(DRAFT) AGENDA
Regular Meeting – Bremerton Planning Commission
(Subject to PC approval)
January 19, 2016
5:30 P.M.
345 – 6th Street
Meeting Chamber – First Floor

I. CALL TO ORDER
II. ROLL CALL (quorum present)
III. APPROVAL OF THE AGENDA
IV. APPROVAL OF MINUTES:
- November 17, 2015 meeting.

V. PUBLIC MEETING

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

B. Workshop:
1. Zoning Code amendments related to the 2016 Comprehensive Plan Periodic Update Bremerton Municipal Code (BMC) Chapters being discussed:
   - 20.02 Project Permits
   - 20.40 Administration
   - 20.46 Special Development

VI. BUSINESS MEETING

A. Chair Report: Nick Wofford

B. Director Report: Andrea Spencer

C. Old Business:

D. New Business:

VII. ADJOURNMENT:

The next regular meeting of the Planning Commission is February 16, 2016

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

DRAFT
Subject to January 19, 2016 Approval

CITY OF BREMERTON

PLANNING COMMISSION
MINUTES OF REGULAR MEETING
November 17, 2015

CALL TO ORDER:

Chair Tift called the regular meeting of the Bremerton Planning Commission to order at 5:30 p.m.

ROLL CALL

Commissioners Present
Chair Tift
Commissioner Albright
Commissioner Nethery
Commissioner Nerf
Commissioner Strube (arrived at 5:36)

Commissioners Absent
Commissioner Wofford (excused)

Staff Present
Andrea Spencer, Director, Department of Community Development
Allison Satter, Senior Planner, Department of Community Development

Others Present
Lisa Greuter, Berk Consulting
Ryan Abbotts, Fehr & Peers Consulting

Quorum Certified

ELECTION OF OFFICERS FOR 2016

COMMISSIONER NETHERY NOMINATED COMMISSIONER WOFFORD TO SERVE AS CHAIR PERSON FOR 2016. COMMISSIONER NERF SECONDED THE NOMINATION. THERE WERE NO OTHER NOMINATIONS, AND THE COMMISSIONERS VOTED UNANIMOUSLY TO SUPPORT COMMISSIONER WOFFORD TO SERVE AS CHAIR OF THE COMMISSION IN 2016.

COMMISSIONER ALBRIGHT NOMINATED COMMISSIONER NETHERY TO SERVE AS VICE CHAIR PERSON FOR 2016. COMMISSIONER NERF SECONDED THE NOMINATION. THERE WERE NO OTHER NOMINATIONS, AND THE COMMISSIONERS VOTED UNANIMOUSLY TO SUPPORT COMMISSIONER NETHERY TO SERVE AS VICE CHAIR OF THE COMMISSION IN 2016.

APPROVAL OF AGENDA

COMMISSIONER NERF MOVED TO APPROVE THE AGENDA AS PRESENTED. COMMISSIONER ALBRIGHT SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

APPROVAL OF MINUTES

COMMISSIONER ALBRIGHT MOVED TO APPROVE THE MINUTES OF OCTOBER 20, 2015 AS PRESENTED. COMMISSIONER NETHERY SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

PUBLIC MEETING

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

Chair Tift asked if there were any comments from citizens on items not on the agenda. Seeing none, he closed the public comment portion of the meeting.

Commissioner Strube joined the meeting at 5:36 p.m.

Public Hearing: 2016 Comprehensive Plan Update and Technical Appendices Major Update

Ms. Satter presented the staff report, starting with a brief history of the process. She reminded the Commission that the Growth Management Act (GMA) requires the City to complete a major update every eight years, and the City's update must be completed by June 30, 2016. The City's Comprehensive Plan is a vision for how Bremerton should grow over the next 20 years (2016 – 2036). Not only does it address existing conditions, it also evaluates future growth potential. The Comprehensive Plan before the Commission for review maintains the fundamental principles contained in the 2004 plan. However, it has been updated appropriately to ensure compliance and coordination with the requirements of the GMA, the Puget Sound Regional Council's (PSRC) Vision 2040 and Transportation 2040, and the Kitsap Countywide Planning Policies. The format of the document has been standardized and streamlined so it is easier to understand. As per the process outlined by the GMA, City staff reviewed the existing Comprehensive Plan based on the checklists provided and identified appropriate revisions needed for compliance. The changes were then presented to the Planning Commission for discussion at various meetings throughout the past year.

Ms. Satter emphasized that the GMA requires an extensive public participation process, and the City has held nine workshops, two open houses, and two public hearings since October of 2014. In addition, she participated in an interview with the Mayor on Bremerton Kitsap Access Television (BKAT) to explain the importance of the Comprehensive Plan and invite the public to participate in the process. Lastly, she said the City did two mass mailings of 9,000 letters citywide (January and November). She noted that, in addition to this public hearing before the Planning Commission, the public will have an opportunity to participate in a public hearing at the City Council level. The goal is for the City Council to adopt the Comprehensive Plan Update in May of 2016.

Ms. Satter reviewed that the Puget Sound Region is expected to grow by more than 1.7 million people by 2040, and this growth has been allocated to the jurisdictions throughout the region via the Office of Financial Management, Multicounty Planning Policies (PSRC), and the Kitsap Countywide Planning Policies. Kitsap County is planning to accommodate an additional 80,000 people, 62,000 of which is planned to go in the region's urban growth areas and cities. About 14,000 people have been specifically allocated to the City of Bremerton. She provided a graphic illustration of how the population in the Puget Sound Region grew between 1970 and 2000 and emphasized that growth is expected to continue at a rate of nearly 2 million by 2040.

Ms. Satter reminded the Commission of the Land Capacity Analysis that was presented to them in June of 2014 and provided a graphic to illustrate the City's planned and target growths and what the current zoning will accommodate (capacity). **Ms. Greuter** clarified that the target growth is the minimum the City must plan for and the planned growth is the assumption for the plan, which is just slightly higher based on previous City efforts with sewer, water and comprehensive planning.

Ms. Satter briefly reviewed the layout of the draft Comprehensive Plan, explaining that the elements include the vision, goals and policies, and the technical appendices provide supporting information. She reminded the Commissioners that they previously held workshop discussions on each of the elements, and the language was updated based on their feedback. More recent revisions include:

- **Low-Impact Development.** This is a requirement of the Department of Ecology (DOE) and must be addressed in City regulations and Comprehensive Plan by December 31, 2016. As per the requirement, support of low-impact development technologies must be incorporated throughout the Comprehensive Plan. These technologies include rain

gardens, pervious pavements, green roofs, etc.). The proposed changes to address this requirement were supplied by the Public Works Department, with the aid of a consultant.

- **Greenhouse Gas Emissions.** The PSRC requires jurisdictions to consider greenhouse gas emissions in their comprehensive plans. To address this requirement, consultant Fehr and Peers has provided recommendations to incorporate greenhouse gas emissions into both the Transportation and Environmental Elements and appendices. Specifically, the Environmental Element provides supporting policies to address climate change and sea level rise, and the appendix provides low, medium and high options for how the City should go forward.

- **Downtown Regional Center Map.** Staff originally proposed that the properties in the southeast corner of the downtown designated area (adjacent to Naval Base Kitsap) be identified as Employment District. They are now proposing they be identified as Warren Avenue Corridor based on the greater height constraints identified in the Joint Land Use Study for the naval base. The Warren Avenue Corridor designation allows a lesser height than the Employment District. It also allows for more conforming uses. In addition, it is consistent with a recent Comprehensive Plan amendment that designated the parcels located across the street as Warren Avenue Corridor to accommodate a development that is currently in the permitting process for a standalone multi-family project.

Ryan Abbotts, Fehr and Peers, provided an overview of the Transportation Appendix and highlighted the following:

- He provided a pie chart to illustrate how people in the City commute to work and noted that the "drive alone" number (57%) is actually quite good, which means that a large number of people already use other modes of transportation, including carpools, public transit, and walking.
- Approximately 60% of the issues affecting residents' travel today involve safety (23%) and the lack of pedestrian (22%) and bicycle (15%) facilities. This indicates that a group of people would like to walk or bike more, but safety and lack of facility issues act as deterrents.
- The analysis indicated that all existing intersections studied met the City's current Level of Service (LOS) Standard for vehicle delay. While it may not feel like it right after the base lets out, the LOS is averaged over an hour time period.
- The analysis identified where collisions are occurring for all modes of transportation (vehicles, bicycles and pedestrians). This information was used to develop a capital plan to identify where facilities could be implemented to enhance safety throughout the area.
- The PSRC strongly encourages the adoption of priority networks for transportation modes other than vehicles. This was addressed using a simple concept to identify priority routes for pedestrian and bicycle facilities, as well as the type of facilities and/or treatments needed.

Mr. Abbotts explained that the total cost of implementing all of the projects in the Transportation Plan, including operations and maintenance, is just shy of $500 million. On average, with grants and strategic use of utility funds, the City currently spends about $5 million per year. Some of this gap is necessary to keep a healthy list of projects so staff has the ability to target projects for future grant opportunities as they come up. Other potential revenue sources are identified in the appendix, including increasing the vehicle tab fee and implementing a traffic impact fee.

Ms. Satter referred to Public Comment 65, which relates to property at the corner of East 31st Street and Eagle Avenue (between Eagle Avenue and Wheaton Way). The property is currently designated as Commercial Corridor. Because Eagle Avenue is a residential street in nature, staff had originally proposed to re-designate this property as Low-Density Residential. However, the owner has indicated his desire to build a blind shop on the property and requested that the City reconsider its proposal to re-designate the property. Staff is still proposing that the property be designated as Low-Density Residential. If the Commission wants to change this designation to General Commercial, an amending motion would be necessary. She provided photos of the property and pointed out that access to the property comes from East 31st Street.

Ms. Greuter explained the city's environmental review process. As proposed in the update, the City would largely retain its land use plan with its emphasis on the centers concept and maintain key policy concepts around growth and services. A programmatic and non-project analysis was conducted under the State Environmental Policy Act (SEPA). The analysis was intended to be broad and area wide rather than site specific, and it takes advantage of work done by the City in the past. The approach was to issue a Determination of Significance with the adoption of five existing Environmental Impact Statements (EIS) (Bremerton's 2004 Comprehensive Plan EIS, as well as 2012-2015 EIS's addressing the Puget Sound Industrial

Center-Bremerton, Gorst, countywide growth/UGAs and mining proposals). This was followed by the issuance of an addendum to update the material and document the current proposal. The City voluntarily provided a comment period on the addendum, which closed on November 17th.

Ms. Satter reviewed that the City has received 70 comments to date relative to the Comprehensive Plan Update. Comment 70 was received after the Commission's packets were sent out and proposes to re-designate property at 1100 Perry Avenue to something other than Commercial. Staff is unable to support the re-designation because it would make the existing business a non-conforming use that can continue until the businesses ceases to exist. The commenter is currently dealing with noise and parking, and staff has responded with some potential solutions.

Ms. Satter encouraged citizens to submit comments via www.bremerton2035.com or by contacting staff directly. All comments can be viewed on www.bremerton2035.com. She summarized that staff is seeking a recommendation from the Planning Commission to the City Council relative to the proposed update. The City Council will deliberate from January through May of 2016, with final adoption in June of 2016. Those on the "interested parties list" will be notified of future meetings. Those who want to be added to the list can do so by signing up on the sign-up sheet at the back of the room or by sending a comment to CompPlan@ci.bremerton.wa.us.

Ms. Satter reviewed the following items, which were provided to the Commission just prior to the meeting:

- Attachment A is the updated acknowledgement page for the draft Comprehensive Plan.
- Attachment B is the updated Findings of Fact.
- Attachment C is the environmental documentation.
- Attachment D is Comment #70.
- Attachment E is Commissioner Nerf's recommendation for additional changes to the land-use element.

Ms. Satter advised that additional edits will be made after the Planning Commission forwards its recommendation to the City Council. These include additional maps and equivalency tables (Land Use Element) to be consistent with Kitsap County, additional data tables of housing units (Land Use and House Elements and Appendices), amended language to discuss Naval Base Kitsap-Bremerton after further work with the Navy staff, and scrivener's errors.

Chair Tift briefly reviewed the procedure for the public hearing, and opened the hearing.

Mark Warrens, Bremerton, thanked the City staff for the quality of their communications. He said he and his wife own a half-acre lot in east Bremerton on the west side of Claire Avenue, which is bisected by Warren Avenue. When they purchased the property ten years ago, it was zoned High-Density Residential, which would have accommodated eight units. They felt this size of development would be inappropriate for the property and asked an architect design a four-unit complex instead. Because the area is polluted by noise, the intent was to construct a play area in front of the building so parents could actually hear their children, but this would not be possible if the property is developed as individual homes. He pointed out that, although it is not a through street, Claire Avenue draws a lot of pedestrian and bicycle traffic and there is a pathway to the east side employment center. He said he supports the current proposal that the property be designated as Medium-Density Residential, which would allow for his four-unit complex.

Joe Zykauskas, Bremerton, said he previously submitted Comment 70, which references the property at 1100 Perry Avenue. He said he purchased his property at 2312 East 11th Street in 1994, and the adjacent property at 1100 Perry Avenue has been occupied by a number of different businesses over the years. When the back door of the current business is opened, his home is broadsided by the loud noise. He asked that the land use designation be changed to some type of limited commercial that would have noise restrictions. He also voiced concern about parking. Due to the dead end alley and limited turn around space, cars often hit his fence and cause damage. If the City is going to allow this parking, he would like a concrete traffic barrier to be installed along the fence.

Chair Tift closed the public hearing.

Chair Tift pointed out the long-term commercial use of the property at 1100 Perry Avenue (Comment 70). He suggested that Mr. Zykauskas' concerns could be better addressed via the Development Code rather than the Comprehensive Plan. **Ms. Satter** agreed and said she would follow up with Mr. Zykauskas to address code enforcement issues.

COMMISSIONER STRUBE MOVED THAT THE COMMISSION RECOMMEND THAT THE CITY COUNCIL ADOPT THE COMPREHENSIVE PLAN UPDATE AS SHOWN IN ATTACHMENT A OF THE STAFF REPORT BASED ON THE FINDINGS AND CONCLUSIONS PRESENTED IN ATTACHMENT B. COMMISSIONER ALBRIGHT SECONDED THE MOTION.

Director Spencer noted that Attachment B was revised earlier in the day, and copies of the revised document were provided to the Commissioners at the start of the hearing.

Chair Tift referred to Commissioner Nerf's November 17th email. He said he does not support Commissioner Nerf's proposed change for LU1(C) because the results of the Kitsap County Joint Land Use Study are unknown at this time. He felt the City should retain the option to consider the recommendations in the study, and "guided" is too strong of a word. **Commissioner Nerf** explained that changes were meant to clarify, rather than modify, the intent. **Director Spencer** agreed that the proposed changes generally make the language clearer. However, she supports the current wording for LU1(C), since it was lifted right out of the Joint Land Use Study. **Commissioner Albright** said she supports the current language and felt the intent was clear. The majority of the Commissioners concurred that no change should be made to LU1(C).

Chair Tift referred to LU1(D) and asked who would be responsible for reviewing and providing amendments on an annual basis. **Director Spencer** answered that the City has a process in place for updating the Comprehensive Plan annually.

The Commission agreed to remove Commissioner Nerf's proposed amendment to LU4-DRC(A) from the docket of changes.

COMMISSIONER NERF MOVED THAT THE COMMISSION AMEND THE MAIN MOTION TO INCORPORATE THE CHANGES TO THE LAND USE POLICIES AS DETAILED IN HIS EMAIL DATED NOVEMBER 17, 2015, WITH THE EXCEPTION OF LU1(C) AND LU4-DRC(A). COMMISSIONER STRUBE SECONDED THE MOTION.

Chair Tift inquired if the plan would have to come back to the Commission one more time before moving forward to the City Council in order to address outstanding items. **Director Spencer** reminded the Commission that other changes, as noted earlier, will be made to the document before it is forwarded to the City Council. Because the document will be the subject of a public hearing at the City Council level, as well, she recommended that the Commission allow the document to move forward with the changes as noted and not have the document re-reviewed by the commission

THE MOTION TO AMEND THE MAIN MOTION CARRIED UNANIMOUSLY.

COMMISSIONER ALBRIGHT MOVED THAT THE MAIN MOTION BE AMENDED TO ALLOW STAFF TO MAKE THE FOLLOWING EDITS BEFORE FORWARDING THE DOCUMENT TO THE CITY COUNCIL:

- **ADD MAPS AND EQUIVALENCE TABLES (LAND USE ELEMENT) TO BE CONSISTENT WITH KITSAP COUNTY.**
- **ADD DATA TABLES OF HOUSING UNITS (LAND USE AND HOUSING ELEMENTS)**
- **AMEND THE LANGUAGE RELATED TO NAVAL BASE KITSAP-BREMERTON AFTER FURTHER WORK WITH NAVY STAFF.**
- **AMEND THE LANGUAGE FOR THE USER GUIDE IN THE LAND USE CHAPTER**
- **MISCELLANEOUS SCRIVENER ERRORS.**

COMMISSIONER STRUBE SECONDED THE MOTION.

Chair Tift asked if the City Council would have the ability to further amend the plan, and **Director Spencer** answered affirmatively. It is likely that the City Council meetings pertaining to the plan will be televised so that people watching from

home will be able to view the staff's presentation of each element. There will be opportunities for public comment at the City Council meetings, as well. Prior to final approval, the City Council will also conduct a public hearing.

THE MOTION TO AMEND CARRIED UNANIMOUSLY.

THE MAIN MOTION TO RECOMMEND THAT THE CITY COUNCIL ADOPT THE COMPREHENSIVE PLAN UPDATE AS SHOWN IN ATTACHMENT A OF THE STAFF REPORT, AND AS FURTHER AMENDED BY THE COMMISSION, WAS UNANIMOUSLY APPROVED.

BUSINESS MEETING

Chair Report

Chair Tift did not have any items to report. However, he thanked the Commissioners for working so hard on the Comprehensive Plan Update for the past year. He was grateful for their preparation, which helped them have meaningful discussions. He also thanked the staff and consultants (Berk and Fehr and Peers) who prepared the draft documents.

Director Report

Director Spencer thanked the Commissioners for being very diligent in studying and preparing for the Comprehensive Plan discussions over the past year. She also thanked Ms. Satter, pointing out that, typically, major comprehensive plan updates are done by a team of consultants. The City's consultants only worked on two chapters of the Comprehensive Plan (Capital Facilities and Transportation Elements). The rest of the work was done by Ms. Satter, and she did a great job of answering citizen questions and alleviating concerns. **Chair Tift** also commended Ms. Satter on her fine efforts.

The Commission cancelled their regular meeting on December 15th. Instead, they agreed to get together to celebrate the holiday and say goodbye to Commissioner Albright.

Old Business

There was no old business on the agenda.

New Business

No new business was scheduled on the agenda.

ADJOURNMENT

The meeting was adjourned at 6:48 p.m.

Respectively Submitted by:

Andrea L Spencer, AICP Executive Secretary	Nick Wofford, Chair Planning Commission

Commission Meeting Date: January 19, 2016 Agenda Item: V.B.1

CITY OF BREMERTON, WASHINGTON
PLANNING COMMISSION AGENDA ITEM

AGENDA TITLE:	Zoning Code amendments related to the 2016 Comprehensive Plan Periodic Update. Bremerton Municipal Code (BMC) Chapters being discussed: 20.02 Project Permits; 20.40 Administration; 20.46 Special Development
DEPARTMENT:	Community Development
PRESENTED BY:	Allison Satter, Senior Planner; (360) 473.5845

SUMMARY

The Planning Commission made a recommendation for City Council adoption of a new Comprehensive Plan (the draft can be seen at www.bremerton2035.com). The draft Plan will be considered by City Council in the upcoming months and will be adopted by June 30, 2016.

To be fully compliant with Washington State's Growth Management Act (GMA) and to fully implement the City's Comprehensive Plan, the City of Bremerton Zoning Code needs to be updated to incorporate the changes within the Comprehensive Plan. The Planning Commission will be discussing amendments to specific chapters in the Bremerton Municipal Code.

WORKHOP DESIRED OUTCOME

Provide direction to staff regarding edits that the Commission determines are necessary to be added to the Bremerton Municipal Code Chapters 20.02 Project Permits; 20.40 Administration; 20.46 Special Development to ensure consistency with amended Comprehensive Plan.

ATTACHMENTS

- **Attachment I:** Zoning Code Amendments
- **Attachment II:** Comments Matrix and Comments 71-76 regarding Bremerton2035

Information on Zoning Code Update

The Zoning Code in its entirety can be seen at the City of Bremerton website: http://www.codepublishing.com/wa/Bremerton/html/Bremerton20/Bremerton20.html. The Zoning Code is Title 20 and separated into 37 Chapters. It is anticipated that the Planning Commission will review all chapters and recommended revisions due to changes in the Comprehensive Plan.

Proposed schedule is:

- **January:** Introduction to Zoning Code and General Permitting Chapters
- **February:** Environmental Chapters: Critical Area Ordinance (BMC 20.14), State Environmental Policy Act (BMC 20.04), Shoreline Master Program limited updates; Nonconforming Provisions (BMC 20.54)
- **March:** Land Use Chapters (BMC 20.60 through 20.98), Parking (BMC 20.48), Landscaping (20.50), and Subarea Plans
- **April:** Public Hearing and make recommendation to City Council on Draft Zoning Code Update

Summary of Zoning Code Update

The current City of Bremerton Zoning Code was adopted in 2005 as Ordinance No. 4938. Since that initial adoption, Staff has worked with Planning Commission to continually update the Code to ensure codes remain relevant. Most of the changes that will be discussed over the coming months are directly related to the changes to the Comprehensive Plan. For example, within the Draft 2016 Comprehensive Plan, Citywide Land Use Policy LU2(B) and (C) were revised to state: *support adaptive reuse of existing buildings with uses that are compatible with surrounding neighborhoods* and *City should consider zoning regulations that promote occupancy of buildings that are experiencing prolong vacancy.* As can be seen within **Attachment I** (and described below), Staff is proposing a more flexible Adaptive Reuse options in section BMC 20.46.070 that allows some vacant commercial buildings located in residential zones to become occupied with a neighborhood business.

