

**(DRAFT) AGENDA**

**Virtual Meeting – Bremerton Planning Commission  
(Subject to PC approval)  
February 22, 2021  
5:30 P.M.**

**Join Zoom Meeting**

<https://us02web.zoom.us/j/89663194229?pwd=SIM1cTZIVjdHZVIY aVUxa2N0SkZjdz09>

**Webinar ID:** 896 6319 4229

**Password:** 494296

**One tap mobile:**

+1 253 215 8782, 89663194229#  
US (Tacoma)

**Dial by your location:**

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+1 669 900 6833 US (San Jose)

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- I. CALL TO ORDER**
  - II. CLERK CONFIRMATION OF QUORUM**
  - III. CHAIR CALL FOR MODIFICATIONS TO AGENDA**
  - IV. APPROVAL OF MINUTES:** November 16, 2020 meeting

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**V. PUBLIC MEETING**

**A. Call to the Public:** Public comments on any item not on tonight's agenda

**B. Workshop:**

- 1. Zoning Code Amendments
  - a. Lot Size Averaging and
  - b. Drive Through Facilities.

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**VI. BUSINESS MEETING**

**A. Chair Report:** Nick Wofford

**B. Director Report:** Andrea Spencer

**C. Old Business:**

- 1. Approve Amendments to Bylaws

**D. New Business:**

- 1. [Charleston Areawide Planning Report Review](#) (workshop scheduled for March 15, 2021)

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**VII. ADJOURNMENT: The next regular meeting of the Planning Commission is  
Monday March 15, 2021**

**Planning Commission meeting packets are available on-line at**  
<http://www.BremertonWA.gov/AgendaCenter/Planning-Commission-4>

# DRAFT

Subject February 22, 2021 Approval

## CITY OF BREMERTON

### PLANNING COMMISSION MINUTES OF VIRTUAL MEETING November 16, 2020

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#### CALL TO ORDER:

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

#### ROLL CALL

##### Commissioners Present

Chair Wofford  
Vice Chair Tift  
Commissioner Coughlin  
Commissioner Mosiman  
Commissioner Rich  
Commissioner Flemister

##### Staff Present

Andrea Spencer, Director, Department of Community Development  
Allison Satter, Planning Manager, Department of Community Development  
Garrett Jackson, Senior Planner, Department of Community Development  
Justin Rowland, Planner, Department of Community Development  
Sarah Lynam, DCD Project Assistant, Department of Community Development

##### Others Present

Dan Nickel, The Watershed Company  
Alex Capron, The Watershed Company  
Maria Sandercock, Department of Ecology

##### Commissioners Absent

Commissioner Pedersen

*Quorum Certified*

#### ELECTION OF OFFICERS FOR 2021

COMMISSIONER TIFT MOVED TO APPOINT COMMISSIONER WOFFORD TO SERVE AS CHAIR OF THE COMMISSION IN 2021. COMMISSIONER COUGHLIN SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

COMMISSIONER MOSIMAN MOVED TO APPOINT COMMISSIONER TIFT TO SERVE AS VICE CHAIR OF THE COMMISSION IN 2021. COMMISSIONER WOFFORD SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

#### CHAIR CALL FOR MODIFICATIONS TO AGENDA

The agenda was accepted as presented.

#### APPROVAL OF MINUTES

COMMISSIONER COUGHLIN MOVED TO APPROVE THE MINUTES OF OCTOBER 19, 2020, AS SUBMITTED. VICE CHAIR TIFT SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

## **PUBLIC MEETING**

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

**Chair Wofford** invited comments from citizens. There were none, and the public portion of the meeting was closed

### **Public Hearing: Amendments for the Shoreline Master Program (SMP) Periodic Update**

**Mr. Jackson** advised that this is a joint public hearing with the Department of Ecology on the Shoreline Master Program (SMP) Update. The hearing was preceded by public workshops held in September and October. He introduced Dan Nickel and Alex Capron, from The Watershed Company, consultants who helped staff through the process. He also introduced Maria Sandercock from the Department of Ecology.

**Maria Sandercock, Department of Ecology**, explained that the SMP is a cooperative program between the City and the State. Previously, when cities made amendments to their SMPs, the Department of Ecology (DOE) has held its own state comment period, but there is a new process that allows the state and cities to join the comment periods together. She advised that, following the joint comment period, which ends on November 23<sup>rd</sup>, the City will submit the proposed amendments to the DOE for an Initial Determination of Consistency with the Shoreline Management Act (SMA). The DOE will then provide the City with a memorandum, and if applicable, any changes that may be necessary to ensure the amendments are consistent with the SMA. The City will have time to review the memorandum and the proposed changes and submit the amendments one more time to the DOE for final approval.

**Mr. Jackson** explained that, following the hearing, the Commission will be asked to make a recommendation to the City Council for the amendments to both the SMP and the Critical Areas Ordinance (CAO). He noted that a more complete list of potential outcomes was provided in the Staff Report. He advised that an updated packet was sent out just prior to the meeting that included two changes to the version the Commissioners previously received. The first change was an updated version of Attachment A, which includes maps for the proposed mapping changes. The second is a public comment matrix, which includes all comments received thus far during the public comment period (October 23<sup>rd</sup> through November 23<sup>rd</sup>). He reported that, to date, the only comments have come from the Washington State Department of Fish and Wildlife. He reminded them that this is not a major update of the SMP, and the proposed amendments are intended to both add flexibility and provide clarity.

