



## Planning Commission Regular Meeting March 12, 2020

### Meeting Minutes

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

Chair William Chester called the meeting to order at 7:01 PM. Planning Commissioners in attendance were Mack Pearl, Jon Quitslund, Lisa Macchio, Kim McCormick-Osmond and Joe Paar. Commissioner Don Doman phoned in to the meeting from home.

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

#### 2) **PLANNING COMMISSION MEETING MINUTES**

- 2.a January 9, 2020 Minutes
- January 23, 2020 Minutes

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[Planning Commission Minutes DRAFT 010920.pdf](#)

[Planning Commission Minutes DRAFT 012320.pdf](#)

**Motion: I move approval of the minutes from the January 9 meeting 2020 as distributed, no corrections.**

**Quitslund/Paar: Passed Unanimously**

**Motion: I move approval of the minutes from the January 23 meeting 2020 moving them as distributed, no corrections.**

**Quitslund/Paar: Passed Unanimously**

#### 3) **PUBLIC COMMENT**

None.

#### 4) **PUBLIC HEARING**

- 4.a Ordinance 2020-02 (formerly 2019-09) related to Accessory Dwelling Units

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[20200312\\_Staff\\_Memo\\_on\\_ADUs \(1\).docx](#)

[20200312 Ordinance 2020-02 DRAFT.docx](#)

[Planning Commission Subcommittee Recommendations Regarding ADUs](#)

[ADU Use Specific Standards 18.09.030 Attachment A.pdf](#)

Senior Planner Jennifer Sutton provided an overview of the ordinance.

**The public hearing was opened at 7:36 PM.**

**Ron Peltier** spoke about the origins of the ADU ordinance they were working on.

**Jane Rein** spoke for ADUs as a way to have affordable housing.

**Michael Pollock** spoke as a citizen and for ADUs as a form of affordable housing and was not sure the ordinance as presented would actually increase the supply of affordable housing.

**Bob Russell** spoke for agricultural lands/farmers being allowed 2 ADUs for farm workers and the incentive of not having the ADU count toward lot coverage.

**Joe Dunstan** spoke as a citizen and about solving the problem of affordability and that density and affordability are separate. He stated that affordability needed to be subsidized.

**The public hearing was closed at 7:54 PM.**

**MOTION: We move to recommend that Ordinance number 2020-02 be approved by the City Council with the following changes: Whereas sections number 2 and 4 are deleted; Section 18.09.030.I.5.e is modified to reinstate the language that currently is in strikeout; Section 18.09.030.I.5.o adds the following sentence “ADUs cannot be used as a short-term rental unless they have a business license for short term rental before the effective date of Ordinance 2020-02.**

**McCormick Osmond/Pearl: Passed Unanimously**

**MOTION: We move to strongly recommend that the City Council consider and adopt a comprehensive affordable housing ordinance that may include as one of its elements incentivizing ADUs as a type of affordable housing. Incentives might include reducing impact fees and determining that an ADU would not count toward lot coverage as ways to encourage affordable housing. We'd also like to urge Council to move forward with drafting regulations to apply to short term vacation rentals to ensure that ADUs remain available as housing and rental properties.**

**McCormick Osmond/Pearl: Passed unanimously**

5) **NEW BUSINESS**

5.a FAR discussion.

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[20200227 FAR Memo to PC .pdf](#)

[RES\\_2001-](#)

[54\\_DISTRIBUTION\\_OF\\_FUNDS\\_FROM\\_PURCHASE\\_OF\\_FLOOR\\_AREA\\_RATIO\\_BONUS](#)  
[S.pdf](#)

[RES\\_2003-](#)

[25\\_FULL\\_CITY\\_COUNCIL\\_FOR\\_DECISION\\_MAKING\\_RE\\_\\_FLOOR\\_AREA\\_RATIO\\_BONUS](#)  
[ES.pdf](#)

[BIMC\\_18.12.030\\_FAR\\_BONUS\\_OPTIONS \(2\).docx](#)

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

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

Planning & Community Development Director Heather Wright introduced the interim zoning control ordinance.

Public Comment

**Michael Pollock** spoke about the Council not intending the table to be a loophole but to facilitate historic preservation.

**Ron Peltier** spoke about vesting projects and bonus FAR and hoped they recommended to adopt the ordinance without the amendment.

**Motion: I move that we recommend agreeance with the approval of Ordinance number 2020-10 with the deletion under section 2.B.3 under exclusions.**

**Paar/Quitslund: Passed Unanimously**

Commissioner McCormick Osmond agreed to write an addendum explaining the rationale for the motion.

[5.b Planning Liaison to the DRB Bimonthly Update](#)  
[Cover Page](#)

Chair Chester briefed Commissioners on the new monthly meeting between the chairs and vice-chairs of the Design Review Board and the Planning Commission.

**6) UNFINISHED BUSINESS**

6.a 2020 Workplan continued discussion.

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[Memo to Council post PC Retreat.docx](#)

[2020 Workplan memo 3-5-20.pdf](#)

[Quitslund Memo 030920.pdf](#)

Deferred until the next meeting.

**7) PLANNING DIRECTOR'S REPORT**

**8) ADJOURNMENT**

The meeting was adjourned at 9:47 PM.

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William Chester, Chair

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Jane Rasely, Administrative Specialist

Addendum to Planning Commission recommendation to remove Section 2.B.3 from Ordinance No. 2020-10, providing rationale for the recommendation.

The Planning Commission recommends removal of Section 2.B.3 from Ordinance No. 2020-10 because it appears to create a new and somewhat confusing standard for determining whether an ordinance applies to a project by excluding projects “that filed a complete land use 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.” Ordinance No. 2020-10 already includes Section C, which clearly states that “nothing in this ordinance shall be construed to extinguish, limit, or otherwise infringe on any property owner’s or property leaseholder’s vested development rights as defined by state law and City of Bainbridge Island regulations.” If Section 2.B.3 is intended to benefit a specific project or was included to avoid litigation risk to the City, the language should state that in the interest of transparency or be revised to simply exclude the project or projects for which it is intended and explain why they are being excluded.