

**ORDINANCE NO. 5416**

**AN ORDINANCE** of the City Council of the City of Bremerton, Washington, amending the Bremerton Municipal Code Section 20.46.010 to allow two Accessory Dwelling Units.

WHEREAS, through practical use and application of the Zoning Code the need for modification has been identified; and

WHEREAS, the City of Bremerton (“City”) has established a procedure for amending the Zoning Code in Title 20.18.020(d) of the Bremerton Municipal Code (“BMC”), which requires amendments to the Zoning Code to be both consistent with the goals and policies of the Comprehensive Plan and to be consistent with other applicable rules and regulations; and

WHEREAS, these amendments are consistent with the City’s Comprehensive Plan, County Wide Planning Policies, The State Growth Management Act, and other applicable regulations and ordinances; and

WHEREAS, the City of Bremerton (and the region) are experiencing a housing shortage and allowing a second Accessory Dwelling Unit (ADUs) would increase the opportunity for more housing types in the City; and

WHEREAS, due to their smaller size, an ADU can provide a more affordable housing option in single-family zones; and

WHEREAS, increasing housing options, such as ADUs, throughout the City will give more families access to existing schools, parks, and other public amenities; and

WHEREAS, on May 18, 2020, the Planning Commission conducted a workshop on the proposed amendments; and

WHEREAS, on May 29, 2020, and October 2, 2020 a State Environmental Policy Act (“SEPA”) Determination of Nonsignificance (“DNS”) was issued for the proposed action and no appeals were filed; and

WHEREAS, on June 1, 2020, and October 2, 2020 the proposed Zoning Code amendments were circulated to the State Agencies for the requisite review and comment period; and

WHEREAS, on October 2, 2020, the public was notified by a legal advertisement in the Kitsap Sun of the opportunity to make comment and participate in the public hearing held by the Planning Commission; and

WHEREAS, on October 19, 2020, the Planning Commission conducted a public hearing on the Zoning Code amendments and formulated a recommendation to forward the amendments for City Council consideration; and

WHEREAS, on December 16, 2020, the City Council passed the majority of the Planning Commission recommendations through Ordinance 5410, however the Council requested that the Commission's recommendation of two ADUs per site come back at a later date; and

WHEREAS, on February 11, 2021, the public was notified by a legal advertisement in the Kitsap Sun of the opportunity to make comment and participate in the public hearing on February 17, 2021 by the City Council; and

WHEREAS, on February 17, 2021, the City Council conducted a public hearing and considered all testimony including testimony on amending code proposals to this topic; and

WHEREAS, on February 25, 2021, the public was notified by a legal advertisement in the Kitsap Sun of the opportunity to make comment and participate in another public hearing on March 3, 2021 by the City Council; and

WHEREAS, on March 3, 2021, the City Council conducted a public hearing and considered all testimony prior to their decision; NOW THEREFORE,

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

**SECTION 1.** *Findings and Recitals Incorporated.* The findings and recitals set forth above are hereby adopted and incorporated herein by this reference.

**SECTION 2.** *Planning Commission Findings.* The findings and conclusions adopted by the Planning Commission attached hereto as **Exhibit A** are adopted and incorporated as if set forth herein in full.

**SECTION 3.** Chapter 20.46 of the Bremerton Municipal Code entitled "Special Development Standards" is hereby amended by amending Section 20.46.010 to read as follows:

**20.46.010 ACCESSORY DWELLING UNITS.**

An accessory dwelling unit (ADU) may be permitted anywhere a new or existing single-family dwelling unit (hereafter, "principal unit") is allowed. Accessory dwelling units are exempt from the density requirements of the underlying zone and shall be subject to the following requirements:

- (a) An ADU shall comply with the development standards of the underlying zone for the principal unit including setbacks, height, and lot coverage or BMC 20.44.060, accessory structures setbacks for detached ADUs.
- (b) An ADU may be attached or detached from the principal unit.

- (c) ~~Only one (1)~~ Two (2) ADUs may be created per lot. The lot shall only contain one (1) single-family dwelling unit and ~~one (1)~~ a maximum of two (2) ADUs.
- (d) Manufactured homes may be allowed as an accessory dwelling unit provided it complies with the design criteria of ADUs and must comply with BMC 20.46.040, manufactured home provisions, excluding BMC 20.46.040(a)(2) and (6) regarding size and roof pitch.
- (e) The ADU shall be limited to one thousand (1,000) square feet or not more than sixty (60) percent of the principal unit's total habitable floor area, whichever is greater, with the following exception:
- (1) To encourage the compact infill development and use of existing single-family homes, if a residence that was constructed or remodeled prior to December 31, 2020, is proposed to be divided into a principal unit and an ADU, the Director may allow equal square footage for the principal unit and the ADU if the ADU is located completely on a single floor of the existing residence. This does not apply to detached ADUs.
- (f) Any ADU shall be designed so that the appearance of the building remains that of a single-family residence and should architecturally blend into the existing neighborhoods through careful design. The exterior of an ADU shall have siding and roofing which in color, material and appearance are comparable to the predominant materials of the primary dwelling unit and/or characteristics of the neighborhood.
- (g) ~~An accessory dwelling unit~~ One ADU is not required to provide an additional off-street parking space. The second ADU shall provide one (1) off-street parking space in addition to that which is required for the principal unit. The site must comply with Chapter 20.48 BMC, specifically that the required parking spaces for the principal unit shall be provided and that all driveways and areas used for loading, parking, and maneuvering vehicles on the parcel shall have a paved surface.
- (h) When development of an ADU is for people with disabilities, the Director may allow reasonable deviation from the stated requirements to install features that facilitate accessibility such as those required by the International Building Code.
- (i) An ADU shall be required to be served by City water and sewer or an approved septic system.
- (j) The property owner, which shall include titleholders and contract purchasers, must abide by the following:
- (1) International Property Maintenance Code Chapter 3, Section 302, concerning exterior property areas, as adopted at BMC 17.04.020(f), except those not adopted as enumerated in BMC 17.04.110, or as hereby amended; and
  - (2) All applicable provisions in BMC Title 6 regarding health and sanitation including maintaining nuisance vegetation, proper garbage and refuse containment, and maintaining the buildings to not qualify as an unfit dwelling, building, structure and/or premises.
- (k) Conversion of Existing Detached Structures. To encourage the compact infill development of existing structures throughout the City, a detached ADU that does not comply with certain development standards of this chapter may be permitted provided the requirements of this section are met. The following shall apply to all development seeking to utilize this provision:

- (1) The structure must have been constructed prior to December 31, 2020. The structure must either have received a City or County permit, not needed a permit at the time of construction, or be recognized as a structure per the Kitsap County Assessor records.
- (2) The structure must meet, either currently or through permitted remodeling, the requirements of the building (BMC Title 17) and fire (BMC Title 18) code for habitable structures.
- (3) The conversion of an existing structure to an ADU, with no expansions, may be exempt from:
  - (i) Compliance with the development standards for setbacks, height, and lot coverage of the underlying zone.
  - (ii) Compliance with the ADU provisions of this section related to size and design, except as provided at subsection (k)(4) of this section.
- (4) An existing structure may be enlarged or extended, provided the following provisions are met:
  - (i) The enlargements do not violate underlying zone requirements. Structures that do not conform to the setback requirements may expand up to twenty (20) percent of the gross floor area, and to the building line, provided these enlargements do not further violate setback requirements.
  - (ii) The enlargements do not cause the entire structure to exceed the ADU size requirements of subsection (e) of this section.
  - (iii) Any altered or new facades shall have siding and roofing which in color, material, and appearance match or complement the predominant materials of the existing structure.
- (5) A conversion of the structure to an ADU will not be approved if it conflicts with the City's plans, Capital Improvement Plan or other capital projects related to nearby expansion of utilities or infrastructure including the need for additional right-of-way.

**SECTION 4. Corrections.** The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance, including but not limited to, the correction of scrivener, clerical, typographical, and spelling errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**SECTION 5. Severability.** If any one or more sections, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

**SECTION 6. Effective Date.** This ordinance shall take effect and be in force ten (10) days from and after its passage, approval and publication as provided by law.

PASSED by the City Council the 3rd day of March, 2021.

  
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 KEVIN GORMAN, Council President


Approved this 10<sup>TH</sup> day of MARCH, 2021.

