



**PLANNING COMMISSION SPECIAL MEETING
THURSDAY, JULY 09, 2020**

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AGENDA

1. CALL TO ORDER/ROLL CALL/CONFLICT OF INTEREST DISCLOSURE - 6:00 PM

2. PUBLIC COMMENT - 6:05 PM
Public Comment on off-agenda items.

3. NEW BUSINESS - 6:15 PM

3.a Welcome New Planning Commissioner Sarah Blossom and Reappointment of Planning Commissioner Kimberly McCormick Osmond 10 Minutes

4. UNFINISHED BUSINESS - 6:25 PM

4.a 6:25 PM - Confirm appointments to the PC/CC Land Use Initiative and Affordable Housing Subcommittees and liaison to the Design Review Board (DRB) 20 Minutes

- 4.b 6:45 PM - Ordinance 2020-16 Amending Bonus Floor Area Ratio (FAR) Options, BIMC 18.12.030.E.**
45 Minutes

[06112020 Planning Commission Recommendations on Bonus FAR.pdf](#)
[Quitslund Memo to Planning Commission 070520.pdf](#)
[Ordinance_No._2020-16_Revising_Bonus_FAR_program.docx](#)
[Residential and Commercial Parking Requirement Summary.pdf](#)
[Ferry Terminal Property Buffers.pdf](#)
[MUTC HS Road Development Standards Table BIMC_Table_18.12.020-3.pdf](#)
[MUTC Zoning Districts Map.pdf](#)

5. STUDY SESSION - 7:30 PM

- 5.a Study Session on Planning Commission Vacancy** 15 Minutes

6. PLANNING DIRECTOR'S REPORT - 7:45 PM

7. ADJOURNMENT - 8:00 PM

GUIDING PRINCIPLES

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

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

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

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

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

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

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

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



Planning Commission meetings are wheelchair accessible. Assisted listening devices are available in Council Chambers. If you require additional ADA accommodations, please contact the Planning & Community Development Department at (206) 780-3750 or pcd@bainbridgewa.gov by noon on the day preceding the meeting.

Public comment may be limited to allow time for the Commissioners to deliberate. To provide additional public comment, email your comment to pcd@bainbridgewa.gov or mail it to Planning and Community Development, 280 Madison Avenue North, Bainbridge Island, WA 98110.



CITY OF
BAINBRIDGE ISLAND

Planning Commission Special Meeting Agenda Bill

MEETING DATE: July 9, 2020

ESTIMATED TIME: 10 Minutes

AGENDA ITEM: Welcome New Planning Commissioner Sarah Blossom and Reappointment of Planning Commissioner Kimberly McCormick Osmond

AGENDA CATEGORY: Appointment

PROPOSED BY: Heather Wright

**PREVIOUS PLANNING COMMISSION
REVIEW DATE(S):** June 25, 2020

PREVIOUS COUCIL REVIEW DATE(S): June 23, 2020
June 30, 2020

RECOMMENDED MOTION:
Welcome and introductions.

SUMMARY:

BACKGROUND: An interview team of Mayor Leslie Schneider, Council Liaison Kirsten Hytopoulos and Planning Commission Chair, Bill Chester interviewed for two Planning Commission vacancies. Six applications were received for the two vacant positions; including Sarah Blossom, Erik Dykeman, Michele Gardiner, Megan Marshall, Kimberly McCormick Osmond and Lori Weise.

The appointment of these two vacant positions were scheduled for the City Council consent agenda and pulled at the meeting on June 23, 2020 for the two candidates, Kimberly McCormick Osmond (Position 1) and Sarah Blossom (Position 2). The appointment was approved by Council on June 30, 2020.

ATTACHMENTS:



CITY OF
BAINBRIDGE ISLAND

Planning Commission Special Meeting Agenda Bill

MEETING DATE: July 9, 2020

ESTIMATED TIME: 20 Minutes

AGENDA ITEM: 6:25 PM - Confirm appointments to the PC/CC Land Use Initiative and Affordable Housing Subcommittees and liaison to the Design Review Board (DRB)

AGENDA CATEGORY: Appointment

PROPOSED BY: Heather Wright

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

PREVIOUS COUCIL REVIEW DATE(S): June 22, 2020 PC/CC Joint Meeting

RECOMMENDED MOTION:

Approve appointments to the subcommittees and liaison to the DRB.

SUMMARY:

On Monday, June 22 following a joint meeting between the City Council and Planning Commission to discuss affordable housing and land use initiatives, it was decided to form a subcommittee of 3 planning commissioners and 3 city council members. The purpose of this agenda item is to confirm the members of this subcommittee, as well as the affordable housing subcommittee. Additionally, the recent resignation of Commissioner Don Doman has resulted in an opening in the DRB liaison position.

BACKGROUND: The recent resignation of a commissioner has created a vacancy in the DRB liaison position. The creation of a new subcommittee and addition of a new commissioner provide an opportunity to affirm appointments to the recently created and standing affordable housing subcommittee.

ATTACHMENTS:



Planning Commission Special Meeting Agenda Bill

MEETING DATE: July 9, 2020

ESTIMATED TIME: 45 Minutes

AGENDA ITEM: 6:45 PM - Ordinance 2020-16 Amending Bonus Floor Area Ratio (FAR) Options, BIMC 18.12.030.E.

AGENDA CATEGORY: Ordinance

PROPOSED BY: Jennifer Sutton

PREVIOUS PLANNING COMMISSION

REVIEW DATE(S): February 27, March 12, May 14 and 28, June 11, and June 25, 2020

PREVIOUS COUCIL REVIEW DATE(S): February 4, 11, 25, March 3, 10, & April 14 & 28, 2020

RECOMMENDED MOTION:

Discuss intersection of parking requirements with consideration for revising Bonus FAR program; confirm any amendments to draft Ordinance 2020-16. Confirm scheduling public hearing on July 23 or August 13.

SUMMARY:

Prior to the enactment of Ordinance No. 2020-10, the provision of the Bainbridge Island Municipal Code (“BIMC”) that the ordinance primarily impacts, BIMC 18.12.030.E., described various options for achieving bonus density in the Winslow Mixed Use Town Center and High School Road Districts. For example, 100% density could be achieved by providing affordable housing or purchasing development rights, whereas a portion of density could be achieved by providing public amenities and/or infrastructure, and/or by preserving heritage trees on site, and/or via a transfer of development rights. The Ferry Terminal District had two additional options related to providing community open space and ferry related parking.

