

(DRAFT) AGENDA

**Virtual Meeting – Bremerton Planning Commission
(Subject to PC approval)
September 21, 2020
5:30 P.M.**

Join Zoom Meeting

<https://us02web.zoom.us/j/81553335085?pwd=NXM0eUdWSmlHVnBibm5ya3BaTC94dz09>

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-
- I. CALL TO ORDER**
 - II. CLERK CONFIRMATION OF QUORUM**
 - III. CHAIR CALL FOR MODIFICATIONS TO AGENDA**
 - IV. APPROVAL OF MINUTES:** July 20, 2020 meeting

V. PUBLIC MEETING

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

B. Public Hearing:

- 1. Comprehensive Plan Amendment for the 2020 Docket, related to establishing a minimum density threshold

C. Workshop:

- 1. Discussion of amendments for the Shoreline Master Program (SMP) Periodic Update

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
Monday, October 19, 2020

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

DRAFT

Subject to September 21, 2020 Approval

CITY OF BREMERTON

PLANNING COMMISSION MINUTES OF VIRTUAL MEETING July 20, 2020

CALL TO ORDER:

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

ROLL CALL

Commissioners Present

Chair Wofford
Vice Chair Tift
Commissioner Coughlin
Commissioner Mosiman
Commissioner Rich

Staff Present

Andrea Spencer, Director, Department of Community Development
Allison Satter, Senior Planner, Department of Community Development
Kelli Lambert, Senior Planner, Department of Community Development
Isaac Gloor, Planner, Department of Community Development
Sarah Lynam, DCD Project Assistant, Department of Community Development

Commissioners Excused

Commissioner Pedersen

Others Present

Lisa Grueter, Berk Consulting, Inc.
Radhika Nair, Berk Consulting, Inc.

Quorum Certified

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

COMMISSIONER MOSIMAN MOVED TO APPROVE THE MINUTES OF JUNE 15, 2020. COMMISSIONER COUGHLIN SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

PUBLIC MEETING

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

Chair Wofford asked if there were any comments from citizens. Seeing none, he closed the public portion of the meeting.

Public Hearing: Subarea Plan and Planned Action Ordinance (PAO) for the Eastside Employment Center

Ms. Satter reviewed that this a public hearing on proposed changes to the Bremerton Eastside Employment Center, also called the Harrison Hospital District. For those calling into the virtual meeting, she advised that the PowerPoint Presentation was available on the City's website at www.bremertonwa.gov/eastsidecenter.com. The subject of the hearing is the draft Subarea Plan and draft Planned Action Ordinance (PAO), and the presentation will focus on the changes that have been made since the

last study session based on input received from the Planning Commission and the public. The purpose of this meeting is for the Commission to conduct a public hearing, consider the public testimony, and provide a recommendation to the City Council.

Ms. Satter recalled that at the study session, there was significant discussion about renaming the district to keep the legacy of Angie and Benjamin Harrison alive. The Commission recommended that the name be changed to Harrison Village. Since that time, the Mayor and Parks Director have expressed concern about losing the name of Sheridan Park, which is also special to the area. As a compromise, staff is suggesting that the area could be renamed Harrison Village at Sheridan Park. Once the Commission has recommended a name, all of the associated documents will be revised as appropriate.

Ms. Satter briefly reviewed that, in addition to the Planning Commission's public hearing and recommendation, the City Council will also conduct a public hearing before making a final decision. Staff's goal is to present the proposed subarea plan and PAO to the City Council, along with the Commission's recommendation, in September or early October. Final adoption by the City Council should occur shortly after.

Ms. Satter reviewed that the Planning Commission received the first draft of the subarea plan on March 6th, outlining the three alternatives that were evaluated in the draft Environmental Impact Statement (EIS). At that time, the Commission provided direction on a preferred land use concept. The draft subarea plan was updated per the Commission's direction and presented for a public hearing on June 15th. Following that hearing, the Planning Commission provided more direction and the subarea plan was further revised in preparation for the current public hearing.

Radhika Nair, Berk Consulting, Inc. recalled that, at the conclusion of the June 15th public hearing, the Commission indicated general support for the vision and guidance framework. They also indicated support for the proposed regulatory framework (i.e. overlay district, block frontage and street typologies, dimensional and development standards, parking requirements, open space standards, and incentive program). She said her presentation would focus on the changes made since the last hearing and information regarding the rationale for realigning Wheaton Way. She specifically noted the following:

- **Overlay Districts** – The earlier draft identified a higher Business and Occupation (B&O) Tax Exemption to encourage small businesses within the entrepreneurial overlay in the multi-use zone. However, the Licensing Division voiced concern that the program would be difficult to administer and have only limited benefits. The current draft eliminates the program, but it still promotes the City's existing small businesses in the multi-use zone.
- **Block Frontage and Street Typologies.** The earlier draft indicated further refinement of Callahan Drive to align with the SR-303 Project's preferred alternative. The current draft notes that, while the section shown might work for the short-term, the long-term option would likely include a different cross section with a non-motorized, 13-foot path on the northern side of the street.
- **Dimensional and Development Standards.** The current draft increases the height limit in the Center Residential High Zone (Harrison Hospital site) to 75 feet for sites over 1 acre. In addition, the amount of commercial area allowed was increased from 20,000 to 40,000 square feet. This is based on feedback from the Commission about the need to retain the flexibility that exists with the current zoning.
- **Wheaton Way Realignment:** Currently, lower Wheaton Way curves and creates a 5-point intersection at SR-303. The subarea plan envisions a more direct connection that links up with Spruce Avenue. From an economic standpoint, the realignment would create two sites with good visibility and development potential. From a traffic standpoint, it would correct an inefficient link in the City's system. Because right turns are not allowed from Wheaton Way onto Sheridan Road, a lot of traffic ends up on Cherry Avenue, which is a much smaller street. The proposed alignment would allow both left and right turns, making the system more efficient.
- **Floor Area Ratio (FAR).** FAR is a way to regulate bulk that offers flexibility of floor arrangement under controls that limit gross floor area. As long as developers stay within the maximum density allowed, the number of floors and how much area each floor occupies can vary. The subarea plan identifies a maximum FAR of 3, which is a typical limit used for high-density residential and mixed-use settings outside of downtowns. She shared photographs of existing development in the City to illustrate how the concept might play out in Bremerton. She noted that, typically,

parking space is not counted in the FAR. They were unable to find an existing building with a FAR of 3, but that is the maximum FAR and they don't expect that all development would reach that level.

Ms. Nair said that, once the subarea plan is adopted by the City Council, amendments to the Comprehensive Plan and Zoning Code will be needed to ensure consistency. For example, the Comprehensive Plan Land Use Map will need to be amended to replace the current Employment Center designation with a new designation called Subarea Plan. In addition, the goals and policies in the Land Use Element will need to be amended to refer to the subarea plan goals and policies.

Ms. Grueter reviewed that the PAO was updated to finalize the Preferred Alternative Growth Estimates to reflect the changes to height and commercial space limits in the Center Residential High zone. They also need to complete the State Environmental Policy Act (SEPA) mitigation for transportation, refine procedures based on input from the Public Works Department, and integrate the new name for the subarea. She reminded them that the purpose of the PAO is to facilitate growth that is consistent with the subarea plan. As discussed at the previous hearing, the thresholds by which development is reviewed under SEPA need to be amended so that the mitigation measures can be properly applied.

Ms. Grueter shared a bar chart to illustrate the anticipated growth in population, dwellings and jobs that is associated with each of the alternatives. With the Preferred Alternative, housing would be similar to the Residential Focus Alternative, and jobs would be similar to the existing situation. She noted that, since the last hearing, the number of residential units increased and the number of jobs changed as a result of changes to the formula. A consistency edit is needed on Page 56 of the subarea plan, which shows the numbers before accounting for the additional commercial floor area and height proposed for the Center Residential High zone. She also shared a graph showing estimated PM Peak Hour Vehicle Trips for each of the alternatives. The Preferred Alternative would be similar to the Employment Focus Alternative in terms of traffic trips.

Ms. Grueter advised that the final growth numbers are in, which means the mitigation fee can be finalized. The PAO identifies a number of multimodal transportation improvements for the subarea (See Map). The proposed per trip fee is based on the share of trips that will come from the new growth. The fee can be lowered based on a developer making frontage improvements on the major roadways.

Ms. Grueter summarized that, following the Planning Commission's recommendation, the final EIS will be completed and the draft Subarea Plan and PAO, along with Comprehensive Plan and Zoning Code changes, will be presented to the City Council.

Chair Wofford opened the public hearing and invited public comment.

Brianna Sellick, Bremerton, asked for clarification about the area where the height limit was increased, and **Ms. Satter** responded that the height limit was increased for the area around Harrison Hospital, which has been proposed for Center Residential High zoning. **Ms. Nair** added that the height limit was only increased for sites larger than one acre.

Ms. Sellick said her property was included in the Center Residential High zone, but the height increase would not apply because it is only 1/3 acre. She asked if the height increase would apply to the property where the water tower is currently located. **Ms. Grueter** shared a map to illustrate the location of the Harrison Hospital site and the Madrona Forest, which is outside of the study area. She noted that the proposed height increase is actually consistent with the height that is currently allowed for larger master-planned sites. **Ms. Sellick** asked if the intent is to encourage apartment development. **Ms. Grueter** said the current zoning allows both commercial and residential development, which means the uses can be mixed or developed separately. Attached residential units are already allowed, and the overlay identifies the area where residential attached development is particularly promoted. A specific amount of commercial development would also be allowed in this area. **Ms. Sellick** summarized that the majority of the anticipated apartment development will occur in the Multi-Use zone. She asked what the height limit would be in the Multi-Use zone. She noted that most of her property value is related to the view, which would be lost if a development greater than three stories was allowed next to her property. **Ms. Grueter** said development in the Multi-Use zone could be either residential or commercial. **Ms. Satter** added that the base height limit would be 35 feet, and the maximum height limit would be 65 feet. Currently, the maximum height allowed is 80 feet for residential and 50 feet for non-commercial uses. She said the property where the water reservoir is located is at the top of the Madrona Forest property, and the zoning would remain unchanged.

Ms. Sellick asked if the City has any idea what will be developed on the Harrison Hospital property in the future. She asked that the height limit be reduced for the properties adjacent to her. If not, she said she may be interested in purchasing the lot adjacent to her. **Ms. Satter** said the Planning Commission could recommend a height reduction, but the subarea plan doesn't deal with property ownership or specific development plans. She noted that the maximum height limit would be 35 feet for the small area between Ash Place and Cherry Avenue, which would be zoned Residential Center Low. The Residential Center High zone would have a height limit of 75 feet for properties larger than 1 acre. Smaller properties would be limited to 65 feet in height, which equates to about 6 stories.

Ms. Sellick requested that the property directly adjacent to hers be identified as Center Residential Low rather than Multi-Use. **Ms. Satter** observed that the adjacent property is currently developed with an existing building and a parking lot. She voiced concern about changing the property to Center Residential Low. She noted that the Center Residential High zone is for strictly residential uses, and the Multi-Use zone allows for commercial, mixed-use, or residential development. As proposed, the existing building on the adjacent property could remain as is.

Sally Hass said she owns commercial property at 3231 Hemlock and residential property that borders Wheaton Way. She asked if the City knows anything about future plans for the Harrison Hospital site. **Chair Wofford** said the Planning Commission raised this question at the last hearing, and the future of the site is currently unknown. **Director Spencer** said the only thing they know for certain is that Harrison Hospital will vacate the site at some point. There have been discussions between the Mayor and hospital officials about leaving Bremerton in a place that is good for the community. There have been discussions about demolishing the building so the district can be renovated, but there have been no public commitments.

Ms. Hass voiced concern that she didn't receive a notice for the public hearing. She asked how she could make sure she receives notifications of future meetings. **Ms. Satter** provided her contact information (allison.satter@ci.bremerton.wa.us.com).

Wade Moberg, Bremerton, asked if any consideration was given for making Wheaton Way a dead end at the parcel owned by Harrison Hospital. **Ms. Satter** agreed that the 5-point intersection is not the best situation, and it is not good to have an intersection within 50 feet of the existing interchange. The City recognizes that some changes are needed, and there have been a variety of discussions on the topic, including making Wheaton Way a dead end. However, this current study focused only on the realignment between Callahan Drive and Sheridan Road.

Chair Wofford closed the public hearing

Commissioner Coughlin asked about the area on the northeast corner of the intersection at Callahan Drive and Wheaton Way that is identified as Multi-Use, with a residential overlay. **Ms. Satter** said the property is currently developed with a commercial building. **Ms. Nair** said the thought was that allowing mixed-use development would ensure that development happens in a coordinated way. It is also important to allow some commercial components so that existing development does not become nonconforming.

Commissioner Coughlin said he was under the impression that the maximum FAR would be 3, but the table in Exhibit 13 identifies a FAR of 1.5. He recalled that the Commission's discussion at the last meeting was about increasing the FAR to 3. **Ms. Nair** suggested there is a typographical error because the maximum FAR should be 1.5. Because the sites are small and the height limits are fairly low, it is unlikely the FAR would reach a maximum of 3. **Commissioner Coughlin** asked the downside of raising the FAR to 3. **Ms. Nair** said there would be no downside to raising or even eliminating the maximum FAR because the height, setback and lot coverage requirements would naturally limit the FAR. **Ms. Satter** added that development in downtown Bremerton has a range of between 1.5 and 3 FAR. She said it is important for the properties to develop at the maximum footprint, but she agreed that height and setbacks will become the limiting factor. She expressed her belief that a 1.5 FAR would be appropriate for this subarea. **Ms. Nair** said it is more important to have a minimum FAR, and the maximum FAR could be eliminated. **Commissioner Coughlin** voiced concern that setting the maximum FAR too low might limit opportunities for affordable housing. **Ms. Satter** said that is staff's concern, as well. They want the area to redevelop to its full potential, and staff feels comfortable with the current proposal. However, they will monitor the situation and recommend a change if necessary.

Chair Wofford commented that the recommended name of Harrison Village at Sheridan Park is too long. **Commissioner Coughlin** suggested they consider a hyphenated form, Harrison-Sheridan Village. **Director Spencer** said the Mayor was concerned about losing the Sheridan Park identity. She suggested that the Commission could direct staff to come up with additional options for the City Council to consider. **Commissioner Rich** said she is comfortable with staff taking the newly-flagged Sheridan consideration coupled with the Harrison Village vision and presenting suitable suggestions to the City Council. Both **Chair Wofford** and **Vice Chair Tift** commented that if a longer name is chosen, the public will likely shorten the name depending on how they typically think of the area. The Commissioners agreed to leave it up to staff to propose options for the City Council's consideration that capture the area's history.

