

APPROVED

CITY OF BREMERTON

PLANNING COMMISSION MINUTES OF VIRTUAL MEETING September 21, 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

Commissioners Excused

Commissioner Rich

Quorum Certified

Staff Present

Andrea Spencer, Director, Department of Community Development
Allison Satter, Senior Planner, Department of Community Development
Garrett Jackson, Senior Planner, Department of Community Development
Isaac Gloor, Planner, Department of Community Development
Jon Rauch, Bremerton Kitsap Access Television (BKAT) Staff
Sarah Lynam, DCD Project Assistant, Department of Community Development

Others Present

Dan Nickel, Watershed Company
Alex Capron, Watershed Company

APPROVAL OF AGENDA

THE AGENDA WAS APPROVED UNANIMOUSLY.

APPROVAL OF MINUTES

VICE CHAIR TIFT MOVED TO APPROVE THE MINUTES OF JULY 20, 2020, AS PRESENTED. COMMISSIONER COUGHLIN SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY, WITH COMMISSIONER PEDERSEN ABSTAINING.

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.

Roy Runyon, Bremerton, advised that Bremerton is a 1st Class City, which means that citizens retain the right of initiative and can create legislation if the City Council is unable or unwilling to act. He reported that he recently drafted a new initiative related to accessory dwelling units (ADUs). He recalled that the City Council did not adopt the changes recommended by the Planning Commission to make the ADU regulations less restrictive, and he doesn't think it is appropriate to wait any longer.

He referred to the Comprehensive Plan amendments that will be the subject of the Commission's public hearing, which talk about the availability of affordable housing and changing the density. He stressed that the changes won't be meaningful without also amending the ADU ordinance to make it less restrictive. He outlined the items included in his proposed initiative as follows:

- Eliminate all of the design criteria for ADUs. He questioned why there should be a more restrictive standard for ADUs compared to single-family residential construction.
- Allow more than one ADU per lot. There should be a formula that allows people with large lots to develop multiple ADUs with a minimum square foot requirement. For example, an additional ADU could be allowed for each 4,350 square feet of property, keeping in mind the setback requirements, etc.

Mr. Runyon said he will closely monitor the Planning Commission and City Council discussions and actions related to ADUs going forward, and will modify his initiative accordingly. He said he is prepared to take the proposal to the people for a vote. It is time to make the appropriate code changes to get more affordable housing in the City. Currently, there are only two new ADUs created each year in the City. With the initiative, he is hopeful there will be 20 new ADUs per year. Talking about affordable housing is only effective if appropriate code changes are made to enable private property owners to develop ADUs on their properties.

Chair Wofford closed the public portion of the meeting.

Public Hearing: Comprehensive Plan Amendments for the 2020 Docket, Related to Establishing a Minimum Density Threshold

Ms. Satter advised that the Planning Commission is being asked to hold a public hearing and provide a recommendation to the City Council. She reviewed that the Commission held a workshop in January to discuss the amendments. Since that time, staff has conducted the environmental review and completed agency and public outreach. Following the Planning Commission's recommendation, the City Council will conduct a public hearing (tentatively scheduled for October 21st) and make the final decision.

Ms. Satter advised that the proposal before the Commission includes both a Comprehensive Plan amendment and an associated Zoning Code amendment to implement the Comprehensive Plan amendment. She explained that the Comprehensive Plan is a blueprint document that establishes the vision, goals and policies for how the City will grow in the next 20+ years. With the exception of subarea plans, the Comprehensive Plan can only be amended once a year. The Zoning Code implements the vision, goals and policies of the Comprehensive Plan through the development standards and design guidelines in Bremerton Municipal Code (BMC) Title 20. It addresses standards such as height, setbacks, lot coverage, etc. There is no limit on how often the Zoning Code can be amended.

