

(DRAFT) AGENDA
Regular Meeting – Bremerton Planning Commission
(Subject to PC approval)
November 18, 2024
5:30 P.M.
345 6th Street, Bremerton
First Floor Chambers

Zoom Meeting Option

<https://us02web.zoom.us/j/89651517986?pwd=b0dnVVhvSmd5KzFGL0ljS1NwVjJ3dz09>

Webinar ID: 896 5151 7986

Password: 948868

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US (Tacoma)

I. CALL TO ORDER

II. ROLL CALL

III. ELECTION OF OFFICERS FOR 2025

IV. APPROVAL OF THE AGENDA

V. APPROVAL OF MINUTES: October 21, 2024

VI. PUBLIC MEETING

A. Call to the Public: In-person public comments on any item not on tonight’s agenda.

B. Public Workshop:

1. 2024 Comprehensive Plan, Draft Environmental Impact Statement (DEIS)

C. Public Hearing:

1. Zoning Code Amendments, Permit Processes

D. Public Workshop:

1. Zoning Code Amendments, BMC Title 20 Housing Regulations

VII. BUSINESS MEETING

A. Chair Report: Nick Wofford

B. Director’s Report: Andrea Spencer

C. Old Business:

D. New Business:

VIII. ADJOURNMENT: The next regular meeting of the Planning Commission will be held on December 16, 2024.

DRAFT

CITY OF BREMERTON

PLANNING COMMISSION MINUTES OF REGULAR MEETING October 21, 2024

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 Browning
Commissioner Coviello
Commissioner Steben

Staff Present

Garrett Jackson, Planning Manager, Department of Community Development
Sharon Schwartz, Project Assistant, Department of Community Development

Commissioners Excused

Commissioner Pedersen

Commissioners Absent

Commissioner Paauw

Quorum Confirmed

CHAIR CALL FOR MODIFICATIONS TO AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

COMMISSIONER COVIELLO MOVED TO APPROVE THE PLANNING COMMISSION MEETING MINUTES OF SEPTEMBER 16, 2024, AS PRESENTED; VICE COMMISSIONER TIFT SECONDED THE MOTION, WHICH CARRIED WITH FOUR AYES (BROWNING, COVIELLO, TIFT AND WOFFORD) AND ONE ABSTENTION (STEBEN).

PUBLIC MEETING

Call to the Public (public comments on any item not on the agenda)

None.

PUBLIC WORKSHOP:

2024 Comprehensive Plan; Draft Environmental Impact Statement (DEIS) – A Power Point presentation was provided by Department of Community Development Planning Manager Garrett Jackson.

During Mr. Jackson's presentation he discussed the Draft Environmental Impact Statement (DEIS) for the 2024 Comprehensive Plan updates. Updates noted were related to population and job growth to the year 2044 in concert with the State's Growth Management Act (GMA) and regional planning requirements, and highlighted Alternatives 1, 2 and 3 in the plan. The DEIS public comment period is from October 18 through December 2, 2024, and a postcard has gone out to all residents and businesses in the city.

Chair Wofford opened the Public Workshop to receive testimony from the public. No comments were received.

Questions and comments were offered by Planning Commissioners Tift, Coviello and Browning with responses provided by Garrett Jackson.

Zoning Code Amendments, BMC 20.02 Project Permits – A Power Point presentation was provided by Department of Community Development Planning Manager Garrett Jackson.

During Mr. Jackson's presentation he provided an overview of the State requirements for permitting procedures. This includes GMA RCW 36.70A.020, processing permit applications in a timely and fair manner, and Local Project Review Act (LPRA)(RCW 36.70B), the statewide framework for local government land use and planning review and development permitting. SB 5290 revised LPRA in 2023 recommending shorter maximum review times and other efficiency measures.

Chair Wofford opened the Public Workshop to receive testimony from the public. No comments were received.

Questions and comments were offered by Planning Commissioners Coviello, Tift and Browning with responses provided by Garrett Jackson.

BUSINESS MEETING

Chair Report

Chair Wofford No report.

Director Report

Garrett Jackson, on behalf of Andrea Spencer announced that the Bay Bowl on lower Wheaton Way started the demolition process today, with a proposed 187 residential unit building to be put in its place. Announced Commissioner Jack Paauw to the Planning Commission and noted his over 30 years of development experience.

Old Business

Commissioner Coviello noted someone approaching him about purchasing two empty lots in his neighborhood but was no longer going to move forward because of the parking ratio requirements. A response was provided by Garrett Jackson.

New Business

None.

ADJOURNMENT

The meeting was adjourned at 6:20 p.m.

Respectively Submitted by:

Garrett Jackson for Andrea L Spencer, AICP
Executive Secretary

Nick Wofford, Chair
Planning Commission

DRAFT

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

AGENDA TITLE:	Public Workshop for Comprehensive Plan Update Draft Environmental Impact Statement (DEIS).
DEPARTMENT:	Community Development
PRESENTED BY:	Garrett Jackson, Planning Manager; (360) 473.5289

MEETING PURPOSE

As part of the ongoing 2024 Comprehensive Plan Update, this workshop is intended to provide the public and Planning Commission with an opportunity to comment on the 2024 Comprehensive Plan Draft Environmental Impact Statement (DEIS). The DEIS was released October 18, 2024, the comment period will close December 2, 2024, and the document is available on the City webpage Bremerton2044.com.

PROJECT OVERVIEW

“Bremerton2044” is the title of the City of Bremerton’s Comprehensive Plan Update, which focuses on evaluating which aspects of the plan are working and what needs to be adjusted. The update is required by the Washington State Growth Management Act (GMA) in order to demonstrate that Bremerton has the capacity to absorb population and employment increases forecasted to the year 2044. Population estimates indicate that the City will grow to 63,757 persons and 58,258 jobs by 2044. As the US Census Bureau estimates that Bremerton’s population was 43,505 with 44,083 jobs in 2020, this means the City is forecasted to increase its population by over 46%, with a 32% increase in the number of jobs. The Comprehensive Plan must also be consistent with regional planning goals established in the Puget Sound Regional Council’s (PRSC) [Vision 2050](#) and County level planning efforts per the Kitsap Regional Coordinating Council (KRCC) [Countywide Planning Policies](#). The overarching principles and general concepts within the 2016 Comprehensive Plan continue to be applicable, however, some alterations are necessary to reflect changes in State and regional planning standards and to ensure that the document still represents the community.

BACKGROUND

A nonproject EIS is a high-level planning exercise where no actual development is proposed for construction, but is required per the State Environmental Policy Act (SEPA). The EIS process is a tool for identifying and analyzing probable adverse environmental impacts/mitigation that may occur as a result of implementing certain proposals. The public was first invited to comment on the DEIS at the [October 21, 2024](#) Planning Commission meeting.

WHAT ALTERNATIVES WILL BE STUDIED?

The Draft Environmental Impact Statement (EIS) studies three land use and growth alternatives that include a No Action and two Action alternatives for the City. Each alternative analyzes whether the City has capacity to absorb the 63,757 persons and 58,258 jobs forecast for the year 2044.

1. Alternative 1, No Action – This alternative models growth that would be permitted under our current zoning code, and determines that the existing zoning code does not have capacity to absorb forecasted jobs and population growth.
2. Alternative 2, Centers Development Method – This proposal follows the Comprehensive Plan Update Growth Strategy to increase density in the Downtown Regional Center and other existing commercial areas; please view the [following video](#) for a complete description.
3. Alternative 3, Citywide Growth Pattern Method – This alternative incorporates all of the proposals within Alternative 2 but also includes some applicant requests for zoning changes that may not be consistent with the Centers approach to growth.

WHAT TOPICS WILL BE EVALUATED?

The environmental elements that will be evaluated with the proposal included, but are not limited to: the natural environment, air quality, transportation, and utilities. Per SEPA process requirements, the EIS will evaluate the probable significant environmental impacts that could result from the EIS alternatives, and will identify appropriate mitigation measures. Direct, indirect, and cumulative impacts associated with the range of alternatives will be assessed.

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

AGENDA TITLE:	Public Hearing on Zoning Code Amendments to revise permit processes for conform with Washington State SB 5290 requirements.
DEPARTMENT:	Community Development
PRESENTED BY:	Garrett Jackson, Planning Manager, (360) 473.5289

SUMMARY

The Planning Commission will consider proposed changes to Bremerton Municipal Code (BMC) 20.02 Project Permits, 20.46 Special Development Standards, 20.58 Land Use Permits, 20.60 Low Density Residential, 20.78 Medium Density Residential, 20.79 High Density Residential, and provide a recommendation on the proposed changes to City Council. City Council will make the final decision before any proposal becomes City code.

ATTACHMENTS

- Attachment I: Bremerton Municipal Code, Permit Processing Code Update (various sections)
- Attachment II: Planning Commission’s Findings and Conclusions

STAFF RECOMMENDED MOTION:

Move to recommend the City Council adopt the text amendments to Bremerton Municipal Code Chapter 20.46 as detailed in Attachment I, based upon the staff report and the Findings and Conclusions presented in Attachment II.

BACKGROUND

The Washington State [Local Project Review Act](#) (LPRA) was revised in 2023 per [Senate Bill 5290](#), and requires jurisdictions to implement additional measures intended to accelerate the permit decision process. As relayed at the [October 21, 2024 Planning Commission Workshop](#), efficient permit processing is a goal of the Washington State Growth Management Act (GMA), and accordingly the City has adopted Comprehensive Plan policies encouraging effective permit procedures; please see the October Planning Commission packet for additional information. Attachment I provides the Planning Commission with revised code sections to consider in legislative markup, where all proposed deletions are ~~crossed through~~ and all proposed new code language is underlined. The following provides details on proposed Zoning Code Amendments related to conformance with the Washington State Local Project Review Act.

PROPOSED ZONING CODE AMENDMENTS

The proposed amendments can be separated into the following 3 general categories:

1. Permit Process Updates. Per SB 5290, BMC 20.02 Project Permits is required to be updated to alter the number of days the City has to issue a permit decision. Currently code requires the City to issue a decision within 120 days, which will transition to the following with this code update:
 - 65 Days. For project permits that do not require public notice under RCW 36.70B.110, a local government must issue a final decision within 65 days of the determination of completeness under RCW 36.70B.070.
 - 100 Days. For project permits that require public notice under RCW 36.70B.110, a local government must issue a final decision within 100 days of the determination of completeness under RCW 36.70B.070.
 - 170 Days. For project permits that require public notice under RCW 36.70B.110 and a public hearing, a local government must issue a final decision within 170 days of the determination of completeness under RCW 36.70B.070.
2. Increased Permit Efficiencies. Per SB 5290, permits not meeting adopted permit timelines may be entitled to a permit refund of 10-20% of permit fees if the new time periods are not met. To avoid negative impacts to the budget, and increased permit processing time, RCW 36.70B.160 allows an alternative to issuing refunds that requires the City to adopt additional measures to increase permit efficiency. The following provides a complete list of all State recognized permit processes meant to increase efficiency, with the City required to choose a minimum of 3 of these options.

Recommended for Adoption. The following three measures are proposed for adoption to meet minimum State requirements. Unlike the options which were not selected that relate to administrative processes, each of the selected options are development regulations:

- Presubmittal Application Conference (BMC 20.02.050). Currently, more complex permit types are required to participate in a Presubmittal Conference. The proposal would transition this permit to optional.
- Public Hearings (Various code sections). All permits that are not required by State statute to have a public hearing would transition to permits that are administratively

reviewed. The permit types below are proposed to transition from potential Type III permits (requiring a public hearing) to Type II permits which maintains a public comment period and appeal rights for any person providing comments during that public comment period. It is important to note that the criteria for approving these application types is not proposed to change with this code update, only minor changes to ensure conformance with SB 5290. With one exception, there has not been a Type III permit for any of these application types within the last 5-year period, so the impacts are anticipated to be minimal. The single exception being a Residential Cluster Development subdivision where 9 units of affordable housing was proposed (Permit #BP21 00026); in this case the Director elevated the permit to a Type III public hearing based on concerns received from the public.

Adaptive Reuse of Commercial Buildings (BMC 20.46.070). This code section is meant to provide opportunities for reusing commercial buildings located in residential zones that are structurally sound with new uses to extend their economic life.

Mineral Resource Overlay (BMC 20.46.080). The intent of this section is to protect mining of sand, gravel, and rock deposits so that they may be utilized in the future, while safeguarding life, property, and the public welfare.

Temporary Encampment Permit (BMC 20.46.090). This section establishes reasonable development standards for outdoor temporary encampments. While these permits are generally Type I decisions, there is currently a Type III permit required for sites wishing to extend services for a period of 3-years.

Wireless Communication Facilities (BMC 20.46.140). The section regulates the placement, construction, modification and removal of Wireless Communication Facilities (also commonly known as cell towers).

Conditional Use Permits (BMC 20.58.020). While all permits have conditions they must meet in order to meet adopted City regulations, a “Conditional Use Permit” is a specific permit type that allows the Director to add mitigation that is not specifically identified in the code.

Variance (BMC 20.58.030). This permit type is a mechanism that allows the provisions of BMC Title 20 to be varied on a case-by-case basis in cases where a property presents an unreasonable hardship due to physical characteristics of the site.

Residential Cluster Development (BMC 20.58.060). The provision of this section allows greater flexibility in the design of subdivisions to ensure retention of onsite critical areas and open space.

Affordable Housing Bonus (BMC 20.58.100). This permit process provides a density bonus of up to 50% for projects completely composed affordable housing.

