

**ORDINANCE NO. 5389**

**AN ORDINANCE** of the City Council of the City of Bremerton, Washington, for the 2019 Comprehensive Plan docket to amend the Comprehensive Plan to modify the Multifamily Residential District, and to change the Land Use Maps for two areas: (1) between 15<sup>th</sup> and 19<sup>th</sup> Street and Rainier and Naval Avenue from Multifamily Residential to Medium Density Residential and (2) on Werner Road from Industrial to Low Density Residential; and

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

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

WHEREAS, the City adopted an area-wide land use classification and zoning for the Comprehensive Plan: Land Use Map (Ord. No. 5299) and Zoning Map (Ord. No. 5301) on May 18, 2016; and

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

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

WHEREAS, the zoning code and maps must be consistent with the Comprehensive Plan, therefore a concurrent ordinance (Ordinance Number 5390) is being considered to amend the zoning code and maps to maintain consistency; and

WHEREAS, the Planning Commission conducted two workshops on the 2019 Comprehensive Plan amendments and associated Zoning Code changes proposal on April 22 and June 17, 2019 which throughout the processes the Commission received written comments and various verbal testimonies; and

WHEREAS, on July 2, 2019, the Washington State Department of Commerce was notified of the City’s Comprehensive Plan Amendment docket for 2019; and

WHEREAS, on August 8, 2019, a SEPA Determination of Nonsignificance was issued for amendment docket items with a 14-day comment period; and

WHEREAS, on September 6, 2019, the public was notified by a legal advertisement in the Kitsap Sun of the opportunity to make comment and participate in the public hearing by the Planning Commission; and

WHEREAS, on September 16, 2019, the Planning Commission conducted a public hearing on the 2019 Comprehensive Plan Amendment Docket, and the Planning Commission recommended the City Council make recommendations on the amendments as presented; and

WHEREAS, on December 6, 2019, the public was notified by a legal advertisement in the Kitsap Sun of the opportunity to make comment and participate in the public hearing by the City Council; and

WHEREAS, on December 18, 2019 the City Council conducted a public hearing and considered all testimony prior to their decision; and

WHEREAS, the proposal meets requirements of the GMA; and

WHEREAS, the proposal is consistent with Kitsap County Countywide Planning Policies (“KCCPP”); NOW, THEREFORE,

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

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

**SECTION 2.** The findings and conclusions adopted by the Planning Commission on September 16, 2019 and attached hereto as **Exhibit A** are adopted and incorporated as if set forth fully herein.

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

- **Amendment #1.1 Modify the Multifamily Residential District.** Amend the Multifamily Residential District within the Comprehensive Plan’s Land Use Element (page LU-34), more particularly described in **Exhibit B** affixed hereto, as follows:
  - a. Increase permissible density from 20 units per acre to 40 dwelling units per acre;
  - b. Rename District to High Density Residential (HDR); and
  - c. Due to the renaming of this district to High Density Residential (HDR), all Land Use Maps are updated as illustrated in **Exhibit C** for the name change.

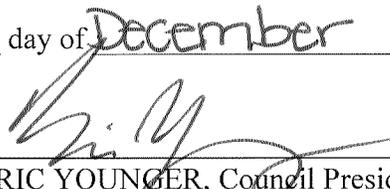
- Amendment #1.2 Modify the Land Use Maps. As this ordinance will increase the Multifamily Residential permissible maximum density, the 25 acres between 15<sup>th</sup> and 19<sup>th</sup> Street and Rainier and Naval Avenue area, known as the general area of Anderson Cove, shall have a land use designation change from Multifamily Residential (MR) to Medium Density Residential (MDR). This modification will allow this area to maintain the current district's permissible density as MDR is the comparable zoning designation to the existing density. The subject area to be changed from MR to MDR is shown in a close-up map in **Exhibit D** and incorporated in the new official Land Use Map #2 which is part of **Exhibit C** affixed hereto.
- Public Request to revise Land Use Maps on Werner Road. Revise the Land Use map for approximately 22.5 acres on Werner Road to change the land use designation from Industrial to Low Density Residential district, more particularly described in the close-up map as shown in **Exhibit E** and incorporated in the new official Land Use Map #4 which is part of **Exhibit C** affixed hereto.

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

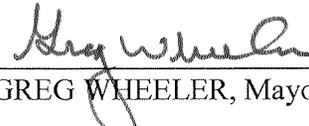
**SECTION 5. Severability.** If any provision of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remainder of this ordinance. Provided however, that if any provision of this ordinance is held invalid or unconstitutional, then the provision in effect prior to the effective date of this ordinance shall be in full force and effect for that individual provision as if this ordinance had never been adopted.

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

PASSED by the City Council the 18th day of December, 2019.

  
ERIC YOUNGER, Council President

Approved this 19th day of December, 2019.

  
GREG WHEELER, Mayor

ATTEST:

APPROVED AS TO FORM:

  
ANGELA HOOVER, City Clerk

  
ROGER A. LUBOVICH, City Attorney

PUBLISHED the 21st day of December, 2019.  
EFFECTIVE the 31st day of December, 2019.  
ORDINANCE NO. 5389

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

2019 Annual Comprehensive Plan Amendment and associated Zoning Code changes for revisions to the Multifamily Designation and change mapping for 22.5 acres from Industrial to Low Density Residential.

