

APPROVED

CITY OF BREMERTON

PLANNING COMMISSION MINUTES OF VIRTUAL MEETING April 19, 2021

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

Staff Present

Andrea Spencer, Director, Department of Community Development
Allison Satter, Planning Manager, Department of Community Development
Kelli Lambert, Senior Planner, Department of Community Development
Sarah Lynam, Project Assistant, Department of Community Development

Commissioners Excused

Commissioner Rich

Quorum Certified

CHAIR CALL FOR MODIFICATIONS TO AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

VICE CHAIR TIFT MOVED TO APPROVE THE MINUTES OF MARCH 15, 2021, AS SUBMITTED. COMMISSIONER FLEMISTER 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 no public comments.

Public Hearing: Zoning Code Amendments Related to Lot Size Averaging (LSA)

Ms. Satter advised that the purpose of this hearing is for the Commission to receive public testimony and provide a recommendation to the City Council, who will make the final decision. She explained that the current code requires minimum lot sizes to ensure that the minimum density is met. For example, 10 dwelling units per acre are allowed in the R-10 zone, and the minimum lot size required is .1 acres or 4,300 square feet. The proposed amendment would allow a

subdivision to use the Lot Size Averaging (LSA) tool when subdividing in the low and medium-density zones (R-10 and R-18). As proposed, LSA would allow some lots to be below the minimum size provided the overall average of the proposed subdivision does not exceed the permissible maximum density allowed by the zone. She emphasized that the amendment would not change the overall density allowed in the R-10 and R-18 zones, and all of the lots would have to be code compliant (parking, setbacks, lot coverage and access).

Ms. Satter shared an example to illustrate how the current code would be applied to a 0.5-acre lot in the R-10 zone with two existing dwelling units. Although the density allows up to 5 lots, only four lots could be created because each lot must be a minimum of 4,300 square feet. The end result would be a maximum of 8 dwelling units per acre, which is less than the allowable density of the R-10 zone. If the proposed amendment is adopted, allowing a reduced lot size, the applicant could subdivide the property into five lots or 10 dwelling units per acre.

Again, **Ms. Satter** emphasized that the proposed amendment is not a way to undermine the density, as the underlying density of a subdivision overall must not exceed the zone's density. The overall goal is to allow small infill lots on existing lots without increasing the density. The amendment would allow unique and undeveloped properties to have more flexibility when subdividing and more opportunity for infill housing.

Ms. Satter shared an example of a 2-lot short plat on Marine Drive that was approved by the City in 2007. She noted the panhandle that was created as part of Lot A in order to meet the minimum lot size requirement. Staff discussed with the developer how the illogical boundary would make it hard for the property owner to provide maintenance, fencing, etc. on this 10-foot-wide strip of land. Due to setback requirements, nothing can be built within the panhandle, either. The proposed code revision would allow the subdivision to occur without the panhandle extension. Lot A would be 3,900 square feet, which is the minimum allowed per code.

Ms. Satter briefly reviewed that the proposed amendment would allow a reduction in the minimum lot size when subdividing, provided that the average of the proposed lots do not exceed the permissible underlying density of the zone, that all lots smaller than the minimum size must demonstrate that they are developable by showing code compliance, and that platting documents include documentation of allowed uses and language that ensures maximum density is not exceeded in the future. She summarized that the proposed amendment would allow more lots to be created and for property owners to better utilize their existing properties. It would also help avoid the creation of illogical boundaries that may be proposed in order to meet the minimum lot size requirement.

Ms. Satter advised that in the original draft amendment that was discussed at the Commission workshop, only 20% of the lots in a subdivision could utilize the lot size reduction, which means the provision would only be applicable to subdivisions of 5 or more lots. The original proposal also limited the amount of reduction to 10% of the minimum lot size. The Commission indicated support for eliminating these limitations, as long as the subdivided lots could still meet the code. The proposal before the Commission incorporates this latest direction.

Chair Wofford opened the hearing for public comments, but there were none. He closed the public portion of the hearing.

Commissioner Mosiman asked if BMC 20.60.065(e)(2)(iv) could be interpreted to mean that each phase of land division would be treated uniquely, without regard to what happened in the prior phases. **Ms. Satter** said it means that, as part of the subdivision process, the applicant would be required to acknowledge that the property, as a whole, would not ever be allowed to exceed the density per the current zoning.