Proposed Amendments to the Zoning Code

The **Attachment I** is the proposed Zoning Code Amendments for three chapters (BMC 20.02 Project Permits; 20.40 Administration; and 20.46 Special Development). It is provided in legislative track changes, with items underlined in red are proposed additions and strikeouts are deletions. The following section summarizes the purpose and intent of the three chapters and summarize the proposed amendments.

BMC 20.02 Project Permits. This chapter establishes how the City of Bremerton will process applications for project permits. Fundamental land use planning choices made in the Comprehensive Plan serves as the foundation for project review. The specifics include items such as: how to process permits and generally what to submit for a permit, when and how to provide proper notification of a project to the public, procedure for appeals, and vesting rights. This chapter of the code was last updated in 2009.

The proposed amendments to BMC 20.02 are to remove language reference to development agreements. A development agreement is a contract between a local jurisdiction and a person/Company who owns or controls property. The purpose of the agreement is to specify

the standards and conditions that will govern development of the property. This typically includes request for departures of the zoning code (such as departures from development regulations or to extend timing of a development to be completed) and the City should receive a benefit from allowing the departures. The City's Comprehensive Plan has not encouraged development agreements since 2004 and the City has not entered into any since before that time. The Code should be amended to remove this provision.

BMC 20.40 Administration. This chapter establishes how the City of Bremerton administratively should implement the Zoning Code. Within the section BMC 20.40.030 Purpose and Intent, it states that this chapter is to regulate physically development of all lands with Bremerton in order to provide for orderly development. It then outlines the purpose that has similar objectives as those that are found in the Draft 2016 Comprehensive Plan Land Use Chapter goals: *protect social and economic stability* (lines up with Land Use Goal 2); *address both natural and manmade environment* (matches Land Use Goal 3); *ensure orderly and beneficial development* (compliments Land Use Goal 1); and *protect public health, safety and welfare* (supports Land Use Goal 4). Other items within this chapter that are working well and Staff is not proposing any changes include who has administrative authority, how should interpretations of code be made, what happens if there is conflicting code, and code enforcement provisions.

Section BMC 20.40.170 Comprehensive Plan and Zoning Consistency, is the proposed revision to this chapter. This section requires that the Comprehensive Plan Land Use designations must be consistent with the Zoning Code districts. As part of the Comprehensive Plan Update, Land Use designations were reduced, and renamed (example: the 2004 land use designations: *Limited Commercial* and *Commercial Corridor* are proposed to be consolidated into *General Commercial* in the Draft 2016 Comprehensive Plan). As such the Figure 20.40(b) had to be revised to comply with the Draft 2016 Comprehensive Plan proposal.

BMC 20.46 Special Development Standards. This chapter establishes how the City of Bremerton should regulate unique development standards that apply throughout the City. Provisions in this chapter that Staff is not proposing to revise include Accessory Dwelling Units (mother-in-law homes), manufactured home placement, dish antennas, adult entertainment businesses, and outdoor storage (including dumpsters). However, this chapter had the most amendments of **Attachment I**, so here are a summary of the proposed revisions:

- BMC 20.46.020 Fences and Walls. Though the City tries to limit the placement of barbed wire to industrial, Staff is proposing to allow barbed wire for public facilities such as water resource districts, Puget Sound Energy facilities and the like because there are federal mandated for security measures.

- BMC 20.46.030 Home Occupations. The regulations of this section dealing with home occupations are designed to protect and maintain the residential character of established neighborhoods while recognizing that certain professional and limited business activities have traditionally been carried on in the home. Staff is proposing to remove subsection (j) as this required a conditional use permit for select businesses (beauty and barbershops) which is a 6-week permit with public notification and yet the business is also required to comply with all the home occupation requirements to remain like residence and have no impacts to the neighborhood. It is onerous process for a stylist, yet someone who was a masseuse at their home does not have to do through that the same process. In addition, the second change is to have a minimal requirement for taxis as a home occupation and allow them to have one taxi at their home. Staff spends a lot of time on taxis to try to prevent an impact to the neighborhood (from noise complaints to parking complaints). If the taxi business succeeds and needs two cars, then it will be recommended that they find a commercial location to dispatch the cars.

- BMC 20.46.050 Recreational Vehicle on a Private Lot. Staff is proposing to remove subsection (d) as this prohibited an individual who has their RV/boat parked within their front yard driveway for more than 15 consecutive days. There is still code to not allow someone to live in their RV for an extended period of time, and it must be parked in a legal driveway.

- BMC 20.46.070 Adaptive Reuse of Buildings. Staff is proposing to make a more flexible code. The current code allows for public or semi-public buildings to be reused as neighborhood businesses. Example an old school in Manette on Ironsides went through an Adaptive Reuse to reuse the building as a Church. Staff is proposing to remove the public and semi-public buildings to all buildings that were originally constructed for commercial purposes. The International Building Code still identifies churches, schools, and the like as “commercial” buildings so this revision allows those commercial buildings located within residential zones to utilize this code provision. In addition, all adaptive reuses were required to go through a Hearing Examiner process after public notification. Staff is proposing to start the process an Administrative Type II process which allows a Directors decision (quicker and cheaper permit process), however still require the public notification that a typically Hearing would require. If the project receives public outcry or letters of concern, it can and will be elevated by the Director to require a Hearing Examiner review and decided.

- BMC 20.46.080 Mineral Resource Overlay. As the Draft 2016 Comprehensive Plan introduces the Mineral Resource Overlay into the City of Bremerton, the complete

section was revised. When a property owner wants to extract minerals, Department of Natural Resources (DNR) is the leading agency for regulations. DNR reviews the proposal and the impacts to the environment and requires that a reclamation plan be submitted so it is clearly outlined the assumption of how and when this site will be graded when it the minerals are all extraction. As DNR has many of their own requirements, the City has additional provisions as outlined in **Attachment I.** These provisions address permitting process (Hearing Examiner Conditional Use Permit), additional requirements to minimize impacts to the neighborhood and how to remove the mineral resource classification so the underlying zoning can be developed. Special provision to notify all plats, development and building permit within 500' of the property is a State requirement. Staff is proposing this overhaul to better address the development of mineral resource overlay. Please note that these revisions correspond to the policies set forth in the Draft 2016 Comprehensive Plan Land Use Element – Low Density Residential designation for mineral resource overlay (page LU-31).

- Removing Senior Housing Complex, Recycling Collection Stations, and Outdoor Land Uses and it is being incorporated into the Land Use designations. The Planning Commission will see the Senior Housing Complex provisions being added into the development standards when we review each zoning district in March when we review each zoning district in March.

- BMC 20.46.140 Wireless Communication Facilities. Due to Federal regulations stipulated in Section 6409 of the Middle Class Tax Relief & Job Creation Act passed by US Congress in 2012, and consequent Federal Communications Commission (FCC) Notice of Proposed Rulemaking published in 2013. Here is a summary of this rulemaking:

  Tthe City should consider updating the wireless communications section of the Bremerton Municipal Code to comply with Federal regulations. Section 6409 preempts local government regulatory authority for existing wireless communication facilities and grants the wireless applicant broad rights to expand existing sites. While local government regulatory authority has been diminished, property owners maintain the ability to dictate terms of use to potential wireless companies. In turn the City should consider a reactionary shift in strategy from regulating as a government agency to regulating as a proprietor.

  Recognizing the ubiquitous nature of wireless connection needs is also of central concern to this shift in policy. As residents consume greater amounts of online content, so too will the demand for expanded wireless communications facilities be required. Encouraging wireless facilities to locate in the right of way would provide wireless

companies easy access to their facilities as if they were common utilities, rather than the patchwork of individual agreements in place for rooftop antennas and leased areas for towers scattered throughout the City.

Staff is proposing amendment to the Wireless Communication Facilities Section to address the direction received in the federal rulemaking

Staff recommends that the Planning Commission review and provide direction on the proposed revision shown in Attachment I.

Comments Received

Staff has included comments received from last Planning Commission Hearing for the Comprehensive Plan Update process as **Attachment II**. Comments include #71-76. All comments and Comment Matrix with summarized Staff's response can be seen at www.Bremerton2035.com.

Chapter 20.02
PROJECT PERMITS

Sections:

20.02.010 PURPOSE AND INTENT.
20.02.020 DEFINITIONS.
20.02.030 GENERAL PROVISIONS.
20.02.040 PROJECT PERMIT PROCESSING PROCEDURES.
20.02.050 PRESUBMITTAL APPLICATION CONFERENCE.
20.02.060 SUBMISSION REQUIREMENTS.
20.02.070 VESTING.
20.02.080 OPTIONAL CONSOLIDATED PERMITTING PROCESS.
20.02.090 DETERMINATION OF COMPLETENESS.
20.02.100 NOTICE OF APPLICATION.
20.02.110 NOTICE OF HEARING.
20.02.120 JOINT PUBLIC HEARING.
20.02.130 NOTICE OF DECISION.
20.02.140 APPEALS.
20.02.150 DESIGN REVIEW.
~~**20.02.160 DEVELOPMENT AGREEMENT REVIEW PROCEDURES.**~~
20.02.170 PLANNED ACTIONS.

20.02.010 PURPOSE AND INTENT.

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

(b) These procedures provide for an effective processing and review of permits consistent with Chapter 36.70B RCW. This chapter is applied in conjunction with Chapter 2.13 BMC (Administrative Hearing Examiner); Chapter 17.04 BMC (City Building Code); Chapter 20.04 BMC (State Environmental Policy Act); Chapter 20.12 BMC (Short Subdivisions and Plats); BMC Title 20, Division III; the Bremerton Shoreline Master Program; Chapter 20.14 BMC (Critical Areas); and other applicable codes making reference to this chapter.

20.02.020 DEFINITIONS.

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

"City" means the City of Bremerton.

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

"Days" means calendar days.

"Department" means Department of Community Development.

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

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

"Hearing examiner" means the Administrative Hearing Examiner pursuant to Chapter 2.13 BMC.

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

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

"Parties of record" means:

(1) The applicant;

(2) The property tax payer as identified by the records available from the Kitsap County Assessor's Office;

(3) Any person who testified at the open-record public hearing on the application; and/or

(4) Any person who submitted written comments during administrative review or has submitted written comments concerning the application at the open-record public hearing (excluding persons who have only signed petitions or mechanically produced form letters).

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

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

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

20.02.030 GENERAL PROVISIONS.

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

(1) Landmark designations;

(2) Street vacations;

(3) Right-of-way/street use permits;

(4) Permits or approvals relating to the use of public areas or facilities;

(5) Permits or approvals involving the location or development of essential public facilities or utilities;

(6) Project permits not listed in this chapter which are categorically exempt from SEPA;

(7) Legislative actions such as the adoption of or amendments to the Comprehensive Plan, subarea plans, area-wide map amendments, and development regulations.

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

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

(1) The type of land use permitted, including uses that may be permitted under certain circumstances, provided the criteria for their approval is satisfied;

(2) The density of development allowed such as units per acre or other measures of density;

(3) Availability and adequacy of infrastructure, which includes public facilities and services identified in the Comprehensive Plan; and

(4) Characteristics of the development such as development design standards.

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

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

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

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

20.02.040 PROJECT PERMIT PROCESSING PROCEDURES.

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

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

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

(c) Type III Project Permit. These are Hearing Examiner decisions. The Hearing Examiner may approve, conditionally approve, or deny the application. Type III project permit processing procedures are set forth in Table 040. Examples of Type III permits include nonadministrative conditional use permits, preliminary formal subdivisions, variances, etc.

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

(e) Table 040 Permit Processing Procedures.

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

1 The Hearing Examiner holds an open-record hearing for preliminary approval. The City Council makes a final decision at a public meeting; a second hearing is not required.

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

20.02.050 PRESUBMITTAL APPLICATION CONFERENCE.

(a) Purpose. The purpose of the pre-application conference is to acquaint the applicant with the review procedures and applicable Bremerton Municipal Code provisions to the proposal. Type II, III and IV permits require a presubmittal application conference prior to submitting an application. Anyone choosing the consolidated permit process set forth in BMC20.02.060 also requires a presubmittal submittal application conference. Only one (1) meeting is required for all project permit applications related to the same project action.

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

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

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

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

(f) Lapse of Time. If a time lapse of more than one (1) year occurs between a presubmittal application conference and the submission for permits, or if the Director determines the scope of the project has changed significantly from the presubmittal application conference, a new conference may be required.

20.02.060 SUBMISSION REQUIREMENTS.

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

(1) A completed application form;
(2) A legal description of the property and associated tax account number(s);
(3) A vicinity map showing the location of the property including surrounding major streets, shorelines and other reference points;
(4) A site plan;
(5) When required, mailing labels containing the names and addresses of all owners of record of parcels within the notification radius;
(6) When required, SEPA checklist and/or other environmental documentation;
(7) Additional information required by the Director to support a decision on the application(s);
(8) The application fee(s) for the permit(s) requested as set forth in Chapter 3.01 BMC or by other applicable rule or regulation.

20.02.070 VESTING.
A project permit application shall vest in the land use regulations in effect on the land at the time of submission of a completed project permit application as defined herein and all application fees are paid.

20.02.080 OPTIONAL CONSOLIDATED PERMITTING PROCESS.
(a) An application which involves two (2) or more permits or procedures may have the processes consolidated under the highest project permit classification and procedures. The applicant shall request if they want their permit processes consolidated or if they want each permit processed individually.
(b) If a project involving two (2) or more permits has the permits processed individually, the highest project permit classification and procedures shall be finalized before subsequent permits can be issued. The Director may waive this requirement for permits not dependent on the higher classification of permit for their justification or implementation.
(c) If applicable, a single open-record hearing and no more than one (1) closed-record appeal shall be provided on a consolidated review process. The consolidated process may combine an open-record hearing on one (1) or more permits with an open-record appeal hearing on the other permits.

20.02.090 DETERMINATION OF COMPLETENESS.
When review procedures require a determination of completeness, the following shall apply:
(a) Determination. Within twenty-eight (28) days of accepting the application, the Department shall provide a written determination to the applicant, stating that:
(1) The application is complete; or
(2) The application is incomplete and what is necessary to make the application complete.
To the extent known, the City shall identify other agencies of local, state or federal governments that may have jurisdiction over some aspect of the application.
(b) Failure to Notify. Failure to provide a written determination within the required time shall automatically deem the application complete.
(c) Processing. A complete application meets the submission requirements set forth in BMC 20.02.060 and is sufficient for continued processing. The determination of completeness shall not preclude the City from requesting additional information or studies either at the time of the notice or subsequently if new information is required or substantial changes in the proposed action occur. Should additional information be requested, the applicant shall have ninety (90) days from the date notified to submit the requested materials. Should the materials not be submitted within the time limits, the application shall lapse.
(d) Incomplete Application. An incomplete application shall have ninety (90) days from the date of the written determination in subsection (a)(2) of this section for the necessary information to be submitted. If the applicant either refuses in writing or does not submit the required information within the time limits, the application shall lapse.

(e) Review of Additional Information. When additional information for an incomplete application is received, the City shall notify the applicant within fourteen (14) days of receipt of the additional information whether the application is complete or what additional information is necessary.
(f) Review Timeline. Following the date an application is determined complete, the date shall be noted and the one hundred twenty (120) day official review period to render a decision shall begin.

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

(d) Integration of Notices. The City will integrate the notice of application with SEPA review whenever possible. Notification for a notice of application should be combined with the notification for threshold determination and the scoping for a determination of significance whenever possible.
(e) Issuance of Decisions. Except for a threshold determination, the City may not issue a decision or a recommendation on a permit until the expiration of the public comment period.
(f) Public Comments. Comments shall be as specific as possible. Comments shall be received by the last day of the comment period specified in the notice. If no comments are received by the date specified in the notice from an affected City department or agency with jurisdiction, which notification was sent to, then it is presumed that the department or agency has no comments.

20.02.110 NOTICE OF HEARING.
When review procedures require a notice of hearing, the following shall apply:
(a) Notice Integration. A notice of hearing is required for public hearings. A notice of hearing may be integrated with the notice of application.
(b) Notice Content. A written notice of hearing shall contain the following information:
(1) The name of the applicant or designated contact;
(2) A description of the affected property (not including any legal description);
(3) Project summary/description of each project permit application;
(4) The application/project file number;
(5) The date, time and place of the hearing;
(6) A statement that all interested persons may appear and provide testimony;
(7) A statement where information may be examined or obtained and the staff contact and phone number;
(8) A statement how written testimony or comments may be submitted;
(9) The SEPA threshold determination along with any appropriate statement regarding any shared or divided lead agency status and phased review, and stating the end of any final comment period;
(10) The deadline (date, time and place) for submitting a SEPA appeal;
(11) A statement regarding any administrative appeal process including SEPA appeal.
(c) Project Permit Notification. Notification for a hearing on a project permit shall be provided in the following manner as applicable:
(1) Mail. The notice shall be sent by email, first class mail or higher to the following:
(i) The applicant;
(ii) All property owners of real property (as shown by the records of the Kitsap County Assessor's Office) within three hundred (300) feet of the subject property. Where any portion of a property abutting the subject property is owned, controlled, or under the option of purchase by the applicant, all property owners within a three hundred (300) foot radius of the total ownership interest shall be notified;
(iii) Any person providing a written request to the Department.
(2) Preliminary Plat. When adjacent to the right-of-way of a state highway, or within two (2) miles of the boundary of a state or municipal airport, mailed notice shall be given to the Secretary of Transportation, who has fifteen (15) days to respond.
(3) Posting of the Property. The notice shall be posted in the same manner and location(s) as the notice of application set forth in BMC 20.02.100(c)(2).
(4) Publishing Notice. A published legal notice in the City's official newspaper of general circulation within the City boundaries is required. The content of the published notice shall include the following information:
(i) Project location;
(ii) Project description;

(iii) Type of permit(s) required;
(iv) Comment period and dates;
(v) Location where the complete application may be viewed.

(d) Notice Deadlines. Notice shall be given at least ten (10) days before the hearing date except:
(1) Shoreline permits pursuant to WAC 173-27-110(3) shall be given at least fifteen (15) days.
(2) An integrated notice of hearing and notice of application shall be given at least fifteen (15) days.
(3) An integrated notice of hearing and notice of a SEPA threshold determination shall be given at least fifteen (15) days.

(e) Continuation of Hearing. Continued hearings do not require additional notices of hearing.

(f) Appeal Notification. Notification for a hearing on an open-record or closed-record appeal shall be provided in the following manner:
(1) Mail. The notice shall be sent by email, first class mail or higher to the following:
(i) The applicant/appellant;
(ii) Parties of record;
(iii) Affected agencies;
(iv) Parties requesting notice; and
(v) Other persons whom the Department believes may be affected by the action.

(g) Additional Procedures. In addition to the procedures contained in this chapter, the Department may develop general procedures for notification, including mailing packets and the format of the notice and an affidavit of posting/mailing form to be filled out by the party doing notice.

20.02.120 JOINT PUBLIC HEARING.

A hearing on a project permit application may be combined with any other hearing on the action held by another local, state, regional, federal, or other agency pursuant to RCW36.70B.110 as currently enacted or hereinafter amended.

20.02.130 NOTICE OF DECISION.

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

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

(b) Notification. Notification shall be provided in the following manner as applicable:
(1) Mail. The notice shall be sent by email, first class mail or higher to the following:
(i) The applicant;
(ii) Any person who, prior to the rendering of the decision, requested notice of the decision in writing to the Department, or who submitted substantive comments on the application; and
(iii) Kitsap County Assessor's Office.

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

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

(e) Timelines. The notice shall be issued within one hundred twenty (120) days after the City notifies the applicant that the application is complete pursuant to BMC 20.02.090, except as follows:
(1) The Director makes written findings that a specified amount of additional time is needed for processing the application; or

(2) A permit or approval involving the location or development of important public facilities or utilities, or related to the use of public areas or facilities, for public purposes may be excluded from the one hundred twenty (120) day time limit upon a determination of the Director that special circumstances warrant a longer process.

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

(g) Timeline Exclusion. The one hundred twenty (120) day time limit shall exclude any of the following:

(1) Any period an applicant takes to provide additional information, perform studies or provide corrected plans requested by the City.

(2) Any period where the City determines that submitted information is insufficient or incorrect, and has requested the applicant provide the necessary information.

(3) Any period an environmental impact statement (EIS) is being prepared including scoping and preparing the draft and final EIS.

(4) Any period for administrative appeals and any period for reconsideration of decisions of the Hearing Examiner made on project permit applications. The period for consideration and decision on appeals shall not exceed:

(i) Ninety (90) days for an open-record appeal hearing; or

(ii) Sixty (60) days for a closed-record appeal.

(iii) The parties may agree to extend these periods.

(5) Any extension of time mutually agreed upon by the applicant and the City.

(6) All excluded periods are calculated from the date the City notifies the applicant to when the information satisfies the City's requirement.

(7) When the applicant submits the requested information, the City shall have fourteen (14) days to determine if it is satisfactory. If the information is not satisfactory, but the City fails to notify the applicant within the time limit, the information shall be deemed satisfactory.

(8) The time limits established in this section do not apply if a project permit application:

(i) Requires an amendment to the Comprehensive Plan or a development regulation; or

(ii) Requires approval of the location of an essential public facility as provided in RCW 36.70A.200; or

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

(h) Liability. The City is not liable for damages due to the City's failure to make a final decision within the time limits established in this chapter.

20.02.140 APPEALS.

(a) General.

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

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

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

(4) Administrative appeal of a SEPA threshold determination is to the Hearing Examiner pursuant to Chapter 20.04 BMC and subsection (a)(3) of this section.

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

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

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

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

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

(1) For Type I project permits, only the applicant has standing.

