

**(DRAFT) AGENDA**

**Virtual Meeting – Bremerton Planning Commission  
(Subject to PC approval)**

**April 19, 2021**

**5:30 P.M.**

**Join Zoom Meeting**

<https://us02web.zoom.us/j/88053128841?pwd=T1AvaDNkMzh4YktFR3hzQjlyQ01Qdz09>

**Webinar ID:** 880 5312 8841

**Password:** 841655

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US (Tacoma)

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**I. CALL TO ORDER**

**II. CLERK CONFIRMATION OF QUORUM**

**III. CHAIR CALL FOR MODIFICATIONS TO AGENDA**

**IV. APPROVAL OF MINUTES:** March 15, 2021 meeting

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**V. PUBLIC MEETING**

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

**B. Public Hearing:**

1. Amendments to the Zoning Code related to Lot Size Averaging
2. Amendments to the Zoning Code related to Boundary Line Adjustments
3. Re-affirmation of the Amendments to the Zoning Code related to Manufactured Homes Regulations

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**VI. BUSINESS MEETING**

**A. Chair Report:** Nick Wofford

**B. Director Report:** Andrea Spencer

**C. Old Business:**

**D. New Business:**

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**VII. ADJOURNMENT: The next regular meeting of the Planning Commission is**

**Monday May 17, 2021**

**Planning Commission meeting packets are available on-line at**

<http://www.BremertonWA.gov/AgendaCenter/Planning-Commission-4>

# DRAFT

Subject April 19, 2021, Approval

## CITY OF BREMERTON

### PLANNING COMMISSION MINUTES OF VIRTUAL MEETING March 15, 2021

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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 Flemister  
Commissioner Coughlin  
Commissioner Mosiman  
Commissioner Pedersen  
Commissioner Rich

##### Staff Present

Allison Satter, Planning Manager, Department of Community Development  
Sarah Lynam, Project Assistant, Department of Community Development

##### Others Present

##### Commissioners Excused

None

##### *Quorum Certified*

#### CHAIR CALL FOR MODIFICATIONS TO AGENDA

The agenda was accepted as presented.

#### APPROVAL OF MINUTES

**COMMISSIONER FLEMISTER MOVED TO APPROVE THE MINUTES OF FEBRUARY 22, 2021, AS SUBMITTED. COMMISSIONER RICH 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 he closed this portion of the meeting.

#### Workshop: Overview of 2021 Comprehensive Plan Amendment Docket

**Ms. Satter** reviewed that the Comprehensive Plan is the 20-year vision for Bremerton. It is a blueprint document that contains vision, goals and policies and can only be amended one time per year. The Zoning Code contains development regulations that are specific to developing a property, such as setbacks, lot coverage, allowed uses, parking, landscaping, signage, design, etc.

The Zoning Code can be amended as often as necessary. She advised that it is possible to process Comprehensive Plan and Zoning Code amendments concurrently.

**Ms. Satter** explained that, following the workshop, staff will conduct more research and public outreach in preparation for additional meetings with the Commission to discuss the proposed amendments further. Staff will conduct the 60-day environmental review to identify environmental and cumulative impacts, and then the amendments will be presented to the Planning Commission for a public hearing and recommendation to the City Council. The City Council will consider the Planning Commission's recommendation and make the final decision, which must occur by the end of the year.

**Ms. Satter** reminded the Commissioners that, as they consider the proposed Comprehensive Plan amendments, they will need to verify that the following has been considered:

1. All Comprehensive Plan amendments must be reviewed concurrently to assess their cumulative affect on the City and the environment.
2. The Planning Commission may recommend, and the City Council may adopt or adopt with modifications, an amendment to the Comprehensive Plan if:
  - a) There exists an obvious technical error in the pertinent Comprehensive Plan provisions, or
  - b) All the following criteria has been met:
    - 1) The amendment is consistent with the Washington State Growth Management Act (GMA).
    - 2) The amendment is consistent with the Comprehensive Plan or other goals and policies of the City;
    - 3) The amendment is compatible with existing or planned land uses and the surrounding development pattern.
    - 4) The amendment will not adversely affect the City's ability to provide urban services at the planned level of services and bears a reasonable relationship of benefitting the public health, safety and welfare.

Next, **Ms. Satter** also reviewed the criteria for approval of Zoning Code amendments:

1. The amendment is consistent with the goals and policies of the Comprehensive Plan.
2. If the amendment does not conflict with other City, State and Federal codes, regulations and ordinances.

**Ms. Satter** advised that, in order to complete the Comprehensive Plan amendments by the end of the year, the Zoning Code amendments may be delayed, if appropriate. She explained that, if they find something is hard to implement, staff may recommend the Commission focus on the Comprehensive Plan policies first, and then continue the conversation on Zoning Code amendments later. She announced that the 2021 Comprehensive Plan Docket includes two, city-initiated proposals for the Commission's consideration.

- **Amendment 1 – Housing Displacement Policy.**

**Ms. Satter** advised that the proposal is to add a housing displacement policy or policies to the City's Housing Element of the Comprehensive Plan. For example, the following language might be considered as a starting point for the discussion: "*As Bremerton grows, tenant protections may be needed to help mitigate housing displacement, especially for vulnerable populations. The City should develop and implement housing displacement strategies appropriate to Bremerton.*" She added that some supporting Zoning Code amendments may be required to implement this policy, and information will come later for these potential changes, potentially in a separate process for Zoning Code amendments.

**Ms. Satter** explained that the City has adopted a Multi-Family Tax Exemption (MFTE) Program, which includes some displacement regulations. While staff will not be proposing any changes to the MFTE Program, the MFTE regulations are a good example that may be applied to other redevelopment projects through a Zoning Code update. The City's current population is approximately 40,000, and there are currently about 17,000 dwelling units. By 2036, it is anticipated the population will increase by about 13,500 people, which equates to about 6,000 households. By 2050, the plan is for the City's population to increase by 27,000 people or about 12,000 households. As the City's population continues to grow, additional units will be needed, and there are currently a lot of existing older housing. As of 2013, over 50% of the housing was over 60 years old and 77% was over 40 years old. It is anticipated that many of these areas will be redeveloped and people will be displaced. She shared the Puget Sound Regional Council's (PSRC) Displacement Risk Map, which is based on the prediction

that, between now and 2050, the central Puget Sound Region (King, Snohomish, Pierce and Kitsap Counties) is expected to grow by 1.8 million residents and 830,000 households. As per the map, displacement is most likely to occur in downtown Bremerton, along the Wheaton Way Corridor and West Bremerton, and Jackson Park. However, she noted that Jackson Park is Naval Base Kitsap-Bremerton Housing. While there is older housing in the City, it will likely need to be replaced at some point in the future and people will be displaced as part of any future redevelopment.

Chair Wofford invited public comment regarding Amendment 1, but there was none.

**Commissioner Flemister** clarified that, at this time, the City does not have a displacement policy in its Comprehensive Plan. **Ms. Satter** said the current Housing Policy talks about how the City wants to have quality housing and how housing should be safe for people, but there is nothing to address displacement when redevelopment occurs. She pointed out that displacement is also directly connected to equity, which is very important to consider. The PSRC is doing a lot of regional work with equity, and the City's intent is to learn from what they do. In 2022, she anticipates a discussion about how the City's Comprehensive Plan can better address equity. As the City is experiencing so much growth, staff believes a first step is to address displacement. The MFTE Program has helped to address displacement by providing those who were displaced with some form of economic benefit and help finding housing. It is staff's belief that having a displacement policy in place is important.

**Commissioner Coughlin** said he would be interested in learning more about the different options of compensation and resources that would be available. **Ms. Satter** said that compensation and assistance will definitely be part of the future conversation, and staff is currently researching state laws that give guidance. She recalled staff's earlier work on House Bill 1923, and noted that one option to qualify for grant funding from the State was for cities to adopt housing displacement strategies. A lot of work has already been done that the City can learn from, and the intent is for the City stay ahead of the curve.

**Vice Chair Tift** commented on the vast amount of cleared land, particularly in East Bremerton, that will soon be redeveloped. He voiced concern that, as people move from the older units to the newer developments, the older properties could become blighted and/or abandoned. While displacement has an impact on tenants, there is also some risk for property owners. **Ms. Satter** agreed and noted that a time limit could be included in the housing displacement tool, so it would not apply to properties that haven't been occupied for 2 years, 18 months, etc. Once there is a housing displacement regulation in the code, developers will have a clear understanding of the requirement and can work that into their cost/benefit analysis.

**Commissioner Pedersen** observed that the housing displacement requirements would increase the cost of redeveloping some properties. He asked if staff has considered a threshold where the requirements would only apply to development over a certain size. While he agreed it is important to have displacement requirements for large developments, he voiced concern about adopting additional restrictions that increase the cost of fixing up small rental properties. He would prefer not to add requirements that impact working families who happen to own an extra home. **Ms. Satter** shared Commissioner Pederson's concern. She noted that when the Rose Court Apartment property (near City Hall) was redeveloped, the tenants in the 10 units each received \$2,800 for relocation assistance. A group of single-family houses near Warren Avenue were replaced with a 30-unit apartment complex, and the people living in the homes received relocation assistance, as well.

**Commissioner Rich** commented that Amendment 1 prioritizes rent-burdened people, and it would benefit the Commission to hear again exactly what that means and why those people are at the greatest risk. It is important to humanize the people who live in these areas. **Ms. Satter** agreed to provide additional data for the Commission's consideration, including information about the Average Median Income (AMI).

- **Amendment 2 – Charleston Areawide Plan.**

**Ms. Satter** reviewed that the City completed the Charleston Areawide Planning Study in 2019, which included a market assessment to identify the opportunities and barriers to redevelopment in and around the focus area and a public engagement process to develop a vision and community priorities for the Charleston District Center. She shared a map to illustrate the boundaries of the Charleston District, noting that Callow Avenue is its main spine, with 13<sup>th</sup> Street as the northern boundary and 1<sup>st</sup> Street and Naval Base Kitsap-Bremerton as the southern boundary. The study identified the following seven items that require Comprehensive Plan amendments:

- **Amendment 2.1 – Vision.** This amendment would revise the description currently in the Comprehensive Plan for the Charleston District Center Core (DCC) to support the community vision that was developed during the Charleston Areawide Planning Study. As proposed, the vision would read, “*Rediscover Charleston as a distinctively creative historic district that celebrates its eclectic, imaginative, and artisan character through capital investments, local traditions, diverse tenants, and quality housing.*” The vision would also direct that the City and the community could enhance the neighborhood by improving community perceptions of the Charleston District, addressing blight and property maintenance, increasing walkability and pedestrian safety, and addressing vacancies and underutilized properties.
- **Amendment 2.2 – Support Interim Use.** This amendment would add a policy to support interim uses, such as food truck courts or pop-up outdoor markets. Currently, the DCC zone imposes specific site design criteria that are appropriate for permanent structures, but may be problematic for interim/temporary uses that make the area unique. Perhaps the Zoning Code could be relaxed to allow vacant lots and buildings to be more easily activated by temporary uses until properties are redeveloped into permanent uses.
- **Amendment 2.3 – Develop Artisan/Live-Work Overlay.** The areawide planning study recommends the creation of an artisan/live-work overlay district along Wycoff Avenue and the surrounding properties. The overlay area would be between 11<sup>th</sup> Street and Kitsap Way, in an area of existing homes where there is potential for unique infill development. Given the existing houses, it is not likely the area will be redeveloped as a prime commercial corridor in the near future. For the interim, the idea is to add a policy in the Comprehensive Plan that supports an artisan/live-work overlay. The Zoning Code could then be amended to add regulations that support live-work situations.
- **Amendment 2.4 – Parking Flexibility.** This amendment would add a policy to provide parking flexibility for infill projects. Many of the existing commercial sites in Charleston are small, devoid of on-site parking, and have 100% site coverage. This leaves no opportunity for new on-site parking areas. Although the current code doesn’t require additional on-site parking for existing buildings, any building increase or additional dwelling units would trigger requirements for additional on-site parking. There is some opportunity to add more clarity to the parking standards to allow for minor building expansion without providing additional parking or allowing satellite parking at a further distance, such as the regulations in the Downtown Subarea Plan. The Zoning Code could be amended to add flexibility for properties in close proximity to transit and Naval Base Kitsap-Bremerton.
- **Amendment 2.5 – Streetscape Design.** This amendment would add a policy to create a site-specific Streetscape Enhancement Plan for redevelopment in this area. The code requires development to adhere to the plan in place, but there is not a specific plan for the Charleston DCC. The policy could identify that an appropriate streetscape for each of the blocks in the DCC be developed, with a main focus on Callow Avenue, Wycoff Avenue, 6<sup>th</sup> Street and 11<sup>th</sup> Street. Though likely not to be specifically developed in this Comprehensive Plan process, it could address wider sidewalks in key areas, multimodal travel lanes, sufficient crosswalks, landscaping/street trees, and street lighting. The areawide plan recommended creating a Callow Avenue Festival Street between 6<sup>th</sup> and 9<sup>th</sup> Streets. If this policy is added to the Comprehensive Plan, it would likely get added to the Capital Improvement Plan (CIP), as well. Staff would have to work with the Public Works Department on an appropriate policy proposal for the Commission’s consideration to help support this effort.
- **Amendment 2.6 – Support Recreational Enhancements.** This amendment would add a policy to support and develop a gathering place in the Charleston DCC. The Comprehensive Plan doesn’t need to be specific, but the areawide plan provides some recommendations for potential improvements. Implementing the policy would take coordination with the Parks Department and Public Works Department. Examples were provided to illustrate potential opportunities outlined in the areawide plan for creating gathering spaces in the area (Charleston Triangle Pocket Park, Forest Edge, Artist Tunnel in Wycoff Underpass, Bremerton Gateway Entrance, and Forest Urban Trail from Callow to Forest Ridge Park). Once the policy has been added, the Parks and Public Works Department will be asked to research opportunities for implementation and what is most appropriate for City.
- **Amendment 2.7 – Capital Improvement Plan (CIP) Additions.** The CIP is part of the Comprehensive Plan. It is a multi-year plan that provides a scheduled and programmatic approach to utilize the City’s financial resources in the most efficient manner to meet service and infrastructure needs. If the Comprehensive Plan is amended as proposed,

items will need to be added to the CIP to implement the new policies such as streetscape design and implementation, gateway enhancements, park enhancements, and miscellaneous public utilities that support the adaptive reuse and infill projects.

**Ms. Satter** said other important items in the Charleston Areawide Plan that may or may not require Comprehensive Plan amendments include:

- Proactively market opportunity sites for infill opportunities and adaptive reuse projects. This could include creating information/fact sheets for each opportunity site.
- Support community stewardship and governance in Charleston. The Downtown and Manette Business Associations and grass root neighborhood groups, such as Union Hill, are good examples.
- Develop a formal district brand that builds upon the community's vision and markets the neighborhood to both Citywide and regional audiences. The neighborhood/business association should develop this unique brand. Once developed, the City could aid and recognize the brand through technical support, policy documents and long-range planning.

**Ms. Satter** invited the Commissioners to identify additional information they want staff to provide prior to the next workshop discussion on the two proposed amendments. She encouraged them to review the Charleston Areawide Plan and notify staff of anything identified in that Plan was missing.

**Chair Wofford** invited public comment on the Charleston Areawide Plan.

**Edward Coviello, Kitsap Transit**, advised that Kitsap Transit has purchased the old Gateway Shopping Center, which is currently being used as a park-and-ride. They are still debating internally about the long-range plan for the parcel. In the meantime, they have received a Federal Grant to do a transit-oriented development study to study how the site could be developed. It is anticipated the study will get started this summer. He said Kitsap Transit sees a lot of potential for the property going forward, and they believe that the Charleston Areawide Plan provides a lot of flexibility that will attract further investment.