As a result of the interim zoning control enacted via Ordinance No. 2020-10, Floor Area Ratio (“FAR”) bonus density can only be obtained or used currently under the following circumstances:

- o Providing affordable housing as defined in Chapter 18.36 BIMC in accordance with BIMC 18.12.030.E.1.;
- o Transferring unused FAR from the Islander Mobile Home Park to another parcel or parcels in the Mixed Use Town Center District for residential development in accordance with BIMC 18.12.030.E.1.; or
- o Preserving an historic structure located on a state, local, or federal register in accordance with BIMC 18.12.030.E.6. such that, when an historic structure is preserved, the square footage of that structure will not count toward the FAR calculation.

In addition to the exclusions described above in the bulleted items, Ordinance No. 2020-10 also includes an exclusion recognizing development rights that were purchased from the City or otherwise acquired prior to the effective date of the ordinance, as well as a provision recognizing vested rights. The ordinance also suspends the applicability and use of BIMC 18.27.080 and footnote three to Table 18.12.020-3 because those provisions relate directly to the provisions that are suspended in BIMC 18.12.030.E.

At the June 11 meeting, the full Planning Commission came to consensus on changing the Bonus FAR program. These

changes are captured in DRAFT Ordinance 2020-16, and were discussed on June 25. During the June 25 discussion of the Commission's ideas for changing the bonus FAR program, the focus was on the Commission's ideas for reducing parking demand in downtown Winslow and existing ferry parking. Currently there is a bonus FAR provision in the Ferry Terminal District for relocating existing surface ferry parking to a garage (BIMC 18.12.030.E.7). Staff is including information about existing parking requirements for residential and commercial development in the MUTC and HS Road zones to support the Commission's discussion of incentivizing development that improves the parking situation in downtown Winslow. DRAFT Ordinance 2020-16 has not been modified since the June 25 Planning Commission meeting.

BACKGROUND: The City Council has engaged in multiple discussions regarding bonus FAR density options. The following is a chronological legislative history summary of discussions and decisions made by the Council and the Planning Commission thus far related to Ordinance No. 2020-10, as well as related to consideration of FAR density options more generally. The summary is based on the agenda packet materials and the minutes of the meetings as below described.

At the February 4, 2020 City Council study session, Councilmembers expressed an interest in discussing whether to eliminate the option to purchase bonus FAR. The fees for FAR have been established by resolution (Resolution Nos. 2001-02 & 2006-50) and are included within the City's Fee Schedule. The fees are \$18 per square foot for residential development, \$25 per square foot for mixed use development, and \$34 per square foot for commercial development. The funds are split between public amenities (40%) and farm/agriculture (60%).

Options considered by the Council at the February 4 meeting included pursuing a suspension of the bonus FAR regulations via adoption at a future meeting of an interim control ordinance that would be effective immediately (if adopted on an emergency basis) or five days after passage and publication (if enacted on a non-emergency basis). The Council also discussed the option of seeking to otherwise consider revisions to or elimination of the FAR bonus option by referring the matter to the Planning Commission for review and recommendation, and the Council would then consider that recommendation before taking action.

At the February 11, 2020 City Council business meeting, the Council passed a motion directing the City Manager to pursue an interim zoning control related to BIMC 18.12.030.E. to suspend that section (relating to bonus FAR). A motion to direct the Planning Commission to review Chapter 18.12 BIMC relating to FAR and Chapter 18.21 BIMC relating to affordable housing was tabled. Following further discussion, the Council decided to revisit the first motion and approved a motion to reconsider that motion relating to the development of an interim control ordinance at the Council's February 25, 2020 meeting.

At the February 25, 2020 City Council meeting, the Council reconsidered the motion directing the City Manager to develop an interim control ordinance related to suspending BIMC 18.12.030.E. regarding use of FAR for bonus density. That motion failed. Other motions also failed related to directing the City Manager to pursue an interim zoning control that would suspend BIMC 18.12.030.E. in different ways. However, the Council passed unanimously (6-0, with Councilmember Pollock absent) the following motion:

I move to direct the City Manager to work with the Planning Commission and any other appropriate City committees or commissions to bring back to Council as quickly as possible an ordinance that will reform the City's bonus FAR programs so as to only allow bonus FAR in relation to Affordable Housing, Historic Preservation, and Transfer of Development Rights.

At the February 27, 2020 Planning Commission meeting, City staff briefly discussed with the Planning Commission the City Council's action directing the City Manager to work with the Planning Commission to bring back to the Council as quickly as possible an ordinance to reform the City's bonus FAR programs so as to only allow bonus FAR in relation to affordable housing, historic preservation, and transfer of development rights.

At the March 3, 2020 City Council meeting, Councilmember Medina was absent and Councilmember Pollock, who was absent for the February 25 meeting, was present. Councilmember Pollock moved and Councilmember Deets seconded a motion to add a discussion regarding an interim zoning control related to BIMC 18.12.030.E. to that night's agenda under Unfinished Business. The Council approved the agenda as amended. The Council then unanimously passed a motion to suspend the rules for the purpose of taking up this motion again after having voted on it at the last meeting on February 25. The Council then unanimously passed the following motion:

I move to direct the City Manager to prepare an interim zoning control ordinance for consideration at the Council's March 10 meeting related to BIMC 18.12.030.E. to suspend the applicability and use of that Section E., except that subsections E.1. (related to Optional Affordable Housing) and E.6. (related to Historic Structure Preservation) would not be suspended and waiving any procedural requirements that would otherwise apply to the motion that was passed.

At the March 10, 2020 City Council meeting, the Council considered the interim control ordinance that was prepared as directed by the Council at its March 3, 2020 meeting related to suspending the applicability and use of BIMC 18.12.030.E., except that subsections E.1. (related to Optional Affordable Housing) and E.6. (related to Historic Structure Preservation) would not be suspended. The ordinance was prepared as an emergency ordinance, meaning that it would be effective immediately upon passage. The ordinance also included suspension of the applicability and use of BIMC 18.27.080 and footnote three of Table 18.12.020-3 because those provisions relate directly to the provisions that were being suspended in BIMC 18.12.030.E.

As part of that March 10, 2020 Council meeting, the Council passed various motions to revise the ordinance as drafted. The first such motion was to add an additional exclusion to the interim zoning control as follows:

I move to amend Ordinance No. 2020-10, Section 2.B., to add an exclusion to the interim zoning control for development projects that filed a complete land use permit application with the City and have purchased from the City or otherwise acquired development rights, including related to bonus floor area ratio, through an executed covenant, development agreement, or contract, prior to the effective date of this ordinance.

The Council then adopted motions to remove two recital "Whereas" clauses in the draft ordinance. The Council then voted unanimously to approve Ordinance No. 2020-10 with the following motion:

I move to approve Ordinance No. 2020-10, relating to an interim zoning control to hereby suspend BIMC 18.12.030.E. and related provisions as described in the ordinance regarding floor area ratio bonus density options, except for Sections E.1. and E.6. of BIMC 18.12.030.E. as amended.

