

ORDINANCE NO. 5434

AN ORDINANCE of the City Council of the City of Bremerton, Washington, for the 2021 Comprehensive Plan docket to amend the Comprehensive Plan to add housing displacement policies, and to revise the Charleston District Center for consistency with the Charleston Area-wide Planning Study.

WHEREAS, the City of Bremerton adopted a Comprehensive Plan on May 18, 2016, by Ordinance No. 5299, hereinafter referred to as the “Comprehensive Plan;” and

WHEREAS, the Washington State Growth Management Act ("GMA") requires internal consistency among comprehensive plan elements and applicable regional plans; and

WHEREAS, to assure that comprehensive plans remain relevant and up to date, the GMA requires each jurisdiction to establish procedures whereby amendments to the plan are considered by the City Council (RCW 36.70A.130(2)), and limits these amendments to once each year unless an emergency exists; and

WHEREAS, the City of Bremerton has established a procedure for amending the Comprehensive Plan in Title 20.10.010 of the Bremerton Municipal Code (“BMC”), that limits amendments to the Comprehensive Plan to no more than once each year; and

WHEREAS, the zoning code must be consistent with the Comprehensive Plan, therefore the City Council will be considering a subsequent ordinance to amend the zoning code to maintain consistency with these 2021 Comprehensive Plan amendments; and

WHEREAS, the Planning Commission held a workshop on the 2021 Comprehensive Plan amendments and associated Zoning Code changes proposal on March 15, 2021 which throughout the processes the Commission received written comments and various verbal testimonies; and

WHEREAS, on July 9, 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 by the Planning Commission; and

WHEREAS, on July 13, 2021, the Washington State Department of Commerce was notified of the City’s Comprehensive Plan Amendment docket for 2021; and

WHEREAS, on July 13, 2021, a SEPA Determination of Nonsignificance was issued for amendment docket items with a 14-day comment period; and

WHEREAS, on July 19, 2021, the Planning Commission conducted a public hearing on the 2021 Comprehensive Plan Amendment Docket, and the Planning Commission

recommended the City Council make recommendations on the amendments as presented; and

WHEREAS, on October 6, 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 by the City Council; and

WHEREAS, on October 20, 2021 the City Council conducted a public hearing and considered all testimony prior to their decision; and

WHEREAS, the proposal meets requirements of the GMA; and

WHEREAS, the proposal is consistent with Kitsap County Countywide Planning Policies (“KCCPP”); 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 incorporated by reference.

SECTION 2. The findings and conclusions adopted by the Planning Commission on July 19, 2021 and attached hereto as **Exhibit A** are adopted and incorporated as if set forth fully herein.

SECTION 3. The City of Bremerton Comprehensive Plan is hereby amended by approving and adopting docket items listed in this section as follows:

- Amendment #1.1 Modify policies for the Charleston District Center. Revise the District Center Designation within the Comprehensive Plan’s Land Use Element (page LU-19 and LU-20) for consistency with the Charleston Areawide Planning Study, more particularly described in **Exhibit C** affixed hereto.
- Amendment #1.2 Establish Housing Displacement Policy. Revise the Implementing Policies section within the Comprehensive Plan’s Housing Element (page H-9) to mitigate displacement of extremely-low and low income resident's housing when new development occurs on sites that have existing units, more particularly described in **Exhibit B** affixed hereto.

SECTION 4. *Corrections.* The City Clerk and codifiers of this 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 provision of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remainder of this ordinance. Provided however, that if any provision of

this ordinance is held invalid or unconstitutional, then the provision in effect prior to the effective date of this ordinance shall be in full force and effect for that individual provision as if this ordinance had never been adopted.

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

PASSED by the City Council the 20 day of October, 2021.

KEVIN GORMAN, Council President

Approved this 22nd day of October, 2021.

