



**CITY COUNCIL STUDY SESSION
TUESDAY, SEPTEMBER 17, 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 - 6:05 PM**
3. **MAYOR'S REPORT - 6:10 PM**
4. **PRESENTATIONS**
 - 4.A **(6:15 PM) WSDOT Presentation on Roundabouts and SR 305 Project - Public Works,** 45 Minutes
SR305 City Staff Memo 090919
SR305 City Staff Memo Attachments
SR 305 Bainbridge Island 9-17-19.pdf
5. **UNFINISHED BUSINESS**
 - 5.A **(7:00 PM) Revisions to the City's Ethics Program - Executive,** 30 Minutes
Draft Revisions to the City's Ethics Program (with Potential Discussion Points) - Track Changes
City Staff Memo - Potential Discussion Points
City Staff Memo - Clarification of Direct Official Action
Comments from Councilmembers
 - 5.B **(7:30 PM) Discussion of Possible Inclusionary Zoning / Multifamily Tax Exemption Programs - Planning,** 60 Minutes
ECONorthwest Council Briefing Memo - Inclusionary Zoning and MFTE
WMP Study Area Zoning Map
PSRC Inclusionary Zoning Summary.pdf
PSRC MFTE Summary.pdf
February 2019 Transfer of Development Rights and Inclusionary Zoning Assessment (ECONorthwest & Forterra)
February 2019 Presentation - TDR / Incentive Zoning Analysis (ECONorthwest & Forterra)

- 5.C **(8:30 PM) Ordinance No. 2019-25 Relating to the Update to the City's Design Review Regulations - Planning,** 30 Minutes
20190917 CC Staff Memo
Ordinance 2019-25 - Public Hearing Draft 092419
Design for Bainbridge
- 5.D **(9:00 PM) Consider Changes to Annual Funding and Master Lease with Friends of the Farms - Executive,** 30 Minutes
Staff Memo Annual Payment to FOF for 09172019 - FINAL
FOF_Budget Detail for Management_Fee_Request_for_CC_09172019
FOF Executive Director Activities for Public Farmland
FOF Program Manager Activities for Public Farmland
FOF Non-COBI Programs and Activities
FOF Sublease Rate Calculations
FOF Farmland Management Agreement Comparables
- 5.E **(9:30 PM) Update on the Moratorium - Planning,** 10 Minutes
Abbreviated Moratorium Work Program Status Report 090919
Moratorium Work Program Status Report 090919
Development Moratorium Summary Effective 20190403.pdf
Ordinance No. 2019-10 Extending the Development Moratorium Approved 032619.pdf

6. CITY COUNCIL DISCUSSION

- 6.A **(9:40 PM) Next Steps for Changes to City's Transfer of Development Rights (TDR) Program,** 10 Minutes

7. FUTURE COUNCIL AGENDAS

- 7.A **(9:50 PM) Future Council Agendas,** 5 Minutes
City Council Regular Business Meeting September 24, 2019
City Council Study Session October 1, 2019
City Council Regular Business Meeting October 8, 2019
City Council Study Session October 15, 2019
City Council Regular Business Meeting October 22, 2019

8. FOR THE GOOD OF THE ORDER - 9:55 PM

9. ADJOURNMENT - 10:05 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 OF
BAINBRIDGE ISLAND

City Council Study Session Agenda Bill

MEETING DATE: September 17, 2019

ESTIMATED TIME: 45 Minutes

AGENDA ITEM: (6:15 PM) WSDOT Presentation on Roundabouts and SR 305 Project - Public Works,

STRATEGIC PRIORITY: Reliable Infrastructure and Connected Mobility

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Presentation

PROPOSED BY: Public Works

RECOMMENDED MOTION:

Information only.

SUMMARY:

WSDOT Project Managers will present an overview and update on the SR 305 Winslow Ferry to Hostmark Street Safety Improvements project, with a focus on alternatives proposed for the SR 305 and Day Road intersection. Members of the public attending the meeting will have the option to write down their questions on note cards during the presentation, and have them addressed via the Council discussion following the presentation.

FISCAL IMPACT:

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

BACKGROUND:

Congestion along the SR305 Corridor from Poulsbo to the Winslow Ferry terminal affects travel times, traveler safety, and economic vitality. WSDOT is exploring performance-based strategies that are required to: improve corridor safety and mobility; address the constraints of the Agate Pass bridge; provide multi-modal incorporation through and across the corridor; increase the ability to move people and improve the corridor capacity overall; provide travel time reduction and reliability; address access needs for adjacent properties; and protect and enhance the environment.

ATTACHMENTS:

[SR305 City Staff Memo 090919](#)

[SR305 City Staff Memo Attachments](#)

[SR 305 Bainbridge Island 9-17-19.pdf](#)

FISCAL DETAILS: N/A

Fund Name(s):

Coding:



Department of Public Works Memorandum

Date: September 11, 2019
To: City Council
CC: Morgan Smith, City Manager
From: Christopher Wierzbicki, Public Works Director
Subject: WSDOT SR305 Safety Improvements Update
Attachments: Day Road Options 1-3 (6 pgs.); Non-Motorized Meeting Summary (2 pgs.)

Purpose

The purpose of this memo is to provide information to the City Council on WSDOT's SR305 Safety Improvement Project in advance of the September 17, 2019 City Council meeting, at which WSDOT representatives will provide an update on the project.

The City Council presentation will focus on an update on the project design and construction schedule, including the reasoning behind the implementation of roundabouts as the preferred solution for intersection improvements, as well as a focus on the options being considered for the intersection of SR305 and Day Road. The WSDOT project team will be seeking direction on the Day Road options from the project "Working Group" (a group of regional elected officials and other stakeholders, including several members of the City Council) on September 18th, the day after the City Council presentation.

Background

According to the WSDOT Frequently Asked Questions document for the project:

WSDOT is currently designing projects to improve safety and mobility on the SR305 corridor between the Winslow Ferry Terminal and Hostmark Street. The project will construct roundabouts at existing intersections in the corridor to improve traffic flow, access and safety by reducing conflict points and potential for collisions. Roundabouts will improve traffic flow by keeping vehicles moving through the intersections, unlike traffic signals that create significant backups when vehicles are unable to clear during green lights. Crossings for pedestrians and cyclists will be safer because crossing lengths are shorter; and refuge islands will allow users to safely stop between traffic lanes. WSDOT has implemented over 100 roundabouts throughout the state, and their study of the facilities indicates that they reduce fatal and injury collisions by up to 70%.

Overview of Day Road Options

The Constraints at Day Road

The SR305 and Day Road intersection is one of four (of 11 total) intersections that are slated for roundabout improvements as part of the current project. According to WSDOT, the Day Road location includes constraints that make implementing a roundabout challenging, including:

- Power station and highline poles in the NW corner;
- A large cell tower east of Phelps Road;
- Steep slopes on the east leg of Day Road and a heavily skewed intersection;
- Accommodation of large vehicles due to the Fire Station and nearby light industry;
- Limited soil infiltration for stormwater runoff; and,
- A Bainbridge Island Land Trust conservation easement on the SW corner parcel.

Despite these constraints, one of the key reasons that the Day Road intersection has been given the green light for improvements ahead of the other intersections along the corridor is because the intersection rankings prioritized congestion; transit, access; safety; non-motorized; and environment (in that order), and Day Road is the only intersection project that includes a significant transit enhancement – expansion of the existing park-and-ride facility. Unfortunately, the irony is that the park-and-ride expansion is exacerbating one of the project constraints – the limited ability to cost-effectively mitigate stormwater runoff.

Options for Managing Stormwater

As outlined in the attached maps, WSDOT is considering three options for managing stormwater in the project area, all of which respond to the requirements that stormwater runoff from the future project be directed to the same locations (and at the same rates) as the existing conditions. In order to meet these requirements, the options that WSDOT is evaluating include the following:

- Converting the park-and-ride facility to a stormwater pond (not currently included as this configuration would likely lead to a re-ranking of the projects due to the loss of the significant transit component);
- Building a stormwater pond on the adjacent property (Option 1 - property is currently subject to a conservation easement, and will require purchase or condemnation);
- Building smaller stormwater pond on the adjacent property and making up the balance of the stormwater detention needs with an underground detention vault in the park-and-ride facility (Option 2 + \$1.6 million);
- Building two underground detention vaults – one in the park-and-ride facility, and one in the adjacent right-of-way (Option 3 + \$2.6 million).

It should be noted that the technical working group (made up of regional organization staff leadership) suggested in a recent meeting with WSDOT that if a surface pond is chosen as the option for managing stormwater, the Department should take the necessary design steps to ensure that the facility appears and acts as an environmental/stormwater restoration area. WSDOT has indicated

that they will take this comment into consideration, but they have not yet provided further information about how this area could be constructed as a natural drainage feature.

Non-Motorized Facilities

As summarized in the attached meeting summary, the WSDOT project team held a meeting with region-wide non-motorized stakeholders on July 18, 2019 to discuss design options for the Day Road intersection. All three of the design options referenced in this memo include the non-motorized design configuration that was developed in response to the comments and concerns heard at that meeting, including a portion of the 10-foot wide multi-use Sound to Olympics trail along the west boundary of the project limits, and buffers between motorized and non-motorized vehicles. It should be noted that as a result of that design choice, all three of the options require the acquisition of property at the southwest corner of the intersection, a further potential encumbrance on the Land Trust conservation easement. WSDOT has indicated in previous discussions that they do not foresee any other design options that would accommodate the desired non-motorized facilities without impacting the subject property on the southwest corner.

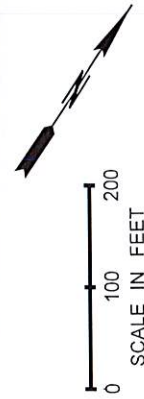
Staff Observations

Given the information provided by WSDOT to date, Option 3 clearly provides the most straightforward project development path by minimizing impacts on private property and the environment. However, it is unclear at this time whether the costs of Option 3 will be prohibitive.

Should the costs of Option 3 prohibit moving forward, Option 2 is the next least impactful on private property and the environment, however, there will be fairly significant impacts due to the required stormwater pond on the southwest corner property where the Land Trust conservation easement exists. This use of private property will need to be negotiated by WSDOT through mutual agreement of purchase or potentially condemnation – adding cost and time to the project schedule. The City has no direct role in the property negotiation process. However, the agreeable use of the subject private property could be a significant factor in the delivery of the Day Road intersection improvements due to the high cost of avoiding the property, and/or the re-ranking of the project due to the potential conversion of the park-and-ride facility to a detention pond.

As the decisions about the use of private property move forward, it may be helpful to consider the broader impacts of the Day Road intersection improvements in comparison to the benefits of conservation areas, particularly as the City considers the positive impacts of a sustainable transportation plan, and the development of a greenhouse gas inventory and reduction plan. The Day Road improvements will reduce congestion and add non-motorized facilities, leading to significant reductions in greenhouse-gas emissions. The improvements will also double the park-and-ride facility, thereby further reducing greenhouse gas emission through the expanded use of public transit.

NATIVE PLANT BUFFER
 GRASSY SWALE
 THRESHOLD DISCHARGE AREA
 DOWNSTREAM FLOWPATH
 RIGHT-OF-WAY
 ROW



SR 305, Winslow to Hostmark

Proposed Delivery Plan Update – Option 1 - Pond

Performance Score	INTERSECTION	Total Estimated Project Cost	Project	Phase			Fish Barrier	Projects 1-4 Total	Declining Balance
5.15	* SUQUAMISH WAY RBT	\$ 9,209,510	4			x	Klebeal		\$ 36,600,000
4.2	DAY ROAD RBT and Park and Ride	\$ 9,711,428	2		x				\$ 27,390,490
4.02	ADAS WILL RBT/Agatewood	\$ 5,465,844	3a		x			\$ 33,744,795	\$ 17,679,062
3.99	JOHNSON ROAD RBT	\$ 5,871,062	1	x					\$ 12,213,218
3.97	WEST PORT MADISON RBT	\$ 3,486,951	3b		x				\$ 6,342,156
3.94	TOTTEN ROAD RBT	\$ 7,075,206	4			x	Sam Snyder	See Note	\$ 2,855,205
3.91	MASI SHOP/SANDY HOOK RBT	\$ 5,838,829							\$ (4,220,000)
3.85	NOLL ROAD	\$ 287,797							
3.92	SEMINOLE ROAD	\$ 2,277,051							
3.85	SOL VEI/ TOLLEFSON/DELA TE	\$ 690,713							
3.83	SPORTSMAN CLUB ROAD	\$ 3,689,560					Murden		
LOWEST	ACCESS MOD	\$ 2,294,319							
	TOTAL	\$ 55,898,270							

* Design is at 10% level; Cost estimate range: (\$8-10mil); mid-point used in table

Note: Either Suquamish or Totten will be implemented



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SR 305, Winslow to Hostmark

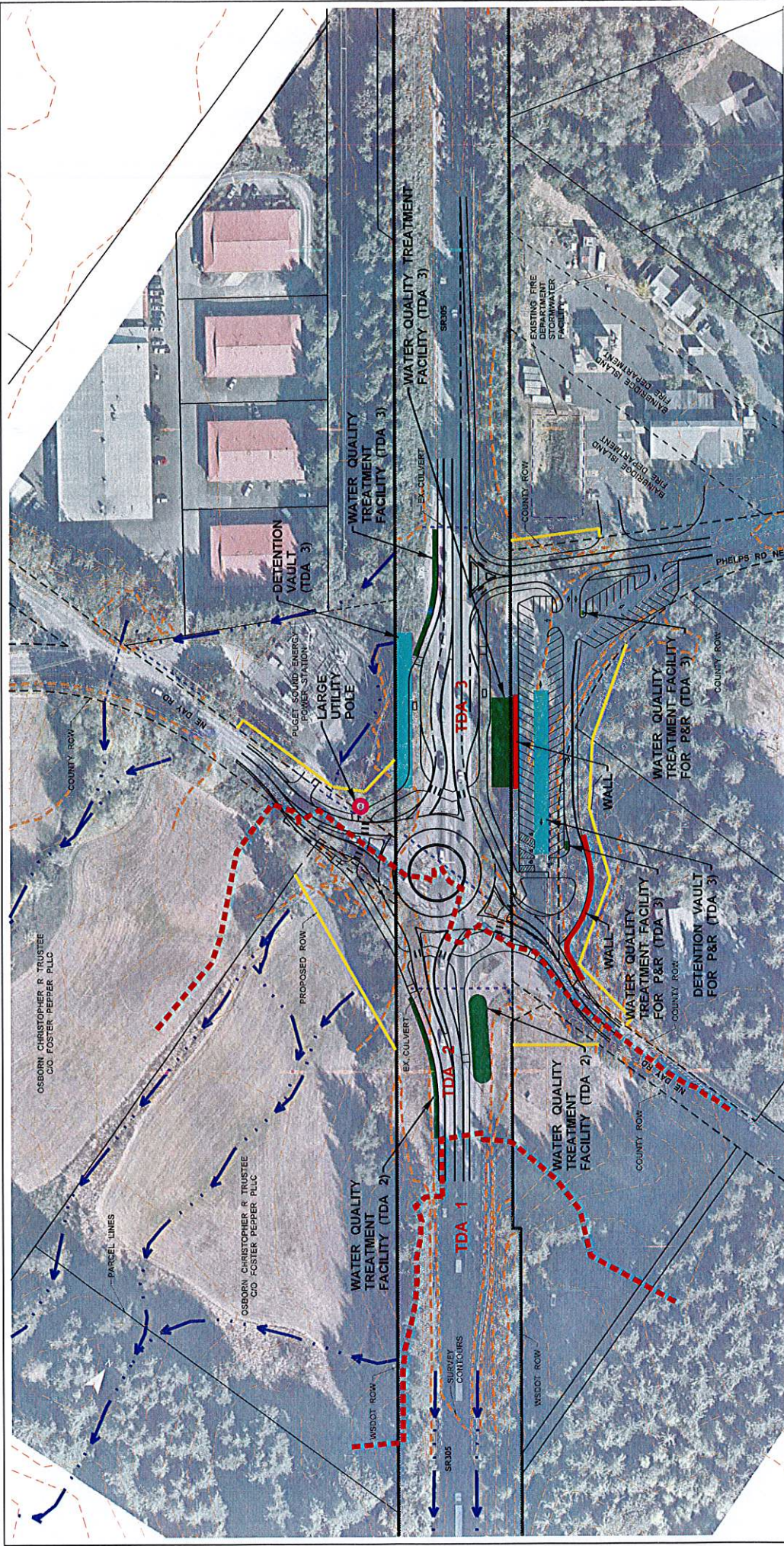
Proposed Delivery Plan Update – Option 2 – Vault and Pond

Performance Score	INTERSECTION	Total Estimated Project Cost	Project	Phase			Fish Barrier	Projects 1-4 Total	Declining Balance	
				1	2	3			\$	\$
5.15	* SUQUAMISH WAY RBT	\$ 9,209,510	4			x	Klebeal		\$	36,600,000
4.2	DAY ROAD RBT and Park and Ride	\$ 11,305,252	2		x				\$	27,390,490
4.02	ADAS WILL RBT/Agatewood	\$ 5,465,844	3a		x			\$ 35,338,619	\$	16,085,238
3.99	JOHNSON ROAD RBT	\$ 5,871,062	1	x					\$	10,619,394
3.97	WEST PORT MADISON RBT	\$ 3,486,951	3b		x				\$	4,748,332
3.94	TOTTEN ROAD RBT	\$ 7,075,206	4			x	Sam Snyder	See Note	\$	1,261,381
3.91	MASI SHOP/SANDY HOOK RBT	\$ 5,838,829							\$	(5,813,824)
3.85	NOLL ROAD	\$ 287,797								
3.92	SEMINOLE ROAD	\$ 2,277,051								
3.85	SOL VEI/ TOLLEFSON/DELA TE	\$ 690,713								
3.83	SPORTSMAN CLUB ROAD	\$ 3,689,560					Murden			
LOWEST	ACCESS MOD	\$ 2,294,319								
	TOTAL	\$ 57,492,094								

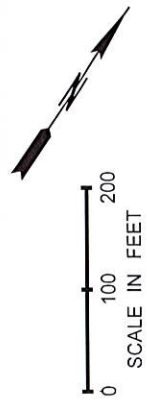
* Design is at 10% level; Cost estimate range: (\$8-10mil); mid-point used in table

Note: Either Suquamish or Totten will be implemented





SR 305
 WINSLOW FERRY TO HOSTMARK ST
 SAFETY IMPROVEMENTS
 DAY ROAD - STORMWATER OPTION 3
 (PRELIMINARY)



SR 305, Winslow to Hostmark

Proposed Delivery Plan Update – Option 3 – Vaults

Performance Score	INTERSECTION	Total Estimated Project Cost	Project	Phase			Fish Barrier	Projects 1-4 Total	Declining Balance
				1	2	3			
5.15	* SUQUAMISH WAY RBT	\$ 9,209,510	4			x	Klebeal		\$ 36,600,000
4.2	DAY ROAD RBT and Park and Ride	\$ 12,357,038	2		x				\$ 27,390,490
4.02	ADAS WILL RBT/Agatewood	\$ 5,465,844	3a		x			\$ 36,390,404	\$ 15,033,453
3.99	JOHNSON ROAD RBT	\$ 5,871,062	1	x					\$ 9,567,609
3.97	WEST PORT MADISON RBT	\$ 3,486,951	3b		x				\$ 3,696,546
3.94	TOTTEN ROAD RBT	\$ 7,075,206	4			x	Sam Snyder	See Note	\$ 209,596
3.91	MASI SHOP/SANDY HOOK RBT	\$ 5,838,829							\$ (6,865,610)
3.85	NOLL ROAD	\$ 287,797							
3.92	SEMINOLE ROAD	\$ 2,277,051							
3.85	SOL VEI/ TOLLEFSON/DELA TE	\$ 690,713							
3.83	SPORTSMAN CLUB ROAD	\$ 3,689,560					Murden		
LOWEST	ACCESS MOD	\$ 2,294,319							
	TOTAL	\$ 58,543,880							

* Design is at 10% level; Cost estimate range: (\$8-10mil); mid-point used in table

Note: Either Suquamish or Totten will be implemented



SR 305 Winslow Ferry to Hostmark Street Non-motorized coordination meeting summary

Date: July 18, 2019

Time: 6 p.m.-8 p.m.

Location: Suquamish Clearwater Casino, Chico Room,
15347 Suquamish Way NE
Suquamish, WA

Attendees

Linda Berry-Maraist, NKTA
Joe Deets, City of Bainbridge
Rick Feeney, WSCC
Chris Hamm, City of Bainbridge Island
Paula Holmes-Eber, Squeaky Wheels President
Diane Lenius, City of Poulsbo
Doug Maraist, NKTA
Lisa Neal
Ron Peltier, Bainbridge Council
Doug Rauh, Bainbridge Chamber
Leslie Schneider, City of Bainbridge Island
Evan Stoll, NKTA President
Deborah Weinmann

Patsy Bryan, NKTA
Paul Dutky, WSCC
Bart Freedman
Helaine Honig
Dianne Iverson, WSCC
Lisa Macchio, Bainbridge Planning
Commission
Brenda Padgham, Bainbridge Island Land
Trust
Kent Scott
Erika Shriner, Climate Action Bainbridge
Brian Watson, Bicycle Teacher
Don Willott, NKTA

Staff

Michele Britton, WSDOT
Ioanna Kladou, WSDOT
Andy Larson, WSDOT
Ron Landon, WSDOT
Jenica Hillyard, Parametrix

Kevin House, Parametrix
Roger Mason, Parametrix
Maria Buchanan, PRR
Andrew Royer, PRR

Meeting overview

The Washington State Department of Transportation (WSDOT) hosted a meeting to update project partners and people who walk and bike for the SR 305 Winslow Ferry to Hostmark Street project on Thursday, July 18, 2019 at the Suquamish Casino. The purpose of this meeting was to discuss the project status and recent design changes. The project team also discussed changes made in response to input collected at the last non-motorized coordination meeting in Nov. 2018 and open houses. The project team presented the most recent project design updates and address non-



motorized concerns. Attendees asked questions and provided comments throughout the presentation.

Key takeaways:

Several key themes emerged. Attendees were happy about the team's design changes following the last non-motorized coordination meeting. They thanked WSDOT for listening to their concerns and incorporating their input. Attendees expressed concern over rapid flashing beacon placement and potential difficulties entering and exiting roundabouts during periods of heavy traffic.

Presentation summary

Welcome and introductions

The project team welcomed attendees, reviewed the agenda and meeting purpose and led the team in a round of introductions.



Project updates

The project team updated attendees on the design status and updated project sequencing.

Needs and benefits

WSDOT explained the purpose and goals of the project, including the legislative description and project benefits.

- According to the Washington State Legislature, the project will “construct safety and mobility improvements on SR 305 from the Bainbridge Ferry Terminal to Hostmark Street in Poulsbo.
- Project goals include:
 - Improving corridor safety and mobility.
 - Addressing the constraints of the existing Agate Pass Bridge.
 - Providing multi-modal incorporation through and across the corridor.
 - Increasing the ability to move people and improve the corridor capacity overall.
 - Providing travel time reduction and reliability.
 - Addressing access needs for adjacent properties.
 - Protecting and enhancing the environment.

Public outreach overview

The project team reviewed comments and concerns gathered during the in-person and online open houses and the design alternatives presented by the public. The project team gave a brief overview of what they heard:

- The majority of attendees appreciated the information and were excited for the improvements.

SR 305 Winslow Ferry to Hostmark Street – Safety Improvements

**Bainbridge Island Council Meeting
Sep. 17, 2019**

Michele Britton, P.E., Project Engineer
Ron Landon, P.E., Project Development Engineer



Welcome and agenda

Presentation

- Project overview and history
- Roundabout information
- Day Road Design Alternative Concepts and Costs
- Next Steps



SR 305, Winslow to Hostmark

Legislative Description

- Constructs safety and mobility improvements on SR 305 from the Bainbridge Ferry Terminal to Hostmark Street.

Purpose and Need:

Congestion along the SR 305 Corridor from Poulsbo to the Winslow Ferry terminal affects travel times, traveler safety and economic vitality. Performance based strategies are needed to:

- Improve corridor safety and mobility
- Address the constraints of the existing Agate Pass bridge
- Provide multi-modal incorporation through and across the corridor
- Increase the ability to move people and improve the corridor capacity overall
- Provide travel time reduction and reliability
- Address access needs for adjacent properties
- Protect and enhance the environment



Project study history

1997 – SR 305 Corridor Analysis Major Investment Study

2008 – SR 305 Corridor Vision

2011 – SR 305 Corridor Enhanced Transit Alternatives Analysis Technical Study

2013 – Washington State Ferries Origin-Destination Travel Survey Report

2013/14 – Suquamish Development Traffic Study

2014 – SR 305 Suquamish Way Intersection Improvements Project Phase 1 Report

2015 – Johnson Road – SR 305 Intersection Feasibility Study

2016 –

- Kitsap Transit Long Range Plan
- Kitsap County Comprehensive Plan
- City of Poulsbo Comprehensive Plan
- City of Bainbridge Island Wide Transportation Plan Update

2017 –

- Kitsap Transit Comprehensive Route Analysis: Existing Conditions
- Kitsap Transit SR 305 Needs and Opportunities Study



HIGHEST PERFORMING IMPROVEMENTS



Score	Improvements	Construction Phase
	Suquamish Way <u>Roundabout*</u>	3
	Day Road	2
	Adas Will/Agatewood Road	2
	Johnson Road	1
	Port Madison Road	2
	Totten Road	3
	Seminole Road	2
	Masi Shop/Sandy Hook	3
	Noll Road	2
	Sol Vei/Tollefson/Delate	2
	Sportsman Club Road Left Turn Lane	3
	Suquamish Way <u>Left Turn Lane*</u>	3
	Access Modifications	3
Lower		

\$36.5M Total Budget

- Scores based on achieving corridor goals
- Implementation schedule based on readiness and budget availability

Corridor Performance Goals

Congestion
Reduce congestion and improve mobility

Transit
Improve transit travel time and reliability

Access
Manage needs through access management

Safety
Improves safety

Non-motorized
Improves non-motorized safety

Environment
Improves the environment

**1 of the 2 Suquamish Way options will be implemented.*



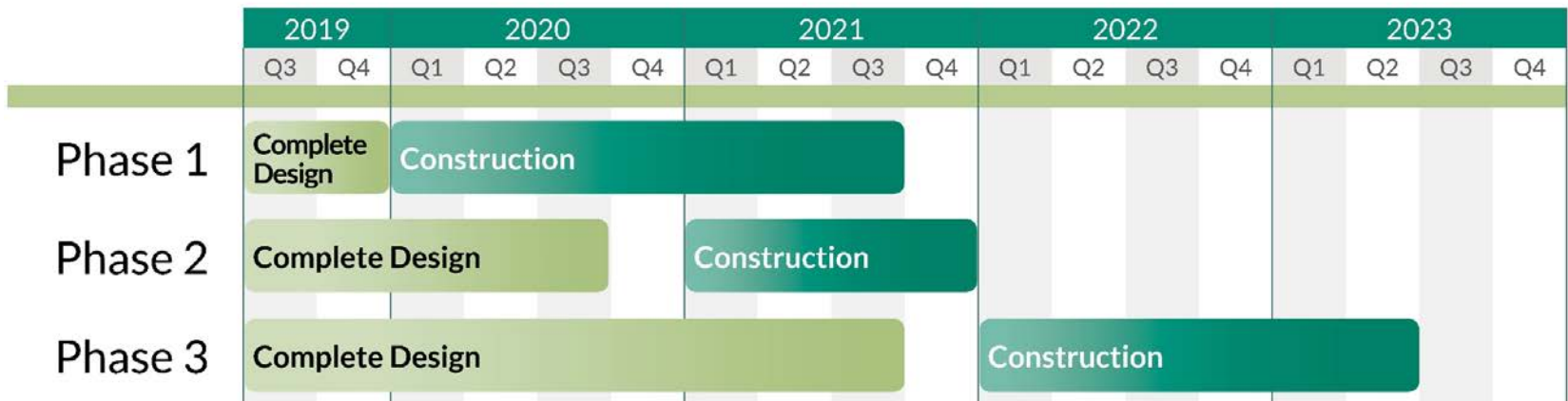
SR 305, Winslow to Hostmark

Updated Delivery Plan – Schedule

1 Project 1: Johnson Road

2 Project 2: Day Rd
Project 3: West Port Madison/Adas Will/Agatewood

3 Project 4: Suquamish RBT or Totten Rd



Why Roundabouts?

- ✓ Improved Safety for all modes of Transportation.
- ✓ Improved Mobility.
- ✓ Successful implementation of over 100 roundabouts statewide.



Roundabout benefits

- Geometry reduces speeds at intersections. (goal is 20-25 mph)
- Reduced speed differential between vehicles and in-lane cyclists. (< 12mph)
- Control traffic flow (No light to beat!) and improve safety performance (WSDOT study- over 70% reduction in fatal and injury collisions)



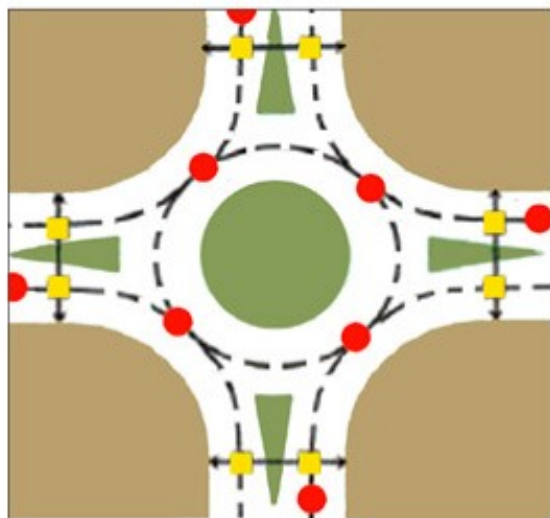
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Roundabout Benefits

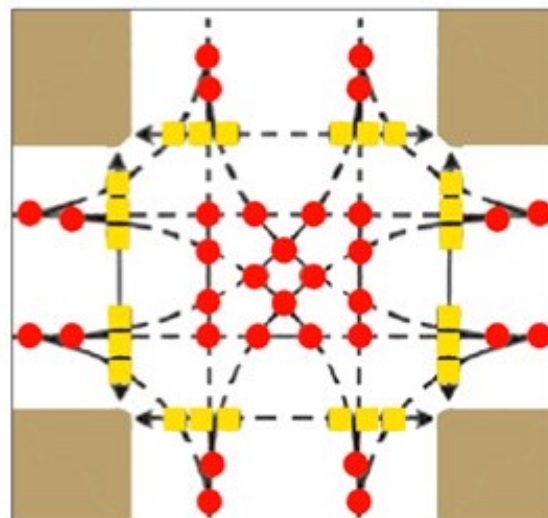
- Reduces conflict points.

Roundabout



● 8 Vehicle conflicts
■ 8 Pedestrian conflicts

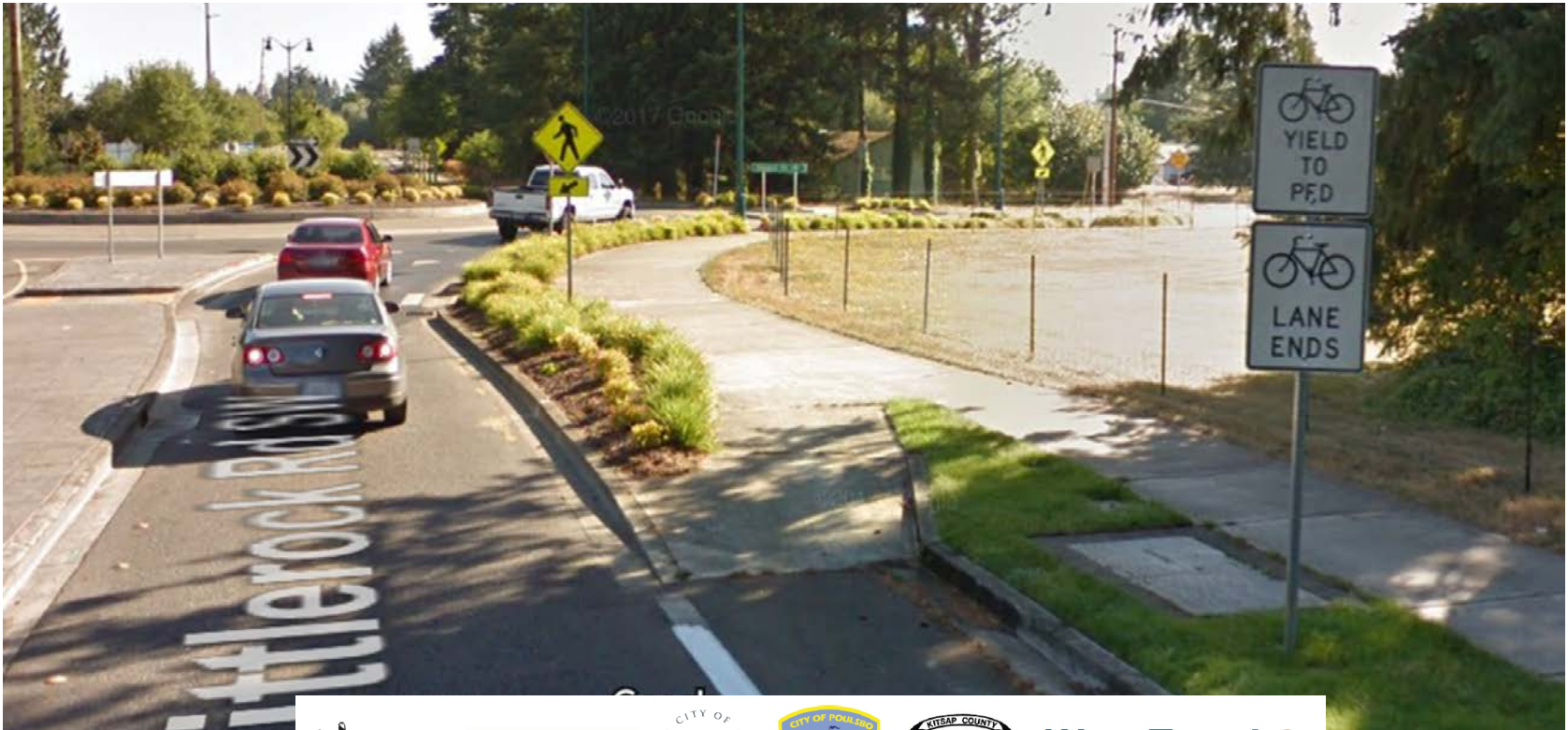
Intersection



● 32 Vehicle conflicts
■ 24 Pedestrian conflicts

Roundabout benefits

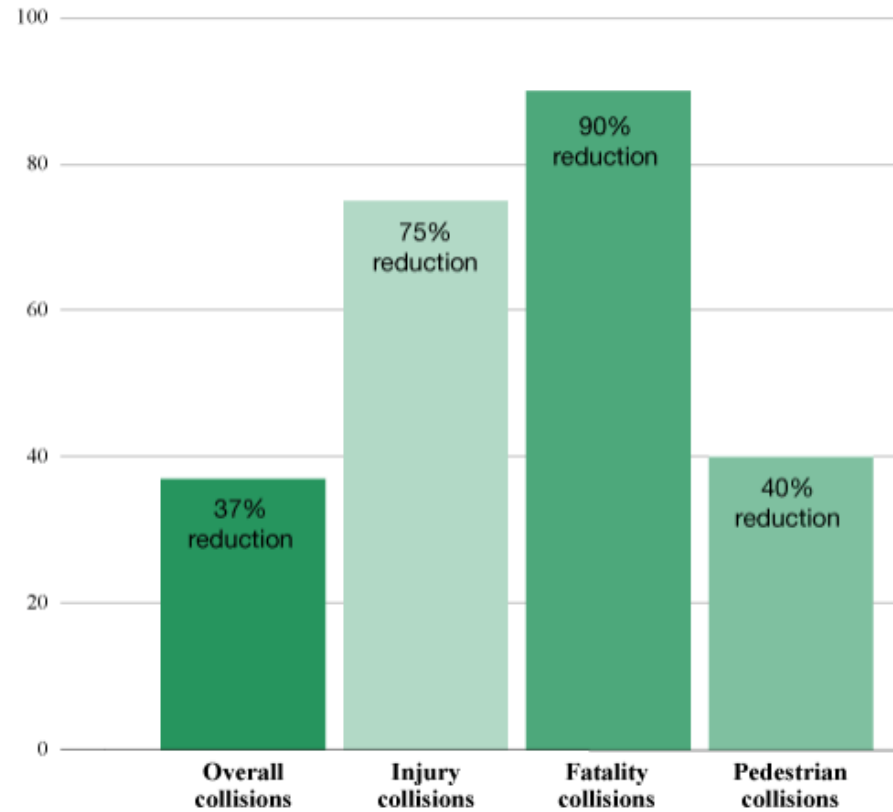
- Provides separation between cars and non-motorized travelers.
- Provides options for cyclists. Stay in lane or use mixed use path and crosswalk.
- Reduces crossing lengths for pedestrians and non-motorized users.



Roundabout Benefits

Reduction in collisions

percent

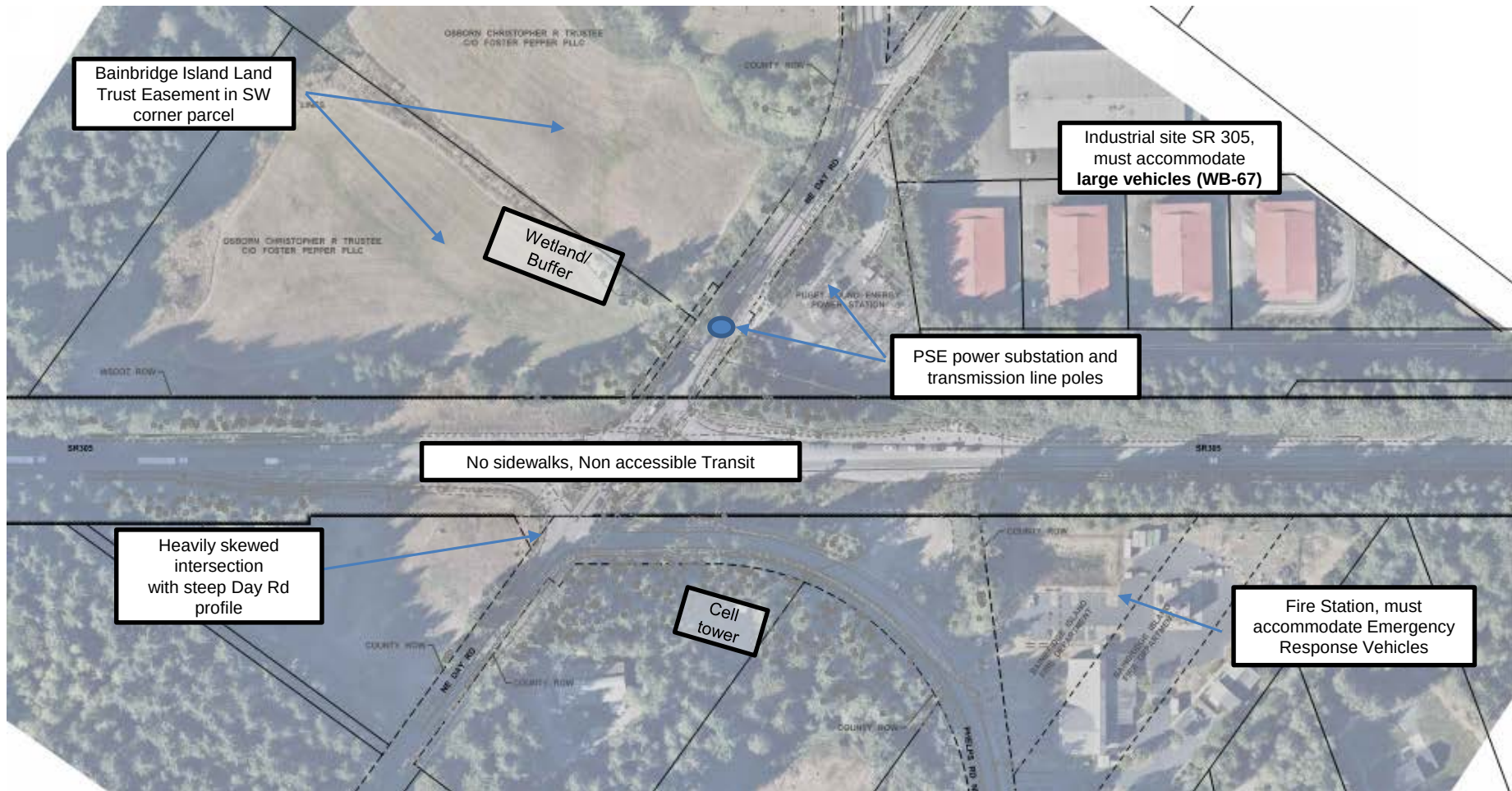


Source: Federal Highway Administration and Insurance Institute for Highway Safety (FHWA and IHS)

Day Road – Alternative concepts



Day Road – Existing Intersection / Signalized



29

SR 305, Winslow to Hostmark

Stormwater control and treatment requirements

Stormwater management objectives:

- Maintain safe driving conditions and protect the roadway
- Manage stormwater discharges to protect the environment

Stormwater is managed by **Controlling Runoff Flows** and providing **Water Quality Treatment** prior to discharging it to the natural system.

Each **Threshold Discharge Area (TDA)** within a project has a separate natural discharge location.



SR 305, Winslow to Hostmark

Stormwater control and treatment requirements

Stormwater Minimum Requirements:

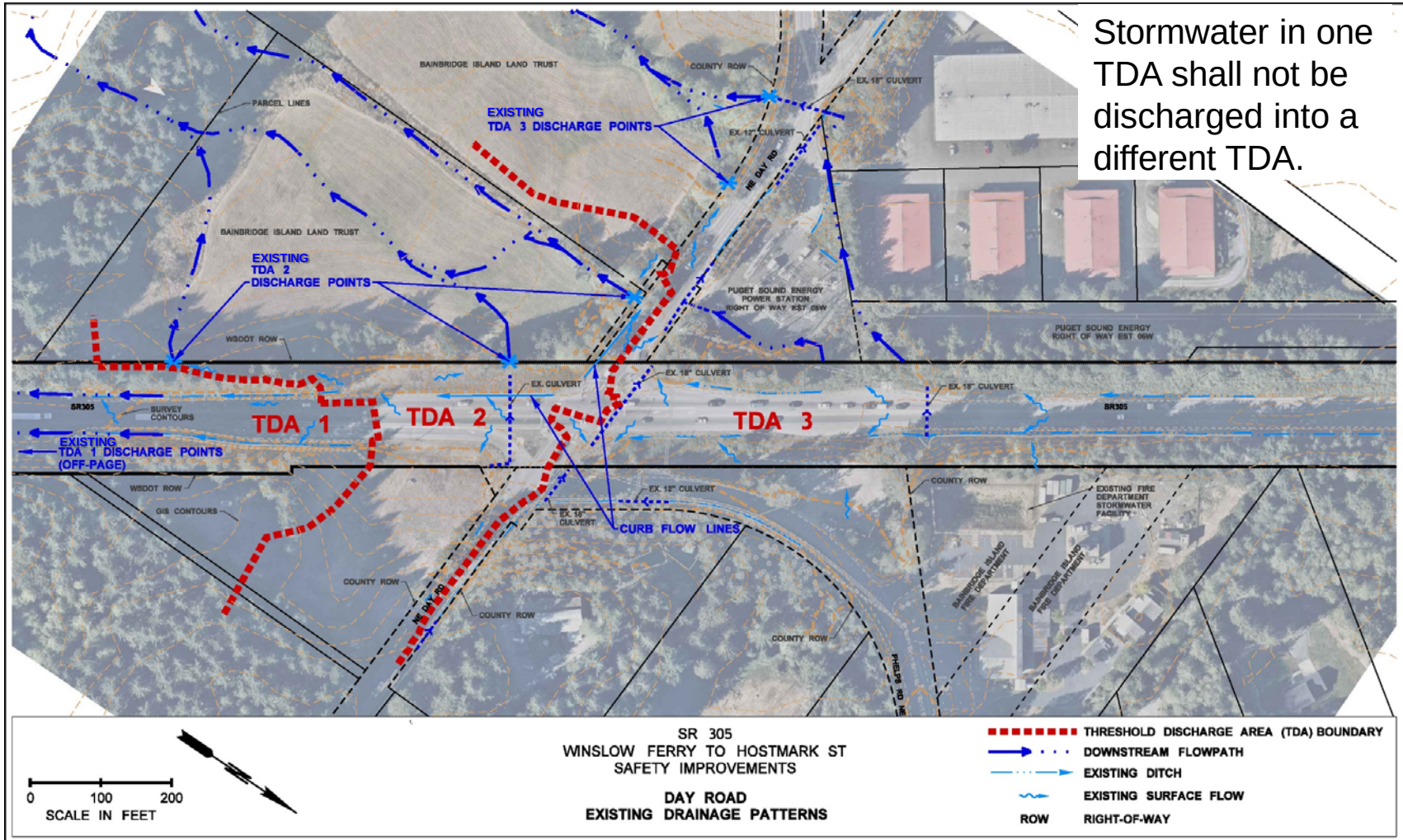
- Maintain the Natural Drainage Patterns
- Provide **Water Quality Treatment** to remove pollutants
- Provide **Flow Control** to prevent impacts from increased stormwater runoff volumes and flow rates on streams
- Protect Wetlands

Project Thresholds:

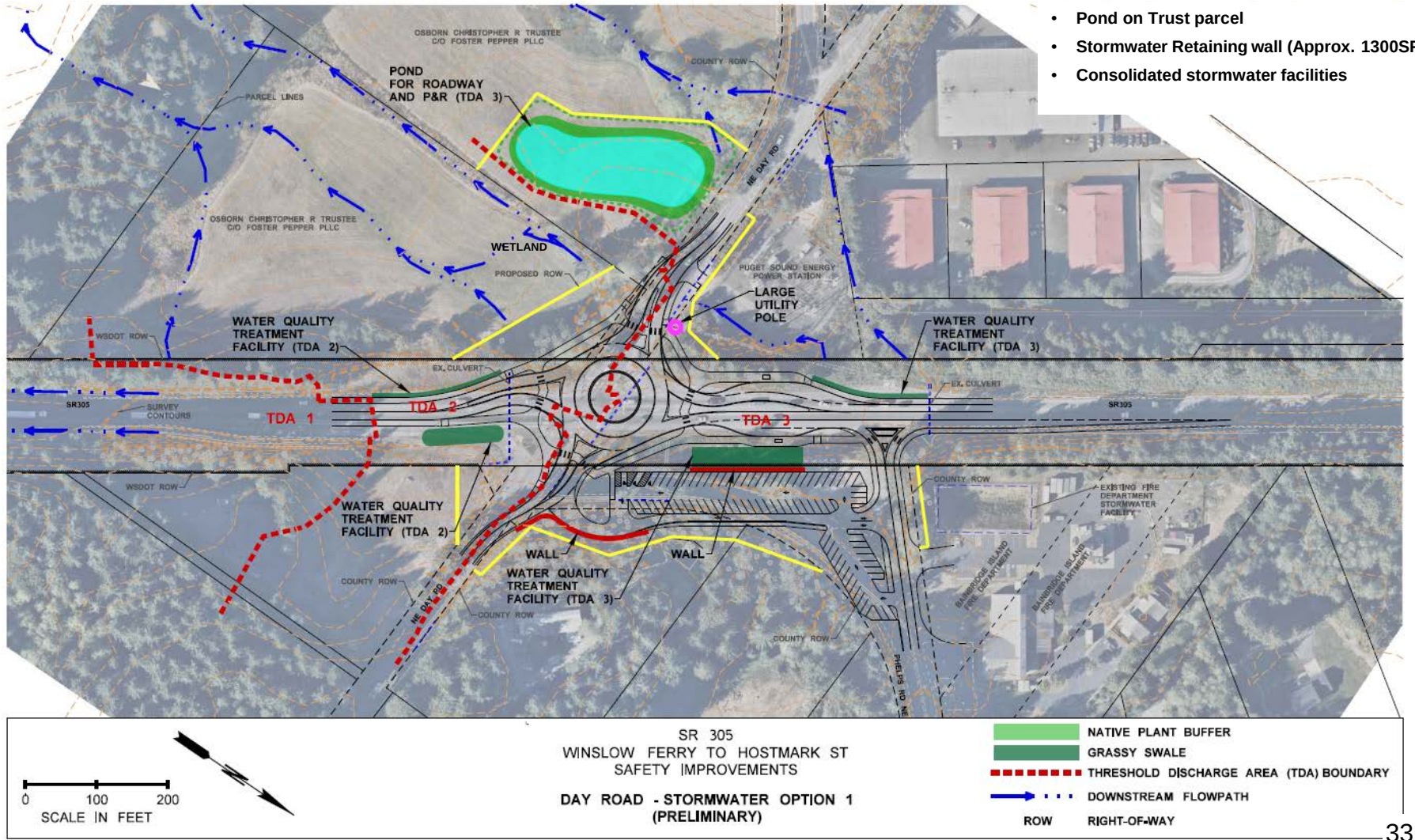
- All projects must maintain the natural drainage patterns.
- All TDA's within a project adding 5,000 square feet or more of new pollution generating impervious surface (surfaces vehicles will be driving on) must provide water quality treatment.
- All TDA's within a project adding 10,000 square feet of new impervious surface must provide flow control.



Day Road – Existing Drainage Patterns



Day Road – Drainage Option 1 – Pond Only



- Pond on Trust parcel
- Stormwater Retaining wall (Approx. 1300SF)
- Consolidated stormwater facilities

SR 305, Winslow to Hostmark

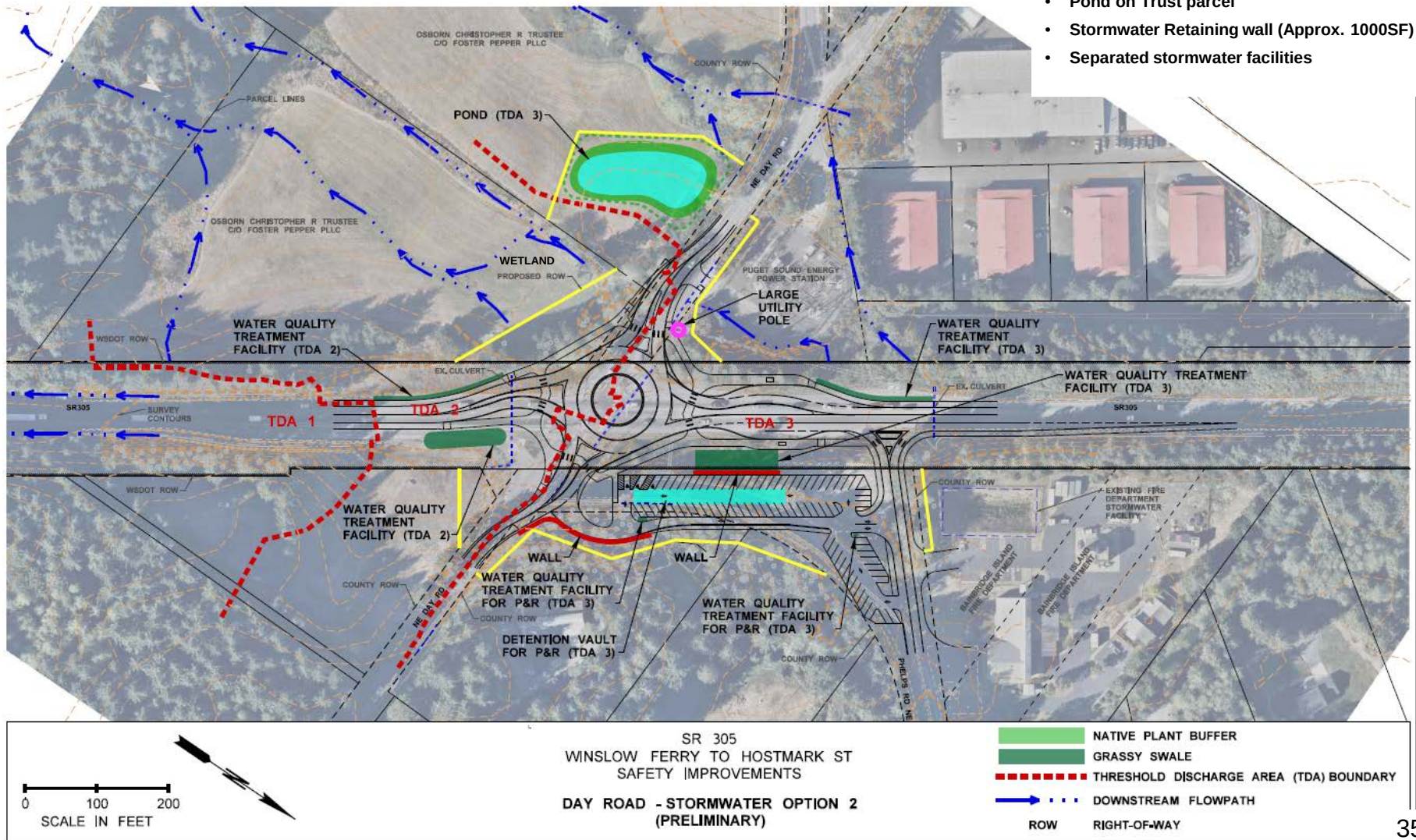
Proposed Delivery Plan Update – Option 1 - Pond

Performance Score	INTERSECTION	Total Estimated Project Cost	Project	Phase			Fish Barrier	Projects 1-4 Total	Declining Balance	
				1	2	3			\$	36,600,000
5.15	* SUQUAMISH WAY RBT	\$ 9,209,510	4			x	Klebeal	\$ 33,744,795	\$	27,390,490
4.2	DAY ROAD RBT and Park and Ride	\$ 9,711,428	2		x				\$	17,679,062
4.02	ADAS WILL RBT/Agatewood	\$ 5,465,844	3a		x				\$	12,213,218
3.99	JOHNSON ROAD RBT	\$ 5,871,062	1	x					\$	6,342,156
3.97	WEST PORT MADISON RBT	\$ 3,486,951	3b		x				\$	2,855,205
3.94	TOTTEN ROAD RBT	\$ 7,075,206	4			x	Sam Snyder	See Note	\$	(4,220,000)
3.91	MASI SHOP/SANDY HOOK RBT	\$ 5,838,829								
3.85	NOLL ROAD	\$ 287,797								
3.92	SEMINOLE ROAD	\$ 2,277,051								
3.85	SOL VEI/ TOLLEFSON/DELA TE	\$ 690,713								
3.83	SPORTSMAN CLUB ROAD	\$ 3,689,560					Murden			
LOWEST	ACCESS MOD	\$ 2,294,319								
TOTAL		\$ 55,898,270								
* Design is at 10% level; Cost estimate range: (\$8-10mil); mid-point used in table										
Note: Either Suquamish or Totten will be implemented										



Day Road – Drainage Option 2 – Pond and Vault

- Pond on Trust parcel
- Stormwater Retaining wall (Approx. 1000SF)
- Separated stormwater facilities



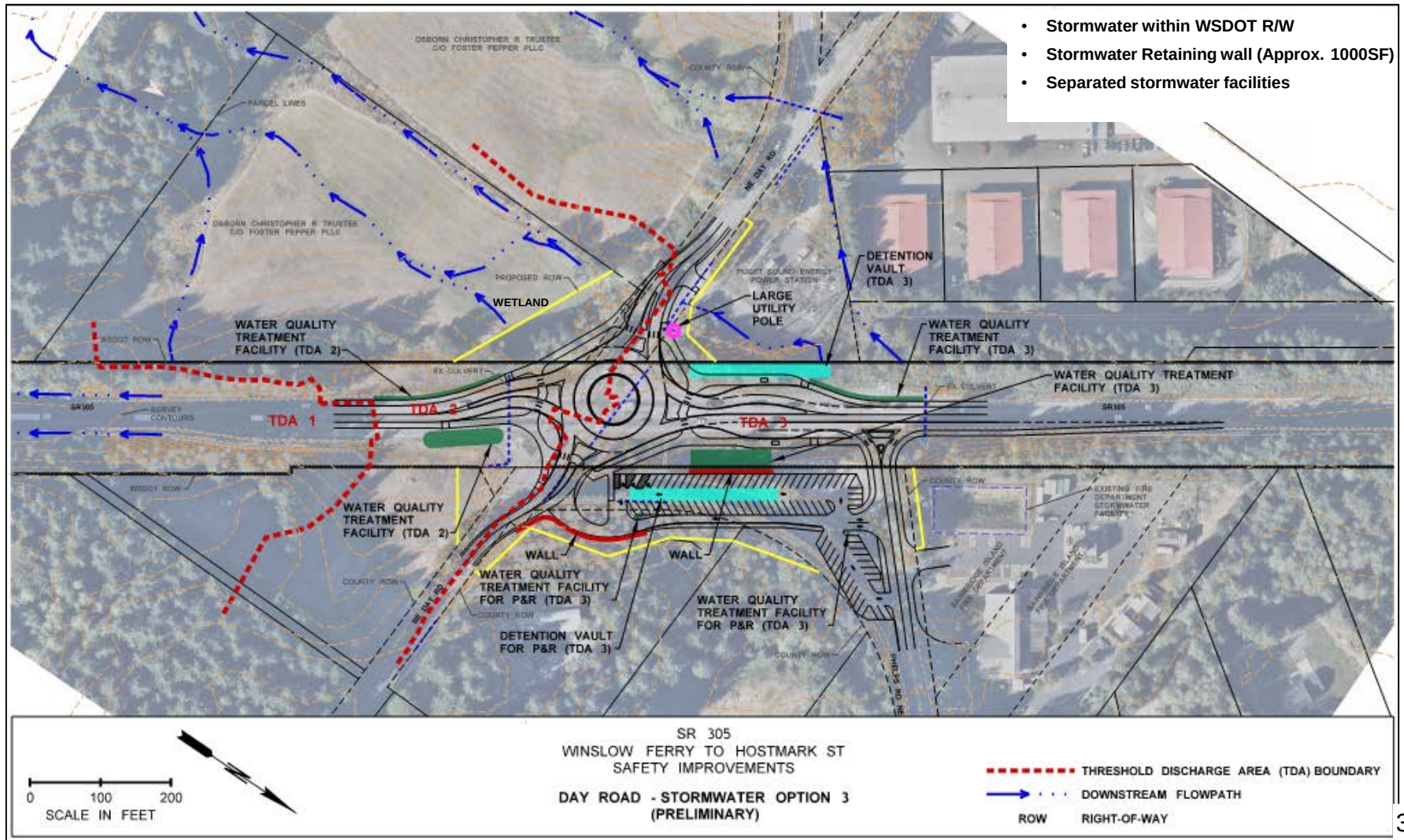
SR 305, Winslow to Hostmark

Proposed Delivery Plan Update – Option 2 – Vault and Pond

Performance Score	INTERSECTION	Total Estimated Project Cost	Project	Phase			Fish Barrier	Projects 1-4 Total	Declining Balance	
				1	2	3			\$	36,600,000
5.15	* SUQUAMISH WAY RBT	\$ 9,209,510	4			x	Klebeal	\$ 35,338,619	\$	27,390,490
4.2	DAY ROAD RBT and Park and Ride	\$ 11,305,252	2		x				\$	16,085,238
4.02	ADAS WILL RBT/Agatewood	\$ 5,465,844	3a		x				\$	10,619,394
3.99	JOHNSON ROAD RBT	\$ 5,871,062	1	x					\$	4,748,332
3.97	WEST PORT MADISON RBT	\$ 3,486,951	3b		x				\$	1,261,381
3.94	TOTTEN ROAD RBT	\$ 7,075,206	4			x	Sam Snyder	See Note	\$	(5,813,824)
3.91	MASI SHOP/SANDY HOOK RBT	\$ 5,838,829								
3.85	NOLL ROAD	\$ 287,797								
3.92	SEMINOLE ROAD	\$ 2,277,051								
3.85	SOL VEI/ TOLLEFSON/DELA TE	\$ 690,713								
3.83	SPORTSMAN CLUB ROAD	\$ 3,689,560					Murden			
LOWEST	ACCESS MOD	\$ 2,294,319								
TOTAL		\$ 57,492,094								
* Design is at 10% level; Cost estimate range: (\$8-10mil); mid-point used in table										
Note: Either Suquamish or Totten will be implemented										



Day Road – Drainage Option 3 – Vaults



- Stormwater within WSDOT R/W
- Stormwater Retaining wall (Approx. 1000SF)
- Separated stormwater facilities

SR 305, Winslow to Hostmark

Proposed Delivery Plan Update – Option 3 – Vaults

Performance Score	INTERSECTION	Total Estimated Project Cost	Project	Phase			Fish Barrier	Projects 1-4 Total	Declining Balance
				1	2	3			\$ 36,600,000
5.15	* SUQUAMISH WAY RBT	\$ 9,209,510	4			x	Klebeal	\$ 36,390,404	\$ 27,390,490
4.2	DAY ROAD RBT and Park and Ride	\$ 12,357,038	2		x				\$ 15,033,453
4.02	ADAS WILL RBT/Agatewood	\$ 5,465,844	3a		x				\$ 9,567,609
3.99	JOHNSON ROAD RBT	\$ 5,871,062	1	x					\$ 3,696,546
3.97	WEST PORT MADISON RBT	\$ 3,486,951	3b		x				\$ 209,596
3.94	TOTTEN ROAD RBT	\$ 7,075,206	4			x	Sam Snyder	See Note	\$ (6,865,610)
3.91	MASI SHOP/SANDY HOOK RBT	\$ 5,838,829							
3.85	NOLL ROAD	\$ 287,797							
3.92	SEMINOLE ROAD	\$ 2,277,051							
3.85	SOL VEI/ TOLLEFSON/DELA TE	\$ 690,713							
3.83	SPORTSMAN CLUB ROAD	\$ 3,689,560					Murden		
LOWEST	ACCESS MOD	\$ 2,294,319							
TOTAL		\$ 58,543,880							
* Design is at 10% level; Cost estimate range: (\$8-10mil); mid-point used in table									
Note: Either Suquamish or Totten will be implemented									



SR 305, Winslow to Hostmark

Group Discussion & Recommendation of Preferred Option





CITY OF
BAINBRIDGE ISLAND

City Council Study Session Agenda Bill

MEETING DATE: September 17, 2019

ESTIMATED TIME: 30 Minutes

AGENDA ITEM: (7:00 PM) Revisions to the City's Ethics Program - Executive,

STRATEGIC PRIORITY: Good Governance

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Discussion

PROPOSED BY: Executive

RECOMMENDED MOTION:

Council Discussion.