**Mr. Jackson** reviewed that the public outreach process started in April, when an informational postcard was sent to every Shoreline property owner. The postcard provided the SMP update web address and requested comments from the public. Notices were also published on the City's E-news webpage, the City's Facebook page, Twitter, and *The Kitsap Sun*. In addition, notices and regular updates were also sent to interested parties and effected agencies. The public outreach effort also included an education online tool that was developed by the consultant, Enviro Issues, in partnership with The Watershed Company. The tool provides background information for the SMP update process, breaks down specific amendments into more manageable sentences for people to consume, and lets people know when the official public comment period started. To date, 145 people have used the online tool; 27% were from the City of Seattle and 27% were from the City of Bremerton.

**Mr. Jackson** reported that the City received preliminary comments from the DOE. Primarily, these were points of clarification for stronger language, and the comments have been incorporated into the updated SMP that is before the Commission for review.

**Mr. Jackson** advised that the only formal comments received to date came from the Washington State Department of Fish and Wildlife (Attachment D). They requested that the City coordinate with Kitsap County to align the SMP with the Gorst Subarea Plan. As currently proposed, there would be a menu of options a property owner can use to get a reduced shoreline buffer, and they requested that over-water structures be removed as an additional shoreline buffer option. Lastly, they requested that they add "avoidance and minimization from aquatic vegetation, forage fish and shellfish beds as something that should be considered when reviewing utility outfall impacts.

**Mr. Jackson** explained that the Gap Analysis, created by The Watershed Company, provided an analysis of changes that were needed to ensure the SMP and CAO are compatible with State Legislative amendments, changes to local plans and Best Available Science (BSA). The analysis is available online via a link in the Staff Report.

**Mr. Jackson** reviewed the proposed amendments to the CAO and SMP.

#### Proposed Amendments to the CAO

**Mr. Jackson** explained that the proposed amendments to the CAO are intended to clarify the existing wetland buffer requirements consistent with the most recent guidance from the DOE. They include:

- Re-categorizing the habitat scores to result in reduced buffers. The Wetland Rating Form includes a habitat score, and the higher the habitat score the larger the buffer that is required. The re-categorization is in line with the DOE's guidance for buffer reductions.
- Requiring minimization measures when reduced buffers are considered. Minimization measures include such things as pointing lights and placing noisy operations as far from the wetland as possible, as well as revegetating wetland buffers.
- Applying the habitat corridor requirement to higher-functioning wetlands only. In some instances, the DOE will require projects to provide a habitat corridor. The proposed language would make it clear that this requirement is only for higher-functioning wetlands. Lower-functioning wetlands won't be required to provide a habitat corridor.
- Encouraging coniferous over deciduous plantings in Wildlife Habitat Areas. The consultant has determined that coniferous trees have higher environmental impact values than deciduous trees. Therefore, the coniferous trees could be spaced out further than the current code allows and still get the same impact to the environment. As amended, the total number of trees planted would be less, but you would get the same amount of habitat value.
- Allowing a one-time exemption from the Habitat Management Plan requirement for single-family homes that have an impact of 500 square feet or less. Mitigation would still be required. A Habitat Management Plan is a more aggressive tool than may be necessary for a 500-square-foot structure, especially if mitigation is required.
- Allowing departures from the required buffer standards with approval from State and Federal agencies. Sometimes, it isn't possible for a property to meet all of the buffer requirements. Flexibility would be allowed if the City, State and Federal agencies all agree that the departure would be in the best interest of environmental factors and the property.

#### Proposed Map Amendments

**Mr. Jackson** reviewed the maps that were prepared to illustrate the proposed mapping changes that were previously presented to the Commission. They include:

- Map A. An Urban Conservancy designation would be added to an existing island located in Oyster Bay. The island doesn't currently have a shoreline designation. This is an isolated instance, and Urban Conservancy is proposed because it is located in a very environmentally-sensitive area.
- Map B. At 1917 Wheaton Way, just past Sea Glass Village going north, there are some commercial buildings. Staff is recommending moving the Commercial designation over by one property to capture an existing commercial building.
- Map D. There is an existing apartment building on Shore Drive, and staff is recommending extending the Commercial designation to capture this property, as well.
- Map E. Staff is proposing to add an Isolated designation at Evergreen Park. This designation is for properties that are separated from the shoreline by some large physical barrier. In this case, a public road (Sheldon Boulevard) separates the park from the landward properties, and it doesn't seem appropriate to require the landward properties to meet the shoreline code.