  
\_\_\_\_\_  
GREGORY WHEELER, Mayor

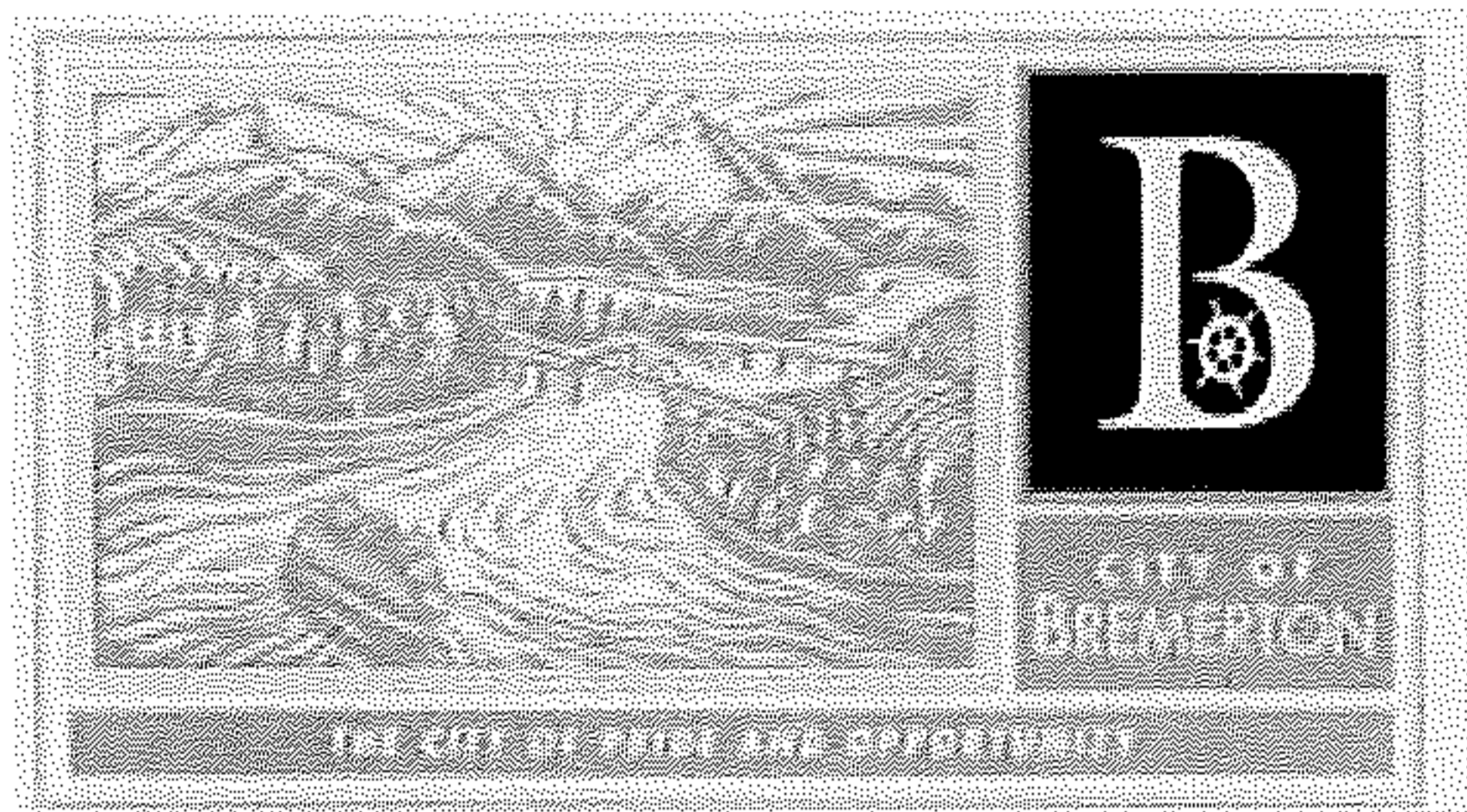
ATTEST:

APPROVED AS TO FORM:

 for:  
\_\_\_\_\_  
ANGELA HOOVER, City Clerk

  
\_\_\_\_\_  
ROGER A. LUBOVICH, City Attorney

PUBLISHED the 5<sup>th</sup> day of march, 2021.  
EFFECTIVE the 15<sup>th</sup> day of march, 2021.  
ORDINANCE NO. 5416



## DEPARTMENT OF COMMUNITY DEVELOPMENT

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# Coversheet for Planning Commission's Finding & Conclusions for ADUs:

Following this document is the City of Bremerton Planning Commission's Finding and Conclusions for their public process related to the Zoning Code Amendments for Accessory Dwelling Units (ADUs).

The City Council has adopted a portion of the Zoning Code Amendments related to ADUs as Planning Commission recommended on December 16, 2020 via Ordinance 5410. Those amendments that were adopted and are part of Bremerton Municipal Code (BMC) 20.46.010 are the following:

- Increasing the ADU minimum size requirements,
- Removing the parking requirement for ADU,
- Removing Owner-Occupancy requirement,
- Changing the Design Standards, and
- Adding Standards for nonconforming detached structures to become ADUs.

At the December 16, 2020 Public Hearing, the Council requested that one Planning Commission recommendation be considered at a future date:

- Increasing the maximum number of ADUs per lot from one (1) to two (2).

### Additional Information:

Though this Planning Commission's Finding and Conclusion is the record of the ADU public process including the official Workshop and Public Hearing, the ADU discussions has been discussed numerous times at the Commission's meeting. The Planning Commission meetings where ADUs were discussed are related to the City's Infill Toolkit discussion. The following are other times that ADUs were discussed at Planning Commission (when the meeting was not specifically about ADUs):

- March 19, 2018
- July 15, 2019
- October 21, 2019

**FINDINGS AND CONCLUSIONS  
OF THE CITY OF BREMERTON PLANNING COMMISSION**

**Summary:**

Proposed amendments to the Bremerton Municipal Code related to Accessory Dwelling Units.

**I. FINDINGS OF FACT**

**1. Project Description:**

The proposed amendment includes revisions to Bremerton Municipal Code 20.46.010, Accessory Dwelling Units, as follows:

- A. Increasing the ADU minimum size.
- B. Increasing the maximum number of ADUs per lot from one (1) to two (2).
- B. Removing parking requirements for the first ADU.
- C. Removing owner occupancy and ownership requirements.
- D. Changing the design standards.
- E. Adding standards for nonconforming detached structures to become ADUs.

**2. Procedural History:**

- 2.1 Planning Commission Workshops: May 18, 2020
- 2.2 Washington State Department of Commerce Notice: June 1, 2020 AND October 2, 2020
- 2.3 SEPA Threshold Determination DNS: May 29, 2020 and October 2 2020
- 2.4 Notice of Public Hearing: October 2, 2020
- 2.5 Planning Commission Public Hearing: October 19, 2020

**3. Public and Agency Comment:**

- 3.1 At the workshop held on March 19, 2018, two public comments were received:
  - 3.1.01 A. Marcus expressed support.
  - 3.1.02 Russ Shiplet, representing the Kitsap Building Association, expressed support.
- 3.2 Written comments are summarized below:
  - 3.2.01 Comment 01: R. Runyon submitted a potential code amendment.
  - 3.2.02 Comment 02: L. King is supportive of ADU amendments.
- 3.3 At the Planning Commission Public Hearing on October 19, 2020, the following people testified:
  - R. Runyon
  - R. Shiplet for the Kitsap Building Association
  - S. Plahn
  - J. Vogt

**4. SEPA Determination:**

A Determination of Non-Significance (DNS) was issued on May 29, 2020, to date no comments or appeals have been filed. A subsequent DNS was issued on October 2, 2020 as additional code revisions were requested by the public for the City to consider.