Ms. Satter reminded the Commissioners of the approval criteria that must be considered when reviewing Comprehensive Plan amendments:

- Is it compliant with the Washington State Growth Management Act (GMA) and other City plans and documents?
- Is it compatible with the existing and planned development patterns?
- Will it not negatively affect the City's ability to provide urban services?
- Will the proposed changes bear a reasonable relationship to benefiting the public health, safety and welfare?

Ms. Satter also reminded the Commissioners of the approval criteria that must be considered when reviewing Zoning Code amendments:

- Is it compliant with other City, State and Federal Codes, regulations, and ordinances?
- Is it consistent with the goals and policies of the Comprehensive Plan? If a Comprehensive Plan amendment is required, approval of the Comprehensive Plan amendment must occur prior to or concurrently with the Zoning Code amendment. They must be consistent.

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Ms. Satter advised that the proposed amendment would change the minimum residential density citywide from 5 dwelling units per acre (du/ac) to 6 du/ac. Following the January workshop, the Commission asked staff to analyze if 7 du/ac would be appropriate. However, based on public feedback, staff is only proposing to increase the minimum to 6 du/ac. She reviewed that the Washington State Legislature passed House Bill (HB) 1923 in 2019, which encourages cities to increase opportunities for more residential capacity. The bill offered a menu of options to increase the supply of affordable housing. The City reviewed these options and agreed to consider the following three:

- Establish a minimum density of 6 du/ac. (subject of September 21 public hearing)
- Amend the ADU regulations. (subject of October 19 Commission public hearing)
- Amend the Zoning Code to address cluster housing and cottages. (briefing scheduled for early 2021)

Ms. Satter pointed out that the minimum density option requires both a Comprehensive Plan amendment and a Zoning Code amendment, whereas the other two initiatives under HB 1923 only require a Zoning Code amendment.

Ms. Satter advised that the amendment would apply to new development in the Low-Density and Medium-Density Residential zones, as well as four zones in the Downtown Subarea Plan (Downtown Multifamily Residential 1 and 2 and Downtown 1 and 2 Family Residential). As proposed, the Comprehensive Plan would be amended to change the minimum density in these zones from 5 du/ac to 6 du/ac. The Zoning Code would also be amended to change the minimum density from 5 du/ac to 6 du/ac. The maximum lot area would also be changed from 7,712 to 7,260 square feet.

Ms. Satter shared examples to show how a 1-acre parcel could be developed based on the current 5 du/ac per acre versus the proposed 6 du/ac. She also shared an example of a recently-approved subdivision with a density of 7 du/ac. She provided examples of existing development in the City to illustrate what development at 6 du/ac might look like:

- Dobb Street between Robin Avenue and Eagle. The property was developed at 6 du/ac and the average lot size is 7,114 square feet.
- 8th Street between Olympic Avenue and Rainier Avenue. The property was developed at 10 du/ac and the average lot size is 4,350 square feet.
- Dockside on Osprey Circle between Cormorant and Widegon Court. The property was developed at 5 du/ac and the average lot size is 8,700 square feet.

Ms. Satter shared examples of recent development in Bremerton, noting that very few plats were subdivided at the minimum density. The range was between 7 du/ac and 13 du/ac. She summarized that, as per the Buildable Lands Review, projects in Bremerton are currently subdividing at an average of 10 du/ac citywide, so this change to the minimum will not likely affect development.

Ms. Satter emphasized that the amendments would not require existing lots and homes to squeeze in extra units. They would only impact future subdivisions and development. The proposal would change the minimum density, but the maximum density would remain the same, and there would be no changes to the zoning maps, either.

Ms. Satter reported that two public comments were received. One expressed opposition to the amendment and the other was generally supportive of increasing residential density but had other ideas for the Commission to consider.

Chair Wofford opened the hearing for public comments.