- *Permitted Housing Uses (BMC 20.60, BMC 20.78, BMC 20.79)*. There are a number of housing types that currently require a Conditional Use Permit per BMC 20.58.020; these housing types would be transitioned to outright permitted uses while retaining development regulations specific to their housing type. It is important to note that the criteria for approving these application types is not proposed to change with this code update, only minor changes to permit processing to ensure conformance with SB 5290. Illustrated examples of each development type will be provided with the November 18th presentation.

Cottage Housing (BMC 20.46.170). This development type includes small homes (not larger than 1,200 square feet) that are centralized around a common open space area. Currently development of more than 3 Cottage Homes requires a Conditional Use Permit.

Group Residential Class I (BMC 20.46.180). This development types means a group care residence for seven or more children and/or adults who for various reasons cannot reside in their natural home.

Senior Housing Complex (BMC 20.46.190). This development type is a planned residential community, intended and operated for occupancy by senior citizens and can include a variety of housing types including apartments.

Manufactured Home Park (BMC 20.46.200). This development type includes a number of manufactured homes located on a single lot, exempt from subdivision requirements per RCW 58.17.040.

Additional Measures. Below are other measures the State identifies for increased permit efficiency. While these administrative measures are not recommended for adoption at this time, the Department of Community Development will continue to internally evaluate incorporation of these measures in the future.

- Expedited Review Process. The State encourages an alternate expedited permit process be available to applicants. While this option may be implemented, codification of an expedited process is not recommended as staffing levels, consultant availability, and other contributing factors could potentially limit the City's ability to meet an expedited review timeline.
- Reasonable Fees. The State recommends permit cost exclusively cover the costs processing permit applications, and that the fees imposed may not include a fee for the cost of processing administrative appeals. While the City of Bremerton typically has the least expensive permit application fees in Kitsap County, demonstrating to the State that costs are "reasonable" is a subjective and undefined process that may lead to additional/unneeded bureaucracy.
- Interlocal Agreement. Entering into an interlocal agreement with another jurisdiction to share permitting staff and resources. An interlocal agreement may take significant time to negotiate and implement. Staff from other jurisdictions would also require significant amounts of training and oversight to ensure conformance with Bremerton code requirements.
- On-call Permit Assistance. Budgeting for on-call permitting assistance for when permit volumes or staffing levels change rapidly. While this option is also available, Staff from on-call agencies would also require significant amounts of training and oversight to ensure conformance with Bremerton code requirements. Potential lack of budget could also lead to not including this provision.
- New Budgeted Positions. The State offers an option to add new budgeted positions that are contingent on increased permit revenue. On an annual basis, the Department of Community Development analyzes the number of employees need to complete submitted permits against the resources available to hire new employees. As this analysis is updated on a yearly basis, and contingent on sufficient budget being available, it seems inappropriate to utilize this provision.

- Self-Certification. This option would permit outside professionals with appropriate professional licenses to certify components of applications consistent with their license. This may be an option for the City to consider in the future, however, appropriate research on *best practices* and potential negative consequences would need to be explored before further considering this change.
- Applicant Meeting. This process encourages that the City attempt to resolve outstanding issues during the review process. A meeting must be scheduled within 14 days of a second request for corrections during permit review. If the meeting cannot resolve the issues and a local government proceeds with a third request for additional information or corrections, the local government must approve or deny the application upon receiving the additional information or corrections. This option is generally consistent with suggested code revisions per BMC 20.02.130(a)(1), however, the State would also require to City to remove all application fees for appeals if this option was utilized. This may lead to an increase in frivolous appeals that would greatly increase permit timelines.

3. Additional Measures and Housing Cleaning.

- Design Review Board. The Design Review process currently includes two public meetings, and additionally the eventual Building Permit requires an additional public comment period and opportunity to appeal. This creates an unpredictable permitting process, where a developer may not know if their project is feasible until submitting the Building Permit, which is often the last permit required in a lengthy process.
- Applicant Response Time. To ensure a timely permit process, the Planning Commission should consider recommending that the City Council alter existing codified applicant response times. Existing code allows 90 days for the applicant to respond to City requests for additional information, and the proposed code recommends revising that time limit to 60 days. If the applicant either refuses in writing or does not submit the required information within the time limits, applications would expire.
- Informational Signage. While the State is encouraging streamlining the permit process, DCD staff has received comments encouraging the use of informational signs as a tool to ensure the public stays informed on new development occurring in their vicinity. These signs would contain information about the project, and contact information for any questions, but would not include a formal public comment period. The intent of these signs would be to raise public awareness, not increase barriers to development by increasing permit requirements.

SUMMARY:

Staff believes that these revisions reflect the discussion by the Planning Commission at the previous workshop, and conform with the Comprehensive Plan. The proposed amendments address Senate Bill 5290 alterations to the Washington State Local Project Review Act (LPRA).

STAFF RECOMMENDATION:

Staff recommends that Planning Commission review the materials provided, conduct a Public Hearing, consider testimony and move to recommend the proposed amendments to the City Council for adoption.

Chapter 20.02 PROJECT PERMITS

20.02.010 PURPOSE AND INTENT.

(a) Fundamental land use planning choices made in adopted Comprehensive Plans and development regulations shall serve as the foundation for project review. This chapter establishes how the City of Bremerton will process applications for project permits.

(b) These procedures provide for an effective processing and review of permits consistent with Chapter [36.70B](#) RCW. This chapter is applied in conjunction with Chapter [2.13](#) BMC (Administrative Hearing Examiner); Chapter [17.04](#) BMC (City Building Code); Chapter [20.04](#) BMC (State Environmental Policy Act); Chapter [20.12](#) BMC (Land Division); BMC Title [20](#), Division III; the Bremerton Shoreline Master Program; Chapter [20.14](#) BMC (Critical Areas); and other applicable codes making reference to this chapter. (Ord. 5301 §3 (Exh. B) (part), 2016: Ord. 5301 §3 (Exh. B) (part), 2016: Ord. 5091 §2 (part), 2009: Ord. 4938 §3 (part), 2005)

20.02.020 DEFINITIONS.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

"City" means the City of Bremerton.

"Closed-record appeal" means an administrative appeal on the record on a project permit application following an open-record hearing with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.

"Days" means calendar days.

"Department" means Department of Community Development.

"Director" means the Director of the Department of Community Development of the City of Bremerton or his/her designee.

"Hearing body" means the City Council, Hearing Examiner or any other body designated by the City Council to preside over an open-record hearing or closed-record appeal.

"Hearing examiner" means the Administrative Hearing Examiner pursuant to Chapter [2.13](#) BMC.

"Open-record appeal hearing" means an open-record hearing held on an appeal when no open-record predecision hearing has been held on the project permit application.

"Open-record hearing" means a hearing that creates the City's record through testimony and submission of evidence and information, under procedures prescribed by the City by ordinance or resolution. An open-record hearing held prior to the City's decision shall be known as an "open-record predecision hearing."

"Parties of record" means:

- (1) The applicant;
- (2) The property tax payer as identified by the records available from the Kitsap County Assessor's Office;
- (3) Any person who testified at the open-record public hearing on the application; and/or
- (4) Any person who submitted written comments during administrative review public comment period or has submitted written comments concerning the application at the open-record public hearing (excluding persons who have only signed petitions or mechanically produced form letters).

"Project permit" or "project permit application" means any land use or environmental permit or license required from the City of Bremerton for a project action, including but not limited to ~~building permits, site development permits,~~ land use preparation permits, subdivisions, binding site plans, ~~planned unit developments,~~ conditional uses, shoreline substantial development permits, ~~development plan review,~~ site-specific rezones authorized by the Comprehensive Plan, but excluding adoption or amendment of the Comprehensive Plan and development regulations, zoning of newly annexed land, area-wide rezones, and zoning map amendments except as otherwise specifically included in this subsection.

"Public meeting" means an informal meeting, hearing, workshop, or other public gathering of persons to obtain comments from the public or other agencies on a proposed project permit prior to the City's decision. A public meeting may include, but is not limited to, a design review meeting, a special committee meeting, ~~such as the short subdivision committee,~~ or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open-record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the City's project permit application file.

"SEPA" means the State Environmental Policy Act and includes the provisions of Chapter [43.21C](#) RCW, Chapter [197-11](#) WAC and Chapter [20.04](#) BMC.

"Stand alone nonproject SEPA" means a nonexempt proposal involving a decision on policies, plans, or programs that requires SEPA review and that is not associated with the Comprehensive Plan, development regulations, or area-wide rezones subject to Chapter [20.10](#) BMC, Chapter [20.18](#) BMC, and BMC [20.58.050](#), respectively. (Ord. 5301 §3 (Exh. B) (part), 2016: Ord. 5091 §2 (part), 2009: Ord. 4938 §3 (part), 2005)

20.02.030 GENERAL PROVISIONS.

(a) General Exemptions. The following permits or approvals are exempt from the procedures set forth in this chapter:

- (1) Landmark designations;
- (2) Street vacations;
- (3) Right-of-way/street use permits;
- (4) Permits or approvals relating to the use of public areas or facilities;
- (5) Permits or approvals involving the location or development of essential public facilities or utilities;
- (6) Project permits not listed in this chapter which are categorically exempt from SEPA;
- (7) Legislative actions such as the adoption of or amendments to the Comprehensive Plan, subarea plans, area-wide map amendments, and development regulations. Such legislative actions are addressed in Chapters [20.10](#) and [20.18](#) BMC and BMC [20.58.050](#).

(b) **Applicable Procedures.** The Director shall determine the proper procedure for the processing of each project permit application pursuant to the provisions of this chapter. Disputes shall be resolved in favor of the higher category. Type I is considered the lowest and Type IV is the highest.

(c) **Standard Consistency.** The City reviews proposals for consistency to applicable development regulations and the Comprehensive Plan. This determination includes consideration of the following:

- (1) The type of land use permitted, including uses that may be permitted under certain circumstances, provided the criteria for their approval is satisfied;
- (2) The density of development allowed such as units per acre or other measures of density;
- (3) Availability and adequacy of infrastructure, which includes public facilities and services identified in the Comprehensive Plan; and
- (4) Characteristics of the development such as development design standards.

(d) **Conflict with Other Regulations.** When any provisions of this chapter conflict with provisions of other City regulations, ordinances or resolutions, the more restrictive shall apply.

(e) **Severability.** If any part or provision of this chapter or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operations to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances.

(f) General Notice Requirements. The available records of the Kitsap County Assessor's Office shall be used to determine the property taxpayer of record. All notices shall be deemed to have been provided or received on the date the notice is deposited in the mail or personally delivered, whichever occurs first. Failure to provide the public notice as described in this chapter shall not be grounds for invalidation of a decision on a permit.

(g) Optional Public Notice. In addition to required public notice, the City may provide notice to other individuals or organizations interested or possibly affected by the proposal. Failure to provide optional public notice shall not be grounds for invalidation of a decision on a permit.

(h) Application Submittals. The City's online portal acts as the application for project permits. Required application content is provided in the City's handouts/forms which are used to supplement Municipal Code. Submittal requirements for a complete application are provided in the forms and handouts which identify the types of reports, documents, and information necessary.

(Ord. 5301 §3 (Exh. B) (part), 2016: Ord. 5091 §2 (part), 2009: Ord. 4938 §3 (part), 2005)

20.02.040 PROJECT PERMIT PROCESSING PROCEDURES.

Project permit applications are categorized as Type I, Type II, Type III or Type IV project permits. Permit processing procedures may include determination of completeness, notice of application, notice of public hearing and notice of decision. Applicable procedures for the processing of permits are pursuant to the following provisions:

(a) Type I Project Permits. These are administrative decisions by the Director who may approve, conditionally approve or deny the application. They include permits categorically exempt from SEPA review or that have had SEPA review previously completed in connection with another application or permit. Type I project permit processing procedures are set forth in Table 040. Examples of Type I permits include administrative code interpretations, building/construction/demolition permits (SEPA exempt), final ~~short~~ subdivisions, permit revocations, etc.

(b) Type II Project Permit. These are administrative decisions by the Director with limited public notice. The Director has the authority to approve, conditionally approve or deny the application. Type II project permit processing procedures are set forth in Table 040. Examples of Type II permits include administrative conditional use permits, short plats/binding site plans, site plan review (requiring SEPA), building/construction/demolition permits (requiring SEPA), stand alone nonproject SEPA, etc.

(c) Type III Project Permit. These are Hearing Examiner decisions. The Hearing Examiner may approve, conditionally approve, or deny the application. Type III project permit processing procedures are set forth in Table 040. Examples of Type III permits

include nonadministrative conditional use permits, preliminary formal subdivisions, variances, etc.

(d) Type IV Project Permit. These are decisions by the City Council after a closed-record hearing. The City Council may approve, conditionally approve, modify and approve or deny the application. Type IV project permit processing procedures are set forth in Table 040. Examples of Type IV permits include site-specific rezones, development agreements, vacation of subdivisions, etc.

(e) Table 040 Permit Processing Procedures.

Application Type	Determination of Completeness	Notice of Application	Notice of Hearing	Notice of Decision
Type I Permit	No	No	No	No
Type II Permit	Yes	Yes	No	Yes
Type III Permit	Yes	Yes	Yes	Yes
Type IV Permit	Yes	Yes	Yes	Yes
Development Agreement	No	No	Yes	Yes
Final Subdivision ¹	No	No	No	No
Site Specific Rezone ²	Yes	Yes	Yes	Yes
Stand Alone Nonproject SEPA	No	No	No	No

1 The Hearing Examiner holds an open-record hearing for preliminary approval. The Director makes the final administrative decision.

