the Council answer the policy questions below, which will provide guidance about what changes, if any, should be included in an ordinance to update the City's ADU code.

- Should tiny homes on foundations and/or tiny homes with wheels be allowed as permanent residences?
- Should RVs be allowed as permanent residences?

RVs are designed and built for staying in for short periods of time, and do not meet the International Residential Code (Building Code) for permanent habitation related to energy, health and fire safety. The city's zoning code defines *Recreational Vehicle* as:

> BIMC 18.36.030.219. "Recreational vehicle" means a vehicle, such as a motor home, travel trailer, truck/camper combination or camper trailer that is designed for human habitation for recreational or emergency purposes and that may be moved on public highways without any special permit for long, wide or heavy loads.

The city's practice is to treat licensed and road-ready RVs as vehicles. The city does allow RVs to be lived in temporarily while someone is building a home on a property (See BIMC Section 18.09.030.J.1). Staff is not aware of any other jurisdictions in Washington that allow RVs to be permanent residences outside of RV/mobile/manufactured home parks or campgrounds.

If the answer to either policy question above is yes, then:

- Should tiny homes with wheels and/or RVs be allowed as an ADU?
- Could a property with a single-family residence be allowed to have one traditionally sized ADU (≤ 900 square feet) AND a tiny home (with or without wheels) or RV?
- Could a property with a single-family residence have two or more tiny homes (with or without wheels) or RVs?
- Should the City allow undeveloped properties to be developed as tiny home communities and allow increased density to achieve such projects? NOTE, this idea is separate than a temporary homeless encampment (see BIMC Section 18.09.030.J.8).

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

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

- Provides that tiny homes on wheels are allowed as primary residences in manufactured or mobile home communities;
- Added new Chapter 35.21 RCW to describe how a City or town may adopt an ordinance to regulate the creation of tiny house communities;
- In 2018, the International Code Council issued tiny house building standards in Appendix Q of the International Residential Code (IRC). ESSB 5383 directs the State Building Council to adopt standards specific to tiny homes by December 31, 2019. The legislature expects the newly-issued IRC guidance to become the basis for these standards. Local governments, in turn, can amend their building codes to include these new provisions.

Although the City will need to update our Building Code once the state takes action, the City only has one mobile home park, so ESSB 5383 does not have much impact on promoting or discouraging the use of tiny homes or RVs as permanent residences Citywide. See attached summary from MRSC.

Council Decision Point: Provide answers to the bulleted questions above. Development code changes related to tiny homes with wheels/RVs as ADUs could be integrated into DRAFT Ordinance 2019-09.

IV. Relaxing ADU Development Standards

The City Council has discussed the Affordable Housing Task Force final report and recommendations on several occasions, and endorsed a City work plan to address the "Priority" and "Quick Win" recommendations. Priority Recommendation #3 is *Adopt procedures to encourage ADUs*. There has been a total of 211 ADU building permits issued since 1991, as far back as City electronic permit records go. The City will work toward accomplishing Priority Recommendation #3 goal in several different ways, including considering expedited permitting and fee reductions/waivers. Relevant code sections are highlighted on page 2 of DRAFT Ordinance 2019-09.

Staff recommends that the City Council modify ADU development regulations so that new ADU building footprints would not count toward overall lot coverage limits for the property (BIMC Section 18.09.030.I.5.m). This change could allow for construction of ADUs on smaller properties and would not modify any other development standards such as setbacks, building height, aquifer recharge protection area or stormwater management requirements for new hard surfaces.

Parking requirements are often listed as an impediment to the creation of new affordable housing. Reducing the requirement to have one off-street space could reduce that impediment for some property owners. The City may consider changes to parking requirements in the future.

Council Decision Point: Should the City consider relaxing lot coverage requirements for ADUs? This change could be integrated into DRAFT Ordinance 2019-09.

V. Next Steps

Provide staff direction on what ADU development code changes should be considered further. These potential code changes are described above. Any ordinance updating ADU Use Specific Standards, BIMC Section 18.09.030.I.5 will begin legislative review with the Planning Commission.

ORDINANCE NO. 2019-09

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to accessory dwelling units and amending Section 18.09.030.I.5 of the Bainbridge Island Municipal Code to add a common ownership requirement for properties with accessory dwelling units.