Roy Runyon, Bremerton, said he supports the proposed amendment. However, he suggested that, if they want to encourage increased density, the Commission should also look at other development regulations that drive up the cost of development, such as impact fees. If the cost of development is higher in Bremerton than in unincorporated Kitsap County, then the City is losing out and is not meeting the intent of the GMA. He asked the Commission to consider what changes it can recommend to the City Council to make residential development in the City more affordable. While the proposed amendment is a step in the right direction, they also need to consider other practical changes that will make it easier for developers to increase density. **Chair Wofford** said the Commission seeks input from time to time about what can be done to make development easier and more feasible for contractors. **Director Spencer** pointed out that while there are general facility charges to hook up to the

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water and sewer systems, the City of Bremerton hasn't adopted any impact fee ordinances. On the other hand, Kitsap County, Port Orchard and Poulsbo have all adopted transportation impact fee ordinances.

Kevin Walthall, Bremerton, voiced support for the proposed amendments. However, he asked if they would hold any implication for duplexes to meet the minimum requirement. He also asked if the amendments would alter the setback requirement in single-family and multi-family residential zones. If not, he could see the setback requirements becoming a stumbling block for developers. He voiced his support for allowing duplexes, which would help developers meet the minimum requirement. **Ms. Satter** pointed out that the maximum density requirement actually has more impact on duplex development than the minimum density requirement, since the goal is usually to fit more units on a lot. Because the amendments would only apply in the low-density and medium-density residential zones, it is likely that developers will choose to construct single-family homes rather than duplexes. She said the amendments would not reduce the setback requirement, since developers are successfully developing at 8 and more du/ac and can still meet the current setbacks.

Chair Wofford closed the public portion of the hearing.

Vice Chair Tift referred to the public comment, which indicated support for the proposed amendment but wanted the minimum density to be mandated. He asked if that was practical. **Ms. Satter** answered that, once adopted, the amendment would establish a minimum of 6 du/ac for all new subdivisions, and it would become a mandate. The only exception would be if a property owner wants to retain one larger lot where his/her home is located. While the entire property might not meet the minimum density requirement at the time of subdivision, the property where the house is located would be subdivided at a later date to meet the requirement. That provision would not change, recognizing that Bremerton has a lot of existing development and people have a desire to keep their one house and subdivide the rest of the lot they aren't utilizing.

Vice Chair Tift asked if developers have indicated support for the proposed amendment. **Ms. Satter** said the proposal was sent to the Kitsap Building Association and the real estate group, but they have been silent on the matter since most developers are already developing at a higher rate.

COMMISSIONER COUGHLIN MOVED THAT THE COMMISSION RECOMMEND THAT THE CITY COUNCIL ADOPT THE PROPOSED AMENDMENTS TO THE COMPREHENSIVE PLAN AND ZONING CODE AS DETAILED IN THE STAFF REPORT AND ATTACHMENTS AND BASED UPON THE FINDINGS AND CONCLUSIONS INCLUDED IN ATTACHMENT D. COMMISSIONER PEDERSEN SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

Public Workshop: Discussion of Amendments for the Shoreline Master Program (SMP) Periodic Update

Mr. Jackson introduced Dan Nickel and Alex Capron, from the Watershed Company, the consultants hired to assist the department with the Shoreline Master Plan (SMP) update. He explained that this is a workshop for discussion and education purposes, and no formal decisions will be made at this time. It is anticipated that the project will be completed in mid-2021, and updates will be provided to the Commission over the next several months.

Mr. Jackson explained that the SMP is a set of state-required policies and regulations that are intended to protect state shorelines, promote public access to the shorelines, and ensure that uses that need to be located on the shoreline have priority. In addition to updating the SMP, the City will also update its Critical Areas Ordinance (CAO) for consistency with the SMP and other limited changes.

