ORDINANCE NO. 5403

AN ORDINANCE of the City Council of the City of Bremerton, Washington, for the 2020 Comprehensive Plan docket to amend the Comprehensive Plan, and Downtown Subarea Plan to establish a citywide minimum density of 6 dwelling units per acre

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, the City adopted an area-wide land use classification and zoning for the Comprehensive Plan: Land Use (Ord. No. 5299) and Zoning Code (Ord. No. 5301) on May 18, 2016; 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 a concurrent ordinance (Ordinance Number 5404) is being considered to amend the zoning code to maintain consistency; and

WHEREAS, the Planning Commission conducted a workshop on the 2020 Comprehensive Plan amendments and associated Zoning Code changes proposal on January 27, 2020 which throughout the processes the Commission received a few written comments and various verbal testimonies; and

WHEREAS, on June 5, 2020, the Washington State Department of Commerce was notified of the City's Comprehensive Plan Amendment docket for 2020; and

WHEREAS, on June 5, 2020, a SEPA Determination of Nonsignificance was issued for amendment docket items with a 14-day comment period; and

WHEREAS, on September 11, 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 by the Planning Commission; and

WHEREAS, on September 21, 2020, the Planning Commission conducted a public hearing on the 2020 Comprehensive Plan Amendment Docket, and the Planning Commission recommended the City Council make recommendations on the amendments as presented; and

WHEREAS, on October 14, 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 by the City Council; and

WHEREAS, on October 21, 2020 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 September 21, 2020 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 item as follows:

- Establishing a citywide minimum density of 6 dwelling units per acre. This specifically will amend the Low Density Residential, Medium Density Residential, and two zones in the Downtown Subarea Plan to modify the minimum density from 5 dwelling units per acre to 6 dwelling units per acre. Those amendments are more particularly described in, and affixed hereto:
    a. **Exhibit B** - Replacement page for the Comprehensive Plan's Land Use Element for the Low Density Residential designation (Page LU-31)
    b. **Exhibit C** – Replacement pages for the Downtown Subarea Plan, specifically the Multi-family Residential (1 + 2) (page 6-111) and the One-and-Two-Family Residential (R-20) (page 6-117).

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 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 21st day of October, 2020.

ERIC YOUNGER, Council President

Approved this 27th day of October, 2020.

GREG WHEELER, Mayor

ATTEST:

ANGELA HOOVER, City Clerk

APPROVED AS TO FORM:

ROGER A. LUBOVICH, City Attorney

PUBLISHED the 23rd day of October, 2020.
EFFECTIVE the 2nd day of November, 2020.
ORDINANCE NO. 5403

FINDINGS AND CONCLUSIONS OF THE CITY OF BREMERTON PLANNING COMMISSION

2020 Annual Comprehensive Plan Amendment and associated Subarea Plan and Zoning Code changes

I. FINDINGS OF FACT

1. **Project Description**: Comprehensive Plan Annual Docket for 2020.
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 one city-initiated proposal for the 2020 docket. The amendment can be summarized as amending the minimum residential housing density citywide from the current 5 dwelling units per acre (du/a) to 6 du/a. The Planning Commission also considered amending the minimum to 7 du/a, but it was decided to pursue the State recommendation of 6 du/a for the final amendment.

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 January 27, 2020 the Planning Commission held an informal public workshop to introduce the 2020 Annual Comprehensive Plan Amendment Docket and associated zoning code changes.
   - 2.3 On June 5, 2020 staff notified the Washington State Department of Commerce the intent to adopt an amendment to the Comprehensive Plan.
   - 2.4 On June 5, 2020 staff published the SEPA Determination of Non-significance in the Kitsap Sun and sent out notice to agencies, jurisdictions, and interested parties.
   - 2.5 On September 11, 2020 a notice of Planning Commission public hearing was published in the Kitsap Sun and the public was invited to comment.
   - 2.6 On September 21, 2020 Planning Commission conducted a public hearing on the 2020 Comprehensive Plan docket and associated Zoning Code changes.
   - 2.7 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 testimony and provided a written comment to the Planning Commission:
   - D. Manning opposes this amendment, citing that the amendment does not mandate any action on the City's part. They also argue that increasing density will create more housing at market rates will contribute to affordable housing problems. They conclude by encouraging the City to focus on options that mandate affordable housing in the City.