(2) For project permits not Type I, the following have standing:

(i) Applicant;

(ii) Anyone who participates in the public hearing; or

(iii) Anyone who submits written comments in response to a legal notice within the required time limits.

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

(d) Timing of Decisions.

(1) An open-record appeal shall be decided within ninety (90) days from the date the complete appeal was filed.

(2) Should an occasion arise that would require a closed-record appeal hearing, such an appeal shall be decided within sixty (60) days.

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

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

(1) Appellant's name, address and phone number;

(2) Appellant's statement describing his or her standing, as a party of record, to appeal;

(3) Identification of the application which is the subject of the appeal;

(4) Statement of grounds for appeal and the facts upon which the appeal is based;

(5) Statement of the relief sought, including the specific nature and extent; and

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

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

(h) Notice of Appeal. The Director shall provide public notice of the appeal as provided in BMC 20.02.110(c).

20.02.150 DESIGN REVIEW.

Buildings that are proposed for construction in areas having adopted design guidelines are subject to review and recommendation by the Design Review Board (Board). For any development activity that

requires Board review, the applicant must comply with the provisions of this section before a building permit can be approved, as follows:

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

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

(1) To review preliminary sketches of the design proposal presented by the applicant;

(2) To discuss how the design guidelines pertain to the proposed development;

(3) For the Design Review Board to designate which design guidelines apply to the proposed development based primarily on the location and nature of the proposed development; and

(4) Other application materials the applicant will need to submit with the design review application.

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

(d) Public Notice. On determination of a complete application for a building permit requiring design review, the Director shall schedule a design response conference with the Board to occur within sixty (60) calendar days. The Director shall provide public notice of the design response conference per the requirements of BMC 20.02.100.

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

(f) Approval. Approval of a building permit that is subject to Board review is a Type II Director decision; however, the Board's recommendation shall hold substantial weight. After reviewing the Board recommendation, the Director may grant, deny or conditionally approve an application for the proposed development. Any deviation from the Board's recommendation shall be documented in the Director's findings and conclusions. The decision of the Director may be appealed per the provisions of BMC 20.02.140.

~~20.02.160 DEVELOPMENT AGREEMENT REVIEW PROCEDURES.~~

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

~~(b) A determination of completeness, notice of hearing and a notice of decision are required pursuant to the provisions of this chapter. The one hundred twenty (120) day time limit for the notice of decision shall not apply to a development agreement.~~

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

~~Examiner. The Hearing Examiner shall make a recommendation to the City Council on the development agreement and approval of the project permit shall be conditioned on City Council approval of the development permit.~~

~~(d) The City Council may approve a development agreement by ordinance or resolution only.~~

20.02.170 PLANNED ACTIONS.

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

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

(b) To qualify, a project action shall:

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

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

(3) Be consistent with the Comprehensive Plan;

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

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

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

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

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

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

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

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

(1) Verification that it meets the description and implements any applicable conditions or mitigation measures identified in the designating ordinance or resolution;

(2) Verification that the proposed significant adverse environmental impacts of the project have been adequately addressed in the EIS.

(f) Nothing in this section limits the City from using applicable law to place conditions on the project in order to mitigate nonsignificant impacts through normal project review and permitting processes.

Chapter 20.40
ADMINISTRATION

Sections:

20.40.010 TITLE.
20.40.020 AUTHORITY.
20.40.030 INTENT AND PURPOSE.
20.40.040 ADMINISTRATIVE AUTHORITY.
20.40.050 DEFINING "SHALL" AND "MAY."
20.40.060 MINIMUM REQUIREMENTS.
20.40.070 CONFLICTS.
20.40.080 INTERPRETATIONS.
20.40.090 ZONING DESIGNATIONS.
20.40.100 ZONING MAP INTERPRETATIONS.
20.40.110 COMPLIANCE WITH OTHER LAWS.
20.40.120 CITY LIABILITY.
20.40.130 PROPERTY OWNER/ APPLICANT RESPONSIBILITY.
20.40.140 SCOPE OF UNLAWFUL ACTIVITY.
20.40.150 SIMILAR USE DETERMINATION.
20.40.160 PROHIBITED USES.
20.40.170 COMPREHENSIVE PLAN AND ZONING CONSISTENCY.
20.40.180 ENFORCEMENT.
20.40.190 PROHIBITION OF FURTHER PERMITS OR APPROVALS.
20.40.200 VIOLATION - PENALTY.

20.40.010 TITLE.

This title shall be known as the "City of Bremerton zoning code." This code shall consist of this text and the map entitled "City of Bremerton official zoning map."

20.40.020 AUTHORITY.

This title is adopted pursuant to Chapters 35.63 and 36.70A RCW.

20.40.030 INTENT AND PURPOSE.

The intent of this title is to regulate the physical development of all lands within the City of Bremerton's jurisdiction, except federally owned properties, in order to provide for orderly development within the City. The purpose is:

(a) To implement the City's Comprehensive Plan;

(b) To protect the community's social and economic stability, as well as the positive qualities and unique characteristics of all areas throughout the community;

(c) To address both natural and manmade environmental considerations as part of the land use and development permitting processes; and

(d) To ensure the orderly and beneficial development and use of all lands by:

(1) Reserving an adequate supply of developable land area for each major category of land use and in the most appropriate locations;

(2) Preventing the encroachment of incompatible uses; and

(3) Providing clear, concise regulations and development guidelines that are consistent with City goals and visions.

(e) To protect the public's health, safety and welfare as a whole and not to create a duty of protecting any person or class of persons.

20.40.040 ADMINISTRATIVE AUTHORITY.
The Director shall have the authority to make and issue orders, rules, requirements, permits, interpretations, decisions, or determinations as necessary in the administration and enforcement of the provisions of this title, except when provided for otherwise.

20.40.050 DEFINING "SHALL" AND "MAY."
The word "shall" is always mandatory; the word "may" denotes a use of discretion in making a decision.

20.40.060 MINIMUM REQUIREMENTS.
The provisions set forth in this title shall constitute the minimum requirements necessary to promote the public health, safety, morals, and general welfare.

20.40.070 CONFLICTS.
The provisions of this title shall govern when this code imposes a greater restriction than is required by other ordinances, regulations, easements, covenants, or other agreements. In the case of internal conflicts within this code, the most restrictive provision shall prevail.

20.40.080 INTERPRETATIONS.
The Director shall have the authority to make written interpretations when necessary for clarification or to resolve conflicts within these regulations. The Director's interpretations are processed as a Type I Director's decision as prescribed in Chapter 20.02 BMC. Any person may submit a written request for a code interpretation to the Director, or the Director may issue a code interpretation on the Director's own initiative. A request for a code interpretation shall include the following:
(a) The provision of this title for which an interpretation is requested;
(b) Why an interpretation of the provision is necessary;
(c) Any reason or material in support of a proposed interpretation; and
(d) Any fees adopted pursuant to Chapter 3.01 BMC by the City Council.

20.40.090 ZONING DESIGNATIONS.
Zoning is the primary implementing tool of the Comprehensive Plan. The Plan's land use designations provide the basis for the official zoning map, which breaks each of those designations into more specific zones. Each zone includes the land use standards and development requirements for development in each zone. Figure 20.40(a) lists the zones and the general category of each zone, which are included herein.

20.40.100 ZONING MAP INTERPRETATIONS.
The Director shall use the following criteria to interpret the official zoning map:
(a) Where a zone boundary is indicated as approximately following a property line, the property line is the zone boundary.
(b) Where a zone boundary is indicated as following a street or other right-of-way, the centerline of the street or right-of-way is the zone boundary.
(c) Where a zone abuts or extends into a lake or into Puget Sound, the zone boundary extends into that body of water to the full limit and territorial extent of the jurisdiction and control of the City.
(d) Where a zone boundary is not indicated to follow a property line, street, or other right-of-way, the boundary line is as drawn, based on the scale shown on the zoning map.

20.40.110 COMPLIANCE WITH OTHER LAWS.
Nothing in this title shall be construed to excuse compliance with other applicable federal, state, or local laws or regulations.

20.40.120 CITY LIABILITY.
Nothing in this title shall be construed to impose any duty upon the City or any of its officers or employees so as to subject them to liability for damages not otherwise imposed by law to protect individuals from personal injuries or property damage.

20.40.130 PROPERTY OWNER/APPLICANT RESPONSIBILITY.
(a) It is the intent of this title to place the obligation of complying with the requirements of this title and all applicable laws and regulations upon the owner, and jointly and severally upon the occupant of the land and buildings within its scope.
(b) The applicant is responsible to provide accurate and complete information and plans to comply with the requirements of this title and all applicable laws and regulations. The City is not responsible for the accuracy of information or plans provided to the City for review or approval.

20.40.140 SCOPE OF UNLAWFUL ACTIVITY.
It shall be unlawful for any person, firm or corporation to erect, construct, alter, repair, move, remove, convert, demolish, use, occupy, or maintain any structure or use of land, or any portion, in violation of the provisions of this title. The violation shall exist until the unlawful act and/or unlawful use has been remedied or abated.

20.40.150 SIMILAR USE DETERMINATION.
Whenever a proposal is not listed as a permitted, conditional or accessory use in the zone, it may be permitted in that zone if the Director determines it is a use similar to a listed use for that zone.
(a) The applicant shall make in writing requests for a similar use determination. The determination shall be processed as a Type I Director's decision as set forth in the procedures for a Type I decision in Chapter 20.02 BMC.
(b) The Director shall issue a decision in writing and shall consider the scale, visual impacts, traffic generation, relationship to surroundings, and other factors which influence and/or define the nature of the proposal.
(c) If the proposal is found to be similar to a listed use, the proposal shall be subject to all standards, requirements and permitting processes to which the listed use is subject.

20.40.160 PROHIBITED USES.
(a) No use that is illegal under local, state, or federal law shall be allowed in any zone within the City.
(b) Any use not listed as a permitted, conditional or accessory use by the zone; or any use not determined to be a similar use pursuant to BMC 20.40.150; or any use not found to be an allowable accessory use to the principle use shall be prohibited within that zone unless allowed otherwise by law.
(c) A collective garden, as defined in BMC 20.42.040, is prohibited in all zoning districts of the City.
(1) Any violation of this section is declared to be a public nuisance per se, and shall be abated by the City Attorney under applicable provisions of this code or State law, including, but not limited to, the provisions of Chapter 1.04 BMC;
(2) Nothing in this section is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building, or use which violates any City, State, or Federal law or statute.

20.40.170 COMPREHENSIVE PLAN AND ZONING CONSISTENCY.
Regulations used to implement the Comprehensive Plan must be consistent with the Plan. Figure 20.40(~~b~~a) identifies the relationships between a Comprehensive Plan designation and establishes the zoning districts that may be approved within each Comprehensive Plan designation.

20.40.180 ENFORCEMENT.

(a) It is the duty of the Director to enforce the provisions of this title. Enforcement actions may include one or more of the following:

(1) Withhold or revoke land use permits or approvals;

(2) Withhold or revoke building permits for construction or alteration of a structure, abatement of structures;

(3) Revocation of use permits and variances;

(4) Enforcement through Chapter 1.04 BMC;

(5) Filing a court action in a court of competent jurisdiction.

(b) Land Use/Permit Revocation. A permit or land use approval may be revoked if:

(1) The work is not authorized by a valid permit or approval;

(2) Inaccurate or incorrect information was used to obtain the permit or approval or the permit or approval was issued in error;

(3) The permittee is not complying with the terms of the permit or approved plans;

(4) The permittee is in violation of the requirements of this chapter or of any land use ordinance, statute, or regulation; or

(5) The work is, in the Director's judgment, a hazard to property or public safety, is adversely affecting or about to adversely affect adjacent property or rights-of-way, a drainage way, watercourse, sensitive areas or storm water facility, or is otherwise adversely affecting the public health, safety, or welfare.

(c) Revocation of a permit or land use approval shall be made by:

(1) The Director for Type I and Type II permits subject to the right of appeal as set forth in BMC 20.02.140.

(2) The Administrative Hearing Examiner for a Type III permit subject to the right of appeal as set forth in BMC 20.02.140 and Chapter 36.70C RCW.

(3) The Council for a Type IV permit as set forth in BMC 20.02.140 and Chapter 36.70C RCW provided by law.

20.40.190 PROHIBITION OF FURTHER PERMITS OR APPROVALS.

The City shall not accept, process, or approve any application for a subdivision or any other land use permit or approval, or issue a certificate of occupancy for property on which a violation of this title has occurred until the violation is cured by restoration or other means accepted by the Director and by payment of any penalty imposed for the violation.

20.40.200 VIOLATION - PENALTY.

(a) Any violation of any provision of this title constitutes a civil violation under Chapter 1.04 BMC for which a monetary penalty may be assessed and abatement may be required as provided therein.

(b) In addition to, or as an alternative to, any other penalty provided in this chapter or by law, any person who violates any provision of this title shall be guilty of a misdemeanor pursuant to BMC 1.12.020(2).

Figure 20.40(a)

~~The following figure lists the zones in BMC Title 20, Land Use, by major category of residential, commercial, industrial, centers and special districts.~~

~~Figure 20.40(a) ZONING DESIGNATIONS~~

~~Category~~	~~Zoning District~~	~~Chapter~~
~~Residential~~	~~Low Density Residential (R-10)~~	~~20.60~~

	~~Multiple Residential (MR)~~	~~20.77~~
	~~City Core Residential (CCR)~~	~~20.78~~
~~Commercial~~	~~Commercial Corridor (CC)~~	~~20.62~~
	~~Wheaton Way Redevelopment Corridor (WWRC)~~	~~20.64~~
	~~Neighborhood Business (NB)~~	~~20.82~~
	~~Limited Commercial (LC)~~	~~20.84~~
	~~Freeway Corridor (FC)~~	~~20.86~~
~~Industrial~~	~~Marine Industrial (MI)~~	~~20.88~~
	~~Industrial Park (IP)~~	~~20.90~~
	~~Industrial (I)~~	~~20.94~~
~~Downtown Center and Centers~~	~~Neighborhood Center Core (NCC)~~	~~20.66~~
	~~District Center Core (DCC)~~	~~20.70~~
	~~Business Core (BC)~~	~~20.74~~
	~~Downtown Core (DC)~~	~~20.75~~
	~~Downtown Waterfront (DW)~~	~~20.76~~
	~~Employment Center (EC)~~	~~20.92~~
	~~Master Development (MD)~~	~~20.80~~
~~Special Districts~~	~~City Utility Lands (CUL)~~	~~20.96~~
	~~Watershed (WS)~~	~~20.97~~
	~~Institutional (INST)~~	~~20.98~~

Figure 20.40(~~b~~a)

The following figure lists the Bremerton Comprehensive Plan Land Use Map designations with corresponding BMC Title 20, Land Use, implementing zoning districts.

Figure 20.40(~~b~~a) COMPREHENSIVE PLAN/ZONING CONSISTENCY

COMPREHENSIVE PLAN DESIGNATION	IMPLEMENTING ZONING DISTRICTS
Low Density Residential (LDR) ~~Open Space (OS)~~	Low Density Residential (R-10)
Medium Density Residential (MDR)	Low Density Residential (R-10) Medium Density Residential (MDR)
Multifamily Residential (MR)	Low Density Residential (R-10)

	Medium Density Residential (MDR) Multifamily Residential (MR)
~~Core Centers Supporting Residential (CCSR)~~	~~City Core Residential (CCR)~~
~~Neighborhood Centers (NC)~~	~~Low Density Residential (R-10)~~ ~~Neighborhood Center Core (NCC)~~
District Centers (DC)	~~Low Density Residential (R-10)~~ District Center Core (DCC)
Employment Center (EC)	Employment Center (EC) ~~Master Development (MD)~~ ~~Institutional (INST)~~ ~~Low Density Residential (R-10)~~
Downtown Regional Center (DRC)	~~Commercial Corridor (CC)~~ Business Core (BC) Downtown Core (DC) Downtown Waterfront (DW) ~~Multiple Residential (MR)~~ Neighborhood Business (NB) ~~Limited Commercial (LC)~~ ~~Low Density Residential (R-10)~~
Manufacturing and Industrial Center (MIC)	Puget Sound Industrial Center-Bremerton (PSIC-Bremerton) Industrial (I)
~~Commercial Corridor (CC)~~ General Commercial (GC)	~~Commercial Corridor (CC)~~ General Commercial (GC)
~~Wheaton Way Redevelopment Corridor (WWRC)~~	~~Wheaton Way Redevelopment Corridor (WWRC)~~
Freeway Corridor (FC)	Freeway Corridor (FC)
Neighborhood Business (NB)	Neighborhood Business (NB)
~~Limited Commercial (LC)~~	~~Limited Commercial (LC)~~
Industrial (I)	Industrial (I) ~~Industrial Park (IP)~~ City Utility Land (CUL)
~~Industrial Park (IP)~~	~~Industrial Park (IP)~~
~~Marine Industrial (MI)~~	~~Marine Industrial (MI)~~
Higher Education (HE)	Institutional (INST)

~~Public Sector Redevelopment Site (PSRS)~~	~~Low Density Residential (R-10)~~ ~~Master Development (MD)~~ ~~Institutional (INST)~~
~~Transportation, Utilities and Public Facilities (TUPF)~~	~~Industrial Park (IP)~~ ~~City Utility Lands (CUL)~~
City Utility Lands (CUL)	City Utility Lands (CUL) Watershed Lands (WS)
Watershed Lands (WS)	Watershed Lands (WS)
~~Reserve Center (RC) (Overlay)~~	~~Per the implementing zones of the underlying Comprehensive Plan designation~~
~~Homeport - PSNS~~ ~~Industrial Support - PSNS~~ Naval Base-Kitsap	~~PSNS~~ Naval Base-Kitsap

Chapter 20.46
SPECIAL DEVELOPMENT STANDARDS

Sections:

20.46.010 ACCESSORY DWELLING UNITS.

20.46.020 FENCES AND WALLS.

20.46.030 HOME OCCUPATIONS.

20.46.040 MANUFACTURED HOMES.

20.46.050 RECREATIONAL VEHICLE ON A PRIVATE LOT.

20.46.060 DISH ANTENNAS.

20.46.070 ADAPTIVE REUSE OF COMMERCIAL ~~PUBLIC AND SEMI-PUBLIC~~ BUILDINGS.

20.46.080 MINERAL RESOURCE ~~EXTRACTION~~ OVERLAY.

~~**20.46.090 SENIOR HOUSING COMPLEX.**~~

~~**20.46.100 RECYCLING COLLECTION STATION.**~~

20.46.110 ADULT ENTERTAINMENT BUSINESSES.

20.46.120 OUTDOOR STORAGE AREAS.

~~**20.46.130 OUTDOOR LAND USES.**~~

20.46.140 WIRELESS ~~TELECOMMUNICATIONS~~ COMMUNICATION FACILITIES.

20.46.150 PUBLIC UTILITY FACILITIES.

20.46.160 PUBLIC DISTRIBUTION/ TRANSMISSION FACILITIES.

20.46.010 ACCESSORY DWELLING UNITS.

An accessory dwelling unit (ADU) may be installed where a new or existing single-family dwelling unit (hereafter, "principal unit") is allowed. Accessory dwelling units are exempt from density requirements and shall be subject to the following specific development, design and owner occupancy standards:

(a) An ADU shall comply with the development standards of the underlying zone for the principal unit including setbacks, height, and lot coverage.

(b) An ADU may be attached or detached from the principal unit.

(c) Only one (1) ADU may be created per lot.

(d) The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit or the ADU as their permanent residence for at least six (6) months out of the year.

(e) An ADU shall be limited to not more than:

(1) Sixty (60) percent of the principal unit's total floor area (not including basement); and

(2) One thousand (1,000) square feet maximum, nor less than three hundred (300) square feet.

(f) Any ADU shall be designed so that the appearance of the building remains that of a single-family residence including the following:

(1) Constructed of similar materials and siding as the principal unit;

(2) A roof of equal or greater pitch as the principal unit;

(3) A height no more than twenty-five (25) percent greater than the principal unit not to exceed the height limit of the zone.

(g) The entrance to an attached ADU shall not be on the same facade of the structure as an entrance to the principal unit.

(h) Accessory dwelling units shall provide one (1) off-street parking space in addition to that which is required for the principal unit.

(i) 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.
(j) An ADU shall have a deed restriction recorded with the Kitsap County Auditor to indicate the presence of the ADU, the requirement of owner occupancy, and other standards for maintaining the unit as described above.