**5. Consistency:**

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

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

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

The amendment continues to uphold the objectives, goals and policies of the Comprehensive Plan such as:

- Policy LU1(B): Coordinate Bremerton's growth consistent with the Kitsap Countywide Planning Policies and the Puget Sound Regional Council's Vision 2040, and state requirements.
- Policy LU4(C): Provide land use regulations that give opportunities for the community to have fair access to livelihood, education, and resources.
- Policy LU4(D): On an annual basis review and provide amendments, if necessary, to the goals and policies and the Land Use Map to address changing circumstances and/or emergencies.
- Housing Vision: To encourage the growth of Bremerton by strategically locating a wide variety of housing types throughout the City in a way that protects the environment and fosters community health.
- Housing Goal H2: Encourage the development of a variety of new housing options and densities to meet the changing needs of Bremerton's residents.
- Policy H2(C): Supporting infill development and increased densities and the use of Low Impact Development (LID) techniques and Best Management Practices (BMPs) to ensure efficient and cost-effective utilization of existing public utilities.
- Housing Goal H3: Support access to quality and affordable housing for all Bremerton residents.
- Policy H3(A): Provide opportunities for the production of new housing for all incomes, ages, and family types through infill by stimulating growth of non-traditional housing types such as townhomes, carriage units, accessory dwelling units, and duplexes in locations where they will seamlessly infill into the fabric of the existing neighborhoods.
- Policy H3(E): Eliminate unnecessary regulatory impediments to the development of affordable housing.
- Goal H4: Implement and coordinate strategies that promote public and private efforts to facilitate improvements to the housing stock.
- Policy H4(F): Promote increased housing density to provide a broader customer base for more affordable public services including utilities.

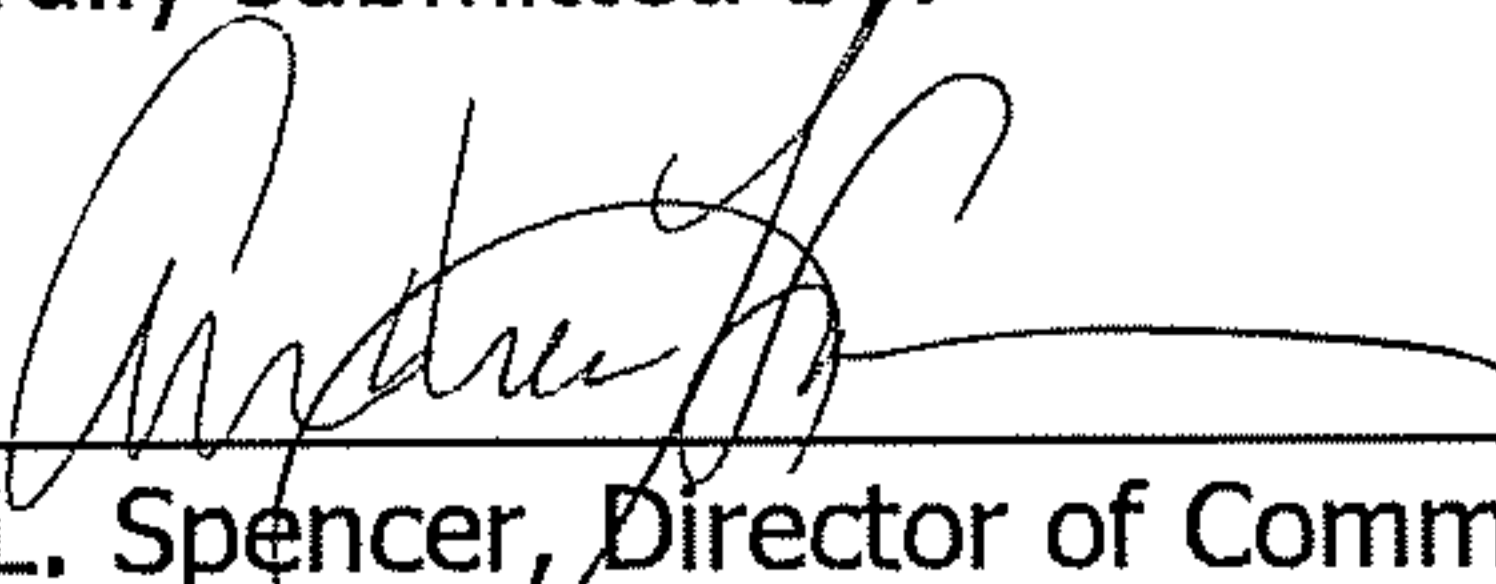
(2) It does not conflict with other City, state and federal codes, regulations and ordinances.

*Analysis:* The proposed amendments do not conflict with any other regulations.

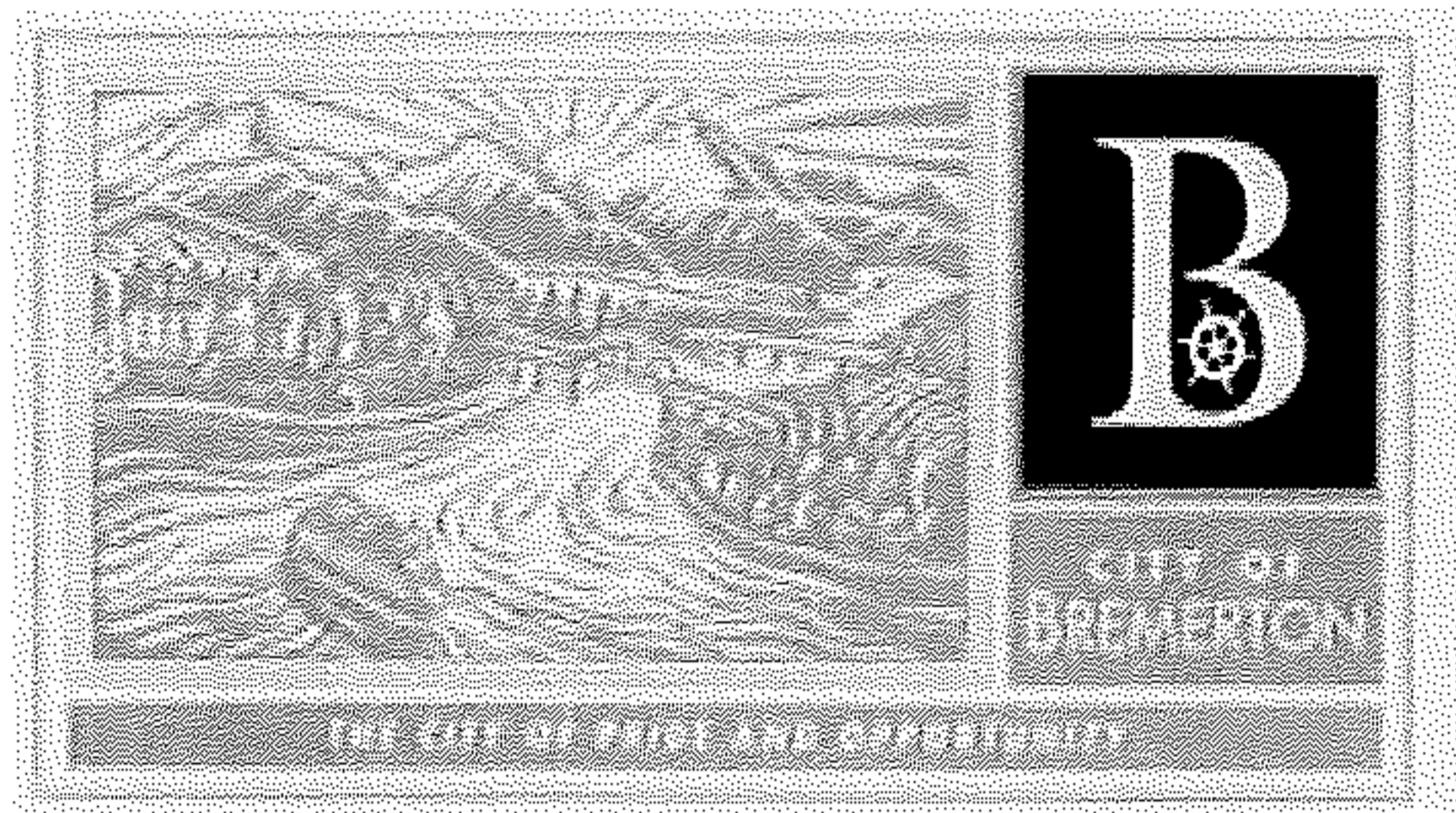
## **II. CONCLUSIONS & RECOMMENDATION**

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 amendments to Title 20.

Respectfully submitted by:

  
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Andrea L. Spencer, Director of Community Development

  
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Nick Wofford, Planning Commission Chair



## DEPARTMENT OF COMMUNITY DEVELOPMENT

# MEMORANDUM

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**To:** City Council  
**From:** Allison Satter, Planning Manager  
**Date:** Updated – February 25, 2021  
**Subject:** Amendments to the Zoning Code regarding Two Accessory Dwelling Units (ADU)

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### SUMMARY

City Council is holding a Public Hearing to determine if the City should adopt Zoning Code amendments to allow two Accessory Dwelling Units (ADUs) per single-family lot, specifically Bremerton Municipal Code (BMC) 20.46.010. Staff has updated this Memo after the February 17, 2021 Public Hearing where testimony was received for this proposed Zoning Code amendment item and potential associated revisions.