   3.2 An additional written comment was received by Kitsap Property Alliance Organization (KAPO) who is generally supportive of the City increasing opportunities for more housing, and provided other ideas not applicable to this topic.

   3.3 Individuals providing verbal testimony at Planning Commission's Public Hearing testimony:
   a. R. Runyon
   b. K. Walthall

4. **SEPA Determination**:
   4.1 A Determination of Non-Significance was issued on June 5, 2020, with a comment deadline of June 19. 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:

- 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.

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. However, the City is currently experiencing an affordability crisis in housing partially caused by a general lack of housing units. This amendment aims to help the city meet its need to increase the availability of housing opportunities.

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. The increase in density is an incremental one, and many past and present developments in the City already meet or surpass this density.

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, safety and welfare by allowing greater development opportunities within existing neighborhoods.

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 and Subarea Plan 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 2020 Comprehensive Plan Amendment Docket, and its associated Zoning Code and Subarea Plan amendments, have met the requirements in Bremerton Municipal Code, and therefore recommends approval by the City Council.

Respectfully submitted by:

Andrea L. Spencer, Executive Secretary

Approved by:

Nick Wofford, Chair

LDR (Low Density Residential)

Purpose/Intent
To create new and support existing single family neighborhoods.

Location
Residential neighborhoods located throughout the city as mapped.

Land Uses
Single family residential homes, duplexes and townhouses, and low intensity compatible uses such as churches, schools, senior housing, and parks. Accessory dwelling units are encouraged.

Intensity/Density
- ~~5~~ 6 to 10 dwelling units per acre
- Three stories and conditionally allowed uses may be four stories

Character
The City's residential neighborhoods are characterized by single-family homes on traditional urban lots. There are some existing small-scale commercial structures with LDR, which should be encouraged to be redeveloped by adaptive reuses to provide services to the neighborhood.

Low Density Residential Specific Policies

LU1: Plan for Growth

LU1-LDR(A): Promote neighborhoods that foster interaction among residents, contribute to well-being of citizenry, and create and sustain a sense of community and personal safety.

LU1-LDR(B): Use front yard averaging to encourage residential infill that is consistent with the existing neighborhood's built environment.

LU1-LDR(C): Allow accessory units associated with, and subordinate to, existing or new single family dwellings when appropriate.

LU1-LDR(D): Allow a variety of small residential development in the LDR as infill development including duplexes and townhouses provided the underlying density is met and design criteria within the Zoning Code is adopted to safeguard the character of the neighborhood.

LU2: Encourage Economic Development

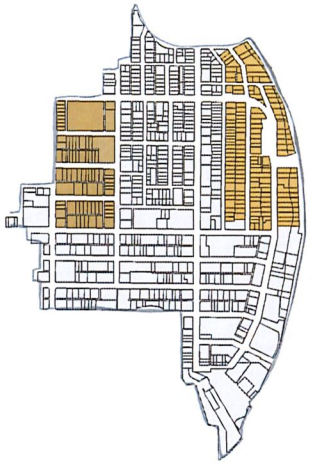
LU2-LDR(A): Encourage adaptive reuse and preservation of existing commercial structures that are compatible with surrounding community.

LU2-LDR(B): Support mineral extraction in limited areas on larger undeveloped parcels as long as there are no adverse effects on other environmental resources or living systems, or on public health, safety, and welfare.

Discussion: A Mineral Resource Overlay allows for mineral extraction in areas where the grading could prep a site for future residential development, including areas in West Bremerton.

Exhibit C: Dowtown Subarea Plan Amendments

Only edited pages and context pages are included. Please navigate to the below link to review the entire Downtown Subarea Plan.
https://www.bremertonwa.gov/371/Downtown



6.5 Multi-Family Residential (1 + 2)

6.5.1 INTENT AND PURPOSE

(1) Multi-Family Districts provide a medium to high density residential neighborhood with an active and human scaled streetscape to support the Downtown Regional Center.

(2) Promote infill housing strategies that encourage compatibility with existing housing stock, particularly historic homes on Highland Avenue.

(3) Encourage development to take advantage of unique views and nearby amenities such as shorelines, recreational opportunities, or access to ferries or transit.

(4) Encourage the development of building types with a coherent relationship to the street in order to promote social interaction, and achieve community-wide safety and livability goals. Visual prominence of surface parking or garages are contrary to the pedestrian oriented nature of the MR zone.