**Commissioner Pedersen** said he supports creating a community gathering place at the Triangle Park between Wycoff Avenue and Kitsap Way. Currently, this seems like wasted space, and he felt it would be heavily used if some improvements were made. **Ms. Satter** suggested that staff could send mailers to property owners within the Charleston area, inviting them to participate in future workshops to provide additional feedback, particularly on ideas for gathering places. At their next workshop, she would provide feedback from the other City Departments regarding potential options for gathering places, as well.

**Commissioner Coughlin** referred to Amendment 2.4 and said he supports allowing more flexibility in the parking requirements, particularly if the goal is to make the area more walkable and pedestrian-friendly. Given the comment from Mr. Coviello from Kitsap Transit, he suggested it would be helpful to learn more about how the greater public transportation system ties into the Charleston area and connects to other areas of the City, as well as how routes might be changed to make Charleston more accessible. **Ms. Satter** agreed to work with Kitsap Transit to learn more about their plans.

**Vice Chair Tift** observed that there is a tremendous and unmet demand for public parking. He asked if there is a place in Charleston that might work for a public parking facility. He noted that thousands of people with living wages are looking for places to spend their money on the way home. He suggested the City work with Kitsap Transit to identify locations for more park-and-ride facilities to provide better access for the local workforce that has the financial means to support the small businesses in the area. He noted that the Gateway Center is a good example of a park-and-ride lot that works well. Perhaps there are other opportunities in the Charleston area, as well. **Ms. Satter** agreed that public parking opportunities must be considered given the areas proximity to Naval Base Kitsap-Bremerton.

**Commissioner Flemister** asked if streetscape improvements would be the monetary responsibility of the property owner. **Ms. Satter** answered that, as per the current code, frontage improvements are required when properties are either vacant with a new development or significantly improved. The property owner would be required to either do the frontage improvements as part of development or agree to do them at some point in the future. She agreed to provide more specific information about when the frontage improvement requirement would be triggered so the Commission could have a more comprehensive conversation

about what extent for streetscape development is appropriate in the Charleston area, but that this is already an existing requirement.

**Commissioner Pedersen** voiced support for removing the parking requirements for properties on Callow Avenue (Amendment 2.4).

**Chair Wofford** indicated support for creating an artisan/live-work overlay (Amendment 2.3). He shared the example of the Old Rainier Brewer Building in Seattle, which was converted into studio space that is very popular. He expressed his belief that there is a pent-up demand for this type of space that would draw people from Seattle to the Charleston area. **Vice Chair Tift** also provided the example of the Bainbridge BARN as a successful community space.

## **BUSINESS MEETING**

### **Chair Report**

**Chair Wofford** did not have any items to report.

### **Director Report**

**Ms. Satter** reported that the Planning Commission's recommendation to allow two Accessory Dwelling Units (ADUs) on single-family lots, with an additional parking space required, was presented to the City Council. She recalled that a number of other amendments were also considered, including eliminating the parking requirement, prohibiting short-term rentals, limiting it to areas that are within 500 feet of a center and adding an affordability component. The City Council decided against recommending the affordability component, as the Revised Code of Washington requires that in the affordability component be in place for 50 years and that would result in this code not being implemented; but recognizes that the City still needs more affordable housing options through different code updates. On March 3<sup>rd</sup>, the City Council voted to support the Planning Commission's recommendation as presented. The result is that two ADUs will be allowed, but the second ADU must provide the additional parking space. She advised that staff would provide periodic updates to the Commission as to how many ADUs are being constructed, and particularly two ADUS on a single parcel. If issues of concern arise, staff will come back with amendments as appropriate. Staff believes this will be a very successful approach for addressing the housing shortage in Bremerton.

**Ms. Satter** also reported that there is still a lot of development activity in Bremerton right now. About 1,200 units have been constructed in the last five years and another 2,000 are in the pipeline. However, this still isn't sufficient to meet the City's goal of 500 units per year. The amendment to the ADU provisions is a positive change, and staff will present additional ideas in the future.

### **Old Business**

There was no old business.

### **New Business**

There was no new business.

## **ADJOURNMENT**

The meeting was adjourned at 6:45 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**

<b>AGENDA TITLE:</b>	Public Hearing for Zoning Code Amendments: Lot Size Averaging
<b>DEPARTMENT:</b>	Community Development
<b>PRESENTED BY:</b>	Allison Satter, Planning Manager, (360) 473-5845 or <a href="mailto:Allison.Satter@ci.bremerton.wa.us">Allison.Satter@ci.bremerton.wa.us</a>

**EXECUTIVE SUMMARY**

Staff is requesting that the Planning Commission conduct a public hearing on the proposed Zoning Code change, consider public testimony and formulate a recommendation for City Council decision. The proposed changes to the Zoning Code are to allow lot size averaging within the Low- and Medium-Density Residential zones of the Bremerton Municipal Code (BMC).

**ATTACHMENT:**

- **Attachment 1:** Proposed Code Amendments in legislative mark-up for Bremerton Municipal Code (BMC) 20.60.065 (Low Density Residential zone) and BMC 20.78.065 (Medium Density Residential Zone)
- **Attachment 2:** Planning Commission’s Finding and Conclusions

**RECOMMENDED MOTION**

Move to recommend the City Council adopt text amendments to Title 20 of the BMC as detailed in Attachment 1, based on the Staff Report and the Findings and Conclusions presented in Attachment 2

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**LOT SIZE AVERAGING**

The proposal is to adopt a code that allows Lot Size Averaging when subdividing as shown in **Attachment 1**. Lot size averaging allows the size of individual lots within a development to vary from the minimum lot size that is identified in the zone, 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 project. This allows more diverse housing and more flexibility when dividing land.

If adopted, the Code **WOULD**:

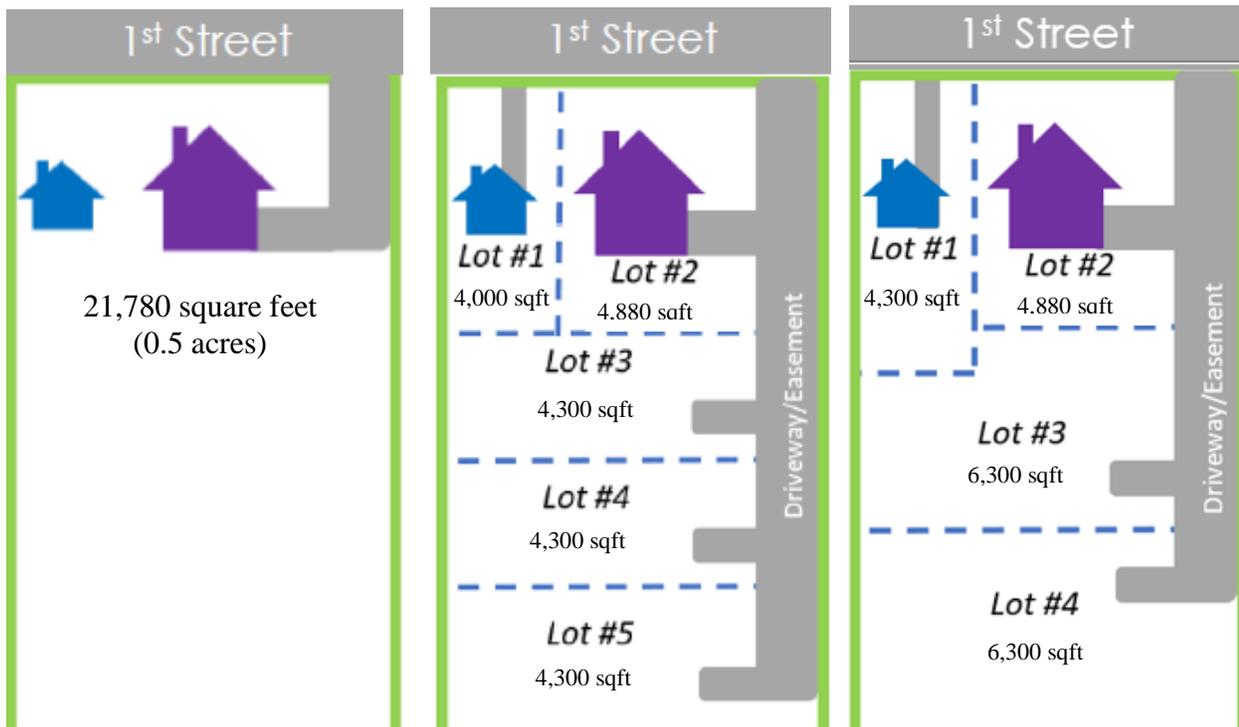
- Add flexibility to code when subdividing. The proposed code would allow some lots to be below the minimum required lot size, provided the overall project meets the underlying density.
- Only impact future subdivisions and lots that desire to change their lot line boundary.
- Act as an important infill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

**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 (sqft).



**Current Site**  
 0.5 acres property in R-10 zone with two homes on site.  
 If they subdivide, code requires minimum lot size of 4,300 square feet and maximum density of 10 dwelling units per acre  
 Current Density = 4 du/acre

**Proposed Subdivision #1**  
 Proposal is to divide into 5 lots.  
 City could not approve as Lot #1 is proposing a smaller lot size than 4,300 square feet which is not allowed by Code.  
 Proposed Density = 10 du/acre

**Proposed Subdivision #2**  
 Proposal is to divide into 4 lots.  
 City could approve this subdivision as it meets minimum lot size.  
 Proposed Density = 8 du/acre

**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 on the previous page, the property owner has requested a 4,000 square foot lot (a 40' by 100' lot) for the proposed *Lot #1* which will be able to accommodate other code requirements (setback, lot coverage, etc.) and still meet the underlying zoning density.

Under current code requirements, the City would reject the proposal as list in Proposed Subdivision #1 as all lots must be larger 4,300 square feet; *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 lots on 0.5-acre lot.

**Under the proposed code (Attachment 1),** flexibility would be permitted when subdividing to allow lots to be smaller than minimum lot size if ALL the following were met:

1. The lot size averaging of the land division does not exceed the permissible maximum density of the underlying zoning.

In other words, if the lot is within the R-10 zone and they would like to subdivide, their proposed lot sizes could vary provided the project does not exceed a density of more than 10 dwelling unit per acre.

- Please note that there are still some standards that are not proposed to change such as minimum lot width would still be required (which is 30' minimum lot width to allow a 20' wide home and two 5' side yard setbacks).
2. The lots utilizing the reduced minimum lot size must demonstrate that the lots are able to accommodate all the development regulations including, but not limited to, required parking, lot coverage, setbacks, stormwater compliance, etc.
  3. If the land division is submitted in phases of development, each phase submitted for approval shall meet all provision for this section.

Though it seems like a minor change, this flexibility will have an impact as it is incrementally implemented throughout the City through infill subdivisions.

### **Change from Workshop to Public Hearing**

At the Planning Commission workshop for this item, the proposal was to limit the number of parcels that could use lot size averaging per project and limit the reduction to not less than 10% of the identified minimum lot size. The Commission had the valid comment that provided the project meets the underlying density and still has area on their lot that can fit a house and all other code requirements, why is there a code that has arbitrary limits that can be more restrictive to a property owner. Per the request of the Planning Commission, the proposal at this Public Hearing has not include those provisions.

### **Summary**

Staff recommends that Planning Commission review the materials, take public testimony, and provided a recommendation to City Council on the Zoning Code Amendment to allow Lot Size Averaging to the Low- and Medium-Density Residential Zones.

## **Planning Commission's Public Hearing – April 19, 2021**

### **Proposed Code Revisions to Lot Size Averaging**

A link to the Bremerton Municipal Code Title 20 (aka Zoning Code) in its entirety -  
<https://www.codepublishing.com/WA/Bremerton/#!/Bremerton20/Bremerton20.html>

Proposal is shown in Legislative markup with added text being **RED and UNDERLINED**, and deleted text being **RED and Strikethrough**.

## **Low Density Residential**

### **20.60.065 ALLOWABLE DENSITY AND LOT AREA.**

The purpose of this section is to establish compatible levels of density within existing neighborhoods. The intent is to allow infill residential development. The following density and lot area standards are applicable to development within the zone:

- (a) Minimum Density. The minimum required density is six (6) dwellings per acre.
- (b) Maximum Density. The maximum allowed density is ten (10) dwellings per acre.
- (c) Maximum Lot Area. The maximum lot area is seven thousand two hundred sixty (7,260) square feet, with the following exceptions:
  - (1) The lot area may be modified through the approval of a residential cluster development pursuant to BMC 20.58.060;
  - (2) One (1) lot within a proposal for a division of land may exceed seven thousand two hundred sixty (7,260) square feet, provided the remaining lots do not exceed the seven thousand two hundred sixty (7,260) square foot maximum lot size; and
  - (3) A flag lot that complies with the requirements in BMC 20.44.100 may exceed seven thousand two hundred sixty (7,260) square feet, provided the total area of the flag lot does not exceed ten thousand eight hundred ninety (10,890) square feet.
- (d) Minimum Lot Area. The minimum allowed lot area is four thousand three hundred (4,300) square feet.
- (e) Exception 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) When a new subdivision is proposed, the size of lots in land division may be reduced below the minimum lot size provided all the following are met:
    - i. The overall average of the proposed lots do not exceed the permissible maximum density.
    - ii. All lots that are smaller than the minimum lot size shall demonstrate that they are developable by showing code compliance with such items as required parking, lot coverage, setbacks, stormwater compliance, etc.
    - iii. The platting documents shall include documentation of allowed uses and language that ensures maximum density is not exceeded.
    - iv. If the land division is submitted in phases of development, each phase submitted for approval shall meet these provisions.

## **Medium Density Residential**

### **20.78.065 ALLOWABLE DENSITY AND LOT AREA.**

The purpose of this section is to establish compatible levels of density within existing neighborhoods. The intent is to allow infill residential development. The following density and lot area standards are applicable to development within the zone:

- (a) Minimum Density. The minimum required density is six (6) dwellings per acre.
- (b) Maximum Density. The maximum allowed density is eighteen (18) dwellings per acre.

(c) Maximum Lot Area. The maximum lot area is seven thousand two hundred sixty (7,260) square feet, with the following exceptions:

- (1) The lot area may be modified through the approval of a residential cluster development pursuant to BMC 20.58.060;
- (2) One (1) lot within a proposal for a division of land may exceed seven thousand two hundred sixty (7,260) square feet, provided the remaining lots do not exceed the seven thousand two hundred sixty (7,260) square foot maximum lot size; and
- (3) A flag lot that complies with the requirements in BMC 20.44.100 may exceed seven thousand two hundred sixty (7,260) square feet, provided the total area of the flag lot does not exceed ten thousand eight hundred ninety (10,890) square feet.

(d) Minimum Lot Area. The minimum allowed lot area is two thousand five hundred (2,500) square feet.

(e) Exception 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) When a new subdivision is proposed, the size of lots in land division may be reduced below the minimum lot size provided all the following are met:

- i. The overall average of the proposed lots do not exceed the permissible maximum density.
- ii. All lots that are smaller than the minimum lot size shall demonstrate that they are developable by showing code compliance with such items as required parking, lot coverage, setbacks, stormwater compliance, etc.
- iii. The platting documents shall include documentation of allowed uses and language that ensures maximum density is not exceeded.
- iv. If the land division is submitted in phases of development, each phase submitted for approval shall meet these provisions.