20.46.020 FENCES AND WALLS.
(a) Fences and walls shall observe the following height and setback requirements:
(1) Residential Zones.
(i) Maximum height shall be six (6) feet.
(ii) Maximum height within the front yard setback area shall be four (4) feet.
(iii) On corner lots with a specified front yard setback on each street frontage, both frontages will require a height of no more than four (4) feet.
(iv) To obtain a six (6) foot high fence on a corner lot, a fence permit is required. The Director can determine that the street frontage of the residence's principal orientation is a "primary frontage" and may permit a six (6) foot maximum height fence in the yard on the other (secondary) frontage only if all of the following conditions are met:
(A) The higher fence will not block any existing front yard views from an adjoining residence with its principal orientation to that same street;
(B) The higher fence will not be closer to the residence's front property line on the street of principal orientation than the closest part of the front facade of the residence;
(C) The higher fence will not encroach into the front yard of the primary frontage where the maximum height limit in subsection (a)(1)(ii) of this section takes precedence.
(v) Six (6) foot tall side yard fences may not project into the front yard setback except when the house's front facade is within the front yard setback area, in which case the taller fence may extend no further than the front facade of the house.
(2) Commercial Zones.
(i) Maximum height shall be eight (8) feet.
(ii) Maximum height shall be six (6) feet when adjacent to a public right-of-way, or to a residential zone.
(3) Industrial Zone.
(i) Maximum height shall be ten (10) feet.
(ii) Maximum height shall be six (6) feet when adjacent to a public right-of-way, or to a residential zone.
(4) District and Neighborhood Center Zones.
(i) Maximum height shall be four (4) feet in front yard setback areas.
(ii) Maximum height shall be six (6) feet for side and rear yard setback areas.
(iii) To obtain an eight (8) foot tall fence, a fence permit is required. The Director may allow for a maximum height of up to eight (8) feet in side and rear yard setback areas provided the use is nonresidential and the fence is necessary for security purposes.
(5) Essential Public Facilities. Essential public facilities may have up to ten (10) foot tall fences in any zone through a fence permit application provided the fence is the minimum necessary for security purposes.
(b) A Type II conditional use permit may be granted for fences or walls up to eight (8) feet high in a side or rear yard only if the fence or wall is necessary to provide privacy and security between a residential and a nonresidential use.
(c) Fences and walls shall not block or hinder the sight distance of traffic. Exact location and design of a fence or wall is subject to the approval of the City Engineer when visibility or public safety is an issue.
(d) No electric or electrified fences shall be permitted within the City of Bremerton.
(e) Barbed wire or similar wire protective devices are permitted only in industrial zones or any property containing a public facility above a height of six (6) feet; provided, that adjoining a residential zone, devices may be allowed by approval of a Type II conditional use permit pursuant to BMC 20.58.020 only if the following criteria are met:
(1) The applicant demonstrates that the protective device cannot be installed outside of the specified setback without significantly diminishing the utility of the industrial property;

(2) The protective device will be designed to minimize adverse aesthetic impact to the residential use by installing the device behind the top of a fence or wall or screening the device with landscape; and

(3) The applicant demonstrates that the protective device is necessary to provide additional security along the residential property line to protect the industrial premises.

(f) Notwithstanding the provisions of subsection (a)(1)(ii) of this section, architectural appurtenances such as trellises or entry gates that define a walkway or driveway entry are allowed in a front yard up to ninety (90) inches high; provided, that:

(1) No individual structural support for such features shall be more than sixteen (16) inches square in section;

(2) Any gate shall not obscure more than twenty (20) percent of visibility to the yard as viewed perpendicular to the gate's installation; and

(3) Any entry feature greater than three (3) feet in height shall not be more than six (6) feet wide for a walkway entry or more than sixteen (16) feet wide for a driveway entry.

(g) All fences shall present a "finished" appearance on their outside face.

20.46.030 HOME OCCUPATIONS.

Home occupations are permitted in a residential dwelling unit subject to the following limitations:

(a) The business shall clearly be subordinate to the use of the dwelling unit for residential purposes.

(b) The business shall be wholly situated indoors.

(c) No person shall be employed in the home occupation unless a resident of the dwelling unit.

(d) There shall be no exterior display, storage or other exterior indication of the existence of the home occupation, except as allowed by the underlying zone.

(e) One (1) additional off-street parking space shall be provided in addition to the number of off-street parking spaces already required for the dwelling. The Director may waive this requirement if the home occupation involves Internet services that do not require customers or deliveries at the residence.

(f) Any sales of product shall be limited to those produced on the premises, except products produced elsewhere may be allowed, provided the business is primarily involved in the product's distribution and does not attract buyers to the property for retail or wholesale sales.

(g) Sales and services to patrons shall be arranged through appointment so that only one (1) patron vehicle is on the premises at any given time.

(h) Not more than fifty (50) percent of the gross floor area of the dwelling may be devoted to the home occupation use.

(i) The garage shall not be used in the business unless the required off-street and customer parking can be adequately accommodated elsewhere on the site.

~~(j) Home occupations involving nonautomotive engine and equipment maintenance or servicing, beauty or barbershops, or the selling of products that are not produced on the premises shall require approval of a Type II conditional use permit pursuant to BMC 20.58.020.~~

(j) An independent taxi driver may operate as a home occupation, provided that the business has only one (1) single driver and one (1) taxi vehicle.

(k) Automotive painting, body, and engine repair, small engine repair services and any activity likely to produce excessive noise are prohibited as home occupations.

(l) Persons engaged in legal home occupations on the effective date of the ordinance codified in this chapter shall be considered legal, provided the operation is consistent with all of the above-listed performance standards. Any home occupation which was legally established but does not currently conform to all those standards may not expand or enlarge and shall terminate that use upon:

(1) Change of use or ownership of the property; or

(2) Written complaint of adjacent or nearby property owners after due notice and hearing is provided and if the Director determines that the home occupation is interfering with the use and enjoyment of the neighboring premises and is not compatible with the residential environment in which it is located.

20.46.040 MANUFACTURED HOMES.

(a) Manufactured homes are permitted on one (1) individual parcel, lot, or tract in residential zones; provided, that the home is:

(1) Approved by the Washington State Department of Labor and Industries or the U.S. Department of Housing and Urban Development, and the appropriate certification insignia is affixed to the unit, in accordance with the provisions of Chapter 43.22 RCW;
(2) Comprised of at least two (2) fully enclosed parallel sections each of not less than twelve (12) feet wide by thirty-six (36) feet long;
(3) Set upon a permanent foundation, as specified by the manufacturer, and that the space from the bottom of the home to the ground be enclosed by concrete or an approved concrete product which can be either load-bearing or decorative;
(4) Compliant with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located;
(5) Thermally equivalent to the State Energy Code;
(6) Originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of nominal three to twelve (3:12) pitch or greater;
(7) Sided with exterior siding similar in appearance to materials commonly used on conventional site-built International Building Code single-family residences; and
(8) A new manufactured home as defined in RCW 35.63.160(2).

(b) A manufactured home which was legally placed and maintained prior to the date of adoption of this chapter, and does not meet the requirements of this chapter, shall be deemed to be a nonconforming structure. If a legal nonconforming manufactured home is partially or wholly destroyed, replaced, or altered, it shall be required to meet the relevant requirements set forth in the nonconforming provisions of this title.

(c) The Building Official or designee shall inspect the installation of manufactured homes prior to occupancy and issue certificates of occupancy for manufactured homes. If all requirements are met, a certificate of occupancy shall be issued. No manufactured home shall be occupied until after the City issues a valid certificate of occupancy.

(d) If a manufactured home is replaced by another manufactured home, a new certificate of occupancy shall be required for the installation of a manufactured home after the date of adoption of the ordinance codified in this chapter.

20.46.050 RECREATIONAL VEHICLE ON A PRIVATE LOT.

A recreational vehicle, occupied or not, may be parked on a private lot or lots only as an accessory use subject to the parking provisions of this title and the following provisions:

(a) A recreational vehicle may be occupied for a cumulative period not to exceed thirty (30) days during any twelve (12) consecutive month period;

(b) A recreational vehicle may be parked and occupied by the owner of a lot as temporary housing during the period of new house construction on the lot for a period not to exceed one (1) year;

(c) Only one (1) recreational vehicle may be occupied on a single lot at any time; and

~~(d) A recreational vehicle shall not be parked within a required front yard setback for more than fifteen (15) consecutive days and not more than thirty (30) days cumulative in any twelve (12) consecutive months; and~~

(~~e~~d) Any occupied recreational vehicle must be self-contained and all garbage and sanitation shall be disposed of in a manner approved by the City.

20.46.060 DISH ANTENNAS.

(a) A ground-mounted dish antenna is subject to the setback requirements of the underlying zone.

(b) Dish antennas may not be placed above the maximum underlying zoning district height.

(c) All dish or other parabolic antennas having a collector dish diameter of six (6) feet or greater shall be ground-mounted, except as provided for otherwise. An antenna having a dish diameter smaller than six (6) feet may be pole- or roof-mounted in a location that has the least visual impact on surrounding properties and views while maximizing the effectiveness of the antenna's operation.

20.46.070 ADAPTIVE REUSE OF ~~PUBLIC AND SEMI-PUBLIC~~ COMMERCIAL BUILDINGS.

The intent of these provisions is to provide opportunities for reusing ~~functionally obsolete public and semi-public~~ commercial buildings that are structurally sound with new uses to extend their economic life. The adaptive reuse shall not be granted if the new use adversely affects adjacent properties. Consideration

shall be given to the relative intensity of the proposed use compared to the intensity of the planned land use environment.

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

(1) New traffic shall be accommodated within the existing levels of service on the surrounding neighborhood streets.

(2) Provision for off-street parking must be evaluated and to the greatest extent possible, meet the parking demand for change of uses. ~~Provisions for off-street parking are made.~~ The Director or Hearing Examiner may reduce the number of off-street parking spaces if commute trip reduction methods are employed and the adaptive reuse does not generate an increase in on-street parking demand.

(3) The new use does not generate noise that exceeds City standards for residential zones.

(4) Adequate street trees and landscaping are incorporated in a manner that buffers the adaptive reuse from adjacent residential uses and makes it more compatible with the surrounding neighborhood.

(5) Additional conditions may be applied including, but not limited to, limiting hours of operations, density, restrictions for noise attenuation and other conditions deemed necessary to ensure compatibility with surrounding residential uses.

~~(6) The subject building must have been constructed for a stated public or semi-public use and operated as such for a minimum of five (5) years. For the purposes of this section, "public and semi-public building" shall include public schools, fire stations, libraries, churches, hospitals, post offices, and other public services.~~

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

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

(2) Foster homes;

(3) Day care facilities;

(4) Group residential facilities, Class I (assisted living);

(5) Youth, teen, senior, or community centers;

(6) Medical and dental clinic and related services (not hospitals);

(7) Religious worship facilities;

(8) Libraries;

(9) Museums and art galleries;

(10) Consultants (architectural, engineering, planning, design and similar);

(11) Computer assistance and training ~~(but not repair);~~

(12) Office/business assistance services, call centers, and general offices;

(13) Social services/facilities;

(14) Welfare and charitable services/facilities; and

(15) Public services.

(16) Hotel and Lodging Place

(17) General Retail

(18) Restaurants

20.46.080 MINERAL RESOURCE ~~EXTRACTION~~OVERLAY.

The intent of this overlay is to protect and enhance significant sand, gravel and rock deposits as identified mineral resource lands. It is also used to ensure the continued or future use without disrupting or endangering adjacent land uses, while safeguarding life, property, and the public welfare.

(a) Uses: Mineral resource extraction with associated structures and equipment for soil and gravel, quarried stone or ore may be allowed within the Mineral Resource Overlay. In addition, the following provisions shall be met:

(1) A single on-site security or superintendent dwelling for his or her family may be permitted as an accessory use.

(2) All uses not listed above are prohibited within the development area while mineral extraction is being actively pursued.

(b) Performance standards: Potential impacts related to traffic, dust control, light emission, visual screening, loss of tree cover, noise emission and protection of environmentally sensitive areas shall be examined. The city recognizes impacts to other elements of the environment including air and water quality are regulated by the state, regional and federal authorities. At a minimum the following shall be met:

(1) Hours of Operation. Noise associated with surface mining may constitute a nuisance or a public health concern, therefore, when surface mining activity, hours of operation for excavating, processing, and loading shall be prohibited on Saturday, Sundays and legal holidays, and limited to between 7:00 a.m. and 6:00 p.m. Monday through Friday; provided, that the surface mining operation may continue until 9:00 p.m. if the noise created is less than the ambient night time noise levels for that area; and further provided, that the following activities are exempt from these requirements:

(i) Activity under public contract when in the public interest. Hours of operation unless shall be between 7:00 a.m. and 6:00 p.m.

(2) Maximum Permissible Noise Levels. Maximum permissible noise levels shall be according to the provisions of the Bremerton Noise Ordinance per BMC 6.32 with the following exceptions:

(i) The mineral resource operation site may have the District of Sound Source be classified as District III during the Hours of Operation per (b)(1).

(3) Setbacks. The tops and toes of cut and fill slopes shall be set back from property boundaries according to the State Department of Natural Resources standards for safety of adjacent properties, and to prevent water runoff or erosion of slopes and to provide adequate reclamation slopes per subsection (4) of this section.

(4) Slope. When reclaimed, no slope of cut and fill surfaces shall be steeper than is safe for the intended use, and shall not exceed one and one-half horizontal to one vertical for unconsolidated material such as gravel, and one-fourth horizontal to one vertical for consolidated material, unless otherwise approved by the director after a qualified professional certifies that steeper slopes area appropriate.

(5) Access Roads Maintenance. Access roads to mining and quarrying sites shall be maintained and located to the satisfaction of the Director of Public Works & Utilities, to minimize problems of dust and mud, and connection access to the city roadways.

(6) Best Practices Management. Require mineral extraction and processing operations to implement best management practices to reduce environmental impacts and mitigate any remaining impacts.

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

(1) The owner or agent of the quarry shall submit to the City copies of all documents submitted to the Washington State Department of Natural Resources with the application.

(2) Notice of application for the CUP shall be provided to the local tribal government, typically during the environmental review, however if environmental review is not required, a 14-day comment period to the local tribal government of the proposal will be required prior to issuance of approval.

(d) Transition of uses from Mineral Resource Overlay. As an option to reclaim a property(s) and extinguish a Washington State Department of Natural Resources (DNR) surface mining permit, the City may accept, review and approve development permits for uses consistent with the property(s) underlying zone. If a permit meets all applicable, zoning, building, storm water, fire and other county codes, such permits shall be forwarded to the DNR to be reviewed as a reclamation plan. Upon receipt by the City of DNR confirmation of the closing of the surface mining permit for the property(s), the City will revert the property(s) back to their underlying zone and compatible designation.

(e) Special Provisions. All plats, short plats, development permits and building permits issued for land development activities on or within five hundred (500) feet of designated mineral resource overlay lands, shall contain the following notice:

The subject property is within or near land in which resource activities are permitted and encouraged, including a variety of activities which may not be compatible with residential use for certain periods of limited duration. In addition to other activities, these may include noise, dust, smoke, visual impacts and odors resulting from harvesting, planting, surface mining, quarrying, application of fertilizers, herbicides and associated reclamation and management activities. When performed in accordance with state and federal law, these resource activities are not subject to legal action as a nuisance.

~~The purpose of this section is to preserve opportunities for mineral extraction while protecting the health and safety of the community.~~

~~(a) Mineral resource extraction for soil and gravel, quarried stone or ore may be allowed if a Type III conditional use permit is approved pursuant to BMC 20.58.020. The owner or agent of the quarry shall submit to the City copies of all documents submitted to the Washington State Department of Natural Resources with the application.~~

~~(b) At a minimum, the following performance standards shall apply:~~

~~(1) A fence eight (8) feet in height shall be installed around the mineral extraction area and all accessory operations.~~

~~(2) When a subject property is adjacent to developed properties or public rights-of-way, a four (4) foot high landscaped sight-obscuring barrier shall be installed that will grow to not less than eight (8) feet high within three (3) years. If soil and terrain make landscaping impractical, an eight (8) foot fence or wall that completely screens the property from other uses and the public streets shall be installed.~~

~~(3) The following are the minimum distances to be measured from adjacent property lines or public rights-of-way:~~

~~(i) Critical Area.~~

~~(A) To edge of pit, excavation, or stockpiling area, one hundred (100) feet;~~

~~(B) To crushing of rock or processing of stone, gravel or minerals, three hundred (300) feet;~~

~~(C) To blasting, determined on a case-by-case basis.~~

~~(ii) Shoreline Area.~~

~~(A) To edge of pit, excavation, or stockpiling area, one hundred (100) feet;~~

~~(B) To crushing of rock or processing of stone, gravel or minerals, three hundred (300) feet;~~

~~(C) To blasting, determined on a case-by-case basis.~~

~~(iii) Industrial Area.~~

~~(A) To edge of pit, excavation, or stockpiling area, twenty (20) feet;~~

~~(B) To crushing of rock or processing of stone, gravel or minerals, two hundred (200) feet;~~

~~(C) To blasting, four hundred (400) feet.~~

~~(iv) Residential Area.~~

~~(A) To edge of pit, excavation, or stockpiling area, three hundred (300) feet;~~

~~(B) To crushing of rock or processing of stone, gravel or minerals, five hundred (500) feet;~~

~~(C) To blasting, determined on a case-by-case basis, minimum one thousand (1,000) feet.~~

~~(v) All Other Land Uses.~~

~~(A) To edge of pit, excavation, or stockpiling area, one hundred (100) feet;~~

~~(B) To crushing of rock or processing of stone, gravel or minerals, three hundred (300) feet;~~

~~(C) To blasting, determined on a case-by-case basis.~~

~~(4) When a pit exceeds a depth of twenty (20) feet, all dense undergrowth shall be removed from the soil cover for a distance of fifty (50) feet from the edge of the pit.~~

~~(5) No smoke, dust, dirt, fly ash, other airborne particulate matter, toxic or odorous gasses, liquids or solids shall be emitted in quantities that adversely affect surrounding properties.~~

~~(6) The provisions set forth in Chapter 6.32 BMC shall apply, as applicable.~~

~~(7) Upon the termination of quarrying operations at a pit that exceeds a depth of five (5) feet, the pit shall be backfilled to a minimum slope of one (1) foot vertical to one (1) foot horizontal.~~

~~(8) The site shall be restored after quarrying activities are completed. A landscaping and site reclamation plan shall be required with the conditional use permit and the City may require a security guarantee for restoration.~~

~~20.46.090 SENIOR HOUSING COMPLEX.~~

~~Approval of a Type III conditional use permit pursuant to BMC 20.58.020 may allow senior housing complexes in any zone, except industrial zones, subject to the following standards:~~

~~(a) The site shall have access to an arterial street;~~

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

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

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

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

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

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

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

~~20.46.100 RECYCLING COLLECTION STATION.~~

~~The following standards apply to collection stations intended for public use. They are not mandatory (but may be applied voluntarily) for private on-premises collection and storage of recyclables by owners or tenants of residential properties, businesses or organizations. Such on-premises collection and storage is considered accessory to the principal use of the property and not available to the general public.~~

~~(a) Areas to be used in the collection operation must have asphalt or concrete surface and shall be landscaped to the same standards that apply to any other development or use within the subject zone.~~

~~(b) The facility shall be closed to public access between the hours of 8:00 p.m. and 6:00 a.m. in residential zones.~~

~~(c) A sight-obscuring fence or wall built to the maximum allowed height of the zone shall be constructed and maintained along the sides and rear of the facility. Chain-link type fences and gates are permitted along front lot lines.~~

~~(d) The facility may be lighted for use during hours of darkness, but shall not be lighted between the hours of 8:00 p.m. and 6:00 a.m. in residential zones.~~

~~(e) The site shall be monitored and maintained in a clean, safe and healthful manner.~~

20.46.110 ADULT ENTERTAINMENT BUSINESSES.

This section regulates the location of adult entertainment businesses. The purpose of these regulations is to reduce conflicts between adult entertainment businesses and other land uses. The intent is to protect the City from the blighting impacts of concentrations of adult entertainment businesses while assuring the full enjoyment of all the constitutionally guaranteed rights of the general public.

(a) Location of Adult Entertainment Businesses.

(1) Adult entertainment businesses as defined in subsection (c) of this section are prohibited within the area circumscribed by a circle which has a radius of five hundred (500) feet from the following specified uses or zones:

(i) Any zone in which residential use is listed as a principal use.

(ii) Any public or private school.

(iii) Any day care facility as defined in BMC 20.42.040.

(iv) Any worship, religious, or church facility as defined in BMC 20.42.040.

(v) Any public park.

(vi) Any center designated within the Comprehensive Plan.

(vii) Any public library.

(2) The distances provided in this section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property or parcel upon which the proposed use is to be located, to the nearest point of the parcel of property or the land use district boundary line from which the proposed land is to be separated.

(3) Violation of the use provisions of this section is declared to be a public nuisance per se, which shall be abated by the City Attorney as authorized under state law or the City code.

(4) Nothing in this section is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building, or use which violates any city code or statute of the state regarding public nuisances, sexual conduct, lewdness, or obscene or harmful matter or the exhibition or public display thereof.

(b) Development Standards. Adult entertainment businesses are subject to the development standards of the underlying zone.

(c) Definitions.

(1) "Adult entertainment" means any dance, amusement, show, display, merchandise, material, exhibition, pantomime, modeling, or any other like performance of any type, for the use or benefit of a member or members of the public or advertised for the use or benefit of a member of the public where such is characterized by an emphasis on the depiction, description, or simulation of "specified anatomical areas," defined in this chapter, or the exhibition of "specified sexual activities," also defined in this chapter, or the case of live adult entertainment performances, which emphasizes and seeks to arouse or excite the patron's sexual desires. Any patron of an adult entertainment business, as defined in this section, shall be deemed a member of the public.

(2) "Adult entertainment business" means any establishment providing adult entertainment as defined in this section including, but not limited to, adult arcade, adult retail establishment, adult motion picture theater, and exotic dance studio, more specifically defined herein.

(3) "Adult arcade" means a commercial establishment where, for any form of consideration, one (1) or more still or motion picture projectors, slide projectors, computer-generated or enhanced pornography, panoramic peep show, or similar machines, or other image-producing machines, for personal viewing, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which provide material for individual viewing by patrons on the premises of the business which are characterized by an emphasis on the depiction, description or simulation of "specified anatomical areas" or "specified sexual activities."

(4) "Adult motion picture theater" means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions characterized by an emphasis on the depiction, description, or simulation of "specified anatomical areas" or "specified sexual activities" are regularly shown for any form of consideration.

(5) "Adult retail establishment" means any bookstore, adult novelty store, adult video store, or other similar commercial establishment, business service, or portion thereof, which, for money or any other form of consideration, provides as a significant or substantial portion of its stock-in-trade the sale, exchange, rent, loan, trade, transfer, and/or provision for viewing or use off the premises of adult entertainment material defined in this chapter. For purposes of this provision, it shall be a rebuttable presumption that thirty (30) percent or more of a business' stock-in-trade in adult retail material, based on either the dollar value (wholesale or retail) or the number of titles of such material, is significant or substantial. In determining whether or not the presumption is rebutted, the Director may consider the following factors, which are not inclusive:

(i) Whether minors are prohibited from access to the premises of the establishment due to the adult entertainment nature of the inventory;

(ii) Whether the establishment is advertised, marketed, or held out to be an adult merchandising facility;

(iii) Whether adult entertainment material is an establishment's primary or one (1) of its principal business purposes; or

(iv) Whether thirty (30) percent or more of an establishment's revenue is derived from adult entertainment material.