At the March 12, 2020 Planning Commission meeting, the Planning Commission (“Commission”) had an item on their agenda entitled “FAR Discussion.” Included as part of the materials for that agenda item was the February 27, 2020 memorandum written by Planning Director Heather Wright that is referenced above in relation to the Commission’s February 27 meeting. Under the “Council Action” section of the memorandum, it states:

On February 25, 2020, the City Council approved a motion that the City Manager work with the Planning Commission and appropriate City Committees or Commissions to bring back to Council as quickly as possible an Ordinance that will reform the City’s bonus FAR programs so as to only allow bonus FAR in relation to Affordable Housing, Historic Preservation and Transfer of Development Rights.

Based on the draft minutes for this Commission meeting on March 12, 2020 (attached as Attachment B below), Planning Director Heather Wright introduced the interim zoning control ordinance. Following, there was public comment, including from Councilmember Pollock. After the public comment, the Commission unanimously passed a motion (attached):

At the April 14, 2020 City Council meeting, the Council scheduled a public hearing regarding Ordinance No. 2020-10 for April 28, 2020. The Council took action to set the public hearing pursuant to RCW 35A.63.220 and RCW 36.70A.390, which require the Council to hold a public hearing within 60 days of adoption of Ordinance No. 2020-10 (i.e., by May 10, 2020) in order to take public testimony and to consider adopting further findings of fact.

On April 28, 2020, the City Council held a public hearing on Ordinance 2020-10 and no changes to the Ordinance were made.

The Planning Commission formed a subcommittee of 3 members (Chester, Paar, Quitslund) to begin working on a revised FAR ordinance. The Planning Commission discussed Subcommittees information and recommendations on changes to bonus FAR regulations on at their May meetings and on June 11. City Staff integrated the June 11 recommendations into DRAFT Ordinance 2020-16.

ATTACHMENTS:

Planning Commission Recommendations on FAR Bonus Density Provisions in the Bainbridge Island Municipal Code

In response to the City Council's request for Planning Commission evaluation of existing FAR bonus density provisions in the Bainbridge Island Municipal Code, the Planning Commission makes the following recommendations for immediate revisions to those code provisions.

We recommend reducing reliance on Bonus FAR and limiting the use of this incentive to projects that will achieve specific community benefits. The amounts of Base and Bonus FAR currently allowed in the several MUTC and HSR zoning districts should be studied and revised where appropriate. A project that is well suited to its zoning overlay context, and that meets our design guidelines and standards, should be feasible within the limits set by Base FAR allowances.

Within limits yet to be determined, Bonus FAR should be allocated in order to achieve, within the project itself, specific community benefits that would otherwise not be feasible. Such community benefits may include:

- a. Parking alternatives to reduce or eliminate the need for parking on the street or in a dedicated surface lot.
 - b. Housing for income-qualified tenants, combined with moderately priced market-rate housing.
 - c. Preservation of a historic structure in such a way that it becomes a functional part of the re-development.
3. Re: BIMC 18.12.030.E, most of the current provisions for Bonus Density (i.e., Bonus FAR) in this subsection should be discontinued.
 4. Re: 030.E.1.a (Optional Affordable Housing FAR Bonus) and Table 18.12.030, these provisions, revised, may become part of BIMC 18.21 (Affordable Housing) when that chapter is revised; provisions in BIMC 18.12 and 18.21 will complement one another.
 5. Re: 030.E.1.b (Preservation of the Islander Mobile Home Park), we recommend that any remaining units of value held by the owner(s) of the mobile home park be purchased by COBI and transferred to a "development bank" account, to be used in a T D R program.
 6. Re: 030.E.2 (Purchase of Development Rights), noting that current provisions in BIMC 18.27 have seen very little use, we support instituting an effective T D R program, which may be pertinent to development in some parts of the Winslow Study Area.
 7. Re: 030.E.3.a & .b (Public Amenities and/or Infrastructure), we recommend discontinuing a policy that awards Bonus FAR for meeting a requirement.
 8. Re: 030.E.4 (Community Open Space in the ferry terminal district), we recommend, again, discontinuing a policy that awards Bonus FAR for meeting a requirement.
 9. Re: 030.E.5 (FAR Transfers), we don't believe that any "development potential" in parcels that contain critical areas should be converted into Bonus FAR.
 10. Re: 030.E.6 (Historic Structure Preservation), we recommend that when a historic structure is preserved and incorporated in redevelopment of the site, that structure's floor area shall be, in effect, Bonus FAR.
 11. Re: 030.E.7 (Under-building Parking in the Ferry Terminal District), we recommend retaining this provision, subject to change in revised Bonus FAR regulations.
 12. After revision, in BIMC 18.12 and its Table of FAR-Based Dimensional Standards, the allowances for Base and Bonus FAR should not be regarded as permanent, or as conferring a right to develop to the limit. They should be reviewed periodically and revised in the light of experience, as circumstances in the community and the built environment change.
 13. Next steps in the implementation of these recommendations remain to be determined. Further work can be done in the Planning Commission on the basis of policy guidance from the City Council. An Ad Hoc Committee or a Task Force might be formed. A consultant might contribute expertise that is not available within our community.

July 5, 2020

TO: Planning Commission

FROM: Jon Quitslund

CC: Jane Rasely, Heather Wright, & Kirsten Hytopoulos

To the best of my knowledge, when the agenda packet for our July 9th meeting was assembled and materials were brought together for discussion of item 4.b (Ordinance 2020-16 Amending Bonus FAR Options), the pages that I assembled hastily for our discussion at the previous meeting were inadvertently omitted. I have prepared a revised version to be considered on Thursday.

I think that if possible, we should decide on a course of action and direct Jennifer to prepare a fresh draft of the Ordinance for another look in our next meeting, so that we can schedule a public hearing, vote to recommend, and get this piece of business over to the Council with our recommendation in the near future.

As soon as possible, several other changes must be made in BIMC 18.12. This Ordinance deals only with Subsection .030.E, subject to the Interim Zoning Control. For context:

BIMC 18.12.030 Additional dimensional provisions. consists of subsections A. through E.:

- A. Density and Lot Coverage Bonus for R-8 and R-14 Zone Districts.
- B. Additional Height in R-14 District.
- C. Transitional Standards in the Ferry Terminal Overlay District.
- D. Bonus Density in NC District.
- E. Bonus Density in Winslow Mixed Use and High School Road Districts.

Subsection E. in its present form consists of seven further subsections:

- 1. Optional Affordable Housing.
- 2. Purchase of Development Rights.
- 3. Public Amenities and/or Infrastructure.
- 4. Community Open Space.
- 5. Winslow Town Center Mixed Use/High School Road FAR Transfers.
- 6. Historic Structure Preservation.
- 7. Ferry-Related Parking.