# FINDINGS AND CONCLUSIONS OF THE CITY OF BREMERTON PLANNING COMMISSION

**Summary:**

The proposed amendments to the Bremerton Municipal Code (BMC) to allow Lot Size Averaging in the Low- and Medium-Density Residential Zones.

**I. FINDINGS OF FACT**

**1. Project Description:**

The proposed Zoning Code amendments would allow lot size averaging within the City’s BMC to the two zones that identify minimum lot sizes: Low- and Medium Density Residential Zones (BMC 20.60 and BMC 20.78). This code would allow future development to have some flexibility in their proposed minimum lot sizes when subdividing or a boundary line change, when the overall project continues to meet the underlying zoning density.

This proposal does not impact, nor change, the existing underlying zoning density as identify in current code.

**2. Procedural History:**

- 2.1 Planning Commission Workshop: January 22, 2021
- 2.2 Washington State Department of Commerce Notice: March 11, 2021
- 2.3 SEPA Threshold Determination DNS: March 16, 2021
- 2.4 Notice of Public Hearing: April 9, 2021
- 2.5 Planning Commission Public Hearing: April 19, 2021

**3. Public and Agency Comment:**

- 3.1 None provided at the Workshop
- 3.2 At the Planning Commission Public Hearing on April 19, 2021, the following testimony was provided:

\_\_\_\_\_.

\_\_\_\_\_.

\_\_\_\_\_.

\_\_\_\_\_.

**4. SEPA Determination:**

A Determination of Non-Significance was issued on March 16, 2021, no comments or appeals were filed.

**5. Consistency:**

Text amendments to Title 20 shall meet the decision criteria outlined in BMC 20.18.020(d). The Planning Commission may recommend, and the City Council may adopt or adopt with modifications, an amendment to Title 20 if the criteria outlined below are met.

(1) It is consistent with the goals and policies of the comprehensive plan;

*Analysis:* The proposed amendments continue to uphold the objectives and goals of the Comprehensive Plan, and implement the following policies:

- Policy LU1(B): Coordinate Bremerton’s growth consistent with the Kitsap Countywide Planning Policies and the Puget Sound Regional Council’s Vision 2040, and state requirements.
- Policy LU4(C): Provide land use regulations that give opportunities for the community to have fair access to livelihood, education, and resources.

- Housing Vision: To encourage the growth of Bremerton by strategically locating a wide variety of housing types throughout the City in a way that protects the environment and fosters community health.
- Housing Goal H2: Encourage the development of a variety of new housing options and densities to meet the changing needs of Bremerton's residents.
- Policy H2(C): Supporting infill development and increased densities.
- Housing Goal H3: Support access to quality and affordable housing for all Bremerton residents.
- Policy H3(A): Provide opportunities for the production of new housing for all incomes, ages, and family types through infill by stimulating growth of non-traditional housing types such as townhomes, carriage units, accessory dwelling units, and duplexes in locations where they will seamlessly infill into the fabric of the existing neighborhoods.
- Policy H3(E): Eliminate unnecessary regulatory impediments to the development of affordable housing.

(2) It does not conflict with other City, state and federal codes, regulations and ordinances.

*Analysis:* The proposed amendments do not conflict with any other regulations. To ensure the City continues having a balance of housing and employment opportunities as identified within the Comprehensive Plan, an annual status report on commercial growth/development will be presented to the Planning Commission to monitor if this exception is still needed.

## **II. CONCLUSIONS & RECOMMENDATION**

Based on the findings above, the Planning Commission concludes that the proposed amendments to the Bremerton Municipal Code Title 20 Land Use Chapter related to Lot Size Averaging, meets the requirements in BMC 20.18.020(d) text amendments, and therefore recommends to the City Council, the adoption of amendments to Title 20.

Respectfully submitted by:

\_\_\_\_\_  
Andrea L. Spencer, Executive Secretary

\_\_\_\_\_  
Nick Wofford, Planning Commission Chair

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

<b>AGENDA TITLE:</b> Workshop for BMC Title 20 – Potential Zoning Code Amendments Relating to Boundary Line Adjustments
<b>DEPARTMENT:</b> Community Development
<b>PRESENTED BY:</b> Kelli Lambert, (360) 473-5245 or <a href="mailto:Kelli.Lambert@ci.bremerton.wa.us">Kelli.Lambert@ci.bremerton.wa.us</a>

**EXECUTIVE SUMMARY**

Staff is requesting that the Planning Commission conduct a public hearing on the proposed Zoning Code change, consider public testimony and formulate a recommendation for City Council decision. The proposed changes to the Zoning Code are to establish regulations for Boundary Line Adjustments (BLAs).

**ATTACHMENTS:**

- **Attachment 1:** Proposed Code Amendments in legislative mark-up for Bremerton Municipal Code (BMC) 20.12.175 (Land Division)
- **Attachment 2:** Planning Commission’s Findings and Conclusions

**RECOMMENDED MOTION**

Move to recommend the City Council adopt text amendments to Title 20 of the BMC as detailed in Attachment 1, based on the Staff Report and the Findings and Conclusions presented in Attachment 2.

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**BOUNDARY LINE ADJUSTMENTS**

The proposal is to adopt revisions to the Land Division code to allow for City review of Boundary Line Adjustments (BLAs), as shown in **Attachment 1**. A BLA is a process for changing the lot lines between legal lots. A BLA does not create any lots or parcels - it merely changes the boundaries. BLAs are commonly done to resolve conflicts between adjacent property owners, or to bring a property into conformance with zoning code requirements. Currently, as the City does not have a process for reviewing BLAs, property owners record them directly with the Kitsap County Auditor, and the City misses the chance to identify potential problems sometimes created by a BLA.

If adopted, the Code **WOULD**:

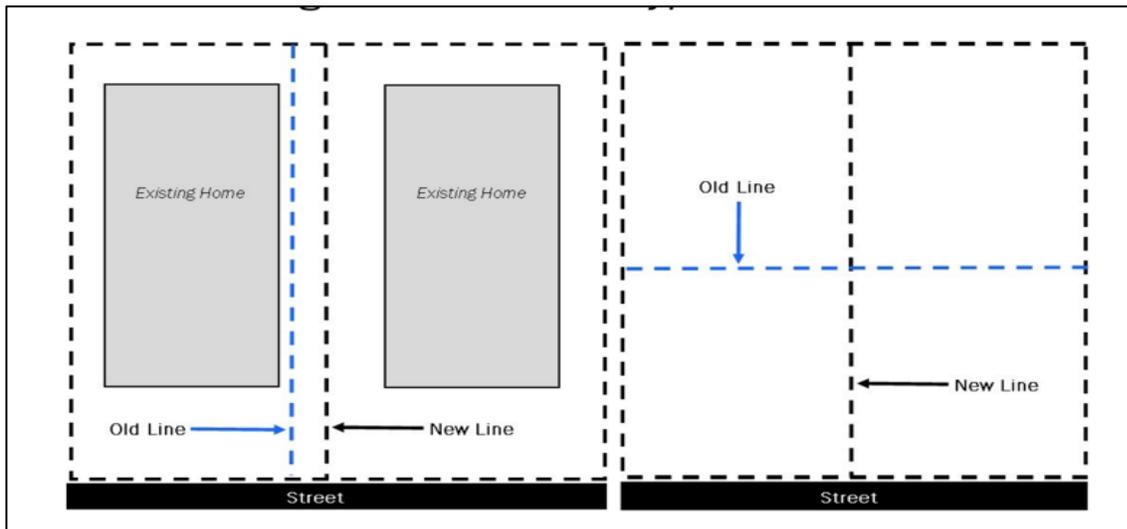
- Allow the City to review proposed Boundary Line Adjustments, to identify potential conflicts or nonconformities before the document is recorded.
- Protect property values by providing a process for owners to confirm that their revised lot(s) will be recognized by the City at the time of future development.

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

- Change any of the current land division regulations.
- Create any new criteria of approval.

### **BOUNDARY LINE ADJUSTMENTS (BLAs)**

The following sections will explain the background and purpose of BLAs and outline potential additions being considered by the City to the Bremerton Municipal code Title 20, also known as the Zoning Code, related to land division. The picture below shows two examples of a Boundary Line Adjustment.



#### **1. What is a Boundary Line Adjustment?**

- a. A BLA is a process for changing the lot lines between legal lots. A BLA does not create any lots or parcels- it merely changes the boundaries.

Three common usages for BLAs would be:

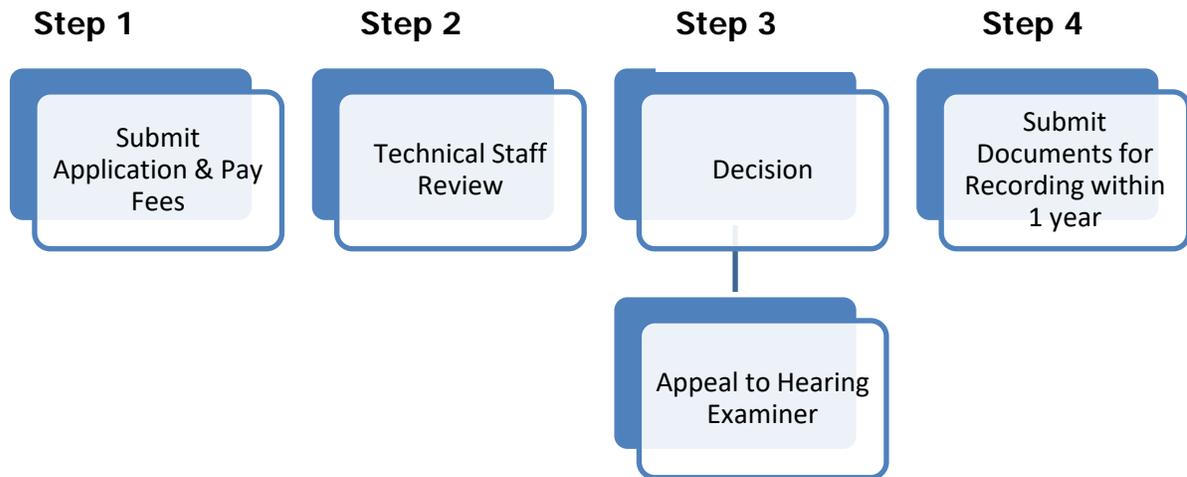
1. To resolve controversy regarding the boundary between neighbors;
  - a) Example: a landowner builds a fence on what she believes is her property. A survey reveals the fence is on the neighbor's property. She may perform a BLA with her neighbor to transfer possession of the land under the fence to her, possibly in exchange for compensation.
2. To bring a property into conformance with zoning code;

- a) Example: a structure was built within the side yard setbacks. In order to bring it into conformance, the landowner and her neighbor agree to perform a BLA to move the lot line.
- 3. To allow additional development that complies with zoning code.
  - a) Example: the maximum development coverage of a lot is reached. The landowner and her neighbor may agree to perform a BLA to move the lot line, netting the landowner additional lot space.

**2. Typical Standards**

- a. BLAs have slightly different approval criteria across jurisdictions. However, most are subject to basic standards, including:
  - 1. A BLA cannot:
    - a) create a lot;
    - b) reduce the size of a lot so that it contains insufficient area and dimension to meet minimum zoning code;
    - c) reduce building setbacks below standards;
    - d) increase an existing nonconformity;
    - e) diminish current or future water supply, drainage, or sewer disposal;
    - f) create a lot without vehicular access
    - g) be inconsistent with the conditions or restrictions on a recorded plat;
    - h) create a lot that straddles multiple zones;
    - i) create a lot that straddles multiple jurisdictions;
    - j) create a lot that straddles multiple overlay areas or subareas;
    - k) create a lot that is so constrained or encompassed by topography, critical areas, buffers, or shape, that it would require a variance or exemption in order for a building site to be allowed;
    - l) be for a lot that is currently under a current stop-work order or code enforcement action.
  - b. BLAs are a right granted to homeowners in the Washington Administrative Code. The City of Bremerton currently has no regulations in place to review BLAs. In Bremerton, BLAs are processed through the Kitsap County Assessor. Kitsap County’s code relating to BLAs contains a provision that BLAs “Must meet local regulations”, yet Bremerton has no formal process for BLAs to meet that standard.
  - c. Several of our sister cities, including Bainbridge Island (BIMC 2.16.090), Poulsbo (PMC 17.30), and Port Orchard (POMC 20.84), have BLA provisions and permit processes.

### 3. Typical Process:



- a. BLAs would be processed as Type 1 permits, the same as are used for typical building permits. The following is a breakdown of the steps, from application to completion:

Step 1: The applicant will submit the application materials, which will include:

- a) Application form;
- b) Legible drawings prepared, stamped, and dated by a licensed land surveyor, that show the parcels and their surroundings as they currently are, and as they will be once changed;
- c) A copy of any covenants, conditions, and restrictions, deed restrictions, and other development agreements pertaining to the properties;
- d) A recent title report;
- e) Any other information that DCD or Public Works deem necessary to approve.
- f) The applicant would pay a fee that will be established by the city in an updated Rate Table C. Until this is implemented, an hourly rate will be charged for the time the City spends on review.

Step 2: The City will conduct its review.

Step 3: The City will issue its decision.

- a) In the event of a negative result, if the applicant wishes to appeal to the Hearing Examiner they may do so at this time.

Step 4: If approved, the applicant then has 1 year to submit the documents for recording to the Kitsap County Assessor's office.

#### 4. Why Regulate BLAs?

The City has a strong interest in ensuring that new development and land division complies with the goals of our Comprehensive Plan, zoning code, and the standards of our Public Works department. Under the current arrangement, BLAs are not required to be reviewed by the City at all, and could result in nonconformities in the zoning code, strain on or incompatibility with public utilities, or parcel shapes or sizes that are inconsistent with the goals of our Comprehensive Plan. In the rare instances where BLAs are shown to the City prior to their finalization with Kitsap County, any review the City does is pro-bono, and any recommendations that we issue are non-binding.

Implementing a tailored-to-Bremerton strategy to review BLAs not only allows us to hold them to standards specific to Bremerton's needs, it also updates our municipality's land division policy to be in line with that of our sister cities of Poulsbo, Port Orchard, and Bainbridge Island.

Under current code, a property owner can record a BLA directly with the Kitsap County Auditor's office, without review from City departments. Potential issues around private utilities, access, and critical areas can be missed, which can affect the property owner's ability to develop the lot(s).

Under the proposed code (Attachment 1), the City would review proposed BLAs, and therefore identify any potential issues that may be created by the BLA before the document is recorded.

#### **Summary**

Staff recommends that Planning Commission review the materials, take public testimony, and provide a recommendation to City Council on the Zoning Code Amendment to create a Boundary Line Adjustment ordinance, similar to the zoning codes of the other cities within Kitsap County (Poulsbo, Port Orchard, and Bainbridge Island).

**Planning Commission Public Hearing – April 19, 2021**  
**Proposed Code Revisions to add a process for Boundary Line Adjustments**

A link to the Bremerton Municipal Code Title 20 (aka Zoning Code) in its entirety -  
<https://www.codepublishing.com/WA/Bremerton/#!/Bremerton20/Bremerton20.html>

Proposal is shown in Legislative markup with added text being **RED and UNDERLINED**, and deleted text being **RED and Strikethrough**.

