

APPROVED

CITY OF BREMERTON

PLANNING COMMISSION MINUTES OF SPECIAL MEETING February 27, 2020

CALL TO ORDER:

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

ROLL CALL

Commissioners Present

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

Staff Present

Andrea Spencer, Director, Department of Community Development
Garrett Jackson, Senior Planner, Department of Community Development
Sarah Lynam, DCD Project Assistant, Department of Community Development

Commissioners Excused

None

Quorum Certified

APPROVAL OF AGENDA

The Commissioners accepted the agenda as presented.

APPROVAL OF MINUTES

COMMISSIONER COUGHLIN MOVED TO APPROVE THE MINUTES OF JANUARY 27, 2020 AS PRESENTED. VICE CHAIR TIFT SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

PUBLIC MEETING

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

Chair Wofford asked if there were any comments from citizens regarding items not on the agenda. Someone in the audience raised a question about the proposed Comprehensive Plan amendment that would establish a minimum density of 6 dwelling units per acre (DUA). **Director Spencer** commented that the topic is part of the 2020 Comprehensive Plan Amendment Docket, and staff provided a brief overview to the Commission in January. Currently, staff is conducting an environmental analysis and producing the information the Commission requested. The amendment will come back to the Commission for a workshop, public hearing, and recommendation to the City Council in the coming months. Citizens can sign up to receive notices of future Planning Commission agendas via the City's E-Page. However, the issue before the Commission at this meeting has nothing

to do with density. Chair Wofford pointed out that citizens can speak regarding this subject during the “public” portion of the Commission meeting, and tonight since it is not on the agenda they can also submit written testimony, as well.

Shannan Laudet, East Bremerton, said she co-owns a real estate office in Bremerton and has a huge interest in helping people with whatever needs to happen so there can be more affordable housing that works for everyone. House Bill (HB) 1923 proposes that all residential zoning should be a minimum of 6 Dwelling Units Per Acre (DUA), which works in areas where there is a lot of flat land. However, the Commission needs to keep in mind that there are a lot of hills and streams in the City of Bremerton, and some lots won’t accommodate 6 DUA. She suggested there needs to be a provision for addressing situations where there is no feasible way for a developer to construct at 6 DUA. She shared an example of a 1.2-acre lot off of Pine Road, which was R-10 zoned. The lot was marketed and sold for a potential subdivision. There was a lot of topography on the lot, as well as a seasonal stream. Only slightly more than half the lot was financially feasible for development.

Director Spencer commented that, as per the City’s Critical Area Regulations, all critical areas are protected and would not be calculated as part of the net density when reviewing subdivision applications. **Ms. Laudet** asked if the Critical Area Regulations are easy for developers to understand, and **Director Spencer** replied that it is easy to make sure that the critical area portions of a lot are protected. The portion of land that is developable is what would be calculated toward the minimum density requirements. She encouraged Ms. Laudet to contact staff for additional clarification.

Erin Harris, Bremerton, said she appreciates that Washington State is looking at opportunities for housing density (HB 1923), as Washington is going to be the location where the climate refugees come. However, they also need to maintain the livability of the areas they have. One of the really beautiful and precious things about Bremerton and Kitsap County is that there is still some space between and around residential units. In reviewing all of the lot sizes in Bremerton, she is concerned about the setback allowances and the size of homes that would be inevitable when you go from 6 DUA to 7 DUA. She acknowledged that the State is mandating the City to require 6 DUA, but she has strong concerns about voluntarily increasing the minimum density to 7 DUA in the low-density residential zones.

There were no other public comments, and this portion of the meeting was closed.

Public Workshop: Potential Subdivision Regulation Amendments

Mr. Jackson said the purpose of the meeting is to educate the Planning Commission on the subdivision regulations, and no decisions are needed at this time. Specific topics of discussion will include cluster zoning, adjusting vesting time for subdivisions, boundary line adjustments (BLAs), and other opportunities for tweaking the subdivision code.

Cluster Zoning.

Mr. Jackson explained that, per the Washington State Legislature, the City has committed to examining how homes are permitted and potentially amending the zoning code to add flexibility for different housing types. Cluster zoning allows development on a parcel to meet underlying density in different ways, such as cottage housing or residential cluster development (RCD). The current code allows one home per lot, and there are prescriptive standards for lot width, setbacks, etc. Cluster development is a way of adding flexibility to have varieties of housing that the current zoning code doesn’t permit.

Mr. Jackson advised that there is already an RCD section in the Zoning Code, but it is specific to the subdivision process. Cluster development is only allowed when land is being subdivided. There is an opportunity to open this provision up to allow cluster development on just one lot without requiring a property owner to go through the subdivision process. Opportunities to expand cluster housing include allowing cottage housing. Provided that a development meets the density requirement, multiple homes could be placed on one lot with shared parking and common areas. The density would not change, but the prescriptive standards could be more flexible. For example, parking for all of the homes could be grouped into a centralized parking area. Particularly with critical areas, the land dictates where development can and cannot occur. In some cases, centralized parking would make more sense than having individual parking areas for each unit. A good example of cluster housing is located on 4th Street near Kiwanis Park, where all of the parking is located in one centralized location, and the homes are oriented towards a single, common open space.