I am inclined to propose deleting subsection E. in its entirety, and then adding back the provisions for bonus density that we want to retain. Those provisions can be presented most effectively in language that is not already in the Code. What we put in place now may be modified when the specific provisions for base and bonus FAR are revised and other changes are made in the Chapter.

I assume that no changes will be made at this time in the amounts of bonus FAR allowed in Table 18.12.020-3.

Presumably, the discontinuing or termination of the arrangement with the Islander Mobile Home Park, pursuant to subsection .030.E.1.b, will require a separate Ordinance or Resolution. Likewise, establishing a “development bank” is a separate matter.

I may have questions about a few of the WHEREAS recitals in the DRAFT of Ordinance No. 2020-16. Also, it may be appropriate, or even necessary, to include some findings or reasons why BIMC 18.12.030.E is being drastically modified. (The best place for our rationale might be external to the Ordinance, in the memo conveying our recommendation.)

Let's consider this replacement for **subsection E (Bonus Density in Winslow Mixed Use and High School Road Districts)**:

In order to obtain specific public benefits that would otherwise not be economically feasible, an incentive in the form of bonus FAR is available, subject to evaluation of the proposed development or redevelopment by city staff, the design review board, and the planning commission. A property eligible for bonus density may achieve a level of development above the base FAR allowed for its use and its zoning district, according to the maximum amounts presented in Table 18.12.020-3. The following public benefits are eligible for bonus FAR:

1. Affordable Housing for income-qualified tenants, as defined in Chapters 18.36 and 18.21 BIMC. Such housing may be for rent or for purchase from an agency that manages properties intended to remain permanently affordable. The amount of bonus FAR, within limits set in Table 18.12.020-3, is determined by the floor area dedicated to the aforesaid affordable housing, plus a percentage of any area that is of common use and benefit to the entire residential development. The affordable housing shall be developed in accordance with Chapter 18.21 BIMC and Table 18.12.030.

{Insert Table 18.12.030.}

2. Historic Structure Preservation. When a historic structure is preserved and incorporated in redevelopment of the site, the floor area of that structure shall not be included in the calculation of base FAR for the project. The historic structure must qualify for inclusion on a local, state, or federal register.
3. Alternatives to required on-street and/or surface lot parking. When parking spaces required for the development are provided below the street level or in a separate garage facility, a floor area bonus equal to the square footage dedicated to parking may be allocated to the project.

In the limited time available during the previous meeting, flaws were found in # 3. Maybe someone will fix what needs fixing.

ORDINANCE NO. 2020-16

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to bonus floor area ratio and amending Section 18.12.030.E of the Bainbridge Island Municipal Code.

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt interim zoning controls related to land uses; and

WHEREAS, the City Council of the City of Bainbridge Island ("City") updated the City's Comprehensive Plan in February of 2017; and

WHEREAS, balancing affordable housing, historic preservation, growth management, and sustainable development continues to be a local, regional, and national challenge due to many social and economic factors; and

WHEREAS, the City has encouraged affordable housing construction by adopting "bonus density" programs that allow for increases in density above the underlying zoning if the additional density creates affordable homes; and

WHEREAS, the intent of the Comprehensive Plan is to place residential density, inclusive of affordable housing, in the Winslow core area near infrastructure such as transportation hubs (e.g., ferry service, bus service, highway access), sewer, water, reliable electrical power, and retail stores; and

WHEREAS, the intent of such policies is to manage growth consistent with the Growth Management Act, reduce infrastructure costs, and follow general principles of sustainable community development; and

WHEREAS, the City Council is interested in evaluating the applicability, use, and effectiveness of the bonus density options provided for and as described in BIMC 18.12.030.E. including related to the purchase of development rights, the provision of public amenities and/or infrastructure, the provision of community open space, floor area ratio transfers related to the Mixed Use Town Center and High School Road districts, and ferry-related parking; and

WHEREAS, on February 25, 2020, the City Council directed the City Manager to work with the Planning Commission to draft an ordinance that suspended use and applicability of bonus FAR options; and

WHEREAS, on March 10, the City Council approved an interim zoning control ordinance related to Floor Area Ratio ("FAR") density bonus options (Ordinance 2020-10); and

WHEREAS, the Planning Commission discussed these policies on February 27 and March 12, and formed a subcommittee of Commissioners Chester, Paar and Quitslund to work on this topic; and

WHEREAS, the subcommittee brought back their recommendations to the full Planning Commission for discussion on May 14 and 28, met again, and brought back revised recommendations for the June 11, 2020 Commission meeting and the full Planning Commission came to consensus on a set of amendments to bonus FAR regulations; and

WHEREAS, the Planning Commission and City Council held a joint meeting on June 22, 2020 to discuss the bonus FAR regulations and how they are interrelated with other land use issues such as improving affordable housing and transfer of development rights programs; and

WHEREAS, the Planning Commission discussed Ordinance 2020-16 on June 25, 2020 and made additional revisions to the ordinance prior to holding a public hearing on XXXX, 2020; and

WHEREAS, after closing the public hearing on XXXX, 2020, the Commission recommended of approval of Ordinance 2020-16 to the City Council; and

WHEREAS, notice was given on XXXX, 2020, to the Office of Community Development at the Washington State Department of Commerce in conformance with RCW 36.70A.106; and

WHEREAS, the City Council considered Ordinance 2020-16 at its meeting on June 23, 2020; and

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

Section 1. Section 18.12.030.E of the Bainbridge Island Municipal Code is hereby amended to read as follows:

BIMC 18.12.030

E. Bonus Density in Winslow Mixed Use and High School Road Districts. Eligible properties may achieve a maximum level of development above the base FAR, as provided for in Table 18.12.020-3, by using one, or a combination of, the following FAR bonus provisions. The FAR bonus provisions may be combined to achieve the maximum level of development established for each district. In no case shall the total commercial, residential or mixed use FAR exceed the maximum FAR as provided for in Table 18.12.020-3.

NOTE: THIS AFFORDABLE HOUSING SECTION WOULD LIKELY BE UPDATED AFTER THE JUNE 22 JOINT PLANNING COMMISSION CITY COUNCIL MEETING

1. Optional Affordable Housing.

a. FAR Bonus. Up to 100 percent of the maximum residential FAR bonus may come from providing affordable housing as defined in Chapter 18.36 BIMC; provided, that the difference between the base residential FAR and the maximum residential FAR shall be dedicated to affordable housing. A portion of the total floor area that is of common use and benefit to the entire residential development (for example, interior halls, stairwells, laundry rooms, exercise rooms) may be included in the calculation of the affordable housing component. This portion shall be the same percentage as the affordable housing provided. For example, if 20 percent of the living unit floor area is for affordable housing, then 20 percent of the common floor area may be included in the total affordable housing calculation. Development of the optional affordable housing shall be in accordance with Chapter 18.21 BIMC and Table 18.12.030.