**Land Division 20.12**

Sections:

- 20.12.010 PURPOSE.
- 20.12.020 APPLICABILITY.
- 20.12.030 EXEMPTIONS.
- 20.12.040 DEFINITIONS.
- 20.12.050 ADMINISTRATION.
- 20.12.060 GENERAL PROVISIONS.
- 20.12.070 SURVEY REQUIREMENTS.
- 20.12.080 SUBDIVISION CATEGORIES.
- 20.12.090 REVIEW PROCEDURES AND APPROVALS.
- 20.12.100 APPROVAL CRITERIA - PRELIMINARY SUBDIVISION.
- 20.12.110 SUBMITTAL REQUIREMENTS - PRELIMINARY SUBDIVISION.
- 20.12.120 APPROVAL CRITERIA - FINAL SUBDIVISION.
- 20.12.130 SUBMITTAL REQUIREMENTS - FINAL SUBDIVISION.
- 20.12.140 MODIFICATIONS TO PRELIMINARY SUBDIVISION APPROVAL.
- 20.12.150 RECORDING FINAL SUBDIVISIONS.
- 20.12.160 EXPIRATION OF FINAL SUBDIVISION APPROVALS.
- 20.12.170 SUBDIVISION VESTING.
- 20.12.175 BOUNDARY LINE ADJUSTMENTS.**
- 20.12.180 VIOLATION - PENALTY.

**20.12.175 BOUNDARY LINE ADJUSTMENTS.**

- (a) Purpose. The purpose of this section is to provide procedures and criteria for the review and approval of adjustments to boundary lines of legal lots or tracts in order to rectify defects in legal descriptions, to allow the enlargement of lots to improve or qualify as a building site, to achieve increased setbacks from property lines or sensitive areas, to correct situations wherein an established use is located across a lot line, or for other similar purposes. A boundary line adjustment shall not be used to subdivide land, i.e., it shall not create any new or additional lot, tract or parcel. The boundary line adjustment is not for the purpose of avoiding public improvement requirements that would be associated with a replat or other new land division approval.

(b) Procedure.

(1) A request for a Boundary Line Adjustment is processed as a Type I Director's decision pursuant to Chapter 20.02 BMC.

(2) Boundary line adjustments may also be accomplished as part of a plat or short plat.

(c) Application submittal requirements. An applicant shall submit a complete boundary line adjustment application to the city. The following shall accompany a complete application for the purposes of this chapter:

(1) Evidence of ownership or authorization from the property owner to apply.

(2) A site plan of both the existing and proposed property line configuration that contains the following:

(i) A vicinity map that clearly marks the site in relation to the nearest major streets, roads, and waterways in the area;

(ii) A map at a scale of not less than one inch to fifty feet which depicts the existing property configuration, including all lot lines, dimensions and lot area.

(iii) The location and dimensions of all structures/improvements existing upon the affected lots and the distance between such structures/improvements and the existing and proposed boundary lines.

(iv) The location and dimensions of any easements within or adjacent to the affected lot(s).

(v) The location, dimensions and names of all existing or platted street rights-of-way, whether public or private, within or adjacent to the affected lots.

(vi) The location of all existing and proposed water, sewer and storm drainage facilities, on-site wastewater disposal systems, drainfields, and wells.

(vii) The location of access to all affected lots.

(viii) A north arrow and bar scale.

(3) The original legal descriptions of all affected properties, together with new separate legal descriptions for each parcel resulting from the adjustment.

(4) All drawings and legal descriptions are required to be prepared, stamped and dated by a licensed land surveyor as set forth in BMC 20.12.070. The surveyor shall confirm the following:

(i) That the boundary line adjustment does not violate any covenants, conditions and restrictions (CCRs), deed restrictions, common spaces, easements, or development agreements pertaining to the affected properties; and

(ii) All person with interest in the properties are represent in the request.

(5) A title report prepared not more than 60 calendar days prior to application submittal and prepared by a title company licensed in the state of Washington, may be required.

- (6) If an existing on-site sewage (septic tank) disposal system and/or well will continue to be used on an affected property after the boundary line adjustment, and/or if a new on-site sewage disposal system or well is proposed for an affected property where city code does not require connection to the city's municipal sewer and/or water system, the applicant shall provide written verification from the Kitsap Public Health District that the proposed lot is adequate to accommodate an on-site sewage disposal system and/or well.
- (d) Decision criteria. The following criteria shall be used to review and approve boundary line adjustments:
- (1) The boundary line adjustment shall not result in the creation of any additional lot, tract, parcel, site, or division.
  - (2) The boundary line adjustment shall not be approved if it avoids public improvement requirements, such as utility or right-of-way improvements, that would be associated with a land division approval.
  - (3) The lots or parcels resulting after the boundary line adjustment shall meet all dimensional requirements specified for the applicable zone as set forth in Title 20, and other applicable regulations.
  - (4) No lot, use, or structure is made nonconforming or more nonconforming than that which existed at the time of application and are subject to the provisions of BMC 20.54.
  - (5) Will not diminish or impair existing or future drainage, water supply, sanitary sewage disposal (including on-site sewage disposal) or legal access.
  - (6) Shall not be reconfigured or adjusted which would render access for vehicles, utilities, fire protection, or existing easements impractical to serve their purpose or to allow maintenance/access.
  - (7) Shall not violate or be inconsistent with any conditions of approval for a previously filed land use action, subdivision, short plat, or binding site plan deemed relevant by the Director.
  - (8) Shall not result in a lot having more than one land use designation and/or zoning; or result in being bisected by any special overlay.
  - (9) Shall not result in a lot, or lots, not wholly located within the city limits.
  - (10) Shall not involve lots that do not have a common boundary
  - (11) Shall not result in a lot which would be so constrained by topography, critical areas or buffers, unusual shape, or other site conditions that a reasonable building site cannot be obtained except through a variance, reasonable use exemption from a critical areas permit, or other special exemption from the city's zoning, land use or critical area regulations.
  - (12) Shall not affect the boundaries of any lot, tract, parcel or division that is the subject of a current, unresolved city code enforcement action, code violation notice, or stop work

notice; except as provided under circumstances where the Director, Hearing Examiner or judge deems a boundary line adjustment provides an appropriate resolution.

(13)Any adjustment of boundary lines must be approved by the department prior to the transfer of property ownership between adjacent legal lots;

(14)When an adjustment of boundary lines requires a modification of access, those modifications shall be approved by the City Engineer through a separate permit. Any adjusted lot shall contain no more than six separate lot lines, which are straight lines except when an irregular line is caused by an existing right of way or existing lot line.

(a) Final Approval and Recording.

(1) Prior to recording, the applicant shall submit boundary line adjustment drawing(s) for approval by the City. The City will provide a decision in writing, to be provided to the Kitsap County Auditor's office.

(2) Prior to final approval, documentation authorizing the transfer of property ownership shall be placed on the original boundary line map along with the legal descriptions of those portions of land being transferred when lots are under separate ownership. Lot lines within lots under the same ownership will be adjusted upon the recording of the boundary line adjustment.

(3) A boundary line adjustment does not become effective until all documents are recorded with the Kitsap County auditor. The boundary line adjustment shall be recorded within one hundred eighty days of the notice of decision date or be null and void. The applicant shall be responsible for submitting all final documents for recording. The applicant shall provide the City the Auditor File Number within 7-days of recording, and a copy of the recorded boundary line adjustment within 30-days of recording.

(b) The Director may require Site Plan Review concurrent with any BLA meeting criteria per BMC 20.58.080(b).

## **FINDINGS AND CONCLUSIONS OF THE CITY OF BREMERTON PLANNING COMMISSION**

**Summary:**

The proposed amendments to the Bremerton Municipal Code (BMC) to develop a City process for Boundary Line Adjustments by creating a new section: BMC 20.12.175

### **I. FINDINGS OF FACT**

**1. Project Description:**

The proposed Zoning Code amendments would allow for City departments to review Boundary Line Adjustments within the City of Bremerton.

This proposal does not impact, nor change, the regulations for Land Division as identified in current code.

**2. Procedural History:**

- 2.1 Planning Commission Workshop: July 8, 2020
- 2.2 Washington State Department of Commerce Notice: March 22, 2021
- 2.3 SEPA Threshold Determination DNS: March 24, 2021
- 2.4 Notice of Public Hearing: March 25, 2021
- 2.5 Planning Commission Public Hearing: April 19, 2021

**3. Public and Agency Comment:**

- 3.1 None provided at the Workshop
- 3.2 At the Planning Commission Public Hearing on April 19, 2021, the following testimony was provided:

\_\_\_\_\_.

\_\_\_\_\_.

\_\_\_\_\_.

\_\_\_\_\_.

**4. SEPA Determination:**

A Determination of Non-Significance was issued on March 24, 2021, no comments or appeals were filed.

**5. Consistency:**

Text amendments to Title 20 shall meet the decision criteria outlined in BMC 20.18.020(d). The Planning Commission may recommend, and the City Council may adopt or adopt with modifications, an amendment to Title 20 if the criteria outlined below are met.

(1) It is consistent with the goals and policies of the comprehensive plan;

*Analysis:* The proposed amendments continue to uphold the objectives and goals of the Comprehensive Plan, and implement the following policies:

- o Goal LU1. Plan for Bremerton’s population and employment growth.
- o Policy LU1(B): Coordinate Bremerton’s growth consistent with the Kitsap Countywide Planning Policies and the Puget Sound Regional Council’s Vision 2040, and state requirements.
- o City Services Goal CS1: Provide municipal services that enhance the quality of life in Bremerton.
- o Policy CS1(B): Educate the citizenry about City services and citizen responsibilities.
- o Goal CS4: Provide safe and reliable utility service to citizens, while balancing economic, aesthetics and environmental factors.

(2) It does not conflict with other City, state and federal codes, regulations and ordinances.

*Analysis:* The proposed amendments do not conflict with any other regulations.

**II. CONCLUSIONS & RECOMMENDATION**

Based on the findings above, the Planning Commission concludes that the proposed amendments to the Bremerton Municipal Code Title 20 Land Use Chapter related to Land Division meets the requirements in BMC 20.18.020(d) text amendments, and therefore recommends to the City Council, the adoption of amendments to Title 20.

Respectfully submitted by:

\_\_\_\_\_  
Andrea L. Spencer, Executive Secretary

\_\_\_\_\_  
Nick Wofford, Planning Commission Chair

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

**AGENDA TITLE:** Public Hearing for Reaffirmation of Zoning Code Amendment related to Manufactured Housing (BMC 20.46.040)  
**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)

**OVERVIEW SUMMARY**

In 2019, the Planning Commission provided a recommendation to City Council for a minor Zoning Code Amendment for Manufactured Homes as regulated by Bremerton Municipal Code (BMC) 20.46.040). The City Council held a study session to consider the Planning Commission’s recommendation, but a Public Hearing was not conducted. As a few years have passed since Planning Commission’s recommendation, Staff is presenting the proposed amendment through another public hearing to see if Planning Commission still recommends the proposed Zoning Code amendment to revise the size requirements for new manufactured homes when placed within the City of Bremerton.

The Planning Commission should conduct a public hearing on the proposed Zoning Code change, consider public testimony and either re-affirm the 2019’s recommendation, or formulate an updated recommendation for City Council decision.

**ATTACHMENTS:**

- **Attachment A:** Proposed Amendments in legislative mark-up for Bremerton Municipal Code (BMC) 20.46.040 entitled Manufactured Homes
- **Attachment B:** Update’s Planning Commission’s Finding and Conclusions
- **Attachment C:** 2019’s Planning Commission’s Findings and Conclusions
- **Attachment D:** Planning Commission’s Minutes for March 18, 2019 (Workshop) and April 22, 2019 (Public Hearing)
- **Attachment E:** Comment received from April 2019 Public Hearing.

**OPTIONS FOR MOTION:**

At this Public Hearing, the Commission has the following options.

1. Recommend that the City Council **adopt** the Zoning Code Amendment **as presented** in this staff report and attachments.
  - a. **Recommended Motion:** Move to re-affirm the recommendation to the City Council to adopt the Zoning Code’s text amendments to Title 20 of the BMC as shown in Attachment A, and based upon the Staff Report and the Findings and Conclusions presented in Attachment B.
2. Recommend the City Council **adopt** the Zoning Code changes as **modified** by the Commission.
3. Recommend **denial** of any part of the Zoning Code amendments and

## STAFF ANALYSIS

The proposal is for a Zoning Code amendment to revise the City's regulations for size requirements for new manufactured homes. The proposed amendments will improve the Zoning Code and allow property owners more opportunities to locate manufactured homes within the City limits by changing the size requirement that a manufactured home must be. This Staff Report will also address the differences between modular homes, prefab homes and manufactured homes.

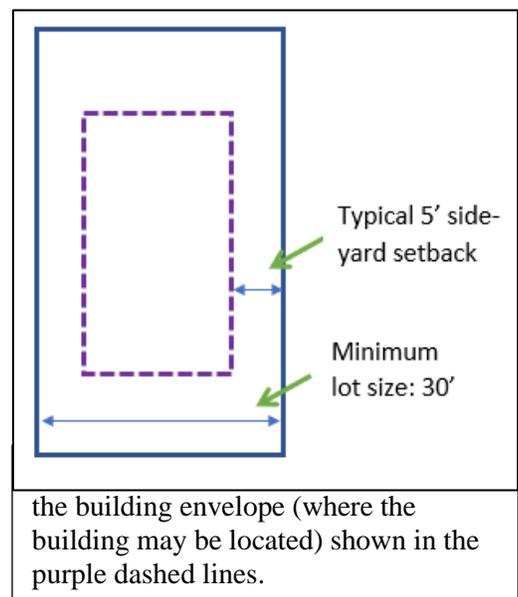


### ZONING CODE AMENDMENT: Manufacture Homes

Within the City of Bremerton Zoning Code, manufactured homes are allowed as residential units, provided development and design criteria are met pursuant to Bremerton Municipal Code 20.46.040.

The City's code language for manufactured housing is provided in **Attachment A**, with one minor amendment shown. The specific provision requested to be amended is the size that a manufactured home must be to be placed on a lot. It currently requires that a manufactured home must be "comprised of at least two (2) fully enclosed parallel sections each of not less than twelve (12) feet wide by thirty-six (36) feet long." Staff is suggesting, and the Planning Commission previously recommended, that the City allow 9.5' wide instead of 12' for double-wide manufactured homes (to allow a 19' wide manufactured home instead of a 24' wide home).

The primary justification for this is that the City requires all new lots to have a minimum 30' wide lot. This standard is typical for a city/urban lot of 0.1 acres and many of West Bremerton's lots are about 30'. With a minimum 5' side-yard setback required on each side, this only allows room for a 20' wide home. However, if you wanted to place a manufactured home on this property, the lot would have to be at least 34' wide (two 5' side-yard setbacks (10') + two 12' wide parts of the manufactured home (24') = 34' lot). To allow a 19' wide manufactured home, this would fit on a typical 30' wide lot and setbacks and allow room for siding and eaves.



RCW 35A.63.145(3) allows jurisdictions to alter the manufactured home's size and design criteria and therefore the current proposal for Planning Commission to revise the size.

### **CAN THE CITY ADD REGULATIONS ABOUT DESIGN?**

Per RCW 35.21.684, the City may not require design requirements except as follows: "The manufactured home comply with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located." If the City does not regulate design of other single family construction, then it cannot regulate the design of manufactured housing.

### **DIFFERENCE BETWEEN PREFAB, MODULAR, AND MANUFACTURED HOMES**

Determining whether a home is classified as a mobile, manufactured or modular is often confusing. Visually, manufactured and modular homes don't appear that different, and both are often mistaken as site-built homes. However, prefabricated homes differ depending on the codes they must follow.

A prefabricated home, or prefab home, is a term used to describe any building or dwelling that is manufactured off-site, in a home building facility, and then transported to the home or building site to be set on a foundation. A prefabricated home includes modular and manufactured homes that are built off-site and transported to the final destination.