### **I. FINDINGS OF FACT**

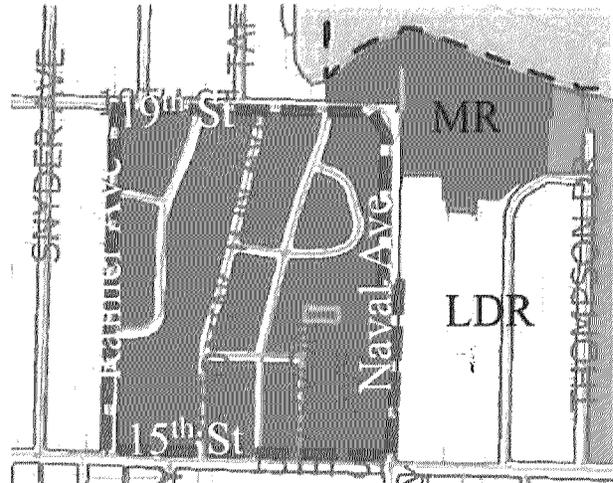
1. **Project Description:** Comprehensive Plan Annual Docket for 2019 and associated Zoning Code changes.

The City adopted an updated Comprehensive Plan in June 2016. Comprehensive Plan amendments are processed on an annual cycle to allow for changes to the Plan that reflect conditions that may not have been addressed prior or since the Plan's adoption. Amendments to the City's Comprehensive Plan and Zoning Code are regulated by Bremerton Municipal Code (BMC) 20.10: Comprehensive Plan Amendments and BMC 20.18: Text Amendments.

The Planning Commission considered two annual amendments in 2019, with one City-initiated proposal (Amendment #1) and the other is a public-initiated proposal (Amendment #2). A summary of the Planning Commission's recommendation to City Council on said amendments, including a minority report, is provided at the Conclusion section at the end of this report. The following is a summary of the two amendments and the modifications to the amendments through the Planning Commission's process.

1. **Amendment #1: Modify the Multifamily Residential (MR) District.** The proposal includes revising the Multifamily Residential (MR) district in the following ways:
  - (a) Rename the Comprehensive Plan and Zoning Code from Multifamily Residential District to be the High Density Residential District; and
  - (b) Increase the permissible density from 20 dwelling units per acre to 40 dwelling units per acre;
  - (c) Modify the Multifamily Residential (R-18) code in BMC 20.79 to be consistent with the Comprehensive Plan changes. Changes to the code include decreasing the permissible maximum height when adjacent to Low Density Residential zone, increasing the allowable lot coverage, increasing the permissible density, and requiring large new multifamily projects to include a portion of their lot to open space (trails, playground, water feature, etc.).
  - (d) No expansion of the MR District. The Multifamily Residential land use designation is not being applied to any new areas of the City at this time.

- (e) As a result of public comments, the Planning Commission made a recommendation to modify the areas where MR was applied. The Commission received testimony and had significant discussions regarding the increase permissible density in the MR district and determined that the area of Anderson Cove (which is predominately duplexes) should maintain its existing density and thus should be removed from the area that will see an increase in permissible density. To maintain a comparable density of the existing MR district, the proposed recommendation is to modify the land use designation around Anderson Cove from MR district to Medium Density Residential (MDR). The area is approximately 25 acres and is shown in the map at the right.



Area shown in red-dash is proposed to be Medium Density Residential (MDR) instead of the current Multifamily Residential (MR).

2. **Amendment #2: Public Request: Revise Land Use Map and Zoning Map (rezone) for approximately 23 acres area on Werner Road from Industrial (I) to Low Density Residential (LDR)** (site address includes 9000 Werner Road). Tax Parcels include: 202401-4-002-2003, 202401-4-001-2004, 4597-000-001-0000, 4597-000-076-0000, 4597-000-085-0009, 4597-000-096-0006, 4597-000-099-0003, 4597-000-104-0006, 4597-000-107-0003, 4597-000-108-0002, 4597-000-112-0204, 4597-000-193-0008, 4597-000-217-0000.

2. **Procedural History:**

- 2.1 The Bremerton Municipal Code allows applications for Comprehensive Plan Amendments annually between January 1 and the first business day of April.
- 2.2 On April 22, 2019 the Planning Commission held an informal public workshop to introduce the 2019 Annual Comprehensive Plan Amendment Docket.
- 2.3 On June 17, 2019 Planning Commission held an informal public workshop to further discuss the proposed 2019 Comprehensive Plan Amendment Docket and associated Zoning Code changes.
- 2.4 On July 2, 2019 staff notified the Washington State Department of Commerce the intent to adopt an amendment to the Comprehensive Plan.
- 2.5 On August 8, 2019 staff published the SEPA Determination of Non-significance in the Kitsap Sun and sent out notice to agencies, jurisdictions, and interested parties.
- 2.6 On September 6, 2019 a notice of Planning Commission public hearing was published in the Kitsap Sun and the public was invited to comment.

- 2.7 On September 16, 2019 Planning Commission conducted a public hearing on the 2019 Comprehensive Plan docket and associated Zoning Code changes.
- 2.8 Within that September Public Hearing the Planning Commission recommended the proposed amendments to Council for their consideration.

**3. Public Comment:**

- 3.1 Individuals providing written testimony to the Planning Commission
  - a. D. Manning – strongly opposes proposal to increase density within the Multifamily Residential designation as she is concerned with the increase impacts to the existing neighborhoods and roads/traffic.
  - b. L. Streissguth (two emails) – Strongly opposed proposal to increase density within the Multifamily Residential designation, but was notified with updated information and provide a second comment that she is now in support of the proposal.
  - c. Signatures of 25 residents of the City expressing concern of Amendment #1.
- 3.2 Individuals providing verbal testimony at Planning Commission’s Public Hearing testimony:
  - a. Diane Manning
  - b. James Baxter

**4. SEPA Determination:**

- 4.1 A Determination of Non-Significance was issued on August 8, 2019, with a comment deadline of August 23. No appeals have been filed.

