

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

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

**EXECUTIVE SUMMARY**

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

**ATTACHMENT:**

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

**RECOMMENDED MOTION**

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

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**LOT SIZE AVERAGING**

The proposal is to adopt a code that allows Lot Size Averaging when subdividing as shown in **Attachment 1**. Lot size averaging allows the size of individual lots within a development to vary from the minimum lot size that is identified in the zone, provided that the average lot size in the development as a whole meets that maximum density. Housing can then be developed on lots smaller than otherwise permitted in a zone, while ensuring that the overall density is met for the project. This allows more diverse housing and more flexibility when dividing land.

If adopted, the Code **WOULD**:

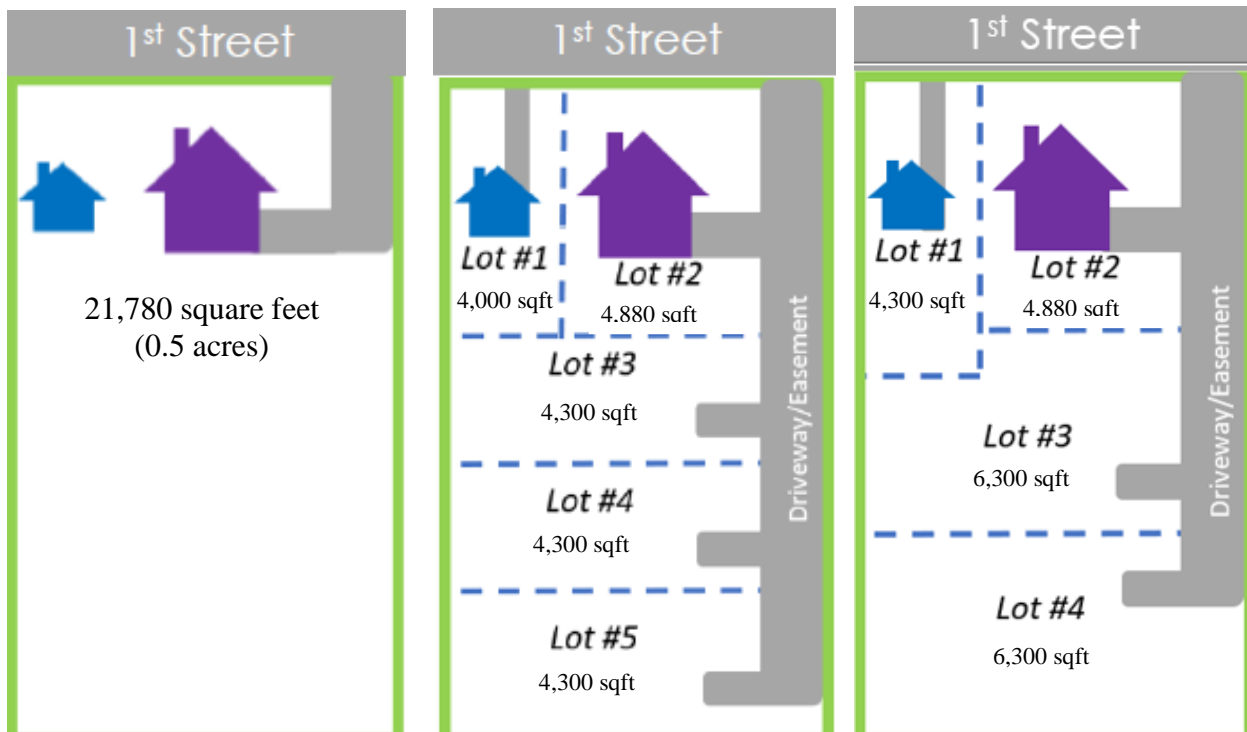
- Add flexibility to code when subdividing. The proposed code would allow some lots to be below the minimum required lot size, provided the overall project meets the underlying density.
- Only impact future subdivisions and lots that desire to change their lot line boundary.
- Act as an important infill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

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

- Change the density of the underlying zone. The underlying density of the zone still must be met for a project as a whole, even if individual lots were of varying minimum sizes.
- Impact any existing parcels or homes. This revision would only be relevant in the process of subdivision or changes to their lot line boundary.

**LOT SIZE AVERAGING: EXAMPLE**

The Low Density Residential (R-10) zone has a maximum density of 10 dwelling units per acre. For a 0.5-acre lot, the maximum number of lots possible in a subdivision would be 5 with each lot at the minimum size of 4,300 square feet (sqft).



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

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

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

**Under current code**, when subdividing in the R-10 zone, all lots must be no smaller than 4,300 square feet and no larger than 7,260 square feet (in some cases, one lot in a subdivision can be larger, so long as density requirements are met on average).

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

Under current code requirements, the City would reject the proposal as list in Proposed Subdivision #1 as all lots must be larger 4,300 square feet; *Lot #1* is shown at 4,000 square feet. However, if *Lot #1* were to be expanded, it would reduce *Lot #3's* size below 4,300 square feet. Thus, *Lot #3* would be too small to meet the minimum lot size requirement. By necessity, this proposal would become 4 lots instead of 5 lots on 0.5-acre lot.

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

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

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

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

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

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

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

### **Summary**

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

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

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

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

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

## **Low Density Residential**

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

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

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

## **Medium Density Residential**

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

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

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

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

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

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

(e) Exception to Minimum Lot Areas.

(1) The minimum lot area may be modified through the approval of a residential cluster development pursuant to BMC 20.58.060, provided the development complies with the maximum density requirement set forth in subsection (b) of this section.

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

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

# FINDINGS AND CONCLUSIONS OF THE CITY OF BREMERTON PLANNING COMMISSION

## **Summary:**

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

## **I. FINDINGS OF FACT**

### **1. Project Description:**

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

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

### **2. Procedural History:**

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

### **3. Public and Agency Comment:**

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

### **4. SEPA Determination:**

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

### **5. Consistency:**

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

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

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

- Policy LU1(B): Coordinate Bremerton's growth consistent with the Kitsap Countywide Planning Policies and the Puget Sound Regional Council's Vision 2040, and state requirements.
- Policy LU4(C): Provide land use regulations that give opportunities for the community to have fair access to livelihood, education, and resources.
- Housing Vision: To encourage the growth of Bremerton by strategically locating a wide variety of housing types throughout the City in a way that protects the environment and fosters community health.
- Housing Goal H2: Encourage the development of a variety of new housing options and densities to meet the changing needs of Bremerton's residents.

- Policy H2(C): Supporting infill development and increased densities.
- Housing Goal H3: Support access to quality and affordable housing for all Bremerton residents.
- Policy H3(A): Provide opportunities for the production of new housing for all incomes, ages, and family types through infill by stimulating growth of non-traditional housing types such as townhomes, carriage units, accessory dwelling units, and duplexes in locations where they will seamlessly infill into the fabric of the existing neighborhoods.
- Policy H3(E): Eliminate unnecessary regulatory impediments to the development of affordable housing.

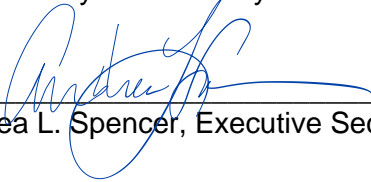
(2) It does not conflict with other City, state and federal codes, regulations and ordinances.

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

## II. CONCLUSIONS & RECOMMENDATION

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

Respectfully submitted by:



Andrea L. Spencer, Executive Secretary



Jack Wofford, Planning Commission Chair