ORDINANCE NO. 016-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, RELATING TO THE COMPREHENSIVE PLAN UNDER THE GROWTH MANAGEMENT ACT; ADOPTING AMENDMENTS TO THE COMPREHENSIVE PLAN MAP AND THE CITY’S OFFICIAL ZONING MAP TO CHANGE PROPERTIES OWNED BY THE KITSAP SCHOOL DISTRICT TO A REDESIGNATION OF PUBLIC/COMMUNITY SPACES AND REZONE TO COMMUNITY FACILITIES; TO AMEND THE COMPREHENSIVE PLAN MAP AND THE CITY’S OFFICIAL ZONING MAP TO CHANGE PROPERTY OWNED BY THE LIVING HOPE BAPTIST CHURCH TO A REDESIGNATION OF COMMERCIAL AND REZONE TO BUSINESS PROFESSIONAL; TO ADOPT A TEXT AMENDMENT TO CHAPTER 2 OF THE COMPREHENSIVE PLAN FOR DESIGNATING LOCAL CENTERS; TO AMEND THE TRANSPORTATION ELEMENT OF THE COMPREHENSIVE PLAN BY ADDING THE 2015 6-YEAR TIP AND TO AMEND EXHIBIT G TO THE COMPREHENSIVE PLAN BY ADDING THE 2011 TRANSPORTATION PLAN UPDATE, AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Port Orchard plans under the Growth Management Act (chapter 36.70A RCW), which requires that the City adopt a Comprehensive Plan (RCW 36.70A.040); and

WHEREAS, the City may annually adopt amendments to the City’s Comprehensive Plan (RCW 36.70A.470 and 36.70A.106); and

WHEREAS, the City’s deadline for submission of applications for amendments to the Comprehensive Plan for the year 2014 was June 16, 2014; and

WHEREAS, the City received 7 applications for amendments to the Comprehensive Plan and the City’s Development Regulations before the deadline; and
WHEREAS, the SEPA Responsible Official performed SEPA on the applications and issued a Determination of Nonsignificance (DNS) on November 7, 2014; and

WHEREAS, on September 15, 2014 and October 20, 2014, the Planning Commission held public hearings on the applications and after hearing public testimony, deliberated and issued their recommendations; and

WHEREAS, the Planning Commission’s recommendations were delivered to the City Council, and the City Council considered the recommendations during a public hearing held by the City Council on November 4, 2014; and

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON,

ORDAINS AS FOLLOWS:

Section 1. The City Council considered the comprehensive plan amendments and the Planning Commission’s recommendations on each application as follows:

A. South Kitsap School District Applications.

1. Description. The amendments are described in the South Kitsap School District’s application as sites 1 and 2. SITE #1 consists of parcel 052301-3-037-2004. It is proposed that Site #1 be granted a zoning change from Residential 8 units to Community Facilities on the City’s Official Zoning Map, and a change from the Comprehensive Plan Designation from Residential Medium Density to Public and Community Spaces on the City’s Comprehensive Plan Land Use Map. SITE #2 consists of parcel 4526-000-011-0103. It is proposed that Site #2 be granted a zoning change from Residential 4.5 units per acre to Community Facilities on the City’s Official Zoning Map, and a change from the Comprehensive Plan Designation of Residential Low Density to Public and Community Spaces on the City’s Comprehensive Plan Land Use Map.

2. Findings. The purpose of the Public and Community Spaces Comprehensive Plan Designation is to provide for public spaces, public and private school, churches, hospitals, parks, outdoor recreation use, government and cultural or educational institutions. The Purpose of the Community Facilities Zone is to specifically separate and control those public, semi-public, institutional, and private facilities and services that prime and make feasible centers of urban use. (Port Orchard Comprehensive Plan, Page 2-10) When Site #1 was annexed by Port Orchard, the City unintentionally zoned the property Residential 8 rather than Community Facilities consistent with other School District-owned property in the city. With regard to Site #2,
the site is a mostly grassy lot with a small gravel pull-off. Areas surrounding the site are developed with single-family residences and a church to the south, commercial to the west, a church and elementary school to the north, and a school bus barn to the east.

The City of Port Orchard’s population has increased dramatically in the past seven years. The annexations that have taken place have brought urban-level development into the City of Port Orchard and increased the population of school-aged children. Approval of this rezone will provide additional land for the future development of facilities that provide essential education services for the community.

Properties in the City of Port Orchard that are currently zoned Community Facilities are generally already developed with critical services that provide infrastructure and community services to the population. Those sites that are not developed already are owned by agencies such as the City of Port Orchard for future development/expansion of critical City services. The rezoning of these two sites will provide land area that is necessary to support the South Kitsap School District’s ability to serve the City of Port Orchard residents and surrounding community.

Future development of both of the subject sites as facilities that serve the purpose and goals of the South Kitsap School District would be permitted. However, specific land use review would occur at the time of development application and would vary depending on the proposed development of the site.

3. **Staff Recommendation:** City staff has recommended approval of the proposed South Kitsap School District Amendment.