**5. Consistency:**

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

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

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

The amendments have been evaluated with the goals and policies of the Growth Management Act (GMA) and has been found to be consistent with the Act. For the rezone, the GMA requires sufficient area to be provided for future land uses, the City finds that sufficient Industrial area is still maintained for future Industrial uses. The current proposal further supports GMA by having logical boundaries between the two districts (Industrial and Low Density Residential) that follows the topography of the area. Further, the amendments have been evaluated for

consistency with the City's Comprehensive Plan, which was created to achieve the goals of the GMA.

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

The amendments continue to uphold the objectives and goals of the Comprehensive Plan such as:

- For Amendment #1, which is amend the Multifamily Residential District within the Comprehensive Plan and zoning code (BMC 20.79)
  - LU1(A): Designate neighborhoods, communities, and centers throughout the City and encourage the implementation of design guidelines for new development and redevelopment that complement the designated purpose and scale.
  - LU4(C): Provide land use regulations that give opportunities for the community to have fair access to livelihood, education, and resources.
  - LU4(E): Promote healthy communities design that make it easier for people to live healthy lives through coordination with community groups, agencies, and businesses.
  - LU1-MR(A): Provide wider variety in residential designations throughout the city to achieve a greater diversity of housing. Support existing multifamily neighborhoods that enhance the quality of life for the City's existing and future residents.
  - Housing Vision: To encourage the growth of Bremerton by strategically locating a wide variety of housing types throughout the City in a way that protects the environment and fosters community health.
  - Housing Goal H2. Encourage the development of a variety of new housing options and densities to meet the changing needs of Bremerton's residents.
  - Housing Goal H3: H3. Support access to quality and affordable housing for all Bremerton residents.
  - H2(B): Encourage new development to blend with positive characteristics of surrounding neighborhoods.
  - H3(A): Provide opportunities for the production of new housing for all incomes, ages and family types through infill by stimulating growth of non-traditional housing types such as townhomes, carriage units, accessory dwelling units, and duplexes in locations where they will seamlessly infill into the fabric of the existing neighborhoods.
  - H3(E): Eliminate unnecessary regulatory impediments to the development of affordable housing.
  - H4(D): Encourage efficient permit review by eliminating unnecessary regulatory impediments, improving certainty in development regulations, and provide an expedited permit process.
- For Amendment #2, which is to change the Land Use Map and Zoning Code Map for 23 acres from Industrial to Low Density Residential:
  - LU1(A): Designate neighborhoods, communities, and centers throughout the City and encourage the implementation of design guidelines for new

development and redevelopment that complement the designated purpose and scale.

- LU1(D): On an annual basis review and provide amendments, if necessary, to the goals and policies and the Land Use Map to address changing circumstances and/or emergencies.
- LU3(I): Promote infill and concurrent infrastructure improvements in areas that are already developed in order to preserve rural areas, open spaces, and ecological functioning lands within the City.
- LU4(G): Work to ensure that citizens of all cultures, ethnicities, abilities and economic backgrounds have access to the opportunities they need to advance their well-being and achieve their full potential.

5.5 **BMC 20.10.080(b)(3) if the amendment was reviewed but not adopted as part of a previous proposal, circumstances related to the proposed amendment have significantly changed, or the needs of the City have changed, which support an amendment.**

The proposed amendments are not part of a previous proposals, but the City (and the region) is experiencing an affordable housing issues which can be helped by the current proposal. The rezone will allow the opportunity for more housing, and the Multifamily Residential modifications will make areas that are currently developed as multifamily housing more conforming to assist in the redevelopment within these areas.

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

The amendments are compatible with existing land uses and the surrounding development pattern. The Werner Road Land Use map change/rezone is proposing a boundary that aligns with the topography of the site to help establish a natural buffer from the residential uses to the Industrial uses.

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

The amendments will not affect the City's ability to provide urban services though it will benefit the public health, safety and welfare by allowing redevelopment opportunities within existing multifamily neighborhoods, and will improving the land use designations to better fit into the existing topography and community.

5.8 **Consistency with the Zoning Code**

Amendments to the Zoning Code Shall meet the criteria in BMC 20.18.020 and specially subsection (d) and (e) that states that a text amendment may be approved if it is found that it is consistent with the goals and policies of the Comprehensive Plan and it does not conflict with other City, state and federal codes, regulations and ordinances. In addition, it states that, if a Comprehensive Plan amendment is occurring, approval of the Comprehensive Plan amendment

is required prior to or concurrently with the granting of the text amendment. The Planning Commission also reviewed proposed Zoning Code text amendments and map modification concurrently with the Comprehensive Plan amendments to ensure that they do not conflict with other City, state and federal codes, regulations and/or ordinances.