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

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

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

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

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

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

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

18.09.030.I.5. Accessory Dwelling Unit.

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

b. In the shoreline jurisdiction, an accessory dwelling unit may be created within, or detached from, any single-family dwelling, whether existing or

new, as a subordinate use, where conditional ("C") pursuant to this chapter. See Chapter 16.12 BIMC for shoreline conditional use process.

c. Only one accessory dwelling unit may be created per parcel.

d. No variances shall be granted for an accessory dwelling unit.

e. Sale or ownership of an accessory dwelling unit separate from the primary single-family dwelling is prohibited.

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

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

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

~~h~~i. An accessory dwelling unit not attached to the single-family dwelling may not contain any accessory use other than a garage.

~~i~~j. No recreational vehicle shall be an accessory dwelling unit.

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

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

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

~~m~~n. All other applicable standards including, but not limited to, lot coverage, setbacks, parking requirements, and health district or city requirements for water, sewer, and/or septic must be met.

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

Section 2. 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 _____, 2019.

APPROVED BY THE MAYOR this _____ day of _____, 2019.

_____
Kol Medina, Mayor

ATTEST/AUTHENTICATE:

_____
Christine Brown, City Clerk

FILED WITH THE CITY CLERK: June 12, 2019
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NUMBER: 2019-09

CITY OF
BAINBRIDGE ISLAND

Office of the City Attorney
Memorandum

Date: 10/19/2018

To: City Council

From: Robbie Sepler, Deputy City Attorney

Re: Making Condominiums Out of Accessory Dwelling Units (ADUs)

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1. Question Presented:

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

2. Brief Answer:

A local regulation directly prohibiting the creation of condominiums would likely be preempted by state law and impermissible. However, there are other avenues through which the City can address or mitigate unwanted effects of property owners making condominiums out of ADUs.

3. Background

A. State Law Requires the City to Adopt ADU Regulations

As a code city with a population of more than 20,000, the City is required to have ADU regulations pursuant to RCW 36.70A.400 and RCW 43.63A.215. Specifically, the City is required to incorporate the model ordinance recommendations previously prepared by the Department of Commerce. While the recommendations must be adopted, RCW 43.63A.215(3) gives the City considerable flexibility to adapt the recommendations to local needs and preferences.

B. The City's Current ADU Requirements

BIMC 18.36.030.10 defines "accessory dwelling unit" to mean:

> separate living quarters containing kitchen facilities, where the living quarters are contained within or detached from a single-family dwelling on a single lot.

The City's ADU regulations are contained in BIMC 18.09.030.I.5. Currently, ADUs may be created within, or detached from, any single-family dwelling, whether existing or new, as a subordinate use wherever single-family dwellings are a permitted use. However, in the shoreline jurisdiction, ADUs are a conditional use. Only one ADU may be created per parcel. The full text of BIMC 18.09.030.I.5 is included as **Attachment A** to this memo.

Nothing in BIMC 18.09.030.I.5 currently prevents a property owner from creating condominiums out of a primary dwelling and an ADU located on the same lot.

4. Analysis

This section analyzes several approaches that the City could take to address or mitigate unwanted effects of property owners making condominiums out of ADUs.

A. Can the City prohibit a property owner from creating condominiums in which the primary dwelling on the lot is one unit and the ADU on the lot is the second unit?

No. The key to this question is RCW 64.34.050(1), which states in relevant part:

> A zoning, subdivision, building code, or other real property law, ordinance, or regulation may not prohibit the condominium form of ownership or impose any requirement upon a condominium which it would not impose upon a physically identical development under a different form of ownership. . . .

If a local regulation prohibited a property owner from making condominiums out of a primary dwelling and its associated ADU, then that local regulation would prohibit the "condominium form of ownership" of the primary dwelling and ADU and would therefore be preempted by RCW 64.34.050(1).

B. Can the City require common ownership of a primary dwelling and ADU located on the same lot?

Most likely. Again, the key to this question is RCW 64.34.050(1), which preempts local regulations that either:

1. Prohibit the condominium form of ownership; or
2. Impose any requirement upon a condominium which it would not impose upon a physically identical development under a different form of ownership.