4. **Planning Commission Recommendation:** On September 15th, 2014 the Planning Commission conducted a public hearing on the proposed amendment and after taking public testimony, deliberated and issued their recommendation of approval.

5. **Council Conclusions:**

The City Council concludes that the Community Facilities zone and the associated Public and Community Spaces comprehensive plan designation are appropriate for Sites #1 and #2.

In accordance with POMC 16.05.040 (2) (a) (i and ii) The City Council concludes that the proposed amendment is consistent with the overall goals and intent of the comprehensive plan and consistent with the Growth Management Act and other applicable law.

In accordance with POMC 16.05.040 (2) (b) (i) the City Council concludes that the proposed amendment will not adversely affect public health, safety, or welfare.
In accordance with POMC 16.05.040 (2) (b) (ii) the proposed amendment addresses changing needs and circumstances in the city and is consistent with the South Kitsap School District’s Capital Facilities Plan.

In accordance with POMC 16.05.040 (2) (b) (iii) the City Council concludes that the proposal is unlikely to have significant adverse environmental impacts and any application for development of the property will undergo separate SEPA review.

In accordance with POMC 16.05.040 (2) (c) (i) the City Council concludes that the proposal is consistent with the land use and growth projections which were the bases of the comprehensive plan and with the most recent population growth allocations as found in the Countywide Planning Policies.

In accordance with POMC 16.05.040 (2) (c) (ii) the City Council concludes that the proposed amendments are compatible with neighboring land uses and surrounding neighborhoods.

In accordance with POMC 16.05.040 (2) (c) (iii) the City Council concludes that the proposal will not cause significant impacts to public services or facilities or other properties in the vicinity.

In accordance with POMC 16.05.040 (2) (c) (iv) the City Council concludes that the proposed rezone meets the criteria found in POMC 16.25.060.

B. Living Hope Baptist Church Amendment

1. Description. The amendment as described in the Living Hope Baptist Church’s application consisted of Comprehensive Plan Map Land Use and Official Zoning Map changes to parcel 4053-001-009-0007. It is proposed that this parcel be granted a zoning change from Residential 8 units per acre to the Business Professional 1 zone on the City’s Official Zoning Map, and a change of the Comprehensive Plan Map Land Use Designation for the property from Residential Medium Density to Commercial on the Comprehensive Plan Land Use Map.

2. Findings. The intent of the Business Professional zone is to provide a commercial designation in areas where traffic management is required and to support small neighborhood businesses as well as major employment centers such as the Harrison Hospital and Kitsap County Administration Campus. This site is located across the street from the Kitsap County Administration Campus.

The site contains a church facility, which is a permitted use in the Commercial, Mixed Use, and Community Facilities zoning designations. A conditional use permit is required for churches in the R4.5, R8, R12, R20, BP I, and BP II zones. The church does not have a conditional use permit since it has been used as a church since at least 1991. Changing the zoning to BP I would still place the church activities in a “non-conforming” status, however additional uses consistent with the BP I zoning designation would be
allowed. Rezoning the property to BP I would not increase or decrease the non-conformity of the current use. Changing the zoning to Commercial, Mixed use, or Community Facilities would place the current use in a “conforming” status.

The rezoning and re-designation of this property to a Business Professional 1 classification would allow the repurposing of an existing church structure on the property. The Church as it exists today does not conform to the existing underlying residential zoning regulations including the city’s parking standards. However, the building as it is currently configured would likely conform to the zoning standards for many uses allowed under a Business Professional 1 zoning designation.

Testimony received from a neighbor to the church property indicates that much of the use of this facility occurs at night after 5:00pm and that volumes associated with the use of the building can be high. This neighbor also indicated the presence of traffic and parking impacts on the neighborhood related to the current church use. The applicant indicates in his application that the church building could be repurposed as professional space to support a local business while maintaining the character of the existing neighborhood.

3. **Staff Recommendation:** City staff has recommended approval of the proposed applications for the Living Hope Community Baptist Church property.

4. **Planning Commission Recommendation:** On September 15th, 2014 the Planning Commission conducted a public hearing on the proposed amendment and after taking public testimony, deliberated and issued their recommendation of denial.

5. **Council Conclusions:**

The City Council concludes that the existing church building located at this site and the existing site configuration is functionally obsolete for use as a church facility. The Council also concludes that most if not all of the uses which are allowed under a BP 1 zone would have lesser parking, traffic, and noise impacts in the evening and on weekends in contrast with the impacts of the operation of the existing church.

In accordance with POMC 16.05.040 (2) (a) (i and ii) The City Council concludes that the proposed amendment is consistent with the overall goals and intent of the comprehensive plan and consistent with the Growth Management Act and other applicable law. The location of this site is consistent with the intent of the business professional zone due to its proximity to the Kitsap County Administrative Campus.

In accordance with POMC 16.05.040 (2) (b) (i) the City Council concludes that the proposed amendment will not adversely affect public health, safety, or welfare in any significant way and that the proposal improves neighborhood conditions by allowing for lower impact uses of the existing structure.
In accordance with POMC 16.05.040 (2) (b) (iii) The City Council concludes that the proposal is unlikely to have significant adverse environmental impacts and that the probable impacts of a business professional use are likely to be less than that of a church especially in the evening and on weekends.