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Mr. Jackson reviewed the following pros associated with expanding opportunities for cluster housing:

- Open space can provide community members with larger recreation areas and create a sense of openness that many people desire.
- Open space can benefit the environment by providing habitat for wildlife, naturally filtering stormwater, reducing stormwater runoff from impervious surfaces, and protecting the natural features of a site.
- Linking the open space of several conservation design subdivisions can help develop larger and more effective “environmental corridors” within and between communities. For example, a wildlife corridor runs through the East Park Development.
- Developers may benefit because these designs usually reduce the cost of site development and increase the market price of individual plots in comparison with traditional subdivisions. If a development is clustered, utilities can be run to a smaller area. Providing services to just as many residential units, but within a compact area, leads to savings.

Next, **Mr. Jackson**, shared the following challenges associated with expanding opportunities for cluster housing:

- Large lots to accommodate cottage housing may be limited. The number of units is regulated by the overall density allowed in the zone. There may not be a large number of lots that the provision would be applicable to, but adding it to the zoning code would at least allow the option.
- Construction of cottage housing is not necessarily less expensive than standard single-family homes. A house will generally cost the same, regardless of where it is sited on a property. Savings will come via shared parking and open space areas.
- Design requirements are necessary to ensure quality outcomes. The idea is to create quality homes without sacrificing any component of neighborhood livability.

Mr. Jackson shared a number of examples from throughout the region of both good and bad cluster development:

- **Example 1 (Shoreline).** The homes are about 15-feet apart in what should be an open space corridor that runs through the middle of the homes. It is more of a walkway than an open space, and its usefulness beyond just a path is questionable. The homes are oriented towards the walkway, but the walkway doesn’t really meet the goal of an enhanced open space. The project does have shared parking areas, with carports and open stalls.
- **Example 2 (Portland).** This is a good example of cluster housing, as all of the homes are centralized around a single open space that has a walkway all the way around it. The front patios are oriented towards the open space, allowing neighbors to interact. The project wouldn’t meet the City’s current zoning code, which requires a 15-foot front yard setback. Perhaps the City should consider allowing flexibility to accommodate projects of this type while maintaining livability.
- **Example 3.** The units in this project are very cookie cutter, and it appears that there were not a lot of design requirements. While it is unclear how the units are laid out, they appear to all look the same.
- **Example 4 (Bremerton).** This project is an RCD located in West Bremerton that was constructed in the 1990s through the subdivision process. The units are centralized around an open space in the middle. Each home has its own covered porch. Again, the subdivision process is the only current method the City has for allowing cluster housing.

Mr. Jackson advised that, following the workshop, staff will take a closer look at the concept of cottage housing. Specific issues that must be considered include:

- The number of units and lot sizes given that the density requirements and limitation would remain the same.
- Lot coverage requirements.
- Setbacks and maximum building height.
- Parking arrangements.
- Design standards.
- Common spaces and amenities.
- Integration into the community.

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Mr. Jackson provided a drawing to illustrate how the City's code is traditionally applied to subdivisions compared to cluster housing. The property in the illustration includes two steep slopes and a pond. Instead of the traditional grid pattern that incorporates all of the critical areas, the individual lots could be clustered into a smaller area that works better with the topography and other natural characteristics of the site.

Vesting Time for Subdivisions

Mr. Jackson explained that, currently, the subdivision vesting language in the code is too vague and is inconsistent with other zoning code vesting language. Currently, subdivision applications are vested at the time of submittal. All of the other vesting language is for when the application is determined to be complete. The latter is a more natural point for vesting because the City will have all of the materials required for review. Staff is proposing that subdivisions should vest at the point of a complete application.

Boundary Line Adjustments (BLA)

Mr. Jackson explained that a BLA is a process for adjusting lot lines. A lot of the City was built in the 1940s, and some houses aren't necessarily located where they should have been. It is not rare for a situation to come up where a lot line needs to be moved to service both neighbors. Currently, the code doesn't allow lot lines to be adjusted in ways that are inconsistent with the code, but there isn't a code section that a local process for BLA approval. The idea is to more clearly define the City's expectations and a permitting process. Occasionally, property owners will adjust a lot line without consulting the City, and it can have costly ramifications, particularly when utility lines are involved.

Mr. Jackson commented that because the City doesn't currently have regulations for lot line adjustments, the State's process is applied via Kitsap County. If the City disagrees with a BLA that has been made, it doesn't have to issue a building permit. This is not the best situation for someone who purchases a property where the boundary line was adjusted without their knowledge. Bainbridge Island, Poulsbo, and Port Orchard all have BLA ordinances, and staff is proposing to copy much of their processes. It would be a Type I permit, which is an administrative decision and the least cumbersome permit process.

Mr. Jackson summarized that staff would continue to work on proposals for cluster housing for the Commission's consideration. Staff will also conduct environmental review and agency public outreach on the vesting and BLA regulations. As the subdivision code is reviewed, any other improvements to the code will also be presented at upcoming workshops.