A common ownership requirement would not prohibit the condominium form of ownership. While the term "condominium form of ownership" is undefined, the plain language of the statute is not ambiguous: it clearly refers to owning property as a condominium. A local regulation requiring common ownership does not prohibit a property owner from owning the primary dwelling and ADU as separate units of a condominium because nothing in state law requires separate ownership of all of the units of a condominium. In other words, the property owner would be free to make their primary dwelling and associated ADU into units of a condominium—they would just be required to own both units of the condominium, thus still allowing the condominium form of ownership.

Similarly, a local regulation requiring common ownership would not impose any requirement upon a condominium that it would not impose upon a physically identical development under a different form of ownership—regardless of how the ADU and primary dwelling were owned, the requirement of common ownership would apply the same.

Many cities in Washington have adopted local regulations requiring common ownership of primary dwellings and associated ADUs. Here are some examples:

Bellingham Municipal Code Section 20.28.100.B.8:

> The [detached accessory dwelling unit] may not be divided from the property ownership of the primary dwelling.

Bellevue Municipal Code Section 20.20.120.A.1 (Mercer Island Municipal Code Section 19.02.030.B.3 and Redmond Municipal Code Section 20C.30.35-030.4 use substantially the same wording):

> Accessory dwelling units may not be subdivided or otherwise segregated in ownership from the primary residence structure.

Enumclaw Municipal Code Section 19.34.080:

> The accessory dwelling unit, or the land on which the accessory dwelling unit is located, shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit or the land on which the principal dwelling unit is located.

Sequim Municipal Code Section 18.66.060.A:

> Sale or ownership of such [accessory dwelling unit] separate from the primary residential unit is prohibited.

C. Can the City require owner occupancy of the primary dwelling or the ADU?

Yes. Many cities and counties in Washington have adopted local regulations requiring owner occupancy of the primary dwelling or ADU. Here are some examples:

Bothell Municipal Code Section 12.06.140.B.4.a states:

> Either the primary dwelling unit or the accessory dwelling unit shall be occupied by an owner of the property or by an immediate family member of the property owner. The owner must occupy one of the dwelling units on the property for more than six months of each calendar year.

Bremerton Municipal Code Section 20.46.010.k:

> The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit or the ADU as their permanent residence for all twelve (12) months of the year.

Pierce County Code Section 18A.37.120.A.2:

> An ADU shall be converted to another permitted use or shall be removed if one of the two dwelling units is not owner occupied.

Sammamish Municipal Code Section 21A.20.030.B.5.a.(3):

> The primary dwelling unit or the accessory dwelling unit shall be owner occupied.

Some jurisdictions have also adopted additional requirements meant to ensure that the owner-occupancy requirement is followed. For example, Pierce County Code Section 18A.37.120.D requires that a property owner seeking to establish an ADU must complete the following:

- An affidavit affirming that the owner will occupy the principal dwelling or the ADU and agreeing to all the general ADU requirements contained in the county code; and
- Prior to issuance of Building Permits, the owner occupant must record a notice on the property title acknowledging the existence of the ADU with the Pierce County Auditor. Such notice must be in a specific form, and the current form used by Pierce County is included as **Attachment B** to this memo.

D. Can the City require new ADUs sold separately from the primary dwelling to be sold as affordable housing?

Most likely. The Department of Commerce's ADU recommendations state that one of the purposes of allowing ADUs is to:

> Make housing units available to moderate-income people who might otherwise have difficulty finding homes within the (city/county).

The City is required by state law to adopt these recommendations, but is given considerable flexibility in tailoring the recommendations to fit Bainbridge Island's unique needs. Arguably, limiting the sale of ADUs that have been subdivided or segregated from ownership of the primary dwelling to affordable housing would further an express purpose of ADUs: creating affordable housing. Such a limitation would need to be specifically tailored to the area in which it was to take effect. For example, BIMC 18.09.03.I.5.n currently limits new ADUs in the Mixed Use Town Center to only those permitted as part of a housing design demonstration project single-family subdivision. By way of illustration, the City could, arguably, similarly limit the sale of new ADUs sold separately from the primary dwelling in certain areas of the City to only those sold as affordable housing.