GREG WHEELER, Mayor

ATTEST:

APPROVED AS TO FORM:

ANGELA HOOVER, City Clerk

KYLIE FINNELL, City Attorney

PUBLISHED the 25 day of October, 2021.
EFFECTIVE the 4 day of November, 2021.
ORDINANCE NO. 5434

FINDINGS AND CONCLUSIONS OF THE CITY OF BREMERTON PLANNING COMMISSION

2021 Annual Comprehensive Plan Amendments and associated Zoning Code changes

I. FINDINGS OF FACT

1. Project Description: Comprehensive Plan Annual Docket for 2021.

The City adopted an updated Comprehensive Plan in June 2016. Comprehensive Plan amendments are processed on an annual cycle to allow for changes to the Plan that reflect conditions that may not have been addressed prior or since the Plan's adoption. Amendments to the City's Comprehensive Plan and Zoning Code are regulated by BMC 20.10: Comprehensive Plan Amendments and 20.18: Text Amendments. The Planning Commission is considering city-initiated proposals for the 2021 docket. The amendments can be summarized as: 1) adding policies for housing displacement of extremely-low and low-income residents from new individual developments, and 2) implementation of significant findings of the Charleston Area-wide Planning Study including: community vision, temporary uses, parking flexibility, light industrial uses, and potential improvements to streetscapes and open space areas.

2. Procedural History:

- 2.1 The Bremerton Municipal Code allows applications for Comprehensive Plan Amendments annually between August 1 and November 15th.
- 2.2 On March 15, 2021 the Planning Commission held an informal public workshop to introduce the 2021 Annual Comprehensive Plan Amendment Docket.
- 2.3 On April 22, 2021 a Charleston Outreach Workshop was held.
- 2.4 On July 13, 2021 staff notified the Washington State Department of Commerce the intent to adopt an amendment to the Comprehensive Plan.
- 2.5 On July 13, 2021 staff published the SEPA Determination of Non-significance in the Kitsap Sun and sent out notice to agencies, jurisdictions, and interested parties.
- 2.6 On July 9, 2021 a notice of Planning Commission public hearing was published in the Kitsap Sun and the public was invited to comment.
- 2.7 On July 19, 2021 Planning Commission conducted a public hearing on the 2021 Comprehensive Plan docket and associated Zoning Code changes.
- 2.8 Within that September Public Hearing the Planning Commission recommended the proposed amendments to Council for their consideration.

3. Public Comment:

3.1 One individual provided verbal testimony at Planning Commission's March 15th Workshop:

- Edward Coviello, Kitsap Transit: Provided update on Kitsap Transit recent purchase of the Gateway Shopping Center. Believes that the Charleston Area-wide Plan provides a lot of flexibility that will attract further investment.

3.2 At the April 22, 2021 Charleston Outreach Workshop, 33 persons attended and participated in discussion about the future of Charleston.

3.3 Individuals providing verbal testimony at Planning Commission's Public Hearing testimony:

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____

4. SEPA Determination:

4.1 A Determination of Non-Significance was issued on July 13, 2021, with a comment deadline of July 27. No appeals have been filed.

5. Consistency:

Amendments to the Comprehensive Plan shall meet the decision criteria outlined in BMC 20.10.080. The Planning Commission may recommend, and the City Council may adopt or adopt with modifications, amendments to the comprehensive plan if the criteria outlined below are met.

5.2 **BMC 20.10.080(a) technical error.** This criterion allows amendments to the Comprehensive Plan if there is an obvious technical error in the pertinent comprehensive plan provisions. This criterion is not applicable to the current proposals.

5.3 **BMC 20.10.080(b)(1) the amendment is consistent with the Growth Management Act.**

The amendments have been evaluated with the goals and policies of the Growth Management Act (GMA) and has been found to be consistent with the Act. The GMA requires that development is encouraged in urban areas where services already exist. Increasing the residential density helps to further that goal. The amendment has also been formulated to be consistent with the City's Comprehensive Plan, which was created to achieve the goals of the GMA.

5.4 **BMC 20.10.080(b)(2) the amendment is consistent with the comprehensive plan or other goals or policies of the City.**

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

EXHIBIT A

- Land Use Goal LU1: Plan for Bremerton's population and employment growth.
- 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 LU1-DC(A): Encourage increased density that uses clustering by offering development incentives and zoning flexibility.
- Land Use Goal LU2: Encourage economic development within the City.
- Policy LU2-Cen(C): Provide incentives and flexibility that encourage development in Centers, including alternative parking options like payment *in lieu* of parking spaces.
- 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 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.