## II. CONCLUSIONS & RECOMMENDATION

Based on the findings above, the Planning Commission concludes that the 2019 Comprehensive Plan Amendment Docket has met the requirements in Bremerton Municipal Code, and therefore recommends the following for approval by the City Council:

- Amendment #1: Multifamily Residential District modifications.
  - (a) Rename the Comprehensive Plan and Zoning Code from Multifamily Residential District to be the High Density Residential District; and
  - (b) Increase the permissible density from 20 dwelling units per acre to 40 dwelling units per acre;
  - (c) Modify the Multifamily Residential (R-18) code in BMC 20.79 to be consistent with the Comprehensive Plan changes. Changes to the code include decreasing the permissible maximum height when adjacent to Low Density Residential zone, increasing the allowable lot coverage, increasing the permissible density, and requiring large new multifamily project to include a portion of their lot to open space (trails, playground, water feature, etc.).
  - (d) No expansion of the MR District. The Multifamily Residential land use designation is not being applied to any new areas at this time.
  - (e) Maintain existing density for the Anderson Cove area. To ensure the current permissible density is maintained for the 25 acres, known as Anderson Cove, the proposed recommendation is to modify the Land Use designation from Multifamily Residential to Medium Density Residential.
    - **MINORITY REPORT:** Vice Chair Wofford voted against this modification to Anderson Cove and would like to see this area remain as Multifamily Residential and is supportive of the proposed increase density of 40 dwelling units per acre. Due to age and condition of the existing housing in this area, an increase in density would help encourage redevelopment and more quality housing in the City.
- Amendment #2: Revise Land Use Map and Zoning Map (rezone) for approximately 22.5 acres area on Werner Road from Industrial (I) to Low Density Residential (LDR) (site address includes 9000 Werner Road).

Respectfully submitted by:

Approved by:

  
\_\_\_\_\_  
Andrea L. Spencer, Executive Secretary

  
\_\_\_\_\_  
Richard L. Tift, Chair

# Land Use

## Designation: Multifamily Residential

### **MR (Multifamily Residential) High Density Residential (HDR)**

#### Purpose/Intent

To provide a high standard of development for residential multifamily type structures and to provide a variety of housing options for a wide diversity of people. This designation should be limited to those neighborhoods that are currently developed with multifamily housing.

#### Location

Neighborhoods that consist primarily of multifamily type structures as mapped.

#### Land Uses

Residential uses of multifamily dwelling units, townhomes, duplexes, and single family attached or detached. Supporting residential uses, such as schools, parks and churches, and nursing homes/senior complexes should be allowed within this designation.

#### Intensity/Density

- ~~20 units per acre~~ 40 dwelling units per acre
- Three stories and supporting residential uses could be up to five stories

#### Character

This designation is generally for areas that generally have an existing intense level of development and includes properties that are primarily multifamily development, such as condominiums, apartments, and senior housing complex/nursing homes. Most structures are one to three story multifamily structures.

#### Multifamily Residential Policies

##### **LU1: Plan for Growth**

*LU1-MR(A): Provide wider variety in residential designations throughout the city to achieve a greater diversity of housing. Support existing multifamily neighborhoods that enhance the quality of life for the City's existing and future residents.*

##### **LU2: Encourage Economic Development**

*LU2-MR(A): Encourage adaptive reuse and preservation of existing commercial spaces that are compatible with the surrounding community.*