2 The Hearing Examiner holds an open-record hearing. The City Council holds a closed-record hearing for final approval.

(Ord. 5345 §2, 2018; Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 5091 §2 (part), 2009; Ord. 4938 §3 (part), 2005)

20.02.050 PRESUBMITTAL APPLICATION CONFERENCE.

(a) Purpose. The purpose of the pre-application conference is to acquaint the applicant with the review procedures and applicable Bremerton Municipal Code provisions to the proposal. ~~Type II, III and IV permits require a presubmittal application conference prior to submitting an application. Anyone choosing the consolidated permit~~

~~process set forth in BMC [20.02.060](#) also requires a presubmittal application conference. Presubmittal application meetings are encouraged; Only one (1) a single meeting is required may be scheduled for all project permit applications related to the same project action.~~

~~(b) Waiver. The Director may waive the requirement for a presubmittal application conference when a proposal is determined not to be of a size and complexity to require a detailed analysis.~~

(eb) Submission. Presubmittal application conferences may be held at any time before an application is submitted. A completed form and related information in sufficient number of copies as determined by the Director are required. The information does not need to meet the submission requirement set forth in BMC [20.02.060](#).

(dc) Timeline. The City shall hold the presubmittal application conference within thirty (30) days of the receipt of a completed request, unless the applicant agrees to an extension of this time in writing.

(ed) Nonbinding. The presubmittal application conference is not intended to be an exhaustive review of all potential issues and the discussions shall not be binding or prohibit the enforcement of applicable laws. Failure to provide all pertinent information may prevent the City from identifying all of the issues or providing the most effective presubmittal application conference.

~~(e) Lapse of Time. If a time lapse of more than one (1) year occurs between a presubmittal application conference and the submission for permits, or if the Director determines the scope of the project has changed significantly from the presubmittal application conference, a new conference may be required. (Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 5091 §2 (part), 2009)~~

20.02.060 SUBMISSION REQUIREMENTS.

(a) Application Contents. An application submitted to the Department shall be in a manner determined by the Director. Unless specified otherwise, an application shall at least include the following:

- (1) A completed application form;
- (2) A legal description of the property and associated tax account number(s);
- (3) A vicinity map showing the location of the property including surrounding major streets, shorelines and other reference points;
- (4) A site plan;
- (5) When required, mailing labels containing the names and addresses of all owners of record of parcels within the notification radius;
- (6) When required, SEPA checklist and/or other environmental documentation;

(7) Additional information required by the Director to support a decision on the application(s), such as Notice to Title, easements, or other legal documents to verify ownership;

(8) The application fee(s) for the permit(s) requested as set forth in Chapter 3.01 BMC or by other applicable rule or regulation. (Ord. 5301 §3 (Exh. B) (part), 2016: Ord. 5091 §2 (part), 2009: Ord. 4938 §3 (part), 2005. Formerly 20.02.050)

20.02.070 VESTING.

A project permit application shall vest in the land use regulations in effect on the land at the time of submission of a completed project permit application as defined herein and all application fees are paid. (Ord. 5301 §3 (Exh. B) (part), 2016: Ord. 5091 §2 (part), 2009: Ord. 4938 §3 (part), 2005. Formerly 20.02.060)

20.02.080 OPTIONAL CONSOLIDATED PERMITTING PROCESS.

(a) An application which involves two (2) or more permits or procedures may have the processes consolidated under the highest project permit classification and procedures. A request for concurrent review combining different application types will calculate review times based on the longest review time of all concurrent applications. The applicant shall request if they want their permit processes consolidated or if they want each permit processed individually.

(b) If a project involving two (2) or more permits has the permits processed individually, the highest project permit classification and procedures shall be finalized before subsequent permits can be issued. The Director may waive this requirement for permits not dependent on the higher classification of permit for their justification or implementation.

(c) If applicable, a single open-record hearing and no more than one (1) closed-record appeal shall be provided on a consolidated review process. The consolidated process may combine an open-record hearing on one (1) or more permits with an open-record appeal hearing on the other permits. (Ord. 5301 §3 (Exh. B) (part), 2016: Ord. 5091 §2 (part), 2009: Ord. 4938 §3 (part), 2005. Formerly 20.02.070)

20.02.090 DETERMINATION OF COMPLETENESS.

When review procedures require a determination of completeness, the following shall apply:

(a) Determination. Within twenty-eight (28) days of accepting the application, the Department shall provide a written determination to the applicant, stating that:

(1) The application is complete; or

(2) The submission requirements have not been met, and outlining application is incomplete and what is necessary to make the application complete.

To the extent known, the City shall identify other agencies of local, state or federal governments that may have jurisdiction over some aspect of the application.

(b) Failure to Notify. Failure to provide a written determination within the required time shall automatically deem the application complete.

(c) Processing. A complete application meets the submission requirements set forth in BMC [20.02.060](#) and is sufficient for continued processing. The determination of completeness shall not preclude the City from requesting additional information or studies either at the time of the notice or subsequently if new information is required or substantial changes in the proposed action occur. Should additional information be requested, the applicant shall have sixty (60) ~~ninety (90)~~ days from the date notified to submit the requested materials. Should the materials not be submitted within the time limits, the application shall ~~lapse~~ expire.

(d) Incomplete Application. An incomplete application shall have sixty (60) ~~ninety (90)~~ days from the date of the written determination in subsection (a)(2) of this section for the necessary information to be submitted. If the applicant either refuses in writing or does not submit the required information within the time limits, the application shall ~~lapse~~ expire and a new application will be required.

(e) Review of Additional Information. When additional information for an incomplete application is received, the City shall notify the applicant within fourteen (14) days of receipt of the additional information whether the application is complete or what additional information is necessary.

(f) Review Timeline. Following the date an application is determined complete, the date shall be noted and the ~~one hundred twenty (120) day~~ official review period to render a decision shall begin. The review periods for project permits are set forth in Table 090.

(g) Table 090 Permit Review Timelines.

<u>Application Type</u>	<u>Decision Timeline</u>
<u>Projects Not Requiring Public Notice</u>	<u>Within 65 Days after Determination of Completeness</u>
<u>Projects Requiring Public Notice</u>	<u>Within 100 Days after Determination of Completeness</u>
<u>Projects Requiring Public Notice and a Hearing</u>	<u>Within 170 Days after Determination of Completeness</u>

(Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 5091 §2 (part), 2009; Ord. 4977 §3, 2006; Ord. 4938 §3 (part), 2005)

20.02.100 NOTICE OF APPLICATION.

When review procedures require a notice of application, the following shall apply:

- (a) Timeline. The notice shall be provided within fourteen (14) days after the determination of completeness is issued.
- (b) Content. The notice of application shall include the following:
 - (1) The file number assigned;
 - (2) The date of application, date of the notice of completeness, and the date of the notice of application;
 - (3) A description of the proposed project action and a list of permits included with the application and, if applicable, a list of requested studies;
 - (4) Identification of known permits not included with the application;
 - (5) Identification of existing environmental documents that evaluate the proposal;
 - (6) The location where the application and any studies can be reviewed;
 - (7) A statement of the public comment period and which shall not be less than fourteen (14) or more than thirty (30) days;
 - (8) A statement of the rights of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision and any appeal rights;
 - (9) Any other information determined appropriate by the City.
- (c) Legal Notice. Notice shall be provided in the following manner as applicable:
 - (1) Mail. The notice shall be sent by email, first class or higher mail to the following:
 - (i) The applicant;
 - (ii) Affected City departments;
 - (iii) State, federal and local agencies with jurisdiction;
 - (iv) For Type III permits, mailed notice shall also be sent to all property owners of real property (as shown by the records of the Kitsap County Assessor's Office) within three hundred (300) feet of the subject property. Where any portion of a property abutting the subject property is owned, controlled, or under the option of purchase by the applicant, all property owners within a three hundred (300) foot radius of the total ownership interest shall be notified; and
 - (v) Any person who requests such notice in writing to the Department.
 - (2) Posting of the Property. Notice shall be posted according to the following:
 - (i) At least one (1) location on or adjacent to the subject property and that shall be clearly visible and legible from an adjacent street or public area;

- (ii) The Director shall determine the specifications to the construction and installation of the notice boards.
- (3) Publishing Notice. A published notice in the City's official newspaper of general circulation within the City boundaries is required. The content shall include the following:
 - (i) Project location;
 - (ii) Project description;
 - (iii) Type of permit(s) required;
 - (iv) Comment period and dates;
 - (v) Location where the complete application may be viewed.
- (d) Integration of Notices. The City will integrate the notice of application with SEPA review whenever possible. Notification for a notice of application should be combined with the notification for threshold determination and the scoping for a determination of significance whenever possible.
- (e) Issuance of Decisions. Except for a threshold determination, the City may not issue a decision or a recommendation on a permit until the expiration of the public comment period.
- (f) Public Comments. Comments shall be as specific as possible. Comments shall be received by the last day of the comment period specified in the notice. If no comments are received by the date specified in the notice from an affected City department or agency with jurisdiction, which notification was sent to, then it is presumed that the department or agency has no comments. (Ord. 5301 §3 (Exh. B) (part), 2016: Ord. 5091 §2 (part), 2009: Ord. 4938 §3 (part), 2005)

20.02.110 NOTICE OF HEARING.

When review procedures require a notice of hearing, the following shall apply:

- (a) Notice Integration. A notice of hearing is required for public hearings. A notice of hearing may be integrated with the notice of application.
- (b) Notice Content. A written notice of hearing shall contain the following information:
 - (1) The name of the applicant or designated contact;
 - (2) A description of the affected property (not including any legal description);
 - (3) Project summary/description of each project permit application;
 - (4) The application/project file number;
 - (5) The date, time and place of the hearing;
 - (6) A statement that all interested persons may appear and provide testimony;

- (7) A statement where information may be examined or obtained and the staff contact and phone number;
 - (8) A statement how written testimony or comments may be submitted;
 - (9) The SEPA threshold determination along with any appropriate statement regarding any shared or divided lead agency status and phased review, and stating the end of any final comment period;
 - (10) The deadline (date, time and place) for submitting a SEPA appeal;
 - (11) A statement regarding any administrative appeal process including SEPA appeal.
- (c) Project Permit Notification. Notification for a hearing on a project permit shall be provided in the following manner as applicable:
- (1) Mail. The notice shall be sent by email, first class mail or higher to the following:
 - (i) The applicant;
 - (ii) All property owners of real property (as shown by the records of the Kitsap County Assessor's Office) within three hundred (300) feet of the subject property. Where any portion of a property abutting the subject property is owned, controlled, or under the option of purchase by the applicant, all property owners within a three hundred (300) foot radius of the total ownership interest shall be notified;
 - (iii) Any person providing a written request to the Department.
 - (2) Preliminary Plat. When adjacent to the right-of-way of a state highway, or within two (2) miles of the boundary of a state or municipal airport, mailed notice shall be given to the Secretary of Transportation, who has fifteen (15) days to respond.
 - (3) Posting of the Property. The notice shall be posted in the same manner and location(s) as the notice of application set forth in BMC [20.02.100\(c\)\(2\)](#).
 - (4) Publishing Notice. A published legal notice in the City's official newspaper of general circulation within the City boundaries is required. The content of the published notice shall include the following information:
 - (i) Project location;
 - (ii) Project description;
 - (iii) Type of permit(s) required;
 - (iv) Comment period and dates;
 - (v) Location where the complete application may be viewed.
- (d) Notice Deadlines. Notice shall be given at least ten (10) days before the hearing date except:

- (1) Shoreline permits pursuant to WAC [173-27-110](#)(3) shall be given at least fifteen (15) days.
- (2) An integrated notice of hearing and notice of application shall be given at least fifteen (15) days.
- (3) An integrated notice of hearing and notice of a SEPA threshold determination shall be given at least fifteen (15) days.
- (e) Continuation of Hearing. Continued hearings do not require additional notices of hearing.
- (f) Appeal Notification. Notification for a hearing on an open-record or closed-record appeal shall be provided in the following manner:
 - (1) Mail. The notice shall be sent by email, first class mail or higher to the following:
 - (i) The applicant/appellant;
 - (ii) Parties of record;
 - (iii) Affected agencies;
 - (iv) Parties requesting notice; and
 - (v) Other persons whom the Department believes may be affected by the action.
 - (g) Additional Procedures. In addition to the procedures contained in this chapter, the Department may develop general procedures for notification, including mailing packets and the format of the notice and an affidavit of posting/ mailing form to be filled out by the party doing notice. (Ord. 5301 §3 (Exh. B) (part), 2016: Ord. 5091 §2 (part), 2009: Ord. 4938 §3 (part), 2005)

20.02.120 JOINT PUBLIC HEARING.

A hearing on a project permit application may be combined with any other hearing on the action held by another local, state, regional, federal, or other agency pursuant to RCW [36.70B.110](#) as currently enacted or hereinafter amended. (Ord. 5301 §3 (Exh. B) (part), 2016: Ord. 5091 §2 (part), 2009: Ord. 4938 §3 (part), 2005)

20.02.130 NOTICE OF DECISION.

The Director, the Hearing Examiner or the City Council issues a decision at the conclusion of applicable project permit review. The notice of decision may be included as part of the decision or project permit.

- (a) The City shall provide a notice of decision. The notice shall include a statement of any threshold determination made under SEPA and the procedures for appeal if a consolidated notice was not given under BMC [20.02.110](#)(d)(3).

(1) A decision of approval or denial may be issued if information requested by the City is not provided after a third request for corrections does not result in the applicant providing needed revised materials. Prior to decisions being issued per BMC 20.02.130(a)(1), the City shall notify the applicant within 14 days of issuing a decision to attempt to resolve outstanding issues. The City may consider a written requests not to issue a decision per this section when the applicant and City mutually agree to alternative permit review timelines per BMC 20.02.090(f).