An establishment may have other principal business purposes that do not involve the offering for sale or rental of adult entertainment materials and still be categorized as an adult retail establishment. Such other business purposes will not serve to exempt such establishments from being categorized as an adult retail establishment so long as one (1) of its principal business purposes is offering for sale or rental, for some form of consideration, the specified adult entertainment materials. The Director shall have full discretion to give appropriate weight to the factors set forth above as well as other factors considered depending on the particular facts and circumstances of each application.

(6) "Exotic dance studio," also known as "erotic dance studio," "topless bar" and "adult cabaret," means a nightclub, bar, restaurant, or similar commercial establishment, or any premises or facility to which any member of the public is invited or admitted and where an entertainer provides live performances to any member of the public, which performances are characterized by an emphasis on the depiction, description, or simulation of "specified anatomical areas" or "specified sexual activities" or which emphasize and seek to arouse or excite the patron's sexual desires.

(7) "Adult entertainment material" means any books, magazines, cards, pictures, periodicals or other printed matter, or photographs, films, motion pictures, video tapes, slides, or other photographic reproductions, or visual representations, CD-ROMs, DVDs, disks, electronic media, or other such media, or instruments, devices, equipment, paraphernalia, toys, novelties, games, clothing or other merchandise or material, which are characterized by an emphasis on the depiction, description or simulation of "specified anatomical areas" or "specified sexual activities."

(8) "Specified anatomical areas" means:

(i) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast below a point immediately above the top of the areola; or

(ii) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(9) "Specified sexual activities" means:

(i) The caressing, touching, fondling or other intentional or erotic touching of male genitals, female genitals, pubic region, buttocks, anus, or female breasts of oneself or of one (1) person by another; or

(ii) Sex acts, normal or perverted, actual or simulated, including masturbation, intercourse, oral copulation, flagellation, sodomy, bestiality, or any sexual acts which are prohibited by law; or

(iii) Human genitals in a state of sexual stimulation, arousal, or tumescence or visual state of sexual stimulation, arousal or tumescence, even if completely and opaquely covered; or

(iv) Excretory functions as part of or in connection with any of the activities set forth in subsections (c)(9)(i) through (iii) of this section.

20.46.120 OUTDOOR STORAGE AREAS.

All uses that include outdoor storage areas and all refuse containers shall, in addition to any underlying zoning requirements, meet the following criteria for these accessory uses:

(a) It shall be surrounded by a six (6) foot-high solid wall or sight-obscuring fence except for single-family residential homes on individual lots. The wall or fence shall be considered a structure and shall conform to the setbacks of the underlying zone.

(b) Outdoor storage of materials shall not exceed six (6) feet in height when visible from a public right-of-way.

(c) Outdoor storage yards shall meet landscaping requirements for nonresidential uses.

~~**20.46.130 OUTDOOR LAND USES.**~~

~~In addition to other applicable development requirements, outdoor-oriented land uses such as sales lots, impound lots, outdoor storage yards, and similar activities shall have all parking and storage areas developed with a paved surface which is durable and able to withstand all weather conditions.~~

20.46.140 WIRELESS ~~TELECOMMUNICATIONS~~ COMMUNICATIONS FACILITIES.

(a) Purpose and Intent. The purpose of this section is to provide specific regulations for the placement, construction, modification and removal of these facilities. These standards were designed to comply with the Telecommunications Act of 1996 ("the Act") and Section 6409 of the Middle Class Tax Relief and Job Creation Act (the "Spectrum" Act). The provisions of this section are not intended to and shall not be interpreted to prohibit or have the effect of prohibiting personal wireless services as defined in the Act. This section shall not be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent personal wireless services, as defined in the Act.

(b) General Provisions.

(1) Exemptions. The following are exempt from the provisions of this section and shall be permitted in all zones:

(i) Temporary wireless communication facilities during an emergency declared by the City;

(ii) Licensed amateur (ham) radio stations;

(iii) Wireless communication facilities which legally existed or had a vested application on or prior to the effective date of the ordinance codified in this section; except, that this exemption does not apply to modifications of such facilities;

(iv) Routine maintenance or repair of wireless communication facilities and related equipment (excluding structural work or changes in height or dimensions of antennas, support structures or buildings); provided, that compliance with the standards of this code are maintained.

(2) Principal or Accessory Use. Wireless telecommunications facilities may be either a principal or accessory use. A different use of an existing structure on the same lot shall not preclude the installation of a wireless telecommunications facility on that lot.

(3) Reimbursement of Costs. In addition to the application fee, the applicant shall reimburse the City for costs of professional engineers and other consultants hired by the City to review and inspect the applicant's proposal when the City is unable to do so with its existing staffing resources. By way of illustration and not limitation, these professional services may include engineering and technical review, legal review, planning review, Hearing Examiner services, environmental review, critical areas review, financial and accounting review, soils review, and mechanical and structural engineering review. In the event that a project requires professional services beyond that which is included in the base fee, the applicant shall reimburse the City the full cost of such engineer or consultant services plus a City service charge of ten (10) percent as calculated from before-tax cost.

(c) Definitions.

(1) Base Station. A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base Station includes, without limitation:

(i) Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(ii) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small-cell networks).

(iii) Any structure other than a tower that, at the time the relevant application is filed with the City under this section, supports or houses equipment described in paragraphs (d)(1)(i)-(ii) that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

The term does not include any structure that, at the time the relevant application is filed with the City under this section, does not support or house equipment described in (d)(1)(i)-(ii) of this section.

(2) Collocation. The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

(3) Concealed. A wireless telecommunications antenna or facility that is not evident; it is disguised, hidden by or integrated with a structure that is not a telecommunications tower; or, a personal wireless service facility that is placed within an existing or proposed structure.

(4) Eligible Facilities Request. Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

(i) Collocation of new transmission equipment;

(ii) Removal of transmission equipment; or

(iii) Replacement of transmission equipment.

(5) Eligible support structure. Any tower or base station as defined in this section, provided that it is existing at the same time the relevant application is filed with the City of Bremerton under this section.

(6) Existing. A constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process, or under another State or

local regulatory review process, provided that a tower that has not been reviewed and reviewed because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this section.

(7) Non-substantial change. Any modification to an existing support structure not classified as or meeting the criteria of a substantial change, as defined in this section.

(8) Provider. Every corporation, company association, joint stock company, firm, partnership, limited liability company, other entity and individual licensed to provide personal wireless services over personal wireless communication facilities.

(9) Site. For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted t that area in proximity to the structure and to other transmission equipment already deployed on the ground.

(10) Structure. Any existing building, utility pole, or tower capable of supporting a wireless telecommunications antenna. Structures include, but are not limited to, existing buildings, water towers, and utility poles and/or towers.

(11) Substantial Change. A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

(i) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater

(ii) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

(iii) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

(iv) It entails any excavation or deployment outside the current site;

(v) It would defeat the concealment elements of the eligible support structure; or

(vi) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs (g)(i)-(g)(iv) of this section.

(12) Transmission Equipment. Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(13) Tower. Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

(14) Wireless telecommunications facility. A facility for the transmission and reception of radio or microwave signals used for communication, cellular phones, personal communications services, enhanced specialized mobile radio or any other services licensed by the FCC, and unlicensed

wireless services including but not limited to associated equipment shelter, support tower and antenna array.

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

(1) Type I Permit.

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

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

(2) Type II Permit.

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

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

(e) Siting Wireless Communication Facilities. It is the policy of the City to minimize the number of wireless communication towers. The City encourages the location of antenna arrays on existing structures and encourages the collocation of antenna arrays of more than one (1) wireless communication service provider on a single tower. Priority of location shall be as follows:

(1) Collocation. Mount antennas on eligible support structures as defined by this chapter.

(2) Antennas on Street (Utility) Poles.

(i) Residential. In residential zones, antennas on street poles shall not exceed the height of the existing pole by more than twenty (20) feet or the average height of existing poles within three hundred (300) feet, whichever is less, including the mounting.

(ii) Commercial/Industrial. In commercial or industrial zones, street poles shall not exceed the height of the existing pole by more than twenty (20) feet, including the mounting.

(iii) All Zones. In all zones the total bulk added to a pole shall not exceed double the average bulk of existing poles within three hundred (300) feet. An existing street pole may be replaced with a new street pole of the same diameter and appearance as the existing street pole; provided, the highest element on the pole, including antennas, does not exceed twenty (20) feet above the height of the pole being replaced. Alterations for increased height and bulk may be granted by the Director if the applicant can demonstrate superior method of concealment will utilized. When well concealed, a greater number of sites spread over a larger area is preferable to replacing an existing pole with a taller pole.

(3) Antennas Mounted on Existing Structures. The applicant shall exhaust collocation possibilities and locating on other structures (i.e., buildings, roofs, light standards, etc.) before applying for a new tower. The antennas, mounting hardware and antenna cables shall be camouflaged to match the existing building or structure. Rooftop equipment shall be screened in a manner and material that is architecturally compatible with the building. Examples of appropriate screening include, but are not limited to, lattice, parapet walls or rooftop plantings.

(4) New Towers. The applicant bears the burden to show that mounting antennas on existing structures or towers is not technically feasible before applying for an application for a new tower. This burden includes documenting existing structures that were studied prior to the application and an analysis explaining why those locations were not technically feasible. New towers, support structures and equipment areas shall be designed to accommodate antennas for more than one (1) user, unless the applicant demonstrates why such design is not technically feasible.

(f) Siting and Design of Towers and Associated Equipment. Site location and development shall:

(1) Be integrated through location and design to blend in with the existing characteristics of the site.

(2) Preserve the existing on-site vegetation and minimize disturbance of the existing topography, unless such disturbance would result in less visual impact of the site to the surrounding area.

(3) Be designed and placed on the site in a manner that takes the maximum advantage of existing trees, mature vegetation, and structures as to use existing site features to screen as much of the total facility as possible, and/or use existing site features as a background so that the facility blends into the background with increased sight distances. Equipment shelter/cabinets at ground level shall be screened with landscaping and/or other such material that provides screening during the entire year. Setbacks from property lines shall be maximized where practical.

(4) When comparing potential sites for a new wireless communication tower, sites that can provide substantial screening of the tower will be preferred over sites where the tower will be highly visible.

(5) New towers shall be located in the following locations in order of preference: City property, Industrial zone (I), Freeway Corridor zone (FC), General Commercial zone (GC), place antennas and towers in other zone districts which do not adjoin or adversely impact residential neighborhoods.

(g) Minimum Design & Submittal Requirements. All wireless communication facilities not specifically exempted by this chapter shall provide the following:

(1) Photo simulations of the proposed facility from affected residential properties and public rights-of-way at varying distances, are required with all new wireless communication facilities.

(2) A landscaping plan which complies with 20.50.050 shall be required for all new wireless communications. The Director may adjust these requirements when co-locating on an existing structure.

(3) All new wireless communication facilities shall provide signed statements indicating that:

(i) The applicant and landowner (if different) agree they will diligently negotiate in good faith to facilitate co-location of additional wireless telecommunications facilities by other providers on the applicant's structure or within the same site location; and

(ii) A letter signed by the applicant stating the tower will comply with all FAA regulations and EIA standards and all other applicable federal and local laws and regulations.

(iii) Certification that the antenna usage will not interfere with other adjacent or neighboring transmission or reception functions.

(iv) If technology should change and a wireless telecommunications facility becomes obsolete, or the use of the facility abandoned or discontinued, the applicant shall remove facilities per subsection (i) of this section.

(4) Wireless telecommunications facilities shall be screened or camouflaged by employing the best available technology. This may be accomplished by use of compatible materials, location, color, stealth technologies, and/or other tactics to achieve minimum visibility of the facility as viewed from public streets or residential properties. All screening and camouflaging is subject to the approval of the City.

(5) Tower bases, equipment enclosures and cabinets and related security fencing shall be screened from public view. This screening requirement may be met in a number of ways, including use of a solid masonry wall, earthen berms, artwork, or landscaping. If landscaping is employed, it shall meet all applicable requirements of Chapter 20.50BMC.

(6) In reviewing the proposed placement of a wireless facility on the site and any associated landscaping, the City may make a condition of the permit that the applicant supplement existing trees and mature vegetation to more effectively screen the facility.

(7) Towers, antennas, and any associated hardware and equipment shall be painted a non-reflective color or color scheme appropriate to the background against which the facility would be viewed from a majority of points within its view-shed. A proposed color or color scheme shall be approved by the City.

(8) Fencing, if used, shall conform to Chapter 20.46.020 BMC and the following:

(i) Security fencing shall be effectively screened from view through the use of appropriate landscaping materials; and

(ii) Chain-link fences shall be painted or coated with a non-reflective color, and shall have a minimum three (3) foot deep area to be planted with approved plant species in a manner that will completely screen the fencing.

(9) No wireless equipment enclosures reviewed under this section shall be located within required yard setback areas, and when located outside the right of way, shall not be permitted within ten (10) feet of any property line.

(h) Proof of Necessity. Providers are required to demonstrate that their facilities must be placed in the proposed location in order to satisfy their grid system and provide adequate coverage. Regional grid maps shall be submitted showing the proposed site and its relation to sites in the area. The companies shall also demonstrate that the height of the facility they are requesting is the minimum height necessary to provide adequate coverage within the grid system. Some gaps in coverage and less than seamless coverage may be acceptable. In some instances, there may be a need for expert review by a third party of the technical data. The City may require such a technical review, to be paid for by the applicant. The expert review may include, but not be limited to, a recommendation on the height of the proposed facilities relative to the applicant's coverage objectives and system design parameters, or the structural requirements for accommodating collocation. Based on the results of the third party review, the City may require changes to the application that comply with the recommendations of the expert.

(h) Noise. All Wireless Communication facilities and supporting equipment shall conform to levels established in Title 6.32 of the City noise ordinance. A noise study verifying that the maximum level is not being exceeded may be required prior to issuance of the Building Permit. If complaints regarding noise levels are registered with the City, the City may require additional testing and certification of the noise level, at the expense of the communication facility owner/operator.

(i) Abandonment or Discontinuation of Use.

(1) At such time that a provider plans to abandon or is required to abandon the operation of a wireless telecommunications facility, such provider will notify the City Department of Community Development by certified U.S. mail of the proposed date of abandonment. Such notice shall be given no less than thirty (30) days prior to abandonment.

(2) In the event that a licensed provider fails to give such notice, the personal wireless facility shall be considered abandoned.

(3) Upon abandonment, the provider shall physically remove the wireless telecommunications facility within one hundred eighty (180) days from the date of abandonment. "Physically remove" shall include, but not be limited to:

(i) Removal of antennas, mounts, equipment cabinets and security barriers from the subject property.

(ii) Removal of Towers.

(iii) Transportation of the antennas, mounts, equipment cabinets, security barriers, and towers to a location outside of the City of Bremerton.

(iv) Restoring the location of the personal wireless facility to its natural condition, except any remaining landscaping and grading.

(j) Maintenance.

(1) Wireless telecommunications facilities shall be maintained. For purposes of this section, "maintenance" shall include but not necessarily be limited to the following:

(i) Keeping of all plant materials used for screening in a live and healthy condition;

(ii) Regular painting of towers, enclosures, artwork, fences and all paintable items on the site such that rust, peeling paint, or oxidation is not evident;

(iii) Repair of any loose or hanging equipment or parts; and

(iv) Replacement of missing plants, artwork, fencing or fencing parts, or other portions of towers, enclosures, and other equipment.

~~(a) Purpose and Intent. The purpose of this section is to provide specific regulations for the placement, construction, modification and removal of these facilities. Pursuant to the guidelines of Section 704 of the Federal Telecommunications Act of 1996, 47 U.S.C. Section 332(c)(7), the provisions of this section are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting the provision of wireless telecommunications facilities, nor shall the provisions of this section be applied in such a manner as to unreasonably discriminate among providers of functionally equivalent wireless services.~~

~~(b) General Provisions.~~

~~(1) Not Essential Public Facilities. Wireless telecommunications facilities shall not be considered or regulated as essential public facilities.~~

~~(2) Exemptions. The following are exempt from the provisions of this section:~~

~~(i) Industrial processing equipment and scientific or medical equipment using frequencies regulated by the Federal Communications Commission (FCC);~~

~~(ii) Antennas and related equipment no more than three (3) feet in height that are being stored, shipped, or displayed for sale;~~

~~(iii) Facilities used for the purpose of public safety by public or semi-public entities including, but not limited to, police communications, hospital communications and 911 system communications;~~

~~(iv) Wireless radio utilized for emergency communications in the event of a disaster;~~

~~(v) Licensed amateur (ham) radio installations;~~

~~(vi) Satellite dish antennas less than two (2) meters in diameter, including direct home satellite services, when an accessory use of the property;~~

~~(vii) Routine maintenance of otherwise permitted wireless telecommunications facilities; or~~

~~(viii) Subject to compliance with all applicable City, state, and federal standards, an emergency repair of a wireless telecommunications facility; provided, that a permit is applied for within thirty (30) days after completion of such emergency repair.~~

~~(3) Principal or Accessory Use. Wireless telecommunications facilities may be either a principal or accessory use. A different use of an existing structure on the same lot shall not preclude the installation of a wireless telecommunications facility on that lot.~~

~~(4) Prohibited Use. Type I and Type II towers as defined in Chapter 20.42 BMC are prohibited in the low density residential (R-10) zone.~~

~~(5) Reimbursement of Costs. In addition to the application fee, the applicant shall reimburse the City for costs of professional engineers and other consultants, mutually acceptable to both the applicant and the City, hired by the City to review and inspect the applicant's proposal when the City is unable to do so with its existing staffing resources. By way of illustration and not limitation, these professional services may include engineering and technical review, legal review, planning review, Hearing Examiner services, environmental review, critical areas review, financial and accounting review, soils review, and mechanical and structural engineering review. In the event that a project requires professional services beyond that which is included in the base fee, the applicant shall reimburse the City the full cost of such engineer or consultant services plus a City service charge of ten (10) percent as calculated from before-tax cost.~~

~~(c) Permits Required. Approval of a permit(s) is required to site a wireless communication facility in accordance with the following and the procedures set forth in Chapter 20.02BMC:~~

~~(1) Type I Director's Decision.~~

~~(i) Co-location of antennas on towers per this section in nonresidential zones;~~

~~(ii) Co-location of antennas on existing support structures per this section, excluding towers, in any zone.~~

~~(2) Type II Director's Decision. New Type I towers and associated equipment and antennas in nonresidential zones.~~

~~(3) Type III Hearing Examiner Decision. Any wireless telecommunications facility not stated above, including the following:~~

~~(i) Any Type I tower in a residential zone and associated antenna and equipment enclosures;~~

~~(ii) Any Type II tower and associated antennas and equipment enclosures.~~

~~(4) Expiration of Permits. A permit shall expire consistent with the provisions of the City building code, except that the permit for construction of a wireless telecommunications facility shall expire one (1) year after the effective date of the permit approval.~~

~~(d) Priority of Locations and Consideration Process. The order of priorities for locating new personal wireless service facilities shall be as follows:~~

~~(1) Place antennas and towers on public property if practical.~~

~~(2) Place antennas and towers in districts zoned freeway commercial (FC), marine industrial (MI), industrial park (IP), or industrial (I).~~

~~(3) Co-locate antennas on appropriate rights-of-way and existing structures, such as buildings, towers, water towers and smokestacks.~~

~~(4) Place antennas and towers in other zone districts which do not adjoin or adversely impact residential neighborhoods.~~

~~(5) Only after an applicant has provided an alternative sites report per subsection (e) of this section that demonstrates that priority sites per this section have been investigated shall other sites be approved.~~

~~(e) Application Submittal Requirements. Application for any Type I or Type II permit, and other related requests, shall include any combination of site plans, surveys, maps, technical reports, or written~~

~~narratives necessary to convey the following information, unless waived or modified by the Director as unnecessary. The following information shall be submitted with a permit:~~

~~(1) A site or combined site and vicinity plan clearly indicating the site location, type and height of the proposed tower (if any) and antenna, on-site and nearby land uses and zoning, roadways, proposed means of access, and setbacks from property lines, sufficient to demonstrate that setbacks and other pertinent requirements have been met. Such drawings shall specifically include elevation drawings of the proposed tower (if any), and any other proposed structures.~~

~~(2) A site elevation and landscaping plan indicating the specific placement of the facility on the site, the location of existing structures, trees, and other significant site features, the type and location of plant materials used to screen the facility, and the proposed color(s) of the facility, the method of fencing, finished color and, if applicable, the method of camouflage and illumination. The Director may adjust these requirements when co-locating on an existing support structure.~~

~~(3) A completed Federal Aviation Regulation (FAR) 7460-1 Airspace Form with applicable agency comments if the facility is located within five (5) miles of any airport. The City may incorporate comments provided in the FAR Part 77 Airspace Form into its decision as conditions.~~

~~(4) Photo simulations of the proposed facility from affected residential properties and public rights-of-way at varying distances.~~

~~(5) Copies of any environmental documents required by any federal agency. These shall include the environmental assessment required by FCC Paragraph 1.1307, or, in the event that an FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment.~~

~~(6) A legal description of the parcel.~~

~~(7) A signed statement indicating that:~~

~~(i) The applicant and landowner (if different) agree they will diligently negotiate in good faith to facilitate co-location of additional wireless telecommunications facilities by other providers on the applicant's structure or within the same site location; and~~

~~(ii) The applicant and/or landlord agree to remove the facility within one hundred eighty (180) days after abandonment per subsection (i) of this section.~~

~~(8) A letter signed by the applicant stating the tower will comply with all FAA regulations and EIA standards and all other applicable federal and local laws and regulations.~~