Table 18.12.030: Optional Affordable Housing Bonus Summary Table

Size of Development	Residential development less than 10,000 sq. ft.	Residential development of 10,000 sq. ft. but less than 60,000 sq. ft.	Residential development more than 60,000 sq. ft.
Affordable Housing FAR Bonus	Must provide 100 percent of bonus square footage for extremely low, very low, or moderate income groups.	Must comply with following ratios: (a) 100 percent of bonus for all moderate; OR (b) 0.2 of bonus for extremely low, very low, or low income groups;	Must comply with following ratios: 0.1 of bonus for extremely low, very low or low income groups; 0.6 of bonus for moderate income group; and

Table 18.12.030: Optional Affordable Housing Bonus Summary Table

Size of Development	Residential development less than 10,000 sq. ft.	Residential development of 10,000 sq. ft. but less than 60,000 sq. ft.	Residential development more than 60,000 sq. ft.
		0.5 of bonus for moderate income group; and 0.3 of bonus for middle income group.	0.3 of bonus for middle income group.

NOTE: ELIMINATING THIS SOURCE OF BONUS FAR IN THE WAY RECOMMENDED BY THE COMMISSION (WITH THE CITY BUYING THE BALANCE OF MOBILE HOME PARK FAR AND PUTTING IN DEVELOPMENT BANK) REQUIRES LEGAL REVIEW AND BUDGET ANALYSIS BY STAFF AND CITY COUNCIL

~~b. Preservation of the Islander Mobile Home Park. Preservation of the Islander Mobile Home Park as an existing park site for manufactured homes shall be encouraged through the following provisions.~~

~~i. Unused FAR from the parcel on which the mobile home park is located may be transferred to another parcel or parcels within the Mixed Use Town Center. For example, the base FAR for the mobile home park would be calculated, less the FAR of the mobile homes. In exchange for permanently preserving the mobile home park, the owner of the property may transfer the unused FAR to another parcel or parcels in the Mixed Use Town Center, where it may be used as bonus FAR above the base FAR for that district.~~

~~ii. Permanent preservation of the mobile home park may be used as an affordable housing bonus on another parcel or parcels within the Mixed Use Town Center. For example, in exchange for preserving the mobile home park, the owner of the property would be deemed to have met the affordable housing bonus provisions of subsection A.1 of this section, and could achieve the maximum FAR bonus for~~

residential development on another parcel or parcels in the Mixed Use Town Center. The owner of the mobile home park may either apply the FAR bonus to another parcel(s) he or she owns, or transfer or sell the bonus to another property owner in the Mixed Use Town Center.

NOTE: THIS TDR SECTION WOULD LIKELY BE UPDATED AFTER THE JUNE 22 JOINT PLANNING COMMISSION CITY COUNCIL MEETING

2. Purchase of Development Rights. Up to 100 percent of the maximum residential, commercial or mixed use FAR bonus may come from the a purchase or transfer of development rights as provided for in Chapter 18.27 BIMC. ~~The cost of development rights shall be established by resolution of the city council.~~

3. Public Amenities and/or Infrastructure. ~~At the applicant's option, a portion of the bonus may be earned through the provision of public amenities, infrastructure, and/or preservation of a heritage tree(s) on site, pursuant to an adopted city council resolution clarifying the amount of credit awarded for different provision of different public amenities and/or infrastructure, as follows:~~

a. ~~Up to 40 percent of the maximum residential, commercial or mixed use FAR bonus may come from monetary contributions toward public amenities and/or infrastructure beyond that required for SEPA mitigation. The amount of the contribution shall be established by resolution of the city council. Funds contributed to the public amenities and/or infrastructure shall be used exclusively in the Mixed Use Town Center or High School Road districts, for projects identified in the six year capital facilities program, or approved by the city.~~

b. ~~In lieu of the contribution of funds as provided for in subsection E.3.a of this section, and subject to approval by the director or designee, the public amenities FAR bonus may be achieved by the preservation of a heritage tree(s) on site, construction of public amenities and/or infrastructure beyond that required to mitigate the impacts of development. Public amenities and/or infrastructure projects shall be located in the Mixed Use Town Center or High School Road districts, and shall be chosen from projects identified in the six year capital facilities program, or approved by the city.~~

4. Community Open Space. ~~In the ferry terminal district, up to 60 percent of the maximum residential, commercial or mixed use FAR bonus may be achieved by providing community open space of one acre, or 20 percent of the parcel area, whichever is greater.~~

~~The community open space shall be located in or in the immediate vicinity of locations identified in Figure 4.1 of the Winslow master plan. The open space must be located on the same parcel that is being developed, and must be on land that would be otherwise buildable. Adequate public access to the community open space must be provided. The city shall consider approving the bonus, taking into consideration the configuration, public use and accessibility of the proposed open space. In cases where a development project utilizes the community open space bonus provision in conjunction with the purchase of development rights bonus provision, all funds collected from the purchase of development rights shall go toward the preservation of agricultural lands fund.~~

~~5. Winslow Town Center Mixed Use/High School Road FAR Transfers. Up to 20 percent of the maximum residential, commercial or mixed use FAR bonus may come from transfers of FAR from parcels within the Mixed Use Town Center and the High School Road districts. The transfer shall create permanent open space through open space preservation covenants on sending parcels that contain critical areas as defined in Chapter 16.20 BIMC. For example, development potential in the ravine of the gateway district may be shifted to the upland area; provided, that the requirements of Chapter 16.20 BIMC are satisfied.~~

6. Historic Structure Preservation. When an historic structure is preserved on site, the FAR of that historic structure shall not be included in the calculation of total FAR for the site. The historic structure must be included on a state, local or federal register.

7. Ferry-Related Parking. In the ferry terminal district, an additional 0.2 FAR may be achieved by relocating existing legal surface ferry commuter parking on site (as shown on Figure 6.2 of the Winslow master plan) to under-building or below-grade parking. The percentage of the additional FAR that is achieved shall be dependent upon the percentage of parking that is relocated. For example, if 50 percent of existing surface ferry commuter parking on site is relocated under-building or below grade, then 50 percent of the total additional FAR (or 0.1 FAR) may be achieved.

