

ORDINANCE NO. 5188

AN ORDINANCE of the City Council of the City of Bremerton, Washington, adopting the SKIA Subarea Plan, amending the Comprehensive Plan by adding the SKIA Subarea Plan, and amending the Zoning Code Section 20.80.080(a) to activate the development standards contained within the plan.

WHEREAS, the Washington State Growth Management Act authorizes the preparation of subarea plans; and

WHEREAS, the City of Bremerton has adopted a comprehensive plan under the provisions of Chapter 36.70A RCW that includes policies for the creation of subarea plans; and

WHEREAS, pursuant to RCW 36.70A.130(2)(a)(i), the City may amend the Comprehensive Plan more frequently than once per year under certain circumstances, including the initial adoption of a subarea plan; and

WHEREAS, the City passed Ordinance No.5062 designating the SKIA Manufacturing/Industrial Center (MIC) in the Comprehensive Plan as part of the 2008 docket of amendments to the Comprehensive Plan; and

WHEREAS, SKIA is designated as one of eight Manufacturing/Industrial Centers in the Puget Sound Regional Council's (PSRC) Vision 2040 regional growth strategy; and

WHEREAS, SKIA will retain a different urban form than Bremerton's current regional or district centers, particularly due to the expected industrial development to occur in the next 20 years; and

WHEREAS, the Comprehensive Plan encourages a subarea plan to be prepared for designated centers, which must involve the community in its preparation, be consistent with Comprehensive Plan goals and policies, and contain development standards and design guidelines; and

WHEREAS, the City has undertaken an extensive public participation process by conducting advisory group meetings, workshops, and public open houses between November 2010 and June 2012 to discuss the SKIA Subarea Plan, gather public input, and guide the development of the Plan; and

WHEREAS, pursuant to RCW 36.70.547 the City formally consulted with the Washington State Department of Transportation (WSDOT) Aviation Division in the development of the Subarea Plan; and

WHEREAS, the draft SKIA Subarea Plan was made available for public review and comment on March 29, 2012; and

WHEREAS, pursuant to RCW 36.70A.106 the Washington State Department of Commerce was provided the 60-day notification on March 29, 2012 of amendments to the Comprehensive Plan and development regulations as a result of the Subarea Plan adoption and the submittal was assigned “Material ID # 17953”; and

WHEREAS, the Planning Commission conducted a workshop to discuss the proposed Subarea Plan and development regulations at its regular meeting on April 17, 2012; and

WHEREAS, a legal advertisement was placed in the Kitsap Sun on June 9, 2012 notifying the public of the opportunity to provide testimony at the Planning Commission public hearing; and

WHEREAS, on June 19, 2012 the Planning Commission held a public hearing on the proposed SKIA Subarea Plan and development regulations, considered public comment, and made a recommendation of approval for the City Council’s consideration; and

WHEREAS, on September 29, 2010 a Determination of Significance and Scope of Work for the SKIA Planned Action Environmental Impact Statement (EIS) notice was issued to comply with the requirements of the State Environmental Policy Act (SEPA); and

WHEREAS, on June 9, 2011 a Draft EIS was issued and comments were accepted through July 21, 2011; and

WHEREAS, after consideration of public comment a Final EIS was issued on March 29, 2012; and

WHEREAS, the Comprehensive Plan amendment to include the SKIA Subarea Plan meets the decision criteria outlined in BMC 20.10.080(b)(1) through (5): It is consistent with the Growth Management Act, it is consistent with the Comprehensive Plan vision for the site and other goals and policies of the City, the Plan is compatible with the current development patterns, the Plan does 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; and

WHEREAS, the Zoning Code amendment to activate the development standards contained within the SKIA Subarea Plan meets the decision criteria outlined in BMC 20.18.020 (d), as the Plan is consistent with the Comprehensive Plan and does not conflict with other City, state and federal codes, regulations and ordinances; and

WHEREAS, a legal advertisement was placed in the Kitsap Sun on July 21, 2012 notifying the public of the opportunity to provide testimony at the City Council public hearing; and

WHEREAS, on August 1, 2012 the City Council conducted a public hearing so that the public had further opportunity to comment on the Subarea Plan and development regulations; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF BREMERTON, WASHINGTON,
DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council accepts and adopts the Findings and Conclusions of the Planning Commission as presented in **Exhibit A**, attached hereto and incorporated by this reference as if set forth in full herein.