#### Proposed Amendments to the SMP

**Mr. Jackson** advised that the proposed amendments to the SMP include:

- Vegetation Management Plan (VMP) Allowances. A VMP is required for all new development or redevelopment, and is essentially a landscaping plan. It is prepared by a biologist and is meant to mitigate for any new development or redevelopment. Staff is proposing the following amendments:

- Enhancement would not be triggered when buffer impacts are avoided. Currently, the code requires mitigation even for development outside of the shoreline buffer. Based on comments from the DOE and examples from other jurisdictions, staff is proposing that no mitigation be required for development outside of the shoreline buffer.
  - Document shoreline vegetation with Notice to Title. A VMP is required to be a notice to title in all instances. The proposed amendment would make it clear that a VNP is required even if developing outside of the buffer. However, if you are developing outside of the buffer, the VMP would be limited to documenting existing conditions.
  - Waive small-dollar bonding requirements for single-family development. Currently, the code requires bonding even for smaller projects. It is an onerous step for property owners to secure a bond for a few thousand dollars of vegetation and irrigation. Property owners have complained that banks don't want to provide bonds for such low numbers.
- Shoreline Buffer Reduction Options.
    - Buffer Averaging – Evaluate structures on neighboring lots. Currently, the buffer averaging system is based off of neighboring properties in a numbered block. If someone feels a buffer is too large compared to a neighbor, he/she can provide the department with an analysis that shows the distances from structures to shoreline for other single-family homes on the same numbered block. Staff has found this to be more cumbersome than necessary, and sometimes an adjacent property is on a different numbered block. Staff is proposing that the buffer averaging system be based off the properties that are directly adjacent. The amendment is not intended to get homes either further or closer to the water. In the end, it is likely that the two processes will result in winners and losers in both cases, but the proposed system will be easier for property owners to manage.
    - Buffer Reduction Menu. A menu of options was added to the SMP. A property owner requesting a buffer reduction would be required to pick something from the menu of options to offset the reduced buffer. The options include removing over-water structures or bulkheads, stepping back a bulkhead, etc. The idea is that, if a buffer is reduced, it won't provide as much of an environmental benefit.
  - Interrupted Buffer. Currently, the code has a designation of “Isolated” that covers both mapping, as well as instances of an interrupted buffer. In both cases, there is a physical barrier that separates a property from the shoreline. The only difference is that the Isolated designation would be drawn out on a map and Interrupted Buffer is a term the City will use to describe on-the-ground circumstances.
  - Nonconforming Structures. As proposed, the amendment would allow nonconforming structures to be repaired and/or restored. It would also allow for limited expansion, but it would not apply to floating homes. There are a number of older structures along the shoreline now, and many property owners would like to make improvements. However, they are currently only allowed to make changes based on a percentage of the structure's market value without bringing the entire structure up to code. That would mean potentially moving the building further away from the water in order to meet the SMP. Staff is proposing that property owners should be allowed to repair buildings, even up to replacing them in the existing footprint, rather than having homes become substandard.
  - Eastside Village Subarea Plan. Currently, the maximum height in the SMP is different than the maximum height in the zoning code. This is because properties on the shoreline are required to provide some sort of allowance for view impacts to ensure that the citizens of the State of Washington can continue to enjoy views of the shoreline. Staff is proposing height increases to meet the zoning allowance in the Eastside Village Subarea Plan and other multifamily commercial properties if a property owner can demonstrate that view impacts would be mitigated.
  - Climate Resiliency. New language was added to consider sea level rise impacts with new development and redevelopment.

**Mr. Jackson** provided an overview of the timeline for the amendments. He reviewed that the Commission held workshops in September and October, and the online tool was launched on October 1<sup>st</sup>. The joint public comment period is currently in

progress and will conclude on November 23<sup>rd</sup>. Following this joint hearing, the Planning Commission will be asked to make a recommendation to the City Council. The documents will be submitted to the DOE in December for an Initial Determination of Consistency. Any substantive comments from the DOE will be presented to the Planning Commission for more feedback before the document is presented to the City Council in the spring of 2021 for final adoption.

**Mr. Jackson** provided his contact information and invited members of the Commission and the public to forward their comments to him before the public comment period ends on November 23<sup>rd</sup>.

**Chair Wofford** opened the hearing for public comments. There were none. The chair closed the public portion of the hearing.

**Vice Chair Tift** asked staff to explain what happens if a piece of shoreline is identified as Single-Family Residential but the zoning is later changed. **Dan Nickle, The Watershed Company**, responded that while the periodic update happens every eight years, the City can also make amendments to the SMP at other times. Consistency is important. **Vice Chair Tift** referred to Map E and noted that there is a large parcel to the left of the Warren Avenue Bridge that is designated Single-Family Residential. The Olympic College property is also located to the left of the bridge. He expressed his belief that it is unlikely these large pieces of land will remain as single-family residential. He is concerned about how hard it would be to change a shoreline designation once it has been declared. **Mr. Nickle** said no designation change has been proposed for this area. If the underlying land use is changed, it would have to be consistent with the underlying zoning, as well. The SMP environmental designations are intended to be consistent with the underlying zoning, but that isn't always the case. He emphasized that the shoreline designation only applies to the first 200 feet of property from the water's edge. **Mr. Jackson** added that, if the college indicates an interest in updating the plan, the City would entertain a proposal for change. **Vice Chair Tift** pointed out that there are likely a number of other parcels in the City that could fall into a similar situation.

**COMMISSIONER COUGHLIN MOVED THAT THE COMMISSION RECOMMEND THE CITY COUNCIL ADOPT THE SMP AND CAO AMENDMENTS AS SHOWN IN ATTACHMENTS A AND B, AND BASED UPON THE STAFF REPORT AND THE FINDINGS AND CONCLUSIONS PRESENTED IN ATTACHMENT C. COMMISSIONER MOSIMAN SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY 5-0, WITH COMMISSIONER FLEMISTER ABSTAINING.**

## **BUSINESS MEETING**

### **Chair Report**

**Chair Wofford** didn't have any items to report.

### **Director Report**

**Director Spencer** welcomed Commissioner Flemister as a new member of the Planning Commission.

**Director Spencer** announced that the Commission's December meeting was cancelled. Their next meeting will be a special meeting on January 25<sup>th</sup>. The Commission's regular meeting falls on January 18<sup>th</sup>, which is Martin Luther King Day. When meetings fall on a holiday, they shift to the next Monday.