The Council is considering the following items at this Public Hearing

- **Planning Commission's Recommendation** to allow 2 ADU per single-family lot and require an additional parking space.
- **Potential amending motion #1** – Limit Location of two ADUs to 500' from certain zones.
- **Potential amending motion #2** – Limit Location of two ADUs to 500' from certain zones AND do not require parking for 2nd ADU.
- **Potential amending motion #3** – If 2<sup>nd</sup> ADUs are allowed Citywide, do not require parking for 2nd ADU when 1500' from certain zones.
- **Potential amending motion #4** – Require Owner Occupancy if two ADUs were on site.
- **Potential amending motion #5** – Prohibit all ADUs from being Short Term Rentals.

This is the 2<sup>nd</sup> Council Public Hearing for the changes to the ADU code as recommended by Planning Commission<sup>1</sup>. The Zoning Code amendments made in the 1<sup>st</sup> Public Hearing (Ordinance 5410) will not be change at this meeting<sup>2</sup>.

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<sup>1</sup> Zoning Code Amendments to the ADU regulations was passed on December 16, 2020 via Ordinance 5410. Changes included removing owner-occupancy requirement, eliminating the one-additional off-street parking space, modifying the maximum size requirement, reducing the design criteria, and allowing some nonconforming structures to be converted to an ADU.

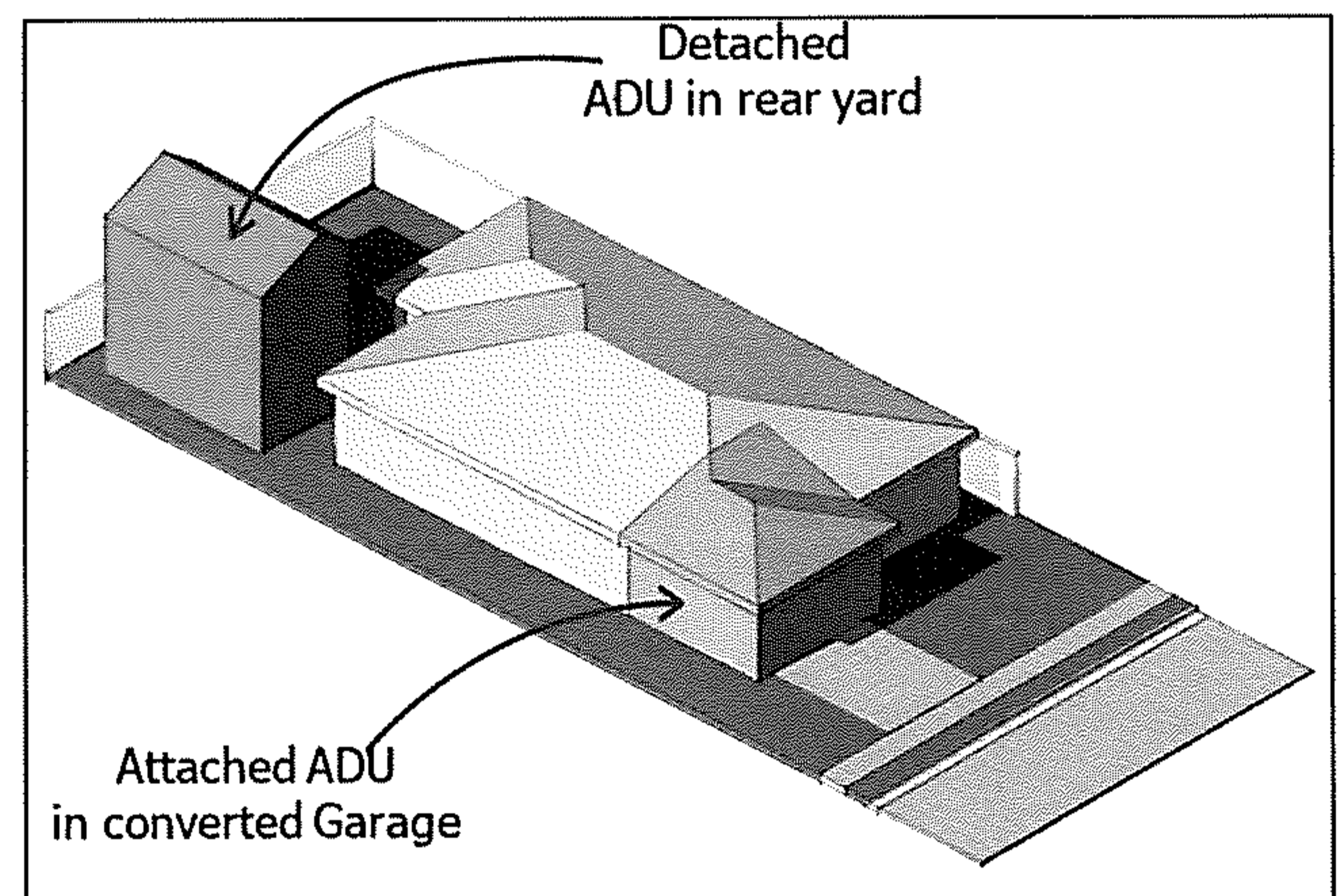
<sup>2</sup> Record from Ordinance 5410 is not repeated in this packet, but [click here to access City Council's record for the adoption of Ordinance 5410](#).

## Planning Commission's Recommendation

Planning Commission unanimously recommended the ADU amendments for BMC 20.46.010 at a Public Hearing held on October 19, 2020. At the Planning Commission's public hearing, each topic of proposed changes to the ADU code was discussed independently prior to the vote. The Commission's recommendation for two ADUs in the attached ordinance is described in this memo. *Please note that this Memo shows proposed amendments in legislative markup with changes being red, and additions being underlined and deletions being ~~strike-through~~.*

(c) ~~Only one (1)~~ Two (2) ADUs may be created per lot. The lot shall only contain one (1) single-family dwelling unit and ~~one (1)~~ a maximum of two (2) ADUs.

The amended code as recommended by the Planning Commission raises this limit to two (2) ADUs, either two attached, two detached, or one attached and one detached. The Planning Commission's decision was based on public comment that was supportive of multiple ADUs on a parcel, as well as the example of neighboring cities that have introduced similar ADU standards. The City of Seattle currently allows up to two ADUs per lot, as does Kirkland and Burien. Looking further, the State of California now permits up to two ADUs statewide on all family zoned for low density residential uses.



A Councilmember also expressed concerns about allowing two attached units or two detached units on a single-family home lot. Although the City's updated ADU code may allow two, as a practical matter the City's Code (Fire and Zoning) will make this difficult/impossible as follows:

- If two ADUs are attached to a Single-family home, such as a basement and upper floor conversion to units, the Single-family home will have to install an automatic sprinkler system. For existing houses, this is an expensive request that requires significant work. One attached ADU to a single-family home does not require the sprinkler system to be installed (this becomes a requirement at two attached units).
- Small lots will not be able to locate two detached ADUs as there is existing development standards that will limit this. Such as not complying with maximum lot coverage allowed which is 60% (40% of their site needs to yard) and meeting the required setbacks.

In addition to allowing two ADUs, the Planning Commission recommended that an additional parking space be provided when two ADUs are on site. The following is also include in the proposed Ordinance:

(g) If only one ADU is onsite, it is not required to provide additional off-street parking space. The second accessory dwelling unit shall provide one (1) off-street parking space in addition to that which is required for the principal unit. The site must comply with BMC 20.48, specifically that the required parking spaces for the principal unit shall be provided and that all driveways and areas used for loading, parking, and maneuvering vehicles on the parcel shall have a paved surface.