SECTION 2. The Comprehensive Plan is amended by the addition of the SKIA Subarea Plan as presented in **Exhibit B**, attached hereto and incorporated by this reference as if set forth in full herein.

SECTION 3. Section 20.80.080 of the Bremerton Municipal Code entitled “Subarea Plans” is hereby amended to read as follows:

20.80.080 SUBAREA PLANS.

The following are subarea planning areas where subarea plans and unique development regulations may be created for each:

- (a) Bay Vista Subarea Plan (adopted by Ordinance No. 5077);
- (b) East Park Subarea Plan (adopted by Ordinance No. 4962);
- (c) Wheaton-Riddell Subarea Plan (adopted by Ordinance No. 5025);
- (d) Downtown Regional Center Subarea Plan (adopted by Ordinance No. 5034);
- (e) Manette Subarea Plan (adopted by Ordinance No. 5082);
- (f) Harrison Employment Center;
- (g) Port Blakely Employment Center;
- (h) SKIA Subarea Plan (adopted by Ordinance No. 5188).

The subarea planning areas listed above having adopted subarea plans are identified with the corresponding adopting ordinance number. This ordinance will contain the unique regulations and standards that guide development for that subarea planning area. Subsequent amendment to adopted subarea plans need not be identified in this section by the amending ordinance number.

SECTION 4. Severability. If any one or more sections, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 5. Effective Date. This ordinance shall take effect and be in force ten (10) days from and after its passage, approval and publication as provided by law.

PASSED by the City Council the 1st day of August, 2012

J. a. McDonald
JIM MCDONALD, Council President

Approved this 3RD day of AUGUST, 2012

Patty Lent
PATTY LENT, Mayor

ATTEST:

Shannon Corin
SHANNON CORIN, City Clerk

APPROVED AS TO FORM:

Roger A. Lubovich
ROGER A. LUBOVICH, City Attorney

PUBLISHED the 6th day of August, 2012
EFFECTIVE the 16th day of August, 2012
ORDINANCE NO. 5188

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STATE OF WASHINGTON }
COUNTY OF KITSAP }
The Above and foregoing is Hereby Certified
to be a true and correct copy of:
City of Bremerton
Ordinance No. 5188
City Clerk: [Signature]
Date: 8.7.12

FINDINGS AND CONCLUSIONS OF THE CITY OF BREMERTON PLANNING COMMISSION

Summary – Proposal to include the South Kitsap Industrial Area (SKIA) Subarea Plan in the Comprehensive Plan and Zoning Code by amendment. The Zoning Code will add reference in BMC 20.80.080 to activate the SKIA Subarea Plan as development regulations for the South Kitsap Industrial Area.

I. FINDINGS OF FACT

1.0 Project Description

The SKIA Subarea covers an approximately 3,700 acre area in the southwestern portion of the City of Bremerton. The Subarea Plan includes two primary components: 1) an amendment to the 2004 Bremerton Comprehensive Plan and to the Zoning Code, BMC Title 20, adding the SKIA Subarea Plan to both and, 2) development regulations for SKIA that will function as zoning upon Plan adoption.

The SKIA Manufacturing/Industrial Center (MIC) was designated in the City's Comprehensive Plan in the 2008 amendment of the Comprehensive Plan, per Ordinance 5062. SKIA is also designated as one of eight Manufacturing/Industrial Centers in the PSRC Vision 2040 regional growth strategy. SKIA will retain a different urban form than Bremerton's current regional or district centers, particularly due to the expected industrial development to occur in the next 20 years.

Following SKIA annexations, the Industrial Zoning requirements were applied to the entire area as an interim 'stopgap' zoning scenario. In 2010 the City obtained a grant from the EPA under its "Climate Showcase Communities" program, which funded work on a SKIA Subarea Plan to ensure that future development of the subarea is coordinated, well-designed, and meets sustainable development goals, while still meeting the goals of the MIC to accommodate intensive manufacturing and industrial development.