### **Mobile Home and Manufactured Homes**

The terms "mobile home" and "manufactured home" are often used by the general public to describe the same type of home. Mobile homes and manufactured homes were finally distinguished from each other in 1976 when the National Mobile Home Construction and Safety Act became effective. This act, generally known as 'the HUD Code,' sets standards for design and construction, body and frame requirements, thermal protection, plumbing and electrical, fire safety, energy efficiency, and other aspects of manufactured homes.

The intent of the HUD Code is to improve the durability and quality of manufactured homes, and it is the only federally-regulated national building code.

To summarize manufactured homes are the following:

- Manufactured houses are built in a factory.
- They conform to a Federal building code, called the HUD code, rather than to building codes at their destinations.
- Manufactured homes are built on a non-removable steel chassis.
- Sections can and are transported to the building site on their own wheels.
- Multi-part manufactured units are joined at their destination.
- Building inspectors check the work done locally (electric hook up, etc.) but are not required to approve the structure.
- Manufactured housing is generally less expensive than site built and modular homes.

Modular Homes: Like a manufactured home or a mobile home, the sections of a modular home are built in a climate-controlled home building facility. Modular homes are built to conform to all state, local and/or regional codes that are necessary for the final location of the

home—just like site-built homes. Modular homes are typically built in two sections, however, depending on the size of the home, it could be built in up to five sections.

To summarize, modular homes are the following:

- Modular homes are built in sections at a factory.
- Modular homes are built to conform to all state, local or regional building codes at their destinations.
- Sections are transported to the building site on truck beds, then joined together by local contractors.
- Local building inspectors check to make sure a modular home's structure meets requirements and that all finish work is done properly.
- Modular homes are sometimes less expensive per square foot than site-built houses.
- A well-built modular home should have the same longevity as its site-built counterpart.

As a modular home is constructed to local standards, there is no proposed zoning code amendments needed to address the construction of modular homes. A modular home would include a shipping container being converted to a living unit that meets the building code standards for Bremerton. They are outrightly allowed to be placed in Bremerton provided they meet the local codes and standards.

## **CONCLUSION**

The attached text amendments in Attachment A and B identify changes to BMC 20.46.040 Manufactured Homes. Staff recommends that the Planning Commission hold an open record public hearing, consider testimony, and formulate a recommendation for the City Council.

**PROPOSED CODE CHANGE:** shown in legislative markup with additions being **bolded, red and underlined**, and deletions being **~~bolded, red, and strikethrough~~**.

#### 20.46.040 MANUFACTURED HOMES.

- (a) Manufactured homes are permitted on one (1) individual parcel, lot, or tract in residential zones; provided, that the home is:
- (1) Approved by the Washington State Department of Labor and Industries or the U.S. Department of Housing and Urban Development, and the appropriate certification insignia is affixed to the unit, in accordance with the provisions of Chapter 43.22 RCW;
  - (2) Comprised of at least two (2) fully enclosed parallel sections each of not less than **twelve (12) nine-and-a-half (9.5)** feet wide by thirty-six (36) feet long;
  - (3) Set upon a permanent foundation, as specified by the manufacturer, and that the space from the bottom of the home to the ground be enclosed by concrete or an approved concrete product which can be either load-bearing or decorative;
  - (4) Compliant with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located;
  - (5) Thermally equivalent to the State Energy Code;
  - (6) Originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of nominal three to twelve (3:12) pitch or greater;
  - (7) Sided with exterior siding similar in appearance to materials commonly used on conventional site-built International Building Code single-family residences; and
  - (8) A new manufactured home as defined in RCW 35.63.160(2).
- (b) A manufactured home which was legally placed and maintained prior to the date of adoption of this chapter, and does not meet the requirements of this chapter, shall be deemed to be a nonconforming structure. If a legal nonconforming manufactured home is partially or wholly destroyed, replaced, or altered, it shall be required to meet the relevant requirements set forth in the nonconforming provisions of this title.
- (c) The Building Official or designee shall inspect the installation of manufactured homes prior to occupancy and issue certificates of occupancy for manufactured homes. If all requirements are met, a certificate of occupancy shall be issued. No manufactured home shall be occupied until after the City issues a valid certificate of occupancy.
- (d) If a manufactured home is replaced by another manufactured home, a new certificate of occupancy shall be required for the installation of a manufactured home after the date of adoption of the ordinance codified in this chapter.

## FINDINGS AND CONCLUSIONS OF THE CITY OF BREMERTON PLANNING COMMISSION

**Summary:**

A proposed amendment to Bremerton Municipal Code (BMC) Title 20 Land Use Chapter amending BMC 20.46.040 entitled Manufactured Homes related to the minimum size of a manufactured home.

### I. FINDINGS OF FACT

**1. Project Description:**

The proposed amendment package includes revisions to Title 20, specifically BMC 20.46.040 Manufactured Homes to revise the minimum size a manufactured home must be to be placed within the City which is provided in subsection 20.46.040(a)(2).

**2. Procedural History:**

- 2.1 Notice of Public Hearing: April 12, 2019
- 2.2 Department of Commerce: March 26, 2019
- 2.3 SEPA Threshold Determination DNS: March 29, 2019
- 2.4 Planning Commission Public Hearing: April 22, 2019
- 2.5 Notice of Public Hearing for reaffirmation: April 9, 2021
- 2.6 Planning Commission Public Hearing for reaffirmation: April 19, 2021

**3. Public and Agency Comment:**

- 3.1 Rob Larsen commented on at public hearing on April 22, 2019
- 3.2 \_\_\_\_\_
- 3.3 \_\_\_\_\_

**4. SEPA Determination:**

A Determination of Non-Significance was issued on March 29, 2019, to date no comments or appeals have been filed.

**5. Consistency:**

Text amendments to Title 20 shall meet the decision criteria outlined in BMC 20.18.020(d). The Planning Commission may recommend a decision, and the City Council may adopt or adopt with modifications, amendments to Title 20 if the following criteria are met.

- (1) The amendments are consistent with the goals and policies of the comprehensive plan;

*Analysis:* The proposed amendments continue to uphold the objectives and goals of the Comprehensive Plan, and implement the following policies:

*H2(E): Support efforts to provide a variety of housing options:*

- *Provide for integration of special needs housing within the community by allowing for government-assisted housing, housing for low-income families, manufactured housing, group homes, and foster care facilities.*

*ED5(A): Evaluate and work towards efficiency and effectiveness of all permit process and codes to ensure requirements and timelines are predictable.*

- (2) It does not conflict with other City, state and federal codes, regulations and ordinances.

*Analysis:* The proposed amendments do not conflict with any other regulations.

**II. CONCLUSIONS & RECOMMENDATION**

Based on the findings above, the Planning Commission concludes that the proposed amendments to the Bremerton Municipal Code Title 20 Land Use Chapter, meets the requirements in BMC 20.18.020(d) text amendments, and therefore recommends to the City Council, the adoption of the amendment to Title 20.

Respectfully submitted by:

Approved by:

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Andrea L. Spencer, Executive Secretary

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Nick Wofford, Chair

## FINDINGS AND CONCLUSIONS OF THE CITY OF BREMERTON PLANNING COMMISSION

**Summary:**

A proposed amendment to Bremerton Municipal Code (BMC) Title 20 Land Use Chapter amending BMC 20.46.040 entitled Manufactured Homes related to the minimum size of a manufactured home.

### I. FINDINGS OF FACT

**1. Project Description:**

The proposed amendment package includes revisions to Title 20, specifically BMC 20.46.040 Manufactured Homes to revise the minimum size a manufactured home must be to be placed within the City which is provided in subsection 20.46.040(a)(2).

**2. Procedural History:**

- 2.1 Notice of Public Hearing: April 12, 2019
- 2.2 Department of Commerce: March 26, 2019
- 2.3 SEPA Threshold Determination DNS: March 29, 2019
- 2.4 Planning Commission Public Hearing: April 22, 2019

**3. Public and Agency Comment:**

- 3.1 Rob Larsen commented at the Public Hearing
- 3.2 \_\_\_\_\_
- 3.3 \_\_\_\_\_

**4. SEPA Determination:**

A Determination of Non-Significance was issued on March 29, 2019, to date no comments or appeals have been filed.

**5. Consistency:**

Text amendments to Title 20 shall meet the decision criteria outlined in BMC 20.18.020(d). The Planning Commission may recommend a decision, and the City Council may adopt or adopt with modifications, amendments to Title 20 if the following criteria are met.

- (1) The amendments are consistent with the goals and policies of the comprehensive plan;

*Analysis:* The proposed amendments continue to uphold the objectives and goals of the Comprehensive Plan, and implement the following policies:

*H2(E): Support efforts to provide a variety of housing options:*

- *Provide for integration of special needs housing within the community by allowing for government-assisted housing, housing for low-income families, manufactured housing, group homes, and foster care facilities.*

*ED5(A): Evaluate and work towards efficiency and effectiveness of all permit process and codes to ensure requirements and timelines are predictable.*

- (2) It does not conflict with other City, state and federal codes, regulations and ordinances.

*Analysis:* The proposed amendments do not conflict with any other regulations.

**II. CONCLUSIONS & RECOMMENDATION**

Based on the findings above, the Planning Commission concludes that the proposed amendments to the Bremerton Municipal Code Title 20 Land Use Chapter, meets the requirements in BMC 20.18.020(d) text amendments, and therefore recommends to the City Council, the adoption of the amendment to Title 20.

Respectfully submitted by:

Approved by:

  
\_\_\_\_\_  
Andrea L. Spencer, Executive Secretary

  
\_\_\_\_\_  
Richard L. Tift, Chair

Approved

**CITY OF BREMERTON**  
**PLANNING COMMISSION**  
**MINUTES OF REGULAR MEETING**  
**March 18, 2019**

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**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 (arrived at 5:39)  
Commissioner Jones  
Commissioner Nerf  
Erik Pedersen

**Staff Present**

Allison Satter, Senior Planner, Department of Community Development  
Garrett Jackson, Planner II, Department of Community Development

**Others Present**

Gary Gartin, Bradley L. Scott, Inc.

**Commissioners Excused**

*Quorum Certified*

**APPROVAL OF AGENDA**

**VICE CHAIR WOFFORD MOVED TO APPROVE THE AGENDA AS PRESENTED. COMMISSIONER JONES SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY. (Note: Commissioner Davis was not present for this vote.)**

**APPROVAL OF MINUTES**

**VICE CHAIR WOFFORD MOVED TO APPROVE THE MINUTES OF JANUARY 28, 2019 AS PRESENTED. COMMISSIONER JONES SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY. (Note: Commissioner Davis was not present for this vote.)**

**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 Workshop: Annual Check-In on Bremerton's Commercial Real Estate Market**

Ms. Satter introduced Gary Gartin, who was present to talk about the current commercial real estate trends in Bremerton. She recalled that the Commissioners requested this annual market check-in when, due to an over flux of commercial space, the

zoning code was amended to allow residential uses on the ground floor in commercial zones. She also explained that Mr. Gartin's expertise is in commercial development.

**Gary Gartin, Bradley L. Scott, Inc.**, shared growth trends for Kitsap County, pointing out that there has been substantial population, retail and office growth in Bainbridge Island and Poulsbo and Silverdale has gone from farmland to the major retail and office core of the County. Port Orchard's downtown is still stagnant, but there has been a lot of new retail on the south end. Bremerton hasn't experienced the population growth that other areas of the County have had. However, there is some activity near Highway 3 with the new proposed Harrison Hospital location and the strong auto dealerships and warehouses. East Bremerton (Wheaton Way) is also improving as people are starting to remodel properties, and he expects these improvements to continue. He commented that Wheaton Way is a great retail area with potential as a lot of population are living around it. Office space vacancies decreased by 15,000 square feet.

**Mr. Gartin** observed that Downtown Bremerton is a type of peninsula, with bridges, the ferry terminal and Puget Sound Navel Station. Most cities do not have to deal with these situations. He recalled that when he moved to Bremerton in 1986, the downtown area was the main retail center. This changed as shopping centers were built further from the downtown, and a large number of the downtown buildings were converted to office space. At one time, navy personnel occupied more than 150,000 square feet of this office space. Many of these spaces were vacated after 9-11, and some are still vacant. These large buildings no longer work for office or retail uses.

**Mr. Gartin** shared a chart to illustrate the office vacancy rates throughout Kitsap County, noting that Bremerton's vacancy rate is the highest. He explained that, currently, Bremerton has the most office space (over 1 million square feet), and most of the vacancies are in Downtown Bremerton and East Bremerton. He provided historic statistics, showing vacancies at just over 6% in 2001. Vacancy rates increased steadily from 2002 through 2007 as the Navy continued to vacate office space. The rates increased significantly from 2008 through 2013 as several large buildings were vacated. He pointed out that the 400 Warren Avenue Building currently has 23,483 square feet of vacant space, the Chase Building has 41,426, the Ryan Building has about 15,000, and the Kitsap Credit Union has 15,700. That makes a total over 95,000 square feet of vacant office space in the downtown's five most modern buildings.

**Mr. Gartin** said residential development is driving the current growth in Downtown Bremerton, and these additional people are bringing more activity to the downtown as it transforms into an entertainment district. He pointed out the new residential developments that have recently been added, as well as those that are planned. He commented that, if the perception is good, people throughout Kitsap County will start realizing that Downtown Bremerton is the place to go for an evening of entertainment. Currently there are 25 places that serve food, 18 places that serve alcohol and 262 beer taps within downtown. The patrons of these businesses are not tourists. The downtown is an excellent location for restaurants and other retail uses because patrons who live nearby can walk to them.

**Mr. Gartin** commented that, although there is a good number of eating establishments in the downtown, there are far fewer retail businesses. He observed that all of the small retail spaces are occupied and it is difficult for smaller retail businesses to locate in the remaining retail spaces in buildings that are more than 100 feet deep. He shared his earlier plan to convert a 2-story building in the downtown into four residential units and smaller retail spaces. His intent was to locate two residential units on the top floor and two residential units on the ground floor behind a 50-foot deep retail area. The retail area would then be divided into two, 1,500 square foot spaces. Although the market would support this type of project, the parking requirement made it impossible because the building covered the entire lot. He was also unable to find a nearby property owner who was willing to tie up property with a long-term deed restriction to provide parking for his building. He summarized that, in his opinion that based on the current code requirements, the old buildings in the downtown will remain empty until they are eventually torn down and redeveloped with something new.

**Mr. Gartin** said that the building he was considering was owned by the same owner as an adjacent building, and both buildings were sprinkled on all floors. However, once ownership was separated, the building he was interested in would have to be disconnected from the sprinkler system. Putting the sprinklers back together would have required tearing up the street and a cost of about \$75,000.

**Mr. Gartin** encouraged the City to focus on increasing density within a mile of the ferry terminal. He urged the City to put rules and regulations that match the reality of what developers are going to do. He encouraged more flexible plans that support

Approved

the market needs. Developers have creative ideas and capital, but they want to make a profit, as well. The more obstacles the City creates, the less opportunities there are for them to do that. He summarized that, as more people come to the downtown, public perception will start to change. Perception is more important than reality, and the City must do whatever it can to bring people here.

**Chair Tift** invited members of the public to ask questions, but no one came forward.

**Commissioner Davis** said he has read in progressive design media where some cities have allowed flow-through systems for sprinklers to make it easier to create live/work spaces. He has also read how dying malls in retail zones in the Midwest are being converted to residential units. He referred to a model in Tacoma where living space is being created in an old warehouse district. He asked if Mr. Gartin could think of some way the City could work with developers to bring this type of pop-up retail space that can be turned into something else later as the vacancy rate approaches single digits. **Mr. Gartin** pointed out that retail space in the downtown has the cheapest rents in the County, but the spaces are just too large for small businesses. He also suggested it would help if the parking requirement was eliminated for buildings with fewer than 4 or 6 residential units.