5. Conclusion

In summary, the City cannot adopt a local regulation prohibiting a property owner from making an ADU into a condominium. However, there are multiple avenues that the City can permissibly pursue to address or mitigate unwanted effects of such activity. These avenues include requiring:

- Common ownership of the primary dwelling and the ADU;
- Owner occupancy of the primary dwelling, ADU, or both; and
- ADUs sold separately from the primary dwelling be sold as affordable housing.

18.09.030.I.5. Accessory Dwelling Unit.

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

b. In the shoreline jurisdiction, an accessory dwelling unit may be created within, or detached from, any single-family dwelling, whether existing or new, as a subordinate use, where conditional ("C") pursuant to this chapter. See Chapter 16.12 BIMC for shoreline conditional use process.

c. Only one accessory dwelling unit may be created per parcel.

d. No variances shall be granted for an accessory dwelling unit.

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

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

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

h. An accessory dwelling unit not attached to the single-family dwelling may not contain any accessory use other than a garage.

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

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

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

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

m. All other applicable standards including, but not limited to, lot coverage, setbacks, parking requirements, and health district or city requirements for water, sewer, and/or septic must be met.

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

Return to (*Applicant*):

_____

_____

_____

ACCESSORY DWELLING UNIT TITLE NOTIFICATION

Parcel Number: _____ ADU Application Number: _____

Parcel Address: _____

Present Owners: _____

Legal Description:

This AGREEMENT made and entered into this ____ day of _____, 20 ___,

By and between _____ ("landowner") and Pierce County Washington by the Department of Planning and Land Services, is herein memorialized through the execution of this AGREEMENT.

NOW THEREFORE, in order that the rights and duties of the respective parties and their successors be known for the record now and in the future, it has been agreed between the parties as follows:

In accordance with Pierce County Code, Section 18A.37.120 Accessory Dwelling Unit., the landowner has agreed to comply with the following:

1. That the landowner will occupy the principal dwelling or the accessory dwelling unit as the "owner occupant"
2. That the placement and construction of the accessory dwelling unit will be consistent with a copy of the floor plan and site plan which are ATTACHED to this agreement.
3. That compliance with the requirements and conditions of Pierce County Code, Section 18A.37.120 Accessory Dwelling Unit, shall be the responsibility of the Landowner, the Landowner's heirs, and successors and that said conditions shall be binding unless modified or amended by the mutual agreement of both parties.

_____ _____

Signature of owner(s):

_____ _____

Print Name:

STATE OF WASHINGTON)
) ss
COUNTY OF PIERCE)

On this _____ day of _____, 20____, before me, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____ _____ who is known to be the individual described in and who executed the foregoing instrument, and acknowledged to me that he/she/they signed and sealed the said instrument as a free and voluntary act and deed for the uses and purposes therein mentioned.

Given under my hand and official seal this _____day of _____, _____.

_____

Notary Public in and for the State of Washington

Residing at_____

My commission expires _____

AFFIX SEAL OR STAMP ABOVE THIS LINE

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

August 22, 2017

What you need to know about "Tiny Homes"

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

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

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

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

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

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

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

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

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

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

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

- Your unit can be approved by L&I as a Park Model RV (PMRV) if:
  - The home is primarily designed to provide temporary living quarters for recreational, camping or seasonal use and -
  - The home is built on a single chassis, mounted on wheels so that it can be moved around. PMRV's may be wider than 8'-6" (but must be transportable on the road, contact the Washington State Patrol and Department of Transportation for more information) and
  - the unit does not exceed 400 square feet when set up. If square footage will exceed 400 square feet see the modular building requirements. NOTE: this is not a complete definition. See WAC 296-150P for complete details.

- Your unit can be approved by L&I as a Recreational Vehicle (RV) if:
  - The home is designed primarily for recreational camping or travel use and -
  - The home no wider than 8'-6" in travel mode and is a vehicular type unit, or built on a vehicle chassis, so that it can be moved around and
  - does not exceed 400 square feet in area when set up. NOTE: this is not a complete definition. See WAC 296-150R for complete details.