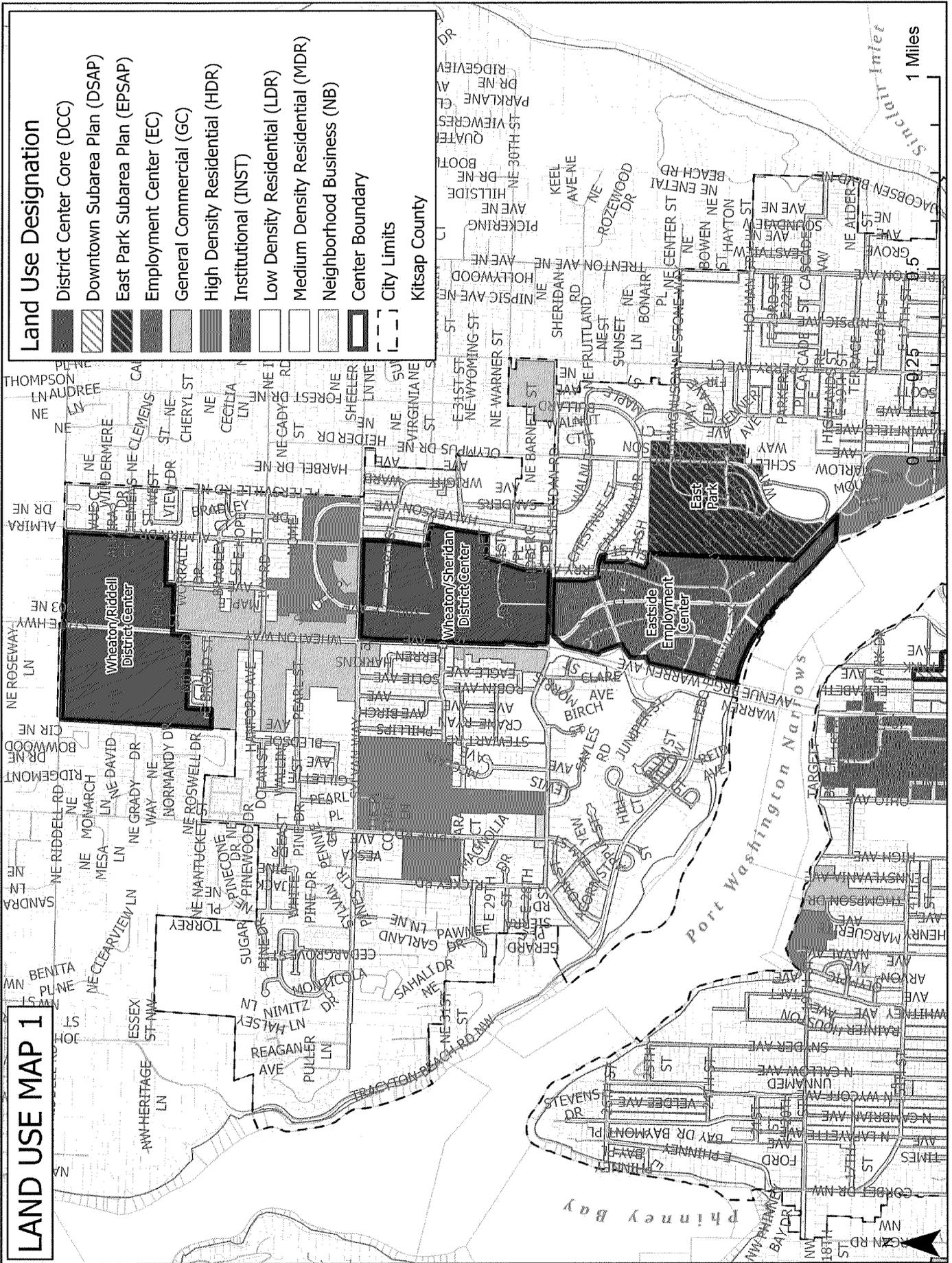
##### **LU3: Protect the Environment**

*LU3-MR(A): Encourage clustering to reduce total site footprint and help maintain natural hydrologic characteristics of the site.*

##### **LU4: Promote Community Health**

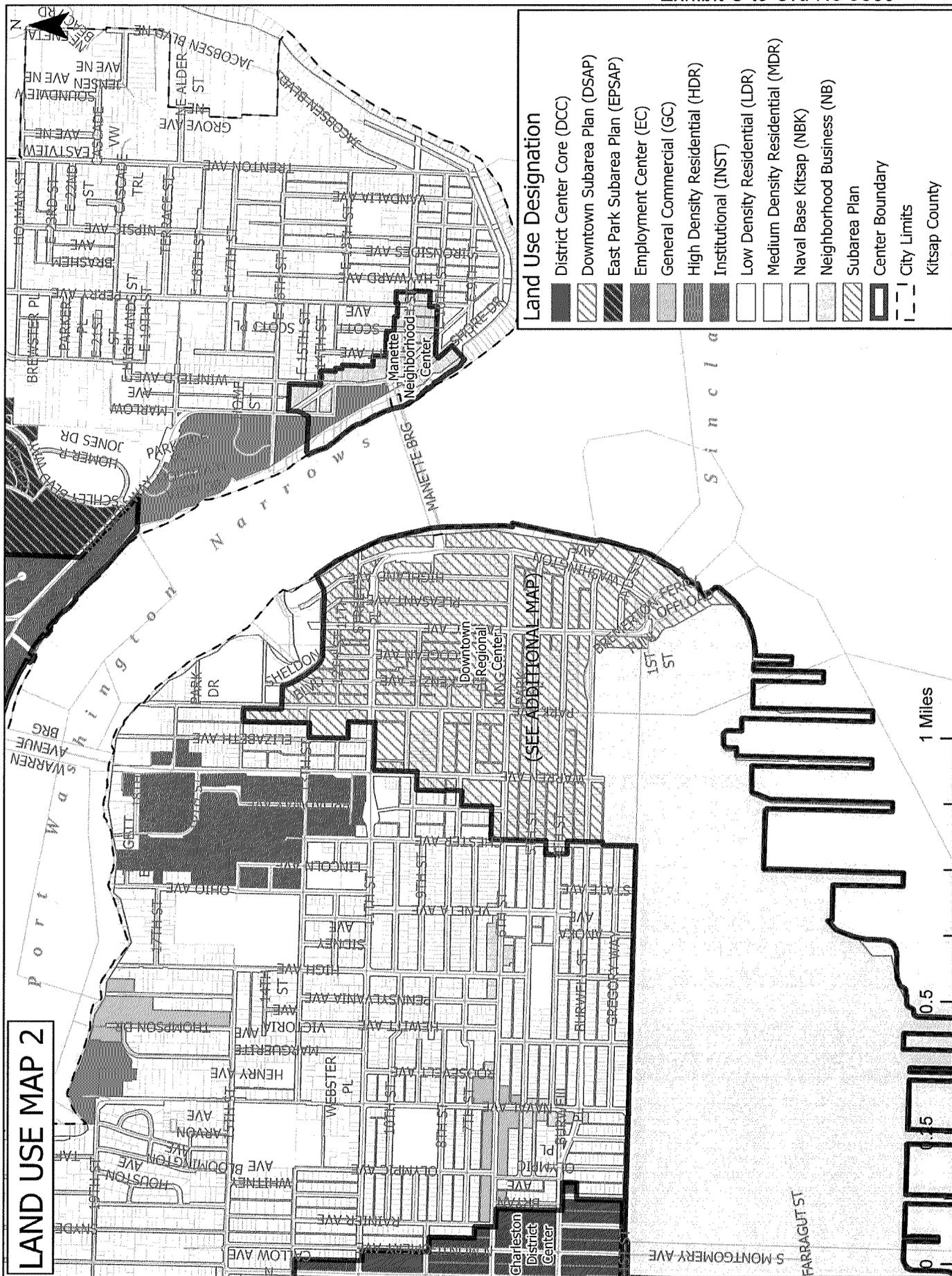
*LU4-MR(A): Promote neighborhoods that foster interaction among residents, contribute to well-being of citizenry, and create and sustain a sense of community and personal safety.*

*LU4-MR(B): Develop pedestrian connections between residential areas and neighborhood services and parks. Ensure street design and orientation that encourage pedestrian and bicycle use.*