Vice Chair Tift referred to the LSA examples provided by Ms. Satter and asked if lots could be combined at some point in the future. **Ms. Satter** answered affirmatively. **Ms. Lambert** added that property aggregation was not included in the proposed Boundary Line Adjustment (BLA) amendments that will be considered in the subsequent hearing. **Vice Chair Tift** asked if the smaller lots would still have to meet all of the code requirements for a developable lot, such as parking and setbacks. **Ms. Satter** answered affirmatively. **Director Spencer** referred to BMC 20.60.065(e)(2)(ii), which states that, *"All lots that are smaller than the minimum lot size shall demonstrate that they are developable by showing code compliance."*

Vice Chair Tift asked if the smaller lots would become nonconforming in the event they are sold at some point in the future. **Director Spencer** answered that, once approved, the lot would be considered conforming. She noted there are a number of

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lots in the City that do not meet the minimum lot size standards. The new code provision would make them sellable, conforming lots.

Vice Chair Tift commented that, although there were no public comments regarding the proposed amendments, the City has received some criticism in the local newspapers for some of its decisions associated with making lots smaller and allowing more options for infill development.

Commissioner Mosiman requested additional clarification about redevelopment on the smaller lots. **Director Spencer** explained that the way the LSA provision is currently written, some lots would be allowed to be smaller than the rest of the lots if the overall density of the subdivision would remain less than the density permitted per acre by the zoning code. Once subdivided, the smaller lots would be legal, conforming lots and could be developed and/or redeveloped at any point in the future.

COMMISSIONER PEDERSEN MOVED TO RECOMMEND THE CITY COUNCIL ADOPT TEXT AMENDMENTS TO TITLE 20 OF THE BREMERTON MUNICIPAL CODE (BMC) AS DETAILED IN ATTACHMENT 1, BASED ON THE STAFF REPORT AND THE FINDINGS AND CONCLUSIONS PRESENTED IN ATTACHMENT 2. COMMISSIONER COUGHLIN SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

Public Hearing: Zoning Code Amendments Related to Boundary Line Adjustments (BLA)

Ms. Lambert explained that a Boundary Line Adjustment (BLA) is a process for modifying the lot lines of existing parcels. No new lots are created with a BLA; that can only be done through the subdivision process. She shared examples of situations where a BLA might be used. She reviewed that the Planning Commission discussed the BLA concept at a workshop last July, and the Commission directed staff to prepare an ordinance for their consideration. Staff conducted environmental review on the draft code in March, and it was also sent to the Kitsap Building Association, Kitsap County Association of Realtor's and other agencies for feedback. It is now being presented to the Commission for a public hearing and recommendation to the City Council.

Ms. Lambert advised that State law allows for BLA, as long as no additional lots are created and as long as it doesn't create a condition where a lot is undevelopable. She explained that common reasons for BLAs include: to resolve boundary controversy between neighbors, to bring a lot into conformance with the zoning code, and to allow additional development that complies with the zoning code. She shared an example where a property owner turned in plans to construct a house but found that there wasn't enough space. The property owner ended up purchasing a sliver of land from the neighbor to make the lot conforming so he didn't have to redo his building plans.

Ms. Lambert emphasized that a BLA cannot create a new lot; a lot without vehicular access; 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; or a lot that straddles multiple zones, multiple jurisdictions, or multiple overlay areas or subareas. In addition, BLAs cannot impact utilities.

Ms. Lambert explained that Kitsap County doesn't have a BLA ordinance, but it tends to become more important in developed, denser environments, and that is why all of the other cities in the County have BLA regulations. Currently, City staff requests an opportunity to review BLAs, but the reviews are done pro bono without any good process, and many are recorded with the County Assessor without City review. Staff is recommending that Bremerton adopt a BLA code that is similar to the other cities in Kitsap County.

Ms. Lambert said that, sometimes, BLAs that are recorded by the County Assessor create nonconforming situations or utility issues. Creating a BLA code will create a framework for the City to review and process all BLAs to ensure future development meets all zoning and public works requirements. It will also protect property values from the unintended consequences of a BLA that does not meet City codes.

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Ms. Lambert advised that, as proposed, a property owner would submit a Type I application and pay the required fees and staff would conduct a technical review and issue a decision. The applicant would then be required to submit documents for recording within 180 days.

Chair Wofford opened the hearing for public comments, but there were none. He closed the public portion of the hearing.