### **Old Business**

There was no old business.

### **New Business**

**Chair Wofford** referred to the two changes that have been proposed for the Commission Bylaws. **Director Spencer** explained that there are two changes. One amendment would allow the Chair or his/her designee to represent to the Commission's position before the City Council. The other would simply rename the title of the section outlining the Director's duties and responsibilities. She said the changes would be presented as Old Business at the January 25<sup>th</sup> special meeting.

**ADJOURNMENT**

The meeting was adjourned at 6:18 p.m.

Respectively Submitted by:

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Andrea L Spencer, AICP  
Executive Secretary

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Nick Wofford, Chair  
Planning Commission

**CITY OF BREMERTON, WASHINGTON  
PLANNING COMMISSION AGENDA ITEM**

**AGENDA TITLE:** Workshop for Zoning Code Amendments – (Topic #1) Lot Size Averaging; (Topic #2) Drive-through Facilities  
**DEPARTMENT:** Community Development  
**PRESENTED BY:** Allison Satter, Planning Manager, (360) 473-5845 or [Allison.Satter@ci.bremerton.wa.us](mailto:Allison.Satter@ci.bremerton.wa.us)

**EXECUTIVE SUMMARY**

The City is proposing Zoning Code Amendments for the Planning Commission’s review. Planning Commission will consider these items through the public process and provide a recommendation on the proposed changes to City Council. City Council will make the final decision before any proposal becomes City code.

The proposed Zoning Code Amendments, and the tentative Planning Commission discussion schedule, are as follows:

- Lot Size Averaging, *discussed at this workshop*
- Drive-through Facilities, *discussed at this workshop*
- Boundary Line Adjustment Ordinance, *March or April 2021*
- Regulations for City Centers to ensure the City can meet growth targets, *Spring 2021*
- Cottages, *Summer 2021*
- Other Amendments, *as needed.*

This workshop will focus on Lot Size Averaging and Drive through Facilities code changes. This staff report provides analysis and suggestions on proposed amendments for Planning Commission’s consideration.

**ORDERS OF THE DAY:**

Planning Commissioners should consider the proposed amendments, receive public testimony, and provide direction on code proposal. If direction is provided, Staff will proceed with Environmental Review and further Public and Agency outreach.

There is no formal decision or formal recommendation that is required at this Workshop.



## LOT SIZE AVERAGING

The proposal is to adopt a code that allows Lot Size Averaging when subdividing. Lot size averaging allows the size of individual lots within a development to vary from the zoned minimum lot size, provided that the average lot size in the development as a whole meets that maximum density. Housing can then be developed on lots smaller than otherwise permitted in a zone, while ensuring that the overall density is met for the neighborhood. This allows more diverse housing and more flexibility when dividing land.

***Proposed Code in the Low Density Residential and Medium Density Residential Zones*** (shown in legislative markup with proposed code being red and underlined):

BMC 20.60.065 and BMC 20.78.065 (e) Exceptions to Minimum Lot Areas.

(1) The minimum lot area may be modified through the approval of a residential cluster development pursuant to BMC 20.58.060, provided the development complies with the maximum density requirement set forth in subsection (b) of this section.

(2) The size of lots in land divisions may be reduced below the minimum size provided all the following is met:

(i) The maximum density allowed is not exceeded.

(ii) No lot shall be less than ten percent (10%) of the minimum lot size.

(iii) No less than eighty percent (80%) of the proposed lots shall have lot areas equal to or larger than the minimum lot size as identified in subsection (d).

(iv) If the land division is submitted in phases of development, each phase submitted for approval shall meet all provisions for this section.

If adopted, the Code **WOULD**:

- Add flexibility to code when subdividing. The proposed code would allow some lots to be below the minimum required lot size, provided the overall project meets the underlying density.
- Only impact future subdivisions and boundary lot line changes.
- Act as an important infill tool where there is an existing house or structure on a property, or other existing site conditions, that make it difficult to subdivide.

If adopted, the Code **WOULD NOT**:

- Change the density of the underlying zone. The underlying density of the zone still must be met for a project as a whole, even if individual lots were of varying minimum sizes.
- Impact any existing parcels or homes. This revision would only be relevant in the process of subdivision.

## LOT SIZE AVERAGING: EXAMPLE

The Low Density Residential (R-10) zone has a maximum density of 10 dwelling units per acre. For a 0.5-acre lot, the maximum number of lots possible in a subdivision would be 5 with each lot at the minimum size of 4,300 square feet (sf).

**Under current code**, when subdividing in the R-10 zone, all lots must be no smaller than 4,300 square feet and no larger than 7,260 square feet (in some cases, one lot in a subdivision can be larger, so long as density requirements are met on average).

Because of the existing homes in the example image to the right, the property owner would want a 4,000 square foot lot (a 40' by 100' lot) for the proposed *Lot #1*, as there is an existing small single-family home present. In order to meet the setback requirements, the property line between *Lot #1* and *Lot #2* must be located directly between the two existing houses.

