

**(DRAFT) AGENDA**  
**Regular Meeting – Bremerton Planning Commission**  
**(Subject to PC approval)**  
**November 18, 2019**  
**5:30 P.M.**  
**345 – 6<sup>th</sup> Street**  
**Meeting Chamber – First Floor**

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- I. CALL TO ORDER**
  - II. ROLL CALL (quorum present)**
  - III. ELECTION OF OFFICERS FOR 2020**
  - IV. APPROVAL OF THE AGENDA**
  - V. APPROVAL OF MINUTES:**
    - o October 21, 2019 meeting.
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**VI. PUBLIC MEETING**

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

**B. Public Hearing**

- 1. Zoning Code Amendment to Establish Regulations for Temporary Encampments
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**VII. BUSINESS MEETING**

**A. Chair Report:** Rick Tift

**B. Director Report:** Andrea Spencer

**C. Old Business:** Bylaw Review and Comments

**D. New Business:**

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**VIII. ADJOURNMENT: The next regular meeting of the Planning Commission is**  
**Monday January 27, 2020**

*(Note: date is the fourth Monday due to the holiday that occurs on the third Monday)*

*Please note the December 16, 2019 meeting is cancelled.*

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

# DRAFT

Subject November 18, 2019 Approval

## CITY OF BREMERTON

### PLANNING COMMISSION MINUTES OF REGULAR MEETING October 21, 2019

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#### CALL TO ORDER:

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

#### ROLL CALL

##### Commissioners Present

Chair Tift  
Vice Chair Wofford  
Commissioner Jones  
Commissioner Nerf  
Commissioner Pedersen

##### Staff Present

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

##### Commissioners Excused

Commissioner Davis  
Commissioner Mosiman

*Quorum Certified*

#### APPROVAL OF AGENDA

VICE CHAIR WOFFORD MOVED TO APPROVE THE AGENDA AS PRESENTED. COMMISSIONER JONES SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

#### APPROVAL OF MINUTES

VICE CHAIR WOFFORD MOVED TO APPROVE THE MINUTES OF SEPTEMBER 16, 2019 AS PRESENTED. COMMISSIONER JONES SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

#### PUBLIC MEETING

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

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

#### Public Workshop: Affordable Housing Infill Tool Kit Next Steps

Ms. Satter reviewed that the City has developed and been implementing an Infill Toolkit, which identifies potential code amendments that can help address the affordable housing crisis. The Planning Commission and City Council have agreed on the direction of the Infill Toolkit, which includes potential amendments related to accessory dwelling units (ADUs), cottage

homes, cluster housing, allowing more housing types, improving the subdivision code and potential reductions in the general facilities charge (GFC). The purpose of this workshop is to discuss next steps for implementation.

**Ms. Satter** said staff believes that E2SHB 1923, a bill recently passed by the State Legislature that strongly encourages all larger jurisdictions throughout the state to increase residential capacity, aligns perfectly with the City’s efforts and encourages the implementation of the Infill Toolkit. The idea is that increasing the supply of housing will bring down the cost, and the bill provides incentives for cities to participate. All work must be done by 2020. She commented that the City’s intent is to focus on the first half of the bill, since the second half only deals with cities with populations over 500,000.

**Ms. Satter** explained that the bill outlines two major incentives to induce cities to participate: grant funding and protection against State Environmental Policy Act (SEPA) and/or Growth Management Act (GMA) appeals in certain cases. As per the bill, cities are eligible for the planning grants and “safe harbor” appeal provisions if they adopt two or more of the 12 actions listed in the legislation. She briefly reviewed the 12 action items and advised that the City has committed to considering the potential implementation of the following three:

- **Potential Amendment 1 – Set minimum density at six dwelling units per acre (DUA).** The current code requires a minimum density of 5 DUA, and the proposed code amendment would raise the minimum density requirement to 6 DUA. The amendment would impact the Low-Density Residential (LDR), Medium-Density Residential (MDR) and Residential (R-20) zones. It would require a Comprehensive Plan amendment, as well as a Zoning Code update. She shared examples of developments at 5 DUA and 6 DUA, and noted that they look almost the same. **Vice Chair Wofford** asked if ADUs count as dwelling units when calculating density, and **Ms. Satter** answered that they do not.
- **Potential Amendment 2 – Allow Accessory Dwelling Units (ADUs) with specific requirements.** Previously, the Commission recommended approval of amendments that would remove the owner occupancy requirement and add some design standards. The City Council adopted the design standards, but maintained the owner occupancy requirement.

**Ms. Satter** explained that E2SHB 1923 provides guidelines for how ADUs should be regulated. She briefly reviewed how the requirements of the bill compare to the City’s current code requirements:

<b>E2SHB 1923 Requirements:</b>	<b>City’s Current Code Requirements:</b>
ADUs must be allowed on all lots greater than 3,200 square feet.	The City’s code does not identify a minimum lot size for ADUs so it is consistent with this requirement.
Both detached and attached ADUs must be allowed.	The City’s code already allows both attached and detached ADUs and is consistent with this requirement.
There must be no required off-street parking spaces.	The City’s code requires 1 off-street parking space for an ADU. A code amendment will be needed to address this requirement.
There can be no owner-occupancy requirement.	The City’s code requires the owner to live on the property for 12 months out of the year. A code amendment will be needed to address this requirement.
There can be no square footage limitations below 1,000 square feet.	The City’s code requires that ADUs must be no larger than 60% of the size of the principal unit, which may be smaller than 1,000 square feet. Staff will need to research this requirement further. While they may not be able to retain the 60% requirement, the City may be able to argue that tan ADU should be subordinate to the principal use.
The City must not prohibit the separate rental or sale of an ADU.	The City’s code is silent on rental or sale of ADU’s, but the owner-occupancy requirement would impact the provision. Staff will need to do more research to clearly understand this requirement and its implication.
Impact fees cannot be more than their actual impact.	The City’s impact fees are consolidated with the principal unit. Therefore, the City’s code is consistent with this requirement.

**Commissioner Nerf** reminded staff that the City's current code allows an exception to the 60% requirement that applies to 2-story homes built before 2017. **Ms. Satter** confirmed that one floor (50%) of a home could be converted to an ADU, provided that the no additional square footage is added. She said she expects this exception will be up for conversation again, but staff will not likely propose its elimination.

- **Potential Amendment 3 – Allow cluster zoning or lot size averaging.** With cluster zoning, development density is determined for a specific area rather than on a lot-by-lot basis. It allows greater flexibility for design and placement of structures provided the underlying density is met. Lot size averaging allows the size of individual lots to vary from maximum density, providing that the average lot size in the development as a whole meets the maximum density. This concept would typically be applied to a subdivision and allows houses to be built on smaller lots with areas reserved for open space. It also allows for more diversity in housing.

**Vice Chair Wofford** asked if the current setback requirements would need to be altered to accommodate cluster development. **Ms. Satter** answered that the City currently allows cluster development for subdivisions, and the concept is typically applied when a large portion of a lot is encumbered by critical area. In these cases, the units can be clustered together to protect the critical area, as long as the underlying density is still met. If the City adopts cluster zoning, it would be accompanied by a set of standards to ensure that it fits into Bremerton. She encouraged the Commissioners to share good examples they see of cluster development with staff.