COMMISSIONER COUGHLIN MOVED TO RECOMMEND THE CITY COUNCIL ADOPT TEXT AMENDMENTS TO TITLE 20 OF THE BREMERTON MUNICIPAL CODE (BMC) AS DETAILED IN ATTACHMENT 1, BASED ON THE STAFF REPORT AND THE FINDINGS AND CONCLUSIONS PRESENTED IN ATTACHMENT 2. COMMISSIONER PEDERSEN SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

Re-Affirmation of the Zoning Code Amendment Related to Manufactured Homes (MFH) Regulations

Ms. Satter reviewed that, following a workshop discussion and public hearing in March and April of 2019, the Planning Commission forwarded a unanimous recommendation to the City Council on proposed amendments related to Manufactured Home (MFH) Regulations. However, the City Council did not take the recommendation to a public hearing. Staff is seeking reaffirmation from the Planning Commission as to whether its recommendation remains the same or if it should be modified and/or changed.

Ms. Satter explained that the current MHR regulations (BMC 20.46.040) allow one manufactured home per lot and they must be located on permanent foundations. The existing code has specific size requirements that would be changed by the proposed amendment. State Law indicates that manufactured housing cannot be regulated differently than a single-family home except they must have a 3:12 roof pitch or greater and they must use the same siding materials as a single-family home.

Ms. Satter reviewed that the current code only allows manufactured homes that are double wide, and each component must be at least 12' x 36'. While there is no proposal to change the length requirement, the proposed code would revise the allowed width from 24 feet to 19 feet. For a doublewide MFH, each section would have to be 9.5' instead of 12' feet. She pointed out that a typical residential lot in Bremerton has a minimum width of 30 feet. Taking into account the 5-foot side setbacks, the buildable area is just 20-feet wide so it isn't possible to place a 24-foot MFH on most 30-foot-wide lots in the City.

Ms. Satter explained that prefabricated homes are dwellings that are manufactured off-site, which includes both manufactured and modular homes. However, the proposed amendments would only apply to manufactured homes (MFHs), which typically come on a non-movable chassis. Manufactured homes are regulated by the Department of Housing and Urban Development and other federal regulations, and must be attached to a permanent foundation that meets City code. Modular homes must comply with the final location's code, and for the City of Bremerton, that is the Washington State and International Building Codes. The City's current code doesn't allow mobile homes to be placed except in mobile home parks.

Ms. Satter summarized that the proposed amendment would reduce the width requirement for double-wide MFHs from 12 feet to 9.5 feet. No other changes to the existing MFH regulations are proposed.

Chair Wofford opened the hearing for public comments, but there were none. He closed the public portion of the hearing.

Ms. Satter advised that one written comment was received, as noted in the Findings and Conclusions, from Mr. Rob Larsen. He supports the proposal, as he believes there are a lot of properties within the City where MFHs cannot be located based on the current code. Mr. Larsen provided illustrations of MFHs that are 19.5 feet wide.

Commissioner Flemister questioned why the City requires that MFHs be double wide rather than single wide. **Ms. Satter** said that is what the City's current code requires, and it is similar to codes adopted by many other cities. **Commissioner Flemister** asked if MFHs have to be connected to the City's sewer system. **Ms. Satter** answered yes, if they are located within the City limits and sewer service is available in the area. If sewer system is not available, a septic system is required.

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Commissioner Pedersen said he plans to support the proposed amendment, but he would be willing to consider allowing single-wide MFHs. He supports anything that increases the amount of safe and affordable housing in the City. He suggested that allowing single-wide MFHs could create options for safe places for someone to live, where the current proposal does not. **Ms. Satter** responded that she isn't sure if it is a state requirement or not, but she agreed to research and report back to the Commission.

Director Spencer noted that the State Environmental Policy Act (SEPA) review that the City Conducted only described the amendment to reduce the width requirement for the two halves of a double wide. The Commission could recommend approval of the proposed amendment as presented, but with a request that additional research be done to perhaps eliminate the size requirement altogether, which would require a separate process. This would allow the City to make immediate code revisions for the width and potentially do more work later to allow more manufactured housing options.

Chair Wofford asked staff to expand upon the design criteria that requires a MFH to have the same siding material as a single-family home. **Ms. Satter** said this is part of the model ordinance provided by the state, and she assumes it would exclude plastic and flammable materials.

Chair Wofford commented that it isn't likely that companies that do pre-manufactured homes would make single-wide units. Most of them are designed to be double wide. He asked if the City's current code allows single-wide mobile homes on foundations to be located on single-family lots. **Ms. Satter** answered no, and explained that the current code only allows new MFHs. **Vice Chair Tift** pointed out that there are also road-worthy requirements that limit the size of single-wide homes. As far as siding, he noted that some of the older mobile homes have metal siding like you would see on a shed.