~~(9) Certification that the antenna usage will not interfere with other adjacent or neighboring transmission or reception functions.~~

~~(10) The telecommunications provider must provide documentation that it is licensed by the FCC if it is required to be licensed under FCC regulations.~~

~~(11) The telecommunications provider must supply documentation that it has consulted with hospitals, medical clinics, and other similar medical uses within a radius of one thousand (1,000) feet of the proposed wireless telecommunications facility and that such hospitals, clinics and medical uses testify that the wireless facility will not cause interference, malfunctions, or improper operation of any diagnostic, analytical, or therapeutic equipment uses in the care, treatment, or diagnosis of medical patients.~~

~~(12) The applicant, if not the telecommunications service provider, shall submit proof of lease agreements with an FCC-licensed telecommunications provider if such telecommunications provider is required to be licensed by the FCC.~~

~~(13) An agreement between the applicant and the City shall be provided establishing that if technology should change and a wireless telecommunications facility becomes obsolete, and the use of the facility abandoned or discontinued, the applicant shall remove facilities per subsection (i) of this section.~~

~~(14) A technical report demonstrating the service requirements of the applicant and demonstrating need for the proposed facility at the location proposed. At a minimum, the technical report shall include:~~

~~(i) A map of the area to be served by the tower or antenna;~~

~~(ii) Its relationship to other cell sites in the applicant's network including technical data related to frequencies, range, capacity, etc.; and~~

~~(iii) An evaluation of existing buildings taller than thirty (30) feet, within one-quarter (1/4) mile of the proposed tower or antenna which from a location standpoint could provide part of a~~

~~network to provide transmission of signals. The technical report should demonstrate how the proposed site fits into the provider's overall network.~~

~~(15) An alternative sites report must be submitted. The report shall discuss all potential sites investigated, including at a minimum all nearby priority locations as listed in subsection (d) of this section; summarize technical data and other rationale as to why a potential site was not appropriate and considered further; and include a demonstration that:~~

~~(i) The applicant has contacted the owners of structures in excess of thirty (30) feet high within a one-quarter (1/4) mile radius of the site proposed and which from a location standpoint could provide part of a network for transmission of signals;~~

~~(ii) The applicant asked for permission to install the antenna on those structures; and~~

~~(iii) Access/location was denied for reasons other than economic feasibility.~~

~~(16) When there is a technical disagreement relating to location, height or related issues, the City and the applicant may retain a mutually acceptable technical expert in the field of RF engineering to provide technical advice to the City on the proposal. The cost for such a technical expert will be at the expense of the applicant.~~

~~(f) Site Development Standards. Wireless communication facilities shall comply with the following development standards:~~

~~(1) Type I and Type II towers shall be set back a distance equal to one and one-half (1.5) times the height of the tower from nonconforming residential use as measured from the wall of any supporting equipment enclosures of building or the base of the tower, whichever is nearer. The setback shall be measured to the nearest property line of the parcel upon which the nonconforming residential use is located.~~

~~(2) Type I and Type II towers shall be set back a distance equal to three (3) times the height of the tower from any conforming residential use as measured from the wall of any supporting equipment enclosures of building or the base of the tower, whichever is nearer. The setback shall be measured to the nearest property line of the parcel upon which the conforming residential use is located.~~

~~(3) Wireless telecommunications facilities shall be screened or camouflaged by employing the best available technology. This may be accomplished by use of compatible materials, location, color, stealth technologies, and/or other tactics to achieve minimum visibility of the facility as viewed from public streets or residential properties. All screening and camouflaging is subject to the approval of the City.~~

~~(4) Tower bases, equipment enclosures and cabinets and related security fencing shall be screened from public view. This screening requirement may be met in a number of ways, including use of a solid masonry wall, earthen berms, or landscaping. If landscaping is employed, it shall meet all applicable requirements of Chapter 20.50 BMC.~~

~~(5) In reviewing the proposed placement of a wireless facility on the site and any associated landscaping, the City may make a condition of the permit that the applicant supplement existing trees and mature vegetation to more effectively screen the facility.~~

~~(6) Type I and II towers, antennas, and any associated hardware and equipment shall be painted a nonreflective color or color scheme appropriate to the background against which the facility would be viewed from a majority of points within its viewshed. A proposed color or color scheme shall be approved by the City.~~

~~(7) Security fencing, if used, shall conform to the following:~~

~~(i) No fence shall exceed eight (8) feet in height;~~

~~(ii) Security fencing shall be effectively screened from view through the use of appropriate landscaping materials; and~~

~~(iii) Chain-link fences shall be painted or coated with a nonreflective color, and shall have a minimum three (3) foot deep area to be planted with approved plant species in a manner that will completely screen the fencing.~~

~~(8) No wireless equipment enclosures reviewed under this section shall be located within required yard setback areas.~~

~~(9) Type I and Type II towers shall not be located in view corridors as defined under the Bremerton Shorelines Management Program.~~

~~(10) Type I and Type II towers shall not be illuminated or have lights located upon them except as required under Federal Aviation Administration (FAA) or other state or federal regulations.~~

~~(11) No equipment shall be operated so as to produce noise levels above forty-five (45) dB as measured from the nearest property line on which the wireless telecommunications facility is located, except temporary generators used during power outages and natural disasters. Such temporary use shall be for the shortest time period practical.~~

~~(g) Co-Location on Type I and Type II Towers. Type I and Type II towers shall be designed to accommodate co-location. The following provisions shall apply:~~

~~(1) All new Type I towers shall be designed to accommodate at least one (1) additional provider. Type II towers shall be designed to accommodate at least two (2) additional carriers. The City of Bremerton may deny a project for a wireless telecommunications facility if co-location is not provided.~~

~~(2) Additional tower height provided for co-location shall be the minimum needed. Separation between existing and potential additional antenna arrays shall not exceed fifteen (15) feet unless a technical rationale for a larger separation, acceptable to the City, is provided during permit approval for initial tower construction or for any modification of existing towers adding tower height.~~

~~(3) An owner of a Type I or Type II tower approved under this chapter may not deny a wireless provider the ability to co-locate on their facility at a fair market rate or at another cost basis agreed to by the affected parties.~~

~~(4) In the event co-location is found to be not feasible, a detailed written statement or report demonstrating the reasons for the unfeasibility shall be prepared by the applicant. The City and the applicant may retain a mutually acceptable technical expert in the field of RF engineering to review the applicant's unfeasibility report. The technical expert will provide comments on the unfeasibility report and provide comments on how the facility could be designed to accommodate co-location if possible. The cost for such a technical expert will be at the expense of the applicant.~~

~~(h) Co-location on Support Structures Other Than Type I and Type II Towers. Wireless telecommunications facilities may be co-located on existing or proposed support structures other than Type I or Type II towers under the following conditions:~~

~~(1) Type I and Type II towers may not be placed on any other existing or proposed support structure;~~

~~(2) Whip antennas may exceed the structure height by a maximum of fifteen (15) feet, and other omnidirectional antennas may exceed the structure height by a maximum of ten (10) feet;~~

~~(3) Wireless telecommunications facilities may be mounted on one (1) or more building facades or on one (1) or more sides of a mechanical equipment enclosure;~~

~~(4) The wireless telecommunications facilities of one (1) provider, including all appurtenances and screening, shall not exceed five (5) percent of any facade of a building. The wireless telecommunications facilities of all providers located in the support structure shall not exceed ten (10) percent of the building facade;~~

~~(5) Exterior equipment structures placed on existing support structures may not exceed five hundred (500) cubic feet with a five (5) foot height limit above existing building height in residential zones; and~~

~~(6) Antennas may be attached to ball field light standards, electrical transmission towers, water tanks or existing utility poles; provided, that:~~

~~(i) In residential zones, supporting equipment enclosures and structures shall be in side or rear yards and otherwise adhere to the building setback requirements of the zone; and~~

~~(ii) Utility poles in any zone shall not be extended or replaced such that overall height is increased more than twenty (20) feet above the preexisting pole or the average height of existing poles within three hundred (300) feet, whichever is less.~~

~~(i) Abandonment or Discontinuation of Use.~~

~~(1) At such time that a provider plans to abandon or is required to abandon the operation of a wireless telecommunications facility, such provider will notify the City Department of Community Development by certified U.S. mail of the proposed date of abandonment. Such notice shall be given no less than thirty (30) days prior to abandonment.~~

~~(2) In the event that a licensed provider fails to give such notice, the personal wireless facility shall be considered abandoned.~~

~~(3) Upon abandonment, the provider shall physically remove the wireless telecommunications facility within one hundred eighty (180) days from the date of abandonment. "Physically remove" shall include, but not be limited to:~~

~~(i) Removal of antennas, mounts, equipment cabinets and security barriers from the subject property.~~
~~(ii) Removal of Type I or Type II towers.~~
~~(iii) Transportation of the antennas, mounts, equipment cabinets, security barriers, and towers to a location outside of the City of Bremerton.~~
~~(iv) Restoring the location of the personal wireless facility to its natural condition, except any remaining landscaping and grading.~~

~~(j) Maintenance.~~

~~(1) Wireless telecommunications facilities shall be maintained. For purposes of this section, "maintenance" shall include but not necessarily be limited to the following:~~

~~(i) Keeping of all plant materials used for screening in a live and healthy condition;~~
~~(ii) Regular painting of towers, enclosures, fences and all paintable items on the site such that rust, peeling paint, or oxidation is not evident;~~
~~(iii) Repair of any loose or hanging equipment or parts; and~~
~~(iv) Replacement of missing plants, fencing or fencing parts, or other portions of towers, enclosures, and other equipment.~~

20.46.150 PUBLIC UTILITY FACILITIES.

Public facilities as defined in Chapter 20.42 BMC may be permitted in all zones where not listed as an allowable use, provided a conditional use permit is approved pursuant to BMC20.58.020, and subject to the following conditions. Decisions shall be a Type II Director's decision per Chapter 20.02 BMC.

(a) The public facility does not substantially interfere with or detract from the intent of the zone district, as determined by the Director;

(b) The public facility conforms to applicable development standards of the zone, including setback and height standards, unless modified by the Director;

(c) Measures are taken to provide screening for the public facility in cases where the facility would otherwise have a negative impact on the visual character of a neighborhood as seen from rights-of-way or adjacent properties.

20.46.160 PUBLIC DISTRIBUTION/ TRANSMISSION FACILITIES.

Public distribution/transmission facilities as defined in Chapter 20.42 BMC are permitted outright in all zones. The Director shall determine whether a utility facility is most appropriately classified as a public distribution/transmission facility or a public utility facility (see BMC 20.46.150) according to the definitions set forth in Chapter 20.42 BMC.

COMMENTS RECEIVED FOR COMPREHENSIVE PLAN UPDATE						
	Commenter	**Date**	**Address**	**City**	**Comment Summary**	**Staff Response Regarding Comprehensive Plan Update**
1	Dan Webster	9/8/2014	1350 N Callow Ave	Bremerton	Strongly object to rezone property in District 6 (casino proposal)	Staff has proposed within District 6 Profile to not support rezoning of this area due to: (1) established neighborhood and (2) the findings in the Update Land Capacity Analysis, indicates that the City has ample land zoned to accommodate Residential and Commercial uses for the City's Growth targets.
2	Cary Clayton	9/12/2014	PO Box 15 B	Newport Beach, CA	Own properties at: 1350 N. Wycoff, 2712 15th Street, and 2720 15th Street. Does not agree with rezone of property for casino proposal	Staff has proposed within District 6 Profile to not support rezoning of this area due to: (1) established neighborhood and (2) the findings in the Update Land Capacity Analysis, indicates that the City has ample land zoned to accommodate Residential and Commercial uses for the City's Growth targets.
3	Tiffany Gay	9/14/2014	1309 N. Montgomery Ave	Bremerton	Interested in hearing all sides of proposal in regards to the casino.	Staff has proposed recommendations within the Work Program to maintain residential zoning in this area, however applications from the property owners for the Plan Update are accepted from January 5, 2015 to April 1, 2015. All complete applications will come before Planning Commission Public Hearing for deliberation.
4	Leigh LeMar	9/15/2014	1333 N. Montgomery Ave	Bremerton	Object to rezoning property at 1333 N. Montgomery Ave for casino but recommend area near freeway	Staff has proposed within District 6 Profile to not support rezoning of this area due to: (1) established neighborhood and (2) the findings in the Update Land Capacity Analysis, indicates that the City has ample land zoned to accommodate Residential and Commercial uses for the City's Growth targets. The City has zoning districts established by the freeway where casino uses are allowed.
5	Robert Reiher	9/20/2014	1715 N Wycoff Ave	Bremerton	Crime is already a concern in neighborhood, the Casino will increase the crime. Please keep neighborhood safe	Staff has proposed within District 6 Profile to not support rezoning of this area due to: (1) established neighborhood and (2) the findings in the Update Land Capacity Analysis, indicates that the City has ample land zoned to accommodate Residential and Commercial uses for the City's Growth targets.
6	Robert Ragge	9/23/2014	1324 N. Liberty Lake Rd. #273	Liberty Lake, WA	In support of casino proposal on Callow Avenue	An application for Comprehensive Plan Amendment will be accepted from January 5, 2015 to April 1, 2015. Applications must be made by property owners or their authorized representatives.
7	Douglas Whittle	10/9/2014	3238 Ridgeview Drive	Bremerton	Owns property at 1305 N. Callow Ave. Supports rezoning parcel to commercial for casino proposal. States that City should provide opportunity for additional commercial development.	Staff has proposed within District 6 Profile to not support rezoning of this area due to: (1) established neighborhood and (2) the findings in the Update Land Capacity Analysis, indicates that the City has ample land zoned to accommodate Residential and Commercial uses for the City's Growth targets.
8	Shane Trepasso	10/10/2014	1320 N, Callow Ave	Bremerton	Owns property at 1320 N. Callow Ave. Supports rezoning parcel to commercial for casino proposal. States that City should provide opportunity for additional commercial development.	Staff has proposed within District 6 Profile to not support rezoning of this area due to: (1) established neighborhood and (2) the findings in the Update Land Capacity Analysis, indicates that the City has ample land zoned to accommodate Residential and Commercial uses for the City's Growth targets.
9	Greg & Michelle Dawson	10/10/2014	1424 Lindberg Place	Bremerton	Owns property at 1330 and 1326 N. Callow Ave. Supports rezoning parcel to commercial for casino proposal. States that City should provide opportunity for additional commercial development.	Staff has proposed within District 6 Profile to not support rezoning of this area due to: (1) established neighborhood and (2) the findings in the Update Land Capacity Analysis, indicates that the City has ample land zoned to accommodate Residential and Commercial uses for the City's Growth targets.
10	Priscilla Bailey	10/10/2014	4171 Wheaton Way	Bremerton	Owns commercial property on Wheaton Way, and supports recent change to commercial zoning within the Wheaton Way District Center. Concern about property between Hanford and Broad St, and should support Senior Housing and small commercial in area. Supports adding housing to East Bremerton and encouraging small businesses.	The current Work Program supports Wheaton Way District Center as currently designated. The area between Hanford and Board Street currently allows for a Senior Housing Complex and small commercial business, no changes are proposed with this process. East Bremerton consists of many designations, but they do include residential and commercial uses to support her recommendations.
11	Billy Kay	10/10/2014	Kitsap Lake Area	Bremerton	Visiting musician first impressions of Bremerton: too many police patrols/red-light cameras, too many taxes on controlled substances (cigarettes), but the people are wonderful.	Comment has been noted and forwarded to the Police Department regarding Police enforcement.
12	Kono Enterprises	10/14/2014	3512 141th Street	Gig Harbor	Owns property at 1338 & 1519 N. Wycoff Ave. Supports rezoning parcel to commercial for casino proposal. States that City should provide opportunity for additional commercial development.	Staff has proposed within District 6 Profile to not support rezoning of this area due to: (1) established neighborhood and (2) the findings in the Update Land Capacity Analysis, indicates that the City has ample land zoned to accommodate Residential and Commercial uses for the City's Growth targets.

	Commenter	Date	Address	City	Comment Summary	Staff Response Regarding Comprehensive Plan Update
13	Ron Ragge	10/14/2014	1324 N. Liberty Lake Rd. #273	Liberty Lake	Bremerton has an opportunity to host a casino which would greatly benefit the City with employment and bringing additional businesses. Please consider allowing 18 parcels within the Callow Area to be considered to be rezoned commercial. Additional discussions regarding Fireworks sales, and encouraging City Council to hear proposal of Casino.	An application for Comprehensive Plan Amendment will be accepted from January 5, 2015 to April 1, 2015. Applications must be made by property owners or their authorized representatives.
14	Dan Grimbly	10/14/2014	1333 Ford Ave	Bremerton	Supports rezoning parcel to commercial for casino proposal. States that City should provide opportunity for additional commercial development.	Staff has proposed within District 6 Profile to not support rezoning of this area due to: (1) established neighborhood and (2) the findings in the Update Land Capacity Analysis, indicates that the City has ample land zoned to accommodate Residential and Commercial uses for the City's Growth targets.
15	Tiffany Gay	10/16/2014	1309 Montgomery Ave	Bremerton	Supports rezoning parcel to commercial for casino proposal. States that City should provide opportunity for additional commercial development.	Staff has proposed within District 6 Profile to not support rezoning of this area due to: (1) established neighborhood and (2) the findings in the Update Land Capacity Analysis, indicates that the City has ample land zoned to accommodate Residential and Commercial uses for the City's Growth targets.
16	Dan & Jean Webster	10/20/2014	1350 N Callow Ave	Bremerton	Against rezoning parcels for casino proposal due to traffic concerns and criminal activity.	Staff has proposed within District 6 Profile to not support rezoning of this area due to: (1) established neighborhood and (2) the findings in the Update Land Capacity Analysis, indicates that the City has ample land zoned to accommodate Residential and Commercial uses for the City's Growth targets.
17	Vic Caba (assumed)	10/20/2014	1301 N Callow Ave	Bremerton	Supports rezoning parcel to commercial for casino proposal. States that City should provide opportunity for additional commercial development. No signature or identification was provided on formed letter. Pre-addressed envelope was to Vic Caba so staff assumed was the originator of letter, but origin can not be confirmed.	Staff has proposed within District 6 Profile to not support rezoning of this area due to: (1) established neighborhood and (2) the findings in the Update Land Capacity Analysis, indicates that the City has ample land zoned to accommodate Residential and Commercial uses for the City's Growth targets.
18	John Hogan	10/21/2014	N/A	N/A	Owns Milan Apartments at 1019 Burwell Street which is currently designated as Limited Commercial. Supports redesignating this area to be included into Downtown Regional Center as this block includes multifamily buildings and the nonconforming provisions hinders potential improvements to the site.	Staff has proposed this change within the District 3 Profile. Proposal is to considering expanding Downtown Regional Center to areas that predominately consist of nonconforming buildings in this area.
19	Phil Hamlin	10/21/2014	N/A	N/A	Does not support rezoning of area for casino in any part of the City.	Staff has proposed within District 6 Profile to not support rezoning of this area due to: (1) established neighborhood and (2) the findings in the Update Land Capacity Analysis, indicates that the City has ample land zoned to accommodate Residential and Commercial uses for the City's Growth targets. However, there are existing areas within the City that allow for Casinos, such as the Freeway Corridor.
20	Adam Simon	10/29/2014	1107 N. Callow Ave	Bremerton	Supports a expedited process to utilized existing buildings (or portions of buildings) that have been classified as nonconforming uses since the 2004 adoption and cannot reasonably be used for a use permitted by the current zone.	Staff has proposed within Work Program Summary #28 to evaluate options for reuse of existing nonconforming commercial structures.
21	Larry Taylor	10/30/2014	N/A	Bremerton	Supports Staff proposal to rezone property on 13th as identified in the Work Summary #15 only if 13th Street no longer connects to Kitsap Way. He is the owner of the proposed property to be redesignated from CC to LDR.	Staff will consider the comments when revising the Land Use Map and review with the Public Works Department regarding the road closure.
22	Donna Nielson	11/4/2014	7986 Diane Ct. NE	Bremerton	Supports rezoning the area north of St. Vincent's from Residential to Commercial. Major road connection, and this is an great economic	Staff has proposed within District 6 Profile to not support rezoning of this area due to: (1) established neighborhood and (2) the findings in the Update Land Capacity Analysis, indicates that the City has ample land zoned to accommodate Residential and Commercial uses for the City's Growth targets.