**Ms. Satter** described the incentives that E2SHB 1923 provides to encourage local governments to participate:

- **Funding.** Cities can request up to \$100,000 in grant funding from the State, and the City of Bremerton has requested \$43,000 to reimburse the City for in-kind staff hours necessary to implement the proposed amendments. Grants are expected to be awarded at the end of October. Whether they receive the grant funding or not, the City is still committed to considering the proposed amendments as part of its efforts to implement the Infill Toolkit. If the City is awarded a grant, 30% of the funding will be contingent upon the City passing the three amendments.
- **Protection Against Appeals.** Because the legislature has identified housing as super important and some jurisdictions have gotten bogged down with appeals from people who don't want development to happen, this incentive will protect the City from SEPA and GMA appeals associated with the amendments.

**Director Spencer** pointed out that, of the 12 action items the City could select from, the three that were chosen appear to provide the biggest bang for the buck. When making the grant proposal to the State, staff had to calculate how many additional units would be expected based on the proposed amendments. The idea was to identify amendments that would provide the greatest number of additional units without creating a significant impact to the residential neighborhoods. **Ms. Satter** said the City's goal is to grow 6,500 units in the next 20 years, and it is assumed that about 10% of the population could be accommodated through 570 new ADUs. It is also assumed there would be up to 900 new units as a result of cluster averaging and up to 900 new units as a result of the minimum net density increase. **Director Spencer** summarized that the Puget Sound Region continues to grow and the growth targets will be difficult to achieve. These smaller changes will help the City achieve its growth targets without having huge impacts on neighborhoods. She reminded them that growth in the Urban Growth Areas is limited, and the City must figure out how to accommodate growth within the existing area, and the intent is to accommodate growth through infill development rather than urban sprawl.

**Ms. Satter** provided graphs to illustrate how home values have increased across all Puget Sound Counties over the past 22 years. She reported that homes sales and prices in Kitsap County continue to grow. Median sales prices in Kitsap County vary, with Bremerton being the lowest at \$289,300. **Commissioner Jones** asked if the median sales price is for new construction or existing housing. **Ms. Satter** said the number represents all houses being sold now, both new and existing. **Ms. Satter** continued that multifamily rents are also increasing in Puget Sound counties, and median gross rents are growing in Kitsap County, including Bremerton. **Vice Chair Wofford** asked if the numbers are specific to any particular size of apartment, and **Ms. Satter** answered that the multifamily numbers are associated with developments of four units or more. The median gross rent numbers are associated with all rental units (homes, apartments, etc.). **Director Spencer** explained that Bremerton's numbers are lower than other areas in Kitsap County because there are more multifamily units in Bremerton and more houses for rent in Port Orchard, Bainbridge Island, etc. **Ms. Satter** advised that, with the exception of Bainbridge Island,

at least 50% of the residents in all other locations in Kitsap County are considered cost burdened, which means they spend more than 30% of their income on mortgage and basic utilities.

**Ms. Satter** summarized that the City is looking for ways to increase its housing capacity as supported by the Infill Toolkit and encouraged by E2SHB 1923. The three topics for next year's work program include amendments that increase the minimum lot requirement to 6 DUA, encourage ADU development and allow cluster zoning/lot averaging,

There were no public comments.

**Vice Chair Wofford** said he foresees some real problem areas with cluster zoning. Small lots may not have room to accommodate garages and off-street parking. He anticipates there will be some pushback given recent discussions about the parking requirements. **Ms. Satter** clarified that to meet the requirements of E2SHB 1923 for ADUs, the City will have to eliminate the parking requirement. However, the City can require parking and other standards for cluster development, including design standards that talk about how the architecture of the development orients to the street. The parking requirement will definitely be part of the conversation, recognizing that the underlying density would still have to be met. She commented that there are both good and bad examples of cluster development. The cluster housing concept has been around for about 20 years, and this is a good opportunity for the City to consider if there are opportunities that fit into Bremerton. **Director Spencer** pointed out that cluster housing is different than cottage housing, where the units are typically clustered around an open space, and each unit has its own garage. **Ms. Satter** advised that staff would provide a variety of examples of the different housing types to aid the Commission's future discussions.

**Chair Tift** asked if a mother-in-law apartment in a primary residence would count as an ADU if it was built as part of the original construction. **Ms. Satter** said this is a gray area. Everyone is allowed to have two kitchens and multiple bathrooms. However, at some point, it would become its own unit that would be considered an attached ADU and additional standards would apply.

**Chair Tift** clarified that **E2SHB 1923** is suggesting that there be no owner-occupancy requirement for ADUs. **Ms. Satter** responded that eliminating the owner-occupancy requirement is encouraged in order to comply with the action item related to ADUs. If the City does not comply with that portion of the action item, they may become ineligible for 30% of the grant funding from the state. **Chair Tift** recalled that during an earlier discussion about the owner-occupancy requirement, Commissioner Nerf observed that a primary residence with an ADU that is not owner occupied would be no different than a property owner who owns two separate homes on a street and rents them both out. He commented that requiring owner occupancy does not guarantee that an ADU will not become rundown or cause significant impacts.

Chair Tift referred to the state requirement that the City cannot prohibit the separate rental or sale of an ADU. He suggested that perhaps this pertains to a situation where a property owner's backyard is large enough to hold another home, but he/she doesn't have the money to develop it. He suggested that this particular provision could apply to a property owner who wants to lease a portion of his/her property to a third party, who could then put their own unit on it. This would be similar to an established mobile home park, where occupants rent the land and bring their own units to the site. He voiced concern that this approach could result in a greater impact than a typical ADU. **Ms. Satter** said staff would do further research to verify the intent of this particular requirement.

## **BUSINESS MEETING**

### **Chair Report**

**Chair Tift** noted that elections are scheduled to take place on November 18<sup>th</sup>.

### **Director Report**

**Director Spencer** reported that the Commissioners each received a copy of the Planning Commission Bylaws, which require the Commission to elect officers in November of each year. She asked them to review the bylaws and recommend any changes as necessary. Upon her review, she felt they still seem appropriate with how the Commission conducts business.

**Director Spencer** advised that this is Commissioner Nerf's last meeting, and his term ends in December. She agreed to check on the expiration date of each Commissioner's term and report back at the next meeting. **Chair Tift** thanked Commissioner Nerf for his service on the Planning Commission and said he appreciated his insight and attention to detail.

**Director Spencer** provided a written report on permit activity through the end of September. She noted that approved permits through the end of September total nearly \$78 million, which is a record. The prior record was set in 2015 at nearly \$73 million, including the College Instruction Center at Olympic College that was valued at \$36 million. By the end of the year, staff anticipates issuing permits for the Marina Square Project and Harrison Hospital's new nurse and hospital facility in the old QFC building. She anticipates the permit total for 2019 will exceed \$100 million.

Other than the Marina Square Project, **Chair Tift** asked if the City has received any permit applications for parking garages. **Director Spencer** answered no. She reported that, because of tariffs and other issues, the project on Burwell Avenue will no longer be manufactured units. Instead, the units will be stick built on site, and development will start the first week of November. The City has also received inquiries about doing an apartment development behind the Wilco Farm Store, which will be another \$35 million project. In addition, she anticipates a large number of single-family housing projects, including some subdivisions.