COMMISSIONER MOSIMAN MOVED THAT THE COMMISSION RECOMMEND THAT THE CITY COUNCIL ADOPT THE CENTER SUBAREA PLAN, AS SHOWN IN ATTACHMENT I, AND ASSOCIATED PLANNED ACTION ORDINANCE, AS SHOWN IN ATTACHMENT II, BASED ON THE FINDINGS AND CONCLUSIONS IN ATTACHMENT III, PROVIDED LAND USE ESTIMATES IN ATTACHMENT I MATCH THOSE IN ATTACHMENT II. COMMISSIONER COUGHLIN SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

Chair Wofford closed the public hearing.

Director Spencer thanked the Commissioners for their unanimous vote. She also thanked the consultants, Ms. Grueter and Ms. Nair, for their hard work helping staff develop the plan. Ms. Satter did a great job with project management, as well. It was a lot of work, and everyone did a phenomenal job.

Public Workshop: Zoning Code Amendments Adopting Boundary Line Adjustment (BLA) Ordinance

Ms. Lambert presented the proposed Boundary Line Adjustment Ordinance, which would establish a new section in the Zoning Code. She explained that a BLA is a legal method to make minor adjustments to property lines between two legal lots. You can also aggregate lots into one parcel with a BLA, but a BLA can never create new lots or parcels. She shared diagrams to illustrate the types of BLAs.

Ms. Lambert explained that BLAs are commonly used to:

- Resolve boundary controversy between neighbors.
- Consolidate lots into a single parcel.
- Bring a lot into conformance with the zoning code.
- Allow additional development that complies with the zoning code.

Ms. Lambert further explained that BLAs cannot:

- Create a new lot.
- Create a new lot a lot without vehicular access
- Create a lot that is so constrained or encompassed by topography, critical areas, buffers, or shape that it would require a variance or exemption in order for a building site to be allowed.
- Create a lot that straddles multiple zones, multiple jurisdictions, or multiple overlay areas or subareas.
- Reduce the size of a lot so that it contains insufficient area and dimension to meet minimum zoning code.
- Reduce the building setbacks below standard.
- Increase an existing nonconformity.
- Impact current or future water supply, drainage or sewer disposal.
- Be inconsistent with the conditions or restrictions on a recorded plat.

Ms. Lambert said the state allows BLAs, and neighboring cities in Kitsap County (Port Orchard, Poulsbo, and Bainbridge Island) all have BLA ordinances. Kitsap County and Bremerton do not have BLA ordinances, and the City is looking to adopt an ordinance similar to those of the neighboring cities. At this time, a property owner in Bremerton can simply have the BLA recorded at the county auditor's office, and no City approval is required.

Ms. Lambert said that, as proposed, BLAs would be a Type I Permit, which is the same type as a Building Permit (administrative decision with no public notice). In most cases, the applications will be straightforward and quick to review. An applicant would submit an application and pay the fees, and staff would review and provide a decision similar to a Building Permit decision. The permit would be conditioned that the documents must be recorded within one year.

Ms. Lambert commented that, because BLAs are not formally reviewed by the City at this time, they can result in nonconforming situations that property owners are unaware of, Problems with utilities can also come up, as well as violations of a Comprehensive Plan goal. Having a code in place will provide a framework for staff to review BLA applications consistently and ensure that future development meets the zoning and public works requirements.

Ms. Lambert invited the Commissioners to consider any public testimony and then provide direction to staff as they work to develop a draft BLA code and conduct public outreach. A draft amendment will be presented to the Commission for a public hearing and recommendation later in the year.

Vice Chair Tift expressed his belief that the City should have an ordinance in place to govern BLAs. He asked if it would be possible for a BLA to make an existing structure nonconforming. **Ms. Lambert** said staff would review each application to make sure that the resulting lots do not create any nonconforming situations.

Commissioner Coughlin asked if BLAs would require the consent of all affected property owners. **Ms. Lambert** answered that notarized signatures would be required from all affected property owners. **Commissioner Coughlin** said he also supports having a BLA ordinance in place.

Chair Tift commented that it is possible that the two parcels are owned by the same person, in which case, the line could be moved to the advantage of one property over another. **Ms. Lambert** agreed that is possible, but staff would make sure that both resulting lots are still buildable and that no nonconforming situations result from the final lot layout.

Chair Wofford said he also supports having a BLA ordinance in place. He said he anticipates a proposed amendment will come before the Commissioners for a public hearing and recommendation to the City Council before the end of the year. **Ms. Satter** said staff has reached out to the Kitsap Building Association to make sure that developers know of the proposed change. They have also reached out to the realtor group but haven't received a reply. She announced that staff will present amendments to the Shoreline Master Plan to the Commission in September, so the BLA ordinance will not likely come before the Commission until October or November.

BUSINESS MEETING

Chair Report

Chair Wofford reminded the Commissioners that their next meeting will be September 21st, and it will likely be held virtually. The August 17th meeting has been cancelled.

Director Report

Director Spencer said the City is working hard to increase public outreach, and all Planning Commission meetings will be live on Bremerton Kitsap Access Television (BKAT) from this point forward. She was pleased that they had up to 12 attendees at this meeting. They heard last month that there is interest in continuing the virtual meeting option even when the Commission starts meeting again in person. Staff is currently considering options to continue the Zoom opportunity.

Director Spencer said the department is having another record-breaking year for permits, which is amazing given the pandemic and economic downturn. Staff is doing a great job working remotely to process all of the permits.

Chair Wofford said he appreciates that BKAT allows citizens to participate in local government. **Commissioner Mosiman** agreed with the City's desire to increase the public's ability to participate. However, having meetings in person should be a priority. When meeting virtually, it is sometimes difficult to replicate the informal comments that can occur in person. **Director**

Spencer said the idea is that the Planning Commission would eventually meet in person again, but also offer a Zoom and BKAT option for people to participate from home if they want to.

Old Business

There was no old business.

New Business

There was no new business.

ADJOURNMENT

The meeting was adjourned at 6:45 p.m.

Respectively Submitted by:

Andrea L Spencer, AICP
Executive Secretary

Nick Wofford, Chair
Planning Commission

**CITY OF BREMERTON, WASHINGTON
PLANNING COMMISSION AGENDA ITEM**

AGENDA TITLE:	Public Hearing on the Annual Comprehensive Plan Amendments and associated Zoning Code Changes
DEPARTMENT:	Community Development
PRESENTED BY:	Allison Satter, Planning Manager, (360)473-5845, Allison.Satter@BremertonWa.gov
ASSISTED BY:	Isaac Gloor, Planner, (360)473-5281, Isaac.Gloor@BremertonWA.gov

EXECUTIVE SUMMARY:

Comprehensive Plan amendments are processed on an annual cycle to allow for changes to the Plan which reflect current conditions that may not have been addressed prior to or since the Plan’s adoption. Amendments to the City’s Comprehensive Plan are regulated by Bremerton Municipal Code (BMC) 20.10, and applications must be submitted between the first business day in August and November 15th (or the next business day) to be considered in the annual docket for the following year. There is one, City initiated, Comprehensive Plan amendment to be considered for the 2020 docket, along with the associated Subarea Plan and Zoning Code changes. The proposed amendment is to amend the minimum residential density citywide from 5 dwelling units per acre (du/a) to 6 du/a. This Report provides attachments (described on the following page), received public comment, and more information on this proposed amendment.

The tentative schedule for the adoption process is:

September 21, 2020 Public hearing before the Planning Commission

October 19, 2020 City Council Public Hearing (Final Decision)
The City Council date is tentative. Please make sure to be added as an interested party to this item to be notified in advance of the City Council date, or watch the City Council agenda on the City’s website or click [here](#).

ORDERS OF THE DAY

The Planning Commission will conduct a public hearing on the 2020 Comprehensive Plan annual amendments and associated Subarea Plan and Zoning Code changes, and should consider public testimony, and formulate a recommendation for City Council’s decision.

RECOMMENDED MOTION FOR PLANNING COMMISSION:

MOTION: Move to recommend that the City Council adopt the proposed amendments to the Comprehensive Plan and Zoning Code as detailed in this staff report and attachments and based upon the Findings and Conclusions included in **Attachment D**.

ATTACHMENTS:

The following attachments are the Comprehensive Plan Annual Amendments and associated Subarea Plan and zoning code changes for 2020 and documentation of the Planning Commission process. Please note that all revised documents are shown in legislative markup with text additions and deletions shown in red underline and ~~striketrough~~.

- **Attachment A** – Comprehensive Plan’s Replacement Page for Low Density Residential/LDR (page LU-31)
- **Attachment B** – Zoning Code text amendments for BMC 20.60 (Low Density Residential/R-10) and BMC 20.78 (Medium Density Residential/R-18)
- **Attachment C** – Downtown Subarea Plan Replacement Pages for the Multi-Family Residential (1+2) on Page 6-111 and the One and Two Family Residential (R-20) on Page 6-117
- **Attachment D** - Finding and Conclusions of the Planning Commission
- **Attachment E** - Written Public Comments received during this process

OPTIONS FOR THE PLANNING COMMISSION:

At the Planning Commission Public Hearing, the Commission has the following options:

1. Recommend that the City Council adopt the 2020 Comprehensive Plan Amendment and associated Subarea Plan and zoning code changes as developed by Staff and the Commission during the year through public workshops and presented in this staff report and attachments.
2. Recommend the City Council adopt the 2020 Amendment and associated Subarea Plan and zoning code changes as modified by the Commission.
3. Recommend denial of any part of the 2020 Comprehensive Plan Amendment and associated Subarea Plan and zoning code changes.

Why is the City proposing this amendment?

In mid 2019, recognizing the urgent need for solutions to the worsening housing crisis, Governor Jay Inslee signed House Bill 1923 into law. The law contains a menu of incentivized recommendations for municipalities and jurisdictions that aim to increase the supply of residential housing. The City of Bremerton applied for grant money through this law and committed to three of the bill’s recommendations. One of these recommendations was to amend the citywide minimum density to 6 dwelling units per acre (du/a). This amendment would establish a MINIMUM density. The minimum is the floor density citywide that new development would have to develop to. Instead of the current 5 dwelling units per acre, which has a minimum lot size of 8,712 square feet, the proposed amendments are to establish the minimum density at 6 du/a which is a minimum lot size of 7,260 square feet. The MAXIMUM density is not proposed to be changed with this amendment.

In January of this year, the City held a workshop with the Planning Commission to discuss this proposed change, which requires an amendment to the City’s Comprehensive Plan. The Commission requested that the City, in addition to studying the proposed amendment, study a further amendment to the minimum density of 7 du/a. While the City conducted review of this proposal, due to public concern for density increases, it was decided to pursue 6 du/a for the final amendment. In the time since last meeting with the Planning Commission, the City has completed the Buildable Lands Review, which catalogs development and potential within the City. From this, we can determine that the current average subdivision density developed within the City is 10.05 du/a – well above the proposed minimum of 6 du/a.

Also, through the Buildable Lands Review, we identified that some subdivisions appeared to have developed at less than 5 or 6 dwelling units per acre due to the City's standard provision that one lot within a subdivision can be larger than the minimum lot size identified. This provision is not proposed to change as it allows existing development, such as a house, to be placed on a larger lot provided all other lots meet the density requirements.

Example – I have a 1-acre lot with a house, in the R-10 zone, which has a density of minimum 5 du/a and a maximum of 10 du/a, thus to meet density, the subdivision should be a minimum of 5 to 10 lots on the 1-acre parcel. However, due to the existing provision to recognize existing development, one lot can be LARGER than the minimum. As shown in the image below, New Lot A, B, and C are new and must meet the minimum and maximum density. The lot with the existing house (Lot D), can be larger as it is shown below. Lot D is about 0.5 acres and that is allowed per current code, and is not proposed to change.



This proposed amendment to establish a minimum density of 6 du/a is important for the City to consider as the City has a scarce resource of undeveloped and underutilized land. To adopt code to establish a minimum density of 6 du/a, instead of current 5 du/a, will increase the City's assurances that we can provide opportunity for housing for our population growth. If this proposed amendment was adopted, it is consistent with the current development pattern.

In addition, this proposed amendment is consistent with the City Infill Toolkit which proposes options to promote infill development throughout the City. If this amendment passed, for lots that can be subdivided within the existing City neighborhoods would be required to develop to a minimum 6 du/a instead of the current 5 du/a. For lots that are only subdividing one lot to 2 or 3 lots, this new code would not likely be impacted (as the density they can subdivided at would be more impacted by the maximum density requirement and not the minimum density requirement. Again, there is no change proposed to the maximum density requirement at this time.

PUBLIC INPUT

Overall, little public response to the proposed amendment has been received, reflecting the minor status of this change. The City has received one specific comment opposing this amendment, and one comment that is generally supportive of greater residential densities (this comment also contains

several other unrelated comments/suggestions to this topic). Both of these comments can be found in their entirety as part of **Attachment E**.

OVERALL IMPACT

The impact of this change is expected to be minor. This change will only affect new development and subdivisions. For new subdivisions, the maximum square footage of created lots must be 7,260 square feet or less, with the exception that one lot in a subdivision may be larger as long as the overall density is met. It is important to note that the City has not received an application for a subdivision that would not comply with the proposed maximum lot size, and the majority of new development already subdivides at a density equal to or higher than the new proposed minimum.

VISUALIZING DENSITY

The proposed amendment is consistent with current and future development within the City of Bremerton. As density is sometimes hard to visualize, the following are examples of neighborhoods within Bremerton and their density:

***10 Dwelling Units Per Acre on 8th Street, between Olympic Avenue and Rainier Avenue
(lot size average ~4,350sqft)***



***5 Dwelling Units/Acre in Dockside on Osprey Circle between Cormorant and Widegon Ct
(lot size average ~8,700sqft)***



**6 Dwelling Unit/Acre on Dibb Street between Robin Avenue and Eagle
(lot size average ~7,114sqft)**



CONCLUSION:

The City has reviewed the proposed amendments, and compliance with the City's Code requirements for Comprehensive Plan, Subarea Plan, and Zoning Code Amendments. The amendments meet the decision criteria set forth in the BMC, and supports the infill toolkit in the Comprehensive Plan. Therefore, the City suggests that Planning Commission make a recommendation on this proposal. Please see **Attachment D** "Findings and Conclusions" for a detailed analysis of how the proposal is consistent with the BMC decision criteria for amendments.

LDR (Low Density Residential)

Purpose/Intent

To create new and support existing single family neighborhoods.

Location

Residential neighborhoods located throughout the city as mapped.