## Potential Code Revision – Limit where second ADU can be established

*Potential Code Revision –*

**Place limitations about where a second ADU can be established  
by limiting it to 500' from certain areas**

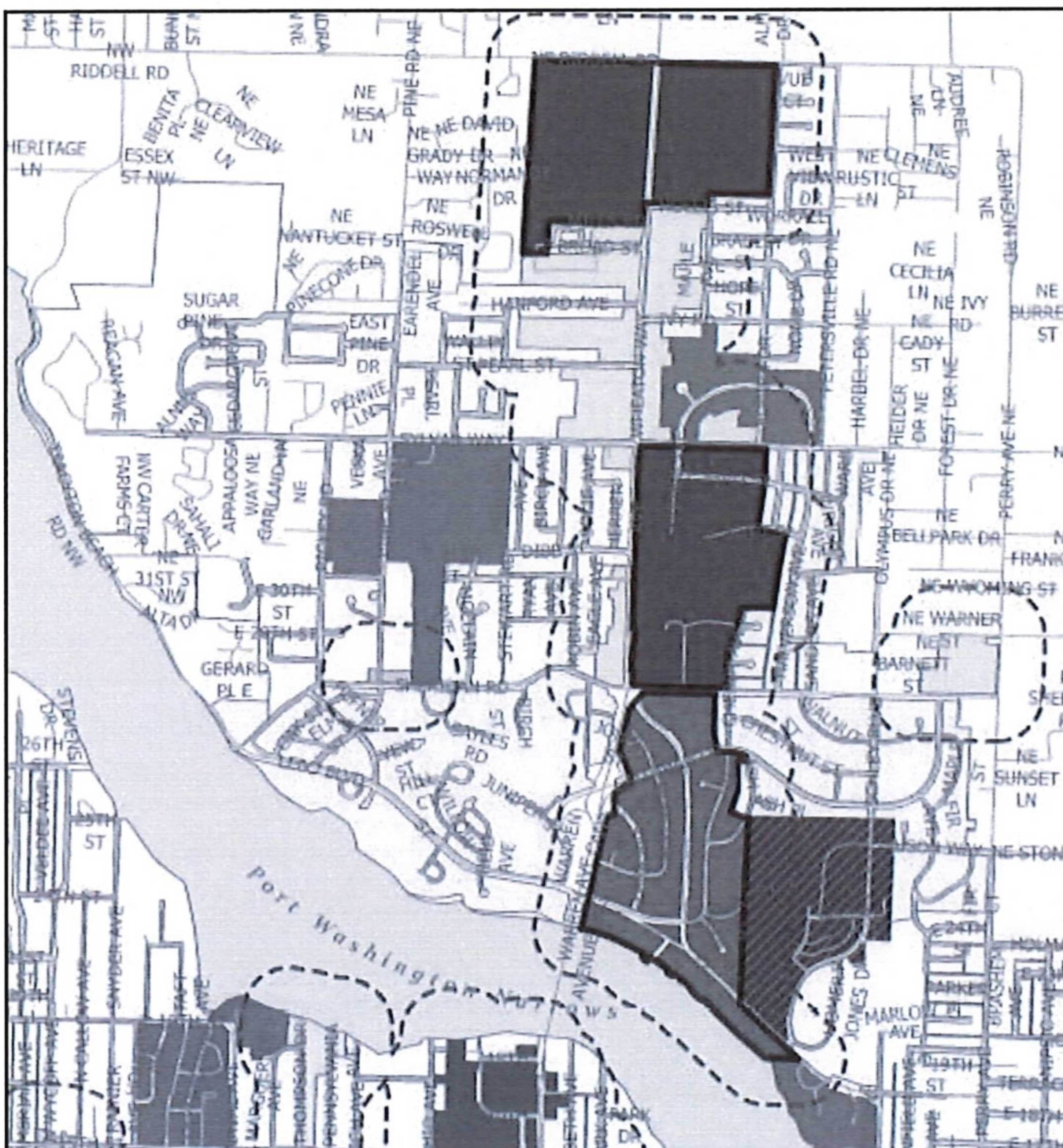
City Council has requested a potential revision to the Draft Ordinance to add a provision to Planning Commission recommendation to allow a second ADU where the City has existing or planned denser population such as the City centers or the City's commercial or institutional (Olympic College) zones.

A potential revision could be:

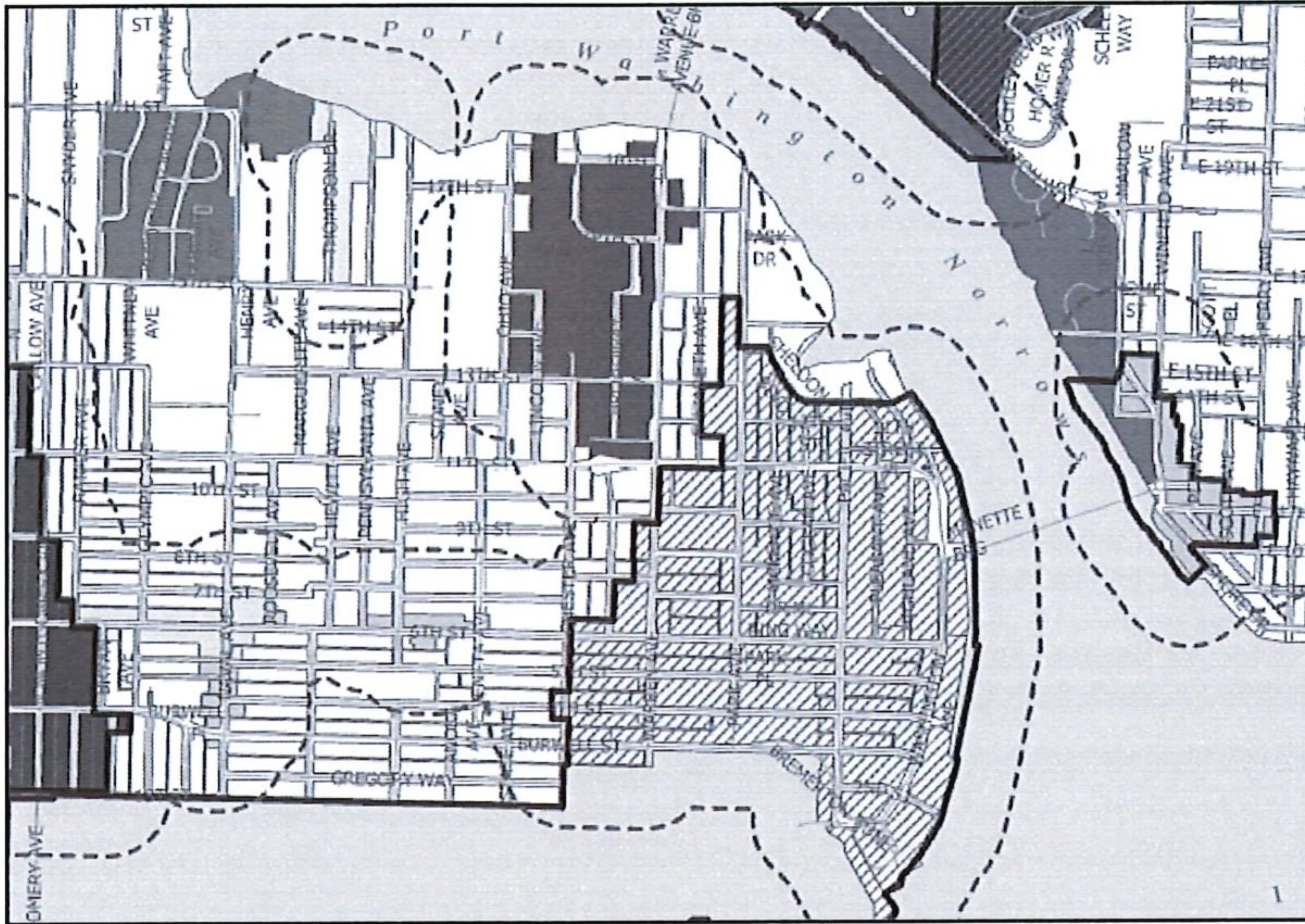
A second ADU located onsite is only allowed if located within 500 feet of a commercial, institutional, or mixed-use Center zones.

This code regulation would be consistent with other City regulations, including the provision which allows more housing types (duplexes and triplexes) in the Low Density Residential zone if the housing types meeting the underlying density (code revision in 2018 via Ordinance 5364).

Here is a zoning map showing 500' from City Centers, commercial zones and institutional zone that if this provision passed would be area that allowed two ADUs.