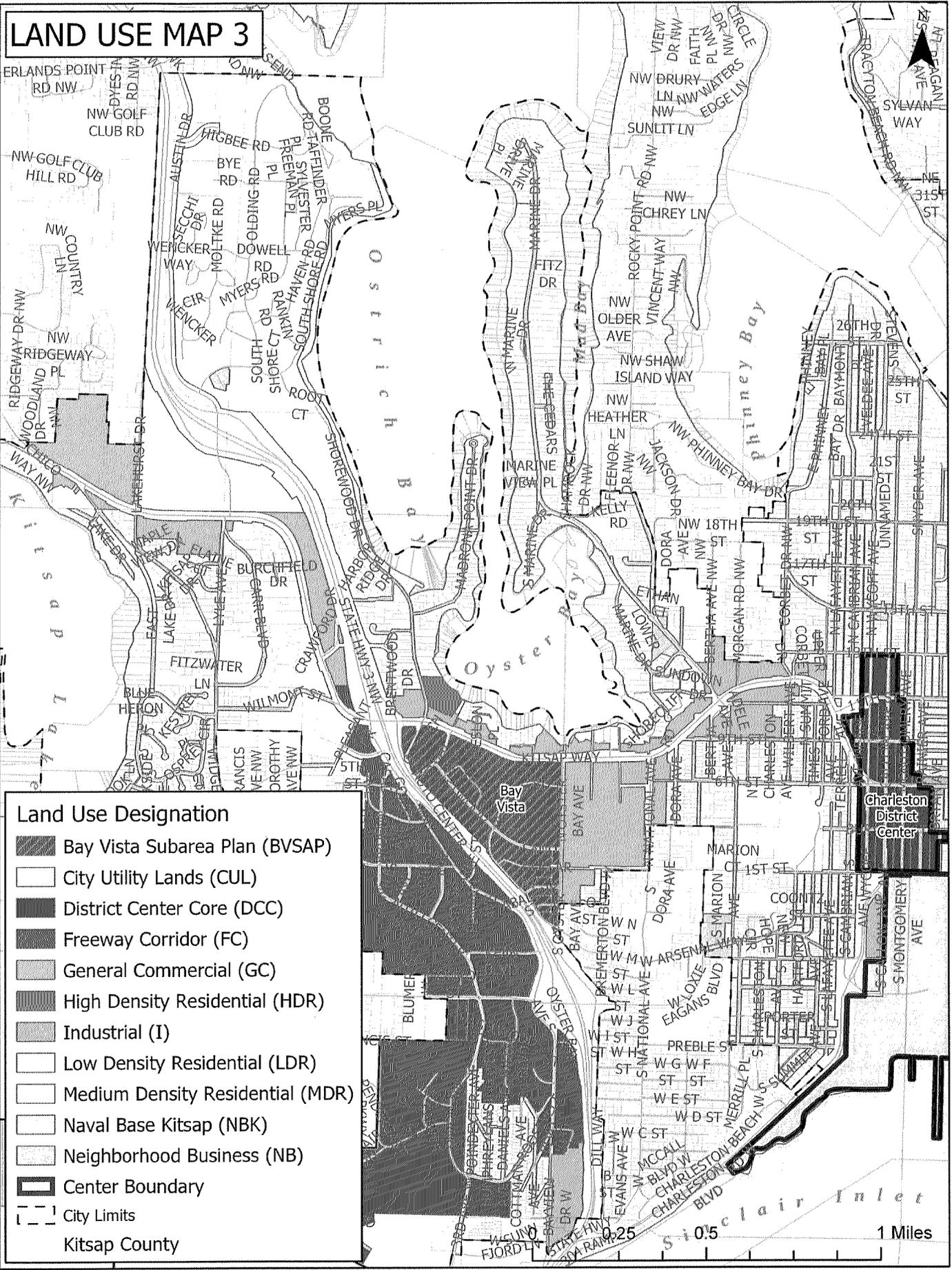


1 Miles





# LAND USE MAP 3



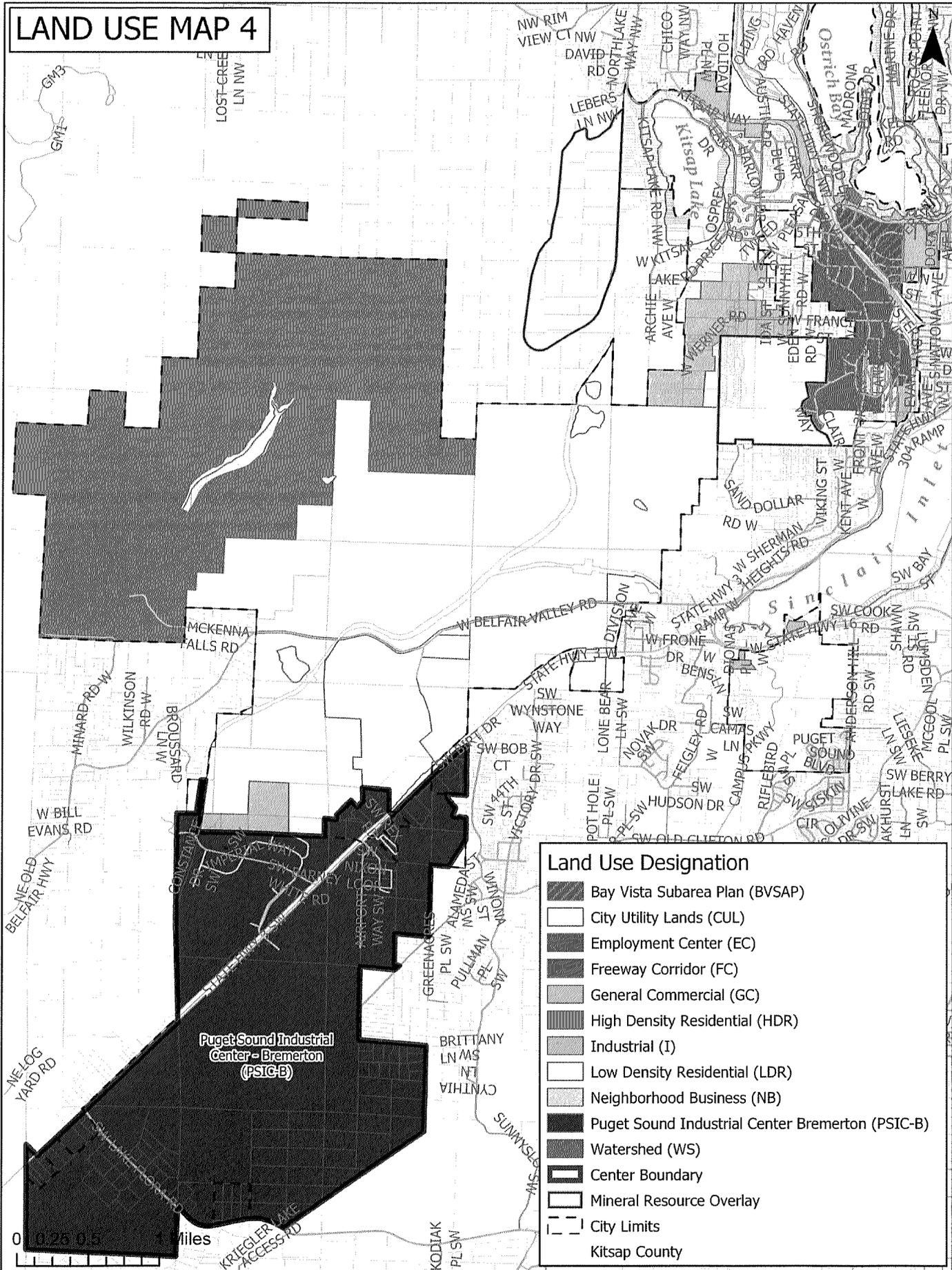
**Land Use Designation**

-  Bay Vista Subarea Plan (BVSAP)
-  City Utility Lands (CUL)
-  District Center Core (DCC)
-  Freeway Corridor (FC)
-  General Commercial (GC)
-  High Density Residential (HDR)
-  Industrial (I)
-  Low Density Residential (LDR)
-  Medium Density Residential (MDR)
-  Naval Base Kitsap (NBK)
-  Neighborhood Business (NB)
-  Center Boundary
-  City Limits
-  Kitsap County