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

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

Modular "home" fact sheet.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Legislature Paves the Way for Tiny Houses

May 14, 2019 by Jill Dvorkin
Category: Housing

Living in tiny houses (also called tiny homes) is both an increasingly attractive and affordable housing option as well as a trending alternative lifestyle choice. However, because of significant regulatory barriers, this housing option has not yet gained traction in Washington State. This should hopefully change with the passage of ESSB 5383—a bill intended to enable the development of tiny house villages or communities throughout the state.

Background

Some of the perplexing questions associated with regulating tiny houses have been:

What are they?

Are they recreational vehicles? Are they mobile homes? Are they site-built structures? Unfortunately, tiny houses don't often fit neatly into any of these categories. Some tiny houses are on wheels; some are built on permanent foundations. Many are the manifestation of creative DIYers and defy categorization.

Depending on their characteristics, a different regulatory structure might apply. For example, recreational vehicles (RVs) must be certified with the Department of Labor and Industries (L&I). However, the certification process has historically been challenging and not suited to a custom-built RV or a tiny house on wheels. (Note, however, there is now a self-directed process available that makes it easier for custom RVs/tiny houses on wheels to obtain certification from L&I.)

Site-built structures, on the other hand, must comply with the local building codes. Tiny houses typically have not been able to meet both the size and technical specifications for single-family dwellings in local building codes.

Where can they go and how long can they stay?

If a tiny house is on wheels, local jurisdictions typically will look at this as an RV. Unless sited in a mobile-home/RV park or some other limited exception in a local zoning code applies (e.g., RV used as a caretaker's residence), RVs may not typically be used as permanent residences.

If a tiny house is to be built on a foundation, the greatest obstacles relate to complying with the building codes (as noted above). However, local zoning and development regulations also present challenges, such as minimum size and parking requirements. Further, occupancy limits and limits on numbers of accessory dwellings on residential lots limit the potential for community living.

For a deeper dive into the regulatory challenges associated with tiny houses, take a look at this MRSC Insight blog post and Legalizing the Tiny House from Sightline Institute.

What Does the New Legislation Do?

ESSB 5383 supports the development of tiny houses in several ways, as outlined in this section.

Defines tiny houses

The new legislation defines "tiny houses" and "tiny houses with wheels" as:

> a dwelling to be used as permanent housing with permanent provisions for living, sleeping, eating, cooking, and sanitation built in accordance with the state building code.

This distinguishes tiny houses from recreational vehicles and other types of housing, so that these structures can be regulated in their own category and used as permanent residences.

Directs adoption of building code standards for tiny houses

In 2018, the International Code Council issued tiny house building standards in Appendix Q of the International Residential Code (IRC). ESSB 5383 directs the State Building Council to adopt standards specific to tiny houses by December 31, 2019. The legislature expects the newly-issued IRC guidance to become the basis for these standards. Local governments, in turn, can amend their building codes to include these new provisions.

Also, just last year the state legislature passed a bill authorizing local governments to adopt regulations eliminating any minimum gross floor area requirements for single-family dwellings (See HB 1085).

Includes prefabricated tiny houses in definition of factory-built housing

The bill expands the definition of factory-built housing in RCW 43.22.450 to include tiny houses and tiny houses with wheels, thereby incorporating prefabricated tiny houses into the L&I certification process for factory-built housing.

Creates a regulatory pathway for permitting tiny house communities

Currently RCW 58.17.040(5) allows the use of a binding site plan:

> for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land.

ESSB 5383 expands this section of the subdivision statute to include tiny houses and tiny houses with wheels, thus allowing the use of a local binding site plan process to create tiny house communities or villages. In addition, a new section is added to Chapter 35.21 RCW that will allow a city or town to adopt an ordinance to regulate the creation of tiny house communities.

The bill also amends RCW 35.21.684(3) to prohibit cities or towns from adopting ordinances that would prevent tiny houses with wheels from being used as a primary residence within manufactured/mobile home communities. However, a local government may require that the tiny houses contain at least one internal toilet and shower or that the mobile home community provide such toilets and showers.

Extends protections under Manufactured/Mobile Home Landlord-Tenant Act (MHLTA)

The legislation extends protections of Chapter 59.20 RCW to tenants of tiny house communities. The Northwest Justice Project offers a summary of a tenant's rights and obligations under the MHLTA.