Land Uses

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

Intensity/Density

- 5 to 10 dwelling units per acre
- Three stories and conditionally allowed uses may be four stories

Character

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

Low Density Residential Specific Policies

LU1: Plan for Growth

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

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

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

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

LU2: Encourage Economic Development

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

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

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

Attachment B: Associated Zoning Code Amendments

The following are the proposed Zoning Code changes associated to the Comprehensive Plan amendment for 2020 to establish a citywide minimum density of 6 dwelling units per acre. The changes are shown in legislative markup with the additions and deletions being red and underlined or ~~strikethrough~~. To see the Zoning Code in its entirety, please visit the Bremerton Municipal Code Title 20 at the following link: <https://www.bremertonwa.gov/399/Zoning-Code-Map>

Low Density Residential Zone (R-10)

BMC 20.60.065: Allowable Density and Lot Area:

The purpose of this section is to establish compatible levels of density within existing neighborhoods. The intent is to allow infill residential development. The following density and lot area standards are applicable to development within the zone:

- (a) Minimum Density. The minimum required density is ~~five (5)~~ six (6) dwellings per acre.
- (b) Maximum Density. The maximum allowed density is ten (10) dwellings per acre.
- (c) Maximum Lot Area. The maximum lot area is ~~eight thousand seven hundred twelve (8,712)~~ seven thousand two hundred sixty (7,260) square feet, with the following exceptions:
 - (1) The lot area may be modified through the approval of a residential cluster development pursuant to BMC 20.58.060;
 - (2) One (1) lot within a proposal for a division of land may exceed ~~eight thousand seven hundred twelve (8,712)~~ seven thousand two hundred sixty (7,260) square feet, provided the remaining lots do not exceed the ~~eight thousand seven hundred twelve (8,712)~~ seven thousand two hundred sixty (7,260) square foot maximum lot size; and
 - (3) A flag lot that complies with the requirements in BMC 20.44.100 may exceed ~~eight thousand seven hundred twelve (8,712)~~ seven thousand two hundred sixty (7,260) square feet, provided the total area of the flag lot does not exceed ~~thirteen thousand sixty-eight (13,068)~~ ten thousand eight hundred ninety (10,890) square feet.
- (d) Minimum Lot Area. The minimum allowed lot area is four thousand three hundred (4,300) square feet.
- (e) Exception to Minimum Lot Areas.
 - (1) The minimum lot area may be modified through the approval of a residential cluster development pursuant to BMC 20.58.060, provided the development complies with the maximum density requirement set forth in subsection (b) of this section.

Medium Density Residential Zone (R-18)

BMC 20.78.065: Allowable Density and Lot Area:

The purpose of this section is to establish compatible levels of density within existing neighborhoods. The intent is to allow infill residential development. The following density and lot area standards are applicable to development within the zone:

- (a) Minimum Density. The minimum required density is ~~five (5)~~ six (6) dwellings per acre.
- (b) Maximum Density. The maximum allowed density is eighteen (18) dwellings per acre.
- (c) Maximum Lot Area. The maximum lot area is ~~eight thousand seven hundred twelve (8,712)~~ seven thousand two hundred sixty (7,260) square feet, with the following exceptions:
 - (1) The lot area may be modified through the approval of a residential cluster development pursuant to BMC 20.58.060;
 - (2) One (1) lot within a proposal for a division of land may exceed ~~eight thousand seven hundred twelve (8,712)~~ seven thousand two hundred sixty (7,260) square feet, provided the remaining lots do not exceed the ~~eight thousand seven hundred twelve (8,712)~~ seven thousand two hundred sixty (7,260) square foot maximum lot size; and
 - (3) A flag lot that complies with the requirements in BMC 20.44.100 may exceed ~~eight thousand seven hundred twelve (8,712)~~ seven thousand two hundred sixty (7,260) square feet, provided the total area of the flag lot does not exceed ~~thirteen thousand sixty-eight (13,068)~~ ten thousand eight hundred ninety (10,890) square feet.
- (d) Minimum Lot Area. The minimum allowed lot area is two thousand five hundred (2,500) square feet.
- (e) Exception to Minimum Lot Areas.
 - (1) The minimum lot area may be modified through the approval of a residential cluster development pursuant to BMC 20.58.060, provided the development complies with the maximum density requirement set forth in subsection (b) of this section.



Attachment C: Downtown Subarea Plan Amendments

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

6.5 MULTI-FAMILY RESIDENTIAL (1 + 2)

6.5.1 INTENT AND PURPOSE

- (1) Multi-Family Districts provide a medium to high density residential neighborhood with an active and human scaled streetscape to support the Downtown Regional Center.
- (2) Promote infill housing strategies that encourage compatibility with existing housing stock, particularly historic homes on Highland Avenue.
- (3) Encourage development to take advantage of unique views and nearby amenities such as shorelines, recreational opportunities, or access to ferries or transit.
- (4) Encourage the development of building types with a coherent relationship to the street in order to promote social interaction, and achieve community-wide safety and livability goals. Visual

prominence of surface parking or garages are contrary to the pedestrian oriented nature of the MR zone.

- (5) MR-2 promotes an optional courtyard configuration to increase active open space and decrease impervious surfaces for attached, ground oriented, multi-family housing.
- (6) Multi-family residential buildings are encouraged to include green building strategies such as green roofs, space for urban agriculture, pervious paving, and natural ventilation.
- (7) MR-1 and -2 contains the same dimensional standards except where noted.

6.5.2 USE STANDARDS:

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

6.5.3 LOT REQUIREMENTS

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

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

6.5.4 HEIGHT REQUIREMENTS

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

* Base maximum is 60' with allowed bonus to 80' with a Transfer Development Right per 6.5.12 of this section.

**Within The MFR 1 Waterfront Overlay Zone, maximum heights shall be calculated from an average of existing grade on Washington Ave at parcel front property line.

6.5.5 PUBLIC AMENITY AND OPEN SPACE REQUIREMENT

(1) Open Space per unit
150 GSF

(2) Exterior common open spaces must meet the following design standards:

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

6.5.6 DENSITY

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

DEVELOPMENT STANDARDS

6-116



6.6 ONE AND TWO FAMILY RESIDENTIAL (R-20)

6.6.1 PURPOSE AND INTENT

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

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

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

6.6.2 USE STANDARDS:

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

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

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

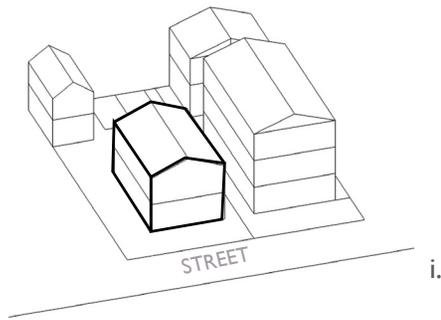
iii. Double Party Wall Townhouse: Townhouse form containing (at minimum) four dwellings joined by two vertical party walls insulated against sound transmission. These buildings, which may have a similar character to a detached single family house

contain ground related entrances for each unit from either the front street or rear alley.

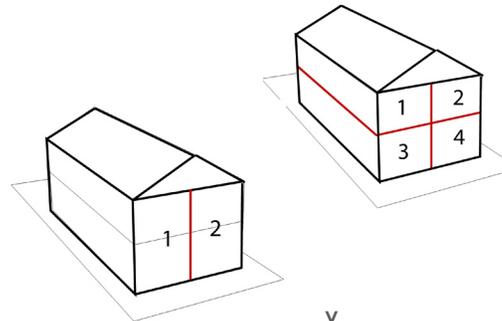
iv. Duplex, Triplex and Fourplex: A building similar in character to a single family house, this building type allows up to 4 individual dwelling units. Each individual unit must contain a ground related entrance. Units may be configured next to each other, on top of each other or both. These building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

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

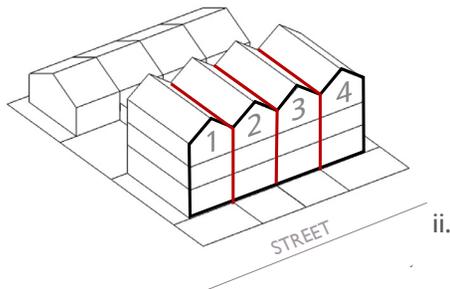
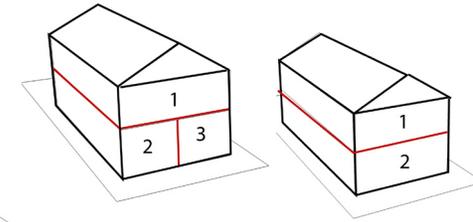
(2) Townhouse configurations with internal drive courts between units are not permitted unless thirty (30) feet or more spacing between front and back units is provided.



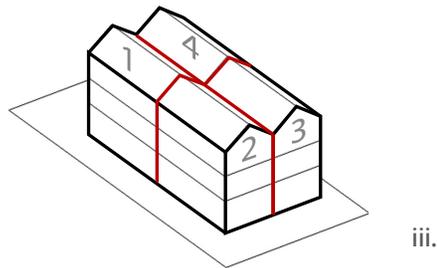
i.



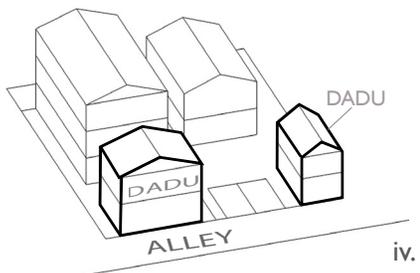
v.



ii.



iii.



iv.

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

6.6.7 DENSITY

Minimum
Maximum

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

FINDINGS AND CONCLUSIONS OF THE CITY OF BREMERTON PLANNING COMMISSION

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

I. FINDINGS OF FACT

1. **Project Description:** Comprehensive Plan Annual Docket for 2020.
The City adopted an updated Comprehensive Plan in June 2016. Comprehensive Plan amendments are processed on an annual cycle to allow for changes to the Plan that reflect conditions that may not have been addressed prior or since the Plan's adoption. Amendments to the City's Comprehensive Plan and Zoning Code are regulated by BMC 20.10: Comprehensive Plan Amendments and 20.18: Text Amendments. The Planning Commission is considering one city-initiated proposal for the 2020 docket. The amendment can be summarized as amending the minimum residential housing density citywide from the current 5 dwelling units per acre (du/a) to 6 du/a. The Planning Commission also considered amending the minimum to 7 du/a, but it was decided to pursue the State recommendation of 6 du/a for the final amendment.
2. **Procedural History:**
 - 2.1 The Bremerton Municipal Code allows applications for Comprehensive Plan Amendments annually between August 1 and November 15th.
 - 2.2 On January 27, 2020 the Planning Commission held an informal public workshop to introduce the 2020 Annual Comprehensive Plan Amendment Docket and associated zoning code changes.
 - 2.3 On June 5, 2020 staff notified the Washington State Department of Commerce the intent to adopt an amendment to the Comprehensive Plan.
 - 2.4 On June 5, 2020 staff published the SEPA Determination of Non-significance in the Kitsap Sun and sent out notice to agencies, jurisdictions, and interested parties.
 - 2.5 On September 11, 2020 a notice of Planning Commission public hearing was published in the Kitsap Sun and the public was invited to comment.
 - 2.6 On September 21, 2020 Planning Commission conducted a public hearing on the 2020 Comprehensive Plan docket and associated Zoning Code changes.
 - 2.7 Within that September Public Hearing the Planning Commission recommended the proposed amendments to Council for their consideration.

3. **Public Comment:**

3.1 One individual provided testimony and provided a written comment to the Planning Commission:

- D. Manning opposes this amendment, citing that the amendment does not mandate any action on the City's part. They also argue that increasing density will create more housing at market rates will contribute to affordable housing problems. They conclude by encouraging the City to focus on options that mandate affordable housing in the City.

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

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

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

4. **SEPA Determination:**

4.1 A Determination of Non-Significance was issued on June 5, 2020, with a comment deadline of June 19. No appeals have been filed.

5. **Consistency:**

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

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

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

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

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

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

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

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

The proposed amendment is not part of a previous proposals. However, the City is currently experiencing an affordability crisis in housing partially caused by a general lack of housing units. This amendment aims to help the city meet its need to increase the availability of housing opportunities.

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

The amendment is compatible with existing land uses and the surrounding development pattern. The increase in density is an incremental one, and many past and present developments in the City already meet or surpass this density.

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

The amendment will not affect the City's ability to provide urban services, though it will benefit the public health, safety and welfare by allowing greater development opportunities within existing neighborhoods.

5.8 **Consistency with the Zoning Code**

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

II. CONCLUSIONS & RECOMMENDATION

Based on the findings above, the Planning Commission concludes that the 2020 Comprehensive Plan Amendment Docket, and its associated Zoning Code and Subarea Plan amendments, have met the requirements in Bremerton Municipal Code, and therefore recommends approval by the City Council.

Respectfully submitted by:

Approved by:

Andrea L. Spencer, Executive Secretary

Nick Wofford, Chair

Attachment E: Public Comments Received

Two comments were received.

Comment 01:

D. Manning on January 27, 2020

Comment 02:

Kitsap Alliance of Property Owners on August 28, 2020

Comment 01

From: [MDM](#)
To: [Allison Satter](#)
Subject: January 27, 2020 Planning Commission Meeting (Workshop?)
Date: Monday, January 27, 2020 4:34:05 PM

Allison,

The only zoning amendment being considered this year, if I am reading this correctly, is one originated by the City to increase zoning density from five units per acre to six units per acre in several zoning areas because of the passage of E2SHB1923 in July 2019. As noted, this bill does not mandate any action on the part of the City. That being the case, I am opposed to this change as it is not mandated and there is no evidence put forth that it mitigates affordable or deeply affordable housing in any fashion. To increase density for additional housing at market rates only contributes to an increase in lack of affordable housing, crowding, and disruption of peaceful neighborhood communities. If this change mandated an amendment that would increase the number of affordable/deeply affordable residences in the City, that would be seen as an effort on the part of the City to being taking positive action to resolve homelessness. I encourage the City to focus on actions that will do that.

Thanks,
Diane Manning

Comment 02



Michael Gustavson
Vice President,
Kitsap Alliance of Property Owners
P.O. Box 1
Southworth, WA 98386
(360) 271-8726
michaelgustavson@mac.com
August 28, 2020

Dear Members of the Board of County Commissioners, Urban Planning Staff and Kitsap County Planning Commission,

Kitsap County and the City of Bremerton tasked ECONorthwest to provide recommendations for affordable housing. We have reviewed the ECONorthwest report and herewith provide a series of comments and further recommendations. Currently, Kitsap County Planning Department is reviewing Kitsap County Code Title 17 (Allowable Uses.)

The median cost of housing in Kitsap County to both home buyers and renters is now roughly double what a median income family can afford. Our high costs can be directly traced to aggressive land use regulation and restrictive zoning.

During recent years members of the Board of County Commissioners have lamented the dearth of both subsidized and market rate housing. While solutions have been offered, none have resulted in substantial on-the-ground increased inventory.

Our zoning use codes continue to accelerate restrictive uses, leaving the housing for "missing middle" owners and renters with ever-diminishing options. During the current planning horizon, Kitsap is forecast to require about 36,000 new dwelling units.

We're well past time to re-think rural and urban planning policies in Kitsap County. Many of our regulations are more restrictive than neighboring Puget Sound counties.

"The small landholders are the most precious part of a state." - Thomas Jefferson

It's time to financially reward county and city planners for increasing our housing supply, but only as specifically defined supply goals are achieved.

Kitsap Alliance would be more than willing to assist in re-defining planning policies.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael C. Gustafson". The signature is written in a cursive style with a large, prominent initial "M".