(b) Notification. Notification shall be provided in the following manner as applicable:

(1) Mail. The notice shall be sent by email, first class mail or higher to the following:

- (i) The applicant;
- (ii) Any person who, prior to the rendering of the decision, requested notice of the decision in writing to the Department, or who submitted substantive comments on the application; and
- (iii) Kitsap County Assessor's Office.

(c) Notice Contents. The notice may include a copy of the report of decision on the project permit application; and shall include, when available, the SEPA threshold determination, the permit decision, the conditions of approval or where they may be viewed by the public, and the general procedures and time limits to file an appeal.

(d) Change of Valuation. The notice shall state that affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.

(e) Timelines. The notice shall be issued within ~~one hundred twenty (120) days after the City notifies the applicant that the application is complete pursuant to BMC 20.02.090~~ the time limit prescribed in 20.02.090(f), except as follows:

- (1) The Director makes written findings that a specified amount of additional time is needed for processing the application; or
- (2) A permit or approval involving the location or development of important public facilities or utilities, or related to the use of public areas or facilities, for public purposes may be excluded from the ~~one hundred twenty (120) day~~ time limit prescribed in 20.02.090(f) upon a determination of the Director that special circumstances warrant a longer process.

(f) Extension of Timelines. If the City is unable to issue its final decision on a project permit application within the time limits provided for in this chapter, it shall provide written notice of this fact to the parties of record. The notice shall include a statement of reasons why the time limits were not met, and an estimated date for issuance of the notice of decision.

(g) Timeline Exclusion. The ~~one hundred twenty (120) day~~ review time limits in 20.02.090(f) shall exclude any of the following:

- (1) Any period an applicant takes to provide additional information, perform studies or provide corrected plans requested by the city;
- (2) Any period where the City determines that submitted information is insufficient or incorrect, and has requested the applicant provide the necessary information.
- (3) Any period an environmental impact statement (EIS) is being prepared including scoping and preparing the draft and final EIS.
- (4) Any period for administrative appeals and any period for reconsideration of decisions of the Hearing Examiner made on project permit applications. The period for consideration and decision on appeals shall not exceed:
 - (i) Ninety (90) days for an open-record appeal hearing; or
 - (ii) Sixty (60) days for a closed-record appeal.
 - (iii) The parties may agree to extend these periods.
- (5) Any extension of time mutually agreed upon by the applicant and the City.
- (6) All excluded periods are calculated from the date the City notifies the applicant to when the information satisfies the City's requirement.
- (7) The City may consider an applicant request to temporarily suspend review of an application until the time that the applicant notifies the city, in writing, that they would like to resume review of the application;
- (8) Any period after an administrative appeal is filed until the administrative appeal is resolved and any additional time period provided by the administrative appeal has expired; provided, that the city may set conditions on the temporary suspension of a permit application.
- (79) When the applicant submits the requested information, the City shall have fourteen (14) days to determine if it is satisfactory. If the information is not satisfactory, but the City fails to notify the applicant within the time limit, the information shall be deemed satisfactory.
- (810) The time limits established in this section do not apply if a project permit application:
 - (i) Requires an Is not a Project Permit Application (such as amendments to the Comprehensive Plan or a development regulation); or
 - (ii) Requires approval of the location of an essential public facility as provided in RCW 36.70A.200; or

(iii) Is substantially revised by the applicant, in which case the period shall start from the date at which the revised project application is determined to be complete.

(h) Liability. The City is not liable for damages due to the City's failure to make a final decision within the time limits established in this chapter. (Ord. 5301 §3 (Exh. B) (part), 2016: Ord. 5091 §2 (part), 2009: Ord. 4938 §3 (part), 2005)

20.02.140 APPEALS.

(a) General.

(1) Those land use and development decisions that are subject to appeal shall become final unless an appeal is filed within the designated time to file an appeal.

(2) The appellant shall bear the burden of proving the administrative decision was not supported by substantial evidence.

(3) Appeal of Type I or Type II project permit final decisions shall be to the Hearing Examiner. Appeals shall be filed within fourteen (14) days following the issuance of the notice of decision. A decision involving a SEPA determination of nonsignificance which required public comments shall have the appeal period extended an additional seven (7) days.

(4) Administrative appeal of a SEPA threshold determination on project permits is to the Hearing Examiner pursuant to Chapter [20.04](#) BMC and subsection (a)(3) of this section. The appeal shall consolidate any allowed appeals of procedural and substantive determinations under SEPA with a hearing or appeal on the underlying governmental action in a single simultaneous hearing before the Hearing Examiner consistent with Chapter [36.70B](#) RCW, WAC [197-11-680](#), this chapter and Chapter [20.04](#) BMC.

(5) Appeal of Type III or Type IV project permit final decisions shall be to Kitsap County Superior Court pursuant to Chapter [36.70C](#) RCW. Appeals shall be filed within twenty-one (21) days following the issuance of the notice of decision.

(6) Final decision relating to the Bremerton Shoreline Master Program may be appealed as follows:

(i) Director decisions and Type II shoreline permits may be appealed to the Hearing Examiner pursuant to subsection (a)(3) of this section or may be appealed directly to the Shoreline Hearings Board pursuant to RCW [90.58.180](#).

(ii) Hearing Examiner decisions may be appealed to the Shoreline Hearings Board by filing a petition for review within twenty-one (21) days of the date of filing pursuant to RCW [90.58.140](#)(6).

(b) Standing to Appeal. Only parties of record with standing may initiate an appeal. Standing constitutes the following:

- (1) For Type I project permits, the applicant and the owner of property to which the permit decision is directed have standing.
- (2) For project permits not Type I, the following have standing:
 - (i) Applicant;
 - (ii) Property owner to which the permit decision is directed;
 - (iii) Anyone who participates in the public hearing; or
 - (iv) Anyone who submits written comments in response to a legal notice within the required time limits.

(c) Filing an Appeal. Administrative appeals are filed by submitting a form provided by the Department. The appeal must be received by 5:00 p.m. on the last day of the appeal period. Appeals may be mailed, faxed or delivered to the Department.

(d) Timing of Decisions.

- (1) An open-record appeal shall be decided within ninety (90) days from the date the complete appeal was filed.
- (2) Should an occasion arise that would require a closed-record appeal hearing, such an appeal shall be decided within sixty (60) days.

(e) Computation of Time. For purposes of computing the time for filing an appeal, the day the decision is rendered shall not be included. The last day of the appeal period shall be included unless it is a Saturday, Sunday, a day designated by RCW [1.16.050](#) or by the City's ordinances as a legal holiday; then it also is excluded and the filing must be completed on the next business day.

(f) Content of Appeal. An administrative appeal shall not be accepted unless it is written, accompanied by the required appeal fee, and contains at least the following information:

- (1) Appellant's name, address and phone number;
- (2) Appellant's statement describing his or her standing, as a party of record, to appeal;
- (3) Identification of the application which is the subject of the appeal;
- (4) Statement of grounds for appeal and the facts upon which the appeal is based;
- (5) Statement of the relief sought, including the specific nature and extent; and

(6) A statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature.

(g) Effect. The timely filing of an administrative appeal shall stay the effective date of the decision until the appeal is either decided or withdrawn.

(h) Notice of Appeal. The Director shall provide public notice of the appeal as provided in BMC [20.02.110](#)(f). (Ord. 5326 §3, 2017: Ord. 5301 §3 (Exh. B) (part), 2016: Ord. 5091 §2 (part), 2009: Ord. 4938 §3 (part), 2005)

20.02.150 DESIGN REVIEW.

Buildings that are proposed for construction in areas having adopted design guidelines are subject to review and recommendation by the Design Review Board (Board). For any development activity that requires Board review, the applicant must comply with the provisions of this section before a building permit can be approved, as follows:

(a) Public Meetings. All meetings of the Board shall be open to the public ~~but are not subject to the requirements of the Open Public Meetings Act, Chapter [42.30](#) RCW.~~

(b) Conceptual Design Conference. Before submitting a building permit application, the applicant shall attend a conceptual design conference with the Board. The conference will be scheduled by the Director to occur within thirty (30) days of ~~written request~~ submittal of a complete application ~~by the applicant.~~ The purpose of this conference is to provide an opportunity for the applicant to discuss the project concept with the Board in the early stages of the project development and:

- (1) To review preliminary sketches of the design proposal presented by the applicant;
- (2) To discuss how the design guidelines pertain to the proposed development;
- (3) For the Design Review Board to designate which design guidelines apply to the proposed development based primarily on the location and nature of the proposed development; and
- (4) Other application materials the applicant will need to submit with the design review application.

~~(c) Application. Following the conceptual design conference, the applicant may then submit a building permit application to the Department. The application shall include all documents and exhibits required for the application, as well as all materials required as a result of the conceptual design conference.~~

~~(dc) Public Notice. On determination of a complete application for a building permit requiring design review, the Director shall schedule a design response conference with the Board to occur within sixty (60) calendar days. The Director shall provide public notice of the Conceptual Design Review conference per the requirements of~~

BMC 20.02.100. All interested parties from the Conceptual Design Review conference shall receive notice of the Design Response Conference.

(ed) Design Response Conference. The design response stage allows the Board to review the design plans and provide direction to the applicant on issues to be resolved for final approval. The applicant shall present the proposed project and demonstrate its consistency with the design guidelines as discussed in the conceptual design conference to the Board. The Board will consider the information presented and make a formal recommendation to the Director for project approval, approval with conditions, or denial. The Board may continue the conference if necessary to gather additional information necessary for its recommendation. If the conference is continued to a specific date, no further public notice is required; otherwise notice of continuance shall be mailed to all parties participating in the design response conference. The design response conference may be waived provided:

- (1) The Design Review Board provides a unanimous recommendation of approval and makes findings that the response conference is not necessary; and
- (2) The Director finds that more information is not required for the decision after the Design Review Board makes their unanimous recommendation.

(f) Approval. Design Review approval is a Director decision, on Approval of a building permit that is subject to Board review is a Type II Director decision; however, the Board's recommendation shall hold substantial weight. ~~After reviewing the Board recommendation, the Director may grant, deny or conditionally approve an application for the proposed development.~~ Any deviation from the Board's recommendation shall be documented in the Director's findings and conclusions. ~~The decision of the Director may be appealed per the provisions of BMC 20.02.140.~~ (Ord. 5319 §2, 2017: Ord. 5301 §3 (Exh. B) (part), 2016: Ord. 5091 §2 (part), 2009)

20.02.160 DEVELOPMENT AGREEMENT REVIEW PROCEDURES.

(a) The City may enter into a development agreement with a person having ownership or control of real property within its jurisdiction or outside its boundaries as part of a proposed annexation or a service agreement. A development agreement sets forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement.

(b) A determination of completeness, notice of hearing and a notice of decision are required pursuant to the provisions of this chapter. The one hundred twenty seventy (120170) day time limit for the notice of decision shall not apply to a development agreement.

(c) When a request for a development agreement is consolidated with a Type III or IV project permit, the public hearing shall be consolidated with the open-record hearing on the permit before the Hearing Examiner. The Hearing Examiner shall make a

recommendation to the City Council on the development agreement and approval of the project permit shall be conditioned on City Council approval of the development permit.

(d) The City Council may approve a development agreement by ordinance or resolution only. (Ord. 5301 §3 (Exh. B) (part), 2016: Ord. 5091 §2 (part), 2009: Ord. 4938 §3 (part), 2005. Formerly 20.02.150)

20.02.170 PLANNED ACTIONS.

A "planned action" is defined in WAC [197-11-164](#) as one (1) or more types of project action that has had significant environmental impacts adequately addressed in an environmental impact statement (EIS) prepared in conjunction with the Comprehensive Plan, subarea plan, fully contained community, a master planned resort, a master planned development or a phased project.

(a) A project action addressed in a planned action does not require an environmental checklist or threshold determination, but may require the checklist for review to mitigate environmental impacts through the site plan review process.

(b) To qualify, a project action shall:

(1) Be subsequent to or implementing projects in a Comprehensive Plan, subarea plan, fully contained community, a master planned resort, a master planned development or a phased project;

(2) Be located within the City's adopted urban growth areas;

(3) Be consistent with the Comprehensive Plan;

(4) Not be an essential public facility, as defined in RCW [36.70A.200](#).

(c) The City Council shall designate and approve by ordinance a planned action. The ordinance:

(1) Shall describe the type(s) of project action being designated as a planned action;

(2) Shall describe how the planned action meets the criteria in subsection (b) of this section, including specific references to the EIS;

(3) Shall include findings that the environmental impacts have been identified and adequately addressed in the EIS, subject to project review under WAC [197-11-172](#);

(4) Should identify any specific mitigation measures other than applicable development regulations that must be applied to a project for it to qualify as a planned action.

(d) The planned action may be limited to certain types of development, to specific geographical areas of the City, and/or a time period identified in the EIS, plan, ordinance or resolution.

(e) Review of a project proposed as a planned action is intended to be simpler and more focused than for other projects. Review of the project shall include:

- (1) Verification that it meets the description and implements any applicable conditions or mitigation measures identified in the designating ordinance or resolution;
- (2) Verification that the proposed significant adverse environmental impacts of the project have been adequately addressed in the EIS.

(f) Nothing in this section limits the City from using applicable law to place conditions on the project in order to mitigate nonsignificant impacts through normal project review and permitting processes. (Ord. 5301 §3 (Exh. B) (part), 2016: Ord. 5091 §2 (part), 2009: Ord. 4938 §3 (part), 2005. Formerly 20.02.160)

20.02.180 NOTIFICATION OF DEVELOPMENT.

Informational signage is required to be posted on the site of any proposal for five (5) or more residential units, and all nonresidential construction projects, during permit review and construction.