### **Old Business: Confirmation of Planning Commission Recommendation of 2019 Comprehensive Plan Amendment Docket**

**Director Spencer** reviewed that the Commission held a public hearing and deliberated the 2019 Comprehensive Plan Docket on September 16<sup>th</sup>. As a result of public testimony, the Commission modified Amendment 1 (Modifying the Multifamily Residential (MR) District) to remove the Anderson Cove Portion of Area MR-4. Instead, the Anderson Cove area would be designated as Medium Density Residential (MDR), which is higher than the density of the current development but consistent with current zoning. Due to these changes, the Commission's Findings and Conclusions had to be revised to accurately summarize the recommendation that will be forwarded to the City Council. **Ms. Satter** added that Vice Chair Wofford's minority report was also attached to the Staff Report.

**Director Spencer** referred to the revised Planning Commission Findings and Conclusions and advised that this is an opportunity for the Commissioners to review the document and make further changes before the recommendation is forwarded to the City Council. If no further changes are needed, she asked that the Commission take formal action to affirm the Findings and Conclusions as presented.

**CHAIR WOFFORD MOVED THAT THE COMMISSION AFFIRM THE FINDINGS AND CONCLUSIONS FOR THE 2019 COMPREHENSIVE PLAN AMENDMENTS AS PRESENTED IN THE STAFF REPORT. COMMISSIONER NERF SECONDED THE MOTION.**

To clarify, **Director Spencer** explained that the area where the apartment complex is located would be included as part of Area MR-4, but the duplexes in the area known as Anderson Cove would be removed. She noted that the apartment complex is currently nonconforming to the zoning and the proposed amendment would make it more conforming. The hope is that the amendment would also result in development of the adjacent vacant parcel in a manner that is consistent with the apartment complex.

**THE MOTION CARRIED UNANIMOUSLY.**

**Chair Tift** recalled that the Commission changed its recommendation for Amendment 1 based on the testimony of just one citizen at the September 16<sup>th</sup> public hearing. This illustrates the power and importance of citizen participation, as well as the Commission's willingness to listen.

### **New Business**

There was no new business.

**ADJOURNMENT**

The meeting was adjourned at 6:32 p.m.

Respectively Submitted by:

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Andrea L Spencer, AICP  
Executive Secretary

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Rick Tift, Chair  
Planning Commission

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

<b>AGENDA TITLE:</b>	Public Hearing for Zoning Code Amendment: Temporary Encampments (BMC 20.46.090)
<b>DEPARTMENT:</b>	Community Development
<b>PRESENTED BY:</b>	Allison Satter, Senior Planner, (360) 473-5845 or <a href="mailto:Allison.Satter@ci.bremerton.wa.us">Allison.Satter@ci.bremerton.wa.us</a>

**OVERVIEW SUMMARY**

The City has received the preliminary data for the 2019 Kitsap County Point in Time Count Overview (see **Attachment A**), and the data shows an increasing number of people who are unsheltered in our community. The data indicates 58% of the County’s unsheltered population are in Bremerton – which means that we have at least 101 people that need shelter each night, which has increased since 2018.

There are many groups in our community, churches, non-profits, and others, that are seeking ways to help those that are experiencing homelessness. Over the last decade, temporary homeless encampments, sometimes called tent cities, have become an often-used mechanism for providing shelter for homeless individuals. The City of Bremerton does not have any regulations that address temporary encampments. It is vitally important that the City establish regulations to protect the health of the individuals in temporary encampments and the public health, safety and security of our neighborhoods.

The state has already authorized religious organizations to host temporary encampments (see excerpt of RCW 35.21.915 in **Attachment B**). The legislation grants broad authority to religious organizations to provide shelter or housing to homeless persons on property that these organizations own or control. This law allows local jurisdictions to adopt regulations in order to establish conditions necessary to protect public health and safety, and the proposed regulations attached to this report are written to achieve that for the Bremerton community.

Because of the number of unsheltered people that are in our community, we believe it is important to broaden the scope of who can apply to operate a temporary encampment to include more than religious institutions, but to also allow other non-profit agencies and groups to operate these facilities. The new code proposes to expand the scope of the intent of the state law to allow others to operate temporary encampments that conform to regulatory standards.

In summary, the proposed code establishes the following requirements to protect health, safety, and security of the Bremerton community:

- Allowed in all zoning districts
- Site must be at least one (1) acre, and the area dedicated to the encampment must contain 150 square feet per resident (the code does not cap the number of residents).
- 20' minimum setback, 40' setback from residential uses
- Activities must be screened/fenced
- Requires security management
- Outreach to neighbors
- Performance standards must be met for health and safety
- Permit application process that will take a maximum of 30 days
- Temporary encampment can last up to 90 days at one location and can't return to that site for 24 months.
- Only one encampment is allowed in the City limits at one time

The report will go into detail regarding each section of the proposed code.

## **CODE ANALYSIS**

The City has developed a new section within the zoning code's "Special Development Standards" (BMC 20.46) to include provisions to regulate temporary encampments, please see **Attachment C**.

The City's new regulations are consistent with the RCW, in that Bremerton is permitted to establish regulations that protect the health and safety of the citizens of the community. The new code provisions seek to accomplish this goal. City staff has done significant research into what other jurisdictions in Washington state have adopted for their temporary encampment rules; the attached code amendments implement standards for the Bremerton community that are appropriate for us and are also consistent with what other cities in Washington have already adopted.

The City's new code can be summarized as a six-step regulatory process:

1. Find a site.
2. Perform Preapplication work to identify and mitigate impacts.
3. Conduct a Neighborhood Meeting.
4. Revise the proposal and ensure all items are addressed.
5. Apply for a permit (30-day review)
6. After issued-permit items: Revocation and Indemnification.

The next portion of the report will provide specifics of the proposed amendments for the placement of a temporary encampment within the City. This following section are in the order of the six-steps listed above.

**Step 1: Find a Site.** The applicant shall find a site that meets the following requirements:

- Any zoning district;
- Only one temporary encampment may be allowed within the City at any time.
- Minimum 1-acre site.
  - Can be multiple contiguous parcels (with different owners) that total an acre.
  - Area of the site dedicated to the encampment must have at least 150 square feet per resident (there is no cap on the number of residents).
- A perimeter setback of 20' around the entire site, with an additional 20' requirement when adjacent to a residential use (for a total of 40').
  - The setback may be reduced if property owner(s) consent to reduction.
- Temporary encampment must be screened from the adjacent properties and right-of-way (such as with a sight-obscuring fence).
- Cannot locate this use with critical area or their associated buffers.
- Expanded the groups that can host/sponsor a temporary encampment (including religious facilities, non-profit agencies and other groups that operated these facilities).

In an effort to ensure that there are options for locations in the city where temporary encampments can be located, the proposed code allows them to be established in all zoning districts. This will ensure that there is potential for these facilities to be dispersed throughout the community so that no single area must accommodate these shelters. Because of this broadly permissive approach to potential locations, the code sets a minimum standard of one acre minimum for the size of a parcel that can be considered for the location of an encampment.

The limits the number of encampments to one at a time because the City will need to provide emergency services to the site. If there were multiple encampments throughout the City this could overtax our emergency services. Knowing that there can only be one operational encampment at a time, we must ensure that sites that are utilized for encampments are adequately sized to accommodate the City's unsheltered housing need (as described in **Attachment A**) and these sites will need to be decently sized.

Because Bremerton's unsheltered population fluctuates, we do not know how many people will need housing. Due to this the City is not proposing a cap on the number of individuals that can be housed at a temporary encampment. The code instead establishes standards for the area of land that is necessary for each person in the encampment – which is at least 150 square feet per resident. This area was chosen because it is a reasonable estimate of the necessary land area for a tent, belonging storage, and a resident's share of the common area of encampment services (security, food, restroom facilities, site circulation, etc), and is a value used by other jurisdictions.