Copies to:

County Commissioners Gelder, Garrido and Wolfe

Mr. Jeff Rimack, Angie Silva, Ms. Liz Williams

Kitsap County Planning Commission members

Bremerton Mayor Greg Wheeler

Port Orchard Mayor Rob Putansuu

Bainbridge City Manager Mr. Morgan Smith

Poulsbo Mayor Erickson



Note: This paper is available at www.KAPO.org

August 25, 2020

Kitsap Housing Supply is in Crisis:

“Housing Affordability” vs. “Affordable Housing”

It’s not about “affordable housing,”
It’s about housing people can afford to buy.
There’s a big difference.
What brought on the French ‘revolution’?

Today in Kitsap County, 1 in 15 families are struggling with poverty due to extreme property regulation.

Kitsap County Commissioners have advised us of our critical housing shortage¹:

- There is a current shortfall of 9500² units to house 4524 families.
- The housing shortage grows to 34,650 units in 16 years.
- 515 housing units are currently being built in Kitsap County (2010-2017) .
- 1,480 new housing units per year are needed to satisfy current growth.
- Without correction, the problem grows worse each year into the future.

Discretionary income allows freedom of choice and liberty. Home ownership is the bedrock of personal dignity. High taxes and excessive regulation destroy and undermine both freedom of choice and personal dignity. Housing is typically a family’s largest discretionary income cost. As we learned in “Economics 101”, supply and demand determine prices. Reducing the cost of housing allows discretionary income to be spent elsewhere, creating jobs and tax revenue.

¹ City of Bremerton & Kitsap County Affordable Housing Recommendations report, ECONorthwest, Final Report, March, 2020

² Wall Street Journal Jan 5, 2020 Editorial “The Housing Shortage in Profile” extrapolated from the Portland, Oregon example

Kitsap County's median home price is (June 2020) \$408,590, 77% above HUD's affordability standard of \$236,710 for a median income family (see p. 3.) We see State and Local regulations now adding well over 50% to home prices.

Home construction has been impeded by [Washington State's Growth Management Act's restrictive regulations](#) over the past twenty five years, resulting in our current housing shortage. For every [100 family units formed, only 42 homes are being constructed](#).³ Considering 1/3 of our residents are renters, 11,000 new rental units must be constructed by 2036. This lack of housing supply is the cause of our home and rental prices being out of sight.

County and State leadership have failed to create solutions. There is no apparent plan to increase the rate of housing construction. There appear to be **no numerical goals and no measure of progress**.

City of Bremerton & Kitsap County Affordable Housing Recommendations report, ECONorthwest, Final Report, March, 2020 (the "ECONorthwest paper") rightly states **adverse impacts of housing regulation can be alleviated by eliminating housing options through zoning**. In Kitsap County, zoning has for years **prohibited affordable "Missing Middle Housing": duplexes, triplexes, townhouses, courtyard apartments cottage clusters and accessory dwelling units**.⁴

Kitsap County's rate of housing construction must be increased by at least a factor of five or housing will become even more unaffordable. For construction to accelerate, **the marketplace must be allowed to function**. **Local government must become an incentivized partner in construction of market-rate affordable housing**, not an adversary.

The [Rucklehouse Report](#)⁵ showed the lack of affordable housing is a common complaint in all 39 Washington State counties. Only by rapidly expanding the quantity of buildable lots and unburdening developers from restrictive and expensive regulation will housing prices be reduced to affordable levels.

Washington State home prices are currently 86% above Housing and Urban Development's definition of affordability (see end note 2).

³ City of Bremerton & Kitsap County Affordable Housing Recommendations report, ECONorthwest, Final Report, March, 2020, p. v

⁴ Ibid., pp. 5 & 28

⁵ Rucklehouse Report Executive Summary.

Kitsap Alliance is well aware of the impacts of Washington State’s Growth Management Act (GMA) and environmental activism on housing availability. We are also aware of County and city long-term foot-dragging in creation of new and affordable building sites and zealously imposing zoning impediments and limitations, often beyond those of adjacent counties. The usual (false) bureaucratic response is “The State made us do it.”

"Housing Affordability" vs. "Affordable Housing:"

While numerous valid points are expressed, the ECONorthwest report misses the root cause of housing being unaffordable. [ECONorthwest recommends government housing subsidies](#),⁶ while [Kitsap Alliance recommends free market policies that return housing affordability to the median income earner](#).

Dr. Arthur Laffer (author of the “[Laffer Curve](#)” shows convincingly that when money is extracted from wealthy people and provided to poor people, both sectors are less motivated to produce. The net national growth domestic product falls as a result. Grant programs are funded through taxation (take money from earners while giving it to marginal or non-producers). Inflation will add to the affordability problem by Congress aggressively increasing the national debt. Both of these policies punish the overall population.

[HUD’s definition of “Affordable Housing”](#) refers to any type of housing, regulated or not, that costs less than 30% of a household’s pre-tax income, including principle, interest, taxes, insurance and utilities (see end notes (1) and (2) calculations.)

HUD Fair Market rental prices have increased 10% per year each of the past six years and are accelerating. With the landlord paying water, sewer and garbage, fair market rents in Kitsap County in 2020 are now:

Fair Market Rent	“Affordability” would require 40 hour per week full time pay of:
1 Bdrm = \$1040/month	\$19.70/hr = \$41,094/year
2 Bdrm = \$1353 /month	\$25.63/hr = \$52,907/year

⁶ City of Bremerton & Kitsap County Affordable Housing Recommendations Report, ECONorthwest, Final Report, March, 2020, pp. 18-35

3 Bdrm = \$1938/month

\$36.70/hr = \$76,556/year

A minimum wage earner cannot afford to rent even a 1 bedroom apartment.

Worse, commonly heard by Kitsap landlords: “There’s nothing available to rent.” Affordability standards result in HUD’s Section 8 subsidized rent tenants paying on average only \$300/month toward their portion of rent.

High prices are forcing low and extremely low-income people out of housing. “Today, the majority of poor renting families in America spend over half of their income on housing, and at least one in four dedicates over 70 percent to paying rent and keeping the lights on. ... In 2013, 1 in 8 poor families nationwide were unable to pay all of their rent, and a similar number thought it was likely they would be evicted soon.”⁷ Poor people are being pushed out of our inner cities, as prices rise due to lack of investors in building lower income housing. Because of the expense and uncertainties in constructing lower cost housing and rapidly increasing rents due to the housing shortage, there is great investor interest in purchasing existing older Kitsap County properties.

Roughly one third of Kitsap County’s population (271,473 (2019)) are renters. The typical family size is 2.1 persons per household, which equates to 43,091 rental units in Kitsap county.

In (2014-2018) the poverty rate in Kitsap County was 9.7%, while food insecurity (2018) was 9.3%..

Kitsap’s population of 271,473 / 2.1people per household = 129,273 Kitsap County households. 1/3 are rentals = 43,091 rental units. 9.7% of Kitsap residents in poverty x 129,273 households = **12,539 Kitsap County households live in poverty.**

Bremerton Housing Authority issues only about 990 Section 8 coveted housing choice vouchers and operates 2,667 rent subsidized apartments.

Housing Kitsap issues 304 Section 8 Housing Choice Vouchers and 136 public housing units. **In total, Kitsap County has 4,097 subsidized rental units. This leaves 8,472 eligible low income households with little assistance.**

⁷ “Evicted, Poverty and Profit in the American City”, by Mathew Desmond, 2016, pp 4, 5

People who cannot afford to pay the market rate for rent and do not receive rental assistance are simply swept away, while rent prices are increasing and construction continues to lag behind demand.

The result is **1 out of every 15 of our neighbors is homeless or extremely housing cost burdened**. Some of our neighbors are homeless due to drug and alcohol addiction or mental illness, often brought on by depression. Others are merely poor due to poor choices, lack of ambition or loss of a job. During 2019, when the ECONorthwest paper was researched, Washington State was experiencing a fairly severe labor shortage, so jobs were plentiful.

While everyone can “stretch a dollar,” banking regulations require adherence to the 30% of income Housing and Urban Development (HUD) income affordability ratios when approving home loans.

For housing to become affordable, supply must be adequate to provide appropriate competition between buyer/seller and renter/landlord. Without adequate supply, prices have risen. We are seeing this same housing unaffordability in cities and counties in Oregon and California, with growth management/growth control regulations.

Construction costs are now beyond average workers’ ability to purchase homes. Kitsap County Codes are rife with regulations that make no sense and only serve to increase construction costs.

Stories:

Kitsap County’s construction and environmental codes have become so burdensome, that many **small builders have left the marketplace**. This reduces price competition.

One local builder agreed to an 8-page specification for a custom home. When presented with a six-inch thick set of Kitsap County compliance regulations, he finished the home and quit building houses.

Another, out of state builder contracted to build a home on a developed lot with all utilities in place. By the time he had finished dealing with County and State regulations, he completed the house and left the State, vowing to never again build in Washington.

In 1968, a Kitsap County high school graduate was able to get a job, afford a car and to get married. A median priced home cost about \$17,000. A \$2.50/hour wage would buy a home. By 2020, the high cost of housing has destroyed the dream of home ownership for many of our residents.

While housing affordability is not the only problem we face, it is the greatest. Lack of housing that is affordable is the greatest impediment to economic growth because it dries up discretionary income. The same dollar can't be spent twice.

Washington State's Growth Management Act ([RCW 36.70a](#)):

During the 1980s, four attempts were made to pass a growth management law in the State of Washington. Rural property owners feared massive environmental over-reach and downzoning of their properties. Repeatedly, voters soundly rejected it. During the 1990 legislative session, the Legislature over-ruled the voters and passed the Growth Management Act (GMA). Further rural land subdivision was effectively eliminated when GMA became effective, January 1, 1996. All growth was to be directed into urban areas. With rural land supply choked off, housing prices began to soar.

While [Goal 4 of GMA](#) promoted affordable housing, it was **highjacked by environmental activism**, making housing ever more unaffordable. Environmental activists failed to account for economic damage brought on by the over-reach of well-meaning regulations. Homelessness increased damaging the environment GMA was intended to protect.

To regain a functioning housing marketplace, Washington's Growth Management Act (GMA) must either be repealed or HUD the housing affordability standard mandated as a prerequisite for jurisdictions to qualify for Washington State Department of Commerce grant funding.

The key method of GMA directing growth into urban areas was to mandate large rural tracts, with zoning of 5, 10 and 20-acre parcels.

Therein lies the problem: the **average rural parcel in Kitsap County in 1996 was 2 acres** (Kitsap County Department of Community Development.)

By GMA precluding new rural parcels being platted, the supply of rural lots remains at the level of 25 years ago. During the past quarter century **virtually all economically developable rural parcels have become occupied** (Kitsap County Department of Community Development.) This is forcing all new (limited) development into cities and “Urban Growth Areas” (UGA). Government applications for UGA expansions are often rejected through successful appeals.

Thus, the UGA buildable lot supply has failed to keep pace with housing demand.

Large single owner tracts of land available for development adjacent to urban areas and UGAs are virtually non-existent. Thus, expansion of urban areas often involves purchasing an array of individually owned (average) 2 acre lots. This becomes a developer’s very expensive nightmare, further driving up prices.

Large corporate builders often don’t find small tracts are economically justifiable.

Allowing for marketplace elasticity, parcels impractical for construction, and parcels not for sale, 15,000 buildable lots are needed today, just to be able to satisfy the current 9,500-unit backlog at all price points.

Perhaps the greatest driver of our housing shortage is ignored: the reduction of buildable lot supply that has been brought on by GMA. Historically, the only restrictions on lot size were access and availability of potable water and septic or sewer. Prior to GMA, rural land could be short-platted and developed by the land owner on septic systems as the market dictated. The current layers of regulation effectively prohibit an individual property owner from developing his land.

There are no provisions for “Missing Middle” medium density housing construction (i.e. duplexes, triplexes, townhouses, courtyard style apartments, cottage clusters or accessory dwelling units).⁸

During the GMA years, layer on layer of constraints and building regulations have been added, brought on by:

- “Not in My Back Yard” (NIMBY) objections by neighbors who didn’t own property offered for sale

⁸ City of Bremerton & Kitsap County Affordable Housing Recommendations Report, ECONorthwest, Final Report, March, 2020, pp. 5, 9

- Environmental activism (large “protective” buffers)
- Shared driveway accesses
- Building height restrictions and protection of view corridors
- Required sewer hook-ups
- Storm water regulations
- Pockets of 5 to 9 houses per acre small developments do not fit the character of surrounding parcels furthering NIMBYism. (Urban low residential zoning.)
- Sidewalks to nowhere proliferate.

Kitsap County’s zoning code is rife with these and similar prohibitions and requirements. The ECONorthwest report was drafted in 2019, with consultation of County and Bremerton planners and other staffs. U.N. Agenda 21 and socialist assumptions are evident, with reliance on unrealistic walkable neighborhoods, dense housing, mass transit and public grants.

The cost of materials is fairly uniform across the United States. Houston, Texas provides an example of the cost of housing with very limited regulation. While Houston has a building code, they have never had zoning regulations. Houston has no law equivalent to our Growth Management Act. Housing costs in Houston are roughly half those of Kitsap County.

If a project cannot be built to sell to the median income earner, it simply doesn’t get built.⁹

Looking ahead:

Population is gravitating to lower priced and more accessible homes in Kitsap County. More expensive homes in our nearby cities, increased East Puget Sound commute times due to traffic congestion and expanded rapid access to Kitsap County with new passenger only ferries all are reducing Kitsap’s available housing supply. This population shift pressures upward purchase and rental prices.

The cost per dwelling unit in vertical housing projects is significantly higher than one story “stick” construction. The marginal transportation cost savings to an urban dweller is not offset by the increased cost of urban construction. High urban

⁹ ibid p. 6

crime rates incentivize urban dwellers to move to rural areas. “Work from home” eliminates commute time.

Kitsap County has **no road plan** for development of parcels between our arterials, which are often two to three miles apart. Access to the small, occupied interior lots is often on narrow, winding, dirt easements. Rural Kitsap County seems to be stuck in a time warp of 1955. Shortly, 1955 will become a century ago, still with no plan. When one observes the massive size of the new Amazon distribution center being built near Bremerton National Airport, one can only imagine the anticipated population growth.

With the advent of Corona Virus, the population is now more aware of the hazards of population density. People are now avoiding mass transit. With 75% of Kitsap County’s population living outside of UGAs, mass transit has never been economically justifiable.

Without documentation and irrelevant, the ECONorthwest report claims Kitsap County has “numerous” second homes and vacation homes, thus reducing available housing. Impediments to housing supply are also attributed to our “rural nature”, natural land and mandated infrastructure constraints.¹⁰

Turning full circle to the economic argument, builders must pay full price for building lots, taxes, labor, materials, permits and the cost of loans while awaiting uncertain permit approvals. The only motivation for a developer to construct a building for speculative resale is to make a profit. If a building costs more to construct than can be recouped in its sale, there is little motivation for construction. With Governor Inslee’s COVID-19 “no-evictions” edict, we now add the impact of rent deferment to the cost of construction.