In accordance with POMC 16.05.040 (2) (c) (i) The City Council concludes that the proposal is consistent with the land use and growth projections which were the bases of the comprehensive plan and with the most recent population growth allocations as found in the Countywide Planning Policies.

In accordance with POMC 16.05.040 (2) (c) (ii) The City Council concludes that the proposed amendments are compatible with neighboring land uses and surrounding neighborhoods.

In accordance with POMC 16.05.040 (2) (c) (iii) The City Council concludes that the proposal will not cause significant impacts to public services or facilities or other properties in the vicinity. This conclusion is supported by the SEPA DNS issued on the proposal.

In accordance with POMC 16.05.040 (2) (c) (iv) The City Council finds that the proposed rezone meets the criteria found in POMC 16.25.060.

C. Centers of Local Importance Amendment.

1. **Description.** The Centers of Local Importance application is for a text amendment to Chapter 2, the Land Use Element of the Port Orchard Comprehensive Plan to identify boundaries for existing and newly proposed local centers. The application includes several maps and text descriptions for existing and proposed centers of local importance.

2. **Findings.** Element C of the Kitsap County Countywide Planning Policies contains policies for Centers of Growth including local centers such as Town or City Centers, Mixed Use Centers, Employment Centers, and Transportation Hubs. Appendix F of the Kitsap County Countywide Planning Policies identifies local centers and has not been updated since 2004. The City of Port Orchard’s population has increased dramatically since 2004 including through annexation. In some competitive grant review processes in the state, projects receive additional points if they are located within a locally identified center.

3. **Staff Recommendation:** City staff has recommended approval of the proposed Centers of Local Importance Amendment.

4. **Planning Commission Recommendation:** On September 15th, 2014 the Planning Commission conducted a public hearing on the proposed amendment and after taking public testimony, deliberated and issued their recommendation of approval.
5. **Council Conclusions – Text Amendments**

The City Council concludes that identifying local centers consistent with Element C of the Countywide Planning Policies will help the city prioritize investment within the city and better compete for regional grant funding for projects located in these local centers.

D. **Transportation Plan Amendment.**

   1. **Description.** The Proposed Amendment would add the 2015 6-Year Transportation Improvement Program and the 2011 Transportation Plan Update to Appendix G of the Port Orchard Comprehensive Plan, “Plans Adopted by Reference.”

   2. **Findings.** In 2012, the City Council approved Ordinance 012-14 approving the 2011 Transportation Plan Update. This ordinance included a statement indicating that the plan was to be brought forward for adoption into the City’s Comprehensive Plan by reference as part of the 2012 Comprehensive Plan amendment cycle. This amendment was never brought forward for consideration until now. The City Council approved Resolution 015-14 adopting the 2015 6-Year Transportation Improvement Plan. This application was submitted for review after the June 16, 2014 deadline. The Planning Commission after a public hearing at its October 20, 2014 meeting recommended that the City Council add this amendment to the docket as an exception in accordance with POMC 16.05.020 (4).

   3. **Staff Recommendation:** City staff has recommended approval of the proposed Transportation Plan Amendment.

   4. **Planning Commission Recommendation:** On October 20th, 2014 the Planning Commission conducted a public hearing on the proposed amendment and after taking public testimony, deliberated and issued their recommendation of approval.

5. **Council Conclusions – Text Amendments**

The City Council concludes that it is appropriate to adopt the 2011 Transportation Plan Update and the 2015 6-Year Transportation Improvement Program by reference into Appendix G of the Comprehensive Plan.

**Section 2. Amendments Approved.** The 2014 applications to amend the Port Orchard Comprehensive Plan listed as follows are hereby approved:

A. The South Kitsap School District Amendment.

B. The Living Hope Community Baptist Church Amendment.

C. The Centers of Local Importance Amendment.
D. The Transportation Plan Amendments.

Section 3. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 5. Effective Date. This Ordinance shall become effective five days after publication as provided by law.

PASSED by the Council and approved by the Mayor of the City of Port Orchard, this 25th day of November, 2014.

Timothy C. Matthes, Mayor

ATTEST/AUTHENTICATED:
Brandy Rinearson, CMC, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Carol Morris, Interim City Attorney

SPONSORED BY:
Bek Ashby, Councilmember
NOTICE OF CITY OF PORT ORCHARD
ORDINANCE

The following is a summary of an Ordinance approved by the Port Orchard City Council at their regular Council meeting held November 25, 2014.

ORDINANCE NO. 016-14

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Copies of Ordinance No. 016-14 are available for review at the office of the City Clerk of the City of Port Orchard. Upon written request a statement of the full text of the Ordinance will be mailed to any interested person without charge. Thirty days after publication, copies of Ordinance No. 016-14 will be provided at a nominal charge.

City of Port Orchard

Brandy Rinearson
City Clerk

Publish: Port Orchard Independent
December 5, 2014