Under current code requirements, the City would reject this proposal as all lots must be larger 4,300 sf; *Lot #1* is shown at 4,000 square feet.

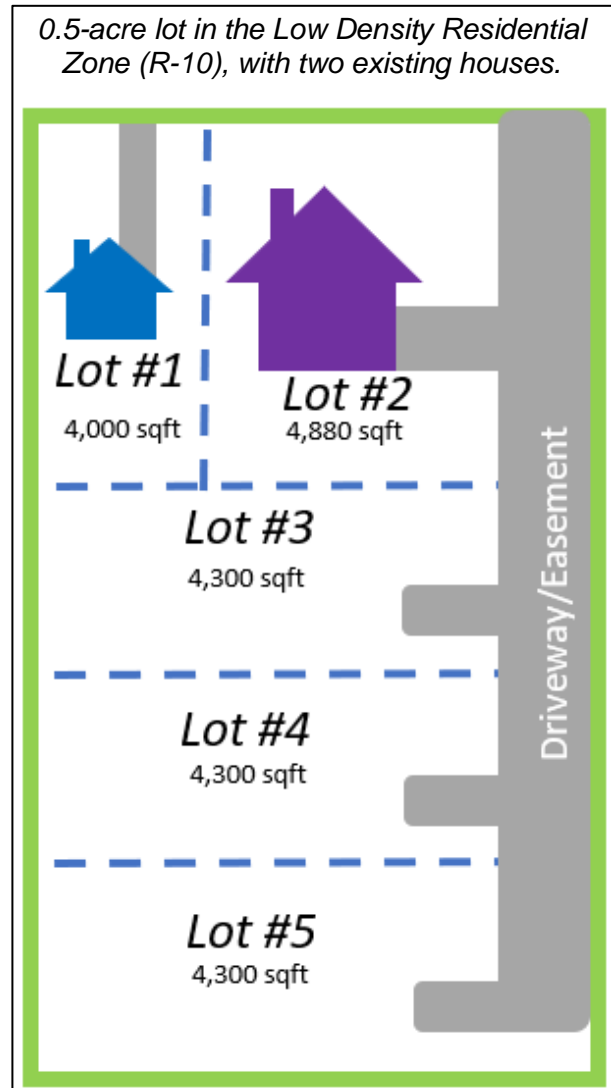
However, if *Lot #1* were to be expanded, it would reduce *Lot #3's* size below 4,300 square feet.

Thus, *Lot #3* would be too small to meet the minimum lot size requirement. By necessity, this proposal would become 4 lots instead of 5 on 0.5-acre lot.

**Under the proposed code**, flexibility would be permitted when subdividing to allow lots to be smaller than minimum lot size if ALL the following were met:

- That the maximum density of the zone is not exceeded
- That the minimum lot size is not reduced more than 10%.
  - In R-10, the minimum lot size with this reduction would be 3,870 square feet (4,300-430)
- That no more than 1/5 or 20% of the proposed lots may use this reduction.

The City could support the project in the example if proposed Code was adopted, as only one lot (20% of total proposed lots) is requesting a reduction from the minimum lot size, and that reduction is less than 10% of the required minimum lot area. Though it seems like a minor change, this flexibility will have an impact as it is incrementally implemented throughout the City through infill subdivisions.



## DRIVE THROUGH FACILITIES

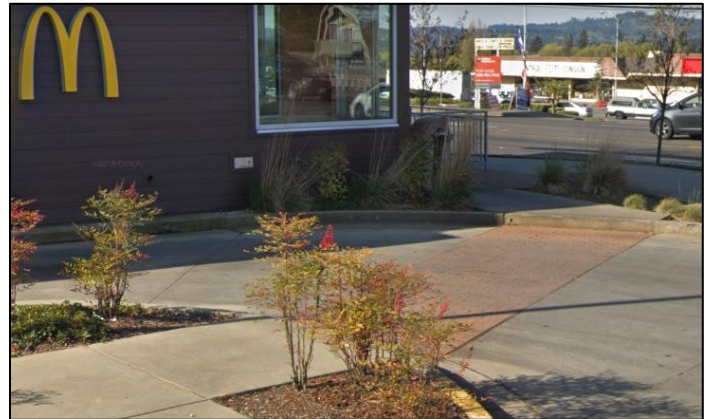
The City is considering relaxing the drive-through facilities regulations.

In 2013, the City developed a drive-through facilities code, [BMC 20.44.120](#). Prior to this code adoption, the Zoning Code prohibited a business from installing drive-through facilities. The current drive-through facilities code focuses on a few key points that is summarized below to get the Commission familiar with the current code.