Because of the cost of regulation and government controls, the poor are specifically being excluded from moving into home ownership and owning rental property. Ownership of rental property has been the singularly fastest track to economic independence in America, dating back over the past 200+ years.

The costs and regulations brought on by big government bring poverty, destitution and political unrest.

¹⁰ Ibid, p. vi

The published growth rate for Kitsap County is 1% per year. The unrecognized elephant in the room is actual historical growth rate of 2.01% experienced over the past 50 years. This has resulted in a quadrupling of our population over each of the past 45 year time periods. With the impending housing pressure of people immigrating from the Seattle/Tacoma markets to Kitsap, our population by the year 2065 may be 1,080,000. Currently there is no plan that would accommodate that population.

“This is what happens when politicians ignore the laws of economics, and the shame is that their constituents pay the price.”¹¹

Solutions:

One solution: **provide a very significant incentive bonus (40%) to all county and city DCD urban planner employees as a group in any year new housing construction occupancy permits exceed 2,500 new units.** This cost would be easily funded with increased sales tax receipts of over \$20,000,000 to local taxing districts from new housing construction and economic activity. Precedent exists at both the state and federal level for incentive bonus pay. The pay incentive would encourage DCD personnel in Kitsap County and each of the four cities working together to critically review questionable land use regulations. With increased supply, the cost of housing should slowly return to affordable levels.

Other incentives might work equally well, but **drafters of regulation must have some “skin in the game.”** Personal money is a proven great motivator.

Kitsap County’s Department of Community Development (DCD) is funded by permit fees that go to its “Enterprise Fund.” DCD generates revenue by requiring additional permit studies required by regulations that DCD writes. This adds costs to each home built. There is no guarantee a building permit will be approved, adding financial risk to each project. Abolish the “Enterprise Fund.”

Thoroughly review the County Codes. Eliminate impediments to construction and regulations that serve only to intimidate property owners and encourage unhappy neighbors to complain. Eliminate overly burdensome regulations (eg. weatherization and stormwater rules.)

¹¹ Wall Street Journal Jan 5, 2020 Editorial “The Housing Shortage in Profile”

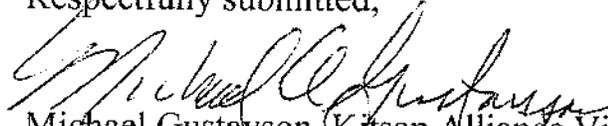
Encourage construction of smaller size, entry level housing, commonly built in the 1960s and 1970s.

In the words of the comic strip Pogo, "We have met the enemy and they is us". Over-regulation and market pressure from in-migration are expensive and are continuing to price Kitsap workers out of the local housing market.

The Risk of No Action:

We've seen throughout history, when there becomes a critical mass of impoverished, hopeless people, revolution becomes a real threat to civil societies.

Respectfully submitted,



Michael Gustavson, Kitsap Alliance Vice President

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End Note (1):

The Zillow Kitsap County home value index has risen from roughly \$140,000 in June of 1996 (advent of GMA) to about \$408,590 in June of 2019. Far outstripping the rise in median income.

In Kitsap County (2020):

Median family Income: \$76,945.

Median annual property tax: \$2,516.

Median annual property insurance: \$600*.

Median annual residential electric bill: \$1,026*.

Median annual residential water and sewer bill: \$823*.

The HUD price of and affordable house in Kitsap County for a median income family is:

\$76,945 median family income

To increase the rate of

- \$ 2,516 median property tax
 - \$ 600 median property insurance*
 - \$ 1,026 median residential electric bill*
 - \$ 823 median residential water and sewer bill
- construction,
schools must partner in
teaching skills used in the
building trades.
- \$57,231

\$57,231 / 0.30 = \$190,770 Kitsap County “Should cost” price an affordable home

*There are more utility districts than counties. While exact utility cost numbers vary, the median cost of utilities is a minor factor in calculating HUD’s housing affordability value.

End Note (2):

The shortfall of market rate affordable housing is a Statewide problem. The Washington State Legislature’s commissioned July 19, 2019 [“Ruckleshouse GMA Report”](#) concluded all 39 Washington counties complained housing costs are too high.

County	U.S. Census Median Income	(minus) Average County Property Tax	(minus) Wash. Average Utilities Cost	(minus) Wash. Average Homeowners Insurance	(equals) HUD Adjusted Income	divided by 0.3 = HUD Home “Should Cost”	Zillow Median Home Price 6/2020	Unaffordability Ratio equals “Zillow”/ HUD “Should Cost”
Adams	\$48,100	\$1404	\$2,594	\$ 822	\$43,280	\$144,267	\$196,260	136%
Asotin	\$47,483	\$1,534	\$2,594	\$ 822	\$42,533	\$141,777	\$233,487	166%
Benton	\$63,346	\$1,820	\$2,594	\$ 822	\$58,109	\$193,697	\$324,074	167%
Chelan	\$57,132	\$1,974	\$2,594	\$ 822	\$57,208	\$172,607	\$366,542	212%
Clallum	\$62,477	\$1,853	\$2,594	\$ 822	\$57,208	\$190,693	\$315,095	165%
Clark	\$74,747	\$2,577	\$2,594	\$ 822	\$68,754	\$229,180	\$388,756	170%
Columbia	\$46,250	\$1,257	\$2,594	\$ 822	\$41,577	\$138,590	\$163,075	118%
Cowlitz	\$47,452	\$1,752	\$2,594	\$ 822	\$42,284	\$140,947	\$299,032	212%
Douglas	\$55,805	\$1,751	\$2,594	\$ 822	\$50,638	\$168,793	\$347,224	206%
Ferry	\$38,125	\$ 941	\$2,594	\$ 822	\$33,798	\$122,560	\$204,639	182%
Franklin	\$56,980	\$1,697	\$2,594	\$ 822	\$51,877	\$172,923	\$280,035	162%

County	U.S. Census Median Income**	(minus) Average County Property Tax	(minus) Wash. Average Utilities Cost	(minus) Wash. Average Homeowners Insurance	(equals) HUD Adjusted Income	divided by 0.3 = HUD Home "Should Cost"	Zillow Median Home Price 6/2020	Unaffordability Ratio equals "Zillow"/ HUD "Should Cost"
Garfield	\$51,399	\$1,135	\$2,594	\$ 822	\$46,848	\$156,160	\$418,538	268%
Grant	\$70,277	\$1,385	\$2,594	\$ 822	\$65,476	\$218,253	\$225,571	103%
Island	\$64,793	\$2,159	\$2,594	\$ 822	\$59,218	\$197,393	\$430,880	218%
Jefferson	\$54,417	\$2,138	\$2,594	\$ 822	\$48,917	\$169,057	\$405,671	240%
King	\$89,695	\$3,572	\$2,594	\$ 822	\$82,707	\$275,690	\$667,264	242%
Kitsap	\$76,945	\$2,516	\$2,594	\$ 822	\$71,013	\$236,710	\$408,590	177%
Kittitas	\$53,163	\$1,838	\$2,594	\$ 822	\$47,909	\$159,697	\$348,830	218%
Klickitat	\$51,258	\$1,435	\$2,594	\$ 822	\$46,407	\$134,690	\$308,132	199%
Lewis	\$46,387	\$1,448	\$2,594	\$ 822	\$41,523	\$138,410	\$262,101	189%
Lincoln	\$49,460	\$1,099	\$2,594	\$ 822	\$48,361	\$161,202	\$225,721	140%
Mason	\$53,087	\$1,738	\$2,594	\$ 822	\$47,933	\$199,777	\$304,688	156%
Okanogan	\$42,598	\$1,264	\$2,594	\$ 822	\$37,918	\$126,393	\$231,413	183%
Pacific	\$39,895	\$1,460	\$2,594	\$ 822	\$35,019	\$116,730	\$202,495	173%
Pend Oreille	\$49,184	\$1,177	\$2,594	\$ 822	\$44,591	\$148,639	\$230,490	155%
Pierce	\$75,407	\$2,759	\$2,594	\$ 822	\$69,232	\$230,773	\$393,147	170%
San Juan	\$60,271	\$2,549	\$2,594	\$ 822	\$54,306	\$181,020	\$618,292	342%
Skagit	\$59,263	\$2,406	\$2,594	\$ 822	\$53,441	\$178,137	\$394,161	221%
Skamania	\$53,606	\$1,480	\$2,594	\$ 822	\$48,710	\$162,367	\$304,673	218%
Snohomish	\$87,440	\$3,379	\$2,594	\$ 822	\$80,645	\$268,817	\$508,954	189%
Spokane	\$59,783	\$1,901	\$2,594	\$ 822	\$54,466	\$181,553	\$264,212	146%
Stevens	\$47,300	\$1,237	\$2,594	\$ 822	\$42,647	\$142,157	\$227,558	160%
Thurston	\$72,703	\$2,472	\$2,594	\$ 822	\$66,815	\$222,717	\$356,661	160%
Wahkiakum	\$49,508	\$1,365	\$2,594	\$ 822	\$44,727	\$143,090	\$256,444	179%
Walla Walla	\$47,946	\$1,885	\$2,594	\$ 822	\$42,645	\$142,150	\$278,592	196%
Whatcom	\$56,419	\$2,173	\$2,594	\$ 822	\$50,830	\$169,433	\$432,119	255%

County	U.S. Census Median Income**	(minus) Average County Property Tax	(minus) Wash. Average Utilities Cost	(minus) Wash. Average Homeowners Insurance	(equals) HUD Adjusted Income	divided by 0.3 = HUD Home "Should Cost"	Zillow Median Home Price 6/2020	Unaffordability Ratio equals "Zillow"/ HUD "Should Cost"
Whitman	\$36,631	\$1,713	\$2,594	\$ 822	\$31,502	\$105,007	\$283,518	270%
Yakima	\$47,470	\$1,493	\$2,594	\$ 822	\$42,561	\$141,870	\$283,518	200%

Note: Housing process are from Zillow, June, 2020. Median family income, average utility costs and median property tax data are from county data located in Google. Both median family income and median home price will vary month to month.

**CITY OF BREMERTON, WASHINGTON
PLANNING COMMISSION AGENDA ITEM**

AGENDA TITLE:	Workshop: Overview of the Shoreline Master Program (SMP) Periodic Update
DEPARTMENT:	Community Development
PRESENTED BY:	Garrett Jackson, Senior Planner, (360)473-5289, Garrett.Jackson@BremertonWA.gov
ASSISTED BY:	Allison Satter, Planning Manager, (360)473-5845, Allison.Satter@BremertonWa.gov

EXECUTIVE SUMMARY:

The City is completing a periodic update of its Shoreline Master Program (SMP), along with a minor update to its Critical Areas Ordinance (CAO), to meet Department of Ecology State mandates and advancements in best available science (BAS). Identified changes are outlined in a Draft Gap Analysis, which documents how the SMP will address changes to state law, BAS, zoning regulations, and other areas to improve the usability of SMP regulations, as identified by staff and their consultant (The Watershed Company). This periodic update is also limited in scope in that the update is not required to re-evaluate the ecological baseline established as part of the 2012 update or assess no net loss of shoreline functions from permitted development since comprehensive adoption.

The City is working toward having a joint adoption process with Department of Ecology as allowed and outlined WAC 173-26-104.

ORDERS OF THE DAY

This is a workshop for discussion and education purposes, and no formal decisions will be made at this time. It is anticipated that this project will be complete in mid-2021, and therefore there will be updates to the Commission on this project over the next several months. Throughout the duration of this project updates and information will be provided at this website: www.BremertonWA.gov/SMPUpdate

ATTACHMENT

Attachment A – Gap Analysis of City’s SMP and Critical Area regulations for SMP Update

TENTATIVE SCHEDULE

The future tentative schedule for the process is (not including this workshop):

- **October 2020** An online open house will be posted at the project website www.BremertonWA.gov/SMPUpdate
- **Oct. 19, 2020** Planning Commission Workshop to introduce the draft SMP with proposed changes. Environmental analysis and review by agencies and Tribes will be conducted after this meeting.
- **November 2020** Minimum 30-day comment period for proposed SMP amendments
- **Nov. 16, 2020** Planning Commission joint Public Hearing with Department of Ecology during comment period to provide recommendation to City Council about amendments; this is a State requirement.
- **Early 2021** If further public comments are received after Planning Commission’s November public hearing, an additional Planning Commission Public Hearing may be held prior to City Council decision.
- **Early 2021** City Council Public Hearing.



PROJECT OVERVIEW

- **SMP Update Process**

An online open house kicks off the SMP periodic update, allowing the public to sign-up for updates as the project moves through the process. The City webpage will relay the project purpose and scope for the update, highlighting changes to the SMP at a high-level, as introduced by the Gap Analysis document. Following the open house and second Planning Commission introductory meeting, the City will utilize the Department of Ecology joint public comment period and joint public hearing, as outlined within [WAC 173-26-104](#) to help streamline the project timeline and agency review processes. The draft SMP will be provided prior to and during this comment period to solicit feedback regarding proposed changes. Following a formal response to public comments, the City will submit revisions to the SMP, comment response matrix, and Gap Analysis document to Ecology for their initial determination of consistency. The initial determination will provide comments back to the City to further refine changes, ensuring that proposed regulatory amendments meet the no-net-loss of shoreline ecological functions standard. As a result, final changes to the SMP and Critical Areas Ordinance are brought before City Council for adoption.

- **Gap Analysis (Attachment A)**

The purpose of the Gap Analysis document is to identify SMP and related CAO regulations in need of updating due to changes to state law (via the periodic review checklist), best available science, consistency with development regulations and the Comprehensive Plan, code usability, and overall regulatory flexibility for single-family property owners. A copy of this document is provided as **Attachment A**.

- **Overview of Additional SMP Update Amendments**

Since the 2012 update, Staff has worked with members of the public and State Departments on identifying ways to improve the SMP document. Below are some examples of areas identified for revision as part of this update, additional items will be presented to the Planning Commission when a draft of the revised Shoreline Master Program is available.