The code requires perimeter setbacks, with a minimum of 20' from the exterior property lines, with an additional 20' from any residential uses (for a total of 40'). This perimeter setback is proposed to ensure all activities of the encampment are set back from other properties a distance so as not to impinge upon or otherwise unduly influence activities on said adjacent properties.

**Attachment D** provides an illustration of how a theoretical one-acre site and the proposed siting criteria would appear on a vacant site (surrounded by residential uses). As the Attachment demonstrates, a theoretical one-acre site with the siting criteria discussed above (perimeter setbacks and minimum 150 square feet per resident) could provide temporary encampment shelter for 129 people.

**Step 2: Pre-application work** is required prior to applying for a permit. The applicant and/or the property owner(s) shall accomplish the following:

- Develop plans. The applicant shall develop (1) an Impact Mitigation Plan to address potential impacts of the site to the adjacent property owner and the community, (2) a Security Management Plan to ensure safety of the residents and the public, and (3) a parking plan.
- Meet with affected jurisdictions to discuss the placement of the temporary encampment and potential mitigation measures for security with the Bremerton Police Department, Fire Department, and nearby school district(s) and childcare service(s).
- Consultation with the Kitsap Public Health District to ensure adequate water, sanitation, and trash management is provided for their anticipated encampment.

At this point, the applicant will be working with the property owner on the placement of the shelters with the minimum siting criteria (and would be able to assume how many residents they can serve). The plans must address health, safety and welfare concerns of the proposed site for the temporary encampment, and early consultations must be completed with the school district, nearby childcare services, Bremerton Police Department, Bremerton Fire Marshal, and Kitsap County Health District. To facilitate those conversations, the applicant shall have developed a Security Management Plan to ensure the safety of the residents and the public, a parking plan to indicate if parking and access will be reduced as that would have on-site and off-site impacts, and an Impact Mitigation Plan to address any site-specific impacts of the encampment that will be implemented. These early consultations on health, safety and general welfare will assist in the next steps.

**Step 3: Neighborhood Meeting.** The applicant shall hold a neighborhood meeting prior to applying for a permit. The applicant shall mail notice to all property owners within 500' of the proposed temporary encampment site 15-days prior to the meeting. At this meeting, any comments received, attendance list from the meeting, and proposed/requested mitigations to impacts from the temporary encampment shall be provided to the City for the permit consideration.

A neighborhood meeting is required to ensure the neighbors that may be impacted by the temporary encampment can hear the proposal of how the site will be operated and managed, and the public can provide comments and/or suggestions to address anticipated impacts to their health, safety and general welfare.

As discussed more in the step 5 of this report, the City is proposing the permit to site a temporary encampment to be completed within 30-days. This does not allow enough time for the City to hold a public-outreach process (such as a neighborhood meeting or a public hearing). We acknowledge the importance of the public being able to participate and understand the placement of a temporary encampment use in their neighborhood. Therefore,

it is of vital importance that the applicant initiates this public outreach early in this process. The neighborhood meeting and consultation with the Police, Fire, Health District, Schools, and childcare services must be completed, and the applicant must have prepared mitigation plans, prior to the City permit application so the City's decision can be provided in the timeliest manner.

**Step 4: Revise the Plans.** At this step, the applicant has held the neighborhood meeting, and has had consultations on the health, safety and general welfare of the encampment. The next step is to revise the plans and ensure that all performance criteria is met for the placement of a temporary encampment.

Any temporary encampment shall provide the following as minimum performance criteria to ensure the health, safety and general welfare:

- Meet Health Regulations
- Provide adequate access for Emergency Services
- Allow Fire Marshal and Building Code inspections throughout the Encampment duration
- Have adequate potable water and toilet facilities
- Provide a regular trash patrol
- Manage the noise on the site
- Manage the light and glare from the site
- Provide security
- Develop and implement a Code of Conduct

**Step 5: Permit and Process.** Currently there is no permit or process for the City to permit a temporary encampment. This proposed section would create that process and can be summarized as:

- Requires a Type I Permit, which is an administrative decision provided by the Department of Community Development Director. For comparison, a Type I permit can also be a building permit
- City will process this permit and issue a decision with conditions of the approval within 30 days of receiving a complete application
- Outlines what minimal documentation is required for a complete permit submittal.
- The applicant and property owner may appeal the decision
- The Director of Community Development may waive this section in case of disasters

As the encampment site development planning and outreach has taken place, the applicant and property owner(s) can apply for a Temporary Encampment Permit through the City. This permit process will be complete in 30-days. The processing of the permit will only happen if the application is complete and all preapplication work has been conducted (including consultation with the Police, Fire, Health District, School District and childcare services, developing the necessary plans, and hosting a neighborhood meeting). If the application is not complete, the permit will not be processed, and no decision will be provided.

**Final Step: After Permitting Items.** This proposed code outlines a procedure to revoke the temporary encampment permit if necessary and requires some legal protections including

having liability insurance and indemnification to hold harmless City officials from legal pursuits associated with the encampment.

Once the temporary encampment is permitted, the encampment site is allowed to operate for 90-days (quarter of the year) every 24 months. This timeframe is consistent in many other jurisdictions' code, and ensures the encampment is temporary.

## **CONCLUSION**

As this staff report highlighted, the RCW already allows temporary encampments to be operated by religious organizations and these can occur today without any local process. Because of the increasing population of people experiencing homelessness we believe that it may be desirable to establish a temporary encampment in our community soon. Due to this, it is important to establish appropriate regulations to protect the health, safety and welfare of our community.

The attached text amendments in **Attachment C** identify the desired changes to the Bremerton Municipal Code (BMC) to add a new section into the Special Development Standards for regulations and permitting process for Temporary Encampments. Staff recommends that the Planning Commission hold an open record public hearing, consider testimony, and formulate a recommendation for the City Council.

## **ATTACHMENTS**

- **Attachment A:** 2019 Kitsap County Point in Time Count Overview (2019)
- **Attachment B:** RCW 35.21.915 Temporary encampments for the homeless - Hosting by religious organizations authorized—Prohibitions on local actions.
- **Attachment C:** Proposed Amendments for Bremerton Municipal Code (BMC) to add a new section for the placement and permitting of Temporary Encampments (BMC 20.46.090)
- **Attachment D:** Handout Regarding Minimum Siting Criteria Example
- **Attachment E:** Planning Commission's Findings and Conclusions

## **RECOMMENDED MOTION**

Staff recommends the following motion:

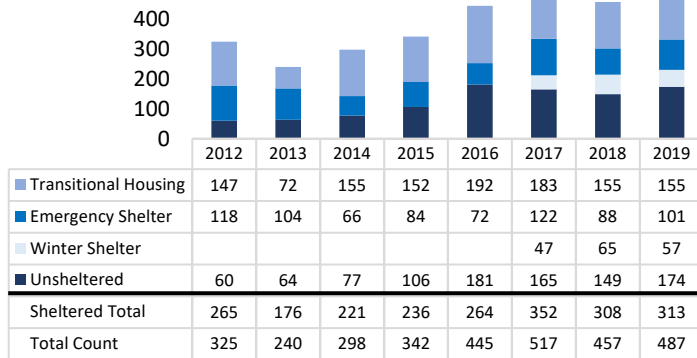
Move to recommend the City Council adopt the Zoning Code's amendments to BMC Title 20 to add a permitting process and regulations for temporary encampments as shown in **Attachment C**, the Staff Report and the Findings and Conclusions presented in **Attachment E**.