Mr. Jackson advised that the SMP applies to "Shorelines of the State," which are waterbodies that meet certain criteria. The shoreline jurisdiction is generally areas that are located within 200 feet of a high-tide line, some larger lakes and streams and other exceptions. Examples of those in Bremerton include Lake Kitsap, portions of the Union River and Gorst Creek, and all marine waters. He shared an example of a shoreline designation map, noting that the colored lines follow waters that are regulated by the SMP. Each of the colors represents a different shoreline designation and they correspond closely with the zoning map designations. For example, the Low-Density Residential Zone has a Single-Family Residential Shoreline Designation. He explained that the shoreline designations were assigned based on an analysis in the Inventory Characterization Report. The report was done in 2013 and took a snapshot of existing development on Bremerton shorelines and identified shoreline resources they wanted keep. For example, the area located south of Gorst was designated as Urban Conservancy

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because it is an environmentally-sensitive area they want to preserve, and the area around the shipyard was designated as Industrial based on existing development. Areas that are waterward of the high-tide mark were designated as Aquatic.

Mr. Jackson explained that the state requires jurisdictions to update their SMPs every eight years to ensure they are compliant with current state laws and changes in local plans and regulations and to incorporate new or improved data and information. The periodic update will not re-evaluate the ecological baseline, which was established as part of the 2013 comprehensive update that is used to determine no net loss. The ecological baseline is a snapshot inventory that established what the City's shorelines currently look like. It identified the ecological situation, the areas that were degraded, and the areas that had environmental resources. One of the main goals of the SMP is to assure no net loss of the 2013 baseline.

Mr. Jackson referred to the Gap Analysis Report (Attachment A), which was prepared by the Watershed Company and points out areas that the City has to improve upon in order to be compliant with the update process. He explained that staff will propose a number of amendments as part of the proposed update, and a full draft of the proposed amendments will be presented at a future workshop. He shared examples of the anticipated amendments to both the SMP and CAO as follows:

SMP Amendments

- **Definitions.** This section will be amended to be consistent with the state. For example, an updated definition for "floating residences" will be included. In addition, some definitions that are located in the nonconforming section of the SMP will be moved to the definition section of the SMP.
- **Exemptions.** The exemptions for Shoreline Substantial Development Permits will be updated to be consistent with what is available from the state.
- **Applicability.** A statement will be added to clarify that the SMP doesn't apply to federal lands. Currently, there is no statement that the shipyard is not part of the SMP.
- **Restoration Projects.** Some of the dimensional standards for restoration projects will be updated.
- **Nonconforming Structures.** The amendments will look at the applicability of the code as it pertains to certain structures and the proportionality of mitigation required in some of those cases. For example, is the amount of mitigation required for a small addition proportional to the expansion?
- **Shoreline Buffer Reduction Options.** They are looking at minor revisions to this section to clarify buffer averaging provisions and to ensure that no net loss is achieved. Currently, the buffer averaging calculations are complicated, and the goal is to make them simpler.
- **New Sheridan/Harrison Center Subarea Plan.** Amendments will align the SMP with the new subarea plan that was recently adopted.
- **Vegetation Management Plan Allowances.** Portions of this section will be updated to provide relief for single-family property owners. The plan is required with any new shoreline development. It provides a snapshot of existing vegetation and describes how a developer will mitigate and add native vegetation to buffer areas.
- **Consolidation.** All of the SMP policies will be consolidated into one chapter. Currently, they are scattered throughout the document, and it would read much more clearly if they were located in one section.
- **Climate Resiliency.** Proposed language would be added for climate resiliency. As the department learns more about the ongoing effects of the global climate, it is important to ensure that the knowledge is represented in the environmental documents.
- **Minor Mapping Changes.** Minor updates to the Shoreline Environment Designations will be made to reflect new information and improve consistency with zoning.

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CAO Amendments

- **Wetland Buffers.** The existing buffer requirements for wetlands will be clarified to be consistent with the Department of Ecology (DOE) guidelines.
- **Fish and Wildlife Habitat Conservation Areas.** Other minor amendments will be made to provide flexibility within Fish and Wildlife Habitat Conservation Areas.

