

Approved

CITY OF BREMERTON
PLANNING COMMISSION
MINUTES OF REGULAR MEETING
January 28, 2019

CALL TO ORDER:

Chair Tift called the regular meeting of the Bremerton Planning Commission to order at 5:30 p.m.

ROLL CALL

Commissioners Present

Chair Tift
Vice Chair Wofford
Commissioner Davis
Commissioner Jones
Commissioner Nerf

Staff Present

Andrea Spencer, Director, Department of Community Development
Allison Satter, Senior Planner, Department of Community Development

Commissioners Excused

Commissioner Pedersen

Quorum Certified

APPROVAL OF AGENDA

COMMISSIONER DAVIS MOVED TO APPROVE THE AGENDA AS PRESENTED. VICE CHAIR WOFFORD SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

APPROVAL OF MINUTES

VICE CHAIR WOFFORD MOVED TO APPROVE THE MINUTES OF NOVEMBER 19, 2018 AS PRESENTED. COMMISSIONER NERF SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

PUBLIC MEETING

Call to the Public (public comments on any item not on the agenda)

Chair Tift asked if there were any comments from citizens. Seeing none, he closed the public portion of the meeting.

Public Hearing on Two Proposed Amendments to Bremerton Municipal Code (BMC) Title 20

Ms. Satter explained that following her presentation and the public hearing, the Board will be asked to make a recommendation to the City Council. She reviewed that the Commission can recommend approval of the amendments as presented or as modified, recommend denial of the amendments, or continue the public hearing to an upcoming meeting for further deliberation.

- **Amendment 1: Revise BMC 20.10.030 as related to the Comprehensive Plan Amendment Process and other minor edits.**

Ms. Satter explained that BMC 20.10 regulates how the City’s Comprehensive Plan amendments are processed. While Washington State allows jurisdictions to make their own regulations for how Comprehensive Plan amendments are processed, amendments are limited to once each year. She briefly reviewed the processes used in other nearby jurisdictions:

- Kitsap County – Application deadlines are set by resolution each year with no set date. In 2019, the submittal period is January 9th through February 6th.
- Port Orchard – Amendment applications must be submitted by January 28th in order to be considered for that year’s docket.
- Bainbridge Island – Comprehensive Plan amendments are only done every three years, with 2019 being the next opportunity.
- Poulsbo – The application deadline is November 15th for the next year’s docket.
- Gig Harbor – Applications must be submitted by June 30th of the odd years in order to be considered for the following even year.

Ms. Satter said the City’s current application window for Comprehensive Plan amendments is from January through April 1st, and then applications are considered that same year. Staff is proposing to change the application window to August through November 15th for consideration the following year. The code language would be amended to clarify that the State Environmental Policy Act (SEPA) review would be done after all of the applications have been submitted and the docket is set. Changing the application window would provide the City Council with more time to review the proposed amendments earlier in the year and to avoid budget meeting conflicts. The proposed window would also line up better with the end of the construction season, allowing developers to identify problems they encountered and potential amendments. Lastly, staff will have more time to process the amendments.

Ms. Satter advised that staff is also proposing to add a new section (BMC 20.10.075), which would allow for preliminary review and evaluation criteria to be added to the Comprehensive Plan amendment and proposals. As proposed, the amendment would allow staff to review initial proposals early in the process for compliance with the following criteria:

- Is the proposal consistent with the Growth Management Act (GMA), Washington Administrative Code (WAC), Kitsap County Policies and State and Federal law?
- Will the proposal cause little or no environmental impacts?
- Will the proposal maintain City plans related to level of service, revenue, etc.?
- Is there sufficient time to review the proposal within the year?
- Will the proposal, if adopted, result in other significant code changes not addressed?
- Has the proposal already been reviewed and denied?

Ms. Satter explained that if a proposal is non-compliant with the criteria, staff will present to the Planning Commission why the application should be returned, and the Planning Commission will be asked to confirm or deny the staff’s recommendation. Staff will process the proposals as the Commission recommends. Reasons for returning an application include:

- An impact analysis beyond the scope of the amendment process would be needed.
- The request does not meet preliminary criteria.
- The proposal is already being reviewed by the City.

Ms. Satter summarized that Comprehensive Plan amendments take up multiple Planning Commission meetings and City Council consideration, and it is not a good use of time to process applications that are not viable. The criteria ensure that proposals that are made for amendments are appropriate.

