

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 5th. 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 2nd 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 2nd 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 26th, 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 16th for a scoring workshop, if needed. Interviews are scheduled to take place September 17th and 18th. 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.

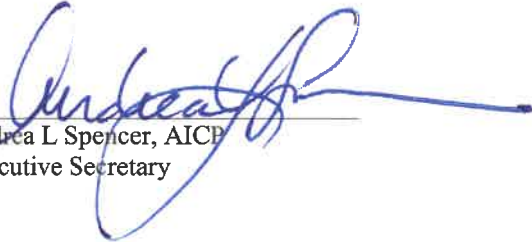
New Business

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