SUMMARY:

Continued Council consideration of draft revisions of the City's Ethics Program.

FISCAL IMPACT:

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

BACKGROUND:

The City's current Ethics Program articulates Core Values and Ethics Principles (Article I) and a Code of Ethics (Article II) to guide the behavior and actions of Councilmembers and members of City Commissions and Committees.

On July 9, 2019, the Council agreed, in principle, to two general flowcharts outlining the preferred processing and evaluation of: (1) requests from members of the Council or of a City committee for advisory opinions on their own behavior; and (2) Article II complaints.

On July 23, 2019, the Council agreed, in principle, to a preferred process for the receipt and evaluation of Article I complaints.

On August 6, 2019, the Council began review of proposed revisions to the City's Ethics Program to implement the revised processes previously outlined by the City Council as well as to make other updates to the City's Ethics Program.

On August 13, 2019, the Council, during good of the order, indicated that Councilmembers should submit written proposals for additional changes to the City's Ethics Program for each Councilmember to review in advance of the August 20, 2019 Council Meeting. Mayor Medina and Councilmember Deets submitted proposed changes.

On August 20, 2019, the Council reviewed the changes proposed by Mayor Medina and by Councilmember Deets, approving several of the proposals. Also on August 20, 2019, the Council indicated that Councilmembers should submit written proposals for additional changes to the City's Ethics Program for each Councilmember to review in advance of the September 17, 2019 Council Meeting.

Attached is a further revised Ethics Program, in track changes, incorporating all changes approved by the City Council to date. The track changes indicate changes that were approved by the City Council on August 6, 2019, or on August 20, 2019. Changes that were approved prior to those meetings are not shown in track changes. Track changes showing previously approved changes to the Ethics Program are available online as part of the agenda materials for the August 6, 2019, or August 20, 2019 Council Meetings. In addition, attached is a memo outlining several potential discussion points for Council consideration on September 17, 2019.

Also attached is a brief memo clarifying the definition of "Direct Official Action" within the meaning of the City's current Ethics Program. This memo responds to the request made by the City Council on August 6, 2019, for a recommendation as to how to clarify, and better understand, the definition of "Direct Official Action" and how it relates to the City's current Ethics Program.

If the Council desires to proceed with the draft revisions, as revised by the Council, the next step would be to direct staff to draft a resolution to formally adopt the revisions to the City's Ethics Program.

ATTACHMENTS:

[Draft Revisions to the City's Ethics Program \(with Potential Discussion Points\) - Track Changes](#)

[City Staff Memo - Potential Discussion Points](#)

[City Staff Memo - Clarification of Direct Official Action](#)

[Comments from Councilmembers](#)

FISCAL DETAILS: N/A

Fund Name(s):

Coding:

**CITY OF BAINBRIDGE ISLAND
CODE OF CONDUCT AND ETHICS PROGRAM**

Updated |
Resolution No. 2019-26

Commented [RS1]: To be filled in once revisions are finalized.

TABLE OF CONTENTS

Commented [RS2]: To be completed once revisions are finalized.

**CITY OF BAINBRIDGE ISLAND
CODE OF CONDUCT AND ETHICS PROGRAM**

All those associated with City government, including Councilmembers and members of City Committees and Commissions, seek to earn and maintain the public's confidence in the City's services and the public's trust in its government. To this end, the decisions and work of those associated with City government must meet the highest ethical standards. It is therefore the purpose of this program to:

1. Articulate the Code of Conduct that will guide the conduct of Councilmembers and members of City Committees and Commissions;
2. Establish a Code of Ethics for Councilmembers and members of City Committees and Commissions;
3. Provide training for Councilmembers and members of City Committees and Commissions on the Code of Conduct and the Code of Ethics;
4. Establish a system that enables individuals, Councilmembers, and members of City Committees and Commissions to seek guidance and assistance regarding possible violations of the Code of Conduct or of the Code of Ethics;
5. Provide a process to review possible violations of the Code of Conduct and of the Code of Ethics by Councilmembers and members of City Committees and Commissions; and
6. Maintain an Ethics Board to assist with the administration of the program.

ARTICLE I - CODE OF CONDUCT

A. Preamble

The City of Bainbridge Island has adopted this Code of Conduct, which consists of the Core Values and Ethics Principles detailed below, to promote and maintain the highest standards of personal and professional conduct among City Councilmembers and members of City Committees and Commissions. The optimal operation of democratic government requires that the City's government be fair and accountable to the people it serves. This Code of Conduct articulated in Article I applies to Councilmembers and members of City Committees and Commissions.

B. Core Values

1. Service, Helpfulness, Innovation

We are committed to providing service to the people of Bainbridge Island and to each other that is courteous, cost effective, and continuously improving.

2. Integrity

We treat one another with honesty and integrity, recognizing that trust is hard won and easily lost. We pledge to promote balanced, consistent, and lawful policies and directives, in keeping with that integrity and the highest standards of this community.

3. Equality, Fairness, Mutual Respect

We pledge to act with the standard of fairness and impartiality in the application of policies and directives and that of equality and mutual respect with regard to interpersonal conduct.

4. Responsibility, Stewardship, Recognition

We accept our responsibility for the stewardship of public resources, and our accountability for the results of our efforts, and we pledge to give recognition for exemplary work.

C. Ethics Principles

1. Obligations to the Public

Following the highest standards of public service, Councilmembers and members of City Committees and Commissions act to promote the public good and preserve the public's trust. In practice, this principle looks like transparency and honesty in all public statements and written communications.

2. Obligations to Others

In order to sustain a culture of ethical integrity, Councilmembers and members of City Committees and Commissions treat each other and the public with respect and are guided by applicable codes of ethics. In practice, this principle looks like:

- a. Councilmembers and members of City Committees and Commissions shall familiarize themselves with the ethical rules governing them (including Chapter 42.23 RCW and this Ethics Program) and obtain periodic education regarding such rules.
- b. Councilmembers and members of City Committees and Commissions shall, in all their interactions, conduct themselves in a manner that demonstrates civility and respect for others.

3. Obligations Regarding the Use of Public Resources

In recognition of the importance of stewardship, Councilmembers and members of City Committees and Commissions use and allocate public monies, property, and other resources in a responsible manner that takes into consideration both present and future needs of the community. In practice, this principle looks like:

- a. Councilmembers and members of City Committees and Commissions shall, to the extent possible, seek guidance regarding the use of public resources from staff and other experts, including legal advice from the City Attorney as appropriate, in order to ensure that public resources are used and conserved for the public good.
- b. Councilmembers and members of City Committees and Commissions shall ensure that paid experts and consultants who provide guidance regarding the use of public resources shall be impartial and free of conflicts of interest.

ARTICLE II - CODE OF ETHICS

Except where specifically stated, the rules articulated in Article II apply to Councilmembers and individuals serving on City Committees and Commissions.

A. Gifts and Compensation

1. Limitations on City-Related Gifts and Outside Compensation

Except as permitted under subsections (2) and (3) below, no Councilmember or member of a City Committee or Commission, or any member of their immediate families, shall, directly or indirectly, accept any gift (as defined below) for a matter connected with or related to their services or duties with the City of Bainbridge Island or accept any non-City compensation for the performance or non-performance of those services or duties.

2. Exceptions to Gift Limitations

The following are exceptions to the limitation on gifts and may be accepted by those subject to subsection (1) above:

- a. Unsolicited items of trivial value. "Items of trivial value" means items or services with a value of fifty dollars (\$50.00) or less, such as promotional t-shirts, pens, calendars, books, or other similar items.
- b. Gifts from other City officers, officials, or employees, or their family members on appropriate occasions.
- c. Gifts appropriate to the occasion and reasonable and customary in light of a familial, social, or official relationship of the giver and recipient, such as weddings, funerals, illnesses, holidays, and ground-breaking ceremonies.
- d. Campaign contributions as permitted and reported in accordance with law.
- e. Awards that are publicly presented by a nonprofit organization in recognition for public service if the award is not extraordinary when viewed in light of the position held by the recipient.
- f. Gifts offered while visiting other cities, counties, states, or countries or hosting visitors from other cities, counties, states, or countries, when it would be a breach of protocol to refuse the gift, provided that any such gifts received shall become property of the City.
- g. Reasonable and necessary costs to attend a conference or meeting that is directly related to the official or ceremonial duties of the Councilmember, *provided* that any payment of substantial travel or lodging expenses by any person or entity regulated by

the City or doing or seeking to do business with City must be approved in advance by the Mayor or, if the Mayor is the recipient, by the Deputy Mayor or the Mayor Pro Tem.

3. Immediate Family Gift Exception

It shall not be a violation of this section for a member of Councilmember's or member of a City Committee or Commission's immediate family to accept a gift which arises from an independent relationship, if the Councilmember or member of a City Committee or Commission does not significantly benefit from the gift, and it cannot reasonably be inferred that the gift was intended to influence the Councilmember or member of a City Committee or Commission in the performance of their duties.

B. Use of City Property by Councilmembers

1. Except for limited incidental personal use or emergency circumstances, no Councilmember shall request, permit, or use City vehicles, equipment, materials, or property for personal use, personal convenience, or profit.
2. From the time that a Councilmember declares or publicly states that they intend to run for reelection until the conclusion of the respective general election, that Councilmember shall not request or direct that City funds be used to purchase any media (including newspaper, radio, television, social media, or bulk mailing) that contains the name or image of that Councilmember unless the names or images of all City Councilmembers appear in the media being purchased.

C. Confidentiality

Except as required by law, a Councilmember, former Councilmember, or current or former member of a City Committee or Commission shall not disclose or use privileged, confidential, or proprietary information obtained in executive session or otherwise in the course of their duties as a result of their position.

D. Conflict of Interest - General

1. Applications of Conflict of Interest

Except as permitted in subsections (2) or (3) below, a Councilmember or member of a City Committee or Commission shall not directly, or indirectly through a subordinate or fellow officer, official, or employee, take any direct official action on a matter on behalf of the City if they, or a member of their immediate family:

- a. Has any substantial direct or indirect contractual employment related to the matter;
- b. Has other financial or private interest in that matter (which includes serving on a Board of Directors for any organization); or

- c. Is a party to a contract or the owner of an interest in real or personal property that would be significantly affected by the action.

2. Conflict of Interest Exceptions for Councilmembers

Subsection (1) above shall not apply when the Councilmember:

- a. Is required to take or participate in an action based upon the rule of necessity;
- b. Acts as their own representative before the City Council, Hearing Examiner, or any other City board, commission, or agency, provided that the individual does not also participate in any way in the deliberations or decision of the City Council, Hearing Examiner, or that board, commission, or agency related to that matter;
- c. Acquires an interest in bonds or other evidences of indebtedness issued by the City if acquired and held on the same terms available to the general public;
- d. Officially participates in the development and adoption of the City's budget; or establishes the pay or benefit plan of City officers, officials, or employees; or
- e. Makes decisions on any other legislative or regulatory action of general applicability, unless these actions directly affect, or appear to affect, the official's or immediate family member's employment.
- f. Serves on the governing body of an organization or entity as part of their official duties as a Councilmember of the City.

3. Conflict of Interest Exceptions for Members of City Committees and Commissions

Subsection (1) above shall not apply to members of City Committees and Commissions:

a. ~~to members of City Committees and Commissions~~ Appointed based on that member's ownership or lease of certain real property or of that member's ownership of a business located in a certain area of the City when that member takes direct official action on a matter concerning or affecting that certain business or that certain owned or leased real property.

b. ~~In addition, subsection (1) above shall not apply to members of a City Committees and Commissions~~ Who provided that the member fully discloses the basis for the conflict of interest under Subsection (1) above ~~the financial interest~~ on the public record of the City Committee or Commission and the Committee or Commission votes to allow the person to participate in discussion or the vote; or

c. ~~Is required to take or participate in an action based upon the rule of necessity~~

4. Disclosure for Councilmembers

Commented [RS3]: Housekeeping Change: This section is proposed to be reformatted to increase readability. The City Council has not previously reviewed this subsection, as reformatted herein.

Commented [RS4]: September 17 Discussion Point #1: Should there be an exemption for committees where membership is based on ownership over certain real property or a business located in a certain area?

On August 6, 2019, the Council supported the addition of an exemption for committees where membership is based on ownership over certain real property or a business located in a certain area.

Commented [RS5]: September 17 Discussion Point #2: Should Article II, Subsection D.3 be revised to clarify when the exception for members of City Committees and Commissions applies?

These additional changes are recommended in order to clarify the circumstances in which this exception will apply. As currently used, the term "financial interest" is somewhat ambiguous as Subsection (1) separately uses the term "financial interest" but only in relation to one possible ground for there being a conflict of interest. The City Council has not previously reviewed this proposed language.

Commented [RS6]: September 17 Discussion Point #3: Should Article II, Subsection D.3 be amended to include an additional exception to addresses circumstances where there may be a lack of a quorum on a City Committee or Commission?

Upon further review, this additional exception is proposed in order to address circumstances where a City Committee or Commission may lack a quorum due to application of the Ethics Program. This same exception exists for Councilmembers. The City Council has not previously reviewed this proposed language.

All Councilmembers are required to comply with the Washington State Public Disclosure Commission requirements for financial disclosure. In addition, all Councilmembers shall publicly disclose their financial interest in any matter that comes before them. All Councilmembers shall annually complete a conflict of interest statement to be submitted to the City Clerk by April 15th.

E. Conflict of Interest-After Leaving Elected City Office

1. For two (2) years after leaving elected City office, no former Councilmember shall obtain employment in which they will take direct or indirect advantage of matters on which they took direct official action during their service with the City. This includes contractual negotiations or solicitation of business unavailable to others.
2. For two (2) years after leaving elected City office, no former Councilmember shall engage in any action or litigation in which the City is involved, on behalf of any other person or entity, when the action or litigation involves an issue on which the person took direct official action while in elected City office.

F. Conflict of Interest – Family Members of Councilmembers

1. Appointment of Family Members

Unless they obtain a waiver from the Ethics Board, no Councilmember shall appoint or hire a member of their immediate family for any type of employment with the City. This includes, but is not limited to, full time employment, part time employment, permanent employment, temporary employment, and contract employment.

2. Supervision of Family Members

No Councilmember shall supervise or be in a direct line of supervision over a member of their immediate family. If a Councilmember is placed in a direct line of supervision of a member of their immediate family, they shall have three (3) months to come into compliance or to obtain a waiver pursuant to section (3) below.

3. Waivers

Waivers from this section may be sought from the Ethics Board to allow a member of the immediate family to be hired or to be in the direct line of supervision of a member of the immediate family. Procedures to consider such a waiver are set forth in Article III.

G. Conflict of Interest – Contractors

Every major contractor submitting bids to the City shall include a statement affirming that they have read the Code of Ethics and agree to abide by its guiding principles and rules. Further, the contractor must affirm that neither the contractor nor any agent of the contractor has made any prohibited gift to a Councilmember who is involved in direct official action on the bid or has a relationship to such an official that would create a conflict of interest for that official.

H. Conflict of Interest - Individuals Serving on City Committees and Commissions

Individuals serving on City Committees and Commissions shall sign a conflict of interest statement upon appointment and reappointment.

I. Conduct of Public Meetings

1. Meetings involving Councilmembers or City Committees and Commissions should be conducted in a manner that maximizes transparency of relationships among individuals or groups that could affect decision-making.
2. Meetings of the City Council and City Committees and Commissions shall have a standing agenda item for disclosure of possible conflicts of interest. Members are encouraged to disclose relationships with persons and issues on the agenda, including potential conflicts of interests. If necessary, discussion among the members may be undertaken to judge the significance of these relationships and whether a possible conflict of interest exists.

J. Conflict of Interest – Individuals Serving on the Ethics Board

No member of the Ethics Board shall participate in the review of complaints or requests for advisory opinions relating to the conduct of a Councilmember where that member of the Ethics Board is or was a member of a political action committee that supports, supported, opposes, or opposed the election or reelection of the Councilmember in question.

Commented [RS7]: September 17, 2019 Discussion Point #4: Does proposed Article II, Section J and related proposed definition of “political action committee” address the concerns raised by the Council on August 20, 2019?

On August 20, 2019, the Council directed staff to draft language requiring that any member of the Ethics Board recuse themselves from consideration of complaints or requests for advisory opinions relating to the conduct of a Councilmember where that member of the Ethics Board is or was a member of a political action committee that supports, supported, opposes, or opposed the election of the Councilmember in question

ARTICLE III -
SUBMISSION AND REVIEW OF ETHICS COMPLAINTS, REQUESTS FOR WAIVERS,
AND REQUESTS FOR ADVISORY OPINIONS
ENFORCEMENT OF THE ETHICS PROGRAM

A. Submission of Ethics Complaints

1. Any individual may submit to the City Clerk an ethics complaint alleging violations of one of the following:
 - a. The Code of Conduct (Article I) by a Councilmember or a member of a City Committee or Commission;
 - b. The Code of Ethics (Article II) by a Councilmember or a member of a City Committee or Commission; or
 - c. The ethics standards contained in the City of Bainbridge Island Employee Manual by a City employee other than the City Manager.
2. Each complaint must include the name and address of the complainant, along with a detailed statement of facts, supported by a declaration in compliance with RCW 9A.72.085, on a form supplied by the ~~Ethics Board~~City Clerk.
3. To facilitate timely review under this Ethics Program, each complaint may only allege violations of one of the three standards listed in subsection (A)(1) above. To the extent that an individual believes multiple standards were violated, the individual may submit multiple complaints.
- ~~4. The Ethics Board may on its own initiative identify a possible violation of the Code of Conduct (Article I) or the Code of Ethics (Article II) and initiate its own complaint.~~

B. Review of Article I Complaints

1. The City Clerk shall refer complaints alleging one or more violations of the Code of Conduct (Article I) by a Councilmember or a member of a City Committee or Commission to the Ethics Board for a threshold determination as to whether or not the complaint is reasonably credible and whether or not the facts asserted in the complaint, even if true, would constitute a violation of the Code of Conduct (Article I).
 - a. If the Ethics Board determines that the complaint lacks reasonable credibility, the Ethics Board shall dismiss the complaint, take no further action on it, and provide a written threshold determination to the City Clerk. Reconciliation shall not occur regarding a complaint dismissed under this subsection. The City Clerk shall provide the threshold determination to the complainant and respondent and publish it along with the complaint.
 - b. If the Ethics Board determines that the facts stated in the complaint, even if true,

would not constitute a violation of the Code of Conduct (Article I), then the Ethics Board shall dismiss the complaint, take no further action on it, and provide a written threshold determination to the City Clerk. Reconciliation shall not occur regarding a complaint dismissed under this subsection. The City Clerk shall provide the threshold determination to the complainant and respondent and publish it along with the complaint.

c. If the Ethics Board determines that the complaint is reasonably credible and that the facts asserted in the complaint, if true, would constitute a violation of the Code of Conduct (Article I), then the Ethics Board shall provide a written threshold determination to the City Clerk. The City Clerk shall provide the threshold determination to the complainant and respondent and refer the complaint to a trained mediator for reconciliation as outlined below.

~~1. The City Clerk shall refer to a trained mediator for reconciliation complaints alleging one or more violations of the Code of Conduct (Article I) by a Councilmember or a member of a City Committee or Commission.~~

2. As soon as practicable following receipt of a threshold determination under Article III, subsection (B)(1)(c)-complaint, the City Clerk, or designee, shall schedule the time and place for reconciliation of the complaint. However, if the complainant refuses to participate in reconciliation, then no reconciliation shall be scheduled and no further action shall be taken on the complaint. If the respondent refuses to participate in reconciliation, then no reconciliation shall be scheduled and the City Clerk shall instead refer the complaint to the Ethics Board for review and issuance of an advisory opinion in accordance with Article III, subsections (B)(4)(b)(i)-(v).

3. To facilitate timely reconciliation, the City Manager is authorized to, as needed, negotiate, execute, or amend a contract with the Dispute Resolution Center of Kitsap County, or other similar firm or organization, for the provision of trained mediators suitable for facilitating reconciliation to resolve complaints.

4. Reconciliation shall occur at the time and place scheduled. Within 10 business days following reconciliation, either the complainant or the respondent may request that the complaint be referred to the Ethics Board for review and issuance of an advisory opinion on the matter. Such requests must be submitted to the City Clerk, who shall then forward the request to the Ethics Board and provide notice of the request to the other party.

a. If no request is received within 10 business, no further action shall be taken on the complaint.

b. If a request is received within 10 business days, the following subsections apply:

i. The Chair of the Ethics Board shall provide the respondent with a reasonable period of time to submit a written response to the complaint supported by a declaration in compliance with RCW 9A.72.085.

ii. The Ethics Board shall then review the complaint and response, if submitted. The

Ethics Board's review shall be limited to the complaint and the response, if submitted. In the course of reviewing a complaint, the Ethics Board may request clarification of the complaint by the complainant or of the response by the respondent; provided that if the Ethics Board obtains clarification of the complaint, the Ethics Board shall give the respondent the opportunity to review the clarification and to provide an additional written response. However, the Ethics Board shall not engage in other fact-finding.

iii. If, in reviewing the complaint and response, a question of fact exists, the Ethics Board shall identify the existence of the question of fact in its advisory opinion.

iv. After reviewing the matter, the Ethics Board shall issue an advisory opinion, which shall be forwarded to the City Clerk for publication along with the complaint and response, if submitted. The City Clerk shall provide notice to both the complainant and respondent of the issuance of the advisory opinion.

v. If, during the process of reviewing a complaint alleging a violation of the Code of Conduct (Article I), the Ethics Board determines that an additional violation of the Code of Conduct (Article I) may have occurred or a violation of the Code of Ethics (Article II) may have occurred, then the Ethics Board may choose to note that possibility in its advisory opinion. However, the Ethics Board shall not on its own initiative pursue an investigation of an additional violation of the Code of Conduct (Article I) or a violation of the Code of Ethics (Article II) without the approval of the City Council. "Additional violation of the Code of Conduct (Article I)" means a violation of the Code of Conduct (Article I) that was not included in the complaint being reviewed.

vi. The Ethics Board shall strive to complete its review and issue an advisory opinion within 45 business days from the date that the City Clerk forwarded the request to the Ethics Board. If review takes longer than 45 business days, the Ethics Board in its advisory opinion shall specify the reasons for why additional time was needed.

vii. Advisory opinions shall be viewed as educational only. The purpose of such an opinion is to provide an educational opinion to Councilmembers, members of City Committees and Commissions, and the public on what type of conduct is generally expected from Councilmembers and members of City Committees and Commissions.

C. Review of Article II Complaints

1. The City Clerk shall refer to the Ethics Board complaints alleging one or more violations of the Code of Ethics (Article II) by a Councilmember or a member of a City Committee or Commission.

Commented [RS8]: Housekeeping Change: On August 20, 2019, the City Council approved the following language:

"If during the process of reviewing an Article I complaint, the Ethics Board determines that an additional Article I violation may have occurred or an Article II violation may have occurred, the Ethics Board may choose to note that possibility in its Advisory Opinion. However, the Ethics Board may not on its own initiative pursue an investigation of the potential additional violation without approval of the city council. "Additional Article I violation" means an Article I violation that was not included in the complaint."

This new section is proposed to be reworded, as shown in track changes, for consistency with other provisions of the Code of Conduct and Ethics Program.

2. Upon receipt of a complaint, the Chair of the Ethics Board shall provide the respondent with a reasonable period of time to submit a written response to the complaint supported by a declaration in compliance with RCW 9A.72.085.

3. The Ethics Board shall review any complaint forwarded to it by the City Clerk and a response submitted by the respondent. The Ethics Board shall not engage in other fact-finding. However, in the course of reviewing a complaint, the Ethics Board may request clarification of the complaint by the complainant or of the response by the respondent.

4. After reviewing the complaint and the response, if one was submitted, the Ethics Board shall take one or more of the following actions and inform the complainant, the respondent, and the City Clerk accordingly:

- a. Refer the complaint back to the City Clerk if the complaint alleges violations of the Code of Conduct (Article I) rather than alleged violations of the Code of Ethics (Article II);
- b. Determine that the complaint lacks reasonable credibility;
- c. Determine that the facts stated in the complaint, even if true, would not constitute a violation of the Code of Ethics;
- d. Determine that facts stated in the complaint, even if true, would not constitute a material violation of the Code of Ethics because any possible violation was inadvertent or minor or has been adequately cured, such that further proceedings on the complaint would not serve the purposes of the Code of Ethics (Article II);

~~e. Issue an advisory opinion if the subject of the complaint is more appropriate for such action;~~

~~ef.~~ Hold the complaint for action at a future time if the matter is the subject of litigation; or

~~fg.~~ Determine that, based on the submissions of the complainant and the respondent, review by the Hearing Examiner is warranted.

5. The Ethics Board shall strive to complete its review within 45 business days from the date that the City Clerk forwarded the complaint to the Ethics Board. If review takes longer than 45 business days, the Ethics Board in its determination shall specify the reasons why additional time was needed.

6. If the Ethics Board determines that, based on the submissions of the complainant and the respondent, review by the Hearing Examiner is warranted, the Board shall forward its determination, along with the complaint and response to the complainant, respondent, and the City Clerk. The City Clerk will then forward the Board's determination and associated materials to the Hearing Examiner for review and further proceedings in accordance with Article IV.

7. The Ethics Board shall report apparent violations of law to the appropriate authorities.

D. Review of Complaints Concerning City Employees

1. The City Clerk shall refer complaints concerning City employees to the City Manager.
2. The City Manager shall review any ethics complaint forwarded by the City Clerk and determine the appropriate course of action to address the complaint including, as applicable, authorizing such investigations as may be necessary to determine whether a violation has occurred, consistent with state law as well as relevant policies, procedures, and collective bargaining agreements.
3. Upon making a determination that no violation of ethics rules has occurred, the City Manager shall provide a written response regarding the determination to the complainant.
4. Upon making a determination that a violation of ethics rules has occurred, the City Manager or other appropriate City officer shall take action as guided by state law and relevant policies, procedures, and collective bargaining agreements.
5. In the event of a violation, the City Manager shall provide a response to the complainant outlining the substance of the violation and the action taken, subject to governing rules regarding confidentiality articulated in state law, City policy, and collective bargaining agreements.
6. Apparent violations of law shall be reported to the appropriate authorities, as applicable.

E. Requests for Advisory Opinions

1. To the extent outlined below, the following individuals or bodies may submit to the City Clerk a request for an advisory opinion from the Ethics Board:
 - a. A Councilmember or member of a City Committee or Commission may request an advisory opinion from the Ethics Board as to whether their own behavior has violated or might in the future violate the Code of Conduct (Article I) or the Code of Ethics (Article II).
 - b. The City Council may request an advisory opinion from the Ethics Board regarding City policies or practices in relation to the Code of Conduct (Article I) or the Code of Ethics (Article II).
 - c. City Committees and Commissions may request an advisory opinion from the Ethics Board regarding operating rules or practices in relation to the Code of Conduct (Article I) or the Code of Ethics (Article II).
2. Requests for advisory opinions must be submitted to the City Clerk on a form supplied by the Ethics Board. The Ethics Board shall submit finalized advisory opinions to the City Clerk for publication

3. The Ethics Board, on its own initiative, may prepare its own advisory opinions concerning the Code of Conduct (Article I) or the Code of Ethics (Article II). If the advisory opinion concerns the behavior of one or more specific individuals, then, prior to issuance of the advisory opinion, the Ethics Board shall provide each individual with a reasonable amount of time to submit a written response to the concerns raised by the Ethics Board. The Ethics Board shall submit finalized advisory opinions to the City Clerk for publication along with any responses submitted. If such advisory opinions concerns the behavior of a specific individual, the Ethics Board shall inform the City Clerk, who shall then forward a copy of the advisory opinion to that individual.

34. The grant of authority in this section is supplemental to, and does not change, the authority granted to the Ethics Board in sections B and C above.

F. Waivers

Councilmembers may request a waiver from the Ethics Board of the conflict of interest restrictions related to the hiring of and supervision over family members, as provided by Article II, Section F. Such requests shall be submitted in writing to the City Clerk, who shall refer them to the Ethics Board. Once finalized, the Board shall provide its response to the City Clerk, who shall publish both the request and ~~its~~ the Board's response.

G. Effect of Advisory Opinion or Waiver

An individual who receives a waiver, or who acts in reliance on an advisory opinion, shall not later be found to have violated the Code of Conduct (Article I) or the Code of Ethics (Article II) if the individual acts in a manner consistent with that advisory opinion or waiver.

Commented [RS9]: September 17, 2019 Discussion Point #5: Should Article III, Section F, be revised to clarify where requests for waivers should be submitted and whether such requests, and the Ethics Board's response, should be published?

Following further review, these additional changes to this section are recommended to ensure there is no ambiguity regarding where requests for waivers should be submitted and how they are published. The City Council has not previously reviewed this proposed language.

**ARTICLE IV -
HEARING EXAMINER REVIEW
AND POSSIBLE SANCTIONS**

A. Hearing Examiner Review of Article II Complaints

1. The City Clerk shall provide written notification to the complainant and the respondent of the time, date, and place of the hearing before the Hearing Examiner at which the complaint concerning alleged violations of the Code of Ethics (Article II) will be reviewed.

2. Hearings conducted by the Hearing Examiner shall be informal and ~~is~~ held in accordance with rules of procedure adopted by the Hearing Examiner, except to the extent that such rules conflict with the terms of this Ethics Program. The respondent may be represented by legal counsel. The City Attorney shall designate special counsel to present the Code of Ethics violations charges and case. The respondent and special counsel may present and cross examine witnesses and give evidence before the Hearing Examiner. The Hearing Examiner may also call witnesses and compel the production of books, records, papers, or other evidence needed. To that end, the Hearing Examiner may issue subpoenas and subpoenas duces tecum at the request of the respondent, special counsel, or their own initiative. All testimony shall be under oath administered by the Hearing Examiner. The Hearing Examiner may adjourn the hearing from time to time in order to allow for the orderly presentation of evidence.

3. The Hearing Examiner or designee shall prepare an official record of the hearing, including all testimony, which shall be recorded by electronic device, and exhibits; provided that the Hearing Examiner or designee shall not be required to transcribe such records unless presented with a request accompanied by payment of the cost of transcription.

4. Within 20 business days after the conclusion of the hearing, the Hearing Examiner shall, based upon a standard of proof of clear and convincing evidence, make findings of fact and conclusions of law. If the Hearing Examiner determines that the alleged Code of Ethics violation(s) have not been proven, the Hearing Examiner shall dismiss the complaint. If the Hearing Examiner determines that one or more Code of Ethics violation are proven, the Hearing Examiner shall forward the matter to the City Council for a determination regarding the appropriate level of sanctions to be imposed for the Code of Ethics (Article II) violations. In either event, a copy of the findings and conclusions shall be forwarded to the City Council, by registered mail to the person who made the complaint, and to the respondent at addresses as given by such persons to the Hearing Examiner.

B. Action by City Council upon Hearing Examiner's Findings and Conclusion

1. Within 45 business days of receipt of the Hearing Examiner's findings and conclusions that sustain a Code of Ethics violation, the City Council shall schedule an executive session to consider the findings and conclusions, hear from the respondent, and deliberate upon the appropriate level of civil sanction(s) to be imposed, if any, except to the extent that the respondent requests that they be heard in open public session.

2. The Council may take no formal action or may impose any of the following sanctions in response to a sustained violation of the Code of Ethics:

- a. Admonition: An admonition shall be a verbal non-public statement made by the Mayor, Deputy Mayor, or Mayor Pro Tem to the Councilmember or member of a City Committee or Commission who has violated the Code.
- b. Reprimand: A reprimand shall be a letter prepared by the City Council, signed by the Mayor, Deputy Mayor, or Mayor Pro Tem, and directed to the Councilmember or member of a City Committee or Commission who has violated the Code.
- c. Censure: A censure shall be a written statement administered personally by the Mayor, Deputy Mayor, or Mayor Pro Tem to the Councilmember or member of a City Committee or Commission who has violated the Code violation. The Councilmember or member of a City Committee or Commission shall appear at a time and place directed by the City Council to receive the censure. The censure shall be given publicly and the official who has violated the Code shall not make any statement in support or opposition thereto or in mitigation. A censure shall be deemed administered at the time it is scheduled whether or not the Councilmember or member of a City Committee or Commission appears as required.
- d. Other sanctions: Any sanction imposed under this Ethics Program is in addition to and not in lieu of any other penalty, sanction, or remedy which may be imposed or sought according to law or equity.

3. The written findings, conclusions, and sanctions shall be approved by a majority vote of the Council in open public session; provided, that the respondent, if a Councilmember, shall not participate in said vote. A copy of the findings, conclusions, and sanctions shall be forwarded by registered mail to the complainant and to the respondent at addresses as given by both persons to the City Clerk.

ARTICLE V - ETHICS BOARD

A. Creation, Terms, and Appointments

1. Membership of Ethics Board

The Ethics Board consists of ~~five~~seven members appointed in accordance with this section.

2. Qualifications of Board Members

- a. Members of the Board shall represent a diverse set of backgrounds and interests.
- b. At least one member of the Ethics Board shall be a former judicial officer or have expertise in ethics acquired through education or experience.
- c. Members appointed or reappointed after the effective date of Resolution No. 2019-26, updating the Ethics Program, shall not be employees or officers of the city or individuals appointed to another city committee or commission.

3. Method of Appointment

- a. Members of the Ethics Board shall be nominated by the Mayor and confirmed by the City Council by a supermajority vote of at least five Councilmembers.
- b. The Mayor and City Council shall work cooperatively to ensure that any person who is nominated has the required support of the City Council. Nominations shall be presented at meetings of the City Council in which all seven Councilmembers are present, unless exceptional circumstances exist (e.g., a Council vacancy exists and has not yet been filled, or other good cause).

4. Terms of Appointment

- a. Board members shall be appointed to terms of three years; however, the first two members nominated by the Mayor and confirmed by the City Council shall initially serve one-year terms to achieve staggered ending dates.
- b. If a member is appointed to fill an unexpired term, that member's term shall end at the same time as the term of the person being replaced.
- c. Each member shall continue to serve until a successor has been appointed, unless the member is removed or resigns.

5. Removal of Board Members

- a. The absence of any member of the Board from three (3) official consecutive meetings, unless the Board has excused the absence for good and sufficient reasons as determined by the Board, shall constitute a resignation from the Board.
- b. The City Council may remove a member for inappropriate conduct before the expiration of the member's term. Before removing a member, the City Council shall specify the cause for removal and shall give the member the opportunity to make a personal explanation.

6. Compensation

Members of the Ethics Board shall serve without compensation. Members may be reimbursed for reasonable expenses pursuant to the rules of the City and as approved by the City Manager or their designee.

7. Rules

The Ethics Board may, by majority vote, adopt reasonable operating rules consistent with this Ethics Program. The City Council reserves the right to modify such operating rules at its discretion.

8. Consultation with City Attorney

The Ethics Board shall consult with the City Attorney's Office or special counsel appointed by the City Attorney's Office regarding legal issues which may arise in connection with the Board's duties and functions under this Ethics Program.

9. Liaison to the Ethics Board.

A representative of the City Attorney's Office shall attend all Ethics Board meetings and serve as the liaison to the Ethics Board. No Councilmember shall serve as a liaison to the Ethics Board.

B. Training Provided by the Ethics Board

The Ethics Board shall perform the following training related duties:

1. At least every two years, the Ethics Board shall prepare and distribute a pamphlet describing the Code of Conduct (Article I) and Code of Ethics (Article II) to all Councilmembers and members of City Committees and Commissions, after review of the pamphlet by the City Attorney's Office. The Ethics Board shall ensure that all new Councilmembers and members of City Committees and Commissions receive a pamphlet on this Code of Ethics.

Commented [RS10]: Housekeeping Change: On August 20, 2019, the City Council approved the following language:

"9. City Liaison to the Ethics Board. A representative of the City Attorney's office shall attend all Ethics Board meetings and serve as the Ethics Board liaison with the City. A City Councilmember shall not serve as a liaison to the Ethics Board."

Staff proposes minor adjustments to the language, as shown in track changes, to better effectuate the intent of the language approved by the City Council.

2. The Ethics Board shall disseminate any change in policy that results from a finding of the Board, after review by the City Attorney's Office.

3. The Ethics Board shall develop and present a training course on the Code of Conduct and the Code of Ethics to be presented annually to all Councilmembers and members of City Committees and Commissions. ~~at least once every two years.~~

C. Training Provided to the Ethics Board

The Ethics Board shall include all requests for training for the coming year in the Board's annual report to the City Council, and the Council will determine what training to approve, if any.

D. Annual Report

By February 15 of each year, the Ethics Board shall submit an annual report to the City Council summarizing its activities during the previous calendar year and work plan for the following year. The report shall include any recommendations for modifying the Code of Ethics as well as all training requested by the Ethics Board.

ARTICLE VI - DEFINITIONS

For purposes of the Ethics Program, the following definitions shall apply.

"City Committees and Commissions" means all advisory boards, commissions, committees, and task forces created or appointed by the City Council.

"Confidential Information" means (a) specific information, rather than generalized knowledge, that is not available to the general public on request; or (b) information made confidential by law.

"Direct official action" means any of the following actions ~~which involves any of the following:~~

1. Negotiating, approving, disapproving, administering, enforcing, or recommending for or against a contract, purchase order, lease, concession, franchise, grant, or other similar instrument in which the City is a party. ~~With regard to "recommending," direct official action occurs only if the person making the recommendation is in the formal line of decision-making.~~
2. Enforcing laws or regulations or issuing, enforcing, or regulating permits.
3. Selecting or recommending vendors, concessionaires, or other types of entities to do business with the City.
4. Appointing and or terminating employees, ~~temporary workers, and or~~ independent contractors.
5. ~~Doing research for, representing, or scheduling appointments for an officer, official, or employee, provided that these activities are provided in connection with that officer's, official's, or employee's performance of 1 through 4 above.~~

Direct official action does not include acts that are purely ministerial (that is, acts which do not affect the disposition or decision with respect to the matter). ~~With regard to the approval of contracts, direct official action does not include the signing by the Mayor, City Manager, or other official as required by law, unless the official initiated the contract or is involved in selecting the contractor or negotiating or administering the contract. With regard to "recommending," as that word is used in this definition, direct official action occurs only if the person making the recommendation is in the formal line of decision-making.~~ A person who abstains from a vote is not exercising direct official action.

"Direct line of supervision" means the supervisor of an employee and the supervisor of an employee's supervisor.

"Fact-finding" means any action to gather facts or other evidence not submitted by a complainant in a complaint or a clarification to a complaint or by a respondent in a response or a clarification to a response. However, "fact-finding" does not include review by the Ethics

Commented [RS11]: September 17, 2019 Discussion Point #6: Does Council approve of the revised definition of "Direct Official Action"?

On August 6, 2019, the City Council requested that staff review the definition of "Direct Official Action" contained in the City's current Ethics Program and examine how the definition could be clarified.

Commented [RS12]: September 17, 2019 Discussion Point #7: Does Council approve of the proposed new definition of "fact-finding"?

On August 20, 2019, the Council directed staff to draft a definition of "fact-finding" as that term is used in Article III, Subsections B.4.b.ii and C.3 of the draft revisions to the Ethics Program.

Board of official video or audio recordings of meetings of the City Council or of City Committees and Commissions as well as review by the Ethics Board of the official minutes of such meetings.

"Gift" means any favor, reward, or gratuity and any money, good, service, travel, event ticket, lodging, dispensation, or other thing of value that is given, sold, rented, or loaned to a person without reasonable compensation and that is not available to the general public on the same terms and conditions. Any honoraria or payment for participation in an event will be considered a gift.

"Immediate family" means husband, wife, son, daughter, mother, father, grandmother, grandfather, grandchildren, brother, sister, domestic partner, or spouse of the above. The term includes any minor children for whom the person, or their domestic partner, provides day-to-day care and financial support. A "domestic partner" is an unmarried adult, unrelated by blood, with whom an unmarried officer, official, or employee has an exclusive committed relationship, maintains a mutual residence, and shares basic living expenses.

"Major Contractor" means any person, corporation, company, firm, business, or other entity doing business over \$5,000 with the City under one contract or annually.

"Political Action Committee" means a legal entity, other than a natural person, that raises, spends, receives, or contributes money to support or oppose the election of one or more candidates for elected office at the local, state, or federal levels.

"Question of Fact" means a factual dispute between the complainant and the respondent concerning an issue that is material to a determination as to whether a violation of the Code of Conduct (Article I) exists.

"Reconciliation" means mediation between a complainant and a respondent facilitated by a trained mediator.

"Rule of Necessity" shall be interpreted and defined in accordance with RCW 42.36.090, which provides: In the event of a challenge to a member or members of a decision-making body which would cause a lack of a quorum or would result in a failure to obtain a majority vote as required by law, any such challenged member(s) shall be permitted to fully participate in the proceeding and vote as though the challenge had not occurred, if the member or members publicly disclose the basis for disqualification prior to rendering a decision. Such participation shall not subject the decision to a challenge by reason of violation of the appearance of fairness doctrine.

ARTICLE VII -
CITY COUNCIL REVIEW OF CODE OF CONDUCT
AND ETHICS PROGRAM

This Code of Conduct and Ethics Program shall automatically expire, and no longer be in force or effect, 12 months from the effective date of Resolution No. 2019-26, unless it is expressly renewed or otherwise amended by majority vote of the City Council.

Commented [RS13]: Resolution No. 2019-26 is the resolution number assigned to the resolution adopting the revisions to the City's Ethics Program. As of the September 17, 2019 Council Meeting, Resolution No. 2019-26 has not yet been drafted, but the resolution number has been reserved.



CITY OF
BAINBRIDGE ISLAND

Office of the City Attorney
Memorandum

Date: September 13, 2019

To: City Council

From: Robbie Sepler, Deputy City Attorney

Re: Revisions to the City's Ethics Program;
Potential Discussion Points for the City Council

To facilitate Council consideration of the proposed revisions to the City's Ethics Program, the Council may wish to consider the following discussion points, which stem from the review of the draft revisions by staff and from previous Council discussion. These discussion points are included as comments to the redlined version of the proposed revisions included in the agenda packet.

1. Should there be an exemption from the City's conflict of interest rules for committees where membership is based on ownership over certain real property or a business located in a certain area? *(On August 6, 2019, the Council supported the addition of an exemption for committees where membership is based on ownership over certain real property or a business located in a certain area.)*
2. Should Article II, Subsection D.3 be revised to clarify when the exception for members of City Committees and Commissions applies? *(Staff proposes minor revisions to better effectuate intent of the exception.)*
3. Should Article II, Subsection D.3 be amended to include an additional exception to addresses circumstances where there may be a lack of a quorum on a City Committee or Commission? *(Staff proposes creating such an exception, which already exists for Councilmembers under the City's current Ethics Program.)*

4. Does proposed Article II, Section J and related proposed definition of “political action committee” address the concerns raised by the Council on August 20, 2019? *(On August 20, 2019, the Council directed staff to draft language requiring that any member of the Ethics Board recuse themselves from consideration of complaints or requests for advisory opinions relating to the conduct of a Councilmember where that member of the Ethics Board is or was a member of a political action committee that supports, supported, opposes, or opposed the election of the Councilmember in question.)*
5. Should Article III, Section F, be revised to clarify where requests for waivers should be submitted and whether such requests, and the Ethics Board’s response, should be published? *(Staff proposes minor revisions to clarify these issues.)*
6. Does Council approve of the revised definition of “Direct Official Action”? *(On August 6, 2019, the City Council requested that staff review the definition of “Direct Official Action” contained in the City’s current Ethics Program and examine how the definition could be clarified.)*
7. Does Council approve of the proposed new definition of “fact-finding”? *(On August 20, 2019, the Council directed staff to draft a definition of “fact-finding” as that term is used in Article III, Subsections B.4.b.ii and C.3 of the draft revisions to the Ethics Program.)*

Note Several housekeeping (i.e., non-substantive) changes are noted by comments in the redlined version of the proposed revisions included with the agenda packet. These housekeeping changes relate to: Article II, Subsection D.3; Article III, Subsection B.4.b.v; and Article V, Subsection A.9.



CITY OF
BAINBRIDGE ISLAND

Office of the City Attorney
Memorandum

Date: September 13, 2019

To: City Council

From: Robbie Sepler, Deputy City Attorney

Re: Clarification of the Definition of Direct Official Action

I. Introduction

On August 6, 2019, the City Council requested that staff review the definition of “Direct Official Action” contained in the City’s current Ethics Program and examine how the definition could be clarified. This memo briefly outlines the proposed changes to the definition and provides context regarding what effect the proposed changes would have, if adopted.

II. Why Does the Definition of “Direct Official Action” Matter?

Short Answer: Because it is the first step in determining whether or not a conflict of interest exists under Article II, Subsection D.1.

Long Answer: Article II, Subsection D.1 sets out the general conflict of interest rule for Councilmembers and members of City Committees and Commissions. In summary, the following test is required to determine whether or not a Councilmember’s actions constitute an impermissible conflict of interest under Article II, Subsection D.1:

- Step 1. Did the Councilmember, directly or indirectly, take **direct official action** on a matter on behalf of the City?
- If no, then there is no conflict of interest.
 - If yes, then go to Step 2.

- Step 2. Does the Councilmember or a member of their immediate family have any substantial direct or indirect contractual employment related to the matter?
- If no, then go to Step 3.
 - If yes, then go to Step 5.
- Step 3. Does the Councilmember or a member of their immediate family have other financial or private interests in that matter (which includes serving on a Board of Directors for any organization)?
- If no, then go to Step 4.
 - If yes, then go to Step 5.
- Step 4. Is the Councilmember or a member of their immediate family a party to a contract or the owner of an interest in real or personal property that would be significantly affected by the action?
- If no, then there is no conflict of interest under Article II, Subsection D.1.
 - If yes, then go to Step 5
- Step 5. Do one of the exceptions contained in Article II, Subsection D.2 apply?
- If no, then there is a conflict of interest under Article II, Subsection D.1.
 - If yes, then there is not a conflict of interest under Article II, Subsection D.1.

For members of City Committees and Commissions, the test is the same except that Step 5 should read as follows:

- Step 5. Does one of the exceptions contained in Article II, Subsection D.3 apply?
- If no, then there is a conflict of interest under Article II, Subsection D.1.
 - If yes, then there is not a conflict of interest under Article II, Subsection D.1.

III. Proposed Changes to Definition of “Direct Official Action”

“Direct official action” means any of the following actions ~~which involves any of the following:~~

1. Negotiating, approving, disapproving, administering, enforcing, or recommending for or against a contract, purchase order, lease, concession, franchise, grant, or other similar instrument in which the City is a party. ~~With regard to "recommending," direct official action occurs only if the person making the recommendation is in the formal line of decision-making.~~
2. Enforcing laws or regulations or issuing, enforcing, or regulating permits.
3. Selecting or recommending vendors, concessionaires, or other types of entities to do business with the eCity.

4. Appointing ~~and~~ terminating employees, ~~temporary workers, and~~ independent contractors.

5. ~~Doing research for, representing, or scheduling appointments for an officer, official, or employee, provided that these activities are provided in connection with that officer's, official's, or employee's performance of 1 through 4 above.~~

Direct official action does not include acts that are purely ministerial (that is, acts which do not affect the disposition or decision with respect to the matter). ~~With regard to the approval of contracts, direct official action does not include the signing by the Mayor, City Manager, or other official as required by law, unless the official initiated the contract or is involved in selecting the contractor or negotiating or administering the contract.~~ With regard to "recommending," as that word is used in this definition, direct official action occurs only if the person making the recommendation is in the formal line of decision-making. A person who abstains from a vote is not exercising direct official action.

IV. Effect of Proposed Changes to Definition of “Direct Official Action”

If the proposed changes to the definition of “Direct Official Action” are adopted, then the test for determining whether or not an act by a Councilmember constituted “Direct Official Action” would be as follows:

- Step 1. Was the Councilmember taking action that was purely ministerial?
 - If yes, then the act is not direct official action.
 - If no, then go to Step 2.
- Step 2. Was the Councilmember negotiating, approving, disapproving, administering, enforcing, or recommending for or against a contract, purchase order, lease, concession, franchise, grant, or other similar instrument in which the City is a party?
 - If yes, then the act is direct official action.
 - If no, then go to Step 3.
- Step 3. Was the Councilmember enforcing laws or regulations or issuing, enforcing, or regulating permits?
 - If yes, then the act is direct official action.
 - If no, then go to Step 4.
- Step 4. Was the Councilmember selecting or recommending vendors, concessionaires, or other types of entities to do business with the City?
 - If yes, then the act is direct official action.
 - If no, then go to Step 5.

Step 5. Was the Councilmember appointing or terminating employees or independent contractors?

- If yes, then the act is direct official action.
- If no, then the act is not direct official action.

The same test would apply to actions taken by members of City Committees and Commissions.

Important disclaimer. Attached are comments or recommendations for changes to the Code of Conduct and Ethics Program that have been submitted by individual Councilmembers. These comments or recommendations have not yet been discussed or approved by the entire Council. The Council will discuss these at its meeting and may or may not choose to adopt them.

Councilmember Blossom's suggested changes to the Ethics Code

New subsection (d) of ARTICLE III.E.1 Request for Advisory Opinions

1. To the extent outlined below, the following individuals or bodies may submit to the City Clerk a request for an advisory opinion from the Ethics Board:

d. A member of the City Council may request an advisory opinion from the Ethics Board concerning the applicability of Article II of this Code to hypothetical circumstances and/or situations related to the actions, or potential actions, of a City Councilmember or member of a City Committee or Commission.

New subsection of ARTICLE II.D Conflicts of Interest – General, regarding actions by members of City Committees or Commissions

While serving on a City Committee or Commission, and for two (2) years after leaving such position, no member of a City Committee or Commission shall obtain employment in which they will take direct or indirect advantage of matters which they, as a member of a City Committee or Commission, recommended to the City Council. This includes applying for positions or contracts with the City when the City Committee or Commission on which the member served recommended funding such position or contract.

Comments and Proposed Changes: COBI Ethics Program
By Council Member Peltier 9/17/19

Background

The City Council undertook to review and update the City's Ethics Program last Spring. This didn't come out of the blue but rather was a response to a perceived need for a general review. Concerns about the Ethics Program included a lack of clarity in regards to process and definitions, and the perception by some that our Ethics Program was being used for political purposes.