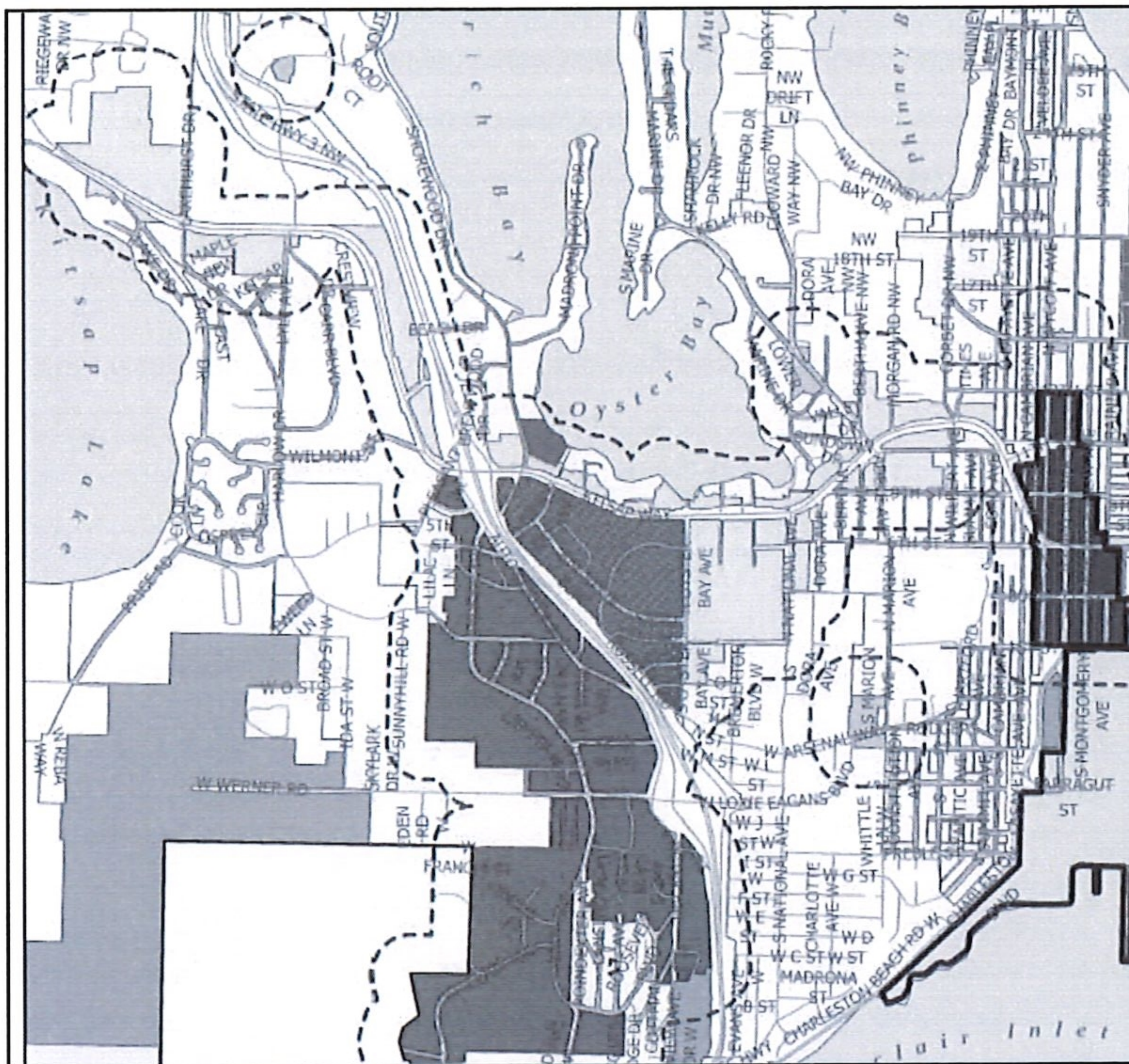


*Zoning Map #1 – with 500' buffer shown in green dash marks from commercial, institutional and Center zones. This includes most of East Bremerton.*



Zoning Map #2 – with 500' buffer shown in green dash marks from commercial, institutional and Center zones. This includes Manette, Olympic College, Downtown, and part of Charleston.

\*Please note this map has a minor error that will be fixed prior to the Public Hearing: the area near Naval Base Kitsap/Gregory Way should be shown within the 500' buffer.



Zoning Map #3 – with 500' buffer shown in green dash marks from commercial, institutional and Center zones. This includes much of West Bremerton (not including downtown or Olympic College).

\*Please note this map has a minor error that will be fixed prior to the Public Hearing: the area near Naval Base Kitsap/Gregory Way should be shown within the 500' buffer.

## Potential Code Revision – Require Owner Occupancy if Two ADUs onsite

*Potential Code Revisions -*

**Allow second ADU only if there is owner occupancy on site.**

In December 2020, the Council removed the requirement that the owner must live onsite if there is an ADU. However, the Council is considering a potential amendment to bring back this requirement if two ADUs are allowed onsite.

A potential revision could be:

A second ADU located onsite is allowed only if the property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit or ADU(s) as their permanent residence for twelve (12) months of the year. A second ADU shall have a deed restriction recorded with the Kitsap County Auditor to indicate the presence of the two ADUs, the requirement of owner occupancy, and other standards for maintaining the unit as described in this section.

There is a trend for ADU code revisions to remove the owner occupancy requirements as they are hard to enforce and this is a big impediment to ADUs. Looking at future State initiatives, it is encouraging Cities to remove owner occupancy requirements. For the City to add this back to the code may make the City ineligible for future incentive programs for ADU development. If this provision was adopted, Staff would be monitoring the State initiatives and may bring this item back up to Council if this prohibits the City from participating in programs that help housing in Bremerton.



## Potential Code Revision – Require 2<sup>nd</sup> ADU to be rented as Affordable

*Potential Code Revisions -*

**Allow second ADU only if there are affordability requirements met.**

Important Update: Due to the State requirements, it is unlikely that many ADU properties will be able to accommodate the 50-year commitment of affordability requirement. Though City Council has identified that Bremerton has affordable units available to those who need it as a top goal, they understand that this requirement would just hinder the construction of two ADUs. City Council will continue to push other affordable housing requirements but understands that this would not be a successful program.

Staff researched the State Law provisions that set the requirements for programs (not MFTE) that have affordability requirements. We reviewed WAC 365-196-870 and RCW 36.70A.540. These sections of the State regulations indicate that if an affordability component is included in local codes then:

- The rent cap for an eligible household shall be less than 30% of the household’s income.
- The “income limits” used by the local regulations must be less than 80% Area Median Income (AMI) of the Metropolitan Statistical Area (MSA). For and for Bremerton this would be based on the Bremerton-Silverdale MSA. Here’s the data for 2020:

2020 Bremerton- Silverdale MSA	Median Family Income	2020 Income Limit Category	Person in Family			
			1	2	3	4
	\$91,700	Low (80%) Income Limit	\$51,350	\$58,700	\$66,050	\$73,350

As shown in the table above, one person in an ADU shall not make more than \$51,350 to be an income-eligible household. Their rent/utility cost should not be more than \$1,284 per month.

- The State requires that the “period of affordability” for these programs be established at 50 years and it does not appear that we can reduce this period to be less time like that which is allowed under the Multifamily Tax Exemption (MFTE) code (which is 12 years for affordable units).
- If an affordability requirement is established by the local code then an agreement is required prior to the issuing the permit for the ADU, that will be recorded with the land. Any future landowner of the property will have to accept the terms of this agreement.

- An ADU established under the affordability provisions will require annual reporting and coordination with the property owner to ensure they are meeting the affordability requirement and is subject to Code Enforcement for failing to comply.

The proposal to require an affordability component if two ADUs are constructed on a site could be the following (this is not currently part of the proposed Ordinance):

(c) Only one (1) Two (2) ADUs may be created per lot. The lot shall only contain one (1) single-family dwelling unit and one (1) a maximum of two (2) ADUs. For the placement of the second ADU, an affordability component is required and must meet the following:

(1) One ADU must be an affordable rental unit reserved solely for "income-eligible households" and is subject to an agreement specifying the affordable housing requirements under this subsection to ensure that the housing shall serve only income-eligible households for a minimum period of 50 years. The monthly rent, including basic utilities, shall not exceed 30 percent of the income limit for the unit, and the housing owner shall submit a report to the Department of Community Development annually that documents how the affordable housing meets the terms of the recorded agreement.