**NOTE: SPECIFICS OF 6/11 COMMISSION SURFACE PARKING REDUCTION
TBD**

X. Reducing Surface Parking Demand: Bonus FAR may be earned through:

- a. The provision of underbuilding and/or underground parking to serve a proposed development; or

- b. Bonus FAR may also be earned if a development builds more underbuilding and/or underground than needed for the development, and designates the extra spaces for public parking or downtown employee parking; or

Section 2. Section 18.27.080 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

NOTE: THIS TDR CHAPTER AND SECTION WOULD LIKELY BE UPDATED AFTER THE JUNE 22 JOINT PLANNING COMMISSION CITY COUNCIL MEETING AND FURTHER IMPROVEMENTS TO CITY TDR PROGRAM

BIMC 18.27.080

A. In order to use development rights to increase floor area ratio within the Mixed Use Town Center or High School Road districts as provided in BIMC 18.12.030.E, an applicant must demonstrate that they have secured development rights from a valid sending site through the City's Transfer of Development rights program ~~fill out an application in a form approved by the city. The application shall include the amount of the requested increase in floor area ratio, and the fee, if any, of the increased floor area ratio. The fee for development rights to increase floor area ratio shall be established by resolution of the city council.~~

B. The approved application to utilize development rights to increase floor area ratio within the receiving area must be part of a site plan and design review application or other relevant land use permit under BIMC Title 2. ~~The site plan land use permit~~ must indicate the increase in floor area ratio (FAR).

C. The use of development rights shall be reviewed for conformance with all applicable development standards and design standards and guidelines of Title 18 ~~the design review provisions of BIMC 18.18.030.~~

Section 3. This ordinance shall take effect and be in force five (5) days from its passage and publication as required by law.

PASSED BY THE CITY COUNCIL this _____ day of _____, 2020.

APPROVED BY THE MAYOR this _____ day of _____, 2020.

Leslie Schneider, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, City Clerk

FILED WITH THE CITY CLERK: XXX, 2020

PASSED BY THE CITY COUNCIL:

PUBLISHED:

EFFECTIVE DATE:

ORDINANCE NUMBER: 2020-16

SUMMARY OF RESIDENTIAL PARKING REGULATIONS: [BIMC Table 18.15.020-1 and -2](#)

1 off-street parking space per primary dwelling unit for:

- Studios
- 1 bedroom units
- Dwelling units above commercial use or parking serving commercial

2 off-street parking spaces required for all other types of dwelling units, unless the following parking reductions apply:

- Residential parking requirements may be reduced by 50 percent (to 1 space per unit) for dwelling units located within a one-half-mile radius and 25 percent (to 1.5 spaces per unit) for dwelling units located within one-half mile and a one mile radius of the ferry terminal providing scheduled service to Seattle.
SEE MAP WITH DISTANCE FROM WSF FERRY TERMINAL
- The HDDP program applies in greater Winslow (see [BIMC 2.16.020.S.6.d](#)) and allows reduced parking based on unit size: 1 space for units < 800 sq. feet; 1.5 spaces for units between 800-1200 sq. feet.

NOTE: Nothing in the current code allows the required number of parking spaces to be reduced below one space per parking unit.

The director may require guest parking in excess of the required parking spaces, whether or not the required parking is reduced pursuant to BIMC [18.15.020](#).B.12, up to a maximum additional 0.5 stall per dwelling unit, if there is inadequate guest parking on the subject property.

SUMMARY OF COMMERCIAL PARKING REQUIREMENTS IN MUTC/HS ROAD DISTRICTS

Excerpt [Table 18.15.020-2](#): Off-Street Parking Spaces Required for Commercial Uses in Mixed Use Town Center Districts and High School Road Districts [1]

Land Use	Spaces Required					
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay	High School Road I and II
Other Commercial and Nonresidential Uses						
Minimum spaces per 1,000 sq. ft. [2]	2, except 3 in the Parfitt-Waterfront area				1	4
Entertainment facilities	1 per 4 fixed seats	Not Permitted				1 per 4 fixed seats
Maximum above-ground spaces per 1,000 sq. ft.	5				3	5

NOTE: Some or all of parking spaces for commercial uses in MUTC can be met off-site ([BIMC 18.15.020.C.2](#)) All off-site spaces shall be within a 1,000-foot radius of the edge of the development parcel and shall be acquired through fee-in-lieu, fee simple ownership, or a leasehold permanently linked to the unit or commercial space ([BIMC 18.15.020.D.3](#)).

For residential and commercial development, new street parking spaces may be created to meet parking requirements ([BIMC 18.15.020.D.8](#)) with review and approval by the Department of Public Works.