The proposed Amendments are also consistent with additional goals the City will be considering. The Kitsap County Coordinating Council is updating Countywide Planning Policies to adopt displacement strategies; please see proposed language below:

Element F. Contiguous, Compatible, and Orderly Development (D).

D-6 Displacement: As the region continues to grow, population and employment growth is focused within our urban areas. As redevelopment takes place, however, there is a potential for physical, economic, and cultural displacement of low-income households that may result from planning, public investments, private redevelopment, and market pressures. As important planning, transportation, and redevelopment takes place:

c. Consider developing coordinated strategies and interjurisdictional processes between the County and cities to mitigate the impacts of displacement.

d. Consider implementing flexible strategies that will encourage development of a range of affordable housing, both public and private.

5.5 **BMC 20.10.080(b)(3) if the amendment was reviewed but not adopted as part of a previous proposal, circumstances related to the proposed**

amendment have significantly changed, or the needs of the City have changed, which support an amendment.

The proposed amendment is not part of a previous proposals.

5.6 **BMC 20.10.080(b)(4) The amendment is compatible with existing or planned land uses and the surrounding development pattern.**

The amendment is compatible with existing land uses and the surrounding development pattern. Generally, the proposed amendments are concerned with temporary uses, utilization or small expansions of existing structures, and retention of existing populations.

5.7 **BMC 20.10.080(b)(5) The amendment will not adversely affect the City's ability to provide urban services at the planned level of service and bears a reasonable relationship to benefitting the public health, safety and welfare.**

The amendment will not affect the City's ability to provide urban services, though it will benefit the public health. All areas effected by the current proposal are already provided urban utility services.

5.8 **Consistency with the Zoning Code**

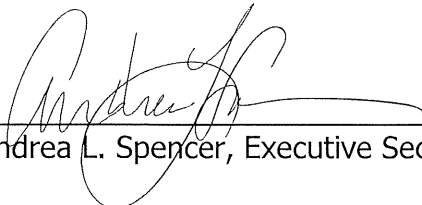
Amendments to the Zoning Code Shall meet the criteria in BMC 20.18.020 and specifically subsection (d) and (e) that states that a text amendment may be approved if it is found that it is consistent with the goals and policies of the Comprehensive Plan and it does not conflict with other City, state and federal codes, regulations and ordinances. In addition, it states that, if a Comprehensive Plan amendment is occurring, approval of the Comprehensive Plan amendment is required prior to or concurrently with the granting of the text amendment. The Planning Commission also reviewed proposed Zoning Code text amendments concurrently with the Comprehensive Plan amendments to ensure that they do not conflict with other City, state and federal codes, regulations and/or ordinances.

II. CONCLUSIONS & RECOMMENDATION

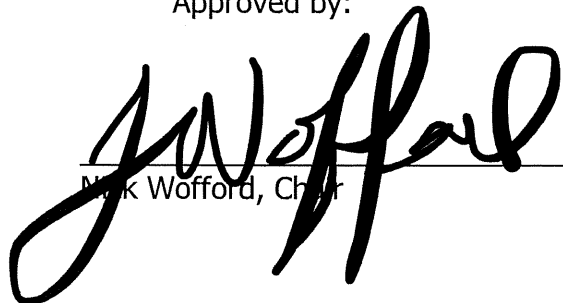
Based on the findings above, the Planning Commission concludes that the 2021 Comprehensive Plan Amendment Docket, and its associated Zoning Code amendments, have met the requirements in Bremerton Municipal Code, and therefore recommends approval by the City Council.

Respectfully submitted by:

Approved by:



Andrea L. Spencer, Executive Secretary



Nick Wofford, Chair

Housing

Vision, Goals & Policies

H2(E): Support efforts to provide for a variety of housing options such as:

- *Emergency group housing, homeless shelters and short term housing to meet the needs of those in the lower income categories.*
- *Promote housing for the special needs of students, particularly in the vicinity of Olympic College. Encourage apartments and dormitories in locations that directly service the college.*
- *Plan for and support episodic surges and reductions in military personnel. Provide opportunities to allow for different housing densities to accommodate the diverse needs of military personnel.*
- *Respond to the special needs of the growing elderly population within the City. Encourage a full range of housing options including retirement housing complexes in all residential zones particularly in areas with direct proximity to services and amenities. Encourage programs which allow elderly to remain in their homes as long as possible.*
- *Provide for integration of special needs housing within the community by allowing for government-assisted housing, housing for low-income families, manufactured housing, group homes, and foster care facilities.*
- *Encourage construction to meet and exceed ADA standards whenever possible.*

H2(F): Promote a sense of community, or gathering places, within new neighborhoods by creating spaces where residents can interact.