- I. *Re-Formatting for Reader Ease and Citation*
Amendments to the SMP include reformatting portions of it for reader ease and citations. Many SMP chapter currently have a policies section near the beginning, which may confuse applicants as to whether they need to address these policies within their development application. Re-formatting the SMP includes consolidating all policies into Chapter 2, Goals and Policies, to improve readability and condense regulations. In addition, document navigation will improve by adding hyperlinks to all chapter subheadings, allowing users easy access between different regulatory topics.
- II. *Vegetation Management Plans*
A Vegetation Management Plan is a landscaping plan that is currently required with all shoreline development requests; this plan is later recorded as a Notice to Title on the property prior to final project approval. As currently written, small projects impacting shoreline vegetation have potentially overly burdensome documentation required for single-family property owners. To provide relief and flexibility, certain repair, maintenance and expansion activities may not be required to complete a vegetation management plan. In addition, minor single-family development may forgo bonding requirements and plans/reports prepared by a qualified professional. This is an area of improvement identified by the Department of Ecology to improve the permitting process for certain projects.
- III. *Shoreline Buffer Averaging*
The shoreline buffer section of the code is largely staying the same, however, select portions could be improved. The SMP currently requires an applicant requesting *shoreline buffer averaging* to compare 60% or more of like structures within the same numbered block when allowing a setback reduction. Proposed setback reduction amendments include a simplified standard, taking the average of like structures on either side of the subject property. In addition, consider shoreline buffer reduction incentive options, including reductions based upon bulkhead removal, green stormwater techniques, preservation of native vegetation outside the buffer, lawn reduction within the buffer, or another approved alternative. This allows applicants the ability to reduce their buffers through enhancement alternatives, thereby preventing a net-loss of shoreline ecological functions in the process.
- IV. *Nonconforming*
To address existing ambiguity in this code section, proposed changes include allowing legal nonconforming structures, uses and lots within shoreline jurisdiction to exist and be repaired, remodeled or restored in its current configuration. This change provides flexibility, relief, and predictability to property owners, while allowing these properties to be properly maintained in the future.
- V. *Consistency with New Sheridan/Harrison Subarea Plan*
The City of Bremerton is currently working on the Sheridan/Harrison planning efforts due to the St. Michael/Harrison Hospital leaving for Silverdale. The changes that come from the Sheridan/Harrison adoption that impact the SMP, will require an amendment to the SMP.

VI. Critical Area Ordinance

The purpose of the Critical Area Ordinance (CAO), as identified in Bremerton Municipal Code (BMC) 20.14, is to protect public health, safety, and welfare by establishing provisions to classify, protect, and preserve Bremerton’s critical areas and their functions and values by providing standards for development in association with these areas. To align with best available science (BAS), the City anticipates incorporating the July 2018 Department of Ecology wetland buffer guidance as a CAO amendment. This amendment results in a re-categorization of wetland habitat scores, resulting in smaller buffers for lower functioning wetlands, so long as wetland minimization measures are met.

In addition, changes to fish & wildlife habitat conservation area regulations will allow for more flexible replacement plant spacing requirements with buffer enhancement, as well as allowing a departure from prescribed buffers through mutually agreed-upon buffers, as supported by state and federal resource agencies or tribes. As a rule, the CAO amendments must be adopted prior to or concurrently with the SMP adopted changes to incorporate the ordinance by reference, within the SMP document.

VII. Climate Resiliency

The SMP currently provides no discussion on climate change and sea level rise. To set the stage for future climate change resiliency efforts, the SMP will benefit from adding goals to prioritize development that accounts for sea level rise, along with gathering scientific information to help guide a future climate change strategic plan.

WANT TO STAY INFORMED?

Please contact Garrett Jackson to be added to the interested parties list for the SMP Periodic Update and/or stay tuned to www.BremertonWA.gov/SMPUpdate

Garrett Jackson – Garrett.Jackson@ci.bremerton.wa.us or 360-473-5289



City of Bremerton Shoreline Master Program

Gap Analysis Report

Prepared on behalf of:



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August 2020

The Watershed Company Reference Number:
190347

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1. Introduction

In accordance with the Washington State Shoreline Management Act, local jurisdictions with “Shorelines of the State” are required to conduct a periodic review of their Shoreline Master Programs (SMPs) (Washington Administrative Code [WAC] 173-26-090). The periodic review is intended to keep SMPs current with amendments to state laws, changes to local plans and regulations, changes in local circumstances, and new or improved data and information.

The Shorelines of the State in the City of Bremerton (City) include all marine shoreline, the lower portion of Gorst Creek (approximately one mile), Lake Kitsap, Lake Union Reservoir and Union River between McKenna Falls and the reservoir, and Twin Lakes.

The City most recently updated its SMP with a limited amendment adopted fall 2017 in conjunction with the Major Comprehensive Plan update. A more substantial, comprehensive SMP update took place in 2012. City of Bremerton Shoreline Master Program (BSMP), is a separate document from the Comprehensive Plan and Bremerton Municipal Code (BMC), outlining goals and policies for the shorelines of the City and establishes regulations for development occurring within shoreline jurisdiction. Several regulatory requirements of the BSMP are codified or cross-referenced under the BMC and herein are incorporated as the applicable development regulations the City's shoreline jurisdiction. The City's current SMP incorporates by reference the 2016 city-wide critical areas regulation update which are codified under BMC 20.14, with certain exceptions.

As a first step in the periodic review process, the City's current SMP was reviewed by City staff and consultants. The purpose of this Gap Analysis Report is to provide a summary of the review and inform updates to the SMP. This report is organized into the following sections:

- **Section 2** identifies gaps the SMP has in consistency with state laws. This analysis is based on a list of amendments between 2007 and 2019 as summarized by the Washington State Department of Ecology (Ecology) Periodic Review Checklist.
- **Section 3** identifies gaps in consistency the City's critical areas regulations (BMC 20.14) have with current guidance. Critical area regulations are incorporated by reference into the current SMP.
- **Section 4** identifies gaps in consistency with the City's Comprehensive Plan, and with implementing sections of the City's development regulations other than the critical areas regulations.
- **Section 5** identifies other issues to consider as part of the periodic update process to produce a more effective SMP, including those issues identified by staff during the implementation of the last SMP update.

This report includes several tables that identify potential revision actions. Where potential revision actions are identified, they are classified as follows:

- **“Mandatory”** indicates revisions that are required for consistency with state laws.
- **“Recommended”** indicates revisions that would improve consistency with state laws but are not strictly required.
- **“Optional”** indicates legislative amendments or updated Ecology guidance can be adopted at the City’s preference but are not required.
- **“No action necessary”** indicates the current SMP meets the intent of or already contains listed legislative updates, changes to critical areas, comprehensive plan or zoning code.

This document attempts to minimize the use of abbreviations; however, a select few are used to keep the document concise. These abbreviations are found below in Table 1-1.

Table 1-1. Abbreviations used in this document.

Abbreviation	Meaning
BAS	Best Available Science
CAO	Critical Areas Ordinance
City	City of Bremerton
Ecology	Washington State Department of Ecology
BMC	Bremerton Municipal Code
RCW	Revised Code of Washington
BSMP	Bremerton Shoreline Master Program
SED	Shoreline Designations
SDP	Shoreline Substantial Development Permit
WAC	Washington Administrative Code

2. Consistency with State Laws

Table 2-1 summarizes potential revisions to the City’s SMP based on a review of consistency with amendments to state laws identified in the Periodic Review Checklist provided by Ecology. Topics are organized chronologically by year.

Table 2-1. Summary of consistency with amendments to state laws and potential revisions.

Row	Summary of change	Review	Action
2019			
a.	Washington State Office of Financial Management (OFM) adjusted the cost	In addition to the general Shoreline Substantial Development Permit (SDP) cost threshold (see item 2017a	Mandatory: The City will update the cost threshold dollar figure for when a SDP is triggered

Row	Summary of change	Review	Action
	<p>threshold for building freshwater docks</p>	<p>below), the SMA includes a separate dollar threshold for when construction of a freshwater dock triggers an SDP.</p> <p>BSMP 5.010(h)(8), Exemptions, references the out of date dollar figure of \$10,000.</p>	<p>on single-family freshwater dock replacement projects as follows:</p> <p>5.010(h)(8)</p> <p><u>(ii) In fresh waters the fair market value of the dock does not exceed:</u></p> <p>(A) <u>twenty-two thousand five hundred dollars (\$22,500) for docks that are constructed to replace existing docks, are of equal or lesser square footage than the existing dock being replaced; or</u></p> <p>(B) <u>Eleven thousand two hundred (\$11,200) dollars for all other docks constructed in fresh waters.</u></p> <p><u>However, if subsequent construction occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified above, the subsequent construction shall be considered a substantial development for the purpose of this chapter.</u></p> <p>Recommended: Alternately, the BSMP could refer directly to the RCW and eliminate reference to a specific cost threshold for greater flexibility with future threshold changes.</p>
<p>b.</p>	<p>The Legislature removed the requirement for a shoreline permit for disposal of dredged materials at Dredged Material Management</p>	<p>There is not a Dredged Material Management Program site within the City’s Shoreline Jurisdiction. Therefore, this legislative amendment does not apply.</p>	<p>No action necessary.</p>

Row	Summary of change	Review	Action
	Program sites (<i>applies to 9 jurisdictions</i>)		
c.	The Legislature added restoring native kelp, eelgrass beds and native oysters as fish habitat enhancement projects.	Habitat enhancement project exemptions are discussed under BSMP 5.010(h)(16) (pg. 51) and reference to RCW 77.55.181 for fish habitat enhancement projects is included under (iv). This reference captures the legislative update.	No action necessary.
2017			
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	<p>Page 47, BSMP 5.010(h)(1), Exemptions, references an out of date dollar figure, but does provide an indication that the dollar threshold changes with inflation.</p> <p>The definition of Shoreline Substantial Development Permit on Page 19 also references the out of date dollar figure.</p>	<p>Mandatory:</p> <p>The City will reference the updated dollar figure in 5.010(h)(1), in addition to leaving the reference that cost thresholds are periodically amended. The definitions section should also be updated.</p> <p>Recommended:</p> <p>Alternately, the BSMP could refer directly to the RCW and eliminate reference to a specific cost threshold in both sections for greater flexibility with future threshold changes.</p>
b.	Ecology permit rules clarified the definition of “development” does not include dismantling or removing structures.	BSMP contains definitions in Chapter 3. The definition of development on page 13 does not specifically exclude dismantling or removing structures.	<p>Recommended:</p> <p>The City should consider adding to the definition of development to be consistent with Ecology’s recommended language:</p> <p><i>“Development” does not include dismantling or removing structures if there is no other associated development or re-development.</i></p>
c.	Ecology adopted rules clarifying exceptions to local review under the SMA.	There is not a section dedicated to exceptions in the BSMP.	<p>Recommended:</p> <p>The City should consider updating BSMP Chapter 5, Permit Administration, to include a section that refers directly to the exceptions in WAC 173-27-044, and -045,</p>

Row	Summary of change	Review	Action
			regarding projects that are not subject to review under the SMA.
d.	Ecology amended rules clarifying permit filing procedures consistent with a 2011 statute.	<p>BSMP 5.040(a)(3) refers to WAC 173-27-130 for filing procedures for Shoreline Substantial Development Permits.</p> <p>BSMP 5.060(a) and (b) appropriately reference filing procedures regarding the 21-day appeal period.</p>	No action necessary.
e.	Ecology amended forestry use regulations to clarify that forest practices that only involves timber cutting are not SMA “developments” and do not require SDPs.	BSMP 8.040, Forest Practices, regulation (b) states that forest practices for the sole purpose of timber harvesting are prohibited in shoreline jurisdiction. However, other types of forest practices may be allowed.	<p>Recommended:</p> <p>The City should consider adding a Ecology’s recommended language to 8.040 as follows:</p> <p><i>8.040 Forest Practices:</i></p> <p><i>Forest practices within the City along shorelines would occur as a conversion of forested areas to a certain level of urban development (Class IV – General per the Forest Practices Act, RCW 76.09).</i></p> <p><u><i>A forest practice that only involves timber cutting is not a development under the act and does not require a shoreline substantial development permit or a shoreline exemption.</i></u></p> <p><u><i>A forest practice that includes activities other than timber cutting may be a development under the act and may require a substantial development permit, as required by WAC 222-50-020.</i></u></p>

Row	Summary of change	Review	Action
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	BSMP does not discuss the applicability of the SMA to federal land.	<p>Recommended: As the City does have some shoreline under exclusive federal jurisdiction, the City may consider adding clarification of the applicability of the SMP to those areas. Sub-section (I) can be added to SMP 5.010 Applicability, to address this recommendation: <u><i>Lands Under Exclusive Federal Jurisdiction. Areas and uses in those areas that are under exclusive Federal jurisdiction as established through federal or state statutes are not subject to Chapter 90.58 RCW. This means that in Bremerton, the SMA, and therefore the BSMP, does not apply to Federal Owned Lands including, but not limited to the Naval Base Kitsap-Bremerton, Naval Hospital and Puget Sound Naval Shipyard & Intermediate Maintenance Facility.</i></u></p>
g.	Ecology clarified “default” provisions for nonconforming uses and development .	SMP Chapter 6 already provides provisions for nonconforming uses and development. “Nonconforming development” is also defined and additional definitions for nonconforming lot, use and structure are provided in BSMP 6.040.	<p>Recommended: The City should re-locating the additional nonconforming definitions in BSMP 6.040 in the main definitions section for clarity.</p>
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews .	This is optional and the current SMP does not address the periodic review provision.	No action necessary.
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	The SMP does not currently address the amendment process, nor is it required to.	<p>No action necessary. The City complies with the State process.</p>

Row	Summary of change	Review	Action
j.	Submittal to Ecology of proposed SMP amendments.	The SMP does not currently address the amendment process, nor is it required to.	No action necessary. The City complies with the State process.
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the Americans with Disabilities Act (ADA) .	BSMP Section 5.010, Applicability includes this exemption.	Recommended: "Propvode" should be changed to "provide".
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	The City updated their critical areas ordinance (CAO) in 2016 and updated the SMP at the same time to incorporate the new CAO by reference.	No action necessary. The 2016 CAO adopts the 2014 wetland rating system. Note, Ecology has additional updated guidance on wetland buffer widths which the City may consider incorporating into their CAO and SMP. See discussion in Section 3 below.
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	The SMP does not address the review of WSDOT projects. While this is optional, the WSDOT presence is significant with the ferry terminal and several state highways within shoreline jurisdiction.	Recommended: The City may consider adding a section on special procedures for WSDOT projects to Chapter 5: Permit Administration. Language from Ecology is available.
2014			
a.	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	SMP Section 8.080, Residential Regulation (d) prohibits over-water residences and floating homes. However, "floating on-water residences" are not defined or addressed.	Recommended: The City may consider adding a definition for "floating on-water residence" to Chapter 3- Definitions, to reduce ambiguity while prohibiting this use. <u>Floating on-water residence: Means any floating structure other than a floating home, as defined by this chapter: (a) that is designed or used primarily as a residence on the water and has detachable utilities; and (b) whose owner or primary</u>

Row	Summary of change	Review	Action
			<p><u>occupant has held an ownership interest in space in a marina, or has held a lease or sublease to use space in a marina, since a date prior to July 1, 2014.</u></p> <p>Additionally, Page 97, regulation (d) should be amended to acknowledge how existing, legally established floating on-water residences are treated:</p> <p>(d) Over-Water Homes: Over-water residences and floating homes are <u>not a preferred use and are prohibited.</u></p> <p>(i) <u>Existing floating on-water residences legally established and moored within a marina within the City prior to July 1, 2014 are considered a conforming use and should be accommodated through reasonable permit conditions, or mitigation that will not effectively preclude maintenance, repair, replacement, and remodeling of existing floating on-water residences and their moorages by rendering these actions impracticable.</u></p> <p>(ii) <u>A floating home permitted or legally established prior to January 1, 2011 is considered a conforming preferred use. "Conforming preferred use" means that applicable development and shoreline master program regulations may only impose reasonable conditions and mitigation that will not effectively preclude maintenance, repair, replacement, and remodeling of existing floating homes and floating home moorages by rendering these actions impracticable. Floating homes should be accommodated to allow improvements associated</u></p>