I. Should Article I, Core Values and Ethics Principles, be subject to complaints?

A. Reconciliation. In regards to Article I complaints, the City Council seems headed towards inclusion of a reconciliation process between a complainant and respondent. In my opinion this doesn't remedy the underlying problem of allowing complaints involving highly subjective values and principles, which do not lend themselves to due process. With or without reconciliation, Article I complaints are a ready vehicle for prejudice and bias. The reconciliation process, as discussed to date, would still leave a role for the Ethics Board in regards to Article I complaints if the two parties are unable or unwilling to reconcile their differences.

B. Article I values and principles are highly subjective. Article I talks about honesty, civility, respect, fairness, impartiality, and integrity. This subjectivity lends itself to biased opinions and abuse of authority by those charged with processing Article I complaints. It's a Pandora's box that all but two cities in Washington State have decided to steer clear of for obvious reasons.

C. How do we mitigate potential abuses related to Article I complaints?

First of all, I don't favor allowing Article I complaints. It's an invitation for politically motivated complaints and potential abuse of authority by the Ethics Board and the City Council. However, assuming that a majority of the city council DOES favor allowing Article I complaints I'd like to suggest some revisions to help mitigate the potential for future abuses. These include:

1. **Due Process:** Currently our Ethics Program provides for an appeal to the Hearing Examiner in regards to Article II Code of Ethics determinations by the Ethics Board and City Council. This additional process, with an appeal process to a professional and impartial decider, provides a deterrent to abuses of the Ethics Program by both the Ethics Board and the City Council. Flawed or prejudicial determinations and sanctions have to pass the gauntlet of someone who is a professional decider with no political axe to grind.

Recommendations:

- a) **Provide for an appeal process to the City's HX** in regards to opinions and sanctions resulting from Article I complaints. This would help to prevent Article I opinions from being used as a politically motivated cudgel.

- b) **Clarify and refine** the values and principles contained in Article I to make it possible for them to be applied in a fair and impartial way by a neutral decider, such as the City's Hearing Examiner.
- 2. **Ethics Board Accountability:** The City Council, especially with the allowance for Article I complaints, has vested considerable power and authority in the City's Ethics Board. Consider for a moment that the Ethics Board is made up of volunteers with no special qualifications and limited training. Consider, too, the seemingly universal desire by City committees, commissions, and boards, to exercise power and authority.

The Ethics Board's exceptional power and authority gives them the ability to do real damage to elected officials through the use of sensational, disparaging, and highly prejudicial opinions and determinations. Add to that a local newspaper with its own politically motivated agenda and you literally have the potential for a political lynching. The exceptional power and authority given to our Ethics Board either needs to be curtailed or balanced with an appropriate measure of accountability.

Recommendations:

- a) **Expectations for the Ethics Board.** Include provisions in the Ethics Program that include specific expectations for members of the Ethics Board, and the Board as a whole, in regards to core values and ethics principles, with an emphasis upon: 1) fairness and impartiality; 2) honesty; 3) transparency; 4) disclosure of potential conflicts of interest; 5) adherence to due process, and; 6) due diligence. Include expectations and requirements related to **quasi-judicial proceedings**, the appearance of fairness, and ex parte communications.
- b) **Better Training for the Ethics Board.** In recent opinions and decisions the Ethics Board has had problems applying basic principles contained in the Ethics Program, such as: (1) when a material conflict of interest may have occurred; (2) what constitutes a breach of confidentiality, and; (3) alleged illegal use of City property. This failure to perform at a high level may in part be due to a lack of training.
- c) **A specific complaint process.** Provide for a specific complaint process regarding the Ethics Board and its members that discourages frivolous complaints against the Ethics Board while at the same time providing a check on potential abuses of authority. This could include a fee for filing such a complaint that would be refunded in the event the complaint is upheld by the Hearing Examiner or other professional and unbiased decider.
- d) **An impartial and professional decider.** Provide for complaints filed against the Ethics Board, or any of its members, to be appealed to a neutral and professional decider, such as the City's Hearing Examiner.

II. Better definitions

Some of the Ethics Program's key terms are not adequately defined, including:

- 1) **Direct Official Action.** The Ethics Board has interpreted this to include: a) stating a position on an issue in a private meeting; b) using City email, and; c) filing a complaint. It's obvious to me, when reading the definition provided in the Ethics Program, that none of these things constitute direct official actions, but the confusion around the terminology, "direct official action", indicates that the definition needs to be more explicit.
- 2) **Conflicts of Interest.** What does this include? The Ethics Board has interpreted this to include pretty much any interest that an individual council member may have, at least in regards to certain council members and certain complaints. One member of the City Council, however, has argued that conflicts of interest only relate to financial and material interests. This needs to be clarified and should not remain a mystery or matter of opinion.
- 3) **"Significantly affected".** This pertains to potential conflicts of interest and whether the property of a public official has been "significantly affected" by a direct official action by that official. It's another example of subjective and less than explicit terminology found in Article II that's in need of clarification.

III. Clear processes that are consistent

We need to make sure that the processes provided for in our Ethics Program are clear and with no conflicts. The City's legal department should review the Ethics Program and identify any language that could potentially be misinterpreted or otherwise create a potential loophole circumventing the intent of the program.



CITY OF
BAINBRIDGE ISLAND

City Council Study Session Agenda Bill

MEETING DATE: September 17, 2019

ESTIMATED TIME: 60 Minutes

AGENDA ITEM: (7:30 PM) Discussion of Possible Inclusionary Zoning / Multifamily Tax Exemption Programs - Planning,

STRATEGIC PRIORITY: Green, Well-Planned Community

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Presentation

PROPOSED BY: Planning & Community Development

RECOMMENDED MOTION:

Discuss the information presented by ECONorthwest and whether the City should further consider adopting Inclusionary Zoning and/or Multifamily Tax Exemption (MFTE) programs. Provide direction to staff and the consultant regarding where these programs should be considered to apply (i.e., what zoning districts).

SUMMARY:

The City Council will continue to discuss information and options for adopting inclusionary zoning and/or MFTE programs. This is an opportunity for the Council to ask questions about the economic analysis and recommendations from consultant ECONorthwest, and provide direction to staff about future work on adopting an inclusionary zoning and/or MFTE program. The Council's last discussion of the programs took place at the February 19, 2019 Council meeting, when the Council heard a presentation from ECONorthwest and Forterra on the final report of their real estate economic analysis.

There is an updated memo from ECONorthwest with recommendations and information to help focus for the Council changes that would be needed to the City's development code in order for an inclusionary zoning or MFTE program to be successful. Additional background information on these two programs from the Puget Sound Regional Council and the final report and presentation from February are also attached.

FISCAL IMPACT:

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

BACKGROUND:

Increasing affordable housing is a goal that permeates several elements of the City's Comprehensive Plan. In addition, on November 1, 2017, the Affordable Housing Task Force voted unanimously to recommend to the City Council that the City pursue an inclusionary zoning program.

On June 12, 2018, the Council approved a professional services agreement with ECONorthwest to provide economic analysis and a feasibility study regarding a new inclusionary zoning program and revisions to the City's transfer of development rights program. Between June and December 2018, the Council held three study sessions on this project covering methodology, data gathering, and assumptions. The previous project ended with a final report and presentation to the Council on February 19, 2019 (attached).

At that meeting, the Council discussed the desire to adopt an MFTE program, and the pros and cons regarding the 8-year and 12-year MFTE options. The Council also discussed whether or not to adopt inclusionary zoning throughout the City's designated centers, or only in specific zoning districts. In the attached memo, ECONorthwest has provided additional information for specific zoning districts in order to support the Council's policy discussion of these two programs - both important market based tools to support additional affordable housing.

ATTACHMENTS:

[ECONorthwest Council Briefing Memo - Inclusionary Zoning and MFTE](#)

[WMP Study Area Zoning Map](#)

[PSRC Inclusionary Zoning Summary.pdf](#)

[PSRC MFTE Summary.pdf](#)

[February 2019 Transfer of Development Rights and Inclusionary Zoning Assessment \(ECONorthwest & Forterra\)](#)

[February 2019 Presentation - TDR / Incentive Zoning Analysis \(ECONorthwest & Forterra\)](#)

FISCAL DETAILS:

Fund Name(s):

Coding:

DATE: September 12, 2019
TO: City of Bainbridge Island City Council
City Manager Morgan Smith
FROM: Morgan Shook
SUBJECT: Bainbridge Affordable Housing – Recap of Framework for Inclusionary Housing and MFTE

The City of Bainbridge Island is evaluating affordable housing incentive programs to understand how they can be better utilized to support citywide efforts to increase the amount of affordable housing. Specifically, the city wants to support its affordable housing efforts with the enhancement and expansion of its housing density bonus zoning and the creation of a multifamily property tax exemption program.

Since the existing density incentive program for affordable housing has been in place, it has not been used much to-date; the current voluntary affordable housing program has been used once since it was approved in 2005. The lack of use indicates that the current density bonus mechanism needs to be revised. To improve program utilization and support the realization of Bainbridge Island's broader comprehensive plan goals, the City Council requested an analysis of what incentives and zoning changes would be required make the City's affordable housing incentive program work.

The remainder of this memorandum summarizes recommendations and then provides context and summary from ECONorthwest's previous work on the city in 2018 and 2019.

Considerations and Recommendations

The City's current affordable housing incentive program competes with several other incentives and FAR purchase options available within Bainbridge Island, therefore the program has not been utilized as envisioned when it was created. Our analysis found the current base and incentive zoning parameters are the primary barrier to the incentives working effectively.

To improve performance and the realization of public benefits, we recommend an incentive zoning framework that 1) prioritizes affordable housing above other public benefits (public spaces, heritage trees, , etc.), and 2) maximizes the frequency and period of time that these this incentive would likely be used under a variety of changing market conditions. Broadly, there are several key changes the City can undertake to better support these two objectives.

1. Allow a new maximum height and FAR densities to enable housing and affordable housing production. We recommend increasing the density and height of buildings within the City's designated centers. While our analysis did not identify the current height limits as barrier to the utilization of the current incentive program, we recommend increasing the current limit to allow an additional floor, so the program provides flexibility to be used under changing market conditions in the future.

We also recommend moving to an FAR-based density limit for the Neighborhood Center (NC) zones. The NC zone currently uses units per acres to define density, ranging from R-2 – R-5 units per acre. An FAR-based density limit would be consistent with the other growth center zones and provide more flexibility. The table below summarizes the recommended maximum density and height limits for density bonuses by zone and our analysis these zones within these areas.

Exhibit 1: Recommended Maximum Bonus Density and Height Limits

Zone	Current Bonus Density (max)	Proposed Bonus Density (max)	Current Bonus Hieght (max)	Proposed Bonus Height (max)
Neighborhood Center	5 unit/acre	0.5 FAR	45 feet	45-55 feet
Neighborhood Center/R-12	12 units/acre	2.0 FAR	45 feet	45-55 feet
High School Road District	0.6 FAR	3.0 FAR	45 feet	45-55 feet
Madison Avenue Overlay	0.6 FAR	3.0 FAR	45 feet	55-85 feet
Ericksen Avenue Overlay	0.6 FAR	3.0 FAR	45 feet	55-85 feet
Gateway Overlay	1.0 FAR	4.5 FAR	45 feet	55-85 feet
Ferry Terminal Overlay	1.1 FAR	4.5 FAR	45 feet	55-85 feet
Central Core Overlay	1.0 FAR	4.5 FAR	45 feet	55-85 feet

Source: ECONorthwest

These changes will enable additional housing capacity in these zones. Based on a planning level assessment of existing buildable lands capacity, we have shown in the exhibit below how additional development capacity can create more capacity for housing. That additional housing capacity can be allocated to households for affordable housing via an inclusionary housing policy. Further set-asides of that housing capacity for affordable housing can be enhanced by use of the MFTE program.

The estimates for affordable housing in the columns are independent of each other meaning that 850 of the 10,650-housing unit capacity can be accommodated via inclusionary housing set-aside and an additional 1,280 of that 10,650-unit capacity can be accommodated via MFTE. Cumulatively, that would be 2,130 of the 10,650 capacity could be delivered at income restricted levels.

Again, these are planning-level estimates of capacity not to make the point that the city needs more development capacity per se, but more to single out the issue that the city needs additional capacity in these zones to 1) support development feasibility above the relative low density specified in the existing code and 2) create additional land value to underwrite the subsidies necessary to support affordable housing as part of those projects.

Exhibit 2: Estimated New Housing Capacity Created and Affordable Housing Set-Asides

Zone	Current Housing Capacity (estimated)	New Housing Capacity (estimated)	Inclusionary Housing Set-aside (estimated)	MFTE Housing Set-aside (estimated)
Neighborhood Center	7	15	2	2
Neighborhood Center/R-12	22	50	4	4
High School Road District	280	1,890	150	230
Madison Avenue Overlay	400	2,000	160	240
Ericksen Avenue Overlay	400	1,990	160	240
Gateway Overlay	50	760	60	90
Ferry Terminal Overlay	70	1,560	120	190
Central Core Overlay	530	2,380	190	290
Total	1,760	10,650	850	1,280

Source: ECONorthwest

To estimate capacity, ECONorthwest used a mix of buildable land inventory and land development techniques, including:

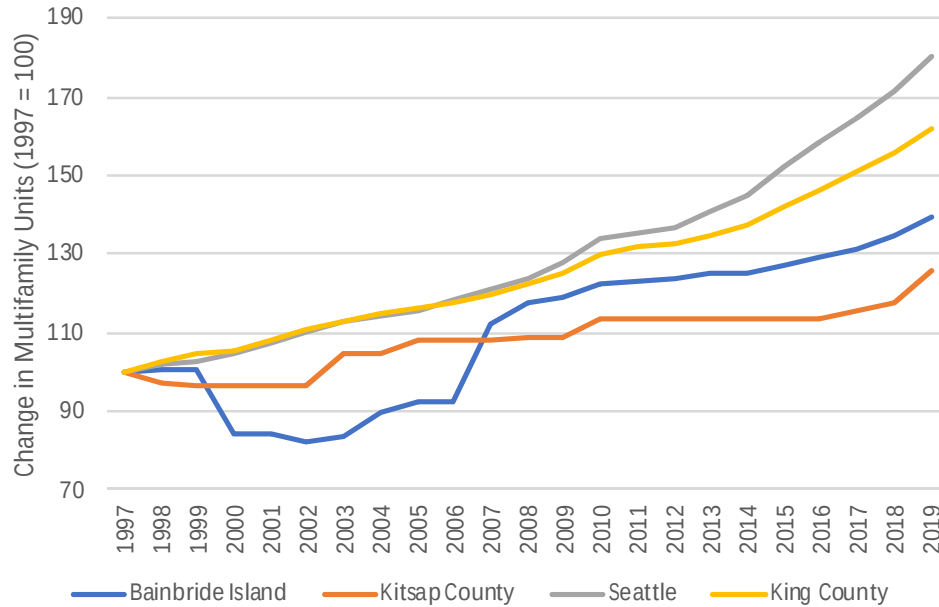
- Relying on city staff to identify vacant and re-developable parcels
- Applying deductions for critical areas and right-of-way
- Estimating developable floor area based on current city zoning (where the city uses housing density as a limiting factor, it is converted to equivalent floor area.
- Estimating developable floor area based on additional capacity
- Converting to corresponding unit sizes based on the type of development (i.e. unit sizes for townhomes, stacked flats, or podium construction.
- For affordable housing set aside amounts, our analysis showed that most zones could accommodate a set-aside rate anywhere between 5-10%. For the use of the MFTE units, we assumed that either the 8- or 12-year program could be used to cover additional units up to the 20% level specified in state law for the 12-year program.

Please keep in mind that the creation of additional capacity does not directly mean that the city will build out a faster pace, although that may be a possibility. The city already has sufficient capacity under the Growth Management Act. Land development can be idiosyncratic. Generally, a land developer must have a financial motivation (market has to present demand), it must have the legal authority under zoning, it must have the proper physical site characteristics, it must have the financial capacity, and it must have the land to do so. Securing land for development is a difficult task for many developers, particularly in urban areas. Here, they must negotiate with the land holder whose interests may not align with them.

Regardless, the move to create more capacity is a move to support more development in housing and affordable housing. As shown in the exhibit below, both Bainbridge Island

and Kitsap County as a whole have lagged the more urban areas in delivering multifamily housing units. Increasing capacity is a necessary step in meeting higher level of units for planned and likely growth in the future.

Exhibit 3: Indexed change in multifamily housing units (indexed to 1997)



Source: ECONorthwest, Office of Financial Management.

2. Reduce the other incentives available and focus on affordable housing. The City currently offers incentives for several other public benefits including: providing underground parking, purchasing FAR, providing on-site open space, tree preservation, historic structure preservation, etc.). Reducing competing options will prioritize the use of incentives for affordable housing.
3. Implement the affordable housing using the existing voluntary incentive structure. We recommend maintaining a voluntary affordable housing incentive program. The base zoning density limits are relatively low. Thus, most future projects will likely take advantage of the affordable housing incentive if calibrated correctly. Given the low existing FARs in the zoning code, any additional development will in essence use the additional density conditioned on the delivery of affordable housing. The use of voluntary system allows the city to implement the increased zoning capacity without changing the base zoning (or “by-right” entitlements) as well as to be more flexible during market fluctuations.
4. Establish an MFTE program. We recommend an 8- or a 12-year MFTE program for affordable housing. Our analysis showed that the MFTE added value for multifamily developments and it would be an additional incentive to support the viability of

multifamily projects and the use of incentive programs. An 8-year program allow the City to set its own affordability requirements (including the share of affordable units, income limits, and length of affordability). The 12-year MFTE program requires 20 percent of units are affordable for 12 years. Further analysis is needed on the MFTE and can provide insight on the best option for the city.

5. Define the affordable housing benefits based on the new bonus density limits and other incentives. For affordable housing we recommend 5-10 percent set aside of all units built, depending on the zone. Our analysis indicated that this share would be viable at the densities modeled. The depth of affordability could be set anywhere between 70-90% of area median income. These income levels would be able to be supported at those higher FAR limits (there is some tradeoff between the level of affordability and housing unit set-aside percentage). The City currently requires that all units built through the density bonus be affordable. Because the base zoning limits are relatively low, a high percent of all units are affordable, which had a sizable effect on financial feasibility, contributing to the current program not being used
6. Make complementary and supporting code changes. In addition to the seven changes above, there are several small, less critical changes the City can pursue that also will help support the affordable housing and TDR incentive programs that we also recommend the City consider.
 - o Remove separate FAR limits for residential and commercial uses in mixed-use buildings. Instead, establish one, new FAR limit for the entire building by zone as discussed above.
 - o Reduce parking requirements to 1.0 space per unit. Maintain reduction of half for areas within 0.5 mile of ferry terminal, which would then allow 0.5 space per unit within 0.5 mile of ferry terminal.

Background and Key Findings to Date

Improving Market Conditions but Development Still Has Challenges

Bainbridge Island has realized increasing growth and stronger market fundamentals, particularly during the last five years. Apartment vacancies have declined, and average rents have increased. The median sales price for a home in Bainbridge Island has also increased from \$719,000 in 2009 and reached \$820,000 in 2018. In response to improving market conditions, building permit activity and the number of housing units built has increased over the last seven to eight years. However, the number of housing units built during the last several years is still below the pre-2008 recession averages. In addition, increasing construction costs and land prices make the current market more challenging for new development to “pencil out” from a financial perspective.

Development Code Presents Challenges for New Growth

ECONorthwest evaluated the current incentive programs and analyzed the viability of multifamily and mixed-use buildings under the base zoning requirements and current bonus density incentives. This analysis focused on zones in the City’s designated growth centers:

- Neighborhood Centers (NC/R-12, Lynwood Center, Island Center, Rolling Bay)
- High School Road District
- Madison Avenue Overlay
- Ericksen Avenue Overlay
- Gateway Overlay
- Ferry Terminal Overlay
- Central Core Overlay

Overall, the development analysis found that current base zoning and available incentives do not support the provision of affordable housing units. While the current density bonus incentives do increase the value of each of the building types analyzed, they do not create enough value to capture for public benefits (e.g. affordable housing). Land acquisition is necessary component of any development budget. As the region has economically grown, low-cost land is a scarcity in most urban areas. On Bainbridge in the higher density zoned areas, the price for property in is relatively higher due to the underlying economic conditions described above and accentuated by the limited number of developable sites in the City’s designated (or growth) centers that are served by water/sewer infrastructure.

Zoning Changes are Necessary to Incentivize Affordable Housing

To improve financial feasibility and utilization of the incentive programs, development projects need to be able to use development sites more efficiently and achieve more physical scale. To do this, the City has three key zoning regulatory levers it can adjust.

-
- Increasing density limits. This would increase the amount of building square feet, primarily through higher floor area ratios (FAR) limits or more dwelling units per acre.
 - Raise height limits. This would allow more building square feet and more flexibility developing a site to provide open space on the site.
 - Reduced parking requirements. This helps reduce construction costs and allows more flexibility in developing a site, because less area (and cost) would need to be dedicated to parking spaces.

These options align with the recommendations outlined in the Affordable Housing Task Force Final Report. The report recommends the City make code changes to increase density limits, building heights, and reduce parking requirements (Recommendation 1B).

The central question of this analysis is whether additional changes to these restrictions or limitations (zoning capacity) creates enough value to cover the additional cost of construction and operations and still provide a defined percent of affordable units. If additional zoning capacity does create enough value, what are the FAR and height maximums necessary for the incentive program to work under current market conditions and future market changes.

To assess what scale and density are needed, ECONorthwest analyzed the same building prototypes and zones as in the 2018 baseline development analysis. This analysis assumed more building area and higher heights than currently allow under zoning. The analysis also assumed the City implemented an MFTE program (either a the 8 or the 12) and reduced parking requirements (this included some level of parking reductions in most zones).

The development analysis results indicate the City would need allow for a substantial increase in floor area allowed for sizable provision of affordable housing or any other public benefit, such as the purchase of TDR credits, under current market conditions. Current bonus FAR limits in the Mixed-Use Town Center and High School Road District are 1.0 and up to 1.5 in the Central Core Overlay zone. These limits would have to be increased to at least 3.0 FAR in the High School Road District and 4.5 FAR in the Mixed-Use Town Center districts (including the Ferry Terminal, Madison, and Central Core). More modest increases in height (going from 45 to 65 feet) may also be necessary in order to achieve the higher levels of FAR.

Other Tools, such as MFTE, can Support Incentive Programs

The City has a variety of other incentives it can use to ensure development feasibility as part of an incentive program in addition to increasing zoning capacity. Direct subsidies, tax abatements, and reduced parking requirements, which was mentioned above, are the most impactful. The Multi-Family Tax Exemption (MFTE) program¹ is the one of the best options in Washington State that is available to the City. The Affordable Housing Task Force also recommended the City adopt an MFTE program (Recommendations 1C).

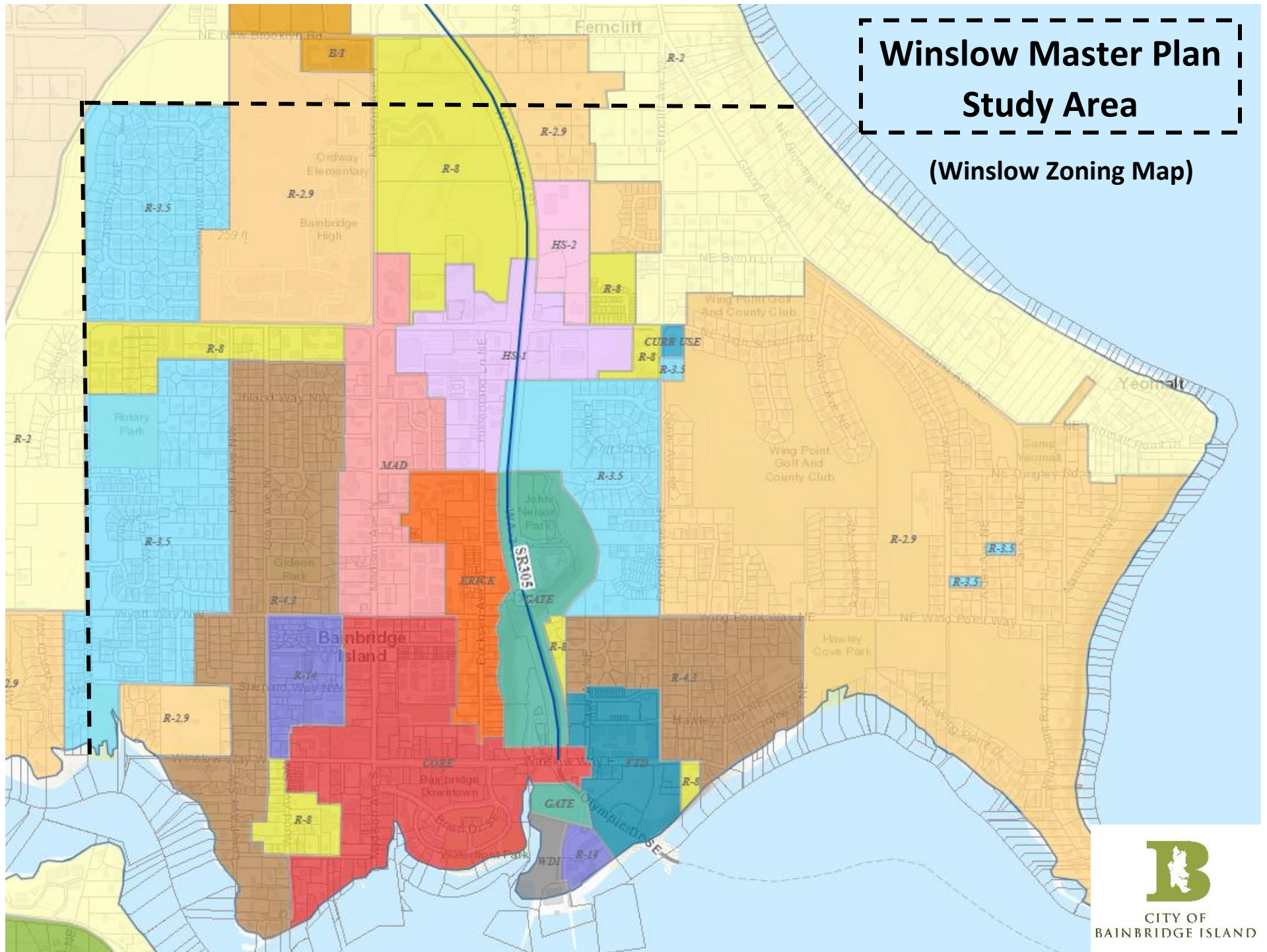
¹ RCW 84.14

The MFTE is a property tax abatement on the residential portion of new multifamily housing development. There are two versions of the program: an eight-year abatement and a 12-year abatement. The 12-year abatement requires that at least 20 percent of the housing units are affordable to households earning 80 percent of the Area Median Income. The eight-year program does not have an affordability requirement, but it can be used in conjunction with an affordable housing incentive zoning program, that itself could have a minimum affordable housing requirement.

The Development Analysis evaluated the eight-year and twelve-year versions of the MFTE and found that it added substantial value to projects. Including an MFTE as part of the City's incentive program could help support both the affordable housing delivered through the density additions as well as supporting additional affordable housing via the tax subsidy.

Winslow Master Plan Study Area

(Winslow Zoning Map)



CITY OF
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HIP Tool: Inclusionary Zoning

HIP Tool: Inclusionary Zoning

Inclusionary zoning is a tool that stipulates that new residential development in certain zones include some proportion or number of affordable housing units, or meet some type of alternative compliance. In order to ensure that costs are offset, jurisdictions often increase the development rights (i.e., density) of a proposed project. Adopting this combination—mandatory affordable housing and increased density—into the local code a priori an actual development application distinguishes inclusionary zoning from other types of incentive zoning zoning may be applied in ownership and rental developments, single-family and multi-family zones, and can be tied to specific geographic areas. Jurisdictions should craft inclusionary zoning policies that best reflect the needs of their residents, paying close attention to details relating to program management and monitoring. In the state of Washington all units developed through an inclusionary zoning program must remain affordable for at least 50 years (RCW 36.70A.540).

Background

Mandatory inclusion of affordable housing in residential developments is a response to persistently high housing costs and the difficulty of building lower-cost market-rate housing in many areas due to high land prices, and is an affordability strategy designed to secure a public benefit from growth.

Jurisdictions may produce a **nexus study** to show the extent that new development generates a need for new affordable housing. Some jurisdictions choose mandatory programs over voluntary ones, based on conclusions that voluntary incentive programs face challenges in producing significant numbers of affordable housing units.

Before 2006 mandatory inclusionary housing requirements were used infrequently in Washington State due to concerns about takings challenges and the appearance of establishing a “tax.” However, amendments to the Growth Management Act in 2006 (RCW 36.70A.040) and other state laws allow jurisdictions to enact or expand affordable housing mandatory inclusionary zoning programs as long as they are tied to an upzone or other regulation changes that increases the area’s development capacity. For more detail, also see WAC 365-196-870.

Affordable housing must be mentioned explicitly as a public benefit to be rewarded with increased density, reduced parking, reduced fees or taxes or other incentives offered.

See density bonuses or incentive zoning for more information about state law, and voluntary inclusionary programs.

Tool Profile

Focus Areas

Project Types

Affordability Level

Housing Goal

HIP Tool: Multifamily Tax Exemption

HIP Tool: Multifamily Tax Exemption

A state law (RCW 84.14) helps cities attract residential development. Cities may exempt multifamily housing from property taxes in urban centers with insufficient residential opportunities. The city defines a residential target area or areas within an urban center; approved project sites are exempt from ad valorem property taxation on the residential improvement value for a period of eight or 12 years. The 12-year exemption requires a minimum level of affordable housing to be included in the development (at least 20% of the units or 100% if the building is solely owner-occupied). The eight-year exemption leaves the public benefit requirement—in both type and size—to the jurisdiction's discretion. The eight-year exemption carries no affordable housing requirement. Cities must pass an enabling ordinance to enact the MFTE and to allow applications for the exemption.

Background

What issues does a multifamily tax exemption (MFTE) address?

This tool encourages multifamily development and redevelopment in compact mixed-use districts (urban centers) where housing and affordable housing options are deficient. Through the multifamily tax exemption, a jurisdiction can incentivize dense and diverse housing options in urban centers lacking in housing choices or affordable units. MFTE can also apply to rehabilitating existing properties and redeveloping vacant or underused properties.

Where is the multifamily tax exemption most applicable?

Cities planning under the Growth Management Act (RCW 36.70a) that have designated urban centers with a deficiency of housing opportunities are eligible to implement this tool. In King, Pierce, Snohomish and Kitsap counties, cities must have at least 5,000 in population. Cities must designate eligible areas that contain urban centers. Urban centers—in the context of the MFTE-enabling legislation—have a particular meaning:

“...a compact identifiable district where urban residents may obtain a variety of products and services. An urban center must contain:

- a) Several existing or previous, or both, business establishments that may include but are not limited to shops, offices, banks, restaurants, governmental agencies;
- b) Adequate public facilities including streets, sidewalks, lighting, transit, domestic water, and sanitary sewer systems; and
- c) A mixture of uses and activities that may include housing, recreation, and cultural activities in association with either commercial or office, or both, use.” (RCW 84.14.010)

Based on the state law, designated districts are commercial or business districts with some mix of uses. Such areas may exist in downtowns, commercial corridors, or other intensively developed neighborhoods. Examples of designated districts throughout the central Puget Sound region are listed in the model policies, regulations and other information section.

MFTEs have been effective in producing multifamily units in the region’s larger cities. Since its inception, the MFTE law has been expanded to include smaller cities. The effectiveness of this tool in larger jurisdictions could make it an attractive tool for smaller and moderate-sized cities that meet the population threshold.

Multifamily tax exemptions can encourage relatively dense attached flats or townhomes, in mixed-use projects or residential complexes, which means this tool is particularly useful in urban centers and transit-oriented developments. Dense development is also economically efficient in expensive housing markets, and can reduce housing costs

City of Bainbridge Island

Transfer of Development Rights and Inclusionary Zoning Assessment

February 2019

Prepared for:
City of Bainbridge Island

FINAL REPORT

ECONorthwest
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Executive Summary

The City of Bainbridge Island is evaluating its affordable housing and transfer of development rights (TDR) incentive programs to understand how they can be better utilized to support citywide efforts to increase the amount of affordable housing and land maintained for open space, respectively. While these incentive programs have been in place for over 20 years, neither of these specific programs have been used much to-date; the current affordable housing program has been used once since 2005. The lack of use indicates that the current density bonus mechanism needs to be revised. To improve program utilization and support the realization of Bainbridge Island's broader comprehensive plan goals, the City Council requested an analysis of what incentives and zoning changes would be required make the City's affordable housing incentive program and TDR program work. In addition, the Council would like to understand the implications of a mandatory versus voluntary affordable housing program.

Improving Market Conditions but Development Still Has Challenges

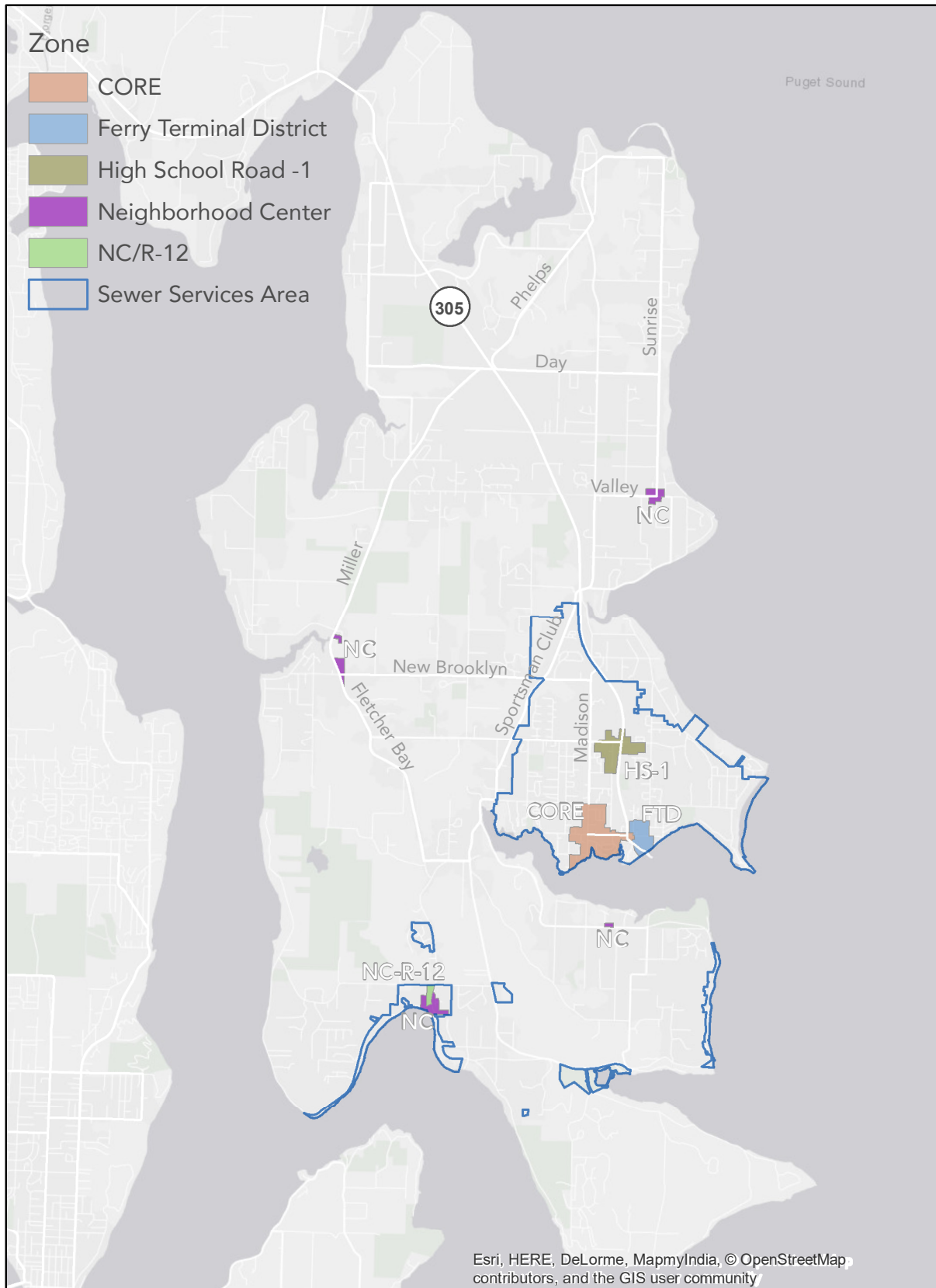
Bainbridge Island has realized increasing growth and stronger market fundamentals, particularly during the last five years. Apartment vacancies have declined, and average rents have increased. The median sales price for a home in Bainbridge Island has also increased from \$719,000 in 2009 and reached \$820,000 in 2018. In response to improving market conditions, building permit activity and the number of housing units built has increased over the last seven to eight years.

However, the number of housing units built during the last several years is still below the pre-2008 recession averages. In addition, increasing construction costs and land prices make the current market more challenging for new development to "pencil out."

Development Code Presents Challenges for New Growth

ECONorthwest and Forterra evaluated the current incentive programs and analyzed the viability of multifamily and mixed-use buildings under the base zoning requirements and current bonus density incentives. This analysis focused on zones in the City's designated growth centers (Neighborhood Center, High School Road District, Ferry Terminal Overlay, and Central Core Overlay zones). Exhibit 1 shows where these zones are located within the city.

Exhibit 1. Zones Analyzed



Source: City of Bainbridge Island, ECONorthwest

Overall, the development analysis found that current base zoning and available incentives do not support the provision of affordable housing units or purchase of TDR credits. While the current density bonus incentives do increase the value of each of the building types analyzed, they do not create enough value to capture for public benefits (e.g. affordable housing and land conservation). Further, the price for property in Bainbridge Island is relatively high due to the scarcity of infrastructure and limited number of developable sites in the City's designated (or growth) centers.

Zoning Changes are Necessary to Incentivize Affordable Housing and TDR Use

To improve financial feasibility and utilization of the incentive programs, development projects need to be able to use development sites more efficiently and achieve more physical scale. To do this, the City has three key regulatory levers it can adjust.

- **Increasing density limits.** This would increase the amount of building square feet, primarily through higher floor area ratios (FAR) limits or more dwelling units per acre.
- **Raise height limits.** This would allow more building square feet and more flexibility developing a site to provide open space on the site.
- **Reduced parking requirements.** This helps reduce construction costs and allows more flexibility in developing a site.

These options align with the recommendations outlined in the Affordable Housing Task Force Final Report. The report recommends the City make code changes to increase density limits, building heights, and reduce parking requirements (Recommendation 1B).

Strategic Options for Incorporating Public Benefits

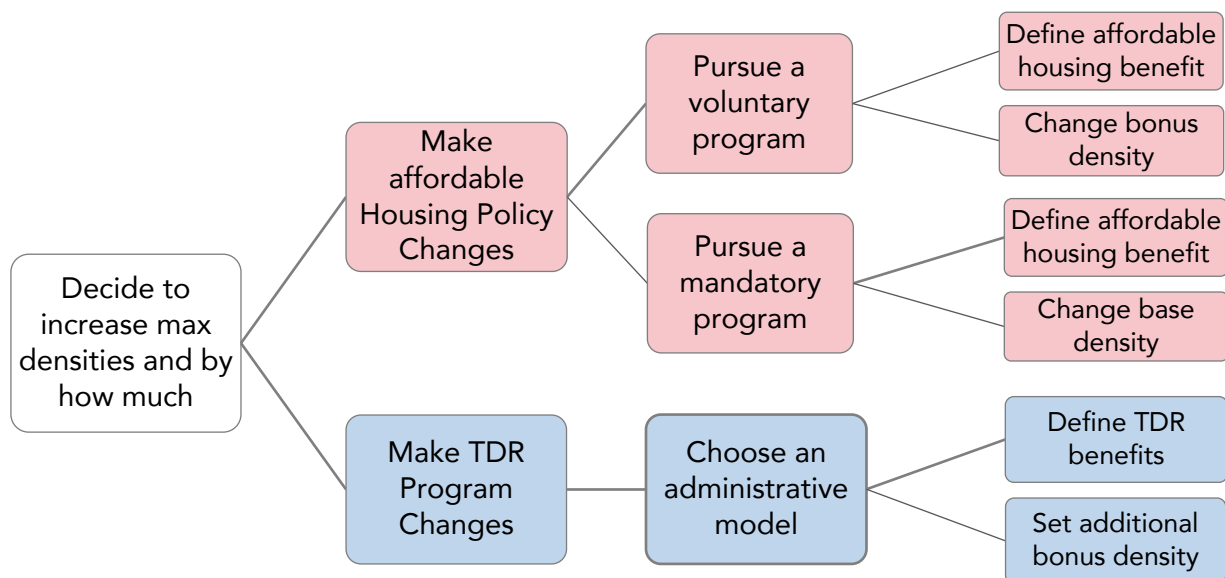
In addition to making the zoning changes described above, the City has several options to increase the provision of affordable housing units and/or purchase of TDR credits through how it defines the public benefits required to realize the incentives offered. The current TDR and affordable housing incentives function as separate programs. The City can continue to have them function separately and make changes to each so they work on their own. However, if desired, the City can link the programs so that both the provision of affordable housing and the purchase of TDR credits are realized from an individual project using the density bonus.

Exhibit 2 outlines the decision tree for making these policy decisions. For the affordable housing incentive program, an important, initial step is whether the City makes provisions for affordable housing voluntary or mandatory. The City currently has a voluntary program for affordable housing. However, the Affordable Housing Task Force Report recommended a mandatory program, pending the completion of this study (Recommendation 1A). For the TDR program, an initial step will be to define how the program is administered.

Subsequent steps will need to define the public benefit for affordable housing and TDR purchases required. The amount of affordable housing provided or TDR credits purchased

determine what level of density is needed to support the provision of those public benefits¹. For example, a higher share of affordable units—10 percent compared to 5 percent—will require a higher level of density allowed so that projects are financially viable and get built. Thus, the base and bonus density limits for each approach will also differ.

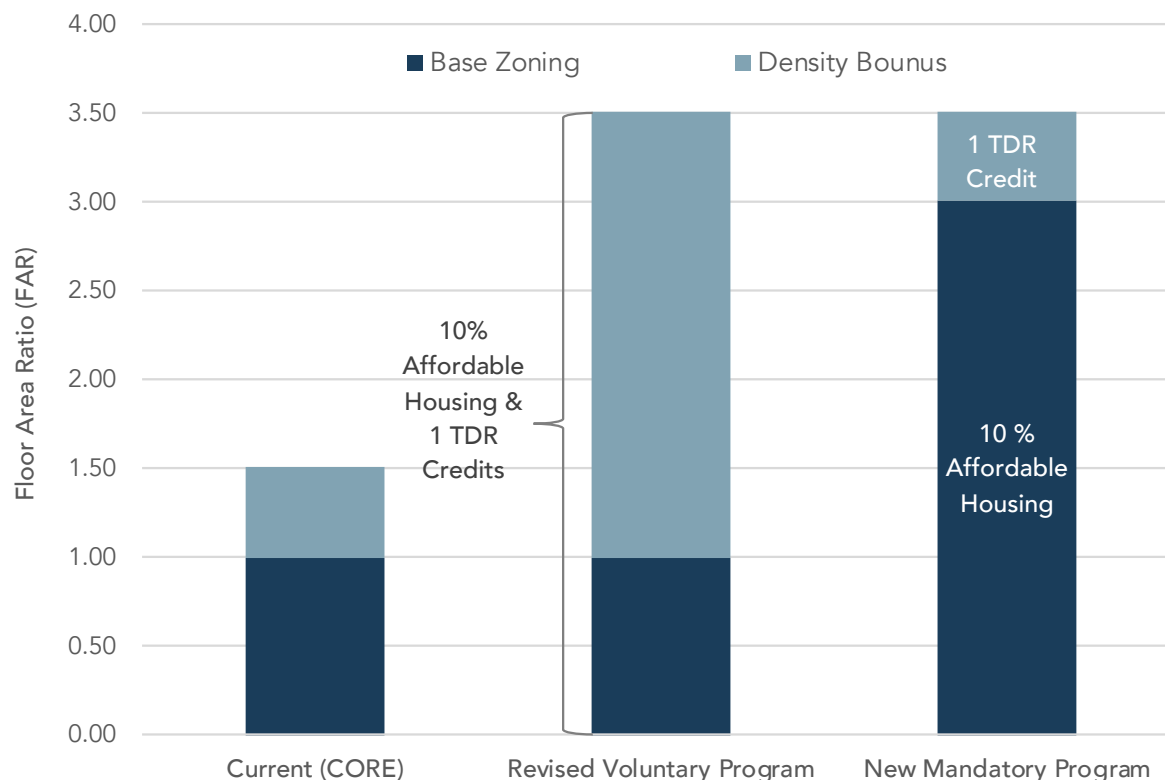
Exhibit 2. Strategic Options Decision Tree



The chart below shows the current FAR limits for a mixed-use building in the Central Core Overlay zone and how FAR limits would likely need to change under a revised voluntary or new mandatory program. The number of affordable units built, and TDR credits purchased would be different for mandatory program versus a voluntary program, even if the maximum density allowed is the same (e.g. 3.5 FAR).

¹ RCW 36.70A.540

Exhibit 3. Example FAR Limits for Mixed-Use Building in the Central Core Overlay Zone



Source: ECONorthwest

Voluntary Program. A revised version of this program would keep the base zoning the same and increase the density bonus (higher FAR limits and increased height). The value created through the increased density bonus can be divided between affordable housing and TDR purchases (50/50, for example). For our analysis, we assumed a development would make 10 percent of all units affordable and purchase at least one development right (or TDR credit) to realize the density bonus.

Mandatory Program. A mandatory program would be more complicated. All development projects would be required to provide a defined share of affordable housing units. Although, small scale project can be exempted from the requirement. To ensure projects are financially viable (so units get built) the City would need to substantially increase the base zoning density and height limits. Even if the defined share of affordable housing was the same as the voluntary program (10 percent), the total number of affordable units provided would be slightly less because the size of the building area that 10 percent applies to is smaller (a building area with 3.0 FAR compared to 3.5 FAR). A more detailed discussion is provided in Section 5.

In addition, a TDR incentive (additional density or height increase above the newly increased base zoning) would be added to the mandatory affordable housing requirement to provide a mechanism for TDR credits to be purchased.

Other Tools, such as MFTE, can Support Incentive Programs

The City has a variety of other incentives it can use to ensure development feasibility as part of an incentive program in addition to increasing zoning capacity. Direct subsidies, tax abatements, and reduced parking requirements, which was mentioned above, are the most impactful. The Multi-Family Tax Exemption (MFTE) program² is the one of the best options in Washington State that is available to the City. The Affordable Housing Task Force also recommended the City adopt an MFTE program (Recommendations 1C).

The MFTE is a property tax abatement on the residential portion of new multifamily housing development. There are two versions of the program: an eight-year abatement and a 12-year abatement. The 12-year abatement requires that at least 20 percent of the housing units are affordable to households earning 80 percent of the Area Median Income. The eight-year program does not have an affordability requirement, but it can be used in conjunction with an affordable housing incentive zoning program.

The Development Analysis evaluated the eight-year version of the MFTE and found that it added substantial value to projects. Thus, not including an MFTE as part of the City's incentive program would likely require increasing allowed densities to compensate for the lost value and/or reducing the public benefits required to maintain the feasibility of projects.

Trade-off Between Incentive Maximums and Public Benefits

The central question of this analysis is whether additional zoning capacity creates enough value to cover the additional cost of construction and operations and still provide a defined percent of affordable units and purchase TDR credits. If additional zoning capacity does create enough value, what are the FAR and height maximums necessary for the incentive program to work under current market conditions and future market changes.

To assess what scale and density are needed, ECONorthwest analyzed the same building prototypes and zones as in the baseline development analysis. This analysis assumed more building area and higher heights than currently allow under zoning. The analysis also assumed the City implemented an MFTE program and reduced parking requirements, as discussed in the sections above.

Exhibit 4 shows the maximum building scale and density assumed, the number of affordable housing units created (assuming 10 percent of units designated as affordable³), and the range of acres conserved (depending on the zoning of the sending site⁴).

² RCW 84.14

³ One-person household earning 80 percent of the area median income and spending 30 percent or less of their income on housing.

⁴ Assuming an average value of \$75,000 per development right/credit.

Exhibit 4. Maximum Development Assumptions Evaluated by Zone and Estimated Benefits

	NC - Townhomes	NC/R-12 - Mixed Use	HS-1 - Multifamily	FERRY - Mixed Use	CORE - Mixed Use
Height	20	35	40	55	55
Density (Floor area ratio)	0.46	1.72	3.00	4.50	4.50
Density (Units per acre)	10.0	62.0	122.0	196.0	196.0
Parking (Spaces/Unit)	1.50	1.00	0.75	0.75	0.75
Affordable Units Created	1	6	6	18	9
Acres Conserved (High est.)	9.2	11.5	16.1	32.1	9.2
Acres Conserved (Low est.)	1.8	2.3	3.2	6.4	1.8

High estimate assume credits all purchased for land zoned R-0.4

Low estimate assume credits all purchased for land zoned R-2

Source: ECONorthwest

The development analysis results indicate the City would need allow for a substantial increase in floor area allowed for sizable provision of affordable housing and purchase of TDR credits under current market conditions. Current bonus FAR limits in the Mixed-Use Town Center and High School Road District are 1.0 and up to 1.5 in the Central Core Overlay zone. These limits would have to be increased to at least 3.0 in the High School Road District and 4.5 in the Mixed-Use Town Center. More modest increases in height (going from 45 to 55 feet) may also be necessary.

Ultimately, for any revisions to the current incentive program, there is a trade-off between different options that the City will need to consider. Allowing more density and heights will allow the City to require a higher share of affordable housing, lower affordability levels, and/or more dollars for purchasing TDR credits. Conversely, lower density and height maximums will result in less affordable housing and fewer dollars used for TDR purchases. However, if the defined public benefits are set too high, the private market might wait until market dynamics change for development to occur. This challenge is encountered by every jurisdiction trying to calibrate an incentive zoning policy.

Considerations and Recommendations

The City's current affordable housing incentive program and TDR program are separate incentives that compete among several other incentives and FAR purchase options available within Bainbridge Island. Neither of these programs has been utilized as desired. Our analysis found the current base and incentive zoning parameters are the primary barrier to the incentives working effectively.

To improve performance and the realization of public benefits, we recommend an incentive zoning framework that 1) prioritizes affordable housing and the purchase of TDR credits above other public benefits (public spaces, underground parking, etc.), and 2) maximizes the frequency and period of time that these two incentives would likely be used under a variety of changing market conditions. Broadly, there are several key changes the City can undertake to better support these two objectives.

1. **Allow a new maximum height and FAR densities.** We recommend increasing the density and height of buildings within designated growth centers. While our analysis did not identify the current height limits as barrier to the utilization of the current incentive program, we recommend increasing the current limit to allow an additional floor, so the program provides flexibility to be used under changing market conditions in the future.

We also recommend moving to an FAR-based density limit for the NC zone. The zone currently uses units per acres to define density. An FAR-based density limit would be consistent with the other growth center zones and provide more flexibility.

The table below summarizes the recommended maximum density and height limits for density bonuses by zone. Our analysis only looked at five zones with these areas. Additional analysis would be needed to determine the bonus maximums for the zones not studied.

Exhibit 5. Recommended Maximum Bonus Density and Height Limits

Zone	Current Bonus Density	Current Bonus Height	Recommended Bonus Density	Recommended Bonus Height
Neighborhood Center	5 unit/ac	45 feet	0.5 FAR	45 feet
Neighborhood Center/R-12	12 units/ac	45 feet	2.0 FAR	45 feet
High School Road District – 1	0.6 FAR	45 feet	3.0 FAR	45 feet
Ferry Terminal Overlay	1.1 FAR	45 feet	4.5 FAR	55-75 feet
Central Core	1.0 FAR	45 feet	4.5 FAR	55-75 feet

Source: ECONorthwest

Key Questions:

What areas of the city do you want to target for the affordable housing and/or the TDR program?

In what areas, if any, do you want both TDR and affordable housing to operate?

What zones do you want to increase capacity?

2. **Reduce the other incentives available and focus on affordable housing and TDR.** The City currently offers incentives for several other public benefits including: providing underground parking, FAR purchases, providing on-site open space, tree preservation, historic structure preservation, etc.). Reducing competing options will prioritize the use of incentives for the affordable housing and TDR programs.
3. **Create an administrative model for the TDR program.** The current TDR program code does not identify a clear process by which a landowner or a developer can participate in the program. We recommend that the City creates both an administrative structure for the operation of the program as well as easily accessible informational resources to prospective users of the program. Until a robust market for TDR evolves in the City, we recommend a simple private buyer-seller model with public support. As program activity increases or if the City allocates funding to acquire TDR credits, the creation of a

TDR bank would serve a useful purpose to augment the private market transactions. Additional resources will support the emergence of a marketplace, such as an online listing of landowners who wish to sell their development rights, electronic copies of application forms that users can download, and a dedicated webpage for the TDR program that explains the tool, identifies sending and receiving areas, illustrates the process for using the program, and gives appropriate City staff contact information.

Key Question: What type of administrative model does the City want to use?

4. **Establish a fee in-lieu option for the affordable housing and TDR incentive programs.**

A fee in-lieu options would provide more flexibility for developments, particularly smaller projects. For example, as part of a revised TDR program the City could collect and use these funds for the purchase of development rights and conservation easements in Bainbridge Island.

Key Questions:

Should the TDR program have a fee in-lieu option?

Should the affordable housing incentive have a fee in-lieu option?

Should there be a minimum size threshold for projects eligible for a fee in-lieu option?

5. **Decide to maintain a voluntary or establish a new mandatory affordable housing program.** We recommend maintaining a voluntary affordable housing incentive program. The base zoning density limits are relatively low. Thus, most future projects will likely take advantage of the affordable housing incentive if calibrated correctly. As shown in Exhibit 3, a voluntary program has the potential to yield more public benefits when used compared to a mandatory program as well.

Establish an MFTE program. We recommend an 8-year MFTE program. Our analysis showed that the MFTE added value for multifamily developments and it would be an additional incentive to support the viability of multifamily projects and the use of incentive programs. In addition, an 8-year program allow the City to set its own affordability requirements (both the share of affordable units and length of affordability). The 12-year MFTE program requires 20 percent of units are affordable for 12 years.

Key Questions:

Do you want to use the 8-year MFTE to further incentivize TDR placement?

Do you want the MFTE to supplement affordable housing production? If so, do you want to use an 8- or 12-year program?

6. Define the affordable housing and TDR benefits based on the new bonus density limits and other incentives.

- For affordable housing we recommend 10 percent set aside of all units built. Our analysis indicated that this share would be viable at the densities modeled. The City currently requires that all units built through the density bonus be affordable. Because the base zoning limits are relatively low, a high percent of all units are affordable, which had a sizable effect on financial feasibility.
- For TDR, the benefit to a developer is defined by an exchange rate: what additional value does a developer gain by purchasing one credit? No exchange rate is currently set by the program or code and this uncertainty deters participation. If the City is going to award density bonus on an FAR basis, the appropriate units to express an exchange rate is in additional square feet of building area per credit purchased. For example, for each TDR credit purchased, a developer may build an additional 2,000 square feet of floor area up to the FAR limit of 3.5. Further evaluation of conservation area land values is needed to calibrate an exchange rate that will drive demand for TDR.

In addition to the seven changes above, there are several small, less critical changes the City can pursue that also will help support the affordable housing and TDR incentive programs that we also recommend the City consider.

- Expand the receiving areas available for TDR credits. Residential zones, such as R-2.9 and R-3.5 could support the placement of TDR credits and conservation open space elsewhere on the island by allowing additional units in exchange for purchasing a TDR credit.
- Remove separate FAR limits for residential and commercial uses in mixed-use buildings. Instead, establish one, new FAR limit for the entire building by zone as discussed above.
- Reduce parking requirements to 1.0 space per unit. Maintain reduction of half for areas within 0.5 mile of ferry terminal, which would then allow 0.5 space per unit within 0.5 mile of ferry terminal.
- Expand the areas where denser development can be built to increase the number lower cost development sites available where projects would be financially viable. In addition to rezoning areas, this would include ensuring existing neighborhood centers have the infrastructure available to support the growth planned for those areas.