**Commissioner Davis** asked Mr. Gartin if more food options are needed in the downtown. **Mr. Gartin** pointed out that about 70% of the retail spaces in the downtown are empty. He suggested that changes would naturally happen if more small retail spaces are created and there are more opportunities for people to live downtown. In the modern world, most sales happen on evenings and weekends. As the population in downtown increases, more retail stores will stay open on nights and weekends and tourists will start to come, too. It will take time.

**Commissioner Davis** recalled that, when he was a City Council Member, the City engaged Roger Brooks as a consultant, and his primary focus was on maximizing density, increasing the critical mass of people and governments getting out of the way of development. Punitive things like an inventory taxes and empty-space taxes do not work to spur innovation. **Mr. Gartin** responded that these taxes will simply be paid by the tenants, and allowing developers to build in a timely manner is most important. He also commented that, at some point, there needs to be more parking structures in downtown Bremerton to address future parking needs and get cars off the streets. An excellent location is the block across from the police station between Warren Avenue and Chester Avenue. He observed that lack of parking is one reason for the high vacancy rate for office space, too.

**Chair Tift** said the business model that always seems to be discussed is the idea of getting more people downtown, but they should also keep in mind that about 10,000 people come downtown to work (i.e. the Shipyard + Naval Base Kitsap employees). Although they are only in downtown for a short period of time each day, the City should also focus on capturing this population by finding activities (entertainment, education, etc.) for them to do on their way home. **Mr. Gartin** said he was skeptical about being able to capture these workers' attention. Once they are off work, they typically just want to go home.

**Chair Tift** said another option is to encourage more park-n-ride lots that are external to the downtown. He felt that many of the shipyard employees would relish riding the bus into downtown if there was a park-n-ride lot with an express bus service from Wheaton Way, the old hospital, Silverdale, etc. This opportunity would significantly increase ridership on mass transit, which is one of the Mayor's initiatives. He commented that ignoring this population is not an effective strategy. **Mr. Gartin** pointed out that while the shipyard workers and ferry commuters create a parking problem, they also create an opportunity for the businesses to capture additional patrons. He noted that the shipyard has focused on moving exterior operations on base, which has resulted in an additional loss of tenants in the downtown.

**Commissioner Nerf** commented that transportation should not be focused on getting out vehicles in and out of downtown. If it were harder to get in and out of downtown, there would be an increased demand for alternative modes of transportation and people would be more interested in living within walking distance. If you want to create a walkable community, they should avoid optimizing vehicular access. **Mr. Gartin** advised that office tenants are leaving the downtown because it is too hard for their workers to get in and out of the area quickly.

### **Public Workshop: Zoning Code Amendments for Bremerton Municipal Code (BMC) 20.46.040**

**Ms. Satter** presented proposed amendments to BMC 20.46.040 (Manufactured Homes). She reminded the Commission that the zoning code can be changed multiple times throughout the year, and the proposed amendment is part of the City's infill

Approved

toolkit for providing more opportunity for affordable homes. The amendment would reduce the minimum size of an allowed manufactured home from 24 feet to 20 feet in width. She advised that a few years ago, the State required that jurisdictions plan for manufactured homes in a way that is consistent with single-family homes. That means that manufactured homes must be allowed in all zones where single-family homes are allowed, and the City's code is very similar to the State's model ordinance. Currently, the code allows one manufactured home per lot and it must meet certain size requirements. Manufactured homes must be new and located on a permanent foundation that is attached to the ground, and it must meet design criteria (roof pitch, siding material, etc.).

**Ms. Satter** explained that the current code (BMC 20.46.040) only allows manufactured homes that are double wide and each component must be at least 12 feet by 36 feet. She explained that manufactured homes can come in a variety of configurations and pieces. To address the various types of manufactured homes, staff is proposing an amendment that changes the minimum width of each section from 12 feet to 10 feet. She explained that the older lots in Bremerton are 30-foot wide, and that is the minimum lot width in residential zones, too. With a 5-foot setback required on each side, there is only room for a 20-foot wide home. Basically, the code requires manufactured homes to be a minimum of 24-foot wide, but the smaller lots only accommodate a 20-foot width. The amendment is intended to address this inconsistency.

For the Commission's information, **Ms. Satter** reviewed a variety of possible floor plans that would work on a 30-foot wide lot. She also shared a drawing to illustrate how a 20-foot wide manufactured home and 5-foot side setbacks could be accommodated on a 30-foot wide lot.

**Ms. Satter** advised that if the Commission determines it has enough information to schedule a public hearing, staff will move forward with environmental review and public/agency outreach on the proposed amendments. Staff anticipates a public hearing in April, followed by a recommendation from the Commission to the City Council.

**Chair Tift** invited members of the public to comment and/or ask questions regarding the proposed amendment, but no one came forward.

**Commissioner Davis** questioned if the vocabulary contained in the current code would encourage the more modern construction techniques or if a separate set of requirements would be needed to encourage people to think of prefabricated homes as opposed to the older style of manufactured homes. He agreed that manufactured homes have great potential as infill development and affordable housing, but perhaps there needs to be a separate discussion to define prefabricated homes. **Ms. Satter** said staff has worked with the Building Official to address this issue, but she agreed to seek further input before the next meeting about the differences in prefabricated homes for further discussions with Planning Commission.

**Commissioner Jones** asked if the City has received many applications for manufactured homes. **Ms. Satter** answered no, but noted that there is not a separate permit type for manufactured homes. The permit would be the same as for any other single-family residential home. Manufactured homes are required to meet Department of Labor and Industry standards, and staff's review is focused on design, roof pitch, setbacks, size and how it is attached to the ground. Once a permanent foundation is in place, the City relies on the Department of Labor and Industry to approve the remainder of the project. **Ms. Satter** said she anticipates there will be more manufactured homes if the amendment is adopted.

**Vice Chair Wofford** asked if the code language can differentiate between a manufactured home and a prefabricated home. **Ms. Satter** agreed to address that question in the next staff report. Currently, the code provision applies to manufactured homes as defined by the Revised Code of Washington (RCW). **Vice Chair Wofford** asked if the code allows for shipping containers to be converted into homes. **Ms. Satter** answered no and explained that shipping containers could be permitted and would also have to be on a permanent foundation, which is where they struggle as it becomes costly. In addition, the fire and building codes would also apply and would require the shipping containers to be updated.

**Commissioner Nerf** asked if someone could obtain a variance to place a manufactured home on a 30-foot wide lot based on the current code. **Ms. Satter** answered that the City would not likely be able to grant a variance because it would be considered a self-created hardship. The better option would be to change the code as proposed.

The Commissioners agreed to move the proposed amendment forward to a public hearing in April, but they asked staff to provide additional information and potential definitions for "manufactured" and "prefabricated" homes.

Approved

**BUSINESS MEETING**

**Chair Report**

**Chair Tift** recalled that the Commission's February meeting was cancelled due to the extreme weather. He expressed his belief that the City did a great job of working with that unusual event. He particularly thanked the Public Works Department for their effort.

**Director Report**

**Ms. Satter** reported that the Mayor is working with staff to fill the vacant position on the Planning Commission. There are some good candidates up for consideration.

**Ms. Satter** advised that, on March 6<sup>th</sup>, the City Council unanimously adopted the Planning Commission's recommendation to amend the Comprehensive Plan Amendment Process and remove "mini storage" as an allowed use in the District Center Core.

Due to spring break and staff members taking vacations, **Ms. Satter** asked the Commission to consider changing the April meeting from April 15<sup>th</sup> to April 22<sup>nd</sup>. With the exception of Commissioner Nerf, all of the Commissioners indicated they could attend on April 22<sup>nd</sup>. They agreed to change the meeting as proposed.

**Old Business**

There was no old business.

**New Business**

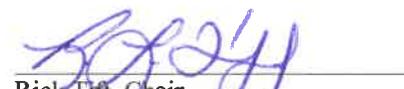
There was no new business.

**ADJOURNMENT**

The meeting was adjourned at 6:28 p.m.

Respectively Submitted by:

  
Andrea L. Spence, AICP  
Executive Secretary

  
Rick Tift, Chair  
Planning Commission

Approved

Approved

**CITY OF BREMERTON**  
**PLANNING COMMISSION**  
**MINUTES OF REGULAR MEETING**  
**April 22, 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 (arrived at 5:42)  
Commissioner Jones  
Commissioner Pedersen

**Staff Present**

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

**Others Present**

**Commissioners Excused**

Commissioner Nerf

*Quorum Certified*

**APPROVAL OF AGENDA**

VICE CHAIR WOFFORD MOVED TO APPROVE THE AGENDA AS PRESENTED. COMMISSIONER PEDERSEN SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY. *(Note: Commissioner Davis was not present for this vote.)*

**APPROVAL OF MINUTES**

VICE CHAIR WOFFORD MOVED TO APPROVE THE MINUTES OF MARCH 18, 2019 AS PRESENTED. COMMISSIONER JONES SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY. *(Note: Commissioner Davis was not present for this vote.)*

**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: Zoning Code Amendments for Bremerton Municipal Code (BMC) 20.46.040 – Manufactured Homes**

Ms. Satter explained that, as required by State Law, the current City code allows one manufactured home per lot and they must be double wide, with each component at least 12' wide by 36' long. Manufactured homes must be new and located on

permanent foundations that are attached to the ground, and they must meet design criteria (roof pitch, siding material, etc.) consistent with what is required of all single-family homes. The roof pitch must be greater than 3:12, and they must use the same siding materials that are used on single-family homes.

In consideration of the existing lot sizes in Bremerton, as well as the need for more affordable housing, **Ms. Satter** said staff is proposing a 9.5' minimum width requirement for each of the components. She explained that the older lots in Bremerton are 30-feet wide, and that is the minimum lot width in residential zones, too. With a 5' setback required on each side, the remaining buildable area is just 20' wide. Staff's original proposal was to reduce the width requirement for each component from 12' to 10' for a total width of 20'. However, after further consideration, staff learned that the industry standard is actually 19.5' to allow a few inches for the eaves. In order to allow for the industry-sized homes of 19.5', staff is now proposing that the minimum width of each component be set at 9.5', which equates to a total width minimum of 19'.

**Ms. Satter** briefly explained that prefabricated homes are homes that are built off site, including both manufactured and modular homes. Manufactured homes have non-removable chassis and are approved at the factory for compliance with the Department of Housing and Urban Development (HUD) and Federal code requirements. They are also reviewed by the Department of Labor and Industries when placed on a property. Modular Homes are also built in factories, but they are built to conform to local codes. They are transported on truck beds and do not have non-removable chassis. **Ms. Satter** emphasized that the current amendment would only apply to manufactured homes.

**Ms. Satter** requested the Commission consider the proposed amendment, conduct a public hearing, and forward a recommendation to the City Council. Staff's intent is to present the Commission's recommendation to the City Council at a Public Hearing on June 5<sup>th</sup>. Again, she said the amendment would reduce the minimum size requirement for each section of a double-wide manufactured home from 12' to 9.5'.

**Robert Larsen, Carnation, WA**, said he supports the proposal because it will only allow new manufactured homes and no single-wide homes will be allowed. The 3:12 roof pitch and setback requirements will make them look more like actual homes. He recalled that in the 1970s, manufactured homes had metal siding and metal roofs, and the roofs were primarily flat. In about 1980, manufacturers started using press board siding and composition roofs. He said he would like to place a manufactured home on a 30' foot lot he owns in Bremerton, but it is not allowed based on the current width and setback requirements. He commended the City staff for their willingness to address the issue. He shared examples of a variety of multi-sectional, 20' manufactured homes, noting that they are attractive and will fit well into residential neighborhoods. He encouraged the Commissioners to recommend approval of the proposed amendment.

**Chair Tift** closed the public portion of the hearing.

**Vice Chair Wofford** asked how the City measures the setback for eaves. **Ms. Satter** answered that the City allows eaves to extend up to 2' into the setback. She explained that many of the older homes were built right on the property line, which means there is no longer a 5' separation between the homes in some cases. As per code, any new structure within 5' of an existing structure must be constructed of a fire-rated substance. A manufactured home would not meet this requirement and would be penalized if a neighbor's home is placed on the property line. Reducing the width requirement to 19' would allow manufactured homes to fit within the building envelope.

**Chair Tift** asked staff to clarify the City's code related to modular homes. **Ms. Satter** responded that modular homes are allowed outright. They are typically brought to the site in multiple pieces and built to meet the purchaser's preferences and local code requirements. Manufactured homes have standard HUD-compliant design that does not take local standards into consideration.

**Chair Tift** inquired about the difference between mobile and manufactured homes. **Ms. Satter** explained that mobile homes were constructed prior to 1976 under different HUD requirements. The HUD requirements were changed in 1976 and the newer designs were called manufactured homes.

**Chair Tift** asked if the City's code allows transfer of ownership for manufactured homes. **Ms. Satter** answered affirmatively, but reminded the Commission that they cannot be moved to another location in the City.

Commissioner Davis asked why the City requires manufactured homes to have a 3:12 roof pitch. Ms. Satter said the requirement was taken from the model ordinance that was adopted as the State code.

**COMMISSIONER PEDERSEN MOVED THAT THE COMMISSION RECOMMEND THE CITY COUNCIL ADOPT THE ZONING CODE TEXT AMENDMENTS TO TITLE 20 OF THE BREMERTON MUNICIPAL CODE AS SHOWN IN REVISED ATTACHMENT A (YELLOW HANDOUT PROVIDED AT THE MEETING) AND BASED ON THE STAFF REPORT AND FINDINGS AND CONCLUSIONS PRESENTED IN ATTACHMENT B. COMMISSIONER DAVIS SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

**Public Hearing: Zoning Code Amendments for Group Residential Facilities – Class II**

Ms. Satter advised that the Director of Community Development recently made a code interpretation of the definition of “Group Residential Facility” that requires an amendment to the City’s zoning code. Because clarity is needed right away to be consistent with State law, the amendments are being presented to the Commission for a public hearing and recommendation without a workshop discussion. The proposed amendments would revise the definition of “Group Residential Facility” (BMC 20.42) and add siting criteria within the Freeway Corridor (BMC 20.86.040) and Industrial (BMC 20.94.030) zones. She said the Director’s interpretation will help guide the discussion.

Ms. Satter explained that, per the current code, “Group Residential” means a place of residence for persons with physical, developmental or mental disabilities, homeless or otherwise dependent on persons, typically with shared living quarters without separate kitchens. Group homes are intended to provide residential facilities in a home-like environment. Such homes range from licensed establishments operated with 24-hour supervision to non-licensed facilities offering only shelter. The classification includes group care residence for those whose permanent residence is the group residential facility, but it does not include transient lodging. The definition shall not be construed to include crisis care facilities, detoxification centers or housing of Sexually Violent Predators (SVPs). Group residential facilities are categorized as follows:

- **Group Residential Home** means a residential home in which a person or persons provide personal care, special care, or room and board to more than one but not more than six children and/or adults who are not related by blood or marriage to the person or persons providing the services. These homes have 6 or fewer individuals living in one residence and are allowed outright in all residential zones.
- **Group Residential Facility – Class I** (assisted living) means a group care residence for seven or more children and/or adults who for various reasons cannot reside in their natural homes; and/or for persons who have severe chronic disabilities or physical handicaps that cause substantial functional limitations. The facility may provide physical therapy and training in social skills, but it does not include facilities to which persons are assigned as a result of criminal conviction or those where residents, individually or by their legal guardians, are not free to terminate their residency at will. This use is allowed in all zones where residential uses are allowed by a Conditional Use Permit (CUP) and outright allowed in some of the “center” zones.
- **Group Residential Facility – Class II** means a group care residence for juvenile delinquents, persons serving a sentence in lieu of confinement, persons needing correctional or mental rehabilitation, or persons needing rehabilitation and treatment for social and/or family problems, drug or alcohol addiction, or abuse. This definition includes programs providing alternatives to imprisonment; transition back into the community including pre-release, work-release, and probationary programs that are under the supervision of a court, state or local agency. Teaching of work or social skills may be provided in this class facility, but it does not include drug or alcohol detoxification centers. Residents do not have the ability to terminate residency at will. This use is only allowed in the Freeway Corridor (FC) and Industrial (I) zones with a CUP.