Chair Wofford invited public comment on this workshop item.

Shannan Laudet, East Bremerton, asked if the cluster housing regulations would include provisions for maintenance of the open space. **Mr. Jackson** responded that when shared property is part of a development, the City ensures that a maintenance agreement is in place. The City doesn't take care of private open spaces, and it would most likely be the responsibility of the homeowner's association.

Ms. Laudet asked if the property owners within the development would be required to pay dues. If so, would the dues be regulated by the homeowner's association? **Mr. Jackson** said the dues and requirements would be specific to the development and the homeowner's association would come up with its own plans.

Erin Harris, Bremerton, said she supports the idea of cluster housing, and she is familiar with the cluster housing development at the end of Argon Street where the houses are close together and there aren't any trees. She urged the Commission to consider including in the regulation enough space to plant tall trees. If the houses are too close together, there won't be enough root space to plant a tall tree. Tall trees are key to easing and even resolving climate change. They are also essential for habitat. She asked the Commission to consider how emergency services would access the individual units. Part of her day job involves analyzing data for how emergency services will access an area and she helps install signs, if needed. Many of the cluster developments create an addressing nightmare. It becomes difficult for emergency services to locate properties when residences are set back and addressed off an adjacent right-of-way that they aren't physically connected to. Other jurisdictions are having problems with addressing and emergency service access, and she urged them to consider this concern.

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Vice Chair Tift asked if the proposed change to the BLA is intended to address situations where a property owner of two legal lots adjust the boundary to increase the size of one lot, leaving the other lot much smaller and below the City's minimum lot size and width requirements. **Director Spencer** responded that the City is not obligated to issue a building permit for lots where a nonconforming situation was created via the BLA process. Adding BLA provisions into the subdivision code is intended to provide clarity to developers and property owners.

Commissioner Mosiman said his understanding is that, with cluster housing, the land would be jointly owned. **Mr. Jackson** said it would depend on the situation. The land could be jointly owned if the homes are all located on one lot or a developer could utilize the condominium process, where the homes are private property and the land is jointly owned by the homeowner's association. Other options include subdividing into individual lots with commonly-owned areas (parking and open space) and one lot where all of the units are rentals and owned by one person. **Commissioner Mosiman** commented that under the current regulations for cluster zoning, the lots cannot be subdivided and joint ownership is required. **Director Spencer** agreed. She observed that the zoning regulations and subdivision regulations play off of each other, and some tweaks will be needed to both to make cluster housing work. Currently, the zoning code only allows one house per residential lot, and cluster housing is not allowed except through a subdivision process.

Once an RCD for the maximum density allowed has been approved by the City, **Commissioner Coughlin** asked if a subsequent property owner would be able to subdivide the property further to exceed the maximum density allowed. **Director Spencer** answered that state law limits how often a property can be subdivided, and the City does not allow subdivisions that exceed the maximum density allowed.

Commissioner Rich commented that there must be design requirements for the common spaces. She asked staff to provide more information about what these design requirements might include since this will likely be a concern of the city's residents, too. **Director Spencer** said she worked on the cottage housing project that was developed in Shoreline. While they didn't want to approve the project, they were compelled to do so because it met all of the code requirements and the city lacked any design standards. She doesn't want the same thing to happen in Bremerton, and she will bring her experience to the table when developing good design standards that result in adequate and useable open space. There will be more discussion of this in future Commission meetings.

BUSINESS MEETING

Chair Report

Chair Wofford did not have any items to report.

Director Report

Director Spencer announced that staff is currently working on a subarea plan for the Eastside Employment Center, which is the area around Harrison Hospital. Staff would like to take Commission's next regular meeting day, March 16th and have an open house from 5 to 6 p.m. and then have the Commission's formal meeting start at 6:00pm. This will allow the staff and Commission to interact with the public and talk about the future plans for the subarea. The Commission agreed to this revised meeting time proposal.

Director Spencer advised that staff is also working on a number of other projects that will eventually come before the Planning Commission. Specifically, they are working on updates to the Shoreline Master Program, updates to the wireless communication facilities regulations, a housing market study, and a climate resiliency study. In addition, staff continues to be busy with permit activity. Lastly, the City's Code Enforcement Officer is retiring effective February 28th, and there will be cake and a celebration in the Mayor's Conference Room at 2 p.m. that day.

Business

There was no old business.

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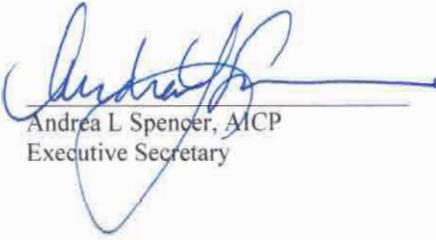
New Business

There was no new business.

ADJOURNMENT

The meeting was adjourned at 6:17 p.m.

Respectively Submitted by:



Andrea L. Spencer, AICP
Executive Secretary



Nick Wofford, Chair
Planning Commission

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