1 Introduction

The City of Bainbridge Island is evaluating its affordable housing and transfer of development rights (TDR) incentive programs to understand how they can be better utilized to support citywide efforts to increase the amount of affordable housing and land maintained for open space, respectively. Both programs are intended to incentivize development projects to include housing units that are more affordable, or to purchase development rights from areas elsewhere on the island to be maintained as open space (i.e. the transfer of a parcel's development right to a different location where growth is more desired). The incentive currently offered is a density bonus, which allows buildings to be larger and taller than allowed under the base zoning requirements.

Development incentive programs are complex and must be responsive to a constantly changing real estate market. The purpose of this study is to understand the real estate market conditions, evaluate the City's existing incentive provisions, and to recommend potential changes to the existing provision based on thorough analysis of different policy options and development feasibility.

The City Council has specifically stated an interest in understanding the potential of the current incentive programs to provide "workforce" housing (units affordable to households earning 60-80% of the median income) and to utilize transfer of development rights (TDR) credits. The Council also stated their interest in focusing on growth centers, including Neighborhood Centers and the Winslow Village area (High School Road district and zones near the ferry terminal with mixed-use zone and allowing greater densities). Overall, the Council wanted the analysis to assess what incentives and zoning changes would be required to make the City's incentive programs work and to understand the implications of a mandatory versus voluntary affordable housing requirement.

Key study questions:

- What is the current opportunity to use the land use code to achieve public benefits (e.g. affordable housing and land conservation)?
- What code changes limit or could support public benefit desires?
- Should the affordable housing provisions be voluntary through an incentive or mandatory?
- What other incentives could be used to support public benefit desires?

1.1 Previous Efforts

Transfer of Development Rights

In 2006 a consultant team undertook a comprehensive review of the city's TDR program.⁵ The evaluation included assessments of conservation priorities, market demand, credit valuation, program mechanics, and administration. Among the key findings from that report, several issues are unresolved and remain relevant to the current analysis. These include:

- **Demand for development rights is limited by receiving area capacity.** As a market-based real estate tool, TDR works when it is connected to demand for growth. Now, as then, opportunities for using TDR are constrained by a lack of places in which developers can gain additional value for projects by purchasing development rights.
- **Competing city programs further limit demand.** One ongoing challenge to the success of TDR is that developers have a range of options for achieving the desired intensities of projects. By streamlining these choices and aligning them with policy priorities the city can improve the chances of successfully achieving growth and conservation objectives.
- **The value of development rights in the receiving areas can vary considerably.** Since 2006, growth patterns across Bainbridge Island have continued to take a variety of forms. Different development types take a range of values and incentives that are attractive for one type but may not be feasible for others. This analysis takes such variability into consideration, whether considering TDR in the context of single-family development or multifamily, mixed-use projects in the downtown core.

The findings and recommendations of the 2006 report informed the design of the current analysis to the extent that some of the factors influencing TDR use then are still present. In the intervening time the dynamics of the local real estate market have shifted and policy priorities have evolved to include a greater emphasis on housing affordability. The present design challenges seek to balance market-based conservation, encouraging growth in specific areas and increasing the stock of affordable housing—either by mandate or through incentives.

Affordable Housing

At the end of 2018 the City's Affordable Housing Task Force released its final report and recommendations. The City Council formed the Task Force to study and make recommendations about near-term actions the City can take to "improve access to affordable housing across the economic spectrum."⁶ The Task Force was composed of 15 citizens who met over the next year and a half.

The Task Force's final report outlined five priority recommendations and five "Quick Wins" the City could pursue to address its affordable housing challenges. The five-priority recommendation included:

⁵ [City of Bainbridge Island Transfer of Development Rights Program Review](#), MAKERS and Community Attributes, 2006

⁶ 2018 Affordable Housing Task Force Final Report, page 1

1. Draft and adopt code changes to encourage infill in the Designated Centers, with the assistance and advice of ECONorthwest.
2. Pursue opportunities to partner with the private and nonprofit sectors to build affordable housing on public lands.
3. Adopt procedures to encourage Accessory Dwelling Units.
4. Adopt an “Innovations Program” that allows staff to permit experimental affordable housing projects, on a limited basis, that are not currently allowed by code.
5. Create a permanent affordable housing committee and designate a City employee who will spend at least half-time on affordable housing strategies.

Recommendation number one directly relates the findings of this report. This recommendation also had three specific and related recommendations cited in the Task Force’s report.

- 1a. Adopt a Mandatory Inclusionary Zoning Ordinance
- 1b. Enact changes in FAR to encourage affordable housing
- 1c. Adopt a Multifamily Property Tax Exemption

The consultant team evaluated each of these specific recommendations in our analysis and address them later in the report.

1.2 Report Organization

The remainder of the report is organized in to four subsequent sections.

- **Policy Context.** This section summarizes the City’s growth policies with a focus on those most relevant to the TDR program and affordable housing incentives.
- **Existing Conditions.** This section reviews the incentive programs utilization, broad real estate market conditions, and the development feasibility of example projects under different zoning standards.
- **Policy Options.** This section assesses the City options for revising its affordable housing and TDR incentive programs.
- **Considerations and Recommendations.** The last section outlines the consultant team’s recommendations for moving forward and specific issues the City will likely have to make decisions about if it chooses to revise the incentive programs.

In addition, there are two appendices providing more detailed information on real estate market conditions (Appendix A) and the assumptions used in the development analysis (Appendix B).

2 Policy Context

This section summarizes the City’s growth policies with a focus on those most relevant for affordable housing incentives and the TDR program. The City’s growth strategy—embodied in its comprehensive plan—is to concentrate growth in designated centers, which include Winslow, Lynwood Center, Rolling Bay, and Island Center. The types of housing and commercial uses prioritized through comprehensive plan policies in these areas include mixed-use development, small to mid-size single-family housing units, multifamily, tiny houses, accessory dwelling units, and cottage housing. The City has yet to adopt code enabling all of these housing types, however. These areas also have or are planned to have the infrastructure to accommodate growth. Winslow specifically is intended to have denser residential and commercial development, as it is located near the ferry terminal and is the city center. The other designated centers are intended to offer housing and small-scale commercial uses and services outside of Winslow.

The lands outside of the City’s designated centers are conservation areas, which minimize the impact of the built environment and protect aquifers, surface waters, and fish and wildlife habitat. Many of the City’s conservation priorities are driven by the desire to protect the island’s drinking water and aquifer system. Infrastructure and access to utilities also inform much of where Bainbridge Island directs growth.

The City has undertaken policies and actions to support resource conservation on the island.

- The TDR program establishes all properties located outside of designated centers, i.e. conservation areas, as development rights sending areas.⁷ The current TDR program also permits agricultural land to be designated as a sending area through sale or transfer of development rights (at a higher rate), as well as allows property owners to donate all or a portion of their development rights to the city.
- The City updated its Critical Areas Ordinance earlier this year to better address priorities identified in the Comprehensive Plan and recommendations provided by the Washington Department of Fish and Wildlife.
- The City prepared an open space plan in 2008, which focused on identifying priority open space lands based on biodiversity values, ecological integrity, recreation, and historical/cultural values. Many of the higher-ranked priority lands are those adjacent to existing open spaces and dedicated parks, providing connected, high-quality habitats and working lands.
- The City also emphasizes the importance of protecting conservation areas through the public acquisition of certain properties, and tools such as aquifer recharge area regulations and promotion of smaller dwelling units to minimize development footprints.

⁷ Bainbridge Island Municipal Code (BIMC) Chapter 18.27.020 *Development Rights Sending Areas*.

2.1 Zoning Summary

The City's zoning code is one of the primary methods for implementing the City's growth strategy, and development incentives are a zoning-based tool. The City has a range of development incentives to support open space, affordable housing, the Purchase of Development Rights (PDRs), provision of public infrastructure, ferry parking, and the preservation of heritage trees and historic structures. Mixed use development is also encouraged in the Mixed Use Town Center zones through a higher FAR limit than for buildings with single uses.

As a tool for achieving the City's growth strategy, these incentives encourage growth in areas identified as Designated Centers to leverage desired community benefits. The incentives relevant to this study are those for the TDR program and affordable housing. Exhibit 6 lists the base density and height limits for select zones within Designated Centers and the bonus density limits for those zones.

Exhibit 6. Current Base and Bonus Zoning Standards by Select Zone

Zone	Base				Bonus			
		Residential	Mixed Use			Residential	Mixed Use	
	Units/Acre	FAR	FAR	Height (Ft)	Units/Acre	FAR	FAR	Height (Ft)
NC*	2.0	NA	NA	35	5.0	NA	NA	45
NC/R-12**	5.0	NA	NA	35	12.0	NA	NA	45
High School Road Districts	NA	0.3	0.3	35	NA	0.6	1.0	45
Ferry Terminal Overlay	NA	0.4	0.5	35	NA	1.1	1.3	45
Central Core Overlay	NA	0.4	1.0	35	NA	1.0	1.5	45

*Infrastructure available

**Mixed use building

Source: City of Bainbridge Island

Incentives for Using the TDR Program

For the TDR Program, existing receiving sites for development credits include Winslow, High School Road, and other neighborhood centers.

- **Neighborhood Centers.** In the neighborhood centers, incentives focus on additional density, providing an additional one to two units per acre with use of TDR and public sewer and water.⁸
- **Winslow and High School Road Districts.** These areas are eligible for density increases (via a higher FAR) up to the maximum residential bonus limit through purchasing development rights.

⁸ BIMC 18.12.030.D Bonus Density in NC District.

Incentives for Providing Affordable Housing

The City currently has multiple incentive provisions in place to increase the production of affordable rental or for-sale housing units. All the affordable housing related incentive programs are voluntary, and the mechanisms and bonuses allowed depend on the specific zone.

- **Residential Density Bonus Provisions.** The City allows increased density (through more units or floor area) above the base requirements with the provision of affordable housing units.
 - Residential Zones: Residential subdivisions in residential zones can receive a density bonus⁹ (one additional unit per acre) for every affordable unit provided above the base density requirements. Housing developments can receive density increases up to 50 percent above the base limit. All additional (or bonus) units must be affordable to households at or below the defined low-income threshold (51-80 percent of area median income, or AMI).
 - Neighborhood Centers: Projects within designated Neighborhood Centers can receive a density bonus of an additional one to two units per acre by providing affordable housing for low income households (51-80 percent of AMI).
 - Winslow Mixed-Use and High School Road Districts: Projects within either of these two districts may receive bonus floor area above the base Floor Area Ratio (FAR) up to the maximum FAR limit for additional floor area dedicated to affordable housing units. The level and mix of affordability depend on the overall size of the project. Projects less 10,000 square feet have to provide units affordable to at least moderate-income households (81-95 percent of AMI). Larger projects, those over 60,000 square feet, must provide at least 10 percent of the bonus area for at least low-income households 60 percent for moderate income households, and the remaining 30 percent of the bonus area for middle income households (96-120 percent of AMI).
- **Housing Design Demonstration Projects (HDDP).** The HDDP is an optional development process that provides more flexible design standards as well as density bonuses for residential housing projects that provide a diversity of unit sizes, meet green building standards, and incentivizes designated affordable units.

The program has four tiers of density incentives based on the level of green building and affordable housing provisions met. Projects qualifying for Tier 1 do not receive any density bonus, while Tiers 3 4 projects can receive a bonus of up to 2.5 times the base density or the maximum FAR allowed.

Single-family subdivisions and multifamily developments (including mixed-use buildings) within the Winslow Study Area of the Winslow Master Plan and Winslow Sanitary Sewer System Service Area are eligible to participate in the program. To date, the program has produced 47 affordable housing units. Housing Resource Bainbridge constructed 40 of the units in the Ferncliff Village projects, and another seven units

⁹ BIMC 18.21

under construction in two separate development projects. In August 2018, the City Council suspended the HDDP program for projects that are not 100 percent affordable housing.

2.2 Transfer of Development Rights

The City's TDR program is defined in BMC 18.27 with a purpose of protecting wetlands, aquifer recharge areas, agricultural land, and open space while encouraging growth in higher density areas within the city.

Currently, the City's TDR program is designed to function through private market interactions. Many developers we interviewed for this report were unaware of the existence of the program and expressed interest in using it to achieve higher intensity uses in their projects. Unlike other TDR programs around the central Puget Sound region, the Bainbridge Island example does not have a dedicated informational web page to explain the program or direct prospective users in how to participate.

The current code defines two key components of the program, sending sites (those areas the City seeks to conserve) and receiving sites (those areas where the City encourages growth, or the areas to which development rights are transferred).

- **Sending Sites.** Currently, the entire island outside of designated centers is identified as a potential sending site (referred to as "conservation areas" in the comprehensive plan). As a result, all potential properties are assumed to have comparable conservation value.
- **Receiving Sites.** Sites eligible for using the TDR incentive program are located within Winslow Mixed use Town Center and High School Road Districts, NC Districts, and R-14 and R-8 districts.

The code also specifies that a conservation easement is the legal instrument by which the sending site will be protected. Landowners seeking to conserve their properties apply to the city for issuance of TDR certificates, which are calculated based on how many homes the landowner could build on the property. Once the landowner has accepted a conservation easement and deed restrictions have been recorded with the City and County, the City issues certificates which the landowner may in turn sell to developers who wish to add density to an eligible project in a receiving area.

The current program has practical limitations, including no clear definition of an exchange rate (how much bonus value does a developer gain from purchasing a credit), no standardized forms or process for applying to the program, and no sample easement language for sending site landowners. It also does not address stewardship and monitoring of protected areas. The lack of a fixed exchange rate introduces challenges for developers, as this reduces certainty in a transaction. Developers need to know how much value a credit will add to a project in order to understand how much money they can offer to buy one from a sending site landowner.

2.3 Affordable Housing

The Housing Element of the Comprehensive Plan establishes the housing goals and implementing policies for Bainbridge Island. The broader vision embodied in the Housing Element is for a city with a broad variety unit types, primarily in the designated growth centers. The City's affordable housing density bonus program is one of the tools for implementing this vision. Chapter 18.21 of the municipal code establish the affordable housing density bonus provisions. Affordability levels are based on the area median household income and households size. Appendix C shows the median income limits by household size used for 2018. The income categories are defined as follows:

- Extremely low income—less than 30 percent of median household income.
- Very low income—31 to 50 percent of median household income.
- Low income—51 to 80 percent of median household income.
- Moderate income—80 to 95 percent of median household income.
- Middle income—96 to 120 percent of median income.

The amount of the density bonus depends on the affordability level of the units provided and if the units are for-rent or for-sale. All additional units built above the base zoning limits must meet the following affordability requirements.

- **Rental units** can receive a bonus of 50 percent of the base zoning if the additional units provided are affordable for households in the low-income category or below.
- **For-sale units.** There are three tiers for the bonus area depending on the affordability levels of the additional units provided.
 - Bonus of 50 percent of the base zoning if the additional units provided are affordable for households in the low-income category or below.
 - Bonus of 40 percent of the base zoning if the additional units provided are affordable for households in the moderate-income category or below.
 - Bonus of 20 percent of the base zoning if the first 10 percent of the additional units provided are affordable for households in the moderate-income category and the remaining 10 percent are affordable to households in the middle-income category.

3 Existing Conditions

Understanding the current real estate market conditions is critical to designing an effective development incentive program. This section summarizes the existing real estate market conditions affecting development in Bainbridge Island and City' incentive programs for affordable housing and TDR. Our analysis included both a market study and interviews with 12 local real estate professionals.

3.1 Program Utilization

The current incentive programs available for affordable housing and TDR have not been utilized as desired. Incentive zoning policies are intended to leverage new market-rate development for the production of public amenities. However, these policies can only work when new development is financially feasible. The structure of an incentive zoning program should make it economically attractive for developers to use the incentive under most market conditions.

The real estate market in Bainbridge Island has realized increasing growth and stronger market fundamentals, particularly during the last five years. However, other constraints have hindered the use of the City's affordable housing and TDR incentive program. Many of the limiting factors identified in the 2006 MAKERS/Community Attributes evaluation of the TDR program remain in place. Specific factors identified include the absence of a market mechanism and insufficient opportunities for demand to use the TDR credits. Furthermore, we learned in our conversations with developers that many are not even aware of the existence of the TDR program.

3.2 Real Estate Market Conditions

The real estate market trends and recent development examples point to a city that is seeing an increase in demand, primarily for housing development of all types. This uptick in demand has occurred relatively recently. For much of the 2010s, the city did not realize much new development following the effects of the recession in 2008. As a result, the housing supply has been lagging housing demand and rents and sales prices have been increasing, particularly over the last five years.

A continuation of these growth trends and historically low vacancies indicate there will likely be demand for more housing (single-family and multifamily) in the future. The resulting increase in population will also drive the demand for additional commercial space to provide goods and services.

For a development incentive program to be effective it needs to align with where development is occurring, the uses that are demanded, and the intensity of that development. Recent trends and market conditions in Bainbridge Island indicate there is an opportunity for the utilization of

development incentives. Appendix A includes a more detail summary of the market study. Key findings include:

- **Winslow Has the Most Potential for Future Development.** Winslow has realized much of the new growth in Bainbridge Island, which aligns with the City’s comprehensive plan. Winslow has the infrastructure, specifically water and sewer service, to accommodate future growth. Winslow is also an attractive location for development because of the proximity to the ferry terminal.
- **Neighborhood Centers have Limited Potential Due to a Lack of Infrastructure.** In the comprehensive plan, neighborhood centers are designated for more intense development. With the exception of Lynwood Center, a lack of infrastructure (primarily sewer service) limit the development potential of these areas. The capacity and use of development incentives within these areas will be tied to the provision of the necessary infrastructure.
- **Residential Uses Present the Best Opportunity for Utilizing Development Incentives.** Most of the recent development and permit activity in Bainbridge Island is for single-family housing. More recently, multifamily housing, particularly in Winslow, is also realizing sizable new developments. As a result, development incentives should focus on leveraging demand for these uses.
- **Residential Projects Will Want to Maximize Density.** Future projects may be looking to increase densities (i.e. smaller lots and more units per acre for single-family homes and more height and building area for multifamily projects). This demand can be leveraged to support both the purchase of development rights and the creation of affordable housing as part of a City’s development incentive programs.

3.3 Stakeholder Interviews

To supplement the market study, we interviewed 12 real estate professionals including developers, architects, affordable housing providers that work in Bainbridge Island. All of the stakeholders interviewed noted the increasing cost of housing in Bainbridge Island over the last several years. However, they also noted that increasing construction cost and land prices are making it more challenging for new projects to “pencil out.” Several common themes emerged from these interviews, which are summarized below.

- **Regulatory Barriers.** A number of interviewees expressed their wish for more flexibility in the zoning code, especially regarding density and height limitations. High minimum parking requirements was also noted as an issue in some zones (primarily those not by the Ferry Terminal).
- **Environmental Concerns.** Several interviewees expressed concerns about the environmental effects from increased development, primarily the loss of trees and open space. However, others thought the City prioritized environmental issues too much over housing affordability.

- **Limited Sewer, Sanitation, and Water Services.** All of the interviewees emphasized the limitations that the lack of sewer, sanitation, and water services imposed on development site designations outside of the Winslow core area, which limits the developable land available in the city.
- **Little familiarity with the TDR program.** In addition, we asked the interviewees about their knowledge of the City's transfer of development (TDR) program. Few people were familiar with the program even if they knew it existed. A majority of them revealed to possess little to no knowledge of this program.

When asked how they would recommend the City address these challenges, interviewees suggested that 1) more flexibility in the zoning codes, 2) reduced parking requirements especially for areas near the ferry terminal, 3) increased heights in the zoning code, 4) more incentives for open space, tree retention, and higher density development, 5) more sewer, water, and sanitation services outside of the Winslow core area, and 6) a better overall communication from the City Council on the island's growth plan.

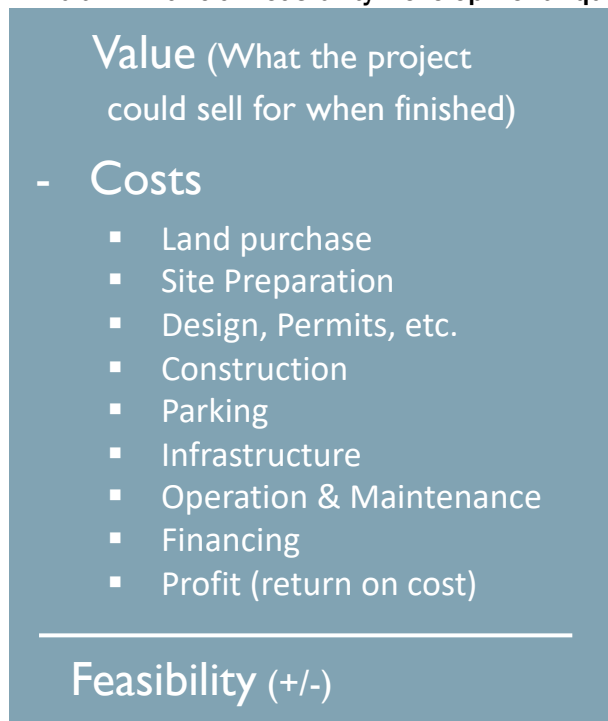
4 Development Analysis

The central question of a development analysis for an incentive zoning program is whether the incentive offered (typically additional development capacity) creates enough value to cover the additional cost of construction and operations in addition to the cost of providing the public benefit required as part of receiving the incentive. For affordable housing, the cost to a developer is foregone rental income. For land conservations, the cost to a developer is the dollars to purchase the development right(s). To evaluate this question, ECONorthwest conducted a financial analysis of different building types within select zones. The analysis evaluated the financial viability of these buildings under the current base and density bonus provisions and hypothetical larger density bonus provisions. This section provides an overview of the method and assumptions used and the finding of the development analysis

4.1 Approach

Development feasibility is based on the difference of the potential value of a development project, less the costs to build it. If the value of a hypothetical project is higher than the total cost, which includes the developers profit requirements, the project is likely feasible in the current market. Exhibit 7 depicts this development equation and its pieces.

Exhibit 7. Financial Feasibility Development Equation



Value (What the project could sell for when finished)

- Costs

- Land purchase
- Site Preparation
- Design, Permits, etc.
- Construction
- Parking
- Infrastructure
- Operation & Maintenance
- Financing
- Profit (return on cost)

Feasibility (+/-)

To calculate the value and costs, ECONorthwest used a pro forma analysis. A pro forma analysis models all of the costs of constructing a new building—including design, permit fees, site improvements, any developer fee, and contingencies—to arrive at a total cost for each building prototype. The pro forma analysis then models potential revenues the new building

would generate based on how much rent a building would generate in a year or the price if it was sold. Lastly, the analysis then applies an assumed rate of return to account for the profit a developer would require.

It is also important to keep in mind that development feasibility depends on several factors in addition to the assumed revenues, costs, and returns. The feasibility of any site can also be dependent on the individual developer and other idiosyncratic factors, such as when a developer bought the property, their ability to finance a project, and their tolerance for risk. Thus, the pro forma analysis is a snapshot of feasibility under current market conditions and typical development assumptions.

Key Financial Assumptions

The pro forma analysis used several key assumptions¹⁰ to calculate financial feasibility. Appendix B lists the specific assumptions for each prototype.

- Apartment rent: \$2.50 per square foot per month (or equivalent of \$2,500 a month for a 1,000-square foot two-bedroom apartment).
- Retail rent: \$25.00 per square foot per year.
- Townhome sales price: \$450.00 per square foot.
- Residential wood-frame construction costs: \$180 per square foot.
- Commercial concrete podium costs: \$240 per square foot.
- Surface Parking: \$5,500 per space.
- Ground floor Parking: \$30,000 per space.
- Underground Parking: \$60,000 per space.
- Land cost for NC zone: \$25.00 per square foot.
- Land cost for Central Core and Ferry Terminal Overlay zones: \$75.00 per square foot.
- Land cost for High School Road District: \$60.00 per square foot.
- TDR credit cost: \$75,000 per development right.

Building Types and Zones Analyzed

The feasibility analysis evaluates the financial performance of hypothetical developments in five different zones on Bainbridge Island (Neighborhood Center, Neighborhood Center/Residential-12, High School Road District 1, Ferry Terminal Overlay, and Central Core Overlay). These zones are areas designated as growth centers in the City's comprehensive plan, and the Council is interested in understanding what scale of development is currently feasible within these zones and what (if any) changes are needed to make the current incentives better utilized.

¹⁰ Sources: Rent based on local comparable developments and assumptions by ECONorthwest. Development costs based on discussions local builders, and returns assumption are from ECONorthwest.

Exhibit 8 compares the existing or current development standards for the base zoning and density bonus limits for zones included in the analysis.

Exhibit 8. Current or Existing Development Standards of Zones Analyzed

Zone	Base				Bonus			
	Units/Acre	Residential FAR	Mixed Use FAR	Height (Ft)	Units/Acre	Residential FAR	Mixed Use FAR	Height (Ft)
NC*	2.0	NA	NA	35	5.0	NA	NA	45
NC/R-12**	5.0	NA	NA	35	12.0	NA	NA	45
High School Road Districts	NA	0.3	0.3	35	NA	0.6	1.0	45
Ferry Terminal Overlay	NA	0.4	0.5	35	NA	1.1	1.3	45
Central Core Overlay	NA	0.4	1.0	35	NA	1.0	1.5	45

*Infrastructure available

**Mixed use building

Source: City of Bainbridge Island

Within these five zones, the development analysis evaluated the financial feasibility of a specific building type currently allowed within that zone. The analysis included three different building types: townhomes, garden apartments, and a residential mixed-use building. Exhibit 9 shows each building type analyzed for the corresponding zone.

Exhibit 9. Building Types Analyzed

Zone	Building Type	
Neighborhood Center	Townhome	    
	Max Base Density: 2 units/acre	
	Max Bonus Density: 5 units/acre	
Neighborhood Center/R-12	Mixed-Use Building	
	Max Base Density: 5 units/acre	
	Max Bonus Density: 12 units/acre	
High School Road District – 1	Garden Apartment	
	Max Base Density: 0.3 FAR	
	Max Bonus Density: 0.6 FAR	
Ferry Terminal Overlay	Mixed-Use Building	
	Max Base Density: 0.5 FAR	
	Max Bonus Density: 1.3 FAR	
Central Core	Mixed-Use Building	
	Max Base Density: 1.0 FAR	
	Max Bonus Density: 1.5 FAR	

Source: ECONorthwest

Scenarios Analyzed

To assess the effects of zoning and development incentives on financial feasibility and the ability to create value to support the provision of public benefits, ECONorthwest analyzed the feasibility of the building types above under three scenarios:

- **Base zoning.** Assumes the building meets the base zoning requirement (density, height, etc.).
- **Current density bonus.** Assumes the same building maximizes the density bonus density and height limits.

- **Increased density bonus.** Assumes higher density and height limits than currently allowed.

In addition to analyzing each building type under the base zoning and density bonus scenarios, the analysis also assumed a couple of additional development incentives along with the current density bonus. Specifically, the two incentives factored into the analysis include:

- **Multifamily Tax Exemption (MFTE).** An 8-year property tax property tax abatement on the residential portion of new multifamily housing development. There are no specific affordability requires for the 8-year version under state statutes.
- **Lower parking requirement.** Assumed minimum parking requirements are half of the current standards.

The analysis then compared the total value of each scenario for each of the five prototypes. As long as the value is positive (it exceeds the total costs including a developer's assumed return), it can be used to support the realization of public benefits such as affordable housing or purchase of TDR credits. However, in order to for the incentive to be a true incentive for developers, the developer must also receive a share of the additional value.

4.2 Feasibility Comparison

Overall, the development analysis found that current base zoning and available incentives will likely not support the dedication of public benefits for TDR or affordable housing. While the current incentives increase the value of each of the building types analyzed, they do not create enough value to capture public benefits for the City in the land use code (e.g. land conservation and affordable housing). Further, the price for property in Bainbridge Island is relatively high due to the scarcity of infrastructure and limited development sites. Vacant properties typically cost less than developed parcels and are more likely to be financially feasible to develop at similar market conditions. As a result, the building type analyzed are not financially viable (even with the current incentives) on more costly developed sites.

Exhibit 10. Current Feasibility of Development by Zone

Scenario	Base Zoning	Current Bonus	Current Bonus
		- TDR	- IZ
NC - Multifamily	No	Yes	No
HS-1 - Multifamily	No	No	No
FERRY - Mixed Use	No	No	No
CORE - Mixed Use	No	No	No

Source: ECONorthwest

To improve financial feasibility, development projects need more physical scale, primarily through increasing the amount of building square feet and potentially increased building heights. To assess what scale and density are needed, ECONorthwest analyzed the same building prototypes and zones as in the baseline development analysis. This analysis assumed more building area and higher heights than currently allow under zoning.

The analysis also assumed a few other key changes in zoning standards and incentive program requirements including:

- Parking requirements are lower than currently required,
- A new 8-year MFTE program is in place, and
- 10 percent of all unit built are affordable for a household of one earning at least 80 percent of the area median income (the equivalent of \$54,000 a year).

Exhibit 11 shows the densities and development conditions likely necessary for development projects to provide a sizable amount of affordable housing and conservation benefits under current market conditions. Specifically, the table shows the estimated number of affordable units created and acres of land conserved based for a single project within that zone. The high estimate of land conserved assumes the sending site is zoned R-0.4, and the low estimate for land conserved assumes the sending site is zoned R-2.

Exhibit 11. Maximum Development Assumptions Evaluated by Zone and Estimated Benefits

	NC - Townhomes	NC/R-12 - Mixed Use	HS-1 - Multifamily	FERRY - Mixed Use	CORE - Mixed Use
Height	20	35	40	55	55
Density (Floor area ratio)	0.46	1.72	3.00	4.50	4.50
Density (Units per acre)	10.0	62.0	122.0	196.0	196.0
Parking (Spaces/Unit)	1.50	1.00	0.75	0.75	0.75
Affordable Units Created	1	6	6	18	9
Acres Conserved (High est.)	9.2	11.5	16.1	32.1	9.2
Acres Conserved (Low est.)	1.8	2.3	3.2	6.4	1.8

High estimate assume credits all purchased for land zoned R-0.4

Low estimate assume credits all purchased for land zoned R-2

Source: ECONorthwest

Development Analysis Summary

The development analysis found that current base zoning and available incentives will not support the provision of affordable housing units or purchase of TDR credits. While the current density bonus incentives do increase the value of each of the building types analyzed they do not create enough value to capture for public benefits (e.g. affordable housing and land conservation). Key findings include:

- Density limits are the primary impediment to development viability. To improve financial feasibility and utilization of the incentive programs, development projects need to be able to use development sites more efficiently and achieve more physical scale.
- Increasing maximum density creates a lot of value that can be used for subsidizing affordable housing and purchasing TDR credits.
- Lower parking requirements are also an important factor in how efficiently a building can use a site and the total cost of a project.

- Height limits are not an impediment to development under current market conditions. However, in the future under changing market conditions, an additional floor would allow more building square feet and more flexibility developing a site to provide open space on the site.

These findings align with the recommendations outlined in the Affordable Housing Task Force Final Report. The report recommends the City making code changes to increase density limits, building heights, and reduce parking requirements (Recommendation 1B).

5 Policy Options

Setting efficient regulatory and performance parameters for incentive zoning programs is a challenging endeavor. The city must balance the desire to leverage private development to deliver public benefits against additional costs imposed on the project. This challenge is compounded by ever changing market conditions, such as changes in construction costs, cost of capital, household incomes, land prices, and rent—all of which affect the financial viability of a project over time.

To increase the realization of public benefits the development analysis determined the City will need to make changes to its existing incentive program. The City has several strategic options to optimize its zoning provisions and increase the potential for development and the realization of TDR purchases and/or affordable housing units. All options will require the City to allow a sizable increase in the density allowed to create enough value for projects to provide the public benefits desired and still be financially viable.

Voluntary or Mandatory Affordable Housing Program

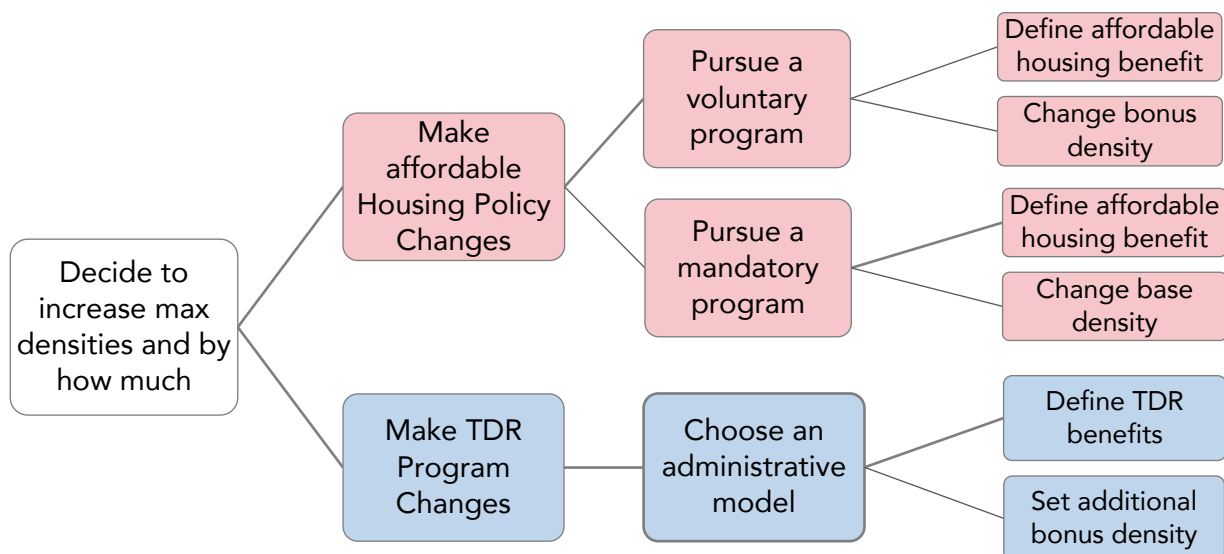
In addition to making the zoning changes described above, the City has several options to increase the provision of affordable housing units and/or purchase of TDR credits through how it defines the public benefits required to realize the incentives offered. The current TDR and affordable housing incentives function as separate programs. The City can continue to have them function separately and make changes to each so they work on their own. However, if desired, the City can link the programs so that both the provision of affordable housing and the purchase of TDR credits are realized from an individual project using the density bonus.

Exhibit 12 outlines the decision tree for making these policy decisions. For the affordable housing incentive program, an important, initial step is whether the City makes provisions for affordable housing voluntary or mandatory. The City currently has a voluntary program for affordable housing. However, the Affordable Housing Task Force Report recommended a mandatory program, pending the completion of this study (Recommendation 1A). For the TDR program, an initial step will be to define how the program is administered.

Subsequent steps will need to define the public benefit for affordable housing and TDR purchases required. The amount of affordable housing provided or TDR credits purchased determine what level of density is needed to support the provision of those public benefits¹¹. For example, a higher share of affordable units—10 percent compared to 5 percent—will require a higher level of density allowed so that projects are financially viable and get built. Thus, the base and bonus density limits for each approach will also differ.

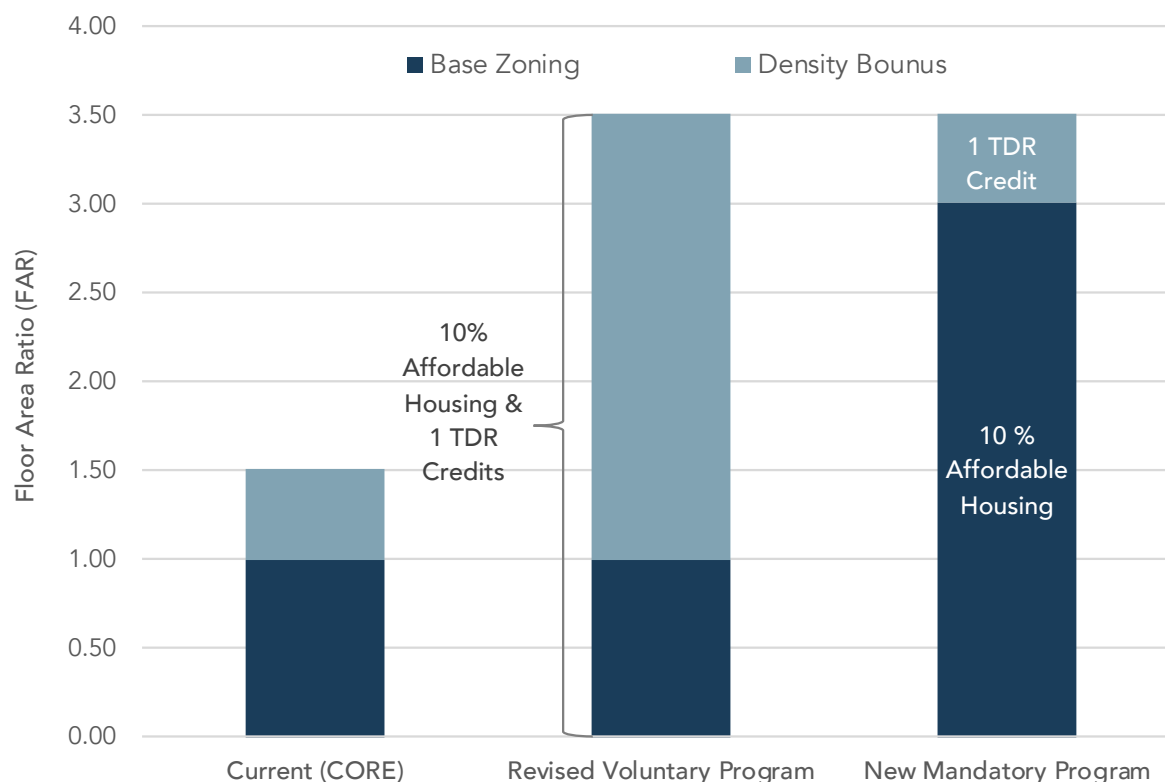
¹¹ RCW 36.70A.540

Exhibit 12. Strategic Options Decision Tree



The chart below shows the current FAR limits for a mixed use building in the Central Core Overlay zone and how FAR limits would likely need to change under a revised voluntary or new mandatory program. The number of affordable units built and TDR credits purchased would be different for mandatory program versus a voluntary program, even if the maximum density allowed is the same (e.g. 3.5 FAR).

Exhibit 13. Example FAR Limits for Mixed-Use Building in the Central Core Overlay Zone



Source: ECONorthwest

Voluntary Program. A revised version of this program would keep the base zoning the same and increase the density bonus (higher FAR limits and increased height). The value created through the increased density bonus can be divided between affordable housing and TDR purchases (50/50, for example). For our analysis, we assumed a development would make 10 percent of all units affordable and purchase at least one TDR credit to realize the density bonus.

Mandatory Program. A mandatory program would be more complicated. All development projects would be required to provide a defined share of affordable housing units. Although, small scale project can be exempted from the requirement. To ensure projects are financially viable (so units get built) the City would need to substantially increase the base zoning density and height limits. Even if the defined share of affordable housing was the same as the voluntary program (10 percent), the total number of affordable units provided would be slightly less because the size the building area that 10 percent applies to is smaller (a building area with 3.0 FAR compared to 3.5 FAR).

In addition, a TDR incentive (additional density or height increase above the newly increased base zoning) would be added to the mandatory affordable housing requirement to provide a mechanism for TDR credits to be purchased.

Other Tools, such as MFTE, can Support Incentive Programs

The City has a variety of other incentives it can use to ensure development feasibility as part of an incentive program in addition to increasing zoning capacity. Direct subsidies, tax abatements, and reduced parking requirements, which was mentioned above, are the most impactful. The Multi Family Tax Exemption (MFTE) program¹² is the one of the best options in Washington State that is available to the City. The Affordable Housing Task Force also recommended the City adopt an MFTE program (Recommendations 1C).

The MFTE is a property tax abatement on the residential portion of new multifamily housing development. There are two versions of the program: an eight-year abatement and a 12-year abatement. The 12-year abatement requires that at least 20 percent of the housing units are affordable to households earning 80 percent of the Area Median Income. The 8-year program does not have an affordability requirement, but it can be used in conjunction with an affordable housing incentive zoning program.

The Development Analysis evaluated the eight-year version of the MFTE and found that it added substantial value to projects. Thus, not including an MFTE as part of the City's incentive program would likely require increasing densities allowed to compensate for the lost value and/or reducing the public benefits required to maintain the feasibility of projects.

¹² RCW 84.14

Trade-off Between Incentive Maximums and Public Benefits

The central question of this analysis is whether additional zoning capacity creates enough value to cover the additional cost of construction and operations and still provide a defined percent of affordable units and purchase TDR credits. If additional zoning capacity does create enough value, what are the FAR and height maximums necessary for the incentive program to work under current market conditions and future market changes.

To assess what scale and density are needed, ECONorthwest analyzed the same building prototypes and zones as in the baseline development analysis. This analysis assumed more building area and higher heights than currently allow under zoning. The analysis also assumed the City implemented an MFTE program and reduced parking requirements, as discussed in the sections above.

Exhibit 4 shows the maximum building scale and density assumed, the number of affordable housing units created (assuming 10 percent of units designated as affordable¹³), and the range of acres conserved (depending on the zoning of the sending site¹⁴).

Exhibit 14. Maximum Development Assumptions Evaluated by Zone and Estimated Benefits

	NC - Townhomes	NC/R-12 - Mixed Use	HS-1 - Multifamily	FERRY - Mixed Use	CORE - Mixed Use
Height	20	35	40	55	55
Density (Floor area ratio)	0.46	1.72	3.00	4.50	4.50
Density (Units per acre)	10.0	62.0	122.0	196.0	196.0
Parking (Spaces/Unit)	1.50	1.00	0.75	0.75	0.75
Affordable Units Created	1	6	6	18	9
Acres Conserved (High est.)	9.2	11.5	16.1	32.1	9.2
Acres Conserved (Low est.)	1.8	2.3	3.2	6.4	1.8

Source: ECONorthwest

The development analysis results indicate the City would need allow for a substantial increase in floor area allowed for sizable provision of affordable housing and purchase of TDR credits under current market conditions. Current maximum bonus FAR limits (for mixed use development) in the Mixed-Use Town Center and High School Road District are 1.0 and up to 1.5 in the Central Core Overlay zone. These limits would have to be increased to at least 3.0 in the High School Road District and 45 in the Mixed-Use Town Center. More modest increases in height (going from 45 to 55 feet) may also be necessary.

¹³ Households earning 80 percent of the area median income and spending 30 percent or less of their income on housing including utilities.

¹⁴ Assuming an average value of \$75,000 per development right/credit.

Ultimately, for any revisions to the current incentive program, there is a trade-off between different options that the City will need to consider. Allowing more density and heights will allow the City to require a higher share of affordable housing, lower affordability levels, and/or more dollars for purchasing TDR credits. Conversely, lower density and height maximums will result in less affordable housing and fewer dollars used for TDR purchases. However, if the defined public benefits are set too high, the private market might wait until market dynamics change for development to occur. This challenge is encountered by every jurisdiction trying to calibrate an incentive zoning policy.

6 Considerations and Recommendations

The City's current affordable housing incentive program and TDR program are separate incentives that compete among several other incentives and FAR purchase options available within Bainbridge Island. Neither of these programs have been utilized as originally desired. Our analysis found the current base and incentive zoning parameters are the primary barrier to the incentives working effectively.

To improve performance and the realization of public benefits, we recommend an incentive zoning framework that 1) prioritizes affordable housing and the purchase of TDR credits above other public benefits (public spaces, underground parking, etc.), and 2) maximizes the frequency and period of time that these two incentives would likely be used under a variety of changing market conditions. Broadly, there are six key changes the City can undertake to better support these two objectives.

1. **Allow a new maximum height and FAR densities.** We recommend increasing the density and height of buildings within designated growth centers. While our analysis did not identify the current height limits as barrier to the utilization of the current incentive program, we recommend increasing the current limit to allow an additional floor, so the program provides flexibility to be used under changing market conditions in the future.

We also recommend moving to an FAR-based density limit for the NC zone. The zone currently uses units per acres to define density. An FAR-based density limit would be consistent with the other growth center zones and provide more flexibility.

The table below summarizes the recommended maximum density and height limits for density bonuses by zone. Our analysis only looked at five zones with these areas. Additional analysis would be needed to determine the bonus maximums for the zones not studied.

Exhibit 15. Recommended Maximum Bonus Density and Height Limits

Zone	Current Bonus Density	Current Bonus Height	Recommended Bonus Density	Recommended Bonus Height
Neighborhood Center	5 unit/ac	45 feet	0.5 FAR	45 feet
Neighborhood Center/R-12	12 units/ac	45 feet	2.0 FAR	45 feet
High School Road District – 1	0.6 FAR	45 feet	3.0 FAR	45 feet
Ferry Terminal Overlay	1.1 FAR	45 feet	4.5 FAR	55-75 feet
Central Core	1.0 FAR	45 feet	4.5 FAR	55-75 feet

Source: ECONorthwest

2. **Reduce the other incentives available and focus on affordable housing and TDR.** The City currently offers incentives for several other public benefits including: providing underground parking, FAR purchases, providing on-site open space, tree preservation, historic structure preservation, etc.). Reducing competing options will prioritize the use of incentives for the affordable housing and TDR programs.

3. **Create an administrative model for the TDR program.** The current TDR program code does not identify a clear process by which a landowner or a developer can participate in the program. We recommend that the City creates both an administrative structure for the operation of the program as well as easily accessible informational resources to prospective users of the program. Until a robust market for TDR evolves in the City, we recommend a simple private buyer-seller model with public support. As program activity increases or if the City allocates funding to acquire TDR credits, the creation of a TDR bank would serve a useful purpose to augment the private market transactions. Additional resources will support the emergence of a marketplace, such as an online listing of landowners who wish to sell their development rights, electronic copies of application forms that users can download, and a dedicated webpage for the TDR program that explains the tool, identifies sending and receiving areas, illustrates the process for using the program, and gives appropriate City staff contact information.
4. **Establish a fee in-lieu option for the affordable housing and TDR incentive programs.** A fee in-lieu options would provide more flexibility for developments, particularly smaller projects. For example, as part of a revised TDR program the City could collect and use these funds for the purchase of development rights and conservation easements in Bainbridge Island.
5. **Decide to maintain a voluntary or establish a new mandatory affordable housing program.** We recommend maintaining a voluntary affordable housing incentive program. The base zoning density limits are relatively low. Thus, most future projects will likely take advantage of the affordable housing incentive if calibrated correctly. As discussed above, a voluntary program has the potential to yield more public benefits when used compared to a mandatory program as well.
6. **Establish an MFTE program.** We recommend an 8-year MFTE program. Our analysis showed that the MFTE added value for multifamily developments and it would be an additional incentive to support the viability of multifamily projects and the use of incentive programs. In addition, an 8-year program allow the City to set its own affordability requirements (both the share of affordable units and length of affordability). The 12-year MFTE program requires 20 percent of units are affordable for 12 years.
7. **Define the affordable housing and TDR benefits based on the new bonus density limits and other incentives.**
 - For affordable housing we recommend 10 percent set aside of all units built. Our analysis indicated that this share would be viable at the densities modeled. The City currently requires that all units built through the density bonus be affordable. Because the base zoning limits are relatively low, a high percent of all units are affordable, which had a sizable effect on financial feasibility.

- For TDR, the benefit to a developer is defined by an exchange rate: what additional value does a developer gain by purchasing one credit? No exchange rate is currently set by the program or code and this uncertainty deters participation. If the City is going to award density bonus on an FAR basis, the appropriate units to express an exchange rate is in additional square feet of building area per credit purchased. For example, for each TDR credit purchased, a developer may build an additional 2,000 square feet of floor area up to the FAR limit of 3.5. Further evaluation of conservation area land values is needed to calibrate an exchange rate that will drive demand for TDR.

In addition to the seven changes above, there are several small, less critical changes the City can pursue that also will help support the affordable housing and TDR incentive programs that we also recommend the City consider.

- Expand the receiving areas available for TDR credits. Residential zones, such as R-2.9 and R-3.5 could support the placement of TDR credits and conservation open space elsewhere on the island by allowing additional units in exchange for purchasing a TDR credit.
- Remove separate FAR limits for residential and commercial uses in mixed-use buildings. Instead, establish one, new FAR limit for the entire building by zone as discussed above.
- Reduce parking requirements to 1.0 space per unit. Maintain reduction of half for areas within 0.5 mile of ferry terminal, which would then allow 0.5 space per unit within 0.5 mile of ferry terminal.
- Expand the areas where denser development can be built to increase the number lower cost development sites available where projects would be financially viable. In addition to rezoning areas, this would include ensuring existing neighborhood centers have the infrastructure available to support the growth planned for those areas.

Appendix A – Real Estate Market Analysis

Introduction

The City of Bainbridge Island is evaluating its inclusionary zoning and transfer of development rights (TDR) programs to understand how these programs can be better utilized to support citywide efforts for land conservation and affordable housing development. Many cities use regulatory and financial incentives to realize public benefits. However, designing and implementing incentive programs is a complex process. Primarily, real estate market conditions change over time, which make it a challenge to calibrate incentive programs. In addition, existing “base” zoning requirements, such as parking standards or height limits, may not be aligned with the incentive program, making the program less effective. Lastly, private sector participants have different needs and goals making incentive program utilization inconsistent.

ECONorthwest and Forterra are working for the City of Bainbridge Island to evaluate the City’s transfer of development rights (TDR) and inclusionary housing programs, specifically. A key first phase of this effort is understanding the current real estate market conditions, which is critical to designing an effective development incentive program. Key questions for the real estate market assessment include:

- What uses and building types are in demand?
- What building forms and intensities are likely to be built in the current market?
- How much will likely be built on an annual basis?

Understanding the answers to these questions informs the evaluation of the City’s existing incentive provisions and informs the policy options the consultant team will analyze in subsequent tasks. The remainder of this memorandum is organized into three main sections.

- **Market Analysis** considers growth and development trends for different housing types and land uses.
- **Recent Development Examples** identifies recent comparable development in Bainbridge Island and their key characteristics.
- **Real Estate Demand Outlook** assesses the market readiness of different land uses and building types and their potential to utilize development incentives.

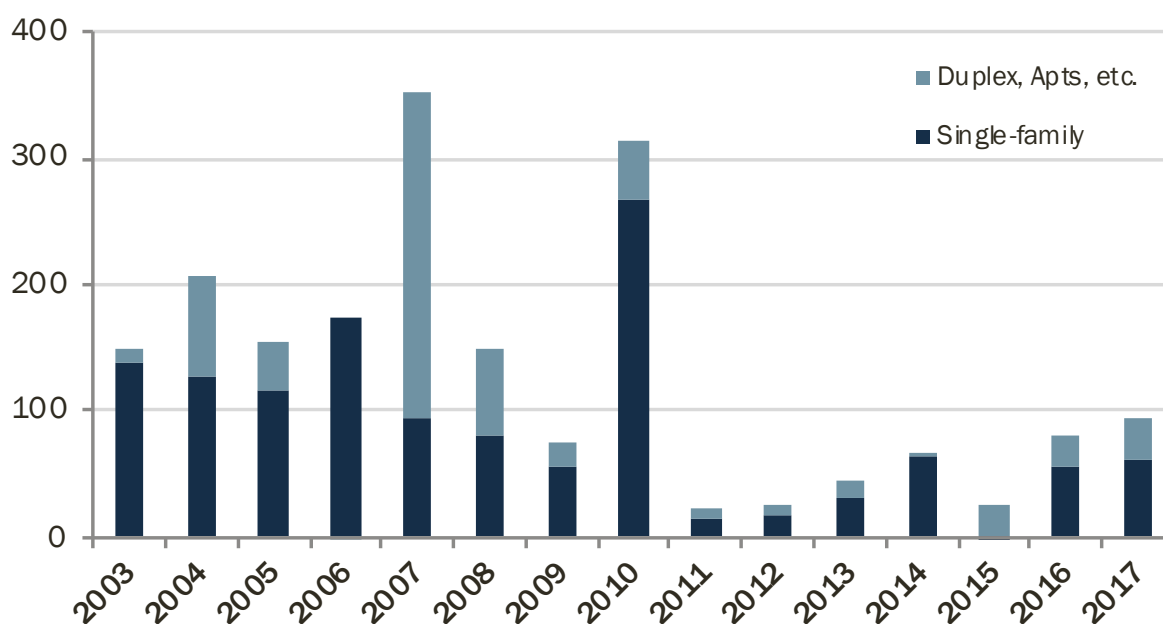
Market Analysis

This section summarizes the changes in real estate fundamentals for housing and office uses in Bainbridge Island.

Improving market conditions have spurred new real estate investment

Bainbridge Island has realized increasing growth and stronger market fundamentals, particularly during the last five years. The annual changes in the number of housing units built has increased over the last seven to eight years. However, the number of housing units built during the last several years is still below the pre-2008 recession averages. Since 2010, the city averaged about 50 new housing units per year. During the five years before the recession (2003-2008) the city averaged over 190 housing new units per year.

Exhibit 16. Annual Housing Units Change for the Last 15 Years, 2003-2017



Source: Washington Office of Financial Management, 2018

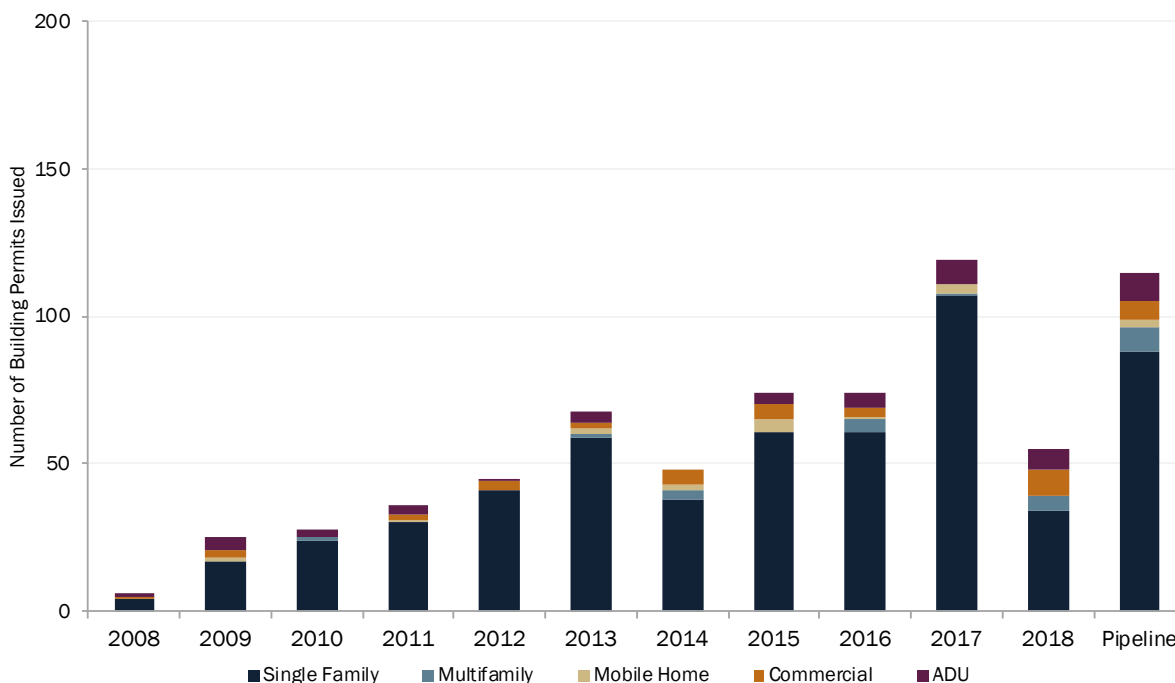
* Note, the 2010 estimate is likely excessively large to account for underestimates in previous years and to match the 2010 Census totals.

Building Permits Activity is Increasing

Building permit activity for new development in the City of Bainbridge has increased since 2008. During this period, the City of Bainbridge Island issued and finalized an average of approximately 58 permits annually, and 120 permits in 2017 alone. As of August 2018, the City has already issued 130 permits and finalized 55 of those permits. As a result, 2018 is likely to exceed the 2017 totals for building permits issued and finalized.

Single-family permits accounted for the greatest number of permits issued and finalized in a given year, with 75 percent of all permits issued. Exhibit 17 shows the number of permits issued for attached dwelling units, commercial, mobile homes, multifamily, and single-family units.