H2(G): Partner with Community Development Block Grant and other applicable programs and funding sources to encourage removal or abatement of blighting influences in and around residential areas.

Goal H3: Support access to quality and affordable housing for all Bremerton residents.

Implementing Policies for Goal H3:

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.

H3(B): Disperse below market rate, publicly assisted, affordable, and rental housing throughout the City in a way that accommodates Bremerton's fair share of the Countywide need. Disperse such housing throughout the City to avoid concentrations in any particular area and encouraging development close to employment and public transportation.

H3(C): Support increased densities and infill projects and the use of Low Impact Development (LID) techniques and Best Management Practices (BMPs) in order to capitalize on the cost efficiency of utilization of existing utility services. Additionally, encourage maintenance of City services such as sidewalks, bike lanes, parks, and utilities in order to enhance the overall affordability and health of the community.

Housing

Vision, Goals & Policies

H3(D): Encourage expanded availability of incentives for development within the City such as the Multifamily Tax Exemption, Community Empowerment Zone, Historically Underutilized Business zone, etc.

H3(E): Eliminate unnecessary regulatory impediments to the development of affordable housing.

H3(F): The City shall implement measures to mitigate displacement of extremely-low and low income resident's housing when new development occurs on sites that have existing units that house the City's most income-vulnerable population.

Goal H4: Implement and coordinate strategies that promote public and private efforts to facilitate improvements to the housing stock.

Implementing Policies for Goal H4:

H4(A): Promote private and public efforts to provide adequate capital for rehabilitation of housing projects; such efforts should include commitments to remove or abate blighting influences near or within residential areas.

H4(B): Promote financial assistance for low and moderate incomes that assist in essential repairs to substandard structures. Support private sector low interest loan programs for such repairs, combined with public resources when available.

H4(C): Target and enhance the use of tax incentives to improve affordable housing throughout the City, and particularly in Centers where housing is intended to be in close proximity to public transportation and employment.

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

H4(E): Aim to improve coordinated, effective planning programs that improve access to affordable housing. Specifically promote intergovernmental cooperation and agreements that support strategies and programs to achieve City housing goals.

H4(F): Promote increased housing density to provide a broader customer base for more affordable public services including utilities.



DC (District Center)

Intent

This center is intended to provide a mixed-use “Town Center” to support the surrounding neighborhoods and general public.

Character & Location

For specific character description and location, please see following pages.

Land Uses

Mixed-use, Commercial and Residential

Intensity

- 30 units per acre
- Six to eight stories, with consideration for lower building heights to transition to Low Density Residential

District Center Specific Policies:

LU1: Plan for Growth

LU1-DC(A): Encourage increased density that uses clustering by offering development incentives and zoning flexibility.

LU1-DC(B): Encourage the implementation of design elements for new development and redevelopment that complement the designated purpose and scale of the Center and surrounding neighborhoods. Buildings should be designed to accommodate a human scale and urban livability.

LU1-DC(C): Building facades shall utilize architectural features that provide for horizontal and vertical modulation.

LU1-DC(D): Encourage the use of Low Impact Development (LID) techniques and Best Management Practices (BMPs).

LU2: Encourage Economic Development

LU2-DC(A): Encourage commercial, mixed-use and higher density residential development within district centers.

LU2-DC(B): Promote commercial infill of higher densities into district centers.

LU2-DC(C): Encourage adaptive reuse and preservation of existing commercial buildings that are compatible with surrounding community.

LU2-DC(D): In the Charleston District Center, provide additional flexibility for temporary uses, parking standards for infill projects, and allowed uses for light industrial and live/work occupancy types in select areas.