	Commenter	Date	Address	City	Comment Summary	Staff Response Regarding Comprehensive Plan Update
23	Donna Nielson	11/5/2014	7986 Diane Ct. NE	Bremerton	Would like commercial zoning on her property at 1333 N. Callow Avenue.	Staff has proposed within District 6 Profile to not support rezoning of this area due to: (1) established neighborhood and (2) the findings in the Update Land Capacity Analysis, indicates that the City has ample land zoned to accommodate Residential and Commercial uses for the City's Growth targets.
24	Greg Dawson	11/6/2014	1424 Lindberg Place	Bremerton	Please redesignated my properties south of 15th Street and north of 11th Street on Callow Ave to commercial.	Staff has proposed within District 6 Profile to not support rezoning of this area due to: (1) established neighborhood and (2) the findings in the Update Land Capacity Analysis, indicates that the City has ample land zoned to accommodate Residential and Commercial uses for the City's Growth targets.
25	Greg Dawson	11/6/2014	1424 Lindberg Place	Bremerton	Same request as Comment #26.	Staff has proposed within District 6 Profile to not support rezoning of this area due to: (1) established neighborhood and (2) the findings in the Update Land Capacity Analysis, indicates that the City has ample land zoned to accommodate Residential and Commercial uses for the City's Growth targets.
26	Unknown	11/7/2014	Unknown	Unknown	Postcard with no identification. Supports casino as it will boost the economy.	Staff has proposed within District 6 Profile to not support rezoning of this area due to: (1) established neighborhood and (2) the findings in the Update Land Capacity Analysis, indicates that the City has ample land zoned to accommodate Residential and Commercial uses for the City's Growth targets.
27	Unknown	11/7/2014	Unknown	Unknown	Postcard with no identification. Supports casino as all neighbors want commercial zoning.	Staff has proposed within District 6 Profile to not support rezoning of this area due to: (1) established neighborhood and (2) the findings in the Update Land Capacity Analysis, indicates that the City has ample land zoned to accommodate Residential and Commercial uses for the City's Growth targets.
28	Kelly Hudson	11/10/2014	Unknown	Unknown	Postcard. "The majority of our neighborhoods want commercial"	Staff is uncertain of address or way of contacting individual. Uncertain which parcels she supports for rezoning.
29	Unknown	11/12/2014	Unknown	Unknown	Postcard with no identification. "Would like to zoned commercial at 1304 Callow Avenue.	Staff has proposed within District 6 Profile to not support rezoning of this area due to: (1) established neighborhood and (2) the findings in the Update Land Capacity Analysis, indicates that the City has ample land zoned to accommodate Residential and Commercial uses for the City's Growth targets.
30	J Ross	11/12/2014	Unknown	Bremerton	Postcard. "Neighboring homes are between commercial zones and the majority of neighbors want commercial zoning",	Staff assumes this is in regards to the casino proposal. Staff has proposed within District 6 Profile to not support rezoning of this area due to: (1) established neighborhood and (2) the findings in the Update Land Capacity Analysis, indicates that the City has ample land zoned to accommodate Residential and Commercial uses for the City's Growth targets.
31	Chad Mountjoy	11/13/2014	Callow Avenue	Bremerton	Postcard. "Keep this area residential. No casino please."	Staff has proposed within District 6 Profile to not support rezoning of this area due to: (1) established neighborhood and (2) the findings in the Update Land Capacity Analysis, indicates that the City has ample land zoned to accommodate Residential and Commercial uses for the City's Growth targets.
32	HRF	11/13/2014	Unknown	Unknown	Postcard. "My home town has not changed in over 60 years. It is time for a change. Make it happen before I get too old to appreciate it."	Comments noted.
33	Unknown	11/13/2014	Unknown	Unknown	Postcard. "The neighboring homes are between two commercial areas."	Staff assumes this is in regards to the casino proposal. Staff has proposed within District 6 Profile to not support rezoning of this area due to: (1) established neighborhood and (2) the findings in the Update Land Capacity Analysis, indicates that the City has ample land zoned to accommodate Residential and Commercial uses for the City's Growth targets.
34	Shane Trepasso	11/17/2014	1320 N, Callow Ave	Bremerton	Postcard. Owns 1320 N. Callow Ave and would like property rezoned to commercial	Staff has proposed within District 6 Profile to not support rezoning of this area due to: (1) established neighborhood and (2) the findings in the Update Land Capacity Analysis, indicates that the City has ample land zoned to accommodate Residential and Commercial uses for the City's Growth targets.
35	Douglas Whittle	11/17/2014	3238 Ridgeview Drive	Bremerton	Postcard. Would like to see area of his property between 13th and Callow Avenue rezoned to commercial	Staff has proposed within District 6 Profile to not support rezoning of this area due to: (1) established neighborhood and (2) the findings in the Update Land Capacity Analysis, indicates that the City has ample land zoned to accommodate Residential and Commercial uses for the City's Growth targets.
36	Larry Taylor	11/20/2014	N/A	Bremerton	Email: Would only support re-designating my property of 3131 13th Street from Commercial Corridor to Low Density Residential is if 13th Street was closed to through traffic. It is unsafe to have this intersection, and should be discontinued.	Noted the request to not redesignated his property from Commercial Corridor to Low Density Residential unless closing 13th Street. Following initial conversations with Public Works, uncertain if 13th Street can be closed at this time, thus this property will remain as commercial, but will remain as part of the discussion.

	Commenter	Date	Address	City	Comment Summary	Staff Response Regarding Comprehensive Plan Update
37	Unknown	11/20/2014	Unknown	Unknown	Postcard: "It would provide employment to many people. Bring business a boost. Attracts new vigor and activity to the community."	Staff assumes this is in regards to the casino proposal. Staff has proposed within District 6 Profile to not support rezoning of this area due to: (1) established neighborhood and (2) the findings in the Update Land Capacity Analysis, indicates that the City has ample land zoned to accommodate Residential and Commercial uses for the City's Growth targets.
38	John Hogan	1/15/2015	1119 Burwell Ave	Bremerton	Supports Draft Land Use Map in regards to expanding the Downtown Regional Center to include the 1100 block of Burwell. "Bringing the boundary from Warren further west to Chester Ave as the draft shows is a welcome site in that this location transitions as a "gateway entrance" into the City while traveling eastbound on Burwell".	It is correct that the Staff proposed Draft Land Use Maps re-designated this area to be included in the Downtown Regional Center. Mr. Hogan is a owner of the Milan Apartment on Burwell Avenue which, under current designation of Low Density Residential, makes his multifamily complex a nonconforming use. This revision would make his property conforming.
39	Bill Broughton	1/16/2015	Washington Ave	Silverdale	Supports staff draft map, but would like mini storage to be considered in commercial designations	The Zoning Code is developed after the Comprehensive Plan Update. Your comment is noted and will be considered in the zoning code update.
40	Deirdre McKeel	1/18/2015	Unknown	Bremerton	Concerned with creating an industrial area near the hospital, and would like to see high density residential and shops. Also concerned with District Center designation around the Youth Center and the strenuous permitting process.	Reponses to commenter was that the Harrison Employment Center will continue to support higher density residential and retail, but will be renamed "Eastside Employment Center". In addition, great efforts have been made and are continuing to be made to simplify the permitting process. The Bremerton School District and Youth Wellness Campus has been supportive of the District Center Designation.
41	Bob Reiher	1/22/2015	1715 Wycoff Avenue	Bremerton	In response to the January Planning Commission Special Meeting, a citizen requested 13th Street to be vacated at the "5-way intersection." If this happens please consider removing access route to Ford Avenue through NAPA/West Bay Auto Store parking lot.	The City of Bremerton Public Work's Department is participating with the Comprehensive Plan Update and a formal proposal to vacate 13th Street has not been proposed or accepted. As the citizen claimed, this road is well utilized and as such additional analysis is required if this street is proposed for vacation. At this time, Staff is not proposing to vacate 13th Street, but your comment has been passed to the Public Works Department for their consideration.
42	Michael Mjelde	1/21/2015	Unknown	Bremerton	Supports redesignating the area at 11th and Warren (former tennis courts) to Higher Education designation. This provides additional opportunites for the community.	Staff is proposing to redesignate the area south of the current Olympic College to Higher Education, which allows multifamily structures such as dormortories which would provide greater opportunity for students and the community.
43	Paul Dutky	1/29/2015	Dockside	Bremerton	Surports mutlimodal transportation options including a trail around Kitsap Lake. Include infromation from the Bremerton's Non-Motorized Transportation Plan (2007). Additional note from Mr. Dukty was for staff to consider additional bike lanes on 6th Street from the Downtown to Kitsap Way to connect to the Sharrows	The Comprehensive Plan contains the big picture concepts, which has many goals and policies for multimodal transportation options, including suporting bike and pedestrain paths. The Comprehensive Plan references many more specific implementation plans that would better address and analysis specific trails. The City of Bremerton Non-motorized Transporation Plan (NMTP) identifies trails throughout Bremerton and connects to the County. The City of Bremerton Parks, Recreation, and Open Space Plan (PROS) addresses trails that are located with the parks. This comment has been forward to the Public Work's Department for their consideration when updating the NMTP. The NMTP & PROS will be incorportated as "functional plans" with the Comprehensive Plan.
44	Cherl & Robert Reiher	1/29/2015	1715 Wycoff Avenue	Bremerton	In regards to area between N. Wycoff Avenue and N. Callow Avenue, and 13th Street and 15th Street, citizen is concerned that by designating the northern portion of the block as Neighborhood Commercial, this may open the door for rezoning the whole block for potential commercial.	This area has been discussed at the previous Planning Commssion Workshops in regards the potential casino proposal. This area is currently desingated as Neighborhood Commercial and remains in the new Plan. The northern portion of this block contains an old gas station site and the parking lot for Hi-Los Restuarant. Staff has proposed reducing the Neighborhood Center Designation in the vicinity due (1) established neighborhood and (2) the findings in the Update Land Capacity Analysis, indicates that the City has ample land zoned to accommodate Residential and Commercial uses for the City's Growth targets. Staff believes that the proposed land use changes in the vicinity address the concerns raised by the commenter.
45	Mike Mauren	2/4/2015	Unknown	Unknown	Supports Mineral Resource Overlay for the Low Density Residential in specific areas of West Bremerton. Encourages Zoning Code update to further support this overlay to follow.	Staff has proposed a Mineral Resource Overlay on large undeveloped parcels in west Bremerton. Part of the Mineral Resource Overlay approval will be to reclaim the site (inlcuding grading) at the end of the process for residential development.
46	Jack Stanfill	1/20/2015	Unknown	Bremerton	Document provided: Port Blakely Kitsap Lake JPA from May 12, 1999.	Staff received this document at the Open House and it provided for Planning Commission's consideration.

	Commenter	Date	Address	City	Comment Summary	Staff Response Regarding Comprehensive Plan Update
47	Steve Guiberson	2/14/2015	Unknown	Gig Harbor	Supportive of General Commercial designation along Wheaton Way, however he owns a car dealership there and cannot expand. Please consider allowing car dealerships not just in auto center but along the main corridors. Currently there seems to be a monopoly out near Auto Center Way for car dealerships.	In 2004, the Comprehensive Plan the zoning only allowed auto dealerships in the Freeway Corridor. Revisions to the Zoning Code will be considered following the Comprehensive Plan Update, which will have specific details on what land uses are allowed in specific zones. Planning Commission will consider appropriate uses in this detail during this Zoning Code update.
48	Lesley Kabelac	2/16/2015	3021 W State Hwy 16	Bremerton	Property north of her property is being proposed as General Commercial. Concern as she has access easements that may make this property hard to develop and access.	The subject property to the west is adjacent to State Hwy 16 (across from the Mattress Ranch). Staff is proposing General Commercial for this area and the Land Use designation line follows the topography of the site (the area that is relatively flat could be developed with General Commercial activities). The current designation is Low Density Residential. As for the easements, if this property is to be developed, the developer will need to comply with the easements (or revise them accordingly with the property owner) at the point of permit applications. Staff is not suggesting any further changes to the map to address the easement locations.
49	Jack Stanfill	2/17/2015	PO Box 4773	Bremerton	Provided the following documentation to be considered during the environmental review: Partial Transcription to Ueland Tree Farm Final Environmental Appeal Hearing (Dec 2009); pages 32 and 36 of Port Blakely Subarea Plan; Preliminary Scope for the Project page 5; Infiltration Map of the area; and a Mineral Resource Development Wetland Review.	These materials are excerpts from an Environmental Impact Statement for a project that is outside the City limits (Kitsap County jurisdiction). Documentation will be reviewed in conjunction to the Comprehensive Plan Update Environmental Review.
50	Judy Friedberg-Nerf	2/23/2015	Madrona Point	Bremerton	Had general inquires on the Draft Land Use Plan including the following: (1) Where is the development regulations for each designation (2) Why bring back the Multifamily Residential Designation (more information); (3) Council Districts should not separate existing neighborhoods; (4) express kudos to the District Profiles.	(1) The General Development parameters are addressed in the proposed Comprehensive Plan in the Draft Land Use Chapter at a higher level (generally what kind of development and what character should it have). The specifics will be addressed in the Zoning Code Update that will come after the Comprehensive Plan Update. (2) Staff is trying to reduce the nonconforming uses throughout the City, currently areas throughout the City that are primarily developed with multifamily structures, are being proposed to be redesignated from Low Density Residential (which allows one house, per one lot) to a more appropriate designation. (3) Council Districts were re-mapped a few years ago based on population, and unfortunately this did separate some cohesive neighborhoods. (4) Appreciate the kind words on the District Profiles. Staff created those in-house with the support of City Council.
51	Laura Gardner	2/24/2015	1027 Walnut Street	Bremerton	Represents the owner at 1027 Walnut Street who supports the redesignation of Medium Density.	Staff proposed to redesignated this area as it is primarily developed with duplex type structures to reduce nonconforming uses within City of Bremerton.
52	John Stieber	3/6/2015	Unknown	Unknown	Feels the direction the Comprehensive Plan is heading in is generally good. Wants to make sure that consideration is coming downtown and having access for those that may not be able to get around easy (such as the senior citizens). Wants more sidewalks like the Manette Bridge	Appreciate the comments, and the Comprehensive Plan Update is strongly encouraging multi-modal options including wide sidewalks throughout the City. The Downtown area has additional criteria to support pedestrians of all types, including the those of a vulnerable population. This information is discussed in the Draft Land Use Chapter and will be further discussed in the Transportation element.
53	Bruce Riveland (Olympic College)	3/11/2015	1600 Chester Ave	Bremerton	The Olympic College supports Staff's proposal for the Higher Education desingation as proposed.	The Staff's proposed Higher Education desingation can be seen on Draft Land Use #2.
54	Vic Ulsh	3/20/2015	400 Warren Ave	Bremerton	Writing to ensure property at 800 11th Street maintains the current Neighborhood Business overlay in the Downtown subarea plan.	Staff does not foresee removal of the existing Neighborhood Business overlay in the Downtown Subarea Plan.
55	Dan Nelson	3/31/2015	Unknown	Unknown	Encourages the City to make literature available to the public which provides tips on submitting a complete permit application. Acknowledges this information may exist, but needs to be made more readily available.	The draft Economic Development chapter, policy ED4(A), seeks a permitting process which advocates for development by providing predictable requirements and timelines. This comment was forwarded to the Building Official for her consideration to implement into the City informational handouts and method of dissemination.

	Commenter	Date	Address	City	Comment Summary	Staff Response Regarding Comprehensive Plan Update
56	Mark Kulman	4/6/2015	3141 W State HWY 16	Bremerton	Seeks to enlarge portions of parcel 322401-4-113-2005 designated as commercial on the Comprehensive Plan draft land use map to follow natural contours/slopes of the land (provided geotechnical report supporting claim).	Based off of the provided geotechnical report, the City will reevaluate the commercial boundary for parcel 322401-4-113-2005. Any changes will be presented to Planning Commission with an update Land Use Map.
57	Jim McDonald	4/25/2015	Marlow	Bremerton	Requesting the City to consider allowing duplexes in the area near Lions Park. The Low Density Residential designation limits the potential for this area.	Staff is proposing to redesignate the area north of Lions Park as Medium Density Residential desingation which would allow duplexes.
58	Sherill D. Rose	5/7/2015	3628 "E" Street	Bremerton	Provided Staff her poem on Bremerton. First verision was developed in 1996 and it was revised in 2004 to account for new development in the City.	Staff appreciates her passion for Bremerton.
59	John Bierly	6/16/2015	1032/1035 Hanford Ave	Bremerton	Two existing duplexes on Hanford, currently zoned R-10. Would prefer their lots and the adjacent lots be included in proposed GC zone.	The property owner missed their opportunity to apply for a Comprehensive Plan Map Amendment to proposed re-designate of his property from Low Density Residential to a Commercial designation (window ended on April 1, 2015). To re-designate these parcels, Planning Commission would need to direct Staff to begin reviewing the proposal. Staff initial concerns are the additional potential for commercial access and activity to Hanford Avenue (which is currently a residential street). Staff would need to verify whether the owner of the adjacent vacant lot would want it to be commercially zoned.
60	Jack Stanfill	7/22/2015	PO Box 4773	Bremerton	Provided the following documentation: Ueland Tree Farm Habitat Management Plan and Wetland Report Third Party Review which identifies additional considerations for the Ueland Tree Farms, LLC mineral mining application (dated March 3, 2015).	As Ueland Tree Farm is adjacent to City limits, this comment has been added into the Comprehensive Plan for consideration. However, the Ueland Tree mineral mining project is within Kitsap County jurisdiction and has been processed by that entity.
61	Dora Bressler	7/22/2015	105 Naval Ave	Bremerton	Request that Planning Commission re-designate her property at 105 Naval Avenue from the current Low Density Residential to a commercial designation due to her close proximity to the Naval Avenue Naval Base Kitsap Gate.	To consider this proposal, this request should have been received during the open Comprehensive Plan Amendment window (January through April 2015) and the owner has been notified for the next opportunity to apply. There are also concerns about further support in the neighborhood (as there are many single family homes in that neighborhood) as the City cannot support spot zoning. In addition, Naval Base Kitsap has requested that further consideration for areas around the base to not be up-zoned due to the potential impacts.
62	Priscilla Bailey	8/11/2015		Bremerton	Property owner of two East Bremerton commercial buildings (Wheaton Way at Hollis Street) requesting road improvements in that area, behind East Towne Center.	The areas in question are on private property, thus will not be addressed within Comprehensive Plan Update. As development occurs in the East Towne Plaza and surrounding area, the City may require improvements to the driveways and access roads. Encouraged her to work with her neighboring property owners.
63	Unknown	8/18/2015		Bremerton	Supports including Non Motorized Transportation review in city planning.	Received at the Planning Commission Open House. Staff appreciates the support for non motorized transportation as an element of the Comprehensive Plan.
64	KAPO John Taylor	8/5/2015	P.O. Box 1861 Poulsbo, WA 98370	Poulsbo	Request at City Council: Supports the City's plan to expand boundaries, however requested more information.	City Council responded to request with a letter dated August 12, from City Council president with links to Annexation Fiscal Analysis Studies, Comprehensive Plan Update, Countywide Planning Policies documents, and the Kitsap County Buildable Lands Report.
65	Nathan Mann	9/1/2015	1016 NE Forest Rock LN #125	Poulsbo	Owner of property: 1105 E. 31st Street (0.23 acres). Currently is zoned Commercial Corridor, and Staff is proposing to redesignate the property as Low Density Residential. Owner is planning on having business in location and would like to see it remain as commercial designation.	Staff is proposing to redesignate three parcels from commercial designation to residential designation that abut Eagle Avenue. Eagle Avenue is a residential street in nature, and commercial businesses may bring additional traffic to a relatively quiet residential street. At the time of proposal, this property is developed with a single family residence.
66	Anonymous	10/5/2015	Unknown	Unknown	Poem sent in via Postcard.	Provided to Planning Commission for their consideration.
67	Paul McConkey	10/15/2015	1723 Pennsylvania Avenue	Bremerton	Zoning Code request: please consider off-premise signage for directional traffic. As people cannot find a business (like Penn Plaza), the additional signage would help businesses.	Planning Commission will deliberate on zoning code (Bremerton Municipal Code Chapter 20) changes in the beginning of 2016 as part of the Comprehensive Plan Update (to ensure compliance with updated Comprehensive Plan and the zoning code). In 2005, off-premise signs became prohibited, largely based on prohibiting billboards throughout the City.

	Commenter	Date	Address	City	Comment Summary	Staff Response Regarding Comprehensive Plan Update
68	Priscilla Bailey	10/14/2015	Unknown	Bremerton	Supportive of City Service policy for underground utilities. Would like to see that happen on Wheaton Way.	Commented noted and passed to Public Work for any future proposals. Informed commenter that underground utility work would come when development happens on Wheaton Way, so no proposals currently, but will be considered when development comes.
69	Jared Kono	10/27/2015	Unknown	Gig Harbor	Interested in buying lot on Oyster Bay if it allows self service car washes.	Proposed to designated General Commercial. It will be part of the Planning Commission's next task to update the Zoning Code. It is likely that this use may be permittable within that designation.
70	Joe Zukauskas	11/12/2015	2312 E. 11th St	Bremerton	Having issues with neighbor at 1100 Perry Avenue (Der Blokken) including noise, and parking. Would like property undesignated as commercial.	Staff is not supportive of the redesignating a commercial property with an existing business to a non-commercial designation. If redesignation was supported, this business would become a nonconforming use, and would be able to continue until such time that its nonconforming status was terminated (such as ceasing business operations for more then a year). Provided general information about noise and parking but not a specific topic for this Comprehensive Plan Update.
71	Pamela Sparks	11/17/2015	1800 Ohio Ave	Bremerton	Challenged environmental threshold determination and adoption of existing environmental documentation.	Staff provided response to provide clarification to questions about the environmental review, and determined no additional addendum was required. Staff's Response Letter is attached to Comment #71.
72	Doug Skrobut	11/20/2015	Unknown	Port Orchard	To assist in achieving the goals of the Land Use Chapter, the City should consider Transfer of Development Rights program.	The Draft Comprehensive Plan has supporting goals and policies that could support a Transfer of Development Rights (TDR) program. The City currently does not have a TDR program.
73	Scott Daniels	11/17/2015	345 6th Street, Suite 300	Bremerton	Appreciate of the continued coordination of the Kitsap Public Health District and the City of Bremerton on working on the Comprehensive Plan Update.	Staff appreciates the work that Kitsap Public Health District has provided. Their contributions can be seen in the in policies in the Land Use, Economic Development and Environmental Element and in the technical analysis provided in the Land Use Appendix.
74	Erine Perez	12/3/2015	Unknown	Unknown	TIK Village Complex would like to subdivide their property and are hopeful that the update will be beneficial especially with higher density.	The Draft 2016 Comprehensive Plan document identifies this area as being redesignated from Low Density Residential to Multifamily Residential. Provided all development regulations can be met, including density, it is possible to subdivide (he is working with Staff on details).
75	Suquamish Tribe	12/8/2015	PO Box 496	Suquamish	Provided feedback on suggested policy revisions, concerns with any Urban Growth Area enlargements, and wanted more information on Shoreline Update	Policy revisions will be made to the Comprehensive Plan (for City Council's draft verision) per Suquamish's request and anticipated Shoreline Master Program update has been provided for the Tribe to consider (relatively minor in nature). As for the Urban Growth Area (UGA) enlargements, the City of Bremerton is coordinating with Kitsap County about relocation of some UGA area to address existing sewer infrastructure. It is not an enlargement as the City will be reducing other UGAs to compensate for the needed area. Coordination with the Tribe will continue.
76	WSDOT	12/21/2015	PO Box 47440	Olympia	Provided feedback on suggested policy revisions for Transportation policies, discussed Level of Service on a State Route, and clarification on tables	Will continue to coordinate with Washington State Department of Transportation. Policies and tables will be revised and Staff is working with WSDOT to determine appropriate Level of Service of State Routes.