Exhibit 18. Permits Issued and Finaled* for All Uses, 2008-2018

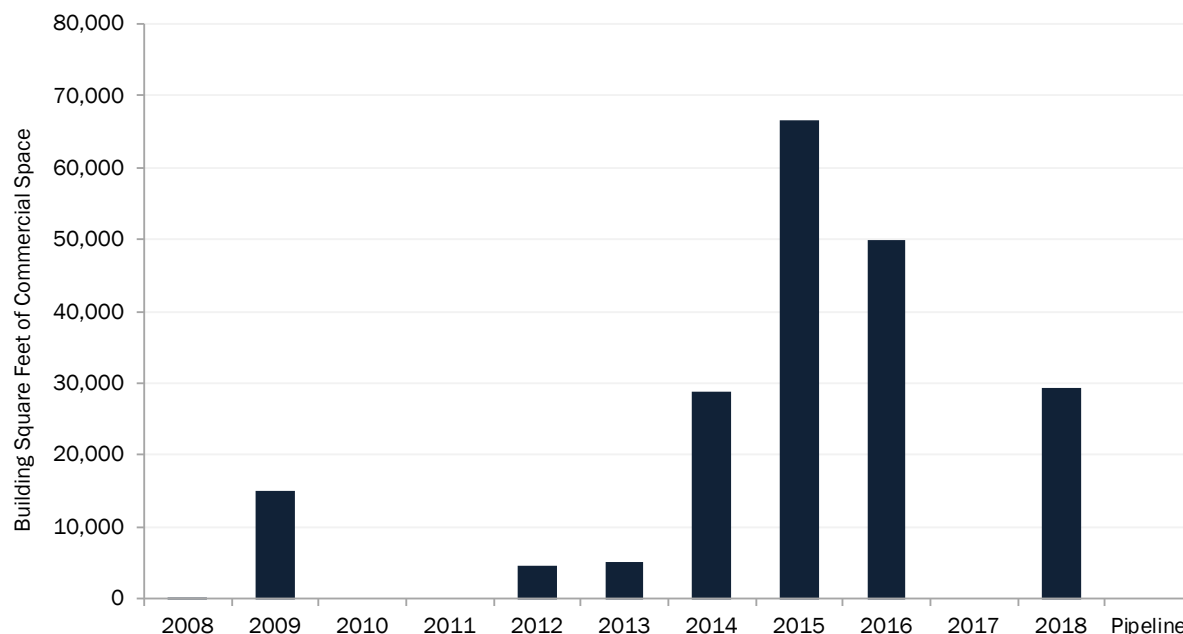


Source: City of Bainbridge Island

*Note: Pipeline includes permits that have been issued but not finalized.

Permits for commercial development increased by over 244,000 square feet since 2008. As of August 2018, 32,732 square feet of commercial square footage has been permitted.

Exhibit 19. Commercial Space Permitted, 2008-2018

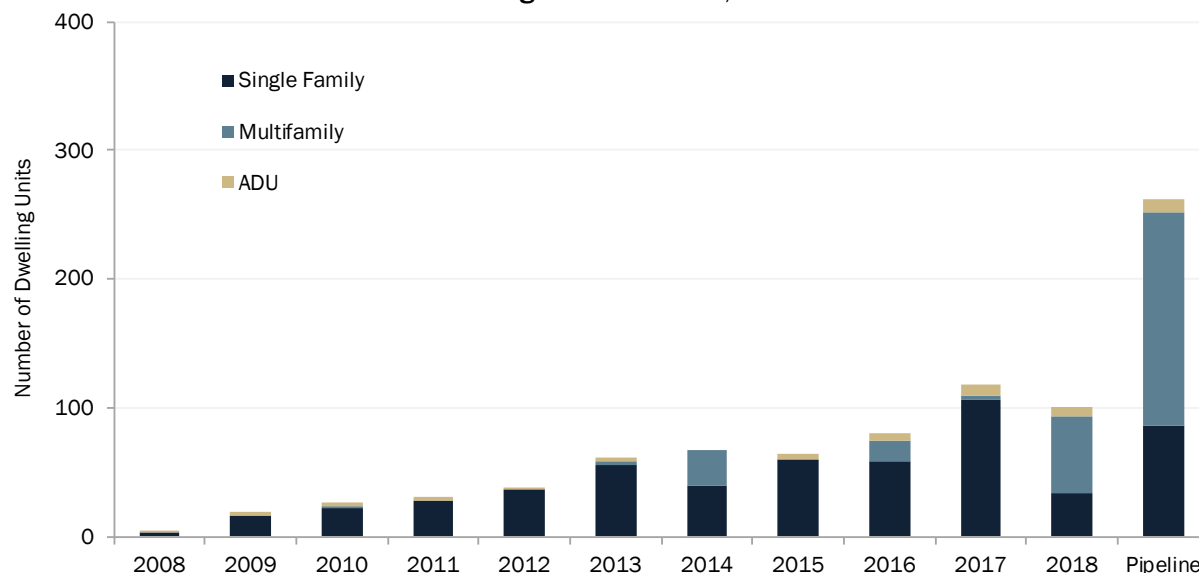


Source: City of Bainbridge Island

Exhibit 20 illustrates the trends for residential permits. Permits for single-family units steadily increased while multifamily dwelling units varied by year. In 2017, 120 housing units were

permitted. As of August 2018, 101 total units have been permitted, and 60 multifamily units have been permitted, exceeding the multifamily total for the previous ten years. Accessory dwelling units (ADUs) have remained consistent with fewer than 10 permits a year. The development pipeline (projects where permits have been issued but not finalized) is sizably larger, particularly for multifamily development, than the number of permits finalized in recent years.

Exhibit 20. Number of Residential Dwelling Unit Permitted, 2008-2018

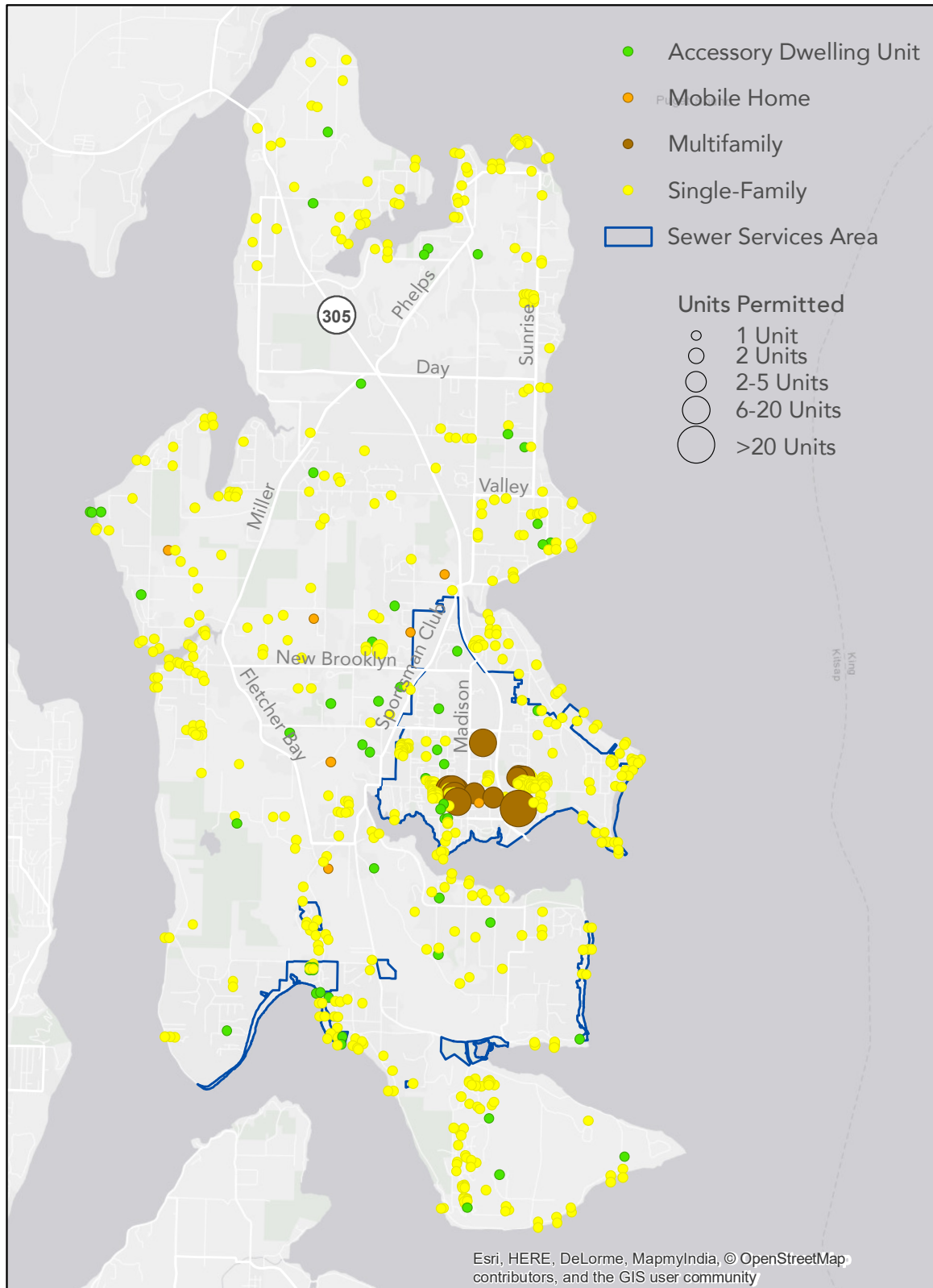


Source: City of Bainbridge Island

Note: Pipeline includes permits that have been issued but not finalized.

Exhibit 21 shows the geographic distribution of residential building permits. Permits for single-family homes and accessory dwelling units are distributed throughout the island. Multifamily permits are concentrated in Winslow where the zoning allows denser residential uses.

Exhibit 21. Location of Building Permits by Type, 2008-2018

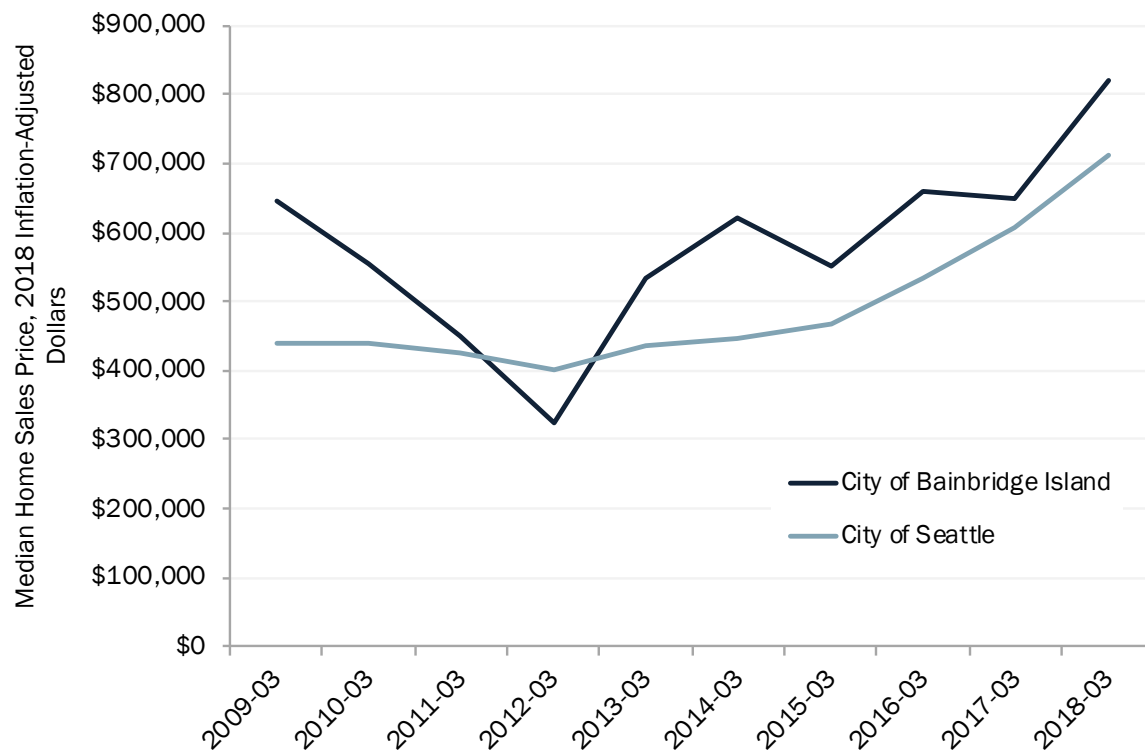


Source: City of Bainbridge Island

Large Increase in Home Prices

In inflation-adjusted dollars, the median sales price for a home in Bainbridge Island has increased 27 percent in the last ten years, from \$719,000 in 2009 to \$820,000 in 2018. Exhibit 2 compares the changes in adjusted sales prices in the month of March of each year to median sales prices in Seattle. While the adjusted sales price in Seattle is lower, with the exception of 2012, than the annual median sales price for Bainbridge Island, the sales prices in both cities follow a similar trend.

Exhibit 22. Adjusted Sales Prices in Bainbridge Island and Seattle MSA (2018 \$)



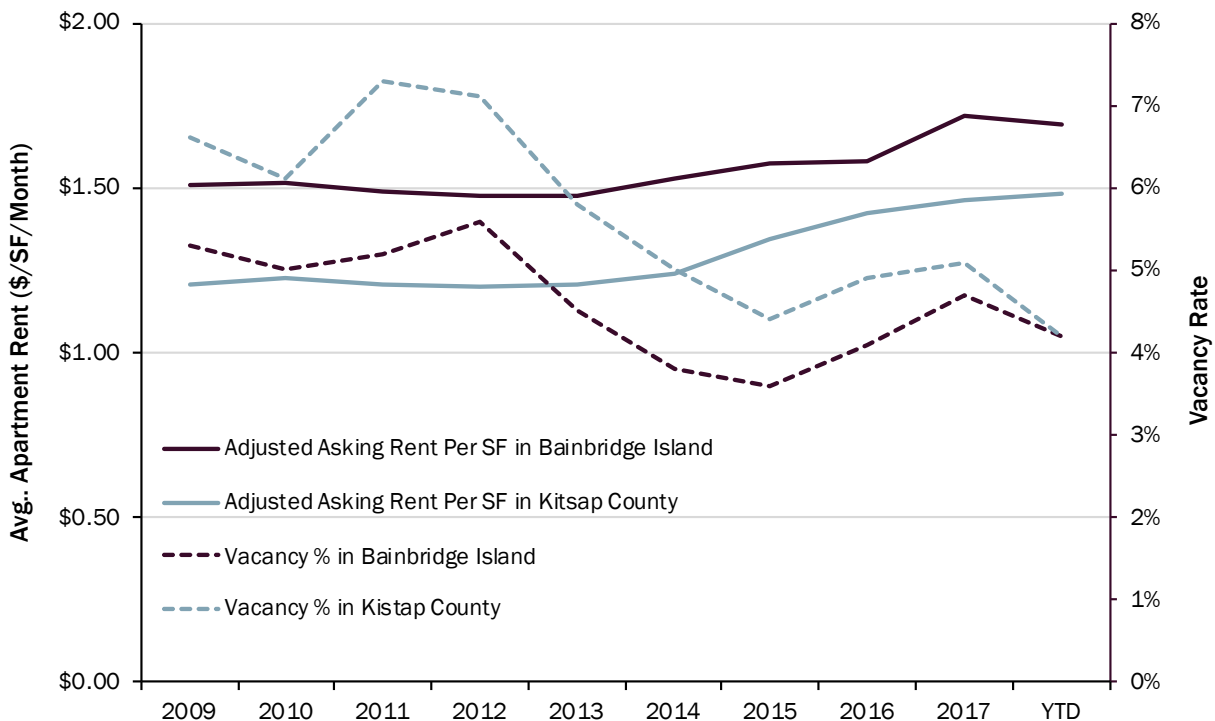
Source: Property Radar, 2018 & Zillow Research, 2018.

Apartment Market has Strong Fundamentals

The market fundamentals for apartments indicate a tightening market as vacancies have declined and average rents have increased. In 2009, the vacancy rates for multifamily housing units in Bainbridge Island and Kitsap County were over five percent and six percent, respectively, but both decreased to 4.2 percent in 2018. As vacancy rates have declined, competition for a limited supply of housing has increased, resulting in a rise in average rents.

In Bainbridge Island, the average asking rent per square foot a month has increased from \$1.51 per square foot to \$1.69 in 2018 adjusted for inflation. This represents a 12 percent increase in average rents in the last 10 years. A \$1.69 per square foot per month rent is equivalent of \$1,690 a month for a 1,000 square foot two-bedroom apartment. Average rents in Bainbridge Island are about 15 to 20 percent higher than those in Kitsap County, overall.

Exhibit 23. Average Apartment Rent Per SF and Vacancy, 2009 – 2018 (2018 \$)



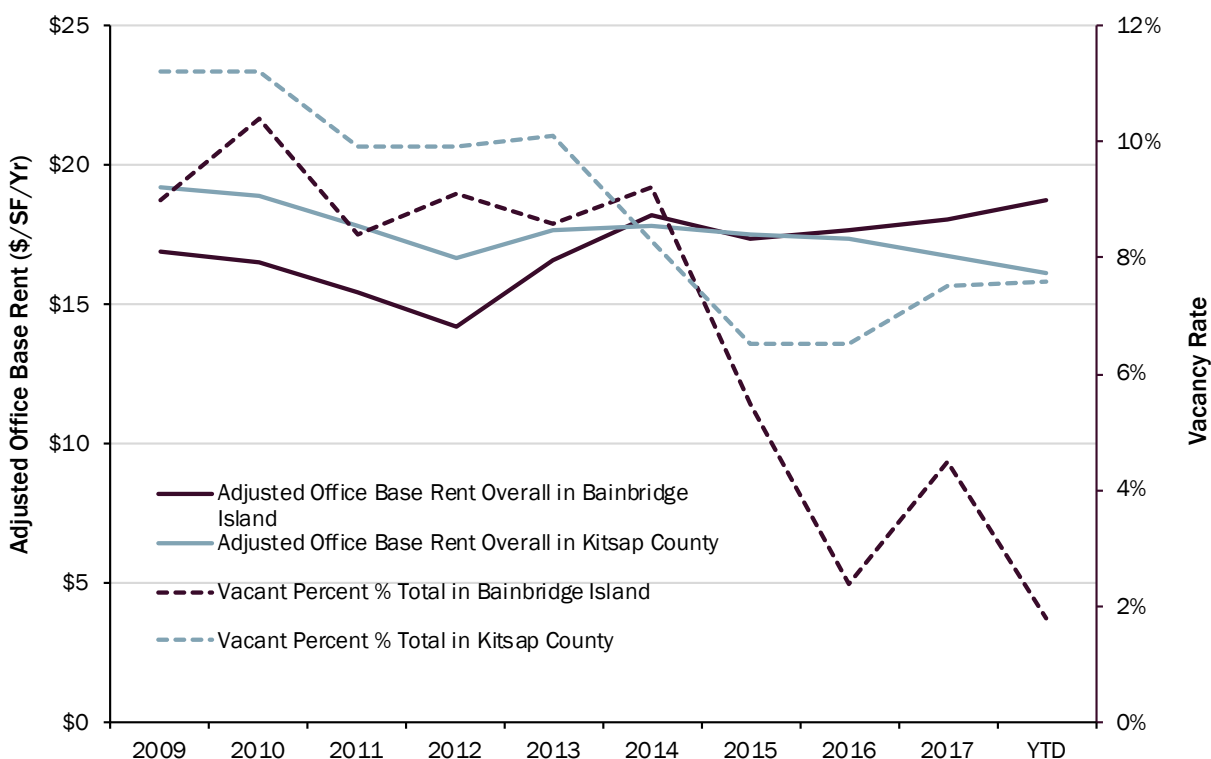
Source: CoStar, 2018

Office Market is Improving

The office market in Bainbridge Island has also shown improving fundamentals. Most notably, the vacancy rate for office units in Bainbridge Island dropped over eight percentage points from 2009 to 2018; the current vacancy rate is less than two percent. In response, average office base rents, as shown in Exhibit 24, have increased from a low of \$14.14 per square foot per year in 2012 to \$18.70 in 2018.

While the office vacancy rate also fell for Kitsap County, office rents have also declined. As of 2018, average office rents in Kitsap County are \$16.08 per square foot, which is now less than in Bainbridge Island.

Exhibit 24. Change in Vacancy and Adjusted Office Base Rent Overall, 2009 – 2018 (2018 \$)



Source: CoStar, 2018.

Recent Development Examples

Recent development projects in Bainbridge Island provide a benchmark on the scale and intensity of building the current market can support. Below are examples of projects recently built or currently under construction in Bainbridge Island.

Office Developments

Bainbridge Island CrossFit

9440 Sportsman Club Rd NE, Bainbridge Island

Year Built: 2017

Stories: 2

Size: 12,000 SF

Rent: \$13.00- \$16.00 / NNN

Current Tenants: CrossFit



Island Gateway

204 Ravine Ln NE, Bainbridge Island

Year Built: 2010

Stories: 3

Size: 37,626 SF

Rent: \$20.00 – 24.00 / SF

Vacancy Rate: 0%

Current Tentants: NA



Multifamily Developments

Bainbridge Landing

259 Ferncliff Ave., Bainbridge Island

Year Built: Under construction (delivers April 2019)

Units: 107

Stories: 4 | Buildings: 8

Parking: Ground-level and surface parking

Total Floor Area: 100,000 SF

Average Unit Size: 763 SF

Unit Mix: 70% (1-Bed)

30% (2-Bed)



Grow Community – Condos (The Tsuga)

221 Wyatt Way NE, Bainbridge Island

Year Built: 2015

Units: 15

Stories: 3 | Buildings: 1

Rent: NA

Total Floor Area: 21,174 SF

Parking: Ground-level and Surface Parking

Average Unit Size: 1,412 SF

Unit Mix: 100% (1-Bed)



Single Family Developments

Grow Community - Townhomes

Ambrose Lane NW, Bainbridge Island

Year Built: 2013

Square Feet: 1,500 – 1,800

Sales Price: \$600,000 - \$800,000



Winslow Grove

NE Winslow Grove Court, Bainbridge Island

Year Built: 2018

Square Feet: 3,000 – 4,200

Sales Price: + \$1.1 million



These project examples indicate:

- Office and commercial developments are likely to be modest in size (both height and total area).
- Current apartment rents and sales prices can support multi-story buildings with a mixture of ground-level and surface parking.
- A variety of single-family home types are in demand from larger single-family homes to smaller, more compact options, such as townhomes.

Demand Outlook

The real estate market trends and recent development examples point to a city that is seeing an increase in demand, primarily for housing development of all types. This uptick in demand has occurred relatively recently. For much of the 2010's the city did not realize much new development following the effects of the recession in 2008. As a result, housing supply has been lagging housing demand and rents and sales prices have been increasing, particularly the over the last five years.

A continuation of these growth trends and historically low vacancies indicate there will likely be demand for more housing (single-family and multifamily) in the future. The resulting increase in population will also drive the demand for additional commercial space to provide goods and services.

Outlook by Use

- **Single-Family Outlook.** Demand for single-family homes in Bainbridge Island is likely to continue. The city has a high quality of life and has direct access to downtown Seattle. As the region continues to grow and home prices in Seattle increase, Bainbridge Island will potentially see even greater demand.

As land values increase Bainbridge Island, the market for single-family homes will increasingly be for both smaller housing forms (such as townhomes and small-lot homes) and larger, higher-end homes to justify the higher cost of land.
- **Multifamily Outlook.** Low vacancies and increasing rents indicate increasing demand for apartments as well. Recent multifamily developments are three- to four-stories with parking integrated into the ground level. As land values increase, taller apartment or mixed use buildings will likely be viable.
- **Office Outlook.** The office market in Bainbridge Island has also shown improving fundamentals. Office vacancies have decreased sizably from over ten percent in 2010 to less than two percent in 2018. In response, office rents in Bainbridge Island have increased at a rate of 2.1 percent a year to \$18.70 per square foot per year by 2018. Future office development will likely not be a primary driver of growth, and it is also likely to be oriented to smaller office users. As a result, future projects will likely continue to be small in scale.

Implications for Development Incentives

For a development incentive program to be effective it needs to align with where development is occurring, the uses that are demanded, and the intensity of that development. The real estate market conditions in Bainbridge Island indicate there is an opportunity for the utilization of development incentives.

Winslow has the most potential for future development

Winslow has realized much of the new growth in Bainbridge Island, which aligns with the City's comprehensive plan. Winslow has the infrastructure, specifically water and sewer service, to accommodate future growth. Winslow is also an attractive location for development because of the proximity to the ferry terminal.

Neighborhood Centers have Limited Potential Due to a Lack of Infrastructure

In the comprehensive plan, neighborhood centers are designated for more intense development. With the exception of Lynwood Center, a lack of infrastructure (primarily water and sewer service) limit the development potential of these areas. The capacity and use of development incentives within these areas will be tied to the provision of the necessary infrastructure.

Residential uses have the best opportunity for utilizing development incentives

Most of the recent development and permit activity in Bainbridge Island is for single-family housing. More recently, multifamily housing, particularly in Winslow, is also realizing sizable new developments. As a result, development incentives should focus on leveraging demand for these uses.

Residential projects will want to maximize density

Future projects may be looking to increase densities (i.e. smaller lots and more units per acre for single-family homes and more height and building area for multifamily projects). This demand can be leveraged to support both the purchase of development rights and the creation of affordable housing as part of a City's development incentive programs.

Appendix B – Pro Forma Assumptions

Construction Cost		
Podium Lobby/Amenities	\$ Per SF	\$125.00
Podium Commercial	\$ Per SF (including TI)	\$240.00
Residential Stick	\$ Per SF	\$180.00
Surface Parking Space	\$ Per space	\$5,500.00
Podium Parking Space	\$ Per space	\$30,000.00
Underground Parking Space	\$ Per space	\$60,000.00
Surface Parking	\$ Per SF	\$16.92
Podium Parking	\$ Per SF	\$72.29
Underground Parking	\$ Per SF	\$144.58
Open Space	\$ Per SF	\$5.00
Site Prep	\$ Per SF	\$2.00
Soft Costs	% of Hard Cost	25.00%
Contingency	% of Hard and Soft Costs	5.00%
Developer Fee	% of Total Cost	3.50%
Land Value	\$ Per SF	\$25.00
TDR Purchase	Total \$	\$75,000.00
Sales Costs Incl. Commission	% of Sales Price	6.0%

Income		
Residential Rent	per Month	\$2.50
Residential Rent Affordable	per Month	\$1.75
Residential Sales Price	Per SF with 5% sales commission	\$450.00
Residential Sale Price Affordable	Per SF with 5% sales commission	\$150.00
Retail Rent	NNN per Year	\$25.00
Parking Rent	per Month	\$0.00
Residential Vacancy	% of Revenue	5.00%
Retail Vacancy	% of Revenue	0.00%
Residential Operating Cost	% of Rent	20%
Retail Operating Cost	% of Rent	35%
Prop Tax Rate	per \$1,000 Residential AV	\$7.44

Return	
Rental Return on Cost	5.50%
For-sale Return on Cost	20.00%

Appendix C – Median Income Limits



CITY OF BAINBRIDGE ISLAND 2018 MEDIAN INCOME LIMITS BY HOUSEHOLD SIZE BREMERTON-SILVERDALE MSA (HUD)

Maximum Income Limits by Category (BIMC 18.21.020)	Household Size							
	1	2	3	4	5	6	7	8
Extremely Low Income: ≤ 30% of Median Household Income	\$17,400	\$19,850	\$22,350	\$24,800	\$26,800	\$30,800	\$32,750	\$32,750
Very Low Income: 31% - 50% of Median Household Income	\$28,950	\$33,050	\$37,200	\$41,300	\$44,650	\$47,950	\$51,250	\$54,550
Low Income: 51% - 80% of Median Household Income	\$46,300	\$52,900	\$59,500	\$66,100	\$71,400	\$76,700	\$82,000	\$87,300
Moderate Income: 81% - 95% of Median Household Income	\$54,929	\$62,776	\$70,623	\$78,470	\$84,748	\$91,025	\$97,303	\$103,580
Middle Income: 96% - 120% of Median Household Income	\$69,384	\$79,296	\$89,208	\$99,120	\$107,050	\$114,979	\$122,909	\$130,838
100% of Median Household Income	\$57,820	\$66,080	\$74,340	\$82,600	\$89,208	\$95,816	\$102,424	\$109,032

City of Bainbridge Island TDR / Incentive Zoning Analysis

Summary of Findings

- The current TDR and affordable housing incentives have not been utilized recently and have produced few public benefits
- Real estate market conditions in Bainbridge Island have been improving and more development is occurring
- Low density limits, increasing construction cost, and high price for property are a challenge for new development

Current Base and Bonus Zoning Standards for Select Zones

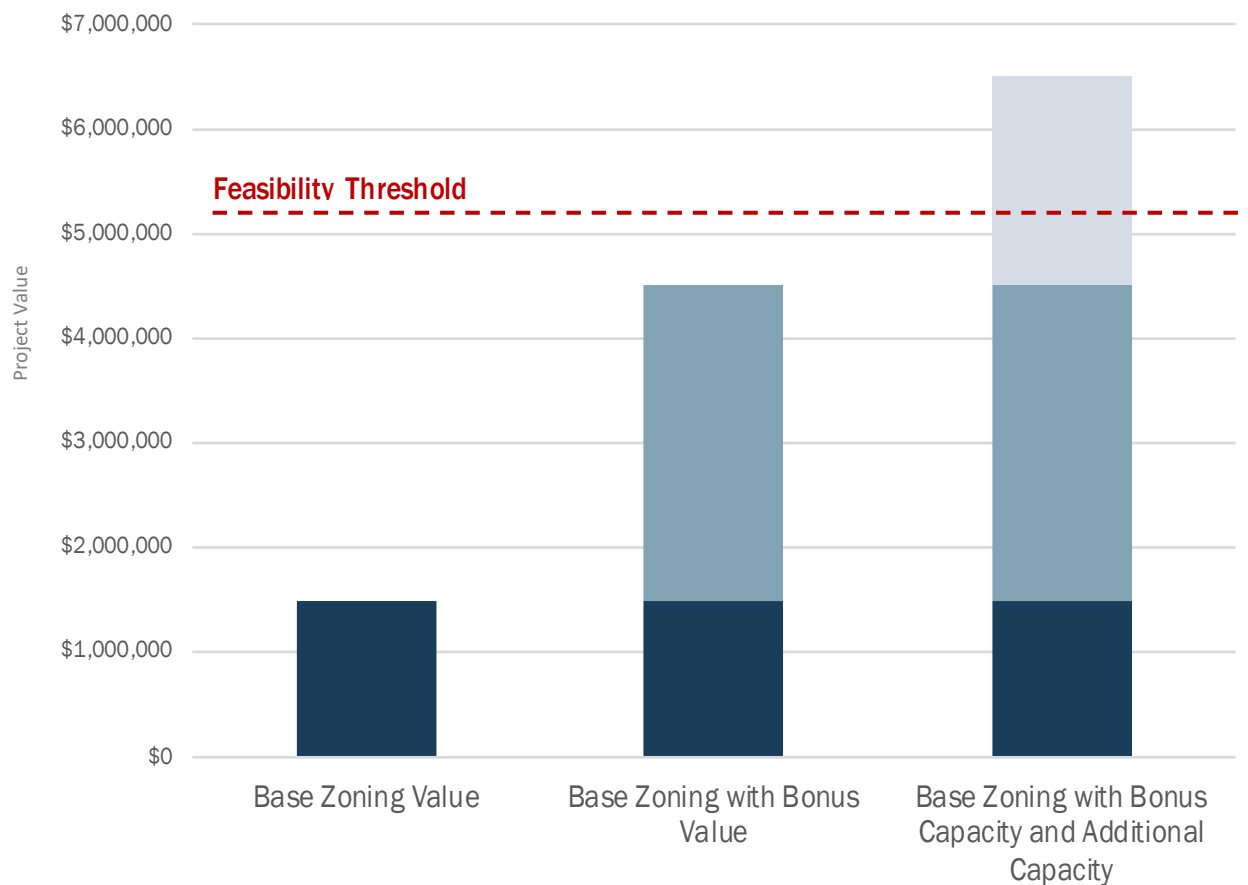
Zone	Base				Bonus			
	Units/Acre	Residential		Height (Ft)	Units/Acre	Residential		Height (Ft)
		FAR	Mixed Use FAR			FAR	Mixed Use FAR	
NC*	2.0	NA	NA	35	5.0	NA	NA	45
NC/R-12**	5.0	NA	NA	35	12.0	NA	NA	45
High School Road Districts	NA	0.3	0.3	35	NA	0.6	1.0	45
Ferry Terminal Overlay	NA	0.4	0.5	35	NA	1.1	1.3	45
Central Core Overlay	NA	0.4	1.0	35	NA	1.0	1.5	45

*Infrastructure available

**Mixed use building

Summary of Findings

- With incentive zoning, the public benefit realized depend on the maximum densities allowed



An increase in FAR would be needed to support a incentive program (TDR and/or Inclusionary Housing).

(Assuming 10% of units designated as affordable and the range of acres conserved, depending on the zoning of the sending)

Maximum Assumptions Evaluated by Zone and Estimated Benefits

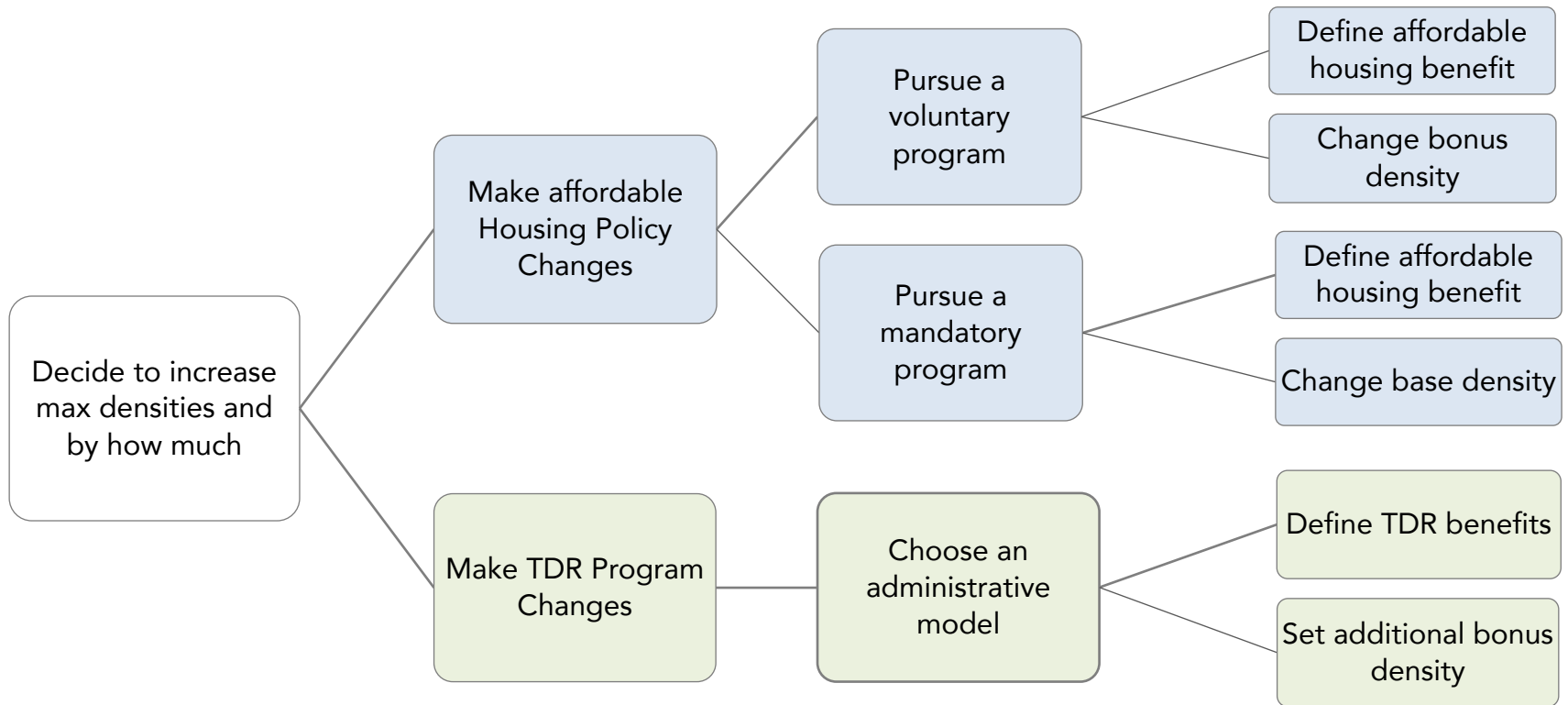
	NC - Townhomes	NC/R-12 - Mixed Use	HS-1 - Multifamily	FERRY - Mixed Use	CORE - Mixed Use
Height	20	35	40	55	55
Density (Floor area ratio)	0.46	1.72	3.00	4.50	4.50
Density (Units per acre)	10.0	62.0	122.0	196.0	196.0
Parking (Spaces/Unit)	1.50	1.00	0.75	0.75	0.75
Affordable Units Created	1	6	6	18	9
Acres Conserved (High est.)	9.2	11.5	16.1	32.1	9.2
Acres Conserved (Low est.)	1.8	2.3	3.2	6.4	1.8

High estimate assume credits all purchased for land zoned R-0.4

Low estimate assume credits all purchased for land zoned R-2

1. Allow new maximum bonus density and height limits
2. Reduce the other incentives available and focus on affordable housing and TDR
3. Create an administrative model for the TDR program
4. Establish a fee in-lieu option for affordable housing and TDR overall or just for smaller projects
5. Decide on a voluntary or mandatory affordable housing program
6. Establish an MFTE program
7. Define the affordable housing and TDR benefits based on the new bonus density limits and other incentives.

Policy Decision Tree



Zoning Capacity Changes

1. Allow new maximum bonus density and height limits
2. Reduce the other incentives available and focus on affordable housing and TDR
3. Create an administrative model for the TDR program
4. Establish a fee in-lieu option for affordable housing and TDR overall or just for smaller projects
5. Decide on a voluntary or mandatory affordable housing program
6. Establish an MFTE program
7. Define the affordable housing and TDR benefits based on the new bonus density limits and other incentives

- What areas of the city do you want to target for the affordable housing and/or the TDR program?
- In what areas, if any, do you want both TDR and affordable housing to operate?
- What zones do you want to increase capacity?

1. Allow new maximum bonus density and height limits
2. Reduce the other incentives available and focus on affordable housing and TDR
3. Create an administrative model for the TDR program
4. Establish a fee in-lieu option for affordable housing and TDR overall or just for smaller projects
5. Decide on a voluntary or mandatory affordable housing program
6. Establish an MFTE program
7. Define the affordable housing and TDR benefits based on the new bonus density limits and other incentives.

TDR Program Key Questions

- What administrative model does the city want to use?
- Do you want the program to have a fee in lieu option?
- Do you want to use the 8-year MFTE to further incentivize TDR placement?

Affordable Housing Incentives

1. Allow new maximum bonus density and height limits
2. Reduce the other incentives available and focus on affordable housing and TDR
3. Create an administrative model for the TDR program
4. Establish a fee in-lieu option for affordable housing and TDR overall or just for smaller projects
5. Decide on a voluntary or mandatory affordable housing program
6. Establish an MFTE program
7. Define the affordable housing and TDR benefits based on the new bonus density limits and other incentives.

Affordable Housing Key Questions

- Do you want to use a voluntary or mandatory based approach?
- Do you want the program to have a fee in lieu option?
- Do you want MFTE to supplement affordable housing production?
- If so, do you want to use the 8-year or 12-year MFTE program?



CITY OF
BAINBRIDGE ISLAND

City Council Study Session Agenda Bill

MEETING DATE: September 17, 2019

ESTIMATED TIME: 30 Minutes

AGENDA ITEM: (8:30 PM) Ordinance No. 2019-25 Relating to the Update to the City's Design Review Regulations - Planning,

STRATEGIC PRIORITY: Green, Well-Planned Community

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Ordinance

PROPOSED BY: Planning & Community Development

RECOMMENDED MOTION:

Discuss draft design review regulations in preparation for the public hearing scheduled for September 24, 2019.

SUMMARY:

City staff, its consultant (Framework), and the Design Review Board have been working on an update to the City's design review regulations since December 2108. The City Council has received updates on this project-the process and existing conditions gap analysis on February 5, 2019 and then on the draft design standards and guidelines on June 4, 2019. The Planning Commission discussed the new design regulations, "Design for Bainbridge" on August 22, 2019. The Commission then held a public hearing on Ordinance 2019-25 adopting "Design for Bainbridge" on September 5, 2019, and recommended approval to the City Council, with a few changes. Those changes have been integrated into an updated draft of the "Design for Bainbridge" document, and Ordinance 2019-25. The purpose of tonight's agenda item is to present the final draft of "Design for Bainbridge" to the Council, and answer any questions prior to holding the public hearing on September 24.

FISCAL IMPACT:

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

BACKGROUND: See attached Staff Memo.

Background materials referenced in the memo include a public participation plan, the existing conditions and gap analysis report, and the presentation boards from the May 22, 2018 public meeting can be found on the project page on the City's website: <https://www.bainbridgewa.gov/1125/Design-Guidelines-Update>

ATTACHMENTS:

[20190917 CC Staff Memo](#)

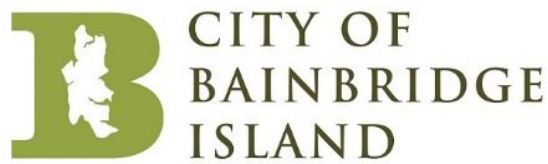
[Ordinance 2019-25 - Public Hearing Draft 092419](#)

[Design for Bainbridge](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



Department of Planning and Community Development

Memorandum

Date: September 17, 2019
To: City Manager
City Council
From: Jennifer Sutton, AICP
Senior Planner
Subject: Ordinance 2019-25: Update to the City's Design Guidelines

Background

City staff, its consultant (Framework) and the Design Review Board have been working on an update to the City's design review regulations since December 2108. This project is part of the development moratorium work program. In addition to the Design Review Board meetings, this project had a robust public process that included two focus groups, two public meetings, and two City Council briefings.

Background materials include a public participation plan, the existing conditions and gap analysis report, and the presentation boards from the May 22, 2018 public meeting are available on the [Design Guidelines Update](#) project page on the City's website.

The City Council has received updates on this project- the process and existing conditions gap analysis on February 5, 2019 and then on the draft design standards and guidelines on June 4, 2019. These early meetings with Council described how the new design review document, *Design for Bainbridge*, is a complete update or paradigm shift from [the city's existing design guidelines](#). Among the many changes, with the new design review, is the requirement to complete "Context Analysis" early in the review process with the design review board, and *Design for Bainbridge* has both new design standards and design guidelines.

The Planning Commission discussed the new design review regulations, *Design for Bainbridge* on August 22, 2019. The Commission then held a public hearing on Ordinance 2019-25 adopting *Design for Bainbridge* on September 5, 2019, and recommended approval to the City Council, with a few changes.

Those changes have been integrated into an updated draft of the *Design for Bainbridge* document, and Ordinance 2019-25. Council review and a public hearing in late September continue is a timeline is set to allow the updated design guidelines to be effective prior to the October 3, 2019 expiration date of the development moratorium; the City Council will consider extending the development moratorium beyond October 3, 2019 at a public hearing on September 24, 2019.

Planning Commission Discussion and Recommendation

The Planning Commission discussed *Design for Bainbridge* thoroughly on September 5, recommending several clarifying changes throughout the document, which has been updated to reflect those changes. Much of the Commission's discussion focused on the interface between the requirements outlined in *Design for Bainbridge*, the land use review procedures, and other development standards of *Title 18 Zoning* (i.e. setbacks, building height, permitted or conditional uses). On page 5 of *Design for Bainbridge* is a section called "How to Use this Document" that provides an overview of:

- When design review is required (i.e. what types of permits require design review);
- Explanation of the difference between *Design Standards* and *Design Guidelines* in the *Design for Bainbridge* Design Review Manual;
- The relationship between design review and the many other types of regulations that apply to land use permits, such as critical areas, stormwater or zoning regulations. There is a cross-reference to the submittal requirements and the land use review procedures ([BIMC Chapter 2.16](#));
- *Departures*: describes a process for how an applicant can request flexibility or relief from a design standard or guideline; the Design Review Board would hear this kind of request early on in the review process- as part of the preapplication phase. Please note, that this section has been expanded since Planning Commission review of the *Design for Bainbridge* to add criteria for the Design Review Board to use for approving a *departure*.

This section is a helpful summary of the development process as a whole. The Planning Commission was concerned that this section and Chapter 2: Design Review were summaries of the full land use review process ([BIMC Chapter 2.16](#)), without all the detail regarding process that are in the recently updated land use review procedures, which expanded the role of the Design Review Board and Planning Commission ([Ordinance 2018-20](#)). The Planning Commission recommended changes to clarify both sections of *Design for Bainbridge*. In expressing their full support for the new *Design for Bainbridge* the Commission sought to ensure that any conflicts between "outdated" zoning standards and *Design for Bainbridge* would result in an optimal outcome, as desired by the Design Review Board and Planning Commission. To that end, the Commission amended the last sentence in BIMC Section 18.18.030 (see Section 2 of Ordinance 2019-25).

The Commission also had a robust discussion about Chapter 5 *Street Types & Frontages* (page 49). This chapter generally describes how adjacent development relates to the right-of-way and non-motorized or stormwater improvements within the right-of-way. This chapter supports and furthers any desired improvements that the Department of Public Works will require through the land use permit review process.

Design for Bainbridge Chapter 6: Subdivision Guidelines

These new subdivision design guidelines have been developed alongside the new subdivision *standards* (Ordinance 2019-03) that the City Council is considering concurrent with these design guidelines. The new subdivision standards in 17.12 will refer to the new guidelines adopted in *Chapter 6* of *Design for Bainbridge*, and the City is synchronizing when both ordinances will take effect. The Planning Commission tweaked the language for "Community Space" and "Cluster Homesites" (see page 69).

Historic Preservation

The Historic Preservation Commission (HPC) has expressed some concern about the design guidelines for the Ericksen District and Fort Ward District being removed through the adoption of *Design for Bainbridge*. Although not district specific, *Design for Bainbridge* was developed with character and

history at the forefront. *Chapter 3: Context Analysis* (see page 16) which is required early, during the preapplication phase of a project, emphasizes that character is important aspect of design review.

The *Site Design*, *Public Realm* and *Building Design* design standards and guidelines (see pages 26, 29 and 36 respectively) all ensure that existing character and history are an important part of the design review process.

Some of the district specific standards currently in those design guidelines are already duplicated in the municipal code. For instance, [BIMC Section 18.24.110 Fort Ward Historic Overlay District](#) has provisions related to specific buildings in the overlay district.

Although the HPC is brought in early for any discussions related to buildings or properties on the local register, “register eligible” buildings (e.g. buildings older than 50 years) are generally not reviewed by the HPC until demolition is proposed. City planning staff will be improving internal review checklists to ensure that the HPC is notified of possible changes to “register eligible” buildings or properties during the conceptual or preapplication phases of land use review. City staff will also work with the HPC to identify an HPC liaison to the Design Review Board for such projects.

ORDINANCE NO. 2019-25

AN ORDINANCE of the City of Bainbridge Island, Washington, revising Chapter 18.18 of the Bainbridge Island Municipal Code related to design review regulations.

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

WHEREAS, the City Council has expressed significant concerns about development and growth in the City under current regulations in the context of the vision and goals of the City’s Comprehensive Plan, and desires to revise development regulations to best accommodate growth and development in both general and specific ways; and

WHEREAS, Ordinance No. 2018-02 imposed a temporary six-month moratorium on the acceptance of certain development, based upon the City Council’s concerns regarding likely adverse impacts related to growth and development under existing regulations; and

WHEREAS, that temporary moratorium has been extended subsequently through the City Council’s adoption of other ordinances to allow time to complete the work that is on the work plan for the moratorium; and

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

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

- (1) Initiate rewrite of subdivision design standards (Chapter 17.12 BIMC);
- (2) Identify specific development standards to review/revise (Chapters 18.12 and 18.15 BIMC); and
- (3) Consider alternatives and identify preference for design guidelines framework.

WHEREAS, at an 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 January 30 and May 22, 2019, the City hosted public meetings on the design review regulations update; and

WHEREAS, on March 4 and 18, April 1, May 6, June 17, and July 15, 2019, the City’s Design Review Board discussed the design review regulations update; and

WHEREAS, at the February 5 and June 4, 2019 City Council study sessions, the City’s consultant, Framework, provided a briefing on the design review regulations update; and

WHEREAS, the Planning Commission held a public hearing on Ordinance No. 2019-25 on September 5, 2019; and

WHEREAS, City staff provided the Planning Commission’s September 5, 2019 recommendations related to the design review regulations update to the City Council for consideration at the Council’s September 17, 2019 study session; and

WHEREAS, the City Council held a public hearing on Ordinance No. 2019-25 on September 24, 2019 and considered the input it received related to Ordinance No. 2019-25 prior to adopting this ordinance **[note: this may be revised based on Council activity]**; and

WHEREAS, the City notified the Department of Commerce on August 21, 2019 of its intent to revise its development regulations relating to design standards and guidelines; and

WHEREAS, the City issued a State Environmental Policy Act (“SEPA”) Determination of Non-Significance for this Ordinance No. 2019-25 on August 30, 2019; and

WHEREAS, the City possesses land use jurisdiction and regulatory authority over the City’s incorporated lands.

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

Section 1. All existing City of Bainbridge Island design review regulations are hereby repealed and replaced with the Bainbridge Island Design Review Regulations – “*Design for Bainbridge*,” as provided in Exhibit A and incorporated herein.

Section 2. Section 18.18 of the Bainbridge Island Municipal Code is hereby amended as follows:

18.18.030 Specific design regulations and guidelines.

All development subject to design review shall comply with the requirements of the Bainbridge Island Design Review Regulations – “*Design for Bainbridge*.”

~~design regulations and guidelines applicable to that type of development as set forth in this section and the reference documents, which are adopted as part of this title by reference. In the event of a conflict between two or more design standards or regulations, the more specific Bainbridge Island Design Review Regulations – “*Design for Bainbridge*,” shall apply.~~

A. ~~Detached Single Family Residential Developed Using the R-8SF Urban Single Family Overlay District. Detached single family residential developed in accordance with the R-8SF urban single family overlay district transfer of development rights program shall comply with those regulations contained in “Design Guidelines for R-8SF Urban Single Family Overlay District” if they want to develop at overlay zone densities.~~

B. ~~Multifamily Residential. Multifamily development in the R-8 and R-14 zones shall comply with those regulations contained in “Design Guidelines for Multifamily”; provided, that applications submitted prior to December 8, 1999, shall not be subject to the requirements of this section.~~

C. ~~Commercial and Mixed Use—General. Development, redevelopment, and exterior renovation in commercial and mixed use projects in all zoning districts except the B/I district shall comply with the general guidelines in “Guidelines for Commercial and Mixed Use Projects—Including Guidelines for Lynwood Center, Island Center, and Rolling Bay,” as well as any specific guidelines applicable to that type of development in the subsections below.~~

D. ~~Nonresidential Uses in Residential Zones. Educational, cultural, governmental, religious or health care facilities in residential zones shall comply with the general guidelines in “Design Guidelines for Commercial and Mixed Use Projects—Including Guidelines for Lynwood Center, Island Center, and Rolling Bay.”~~

E. ~~Mixed Use Town Center and High School Road Districts. Development, redevelopment, or exterior renovation in the Mixed Use Town Center overlay districts and the High School Road districts shall comply with regulations contained in “Design Guidelines for Mixed Use Town Center and High School Road Zoning Districts.”~~

F. ~~Lynwood Center NC Design Guidelines. Development, redevelopment, and exterior renovation in the Lynwood Center NC zone district shall comply with those regulations contained in the Lynwood Center NC-specific portion of “Guidelines for Commercial and Mixed Use Projects—Including Guidelines for Lynwood Center, Island Center, and Rolling Bay.”~~

- ~~1. Street trees shall be provided in an amount equivalent to at least one every 30 feet in planting pots or beds covered by a tree grate, pavers or planted area. Structural grid systems with a minimum soil volume ratio of one cubic foot of soil per one square foot of tree canopy area are encouraged. Trees may be grouped and are encouraged to have a varied meandering effect. Tree size, location and species shall be approved by the city. See street tree diagram in Central Core Overlay District Design Guidelines (subsection E of this section).~~

G. ~~Island Center NC Design Guidelines. Development, redevelopment, and exterior renovation in the Island Center NC zone district shall comply with those regulations contained in the Island Center NC-specific portion of “Guidelines for Commercial and Mixed Use Projects—Including Guidelines for Lynwood Center, Island Center, and Rolling Bay.”~~

- ~~1. Street trees shall be provided in an amount equivalent to at least one every 30 feet in planting pots or beds covered by a tree grate, pavers or planted area. Structural grid~~

systems with a minimum soil volume ratio of one cubic foot of soil per one square foot of tree canopy area are encouraged. Trees may be grouped and are encouraged to have a varied meandering effect. Tree size, location and species shall be approved by the city. See street tree diagram in Central Core Overlay District Design Guidelines (subsection E of this section).

H. Rolling Bay NC Design Guidelines. Development, redevelopment, and exterior renovation in the Rolling Bay NC zone district shall comply with those regulations contained in the Rolling Bay NC specific portion of “Guidelines for Commercial and Mixed Use Projects—Including Guidelines for Lynwood Center, Island Center, and Rolling Bay.”

1. Street trees shall be provided in an amount equivalent to at least one every 30 feet in planting pots or beds covered by a tree grate, pavers or planted area. Structural grid systems with a minimum soil volume ratio of one cubic foot of soil per one square foot of tree canopy area are encouraged. Trees may be grouped and are encouraged to have a varied meandering effect. Tree size, location and species shall be approved by the city. See street tree diagram in Central Core Overlay District Design Guidelines (subsection E of this section).

I. Business/Industrial District Design Guidelines.

1. Development, redevelopment, and exterior renovation of facilities in the B/I zone district shall comply with those regulations contained in “Design Guidelines for Light Manufacturing.”

2. In addition, development, redevelopment, and exterior renovation of facilities in the B/I district shall be subject to the following requirements governing its relationship to adjoining and nearby uses. A proposed development must be sited and designed to minimize potential safety hazards to adjoining and nearby developments. Specifically, a project shall be designed in a manner that minimizes conflicts between vehicular and nonmotorized traffic. Additionally, a development shall be fenced and buffered, as necessary, to impede potentially dangerous travel between different types of uses, such as between a manufacturing operation and day care center. Outdoor operations, such as loading docks and playgrounds, shall be located as far away as possible from residences and other noise sensitive uses.

J. Fort Ward Design Guidelines. Development, redevelopment, or exterior renovation in the Fort Ward historic overlay district shall comply with regulations contained in “Design Guidelines for Fort Ward.” (Ord. 2017-02 § 1, 2017; Ord. 2016-28 § 21, 2016; Ord. 2016-01 § 2, 2016; Ord. 2013-07 § 1, 2013; Ord. 2011-02 § 2 (Exh. A), 2011)

Section 3. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. This ordinance shall take effect and be in force five (5) days after its passage, approval, and publication as required by law.