Waives competitive bidding requirements for construction of tiny houses by students

School districts, higher-education institutions, and other government entities that offer eligible training programs for students can contract with community organizations, nonprofits, and others to build tiny houses for low-income housing, without regard to competitive bidding requirements.

Next Steps for Local Governments

Local governments interested in expanding opportunities for use of tiny houses can start the planning process for adopting local regulations consistent with the new legislation. These actions could include:

- Forming stakeholder advisory committees and encouraging community engagement.
- Reviewing zoning maps and comprehensive plans to determine where tiny house communities could be located.
- Identifying existing barriers to tiny houses in code (e.g., minimum size requirements).
- Amending binding site plan regulations to include tiny houses and tiny houses with wheels.
- Amending the local building code to incorporate new state standards for tiny houses (once adopted later this year).
- Drafting regulations for siting tiny house communities.

Resources and Further Reading

- ESSB 5383 Final Bill Report
- **MRSC Insight Blog**: Tiny Houses as a Workable Option to House the Homeless (2017)
- **The Spokesman-Review**: Tiny house notion (2019)

As part of its Missing Middle Housing initiative, the City of Olympia developed white pages on current conditions for tiny houses, as well as recommended policy changes in the areas listed below to encourage the construction of tiny homes, duplexes, triplexes, and fourplexes.

- Impact fees
- Design review
- Parking requirement
- Utility fees
- Zoning provisions
- Tiny house code change recommendations

Questions? Comments?

If you have comments about this blog post or questions about this new legislation, please feel free to post a comment below or email me at jdvorkin@mrsc.org. If you have questions about other local government issues, please use our Ask MRSC form or call us at **(206) 625-1300** or **(800) 933-6772**.

About Jill Dvorkin

Jill joined MRSC as a legal consultant in June 2016 after working for nine years as a civil deputy prosecuting attorney for Skagit County. At Skagit County, Jill advised the planning department on a wide variety of issues including permit processing and appeals, Growth Management Act (GMA) compliance, code enforcement, SEPA, legislative process, and public records. Jill was born and raised in Fargo, ND, then moved to Bellingham to attend college and experience a new part of the country (and mountains!). She earned a B.A. in Environmental Policy and Planning from Western Washington University and graduated with a J.D. from the University of Washington School of Law in 2003.
VIEW ALL POSTS BY JILL DVORKIN

Leave a Comment

Comments

0 comments on Legislature Paves the Way for Tiny Houses

Blog post currently doesn't have any comments.

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City Council Study Session Agenda Bill

CITY OF BAINBRIDGE ISLAND

MEETING DATE: June 18, 2019 **ESTIMATED TIME:** 20 Minutes

AGENDA ITEM: (9:15 PM) Discussion of Potential Changes to Ethics Program - Mayor Medina,

STRATEGIC PRIORITY: Good Governance

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Discussion **PROPOSED BY:** City Council

RECOMMENDED MOTION:
Discussion.

SUMMARY:
Continued discussion of potential revisions to the City's Ethics Program.

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

FISCAL DETAILS:

Fund Name(s):

Coding:

City Council Study Session Agenda Bill

CITY OF BAINBRIDGE ISLAND

MEETING DATE: June 18, 2019 **ESTIMATED TIME:** 10 Minutes

AGENDA ITEM: (9:35 PM) Future Council Agendas,

STRATEGIC PRIORITY: Good Governance

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Discussion **PROPOSED BY:** Executive

RECOMMENDED MOTION:
Discussion only.

SUMMARY:
Council will review future Council agendas.

FISCAL IMPACT:

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

BACKGROUND:

ATTACHMENTS:

City Council Regular Business Meeting, June 25, 2019.pdf

City Council Study Session, July 2, 2019.pdf

City Council Regular Business Meeting, July 9, 2019.pdf

FISCAL DETAILS:

Fund Name(s):

Coding:

CITY OF
BAINBRIDGE ISLAND

CITY COUNCIL REGULAR BUSINESS MEETING
TUESDAY, JUNE 25, 2019

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

AGENDA

1. **CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE**
Mayor Medina and Councilmember Blossom will be absent; Councilmember Blossom will participate by phone.