(5) MR-2 promotes an optional courtyard configuration to increase active open space and decrease impervious surfaces for attached, ground oriented, multi-family housing.

(6) Multi-family residential buildings are encouraged to include green building strategies such as green roofs, space for urban agriculture, pervious paving, and natural ventilation.

(7) MR-1 and -2 contains the same dimensional standards except where noted.

6.5.2 USE STANDARDS:

(1) Per BMC Chapter 20.79, except conditional uses Per BMC 20.79.040 are allowed outright.

6.5.3 LOT REQUIREMENTS

(1) Minimum allowable lot size	3,000 sq. ft.
(2) Maximum allowable Impervious Surface*	70% of gross lot area

* Includes all impervious surfaces. Calculations should be based upon the Stormwater Management Manual for Western Washington, State Department of Ecology, 2005.

6.5.4 HEIGHT REQUIREMENTS

	MAXIMUM HEIGHT	DESIRED NUMBER OF STORIES
(1) Base Height*	60'	5-6
(2) Highland Overlay Zone	35' wall plate 40' roof peak	3
(3) Waterfront Overlay Zone**	40'	4

* Base maximum is 60' with allowed bonus to 80' with a Transfer Development Right per 6.5.12 of this section.
**Within The MFR 1 Waterfront Overlay Zone, maximum heights shall be calculated from an average of existing grade on Washington Ave at parcel front property line.

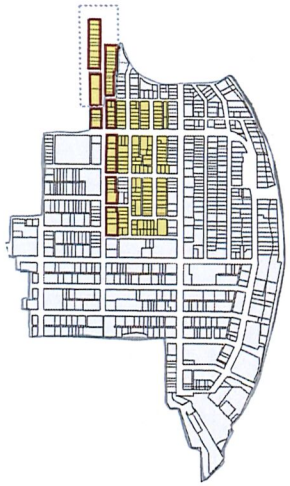
6.5.5 PUBLIC AMENITY AND OPEN SPACE REQUIREMENT

(1) Open Space per unit
150 GSF

(2) Exterior common open spaces must meet the following design standards:
i. Courtyards shall be improved with pathways, landscaping and pedestrian lighting.
ii. Common open spaces are preferred to be visible from the street, however internal courtyards are also permissible.
iii. All exterior common open spaces shall be designed with ample sunlight penetration.
iv. Exterior common open spaces shall be centrally located so that a majority of residents have access to use.
v. Any interior courtyard shall be activated by proximity to individual unit entrances or be visible from upper units balconies.

6.5.6 DENSITY

There are no maximum density standards; minimum density must be ~~five (5) dwelling units per acre.~~ **six (6) dwelling units per acre.**



6.6 One and Two Family Residential (R-20)

6.6.1 PURPOSE AND INTENT

(1) Site planning for new housing is encouraged to be compatible with existing neighborhood scale. Building volumes should be arranged in order to contribute to existing neighborhood patterns and ongoing livability.

(2) Promote infill density through a variety of housing types including the single party wall attached townhouses on fee-simple lots, small lot single family and front to back two-family townhouse (Two party wall attached) as a condominium, with alley access.

(3) Ensure all housing units have ground-oriented entries.

6.6.2 USE STANDARDS:

(1) Subject to BMC Chapter 20.60.020-20.60.040 with the following changes and additions according to allowable building type:

i. Small Lot Single Family House: Small single family house with open space on all four sides. Minimum street frontage is twenty five (25) ft. and minimum lot size is 2,500 GSF.

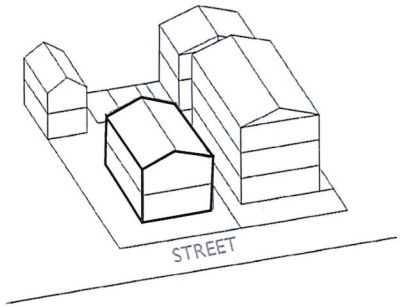
ii. Single Party Wall Rowhouse: This townhouse form is a building containing two or more dwellings joined in whole or in part at the side only by a vertical party wall which is insulated against sound transmission. Open space is at either the front or the rear. In some situations, groups of contiguous units may be arranged around a common open space.

iii. Double Party Wall Townhouse: Townhouse form containing (at minimum) four dwellings joined by two vertical party walls insulated against sound transmission. These buildings, which may have a similar character to a detached single family house contain ground related entrances for each unit from either the front street or rear alley.