# 2019 Kitsap County Point in Time Count Overview – Preliminary Data

The “Point in Time” count is an annual survey that gathers information about people experiencing homelessness during a 24-hour period at the end of January. This survey provides critical information regarding the scope and nature of homelessness in our community and can impact funding for homeless housing and services. Because participating in the survey is voluntary, and relies on volunteers finding people experiencing homelessness, it is considered to be an under count of the actual number of homeless. Participants are surveyed in a number of locations throughout the county including the Project Connect Resource Fairs<sup>[1]</sup>, food banks/meal sites, in encampments, and on the streets.

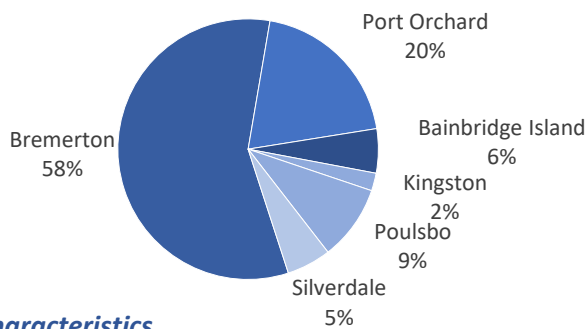
## Increasing Numbers of Unsheltered Individuals

The 2019 count of 174 unsheltered individuals indicates a 17% increase from 2018 and a 5% increase from the average of 165 individuals over the prior 3 years. Since the opening of the Winter Shelter, the number of sheltered individuals has increased 19% from 264 in January 2016 to 313 in January 2019.



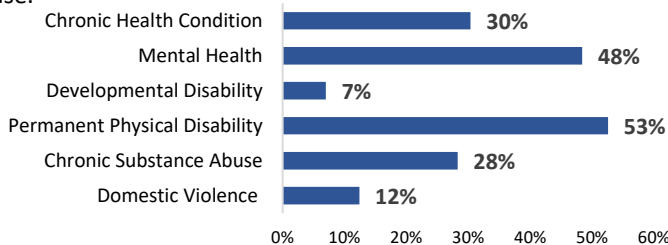
## Current City

Increased efforts were made to expand the count in 2019 throughout previously under-counted areas in Kitsap County. Unsheltered participants were asked to provide their current cities of residence, and 85 households (73%) provided this data.



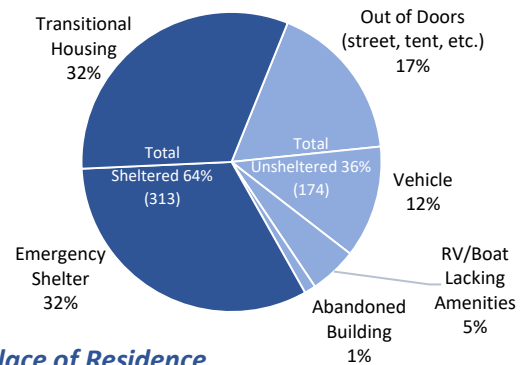
## Characteristics

When asked about various personal characteristics, the most common response from survey participants was that they experienced challenges related to permanent disability, followed by mental illness, chronic health conditions, and chronic substance use.



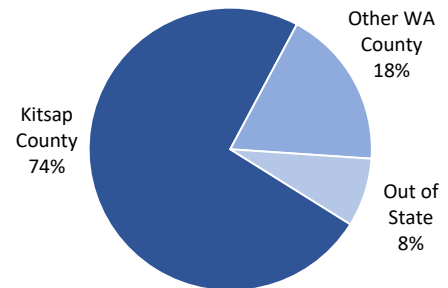
## Defining Sheltered vs. Unsheltered

For the purposes of this survey, information is collected on sheltered (in emergency shelter or transitional housing) vs. unsheltered homelessness. In this year’s count, 174 people said they were unsheltered. The majority of those who were unsheltered indicated they lived outside in places not meant for human habitation.



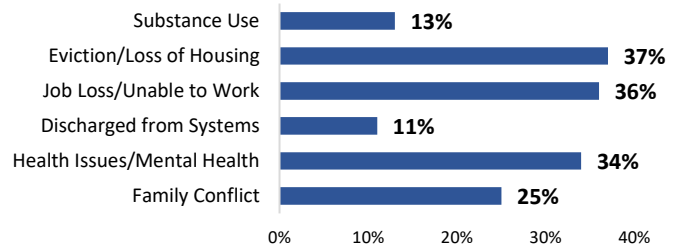
## Last Place of Residence

Surveys also collected information about the last city of permanent residence, and 73% of households provided this data. 85 (74%) of those households previously had stable housing in Kitsap County.



## Causes of Homelessness

When asked about the specific cause (or causes) of their homelessness, the most common response was housing issues (eviction or loss of housing), economic issues (loss of job or unable to work), followed by health issues (including mental health).



[1] In 2017 the Project Connect was hosted at the Salvation Army in Bremerton. In 2018 and 2019 the Project Connect was additionally offered at the Village Green Community Center in Kingston and at the Givens Center in Port Orchard.

**RCW 35.21.915 Temporary encampments for the homeless—Hosting by religious organizations authorized—Prohibitions on local actions.**

(1) A religious organization may host temporary encampments for the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings.

(2) A city or town may not enact an ordinance or regulation or take any other action that:

(a) Imposes conditions other than those necessary to protect public health and safety and that do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter for homeless persons on property owned by the religious organization;

(b) Requires a religious organization to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on property owned by a religious organization or otherwise requires the religious organization to indemnify the municipality against such liability; or

(c) Imposes permit fees in excess of the actual costs associated with the review and approval of the required permit applications.

(3) For the purposes of this section, "religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

(4) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for (a) damages arising from the permitting decisions for a temporary encampment for the homeless as provided in this section and (b) any conduct or unlawful activity that may occur as a result of the temporary encampment for the homeless as provided in this section.

**PROPOSED CODE CHANGES TO BREMERTON MUNICIPAL CODE: TITLE 20**

**NEW SECTION:** *the following is new to the Bremerton Municipal Code. The proposal is to add a new section: BMC 20.46.090 Temporary Encampment Permit*