2. **APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE**

3. **PUBLIC COMMENT**

4. **MAYOR'S REPORT**

5. **CITY MANAGER'S REPORT**

6. **PRESENTATION(S)**

7. **CLOSED RECORD PROCEEDING**

7.A Resolution No. 2019-21 - Wallace Way Cottages Final Subdivision - Planning, 15 Minutes

8. **UNFINISHED BUSINESS**

8.A Use of Housing Trust Fund - Executive, Helpline House, 15 Minutes
Memo to COBI Council re Housing Trust fund 2019

8.B Ordinance No. 2019-17, Extending the Duration of the Interim Official Control Related to the Preservation of Landmark Trees - Planning, 15 Minutes
Ord 2019-17 Extending LTO_Winslow Area.docx
Ord 2019-17 Extending LTO Exhibit A.docx
WMP Study Area Zoning Map.pdf

9. **NEW BUSINESS**

9.A Vehicle License Fee Rebate Program - Finance, 15 Minutes

TBF Rebate Program.docx
COBI.TBF_RebateProgram-Form.FIN-Draft.pdf

9.B Biosolids Contract - Public Works, 10 Minutes
Biosolids RFP

9.C Water and Sewer Telemetry Upgrade Professional Services Agreement - Public Works, 10 Minutes
Water and Sewer Telemetry Upgrade PSA.docx

9.D Appointment to the Race Equity Task Force - Councilmembers Deets, Nassar and Tirman, 5 Minutes
Race Equity Task Force (Prior Applications) - Redacted.pdf

9.E Appointments to the Utility Advisory Committee - Mayor Medina, 5 Minutes
Citizen Advisory Group Recommendations - Utility Advisory Committee.pdf
Utility Advisory Committee Applications - Redacted.pdf

9.F Appointments to the Multi-Modal Transportation Advisory Committee - Mayor Medina, 5 Minutes
Citizen Advisory Group Recommendations - Multi-Modal Transportation Advisory Committee.pdf
Multi-Modal Transportation Advisory Committee Applications (Redacted).pdf

10. CITY COUNCIL DISCUSSION

10.A State Initiative 976 - Effects on Bainbridge Island Transportation Benefit Fund, 15 Minutes
Vehicles subject to fees.docx
Bainbridge Island Initiative 976 FAQ.docx

11. CONSENT AGENDA

11.A Agenda Bill for Consent Agenda, 5 Minutes

11.B Accounts Payable and Payroll

11.C Special City Council Meeting Minutes, May 31, 2019

11.D City Council Study Session Meeting Minutes, June 4, 2019

11.E Ordinance No. 2019-13, Adopting Kitsap Humane Society's Recommended Updates to the City's Animal Control Code - Executive, 5 Minutes
Kitsap Humane Society's Animal Control Code Recommendations
Ordinance No. 2019-13, Adopting Kitsap Humane Society's Recommended Updates to the City's Animal Control Code
Table - How Each Section of Ordinance No. 2019-13 Corresponds to KHS' Recommendations

11.F 2019 Road Striping Contract - Public Works 5 Minutes
2019 Road Striping Contract-Apply-A-Line.docx

2019 Road Striping Bid Form.docx
Attachment A - 2019 Road Marking

11.G Funding Opportunity - Emergency Management Program Grant (EMPG) - Executive 5 Minutes

11.H 2019 Amendments to the Kitsap Regional Coordinating Council Interlocal Agreement - Mayor Medina, 5 Minutes
2019 Amended KRCC ILA - Clean
2019 Amended KRCC ILA - Redline

11.I Appointments to the Climate Change Advisory Committee, Cultural Funding Advisory Committee, Design Review Board, Environmental Technical Advisory Committee, Ethics Board, Historic Preservation Commission, Lodging Tax Advisory Committee, and Planning Commission - Mayor Medina 5 Minutes
Citizen Advisory Group Recommendations (June 11, 2019 Agenda Packet).pdf
Climate Change Advisory Committee.pdf
Cultural Funding Advisory Committee.pdf
Design Review Board.pdf
Environmental Technical Advisory Committee.pdf
Ethics Board.pdf
Historic Preservation Commission.pdf
Lodging Tax Advisory Committee.pdf
Planning Commission.pdf