The SKIA Subarea Plan is a detailed planning document that fits within the framework of the Comprehensive Plan. The Subarea Plan fits within the growth projections of the Comprehensive Plan and implements its "Centers" concept.

2.0 Procedural History

A public participation process for the SKIA Subarea Plan has been ongoing since the Fall of 2010. The Subarea Plan includes documentation of the public participation process (parts of Section A and Section B). Three public open houses and a wide range of stakeholder meetings were held over the course of the planning process. Additionally the Plan was presented and discussed at a Planning Commission Workshop on April 17, 2012. Extensive community input is integrated throughout the plan, meeting and exceeding requirements.

A summary of meetings, workshops, and open houses held is listed below.

Technical Working Group (TWG) Meetings

The TWG is an advisory group comprising senior technical staff from each of the regional jurisdictions, Port of Bremerton, SKIA property owners, Suquamish Tribe, Port Gamble/S'Klallam Tribe, South Kitsap Economic Development Alliance, Sustainable Bremerton, Kitsap Regional Coordinating Council, Hood Canal Coordinating Council, and the Puget Sound Naval Shipyard/Naval Base Kitsap.

2.1 November 9, 2010

2.2 April 28, 2011

Executive Committee (EC) Meetings

The EC comprises elected and appointed officials from the following organizations: Bremerton City Council, Bremerton Planning Commission, Port of Bremerton Port Commission, Kitsap County, Puget Sound Naval Shipyard, Suquamish Tribal Council, Port Orchard City Council, and Naval Base Kitsap.

2.3 December 9, 2010

2.4 May 5, 2011

Joint TWG and EC Meetings

2.5 June 16, 2011

2.6 July 25, 2011

2.7 March 28, 2012

2.8 April 10, 2012 (Developer's Forum)

Public Open Houses

2.9 October 10, 2010

2.10 June 16, 2011

2.11 May 7, 2012

Planning Commission

2.12 Public Workshop—August 17, 2010 (Overview of grant and process)

2.13 Public Workshop—April 17, 2012 (Overview of Draft Subarea Plan)

2.14 Planning Commission Public Hearing—June 19, 2012

Notice

Notice for all open houses, workshops and hearings was publicized widely in a range of outlets including advertisement in the Kitsap Sun, City of Bremerton website and direct mailings. Direct mailing to persons with property in proximity to or within the SKIA Subarea was the primary method for notification of public meetings. A record of contacts for all persons participating in any of the meetings was maintained.

3.0 Public Comment at Public Hearing

Numerous individuals, groups, and agencies provided comments at public workshops, community meetings, and via comment cards and letters. Comments received were considered and used to develop the draft plan that is prepared for Planning Commission Review. A general summary of public participation is found in Section A of the SKIA Subarea Plan. Individuals providing verbal testimony at the Planning Commission Public Hearing are listed below:

- 3.1** Fred Salisbury, Port of Bremerton, 8850 S.W. State Hwy 3, Bremerton
- 3.2** Roger Zabinski, Port of Bremerton, 8850 S.W. State Hwy 3, Bremerton
- 3.3** Stan Palmer, Stan Palmer Construction, 5107 State Hwy 3 SW, Bremerton
- 3.4** Ryan Sandstrom, Alpine Evergreen, 7124 State Hwy 3 SW, Bremerton

4.0 SEPA Determination, Environmental Review, and Agency Notification

4.1 SEPA

Adoption of development regulations and amendments to the Comprehensive Plan require evaluation of environment impacts through the State Environmental Policy Act (SEPA) process. The City issued a SEPA Determination of Significance (DS) on the Plan on September 29, 2010. The Subarea Plan is likely to have a significant adverse impact on the environment due to the threshold of development expected to occur. The DS requires statutory notice, review and appeal periods, which the City completed.

The determination that this proposal is likely to have a significant adverse impact on the environment resulted in the preparation of an environmental impact statement (EIS) as outlined below.

4.2 Environmental Impact Statement (EIS)

The Environmental Impact Statement (EIS) for the SKIA Subarea Plan evaluates the probable significant environmental impacts that could occur as a result of development activities within SKIA under a range of EIS Alternatives. Direct, indirect and cumulative impacts associated with the range of alternatives were assessed. Impacts associated with the alternatives were analyzed and appropriate mitigation measures to address significant adverse impacts were identified. The EIS provides decision-makers with relevant information to evaluate the Proposed Action. The EIS addresses the probable significant adverse environmental impacts of two action alternatives and one no-action alternative identified in the Subarea planning process.