Land Use

Designation: District Center

LU2-DC(E): In the Charleston District Center, consider potential private and public investments in improved streetscapes, recreational opportunities, and open space as identified in the Charleston Area-wide Planning Study.

LU3: Protect the Natural Environment

LU3-DC(A): Encourage compact urban environments in district centers which have existing high-intensity infrastructure and contain very few environmental sensitive areas, therefore preserving other areas in the city for open space and less intensive uses.

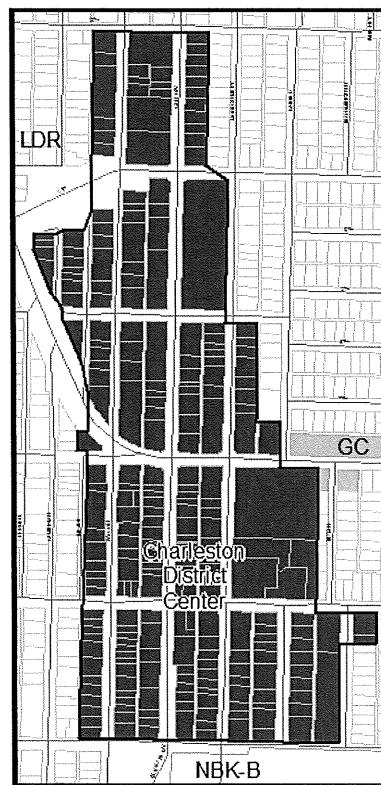
District Center Character & Location

Charleston District Center Character:

This Center designation seeks to encourage redevelopment of a historic business district that has long been considered as Bremerton's second downtown with many different international appeals.

Rediscover Charleston as a distinctively creative historic district that celebrates its eclectic, imaginative, and artisan character through capital investments, local traditions, diverse tenants, and quality housing.

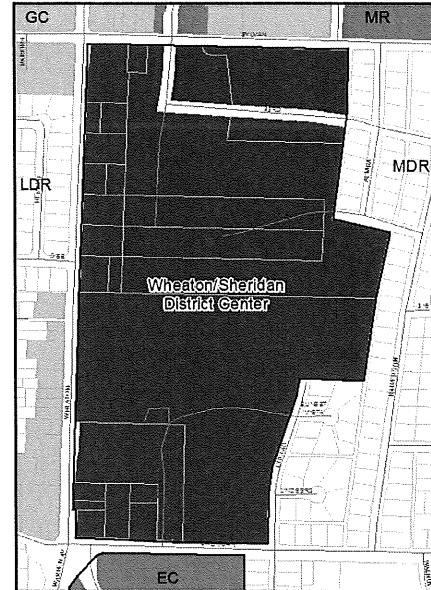
The existing developments provide a variety of services for adjacent residential areas and are part of a pedestrian-oriented streetscape with potential for stories to be added above active street-level uses. The Center designation seeks to build on this existing nucleus. Areas on the surrounding blocks will be designated for mixed-use or fairly dense residential structures. Emphasis in the Charleston District Center should be on preserving the stores fronting on the streets, better utilization of existing second floor spaces, and the addition of new residential uses in the immediate vicinity.



Wheaton/Sheridan District Center Character:

This center is anticipated to become an urban village will provide residential opportunities along a major transit route, close to downtown, and within easy pedestrian reach of a large variety of employment and shopping sites. Recognizing the surrounding neighborhood significance, existing commercial development, and the redevelopment of the Bremerton School site, there is still opportunity to serve mixed uses in a pedestrian-based urban village atmosphere.

Residential units will benefit from an orientation towards the interior and green spaces. Commercial uses, mostly expected along an interior network of streets, can accommodate parking areas that do not disrupt the pedestrian design of the Center Core.



Wheaton/Riddell District Center Character:

This center will serve a regional population, some of whom must access the center by car. Higher levels of parking are retained here than in other centers. Parking is generally placed behind street-fronting buildings or moved to areas near the perimeter of the center. Careful attention is necessary in the planning and design of this center to create a pedestrian friendly environment while still accommodating a certain level of regional, auto-dependent uses. Development of the center will also need to take into consideration the fact that the area is already developed and will need to infill over a long period of time and several phases before the overall center is realized.