Charleston District Center

1 Miles

# LAND USE MAP 4

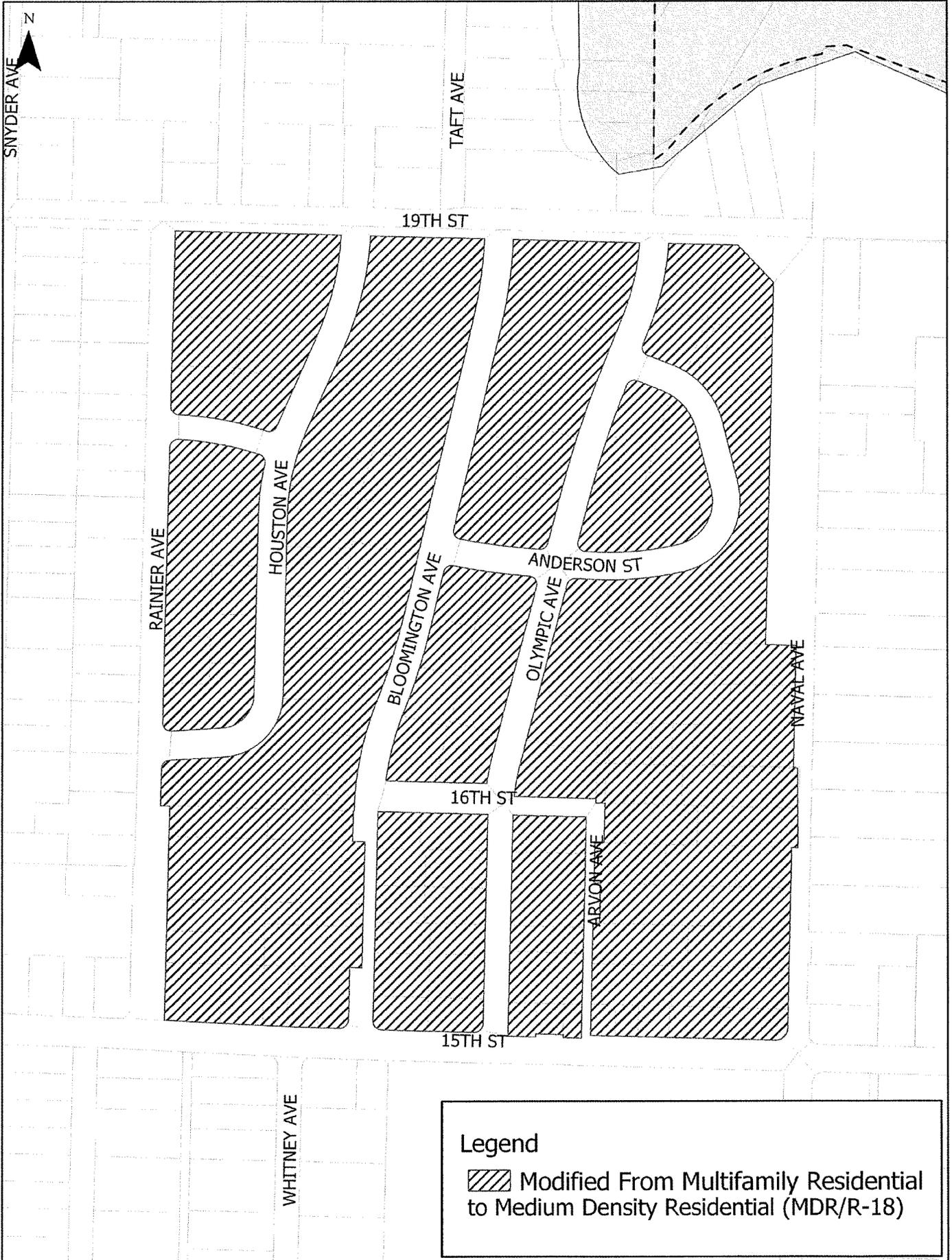


**Land Use Designation**

- Bay Vista Subarea Plan (BVSAP)
- City Utility Lands (CUL)
- Employment Center (EC)
- Freeway Corridor (FC)
- General Commercial (GC)
- High Density Residential (HDR)
- Industrial (I)
- Low Density Residential (LDR)
- Neighborhood Business (NB)
- Puget Sound Industrial Center Bremerton (PSIC-B)