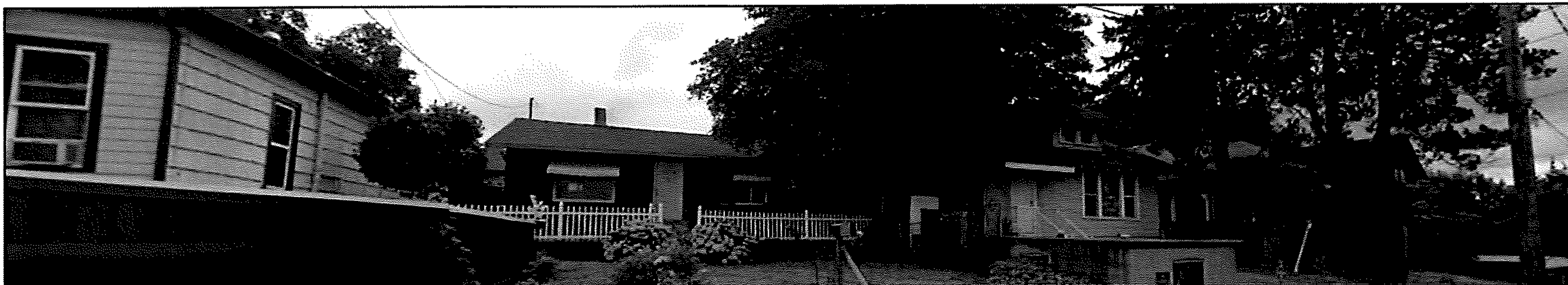
i. "Income-eligible households" in this section means a single person, family, or unrelated persons living together whose adjusted income is at or below eighty (80) percent of the median family income adjusted for family size, for Kitsap County, as reported by the United States Department of Housing and Urban Development.

(2) Prior to issuance, and as a condition to issuance, of the second ADU building permit, the applicant shall execute and record a declaration in a form acceptable to the Director that shall commit the applicant to satisfy the conditions to establishing a second ADU.

***How does the Affordability Requirement work for Seattle's two ADU code?***

City of Seattle has required that if an 2<sup>nd</sup> ADU is constructed on a single-family lot, that second unit (in some zones) shall be either constructed using Green Building Standards or must be rented as an affordable unit. They adopted this requirement late in 2019. As of January 2021, the City of Seattle has not permitted any 2<sup>nd</sup> ADU using the affordability component. Seattle mentioned that the 2<sup>nd</sup> ADU using the affordability requirement would typically be used for nonprofit developers due to the 50-year commitment.

City of Seattle has been permitting many second ADUs using the Green Building Standard but was working on final numbers (which data was not available yet).



## Potential Code Revision – Allow 2<sup>nd</sup> ADU without additional parking space

*Potential Code Revisions:*

**Allow the second ADU without additional parking requirements.**

The Planning Commission proposal for parking when allowing two ADUs on a parcel is the following (which is part of the proposed Ordinance):

(g) If only one ADU is onsite, it is not required to provide additional off-street parking space. The second accessory dwelling unit shall provide one (1) off-street parking space in addition to that which is required for the principal unit. The site must comply with BMC 20.48, specifically that the required parking spaces for the principal unit shall be provided and that all driveways and areas used for loading, parking, and maneuvering vehicles on the parcel shall have a paved surface.

City Council inquired if the City could eliminate the requirement for the parking of the second ADU when frequent transit is nearby. This is a similar proposal to a recent State Law change.

In 2020, Washington State lawmakers passed State Bill 6617 which requires jurisdictions to waive off-street parking requirements for ADUs when nearby frequent transit. The bill prohibits cities from imposing off-street parking requirements for ADUs with one-quarter mile of frequent transit, including commuter rail, rapid transit buses, or other public transportation that runs every 15 minutes during peak hours. The one-quarter mile, or 1,320 feet, is about a 5 to 10-minute walk. Currently Bremerton does not have public transit that qualifies to those standards.

Though the City does not meet the “frequent transit” qualifications as identified by the State at this time, the Council can still eliminate the parking requirement for the second ADU if it desires. Following the model of the State Bill, the need for more parking can be reduced if the property is near City Centers and commercial hubs as this is where buses converge and have more frequent transit than other areas of the City. The following is a potential code proposal for Council to consider (this is not currently part of the proposed Ordinance):

(g) The following is required for the parking and driveways areas:

(1) An ADU is not required to provide an additional off-street parking space.

(2) When two ADUs are located onsite, one (1) additional parking space shall be provided unless the property is located within 1,500 feet of commercial, institutional, or mixed-use Center zones

(3) The site must comply with Chapter 20.48 BMC, specifically that the required parking spaces for the principal unit shall be provided and that all driveways and areas used for loading, parking, and maneuvering vehicles on the parcel shall have a paved surface.

If Council determines to go with the option only allow a second ADU within areas of 500' from commercial and mixed use centers, AND desire to allow a parking reduction (as this area is close to transportation hubs) there is no need to change the code, as the code already allows ADUs without adding parking.

## Potential Code Revision – Prohibit ADU from being short-term rentals

*Potential Code Revisions:*

**Prohibit ADUs from being used as short-term rentals.**

The Council inquired if we allow two ADUs, can we limit the ADUs from being short-term vacation rentals? Currently the City does not regulate short-term rentals but the ADU code can contain provisions to prohibit them from being used in this manner.

A proposed code could be:

New Subsection (L) An ADU may not be used as a short-term rental and must be rented for a minimum of <insert time> or more.

This is very similar to an existing provision from Poulsbo Municipal Code 18.70.070(A)(5)(k) which have the provision for 90-days.



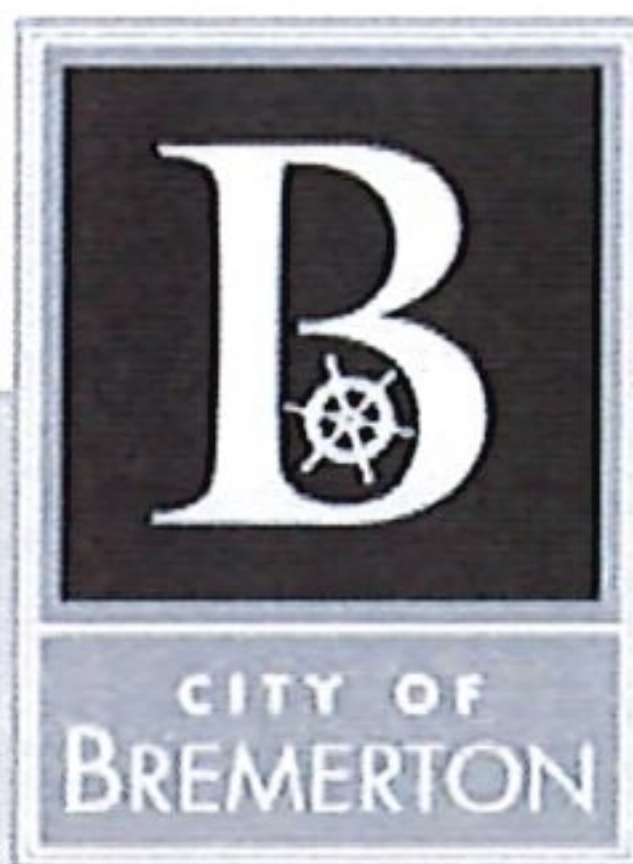
### How Does other jurisdictions regulate ADUs?

Loosening development restrictions for ADUs is an important tool that the city can utilize to provide a variety of housing types and income sources for the public. Both nationally and within Washington, providing more ADU flexibility is becoming increasingly utilized. Over the next three pages is a table showing what regulations other jurisdictions are implementing:

Jurisdiction	Required to be Owner Occupied?	Size?	Parking Required?	Design criteria?	How many ADUs per lot?
<b>Seattle</b> (amended 2019) (population 754,000)	No	1000 sf maximum	None	None	Two- either attached or detached in all single family zoned homes. Second ADU must be green construction or affordable.
<b>Tacoma</b> (amended May 2019) (population 218,000)	No	85% of the principal unit not to exceed 1,000 square feet	None	Generally match the main house in materials	One
<b>Kirkland</b> (amended March 2020) (population 93,000)	No	1,200 sf maximum	None for first ADU, one for second	Entrance should be secondary in appearance	Two- either attached or detached. No affordability requirements.
<b>Burien</b> (amended December 2019) (population 52,000)	No	Detached: 800 square feet Attached: 1000 square feet	No parking required for ADU if within a ¼ mile of transit stops	Additions shall be consistent with the existing design features, detached ADUs shall match or compliment SFR.	Two – one type of each attached and detached. No affordability requirements.