Ms. Satter referred to the Director’s Interpretation 19-003, which was needed to address a conflict between the definition for Group Residential Facilities and State law. She summarized that State law requires governments to allow secure community-based living facilities for all people, including SVPs, but the City’s definition of “Group Residential” (BMC 20.42.040(g)) states that SVPs, as defined by Revised Code of Washington (RCW) 71.09.020(18), are not allowed. As there is no legal basis for the City to exclude housing for SVPs from the “Group Residential” category, code changes are needed. Staff is requesting

the Commission hold a public hearing and provide a recommendation to the City Council regarding proposed changes to the definitions to resolve this inconsistency as soon as possible.

**Ms. Satter** said that, as proposed, the 2<sup>nd</sup> to the last sentence in the definition for “Group Residential” would be amended to eliminate the words, “*or housing of sexually violent predators, as defined in RCW 71.09.020(18).*” In addition, the following would be added at the end of the 2<sup>nd</sup> to the last sentence in the definition for “Group Residential Facility – Class II: “*and for housing of sexually violent predators as defined in RCW 71.09.020(18).*”

In addition to the proposed amendments to the definitions, **Ms. Satter** said staff is also proposing adding siting criteria for Class II Group Residential Facilities. Currently, the use is only allowed in the Freeway Corridor (FC) and Industrial (I) zones with a CUP, and staff is proposing additional siting criteria in both the FC and I zones to protect existing residential uses. The proposed amendment would establish a “Neighborhood Protection Area” that requires an 880’ buffer from any existing residential use, which is the same distance that State law requires to buffer these uses from schools and would not preclude the use from locating in the City. Again, she advised that the amendment would only impact the FC and I zones, which are the only zones where Class II Group Residential Facilities are allowed to locate.

**Ms. Satter** provided a map to illustrate where the FC and I zones are located and advised that the proposal would amend BMC 20.86.040(c) and BMC 20.94.030(c) to add the following siting criteria: “*Neighborhood Protection Area: a site containing a Class II Facility shall not be located within 880’ from any parcel containing an existing residential use, including multifamily and single-family units.*”

**Chair Tift** opened the public hearing. There were no public comments, and the public portion of the hearing was closed.

**Vice Chair Wofford** asked if the proposed Neighborhood Protection Area would require Class II Group Residential Facilities to locate at least 880’ away from any residential development that is in the R-10 zone that is located between the FC and I zones. **Ms. Satter** said the buffer would be measured from the property line containing a residential use out 880’ and a class II facility could not locate in this buffer. She pointed out that 880’ is approximately equal to a typical residential block or 1/6 of a mile.

**Chair Tift** asked if there are places to locate a Class II Group Residential Facility in the I and FC zones given the proposed buffer requirement. **Ms. Satter** answered that staff analyzed the two zones to verify there would be places for the use to locate in the I and FC zones based on existing conditions. **Director Spencer** pointed out that the use would also be allowed in the Puget Sound Industrial Center – Bremerton (formerly known as the South Kitsap Industrial Area), which does not have a lot of residential surrounding it. She cautioned against publishing maps to pinpoint exactly where the use could locate because residential uses change over time. She summarized that the buffer requirement would make it challenging, but it would not preclude the use from locating in Bremerton. She emphasized that the buffer is intended to protect residential properties and neighborhoods.

**Vice Chair Wofford** asked if the Neighborhood Protection Area would apply to the residential development in the Westhill area. **Ms. Satter** answered that the buffer would apply to all residential development in the City and County.

**Commissioner Pedersen** observed that State law requires the City to allow the use, so the buffers cannot be set so large that the use is essentially prohibited from locating in the City. **Ms. Satter** agreed it requires a balancing act to allow housing for all people while protecting the residential neighborhoods.

To clarify for Chair Tift, **Director Spencer** advised that the proposed amendment to this definition is consistent with her recent Director’s Interpretation, with the addition of siting criteria. Without the code amendment, the use would be allowed to locate anywhere in the FC and I zones without any buffer requirement and consideration for residential uses.

**VICE CHAIR WOFFORD MOVED THAT THE COMMISSION RECOMMEND THE CITY COUNCIL ADOPT THE ZONING CODE AMENDMENTS TO BMC TITLE 20 AS SHOWN IN ATTACHMENT B, BASED UPON THE DIRECTOR’S INTERPRETATION, THE STAFF REPORT, AND THE FINDINGS AND CONCLUSIONS PRESENTED IN ATTACHMENT C. COMMISSIONER PEDERSEN SECONDED THE MOTION**

Approved

**Chair Tift** asked if the proposed new development by Kitsap Mental Health (KMH) near the intersection of Highway 303 and Kitsap Way would be impacted by the proposed amendments. **Ms. Spencer** answered that the KMH project is not a Class II Group Residential Facility. In addition, the property was recently rezoned to General Commercial (GC), which does not permit Class II Group Residential facilities.

**THE MOTION CARRIED UNANIMOUSLY.**

**Public Workshop: Overview of 2019 Annual Comprehensive Plan Amendment Applications**

**Ms. Satter** advised that the purpose of the workshop is to present the proposed 2019 Comprehensive Plan Amendments, review the process and timeline, and solicit feedback and direction from the Commission. Following the workshop, staff will conduct additional research, initiate public outreach and complete an environmental/cumulative impact review. Following this work, the Commission will conduct a public hearing and forward a recommendation on each of the two proposed amendments to the City Council, who will make the final decision.

**Ms. Satter** reminded the Commission that, when reviewing Comprehensive Plan Amendments, they must follow the criteria outlined in BMC 20.10.080. They must verify that all of the proposed amendments were considered concurrently to assess their cumulative effect onto the City and the environment. They may recommend that the City Council adopt, or adopt with modifications, an amendment to the Comprehensive Plan if it is determined that a technical error exists in the pertinent Comprehensive Plan provisions or if all of the following criteria have been met:

- The amendment is consistent with the Washington State Growth Management Act.
- The amendment is consistent with the Comprehensive Plan or other goals and policies of the City.
- The amendment is compatible with existing or planned land uses and the surrounding development pattern.
- The amendment will not adversely affect the City's ability to provide urban services at the planned level of service and bears a reasonable relationship to benefitting the public health, safety and welfare.

**Ms. Satter** advised that the City Council will make the final decision, and they can approve, deny or modify the Planning Commission's recommendation. However, the Commission's recommendation will weigh heavily on their decision. She reviewed the two amendments as follows:

- **Amendment 1:**

**Ms. Satter** advised that this amendment would modify the Land Use Element's Multifamily Residential (MR) land use designation description to increase the density within the district from the existing 20 dwelling units per acre to 40 dwelling units per acre. It would also rename the MR land use designation High Density Residential (HDR). The City recently updated the Comprehensive Plan to increase the Medium Density Residential (MDR) density from 10 dwelling units per acre (MR-10) to 18 dwelling units per acre (MR-18), which is not a lot different than the MR land use designation of 20 dwelling units per acre. When the change was made, staff noted that this district would be impacted and future amendments would be necessary.

**Ms. Satter** referred to the Staff Report, which provides a number of images, including aerial photographs, to illustrate the areas that would be impacted by the proposed change. She summarized that there is not a lot of undeveloped land within the MR zone that would be impacted by the proposed amendment, and she does not anticipate new development that would change the existing neighborhood character. However, the amendment would allow more opportunity for redevelopment and some existing development would be made conforming if the change is made.

**Ms. Satter** advised that the amendment would apply to five areas within the City:

1. Sylvan Way and Pine Road (Willow, Ashley Garden and Blueberry Park)
2. Sylvan and Almira Drive (Viewcrest and Tamarack Apartments)
3. Shorewood Drive (Bayshore West Apartments and a few surrounding lots)
4. Anderson Cove (Port Washington Apartments)
5. Lower Wheaton Way (Seaglass Apartments)

Approved

**Ms. Satter** summarized that the proposed amendment would increase the density for MR from 20 units per acre to 40 units per acre to more accurately represent the industry standard for High Density Residential and Multifamily zoning, to allow opportunities for redevelopment, and to be similar to current densities that are already developed in these areas. The amendment would also rename the MR land use designation to High Density Residential (HDR). She advised that, if the Commission indicates support for Amendment 1, staff will develop Zoning Code criteria to be consistent with the density increase (i.e. minimum lot size and minimum lot width).

**Ms. Satter** clarified that there are only five areas in the City that are zoned MR, and staff is not proposing to change any other areas, nor are they proposing to expand the boundaries. The amendment would simply change the name and the density allowed. **Director Spencer** added that the density proposed is reflective of the actual development that is on the ground in each of the areas. Most are developed at the higher density than the current designation and are therefore nonconforming. The amendment would bring more projects into compliance with the current standards.

**Chair Tift** pointed out that there are several parcels in Area 1 that are undeveloped or underutilized. **Ms. Satter** agreed and said there are some underutilized properties in all of the areas that could be redeveloped.

- **Amendment 2**

**Ms. Satter** said this is a privately-initiated amendment to change the Land Use Map within the Comprehensive Plan for 22.5 acres off Werner Road from Industrial (I) to Low Density Residential (LDR). She explained that staff's initial concern is that the proposed amendment will result in a reduction of industrial lands. When industrial lands are lost, they are very difficult to get back.

**Ms. Satter** advised that, when reviewing the proposed amendment, the Commission should keep in mind that the LDR land use designation allows cemeteries, churches, parks, schools and single-family homes. Although the applicant has indicated a particular plan for the site, he would not be bound to that plan once the zoning is changed.

**Ms. Satter** provided a map to illustrate the location of the subject property. She introduced the applicant, Sterling Griffin from Harbor Custom Homes, and the applicant's representative, Norm Olson, N.L. Olson & Associates. She emphasized that the current proposal is to change the Comprehensive Plan Map. If approved, the second process would be a rezone request.

**Norm Olson, N.L. Olson & Associates**, used a map to point out the location of the gravel mine located at the top of Werner Road, the large area of existing R-10 residential property (240 lots) that Mr. Griffin is currently developing, and the subject property. He also noted the steep topography leading to the subject parcels. He said it doesn't make sense to try to develop industrial on the subject property, and single-family residential would be a much better option. Regarding staff's concern about the loss of Industrial zoning, **Mr. Olson** pointed out that there is a lot of undeveloped land in the Puget Sound Industrial Center – Bremerton, and a cross connecting road has already been constructed in this area.

**Mr. Olson** provided a map showing the subdivided residential lots on the adjacent parcel (R-10) as they really exist and explained that there are both wetland and topographical barriers that provide separation between the subject property and the Industrial zone. He provided an aerial photograph looking east and pointed out the location of the subject property, the gravel mine, a large wetland and buffer, and the existing R-10 lots. He advised that the cliff between the subject property and the gravel mine is more than 70' tall, and access to the upper portion would have to come through the residential neighborhood. It is not likely that the upper property would ever be developed as an industrial use and a residential use would be more appropriate. In addition, the strip of Industrial zone between the residential lots and the wetland is completely separated from the true industrial area and only accessible via residential development. He expressed his belief that residential development would fit better in this narrow space, too.

**Mr. Olson** advised that utilities are already available to serve additional residential lots on the subject property, and there is a need for additional housing in Bremerton. Some lots on the subject property would have views of the Olympic Mountains, and others would have views of the Cascade Mountains and Puget Sound.

**Chair Tift** recalled that the City granted an easement to the Ueland Tree Farm to permit trucks from their gravel pit to get down into Gorst without using Northlake Way. **Ms. Satter** said the City traded some property, but it was further west and

closer to the City utility land. **Chair Tift** asked if it would be possible to access the subject property from the end of Werner Road, through the center of the gravel pit, intersect with the Ueland Tree Farm easement, and drop down into Gorst. **Mr. Olsen** agreed that would be a great option, and the proposal would not prevent that from happening.

**Commissioner Davis** asked if the gravel mine is currently operating. **Mr. Griffin, Harbor Custom Homes**, said they purchased the gravel mine at the same time they purchased the residential property next door. It was not in production at that time and is still not in production. However, there is a current mining permit for the property. He also advised that a number of large trucks are moving through the area as they excavate for Phases I and II of the adjacent residential development.

**Mr. Griffin** reviewed that the real estate market has seen significant growth over the last several years, and there is a well-documented shortage of homes in both Bremerton and Kitsap County. There is a dramatic need for housing of all types and for all levels of income. He referenced a number of articles and provided links to a variety of websites to confirm the current housing situation.

**Vice Chair Wofford** asked if an Environmental Impact Statement (EIS) has been done to determine the impact of residential development on the adjacent wetlands. **Mr. Griffin** said a State Environmental Policy Act (SEPA) review would be required if the proposed amendment moves forward. He advised that a SEPA review was done on the adjacent 240-lot subdivision. The wetlands have been mapped, and the buffers have been established by a wetland biologist, and that is how the boundaries of the proposed map change were established.

**Commissioner Davis** asked if staff's objection is related solely on the loss of Industrial acreage or are there other underlying concerns. **Ms. Satter** said the concern is primarily related to the loss of Industrial acreage they won't be able to replace. **Director Spencer** recalled that Kitsap County was not very supportive of a previous City action that changed the land use on just a few acres of Industrial area, and Puget Sound Regional Council has done a number of studies about the loss of industrial lands. However, the applicant also makes some very compelling arguments about environmental challenges and topography.

At the request of **Commissioner Davis**, **Mr. Griffin** provided information about the existing and planned infrastructure that would provide water, sewer, fiber optics, etc. to both the 240-lot residential project, as well as the subject property.

**Director Spencer** asked **Mr. Griffin** to speak about the mining reclamation project. **Mr. Griffin** explained that, as was made clear when Harbor Custom Homes purchased the land, the mining property had to be reclaimed, and the Department of Natural Resources is providing a mining plan that would require the lower property to be graded for industrial park uses. He summarized that industrial uses make sense on the mining property, but providing access to the upper area for industrial uses would not be practical or feasible. **Director Spencer** asked what will happen to the steep slopes. **Mr. Griffin** said he anticipates the cliffs will be cut down some, but they will not be removed. They have purchased equipment that allows for a more environmentally sensitive approach. At the request of **Director Spencer**, **Mr. Olson** described how the profile of the cliff and subject property might be altered to accommodate both the reclamation project and development of the subject property. He said he doesn't have an exact answer at this time.

**Director Spencer** asked how long it would take for the applicant to put together the reclamation plan. **Mr. Olson** said they don't have a timeline in place yet. **Director Spencer** commented that the reclamation plan will be a big part of the City's consideration as the proposed amendment moves forward, since part of the applicant's justification for the proposed amendment is based on the huge topographic difference.

**Vice Chair Wofford** asked if the Commissioners could do a site visit to the residential project that is currently in progress. **Mr. Griffin** said he could set up a time for them to visit the site. He noted that the development is visible from the top of Werner Road. **Chair Tift** asked about the price range of the 240 homes that are currently being developed. **Mr. Griffin** said that has not been decided yet, but each lot is approximately 50' by 100'.