Row	Summary of change	Review	Action
			<p><u>with life safety matters and property rights to be addressed provided that any expansion of existing communities is the minimum necessary to assure consistency with constitutional and other legal limitations that protect private property.</u></p>
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures.	The current SMP does not address appeal procedures, nor is it required to.	<p>No action necessary.</p> <p>The City will continue cross-reference State regulations.</p>
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual.	The City incorporates by reference the 2017 city-wide critical areas regulations by ordinance which are codified under BMC 20.14 and include the requirement for delineation in accordance with the federal wetland delineation manual. The BSMP “wetlands” Chapter 3 definition includes reference to the approved federal manual.	<p>No action necessary.</p> <p>However, as discussed in further detail in Section 3 below, the critical areas definitions in Chapter 3 BSMP should be reviewed for consistency with the definitions in 20.14.200. Only definitions specific to shoreline jurisdiction need to be included in the SMP.</p>
b.	Ecology adopted rules for new commercial geoduck aquaculture.	BSMP Section 8.020 discusses policies and development regulations for all types of aquaculture. Chapter 3, Definitions, defines aquaculture and includes the clarification that it does not include wild geoduck harvest. BSMP 8.020.n requires a Shoreline Conditional Use Permit for all new commercial aquaculture. It does not ensure that planting, growing, and harvesting of farm-raised geoducks also require a Substantial Development	<p>Recommended:</p> <p>The City may consider revising BSMP 8.020 to ensure an SDP is required if a project causes substantial interference with public access or passage. The City may reference the review provisions under WAC 173-26-241(3)(b) (ii-iv) directly to ensure all aspects of the new rules are noted in the SMP.</p>

Row	Summary of change	Review	Action
		Permit if a specific project or practice causes substantial interference with normal public use of the surface waters, in accordance with Attorney General Opinion 2007 No. 1 and WAC 173-26-241(3)(b)(ii-iv).	
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	BSMP Section 8.080, Residential Regulation (d) prohibits over-water residences and floating homes. However, neither term is defined in the SMP.	<p>Recommended: The City does not have any floating homes to-date. However, a definition may be added to improve administration of the code. The definition can be added to Chapter 3, consistent with the State statute as follows: <u>"Floating home" means a single-family dwelling unit constructed on a float, that is moored, anchored, or otherwise secured in waters, and is not a vessel even though it may be capable of being towed.</u></p>
d.	The Legislature authorized a new option to classify existing residential structures as conforming.	BSMP Chapter 6, Nonconforming Provisions, establishes criteria for when and how nonconforming structures can be continued, expanded, maintained or repaired. The legislative option to allow existing legally established non-conforming residential structures to be treated as conforming if not included. This legislative action does not impact future development; it merely treats existing legally permitted nonconforming development as conforming.	No action necessary. This law is optional. The City considered this option prior to the 2013 adoption and chose not to change the legal classification of nonconforming residential structures. Rather, SMP Chapter 6 clarifies the existing rights and allowances for nonconforming use and development without changing the legal status.
2010			
a.	The Legislature adopted Growth	BSMP 5.010, Applicability, already contains reference to	No action necessary.

Row	Summary of change	Review	Action
	<p>Management Act – Shoreline Management Act clarifications.</p>	<p>WAC 173-26, which therein references Approval/Amendment Procedures and Master Program Guidelines. City-wide critical areas regulations are adopted by reference in BSMP 5.010.c.2 with exclusions noted where GMA requirements are not compatible with SMA requirements.</p>	
<p>2009</p>			
<p>a.</p>	<p>The Legislature created new “relief” procedures for instances in which a shoreline restoration project within a UGA creates a shift in Ordinary High Water Mark.</p>	<p>BSMP 5.090, Restoration Project Relocation of Ordinary High Water Mark, includes most of the language in Ecology’s rule intended to implement this relief provision. However, not all of the criteria and provisions of WAC 173-27-215 are included for example: (4) A substantial development permit is not required on land within urban growth areas as defined in RCW 36.70A.030 that is brought under shoreline jurisdiction due to a shoreline restoration project creating a landward shift in the ordinary high-water mark. (5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise. (6) "Shoreline restoration project" means a project designed to restore impaired ecological function of a shoreline.</p>	<p>Required: The City should amend 5.090 to add the additional criteria and provisions of WAC 173-21-215 which are not currently included.</p> <p>Recommended: The City may adopt the by simple reference under BSMP 5.090 or incorporate the following:</p> <p><u>In limited instances, the city may grant relief from development standards and use regulations within the SMP that result from shoreline restoration projects that cause a landward shift in the extent of the shoreline jurisdiction consistent with criteria and procedures in WAC 173-27-215. These criteria include, but are not limited to the following:</u></p> <p>a. <u>Application of regulations within this SMP would preclude or interfere with use of the affected property, where such use would otherwise be permitted by city regulations, thus presenting a hardship to the project proponent;</u></p>

Row	Summary of change	Review	Action
			<p><u>b. The proposed relief is the minimum necessary to relieve the hardship;</u></p> <p><u>c. After granting the proposed relief, there is net environmental benefit from the restoration project;</u></p> <p><u>d. Where a shoreline restoration project is created as mitigation for a development permit, the project proponent required to perform the mitigation is not eligible for relief under this section; and</u></p> <p><u>e. Application for relief must be approved by the city and must be submitted to Ecology for written approval or disapproval; Ecology submittal and decision procedures shall occur consistent with WAC 173-27-215.</u></p>
	<p>b. Ecology adopted a rule for certifying wetland mitigation banks.</p>	<p>BMC 20.14, adopted by reference into the SMP, allows the use of certified wetland mitigation banks under BMC 20.14.340.d.3(ii), Mitigation Requirements - Wetlands.</p>	<p>No action necessary.</p>
	<p>c. The Legislature added moratoria authority and procedures to the SMA.</p>	<p>Moratoria procedures are not included in the current SMP, nor are they required to be. BSMP already refers to WAC 173-27 under BSMP 5.010, Applicability, capturing WAC 173-27-085.</p>	<p>No action necessary.</p>
<p>2007</p>			
	<p>a. The Legislature clarified options for defining "floodway" as either the area that has been established in</p>	<p>Floodway is defined in Chapter 3, Definitions and covers both Ecology-prescribed options and</p>	<p>No action necessary.</p>

<i>Row</i>	<i>Summary of change</i>	<i>Review</i>	<i>Action</i>
	FEMA maps, or the floodway criteria set in the SMA.	includes reference to the law (RCW 90.58.030)	
b.	Ecology amended rules to clarify that comprehensively updated SMPs shall include a list and map of streams and lakes that are in shoreline jurisdiction.	No new shoreline waterbodies have been identified since the comprehensive update. The areas of shoreline jurisdiction are shown on the maps in BSMP Section 4.020, but not provided as a list.	Recommended: To increase usability, provide a list of shoreline waterbodies preceding the maps which identify specific designations. This could be added as a separate subsection under BSMP Chapter 4- Shoreline Maps and Designations.
c.	Ecology's rule listing statutory exemptions from the requirement for an SDP was amended to include fish habitat enhancement projects that conform to the provisions of RCW 77.55.181.	SMP 5.010.h, Exemptions, includes reference to fish habitat enhancement projects under RCW 77.55.181 and includes the list of the specific types of projects which qualify. However, the list of types of projects which qualify under RCW 77.55.181 was recently expanded (2019) by the legislature to include "restoration of native kelp and eelgrass beds and restoring native oysters" (RCW 77.55.181.(1)(a)(iv) which is not included in the current SMP.	Recommended: Update the language in BSMP 5.010.h.16.iv.A.I to include restoration of native kelp and eelgrass beds and restoring native oysters, for consistency with the revised criteria of RCW 77.55.181.

3. Consistency with Critical Areas Regulations

Bremerton's critical areas ordinance (CAO) was updated in 2016, at the time of the Major Comprehensive Plan update, and are codified in BMC Chapter 20.14. The BSMP was updated at the same time, through a limited amendment; adopting BMC Chapter 20.14 by reference. Therefore, the BSMP critical area regulations are mainly up to date and consistent with Ecology's guidance.

Table 3-1 below summarizes the issues identified above which should be resolved in order to properly incorporate the latest Ecology critical areas guidance and reference the City's critical areas regulations into the updated SMP. The table is organized by critical areas regulations subject area.

Table 3-1. Summary of consistency with the SMP and Critical Areas Ordinance and potential revisions.

#	Issue	Relevant Location(s) ¹	Review & Action
1	July 2018 Ecology Wetland Buffer Guidance Update	<u>Location:</u> BMC 20.14.330(h)	<p><u>Review:</u> Ecology updated their wetland rating guidance in July 2018. Changes include modified habitat score ranges in wetland buffer tables. Chapter 5 BSMP adopts the wetland buffer table in BMC 20.14. Updating this table to reflect Ecology's 2018 guidance would result in a decrease in buffer widths for lower rated wetlands. A discussion is provided below.</p> <p><u>Action</u> <i>Recommended:</i> Revise BMC 20.14.330.h to reflect the latest Ecology guidance and <i>if required</i> incorporate the updated BMC 20.14 by reference into the updated BSMP.</p>
2	Reducing wetland buffer widths with minimization measures	<u>Location:</u> BMC 20.14.330(h)(3); BSMP Section 7.010(a)	<p><u>Review:</u> BMC 20.14 allows a 25% reduction of the standard buffer widths if certain minimization measures are applied. This is generally consistent with Ecology guidance and the buffer tables presented in Ecology's Wetland Guidance for CAO Updates except that the requirement for protection of wildlife corridor is not fully consistent with Ecology's guidance.</p> <p>The SMP excludes incorporation of this regulation from BMC 20.14.</p>

#	Issue	Relevant Location(s) ¹	Review & Action
			<p>Action <i>Recommended:</i> Revise BMC 20.14.330.h.3 to incorporate all Ecology guidance on protection of a wildlife corridor for wetlands with a habitat score greater than 6. If this is done, this section will be consistent with BAS and will no longer need to be excluded from the BSMP.</p>
3	Critical Area Regulations excluded from BSMP	<p>Location: BSMP 5.010(c)(2); BSMP 7.010.a</p>	<p>Review: Critical area exclusion lists do not match.</p> <p>Action: Revise code and consider removing BMC 20.14.330(h)(3) if the wildlife corridor revisions to the CAO incorporated in the BMC.</p>
4	Extraneous Critical Area Regulations	<p>Location</p>	<p>Review For SMP & CAO, it would be helpful that have a 'GAP' analysis of what is in our code that is not required to be there.</p> <p>Action Conduct a general review of existing CAR and identify overly burdensome or inflexible items for applicants that are not required by state laws or Best Available science.</p>
5	Definitions	<p>Location: BSMP Chapter 3; BMC 20.14.200 'Definitions'</p>	<p>Review: The definitions for the following are inconsistent between the Chapter 3 BSMP and BMC 20.14.200 'Definitions':</p> <ul style="list-style-type: none"> • Restore, Restoration, or ecological restoration • Repair or maintenance (CAO) vs. Normal repair and maintenance (BSMP) • Qualified Professional <p>Action <i>Recommended:</i> The City will use the most up-to-date definition available that is consistent with State law and the City's use of the term in any other relevant regulations.</p>
6	Definitions	<p>Location: BSMP Chapter 3; BMC 20.14.200 'Definitions'</p>	<p>Action: Remove redundant definitions. Critical area definitions defined by BMC 20.14.200 to be removed from Chapter 3.</p>

#	Issue	Relevant Location(s) ¹	Review & Action
7	Wetland delineations valid for five (5) years: regulation in definition	Location: BMC 20.14.200	Review: Wetland delineation expiry is in an awkward code location for readers. Action: Recommended: Relocate wetland delineation expiry to administrative code within wetland delineation section (BMC 20.14.310).
8	Replacement Trees	BMC 20.14.190	Review/Action Incorporate existing CAO code or propose new code for replacement trees in critical areas. Issues include the no explicit information on replacement tree spacing, in critical areas and their buffers removal of trees greater than six inches in diameter at four ft height have a 1:3 replacement ratio.
<p>¹. This column attempts to capture the primary relevant location(s) of content related to the item described in the Summary of Change column; however, due to length of the SMP, all relevant locations may not be listed.</p>			

Ecology Wetland Buffer Guidance

In July 2018, Ecology updated its guidance for wetland ratings. The change represents best available science (BAS) and includes modified habitat score ranges used in wetland buffer tables. The change in guidance is the result of Ecology's continued evaluation of the 2014 wetland rating system as it relates to the 2004 wetland rating system. Ecology's continued evaluation resulted in revised buffer guidance that is more in line with rating system reference wetland data. The recommendation assigns wetlands with a habitat score of 5 as "low" function along instead of a separate "low/medium" grouping. This reduces the buffer for wetlands with a habitat score of 5 when compared to the City's current buffer table (see Tables 3-2 and 3-3 below). It also reduces the recommended buffer for "medium" habitat functions (scores of 6 and 7). We propose the City modify its wetland regulations to follow Ecology's new guidance, although not required by Ecology at this time. Table 3-1 shows the existing buffer widths under BMC Chapter 20.14 and Table 3-2 shows Ecology's most recent 2018 guidance.

Table 3-2. Current standard wetland buffer table per BMC 20.14.330.h.1

Wetland Category and Type	Buffer Width (in feet) Based on Habitat Score			
	3-4 (Low)	5 (Medium)	6-7 (Medium)	8-9 (High)
I: Estuarine wetlands	200			
I: All others	100	140	220	300

Wetland Category and Type	Buffer Width (in feet) Based on Habitat Score			
	3-4 (Low)	5 (Medium)	6-7 (Medium)	8-9 (High)
II: Estuarine wetlands	150			
II: All	100	140	220	300
III: All	80	140	220	300
IV: All	50			

Table 3-3. Standard wetland buffer widths table per July 2018 updated Ecology guidance (when minimization measures and a wildlife corridor are NOT provided)

Wetland Category and Type	Buffer Width (in feet) Based on Habitat Score		
	3-5 (Low)	6-7 (Medium)	8-9 (High)
I: Estuarine wetlands	200		
I: All others	100	150	300
II: Estuarine wetlands	150		
II: All	100	150	300
III: All	80	150	300
IV: All	50		

Note that BMC Chapter 20.14 utilizes the un-reduced standard buffers presented in Ecology's Wetland Guidance for CAO Updates for when minimization measures are not implemented (BMC 20.14.330.h.1). BMC Chapter 20.14 allows a 25 percent reduction in wetland buffer widths if impact minimization measures are applied (BMC 20.14.330.h.3). To be consistent with Ecology's guidance, the use of minimization measures must also require protection of a wildlife corridor, when appropriate. A corridor requirement is currently included in the City's minimization measures table, but the table does not include all current Ecology requirements. To better align with BAS, a wildlife corridor protection requirement is recommended for wetlands with a habitat score of 6 or more to use the reduced standard buffers of BMC 20.14.330.h.3. The wildlife corridor is only required, and may apply the city in areas owned by the county, if an existing, relatively undisturbed corridor at least 100 feet in width exists between the subject wetland and another Washington Department of Fish and Wildlife priority habitat, *and* the off-site portion of the corridor is already protected by a legal mechanism. (Legal mechanisms may include, conservation easements, public dedications or tracts etc. established in perpetuity). If so, the applicant must extend the wildlife corridor protection onto the subject parcel to connect it to the wetland. If such a wildlife corridor exists but the protection is not provided, the standard buffers must be used. If no wildlife corridor is present, the reduced standard buffers may be used with application of the minimization measures alone.