Jurisdiction	Required to be Owner Occupied?	Size?	Parking Required?	Design criteria?	How many ADUs per lot?
<b>Poulsbo (not recently amended)</b> (pop. 11,000)	Yes – 6 months	800 sf maximum	Yes, one space	ADU should be consistent in appearance with primary house	One
<b>Bainbridge Island (not recently amended)</b> (pop. 25,000)	No	900 sf maximum	One for ADU, plus required SFR parking	Must be designed to maintain appearance of SFR	One
<b>Port Orchard (amended August 2020)</b> (pop. 15,000)	Yes – year round	Attached: 40% of SFR + ADU, or 1000 sf, whichever is greater  Detached: 40% of SFR, or 1000 sf, whichever is greater	None for ADU, required SFR parking must be present	Consistent in materials and design to the SFR	One
<b>Kitsap County (not recently amended)</b> (pop. 260,000)	Yes, year round	50% of SFR, or 900 sf, whichever is smaller	One	No design requirements.	One but is working on amendments and is considering allowing two
<b>Vancouver, WA (amended 2017)</b> (pop. 184,000)	No	800 sf maximum	None	ADU should be architecturally compatible with existing building	One

Jurisdiction	Required to be Owner Occupied?	Size?	Parking Required?	Design criteria?	How many ADUs per lot?
Portland, OR (amended March 2019)  (pop. 655,000)	No	75% of the principal unit not to exceed 800 square feet	None	ADUs taller than 15 feet must meet design standards	One
Bremerton (current) (pop. 41,000)	Yes – year round	60% of the principal unit	Yes, one space	Criteria for roof pitch, eaves, materials, and an a la carte menu of design features	One
Bremerton (proposed)	No	1000 square feet or 60% of the principal unit, whichever is larger	None for first ADU, one for second	ADU must match or complement the principal unit	Two- either attached or detached



BREMERTON WASHINGTON



## Message from Mayor Wheeler

### ***Additional ADUs can help create more affordable housing***

The City of Bremerton recently proposed changing rules for Accessory Dwelling Units (ADUs) to help create more housing to meet the need across the City. The proposal would permit up to two accessory dwelling units (ADUs) on the same lot as a single-family house. Currently, the City code limits each lot to one ADU.

Additional ADUs can help provide more housing alternatives. Allowing up to two ADUs per parcel is one of Mayor Wheeler's initiatives to increase affordable housing in Bremerton.

"As I stated in December, when the City Council heard the City's proposal, the goal is to allow more ADUs so they can help fill the gap in housing," said Mayor Wheeler. "The more options that are available, the more it tends to increase affordability. Right now, more of our citizens can't afford rent or to stay in other types of residences. We really have to address this issue with some solutions like ADUs."

Reports and surveys have found ADUs provide free and ultra-low rent options for family, friends and elderly loved ones as well as generating rental income for homeowners to cover their mortgage, among many other benefits. To see the full list, please see Mayor Wheeler's message [here](#).

The City Council is seeking public feedback on the proposal to permit up to two ADUs per parcel. Under this proposal, if a second ADU were to be added to a property, an additional parking space would need to be provided. The Council is requesting feedback regarding other potential code changes for ADUs as well, including:

- Allowing a 2nd ADU only in certain areas of the City;
- Allowing a 2nd ADU only if the owner of the parcel lives on site;
- Allowing a 2nd ADU only if affordability requirements are met;
- Allowing a 2nd ADU without any parking requirements;
- Prohibiting all ADUs from being used as short-term rentals

To provide your comments, please submit them to the City Council at [City.Council@ci.bremerton.wa.us](mailto:City.Council@ci.bremerton.wa.us), 360-473-5280 or Department of Community Development at [Isaac.Gloor@ci.bremerton.wa.us](mailto:Isaac.Gloor@ci.bremerton.wa.us), 360-473-5281.

Residents may also attend the virtual City Council meeting, and provide testimony before the council, on Wednesday, February 17, 2021 at 5:30 p.m. To join the meeting and view the agenda and packet, please visit <http://www.BremertonWA.gov/691/Council-Meetings>.

"I encourage residents to submit their public comments on the City's ADU proposal or attend the City Council meeting on Wed., Feb. 17," said Mayor Wheeler.

# Kitsap Sun

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PO Box 52173, Phoenix, AZ. 85072-2173

## PROOF OF PUBLICATION

Angela Hoover  
City Of Bremerton  
345 6 Th Street Suite 100  
Bremerton WA 98337

CITY OF BREMERTON, WASHINGTON  
ORDINANCE NO. 5416

AN ORDINANCE of the City Council of the City of Bremerton, Washington, amending the Bremerton Municipal Code Section 20.46.010 to allow two Accessory Dwelling Units.

PASSED by the City Council on the 3rd day of March 2021.

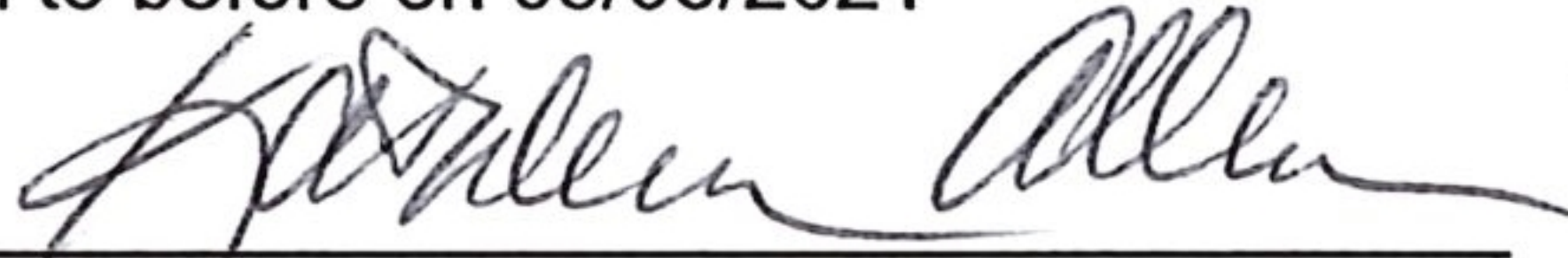
The full text of this ordinance is available from the City Clerk's Office, 345 Sixth Street, Suite 100, Bremerton, WA 98337.  
Mar. 5, 2021 #5637781

STATE OF WISCONSIN, COUNTY OF BROWN.

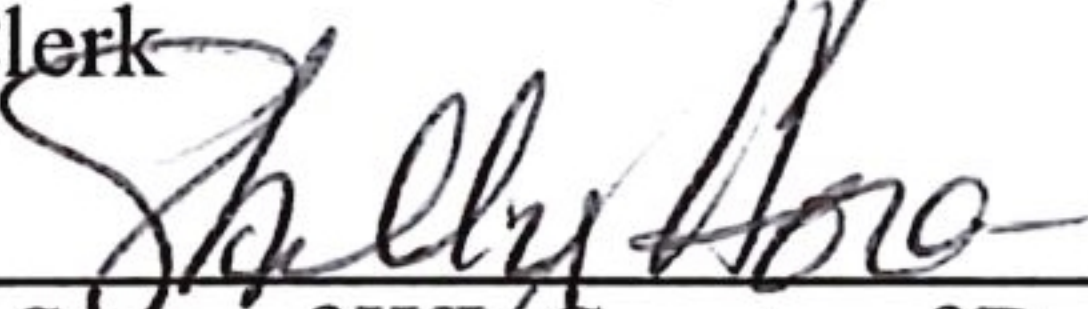
I, being first duly sworn on oath, deposes and says: That I am now, and at all times embraced in the publication herein mentioned was the principal clerk of the printers and publishers of KITSAP SUN; that said newspaper has been approved as a legal newspaper by the order of the Superior Court of the County of Kitsap, in which County it is published and is now and has been for more than 6 months prior to the date of the publication hereinafter referred to, published in the English language continually as a daily newspaper in Bremerton, Kitsap County, Washington, a weekly newspaper in Kitsap County, Washington and is now and during all of the said time, was printed in an office maintained in the aforesaid place of publication of said newspaper; that the following is a true text of an advertisement as it was published in regular issues (and not in supplement form) of said newspaper on the following date(s), to wit: And on

03/05/2021

such newspaper was regularly distributed to its subscribers during all of said period.  
Subscribed and sworn to before on 03/05/2021



Legal Clerk



Notary, State of WI, County of Brown

8-25-23

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