## **BUSINESS MEETING**

### **Chair Report**

Approved

**Chair Tift** asked about the vacant position on the Commission, and **Director Spencer** answered that it is still a work in progress.

**Director Report**

**Director Spencer** advised that, in previous years, Vice Chair Wofford has graciously represented the Commission on the Project Review Committee for the City's Community Development Block Grant (CDBG) process, but he is not available to participate this year. She explained that the committee meets each year to review the applications and make a recommendation to the City Council. This year, the committee's process will start on August 26<sup>th</sup>, with an orientation meeting where the participants will receive the applications. The committee members will have a two-week opportunity to review the applications, and then the committee will meet again on September 16<sup>th</sup> for a scoring workshop, if needed. Interviews are scheduled to take place September 17<sup>th</sup> and 18<sup>th</sup>. She requested that another Commissioner volunteer to fill this opportunity and said she would send the information out via email.

**Old Business**

There was no old business.

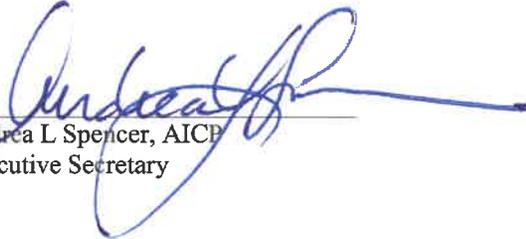
**New Business**

There was no new business.

**ADJOURNMENT**

The meeting was adjourned at 7:04 p.m.

Respectively Submitted by:



Andrea L. Spencer, AICP  
Executive Secretary



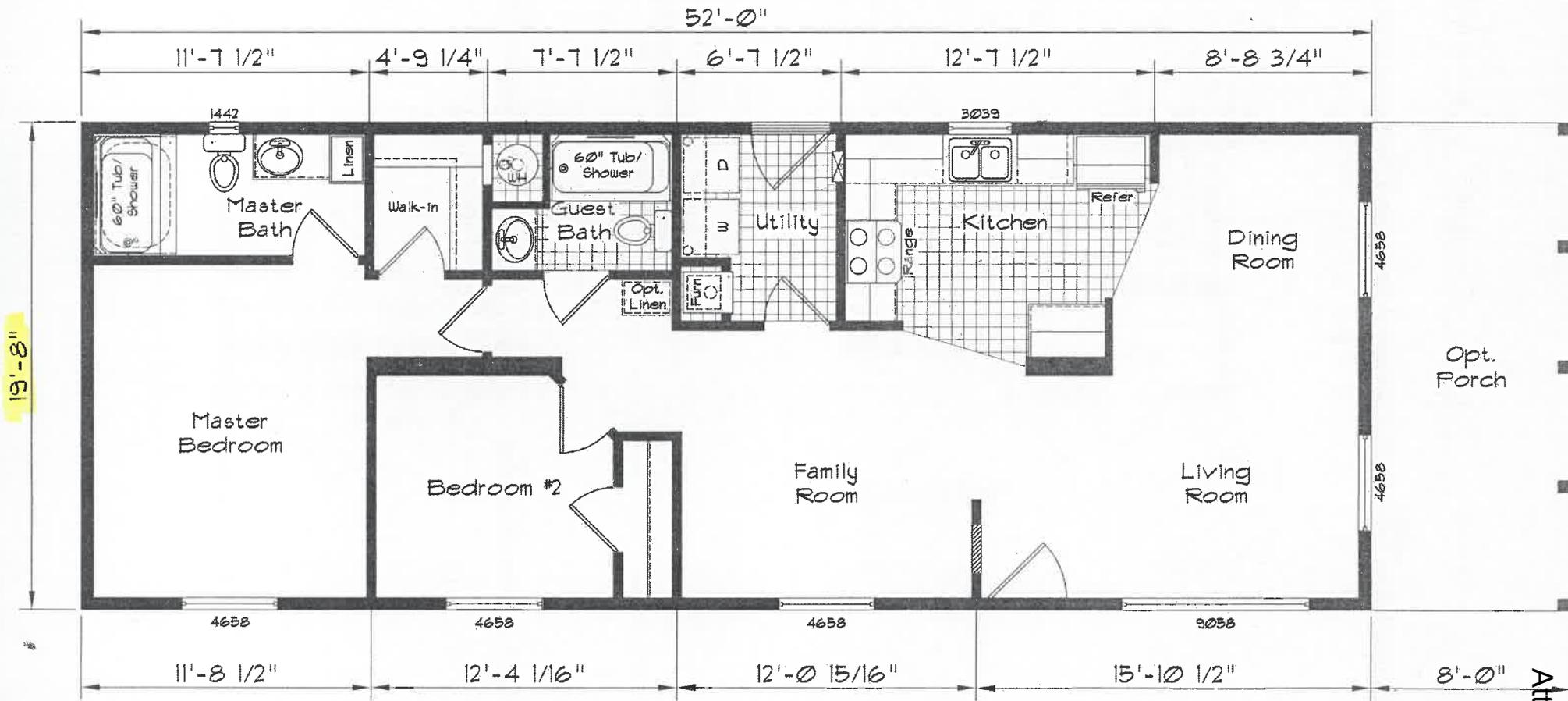
Rick Tift, Chair  
Planning Commission

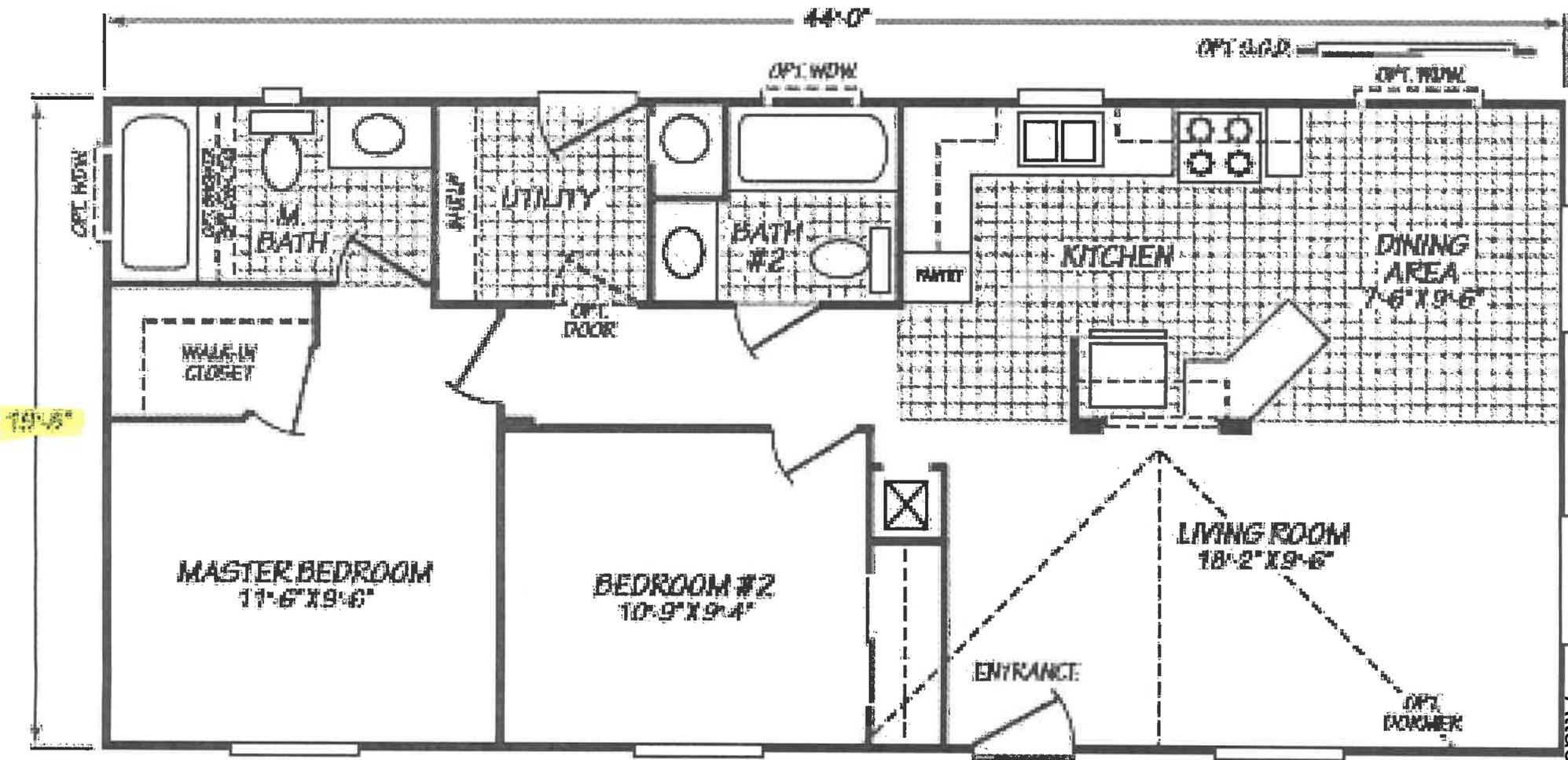
PLANNING COMMISSION EXHIBIT

DATE: 4/22/19

SUBMITTED BY: Rob Larsen



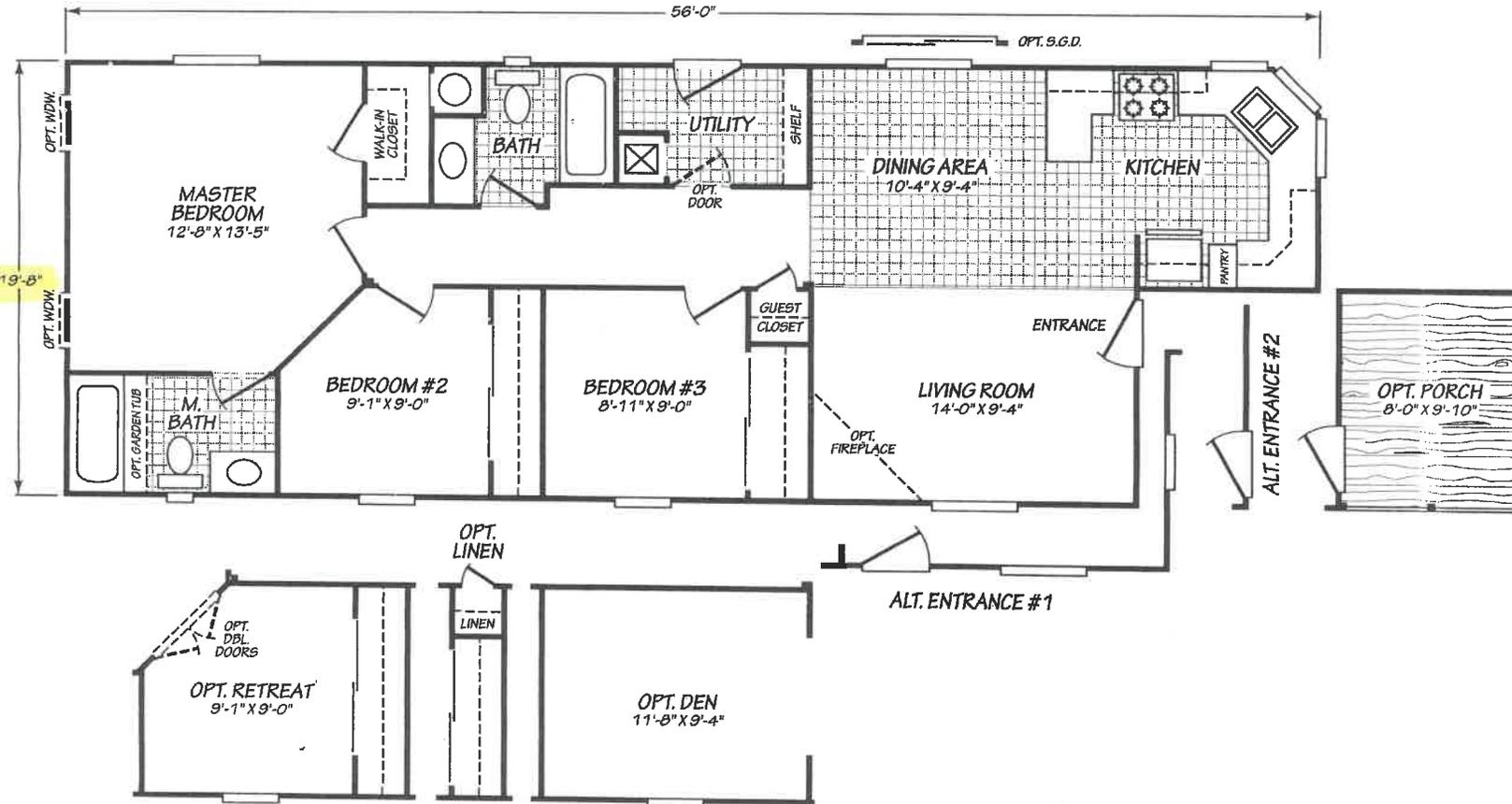






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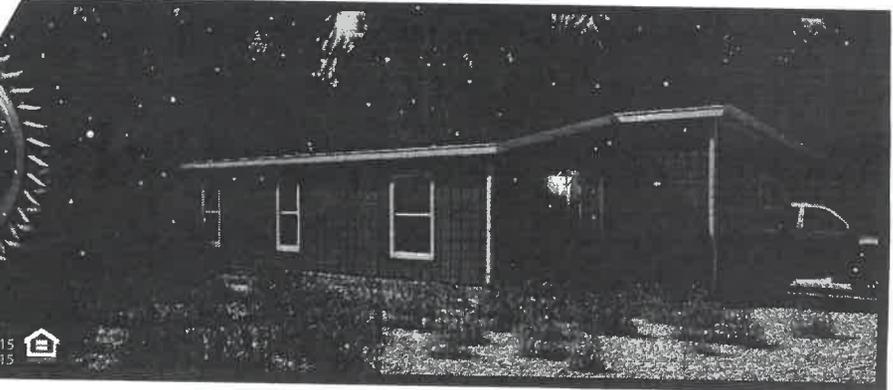
## MODEL 20563V

3 Bedroom • 2 Bath • 1,021 Square Feet



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WV/210/DEC15  
PFS APPROVAL 12/23/15



Attachment E

# 2007 3rd Avenue

Bremerton, WA 98312

# \$189,000

3 br | 2 ba | 1,120 sq ft



This clean, cozy & inviting home is located on a quiet street. Features include an open floor plan with vaulted ceilings, a fireplace, ceiling fans, fresh paint, and trim, stainless appliances, tons of natural light, a new fence and low maintenance landscaping. There's plenty of off-street parking for your toys vehicles. Easy commute to Bases, shopping, and ferries. Washer, dryer and all appliances included. Must see!

**MLS #: 1091745**

**Bedrooms: 3**

**Baths: 2**

**Sq Ft: 1,120**

**Year Built: 2007**

**Lot Size: .090 Acres**

**Roof: Composition**

**Energy: Electric**

**Fireplace: 1**

**Heat: Forced Air**

**Parking: Off Street**

**Interior: Bath Off Master, Ceiling Fan(s), Vaulted Ceilings**

**Floors: Hardwood, Laminate, Vinyl, Wall to Wall Carpet**

**Site: Cable TV, Deck, Fenced-Partially, RV Parking**

**Elementary School: West Hills**

**Middle School: Bremerton Jr. High**

**High School: Bremerton High**



## April Felten

Broker

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