**20.46.090 Temporary encampment Permit**

- (a) **Intent.** The City of Bremerton desires to establish reasonable development standards for sponsors of outdoor temporary encampments. These facilities do not represent a permanent solution to homelessness but rather can provide vitally needed shelter and a first step to more permanent forms of housing. This section provides an equitable process, with reasonable conditions and an associated permit, to meet the need for temporary shelter for local homeless persons while ensuring public health, safety and welfare.
- (b) **Definitions.**
- (1) "Applicant" shall mean the temporary encampment host, sponsor and manager.
  - (2) "Property Owner" shall mean the owner of the property or legal representative of the real property proposed for use as a temporary encampment.
  - (3) "Shelter(s)" shall mean tents, sheds, huts, cabins, tiny homes, trailers or other enclosures which are not permanently attached to the ground, may be easily erected and dismantled, and are intended for temporary occupancy.
  - (4) "Temporary encampment(s)" shall mean an area of a parcel(s) that hosts shelters, security, and other facilities, for housing the homeless for humanitarian purposes. Temporary encampment facilities that are established for this use shall be easily erected and dismantled and shall only be temporary.
  - (5) "Temporary" shall mean, for the purposes of this section, 90 days.
- (c) **Siting Criteria.** A temporary encampment may be placed on a property in the City that complies with the following:
- (1) Location. Temporary encampments can be permitted in all zoning districts.
  - (2) Site Size and Encampment Size Requirements.
    - (i) Site Size. The minimum site size shall be one (1) acre. The one (1) acre site can include one or more contiguous parcels but in no case may the parcels be separated by a right-of-way (streets, alleyways, etc.), critical area, or other means. All property owners shall jointly apply for the temporary encampment permit and shall be equally responsible for compliance with all conditions of the permit.
    - (ii) Encampment Size. The area of the parcel(s) dedicated to the encampment must equal 150 square feet or more for each resident (not including the required setback area). This size requirement is to ensure that there is sufficient land area to support the activities of the temporary encampment without overcrowding of occupants, degradation of vegetation, eroding soils or otherwise overtaxing the land.
  - (3) Perimeter Setback. A temporary encampment shall be set back no less than twenty (20) feet from all exterior boundary lines, with an additional twenty (20) feet setback when adjacent to residential uses (for a total of 40' setback when adjacent to a residential use). This setback is intended to ensure all activities of the temporary encampment are set back from adjacent properties a sufficient distance so as not to impinge upon or otherwise unduly influence activities on said adjacent properties. The required exterior setback may be reduced or waived if

**PROPOSED CODE CHANGES TO BREMERTON MUNICIPAL CODE: TITLE 20**

the owners of such adjacent property consent in writing to support a reduction or waiver of such setback.

- (4) Screening of Activities. All activities (shelters, toilets, cooking facilities, etc.) of the temporary encampment shall be obscured from view from adjacent properties and public right-of-way to the maximum extent feasible. This can be accomplished by a minimum six-foot-high sight-obscuring temporary fence, existing dense vegetation, an existing topographic difference, distance from exterior property lines, or other means.
  - (5) Critical Areas. A temporary encampment may not be located within critical areas or their associated buffers. All proposed temporary encampments shall comply with the city's critical areas regulations as set forth in Chapter 20.14 BMC and the Shoreline Master Program.
  - (6) Limit of encampments. No more than one (1) temporary encampment shall be permitted and operating at any one time in the City.
- (d) **Preapplication Work.** Prior to application submittal, the applicant and property owners must address community and neighborhood impacts from the proposed temporary encampment by developing the following:
- (1) Impact Mitigation Plan. The applicant shall identify potential adverse effects of the proposed temporary encampment on neighboring properties and the community and shall develop measures to mitigate such effects. The applicant shall develop a temporary encampment impact mitigation plan. The plan shall contain a narrative and drawing(s) that describe the measures the applicant will use to mitigate the effects of the temporary encampment. At a minimum, the plan shall specifically describe the measures that will be implemented to satisfy the approval criteria provided in this section. The impact mitigation plan shall be updated to address the comments and suggestions received at the required neighborhood meeting and review as identified in sections (3) and (4) of this subsection (discussions with police, fire, school, childcare, and health district). The implementation and enforcement of the plan shall be a condition of permit approval.
  - (2) Security Management Plan. The applicant shall develop a plan demonstrating security measures, site specific or otherwise, necessary to ensure the safety of the residents of the temporary encampment and the public. At a minimum, the plan shall specify the following:
    - (i) The person or entity responsible for providing security;
    - (ii) The type of security to be used, e.g., private security firm, volunteers, or other means; and
    - (iii) Recommendations and/or requirements provided by the Police Department.
  - (3) Discussions with Police, Schools, and Child Care Services. A representative of the applicant or property owner shall meet and confer with the following entities regarding the proposal and any proposed security measures for the temporary encampment: (1) the Bremerton Police Department; (2) the administration of any public or private preschool, elementary, middle, junior high, or high school if within 500 feet of the boundaries of the proposed site; and (3) the operators of any properly licensed child care service(s) within 500 feet of the boundaries of the proposed site.
  - (4) Discussions with Kitsap Public Health District. A representative of the applicant or property owner shall meet and confer with the Kitsap Public Health District regarding the proposal and the proposed plan for providing adequate drinking water, solid waste management, and the waste management (trash removal) plan for the temporary encampment.

**PROPOSED CODE CHANGES TO BREMERTON MUNICIPAL CODE: TITLE 20**

- (5) **Parking Plan.** The applicant shall develop a parking plan. The parking plan shall address the following:
- (i) Adequate parking for the temporary encampment shall be provided so as not to reduce parking utilized by existing site uses;
  - (ii) The temporary encampment shall not displace the site's parking lot in such a way that the site no longer meets the minimum or required parking of the principal use as required by code or previous approvals;
  - (iii) An alternative parking plan may be approved by the Director if the parking plan can demonstrate how the existing use on the site and the encampment can provide off-site parking sufficient to have no off-site impact to the surrounding neighborhoods. This alternative parking plan will be not valid after the expiration of the temporary encampment;
  - (iv) Parking vehicles shall only be allowed in existing approved parking areas and shall not be located in unapproved areas such as the grass or field; and
  - (v) A Temporary Encampment Permit cannot permit new site development such as paving, gravel laydown, and structure installation. This work requires a separate process through the approval of a Site Development Permit as outlined in BMC 20.58.090.
- (e) **Neighborhood Meeting.** The applicant shall conduct a neighborhood meeting to inform nearby residents and the public about the proposed temporary encampment prior to submittal of an application. The following process shall be used:
- (1) **Notification.** The applicant shall provide notice of the neighborhood meeting by mail, first class and postage prepaid, to all owners of property within 500 feet of the lot(s) containing the proposed temporary encampment, provided such area shall be expanded as necessary to send mailed notices to at least 20 different property owners. The notice of the neighborhood meeting shall be mailed at least 15 days prior to the neighborhood meeting.
  - (2) **Neighborhood Meeting.** At the neighborhood meeting, a representative of the applicant or property owner shall present in writing and verbally the proposed temporary encampment location, timing, site plan, code of conduct, impact mitigation plan, accommodations concerns, and a security management plan. The presentation shall also include copies of all previously submitted comments received on the proposed temporary encampment, including comments from the Bremerton Police Department, school(s), and child care services. Copies of the agenda and the other specified comments and materials shall be provided by the applicant at the meeting. The meeting shall be conducted on the proposed Temporary encampment site whenever feasible; this meeting shall be held in a location that is ADA (Americans with Disability) accessible.
- (f) **Performance Criteria.** Temporary encampments shall be operated in such a manner as to ensure the health and safety of occupants of the encampment and surrounding properties. Accordingly, all temporary encampments shall comply with the list below. Demonstration of compliance with this section is a requirement of the temporary encampment permit. Any proposed mitigation or actions from this section shall be identified in the Impact Mitigation Plan.
- (1) **Health Regulations.** All applicable city, county and state regulations pertaining to public health shall be met.
  - (2) **Fire Safety.** Inspections of the site by the city for fire safety purposes may be conducted at any time and without prior notice. Adequate access, as determined by the Fire Marshal, shall be