Commissioner Nerf noted that the application fee for Comprehensive Plan amendments is quite hefty. He asked if the fee is charged when an application is submitted. **Ms. Satter** responded that, currently, the first step would be a pre-submittal meeting,

which has an associated fee of \$100. At the pre-submittal meeting, staff provides initial feedback as to whether or not the proposal meets the criteria, and the applicant can then decide whether or not to move the amendment forward. The application fee is about \$1,500 per amendment and must be paid when the application is submitted. As proposed, it is likely the City would refund at least part of the fee if an application is returned if no staff work has been done.

Commissioner Davis asked if there is language in the code that requires the City to begin processing the amendment within a set amount of time, or is the review process open ended and at the Director's discretion. **Director Spencer** answered that the code does not stipulate a set time period by which the City must commence review of an application but that it can only be done once per year. **Ms. Satter** added that applications submitted by the November 15th deadline would have to be processed by the end of the following year. While it may be possible for staff to outline a timeline for a proposed amendment, she cautioned against placing specific time requirements in the code. **Commissioner Davis** summarized that the proposed language implies that applications will be processed by December 31st of the following year. **Ms. Satter** added that was the intent.

Vice Chair Wofford asked how many Comprehensive Plan amendment applications the City receives. **Ms. Satter** responded that they typically receive several inquiries each year, but formal applications are not often made. **Director Spencer** added that, as staff converses with people at the counter, they are able to identify flaws in the Comprehensive Plan that morph into staff-driven amendments. These staff-driven amendments are wrapped into the formal docketing process without a formal application by citizens.

- **Amendment 2: Revise BMC 20.70.030 as related to District Center Core Accessory Uses (Self-Storage)**

Ms. Satter advised that this amendment would remove the allowed accessory use of self-storage (aka mini storage) from within the District Center Core (DCC). She explained that, as per the current code, accessory uses require a primary use and must be subordinate and incidental to that primary use. The intent of the current code is to allow self-storage that is not necessarily accessory to the primary use but could be. She reminded the Commission that the DCC zones are Charleston, Wheaton-Riddell and Wheaton-Sheridan. These areas are intended to be the town centers that focus on a pedestrian-friendly community with some auto-dependent uses. The City anticipates significant growth in the DCC zones (3,700 people and 1,100 jobs) by 2036 that equates to 10% of the current population and 25% of the anticipated 20-year growth.

Ms. Satter reviewed that the current code was created in 2016 to allow mini storage only as an accessory use to the primary use. The intent was to provide reuse options for existing buildings that had difficult spaces to locate in because of building and fire code issues. Mini storage had to be accessory to the primary use and standards were put in place to protect the vision of the DCC (i.e. no outdoor storage was allowed, roll-up doors could not be located on the primary building frontage and hours of operation was limited). She shared an example of property on 11th Street between Callow and Wycoff. Retrofitting this existing subgrade building was difficult because it has minimal exiting and the fire and building codes limit the occupancy load. The idea was to only allow self-storage in awkward spaces, but this stipulation was not specifically written into the code and staff is concerned about the large number of inquiries it has received. It appears that the current code is undermining the intent of the DCC zones and compromising the City's ability to meet its growth targets.

Ms. Satter observed that self-storage development does not produce many jobs per square foot or result in the level of growth anticipated, and the current provision goes beyond what was originally intended. Self-storage cannot be considered an incubator business that brings other businesses into the City, and its associated sales tax revenue does not offset the cost of the infrastructure and City investment that is anticipated for these areas. Again, she explained that the DCC zones are considered town centers, and the City is adding amenities and services (sidewalks, American's with Disabilities Act access, gathering spaces, sewer/water/fire flow, road improvements, easy access to transit, etc.) in these areas. If the 212 acres within the DCC zones were undeveloped, it would need to be developed to at least 17 dwelling units per acre in order to accommodate the anticipated growth. Because the areas are already developed, some areas will need to have 50 dwelling units per acre and others will have less. Staff is concerned that the proliferation of self-storage development could limit the City's ability to accommodate future growth.

Ms. Satter advised that the City has received one application for a self-storage project and numerous inquiries. Applications submitted prior to adoption of the proposed change would be vested under the current code. To illustrate the staff's concern, she noted that there is no primary use for the project on the old K-Mart site, and the self-storage space will be located at the

back, with the hope that a business will locate in the front portion of the building sometime in the future. That is not consistent with the City's vision for the DCC zones. Again, staff is proposing to remove the provision that allows self-storage as an accessory use in the DCC zones.