The EIS is also intended to fulfill SEPA requirements for Planned Action environmental review. According to SEPA, a "Planned Action" is a designation for a project or elements of a project that shifts environmental review from the time a permit application is made to an earlier phase in the process (WAC 197-11-164). The planned action analysis applies to the entire study area and addresses potential impacts and mitigating measures for each of the identified alternatives.

Because future site-specific proposals that qualify under the planned action ordinance would not be subject to future SEPA threshold determinations or public comment on environmental impacts, interested individuals and agencies were given the opportunity to provide comment during the public comment periods during the planned action EIS process.

The Draft EIS was issued on June 9, 2011 and the Final EIS was issued on March 29, 2012. The Draft EIS and the Final EIS are intended to be used in conjunction with one another.

4.3 60-day State Agency Review

Amendments to the Comprehensive Plan and development regulations also require a 60 day State Agency Review and Comment Period. The document was forwarded to State agencies, commencing the review period, on March 29, 2012. There were no comments received from State agencies during the review period, which closed on May 29, 2012.

5.0 Comprehensive Plan Consistency

Amendments to the Comprehensive Plan

Amendments to the Comprehensive Plan shall meet the decision criteria outlined in BMC 20.10. The Planning Commission may recommend, and the City Council may adopt or adopt with modifications, an amendment to the comprehensive plan if the criteria outlined below are met. The proposal is to add the SKIA Subarea Plan to the Bremerton Comprehensive Plans as an amendment, providing more specific and detailed planning for the area.

5.1 *BMC 20.10.080(a) allows amendments to the Comprehensive Plan if there is an obvious technical error.*

Not applicable to this project.

5.2 *BMC 20.10.080(b) allows amendments to the Comprehensive Plan if the following criteria have been met.*

5.2 (1) *The amendment is consistent with the Growth Management Act (GMA):*

This amendment is consistent with the GMA by meeting the criteria of the Comprehensive Plan which was created to achieve the goals of the GMA. Specifically, the Subarea Plan meets the Economic Development goal by supporting existing industries, recruiting new industrial sectors, and emphasizing the development of a "clean-tech" sector. Through the various Low-Impact Development (LID) measures and Greenhouse Gas Emissions Reducing measures outlined in the standards (Section C), guidelines (Section D), and the EIS, the Subarea Plan meets the Environment goal by striving to enhance the quality of the local environment. Furthermore, through an aggressive public outreach component, which focused on both public involvement as well as involvement of staff at regional jurisdictions and

agencies, the Subarea Plan meets the Citizen Participation and Regional Coordination goal of the GMA.

The GMA encourages the adoption of subarea plans, recognizing that this may occur outside of the annual amendment timeframe, as is the case with the SKIA Subarea Plan.

5.2 (2) *The amendment is consistent with the comprehensive plan or other goals or policies of the City:*

The SKIA Subarea Plan is consistent with the Comprehensive Plan Land Use Map designation of the SKIA Subarea as a Manufacturing/Industrial Center. The Manufacturing/Industrial Center designation calls for intensive, concentrated manufacturing and industrial land uses that cannot be easily mixed with other activities. Furthermore, Manufacturing/Industrial Centers are intended to accommodate a significant amount of regional employment, and will have a different urban form and purpose than the rest of the City's centers. The Subarea Plan achieves this vision through the Goals and Strategies (Section A), the Zoning and Development Standards (Section C), and the Design Guidelines (Section D) which promote compact industrial and commercial development and job creation that support long-term economic vitality.

The Subarea Plan also includes specific goals and strategies that meet the Bremerton Comprehensive Plan. Specifically, the Subarea Plan encourages environmentally responsible development and economic development, which are goals also found in the Comprehensive Plan.

5.2 (3) *If the amendment was reviewed but not adopted as a part of a previous proposal, circumstances related to the proposed amendment have significantly changed, or the needs of the City have changed, which support an amendment;*

This amendment supplements and implements the Comprehensive Plan. It is based on the direction of the Comprehensive Plan to develop specific area plans for the SKIA Manufacturing/Industrial Center.