### CURRENT CODE:

- **Where they can be located:** Allow drive-throughs on commercial buildings when you have direct vehicular access to either Wheaton or Kitsap Way. If not located on either of these roads, a business could not install a new drive-through facility.
- **Site Design Requirements:** Code requirements to ensure location is appropriate to support the Zones. This includes code requirements about:
  - Drive-through facilities not being seen from the street (must be located to rear or back of the building and have screening)
  - Stacking or queuing lanes of 6 cars when restaurant or food establishment, and 4 cars when something else (such a bank or pharmacy).
- **Design Requirements for the drive-through facilities** include that the drive-through lane(s) be designed as a dedicated lane and must be physically separated from parking areas and internal parking circulation aisles in order to enhance pedestrian safety and provide screening from adjacent properties and right of way.
- **Pedestrian Features must be installed.** As this code strives to encourage drive-through facilities that are conducive both to pedestrians and cars, there are additional requirements to enhance pedestrian safety. Those standards include having designated walkways onsite be clearly marked and easily distinguished from driving surfaces. The picture to the right shows McDonald's on Wheaton Way complying with this requirement for pedestrians to access the parking lot to the building entrance, while crossing the drive-through lane.
- **Signage.** Menu boards must be placed within a landscaped area, must meet size standards, cannot be read from the street (so that they cannot be used as company signs), and if facing towards neighboring properties or right-of-way, the menu boards must be screened.



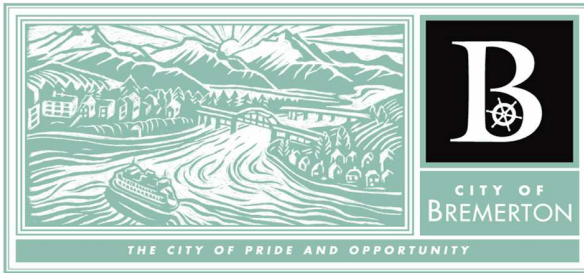
Though this Code serves as a great foundation for drive-through facilities in Bremerton, the City is interested in considering changes to the Code.

Potential changes to the drive-through code include the following:

1. Should the City allow businesses to have drive-through facilities in more commercial areas? Currently, they are only permitted with business located directly on Kitsap Way and Wheaton Way.
  - o Should there be consideration for limitations based on road classifications (such as not allowing of pedestrians classified streets)?
2. Are there additional code provisions or information needed for site design for better coordination between the cars and people?
3. Any other needed regulations?

### **SUMMARY**

At this meeting, the Planning Commission should receive public feedback on the two proposed zoning code amendment topics. The Planning Commission should also request any additional information that is needed to make a recommendation to City Council.



**DEPARTMENT OF  
COMMUNITY DEVELOPMENT**

**MEMORANDUM**

**To:** City of Bremerton Planning Commission  
**From:** Andrea L. Spencer, Director of Community Development  
**Date:** *Revised November 9, 2020*  
**Subject:** Proposed Changes to the City of Bremerton Planning Commission Bylaws

**EXECUTIVE SUMMARY**

The following are two proposed changes to the Planning Commission's Bylaws:

1. Allow the Chairperson the ability to select a member to speak on behalf of the Planning Commission at City Council meetings.

It is the duty of the Commission to provide a recommendation to City Council on Land Use code changes. The Commission's recommendation is presented to the City Council for the Council to make a final decision on. The current bylaws allow the opportunity for the Chair or Vice Chairperson to present the Planning Commission's recommendation, but not other members.

The proposal is for when the Chair or Vice Chair is unable to fulfill this duty, then a member of the Commission could be selected. This would allow a selected member to speak on behalf of the Commission to Council.

2. Update the Title of Section D.

The title of Section D. "Suggested Criteria for Selection of Officers" does not match the roles listed below which are for the Executive Secretary.

Any amendments to the Rules and By-laws of the Planning Commission may be proposed at the November 16<sup>th</sup> meeting of the Commission and acted upon at the following meeting in January 2021. Changes require a majority vote of the full Planning Commission.

The changes are shown below in legislative markup, with red underlined text being new proposed text and if there were any text deletions, it would be shown in red strikethrough, ~~as such~~.

**PROPOSED CHANGES TO PART C.  
OFFICERS AND DUTIES UNDER, 2 (c)**

2. It shall be the duties of the Chairperson to:
  - (c) Represent Planning Commission recommendations at City Council meetings if necessary, or appoint a representative from the Commission to do so;

**PROPOSED CHANGES TO PART D.  
HEADING**

**D. SUGGESTED CRITERIA FOR SELECTION OF OFFICERS  
EXECUTIVE SECRETARY ROLES TO THE COMMISSION**

**City of Bremerton  
PLANNING COMMISSION**

**RULES and BYLAWS**

**I. AUTHORIZATION**

**A. AUTHORIZATION**

1. The City of Bremerton Planning Commission is created and authorized by the Bremerton Municipal Code, Chapter 2.12, entitled "Planning Commission", City of Bremerton Ordinance No. 4069 and Article XI, Section II of the State Constitution.

**B. NAME**

1. The name of this commission shall be the City of Bremerton Planning Commission, hereinafter referred to as "Commission".

**II. ORGANIZATION**

**A. MEMBERSHIP**

1. The membership of the Commission shall be as set forth by Ordinance of the City.
2. At such time as a position is declared vacant by the Council or Mayor, action should be taken to fill the vacancy at the earliest possible date.

**B. ELECTION OF OFFICERS**

1. Upon determining a quorum to be present, at the regularly scheduled meeting in the month of November of each year, the Chairperson shall call for nominations from amongst the Commission membership and conduct an election for the succeeding Chairperson and Vice-chairperson of the Commission. The new Chairperson and Vice-chairperson shall take office in January.
2. Vacancies created by any cause shall be filled for the unexpired term by a new election at the next regular or special meeting.
3. The Chairperson and Vice-chairperson shall be limited to two consecutive terms in their respective offices.