11.J Race Equity Task Force Next Steps - Councilmembers Nassar, Deets and Tirman, 5 Minutes
RETF Scope of Work Draft for CC 06112019

12. COMMITTEE REPORTS

12.A Committee Reports, 5 Minutes
6.6.19 PSRC Growth Management Policy Board Meeting Notes

13. FOR THE GOOD OF THE ORDER

14. ADJOURNMENT

GUIDING PRINCIPLES

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

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

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

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

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

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

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

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

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CITY OF
BAINBRIDGE ISLAND

CITY COUNCIL STUDY SESSION
TUESDAY, JULY 02, 2019

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

AGENDA

1. **CALL TO ORDER / ROLL CALL - 6:00 PM**

2. **APPROVAL OF AGENDA/ CONFLICT OF INTEREST DISCLOSURE**

3. **MAYOR'S REPORT**

4. **PRESENTATIONS**

5. **UNFINISHED BUSINESS**

6. **NEW BUSINESS**

   6.A Discussion of Advisory Opinions and Determinations Issued by the Ethics Board, 2 Hours

7. **CITY COUNCIL DISCUSSION**

8. **FUTURE COUNCIL AGENDAS**

   8.A Future Council Agendas 10 Minutes

9. **FOR THE GOOD OF THE ORDER**

10. **ADJOURNMENT**

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CITY OF
BAINBRIDGE ISLAND

CITY COUNCIL REGULAR BUSINESS MEETING
TUESDAY, JULY 09, 2019

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

AGENDA

1. **CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE - 6:00 PM**
Deputy Mayor Tirman to leave at 9:00 PM and participate by phone for the remainder of the meeting.

2. **APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE**

3. **PUBLIC COMMENT**

4. **MAYOR'S REPORT**

5. **CITY MANAGER'S REPORT**

6. **PRESENTATION(S)**

6.A "Something New" Program Update, Public Art Committee - 15 Minutes

7. **PUBLIC HEARING(S)**

8. **UNFINISHED BUSINESS**

8.A Request for Proposals for 2020 Lodging Tax Projects - Executive, 15 Minutes
MRSC - Lodging Tax (Hotel-Motel Tax)

8.B (X PM) Police and Municipal Court Funding Options - Executive 20 Minutes
Police-Municipal_Court_for_CC_June_04_2019_Update.pptx

8.C Ordinance No. 2019-XX Relating to Changes to Water and Sewer Utility Fees - Public Works, 5 Minutes
FCS Rate Study Page 21.pdf

8.D (x PM) Review and Assessment of Critical Area Regulations, BIMC Chapter 16.20 - Planning, 15 Minutes

8.E Discussion of Potential Changes to Ethics Program - (Placeholder) 20 Minutes

9. NEW BUSINESS

9.A Request for Proposals for 2020-2021 Cultural Funding Award Cycle - Executive, 20 Minutes

9.B Resolution No. 2019-03 Updating the Investment Policy - Finance, 15 Minutes
Resolution No. 2019-03 Updating the Investment Policy.docx
Resolution 2019-03 Exhibit A - Updated Investment Policy.docx
RES 93-52 - Investment Policy.pdf

9.C 2019 Chip Seal Project 10 Minutes

9.D Sustainable Transportation Professional Services Agreement - Public Works, 15 Minutes

9.E Olympic Drive Design PSA Amendment No. 1 10 Minutes

9.F Agreement for Navigator Behavioral Health Support - Police, 10 Minutes

9.G Potential City Proposal for LTAC Funds - Executive, 15 Minutes

10. CITY COUNCIL DISCUSSION

11. CONSENT AGENDA

11.A Agenda Bill for Consent Agenda 5 Minutes

11.B Accounts Payable and Payroll

12. COMMITTEE REPORTS

12.A Committee Reports 5 Minutes

12.B (X PM) Regional Committee Reports by Councilmember Liaisons - Mayor Medina, 10 Minutes

13. FOR THE GOOD OF THE ORDER

14. ADJOURNMENT

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