WSF Property 1 Mile and 1/2 Mile Buffers

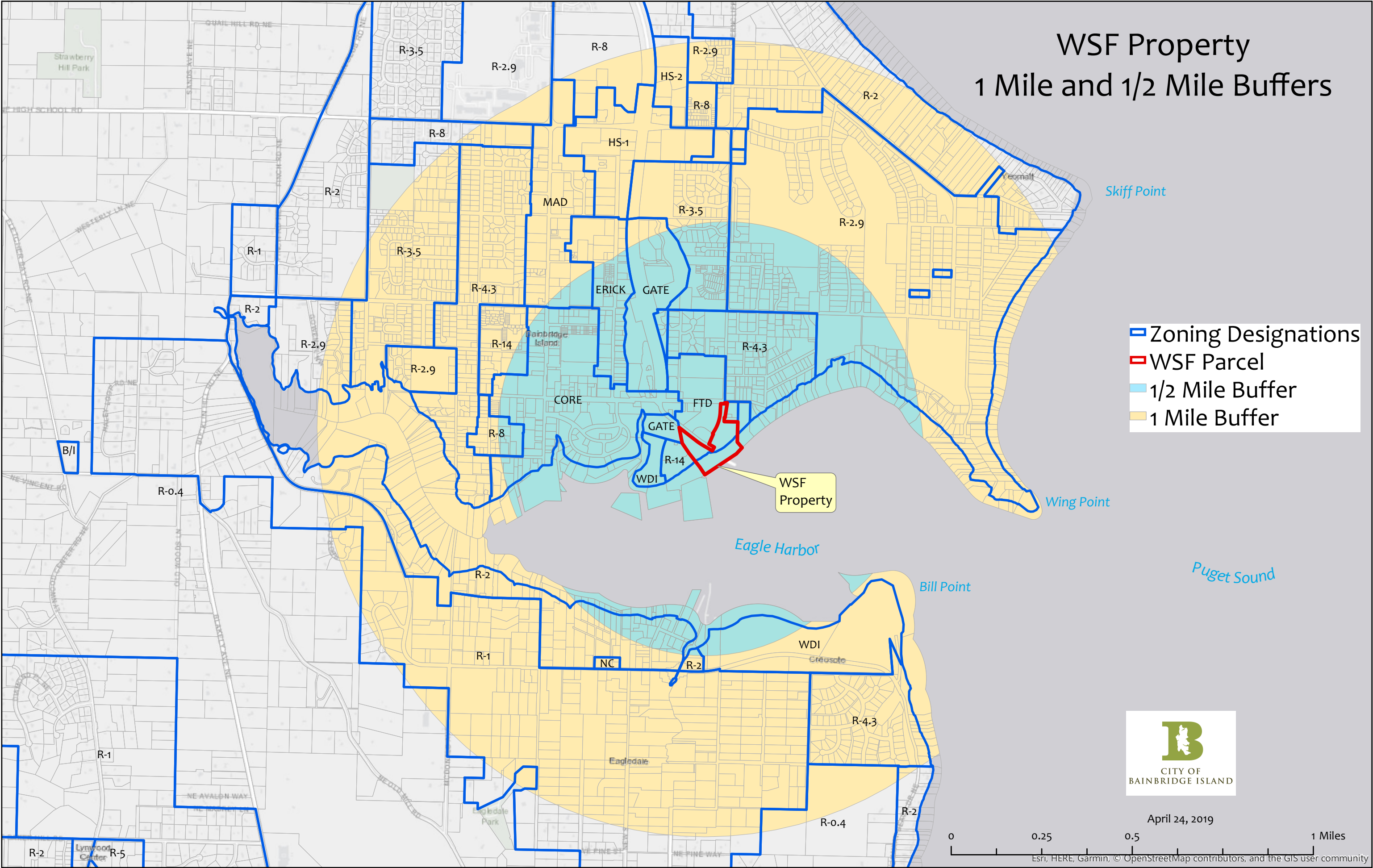


Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
DIMENSIONAL STANDARD									
MAXIMUM FAR (Floor Area Ratio) [1]									
Basic Maximum									
Commercial and Other Nonresidential Uses	0.6	0.4	0.3	0.15	0.1	0.3	No max.; limited by other standards		
Residential	0.4	0.4	0.3	0.5	0.4	0.3	No FAR limit: R-2 standards apply		
Mixed Use [2]	1.0	0.5	0.5	0.5	0.5	0.3	No max.; limited by other standards		
Maximum with Bonus	Bonus densities require compliance with BIMC 18.12.030.E								
Commercial and Other Nonresidential Uses	1.0	0.6	0.6	0.3	0.2	0.6	Bonus densities require compliance with BIMC 18.12.030.D	N/A	N/A
Residential	1.0	0.6	0.6	1.0	1.1	0.6		N/A	N/A
Mixed Use [2]	1.5	1.0	1.0	1.0	1.3 (1.5 pursuant to note [3])	1.0		N/A	N/A

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
DIMENSIONAL STANDARD									
MINIMUM LOT DIMENSIONS									
Area	N/A	N/A	N/A	N/A	N/A	N/A	N/A	20,000 sq. ft.	20,000 sq.ft.
Depth	N/A	N/A	N/A	N/A	N/A	N/A	80	N/A	N/A
Width	N/A	N/A	N/A	N/A	N/A	N/A	80	N/A	N/A
MAXIMUM LOT COVERAGE									
	100%, excluding setbacks	35%	35% 2,500 sq. ft. max. building footprint south of Wyatt, excluding parking structures located below predevelopment and finished grade	35%	75%	50%	35%	35%	50%

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
DIMENSIONAL STANDARD									
SETBACKS (Minimum required unless otherwise noted) [4]									
Note: Landscaped areas may serve as setbacks and, in some cases, may exceed the setback requirements.									
Note: Additional setbacks may be required by:									
(a) Chapter 16.12 BIMC, Shoreline Master Program; or									
(b) Chapter 16.20 BIMC, Critical Areas; or									
(c) BIMC 16.28.040 , mining regulations; or									
(d) BIMC 18.09.030 , Use Specific Standards; or									
(e) BIMC 18.12.030.F , Shoreline Structure Setbacks.									
Front									
	Commercial: 5 ft. max. from sidewalk; Residential: 10 ft. min. and 20 ft. max. from	10 ft. min., 20 ft. max.	15 ft. min., 20 ft. max.	5 ft. max. from sidewalk	5 ft. max. from sidewalk except as modified by transition standards in BIMC 18.12.030.C	10 ft. max. from sidewalk	0 ft. min., 20 ft. max from any street, planned right-of-way or road easement, unless otherwise provided under	50 ft. min. along any public right-of-way	40 ft. min. from property in residential districts; 10 ft. min. for all other

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
	Madison Ave. sidewalk						special planning area provisions		
Side									
	0 ft.; 5 ft. min. when property abuts the Madison Avenue or Ericksen Avenue overlay districts	0 ft.; 5 ft. min. when property abuts the central core overlay district	5 ft. min.	0 ft.	0 ft.	0 ft.	0 ft. when property abuts another NC zone; 15 ft. when property abuts a residential zone	10 ft.; 50 ft. when abutting a residentially zoned property. The city may increase this to a maximum of 100 ft. depending on the type, scale, and intensity of	40 ft. min. from property in residential districts; 10 ft. min. for all other

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
								the proposed use, subject to site plan review.	
Rear									
	0 ft.; 5 ft. min. when property abuts the Madison Avenue or Ericksen Avenue overlay districts	0 ft.; 5 ft. min. when property abuts the Central Core or Ericksen Avenue overlay districts	0 ft.; 5 ft. min. when property abuts the central core or Madison Avenue overlay districts	0 ft.	0 ft.	0 ft.	0 ft. when property abuts another NC zone; 15 ft. when property abuts a residential zone	15 ft. min.; 50 ft. min. when abutting a residential district. City may increase to a maximum of 100 ft. based on type, scale, and	40 ft. min. from property in residential districts; 10 ft. min. for all other

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
DIMENSIONAL STANDARD								intensity of proposed use, subject to site plan review.	
Shoreline Jurisdiction	See Table 16.12.030 -2, Dimensional Standards Table, and BIMC 18.12.030 .F, Shoreline Structure Setback Lines								
MAXIMUM BUILDING HEIGHT [5]									
Note: Bonus may not be available in the shoreline jurisdiction									
Base	35 ft.; 25 ft. max. south of Parfitt	25 ft.; 35 ft. north of High School Road	25 ft.	35 ft.	BIMC 18.12.030.C standard height north of Winslow Way; 35 ft. south of Winslow Way	35 ft.	35 ft.	35 ft.	35 ft. except that Chapter 16.12 BIMC applies within shoreline jurisdiction
Bonus 1 if parking under building [6]	45 ft.; 35 ft. south of Parfitt	35 ft.; 45 ft. north of	35 ft.	45 ft.	BIMC 18.12.030.C optional height north of Winslow	45 ft.			