Commissioner Coughlin asked if a MFH would meet the sizes requirements and be allowed as an Accessory Dwelling Unit (ADU). **Ms. Satter** answered that the current code allows MFHs as an ADU option, but it doesn't allow an exception to the size requirement. **Commissioner Mosiman** commented that if a MFH can be used as an ADU, it would seem that a single-wide would suffice under certain circumstances. He supports the earlier suggestion that the City consider amending the code further to eliminate the width requirement altogether. **Ms. Satter** clarified that, as per the ADU regulations, MFHs are allowed as ADUs, provided they comply with the design criteria of ADUs, excluding the size and roof pitch requirements.

Vice Chair Tift voiced opposition to directing staff to work on amendments to allow MFHs more broadly as a housing type by eliminating size requirements. He felt it would make the amendment more complicated and require more staff time.

VICE CHAIR TIFT MOVED TO RECOMMEND THE CITY COUNCIL ADOPT TEXT AMENDMENTS TO BREMERTON MUNICIPAL CODE (BMC) 20.46.040 AS DETAILED IN ATTACHMENT A, BASED UPON THE STAFF REPORT AND THE FINDINGS AND CONCLUSIONS PRESENTED IN ATTACHMENT B. COMMISSIONER MOSIMAN SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

COMMISSIONER PEDERSEN MOVED TO REQUEST THAT THE COMMUNITY DEVELOPMENT STAFF WORK ON AMENDMENTS TO THE MANUFACTURED HOME REQUIREMENTS TO ALLOW THEM MORE BROADLY AS A HOUSING TYPE BY ELIMINATING THE SIZE REQUIREMENTS. COMMISSIONER COUGHLIN SECONDED THE MOTION.

Commissioner Coughlin agreed with Commissioner Pedersen and said he would like to see the origin of why single-wide MFHs are not allowed per the City code. He agreed that single-wide MFHs could be a good solution to provide affordable, quality housing in the City. **Director Spencer** suggested staff could do some quick research of the model code and State law and provide more history about why the provision was included in the City's current code. She didn't think it would require a significant amount of staff time. If State law requires that MFHs must be double wide, then no further work would be needed.

THE MOTION CARRIED 5-1, WITH VICE CHAIR TIFT VOTING IN OPPOSITION.

BUSINESS MEETING

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Chair Report

Chair Wofford did not have any items to report.

Director Report

Director Spencer announced that the City Council approved an additional building inspector/plans examiner for the Department of Community Development, as well as two additional staff people in the Development Engineering Group. She provided the following highlights from a presentation staff made to the City Council regarding the current activity level in the Department of Community Development:

- Permits have been on the upswing for years, and 2020 was a record-breaking year with about \$20 million over 2019. Through the first quarter of 2021, permit activity has reached about \$37 million. This is a big number, as more permits typically come in later in the year. They are already \$5 million ahead compared to the same time last year.
- Total permits for 2021 equaled \$143 million, and projects totaling \$153 million have already been submitted in the queue, and they anticipate more permits throughout the year.
- Between 2016 and 2020, the City permitted about 270,000 square feet of commercial activity, and there is approximately 350,000 square feet of construction in progress at this time.
- For the past five years, residential construction averaged about 225 units per year, and there are approximately 800 units currently under construction and 2,700 units in the pipeline over the next several years. This indicates that the City will continue to see an upward trend in development activity.
- The City’s growth target is more than 500 units per year, so the City is and will continue to make up for lost time. It will be important for the Planning Commission to continue with its hard work of ensuring there are opportunities for more housing in Bremerton. All people deserve to have quality, affordable housing.

Ms. Satter reviewed that the Planning Commission recommended and the City Council recently approved amendments to the City’s ADU provisions. She reported that, over the past 11 years, only about 10 ADUs were approved. Since the new provisions were adopted in December, the City has received applications for six more ADUs. Of the six proposals, at least five will be owner-occupied.

Chair Wofford asked if there is adequate water and sewer capacity to accommodate the anticipated new development, and **Director Spencer** answered affirmatively. **Vice Chair Tift** asked if there is adequate capacity on the existing roadways and if road improvements will be required as part of development. **Director Spencer** answered that developers are often required to pay SEPA mitigation fees for transportation impacts, and they are also required to put transportation improvements in as part of a project. The SEPA mitigation fees are used to do improvements to address impacts associated with development.

Old Business

There was no old business.

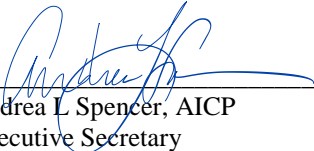
New Business

There was no new business.

ADJOURNMENT

The meeting was adjourned at 6:43 p.m.

Respectively Submitted by:



 Andrea L. Spencer, AICP
 Executive Secretary



 Nick Wofford, Chair
 Planning Commission

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