(a) The City shall provide the sign to the applicant, along with instructions for posting the sign. Posting of the sign is the applicant's responsibility. Proof of posting, such as a photo, must be provided to City staff. The sign shall:

- (1) Be posted on all sites that require or required SEPA review, as well as all residential projects in excess of four (4) units. This includes projects for which SEPA was satisfied through the City's Planned Action (Subarea) process, or when the process is satisfied by another lead agency (such as Port of Bremerton).
- (2) Be posted concurrently with review of development permits, after staff determines adequate information is available.
- (3) Include, at a minimum: permit number(s), general duration of construction, a site plan, elevations, and contact information.
- (5) Be installed per instructions provided by City staff.
- (6) Be removed upon final inspection.

Chapter 20.46
SPECIAL DEVELOPMENT STANDARDS

20.46.070 ADAPTIVE REUSE OF COMMERCIAL BUILDINGS.

(a) Approval of an administrative Type II conditional use permit (CUP) pursuant to BMC [20.58.020](#) is required when an adaptive reuse is for a legally established commercial building located within a residential zone. However, the notice of application shall follow BMC [20.02.100\(c\)\(1\)\(iv\)](#) with notification of property owners within three hundred (300) feet. ~~The Director may require a nonadministrative CUP whenever the use has a significant impact beyond the immediate site, is of a neighborhood or community wide interest, or is of a controversial nature.~~ The adaptive reuse shall meet the following criteria in order to be granted approval:

- (1) New traffic shall be accommodated within the existing levels of service on the surrounding neighborhood streets.
- (2) Provision for off-street parking must be evaluated and to the greatest extent possible, meet the parking demand for change of uses. The Director or Hearing Examiner may reduce the number of off-street parking spaces if commute trip reduction methods are employed and the adaptive reuse does not generate an increase in on-street parking demand.
- (3) The new use does not generate noise that exceeds City standards for residential zones.
- (4) Adequate street trees and landscaping are incorporated in a manner that buffers the adaptive reuse from adjacent residential uses and makes it more compatible with the surrounding neighborhood.
- (5) Additional conditions may be applied including, but not limited to, limiting hours of operations, density, restrictions for noise attenuation and other conditions deemed necessary to ensure compatibility with surrounding residential uses.

(b) The following uses may be approved for adaptive reuse:

- ~~(1) Residential, underlying zone density limit, provided no new floor area is constructed;~~
- (21) Foster homes;

- (~~3~~2) Day care facilities;
- (43) Group residential facilities, Class I (assisted living);
- (~~5~~4) Youth, teen, senior, or community centers;
- (~~6~~5) Medical and dental clinic and related services (not hospitals);
- (~~7~~6) Religious worship facilities;
- (~~8~~7) Libraries;
- (~~9~~8) Museums and art galleries;
- (~~10~~9) Consultants (architectural, engineering, planning, design and similar);
- (~~11~~10) Computer assistance and training (but not repair);
- (~~12~~11) Office/business assistance services, call centers, and general offices;
- (~~13~~12) Social services/facilities;
- (~~14~~13) Welfare and charitable services/facilities;
- (~~15~~14) Public services;
- (~~16~~15) Hotels and lodging places;
- (~~17~~16) General retail; and
- (~~18~~17) Restaurants. (Ord. 5301 §3 (Exh. B) (part), 2016: Ord. 4971 §7, 2006: Ord. 4950 §8 (Exh. A) (part), 2005)

20.46.080 MINERAL RESOURCE OVERLAY.

(c) Permitting Process. Mineral resource extraction with associated structures and equipment for soil and gravel, quarried stone or ore may be allowed if a Type ~~III~~ ~~Hearing Examiner~~ II conditional use permit (CUP) is approved pursuant to BMC 20.58.020, with the notice of application shall be mailed to all property owners within five hundred (500) feet of the property.

- (1) The owner or agent of the quarry shall submit to the City copies of all documents submitted to the Washington State Department of Natural Resources with the application.
- (2) Notice of application for the CUP shall be provided to the local tribal government, typically during the environmental review; however, if environmental review is not required, a fourteen (14) day comment period to the local tribal government of the proposal will be required prior to issuance of approval.

20.46.090 TEMPORARY ENCAMPMENT PERMIT.

(h) Duration and Site Restoration.

- (1) Duration.
 - (i) A proposed temporary encampment may be allowed as a Type I Director's approval at one (1) property for up to one hundred eighty-three (183) days, either consecutively or cumulatively, during any twenty-four (24) month period, except that where the one-hundred-eighty-third day falls on Friday through Sunday, an additional two (2) days shall be allowed to dismantle and remove the accommodation over the immediately following weekend. The applicant and/or property owner shall store, out of sight from adjacent properties, the residents' personal belongings that are left on site after the dismantling of the site.
 - (ii) A proposed temporary encampment may be allowed as a Type ~~III~~ II conditional use permit for a period of three (3) years if the following additional approval criteria are met:
 - (A) The site is located within the district center core, general commercial, freeway corridor, industrial zone, and Puget Sound Industrial Center; and

(B) Social services are provided, such as access to healthcare, counseling, substance abuse treatment, and job training programs; and

(C) On-site temporary shelters shall be composed of durable/rigid materials; and

(D) All other criteria per this section are met, except that parcel size limitations per subsection (c)(2)(i) of this section may be reduced to no less than one-half (0.5) acre.

(E) Applications for a three (3) year extension may be applied for after the first two (2) years of active permit approval are complete. Applications for extension must be received six (6) months prior to permit expiration. Only one (1) extension may be approved at a time.

20.46.140 WIRELESS COMMUNICATIONS FACILITIES.

(d) Process. The applicant shall provide proof of legal authority to co-locate on an existing structure, modify an existing structure, or construct a new structure at the time of permit submittal. This shall include any current franchise agreements for projects located within the City's right-of-way and lease agreements on private or City real property. Only a complete application shall be accepted for review. Prior to acceptance, the permit application shall be reviewed for completeness. If an application is deemed complete, the application will be processed and reviewed. The Director has the discretion to elevate a Type I permit to a Type II permit, ~~and/or a Type II permit to a Type III permit~~ in cases where views from residential properties or views from the public right-of-way may be affected.

(1) Type I Permit.

(i) An eligible facilities request, as defined by this chapter.

(ii) The installation of new wireless communications facilities in the public right-of-way.

(2) Type II Permit.

(i) All other wireless communications facilities not exempt by this chapter, and not eligible for a Type I permit, require a Type II permit.

- (ii) A Type II permit, including the notification of adjacent property owners within three hundred (300) feet, is required for all new wireless communications facilities in residential zoning districts, and for sites adjacent to residential zones.

20.46.170 COTTAGE HOUSING.

(a) Cottage housing developments may be approved in accordance with the following:

(1) Orientation. Lot orientation shall be in accordance with the following standards:

(i) All units with primary street frontage shall first be oriented towards the street, otherwise the common open space shall act as the street front and all units shall be oriented towards the common open space.

(ii) Dwellings within a cottage housing development should be broken up into groups of no more than twelve (12) dwellings arranged around a common open space. The applicant shall demonstrate all efforts have been made to link housing clusters by ADA accessible paths and shared parking.

(2) Open Space. The following open space requirements apply to all proposals regardless of number of units:

(i) A minimum of four hundred (400) square feet of common open space is required per dwelling unit.

(ii) Parking areas, setbacks, spaces between buildings of ten (10) feet or less in width and driveways shall not count as common open space.

(3) Parking. Off-street parking shall be provided in accordance with the requirements set forth in Chapter 20.48 BMC, and the following criteria:

(i) One and one-half (1.5) parking spaces are required for each dwelling unit.

(ii) All parking areas and vehicle circulation shall be consolidated to the degree feasible.

(iii) Parking areas serving more than one (1) dwelling unit shall not be located on a primary street frontage and should be located off an alley or a secondary street.

(iv) Garages and carports shall be oriented so that vehicle entrances are located off an alley or private parking area. All efforts shall be made to not orient vehicle entrances toward a primary frontage.

(4) Design Standards.

(i) Nonresidential Structures. Accessory structures and attached garages shall meet design standards per BMC 20.60.060(d), and the combined gross square feet of all accessory structures shall not exceed eighty (80) percent of the combined footprint of all on-site residential structures.

(ii) All dwellings shall include a covered front porch that is integrated with the structure's architecture. The minimum porch depth shall be six (6) feet, with a minimum width of ten (10) feet. This area shall not be included in dwelling gross square feet, but may be included in required open space area.

(5) Nonconformities. An existing detached single-family residential structure, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted cottage density.

20.46.180 GROUP RESIDENTIAL CLASS I (Assisted Living).

(a) Group Residential Class I is permitted in any zone that permits residential uses, provided the following criteria are met:

(1) All state licensing requirements are satisfied;

(2) Minimum setbacks, height and lot coverage of the underlying zone shall apply;

- (3) Off-street parking shall be at a minimum of one (1) space per each employee during the peak shift, plus one (1) space per two (2) residents the facility will provide service to;
- (4) If counseling services are provided to nonresidents, additional parking spaces are required at one (1) per three hundred (300) square feet of gross floor area used for counseling services;
- (5) The number of required off-street parking spaces may be reduced, provided the applicant can demonstrate that parking will not spill over into nearby residential properties and any streets; and
- (6) Landscaping is provided meeting the minimum requirements for nonresidential uses prescribed in Chapter 20.50 BMC. Additional landscaping for screening purposes may be required if it is found necessary to mitigate any impacts to adjoining residential properties.

20.46.190 SENIOR HOUSING COMPLEX.

(a) Senior housing complex is permitted in any zone that permits residential uses, provided the following criteria are met:

- (1) Minimum site area shall be no less than two (2) acres;
- (2) Minimum setbacks, density, height and lot coverage of the underlying zone shall apply;
- (3) Off-street parking shall be a minimum one (1) space per dwelling;
- (4) Except for a community building/clubhouse for the exclusive use of complex residents, all accessory uses shall be located within a structure containing residential units;
- (5) Attached or detached structure types are permitted and dwelling units may be owned by individuals or occupied as rentals;
- (6) Access to alternative transportation such as public transit or on-site shuttle services to access daily goods or services shall be provided; and
- (7) A management agreement or covenants on individual properties to maintain the complex as a senior citizen complex shall be recorded with the Kitsap County Auditor's office.

20.46.200 MANUFACTURED HOME PARK.

(a) A Manufactured Home Park is permitted in any zone that permits residential uses, provided the following criteria are met:

- (1) It is exempt pursuant to RCW 58.17.040 from requirements for property segregation;
- (2) The minimum site size shall be five (5) acres;
- (3) Density shall meet the underlying zone;
- (4) Adequate water, sewer, and utility services are available to all building sites;
- (5) A fire protection system meeting the requirements of the City Fire Marshal is provided;
- (6) Interior circulation shall meet the City Engineer road standards plus the following standards:
 - (i) All interior circulation routes shall be constructed within a tract or easement;
 - (ii) Roads and driveways shall be paved;
 - (iii) The City Fire Marshal and City Engineer shall approve all fire turnarounds;
- (7) The following setbacks shall apply to manufactured homes or mobile homes, together with their additions and appurtenant structures, accessory structures, and other structures on the site (excluding fences), excluding any hitch or towing fixture:
 - (i) From interior roads, at least fifteen (15) feet from centerline of the tract or easement, but in no case shall the setback be less than five (5) feet from the paved surfaced edge;
 - (ii) Structures near the perimeter lot lines of the property shall comply with the setbacks of the underlying zone;
 - (iii) A minimum of ten (10) foot separation between all manufactured homes;
- (8) Off-street parking spaces shall be provided in the following manner:
 - (i) One (1) parking space per home site; plus
 - (ii) One (1) parking space for each five (5) home sites for guest parking; plus

(iii) Additional parking spaces to provide for the parking needs of offices, community buildings, recreational facilities, or other uses within the park that may be used by park residents or others;

(9) Outside storage of vessels (boats), household items and equipment is prohibited, except a common central storage area may be provided for residents of the park. The storage area shall be screened by a minimum five (5) foot high by five (5) foot wide sight-obscuring barrier consisting of landscaping and fencing or wall, and shall meet minimum setbacks of the underlying zone;

(10) Ten (10) percent of the site shall be maintained as common recreational open space for the use of residents and:

(i) May include community areas and facilities such as playgrounds, swimming pools, and hobby and craft shops;

(ii) However, it shall not include required landscaping areas, perimeter setback areas, parking areas, storage areas, building separation areas or other areas deemed impractical by the Director for the recreational enjoyment of the residents;

(11) Trees meeting the standards set forth in Chapter 20.50 BMC shall be provided along all property lines abutting a residential zone and public streets. Exceptions for trees may be allowed when a property line abuts an alley or is obstructed by a building or other structure;

(12) Adequate lighting to illuminate streets, driveways, and walkways for the safe movement of pedestrians and vehicles is required; and

(13) All water, sewer, electrical, and communication service lines shall be underground.

20.58.020 CONDITIONAL USE PERMITS.

(c) Procedure. A CUP application ~~may be~~ is processed as an administrative Type II Director decision ~~or as a nonadministrative Type III Hearing Examiner decision~~ pursuant to the provisions set forth in Chapter [20.02](#) BMC. In addition to the notification requirements prescribed in BMC [20.02.100](#), the notice of application shall be mailed to all property owners within three hundred (300) feet of the property.