PUBLIC HEARING DRAFT – SEPTEMBER 24, 2019

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:	September 13, 2019
PASSED BY THE CITY COUNCIL:	_____, 2019
PUBLISHED:	_____, 2019
EFFECTIVE DATE:	_____, 2019
ORDINANCE NUMBER:	2019-25

Attached:

Exhibit A: Bainbridge Island Design Review Regulations – “*Design for Bainbridge*”



DESIGN FOR BAINBRIDGE 2019

ACKNOWLEDGMENTS

DESIGN REVIEW BOARD

Joe Dunstan
Alan Grainger
Jim McNett
Peter Perry
Jane Rein
Jason Wilkinson
Carl Yurdin

CONSULTANT TEAM

Lesley Bain, Framework
Jeff Arango, Framework
Daniel S. Harris, Framework
Monica Taylor, Framework
Jonathan Morley, Berger Partnership
Matthew Coates, Coates Design Architects
Robert Hutchinson, Coates Design Architects

PLANNING COMMISSION

Sarah Blossom
William Chester
Dom Doman
Lisa Macchio
Kimberly McCormick
Joe Paar
Mack Pearl
Jon Quitslund

CITY OF BAINBRIDGE ISLAND STAFF

Heather Wright, Interim Director of Planning and Community Development
Christy Carr, Senior Planner
Mark Epstein, Engineering Project Manager
Jennifer Sutton, Senior Planner
Kristen Drew, Communications Coordinator

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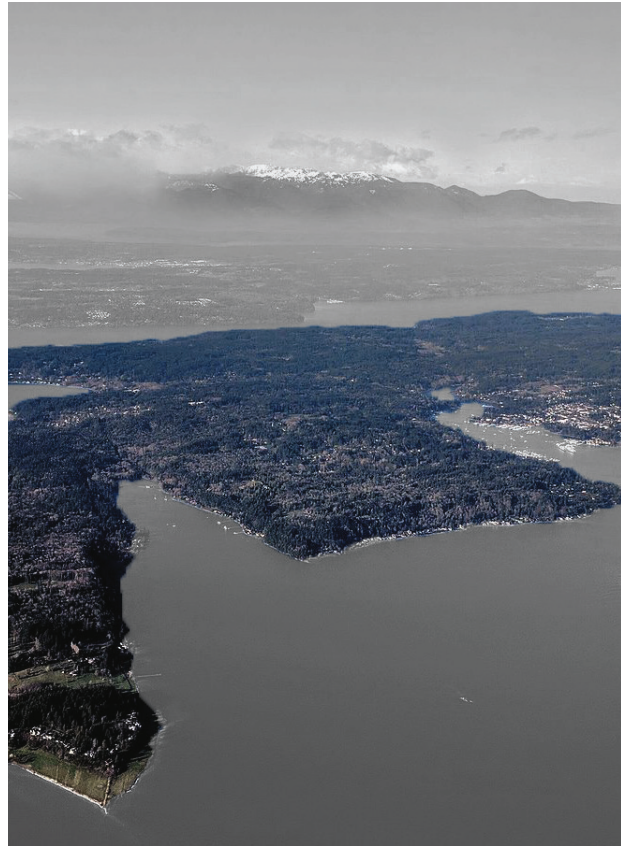
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DESIGN ON BAINBRIDGE

The Island

Bainbridge Island is a close knit community with several neighborhood centers and a lively, walkable downtown in Winslow with a mix of shops, services and activities. The Island attracts residents and visitors with its magnificent natural setting and mix of rural and small-town charm, all a short ferry commute from Downtown Seattle. The City's residents are committed to preserving the Island's sense of community and green spaces, and deeply value the Island's natural lands, shorelines and enduring connection to local agriculture.

The City's Design Guidelines are based on the existing policies, principles and values established in Bainbridge Island's Comprehensive Plan and through community engagement. Each of these values and principles as they relate to the design of new development is articulated in the following section, and the guidelines draw on these principles and offer specific guidance to inform design at various scales and stages, including site design, building design and composition, and architectural detailing. The Guidelines were carefully crafted to ensure that new development reflects Bainbridge Island's common values and culture, and that it contributes to and enhances the City's built environment.





Values + Principles

The Bainbridge Island community values authenticity and design that is specific to Bainbridge. Generic approaches to design for sites, streets, buildings, and other elements are inconsistent with the island character and values.



DESIGN FOR BAINBRIDGE

Bainbridge Island's architecture is diverse, spanning a range of eras and architectural styles, but its urban fabric maintains a defining character and continuity within its varied buildings, streets and neighborhoods. Good design is the thoughtful composition of buildings, landscape and public spaces that creates a meaningful relationship to a building's surroundings and contributes to the public realm and neighborhood fabric. These guidelines define the responsibility of new development as respecting neighborhood context, responding sensitively to the surrounding built and natural environment, and contributing to the community.

DESIGN FOR SUSTAINABILITY & CLIMATE RESILIENCE

Bainbridge residents cherish the Island's natural environment and are committed to protecting and restoring the ecological and hydrological functions of its natural lands and water bodies. Sustainable design and green building practices help reduce the burden of development on natural systems, and help ensure Bainbridge Island is climate resilient. Concentrating growth in the Island's urban center through the zoning code and around shared infrastructure conserves natural habitat, ecological functions, open space and areas designed for recreational use. Specific elements of site design, building design, construction, and operation, such as efficient use of energy and water, integration of renewable energy, and use of sustainable and ethical materials can mitigate the environmental toll of new development and address local climate vulnerabilities.

DESIGN FOR A WALKABLE, BIKEABLE AND CONNECTED COMMUNITY

Part of a safe, healthy and sustainable community is a walkable, bikeable and transit-friendly built environment that encourages active transportation. Walkable, bike- and transit-friendly development that reduces reliance on cars can help improve air quality and help residents live healthier more active lives. New development should support alternative travel modes and contribute to the individual's connection to place. Thoughtful design can further both these goals enhancing the public realm that ties together the city's buildings, which in turn improves the quality of the walkable and bikeable experience.

DESIGN FOR HEALTH, EQUITY, AND INCLUSION

Healthy housing development and expansion of educational and civic institutions support diverse and inclusive growth, and help build thriving neighborhood centers. Design can have an effect not only on the community's look and feel, but also on housing affordability for people of different means, and the comfort of people from different backgrounds. Building an accessible community that supports transit and that creates and creates a quality pedestrian experience can help grow employment locally, improve quality of life, and lay the foundation for a more diverse community.

DESIGN TO FOSTER CULTURE AND SOCIAL WELL-BEING

The contributions of Bainbridge Island's residents through the arts, agriculture, and active organizations are a piece of what defines the City. Bainbridge Island's rich history, and dynamic cultural life are supported by the City's buildings, parks, and public spaces. They represent the community's experiences and foster a robust public life in Bainbridge Island's downtown, in distinct neighborhoods, and in the Island's rural areas. New development should contribute to and create spaces that are accessible and reflect local culture and identity.

DESIGN FOR CONNECTIONS TO THE NATURAL ENVIRONMENT

Bainbridge Island's natural environment is not simply a scenic backdrop for its built environment — the two are intimately connected. New development should draw inspiration from and preserve natural areas, responding to natural features like slopes, streams, heritage trees, and wetlands in ways that minimize disturbance and leave ecological functions intact.

How to Use this Document

Design for Bainbridge provides guidance for applicants to successfully navigate the design review process. This section highlights key elements of the design review process to improve clarity and predictability for the City, applicants, and the public.

When is Design Review Required?

The Bainbridge Island Municipal Code (BIMC) specifies when design review is required in Table 2.16.010-1: Summary Table of Land Use Procedures. The requirement for design review is based on the type of land use review required for the type of development or other activities proposed.

Design review is required for the following project types:

- a. Major site plan and design review (includes any site plan and design review in the business/industrial zoning district)
- b. Major conditional use permits
- c. Preliminary long subdivisions
- d. Preliminary large lot subdivisions
- e. Major shoreline conditional use permits

Design review is optional for the following project types:

- a. Minor site plan and design review
- b. Minor conditional use permits
- c. Preliminary short subdivisions

The development of single-family homes and minor activities or improvements like routine maintenance, interior work, or projects that don't require a building permit or a change of use are exempt.

Design Standards vs Guidelines

Design for Bainbridge includes both Design Standards and Design Guidelines. Design Standards are clearly defined, mandatory and applied based on the site's context (surrounding neighborhood, and natural environment), and the site itself. Guidelines are more flexible and provide different approaches to meeting the Design Standards. For a project to be approved, it must comply with all applicable Design Standards and demonstrate how the project team has applied Design Guidelines to meet those standards. For example, an applicant must comply with Site Design Standard S1: Protect and Repair Natural Systems by meeting one or more of guidelines a - e listed on Page 23 or an acceptable alternative to the satisfaction of the Design Review Board. Design Standards and Design Guidelines, and the development to which they apply, are defined below.

Design Standards: Standards in Chapters 4 and 7 mandate planning and design actions that the applicant must incorporate in their project application. Compliance with standards is mandatory and failure to meet a mandatory standard may be used as a basis for the city's denial of a project application.

Design Guidelines: Guidelines in Chapters 4, 5, 6, and 7 are voluntary and not mandatory; however, compliance with guidelines may be necessary to comply with the Design Standards. Guidelines provide a variety of ways to satisfy the Design Standards based on the specific context and site. Failure to meet a voluntary guideline cannot be used by the city as a basis for a project denial.

Development: Development means all structures and other modifications to the natural landscape above and below ground, on a particular site.

Relationship to Other Regulations, and Permit Review

Design review is part of an integrated land use and development review process. Regulations that come into play during this process include zoning, subdivision standards, building permits, and other regulations for shoreline development, critical areas, and State Environmental Policy Act (SEPA). The Design Review Board (DRB), in coordination with City staff, is responsible for design review which focuses solely on compliance with Design Standards and Design Guidelines contained in this document. Regulations for zoning, subdivisions, and buildings are reviewed and approved by other parties within the City. Design review starts early in the City's land use review process and concludes with final review and recommendations from the DRB directly to the Planning Commission, City Council, Planning Director, and Hearing Examiner. The final permit decision varies by the permit type but is typically made by the Planning Director or the City's Hearing Examiner. For more information on the permit review processes please refer to the City's [Administrative Manual](#) and Municipal Code ([BIMC 2.16](#))

Departures

Design for Bainbridge is intended to provide flexibility in meeting the Design Standards and applying the Design Guidelines to projects. However, there may be circumstances where the applicant proposes a design solution that meets the guiding principles and intent of the standards and guidelines but is not in strict compliance. Departures may be approved by the final decision-maker with a recommendation on approval or denial by the DRB for projects under their review.

Any request for one or more departures shall be made at the Design Guidance Review Meeting as part of the pre-application phase of the project. Departures shall be reviewed concurrently with an application. The Design Review Board may include an administrative departure in its recommendation to the Planning Commission, if one of the following criteria are met. Departures from the design standards may be approved based on the following criteria:

- a. The departure is related to a variance from a standard in the BIMC that also impacts the ability to meet one or more of the design standards;
- b. The departure meets the intent of the design standards and the proposed departure is equal or greater to complying with the design standard;
- c. CThe granting of the departure results in a project with greater natural resource conservation value, less adverse impact to adjoining properties, or more practical design because of topography, critical area, or other extenuating circumstance.

Definitions

The definitions contained in this section are applicable only to this document and its contents.

Active means fostering human activity and interaction, often to describe streets and public spaces with pedestrian traffic, events and programming, or uses that draw, facilitate, or serve as a backdrop for human interactions such as shops and restaurants.

Built Environment means the parts of our physical surroundings that are created by and for humans and serve as the setting for human activity.

Character is the distinctive qualities of a place, building or street.

Civic Uses are public buildings or institutions owned and operated by governmental or other public agencies. This includes government offices, courthouses, police and fire stations, and schools.

Context is the physical (including natural and human-made) and cultural environment around a specific site and how the site relates to those surroundings.

Development means all structures and other modifications of the natural landscape (both above and below ground) on a particular site.

Design Standards mandate planning and design actions that the applicant must incorporate in their project application. Compliance with standards is mandatory and failure to meet a mandatory standard may be used as a basis for the city's denial of a project application.

Design Guidelines are voluntary and not mandatory; however, compliance with guidelines may be necessary to comply with the Design Standards. Guidelines provide a variety of ways to satisfy the Design Standards based on the specific context and site. Failure to meet a voluntary guideline cannot be used by the city as a basis for a project denial.

Fenestration is the arrangement, proportioning, and design of windows and doors in a building.

Frontage means street-facing facade of a building and its relationship to the street.

Heat Island Effect is the tendency for built areas to be hotter than their surroundings because of absorbed solar radiation and lack of vegetation, in particular, trees.

Human Scale is the scale at which humans can comfortably interact with their environment based on the physical and cognitive characteristics and capabilities of the human body.

Impervious Surface means a non-vegetated surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of stormwater.

Massing: the shape, form and size of buildings.

Natural Systems such as ecosystems or water and nutrient cycles, are systems that exist in nature independent of human involvement and are composed of physical and biological materials and processes.

Permeable materials allow stormwater to infiltrate into the ground.

Public Realm means the spaces around, between and within buildings that are publicly accessible, and support public life and social interaction.

Resilience or climate resilience is the ability to anticipate, prepare for, and respond to hazardous events, trends, or disturbances related to climate.

Stormwater Runoff is the rainfall that flows over land, paved surfaces, and building rooftops.

Right-of-Way means all public streets and property granted or reserved for, or dedicated to, public use for streets, walkways, sidewalks, bikeways, parking, and horse trails, whether improved or unimproved, including the air rights, subsurface rights, and related easements.

Scale means a proportionate size, extent, degree, or level of detail typically in relation to a standard point of reference.

Stormwater Infiltration is the process by which rainfall and stormwater runoff flows into and through the subsurface soil.

Sense of Place is the relationship with the place and its identity as felt by residents and visitors and shaped through experiences of a place's natural, human-made, cultural, and historical features.

Street Types are the classifications for each street on the Island according to common functions and existing or desired characteristics. The permitted building frontages for each Street Type specify setback requirements and treatments between the building and the right-of-way

Transpiration is the process by which water moves through a plant and evaporates into the atmosphere from its leaves and exterior surfaces.

SUSTAINABILITY DEFINED

The term “sustainability” has become a frequently-used buzz word. Sometimes it is even used in an attempt to “green wash” a project or a proposal. Because sustainability is such a fundamental value in Bainbridge Island’s design guidelines, a clear definition is needed. In common parlance, sustainability is defined as follows:

The ability to be maintained at a certain rate or level. Common examples are: “the sustainability of economic growth”; “the long-term sustainability of the project.”

In the realm of ecology and the survival of the planet and all its inhabitants, sustainability is best defined in the context of living systems. Thus, “sustainability” means, simply, “to align with natural forces, or at least not to defy them,” and is about everything we do as humans. To use the phrase “environmental sustainability,” for example, or “sustainable agriculture” or a “sustainable economy,” while grammatically correct, does not exemplify the true definition of, nor foster application of the real meaning of, sustainability. Sustainability, properly used, is about the entire planet as a living system, including all life forms.

Viewing a community as a living system recognizes that the “rules of the house” are non-negotiable biophysical principles and the elements of sustainability rest upon those principles.

To further understand this approach to community, it helps to know that “ecology” and “economics” have the same root: eco from the Greek oikos, or home. Ecology is the knowledge or understanding of the house, and economics is the management of the house—and it is the same house. Therefore, understanding our community as a living system—an ecosystem—will give us not only a new understanding of “economy” and “economics,” but also will foster a vision of the future, along with strategies for its realization, that focus on resiliency, adaptability, and attunement with nature.

If we perceive ourselves and all we create as part of an ecosystem, it is easy to understand that our community is a living system within which there are nodes of wealth: social, natural and financial. All interact as a system and are linked together through nutrient cycles and energy flows, and the maintenance and health of these networks is essential to the overall health and prosperity of our community.

- Jane Rein, Design Review Board

2 DESIGN REVIEW

Design Review Process

The design review process, standards, and guidelines are structured to support good design and a deliberate design process from context and site down to design detailing. Design review is an iterative process intended to help applicants comply relevant standards and guidelines and develop designs for the project that fit Bainbridge Island and the unique context of the site. For more information on the permit review processes please refer to the City's [Administrative Manual](#) and Municipal Code ([BIMC 2.16](#)).

1 Conceptual Proposal Review

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

2 Design Guidance Review

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

3 Pre-Application Conference

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

4 DRB Review & Recommendation

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

DISCUSSION TOPICS & MATERIALS



Submittal Requirements

1 Conceptual Proposal Review

Site Analysis

- a. Aerial map of with property lines marked and streets labeled within 500 feet;
- b. Photos of the site;
- c. Topography, physical, and natural features on the site;
- d. Landscaping and tree species 6" or greater in diameter, and an arborist report for any landmark trees as defined in [BIMC 16.32](#);
- e. Vehicular and pedestrian access to the site including curbs;
- f. Summary of applicable zoning standards and Design Guidelines.

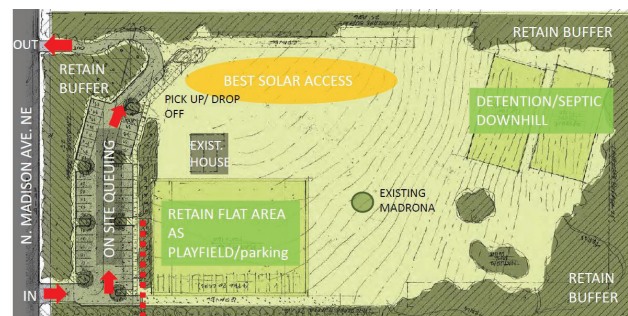
Context Analysis

- a. Requirements for analysis listed in the Context Analysis Chapter (Chapter 3);
- b. Vicinity map(s) indicating:
 - › Property lines;
 - › Footprints of structures and existing ground and upper floor uses;
 - › Zoning districts and overlays;
 - › Natural features, recognized landmarks and designated historic sites or structures; and
 - › Roadways, sidewalks, trails, bicycle facilities and transit stations.
- c. Photos of properties, structures, adjacent rights-of-way, natural features, and streetscapes within 500 feet.

Preliminary Development Program (Optional)

- a. Preliminary development program (Residential or Live/Work Units, Retail or Office SF, Number of Parking Stalls); and
- b. Description of how the program fits within the context and any sustainability, preservation or conservation goals as part of the project.

Conceptual site analysis



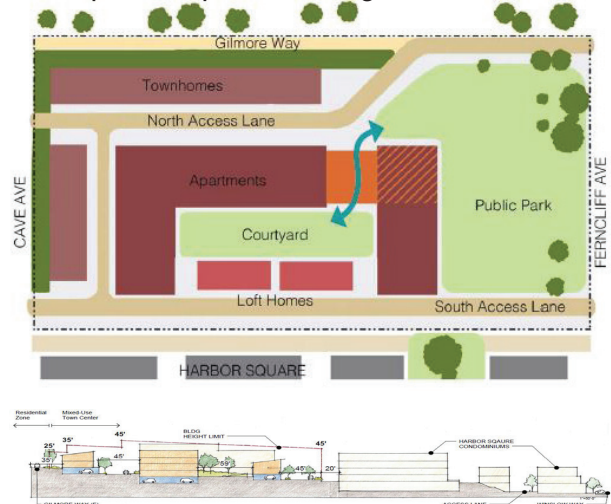
Context analysis map



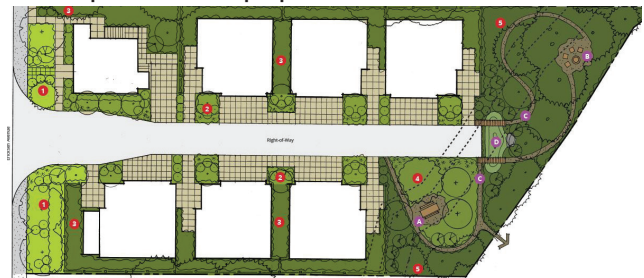
2 Design Guidance Review

- Vision statement & design intent;
- Conceptual site plan and architectural massing concepts, and a description of how these designs respond to the context;
- Development program (Residential or Live/Work Units, Retail or Office SF, Number of Parking Stalls);
- Description of how the program fits within the context and any sustainability, preservation or conservation goals as part of the project;
- Graphic illustration of the overall massing at street level;
- Narrative explanation of design cues from nearby architectural and natural features;

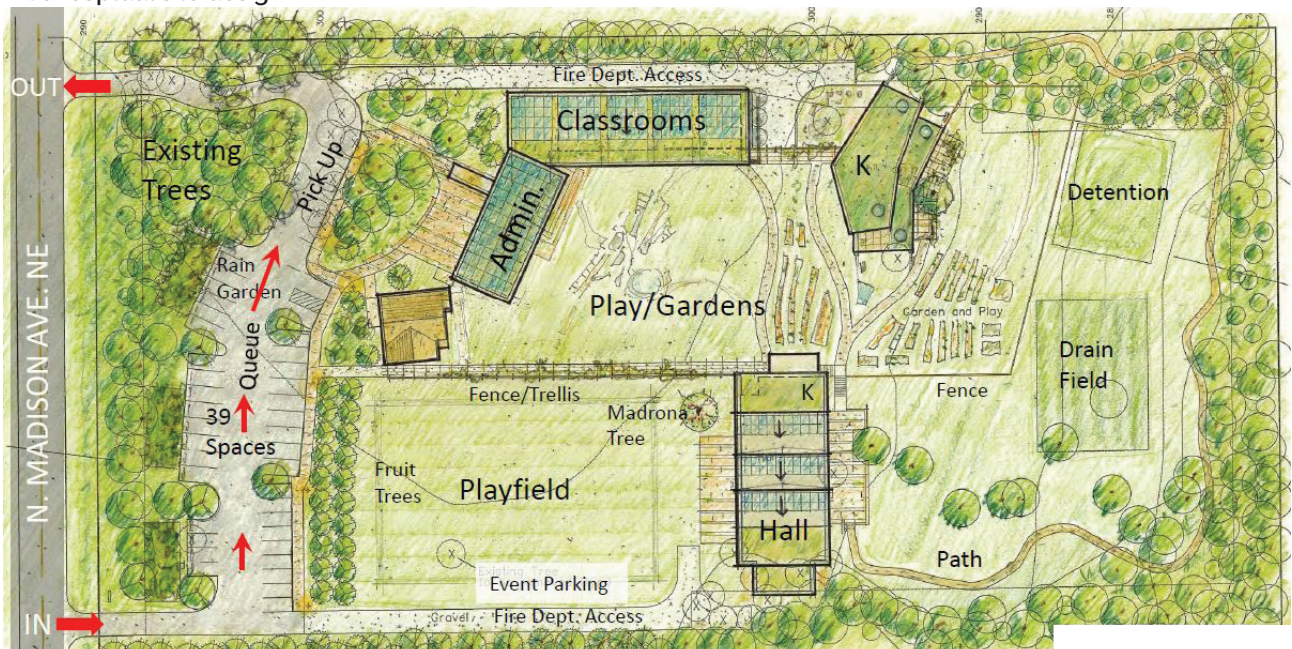
Conceptual site plan & massing cross section



Conceptual landscape plan



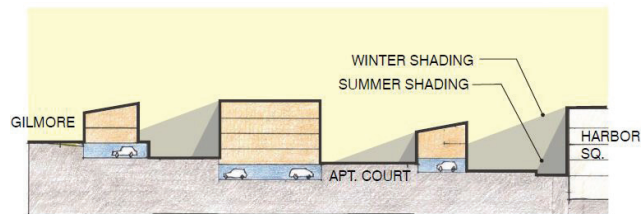
Conceptual site design



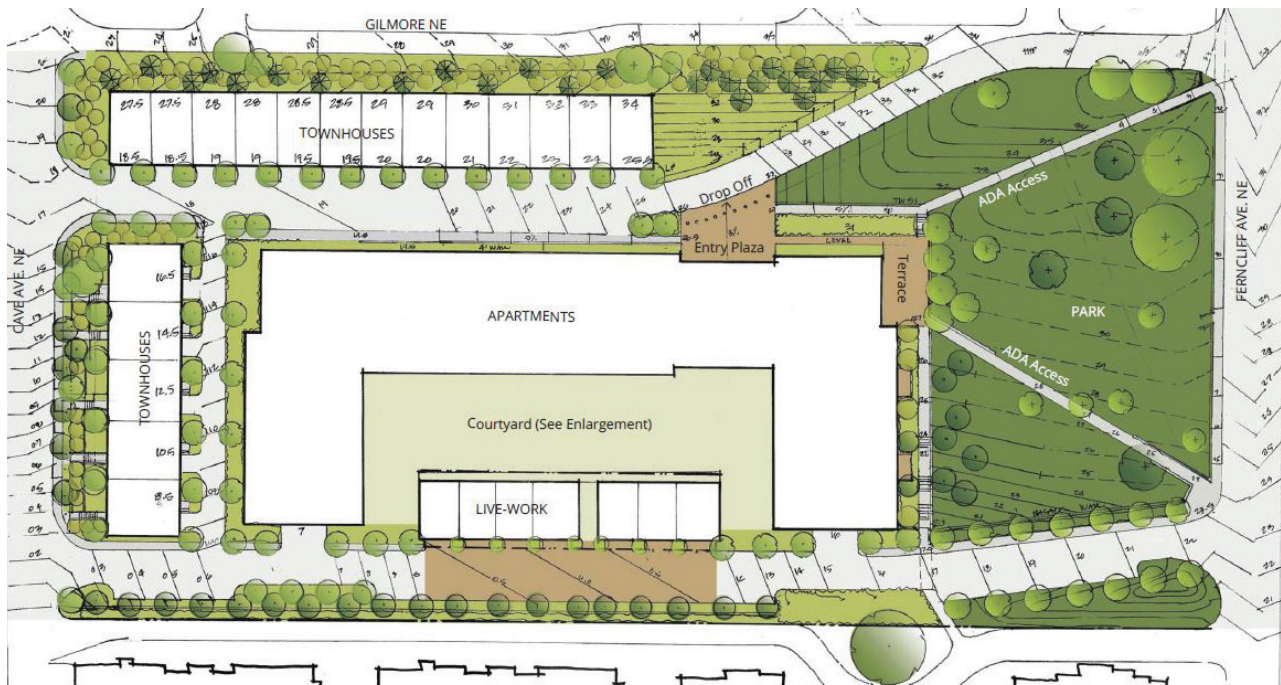
3 Pre-Application Conference

- a. Illustrative site plan, including:
 - › Property lines and easements and rights-of-way with dimensions;
 - › Footprints of structures on adjacent properties with height in feet and stories;
 - › Topography, physical and natural features on the site;
 - › Vehicular and pedestrian access to the site including curbs; and
 - › Landscaping and tree species 6" or greater in diameter, and an arborist report for any landmark trees.
- b. Conceptual floor plans with uses differentiated by color, property boundaries, and buildings and uses on adjacent properties;
- c. Preliminary building plans and elevations annotated with facade treatments, materials and colors;
- d. Sun/shadow graphic analysis;
- e. Summary of applicable Zoning and Design Standards, Design Guidelines, and how applicant intends to meet those standards and guidelines as part of the proposed development with conceptual diagrams or graphics;
- f. Description of how the project relates to the guiding principles in Section 1, and meets the intent of applicable Design Guidelines; and
- g. Summary of all anticipated departures from applicable guidelines.

Sun/Shadow Analysis



Illustrative Site Plan



4

Final Design Review

- a. Statement of Design Intent and how the project incorporated applicable guidelines;
- b. Vicinity Map including property lines and rights-of-way with dimensions, footprints of buildings on adjacent properties, and natural features (landmark trees, streams, wetlands and steep slopes);
- c. Final Site Plan Illustration in Color;
- d. Final Landscape and Planting Plans;
- e. Color Rendering or perspective illustration of the Proposed Development from the street and from an axiomatic view;
- f. Final Floor Plan;
- g. Final building plans and elevations for all facades;
- h. Detailed drawings of façade treatments;
- i. Materials Palette, samples and cut sheets for all façade materials included in elevation drawings; and
- j. Full summary and rationale for all requested departures from Design Guidelines and zoning parameters.

Perspective Illustration



Color elevations with materials



APARTMENT - NORTH ELEVATION



APARTMENT - EAST ELEVATION



APARTMENT - WEST ELEVATION



APARTMENT & LOFT HOMES - SOUTH ELEVATION

3

CONTEXT ANALYSIS

Introduction

Your site is part of our community.

Context analysis is a prerequisite for application of Design Standards and Design Guidelines. This section outlines requirements for applicants to present their understanding of the site's context. The components of the analysis included here are intended to be part of the review process and will be the focus of the Conceptual Proposal Review, the first meeting of the design review process.

A thorough understanding of all aspects of the site and its context is fundamental to design that fits and contributes to Bainbridge Island's unique built and natural environments. Development affects its setting through each facet of design in ways that can be striking or largely invisible to the public. It is not enough to simply describe the context, but to analyze its qualities and to understand and its implications for design.

An effective context analysis will carefully examine the relationship between the site, potential development, and the surrounding environment. This creates a foundation for design that takes cues from patterns in the surroundings and contributes to the Island's unique character, while preserving, supporting, and repairing the natural environment. Sustainability is an overarching goal for design on Bainbridge, and will be a key component in all respects of this analysis.



CONTEXT ANALYSIS

Design for new development should go beyond consideration of individual buildings and fit successfully into Bainbridge Island's urban context. These requirements present an analytical framework to guide approaches to design that respect and enrich the facets of the built and natural environment that make Bainbridge "Bainbridge."

C1

Analyze natural systems

C2

Identify the extent and value of wildlife habitat and corridors

C3

Assess unique and prominent features

C4

Consider the defining attributes of the built environment

C5

Analyze systems of movement and access

C6

Study how the site relates to and can contribute to the public realm

C1

NATURAL SYSTEMS

Natural systems include water and hydrology; vegetation, forests and soils; solar access and wind conditions. The natural systems analysis is the basis of designing a project that minimizes impacts and maximizes sustainable solutions for each project.

Analyze

Water:

stormwater, streams, wetlands, aquifers, and shorelines

Soil:

stormwater infiltration, geological hazards, and soil stability

Vegetation:

major trees, forested areas, and plant communities

Solar Access:

sun and shadow conditions on and near site

Wind:

prevailing wind direction

Resiliency:

current and future flood risk and tidal inundation, heat vulnerability and heat wave risk

C2

WILDLIFE HABITAT & CORRIDORS

Bainbridge Island's exceptional ecosystem and wildlife habitat is highly valued by the community, and development must be balanced with the diversity and abundance of native plants and animals. Habitat includes the terrestrial and marine environment, not only along the shoreline, but for upland sites as well.

Analyze

Habitat:

known species and identified key habitat

Connectivity:

existing or desired connections between key habitat areas

Shoreline:

existing conditions of waterfront sites



UNIQUE & PROMINENT FEATURES

Some sites merit special attention because of how they relate to features that make Bainbridge Island distinct and memorable. These include a variety of natural and human-made features including views and vistas, bluffs, shorelines, bodies of water, historic buildings and working farms. The design review process will focus on minimizing impact on the visibility or character of these valued features as experienced from the public realm.

Analyze

Natural Features:

views and view corridors, significant trees, forested areas, outcroppings, waterfront, and beaches

Human-made Features:

civic or publicly significant buildings or structures, working farms, harbors, and marinas

Historic Sites:

past human activity, historic sites, and buildings



BUILT ENVIRONMENT

The patterns of human-made buildings and spaces around the site inform project design. Appropriate design responses are not encouraged to mimic the built context of the site, but to find ways to be compatible and contribute to the surroundings.

Analyze

Massing:

height, bulk, and form of nearby buildings

Siting:

setbacks from property lines, access points, and relationship between buildings and open spaces

Scale:

how features, design elements and proportions relate to the human experience

Uses:

surrounding services, schools, and other institutional uses

C5

PUBLIC REALM

Public realm includes streets, sidewalks, parks, civic buildings and other places that are accessible to the public. These spaces are often enlivened by adjacent retail or other privately-owned entities. The public realm is at the heart of civic life, and the relationship of projects to the public realm is a fundamental design issue.

Analyze

Building Frontages:

relationship of nearby buildings to the sidewalk and streets

Activities:

nearby retail or other activities

Open Space:

location and type of nearby public and private open spaces

Landscape:

patterns of trees or other significant vegetation

Utilities:

utility poles, junction boxes, utility meters, and stormwater

C6

SYSTEMS OF MOVEMENT & ACCESS

The site context includes its connection to streets, sidewalks, open spaces, and trails. Appropriate approaches to site design will prioritize pedestrians, transit and principles of universal design, and will strive to create new connections wherever possible.

Analyze

Streets:

street classification, width, traffic levels, and parking

Sidewalks:

pedestrian network, materials

Transit:

nearby transit facilities

Bicycles:

nearby bike facilities

Access:

patterns of non-motorized and motorized access

4

DESIGN STANDARDS & GUIDELINES

Introduction

Design Standards in Chapters 4 and 7 establish the minimum requirements in *Design for Bainbridge* necessary to take advantage of the opportunities of the surrounding context and site while contributing to the neighborhood. To provide some flexibility, creativity in design, and address the specifics of each site, the Design Guidelines in Chapters 4, 5, 6, and 7 provide a variety of ways to meet the standards. Design Standards and guidelines are defined in Section 1 as a part of *How to Use this Document* - and are repeated below.

Design Standards: Standards mandate planning and design actions that the applicant must incorporate in their project application. Compliance with standards is mandatory and failure to meet a mandatory standard may be used as a basis for the city's denial of a project application.

Design Guidelines: Guidelines are voluntary and not mandatory; however, compliance with guidelines may be necessary to meet Design Standards. Guidelines provide a variety of ways to satisfy the Design Standards based on the specific context and site. Failure to meet a voluntary guideline cannot be used by the city as a basis for a project denial.

SITE DESIGN STANDARDS

- S1** Natural Systems
- S2** Wildlife Habitat
- S3** Unique Features
- S4** Built Environment
- S5** Systems of Movement

PUBLIC REALM STANDARDS

- P1** Walking & Cycling
- P2** Vehicles in the Public Realm
- P3** Hierarchy of Public Spaces
- P4** Connections to Public Spaces
- P5** Block & Frontage Patterns
- P6** Activity on Commercial Streets

BUILDING DESIGN STANDARDS

- B1** Clear Organizing Concept
- B2** Appropriate Architectural Language
- B3** Facade Composition & Scale
- B4** Sustainable Design
- B5** Materials & Detailing

LANDSCAPE STANDARDS

- L1** Landscape & Architecture
- L2** Public Realm
- L3** Sustainable Features
- L4** Green Infrastructure
- L5** Wildlife Habitat
- L6** Views & View Corridors



SITE DESIGN STANDARDS

Building on an understanding of the site and its context, site design defines how a building relates to its context. The placement, orientation and massing of buildings should support broader patterns in Bainbridge Island's built and natural environment as well as livable neighborhoods and communities.

S1

Protect and repair natural systems

S2

Preserve and enrich wildlife habitat

S3

Respect and magnify unique aspects of site and context

S4

Complement and contribute to the built environment and local identity

S5

Fit the project into the systems of access and movement, prioritizing pedestrians and bicycles

S1 PROTECT AND REPAIR NATURAL SYSTEMS

Intent

Design for new development should protect existing natural systems and mitigate disturbance to the maximum extent possible. In addition, designers should look for ways to heal and repair the Island's natural systems that have been impacted by previous development. Site design should embrace relationships to larger natural systems, and use these systems to inform sustainable design at the site and building level.

GUIDELINES

- a. Use natural topography to inform project design, stepping up or down hillsides.
- b. Minimize soil disturbance and excavation, and preserve natural topsoil.
- c. Preserve the hydrological functions of the site and create opportunities for natural stormwater infiltration.
- d. Incorporate natural water features, habitat, and native plant communities on-site into project design so that they are ecologically functional.
- e. Minimize and disconnect impervious cover to reduce runoff.

IslandWood worked with a 255-acre site on Bainbridge to minimize disturbance to natural systems and restore natural areas on site



The Bullitt Center in Seattle integrates native vegetation in the street and public spaces with gray- and rainwater harvesting and filtration



S2

PRESERVE, RESTORE AND ENRICH WILDLIFE HABITAT

Intent

Urban growth often comes at the expense of natural habitat, degrading and fragmenting sensitive plant communities, wetlands, and riparian corridors that provide habitat for local fish, wildlife and pollinators. New development in Bainbridge Island should protect and restore habitat on site and connect to local habitat corridors.

GUIDELINES

- a. Incorporate existing natural habitat and landscape into site design.
- b. Connect new landscaped areas and fragmented habitat to networks of open space and larger habitat corridors wherever possible.
- c. Consider porous fencing, hedging and shrubs to define property edges, or gaps in fencing and reduce barriers to wildlife.
- d. Promote continuous habitat through private or communal landscaped areas and repair gaps in identified wildlife corridors wherever possible.

Cedar Creek Watershed Education Center in North Bend, maintains a continuous wildlife habitat along the shore of Rattlesnake lake with green roofs and native plantings.



Dockside Green in Victoria, BC is built around system of stormwater treatment ponds that run into the upper harbor and create a network of wetland habitat.



S3

RESPECT AND MAGNIFY UNIQUE ASPECTS OF THE SITE AND CONTEXT

Intent

The character of Bainbridge Island is comprised by many kinds of natural and man-made features: historic buildings, views of water and mountains, rolling landscapes, forests, and farms. Development should recognize these features, avoid detracting from their prominence, and highlight them whenever possible.

GUIDELINES

- a. Work with the particular features of the site—shape, ecological value and characteristics, views, vegetation, hydrology and topography—to create a unique solution for the project.
- b. Preserve and highlight public views of unique features that contribute to Bainbridge Island's character.
- c. Support visual connections to nearby landmarks.

Madison Square in Bainbridge Island preserved older trees on the site and integrated them into landscape, while framing views of nearby buildings.



The site plan for the BelRoy in Seattle integrated an existing historic apartment into the new project with interior courtyards and pedestrian circulation.



S4

COMPLEMENT AND CONTRIBUTE TO THE BUILT ENVIRONMENT AND LOCAL IDENTITY

Intent

Buildings and open spaces should be designed to create a sense of place and contribute to neighborhood identity. Projects should be built to feel like they "belong" to their site and context, becoming part of the fabric of beloved places on Bainbridge Island.

GUIDELINES

- a. Site access and new structures to complement patterns in the built environment with attention to setbacks, spaces between buildings, scale, and entries along the street.
- b. Create or reinforce a well-defined rhythm of intervals of built and open spaces, designed for the human scale.
- c. Develop frontages with quality, interest, and variety, using multiple smaller scale buildings if needed for to fit with neighborhood character.
- d. Avoid visually impermeable fencing, high fencing or other monolithic features along publicly visible edges of the site.

Bainbridge Island City Hall is distinct but not out of place, with a frontage that fits well with the proportions of nearby buildings and a clear public entrance.



The San Juan Building on Ferncliff Avenue in Bainbridge Island keeps the rhythm and scale of its surroundings with a primary facade broken into smaller sections.



S5

FIT THE PROJECT INTO THE SYSTEMS OF ACCESS AND MOVEMENT, PRIORITIZING PEDESTRIANS AND BICYCLES

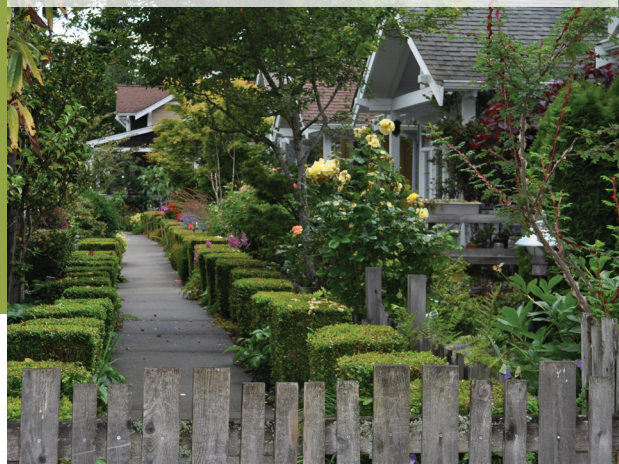
Intent

Livable and sustainable communities are walkable and bikeable. Good design in Bainbridge Island will favor pedestrian and bicycle scale, and carefully consider the project's place in the network of streets, sidewalks and trails in decisions about entries, ADA access, and location of vehicular access. Projects should prioritize the pedestrian environment and encourage sustainable transportation choices.

GUIDELINES

- a. Locate and orient primary pedestrian access to the site toward major pedestrian and bicycle travel routes and transit facilities.
- b. Incorporate dedicated pedestrian access that connects and aligns with existing public and private pedestrian infrastructure.
- c. Integrate access for people of all abilities into the project design so that all visitors are welcome through primary entries and access points.
- d. Locate at-grade parking and vehicular access away from active pedestrian areas wherever possible and screen at-grade parking from public view.
- e. Provide bicycle parking near access points to and active areas to maximize visibility and convenience.
- f. Consider including pedestrian-oriented public spaces and spaces for informal community gathering in non-residential projects.

The Ericksen Cottages in Bainbridge Island connect to Ericksen Avenue with a network of pedestrian paths and shared parking areas that minimize impacts on pedestrian areas.



The Winslow has integrated pedestrian access into the building's front plaza along Winslow Way and interior courtyard off on Ericksen Avenue.



S6

SUPPORT AND CONTRIBUTE TO A VIBRANT PUBLIC REALM

Intent

The public realm should be considered at the site planning level. Some projects will be fully private, but experienced from people passing by. Residential development will have a relationship to passers-by and visitors as well as the residents. Retail buildings and civic buildings have important relationships to the public realm, where dedicated space may be warranted. For all of these project types, the visual and physical relationship to the public realm begins at the site planning level for the most appropriate and beneficial interaction with the community.

GUIDELINES

- a. Arrange site elements to define a clear 'public front' facing toward the primary street.
- b. Minimize vehicular presence in the public realm, with driveways and garages de-emphasized in terms of location, width and design.
- c. Consider the hierarchy of uses in site design, with important uses or features emphasized.
- d. Incorporate natural systems into public spaces in the site where possible and appropriate.
- e. Give prominence to pedestrian entrances over vehicle access.
- f. Reinforce defined and active street edges and design public facing frontages to interact directly with the public realm as appropriate.

The BelRoy in Seattle has a strong relationship with the street, with a visible and welcoming pedestrian entrances and storefronts and seating that interact with the street.



Chophouse Row in Seattle integrates an active pedestrian route through a series of indoor and outdoor spaces that support the ground level commercial uses on the site.





P

PUBLIC REALM STANDARDS

Bainbridge Island's network of streets, trails and public spaces are the setting for public life in the city. They support community events and local activities, build the experience of the Island and express local identity. New development should contribute to streetscapes, public and open spaces, and street frontages, and foster activity at street level where appropriate.

P1

Create a safe and comfortable environment for walking and cycling.

P2

Minimize impact of vehicles on the public realm

P3

Design to support a legible hierarchy of public spaces

P4

Strengthen public space connections

P5

Draw from and enhance existing block patterns

P6

Foster interest and activity along commercial streets

P1

CREATE A SAFE AND COMFORTABLE ENVIRONMENT FOR WALKING AND CYCLING

Intent

Whether a project is located in the Island's downtown, neighborhood centers, or rural areas, new development should consider the site's relationship to the pedestrian environment, and how the project can contribute to safety, comfort and continuity in the pedestrian realm.

GUIDELINES

- a. Connect on-site pedestrian walkways with existing public or private routes where projects can improve the network for people walking.
- b. Integrate universal design in pedestrian routes, access points and entries, with multi-sensory cues where appropriate in public spaces and access points using visual, auditory and tactile signals.
- c. Integrate lighting for pedestrian pathways and entrances to provide safety, mark entry locations and highlight design features.
- d. Orient primary entrances toward the site's most active public street frontage.
- e. Contribute to the network of safe bicycle routes where possible.
- f. Provide bicycle parking at access points to open spaces and buildings, and coordinate bike racks and fixtures with other outdoor furniture on site, along adjacent streets, or nearby public spaces.

The Camelia Apartments in Bainbridge Island integrate public walkways through the site with landscaping to provide access to Island Village and Hildebrand Lane.



This outdoor dining area connects directly to the street, using planters and hardscape materials to define the space associated with the beer garden.



P2 MINIMIZE THE IMPACT OF VEHICLES ON THE PUBLIC REALM

Intent

Public realm design should focus on people rather than cars and vehicular access. Projects should strive to keep conflicts between motorists and people walking and biking to a minimum, and support active and inviting streets by reducing the visual impact service areas, parking, and vehicular access.

GUIDELINES

- a. Encourage non-polluting transportation options, such as shared vehicle access and parking in multiple ownership circumstances.
- b. Minimize the size and number of curb cuts and locate curb cuts away from active pedestrian areas wherever possible.
- c. Screen service uses and parking when near public space using ground floor uses and/or landscaping.
- d. Reduce conflicts between pedestrians and motorists through design elements such as planters, paving patterns, or lighting.
- e. Create clearly defined pedestrian paths through parking areas with sidewalks or other dedicated facilities.



Pedestrian access for Whidbey Telecom uses variation in materials, landscaping, screening and physical barriers to create a safe pedestrian environment within a parking lot.



P3

DESIGN TO SUPPORT A LEGIBLE HIERARCHY OF PUBLIC SPACES

Intent

Projects should understand their location in the hierarchy of public space and respond accordingly. For example, a site that terminates a vista would be designed as a focal point, while a project that is part of the urban fabric would be designed to fit well with adjacent properties. Design to support a hierarchy of public spaces will help wayfinding and character.

GUIDELINES

- a. Use buildings to help shape and define public spaces where appropriate.
- b. Consider vistas, views and irregularities in the street network and block pattern to retain views or to create focal points.
- c. Highlight important crossings, intersections, and transitions where appropriate.
- d. Incorporate wayfinding that complements project design and surrounding wayfinding systems, with common indicators, destinations, and signed decision points.

The Marketfront in Seattle creates defined public spaces that highlight views of Elliott Bay, and defines a hierarchy of public and private spaces along the market.



An alley in California uses the space between buildings as both a pedestrian connection and as outdoor dining, with framed views of nearby buildings.



P4

STRENGTHEN PUBLIC SPACE CONNECTIONS

Intent

Design for new development on Bainbridge Island should pay careful attention to how the building will interact with the public realm—street, sidewalk, open spaces and landscape. Projects should look for opportunities to make stronger connections in the Island's network of public spaces wherever possible.

GUIDELINES

- a. Locate primary entrances along the main street, and contribute to the character of the street.
- b. Align public spaces, passages and access with existing pedestrian paths or desire lines where no formal paths exist. Public through-routes in Winslow are excellent examples of pedestrian-scale connections.
- c. Where appropriate, provide open spaces adjacent to the sidewalk and design public frontages to support direct engagement with the street and pedestrian activity.
- d. Use public art to enhance entrances to buildings and public spaces and to create or highlight unique transitions.

Clyde alley in Langley supports pedestrian connections through the center of the block and to other public spaces along 2nd Street.



A pedestrian alley in Spokane's Kendall Yards creates a direct connection to the Spokane Falls and includes outdoor seating and dining areas that support nearby uses.



P5

DRAW FROM AND ENHANCE EXISTING BLOCK AND FRONTAGE PATTERNS

Intent

Regardless of how people get around, everyone is a pedestrian at some point. Pedestrian-oriented design creates safe, accessible and welcoming for spaces for all in ways that are contextually appropriate for Bainbridge Island's varied environments. Whether it is in the Island's downtown, neighborhood centers, or rural areas, new development should contemplate the site's relationship to the pedestrian environment, and how the project can contribute to safety, comfort and continuity in the pedestrian realm.

GUIDELINES

- a. Seize on the prominent location of corner sites to create focal points with careful detailing and integrated public spaces.
- b. Create a porous site with public pedestrian routes through larger developments.
- c. Break down the massing of buildings and the scale of long facades to fit the rhythm of the surrounding block.
- d. Create a human scale environment at street level with detailing that adds variety and rhythm to the facade.

The Braeburn in Langley WA is integrated into the nearby mid-block crossing and plaza, and uses it's corner location to help create a welcoming entrance to Clyde Alley.



The Braeburn draws on established building patterns, scale and rhythm along 2nd Street for a successful fit with historic building downtown.



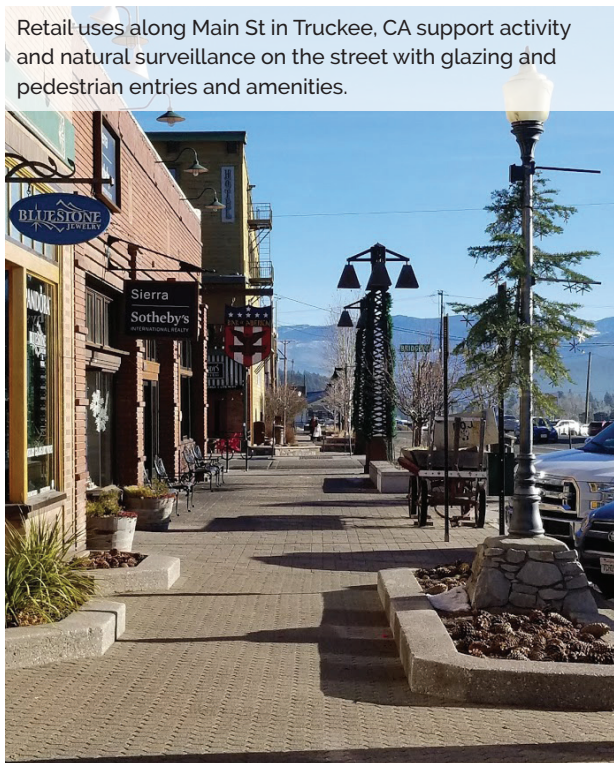
P6 FOSTER INTEREST AND ACTIVITY ALONG COMMERCIAL STREETS

Intent

Bainbridge Island is fortunate to have strong and active retail "main streets" in Winslow, Lynwood and Rolling Bay. New development should reinforce the scale and positive attributes of these commercial streets with pedestrian-scale interest and activities.

GUIDELINES

- a. Support adjacent sidewalks and public spaces with active ground floor uses and amenities such as displays and seating, and public art,
- b. Place doors, windows, balconies and street-level uses to provide lines of sight for natural surveillance of the street, private and public realm.
- c. Build in multiple entries to allow for smaller storefronts, and design to allow retail facades to be adapted to the particular users to give spaces interest and character.
- d. Locate utility areas away from active spaces on commercial streets.



B

BUILDING DESIGN STANDARDS

Bainbridge Island's diverse buildings types and architectural styles work together with the Island's unique natural setting to create a beloved character. New development should reinforce the character of Bainbridge with thoughtful, well-designed, high quality buildings.

B1

Express a clear organizing architectural concept

B2

Use an architectural language appropriate to Bainbridge Island

B3

Create well composed facades at all scales

B4

Celebrate and prominently feature sustainable design

B5

Use high quality, sustainable materials and well-crafted details

B1

EXPRESS A CLEAR ORGANIZING ARCHITECTURAL CONCEPT

Intent

Buildings are expected to have a clear architectural concept that is internally consistent, appropriate to the building's site and functions, and elegantly expressed.

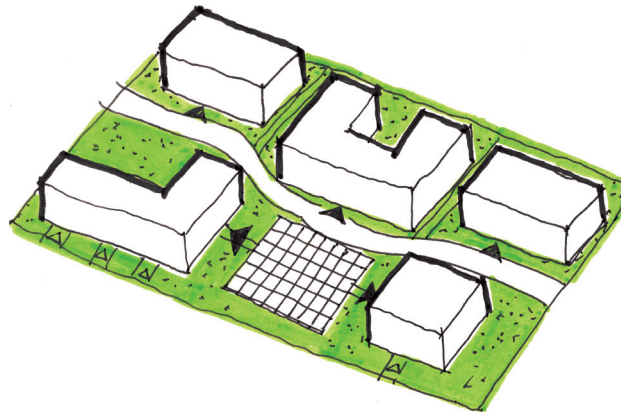
The Bainbridge Island Museum of Art presents a clear architectural concept developed around public spaces and nearby streets with a clear rhythm and organization of uses.



GUIDELINES

- a. Base the design on a thoughtful organization of uses in plan, taking into account the arrangement of the development program and its relationship to the context of the site.
- b. The architectural concept should be rooted in and express sustainable design principles.
- c. The architectural concept should be appropriate to the Pacific Northwest's climate and materials, as well as to the specific conditions of the site.
- d. In the building concept and floor plan, consider the relationship of building uses and public space; for example, locating an entry lobby along the street, or designing residential windows to have a degree of privacy from passers-by.
- e. Express the rhythm of the building's structural organization in the facades.
- f. The architectural concept should make the building's uses and hierarchy legible.

This diagram represents a concept that takes considers the relationship between buildings, access and public and open space, and arrangement of uses.



B2

USE AN ARCHITECTURAL LANGUAGE APPROPRIATE TO BAINBRIDGE ISLAND

Intent

The Design Guidelines do not prescribe architectural styles, but projects are expected to have an attractive and coherent style that fits well with the climate and context of Bainbridge Island.

GUIDELINES

- a. Consider the context and history of Bainbridge Island in the building's massing, roof forms, and siting.
- b. Use materials that are locally sourced and regenerative wherever possible.
- c. Include weather-protection and other climate appropriate design as an integral part of the architectural language and detailing.
- d. Use surrounding building forms (found in context analysis) to inform building shape and form.

The Winslow in Bainbridge Island draws on the historic context along Winslow Way and Ericksen Avenue for a consistent and coherent architectural style that fits well.



Grace Episcopal Church in Bainbridge Island uses locally appropriate style and materials that help integrate the building into the site and surrounding natural setting.



B3

CREATE WELL COMPOSED FACADES AT ALL SCALES

Intent

Facades are not only the visible faces of a building. Facades are the interface between the interior uses and the public realm, bringing in daylight and keeping out the weather. They play a major role in energy efficiency and define the architectural style. Façade design is critical to the success of a building from urbanistic and sustainability standpoints, and thoughtful design is expected for all facades.

GUIDELINES

- a. Design all facades visible to the public to be attractive and well-proportioned, with a graceful composition of fenestration and opaque areas and a sense of texture and depth along building surfaces.
- b. Create an architectural concept appropriate to Bainbridge Island and the character of the building's surroundings.
- c. Design the building to be attractive from vantage points near and far, with all visible facades receiving full attention to design.
- d. Design the building to be pleasing and coherent at multiple scales—from massing and roof form to secondary features such as fenestration and balconies, to details, textures and finishes.
- e. Give attention to the level of human scale experienced from the public realm, including detailing at doors, windows and other architectural features such as porches, canopies, balconies.
- f. Incorporate design detail, articulation and quality materials and a sense of human scale in all building facades.
- g. Integrate utilities and service functions into the architectural concept, screening mechanical equipment and trash facilities from view.

An office building on Hildebrand Lane in Bainbridge Island uses detailing and alternation of two primary materials to create a sense of texture and human scale.



The Klotski Building in Seattle, WA has an inset ground level storefront with floor-to-ceiling windows, and a simple pattern of vertical elements on its upper stories that create a coherent composition with depth and appropriate detail.



B4

CELEBRATE AND PROMINENTLY FEATURE SUSTAINABLE DESIGN

Intent

Projects in Bainbridge Island are expected to be environmentally responsible and resource efficient throughout their life cycle. Buildings will need to meet the requirements of the City and County that require sustainable design; the Design Guidelines are intended to express the values of a healthy environment in the design expression of each project.

GUIDELINES

- a. Reuse existing structures whenever possible, recognizing that the most sustainable buildings are those that already exist.
- b. Use building materials that reflect a sense of place, favoring recycled or renewable resources and/or local sources.
- c. Highlight regenerative materials and renewable energy generation such as solar panel or turbines as visible expressions of the community's aesthetic and values.
- d. Offer access to natural light and ventilation in living and working spaces for comfort and reduced energy consumption.
- e. Manage direct sunlight with solar control and shading devices, and integrate these features into the overall design, with each facade responding to solar orientation.
- f. Consider green or living walls and/or roofs with plants adapted to Bainbridge Island's microclimate; make them visible where possible.
- g. Design for flexibility so that the building can be adapted in the future, including reuse of structured parking for non-vehicular future uses.

The Vineyard Lane apartments in Bainbridge Island use sustainable materials, building practices and design to help reduce energy use.



The Grow Community in Bainbridge Island incorporates reusable energy, efficient heating and cooling systems, and building materials that support thermal efficiency.



B5

USE HIGH-QUALITY MATERIALS AND WELL-CRAFTED DETAILS

Intent

Building materials should be selected for their appropriateness to place, a minimal ecological footprint, and long-term aesthetic value. Thoughtful composition and detailing will express a level of quality and a sense of scale inherent in excellent architectural design.

GUIDELINES

- a. Choose durable, low-impact materials that are appropriate for the climate and seasonal shifts in weather conditions.
- b. Select materials that are locally sourced and supportive of Bainbridge Island's economy where possible.
- c. Express the architectural concept of the building and provide a sense of human scale through thoughtful detailing.

The Bellevue Botanic Gardens Visitor Center uses low impact materials and careful detailing to create a series of indoor and outdoor space unified by a sheltering roof.



Bryant Heights in Seattle uses alternating high-quality materials create visual interest along building facades and fit in with a dense single family neighborhood.





LANDSCAPE STANDARDS

Landscape design is expected to fit the building into its setting, contribute to a comfortable and welcoming pedestrian environment, and support natural systems with habitat-friendly and sustainable features.

L1

Integrate the landscape concept to complement the architectural concepts

L2

Support the public realm with the landscape design

L3

Integrate sustainable features into the landscape and make them visible wherever possible

L4

Integrate and highlight green infrastructure practices

L5

Support healthy habitat in the landscape

L6

Preserve and enhance important views and view corridors

L1

INTEGRATE THE LANDSCAPE CONCEPT TO COMPLEMENT THE ARCHITECTURAL CONCEPT

Intent

Landscape architecture and building architecture are expected to be mutually complementary, working together toward an overall design that is functional, sustainable and pleasing. To this end, the landscape should be designed in tandem with the architecture, rather than as an afterthought.