### **C. OFFICERS AND DUTIES**

1. The officers of the Commission shall be the Chairperson and Vice-chairperson, each of whom shall serve for one (1) year (January through December), and until their successors are elected and qualified.
2. It shall be the duties of the Chairperson to:
  - (a) Preside at all meetings and direct all the rights, duties and prerogatives of the Planning Commission;
  - (b) Meet monthly with Planning Department staff to review the upcoming agenda;
  - (c) Represent Planning Commission recommendations at City Council meetings if necessary;
  - (d) Appoint all committees.
3. It shall be the duties of the Vice-chairperson to:
  - (a) Perform the duties of the Chairperson in the absence or disability of the Chairperson;
4. In the event of the absence of both the Chairperson and Vice-chairperson at an official Commission function, the Executive Secretary shall so inform the membership and request a motion for an Interim Chairperson. Upon approval, the Executive Secretary shall turn the meeting over to the Interim Chairperson.

### **D. SUGGESTED CRITERIA FOR SELECTION OF OFFICERS**

1. The Director of Community Development of the City of Bremerton, Washington, or the Director's appointed representative, shall serve as the Executive Secretary and staff advisor to the Commission.
2. The Executive Secretary is responsible for maintaining Commission files, accomplishing administrative duties, and preparing an agenda for meetings. The goal for preparing and having available agenda packets for meetings shall be a minimum of five (5) calendar days in advance of a business meeting. The Planning Division of the Department of Community Development may be requested, as reasonable and within approved budget limitations, to assist the Commission with staff services necessary to carry out the work of the Commission. A secretary shall be provided by the Department of Community Development to prepare minutes conforming with Article VI (2) of the By-laws for pre-distribution approval by the Chairperson and keeps such records and perform such duties as prescribed by the Director.
3. The Executive Secretary will provide technical advice to the Commission and provide staff recommendations when requested. The Commission may not direct the Department

of Community Development staff to conduct major studies, establish official policy, or establish Department work programs.

4. The Executive Secretary shall maintain a roster of attendance of the Commission and shall make periodic reports to the Mayor indicating Commission attendance patterns.

### **III. DUTIES OF THE COMMISSION**

#### **A. REGULAR MEETINGS**

1. Meetings of the Planning Commission will be scheduled the third Monday of each month, convening at a predetermined time in the main floor meeting chambers of the Norm Dicks Government Center (345 – 6<sup>th</sup> Street, Bremerton), or an agreed upon alternative meeting location.
2. By a majority vote or poll, the Planning Commission may establish an alternative meeting date. The meeting will be held no more than seven days before or seven days after the regularly scheduled meeting date.
3. The date, time and place, and items to be discussed in public hearings will be advertised in accordance with applicable requirements.

#### **B. SPECIAL MEETINGS**

1. The Commission may hold such special meetings as are deemed necessary by its Chairperson, by a majority of its members, or by the City Council.
2. Notice of such special meetings shall be given personally or by mail or email to each Commission member, and to each local radio and television station, local newspaper of general circulation, and other interested parties who request to be notified of such special meetings. Such notices shall be delivered personally or by mail at least twenty-four (24) hours before the time of such meeting. A special meeting shall not be called with less than forty-eight (48) hours notice, except by the consent of a majority of the Commission members.
3. When a special meeting is called, the call of the meeting shall include an agenda to be considered and only items on the agenda may be considered.

#### **C. COMMITTEE MEETINGS**

1. Appointed committees of the Commission may hold such meetings as are deemed necessary and which are called as provided above for Special Meetings.
2. Committee meeting agenda items, at the discretion of the moderator or vote of members present, may or may not be opened to public comment or discussion. All meetings, except as expressly provided by law, shall be open to the public.



3. Appointed committees that are appointed for a specific one-time task involving information gathering or to formulate a position or recommendation for the Commission's consideration need not hold advertised public meetings.

## **V. QUORUM**

1. A simple majority of the Commission as a whole shall constitute a quorum. No decisions, discussion, formal actions, nor other official business of the Commission may be conducted unless a quorum is present.
2. In the case of a meeting being interrupted by the loss of a quorum during the taking of public comments or testimony, the Commission may continue to accept and record all the public comments that are offered, but may not take any action on that agenda item, nor may continue to another agenda item, other than to adjourn.
3. When a quorum does not exist at a regularly scheduled or special meeting, a member or the Commission or the Executive Secretary may announce to all present that any public hearings are continued to a time, date, and location certain, thereby avoiding the need to re-advertise such public hearings.

## **VI. VOTING**

1. A simple majority of the quorum present at voting shall be required for passage of any matter before the Commission.
2. The minutes of the meeting shall reflect the ayes and nays cast on a particular measure as well as the vote of each member present.
3. Whenever a tie vote occurs, such a vote shall be considered no decision concluded. In such a case, the Chairperson shall call for a new motion, or hearing no new motion and determining the case under consideration cannot be resolved during the current meeting, shall announce and direct the case to be carried over to the next Commission agenda, at which time it shall be scheduled for further consideration; or, the Chairperson may direct the Executive Secretary to forward the request to the City Council with no recommendation accompanied by the minutes of the request.