~~(1) The Director may require a nonadministrative CUP whenever the use has a significant impact beyond the immediate site, is of a neighborhood or community-wide interest, or is of a controversial nature.~~

~~(2) The Director may convert a Type II administrative CUP to a Type III nonadministrative CUP any time prior to the issuance of a decision on the application.~~

~~(3) In addition to the notification requirements prescribed in BMC [20.02.100](#), the notice of application shall be mailed to all property owners within three hundred (300) feet of the property.~~

20.58.030 VARIANCE.

(c) Procedures. A variance application is processed as a ~~Type III Hearing Examiner~~ II Conditional Use Permit decision pursuant to the provisions set forth in Chapter [20.02](#) BMC. If the variation would not exceed ten (10) percent of the required dimensional standard from which relief is being sought, the Director may approve the variance as a Type II Director decision.

20.58.060 RESIDENTIAL CLUSTER DEVELOPMENT.

(c) Procedures.

(1) A RCD shall be processed in coordination with a subdivision application and will follow the permitting procedures established in Chapter [20.12](#) BMC, Land Division.

~~(2) The Director has the discretion to convert a Type II administrative subdivision application that is using the RCD provisions to a Type III nonadministrative conditional use permit any time prior to the issuance of a decision on the application should the Director find the project to have significant impacts beyond the immediate site, is of a neighborhood or community wide interest, or is of a controversial nature.~~

~~(3) In addition to the notification requirements prescribed in BMC [20.02.100](#), the notice of application shall be mailed to all property owners within three hundred (300) feet of the property.~~

20.58.080 SITE PLAN REVIEW.

(b) Applicability. Site plan review is required for all new development, expansion of existing structures, or other exterior site improvements that will change the physical conditions of a site. Permits for interior alterations (construction activities that do not modify the existing site layout or its current use, and involve no exterior work adding to the building footprint) that do not result in additional sleeping quarters or bedrooms, do not increase the total square footage or valuation of the structure thereby requiring upgrading fire access or fire suppression systems, and do not result in a nonconformity with federal emergency management agency substantial improvement thresholds, are exempt from site plan review.

20.58.100 AFFORDABLE HOUSING BONUS.

(c) Procedure. Approval of an administrative Type II conditional use permit (CUP) pursuant to BMC [20.58.020](#) is required. ~~The Director may require a Type III nonadministrative CUP whenever the use has a significant impact beyond the immediate site, is of a neighborhood or community-wide interest, or is of a controversial nature. The proposed development shall meet the following criteria in order to be granted approval:~~

Chapter 20.60
LOW DENSITY RESIDENTIAL (R-10)

20.60.020 PERMITTED USES.

Only one (1) principal use shall be allowed on each residentially zoned lot unless allowed for otherwise by law. This limitation shall not include permitted accessory uses associated with a permitted principal use.

The following uses are permitted outright:

- (a) Cemetery;
- (b) Colocation of wireless communications per BMC [20.46.140](#);
- (c) Community facilities of twenty thousand (20,000) square feet gross floor area or less;
- (d) Day care facility of twelve (12) or fewer persons receiving care;
- (e) Education and schools (K-12) of twelve (12) or fewer students;
- (f) Foster home;
- (g) Group residential home;

- (h) Manufactured home per BMC [20.46.040](#);
- (i) Parks, playgrounds and open space equal or less than one-half (0.5) acre (twenty-one thousand seven hundred eighty (21,780) square feet);
- (j) Residential Uses.
 - (1) Single-unit dwelling unit, detached;
 - (2) Single-unit dwelling unit, attached (zero (0) lot lines) per BMC [20.60.060](#)(b);
 - (3) Duplex;
 - (4) Townhouse;
 - (5) ~~Cottage housing development of three (3) or less dwelling units meeting the provisions of per BMC [20.46.170](#) [20.60.040](#)(n), except that no conditional use permit is required);~~
 - (6) Group residential facilities - Class I, per BMC 20.46.180;
 - (7) Senior housing complex, per BMC 20.46.190;
 - (8) Manufactured home park or expansion of existing parks, per BMC 20.46.200
- (k) Worship and religious facilities of twenty thousand (20,000) square feet gross floor area or less;
- (l) Incubator for business associated with a worship and religious facility or community facility, provided the following conditions are met:
 - (1) The incubated business is a use that is permitted outright in the neighborhood business zone, BMC [20.82.020](#);
 - (2) Landscaping and signage requirements of the neighborhood business zone, Chapter [20.82](#) BMC, shall be met; and
 - (3) The parcel upon which the incubated business is situated shall have frontage on an arterial street. (Ord. 5458 §6, 2022; Ord. 5364 §13, 2018; Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 4977 §9, 2006; Ord. 4950 §8 (Exh. A) (part), 2005)

20.60.040 CONDITIONAL USES.

The following uses may be permitted, provided a conditional use permit is approved pursuant to BMC [20.58.020](#) subject to the corresponding conditions:

- (a) Bed and breakfast, provided:
 - (1) The operators of the business shall occupy the house as their primary residence;

- (2) No more than one (1) full-time equivalent (FTE) employee who is not a resident of the dwelling may be employed;
- (3) No more than six (6) bedrooms are made available for rent to guests and all guest rooms are contained within the principal structure;
- (4) Two (2) off-street parking spaces, plus one (1) off-street parking space per each guest bedroom, are required;
- (5) Off-street parking spaces may be reduced, provided the applicant can demonstrate parking will not spill over into nearby residential properties and any streets;
- (6) Rooms shall not be made available to guests for more than fourteen (14) days during any thirty (30) day period;
- (7) No commercial receptions, parties, or other public gatherings, or serving of meals to nonresident guests for compensation, are allowed; and
- (8) Any remodeling of the residential structure shall maintain the residential nature of the structure and not alter the structure in such a manner that would prevent it from being used as a residence in the future.

~~(b) Group residential facilities—Class I, provided:~~

- ~~(1) All state licensing requirements are satisfied;~~
- ~~(2) Minimum setbacks, height and lot coverage of the underlying zone shall apply;~~
- ~~(3) Off-street parking shall be at a minimum of one (1) space per each employee during the peak shift, plus one (1) space per two (2) residents the facility will provide service to;~~
- ~~(4) If counseling services are provided to nonresidents, additional parking spaces are required at one (1) per three hundred (300) square feet of gross floor area used for counseling services;~~
- ~~(5) The number of required off-street parking spaces may be reduced, provided the applicant can demonstrate that parking will not spill over into nearby residential properties and any streets; and~~
- ~~(6) Landscaping is provided meeting the minimum requirements for nonresidential uses prescribed in Chapter [20.50](#) BMC. Additional landscaping for screening purposes may be required if it is found necessary to mitigate any impacts to adjoining residential properties.~~

~~(c) Senior housing complex, provided the following conditions are satisfied:~~

- ~~(1) Minimum site area shall be no less than two (2) acres;~~

~~(2) Minimum setbacks, density, height and lot coverage of the underlying zone shall apply;~~

~~(3) Off street parking shall be a minimum one (1) space per dwelling;~~

~~(4) Except for a community building/clubhouse for the exclusive use of complex residents, all accessory uses shall be located within a structure containing residential units;~~

~~(5) Attached or detached structure types are permitted and dwelling units may be owned by individuals or occupied as rentals;~~

~~(6) Access to alternative transportation such as public transit or on-site shuttle services to access daily goods or services shall be provided; and~~

~~(7) A management agreement or covenants on individual properties to maintain the complex as a senior citizen complex shall be recorded with the Kitsap County Auditor's office.~~

~~(db)~~ Nursing/convalescent homes, provided:

(1) All state licensing requirements are satisfied;

(2) Minimum site area shall be no less than one (1) acre;

(3) Minimum setbacks, height and lot coverage of the underlying zone shall apply;

(4) Off-street parking shall be a minimum of one (1) space per six hundred (600) square feet of gross floor area;

(5) The number of required off-street parking spaces may be reduced, provided the applicant can demonstrate that parking will not spill over into nearby residential properties and any streets; and

(6) Landscaping is provided meeting the minimum requirements for nonresidential uses prescribed in Chapter [20.50](#) BMC. Additional landscaping for screening purposes may be required if it is found necessary to mitigate any impacts to adjoining residential properties.

~~(ec)~~ Day care facilities (thirteen (13) or more persons receiving care), provided:

(1) All state licensing requirements are satisfied;

(2) Off-street parking shall be a minimum one (1) space per each five (5) children based on the state license maximum occupancy load;

(3) One (1) loading/unloading space without backup is required for the first twenty (20) children and one (1) additional space for up to each additional twenty (20) children;

(4) The number of required off-street parking spaces may be reduced, provided the applicant can demonstrate that parking will not spill over into nearby residential properties and any streets;

(5) Landscaping is provided meeting the minimum requirements for nonresidential uses prescribed in Chapter [20.50](#) BMC. Additional landscaping for screening purposes may be required if it is found necessary to mitigate any impacts to adjoining residential properties; and

(6) The maximum height of a fence or wall within a front yard setback may be increased up to six (6) feet, provided it enhances safety and security of an outdoor play area.

(fd) Adaptive reuse of commercial buildings, provided the conditions set forth in BMC [20.46.070](#) are satisfied.

~~(g) Manufactured home park or expansion of existing parks, provided:~~

~~(1) It is exempt pursuant to RCW [58.17.040](#) from requirements for property segregation;~~

~~(2) The minimum site size shall be five (5) acres;~~

~~(3) Density shall meet the underlying zone;~~

~~(4) Adequate water, sewer, and utility services are available to all building sites;~~

~~(5) A fire protection system meeting the requirements of the City Fire Marshal is provided;~~

~~(6) Interior circulation shall meet the City Engineer road standards plus the following standards:~~

~~(i) All interior circulation routes shall be constructed within a tract or easement;~~

~~(ii) Roads and driveways shall be paved;~~

~~(iii) The City Fire Marshal and City Engineer shall approve all fire turnarounds;~~

~~(7) The following setbacks shall apply to manufactured homes or mobile homes, together with their additions and appurtenant structures, accessory structures, and other structures on the site (excluding fences), excluding any hitch or towing fixture:~~

~~(i) From interior roads, at least fifteen (15) feet from centerline of the tract or easement, but in no case shall the setback be less than five (5) feet from the paved surfaced edge;~~

~~(ii) Structures near the perimeter lot lines of the property shall comply with the setbacks of the underlying zone;~~

~~(iii) A minimum of ten (10) foot separation between all manufactured homes;~~

~~(8) Off-street parking spaces shall be provided in the following manner:~~

~~(i) One (1) parking space per home site; plus~~

~~(ii) One (1) parking space for each five (5) home sites for guest parking; plus~~

~~(iii) Additional parking spaces to provide for the parking needs of offices, community buildings, recreational facilities, or other uses within the park that may be used by park residents or others;~~

~~(9) Outside storage of vessels (boats), household items and equipment is prohibited, except a common central storage area may be provided for residents of the park. The storage area shall be screened by a minimum five (5) foot high by five (5) foot wide sight-obscuring barrier consisting of landscaping and fencing or wall, and shall meet minimum setbacks of the underlying zone;~~

~~(10) Ten (10) percent of the site shall be maintained as common recreational open space for the use of residents and:~~

~~(i) May include community areas and facilities such as playgrounds, swimming pools, and hobby and craft shops;~~

~~(ii) However, it shall not include required landscaping areas, perimeter setback areas, parking areas, storage areas, building separation areas or other areas deemed impractical by the Director for the recreational enjoyment of the residents;~~

~~(11) Trees meeting the standards set forth in Chapter [20.50](#) BMC shall be provided along all property lines abutting a residential zone and public streets. Exceptions for trees may be allowed when a property line abuts an alley or is obstructed by a building or other structure;~~

~~(12) Adequate lighting to illuminate streets, driveways, and walkways for the safe movement of pedestrians and vehicles is required; and~~

~~(13) All water, sewer, electrical, and communication service lines shall be underground.~~

~~(h)~~ ~~Worship, religious, and community facilities greater than twenty thousand (20,000) square feet, provided:~~

~~(1) The site area shall be one (1) acre or more; and~~

~~(2) Landscaping is provided meeting the minimum requirements for nonresidential uses prescribed in Chapter [20.50](#) BMC. Additional landscaping for screening purposes may be required if it is found necessary to mitigate any impacts to adjoining residential properties.~~

~~(if) Golf course, provided:~~

- (1) A site plan review and a site development permit are approved pursuant to Chapter [20.58](#) BMC;
 - (2) Through the conditional use permit, modifications to parking and landscaping may be allowed in order to facilitate good design;
 - (3) Other conditions are applied as deemed necessary to mitigate impacts to nearby residential properties and ensure compatibility with the neighborhood.
- (jg) Schools, parks and associated uses may be approved in accordance with the following:
- (1) The following uses are permitted through approval of a conditional use permit:
 - (i) All public schools and associated gymnasiums and auditoriums;
 - (ii) Private schools (K-12) with thirteen (13) or more students;
 - (iii) Parks and playgrounds greater than one-half (1/2) acre;
 - (iv) Outdoor athletic fields;
 - (v) Boat launching and related facilities;
 - (vi) Maintenance and service yards;
 - (vii) Bus and other vehicle and equipment maintenance and storage facilities;
 - (viii) Administrative office related to the facilities greater than two thousand (2,000) square feet gross floor area;
 - (ix) Buildings and structures for nonprofit groups on public lands;
 - (2) Uses permitted pursuant to subsection (j)(1) of this section shall be subject to complying with the following conditions:
 - (i) Front, side and rear yard setbacks of structures and outdoor storage areas shall be at least thirty (30) feet;
 - (ii) Setbacks may be reduced for those portions of a structure fronting interior streets;
 - (iii) The maximum height for any new construction may be increased to match the architecture of existing buildings; provided, that it is set back an additional foot from any property line for each additional foot of allowed height, and in no case shall the new construction exceed forty-five (45) feet;

- (iv) Landscaping is provided meeting the minimum requirements for nonresidential uses prescribed in Chapter [20.50](#) BMC. Additional landscaping for screening purposes may be required if it is found necessary to mitigate any impacts to adjoining residential properties;
- (v) Additional measures may be required if deemed necessary to mitigate any noise impacts to adjacent residential uses; and
- (vi) The maximum height of a fence or wall within a front yard setback may be increased to six (6) feet, provided it enhances safety and security around an outdoor play area.