5.2 (4) *The amendment is compatible with existing or planned land uses and the surrounding development pattern;*

The SKIA Subarea Plan is compatible with the adopted Manufacturing/Industrial Center land use and the surrounding development pattern. Industrial uses currently are predominant in the Subarea and through the Subarea Plan, industrial uses are intended to remain the predominating use in the long term.

5.2 (5) *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 benefiting the public health, safety and welfare.*

The SKIA Subarea Plan will not adversely affect the City's ability to provide urban services at the planned level of service. The Environmental Impact Statement addresses the City's ability to provide urban services at the planned level of service. Additionally, the GMA compliant Capital Facilities Plan (Section E) outlines the provision of urban services, including transportation, water, sewer, and stormwater facilities. The purpose of the CFP for SKIA is to provide adequate public facilities consistent with the development plan of the SKIA Subarea Plan. Careful planning and sound fiscal policies will provide the needed facilities that achieve and maintain the City of Bremerton's standards for level of service concurrent with, or prior to, the impacts of development.

The amendment will benefit the public health, safety and welfare by achieving numerous City goals and policies related to environmental stewardship, while ensuring that intense industrial development occurs where it is most suited.

6.0 Amendment to the Zoning Code

An amendment to the Zoning Code, BMC 20.80.080 *Master Development*, is proposed to accompany adoption of the SKIA Subarea Plan. This amendment adds a reference to the Ordinance adopting the Subarea Plan, thereby activating the development standards contained in the Plan as the zoning for the SKIA Subarea.

Zoning code text amendments 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 the zoning code text if the criteria outlined below are met.

6.1(1) *20.18.020(d)(2) allows amendments to the Zoning Code if it is consistent with the goals and policies of the Comprehensive Plan.*

See discussion in 5.2 above for consistency with the Comprehensive Plan, and Section A of the Subarea Plan. The SKIA Subarea Plan is fully consistent with the Bremerton Comprehensive Plan.

The Comprehensive Plan Land Use Map shows the SKIA Subarea as a Manufacturing/Industrial Center, which is described on page LU-23a of the amended Land Use Element of the Comprehensive Plan as:

...areas with existing or expected intensive, concentrated manufacturing and industrial land uses that cannot be easily mixed with other activities. Manufacturing/Industrial Centers are intended to accommodate a significant amount of regional employment, and will have a different urban form and purpose than the rest of the City's centers. They can be characterized as areas of large contiguous blocks of land served by the region's major transportation infrastructure, including such items as roads, rail, and port facilities. Protecting these centers from incompatible uses, as well as providing them with adequate public facilities and services will require deliberate and careful planning.

The SKIA Subarea Plan is consistent with this vision for the Manufacturing/Industrial Center and achieves it through the Goals and Strategies (Section A) and the Zoning and Development Standards (Section C).

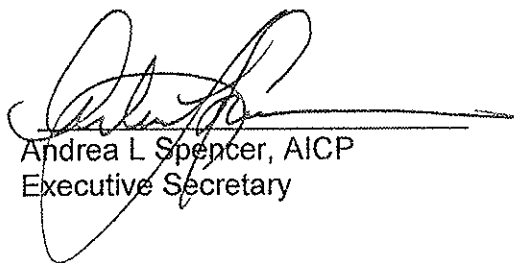
6.2(2) *20.18.020(d)(2) allows amendments to the Zoning Code if it does not conflict with other City, state and federal codes, regulations and ordinances.*

The SKIA Subarea plan does not conflict with any other regulations.

II. CONCLUSIONS and RECOMMENDATION

Based on the findings above, the Planning Commission concludes that the SKIA Subarea Plan has met the requirements for 1) amendment to the Comprehensive Plan and 2) text amendments to the zoning code as detailed in BMC 20.80. Therefore the Commission recommends the amendment to the Comprehensive Plan to include the SKIA Subarea Plan and an amendment to the zoning code text in BMC 20.80 to include the Ordinance number of the SKIA Subarea Plan.

Respectfully submitted by:



Andrea L. Spencer, AICP
Executive Secretary

Approved by:



Greg Jose, Chair
Planning Commission