## **VII. CONFLICT OF INTEREST**

1. A Commission member to whom some private benefit may come as a result of public action or by a private or business relationship with the applicant, may have a conflict of interest therefore and should not be a participant in that action. The private benefit may be direct or indirect and, in either case, the potential, not the actuality of a conflict of interest, should govern. A Commission member experiencing a potential conflict of interest shall declare his/her interest publicly.
2. When a member declares a potential conflict of interest, the member shall, prior to proceeding on the case, step down from his/her seat with the Commission and leave the

room for the duration of the particular item. The record shall reflect that the member left the meeting room and shall reflect the member rejoining the proceeding.

3. In the event of a majority or all of the membership have a potential conflict of interest, the Commission shall first determine a reasonable method of rendering the decision prior to any proceeding on the case.

## VIII. RULES OF CONDUCT

1. The Chairperson shall act as spokesperson for the Commission. The Chairperson shall refrain from originating a motion in reference to the public business before the Commission while acting as Chairperson.
2. If the Chairperson wishes to originate a motion in regard to the public business at hand, the Chairperson must first relinquish the chair to an appropriate member and may not regain such chair until the conclusion of the specific business at hand. Members may request advice from the special knowledge of the Chairperson, in which case the Chairperson will confine his/her remarks to the information requested.
3. Members of the Commission and all persons present at the meeting will direct all comments to the Chairperson after being recognized by the said Chair. The Chairperson may give permission for Commission members to interrogate anyone giving testimony. Members of the audience shall not be permitted to directly interrogate members of the Commission, staff, the applicant/appellant, or others present.
4. Members may pass notes to the Chair during hearings to call attention to points in consideration or other matters to be discussed.
5. When public hearings are in progress, all members should refrain from a show of emotions that can be interpreted as expressing approval or dissent. All members shall refrain from passing notes or engaging in muffled or whispered conversations between members not intended for edification of all those present.
6. When the Chairperson determines that all public discussion of the business at hand has been presented, he/she shall close the meeting to the public and call for deliberation by the Commission.
7. When a motion is presented, a second to the motion is necessary to ratify acceptance. The Chairperson shall call for discussion. The vote may not be attempted until all members signify that the discussion be concluded.
8. Members may call for a recess at any time. Acceptance may be at the discretion of the Chairperson, or in the event of an objection, by a majority vote of the members present.
9. The Commission shall use the Rules of Conduct contained herein. However, in instances of difficulty, The Standard Code of Parliamentary Procedure may be consulted for guidance. The secretary shall have a copy available in the meeting room for reference.

**IX. PROCEDURES FOR CONDUCTING MEETINGS**

**A. AGENDA**

1. The agenda shall contain the following items in the order so stated; provided that upon approval by vote of the Commission, items may be arranged or deleted from the agenda.
2. At the opening of the meeting, the Commission shall confirm the agenda for the meeting by a vote.

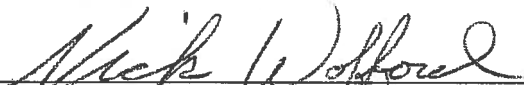
**SUGGESTED AGENDA FORMAT**

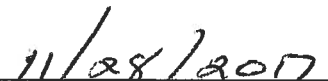
- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF THE AGENDA
- IV. APPROVAL OF THE MINUTES
- V. PUBLIC MEETING
  - A. CALL TO THE PUBLIC
  - B. PUBLIC HEARING
- VI. BUSINESS MEETING
  - A. CHAIR REPORT
  - B. DIRECTOR'S REPORT
  - C. OLD BUSINESS
  - D. NEW BUSINESS
- VII. ADJOURNMENT


**X. AMENDMENTS**

1. Amendments to the Rules and By-laws of the Planning Commission may be proposed at any regular or special meeting of the Commission and acted upon at the following meeting. Changes require a majority vote of the full Planning Commission. Written and notarized proxy votes will be accepted.

I certify the above to be accurate.

  
\_\_\_\_\_  
NICK WOFFORD, Chair

  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
ANDREA L. SPENCER, AICP  
Executive Secretary

  
\_\_\_\_\_  
DATE



## DEPARTMENT OF COMMUNITY DEVELOPMENT

# MEMORANDUM

**To:** Planning Commission  
**From:** Allison Satter, Planning Manager  
**Date:** February 12, 2021  
**Subject:** New Business – Early Review Charleston Areawide Planning Report

### SUMMARY

The City's Comprehensive Plan Docket for 2021 includes incorporating the Charleston Areawide Planning Report into the City's Comprehensive Plan and associated Zoning Code changes. Staff is requesting that Planning Commission become familiar with the Charleston Areawide Planning Report prior to those discussions. Staff has tentatively scheduled the Planning Commission's March meeting as a Workshop to discuss.

Link to Charleston Areawide Planning Report, please click here:

<http://www.bremertonwa.gov/DocumentCenter/View/8221/Charleston-Areawide-Planning-Report-PDF>

This report was conducted through a community outreach process that happened in 2019 and was concluded mid-2020 with the publication of this report. This report has many suggestions that need to be incorporated into the Comprehensive Plan and Zoning Code to help support the future development of the Charleston District.

Screenshot of the Report is shown on the right illustrating current development in this area. Charleston has been a City center since the beginning of Bremerton's history and is located around Callow Avenue near 6<sup>th</sup> and 11<sup>th</sup> Street.