(kh) Public utility facilities located above ground, provided:

- (1) Landscaping is provided meeting the minimum requirements for nonresidential uses prescribed in Chapter [20.50](#) BMC. Additional landscaping for screening purposes may be required if it is found necessary to mitigate any impacts to adjoining residential properties;
- (2) The maximum height of a fence or wall may be increased within a front yard setback that will provide screening from adjacent uses and enhance safety and security around the facility; and
- (3) Exceptions to setbacks may be allowed if the applicant can demonstrate that the public interest is better served by allowing the modification.

(lj) Law enforcement and fire facilities, provided:

- (1) Landscaping is provided meeting the minimum requirements for nonresidential uses prescribed in Chapter [20.50](#) BMC. Additional landscaping for screening purposes may be required if it is found necessary to mitigate any impacts to adjoining residential properties.
- (2) The maximum height of a fence or wall may be increased within a front yard setback that will provide screening from adjacent uses and enhance safety and security around the facility.

(mj) Mineral resource extraction per BMC [20.46.080](#), provided:

- (1) The site is located within a mineral resource overlay.

~~(n) Cottage housing development consisting of four (4) or more dwellings may be approved in accordance with the following:~~

~~(1) Orientation. Lot orientation shall be in accordance with the following standards:~~

~~(i) All units with primary street frontage shall first be oriented towards the street, otherwise the common open space shall act as the street front and all units shall be oriented towards the common open space.~~

~~(ii) Dwellings within a cottage housing development should be broken up into groups of no more than twelve (12) dwellings arranged around a common open space. The applicant shall demonstrate all efforts have been made to link housing clusters by ADA accessible paths and shared parking.~~

~~(2) Open Space. The following open space requirements apply to all proposals regardless of number of units:~~

~~(i) A minimum of four hundred (400) square feet of common open space is required per dwelling unit.~~

~~(ii) Parking areas, setbacks, spaces between buildings of ten (10) feet or less in width and driveways shall not count as common open space.~~

~~(3) Parking. Off street parking shall be provided in accordance with the requirements set forth in Chapter 20.48 BMC, and the following criteria:~~

~~(i) One and one-half (1.5) parking spaces are required for each dwelling unit.~~

~~(ii) All parking areas and vehicle circulation shall be consolidated to the degree feasible.~~

~~(iii) Parking areas serving more than one (1) dwelling unit shall not be located on a primary street frontage and should be located off an alley or a secondary street.~~

~~(iv) Garages and carports shall be oriented so that vehicle entrances are located off an alley or private parking area. All efforts shall be made to not orient vehicle entrances toward a primary frontage.~~

~~(4) Design Standards.~~

~~(i) Nonresidential Structures. Accessory structures and attached garages shall meet design standards per BMC 20.60.060(d), and the combined gross square feet of all accessory structures shall not exceed eighty (80) percent of the combined footprint of all on-site residential structures.~~

~~(ii) All dwellings shall include a covered front porch that is integrated with the structure's architecture. The minimum porch depth shall be six (6) feet, with a minimum width of ten (10) feet. This area shall not be included in dwelling gross square feet, but may be included in required open space area.~~

~~(5) Nonconformities. An existing detached single family residential structure, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted cottage density. (Ord. 5458 §7, 2022; Ord. 5301 §3 (Exh. B) (part), 2016; Ord. 5111 §3, 2010; Ord. 4977 §10, 2006; Ord. 4971 §15, 2006; Ord. 4950 §8 (Exh. A) (part), 2005)~~

Chapter 20.78
MEDIUM DENSITY RESIDENTIAL (R-18)

20.78.020 OUTRIGHT PERMITTED USES.

The following uses are permitted outright:

- (a) Cemetery;
- (b) Co-location of wireless communications per BMC [20.46.140](#);
- (c) Community facilities of twenty thousand (20,000) square feet gross floor area or less;
- (d) Day care facility of twelve (12) or fewer persons receiving care;
- (e) Education and schools (K-12) of twelve (12) or fewer students;
- (f) Foster home;
- (g) Group residential home;
- (h) Manufactured home per BMC [20.46.040](#);
- (i) Parks, playgrounds and open space equal or less than one-half (1/2) acre (twenty-one thousand seven hundred eighty (21,780) square feet);
- (j) Residential Uses.
 - (1) Single-unit dwelling unit, detached;
 - (2) Single-unit dwelling unit, attached (zero (0) lot lines) per BMC [20.78.060\(b\)](#);
 - (3) Duplexes (meeting underlying zoning density);
 - (4) Townhouse (meeting underlying zoning density);
 - (5) Cottage housing meeting the provisions of BMC [20.46.170](#) ~~[20.60.040\(n\)](#)~~, ~~except that no conditional use permit is required~~;
 - (6) Group residential facilities Class I per BMC 20.46.180;
 - (7) Senior housing complex per BMC 20.46.190;
 - (8) Manufactured home park per BMC 20.46.200
- (k) Worship and religious facilities of twenty thousand (20,000) square feet gross floor area or less;
- (l) Incubator for business associated with a worship and religious facility or community facility, provided the following conditions are met:
 - (1) The incubated business is a use that is permitted outright in the neighborhood business zone, BMC [20.82.020](#);

(2) Landscaping and signage requirements of the neighborhood business zone, Chapter [20.82](#) BMC, shall be met; and

(3) The parcel upon which the incubated business is situated shall have frontage on an arterial street. (Ord. 5458 §9, 2022; Ord. 5301 §3 (Exh. B) (part), 2016)

20.78.040 CONDITIONAL USES.

The following uses may be permitted, provided a conditional use permit is approved pursuant to BMC [20.58.020](#) subject to the corresponding conditions:

(a) Bed and breakfast, provided:

(1) The operators of the business shall occupy the house as their primary residence;

(2) No more than one (1) full-time equivalent (FTE) employee who is not a resident of the dwelling may be employed;

(3) No more than six (6) bedrooms are made available for rent to guests and all guest rooms are contained within the principal structure;

(4) Two (2) off-street parking spaces, plus one (1) off-street parking space per each guest bedroom, are required;

(5) Off-street parking spaces may be reduced, provided the applicant can demonstrate parking will not spill over into nearby residential properties and any streets;

(6) Rooms shall not be made available to guests for more than fourteen (14) days during any thirty (30) day period;

(7) No commercial receptions, parties, or other public gatherings, or serving of meals to nonresident guests for compensation, are allowed; and

(8) Any remodeling of the residential structure shall maintain the residential nature of the structure and not alter the structure in such a manner that would prevent it from being used as a residence in the future.

~~(b) Group residential facilities—Class I, provided:~~

~~(1) All state licensing requirements are satisfied;~~

~~(2) Minimum setbacks, height and lot coverage of the underlying zone shall apply;~~

~~(3) Off-street parking shall be at a minimum of one (1) space per each employee during the peak shift, plus one (1) space per two (2) residents the facility will provide service to;~~

~~(4) If counseling services are provided to nonresidents, additional parking spaces are required at one (1) per three hundred (300) square feet of gross floor area used for counseling services;~~

~~(5) The number of required off-street parking spaces may be reduced, provided the applicant can demonstrate that parking will not spill over into nearby residential properties and any streets; and~~

~~(6) Landscaping is provided meeting the minimum requirements for nonresidential uses prescribed in Chapter [20.50](#) BMC. Additional landscaping for screening purposes may be required if it is found necessary to mitigate any impacts to adjoining residential properties.~~

~~(c) Senior housing complex, provided the following conditions are satisfied:~~

~~(1) Minimum site area shall be no less than two (2) acres;~~

~~(2) Minimum setbacks, density, height and lot coverage of the underlying zone shall apply;~~

~~(3) Off-street parking shall be a minimum one (1) space per dwelling;~~

~~(4) Except for a community building/clubhouse for the exclusive use of complex residents, all accessory uses shall be located within a structure containing residential units;~~

~~(5) Attached or detached structure types are permitted and dwelling units may be owned by individuals or occupied as rentals;~~

~~(6) Access to alternative transportation such as public transit or on-site shuttle services to access daily goods or services shall be provided; and~~

~~(7) A management agreement or covenants on individual properties to maintain the complex as a senior citizen complex shall be recorded with the Kitsap County Auditor's office.~~

~~(db) Nursing/convalescent homes, provided:~~

~~(1) All state licensing requirements are satisfied;~~

~~(2) Minimum site area shall be no less than one (1) acre;~~

~~(3) Minimum setbacks, height and lot coverage of the underlying zone shall apply;~~

~~(4) Off-street parking shall be a minimum of one (1) space per six hundred (600) square feet of gross floor area;~~

- (5) The number of required off-street parking spaces may be reduced, provided the applicant can demonstrate that parking will not spill over into nearby residential properties and any streets; and
- (6) Landscaping is provided meeting the minimum requirements for nonresidential uses prescribed in Chapter [20.50](#) BMC. Additional landscaping for screening purposes may be required if it is found necessary to mitigate any impacts to adjoining residential properties.
- (ec) Day care facilities (thirteen (13) or more persons receiving care), provided:
- (1) All state licensing requirements are satisfied;
 - (2) Off-street parking shall be a minimum one (1) space per each five (5) children based on the state license maximum occupancy load;
 - (3) One (1) loading/unloading space without backup is required for the first twenty (20) children and one (1) additional space for up to each additional twenty (20) children;
 - (4) The number of required off-street parking spaces may be reduced, provided the applicant can demonstrate that parking will not spill over into nearby residential properties and any streets;
 - (5) Landscaping is provided meeting the minimum requirements for nonresidential uses prescribed in Chapter [20.50](#) BMC. Additional landscaping for screening purposes may be required if it is found necessary to mitigate any impacts to adjoining residential properties; and
 - (6) The maximum height of a fence or wall within a front yard setback may be increased up to six (6) feet, provided it enhances safety and security of an outdoor play area.
- (fd) Adaptive reuse of commercial buildings, provided the conditions set forth in BMC [20.46.070](#) are satisfied.
- (he) Worship, religious, and community facilities greater than twenty thousand (20,000) square feet, provided:
- (1) The site area shall be one (1) acre or more; and
 - (2) Landscaping is provided meeting the minimum requirements for nonresidential uses prescribed in Chapter [20.50](#) BMC. Additional landscaping for screening purposes may be required if it is found necessary to mitigate any impacts to adjoining residential properties.
- (if) Golf course, provided:
- (1) A site plan review and a site development permit are approved pursuant to Chapter [20.58](#) BMC;

- (2) Through the conditional use permit, modifications to parking and landscaping may be allowed in order to facilitate good design;
 - (3) Other conditions are applied as deemed necessary to mitigate impacts to nearby residential properties and ensure compatibility with the neighborhood.
- (jg) Schools, parks and associated uses may be approved in accordance with the following:
- (1) The following uses are permitted through approval of a conditional use permit:
 - (i) All public schools and associated gymnasiums and auditoriums;
 - (ii) Private schools (K-12) with thirteen (13) or more students;
 - (iii) Parks and playgrounds greater than one-half (1/2) acre;
 - (iv) Outdoor athletic fields;
 - (v) Boat launching and related facilities;
 - (vi) Maintenance and service yards;
 - (vii) Bus and other vehicle and equipment maintenance and storage facilities;
 - (viii) Administrative office related to the facilities greater than two thousand (2,000) square feet gross floor area;
 - (ix) Buildings and structures for nonprofit groups on public lands;
 - (2) Uses permitted pursuant to subsection (j)(1) of this section shall be subject to complying with the following conditions:
 - (i) Front, side and rear yard setbacks of structures and outdoor storage areas shall be at least thirty (30) feet;
 - (ii) Setbacks may be reduced for those portions of a structure fronting interior streets;
 - (iii) The maximum height for any new construction may be increased to match the architecture of existing buildings; provided, that it is set back an additional foot from any property line for each additional foot of allowed height, and in no case shall the new construction exceed forty-five (45) feet;
 - (iv) Landscaping is provided meeting the minimum requirements for nonresidential uses prescribed in Chapter [20.50](#) BMC. Additional landscaping for screening purposes may be required if it is found necessary to mitigate any impacts to adjoining residential properties;

(v) Additional measures may be required if deemed necessary to mitigate any noise impacts to adjacent residential uses; and

(vi) The maximum height of a fence or wall within a front yard setback may be increased to six (6) feet, provided it enhances safety and security around an outdoor play area.

(kh) Public utility facilities located above ground, provided:

(1) Landscaping is provided meeting the minimum requirements for nonresidential uses prescribed in Chapter [20.50](#) BMC. Additional landscaping for screening purposes may be required if it is found necessary to mitigate any impacts to adjoining residential properties;

(2) The maximum height of a fence or wall may be increased within a front yard setback that will provide screening from adjacent uses and enhance safety and security around the facility; and

(3) Exceptions to setbacks may be allowed if the applicant can demonstrate that the public interest is better served by allowing the modification.

(hi) Law enforcement and fire facilities, provided:

(1) Landscaping is provided meeting the minimum requirements for nonresidential uses prescribed in Chapter [20.50](#) BMC. Additional landscaping for screening purposes may be required if it is found necessary to mitigate any impacts to adjoining residential properties.