Mr. Jackson announced that an online tool will be launched on October 1st to orient the public to the SMP update process. A full draft of the proposed amendments will be presented at a Planning Commission workshop on October 19th. The state has some specific requirements for the City to accomplish, one being a shared public comment period and shared public hearing. The joint public comment period will occur in November, and the joint public hearing is scheduled for November 16th. It is anticipated that the draft update will be presented to the DOE for an initial determination of compliance with DOE standards in January of 2021, and the Planning Commission review and recommendation, if necessary, will occur in February 2021. Local adoption will likely occur in Spring 2021. He emphasized that all of the dates are tentative at this time, and staff will take as much time as needed with the Commission and public to work through the process.

Mr. Jackson said that the online open house that will launch on October 1st is one way to engage the public and ensure they are involved in the SMP update process. It will review background information and project timelines so the public can understand the issues that are being addressed and provide comments. It will also provide an opportunity for the public to sign up to be notified of future actions on the update.

Roy Runyon, Bremerton, asked how many individual property owners/developers have been impacted by the current SMP and what their costs have been. He noted language regarding flexibility and minimizing the impact of the SMP and said he would be interested to see what that information shows. He recommended that this data be presented to the Commission, City Council and public for background.

Sue Plahn, Bremerton, asked if the slide set from the staff's presentation could be made available to the public. **Ms. Satter** answered that it would be sent to all of the property owners who received notification of the workshop.

Vice Chair Tift asked if the Vegetation Management Plan applies in the event that the shoreline is damaged during construction. **Mr. Jackson** answered that the Vegetation Management Plan is intended to repopulate the buffer areas as mitigation for the development and not just those areas disturbed during construction. It identifies how much of the buffer area should be populated with native vegetation and trees.

Commissioner Mosiman recognized that the presentation was intended to be just an overview. However, as they get into more detail at future meetings, he would like clarification on the following:

- Attachment A, Page 6, Item e, which talks about the difference between timber harvesting and timber cutting. It would be helpful to have a map showing where timber harvesting might take place within the City.
- Attachment A, Page 23, Item 9, which references a specific Washington Administrative Code (WAC) provision regarding public access requirements. It would be helpful for the Commission to see the actual WAC language to know what is being referenced. Years ago, a map was provided to show where public access was located within the City of Bremerton. If they are considering changes to public access, it would be helpful to have that map to provide some reference about what changes would take place and where.
- Attachment A, Page 24, Item 12, which has to do with climate change resiliency as it relates to bulkheads. Bulkheads are important in marine environments, and they have an impact on the upland of property owners. It would be helpful to have clarification on the City's policies relevant to sea level rise.
- Attachment A, Page 24, Item 14, which has to do with the portionality and scale of development. Would a developer be required to provide an entire buffer with native plants? Are you changing the residential permitting requirements to be simpler? He supports simplicity but without losing the ability to make the kinds of changes and impacts the City wants to see for the environment.

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Commissioner Mosiman asked if the tribes have been informed that the City is in the process of updating its SMP. He would be curious to know what their interest might be.

Commissioner Pederson referred to Attachment A, Page 24, Item 12 and said he is also curious about the City's policies relevant to sea level rise. Olympia's 2019 Sea Level Rise Plan is referenced, and he is interested in learning more about what that plan entails. He asked staff to provide a link to the plan prior to the next workshop. **Ms. Satter** said staff is working on climate resiliency documents, and other documents related to this effort have also been prepared. Information will be sent to the Planning Commission soon about a recent Kitsap County study related to sea level rise.

BUSINESS MEETING

Chair Report

Chair Wofford acknowledged the citizens who participated in the Zoom meeting and thanked those who provided input.

Director Report

Director Spencer reported that staff is settling into the new normal. There have been a lot of permit applications, and remote operations are going smoothly. A fun statistic showed that more than 1,000 people were able to engage with the online materials that were made available during the Eastside Employment Center planning process, which is encouraging to note. At this time, the City will proceed with digital meetings until there is a change in the governor's order.

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:



Andrea L. Spencer, AICP
Executive Secretary



Nick Wofford, Chair
Planning Commission

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