Allison Satter

From: pamela_sparks@comcast.net
Sent: Tuesday, November 17, 2015 8:56 PM
To: Allison Satter
Subject: Bremerton Comp Plan 2035 - public comment submittal

The environmental analysis does not address GHG emissions per WA state executive order for reducing such emissions.
The depletion of energy or natural resources analysis does not include a discussion related to the "mineral resources overlay" proposed land use changes.

What City Bremerton justification for not including a Rec/Park's section into the Draft Comp plan to address bicycle routes/trails instead of discussing the purpose/need for bicycle multi-modal projects in the Transportation section - is it because of LAG funding?

AS for BERK Consulting interpretation of the phased environmental review is INCORRECT you cannot phase a programmatic (non-project) EVER. I am challenging this SEPA addendum!
1.4 Phased Environmental Review
SEPA allows phased review where the sequence of a proposal is from a programmatic document, such as an EIS or SEIS addressing a comprehensive plan, to other documents that are narrower in scope, such as those prepared for site-specific, project-level analysis (WAC 197-11-060(5)). Additional environmental review will occur as other project or non-project actions are proposed to the City of Bremerton in the future. Phased environmental review may consider proposals that implement the Plan, such as land use regulations, specific development proposals, or other similar actions. Future environmental review could occur in the form of Supplemental EISs, SEPA addenda, or determinations of non-significance.

Thank you for your consideration.

Sincerely Pamela Sparks
1800 Ohio Avenue
WA 98337

Department of Community Development
345 6th Street, Suite 600
Bremerton, WA 98337-1873
Telephone: 360-473-5845
Fax: 360-473-5278
Allison.Satter@ci.bremerton.wa.us

Allison Satter, Senior Planner

November 23, 2015

Pamela Sparks
1800 Ohio Avenue
Bremerton, WA 98337

re: Comprehensive Plan Comment #71 (Environmental Review) – Staff's Response

Thank you for your comments on the City of Bremerton Comprehensive Plan Update SEPA Addendum. We appreciate your time and review of the document. Each comment is quoted below along with a corresponding response.

Comment 1: The environmental analysis does not address GHG emissions per WA state executive order for reducing such emissions.

Response 1: Chapter 70.235 of the Revised Code of Washington (RCW), Limiting GHG Emissions, codifies the GHG reduction goals of Executive Order 07-02 and specifies them as "limits" rather than "goals." The law also adds a requirement to help achieve the GHG reduction targets: Decrease the annual per-capita vehicle miles traveled (VMT) 18 percent by 2020, 30 percent by 2035, and 50 percent by 2050. The state law applies only to actions taken by Washington State agencies and local governments that receive state funds for their project. State regulations on GHG emissions include prerequisites for distribution of capital funds for infrastructure and economic development projects, where projects receiving funding must be evaluated for consistency with state and federal GHG limits and state VMT goals (RCW 70.235.070).

The present action is a non-project Comprehensive Plan Update, and not a project obtaining state funding. Nevertheless, the City has studied the potential for GHG emissions in two of the EISs adopted by the City in Section 1.3 of the Addendum – the City of Bremerton, South Kitsap Industrial Area Final Planned Action Environmental Impact Statement (Final EIS), March 29, 2012 and City of Bremerton and Kitsap County, Gorst Creek Watershed Characterization & Framework Plan, Gorst Subarea Plan, and Gorst Planned Action, Final EIS, October 8, 2013. In addition, the Draft 2016 Comprehensive Plan has numerous policies to try to help address greenhouse gas emissions, and that draft document can be seen at www.Bremerton2035.com under "Project Documents."

Addendum Section 2.2 A also provides a summary analysis of compact growth and reduction of VMT, leading to GHG reduction. Addendum Section 2.2 C also notes the City's compact growth pattern as helpful for energy reduction. Mitigation points to the City's South Kitsap Industrial Area Subarea Plan and the climate change policies the City is considering in its Comprehensive Plan Update. The proposed Comprehensive Plan Update includes an analysis of different GHG reduction goals and potential actions to reach the goals in the Environment Appendix.

Comment 2: The depletion of energy or natural resources analysis does not include a discussion related to the "mineral resources overlay" proposed land use changes.

Response 2: Addendum Section 2.2 C focuses on energy. The potential for mineral resources extraction is addressed in Addendum Section 2.2 E. Please also see the Land Use element (in the Draft Comprehensive Plan document) for mineral resources policies.

Comment 3: What City Bremerton justification for not including a Rec/Park's section into the Draft Comp plan to address bicycle routes/trails instead of discussing the purpose/need for bicycle multi-modal projects in the Transportation section - is it because of LAG funding?

Response 3: The City has referenced the Parks, Recreation, and Open Space Plan (adopted in 2014) in the Land Use Element (including additional discussions), City Services Appendix and the general Technical Appendices "Adopted Plans".

The Transportation Appendix focuses on citywide and regional mobility and connections; typically, a facility through a park does not provide a significant connection for mobility, but provides a place for people to recreate. If the facility does provide a significant mobility corridor, such as a regional trail, then it is mentioned. All park trails are not typically completely ADA compliant (such as unpaved facilities) and generally not eligible for typical roadway funding sources (STIP, etc.) such as a shared-use path, bicycle lane, sidewalk, etc.

Bremerton has a parks and recreation department that plans, funds, manages construction, maintains, etc. facilities in parks. The City's Parks, Recreation, and Open Space Plan remains in effect and has been referenced in the Land Use Element, City Services Appendix and Technical Appendices as mentioned above.

Comment 4: AS for BERK Consulting interpretation of the phased environmental review is INCORRECT you cannot phase a programmatic (non-project) EVER. I am challenging this SEPA addendum!

1.4 Phased Environmental Review SEPA allows phased review where the sequence of a proposal is from a programmatic document, such as an EIS or SEIS addressing a comprehensive plan, to other documents that are narrower in scope, such as those prepared for site-specific, project-level analysis (WAC 197-11-060(5)). Additional environmental review will occur as other project or non-project actions are proposed to the City of Bremerton in the future. Phased environmental review may consider proposals that implement the Plan, such as land use regulations, specific development proposals, or other similar actions. Future environmental review could occur in the form of Supplemental EISs, SEPA addenda, or determinations of non-significance.

Response 4: The discussion of phasing in Addendum Section 1.4 was not intended to imply the City is deferring analysis of its Comprehensive Plan Update, but rather indicates that future actions that flow from the Comprehensive Plan land use plan or policies (e.g. future implementing regulations or future development projects) would be subject to SEPA review as appropriate.

The City has conducted much review of its Comprehensive Plan and associated subarea plans over time, evidenced by the number of EIS documents the City is adopting (Addendum Section 1.3). The City is retaining the fundamental centers concept adopted in its 2004 Comprehensive Plan, and the policy concepts associated with the plan. The Addendum provides non-project analysis that updates past analysis and puts in context the City's Comprehensive Plan Update in 2016.

Please note the following section of the SEPA rules that support the quoted paragraph from the addendum above:

> *(WAC 197-11-060(5)) (5) Phased review.*
>
> *(a) Lead agencies shall determine the appropriate scope and level of detail of environmental review to coincide with meaningful points in their planning and decision-making processes. (See WAC 197-11-055 on timing of environmental review.)*
>
> *(b) <u>Environmental review may be phased.</u> If used, phased review assists agencies and the public to focus on issues that are ready for decision and exclude from consideration issues already decided or not yet ready. <u>Broader environmental documents may be followed by narrower documents</u>, for example, that incorporate prior general discussion by reference and concentrate solely on the issues specific to that phase of the proposal.*
>
> *(c) <u>Phased review is appropriate when</u>:*

(i) The sequence is from a nonproject document to a document of narrower scope such as a site specific analysis (see, for example, WAC 197-11-443); or

(ii) The sequence is from an environmental document on a specific proposal at an early stage (such as need and site selection) to a subsequent environmental document at a later stage (such as sensitive design impacts).

The City is working towards an adoption date of the Comprehensive Plan by the end of May 2016. As such, there is additional time to comment on the Draft Comprehensive Plan with any follow-up questions or comments. The Comprehensive Plan and all the public documents can be seen at www.Bremerton2035.com (under "Project Documents"). Please feel free to comment through me or the next public meeting will be with City Council (Staff is anticipate deliberating with City Council in the first quarter of next year, starting end of January/beginning of February 2016). I have added you to the interested parties list, thus you will be notified of any upcoming meetings on this project.

Again, we appreciate your time in reviewing this document and hope this helped provide some clarification to your questions.

Best,

Allison Satter
Senior Planner

cc: file

Allison Satter

From: noreply@civicplus.com
Sent: Friday, November 20, 2015 11:39 AM
To: Allison Satter; WebMaster
Subject: [SPAM] Online Form Submittal: Bremerton2035 Comments & Feedback

Importance: Low

Bremerton2035 Comments & Feedback

This is a public forum and any comments made here will be included in the public record. If you wish to remain anonymous, please specifically request so. Thank you for your input.

Name	Doug Skrobut
Contact	doug@mccormickwoods.com
Zip Code	98367
Comments	To assist in achieving goals LU-1 through LU-4, I encourage the City to potentially explore a Transfer of Development Rights program as well as other similar programs.

Email not displaying correctly? View it in your browser.

KITSAP PUBLIC
HEALTH DISTRICT

345 6th Street, Suite 300
Bremerton, WA 98337
360-337-5235

November 12, 2015

Andrea Spencer
Director of Community Development
City of Bremerton
345 6th Street, Suite 600
Bremerton, WA 98337

Dear Ms. Spencer,

Thank you for inviting the Kitsap Public Health District (KPHD) to take part in the review process for the City of Bremerton's Comprehensive Plan Update.

Increasing evidence points to the profound influence that land use planning has on the health of our residents, particularly the impact that land use planning has on physical activity and healthy food access. With nearly 70% of Bremerton residents at an unhealthy weight, KPHD's engagement in this review process is critical to fulfilling our 2011-2021 Strategic Plan goal of "decreasing chronic diseases and their impact in our community".

In our review of Bremerton's Comprehensive Plan, we drew from regulatory and non-regulatory resources to integrate language and policies that promote health. Additionally, with funding from the Centers for Disease Control and Prevention, KPHD had the opportunity to consult with Alta Planning and Design, whose mission is to "create active communities where bicycling and walking are safe, healthy, and fun". Alta's expert staff thoroughly reviewed Bremerton's Comprehensive Plan and offered KPHD specific guidance on relevant policy recommendations to promote public health. We have largely incorporated Alta's recommendations in our comments regarding the Comprehensive Plan.

We invite dialogue with the City on how we can further support the plan review and implementation process. We offer our expertise regarding the evidence base for built environment and food system policies and our knowledge of health statistics in Bremerton and the greater community.

Thank you again for inviting us to engage in this important process.

Sincerely,

Scott Daniels
Administrator

Comments to Allison Satter, Senior Planner
City of Bremerton DCD

Regarding City of Bremerton
Comprehensive Plan

RECEIVED
DEC 0 3 2015
City of Bremerton, DCD

Propose the rectangular area described below be rezone to allow a higher density.

> Boundaries of approximate rectangular area: Sylvan Way on the north, Sheridan Rd on the south. Pine Road on the west side and Phillips Ave on the east.

I believe this rezoning action will allow the City of Bremerton to expand more effectively in the next 20 years.

Of particular interest to me is the TIK Village Complex located at the intersection of Sylvan Way and Pine Rd. The complex is currently condominium, is very attractive and well maintained. The owners would like to convert it to a non-condominium complex which would result in seven individually stand alone properties. The complex has a very desirable feature in that the area is sufficiently large enough to accommodate current buildings (six duplexes and one six unit building) with ample room between them.

By rezoning the rectangular area described above, to higher density, it would allow the conversion of TIK Village from condominium to non-condominium.

Thank you.

Ernie Perez
(360) 271-2519
eperez2666@aol.com

PHONE (360) 598-3311
Fax (360) 598-6295
http://www.suquamish.nsn.us

THE SUQUAMISH TRIBE
PO Box 498 Suquamish, WA 98392-0498

December 7, 2015

Allison Satter
City of Bremerton
345 6th Street, ste. 600
Bremerton, WA 98337

RECEIVED
DEC 07 2015
City of Bremerton DCD

Subject: City of Bremerton Comprehensive Plan Updates 2015

The City of Bremerton lies within the Suquamish Tribes "Usual and Accustomed Fishing Area" (U & A). The Tribe seeks protection of all treaty-reserved natural resources through avoidance of impacts to habitat and natural systems. The Tribe urges the City of Bremerton (City) to avoid land use decisions that will impact natural resources within the Tribes U & A. The Tribe has reviewed the draft and found that the document was detailed and gave a good indication of the vision that the City has for future growth. The Tribe has the following comments.

Draft Comprehensive Plan

Page LU-9 Implementing Policy LU3(K). Text states that LID BMP's will be allowed in critical area buffers and will potentially count towards critical area buffer enhancement. The Tribe requests that this be removed or explained in more detail. It is very concerning if left as is.

Page LU-9 Implementing Policy LU4(A). All cultural resources need to be preserved not just "significant" ones.

Page LU-16 Implementing Policy LU2-Cen(A). Streamlining environmental permitting is acceptable if there is a mechanism for meaningful consultation with the Tribe for protection of treaty cultural and natural resources.

Page LU-19 Implementing Policy LU1-DC(D). Does this refer to critical area buffers? See comment for LU3(K) above.

Page E-7 Implementing Policy E2(C). Include mitigation sequencing language. The emphasis should be on avoidance and if mitigation is determined to be necessary there should be a detailed description of what efforts were taken to avoid impacts to the extent possible.

Page E-7 Implementing Policy E2-(E). Include protections for important headwater wetlands and priority habitat areas.

As per the most recent buildable lands analysis the City has enough area currently to address the population and there is no need to expand the UGA at this time. To do so without appropriate need would violate the GMA. The planned future expansion into the Kitsap Lake, NW Corporate Campus and Port Blakely properties will undoubtedly have impacts on fish and wildlife resources. It will be important to review any proposals in these areas thoroughly and ensure adequate protection measures are provided.

Kitsap Lake Neighborhood Reserve Center

The Tribe has concerns with more intensive development and build-out in the Kitsap Lake area. The Chico Creek drainage is one of the largest and most productive in East WRIA 15. Almost 68 miles of streams and tributaries compose the Chico Creek watershed, of which approximately 17 miles are accessible to anadromous salmonids (Kitsap Refugia Study). The four major tributary streams to Chico Creek include Kitsap, Dickerson, Lost, and Wildcat creeks. There are also two major lakes in the watershed, Kitsap and Wildcat lakes. Chico Creek enters Chico Bay on the western shore of Dyes Inlet at the community of Chico. The drainage supports chinook, chum, coho, steelhead, and cutthroat. The Mountaineers have acquired over 400 acres of pristine habitat at the junction of Lost/Wildcat/Chico creeks that should provide essential long-term habitat protection; this acquisition includes one of the only remaining stands of old growth on the Kitsap Peninsula. Kitsap Creek, between Kitsap Lake and the mainstem of Chico Creek, is critical habitat for chum, steelhead (ESA listed), and coho.

Northwest Corporate Campus

The Northwest Corporate Campus is within the watershed of Anderson Creek, which is a salmon-bearing stream. Anderson Creek has documented populations of spawning anadromous fish including coho, chum and steelhead (ESA listed) in the lower reaches and likely resident fish in the upper reaches. In addition, there is a documented active bald eagle nest outside the north boundary of the project site.

Proposed uses involve construction of an industrial park including associated roadways and stormwater management. The associated impacts of this type of development are well documented in scientific research. *See, e.g. Urbanization of Aquatic Systems - degradation Thresholds and the Limits of Mitigation, Derek B. Booth and C. Rhett Jackson (1994); Urbanization and the Natural Drainage System - Impacts, Solutions, and Prognosis, Derek B. Booth (1991); Consequences of Urbanization on Aquatic Systems - Measured Effects, Degradation Thresholds, and Corrective Strategies, Derek B. Booth and Lorin E. Reinelt (1993); Site Planning for Stream Protection, Tom Schueler (1995); Policy of Washington Department of Fish and Wildlife and Western Washington Treaty Tribes Concerning Wild Salmonids; Washington Department of Fish and Wildlife Management Recommendations for Washingtons Priority Habitats – Riparian.*

For instance, Booth and Reinelt state: "[U]rbanization imposes a variety of watershed changes that profoundly affect runoff processes and the downstream surface-water drainage system. These changes include not only the most obvious manifestation of urban development, namely impervious surfaces which cover the land, but also the associated vegetation clearing, soil compaction, water

conveyance modifications, riparian corridor alterations, human intrusion, and import of chemical contaminants that invariably accompany such development". Booth and Reinelt further provide, "The data ... indicate that [salmonid] population changes may be measurable at rather low levels of urban development and become quite significant much beyond 10-15 percent [overall impervious surface within a watershed]". Intense development in this area is not appropriate despite current zoning.

Port Blakely Employment Center

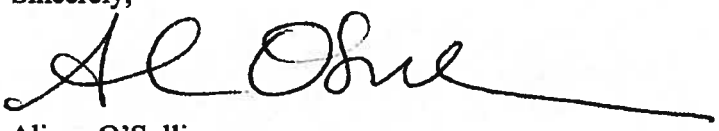
The Port Blakely Employment Center lies partially within the Chico Watershed (see comments above on the Kitsap Lake Neighborhood Reserve Center regarding the Chico watershed and Kitsap Creek). In addition Dickerson Creek is an important chum, coho, and steelhead (ESA listed) spawning and rearing stream. As stated previously higher intensity land uses often result in impacts to wetlands and streams from increased disturbance, buffer impacts, pollution, runoff, and other activities that could occur under the proposed zoning.

Shoreline Master Program and Critical Areas Ordinance

It is the Tribes understanding that the City is considering a SEPA exempt process for any updates that are made. Without knowing what changes are being proposed we are unable to determine whether this is appropriate or not. The Tribe requests staff-level government to government consultation on updates/changes and an adequate opportunity to review and comment on documents prior to submittal to the Department of Ecology to ensure protection of Tribal treaty resources.

Thank you for the opportunity to provide these comments. If you have any questions or would like to discuss these comments, please contact me directly at (360) 394-8447.

Sincerely,



Alison O'Sullivan
Biologist, Environmental Program

Washington State Department of Transportation

Lynn Peterson
Secretary of Transportation

Olympic Region
5720 Capitol Boulevard, Tumwater
P.O. Box 47440
Olympia WA 98504-7440
360-357-2600 / FAX: 360-357-2601
TTY: 1-800-833-6388
www.wsdot.wa.gov

December 17, 2015

RECEIVED
DEC 2 1 2015
City of Bremerton, DCD

Ms. Allison Satter
Senior Planner
City of Bremerton
345 6th Street, Suite 600
Bremerton, WA 98337

RE: Proposed Amendments to the City of Bremerton Comprehensive Plan

Dear Ms. Satter:

Thank you for allowing the Olympic Region of the Washington State Department of Transportation (WSDOT) the opportunity to review and comment on the proposed amendments to the Comprehensive Plan. We recognize the investment of time and energy that this document represents, and we appreciate the opportunity to comment. The following comments are provided for your consideration as the City completes its update.

We are overall pleased to see the policy direction in this plan – focused on building a multimodal system and land uses that fosters a livable community — providing people access to affordable and environmentally sustainable transportation rather than just completing the connections.

We have comments about the following that you should address before you adopt your plan and development regulation amendments:

Page T-10 of Transportation, Element 5, Policy TR1 (D) and Page 25 of T Appendix; As noted on page 21 of the T Appendix, SR 310 is designated a Highway of Statewide Significance (HSS) and as such the Level of Service Standard (LOS) is set by the WSDOT. WSDOT has established a LOS standard of "D" for SR 310. On page T-10 and page 25 of the appendix the plan states:

> *"Maintain LOS E or better (V/C less than or equal to 1.0) in the SR 303 (Warren/Wheaton) corridor, Kitsap Way (SR 310), Sylvan Way, and on the Manette Bridge"*

Being a HSS route, Kitsap Way (SR 310) <u>should maintain LOS D or better</u>, not LOS E as noted in the plan. Therefore, policy TR1 (D) should be revised accordingly.

GMA requires local governments to identify state transportation system needs to meet demand, consistent with the statewide multimodal transportation plan.[1] Since Marine Drive and Kitsap Way (SR 310) intersection is already LOS E approaching LOS F, as noted in Figure 11 on, page 24 of the T Appendix, the intersection needs to be addressed.

Page 7, T Appendix; last sentence; the sentence mentions SR 30, since there is no SR 30 in Bremerton, should it read SR 303?

Table 10: PSIC-Bremerton Projects (20+), Section 5: Implementing the Transportation Plan; on the line titled 'State Highway Projects' under the column identified as 'Developers' should be marked. The SKIA subarea plan and EIS identified potential mitigation that developers could be directed to implement such as intersection improvements, therefore one source to contribute to project funding on the state system is through developers.

Again we thank you for the opportunity to review and comment on the proposed comprehensive plan update. If you have any questions related to this letter please contact George Kovich of my office at (360) 704-3207.

Sincerely,

Dennis L. Engel, P.E.
Transportation Planning Manager

DE:yl
GK

cc: Joyce Phillips, Commerce
Yorik Stevens-Wajda, PSRC

[1] "Identification of state and local system needs to meet current and future demand. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW." RCW 36.70A.070(6)(a)(iii)(F)