(2) The maximum height of a fence or wall may be increased within a front yard setback that will provide screening from adjacent uses and enhance safety and security around the facility. (Ord. 5301 §3 (Exh. B) (part), 2016)

Chapter 20.79

HIGH DENSITY RESIDENTIAL (R-40)

20.79.020 OUTRIGHT PERMITTED USES.

The following uses are permitted outright:

(a) Co-location of wireless communications per BMC [20.46.140](#);

(b) Residential Use. Dwelling units, including a duplex or townhouse, must meet the underlying density of this zone unless otherwise allowed for by state law or City code.

Residential uses include:

(1) Day care facility (twelve (12) or fewer persons receiving care);

(2) Foster home;

- (3) Class I group residential facility;
- (4) Multi-unit dwelling units;
- (5) Single-unit dwelling unit, attached (zero (0) lot lines);
- (6) Single-unit dwelling unit, detached;
- (7) Townhouses;
- (8) Duplexes.
- (9) Senior housing complex per BMC 20.46.190.

(Ord. 5390 §6, 2019: Ord. 5301 §3 (Exh. B) (part), 2016: Ord. 5046 §21 (part), 2008: Ord. 4950 §8 (Exh. A) (part), 2005)

20.79.040 CONDITIONAL USES.

The following conditional uses shall be permitted pursuant to BMC [20.58.020](#), provided the conditional use complies with the corresponding standard as listed in BMC [20.60.040](#) (low density residential (R-10) zone), except the criteria for minimum site area is not applicable to this zone for the following uses:

- (a) Bed and breakfast;
- ~~(b) Senior housing complex;~~
- (e**b**) Nursing/convalescent home;
- (d**c**) Day care facilities (more than twelve (12) persons receiving care);
- (e**d**) Worship, religious, and community facilities;
- (f**e**) Schools, parks and associated facilities of the types set forth in BMC [20.60.040\(j\)](#).
(Ord. 5390 §7, 2019: Ord. 5301 §3 (Exh. B) (part), 2016: Ord. 5111 §5, 2010: Ord. 5046 §21 (part), 2008: Ord. 4950 §8 (Exh. A) (part), 2005)

FINDINGS AND CONCLUSIONS OF THE CITY OF BREMERTON PLANNING COMMISSION

Summary:

Proposed amendments to various sections of the Bremerton Municipal Code (BMC) for the purpose of demonstrating conformance with the Washington State Local Project Review Act (LPRA) RCW 36.70B, as amended per Senate Bill 5290.

I. FINDINGS OF FACT

1. Project Description:

The proposed amendment package includes revisions to Bremerton Municipal Code (BMC) 20.02 Project Permits, 20.46 Special Development Standards, 20.58 Land Use Permits, 20.60 Low Density Residential, 20.78 Medium Density Residential, 20.79 High Density Residential.

2. Procedural History:

- 2.1 Notice of Public Hearing: November 8, 2024
- 2.2 Department of Commerce: November 14, 2024
- 2.3 SEPA Threshold Determination DNS: November 14, 2024
- 2.4 Planning Commission Public Hearing: November 18, 2024

3. Public and Agency Comment:

- 3.1 _____
- 3.2 _____
- 3.3 _____
- 3.4 _____
- 3.5 _____

4. SEPA Determination:

A Determination of Non-Significance was issued on November 14, 2024; to date no comments or appeals have been filed. Please note that the comment period for the environmental review will be completed after the Planning Commission’s Public Hearing and thus any comments or information received after the Planning Commission’s hearing will be presented to City Council for their decision. The environmental review and appeal will be completed prior to the City Council public hearing.

5. Consistency:

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

(1) The amendments are 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:

- *Housing Element, Policy H4(D). Encourage efficient permit review by eliminating unnecessary regulatory impediments, improving certainty in development regulations, and provide an expedited permit process.*

- *Economic Development Element, Policy ED5(A).
Evaluate and work towards efficiency and effectiveness of all permit processes to ensure requirements and timelines are predictable. Encourage City Departments and Staff to provide condensed development guides to applicants that help identify code requirements..*

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, meets the requirements in BMC 20.18.020(d) text amendments, and therefore recommends to the City Council, the adoption of the amendment to Title 20.

Respectfully submitted by:

Approved by:

Andrea L. Spencer AICP, Executive Secretary

Nick Wofford, Chair

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

AGENDA TITLE:	Public Workshop for Zoning Code Amendments: Housing
DEPARTMENT:	Community Development
PRESENTED BY:	Garrett Jackson, Planning Manager; (360) 473.5289

MEETING PURPOSE

As part of the ongoing 2024 Comprehensive Plan Update, this workshop will introduce the Planning Commission to potential Zoning Code Amendments related to new housing provisions included with the 2024 Comprehensive Plan update that have been discussed at previous workshops.

PROJECT OVERVIEW

“Bremerton2044” is the title of the City of Bremerton’s Comprehensive Plan Update, which focuses on evaluating which aspects of the plan are working and what needs to be adjusted. The update is required by the Washington State Growth Management Act (GMA) in order to demonstrate that Bremerton has the capacity to absorb population and employment increases forecast to the year 2044. Population estimates indicate that the City will grow to 63,757 persons and 58,258 jobs by 2044. As the US Census Bureau estimates that Bremerton’s population was 43,505 with 44,083 jobs in 2020, this means the City is forecast to increase its population by over 46%, with a 32% increase in the number of jobs. The Comprehensive Plan must also be consistent with regional planning goals established in the Puget Sound Regional Council’s (PRSC) [Vision 2050](#) and County level planning efforts per the Kitsap Regional Coordinating Council (KRCC) [Countywide Planning Policies](#). The overarching principles and general concepts within the 2016 Comprehensive Plan continue to be applicable, however, some alterations are necessary to reflect changes in State and regional planning standards and to ensure that the document still represents the community.

OBJECTIVE

Staff seeks guidance from the Planning Commission regarding possible revisions to the zoning code, in order to draft amendments for a later public hearing.

ATTACHMENTS

Attachment I: Bremerton Municipal Code Middle Housing (BMC 20.46.210) proposed amendments in legislative mark-up.

BACKGROUND

The Zoning Code Amendments proposed with this workshop are intended to bring the City into conformance with new housing requirements for Washington State. Specifically [HB 1110](#), which requires increasing middle housing in areas traditionally dedicated to single-family, and [HB 1220](#), which requires the City to plan for housing to support all income levels. The Planning Commission has held several workshops related to potential housing code updates, below are a selection of these meetings. Videos of separate City Council presentations on [Land Use](#) and [Housing](#) are also available on [Bremerton2044.com](#).

- [September 16, 2024 Planning Commission Workshop](#) - Housing
- [September 18, 2023 Planning Commission Workshop](#) - Housing
- [March 20, 2023 Planning Commission Workshop](#) - Housing
- [February 27, 2023 Planning Commission Workshop](#) - Land Use
- [January 23, 2023 Planning Commission Workshop](#) - Land Use
- [Draft Housing Appendix](#)

PROPOSED ZONING CODE AMENDMENTS

The three zones to potentially be altered with these zoning code amendments are Low Density Residential (LDR), Medium Density Residential (MDR), and High Density Residential (HDR). Each one of these zones would have “Middle Housing” added to the allowed uses outright permitted in the zone, and “Multifamily” added to the allowed uses in the LDR and MDR zones. “Middle Housing” means buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing. A description of the proposed changes are found below, with draft code for Middle Housing provided in the legislation mark-up in Attachment I.

- ***Applicability.*** Middle Housing applies to areas that are “Zoned Predominantly for Residential Use”, which includes the Low Density Residential (LDR), Medium Density Residential (MDR), and High Density Residential (HDR) zones. Middle Housing does not apply to mixed-use or commercial zones, and they permit higher densities and more intense uses than Middle Housing.
- ***Allowable Density.*** When criteria for affordable housing are met, any lot in the subject zones would be permitted to have 4 dwelling units, regardless of the size of that lot. Subdivision of lots containing Middle Housing would need to be permitted down to 1,000 square feet. Please note, that housing would need to be a Middle Housing type, and this does not include single-family homes.
- ***Definitions.*** A number of new definitions are proposed, each of which recommended by the [Department of Commerce model code](#). Examples of proposed definitions are found below.

“***Major Transit Stop***” is a term used to describe an enhanced transit service option, and is designated for future utilization in the [Kitsap Transit Long-range Plan](#). Middle Housing located in close proximity to Major Transit Stops are eligible for increased flexibility for

applicable development standards, however, currently the City does not have a Major Transit Stop within our jurisdiction. With the November 18th presentation, Staff will survey the Planning Commission for feedback on parking requirements for Middle Housing as it related to Major Transit Stops.

“Cottage Housing” is a term generally applied to modestly sized homes that are located around a shared common open space area. The definition of Cottage Housing proposed with this workshop differs slightly from the Department of Commerce version, as the existing City code limits Cottage Housing to 1,200 square feet in an effort to promote affordability. The Department of Commerce has confirmed that limiting the square footage in this manner is an acceptable practice.

NEXT STEPS

The Planning Commission should be prepared to provide Staff with any needed direction on potential code revisions. These code sections would potentially be considered by the City Council after the adoption of the 2024 Comprehensive Plan update.

OBJECTIVE

Staff seeks guidance from the Planning Commission regarding possible revisions to the zoning code, in order to draft amendments for a later public hearing.

20.46.210 MIDDLE HOUSING

(a). Intent. The purpose of this section is to provide land use, development, design, and other standards for Middle Housing as defined in BMC 20.42.

(b). Applicability. The provisions of this section shall apply to all lots Zoned Predominantly for Residential Use, unless otherwise noted. This section does not apply to lot that was created through the splitting of a single residential lot. In the event of a conflict between this section and other development regulations applicable to middle housing, the standards of this ordinance control except that, this subsection shall not apply to shoreline regulations under Chapter 90.58.RCW.

(c). Allowable Density. The following density and lot area standards are applicable to Middle Housing development:

(1) The permitted unit density on all lots Zoned Predominantly for Residential Use is:

(i) Two units per lot, unless zoning permitting higher densities or intensities applies.

(ii) Four units per lot on all lots within one-quarter mile walking distance of a Major Transit Stop, unless zoning permitting higher densities or intensities applies.

(iii) Four units per lot if at least one unit on the lot is affordable housing meeting the requirements of subsection (4) below, unless zoning permitting higher densities or intensities applies.

(2) The standards of subsection d(1) do not apply to lots after subdivision below 1,000 square feet unless the city has enacted an allowable lot size below 1,000 square feet in the zone.

(4) To qualify for additional units under the affordable housing provisions of subsection d(1), an applicant shall commit to renting or selling the required number of units as affordable housing and meeting the standards of subsections (i) through (v) below.

(i) Dwelling units that qualify as affordable housing shall have costs, including utilities other than telephone, that do not exceed 30 percent of the monthly income of a household whose income does not exceed the following percentages of median household income adjusted for household size, for the county where the household is located, as reported by the United States Department of Housing and Urban Development: (a) Rental housing: 60 percent, (b) owner occupied housing: 80 percent.

(ii) The units shall be maintained as affordable for a term of at least 50 years, and the property shall satisfy that commitment and all required affordability and income eligibility conditions.

(iii) The applicant shall record a covenant or deed restriction that ensures the continuing rental or ownership of units subject to these affordability requirements consistent with the conditions in chapter 84.14 RCW for a period of no less than 50 years.

(iv) The units dedicated as affordable housing shall be comparable to other units in the development in terms of range of sizes, number of bedrooms, distribution throughout the development, and functionality.

(d). Development Standards. Middle Housing shall comply with the development and design standards of the underlying zone, except that in all cases maximum structure height is 35 feet.

(e). Parking Standards. Middle Housing shall comply with the parking standards of the underlying zone.

20.42 DEFINITIONS

“Administrative Design Review” means a development permit process whereby an application is reviewed, approved, or denied by the Director of Community Development or designee based solely on objective design and development standards without a public predecision hearing, unless such review is otherwise required by state or federal law, or the structure is a designated landmark or historic district established under a local preservation ordinance. A city may utilize public meetings, hearings, or voluntary review boards to consider, recommend, or approved requests for variances from locally established design review standards.

“Zoned Predominantly for Residential Use” means all zoning districts in which residential dwellings are the predominant use. This excludes lands zoned primarily for commercial, industrial, and/or public uses, even if those zones allow for the development of detached single-family residences. This also excludes lands zoned primarily for mixed uses, even if those zones allow for the development of detached single-family residences, if the zones permit by-right multifamily use and a variety of commercial uses, including but not limited to retail, services, eating and drinking establishments, entertainment, recreation, and office uses.

“Cottage housing” means residential units on a lot with a common open space that either: (a) Is owned in common; or (b) has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space.

Units shall not be greater than one thousand two hundred (1,200) square feet, and shall not share any common walls, ceilings, or floors with other residential units.

"Courtyard apartments" means attached dwelling units arranged on two or three sides of an open space area, with a minimum open space dimension of 15 feet along any side.

"Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

"Development standards" means controls placed by the city on building or site design and development including parking requirements, floor area allowances, density allowances, minimum lot coverage, and other dimensional standards.

"Fiveplex" means a residential building with five attached dwelling units.

"Fourplex" means a residential building with four attached dwelling units.

"Major transit stop" means either a stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW; or commuter rail stops; or stops on rail or fixed guideway systems; or stops on bus rapid transit routes, including those stops that are under construction.

"Middle housing" means buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing.

"Sixplex" means a residential building with six attached dwelling units.

"Stacked flat" means dwelling units in a residential building of no more than three stories on a residential zoned lot in which each floor may be separately rented or owned.

"Triplex" means a residential building with three attached dwelling units.

"Townhouses" means buildings that contain three or more attached single-family dwelling units that extend from foundation to roof and that have a yard or public way on not less than two sides.

“Unit density” means the number of dwelling units allowed on a lot, regardless of lot size.