Ecology's recommended buffer widths when minimization measures are implemented, and a wildlife corridor is provided are presented in Table 3-3 below. These correspond to the reduced buffer widths allowed by BMC 20.14.330.h.3.

Table 3-4. Reduced wetland buffer widths when minimization measures and corridor are provided

Wetland Category and Type	Buffer Width (in feet) Based on Habitat Score		
	3-5 (Low)	6-7 (Medium)	8-9 (High)
I: Estuarine wetlands		150	
I: All others	75	110	225
II: Estuarine wetlands		110	
II: All	75	110	225
III: All	60	110	225
IV: All		40	

Critical Areas Applicability in Shoreline Jurisdiction

BMC Chapter 20.14 includes some regulations that are inconsistent with the Shoreline Management Act. The inconsistent regulations have been identified and excluded from incorporation into the SMP in SMP Section 7.010, Regulation (a) and include some exemptions, reasonable use exceptions and stream buffer reductions. Included in the list of exclusions is BMC 20.14.330(h)(3) Reducing Wetland Buffer Widths. While it is true that the SMA would not allow wetland buffer reductions beyond the minimum supported by the most current, accurate, and complete scientific or technical information available, the widths offered by BMC 20.14.330(h)(3) and shown above in Table 3-4 are supported by Ecology as BAS, if the minimization measures and wildlife corridor are provided when applicable. Therefore, the City could consider including this section in the SMP if the suggested changes to the wildlife corridor provision are incorporated.

The list of critical area sections ((BMC 20.14) excluded from the BSMP is repeated in section BSMP 5.010(c)(2). The Chapter 5 list differs slightly from the Chapter 7 list (BSMP 7.010.a). These two lists should be revised to be the same.

BSMP section 5.010 excludes BMC 20.14.730(d)(8), while section 7.010 does not. Secondly, the wetland sections excluded are listed together and given the incorrect name, "standard wetland buffers widths" in 5.010 (the standard wetland buffer widths section is not listed, and it is assumed it is not actually intended to be excluded.) BMC 20.14.730 (d)(8) Habitat Conservation Area Buffers, is not inconsistent with the SMA and it is not clear why it would be excluded. The City should consider including this section in the SMP. Overall it is recommended that the list in BSMP Section 7.010 be used with the possible removal of BMC 20.14.330(h)(3) if the wildlife corridor revisions are made as discussed above.

Finally, the BMC 20.14.200, Definitions, contains several definitions which are inconsistent with the definitions in the BSMP Chapter 3. These two definitions sections should be reviewed and reconciled, however BSMP Chapter 3, Page 11 states:

‘Where these definitions conflict with other definitions in the Bremerton Municipal Code, these definitions shall prevail for projects within the shoreline jurisdiction’.

In general, definitions not specific to shoreline jurisdiction do not need to be defined in the BSMP. Therefore, critical areas definitions which are appropriately defined in BMC 20.14.200 could be removed from BSMP Chapter 3.

4. Consistency with Comprehensive Plan & Other Development Regulations

Based on a review of the City’s Comprehensive Plan and BMC Title 20 ‘Land Use’, there are no major inconsistencies observed within the City’s SMP. There are potential amendments, including discretionary staff requests, which are included in Section 5 of this document.

5. Other Issues to Consider

In addition to the issues discussed in the previous sections of this report, several other issues in the current SMP could be addressed as part of the periodic update process to produce a more effective SMP per City staff comments on the administration of the BSMP. These other issues are described in Table 5-1 below.

Table 5-1. Other issues that could be addressed to produce a more effective SMP.

#	Issue	Relevant Location(s) ¹	Review & Action
Permit Administration			
1	Shoreline Permit Expiration	BSMP Section 5.060, Time Periods	<p>Review: The two-year time period to complete work one-year extension is insufficient.</p> <p>RCW 90.58.143 allows five years for substantial development permits with authorization for a single extension not to exceed one year. If no substantive changes, the city may ‘authorize different time limits as part of action on a permit’ ((Ecology, 2019, p. 10-1).</p> <p>Action: Revise the BSMP to either cross-reference RCW 90.58.143 or as amended, or five-years</p>

			(except variances) to substantially complete construction for the requested development activity, with an opportunity for an extension up to one-year extension under reasonable factors.
2	Shoreline permit Ecology Filing	BSMP 5.040(a)(3)	<p>Review: Shoreline CUP, shoreline variance permits and SDPs must be filed with ecology. Permits and shoreline exemptions requiring environmental checklist are submitted to DOE SEPA registry per SEPA rules/WAC 197-11.</p> <p>Action: Revise the BSMP cross-reference WAC 173-27-130.</p>
Nonconforming Provisions			
3	Conditional use Permit required for Nonconforming Use	BSMP 6.080	<p>Review This section creates administration issues for staff and is not necessary.</p> <p>Action Remove section and conditional use permit requirement.</p>
4	Re-use of vacant structures	BSMP Chapter 6, Nonconforming Provisions	<p>Review: Any use allowed in the zone may occupy a vacant structure, until such time a preferred shoreline use becomes available, if no exterior alterations to the site are proposed. Restaurants to be permitted in multifamily shoreline designation if a legal non-conforming use.</p> <p>Action The City may consider establishing a maximum time period for re-occupying existing vacant structures, subject to zoning and building code requirements.</p>
General Standards and Regulations			
5	Fence construction in the shoreline buffer area	BSMP, Chapter 7.010.6	<p>Review: Staff request the opportunity to modify fence allowances in buffer areas with provision for ADA requirements, health, life and safety.</p>

			<p><u>Action:</u> <i>Recommended:</i> Revise BSMP 7.010.6, to permit some fencing configurations in certain shoreline buffer areas.</p>
6	Streamline buffer averaging requests - Fish & Wildlife Habitat Conservation Areas	BSMP Section 7.010.5	<p><u>Review:</u> Regulations require that applicants analyze '60% or more of like structures along the shoreline within the same numbered block as the subject property [which] are less than the required buffer/setback required by the SMP.' The average is permitted for the current proposal.</p> <p>For staff and applicants this is difficult and cumbersome to implement. There are best practices with regulations that may be easier to implement.</p> <p><u>Action:</u> <i>Recommended:</i> Review best practices of other cities and revise BSMP Section 7.010.5 to establish an improved buffer averaging process. Add a general provision for a critical area building setback line of 5-ft. from the edge of a buffer.</p> <p><i>Recommended:</i> Replace the traditional rear yard setback with a string-line setback regulations.</p>
7	Height Restrictions	BSMP Section 7.090	<p><u>Review:</u> Explore opportunities to allow for height exceptions for certain types of structures (i.e. bridges). Regulations did not anticipate regulating public bridges that transverse a body of water.</p> <p><u>Action:</u> <i>Recommended:</i> Codify Director's Interpretation 18-001-SMP in BSMP Section 8.090 'Roads, Railways, and Utilities.' 'Height restrictions and light penetration standards do not apply to public bridges.'</p>

			<i>Compliance with all other code provisions shall apply' .</i>
8	Isolated SED-Implementation	BSMP 4.030.f, 7.090.5 Chapter 7; SED mapping	<p><u>Review</u> An 'Isolated' designation exists and BSMP provisions exempt fish and wildlife buffer on these parcels within the shoreline. These isolated parcels are separated from the shoreline jurisdiction by another parcel, bisected by a road or improvements, etc.</p> <p><u>Action</u> Consider adding allowances to be less restrictive on other parcels which are not designated as Isolated yet are separated by a road or other significant improvement.</p>
9	Public Access	BSMP Section 7.040(b)(2) Regulations and throughout SMP	<p><u>Review</u> Consider alternatives that add flexibility for applicants and staff while still meeting WAC public access requirements</p> <p><u>Action</u></p> <ul style="list-style-type: none"> • Consider alternatives that add flexibility to current public access requirements (e.g. in-lieu, collective off-site locations, nearby access). Including, adding director discretion to remove public access requirement (7.040(h)(9)) as appropriate. • Clarify acceptable trail materials and size along with requirements for no net loss
10	Mitigation Performance and Monitoring Bonding	7.020 Regulations (a)(7)	<p><u>Review</u> Current bonding requirements do not always contribute to overall success of mitigation</p> <p><u>Action</u> Consider incremental release of bonds if the plants are installed and meeting survival retention rates. Remove bonding requirement for small residential projects.</p>
11	Advance mitigation planning	TBD	<p><u>Review</u> Public Works could benefit from use of an advanced mitigation bank to improve project implementation timeline</p>

			<p><u>Action</u> Consider establishing a process in the SMP/CAO for mitigation banking sites in the City for city projects only.</p>
12	Climate Change Resiliency	TBD	<p><u>Review</u> The City is interested in reviewing how other jurisdictions have incorporated best practices regarding sea level rise and adaptation. The City expects to receive more requests to repair or modify bulkheads as sea levels begin to rise.</p> <p><u>Action</u> Where appropriate, incorporate relevant policies into City’s SMP (e.g. Olympia’s 2019 Sea Level Rise Plan).</p>
Shoreline Use and Modification Regulations			
13	Light penetration for public bridges	BSMP Section 9.030 Regulations (b)	<p><u>Review:</u> Regulations did not anticipate regulating public bridges that transverse a body of water for conformance to light penetration standards. (see response to height restrictions above)</p> <p><u>Action:</u> <i>Recommended: Codify Director’s Interpretation 18-001-SMP in BSMP Section 8.090 ‘Roads, Railways, and Utilities.’ ‘Height restrictions and light penetration standards do not apply to public bridges. Compliance with all other code provisions shall apply’</i></p>
14	Vegetation Management Plan Requirements	BSMP Section 9.080.i, BSMP Section 7.020	<p><u>Review:</u> Explore opportunities to reduce unnecessary restrictions, while maintain no net loss. Add prescriptive standards or those instances where projects are exempt from VMP or enhancement; proportional to the impact proposed; particularly when development located outside of buffer.</p> <p><u>Action:</u> Review and revise issues identified by City staff</p>
15	Tender Docks	9.030.i Regulations; BSMP Ch. 3 Definitions	<p><u>Review:</u></p>

			<p>No dimensional standards are currently included for a tender dock.</p> <p><u>Action:</u> Add 'tender dock' definition or 'to tender' versus 'to dock'. Consider adding dimensional criteria for a tender dock, as appropriate.</p>
Shoreline Environment Designation Mapping			
16	<p>SED Designation: Commercial Designation – Extension to lots with existing commercial buildings along shore drive.</p>	<p>BSMP Section 4.020, Map D</p>	<p><u>Review:</u> The City may consider expanding the 'Commercial' shoreline designation to the south on 'Multi-Family Residential' parcels along Wheaton Way. BSMP Section 6.070 states 'substantial destruction' removes all legal nonconforming use and development status. Therefore, legal non-conforming commercial uses who wish to upgrade buildings, demolish structure and remodel for economic development in the commercial node are strictly prohibited under the current land use designation.</p> <p>Commercial and multi-family development represent similar permitted uses in the BSMP in terms of their potential impact on the shoreline environment. Expanding commercial areas would increase permitted uses including hotels, general retail, restaurants, and public parking capacity.</p> <p>Further, the expansion to the commercial does not impact public access nor reduce the types of 'Recreation and Public Access' use permitted.</p> <p><u>Action:</u> The City may consider changing identified 'Multi-Family Residential' lots to the 'Commercial' designation. Staff knowledge, historical aeriels, assessor data and subarea plans may determine appropriate parcels.</p> <p>The City may choose to include other shoreline designation amendments at their discretion. DOE will require a 'no net loss'</p>

			analysis if such map designation changes are proposed.
17	SED Designations #2: "Commercial" and "Downtown Waterfront" Designations	BSMP Section 4.020 – SMP Official Maps A-J	<p>Review: 'Commercial' and 'Downtown Waterfront' are difficult to differentiate due to their similarity in color.</p> <p>Action: <i>Recommended:</i> Change the SED 'Commercial' and "Downtown Waterfront" designation colors to clearly delineate.</p>
18	Other SED map revisions	Official Shoreline Environment Designation Maps A-M; Appendix III Designation Boundary & Resource Table	<p>Review</p> <ul style="list-style-type: none"> • SED Map D, mapping error- commercial designation to extend to 1912 Wheaton Way. • Honor Bar/Evergreen Park re-designate to Isolated SED • Oyster Bay requires SED assignment • Commercial SED to be expanded one lot beyond Pitt Avenue to the South. <p>Action Revise maps.</p>
Administrative Amendments			
19	Industrial Development	Throughout BSMP	<p>Review General evaluation of the SMP to ensure consistency with industrial development.</p> <p>Action Explore opportunities to ensure consistency with the need for industrial development in certain locations.</p>
20	Reformat/Fix SMP Errors	Throughout BSMP	<p>Review Revise text and sections for improved clarity and flow, address miscellaneous typos and formatting errors. The following are known issues. Others to be addressed during review process.</p> <p>Action Amend the following SMP items</p> <ul style="list-style-type: none"> • 7.040 Regulations(b)(7) should be (b)(5) • 7.040 Regulations(f) should be (c) • 8.040 Regulations(a) & 7.040 • 7.090(b) Regulations scriveners' error • 7.010 (c)(g) Regulations

			<ul style="list-style-type: none"> • Correct public access requirement for lot threshold • Figure 7.090(b)(a)(1), revise order • 9.060 Regulations(a), fix typo • BSMP 7.010.6, 'Buffers & Setbacks' - The code reference for fencing is incorrect. Update reference in BSMP from BMC 20.44.020 to BMC 20.46.020
21	Employment Center Planned Action	NA	<p><u>Review</u> Land use considerations are on-going for this area and future ordinance may impact city plans for shoreline development. SMP update to be mindful and consistent with area policies.</p> <p><u>Action:</u> Implement the recommendations from the Eastside Center Subarea Plan.</p>
<p>¹ This column attempts to capture the primary relevant location(s) of content related to the item described in the Summary of Change column; however, due to length of the BSMP, all relevant locations may not be listed.</p>			

6. References

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