GUIDELINES

- a. Design the landscape to enhance elements of the site and architectural concept by strategies such as defining pathways, zones and edges; creating focal points; softening building massing; highlighting entries, and adding scale, texture and interest to the site.
- b. Locate deciduous trees to compliment passive solar strategies, providing shade in summer and allowing sun in the winter.
- c. Use plantings where privacy is needed for more intimate and private spaces, or for screening traffic and/or service uses.
- d. Choose plantings that complement the proportions and scale of the building, and offer color and interest throughout the year.
- e. Ensure that landscape design relates to considers building features such as porches, balconies and roof areas.

A passageway in Healdsburg, CA uses small-scale plantings and vines to soften edges and massing, highlight entries and work with passive solar strategies.



The Pacific Cannery in Oakland, CA incorporates materials from a 1919 cannery to create a common court that helps unify public and private outdoor spaces in the development, and provides privacy for ground level residences.



L2

SUPPORT THE PUBLIC REALM WITH THE LANDSCAPE DESIGN

Intent

Landscape design is expected to be an integral part of public spaces, enhancing the functions, activities and character of the public realm..

GUIDELINES

- a. Use landscape design to connect a network of open spaces, appropriate to the project context. This open space network could include the streetscape and building frontages, spaces between buildings, or a series of planted areas and hardscape intended for outdoor use.
- b. Encourage interaction between the building's interior uses and exterior public space, Including plazas, seating areas and other hardscape areas to support positive public activities appropriate to the context and building use.
- c. Select plantings that reflect a sense of care, providing scale and seasonal color and interest.
- d. Consider elements of continuity along streets to provide a level of character along a corridor, and unique elements of distinction that can serve as landmarks or wayfinding.
- e. Complement building and landscape design with integrated public art that is developed with the community and overall project concept in mind.



Uptown Circle in Normal, IL provides seating, shade, and open space that captures 1.4 million gallons of stormwater, reusing it for water features and irrigation.



A landscaped plaza in Harbor Square in Bainbridge Island provides pedestrian access that weaves together open spaces and connects residents with open space.

L3

INTEGRATE SUSTAINABLE FEATURES INTO THE LANDSCAPE AND MAKE THEM VISIBLE WHEREVER POSSIBLE

Intent

Sustainable landscape design helps build a network of productive ecosystems that promote local biodiversity, water and energy conservation, and provide a natural experience for the public in the built environment. Human-made landscapes in Bainbridge Island should strive to conserve water and material resources, support healthy and porous soils, and reduce the need for fertilizers and pesticides that damage natural ecosystems.

GUIDELINES

- a. Promote water conservation with landscape design that prioritizes native and/or drought tolerant species.
- b. Use plantings to provide shade and buffer from wind exposure.
- c. Locate trees to provide shading of paved surfaces and reduce heat island effect
- d. Accommodate planting space for trees where there is not enough space for trees in the right-of-way.
- e. Use local, low-impact, recycled, or sustainably sourced materials and/or repurpose non-hazardous waste materials in the landscape.
- f. Utilize vegetative roofs to mitigate stormwater, grow food, provide habitat, reduce heat island effect, improve views and air quality.
- g. Design landscape to absorb and reduce particulate matter.

Thornton Creek Water Quality Channel in Seattle is a water treatment facility and public open space that connects the surrounding community while restoring the environment.



The Stack House in Seattle integrates green roofs, captured stormwater, and salvaged materials from historic buildings on site to create a pollinator-friendly pedestrian route.



L4

INTEGRATE AND HIGHLIGHT GREEN INFRASTRUCTURE PRACTICES

Intent

Landscape design is expected to embrace hydrological functions and reduce the impact of development with green infrastructure. Green spaces offer opportunities for water treatment, infiltration and storage on developed sites in order protect water quality, relieve the burden on stormwater infrastructure, and reduce water use and heating and cooling costs.

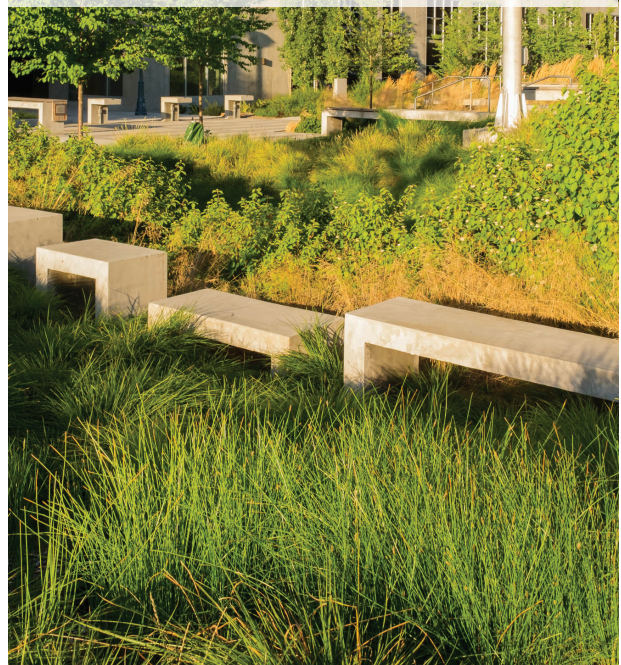
GUIDELINES

- a. Preserve or restore hydrological functions of the natural landscape, improving stormwater quality through sustainable landscape and civil design practices including stormwater retention and infiltration where appropriate.
- b. Use green stormwater infrastructure (GSI) strategies to reduce flooding by slowing and reducing stormwater discharges.
- c. Include vegetative roofs and permeable paving for on-site stormwater management.
- d. Capture rainwater for reuse for irrigation.

Residential entries at the Expo in Seattle are lined with rain gardens that reduce development impacts while creating a balance of private, semi-private and public spaces.



Redmond's Central Connector captures and treats runoff from a 250-acre area downtown with sustainable landscaping that helps create a distinct public space.



L5

SUPPORT HEALTHY HABITAT IN THE LANDSCAPE

Intent

Supporting and creating habitat strengthens a network of ecologically productive landscapes. Designing landscapes that are well adapted to unique microclimates of a project can help provide natural food sources and cover from predators and inclement weather and mitigate the effects of human disturbance on wildlife populations.

GUIDELINES

- a. Preserve large trees and other significant existing vegetation that contributes to larger biological and ecological systems.
- b. Design plantings to support stormwater retention, infiltration and aquifer recharge.
- c. Promote biodiversity through plantings that attractive to birds, pollinators and other wildlife.
- d. Prioritize low maintenance, drought resistant native plantings.

Hawley Cove Park in Bainbridge Island protects native forest and wetland that provide rich wildlife habitat and connect to other natural shoreline areas.



This house on Whidbey Island uses a sustainable approach to site impact and visual character through rainwater reuse, native vegetated roof, and contextual ecological habitat.



L6

PRESERVE AND ENHANCE IMPORTANT VIEWS AND VIEW CORRIDORS

Intent

For some sites in Bainbridge Island, views of the water, mountains and forested areas are defining features. Landscape design should be sensitive to existing view corridors, take advantage of views, and reinforce visual connections with the public realm.

GUIDELINES

- a. Preserve existing views and view corridors, locating new trees to frame, focus and/or complement views and view corridors.
- b. Take care to prevent view blockage from the public realm, using lower scale plantings where appropriate and pruning existing trees with best practices of limbing-up rather than topping.
- c. Design landscaped areas to complement territorial views, using vegetated roofs where appropriate to mitigate views of roofs.
- d. Locate streets to capture distinctive views and create new viewpoints.

Eagle Harbor Waterfront Park provides waterfront access and views from trails and gathering spaces while retaining existing trees and using low-lying native plantings.



DATA 1 in Seattle complements and highlights views under the Aurora Bridge with lower scale plantings and careful placement of trees and light fixtures.



5

STREET TYPES & FRONTAGES

Introduction

Each public street in Bainbridge Island has a distinct character that is defined by the configuration of the right-of-way and the building frontages, public and open spaces and landscape that form the edges of each street. This chapter focuses on improvements related to new development or redevelopment that shape the pedestrian realm and the buildings that contribute to a distinct streetscape, and together reflect a desired future state for the street. The guidelines in this chapter are intended to inform design decisions on-site and in the public right-of-way that contribute to the character and experience of the streetscape. The street types, frontages and guidelines described in this chapter do not replace or supersede the requirements of the "City of Bainbridge Island Engineering Design and Construction Standards and Specifications".

Key streets on the island are categorized into street types that are not defined by the same conditions, but share a similar vision and raise similar design considerations. Each street type defines common characteristics and guidelines that offer design direction and align with the vision for these streets. The street types regulate building orientation and façade design through specific building frontage typologies that are permitted only on certain street types. These building frontages outline how buildings should relate to each street and contribute to the public realm through greenery, public spaces, and entries consistent with the character of each street type.

STREET TYPES

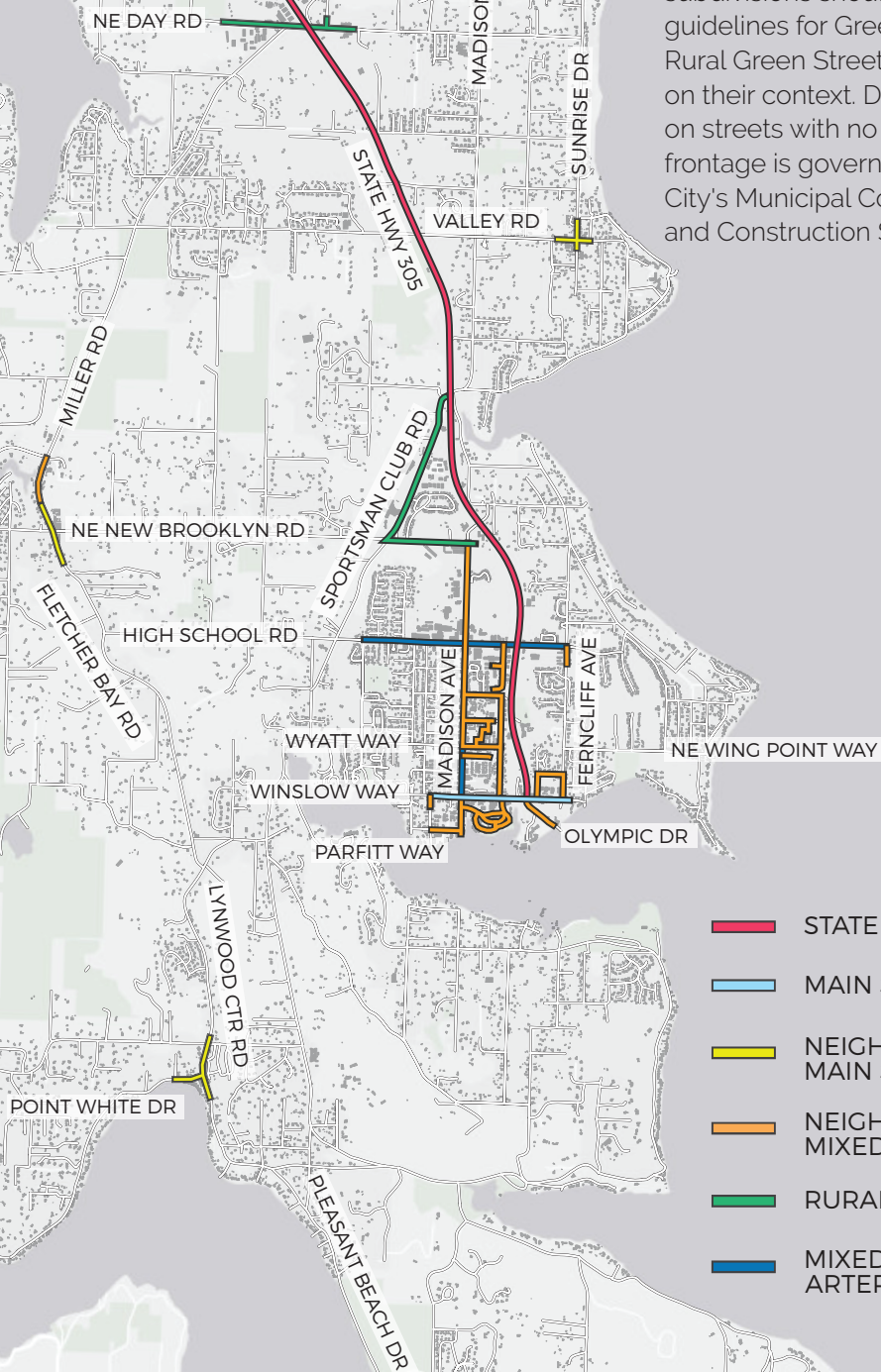
- 1 State Route
- 2 Main Street
- 3 Neighborhood Main Street
- 4 Neighborhood Mixed Use
- 5 Mixed Use Arterial
- 6 Rural by Design
- 7 Green Street
- 8 Rural Green Street

FRONTAGE TYPES

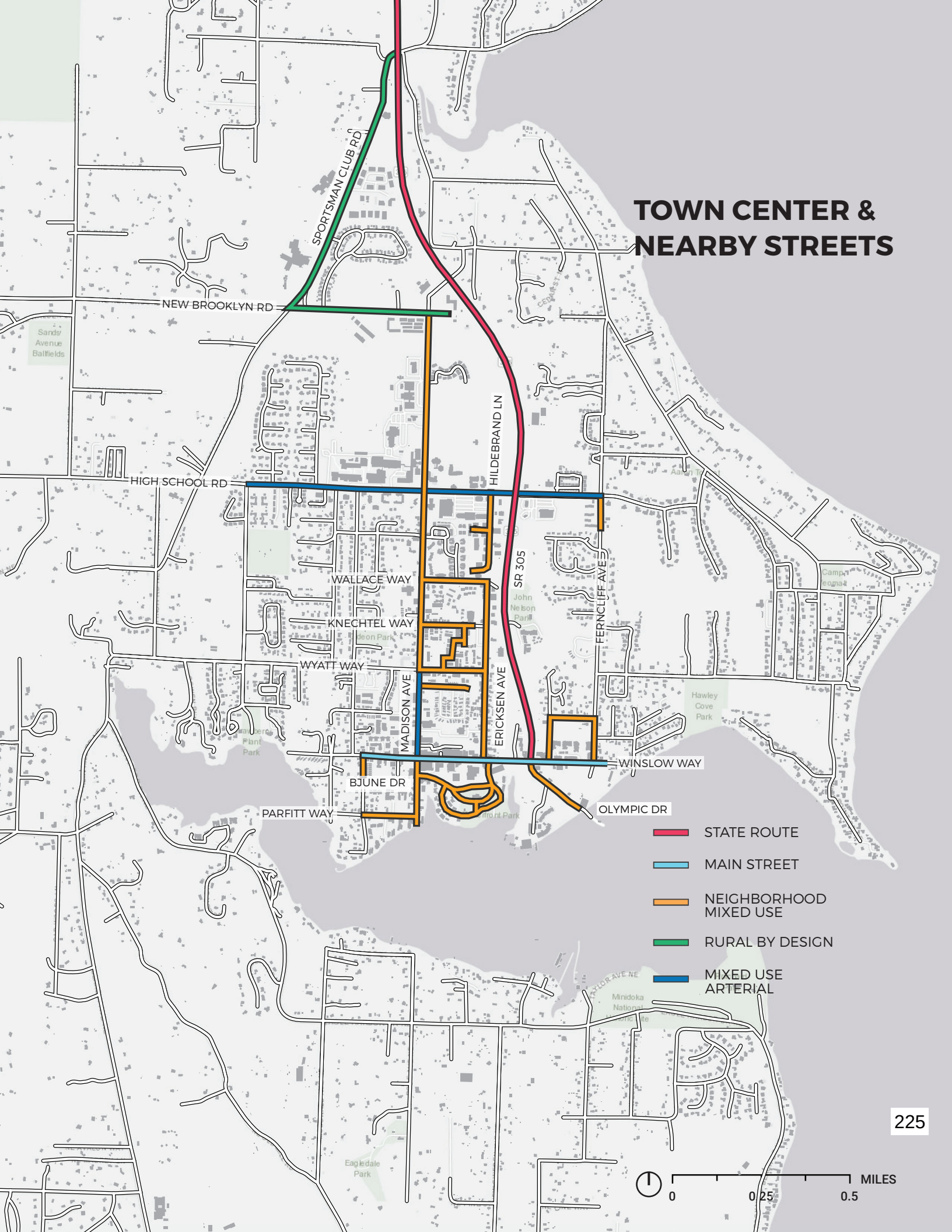
- 1 Linear / Storefront
- 2 Landscape
- 3 Plaza
- 4 Forecourt
- 5 Stoop / Terrace
- 6 Vegetated Buffer
- 7 Parking

Street Types

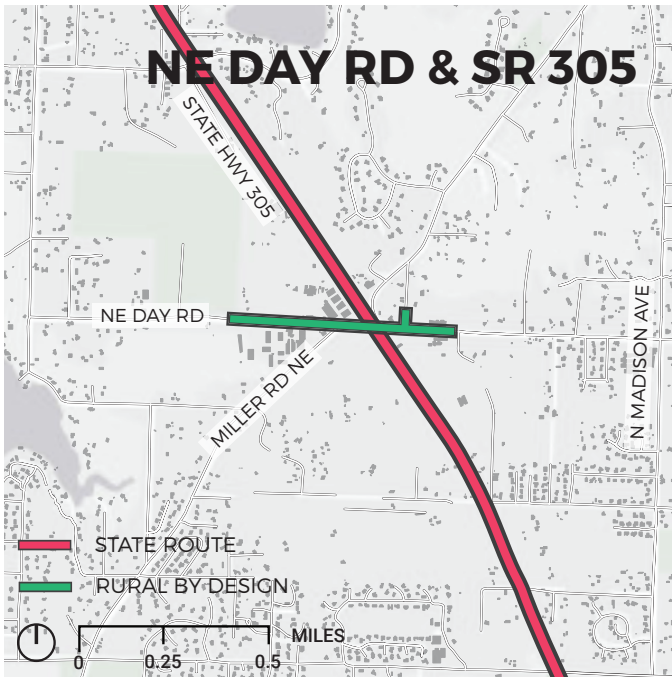
This map shows the assigned street types for sections Bainbridge Island's major thoroughfares. Design for new streets as part of site plans or subdivisions should follow the guidelines for Green Streets or Rural Green Streets types based on their context. Development on streets with no designated frontage is governed by the City's Municipal Code, Design and Construction Standards.



TOWN CENTER & NEARBY STREETS



- STATE ROUTE
- MAIN STREET
- NEIGHBORHOOD MIXED USE
- RURAL BY DESIGN
- MIXED USE ARTERIAL





1

STATE ROUTE

CHARACTERISTICS

- a. Lane configuration per WSDOT
- b. No pedestrians or activation at edge
- c. Limited access

GUIDELINES

- a. Minimize direct access from private property
- b. Support off-road trail system
- c. Restore native vegetation
- d. Preserve and enhance Pacific Northwest forested character
- e. Conform with state signage laws
- f. Minimize site disturbance

2

MAIN STREET



CHARACTERISTICS

- a. On-street parking
- b. Wide sidewalks
- c. Building to property line
- d. Many glazed storefronts
- e. Varied architectural style
- f. Pedestrian through-routes
- g. Fine-grained scale

GUIDELINES

- a. Encourage activation of street frontage
- b. Encourage through-routes
- c. Integrate landscape and public art

3

NEIGHBORHOOD MAIN STREET



CHARACTERISTICS

- a. Walkable neighborhood node
- b. Sidewalk or other dedicated pedestrian facilities

GUIDELINES

- a. Develop on-street parking
- b. Activate the street with pedestrian oriented street level uses such as storefronts, restaurants, galleries etc.
- c. Activate area between buildings and right-of-way with seating, art, gardens
- d. Encourage sidewalks or other high quality pedestrian facilities

4

NEIGHBORHOOD MIXED USE



CHARACTERISTICS

- a. Lower traffic volume
- b. Typically walkable/bikeable route to access the downtown and ferry
- c. Varied building frontage types
- d. Generally landscaped edges

GUIDELINES

- a. Infill or add to pedestrian and bike connections
- b. Provide a landscaped setback to buffer residential uses
- c. Enhance the varied character

5

MIXED USE ARTERIAL



CHARACTERISTICS

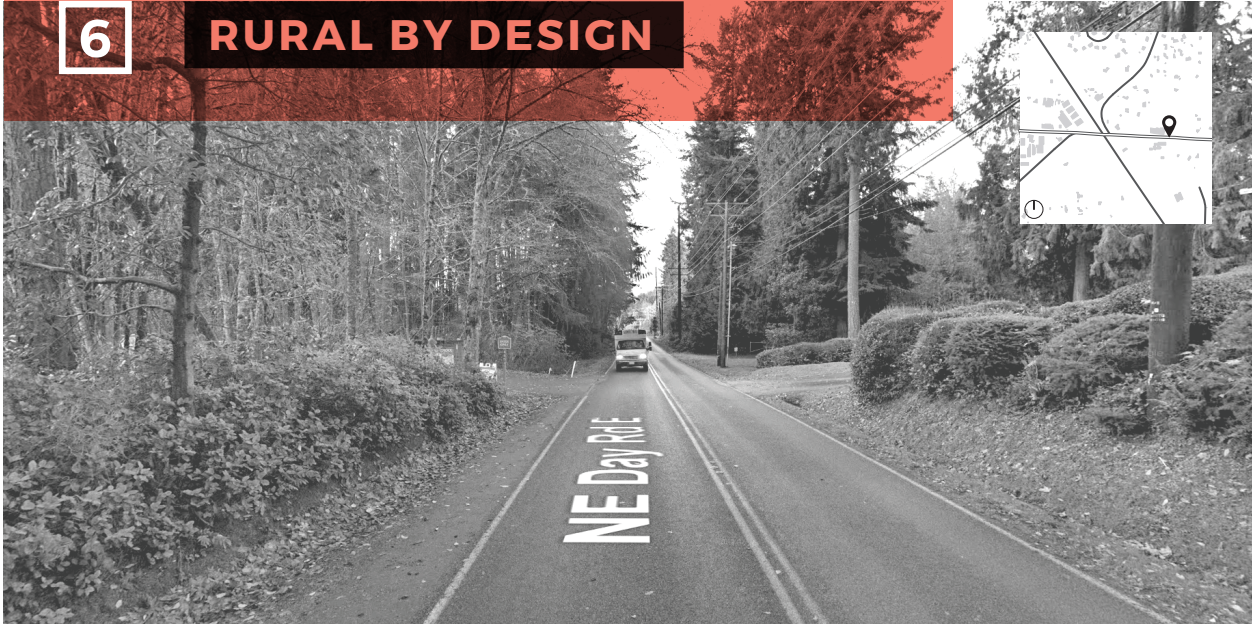
- a. Arterial level street capacity
- b. Varied land uses
- c. Varied edge conditions

GUIDELINES

- a. Provide landscaped setback to buffer residential uses
- b. Provide, curb, gutter, sidewalk bike lane
- c. Minimize curb cuts
- d. Create on-street parking where appropriate

6

RURAL BY DESIGN



CHARACTERISTICS

- a. Pedestrian shoulder or trail wherever possible
- b. Green edge conditions
- c. Narrow travel lanes

GUIDELINES

- a. Retain green edge conditions and character
- b. Protect or create swale drainage
- c. Retain pedestrian shoulder or trail wherever possible
- d. Maintain native vegetation

7

GREEN STREET



DESCRIPTION

The green street is intended to serve as a model for interior streets as part of subdivisions and larger commercial developments in commercial, industrial, mixed use and urban residential districts. It is not a designation for existing public streets, but included to guide street design as part of new development.

The examples on the following page show the application of Green Street guidelines for different types of roads, and accessways.

GUIDELINES

- a. Minimize impervious cover and consider permeable paving
- b. Integrate stormwater infiltration and retention into landscaped areas
- c. Use curb alternatives to channel runoff into landscaping
- d. Keep traffic speeds low with narrower travel lanes.
- e. Emphasize pedestrians and open space as part of a shared space
- f. Minimize paved area with shared driveways, access and parking areas.
- g. Use trees to transpire water and mitigate heat island effects

EXAMPLE: SHARED STREET



Heavily landscaped shared pedestrian, bike, and vehicle street with large rain gardens and infiltration areas, and curb alternatives that channel stormwater into drainage and landscape areas

EXAMPLE: SHARED ALLEY ACCESS



Internal garage access via a shared alleyway with distinct paving and substantial rain gardens without curbs or with gaps in curbs and grading to direct runoff into landscape areas.

8

RURAL GREEN STREET**DESCRIPTION**

The rural green street is intended to serve as a model for interior streets as part of subdivisions in non-urban residential districts. It is not a designation for existing public streets, but included to guide street design as part of new development.

GUIDELINES

- a. Minimize impervious cover and consider permeable paving
- b. Create a soft edge along the street and direct runoff into landscaped areas
- c. Mitigate erosion along slopes and banks with vegetation and permeable stone fill
- d. Integrate stormwater infiltration and retention into landscaping
- e. Create a comfortable walking environment with lower traffic speeds
- f. Use trees to transpire water and mitigate heat island effects

Building Frontages

Each street type is associated with a set of building frontages that would be permitted along streets of that type. Permitted frontage types for designated street typology, and the setbacks for each frontage type are shown in Table 1 below.

Each building frontage specifies an appropriate setback that applies across all street types. **On designated streets these required setbacks will supersede setback requirements contained in the Bainbridge Island Municipal Code.**

TABLE 1:

PERMITTED FRONTAGES BY STREET TYPE & SETBACKS

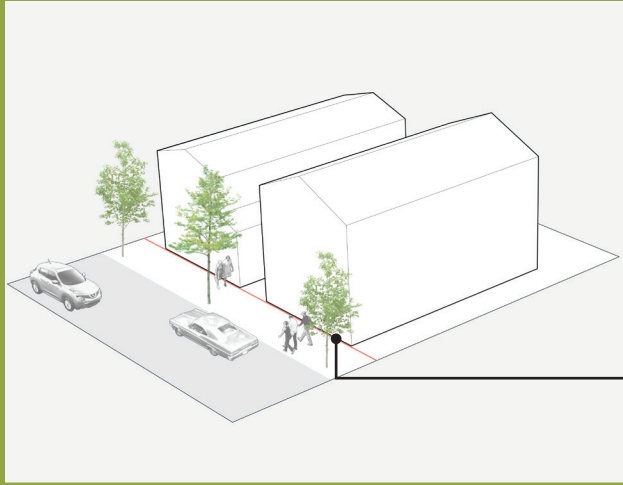
	LINEAR / STOREFRONT	LANDSCAPE	PLAZA	FORECOURT	STOOP / TERRACE	VEGETATED BUFFER
STATE ROUTE						✔
MAIN STREET	✔		✔	✔		
NEIGHBORHOOD MAIN STREET	✔		✔	✔		
NEIGHBORHOOD MIXED-USE	✔	✔	✔	✔	✔	
MIXED-USE ARTERIAL	✔	✔	✔	✔	✔	
RURAL BY DESIGN		✔				✔
SETBACK BY FRONTAGE	0 FT	10 FT - 20 FT	10 FT - 20 FT	0 FT	5 FT - 15 FT	25 FT - 50 FT

COURTYARD WIDTH: 10 FT - 30 FT

COURTYARD DEPTH: 10 FT - 30 FT

1

LINEAR / STOREFRONT

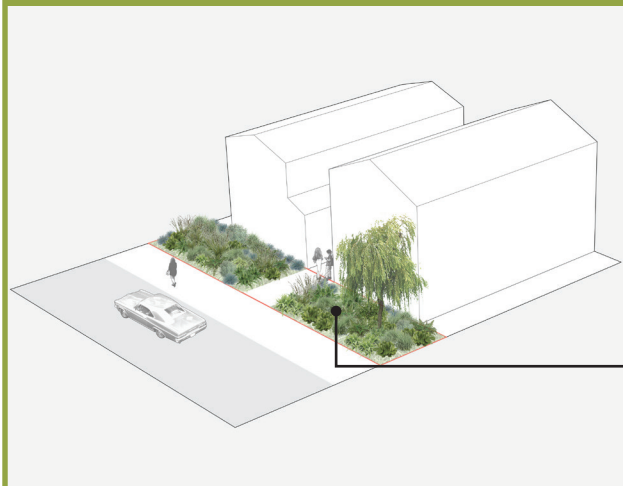


The linear or storefront building frontage has no setback from the right-of-way. It is the primary building frontage for pedestrian-oriented retail streets and is appropriate for active ground floor uses as part of non-residential or mixed-used development.

SETBACK: 0 Feet

2

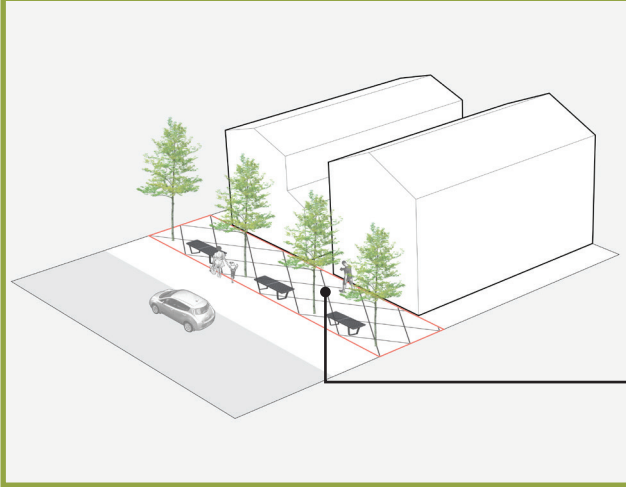
LANDSCAPE



The landscape building frontage includes a landscaped setback between the building and the right-of-way. This frontage type is permitted on mixed-use and residential streets and is appropriate for office and residential uses particularly when on the ground floor.

SETBACK: 10 - 20 Feet

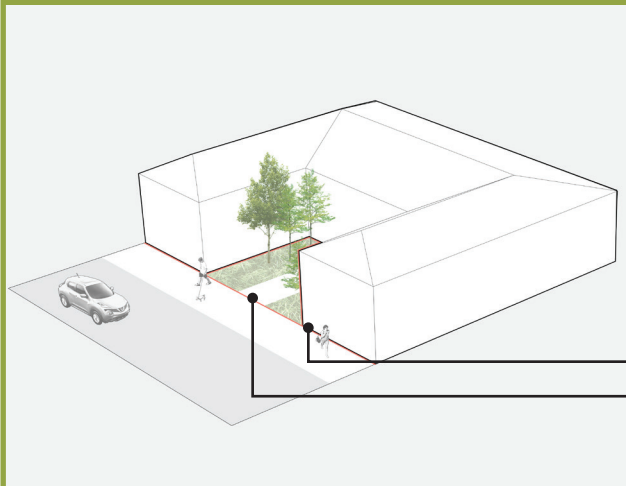
3 PLAZA



The plaza building frontage includes a pedestrian-oriented public space in the setback between the building and the right-of-way. This frontage type is permitted on retail and mixed-use streets and is appropriate for active uses such as retail, dining or civic and cultural uses. The plaza must contribute to and welcoming streetscape, and should support human activity, with amenities such as seating, outdoor dining and activation.

SETBACK: 10 - 20 Feet

4 FORECOURT



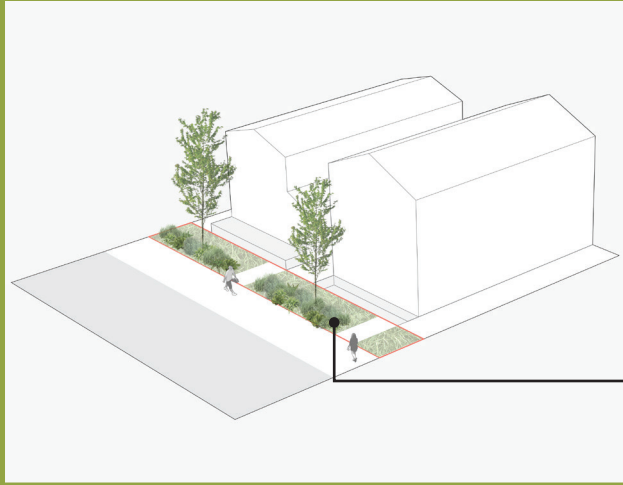
The forecourt building frontage has a defined open or public space at the entrance along the right-of-way. This frontage type is permitted along retail and mixed-use streets and is appropriate for a wide range of land uses and mixed-use development.

SETBACK: 0 Feet

COURTYARD: 10 - 30 Feet Depth
10 - 30 Feet Width
Must contain primary building entrances and open onto the primary public street

5

STOOP / TERRACE

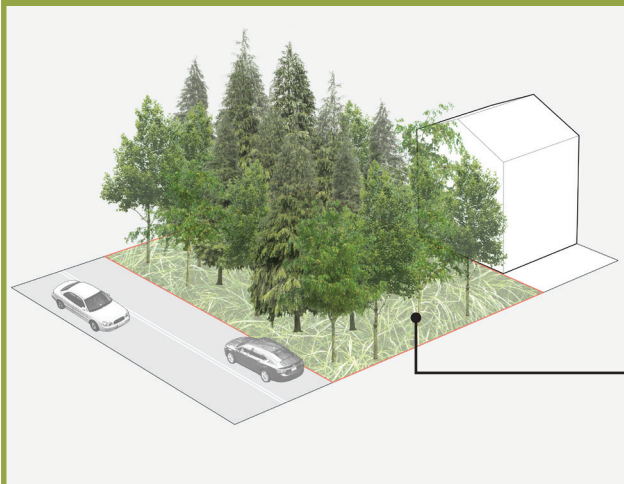


The stoop / terrace building frontage includes a landscaped setback from the right-of-way that accommodates a porch, stoop or terrace at the building's primary entrance. This frontage type is permitted on mixed-use and residential streets and is appropriate for residential and non-retail commercial uses.

SETBACK: 5 - 15 Feet

6

VEGETATED BUFFER



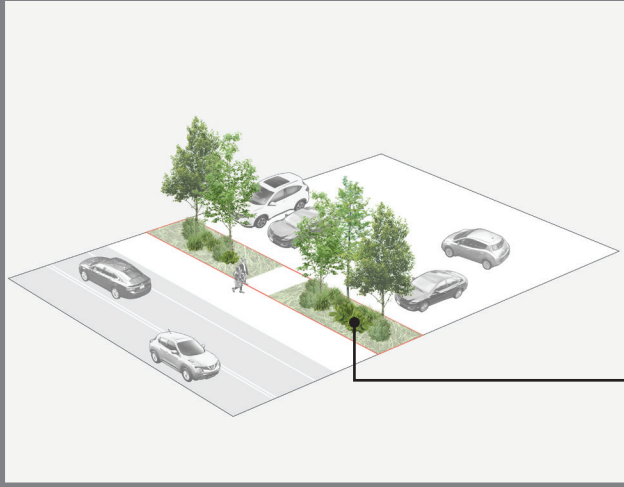
The vegetated buffer building frontage uses a deep setback to screen development from the right-of-way. This is the only frontage type permitted on SR 305, where access is limited, and it also appropriate for light industrial and inactive non-residential uses on Rural by Design streets. Vegetated buffers can be either natural, where vegetation has arisen naturally or deliberately landscaped to provide an effective screen where there is little natural context.

SETBACK: 25-50 Feet

NATURAL: Preserve or restore native vegetation consistent with conditions and species nearby.

LANDSCAPE: Create a landscaped screen with trees and understory plantings that are native or drought tolerant and compatible with the local microclimate.

PARKING



The parking frontage is the only frontage type with parking along the right-of-way. This frontage type is permitted only as an interim condition, where other frontages may be infeasible with parking requirements where a departure may be necessary. A landscaped area with trees and understory plantings is required between the right-of-way and the parking area.

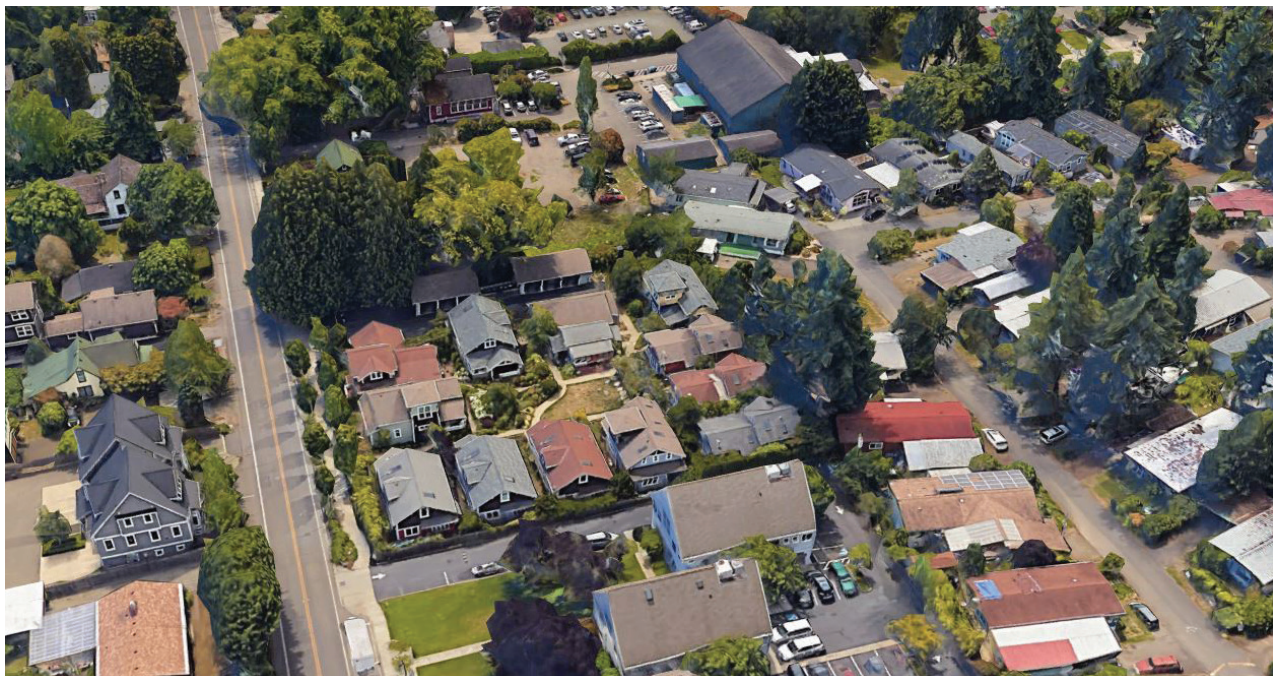
SETBACK: 10 Feet Minimum

6

SUBDIVISION GUIDELINES

Introduction

The subdivision guidelines in this chapter and green street guidelines in the previous chapter support implementation of the City's subdivision standards contained in [BIMC 17.12](#). Only the guidelines in this chapter and those relating to green streets in the previous chapter apply to subdivisions. The subdivision guidelines provide additional guidance and flexibility in meeting the subdivision standards based on the site and surrounding context.



TOPIC	GUIDELINE
ISLAND CHARACTER	Intent: Preserve and maintain Island character. Guideline: Subdivisions should advance <i>Design for Bainbridge's</i> values and guiding principles and reflect the special character of the island which includes downtown Winslow's small town atmosphere and function, neighborhood centers, historic buildings, extensive forested areas, meadows, farms, marine views and access, and scenic and winding roads supporting all forms of transportation.
NEIGHBORHOOD CONTEXT	Intent: To reflect and/or enhance the context provided by existing roadway character and neighboring properties. Guideline: Site design should be informed by the context analysis and support the purpose of the zoning district in which the development is located, complement the existing character of specific neighborhoods, provide continuity with adjoining properties and, where necessary, provide transition between land uses and protect privacy of residents on adjacent properties.
NATURAL AREA	Intent: To incorporate forested and/or other natural areas into site design in such a way that ecological and aesthetic integrity, qualities, and values are preserved or restored. Guideline: The required natural area shall be treated as a feature intrinsic to the subdivision design in order to maintain existing on- and off-site ecological processes and provide an asset of value to subdivision residents.
NATURAL SITE CONDITIONS	Intent: To preserve and integrate existing natural site patterns and features throughout the site. Guideline: Site development should be designed to preserve and integrate the natural conditions of the site, including existing topography, native trees and vegetation, drainage patterns, and ecological features based on an inventory and analysis of existing conditions. Homesite and infrastructure placement should complement natural topography and retain native vegetation to the maximum extent feasible.

TOPIC	GUIDELINE
HISTORIC AND CULTURAL RESOURCES	Intent: To preserve important historic and cultural resources. Guideline: Site design should maximize opportunities for preserving historic and cultural structures, and retain historic landscape features and connections
STORMWATER	Intent: Integrate stormwater facilities in site design with emphasis on infiltration and dispersion practices Guideline: Stormwater facilities should utilize existing drainage patterns and be designed as a site amenity, where feasible. Low impact development practices should be used throughout the site to minimize the size of ponds or vaults. Open stormwater facilities (ponds and bioswales) should provide a natural appearance through layout, design and landscape treatment, including shallow side slopes, curvilinear configuration, and use of native vegetation.
SEPTIC SYSTEMS	Intent: To minimize impact of septic facilities. Guideline: Design and locate sewage facilities to minimize site disturbance and native vegetation removal and utilize shared systems where feasible.
WATER CONSERVATION	Intent: To protect the Island's finite groundwater resources and adapt to the impacts of a changing climate. Guideline: Water conservation measures shall be considered in site design including use of native and drought tolerant vegetation, rainwater capture, and water reuse.
COMMUNITY SPACE	Intent: To promote a shared sense of community. Guideline: Community spaces should function as an integral part of the development.
CLUSTER HOMESITES	Intent: To promote interaction within the community and facilitate the efficient use of land by reducing disturbed areas, impervious surfaces, utility extensions and roadways. Guideline: Homesites in long subdivisions should be grouped together unless the lay of the land and designation of the natural area suggest a dispersed homesite design.

TOPIC	GUIDELINE
SOLAR ACCESS	Intent: To provide solar access for wellbeing and energy production. Guideline: Site design, including street, lot, and homesite layout and orientation, should allow for passive and active solar access. Massing of buildings, tree retention, and introduced vegetation should take into account the effects of shade.
ACCESS AND CIRCULATION	Intent: To provide a practical and pleasant network of multi-modal circulation. Guideline: Pedestrian and bicycle connections to various parts of the development, the surrounding road or trail network, and adjacent parcels should be included in site design. Where possible these connections should take advantage of significant views.
MOTOR VEHICLES	Intent: To minimize the prominence of motor vehicle use and storage. Guideline: Site design and features related to motor vehicle use and storage should be minimized. Site design should consider shared driveways, minimum road widths, traffic calming measures such as Woonerfs and chicanes, and shared or clustered parking areas or structures.
HOMESITE DESIGN	Intent: To efficiently configure building footprint(s) and allowed uses within a homesite. Guideline: Homesite configuration should consider compact and energy-efficient home and site design with massive houses on small lots strongly discouraged.
DIVERSITY IN HOUSE DESIGN	Intent: To provide a range of home sizes and designs to achieve diversity in visual appearance and affordability. Guideline: House designs should be varied in size, massing, and frontage character using methods such as varied floor plans, staggered front yard setbacks, building modulation, and changes in exterior materials. Houses should display shared architectural features to establish continuity and harmony.
FACING PUBLIC STREETS	Intent: To reinforce neighborliness of homes along a public street. Guideline: Houses along interior public streets should orient the entry toward the street and avoid the use of solid walls and fences. Garages along the front façade should be de-emphasized by recessing vehicular entrances or locating the garage behind or on the side of the house.

7 SUPPLEMENTAL STANDARDS + GUIDELINES

Introduction

The supplemental standards and guidelines in this chapter are intended to address specific conditions of the site and surrounding context that require additional design guidance to ensure compatibility of new development. These conditions include larger sites (over 1 acre in size), historic places, and civic uses that each present unique design challenges and opportunities. New development and redevelopment that include these specific conditions are required to conform to the design Design Standards and Design Guidelines in this chapter in addition to those outlined earlier in this document.



Larger Sites

Intent: To develop larger sites (over 1 acre) to fit within the surrounding context and reinforce desired patterns of development including street typologies, frontage types, and minimizing the visual and physical impact of parking on the public realm.

STANDARD

1

Design the site by clustering buildings and arranging them with frontages on public streets, public spaces, or open space.

GUIDELINES

- a. Parking is not visible from the public realm.
- b. Use landscaping to buffer and minimize the visual impact of parking.
- c. Locate parking under the building.
- d. Provide on-street parking on public streets.
- e. Provide a series of smaller groupings of parking to minimize the visual and functional impacts.

Shopping center retail in University Village in Seattle is oriented toward public spaces and streets with human scale design and pedestrian amenities



STANDARD

2

Design sites to minimize the visual impact of parking on the public realm

GUIDELINES

- a. Design the site so buildings front on a public street.
- b. Design the site with buildings fronting on a public space with a variety of activities and functions.
- c. Design the site with buildings fronting on public or semi-public open space with human-scaled design elements.

Parking in University Village is located in screened parking structures with active uses at the base



Historic Places

Intent: To ensure that new and infill development are compatible with historic areas, sites, and buildings on the Island. Historic properties are those with structures that are 50 years or older and would be eligible for the national, state or local register of historic places, or sites that are listed on those registers.

STANDARD

1

Design the site, building(s), and landscape to be compatible with historic buildings without directly mimicking historic architectural styles.

GUIDELINES

- a. Use site design, massing, height, rooflines, pedestrian entrances, materials, and colors to complement historic places.
- b. Design sites and buildings in historic areas to meet the Secretary of the Interior's standards for modifications to existing historic buildings and infill development.
- c. Design buildings to be consistent with the scale of nearby historic buildings or districts based on the context analysis.
- d. Consider historic landscaping that contributes to the context of historic buildings.



A new building in Rolling Bay complements the scale and architecture of the historic Bay Hay & Feed.

STANDARD

2

Maintain the historic integrity of buildings over 50 years old listed or eligible for the national or local register of historic places.

GUIDELINES

- a. Minimize alterations to historic buildings and properties that are inconsistent with the original design of the building.
- b. Restore buildings to their original historic design elements when previously altered.

Reference the City of Bainbridge Island's website for historic listings on the local and state registers: [HERE](#)



A conversion of a historic guardhouse in Fort Ward retains the historic facade and detailing of the original building.

Civic Uses

Intent: The design of civic uses and public spaces should be prominent, highlight their unique role in the community and reflect local values and civic identity. Civic projects should maximize opportunities for public benefits through integrated design.

STANDARD

1

Design civic uses and sites to reflect and contribute to their function and role in the community while being clearly identifiable as a civic use.

GUIDELINES

- a. Locate civic uses in prominent locations (such as in Downtown Winslow), and design them to serve as landmarks unless their use and function warrants another location.

City Hall, located in Downtown Winslow, is a clearly identifiable public building with glazing and a clear public entrance along Madison Ave.



STANDARD

2

Design civic sites and buildings to serve multiple functions such as public space, community gatherings, public art, and other compatible uses.

GUIDELINES

- a. Civic uses may use unique frontage types to highlight uses, and public amenities with larger open spaces, gardens, art and other elements between the street and the building.
- b. Integrate public open space in the design of civic sites including plazas, parks, seating areas, natural areas, and other amenities.

The Historical Museum offers a gathering space and a place to interact with parts of the Island's history.



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COVER	Coates Design Architects	
Design on Bainbridge		
PG 1: Design on Bainbridge	WikiMedia Commons	
PG 2: Design on Bainbridge	Framework	
PG 3: Values and Principles	Framework	
Context Analysis		
PG 17: Context Analysis	The Island Gateway	
Site Design		
PG 22: Site Design	APsystems Solar / A+R Solar	
PG 23: Site Design - S1	TOP: Berger Partnership	BOTTOM: Berger Partnership
PG 24: Site Design - S2	TOP: Seattle Public Utilities	BOTTOM: PWL Partnership
PG 25: Site Design - S3	TOP: Wenzlau Architects	BOTTOM: Framework
PG 26: Site Design - S4	TOP: Framework	BOTTOM: Framework
PG 27: Site Design - S5	TOP: Framework	BOTTOM: Framework
PG 28: Site Design - S6	TOP: Framework	BOTTOM: Framework
Public Realm		
PG 29: Public Realm	Framework	
PG 30: Public Realm - P1	TOP: Camelia Apartments	BOTTOM: Southern Living
PG 31: Public Realm - P2	TOP: Framework	BOTTOM: Flatrock Productions
PG 32: Public Realm - P3	TOP: Berger Partnership	BOTTOM: Curbed Los Angeles
PG 33: Public Realm - P4	TOP: Framework	BOTTOM: Framework
PG 34: Public Realm - P5	TOP: Framework	BOTTOM: Framework
PG 35: Public Realm - P6	TOP: Building Salt Lake	BOTTOM: Framework

PAGE: Section	POSITION: Source	POSITION: Source
Building Design		
PG 36: Building Design	CTA Design Builders Inc.	
PG 37: Building Design - B1	TOP: Coates Design Architects	BOTTOM: Framework
PG 38: Building Design - B2	TOP: Wenzlau Architects	BOTTOM: Culter Anderson Architects
PG 39: Building Design - B3	TOP: Framework	BOTTOM: Framework
PG 40: Building Design - B4	TOP: Kriegh Architects	BOTTOM: Framework
PG 41: Building Design - B5	TOP: Framework	BOTTOM: Johnston Architects
Landscape		
PG 42: Landscape	Berger Partnership	
PG 43: Landscape - L1	TOP: Berger Partnership	BOTTOM: Miller Company Landscape Architects
PG 44: Landscape - L2	TOP: Uptown Normal	BOTTOM: Framework
PG 45: Landscape - L3	TOP: SvR Design Company	BOTTOM: Berger Partnership
PG 46: Landscape - L4	TOP: Berger Partnership	BOTTOM: Berger Partnership
PG 47: Landscape - L5	TOP: Bainbridge Island Parks & Recreation	BOTTOM: Berger Partnership
PG 48: Landscape - L6	TOP: Walker Macy	BOTTOM: Framework

PAGE: Section	POSITION: Source	POSITION: Source
Street & Frontage Types		
PG 50: Street Types	Framework	
PG 51: Street Types	Framework	
PG 52: Street Types	TOP LEFT: Framework	TOP RIGHT: Framework
PG 52: Street Types	BOTTOM LEFT: Framework	BOTTOM RIGHT: Framework
PG 53: Street Types - 1	Google, 2019	
PG 54: Street Types - 2	Google, 2019	
PG 55: Street Types - 3	Google, 2019	
PG 56: Street Types - 4	Google, 2019	
PG 57: Street Types - 5	Google, 2019	
PG 58: Street Types - 6	Google, 2019	
PG 59: Street Types - 7	Kevin Robert Perry, Urban Rain Design	
PG 60: Street Types - 7	TOP: Google, 2019	BOTTOM: City of Auckland, NZ
PG 61: Street Types - 8	Framework	
PG 63: Building Frontages	TOP: Framework	BOTTOM: Framework
PG 64: Building Frontages	TOP: Framework	BOTTOM: Framework
PG 65: Building Frontages	TOP: Framework	BOTTOM: Framework
PG 66: Building Frontages	Framework	
Subdivision Guidelines		
PG 67: Subdivision Guidelines	Google, 2019	
Supplemental Guidelines		
PG 71: Supplemental Guidelines	Google, 2019	
PG 72: Supplemental Guidelines	TOP: Hewitt Architects	BOTTOM: Hewitt Architects
PG 73: Supplemental Guidelines	TOP: Framework	BOTTOM: Jennifer Pells
PG 74: Supplemental Guidelines	TOP: Framework	BOTTOM: Framework

DESIGN FOR BALNBRIDGE

DESIGN REVIEW
MANUAL



CITY OF
BAINBRIDGE ISLAND

City Council Study Session Agenda Bill

MEETING DATE: September 17, 2019

ESTIMATED TIME: 30 Minutes

AGENDA ITEM: (9:00 PM) Consider Changes to Annual Funding and Master Lease with Friends of the Farms
- Executive,

STRATEGIC PRIORITY: Green, Well-Planned Community

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Discussion

PROPOSED BY: Executive

RECOMMENDED MOTION:

Discussion.

SUMMARY:

In 2018, Friends of the Farms (Friends) requested that the City provide direct operating support to their organization. Friends requested an annual payment of \$65,000 in 2019 with continuing support in future years. The Council decided to fund Friends for one year at the amount of their request, with the commitment to discuss the question of ongoing operating support in 2019. Amendment No. 1 to the Master Lease, providing for the one year of funding, was executed on February 6, 2019.

The 2020 Adopted Budget does not currently include operating support for Friends of the Farms. Friends has requested that Council provide \$72,000 in 2020, and that the master lease be revised to provide that the annual payment be adjusted annually by CPI. Friends is also requesting that the Council consider amending the master lease to change and clarify other sections, or replace the lease with a property management agreement.

This topic was discussed at the July 16, 2019 Study Session. At that time, Friends agreed to provide additional information regarding the programs, staff activities, and budget of the Friends organization. This information is attached to this item. Also at that meeting, City staff agreed to research how other jurisdictions perform and pay for public farmland management. This information is also attached as a staff memo.

FISCAL IMPACT:

Amount:	\$72,000 for 2020
Ongoing Cost:	\$72,000 increasing annually by CPI
One-Time Cost:	
Included in Current Budget?	No

BACKGROUND: In 2018, Friends of the Farms (Friends) requested that the City provide direct operating support to their organization. The Council agreed to provide operating support for one year, with the understanding that additional conversation would occur related to future years. Since 2012, Friends has acted as the City's property manager for 60 acres of public farmland without compensation beyond the rents collected from sub-lessors, as provided in the master lease.

Friends requests that the City and Friends move towards a fee for service arrangement for property management services. Friends requests an annual payment starting in 2020 of \$72,000 adjusted annually by CPI.

Along with the funding request, Friends is requesting the City consider several revisions to the lease.

The requests fall into the following general categories:

- **Scope:** Friends would like to narrow the lease to reflect solely the property management responsibilities of the organization.
- **Repair and Maintenance:** Friends would like to include new language to carefully delineate the responsibilities for repair and maintenance and capital investments for the property covered by this lease.
- **Budget:** Friends would like ongoing operating financial support from the City. In 2019, the City will pay a total of \$65,000 to Friends for property management services. This supports 54% of two positions (the Executive Director and Farm Program Manager), as well as direct costs for general repairs and maintenance to the property covered by this lease, and portions of Friends' overall budget for general operating expenses.

City staff have researched how other jurisdictions approach this issue. We have discovered that the City's approach is somewhat unusual due to the small amount of farmland we own, and the payment structure proposed. Additional information is provided in the attached staff memo.

ATTACHMENTS:

[Staff Memo Annual Payment to FOF for 09172019 - FINAL](#)

[FOF Budget Detail for Management Fee Request for CC 09172019](#)

[FOF Executive Director Activities for Public Farmland](#)

[FOF Program Manager Activities for Public Farmland](#)

[FOF Non-COBI Programs and Activities](#)

[FOF Sublease Rate Calculations](#)

[FOF Farmland Management Agreement Comparables](#)

FISCAL DETAILS: The 2019 budget includes \$65,000 in direct operating support to Friends of the Farms. Friends of the Farms manages subleases on five City farm properties and also provides management at other properties.

In addition, the City budgets for special projects as needed, as well as roughly \$40,000 in each year of the biennium, (a total of \$140,000 in project funding 2019-2020) to pay for major repair and ongoing maintenance at the City's publicly owned farmland properties. The City also provides roughly \$10,000 in staff time to plan and deliver these projects.

Fund Name(s): General Fund

Coding:



Executive Department Memorandum

Date: September 17, 2019

To: City Council
Morgan Smith, City Manager

From: Donnie Strohfus, Management Intern
Ellen Schroer, Deputy City Manager

Subject: Friends of the Farms Annual Funding and Lease Update Requests

BACKGROUND: The City of Bainbridge Island (City) owns 60 acres of farmland in seven parcels across the Island, of which 21 acres are leased to nine farm operations. These properties are managed by a non-profit organization, Friends of the Farms (FOF), according to a Master Lease Agreement (Master Lease) originally signed in 2011. Under that agreement and per the terms of the lease, FOF has acted as property manager for the City's public farmland without compensation beyond rents collected from sub-lessees. The Master Lease does not provide for a direct payment from the City to FOF, however, in 2018 the City approved a one-time payment of \$65,000 for 2019, with the commitment to further discuss the issue of direct payment this year.

FOF has recently requested revising the Master Lease to update the scope of services and responsibilities of both parties and to provide an annual direct payment. FOF requests \$72,000 starting in 2020, to be increased annually by CPI.