- Watershed (WS)
- Center Boundary
- Mineral Resource Overlay
- City Limits

Kitsap County

0 0.25 0.5 1 Miles



SNYDER AVE

TAFT AVE

19TH ST

RAINIER AVE

HOUSTON AVE

BLOOMINGTON AVE

OLYMPIC AVE

ANDERSON ST

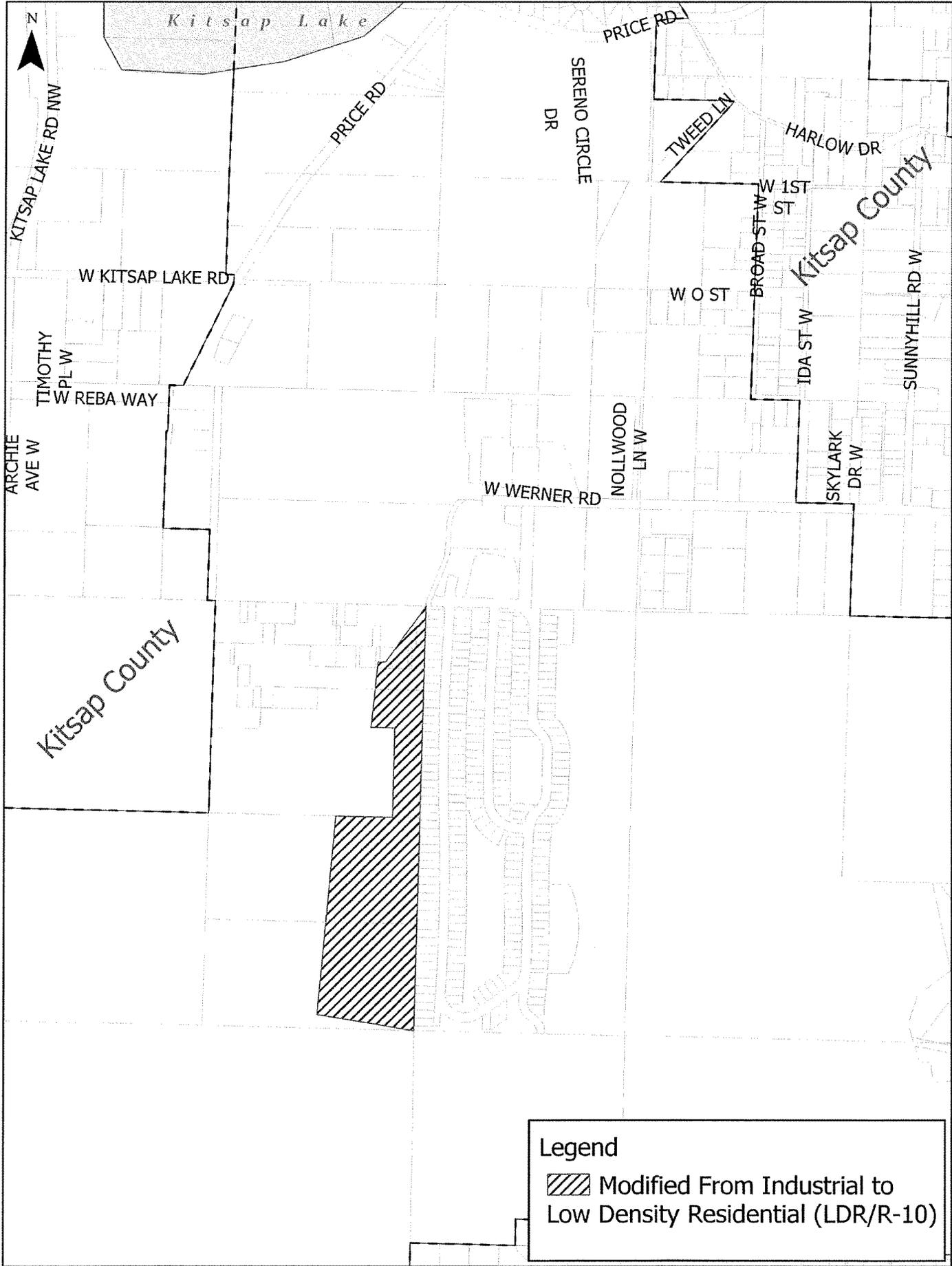
NAVAL AVE

16TH ST

ARVON AVE

15TH ST

WHITNEY AVE



**Legend**

 Modified From Industrial to Low Density Residential (LDR/R-10)