**PROPOSED CODE CHANGES TO BREMERTON MUNICIPAL CODE: TITLE 20**

- maintained within and around the temporary encampment at all times to ensure that emergency vehicles can ingress/egress the site.
- (3) Building Code Inspections. Inspections of the temporary encampment by the city to ensure the public health and safety may be conducted at any time and without prior notice.
  - (4) Drinking Water and Solid Waste. An adequate supply of potable water and adequate toilet facilities shall be available on-site at all times. All city, county and state regulations pertaining to drinking water connections and solid waste disposal shall be met.
  - (5) Trash. Adequate facilities for dealing with trash shall be provided on-site. A regular trash patrol or other method of regular maintenance in the immediate vicinity of the site shall be provided.
  - (6) Noise. Any temporary encampment shall comply with city noise regulations as set forth in Chapter 6.32 BMC.
  - (7) Light and Glare. Any temporary encampment shall comply with city light and glare regulations as set forth in Chapter 20.44.110 BMC.
  - (8) Security. Any temporary encampment shall provide all required legal access to public areas of the site by the city of Bremerton Police Department and any other relevant law enforcement agency at all times.
  - (9) Codes of Conduct. The applicant shall enforce a written code of conduct which mitigates impacts to neighbors and the community. Said code shall be incorporated into the conditions of approval. The code shall contain the following as a minimum:
    - (i) Prohibit possession or use of firearms and/or illegal drugs;
    - (ii) No violence;
    - (iii) No open flames;
    - (iv) No loitering in the surrounding neighborhood; and
    - (v) Quiet hours (at a minimum between the hours of 10:00 p.m. and 7:00 a.m.).
- (g) **Process and Permit.** Notwithstanding any other provision in the Bremerton Municipal Code, the following procedures shall apply in accepting, noticing, reviewing, and otherwise processing temporary encampment permit applications. A City issued temporary encampment permit is required prior to the commencement of such a use.
- (1) A temporary encampment permit is a Type I action and shall be processed accordingly, as set forth in Chapter 20.02 BMC, Project Permits. The prospective temporary encampment applicant and property owner(s) shall jointly apply for the temporary encampment permit and shall be equally responsible for compliance with all conditions of the permit. A complete application for a temporary encampment permit shall be submitted a minimum of thirty (30) days prior to the anticipated start of the encampment.
  - (2) The following documentation is required for a complete application:
    - (i) Application;
    - (ii) The date that the temporary encampments will commence;
    - (iii) The maximum duration requested of said temporary encampment;
    - (iv) The number of residents to be accommodated on the site;
    - (v) The host location;
    - (vi) The names of the managing agency and host, with contact information;
    - (vii) Impact Mitigation Plan
    - (viii) Security Management Plan

**PROPOSED CODE CHANGES TO BREMERTON MUNICIPAL CODE: TITLE 20**

- (ix) Code of Conduct;
  - (x) Documentation of Actions taken prior to application submittal. This document shall include a summary of the Neighborhood Meeting, including who was notified of the meeting (mailing list and map of mailed property owners), who attended the meeting, summary of the items discussed at the neighborhood meeting, and summary of discussion and any request for mitigations of the temporary encampment from the Health District, Police, Fire, School District(s) and Childcare services;
  - (xi) Vicinity Map including buildings and uses on properties surrounding the proposed temporary encampment, and the distance the proposed accommodations would be set back from the property lines; and
  - (xii) Site plan showing at least the following:
    - (A) Existing buildings and parking and vehicle maneuvering area.
    - (B) Location of where encampment will be located including overall dimensions;
    - (C) Location of on-site parking for primary use of the site and number of vehicles associated with the encampment (parking plan); and
    - (D) Access routes for emergency vehicles
  - (xiii) Encampment layout showing at least the following:
    - (A) Layout of all encampment facilities, including, but not limited to, food and security facilities, arrangement of shelters, etc.;
    - (B) Method and location of potable water;
    - (C) Method and location of waste receptacles;
    - (D) Method and location of required screening; and
    - (E) Location of required sanitary stations including toilets and hand washing facility; and
  - (xiv) Application Fee.
- (4) Decisions may be appealed. Appeals of a Type I decision shall be heard and decided by the hearing examiner in accordance with the procedures set forth in BMC 20.02.140.
- (5) Emergencies. The Director may waive these requirements of this section when a natural or manmade disaster necessitates the immediate establishment of temporary encampments.
- (e) Duration and Site Restoration.**
- (1) Duration. A proposed temporary encampment may be allowed at one property for up to 90 days, either consecutively or cumulatively, during any 24-month period, except that where the ninetieth day falls on Friday through Sunday, an additional two days shall be allowed to dismantle and remove the accommodation over the immediately following weekend. The applicant and/or property owner shall store, out-of-sight from adjacent properties, the residents' personal belongings that are left onsite after the dismantling of the site.
  - (2) Restoration of Site. Upon cessation of the temporary encampment, the site shall be restored, as near as possible, to its original condition. The applicant shall re-plant areas in which vegetation had been removed or destroyed.
- (i) Revocation and Indemnification.**
- (3) Failure to Comply. If a temporary encampment permit has been issued, and the Director determines that the applicant has violated any condition of that permit, the director shall issue a notice of violation and require compliance in accordance with the procedures set forth in

**PROPOSED CODE CHANGES TO BREMERTON MUNICIPAL CODE: TITLE 20**

Chapter 1.04 BMC, Code Enforcement. The city may revoke a temporary encampment permit for any violation of this section or the temporary encampment permit where such a violation is:

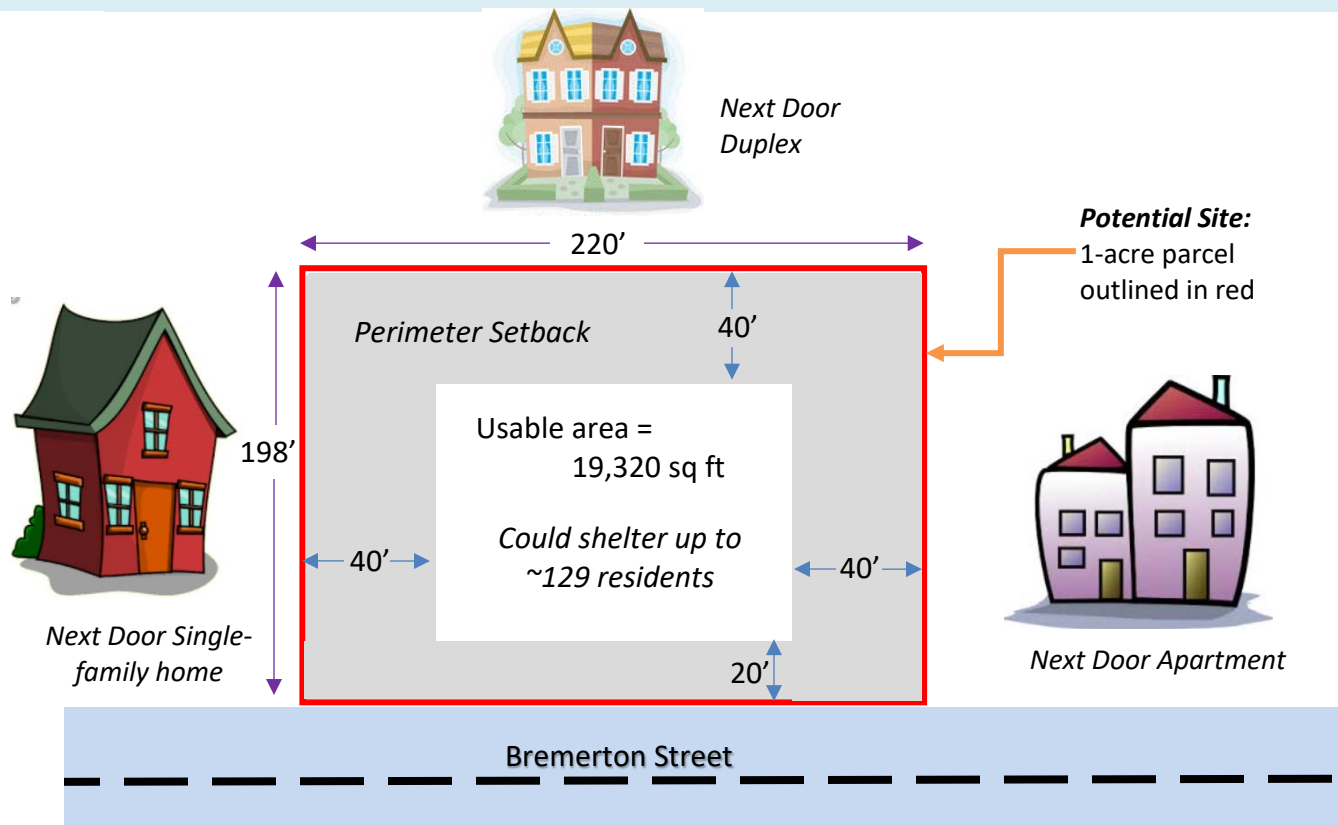
- (i) Not cured following notice from the City and an opportunity to cure such violations.
  - (ii) Intentionally or knowingly committed by the applicant or property owner; or
  - (iii) So severe as to substantially threaten public health and safety.
- (4) Upon revocation of the temporary encampment permit, all residents of the encampment must vacate the premises within seventy-two hours of revocation. The applicant or property owner shall be required to remove all physical evidence of the use and to restore or replant any required vegetation within one week of revocation. The applicant and/or property owner shall store, out-of-sight from adjacent properties, the residents' personal belongings that are left onsite after the seventy-two hours.
- (5) Indemnification. The applicant, except for religious facilities, shall defend, indemnify, and hold the city, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits of any nature, including attorney fees, due to the acts or omissions of the applicant in connection with the operation of the temporary encampment.
- (6) Liability Insurance. Except for religious facilities, the applicant shall procure and maintain in full force, through the duration of the temporary encampment, comprehensive general liability insurance with a minimum coverage of \$1,000,000 per occurrence/aggregate for personal injury and property damage.

# Temporary Encampment Siting Example



How does the siting criteria and setbacks fit on a lot?

Can this code meet the need for the unsheltered individuals\* in Bremerton?



## Example:

This example demonstrates how the City's new temporary encampment regulations would be applied to a theoretical one-acre vacant site (which measures 198' by 220') that is surrounded by residential uses and a street.

- Perimeter setback (shown in gray above). A 20' setback is required from all exterior property lines, plus an addition 20' from any residential uses. The area taken up by setbacks is 24,240 square feet.
- Remaining Usable Area for an encampment (shown in white above) is 19,320 square feet. This area would be reduced if there were existing buildings and associated parking lots.
- Encampments are required to have 150 square feet for each resident.  
19,320 square feet can accommodate **129 residents** (19,320/150)
- Bremerton's Unsheltered Homeless population\* = **101 people**

This exercise demonstrates that the City's new regulations can accommodate Bremerton's unsheltered population.

\*As identified in the Kitsap County Point in Time Count (2019):

<https://www.kitsapgov.com/hs/HOUSINGBLOCK/2019%20Kitsap%20County%20PIT%20Overview%20-%20Preliminary-rev1.pdf>

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

**Summary:**

Proposed amendments to Bremerton Municipal Code (BMC) Title 20 Land Use Chapter to add a new section to BMC 20.46 Special Development Standards to establish a permitting process and regulations for siting a temporary encampment.

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

**1. Project Description:**

The proposed amendment package includes revisions to Title 20, specifically amending BMC 20.46 Special Development Standards to create a new section: BMC 20.46.090 Temporary Encampment Permit. This new section will outline a process and regulations for siting a Temporary Encampment. The Commission finds the following:

1. It is vitally important that the City establish regulations to protect the health of the individuals in the encampments and the health, safety, and security of our neighborhoods.
2. It is important for there to be options to site temporary encampments in different areas of the City and not concentrate them in one place. Therefore, the proposed code does not seek to limit the temporary encampment to particular zoning districts in the city, and allows them to be established in all areas as long as the proposed site is at least one (1) acre in size. This will lessen the health, safety and welfare impacts to existing uses located adjacent to Temporary Encampments.
3. No more than one Temporary Encampment shall be permitted in the City at any one time due to the limitations on City resources and services that are necessary to support temporary homeless encampments. Without these limitations, multiple temporary encampments would have impacts on resources and services and would cause public health, safety and welfare impacts if more than one was authorized at a time.
4. A site may only host a Temporary Encampment once every twenty-four (24) months in order to lessen and disburse throughout the City the impacts that this use may have on adjacent properties.
5. Limiting the permit duration to ninety (90) days for Temporary Encampments does not measurably increase the health, safety and welfare impacts to adjacent neighborhoods and City services

**2. Procedural History:**

- 2.1 SEPA Threshold Determination DNS: November 5, 2019
- 2.2 Notice of Public Hearing: November 8, 2019
- 2.3 Department of Commerce Noticing: November 12, 2019
- 2.4 Planning Commission Public Hearing: November 18, 2019

**3. Public and Agency Comment:**

- 3.1 \_\_\_\_\_
- 3.2 \_\_\_\_\_
- 3.3 \_\_\_\_\_
- 3.4 \_\_\_\_\_
- 3.5 \_\_\_\_\_

4. **SEPA Determination:**

A Determination of Non-Significance was issued on November 5, 2019; to date no comments or appeals have been filed. Please note that the comment period for the environmental review will be completed after the Planning Commission's Public Hearing and thus any comments or information received after the Planning Commission's hearing will be presented to City Council for their decision. The environmental review and appeal will be completed prior to the City Council public hearing.

5. **Consistency:**

Text amendments to Title 20 shall meet the decision criteria outlined in BMC 20.18.020(d). The Planning Commission may recommend a decision, and the City Council may adopt or adopt with modifications, amendments to Title 20 if the following criteria are met.

(1) The amendments are consistent with the goals and policies of the comprehensive plan;

*Analysis:* The proposed amendments continue to uphold the objectives and goals of the Comprehensive Plan, and implement the following goals and policies:

*Land Use Goal LU(1): Plan for Bremerton's population and employment growth.*

*H2(E): Support efforts to provide a variety of housing options:*

- *Emergency group housing, homeless shelters and short-term housing to meet the needs of those in the lower income categories.*

(2) It does not conflict with other City, state and federal codes, regulations and ordinances.

*Analysis:* The proposed amendments do not conflict with any other regulations. This proposal utilizes existing State Code (RCW 35.21.915) that allows temporary encampments and creates a process and regulations appropriate for Bremerton that protects the encampments resident's and the public's health, safety and general welfare.

**II. CONCLUSIONS & RECOMMENDATION**

Based on the findings above, the Planning Commission concludes that the proposed amendments to the Bremerton Municipal Code Title 20 Land Use Chapter, meets the requirements in BMC 20.18.020(d) text amendments, and therefore recommends to the City Council, the adoption of the amendment to Title 20.

Respectfully submitted by:

Approved by:

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Andrea L. Spencer, Executive Secretary

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Richard L. Tift, Chair