Ms. Satter recognized that self-storage is important and needed. She pointed out that the use is currently allowed outright in the Freeway Corridor (FC) zone, the Industrial (I) zone and some areas of the Puget Sound Industrial Center (PSIC)-Bremerton. The use is also allowed on properties within the County's jurisdiction.

Chair Tift recalled his discussion with staff regarding the former K-Mart property where the original proposal was for mini storage on the back portion of the site and retail on the front. Apparently, the applicant has been unable to fill the retail space and has inquired about doing the entire project as mini storage. **Ms. Satter** clarified that the applicant is not proposing the entire building as mini storage, but keeps pushing it to include more and more. **Commissioner Tift** voiced concern that because there is a large, flat parking lot in front of the mini storage, it will not draw needed retail uses and additional customer base to the area. This is a good example of how the provision that allows mini storage as an accessory use did not work out as anticipated. He summarized that the model for the K-Mart property was similar to what was done in Gig Harbor, and it worked in the latter situation. However, he does not believe it is appropriate for the City's DCC zones.

Chair Tift opened the public hearing. There was no one present to participate in the hearing, and it was subsequently closed.

Chair Tift observed that self-storage is needed and there is a demand. It is important that the City provide options for businesses to provide the service to the community, but not in the DCC zones.

VICE CHAIR WOFFORD MOVED THAT THE COMMISSION RECOMMEND THE CITY COUNCIL ADOPT THE ZONING CODE TEXT AMENDMENTS TO TITLE 20 OF THE BMC AS SHOWN IN ATTACHMENTS A AND B AND BASED UPON THE STAFF REPORT AND THE FINDINGS AND CONCLUSIONS PRESENTED IN ATTACHMENT C. COMMISSIONER NERF SECONDED THE MOTION.

BUSINESS MEETING

Chair Report

Chair Tift announced that the February meeting would be on February 25th rather than February 18th due to the holiday.

Director Report

Director Spencer announced that the City Council adopted the 2018 Comprehensive Plan amendments as recommended by the Commission with only one minor modification. The Commission recommended allowing duplexes within a certain distance of a Commercial District, as long as the lot size was big enough to meet the density requirement. The City Council eliminated the proviso that allowed new duplexes to be located on the same block as an existing duplex.

Director Spencer reported that staff is still working with the Mayor to appoint a new member for the Planning Commission.

Director Spencer shared a report she recently prepared for the Mayor's State of the City Address of things the Department of Community Development, including the Planning Commission, accomplished in 2018. She specifically highlighted the following:

- A number of code changes were made to be progressive and encourage more housing.
- A record high 1,238 permits were approved in 2018. The valuation of the approved permits was almost \$79.5 million, a record-breaking year except for 2015 when a very costly college building was constructed.
- In addition to the large number of residential, multi-family and commercial space that was constructed in 2018, the City anticipates a much greater level of development in 2019. Nearly 2,000 apartment units and 20,000 square feet of commercial space is anticipated.

- The Department of Community Development's office space was recently remodeled and staff was moved around. The Tax and Licensing Division became part of the Department of Community Development, which allows for a one-stop counter. The report therefore includes information about Tax and License.

Director Spencer thanked the Commissioners for their willingness to jump right to a public hearing on the two proposed Comprehensive Plan Amendments to recognize the emergency status relative to accessory uses in the DCC zones and the need to move the application window to later in the year. The Council would have appreciated more time to consider the 2018 Docket, and the proposed change would have afforded them more opportunity for discussion.

Old Business

There was no old business.

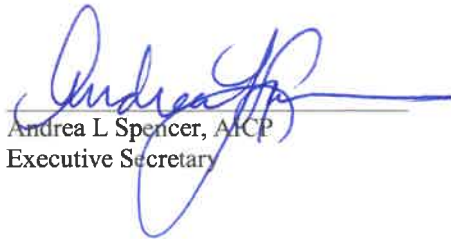
New Business

There was no new business.

ADJOURNMENT

The meeting was adjourned at 6:20 p.m.

Respectively Submitted by:


Andrea L. Spencer, AICP
Executive Secretary


Rick Tift, Chair
Planning Commission

Approved