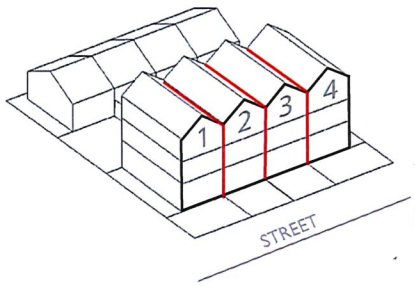
iv. Duplex, Triplex and Fourplex: A building similar in character to a single family house, this building type allows up to 4 individual dwelling units. Each individual unit must contain a ground related entrance. Units may be configured next to each other, on top of each other or both. These building types fit on 40' wide lots or greater.

v. Detached Accessory Dwelling Unit (DADU): Per BMC 20.46.010 with the following additions and subtractions: Accessory dwelling units must be a detached dwelling as an accessory to the main structure. A detached accessory dwelling unit may be incorporated in the garage. Units are subject to size limitations and must have their own off street parking spaces. Carriage houses are architecturally compatible to main house.

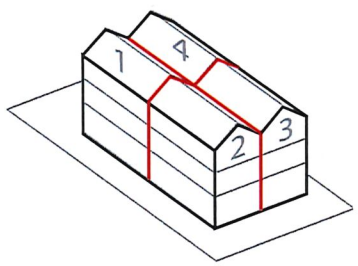
(2) Townhouse configurations with internal drive courts between units are not permitted unless thirty (30) feet or more spacing between front and back units is provided.



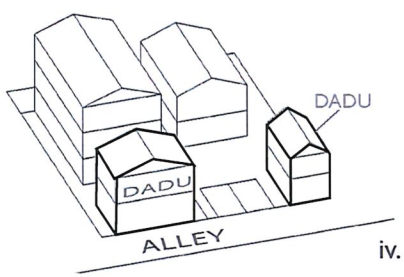
i.



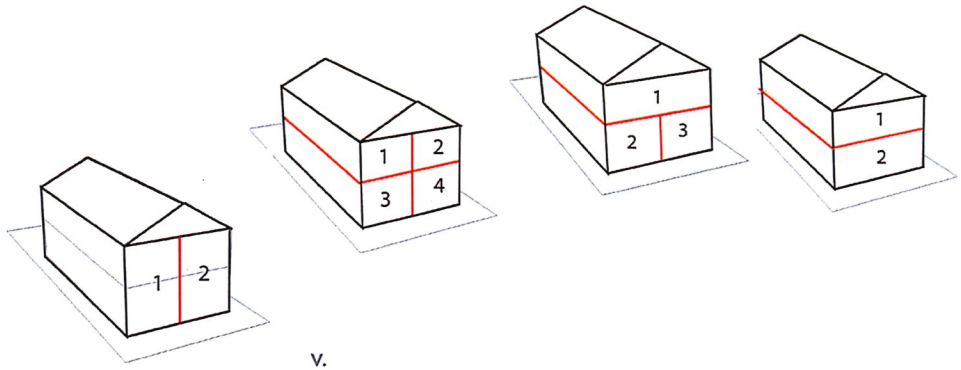
ii.



iii.



iv.



v.

BUILDING TYPE	*Detached Single Family (small lot)*	*Townhouse - Single Party Wall Attached (minimum 2-units)*	*Townhouse - Double Party Wall Attached (minimum 4-units)*	*Duplex, Triplex, Fourplex*
OWNERSHIP STRUCTURE	Fee Simple	Fee Simple	Fee Simple/Condo-minum	Condominium
6.6.3 MINIMUM LOT SIZE	2,550 sq. ft.	1,400 sq. ft.	1,000 sq. ft.	4,000 sq. ft.
6.6.4 MAXIMUM HEIGHT	30' top of wall plate (additional 5' for shed roof peak)	35' top of wall plate (additonal 5' shed roof peak)	35' top of wall plate (additonal 5' for shed roof peak)	30' top of wall plate (additonal 35' for shed roof peak)
6.6.5 MAXIMUM BUILDING COVERAGE	50%	60%	60%	60%
6.6.6 USEABLE OPEN SPACE PER UNIT	15% gross lot area	250 sq. ft. per unit	250 sq. ft. per unit	250 sq. ft. per unit

6.6.7 DENSITY

Minimum ~~Five (5) units per acre~~ **Six (6) units per acre**
Maximum Twenty (20) units per acre