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts

ZONING DISTRICT	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
		High School Road			Way; 45 ft. south of Winslow Way				
Bonus 2 for Nonresidential Uses with Major Conditional Use Permit							45 ft.	45 ft.	45 ft.
Bonus 3 Structure Height	Alternative height limits may apply if the conditional use permit provisions of BIMC Title 2 are met. Some encroachments through height limits are permitted under BIMC 18.12.040 .								

[1] If the existing FAR for a developed property as of May 21, 1998, is higher than the base FAR for that district, then the existing FAR will be considered the base FAR for that developed property. Total FAR may not be exceeded.

[2] In mixed use development, the established FAR in the residential and commercial components shall not be exceeded. For the residential FAR bonus provisions for qualifying housing design demonstration project, refer to the bonus density provisions in BIMC [2.16.020](#).S.8.

[3] In mixed use development in the ferry terminal district, an additional 0.2 FAR is permitted in accordance with BIMC [18.12.030](#).E.7. The additional FAR may be applied to either the residential or commercial component of the mixed use development.

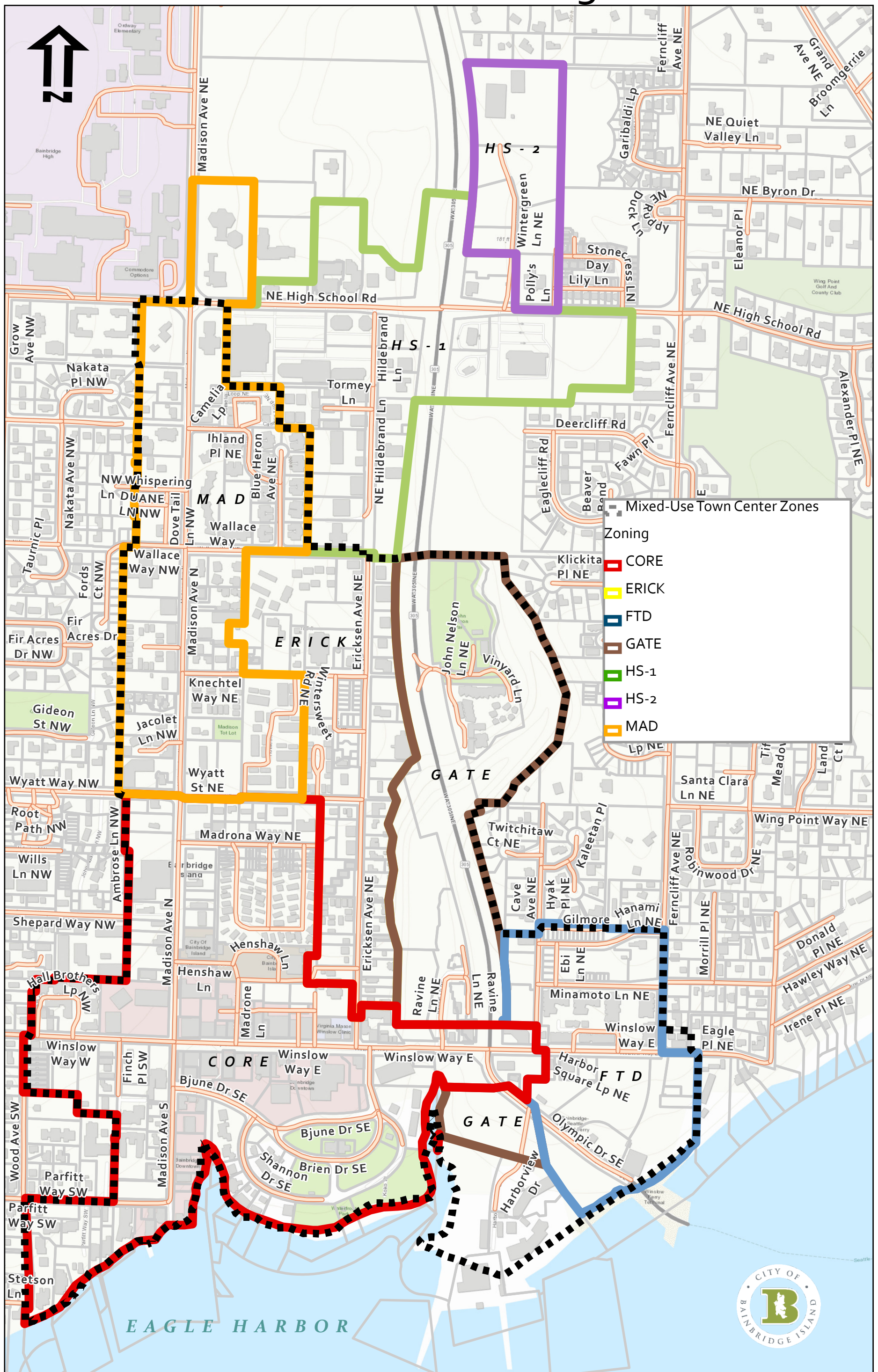
[4] When property adjoins a single-family residential zone, building setback shall be in accordance with the landscape ordinance perimeter landscaping requirements.

[5] When property adjoins a lower density residential zone, except in the ferry terminal district, north of Winslow Way, for the first 30 feet of the building from the property line of an adjoining lower density residential zone, the building height shall be the building height of the adjoining lower density residential zone. Optional building height allowed in the adjoining lower density residential district through a conditional use permit may be requested for projects within the Mixed Use Town Center and High School Road zones through the site plan review process. For building height requirements in the ferry terminal district, north of Winslow Way, reference BIMC [18.12.030.C](#).

[6] The bonus height is only available for the entire building if parking is located under more than 50 percent of the building footprint. If parking is located under 50 percent or less of the building footprint, the bonus may only be used for a portion of the building footprint twice as large as the area with parking located beneath.

(Ord. 2019-03 § 8, 2019; Ord. 2017-02 §§ 1, 22 (Exh. B), 2017; Ord. 2013-25 § 6 (Exh. B), 2013; Ord. 2012-10 § 1, 2012; Ord. 2011-02 § 2 (Exh. A), 2011)

MUTC & HS Zoning Districts





CITY OF
BAINBRIDGE ISLAND

Planning Commission Special Meeting Agenda Bill

MEETING DATE: July 9, 2020

ESTIMATED TIME: 15 Minutes

AGENDA ITEM: Study Session on Planning Commission Vacancy

AGENDA CATEGORY: Discussion

PROPOSED BY: Heather Wright

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

PREVIOUS COUCIL REVIEW DATE(S):

RECOMMENDED MOTION:

Discussion among commissioners about outreach, interview questions and the on-boarding process.

SUMMARY:

BACKGROUND: The Planning Commission has recently created vacant position they will be seeking to fill. The Commission will discuss outreach, possible interview questions and the on-boarding process for new commissioners. This is intended to be a study session among commissioners.

ATTACHMENTS: