

(DRAFT) AGENDA

**Virtual Meeting – Bremerton Planning Commission
(Subject to PC approval)
October 18, 2021
5:30 P.M.**

Join Zoom Meeting

<https://us02web.zoom.us/j/87204200690?pwd=cVJiTUJ1anhsOENOSIAxRWdaaGIJUT09>

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- I. CALL TO ORDER**
 - II. CLERK CONFIRMATION OF QUORUM**
 - III. CHAIR CALL FOR MODIFICATIONS TO AGENDA**
 - IV. APPROVAL OF MINUTES: September 20, 2021 meeting**

V. PUBLIC MEETING

A. Call to the Public: Public comments on any item not on tonight's agenda

B. Workshop:

- 1. The City's Housing Definitions

VI. BUSINESS MEETING

- A. Chair Report:** Nick Wofford
- B. Director Report:** Andrea Spencer
- C. Old Business:**
- D. New Business:**

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- VII. ADJOURNMENT: The next regular meeting of the Planning Commission is
Monday November 15, 2021**

**Planning Commission meeting packets are available on-line at
<http://www.BremertonWA.gov/AgendaCenter/Planning-Commission-4>**

DRAFT

Subject October 18, 2021, Approval

CITY OF BREMERTON

PLANNING COMMISSION MINUTES OF VIRTUAL MEETING September 20, 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
Commissioner Rich

Staff Present

Andrea Spencer, Director, Department of Community Development
Garrett Jackson, Planning Manager, Department of Community Development
Sarah Lynam, Project Assistant, Department of Community Development

Others Present

Quorum Certified

CHAIR CALL FOR MODIFICATIONS TO AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

COMMISSIONER COUGHLIN MOVED TO APPROVE THE MINUTES OF JULY 19, 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 none.

Workshop: Buildable Lands Report Review

Mr. Jackson reviewed that the Washington State Growth Management Act (GMA) requires the periodic review and evaluation of development trends to ensure consistency with GMA, countywide planning policies, and comprehensive plans. The Buildable Lands Report (BLR) is a required portion of the comprehensive plan process. He explained that the Comprehensive Plan outlines the vision and goals of the community, and that the BLR is a high-level review, to ensure that the City has the basic capacity to meet the growth targets that are established through the Puget Sound Regional Council (PSRC) and locally adopted via the Countywide Planning Policies. This year's exercise plans through 2036 to ensure that the growth targets are

met through the Vision 2040 Plan. That being said, new growth targets, as established in the PSRC Vision 2050, for the City and other jurisdictions will be adopted with the upcoming revisions to the Kitsap Countywide Planning Policies (CPP's).

Mr. Jackson advised that one section of the BLR looks at permit data acquired through City development permitting from 2013 to 2019. The trends are analyzed to make sure that the development that has occurred meets the goals of the Comprehensive Plan and that the City is on target to meet its population targets. After analyzing the trends, the BLR looks forward to 2036, making assumptions on how much land is available in the City and if there is enough capacity to accommodate the future growth that is expected. He advised that a full draft of the BLR is available on Kitsap County's website (<https://www.kitsapgov.com/dec/Pages/BuildableLandsUpdate.aspx>), and the deadline for comments is September 21st. He reviewed data from 2013 to 2019, highlighting the following:

- From 2013 to 2019, Kitsap County's population grew by about 16,000 people to a total of approximately 270,000. Bainbridge Island's population grew by about 1,300 people or 5.7%, and the City of Bremerton's population grew by about 4,200 or 11%. Bremerton's population increase of 4,200 constitutes 26% of the overall growth in Kitsap County. Port Orchard's population grew by about 6% and Poulsbo's population grew by about 16%.
- A Countywide Planning Policy calls for achieving urban development of 76%, and 72% of the growth in Kitsap County from 2013 to 2019 occurred in urban areas. Between 1995 and 1999, only 43% of the growth occurred in urban areas. It is a positive sign that the county is continuing to urbanize.
- To achieve its growth target, the City's population needs to grow by 12,432 people from 2012 to 2036. Based on permitting data, the City is growing at 136% of its target. By 2036, the City will be well on its way to exceed growth targets. The largest growth occurred in Poulsbo, which is growing at 535% (1,600 people) of its growth target.
- About 37% of the residential development that occurred between 2006 and 2012 was multifamily and 63% was single-family. From 2013 to 2019, about 54% of residential development was multifamily and 46% was single-family. This trend points the City towards more urban development.
- The growth target for commercial development was to acquire over 18,000 jobs by 2036. While the 2013 to 2019 numbers show that the City is falling slightly short of that goal, staff doesn't believe there is any reason to make any substantial changes at this time. From 2013 to 2019, the City's overall employment numbers increased by 14%, which is consistent with other jurisdictions in the County.

Next, **Mr. Jackson** explained the methodology for evaluating the amount of land that is available for development. Developable land includes vacant land, partially-utilized land, and under-utilized land. All critical areas and their buffers are subtracted when calculating the overall land available for development. Deductions are also made for future rights-of-way and capital facilities, and a market factor is also applied. He reported that BERK Consultants completed a market analysis for Kitsap County to establish an appropriate market factor for commercial and residential development, and that this information was applied to the BLR. Lastly, he said that land like tidelands, developed lots, and parks are automatically deducted from the total amount of developable land, too.

Mr. Jackson further reported that the analysis indicates that the City has the ability to absorb the anticipated commercial growth. The remaining target is approximately 13,000 jobs, and the City has the capacity for roughly 18,000. That equates to a surplus capacity of around 4,400 jobs, which is a large percentage of what is expected to happen in the urban areas of Kitsap County.

Chair Wofford asked if it is possible to set aside land for future parks to accommodate the increased demand associated with development. **Mr. Jackson** responded that would be a wider conversation to have with the Mayor and City Council as part of future updates to the Comprehensive Plan.

Director Spencer invited Mr. Jackson to share how the City worked with the developers of Bay Vista through the State Environmental Policy Act (SEPA) process to require public open space and a playground. **Mr. Jackson** reviewed that the Bay Vista Subarea Plan identified Periwinkle Park on Oyster Bay Avenue as the location of a future park, and each developer was expected to pay a fair share of the cost to develop the park. Until recently, the park had a small play area, but the remainder

was debris associated with the grading that occurred during development. Once the residential units were developed, the debris was removed and a paved track around the park was added. Street trees were also planted to screen the area. He concluded that it is possible, via the SEPA process, to require improvements to parks as part of development.

Director Spencer also asked Mr. Jackson to share how staff coordinates with different City Departments when SEPA decisions are made for large projects to get their input and buy-in about needs for public facilities that are commensurate with the impacts of development. **Mr. Jackson** explained that a notice of application is sent to various state, local and tribal agencies, as well as a number of City Departments to make everyone aware of what is being proposed. The goal of the SEPA review is to identify all of the potential impacts of a proposed development and exact an appropriate amount of compensation to mitigate for each of the impacts. **Director Spencer** pointed out that the Eastside Village Plan points out the need for more open space, public gathering spaces, etc., and the Planned Action Environmental Impact Statement (EIS) includes some mitigation measures that require developers to contribute to the development of parks and open space. Through subarea planning, the needs of a specific neighborhood can be identified, and mitigation requirements can be implemented. The Parks and Open Space Plan identifies the preferred locations for parks, and then the SEPA process can be used to require developer contributions to the park projects that have been identified.

Commissioner Coughlin said he was pleased to see that the City has capacity to accommodate the anticipated growth. However, he asked if there are any decisions the City could make that would reduce its capacity to grow as needed. **Director Spencer** said the BLR does not make any judgements. It simply analyzes past projects and makes future projections based on the assumption that the same development trends will continue. Any big changes to land use designations and/or zoning would need to be analyzed via the Comprehensive Plan process to identify the potential impacts on the City's capacity to accommodate growth.

Commissioner Pedersen noted that during his time on the Commission, a number of tweaks have been made to the Development Code and Comprehensive Plan to accommodate urban infill, and the City has been able to exceed its growth goals. He asked if the Growth Management Act allows the City to bank its excess capacity or if it has to start at zero each time there is a new plan. **Director Spencer** answered that the City will get new growth targets, but the excess capacity can be carried over. At this time, the City is ahead of its growth targets, but it is anticipated that the PSRC's Vision 2050 will have even larger growth targets that will need to be allocated to each of the local jurisdictions. The City will have to figure out how to accommodate the larger target numbers when the Comprehensive Plan is updated again in 2024. Because the City recently implemented an infill toolkit, she anticipates the excess capacity is even greater now than when the analysis for the BLR was completed in 2019.

BUSINESS MEETING

Chair Report

Chair Wofford did not have any additional comments.

Director Report

Director Spencer thanked Commissioner Coughlin for representing the Planning Commission when the drive-through code amendments were presented to the City Council. The City Council appreciated hearing the Commission's perspective. She reported that the City Council adopted the proposed amendment, as recommended by the Planning Commission. **Commissioner Coughlin** recalled that the Commission's vote was 5-2 in favor of the proposed amendment, and he tried to share all angles of the Commission's discussion with the City Council.

Director Spencer announced that the 2021 Comprehensive Plan amendments will be presented to the City Council for a study session on October 13th, with a public hearing on October 20th. She said she would appreciate having a Planning Commissioner present at those meetings to share the Commission's perspective on the proposed changes. Commissioner Coughlin accepted the assignment.

Old Business

Commissioner Coughlin reported that he represented the Commission on the Community Renewal Block Grant Project Review Committee. He summarized that the City hosts some fabulous programs. While nothing has been finalized, it is hoped that all of the key programs will be funded. He expressed thanks for the opportunity to be the Commission’s delegate. It was fun to learn about the different non-profit organizations in the City and the services they provide. **Director Spencer** announced that the Community Block Grant recommendations will be presented to the City Council on October 13th and 20th. As a member of the project review committee, he may be invited to speak.

New Business

There was no new business.

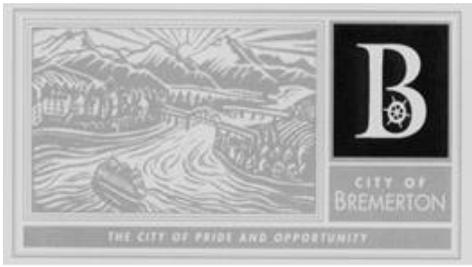
ADJOURNMENT

The meeting was adjourned at 6:10 p.m.

Respectively Submitted by:

Andrea L Spencer, AICP
Executive Secretary

Nick Wofford, Chair
Planning Commission



**DEPARTMENT OF
COMMUNITY DEVELOPMENT**

MEMORANDUM

To: Planning Commission
From: Garrett Jackson, Planning Manager
Date: October 18, 2021
Subject: City's Housing Definitions Workshop

SUMMARY

Recent legislation codified by the State requires the City to reassess the adequacy of our housing definitions for conformance with State requirements. This workshop will introduce those pieces of legislation and provide a selection of housing definitions that regulate our jurisdiction.

ORDERS OF THE DAY

No action will be taken at this workshop, however, this review will lead to potential zoning code and comprehensive plan amendments to be presented at a later workshop. While only certain definitions are included in the attachment to this report, standards from other chapters in Title 20 may also be considered for revision in future workshops.

ATTACHMENTS

Attached you will find a selection of City definitions related to housing, all of these definitions are found in [BMC 20.42](#). It is likely that additional definitions will be revised and/or added in order to ensure compliance with the State, however, these initial terms provide examples of what will be reviewed for potential updates.

STAFF ANALYSIS

There are three pieces of legislation that will be covered in this report, though additional examples and case law will be presented at the workshop. Two pieces of legislation, E2SHB 1220 and ESSB 5235, both became law earlier this year in Washington State. The third, the Fair Housing Act is a federal law that was most recently amended in 1988 and prohibits discrimination in housing.

E2SHB 1220

Titled, *Emergency Shelters and Housing, Local Planning and Development* [E2SHB 1220](#) became effective July 25th, 2021. This legislation contains requirements for the housing elements of comprehensive plans, however, with this workshop we will focus on the zoning code as aspects of the bill. Essentially, the legislation requires that a city shall not prohibit *Transitional Housing* or *Permanent Supportive Housing* in any zones in which residential dwelling units or hotels are allowed. The bill also dictates that a city shall not prohibit indoor *Emergency Shelters* and indoor *Emergency Housing* in any zones in which hotels are allowed. The following provide definitions for those specific terms.

- "Emergency Housing" means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement (E2SHB 1220).
- "Emergency shelter" means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations (E2SHB 1220).
- "Permanent Supportive Housing" means subsidized, leased housing with no limit on length of stay, paired with on-site or off-site voluntary services designed to support a person living with a disability to be a successful tenant in a housing arrangement, improve the resident's health status, and connect residents of the housing with community-based health care, treatment, and employment services (RCW 36.70A.030).
- "Transitional housing" means a project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living (RCW 84.36.043(2)(c)).

Prohibitions are only authorized for cities that adopt an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within a one-mile proximity to transit. Additional measures to regulate placement are permitted for spacing of facilities and intensity of use requirements.

ESSB 5235

Titled, *Housing Unit Inventory, Removing Limits* [ESSB 5235](#) became effective July 25th, 2021. The legislation is intended to prohibit the number of unrelated people who may occupy a dwelling unit. This prohibition excludes group quarters regulated under state law, short-term

rentals, and other applicable standards based on health/safety provisions as established by applicable building code or city ordinance.

FAIR HOUSING ACT

The [Fair Housing Act](#) protects people from discrimination when they are renting or buying a home, getting a mortgage, and seeking housing assistance. The act covers discrimination based on race, color, national origin, religion, sex, familial status, and disability. In terms of discriminatory zoning ordinances, this most often relates to group homes that may house a variety of people, including those recovering from drug and alcohol abuse. Per the [Americans with Disabilities Act](#), those recovering from drug and alcohol abuse are considered to have a disability, and therefore cannot be denied housing based on this disability per the Fair Housing Act. In practice this means that zoning requirements, with exception, cannot be applied to a protected class that would not otherwise be applied to the remainder of the population.

CONCLUSION

In order to comply with State requirements, revisions to the zoning code and other plans will need to be considered. This workshop will provide the first step in that progression, by ensuring an understanding of relevant federal and state laws that will guide potential code amendments. The presentation will also include further examples for the Commission to consider.

Definitions, Bremerton Municipal Code (BMC) 20.42

"Adult family home" means a residential home in which a person or persons provide personal care, special care, room, and board to more than one (1) but not more than six (6) adults who are not related by blood or marriage to the person or persons providing the services; provided, however, any limitation on the number of residents resulting from this definition shall not be applied if it prohibits the City from making reasonable accommodations to disabled persons in order to afford such persons equal opportunity to use and enjoy a dwelling as required by the Fair Housing Amendments Act of 1988, 42 U.S.C. 3604(f)(3)(b).

"Dwelling unit" means a living space or combination of rooms designed to provide independent year-round living facilities for one (1) family or household, constructed to the minimum standards of the IBC or HUD Code, and with provisions for sleeping, eating and sanitation.

"Group residential" means a place of residence for persons with physical, developmental or mental disabilities, homeless or otherwise dependent persons (not including dormitories), typically with shared living quarters without separate kitchen facilities for each room or unit. Group homes are intended to provide residential facilities in a home-like environment. Such homes range from licensed establishments operated with twenty-four (24) hour supervision to nonlicensed facilities offering only shelter. This classification includes group care residence for those whose permanent residence is the group residential facility. It does not include transient lodging. This definition shall not be construed to include crisis care facilities or detoxification centers. Group residential facilities are categorized as follows:

(1) "Group residential home" means a residential home in which a person or persons provide personal care, special care, room, and board to more than one (1) but not more than six (6) children and/or adults who are not related by blood or marriage to the person or persons providing the services; provided, however, any limitation on the number of residents resulting from this definition shall not be applied if it prohibits the City from making reasonable accommodations to disabled persons in order to afford such persons equal opportunity to use and enjoy a dwelling as required by the Fair Housing Amendments Act of 1988, [42 U.S.C. 3604\(f\)\(3\)\(B\)](#).

(2) "Group residential facility - Class I (assisted living)" means a group care residence for seven (7) or more children and/or adults who for various reasons cannot reside in their natural homes; and/or for persons who have severe chronic disabilities or physical handicaps that cause substantial functional limitations. This facility may provide physical therapy and training in social skills. It does not include facilities to which persons are assigned as a result of criminal conviction or those where residents, individually or by their legal guardians, are not free to terminate their residency at will.

(3) "Group residential facility - Class II" means a group care residence for juvenile delinquents, persons serving a sentence in lieu of confinement, persons needing correctional or mental rehabilitation, or persons needing rehabilitation and

treatment for social and/or family problems, drug or alcohol addiction, or abuse. This definition includes programs providing alternatives to imprisonment; transition back into the community including prerelease, work-release, probationary programs that are under the supervision of a court, state, or local agency and for housing of sexually violent predators as defined in RCW [71.09.020](#)(18). Teaching of work or social skills may be provided in this class facility but it does not include drug or alcohol detoxification centers.

"Household" means all persons, regardless of age, sex, or family relationships, that reside as a single unit in a dwelling intended for single household occupancy. Such group quarter facilities as dormitories, boarding houses, nursing homes or similar accommodations typically do not provide facilities for households.