At the July 16, 2019 City Council Study Session, City staff agreed to research comparable public farmland models and property management service fees to support the discussion of the request for an annual direct payment from the City to FOF.

SUMMARY/KEY FINDINGS:

- Most ownership-management models of public farmland in other local jurisdictions involve farmland owned by an entity other than the local government agency, and do not include direct financial support or payment for property management services.
- When the managing organization receives a management fee, the typical range of farmland property management fees is 5 to 10% of annual gross rent revenues for the managed property.ⁱ FOF projects \$17,753 of total earned income relating to lease and rents of the total public farmland.ⁱⁱ This would translate to roughly \$1,800 in annual support if calculated using the 10% fee approach.
- Additional revenue could be generated through use of the land for other activities (public or private). The amount of revenue would depend on the uses allowed, and the expense related to scheduling and event management would also be incurred by the managing organization.

ADDITIONAL FINDINGS:

The current partnership between FOF and the City, which includes a direct payment, appears to be unique to Bainbridge Island based on staff research.

Frequently, other models of farmland preservation involve the transfer of land ownership to public or private land trusts or utilize conservation easements to manage and preserve local farmland. Local government and conservation districts may provide data or planning assistance, or in some cases program grant funds, but we did not find another example of direct operational support to a management entity.

When a government agency retains ownership of local farmland and leases it for agricultural use, generally the public landowner manages the property through internal conservation programs and policies. Another approach is for the public landowner to provide access and use of the land to an external organization at little or no cost, with the organization assuming all responsibility for the costs of management and program activities. In this case, the managing organization may receive funding from grants, fundraising, or program-related earned revenue.

At the request of Council, FOF provided supplemental information in support of its request for a management fee for services – including staff activity descriptions, budget details, sublease calculations, and management information. This information provides further insight and detail into the operating activities and structure of Friends of the Farms.

CONCLUSION:

The arrangement between the City and Friends of the Farms is unusual in that it involves a relatively small amount of farmland (21 acres currently leased for farming and 39 acres available for a variety of community purposes), the City plans to retain ownership of the land, and there is a proposal for the City to also provide direct funds to the managing organization. FOF has requested this payment as a management fee based on its operating costs and programs.

Other models for public farmland management include the transfer of ownership from public to private organizations, organizations that receive revenue through grants, fundraising or other earned income, management fees calculated from rent, and use of conservation easements.

To respond to the FOF request, next steps could include evaluation of the programs and services offered by FOF, with Council direction on policy for the amount of direct annual payment to FOF, if any. FOF has provided several reports of staff activities and budget to assist with the Council review, which are also included in this agenda packet. The City and FOF amended the Master Lease to provide for payment in 2019; we could provide for further payment in 2020 under a similar arrangement with Council guidance as to the amount.

OTHER ORGANIZATIONS:

Staff performed a literature review and reached out by email and phone to organizations involved in public farmland programming and management. The following organizations and agencies represent examples of our findings:

- Washington State Department of Natural Resources (DNR) – Olympia, WA: Washington DNR manages the leasing and permitting of more than a million acres of agriculture and range lands in Washington state, as part of state-owned land trusts granted by Congress.ⁱⁱⁱ Prospective lessees apply for and competitively bid on available farmland, and DNR land and program managers actively work with lessees on land improvements, maintenance, and the preservation of ecosystem and soil stability. Revenue from leases, rents, and other agreements on these lands directly support program operations.^{iv}
- SnoValley Tilth (SVT) – Carnation, WA: SnoValley Tilth is a membership-based, nonprofit organization that provides farmland services – including professional development, consultation and advocacy, and land restoration – for local farmers in Snohomish and King County to support organic and sustainable food production.^v SVT does not own or lease farmland, but instead partners with private and public land-owners to restore and improve farmland in exchange for agricultural access for its members. SVT leases one of its two sites directly from King County for \$1 per month but receives no direct operating support.^{vi} SVT receives operating support from a combination of grants, program income (e.g., farmers markets, workshops, event fees), and donations and fundraising support.^{vii}
- Whidbey Camano Land Trust (WCLT) – Greenbank, WA: Whidbey Camano Land Trust is an accredited member of the Land Trust Alliance works with landowners on Whidbey Island, WA to conserve farmland, forests, coastal areas, wildlife habitat, and wetlands through conservation easements, land ownership transfers, or facilitated protection. WCLT partners with other agencies such as State or County Parks for facilitated protection projects but has no on-going stewardship roles with these projects.^{viii} WCLT funding is primarily private and corporate donations, as well as public grants and program revenue from county, state, and federal conservation programs.^{ix}
- PCC Farmland Trust – Seattle, WA: PCC Farmland Trust is a private, nonprofit land trust that works to conserve local farmland primarily through the purchase and sale of property with easement protections.^x PCC Farmland Trust does not generally lease land, but any leased property is with the intent of long-term ownership change, and includes provisions for maintenance and management fees based on the value of the land.^{xi} Operating support for the PCC Farmland Trust comes from donations, events, and land leased, earned, and investment income.^{xii}
- King County Farmland Preservation Program (FPP) – King County, WA: The King County Farmland Preservation Program permanently protects over 13,000 acres of prime county farmland. The FPP is a voluntary program in which property owners sell development rights to their property and agree to covenants that restrict their land use to agriculture or open space. The county holds the development rights in trust, and the program monitors compliance with covenants, reviews permits and other proposed activities, and continues to secure grant funding for program activities.^{xiii} The FPP receives funding primarily through bonding and the county general fund, as well as partnerships with local cities.^{xiv}
- Viva Farms – Mount Vernon, WA: Viva Farms is a nonprofit “Farm Business Incubator and Training Program” that provides land, training, and other resources for beginning farmers to

preserve local farmland and food systems.^{xv} Viva farms both owns and leases land for its activities, and directly manages the sub-leasing of farmland to its participating farmers. Viva Farms currently leases land from the Port of Skagit at fair market value in exchange for its use; they do not receive direct operating support from the Port of Skagit.^{xvi} Operations revenue for Viva Farms staff of 15 consists of federal grant awards, donations and fundraising, and program activities including food distribution, loan fund services, and sub-lease management.^{xvii}

- Seattle Tilth Alliance (STA) – Seattle, WA: The Seattle Tilth Alliance is a nonprofit that seeks to foster and grow equitable and sustainable local food systems in the Seattle area through educational programs, farmer training and resources, community gardens, and local farmers markets.^{xviii} The STA helps facilitate Seattle’s community gardens and in 2014 entered into an agreement with the City of Kirkland for the development of and operation of an urban agriculture and education center at McAuliffe Park. According to the agreement, STA is solely responsible for operating and development expenses in exchange for rent-free use of the park.^{xix} The STA operations revenue includes donations, grants, membership fees, and earned income through program activities.^{xx}
- South of the Sound Community Farmland Trust (SSCFLT) – Olympia, WA: SSCFLT is a private, membership-based nonprofit land trust that works to purchase farmland and then lease that land to farmers with long-term ground leases of 99-years.^{xxi} The Land Trust provides shared farm equipment and conservation oversight with part-time staff, a Work Board and active volunteers.^{xxii} Lessees can gain a return on investment for improvements by selling improvements to future lessees. SSCFLT is a member-based organization and depends on membership and donations for operation support.^{xxiii}

ⁱ “Considering Hiring a Farm Manager?”. *Farmland Investor Center*. 2019. Retrieved from www.farmlandinvestorcenter.com/landowner-resources/considering-hiring-a-farm-manager.

ⁱⁱ “Friends of the Farms Proposed 2020 Budget.” *Friends of the Farms*. 2019. Retrieved from legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/394832/Copy_of_HB-FOF_Operating_Support_Request_for_CC_07162019.pdf.

ⁱⁱⁱ “Agriculture and grazing on Washington’s trust lands.” *Washington State Department of Natural Resources*. 2009. Retrieved from www.dnr.wa.gov/publications/psl_ag_brochure.pdf?w770d.

^{iv} Larson, Bryan. “RE: Public Farmland Management.” Email. Received by Donnie Strohfus, 21 August 2019.

^v “SnoValley Tilth Strategic Plan 2017-2020.” *SnoValley Tilth*. 2017. Retrieved from www.snovalleytilth.org/wp-content/uploads/2016/12/SVT_Strategic-Plan_June-2017.pdf.

^{vi} Stratman, Sean. Phone interview. Conducted by Donnie Strohfus. 4 September 2019.

^{vii} “SnoValley Annual Report 2018.” *SnoValley Tilth*. 2019. www.snovalleytilth.org/wp-content/uploads/2019/07/SnoValley-Tilth-2018-Annual-Report.pdf

^{viii} “Saving Land.” *Whidbey Camano Land Trust*. 2019. Retrieved from www.wclt.org/our-story/saving-land/.

^{ix} “2018-2023 Land Protection Plan.” *Whidbey Camano Land Trust*. 2018. Retrieved from www.wclt.org/site/wp-content/uploads/2018/03/2018-Land-Protection-Plan_wclt.pdf.

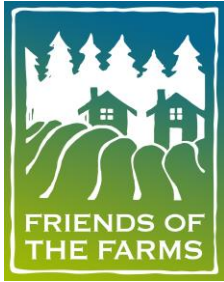
^x “About.” *PCC Farmland Trust*. 2019. Retrieved from www.pccfarmlandtrust.org/about-us/.

^{xi} Milholland, Rusty. Phone interview. Conducted by Donnie Strohfus. 22 August 2019.

^{xii} “Protecting Farms, Supporting Farmers: 2018 Annual Report.” *PCC Farmland Trust*. 2019. Retrieved from www.pccfarmlandtrust.org/wp-content/uploads/2018-PCCFT-Annual-Report- -FINAL.pdf

- xiii "Appendix L: Agriculture Programs." *2009 FARMS Report*. 2009. Retrieved from <https://your.kingcounty.gov/dnrp/library/water-and-land/agriculture/future-of-farming/appendices/l-king-county-agriculture-program.pdf>.
- xiv "FARMS Report: Future of Agriculture, Realize Meaningful Solutions." *King County Department of Natural Resources and Parks*. 2009. Retrieved from your.kingcounty.gov/dnrp/library/water-and-land/agriculture/future-of-farming/farms-report-no-apdx.pdf.
- xv "Our Story: Growing Farmers, Community and Food." *Viva Farms*. 2019. Retrieved from vivafarms.org/our-story/.
- xvi Frazier, Michael. Phone interview. Conducted by Donnie Strohfus. 5 September 2019.
- xvii Ibid.
- xviii "About Us." *Seattle Tilth Alliance*. 2019. Retrieved from www.tilthalliance.org/about.
- xix "Council Packet 11182014." *City of Kirkland*. 18 November 2014. Retrieved from www.kirklandwa.gov/Assets/City+Council/Council+Packets/111814/11a_NewBusiness.pdf.
- xx "2014 Annual Report." *Seattle Tilth Alliance*. 2014. Retrieved from www.tilthalliance.org/about/annualreport2014.
- xxi "About Us." *Community Farm Land Trust*. UNK. Retrieved from www.communityfarmlandtrust.org/about-us.html.
- xxii "Recommendations of the King County Farms and Food Roundtable." *King County Farms and Food Roundtable*. 2014. Retrieved from www.seattle.gov/Documents/Departments/OSE/FoodandFarms_Roundtable_Final_Recs_w_appendix_June_2014.pdf.
- xxiii "About Us." *Community Farm Land Trust*. UNK.

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**Examples of Recent and Ongoing Work on Behalf of CoBI
by Friends of the Farms Executive Director, Heather Burger
August 2019**

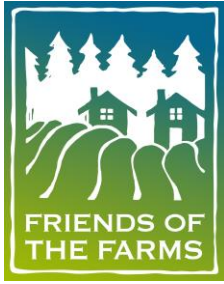
Following is a representative sample of the Executive Director's day-to-day activities on behalf of public farmland, with approximate allocations of time.

Management, Farmer Support and Farmer/Intern Housing (35%)

- Resource and point of contact for farmers on public farmland. Recent examples:
 - Assist Vireo Farm owners in navigating permitting, licensing, insurance, and City and County regulations and requirements
 - Hired and worked with geotech to generate slope analysis and stability report on lower Johnson Farm required by CoBI Planning Department to establish County maps incorrectly identify the site as a Critical Area/Slide Hazard
 - Ongoing meetings and discussion with Bentryn's on pond maintenance, irrigation system repairs and maintenance, and water rights and usage at Suymatsu/Bentryn Farm properties
 - Facilitate ongoing negotiations between CoBI staff and Bentryn/Wittick regarding Crawford Shade Covenant
- CoBI Lease Management
 - Write and publish RFP's for public farmland leases
 - Review proposals, applications, and business plans for leases
 - Work with CoBI legal department to draft sublease documents
 - Monitor activities on leased land to ensure compliance with terms of subleases
 - Review site-committee reports
- Farmer/Intern Housing Program
 - With Program Manager, write rental contracts and protocol, review farmer applications, assist with selection process, ensure safe and appropriate use of the rental property, annual code inspections and compliance

Budgeting, Finance, Planning and Administration (20%)

- Develop annual budget for public farmland management, monthly budget reports, quarterly budget-to-actual review with Treasurer/CPA
- Monitor finances and review financial reports to ensure fiscal accountability and stability of CoBI lease management
- With Program Manager, create annual public farmland maintenance plan
- Attend regular phone and in-person meetings throughout the year with Assistant City Manager and provide information when requested to CoBI legal staff and Council
- Write required annual written and oral report to Council on public farmland management



- Generate quarterly reporting and billing to CoBI
- Hire and supervise staff
- Oversee volunteer program providing thousands of hours of no-cost labor on public farmland

Legal, Regulatory and Master Lease Compliance (5%)

- Ensure internal documents and registrations are up to date and all legal requirements necessary for the organization to function as a non-profit are met, such as:
 - Insurance policies
 - Federal 501(c)3 nonprofit status
 - WA Secretary of State nonprofit status
 - Annual 990 tax return
 - Quarterly tax returns

Fundraising and Grant Writing (5%)

- Write and administer grants to support public management of public farmland. Recent grants received include:
 - Rotary (2019) Replace failing technology
 - BCF (2018) Design, build, and install informational and wayfinding signage on public farmland properties
 - KCF (2016) At Johnson Farm - clear, level, and establish designated pedestrian pathways; repairs and upgrades to public parking areas; construct fencing along public access to ensure public safety and prevent damage to public farmland; in partnership with BARN, rebuild Harvest Fair landslide to ensure guest safety
- Plan and execute annual Field-to-Fork fundraising dinner held on Heyday Farm, products sourced from public farmland farmers

Programming and Activities (15%)

- Create policy and establish protocol for public farmland use, with ongoing monitoring to ensure safe and equitable access
- With Program Manager, develop and oversee all organizational programs and activities ensuring they are successful, relevant, and adhere to the goals and policies of the Master Lease. Recent and upcoming activities include:
 - Chainsaw Safety Training in Partnership with Bainbridge Prepares (M&E)
 - Edible Garden Tour (Johnson)
 - Cider pressing (Johnson)
 - Wild Edibles Educational Tour (M&E)
 - Harvest Fair (Johnson)
 - Outdoor Yoga on the Farm (Johnson)
 - Guided Public Farmland Walks (Day and M&E)



Advocacy, Public Relations and Community Partnerships (20%)

- Point of contact for CoBI Committees with objectives that intersect with public farmland management (e.g. Island Center Subarea Planning Committee, Affordable Housing Task Force, Historical Preservation Commission, Climate Change Action Committee)
- Point of contact for nearby neighbors and general public utilizing public farmland trails, roads, open space, p-patches, orchards, and events
- Write and review all public materials
- Serve as the primary contact for the media and public to bring awareness and support to public farmland, farmers, and local food. Recent examples include:
 - King 5 News (Bainbridge Food Forest) Onsite interview with Amy Moreno, broadcast on TV news and published digitally
 - Kitsap Sun (Bainbridge Food Forest) Onsite interview with Nathan Denning published in print and digitally
 - Kitsap Sun/Bainbridge Islander (Vireo Farm) – Onsite interview published in print and online on new hydroponic farm on public farmland
- Develop relationships with community leaders to specifically support public farmland programs and activities. Recent examples include:
 - Meetings
 - Megan Karsch, CEO, Islandwood
 - Peter Bang-Knudsen, BI School District Principal
 - Eric Boutin, Director of Nutrition Services, BI School District
 - Marcia Montgonery, Olivia Sontag, Megan Luce, Historic Preservation Commission
 - Deborah Rudnick, CoBI Climate Action Committee (Upcoming 9-5)
 - Maria Metzler, Helpline House
 - Dale Houk, Structural Engineer (Suyemtsu Historic Barn)
 - Presentations
 - CoBI Island Center Subarea Planning Committee
 - Rotary Club bi-monthly meeting
 - Partnerships
 - Co-Chair Food Resilience Team, Bainbridge Prepares (Bainbridge Food Forest/M&E)
 - Bainbridge Parks Foundation (Public Farmland Multi-modal Trail Expansion)
 - Bainbridge Parks Department and Sustainable Bainbridge (Invasive Species Removal)
 - Bainbridge Island Land Trust (Springbrook Creek Watershed)
 - Kitsap Audubon Society (avian migration and habitat)
 - Xerces Society (pollinator habitat preservation and enhancement)
 - Department of Ecology - Fish & Wildlife (Class F Stream restoration, M&E)
 - Kitsap Conservation District (habitat restoration, best practices)
 - Bainbridge Fruit Club (historic Johnson Farm orchard restoration)



**Examples of Recent and Ongoing Work on Behalf of CoBI
by Friends of the Farms Program Manager, Morgan Houk
August 2019**

Following is a representative sample of the Program Manager's day-to-day activities on behalf of public farmland, with approximate allocations of time.

General Public Farmland Management (35%)

- Point of contact for all public farmland farmers
- On-call 7 days/week to for emergency systems failures
- Troubleshoot and repair systems failures or hire professional contractor as appropriate
- Perform routine maintenance, manage volunteer teams, or contract with professionals as appropriate for infrastructure and open spaces
- Conduct annual site committee meetings per the Master Lease
- Work with Executive Director, CoBI staff, and farmers to coordinate seasonal labor and annual maintenance projects
- Coordinate with Kitsap Conservation District on invasive species management through seasonal labor and consult on best practices
- Coordinate and manage volunteer work on public farmland (e.g., Manzanita Creek watershed management with Kitsap Conservation District, painting and maintenance on barns at Johnson Farm, invasive species clearing at M&E)

Intern Housing Management (20%)

- Manager for two residential farmhouses with a capacity to house up to 9 farm interns, with turnover throughout the year (12 housed in 2019 to date)
 - Application, screening, reference checks, selection, placement, and scheduling
 - Process and hold security deposits to secure spaces
 - Secure and process lease agreements and housing policy checklists with sponsoring farmer and intern
 - Manage move-in/move-out, orientation, walkthrough, and exit surveys
 - On-call 7 days/week to address necessary repairs, housing/personal disputes
 - Provide maintenance and repairs to interior and exterior of structure and grounds

Community and Farmer Programing (25%)

- Coordinate educational programs on public farmland or with public farmland farmers (e.g., summer yoga on Johnson Farm, a fresh jam class at BARN, the Edible Garden Tour at the Johnson Farm p-patch)
- Manage the annual Harvest Fair at Johnson Farm, an island event for nearly 20 years that celebrates local farmers and food, attracting as many as 4,000 attendees, 150 volunteers, and dozens of partner organizations



- Facilitate partnerships with other island organizations to enhance public farmland (e.g., working with the Bainbridge Parks Foundation to extend the M&E trail network)
- Presentations and/or attendance at events like the Bainbridge Island Farmers Market or Rotary Club promoting public farmland and programs held there

Bookkeeping (10%)

- Manage and reconcile monthly income and expenses
- Work with FotF board, finance committee, and treasurer to assure clarity and transparency
- Invoice and process rent payments from up to 9 interns monthly
- Invoice and process annual farmland rent payments from farmers
- Process monthly expenditures on public farmland including professional services, contractors, equipment purchase/rental, supplies, and utilities (PSE, KPUD, CenturyLink, Randy-Kan, etc.)

Fundraising (5%)

- Assist Executive Director and board and volunteer committees with planning and execution of fundraising events and activities (e.g., Farm-to-Table dinner, Harvest Fair)

Board and Committee (5%)

- Work with board and committees on projects related to managing and promoting public farmland
 - Digital local farm and food map
 - Researching farmer microloan program
 - Monthly work parties and general volunteer management
 - Fundraising and grant opportunities
 - Harvest Fair



Friends of the Farms
Non-CoBI Programming and Activities
Ongoing and Projected 2020

Friends of the Farms supports local farms, advocates for local food, and cultivates community. We envision Bainbridge Island as a place where:

- As much food as possible is grown, processed, and sold locally
- Local food is accessible and affordable for everyone
- Farms and related businesses are profitable
- Food is grown using regenerative agricultural methods
- Money stays in the community across supply and distribution chains
- What and how we eat is integrated into our culture

The service FotF provides to CoBI for public farmland management is one of the ways in which we support our mission and vision.

Our work also includes:

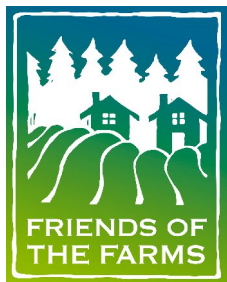
- Direct support to farmers throughout our community
- Advocacy surrounding issues affecting local farmers, farmland, and farm housing
- Community programming, events, and activities to educate, inspire, and connect our community to fresh, local, seasonal food
- Marketing and media promotion of local food and agriculture

Specific examples are outlined below.

Note: Friends of the Farms' Fiscal Year is Jan-Dec. The organizational work plan and budget are completed annually and have not been finalized for 2020.

The proposed budget figures requested by CoBI in advance of the September 17th Study Session are best estimates based on average historical data. They are not the organization's final approved budget.

The programs and activities below are ongoing or pilots under consideration and assume no significant shift from recent previous years and ongoing engagement on a similar level as the management entity for CoBI-owned farmland.



Direct Farmer Support

Recent examples:

- Patchwork Farm – assistance in securing housing, land, and crop production space for startup mushroom propagation farm business on privately owned land
- Kaleidoscope Farm – assistance in securing additional land to expand farming operations on privately owned land
- Farmhouse Organics – Assist with farm business transition
- No-cost access to digital resource library for existing farmers, new farmers, and farm interns
- Connect farmers to community opportunities for engagement and support (e.g., in September connected Unitarian Universalist Church to new farmers for presentation, farmers paid stipend for time)

Pilot Programs:

- Microloan Program for Farm Capital Needs, Startup, or Expansion Projects

Beginning in October:

- Farmer Happy Hour Networking Nights

Advocacy

Conduct research and engage with private and public entities regarding issues affecting local farms, food, and housing

- Participate in discussions on municipal code, ordinances, zoning, and policies, affecting local agriculture, such as an Agricultural Resource Land Zoning Designation
- Engage with Island Center Subarea Planning Committee and Subarea property owners to encourage opportunities to preserve farmland, create affordable farmer housing, and establish a food hub and other small agriculturally related businesses
- Engage with CoBI Climate Action Committee pertaining to environmental benefits of local regenerative agriculture
- Ongoing engagement with Representative Derek Kilmer who attended FotF Field-to-Fork dinner

Community Engagement

Educate, inspire, and connect our community to fresh, local, seasonal food.

Recent inquiries from individuals sought:

- Opportunities for value-added product partnership between local fruit farmers and out-of-state organic heritage grain farm
- Resource to cut and bale hay on large BI farm
- Source for live poultry for sale, raw honey supplier, nettles for fermented products from Iggy's
- Farmable land for two new farm businesses
- Assistance for middle school student's strawberry farm startup business



- Locating fertilized chicken eggs for BI School projects
- Making connections to gleaning programs from WSU Extension
- Assistance with fruit tree identification on farm property

Co-Chair Food Resilience Team at Bainbridge Prepares

Working in conjunction with the CoBI Emergency Management Coordinator, the Food Resilience team fosters the ability of island residents to feed themselves should readily available food sources be cut off due to a widespread disaster, researching, identifying, and sourcing supplemental food, and logistics for post-incident transportation of foodstuffs to the Hubs.

Edible Garden Tour

Sold-out guided tour held in 2019 of four local food gardens to inspire and educate community members on growing their own food. Plans in works for future tours in 2020 and beyond.

Pilot Programs and Activities:

- Community Food Network. Creating a collaborative community food network that integrates and stimulates sustainable food production, processing, distribution, consumption, and waste management in order to enhance our local environmental, economic, and social health.
- Local for Lunch Mondays. Working head of Nutrition Services at the Bainbridge School District to create a program to incorporate locally sourced food in school lunches every Monday.
- BYOA Cider Pressing. Bring your own apples to a daylong community cider pressing, potluck, and harvest celebration.
- Local Food Menu Special. One month in restaurant off-season, off-night, three course, prix fix, one – two restaurants per year rotating to provide increased traffic to local restaurants, give off-season revenue for farmers, and opportunity to create public interest in local food
- 2020 movie screening of *Biggest Little Farm*

Media and Marketing

- Semi-monthly newsletter to 2,000-person database includes in-season recipes, local chef profiles, local farmer profiles, and upcoming food and farm events and activities
- Social media Facebook, Instagram, Twitter
- Digital Local Food and Farm Map
- Farmers' Market presence – FotF booth throughout the year
- Interviews for local publications on events and activities relating to local food and farms. Recent examples: Bainbridge Community Broadcasting Podcast, and interview for upcoming Arts and Humanities *Currents*
- Local Food Cooking Classes in partnership with BARN
- Local Food Cookbook (created and published by FotF and available since 2012)

**Friends of the Farms
Calculation of Farmer Sublease Rates**

USDA Soil Rental Base Rates in 2012 (When leases were signed)

Based on USDA rental rates in other commercial farming markets (for viable fully established farmland, by soil type) x2. These figures were provided by Brian Stahl at the Kitsap Conservation District.

	Annually, Per Acre
Suyematsu/Bentryn	\$230
Morales Farm	\$190
Johnson Farm	\$115

Additions to Base Rate

In addition to the Base Rate, conditions at each property were considered as additional elements of the sublease rate. Each property has unique aspects, but the common elements that were identified include:

Water
Structure
Soil Conditions (actual)
Power
Property Orientation/Solar Access
Other Infrastructure (e.g. green house, storage etc.)

Existing Total Lease Rates (Base + Additions)

	Annually, Per Acre
Suyematsu/Bentryn	\$334
Morales	\$290
Johnson	\$170

USDA Soil Rental Base Rates (2018)

In 2018, Brian Stahl of the Kitsap Conservation District provided FotF with updated Soil Base Rental Rates. Using the same factor of 2X the base rates have declined.

	Annually, Per Acre
Suyematsu/Bentryn	\$114
Morales	\$114
Johnson	\$ 58



Farmland Management Fee Models Friends of the Farms, August 2019

Research by FotF found no municipal management fee models that are directly applicable. However, findings and recommendations specific to these 60-acres for a long-term management structure can be found in the 2006 report contracted by CoBI with the **American Farmland Trust**.

In February 2006, Council passed Resolution No. 2006-06 adopting the AFT Assessment and Recommendations as the guiding document for creating long-term farm management.

The report includes the following recommendations:

- Continued CoBI ownership of the land
- **Either hiring at least one full-time city employee dedicated to the administration and management of the properties, or hiring a third party to fill that role** and designating at least one part-time (50% equivalent) city employee dedicated to the coordination of third party partnerships and the oversight of any administration and management
- **The City of Bainbridge Island should partner with the Trust for Working Landscapes (Now FotF) for the management of all properties for which production agriculture is a primary purpose.** TWL is the only potential partner with a mission that is completely consistent with the management of these properties for production agriculture.
- Nearly all public farmland preservation programs finance their administration and management costs through general revenue allocations. **CoBI should finance administration and management expenses through general revenue allocations**

Management of Protected Agricultural Properties Ownership and legal status of properties

1: The City of Bainbridge Island should retain fee-simple ownership of the six agricultural properties that it currently owns

5c: The City of Bainbridge Island should partner with the Trust for Working Landscapes for the management of all properties for which production agriculture is a primary purpose.

TWL is the only potential partner with a mission that is completely consistent with the management of these properties for production agriculture. Their mission is “to restore and preserve the economic diversity and rural heritage of Bainbridge Island by protecting farming, farmland and open space, providing permanently affordable housing, and demonstrating sustainable land stewardship practices, using a community land trust model of ownership, leaseholds, and governance.” The organization formed in the late 1990’s in response to the rapid decline of farms and agriculture on Bainbridge Island and to compliment the City’s efforts at farmland protection and revitalization. This placed the City of Bainbridge Island in a unique position, as few communities have a local non-profit organization dedicated to the preservation of farmland and promotion of agricultural economy



7a: If the City of Bainbridge Island plans to retain ownership and primary management responsibilities over the properties, the City should create at least one full-time City employee position dedicated to the administration and management of the properties.

7b: If the City of Bainbridge Island plans to transfer management responsibilities to a third party, the City should designate at least one part-time (50% equivalent) city employee position dedicated to the coordination of third party partnerships and the oversight of any administration and management that remain in the City's purview.

8a: In the short-term, the City of Bainbridge Island should finance administration and management expenses through general revenue allocations.

Nearly all public farmland preservation programs finance their administration and management costs through general revenue allocations. The City of Bainbridge Island will need to do the same, at least in the short-term, while the City still holds title and has primary responsibility for the management of the properties.

9: The City of Bainbridge Island should support the fundraising and capacity-building efforts of any organizations with whom it partners.

The following two publications were the most consistently referenced when researching municipal farmland management models:

- *Exploring Farm and Food Lands Access in the CRD: A Local Government Farmland Trust Approach from the Capital Region Food and Agriculture Initiatives Roundtable* explores the models and mechanisms available to local government for the acquisition, management, and funding of local agricultural properties.
- *Land for Good. Leasing Land to Farmers: A handbook for New England Land Trusts, Municipalities & Institutions* is an all-encompassing handbook for a landowner/farmer tenant relationship.

Exploring Farm and Food lands Access in the CRD

This study indicates strong support for creating a Farmland Trust and acquisition fund specific to farmland that would leverage public funds to support farmland acquisition and management on the Saanish Peninsula of British Columbia (population 37,670). A Farmland Trust approach is founded on the principle of managing farmland as a public good.



Key Findings

#5 A strong diversified funding strategy is required. Potential means of raising public funds include cash-in-lieu amenity contributions, development cost charges, and property taxes.

Non-profit trusts are often limited in their activities by their ability to access financial resources. Leveraging public funds is a means to overcome this barrier and advance farmland trust activities in the region. Having a stable publicly owned and controlled entity such as a local government to provide a consistent and stable base of funds for the trust was something that people held important.

#8 Partnerships with non-governmental organizations for the management of farming and food activities (day-to-day land use) on the publicly held land was recommended.

A separate legal entity would take responsibility for the operations and financial management of the farmland trust rather than placing that responsibility on the existing government staff.

Partnering with a local community group removes the managing and oversight time requirements from city staff and has the benefit of planning and day-to-day management coming from an organization with direct connection to the community.

Similarities to Bainbridge Island

- Cost of farmland: up to \$100,000/acre in Southern BC so farmers face similar challenges, including land access and affordable housing.
- Aging farmer population: Only 5.4% of farm operators are under 35 while 54% are over 55 years old.
- Community Support: A 2014 survey of BC residents reported that 92% believe local food production and the reduction of dependence on imported food is very important.
- “Food and farming” were identified as the second most important land use in the province after “natural fresh water systems.”

Land for Good. Leasing Land to Farmers: A handbook for New England Land Trusts, Municipalities & Institutions

The lease template in this handbook could be used as a guide for the delineation of roles and responsibilities between CoBI (landowner) and Friends of the Farms (lessee) when amending our Master Lease Agreement.



CITY OF
BAINBRIDGE ISLAND

City Council Study Session Agenda Bill

MEETING DATE: September 17, 2019

ESTIMATED TIME: 10 Minutes

AGENDA ITEM: (9:30 PM) Update on the Moratorium - Planning,

STRATEGIC PRIORITY: Green, Well-Planned Community

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Discussion

PROPOSED BY: Planning & Community Development

RECOMMENDED MOTION:

Information only.

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 extended the moratorium for an additional six months. The development moratorium is scheduled to expire on October 3, 2019, unless the Council takes further action before such date.

The City Council considered the moratorium on September 10 and discussed the possibility of extending it beyond the current October 3 expiration date. The Council set a public hearing for September 24 on a proposed ordinance that would extend the moratorium as is for two additional months, and would extend it further to June 30, 2020 in a more narrow form related to affordable housing and inclusionary zoning, depending on what the Council decides at its meeting on September 24. 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: 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 extended the moratorium for an additional six months. The development moratorium is scheduled to expire on October 3, 2019, unless the Council takes further action before such date. The City Council is considering taking action to extend the development moratorium and is holding a public hearing on that topic on September 24, 2019.

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

ATTACHMENTS:

[Abbreviated Moratorium Work Program Status Report 090919](#)

[Moratorium Work Program Status Report 090919](#)

[Development Moratorium Summary Effective 20190403.pdf](#)

[Ordinance No. 2019-10 Extending the Development Moratorium Approved 032619.pdf](#)

FISCAL DETAILS:

Fund Name(s):

Coding:

Moratorium Topic	Status	Timeline
Critical Areas Ordinance (CAO)	Incomplete.	The City is awaiting a response from Ecology before we begin the process of updating the SMP. Staff anticipates a response from the Dept. of Ecology in October 2019. Following the response, Staff will begin the legislative process to update the SMP to integrate the CAO.
Status on September 9, 2019:	Complete: CAO update effective outside shoreline jurisdiction. Incomplete: Adoption of the new CAO within the SMP.	
Moratorium Topic	Status	Timeline
Subdivisions	Scheduled for completion before October 3, 2019.	A public hearing with the City Council was held on August 27, 2019, with a second scheduled for September 24, 2019. In addition, the Council is scheduled to hold a study session on September 17 and a public hearing on September 24, 2019 on the new design guidelines.
Status on September 9, 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: Adoption of the new subdivision standards and design guidelines. The Study Session for the design guidelines is scheduled for September 17 with a public hearing on September 24, 2019. The public hearing for the subdivision update is also scheduled for September 24, 2019.	

Moratorium Topic	Status	Timeline
Design Guidelines Update (related to Site Plan and Design Review and Conditional Use Permits).	Scheduled for completion before October 3, 2019.	The Planning Commission discussed the draft design guidelines on August 22, 2019 and recommended approval to the City Council after holding a public hearing on September 5. The City Council is slated to discuss the draft design guidelines on September 17, and hold a public hearing on September 24.
Status on September 9, 2019:	Complete: Consultant professional services agreement approved, kick-off meeting held with the DRB, design guideline open house held, City Council briefed. Incomplete: Adopted “Design for Bainbridge” design guidelines, scheduled for September 24, 2019.	
Moratorium Topic	Status	Timeline
Review Process for Land Use Permits (related to Subdivisions, Site Plan and Design Review, and Conditional Use Permits).	Ordinance 2019-24 revising the Decision Criteria for SPRs and CUPs scheduled to come before the City Council on October 15 for a study session and November 12, 2019 for a public hearing.	The Planning Commission held a public hearing on August 22 on Ordinance 2019-24. They will discuss the topic again and are expected to make a recommendation to the City Council on September 26, 2019.
Status on September 9, 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 still reviewing proposed revisions to the decision criteria (Ordinance 2019-24). The amendments are tentatively scheduled for a study session with the City Council on October 15, 2019 and a public hearing on November 12, 2019.	

Moratorium on Accepting Certain Development Applications: ABBREVIATED Work Program Status Report – [September 9, 2019](#)

Moratorium Topic	Status	Timeline
Affordable Housing	Incomplete	The City Council will have a presentation from ECONorthwest on September 17, 2019 to discuss inclusionary zoning regulations.
Status on September 9, 2019:	Complete: City Council discussion and endorsement of <i>Priority</i> and <i>Quick Wins</i> 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 has secured additional consultant services to assist with this task, and is working to schedule a "deep dive" meeting with the City Council on September 17, 2019.	
Moratorium Topic	Status	Timeline
Business/Industrial (B/I) zoning district	No outstanding work at this time.	
Status on September 9, 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. The Council has not directed staff to revise the development moratorium to exempt commercial subdivisions in the B/I zone.	

Moratorium Topic	Status	Timeline
Accessory Dwelling Units	The Council will review the common ownership/ADU regulation one more time before forwarding on to the Planning Commission. At their September 10th meeting, the City Council directed staff to develop a framework to regulate RVs as residences, and bring this topic back to Council at a future date. The Council will continue to discuss where and how to allow tiny home communities at a future date.	The City Council discussed common ownership of ADUs, RV's and tiny home communities at their September 10, 2019 meeting. The Council will review the common ownership/ADU regulation one more time before forwarding on to the Planning Commission.
Status on September 9, 2019:	Complete: Began discussions on ADU condominiums. Incomplete: An Ordinance that requires common ownership for new ADUs and allows tiny homes to serve as an ADU. The topic of tiny home communities and recreational vehicles was discussed by the City Council on September 10, 2019, and the City Council is separating future discussion of these two issues from the common ownership topic.	

Moratorium on Accepting Certain Development Applications: Work Program Status Report – September 9, 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. The City is awaiting a response from Ecology before beginning the legislative process of updating 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. The Public Comment Period expired on November 9, 2018. 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 the Department of Ecology for its SMA consistency review. 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 requested an extension for this transmittal until January 31, 2019, and that extension was granted. In the meantime, comments continued to be accepted and considered by staff and the Council as part of the Council's ongoing consideration of the SMP amendment.

Moratorium on Accepting Certain Development Applications: Work Program Status Report – September 9, 2019

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Moratorium Topic	Status	Timeline
		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. The next step is for Ecology to send back to the City 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 first quarter 2020. Staff held a discussion with Ecology on September 6, 2019 and anticipates a response from the Dept. of Ecology in October 2019. Following the response, Staff will begin the legislative process to update the SMP to integrate the CAO.
Status on September 9, 2019:	Complete: CAO update effective outside shoreline jurisdiction. Incomplete: Adoption of the new CAO within the SMP.	

Moratorium on Accepting Certain Development Applications: Work Program Status Report – September 9, 2019

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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 the subdivision standards, with the new design guidelines and decision criteria still under review. The Planning Commission is conducting a public hearing on the design guidelines on September 5, 2019. 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	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. 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.

Moratorium on Accepting Certain Development Applications: Work Program Status Report – September 9, 2019

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	moratorium with the adoption of Ordinance 2018-41.	The City Council had discussions on the subdivision on March 19, March 26, April 2, April 16, May 28 and July 23, 2019. A public hearing with the City Council was held on August 27, 2019, with a second scheduled for September 24, 2019. In addition, the Council is scheduled to hold a study session on September 17 and a public hearing on September 24, 2019 on the new design guidelines.
Status on September 9, 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: Adoption of the new subdivision standards and design guidelines. The Study Session for the design guidelines is scheduled for September 17 with a public hearing on September 24, 2019. The public hearing for the subdivision update is also scheduled for September 24, 2019.	

Moratorium on Accepting Certain Development Applications: Work Program Status Report – September 9, 2019

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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). The Planning Commission discussed the draft design guidelines on August 22 and recommended approval to the City Council after holding a public hearing on September 5, 2019. The City Council is slated to discuss the draft design guidelines on September 17 and hold a public hearing on September 24, 2019.	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 consultant met with the Design Review Board (DRB) on March 18, 2019 to discuss the existing conditions report and draft design guidelines. The existing conditions report should be available to the public by mid-April. The DRB discussed draft design guidelines on May 6, June 17 and July 15, 2019. A City Council briefing was provided June 4, 2019. The Planning Commission discussed the draft design guidelines on August 22, 2019 and held a public hearing on September 5, 2019. The

Moratorium on Accepting Certain Development Applications: Work Program Status Report – September 9, 2019

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		City Council is slated to discuss the draft design guidelines on September 17 and hold a public hearing on September 24, 2019.
Status on September 9, 2019:	Complete: Consultant professional services agreement approved, kick-off meeting held with the DRB, design guideline open house held, City Council briefed. Incomplete: Adopted “Design for Bainbridge” design guidelines .	

Moratorium on Accepting Certain Development Applications: Work Program Status Report – September 9, 2019

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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. A public hearing was held with the Planning Commission on August 22, 2019, and will discuss this topic again, likely at the September 26, 2019 Planning Commission meeting. The amendments are tentatively scheduled for a City Council study session on October 15, 2019 and a public hearing on November 12, 2019 (Ordinance 2019-24).	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 and August 8, 2019, the Planning Commission reviewed site plan and design review and conditional use permit decision criteria. The Planning Commission held a

Moratorium on Accepting Certain Development Applications: Work Program Status Report – September 9, 2019

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		public hearing on August 22, 2019, and continued the discussion to September 26, 2019 at the earliest. The amendments are tentatively scheduled for a study session with the City Council on October 15, 2019 and a public hearing on November 12, 2019 (Ordinance 2019-24).
Status on September 9, 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 proposed revisions to the decision criteria (Ordinance 2019-24). Staff estimates that Ordinance 2019-24 will be reviewed by the City Council on October 15 & that the Council will hold a public hearing on November 12, 2019.	

Moratorium on Accepting Certain Development Applications: Work Program Status Report – September 9, 2019

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Moratorium Topic	Status	Timeline
Affordable Housing	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. The Affordable Housing Task Force completed review of its draft final report to the City Council at its meeting on July 11, 2018. 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.	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. 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.

Moratorium on Accepting Certain Development Applications: Work Program Status Report – September 9, 2019

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		On April 23 and May 14, 2019 the City Council discussed the affordable housing work plan, and endorsed the City Manager's ideas for staffing and implementation. The City Council will have a presentation from ECONorthwest on September 17, 2019 to discuss inclusionary zoning regulations and the multifamily tax exemption.
Status on September 9, 2019:	Complete: City Council discussion and endorsement of <i>Priority</i> and <i>Quick Wins</i> 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 has secured additional consultant services to assist with this task, and is working to schedule a "deep dive" meeting with the City Council on September 17, 2019.	

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	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.*

Moratorium on Accepting Certain Development Applications: Work Program Status Report – September 9, 2019

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

	November 21) exempting from the moratorium B/I zoning district Major Site Plan and Design Review and Major Conditional Use permit proposals.	* 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 September 9, 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. The Council has not directed staff to revise the development moratorium to exempt commercial subdivisions in the B/I zone.	

Moratorium on Accepting Certain Development Applications: Work Program Status Report – September 9, 2019

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

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. City Council is also considering allowing tiny homes as dwelling units (primary or accessory) and requiring common ownership for accessory dwelling units and anticipates completing their discussion on in October. The Regulations will then begin the legislative process at the Planning Commission. On September 10, the Council directed staff to develop a regulatory framework to allow RVs to be used as residences. At the same meeting, the City Council opted to continue the discussion of tiny home communities to another meeting.	On October 23, 2018, the Council directed staff to prepare for the Council's consideration an ordinance to require common ownership of ADUs. At the June 18, 2019 meeting, the City Council directed staff to bring back a draft ordinance that required common ownership of both the ADU and primary dwelling, unless the units were designated affordable housing. At the July 23 meeting, the City Council affirmed that: • New ADUs could not be sold separately from the primary single-family dwelling. • In Residential zones, the city should create a process for Tiny Homes and Recreational Vehicles (RV) to be considered permanent residences, and that they could be allowed as types of ADUs. A property could also have a tiny home or RV serve as the primary dwelling on a property. • A property could have 2 tiny homes or RVs serving as ADUs, in contrast with allowing only one traditionally sized ADU. • For properties less than 40,000 square feet in size (just under an acre) ADUs won't

Moratorium on Accepting Certain Development Applications: Work Program Status Report – September 9, 2019

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

		count towards a properties lot coverage limit. The City Council discussed RV's and tiny home communities at their September 10, 2019 meeting.
Status on September 9, 2019:	Complete: Began discussions on ADU condominiums. Incomplete: An Ordinance that requires common ownership for new ADUs and allows tiny homes to serve as an ADU. The topic of tiny home communities and recreational vehicles will be discussed separately by the City Council at a later date. Depending on the outcome of these discussions, an Ordinance may be drafted to allow these uses.	

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.

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

City Council Study Session Agenda Bill

MEETING DATE: September 17, 2019

ESTIMATED TIME: 10 Minutes

AGENDA ITEM: (9:40 PM) Next Steps for Changes to City's Transfer of Development Rights (TDR) Program,

STRATEGIC PRIORITY: Green, Well-Planned Community

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Discussion

PROPOSED BY: Executive

RECOMMENDED MOTION:

Discussion.

SUMMARY:

To discuss options and timing for City Council consideration of changes to the City's TDR program.

FISCAL IMPACT:

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

BACKGROUND:

In early 2019, the City Council received information on potential changes to the City's TDR program. Additional work on this topic has been deferred pending staff and Council focus on initiatives related to the development moratorium workplan. In addition, some changes to the TDR program were planned to be included in work to develop an Agricultural Resource Land (ARL) designation. Recent changes in City staff will result in a delay to the completion of the ARL designation. The purpose of this time for Council discussion is to discuss options and timing to resume next steps for an examination of potential changes to the TDR program, both within the context of the ARL designation and more broadly.

ATTACHMENTS:

FISCAL DETAILS:

Fund Name(s):

Coding:



CITY OF
BAINBRIDGE ISLAND

City Council Study Session Agenda Bill

MEETING DATE: September 17, 2019

ESTIMATED TIME: 5 Minutes

AGENDA ITEM: (9:50 PM) Future Council Agendas,

STRATEGIC PRIORITY: Good Governance

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Discussion

PROPOSED BY: Executive

RECOMMENDED MOTION:

Council will review future Council agendas.

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 September 24, 2019](#)

[City Council Study Session October 1, 2019](#)

[City Council Regular Business Meeting October 8, 2019](#)

[City Council Study Session October 15, 2019](#)

[City Council Regular Business Meeting October 22, 2019](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



**CITY OF
BAINBRIDGE ISLAND**

**CITY COUNCIL REGULAR BUSINESS MEETING
TUESDAY, SEPTEMBER 24, 2019**

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

AGENDA

- 1. CALL TO ORDER / ROLL CALL - 6:00 PM**
- 2. EXECUTIVE SESSION**
 - 2.A Pursuant to RCW 42.30.110(1)(i), to discuss with legal counsel matters relating to litigation or potential litigation to which the city, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency, 30 Minutes**
- 3. PLEDGE OF ALLEGIANCE / APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE**
- 4. PUBLIC COMMENT**
- 5. MAYOR'S REPORT**
- 6. CITY MANAGER'S REPORT**
- 7. PRESENTATION(S)**
 - 7.A (x PM) Proclamation Declaring the Month of October, 2019 as Resilience Awareness Month - Mayor Medina, 5 Minutes**
Resilience Awareness Month Proclamation
- 8. PUBLIC HEARING(S)**
 - 8.A Ordinance No. 2019-25 Relating to Design Guidelines - Planning, 15 Minutes**
 - 8.B Ordinance No. 2019-03 -- Subdivision Update - Planning, 15 Minutes**
Staff_Memo_Ord 2019-03
Ord 2019-03

Ord 2019-03 Exhibit A
Ord 2019-03 Exhibit B
Ord 2019-03 Exhibit C
Ord 2019-03 Supplemental Information 20190909.docx

- 8.C (XX PM) Ordinance No. 2019-26, Related to Extending the Moratorium on Certain Development Activities - Planning, 15 Minutes**

9. UNFINISHED BUSINESS

- 9.A Ordinance No. 2019-04, Updating the City's Sign Code - Planning, 45 Minutes**

- 9.B Process to Respond to Fire Code Issues Identified by Utility Advisory Committee - Executive, 15 Minutes**

10. NEW BUSINESS

- 10.A Ordinance No. 2019-21, Banning the Use of Fireworks on Bainbridge Island - Executive, 15 Minutes**

- 10.B Bond Delegation Ordinance No. 2019-22 Relating to the Sale of \$8.0 Million in 2019 Limited Tax General Obligation Bonds and \$3.0 Million in Refunding 2007 and 2008 Limited Tax General Obligation Bonds - Finance, 10 Minutes**
Bond_Ordinance_City of Bainbridge Island_LTGO 2019 & LTGO Ref 2019.docx

- 10.C (X PM) Resolution No. 2019-24 Updating the City's Procurement Policy - Public Works, 10 Minutes**
Resol No. 2019-24 - Procurement Manual Update.docx
ESSB 5418 Bill Analysis.pdf
FINALProcurementPolicyUpdates_KGRedlinesREADABLE COPY.docx

- 10.D Sewer Treatment Plant Upgrades Feasibility Study and Pre-Treatment Program Development Professional Services Agreement - Public Works, 10 Minutes**
PSA Pro Forma-MurraysmithEdits-20190701 - RLS Edits.docx
ATTACHMENT A.docx
WWTP TertiaryTreatmentFeasaiblity_RFQ.docx

- 10.E Collective Bargaining Agreement between the City of Bainbridge Island and the Bainbridge Island Police Guild - Executive, 5 Minutes**

11. CITY COUNCIL DISCUSSION

- 11.A Youth Mental Health Ad Hoc Committee Update and Decision Points, Councilmembers Nassar, Deets and Tirman 20 Minutes**

12. CONSENT AGENDA

12.A Agenda Bill for Consent Agenda 5 Minutes

12.B Accounts Payable and Payroll

12.C City Council Study Session Minutes, September 3, 2019

12.D City Council Regular Business Meeting Minutes, September 10, 2019

12.E Engagement Letter, Bond Underwriter Piper Jaffray - Finance, 5 Minutes
Piper Jaffray Bond Underwriter Engagement Letter

13. COMMITTEE REPORTS

13.A Committee Reports 5 Minutes
Lodging Tax Advisory Committee Minutes, August 12, 2019

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

14. FOR THE GOOD OF THE ORDER

15. 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.



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 OF
BAINBRIDGE ISLAND**

**CITY COUNCIL STUDY SESSION
TUESDAY, OCTOBER 01, 2019**

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

AGENDA

- 1. CALL TO ORDER / ROLL CALL - 6:00 PM**
- 2. EXECUTIVE SESSION**
 - 2.A (X PM) Pursuant to RCW 42.30.110(1)(i), to discuss with legal counsel matters relating to litigation or potential litigation to which the city, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency, 15 Minutes**
- 3. APPROVAL OF AGENDA/ CONFLICT OF INTEREST DISCLOSURE**
- 4. MAYOR'S REPORT**
- 5. PRESENTATIONS**
 - 5.A Greenhouse Gas Inventory Report - Executive, 45 Minutes**
- 6. UNFINISHED BUSINESS**
 - 6.A Identification of Benchmarks for Climate Action Plan - Executive, Climate Change Advisory Committee, 15 Minutes**
 - 6.B Consideration of Options Related to Shade Covenant on the Crawford Property - Executive, 30 Minutes**
 - 6.C Next Steps for Suzuki Property Affordable Housing Project - Executive, 30 Minutes**
- 7. NEW BUSINESS**

7.A 2020 Capital Improvements Plan (CIP) Update Presentation - Finance, 15 Minutes
2020 Updated CIP.pdf

7.B 2020 Budget Modifications Presentation - Finance, 15 Minutes

8. CITY COUNCIL DISCUSSION

9. FUTURE COUNCIL AGENDAS

9.A Future Council Agendas 5 Minutes

10. FOR THE GOOD OF THE ORDER

11. 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 REGULAR BUSINESS MEETING
TUESDAY, OCTOBER 08, 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 will be absent.
2. **EXECUTIVE SESSION**
3. **APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE**
4. **PUBLIC COMMENT**
5. **MAYOR'S REPORT**
6. **CITY MANAGER'S REPORT**
7. **PRESENTATION(S)**
8. **PUBLIC HEARING(S)**
9. **UNFINISHED BUSINESS**
 - 9.A **Resolution No. 2019-27, Supporting HB 1406 that Imposes Sales Tax Credit to the Maximum Capacity in Support of Affordable and Supportive Housing - Finance, 5 Minutes**
AWC Implementing HB 1406.pdf
MRSC - SHB 1406 Understanding the Affordable Housing Sales Tax Credit
Resolution No 2019-27 of Intent to Implement HB1406.docx
 - 9.B **Ordinance No. 2019-XX Adopting Update to the 2019-2024 Capital Improvements Plan (CIP) - Finance**
Ordinance No. 2019-XX 2019-2024 Updated Budget - Capital Improvement Plan Approved
102318.docx
 - 9.C **Ordinance No. 2019-28 Adopting Mid-Biennium Budget Modifications to the Final Budget ending December 2020 - Finance, 20 Minutes**
Ordinance No. 2019-28 Adopting Mid-Biennium Modifications to the Final Budget ending December 2020.docx

10. NEW BUSINESS

10.A Set the Public Hearing for Ordinance No. 2019-27 Relating to Property Tax Levy for Collection in 2020 - Finance, 15 Minutes

Ordinance No. 2019-27 Relating to the Levy of Property Taxes for Collection in 2020.docx

10.B Grant from the Department of Ecology (DOE) for the Shoreline Management Program (SMP) Periodic Review - Planning, 10 Minutes

10.C Heritage Barn Matching Grant application for Suyematsu Heritage Barn - Planning, 20 Minutes

10.D New High School Reservoir Pre-Design Report Professional Services Agreement Amendment No. 1 - Public Works, 10 Minutes

Amendment No 1 to PSA Pro Forma.docx

EXHIBIT A to Amendment No. 1.pdf

2017 Water System Imp_Grey_Osborne.pdf

11. CITY COUNCIL DISCUSSION

12. CONSENT AGENDA

12.A Agenda Bill for Consent Agenda, 5 Minutes

12.B Accounts Payable and Payroll

13. COMMITTEE REPORTS

13.A Committee Reports 5 Minutes

14. FOR THE GOOD OF THE ORDER

15. 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, OCTOBER 15, 2019**

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

AGENDA

- 1. CALL TO ORDER / ROLL CALL - 6:00 PM**
Mayor Medina will be absent.
- 2. EXECUTIVE SESSION**
- 3. APPROVAL OF AGENDA/ CONFLICT OF INTEREST DISCLOSURE**
- 4. MAYOR'S REPORT**
- 5. PRESENTATIONS**
- 6. UNFINISHED BUSINESS**
 - 6.A Ordinance No. 2019-07, Updating the City's General Code Enforcement Process Contained in Chapter 1.26 BIMC** 15 Minutes
 - 6.B Police and Court Project Update and Sustainability Discussion** 20 Minutes
 - 6.C Proposed Process to Complete New Franchise Agreement with Puget Sound Energy (PSE) - Executive,** 20 Minutes
- 7. NEW BUSINESS**
 - 7.A Ordinance 2019-24, Updating BIMC Sections 2.16.040, 2.16.050 & 2.16.110, Planning** 10 minutes
15 Minutes
- 8. CITY COUNCIL DISCUSSION**
 - 8.A Bainbridge Island Community Bill of Rights Ordinance - Councilmembers Nassar and Peltier,** 30

9. FUTURE COUNCIL AGENDAS

9.A Future Council Agendas 5 Minutes

10. FOR THE GOOD OF THE ORDER

11. ADJOURNMENT

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**CITY OF
BAINBRIDGE ISLAND**

**CITY COUNCIL REGULAR BUSINESS MEETING
TUESDAY, OCTOBER 22, 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**
- 2. APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE**
- 3. PUBLIC COMMENT**
- 4. MAYOR'S REPORT**
- 5. CITY MANAGER'S REPORT**
- 6. PRESENTATION(S)**
- 7. PUBLIC HEARING(S)**
 - 7.A 2020 Budget Modifications Public Hearing PLACEHOLDER 10 Minutes**
 - 7.B Update to the 2019-2024 Capital Improvement Plan Public Hearing PLACEHOLDER**
 - 7.C 2020 Property Tax Public Hearing PLACEHOLDER**
- 8. UNFINISHED BUSINESS**
 - 8.A Set the Public Hearing for Ordinance 2019-24 for November 12, 2019, Updating BIMC Sections 2.16.040, 2.16.050 & 2.16.110, Planning 10 minutes 10 Minutes**
- 9. NEW BUSINESS**
 - 9.A Ordinance 2019 xx Limiting the Distribution of Film Plastic Bags 5 Minutes**
Ordinance - 2019 xx Limiting the Distribution of Film Plastic Bags.docx

10. CITY COUNCIL DISCUSSION

11. CONSENT AGENDA

11.A Agenda Bill for Consent Agenda 5 Minutes

12. COMMITTEE REPORTS

13. FOR THE GOOD OF THE ORDER

14. ADJOURNMENT

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